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QUARTERLY ACCESS

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From the Editor-in-Chief

Dear readers,

Thank you for joining Quarterly Access for another fantastic year exploring the ideas and research of young Australian writers and emerging academics in International Relations.

This has been quite the year. In the beginning António Guterres became the ninth secretary general of the United Nations. Donald Trump took control of the oval office and was sworn in as president of the United States. The European Union and the UK have bitterly dragged out

the political, economic and social divorce triggered by Article 50 of the Lisbon Treaty. North Korea has relentlessly pursued its nuclear capacity,

recently testing a ballistic missile in contravention to global pressure through sanctions. France welcomed its youngest president in history with the election of Emmanuel Macron. Robert Mugabe

resigned as President of Zimbabwe, after a 37 year rule. Russia has been accused of interfering in the US elections. Just recently Ratko Mladic, the former Bosnian Serb military commander known as the "Butcher of Bosnia," was found guilty of genocide at The Hague. Same Sex Marriage has passed in Australia. Issues continue to unfold with the closure of Manus Island detention centre sparking weekly protests in Australia's major cities. The Rohingya crisis has refugees fleeing into neighbouring Bangladesh; with accounts of torture, human rights violations, mass killings, and systematic rape. All this and the planet continues to endure the effects of climate change and policy inadequacies across the globe.

In reality, this is just a short list of the many, many, significant international events that have occurred during 2017, which affect us all.

With this in mind, in our final issue of Quarterly Access for the year, we look to the stars and to the power of the internet, to explore some of the bigger questions facing our global and local communities.

Jono Lim investigates why Australia's geopolitical standing and national

security interests can only be safeguarded and advanced with the establishment of a governmental space agency and development of a proactive space policy.

Zia Khan explores the role "fake news" has in undermining the quality of public discourse and electoral decision-making within liberal democracies, and the threat this poses for liberal democratic governments.

Kirsty Dempsey writes on the absence of women's experiences in academic

literature and development agency work in poppy farming in Myanmar, due to the global value chain of opium production and broader transnational factors.

We say farewell to one of our editorial Committee members, Alyce Hogg, and thank her for all her work bringing this journal to life throughout the last two years.

Happy reading,

Nina Roxburgh, Editor-in-Chief

Looking Into:
Women Poppy Farmers
in Myanmar

Article by **Kirsty Dempsey**

Kirsty graduated with a Bachelor of International Relations in 2015 and currently in her final semester of the Master of International Relations at University of Melbourne.

Interviews with Myanmar farmers indicate that farming poppies "may be as normal as breathing" for native peoples.[1][2] Opium production has a long history in Myanmar, being handed down through generations within families, a tradition that has been in the region for hundreds of years.[3] The local reliance upon the plant was highlighted by a 2005 ban, in which 89.5% of villages in a Myanmar region suffered food shortages.[4] Clearly, opium production is an industry that is deeply rooted in Myanmar history, culture and politics.

Yet despite this importance, as highlighted by Oxfam International in the Position Paper on Gender Justice and the Extractive Industries, women working in Myanmar opium production are discriminated against at every stage, from farming to cultivation, to trafficking.[5] Although women often partake in all areas of opium production, they are mostly overlooked in the academic literature, as well as by development and aid agencies, like the United Nations Office on Drugs and Crime (UNODC). The question, then, is why?

This article posits that women are overlooked due to the global value chain of opium production, as the literature is shaped by wider transnational factors that minimise the experiences of Myanmar women, who are silenced by local systemic practices.

On June 26th, 2017, Myanmar [6] authorities publicly burnt $385 million of heroin, opium, cocaine, and methamphetamines, marking the International Day Against Drug Abuse.[7] The act symbolised the larger battle against drug abuse in Myanmar, which has subsequently struggled to overcome the flow on economic and social effects.

As a result, the issue of opium production in Myanmar has been studied by many academics through varied theoretical frameworks, including using historical or transnational security

theories. These studies have produced a range of outcomes, including theories claiming the drug abuse issue stems from colonialism.[8] More recently, anthropological accounts of opium production have assessed the impact on local villages. However, absent from almost all academic literature on this topic is studies of women, and how they have been specifically impacted. Effectively, like other extractive industries, such as mining and palm oil,[9] women in opium production have been ignored by many key stakeholders.

Why is this?

A common theme in the study of extractive industries, the lack of literature on women in the opium industry is an example of what occurs when global processes contrast local dynamics.[10] Global consumption of cocaine, heroin and methamphetamine is growing dramatically – there are now an estimated 255 million drug users globally.[11] This has meant that much of the Myanmar opium finds its way to the global market as it is trafficked through the borders of Thailand and China.[12]

John F. McCarthy et. al. argue that the role of women is overlooked in this process as international actor frameworks fail to account for those local dynamics.[13] This means that as Myanmar opium is moved transnationally, the ability to focus on women in Myanmar is diminished.

This is reinforced by Ko-lin Chin, who highlights how wider regional activities have influenced the cultivation of opium, but omit the role of, or effects on, women.[14] Although women appear to be acknowledged as present in, and affected by the opium industry, their experiences are overshadowed by other factors that are embedded in the global value chain of opium production,

1   M. Jelsma, T. Kramer, and P. Vervest, Trouble in the Triangle: Opium & Conflict in Burma (2005), Book.

2   Ko-lin Chin, The Golden Triangle. [Electronic Resource] : Inside Southeast Asia's Drug Trade (Cornell University Press, 2009), 49.

3   M. Jelsma, T. Kramer, and P. Vervest, Trouble in the Triangle: Opium & Conflict in Burma (2005), Book.

4   UNODC, "Myanmar: Opium Survey," (United Nations Office on Drugs and Crime, 2005), 29.

5   Oxfam, "Oxfam International: Position Paper on Gender Justice and the Extractive Industries," (Oxfam International, 2017).

6   Myanmar is also referred to as Burma, Myanmar will be used in this article for ease of reference.

7   Rebecca Tan, "Watch Myanmar Police Torch a Mound of Heroin and Cocaine," https://www.vox.com/world/2017/6/27/15875218/myanmar-police-burn-heroin-cocaine-fire-cambodia-thailand-southeast-asia.

8   Alan Dupont, "Transnational Crime, Drugs, and Security in East Asia," Asian Survey 39, no. 3 (1999); Linda Farthing and Benjamin Kohl, "Conflicting Agendas: The Politics of Development Aid in Drug☐Producing Areas," Development Policy Review 23, no. 2 (2005); Bertil Lintner, Burma in Revolt: Opium and Insurgency since 1948 (Silkworm books, 1999).

9   Kuntala Lahiri-Dutt, Gendering the Field: Towards Sustainable Livelihoods for Mining Communities (ANU Press, 2013).

10   John F McCarthy, Piers Gillespie, and Zahari Zen, "Swimming Upstream: Local Indonesian Production Networks in "Globalized" Palm Oil Production," World Development 40, no. 3 (2012).

11   United Nations Office on Drugs and Crime (UNDOC), "World Drug Report," (United Nations Office on Drugs and Crime, 2017).

12   Chin.

13   McCarthy, Gillespie, and Zen, 555-56.

14   Chin, 84.

such as the state and transnational actors.[15]

Equally important, women's experiences are often lost as local authorities use opium production as a means of control and income. In other words, opium is used by local authorities to ensure a maintenance of power. In this system, the voices of women are even further marginalised. Without a hold on power at the local level in opium production, women remain hidden in broader structural analyses, evidenced by the literature.

United Nations Involvement

Development agencies also fail to address and acknowledge the unique role of women in the Myanmar opium industry. This is due to difficulties associated with working in remote locations in Myanmar, compounded by the tense political situation, resulting in international aid agencies struggling to provide support to locals.[16] Although the UNODC conducts development projects, monitors opium cultivation, and educates citizens in Myanmar,[17] a 2003 UNODC report highlights that: "although [there is a] need for... a "gender-integrated" manner... to benefit women directly, this has not happened".[18] A 2008 report conducted by UNODC does not mention women or gender at all.[19] There is no further evidence to indicate that the UNODC is attempting to address the unique needs of women, or that women in the Myanmar opium industry are being considered. This is further demonstrated in the most recent 2017 report by the UNODC that solely addresses the inequality between wages and does not consider the unique needs of women beyond wages.[20]

Looking into the role of women in the opium cultivation industry of Myanmar highlights how – like other extractive industries – women are often unnoticed by academic and development stakeholders. Although women are fully acknowledged as working in the industry, analysis

of their role is inadequate. Women are not just involved in the cultivation of opium they are also involved in trading and trafficking. Despite this, their agency is diminished in the global value chain of opium production, as the literature is shaped by wider transnational factors. More needs to be done to study and understand the effects that opium industry has on Myanmar's female population.

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15   McCarthy, Gillespie, and Zen.

16   Ku, 56.

17   "Life in Wa Hills: Towards Sustainable Development."

18   Ronald D. Renard et al., "Terminal Evaluation Report: Drug Control and Development in the Wa Region of Shan State," (United Nations Office on Drugs and Crime, 2003).

19   Ronald D. Renard, "Terminal Evaluation Report: Regional Collaboration on Community-Based Alternative Development to Eliminate Opium Production in Southeast Asia," (United Nations Office on Drugs and Crime 2008).

20   UNODC, 2017, 'Evidence for enhancing resilience to opium poppy cultivation in Shan State, Myanmar' <https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/2016_Myanmar_Shan_Opium_Poppy_web.pdf >

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Gazing at the Stars: Australia's Strategic Space Prospects

Article by **Jonathan Lim**

GDLP student with the Australian National University, and is a Juris Doctor and Bachelor of Arts (International Relations) graduate with Monash University. His post-graduate and career ambitions include international law; with particular interest in International Space Law

Australia is commonly characterised by commentators as a middle power – a state with hard power characteristics below that of a super power or great power, but which has the capacity to moderate and influence international affairs. Because of this, Australia has traditionally been able to act in, and think independently about, the world from a distinctly Australian perspective – effectively exercising middle power diplomacy and maintaining balance within the international order. [1] [2] But Australia's position and relevance as a middle power moving forward is contingent upon the establishment, maintenance, and development of an active governmental space agency and space policy.

The active maintenance of a space program has become an increasing means and requirement for states to sustain relevance and project power internationally, with the number of countries possessing independent launch capabilities numbering ten. [3] These consist of one superpower (US), six great powers (China, Russia, Japan, India, Iran, Israel), two middle powers (UK, France), and one developing power (North Korea). [4] [5] [6]

While Australia consistently ranks as one of the world's most technically capable states, [7] its independent military and economic capabilities in outer space remain virtually non-existent. In September of 2017 the Ministry for Industry, Innovation and Science under the Turnbull government announced its commitment to

the creation of an Australian space agency. [8] However, political uncertainties persist; given that the executive declaration by the liberal government is not a bi-partisan initiative, and the declarative formation of a space agency presently lacks a legislative basis (pending revisions to the Space Activities Act). [9]

Presenting a public case for Australia's development of a robust economic and legal framework for outer space in the form of a space agency requires multiple things. It needs a consideration of the existing global space environment, an overview of Australia's space environment and the reasons underlying the creation of a space agency, and the economic viability of such a measure.

Outer space has long been a key area of strategic importance for states. [10] This emerged in 1957 with the launch of the world's first artificial satellite, Sputnik 1, by the Soviet Union. Its orbital path over the United States initiated public alarm over the loss of the strategic high ground, and initiated the Space Race between the two Cold War superpowers. [11] Since then, technological developments have played a pivotal role in international relations. Indeed, throughout the 20th and 21st centuries, the development of information and communication technologies have facilitated the transition of states from industrial to post-industrial information societies, characterised by novel forms of transnational production and distribution processes. [12]

In relation to a state's hard power capabilities, technological developments in space contribute to its military and intelligence (i.e. GPS, Corona spy satellites), WMD capabilities (i.e. ballistic missile and aircraft delivery systems), and wider

1   Mark Beeson, 'Does Trump's arrival herald Australia's middle power moment?' on The Conversation (16 November 2016) <theconversation.com/does-trumps-arrival-herald-australias-middle-power-moment-68909>.

2   Gareth Evans, 'No Power? No Influence? Australia's Middle Power Diplomacy in the Asian Century' on Gareth Evans (6 June 2012) <www.gevans.org/speeches/speech472.html>.

3   Jet Propulsion Laboratory, 'International Relations in Space' on NASA (21 January 2014) <https://www.jpl.nasa.gov/infographics/infographic.view.php?id=11173>.

4   Doug Brandow, 'France Falls Again' on The National Interest (25 April 2011) <http://nationalinterest.org/commentary/france-falls-again-5215>.

5   Victoria Honeyman, 'Britain still thinks it's a great power – but it isn't' on The Conversation (2 December 2015) <https://theconversation.com/britain-still-thinks-its-a-great-power-but-it-isnt-50641>.

6   Walter Russell Mead and Sean Keeley, 'The Eight Great Powers of 2017' on The American Interest (24 January 2017) <https://www.the-american-interest.com/2017/01/24/the-eight-great-powers-of-2017/>.

7   Matt Liddy, 'How Australian ranks on innovation, in one chart' on ABC News (7 December 2015) <http://www.abc.net.au/news/2015-12-07/how-australia-ranks-on-innovation/7007740>.

8   Arthur Sinodinos, 'Turnbull Government to establish national space agency' on The Ministry for Industry, Innovation and Science (25 September 2017) <http://minister.industry.gov.au/ministers/sinodinos/media-releases/turnbull-government-establish-national-space-agency>.

9   Space Activities Act 1998 (Cth).

10   Nayef R.F. Al-Rodhan, Meta-Geopolitics of Outer Space: An Analysis of Space Power, Security and Governance (Palgrave Macmillan, 2012) 90.

11   Neil deGrasse Tyson, 'Why we should keep reaching for the stars' on Foreign Affairs (April 2012) <https://www.foreignaffairs.com/articles/north-america/case-space>.

12   Stefan Fritsch, 'Technological Ambivalence and International Relations' on E-International Relations (24 February 2016) <www.e-ir.info/2016/02/24/technological-ambivalence-and-international-relations/>.

technical capabilities (i.e. cybersecurity). [13] Pertaining to a state's soft power capabilities, developments in space are conducive to a state's image and reputation – as seen during the Cold War, where the Space Race served as a propagandistic element for the greater ideological conflict of communism and capitalism between the USA and USSR. [14] [15]

A state's ability to project power internationally within the 21st century and beyond is contingent upon their capacity to develop a thriving space-based economic and legal framework. In Australia's case, continued economic prosperity and strategic security is assured if we can adapt ourselves to the challenges of the developing Space 2.0 economy though increased governmental support and involvement, and by supporting and cooperating with the private space sector.

Australia possesses a strong scientific base, with a high-intensity volume of public research and development expenditure, world class-universities, and high-quality scientific publications. [16] Moreover, Australia's economy is regarded as the 22nd most competitive state out of 138 surveyed states; per the World Economic Forum. [17] Yet out of the 35 OECD members, Australia remained one of two members without an active governmental space agency. [18] Despite the government's indication of the formal creation of a governmental space agency in September 2017, Australia's turbulent history in outer space

affairs elicits doubts over our preparedness to meet the challenges of the burgeoning 'Space 2.0' economy. [19] Space 2.0 refers to the future of private entities facilitating space travel and exploration, and the wider integration of existing and emerging technologies into space. [20]

Rationale behind an Australian space agency

Considering the continuous disregard by states of established international principles pertaining to outer space, the adoption of a realist position by Australia is necessary. Indeed, the ever-present propensity of states to unilaterally pursue power, to advance national security interests in the global community, has fostered a spiral of insecurity as nations compete to accumulate power in outer space. [21]

Space is increasingly being perceived as a new frontier, one that will be exploited as part of the inevitable and enduring struggle for state power. [22] Australia must therefore seek to actively secure its position in space through the establishment of a space agency and development of indigenous space capabilities. The existence of a space agency creates coherence across a complex sector, fosters scientific progress and international collaboration, oversees a state's exercise of geographical sovereignty (landmass/oceans/atmosphere), and contributes to sovereign security. [23]

There exist a multitude of reasons that justify the creation of a space agency in Australia. Firstly, a space agency would establish the utility of satellites and other space technologies useful for addressing Australia's unique problems; including bushfire tracking and geological surveyance.

13 Cyber Security Intelligence, 'US must prepare for cyber warfare in Space' on Cyber Security Intelligence (26 May 2016) <https://www.cybersecurityintelligence.com/blog/us-must-prepare-for-cyber-warfare-in-space1333.html>.

14 Tom Hrozensky, 'Space – A Soft Power Tool for Europe?' (2016) 78 November Voices from the Space Community <https://spi.elliott.gwu.edu/sites/spi.elliott.gwu.edu/files/downloads/Articles/Hrozensky-Space%20a%20Soft%20Power%20Tool%20for%20Europe.pdf> 3.

15 Pavel Luzin, 'Outer Space as Russia's Soft-Power Tool' (2013) 1(19) Security Index 25.

16 Rod Lamberts and Will J Grant, 'Australian R&D measures up globally … but what does that really mean?' on The Conversation (17 May 2012) <https://theconversation.com/australian-randd-measures-up-globally-but-what-does-that-really-mean-7085>.

17 World Economic Forum, 'The Global Competitiveness Report 2016-2017' on The World Economic Forum (28 September 2016) <http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf>.

18 Marcus Strom, 'Australia returns to space with three mini satellites successfully launched to the Space Station' on The Sydney Morning Herald (20 April 2017) <http://www.smh.com.au/technology/sci-tech/australia-returns-tospace-with-three-mini-satellites-successfully-launched-to-the-space-station-20170419-gvnx2o.html>.

19 Quokkaspace, 'History of Space in Australia' on Quokkaspace (11 December 2017) <https://quokkaspace.wordpress.com/history-of-space-in-australia/>.

20 Burke O. Fort, 'Space 2.0: bringing space tech down to Earth' on The Space Review (27 April 2009) <www.thespacereview.com/article/1362/1>.

21 Nayef R.F. Al-Rodhan, 'The Meta-Geopolitics of Outer Space' in James S. Ormrod and Peter Dickens (eds), The Palgrave Handbook of Society, Culture and Outer Space (Springer, 2017) Ch 4.

22 CosmoPolicy, 'IR Theory and Space: Realism, Liberalism and Constructivism' on Medium (6 January 2016) <https://medium.com/@CosmoPolicy/ir-theory-and-space-realism-liberalism-and-constructivism-b82ab7eaa1c3>.

23 Simon Driver, 'Why it's time for Australia to launch its own space agency' on The Conversation (13 February 2017) <https://theconversation.com/why-its-time-for-australia-to-launch-its-own-space-agency-72735>.

[24] This would lead stakeholders to engage with the industry, rather than the industry seeking engagement with stakeholders - a more proactive developmental approach for industry growth.

Secondly, a dedicated agency would allow Australia to play a proactive and leading role in space activities. At present, Australia assumes a reactive approach to overseas initiatives on space missions, and a space agency would be instrumental in committing Australia to significant involvement in international programs and projects with allied and partner states. [25] Most pressingly, an agency would drag Australia out of its dependence oriented approach to satellite utilisation. [26] The disadvantage of such dependence is illustrated within the Australian bushfire monitoring system, Sentinel (which relies on raw satellite data being processed in the US); posing a major risk during crises like the US government shutdown of 2013. [27]

Third, a space agency would stabilise funding for space related activities and initiatives. Apart from the recent plans for an independent space agency, government funding for space was historically non-existent. The Australian Space Research Program (ARSP) between 2009 and 2013 represented the most recent government funded initiative; after which no further funding was committed for the foreseeable future. [28]

Further, a space agency would stimulate the domestic space industry and wider economy. While the Australian space sector records annual revenue of $3 billion AUD and employs 11,500 people, it captures only 0.8 per cent of the global space economy. [29] There is significant

scope for this industry to expand further by building upon Australia's strengths in innovation and technology. For example, NASA illustrates how the growth of a civilian space industry has resulted in various technological spinoffs (i.e. LEDs, cordless tools, water purifiers). [30] With every $1 USD spent by the US government on NASA, the agency contributes $10 USD (approximately $13.30 AUD) to the economy in the form of spinoff technologies and employment. [31] [32]

Finally, a space agency would safeguard geopolitical security and project leadership. It would promote and secure Australia's national security interests in space, maintain Australia's reputation as a dynamic and competent middle power, and contribute Australian perspectives to international multilateral organisations and within international agreements and disputes. [33]

Leadership, through a governmental space agency, is required to adequately capitalise upon the developing global space economy. Successful government leadership was previously illustrated within the $40 million ARSP, which provided 14 grants to domestic and international consortiums as a means of fostering improved connections between industry and government. [34] Outcomes from the ASRP included collaboration between government and business, the development of niche capabilities and human capital, and promotion of the Australian space sector with various positive spill-over effects. [35]

The global space environment

24 Hannah Walmsley, 'New mapping system set to predict severity of bushfire season from space' on ABC News)12 September 2017) <www.abc.net.au/news/2017-09-12/mapping-system-set-to-predict-severity-of-bushfire-from-space/8881934>.

25 Andrew Dempster and Duncan Blake, Graziella Caprarelli, 'Yes, Australia will have a space agency. What does this mean? Experts respond' on The Conversation (25 September 2017) <https://theconversation.com/yes-australia-will-have-a-space-agency-what-does-this-mean-experts-respond-84588>.

26 Chris Westwood, 'Securing space: Australia's urgent security policy challenge for the 21st century' (2017) 201 Australian Defence Force Journal 35.

27 Lily Northling, 'World Science Festival: Australia 'lags rest of the world in space exploration'' on ABC News (27 March 2017) <http://www.abc.net.au/news/2017-03-27/world-science-festival-the-future-of-australian-spacepresence/8390396>.

28 Quokkaspace, above n19.

29 AAP, 'A space agency: Australia's final frontier' on SBS News (22 September 2017) <https://www.sbs.com.au/news/a-space-agency-australia-s-final-frontier>.

30 NASA Spinoff, 'NASA Technologies Benefit Our Lives' on NASA (8 March 2008) <https://spinoff.nasa.gov/Spinoff2008/tech_benefits.html>.

31 Kimberly Amadeo, 'NASA Budget: Current Funding and History' on The Balance (25 May 2017) <https://www.thebalance.com/nasa-budget-current-funding-and-history-3306321>.

32 David Swan, 'Government urged to watch this space' on The Australian (13 June 2017) <http://www.theaustralian.com.au/business/government-urged-to-watch-this-space/newsstory/93f99871bc4db95d5e251d205f77cff3>.

33 Steven Freeland, 'Regulating Space to Boost Australian Opportunity' on Australian Outlook – AIIA (31 October 2017) <http://www.internationalaffairs.org.au/australianoutlook/regulating-space-australian-opportunity/>.

34 Australian Government, 'Final evaluation of the Australian Space Research Program' on Department of Industry, Innovation and Science (November 2015), <https://industry.gov.au/industry/IndustrySectors/space/SpaceIndustryDevelopment/Pages/FinalEvaluationAustralianSpaceResearchProgram.aspx>.

35 Ernest & Young, 'Final evaluation of the Australian Space Research Program – Department of Industry, Innovation and Science' on Space Industry Association of Australia (17 November 2015) <http://www.spaceindustry.com.au/Documents/Final_evaluation.pdf> 11.

The increased pace of advancement among nations within outer space should serve as a catalyst for Australia's development of a governmental space agency. Space is becoming increasingly territorial, as more states gain access to space and construct space infrastructure for the following century. Should Australia further delay its entry into space, it risks being at a severe economic and military disadvantage. Developments within the global space environment can be examined along economic developments, and geopolitical developments.

OECD nations have sought to configure and reorient their industrial research and development capabilities in response to the emergence of the Space 2.0 economy. Global venture capital investments in Space 2.0 have increased from $1.8 billion USD in 2015 to $2.9 billion USD in Jan 2016 (approximately 2.4 and 3.8 billion AUD), of which 80 per cent were invested within the preceding five years. [36] Moreover, between 2000-2015, space start-ups accumulated $13.3 billion USD in investment funds and $2.9 billion USD in venture capital (approximately $17.7 and $3.8 billion AUD). [37] This growth trend has aligned with the development of the global space industry expanding from $240 billion USD to $323 billion and $350 billion USD between 2010, 2015 and 2017 (approximately $319, $429, and $465 billion AUD respectively). [38] [39]

Developing countries such as India and Ethiopia have also sought to establish themselves in the global space industry. The Indian Space Research Organization is currently undertaking the development of inexpensive rocket vehicles and mass deployment of nanosats, [40] to develop its satellite capabilities for mapping and surveying crops and damages from natural disasters. They are also constructing a space infrastructure that would ensure its ease of access to space and enable telemedicine and telecommunications for remote areas. [41]

Regarding the geopolitical climate pertaining to outer space, the rapid growth of the Space 2.0 industry has compelled many states to intensify their civil and military space activities. The mass proliferation of Space 2.0 related industries (i.e. space tourism), the vast potential for resource exploitation in outer space, and increasing affordability of access to space have been underlying factors within the desire of many states to reform the 1967 Outer Space Treaty (OST). [42] The OST has served as the international framework in governing states' actions in outer space for the past fifty years, with the broad purpose of preserving outer space and its celestial bodies as the "province of all mankind", which is not to be claimed or weaponised by any state. It has fallen upon the United Nations to balance between the universal principles of freedom of exploration, freedom of navigation/access, and freedom of scientific investigation and the sovereign national security priorities and economic imperatives of individual states. [43]

In response to international deadlock over reforms to the OST, certain governments have taken unilateral action to capitalise upon their indigenous advantages in space technologies, leading to the prospect of increased tensions and inequality between developed versus developing states, and their access to space and natural resources on celestial bodies. This was illustrated by the 2015 United States Space Act, [44] which saw the US government recognise the rights of private US entities to extract, possess, and sell natural resources from celestial bodies. [45] Given

36 The Tauri Group, 'Start-up Space – Rising Investment in Commercial Space Ventures' on Bryce Space and Technology (January 2016) <https://brycetech.com/downloads/Start_Up_Space.pdf> iv.

37 Clay Dillow, 'VCs Invested More in Space Startups Last Year Than in the Previous 15 Years Combined' on Fortune (22 February 2016) <http://fortune.com/2016/02/22/vcs-invested-more-in-space-startups-last-year/>.

38 Daisuke Ichikawa, 'Japan Space Industry Aims for Growth' on The British Chamber of Commerce in Japan (24 October 2016) <https://www.bccjapan.com/news/2016/10/japan-space-industry-aims-growth/>.

39 Bill Canis, 'Congressional Research Service - Commercial Space Industry Launches a New Phase' on Federation of American Scientists (12 December 2016) <https://fas.org/sgp/crs/space/R44708.pdf> 2.

40 Michael Safi, 'India launches record-breaking 104 satellites from single rocket' on The Guardian (15 February 2017) <https://www.theguardian.com/science/2017/feb/15/india-launches-record-breaking-104-satellites-fromsingle-rocket>.

41 Kate Greene, 'Why India is investing in Space' on Slate (17 March 2017) <http://www.slate.com/articles/technology/future_tense/2017/03/why_india_is_investing_in_space.html>.

42 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, adopted 27 January 1967, 610 UNTS 205 (entered into force 10 October 1967).

43 Benjamin Soloway, 'Lawyers in Space' on Foreign Policy (15 April 2015) <http://foreignpolicy.com/2015/04/15/lawyers-in-space-legal-international-space-station/>.

44 US Congress, H.R.2262 – US Commercial Space Launch Competitiveness Act, Sec.51303 (2015).

45 Mark J. Sundahl, 'Regulating Non-Traditional Space Activities in the United States in the Wake of the Commercial Space Launch Competitiveness Act' (2017) 42(1) Air & Space Law 29.

the intensification of commercial ventures in space by US space companies like SpaceX and Blue Origin, the US appears to be leveraging its advantages and expertise in space to redefine the international legal order through an assault upon its settled principles – including that of states' rights to scientific exploration in outer space, and the prevention of unilateral commercial exploitation of space resources. [46] While this action is not technically prohibited by the OST, the actions of the US threaten to devolve the international legal framework of outer space into an anarchic free-for-all. [47] Luxembourg has similarly passed its own domestic legislation, which provides private entities with the rights to space resources extracted from celestial bodies. [48]

Additionally, China's National Space Administration has sought to intensify space exploration as a means of bolstering national soft-power prestige and reputation, and developing military hard-power capabilities. China achieved a significant milestone in launching a human into orbit in October 2003, being only the third state after the Soviet Union and US to independently achieve such a feat, [49] and harbours ambitions to establish its own independent space station in low Earth orbit by 2019. [50] This reinforces the contention that while human spaceflight is the least scientifically beneficial use of human and fiscal resources by national governments, the geopolitical benefits are enormous. [51] China uses these achievements as propaganda to effectively quell internal dissent, promote national pride and unity, and bolster its international legitimacy.

However, China's aspirations in space do not appear overly peaceful, given its development of Anti-Satellite (ASAT) weapons, including missiles, co-orbital systems, and cyberweapons. [52] Most troublesome is its reckless disregard for the OST and internationally settled legal principles - driven by its practical considerations of regional security and influence, and its desire to develop capabilities to facilitate asymmetric warfare against a superior foe where required. [53] This was highlighted in its destruction of a redundant weather satellite in January 2007 using an ASAT missile, creating 3,000 pieces of orbital debris which has continuously posed a threat to other nations' access to space ever since. [54]

Australia's space environment

Australia's strategic focus remains upon the sophisticated utilisation of space through international and commercial partnerships. Australia is primarily an import-based space economy, being a sophisticated "second-hand" user of space rather than a producer or active contributor. [55] This has seen Australia focus its research and development initiatives upon the inexpensive, and less intensive, aspects of space activities.

Accordingly, Australian universities and research organisations are increasingly involved in various aspects of space research and development, leading the world in development of scramjet technology, radio astronomy, computer sciences, and CubeSats. Australia further participates in space missions (i.e. eLISA), possesses deep-space tracking facilities, and possesses the most productive geodetic observatory in the world. [56] [57]

46   Gbenga Oduntan, 'Who owns space? US asteroid-mining act is dangerous and potentially illegal' on The Conversation (25 November 2015) <https://theconversation.com/who-owns-space-us-asteroid-mining-act-isdangerous-and-potentially-illegal-51073>.

47   CBC News, 'U.S. space-mining law seen leading to possible treaty violations' on CBC News (26 November 2015) <http://www.cbc.ca/news/technology/space-mining-us-treaty-1.3339104>.

48   Jeff Foust, 'Luxembourg adopts space resources law' on Space News (17 July 2017) <http://spacenews.com/luxembourg-adopts-space-resources-law/>.

49   BBC, 'On this Day – 2003: China sends first man into space' on BBC (15 October 2003) <http://news.bbc.co.uk/onthisday/hi/dates/stories/october/15/newsid_3699000/3699842.stm>.

50   Stephen Clark, 'China's space station plan bolstered by year of successes' on Spaceflight Now (29 April 2017) <https://spaceflightnow.com/2017/04/29/chinas-space-station-plan-bolstered-by-year-of-successes/>.

51   Marina Koren, 'China's Growing Ambitions in Space' on The Atlantic (23 January 2017) <https://www.theatlantic.com/science/archive/2017/01/china-space/497846/>.

52   Bill Gertz, 'U.S. military satellites in crisis as foreign weapons advance and proliferate' on the Washington Times (17 May 2017) <http://www.washingtontimes.com/news/2017/may/17/foreign-weapons-create-militarysatellite-crisis/>.

53   Harsh Vasani, 'How China is Weaponizing Outer Space' on The Diplomat (19 January 2017) <http://thediplomat.com/2017/01/how-china-is-weaponizing-outer-space/>.

54   Leonard David, 'China's Anti-Satellite Test: Worrisome Debris Cloud Circles Earth' on Space.com (2 February 2007) <https://www.space.com/3415-china-anti-satellite-test-worrisome-debris-cloud-circles-earth.html>.

55   Deganit Paikowsky, The Power of the Space Club (Cambridge Univerity Press, 2017), 139.

56   David Gozzard, 'Space for Innovation' on University of Western Australia Blogs (2 March 2016) <http://blogs.uwa.edu.au/davidg/2016/03/02/space-for-innovation/>.

57   ABC News, 'Satellite built by University of Adelaide launched into space by NASA' on ABC News (19 April 2017) <http://www.abc.net.au/news/2017-04-19/adelaide-built-satellite-launched-into-space-by-nasa/8451834>.

These technologies have proven instrumental in fulfilling and supporting the more niche aspects of human exploration, and utilisation of resources in outer space by more capable partner nations.

However, Australia's continued emphasis on "second-hand" space activities has proven more detrimental than initially thought, serving to delay the emergence of indigenous capabilities and stunting economic growth and development. As mentioned, the Australian government spends roughly $3 billion AUD per annum on space services and related activities (i.e. S&T research, GNSS), [58] [59] which totals only 0.8 per cent of the global space industry. The key areas of funding pertain to national security, telecommunications and broadcasting, international development assistance, environmental monitoring, and space scientific and industrial research and development. [60] However, the Australian space industry is dominated by defence agencies and defence industry entities, with minimal share for civilian commercial activities. As 72 per cent of space industry companies have the Australian Defence Force as a customer, defence remains the major industry sector for companies, followed by mining (67 per cent), and the federal government (59 per cent). [61] Naturally, the Australian government announced a $500 million investment in June 2017 towards improving Australia's space-based intelligence, surveillance and reconnaissance capabilities – primarily to support the military and border protection. [62] Conversely, the global space industry is proportioned as

80 per cent for commercial activities, and 20 per cent for government activities. [63]

Resolute action and competent leadership, in the form of a robust space agency and unified policy, is necessary to adequately develop Australia's independent and indigenous capabilities in space. This has been highlighted by Australia's consistent dependence on satellite data being supplied by other countries; [64] [65] being reliant upon Japan for meteorological data, and upon China for bushfire tracking. [66] This has dire implications should terrestrial geopolitics motivate such foreign governments to exploit Australia's access to such space capabilities as a bargaining or negotiating point during periods of natural disasters.

Additionally, Australia's existing space infrastructure has been outsourced to foreign entities, with the National Broadband Network [67] and Optus satellites [68] having been built and launched by foreign entities. This could prove fatal should such technologies possess covert built-in backdoors and vulnerabilities within their software or hardware, allowing foreign entities or non-state actors to hijack or disable such satellites at will. Continued reliance on other nations for access to space and space technologies not only damages national prestige, but also endangers Australia's livelihood and economy in being subservient and susceptible to the whims of partner nations and the diplomatic climate.

A heavily militarised space industry and program bears comparatively little benefit for a nation's economy, given minimal opportunities for the

58 Jack Kilbride, 'Is it time for Australia to rejoin the space race?' on The Citizen (18 August 2016) <http://www.thecitizen.org.au/features/it-time-australia-rejoin-space-race>.

59 AAP, above n29.

60 Space Industry Association of Australia, 'SIAA White Paper: Advancing Australia in Space' on Space Industry Association of Australia (March 2017) <http://www.spaceindustry.com.au/Documents/SIAA%20White%20Paper%20-%20Advancing%20Australia%20in%20Space.pdf> 4.

61 Asia Pacific Aerospace Consultants, 'A Selective Review of Australian Space Capabilities: Growth Opportunities in Global Supply Chains and Space Enabled Services' on Space Industry Association of Australia (April 2016) <http://www.spaceindustry.com.au/Documents/APAC%20Report%20on%20Australian%20Space%20Capabilities%20Revised.pdf> 11.

62 Minister for Defence Industry & Minister for Defence, '$500 million for enhanced satellite capability' on Australian Government – Department of Defence (18 June 2017) <https://www.minister.defence.gov.au/minister/marise-payne/media-releases/500-million-enhanced-satellitecapability>.

63 Andrew Dempster, 'Let's talk about the space industry in Australia's election campaign' on The Conversation (28 June 2016) <https://theconversation.com/lets-talk-about-the-space-industry-in-australias-election-campaign-61567>.

64 Jesse Paris-Jourdan, 'The Melbourne Space Program' on Farrago Magazine (28 June 2016) <http://farragomagazine.com/2016/06/28/melbourne-space-program/>.

65 Antony Funnell, 'Space 2.0 and an update on Australian Space' on ABC (2 December 2010) <http://www.abc.net.au/radionational/programs/futuretense/space-20-and-an-update-on-australian-space/2959956#transcript>.

66 Rod Lamberts and Roger Franzen, 'Australia in space: letting others watch us ... but at what cost?' on The Conversation (14 December 2011) <https://theconversation.com/australia-in-space-letting-others-watch-us-but-atwhat-cost-4495>.

67 Emilie Gramenz, 'NBN satellite Sky Muster set for blast off as ground stations prepare for new internet service' on ABC News (30 September 2015) <http://www.abc.net.au/news/2015-09-29/ground-stations-prepare-for-launchof-nbns-new-satellite/6814650>.

68 Optus, 'Optus D3' on Optus (2017) <https://www.optus.com.au/about/network/satellite/fleet/d3>.

development of spin-off technologies to feed back into the economy. [69] [70] This is owed to the overriding need for secrecy and confidentiality surrounding such space technologies employed by the defence industry by the government, often in the name of national security and preserving industrial secrets for covert use. Indeed, such technologies developed by the military do not often feed back into the civilian economy for decades. [71] [72]

Economic viability of an Australian space agency

The 1985 Madigan Report, commissioned by the then Minister for Science, recommended the establishment of an Australian space agency with a budget of $100 million AUD over five years; an amount reiterated by the then-existing Australian Space Office. [73] This was perceived as necessary to obtain the desired level of Australian industry participation in space manufacturing. A proposed budget of $100 million could involve $20 million for staff and related overhead costs, $50 million for public/private technology projects, $15 million on collaborative space technology with partners, and $15 million for launch site development. [74]

The question arises whether potential payoffs from an indigenous space agency would be economically beneficial for Australia. This is commonly validated by the example of the UK space agency, where an assessment of the returns from public space investments indicated

the following return amounts per £1 of public investment into space science and innovation: [75]

1. Earth Observation - £2-£4 (direct), £4-£12 (spillover).

2. Telecoms - £6-£7 (direct), £6-£14 (spillover).

3. Navigation - £4-£5 (direct/partial), £4-£10 (spillover).

Within this context, spillover returns on investment encompass the development of spillover technologies, or resultant consumer goods and services developed as a result outside the space industry. Thus, over time, the amount of returns on investments into space technologies accrues.

Potential payoffs of an Australian space agency, and directed investments in space based projects, are illustrated within the ASRPs proposed Garada Synthetic Aperture Radar (SAR) Formation Flying Project – a space engineering research project with international collaboration. While the estimated total cost of the program was $800 million AUD, a complete return upon its investment amount was highlighted within the benefits of its operational capabilities. [76] Firstly, Garada's ability to improve efficiency of non-irrigated agriculture would have independently covered the investment cost. Where Australia has $28.3 billion of agricultural projection from non-irrigated areas, the program could self-finance in improving efficiency of agriculture by 0.35 per cent.

Further, Garada's ability to improve irrigated agriculture infrastructure would have independently covered investment costs. Between 2008 and 2009, $300 million was spend on irrigation equipment, with a total equipment and infrastructure value of $8.5 billion. The program was capable of self-financing by reducing irrigation infrastructure cost by seven per cent.

Finally, Garada's capability to improve targeting of environmental flows would have independently covered investment costs. Existing requirements to reduce irrigation usage by 2750GL per annum

69   Mike Wall, 'X-37B: The Air Force's Mysterious Space Plane' on Space.com (2 June 2017) <https://www.space.com/25275-x37b-space-plane.html>.

70   NASA, 'NASA Technologies Benefit Our Lives' on NASA Spinoff (2017) <https://spinoff.nasa.gov/Spinoff2008/tech_benefits.html>.

71   GPS World Staff, 'Part 1: The Origins of GPS, and the Pioneers Who Launched the System' on GPS World (1 May 2010) <gpsworld.com/origins-gps-part-1/>.

72   CIA, 'CORONA: Declassified' on Central Intelligence Agency (25 February 2015) <https://www.cia.gov/news-information/featured-story-archive/2015-featured-story-archive/corona-declassified.html>.

73   John S. Boyd, 'Senate Inquiry into the Current State of Australia's Space Science & Industry Sector' on Parliament of Australia (28 July 2008) <http://www.aph.gov.au/~/media/wopapub/senate/committee/economics_ctte/completed_inquiries/2008_10/space_08/submissions/sub82_pdf.ashx> 1.

74   Adam Gilmour, 'What could be a next big industry for Australia? SPACE' on Gilmour Space Technologies (9 July 2017) <https://www.gspacetech.com/single-post/2016/06/14/How-to-launch-an-Australian-Space-Agencywith-just-100-million>.

75   London Economics, 'Return from Public Space Investments: An initial analysis of evidence – November 2015' on London Economics (12 November 2015) <http://londoneconomics.co.uk/wp-content/uploads/2015/11/LEUKSA-Return-from-Public-Space-Investments-FINAL-PUBLIC.pdf> vii-ix.

76   Australian Centre for Space Engineering Research, 'A National Soil Moisture Monitoring Capability' on UNSW Australia (June 2013) <http://www.garada.unsw.edu.au/Final%20Report/Garada%20Final%20Report%20-%20Volume%20II%20-%20V03_00.pdf> 66-67.

in the Murray Darling Basin (MDB) amounts to an $11 billion loss in agricultural production. The program was capable of self-finance by reducing MDB environmental flows by one per cent.

Australia's risk of being left behind on earth

While acknowledging the dominance of the great space powers (i.e. USA, China, Russia) Australia must provide for its own defence. Australia as a middle power must be capable of influencing aspects of the international space framework and refining its details in ways that will suit its regional interests. [77] Australia's geopolitical standing and national security interests can only be safeguarded and advanced with the establishment of a governmental space agency and subsequent development of a proactive space policy.

The propensity of states to breach internationally settled principles in the pursuit of self-interest undermine the pre-existing legal framework that underlies the international space environment. This is evident within the desire of states to prioritise the development of the Space 2.0 industry through recognising the right of commercial entities within their jurisdictions to pursue the extraction and ownership of resources in outer space, thus deriding the OST. Notably, the deficiencies of the 2015 United States Space Act [78] resided within its failure to implement a mechanism for avoiding and resolving disputes pertaining to space mining, and its recognition of a "fist-to-grab" methodology which recognises the rights of a US company over that of another state. This illustrates the legislative instrument as a means of solely incentivising US companies, while ignoring any potential wider political and legal conflicts that may arise. [79]

This was followed by the increasing militarisation of outer space by states through the development and deployment of ASAT weaponry. The ramifications of such militarisation could serve as a threat to the environment of outer space, and severely restrict future access to space for future generations; [80] given the potential development of a Kessler syndrome situation – a scenario where the density of space debris in low earth orbit is high enough that collisions between objects could result in a cascade, with the amount of space debris objects exponentially increasing. [81]

Summary

As revealed, the policy reasons supporting Australia's creation of a space agency are numerous and varied, but may be condensed into three key reasons. First is economic gain, as there exists a significant opportunity for increased market share through guidance of the domestic space industry under an established governmental space agency. [82]

Second is national security, where the government could benefit from consolidating and defining Australia's strategic space interests within a singular unified agency. [83] This would coordinate national decision-making and security, and facilitate communication and cooperation with other states' agencies in promoting Australia's interests.

Last is international prestige, as a space agency would play a pivotal role in upholding Australia's image as an ideal/model international citizen and middle power. [84] An established space agency would facilitate the enforcement of international agreements domestically, uphold internationally recognised principles, and ensure active participation within international multilateral discussions and rule-making.

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77 Andrew Carr, 'Is Australia a middle power?' on Australian Institute of International Affairs (7 March 2014) <http://www.internationalaffairs.org.au/australianoutlook/is-australia-a-middle-power/>.

78 US Congress, above n44.

79 Thomas E. Simmons, 'The unfortunate provincialism of the space resources act' on the Space Review (25 January 2016) <http://www.thespacereview.com/article/2910/1>.

80 Alan Philps, 'What is more scary than the militarization of space?' on Chatham House (22 February 2016) <https://www.chathamhouse.org/expert/comment/what-more-scary-militarization-space#>.

81 NASA, 'Micrometeoroids and Orbital Debris (MMOD)', on NASA (June 15, 2016), <https://www.nasa.gov/centers/wstf/site_tour/remote_hypervelocity_test_laboratory/micrometeoroid_and_orbital_debris.html>.

82 Mike Kalms, 'Count-down to an Australian Space Agency' on KPMG (4 December 2017) <https://home.kpmg.com/au/en/home/insights/2017/12/australian-space-agency-count-down.html>.

83 Gary Oleson et al., 'NASA is essential for national security' on the Space Review (31 December 2012) <http://www.thespacereview.com/article/2210/1>.

84 Donald Rothwell and Emily Crawford, 'International Law: Is Australia a Good International Citizen?' on Australian Institute of International Affairs (8 May 2017) <http://www.internationalaffairs.org.au/australianoutlook/international-law-australia-good-citizen/>.

Australia may advance the liberal rules-based international order evident within international agreements such as the OST, and encourage multilateral discussions as to future possible amendments to the agreement. Australia already possesses the credentials for emphasising this contention as a party to the 1984 Moon Treaty, [85] advocating the banning of all exploration and uses of celestial bodies without the approval or benefit of other states under the "common heritage of mankind" principle of international law. [86] [87] Australia may thus refine its middle-power status, and boost its diplomatic capabilities, through the formation of a governmental space agency.

Ultimately, the success of an Australian space agency may be qualified upon its creation, its measure of authority, its mandate to dictate space policy and national guidelines, its technical competence, allocation of a five-year budget, and signing of ten-year international agreements. While a review of the Space Activities Act [88] was announced by the Department of Innovation and Industry in October 2015, it remains to be seen whether the government will implement concrete amendments that will cement the creation of a space agency within a legislative instrument. [89]

Without resolute governmental leadership and guidance, Australia risks being left behind on the earth, while other states take to the stars.

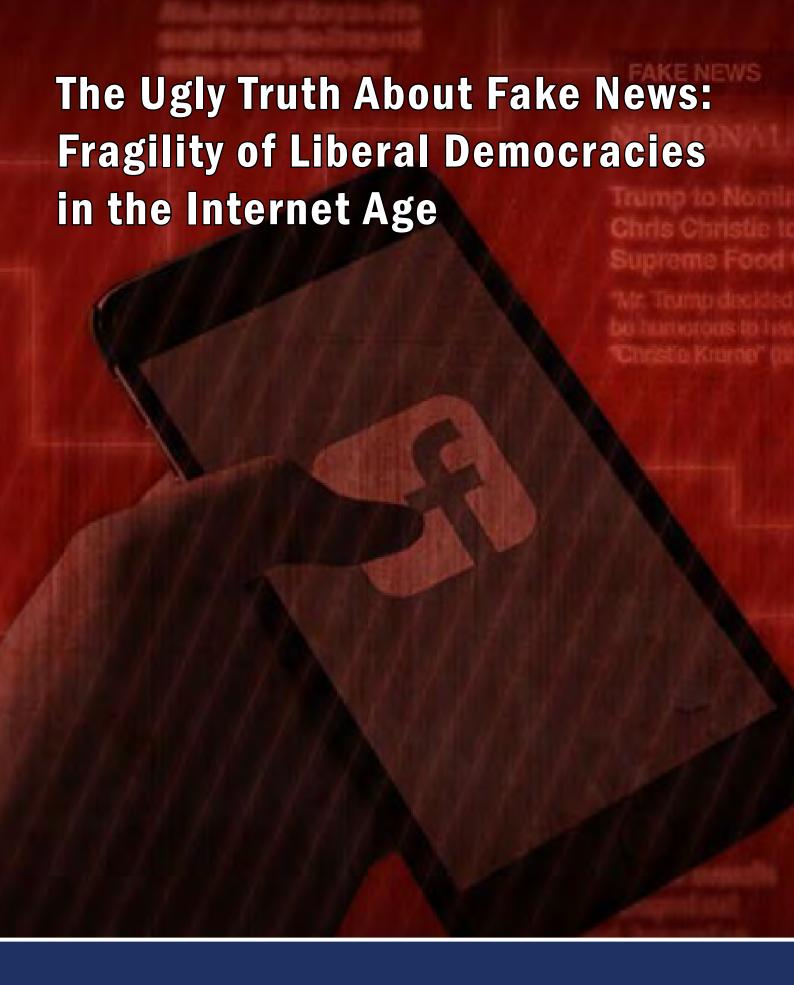85   Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, adopted 18 December 1979, 1363 UNTS 21 (entered into force 11 July 1984).

86   Carol R. Buxton, 'Property in Outer Space: The Common Heritage of Mankind Principle vs. the First in Time, First in Right, Rule of Property' (2004) 69 Journal of Air Law and Commerce 691-692.

87   Edward Guntrip, 'The Common Heritage of Mankind: An Adequate Regime for Managing the Deep Seabed?' (2003) 4(2) Melbourne Journal of International Law 377.

88   Space Activities Act, above n9.

89   Australian Government, 'Reform of the Space Activities Act 1998' on Department of Industry, Innovation and Science (2017) <https://industry.gov.au/industry/IndustrySectors/space/Pages/Review-of-the-Space-Activities-Act-1998.aspx>.

The Ugly Truth About Fake News: Fragility of Liberal Democracies in the Internet Age

Article by **Zia Khan**

Zia is currently completing a Bachelor of Laws and Bachelor of International Studies. His areas of research interest include the European Union, online disinformation campaigns and populist politics.

Introduction

Recent seismic political events driven by a range of populist forces have made "fake news" an increasingly prominent topic of public discussion. Though "fake news" is not a new phenomenon, its heightened prevalence in the era of the Internet and its dissemination via coordinated disinformation campaigns by external actors demonstrates its ability to undermine the sovereignty of democratic states. In present-day, "fake news" is becoming increasingly effective in undermining the quality of public discourse and electoral decision-making within liberal democracies. This poses a conundrum for liberal democratic governments seeking to address these threats through the enactment of policies potentially at odds with fundamental freedoms enjoyed within their political systems, particularly concerning freedom of the press and individual speech and expression.

Undoubtedly, the modern day manifestation of "fake news" poses one of the greatest threats to liberal democracies ever seen. The potentially destructive effects of such disinformation tactics is well illustrated in Germany's infamous "Lisa case", which saw items of "fake news" prompt hundreds of anti-immigration protestors to rally outside the German Chancellery office. In order to prevent the frequent recurrence of such events, it is critical that liberal democracies take urgent action to comprehensively defend from "fake news".

Defining "Fake News"

"Fake news" has in the past encompassed a broad range of items. Among these include satirical and parodied news entertainment such as The Onion and The Daily Show, neither of which are the focus of current public scrutiny regarding "fake news".[1] "Fake news" should also be differentiated from unintentional "misinformation", which refers to incorrect information unintentionally created and distributed.[2]

The "fake news" causing such a panic in democracies across the international community, and of focus in this essay, is the deliberate production and dissemination of false information and facts under a "veneer of authenticity"[3] and objectivity. The principal purpose of "fake news" is to promote a favoured individual, organisation or ideology, and to "discredit" all others.[4]

It is important to here note that the phrase "fake news" has also been utilised by leaders to unjustly attack reputable media organisations perceived as being overly critical – most prominently by US President Donald Trump.[5] Although this is undoubtedly a cause for concern, the focus of the discussion in this article is the "fake news" which is being produced by foreign individuals and organisations to achieve a specific political objective in another nation.

Contemporary Significance of Fake News

What is fundamentally unique about "fake news" in its current form, is the comparative ease with which it is created and distributed, and thus the high likelihood of it becoming viral.[6] The Internet and social media have enabled individuals and organisations to bypass the cumbersome processes and logistical restrictions of printing, transportation and physical dissemination.[7]

This issue is becoming extremely problematic, as an increasing number of adults receive their news from social media. A 2017 Pew Research Poll found that two-thirds of American adults receive their news, with varying regularity, from social media.[8] These figures are also reflected in Australia, with 52.2% of Australians using social media (in addition to other outlets) as a source of news, with 18% considering it their main source.[9] At the same time, "fake news" has become increasingly

1   Tandoc, Edson et. al. (2017), "Defining Fake News" in Digital Journalism, Vol. 5, No. 10, 1, p .7.

2   Francine, Jaomiasa (2016), 'European Union in the age of misleading communications: Insight on disinformation and propaganda' in Romanian Journal of Journalism and Communication, Volume 11, No. 4, 36, p. 39.

3   Tandoc, Edson et. al. (2017), "Defining Fake News" in Digital Journalism, Vol. 5, No. 10, 1, p .7.

4   Ibid, p. 2.

5   Koziol, Michael (2017) 'Fake News'? Malcolm Turnbull should, and does, know better, http://www.smh.com.au/federal-politics/political-news/fake-news-malcolm-turnbull-should-and-does-know-better-20170627-gwz7sk.html [date of visit 8 December 2017].

6   Bhaskaran, Harikrishnan, et. al. (2017), Contextualising Fake News in Post-Truth Era: Journalism Education in India, Vol. 27, No. 1, 41, p. 42.

7   Harding, Phil (2017), 'Remember that Facts are sacred' in The British Journalism Review, Vol. 28, No. 1, 17, p. 17.

8   Shearer, Elisa and Gottfried, Jeffrey (2017), News Use Across Social Media Platforms 2017, http://www.journalism.org/2017/09/07/news-use-across-social-media-platforms-2017/ [Date of visit 20 November 2017].

9   News & Media Research Centre (2016), Digital News Report: Australia 2016, Canberra, p. 15.

pervasive through social media, with approximately 41.8% of visits to "fake news" sites in the United States in 2016 originating from social media.[10] This is in direct contrast to the source of visits to the top 690 US news websites, which only received a share of approximately 10.1% of visits originating from social media, with 48.7% of visits coming via direct browsing of the websites of those news outlets.[11] This, as well as the ever-increasing use of social media as a news source, ensures that social media outlets are conducive to facilitating the spread of "fake news".[12]

Individuals can often reach an equivalent or higher readership compared to major news outlets without the arbiter of third parties, as barriers to entry in the media industry have dropped precipitously.[13] Silverman's analysis in the aftermath of the 2016 US Presidential election demonstrates this, with the top-performing fake election news stories on Facebook generating more engagement than the top stories from major news outlets in the three months leading up to polling day.[14]

The era of social media has also facilitated a "bandwagon effect", where the perceived legitimacy of a news item or individual is enhanced by the amount of likes, comments, shares and followers attached.[15] The use of automated bots insidiously amplifies messages to create the illusion of something being more popular than it actually is, thus adding a veneer of credibility.[16] A notable example of this is US President Donald Trump, whose Twitter following of over 30 million

people is estimated to be only 51% authentic.[17] Another notorious example concerns a network of over 13,000 botnet accounts used to spread false and hyper-partisan information in the immediate lead-up to the referendum on the United Kingdom's continued membership of the European Union.[18] These examples further serve to demonstrate the ease of dissemination of contemporary incarnations of "fake news", and why its spread must be effectively countered.

The Heightened Vulnerability of Liberal Democracies

Liberal democracies are especially vulnerable to the negative consequences of "fake news". Ironically, it is the same freedom afforded by the Internet to ordinary citizens of thriving democracies, which has in turn helped facilitate the damage and harm experienced by these democracies.[19]

A state's ability to govern itself and conduct its own affairs without foreign interference is a central feature of state sovereignty.[20] In this context, a state's sovereignty can be compromised through successful disinformation campaigns by other countries, which are eager to exploit the openness of the Internet and the press freedoms featured within liberal democracies to achieve certain political outcomes. Such action can consequently obfuscate the internal political debate of a nation, which in turn can affect the composition of a government following a general election. The harm caused to liberal democracies through this interference ultimately undermines the basis of the electoral process, as the effective functioning of democracy depends on the ability of voters to base their political judgements on real facts.[21]

10 Allcott, Hunt and Gentzkow, Matthew (2017), 'Social Media and Fake News in the 2016 Election' in Journal of Economic Perspectives, Vol. 31, No. 2, 211, p. 222.

11 Ibid.

12 Allcott, Hunt and Gentzkow, Matthew (2017), 'Social Media and Fake News in the 2016 Election' in Journal of Economic Perspectives, Vol. 31, No. 2, 211, p. 215.

13 Ibid, p. 214.

14 Silverman, Craig (2016) This Analysis Shows How Viral Fake Election News Stories Outperformed Real News On Facebook, https://www.buzzfeed.com/craigsilverman/viral-fake-election-news-outperformed-real-news-on-facebook?utm_term¼.lg3jNV6k0#.hr0DxG49r cited in Spohr, Dominic (2017) "Fake news and ideological polarization: Filter bubbles and selective exposure on social media" in Business Information Review, Vol. 34, No. 3, 150, 155.

15 Thorson, Emily (2008), 'Changing Patterns of News Consumption and Participation', Information, Communication and Society, Vol. 11, No. 4, 473, p. 481.

16 Tandoc, Edson et. al. (2017), "Defining Fake News" in Digital Journalism, Vol. 5, No. 10, 1, p. 8.

17 Bort, Ryan (2017), Nearly Half of Donald Trump's Twitter Followers are Fake Accounts and Bots, http://www.newsweek.com/donald-trump-twitter-followers-fake-617873 [date of visit 27 November, 2017].

18 Bastos, Marcos and Mercea, Dan (2017), 'The Brexit Botnet and User-Generated Hyperpartisan News', Social Science Computer Review, Vo. 20, No. 10, p. 1.

19 Persily, Nathaniel (2017), 'Can Democracy Survive the Internet?' Journal of Democracy, Vol. 28, No. 2, 61, p. 71.

20 Conversi, Daniele (2016), 'Sovereignty in a Changing World: From Westphalia to Food Sovereignty' Globalizations, Vol. 13, No. 4, 484, p. 485.

21 Luckhurst, Tim (2017), "Give me the press barons any day" in The British Journalism Review, Vol. 28, No. 2, 31.

The Influence of Fake News – The Case of 'Lisa'

The havoc wreaked by "fake news" has been most notoriously demonstrated through Russian-driven disinformation campaigns seeking to sow divisions within states. This has been demonstrated by the use of "fake news" to create discord in Germany around the country's controversial and divisive immigration issue.[22]

Germany has been the subject of an increased proliferation of "fake news" concerning its liberal immigration policy. This was effectively illustrated in the infamous "Lisa case" in January of 2016, when a 13-year-old girl from Berlin's Russian-German community fabricated a story of being sexually assaulted by three Middle Eastern migrants.[23] Despite statements by the Berlin State Prosecutor's Office and the local police affirming the allegations as false, Russian state-controlled news stations, including Channel One and Sputnik, ran news reports presenting Lisa's story as true, whilst also accusing the police of a cover up. Russian Foreign Minister Sergei Lavrov also questioned the official police statements.[24]

The aim of these "fake news" reports was to inflame pre-existing tensions surrounding Chancellor Merkel's "open border immigration policy."[25] Despite constant police statements to the contrary and fact-checking from numerous mainstream media outlets in Germany, the false story quickly gained traction through social media via reposting from humans as well as automated bots. All of this culminated in approximately 700 people protesting the non-existent matter, as well as Germany's immigration policy, outside of Angela Merkel's Chancellery office.[26]

The "Lisa case" clearly illustrates the far-reaching consequences of "fake news" within a liberal democracy and its ability to seamlessly exploit its vulnerabilities.[27] This case highlighted how an external news agency or individual can exploit the freedom of the press afforded to it by a democracy, in order to spread malicious lies and sow discord within a liberal democratic state.[28]

Even more significant was that the fake stories concerning "Lisa" were able to transcend mere online commentary and spur hundreds of ordinary citizens into physical action in the form of a raucous protest – such is the power of "fake news" in the context of a highly controversial subject.[29] The danger posed by "fake news" cannot be underestimated: if the proliferation of online "fake news" stories can manipulate individuals to take protest, it is just as likely that such tactics can be utilised to manipulate individuals to engage in violent acts.[30]

The spreading of the "Lisa" story also served an ulterior purpose for the Russian state and demonstrated the susceptibility of liberal democracies to disinformation tactics employed by external actors. The head of Germany's domestic security agency Hans-Georg Maassen noted that the Kremlin utilises disinformation tactics in order to influence public opinion, as well as any incidental decision-making processes influenced by the public opinion.[31] This includes the electoral process, where such falsehoods can be utilised to achieve a specific political outcome. False stories, especially in relation to the sensitive topic of immigration, have tended to benefit the anti-immigration Alternative für Deutschland (AfD) party in Germany, who have a decidedly pro-Russian foreign policy

22   Juhasz, A. and. Szicherle, P (2017) The political effects of migration-related fake news, disinformation and conspiracy theories in Europe, Friedrich Ebert Stiftung, Budapest, p. 4.

23   Ibid, p. 20.

24   Ibid.

25   Rutenberg, Jim (2017) RT, Sputnik and Russia's New Theory of War, https://www.nytimes.com/2017/09/13/magazine/rt-sputnik-and-russias-new-theory-of-war.html [date of visit 19 November 2017].

26   McGuiness, Damien (2016) Russia steps into Berlin 'rape' storm claiming German cover-up, http://www.bbc.com/news/blogs-eu-35413134 [date of visit 19 November 2017].

27   Wood, Patrick (2017) Fake news, hacking threat to democracy now on 'unseen scale', report says, http://www.abc.net.au/news/2017-05-29/fake-news,-hacking-threat-to-democracy-now-on-unseen-scale/8567834 [date of visit 10 December 2017].

28   Rutenberg, Jim (2017) RT, Sputnik and Russia's New Theory of War, https://www.nytimes.com/2017/09/13/magazine/rt-sputnik-and-russias-new-theory-of-war.html [date of visit 19 November 2017].

29   McGuiness, Damien (2016) Russia steps into Berlin 'rape' storm claiming German cover-up, http://www.bbc.com/news/blogs-eu-35413134 [date of visit 19 November 2017].

30   Wright, Lucas (2016) The Dangerous Side of Fake News: Rumors That Inspire Violence, https://dangerousspeech.org/2016122the-dangerous-side-of-fake-news-rumors-that-inspire-violence/ [date of visit 10 December 2017].

31   Juhasz, A. and. Szicherle, P (2017) The political effects of migration-related fake news, disinformation and conspiracy theories in Europe, Friedrich Ebert Stiftung, Budapest, p. 21.

platform.[32] The "Lisa case" undoubtedly had an impact on the electoral success of AfD, who won an unprecedented 14% of the popular vote in the regional elections in Berlin in September 2016, with most of the party's support coming from the Russian-speaking neighbourhoods in Berlin's East.[33]

These developments demonstrate a clear threat to some of the core tenets of liberal democracy. This utilisation of "fake news" within liberal democracies deliberately obfuscates political debate and informed electoral decision making at the ballot box.[34] If democratically elected governments within liberal democracies are supposed to represent the will of the majority, and that majority is influenced by a campaign of disinformation by a foreign actor, it is likely to bring into question the authenticity of the public's voice, with fears that their views are more akin to the will of the external actor.[35] Additionally, as seen with Germany and the AfD, certain "fake news" stories can drum up support for political parties who promote policies that are antithetical to core liberal democratic principles – including the restriction of religious freedom as well as the removal of rights and protections for minority groups.[36]

Furthermore, such disinformation also represents a threat to the social stability necessary within all liberal democracies, with "fake news" unpicking the fabric of social unity.[37] Austin, as noted by Zappone, argues that Western liberal democracies are involved in an information war, and the

tactics utilised by external forces have a corrosive power upon a population's ability to discern false information from true information and to discern what might be right from wrong.[38] Austin warns that debate within liberal democracies will be negatively affected by continued dissemination of "fake news", with citizens becoming increasingly unable to determine reality from falsehoods – consequently magnifying voter apathy.[39]

Confronting Fake News

The clear and present danger posed by "fake news" towards liberal democracies has highlighted the urgent need for solutions to effectively counter this threat. Sussex, as cited in Zappone, argues that this will involve a re-evaluation of the way in which liberal democracies perceive the Internet.[40] He argues that liberal democracies perceive the Internet as being governed by peacetime norms which is problematic, as states which use the Internet in a subversive manner (including Russia and China) see the internet as a place without norms[41], and are therefore involved in information wars.[42]

The types of solutions that are now being seriously considered by governments, experts and scholars alike range from educational to regulatory in their respective natures. On the educational side, potential policies raised include encouraging greater media literacy in citizen populations. This has ranged from broad education campaigns informing citizens of the tell-tale signs of "fake news", to an increased emphasis upon media literacy skills for primary[43], secondary and tertiary

32   Leisegang, Daniel (2017) "No country for free speech?: An old libel law and a new one aimed at social media are two threats to free expression in Germany" in Index on Censorship, Vol. 46, No. 2, 76, p. 77.

33   Shuster, Simon (2017) How Russian Voters Fuelled the Rise of Germany's Far-Right, http://time.com/4955503/germany-elections-2017-far-right-russia-angela-merkel/ [date of visit 25 November 2017].

34   Gray, Richard (2017), Lies, propaganda and fake news: A challenge for our age, http://www.bbc.com/future/story/20170301-lies-propaganda-and-fake-news-a-grand-challenge-of-our-age [date of visit 10 December 2017].

35   Persily, Nathaniel (2017), 'Can Democracy Survive the Internet?' in Journal of Democracy, Vol. 28, No. 2, 61, p. 70.

36   NATO Review Magazine (2016) The "Lisa case": Germany as a target of Russian Disinformation, https://www.nato.int/docu/review/2016/Also-in-2016/lisa-case-germany-target-russian-disinformation/EN/index.htm [date of visit 24 November 2017].

37   Zappone, Chris (2016), Donald Trump-Vladimir Putin: Russia's Information War meets the US Election, http://www.smh.com.au/world/us-election/trumpputin-russias-information-war-meets-the-us-election-20160609-gpf4sm.html, [date of visit 14 November 2017].

38   Zappone, Chris (2016) Who Controls our News? Welcome to the era of Russian and Chinese information war, http://www.smh.com.au/world/who-controls-our-news-welcome-to-the-era-of-russian-and-chinese-information-war-20160907-grapkr.html [date of visit 17 November 2017].

39   Ibid.

40   Zappone, Chris (2016) Who Controls our News? Welcome to the era of Russian and Chinese information war, http://www.smh.com.au/world/who-controls-our-news-welcome-to-the-era-of-russian-and-chinese-information-war-20160907-grapkr.html [date of visit 17 November 2017].

41   Ibid.

42   Deeks, Ashley et. al., (2017), Addressing Russian Influence: What can we Learn from US Cold War Counter-Propaganda Efforts, https://www.lawfareblog.com/addressing-russian-influence-what-can-we-learn-us-cold-war-counter-propaganda-efforts [date of visit 28 October 2017].

43   Brunhuber, Kim (2017) In the Trump era of fake news, more US schools focusing on media literacy, http://www.cbc.ca/news/world/in-the-trump-era-of-fake-news-more-u-s-schools-focusing-on-media-literacy-1.4275693 [date of visit 8 December 2017].

students.[44] It is argued that such an approach would be a better long-term strategy to prevent individuals from becoming susceptible to disinformation campaigns.[45]

Additional solutions related to education include the increased utilisation of fact-checking services, which assist citizens who have neither the time nor effort to discern whether a news item is true or false. Examples of this include German government funded fact-checkers working with Facebook[46] and the EU's East Stratcom team designed to counter disinformation coming from Russia.[47]

However, these educational solutions remain largely ineffective, as there are only limited resources available to combat the vast amount of "fake news" being endlessly produced. The EU's East Stratcom team has a budget of only €1 million per year between 2018 and 2020.[48]

Regulation of social media companies has also been at the forefront of recent efforts by governments to better identify and counter "fake news", given how a litany of social media platforms have been exploited with such success.[49] There is growing pressure for social media companies to do more to address "fake news" on their platforms.

There has been some self-regulation in this respect, with Google and Facebook adopting policies attempting to target "fake news" – albeit only after significant pressure from the government

and broader public.[50] Google has removed some of the financial incentives that had existed for sites to drive up Internet traffic based on outrageous clickbait headlines. Its new AdSense policy prevents certain "fake news" sites from being able to earn money from Google ads.[51] These regulated sites are those Google deems as "misrepresenting, misstating or concealing information about the publisher, publisher's content or the primary purpose of the site." In addition, Facebook brought in changes to its Audience Network Policy to address similar matters.[52] However, these measures only address "fake news" driven by financial incentives, and may not necessarily deter those who are creating and disseminating "fake news" for purely political or ideological motives.[53]

More substantive action has been the move by Alphabet, Google's parent company, to "de-rank" Russian news sites RT and Sputnik – both of which have acquired a notoriety for spreading propaganda and false information.[54] This coincided with both outlets being required to register as foreign agents under the 1938 Foreign Agents Registration Act administered by the US Department of Justice.[55] However, such actions are prone to retaliation, as demonstrated by Russia's Ministry of Justice naming news outlets including Voice of America and Radio Free Europe as foreign agents.[56]

The utilisation of legislative options has also been proposed as a means through which to address the prevalence of "fake news". There are, quite rightly,

44   Rosenwald, Michael (2017) Making media literacy great again, https://www.cjr.org/special_report/media-literacy-trump-fake-news.php [date of visit 8 December 2017].

45   Douglas, Jonathan (2017) Fake News: Improved critical literacy skills are key to telling fact from fiction, https://www.theguardian.com/teacher-network/2017/oct/17/fake-news-improved-critical-literacy-skills-teaching-young-people [date of visit 8 December 2017].

46   Shuster, Simon (2017) Russia has launched a fake news war on Germany. Now Germany is fighting back, http://time.com/4889471/germany-election-russia-fake-news-angela-merkel/ [date of visit 22 November 2017].

47   Boffey, Daniel and Rankin, Jennifer (2017) EU escalates its campaign against Russian Propaganda, https://www.theguardian.com/world/2017/jan/23/eu-escalates-campaign-russian-propaganda [date of visit 26 November 2017].

48   Rankin, Jennifer (2017) EU anti-propaganda unit gets €1m a year to counter Russian fake news, https://www.theguardian.com/world/2017/nov/25/eu-anti-propaganda-unit-gets-1m-a-year-to-counter-russian-fake-news [date of visit 25 November 2017].

49   Allcott, Hunt and Gentzkow, Matthew (2017), 'Social Media and Fake News in the 2016 Election' in Journal of Economic Perspectives, Vol. 31, No. 2, 211.

50   Persily, Nathaniel (2017), 'Can Democracy Survive the Internet?' in Journal of Democracy, Vol. 28, No. 2, 61, p. 73.

51   Wingfield, Nick et. al. (2016) Google and Facebook Take Aim at Fake News Websites, https://www.nytimes.com/2016/11/15/technology/google-will-ban-websites-that-host-fake-news-from-using-its-ad-service.html [date of visit 16 November 2017].

52   Persily, Nathaniel (2017), 'Can Democracy Survive the Internet?' in Journal of Democracy, Vol. 28, No. 2, 61, p. 73.

53   Tandoc, Edson et. al. (2017), "Defining Fake News" in Digital Journalism, Vol. 5, No. 10, 1, p .8.

54   Hern, Alex (2017) Google plans to 'de-rank' Russia Today and Sputnik to combat misinformation, https://www.theguardian.com/technology/2017/nov/21/google-de-rank-russia-today-sputnik-combat-misinformation-alphabet-chief-executive-eric-schmidt, [date of visit 22 November 2017].

55   Wilson, Megan (2017) Russian news outlet Sputnik registers with DOJ as foreign agent, http://thehill.com/business-a-lobbying/business-a-lobbying/360912-russian-news-outlet-sputnik-registers-with-doj-as [date of visit 8 December 2017].

56   Lowe, Thomas (2017) Russia bans 'foreign agent' journalists from entering national parliament building, http://www.abc.net.au/news/2017-12-08/russian-parliament-bans-foreign-agent-journalists-from-building/9239114 [date of visit 8 December 2017].

concerns about the potentially detrimental effects of such action upon the freedom of expression in nations; including such legislation being used by political figures to censor reputable media organisations as well. The passing of legislation in July this year in Germany, under which lawmakers could impose fines of up to €50 million upon social media firms for failing to remove content such as defamatory and hate-inducing posts within seven days, is one example of government regulation targeting the spread of "fake news" on social media (if somewhat indirectly).[57] However, this law has come under criticism for violating freedom of expression.[58]

Sussex, as Zappone notes, has alternatively suggested that states may eventually need to "re-nationalise" their Internet to prevent foreign subversion of internal democratic practices through the spread of fake news.[59] Sussex's concept of "re-nationalisation" involves greater government intervention with respect to the control and promotion of ideas and information online within a nation.[60] Thus, governments would increasingly intervene online to ward off cyber security threats from abroad, as well as further promoting its own values and ideas within its own backyard.[61] This would inevitably result in the restriction of the free flow of information online, which has been a hallmark for liberal democracies worldwide and therefore represents a total reversal of what the Internet has come to represent in these states.

As draconian as the aforementioned solutions may be, if disinformation campaigns continue to debase democratic discourse, then such practices may be the only effective solutions left to uphold the integrity of internal electoral processes. Adopting tougher legislative approaches would certainly not

result in states ceasing to be liberal democracies.[62] Legislation within numerous liberal democracies already censor and regulate various forms and mediums of expression for utilitarian policy reasons, including for the purpose of upholding the quality of discourse.[63] Notable examples include hate speech, defamation and broadcasting political advertisements. Rather than telling people how to think, such actions would merely reinforce the importance of ensuring the integrity of public communication.[64]

Conclusion

The spread of fake news poses a substantial threat to the sovereignty and core values of liberal democracies, primarily concerning the quality of public discourse and its influence upon its electoral processes. This is most clearly demonstrated through the disinformation campaigns sanctioned by the Russian government against Western liberal democracies, which seek to assist in the fulfilment of various political aims. Nonetheless, the rise in "fake news" has put forward a conundrum for liberal democracies. Either they must cede to some forms of censorship for the common good, or seek to maintain its values as they continue to be subverted by external actors. Ultimately, in order to prevent itself from being damaged by a sea of disinformation, it is necessary for liberal democracies to seriously consider the former.

57   Cerulus, Laurens, (2017) Germany's anti-fake news lab yields mixed results, https://www.politico.eu/article/fake-news-germany-elections-facebook-mark-zuckerberg-correctiv/ [date of visit 20 November 2017].

58   Leisegang, Daniel (2017), "No country for free speech?: An old libel law and a new one aimed at social media are two threats to free expression in Germany" in Index on Censorship, Volume 46, No. 2, 76, p. 77.

59   Zappone, Chris (2016) Who Controls our News? Welcome to the era of Russian and Chinese information war, http://www.smh.com.au/world/who-controls-our-news-welcome-to-the-era-of-russian-and-chinese-information-war-20160907-grapkr.html [date of visit 17 November 2017].
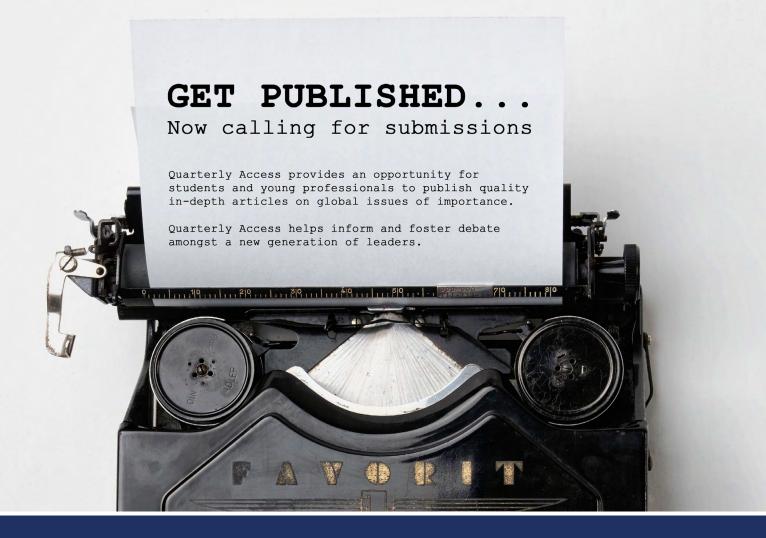
60   Ibid.

61   Ibid.

62   Magarian, Gregory (2006), "The Pragmatic Populism of Justice Stevens' Free Speech Jurisprudence" in Fordham Law Review, Vol. 74, No. 4, 2201, p. 2208.

63   Diggins, John (2005), "Sidney Hook, Robert Nozick, and the Paradoxes of Freedom" in Social Philosophy & Policy, Vol. 22, No. 1, 200, pp. 215-216.

64   Hook, Sidney (1953) Heresy, Yes – Conspiracy, No, John Day Company, New York cited in Zappone, Chris (2017) The radical right is using 'free speech' to help them destroy democracy, http://www.smh.com.au/world/when-free-speech-becomes-a-shield-for-planned-chaos-20171205-gzyyww.html, [date of visit 10 December 2017].

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