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FOREWORD

The Australian Institute of International Affairs (AIIA) was established in 1924 to promote public understanding and interest in international affairs.

The AIIA works actively to engage young people in its work including through young professionals' networks, careers fairs, schools events, internships, mentoring and the Young Diplomats Program. For more information, visit www.aiia.asn.au.

As part of the AIIA's commitment to engage youth in international affairs, AIIA National Office launched an internship program in 2006. Since the commencement of the program, National Office has hosted more than 110 interns from Australia and overseas. A number of branches host internship programs, including AIIA NSW, AIIA VIC and the AIIA's ACT, South Australia and Queensland Branches.

Anyone who interns at an AIIA branch or National Office is eligible to submit a paper for publication in *Emerging Scholars* that is then subject to academic review. Given the high quality of papers this year, the AIIA is pleased to publish the largest volume to date. Please note that the opinions contained in this volume are those of the authors alone and do not represent the views of the AIIA.

This volume of *Emerging Scholars* includes reports on a variety of current issues in international affairs. Global challenges are well-represented with papers on energy security, food security, nuclear non-proliferation and climate change.

Developments in Indonesia receive a welcome focus with chapters on the role of the media in democratic participation, implementation of Shari'a law in Aceh and human security in West Papua. There is a strong focus on the Middle East, with chapters on Iran's strategic interests and the Shi'a political movement in Lebanon.

Some chapters shed light on current events, such as an illuminating case study of the United Nations Security Council's decision-making regarding intervention in Libya and Syria; while others look forward to emerging trends, such as the growth in digital diplomacy. Other

chapters provide a new perspective on a familiar issue such as counterterrorism. All of these papers deserve a wide audience.

We congratulate the authors on their work and hope this further stimulates their interest in careers in international affairs.

I thank the reviewers for this volume, Dr Chad Mitcham and Dr Sue Thompson, for the significant work they put into ensuring the quality of this publication. I also thank the following for their editorial assistance: Hayley Channer, Pablo Andrade Coloma, Margherita Crippa, Katherine Flynn, Ingram Niblock, Kiona Bolt and Sung Min Yoo.

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We hope you enjoy the chapters selected for this volume.

Melissa H. Conley Tyler
National Executive Director, Australian Institute of International Affairs

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ACRONYMS AND ABBREVIATIONS

AFCONE	African Commission on Nuclear Energy
AFRA	African Regional Cooperative Agreement for Research, Development and Training
APEC	Asia-Pacific Economic Cooperation
AU	African Union
AUSAID	Australian Agency for International Development
BPS	Budan Pusat Statistik
BWC	Biological Weapons Convention
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBW	Chemical and Biological Weapons
CTBT	Comprehensive Test-Ban Treaty
CWC	Chemical Weapon Convention
DFAT	Department of Foreign Affairs and Trade
DOT	Digital Outreach Team
ECOSOC	The United Nations Economic and Social Council
ETS	Emissions Trading Scheme
EU	The European Union
FAO	The United Nations Food and Agriculture Organization
FATA	Federally Administered Tribal Areas
FCO	Foreign and Commonwealth Office
FEWS NET	Famine Early Warning Systems Network
FMCT	Fissile Material Cut-off Treaty
GDP	Gross Domestic Product
HEU	Highly Enriched Uranium
IAEA	International Atomic Energy Agency
ICCPR	International Covenant on Civil and Political Rights
ICT	Information and Communication Technologies
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
ISAF	International Security Assistance Force
ISI	Inter-Services Intelligence Directorate
KPK	Corruption Eradication Commission
MAD	Mutually assured destruction
MENWFZ	Middle East Nuclear Weapon-Free Zone
NAD	Nanggroe Aceh Darussalam
NAM	Non-Aligned Movement

NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organisation
NNWS	Non-Nuclear-Weapon State
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NWFZ	Nuclear Weapon-Free Zone
NWS	Nuclear-Weapon State
OAU	Organization of African Unity
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
PD	Partai Demokrat
PKK	Kurdistan Workers' Party
PRC	People's Republic of China
PSC	African Union Peace and Security Council
PUK	Patriotic Union of Kurdistan
QDDR	Quadrennial Diplomacy and Development Review
REC	African Union Regional Economic Communities
SAP	Structural Adjustment Programs
SAPRIN	Structural Adjustment Participatory Review International Network
SIDS	Small Island Developing States
SPREP	Secretariat of the Pacific Regional Environment Program
TGF	Transitional Government Force
UAV	Unmanned Aerial Vehicles
UK	The United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations High Commissioner for Refugees
UNSC	United Nations Security Council
US	United States of America
USAID	United States Agency for International Development
USIA	United States Information Agency
USSR	Union of Soviet Socialist Republics
VPP	Virtual Presence Post
VSFS	Virtual Student Foreign Service
WMD	Weapons of Mass Destruction
WVS	World Values Survey
WW I	World War I
WWII	World War II

Food Security: The Geopolitical Realities

Jessica Glover[*]

The mass media has propagated claims that 'the worst drought in 60 years' is to blame for the 2011 food crisis in the Horn of Africa. However, this one-dimensional explanation obscures the interconnected web of geopolitical realities that lie at the crux of contemporary food security and what some have described as the most severe food crisis of the twenty-first century. Global hunger and incidences of famine are not solely a repercussion of inexorable climatic conditions such as drought, but are the result of human-created social structures. Contemporary food security in the Horn of Africa region is affected by the ramifications of conflict, the stranglehold of the global food system by agribusinesses, the impacts of the global capitalist structure and the implementation of Structural Adjustment Programs on. The chapter concludes that geopolitical realities, not climatic conditions, are the underlying cause of food insecurity in the Horn of Africa and explores the notion of food sovereignty as a means to enhance food security in the region.

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Food Security: A Human Right?

Article 25 (1) of the Universal Declaration of Human Rights enshrines food and freedom from hunger as a fundamental human right, inseparable from other economic and social rights. Additionally the 1996 Rome Declaration on World Food Security reaffirms the "right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger."[1] However despite these conventions that identify food as a human right, the ability of some people to command or acquire food is often reflective of their political, military, economic or inherited position within the international system and its national and sub-national elements, thereby indicating that individuals' *entitlement* and *access* to food varies across different contexts.[2] World Bank figures indicate that an estimated one billion people worldwide experience consistent hunger, approximately 98 per cent of which live in developing countries. This represents an obscene reality when we consider 78 per cent of all malnourished children under five in developing countries live in countries that are net exporters of food and possess food surpluses.[3] We must ask: why do nations that are net exporters of food and often possess food surpluses also experiencing widespread chronic hunger? Part of the answer is rooted in the recognition that while food as a human right exists in theory, in actuality food in the contemporary world system is largely understood as a *commodity*. Food is thus treated as "a source of profits and a tool of economic and political control; a means of ensuring effective domination over the world at large and especially over the 'wretched of the earth'."[4]

Bearing these points in mind, it is clear that global hunger and incidences of famine are not solely a repercussion of inexorable climatic conditions such as drought (an assertion largely propagated by the mass media, particularly in regards to the ongoing food crisis in the Horn of

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[1] K. Hussein, 'Food Security: Rights, Livelihoods and the World Food Summit – Five Years Later', in E. Dowler and C. Jones Finer (eds.) *The Welfare of Food: Rights and Responsibilities in a Changing World* (United Kingdom: Blackwell Publishing Ltd, 2003), p. 75.

[2] E. Young, *World Hunger*, (New York: Routledge, 1997), p. 6.

[3] D. Liverman and K. Kapadia, 'Food Systems and the Global Environment: An Overview', in J. Ingram, P. Ericksen and D. Liverman (eds.) *Food Security and Global Environmental Change* (London: Earthscan, 2010), p. 8.

[4] S. George, *How the other half dies: The real reasons for world hunger* (Great Britain: Penguin Books, 1981), p. 16.

Africa). Rather global hunger and incidences of famine are the result of human-created social structures, whereby entrenched disparities in wealth and resource distribution perpetuate cycles of dependency and exploitation in (under)developing countries. The Food First Institute argues that "abundance, not scarcity, best describes the supply of food in the world today."[5] The United Nations Food and Agriculture Organisation (FAO) substantiates this claim with figures that indicate world food production is ample enough to provide the global population with more than 2800 calories per person per day.[6] Nevertheless, complex geopolitical realities including conflict, the stranglehold of food systems by agribusiness conglomerates, the capitalist economic system and the implementation of Structural Adjustment Programs (SAPs) impede the ability of all people to be food secure, particularly in the Horn of Africa. Thus, rather than an inalienable right, food is a commodity entrenched in a global food system that is not organised to feed the hungry, but rather is driven by profit maximisation.[7]

Food security is a complex, multidimensional concept that is dependent upon equilibrium between food prices, trade, stocks, employment and markets and the patterns of production and consumption of both food and non-food crops, livestock and fish.[8] Furthermore, it is also influenced by factors including food quality, clean water, sanitation, governance, climate variation and political stability.[9] In the contemporary context, food security pertains to food availability (production, distribution and exchange), food access (affordability, allocation and preference), food utilisation (nutritional and societal values and safety) and food systems stability.[10] Historically food security referred to the overall regional, national and global food supply, however the concept is increasingly applied at a local,

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[5] I. Angus, 'Food Crisis: World Hunger, Agribusiness and the Food Sovereignty Alternative', *Socialist Voice* (Canada: South Branch Publications, 2008), p. 10.
[6] Ibid.
[7] Ibid., p. 11.
[8] EC-FAO Food Security Information for Action Programme, 'Food Security Concepts and Frameworks' (2011) available online:
http://www.foodsec.org/DL/course/shortcourseFC/en/pdf/lessons/lesson0411.pdf
(accessed 14 September 2011).
[9] Ibid.
[10] P.J. Gregory, J.S.I. Ingram and M. Brklacich, 'Climate change and food security', *Philosophical Transactions of The Royal Society*, vol. 360 (2005), p. 2139.

household and individual level.[11] Food security therefore exists:

> When all people, at all times, have physical, social and economic
> access to sufficient, safe and nutritious food which meets their
> dietary needs and food preferences for an active and healthy life.
> Household food security is the application of this concept to the
> family level, with individuals within households as the focus of
> concern.[12]

The World Bank and the FAO also recognise the importance of diversity and stability in food supplies as imperative determining factors of food security. Comprehensive interpretations of food security must acknowledge the multiple dimensions of food security, including physical and economic access to food, availability, sufficiency, food utilisation, sustainability, diversity and the stability of these dimensions over time.[13]

Food Insecurity

Food insecurity is the opposite of food security and can exist on a permanent basis (chronic), a temporary basis (transitory) or in cycles (seasonal food insecurity). It varies in severity with famine ranked as the most severe form of food insecurity. The severity of food insecurity can be measured using the Integrated Food Security and Humanitarian Phase Classification Framework, a standardised tool that seeks to provide a 'common currency' for classifying food security. It uses indicators such as crude mortality rate, malnutrition prevalence, dietary diversity, water access, food availability and livelihood assets to categorise the severity of food insecurity on a common scaling system ranging from generally food secure to famine or humanitarian catastrophe.[14] Food insecurity can generate chronic and acute hunger, both of which have adverse repercussions for mortality and production rates, thus impeding economic growth in affected areas.

Factors such as population growth, land scarcity and climate change

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[11] D.G. Maxwell, 'Measuring food insecurity: the frequency and severity of "coping strategies"', *Food Policy*, vol. 21, no. 3 (1996), p. 291.
[12] Food and Agriculture Organization of the United Nations (FAO), 'Climate Change and Food Security: A Framework Document' (2008), p. 3 available online: http://www.fao.org/forestry/15538-079b31d45081fe9c3dbc6ff34de4807e4.pdf (accessed 1 October 2011)
[13] EC-FAO Food Security Information for Action Programme, op. cit. (2011)
[14] Ibid.

have been described as 'convenient scapegoats' to explain increasing global food insecurity.[15] Discourse concerning the nexus between climatic variation and food security burgeoned during the 2007-2009 global food crisis, where it was claimed that among other factors, prolonged cycles of drought in several key regions (including Australia) resulted in decreased cereal production thereby causing markets to respond with price increases.[16] The consequent rise in food prices threatened the food security of millions of people worldwide culminating in a series of significant food riots in Uzbekistan, Morocco, Guinea, Senegal, Indonesia, Zimbabwe, Saudi Arabia, Mexico, Argentina and Haiti. Reports indicate that the FAO food price index doubled in the period between 2002 to 2008, by which time food prices were approximately 64 per cent above their 2002 levels, the highest in thirty years.[17] By 2008, average wheat prices were 130 per cent above 2007 prices, soy prices were 87 per cent higher, rice prices had increased by 47 per cent and the cost of maize rose by 31 per cent.[18] During this time, commentators speculated about the end of cheap food and a global transition in to a 'post-food-surplus era.'[19] However some critics argue that a pseudo-scarcity was propagated by the mass media using hype and puffery to increase food prices in accordance with the foundational rule of liberal economics, whereby the price of vital commodity in 'short supply' can be inflated and will therefore yield financial gains to those who have something to sell.[20] For example, a report indicated that during the 2007-2009 food crisis the Canadian federal government financed a mass cull of breeding swine as part of a plan to reduce swine numbers and boost prices.[21] The majority of foodstuffs from the mass cull were destroyed or made into pet food rather than given to local food banks or used to combat widespread hunger in other regions such as Haiti.[22]

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[15] George, op. cit. (1981) p. 16.

[16] Liverman and Kapadia, op. cit. (2010) p. 15.

[17] Ibid., p. 14.

[18] E. Holt- Giménez, 'The world food crisis: what's behind it and what we can do about it' (October 2008) available online: http://www.worldhunger.org/articles/09/editorials/holt-gimenez.htm (accessed 30 September 2011)

[19] P. McMichael, 'The World Food Crisis in Historical Perspective', *Monthly Review*, vol. 61, no. 3 (July-August 2009) available online http://monthlyreview.org/2009/07/01/the-world-food-crisis-in-historical-perspective (accessed 30 September 2011)

[20] George, op. cit. (1981) p. 140.

[21] Angus, op. cit. (2008) p. 3.

[22] Ibid.

The stark rise in global food prices had particularly adverse impacts for developing countries, 70 per cent of which are net food importers: the food import bill of these countries increased by up to 25 per cent.[23] The rapid increase in food prices caused an additional 40 million people to become chronically hungry, bringing the total number of hungry people close to one billion.[24] Venezuelan President Hugo Chavez described the food crisis as "the greatest demonstration of the historical failure of the capitalist model" and argued that the hungry were "suffering from the attacks of the empire's global capitalism."[25] Such claims suggest that the global food industry is not structured to feed the hungry but rather is driven by profit-maximization, thereby substantiating the notion that food insecurity and famine are largely human created.

The Climatic Extreme-Food Security Nexus

Scientific discourse concerning the nexus between climatic extremes caused by climate change and food security requires due consideration. Evidence suggests climate change affects human health, livelihood assets, food production, distribution channels, purchasing power and market flows.[26] Variations to the economic and socio-political aspects that govern food access and utilisation threaten all components of food security. Experts assert the impacts of climate change will be both short and long term, resulting in changing temperatures, altered precipitation patterns and more frequent and intense extreme weather events including increasing incidences of heatwaves, droughts and floods.[27]

Climate change therefore has the potential to transform the geography of food systems, particularly the patterns and productivity of crop and livestock systems, increasing the risk of crop failure, livestock loss and new patterns of pest and diseases.[28] The Intergovernmental Panel on Climate Change (IPCC) warns that without significant reductions in greenhouse gas emissions, the world will heat between 1.8 and 4 degrees Celsius by 2100, causing regions such as southern Africa, Australia, the Mediterranean and western North America to become

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[23] McMichael, op. cit. (2009)
[24] Liverman and Kapadia, op. cit. (2010) p. 14.
[25] Angus, op. cit. (2008) p. 9.
[26] FAO, op. cit. (2008) p. 3.
[27] Ibid.
[28] Liverman and Kapadia, op. cit. (2010) p. 18.

increasingly arid.[29] Alternative reports indicate that global temperatures may increase by up to 4 degrees Celsius by 2070 if preventive measures to reduce emissions are not implemented expeditiously.[30]

The ramifications of temperature increases are significant for global food systems. It is predicted that higher temperatures will affect food production, distribution and food quality, as well as generating increased internal and international migration that may lead to intensified resource-based conflicts and civil unrest. Developing countries are the most vulnerable to the impacts of climate change. Estimates predict that by 2080 an additional 80 million people worldwide will be at risk of hunger due to the effects of climate change, with Africa alone expected to have between 55 and 65 million additional people at risk of hunger because of marked reductions in yields and decreases in production due to climate change.[31] Thus the climatic extreme-food security nexus is of significant importance, particularly when considering current projections stipulate food production will need to double by 2050 to meet expected global population growth and demand.[32]

However, despite the substantial evidence that identifies climate change as a major threat to global food security, it must be noted that the effects of climate change are not the sole factors that generate food insecurity. Recent claims propagated by the mass media that 'the worst drought in 60 years' is to blame for the current calamity in the Horn of Africa portray the crisis as one-dimensional.[33] This superficial explanation is problematic as it obscures the convoluted geopolitical realities that are at the crux of what is described as "the most severe humanitarian disaster in the world today," and the worst food crisis of the twenty-first century.[34] If climatic extremes were the sole factor in causing severe

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[29] Ibid.

[30] Ibid.

[31] M. Perry et al., 'Climate change and world food security: a new assessment', *Global Environmental Change*, vol. 9, no. 1 (October 1999), p. 51.

[32] The World Bank, 'World Bank Praxis Discussion Series: Food Security' (2010), available online: http://www.youtube.com/watch?v=hOZk9chhBkk (accessed 1 October 2011)

[33] U. Karunakara, 'Famine in Somalia: a man-made crisis', *The Guardian* (2 September 2011) available online:
http://www.guardian.co.uk/commentisfree/2011/sep/02/famine-somalia-africa-international-aid (accessed 3 October 2011).

[34] International Food Policy Research Institute, 'From Famine to Food Security: Meeting the Challenge in the Horn of Africa' (August 2011) available online: http://www.youtube.com/watch?v=4Ay56vtOA68 (accessed 1 October 2011).

food insecurity in the region, then it could be argued that forecasting tools such as Famine Early Warning Systems Network, which predicted the prolonged drought experienced in the Horn of Africa, should have enabled the crisis to be averted through effective preventive action.

A Predicted Crisis

The Famine Early Warning Systems Network (FEWS NET), an initiative funded by the United States Agency for International Development (USAID) that uses NASA satellite remote sensing data to assess global crop health, predict crop production and determine food vulnerable areas. In November 2010 FEWS NET issued an East African Food Security Alert stating that three consecutive dry seasons had resulted in lowered production and thus future yields in the region were expected to be weak. The FEWS NET report identified four areas at risk of worsened food security: agropastoral areas of southern and central Somalia; southeast marginal cropping areas of Kenya; cropping areas of Rwanda and Burundi; and pastoral areas of Somalia, north-eastern Kenya and south-eastern Ethiopia.[35] FEWS NET forecast rainfall deficits and above-average temperatures that would exacerbate poor crop production. FEWS NET also indicated that poor harvests in all at risk regions would result in reduced labour opportunities and food stocks, increased food prices and a reduction in income from crop sales, all of which were expected to threaten food security.[36] In addition early depletion of pasture and surface water were forecast because of rainfall deficits and high temperatures in the at risk regions. It was predicted this would result in early clustering of livestock in dry season grazing areas (which increases disease risk) and deterioration in livestock body conditions and productivity, further threatening food security.[37] The FEWS NET report alerted that "food security outcomes are likely to worsen, particularly among the poorest households whose coping capacity is the most limited," and recommended that household receipt of livelihood support over the coming months could help to prevent asset loss, household food deficits and negative coping:

> Potential interventions in pastoral areas include rehabilitation of

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[35] Famine Early Warning Systems Network, 'East Africa Food Security Alert Report' (November 2010) available online:
http://www.fews.net/docs/Publications/EA_Regional%20Alert%20Oct%202010_Final
.pdf (accessed 2 November 2011).
[36] Ibid.
[37] Ibid.

water points (boreholes), increased veterinary services targeting the dry season grazing areas, commercial off take programs and nutrition support programs targeting poorer households. In the cropping southwest marginal areas of Kenya, and in Rwanda and Burundi, the scale up of resource transfer programs may be required to minimize the food security impacts of the La Niña event.[38]

However, despite forecasts from FEWS NET, the overall response by governments and the international community to the crisis alert was reluctant, inadequate and complacent. Journalist Isaiah Esipisu argues that there has been "a catastrophic breakdown of the world's collective responsibility to act" in response to the predicted crisis.[39] The region has experienced widespread livestock loss and successive crop failures in agricultural areas, particularly in southern Somalia, which is typically the country's grain basket. This has resulted in massive food shortages, price inflation and reductions in residents' purchasing power. As of September 2011 in excess of 12 million people across the Horn of Africa had been affected by the crisis, which generated rampant internal displacement and migration across borders, with an estimated 1500 refugees arriving per day at the Dadaab refugee complex in Kenya.[40] Originally built to hold a maximum of 90, 000 people, the Dadaab complex currently holds close to half a million displaced people; it is recognised as the largest refugee camp in the world and the third largest city in Kenya.[41] On July 20 2011 the United Nations declared famine in multiple regions throughout Somalia. Famine is considered to exist when there is "[e]xtreme social upheaval with complete lack of food access and/or other basic needs, mass starvation, death, and displacement are evident."[42]

Whilst EWSs can predict food vulnerability and recommend responsive operations based on data pertaining to climatic patterns, EWSs cannot prevent food crises because an interconnected web of geopolitical complexities are at the crux of contemporary food insecurity. The

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[38] Ibid.

[39] I. Esipisu, 'Poor Attention to Forecasts to Blame for Famine in Somalia', *Inter Press Service* (21 July 2011) available online:
http://www.ipsnews.net/news.asp?idnews=56574 (accessed 2 October 2011)

[40] International Food Policy Research Institute, op. cit. (2011)

[41] Ibid.

[42] The Integrated Food Security Phase Classification, 'IPC in Brief' available online:
http://www.ipcinfo.org/attachments/02_IPCBrief_EN.pdf (accessed 2 November 2011)

drought in the Horn of Africa was predicted and had local governments and the international community demonstrated adequate political will to implement timely and effective pre-emptive action, the severity of the crisis may have been reduced. Nevertheless, the famine in the region could not have been entirely prevented based on EWSs forecasts because famines are largely man-made catastrophes. Average of factors contribute to insufficient national food availability or insufficient access to food by households and individuals in the Horn of Africa region: unstable social and political environments that preclude sustainable economic growth, macroeconomic imbalances in trade, natural resource constraints, poor human resource base, gender

inequality, inadequate education, poor health and the absence of good governance.[43] Further geopolitical factors that undermine food security in the Horn of Africa region include changing demographics (population growth), endemic poverty, unstable governance, corruption and nepotism, war and civil strife, underdeveloped health and education systems and gender inequality. Meticulous analysis is needed in order to make viable recommendations pertaining to eliminating food insecurity in the region. Nevertheless, factors including conflict, the domination of food systems by agribusiness and the ramifications of the contemporary global economy on food systems should be examined to substantiate the claim that famine is largely human created.

Conflict and Food Security

Concerning Somalia in particular, it has been argued that the "failed harvests exacerbated what was already a catastrophe," with recurrent conflict and civil unrest considered to be one of the primary underlying causes of food insecurity in the country.[44] Somalia has experienced a prolonged absence of a central government since the overthrow of the repressive Siad Barre dictatorship in 1991 (a regime which had been propped up by substantial United States military and economic aid), led to state collapse, lawlessness, banditry and inter-clan warfare.[45] These

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[43] A. Mwaniki, 'Achieving Food Security in Africa: Challenges and Issues', United Nations Office of the Special Adviser on Africa (OSAA) Report available online: http://www.un.org/africa/osaa/reports/Achieving%20Food%20Security%20in%20Africa-Challenges%20and%20Issues.pdf (accessed 9 October 2011)

[44] Karunakara, op. cit. (2011)

[45] G. Hemrich, 'Matching Food Security Analysis to Context: the experience of the Somalia Food Security Assessment Unit', FAO International Workshop on "Food Security in Complex Emergencies: building policy frameworks to address longer-term programming challenges", Tivoli (23-25 September 2003) available online:

conditions destroyed agricultural communities, generated significant refugee flows and internal displacement as well as widespread food scarcity.[46] Ongoing conflict between African Union peacekeepers, transitional government forces (TGF) and Islamist rebel group al-Shabaab in central and southern Somalia has had significant ramifications for local livelihoods and household economies. For example, people's access to grazing or agricultural land (natural capital) has been compromised; shifting alliances make previous networks of sharing and entitlement uncertain (social and political capital); livestock and food stocks (physical capital) have been looted; national hard currency reserves have been depleted with concomitant changes in exchange rates (financial capital); and productive household members have been recruited into militia or killed (human capital), thereby disrupting food distribution systems and threatening food security.[47] In particular the ongoing hostilities have explicitly affected pastoralism, which is a prominent livelihood in the country, as increases in livestock raids have disrupted migration patterns and prevented pastoralists from reaching suitable grazing lands and pasture.[48]

Conflict has also damaged vital infrastructure and hampered access to markets across the Horn of Africa region, which has knock on effects for consumers as prices escalate and producers face difficulties selling their produce.[49] For example, in June 2011 the average national wholesale price of maize in Ethiopia was 64 per cent above the five-year average and 119 per cent above average in Kenya.[50] Conflict has also impeded relief efforts in food insecure regions, and has diverted vital government revenues that could be spent on economic

http://www.fao.org/crisisandhunger/root/pdf/hemrich.pdf (accessed 15 September 2011)

[46] Ibid.

[47] The Food Economy Group, 'Conflict' (2010) available online: http://www.feg-consulting.com/core_issues/conflict/conflict/?searchterm=somalia (accessed 9 September 2011)

[48] J. Schneider, 'Experts Weekly: Drought in the Horn of Africa', *Think Africa Press* (11 July 2011) available online: http://thinkafricapress.com/agriculture/experts-weekly-drought-horn-africa (accessed 15 September 2011)

[49] Ibid.

[50] The World Food Programme, 'Prices and Food Security: Global Update Food Security Monitoring April – June 2011' (July 2011) available online: http://documents.wfp.org/stellent/groups/public/documents/ena/wfp238240.pdf (accessed 9 September 2011)

development initiatives.[51] Reports claim that food is being used as a 'weapon of war' in Somalia by the conflicting sides.[52] Al-Shabaab is reportedly controlling and limiting access to food to enhance political leverage and the United States has denied aid to all areas of Somalia that are not under the control of the US-backed TGF, despite 60 per cent of food insecure areas being located in territories controlled by al-Shabaab.[53] This indicates that food is used as a tool of economic and political control to ensure domination of the population by the powerful and wealthy. Thus the utopian notion of food as a human right is falsified, as food is used as a commodity in the Horn of Africa region to advance the self-interests of those in control.

A Profit-Orientated Food System

The stranglehold on the food system by agribusinesses, which involves "all production and distribution of farm supplies, production operations on farms, and the storage, processing and distribution of farm commodities and processed foods," is an impediment to food security in the Horn of Africa region.[54] Rather than prioritising increased food resources and equitable distribution, agribusiness' motives are profit-oriented and are therefore concerned with increasing markets, commercial outlets and realising maximum production-cost reductions.[55] This can be exemplified by food deficits and malnutrition increasing parallel to the growth and prosperity of agribusiness conglomerates.[56] Rather than prioritising satisfying local needs, agribusinesses often use the land and labour resources of host countries to produce food that is exported to foreign markets, thereby substantiating the claim agribusinesses are "extractive industries."[57] For example, Indian corporations have invested in excess of $4 billion in Ethiopia to produce flower crops and foodstuffs, which are then exported out of Ethiopia.[58] Critics argue that 'land grabbing' by

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[51] Schneider, op. cit. (2011)

[52] S. Garth, 'US prepares for military intervention in Somalia', *Global Research* (11 August 2011) available online:
http://www.globalresearch.ca/PrintArticle.php?articleId=25968 (accessed 9 September 2011)

[53] Ibid.

[54] George, op. cit. (1981) p. 158.

[55] Ibid.

[56] Ibid., p. 188.

[57] Ibid., p. 159.

[58] I. Garda, 'Are foreign investors colonizing Africa?', *The Stream – Al Jazeera* (25 October 2011) available online: http://stream.aljazeera.com/story/are-foreign-

agribusinesses and foreign investors, which often involves abusive practices in the process of acquiring the land, is permitted under the guise of improving agricultural productivity and job creation.[59] However land grabbing can also be attributed to a form of "corporate colonialism" that threatens local food security.[60] Land grabbing by agribusinesses generates food insecurity as it disrupts local employment patterns, local food-crop production and consumer tastes and displaces local populations.[61] For example, the 1973 famine in Ethiopia, which killed approximately one third of the Afar tribespeople, has been attributed to agribusiness in the Awash Valley region. Agribusiness growers occupied rich grazing plains used by the Afar tribes during the dry season, disrupting tribal custom that had designated vast pasturelands as communal property for hundreds of years.[62] The colonisation of the Awash Valley resulted in overpopulation in less fertile lands, resulting in overgrazing and famine for animals, followed by a decrease in the size of herds and consequent malnutrition for the Afar people.[63]

Agribusiness conglomerates have monopolised the global trade in agricultural products. For example, two cartels, Cargill and Archer Daniels Midland (ADM), dominate crop distribution and have effectively monopolised the global grain market, controlling 81 per cent of all maize exports and 65 per cent of all soya bean exports.[64] This enables these conglomerates, which are profit-motivated, to determine the utilisation of crop production. For example, German agribusinesses utilise 32,000 acres throughout Ethiopia to produce biofuels as opposed to crop production for local food consumption.[65] Biofuel production threatens food security as it intensifies demand for sugar, palm oil and maize, thus raising prices and diverting land use away from local food

investors-colonising-africa-
0021551?utm_content=automateplus&utm_campaign=Trial6&utm_source=SocialFlo
w&utm_medium=MasterAccount&utm_term=tweets (accessed 27 October 2011)
[59] Ibid.
[60] Ibid.
[61] George, op. cit. (1981) p. 159.
[62] Ibid., p. 241.
[63] Ibid., p. 242.
[64] G. Muttitt, 'Control Freaks – Cargill and Archer Daniels Midland, genetically modified crops', *The Ecologist* (March 2001) available online:
http://findarticles.com/p/articles/mi_m2465/is_2_31/ai_71634862/ (accessed 1 October 2011)
[65] Garda, op. cit. (2011)

production to the production of biofuels.[66] Official International Monetary Fund (IMF) and World Bank figures indicate that increased biofuel production accounts for 75 per cent of the rapid rise in food prices during the 2007-2009 global food crisis.[67] In this climate, ADM recorded a gross profit of $1.15 billion in 2008.[68] Thus the stranglehold of the food system by agribusiness cartels enables to monopolise raw materials, which are manipulated to ensure food prices remain high, thereby generating large corporate profits. Ergo food insecurity and famine is largely human-created as the global food industry is not organised to feed the hungry, but rather is driven by profit-maximization.

The Capitalist System and Structural Adjustment Programs

In addition to the stranglehold on the global food system by agribusinesses, the economic policies and Structural Adjustment Programs (SAPs) insisted upon by the World Bank and IMF have contributed to recurrent food insecurity in the Horn of Africa region; substantial disinvestments in the agricultural sector have transformed a formerly food self-sufficient region into a dependant food importer. At the time of independence most of sub-Saharan Africa was a net-exporter of basic food staples. For example, during the period between 1966-1970 net exports averaged 1.3 million tonnes per year.[69] However by the mid 1980s, sub-Saharan Africa was reliant on imports and food aid, importing almost 10 million tonnes of staple food per year.[70] These sobering realities have been linked to the repercussions of loans acquired from Western financial institutions at initially low interest rates and the proliferation of capital-market liberalisation agendas of the 1980s and 1990s.

The restructuring of sub-Saharan African economies through the implementation of SAPs in the 1980s was intended to "reduce Africa's debt and foster economic growth," after steep increases in interest rates

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[66] Liverman and Kapadia, op. cit. (2010) p. 16.

[67] A. Chakrabortty, 'Secret report: biofuel caused food crisis', *The Guardian* (3 July 2008) available online:
http://www.guardian.co.uk/environment/2008/jul/03/biofuels.renewableenergy
(accessed 30 September 2011)

[68] Ibid.

[69] G. Djurfeldt *et al.,* 'African Food Crisis – the Relevance of Asian Experiences', in G. Djurfeldt *et al., The African food crisis: lessons from the Asian Green Revolution* (CAB International, 2005), p. 3.

[70] Ibid.

on foreign loans. However SAPs instead forced sub-Saharan African governments to impose a neoliberal package of austerity, privatisation and widespread deregulation.[71] SAPs required governments to cut public spending (including eliminating subsidies for food, medical care and education); raise interest rates (thus reducing access to affordable credit for locals); privatise state enterprises; increase exports; and reduce barriers to trade and foreign investments such as tariffs and import duties.[72] Such measures were claimed to generate export-led growth that would attract direct foreign investment, which could be used to reduce debt and poverty. However when applied to the African continent, such programs resulted in reduced government subsidies to small farmers, the elimination of tariffs and price controls, the export of food and grain reserves that may have alleviated food insecurity during times of crisis and an increase in cash crop exports to industrialised nations of the West.[73] According to a study by the Structural Adjustment Participatory Review International Network (SAPRIN), SAPs have

> expand[ed] poverty, inequality and insecurity… increase[ed] tensions among different social strata, fuelling extremist movements and delegitimizing democratic political systems. Their effects, particularly on the poor are so profound and pervasive that no amount of targeted social investments can begin to address the social crises that they have engendered.[74]

For example, Oxfam has found that since the policies were introduced the number of sub-Saharan Africans surviving on less than one dollar a day doubled to 313 million by 2001, accounting for 46 per cent of the population at that time.[75] Moreover since the mid-1980s the number of food emergencies per year on the continent has tripled.[76] A study

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[71] R. Khalek, 'Food Emergency: How the World Bank and IMF have made African famine inevitable', *Alternet* (8 September 2011) available online:
http://www.alternet.org/food/152335/food_emergency_how_the_world_bank_and_imf_have_made_african_famine_inevitable_?page=entire (accessed 9 October 2011)
[72] A. Ismi, 'Impoverishing a Continent: The World Bank and the IMF in Africa*' (July 2004) p. 5. available online:
http://www.halifaxinitiative.org/updir/ImpoverishingAContinent.pdf (accessed 9 October 2011)
[73] Ibid.
[74] Ibid., p. 6.
[75] Khalek, op. cit. (2011)
[76] Ibid.

commissioned by the Halifax Initiative in 2004 found that since the implementation of SAPs in the 1980s, Africa's debt had escalated by more than 500 per cent and an estimated $229 billion worth of debt repayments had been transferred from sub-Saharan Africa to the West, equating to four times the original debt owed.[77] Data from the United Nations Economic and Social Council Economic Commission for Africa indicates that the total external debt accumulated for sub-Saharan Africa has increased from US$213.1 billion in 2006, to US$256 billion in 2009, accounting for almost 30 per cent of Gross Domestic Product (GDP) for that year.[78] These figures indicate that rather than alleviating debt the implementation of SAPs has generated a perpetual cycle of debt in sub-Saharan Africa.

Recognised as a "well-organized tool of colonial re-conquest," foreign debt has significant ramifications for food security in the region.[79] For example, debt repayments have diverted government spending, resulting in underdeveloped infrastructure, healthcare and education sectors. Reports indicate that debt repayments in sub-Saharan Africa are four times the amount spent on health care, which helps explain the poor health indicators in the region and the disproportionate impact the HIV epidemic has in sub-Saharan Africa.[80] As of 2010 an estimated 22.5 million people live with HIV in the sub-Saharan African region, representing 68 per cent of the total global population living with HIV.[81] Widespread prevalence of HIV has problematic repercussions for food security in the region as HIV diminishes the productive labour of those affected and reduces food production in the region by up to 60 per cent.[82]

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[77] Ismi, op. cit. (2004) p. 5.

[78] United Nations Economic and Social Council Economic Commission for Africa, 'Progress Report on Implementation of the Monterrey Consensus on Financing for Development', Addis Ababa - Ethiopia
(24 – 27 March 2011) p. 6. available online:
http://www.uneca.org/cfm/2011/documents/English/ProgressReport-ontheImplementationMonterreyConsensus.pdf (accessed 9 October 2011)

[79] Ismi, op. cit. (2004) p. 21.

[80] United Nations Economic and Social Council Economic Commission for Africa, op. cit. (2011) p. 7.

[81] UNAIDS, 'Global Report: Sub-Saharan Africa Fact Sheet' (2010) available online: http://www.unaids.org/documents/20101123_FS_SSA_em_en.pdf (accessed 9 October 2010)

[82] M. Plaut, 'Africa's hunger - a systemic crisis', BBC News (31 January 2006) available online: http://news.bbc.co.uk/2/hi/africa/4662232.stm (accessed 9 October 2011)

The expansion of cash crops in the region, which provides revenue to finance debt repayments, has sqeezed government support for subsistence farmers and redistributed resources to the production of export commodities. For example, five major cereals (teff, wheat, maize, sorghum and barley) are at the core of Ethiopia's agriculture and food economy, accounting for approximately three-quarters of total land area cultivated; however these crops are highly susceptible to weather shocks, particularly droughts.[83] The prioritisation of cash crop production to finance debt repayments contributes to an increased threat of food insecurity in the region as land is diverted to the production of drought susceptible crops such as maize as opposed to subsistence farming of crops such as enset, which have proven to safeguard food security during cycles of low rainfall.

Enset *(Ensete ventricosum)*, otherwise known as the 'false banana' is related to and resembles the banana plant and is grown primarily in the highlands of southern Ethiopia for the large quantity of carbohydrate-rich food found in its false stem (pseudostem) and an under-ground bulb.[84] One kilogram of enset can provide up to forty kilograms of food, requires minimal water and can be made into bread, dumplings or porridge.[85] The plant can also be used as animal forage, as well as for construction materials and medicines.[86] However, the most important feature of the enset plant is its longevity. Enset can be buried for up to seven years before spoiling and has the potential to act as a food security buffer in times of low crop productivity.[87] For example, reports suggest that those populations dependent upon enset as part of a subsistence system have never suffered from famine, even during the 1970s and 1980s when Ethiopia experienced widespread drought and

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[83] A.S. Taffesse, P. Dorosh and S. Asrat, 'Crop Production in Ethiopia: Regional Patterns and Trends', Ethiopia Strategy Support Program II (ESSP II) Working Paper No. 0016 (March 2011) p. 1. available online: http://www.ifpri.org/sites/default/files/publications/esspwp16.pdf (accessed 9 October 2011)
[84] S.A. Brandt *et al.*, 'The "Tree Against Hunger" Enset-Based Agricultural Systems in Ethiopia', *American Association for the Advancement of Science* (1997), p. 1. available online: http://www.aaas.org/international/africa/enset/enset.pdf (accessed 9 October 2011)
[85] J. Doran, 'Africa Rising', *Al Jazeera Witness*, (10 August 2011) available online: http://english.aljazeera.net/programmes/witness/2011/08/2011810113949471720.html (accessed 7 September 2011)
[86] Brandt *et al.*, op. cit. (1997) p. 1.
[87] Doran, op. cit. (2011)

famine.[88] Furthermore, studies also indicate that enset has tolerated short season droughts that have seriously damaged annual crops, especially cereals.[89] Therefore it can be argued that SAPs have reduced food security in the Horn of Africa region by encouraging sub-Saharan African economies to prioritise the production of cash crops (which are highly susceptible to weather shocks) to finance debt repayments. This reduces investment in subsistence farming of crops that are more drought resilient such as enset, which are better suited to the arid and semi-arid region of the Horn of Africa.[90]

The implementation of free market agendas under the guise of SAPs has exacerbated underdevelopment and poverty in the Horn of Africa region, threatening the food security of the impoverished those who possess limited purchasing power and thus lack access to food once it has become a commodity. The lack of access to food because of geopolitical factors such as limited purchasing power due to poverty exceeds the problem of food availability, thereby illustrating that food insecurity is caused by people not *having* enough to eat as opposed to there not *being* enough food to eat.[91] The World Bank has recognised that food security has become increasingly more about generating income for the poor to enable purchasing power rather than increasing local food supplies, as limited access to food because of poverty is the greater threat to food security in the region.[92] The World Bank acknowledges in the 2008 World Development Report that SAPs implemented in the 1980s were failures that "dismantled the elaborate system of public agencies that provided farmers with access to land, credit, insurance inputs, and cooperative organisation."[93] Furthermore the World Bank recognises that the primary beneficiaries of privatisation were commercial farmers while smallholders became exposed to "extensive market failures, high transaction costs and risks, and service gaps" that threatened "their survival."[94] Studies show that income gains from world trade liberalisation are minimal in sub-Saharan Africa and instead benefit countries with a competitive

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[88] Brandt *et al.*, op. cit. (1997) p. 5.
[89] Ibid.
[90] Mwaniki, op. cit. (2011) p. 3.
[91] World Bank, 'Agriculture for Development', World Development Report (2008) p. 95. available online:
http://siteresources.worldbank.org/INTWDR2008/Resources/WDR_00_book.pdf
(accessed 9 September 2011)
[92] Ibid.
[93] Khalek, op. cit. (2011)
[94] Ibid.

advantage in the markets concerned. Production in sub-Saharan Africa should be prioritised for domestic consumption.[95]

Food Sovereignty

To enhance food security in the Horn of Africa, a restructuring of the food system (which is currently entrenched in a capitalist economy) is necessary. Further emphasis must be placed on the notion of *food sovereignty*, which entails the right of a country to determine its production and consumption of food.[96] Food sovereignty has been defined as:

> the right of people, communities, and countries to define their own agricultural, pastoral, labour, fishing, food and land policies … which means that all people have the right to safe, nutritious and culturally appropriate food and to food producing resources and the ability to sustain themselves and their societies.[97]

The notion of food sovereignty urges equitable access to land, water and resources, as well as a revision of free trade and agroexport policies, with greater priority give to smallholder agriculture, domestic food consumption and food self-sufficiency.[98] The notion of food sovereignty as a means to ensure food security has been conceptualised by former UN Secretary General Kofi Annan who recently stated that "food, primarily for domestic consumption, must be our main focus;" that emphasises the need for investment in small-holder agriculture that prioritises crop production suited to the local environment for domestic consumption.[99] The agro-industrial apparatus, which is intrinsically linked to the capitalist system and corporate hegemony, must be revised if food security is to be achieved.[100]

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[95] Mwaniki, op. cit. (2011) p. 9.

[96] Bretton Woods Project, 'Agribusiness vs. food security: the food crisis and the IFIs' (17 June 2008) available online: http://www.brettonwoodsproject.org/art-561820 (accessed 10 October 2011)

[97] J. Madeley, 'Food Sovereignty', *Appropriate Technology*, vol. 34, no. 1 (March 2007) p. 10.

[98] Angus, op. cit. (2008) p. 14.

[99] Kofi Annan Foundation, 'Kofi Annan speaks to delegates at the thirty-fourth International Fund for Agricultural Development's (IFAD) Governing Council' (February 2011) available online: http://kofiannanfoundation.org/newsroom/speeches/2011/02/kofi-annan-speaks-to-delegates-thirty-fourth-international-fund-agricultur (accessed 10 October 2011)

[100] F. Magdoff, J. Bellamy Foster and F.H. Buttel, 'Hungry for profit: The Agribusiness Threat to Farmers, Food and the Environment', *Human Ecology Review*,

Conclusion

The nexus between climatic extremes and food security is not to be understated. However contemporary food insecurity, particularly in the Horn of Africa, is not solely a repercussion of inexorable climatic conditions such as drought but is the result of human-created social structures. Convoluted geopolitical realities ensure that food security is not a human right. They include conflict, the stranglehold of the food system by agribusiness cartels, the implementation of SAPs and a global economic system that trumpets free market agendas. Rather, food is a commodity steeped in a global food system that is not organised to feed the hungry but is instead driven by profit-maximisation. To safeguard food security in particularly vulnerable regions, including the Horn of Africa, a greater emphasis on food sovereignty is needed whereby government investments in smallholder agriculture, domestic food production and consumption and food self-sufficiency are prioritise.

The ABC of WMD: Banning Atomic, Biological and Chemical Weapons

Hayley Channer*

Nuclear weapon programs in so-called rogue states such as North Korea, Pakistan, Iraq and Iran have reinvigorated debate over the abolition of these weapons. A universal ban on the development, possession and use of atomic weapons has been a matter of interest for several decades, yet nuclear-weapon states seem unwilling to disarm fully and non-nuclear weapon states vigorously defend their right to acquire such weapons. The absence of a ban on nuclear arms seems at odds with the relatively successful bans on other weapons of mass destruction, namely biological and chemical weapons.

This chapter examines the history behind and reasons for the bans on biological and chemical weapons and analyses why the same logic has not been applied to a potentially more dangerous and destructive weapon, the atomic bomb. While there are numerous obstacles for a ban on nuclear weapons, emerging transnational security threats demand that states overcome these obstacles and engage in complete nuclear disarmament. A nuclear weapon-free world is in the best interests of global security and is possible given increased lobbying from domestic populations.

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Jiang Zemin, President of the People's Republic of China, made the following statement during a speech at the Conference on Disarmament in Geneva in 1999:

> "A convention on the comprehensive ban of nuclear weapons should be negotiated. In view of the fact that the two types of weapons of mass destruction – biological and chemical weapons – have been comprehensively prohibited, there is no reason why nuclear weapons, which are of greater destructive force, should not be comprehensively banned and thoroughly destroyed. What it takes to reach this objective is no more than a strong political will..."[1]

While Zemin purported to have the political will to ban nuclear weapons, his time in office did little to support this aim as China continued to test nuclear weapons and trade in nuclear materials throughout his term as President. [2] Zemin conceded that, besides political will, other factors were required for a total ban on nuclear weapons to materialise, most notably a state of 'global strategic equilibrium and stability'.[3] The assumption that global strategic 'equilibrium' is an achievable goal is perhaps flawed, even in the relatively stable post-Cold War context. This criticism aside, the point that Zemin makes is, in light of the bans on chemical and biological weapons, surely a valid one. It is a question that international relations analysts, state officials and humanitarians have raised for decades and one that this article attempts to address.

A comprehensive ban on the development, possession and use of nuclear weapons was a matter of interest before the first test of a nuclear weapon[4] and was even the ambition of some of the scientists involved in the Manhattan Project.[5] After the devastating impact of atomic bombs was demonstrated by the United States' (US) bombings of Japan in World War II (WWII) measures to control and potentially ban these

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[1] Jiang Zemin, 'Jiang Zemin's speech at the Conference on Disarmament (26 March 1999, Geneva)' available online: http://www.china-un.org/eng/chinaandun/disarmament_armscontrol/unga/t29298.htm (accessed 28 November 2011).
[2] Thomas Kane, 'Dragon or Dinosaur? Nuclear Weapons in a Modernizing China,' *Parameters,* vol. 33, no. 4, (2004), p. 107.
[3] Zemin, op. cit. (1999).
[4] Frank Blackaby and Tom Milne, *A Nuclear-Weapon-Free World: Steps Along the Way* (London: Macmillan Press Limited, 2000).
[5] J. R. Shanebrook, 'Prohibiting Nuclear Weapons: Initiatives towards global nuclear disarmament,' *IEEE Technology and Society Magazine*, vol. 18, (1999), p. 25-31.

weapons were mooted among world leadership. It was the topic discussed at the very first meeting of the United Nations (UN) in 1946 and it was also the subject of the first UN resolution.[6]

Despite decades of rhetoric, treaties relating to complete nuclear disarmament or to a ban on nuclear weapon testing have thus far only served to slow proliferation both horizontally (meaning the spread of number of nuclear weapons across the world to countries yet to acquire nuclear power status) and, in some cases, vertically (meaning an increase in the number of these weapons harboured by nuclear states). Many proposed resolutions in this area are never adopted as they fail to meet the approval of the five permanent members of the UN Security Council (UNSC), all of which are nuclear powers.[7]

It appears as though both nuclear weapon states and non-nuclear weapon states fiercely guard the right to nuclear arms in the face of seemingly irrefutable argument and, at times, harmful economic and trade sanctions. But why? This article aims to highlight the reasons for and general success of the bans on chemical and biological weapons (CBW) and provides possible explanations for why a complete ban on nuclear weapons, as a weapon of mass destruction (WMD), has not been achieved.

Two lines of argument seemed to give traction to the ban on chemical and biological weapons: the first was the realisation that they provided very little military utility; the second was the desire to prevent unnecessary human suffering. These factors made the use of CBW both strategically problematic and morally questionable, thus encouraging a universal ban on their use. In order to assess and compare why CBW have been banned and nuclear weapons have not, it is first essential to review the history of chemical and biological weapons.

Chemical and Biological Weapons

While chemical weapons and biological weapons are often considered together, there are some key distinctions between the two. Chemical warfare includes the use of poisonous or asphyxiating gases or smokes falling under the categories of incapacitants, choking agents, blood

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[6] Blackaby & Milne, op. cit. (2000).
[7] Andy Butfoy, *Disarming Proposals: Controlling Nuclear, Biological and Chemical Weapons* (Sydney: University of New South Wales Press Limited, 2005).

agents, nerve agents and vesicants (blister causing agents).[8] In contrast, biological warfare involves the use of naturally-occurring viruses or bacteria that can be targeted at human subjects, animals or plants. While both chemical and biological agents have been used since antiquity, modern sophisticated techniques were not developed until World War I (WWI).[9]

The use of chemical weapons during WWI left a deep psychological scar on the historical memory of both sides of the conflict. Soldiers who returned from battle gave chilling accounts, such as the following from a British soldier:

> "[I watched] figures running wildly in confusion over the fields. Greenish-gray clouds swept down upon them, turning yellow as they travelled over the country blasting everything they touched and shrivelling up the vegetation…Then there staggered into our midst French soldiers, blinded, coughing, chests heaving, faces an ugly purple color, lips speechless with agony…"[10]

It was largely due to the accounts of returned soldiers that a stigma surrounding chemical weapons developed in the public mind. The inhumane effects of chemical weapons prompted the public to lobby for a ban on both chemical and biological weapons in the hope that the atrocities of WWI would never again be repeated.[11]These sentiments were echoed by world governments in the lead up to the Geneva Protocol of 1925.

The Geneva Protocol prohibited the use of poisonous gas and biological agents in warfare and was ratified by all of the great powers except the US and Japan.[12] It is considered the first substantial multilateral

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[8] 'History of Chemical and Biological Warfare: An American Perspective,' by Jeffery K. Smart, in Brigadier General Russ Zajtchuk and Robald F. Bellamy, (eds.) *Medical Aspects of Chemical and Biological Warfare* (Washington: Office of the Surgeon General at TMM Publications, 1997), p. 9.

[9] Butfoy, op. cit., (2005).

[10] L. Szinicz, 'History of Chemical and Biological Warfare Agents', *Toxicology*, vol. 214, no. 3 (2005), p. 167.

[11] Richard Price, 'A genealogy of the chemical weapons taboo,' *International Organization*, vol. 49, no. 1 (1995), p. 73 – 103.

[12] United Nations Office of Disarmament Affairs, '1925 Geneva Protocol,' (2010) available online: http://www.un.org/disarmament/WMD/Bio/1925GenevaProtocol.shtml (accessed 8 May 2010).

agreement outlawing the use of CBW and it is now accepted as customary international law, meaning that even states which are not party to the Protocol must adhere to its provisions.[13] However, the Geneva Protocol failed to contain regulations on the prohibition of the production and stockpiling of CBW and did not outline any verification methods to guarantee compliance. Consequently the overall success of the Protocol was limited.

Chemical weapons continued to be used extensively after WWI, for example by the Red Army during the Russian civil war (1918-1920), by Great Britain against Arab and Kurdish soldiers in Iraq (1920s), by Italy during the Second Italo-Abyssinian War (1930s) and by Japan against China during the Second Sino-Japanese War (late 1930s-early 1940s).[14]During WWII new, more lethal nerve agents were tested; however both the Allies and the Axis powers refrained from using such weapons due to mutual deterrence.[15] Fearing that the Axis powers were on the verge of using CBW, US President Franklin D. Roosevelt reaffirmed that these weapons had been outlawed 'by the general opinion of civilized mankind' and warned that the US would 'under no circumstances resort to the (first) use of such weapons'[16] (a statement which would later be pushed to the very limits of its credibility during the Vietnam War when the US used Agent Orange, arguably a chemical weapon, to aid in the fight against guerrilla forces). It was clear to world governments after WWII that stronger provisions were required to comprehensively ban CBW.

Banning Biological Weapons

Biological weapons had long been considered inhumane and uncontrollable and their short and long-term effects believed to be too devastating and frankly unjustifiable for use in conventional warfare. A 1969 UN report found that biological weapons could not be confined to one area and that they could have severe and irreversible consequences

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[13] R. R. Baxter and T. Buergenthal, 'Legal Aspects of the Geneva Protocol of 1925,' *The American Journal of International Law*, vol. 64, no. 4 (1970), p. 853.

[14] Monterey Institute of International Studies, 'A Brief History of Chemical Warfare,' (2004), available online:
http://www.nti.org/h_learnmore/cwtutorial/chapter02_01.html (accessed 12 April 2010).

[15] Thomas Graham and Damien J. La Vera, *Cornerstones of Security: Arms Control Treaties in the Nuclear Era* (Washington: University of Washington Press, 2003).

[16] Graham & La Vera, op. cit. (2003) p. 292.

for the local population and the environment. When applied on the battlefield, biological weapons were likely to affect enemy troops, a country's own troops and civilians indiscriminately. Furthermore, many biological agents are persistent and spread through contact with infected individuals, making them extremely difficult to contain.[17] It is therefore understood that biological weapons are, at the very least, problematic weapons to employ and a ban on their use is not only in the best interests of the target but also of the offensive side.

The UN report went on to emphasise the unpredictable nature of biological agents:

> "Depending on environmental and meteorological conditions, and depending on the particular agent used, the effects might be devastating or negligible. They might be localized or widespread. They might bear not only on those attacked but on those who initiated their use, whether or not the attacked military forces retaliated in kind".[18]

Given the effects of biological weapons, it was widely accepted that it would be next to impossible to use these weapons without causing injury or death to civilians and that even if these weapons were used well away from civilian populations, their long-term effects could be devastating for animals, plants and arable land.[19]These characteristics of biological weapons all contributed to the rising opposition against them.

After several rounds of negotiations a convention relating specifically to the prohibition of biological weapons was drafted and became the Biological Weapons Convention (BWC). The BWC came into force in March 1975[20] and, unlike the Geneva Protocol of years earlier, it explicitly bans the 'development, production and stockpiling of

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[17] United Nations, 'Extracts from the report of the secretary-general: Chemical and Bacteriological (Biological) Weapons and the Effects of their possible use' (1969) available online: http://www.unog.ch/80256EDD006B8954/(httpAssets)/83669D9CB32C9F33C125718B0034C413/$file/Extract_UNSG-1969.pdf (accessed 8 May 2010).

[18] Ibid., (1969).
[19] Ibid., (1969).
[20] R. Thakur and E. Haru, *The Chemical Weapons Convention: Implementation, Challenges and Opportunities* (Hong Kong: United Nations University Press, 2006).

microbes (bacteria)' and contains provisions relating to their peaceful use.[21]

While some signatories to the BWC (including the Soviet Union and Iraq) continued their research and development into biological weapons, and more recently questions of compliance have arisen in connection with North Korea, Iran, and Libya,[22] the Convention is widely regarded as a success with a large number of states discontinuing their programs and liquidating their stockpiles. In many regards the BWC has become a symbol of the international community's rejection of this type of warfare and it has established a culture of anti-biological weapon possession and use.[23]There were very similar motivations behind the outlawing of chemical weapons, although a convention against these did not take shape until the 1990s.

Banning Chemical Weapons

As with biological weapons, chemical weapons were seen as uncontrollable and unpredictable, making their use militarily problematic and as morally reprehensible. In addition, the bio-accumulative effects of chemical weapons, which persist through the trophic levels of consumption, were greatly feared. By the end of WWI, chemical weapons were already heavily stigmatised and their use in subsequent wars only served to reinforce this taboo.[24] Chemical weapons were loathed by the public and governments alike and had been outlawed decades earlier by the Geneva Protocol. Yet, a stronger framework was required and it was not until new developments in the international system, which included the end of the Cold War and arguably the disintegration of the Soviet Union and reunification of Germany, that the Chemical Weapon Convention (CWC) was able to take shape.[25]

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[21] Goldblat, op. cit. (1997) p. 252.
[22] Arms Control Association, 'The Biological Weapons Convention (BWC) at a Glance' (2004) available online: http://www.armscontrol.org/factsheets/bwc (accessed 8 May 2010).
[23] Thakur and Haru, op. cit. (2006).
[24] Price, op. cit. (1995).
[25] Thakur and Haru, op. cit. (2006).

The CWC took effect in April 1997[26] and, like the BWC, it commits member states never to 'develop, acquire or retain' chemical weapons and bans the use of this entire class of weaponry.[27] Over and above the provisions of the BWC however, the CWC contains tough verification methods that provide for managed access to chemical weapon facilities including on-site inspections and 'challenge inspections' at designated sensitive facilities.[28] In addition, the CWC requires members to destroy their chemical weapon stockpiles within a ten-year period.[29] While this deadline may have elapsed for several states, the CWC has produced tangible results and is widely regarded as an effective model for disarmament.[30]

Overall, the CWC is seen as proof that an equitable ban on a weapon classed as a weapon of mass destruction (WMD) that includes rigid verification methods is possible given a strong political will and favourable international conditions. The CWC and BWC have both created norms against the use of CBW and these norms have held reasonably strongly.

Considering that chemical and biological weapons have been banned relatively successfully and also that nuclear weapons have the capacity to cause greater devastation, it is reasonable to assume that a ban on nuclear arms would be forthcoming. Before outlining the possible rationale for the retention of nuclear arms, it is important to understand the capabilities of these weapons, review their development history, identify the stakeholders in this debate and examine the progress of disarmament to date.

Nuclear Weapons

Nuclear weapons derive their destructive power from nuclear fission or fusion (or a combination of the two) and can be delivered by missile,

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[26] Melissa Gillis, *Disarmament: A Basic Guide* (New York: United Nations Office for Disarmament Affairs, 2009).

[27] Graham and La Vera, op. cit. (2003) p. 1168.

[28] Arms Control Association, 'The Chemical Weapons Convention (CWC) at a Glance' (2008) available online: http://www.armscontrol.org/factsheets/cwcglance (accessed 8 May 2010).

[29] Graham and La Vera, op. cit. (2003) p. 1168.

[30] Mikhail Gorbachev & Rogelio Pfirter, 'Disarmament Lessons form the Chemical Weapons Convention,' (2009) available online: http://www.thebulletin.org/web-edition/op-eds/disarmament-lessons-the-chemical-weapons-convention (accessed 11 December 2011).

rocket or dropped from an aircraft.[31] There are two different types of nuclear bomb: fission bombs, known as atomic bombs, and fusion bombs, commonly referred to as hydrogen bombs.[32] Although nuclear, chemical and biological weapons are all classed as WMD they are fundamentally different in terms of their strategic applications, destructive power and residual effects.

The main framework in place today preventing the spread of nuclear weapons is the Nuclear Non-Proliferation Treaty (NPT). The NPT came into force in 1970[33] and commits signatories to enter into 'good faith' negotiations for the purposes of non-proliferation, disarmament and the peaceful use of nuclear energy and to negotiate a treaty for complete disarmament.[34]

There are two opposing perceptions of the NPT in the theatre of world opinion. Depending on your inclination, the NPT could be seen as either the centrepiece of the international nuclear disarmament regime or as an ineffective, benign agreement constituting little more than international rhetoric. Those who support the NPT credit it with limiting the horizontal and vertical proliferation of nuclear weapons and emphasise that it has influenced some states to discontinue their nuclear programs altogether. However, detractors maintain that the NPT has failed to deter previously non-nuclear states such as Pakistan and North Korea from acquiring a nuclear capability.[35] These arguments aside, one judgment that can be made unreservedly is that the ultimate goal of the NPT – that of universal disarmament – has not yet been achieved. Furthermore, if you compare the NPT with earlier disarmament regimes

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[31] Lisbeth Gronlund, 'Nuclear Weapons: How they work,' (2010) available online: http://www.ucsusa.org/nuclear_weapons_and_global_security/nuclear_weapons/technical_issues/nuclear-weapons-how-they.html (accessed 12 December 2011).

[32] Butfoy, op. cit.(2005).

[33] Butfoy, op. cit. (2005).

[34] Louis Charbonneau, 'SCENARIOS – Success or failure of U.N. nuclear pact conference,' (2010) available online: http://in.reuters.com/article/worldNews/idINIndia-48087420100429?pageNumber=1&virtualBrandChannel=11732 (accessed 13 December 2011).

[35] Arms Control Association, 'Nuclear Weapons: Who has got what at a glance' (2010) available online: http://www.armscontrol.org/factsheets/Nuclearweaponswhohaswhat (accessed 9 May 2010).

that deal with WMD, namely the BWC and CWC, it becomes clear that attempts to limit nuclear weapon possession and use have failed.

The meagre success and influence of the NPT is partly due to the fact that states value nuclear weapons over CBW for several reasons. Four primary concerns stand in the way of a successful nuclear disarmament regime: firstly, nuclear weapons have the power to either preserve or challenge the status quo; secondly, support for deterrence theory is still prevalent; thirdly, these weapons are still seen as having significant military utility; and fourthly, there is not a strong enough taboo against possession of nuclear weapons . The following section analyses these issues in greater depth.

Primary Reasons for the Retention of Nuclear Weapons

Power to Preserve or Challenge the Status Quo

While nuclear weapons have similar traits to CBW, the key difference is the power of WMDs to solidify a state's position within the international hierarchy or elevate it above its rivals.

Nuclear weapons have been perceived as symbols of state power and legitimacy for decades and this symbolic quality has made it significantly more difficult to convince states to dismantle and ban these weapons. Karsten Frey of the Barcelona Institute of International Studies uses the term 'nuclear myth' to explain the symbolic meaning that some states attach to these weapons, including how nuclear weapon possession impacts upon state identity, self-image and the position of the state in the international hierarchy.[36] According to Frey, the nuclear myth relates specifically to the acquisition of nuclear weapons, not their use, and is closely associated with the notion of state prestige. States seek to increase their prestige through the possession of nuclear weapons in an attempt to appear viable and legitimate to the international community and to their domestic population.[37] By increasing their national prestige governments believe that they can elevate their position within the international hierarchy of states and maintain power domestically.

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[36] Karsten Frey, 'Of Nuclear Myths and Nuclear Taboos,' *Peace Review: A Journal of Social Justice,* vol.18, no. 3 (2006), p. 341-347.
[37] Dong-Joon Jo and Erik Gartzke, 'Determinants of Nuclear Weapons Proliferation'. *Journal of Conflict Resolution*, vol. 51, no. 167 (2007) p. 169.

Professor Dong-Joon Jo of the University of Seoul and Professor Erik Gartzke of Columbia University agree that states are inclined towards nuclear proliferation either to improve their regional or global status or to consolidate power internally.[38] Jo and Gartzke assert that major and middle powers have acquired nuclear weapons to prove status as modern states while developing and rogue states may acquire nuclear arms if they are facing a crisis of legitimacy domestically and need to divert public attention from undesirable domestic conditions and bolster nationalist sentiment.[39] In this way, states – no matter what their current level of development or international status – may be inclined to acquire nuclear weapons.

The perception of nuclear weapons as status symbols and their intrinsic association with ideals of power, technological advancement and resource wealth have promoted the perception of 'nuclear powers' as prominent and influential actors in the international system. In realist terms this means that in the process of denuclearising states would essentially be relinquishing a measure of their international prestige. The symbolism attached to nuclear weapons has made it significantly more difficult to convince states that these weapons are illegitimate and should be outlawed.

Deterrence Theory

Another motivation for acquiring and retaining nuclear arms is the prevalence of and continuing support for nuclear deterrence theory. Deterrence theory emerged in the 1950s and refers to the situation in which two nuclear-armed states are deterred from launching a nuclear strike against one another for fear of retaliation.[40] This theory was popularised around the beginning of the Cold War when it was evident that the US and Soviet Union each possessed thousands of atomic bombs and were capable of a nuclear second-strike, meaning each had the ability to launch a nuclear attack after sustaining a nuclear first-strike.[41] The power to retaliate against a nuclear attack with a nuclear counter-attack created a shift in military thinking from reliance on

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[38] Ibid.

[39] Ibid.

[40] Kanti Bajpai, 'The Military Utility of Nuclear Weapons and the Case for Disarmament' (2001) available at: http://www.pugwash.org/reports/nw/nw13c.htm (accessed 12 December 2011).

[41] Michael MccGwire, 'Deterrence: The Problem – Not the Solution,' (1986) *International Affairs*, vol. 62, no. 1 (1986), p. 55-70.

defensive military technology to the development of overwhelming offensive technologies in order to deter an attack. It is a strongly held belief that deterrence theory prevented the Cold War from turning hot and defence strategists of the present day continue to use this rationale to justify the retention of nuclear arms.[42]

Many world powers maintain that nuclear weapons are an essential component to national security as a deterrent and that without the strategic balance that these weapons provide, international security and stability would be at risk.[43] Scholars who support this theory further argue that it is in the best interests of nuclear-armed states to preserve their stockpiles to deter would-be aggressors and discourage intimidation from other states.[44]

This theory of mutual deterrence has been a primary justification of nuclear weapon states that refuse to engage in total denuclearisation.[45]Paradoxically, deterrence theory both encourages the production of nuclear weapons and discourages their use. It is fair to assume that these weapons will continue to remain unused by the major powers so long as states fear a nuclear second-strike and the possibility of mutually assured destruction (MAD). Thus, the strong support for deterrence theory partly explains the continued presence and proliferation of nuclear weapons in modern society.

Military Utility

Another aspect of nuclear weapons that has delayed a universal ban is that these armaments are considered the 'ultimate weapon' and state defence forces are unwilling to relinquish them.[46] Putting aside the humanitarian concerns associated with nuclear weapon use, these weapons have demonstrated military utility over CBW, which partly explains why these weapons remain in the arsenals of states and CBW do not.

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[42] Ibid., (1986).
[43] Blackaby and Milne, op. cit. (2000).
[44] Harold Brown and John Deutch, 'The Nuclear Disarmament Fantasy' (2007) available online: http://mit.edu/chemistry/deutch/policy/2007-NuclearDisarmFantasy-WSJ.pdf (accessed 12 December 2011).
[45] Jo & Gartzke, op. cit. (2007).
[46] Frey, op. cit. (2006).

As discussed above, there are numerous military strategic drawbacks to the use of CBW including their uncontrollable and unpredictable nature. This is in contrast to nuclear weapons which can be controlled to a much greater extent and their effects calculated with a high degree of certainty.[47]Nuclear weapons can also be launched at great range with minimal risk of collateral damage to friendly forces.[48] Furthermore, state defence departments recognise that atomic bombs carry vastly superior destructive power to CBW. Unlike CBW, nuclear bombs are able to destroy non-biological enemy structures on a massive scale, flattening whole areas of important infrastructure, thereby substantially weakening the enemy and reducing options for retaliation.[49] This is a destructive capability that CBW cannot provide.

There is little to no defence against nuclear weapons. If a nuclear strike is authorised it is unlikely that the attacked nation has the time or ability to eliminate the threat and there are no measures that it can employ to defend the targeted territory. Conversely, if a chemical or biological weapon is used there are protective measures that can be used such as gas masks, protective clothing or an antidote or vaccine.[50] The fact that there is no defence against a nuclear strike has raised the perceived military utility of these weapons above that of any other weapon in the modern state arsenal.

In the opinion of some state governments, the above factors crystalise nuclear weapons as the 'ultimate weapon'. The fact that these weapons are able to carry out military objectives with greater efficiency and accuracy than CBW, as well as the fact that they are virtually indefensible, has given defence strategists cause to value them.[51] Overall, nuclear weapons are considered militarily superior to CBW and they have far more applications.

The Absence of a Strong Taboo

A fourth and integral reason that a ban has not been forthcoming is that there is an absence of a strong taboo against the possession of nuclear

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[47] Butfoy, op. cit. (2005). 62.
[48] Gronlund, op. cit. (2010).
[49] Bajpai, op. cit. (2001).

[50] Butfoy, op. cit. (2005).
[51] Richard Price, 'Nuclear Weapons Don't Kill People, Rouges Do' *Journal of International Politics,* vol. 44 no. 2/3 (2007) p. 232, 18.

weapons within leading world governments. While a 'nuclear taboo' on the use of nuclear weapons certainly does exist[52] and negative perceptions of nuclear weapons are present in both nuclear weapon and non-nuclear weapon states and amongst disarmament campaigners globally, no norm has yet formed to counter the strong positive connotations associated with the possession of nuclear arms.

The fact that nuclear weapons are able to achieve military objectives quickly and efficiently and are able to do so with calculable residual effects and minimal risk to friendly forces works against the establishment of a concerted resistance. In this light, the negative effects of residual radiation are seen as justifiable when weighed against the overwhelming military objectives achieved in the deployment of a nuclear bomb. This concept is illustrated by the Hiroshima and Nagasaki bombings which, although resulting in the deaths of approximately 200,000, are estimated to have saved 500,000 Allied casualties which would have resulted from a full-scale invasion of Japan.[53]

In contrast to nuclear weapons, which are widely disliked but more generally accepted as a necessary evil, there is a much broader rejection of CBW. The negative residual effects of CBW are seen as disproportionate to the military objectives that they can achieve. They cannot destroy enemy infrastructure and they affect biological systems only and do so indiscriminately, harming allies and enemies, combatants and non-combatants alike. In addition, the horrific and unnatural effects of CBW are seen as unnecessarily cruel and morally reprehensible. Indeed the stigma attached to CBW makes it almost impossible to justify the use of these weapons even in times of desperation. [54]

A stigma of this magnitude does not exist in relation to nuclear weapons. Although the use of nuclear weapons had devastating implications for the Japanese in WWII, these effects resulted in a taboo against the use of these weapons rather than their possession.

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[52] Nina Tannenwald, 'The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-use', *International Organization,* vol. 53, no. 3, (1999), p. 433-468.
[53] Barton. J. Bernstein, 'Truman and the A-Bomb: Targeting Non-Combatants, Using the Bomb and His Defending the "Decision",' *The Journal of Military History*, vol. 62, no. 3 (1998) p. 552.
[54] Price, op. cit. (1995).

As long as nuclear weapons remain a part of military systems they will be seen as a justifiable method of maintaining power and deterring large scale global war. The irony is that the only event that can conclusively disprove this notion is open nuclear war, a prospect that might not leave any survivors to say 'I told you so'. In the case of CBW, although they also existed in the arsenals of some states for decades, these weapons were deeply stigmatised and were banned with relatively little resistance in contrast to the sustained presence of nuclear arms in the international system.

Conclusion

The barriers to total denuclearisation are numerous and significant. Nuclear weapons have become so intractably interwoven with the mechanisms of inter-state relations that a total ban is perhaps unachievable in the current international political climate. However, emerging trends have the potential to alter the dynamics of the international landscape towards a situation more amenable to denuclearisation.

In the twenty-first century new transnational challenges have arisen that threaten to destabilise the delicate balance espoused by nuclear deterrence theory. Momentous issues such as climate change, population growth, pollution, food security, disease pandemics and the integrity of global economic systems all highlight the intrinsic interdependence of states, and require significant interstate cooperation to address. As the threat posed by such transnational issues increases, impediments to international cooperation – such as stockpiles of nuclear weapons – become relative liabilities.

While transnational threats may provide an avenue for denuclearisation in the future, in the meantime nuclear weapons remain an ongoing and enduring adjunct of world politics. The destructive capacity of these WMD is unparalleled in human history and, with more than 23,000 nuclear warheads still in existence globally and the threat of one or more of these weapons falling into the hands of terrorist groups, humankind walks a very thin line between peace and total destruction. The precipitous edge at which humanity now stands demands that attention be given to addressing the perils of nuclear armament and working towards an eventual and unequivocal ban.

As discussed, CBW have been banned for a multitude of reasons: they are inherently unpredictable and uncontrollable, they cause unnecessary and prolonged human suffering and they have limited military utility. These characteristics make the use of these weapons in modern day warfare both strategically impractical and morally reprehensible. Relative to the military utility of these weapons, the collateral damage is simply unacceptable, hence the successful and enduring ban on their production and use.

In contrast, the banning of nuclear weapons is an extremely difficult prospect. Governments perceive numerous benefits from the possession and proliferation of nuclear armaments, believing that their power to preserve or challenge the status quo, their deterrence value and their military utility ultimately justify the negative implications of their existence. While the dangers of nuclear weapons are undeniable, these perceived redeeming qualities, coupled with the absence of a strong taboo on possession, have prevented global disarmament regimes from ridding the world of nuclear weapons.

Current realist thinking valuing the retention of nuclear weapons has its roots in the vicissitudes of the Cold War era and much of the fundamental assumptions that underpin this thinking are antiquated. The vestigial concept of deterrence theory still clung to by some modern states is in desperate need of revision toward a more pragmatic approach to nuclear arms in the context of a global community. There can be no doubt that a total ban on nuclear weapons is in the best interests of humanity and that world governments should strive to achieve this goal. Until the weight of public opinion moves to outlaw nuclear weapons completely, these WMD will be left in wait in the arsenals of states.

Africa and the Nuclear Non-Proliferation Regime: Milestones, Challenges and the Way Forward

Christian Dietrich[*]

The African continent is at its nuclear crossroads. With the inception of the African Nuclear Weapon-Free Zone (NWFZ) in 2009, it embarked upon a path of decisive non-armament. Yet it finds itself in a dilemma. Many African countries perceive nuclear energy as crucial for their economic development and overall prosperity. This presents a danger as the African transnational non-proliferation regime is significantly underdeveloped. The lack of nuclear non-proliferation infrastructure is aggravated by the existence of weak states, corrupt governments and insufficient coordination between countries on the continent. The creation of the African NWFZ triggered the establishment of a number of institutions, the swift and effective operations of which are absolutely urgent at this point. Assistance must now be provided to these institutions by global non-proliferation institutions and key stakeholders.

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In the early twenty-first century, several events in the international system sparked new debates on nuclear non-proliferation, making this issue seem more urgent a concern than in any previous decade. While nuclear weapons, and later on nuclear non-proliferation, were corner stones of great power security concepts during the Cold War, the *end of history* did not last long in the realm of nuclear weapons either. The relevance of this issue has not been diminished for nuclear weapon states, neighbours of nuclear-weapon-states (NWS) and states concerned about terrorist attacks.

One of the world's regions where nuclear weapons have played a comparatively minor role in the past (and still do) is Africa. Despite this, the continent made headlines only a few years ago with the inception of the African Nuclear Weapon-Free Zone (NWFZ). What is specific to Africa, is that nuclear non-proliferation closely ties into other security issues, particularly energy policies and socio-economic development. African countries are in grave need of nuclear technology for developmental reasons, such as for desalination[1] and radio technologies.

Although the share of nuclear energy accounts for only 2.1 per cent of African energy production (as opposed to 27 per cent in Western Europe)[2], 21 of the 65 countries worldwide that express an interest in pursuing nuclear energy are African.[3] In addition, with volatile politics in the Middle East as well as the so called *Arab Spring* of 2011, the danger of nuclear weapons being perceived as having greater military utility and ensuring state security might be looming on the African continent. Given these numbers there is an unprecedented need to strengthen safeguards and install other stronger non-proliferation measures.

This chapter hypothesizes that, although a few big symbolic steps have been taken, there is a considerable danger of African countries committing breaches of non-proliferation measures, potentially to the detriment of the entire international community. As the achievement of continent-wide treaties might lead to complacency, substantial non-proliferation progress is in danger of falling by the wayside. Therefore, this chapter seeks to explore the status of nuclear non-proliferation in Africa and the degree to which it has been institutionalised. On this basis, the main challenges of existing

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[1] International Atomic Energy Agency, 'International status and prospects of nuclear power,' (2011) available online: http://www.iaea.org/Publications/Booklets/NuclearPower/np10.pdf (accessed 23 July 2011), p. 30.
[2] International Atomic Energy Agency, op. cit. (2011) p. 4.
[3] Ibid., p. 23.

frameworks will be examined and recommendations for future policies will be suggested.

The Nuclear Non-Proliferation Regime

Historical Developments

The creation of the global nuclear non-proliferation regime has to be seen against three major historical developments. Firstly, the use of nuclear weapons in Japan during World War II illustrated both the effectiveness and the sheer destructive power of nuclear explosives. Secondly, the Cold War prompted an increase in nuclear testing and nuclear weapon stockpiling, with unprecedented growth in the US and USSR arsenals. Thirdly, with the spread of the application of nuclear energy for peaceful purposes, for example in medicine, agriculture and energy generation, the inherent dangers of *dual-use capabilities* have become apparent. The term 'dual-use' refers to the usability of fissile material (plutonium or highly enriched uranium (HEU)) for either peaceful purposes or in the development of a nuclear weapon.

The trend of producing nuclear material for military and defence purposes led US President Dwight D. Eisenhower to deliver his renowned *Atoms for Peace* proposal to the United Nations General Assembly in 1953. Subsequent endeavours culminated in the creation of the International Atomic Energy Agency (IAEA) in 1957. The IAEA was tasked with promoting and controlling nuclear technology through the application of comprehensive safeguards (United Nations, 2010). In other words, as a compromise between nuclear *haves* and *have-nots*, the IAEA (which currently consists of 144 member states[4]) assists states interested in nuclear energy to develop nuclear programs in return for compliance with safeguards. These safeguards are put in place to help ensure nuclear programs stay within the confines of peaceful nuclear energy use.

In the 1960s, with the perception that the spread of nuclear weapons was imminent, a number of non-proliferation negotiations led to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The NPT was opened for signature in 1968 and entered into force in 1970. Equipped with and initial life span of 25 years, the NPT was extended indefinitely at a review conference in 1995.

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[4] C. Wing, 'The Evolution of Nuclear Non-Proliferation Institutions,' in B. Jones, S. Forman and R. Gowan (eds.). Cooperating for Peace and Security. Evolving Institutions and Arrangements in a Context of Changing US Foreign Policy (Cambridge, MA: Cambridge University Press, 2009), p. 124.

The Nuclear Non-Proliferation Treaty

The NPT recognises China, France, the UK, the US and the USSR as NWS, although China and France did not accede until 1992. While its current membership is nearly universal with 188 parties, there are almost as many NWS within the Treaty system as there are NWS outside the system. States with nuclear weapons that have not signed the NPT include India, Israel, North Korea and Pakistan. While both Israel's and North Korea's possession of nuclear weapons is widely regarded as fact,[5] Iran rejects that is has nuclear weapons as it pursues a policy of nuclear ambiguity.

The NPT is most commonly defined along three pillars. First, the pillar of non-proliferation obliges signatory states not to actively or passively encourage the spread of nuclear weapons or related technologies and knowledge. Verification is the responsibility of the IAEA. Second, the pillar of peaceful use claims the "inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination".[6] However, this right as well as the transfer of knowledge and technology for peaceful purposes are confined by the principles of non-proliferation. Third, the disarmament pillar purports that NWS commit to complete disarmament with the help of subsequent treaties, although no concrete time frame was set for this provision.

The NPT's State of Affairs

Although listing the challenges faced by the NPT would easily be enough to fill another few papers, at least some light should be shed on them. One major problem is that a large number of African states find themselves on one side of the NPT's major fault line: The NPT is an essentially discriminative treaty that divides its membership into nuclear haves and have-nots and to some degree cements their status as such. Whereas non-proliferation provisions are quite elaborate and have been improved in the past, for instance through the inception of the 1997 IAEA Model Additional Protocol[7], disarmament provisions appear vague and underspecified. In other

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[5] However, many hesitate to call North Korea a nuclear weapons power since the low yields of the devices tested in its first two nuclear tests (in 2006 and 2009) have been taken as indications for their questionable sophistication.

[6] Art. IV, Treaty on the Non-proliferation of Nuclear Weapons, 1970

[7] Cf. International Atomic Energy Agency, n.d. The Additional Protocol was designed to strengthen and extend the IAEA's safeguards, particularly with regard to undeclared and

words, while much has been done to prevent non-nuclear-weapon states (NNWS) from acquiring nuclear weapons, comparatively little has been done to disarm NWS. This view is held strongly by the majority of NNWS.

More subtle, yet equally influential, is the divide between what might (in the Western perspective) be labelled *responsible* and *irresponsible* states. Responsible states are considered to be those that are members of the Organisation for Economic Co-operation and Development (OECD), while irresponsible states are seen as those associated with the Non-Aligned Movement (NAM).[8] In the NAM perspective, too often the criteria for access to nuclear technology and knowhow have been politicised by OECD countries, granting access on a basis of amity rather than objectivity.

As a result, members of both groups often strongly oppose each other in their views on the way forward. OECD countries tend to advocate the universalisation of the strictest non-proliferation and export controls possible; while NAM countries are highly hesitant of conceding to any more non-proliferation measures without substantial efforts toward nuclear disarmament by NWS. Disarmament has really only taken place through bilateral agreements between the US and the USSR/Russia and has been moderate in its progress at best.

A second pivotal challenge facing the non-proliferation regime is what can be described as its state of multidimensional deadlock. A number of non-proliferation efforts have largely been stalled for years. For example, the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which prohibits all nuclear tests, was adopted by the UN General Assembly in 1996 and has been signed by 182 states and ratified by 153 states to date; yet it has not reached its ratification threshold in order to enter into force. At present there are nine nuclear technology holders missing – among them China and the US.[9]

Another example of stagnation are the negotiations for a Fissile Material Cut-off Treaty (FMCT). Such a treaty sought to prohibit the production of fissile

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potentially weapons-related nuclear activities. It grants inspectors greater rights and obliges signatories to provide additional information.

[8] Needless to say, such a clear distinction is a simplification that neglects the fact that countries such as Australia and Japan (both OECD members) have been adamant in advocating nuclear disarmament. Such a differentiation does, however, serve to illustrate stances by tendency.

[9] Comprehensive Test Ban Treaty Organization, 'CTBT almost universal but has yet to become law,' (2011) available online: http://www.ctbto.org/specials/who-we-are/?Fsize=gdpqcetmdcbiosmq (accessed 18 June 2011).

material for nuclear explosives and the production of such material outside of international safeguards[10]. However, this Treaty has yet to be negotiated in the UN Conference on Disarmament. In this forum the FMCT has been stalled since the mid-1990s, mostly due to repeated blockades by Pakistan. Both the CTBT and the FMCT are regarded as crucial steps towards the verification regime needed for a world free of nuclear weapons. Finally, the 2005 NPT review conference has been received as an utter failure and its successor delivered only moderate progress in 2010.

In conclusion, the nuclear non-proliferation regime counts among its achievements near universality, widespread verification of nuclear activities and a history of peaceful transfers of knowledge and technology. Those achievements, however, struggle to be recognized in the face of the regime's severe challenges, most notably deeply rooted fault lines running through its membership which cause much contention and little progress. What is more, at least ever since the nuclear catastrophe at the Japanese Fukushima Daiichi nuclear power station in March 2011, it would appear to be an open question whether furthering the spread of the civilian application of nuclear energy is what the international community desires or whether there might be alternative, more sound ways of nourishing development. Either way, it is beyond debate that the regime is in grave need of reinvigoration.[11]

Africa and Nuclear Non-Proliferation

Historical Developments

The African continent has seen a few nuclear misfits in the past. South Africa, probably the most prominent among them, dismantled its nuclear weapons program and joined the NPT in 1991 after it had successfully developed and tested nuclear weapons and acquired an arsenal of six warheads in the 1980s.[12] It was, therefore, the first and only state to ever have had nuclear weapons (including a corresponding program) and then renounce them entirely. Libya agreed to the discontinuation of its nuclear weapons program in 2003 following reasonably secret negotiations with the US and the UK and allowed for subsequent dismantlement and verification by the IAEA.[13] Lastly, Egypt has always been somewhat ambiguous about its

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[10] Nuclear Threat Initiative, 'Fissile Material Cut-off Treaty (FMCT),' (2003) available online: http://www.nti.org/db/china/fmctorg.htm (accessed 21 June 2011).

[11] S. Mergenthaler and J. Sandhu, ,Reinvigorating the Nuclear Non-Proliferation Regime: Towards a new consensus,' (2010) available online: http://www.securityconference.de/TOP-NEWS.425+M5e6416e5f38.0.html (accessed 5 July 2010).

[12] Wing, op. cit. (2009) p. 128.

[13] Ibid., p. 135.

nuclear intentions and was suspected to have had a nuclear weapons program, particularly under Nasser.[14] Today, six African countries possess nuclear reactors: Algeria, the Democratic Republic of the Congo, Egypt, Libya, Morocco and South Africa.[15] However, construction of the reactor in Morocco has yet to be completed and the only two currently in commission are in South Africa.[16]

The African Nuclear Weapon Free Zone Treaty

By far Africa's most striking milestone in terms of nuclear non-proliferation has been the African Nuclear Weapon Free Zone Treaty (Treaty of Pelindaba). Nuclear-Weapon-Free Zones (NWFZ) prohibit the "testing, stationing, development and use of nuclear weapons within a designated territory."[17] Furthermore, these zones normally include protocols for NWS to sign, renouncing the use and threat of use of nuclear weapons against the members of the zone (known as negative security assurances). As such, NWFZs strengthen the non-proliferation regime and enhance security among the members of the zone as well as globally.

The evolution of a NWFZ in Africa dates back to the 1964 Declaration on the Denuclearization of Africa adopted by the Organization of African Unity (OAU). Subsequent efforts culminated in the Pelindaba Treaty which was adopted by the OAU Council of Ministers (heads of state) in Pelindaba in 1995. However, it took the Treaty 14 years to enter into force upon reaching its ratification threshold in 2009. As of today, all African states[18] except the newly founded South Sudan have signed but only little more than half of them have ratified the Treaty, of which the African Union (AU) serves as depositor.[19]

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[14] Nuclear Threat Initiative, 'Egypt profile: Nuclear overview,' (2011b) available online: http://www.nti.org/e_research/profiles/egypt/nuclear/index.html (accessed 23 June 2011).
[15] A.-G.T. Sipowo, 'African Union and weapons of mass destruction Non-Proliferation Régimes,' (2009) available online: http://centreforforeignpolicystudies.dal.ca/index.php (accessed 24 June 2011), p. 4.
[16] International Atomic Energy Agency, op. cit. (2011) pp. 6-9.
[17] G. Evans and Y. Kawaguchi, *Eliminating nuclear threats: A practical agenda for global policymakers* (Canberra/Tokyo: International Commission on Nuclear Non-proliferation and Disarmament, 2009), p. 156.
[18] The newly founded South Sudan is not taken into account here. Morocco is the only member state of the AU that is not a signatory of the Pelindaba Treaty at the same time.
[19] N. Stott, A. Broodryk du Rand and D. Dye, 'Africa's development and the threat of weapons of mass destruction, update 3,' *Africa's Policy Imperatives*, vol. 4 (2011) available online: http://www.iss.co.za/uploads/WMDPolicyBriefMarch2011.pdf (accessed 20 June 2011), p. 3.

Very similar to other NWFZ treaties, the Pelindaba Treaty obliges its parties "not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess, or have control over any nuclear explosive device".[20] Completing the process of turning the entire landmass of the southern hemisphere into an NWFZ, it also restates the 1991 Bamako Convention and bans the import and control of trans-boundary movement of hazardous (including nuclear) waste within Africa.[21] Additionally, much in line with upholding the principles of non-interference among African countries, the African NWFZ Treaty reserves the right of every country to decide on granting transit and flyover for transport of a purpose essentially contrary to the Treaty.

According to Ramtane Lamamra, the AU Commissioner for Peace and Security, the African NWFZ can be seen as "part [of] a wider strategy to implement the Common African Defence and Security Policy",[22] featuring several key functions. These include ensuring non-proliferation compliance, protecting Africa from nuclear testing and dumping of nuclear waste and promoting the peaceful transfer of nuclear technology and science.[23] By and large, the African NWFZ works in accordance with the Common African Defence and Security Policy because the latter explicitly defines the accumulation, stockpiling and manufacturing of nuclear weapons as an external threat to continental security.[24] This, as will be examined later, shows that the AU conceives of nuclear issues as being something that poses a threat to Africa from external actors, not among its members, and is therefore hardly dealt with in an inter-African context. In practice, neither the Peace and Security Council (PSC) nor the Regional Economic Communities (RECs), as two of the AU's key components, reference the issue of nuclear proliferation or even energy. As will be examined in more detail further on, this lack of salience granted to these issues makes for both a potential

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[20] Nuclear Threat Initiative, 'African Nuclear Weapon-Free Zone (Pelindaba Treaty),' (2011a) available online:
http://www.nti.org/e_research/official_docs/inventory/pdfs/anwfz.pdf (accessed 23 June 2011), p. 1.
[21] African Union, 'Solemn declaration on a Common African Defence and Security Policy,' (2004) available online: http://www.africa-union.org/News_Events/2ND%20EX%20ASSEMBLY/Declaration%20on%20a%20Comm.Af%20Def%20Sec.pdf (accessed 19 June 2011).
[22] Stott et al., op. cit. (2011) p. 3.
[23] R. Lamamra, 'Keynote address for the first ordinary session of the African Commission on Nuclear Energy,' (2011) available online:
http://www.au.int/en/dp/ps/sites/default/files/Statement-Commissioner%20ACNE2_0.pdf (accessed 21 June 2011), pp. 2f.
[24] African Union, op. cit. (2004) p. 5.

underestimation of the threats they pose to African security and, hence, contributes to a relatively weak non-proliferation infrastructure in Africa.

On the other hand, through the mechanisms and collaborations it prompts, the Pelindaba Treaty strengthens the NPT and the CTBT not just on paper. It enhances African security through the lower likelihood of nuclear proliferation and armament as well as through negative security assurances. Compliance with the Treaty is verified with the help of IAEA safeguards agreements. Thirteen African countries currently have these agreements in place.[25] For those states party to the Treaty that do not have appropriate safeguards in place, article nine, clause (a) of the African NWFZ Treaty obliges them "[t]o conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance" with the peaceful uses of nuclear energy.[26] In addition, the African NWFZ fills the gap left by lagging ratification of the CTBT. It encourages its early entry into force, since the CTBT monitoring mechanisms are applicable to the Treaty, including access to nuclear testing data.[27]

African Non-Proliferation Institutions

With the inception of the African NWFZ, the AU was tasked with facilitating the establishment of the African Commission on Nuclear Energy (AFCONE).[28] AFCONE is still being built after it was formally established at the African NWFZ's inaugural Conference of State Parties in 2010. Its purpose is to ensure compliance with the African NZFW Treaty's requirements, promote peaceful nuclear cooperation as well as review the

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[25] A. Lotz, 'The Pelindaba Treaty: The matter of Africa's nuclear weapons free zone,' (2010) available online:
http://www.consultancyafrica.com/index.php?option=com_content&view=article&id=617:the-pelindaba-treaty-the-matter-of-africas-nuclear-weapons-free-zone&catid=60:conflict-terrorism-discussion-papers&Itemid=265 (accessed 21 June 2011).
[26] International Atomic Energy Agency, 'African Nuclear Weapon-free Zone Treaty (Pelindaba Treaty),' (1995) Available online:
http://www.iaea.org/About/Policy/GC/GC40/Documents/pelindab.html (accessed 23 June 2011).
[27] Institute for Security Studies and James Martin Center for Nonproliferation Studies, 'Conference non-paper to AU Commission: International expert workshop establishing the Treaty of Pelindaba African Commission on Nuclear Energy,' (2010) available online: http://cns.miis.edu/stories/pdfs/101210_afcone_pretoria_meeting_2010_final_report.pdf (accessed 21 June 2011), p. 12.
[28] Stott et al., op. cit. (2011) p. 3.

application of IAEA safeguards.[29] Therefore, the AFCONE shares strong links with the IAEA both in terms of its creation and operation.

Moreover, AFCONE is highly complementary with the African Regional Cooperative Agreement for Research, Development and Training (AFRA). This intergovernmental organisation was the result of several African IAEA members' desire to facilitate cooperation in the fields of nuclear science and technology. With a current membership of 34 states, the AFRAs declared focus is primarily on socio-economic development. As such, it is highly complementary with the AFCONE in the pursuit of harnessing nuclear energy for peaceful purposes, although the AFRA primarily emphasises screening technologies and medical applications of nuclear energy rather than its entire spectrum.

Major Challenges to Africa's Non-proliferation Aspirations

Despite the significant progress the African continent has undergone in terms of nuclear non-proliferation in the last few years, there are still major challenges it faces on several fronts. These range from conflicting security interests between states to weak enforcement mechanisms and degrees of institutionalisation, touching on great power relations and the shortcomings of the non-proliferation regime more broadly. Although obstacles run as deep as certain bilateral agreements between individual countries and the IAEA, this paper does not have the scope to explain these. The focus instead will be on the main challenges *vis-à-vis* African non-proliferation efforts.

Conflicting African Security Interests and the Proliferation Surge

Many African states are eagerly pushing for the capacity to harness nuclear energy, be it for medical purposes or to generate electricity independent of world oil and gas supplies (and more modern than biomass).[30] If one believes the rhetoric, reliable, stable and affordable energy supplies seem at the heart of feeding African socio-economic development. Out of these considerations spring certain reservations regarding non-proliferation guidelines and safeguards and the perception that overly stringent safeguards can get in the way of meeting energy needs, thus hampering developmental goals. In other words, too strong of an emphasis on non-proliferation (within the regime and expressed by states or the IAEA) can be perceived as unnecessary and

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[29] P. Lewis and H. Foy, 'The Treaty of Pelindaba: Establishing the African Commission on Nuclear Energy,' (2010) available online: http://cns.miis.edu/stories/101210_afcone.htm (accessed 21 June 2011).

[30] For instance, South Africa announced that it was planning to build a commercial enrichment plant, the first of its kind in Africa.

disruptive considering other potentially more urgent security concerns such as fighting extreme poverty and ensuring socio-economic wellbeing.

This difference in importance of the issues, as well as the heightened importance afforded to development in recent decades, suggests that there is a potential for underestimating the danger of nuclear energy production. For instance, some states are reluctant to ratify the Pelindaba Treaty as they expect the IAEA to set the bar too high for them to legally acquire nuclear technology.[31] As a result, due to the perception of nuclear non-proliferation as being linked to development, it is hard to convince African states that they should renounce a nuclear program. The vast majority of these NNWS are in grave need of energy sources to foster what little opportunities for development they have. By and large, this exemplifies the rift within the non-proliferation regime.

This friction is exacerbated by the risk of a proliferation surge due to the aforementioned expected increase in nuclear programs for essentially peaceful purposes, which most often equip countries with a latent capability to gear up those programs for armament purposes at a later stage. Such dual-use capabilities arise out of the nature of the nuclear fuel cycle. Throughout several of its stages (depending on its essential features), HEU or even plutonium can be produced or extracted, respectively, and used for military purposes. Although nuclear energy programs are not equal to nuclear weapons programs, the former bring countries much closer to the threshold of the latter.

Another reason why problems exist for African NNWS in terms of the current nuclear non-proliferation regime is that there are extensive uranium deposits in many African states and uranium is an essential component of nuclear weapon production. It is to be expected that Uranium exploitation in Africa will play a bigger role in the future and, without resorting to nuclear energy, African states may not be able to harness the full economic potential of this resource. Although the full impact of the 2011 Fukushima Daiichi disaster on countries' nuclear programs remains to be seen,[32] the past decade has seen numerous developed countries and rising powers attempt to improve their carbon footprint. Since covering a base load of energy from renewable sources remains the ultimate objective of most, nuclear energy programs continue to be attractive medium-term solutions.[33] Hence, global demand for

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[31] Lotz, op. cit. (2010).

[32] For instance, as largely a reaction to Fukushima, the German government passed a law to speed up the country's nuclear energy phase out considerably.

[33] Especially the spring of 2010 was marked by talks about a nuclear renaissance in the US. Cf. B. Obama, 'Remarks by President Barack Obama. Hradcany Square. Prague, Czech

uranium may actually increase over the next few decades. With Africa rich in uranium resources (Niger controls the second biggest uranium mine in the world), it was clear as early as the 1970s that, "future exploration will continue to focus on Africa, parts of Asia and on Australia where many important new finds have recently been made".[34] More recently, between 2002 and 2004 Namibia and Niger experienced an increase of over 30 per cent and between 5 and 15 per cent respectively in their annual uranium extraction. In comparison, only South African production dropped in the same period.[35]

A further complication exists in "varying degrees of domestic political instability"[36] across Africa, which makes the prospect of nuclear programs without sufficient safeguards all the more precarious. Although the possibility of nuclear materials ending up in the hands of a terrorist organisation has been a concern of many for quite some time, it was not until the 2010 Nuclear Security Summit that the issue of nuclear terrorism was placed higher on the agenda of the nuclear non-proliferation regime. This is all the more justified because African infrastructure challenges run deeper than just relatively high political uncertainty. As Noel Stott and Amelia Broodryk, senior research fellows with the African Development and the Threat of Weapons of Mass Destruction project, illustrate:

> Generally, border controls on the continent are notoriously weak and porous, and while some reports indicate that sufficient border controls are in place, it is unlikely that these controls (which were put in place largely to curtail the illicit trafficking of small arms and other illegal substances) are sufficient for preventing the proliferation of chemical, biological or nuclear weapons, or their agents/components.[37]

Republic,' (5 April 2009) available online: http://www.whitehouse.gov/the_press_office/Remarks-By-President-Barack-Obama-In-Prague-As-Delivered/ (accessed 5 July 2010) and Editorial Board, 'Adding some juice to the nuclear energy industry,' *Washington Post* (20 February 2010) available online: http://www.washingtonpost.com/wp-dyn/content/article/2010/02/19/AR2010021905155.html (accessed 20 February 2010).

[34] J. Cameron, 'Uranium resources and supply,' *IAEA Bulletin,* vol. 16, no. 1_2 (1974). Available online: http://www.iaea.org/Publications/Magazines/Bulletin/Bull161_2/161_204889093.pdf (accessed 24 July 2011), p. 93.

[35] Organisation for Economic Co-operation and Development, 'Uranium 2005. Resources, Production and Demand. Executive Summary,' (2005) available online: http://www.oecd-nea.org/ndd/reports/2006/uranium2005-english.pdf (accessed 23 July 2011), p. 2.

[36] Evans and Kawaguchi, op. cit. (2009) p. 51.

[37] Stott et al., op. cit. (2011) p. 6.

These are aspects far out of reach to be tackled by AFCONE or even the IAEA, which is why the most reasonable approach for the time being is to safeguard any potentially dangerous nuclear material in Africa, because before such materials can be trafficked across borders they have to escape the control of authorized personnel.

A Middle East Nuclear Weapon-Free Zone and Egypt's Ambiguous Posture

In the wake of the 1995 NPT Review Conference, the NWS parties to the Treaty sponsored a *Resolution on the Middle East* as a bargaining chip in return for the indefinite extension of the Treaty. This Resolution endorsed the pursuit of the establishment of a NWFZ in the Middle East and called upon NPT non-members, and in particular Israel, to accede to it.[38] This concept, as well as Israel's status as an undeclared but hardly disputed nuclear state, is closely related to security considerations in North Africa. Other than the occasional cry for a Middle East NWFZ and the creation of a number of commissions and organisations, little headway has been made in this endeavour and little progress can be expected in the near future given the current state of the Middle East peace process and Israel's overall posture.

Egypt plays a pivotal role in this matter. It has historically been one of the forerunners of a Middle East NWFZ and one of the most active members of the NAM in denouncing the NPT's double standards.[39] Furthermore, Egypt has been very outspoken about not conceding any further non-proliferation measures without disarmament by NWS and Israel's NPT accession. Egypt consciously and quite outspokenly withholds these concessions as a bargaining chip in the face of what it perceives as a lack of commitment of NWS to comply with their obligation to disarm under Article VI of the NPT. Additionally, as recent policies of the post-Mubarak Egyptian government toward Iran and Israel suggest, the country might take a much more assertive stance on national security *vis-à-vis* Israel in the future. Nevertheless, Iran's nuclear activities are still observed with concern by Egyptian officials too.

As a result of these circumstances, Egypt has signed but not ratified the CTBT, nor has it ratified the Pelindaba Treaty or the IAEA Additional Protocol. Egypt has been fairly ambiguous about its nuclear ambitions ever

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[38] Reaching Critical Will, '1995 NPT Review Conference package of decisions,' (2008) available online: http://www.reachingcriticalwill.org/legal/npt/1995dec.html (accessed 3 August 2011).
[39] Egypt's statements during review conferences as well as the preceding preparatory committees provide telling examples of its strong opposition to the NPT's divide. Cf. Aboul-Gheit, 2010.

since its former President Gamal Abdel Nasser left office.[40] As one would expect Egypt's patience to wear thin eventually, the creation of a Middle Eastern NWFZ and the steps toward that aim (such as the 2012 Conference for a Middle Eastern Nuclear Weapons Free Zone) will be crucial.[41]

African Security Crowded by Great Powers, Again

Negative security assurances represent what must be a frustrating bone of contention from the point of view of the African Treaty members. The respective protocols, which make it legally binding for parties to respect the NWFZ, have been ratified by China, France and the UK. Russia has also recently acceded to the protocols, albeit with severe reservations. Russia's main concerns were associated with the Chagos archipelago and, in particular, the US military base on the island of Diego Garcia.[42] Having been key to US military operations in the Middle East as early as operation *Desert Storm*, the base has arguably hosted US nuclear weapons in the past (it has certainly been used as a port by US nuclear submarines).[43]

Therefore, as the archipelago is considered to be part of the African NWFZ by the Pelindaba Treaty,[44] Russia's abidance by the negative security assurances was tied to the condition that the circumstances on Diego Garcia comply with the Treaty provisions. In other words, Russia's negative security assurances were contingent on the US's compliance with and commitment to the Treaty provisions on the island. However, both the UK and the US (the ratification of the protocols is currently pending in the US Senate) consider Diego Garcia as being outside the African NWFZ. Consequentially, part of the security rationale of the entire African NWFZ hinges on the complexities of US-Russian relations, again.

The Way Forward

Regarding some aspects, Africa's non-proliferation challenges are simply larger than life. They are enormous as the issues of political instability, porous borders and, at times, doubtful law-enforcement exemplify. These are arguably more intractable problems than the issue of non-proliferation as such. There is little that can be done to cope with these challenges exclusively within a non-proliferation framework. The best course of action

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[40] Nuclear Threat Initiative, op. cit. (2011b).
[41] Lotz, op. cit. (2010).
[42] Nuclear Threat Initiative, op. cit. (2011a) p. 1.
[43] Lotz, op. cit. (2010).
[44] The Chagos archipelago was Mauritian territory before being purchased by the UK to become part of the British Indian Ocean Territory (BIOT) in 1965.

for Africa would be to raise awareness and urge policy makers to take action. However, even this action would be insufficient without considering the wider development needs of the continent and the establishment and enforcement of the rule of law. Therefore, international assistance is desperately needed. Within the limits of the non-proliferation regime the least that can be done is to ensure support in institution and capacity building at several levels: directly at facilities, with legislatures and governments, with non-proliferation organisations such as AFCONE and, lastly, even with the AU, by further integrating the issue into the Common African Defence and Security Policy.

However, certain steps can and have been taken by African states in order to foster the non-proliferation regime. Treaties, such as the Bamako Convention and the Treaty of Pelindaba, and institutions, such as AFRA and AFCONE are positive first steps. They do, however, need to be supported by specific plans and actions. Again, international cooperation should play a much greater role here because knowledge on how to best build non-proliferation infrastructure is surely available. A positive example for this is the Norwegian Ministry of Foreign Affairs' funding of the US based James Martin Center for Non-proliferation Studies and the South African Institute for Security Studies in order to assist the implementation of the African NWFZ Treaty.[45]

A similar approach of exchanging knowledge and providing assistance should also be pursued to address the perception that compliance with non-proliferation protocols hampers African development. There is no actual trade off. Instead of being mutually exclusive, socio-economic development and nuclear non-proliferation reinforce one another. Much of the deficiencies in what would be an appropriate infrastructure to tackle the means of proliferation can be traced back to an initial lack of development. The majority of countries that struggle to offer universal primary education, universal access to clean water or similar services will invariably not have the funds or the means to ensure non-proliferation through comprehensive safeguards of nuclear facilities, lines of transport or border controls. At the same time, the sheer threat posed by the uncontrolled proliferation of fissile materials will hardly allow any country with the necessary resources to neglect their protection. . This interdependent relationship needs to be communicated to stakeholder countries more convincingly by international organisations such as the IAEA as well as other members of the international community to remedy the widespread misconception that exists. Tangible benefits to pursuing either would hereby certainly be the best remedy.

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[45] Lewis and Foy, op. cit. (2010).

The multilateralisation of the nuclear fuel cycle is yet another aspect that Africa's nuclear future might heavily depend upon. Realising the dangers of dual-use capabilities, the origins of the idea of multilaterally managing the enrichment of uranium and its processing into nuclear fuel date back to 1946.[46] More recently, the idea gained new impetus when the former head of the IAEA, Mohammed ElBaradei, put the item back on the agenda in 2003. Although a variety of proposals and initiatives have been made by countries, most of them centre on the idea of a 'nuclear fuel bank', managed by several countries or an international body, such as the IAEA, that provides customers with already enriched uranium. These countries could then individually process the uranium further to produce nuclear fuel; the main idea being to avoid the need to acquire the knowledge and technology to enrich uranium domestically which would bring them much closer to the capability of developing a nuclear weapon. Although this is certainly the most crucial part of the nuclear fuel cycle with respect to proliferation dangers and the potential of building an operational weapon, little attention has been paid to the back-end of the nuclear fuel cycle so far, for example, the storage and disposal of nuclear waste. After all, even materials such as nuclear waste could be used to manufacture so called 'dirty bombs'.

Most African countries, much as the NAM at large, are very hesitant toward such ideas. They are mainly concerned about the notion that such arrangements would further cement the NPT's divide by curtailing the right of NNWS to advance their own technologies and programs. Memories of politicised criteria for access to nuclear energy and dependence in terms of access to energy sources understandably do not sit well with African countries. On the other hand, given the continent's manifold infrastructural challenges and the largely underestimated risk of an African proliferation surge, a multilateral approach to the nuclear fuel cycle might be one of the safest solutions for Africa while still considering nuclear energy at all. Needless to say, the criteria for access to the services of such a facility would have to be transparent, apolitical and satisfiable. In any case

> [m]ore focus on implementing 1540 [UN Security Council Resolution on the 'Non-proliferation of weapons of mass destruction'] is needed in Africa particularly as a number of countries are actively considering nuclear energy programmes

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[46] The Acheson-Lilienthal Report was an early Cold War document on nuclear weapons, warfare and safeguards, essentially reacting to the realization that on the technical side there is only a fine line between processing uranium for peaceful or military purposes. See Acheson & Lilienthal, 1946.

and will need to develop effective control systems over raw and processed nuclear materials.[47]

Furthermore, the Pelindaba Treaty can surely be interpreted as pursuing not just security in a military sense, but also as improving Africa's non-proliferation profile in order to gain greater access to the peaceful benefits of nuclear technology. Keeping in mind that IAEA criteria have not always been implemented in an overly objective manner in the past, a symbolic act as grand as signing such a treaty has, in and of itself, an impact on a region's standing in the non-proliferation world. This is particularly true in a constructivist sense of substantiating an international norm.[48] Not least for the purpose of showing good intentions there should be more pressure applied to the US and Russia with respect to withdrawing their reservations to the Pelindaba Treaty's protocols. Not only does this seem the least nuclear powers should do with respect to NWFZ, but it is simply an imperative when considering the troubled waters the non-proliferation regime has been in for the past decade.

Of course, the international community needs to do its share of the work as well because nuclear proliferation knows no national or continental borders and hence poses a threat to the entire international community. Therefore, feasible and tangible alternatives need to be offered to nuclear energy, especially by industrialised countries. Where there is no alternative but to use nuclear energy, training could be offered for the protection of facilities and borders. In the best of worlds, development would be rethought in order to help developing countries avoid making the same mistakes that today's industrialised countries have made, which arguably includes not turning to nuclear energy to fulfil civilian or military purposes to begin with.

Conclusion

Although African countries (the vast majority of which are party to the Non-Aligned Movement) are closely affiliated with the NPT's main challenge, namely its grave divide between nuclear haves and have-nots, there are a few issues unique to Africa; these range from conflicting security concerns to regional security considerations, political instability, the demand for civilian applications of nuclear technologies and vast African uranium resources and extraction prospects as well as weak non-proliferation infrastructures across the continent.

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[47] Stott et al., op. cit. (2011) p. 6.
[48] See M. Finnemore and K. Sikkink, 'International Norm Dynamics and Political Change,' *International Organization*, vol. 52, no. 4 (1998).

This study found that although Africa has made significant progress on paper (most notably with the entry into force of the African NWFZ Treaty as well as the recent inception of AFCONE) the issue has not been sufficiently addressed on the multiple levels of implementation. This has various reasons as examined above. These pertain to the fact that security in terms of nuclear non-proliferation competes with other, inherently more salient, African security issues; among them are most notably socio-economic development and political stability. Given the (seemingly) more pressing challenges most African countries face, nuclear non-proliferation appears to be a peripheral issue on the continental level. Therefore, one could say that the AU's efforts in this respect are utterly half-hearted, much of which can certainly be traced back to the AU's poor institutional cohesion in general. This would not be as much of a problem if it were not for many African countries' aspirations to acquire the technology and capabilities necessary to reap the benefits of nuclear energy. Although the issue of peaceful use comes up in the speeches of the vast majority of African representatives at NPT Review Conferences, the issue of non-proliferation should play a proportionately bigger role as well. Much of this is certainly owed to NNWS attempting to counterbalance Western countries' already strong advocacy of strengthened non-proliferation.

What is more, recent events in Japan (Fukushima nuclear disaster), Germany (nuclear energy phase-out) and other countries suggests that nuclear energy might very well not lead the safest or even most reasonable way into the future. Therefore, alternative sources of energy production should be considered with the help of international organisations such as the European Union and other development programs and partnerships. After all, it would be a shame and a waste to see a continent as blessed with sunlight and high temperatures as Africa face its own Fukushima in the future.

The implementation of already existing agreements deserves far more attention. For that to materialise, more transnational and international assistance is needed for capacity building in both non-proliferation organisations and governmental agencies. Significantly more research is needed on the specific implementation of non-proliferation measures and institutions on continental, national and local levels in order to give specific policy recommendations. Additionally, higher degrees of cooperation between African countries should be sought particularly within the Common African Defence and Security Policy.

In conclusion, the issue of nuclear non-proliferation generally needs to be taken more seriously in the African context, precisely because of the points made in this paper, as not to come up short in comparison to other security issues. Underestimating the relevance of this topic within African politics and trying to sustain this high wire act between development and non-proliferation poses a real threat, globally.

Decision-Making in the UN Security Council on Libya and Syria: The Influence of the P-5 Nations

Cameron Bruce[*]

Understanding the way in which the UN Security Council operates is important given its role in authorising the use of force to maintain international peace and security. The Security Council's decision-making is assessed in two cases of proposed interventions: in Libya and Syria. Evidence suggests that the situations in Libya and Syria constituted a similar threat to international peace and security; however one situation resulted in an intervention and the other did not. Assessment of the preferences and interests of the Permanent Members of the Security Council (P-5) nation-states according to their minimum preferences suggests that the major factor leading to the differing result was a preference change by Russia and China. Given that the public arguments of both Russia and China do not adequately explain the change in their preferences, alternative explanations are considered. The case studies show that the power of veto allows one or two nations to dominate the deliberations of the Council and shape the outcome of debate in their favour and that there is a strong internal division within the Council between the Western nations and Russia and China. The Council does not appear to take into account objective criteria when determining threats to international peace and security, leading to inconsistent decision-making.

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Understanding the way in which the Security Council operates is of vital importance given its immense powers and the impact that it can have on the international system. Not only is it the only international body in the world with the authority to authorise the use of force against another nation[1] but its decisions also have implications for international law,[2] the norms of international politics[3] and even the official existence of nation-states.[4] The Council also has the power to establish embargoes, restrict the movement of individuals and freeze financial assets.[5] These powers, however, are all subject to the support of the nation-states that constitute the Council's membership at any given time, a membership that partially changes on an annual basis. Despite this fact, research on the Council tends to focus on institution-based analyses that treat the Council as a unitary actor. This paper will therefore focus on a micro-level analysis of two particular cases of Council action – one of intervention and one of non-intervention[6]– with a view to highlighting the specific preferences and interests of nation-states and their influence on Council decisions.

Theoretical Framework

The primary purpose of this paper is to analyse the factors that shape states' actions in the Security Council. By its very nature, then, this research will address (albeit tangentially) basic questions of international relations theory. However, this paper is *deliberately neutral regarding international relations theory*. Indeed, to adopt any particular theoretical position would significantly undermine the central purpose of this research.

In comparing the cases of Libya and Syria, an appropriate set of criteria must be developed. Considering the fact that the Council is tasked with addressing threats to peace and security, these criteria should be informed by the extent to which a case represents a threat to peace

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[1] Charter of the United Nations, article 42.
[2] Ian Johnstone, 'The Security Council as Legislature', in B. Cronin and I. Hurd (eds.), *The UN Security Council and the Politics of International Authority* (New York: Taylor and Francis, 2008), pp.80-104.
[3] Joe Sills, 'The Role of the United Nations in Forming Global Norms', *United Nations Occasional Papers* (2002), pp.1-54.
[4] Charter of the United Nations, article 4.
[5] Ibid. article 41.
[6] At the time of writing.

and/or security. The Charter, however, offers no guidance in this regard so this paper will rely primarily on norms of international law to develop these criteria. Specifically, the criteria used in the *Rome Statute of the International Criminal Court* and the accompanying *Elements of Crimes* shall be used, for two reasons. First, the jurisdiction of the ICC is "limited to the most serious crimes of concern to the international community as a whole."[7] Moreover, the Preamble of the Statute states that "such grave crimes threaten the peace, security and well-being of the world"[8] Thus, we can reasonably conclude that the International Criminal Court deals with the most egregious crimes committed, crimes that *severely threaten international peace and security.* Second, the referral of the situation in Libya to the International Criminal Court was a key aspect of Resolution 1970 and thus the Council itself has acknowledged the connection between crimes that fall under the Court's jurisdiction and the presence of a threat to peace and/or security. This being the case, the comparison between the situations in Libya and Syria will primarily be based on the extent to which there is evidence for the commission of crimes that fall under the jurisdiction of the International Criminal Court.

Methodological Approach

In order to analyse the decision-making process and how it is shaped, each nation's position must be quantified in some way. The preferences of each of the Permanent Members can be established by reference to key documents such as meeting records from Council sessions. Specifically, preferences concerning Resolution 1973 (Libya) are compared with those regarding draft resolution 2011 on Syria, a resolution that was defeated by vetoes from the Russian Federation and China. Analysis will focus on the *minimum preference* for each nation. This provides the most rigid goals of each nation, thus providing the most reliable means of comparison.[9] These preferences are then expressed in a typology that corresponds with the five broad outcomes of a Security Council Resolution: use of force , non-military mission , sanctions , statement and no action/veto. By establishing the preferences of each nation, anomalies can be highlighted between a

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[7] The Rome Statute of the International Criminal Court, article 5.

[8] Ibid., Preamble.

[9] It is often the case, as shall be seen later, that nations will compromise on their first preference in favour of some action taking place. By comparing minimum preferences, this bargaining process will have less effect on our analysis as states are less likely, if at all, to bargain on their 'bottom line'.

nation's preference and the final outcome of a draft resolution. Using evidence such as statements by heads of state/government, unilateral actions (both present and historical) and so forth, the factors that shape these outcomes can be identified with the ultimate goal of offering some preliminary insights regarding the decision to authorise the use of force.

The Case Studies

The purpose of comparing the cases of Libya and Syria is to determine the extent to which each represented a threat to international peace and security and thus warranted a response from the Council.[10] The case studies are compared primarily on the basis of international criminal law, especially the criteria outlined in the Rome Statute ('the Statute'). Data such as the number of civilian deaths, level of involvement of national armed forces and the repetitive nature of attacks can be used to form a general understanding of the situations in both Libya and Syria. This data broadly corresponds with key sections of the Statute, namely the requirement that, for a crime to be considered a crime against humanity, it must involve a widespread or systematic attack, deliberately directed against a civilian population by a state or organisation.[11] The number of reported civilian deaths is one factor but there are also qualitative elements that require analysis. For instance, the level of involvement of the armed forces is a hard factor to quantify but, using information from the ICC Arrest Warrant for Colonel Gaddafi[12] and the recent report by the Office of the High Commissioner for Human Rights (OHCHR) on Syria,[13] a reasonable understanding can be developed.

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[10] To ensure a viable comparison, data on Libya is taken only from the period prior to the adoption of Resolution 1973 and the data for Syria encompasses the period from January 2011, when protests began, to the establishment of the UN Supervision Mission in Syria on 21 April 2010 (Resolution 2043) The latter represents the first definitive outcome in the Council's deliberations on Syria and thus a useful end point for analysis,

[11] International Criminal Court, *Elements of Crimes*, article 7(1)(a).

[12] International Criminal Court, 'Warrant of Arrest for Muammar Mohammed Abu Minyar Gaddafi' available online: http://www.icc-cpi.int/iccdocs/doc/doc1099321.pdf (accessed 20 November 2011).

[13] Office of the High Commissioner for Human Rights (OHCHR), 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' (23 November 2011) available online:
http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf
(accessed 1 December 2011).

In Libya, for example, the ICC found the following:

> there are reasonable grounds to believe that…from 15 February 2011 until at least 28 February 2011 the Libyan Security Forces, following a consistent *modus operandi*, carried out throughout Libya an attack against the civilian population taking part in demonstrations against the Gaddafi's regime[14]

Moreover,

> there are reasonable grounds to believe that, from 15 February 2011 until at least 28 February 2011, in various localities of the Libyan territory and in particular in Benghazi, Tripoli, Misrata and other neighboring towns, inhuman acts that severely deprived the civilian population of its fundamental rights were inflicted on it by the Security Forces[15]

Thus, according to the ICC investigation, there were consistent attacks against civilians carried out by the Libyan armed security forces.

The independent report conducted by the OHCHR finds similar circumstances present in Syria:

> 39. In November, military and security forces carried out operations in Homs, Dar'a, Hama, Dayr Az Zawr and Rif Damascus, targeting public assemblies and funeral processions. In Homs, the operations were conducted in the residential areas of Alqaseer, Bab Amr, Bab Al Sibaa, Bab Hood and Karm Al Zaitoon. According to eyewitnesses, tanks deployed in and around the city frequently fired at residential buildings. It is estimated that, in a three-week period until 13 November, 260 civilians were killed.…

> 42. The commission received several testimonies indicating that military and security forces and *Shabbiha*

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[14] International Criminal Court, 'Warrant of Arrest for Muammar Mohammed Abu Minyar Gaddafi,' p. 4.

[15] International Criminal Court, 'Warrant of Arrest for Muammar Mohammed Abu Minyar Gaddafi,' p. 5.

militias had planned and conducted joint operations with "shoot to kill" orders to crush demonstrations. Such operations were conducted in the centre of Al Ladhiqiyah around Sheikh Daher Square in early April, and also in the Ramel suburb of Al Ladhiqiyah on 13 and 14 August. During the latter incident, at least 20 people, including children, were reportedly killed."[16]

The report goes on to document cases of torture (including injured civilians at hospitals), arbitrary detention, sexual violence and the deaths of at least 256 children as of 9 November.[17] As was the case in Libya, the evidence presented above strongly suggests a systematic programme of targeting civilians by the Syrian security forces. The Syrian Government disputes these figures, arguing that they are not believable, having come from defectors who have deliberately exaggerated their reports to the OHCHR.[18] However, given the lack of supporting evidence provided by the Syrian Government and the fact that the OHCHR report relied on interviews with 223 individuals (both civilians and defectors from the military/security forces) it is reasonable to say that, at the very least, the OHCHR report is broadly indicative of the situation in Syria.

Figure One - Civilian Deaths
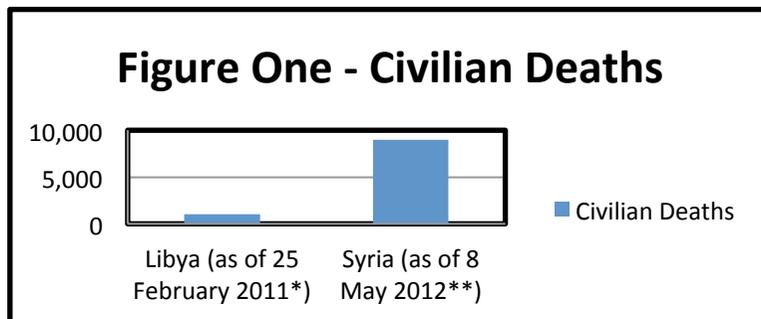
* SOURCE: BBC News[19] and ** SOURCE: UN News Centre[20]

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[16] OHCHR, op. cit.

[17] OHCHR, op. cit.

[18] The Nation, 'Syrian Envoy, UN Official Clash on Death Toll' (14 December 2011) available online: http://nation.com.pk/pakistan-news-newspaper-daily-english-online/International/14-Dec-2011/Syrian-envoy-UN-official-clash-on-death-toll (accessed 14 December 2011).

[19] 'Libya: Anti-Gaddafi Protestors Under Fire in Tripoli' (25 February 2011) available online: http://www.bbc.co.uk/news/world-africa-12576427 (accessed 29 November 2011).

There is therefore evidence to suggest that the circumstances in both Libya and Syria for the relevant periods are broadly comparable. In fact, given the death of at least 300 children in Syria – almost a third of the entire estimated civilian death toll in Libya – and almost ten times the number of overall civilian casualties, there is reason to suggest that Syria represented a more serious threat to peace and security than did Libya. Our factors could be relevant. Several factors that may be relevant, however, have not been considered. For instance, an analysis of migration flows as a result of the civil strife would certainly be relevant to any assessment of a threat to international peace and security, as would the potential for illicit arms trafficking. A thorough consideration of all aspects is not possible and thus, this comparison is somewhat limited. Nevertheless, the criteria mentioned are useful in comparing the two situations, especially given the fact that they were invoked in both Resolution 1970 and the report of the OHCHR. At least according to the criteria used, the cases of both Libya and Syria constitute a similar threat to international peace and security.

Nation-State Preferences

This being the case, it is now necessary to determine the preference of each of the Permanent Members of the Council, in order to highlight any notable anomalies. To do so, material from Council meeting records will be analysed and then expressed in a typology that corresponds with the five broad outcomes possible for a resolution: use of force non-military mission sanctions statement and no action/veto

Resolution 1973 (Libya)

Given the fact that France, the United Kingdom and the United States voted in favour of Resolution 1973 and also that sanctions had already been implemented in Resolution 1970, it is reasonable to say that all three had a minimum preference for a mission of some kind. Furthermore, statements made by the various representatives support the assertion that all three had a preference for a military option. The French Foreign Minister, for example, stated that "France sought to contribute its utmost to the international momentum by working alongside the United Kingdom, the United States and others to prepare

[20] 'Amid Civil War Concerns in Syria, Envoy Describes Ongoing Violence as "Unacceptable"', *UN News Centre*, available online: http://www.un.org/apps/news/story.asp?NewsID=41947&Cr=syria&Cr1= (accessed 11 May 2012).

the draft resolution."[21] The fact that all three nations contributed military resources to the ensuing NATO mission suggests that their preference was for a use of force mission.

Russia, on the other hand, drafted an alternate resolution that excluded the use of force, suggesting that its preference was for a statement. Indeed, the Russian ambassador argued that too little time had been allowed for the sanctions in Resolution 1970 to have an effect on the Gaddafi regime.[22] Russia also expressed concern regarding the lack of clarity surrounding the no-fly zone and the rules of engagement, suggesting a level of opposition to military intervention.[23] In the end, though, Russia chose to abstain, for reasons that are not entirely clear.[24]

On a similar note to Russia, China expressed opposition to the use of force but chose to abstain. Like Russia, China had several unanswered questions, although it did not specify what they were. Unlike Russia, though, China offered a tangible reason for its abstention:

> China attaches great importance to the relevant position by the 22-member Arab League on the establishment of a no-fly zone over Libya. We also attach great importance to the position of African countries and the African Union.
>
> In view of this, and considering the special circumstances surrounding the situation in Libya, China abstained from the voting on resolution 1973. [25]

[21] Alain Juppe, 'Statement on Resolution 1973', Record of Security Council Meeting No. 6498 (17 March 2011) available online:
http://www.un.org/Docs/journal/asp/ws.asp?m=S/PV.6498 (accessed 12 October 2011), pp. 2-3.
[22] Vitaly Churkin, 'Statement on Resolution 1973', Record of Security Council Meeting No. 6498 (17 March 2011), available online:
http://www.un.org/Docs/journal/asp/ws.asp?m=S/PV.6498 (accessed 12 October 2011), p. 8.
[23] Ibid.
[24] According to the Russian ambassador : "The Russian Federation abstained in the voting on the draft resolution on Libya on the basis of a number of considerations of principle." Ibid., p.8

In the case of Resolution 1973, then, the minimum preferences were as follows:

Nation	Preference
China	Statement
France	Use of Force
Russia	Statement
United Kingdom	Use of Force
United States	Use of Force

Draft Resolution 2011 (Syria)

The draft resolution on Syria is somewhat more complex, given that it was vetoed by both China and Russia and there are competing arguments amongst Council members as to the nature of the proposed text. Our analysis here is especially limited by the fact that it is impossible to verify the arguments made by various ambassadors as they often refer to private deliberations amongst Council members for which no records exist. It is still possible, though, to make some reasonable inferences from the available evidence.

First, we can infer from the fact that the United Kingdom (through the European Union)[26] and France[27] both implemented sanctions outside of the Council that they favoured the adoption of sanctions through the Council. However, the British ambassador notes that during the negotiation process, the text was significantly watered down so as to remove the possibility of military action, the imposition of sanctions and even the threat of future sanctions.[28] The French ambassador also recognises this point, stating that, "we agreed to withdraw the proposed sanctions, which we thought were necessary."[29] This being the case, the preference of France and the United Kingdom was for a statement.

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[26] British Foreign and Commonwealth Office, 'Syria – Q&A on Current Unrest' available online: http://www.fco.gov.uk/en/global-issues/mena/syria/ (accessed 14 December 2011).
[27] Gerard Araud, 'Statement on Draft Resolution 2011', *Record of Security Council Meeting No. 6627* (4 October 2011) available online: http://www.un.org/Docs/journal/asp/ws.asp?m=S/PV.6627 (accessed 12 October 2011).
[28] Sir Mark Lyall Grant, ibid.
[29] Gerard Araud, ibid., p.3

The United States, on the other hand, had a preference for sanctions, demonstrated by the brief statement by Ambassador Rice following the vote:

> The United States believes it is past time for this Council to assume its responsibilities and impose tough, targeted sanctions and an arms embargo on the Assad regime, as we have done domestically.[30]

By contrast, both Russia and China opposed the resolution on similar grounds. The Russian ambassador made the following statement:

> Of vital importance is the fact that at the heart of the Russian and Chinese draft was the logic of respect for the national sovereignty and territorial integrity of Syria as well as the principle of non-intervention, including military [sic], in its affairs.[31]

This argument was echoed by the Chinese ambassador, who invoked the Charter of the United Nations and also the principle of non-interference in domestic affairs.[32]

Given their veto and especially in light of the compromises that seem to have been offered, the preference of both China and Russia was No Action/Veto. Thus, the preferences for draft resolution 2011 were as follows:

Nation	Preference
China	No Action/Veto
France	Statement
Russia	No Action/Veto
United Kingdom	Statement
United States	Sanctions

Clearly, the most relevant anomaly is the change of position by Russia and China from statement on Resolution 1970 to no action/veto on draft resolution 2011, in spite of similar circumstances being present. This anomaly deserves further investigation.

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[30] Susan Rice, ibid., p.8.
[31] Vitaly Churkin, ibid., p.3.
[32] Li Baodong, ibid., p.5.

The Russia/China Preference Change

The preference change of Russia and China will be analysed in two ways: first, through analysis of the arguments offered by the countries' respective ambassadors and second, by testing alternative explanations.

The Russian Argument

In his statement following the vote on draft resolution 2011,[33] Ambassador Churkin emphasised the following points:

1) The alternative draft offered by Russia and China was guided by the principles of national sovereignty, territorial integrity and non-intervention.
2) "There is no alternative to dialogue; there cannot be."[34]
3) The imposition of sanctions and ultimatums contravenes the principle of the pacific settlement of disputes.

Such an argument is at odds, however, with previous Russian actions. Indeed, Russia voted in favour of sanctions against Libya on Resolution 1970, so to make the argument that they violate the principle of pacific settlement is contradictory to Russia's own behaviour. It might be argued that Russia is applying this principle specifically to the case of Syria for one reason or another. The Russian ambassador, though, clearly states in his remarks that, "The situation in Syria cannot be considered in the Council separately from the Libyan experience."[35] The public explanation offered by Russia, then, does not satisfactorily account for its preference change.

The Chinese Argument

The Chinese ambassador's remarks were very brief and vague, making it difficult definitively to establish the Chinese position, let alone subject it to critical analysis. Nevertheless, China's remarks are very similar to those of Russia:

> [The international community] should fully respect Syria's sovereignty, independence and territorial integrity.

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[33] Vitaly Churkin, ibid., pp.3-4
[34] Ibid.. p.5.
[35] Ibid., p.4.

> Whether the Security Council takes further action on the question of Syria should depend upon whether it would facilitate the easing of tension in Syria, help to defuse differences through political dialogue and contribute to the maintenance of peace and stability in the Middle East. Most important, is should depend upon whether it complies with the Charter of the United Nations and the principle of non-interference in the internal affairs of States.[36]

Like Russia, China places an emphasis on peaceful dialogue, non-interference and sovereignty. However its arguments are similarly unsatisfactory in explaining the change in preference. Not only did China also support sanctions against Libya, one of the key reasons for its abstention (which was tantamount to passive support) on Resolution 1973 was the role of relevant regional organisations and states. Yet despite significant sanctions from the League of Arab States and also calls from the chief of the opposition Free Syria Army for "international protection, the establishment of a no-fly zone, a buffer zone and strikes on certain strategic targets considered as crucial by the regime"[37] China still decided not to support any additional Council response to the situation.

Alternative Arguments

Given that the public arguments of both Russia and China do not adequately explain the change in their preferences, some alternatives need to be considered. With Russia being far more vocal in its opposition to Council action than China, examination should focus on possible reasons for Russia's preference change.

One of the most obvious explanations is the fact that Russia has a large naval base in the Syrian port of Tartus, where significant upgrades have recently commenced. In fact, the Russian navy's only aircraft carrier, the *Admiral Kuznetsov*, travelled to the port during a period of particularly intense fighting, ostensibly to "prevent a military conflict in

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[36] Ibid., p.5.

[37] Al Arabiya with Agencies, 'Arab League Mounts Pressure on Syria as Free Army Calls for Air Strikes', *Al Arabiya News* (24 November 2011) available online: http://www.alarabiya.net/articles/2011/11/24/179003.html (Accessed 30 November 2011)

Syria".[38] However, this explanation only makes sense if Russia perceives a possible threat to the base itself or its power projection capabilities in the area. Analysis from STRATFOR, however, strongly suggests that Russian naval power has been steadily increasing, especially over the past decade.[39] Indeed, this is the third time since 1996 that the *Kutznetsov* has visited the port of Tartus. Furthermore, Russia has enjoyed a close historical relationship with Damascus and its main strategic rival, the United States, is poorly regarded by Syria, to the point where Bashar Ja'afari, Syria's UN ambassador, suggested that the United States might be complicit in the genocide of the Palestinians.[40] This would seem to suggest that Russia should not be overly concerned with threats to its naval capabilities. However, George Friedman argues that Russia will be engaged in open conflict with the United States in the next decade or two[41] and, if this is correct, Russia's defensiveness concerning Syria makes more sense. In fact, Friedman does not even have to be correct, it is enough for Russia to believe in this possibility and be preparing accordingly. This may well be the case, considering other moves by Russia in the recent past, such as the deployment of nuclear warheads to the borders of NATO states late last year.[42]

Other possibilities bear consideration, though, if only for the purpose of analytical rigour. Russia has, for instance, benefited significantly from a sharp increase in the price of Ural crude in the wake of the sanctions imposed on Syria. The Brent crude produced in Syria was the typical competitor to Russian Ural crude but with the imposition of sanctions, exports have ceased to European markets, Syria's primary customer, forcing the price of Ural crude to increase significantly. Whilst it might be overly cynical to suggest that Russia's Council diplomacy was initially informed by this goal, it is worth considering the extent to

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[38] Lisa Karpova, 'Russia Sent Military Ships to Base in Syria', *Pravda* (30 November 2011) available online: http://english.pravda.ru/hotspots/terror/30-11-2011/119791-Russia_sent_military_ships_to_Syria-0/ (accessed 5 December).

[39] STRATFOR, 'Russia: A Major Mediterranean Deployment' (17 December 2007) available online:
http://www.stratfor.com/analysis/russia_major_mediterranean_deployment (accessed 3 December 2011).

[40] Bashar Ja'afari, op. cit. p.13.

[41] George Friedman, *The Next 100 Years* (Melbourne: Black Inc., 2010)

[42] STRATFOR, 'Russian Missiles on NATO's Border' (30 November 2010) available online: http://www.stratfor.com/analysis/20101130_russian_missiles_natos_border (accessed 10 December 2011).

which Russia is attempting to preserve this state of affairs now that they are benefiting.

Finally, a brief consideration of China is necessary. Unlike Russia, China has no military bases in the region, nor does it enjoy close historical ties with Syria. Moreover, there are no immediate economic benefits to be enjoyed, thus several possible explanations for China's shift are immediately excluded. One possible explanation may be the diplomatic relationship with Russia. In an interview with David Bosco, Joel Wuthnow from the *China and the World Program* at Princeton University argues that China and Russia support each other on the Council, with China supporting Russia on Iran and Russia supporting China on North Korea.[43] Wuthnow contends that China 'fears isolation' on the Council and avoids casting a 'lone veto' (with the exception of situations concerning Taiwan).[44] Verifying this possibility with any certainty is impossible but it does make sense. The brevity of China's statement on the draft resolution[45] could also suggest that it had no deep interest in the matter, which would lend further credence to this theory.

Conclusion

The nature of Council diplomacy is such that certainty is impossible, especially in an investigation of the motives of nation-states. Moreover, a focus on only two cases of Council involvement means that any conclusions drawn are inherently limited in their application. There are, however, some salient points that can be made.

First, it is clear that the power of veto allows one or two nations to dominate the deliberations of the Council and shape the outcome of debate in their favour. In the case of draft Resolution 2011, both the United Kingdom and France *favoured* sanctions and had a minimum preference for a statement yet, despite this, were still not able to prevent Russia and China from vetoing the resolution. Without being able to see the evolution of the actual text it is impossible to evaluate the extent to which Russia forced the UK and France to compromise but the record

[43] David Bosco, 'Interview: China's Security Council Diplomacy' *The Multilateralist* (13 October 2011) available online:
http://bosco.foreignpolicy.com/posts/2011/10/13/interview_how_china_behaves_on_the_security_council (accessed 20 October 2011).
[44] Ibid.
[45] Li Baodong, op. cit. p.5.

of meeting suggests that both made significant concessions, only for the resolution to be vetoed anyway.

Second, these case studies highlight the internal division within the Council between the Western nations and Russia and China, although the impact of this division varies between situations. In the case of Libya, there were clear dividing lines with the Western nations all exhibiting a preference for the use of force whilst Russia and China preferred a statement. Despite this wide gap in preferences, the use of force was authorised in Libya whereas in Syria, where the widest gap was between the United States (sanctions) and Russia/China (no action/veto), no action was taken at all. In both cases, though, there was a clear distinction between the position of the Western nations and that of Russia and China and it is interesting to note the impact that it can have on Council decisions.

Third, it is useful to note that the decisions of the permanent members are never taken within a rigid framework. If this were true, countries would have formed similar preferences in the cases of Libya and Syria as, according to the Rome Statute criteria , both situations represented a comparable threat to international peace and security (perhaps even more so in Syria). This was not the case, however and instead, Russia and China opposed action in Syria on the grounds of sovereignty and non-interference. This public explanation, though, is inadequate and thus the role of strategic interests and informal alliances must be considered. Given the often confidential nature of Council negotiations, it is impossible to be certain about the extent to which these factors were influential but it is clear that no one explanation of the change in Russian/Chinese preferences is sufficient.

Finally, though this statement may seem somewhat obvious, it is clear that the Council does not deliberately take into account any type of objective criteria when determining threats to international peace and security. Even though several representatives made clear references to the fact that crimes against humanity had likely been committed, there was never any systematic discussion of the extent to which either situation represented a threat to international peace or security. Given that this is the central mandate of the Council, it is curious that there was no recorded discussion in this regard and this is an area worthy of further research.

In sum, the factors shaping Council diplomacy are both complex and somewhat obscured. The veto power clearly has a role in agenda-setting within the Council and impacts upon Council outcomes (or lack thereof); there is also a clear internal division between China and Russia on the one hand and the Western nations on the other. Finally, the lack of any criteria for determining threats to international peace and security is evident in the different response by the Security Council to intervention in Libya and Syria.

'Sinking States' in the South Pacific: Legal Ambiguity, Protection Gaps and Ways Forward

Emily Grace Charlotte Dale*

Small island developing states of the South Pacific are particularly vulnerable to change in weather systems and, as such, some relocation and displacement of these populations has been predicted. The current legal protection of environmentally displaced persons is inadequate: they do not meet the definition of refugees as they lack fear of persecution; they are not stateless persons either. They have suffered physical loss of their territory or loss of nationality; yet, the customary international law obligation of non-refoulement does not apply unless they have found a means to relocate. In order to close the protection gap action should be taken to mitigate the effects of climate change, to assist small island developing states to adapt to climate change and to develop regional relocation schemes.

Change to national legislation in Australia and New Zealand could broaden the protection offered to environmentally displaced persons.

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In recent years, climate change has received a surge of interest and attention globally, from both the public and private sectors as a result of dramatic improvements in the quality and availability of scientific data. This has led to a proliferation of information on the phenomenon and unprecedented accuracy in its measurement, which has contributed to a growing recognition of its adverse effects. Yet stakes are higher for some than they are for others, as the effects of climate change are neither geographically consistent nor proportionate to local greenhouse gas emission levels. A great irony of climate change is that many of the smallest contributors to global emissions are located in some of the world's most environmentally vulnerable zones.

The case of the small island developing states (SIDS) of the South Pacific is a striking example of such an occurrence. South Pacific SIDS have traditionally possessed extreme climates prone to cyclones, flooding, shoreline erosion and environmental degradation.[1] They are now becoming exposed to another unprecedented threat. According to data collected by the Intergovernmental Panel on Climate Change (IPCC), it is estimated that global sea levels will rise between 0.18m and 0.59m by the end of this century.[2] This trend, coupled with the fact that the Pacific Basin region is "the centre of the strongest inter-annual variability of the climate system,"[3] and home primarily to small, low-lying island states,[4] is potentially very damaging.

South Pacific Island communities are already beginning to be affected. In early 2009, as a result of "years of worsening storm surges and king tides that infected the fresh water supply and ruined the islanders' staple banana and taro crops," Papua New Guinea's Carteret Islands began relocating their population to Bougainville, in what has become an ongoing relocation operation.[5] In the same year, rising sea levels forced Solomon Islands officials to "look for land to resettle people from low-lying outer atolls" and communities inhabiting "the outer atolls of the Federated States of

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[1] T. Taafaki, 'Tuvalu,' *The Contemporary Pacific*, vol.19, no.1 (2007), pp. 276-86.
[2] S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller, (eds.), *Climate Change 2007: The Physical Science Basis Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge: Cambridge University Press, 2007), p.820.
[3] Ibid., p. 413.
[4] UN High Commissioner for Refugees UNHCR, *Climate Change, Natural Disasters and Human Displacement: A UNHCR Perspective*, 2009, p. 5.
[5] A. Morton, 'First Climate Refugees Start Move to New Island Home,' *The Age* (29 July 2009) available online: http://www.theage.com.au/national/first-climate-refugees-start-move-to-new-island-home-20090728-e06x.html (accessed 12 March 2012).

Micronesia were facing food and water shortages and [consequently] moving to higher ground."[6]

If sea levels continue to rise at their existing rate, it is likely that many South Pacific SIDS will suffer "shrinking land mass,"[7] and possibly even the ultimate consequence of complete submersion. This possibility will be termed throughout this paper as the 'sinking states,' scenario. The South Pacific Islanders that either have already, or might in future, become displaced by such a phenomenon will be referred to as 'environmentally displaced persons,' rather than refugees or stateless persons, in order to circumvent any contention regarding their legal status as members of either group. This paper focuses specifically on external, rather than internal, migration; this refers to the possibility of environmentally displaced persons being forced to migrating internationally as a result of their land either being rendered uninhabitable or disappearing completely beneath rising sea levels.

The aim of this chapter is to suggest several strategies for maximising the protection of environmentally displaced persons. It begins by analysing the difficulty of conceptualising such a group in international law: that is, within the scope of existing laws relating to statelessness and refugee rights. It then examines the entitlements of environmentally displaced persons under customary international law, highlighting any gaps that limit the protection available to them. Finally, it explores three possible solutions for ensuring the human security of populations threatened by environmental displacement that can be enacted immediately and within the framework of existing international law: relocation of affected populations, mitigation of the adverse effects of climate change and adaptation to those effects.

The Legal Status of Environmentally Displaced Persons

The legal status of environmentally displaced persons raises two issues: first, whether they are entitled to refugee status, and second whether they can be recognised as stateless individuals. The following section explores whether placing this group into these categories is feasible from a legal perspective.

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[6] B. Nicholson, 'Pacific Islanders Cry for Help,' *Sydney Morning Herald* (27 July 2009) available online: http://www.smh.com.au/environment/climate-change/pacific-islanders-cry-for-help-20090726-dxio.html (accessed 12 March 2012).
[7] P. Cotton, 'Refugees in the New Zealand Context' (2004) available online: http://www.rms.org.nz/resources_and_links/rms_publications (accessed 2 April 2012).

Status as Refugees

Currently, the parameters of what constitutes a 'refugee' are determined by the 1951 Convention Relating to the Status of Refugees (more commonly referred to as the Refugee Convention), which defines a refugee as any individual that:

> Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.[8]

This definition emerged in the aftermath of World War II, in response to "the escalation of refugees from post-war Europe,"[9] and has not since been revised. The 1951 Refugee Convention and the 1967 Refugee Protocol remain the primary documents through which requests for the "recognition and attribution of legal status" [10] to refugee claims are channelled. Established at the same time was the Office of the United Nations High Commissioner for Refugees (UNHCR), which is the UN refugee agency responsible for "lead[ing] and co-ordinat[ing] international action to protect refugees and resolve refugee problems worldwide."[11]

Environmentally displaced persons do not fit within the legal definition of refugees or the official mandate of the UNHCR for two important reasons. First, the fear of persecution makes it difficult to apply international refugee law to cases of environmental displacement. Despite the potential for the adverse effects of climate change to cause great harm to affected populations, those effects "do not meet the threshold of 'persecution' as this is currently understood in law."[12] As environmental displacement is not tied to the actions of a specific 'persecutor', – that is, a government that either actively harms the fundamental human rights and human security of its population, or is unable to offer protection from another such persecuting actor or group – those seeking refuge from the consequences of climate change are not legally

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[8] Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention).

[9] A. Williams, 'Turning the Tide: Recognizing Climate Change Refugees in International Law,' *Law and Policy*, vol. 30, no. 4 (2008), p. 507.

[10] Ibid.

[11] UNHCR, 'About Us' (2012) available online: http://www.unhcr.org/pages/49c3646c2.html (accessed 27 April 2012).

[12] J. McAdam, 'Climate Change Displacement and International Law' Side Event to the UN High Commissioner for Refugees' Dialogue on Protection Challenges (Geneva 8 December 2010) p. 2.

entitled to refugee status. Second, the Refugee Convention's requirement that refugee status be founded upon persecution for 'reasons of race, religion, nationality, or membership of a particular social group or political opinion' is problematic for environmentally displaced persons because "the impacts of climate change are largely indiscriminate, rather than tied to particular characteristics such as a person's background or beliefs."[13]

As such, of the few claims for refugee status on the basis of environmental displacement that have thus far been made before Australian and New Zealand tribunals, none have been successful. New Zealand and Australia, both parties to the Refugee Convention and Refugee Protocol, have maintained a strict interpretation of their obligations under the Convention: claims were rejected on the basis that they failed to satisfy the criteria of Article 1(A)(2) of the Refugee Convention.[14] Furthermore, the Australian government has expressed reservations about granting refugee status to environmentally displaced persons; as the "migration intensification" that would likely ensue from such a policy shift has great potential to cause "instability and conflict," as well as "societal and economic stress."[15]

The UNHCR is reluctant to alter existing legal frameworks for determining refugee status, arguing that expanding the term 'refugee' to include environmentally displaced persons "could potentially undermine the international legal regime for the protection of refugees whose rights and obligations are quite clearly defined and understood."[16] It also takes into account the destabilising effect that expanding this definition might have on international migration patterns. There is a risk that such a policy shift would contribute to a dramatic escalation in external migration, which raises the possibility of prospective host countries being unable to provide adequate "land, shelter, resources and livelihoods," to minimise conflicts and shortages

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[13] Ibid.

[14] See, for example: New Zealand Refugee Status Appeals Authority, 'Refugee Appeal No. 72189/2000' (17 August 2000) available online:
http://www.unhcr.org/refworld/pdfid/4d08cf7f2.pdf (accessed 2 April 2012). Also see: Refugee Review Tribunal of Australia, 'RRTA 1168, Case No. 0907346' (10 December 2009) available online:
http://www.unhcr.org/refworld/category,LEGAL,,,KIR,4b8fdd952,0.html (accessed 2 April 2012).

[15] Australian Parliamentary Library, 'Migration Intensification' (2010) available online:
http://www.aph.gov.au/library/pubs/climatechange/effects/security/migration.htm#ENV (accessed 22 April 2012).

[16] UNHCR, op. cit. (2009) p. 9.

among new entrants.[17]

Status as stateless persons

It is also difficult to conceptualise environmentally displaced persons within the paradigm of statelessness. According to the 1954 Convention Relating to the Status of Stateless Persons, the term 'stateless person' means "a person who is not considered as a national by any State under the operation of its law."[18] In this context, the term 'State' is understood as defined in the 1933 Montevideo Convention on the Rights and Duties of States as an entity that possesses:

    a) a permanent population;
    b) a clearly defined territory;
    c) government; and
    d) the capacity to enter into relations with other states.[19]

The Statelessness Convention was designed to address situations of administrative statelessness: that is, cases where nationality is denied "through the operation of the law of a particular State, rather than through the disappearance of a State altogether."[20] It therefore "deliberately embodies a very narrow and legalistic understanding of statelessness."[21] The situation of environmentally displaced persons is irrelevant in this context: in order to be considered 'stateless' under international law, environmentally displaced persons must already have either suffered the physical loss of their territory or had their nationality rescinded by their government.

The Statelessness Convention also does not consider the possibility that even when a state possesses the four requirements of the Montevideo Convention, it might lose its ability to function practically, if not legally. Given present trends, it is likely that many of the South Pacific SIDS "will become uninhabitable long before the land is actually submerged, as drinkable water

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[17] UNHCR and Displacement Solutions, 'Climate Change, Human Rights and Forced Human Displacement: Case Studies as Indicators of Durable Solutions' Proceedings of the 60th Anniversary of the Universal Declaration of Human Rights and International Human Rights Day (Canberra 10 December 2008) p. 4.

[18] Convention Relating to the Status of Stateless Persons (adopted 28 September 1954, entered into force 6 June 1960) 360 UNTS 117.

[19] Montevideo Convention on the Rights and Duties of States (adopted 26 December 1933, entered into force 26 December 1934) 165 LNTS 17 (Montevideo Convention).

[20] J. McAdam, 'Climate Change 'Refugees' and International Law,' *Bar News*, Winter (2008), p. 31.

[21] Ibid.

becomes scarce and food crops fail"[22] and "increasingly frequent and intense extreme weather events, coral bleaching and soil degradation" begin to take their toll on local livelihoods. [23] The category of statelessness is therefore neither relevant nor useful for environmentally displaced persons.

Protection Under International Law

Customary international law has the potential to act as a protective mechanism for environmentally displaced persons. Customary international law refers to "general practice accepted as law," which is founded upon "virtually uniform State practice," accompanied by a "legal conviction that such a practice is required or allowed as a matter of law *(opinio juris)*." [24] Customary international law contains the fundamental human rights that are binding for all States irrespective of whether they have ratified human rights treaties.[25]

The area of customary international law that is most relevant to the situation of environmentally displaced persons is the principle of non-refoulement:

> the obligation not to extradite, deport, expel or otherwise remove a person from [a] territory, where there are substantial grounds for believing that there is a real risk of irreparable harm [upon repatriation].[26]

This principle, which forms the cornerstone of refugee law, also has the potential to be useful in the context of environmental displacement, as it stipulates that any evidence of *a real risk of irreparable harm* gives rise to a protection obligation (unlike in refugee law, this obligation does not need to be linked with persecution). It therefore provides a measure of protection for those affected by environmental displacement that would not meet legal

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[22] K. Boom and A. Lederwasch, 'Human rights or climate wrongs: is Tuvalu the canary in the coal mine?,' *The Conversation* (18 October 2011) available online: http://theconversation.edu.au/human-rights-or-climate-wrongs-is-tuvalu-the-canary-in-the-coal-mine-3830 (accessed 2 April 2012).
[23] Secretariat of the Pacific Regional Environment Programme [SPREP], *Pacific Islands Forum Framework for Action on Climate Change 2006- 2015*, 2nd edn. (27 February 2012) available online: http://www.sprep.org/attachments/Publications/PIFACC-ref.pdf (accessed 12 April 2012), p. 9.
[24] J.M. Henckaerts, 'International Humanitarian Law as International Customary Law,' *Refugee Survey Quarterly*, vol. 21, no. 3 (2002), p. 189.
[25] L. Cotula and M. Vidar, *The Right to Adequate Food in Emergencies,* Food and Agricultural Organisation of the United Nations [FAO] Legislative Study 77 (Rome: FAO, 2002), p. 5.
[26] Office of the High Commissioner for Human Rights [OHCHR], 'Transfer of Persons' (17 October 2005) UN Doc E/CN.4/Sub.2/RES/2005/12.

definition of refugees or stateless persons.

However, it is difficult for environmentally displaced persons to seek protection under the principle of non-refoulement for several reasons. First, the principle of non-refoulement prohibits the *repatriation* of an individual to a territory where he or she might experience harm and is therefore only relevant to environmentally displaced persons already located outside their home countries; this requires environmentally displaced persons to find a means of relocating and seeking asylum *before* they are entitled to protection under international law. This process is unfeasible for many South Pacific SIDS populations. According to Professor Jon Barnett, a specialist in resource management and geography at the University of Melbourne:

> It is very difficult to move internationally from an island: it requires travel on a boat or a plane, which is expensive. It also requires gaining entry through a major port, which requires a passport, a visa, money, and a high degree of literacy. For these reasons the majority of people in the South Pacific cannot move.[27]

Second, even if international migration were possible, application of the principle of non-refoulement requires proof that the home governments of environmentally displaced persons are the source of *irreparable harm*, and are unwilling or unable to offer adequate protection to asylum seekers. While Pacific Island governments continue to fulfil the duties required of functioning states, and as extreme weather events and shrinking land mass have not yet escalated to the point at which Pacific Island states would become uninhabitable, it is difficult to locate Pacific Island populations within the discourse of non-refoulement.

Hence, the existing international legal framework is not useful for ensuring the protection of these environmentally displaced persons. By not granting refugee status or the rights of stateless persons to such a group, existing international law encourages environmentally displaced persons to be dealt with retroactively: that is, only when their situation has become so dire that their right to life is systematically and collectively threatened and large-scale ad-hoc relocation is rendered their only option. Environmentally displaced persons thus fall into an "institutional gap" in international law, whereby the absence of a clearly defined legal category for those affected by environmental displacement complicates the protection of this group's human

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[27] J. Barnett, 'Forget that Sinking Feeling – There's Nothing Inevitable about Climate Change Refugees,' *The Conversation* (19 April 2011) available online: http://theconversation.edu.au/forget-that-sinking-feeling-theres-nothing-inevitable-about-climate-change-refugees-814 (accessed 27 April 2012).

rights. [28]

Closing the Protection Gap

Given this situation, the revision of international law to address current inadequacies will be instrumental in protecting the human security of environmentally displaced persons in the long term. However, this would require careful planning and it may take considerable time to achieve consensus within the international community for the required changes to be made. As such, more immediate proactive solutions are needed to ameliorate existing legal protection gaps that are capable of being implemented. There are three such measures for maximising the protection of environmentally displaced persons within the existing international legal framework, which should be pursued as a matter of urgency. These measures involve taking action to mitigate the effects of climate change; aiding South Pacific SIDS to increase their adaptive capacity to climate change; and developing regional relocation schemes to support the needs of displaced populations.

Mitigation

The strategy of mitigation is centred upon avoiding the unmanageable effects of climate change and involves addressing the major underlying causes of the sinking states phenomenon. [29] Specifically, this would mean taking measures to reduce aggregate global greenhouse gas emissions, which the IPCC identifies as being a "very likely caus[e for] most of the observed global warming over the last 50 years."[30] According to IPCC data, human emissions are a "very likely" contributor to "thermal expansion from ocean warming and glacier mass loss" which has resulted in "sea level rise during the latter half of the 20th century."[31] Human emissions are likely to have been a major contributor to shifts in "storm tracks, winds and temperature patterns in both [Northern and Southern] hemispheres."[32]

Anthropogenic influences have also been widely acknowledged by the international community as having significantly contributed to climate change. This link was formally recognised in 1992, with the adoption of the now almost universally ratified United Nations Framework Convention on Climate Change (UNFCCC), which states that:

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[28] J. McAdam, op. cit., p. 28.
[29] UNHCR, op. cit. (2009) p. 10.
[30] Solomon, Qin, Manning, Chen, Marquis, Averyt, Tignor and Miller, op. cit. (2007) p. 665.
[31] Ibid.
[32] Ibid.

> [H]uman activities have been substantially increasing the atmospheric concentrations of greenhouse gases, [and] these increases enhance the natural greenhouse effect… [T]his will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind.[33]

As most South Pacific Island states are "amongst the lowest contributors to factors causing climate change,"[34] the challenge of reducing emissions cannot be effectively met at a national level. Rather, "inter-State cooperation will lie at the heart of effective mitigation [efforts], which will have to be closely linked with development."[35] The coordination of international efforts would be a vital component of any successful mitigation strategy. This would involve certain action being taken by "the world's major greenhouse gas-emitting countries to set targets and make commitments to significantly reduce their emissions."[36]

This process has already begun with the adoption of the UNFCCC and, in 1995, the complementary Kyoto Protocol, which "legally binds developed countries to emission reduction targets."[37] Accordingly, a number of countries have begun to implement policies targeted at reducing greenhouse gas emissions. For example, the European Union introduced the first large emissions trading scheme (ETS) in 2005, and Australia has committed to fixing a price on carbon as a transitional step towards implementing a comprehensive ETS.

Global emission reduction initiatives, and accompanying multilateral conferences and negotiations represent a positive step towards mitigating the adverse effects of climate change. National initiatives also show potential. However broad consensus regarding a coherent global strategy for mitigation has not yet been achieved, and commitments to emission reduction initiatives from developed nations have been limited. The outcome of the most recent UNFCCC conference held in Durban, South Africa at the end of

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[33] United Nations Framework Convention on Climate Change (opened for signature 29 May 1992, entered into force 24 March 1994) 1771 UNTS 107 (UNFCCC).
[34] The Pacific Islands Forum, 'The Niue Declaration on Climate Change,' Forum Communiqué of the 39th Pacific Islands Forum, Alofi, Niue (20 January 2010) available online:
http://www.forumsec.org.fj/resources/uploads/attachments/documents/THE%20NIUE%20DECLARATION%20ON%20CLIMATE%20CHANGE.pdf (accessed 4 April 2012), p. 1.
[35] UNHCR, op. cit. (2009) p. 11.
[36] The Pacific Islands Forum, op. cit. (2010) p. 1.
[37] UNFCCC, 'Background on the UNFCCC: The International Response to Climate Change' (2012) available online: http://unfccc.int/essential_background/items/6031.php (accessed 2 February 2012).

2011, was deemed "unsatisfying to many" and was criticised for being "sufficient to keep the negotiating process alive, [but] not [to] have a significant impact on climate change." [38] Representatives of the major emitting countries at the Durban talks were unable to agree on whether a "legally binding deal covering all emitters by 2015" should be adopted. [39] This strategy, proposed by the European Union, "rejected by India and China, and met without enthusiasm by the United States… was what nearly brought the talks down."[40]

The significance of achieving an effective mitigation strategy lies in its potential to address the root cause of the sinking states scenario. The inability of major emitting countries to reach consensus on an emission reduction strategy could potentially have catastrophic consequences for those under threat of environmental displacement. It is therefore imperative that state leaders make a more profound commitment to emissions reduction, making this a priority in international forums and policy development.

Adaptation

Meanwhile, the strategy of adaptation focuses on managing the unavoidable effects of climate change. [41] This involves equipping South Pacific SIDS populations with the necessary tools to adjust to rising sea levels and increases in extreme weather events.

The Secretariat of the Pacific Regional Environment Program (SPREP) is a South Pacific regional body that has "been charged by the governments and administrations of the Pacific region with the protection and sustainable development of the region's environment."[42] Its recent *Pacific Islands Forum Framework for Action on Climate Change 2006-2015* (a revised edition of a report produced in 2005), outlines an updated framework for meeting the challenges of climate change through four major internal adaptation measures:

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[38] J.M. Broder, 'Climate Talks in Durban Yield Limited Agreement,' *The New York Times* (11 December 2011) available online: http://www.nytimes.com/2011/12/12/science/earth/countries-at-un-conference-agree-to-draft-new-emissions-treaty.html (accessed 21 April 2012).

[39] M.A. Levi, 'Overstated Success at Durban Climate Conference,' *The Atlantic* (12 December 2011) available online: http://www.theatlantic.com/international/archive/2011/12/overstated-success-at-durban-climate-conference/249840/ (accessed 21 April 2012).

[40] Ibid.

[41] UNHCR, op. cit. (2009) p. 10.

[42] Secretariat of the Pacific Regional Environment Program (SPREP), 'About Us' (2012) available online: http://www.sprep.org/About-Us (accessed 4 April 2012).

a) focusing on good governance and decision making;
b) developing partnerships with other states to support local initiatives;
c) improving understanding of climate change among Pacific Island populations; and
d) enhancing education, training and awareness with regard to climate change.[43]

Focusing on good governance and decision-making involves the establishment of an "efficient enabling environment that ensures administrative feasibility and operational capability" for managing the effects of climate change as they arise. [44] This aim necessitates the creation of institutions that "link regional, national and local initiatives with the international frameworks for addressing climate change."[45] The related goal of developing strong external partnerships is important both for the coordination of adaptation efforts and the sharing of important technologies.

Improving Pacific Island populations' understanding of climate change focuses on developing and improving data and tools for climate observation by sustaining and upgrading present technology.[46] The related task of enhancing education, training and awareness regarding climate change involves the development of training programs that focus on "climate change impacts and climate change negotiations" and how to "implement, manage and main[tain] renewable energy technologies."[47] Awareness of climate change would also be improved by creating a database of "community education materials (in local languages) for advocacy and awareness raising" and mainstreaming the topic of climate change in the school curriculum.[48]

The Australian government has announced its support for adaptive solutions to the sinking states phenomenon, expressing its commitment to "decisive action on climate change and support [for] good environmental outcomes both at home and globally" underpinned by an understanding that "building resilience to climate change and addressing serious environmental concerns is of critical importance for vulnerable countries in the Pacific."[49] To this end, Australia's International Climate Change Adaptation Initiative directed $150

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[43] SPREP, op. cit. (2012) p. 11.
[44] Ibid., p. 16.
[45] Ibid.
[46] Ibid., p. 18.
[47] Ibid.
[48] Ibid.
[49] Ibid.

million between 2008 and 2011 to high-priority climate change adaptation needs in the South Pacific. Ausaid describes as follows:

a) the Pacific Climate Change Science Program is helping Pacific island countries and East Timor better understand how climate change will impact them;

b) the Asia-Pacific Community-based Adaptation Small Grants Program providing funds to implement priority adaptation measures at the local level in fourteen Pacific Island countries;

c) the Pacific Future Climate Leaders Program will work to build a group of Pacific leaders with a greater understanding of climate change and tools to enhance resilience; and

d) the Community-based Adaptation Activity Grants will support Australian and international non-government organisations to work with local organisations to scale up current successful community-based adaptation activities. [50]

The Australian government has also funded various construction projects to provide rainwater tanks to local populations, "realign sections of highly vulnerable roads… raise roads in low-lying areas upgrade drainage infrastructure and improve soil erosion protection.[51] Initiatives such as these are instrumental for ensuring that Pacific Island populations are able to employ on-the-ground strategies to cope with the challenge of climate change at the local level.

Relocation

The third strategy for managing environmental displacement considered in this paper is the development of regional relocation schemes. This section explores the feasibility of implementing these schemes within the framework of existing international law to address the issue of environmental displacement. This approach is intended to circumvent the challenges that would be associated with revising international law to provide for environmentally displaced persons, which is not feasible in the short-to-medium term. Given their size, high level of economic development, proximity and strong regional presence, Australia and New Zealand are considered ideal destinations for environmentally displaced populations. This approach has, however, raised a number of concerns both from and on behalf of populations under threat of displacement.

Many of the governments and citizens of South Pacific SIDS object to

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[50] Ibid.
[51] Ibid.

conceptualizing Pacific Island populations within a discourse of vulnerability, as this "silences alternative identities that emphasize resilience" by framing eventual mass-displacement as an inevitability.[52] Interviews conducted with Pacific Island ambassadors to the United Nations in 2004 found their principal concerns to be the preservation of the proud heritage and diversity of their islands, the sustainability of the islands and the survival of Pacific Island communities.[53] The manner in which "the category of 'climate refugees' is increasingly applied in a naturalised, unproblematised way to entire nationalities of people in the Pacific region"[54] is considered dangerous by local populations, because it makes the option of resisting environmental displacement seem unviable.

Additionally, detrimental long-term effects might arise from the mass-relocation of affected populations. The United Nations Economic and Social Council has associated debilitating effects with physical displacement particularly for indigenous populations: "removal from or destruction or degradation of traditional lands inevitably leads to serious loss of life and health and damage to the cultural integrity of indigenous peoples."[55] Political self-determination has been acknowledged as a "mechanism for the protection of future generations" that allows populations to take control of their own futures and livelihoods. [56] The question of political self-determination is complicated further by the fact that the South Pacific Island states are identified under international law as being the home to numerous indigenous populations,[57] which characteristically possess "unique language[s] and strong ties to [their] homeland."[58] Therefore, relocation becomes more than "a logistical and economic problem [but one that] threatens national and cultural identity."[59]

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[52] C. Farbotko, 'Sinking Islands? Tuvalu and Climate Change in the Sydney Morning Herald,' Islands of the World VIII International Conference (Kinmen Island, 1-7 November 2004), p. 207.

[53] Ibid, p. 481.

[54] K.E. McNamara and C. Gibson, '"We do Not Want to Leave our Land": Pacific Ambassadors at the United Nations Resist the Category of "Climate Refugees,"' *Geoforum*, vol. 40 (2009), p. 476.

[55] The United Nations Economic and Social Council (ECOSOC), 'Human Rights and the Environment' (6 July 1994) UN Doc E/CN.4/Sub.2/1994/9.

[56] International Covenant on Economic, Social and Cultural Rights (adopted16 December 1966, entered into force 3 January 1976) 993 UNTS 3 (ICESCR).

[57] ECOSOC, op. cit. (1994).

[58] C.W. Kegley, *World Politics: Trend and Transformation*, (Belmont, CA: Wadsworth Cengage Learning, 2009), p. 241.

[59] S. Patel, 'A Sinking Feeling,' *Nature*, vol. 440 (2006), pp. 734-736.

Hence, a relocation approach, taken either alone or as the primary mechanism for protecting the human security of environmentally displaced persons, would be an inadequate solution to the sinking islands phenomenon. However, given present trends, it is likely that finding such a solution will become more imperative with the passing of time. Therefore, the benefit of a relocation solution lies primarily in its ability to act as a protective guarantee for Pacific Island populations. Although relocation is not an ideal primary solution to the issue of environmental displacement, the development of a South Pacific regional relocation scheme, to complement mitigation and adaptation strategies would broaden the protection afforded to environmentally displaced persons.

Given the difficulty experienced by environmentally displaced persons both in migrating independently and in obtaining refugee status, regional relocation schemes would require endorsement by host countries. A solution that would support the needs of affected Pacific Island populations in the short-to-medium term involves referring the issue of environmental displacement to national rather than international law. This approach has been adopted by Finland, where "environmental migrants"[60] have been identified as "a category of persons in need of protection."[61] According to Finnish legislation, cases in which an asylum seeker's "home environment has become too dangerous for human habitation either because of human actions or as a result of natural disaster" can now give rise to a legal protection obligation. [62]

If Australia and New Zealand were to revise their national legislation to include a similar provision encompassing environmentally displaced persons from the South Pacific region, this would act as an important protective guarantee. The option of revising national law to encompass the issue of environmental displacement circumvents the obstacles that arise from tackling the issue at the international level, thereby providing at least a temporary solution to legal protection gaps. New Zealand's current migration policy could be relatively easily extended to fulfil this task. Presently, resident immigrants in New Zealand are entitled to sponsor relatives for

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[60] B. Glahn, ''Climate refugees'? Addressing the International Legal Gaps – Part II,' *International Bar News* (August 2009) available online: http://www.ibanet.org/Article/Detail.aspx?ArticleUid=3E9DB1B0-659E-432B-8EB9-C9AEEA53E4F6 (accessed 10 February 2012).
[61] Ibid.
[62] Ibid.

migration as part of the "Family Sponsored" Immigration Scheme.[63] New Zealand also allows an annual quota of settlers (currently 400 per year) from Tonga, Tuvalu and Kiribati under the "Pacific Access" Category of its immigration law.[64] These national statutory arrangements could be broadened to include special provisions for environmentally displaced persons. Migrants accepted under these regional migration schemes could also be provided with relocation assistance by the New Zealand government as part of its international aid program; this would help to minimise the inherent risks of independent travel from an island.

Meanwhile, Australian immigration law was revised in March 2012 to include complementary protection provisions for individuals and groups that require protection but do not qualify for refugee status. The purpose of this amendment was to extend Australia's non-refoulement obligations beyond the Refugee Convention to include some of the major international human rights conventions that Australia is party to: the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Under this amendment, asylum seekers in Australia that face the risk of suffering "certain types of harm that engage Australia's international non-refoulement obligations"[65] are eligible to be granted a protection visa. Australia's non-refoulement obligations are relevant in cases where:

> "[T]here are substantial grounds for believing that, as a necessary and foreseeable consequence of being removed from Australia to a person's home country, there is a real risk that the person will suffer significant harm. Significant harm is where a person will:
> a) be arbitrarily deprived of his or her life;
> b) have the death penalty carried out;
> c) be subjected to torture;
> d) be subjected to cruel or inhuman treatment or punishment; or
> e) be subjected to degrading treatment or punishment."[66]

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[63]Immigration New Zealand, 'Family Categories' (1 September 2011) available online: http://www.immigration.govt.nz/migrant/stream/live/familycategories.htm (accessed 22 April 2012).

[64] Immigration New Zealand, 'Pacific Access Category' (I September 2011) available online: http://www.immigration.govt.nz/migrant/stream/live/pacificaccess/ (accessed 22 April 2012).

[65] Australian Department of Immigration and Citizenship, 'Fact Sheet 61a – Complementary Protection' (April 2012) available online: http://www.immi.gov.au/media/fact-sheets/61a-complementary.htm (accessed 22 May 2012).

[66] Ibid.

The *arbitrary deprivation of life* category could potentially be applied to the sinking states phenomenon in cases where the increased prevalence of extreme weather events and the harmful effects of rising sea levels could be linked with loss of life. Yet, because Australia's complementary protection obligation rests on this being a *necessary and foreseeable consequence* of repatriation, a clear causal link would need to be established between the effects of the sinking states phenomenon and the loss of life. This might prove difficult if the sinking states phenomenon has not yet progressed to the extent whereby loss of life had become a *necessary and foreseeable consequence* of repatriation.

As this legislative revision is relatively recent, it has not yet been applied in the case of any applications for protection, and hence its effect remains to be seen. While it accords individuals with protection on more comprehensive grounds than either the Refugee or the Statelessness Convention, it also has the potential, like international customary law, to be easily circumvented when applied to environmentally displaced persons because it does not relate specifically to them.

Conclusion

Environmentally displaced persons are currently confined to an administrative area of uncertainty in international law. It is therefore imperative that the international community expand the rights and protection available to this group in both law and practice. This task necessitates a multilevel approach, which both takes into account the shortcomings of existing international law and employs practical coping strategies. Regional relocation schemes will complement measures that foster mitigation of and adaptation to the effects of climate change in the vulnerable South Pacific region.

State-Building in the Fifth Dimension: Current Trends in Digital Diplomacy

Abbas Abbasov[*]

The internet, digital communication and virtual dialogue have revolutionised the conduct of international affairs. In our contemporary society, unmediated dialogue and information exchange on online platforms between citizens from around the world is occurring twenty-four hours a day. Communications technologies have evolved from Morse code to Blackberries. The embedding of information and communication technologies (ICT) in state affairs requires a business-minded approach to diplomacy. Owing to the cooperation between states and the ICT industry, the operational capacity of governments has increased.

Moreover, virtual interaction via the internet has democratised international affairs and made the conduct of foreign relations more transparent. Conversely, increasing numbers of non-state actors participating in foreign affairs, facilitated by the internet, has posed major challenges to foreign policy practitioners. It is especially difficult for developing nations to catch up with one of the fastest growing industries in the world. The United States has been a pioneer in furthering digital communication in its conduct of foreign policy. This chapter discusses how and why digital diplomacy originated in the United States and what the future holds for the development of virtual state affairs.

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"Cyberspace is real. And so are the risks that come with it. From now on our digital infrastructure, the networks and computers we depend on every day, will be treated as they should be, as a strategic national asset…"

Barack Obama, President of the United States[1]

The last decades of the 20th Century witnessed incredible advancements in information and communication technologies (ICT). This revolution in ICT required fundamental changes in the way diplomacy was conducted. With the emergence of the internet humanity faced a new era of technological advancement. In contemporary society a large percentage of the population spends the majority of its time in cyberspace, a realm of digital information and communication transfer. After conquering land, air, sea and space, states have invested significant resources into cyberspace, the so-called fifth dimension. Almost totally unmediated dialogue and information exchange between citizens from around the world occurring twenty-four hours a day on various online platforms. This is all due to ever changing communication tools evolved from Morse code to Blackberries. Observing how states behave in these highly complex systems of communication is key to understanding the balance of power in the international system.

Since the creation of the modern state system, countries have sought military, economic and political power to further their interests in international affairs. However, with the invention and increasing use of ICT, the character of world affairs has changed dramatically. Confidential diplomatic cables have escaped the secrecy of the high echelons of power and entered the public sphere.

The revolution in the ICT industry has changed our understanding of diplomacy and paved the way for new forms of foreign engagement. As technology advanced the world saw a gradual shift from the use of telegrams to mobile phones and from letters to e-mails. There has even been a shift within modern technologies from short messages (SMS) to twitter posts, face-to-face meetings to web-conferences and physical embassies to net-based virtual missions.

Advancements in ICT have affected international affairs in several ways. Firstly, ICT have enabled information to reach a much larger audience. As a result, national borders and sovereignty have become

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[1] Al Jazeera World, "Fighting in the Fifth Dimension" (2011) available online: http://www.aljazeera.com/programmes/aljazeeraworld/2011/10/2011101916939402528.html (accessed 12/12/2011)

blurred. Another change has been the emergence of e-government and the digitalisation of state affairs. In addition, the increasing use of ICT has created a sphere of information that is accessible to everyone. In other words, international affairs have been democratised. Finally, ICT presents greater opportunities for diplomats who need to be kept informed and up to date with changes in the international climate.

Challenges Posed by Information and Communications Technologies

Aside from responding to the afore mentioned changes, the ever growing ICT industry poses major challenges to the conduct of diplomacy. One major challenge is the rapidly increasing number of actors engaging with the community via online channels. This is rivaling the influence that diplomats can have when using more traditional channels.

The concept and conduct of public diplomacy has been going through irreversible transformations due to the introduction of ICT. Traditionally the term 'public diplomacy' refers to the process of influencing opinions overseas for the purpose of furthering a state's national interests.[2] The internet has been major player in this process. Figures for the last decade show that internet users per 100 inhabitants have increased almost five fold, from 6.4 to 30.1 worldwide[3]: public diplomacy is no longer simply a matter of reaching out to foreign publics[4]. It encompasses a wider definition and breaks down communication hierarchies allowing internet uses to communicate, in some cases, directly with government officials. This reflects the high level of democratisation of online networks in modern society[5].

This transformation in the conduct of public diplomacy has faced some resistance from the diplomatic corps. Diplomats must contend with new forms of information transfer and a somewhat reduced level of privacy. Thus, the increasing number of non-state actors involving themselves

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[2] David J. Rothkopf, "Cyberpolitik: The Changing Nature of Power in the Information Age", *Journal of International Affairs*, Vol. 51, No. 2, p. 327
[3] International Telecommunication Union, "Internet users" (2011) available online: http://www.itu.int/ITU-D/ict/statistics/ (accessed 04/04/ 2011)
[4] Mark McDowell, "Public Diplomacy at the Crossroads: Definition and Challenges in an 'Open Source' Era", *The Fletcher Forum of World Affairs*, Vol. 32, No. 3, Special Edition, 2008, pp. 7-15
[5] Matt Armstrong, "Everybody's Diplomacy", *PDiN Monitor*, Vol. 1, Issue 6, July/August 2010, pp. 13-14

in diplomatic affairs via the internet poses major challenges to foreign affairs departments around the world.

The increasing number of actors entering the public diplomacy sphere presents another challenge of managing such communications. States such as the USA, Canada and the United Kingdom (UK), which are pioneers of ICT-use in foreign affairs, face the major challenge of administering these new tools. For instance, US President Obama has over 11 million people following his online 'Twitter' account in which Obama (or more likely a communications manager) posts status updates. Obama himself is following over 680,000 other Twitter account holders[6] and has more than 24 million subscribers to his Facebook page[7]. A report by the Aspen Institute recommends that President Obama employ an individual to act as Chief Technology Officer, a suggestion backed by Obama's staff[8]. It is also worth noting that US Secretary of State Hillary Clinton has a senior adviser for innovation on her staff and she encourages other state officials to employ people in a similar capacity in order to respond to the communication challenges of the twenty-first century.[9]

Another issue associated with managing digital networks is the danger of exposure to cyber threats. Working in digital networks requires a highly advanced security system in order to protect virtual infrastructure. A striking example of the importance of internet security systems can be seen through events in Estonia when, in May 2007, a whole net community was attacked and paralyzed for days[10]. The vulnerability of states and non-state actors to cybercrime presents fundamental questions about the manageability of digital communications.

The creep of ICT into diplomatic affairs also presents a risk to the principals of non-interference and state sovereignty. Due to the highly integrated nature of the internet it is virtually impossible to adhere to these long-established principles. Most key internet infrastructure is

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[6] Barack Obama, Twitter, available online: http://twitter.com/#!/BarackObama (accessed 06/12/2011)

[7] Barack Obama, Facebook, available online: http://www.facebook.com/barackobama (accessed 06/12/2011)

[8] Simon Wilkie, "ICT: The 21st Century Transitional Initiative", *Aspen Institute*, 2009, p. iv

[9] Jesse Lichtenstein, "Digital Diplomacy", *The New York Times* (16 July 2010) available online: http://www.nytimes.com/2010/07/18/magazine/18web2-0-t.html?_r=3 (accessed 24/03/2011)

[10] Nicholas Westcott, "Digital Diplomacy: The Impact of the Internet on International Relations", *Oxford Internet Institute*, Research Report No. 16, July 2008, pp. 14-15

based in the US and is, therefore, under the influence of US authorities and private corporations. The principal of internet neutrality cannot be guaranteed under these conditions. An example of this can be seen through the uprising in Iran in 2009 when the US State Department requested that Twitter postpone regular maintenance of its website in order for opposition activists to continue to use the service without interruption[11]. Events such as this threaten national borders and the well-established concept of sovereignty.

Rapid developments in ICT present another major challenge. While this presents a problem for developed nations, it is especially difficult for developing nations, many of which are far behind in terms of ICT expansion and digital diplomacy. Developing states are underrepresented in the area of digital diplomacy and many lack the capacity to address this problem. Regardless of the different capabilities of states to respond to these developments, this issue presents a problem for both developed and developing nations.

In order to appropriately respond to progress in ICT, diplomats must adopt a more business-minded approach in their service. UK Ambassador John Duncan argues that public information has become more immediate and is shaped for rapid consumption; in addition, news stories are less analytical and are designed as entertainment and have little power to dominate the information scene for long periods[12]. In this light, business management, marketing strategies (such as advertising) and branding are becoming more relevant to the diplomatic corps. A recent report released by the Center for a New American Security argues that the US State Department should apply some of the policies employed by global corporations such as McDonald's, General Electronics and Federal Express in order to improve the US 'brand'. This report claims that multinational corporations are equally large or exceed the size of the US State Department, therefore the US government can learn from the experience of these corporations[13]. This

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[11] Mark Landler, "Twitter Musings in Syria Elicit Groans in Washington", *The New York Times* (29 June 2010) available online: http://www.nytimes.com/2010/06/30/world/30diplo.html?ref=magazine (accessed 01/04/2011)

[12] John Duncan, Presentation on "Digital Diplomacy: Accountability or Propaganda", *Foreign and Commonwealth Office, UK* (April 2011) available online: http://www.slideshare.net/foreignoffice/digital-diplomacy-accountability-or-propaganda (accessed 02/04/2011)

[13] Kristin M. Lord and Richard Fontaine, "Managing 21st Century Diplomacy: Lessons from Global Corporations", *Center for a New American Security* (December 2010) available online: http://www.cnas.org/node/5436 (accessed 09/04/2011)

is a challenging task for 21st Century statecraft and diplomacy and requires an innovative approach.

Benefits of Information and Communication Technologies

Although ICT presents several challenges for states, the benefits of incorporating ICT into diplomacy mostly outweigh the negatives. Firstly, e-tools enable foreign services to deliver diplomacy in a faster and more cost-effective way. Secondly, digital outreach provides access to a much bigger audience. As a result of new media there are far more people taking an interest in diplomatic issues. As John Duncan asserts, "the sheer power of the internet is amply illustrated by the fact that my presentation was watched live by over 4,000 people online". Duncan adds that it is almost impossible to think of another way this could be achieved[14].

Furthermore, the liberalisation of diplomacy through active participation in new media provides the public with a greater platform to express views and concerns on foreign affairs. The increased participation and scrutiny of the public makes it more likely for the foreign service to be held to account[15].

Lastly, due to the cooperation between states and the ICT industry, the operational capacity of governments has increased. Governments have been able to influence the direction of developments in ICT to their benefit. To support this point, after the UK Foreign and Commonwealth Office (FCO) paid Apple tens of thousands of pounds to develop a travel advice application for its iPhone in 2010, Microsoft then launched a competing Application Programming Interface[16] developed from the FCO's Really Simple Syndication feeds[17]. Importantly, this did not come at the expense of the FCO. Another similar example is that of the contract between the Canadian

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[14] John Duncan, "Government 2.0 – The Challenge of Social Media in Modern Diplomacy", *FCO Global Conversations* (April 2011) available online:
http://blogs.fco.gov.uk/roller/duncan/entry/government_20_the_challenge_of (accessed 09/04/2011)
[15] Westcott, op. cit., pp. 8-9
[16] Kelly Fiveash, "Foreign Office Endorses 'Free' Microsoft Travel Advice API", *The Register* (16 March 2011) available online:
http://www.theregister.co.uk/2011/03/16/foreign_office_endorses_microsoft_api/ (accessed 15/04/2011)
[17] Really Simple Syndication (RSS) is an e-tool developed to retain and store the entries made on any kind of website by subscribing.

Department of Foreign Affairs and International Trade (DFAIT) and Bell Canada, a major telecommunications company. DFAIT contracted Bell Canada to support and maintain its multipurpose digital network that connects more than 200 government offices abroad.[18] From the above it is clear that a potential rivalry over public sector contracts is taking place. Governments are the main beneficiaries as they are able to influence the direction of the ICT industry, sometimes without financial cost, thereby furthering their interests.

Despite the benefits of ICT for states, many foreign policy practitioners are cautious about embracing this new technology partly due to their limited control over the spread of confidential information. Some assert that this discontent within the diplomatic community has grown as a result of WikiLeaks and the release of thousands of classified documents.

The US Experience of Digital Diplomacy

As discussed above, ICT has been embraced by some countries as a tool of public diplomacy. However, as the key player in digital diplomacy, it is important to examine the experience of the US.

The term 'digital diplomacy' describes the use of the most advanced ICT in the conduct of diplomacy. The embrace of digital diplomacy is closely related to the transformation of public diplomacy in the US. Digital diplomacy is at the forefront of American foreign policy delivery, not only at home but abroad.

The most recent example of American digital diplomacy at work can be seen through the 'virtual US embassy' designed for Iran. This website, which was launched on 6 December 2011, attempted to address the problems associated with establishing a physical embassy in the country. The US was forced to close its physical embassy in 1979 and establishing a new one in Tehran was deemed too dangerous as there had been ongoing confrontations between Americans and Iranians[19]. The launch of a virtual US embassy was

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[18] Telemanagement, "Bell wins $41mn contract with DFAIT" (28 March 2011) available online: http://www.tele-management.ca/content/23671-bell_wins_41mn_contract_with_dfait (accessed 15/04/2011)

[19] Thomas Erdbrink, "US opens a 'virtual embassy' in Iran", *Washington Post* (06 December 2011) available online: http://www.washingtonpost.com/blogs/checkpoint-washington/post/us-opens-a-virtual-embassy-in-iran/2011/12/06/gIQAEn0wZO_blog.html (accessed 13/12/2011)

viewed as an attempt to restore a US presence in Iran, however access to this online embassy was blocked by the Iranian government only 12 hours after the site went live.[20] The US shift towards digital diplomacy has been a gradual process and is examined in greater depth below.

In order to thoroughly explore the US experience of digital diplomacy, it is necessary to briefly outline the history of this new diplomacy and give reasons for its rise in American foreign policy discourse. In addition, this essay will examine the institutional setting that emerged as a result of the proactive US digital diplomacy agenda.

Digital diplomacy would not be possible if not for the invention of the internet. The US ICT industry was instrumental in bringing this about and the US continues to be a major contributor of other technological advancements. By the end of the 1980s, computer software developed by the US military paved the way for what is now known as the World Wide Web, proving that the US was at the forefront of ICT innovation. This new technology was quickly embraced by the business industry as well as by the general population. Digital diplomacy appears to be a natural progression of this technology.

Historical Background

Historically, the US Information Agency (USIA) had the central role of handling international communication from 1953 to 1999. The USIA was an independent body charged with furthering America's foreign policy interests and promoting greater mutual understanding between the US and other countries.[21] The USIA had a budget of slightly over US$1 billion and maintained 140 posts in 192 countries with 520 foreign officers assigned to American diplomatic missions abroad.[22] The USIA was a tool of American public diplomacy and served as a policy adviser to Washington.

After the end of Cold War the functionality of the USIA was brought into question. Discussions about reforming or disbanding the USIA began in the 1970s however it was not until the late 1990s when US President Bill Clinton was in office that the Agency was finally

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[20] Ibid.
[21] Archives of the former US Information Agency, "Factsheet", *University of Illinois at Chicago* available online: http://dosfan.lib.uic.edu/usia/usiahome/factshe.htm (accessed 29/04/2011)
[22] Ibid.

abolished. All of this Agency's functions were transferred to US State Department[23] signaling a new phase in American public diplomacy.

The change in US public diplomacy started to shape in the early 2000s. Less than a year after being elected, George W. Bush appointed a successful New York advertising executive, Charlotte Beers to act as Under Secretary of State for Public Diplomacy and Public Affairs. Beers faced a barrage of criticism from the public for her remarks relating to the 'marketing capacity of the US' and the 'selling' of the American brand to the world.[24] In defense of Beers, Secretary of State Colin Powell stated that the US was in desperate need of 'someone who could rebrand US foreign policy [and] rebrand diplomacy...'[25]. Reshaping the image of America in the mind of foreign governments and publics would require a different strategy, one that embraced a business-minded approach and promoted American values.

The need to reshape American foreign policy was made abundantly clear after the terrorist attacks on the World Trade Centre in New York and Pentagon in Washington DC on September 11 2001. The 9/11 attacks, as they are now known, highlighted the urgent need for positive and constructive engagement with Muslim societies in order to quell the ill-will towards America and hopefully prevent a repeat of the tragedy. A 2002 Gallup poll conducted in countries with majority Muslim denominations revealed that 53 percent of respondents viewed the US unfavorably.[26] This caused great concern in the US about the perception of America in the world.

US officials acknowledged this negative perception and recognised the need for a greater American presence in the virtual world. The internet provides terrorist organisations such as al-Qaeda with a platform to disseminate their anti-Western messages and counter the influence of the US government and military campaigns.[27] Communicating the official views and position of the American

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[23] James Pamment, "The Limits of the New Public Diplomacy", *Institute for Journalism, Media and Communication*, Stockholm University, 2011, p. 107

[24] Wilson Dizard, Jr., *Inventing Public Diplomacy: The Story of the US Information Agency*, Boulder: Lynne Rienner Publishers, 2004, p. 220

[25] Ibid.

[26] Peter Peterson, Jennifer Sieg, Kathy Bloomgarden, Henry Grunwald, David E. Morey and Shibley Telhami, "Public Diplomacy: A Strategy for Reform, a Report of an Independent Task Force on Public Diplomacy", *Council on Foreign Relations*, 2002, p. 3

[27] Ellen Hallams, "Digital Diplomacy: The Internet, the Battle for Ideas and US Foreign Policy", Paper presented to the *Political Science Association Annual Conference*, 2010, p. 2

government to a wider audience became the cornerstone of the US State Department's digital diplomacy strategy. The rise of social media networks particularly after mid-2000s created a new platform for virtual debates and allowed more interactive dialogue between the US and 'others' to take place. Thus, after 9/11, US foreign policy became more proactive and more accessible – the rise of digital diplomacy had begun.

Today, the superior use of digital diplomacy by the US government has set the standard for other countries to follow. The Obama administration has been persistent in its policy of developing new digital diplomacy tools and this has allowed the US to stay at the forefront of technology. Secretary of State Hillary Clinton's call for internet freedom[28] and her work in producing so-called '21st Century statecraft'[29] demonstrates the US government's determination to pursue foreign policy through digital means. The US State Department now promotes openness, transparency and the active involvement of the public in foreign policy. As described by the US State Department Senior Adviser for Innovation, Alec Ross, 21st Century statecraft goes beyond government-to-government diplomacy and includes efforts for government-to-people, people-to-government and ultimately, people-to-people-to-government communication[30]. The next section attempts to examine the major institutions, projects and overall impact of American foreign policy since its embrace of digital diplomacy.

Institutional Setting

The primary institutions charged with conducting US digital diplomacy are the US State Department and the US Agency for

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[28] Secretary of State, Hillary Clinton during her speech in Washington, D.C. noted that safeguarding internet freedom as one of the major liberties in the world is a foremost priority of the US foreign policy. She claimed that access to internet is vital for America's promotion of democracy overseas. See Hillary Rodham Clinton, Remarks on Internet Freedom, *US Department of State* (2010) available online:
http://www.state.gov/secretary/rm/2010/01/135519.htm (accessed: 29/04/2011)

[29] The 21st century statecraft is a notion promoted by Secretary of State, Hillary Clinton. It embeds the idea that traditional foreign policy tools in the 21st century cannot be effective if not complemented by new technology tools, social media, digital networks and others. See US Department of State, "21st Century Statecraft" available online:
http://www.state.gov/statecraft/overview/index.htm (accessed 04/05/2011)

[30] Micah L. Sifry and Andrew Rasiej, "P2P2G: The Rise of e-Diplomacy", *Politico* (06 April 2009) available online: http://www.politico.com/news/stories/0609/23310.html (accessed: 02/04/2011)

International Development (USAID). In order to keep up with changes in modern technology, the US State Department needed to develop new web-based applications for US diplomacy. In 2003 the State Department created the Office of e-Diplomacy[31] to develop its information and technology resources. The Office of e-Diplomacy consists of two divisions, the Diplomatic Innovation Division and the Customer Liaison Division. The former is responsible for advancing ICT through different projects and the latter works on monitoring and evaluating the efficiency of the operations.

The Bureau of International Information Programs created its own Digital Outreach Team (DOT) consisting of ten-employees in 2006. DOT is a group of Arabic-, Persian and Urdu-speaking bloggers who engage with the native Arabic, Persian and Urdu speakers through social media.[32] Bloggers produce videos, translate bulk information and post short messages online. Partly due to the DOT, the US State Department created Twitter accounts specifically for Arabic, Persian, Russian, French, Spanish and Hindi speakers. These new Twitter accounts were launched in February 2011, underscoring the importance that the US government now places on foreign language-use in digital diplomacy.[33]

Another important institutional change has been the establishment of the Quadrennial Diplomacy and Development Review (QDDR) in 2010 by the US State Department and USAID. The QDDR assists in US strategic planning, allowing the US State Department to monitor and evaluate its work and plan future projects. The inaugural QDDR focused on civilian power and largely dealt with improving ICT in diplomacy and addressing other challenges for American foreign policy.[34]

Lastly, the US State Department has started hosting a quarterly forum, Tech@State, aimed at incorporating the latest developments in ICT into US diplomacy. This quarterly forum started in May 2010 and brings together thought leaders, civil society representatives, technical

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[31] Office of e-Diplomacy, US Department of State, available online: http://www.state.gov/m/irm/ediplomacy/ (accessed 02/05/2011)

[32] US Department of State, Digital Outreach Team (January 2009) available online: http://www.state.gov/documents/organization/116709.pdf (accessed 02/05/2011)

[33] Alex Howard, "Empowering Digital Diplomacy at the Edge of the Network", *O'Reilly Radar* (1 March 2011) available online: http://radar.oreilly.com/2011/03/state-department-twitter.html (accessed 02/05/2011)

[34] US Department of State, "Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review" (2010) available online: http://www.state.gov/s/dmr/qddr/ (accessed 03/05/2011)

experts and business executives to discuss the ways in which the US can gain the most benefit from new technology.

The establishment of new institutions that support digital diplomacy initiatives reflects the importance that the US government now places on diplomatic representation in the fifth dimension.

Major Projects and Programs

The incorporation of ICT into modern diplomatic practice has brought about many useful projects and programs. One very useful initiative is 'Diplopedia Wiki', an unclassified online resource designed by the Office of e-Diplomacy to assist US State Department personnel share knowledge on international affairs[35]. Launched in 2006, Diplopedia Wiki allows any US State Department staff member to access, view, add, edit and share information. Currently there are over 10,000 articles and 2,000 registered contributors on Diplopedia[36].

Another project developed by the Office of e-Diplomacy is the Virtual Student Foreign Service (VSFS) launched to expand American influence worldwide through youth involvement. VSFS is an online internship program providing university students with an opportunity to work for US domestic and international diplomatic missions[37]. This program aims to create new avenues for diplomatic engagement through the use of modern technology.

Another innovation similar to the VSFS is Virtual Presence Posts (VPPs). VPPs are created in order to maintain a presence in the areas of the world where it is deemed too hazardous to have a physical US Embassy or Consulate.[38] Essentially VPPs are websites with information on US involvement in the region and the US relationship with the host country. This digital network provides an online account of developments in and around the territory in question. For example, the US maintains a VPP in Somalia which it updates remotely from

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[35] US Department of State, "About: Diplopedia" (2009) available online: http://www.state.gov/m/irm/ediplomacy/115847.htm (accessed 03/05/2011)
[36] Russell Nichols, "Facebook-style Site Coming Soon to the US State Department", *Government Technology* (12 April 2010) available online: http://www.govtech.com/e-government/Facebook-Style-Site-Coming-Soon-to-the.html (accessed 02/05/2011)
[37] US Department of State, "Virtual Student Foreign Service", available online: http://www.state.gov/vsfs/ (accessed 03/05/2011)
[38] US Department of State, "Major Programs of the Office of e-Diplomacy", available online: http://www.state.gov/m/irm/ediplomacy/c23840.htm#vpps (accessed 03/05/2011)

the American Embassy in Kenya[39]. American foreign services in Kenya are able to gather news and information in relation to Somalia and then post this information on their VPP. In this way, VPPs are e-tools that allow for up to the minute communication with foreign publics in countries where the US cannot maintain a physical presence.

All things considered, these programs have been a diplomatic success and demonstrate what is possible for the conduct of diplomacy in the 21st Century. Having outlined some of the beneficial programs and initiatives related to digital diplomacy, the next section analyses the impact and depth of integration of digital diplomacy into world affairs.

Impact and Outreach

Communicating diplomatic messages through social media has been crucial to improving the impact and outreach of US foreign policy. A 2010 report by the Office of Inspections revealed that over 70 percent of US diplomatic missions surveyed maintained public diplomacy Facebook sites while a quarter had Twitter accounts.[40] With the majority of US missions involved in social media initiatives, the US government has the ability to have a greater impact and reach internationally.

Another US web-based initiative is 'Dashboard', a website created by the US State Department. Dashboard is a statistical tracker website that was created to measure the level of US penetration in social media.[41] This social media tracker collects information about US presence on Facebook, Twitter and YouTube. It identifies State Department-affiliated pages, accounts and channels online and retains the figures for further analysis.

The transformation of American public diplomacy reveals a story of how developments in ICT have affected the conduct of state affairs, not only in the present but also for the future. This essay has revealed

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[39] US Department of State, Virtual Presence Post in Somalia, available online: http://somalia.usvpp.gov/vpp/about-us.html (accessed 29/04/2011)
[40] Office of Inspections, "Review of the Use of Social Media by the Department of State", *US Department of State* (February 2011) available online: http://oig.state.gov/documents/organization/157926.pdf (accessed 01/05/2011)
[41] Dashboard, US Department of State, available online: http://dashboard.officeofinnovation.org/ (accessed 29/04/2011)

the historical progression of digital diplomacy and identified how crucial this new form of diplomatic representation is to American interests in the 21st Century.

Conclusion

The revolution in the ICT industry has triggered a complete restructuring and redefining of the ways international affairs is conducted. This development has paved the way for a more transparent, democratised, pluralistic and dialogue-based international society. The embedding of ICT into state affairs required a business-minded approach to foreign services and provided many more opportunities for foreign dignitaries to express their views. Digital communications has proven to be the most cost-effective and immediate way of gaining prominence in online forums.

However, this process has also created several challenges for diplomats. The growing number of actors in digital networks has made it more difficult to maintain a strong web presence and manage the flow and content of information. Moreover a large number of diplomats find it difficult to adapt to the new digital era and have been deterred from engaging in digital communication due to security concerns. While these concerns are valid, there is no doubt that communication and information transfer over the internet is here to stay. Therefore states and state officials must learn to adapt to new technology and grow with it.

This paper has identified the events of 9/11 as an impetus for a more proactive and interactive foreign policy realised through digital platforms. In addition, the institutional and contextual structure of US digital diplomacy tools has been examined. It is concluded that the American use of digital diplomacy is extemporary: US innovation in tech-based communications and integration of technology into the US State Department's workings demonstrates the increasing relevance and power digital diplomacy holds in a highly-networked modern society.

Even though internet and desktop tools are the major focus of this paper, it should also be noted that the mobile industry holds the future in international affairs. Mobile state affairs are the next, sixth dimension of ever-growing expansion of influence that diplomats need to consider planning for and addressing.

Russia and the New Geopolitics of Energy

Elizabeth Buchanan[*]

Energy security is an increasingly important issue at a time of rising global demand. Russia is important for global energy security due to its vast resource base and geographical position. Russia's willingness to use the supply of natural gas as a coercive foreign policy is illustrated by the 2006 Ukrainian Gas Crisis. The consequences of the crisis were largely positive for Russia and negative for the Ukrainian government, highlighting the new rules of the energy game. Greater cooperation is needed between energy-rich and energy-poor countries to meet the demands of future energy security.

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"In the emerging international power system, we can expect the struggle over energy to override all other considerations"

- Michael Klare[1]

The age of cheap energy has passed: by 2020 the world's population will have increased roughly by 20%, to 8.1 billion people and the global electricity demand will rise by an estimated 85% and global energy demand by 57%.[2] Easy access to energy reserves is becoming increasingly difficult. This greatly impacts global energy security as well as national security. Moreover, in the post-Cold War era, military power might no longer be the primary means through which a state attains its national security objectives.

Energy security is defined as "the ability to ensure the diversity of fuel, diversity of supply source, and efficiency […] in the energy sector."[3] Whether a nation is a *consumer* or *supplier* of energy has varying implications. For instance, a consumer nation's energy security may be threatened by supply disruptions, also known as the 'turning off the tap' phenomenon. However, a supplier nation's energy security may necessitate addressing "the issue of…changing consumption patterns" brought about because of scarce energy resources and rising global demand.[4]

Rising global demand for natural resources, driven primarily by China and India, is a further hallmark of the new geopolitics of energy. Thanks to the fruits of globalisation, more people now have microwaves to power, cars to fuel and houses to heat. Although global energy demand is projected to rise by 2.2% annually up to 2020, China's forecasted annual growth demand is expected to be 4.7% over the same period.[5] This poses a serious issue for the energy-poor nations, which must now contend with China's hunger for fuel. A further facet of this new geopolitics of energy is the looming prospect of a scramble for control of the Earth's remaining resource deposits; the Arctic's emerging significance is evidence of this. The region is slowly emerging as a geopolitical flashpoint; the Arctic is widely believed to hold the Earth's sole remaining significant deposit of untapped hydrocarbon reserves. Furthermore, given the rapid thinning of the Arctic shelf due to climate change (easing access to the Arctic's hydrocarbon 'riches'), competition over

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[1] M. Klare. *Rising Powers, Shrinking Planet* (New York: Holt, 2008).
[2] D. Hiro. *Blood of the Earth* (New York: Nation Books, 2007).
[3] A. Monaghan. *Russia-EU Relations: An Emerging Energy Security Dilemma* (DC: Carnegie Endowment for International Peace, 2006).
[4] Ibid.
[5] F. Dodds, *Climate Change and Energy Insecurity, (*UK: Earthscan, 2006).

the region is becoming fiercer. The stakes are high in the region, with Russia, Canada, the US, Norway and Denmark jostling for what they regard as their sovereign piece of the Arctic pie. Russia is leading the Arctic carve-up, with firm rhetoric proclaiming its ownership of the region. In 2007, Russia confirmed international fears by sending a nuclear powered submarine to plant a Russian flag on the Arctic seabed.

Energy features increasingly as an overarching national security objective. This can be illustrated by the case of Russia.

Russia as a Key Supplier Nation

Russia is important for global energy security because of its vast resource base as well as its geographical position. It is emerging as one of the key supplier nations.

Russia ranks among the world's leading countries in terms of reserves and production in all three categories of global primary energy sources: natural gas, oil and coal. In 2006 alone, Russia produced 12% of the world's total oil, rendering it the second largest oil producer behind Saudi Arabia. Russia has the second largest coal reserves in the world after the United States, also controlling a third of global natural gas reserves and ranking as the world's largest producer. The EU imports nearly a third of its oil and almost half of its natural gas from Russia.[6] Russian pipelines deliver the following percentage of natural gas:

- 96% in Greece;
- 70% in Austria;
- 47% in Poland;
- 43% in Germany;
- 30% in Italy; and
- 26% in France.[7]

The Baltic States, including Estonia, Latvia and Lithuania rely on Russia for 100% of their natural gas deliveries. Additionally, the majority of natural gas and oil originating from the energy-rich Caspian states must pass through Russian pipelines to reach European customers.[8]

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[6] J. Perovic, R. Orttung and A. Wenger, (eds.) *Russian Energy Power and Foreign Relations: Implications for Conflict and Cooperation*. (New York: Routledge, 2006).
[7] Klare, op. cit. (2008).
[8] Perovic, op. cit. (2009).

Russia's natural gas sector has a political dimension. After the collapse of the Soviet Union in 1991, Russia continued to control and operate the vast network of Soviet gas pipelines. This network of gas pipelines shapes Russia's relations with former Soviet states like an umbilical cord. Russia has also been strategically purchasing the domestic energy infrastructure of former Soviet states through debt-for-asset swaps. Russia drives up the prices for natural gas in states unable to meet their prices, propelling consumer debt. It then offers to trade the states' debt for stakes in their domestic infrastructure, thus strengthening its control of the global energy market. Russia also uses "political pricing" where the price varies depending on a state's relationship with Russia to ensure that the former Soviet Union republics remain in Russia's orbit. For example, Belarus and Moldova have enjoyed fairly inexpensive subsidised Russian gas deliveries, whereas Ukraine and Georgia have struggled to pay severely inflated prices. These three elements illustrate how the politics of natural gas hold the former Soviet empire together.[9]

Russia's position as an energy supplier has implications for Russia's internal governance. Thomas Friedman's 'First Law of Petropolitics' posits that the pace of democracy in Petrostates declines as the global oil price rises. As the price of oil rises, free speech, fair elections, and independent political parties are compromised.[10] It also has implications for other countries. The difficulty for energy-poor countries is their relative powerlessness in negotiating with energy suppliers. This is reinforced by the reality that 'the higher the global oil prices, the less suppliers are sensitive to global scrutiny.'

Case Study: The 2006 Russian-Ukrainian Gas Crisis

The interdependence between Russia's national security objectives and energy security strategy is evident:

> "[Whether for] reasons of national security or national insecurity, many of Russia's elites have viewed their country's size and wealth of natural resources as an instrument with which to exert or re-exert control over those countries that were formally or informally part of the Soviet empire."[11]

This way of achieving national security objectives through exerting pressure

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[9] H. Balzer, 'The Putin Thesis and Russian Energy Policy', *Post-Soviet Affairs*, vol. 21, no. 3. (2005).

[10] T. Friedman, 'The First Law of Petropolitics, *Foreign Policy,* May/June, no. 154. (2006).

[11] K. Smith. *Russian Energy Politics in the Baltics, Poland and Ukraine* (DC: Centre for Strategic and International Studies, 2004).

upon the states of the former Soviet Union was particularly apparent in the 2006 Russian-Ukrainian gas crisis. In fact, the dispute brought forward the debate on European Union (EU) energy security by at least ten years.[12] Russia's reduction of natural gas supplies during this dispute affected much of Eastern Europe, and brought to the fore Europe's over-reliance on Russia for their natural gas requirements. This dispute is an illustrative case study.

The Setting

The 2006 gas dispute resulted from the 2004 Ukrainian Orange Revolution, which overturned Ukraine's Russian-backed leader. Russia resolved to utilise natural gas as a coercive foreign policy tool, both to punish Ukraine and bring it back into Russia's orbit. Like most of the former Soviet Union, Ukraine has historically enjoyed heavily subsidised Russian gas prices. Soon after the Orange Revolution, Russia began to insist upon 'market prices' for natural gas exports to Ukraine, bringing an apparent end to the 'free ride'. Russia's rhetoric for applying market prices was merely a facade for its political motivations; given that there is no global natural gas market, there are actually no such natural gas 'market prices'.[13] This enabled Russia to set prices as it pleased. The gas crisis also reflected Russia's ambition to keep the former Soviet Union to itself, halting NATO negotiations and EU expansion from encroaching upon Russia's backyard.[14] Bilateral relations between Ukraine and Russia began to sour following the December 2004 Ukrainian presidential elections and the Orange Revolution, when it became apparent that Moscow had backed Viktor Federovych Yanukovych, the losing candidate. Tensions began to rise on the energy front when the newly elected Ukrainian president, Viktor Andriyovych Yushchenko, abandoned an early 2004 natural gas consortium agreement with Russia in order to build independent gas pipelines.[15]

In May 2005, the Gazprom 'storage episode' pushed bilateral relations to a new low. Gazprom, Russia's largest company and the largest extractor of natural gas globally, revealed that 7.8 billion cubic metres (bcm) of gas that it had deposited in Ukrainian storage had not been made available despite numerous requests. At first, it was assumed that either Ukraine had stolen the gas or it had disappeared as a result of technical faults. Soon after, the gas

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[12] N. Buckley and T. Catan, 'Gas Pressure: Why Putin is Squandering World Prestige in his Squabble with Kiev' in *Financial Times* (4 January 2006).
[13] Y, Zarakhovich, 'Q&A: Putin's Critical Advisor', *Time.com* (31 December 2006).
[14] D. Trenin, 'Russia Redefines Itself and Its Relations with the West', *The Washington Quarterly* vol. 30, no. 2. p. 98, (2007).
[15] J. Stern, *The Russian-Ukrainian Gas Crisis of January 2006,* (Oxford: Oxford Institute of Energy Studies, 2006).

was accounted for within Ukrainian storage units but then it became an issue of how to pay and deliver the gas back to Russia. Gazprom pushed for the gas to be subtracted from the transit payments charged by Ukraine. Ukraine accepted 2.55 bcm of gas as payment of Gazprom's transit use, and the 5.25 bcm was to be delivered to RosUkrEnergo, a Swiss-based gas transport company, during 2005-2006.[16] However, negotiations between the neighbours about gas prices and a new gas supply agreement came to a standstill. Bilateral tensions arose in April 2005 when Yushchenko suggested that Russian natural gas transit tariffs should be on par with European levels. The Kremlin perceived these comments as Ukraine no longer adhering to the 2004 agreement, thus making it invalid. By December 2005, virtually every aspect of the 2004 agreement between Russia and Ukraine had been challenged at one stage or another.[17]

Russia appeared to be losing control of the fragile bilateral energy relationship with Ukraine. Moscow sought to regain the upper hand by resorting to coercive natural gas 'diplomacy' in the final months of 2005. By December 2005, Gazprom was demanding $160 to $230 per 1,000 cubic metres of gas from Ukraine. Provided that Ukraine agreed to hand over a majority stake in its domestic transit pipeline system, the price would have been lowered significantly, with the maximum price in 2006 capped at $80 per 1,000 cubic of gas.[18] The 'market prices' Russia demanded involved a price hike, often a triple price increase over the period of one year. In the final days of 2005, Gazprom purchased essentially the entire available amount of Turkmenistan gas (via the limited capacity of the Central Asia pipeline), leaving nothing for Ukraine to purchase.[19] Gazprom contracted 30 bcm of Turkmen gas for 2006 at a price of $65 per 1,000 cubic meters and requested that half of the volume to be delivered in the first quarter of 2006. Russian-Ukrainian tensions mounted on New Year's Eve when Putin offered Ukraine the option of $230 per 1,000 cubic meters for natural gas deliveries and to suspend any price increase for three months. After Ukraine rejected this offer, Russia drastically reduced deliveries to Ukraine (deliveries were still flowing, destined for the EU). When it became apparent that Ukraine had been 'stealing' the gas destined for Russia's EU customers, Russia suspended all flows to Ukraine on January 1st 2006.

The 'War'

Ukraine interpreted the gas cuts as a punishment for the Orange Revolution,

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[16] Ibid.
[17] Ibid.
[18] Ibid.
[19] Ibid.

and as an attempt by Russia to curtail Ukraine's recent pro-Western policies, in particular their recent NATO membership bid. From the Russian perspective, Ukraine had failed to pay its debt for gas deliveries and had resorted to siphoning gas deliveries destined for the EU. While Russia claimed to be acting in line with market and economic interests, evidence suggests that Russia's actions were politically motivated. The calls for higher prices occurred mostly during Putin's second term, when Ukraine began to vocally remove itself from Russia's political orbit. The dispute was not simply a case of Russia seeking to protect its strategic zone of influence; it was also attempting to protect itself from internal unrest similar to that of the Orange Revolution. Russia sought to punish Ukraine in order to send a message to other former Soviet states demonstrating the consequences of seeking to exit Russia's orbit. The dispute and subsequent reduction in gas deliveries affected Europe, particularly Eastern Europe. Gazprom claimed to be supplying contractual volumes to Europe, implying that Ukraine was siphoning gas for domestic purposes. Ukraine's gas company Naftohaz claimed it had only siphoned Turkmen gas to which it believed itself entitled. Ukraine had also claimed entitlement to 15% of gas crossing its territory.[20] When Russia responded by finally offering the price of $230 per 1,000 cubic meters of gas, Ukraine retorted with a threat to increase the rental fees for Russia's Black Sea Fleet naval base in Sevastopol.[21] Ukraine, however, eventually backed down when Russia announced that it would reconsider the entire 1997 Friendship Treaty, which, in addition to solving the Black Sea naval base issues, had also formally recognised Crimea as a part of Ukraine.[22]

The Resolution

On January fourth, after four days of suspended gas delivery, Russia and Ukraine declared the dispute had been settled. Naftohaz and Gazprom announced an agreement ending the dispute that was finalised with the signing of a five-year contract. The two parties agreed on the following points:

- Gazprom would pay Naftohaz a tariff of $1.60/mcm per 100km for gas transit;
- RosUkrEnergo would be the company that delivers gas to Ukraine;
- By the first of February 2006 RosUkrEnergo and Naftohaz would form a joint venture;

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[20] Ibid.
[21] N. Sokov, 'The Ukrainian Gas Crisis Revisited', *Current History,* vol. 105, no. 693, (2006).
[22] Ibid.

- RosUkrEnergo would purchase 17 bcm of Russian gas from Gazprom at a price of $230 per 1,000 cubic meters of gas; and
- Transit payments and gas prices would only be changed by the agreement of all parties.[23]

Soon after the 2006 agreement, the Ukrainians launched an investigation into the ownership of RosUkrEnergo, which was established by the former Ukrainian government, and is now deemed a 'shady intermediary'. RosUkrEnergo was originally established to provide Turkmen gas to Ukraine via Russian pipelines.[24] It was finally discovered that Gazprom owned 50% of RosUkrEnergo, whilst two Ukrainian individuals owned the other half.[25] The price escalation during the resolution process betrayed Russia's central aim in the gas dispute. It has been alleged that Russia aimed to have "the negotiating partner sufficiently insulted in order to make reaching the agreement impossible", demonstrating its effective energy power tactics.[26] Thus Russia never intended to reach an immediate agreement with Ukraine, highlighting that the dispute was foremost a result of Russia's efforts to punish Ukraine.

The Consequences

As a result of the 2006 gas crisis, the world began fully to recognise the geopolitical leverage that Russia has over the former Soviet Union. US Secretary of State Condaleezza Rice was quick to condemn Russia's actions by announcing, "no interest is served if Russia uses its great wealth, its […] gas wealth, as a political weapon, or […] if it treats its independent neighbours as part of some old sphere of influence."[27] The gas crisis essentially represented the "ultimate coup de grace for the former Soviet Union."[28]

The dispute also generated support for the Russian backed pipeline, Nord Stream, particularly from many EU countries that were affected severely by the 2006 Russian-Ukrainian crisis. Nord Stream remains largely viewed as part of a wider divide-and-conquer policy aimed at undermining EU efforts to agree on a common energy approach.[29] Essentially, Nord Stream removed the issue of transit state leverage and politics. By connecting Russian gas

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[23] Stern, op. cit. (2006).
[24] Larsson, op. cit. (2006).
[25] Sokov, op. cit. (2006).
[26] Zarakhovich, op. cit. (2005).
[27] Perovic, op. cit. (2009).
[28] Trenin, op. cit. (2007).
[29] Perovic, op. cit. (2009).

supplies to Germany via the Baltic Sea, it neutralised the transit leverage Ukraine held.

The 2006 gas dispute severely damaged the reputation of Yushchenko's Our Ukraine party, which bore the brunt during the 2006 Ukrainian parliamentary elections, coming third behind the Tymoshenko bloc and Yanukovych's party. Pro-Russian Yanukovych returned as Ukraine's Prime Minister in 2006. The gas dispute demonstrated to the former Soviet Union states that full independence from Russia carried a price, whereby "countries that did not respond to Russian interests would no longer enjoy economic benefits in the form of lower […] gas prices".[30]

Evidently, the four-day dispute affected many countries outside of Ukraine, particularly much of Eastern Europe. Through teaching a lesson in geopolitical loyalty to Ukraine, Russia effectively damaged energy relations with its most important and largest customer: Europe.[31] The fact that Russia was willing to jeopardize its relationship with Europe demonstrates that the 2006 gas dispute was motivated by political rather than economic factors. It also exposed the EU's over-reliance on Russian natural gas deliveries.

In 2009 the world witnessed a recurrence of the Russian-Ukrainian gas conflict. This time, Ukraine's mounting gas debt had not been repaid and by December 2008 it had reached $2 billion.[32] Ukraine claimed to only owe $1.5 billion and swiftly paid it, denying owing any more.[33] Once again, Russia applied pressure by reducing natural gas deliveries until the outstanding debt was settled. Upon Ukrainian refusal, Russia cut the supply on January 1st 2009.[34] The standoff lasted 20 days, with European nations again affected during a cold winter. Ukraine insisted on a $2 per 100 km tariff charge for Russia; meanwhile, Russia was demanding a price of $250 per 1,000 cubic meters of gas to Ukraine. The gas supply finally resumed on the 20th of January, after Ukraine agreed to pay an increased rate of $228.8 per 1,000 cubic meters of gas, whereas Russia managed to avoid a rise in transit tariffs.[35]

It appeared that Ukraine had not learnt its lesson from the 2006 gas crisis.

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[30] Sokov, op. cit. (2006).
[31] Stern, op. cit. (2006).
[32] Ibid.
[33] 'Russia Tightens, Reopens Gas Valve to Ukraine', *The Current Digest of the Post-Soviet Press,* vol. 60, no. 9. (2008).
[34] J. Torres, *Russian-Ukrainian Gas Conflict Case Study*. (Spain: University of Navarra, 2010).
[35] Ibid.

The 20-day gas supply interruption in the 2009 Russian-Ukrainian dispute further underscored Europe's need to diversify its natural gas imports. Nonetheless, as Russian-Ukrainian relations normalised following the 2009 conflict, the issue of EU reliance upon Russia's natural gas once again fell from the geopolitical agenda. The February 2010 Ukrainian Presidential election result, which returned pro-Russian Yanukovych to the Presidency, may improve Russian-Ukrainian relations in the near future. It already appears that bilateral tensions are easing. In April 2010, both governments ratified the Kharkiv Accords, agreeing to a 25-year extension on the lease of the Sevastopol port to Russia's Black Sea Fleet in return for a natural gas subsidy for Ukraine. Some critics viewed the Kharkiv Accords as the mortgaging of Ukrainian independence for the sake of short-term economic and political gains, whereby Russian pressure has increased, rather than having been defused.[36]

Implications

New geopolitics leaves us to question whether we can expect global conflict or cooperation over energy, given that the temptation of governments to resort to military force to secure the world's diminishing natural resources will surely grow. A recent EU Commission report concluded:

> Potential conflicts over resources will surely arise from the current intensified competition over access to and control over energy resources [….] and that in itself is and will continue to be a cause of instability. However, because much of the world's hydrocarbon reserves are in regions vulnerable to the impacts of climate change and because many oil and gas producing states already face significant social economic and demographic challenges, instability is likely to increase. This has the potential to feed back into great energy insecurity and greater competition for resources.[37]

Efforts to forge cooperative ties between the energy-rich and the energy-poor have been made particularly by the EU, but these have stagnated. One option for the EU to secure its energy future might be the Nabucco pipeline; a US backed project aimed at delivering Central Asian gas to Europe without relying upon Russia's network of pipelines. Given Russia's fierce opposition to this pipeline (as well as Russia's bilateral agreements with Nabucco transit

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[36] J. Sherr, 'The Mortgaging of Ukraine's Independence', *Johnson's Russia List*, vol. 161, no. 35. (2010).
[37] EU Commission, *Climate Change and International Security*, (Brussels: EU Commission, 2008).

states), the system is unlikely to get off the ground.

Russia's counter to Nabucco however, the Nord Stream pipeline, was much more successful. Nord Stream sends Russian gas under the Baltic Sea straight to the EU, via Germany and is expected to be online by end of 2012. The Nord Stream pipeline allows Russian gas deliveries to reach Western Europe without transiting 'unruly' and 'unreliable' states.

Conclusion

The case study of the 2006 Russia-Ukraine gas crisis shows that conflict is becoming a dominant feature of global energy politics. Russia is the world's leading energy superpower and is likely to play an increasingly pivotal role, particularly in the Arctic. It would be naïve to assume Russia always intends to play by international rules and adhere to international norms.

The 2006 Russian-Ukrainian gas crisis highlighted the new rules of the 'energy game'; now it is vital that the world comes to terms with them. The EU requires a collective energy strategy to free itself from its current over-reliance on Russia. However, governments driven by short-term gains have severely hampered efforts to develop a working solution. For instance, in order for the entire EU to implement a collective energy strategy, Germany must be on board. Instead, Germany has spearheaded bilateral energy agreements (such as the creation of Nord Stream) with Russia in order to secure its own energy future.

Climate change and energy security have an interdependent relationship, and we are failing to pay equal attention to both. The longer-term challenge is to develop new energy technologies (and implement them on a global scale), The New Economics Foundation recently completed a decade-long study into global energy habits, which concluded that:

> For everyone on Earth to live at the current European average level of consumption we would need more than double the biocapacity actually available – the equivalent of 2.1 planet Earths – to sustain us. If everyone consumed at the US rate we would require nearly 5.[38]

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[38] New Economics Foundation, 'Growth isn't working: the Uneven Distribution of Benefits and Costs from Economic Growth' (2006) available online: http://www.neweconomics.org/gen/uploads/hrfu5w555mzd3f55m2vqwty502022006112929.pdf (accessed 3 April 2011).

These figures are independent of the impact that China's and India's population will have over the next decade as these two nations take their new seat at the head of the global energy table. Now is the time to build interdependent relationships between nations through cooperation in order to meet global energy security demands. This will require a climate of cooperation between energy-rich and the energy-poor states. The battlelines have already been drawn for the global energy showdown we are yet to see. However, there is still time to reverse direction.

Australia's Human Security Policy and the Pursuit of Peace in West Papua

Nathaniel Jones[*]

This chapter explores the concept of human security and examines its relevance for Australian foreign policy formulation towards Indonesia given the ongoing conflict in West Papua. Human security has been defined by the United Nations Development Programme as the interlocking concepts of 'freedom from fear' and 'freedom from want'. West Papua is a source of human insecurity on Australia's doorstep. Adopting a human security framework to shape Australian policy could mitigate the grievances of West Papuans within the context of Australia's bilateral relationship with Indonesia. Although the implementation of an Australian human security agenda in West Papua is challenged by the complexities and sensitivities of Australia-Indonesia bilateral relations, measures can be taken to overcome the status quo of Australian policy inaction in order to improve outcomes for West Papuans. Australia should recalibrate its declaratory policy of support for human security to include tangible foreign policy initiatives to support human security in West Papua.

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On the 2nd of November 2010 Australia's Prime Minister Julia Gillard and Indonesian President Susilo Bambang Yudhoyono issued a largely unremarkable Joint Statement. The statement reaffirmed the continued importance of strong ties between Canberra and Jakarta, alluded to recent challenges and progress, in the bilateral relationship and committed both nations to further cooperation. Barely commented upon by observers in either country was the content of the final paragraph which reaffirmed the interest of both leaders in jointly addressing challenges including "human security issues."[1] This chapter explores the concept of human security and examines its relevance for Australian foreign policy formulation towards Indonesia given the ongoing conflict in West Papua.[2]

The inclusion of the term "human security" echoed the 2008 Joint Ministerial Statement from the Australian and Indonesian Ministers for Foreign Affairs that also mentioned term.[3] These explicit diplomatic references to human security occurred despite the term being academically contested, neither country having defined the concept and with Australia having scarcely mentioned human security within the government publications and white papers that constitute Australian strategic guidance. Examples of this include: the Department of Foreign Affairs and Trade's latest annual report which

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[1] J. Gillard, 'Indonesia-Australia Joint Statement,' Media Release- Department of the Prime Minister (2 November 2010) available online: http://www.pm.gov.au/press-office/indonesia-australia-joint-statement (accessed 17 May 2011).

[2] Note on terminology: 'West Papua' as used within this paper refers to the entirety of the Western portion of the island of New Guinea, encompassing all portions West of the 141st Meridian East. This paper refers to the entire territory as West Papua as the term preferred by the Papuan people. The demonym used within this paper 'Papuan', refers to all indigenous persons of West Papua. Referred to as the province of Irian Jaya by the Indonesian government from 1969 until 2001, with the passage of the Special Autonomy Law (2001), the province was renamed Papua. In 2003, the Indonesian government initiated plans to divide the territory into three provinces, and towards this goal created a new province called West Irian Jaya in the western tip of the territory. Plans to create the additional province of Central Irian Jaya were terminated in 2004 when the Indonesian constitutional court found that the administrative changes violated the terms of the Special Autonomy Law.

[3] S. Smith, 'Joint Ministerial Statement – 9th Australia-Indonesia Ministerial Forum,' Media Release- Department of Foreign Affairs and Trade (2008) available online: http://www.foreignminister.gov.au/releases/2008/9_aimf_statement.html, (accessed 5 June 2011).

explicitly mentions "human security" only once;[4] the Department of Defence's latest White Paper, 'Defending Australia in the Asia Pacific Century: Force 2030', which makes no mention of human security;[5] the latest Defence Update on Australia's National Security[6] and the 2010 AusAid Annual Report which mentions the concept only twice.[7] Rather than recognising the significance of human security as a framework for re-prioritising and re-shaping policy, the concept has in these instances been used as a benign-sounding rhetorical flourish, a diplomatically convenient buzzword and a politically harmless slogan. Thus, November 2010 saw the rearticulation of human security cooperation in the Australia-Indonesia bilateral relationship despite the troublesome complexity that any attempt to include the concept as a tangible plank of Australian foreign policy immediately encounters.

The rhetoric of human security entered into the Australian diplomatic lexicon with commitments to enhance human security made at the 2007 Asia-Pacific Economic Cooperation Summit in Sydney.[8] Since then a diverse range of government figures, have variously exhorted the importance of human security through statements, speeches and public addresses.

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[4] Department of Foreign Affairs and Trade, 'Department of Foreign Affairs and Trade Annual Report 2010-2011' (2011) available online: http://www.dfat.gov.au/dept/annual_reports/10_11/downloads/DFAT-AR1011.pdf (accessed 12 June 2012). Note: The term 'human security' is mentioned several times in the context of APEC. Department of Foreign Affairs and Trade, 'Department of Foreign Affairs and Trade Annual Report 2006-2007' (2007) available online: http://www.dfat.gov.au/dept/annual_reports/06_07/index.html (accessed 12 June 2012)
[5] Department of Defence, 'Defending Australia in the Asia Pacific Century: Force 2030 White Paper' (2009) available online: http://www.defence.gov.au/whitepaper/docs/defence_white_paper_2009.pdf (accessed 12 June 2012)
[6] Department of Defence, 'Defence Update on Australia's National Security' (2007) available online: http://www.defence.gov.au/oscdf/ans/2007/contents_pdf.htm (accessed 12 June 2012)
[7] AusAid , 'AusAid Annual Report 2010' (2010) available online: http://www.ausaid.gov.au/AnnualReports/Pages/rep10default.aspx (accessed 12 June 2012)

[8] Asia-Pacific Economic Cooperation, '2007 Leaders' Declaration,' Sydney Declaration – Strengthening Our Community, Building a Sustainable Future (9 September 2007) available online: http://www.apec.org/Meeting-Papers/Leaders-Declarations/2007/2007_aelm.aspx (accessed 10 July 2011).

Those include Prime Ministers John Howard[9] and Julia Gillard[10], Ministers Bruce Billson[11], Alexander Downer[12], Stephen Smith[13], Mike Kelly[14] and Kevin Rudd[15]and Senator Scott Ludlam.[16] Australian representatives and leadership figures from across the political spectrum of Liberal, Labor and Greens have engaged with the concept in varying ways and when taken together, these sketch a broad picture of the importance of this contentious security framework for the future of Australian regional and bilateral policy. However, despite the lip service paid to the concept, the implementation of foreign policy that draws upon human security is far more complex and politically problematic. Joint statements and speeches are not self-executing conduits of policy. Despite the creep of human security language into Australia's diplomatic commitments, Australian policy documents have barely mentioned the concept. Indeed, former Labor minister Bob McMullen concluded in 2011 that

[9] Ministry of Foreign Affairs of Japan, 'Japan-Australia Joint Declaration on Security Cooperation,' MOFA, (13 March 2007) available online: http://www.mofa.go.jp/region/asia-paci/australia/joint0703.html (accessed 7 June 2011).

[10] J. Gillard, 'Japan-Australia Joint Communiqué,' Media Release- Department of the Prime Minister, (2011) available online: http://www.pm.gov.au/press-office/japan-australia-joint-communique-tokyo (accessed 6 June 2011).

[11] B. Billson, 'ASPI Unisys Defence and Security Luncheon with The Hon Bruce Billson MP Minister for Veterans' Affairs; Minister Assisting the Minister for Defence,' (26 March 2007) available online: http://www.aspi.org.au/admin/eventFiles/Billson%20Speech.pdf (accessed 22 July 2011).

[12] A. Downer, 'Future Challenges Facing APEC and the Asia-Pacific Region,' Speech to the Foreign Correspondents' Association, Department of Foreign Affairs and Trade (4 September 2007) available online: http://www.foreignminister.gov.au/speeches/2007/070904_apec.html (accessed 8 June 2011).

[13] Smith, op. cit. (2008).

[14] M. Kelly, 'Parliamentary Secretary for Defence Support to address International Symposium for the Protection of Civilians in Conflict Zones,' Department of Defence (3 March 2010) available online: http://www.defence.gov.au/minister/82tpl.cfm?CurrentId=10013 (accessed 18 June 2011).

[15] K. Rudd, 'Transcript of Interview with Kazakh Media,' Organization for Security and Co-operation in Europe Summit (1 December 2010) available online: http://parlinfo.aph.gov.au/parlInfo/download/media/pressrel/402731/upload_binary/402731.pdf;fileType%3Dapplication%2Fpdf, (accessed 6 June 2011).

[16] S. Ludlam, 'Defence Spending,' The Australian Greens, Speech (24 September 2008) available online: http://greensmps.org.au/content/speech/defence-spending (accessed 25 September 2011).

there was "no evidence that the human security debate had impacted Australian public policy at all."[17] This disconnect between existing Australian strategic guidance and the repeated rhetorical commitments to human security has continued to grow, a matter that deserves greater examination of the opportunities and challenges associated with a possible operationalisation of the concept.

Examining the Human Security Paradigm

Human security is an ambitious agenda of human rights promotion, packaged within a security framework that seeks to shape policymaking. It is an attempt to transcend the liberal/ethics versus realist/interest dichotomy[18] while encompassing security, human rights and economic development concerns.[19] The articulation of the concept in the 1994 United Nations Development Programme report 'New Dimensions of Human Security', emphasised the need for a people-centred world order achieved through transition from the limited concept of national security to a broad concept of human security based on 'freedom from fear' and 'freedom from want.'[20] As such, human security proposes a reconfiguration of security thinking: moving away from a state-centric worldview and the tumultuous legacy of twentieth century nationalism[21] to one that designates individuals as the "referent object of security."[22] Proponents have attempted to fashion human security into a coherent analytical framework despite being drawn into a form of "intellectual trench

[17] R. McGibbon, 'The role of human security in shaping Australian foreign policy,' Conference room, Technology Enterprise Centre, La Trobe R&D Park (18 February 2011) available online:
http://www.latrobe.edu.au/humansecurity/assets/downloads/workshop-report-feb-2011.pdf (accessed 5 June 2011).

[18] D. Chandler, 'The Human Security Paradox: How Nation States Grew to Love Cosmopolitan Ethics,' Draft paper for international conference, 'Globalization, Difference, and Human Securities', Graduate School of Human Sciences, Osaka University, Japan (12-14 March 2008) available online:
http://www.davidchandler.org/pdf/papers/Osaka%20conference%20paper%20(Chandler).pdf (accessed 2 May 2011).

[19] M Caballero-Anthony, 'Revisioning Human Security in Southeast Asia,' *Asian Perspective*, vol. 28, no. 3 (2004), pp. 186-187.

[20] United Nations Development Programme, op. cit. (1994) p. 24.

[21] B. Durodié, 'Human Security – A Retrospective', *Global Change, Peace & Security*, vol. 22, no. 3 (2010), p. 386.

[22] A. Acharya, S. K. Singhdeo and M. Rajaretnam, Human Security. From Concept to Practice: Case Studies from Northeast India and Orissa, World Scientific Series on Human Security, Singapore (2011), p. 2.

warfare" with those critical of the concept's utility.[23] Occupying the crossroads between liberal cosmopolitanism and traditional realism[24], human security theory continues to stimulate debate regarding its applicability, analytical rigour and ability to influence policy.[25]

Human security's rise to prominence in the early 1990s can also be attributed to the theoretical soul-searching following the end of the bipolarity of international politics that characterised the Cold War[26] and the recognition of growing international interconnectedness due to the acceleration of globalisation.[27] A variety of competing definitions have emerged that emphasise certain human security priorities or establish a hierarchy of the concept's policy goals. One of the earliest definitions, put forward at the 1992 Common Security Forum, asserts that human security is "inclusive of but extending beyond the human dimensions of military conflict –incorporating health and population dimensions of political, ethnic, economic and environmental security as well."[28] Broader still, as stated by the United Nations in 1999, human security covers "enough food for the family; adequate shelter; good health; schooling for the children; protection from violence whether inflicted by man or by nature; and a State which does not oppress its citizens but rules with their consent."[29] Such articulations have embraced the broadness of the concept as its main strength, advocating a holistic approach that has understandably been criticised by opponents of the concept as unwieldy.

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[23] A. Burke, 'Caught between National and Human Security: Knowledge and Power in Post-crisis Asia,' *Global Change*, *Peace & Security*, vol. 13, no. 3, (2001), p. 220.

[24] Chandler, op. cit. (2008). p. 2.

[25] E. Newman, 'Critical human security studies', *Review of International Studies*, vol. 36, (2010), pp. 91-92.

[26] Durodié, op. cit. (2010), p. 389.

[27] Acharya, Singhdeo, and Rajaretnam, op. cit. (2011), p. 1.

[28] L. Chen, as quoted in S. Edson, 'Human Security: An Extended and Annotated International Bibliography,' Centre for History and Economics, King's College, University of Cambridge (1 June 2001) available online: http://issuu.com/elinormay/docs/13-edson-2001 (accessed 12 May 2011), p. 4.

[29] L. Frechette, 'Deputy Secretary-General Addresses Panel on Human Security Marking Twentieth Anniversary of Vienna International Centre.' Press Release DSG/SM/70 (12 October 1999) available online: http://www.un.org/News/Press/docs/1999/19991012.dsgsm70.doc.html (accessed 16 July 2011).

Others have sought to narrow the definition to facilitate policy guidance, drawing upon elements that are "important enough for human beings to fight over" within human security's broader thematic areas of poverty, health, education, political freedom and democracy.[30] Human security has been seized upon by myriad actors who have variously utilised it as "a rallying cry, a political campaign, a set of beliefs about the sources of violent conflict, a new conceptualization of security, and a guide for policy makers and academic researchers."[31] Consequently, national commitments by Australian leaders to uphold human security on any issue, let alone one as complex as West Papua, have thus far lacked a nuanced understanding of the contested history and meaning of the concept. Moreover, failing to engage directly with this discourse and assert a defined set of parameters clarifying Australian use of the concept risks leaving Australian human security commitments so broad as to be meaningless.

Human security has attracted trenchant criticisms ranging from a lack of conceptual coherence and insufficient interdisciplinary approaches to problems of subjectivity in threat perception.[32] Those suspicious of the concept characterise human security "as beset by a process of fragmentation, hollowing out the subjects of international relations and producing an absence of paradigms or clear frameworks of operation."[33] A steady stream of notable critics such as David Chandler[34], Astri Suhrke[35], Roland Paris[36], S. Neil MacFarlane and Yuen Foong Khong[37] and Iztok Prezelj[38] have interpreted human security as a failure, attributing the concept's lack of credibility and conceptual incoherence on the absence of interdisciplinary

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[30] G. King and C. J.Murray, 'Rethinking Human Security,' *Political Science Quarterly*, vol. 116, no. 4 (2001-02), pp. 594.
[31] Paris, op. cit. (2001), p. 102.
[32] I. Prezelj, 'Challenges in Conceptualizing and Providing Human Security,' *HUMSEC Journal*, no. 2 (2008), p. 1.
[33] Chandler, op. cit. (2008), p. 13.
[34] Ibid.
[35] A. Suhrke, 'Human Security and the Interests of States,' *Security Dialogue*, vol 30, no 3, (1999), pp. 265–276.
[36] Paris, op. cit. (2001), pp. 87-102.
   Paris, 'Still an inscrutable concept', *Security Dialogue*, vol 35, no 3 (2004), pp. 370-372.
[37] N, MacFarlane and Y. F. Khong, *Human Security and the UN: A Critical History* (Bloomington, Indiana University Press, 2006).
[38] Prezelj, op. cit. (2008), pp. 1-22.

approaches and joint methodologies. For these academics the problem is not one of ignoble sentiments, but of a distinct lack of clarity when it comes to the boundaries of the human security concept.[39] Moreover, the feasibility of measuring human security, or human insecurity for that matter, remains deeply problematic, inaccurate and prone to bias. As the meaning and circumstances in which human security is evoked continues to evolve, there is a significant danger that the concept could be hijacked as a political leitmotif, expedient buzzword or merely a synonym for human rights.

The theoretical shift in human security from security of the state to security of the individual exists at loggerheads with Southeast Asia's enduring state-centrism that "places a high value on state sovereignty in international and regional relations."[40] Moreover, reconfiguring Australian foreign policy to incorporate human security "demands that every policy undertaken must not only have human dignity as its objective but must be carried out in a way that ensures the protection of human rights."[41] Such a notion is extremely problematic in much of Asia where an Australian implementation of human security risks inflaming sensitivities regarding human rights and territorial integrity. While seeking a proactive and empowering role in protecting individuals under threat, Australian policy makers must recognise the contested relationship between state and society in places such as West Papua.

West Papua's Human Insecurity

Scholars such as Jim Elmslie, Camellia Webb-Gannon and Peter King have repeatedly observed that West Papua is an ongoing and largely neglected zone of human insecurity.[42] The separatist conflict

[39] Paris, op. cit. (2001), p. 91.

[40] Y. Nishikawa, 'Human security in Southeast Asia: Viable solution or empty slogan?,' *Security Dialogue*, vol. 40, no. 2 (2009), pp. 217.

[41] M. Alagappa (ed.), *Asian Security Order- Instrumental and Normative Features*, (Stanford: Stanford University Press, 2003), p. 540.

[42] J. Elmslie, C. Webb-Gannon and P. King, 'Anatomy of an Occupation: The Indonesian Military in West Papua,' A report prepared for the West Papua Project at the Centre for Peace and Conflict Studies, The University of Sydney, (August 2011) available online:
http://sydney.edu.au/arts/peace_conflict/docs/Anatomy_for_print.pdf (accessed 16 August 2011).

J Elmslie, C. Webb-Gannon and P. King, 'Get up, stand up: West Papua stands up for its rights,' A report prepared for the West Papua Project at the Centre for

between the Indonesian government and the Papuan independence movement has resulted in 48 years of intermittent conflict. During this time West Papua has experienced periods of negative peace (the absence of killing) that have frequently collapsed into violence.[43] The Indonesian military stands accused of failing to differentiate between militant separatism and peaceful demands for dialogue, cracking down brutally upon perceived threats to Indonesian control.[44] According to Human Rights Watch, the Indonesian government restricts access to West Papua by individuals and organisations considered to be supporting separatism which allows abuses by Indonesian police, including extrajudicial executions, torture and rape to be carried out with a high degree of impunity.[45] The conflict has been described as an appalling example of ongoing human rights abuses and discrimination against a minority group within Indonesia, perpetuating instability.[46]The human security lens is an important tool in understanding this conflict, given that West Papua "reveals the nexus between conflict and development as well as the intriguing relationship between freedom from fear and freedom from want."[47] As previously discussed, such concerns form the core of a human security analysis. A human security lens helps identifying key actors, sources of grievance and the factors that exacerbate the ongoing conflict. It highlights the hypocrisy of Australia's human security commitments while one of the longest 'nation versus state' conflicts in the Asia-Pacific region continues to unfold upon its doorstep.

Peace and Conflict Studies, The University of Sydney (July 2010) available online: http://sydney.edu.au/arts/peace_conflict/publications/Get%20Up,%20Stand%20Up%20printed.pdf (accessed 4 August 2011).

[43] J. Braithwaite, M Cookson, V. Braithwaite, and L. Dunn, 'Papua', in J Braithwaite, V Braithwaite, M Cookson and L Dunn (eds), *Anomie and Violence: non-truth and reconciliation in Indonesian peacebuilding* (Canberra: ANU Press, 2010), p. 141.

[44] T. Allard, 'Abuses in West Papua put peace effort at risk,' *Sydney Morning Herald* (15 August 2011) available online: http://www.smh.com.au/world/abuses-in-west-papua-put-peace-effort-at-risk-20110814-1isxu.html (accessed 20 August 2011).

[45] Human Rights Watch, *Out of Sight- Endemic Abuse and Impunity in Papua's Central Highlands*, vol. 19, no. 10(C) (2007) available online: http://www2.ohchr.org/english/bodies/cerd/docs/ngos/hrw_indonesia.pdf (accessed 8 August 2011).

[46] E. Kennedy, 'A dialogue-centered peace process will end the Papua/Indonesia conflict,' *East Asia Forum*, (24 July 2010) available online: http://www.eastasiaforum.org/2010/07/24/a-dialogue-centered-peace-process-will-end-the-papuaindonesia-conflict/ (accessed 9 August 2011).

[47] Acharya, Singhdeo, and Rajaretnam, op cit. (2011), p. 2

To apply a human security perspective to the situation in West Papua requires an assessment of threats and injustices "in terms of the local people's point of view."[48] From such a perspective, the conflict and unrest in West Papua can be attributed to a range of underlying structural drivers, including the arrival of migrants, socio-economic disempowerment and inequities in land use and resource redistribution. The instability is also caused by proximate factors such as the behaviour of the Indonesian military and the Indonesian state in failing to hold the military accountable for its actions as well as partition which is perceived to have disregarded the province's legal status and rights as defined by the Bill of Law of the Republic of Indonesia on Special Autonomy for West Papua (number 21/2001).[49] The ongoing instability in West Papua also stems from the territory's volatile melting pot of antagonistic historical, ethnic, linguistic and religious divisions that fuel deeply rooted grievances and resist reconciliation within the Indonesian state. In particular, demographic change, initially due to policies of forced transmigration under President Suharto but now continued through spontaneous migration, is causing native Papuans to become a minority in their ancestral homeland. Indeed this demographic tipping point may have already been passed in 2011, as Jim Elmslie has estimated that indigenous Papuans may now account for only 47.5% of the population of West Papua.[50] Human security threats endure despite the majority of Papuans demanding no more than the rights and freedoms already promised to them as Indonesian citizens under the Special Autonomy Law.

Conceptualising regional issues through a trans-border human security lens reveals that, if left unchecked, insurgency and violence

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[48] Nishikawa, op. cit. (2009), p. 220.
[49] O. Mote, 'Special Autonomy,' East Timor Advocacy Network, West Papua, (December 2007) available online:
http://www.etan.org/issues/wpapua/1207spaut.htm (accessed 13 August 2011).
  A copy of the Bill of Law (henceforth the Law) is available at: 'Laws and other documents', UNIPA - ANU -
  UNCEN PapuaWeb Project (2002) available online:
http://www.papuaweb.org/goi/otsus/files/otsus-en.html
  (accessed 5 September 2011).
[50] J. Elmslie, 'West Papua: Genocide, Demographic Change, the Issue of 'Intent,' and the Australia-Indonesia Security Treaty', Paper presented at the Indonesian Solidarity and the West Papua Project conference 'West Papua: Paths to Justice and Prosperity' at the University of Sydney, 9-10 August 2007.

can spawn "terrorism, human insecurity (encapsulating issues such as poverty, hunger, ethnic cleansing and refugee flows) and the conditions for transnational crime."[51] University of Sydney Professor of International Law, Dr Ben Saul, in an open letter to the Australian government in 2008 recommended that "Australia place human security at the centre of its security and defence policy in the Pacific region."[52] This would require Australian policy makers to recognise the utility of clearly articulating and endorsing the concept as both an objective and an obligation for foreign policy and incorporating the term within strategic guidance including national security statements, policy papers and budget announcements.[53] Encouraging an end state of greater social equity and stronger democratic values in Indonesia, such that Papuans and similarly disgruntled parties no longer desire disaffiliation, appears to be the de facto position of the Australian government.[54] A human security agenda capable of achieving these goals in a peaceful, cooperative manner warrants a greater share of national attention. The tripartite pillars of diplomacy, development and defence will continue to provide integral guidance for Australian foreign policy makers, but require a reprioritisation in terms of funding and resourcing if Australian human security commitments to free Papuans from fear and want are to be upheld.

Forging a mutually accepted human security strategy may find unlikely common ground between Australia and Indonesia due to the fact that both countries are, to some degree, accused of acting like hypocrites domestically while employing human security rhetoric internationally. The issues associated with the human insecurity of Australia's indigenous population may at first appear a powerful

[51] M. O'Neill, 'Confronting the Hydra: Big problems with small wars,' Lowy Institute for International Policy, Paper 28 (2009) available online: http://www.humansecuritygateway.com/documents/LOWY_ConfrontingTheHydra BigProblemsWithSmallArms.pdf (accessed 28 April 2011), p. 40.

[52] B. Saul, 'Inquiry into the economic and security challenges facing Papua New Guinea and the island states of the southwest Pacific,' Letter to the Committee Secretary, Senate Foreign Affairs, Defence and Trade Committee, (17 July 2008) available online: http://www.aph.gov.au/Senate/committee/fadt_ctte/swpacific/submissions/sub01.p df (accessed 18 July 2011).

[53] S. Cousins, 'Human security: how do we achieve it?,' in *Vision 2030- An alternative approach to Australian security* (May 2010) available online: http://www.mapw.org.au/files/downloads/Vision%202030%20web%20version.pdf (accessed 8 September 2011), p. 31.

[54] E. Aspinall, 'A Reply to Peter King,' *Policy and Society*, vol. 25, no. 4 (2006), p. 141.

counter-argument to any attempt to engage with Indonesia on human security concerns, yet there is scope for mutually advantageous discussion between Australia and Indonesia of how best to reconcile external human security aspirations and internal human security dilemmas. Similarities exist between Australia's settler colonialism and Indonesian colonialism in West Papua with comparable outcomes in terms of the disruption of the pre-existing social fabric and erosion of traditional authority structures, prompting a range of responses from defiant resistance to passive disengagement among indigenous peoples.[55] Understanding common areas of indigenous grievance, such as inadequacies of education and health, may encourage common solutions that improve human security by drawing upon previous experience with both top-down and bottom-up approaches. Mutual vulnerability to critique and condemnation stemming from the gulf between aspirations and actions may encourage bilateral cooperation and engagement and more serious attempts at operationalising human security.

Identifying and Distilling the Perspectives of the Principal Actors

Indonesia

As outlined in the Indonesian government-sponsored Papua Road Map 2008[56], overcoming the "manageable but not solvable'" status quo of agitations and state-sanctioned crackdowns in West Papua[57] requires a renewed focus upon four key areas: recognition of marginalisation and discrimination, the formulation of a new paradigm of development, dialogue regarding the province's political status and historical construction and a path to reconciliation regarding state violence and human rights violations.[58] In 2005 President Yudhoyono indicated his desire to "solve the issue in Papua in a peaceful, just and dignified manner by emphasizing dialogue and persuasive approach" through the implementation of Special

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[55] Braithwaite et. al., op. cit. (2010), p. 130.

[56] M. S. Widjojo, A. Elisabeth, Amiruddin, C. Pamungkas and R. Dewi, 'Papua Road Map - Negotiating the Past, Improving the Present and Securing the Future,' The Indonesian Institute of Sciences (LIPI), Jakarta (2008) available online: http://sydney.edu.au/arts/peace_conflict/docs/PAPUA_ROAD_MAP_Short_Eng.pdf (accessed 7 August 2011).

[57] Kennedy, op. cit. (2010).

[58] Widjojo et. al., op. cit. (2008), p. 10.

Autonomy.[59] President Yudhoyono has characterised West Papua as an "inherited burden", blaming past regimes for the West Papua conflict.[60] Nonetheless encouraging signs of progress can be found, most recently in July 2011 when Barnabas Suebu, Governor of Papua province, spoke at the 'Papua Peace Conference' in support of dialogue to enhance *merdeka* (freedom) in West Papua.[61]

The Indonesian government has indicated its commitment to embracing a 'governance approach' of dialogue and demilitarisation that frees Papuans from fear and want. The sizeable development budget for West Papua, which in 2010 increased to US$3.39 billion, in addition to US$1.37 billion allocated to the province in Special Autonomy funds[62], offers some hope that, Jakarta can alter the strategic calculus of pro-independence Papuans and weaken some of the core drivers of the conflict through policy that successfully delivers socio-economic improvements.[63] Addressing the broader economic grievances in West Papua will be a crucial first step in restoring trust and reining in tensions. It represents a politically expedient step in achieving the goals of the Papua Road Map, which aims to stabilise the situation in West Papua in order to maintain Indonesia's healthy investment profile and help perpetuate the country's present economic boom.[64] Problematically, while international investors such as Freeport and British Petroleum remain active and willing to expand their presence in West Papua despite the human insecurity of the Papuan population, this avenue for encouraging Indonesian leadership to pursue peacebuilding will remain weak.

[59] S. B. Yudhoyono, 'State address of the President of the Republic of Indonesia and the government statement,' *Papuaweb: Virtual Library notes and images* (16 August 2005) available online: http://www.papuaweb.org/vl/www/02/050816-presidential-address.html (accessed 8 September 2011).

[60] Yudhoyono, ibid., (2005).

[61] Asian Human Rights Commission, 'Indonesia: Papuan Peace Declaration', *Asian Human Rights Commission* (12 July 2011) available online: http://www.humanrights.asia/news/forwarded-news/AHRC-FST-041-2011 (accessed 8 September 2011).

[62] Jakarta Post, 'Papua provinces development funds: SBY,' *The Jakarta Post* (30 July 2010) available online http://www.thejakartapost.com/news/2010/07/30/papua-provinces-development-funds-sby.html (accessed 3 September 2011).

[63] Widjojo et. al., op. cit. (2008), p. 33

[64] K Vaswani, 'Indonesia changing quickly as economy booms,' *BBC News* (12 June 2011) available online: http://www.bbc.co.uk/news/business-13725438 (accessed 5 October 2011).

Solving the Papuan thorn in the side of Indonesia's international reputation will hinge upon freedom from fear for Papuans. Governance changes must be accompanied by genuine commitments to making Papua a 'land of peace'. The Indonesian elite accepts that a less coercive state is a core aim of the republic's democratic future, recognising that further measures are needed to revive "stalled plans of reformasi [reform] for effectively tackling both korupsi [corruption] and militarisasi [militarism] in the country at large".[65] Such an approach accepts that 'freedom from fear' and 'freedom from want'… are often intrinsically linked as the root causes of violence."[66] Progress on each of these aspects is needed although this process will not be without difficulties given the obstacles to undertaking comprehensive dialogue with Papuans and mapping the wide assortment of grievances across some of the most sparsely populated and geographically challenging terrain in the world. Nonetheless, human rights are already protected within the Indonesian Constitution and guaranteed by Indonesia's adherence to a range of United Nations conventions; resolving the Papuan struggle could, from one perspective, be seen primarily as a matter of enforcing existing laws.

In President Yudhoyono's November 2010 Joint Statement with Australia, Indonesia took the important step of recognising that human security is a signifier of far more than Western values and helped dispel lingering fears that human security is "a geo-political guise justifying military interventionism."[67] However applying human security is far more difficult politically given the need for Indonesian democratic leaders to retain the popular vote in the face of a public that remains susceptible to fear-mongering and anti-

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[65] P. King, 'West Papua and Indonesia in the 21st Century-- Resilient Minnow? Implacable Minotaur?,' *West Papua Project Report*, Papua Paper no. 1, Centre for Peace and Conflict Studies (2010) available online: http://sydney.edu.au/arts/peace_conflict/docs/working_papers/PK%20WP%20and %20Indonesia%20in%20the%2021st%20century-%20Nov10.pdf (accessed 29 August 2011). p. 11

[66] Nishikawa, op. cit. (2009), p. 224.

[67] N. Chomsky as quoted in S. Edson, 'Human Security: An Extended and Annotated International Bibliography', Centre for History and Economics, King's College, University of Cambridge (1 June 2001) available online: http://issuu.com/elinormay/docs/13-edson-2001 (accessed 12 May 2011), p. 4.

Australian nationalist fervour mobilised by the media and radical political opposition figures.

In Indonesia the military also has the power to damage the reputation of democratically-elected leaders.[68] Overt Australian support for Papuan independence is risky as it can evoke a nationalistic upsurge in hostility towards Australia among Indonesians. Rodd McGibbon's assessment of this scenario is instructive: "the more Australians are seen to support Papuan separatism, the more Indonesian nationalism will crack down on the province and the more Australia's influence will be marginalised."[69]Recognising this, bilateral progress on human security will require all parties to acknowledge that the conflict in West Papua "weakens Indonesia's legitimacy and ability to govern democratically."[70]Leaders must assert that human security cooperation best serves both the national interests of Australia and Indonesia, as well as the interests of the Papuan people, emphasising that embracing human security is necessary to advance the cause of peace.

West Papua

The various Papuan groups broadly demand a greater degree of *merdeka* (freedom) that encompasses human security and the right to self-determination. However, discussion of self-determination is problematic given its varying interpretation among Papuans, with the term encompassing everything from separation from Indonesia, to greater rights and freedoms within the Special Autonomy framework. At one end of the spectrum stand the demands by the Free Papua Movement for an independent West Papua apart from Indonesia.[71] The armed struggle of the political militants of this group against Jakarta embodies a rigid adherence to the desire for an independent Papuan homeland, along the lines of that in Papua New Guinea. By

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[68] Braithwaite et. al., op. cit. (2010), p. 142.

[69] P. Kelly, 'A new diplomacy over Papua,' *The Australian*, (7 October 2006) available online: http://www.theaustralian.com.au/news/opinion/a-new-diplomacy-over-papua/story-e6frg74x-1111112322744 (11 August 2011), p. 18.

[70] Kennedy, op. cit. (2010).

[71] AA Junaidi, 'The importance of integrative conflict transformation in the West Papua, Indonesia,' *Walisongo Mediation Centre* (14 April 2011) available online: http://wmc-iainws.com/detail_artikel.php?id=57 (accessed 10 September 2011).

Contrast, Papuan religious leaders have tended to assert that armed conflict is not the solution, instead emphasising the need for peaceful negotiation.[72] Prominent Papuans in exile such as tribal leaders Benny Wenda in the United Kingdom and John Rumbiak in the United States have tended to opt for a more conciliatory approach and advocate non-violent solutions to the political impasse while continuing to demand a referendum on succession. The limited polling data that is available and a wealth of anecdotal evidence suggests that Papuans have a strong preference for, at the least, a demilitarisation of the province and a clear preference for a greater measure of autonomy, as demonstrated when thousands marched in support of a referendum on independence in August 2011.[73]

However, a clear distinction exists between the heated politics of Papuan nationalism and the bureaucratic politics of governance in West Papua. Given the resources that the Indonesian government has made available in order to pacify the restive provinces, those who opt to work with rather than against Indonesia experience significant government support. The Papua Road Map draws attention to the paradox in which Papuans in the political elite have benefitted from joining the Indonesian bureaucracy, even as ordinary Papuans are shut out of systems of patronage. Economic self-interest has also been found to play a major role in the capitulation of Free Papua Movement militants, with incentives including government-funded housing construction projects facilitating the return of fighters from the jungle to the community.[74] Controversial Papuan figures such as Franzalbert Joku and Nicholas Messet of the Independent Group Supporting Special Autonomy, despite their former pro-independence stance, now highlight the need for a compromise with Jakarta in the immediate future.[75] Given West Papua's changing demographic realities, Joku advocates the proper implementation of the Special

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[72] Braithwaite et. al., op. cit. (2010), p. 93.
[73] B. Ambarita, C. Pasandaran and R. Nirmala, 'Thousands Join Pro-Referendum Rallies in Papua,' *Jakarta Globe* (3 August 2011) available online: http://www.thejakartaglobe.com/news/thousands-join-pro-referendum-rallies-in-papua/456830 (accessed 22 July 2011).
[74] Braithwaite et. al., op. cit. (2010), p. 128.
[75] R. Chauvel, 'Between guns and dialogue: Papua after the exile's return,' Nautilus Institute, Austral Peace and Security Network Policy Forum, 09-11A (23 April 2009) available online: http://www.nautilus.org/publications/essays/apsnet/policy-forum/2009/nicholaas-jouwe (accessed 13 August 2011).

Autonomy Law as the most appropriate solution to the current impasse, presenting a vision of the future predicated on "seeking out workable and sustainable concessional political arrangements with Jakarta."[76] Scholars such as Esther Heidbüchel have highlighted that the deadlock between Papuans and the Indonesian military "could be changed by redefining independence from the state into "being independent from oppression."[77] However, such semantic changes will not overcome all Papuan grievances and offer little guidance on the enduring problem of conflicting identities. Whereas the Acehnese appear to have successfully 're-imagined' themselves as Indonesians following the passage of the Aceh Peace Agreement in 2005, the largely Christian and Melanesia Papuan population do not see themselves as Indonesian in any meaningful way.[78]

At a minimum, Papuans seek greater accountability of the armed forces and the enforcement of existing laws. Papuans have also frequently expressed dissatisfaction with the unequal distribution of resources and uneven development in West Papua relative to the rest of the archipelago. Papuans have spoken out against discriminatory government policies in relation to the provision of services such as healthcare, education and social welfare[79]; all are significant given that in separatist struggles "injustice rooted in unsatisfied needs is the root cause of violence."[80] A variety of initiatives have been proposed by prominent Papuan priest Neles Tebay, namely an all-inclusive dialogue, preferably involving a third party facilitator, an investigation into alleged crimes against humanity, the declaration of West Papua as a 'land of peace', and the immediate implementation of the Special Autonomy Law.[81] Others are clearly frustrated with

[76] F. Joku, 'A Self-Governing Papua Within Indonesia Versus Archaic Notion of a Separate Independent Nation-State: Choice Between Reality and Dream?,' Paper presented at the Comprehending West Papua Conference held by the West Papua Project at the University of Sydney, February 23-24 2011.
[77] E. Heidbüchel, *The West Papua conflict in Indonesia: actors, issues and approaches* (Johannes Herrmann J&J-Verlag, Wettenberg, 2007), p. 25.
[78] P. King, 'In Defence of the Papua Sympathisers: A Rejoinder to Ed Aspinall,' *Policy and Society*, vol. 25, no. 4 (2006), p. 133.
[79] Y. Soegiarto, 'The Papua Problem: Seeds of Disintegration, *Jakarta Globe* (18 August 2011) available online: http://www.thejakartaglobe.com/blogs/the-papua-problem-seeds-of-disintegration/459893 (accessed 21 September 2011).
[80] Nishikawa, op. cit. (2009), p. 224.
[81] N. Tebay, *West Papua – The struggle for peace and justice* (London: Catholic Institute for International Relations, 2005), pp. 26-27.

the current quagmire; in 2008 the Papuan People's Assembly presented the Indonesian government with a comprehensive list of 11 grievances.[82] West Papua remains the battleground between a 'new' Indonesia that considers itself a decentralising, responsible international citizen and the 'old' Indonesia in perpetual fear of disintegration, unwilling to tolerate peaceful dissent.

Australia

The most significant measure required to free Papuans from fear is the identification of the militaristic policy approach of the Indonesian state as the primary source of human insecurity in the province. Australia's stance on this issue must stress the need for independent verification of and judicial accountability for human rights abuses by the Indonesian military. Measureable security sector reform should be made the baseline for Australia's future cooperation with the Indonesian armed forces. An instructive example of this policy in practice is the United States legislation that requires that "Kopassus [Indonesian Special Forces] members will be vetted individually before being allowed to participate in U.S. military training."[83] This provision should be mirrored by Australia to prevent training of human rights abusers. The Indonesian police would also benefit from restructuring to ensure that it is transformed "from oppressor to reliable partner for the population."[84] In demonstrating Australian commitment to human security, Canberra should consider denying visas to serious Indonesian human rights violators. While these operationalisations of human security would put us in a difficult (although more morally upstanding position) vis-à-vis Indonesia, they represent a significant step towards encouraging an end to the cycle of violence in West Papua.

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[82] A. D. B. Cook, 'Differentiated Policies: Indonesia's International Leadership and Internal Challenges', Policy Brief no. 12, RSIS Centre for Non-Traditional Security (NTS) Studies, (2011) available online: http://www.rsis.edu.sg/nts/HTML-Newsletter/Policy-Brief/pdf/Policy_Brief_150611.pdf (20 June 2011). p. 2

[83] J. Barclay, 'Indonesia's controversial special forces regain U.S. support in counterterrorism struggle,' *Terrorism Monitor*, vol 8, no 42, (18 November 2010), available online:
http://www.jamestown.org/uploads/media/TM_008_56b271.pdf
(accessed 13 August 2011).

[84] Heidbüchel, op. cit. (2007), p. 130.

The Lombok Treaty, signed in 2008 to restore bilateral security ties with Indonesia following an extended period of frosty relations due to Australia's intervention in East Timor, represents a potential hurdle to the application of human security. However, the treaty leaves some scope for human security cooperation, mentioning "new global challenges" including "non-traditional security threats". The wording of the articles significantly constrains possible Australian support for Papuan independence.[85] Australia, like any responsible international actor, has a variety of obligations to mobilise diplomatic, humanitarian, financial and, at times, military assets to avert and counter the worst human insecurities. The Lombok Treaty, while an important aspect of strong bilateral ties, must do more than simply offer reassurance to Indonesia that Australia will not be "a staging post for any separatists."[86] Australian policy makers should consider not just the words of the text but the spirit in which it was agreed upon. Australia's commitment to supporting a democratic Indonesia requires the raising of human rights concerns during high-level visits to ensure that the principles of pluralism, diversity, religious tolerance and social justice embodied within the Indonesian constitution are upheld.[87] The Lombok Treaty should not be allowed to preclude human security discussion or consideration of the situation in West Papua.

Australia should encourage the creation of opportunities for Papuans through development programs that expand delivery of jobs, health, education and access to welfare services. Such outcomes will only be possible through successful efforts to tackle corruption in West

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[85] Department of Foreign Affairs and Trade, *Agreement Between the Republic of Indonesia and Australia on the Framework for Security Cooperation*, (13 November 2006) available online: http://www.dfat.gov.au/geo/indonesia/ind-aus-sec06.html (accessed 29 August 2011).

[86] The Age, 'Australia, Indonesia sign security treaty,' *The Age* (14 November 2006) available online: http://www.theage.com.au/news/national/australia-indonesia-sign-security-treaty/2006/11/14/1163266511359.html?page=fullpage#contentSwap1 (accessed 20 October 2011).

[87] E. Waluyo and H. Azhar, 'Canberra's politics and impact on human rights,' *Jakarta Post* (11 February 2010) available online: http://www.thejakartapost.com/news/2010/11/02/canberra%E2%80%99s-politics-and-impact-human-rights.html (accessed 14 September 2011).

Papua, enabling revenue flows from Jakarta to reach their intended recipients. Where possible, Australia should partner with Indonesia to accelerate development in the province. In particular, the security of women must be improved and safeguards strengthened to ensure human security transcends the present gender divide. Once more, a full implementation of the Special Autonomy Law would be a significant step towards ameliorating the insecurity of Papuan women, given that it stipulates that at least one third of elected representatives in West Papua must be women.[88] Moreover, human security offers a redefinition of security that fosters interdepartmental linkages, breaking down the 'silos' of individual departments and driving towards a more holistic approach. An Australian human security agenda must recognise the importance of multifaceted and multilateral solutions to address the root causes of instability such as inequality, the inadequate provision of education and underdeveloped infrastructure by including a key role for markets, governance, NGOs and international cooperation.

In achieving greater human security for West Papua, Australia must end the current period of policy paralysis. The scaffold already exists for a responsive and reasoned human security agenda that grapples with freedom from want and freedom from fear, recognising that "the Millennium Development Goals represent a major initiative aimed at removing deprivations, on which efforts to improve human security can build."[89] Implementation would necessarily be gradual, predicated upon high-level diplomatic dialogue to promote greater cooperation with Indonesia on improving West Papuan human security in a stable and equal partnership. Operationalising the concept will require a degree of change in both institutional structure and culture. It should strive to produce a more integrated employment of military aid that is driven by development goals and aims to harness the capabilities of NGOs to promote oversight, transparency and accountability. Reconciling the gulf between Australian human security rhetoric and human security policy requires the enunciation of a clear baseline of expectations of Indonesia, along the lines of "no massacres, no ethnic cleansing, no engineering massive population influxes, no going back on the very limited decentralisation that has

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[88] Mote, op. cit. (2007).
[89] Commission on Human Security, *Human Security Now*, CHS, New York (2003) available online: http://www.sarpn.org/documents/d0001488/P1851-Human_Security_Now_2003.pdf (accessed 15 May 2011), p. iv

been promised – and no future aggression against an independent Papuan state."[90]

In order to guarantee Papuans the freedom to make decisions that affect their lives, the powers and authority of semi-autonomous local government must be upheld. The Special Autonomy provisions must be implemented in the manner originally intended as a crucial first step to restore the trust between Papuans and Jakarta. The failure to ensure that Indonesian decentralisation is felt in West Papua is a significant cause of ongoing unrest and violent struggle. Australian policy makers and leaders must cease underestimating the importance of Australia's diplomatic, economic and security leverage and assist Papuans to achieve the security, development and dignity they deserve and have long been promised. A sustained worsening of violence in West Papua would further erode Australia's international reputation as an empathetic and effective regional power. Additionally, any Australian bid for a non-permanent position on the UN Security Council, based on a credible commitment to human rights, is weakened without a correspondingly proactive human security agenda. Towards this goal, the Australian government currently has an opportunity to "reconceptualise its role in the international community by adopting a vision for human security that goes beyond its national interests."[91] Australia and Indonesia are destined to be neighbours forever. The challenges of implementing human security policy should not be accompanied by a retreat from Australia's regional relationships but rather a re-engagement with democratic partners in the region to internationalise the West Papua issue and promote bold leadership.[92]

Conclusion

The formulation of foreign policy has always necessitated compromise where goals are contested. Prioritising the range of competing, sometimes mutually exclusive and often very difficult policy choices towards neighbouring countries is one of the most difficult aspects of statecraft and the Australia-Indonesia relationship is no exception. Australia's balancing act between, on the one hand, a principled policy towards West Papua based on human rights

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[90] P. King, *West Papua & Indonesia since Suharto- Independence, Autonomy or Chaos* (Sydney: UNSW Press, 2004), p. 169.
[91] Cousins, op. cit. (2010), p. 31.
[92] Braithwaite et. al., op. cit. (2010), p. 143.

obligations and, on the other, concern that Australia does not jeopardise Indonesia's transition to democracy or exacerbate its separatist movements is particularly difficult. While accepting that there will always be a gap between actionable policy and declaratory policy, the challenge for Australian leadership and policy makers moving forward is to attempt to clarify Australia's presently conflicting messages regarding human security and ensure the ongoing stability of relations with Australia's neighbours. At some point Canberra must recognise that the status quo in West Papua works against Papuan interests, and works against a more constructive future relationship with Indonesia. Australia's West Papua/Indonesia policy must be aligned more closely with its wider foreign policy agenda of principled action in the pursuit of peace and prosperity. A negotiated peace in West Papua remains the outcome sought by all and requires a commitment to upholding the human security of Papuans through the creation and implementation of legitimate governance arrangements for establishing peace and justice.

Ultimately, Australian policy makers must cease being reactive to the West Papua situation, establish an agenda that recognises Australia's international obligations and commitments and then operationalise that agenda. This will only occur if the desire by policy makers to employ human security rhetoric in West Papua outweighs the continuing reluctance to move away from traditional security paradigms that have dominated the relationship since the Australian intervention in East Timor. While the path of toning down or narrowing the scope of human security rhetoric may seem highly appealing, to chart such a course is to invite criticism of Australia's foreign policy agenda as counter to existing rhetorical commitments. The other alternative – dropping the rhetoric of human security from the Australian policy lexicon entirely and somehow papering over the repeated use of the phrase – would constitute a comprehensive failure of policy imagination and implementation. Instead, the time has come to embrace principled policy that reconciles Australian rhetorical support for human security with a policy framework that upholds international laws and norms to help mitigate the grievances of West Papuans.

Developing Democracy and Free Media:
How Does Media Use Influence Democratic Participation in Indonesia?

Joshua D. Williams[*]

Research conducted in established democracies has demonstrated complex relationships between individual media use and the likelihood that a person will participate in political activities. There have been few attempts to test these relationships in developing democracies. This chapter broadens the body of research by examining the relationship between media use and democratic participation in Indonesia. Trends in the relationship between media used as an information source and political participation are identified using World Values Survey data. This study finds that media used as an information source promotes democratic participation and that newspaper reading and internet use are particularly effective. As the internet is used by a small proportion of Indonesians, foreign aid directed to support internet use may be an effective means to support democracy in Indonesia.

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The relationship between media use and participation in political activity has been a key issue for political scientists over the past two decades. Studies have found that media use produces disenfranchised and cynical citizens,[1] that television is a distraction from participation[2] and that newspaper reading,[3] internet use[4] and social interaction[5] help to increase participation. While such research provides an important insight, the participation trends have been predominately tested in established democracies, such as the United States (US) and United Kingdom (UK), leaving an unfortunate gap in understanding. It is also important to understand the links between media use and political participation in newer democracies and developing countries. This knowledge is important for foreign policy. By clarifying how media use influences political participation in less established democracies, it is possible to determine what forms of media promote participation and should be supported, thus providing guidance for foreign aid. In comparing trends of participation and media use between developing and established democracies we may see the future direction of an emerging democracy. This paper aims to test the relationship between media use and political participation in one such democracy: Indonesia.

Media Use and Participation

Widespread political participation is important for a democracy. By voting, joining demonstrations and boycotts, petitioning or other means, citizens who democratically participate make their representatives accountable for their actions. In Indonesia, where democracy faces many problems at the higher levels,[6] accountability is of the utmost importance. Participation can take both 'hard' and 'soft' forms;[7] this

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[1] T. Patterson, *Out of Order* (New York: Vintage Books, 1994).

[2] R. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

[3] P. Norris, 'Does Television Erode Social Capital? A Reply to Putnam', *PS: Political Science & Politics,* September (1996), 474-80.

[4] D. Shah et al., '"Connecting" and "Disconnecting" with Civic Life: Patterns of Internet Use and the Production of Social Capital', *Political Communication,* vol. 18 (2001), 141-62.

[5] Putnam, op. cit. (2000).

[6] M. Mietzner et al., 'Problems of Democratisation in Indonesia: An Overview', in M. Mietzner and E. Aspinall, (eds.) *Problems of Democratisation in Indonesia: Elections, Institutions and Society* (Singapore: Institute of Southeast Asian Studies, 2010).

[7] S. Livingstone et al., 'The Contribution of Media Consumption to Civic Participation', *British Journal of Sociology,* vol. 59, no. 2 (2008), 351-71. p. 2.

study will examine the 'hard' forms such as voting, demonstrating and boycotting. In this paper, the terms political participation, political engagement and action are used interchangeably to refer to the 'hard' measures of participation.

In his influential text *Bowling Alone: The Collapse and Arrival of American Community* (2000), political scientist Robert Putnam identified a large decline in civic engagement in the US over the preceding decades. This included a decline in political participation. Putnam found a trend in recent decades in which people became less involved in political parties, less trusting of politicians, and did not run for office as often.[8] Putnam's 'social capital' concept contended that this decline is partly due to modern media consumption trends.[9] Looking specifically at the US, Putnam found a decline in newspaper reading and TV network news watching and that more people were watching TV for entertainment only.[10] Putnam argued that daily TV watching for entertainment has become a replacement for social engagement and has caused a decline in political participation.[11]

Harvard University Fellow Pippa Norris critiques Putnam's social capital theory, claiming that it understates the importance of television watching as a news source. Norris asserts that watching news and current affairs can have a positive effect on political participation.[12] In Norris' findings, the participation rate among Americans was relatively high and watching television was not necessarily the cause of declining participation.[13] Other studies also refute the strength of Putnam's claims about the negative effect of television watching on participation. Professor of Social Psychology Sonia Livingstone and Lecturer in Journalism at the University of London Tim Markham found that TV watching decreased the incident of most political actions among participants but had no effect on interest or voting habits.[14] Other research has found no relation between TV news watching and participation.[15]

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[8] Putnam, op. cit. (2000) p.16.
[9] Ibid., p. 229.
[10] Ibid., p. 222.
[11] Ibid., p. 224.
[12] Norris, op. cit. (1996) p. 479.
[13] Ibid.
[14] Livingstone et al., op. cit., (2008) p.15.
[15] J. Mcleod et. al., 'Community, Communication, and Participation: The Role of Mass Media and Interpersonal Discussion in Local Political Participation', *Political Communication,* 16 (1999), 315-36, p. 329.

The relationship between media consumption and political participation may vary across media types. While the effects of television on political participation have been inconclusive, the positive effect that newspaper reading has on political engagement has been well established.[16] This connection is attributed to the higher standards of the print press and the active nature of reading as compared to the passive nature of watching television.[17] The internet has also been identified as a powerful tool in driving political engagement. Use of the internet as an information source has been identified as having a positive effect on the creation of social capital, including participation.[18] Internet users also experience more opportunities to be mobilised and recruited for social movements.[19] The internet has been found to be as effective as face-to-face contact in encouraging participation in political action, such as voting [20], while the internet is more effective at transmitting information.[21] Information found on the internet is effective in creating interest among citizens, which in turn can lead to greater participation.[22] Putnam also contends that social connections are the most important factor in creating socially engaged citizens.[23] Social interactions may help to increase the level of trust in other people and in the state,[24] although further studies testing this link have been inconclusive.[25]

Others suggest the type of media coverage may be more important than the mode. Social scientist Thomas Patterson found that media coverage on the whole focuses mainly on polling and change rather than good policy decisions or outcomes.[26] Patterson argues that this has caused

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[16] Putnam, op. cit. (2000) p. 216; Livingstone and Markham, op. cit. (2008) p.15; E. Kanervo et al., 'Communication and Democratic Participation: A Critical Review and Synthesis', *The Review of Communication,* vol. 5, no. 4 (2005), 193-236, p. 201.
[17] Putnam, op. cit. (2000) p. 221.
[18] Shah et al., op. cit. (2001) p.154.
[19] Ibid.
[20] M. Hooghe et al., 'The Potential of Internet Mobilization: An Experimental Study on the Effect of Internet and Face-to-Face Mobilization Efforts', *Political Communication,* vol. 27 (2010), 406-31, p. 422.
[21] Ibid. p. 424.
[22] B. Bimber, 'The Internet and Poltical Transformation: Populism, Community, and Accelerated Pluralism', *Polity,* vol. 31, no. 1 (1998), 133-60, p.159.
[23] Putnam, op. cit. (2000) p. 339.
[24] Ibid., p. 340.
[25] Kanervo et al., op. cit. (2005) p. 203.
[26] Patterson, op. cit. (1994).

people to become cynical towards politics and ill informed, thereby partly explaining the general decline in participation.[27]

While these studies provide many insights into the relationship between media use and political participation, they mostly deal with data from established democracies, including the US and the UK. To date, very little research has been conducted to test these theories in new democracies. Established democracies share many features. Political parties are highly entrenched and the media openness and freedom of participation have been well established over many decades.[28] Emerging democracies do not all share these features, and the relationship between media use and participation may not necessarily follow trends observed elsewhere.

Media Use and Democracy in Indonesia

As one of world's newest democracies, Indonesia is an invaluable case study for exploring the link between media use and political participation. In 1998, the authoritarian 'New Order' regime came to an end as President Suharto was forced to resign. New Order refers to the period between 1966, when Suharto gained power, to 1998, when he was ousted. This period was largely characterised by authoritarianism and anti-communism. Since the fall of Suharto, Indonesia has defied expectations in creating a stable democracy. Political scientist Samuel Huntington famously claimed: "Democracy is alien to Muslim societies".[29] But Muslim-majority Indonesia has rapidly embraced democracy. Parliamentary elections have taken place since 1999, as have presidential elections since 2004.

However, as in many transitional democracies, Indonesia faces problems. Corruption and electoral management make the consolidation of democracy difficult. The freedom of Indonesian media has also rapidly emerged since the end of Suharto's New Order period.[30] The

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[27] Ibid.

[28] J. Rowbottom, *Democracy Distorted: Wealth, Influence and Democratic Politics* (Cambridge: Cambridge University Press, 2010).

[29] S. Huntington as quoted in L. Abdulbaki, 'Democratisation in Indonesia: From Transition to Consolidation', *Asian Journal of Political Science,* vol.16, no. 2 (2008),151-72, p.155.

[30] K. Sen,'Re-Forming Media in Indonesia's Transition to Democracy', in K. Sen and D. Hill, (eds.) *Politics and the Media in Twenty-First Century Indonesia: Decade of Democracy* (London: Routledge, 2011).

number of outlets and journalists has increased and freedom of press and speech are established in law. Yet threats to the ability of media to give a free and full account of the world to citizens still exist. These threats include connections between media companies and political parties, lack of professionalism and anti-defamation laws.[31]

Australian Foreign Policy

Indonesia provides a useful case study of the relationship between media use and democratic participation in part because of its importance to Australia. The strength of Indonesian democracy is one of the most important areas for the future of the Australian-Indonesian relationship.[32] The development of democracy has granted Indonesia the confidence to involve itself in regional and world politics. Through shared values, it has gained a greater ability to engage with Australia and the international community.[33] It is important for regional stability and the welfare of Indonesian people that Australia supports consolidation of Indonesian democracy through policy, aid and cooperation.

As part of achieving the Millennium Development Goals, the Australian Agency for International Development (AusAID) supports democracy in Indonesia by running programs that promote good election management, court transparency, legal aid and legal reform.[34] Unfortunately much of Australian governmental dialogue and policy towards Indonesia focuses on negative issues, such as illegal fishing, terrorism and people smuggling.[35] While these issues are necessary for Australian security, limited attention has been given to the positive attributes of Indonesia (such as democratisation) is too limited. Lowy Institute research fellow Fergus Hanson recommends a shift in public

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[31] Aliansi Jurnalis Independen, 'Freedom of Expression and the Media in Indonesia', *Baseline studies on seven Southeast Asian countries* (London, 2005), p. 23.

[32] F. Hanson, 'Indonesia and Australia: Time for a Step Change', *Policy Brief* (Sydney: Lowy Institute, 2010),
p. 3.

[33] P. Sulistiyanto, 'Indonesia-Australia Relations in the Era of Democracy: The View from the Indonesian Side', *Australian Journal of Political Science,* vol. 45, no. 1 (2010),117-32, pp.121-2.

[34] Australian Agency for International Development, 'Aid Activities in Indonesia: Democratic Governance', available online:
http://www.ausaid.gov.au/country/indonesia/democracy.cfm, accessed 16 November.,2011

[35] Hanson, op. cit., (2010) p. 5.

policy focus towards forward-looking, positive cooperation.[36] In particular, there is scope for Australian aid to support the consolidation of Indonesian democracy by contributing in ways that promote political participation.

Democracy in Indonesia

Indonesian democracy is strong given its relative youth. The 2009 elections saw high voter turnout and existing parties are increasingly established.[37] Democratic processes have become the only valid method of seeking political power.[38] Actors attempt to work within the system rather than outside, increasing its overall strength.[39] Despite these rapid developments, Indonesian democracy is not without problems, in particular corruption and electoral mismanagement.[40]

To evaluate a democracy, it is important to understand the different forms of democracy. The non-government pro-democracy organisation Freedom House differentiates 'electoral democracies' and 'liberal democracies'.[41] An electoral democracy features a competitive multiparty system, universal adult suffrage, regular elections and access to the media by political parties.[42] A liberal democracy features a substantial array of civil liberties, the rule of law and individual rights, including freedom of expression, association and religion.[43] Freedom House has classified Indonesia as an electoral democracy since 1999 and a liberal democracy since 2004. This section will focus on the issues facing electoral democracy. Liberal democracy, in particular freedom of expression, will be considered in the following section, which examines the media landscape in Indonesia.

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[36] Ibid., p.16.

[37] M. Mietzner, 'Indonesia's 2009 Elections: Populism, Dynasties and the Consolidation of the Party System', (Sydney: Lowy Institute, 2009).

[38] R. Sukma, 'Indonesia's 2009 Elections: Defective System, Resilient Democracy', in M. Mietzner and E. Aspinall, (eds.) *Problems of Democratisation in Indonesia: Elections, Institutions and Society* (Institute of Southeast Asian Studies, 2010), p.71.

[39] Ibid.

[40] Mietzner et al., op. cit. (2010).

[41] Freedom House, 'Methodology', *Freedom in the World*, available online: <http://www.freedomhouse.org/template.cfm?page=351&ana_page=363&year=2010>, accessed 27 October, 2011.

[42] Ibid.

[43] United Nations Human Rights Committee, 'International Covenant on Civil and Political Rights', available online: <http://www2.ohchr.org/english/law/ccpr.htm>, accessed 27 October 2011.

Corruption is one of the most significant threats to Indonesian democracy.[44] Freedom House describes the level of corruption in Indonesia as 'endemic' and ranked the country 111th out of 180 countries in the 2009 international corruption reception index.[45] One aspect of corruption is the prevalence of 'money politics'. In the election campaign between June 2008 and April 2009, President Yudhoyono spent US$2 billion of state funds to pay for policies that may have helped win the election.[46] Yudhoyono's party Partai Demokrat (PD) began the campaign polling with only 8.2% support but ended it being elected with 20% of the vote.[47] By observing polling and the timing of policies, it can be seen that this improvement was very likely a result of spending on fuel compensation, school allowances and microcredit programs.[48] While many low-income Indonesians may have benefited from these programs, critics argue that they were 'charity' and not productive anti-poverty measures.[49] The ability of politicians to be elected on the basis of spending alone is worrying for Indonesia's electoral democracy.

Indonesia's Corruption Eradication Commission (KPK) has had some success in removing corrupt politicians but it is alleged that political elites are attempting to erode its power.[50] Maintaining and increasing KPK power is a key component of strengthening Indonesian democracy.[51] Measures to erode KPK power are met with huge resistance from the populace.[52] Whether popular support for anti-corruption efforts or the ability for political elites to act with impunity emerges as the stronger force is a key question for Indonesian democracy in the coming years.

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[44] T. Lindsey, 'Indonesia Cannot Be Complacent', *The Age,* (2011).

[45] Freedom House, 'Indonesia', *Country Report,* available online: <http://www.freedomhouse.org/template.cfm?page=22&year=2011&country=8056>, accessed 27 October 2011

[46] Mietzner, op. cit. (2009) p. 4.

[47] Ibid., p. 4.

[48] E. Aspinall, 'Indonesia in 2009: Democratic Triumphs and Trials', *Southeast Asian Affairs,* 2010 (2010), 102-25, p. 104.

[49] Ibid., p. 104.

[50] Ibid., p. 115; Freedom House, op. cit. (2011).

[51] A. Schmidt, 'Indonesia's 2009 Elections: Performance Challenges and Negative Precedents', in M. Mietzner and E. Aspinall, (eds.) *Problems of Democratisation in Indonesia: Elections, Institutions and Society* (Singapore: Institute of Southeast Asian Studies, 2010), p.119.

[52] Aspinall, op. cit. (2010) p. 113.

Another area of concern for Indonesian democracy is electoral mismanagement. How well an election is managed is an indicator of democratic strength and shortcomings in this area point to future problems.[53] In the 2009 elections, total foreign aid for supporting democracy fell from US$80 million in 2004 to just US$15 million.[54] The success of the 2004 elections and perceived strength of Indonesian democracy may have led to this decline. The lack of funds led to several problems: the voter roll was expensively mismanaged, there was a lack of experienced staff and a shortage of technical equipment.[55] Given the landslide support for Yudhoyono and his party, it is unlikely that these electoral problems distorted the result of the elections.[56] However, the results of future elections will be questionable if elections are not better funded and managed by Indonesia or foreign aid.

In the last few years, a group of unaligned voters has emerged among the middle class.[57] This group will access media news sources to take informed political actions. Executive Director of the Centre for Strategic and International Studies (CSIS) in Jakarta, Rizal Sukma, concludes that "voters have demonstrated ability to reward and punish through elections".[58] As an emerging democracy, Indonesia's rapid advancements have been very impressive and the prospect of increasing democratic participation is positive, but issues such as corruption and electoral management prevent a completely optimistic outlook.

The Media Landscape of Indonesia

Since the end of the New Order period, the Indonesian media has been quickly approaching a high standard of freedom and openness. This is true in spite of the ties between political parties and media organisations, poor professionalism among journalists and laws limiting free speech, all of which present concerns for the consolidation of democracy.[59] It is important to examine Indonesia's media landscape to identify whether it and Western media are comparable, as previous studies that seek to explain the links between media use and political

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[53] Schmidt, op. cit. (2010) p.110.
[54] Mietzner, op. cit. (2009) p. 25.
[55] Aspinall, op. cit. (2010) pp. 110-111.
[56] Ibid., p. 111; Mietzner, op. cit. (2009) p. 18.
[57] Sukma, op. cit. (2010) p. 71.
[58] Ibid., p. 71.
[59] Aliansi Jurnalis Independen, op. cit. (2005).

participation have been conducted in societies with open and free media. Free media plays a very important role in democracy. The United Nations Human Rights Committee states:

> The free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential.[60]

Professor of Sociology at the University of Cambridge John Thompson states that the mass media provides "the principal mean by which individuals acquire information and encounter different points of view on matters about which they may be expected to form personal judgment".[61] Free media works to ensure that all citizens are informed about the issues facing their country and the world. Without effective transfer of this information, representative democracy itself is meaningless.

In the New Order period, media was largely controlled by the state. Media "was expected to support unity of nation and official development policy".[62] 'Development journalism' is also seen in Malaysia and Singapore, where the media mostly reflects the governmental position on issues and does not work against content restrictions placed on it.[63] Since the fall of Suharto, much progress has been made towards a more open media landscape. For example, freedom of expression and the rights of media are guaranteed in the Indonesian constitution articles in the Consultative Assembly's Decree No. XVII/MPR/1998:

> Everyone shall have the right to freedom of association, assembly, and expressing opinion. (Article 19)

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[60] Office of the High Commissioner for Human Rights, 'CCPR General Comment No. 25: Article 25 (Paticipation in Public Affairs and the Right to Vote)', (eds.) *United Nations Human Rights Committee*, (1996).

[61] J. Thompson as quoted in Rowbottom, op. cit. (2010) p. 175.

[62] M. Nyman, *Democratising Indonesia: The Challenges of Civil Society in the Era of Reformasi* (NIAS Press, 2006), p. 52.

[63] N. Royan, 'Increasing Press Freedom in Indonesia: The Abolition of the Lese Majeste and 'Hate-Sowing' Provisions', *Australian Journal of Asian Law,* vol. 10, no. 2 (2008), 290-311, p. 291.

Everyone shall have the right to communicate and receive information for his/her personal development and social environment. (Article 20)[64]

The Press Law (No. 40 of 1999) removed licencing requirements for print publications.[65] This allowed an increase in both publications and journalists as entrepreneurs sought to take advantage of the new freedoms.[66] The number of working journalists increased from 7000 in 1997 to 30,000 in 2011.[67] A larger media sphere is better able to represent more diverse views and cover more distant areas, allowing more people to feel connected to a wider variety of issues.[68] By increasing connections between people and issues, democratic participation should increase.

The connections between media companies and political parties are a major concern for the ability of media to support democracy in Indonesia. Much of national media ownership in Indonesia is in the hands of the Suharto family and cronies.[69] Where political parties hold influence over media, they are able to promote their party and damage the reputation of others through the use of framing.[70] Framing is "selecting and highlighting some facets of events or issues, and making connection among them so as to promote a particular interpretation, evaluation, and/or solution".[71] When utilising framing, media outlets are able to present particular political views, often without viewers suspecting significant bias.[72]

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[64] Aliansi Jurnalis Independen, op. cit. (2005) p. 25.
[65] Royan, op. cit. (2008).
[66] I. Haryanto, 'Media Ownership and Its Implication for Journalists and Journalism in Indonesia', in K. Sen and D. Hill, (eds.) *Politics and the Media in Twenty-First Century Indonesia: Decade of Democracy* (London: Routledge, 2011).
[67] L. Pintak et al., 'The Mission of Indonesian Journalism: Balancing Democracy, Development, and Islamic Values', *International Journal of Press/Politics,* vol. 16, no. 2 (2011), 185-209, p. 186.
[68] Rowbottom, op. cit. (2010).
[69] R. Ida, 'Reorganisation of Media Power in Post-Authoritarian Indonesia', in K. Sen and D. Hill, (eds.) *Politics and the Media in Twenty-First Century Indonesia: Decade of Democracy* (London: Routledge, 2011), pp.14, 22.
[70] R. Entman, *Projections of Power: Framing News, Public Opinion, and U.S. Foreign Policy* (Chicago: Universiry of Chicago Press, 2003).
[71] Ibid., p. 5.
[72] S. Takotori, 'Mass Media in the Post New Order Era Indonesia', (University of Melbourne, 2006), p.14.

One particular example of the use of framing to promote party politics can be seen in the connection between *Metro TV* and the Golkar Party. Surya Paloh is a media tycoon who owns the 24-hour news television channel *Metro TV* and a highly circulated daily newspaper, *Media Indonesia*. Surya Paloh was also a member of Golkar party for 43 years, including the position of Chairman to the Advisory Board from 2004 to 2009.[73] Most television channels, including *Metro TV,* were heavily biased towards Golkar during the 2004 election campaign.[74] Golkar received much more coverage than other parties and was presented in a more positive light.[75]

Dominance of a media mode by a particular political group is very worrying for the prospects of democracy. In the 2004 campaign, 80% of Indonesians used television as the primary source of information.[76] In 2011, the majority of Indonesians regularly consume only television media and, despite recent growth, only 3% regularly access the internet.[77] A higher proportion of Indonesians (26%) regularly read newspapers.[78] To overcome the bias of any one outlet, promoting access to all formats of media is an important part of helping participation and democracy. Despite evidence of political interference, the public is more concerned with media content than ownership structures and its regulation.[79] Even within the media profession, only a relatively small proportion (37%) of journalists believe ownership structures are a critical threat to the industry.[80]

Professionalism among journalists is a large problem for Indonesian media and its ability to promote democracy. Corruption and development journalism are evident in media. Money influences media by controlling what stories are covered. Many journalists believe taking bribes in the form of 'taxi money' is acceptable. This money is to attend

[73] Antara News, 'Surya Paloh Quits Golkar Party', available online: <http://www.antaranews.com/en/news/75444/surya-paloh-quits-golkar-party).>, accessed 16 November, 2011.
[74] Tomsa, op. cit. (2007) p. 81.
[75] Ibid., p. 90.
[76] Ibid., p.79.
[77] D. Guharoy, 'Analysis: Surge in Internet Users Another Good Sign', *The Jakarta Post,* 2010.
[78] D. Guharoy, 'Analysis: Media Industry Adds More Good News for RI', *The Jakarta Post,* 2011.
[79] Ida, op. cit. (2011) p. 16.
[80] Pintak et al., op. cit. (2011) p. 200.

conferences and press junkets.[81] Bribes discourage media openness of media and hurt democracy.

Development journalism also remains a threat to Indonesian media with 53% of journalists believing part of their job is to support government policies.[82] Media companies must be Indonesian entities, with a minimum of 80% Indonesian ownership.[83] With many journalists supporting government policy rather than critiquing or discussing alternatives, the openness of media is significantly diminished and democracy is undermined.

A further area of concern regarding media in Indonesia is the harsh penalties for some forms of free speech. The content of news reporting is censored by anti-defamation laws and laws against inciting unrest. These laws limit freedom of expression and may cause self-censorship by threatening fines and prison time to those who do not follow the guidelines. For instance, insulting the president can result in up to 6 years imprisonment.[84] Lawsuits against media free speech remain a continuing threat as public figures can use influence or money to silence opposing views.[85] Journalists avoid the risk by self-censoring content they produce. However, recently Indonesia has demonstrated willingness to move towards a freer media sphere, as a number of 2006 court cases abolished some "provisions encouraging media self-censorship".[86] This is an area that must be keenly observed in the future. The outcome of court rulings and prosecutions in this area will provide an insight into the on-going openness of Indonesian democracy.

In many ways Indonesian media is well placed to inform citizens and promote participation. Indonesians using media as an information source will generally receive an open interpretation of Indonesia and its politics, which should promote democratic participation.[87] Associations between political parties and media companies, poor journalistic professionalism and laws limiting free speech must be monitored and fought within Indonesia to ensure that the media remains free and open.

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[81] Ibid., p. 203.
[82] Ibid., p. 202.
[83] Aliansi Jurnalis Independen op. cit. (2005) p. 42.
[84] Ibid., p. 58.
[85] T. Kakiailatu, 'Media in Indonesia: Forum for Political Change and Critical Assessment', *Asia Pacific Viewpoint,* vol. 48, no. 1 (2007), 60-71, p. 69.
[86] Royan, op. cit. (2008) p. 291.
[87] Putnam, op. cit. (2000).

Research Aim and Approach

Given its distinctive media and democratic landscape, Indonesia provides a useful case study for the relationship between media use and political participation in a developing democracy. This study draws on a national survey of the Indonesian population to examine the link between political participation and the use of several forms of media, specifically newspapers, TV, radio, the Internet and social interaction.

Participants

This research will use data from the World Values Survey (WVS). The WVS is an empirical quantitative survey that measures values and attitudes in countries throughout the world.[88] This study will use the WVS data from the 2005-2008 wave for Indonesia. Data was collected in Indonesia by the Institute of Quranic Studies [89] between June and October of 2006 (n=2015).[90] The population for this survey was males and females aged 16 years or older. Multi-stage sampling was used to ensure the study included a selection of people representative of urban and rural areas. Of the 33 provinces in Indonesia, 10 were selected randomly to be surveyed. The survey was conducted through personal face-to-face interviews.[91]

The World Values Survey data used is moderately representative of the Indonesian population. The Indonesian population was enumerated by the 2010 Indonesian census, which is conducted by Budan Pusat Statistik (BPS). Males were slightly over-represented in the WVS sample (52% of sample compared with 50% of population in 2010 census).[92] Median age of the WVS sample is 36.1, the BPS found a median age of 27.2.[93] 43.3% of the WVS sample had completed high

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[88] World Values Survey, 'Introduction to the World Values Survey', available at: <http://www.worldvaluessurvey.org/wvs/articles/folder_published/article_base_46>, accessed 19 August, 2011.

[89] Principal investigator: Nadra Muhammed Hosen, Dean, School of Social Sciences, Institute of Quranic Studies Jakarta, Indonesia. Email: mhosen@hotmail.com.

[90] World Values Survey, 'Technical Specifications of the Values Surveys: 2005-08, Indonesia 2006', <http://www.wvsevsdb.com/wvs/WVSTechnical.jsp?Idioma=I>, accessed 16 November, 2011.

[91] Ibid.

[92] Badan Pusat Statistik, 'Sensus Penduduk 2010', available at: <http://sp2010.bps.go.id/>, accessed 16 November, 2011.

[93] Ibid.

school or vocational school, compared with 18.78% BPS.[94] Note that the BPS census included everyone over the age of 5 in this measurement. Discrepancies between the makeup of Indonesian population and the WVS sample may be partly due to the 'over 16 years' sample used by the WVS.

Variables

As discussed in the literature review, different forms of media are expected to have different effects on political participation. This study will distinguish between the types of media and look at the association of each with participation. Media use is measured in the WVS through a series of five questions that ask participants which types of media they had used last week as information sources. Included in the survey are a) daily newspapers; b) news broadcasts on radio or TV; c) in-depth reports on radio or TV; d) the internet and email; and e) talking with friends or colleagues.

Political participation is measured in the WVS through four variables: a) voting; b) signing a petition; c) joining a boycott; and d) attending peaceful demonstrations. Voting is measured by asking participants if they voted in the last election. Signing a petition, joining a boycott and attending peaceful demonstrations are measured in the survey by asking respondents if they either 'have done', 'might do' or 'would never do' each respective forms of participation.

Analysis

WVS data for Indonesia in 2006 has been analysed by using frequency tests, crosstabs and Chi-Square tests and Spearman correlations. Firstly, the frequencies of each of the independent variables (media use) and dependent variables (political participation) are given. Secondly, crosstabs and Chi-Square tests are used to test the independence of media use and democratic participation. Finally, a Spearman correlation is used to identify the direction and strength of the relation between each pair of variables. The correlations have been visually represented.

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[94] Ibid.

Results

Descriptive findings

Table 1 shows the frequency of use of each media formats used as an information source in the last week. Television and radio are used at the highest rate, followed by talking with friends and colleagues and the internet. The internet is used by a low proportion of Indonesians. However, the proportion of internet users is much higher than found by Roy Morgan Research in 2011, which found 3% Indonesians regularly accessed the internet.[95] This discrepancy may relate to different definitions of use and the bias towards more educated people in the WVS Indonesian data.

Table 1: Media used as an information source in last week

	Daily newspapers (n=1942)	News broadcasts on TV or radio (n=1986)	In-depth reports on TV or radio (n=1960)	Internet and email (n=1859)	Talked with colleagues or friends (n=1961)
Used	53.4%	90.9%	68.3%	20.7%	85.5%
Not used	46%	9.1%	31.7%	79.3%	14.5%

(World Values Survey, Indonesia, 2006)

Table 2 shows the frequencies of political participation. More Indonesians have demonstrated than have signed a petition or joined a boycott. This statistic is also reflected in the rate of participants that 'might do' and 'would never do'.

Of the Indonesian participants in the WVS, 90.9% responded that they had voted in the recent parliamentary elections of 2004 (n=2006).

Table 2: Political participation

	Signed a petition (n=1758)	Joined a boycott (n=1796)	Attended a peaceful demonstration (n=1856)
Have done	6.1%	3.5%	14%
Might do	25.8%	19.9%	34.1%
Would never do	68.1%	76.6%	51.9%

(World Values Survey, Indonesia, 2006)

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[95] Guharoy, op. cit. (2010).

Significant relations were found between political participation and accessing media for information.

Voting in the recent parliamentary elections

Tables 3 and 4 show cross-tabulations between voting and media use. Using Chi-Square analysis, a significant association was found between watching television news in the past week and voting in the election (Table 3). Participants in the survey who used news broadcasts on television or radio were more likely to have voted. Use of internet or email was also significantly associated with voting in the last election (Table 4). Internet or email users were less likely to have voted. Chi-square tests showed no significant relationship between voting and talking with colleagues and friends as a source of information (χ^2=1.39 (df=1), p>.05). The same can be said for in-depth reports on radio (χ^2=1.83 (df=1), p>.05) and reading the daily newspaper (χ^2=1.21 (df=1), p>.05).

Table 3: News broadcasts on TV or radio used as an information source in the last week and voting

	Not used last week	Used last week
Voted	81.5%	91.6%
Did not vote	18.5%	8.4%

n=1978, χ^2=19.41 (df=1), p<.00, (World Values Survey, Indonesia, 2006)

Table 4: Internet and email used as an information source in the last week and voting

	Not used last week	Used last week
Voted	91.1%	87.8%
Did not vote	8.9%	12.2%

n=1852, χ^2=3.85 (df=1), p<.05, (World Values Survey, Indonesia, 2006)

Signing a petition

Figure 1 shows the independence of signing a petition and media consumption, as determined by using a Chi-Square. Significant associations were found between three information sources: (a) reading daily newspaper; (b) accessing in-depth reports on TV or radio; (c) using the internet; and (d) signing a petition. Users of these media formats were more likely to sign a petition. Internet users were more than four-times as likely to have signed a petition as non-users.

No significant association was found between signing a petition and using news reports (χ^2=3.34 (df=2), p>.05) or talking with friends or colleagues (χ^2=.94 (df=2), p>.05).
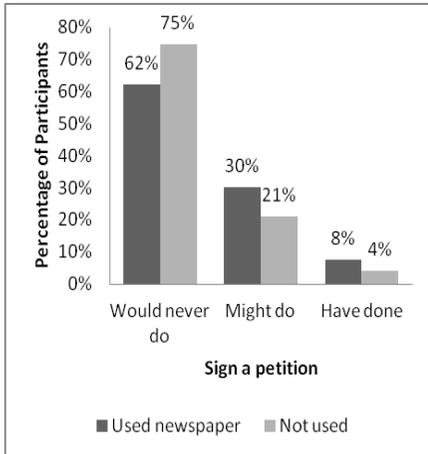
(a) Use of daily newspaper for information (n=1727, χ^2=32.04 (df=2), p<.00)
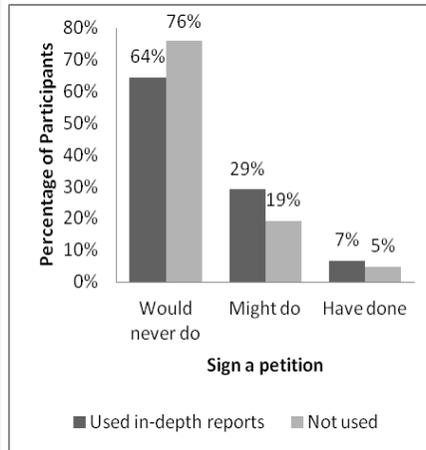
(b) Use of in-depth reports for information (n=1735, χ^2=24.24 (df=2), p<.00)
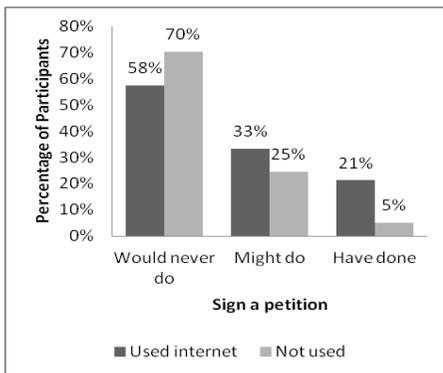
(c) Use of internet and email for information (n=1673, χ^2=22.44(df=2), p<.00)

Figure 1: Association between media use for information (newspapers, in-depth reports and internet) and likelihood of signing a petition (World Values Survey, Indonesia, 2006)

Joining a boycott

Chi-Square tests were also used to find the relation joining a boycott and media use (Figure 2). Significant associations were found with joining a boycott and both newspaper reading and use of the internet. Use of these media formats was associated with an increased probability of joining a boycott. Significant associations were not found between joining a boycott and using television or radio for news (χ^2=.8 (df=2), p>.05) or with in-depth reports (χ^2=3.16 (df=2), p>.05), nor with talking with friends and colleagues (χ^2=2.03 (df=2), p>.05).
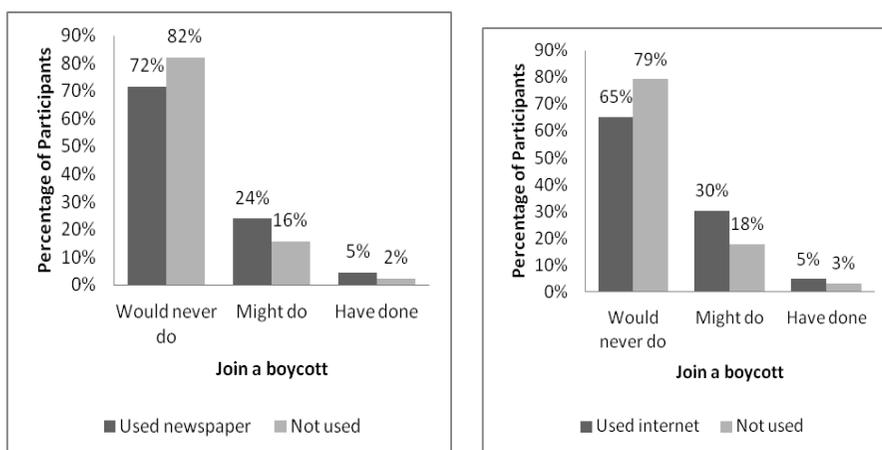
(a) Use of daily newspapers for information (n=1763, χ^2=27.78 (df=2), p<.00)

(b) Use of internet or email for information (n=1710, χ^2=30.86 (df=2), p<.00)

Figure 2: Association between media use for information (newspapers and internet) and likelihood of joining a boycott (World Values Survey, Indonesia, 2006)

Attending a peaceful demonstration

Figure 3 shows the significant associations found by Chi-Square tests between attending peaceful demonstrations and (a) reading a daily newspaper; (b) using in-depth reports; (c) using news broadcasts; and (d) using the internet. Citizens who read a daily newspaper or in-depth reports on television or radio, as well as people who accessed news broadcasts or used the internet were all more likely to have demonstrated.

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Users of daily newspapers or the internet were twice as likely to have demonstrated than non-users. No significant association was found between attending demonstrations and talking with friends and colleagues (χ^2=3.61 (df=2), p>.05).
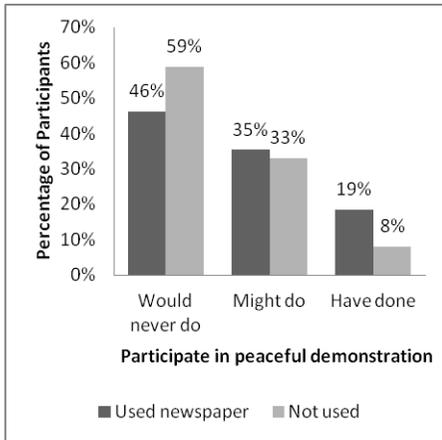
(a) Use of newspaper for information (n=1821, χ^2=50.22 (df=2), p<.00)
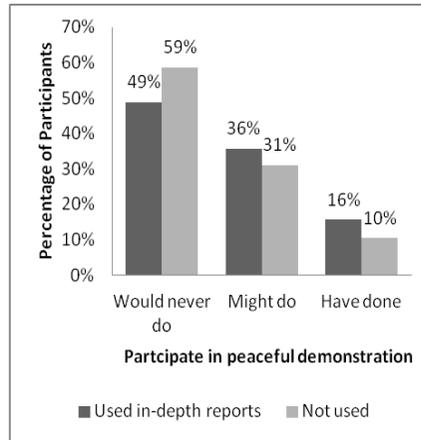
(b) Use of in-depth reports for information (n=1835, χ^2=17.73 (df=2), p<.00)
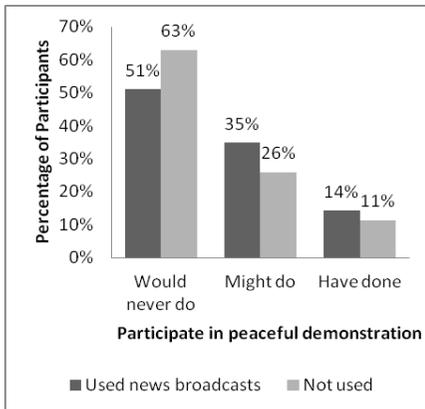
(c) Use of news broadcasts (radio and TV) for information (n=1846, χ^2=8.31 (df=2), p<.05)
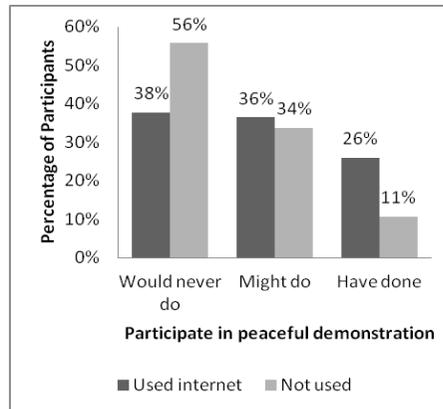
(d) Use of internet for information (n=1762, χ^2=69.08 (df=2), p<.00)

Figure 3: Association between media use for information (newspapers, news broadcast, in-depth reports, internet) and likelihood of participating in a peaceful demonstration (World Values Survey, Indonesia, 2006)

Correlating media use and political participation

Table 5 summarises the correlation between each of the political actions and each of the information sources. It should be noted that all the correlations found were to be weak to moderate, typically between .05 and .15. Each icon (↑) represents a positive correlation of around 0.05 and shows that the use of each media slightly increases the likelihood of some forms of democratic participation. The correlations found here match the relations found in the Chi Square crosstabs. Only one negative correlation was found: participants who reported using the internet for information were less likely to have voted in the last election.

Table 5: Visual representation of Spearman correlations between media types as sources of information and types political participation

	Voted in recent parliament elections n_{MIN}=1852	Signing a petition n_{MIN}=1673	Joining in boycotts n_{MIN}=1710	Attending peaceful demonstrations n_{MIN}=1762
Daily newspapers	—	↑↑↑	↑↑	↑↑↑
News broadcasts on radio or TV	↑↑	—	—	↑
In depth reports on radio or TV	—	↑↑	—	↑↑
Internet, Email	↓	↑↑	↑↑	↑↑↑
Talk with friends or colleagues	—	—	—	—

(World Values Survey, Indonesia, 2006)
↑ indicates a positive correlation, ↓ indicates a negative correlation, ― indicates no change or no statistically significant association.

*Number of arrows indicates the relative strength of the correlation: ↑ indicates r≈.05, ↑↑ indicates r≈.1, ↑↑↑ indicates r≈.15.

Discussion

It was found that all of the information sources, except talking with friends and colleagues, were positively linked with at least one mode of political participation. Reading a daily newspaper or accessing the internet and email were both positively associated with three out of the four forms of political action analysed. Use of news broadcasts and in-

depth reports on television or radio were both positively associated with two out of four forms of democratic participation.

Before proclaiming too strongly the ability of Indonesian media outlets to promote participation, it is important to note that this finding may be strongly related to the coding used on the WVS. The survey only recorded media used as an information source, not for other purposes. Past research has taken care to distinguish between the effects of media consumed for entertainment purposes and for news purposes.[96] As the dataset for this study only allowed the latter category, it follows expectations that in general all forms of media can have a positive effect on political participation.[97] However, it can still be claimed that the media is having a valuable effect on political participation and that Patterson's claim that the media instils ambivalence and cynicism among people is refuted.[98] As this finding is widely supported by evidence from established democracies,[99] it is suggested that general media negativity is not a feature of either old or new democracies.

The data analysed makes it hard to determine the validity of Putnam's social capital theory in developing democracies. Social capital theory claims that television viewing serves as a distraction from political participation. The WVS coded television and radio use in the same variable. We can assume television has the dominant effect, as its use is much more widespread. Roy Morgan Research data shows that over 90% of Indonesians watch television daily, compared to about 28% listening to the radio every day.[100] Due to its dominance in terms of consumption, this section refers only to the literature concerning television, though any conclusion drawn must be cautious.

The analysis reported in this paper demonstrates that, overall, watching television does not have a negative effect on political participation in Indonesia. Watching news broadcasts on TV was associated with increased likelihood of having voted in the last election and had a marginal positive association with demonstrating. Viewing in-depth reports was linked to increased probability that a participant had signed a petition or attended a demonstration. As the variables used specify

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[96] Putnam, op. cit. (2000) p. 221; Shah et al., op. cit (2001) p. 154; Norris, op. cit. (1996).
[97] Kanervo et al., op. cit. (2005).
[98] Patterson, op. cit. (1994).
[99] Kanervo et al., op. cit. (2005) p. 201.
[100] Guharoy, op. cit. (2011).

'news broadcasts' and 'in-depth reports', this data shows support for arguments that some forms of television, such as news and current affairs viewing, are positively linked with participation[101] but does not directly refute Putnam's findings.

As contended in many previous studies, reading the newspaper had a positive association with political participation.[102] Participants in the WVS who read a daily newspaper for information in the last week were more likely to have signed a petition, joined a boycott and attended a peaceful demonstration. This research supports the finding that newspaper readers are in general more engaged in political participation.[103]

Use of the internet was found to have a significant positive association with signing a petition, joining a boycott and attending a demonstration. These findings are consistent with previous studies that contend the internet is an effective tool for mobilising people for political participation.[104] It was found that internet users were four times more likely to have signed a petition than non-users (Figure 1(c)). This result may be explained by online petitions. Online petitions are more convenient than offline petitions and able to reach more people quickly, which may account for the dramatic increase. The findings also show that internet users were less likely to have voted in the last election. However, this finding may merely reflect the difference in demographics between internet users and non-users. Internet users are generally younger than non-users, and many would have been ineligible to vote in the 2004 election. The Indonesian voting age is 17,[105] meaning 12.3% to 20.4% of internet users would have been ineligible to vote, compared with 6.9% to 9.7% of non-users, possibly explaining the negative correlation between voting and internet use. The use of internet [106] and newspapers [107] in the Indonesian data demonstrates close similarities between developing and established democracies regarding the positive association with political action.

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[101] Norris, op. cit. (1996); Kanervo et al., op. cit. (2005) p. 204.
[102] Putnam, op. cit. (2000) p. 221; Livingstone et al. op. cit., (2008) p.15; Shah et al. op. cit (2001) p.155.
[103] Putnam, op. cit. (2000) p. 221.
[104] Hooghe et al., op. cit. (2010) p. 422; Shah et al., op. cit (2001) p.154.
[105] Australian Electoral Commission, 'Young People and the Vote', available at: <http://www.aec.gov.au/Education/Democracy_Rules/files/Blackline_Masters/Topic3 _BLM02.pdf>, accessed 17 November, 2011.
[106] Shah et al., op. cit (2001).
[107] Norris, op. cit. (1996).

The WVS data analysed shows there is no statistically significant relation between talking with friends or colleagues and any form of political participation. This is not consistent with Putnam's contention that social interactions are one of the most important factors in determining the level of trust in a community and thus the level of political action.[108] This may be explained if social interaction is considered a form of civic participation, which is highly related to political participation.[109] If this is the case, perhaps talking should have been a dependent variable: talking with friends and colleagues shares similarities with joining a boycott. Further studies into trust, social interaction and participation are needed to evaluate the validity of Putnam's contention in newer democracies.

It was found that media consumption of all forms has the most consistent association with two forms of political participation: signing a petition and attending a peaceful demonstration. This may relate to the difference in nature between voting and other political actions. Voting is a form of institutional participation while signing a petition and attending a demonstration are forms of civic participation.[110] In previous studies, it was found that civic participants were more likely to access local news than institutional participants[111] and that media had differing effects on different forms of political participation.[112] The differences between civic and institutional participants and the media they access may be an area for future study on Indonesia.

This study has several limitations. A drawback of using the WVS data is that the media use variables are binary; respondents to the survey are only able to answer 'used last week' or 'not used last week'. Asking participants how much television they watch on a regular day and allowing responses such as 'none, 'less than 15 minutes' or '3-6 hours', for example,[113] would allow for much more rigorous statistical testing. Regression analysis or similar techniques might reveal exactly how effective each source of information is at predicting participation, providing a better picture of media use and participation in Indonesia. The WVS included a very high proportion of educated people compared

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[108] Putnam, op. cit. (2000).
[109] Kanervo et al., op. cit. (2005) p. 204.
[110] Mcleod et al., op. cit. (1999) p. 330.
[111] Ibid.
[112] Livingstone et al., op. cit. p.14.
[113] Ibid., p. 6.

to the BPS census data.[114] Further research will be needed with a more representative data source to understand whether the trends identified in this study are accurate for the Indonesian population as a whole. This study only allowed associations to be observed, not causation. Longitudinal research would allow researchers to identify the causes of the relationships between political participation and media use.

Conclusion

This study has found that media use is significantly and positively associated with democratic participation in Indonesia. This indicates that Indonesia does not suffer from the cynicism and distraction problems facing established democracies. These findings provide encouragement regarding the future health of Indonesian democracy which is a good sign for Australia and regional stability. While Indonesian democracy is threatened by corruption and money politics, and media freedom is threatened by governmental connections, poor professionalism and some lack of free speech, there are many positive indicators of progress since the end of Suharto's authoritarian regime. These factors provide hope for the future of democracy and democratic participation. Australian aid will remain important in helping to overcome the issues facing Indonesian media and democracy but the data analysed encourages the belief that Indonesians will continue to build their democracy through participation.

The study suggests that internet use and newspaper reading may have the most significant positive effects on participation. To support greater participation and a stronger democracy in Indonesia, Australian aid should work to increase the availability of internet and newspapers. Australian aid currently invests in radio in Indonesia. AusAID has spent over AU$4 million since 2005 in support of the Indonesian radio station, Kang Guru Indonesia.[115] AusAID could help to promote democracy and participation in Indonesia by funding internet providers in Indonesia in a similar way to help expand access.

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[114] Badan Pusat Statistik, 'Sensus Penduduk 2010'.
[115] Australian Agency for International Development, 'Australia Indonesia Partnership Country Strategy 2008-13', (2008).

Islam and the Secular State: the Threat of *Sharia* Law in Aceh on the Indonesian State

Tom Rollason[*]

From its conception as an independent nation-state, Indonesia has had to balance the demands of its religious authority with the secular legal sovereignty of the state. At the crux of this dichotomy lies the divisive question of the role that Islamic legal practice (sharia) has in Indonesia. Attempts to include sharia as an official pillar of the Indonesian state began during the 1945 Independence movement but have thus far failed to gain constitutional status. Yet despite a lack of national recognition, sharia has been introduced at a regional level in the province of Aceh. The implementation of a legal system based on religious rather than secular discourse raises questions as to what extent the two can coexist within the Indonesian state. The aim of this chapter is to explore the nature of sharia in Aceh and to determine whether it poses a credible threat to a secular Indonesia. In doing so it reveals that although sharia does not pose a direct threat to the Indonesian state, it does however compromise the rights of individuals within it.

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Islam and Indonesia

Indonesian Independence and the "Seven Words"

Notions of Indonesian statehood have always been entwined with demands for the state apparatus to function under Islamic law. In the months before declaring independence on 17 August 1945 Indonesia's elite debated the character of the new nation state. Muslim leaders urged for the inclusion of the *Piagam Jakarta* in the constitution to ensure the importance of Islam. The *Piagam Jakarta*, or the Jakarta Charter, would serve as the preamble to the constitution and contained the now well-known seven-word phrase, *"dengan kewajiban menjalankan syariat Islam bagi pemeluknya"* ("with the obligation, for its adherents, to practice the *sharia* of Islam").[1] Its exclusion from the final version of the constitution was a huge blow for Indonesian Muslims trying to forge a nation state along Islamic lines. Although 1945 was neither the last nor even the most vocal call for constitutional recognition of *sharia*, its supporters have nonetheless failed to secure its inclusion in the decades that followed. Today Indonesia, home to more Muslims than any other nation, is a functioning secular democratic state.

Despite a lack of national recognition *sharia* has nevertheless been introduced at a regional level in the province of Aceh. To understand whether the adoption of a differing set of legal principles undermines or even threatens the secular Indonesian state, it is important to appreciate the context in which such divergent legal practice was allowed to take place. Even more crucial is the need to analyse the nature of *sharia* introduced in Aceh and the impact it has had on Acehnese society. This reveals that although the implementation of *sharia* in the region may not pose a direct threat to the Indonesian state, it does however compromise the rights of individuals within it.

Religious Courts and Sharia

Following independence political Islam took a backseat in defining the nature of the Indonesian state. When Islam wasn't ignored as a source of legal or political discourse it was actively suppressed. During Soeharto's New Order it was state policy to assert control over Muslim communities, assuming that Islam posed a political threat to the secular

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[1] A. Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawaii Press, 2008), p. 1.

state.[2] Indeed there were factional Muslim leaders who carried the torch for earlier Islamic activists in attempting to create an Islamic State in Indonesia.[3] However these were largely regional movements being voiced on a national platform, albeit with limited authority given the repressive political climate of the time. For the most part the state used bureaucratic and legal mechanisms to control Islamic legal traditions and judicial institutions and thereby regulate the interpretation of Islam amongst Indonesian Muslims.[4] The aim, no doubt, was to curtail the influence of Islamic thought within society lest it produce a challenge to the secular, authoritarian orthodoxy that characterised the New Order era. Although much greater freedom now exists for Muslim communities in the Post-Soeharto period, much of the same institutionalised bureaucracy still maintains control over legal proceedings in Indonesia.

The downfall of Soeharto and the end of the New Order opened the door for Islamic organisations, political parties and civil society groups to enter the newly democratic political space. This so-called "Islamic revival" has been accompanied by calls for greater recognition of *sharia*, calls that have received as much criticism as they have support.[5] Regardless it appears unlikely that the Indonesian state will relinquish the control it has over the legal structure currently in place. Aside from secular options, the Indonesian judicial system is home to Islamic legal apparatus including the *Pengadilan Agama* (Religious Court), the *Pengadilan Tinggi Agung* (High Religious Court) and the *Mahkamah Agung* (Supreme Court).[6] They deal largely with civil cases and private law for Indonesian Muslims, in particular divorce. In spite of their limited jurisdiction, religious courts are often busier than their secular equivalents, the *Pengadilan Umum* (General Courts). In 2009 religious courts had 27% more cases than general courts, despite the latter having jurisdiction over criminal as well as civil hearings.[7]

Notwithstanding the success of Indonesia's religious courts to provide fair hearings for its Muslim population, the laws on which they rule are

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[2] C. Sumner and T. Lindsey, *Courting Reform: Indonesia's Islamic Courts and Justice for the Poor* (Sydney: Longueville Media, 2010), p. 9.
[3] M. Van Bruinessen, 'Genealogies of Islamic Radicalism in post-Suharto Indonesia', *South East Asian Research*, Vol. 10, No. 2 (2002), p. 120.
[4] Sumner and Lindsey, op cit., p. 9.
[5] Ibid.
[6] Ibid., p. 1.
[7] Ibid., p. 2.

virtually divorced from the very religious roots from which they derive their name. In fact the religious courts are regulated by the state, with the use of *sharia* within these courts being largely symbolic.[8] The state interprets and applies a narrow interpretation of *sharia* based on state legislation rather than on traditional sources of Islamic law: the Quran, *hadith* (traditions of the Prophet Muhammad) and *fiqh* (Islamic jurisprudence).[9] Indeed in divorce proceedings this often gives women substantially more rights than would have been the case under traditional *fiqh*.[10] For example according to traditional *fiqh* a Muslim woman has three options for divorce: *taklik* divorce, where she proves the husband has breached the marriage contract; *khuluk* divorce, where the wife pays for the husband's consent for divorce; or *fasakh* divorce, applicable if the husband has committed adultery or is impotent.[11] However in Indonesia's religious courts women can file for a *cerai gugat* ('divorce complaint') against her husband according to Article 19 of Government Regulation No. 9 of 1975.[12] The Regulation stipulates that a woman has grounds for divorce if husband and wife are facing irreconcilable differences and can no longer live together peacefully. Whilst under traditional *fiqh* this may have been adequate grounds for divorce for a man, it certainly wouldn't have been sufficient for a woman. The result is a form of *sharia* so far removed from its historical roots that it often contradicts traditional sources. As Sami Zubaida neatly surmises:

> [The] incorporation of sharia into the state has separated sharia from its religious locations, from the books and traditions of fiqh and into state manuals, from the custody of scholars to that of bureaucrats and legislators . . . . Legislation and judgment are now subject to bureaucratic and political logic and not to the ratio[nality] of fiqh tradition and method. The judge rules in accordance with law codes, and not the books of fiqh.[13]

There is little doubt that on a national level, with the exclusion of the Jakarta Charter from the constitution and the tight control the government has over the country's legal system, *sharia* does not pose a direct threat to the secular Indonesian state. However if the Indonesian

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[8] Ibid., p. 6.
[9] Ibid., p. 10.
[10] Ibid., p. 5.
[11] Ibid.
[12] Ibid..
[13] S. Zubaida, *Law and Power in the Islamic World* (London and New York: IB Tauris, 2003), p. 221.

Government holds such tight hold of legal practice at a national level then the introduction of *sharia* at a provincial level in Aceh must represent a somewhat bizarre divergence from state policy. The next section will analyse the circumstances under which *sharia* was introduced in Aceh and the extent to which it has thus far been implemented.

Nanggroe Aceh Darussalam: Aceh as a Special Autonomous Region

On the 19 July 2001 the Indonesian parliament passed the *Nanggroe Aceh Darussalam* (NAD) law, which followed the lifting of the decade-long martial law status of the Aceh region and represented a political solution to the armed conflict.[14] Ostensibly the legislation was a concession by the Central Government to offset Acehnese demands for independence.[15] Primarily the law formalised Aceh as a special autonomous region within the Indonesian state predicated on a regional cultural identity that is deeply entwined with the religion of Islam. As such the law gave Aceh significant autonomy in the governance of religious, cultural and educational matters.[16] It was this freedom to organise and manage its own regional affairs that afforded the province the ability to implement certain aspects of *sharia* law into legislation. According to Chapter I and Chapter XII of the NAD law, Aceh had the right to establish its own legal system within its own territorial boundary "free from the influence of any party" that should be "enforced only for the followers of Islam".[17]

Justification for such divergent legal practice for a province within a completely secular state was not solely based on political concessions to appease notions of separation and to end violent conflict. In fact the right to apply *sharia* laws were founded on three principles: the importance of Islam to Acehnese culture and identity; the historical precedents for *sharia* in Aceh; and the existence of demands for *sharia*

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[14] M. A. Miller, 'The Nanggroe Aceh Darussalam law: a serious response to Acehnese separatism?', *Asian Ethnicity*, vol. 5, no. 3 (2004), p. 334.

[15] M. N. Ichwan, *Official Reform of Islam: State Islam and the Ministry of Religious Affairs in Contemporary Indonesia, 1966-2004* (PhD diss., Leiden University, 2006), p. 244.

[16] Miller, op. cit., p. 333.

[17] *Undang Undang Republik Indonesia Nomor 18 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Daerah Istimewa Aceh Sebagai Provinsi Nanggroe Aceh Darussalam* (Law of the Republic of Indonesia Number 18 of 2001 on Special Autonomy for the Province of Aceh Special Region as the Province of Nanggroe Aceh Darussalam), Chapter 1, Article 1(7), Ibid., p. 343.

dating to colonial times, thus proving a continual political demand prior to Indonesian statehood for self-governance in the region.[18] Acknowledging these factors, as well as seeking an end to the insurgency in Aceh, President Megawati Sukarnoputri ratified the NAD law, which allowed for the establishment of *Mahkamah Syari'ah* (*sharia* courts), a decision that would lay the institutional foundations for the creation and implementation of a legal system based upon Islamic principles.[19]

The Case for Sharia in Aceh

Of course it is impossible to understand the decision by the Indonesian state to grant autonomy to the Aceh region without first exploring the context in which Aceh developed its strong ties to its regional and religious identity. To do so it is necessary to look at the struggle against Dutch rule in the archipelago, which was by no means united. In Aceh resistance to colonial power took the shape of regional independence with a pronounced religious dimension (the so-called Thirty Year Aceh War 1873-1903).[20] The involvement of Muslim militia groups operating in provinces such as Aceh during the various uprisings against the Dutch provided an impetus among such groups to perceive the independence movement as endemically Islamic in its nature. In fact Arskal Salim posits that it was this Islamic identity, incited by Acehnese *ulama* (legal scholars), which became vital as a rallying point for resistance to Dutch colonial power in the region.[21] War against the Dutch was thus viewed as a necessary, almost obligatory, struggle against a *kufur* (infidel) occupier, the defeat of which would herald the formation of an Islamic state in Indonesia or at least a separate region in which Islamic law could be practiced.[22] The term *Perang Sabil* or 'war in the way [of God]' promoted by the *ulama* gave a spiritual notion to

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[18] International Crisis Group, 'Islamic Law and Criminal Justice in Aceh', *Asia Report N'117- 31 July 2006*, (31 July 2006), available online: <http://www.crisisgroup.org/~/media/Files/asia/south-east-asia/indonesia/117_islamic_law_and_criminal_justice_in_aceh.pdf > (accessed 15 December, 2010), p. 2.
[19] Ichwan, op. cit., p. 247.
[20] Salim, Arskal (b), ''*Shari'a* from below' in Aceh (1930s-1960s): Islamic identity and the right to self-determination with comparative reference to the Moro Islamic Liberation Front (MILF)'*, Indonesia and the Malay World*, Vol. 32, No. 92, (2004), p. 83.
[21] Loc. Cit.
[22] International Crisis Group, op. cit., p. 2.

the independence struggle.[23] The use of such clear *jihad* rhetoric not only helped justify the uprising, by emphasising the domination by a non-Muslim power, but also simultaneously framed the regional resistance to colonial rule along Islamic lines and in doing so interwove regional and religious identity.[24]

Regardless of political and religious motivations for decolonisation, the Acehnese resistance became swept up as part of the larger movement for independence in the archipelago. The expulsion of the Dutch paved the way for the nation state of Indonesia, declared on the 17 August 1945, which was decidedly more secular and centralised in character than many political elites may have liked.[25] The omission of the so-called Jakarta Charter [26] in the country's constitution added further weight to the idea that Islam would not be playing a central role in the new Indonesian state. This was particularly disappointing for the *ulama* in Aceh, who had not only defined the resistance along lines of religious struggle but who were left in a region that had been amalgamated into a centralised, secular Indonesian state that failed to recognise Acehnese regional autonomy. In the decades that followed Acehnese attempts for regional autonomy became increasingly and irreversibly entwined with demands for legislation in the region to be of an Islamic nature, to the point that it is difficult to divorce the two.[27] The failure of the Indonesian government firstly to recognise the contribution of the Acehnese in the independence movement and then to ignore calls for Islamic nationalism, both within Aceh and the Indonesian state as a whole, only served to marginalise sections of the Acehnese population, especially the *ulama*.[28] Tellingly, when the Indonesian government further centralised the state bringing Aceh under the authority of the North Sumatran province, the resistance in Aceh was organised under the banner of *Darul Islam*, which demanded the full implementation of

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[23] Salim (b), op. cit., p. 83.

[24] Ibid., p. 84.

[25] Many political elites in Java, and throughout the state including Ahmad Hassan, an Islamic nationalist leader, supported a religiously engaged state model for Indonesia. They emphasised the comprehensiveness and exceptionality of Islam as a religion that was capable of governing state affairs and that of its people. Ichwan, op. cit., pp. 38-40.

[26] This was most likely an obligation to adhere to basic Islamic principles of prayer, alms giving, fasting and division of inheritance rather than an obligation to a political, economic or legal system based on Islam. Bruinessen, op. cit., p. 120.

[27] Ichwan, op. cit., p. 244.

[28] G. Robinson, 'Rawan Is as Rawan Does: The Origins of Disorder in New Order Aceh', *Indonesia*, Vol. 66, (October 1998), pp. 129-130.

Islamic *sharia* in Aceh.[29] Such a link between regional and religious identity was already so entrenched that for decades the Acehnese resistance to the Indonesian state framed many of its demands for autonomy as the right to pursue Islamic practice in Acehnese society.[30]

Sharia in Aceh

With the passing of the *Nanggroe Aceh Darussalam* law in 2001, *Mahkamah Syari'ah* replaced so-called 'religious courts' in Aceh, which during the period since Indonesian independence had functioned as a pluralistic approach to legal governance but in reality only had jurisdiction over family law (*ahwal shakhsiyyah*) including marriage, divorce and inheritance.[31] Moreover for the first time the jurisdiction of these Islamic courts in Aceh was expanded to encompass criminal justice (*jinayat*).[32]

Initial legislation called *Peraturan Daerah* (*PerDa*) focused on the broader implementation of *sharia*, rather than specific offences, and was designed to loosely regulate social behaviour for Muslims living in Aceh. For instance *PerDa* No. 5/2000 on the implementation of Islamic law outlines that all aspects of *sharia* will be applied, specifically those regarding faith, worship, economic transactions, moral character and education, as well as establishing a treasury for *zakat* (alms) and regulation of Muslim dress, holidays and celebrations.[33] It also includes a mandate but no further details for an enforcement branch of *sharia* called the *Wilayatul Hisbah*.[34] The most important legislation however came after the 2001 special autonomy law for Aceh, which gave the *Mahkamah Syar'iyah* jurisdiction over criminal cases. These regulations, called *qanun*, were more specific than the previous *PerDa* legislation and aimed at legislating precise moral and social misconduct in accordance with the *Qur'an*.

Yet in the codification of Islamic principles into legislation there arose an inherent contradiction between Islam and the modern nation state. Namely that there is a large disparity in modern state notions of

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[29] Ichwan, op. cit., p. 245.
[30] Salim (b), op. cit., pp. 83-4.
[31] A total of nineteen 'religious courts' in Aceh were transformed into mahkamah syari'ah. Loc. Cit.
[32] International Crisis Group, op. cit., p. 2.
[33] Ibid., p. 6.
[34] Ibid.

criminality and those morally-based offenses against life, body, morality, public conduct and property espoused by *sharia*.[35] Wael Hallaq remarks that the judicial practice of *sharia* differs from state-instituted law in that its purpose is not to punish, but instead to restore loss.[36] This idea of compensation emerged from the Semitic and Near Eastern tradition of "an eye for an eye" that was incorporated and augmented under *sharia* as monetary reward for the victim designed so that remuneration would take the place of revenge.[37] Furthermore when punishment was sentenced it was more likely to be a harsh, immediate penalty as opposed to long term punishment like incarceration as is common in Western legal systems. The justification behind this form of sentencing in *sharia* is that the punishment will act as a deterrent as well as enshrining a moral code that would impart a prohibitory force not only upon the transgressor but also upon other members of society.[38]

Offences have been the main focus of legislation and the *qadi* looked first to the Qur'an and the Sunna for guidance on how to regulate such offences. In this case offences were those acts that trespassed against God, the community or oneself and included, in the Acehnese example, alcohol consumption, gambling, illicit relations, assault and murder.[39] Offenses regulated by the founding texts were, according to traditional Islamic jurisprudence, referred to as *hudud* and already had a prescribed punishment set forward by God.[40] *Hudud* offences covered *zina* (adultery), wrongful accusation of *zina* (*qadhf*), consuming alcohol (*shurb al-khamr*), theft (*sariqa*), apostasy and rebellion.[41] Offences against life (*diya*) or limb (*arsh*) were also regulated by early Muslim communities and thus they afforded a legal precedent adopted in Aceh involving financial compensation.[42] For offences that did not transgress against the *hudud* and that did not cause bodily harm or death, Acehnese jurists adopted another traditional aspect of *sharia* legal doctrine, that of *ta'zir* (discretionary punishment).[43] Such offences include gambling, cheating, forging documents, illicit relations, failing to fast during Ramadan and failing to adhere to daily prayers. They may also refer to

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[35] W. B. Hallaq, *Shari'a: Theory, Practice, Transformations* (New York: Cambridge University Press, 2009), p. 308.
[36] Ibid., p. 310.
[37] Ibid.
[38] Ibid., p. 311.
[39] Ibid., pp. 309-11.
[40] Ibid., p. 310.
[41] Ibid.
[42] International Crisis Group, op. cit., p. 6.
[43] Hallaq, op. cit., p. 311.

"offences which disrupt public order or undermine the public interest, such as traffic violations".[44] According to the head of the *sharia* office in Banda Aceh these vices in particular were criminalised because they represented "specific social problems" for the Acehnese people.[45] With the legal precedent already formed in regards to regulating certain offences it was at the discretion of the Acehnese *ulama* to determine exactly what the punishment for a given offence would be. Judges in the *Mahkamah Syar'iyah* base their verdict on advice from the *Sharia* Office, the Ulama Consultative Council or the Law Faculty at the State Islamic Institute in Banda Aceh. These bodies derive values and laws from the Qur'an and the *hadith* (traditions of the Prophet), as well as from independent interpretations of Islamic texts (*ijtihad*) of the four major schools of Islamic law and from the interpretation of public wants and needs.[46]

Where possible, Acehnese jurists purportedly based punishment for some offences directly from the Qur'an or *Sunna*. The consumption of alcohol was a seminal concern for those espousing beliefs that secularism and its vices were crippling Acehnese society and was thus an obvious target for legislation. According to the *Sunna* it represents an act of aggression against oneself and lashing is prescribed as the appropriate punishment.[47] Hence Acehnese jurists followed in the *Shafi'ites* tradition and imposed a penalty of forty lashes (as opposed to the other three Sunnite schools that demand eighty).[48] Once the penalty of forty lashes had been set it created the basis on which lesser offences could be sentenced. Thus jurists could determine the penalty for *ta'zir* crimes such as gambling, which they set between six to twelve lashes, and a fine of Rp. 35,000,000 ($3,900) for any individual or establishment that allows gambling to occur on its premise.[49]

The autonomy to introduce aspects of *sharia* has allowed legal specialists in Aceh to adapt and interpret Islamic as fits the specific regional context. Take, for example, the decision to follow the *Shafi'ite* School regarding the punishment of forty lashes for alcohol consumption. This choice indicates the desire of the community to

[44] International Crisis Group, op. cit., 8.
[45] International Crisis Group interview, Banda Aceh, 18 June 2006. Found in Ibid., p. 9.
[46] Ibid., pp. 6-7.
[47] Hallaq, op. cit., p. 316.
[48] Ibid.
[49] International Crisis Group, op. cit., pp. 10-11.

institute a form of deterrence that is designed as a prohibitory force without being as excessive as the eighty lashes applied by the other Sunnite schools. The type of instrument used for lashing in Aceh also differs from that used in other Muslim states that implement *sharia* law. Indeed the use of the cane is interesting given the lack of historical precedent in Aceh for caning as a means of punishment.[50] Instead the inspiration for caning derives from its appearance in the Qur'an as the punishment for certain crimes or offences to Islamic values and law. Since caning has become the legal practice in other *sharia*-based states such as Malaysia, Iran and Pakistan, it has influenced the jurisprudence in Aceh.[51] However, unlike Pakistan, the practice of whipping was rejected as being too painful and instead the rattan was chosen for caning in Aceh, although it was made smaller than those sadistic rattans of Malaysia and Singapore.[52] Lashing is to be aimed between the shoulders and the waist, however the caner cannot raise his arm beyond the point parallel to the ground and drawing blood is strictly prohibited.[53]

Islamic Law in a Secular State: A Threat to the State or to Civilians?

The use of the cane as punishment for crimes in breach of Islamic law was intended as a public humiliation to the offender who would be shamed in front of other members of Acehnese society.[54] Canings are mandated to occur in a public setting at an announced time and place, usually after Friday prayers at well-known mosques.[55] There have been calls to cease these punishments are in breach of human rights, yet the Acehnese legislators defend them, preferring them to sentencing offenders to prison.[56] Most criticism has come from outside Aceh, as within the province the method of corporal punishment has been highly popular.[57] Interestingly it was only after the 2004 tsunami and with the approval of the attorney general that the first canings took place in

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[50] Abubakar, H. Al-Yasa, *Syari'at Islam de Provinsi Nanggroe Aceh Darussalam: Paradigma, Kebijakan dan Kegiatan*, p. 262.
[51] International Crisis Group, op. cit., p 10.
[52] The size of the Acehnese rattan was set at a meter long but not to be more than three quarters to one centimetre in diameter: Ibid.
[53] Ibid.
[54] Ibid., p. 10.
[55] Ibid.
[56] Ibid.
[57] Ibid., p. 11.

Aceh.[58] This suggests the extent to which the Indonesian state is still heavily involved in the implementation of *sharia* in Aceh.

The largest criticism within the community is that the new laws do little to regulate social behaviour. While most of the legislated offences and their corresponding punishments are designed as preventive measures, it is debatable whether this new Islamic-based legislation is effective in regulating vices in Acehnese society. Of the 101 convicted cases in 2005, 75 were for gambling, 18 for sale or consumption of alcohol and eight for illicit relations. However, overwhelmingly these cases involved only small crimes and failed to target the larger abusers of Islamic morals and values. For example many of the convictions for gambling were against local men playing cards often for wagers of a few thousand rupiahs (less than US$1).[59]

Moreover there are concerns that the *sharia* introduced in Aceh has been predominantly conservative in its nature, focusing solely upon the regulation of social vices without tackling more important social issues.[60] Thus far the implementation of *sharia* law in Aceh has tended to regulate social behaviour, aiming to curb the immorality and vice that was seen as rampant under a more secular legal system. Accordingly legislation has focused upon immoral behaviour in Acehnese society with the hope of establishing a new moral and social code based upon Islamic values. Whilst *sharia* legislators in Aceh may be forgiven due to the fledgling nature of the endeavour, it remains true that thus far legislation has aimed at areas such as alcohol, gambling and headscarves. Unfortunately it has failed to answer more important questions and issues, the result of which may have an important and resounding impact upon Indonesian society.

The most concerning criticism of the *qanun* introduced in Aceh is that some contravene the Indonesian constitution, specifically the violation of individual rights. In 2002 the Acehnese *ulama* legislated a definition of acceptable *akidah* (Islamic creeds) for Muslims in Aceh in line with Sunni creed of *Ahlussunnah wal Jama'ah*.[61] Despite opposition that clearly articulating and regulating a single *akidah* for Aceh would ignore the plurality of Muslim belief in the region, it was nonetheless

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[58] Salim (a), op. cit., pp. 166-7.
[59] International Crisis Group, op. cit., p. 10.
[60] Ibid., p. 7.
[61] Salim (a), op. cit., p. 160.

defined in accordance with Sunni tradition.[62] From a legal standpoint it would be almost impossible for a prosecutor to prove that an Acehnese Muslim had failed to uphold the lawful creed and not another. But regardless of any practical implication that *qanun* may have, its very existence undermines the individual freedoms guaranteed for Indonesians by the 1945 constitution. According to Article 28E (2) of the constitution each citizen is free "to posses convictions and belief, and to express his or her thoughts and attitudes in accordance with his of her conscience".[63] Because of its status as a special autonomous region that has the right to regional administration, the *ulama* argue that any *qanun* should be "considered as an exception within the territory of Indonesia".[64] Thus Acehnese Muslims have an obligation to adhere to the *qanun* once codified, regardless of any issues of human rights.[65] This illustrates that certain rights guaranteed in the constitution are being denied to Acehnese Muslim citizens who, as a result, do not receive the same rights as other Indonesian Muslims. The inclusion of this *qanun*, and the failure of the state to reject it, sets a dangerous precedent in Aceh's legal proceedings. It may still be early in its legislation, but if such serious breaches of rights are permitted to continue without scrutiny and judgement, then Acehnese Muslims could find themselves in a precarious legal position.

Conclusions

The introduction of *sharia* in Aceh must been placed within the historical and cultural context of the region. As such there is a clear link between Acehnese cultural identity and the religion of Islam. However that is not to presume that *sharia*, when applied, will act as a political and social cover-all for the systemic problems that have plagued the province in past decades. What can be concluded is that its implementation serves a specific regional purpose as a concession handed out by the state to prevent a prolonged civil war and potential secession. As a result the Indonesian state has tight control of any laws created in Aceh, as it does on a national level. It is clear that from this evidence the implementation of a conflicting legal system in Aceh does not pose a threat to the secular Indonesian state in any meaningful way.

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[62] Ibid.
[63] Ibid., p. 171.
[64] Ibid., p. 161.
[65] Ibrahim, Muslim, 'Rekonstruksi Peran Ulama Aceh Masa Depan', in Fairus M Nur, (eds.) *Syariat di Wilayah Syariat* (Banda Aceh: Dinas Syariat Islam NAD, 2002).

However the nature of the laws introduced in Aceh contradict the rights enshrined in the constitution for Acehnese Muslims. In a region ravaged by civil war and natural disasters its citizens cannot afford to have their constitutional rights abridged.

The Shi'a of Lebanon: Breaking Through the Syrian Ceiling

Katherine Flynn[*]

The 2005 Syrian troop withdrawal was a momentous event in Lebanese history, offering the country independence and political freedom for the first time in thirty years. During the long occupation, Syria built up a close relationship with the Lebanese Shi'a who, through Amal and Hizbullah, were struggling for empowerment after years of marginalisation and deprivation. Despite its closeness, this relationship restrained the Shi'a political movement by sidelining its objectives and placing limitations on the parties' political opportunities. So, what effect did the 2005 Syrian withdrawal have on the Shi'a political movement? This study finds that the 2005 withdrawal offered the parties political freedom. For Hizbullah, this has led to deeper integration into the political system and increased political authority, which has transformed it into a major power-broker in Lebanese politics. In contrast, the loss of influence and leverage it caused for Amal has seen the party shrink into the shadow of Hizbullah.

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The Lebanese Shi'a Muslim community has made the most remarkable political transformation of any Shi'a group in the Arab world. Only gaining legal recognition as a religious sect, separate from Sunnis, in 1926, the Lebanese Shi'a have for much of their history been the most politically marginalised and socially and economically deprived group in Lebanon. The Lebanese political system is a form of consociational democracy called confessionalism: a system of guaranteed power-sharing between religious communities in which no sect is institutionally superior to another and political power is distributed proportionally amongst Lebanon's eighteen religious communities.[1] Until 1990, the system was based on demographic statistics collected in the 1932 Census, which allocated the Shi'a population a 19% share of parliamentary seats and a similar proportion of power in government and the bureaucracy. A high birth-rate among the Shi'a community has seen its numbers rise significantly since then, reaching approximately 30% of the population by 1975 and 40% by 1985, meaning it was enormously underrepresented.[2] Yet wide-scale political mobilisation of the community from the 1960s onwards, embodied by Amal[3] and Hizbullah[4], has led to an improvement in the Shi'a allocation of power, deeper integration into the political system and even the attainment of significant political power.

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[1] A. Lijphart, 'Consociational Democracy', *World Politics,* vol. 21, no. 2 (1969), pp. 207-25.

[2] A. Saad-Ghorayeb, 'Factors conducive to the Politicization of the Lebanese Shi'a and the Emergence of Hizbullah', *Journal of Islamic Studies,* vol. 14, no. 3 (2003), p. 292.

[3] The Amal Movement was created in 1974 as both a militant and political entity and had developed into a significant political party by the end of the civil war. It is a moderate Shi'a party which is fundamentally committed to a unified, independent and multi-sectarian Lebanon in which citizens have social, political and religious freedoms but which aims to make the Shi'a community one of the major pillars of the Lebanese polity. It campaigns to improve social, political and economic conditions for the Shi'a community and calls for the implementation of constitutional reforms, including an end to the confessional political system, which would give the Shi'a community a more representative allocation of power in Lebanon.

[4] Hizbullah is a militant and later political party created in 1982 by the more religious members of Amal who were dissatisfied with its moderate direction. Hizbullah was inspired by the Iranian Islamic Revolution and created largely in response to the 1982 Israeli invasion of Lebanon. Its ideology is based on the Shi'a theology of Iran's Ayatollah Khomeini and original aims included creating a Shi'a Islamic state in Lebanon under the rule of a supreme religious leader, fighting against Zionism and expelling all imperialist powers from Lebanon. Since the 1990s, Hizbullah's ideology has undergone a 'Lebanonization' in that it has broadly accepted the multi-sectarian nature of Lebanon and given up its aim of establishing an Islamic State. Instead, it, like Amal, calls for an end to the confessional political system.

Ironically though, as Marius Deeb noted in the late 1980s, "when the Shi'a of Lebanon have become more politically active than ever before, their dominant leaders have become increasingly subordinate to the wishes of Syria"[5]. This subordination defines the Syrian-Shi'a alliance of the last thirty years, spawned by a common anti-Israeli outlook during the long Syrian occupation of Lebanon. This occupation lasted from 1976 to 2005 and was characterised by a large military presence and far-reaching influence in the Lebanese political system.

Following the assassination of Lebanese Prime Minister Rafiq Hariri in February 2005 and mounting Lebanese and international pressure on Syria to withdraw, Syria withdrew all its troops from Lebanon in April 2005. This was a momentous event which undoubtedly changed the Lebanese political scene, but what effect did the Syrian withdrawal have on the Shi'a political movement in Lebanon?

This chapter addresses this central question by comparing the political behaviour, strategies and successes of the Shi'a political parties before and after the Syrian withdrawal in 2005 in order to uncover how Syria affected the Shi'a politically and what changes occurred as a result of its departure. Section one presents an analysis of party behaviour and election results pre-2005 and finds that Syria restrained the political movement by limiting the parties' political opportunities, aims and successes. Section two discusses the 2005 Syrian troop withdrawal and argues that Syria has largely lost political control in Lebanon. Finally, an analysis of some key events post-2005 shows the changes in the Shi'a political movement. This chapter concludes that the 2005 Syrian withdrawal has given the Shi'a greater freedom. This new-found autonomy has allowed Hizbullah to capitalise on its support and become both the dominant Shi'a political party and a major power-broker in Lebanese politics. For Amal, meanwhile, it has led to a significant loss of influence.

Understanding changes in the Lebanese Shi'a political movement is important not just for understanding the stability and possible direction of the Lebanese political scene but also, as the most powerful Shi'a group outside of Iran, the dynamics of Shi'a-Sunni relations across the Middle East. In an increasing number of countries in the Middle East, the Shi'a-Sunni divide is threatening to destabilise political systems,

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[5] M. Deeb, 'Shi'a Movements in Lebanon: Their formation, ideology, social basis and links with Iran and Syria', *Third World Quarterly,* vol. 10, no. 2 (1988), p. 698.

such as in the aftermath of Saddam Hussein's Iraq, Shi'a protests in Bahrain and the current instability of the Syrian regime. An increase in power and influence of the Lebanese Shi'a will likely have a bearing in the future of these events.

Syria's Influence on the Lebanese Shi'a: 1990-2005

"Between Lebanon and Syria there is a special relationship that derives its strength from the roots of blood relationships, history, and joint fraternal interests."[6]

This quote, taken from the Ta'if Accord which ended the fifteen-years-long civil war, underscores the significance of the relationship between Syria and Lebanon. Dating back to the fall of the Ottoman Empire when the French divided up Greater Syria into the separate states of Syria and Lebanon, this relationship has since been characterised by Syria's domineering interventions and influence in the Lebanese political sphere. Not least of these was Syria's 1976 military intervention in the Lebanese civil war. Lasting from 1976 until 2005 and permeating virtually all aspects of military and political life, it has been described as the "lengthiest and probably most extensive"[7] of all the external interventions into Lebanon.

Despite rhetoric of the indivisibility of Lebanon and Syria, Syria's rationale for intervening in Lebanese affairs was decisively realist: it served its strategic interests.[8] Syria used Lebanon, its actors and environment for three main political objectives: as a tool in its fight against Israel; as a way of gaining legitimacy for its Alawi-minority regime; and as a way of remaining a powerful regional actor. In order to maintain its influence in Lebanon, Syria's primary policy was that of a balance of power between the various sects. This required carefully controlling the relations and conflicts between sects in order that none got too powerful and all relied on Syrian support.[9]

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[6] The Ta'if Accord, negotiated in Ta'if, Saudi Arabia and approved by the Lebanese Parliament on 4 November 1989 (1989), available online: http://www.al-bab.com/arab/docs/lebanon/taif.htm (accessed 20 January 2011)

[7] R.I. Khalidi, 'Lebanon in the Context of Regional Politics: Palestinian and Syrian Involvement in the Lebanese Crisis', *Third World Quarterly,* vol. 7, no. 3 (1985), p. 495.

[8] A. Dawisha, 'The Motives of Syria's Involvement in Lebanon', *Middle East Journal*, vol. 38, no. 2 (1984), pp. 228-36.

[9] W. Harris, 'Syria in Lebanon', *MERIP Reports,* no. 134, Assad's Syria, Jul – Aug (1985), p.9

In spite of this, Syria's relationship with the Shi'a of Lebanon has been distinctive in its closeness. This was fostered by commonly held anti-Israeli sentiment and the strategically important geopolitical location of the Lebanese Shi'a who live mainly in the East and South of Lebanon, between Syria and Israel. A Syrian-Shi'a alliance first manifested itself in relations between the Syrian regime and the Amal Movement prior to the civil war. Amal helped Syrian President Hafiz al-Assad in his quest for legitimacy by officially recognising Alawi Muslims as Twelver Shi'as and, in return, Amal was supplied with arms and protected.[10] During and after the civil war this alliance developed further and Amal became something of a proxy for Syria, staunchly defending Syrian interests in Lebanon in return for continued political and military support.[11]

An alliance with Hizbullah was slower to develop due to the organisation's links with Iran and its more radical stance, but relations deepened substantially from 1990. Hizbullah was very useful to Syria as it allowed Syria to front an indirect conflict with Israel where it could keep the issue of the Golan Heights alive, protect its borders and reap the rewards of appearing a committed Arabist but without the financial and military burden or risk of retaliation.[12] Meanwhile for Hizbullah, Syria acted as a key sponsor in its fight against Israel and offered it political protection from disarmament in post-civil war Lebanon.[13]

These *quid pro quo* alliances served the strategic interests of all parties involved over the years, but the political influence it afforded Syria later affected the Shi'a political movement.

Since the end of the civil war, Amal has fully immersed itself in Lebanese political life. Not only did it win eight seats in the 1992 parliamentary elections, but it takes part in the Cabinet and has representation throughout the bureaucratic system.[14] Perhaps most importantly, Amal leader Nabih Berri holds the position of Speaker of Parliament, which is the third most powerful position in the Lebanese

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[10] A. Abukhalil, 'Syria and the Shiites: Al-Asad's Policy in Lebanon', *Third World Quarterly,* vol. 12, no. 2 (1990), p.9
[11] Ibid., p.11
[12] Harris, op. cit. (1985), p.9
[13] G. Fuller and R.R. Francke, *The Arab Shi'a: The Forgotten Muslims* (New York: St. Martin's Press, 1999), p.218.
[14] Ibid., p.220

political system.[15] There is little doubt that the position of power the party has found itself in since 1990 derives in part from its close relations with Syria. In return for this power, however, Amal has acted as a virtual pawn in Syria's efforts to control the Lebanese political system. The role of "Syria's favourite proxy" which Amal has been playing has had a paradoxical effect on the Shi'a political movement.[16]

On the one hand, Amal's relations with Syria have elevated it to a powerful position in Lebanese politics, as Berri's long hold on the position of Speaker demonstrates. Berri has used his power to appoint many fellow Shi'a to important positions in government institutions.[17] After many years of political marginalisation, this represents a great success for the Lebanese Shi'a and a large step towards political empowerment. However, this close relationship was also detrimental to Amal, especially with regard to its popular support among the Lebanese Shi'a.[18] Amal was established as a representative of the economically and politically disadvantaged Shi'a community and sought to alter the political status quo which had helped to suppress the community. Yet since the end of the civil war, Amal has fully accepted the confessional political system and become a tool for Syrian policy in Lebanon by facilitating the passing of pro-Syrian legislation.[19] Bowing to Syrian pressure at the expense of the Shi'a community's interests lost the party much credibility and support.[20] A survey carried out in 1993 found that only 31% of Shi'a respondents would support Amal. Respondents listed corruption and the behaviour of Berri as reasons for their opposition.[21] The gradual decrease in popularity was displayed in the 2004 municipal elections where in the South of Lebanon, traditionally an Amal regional

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[15] Ibid., p.202

[16] E. El-Hokayem, 'Hizbullah and Syria: Outgrowing the Proxy Relationship', *The Washington Quarterly,* vol. 30, no. 2 (2007), p.36

[17] M. Reinkowski and S. Saadeh, 'A Nation Divided: Lebanese Confessionalism', in H. Gülalp (ed.) *Citizenship and Ethnic Conflict: Challenging the Nation-State* (Oxon: Routledge, 2006), p.115

[18] Abukhalil, op. cit. (1990), p.12

[19] E. Husem, 'The Syrian Involvement in Lebanon: An analysis of the role of Lebanon in Syrian regime security, from Ta'if to the death of Hafiz al-Assad (1989-2000)' *Norwegian Defence Research Establishment report* (2002).

[20] R. Shanahan, 'Hizbullah Rising: The Political Battle for the Loyalty of the Shi'a', *Middle East Review of International Affairs,* vol. 9, no. 1, (2005), p.4

[21] J.P. Harik, 'Between Islam and the System: Sources and Implications of Popular Support for Lebanon's Hizbullah', *The Journal of Conflict Resolution,* vol. 40, no. 1 (1996), pp.50-51

stronghold, the party won only 30% of municipalities it contested, compared to the 60% won by Hizbullah.[22]

Hizbullah, Amal's rival for the support of the Shi'a community, stood to gain from Amal's decrease in popularity. Yet Hizbullah also had a complex relationship with Syria which affected its political behaviour and success. Certain analysts, in discussing the relationship between Syria and Hizbullah, have emphasised the helpful role that Syria played in establishing the political prominence that Hizbullah enjoys today.[23] Conversely, many Hizbullah supporters decry Syria's interventions as harmful to the party's political potential. This study finds that Syria's presence did indeed harm Hizbullah politically by limiting its political opportunities and successes.[24]

Syria's influence was first evident at the beginning of the 1990s with the gradual implementation of the Ta'if Accord. The Ta'if Accord, which called for all Lebanese militias to be disbanded and disarmed, threatened Hizbullah's fundamental *raison d'etre* of armed resistance against Israeli occupation. As an integral part of Syria's own foreign policy towards Israel, the possibility of Hizbullah's disarmament also threatened Syria's national interest. With its far-reaching influence in Lebanese politics, Syria put pressure on the Lebanese government to exempt Hizbullah from the policy of militia disarmament.[25] A Syrian strategy of intimidation worked and in April 1991, as all other Lebanese militias were disbanding, Hizbullah remained an armed faction. The significance of this victory for Hizbullah's existence should not be underestimated. Unlike other war-time militias which had originated as political parties, Hizbullah was first and foremost a resistance movement. By the end of the civil war it had not yet taken part in the political system (an option it still rejected) nor sufficiently entrenched itself as a vital social service provider in society. So it is possible that Hizbullah would have ceased to exist had it been disarmed at this time. In this instance, Syria's presence played a key role in keeping the Shi'a organisation alive and politically salient.

However, later attempts to safeguard Hizbullah's arms were more damaging to Hizbullah's political progress because it limited both its

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[22] Shanahan, op. cit. (2005), p.2
[23] J.P. Harik, *Hezbollah: The Changing Face of Terrorism*, (London: I.B. Tauris & Co Ltd, 2005), p.43
[24] El-Hokayem, op. cit. (2007), p.44
[25] Harik, op. cit. (2005), p.46

need and ability to take an active role in Lebanese politics. This was most apparent in Syria's 'two-track resistance policy'.[26] This policy aimed to minimise the political impact of Israeli attacks by fostering an agreement between Hizbullah and the Sunni Hariri-led government. Mediated by Syria, the agreement stipulated that Hizbullah would have autonomy in carrying out armed resistance against Israel in the southern Security Zone but would minimise its participation in politics, while the Hariri government would enjoy full sovereignty over all other domestic policies such as the economy, reconstruction and healthcare.[27] Syria hoped that by keeping the two spheres entirely separate and closely regulating the relations between them, it could control the situation and thwart Israeli attempts to exploit tensions between them. The policy achieved its aims in both the 1993 and 1996 destructive Israeli attacks, where attempts to turn the Lebanese government against Hizbullah failed.[28]

Although this policy may have protected Hizbullah's military wing, Syria's actions also confined Hizbullah's political wing by formalising a limit on Hizbullah's political opportunities. In return for arms, it had to cede its right to a strong voice in the political system and therefore lost the ability to stand up for its Shi'a constituents or further its political ambitions. While this policy served Syrian interests, it restrained the Shi'a political movement.

Hizbullah's decision to take part in the 1992 parliamentary elections was a major step in the Shi'a political movement as it offered Shi'a hope for increased political empowerment after decades of marginalisation.[29] While Syria did not play a decisive role in Hizbullah's decision to take part in elections, the sway it held in the Lebanese political system naturally affected Hizbullah at election time.

This was most clear in Syria's attempts to manipulate electoral lists. In order to see the effect of this we can compare parliamentary election results, where Syria "meddled incessantly", with municipal elections, which were largely left untouched.[30] Even allowing for other variables such as differing voting behaviour and current events, a comparison

[26] Ibid., p.114
[27] El-Hokayem, op. cit. (2007), p.40
[28] Harik, op. cit. (2005), pp.115-116
[29] A.R. Norton, *Hezbollah: A Short History* (Princeton: Princeton University Press, 2007a), p.101
[30] Ibid., p.103

between the two election types still identifies Syria's influence on Hizbullah's electoral performance.

In every parliamentary election from 1992 to 2005, Syria forced Hizbullah to run on the same electoral list as rival Amal rather than to compete against them.[31] Furthermore, Syria tried to limit the number of Hizbullah candidates allowed to compete.[32] Due to the confessional nature of the Lebanese political system which allocates a certain number of seats to each sect, these tactics placed strict limitations on the possible extent of Hizbullah's electoral success. Such limitations earned these tactics the name *saqf al-suri* or the 'Syrian ceiling'.[33] In municipal elections, in contrast, Hizbullah was free to field as many candidates as it liked and to compete against Amal for the same municipal council seats.

Election results between 1992 and 2005 show that the success and popularity Hizbullah enjoyed in municipal elections was not emulated in national parliamentary elections. In the 1996 parliamentary elections Hizbullah won only seven seats out of a possible 27 Shi'a seats nationally, compared to eight seats for Amal.[34] This is in stark contrast to the 1998 municipal elections where Hizbullah won overwhelmingly in Shi'a stronghold areas. For example, in the Shi'a dominated southern suburbs of Beirut, Hizbullah won 39 municipal council seats compared to zero for Amal.[35] Again in the 2000 parliamentary elections Hizbullah won just nine Shi'a seats out of 27 nationally. In the municipal elections of 2004, meanwhile, Hizbullah performed tremendously in all Shi'a stronghold areas by beating Amal two to one in local government seats won.[36]

Controlling elections in this way was part of Syria's 'balance of power' policy which aimed to maintain a balance between all groups in Lebanon in order to avoid any one becoming powerful enough to threaten Syrian dominance. Such a policy was particularly relevant for Syria with regard to the Lebanese Shi'a, as their growing numbers could

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[31] Shanahan, op. cit. (2005), p.1
[32] Norton, op. cit. (2007a), p.102
[33] Ibid., (2007a), p.102
[34] G. Usher, 'Hizballah, Syria, and the Lebanese Elections', *Journal of Palestine Studies,* vol. 26, no. 2 (1997), pp.59-60
[35] A.N. Hamzeh, 'Lebanon's Islamists and Local Politics: A New Reality', *Third World Quarterly,* vol. 21, no. 5 (2000), pp.752-53
[36] Norton, op. cit. (2007a), pp.103-07

easily have upset the balance of power on which Syria's dominance depended. Syria feared that the political empowerment of the Shi'a, in the form of either Amal or Hizbullah, would threaten its interests if it gained too much momentum.[37] Syria therefore implemented a divide-and-rule tactic in dealing with the Shi'a: guaranteeing the survival of both parties while controlling their political successes meant that Syria could ensure that neither party came to dominate the growing and increasingly politicised Shi'a community. In doing this, Syria divided the political will of the Shi'a community and profoundly limited its political opportunities.

The 2005 Syrian Withdrawal and Shi'a Political Progress

The Syrian military occupation of Lebanon, which began during the civil war in 1976, finally came to an end on 26 April 2005 after growing Lebanese and international pressure on Syria to withdraw its military presence. Lebanese-Syrian relations broke down with the assassination of former Prime Minister Rafiq Hariri on 14 February 2005. Ascribed to Syria, this assassination sparked the Independence Uprising: a string of public demonstrations demanding the immediate withdrawal of all Syrian troops and influence from Lebanon.[38] Most renowned from this time is the March 14 demonstration, where on the one-month anniversary of Hariri's assassination, hundreds of thousands of protestors took to the streets of central Beirut. These demonstrations were carried out mainly by the Sunni, Christian and Druze sections of the population. Internationally, pressure began to build on Syria with the passing of United Nations Security Council Resolution 1559 on 2 September 2004. This resolution called for all "remaining foreign forces to withdraw from Lebanon" and "the disbanding and disarmament of all Lebanese and non-Lebanese militias".[39] Although mentioning no specifics, this resolution was clearly aimed at Syria and Hizbullah.

In response to this anti-Syrian sentiment, Hizbullah organised a mass rally in Beirut on 8 March 2005. This demonstration brought together an estimated 400,000 people, mainly Lebanese Shi'a.[40] While in support of

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[37] Harris, op. cit. (1985), p.12
[38] E. Sakr, 'The Politics and Liberation of Lebanon', *Middle East Review of International Affairs,* vol. 9, no. 5 (2005), p.98
[39] United Nations, 'Security Council Resolution 1559' (2 September 2004) available online: http://www.un.org/News/Press/docs/2004/sc8181.doc.htm (accessed on 9 April 2012)
[40] Norton, op. cit. (2007a), p.128

Syria, the demonstration generally accepted calls for a Syrian withdrawal and acted as a 'goodbye but thank you'. [41] The growing pressures took their toll and Syria began withdrawing its troops from Lebanon in March 2005. By 26 April, Syria had removed an estimated 15,000 soldiers from Lebanese soil. This military withdrawal was a momentous event for Lebanon, offering the chance for real independence for the first time in almost 30 years and hope for a political future free from Syrian control.

Syria's withdrawal changed the dynamics of Lebanese politics. The pre-2005 system was characterised by a Christian-Muslim divide and a multi-polar environment. The post-2005 political system, meanwhile, is starkly polarised between pro and anti-Syrian camps, represented by a clear Sunni-Shi'a divide.[42] On one side is the 'March 8 Alliance' made up of Hizbullah and Amal, later joined by the Christian Free Patriotic Movement. On the other side is the 'March 14 Alliance' headed by the Sunni Future Movement led by Saad Hariri and including Druze and Christian parties. This polarised rivalry first manifested itself in the 2005 parliamentary elections and has remained key to Lebanese politics ever since.

The pro-Syrian stance that Amal and Hizbullah have taken since the Syrian withdrawal brings into question the nature of the relationship between Syria and the Shi'a. While Syria exerted considerable control over the two parties before 2005, it is less clear if this is still the case. Some analysts see little change after 2005 and still regard Hizbullah and Amal as being Syrian proxies. In a US Institute of Peace Briefing, Mona Yacoubian points to the ongoing arms supplies to Hizbullah through Syria and sees this as a continuation of the arms-for-influence relationship.[43] The March 14 Alliance, too, portray the Shi'a parties as putting Syria first.[44] These views are supported by the observation that Hizbullah and Amal generally refuse to back any government decision that may harm Syria.[45] Yet a large proportion of the literature finds that

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[41] El-Hokayem, op. cit. (2007), p.43
[42] M. Young, 'A Tale of Two Countries: Defining Post-Syria Lebanon', *The Washington Institute for Near East Policy,* no. 1070 (2006).
[43] M. Yacoubian, 'Lebanon's Evolving Relationship with Syria: Back to the Future or Turning a New Page', *United States Institute of Peace Briefing,* no. 33 (2010), p.3
[44] A. Saouli, 'Hizbullah in the Civilising Process: Anarchy, Self-Restraint and Violence', *Third World Quarterly*, vol. 32, no. 5 (2011), p. 940.
[45] Young, op. cit. (2006)

Syria has lost its influence over the Shi'a parties since its withdrawal.[46] This view sees the Shi'a parties, particularly Hizbullah, as being autonomous and no longer dependent on Syrian backing.

While both these views have some merit, a more realistic evaluation is that espoused by Emile El-Hokayem who argues that 2005 saw a change in dynamics of the Syrian-Shi'a relationship. Since 2005, Syria has been more dependent on the Shi'a parties, particularly Hizbullah, than these parties are on Syria. For example, although Hizbullah relies on weapons and money transiting through Syria from Iran, Syria has more to lose than gain from the cessation of this arrangement and therefore cannot use this as an effective bargaining tool. While a strong relationship still exists, Hizbullah and Amal are no longer controlled by Syria and therefore can act autonomously.[47] This new-found autonomy means the Syrian withdrawal can be taken as an effective departure point from which to evaluate changes in the Shi'a political movement.

In June 2005, Hizbullah Secretary-General Hassan Nasrallah announced the party's decision to participate in the Cabinet for the first time. This decision was a defining moment in Hizbullah's history and represented a major turnaround in political strategy. Since taking part in the 1992 parliamentary elections Hizbullah had steadfastly refused to join the executive government. The main reason for this refusal was a wish not to be tainted by government decisions or behaviour with which it did not agree. Furthermore, Hizbullah felt that having one or two party members in Cabinet would not be sufficient to exert any meaningful influence.[48] Why, then, did Hizbullah change its stance?

As previously mentioned, Syria's role in safeguarding Hizbullah's resistance movement negated the need for Hizbullah to deepen its participation in the political system. With Syria as an ally Hizbullah felt it could take a political back seat. However, the Syrian withdrawal in April 2005 transformed the Lebanese political scene. The careful balance of power which Syria had orchestrated was shattered, leaving a political void in which Hizbullah was very vulnerable.[49] With Syria no

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[46] V. Perthes, 'The Syrian Solution', *Foreign Affairs,* vol. 85, no. 6 (2006); R.G. Rabil, 'Has Hezbollah's Rise Come at Syria's Expense?', *Middle East Quarterly,* vol. 14, no. 4 (2007)
[47] El-Hokayem, op. cit. (2007)
[48] N. Qassem, *Hizbullah: The Story From Within* (London: Saqi, 2005), pp. 197-98
[49] A. Fayyad, 'Hezbollah and the Lebanese State: Reconciling a National Strategy with a Regional Role', *Arab Reform Initiative,* Brief no. 11 (2006), pp. 2-3

longer protecting its political interests and many actors jostling for control of the system, the party realised that it would have to integrate itself further into state institutions in order to safeguard its military wing.

Statements made by key party officials back up this view. According to Nawwaf al-Musawi, Hizbullah's Head of International Relations, the party actually decided it would take part in the Cabinet as early as 5 March 2005, straight after Syria's announcement that it would withdraw its troops from Lebanon. This correlation is no coincidence. Hizbullah's Deputy Secretary-General Sheikh Naim Qassem disclosed that the party had agreed not to take part in the Cabinet as long as Syria remained in Lebanon protecting it from disarmament. After Syria's withdrawal, however, it was deemed necessary to take part in the Cabinet in order to have a voice in the future of an independent Lebanon and to protect its resistance movement.[50]

Hizbullah's decision was rewarded with two Cabinet seats in the new national unity government. Hizbullah's openness to compromise with other political parties showed a genuine change in strategy towards greater political involvement. This deepening integration represents a very significant step in Shi'a political progress.

The Syrian withdrawal not only gave Hizbullah a *reason* to become more politically active but also the *ability* to do so. Syria's withdrawal of military and political influence may have endangered Hizbullah's armed resistance but it also gave the party the opportunity to translate its growing popularity into real political power by ending strict electoral restraints. Hizbullah grasped this opportunity and has turned itself into the major power broker of Lebanese politics. This transformation can be explained by its ability to bring the political system to a standstill coupled with its strong military might, which rivals the Lebanese army in size and power.

In 2006, for example, Hizbullah and its allies decided to suspend their participation in Cabinet in response to a government decision to open investigations into Rafiq Hariri's assassination. The decision was made using majority rather than consensus decision making, the condition on which Hizbullah joined government. As Hizbullah and its allies made

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[50] J. Alagha, 'Hizbullah After the Syrian Withdrawal', *Middle East Report,* no. 237 (2005), p.36

up a third of Cabinet, this walkout forced a breakdown of government control and caused a two-year political crisis which, at times, threatened to spill over into civil war. In this time, Hizbullah was able to mobilise large sections of the population to support it in protests and sit-ins, demanding increased political representation including veto power in Cabinet.[51] In 2008, Hizbullah even resorted to violence to defend its interests when it used its strong military wing to seize control of parts of Beirut amid intense fighting.

The negotiating power of Hizbullah was demonstrated by the outcome of this crisis. The Doha Accord, which was signed on 21 May 2008 by the opposing March 8 and 14 Alliances and brought the crisis to an eventual end, involved major concessions from the majority March 14 Alliance to Hizbullah. Not only did it give up its demands for Hizbullah's disarmament, but it agreed to grant the opposition a veto power in Cabinet.[52] This outcome further increased the power of Hizbullah by essentially enabling it to veto legislation on its own disarmament and has institutionalised its growing political power.

The growing influence of the Lebanese Shi'a was evident again in 2011 when Hizbullah and its allies in government resigned from Cabinet a second time over the investigations into Rafiq Hariri's death. This led to yet another breakdown of government control and a political crisis lasting five months. The new Cabinet that was eventually formed is dominated by Hizbullah with 16 of the 30 seats filled by allies of the Shi'a party, an increase of six from the previous government. With the March 8 Alliance occupying over half the Cabinet, both Hizbullah and the Lebanese Shi'a as a whole are in their strongest position yet.

Incidentally, these sustained periods of government breakdown would not have been permitted under Syrian control. Hizbullah would have quickly been reined in to limit the instability threatening Syrian national interests. It is Syria's withdrawal that has allowed Hizbullah to flex its political muscle. Hizbullah's ability to mobilise mass support, to force government decisions in its favour and now to veto legislative proposals, means that Hizbullah has become the biggest power-broker in Lebanese politics today. Indeed, the extent of Hizbullah's influence on the stability of the Lebanese political system has led some to consider

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[51] K.E. Wiegand, 'Reformation of a Terrorist Group: Hezbollah as a Lebanese Political Party', *Studies in Conflict & Terrorism,* vol. 32, no. 8 (2009), p.677
[52] Ibid., p.669

Hizbullah, in a confessional system where all sects are legally equal, as "more equal than others".[53]

Amal, meanwhile, remains statistically one of the main Lebanese political parties. It continues to hold some important posts in Lebanese politics such as the Speaker of Parliament and three Cabinet seats. Thanks to its popularity among more moderate sections of the Shi'a community, Amal has performed consistently in elections, winning 11 seats in 2005 and 12 seats in 2009.[54] Yet no studies carried out on post-Syria Lebanon give much attention to the role of Amal and this is indicative of its waning importance in Lebanese politics.

Amal's heavy reliance on Syria for political influence has meant it has been more negatively affected by the Syrian withdrawal than Hizbullah. No longer propped up by Syrian influence, it has lost much of its legitimacy and leverage in Lebanese politics. This has led Michael Young to argue that since Syria's withdrawal, Amal has actually become dependent on Hizbullah and is indebted to its fellow Shi'a party for its success.[55] For example, Nabih Berri's continuation as Speaker of Parliament can be seen as a concession from Hizbullah rather than an achievement off the back of his own efforts as his popularity has dwindled since 2005.[56] Furthermore, while Amal took part in the 2006-2008 political crisis (its members joined Hizbullah in walking out of Cabinet and the Speaker of Parliament, Nabih Berri, even refused to convene Parliament in order to avoid a vote on the contentious tribunal and it took part in the protests and violence in Beirut) it was not the driving force and only played a supporting role to Hizbullah.[57] Amal does not have the same regional support, ability to mobilise supporters nor military might with which to exert pressure on the government. This has seen Amal become increasingly subordinate to Hizbullah.[58] The Syrian withdrawal, therefore, has seen a change of dynamics within the Shi'a movement itself. Hizbullah has now taken on the role as the

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[53] Saouli, op. cit. (2011), p. 941
[54] Norton, op. cit. (2007a), p.103
[55] M. Young, 'Nabih Berri Gets the Syria Treatment', *Now Lebanon* (22 January 2010) available online: http://www.nowlebanon.com/NewsArchiveDetails.aspx?ID=140274 (accessed on 1 February 2011)
[56] Ibid.
[57] A.R. Norton, 'The Shiite 'Threat' Revisited', *Current History,* no. 106 (2007b), p.438
[58] Young, op. cit. (2010)

dominant political representative of the community while Amal operates merely in its shadow.

Conclusion

The Syrian presence in Lebanon, lasting from 1976 until 2005, was one of the longest and most pervasive occupations in Lebanese history. It permeated all aspects of Lebanese political life and impacted on the Shi'a political movement, which through Amal and Hizbullah was struggling for political empowerment.

Overall, the Syrian presence in Lebanon restrained the Shi'a political movement. While Syrian influence helped Amal reach and maintain prominent positions of power, this power was used to back up the Syrian presence in Lebanon rather than to advance Shi'a communal interests. Consequently seen as a Syrian proxy, it lost large sections of its popular support. Hizbullah, too, was initially aided by Syria's presence because it afforded them protection from disarmament. Politically, though, Syria worked to rein in Hizbullah by minimising its political scope and limiting its political opportunities through the manipulation of electoral lists. These efforts were part of Syria's balance-of-power policy, which saw it attempt to balance the power of the various Lebanese sects in order to ensure its own political dominance.

This dominance came to an end in 2005 when Syria withdrew its troops from Lebanon. The withdrawal fundamentally changed the dynamics of the Syrian-Shi'a alliance because Syria, striving to maintain control, became more dependent on the Lebanese Shi'a than they were on Syria. The withdrawal and the new-found freedom that accompanied it had a number of effects on the Shi'a political movement.

The Syrian departure directly influenced Hizbullah to join the Cabinet because integrating further into the political system was seen as the only way to safeguard its military wing. No longer restrained by Syria's balance of power policy, Hizbullah was able to capitalise fully on its successes. It did so by pushing for more power in the political system, even managing to extract a veto power in Cabinet from the opposition. Hizbullah's growing authority in Lebanon has seen it develop into a major power-broker in Lebanese politics. This represents a massive success for the Shi'a political movement and a huge step forward on the path to Shi'a empowerment. For Amal, the withdrawal of Syria, on

which it had relied heavily, had a much more negative effect: it resulted in a loss of influence and leverage in the political system. Amal, for the time being, has shrunk into Hizbullah's political shadow.

The Syrian presence and withdrawal thus had different effects on Hizbullah and Amal. Consequently, it has changed the dynamics of the Shi'a political movement. While prior to 2005 Amal was the dominant Shi'a party in Lebanon, the 2005 withdrawal has reversed this. Amal's loss of influence and Hizbullah's new freedom to capitalise on its growing popularity means Hizbullah has become the dominant party representing Shi'a interests. The dominance of Hizbullah, coupled with the growing empowerment of the Shi'a, is likely to shape the future of Shi'a, Lebanese and regional politics in years to come.

Sponsoring the Iraqi Insurgency?

Iran's Strategic Interests in the Middle East

Anne-Marie Balbi[*]

Iran-US bilateral relations over the last two decades have been defined by Iran's nuclear power ambitions and the Iranian government's disinclination to co-operate with the International Atomic Energy Agency (IAEA). This single-minded focus on the nuclear threat issue has overshadowed the analysis of Iran's strategic ambitions at the regional level. This chapter examines the complex relations between the United States and Iran in the context of the ongoing insurgency in Iraq in order to comprehend Iran's strategic interests in the Middle East. Iran has played a role in the ongoing Iraqi insurgency through infiltrating Iraqi and Turkish Kurd groups, supporting the Iraqi Shi'a and tolerating al-Qaeda in Iraq. Iran's use of state-sponsored terrorism fits with nationalist and imperial objectives and helps reveal Iran's strategic objectives in the Middle East.

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The scale and complexity of the Iraqi insurgency that followed the US occupation has had dramatic implications for the Middle East. What began as organised resistance to occupation by the formerly privileged Sunni Muslims gradually evolved into a full-scale civil war between the three main Iraqi ethnic and sectarian groups: the Shi'a, the Sunni and the Kurds. As the long-lasting suppression of the Shi'ites and Kurds under the rule of Saddam Hussein came to an end, Iraq's once regimented political structure practically fell apart. This in turn has had significant impacts on the power constellations in the Middle East.

The fall of Iraq as a regional power has led to extensive distortions of the balance of power in the region and has provided important strategic advantages to a number of neighbouring countries.[1] The 'old triangular system,' in which Saudi Arabia, Iran and Iraq comprised the three largest powers of the Persian Gulf region, has been replaced by a bipolar system.[2] This new balance of power in the Middle East has become a growing concern, particularly for Iraq's neighbour Iran due to its long-standing historical contention with both Iraq and the USA.

Iran-Iraq relations have been characterised by prolonged antagonism and conventional confrontations, the most recent of which erupted during the Iran-Iraq War.[3] Following the end of the war, Saddam has been accused of relentlessly repressing the Iraqi Shi'a population, including forced expulsions to Iran. Conversely, Iran provided strategic support to the Kurds in northern Iraq in their struggle for independence from Baghdad, as well as providing support to the Iraqi Shi'a in the south. Meanwhile, the US inclination was to support whichever country best serves the US interest in the region.[4]

The Iran-US acrimony has mainly revolved around the issue of the Iranian nuclear weapons program and Iran's reluctance to co-operate

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[1] S. Chubin, 'Iran's Power in context', *Survival*, vol. 51, no. 1 (2009), p. 168; R. Baer, *The Devil we know – Dealing with the new Iranian Superpower* (Melbourne: Scribe, 2009), p. 27.

[2] Ibid.

[3] The Iran-Iraq War lasted for eight years (1980-1988).

[4] In practice, this has equalled a preferable position for Iraq, as Iran-US bilateral relations have been close to non-existent.

with the International Atomic Energy Agency (IAEA). The US has persistently tried to restrain Iran's nuclear ambitions by demanding further sanctions from the international community. However, the effects of these sanctions have been limited, mainly due to Russia's and China's continued assistance to and economic ties with the Iranian government.

Considering that five of the world's nine nuclear powers are either on Iran's borders or nearby,[5] the Iranian aspiration for a nuclear program is not surprising. With the Middle East in the midst of transformation, any threat to the status quo of US dominance or threats to US interests in the region will subsequently reflect its regional policy. Iran has also increasingly challenged Israel[6] by gradually increasing its support for the Palestinians. With the ousting of long-time rival Saddam Hussein, the geopolitical environment for Iran's strategic undertakings has undoubtedly altered to its advantage.

Many scholars argue that it is US' policies in the region and the misperception of the regional structure that led to Iran's empowerment in the Middle East. The significance of the American-led occupation of Iraq, and the resulting empowerment of Iran, is clearly illustrated by Middle East expert Robert Baer:

> For years, the Iraqi army kept Iran from invading the Arab Gulf states… For eight years, Iran tried, and failed, to defeat Iraq. Then, in the span of just two weeks…American[s]…obliterated the Iraqi army, unintentionally handing Iran a victory it could never have achieved on its own.[7]

As a result, as this chapter argues, Iraq has not only become a regional problem in the Gulf, but has also increasingly developed into a battlefield for existing tensions between Iran and the United States.

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[5] S. Chubin, 'Iran Primer: The Politics of Iran's Nuclear Power', *Carnegie Endowment for International Peace* (September 2010) available online: http://www.carnegieendowment.org/2010/09/01/iran-primer-politics-of-iran-s-nuclear-program/221 (accessed 26 September 2011).
[6] By challenging Israel Iran has indirectly challenged the US as well.
[7] Baer, op. cit. (2009) p. 27.

Irregular Warfare and State-Sponsored Terrorism

State-sponsored terrorism, or as American scholars James Lutz and Brenda Lutz prefer to call it: 'state use of terrorism,' generally takes place in one of two general contexts: foreign or domestic targets.[8]

When targets are foreign, the state's tools to achieve foreign policy objectives include personnel from their own intelligence services as well as dissident groups abroad.[9] In addition, given the opportunity, governments can provide direct support to existing dissident organisations that actively use terrorist violence against the regimes in enemy or competing states. However, this does not mean that the foreign state providing the terrorist groups with support directly controls dissident groups.

Furthermore, in cases where the potential enemy state has been facing difficulties with dissident groups, there is a tendency for foreign governments to 'stir the pot' in a hope to 'bring it to the boil' to create further difficulties for the enemy state.[10] As Lutz and Lutz conclude, "the creation of additional problems for a potential enemy is often too tempting to forgo."[11] This sort of state-sponsored terrorism often aims to replace an antagonistic government in the enemy state with an allied one.

State-sponsored terrorism can also be a more passive alternative. In this case, it is a question of states assisting terrorist groups in other countries by ignoring their organisational activities or fund-raising on the sponsor state's soil.[12] These more subtle versions usually entail that the host country being passive and tolerant as long as the terrorist or dissident groups do not launch local attacks or target the interests of the host

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[8] Lutz and Lutz in A. Tahn, (ed.) *The Politics of Terrorism: a Survey* (London: Routledge, 2006), p. 89.
[9] Ibid.
[10] Ibid.
[11] Ibid., p. 101.
[12] Ibid., p. 89.

country.[13] The host country does not actively seek to support these groups, but it chooses not to arrest their members or disrupt their activities.

Lutz and Lutz highlight that this sort of passive support for terrorist groups can be motivated by different reasons. The toleration could reflect a fear that the dissident groups might launch attacks on their soil if the host country intervenes. It might also reflect a general agreement with the goals of the terrorists: "whereas criminal cooperation is predominantly a matter of expediency and mutual advantages, terrorist cooperation has far more to do with shared values and objectives."[14]

In the case of Iran, "it is not merely poverty that fuels terrorism, but a more profound sense of exclusion and domination at the …international level[s]."[15]

Iran-Iraq: Complex Relations

The competition and rivalry between Iran and Iraq dates back 500 years to the era of Turkish Ottoman Empire (1517-1918) and the Persian/Iranian Empire under the Safavids (1501-1722).[16] The presence of migratory tribes resisting and clashing over fixed boundaries is a frequent feature of the history of the two states and has effectively shaped the current relation between the two nations.

An important factor in the development of the bilateral relations is their paths of obtaining a religion. In order to safeguard the Persian Empire from the Sunni Ottomans the Safavid chief, Shah Ismail, adopted

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[13] Ibid., p. 91.

[14] J. Baylis, J. Wirtz, C. Gray and E. Cohen, (eds.) *Strategy in the Contemporary World*, 2nd ed. (New York: Oxford University Press, 2007), p. 198.

[15] K. Shimko, *International Relations – Perspectives and Controversies*, 2nd ed. (Boston: Houghton Mifflin Company, 2008), p. 326.

[16] D. Hiro, *Neighbours, Not friends – Iraq and Iran after the Gulf Wars* (London: Routledge, 2001), p. 1. This ancient rivalry first revolved around disputes over boundaries and interference in each other's domestic affairs, which – often involving ethnic and sectarian minorities – took place along the ill-defined common frontier.

Twelver Shi'ism[17] as the official religion.[18] Consequently, in fear of an upheaval from the Shi'a subjects in the Ottoman Empire, 40,000 Shi'as were executed as possible Safavid spies.[19] Subsequently, the different paths of Islam but with common sacred places have further instigated disputes.[20]

The fact that the two states are made up of different ethnic and sectarian groups that cross territorial boundaries, explains the disputes over borders and the difficulty defining them. While there have been continuous disputes between the two empires and modern states, the matter is made even more complex by the internal insurgencies, that Iran and Iraq utilise to advance their national interest. Suppressing, using and supporting sectarian groups are rather common methods in achieving strategic objectives in bilateral relations between Iran and Iraq.

Although imperial powers such as Britain and Russia have attempted to regulate territory under their control and delineate the frontiers, disputes have not respected artificial borders. [21] In the north, the Kurdish tribes ignored the established boundaries and were encouraged by the Persians to revolt against the Iraqi authorities. In the south of Iraq, the Arabic speaking tribes promised allegiance to Persia in order to maintain autonomy from the Ottomans.[22] Interference continued to occur even during the British and Russian regulation of the territories, although the imperial powers managed to produce maps of the frontiers and

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[17] Twelver Shi'ism is the belief in twelve Imams. To read more please see Hiro, op. cit. (2001) p. 2.

[18] Shi'a theology and jurisprudence were systemized and by this unity a strong foundation for the Safvavid Empire was created. For an elaboration on the Shi'a-Sunni conflict please read Nasr, *The Shi'a Revival – How Conflicts within Islam Will Shape the Future.*

[19] Hiro, op. cit. (2001) p. 2.

[20] Given that six of the twelve Imams are buried in Iraq the Safavids requested free access to the holy shrines in Najaf and Karbala, both in the southern Iraq. After occupations and battles the two sides eventually agreed on the Treaty of Zuhab in 1639.

[21] Ibid.

[22] Hiro, op. cit. (2001) p. 2.

boundaries. The Persian Empire encouraged the Kurds in Iraq to revolt and the Ottomans replied by attacking Persia and persecuting the Shi'as

In summary, the history of conflict consists of two dimensions: one ethnic and one religious. Where there have been similarities and opportunities for peaceful relations these have been viewed as threats and therefore been eradicated. An illustrative example is that the Safavids saw it necessary to differentiate themselves from the Sunni Ottomans for their survival. The heritage of a discourse of rivalry towards 'the others' remains throughout the historical record above. The mutual holy shrines have caused more disputes than cooperation. The ostensible feature of the bilateral relations appears to be the tendency to highlight differences rather than similarities.[23]

Iran-US Bilateral Relations

Iran-US bilateral relations have undergone a major transformation since the end of World War Two (WWII). From becoming a US protectorate in the Persian Gulf under the rule of the Shah to eradicating any American influence whatsoever following the Iranian Revolution, Iran has surfaced as an independent and nationalistic regional power in the Middle East. The significance of the Twin Pillar Policy[24] period should be highlighted, as it was during this period that the state of Iran was given the opportunity significantly to improve its economic and military position. This progress, initiated by the Shah, provides the basis for the military power that Iran has today.

Since the 1979 Iranian revolution, the power politics of the Middle East region have gradually become more evident. Iran has started a resistance movement and a pro-Arabic discourse to encourage regional powers

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[23] The few periods of responsive bilateral relations have mainly occurred due to external factors (such as an external enemy) or pressure from other external actors.
[24] Together with Saudi Arabia, Iran under the Shah was identified as the main guardian of vital US interests in the Persian Gulf. The Shah maintained the economic and political interests of the US, and the US, in turn, helped to maintain the rule of the Shah.

towards a united effort to oust American interference in the region.[25] During the last decade, Iran-US relations have been extremely strained due to Iran's nuclear ambitions and the US invasion of Iraq.[26]

Some scholars describe relations between the US and Iran as having been in a state of war for the last thirty years. However, there has never been a conventional military confrontation between them. Iran expert Shahram Chubin describes the US-Iran confrontation in the Middle East in the following way:

> Iran's challenge to the regional order is not military, but political: it is about exerting influence, appealing to the masses or the 'street', demonstrating that Iran can confront injustice, presenting a viable model of 'resistance', and 'framing the regional agenda.[27]

However, this regional 'soft power' approach could easily obtain a hard power dimension if Iran were to acquire nuclear weapons. The Iranian regime believes that attaining nuclear weapons would facilitate their goal of achieving an *umma* (Islamic nation) on a global scale.[28] It is the urge to prevent such a development in the Middle East that has shaped US policy towards Iran in the last decade, where the prevention of access to nuclear weapons has overshadowed the actual developments in the region.

Iraq and the Insurgency

Since the overthrow of Saddam Hussein in 2003, Iraq has gradually transformed into a nominally federal constitutional democracy.[29] The

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[25] Traditionally the US has regarded the Persian Gulf and the Strait of Hormuz as an international waterway. Iran, on the other hand, has insisted that the security of the Gulf should be the exclusive responsibility of the regional states and that non-regional countries should stay out.

[26] Chubin, op. cit. (2009) p. 165.

[27] Ibid., p. 166.

[28] A. Menenberg, 'Curbing Tehran's Nuclear Ambitions: Misreading the Mullahs', *Middle East Quarterly* (Summer 2011), p. 50.

[29] "Iraq Country Brief", Department of Foreign Affairs and Trade, October 2010, available online: http://www.dfat.gov.au/geo/iraq/iraq_country_brief.html (accessed 1 September 2011).

current state of Iraq is merely at the inaugural stages of a democratic society. The most critical problems to address in Iraq for an empowerment of its democratic process is the absence of rule of law; persecution of political opponents; and the squabbling among the politicians inhibiting the progress of fully forming a government. However, compared to its neighbouring states Iraq performs significantly better.

After several provisional and transition governments, national elections were held in 2005 and 2010. Following both elections Jalal Talibani, a leading Kurdish politician from the Patriotic Union of Kurdistan (PUK) became President and Nouri al-Maliki, the leader of the (Shi'a Muslim) Islamic Dawa Party became the Prime Minister.

The main source of Iraq's manifold problems is that it is sharply divided along ethnic and sectarian lines, with three major communities: Sunni, Shi'a and Kurds. Before the 2003 Iraq invasion these communities had been 'locked in an artificial, Sunni-dominated state for eighty-five years.'[30] The US-led invasion in 2003 and the subsequent destruction of the Sunni-led bureaucracy and military generated an abrupt change in the power relations of the country: "a rapid decline of Sunni power, the rise of Shi'a power, and the solidification of Kurdish autonomy."[31]

Saddam had managed to maintain his regime by suppressing the Shi'a in the south and by not acknowledging the Kurds in the north. By removing Saddam's regime, the coalition indeed accomplished its military objective but discovered that politically it was left with an ethnically divided territory with no unifying factor other than the former suppression:

> The Kurds were independent in all but name and had no intention, under any conditions, of again answering to a Sunni or, for that matter, a Shi'a central authority in Baghdad. The attitude of Iraqi

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[30] T. Dodge in Bouillon et. al., *Iraq - Preventing a New Generation of Conflict* (Colorado: Lynne Rienner Publishers, 2007), p. 25.
[31] M. Moaddel, M. Tessler and R. Inglehart, 'Saddam Hussein and the Sunni Insurgency: Findings from Values Surveys', *Political Science Quarterly*, vol. 123, no. 4 (Winter 2008-09) p. 642. Another post-invasion consequential factor affecting the power relations has been the influx of foreign terrorists.

Shi'a was similar: they would never again agree to be ruled by a Sunni. As for the Sunnis, they wanted nothing less than the old order back, with or without Saddam.[32]

As a result of the US-led invasion in Iraq, a complex scenario has emerged in which American forces are fighting against the Sunni insurgents, foreign terrorists, and part of the Shi'a militia; the Sunnis against the Shi'a; terrorist groups against the Shi'a and foreign workers; and even Shi'a groups against one another. Furthermore, the Shi'a-led federal government in Baghdad is advocating a strong unitary Iraqi state, while the Kurds and some other groups prefer a more federal one.[33]

Notwithstanding the divisions between the Kurds, the Shi'a and the Sunni, Iraq expert Toby Dodge estimated that organised crime accounted for 80 per cent of the violence in Iraq in 2005.[34] According to Dodge, the insurgency consisted of between 20,000-50,000 insurgents, organised in 50 independent groups.[35] In order to discern Iran's possible involvement in the insurgency the different actors in the insurgency will now be examined in more detail.

Iran and State-Sponsored Terrorism

Iran and the Iraqi Kurds

Infiltrating Kurdistan has offered Iran a venue to influence the neighbouring countries. According to Robert Baer, Iran has used the Kurds as a proxy to incite problems in Turkey, Syria and Iraq whenever it served Iran's interests: if Turkey or Iraq opposes Tehran on some issue vital for Iran, Tehran will find and arm Kurdish guerrillas in those countries to hit back.[36] In Iraq, in addition to supporting the PUK, Iran has been accused of helping fund and arm the Turkish Kurdistan

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[32] Baer, op. cit. (2009) p. 29.

[33] Ibid. pp.114-122

[34] T. Dodge, *Iraq's Future: The Aftermath of Regime Change* (New York: Routledge, 2005) p. 15.

[35] Ibid., p. 23.

[36] Baer, op. cit. (2009) pp. 114- 115

Workers' Party (PKK) which both the United States and the European Union brand as a terrorist organisation.[37] The fact that Iran has managed to get Kurdish Sunnis under its wings is explained by the fact that Iran has created a 'surrogate army' – the Kurdish Hezbollah – in order to control Iraqi Kurdistan without an outright invasion.[38] These different Kurdish groups supported by Iran continually clash with each other, inhibiting a unified front while enabling Iran to 'play' them against each other.

As a result, by approaching and using proxies, Iran has managed to create inroads into Iraqi Kurdistan without much notice. The Iranian regime has managed to do so because 'it never attempted to spread Persian culture, garrison Iranian troops there, or convert the Sunni Kurds to Shi'a Islam.'[39] By supporting the Kurdish groups Iran has not only slowly got a hold on these groups, but also developed a strategic system to project its interests on neighbouring states when needed. Thus by making the Kurdish groups economically dependent on Iran it has slowly annexed Iraqi Kurdistan.[40]

The Kurdish issue in Iraq has in fact developed into a regional issue involving many regional actors. The USA, which has backed Turkey in its battle against the PKK, is concerned about the conflict between the Turks and the Iraqi Kurds as this will inhibit the US quest to keep Iraq stable.[41] Equally obstructive, Syria and Iran have a history of using the PKK as leverage against Turkey. This is yet another demonstration of the tradition in the region of using ethnic and sectarian groups to achieve national interest.

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[37]'Turkey and the Kurds: Giving War a chance', *The Economist* (27 Aug 2011), available online:
http://www.economist.com/node/21526936?fsrc=nlw%7Cwwp%7C08-25-11%7Cpolitics_this_week (accessed 26 August 2011); Lowe, R. and G. Stansfield, 'Raising the Stakes', *The World Today*, vol. 63, no. 12 (2007), p. 12.
[38] Baer, op. cit. (2009) pp.116-117.
[39] Ibid., p. 125-126.
[40] Ibid., p. 118-121.
[41] 'Turkey and the Kurds: Giving War a chance', *The Economist* (August 2011) available online:
http://www.economist.com/node/21526936?fsrc=nlw%7Cwwp%7C08-25-11%7Cpolitics_this_week (accessed 26 August 2011)

Iran and the Iraqi Shi'a

The Iraqi Shi'ite Muslims, which are mainly situated in the southern parts of Iraq, constitute the largest ethnic group in Iraq. Since the US invasion in 2003 and the ousting of Saddam Hussein, the Shi'ite Muslims have been supportive of the American plans for a democratic regime in Iraq. This is because in a democracy – the rule of the majority – the Shi'a would in effect be guaranteed the bulk of the seats in the parliament.[42] Although it could be argued that the US policymakers in the region have given privilege to the Iraqi Shi'ite Muslims, this sectarian group has several reasons to oppose the American forces in Iraq[43]. According to Gwynne Dyer the Shi'a Muslims perceived their former suppressor, Saddam Hussein, as an American puppet based on his co-operation with the CIA when eradicating the leading Iraqi Communist Party – a party that in large consisted of Shi'a Muslims – in the 1960s. In addition, Iraq under the rule of Saddam Hussein was supported by the US during the first Gulf War against Shi'a Iran. Later on, during the Iraqi invasion of Kuwait, the USA urged the Iraqi Shi'as to rise in revolt against Saddam – in what has come to be known as the Shi'a intifada – but did nothing to stop Saddam Hussein relatiating and massacring Shi'as.[44] The Iraqi Shi'a militia groups such as the Mahdi Army and the Badr Brigade (also known as the Badr Corps) have been two of the central actors contributing to the resistance and insurgency in Iraq.[45]

An important aspect of the Shi'a in Iraq is that although sectarian groups receive support from Iran not all Shi'ites sympathise with the Shi'a

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[42] Ottaway, M. 'What should be done about Iraq?', *Carnegie Endowment for International Peace* (2007) available online: http://www.carnegieendowment.org/files/OttawayCurrentHistory.pdf (accessed 27 May 2009)

[43] G. Dyer, *The mess they made – the Middle East after Iraq* (Melbourne: Scribe, 2007), p. 14

[44] Ibid., p.15; Hiro, op. cit (2001) p. 36.

[45] C. Forrest, 'Coercive Engagement – A Security Analysis of Iranian Support to Iraqi Shi'a Militias', *Strategic Studies Quarterly*, vol. 3, no. 2 (Summer 2009), p. 99.

community of Iran.[46] In reality, a large group of the Iraqi Shi'a consider themselves Iraqi nationalists.[47] Since the overthrow of Saddam Hussein, many disputes have taken place within the Shi'a Muslim community of Iraq, as local clerics have attained power and different streams of Shi'a Muslims are striving to become the prominent Shi'a faction. However, several advocates of a Shi'a Iraq autonomous from Iran have been threatened or assassinated in unexplained circumstances.[48] Baer concludes that with the Iraqi city of Najaf under Iranian control the guarantor of an independent Shi'a clergy is gone: "now the spiritual counterweight to the authoritarian clerics who run Iran is gone along with the Iraqi army."[49]

Muqtada al-Sadr, a devoted Shi'a Muslim and the leader of the most militant Iraqi nationalist group – the Mahdy Army – fought against coalition forces in 2004.[50] Sadr's group draws its support from the poorest and most disadvantaged sections of the Shi'a population.[51] After Saddam Hussein was overthrown, Muqtada al-Sadr, building on his father's popularity,[52] attempted to stir up class war and requested the exit of the Coalition forces. After months of fighting in 2004, al-Sadr's Mahdy Army was defeated by the Coalition and al-Sadr reluctantly sought help from Iran.[53]

The Badr Corps is the military arm of the Supreme Council of Islamic Revolution in Iraq (SCIRI). A militia organised in exile and brought back to Iraq, both SCIRI and the Badr Corps were set up as a foreign

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[46] Baer, op. cit. (2009) p. 45. This perception is based on the view that Persians (Iranians) and Arabs (Shi'a Iraqis) do not mix.
[47] Anderson & Stansfield, *The Future of Iraq: Dictatorship, Democracy or Division?* (New York: Palgrave MacMillan, 2004), p. 118.
[48] Baer, op. cit. (2009) p. 45.
[49] Ibid., p. 48.
[50] Baer, op. cit. (2009) pp. 33. See also P. Cockburn, *Muqtada al-Sadr and the Fall of Iraq* (London: Faber and Faber, 2008).
[51] Dodge, op cit. (2005) p. 17.
[52] Muhammad al-Sadr was an ayatollah murdered by Saddam Hussein in 1999. He challenged the Iranian leader Khomeini as he did not believe in clerics running a state.
[53] Baer, op. cit. (2009) pp. 33-34; Cockburn, op. cit. (2008) p. 251.

policy vehicle for the Iranian government.[54] The SCIRI militias have been trained by the Iranian Revolutionary Guards (IRG)[55] and have contributed to the de-legitimization of the Iraqi security forces when integrated into SCIRI forces. According to the *Council on Foreign Relations,* the IRG has provided the Shi'ite militias in southern Iraq with training, funding and equipment.[56]

While officially Iran proclaims to support the Shi'a led regime in Iraq, but when Iranian weapons turn up in the hands of the Shi'a militia groups that are undermining the Iraqi regime, appears hard to discern its motives. The Iranian response has been that all parties involved possess Iranian weapons. Adding on to the complexity, it appears that the Iranians had ascribed al-Sadr and his Mahdy Army a role as their affiliates in Iraq – as the Sadrists had been assisted by Iran after their defeat against the coalition – but al-Sadr's nationalistic drive was too strong to adhere to Iran, resulting in the Shi'a militias fighting each other. As Abdel-Latif says, "Iran maintains ties with Shi'a groups across the Arab world, providing them not only with material support but a model state and sense of empowerment."[57]

Iran and the Iraqi Sunni

The Sunnis have gradually witnessed a de-Baathification and ethnic cleansing of the Iraqi society, in Baghdad in particular.[58] As the ruling

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[54] T. Dodge, 'State Collapse and the Rise of Identity Politics' in M.E. Bouillon, D.M. Malone and B. Rowswell, (eds.) *Iraq – Preventing a New Generation of Conflict* (Colorado: Lynne Rienner Publishers, 2007), p. 30.
[55] The Iranian Revolutionary Guards, also known as the Islamic Revolutionary Guard Corps (IRGC), was founded by Ayatollah Khomeini in 1979 to solidify control over Iran: 'Showing who's boss', *The Economist,* vol. 392, no. 8646, (August 2009), p. 40.
[56] Council on Foreign Relations, 'State sponsors: Iran' (August 2007) available online: www.cfr.org/publication/9362/ (accessed 5 May 2009)
[57] Abdel-Latif, O. 'The Shi'a-Sunni Divide: Myths and Reality", Carnegie Endowment for International Peace (2007) available online:
http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=19047&prog=zgp&proj=zdrl,zme (accessed 27 May 2009)
[58] A. Jawad Al-Tamimi, 'Overviewing Sunni-Shi'a Conflicts', *The Middle East Forum* (December 2011) available online: http://www.meforum.org/3117/Shi'a-sunni-conflicts (accessed 3 December 2011) Please also see these maps from BBC

Shi'a have demanded the expulsion of Baathist elements from the state bureaucracy there has been a collective perception among Sunnis of being further marginalized. The deprivation of power and influence has inevitably led the Sunnis to support the insurgency,[59] a determination that has been fuelled by jihadist Sunni movements such as the Muslim Brotherhood and al-Qaeda. Academics also argue that the US invasion has transformed Iraq into what Afghanistan was in the 1980s: a symbolic territory for the Muslims to defend against crusaders.[60]

For many Sunni Arab leaders, the Shi'-led government is viewed as an Iranian proxy that will turn fully against the Sunni Arabs as soon as US military presence in Iraq draws down. They fear that the security state that has been developed with US assistance, including terabytes of biometric and intelligence data on Sunni Arab groups, will then be used against the Awakenings and Sons of Iraq. The Sunnis are probably the only group that have no deliberate connections to Iran. For them, as for their previous leader, Iran represents their long-time enemy. However, to some degree it could be argued that they share the same basic interest of eventually ousting the US forces from Iraq.

Iran and Al-Qaeda in Iraq

Another actor in the insurgency is al-Qaeda in Iraq (AQI). According to a letter by the senior jihadi figure Abu-Musab al-Zarqawi found in Baghdad, the mission of AQI is to 'prolong the duration of the fight' between the coalition and AQI by 'dragging [Coalition forces] into a sectarian war.'[61] Al-Qaeda has also infiltrated Iraq through its links to the Kurdish Islamist group Ansar al-Islam.[62]

Concerning the linkages between al-Qaeda and Iran, the Iranians have developed a pragmatic outlook towards different ethnic and sectarian

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demonstrating the changes in the ethnic divisions in Baghdad prior to 2006 and four years after the invasion:
http://news.bbc.co.uk/2/shared/spl/hi/in_depth/baghdad_navigator/
[59] Jawad Al-Tamimi, op. cit. (2011)
[60] Lutz and Lutz, op. cit. (2006) pp. 89.
[61] Dodge, op. cit. (2007) p. 23.
[62] Dodge, op. cit. (2005) p. 18. See above paragraph, *Iran and the Iraqi Kurds.*

groups in the Middle East. According to Robert Baer, this rare move is a step in Iran's strategy to empower the Middle East in order to oust exterior influence.[63] This pragmatism has seen Iran trying to achieve its objectives by approaching non-Shi'a Islamic groups such as the Muslim Brotherhood. This is possible because common interests are overriding sectarian divisions. An illustrative example of the crossing between al-Qaeda's and Iran's interests is the tribes loyal to the Houthi clan in Yemen. This guerrilla is linked with both global jihadists and Iran, as they portrait themselves as mujaheddin but actually belong to a branch of Shi'a Islam. Their slogan: 'Death to America! Death to Israel! Curse upon the Jews! Victory to Islam!' demonstrates the difficulty to make a distinction between the officially claimed adversaries.

Nonetheless, although the terrorists within al-Qaeda adhere to Sunni Islam, former al-Qaeda leader Osama bin Laden has never called for an attack on religious Shiites on Iraqi soil.[64] In fact, "the leaders of al-Qaeda have always dealt carefully with Iran and its majority Shiite community."[65] The Sunnis are obliged to deal carefully with the Shi'a in Iraq if they want to retain control of their strongholds, as the Sunnis comprise only one third of the Iraqi population compared to the Shi'a who comprise two thirds.

In theory, al-Qaeda members are prohibited to cross the divide since their takfiris (a Sunni Muslim who looks at the world in black-and-white: there are true believers and then there are nonbelievers, with no shades in between. A *takfiri's* mission is to re-create the Caliphate according to a literal interpretation of the Koran) doctrine forbids them to deal with Muslims like the Shi'a. Furthermore, Baer recognises that al-Qaeda's goals differ from Iran's. While al-Qaeda is driven by a determination to create anarchy, Iran is "always focused on the objective...rather than on the act itself." Nevertheless, Iran has in fact accomplished to create close ties with actors within the Sunni Muslim

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[63] Baer, op. cit. (2009) pp. 70-72.
[64] J. Brisard and D. Martinez, *Zarqawi – The new face of al-Qaeda,* (Cambridge: Polity Press, 2005), pp. 145-146.
[65] Ibid.

group of the Muslim Brotherhood, which emerged from the same group as al-Qaeda.

Many experts assert that Iran and its neighbourhood allies Syria and Hezbollah opposes al-Qaeda.[66] However, in several instances, Iran has ignored al-Qaeda activity on its own soil[67] and, as has been demonstrated, has a broad basis for its support. As Baer illustrates, "Iran manipulates belief, allowing it to adapt and appeal across sectarian and political lines."[68] Since the 1979 Iranian Revolution, Iran has embarked on a strategy of gradually embracing pragmatic relations towards different groups in order to pursue its interests.

Iran: a tradition of engagement in terrorism

Defining Iran's imperial drive, Robert Baer describes contemporary Iran as a rational actor, coldly and methodically pursuing its national interests.[69] He argues that under the 'veneer of Islam' Iran is driven by an old-fashioned nationalism based on a defiance of colonialism and a desire to create an empire. The means to achieve this objective are proxy warfare and control over oil supplies.[70]

Baer highlights Iran's secretive relation to the Islamic Jihad Organization (IJO), a faction of Hezbollah in Lebanon, who bombed the US Marine Corps' barracks in 1983.[71] The IJO became "the most mysterious, elusive terrorist organization in the world thanks to Iran's ability to hide its hand."[72] Baer asserts that Iran's involvement in Lebanon through Hezbollah, and its success battling against Israeli

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[66] Ignatius, D. 'Caught in the Middle', *Foreign Policy,* no. 172 (May/June 2009), p. 47.
[67] Brisard and Martinez, op. cit. (2005) pp. 66, 75, 78-79, 92, 95, 111, 127
[68] Baer, op. cit. (2009) p. 126.
[69] Ibid., p. 4.
[70] Ibid.
[71] F. Procida, 'Overblown', *Foreign Policy*, (June 2009) available online: http://www.foreignaffairs.com/articles/65127/frank-procida/overblown (accessed 10 June 2009); Baer, op. cit. (2009) pp. 64. Baer also establishes parallels between the collapse of the Lebanon state in 1984 and the Iraqi state collapse after the 2003 invasion.
[72] Chubin, op. cit. (2009) p. 65.

forces, has given Iran the confidence that it can stand up to the West.[73] He refers to Iran and Hezbollah's ability to create order where there was none before and therefore its ability to re-apply its strategy in Iraq.[74]

Conclusion

At a time when Middle East countries are undergoing major political changes following the 'Arab Spring' and US forces are withdrawing from Iraq, the future trajectory of the Middle East remains difficult to foresee. However, what can be established is that the region, with a long-standing tradition of US foreign-policy influence, is no longer as receptive to US interests. Meanwhile, the US economic hardship is gradually pivoting its interests from the Middle East towards Asia. These developments have caused concern in the region as the US demise has provided belligerent regional actors - such as Iran - the space and confidence further to pursue their strategic interests.

With its long-time rival Saddam Hussein gone and with US forces on their border, Iran could not have simply remained an observer. Instead, Iran has continued its process of annexing parts of Iraq. At the same time, it has promoted a regional discourse to create favourable Arab public opinion towards Iran. Meanwhile, its success has gone unnoticed due to its behaviour on nuclear issues and defiance of the IAEA. Iran appears to be imperious on three levels: the global, regional and local. However, attention has been diverted from its regional and local policies by its often-misunderstood policy at the global level. All these actions could be interpreted as a strategic master plan by Iran to fulfil its own regional concept: the creation of an Islamic empire in the Middle East.

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[73] Baer, op. cit. (2009) p. 4.
[74] Ibid. p.12.

Bullet, Badge or Band-Aid:
Assessing Counterterrorism Approaches in Pakistan

Elizabeth Bellion[*]

This chapter examines the three main theoretical approaches to counterterrorism: treating terrorist violence as an act of war, a crime or a disease stemming from underlying causes. Each tactic entails discrete advantages and challenges for government policymakers. The implementation and outcomes of the three strategies are examined in the specific context of post-9/11 Pakistan. The chapter concludes by arguing that the overly military emphasis of Islamabad's counterterrorism program is ineffective and that a more holistic strategy must be employed for the sake of long-term regional stability.

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The strategies employed to combat terrorism are as varied as the motivations underpinning terrorist violence. Osama bin Laden, born into a wealthy family and well educated, likely had different reasons for engaging in organized violence than a Palestinian or Tamil refugee. Consequently counterterrorism includes a diverse array of tools that must be employed in a complementary and context-specific manner if they are to be successful. There are three major views of terrorism that will determine which tactics are given priority by policymakers: terrorism as war, crime or disease.[1]

The case study of Pakistan provides a mixture of all three approaches, each of which has been employed with varying levels of commitment and success. This essay will outline the advantages and disadvantages of each approach. It will then discuss how terrorism has been, and continues to be, dealt with as war, crime or disease in Pakistan. Lastly, it will address the long-term implications for the Pakistani state of an over-reliance on any single approach in the absence of a holistic counterterrorism strategy.

Various Approaches and their Proponents

Terrorism as war: the United States and the 'War on Terror'

Former President George W. Bush was explicit regarding the United States' government's viewpoint when he said, "on September the 11th, enemies of freedom committed an act of war against our country."[2] The subsequent reaction to those attacks was to declare a 'War on Terror' that included elements such as the 'war of ideas,' the 'war for hearts and minds' and the 'war for democracy.' This stance is indicative of a traditional understanding of security. Terrorism is perceived as a threat to the physical safety and security of the state. Military force is the

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[1] B. Lutz and J. Lutz, 'Terrorism,' in A. Collins, (ed.) *Contemporary Security Studies* (Oxford: Oxford University Press, 2007), p. 303-307.

[2] G.W. Bush, 'Address to a joint session of Congress and the Nation' (20 September 2001) available online:
http://www.guardian.co.uk/world/2001/sep/21/september11.usa13 (accessed 29 April 2012).

primary tool to restore the balance of power; the non-state nature of terrorist groups is not a barrier to the application of military force.

In seeking to prevent attacks, those who view terrorism as war will favour pre-emptive strikes. Directly attacking and destroying terrorist bases of operation and leadership structures will significantly diminish the capacity of terrorist organisations to plan and implement attacks. Ideally, a demonstration of military might will have an additional deterrent effect on other groups or state-sponsors of these groups.[3] Proponents of this strategy refer to the importance of 'sending a message' that those who engage in or support terrorism will be pursued relentlessly and unequivocally.[4] Individuals with any sense of self-preservation would be wise to give up the cause while they still can.

Although this hardline and intimidating stance may be useful in some cases, responding to terrorism with outright warfare also has its drawbacks. First, terrorist organisations are difficult to destroy with conventional military force due to their characteristically loose networks of operatives, secretive operations and integration with local communities. As a result, terrorist networks offer few discrete targets for military intervention.

This was the case during Operation Phantom Fury, the campaign to recapture the Iraqi city of Fallujah from insurgent forces in November 2004. The operation was part of the pre-emptive US campaign to dismantle the Hussein regime accused of supporting terrorist groups and possessing weapons of mass destruction. The destruction caused by the operation was widely reported across the Arab world. Accusations of disproportionate and indiscriminate use of force were compounded by allegations of the use of white phosphorus illumination rounds against human targets.[5] Regional hostility to the US was exacerbated despite the

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[3] P.H. Gordon, 'One year on: lessons from Iraq,' *EU-ISS Chaillot Paper*, no. 68 (March 2004), p. 163.
[4] M. Kroenig and B. Pavel, 'How to Deter Terrorism,' *The Washington Quarterly*, no. 35, vol. 2 (2012), p. 29.
[5] P. Reynolds, 'White phosphorus: weapon on the edge,' *BBC News* (16 November 2005) available online: http://news.bbc.co.uk/2/hi/americas/4442988.stm (accessed 29 April 2012).

tactical success of the operation. In addition, terrorist groups used the conflict as a training ground for insurgency and urban warfare tactics that may have had future negative impacts on US national security.[6] In the case of Iraq, the pre-emptive use of military force may have "inspired" rather than deterred extremists in the region.[7]

Second, the threat to civil liberties will be most acute when terrorism is perceived as an act of war. The United States has a history of suspending certain rights in times of war and supreme emergencies. This was the case with the internment of Japanese-Americans during World War II, as well as the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act* (USA PATRIOT Act) of 2001.[8] Actions that are not acceptable during peacetime are perceived as necessary security measures: these can include preventative and prolonged detention, trial without jury, special tribunals and increased surveillance powers for intelligence agencies. When terrorism equals war, the trade-off of other public goods for security is most likely.[9]

Terrorism as crime: the European Union and 'the rule of law'

In response to the 7 July London bombings, Ken McDonald, then head of the Crown Prosecution Service, made it clear that "the fight against terrorism on the streets of Britain is not a war" but rather "the prevention of crime, the enforcement of our laws and the winning of justice for those damaged by their infringement."[10] Although the UK and other EU members have participated militarily alongside the US,

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[6] D. Jehl, 'Iraq May Be Prime Place for Training of Militants, C.I.A. Report Concludes,' *The New York Times* (22 June 2005) available online: http://www.nytimes.com/2005/06/22/international/middleeast/22intel.html (accessed 29 April 2012).

[7] Gordon, op. cit. (2004) p. 162.

[8] J. Monar, 'The EU's approach post-September 11: global terrorism as a multidimensional law enforcement challenge,' *Cambridge Review of International Affairs*, vol. 20, no. 2 (2007), p. 271.

[9] P.R. Pillar, 'Counterterrorism,' in P. Williams, (ed.) *Security Studies: An Introduction* (London: Routledge, 2008), p. 387.

[10] BBC News, 'DPP warning over 'war on terror'' (23 January 2007) available online: http://news.bbc.co.uk/2/hi/uk_news/6292379.stm (accessed 29 April 2012).

these countries have embraced a general view of terrorism as a law enforcement issue. The reason for this interpretation of terrorism as crime may come from Europe's historical encounters with terrorism including Basque separatists in Spain, nationalists in Northern Ireland, the Red Army Faction in Germany and the Red Brigades in Italy.[11] The primary responsibility for dealing with these groups usually lay with law enforcement officials who sought to bring offenders to justice in the court system.

Although an element of pre-emption is possible in law enforcement, through informants and other intelligence gathering, it is often limited in the case of terrorism. These groups are usually tight-knit and difficult to infiltrate. The primary emphasis of the law enforcement approach is bringing the perpetrators of terrorist offences to justice. An effective legal system is the deterrent rather than the threat of overwhelming military force.[12] The advantage of this approach is that it can prevent or disrupt future attacks while upholding the rule of law and the existing framework of civil liberties. Furthermore, the use of a transparent and impartial judiciary emphasises the criminality of terrorist acts and the illegitimacy of achieving political ends through violence.

However, when operating within the civilian judicial framework there are many procedural and legal requirements that must be considered, including problems with jurisdiction and the ability to build a case 'beyond a reasonable doubt' when some of the evidence must remain classified. This approach also fails to offer a solution when confronted with states actively aiding terrorist organisations. Despite these drawbacks, the European Union has focused on strengthening its law enforcement capacity through increased cooperation between member states' police and intelligence agencies. To this end, EU leaders have sought to alleviate jurisdictional friction by agreeing on a uniform definition of terrorism, streamlining penalties for offenders and establishing more efficient measures for freezing assets or obtaining warrants across national borders.[13]

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[11] Monar, op. cit. (2007) p. 268.
[12] Lutz, op. cit. (2007) p. 303.
[13] Monar, op. cit. (2007) p. 274.

Terrorism as disease: human security and the provision of aid

The treatment of terrorism as a disease has garnered less attention than the previous two approaches. Though there is a good deal of discussion and debate surrounding the motivations of terrorists and the conditions that predispose individuals to recruitment, less emphasis has been placed on non-traditional *solutions* to these problems. The perspective of terrorism as disease is linked to the newer concepts of human security and 'positive peace.' The emphasis here is the distinction between curative and preventative measures, the latter addressing the underlying causes of terrorism rather than the manifested symptoms.[14] Neither the United States nor the European Union have embraced this vision with the same level of commitment as military and law enforcement solutions though each has taken some measures in this regard. For example, the EU has made use of financial instruments, such as preferential trade quotas, to reward states for their participation in counterterror operations.[15] The US gives substantial amounts in aid each year but problems of prioritisation and accountability persist. In 2003, American aid for primary education and literacy programs in Pakistan was $21.5 million, which is one tenth of the cost of a single F-22 fighter jet.[16] During the same period, the Pakistan military reportedly received $2 billion from the United States.[17] Evidently, addressing the underlying causes of terrorism is considered a secondary concern to militarily defeating the organisations.

The interpretation of terrorism as a 'disease' does not necessarily preclude the use of alternative approaches; a measure of military or police presence is needed to combat the manifestations of terrorism in any 'treatment plan.' However, without addressing the social and economic conditions underpinning extremist violence, such approaches

[14] S.P. Cohen, 'With Allies Like This: Pakistan and the War on Terrorism,' in A. Garfinkle, (ed.) *A Practical Guide to Winning the War on Terrorism* (Stanford: Hoover Press, 2004), p. 105.
[15] Monar, op. cit. (2007) p. 276.
[16] Cohen, op. cit. (2004) p. 112.
[17] T.H. Johnson and M.C. Mason, 'No Sign until the Burst of Fire: Understanding the Pakistan-Afghanistan Frontier,' *International Security*, vol. 32, no. 4 (2008), p. 76.

are containment measures with poor long-term prospects. The tools to combat terrorism must be as varied as the range of conditions motivating individual militants. These can include development programs to combat poverty, political and legal reform to ensure human rights and universal enfranchisement or multicultural engagement programs to attenuate ethnic and sectarian cleavages.

Along with the practical challenges of development and aid programs, treating terrorism as a disease entails additional complications for governments. The success or failure of such programs is often difficult to measure. Military and law enforcement activities tend to generate accomplishments that are easier to quantify (i.e. insurgents captured, successful convictions, etc.) and thus their effectiveness can be assessed in the near term. In contrast, the majority of development work takes place over an extended timeframe. Building a hospital can be quickly accomplished and quantified, but the training of local doctors may require years of investment before the 'return' is evident.

Accordingly, human development and good governance programs require long-term investment. Governments, under pressure to deliver immediate results in matters of national security, can be vulnerable to short-term strategic thinking. The resulting preference for measurable results often sees governments engage in development on an ad hoc basis in support of their primary military and law enforcement objectives.

The Case Study of Pakistan

An unintended consequence of the 2001 invasion of Afghanistan has been the destabilisation of Pakistan. This has been most pronounced in the frontier provinces where fleeing Taliban and al-Qaeda extremists sought refuge. The Pakistani government has sought to regain control using all three counterterrorism approaches with variable levels of commitment and success. Despite these efforts, Pakistan fits the definition of a 'failing state' in which the

> central government has a poor capacity to control public order within its territory, is unable to consistently control its borders,

cannot reliably maintain viable public institutions or services, and is vulnerable to extra-constitutional domestic challenges. Indications of this condition can be found in poor levels of economic performance, human welfare, economic distribution, and levels of conflict.[18]

In additional to increasing levels of extremist violence, Pakistan's scores have
measurably worsened across a variety of internationally recognised indicators including the Fund for Peace's Failed States Index, the United Nations Development Program's Human Development Index and the World Bank's measures of political stability, government effectiveness and rule of law.[19] The weakness of the government in so many areas creates conditions conducive to extremist ideologies while limiting the tools available to combat their manifestations.

War in the 'Tribal Belt'

Following the 2001 invasion of Afghanistan and the flight of Taliban and al-Qaeda operatives across the unsecured border, Pakistan's Federally Administered Tribal Areas (FATA) became 'terrorism central' from which the bombings of London, Madrid, Bali and Islamabad were planned.[20] The unique political status of these seven tribal departments contributed to the uncontrolled 'Talibanisation' of FATA; they are still governed under the Frontier Crimes Regulation, originally introduced by the British in 1901, which "gave no constitutional, civic, or political rights to the FATA tribesmen, and they could not claim the protection of the Pakistani courts. FATA was off-limits to journalists, NGOs, human rights organizations, and political parties."[21] The Pakistani military has found this 'semi-autonomous' designation useful as it provides a space to pursue strategic goals while maintaining plausible deniability for breaches of international law: the

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[18] E. Newman, 'Weak States, State Failure, and Terrorism,' *Terrorism and Political Violence*, vol. 19, no. 4 (2007), p. 465.
[19] Ibid., p. 475.
[20] A. Rashid, *Descent Into Chaos: How the war against Islamic extremism is being lost in Pakistan, Afghanistan and Central Asia* (London: Allen Lane, 2008), p. 265.
[21] Ibid., p. 266.

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1980s American-funded, Pakistani-controlled covert arms pipeline flowing through FATA to the anti-Soviet mujahideen is but one example.[22] However, as the extremists tightened their grip on the region, instituting their severe code of conduct and assassinating any tribal leaders who opposed them, they also increased cross-border attacks on International Security Assistance Force (ISAF) personnel in Afghanistan.

The Pakistani regime, under increasing pressure to move against these 'safe havens' militarily and fearing the US might act unilaterally if it failed to do so, has made several forays into FATA since 2004. Its efforts thus far have been characterised by 'a pick-and-choose approach' which has failed to deliver lasting results. It has targeted some provinces while refusing to take action in others, thereby allowing militants to escape and re-establish their operations elsewhere with minimal disruption.[23] Unfortunately, the effects on the civilian population have been far more damaging with widespread displacement due to the destruction of homes and businesses.[24] Their suffering has often been for nought as the military failed to consolidate control over these areas and instead signed 'peace deals' with the extremists. For instance, the 2006 agreement signed with Taliban leaders in North Waziristan stipulated that the federal government release all prisoners captured during the fighting, return all confiscated weapons, pay compensation for all damage caused in the conflict, cease military patrols in the territory and abandon its military outposts except for a few in the main towns.[25] Without any enforcement mechanism to ensure compliance, the government legitimised FATA's Talibanisation and ceded the right to control these territories in return for promises not to

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[22] Ibid., p. 267.

[23] A. Shah, 'Getting the Military Out of Pakistani Politics: How Aiding the Army Undermines Democracy,' *Foreign Affairs*, vol. 90, no. 3 (2011), p. 72.

[24] International Crisis Group, 'Pakistan's Tribal Areas: Appeasing the Militants,' ICG Asia Report No. 125 (2006) available online:

http://www.crisisgroup.org/~/media/Files/asia/south-

asia/pakistan/125_pakistans_tribal_areas___appeasing_the_militants.pdf (accessed 29 April 2012), p. 2.

[25] Johnson, op. cit. (2008) p. 56.

attack US and Afghan forces. It is hardly surprising that these promises were swiftly broken.

In response to the Pakistani government's apparent inability (or unwillingness) to extend its writ throughout FATA, the United States has increasingly relied on unmanned aerial vehicles (UAVs) to counter the continued threat of cross border attacks; the Obama administration has authorised "an average of one strike every four days, compared with one every forty days under Bush."[26] Reports of civilian casualties vary widely according to the source, with Pakistani officials often quoting higher numbers than their American counterparts. According to the New America Foundation database, which relies on both Western and Pakistani reporting of drone strikes, the "non-militant fatality rate" from drone strikes in 2011 was approximately 11%.[27] Unfortunately more than half of Pakistanis believe that "the strikes kill mostly civilians" and this perception has fuelled significant public anger at the United States, especially in the tribal areas where "nearly two-thirds of those polled…said that suicide attacks against U.S. military targets are justified."[28] The Pakistani government has thus far found it expedient to deny any involvement in the UAV program despite a high accuracy rate indicating excellent on-ground intelligence that could come from few other sources. Regrettably, although the program may kill significant numbers of insurgents, without an admission of support and involvement from the Pakistani side and increased transparency from the American side, UAV operations could prove to be a counterproductive strategy that increases radicalisation and militant recruitment in the country.[29]

Although the United States has undertaken limited military action in FATA, the fight against extremism in the region rests with Pakistan. With the Taliban blatantly flouting recent peace agreements, it is the

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[26] P. Bergen and K. Tiedemann, 'Washington's Phantom War: The Effects of the U.S. Drone Program in Pakistan,' *Foreign Affairs*, vol. 90, no. 4 (2011), p. 13.
[27] New America Foundation drones database, 'The Year of the Drone: An Analysis of U.S. Drone Strikes in Pakistan, 2004-2012,' (4 April 2012) available online: http://counterterrorism.newamerica.net/drones (accessed 29 April 2012).
[28] Bergen, op. cit. (2011) p. 14.
[29] Ibid., p. 17.

responsibility of the Pakistani government to reassert control over its western provinces and this effort will certainly require an element of military force. The greatest obstacle is the strategic logic that has underpinned Pakistan's military since the country's independence in 1947, a key element of which is "a desire to maintain extremist actors as a non-conventional counterweight to Indian regional influence."[30] Military elites continue to delineate between 'good' and 'bad' terrorists (i.e. "freedom fighters of Kashmir" versus the mostly Arab leadership of al-Qaeda), with one general admitting that "it is not possible to completely crack down on the fundamentalists, as they may be needed in any future conflict with India."[31]

Before the military can succeed in bringing FATA into the Pakistani mainstream, its leadership must first recognise the existential threat that extremists pose to the country and cease their use as covert instruments of foreign policy. Without more pressure from civilian institutions and a strong democratically-elected government, this is far from a certainty in the near-term. Should the military succeed in FATA, it will require an extensive commitment to transform victory on the battlefield into good governance, development and long-term stability for the region.

The lack of sufficient will in law enforcement

Should the military succeed in bringing FATA under the control of the federal government, without the establishment of a fair and reliable justice system it is likely that the peace will be temporary. The outlook is undeniably bleak considering the problems with the police force throughout the rest of the country. Corruption is rife while levels of training and professionalism are low; police officers "are viewed by most citizens as predators, not protectors."[32] When the police commit abuses or misuse their positions, ordinary Pakistanis have few outlets for their grievances, simply internalising their disillusionment with the

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[30] D. Kilcullen, 'Crunch Time in Afghanistan-Pakistan,' *Small Wars Journal* (9 February 2009) available online: http://smallwarsjournal.com/jrnl/art/crunch-time-in-afghanistan-pakistan (accessed 29 April 2012).
[31] Rashid, op. cit. (2008) p. 155.
[32] Cohen, op. cit. (2004) p. 107.

state apparatus. Compounding its innate weaknesses, the police and judicial system are often undermined by the military's Inter-Services Intelligence Directorate (ISI), which functions with near impunity and has taken the leading role in managing the country's covert operations in both Kashmir and Afghanistan.

As part of the overall military policy of preserving Islamic extremism as a strategic buffer against India, the ISI has a long history of protecting its 'clients' from arrest and/or prosecution for their crimes. This was the case in 1999 when the Afghani Taliban allegedly murdered more than a dozen prominent Afghans living in Pakistan who opposed the Taliban regime, including Abdul Ahad Karzai; father of current Afghan President Hamid Karzai; none of the perpetrators were caught "because they were well protected by the ISI."[33] Likewise, during the wave of sectarian violence that swept Karachi in 2002 "seventeen doctors, four lawyers, five journalists, four teachers, and sixteen government officials – all Shias – were gunned down", the ISI refused to cooperate with local police regarding known militants and extremist safe houses in the area.[34] The police force bore most of the criticism for the government's apparent inability to stem the violence, further undermining the public's confidence in their capacity to provide law and order.

Pakistani President Pervez Musharraf echoed this lack of faith in a 2002 speech when he said: "Pakistan has been made a soft state where the supremacy of law is questioned. This situation cannot be tolerated any longer." True to form, however, not a single charge of terrorism was brought against the three thousand militants arrested in the four months following Musharraf's 'crackdown.'[35] Such periodic 'offensives' against extremists form a part of what has been labelled the "catch and release program" in which many high level arrests are made ahead of important US visits but swiftly released once the envoys have left.[36] Clearly it is not a lack of actionable intelligence that is hindering the

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[33] Rashid, op. cit. (2008) p. 4.
[34] Ibid., p. 155.
[35] Ibid.
[36] Johnson, op. cit. (2008) p. 75.

fight against the Taliban but rather corruption and extremist infiltration of law enforcement mechanisms.

It is hard to overstate both the importance of remedying this situation and the difficulty of doing so. However, the maintenance of effective law and order and a functioning justice system is a fundamental measure of state legitimacy. If the Pakistani government continues to fail in this arena, it should be little surprise that some of its people manifest their frustration by seeking to overthrow the system.

While this lack of judicial efficacy has been an embarrassment to Pakistan, improving the capacity of the police force remains far below military expenditures on the government's list of priorities; the former receives one per cent of the national budget compared to the latter's twenty-five per cent.[37] Likewise, the Pakistani military has been the primary focus of United States aid, with the police receiving a pittance by comparison.[38] Some American-funded programs, such as police training in crime scene investigation and the creation of a computerised fingerprint database, have been helpful in increasing police capabilities. Even so, further sweeping reforms are needed to transform them into a modern, effective law enforcement service capable of confronting the extremist threat.[39]

Human insecurity and the disease of state failure

One of the key elements of the UN Secretary-General's "comprehensive global strategy against terrorism'' is strengthening state capacity.[40] In Pakistan's case this must go beyond improvements in military and law enforcement capacity; the state's provision of social services is vastly insufficient. One area in which the government has ceded significant space to outside control is in education. The state's school-age population doubled in the past 25 years and education infrastructure

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[37] Rashid, op. cit. (2008) p. 155.
[38] Shah, op. cit. (2011) p. 73.
[39] Rashid, op. cit. (2008) p. 280.
[40] Newman, op. cit. (2007) p. 467.

failed to expand fast enough to keep up with demand.[41] As a result, many parents turned to religious *madrasa* schools to educate their children. Some *madrasas* are regarded as incubators of fanatical Islam and a prime recruiting ground for terrorist groups. The majority are less radical though their focus on Islamic law and scripture fails to provide the well-rounded education students need to succeed economically. As a result, the large number of young *madrasa* students can become "a destabilising factor in Pakistani society…susceptible to romantic notions of sectarian and international jihads, which promise instant salvation."[42] The lack of effective public education combined with Pakistan's stagnant economy has engendered a bleak situation for the country's youthful population. Some discontented young people, believing the system has failed them (which it largely has), seek to overthrow it and create a 'righteous' Islamic state; as civil and political rights are often violated by the state apparatus itself, the methods employed to affect this change are likely to be extra-systemic and extremely violent.[43]

With an estimated 1.5 million students attending over 10,000 *madrasas*, this constitutes a significant problem.[44] The government of Pakistan, under considerable pressure from the United States and its allies, has made repeated promises to reform the education system and shut down *madrasas* that are inciting violence amongst their pupils. The promised reforms have yet to materialise principally due to the military's desire to maintain the backing of the clergy. Many conservative religious leaders and educators share the military's antagonistic feelings towards India

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[41] E. Leahy et al., 'The Shape of Things to Come: Why Age Structure Matters to a Safer, More Equitable World,' *Population Action International* (2007) available online: http://www.populationaction.org/oldmedia/SOTC.pdf (accessed 29 April 2012), p. 30.

[42] International Crisis Group, 'Pakistan: Madrasas, Extremism and the Military,' ICG Asia Report No. 36 (2002) available online:
http://www.crisisgroup.org/~/media/Files/asia/south-asia/pakistan/Pakistan%20Madrasas%20Extremism%20And%20The%20Military.pdf (accessed 29 April 2012), p. i.

[43] R. Callaway and J. Harrelson-Stephens, 'Toward a Theory of Terrorism: Human Security as a Determinant of Terrorism,' *Studies in Conflict & Terrorism*, vol. 29, no. 7 (2006), p. 682.

[44] International Crisis Group, op. cit. (2002) p. i.

and the belief "that Pakistan should be ruled not as a democracy but as an authoritarian state."[45] With Pakistan's population continuing to grow and with a staggering 41% of the population under the age of 15,[46] this problem will persist unless reforms are enacted quickly and with sufficient political will behind them. This includes integrating the *madrasas* into the wider education system and introducing subjects such as mathematics, economics and computer science into the curriculum. The government-run public school system must also receive far more resources as both its availability and quality are severely lacking throughout much of the country. The declining share of government funding for education must be reversed as it has dropped from 2.6% of GDP in 1990 to 1.8% in 2001.

Lastly, the military government of Pakistan has shown a disturbing disregard for the values of a secular and non-politicised education, allowing the school system to become a tool of indoctrination and manipulation. One stark example of historical revisionism regards Pakistan's founding father, Mohammed Ali Jinnah, who declared in 1947 that Pakistanis "may belong to any religion or caste or creed – that has nothing to do with the business of the State."[47] Yet Jinnah's intention that Pakistan be a secular democracy is not included in any public school textbooks; instead "the military and the mullahs stress the Islamic nature of the state and pervert…history by claiming that Pakistan was created as a result of a religious movement."[48]

Perhaps the one thing more troubling than the state of the education system is that of public health infrastructure. Although the population per doctor has fallen over the past decade, the fact that rates of communicable diseases and reproductive health issues remain high

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[45] Ibid., p. 29.
[46] A. Hussain et al., 'Pakistan National Human Development Report 2003: Poverty, Growth and Governance,' *United Nations Development Program* (2003) available online:
http://hdr.undp.org/en/reports/nationalreports/asiathepacific/pakistan/pakistan_2003_en.pdf (accessed 29 April 2012), p. 21.
[47] Ibid., p. 35.
[48] Ibid.

"points to both inadequate coverage and poor quality."[49] Due to insufficiently trained doctors and inadequate diagnostic facilities, the poor especially tend to suffer prolonged illnesses and are pushed further into poverty due to the high cost of treatment.[50] The vacuum in social service provision has created an opportunity for others to step in and fill the void. In the aftermath of the 2005 earthquake, for instance, "seventeen extremist groups that were either on the UN list of terrorist organisations or banned by the Pakistani government were reactivated as Islamic NGOs."[51] As previously discussed, Western states have prioritised aid to Pakistan's military above the provision of social services or economic development programs despite their stated aim of 'winning hearts and minds.' The importance of effective and accessible healthcare and education has been underestimated as tools in combating Pakistan's grinding poverty and, by extension, the lure of extremism.

Although terrorism in Pakistan is treated as war, crime and disease, the last has received much less attention; this reflects an inadequate understanding of the problem, a shortsighted policy vision and "a gross distortion of priorities."[52] It is true that in FATA a reassertion of state control militarily and the implementation of a functioning legal system are necessary before social service and economic development programs can be undertaken. However, if such human security issues never make it onto the agenda then terrorism will continue, fuelling further militarisation and state repression. Attacking the source of terrorism by addressing the underlying causes of radicalisation is the final necessary step towards a permanent solution.

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[49] Hussain, op. cit. (2003) p. 19.
[50] Ibid., p. 127.
[51] Rashid, op. cit. (2008) p. 292.
[52] Johnson, op. cit. (2008) p. 76.

Conclusion

Pakistan faces a multidimensional challenge in which an already weak state must fend off threats from both domestic and international terrorist organisations. In doing so it must recognise that terrorism is an act of war to challenge state control, a criminal act to subvert the rule of law and a chronic disease with its root causes in social cleavages and discontent.

All three views and their corresponding policy tools are currently necessary in Pakistan. However, addressing the conditions that have made its people susceptible to terrorist recruitment must receive much more attention than it has previously. The state must improve its economic and societal security rather than relying entirely on military build-up to address future crises and prop up a faltering regime.

Because of its weak state capacity, Pakistan is in a sense 'immuno-compromised.' Challenges that could be handled with relative ease by other states (i.e. border security, police corruption, radicalised education, etc.) have the potential to spiral out of control and become existential threats to Pakistan.

It is imperative that leaders and policymakers recognize the limits of military solutions alone, enacting reforms and development initiatives to improve the underlying health of the government system. A more holistic policy vision must be embraced in Pakistan, one in which human security issues receive adequate attention and resources as a complement to more traditional counterterrorism approaches.