EMERGING SCHOLARS
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FOREWORD

The Australian Institute of International Affairs (AIIA) was established over 75 years ago to promote public understanding and interest in international affairs.

In recent years the AIIA has been increasingly active in promoting its activities to younger members of the community. The AIIA has launched a variety of initiatives to involve young people including ACCESS Youth Networks, careers fairs, schools events and the Young Diplomat Program. This has helped the AIIA reach its present strength of more than 1600 members across seven State and Territory Branches.

As part of our commitment to engage youth in international affairs, the AIIA National Office launched an internship program in 2006. Since the commencement of the program in 2007, the AIIA has hosted over 60 interns from Australia and overseas.

Given the high quality of papers prepared by interns, the AIIA wanted to promote this work to a broader audience. It was thus decided to produce an annual *Emerging Scholars* series in order to publicise their work. The opinions contained in this volume are those of the authors alone and do not represent the views of the AIIA.

This second volume in this series includes reports on a variety of challenging issues in international affairs, including a comparison of multiculturalism in Singapore and Australia, the potential role of Australia as an intermediary between China and the United States, the effect of UNHCR policy on Myanmarese refugees in Thailand, an evaluation of the United Nations Security Council's preparedness to deal with global security challenges, the role of democratic norms and structures in interactions between states, an analysis of the recent crisis in South Ossetia as a cultural conflict, and an examination of how Australia's national interest has been interpreted by various Australian governments.

The *Emerging Scholars* series provides an unique opportunity for young researchers to influence debate in the community on a number of important issues. For the authors, it is a valuable opportunity to publish, often for the first time, and to reach an audience of their peers and elders, many of whom are experts in their fields. We congratulate the authors on their work and hope that this further stimulates their interest in careers in international affairs.

I would like to thank the co-editors of this volume – National Vice-President Geoff Miller AO, Honorary Secretary to the Research Committee Dr Chad Mitcham and Emma White – for the significant work they have put into ensuring the quality of this publication. I would also like to recognise Amy Grant, Erika Mudie and Cameron Hawker for assisting in the editing process. I thank Professor Robert Campbell and Ms Mee-Yeong Bushby of the Australian National Internship Program for placing so many excellent interns with the Institute. We wish the authors well in their future endeavours and commend their research to you.

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

ACRONYMS AND ABBREVIATIONS

AEP	National Aboriginal and Torres Strait Islander Education Policy
AIIA	Australian Institute of International Affairs
ANZUS	Australia, New Zealand, United States Security Treaty
APEC	Asia Pacific Economic Cooperation
ARF	ASEAN Regional Forum
ASEAN	Association of South East Asian Nations
ATSIC	Aboriginal and Torres Strait Islander Commission
CMIO	Chinese, Malay, Indian and Others
CRP	Community Relations Projects
DKBA	Democratic Karen Buddhist Army
EAS	East Asian Summit
EIP	Ethnic Integration Policy
EU	European Union
FECCA	Federation of Ethnic Communities Councils of Australia
FTA	Free Trade Agreement
J & K	Jammu and Kasmir
JKLF	Jammu and Kasmir Liberation Front
GDP	Gross Domestic Product
GRC	Group Representation Constituency
HDB	Housing Development Board
HNSS	Hindustan National Social Security
HUM	Hizb-ul Mujahadeen
IMF	International Monetary Fund
IPS	Institute of Policy Studies
IRC	International Rescue Committee
ISF	Indian Security Forces
KNA	Karen National Army
KNU	Karen Nation Union
LeT	Lashkar-e-Toiba
LHP	Living in Harmony Program
LoC	Line of Control
MCEETYA	Ministerial Council on Education, Employment, Training and Youth Affairs
MDG	Millennium Development Goals
MUF	Muslim United Front
NAIDOC	National Aborigines and Islanders Day Observance Committee
NATO	North Atlantic Treaty Organization
NC	National Conference Party
NESB	Non-English Speaking Background
NGO	Non-Government Organisation
PAP	People's Action Party
PRC	The People's Republic of China
PTT	Power Transition Theory
RAMSI	Regional Assistance Mission to the Solomon Islands

RHD	Racial Harmony Day
RSD	Refugee Status Determination
RTA	Royal Thai Army
SCO	Shanghai Cooperation Organization
SMHS	Shri Maharaja Hari Singh
SMS	Short Message Service
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States of America
USSR	The Union of Socialist Soviet Republics
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation

MULTICULTURALISM IN SINGAPORE AND AUSTRALIA

Kate Andren[1]

Since the early history of state building, countries have contained populations that comprise some measure of ethnic and hence cultural diversity. Despite this diversity, governments have sought to exalt the cultural identity of the dominant ethnic group, creating an artificial image of cultural homogeneity within the state. Since at least the late twentieth century ethnic minorities have agitated against this paradigm. They have advocated multiculturalism, a policy that embraces a myriad of ethnic and cultural groups within a society. Both Singapore and Australia have adopted multiculturalism as a means to manage their ethnically and culturally diverse populations. To determine the success that both countries have had in achieving the goals of their multicultural policies, this report identifies and explains the key policy goals of each country on multiculturalism, analyses the scope and effectiveness of the measures currently in place to achieve these goals, and determines which areas require improvement. It focuses on four key areas of analysis: firstly, the official recognition of different nations within the state; secondly, the political representation of ethnic groups; thirdly, social and economic inclusion; and finally, the promotion of ethnic culture. It finds that, although the measures within these areas have their limitations, both Singapore and Australia have made significant progress in their realisation of multiculturalism and can learn much from the policy approaches of each other.

Introduction

> Will we become one tribe? Not possible. If we try, we will bring misfortune to ourselves. Because there are tribal elements in our society that say: I want to be myself…And I say, leave well alone, let us find common ground, because those are the cards that we were dealt…we have to be…tolerant of each other, accommodative, multi-racial, multi-lingual, multi-religious, multi-cultural. [2]
>
> *Former Prime Minister of Singapore Lee Kuan Yew*

> Let us look quickly at what multiculturalism is. It is essentially equality of opportunity for everyone in this country from whatever cultural background they might come. We are proud that people have come from some 140 different countries to this land of many cultures. We are no longer simply a reflection of any one country or any one culture. We have our own developing different Australian identity. Everyone can equally feel part of it, whatever their background.[3]
>
> *Former Australian Prime Minister Robert J. Hawke*

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[1] I wish to thank Ms Melissa Conley Tyler, National Executive Director of the AIIA, for her encouragement and support during my placement. I also thank Associate Professor Robert Campbell and Ms Mee-Yeong Bushby for the opportunity to participate in the Australian National Internships program.

[2] Remarks by former Prime Minister of Singapore, Lee Kuan Yew during the Parliamentary debates on Singapore, 6 May 1999, (online available) http://www.singapore21.org.sg/speeches_060599_2.html (accessed 10 September 2008).

[3] Remarks by Australian Prime Minister Robert J. Hawke during the Commonwealth Parliamentary debate on Multiculturalism, 22 August 1986, (online available) http://www.multiculturalaustralia.edu.au/doc/hawke_4.pdf (accessed 10 September 2008)

The effective management of ethnic and cultural diversity in multicultural societies is vital for the maintenance of peace, stability and prosperity. Over the last several decades the destabilising effects of mismanagement have been starkly evident, especially within the Asia-Pacific region. Indonesia, Singapore, the Philippines, Australia and Thailand - to name only a few - have all experienced varying degrees of ethnic tension within this period. When considering Australia's location within this region, and the increased importance that the Rudd Government has placed on regional relations, it is vital to obtain a better understanding of the official policies and practices that these countries adopt in managing their multicultural populations.

The following report analyses and compares the approaches of Singapore and Australia towards their multicultural populations. It uses case studies to identify the similar challenges each has faced and the policy approaches adopted, before evaluating the success of the measures in place to achieve these expressed policy ideals and indicating areas for improvement. For the purpose of this report, an individual's ethnicity is the socially constructed group they identify with *vis-à-vis* other groups. It is distinct from race, which refers to the category in which an individual can be placed on the basis of their physical attributes. Culture is "the store of knowledge, practices and experiences possessed by an ethnic group which serves as a powerful symbol of its identity."[4] It includes such things as tradition, values, language and religion. In accordance with this definition, Indigenous Australians can be classified as an ethnic group within Australian society.[5]

Very few states in the world can honestly claim to have a culturally homogeneous society. Colonisation, migration, international trade, and the creation of artificial political boundaries have instead culminated in state populations that comprise some measure of ethnic, and hence cultural, diversity. Despite the presence of such diversity the image of the "unitary, homogeneous nation state"[6] was considered the *nonpareil*, something governments attempted to first create then rigorously maintain. The state was viewed as the property of the dominant ethnic group and nation building was considered its prerogative. Consequently, this group's culture was exalted as the essential and defining feature of the state and cultural facets such as language, history and literature were then entrenched within society and state institutions. The rationale for this quest for homogenisation varied from pragmatic considerations, which equated internal unity with resilience against external threats, to racist or ethnocentric sentiments that linked cultural dominance with superiority.[7]

The aggrandisement of the dominant culture and identity of one nation creates problems for minority groups, who lay claim to their own sense of nationhood. Although it is common for the terms 'state' and 'nation' to be used interchangeably, the two are not synonymous. A state is a political entity that has self-government. A nation, however, is a group that boasts a common culture. When the two coincide a nation-state may be born, but

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[4] L. A. Eng, *Beyond Rituals and Riots: Ethnic Pluralism and Social Cohesion in Singapore*, Singapore: Eastern Universities Press, 2004, p. 2.
[5] J. S. Western, *Social Inequality in Australian Society*, South Melbourne: Macmillan, 1983, p. 248.
[6] W. Kymlicka, 'The Global Diffusion of Multiculturalism: Trends, Causes, Consequences', in S. Tierney, *Accommodating Cultural Diversity*, Aldershot: Ashgate Publishing, 2007, pp. 18-19.
[7] W. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity*, New York: Oxford University Press, 2007, pp. 60-65.

a state can also exist with a mix of different ethnic nations.[8] Benedict Anderson conceptualises 'nation' as a socially constructed 'imagined community'. It is 'imagined' in the sense that although members will "never know most of their fellow-members, meet them, or even hear of them…in the minds of each lives the image of their communion."[9] It is a 'community' because, although there may be inequality and exploitation among its members, it is still "always conceived as a deep, horizontal comradeship."[10] When one imagined community is given precedence, the cultures of other minority communities are ignored, subordinated or actively dismantled, and its members are expected to assimilate. Those who resist this subjugation or cultural fragmentation are often subject to severe persecution, ranging from political disempowerment to economic discrimination and even forced expulsion from territory.[11]

Since at least the late twentieth century, ethnic minorities have agitated for reforms that recognise and accommodate their unique cultures.[12] This agitation is commonly deemed as their push for multiculturalism. The term multiculturalism, with its "abstract, enumerative character, indefinite quality and surface, and decontextualised form,"[13] continues to elude authoritative classification. It is an adaptive term that encompasses various policies and has differing interpretations dependent on context. The entire gamut of policies that governments pursue in order to manage their ethnically and culturally diverse populations can be classified as policies of multiculturalism. It is therefore useful to view these as lying along a continuum, at various points between two extremes. At one end lies the policy of assimilation, where the collective identity of minority groups is abrogated in favour of the dominant cultural identity, resulting in a homogenised society. At the other extreme is separation, where the cultural identity of a group is held to be insurmountable, which then negates the possibility of any kind of cross cultural exchange.[14] According to political philosopher Will Kymlicka, the vast majority of governments and minority groups supporting a multicultural policy favour a position that lies towards the mid-point of this continuum, with the culture of all citizens nationally recognised, accommodated, promoted and preserved, and the different groups existing in social harmony.[15]

The policies that both Singapore and Australia advocate in order to manage their multicultural populations hold the cultural practices of ethnic groups to be an integral part of their identity and believe that the preservation of diversity need not occur at the expense of social cohesion.[16] The Australian and Singaporean Governments constantly affirm their commitment to their versions of multicultural policy, termed

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[8] P. Willetts, 'Transnational Actors and International Organisations in Global Politics', in J. Baylis and S. Smith, *The Globalization of World Politics: An Introduction to International Relations*, 2nd ed, New York: Oxford University Press, 2001, pp. 358-61.
[9] Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London: Verso, 1983, pp. 6-7.
[10] ibid, pp.6-7.
[11] Kymlicka, op.cit. (2007) pp. 60-4.
[12] R. Bhargava, 'The Multicultural Framework', in D. Kushal, *Mapping Multiculturalism*, Jaipur: Rawat Publications, 2002, pp. 85-7
[13] ibid, p. 77.
[14] N. Vasu, '(En)countering Terrorism: Multiculturalism and Singapore', *Asian Ethnicity*, vol. 9, no. 1, 2008, pp. 19-24.
[15] Kymlicka, op.cit. (2007) pp. 18-19.
[16] Vasu, op.cit, (2008) pp. 22-24.

"Multiculturalism" and "Multiracialism" respectively. It is important, however, to look beyond the political rhetoric and examine whether the ideals of the policy are being translated into meaningful results for the population. To determine the success of each country in achieving the goals of their multiculturalist policies, this report focuses on four key areas of analysis: firstly, the official recognition of different nations within the state; secondly, the political representation of ethnic groups; thirdly, social and economic inclusion; and finally, the promotion of ethnic culture. These areas were selected to represent key liberties articulated by the Universal Declaration of Human Rights, namely constitutional, political, as well as social/economic and cultural rights.

The first section provides background on Singapore's multicultural heritage, identifies the challenges that the country confronts with respect to its multicultural population, and outlines the policy goals that the Government has adopted. The focus then uses the framework outlined above to detail the measures implemented to achieve these goals, and presents the strengths and weaknesses of each one. Section two provides a similar analysis of the Australian situation. The report concludes with reflections on these measures, outlining possible areas for improvement and detailing areas where the two countries can learn from each other.

Singapore

Emergence of a Multicultural Population

Before it was officially established as a nation-state the island of Singapore was used as a transient trading post, but had only scant permanent settlement.[17] In 1819 the British East India Company established an official trading port on the island, which led to vast flows of migrants attracted by the new settlement's economic potential. By 1860 the population of the island was predominately Chinese, but also included Malays from the surrounding archipelago and immigrants from throughout South East Asia.

Singapore was granted a measure of independence from the British Commonwealth in 1959. Although the People's Action Party (PAP) subsequently attained power in the newly created Parliament, the British remained in control of finance, defence and international affairs.[18] On August 9 1965, following an aborted attempt to merge with Malaya, the country claimed full independence.[19] The new Singaporean Government was faced with the task of overseeing a fledgling country with a diverse mix of ethnic groupings that, in the post-World War II period, were anxious to obtain official recognition of their cultures.[20] The destructive consequences of leaving diversity and difference unmanaged were plainly illustrated during major episodes of ethnic tension in the years preceding independence, most notably the Maria Hertogh riots of 1950 and the

[17] B. H. Chua, 'Taking Group Rights Seriously: Multiracialism in Singapore', Working Paper No. 124, Asia Research Centre, Murdoch University Australia, 2005, pp. 1-2.
[18] ibid., p. 2.
[19] B. H. Chua, 'Multiculturalism in Singapore: An Instrument of Social Control', *Race and Class*, vol. 44, no. 3, 2003, p. 63.
[20] T. S. Chee, *Cultural Forces and Counter Forces in Contemporary Singapore*, Singapore: National University of Singapore, 1996, p. 2.

Prophet Muhammad Birthday riots of 1964.[21] The Singaporean Government was anxious to prevent a return to this civil unrest.

Challenges for Multiracialism

A central cause of concern for the new Singaporean Government was the lack of collective identity among the city-state's ethnically diverse population, and the subsequent lack of social cohesion.[22] At the time of independence the population was approximately 75 per cent Chinese, 17 per cent Malay, 7 per cent Indian and 1 per cent an eclectic mix of other minority ethnicities. These proportions have remained largely unaltered to the present day. Since 1819 the British authorities actively discouraged cross-cultural contact between ethnic groups as they remained uncertain of their ability to contain potential ethnic tensions without a police force or army. Groups were geographically segregated along ethnic lines and were prompted to interact only in instances of economic necessity.[23] These groups therefore formed their own ethnic enclaves – living and working in relative isolation from one another and retaining strong loyalties and ties towards their ethnic homelands.[24] The social services required by newly arrived migrants were also largely neglected by the colonial Government. Community initiatives were established to fill this void, but this also encouraged the pluralisation of Singaporean society.[25] The All-Party Report of 1956 explicitly recognised the danger to stability that was presented by this "absence of allegiance to Singapore as a mother country" and stressed the importance of creating a state with which all cultural groupings could identify.[26]

Another significant issue confronting the Government was the issue of social injustice, which manifested as inequality and official discrimination. There was, for example, a concern that the political system did not allow adequate representation of minority constituents and that minority populations risked having their needs, concerns and views neglected or subordinated to those of the majority Chinese community.[27]

Overarching Policy of Multiracialism

Management of the multicultural composition of Singaporean society, confrontation of these significant issues, and prevention of a return to ethnic conflict became focal Governmental concerns. Their overarching policy was articulated as one of 'Multiracialism' and the country was constitutionally enshrined as multiracial in its founding document.[28] With this policy the Singaporean Government looked to forge the existing realities of its ethnically diverse nation into a new national identity - using

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[21] S. Velayutham, Everyday Racism in Singapore: Working Paper No 124, 2005, p. 2 (online available) http://www.crsi.mq.edu.au/news_and_events/documents/ selvarajvelayutham_000.pdf, 2005, (accessed 5 September 2008.)
[22] Eng, op.cit, (2004) pp. 2-3.
[23] Vasu, op.cit. (2008) p. 24.
[24] Chua, op.cit, (2005) pp. 1-4.
[25] ibid., pp. 88-89.
[26] C. S. Kong, 'Nation Building in Singapore: An Historical Perspective', in J. Quay (eds.) *In Search of Singapore's National Values*, Singapore: Times Academic Press, 1990, pp. 12-13
[27] Eugene K. B. Tan, 'Multiracialism Engineered: the limits of electoral and spatial integration in Singapore', *Ethnopolitics*,vol. 4, no. 4, 2005, p. 416.
[28] Chua, op.cit (2005) p. 1.

diversity as a source of strength and pride rather than fragmentation and vulnerability.[29] Multiracialism aims to create and maintain a collective 'Singaporean identity' by fostering tolerance and understanding, and encouraging involvement within the community. It simultaneously seeks to promote, protect, and celebrate the cultural diversity inherent in the multiethnic state,[30] and ensure "fair and equal opportunity without privileging one or the other."[31] Multiracialism can be depicted visually as four equal circles, representing the four ethnic classifications that Singapore adheres. These overlap in the centre, signifying a public space for cross-cultural interaction, where there is tolerance, accommodation, interaction and understanding.[32]

Multiculturalist Measures

Official Recognition of Different Nations Within the State

To make the new policy of Multiracialism a reality, and to simplify administration, the Singaporean Government expanded and reinstituted the colonial Chinese, Malay, Indian and Others (CMIO) classification system. This places each Singaporean child in one of the above categories on the basis of paternal ethnicity. Each group is recognised under Constitutional Law as having the same privileges, rights, status and opportunities.[33] According to the Singaporean Government, this formal recognition allows it to more easily ensure that the challenges deriving from the multicultural composition of Singaporean society can be addressed.[34] Embracing and emphasising the presence of these ethnic groups as equal and integral members of a 'multiracial society' also makes a virtue of the multiethnic composition of Singaporean society and helps to foster social cohesion.[35]

However, there is considerable concern that this process hinders the attainment of multiracialist goals. The rigid structure of the CMIO model and the regimented nature of the classification process may actually hamper an individual's ability to develop and express their own unique cultural identity.[36] To meet the criteria of the four classifications it has been necessary to simplify and subordinate to a single, artificial homogenised version, the rich heterogeneous mix of cultural practices and beliefs within these groups.[37] For example, people who had previously considered themselves Javanese, Minangkabau, Bugis or Boyanese are now grouped together as 'Malay', whilst all Singaporean-Malays are considered Muslim regardless of their actual religious preference.[38] Critics of the CMIO system contend that the merits of affording

[29] T. Shanmugarantham, 'Speech at Harmonyworks Conference', Jurong Junior College, (online available) www.moe.gov.sg/media/speeches/2005/sp20051122.html 22 November 2005, (accessed, 2 October 2008); Chua, op.cit. (2005) pp. 1-4.
[30] Tan, op.cit. (2005) p. 413.
[31] Velayutham, op.cit. (2005) p. 3.
[32] G. Koh, 'Social Resilience and its Bases in Multicultural Singapore', in N. Vasu, *Social Resilience in Singapore: Reflections from the London Bombings,* Singapore: Select Publishers, 2007, p. 37.
[33] Eng, op.cit. (2004) p. 5; Chua, op. cit. (2005) p. 1.
[34] Chua, op.cit. (2003) p. 60.
[35] Chua, op.cit. (2007) p. 53.
[36] ibid, pp. 53-4.
[37] Vasu, op.cit. (2008) pp. 24-26.
[38] Chua, op.cit. (2005) pp. 5-6.

recognition and protection and fostering equality and acceptance between these groups is diminished as the groups themselves first have to be manufactured.[39]

Political Representation for Ethnic Groups

In an attempt to foster equality among ethnic groups in Singapore, the Government gives a particular focus to political representation.[40] In 1988, Deputy Prime Minister Goh Chok Tong claimed that there was a need to "strengthen the political framework before it is weakened by disillusionment, despondency and despair when one community finds itself thrown out of Parliament by the electoral system."[41] To ensure minority ethnic concerns are represented in the political sphere, the Group Representation Constituency (GRC) system was introduced at the 1988 elections. Under the GRC system, rather than dividing Singapore into single member constituencies, the President can authorise the grouping together of constituencies with each contesting party presenting a team of candidates. At least one of these has to represent an ethnic minority. Between 1988 and 2001 overall minority participation increased from 16 to 26.2 per cent as a result of this policy. [42]

Eugene K. B. Tan contends that, despite their benefits for equality, GRCs may be counterproductive to the Government's commitment to foster social cohesion. He argues that GRCs create a perception that ethnic minority candidates are represented in the Parliament by virtue of the beneficence of Government policies rather than as a result of their own political competencies. Therefore, although it makes minority representation an institutional guarantee, it does not foster ideals of ethnic equality within the community.[43]

Social and Economic Inclusion

The lack of interaction between ethnic groups is a social concern for government. Such interaction, according to the Government, is essential to the foundation of mutual understanding and respect that is necessary for social cohesion and the formation of a collective identity. Multiracialism, they contend, can only be achieved when the members of each ethnic grouping have the opportunity to interact beyond the parameters of organised specific activities.[44] In 1959 the Singaporean Government had addressed the severe housing shortage by constructing 642, 043 flats. These were administered by the Housing Development Board (HDB) and, by the end of 1988, housed 86 per cent of the population.[45] Therefore, policies that affected public housing would have a profound influence on the population of Singapore. The Ethnic Integration Policy (EIP) was introduced in 1989 to achieve greater integration within apartment blocks and neighbourhoods, and to prevent a return to the racial enclaves that had existed during colonial times.[46] The EIP provides a quota system that allows the HDB to manage housing such that ethnic composition of these areas at a micro-level roughly reflects that

[39] Vasu, op.cit. (2008) pp. 24-6.
[40] Chua, op.cit. (2007) p. 54.
[41] Singaporean Parliament, Parliamentary Debates Singapore Official Report, vol.50, no. 3, 1988
[42] Tan, op.cit. (2005) pp. 416-22.
[43] ibid, pp. 416-22.
[44] Shanmugarantham, op. cit. (November 2005)
[45] Chua, op.cit. (2005) p. 7.
[46] G. L. Ooi, S. Siddique and S. K. Cheng, *The Management of Ethnic Relations in Public Housing Estates*, Singapore Institute of Policy Studies: Times Academic Press, 1994, pp. 5-6.

at the macro-level. [47] This is done by selling new houses according to the quota and prohibiting resale to citizens if such a transaction would upset ethnic ratios.[48] According to the Singaporean Government this strategy has been a great victory for multiracialism, as it has effectively integrated ethnic communities into a Singaporean community. It has provided space for personal ethnic interaction, which in turn facilitates inter-group understanding and acceptance.[49] According to data from the Institute of Policy Studies (IPS),[50] the level of ethnic intermixing between neighbours within housing estates is increasing, thus indicating a significant improvement in social cohesion.[51]

However, in instituting a system designed to achieve one facet of multiracialism the Government may be undermining its commitment to ensuring equal opportunity for all races. Minorities feel that the EIP economically disadvantages their communities but leaves the majority Chinese community relatively unaffected. By virtue of their majority status, and their relatively high socio-economic position, the Chinese community have a larger pool of potential buyers and thus a greater opportunity to resell at a higher price. Those belonging to minority groups, however, are faced with a greatly diminished housing market and are often forced to accept prices below market value.[52] Although a safety net is provided by the HDB, which will buy back a house from a seller if they are having difficulty selling in accordance with the quota, the prices that can be achieved through this avenue are substantially lower than what can be achieved on the open market.[53]

Promotion of Ethnic Culture

The Singaporean Government has sought to establish the significance and place of ethnic cultures and encourage acceptance, tolerance and understanding of them by increasing their visibility in the public and educational sphere. The distinct ethnic cultures and identities within the CMIO framework are regularly symbolised and celebrated at significant festivals and events such as the annual Racial Harmony Day (RHD).[54] There is concern, however, that symbolic recognition of ethnic culture in this way may be a barrier to the creation of social cohesion as it reinforces the "compartmentalization of Singaporeans into their CMIO moulds" [55] and focuses on the superficial aspects of culture - rather than reflecting the "natural setting in which the different races interact on a daily basis."[56]

In another measure to promote ethnic culture, the languages of Singapore's ethnic groups have been given official recognition. Mandarin, Tamil and English are

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[47] Tan, op.cit. (2005) pp. 420-21.
[48] ibid, pp. 420-21; Ooi et. al, op.cit. (1994) pp. 9-10
[49] Tan, op.cit. (2005) pp. 420-21.
[50] The IPS studies are surveys taken every ten years, and are based on whether friends from different ethnic and religious groups are invited to festivals, birthdays and other important events.
[51] L. A. Eng, 'Management and Public Education on Cross-cultural Issues', in L. A. Eng, *Facing Faiths, Crossing Cultures: Key Trends and Issues in a Multicultural World*, Singapore: SNP International, 2004, p. 105.
[52] Chua, op.cit. (2005) p. 8.
[53] Ooi et al., op.cit. (1994) p. 13.
[54] Chua, op.cit. (2003) p. 60.
[55] Y. Chin and N. Vasu, 'Rethinking Racial Harmony in Singapore', *IDSS Commentaries*, vol. 54, 2006, pp. 1-2.
[56] ibid, pp. 1-2

recognised as 'official' languages, with Malay distinguished as a national language in recognition of the fact that the Malay people are indigenous to the region.[57] Since the mid-1970s students in Singaporean schools also study the language of their cultural classification. English is also taught nationally, facilitating social cohesion by enabling all to interact with a shared language.[58]

Australia

Emergence of a Multicultural Population

Unlike Singapore, whose 'indigenous' population was native to the surrounding archipelago rather than the island itself, the Australian continent had been inhabited for many thousands of years prior to European settlement. The exact origins of Indigenous Australians remain unknown but it is theorised that successive waves of migration from Melanesia and South-East Asia created a population of people with disparate language, culture and customs. Another theory contends that Aboriginals are all one people and the cultural diversification between groups is the result of thousands of years spent in the varying local environments of Australia.[59] The population of Australia was not homogeneous before European settlement, but instead supported a vast array of linguistic and cultural variations.

In 1788 British colonists established the first European settlement in Australia.[60] In that period the vast majority of Australian settlers saw the country as an 'Anglo-fragment' society, a society separated from its British motherland and displaced within an alien environment, yet still firmly tied to its British heritage.[61] Immigration was considered vital for the establishment of a permanent and prosperous settlement. In addition, it was also used as a means to mould the ethnic and cultural makeup of the new nation in the image of the old - a way to "preserve racial and cultural homogeneity."[62] In 1901 one of the first Acts of Federal Parliament was the 'White Australia Policy', "a complex set of legislative and administrative measures aimed at severely restricting non-European immigration."[63] The cultural practices, attitudes and values of the British were firmly adopted by the new settlement.

In the post-World War II period it was increasingly evident that attempting to restrict immigration exclusively to British migrants was unsustainable and would eventually lead to demographic and economic stagnation. Following a reluctant relaxation of the White Australia Policy, Eastern Europeans were the first to be allowed to migrate. When Cold War controls blocked movement of people from this region, the initiative was expanded to include large influxes of Southern Europeans.[64] Between 1951 and 1971 migrants from Southern Europe made up 25 per cent of Australia's total net migration

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[57] Chua, op.cit. (2003) p. 55.
[58] Chua, op.cit. (2005) p. 14.
[59] J.S. Western, *Social Inequality in Australian Society*, South Melbourne: Macmillian, 1983, pp. 198-199.
[60] S. Castles, 'The Australian Model of Immigration and Multiculturalism: Is it Applicable to Europe?' *International Migration Review*, vol. 26, no. 2, 1992, p. 550.
[61] D. L. Jayasuriya, *Australian Multiculturalism Past, Present, and Future*, Perth: University of Western Australia, 2003
[62] ibid, p. 2.
[63] Castles, op.cit. (1992) p. 550; G. Tavan, *The Long and Slow Death of White Australia*, Scribe Publications: Melbourne, 2005, p. 7.
[64] ibid (1992) p. 551; Jayasuriya, op.cit. (2003) p. 3.

intake.[65] By the time Multiculturalism became an official policy under the Whitlam Government, Australia's population was composed of people from 140 ethnic, 90 linguistic and 40 religious backgrounds.[66]

Ironically, when one considers Australia's Anglo-centric beginnings, the country is now arguably one of the most ethnically and culturally diverse societies in the world. Based upon the results of the 2006 census 2.3 per cent of Australia's population are either Aboriginal or Torres Strait Islander, 30 per cent of Australian residents were born abroad, and 21.5 per cent spoke either a language other than English at home.[67]

Challenges for Multiculturalism

Australia's approach to managing its ethnically and culturally diverse population evolved over a number of decades and did not embrace multiculturalism as an explicit policy until 1973.[68] The lack of equality, understanding or tolerance between groups, and the subsequent alienation and lack of social cohesion within Australian society, posed significant challenges for multiculturalism and for the progress of the society as a whole. Arguably, these can be attributed to the damaging legacy of preceding policies aimed at preserving the homogenous 'Anglo-fragment' society.[69]

Such problems were particularly apparent among the Indigenous Australian population. When he left office in 1975, Prime Minister Gough Whitlam acknowledged that the "legacy of early neglect and generations of repression" experienced by this group would present a major challenge for the country and needed to be addressed urgently by multicultural policies. Before Multiculturalism the approach towards Australia's Indigenous population had been highly discriminatory. In the early period of settlement there were hostilities between settlers and dispossessed Indigenous Australians.[70] This was gradually replaced with a paternalistic approach known as 'protection', where Indigenous peoples were deemed unable to manage their own affairs, and Aborigines Protection Boards were established in the various colonies between 1869 and 1886, to make decisions for them instead.[71] Protection was later replaced by a policy of Assimilation, under which Indigenous Australians were expected to forgo their own cultural identity and adopt that of the dominant nation.[72] During this period many children from Aboriginal and Torres Strait Islander families, later referred to as the Stolen Generations, were legally removed from their families and placed in institutions or with white families.[73] All these policies were shaped largely by European ethnocentrism, which held the rich and heterogeneous culture of Indigenous Australians

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[65] R. Birrell, 'The Dynamics of Multiculturalism in Australia' in D. Lovell, *The Australian Political System*, Melbourne: Longman, 1995. p. 1.
[66] B. York, From *Assimilationism to Multiculturalism: Australian Experience 1945-1989.* Canberra: Centre for Immigration and Multicultural Studies, 1989.
[67] *Australian Bureau of Statistics*, 'Census QuickStats: Australia', 2006, (online available) http://www.censusdata.abs.gov.au (accessed October 7, 2008)
[68] Jayasuriya, op.cit. (2003) pp. 5-6.
[69] York, op.cit. (1989) p. 7
[70] Western, op.cit. (1983) pp.199-200, 202.
[71] M. Pyne, J. Bowe and D. Connolly, *One Land Many Stories: A History of Australia in the 20th Century*, Victoria: Pearson's Education Ltd, 2001, p. 43.
[72] York, op.cit. (1989) p. 7; L. Roth, *Multiculturalism,* Sydney: NSW Parliamentary Library Research Service, 2007, p. 5.
[73] Pyne et al, op.cit. (1989) p. 101.

along with the individuals themselves, to be inferior to the dominant nation.[74] The cultural subjugation, official prejudice, discrimination and alienation faced by the Indigenous population has had lasting repercussions, acknowledged in the landmark Apology to Australia's Indigenous Peoples made by Prime Minister Kevin Rudd in 2008. A report from the Department of Aboriginal Affairs determined that 27 per cent of the Aboriginal workforce was unemployed by 1976 owing partly to both the unwillingness of 'white' people to hire them, and their unsuitability for many jobs owing to lack of adequate education.[75] An Australian survey of racism in 2001 indicated that Indigenous Australians continue to experience racial prejudice in a variety of areas at double the rate of non-Indigenous Australians.[76]

British culture was also given absolute precedence over all other migrant ethnic cultures, with the expectation that the migrant groups would forgo their own culture and adopt that of the dominant one.[77] However, although official policy emphasised homogenisation, migrants were simultaneously subjected to severe discrimination. This led to the social, occupational and residential stratification among migrant populations. In contrast to those from Britain and Northern Europe, the East and South Europeans were not automatically entitled to bring their families to join them in their new country, had difficulty gaining access to high paying jobs, and were instead directed into menial jobs not favoured by British migrants.[78] Thus, migrants were not effectively assimilated and were instead alienated from mainstream society.[79]

Overarching Policy of Multiculturalism

By the 1970s it was evident that the ethnic makeup of Australia was not being effectively managed, with inequality and intolerance resulting in alienation and a lack of social cohesion. The idea of a policy of Multiculturalism to manage the ethnically diverse population was increasingly articulated in official discourse under Whitlam, and was later embraced by Fraser.[80] Under these two Governments, the emphasis shifted from attempts to dismantle ethnic culture to efforts to embrace it. Multiculturalism recast the diversity of society as a source of cultural and economic enrichment as well as a "source of social strength rather than a threat."[81] Ethnic groups were thus encouraged to celebrate their cultural differences yet simultaneously accept their shared identity as Australian citizens.[82] The 'White Australia Policy' was formally abandoned in 1973, and an immigration entry criterion was introduced that did not discriminate on the basis of race, ethnicity, religion or national origin.[83] In the same year, Immigration Minister Al Grassby made the first reference to Australia as a multicultural society. This marked the first instance where the Government "appeared to officially endorse the maintenance and development of ethnic diversity within Australian society."[84] In 1975 the *Racial*

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[74] Roth, op.cit. (2007) p. 5.
[75] Western, op.cit. (1983) pp. 210-212.
[76] K. M. Dunn, V Gandhi, I. Burnley and J. Forrest, Racism in *Australia: Cultural Imperialism, Disempowerment & Violence,* Auckland: New Zealand Geographical Society, 2003, pp. 175-9.
[77] Castles, op.cit. (1992) p. 554.
[78] ibid., p. 551; Birrell, op cit;. (1995) p. 2
[79] Jayasuriya, op.cit. (2003) p. 3.
[80] Roth, op.cit. (2007) p. 5.
[81] Tavan, op.cit. (2005) pp. 216-217.
[82] Castles, op.cit. (1992) pp. 554-5.
[83] Jayasuriya, op.cit. (2003) p. 3.
[84] Tavan, op.cit. (2005) p. 201.

Discrimination Act was also passed, prohibiting discrimination on the basis of race, colour, national and ethnic origin.[85] Then the Galbally Report of 1978 articulated the emerging consensus within Government that "migrants have the right to maintain their cultural and racial identity." If this expression of culture was "interwoven into the fabric of our nationhood by the process of multicultural interaction…then the community as a whole will benefit substantially and its democratic nature will be reinforced."[86] The guiding principles of the new policy of multiculturalism were established largely by this report but in 1989 the bipartisan *National Agenda for a Multicultural Australia* was expanded and the objectives of Australia's official multiculturalism clarified.[87]

This report has argued that the main aims of Australian multiculturalism are:

1. To protect the right of all Australians to maintain and express their culture without prejudice;[88]
2. To achieve social justice by addressing inequality and providing equal treatment, equal opportunity and equal access to services for all Australians;[89] and
3. To create social cohesion by encouraging groups to take equal part in society.[90]

With the election of the Howard Government in March 1996 some changes were made to the policy. In addition to the emphasis placed on the above criteria was the introduction of the principle of civic duty, which specified that multiculturalism must take place "within an overriding commitment to Australia and the basic structures and values of Australian democracy.'[91]

Multiculuralist Measures

Official Recognition of Different Nations within the State

A prominent success of the multiculturalist policies for the Indigenous Australian population was the removal of two clauses within the Constitution that actively discriminated against them. With the 1967 referendum section 51 was altered and section 127 was repealed. This allowed Indigenous Australians to be recognised in the census and gave the Commonwealth Government the power to make laws for them as members of the Australian nation.[92] The 1967 referendum was viewed widely as giving Indigenous Australians full citizenship rights, including the right to vote.
Australia's Constitution does not currently recognise Australia as a multicultural society. Ethnic groups are not explicitly given an official Constitutional legal status. The push to rectify this situation, and to recognise different nations symbolically in the Preamble of

[85] Roth, op.cit. (2007) p. 5.
[86] F. Galbally, *Migrant Services and Programs: Report of the Review of Post-arrival Programs and Services for Migrants,* Canberra: Australian Government Publishing Service, 1978, p. 105.
[87] J. Webber, 'Multiculturalism and the Australian Constitution', U*niversity of New South Wales Law Journa*l, vol. 24, no. 3, 2001, p. 886.
[88] Galbally, op.cit. (1978) p. 4.
[89] Castles, op.cit. (1992) pp. 556-7; Galbally, op. cit.; (1978) p. 4.
[90] Jayasuriya, op. cit (2003) p. 6.
[91] National Multicultural Advisory Council, *Australian Multiculturalism for a New Century: Towards Inclusiveness*, Canberra: Commonwealth of Australia, 1999, p. 42.
[92] Commonwealth of Australia Constitution Act: Amendment to Section 51, 1967, National Archives of Australia, (online available) http://www.foundingdocs.gov.au/amendment.asp?amID=21 (accessed November 12, 2008).

the Constitution, was firmly expressed at the Constitutional Convention 1998. One of the statements endorsed by the Convention as suitable for the Preamble was that because "We are a culturally diverse but united and cohesive nation of citizens who have come from every corner of the globe to join with the indigenous inhabitants…our nation…respects and cherishes cultural diversity."[93] According to proponents of Constitutional change explicit recognition of the multicultural nature of Australia within the Preamble is essential. Such recognition would symbolise that the country has moved beyond its identification as purely an Anglo-fragment society and has instead embraced its multicultural composition as a fundamental facet of Australian society.[94]

The absence of rigidly defined ethnic groupings does, however, have its advantages for the expression of cultural and ethnic diversity within Australia. The more organic and fluid structure of ethnic groupings allows individuals to better express their own unique identity without obligations to adopt prescribed cultural characteristics with which they may not personally identify. Without the Singaporean tendency to promote uniform characteristics and create a sometimes artificial cultural prescription for each group, the rich heterogeneous mosaic of ethnic culture within Australia can flourish.

Political Representation for Ethnic Groups

According to political scientist Gianni Zappalá, the mix of ethnic groups within Australia is not proportionally reflected in the makeup of Australia's Parliament. Australia would benefit from having a more ethnicity diverse group of MP's who would be "more responsive to ethnic constituents." Proportional representation for ethnic groups in political life is vital for "attaining results fair and favourable to them."[95] The disproportionate ethnic makeup of Parliament is particularly evident when considering Aboriginal Australian representation. In the history of the Australian Parliament there have been only two Aboriginal members and there are no Indigenous representatives currently in Parliament. The situation is only slightly better for other ethnic groups. In 1998 only 4 per cent of representatives in Federal Parliament were from a Non-English Speaking Background (NESB) and none of these members resided in the Senate.[96] Of the current Rudd Cabinet four out of twenty were born overseas but only one of these, Penny Wong, was born outside the United Kingdom. It should be noted, however, that the number of members with parents or grandparents of ethnic background would be substantially higher. Australia does not legislate to ensure political representation for minorities within Parliament.[97] The most prominent argument against adopting a system similar to the GRC in Singapore relates to the presence of ethnic 'subgroups' within the Australian community. With Singapore's CMIO policy these subgroups are subsumed within the larger ethnic group of 'Chinese', 'Malay', 'Indian' and 'Other' which makes it a difficult task to allocate percentages for representation. Australia, considering its less regimented approach to classification, has a myriad of ethnic subgroups, the presence of which would be impossible to accurately reflect in any kind of quota system.[98]

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[93] J. Li, 'The Constitutional Convention from an Ethnic Australian Perspective: Was it all Chinese, Greek and Double Dutch?', *University of New South Wales Law Journal*, vol 21, no. 3, 1998, p. 918.
[94] ibid., p. 917.
[95] G. Zappalá, 'The Political Representation of Ethnic Minorities: Moving Beyond the Mirror', in M. Sawer and G. Zappala, *Speaking for the people: Presentation in Australian Politics*, Melbourne: Melbourne University Press, 2001, pp. 114-5
[96] ibid., p. 136.
[97] Webber, op.cit. (2001) p. 889.
[98] Zappalá, op. cit (2001) p. 136.

As a means to give legitimacy to the political system, and to ensure that minority views are not overshadowed by the agenda of the dominant 'nation', Australia ensures political representation for ethnic groups through their involvement in the policy-making process at an extra-parliamentary level. Since the 1970s many bodies have been created to represent the interests of ethnic groups. For the Aboriginal population, the Aboriginal and Torres Strait Islander Commission (ATSIC) was established in 1989 as a means of providing the Aboriginal Community with a political voice. This was part of an explicit agenda of self-determination. ATSIC had a consultative component but also had an extensive role in Indigenous governance, including responsibility for oversight of government spending on Indigenous programs. For other ethnic groups the 1979 Federation of Ethnic Communities' Councils of Australia (FECCA) is a prominent example of an extra-parliamentary body. FECCA was formed as an umbrella organisation of state ethnic community councils, and continues to be the primary means by which the ethnic voice can be represented to Federal Parliament. These bodies can be extremely effective as they provide for direct access to government departments and amplify the ethnic voice that may otherwise be lost on the parliamentary floor.[99]

When considering this vital role for extra-parliamentary political representation to "partially substitute for the deficient parliamentary representation of ethnic groups,"[100] the abolition of ATSIC by the Howard Government in 2004 was concerning. The Howard Government maintained that ATSIC had "failed". They claimed it had become preoccupied with leadership controversies and symbolic rather than practical issues, and was unable to deliver "real outcomes for Indigenous people."[101] Those opposed to the decision to dismantle ATSIC, such as ATSIC South Australian Commissioners Klynton Wanganeen and Alison Anderson, argued that this move was an attempt by Government to "strip Indigenous Australians of their right to representation by their elected leaders and silence the voice of Indigenous Australia."[102] This view gained weight in light of a review of ATSIC, which had recommended reforms to address these issues, but had firmly opposed abolition. [103]

Social and Economic Inclusion

A central feature of Australia's multiculturalism is to provide equal opportunity for all ethnic groups. Succesive Australian Governments have identified education as a key way to achieve this. In addition to equal access to education greater equality of opportunity can be achieved which would in turn provide significant positive economic and social inclusion. In 1990 the Commonwealth Government established the National Equity Objectives for participation in higher education for groups identified as being disadvantaged, which included Indigenous people and NESB migrants. [104]

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[99] ibid., pp. 149-150.
[100] ibid, p.153
[101] John Howard as quoted in Aboriginal and Torres Strait Islander Commission, 'The end of the 'experiment': the Government moves to abolish ATSIC and ATSIS', *ATSIC News*, June 2004, p. 4
[102] Aboriginal and Torres Strait Islander Commission, op.cit (June 2004) p. 6
[103] ibid, pp. 4-9
[104] A. Glass, 'Multiculturalism, Law and the Right of Culture', *University of New South Wales Law Journal,* vo. 24, no. 3, 2001, p. 864.

The National Aboriginal and Torres Strait Islander Education Policy (AEP) was introduced in 1989 to specifically address these problems of educational inequality. Its mandate is to "bring about equity in education and training outcomes for Indigenous Australians."[105] AEP objectives dictate areas of priority for The Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). According to annual reports commissioned by MCEETYA, the educational outcomes of Indigenous Australians have improved over recent decades as governments have striven to live up to the ideals of 'equal opportunity'. For example, the retention of Indigenous students in their final year of High School has slowly but steadily improved since 1989.[106] Despite this, according to Dr. Stuart Bradfield, the difference between employment and education standards of Indigenous and non-Indigenous Australians remains one of the greatest in the world's colonised countries, and more rapid progress is needed.[107] A report conducted in 2000 by the Commonwealth Government on Indigenous literacy and numeracy, stated that 70 per cent of Indigenous students were below the basic literacy and numeracy standards, compared with 30 per cent of non-Indigenous students.[108] In December of 2008, Julia Gillard, Deputy Prime Minister and Minister for Education, declared that the gap between Indigenous and non-Indigenous education remained unacceptable and declared the new Labour Government's commitment to addressing these disparities.[109] Nevertheless, the situation will require substantial improvement before it can be said that the ideals of multiculturalism in the area of social and economic inclusion have been achieved.

Promotion of Ethnic Culture

To promote ethnic culture domestically, the Government supports annual events designed to showcase aspects of culture to all Australians, increasing visibility, knowledge and understanding of ethnic culture and thereby contributing to social cohesion. To promote the culture of Indigenous Australians NAIDOC week is celebrated each year in Australia. Originally 'NAIDOC' was the acronym for 'National Aborigines and Islanders Day Observance Committee', which was responsible for organising events during this week, but the term was later adopted as the official name for the week itself. NAIDOC week grew out of the protests for Aboriginal rights during the time before multiculturalism but is now dedicated to remembering and celebrating the culture, history and achievements of the Aboriginal people and reflecting on the need to continue to push for equality.[110] Other ethnic groups are represented through the Living in Harmony Program (LHP) which was established in 1999. Its aim is to address "issues of

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[105] Department of Education, Employment and Workplace Relations, 2005–2008 Indigenous Education Program Elements Guidelines (online available) http://www.dest.gov.au/sectors/indigenous_education/programmes_funding/forms_guidelines/IEP_Provider_Guidelines_2005_2008, 2005, (accessed 1 November 2008)

[106] ibid.

[107] S. Bradfield, 'Separatism or status-quo? Indigenous affairs from the birth of land rights to the death of ATSIC', *Australian Journal of Politics and History*, vol. 52, no.1, 2006, p. 80.

[108] D. Yencken and L. Porter, A Just and Sustainable Australia, Melbourne: Australian Collaboration, 2001, p. 27.

[109] S. Maiden, 'Julia Gillard pledges $2.3bn for remote education', *The Australian*, 29 December 2008 (online available), http://www.theaustralian.news.com.au/story/0,25197,24851188-12332,00.html (accessed 3 January 2009)

[110] NAIDOC, National NAIDOC – History (online available) http://www.naidoc.org.au/history/default.aspx, 2004, (accessed 10 November 2008). (

cultural, racial and religious intolerance by promoting respect, fairness, inclusion and a sense of belonging for everyone."[111]

The overwhelming responsibility for initiating these events falls to local government. The Australian Government's position is that these community councils have the intimate knowledge and understanding of the composition and needs of their communities and are thus better placed to promote events that reflect this. The Federal Government does, however, support these events through funding initiatives. The central component of the LHP, for example, is the government funding of Community Relations Projects (CRP), which covers small grants up to $5000 and larger grants between $5000 and $50 000. In 2008, the Department of Immigration and Citizenship extended 56 small grants and 29 larger grants for CRPs.[112]

According to a report by Kevin Dunn, who conducted a questionnaire style analysis of local councils, there are generally high levels of enthusiastic involvement by local councils in instituting LHP and NAIDOC events.[113] However, he notes that involvement is not spread evenly throughout Australia but concentrated predominately in urban centres. Furthermore, only 17 per cent of local governments in Dunn's survey felt they were essential with many viewing them as a "luxury" or "low priority" - peripheral to the "core" functions of council. Many councils also remarked that the available funding is insufficient, and does not allow them to adequately address the promotion of ethnic culture.[114]

A key measure Australia has adopted to promote ethnic culture is reformation of the education curriculum to reduce alienation and intolerance and encourage social cohesion by emphasising the value of diversity. [115] The New South Wales Year 7-10 Syllabus, for example, places heavy emphasis on its promotion of ethnic culture. The curriculum must include content that provides students with the opportunity to enhance their understanding and knowledge of Indigenous history and culture. It must also emphasise the importance of dealing with "personal, social and cultural difference and diversity in a positive and informed manner" and to develop "skills, knowledge and understanding applicable to the multicultural and multilingual nature of Australian society."[116]

Conclusion

Both Singapore and Australia have made considerable progress in attaining the goals of their multicultural policies. Singapore is proud to have successfully prevented a reoccurrence of the kind of ethnic violence that characterised the country in the 1950s and 1960s, [117] and has made significant progress in achieving social cohesion and equality. Australia has also made significant progress - moving beyond its Eurocentric

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[111] Australian Department of Immigration and Citizenship, 'Community Relations Funding', 2008 , (online available) http://www.harmony.gov.au/grants/index.html (accessed November 13, 2008)
[112] ibid.
[113] K. Dunn, 'Multicultural Policy within Local Government in Australia', *Urban Studies*, vol. 38, no.13, 2001, p. 2486.
[114] ibid., p. 2487 -9.
[115] Glass, op.cit. (2001) p. 864.
[116] New South Wales Government, 'Years 7-10 Syllabus Course Descriptions' (online available) http://www.boardofstudies.nsw.edu.au/syllabus_sc/ , 2008, (accessed, 2 October 2008). pp. 10-11; Dunn, op.cit. (2001) p. 2482.
[117] Velayutham, op.cit. (2005) pp. 1-4.

beginnings to embrace multiculturalism. Both countries can be justifiably proud of their achievements in the four key areas analysed, but there remains substantial room for improvement.

In the area of official recognition of different ethnic groups within the state, Australia has ensured that clauses that discriminated against Indigenous Australians in the Constitution have been removed. However, unlike in Singapore, where the presence of ethnic diversity is enshrined and celebrated through the CMIO classification system, there is still no explicit recognition of Australia's multicultural composition and of the integral role ethnic groups play in Australian society. Constitutional recognition need not be as rigidly defined or categorised as the Singaporean example. Rather, it could be contained within the preamble and worded in such a way that reflects the myriad sub-groups and the organic nature of cultural identity in Australia. Acknowledgement in the preamble would symbolise a movement away from historical conceptions of the purely 'Anglo-fragment' society and may assist in both social cohesion and justice for ethnic groups. It is therefore certainly an area of multicultural policy within Australia that warrants further analysis.

With respect to political representation, Australia urgently needs to address the under-representation of ethnic groups in parliament and ensure that these groups are not marginalised in the political process. The exact manner in which this should be addressed is a matter for further analysis and is beyond the scope of this report. Singapore has successfully achieved ethnic representation through the GRC, but this has its flaws, and is not necessarily a system suitable for Australia. Whatever system is adopted to enhance ethnic representation must ensure that it does not create the perception that minority candidates are in place merely owing to the benefaction of the government rather than on account of their competencies, as some critics have suggested is the case in Singapore.

Both Singapore and Australia have chosen to focus on different elements in the social and economic inclusion area, therefore a direct comparison is inappropriate. The dismantling of ethnic enclaves through the Ethnic Integration Policy in Singapore has been instrumental in encouraging the interaction between different groups that is essential for social cohesion. But the disproportionate economic burden carried by the Malay, Indian and Other grouping as a result of this policy needs to be addressed to ensure economic resentment does not overshadow the social benefits of the scheme. Within Australia, the improvements in education standards for Indigenous Australians since the AEP was introduced are an encouraging sign for social equality. However, the disparity between Indigenous and non-Indigenous education is still significant and may indicate the need for additional measures to be introduced that will close this gap more rapidly.

The two countries have both taken significant steps to promote ethnic culture through symbolic celebratory events. These events are instrumental in establishing the prominence and significance of ethnic cultures in society and promoting tolerance and understanding. Australia has done this largely by facilitating local communities to run their own events with the assistance of government grants. This shows sensitivity to the nuances of community ethnic demographics that Singapore, with its rigid classification and attributed characteristics, lacks. In Australia, councils and communities can organise events that accurately reflect the true cultural make up of their communities. However,

greater emphasis needs to be placed on the centrality of these to local council operations, because as long as they are seen as an optional luxury to councils their impact will continue to be minor.

This report provides an analysis of the different measures Singapore and Australia has implemented with respect to: official recognition of different nations within the state, political representation, social and economic inclusion and promotion of ethnic culture. The report illustrates that, although the challenges Australia and Singapore face with respect to their multicultural populations derive from different historical precedents, the countries face similar challenges in terms of social injustice, lack of social cohesion and alienation. Both countries embrace different specific practices to confront these challenges, but both are united in their rejection of cultural homogenisation and their commitment to ethnic and cultural diversity through their articulations of multiculturalism. Each country has made significant progress in their effective management of ethnic and cultural diversity and, provided a concerted effort is made to address the areas of concern elucidated in their paper, will continue to flourish as multicultural societies.

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THE POSSIBLE ROLE FOR AUSTRALIA AS AN INTERMEDIARY BETWEEN CHINA AND THE US

Valentina Simonetti[1]

Australia enjoys a close alliance with the United States of America (US). It benefits from intelligence sharing and the security inherent in being able to call on protection from its 'great and powerful friend' in the event of conflict in the Asia-Pacific region. Australia simultaneously enjoys a solid trading relationship with The People's Republic of China (PRC) which helps to sustain the Australian economy. As a result of this influence, both China and the US can exert a great deal of leverage over Australia. As the PRC's economic influence translates into political clout, the US and China will become increasingly competitive leaving Australia caught in the middle, reluctant to irritate either. Although the US and China have many shared concerns, their divergent interests are also significant. Tension between these two powers will become more pronounced in a scenario where each nation feels their influence is being reduced as a result of the other's actions. Despite the obvious necessity for Australia to prepare for all possible outcomes of such a scenario, there is currently no concise blueprint of what course of action Australia could adopt in this situation.

Introduction

Australia's security currently depends on its alliance with the US. It is a relationship which contains many reciprocal benefits, including the sharing of defense technology and information. Australia enjoys this relationship with a 'great and powerful friend' from within a region that has at various times been perceived as critically unstable. This alliance has given Australia increased confidence, thus, the maintenance of it has been an important and enduring cornerstone of Australian foreign policy. Australia also enjoys strong trade ties with the PRC, another 'great and powerful' state, and relies heavily on its exports to China to sustain its economy making it another critical relationship for Australia to maintain.

As the PRC's political leverage increases along with its economic strength, the US and China will compete for more political and economic power. As a consequence, this rivalry is contained not just to the Asia-Pacific region but is being played out in a wider international arena. This, coupled with their divergent interests, may trigger US-Sino tension and possibly, in a worst-case scenario, result in conflict. The competition between Australia's most significant political ally and our most important trading partner puts pressure on the Government to manage these relationships, as it finds itself increasingly caught between giants. This report examines Australia's prospects of taking on the role of an intermediary between the US and China.

The first section examines the concept of power transitions by states in international relations and discusses the idea of the attainment of power as a zero-sum game.

[1] I wish to thank several people who have greatly contributed towards this report. Associate Professor Robert Campbell for giving me the opportunity to undertake this internship. Ms Melissa Conley Tyler, for providing me with support and guidance throughout the internship. My appreciation also extends to those who generously gave up their time to participate in the interview process for this report. Finally, I would like to thank my family and friends for their encouragement.

Importantly, transition between great powers does not always culminate in violence. The international community may take on the role of integrating the challenger into the international system, thus lessening the risk of conflict. This phenomenon is examined in the context of the rise of China. It is argued that China and the US should seek to cooperate in order to prevent future suspicion and tension.

Section two focuses on Australia's dilemma of reconciling the important security alliance with the US, whilst having its economic prosperity linked to China's growth. It contends that for Australia the worst case scenario would be for a Sino-American conflict to erupt forcing Australia to choose sides. Australia must take action to prevent this from occurring. Its prospects of acting as an intermediary depend on three main factors. Firstly, its capacity to act effectively in this intermediary role. Secondly, on American and Chinese acceptance of Australia in this role. Thirdly, the possible dangers for Australia in attempting to play this role. These factors are significant because although Australia may have the capacity to act as an intermediary, its success in this role depends on US and Chinese acceptance of such an arrangement. It is thus necessary to examine the dangers posed to Australia, as well as potential benefits, in attempting to take on an intermediary role.

Section three outlines other possible strategic choices for Australia which are all dependent on the degree to which conflict between the US and China is probable at any specific point in time. The report concludes with a series of recommendations for Australian policymakers in navigating a path between these two great powers.

Research method

The overall research design adopted for this report involved a qualitative approach. As well as undertaking research from the relevant literature, six highly regarded experts were interviewed, three from the US and three from China. Of these, four agree for their comments to be included in my published research (two each from the US and China). The interviewees were selected for their specialised knowledge of US and Chinese foreign policy, in addition to their understanding of how these policies relate to the Australian policy context. These interviews were conducted in October 2008 with Ambassador Mark Johnson from the World Affairs Councils of America, Professor Don De Bats from the US Studies Centre at Flinders University, Dr. Yang Zerui from the China Institute of International Studies, and Dr. Simon Shen from the Hong Kong Institute of Asia-Pacific Studies. Four questions were formulated and posed to the interviewees as open questions so as to provide this author with the possibility to examine the interviewees' initial opinions and reactions. The four questions were:

1. *What do you see as the main areas in which China and the US have conflicting or potentially conflicting interests?*
2. *As a close ally of the US with strong economic ties with China, do you think Australia can serve as an intermediary between the US and China? Are there are particular areas where Australia may be able to play a role?*
3. *Does Australia have any sway or influence with your country regarding foreign policy matters? In what areas or forums is Australia influential?*
4. *Are there any dangers for Australia in trying to play an intermediary role between China and the US? For example,*
   (For Chinese interviewees)

Is Australia's closeness to the US seen as a hindrance for cooperative links with China or is seen as an advantage? Do you think that China has any concerns about the ANZUS treaty?
(For US interviewees)
Are there any dangers for Australia in trying to play an intermediary role between China and the US? For example, is the US concerned about their staunch ally in the region having close ties with China and showing reluctance to support the US against China?

A summary of the thoughts and opinions of the interviewees have been used to analyse the strengths and weakness of a range of possible strategic choices available to Australia in its relations with the US and China which is discussed further below.

Power Transition Theory and China's Rise

History provides many examples of great powers that have risen to challenge the *status quo* through violence that have produced profound change. The rise of the Ottoman Empire, Spain, France, Germany and Japan, during different historical periods, prompted historian E.H Carr to identify the problem of peaceful change as the major dilemma of international relations.[2] History, however, also offers examples of power transitions that did not culminate in a radical change in the international system. For example, the US surpassed Britain in the late nineteenth and early twentieth century's as the dominant global leader with the latter recognising that collaboration with America would be more beneficial for maintaining international stability[3].

Power Transition Theory (PTT), as articulated by A.F.K. Organski in 1958[4], is primarily concerned with international power shifts brought about by industrialisation, political development and population growth in nations. PTT also examines how power transitions are capable of triggering conflict. Most power transition theorists contend that the international system is hierarchical and that the maintenance of peace relies on the principal actor within the framework retaining the most power. When there is a powerful challenger who is dissatisfied with the status quo, the likelihood of a violent power transition is higher. Conversely, when the emerging power is satisfied[5] with existing conditions challenging the prominent power is most likely to be peaceful.

Drawing from the ideas in PTT, this report analyses China's rise, which has led to suspicion of its intent to challenge the existing US constructed status quo, and the fear that this challenge will destabilise the international system. Since 1978 the PRC has entered a period of rapid economic growth which has translated into greater political influence on the international stage. With this rise has come a mistrust of its increasing global influence. Although some prefer to counter China's new power and therefore engender more distrust and possibly conflict, there are many advantages of engaging positively with the PRC and further integrating China into the international community.

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[2] Z. Zhu, 'Power Transition and US-China Relations: Is War Inevitable?', *Journal of International and Area Studies,* vol. 12, no. 1, June 2005, p. 2.
[3] B. Schwarze, 'Managing China's Rise', *The Atlantic*, June 2005, (online available) www.theatlantic.com/doc/200506/schwarz (accessed 15 October 2008).
[4] Zhu, op.cit. (2005) p. 2.
[5] Zhu, op.cit. (2005) p. 3.

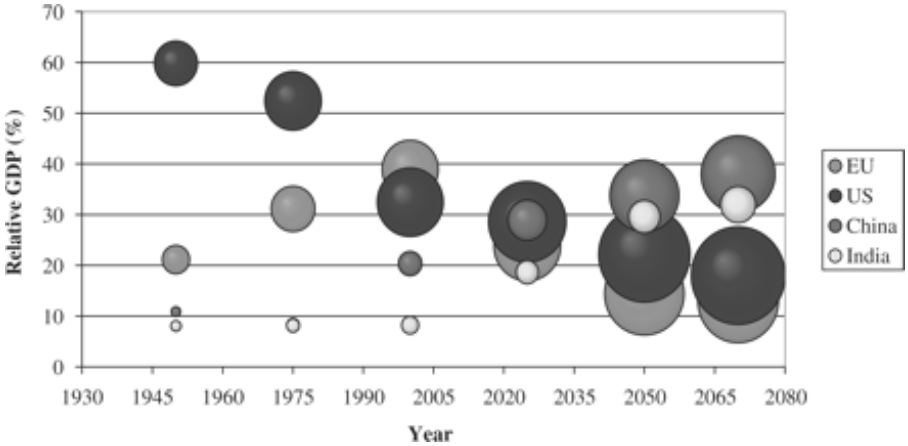
The Rise of China

Economic growth in the PRC has been so immense that Australia's Prime Minister Kevin Rudd described it as the greatest single geo-strategic and global economic shift since the rise of the US as a global power almost a century ago.[6] Although it is still lags behind America, and even Japan in terms of Gross Domestic Product (GDP), China is presently growing faster than any other nation. Furthermore, China is one of the five largest military powers in the world and is adding to its strength by increasing its military expenditure, as a percentage of GDP, faster than any other major country.[7]

Whilst the US remains dominant in the international arena, numerous scholars such as Coral Bell and Samuel Huntington recognise signs of its declining power. For example, the massive domestic and international debt accrued by the American Government presents a direct threat to its future capacity to project economic and military power internationally.[8]

Figure 1 indicates that over time China could overtake the US in terms of GDP. Ronald Tammen and Jacek Kugler anticipate that this change will take place between 2025 and 2035.[9] The significance of this is that if a country is economically powerful it has the capacity to add to its militarily strength as well.

Figure 1: Relative Power and Incomes of Major Contenders (1950–2070).



Source: R. Tammen and J. Kugler, "Power Transition and China-US Conflicts", *The Chinese Journal of International Politics,* vol. 1, 2006, p. 44.

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[6] Short. J, '*Australia-China Relations: Where to From Here?*' address to the Australian Institute of International Affairs, February 2006 (online available) http://www.aiia.asn.au/associations/8220/files/AIIAVSP-Short.pdfMelbourne (accessed 20 September 2008).

[7] R. Terrill, 'The Rise of China and Options for Australian Policy', *Australia Strategic Policy Institute*, March 2006. (online available) http://www.aspi.org.au/publications/publication_details.aspx?ContentID=89 (accessed 15 October 2008).

[8] C. Bell, 'The End of the Vasco da Gama Era: The Next Landscape of World Politics', *Lowy Institute Paper 21*, *2007*, Lowy Institute for International Policy (online available) http://www.lowyinstitute.org/Publication.asp?pid=723 (accessed 5 October 2008) ; S. Huntington, 'The Lonely Superpower', *Foreign Affairs*, March/April, 1999, vol. 78, no. 2, pp. 35- 49.

[9] R. Tammen and J. Kugler, 'Power Transition and China-US Conflicts', *The Chinese Journal of International Politics*, 2006, vol. 1, no. 1, p. 43.

Therefore, it is essential to determine the nature and the possible future direction of the Sino-American relationship. If this complex relationship can be handled constructively in the present, any potential future power transition is more likely to be peaceful.[10]

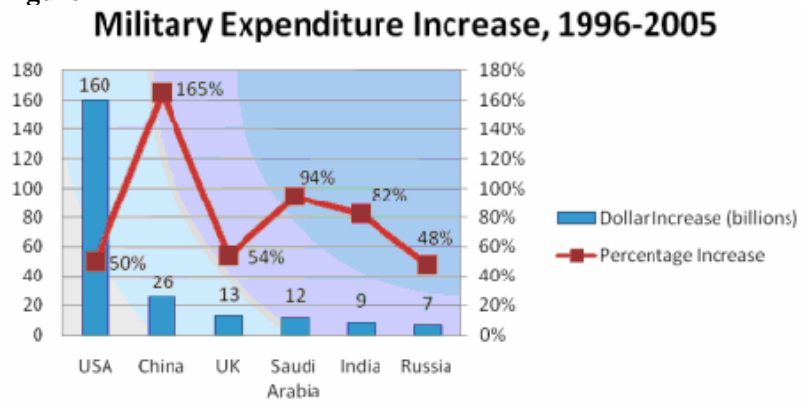
The US Perspective

> Since no nation threatens China, one must wonder why this growing investment? Why these continuing large and expanding arms purchases? Why these continuing robust deployments?[11]
>
> *Former US Secretary of Defense Donald H. Rumsfeld*

The suspicion in Washington surrounding China's increase in military spending is illustrated by the above statement by former US Secretary of Defense, Donald Rumsfeld in 2004.[12] There is a high degree of uncertainty for Washington in what it perceives as Beijing's opaque foreign policy. The former US Deputy Secretary of State, Robert Zoellick (2005-2006), has remarked that this uncertainty will lead the US and others to hedge against expanding relations with China. Many countries hope that the PRC will pursue a 'peaceful rise' but nonetheless are preparing for the worst possible outcome.[13] An important question to ask then is why China's ascendance has alarmed so many states?

China's military budget has been growing at double-digit rates for approximately 15 years. It has deployed 700 to 800 missiles within striking distance of Taiwan, as well as increased its amphibious capabilities and upgraded its naval and air forces at a significant pace.[14]

Figure 2



Source: A. Shah, 'World Military Spending', March 2008, *Global Issues* (online available) http://www.globalissues.org/article/75/world-military-spending (accessed 27 October, 2008)

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[10] Zhu, op.cit. (2005) p.7.
[11] Remarks by Secretary of Defense Donald H. Rumsfeld to the International Institute for Strategic Studies, Singapore, 4 June 200, as quoted in M. Osborne, *The Paramount Power: China and the countries of Southeast Asia*. Sydney: Lowy Institute for International Policy, 2006, pp. 48-9.
[12] ibid, pp. 48-9.
[13] R. Zoellick, '*Wither China: From Membership to Responsibility'*, remarks to National Committee on US-China Relations, 21 September 2005 (online available) http://www.cfr.org/publication/8916/whither_china.html (accessed: 10 October 2008) p. 2.
[14] D. Lampton, 'The Faces of Chinese Power', *Foreign Affairs*, January/February, 2007, vol. 86, no. 1, p. 116.

Figure 2 demonstrates that although US military spending is the highest in the world, China's percentage increase in military expenditure is more than three times that of America's. Furthermore, the US is also concerned about the increase in the PRC's soft power and how this is also working to increase China's influence in the world.

China's soft power

Joseph Nye, who first coined the term 'soft power', states that a country's soft power stems primarily from three main sources; its culture, its political values, and its foreign policies.[15] Soft power can be defined more broadly to incorporate the influence that states acquire from international trade practices, overseas investments, development assistance, diplomatic initiatives, cultural influence,[16] humanitarian aid and disaster relief, education as well as travel and tourism. Fergus Hanson and Andrew Shearer assert that China is trying to project soft power by portraying its own system as an alternative model for economic development that does not require conformity with Western standards. Economic development without the restrictions and the demands that come with political liberalisation may be attractive to some authoritarian governments.[17] The PRC also stresses non-interference in the affairs of other states. For example, in response to the December 2006 military coup in Fiji, Beijing promised to continue its aid programs on the grounds that the coup was Fiji's 'internal affair'.[18] In reality, promoting non-interference in the internal affairs of states is a reflection of China's own wishes for non-interference from others in its own internal affairs, most notably Taiwan.

Kerry Dumbaugh contends that many observers have pointed out that China's international approach is particularly active in areas where the US political influence and values are less competitive. Some governments that benefit from PRC trade and investment are attracted to the fact that it generally comes with none of the good governance requirements, human rights conditions, project restrictions and environmental quality regulations that characterise investments by Western governments. In addition, China has the benefit of its State Owned Enterprises that can operate without the constraints of transparency.[19] Ultimately, China's own attractiveness to the outside world is reflected in how it is seen to treat its own people. Hanson and Shearer contend that the key to understanding the continuing dominance of US soft power, and the key difference with China, is the fundamental openness of America. Projection of soft power by the PRC is weakened by the lack of a significant movement toward genuinely accountable and transparent government, or genuine respect for individual rights and freedoms.[20]

There are many American commentators who recommend that the US take a hard line against China and act immediately to counter its soft power as well as take initiatives to

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[15] F. Hanson and A. Shearer, 'China's Soft Power: Less than Meets the Eye?' *The Diplomat*, September/October, 2008 (online available) http://www.the-diplomat.com/article.aspx?aeid=8713 (accessed 1 November 2008) p. 5.
[16] ibid, pp. 5-6.
[17] ibid, p. 6.
[18] K. Dumbaugh, 'China's Foreign Policy: What Does it Mean for US Global Interests?' Congressional Research Services Report for Congress. 18 July 2008 (online available) http://www.fas.org/sgp/crs/row/RL34588.pdf (accessed 12 October) p.12.
[19] ibid, p. 13.
[20] Hanson and Shearer, op.cit. (2008) p.5.

balance its growing influence. John Tkacik makes[21] four recommendations for the US in combating China's growing power and influence. Firstly, he argues that the US should strengthen ties with Japan and India, two of the world's most populous democracies and leading economic powers in Asia as well as arguably natural partners of America, in managing China's rise. Secondly, the US should downgrade the strategic dialogue with the PRC until it begins to show evidence of becoming more of a 'responsible stakeholder'. Thirdly, they should deepen the strategic dialogue with Europe. Finally, he argues that the US should support Taiwan's push for democracy in order to maintain military pre-eminence in the Pacific. Along this line of thinking, US journalist Robert Kaplan argues that the US Navy must redefine itself to meet the military challenges presented by China.[22] By contrast, Richard Haass points out the dangers of this course of action by arguing that the US in attempting to block China's rise would instead guarantee its animosity and ensure its working against US interests around the world.[23]

The Chinese Perspective

China has come to see its interests as inseparably aligned with those of the international community. Since the late 1970s it has taken advantage of the relatively peaceful international environment to attempt modernisation.[24] The US has, to a great extent, helped to bring China back to the international stage since the end of the Cultural Revolution by encouraging economic integration and responsible behaviour in areas, such as governance and environmental affairs. Through interactions with the US and other countries China has become an important regional and global player.[25] This reflects the perception that one of the PRC's goals is the avoidance of conflict. Although there is a perceived lack of transparency in China's foreign policy, Fareed Zakaria suggests that China's major foreign policy moves are directed by economic imperatives, such as the search for continued oil supplies and other commodities to fuel its growth.[26] However, as Figure 2 demonstrates, with China's considerable expenditure on defense and military modernisation it is clear why many countries doubt China's claim of a 'peaceful rise'.

According to David Lampton, former president of the National Committee on US-China Relations, China does not see its quest for economic growth as disturbing a global equilibrium but rather as rightly restoring a balance. From the first Century AD until the early 19th Century China's economy represented between 22 and 33 percent of total global GDP.[27] By the 1950s this figure had dropped to 4.5 percent due to both the industrialisation of Europe, Japan and the US, and China's clash with the West and

[21] J. Tkacik, 'Hedging Against China', *The Heritage Foundation*, vol. 1925, April 2006, pp. 1-9. (online available) www.heritage.org/Research/AsiaandthePacific/upload/96070_1.pdf (accessed 26 October 2008).
[22] R. Kaplan, 'How We Would Fight China', *The Atlantic Monthly*, June 2005 (online available) http://www.theatlantic.com/doc/200506/kaplan (accessed 10 October 2008) pp. 1-10.
[23] R. Haass, 'What to do about China', *US News and World Report*, 6 December, 2005, (online available) www.usnews.com/usnews/opinion/articles/050620/20chinaessay.htm (accessed 12 October, 2008).
[24] Zhu, op.cit. (2005) pp.7-8.
[25] Lampton, op.cit. (2007) p.117.
[26] F. Zakaria, 'Does the Future Belong to China?', *Newsweek*, 9 May 2006, (online available), http://fareedzakaria.com/ARTICLES/newsweek/050905.html (accessed 2 October 2008).
[27] Lampton, op.cit. (2007) p.116.

Japan. Not until Deng Xiaoping succeeded Mao Zedong in the 1970s did China seek extensive economic reform by opening its market to the world and industrialising.[28]

Aware of the mistrust its rise has caused, China encourages military exchanges in part to familiarise the international community with the Chinese armed forces.[29] In late 2002, China reviewed its interactions with the militaries as well as law enforcement and space agencies of other nations. Furthermore, of all the permanent members of the United Nations Security Council (UNSC), China has become the largest contributor of military observers, peacekeepers, and police to UN (United Nations) operations around the world. These deployments have included missions to Haiti in 2004, which are ongoing and southern Lebanon in 2006. China has observed and conducted joint exercises with the militaries of the central Asian states, Australia, France, Germany, India, Mexico, Pakistan, Russia, and the United Kingdom. In September 2006, the first Sino-American joint naval search and rescue exercise was held off the coast of California.[30] Furthermore, China has adopted a code of conduct with regards to the disputed Spratly Islands.[31] China has also shown a willingness to engage in regional and international multilateral environment including the Asia-Pacific Economic Cooperation (APEC), both the Association of Southeast Asian Nations (ASEAN) and ASEAN Regional Forum (ARF), the Shanghai Cooperation Organization (SCO), and the East Asia Summit (EAS).[32] China's willingness to engage its neighbours and to participate in regional organisations is a significant opportunity to begin the process of integrating into the world community and represents an evolution in Chinese foreign policy in a direction long sought by the West.[33]

Research results on what the interviewees regard as the main areas of conflicting or potentially conflicting interests between China and the US in order of importance are:

1. Trade
2. Taiwan
3. Human rights
4. Competition for energy supplies
5. Political ideology and regional security in Asia.

These findings illustrate that although the PRC's foreign policy may be seen to be motivated by economic imperatives, it is the way that these other imperatives spill-over into other, more contentious areas which may ultimately provoke a clash between the US and China. It is important to note that most commentators talked about how they considered shared interests between China and the US as more pronounced than potential areas of conflict. Ambassador Johnson remarked that he was "struck more by the shared interests than by the divergences", whilst Professor de Bats highlighted that on issues of contension such as trade, the US and China would be able to work together. Dr Yang went further by saying that he saw no reason why the relationship between China and the US could not be 'normal' in the mold of the US-Japan and US-Europe relations. He argued that China has "no reason to challenge the US superior role in the

[28] ibid, p.116.
[29] ibid, p.116.
[30] ibid, p.117.
[31] Zhu, op.cit. (2005) p.17.
[32] Dumbaugh, op.cit. (2008) p.11.
[33] ibid, p.14.

world" emphasing that the Chinese policy of 'peaceful rise' is not merely a propaganda slogan.

The contrasting perceptions of China's foreign policy easily lead to different interpretations about whether its rise is benign or not. Therefore, it is important to engage China positively in order to increase the chance of a peaceful transition that complements the existing international structure. Tammen and Kugler stress that Washington must build a proactive and purposeful foreign policy towards China. They emphasise that there is no evidence of any long-term plan on the part of the US to 'deal' with China.[34] Australia, therefore, may have a role as intermediary in ensuring peace between the US and the PRC.

Australia's Dilemma

Australia enjoys a close alliance with the US and strong trading relationships in Asia. US hegemony in the Asia-Pacific region has been positive for Australia because of the ideals that both nations share, as well as a mutal commitment to rules and institutions that are rooted in democracy and capitalism. A future where US dominance is overshadowed, would force a radical change in Australian policy. China's rise poses a great challenge to Australia because it stands to threaten Australia's ability to maintain a close relationship with both China and the US. If faced with such a situation it is uncertain how Australia will act and, in turn, how the US will respond.

In 2007, China overtook Japan to become Australia's largest trading partner. Hugh White states that "Australia's vision of its future depends on free trade with China, Japan and the US, while relying on the latter to underwrite the cost of regional security."[35] Therefore, it is in Australia's national interest to prevent an escalation of strategic competition between its largest trading partner and its major ally.

Australia's current strategy is to ensure that it does not alienate either the US or China. The author of *Will China Fail?,* John Lee, believes that the key to former Prime Minister John Howard's strategy in dealing with both nations was to keep the US alliance 'on foot', whilst benefiting from closer relations with China.[36] He claims that a necessary consequence of this has been to secure China's acceptance of the US-Australian alliance. This was particularly challenging since China has generally issued rhetorical objections to such accords. Further, Australia has acknowledged both the importance of China and its interest in building warmer relations with the PRC. For example, it has given America clear indications that China is no longer considered a threat in the region. This has been illustrated by Australia's preparedness to disagree with the US on issues regarding China, for example, by refusing to join calls by the US in early 2005 for the European Union (EU) to maintain its arms embargo against China. Howard has claimed that his approach to the PRC was to build upon common ground between Australia and China and to not become obsessed with differences.[37]

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[34] Tammen and Kugler, op.cit. (2006) p.14.
[35] H. White, 'Australia's Rudd Awakening', *Far Eastern Economic Review*, vol. 170, December 2007, p. 46.
[36] J. Lee, 'Foundations for Modern Approaches to the China Security Question', *Australian Policy Online*, 2 October 2007, (online available) www.apeo.org.au/linkboard/results.chtml?filename_num=176431 (accessed 12 October 2008).
[37] ibid

However, Lee argues that being 'friends' and being 'liked' by both countries, whilst avoiding discussing awkward issues with both powers, cannot be a primary strategy and does not reduce the likelihood that Australia could be forced to make choices it would rather avoid. Lee contends that it would be hazardous for Australia to remain passively on the sidelines while the great powers position themselves.[38] Therefore, it is seen as desirable that Australia takes a proactive approach to quell possible Sino-American tensions.

With a close strategic alliance with the US and warm political relations with China, Australia may be able to hold a facilitative position between the two. For the purposes of this report, an intermediary is defined as a state that has a constructive role in helping potential adversaries find potential ways of resolving conflict through dialogue and diplomacy. Whether Australia can be an intermediary depends on three factors: its capacity to act effectively as an intermediary; the acceptance of the US and China for Australia to play this role; and Australia's ability to navigate the potential dangers it would face if it attempted to take on such a role. To ascertain whether Australia could play the role of an intermediary between China and the US it is necessary to examine the extent of Australia's power in the international arena. This requires an analysis of Australia's strengths and considerations of geography, political ideology, its relationships with other states, and the quality of its diplomacy.

Australia had historically been defined by the divergence between its culture and its geography – an essentially western country sitting in the Asia-Pacific geographic region. This divergence provides a wide focus of interests as cultural, economic and military links tie Australia to Europe, the US and increasingly North Asia,[39] whilst its immediate neighbours are Southeast Asia and the Pacific. In addition, the variety of its external links enables it to see the world from several perspectives,[40] including the North-South divide.

For Hans Morgenthau - a seminal author of realism in international relations - the quality of diplomacy is the most important indicator of national power. Diplomacy is defined as "the art of bringing the different elements of national power to bear with maximum effect."[41] According to Bruce Miller, an Australian scholar of international relations and politics, Australia's diplomatic approach encompasses a range of elements from practicality to an emphasis on legalism as well as "dogged low gear idealism."[42] Its diplomacy has produced a number of recurring patterns of foreign policy behaviour, namely, pragmatic approaches to regional engagement with Asia and a focus on pursuing political outcomes that benefit the international community as a whole.[43] Also, the fact that Australia has an ability to work in coalition with others to achieve political outcomes is an advantage. This indicates that the Australian Government has retained a degree of policy flexibility and can mix and match responses to the diverse features of

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[38] ibid.
[39] M.H. Conley Tyler and G. Miller, '*Australia as a Middle Power'*, Australian Institute of International Affairs, 2007, p. 9.
[40] ibid.
[41] H. Morgenthau as quoted in Ungerer, C.(ed.) *Australian Foreign Policy in an Age of Terror*, Sydney: University of New South Wales Press, 2007, p. 45.
[42] J.D.B. Miller as quoted in Ungerer, C.(ed.) op.cit. (2007), p. 45.
[43] ibid., p.45

the new and old security dilemmas it confronts. Arguably, Australia's strengths give it the capacity to be an intermediary between China and the US. However, Australia's capacity to act effectively in this role largely depends on the acceptance of these nations.

Research results regarding interviewee's views regarding whether they believe Australia has any influence with their country regarding foreign policy?

All interviewees agreed that Australia does have some degree of policy influence in their country. Dr. Yang expressed that Australia has influence in the PRC because of its strong economic ties, possibly increasing with the Australia-China FTA, as well as its role as a multilateral player in the South Pacific. However, Dr. Shen thought that Australia can have more influence and be an important player for China if it wished to counterbalance the US, especially in regards to the missile defense system of the Asia-Pacific. By contrast, Professor De Bats stressed that for Washington Australia's influence is primarily based more on its usefulness as a sounding board being able to offer advice and opinion on US policy in the Asian region. Ambassador Johnston thought that Australia's influence in the US primarily stems from its useful and informed voice on general international matters such as climate change and regional Asian affairs. Highlighting the boundaries of Australia's influence, no interviewees considered its influence as extending past the Asia-Pacific region.

Research results: interviewees' views regarding the acceptance of Australia playing an intermediary role by the US and China.

Three interviewees believed that Australia would not be accepted as an intermediary between China and the US. The exception was Ambassador Johnson whose response was focused on the close relationship between Australia and the US, but did not offer a specific opinion on its role as an intermediary. Dr. Shen did not believe that Australia could play an intermediary role; however, he discussed how Australia should emphasise its Asian identity more and develop stronger financial ties with China if it wishes to be accepted in this. Professor De Bats argued that Australia cannot be an intermediary as it is increasingly seen, in Washington, as being under the influence of China or too closely tied to China. These responses clash with one another and illustrate the desire of both Washington and Beijing that Australia aligns with their state's interests, not the other's. Dr. Yang Zerui made the point that because of their sheer size and power, the US and China simply may not think they need an intermediary because they already have their own diplomatic mechanisms. These responses demonstrate the difficult diplomatic path Australia must take in order to be accepted as an intermediary between the US and China. At this stage neither country seems interested in Australia playing this role.

Research results regarding interviewee's views regarding the potential dangers for Australia in playing the role of an intermediary

Professor De Bats articulated that the main danger of Australia trying to play an intermediary role is that Washington views Australia as an ally, not an intermediary. Although Australia could potentially be both, the more of an intermediary role Australia

[44] D.M. Jones and S. Windybank, 'Between Two Worlds: Australian Foreign Policy Responses to New and Old Security Dilemmas', *Centre for Independent Studies*, Occasional Paper 97, October 2005 (online available) www.cis.org.au/precis/Dec05/Precis_December_2005.pdf (accessed 2 November 2008)

takes on, the less likely it will be seen as a dependable ally. He also stressed that US intelligence sharing with Australia is conditional on its role as an ally and losing this type of assistance could potentially be dangerous for Australia. Ambassador Johnson mentioned that although Australia and the US have an enduring relationship, there may be an 'us or them' scenario concerning Australia-US vis a vis China. While the two Chinese commentators did not believe Australia would be accepted as an intermediary, they did not express how this role would be dangerous for Australia. Instead they both commented that Australia's close ties to the US meant it could not be regarded by Beijing as a independent entity. Dr Yang argued that this close relationship was considered a "hinderance" by Beijing. He also remarked that China will not regard the ANZUS treaty as a threat if it works for peace and stability of the region, but if it has any ideological considerations or 'containment' factors, it would not be considered as positive for the region.

Australia's Strategic Options

If Australia cannot be a formal intermediary it is worth examining other options in mediating between the US and China. Although, it must be noted, that these strategic options would be determined by the likelihood of conflict between the US and China. These strategic options include:

1. Maintenance of the status quo: no conflict between the US and China

William Tow states that the Howard Government believed that it could avoid choosing between US and Chinese expectations about Australia's role in Asia because Australia does not deal with unitary actors in relations with either great power.[45] Both America and China are comprised of numerous factions holding widely different world views. Often, leaders in both states must translate these factional outlooks into coherent policies that are constantly tested in the uncertain arena of international relations.[46] Most often, such policies are the products of compromise and are designed moderately to allow for strategic hedging when the situation warrants it.[47] He states that several key issues will determine the ultimate success of Australia's dual strategy toward both nations. These include: possible conflict over Taiwan; ongoing Japanese defense 'normalisation' and other security developments in North East Asia; and how negatively China responds to emerging initiatives within the Australia-US alliance framework.[48] Hugh White argues that the US alliance must allow scope for disagreements over some issues and that America should view Australia's non-participation in a future conflict across the Taiwan Straits in the same manner as it did the British and Canadian decisions not to become involved in the Vietnam War, and Canada's decision not to be part of Washington's 'coalition of the willing' in the recent Iraq war.[49] If the US were to understand Australia's stance and accept it, Australia could possibly continue with the status quo. If this happens, however, it also puts Canberra in danger of giving Washington the idea that it is beginning to shift from the US alliance or even taking steps to prepare for its

[45] W. Tow, 'Sino-American Relations and the Australian Factor', *Australian Journal of International Affairs*, vol. 59, no. 4, December 2005, pp. 458-9.
[46] ibid.
[47] ibid.
[48] ibid.
[49] M. Molik, 'Australia, America and Asia', *Pacific Affairs*, vol. 79, no. 4, 2006/2007, p. 591.

eventual termination. It is this dilemma which underpins the paradox that Australia is facing.

Preconditions for failure of the *status quo* option are China's rejection of the Australia-US alliance, as well as America's rejection of closer Sino-Australian economic ties. Taken to the extreme these two preconditions, if they occurred within a particular historical-political context, might culminate in the termination of the Australian, New Zealand and United States (ANZUS) treaty. If this was to occur it would, of course, render a continuation of the *status quo* completely unfeasible.

2. Form a 'Concert of Powers'

This implies an arrangement whereby the US and China agree to share power in the region between themselves, and with others. The essential requirement for a concert of powers is an understanding between the most powerful states that rests on mutual recognition of the equal legitimacy of each government, as well as a readiness to compromise and accommodate various interests for the sake of preserving peace.[50] This also requires astute Australian diplomacy, as it is probable that Washington and Beijing would not be interested in this approach. Kevin Rudd has spearheaded this approach, attempting to unify twenty one countries including China and the US in an 'Asia-Pacific' community. Australia may have a useful role as a well disposed and knowledgeable interlocution with which the US and China can deliberate on regional issues[51]

3. A Policy of Neutrality

Neutrality is a legal position by which a state either takes no part in a particular conflict or adopts the policy that it will not take part, and not side with any of the participating parties of any future war. Australia may also choose the position of 'armed neutrality'.[52] The precondition of this occurring The precondition of this occurring is that America and China must recognise Australia's neutrality, if it adopts such a policy. If this is not the case Australia lies exposed between the US and China because, as Efraim Karsh states, "neutrality has been commonly looked upon by the belligerent parties as an immoral act, and the neutral party seen as hypocritical because it is attempting to enjoy the 'best of both worlds' by avoiding participation in a war while hoping to benefit from its outcome."[53] Yet, those states who remain neutral continue to view the advantages of neutrality as far outweighing its inherent deficiencies. For these states the aspiration to avoid being dragged into conflicts between others appears a natural and logical goal. The most notable case is Switzerland whose position of neutrality is the guiding principle of its foreign policy.

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[50] H. White, 'The Limits of Optimism', *The Australian Journal of International Affairs*, vol. 59, no. 4, 2005, p. 473.
[51] K. Rudd. 'Kevin Rudd to drive Asian Union', 5 June 2008, *The Australian* (online available) http://www.theaustralian.news.com.au/story/0,25197,23812768-601,00.html (accessed 1 July 2008)
[52] J. Waldron, 'Neutrality, political', in E. Craig (Ed.), *Routledge Encyclopedia of Philosophy*. 1998, London: Routledge, (online available) http://www.rep.routledge.com/article/S041 (accessed 1 November 2008)
[53] K. Efraim, *Neutrality and Small States*. London : Routledge, 1988, p. 2.

The danger of this is that it is a short step further to the precept of "whoever is not with us, is against us", meaning that the actions[54] of neutral states may not always guarantee avoidance of participation in a conflict. Therefore, if the US and China do not recognise Australia as neutral Canberra must decide whether choosing this approach is worthwhile as it may result in its being marganalised by both powers. . If the danger of this was too great and therefore the ramifications of neutrality too negative, Australia might ultimately be forced to choose sides.

4. Side with the US: counterbalance China's power by forming security dialogue with Japan, India and America

Interestingly, Mohan Malik asserts that in the event of a conflict Australia would side[55] with the US, as not doing so would run contrary to Australian strategic culture. Like America, Australia's interests lie in ensuring that Asia is not dominated by any one major power of that region and that the overall balance of power continues to favour liberal democracies and not autocracies. Malik also maintains that "close strategic ties among Australia, the US, Japan, India and ASEAN would give the Chinese a clear cut choice between the benefits of conciliation and accommodation on the one hand and the dangers of belligerence and overreach on the other."[56] Clearly, the precondition for this is that China will behave belligerently and Australia will hedge against this by cooperating with other partners in the region.

Hugh White maintains that Australia wants China's rise, and any increased future power[57] it obtains, to be accommodated within a unipolar global order led by the US. As China's power and self-confidence grows it will probably become more overtly competitive with the US and be more reluctant to define its future as a subordinate element of a US-led regional and global system.[58] In fact, China may itself aim to replace America as the dominant power in Asia. Therefore, Australia may choose to limit this power by counterbalancing China through the initiation of security dialogues with the US, Japan and India.

5. Side with China and counterbalance the US

This position would be directly opposed to Australia's democratic principles and contrary to its strategic culture and affinity with the US. Furthermore, this option leaves Australia in an exposed position to the US and its allies. Thus, it appears unlikely that Australia would choose this position.

Analysis

The choice between these options depends largely on the likelihood of Sino-American conflict. If the likelihood of conflict between both nations is low, then Australia's best policy option is to maintain the *status quo*. Although this position risks alienating both with its 'dual policy' approach; it is the best strategy for Australia to pursue at present.

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[54] ibid, p.2
[55] Malik, op.cit. (2006/2007) p.591.
[56] ibid, p.594.
[57] White, op.cit. (2005) p. 471.
[58] ibid, p. 594.

As a result, Canberra should endeavor to direct Washington and Beijing towards a peaceful equilibrium and strive to not alienate either state.[59]

Under Prime Minister Kevin Rudd, Australia recognises that the PRC's power and influence will have to be accommodated by America and sees the 'Concert of Powers' approach as a tenable strategic option in the future. It will, however, be difficult to persuade the US of the merits of accommodating China's rise.[60]

If the likelihood of war between China and the US increases significantly then the best option for Australia is a policy of neutrality. However, the downside of being neutral, - best articulated by Machiavelli - is that, "The conqueror does not want doubtful friends who do not help him when he is in difficulties; the loser repudiates you because you were unwilling to go, arms in hand, and throw in your lot with him." In acknowledgement of this view, an alternative option would be to side with America and its allies. A potential problem with this is that it might leave Australia exposed in a dangerous position in Asia. The worst outcome for Australia would be to side with China, an approach that would be untenable as it is unlikely that it would be supported by the Australian people.[61]

Conclusion

Although Australia may not be accepted by the US and China as an intermediary, Canberra should continue to attempt to play such a role until its potential usefulness is ruled out completely. It is clearly in Australia's interests to prevent Sino-American tension from escalating, the strategic option that follows on from the current situation is one which supports any future attempt to build a 'Concert of Powers'. This option would ensure that China's growing power is accommodated by the US, which will in turn strengthen the prospects for peace.

This report contends that Australia should continue to play a 'loose' intermediary role within the framework of the current *status quo* until it is no longer possible. This position, out of all the strategic options available to Australia, is the optimal even though it may not be sustainable in the long-term. Failing this, Australia is best to encourage the formation of a 'Concert of Powers' in the Asia-Pacific, leading to an agreement between Washington and Beijing to share power. Any Australian initiative to promote this outcome would be beneficial as it strengthens the prospects for peace. If the likelihood of conflict between the US and China heightens Australia then must then consider other strategic options.

Recommendations

This report's first recommendation is that Australia should attempt to dispel any emerging suspicion between the US and China both on a political and domestic level This could be achieved by encouraging increased and improved communication through confidence-building measures such as 'track two' mechanisms like problem-solving workshops, dialogues, cultural and scientific exchanges or other types of contact between citizens of the US and China. For example, Australia should use the

[59] Tow, op.cit. (2005) pp. 458-9.
[60] White, op.cit. (2007) p. 46.
[61] N. Machiavelli, *The Prince,* 1515. Harmondsworth: Penguin Books, 1982, p. 121.

accountability of ANZUS to ask the US to share its strategic assessments of China and Australia should ask US defence planners what they would consider to be a reasonable military posture for the Chinese.[62] Furthermore, Australia should redouble efforts to encourage the Chinese to be more open in their defense planning, reveal their true defense budget figures and participate in substantive bilateral strategic dialogues on, for example, force development plans and strategic perceptions.[63]

The second recommendation is that Australia should monitor the 'trigger points' that would lead it to take on a different strategic option from maintaining the status quo position. The trigger points are:

1. The threat of ANZUS being terminated due to the US perceiving Australia as moving away from the US-led alliance.
2. Any threats from China's non-acceptance of the US-led alliance.
3. Relations between China and the US deteriorating to the point where the likelihood of conflict appears to be high.
4. The threats posed to Australia if it wanted to take on a policy of neutrality (if the likelihood of conflict appeared to be high).

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[62] T. Kevin, 'Australia's Role in Sino-US ties', *Far Eastern Economic Review*, vol. 164, no. 34, August 2001, p. 28.

[63] P. Jennings, 'Getting China Right: Australia's policy options for dealing with China', *Australian Strategic Policy Review*, 7 October 2005, (online available) www.aspi.org.au/publications/publication_details.aspx?ContentID=80&pubtype=0 (accessed 12 October 2008).

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TEMPORARILY DISPLACED: UNHCR POLICY ON MYANMARESE REFUGEES IN THAILAND

Martha Hakvoort

The mandate of the United Nations High Commissioner for Refugees (UNHCR) is to protect refugees and to safeguard their rights and well-being. Of the tasks currently undertaken by the UNHCR, several have become contentious, either because they are not part of this original mandate or because a wide gap exists between the official task description and the stark reality of managing refugee situations in the field. Examples are the supervision of refugee camps, repatriation, assigning refugee status and working with internally displaced persons (IDPs). The American political scientist Myron Weiner argues that official policy is not always appropriate or possible owing to the political reality. Flexibility is necessary to carry out work effectively. Sometimes this means setting aside certain moral and ethical principles to reach a solution with minimal negative side-effects. Weiner calls this instrumental humanitarianism. The long-term situation of Myanmarese[1] refugees in Thailand is an example of such a complex political reality. Thailand is not party to the Refugee Convention, but allows UNHCR to carry out limited activities on its territory. Because the agency is severely restricted in its work it is often required to choose between cooperation with government policy or risk losing its ability to operate at all. UNHCR therefore chose a moderate approach during the first fifteen years in Thailand, but has gradually developed protection of a different character, tailored to the political reality in the field.

Introduction

The Office of the United Nations High Commissioner for Refugees (UNHCR) was founded in January 1951 to address the refugee crisis resulting from World War II. After being constrained by the polarised world of the Cold War era, the UNHCR was able to focus on the growing number of intrastate conflicts and humanitarian crises in the early ninteen nineties. This resulted in an expansion of its duties, which consequently led some to question whether a change in its mandate was necessary and if so who should bear the responsibilities for such action.[2] States were known to pass on their obligations to the agency where possible, but there still existed many states who had not signed the 1951 *Convention Relating to the Status of Refugees* (the Convention). Nevertheless, the UNHCR is responsible for the protection of all refugees and was therefore required to take on a more active role in the protection of refugees, which often meant performing tasks that were not outlined in the Convention. In short, there was no clear answer to who was responsible under international law.[3]

The agency has developed in two ways since its founding. UNHCR policy and activity are shaped by both the interests of states and the autonomous behaviour of the agency

[1] Myanmar is also known as Burma, and both names are controversial due to their political connotation. Several countries, such as the US, Australia and a number of European countries do not recognise the name Myanmar. However, because this name is used by the United Nations and UNHCR it is used in this article. This is solely an academic choice, and by no means a political statement.
[2] G. Gilbert, 'Rights, Legitimate Expectations, Needs and Responsibilities. UNHCR and the New World Order', *International Journal of Refugee Law*, vol. 10, no. 3, 1998, p. 350.
[3] ibid, p. 351.

itself.[4] It was founded in a way that left it completely dependent on the donations and goodwill of its member states.[5] Despite this, UNHCR authority increased over the years because states trusted it to execute and coordinate its obligations under the Convention. Furthermore, the neutral humanitarian position of the agency ensured that it gained moral and expert authority.[6] Of the tasks the UNHCR is currently engaged in, several are contentious as they either do not fall within the original mandate, or there exists a large difference between the official task description and the reality in the field. Examples include the supervision of refugee camps, repatriation, assigning refugee status, and working with internally displaced persons (IDP).

Fiona Terry, a *Médecins Sans Frontières* researcher, claims that it is unavoidable that humanitarian assistance will have some negative side-effects, although recognition of this fact will help to minimise its impact.[7] Such side-effects are often the result of complex or insufficient information flows, which leads to late and faulty decision-making.[8] Despite this, decisions in regards to refugees must be made, resulting in both dilemmas and difficult predicaments, as UNHCR is often forced to choose between options that all have significant drawbacks. The context is therefore vital, whilst principles act as important as guidelines. According to political scientist Thomas Weiss, it is important to view principles as not as indisputable, but as norms, which should be further developed.[9]

Myron Weiner defined norms as principles that serve to guide, direct and control acceptable and appropriate behaviour. Although such principles are agreed upon by members of a group and are therefore binding, they are not laws and thus punishment for ignoring them only involves shaming and ostracism.[10] Since World War II, the importance of humanitarian norms have gained acceptance within the international community. This is shown by the increasing number of treaties and conventions relating to such matters as human rights, minorities and international conduct.[11]

Agencies founded by the international community are expected to propagate the norms articulated in the UN Charter and human rights treaties which have been accepted by the General Assembly and other UN organs.[12] For the UNHCR, this means that whilst carrying out its main task of protecting refugees it also had to promote these norms preferably by changing state behaviour. The two norms deemed most important for UNHCR are the offering of support and protection to refugees and not to repatriate

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[4] G. Loescher, *The UNHCR and World Politics. A Perilous Path*, Oxford: Oxford University Press, 2001, p.6.
[5] M. Barnett and M. Finnemore, *Rules for the World. International Organizations in Global Politics*. Ithaca and London: Cornell University Press, 2004, p. 71.
[6] ibid, p. 73.
[7] F. Terry, *Condemned to Repeat? The Paradox of Humanitarian Action*, Ithaca: Cornell University Press, 2002, p. 53.
[8] T. G. Weiss and C. Collins, *Humanitarian Challenges and Intervention*, Boulder: Westview Press, 2000, p. 124.
[9] D. Gasper, 'Drawing a line. Ethical and Political Strategies in Complex Emergency Assistance', *The European Journal of Development Research,* vol. 11, no. 2, 1999, p. 93.
[10] M. Weiner, 'The Clash of Norms. Dilemmas in Refugee Policy', *Journal of Refugee Studies*, vol. 11, no. 4, 1998, p. 433.
[11] ibid., p. 435.
[12] M. Finnemore, 'International Organizations as Teachers of Norms. The United Nations Educational, Scientific, and Cultural Organization and Science Policy', *International Organization*, vol. 47, no. 4, 1993, p. 570.

refugees at risk of persecution in their homeland, (this principle is known as *non-refoulement*).[13] One method to achieve these objectives is the use of shame and coercion, although a preferred option is to lead by example. The agency believes that states can only be asked to adhere to certain norms if they are practised by the UNHCR itself, the so-called dual responsibility.[14]

Adherence to these norms can cause practical problems in the field. Weiner highlights this dilemma in his example of camps that have become rebel or smuggling operations bases. However, closing these camps would mean withholding optimal protection from legitimate refugees. Although the UNHCR wants to adhere to the *non-refoulement* principle, it also has to respect the sovereignty of the host state if it wants to ensure cooperation in the future. According to Weiner, states have put the UNHCR in a difficult position where the agency is forced to make moral choices, usually between two evils. To be able to reach the best decision it is very important to be informed of the entire context and situation.[15]

Weiner also argues that employees of humanitarian agencies realise that official policy is not always appropriate or possible owing to the political climate. These agencies have to be flexible and adjust to this reality to carry out their work effectively. Sometimes this means denying certain moral and ethical principles that are connected to helping refugees in order to come to a solution with minimal negative side-effects. Weiner calls this instrumental humanitarianism.[16] The Canadian lawyer Michael Barutciski agrees with this assessment that hard principles do not always offer the right answers in practice. He also believes the recent extension of the UNHCR mandate does not necessarily result in an increase in refugee protection.[17] Although critical of the UNHCR for not taking a clearer stand in regards to international human rights, he maintains that a more political role for it would be undesirable because this would not contribute to the protection of refugees.[18] The approach of Barutciski and his sympathisers, such as the British lawyer Guy Goodwin-Gill is referred to as monistic humanitarianism.[19]

Two strategies are recognised in determining whether an instrumental approach was used in a particular situation. These are 'satisfice' and 'temporal sequencing'. The term satisfice was introduced by Herbert Simon in 1957. He stated that people were only as rational as necessary and that they relax this state as soon as a certain goal is achieved, this is known as bounded rationality. Organisations apply this when they choose the first alternative that meets all policy goals without searching further for an optimal alternative.[20] Therefore to satisfice in humanitarian practice means to aim for adherence to all minimum requirements of the norms involved rather than making a choice which ranks the norms in a particular order. Temporal sequencing occurs in situations where making a decision between norms cannot be avoided. This strategy concerns the ability

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[13] Weiner, op.cit. (1998) p.436.
[14] ibid, p. 435.
[15] ibid, pp.438, 440.
[16] ibid, p. 442.
[17] M. Barutciski, 'A Critical View on UNHCR's Mandate Dilemmas', *International Journal of Refugee Law* vol. 14, no. 2/3, 2002, p. 366.
[18] Ibid, pp. 379.
[19] G.S. Goodwin-Gill and J. MacAdams, *The Refugee in International Law*, Oxford: Oxford University Press, 1996, p. 39.
[20] D. K. Mumby and L. L. Putnam, 'The Politics of Emotion. A Feminist Reading of Bounded Rationality', *The Academy of Management Review*, vol. 17, no. 3, 1992, p. 470.

to oversee the consequences of choices, for example, when x is chosen, will y still be a possibility later on? Weiner illustrates this concept with an example that involves the negotiation of a peace treaty with leaders of a regime that are known to have committed war crimes. By not initiating negotiations the result may be an impasse, although discussions with the intent of dealing with such crimes later on might save more lives in the long run.[21]

Consequently, a policy of an instrumental kind is created when a moral choice has to be made and the treaties and laws on which policy are based are not carried out literally.[22] The most important norms that the UNHCR has to adhere to are: offering protection and assistance to refugees, *non-refoulement,* the right of individuals to remain in their own country, the right of return, pursuing non-discriminatory policy, and saving lives.[23] This report focuses on refugees from Myanmar in Thailand, and the extent to which instrumental policy was used by the UNHCR to handle this problem.

Myanmar

Myanmar has been ruled by a military junta since 1962 when General Ne Win seized power in a coup that ousted the civilian government.[24] A year after the coup, the new regime introduced a socialist system in which almost all economic activity was nationalised. Contact with the outside world was virtually eliminated and travelling in and out of the country was severely restricted.[25] Since independence in 1948, consecutive leaders in Myanmar have faced an enormous challenge in attempting to unify the nation, which is one of the most ethnically diverse in the world with an estimated one third of the population belonging to an ethnic minority.[26] The dominance of the ethnic Burmese in both the Government and army, together with the lack of autonomy for other groups, has caused considerable unrest. Instead of negotiating with ethnic minorities the army repressed any opposition with force. The result was that at the end of the 1980s almost all ethnic minorities were in some way involved with rebellion, with many groups creating their own guerrilla armies. These armies ranged from well-organised movements to a handful of poorly armed rebels.[27] Ethnic conflict is predominantly located in the border region with Thailand, causing large numbers of refugees to cross the border. For example, almost a third of the ethnic Karen are currently displaced from their traditional territory.[28] Owing to the violent repression techniques used by the Myanmar Government, signs of unrest amongst the population were never obvious until the economic reforms of 1987 sparked large-scale public protests. These protests reached their peak on 8 August 1988 when millions of citizens took to the streets demanding democratic reforms. When these demonstrations were

[21] Weiner, op.cit. (1998) p. 448.
[22] Loescher, op.cit. (2001) p. 350.
[23] Weiner, op.cit. (1998) p. 437.
[24] S. Dandekar and R.P. Sinha (eds.) *South-East Asia. People's Struggle and Political Identity*, New Delhi: Kanishka Publishers, 1998, p. 208.
[25] D. I. Steinberg, *Burma. The State of Myanmar*, Washington: Georgetown University Press, 2001, p. 107.
[26] Pavin Chachavalpongpun, *A Plastic Nation. The Curse of Thainess in Thai-Burmese Relations,* Lanham: University Press of America, 2005, p. 62.
[27] Steinberg, op.cit. (2001) p. 185.
[28] ibid, p.192.

struck down violently on 18 September a large influx of Myanmarese political refugees fled to Thailand.[29]

As a result of human rights violations in Myanmar, international attention on that nation increased. Rapporteurs of organisations, such as Asia Watch, Amnesty International and the United Nations Committee of Human Rights, responded to these violations by the Myanmar regime with negative reports.[30] During the past decade little progress has been made with respect to this issue. Despite the fact that Myanmar has become more active internationally, for example by gaining membership to the Association of Southeast Asian Nations (ASEAN), this has not resulted in improved conditions for the citizens of that country. This was demonstrated in 2007, when protests led by Buddhist monks were violently suppressed by the authorities.[31]

UNHCR – Thai Relations

Although Asia officially contains the most 'persons of concern' under the UNHCR mandate, membership of the agency is unpopular in the region. According to Australian lawyer Sara Davies, Asian states tend to dismiss the Convention because it does not suit their demands, interests and world view.[32] Beside these issues, there is another reason why Thailand does not aspire to UNHCR membership. In the 1970s and 1980s large numbers of refugees from Indochina were temporarily accommodated in Thailand.[33] In 1979, the United Nations (UN) organised a Conference on Refugees and Displaced Persons in Southeast Asia, which addressed the heavy-handed expulsion policy most host states employed. Owing to the effect of the Cold War on political interests that played a role in this Conference, no contribution to international cooperation on refugee issues could be made.[34] Because of this national asylum policy in Thailand still classifies refugees as illegal economic migrants.[35]

Before 1988, Myanmar-Thai relations were strained as Thailand provided protection to ethnic refugees in the border region on grounds that they had ethnic ties with the local community. This was a buffer policy whereby ethnic groups from Myanmar could both find safety in the border region and simultaneously form a barrier between the two countries. The election of Prime Minister Chatichai Choonhavan in 1988, however, marked the start of improving economic and therefore political relations between the two nations. This newfound political closeness led Thailand to withdraw its support to the ethnic refugees, who were subsequently seen as a security threat.[36] Because the

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[29] Thailand Burma Border Consortium, '20 years since "8888"', 8 August 2008 (online available) http://www.tbbc.org/whatwedo/whatwedo-news.htm (accessed 10 August 2008).
[30] Amnesty International, 'Myanmar briefing paper. No return to 'normal'', 9 November 2007 (online available) http://www.amnesty.org/en/library/info/ASA16/037/2007 (accessed 14 August 2008);
Human Rights Watch, 'New Burma policy needed after decade of no results' 5 August 1998 (online available) http://hrw.org/english/docs/1998/08/06/burma1288.htm (accessed 14 August 2008).
[31] General Dutch Press Agency, 'Buddhist monks rally on the streets', *Trouw,* October 31 2007 (online available)
[32] S. E. Davies, 'The Asian Rejection? International Refugee Law in Asia', *Australian Journal of Politics and History*, vol. 52, no. 4, 2006, p. 571.
[33] C. Robinson, 'Refugee Warriors at the Thai-Cambodian Border', *Refugee Survey Quarterly*, vol. 19, no. 1, 2000, p. 24.
[34] S. E. Davies, *Legitimising Rejection. International Refugee Law in Southeast Asia*, Leiden and Boston: Brill, 2008, p. 86.
[35] ibid, pp.141-2.
[36] Chachavalpongpun, op.cit. (2005) p. 59.

demonstrations in Myanmar took place that same year, two types of refugee categories were established; the ethnic refugees of the border regions and political refugees (usually labelled 'students') in Bangkok.[37]

Thailand was slow in permitting the UNHCR to become involved in assisting the refugees that made it to Bangkok, as they did not want to encourage more refugees to cross the border. In 1989, the agency was only allowed to interview those persons who made it to Bangkok and had participated in the 1988 demonstrations, on the condition that their names would be passed on to the Thai authorities.[38] It was not until 1992 that the UNHCR became involved with the ethnic refugees. Although obstruction by Bangkok was largely the cause of this, restraint by the agency was also a factor. The latter did not want to increase Thailand's fears of being responsible for inviting more refugees.[39] However, as a result of this policy, UNHCR conveyed a signal to the Thai Government that the ethnic refugees were not cause for much concern and therefore not 'real' refugees. [40] A change in this attitude was brought about when a group of Mon refugees were forcibly relocated to a camp closer to the border to create space for a gas pipeline. The UNHCR helped facilitate this move despite warnings that the new location could be vulnerable to invasion by the Myanmar army. When this predicted military offensive occurred the refugees fled to a new location in Thailand, prompting a change in UNHCR procedures, which had previously been focused on Bangkok.[41]

From 1988-98 it appeared that the UNHCR often cooperated with Thai policy, even though this often did not meet with international norms. The agency has chosen mostly to cooperate because it helped in regaining some of the trust that was lost during the Indochina Refugee Crisis of the late 1970s, when Thailand was confronted with a large number of refugees from several neighbouring countries. One result of the Asian financial crisis in 1997 was that Thailand was forced to open up more to the West to receive International Monetary Fund (IMF) payments. Furthermore, the new Thai Prime Minister, Chuan Leekpai, supported democracy and human rights. These two developments led to the return of the buffer policy. This time, however, it was a buffer for humanitarian assistance to the ethnic minorities in the border area.[42] In July 1998, the Thai Prime Minister asked the UNHCR to play a larger role in the area by advising the Government on Refugee Status Determination and overseeing the safe return of repatriating Myanmarese refugees.[43] In the following years these roles were expanded. An examination of the UNHCR's 2003 Operation Plan for Thailand highlights that the amount of unofficial tasks undertaken by the agency had increased significantly. It was now allowed to assist in safely repatriating refugees and care for those who lived outside the camps if their safety was in danger.[44]

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[37] H. Lang, *Fear and Sanctuary. Burmese Refugees in Thailand*. Ithaca: Cornell University Press, p. 161.
[38] ibid, p. 168.
[39] C. Grundy-Warr, 'The Silence and Violence of Forced Migration. The Myanmar-Thailand Border' in: A. Ananta and E. Nurvidya Arifin, *International Migration in Southeast Asia*, Singapore: Institute of Southeast Asian Studies, 2004, p. 250.
[40] Human Rights Watch, 'Unwanted and Unprotected. Burmese Refugees in Thailand', September 1998, (online available) http://www.hrw.org/legacy/reports/reports98/thai/ (accessed 26 May 2008).
[41] A. South, *Mon-Nationalism and Civil War in Burma. The Golden Sheldrake*, London and New York: Routledge Curzon, 2003, p. 210.
[42] Chachavalpongpun, op.cit. (2005) p.80.
[43] Grundy-Warr, op. cit. (2004) p.251.
[44] UNHCR, 'Thailand Country Operations Plan 2003', 1 September 2002, (online available) http://www.unhcr.org/refworld/docid/3d941f61e.html (accessed 30 May 2008).

Status, camps and repatriation: a help or hindrance?

1. **Refugee Status Determination (RSD)**

One of the most important ways the UNHCR can protect refugees is through RSD.[45] Although officially the responsibility of states, the UNHCR increasingly determines refugee status itself.[46] RSD increases the protection of refugees in a number of ways. It is a good way of combating *refoulement*, as having refugee status is one effective way of confirming that conditions in the home country are serious enough to prevent refugees from returning.However, RSD does not guarantee that *refoulement* will not occur. As long as states are not members of the Convention, they can block the UNHCR from communicating with a refugee at any given time and repatriating the refugee when that is deemed necessary.[47]

Status Determination in Thailand

Because Thailand was not party to the Convention, or to the 1967 added *Protocol Relating to the Status of Refugees*, asylum seekers were always considered illegal immigrants. Refugees had no official legal protection and thus the term 'refugee' was never used. Instead, they were referred to as 'displaced persons fleeing conflict' or 'temporarily displaced' and their camps described as 'temporary shelters'.[48] In practice, however, some protection mechanisms existed as certain ethnic groups were recognised as refugees and had a right to safe accommodation in border camps. In times of peaceful relations with Myanmar, Bangkok's general policy was to accept and protect the displaced on a humanitarian basis, provide them with temporary shelter and not send them back until it was safe to do so.[49]

This meant the UNHCR had to work within constraints in regards to refugee status determination in Thailand. Although the agency would conduct interviews and hand out letters which proved a 'status of concern', in reality most refugees never reached the UN offices at Bangkok, either voluntarily or involuntarily.[50] Furthermore, the agency followed the Thai Government in making a distinction between ethnic and political refugees, creating two different tiers of protection. To alleviate this difference, in 2000 the UNHCR pressured the Thai authorities to implement a similar policy with respect to both groups. Refugees who subsequently entered the country would be screened directly at the border and placed in a camp.[51] This meant, however, that political refugees were unable to continue their political activism in Thailand. The 'status of concern' was

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[45] UNHCR, 'Procedural Standards for Refugee Status Determination under UNHCR's Mandate', 2005 (online available) http://www.unhcr.org/refworld/pdfid/42d66dd84.pdf (accessed 17 July 2008).
[46] M. Kagan, 'The Beleaguered Gatekeeper. Protection Challenges Posed by UNHCR Refugee Status Determination', *International Journal of Refugee Law*, vol. 18, no. 1, 2006, p. 3.
[47] ibid, pp. 4-5.
[48] H. Lang, 'The Repatriation Predicament of Burmese Refugee in Thailand. A Preliminary Analysis', *New Issues in Refugee Research*, vol. 46, no. 1, 2001, p. 7; T. M. Caouette and M. E. Pack, 'Pushing Past the Definitions. Migration from Burma to Thailand', *Refugees International and Open Society Institute,* December 2002, (online available) http://www.unhcr.org/refworld/docid/47a6eb9d0.html (accessed 1 February 2009).
[49] Lang, op.cit. (2001) p. 3.
[50] Caouette and Pack, op.cit. (2002) p. 9.
[51] UNHCR, 'Global appeal 2001' December 2000 (online available) http://www.unhcr.org/home/PUBL/3e2c05c50.pdf (accessed 15 July 2008).

reserved for students and political refugees who first fled Myanmar after the 1988 demonstrations. The UNHCR used terminology that was politically the least sensitive, but did base this status on official Convention criteria. Only people who could prove they were part of the original 1988 demonstrations could apply for 'person of concern' status. To be considered for assistance, therefore, they had to travel to Bangkok and provide proof of their involvement in the demonstrations.[52] Refugees who stayed in the border region or were unable to produce any evidence were refused the right to asylum and usually ended up underground with illegal status.

In 1992, Thailand's Ministry of the Interior established a safety zone near the Maneeloy Centre in Ratchaburi province to accommodate political refugees. From there, students could apply for resettlement in a third country.[53] In the following years, life in Thailand became more difficult for students both in the border region and in Bangkok. As a result of the improving relations between Thailand and Myanmar, Thai authorities were less lenient towards the refugees. In order to survive they were forced to look for work, which meant that UNHCR status could not prevent arrest or deportation if they were found out. In the late 1990s, however, more students chose to register as they were eager to be resettled. After a group of dissidents occupied the Myanmar Embassy in Bangkok in 1999, the Thai Government demanded that all students residing outside the safety zone report back to it immediately in order to start the resettlement process. By December 1999, over 2,000 refugees had registered but there were also hundreds of refugees residing in the safety zone without registration. The Centre closed in 2001 after almost all registered refugees were resettled with the rest relocated to a camp in the border region.[54]

As opposed to the status given to political refugees in Thailand, ethnic refugees were not similarly classified by the Thai authorities. Instead, they were deemed 'temporarily displaced persons fleeing conflict', which referred mostly to the Karen and Karenni ethnic minorities. This language was used to emphasise that their stay in Thailand would be terminated as soon as circumstances in Myanmar improved. The 'temporarily displaced' were entitled to protection and assistance in the camps for as long as repatriation was impossible. Anyone arrested outside the camp was considered an illegal immigrant and could be deported, even if they were in the possession of an UNHCR registration card.[55] Persons fleeing from human rights violations were not entitled to such status.[56]

The registration of new refugees was halted in 2004 on request of the Thai Government, because Bangkok wanted to increase its control over asylum applications. The Government started their own stricter selection process in March of that year, but the UNHCR did not cooperate. Thai measures were aimed at removing politically active refugees from the city centres, where they had access to journalists and international agencies. The activists were placed in the border camps instead.[57] The UNHCR began

[52] Caouette and Pack, op.cit. (2002) p. 10.
[53] ibid, p. 10.
[54] ibid, p. 11.
[55] I. Braes, 'Refugee Business. Strategies of Work on the Thai-Burma Border', *Journal of Refugee Studies*, vol. 21, no. 3, 2008, p. 5.
[56] ibid, p. 5.
[57] R. A. Humphries, 'The Dynamics and Consequences of Internal Displacement in Burma's Ethnic Civil Wars. Focus on the Eastern Borderlands', University of Bradford, 2004, (online available) http://photostoryworld.com/contax/idpweb1.pdf (accessed 15 August 2008).

handing out 'pre-registration papers', which promised the bearer that their case would be reviewed as soon as the Government resumed the registration process. But, these temporary documents were not recognised by Bangkok and the bearer was still at risk of being repatriated. Only after two years, as a result of the violent clashes of the 2007 demonstrations, did the UNHCR registrations re-open.

Instrumental RSD policy?

The instrumental character of status determination policy can be measured by the extent to which decisions were based on consequences rather than rules. The UNHCR has taken on refugee status determination on request of the Thai Government. In practice the agency was often obstructed in its work because the host state refused to adopt the terminology of the UN agency resulting in people who had already received refugee status being deported anyway. The question of whether cooperation is still justified is therefore relevant.

RSD is fundamental for the protection of refugees because it provids them with an officially recognised status. When UNHCR accepted that asylum seekers were entitled to this status, it indirectly acknowledged that the circumstances in the state of origin were grave enough to speak of refugees rather than migrants.[58] This would then send the political message about the situation and the need for international interference. This is one of the most important reasons why RSD was continued even though the agency was obstructed by Bangkok. Although the attainment of refugee status could produce advantages, such as financial support and a certain degree of recognition, it also made the refugees more recognisable and therefore more vulnerable in both Thailand and Myanmar. The RSD process has therefore caused negative consequences for refugees in some circumstances, such as the separation between political and ethnic refugees and the heightened risk when returning to Myanmar. This was an important consequence to consider, especially in light of a sharp increase in the number of forced deportations.

2. Refugee Camps

There is little legal foundation for the UNHCR to manage refugee camps. The agency has limited autonomy over the camps and its inhabitants.[59] No legal document outlines the rights and duties of the UNHCR concerning the management of camps. Although the UN agency manages camps, legal permission of the host state is necessary.[60] Nonetheless, international human rights are inherent in UNHCR policy. As stated at the outset of this report, propagating human rights is a core rationale of the policy of any UN agency. Traditionally, when the UNHCR is invited to operate in a particular country, obligations under international law also apply to the agency.[61]

The first Karen refugee camp was established in 1984; two years later there were twelve camps with a total population of 12,000 people.[62] In 1989 and 1990 camps were

[58] UNHCR, op.cit. (2005).
[59] A. Vibeke-Eggli, *Mass Refugee Influx and the Limits of Public International Law.* The Hague: Martinus Nijhoff Publishers, 2002, p. 98.
[60] ibid, p. 99.
[61] ibid, p. 112.
[62] E. Bowles, 'From village to camp. Refugee life in transition on the Thailand-Burma border', *Forced Migration Review*, vol. 2, 1998, p. 12.

founded for the Karenni and Mon ethic groups. The border separating Thailand and Myanmar measures 2,000 kilometres and as a result there are many potential crossing points. Camps were usually established at a location where a large group could cross the border, sometimes near Thai villages or in remote areas.[63] Since the camps stretched out over a large area, the burden on local resources was heavy. Most camps were established as small villages often with enough water and the opportunity to grow food. Although refugees were not allowed to do paid labour outside the camps, some managed to find day jobs at farms or plantations in the area. The camps were ruled by a Commission composed of inhabitants rather than Thai officials. In the first few years, when relations between Myanmar and Thailand were strained, refugee camps formed a buffer in the border region. Many refugees had ethnic ties with the Thai people within that area helping them to maintain their social and cultural stability.[64] Refugees received assistance from a number of local Non-Government-Organisations (NGO), but were mainly self-sufficient and enjoyed a reasonably good standard of living.

This situation changed in 1995, however, when the camps increased in size and it became harder to provide enough food and resources for all inhabitants. This development strained security which until then had been provided by local rebel armies who hid in the border regions to protect the camps from attacks by the Myanmar army. Between 1995 and 1997, however, the army recaptured these border regions, repositioning the camps in dangerous conflict zones. The Karen were especially at risk since the Karen National Army (KNA) lost some of its people to the Democratic Karen Buddhist Army (DKBA), a splinter group which joined Myanmar's army, the Tatmadaw. As a result of this repositioning at least five camps were burned down and refugees were kidnapped and killed. Camps in the Manerplaw and Kawmura provinces were in an especially dangerous position after two opposition strongholds in the area were captured. Before the offensives took place, refugees received leaflets warning them to return home to Myanmar.[65]

From that time onwards camps became a priority in Thai national security policy. Bangkok realised that a few larger camps would be easier to control than many small ones, spread across the entire border region. In December 1993, 55,000 Karen lived in nineteen camps. By 1998 twelve camps remained with a total population of 90,000. These camps were also under stricter security as the Royal Thai Army (RTA) was given access to the camps whilst opportunities to venture in and out were limited.[66] Although these measures improved refugee safety it also reduced their ability to look after themselves, thus increasing caseloads of the NGOs involved. Moreover, the heightened army presence increased the risk of involuntary repatriation. The combination of this and the merging of the camps left refugees in a more dangerous position and less likely to be admitted into the camp community. As a result the presence of the UNHCR became crucial.[67]

It is now recognised that refugees should be actively involved in camp life so that they can prepare for the changed circumstances they might expect to encounter if they are returned home. Camps are partly ruled by committees of inhabitants, which have

[63] ibid, p. 12.
[64] ibid, p. 13.
[65] Lang, op.cit. (2001) p. 5.
[66] Bowles, op.cit. (1998) p. 14.
[67] S. Thompson, 'Community-Based Camp Management', *Forced Migration Review*, vol. 30, 2008, p. 26.

different tasks such as overseeing the activities of the other committees, maintaining contact with NGOs and cooperating with the UNHCR.[68] Protection work groups have been established in cooperation with NGOs, which concern themselves with different matters ranging from camp business to national policy. UNHCR policy has subsequently been extended to matters beyond security, such as the administration of justice and birth registration.[69]

Instrumental Camp Policy?

The UNHCR operates under a restricted mandate in refugee camps in Thailand. Most were established before the UN agency became involved. Concerns surrounding living conditions and social consequences of camp life therefore prevailed over the legal mandate and accountability questions. During a meeting on Protracted Refugee situations in 2004, the Executive Committee of the UNHCR concluded that although camps initially save lives, they are detrimental to lives in the long term. Camps reinforce poverty and refugees miss the opportunity to become productive members of society.[70] It is also pointed out that long-term occupation has serious consequences as refugees become disillusioned and this sense of hopelessness can breed extremism. The statement therefore acknowledges that resolving long-term crises may generate greater short-term consequences. The NGOs camp committees, Thai authorities and UNHCR depend on each other to create both the right circumstances and level of security for the adequate protection of refugees. An example of such cooperation is the legal assistance project established in 2005 and 2006 by the UNHCR and the International Rescue Committee (IRC). In this instance the Thai Government gave material and financial support in the hope of gaining more control of security threats, such as abuse and trade in drugs and alcohol.[71]

3. Repatriation

Apart from integration into the local community, resettlement and repatriation are two durable solutions to a refugee situation.[72] Repatriation is generally preferred as refugees can return home and resume their lives. The reality however is different as refugees have often sustained psychological damage. For example, refugee children have often never seen their country of origin, whilst radicalisation and the alteration of traditional gender roles have had a significant impact on social relations. Even if refugees themselves have not changed, their home country has.[73] Originally, four criteria existed which had to be met before repatriation could be considered including: a fundamental change of circumstances in the state of origin; a voluntary decision by the refugee to return home;

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[68] P. Vogler, 'Into the Jungle of Bureaucracy. Negotiating Access to Camps at the Thai-Burma Border', *Refugee Survey Quarterly*, vol. 26, no. 3, 2007, pp. 54.
[69] Thompson, op.cit. (2008) p. 27.
[70] Executive Committee of the High Commissioner's Programme. 'Protracted Refugee Situations, EC/54/SC/CRP.14', June/July 2004, (online available) http://www.unhcr.org/cgi-bin/texis/vtx/excom/opendoc.pdf?tbl=EXCOM&id=40c982172 (accessed 1 February 2009).
[71] J. Harding, 'Access to Justice and the Rule of Law', *Forced Migration Review*, vol. 30, 2008, p. 29.
[72] J. Mertus, 'The State and the Post-Cold War Refugee Regime', *International Journal of Refugee Law,* vol. 10, no. 3, 1998, p. 342.
[73] A. C. Helton, *The Price of Indifference. Refugees and Humanitarian Action in the New Century*. New York: Oxford University Press USA, 2002, p. 178.

a tripartite agreement between the state of origin, host state and the UNHCR; and a dignified and safe return.[74]

Conflicts that had started during the Cold War came to an end in the early 1990s when the support of the super powers was suspended. It thus became increasingly viable to utilise repatriation as a durable solution to refugee situations. Policy became increasingly flexible, whilst pragmatic considerations became more important than legal protection principles.[75] Protection was redefined, as it no longer involved the receipt and shelter of refugees, but rather the search for ways to facilitate expedient negotiations. Consequently, the UNHCR became more involved in the situation in the state of origin. Instead of waiting until these situations resolved themselves or improved, the agency actively focused on finding solutions as to facilitate repatriation.[76]

Accordingly, changes started to occur in the application of the repatriation criteria. To facilitate repatriation under less than ideal circumstances, the UNHCR adapted their language. The situation in the state of origin no longer needed to change substantially, only perceptively, in order to enable repatriation.[77] The term voluntary was replaced by 'voluntariness' denying refugees a mechanism to refuse repatriation so long as a substantial improvement in their state of origin was determined.[78] This drew criticism that through the application of this new condition the UNHCR was breaching international refugee law as well as contradicting their guiding humanitarian principles.

Repatriation from Thailand to Myanmar

The relations between the two neighbouring countries were defined by incidents which resulted in the issue of refugee repatriation being used as a bargaining tool. For instance, under an agreement reached at the end of the 1980s Thailand received logging privileges in Myanmar in exchange for the repatriation of Myanmar dissidents.[79] The forced repatriation of 115 refugees from Don Yang camp in June 2001 was just one example of the nearly 10,000 refugees that were forcefully returned each month about that time.[80]

In addition to the human rights situation there exists another reason why return to Myanmar might be dangerous; much of its terrain is covered with landmines. Myanmar is the only country, besides Russia, where the army uses landmines permanently. Furthermore, the ethnic armies such as the KNA and DKBA use mines as well,[81] most of which end up close to civilian populations, usually within half a kilometre of villages. Thus, landmines poses a significant risk to the personal security of repatriated refugees

[74] Barnett and Finnemore, op.cit. (2004) p.103.
[75] ibid, p. 283.
[76] ibid, p. 283
[77] Barnett and Finnemore, op.cit. (2004) p. 99.
[78] M. Barnett, 'Humanitarianism with a Sovereign Face . UNHCR in the Global Undertow', *International Migration Review*, vol. 35, no. 1, 2001, pp. 261.
[79] L. Buszynski, 'Thailand and Myanmar. The Perils of Constructive Engagement', *The Pacific Review*, vol. 11, no. 2, 1998, p. 292.
[80] UNHCR, 'Analysis of Gaps in Refugee Protection Capacity-Thailand', November 2007 (online available) http://www.unhcr.org/refworld/docid/472897020.html (accessed 8 August 2008).
[81] W. Moe, 'Burma Tops List for Landmines', *Irrawaddy*, 25 February 2008, (online available) http://www.irrawaddy.org/article.php?art_id=10544 (accessed 30 July 2008).

as they are forcibly returned before receiving adequate training or preparation for living with landmines.[82]

Instrumental Repatriation Policy?

Based on the above mentioned circumstances repatriation is clearly problematic. It is further complicated as refugees who are registered with a name and an address in Thailand have an increased risk of being imprisoned or tortured when repatriated to Myanmar. Therefore the UNHCR does not support repatriation, although the possibility is always considered as it remains the favoured durable solution.[83] The limited mandate provided to the agency does not offer an opportunity to either resist deportations or supervise them properly.

Although protection is a priority, UNHCR is concerned that its presence in the border region will lead to excessive promotion of repatriation. Because the Thai Government continues to repatriate refugees back to Myanmar, the agency has instead chosen to focus on supervision and control where possible. Although under a Thai-Myanmar agreement names of refugees should be passed on to Yangon before they cross the border, large groups of refugees are deported without any prior knowledge by Myanmarese authorities or the UNHCR. When UNHCR is unable to prevent repatriation they will try to locate the refugees who have been sent back. It will then attempt to negotiate their return unofficially rather than officially. This way, there is less risk of refugees being arrested when entering their home country.[84]

A UNHCR presence in Myanmar since 1994 enables it to supervise repatriation as much as possible. While it has played this role in the eastern border regions since 2004, it established itself earlier in the North to assist in resettling refugees from Bangladesh. UNHCR's activity on the border with Thailand mainly consists of increasing the absorption capacity in case of a potential repatriation.[85] In 2004, the agency reached an agreement with the Myanmar Government allowing it access to the Karen, Mon and Tanintharyi areas. Although the situation in these parts is not considered appropriate for repatriation UNHCR Bangkok and UNHCR Myanmar continue negotiations to prepare as well as possible for such an event.[86] This involves small-scale community projects such as building water, health care and educational facilities. Only when Yangon and the Karen National Union (KNU) negotiate a peace treaty and the landmines are cleared, will return be feasible and appropriate.

Clearly the return of refugees to Myanmar should not be characterised as a voluntary decision based on a substantial improvement in the home country, when in fact many refugees are forcibly repatriated. Moreover, such operations do not take place in a dignified and safe atmosphere. However, these conditions are unlikely to change in the short-term. The UNHCR has therefore utilised other methods in an attempt to guarantee

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[82] Y. Moser-Puangsuwan, 'Landmines. Reason for Flight, Obstacle to Return', *Forced Migration Review*, vol . 30, 2008. 9.
[83] Lang, op.cit. (2001) p. 20.
[84] United States Committee for Refugees and Immigrants, 'World survey report – Thailand 2006', vol. 27, no. 2, 2006 (online available) http://www.refugees.org/countryreports (accessed 15 July 2008).
[85] UNHCR, 'Myanmar Country Operations Plan 2006' 1 September, 2005 (online available) http://www.unhcr.org/refworld/docid/4332c63d2.html (accessed 20 June 2008).
[86] ibid.

the safety of refugees where possible upon their return. Resettlement is currently the most popular alternative when attempting to solve the Myanmar refugee problem. Over 7,000 inhabitants of the Mae La camp were resettled in third countries during 2007. An unwanted consequence of this solution is that it can attract more refugees to Thailand, and as such does not receive much support from the Government.[87] This might even provide a justification for Thailand not to become a member of the Convention.[88] Moreover, unrest and tensions might arise in the camps, because refugees either want to ensure or prevent participation in the resettlement program.[89] For UNHCR resettlement remains a popular option. This is demonstrated by the large increase in RSD figures in 2004 coinciding with an offer of new asylum positions by the United States. The conclusion can be drawn that the UN agency is more willing to reward RSD when there is a larger chance of a successful outcome.[90]

Conclusion

In Thailand, the UNHCR was forced to deal with a host state which was unwilling to yield any sovereignty in favour of refugee assistance. Because both Thailand and Myanmar are not party to the Convention, the UNHCR was forced to resort to alternative methods to provide protection. Instrumental policies have been developed over the past few years in all three policy areas discussed in this article: camp management, RSD and repatriation. In regards to repatriation the UNHCR used informal channels where possible to repatriate refugees and protect them from possible arrest in Myanmar. Although the UN does not support repatriation if circumstances in the state of origin are not suitable, the agency chose in this case to use policy that provided the most protection.

In respect to RSD and refugee camps it took longer before consequences of UNHCR policy became apparent. That the UNHCR had little to say about who entered the camps and under what conditions is, of course, a considerable obstacle to carrying out effective policy. However, good cooperation with NGOs, in conjunction with active participation of camp residents in both administration and activities, ensured increased interaction between the UNHCR and refugees. It also led to an improvement in the quality of life for the inhabitants of the camp. RSD has consequences for the safety and freedom of movement of recipients, but also offers the best protection mechanism that the UNHCR has to offer. This is not only because of the rights it protects but also because it enables the agency to stay informed about the size of, and developments in, the refugee population.

Instrumental policy has its risks. It will reinforce the belief of uncooperative states that participation in the Convention is not necessary to receive assistance. There is also the risk that once the agency distances itself further from traditional tasks, the refugee situation in question will weaken its ability to find clear solutions in the future. However, the presence of the UNHCR has made a positive difference in Thailand. Experiences with Myanmarese refugees have taught the organisation that it is important

[87] D. Alexander, 'Burma. In Need of Urgent Change', *Forced Migration Review*, vol. 30, 2008, pp. 6.
[88] Brees, op.cit. (2008) p. 5.
[89] S. Dudley, 'A Sense of Home in Exile', *Forced Migration Review*, vol. 30, 2008, pp. 23.
[90] Yoshikawa, L. 'Between a Rock and a Hard Place. Burmese Asylum-Seekers in Thailand', 11 May, 2005, *Refugee Status Determination Watch* (online available) http://www.rsdwatch.org/index_files/Page1525.htm (accessed 28 June 2008).

to look beyond conventional measures and that both protection and assistance come in many forms. This case clearly shows that impartial humanitarian assistance is an illusion, and that the UNHCR needs to develop a way to deal with this reality. Refugees are completely reliant on the international community, especially if their own country violates their rights in such a way as to force them to seek refuge in another country. Every generation growing up in a camp without any prospect of leaving will risk becoming a burden on the international community. It is essential to do whatever is possible to lighten this burden.

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THE UN SECURITY COUNCIL: IS IT EQUIPPED TO DEAL WITH THE GLOBAL SECURITY CHALLENGES OF THE 21ST CENTURY?

Amber Jitts[1]

For over sixty years primary responsibility for ensuring the maintenance of international peace and security has rested with the United Nations Security Council. The Council's efforts to meet this mandate have arguably incorporated both remarkable successes and failures. Yet the challenges for the Council will be no less complex or numerous in the 21st century. This report contends that the Council remains a vitally important mechanism for coordinating state responses to global security threats. Following an exploration of the nature of today's global security environment, the report explores the powers and resources available to the Council to deal with these issues as well as the major impediments to its action. The report concludes that a collective security approach is more important than ever before, and that the Council stands alone in its authority and ability to achieve international peace and security.

Introduction

On 24 October 1945, in the immediate aftermath of Worl War II, fifty-one states joined together to create the United Nations (UN) with the primary intention of saving "succeeding generations from the scourge of war."[2] The foremost objective identified by the UN Charter (the Charter) signed by the representatives of these states was to maintain international peace and security.[3] To that end, UN Members agree to take:

> effective collective measures for the prevention and removal of threats to peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.[4]

For over sixty years primary responsibility for ensuring the maintenance of international peace and security - through this unprecedented collective security framework - has rested with the UN Security Council (the Council). The Council has arguably had both remarkable successes and obvious failures in fulfilling its mandate. This has led to much debate on the future of the organisation and its ability to deal with contemporary security issues.

This report considers whether the Council is equipped to deal with the global security challenges of the 21st century. Following a brief exploration of the nature of the global

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[2] Preamble, *United Nations Charter,* United Nations, 1945, (online available) http://www.un.org/aboutun/charter/chapter7.htm (accessed 3 September 2008).
[3] Article 1, *United Nations Charter*, op.cit. (1945).
[4] Article 1(1), *United Nations Charter*, op.cit. (1945).

security environment, it explores the basis of the Council's authority and whether this authority translates easily into tangible 'power'. While acknowledging the substantial and important debate which exists on the structure and membership of the Council, this report evaluates the ability of the Council to meet its mandate as it currently exists. With this in mind, the report argues that the terms of the Charter provide the Council with extraordinarily broad authority and latitude to maintain and restore international peace and security. However, as a political organisation the effectiveness and efficiency of the Council remain subject to the constraints of the individual national interests of its member states. Despite this, the report concludes that the Council remains a vitally important mechanism for coordinating responses to 21st century security threats.

The UN Security Council in the 21st Century

Chapter V of the Charter establishes a Security Council composed of fifteen members as an executive arm of the UN upon which all member nations confer "primary responsibility for the maintenance of international peace and security."[5] The Council does not have *sole* responsibility in its task, as the Charter requires the parties involved in a dispute to endeavour to resolve their differences peacefully themselves in the first instance[6], or through regional arrangements as a second recourse.[7] The Council is to intervene where crises cannot be resolved at these subsidiary levels.[8] The Charter also recognises the role of the International Court of Justice in arbitrating international legal disputes.[9] Thus, the Council is not expected to deal with every crisis, only those that cannot be resolved by other means. Only the Council, however, may legitimately authorise security measures on behalf of the international community, including the use of force. Moreover, the decisions of the Council are agreed as binding. Under the terms of the Charter, the Council is authorised to act on behalf of all UN Members[10] which agree to accept and carry out its decisions.[11]

The international environment in which the Council operates in the 21st century is dramatically altered from when the Charter was drafted in 1945. The fear of interstate war, which encouraged the creation of the UN, has long since been supplemented by a range of new global security threats. In 2004 the UN High Level Panel on Threats, Challenges and Change identified six collectives of security threats for global attention in the 21st century:

1. interstate conflict
2. intrastate conflict, including civil wars, genocide and other large-scale human rights atrocities
3. economic and social threats, including poverty, infectious diseases and environmental degradation
4. nuclear, radiological, chemical and biological weapons
5. terrorism and

[5] Article 24(1), *United Nations Charter*, op.cit. (1945).
[6] Chapter VI, *United Nations Charter*, op.cit. (1945).
[7] Chapter VIII, *United Nations Charter*, op.cit. (1945).
[8] E.C. Luck, *UN Security Council: Practice and Promise*. London: Routledge, 2006, p.7.
[9] Article 36(3), *United Nations Charter*, op.cit. (1945).
[10] Article 24, *United Nations Charter*, op.cit. (1945).
[11] Article 25, *United Nations Charter*, op.cit. (1945).

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6. transnational organised crime.[12]

The Panel also noted that globalisation continues to increase the complexity and interdependence of each of these threats emphasising that:

> We live in a world of new and evolving threats, threats that could not have been anticipated when the UN was founded in 1945 – threats like nuclear terrorism, and State collapse from the witch's brew of poverty, disease and civil war…In today's world, a threat to one is a threat to all. Globalization means that a major terrorist attack anywhere in the industrial world would have devastating consequences for the well-being of millions in the developing world. Any one of 700 million international airline passengers every year can be an unwitting carrier of a deadly infectious disease. And the erosion of State capacity anywhere in the world weakens the protection of every State against transnational threats such as terrorism and organized crime. Every State requires international cooperation to make it secure.[13]

Despite these new, complex and interdependent security challenges, the Council remains an enormously powerful entity which continues to wield an unequalled and unprecedented capacity to maintain and restore international peace and security in the 21st century. This is so for a number of reasons.

First, the Council holds broad discretion to determine not only the scope of its own jurisdiction, but also to decide which crises shall trigger its powers. Under the Charter, the Council is authorised to determine independently "the existence of any threat to the peace, breach of the peace, or act of aggression."[14] Nowhere in the Charter are there definitions or guidelines on what constitutes a threat to or breach of international peace and security, or an act of aggression. Efforts by some parties to include these when the Charter was being drafted were defeated.[15] The Council is solely guided in this regard by the Charter requirement that it discharge its duties "in accordance with the Purposes and Principles of the United Nations."[16] As a result, the Council can extend its concept of threats to international peace and security progressively as new circumstances arise, and thereby its focus.[17] It is on this basis that in the past two decades:

> [s]ituations held by the Council to constitute threats to international peace expanded to include a coup against a democratically elected regime (in Haiti); a range of humanitarian catastrophes, particularly those generating large exoduses of displaced persons, international and internationally; and acts of terrorism.[18]

Second, the Council has wide latitude to meet its concomitant mandate to "make recommendations, or decide what measures shall be taken…to maintain or restore

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[12] United Nations High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility.* New York: United Nations, document A/59/565, 2 December, 2004.
[13] ibid, p.1.
[14] Article 39, *United Nations Charter*, op.cit. (1945).
[15] Lowe, V., Roberts, A., Welsh, J. and Zaum, D. (eds.), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. Oxford: Oxford University Press, 2008, p.35.
[16] Article 24(2), *United Nations Charter*, op.cit. (1945).
[17] Martínez, L.M.H, 'The Legislative Role of the Security Council in its Fight Against Terrorism: Legal, Political and Practical Limits', *International and Comparative Law Quarterly*, Vol. 57, April 2008, p. 334.
[18] Malone, D.M. 'Security Council', in Weiss, T.G and Daws, S. (eds.), *The Oxford Handbook on the United Nations*. Oxford: Oxford University Press, 2008, p. 121.

international peace and security."[19] Under Chapter VI of the Charter, the Council may investigate and intervene in "any dispute, the continuance of which is likely to endanger the maintenance of international peace and security"[20] or any "situation of like nature."[21] Where it decides to invoke its powers the Council then holds broad licence to influence the terms of peaceful settlement for each situation, namely through recommending "appropriate procedures or methods of adjustment"[22] or "such terms of settlement as it may consider appropriate"[23], including to non-state parties. In addition to its conciliatory capacity the Council possesses vigorous peace enforcement capabilities under Chapter VII of the Charter, including in relation to non-state actors.[24] It can compel parties to "comply with such provisional measures as it deems necessary or desirable"[25]; call on UN Members to apply "measures not involving the use of armed force" including but not limited to, diplomatic, political, economic and other sanctions[26]; or, where these instruments "would be inadequate or have proved to be inadequate", take military action.[27]

Third, the Council is the sole authority under international law on the legality and legitimacy of the use of armed force. Article 51 of the Charter acknowledges "the inherent right of individual or collective self-defence", however it also clearly stipulates that this right applies solely "if an armed attack occurs" and *until* "the Security Council has taken measures necessary to maintain international peace and security."[28] Similarly, the Charter recognises the value and role of regional security arrangements - the Council can even utilise such arrangements to enforce its decisions under Chapter VII as it deems appropriate – but also reaffirms the primacy of the Council in authorising and overseeing peace enforcement action.[29] The Charter clearly stipulates that "no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council."[30]

Old Dog, New Tricks

What is perhaps most important in the Council's capacity to deal with 21st century global security challenges is that it is adapting to the contemporary global security environment through an "extraordinary increase in its activity and in the imagination with which its powers have been implemented."[31] A critical factor in this regard is the Council's willingness to develop and apply new interpretations of the Charters' provisions and principles. In its sixty years of operation the Council has continually tailored its approaches to addressing security threats in ways that reinforce the traditional interpretations of Chapters VI and VII of the Charter. This has involved preventative diplomacy and deployment, mediation by the UN Secretary-General,

[19] Article 39, *United Nations Charter*, op.cit. (1945).
[20] Article 33(1), *United Nations Charter*, op.cit. (1945).
[21] Article 36(1), *United Nations Charter*, op.cit. (1945).
[22] Article 36(1), *United Nations Charter*, op.cit. (1945).
[23] Article 37(2), United Nations Charter, op.cit. (1945).
[24] Luck, op. cit. (2006) p.78.
[25] Article 40, *United Nations Charter*, op.cit. (1945).
[26] Article 41, *United Nations Charter*, op.cit. (1945).
[27] Article 42, *United Nations Charter*, op.cit. (1945).
[28] Article 51, *United Nations Charter*, op.cit. (1945).
[29] Article 53, *United Nations Charter*, op.cit. (1945).
[30] Article 53(1), *United Nations Charter*, op.cit. (1945).
[31] Martínez, opt. cit. (2008) p.333.

targeted sanctions as well as enhanced monitoring procedures. The Council has also adopted new preventative measures such as mandating peacekeeping and peace building, establishing *ad hoc* criminal tribunals, consenting to humanitarian intervention and creating global security strategies including those to counter terrorism.[32] As a direct result the Council is growing beyond its initial function as a political forum and now frequently serves important new functions as 'legislator, judge, and executive', which allows the Council to take "swift and decisive action in response to perceived threats to international peace and security."[33]

Noteworthy, is the Council's emerging international judicial role. Specifically, the Council has made important contributions to the development and enforcement of international criminal law through the establishment of its *ad hoc* judicial institutions and subsidiary bodies. These include the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Iraqi Special Tribunal and the Extraordinary Chambers for the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea. The Council-approved statutes of these bodies have often provided them with extraordinary authority and jurisdiction including primacy over national courts, the ability to operate regardless of the host state's consent and jurisdiction over heads of state and other individuals.

As a result the Council is not only assisting in ending immunity for persons who commit a range of serious humanitarian and other crimes, but also has been instrumental in strengthening the rule of law at both the domestic and international levels. In addition, the creation of these bodies is widely credited with generating the momentum for the establishment of the International Criminal Court which, as international criminal law expert Antonio Cassese notes, will no doubt eventually see international criminal responsibility become an obligation *erga omnes* ('toward all') in nature.[34]

The Council's adoption of a global legislative role is also proving highly effective as a means to rapidly achieve outcomes against contemporary transnational challenges, particularly in comparison to traditional treaty-based efforts to achieve a multilateral response. This was demonstrated by the Council's dynamic response to the terrorist attacks on the US on 11 September 2001. Part of this saw the Council unanimously adopt Resolution 1373 (2001) which reaffirmed "the need to combat by all means, in accordance with the Charter, threats to international peace and security caused by terrorist acts"[35] and, significantly, bound states to implement wide-ranging responses to terrorism. These measures include those aimed at prevention, suppression and criminalisation of the financing of terrorism; freezing the financial assets and resources of those who commit, attempt to commit, participate in or facilitate terrorist acts;

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[32] Karns, M.P. and Mingst, K.A, *The United Nations in the 21st Century* (3rd ed): Boulder: Westview Press, 2007, p. 85.

[33] Chesterman, S. *The UN Security Council and the Rule of Law: The Role of the Security Council in Strengthening a Rules-based International System – Final Report and Recommendations from the Austrian Initiative 2004-2008*. New York: United Nations, document A/63/69-S/2008/270, 7 May 2008, (online available) http://ssrn.com/abstract=1279849 (accessed 3 September 2008).

[34] Cassese, A, 'International Criminal Law', in M D Evans (ed.), *International Law*, 2nd Edition, Oxford: Oxford University Press, 2006, p.733.

[35] Resolution 1373, adopted by the United Nations Security Council on 28 September 2001, (online available) http://daccessdds.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement (accessed 3 September 2008).

blocking the provision of any form of support or safe haven to entities or persons involved in terrorist acts; and the prevention of those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other countries and their citizens.[36]

Importantly, the resolution also requires all states to implement domestic legal measures to ensure that "anyone who has participated in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice" and that "terrorist acts are established as serious criminal offences in domestic laws and regulations and that the seriousness of such acts is duly reflected in sentences served."[37] By phrasing its decisions in general terms rather than in response to the specific attacks of 11 September 2001, the Council has established general universal rules that oblige UN Member states to adopt legislation and administrative acts in their internal legal systems.[38] More broadly, through the series of subsequent resolutions on terrorism, the Council has established a highly strategic framework of principles, mechanisms and procedures to guide a global approach to countering the transnational threat of terrorism.

The global impact of such legislative decisions is being further strengthened by the Council's efforts to coordinate and facilitate their implementation and progression. UN Special Adviser Edward Luck notes, for example, that the incorporation into Resolution 1373 of the establishment of an oversight committee is a major innovation.[39] Through the Committee, he argues, the Council can reinforce "a global system of standards, expectations, reporting, and assessment that apply equally to all states, not just UN member states" by which "weaknesses in state capacity, laws, and practices are to be identified, along with those governments or organisations that can be of assistance in patching these gaps."[40] Luck adds that in taking this action, the Council can capitalise on its ability to provide and facilitate the sharing of invaluable expertise as well as practical experience by "acting as a clearing house between those needing help and those willing to provide it", and thus become "more of a facilitator that an enforcer."[41]

Challenges

These new and innovative approaches of the Council are creating vast opportunities for it to deal with the global challenges of the 21st century. Yet, it should be recalled that the Council is, at its core, a political organ. As such its margin for manoeuvre remains perpetually constrained by the ability and disposition of its members to take action on security matters, as well as the willingness of other states to support and carry out Council decisions.[42] Consequently there are a number of major challenges facing its operation.

The first of these challenges is the need to establish and maintain a broad consensus of Council members on security issues. This derives principally from the composition and

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[36] ibid.
[37] ibid.
[38] Martínez, opt. cit; (2008) p.333.
[39] Luck, E.C. 'Tackling Terrorism', in Malone, D.M. (ed.), *The UN Security Council: From the Cold War to the 21st Century.* Boulder: Lynne Rienner, 2004, p. 96.
[40] ibid, p.104.
[41] ibid, p.104.
[42] Malone, D.M (ed.), op.cit. (2004), p.7.

voting arrangements of the Council. As a direct reflection of the power politics of the period in which the Charter was drafted, five of the fifteen seats on the Council are held permanently by five UN Member states: China, France, the Russian Federation, the United Kingdom and the United States of America (known collectively as the P5).[43] The Charter requires all Council decisions on peace and security matters to be made by "an affirmative vote of nine members including the concurring votes of the permanent members."[44] In practice this means that the P5 have dominated Council agenda, deliberations and decisions since its inception. This is accomplished through the veto power that the P5 hold over all Council resolutions. Although a convention has emerged in practice by which an abstention or absence by a permanent member is not treated as a veto.[45] During the Cold War this veto power almost crippled Council operations entirely and even today it affects many contemporary issues with significant international security implications. For example, the dispute between India and Pakistan over Kashmir, and the issue of Taiwan's independence from mainland China remain missing from the Council's agenda for reasons which involve the national interests of one or more of the P5.[46] Thus, an important operational challenge for the Council in the 21st century will be to achieve greater rates of consensus between the P5 and other Council members not only on what constitutes a security challenge, but also on what action(s) should be taken to respond to such challenges in a manner that recognises the political interests of each state without sacrificing the interests and needs of the larger UN collective. At the very least this would involve encouraging the greater use of abstentions by Council members on important security matters where a consensus cannot otherwise be achieved.

The Council's efforts effectively to manage the discord between the international legal principles of the non-use of force and humanitarian intervention are particularly important in this regard. The UN Charter, while aspiring to promote human rights, does not include a provision for forceful (or otherwise) intervention in the affairs of a sovereign state on humanitarian grounds, and there is strong debate as to whether there is a basis for this type of action in customary law. Furthermore, states have been generally reluctant to recognise the legality of humanitarian intervention due to the risk the value poses to the international stability offered by the international legal norms of state sovereignty and the non-use of force, as well as the risk that the practice could ultimately make the existence of certain regimes dependent upon the judgement of others.[47] Nevertheless, the Council has taken important steps towards legitimising forcible intervention. This is can be seen in the decisions to approve such action in relation to Somalia (1992), Bosnia (1992), Kosovo (1999) and East Timor (1999) on the grounds that each of these situations represented a threat to international peace and security.

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[43] Article 23, *United Nations Charter*. This provision of the Charter was amended in 1965 to expand the number of non-permanent Council members from 6 to 10 States. The non-permanent seats are held by UN Members that are elected by the General Assembly for two year terms and which are then not eligible for immediate re-election to the Council.
[44] Article 27, *United Nations Charter*, op.cit. (1945).
[45] Lowe et al, op.cit. (2008) p. 19.
[46] Greenstock, J. 'The Council in the Post-Cold War World', in Lowe, V., Roberts, A., Welsh, J. and Zaum, D. (eds.), *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945.* Oxford: Oxford University Press, 2008, p. 258.
[47] Armstrong, D. et al, *International Law and International Relations*. Cambridge: Cambridge University Press, 2007, p. 133.

The Council, however, has not gone far enough. Specifically, it has avoided providing clear legal reasoning for such decisions to date. During the Kosovo crisis, for example, the Council took great care not to provide retrospective legitimation to the North Atlantic Treaty Organisation's (NATO) bombing campaign and yet also did not condemn outright the unauthorised use of force, thereby indicating a "tolerance, indeed sympathy, within the Security Council for the action."[48] The Council rather has found that 'unique' circumstances applied in each case that warranted intervention.[49] While this approach arguably has its merits in that it does not establish a legal precedent of a 'right' to intervene on humanitarian grounds and also retains the discretionary power of the Council to authorise such interventions, the unfortunate drawback is that it creates further ambiguity as to the circumstances in which humanitarian interventions are lawful and legitimate.[50] This ambiguity has been further amplified where there has been inaction by the Council in relation to other seemingly deserving humanitarian catastrophes, such as in Rwanda. What is needed is a clear statement by the Council outlining the criteria by which these decisions should be made into the future, and a commitment to an appropriate balance in international security matters between both sovereignty and human dignity.

The second major challenge to the ability of the Council to meet its mandate in the 21st century is the global primacy of the US. In particular, the unparalleled military power and defence spending of the US leaves it in many cases less reliant than smaller countries on collective security mechanisms for national security. International relations expert Ramesh Thakur warns that the statements and actions of the American government could potentially undermine the Council's global authority, particularly on the use of force, and thereby its fundamental legitimacy as a collective body on global security issues.[51] Thakur also contends that "[i]n a world in which there is only one universal international organisation but also only one superpower, the UN must tread a fine line so as neither…become irrelevant to the security imperatives of the USA nor become a mere rubber stamp for US designs."[52] In other words, the other Council members must be careful to avoid America's national interests and geopolitical considerations becoming "both passively and actively" a unilateral driver of the Council's security agenda and decisions.[53] In the words of one commentator, it may well be that for the Council to continue to be of value to America, the international community must convince Washington that it can act as a multiplier for US power and that acting multilaterally through the Council will be in its best interest.[54] The trick will be "to determine in which situations Washington and the world organization will act in concert, that is, when US tactical multilateralism will kick in."[55]

A third major obstacle to the Council's ability to deal with the global security challenges of the 21st century is that it does not directly control the requisite manpower, financial

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[48] Triggs, G.D. *International Law: Contemporary Principles and Practices*. Chatswood: LexisNexis Butterworths, 2006, p.571.
[49] ibid, p.133-4.
[50] ibid, p.133-4.
[51] Thakur, R, *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect.* Cambridge: Cambridge University Press, 2006, p. 366.
[52] ibid, p. 366.
[53] Malone, op.cit. (2004) p.8.
[54]Weiss, T.G. 'The illusion of UN Security Council reform', *The Washington Quarterly*, vol.26, no.4, Autumn, 2003, p.152.
[55] ibid, p.153.

and military resources needed to meet its mandate. This reality means that the Council ultimately holds "authority without power"[56] and is reliant upon states to cooperate and comply with its decisions. Given the limited number of issues on which international national interests may easily coincide, obtaining this support has proven a difficult task for the Council in the past, and is likely to remain a constraint in the future. The Council must therefore be careful to encourage a perception by all states of the value and legitimacy of both its purpose and actions.[57] This requires unfailing deliberation on, and sensitivity to, both the needs of individual Council members and the interests of the international community as a collective for each and every issue that comes before the Council. Such an approach would necessarily be based upon a more realistic evaluation of the political realities of the demands, expectations and tolerance thresholds of UN Member states as well as the availability of human, financial and material resources.[58]

Conclusion

As this report has outlined, the UN Security Council is equipped with tremendous authority, reach and flexibility to provide lawful, legitimate leadership and coordination on actions in response to an array of global security challenges in the 21st century. This has been demonstrated across a broad spectrum of issues such as establishing *ad hoc* criminal tribunals and consenting to humanitarian intervention as well as creating global counter-terrorism strategies. However, as former UN Secretary General Boutros Boutros-Ghali remarked in 1992, it is crucial for all states to bear in mind that the UN will be of little significance unless there exists within the Council "a spirit of commonality…propelled by the will to take the hard decisions demanded" of it, and unless the Council's recommendations and decisions are backed by the support and actions of states.[59] In the 21st century, the overwhelming majority of threats which states and peoples worldwide face are global in nature and cannot be countered by any one state individually. In this contemporary reality, a collective security approach is more important than ever as a means of achieving international peace and security, and the United Nations Security Council stands alone in its authority and ability to achieve this goal.

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[56] Thakur, opt. cit; (2006) p.365.

[57] Karns, M.P. and Mingst, K.A, *International Organizations: Politics and Processes of Global Governance.* London: Lynne Rienner, 2004, pp. 113-4.

[58] Thakur, opt. cit. (2006) p.365.

[59] Boutros-Ghali, B. '*An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-Keeping',* Report of the Secretary-General, New York: United Nations, 17 June 1992, (online available) http://www.un.org/docs/SG/agpeace.html (accessed 4 September 2008) para.6.

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INFLUENCING INTERACTIONS BETWEEN DEMOCRATIC STATES: NORMS AND STRUCTURES

Jared Bissinger

Democratic peace theory proposes that the nature of a state's domestic political arrangement affects its interactions with other states. Over the last quarter century, this theory has grown increasingly prominent in academic circles, and has affected the foreign policy of many countries, most notably the United States (US). After briefly outlining the intellectual foundations of democratic peace theory, found in the work of philosopher Immanuel Kant, this report will explore the two types of explanations for why democratic interactions are more likely to produce peaceful relations: democratic norms and structures. This report examines norms and structures and determines that shared norms can pacify the behaviour of the state by altering the rules of acceptable conduct in interactions between democratic states, provided that their leaders perceive that they are all constrained by the same norms. Democratic structures are not inherently pacifying, because they can both introduce accountability and constraint on the leadership when public opinion opposes conflict, yet also promote conflict when public opinion is hawkish. Democratic norms and structures are not competing explanations of democratic peace, but are instead complementary, providing synergistic explanations of how the relations between democratic states are altered.

Introduction

Democratic peace theory proposes that the nature of the state affects its behaviour towards democratic states, a proposition with great consequences for both foreign policy and international relations. This idea has been fundamental in shaping recent US foreign policy. It has provided the impetus for both enlargement of territorial influence and foreign interventionist policies by linking the security of democratic states to the "nature of other state's internal political systems."[1] The logic of democratic peace theory can be extended to infer that the benign nature of democratic interactions makes non-democracies a comparative threat to the security of liberal democratic states. Therefore fewer non-democratic states make the international system safer for liberal democracies. The idea that the political nature of the state influences the international system is a direct challenge to fundamental concepts of some of the more prominent theories of international relations, namely neo-realism and realism. If a state's political structure is shown to be an important consideration in international relations, it would cause scholars to rethink further the merits and current conceptions of structural theories of international relations and change the character of debate among modern international relations specialists.

The impact of democratic peace theory's logic is unmistakable, but is there any truth to its claims? Do democracies actually possess certain qualities that make their interactions more peaceful and benign? Can this behaviour be explained by other factors such as trade, political and security alliance networks or strategic interests? How, in such a

[1] C. Layne, 'Kant or Can't: The Myth of the Democratic Peace'. *International Security*, vol. 19, no. 2, 1994. pp. 46.

complex world, can we ascertain what factors drive decisions of states and whether the qualities of democracies are important enough to merit discussion? Modern democratic peace theorists generally propose two types of explanations for why democratic interactions are more peaceful: democratic norms and structures.

This report demonstrates that shared norms can indeed pacify the behaviour of the state by altering the rules of acceptable behaviour in the interactions between democratic states, provided that their leaders perceive that they are all constrained by the same norms. These shared values do not influence behaviour in the interactions with non-democratic states, and thus leaders of democratic states revert to *pragmatic* behaviour. When democratic norms are present and influence decision-making in the interactions of democratic states, resultant actions can be more peaceful. Democratic structures, however, are not inherently pacifying. Although they can introduce accountability and constraint on the leadership when public opinion opposes conflict, such structures can also promote conflict when public opinion is hawkish. Whilst they alter the costs and benefits of certain behaviours for leaders they are not designed to pacify, but rather to hold leaders accountable to public opinion. Democratic norms and structures are not competing explanations of democratic peace, but are instead complementary and sometimes inseparable. Peace is most evident in democracies where democratic norms and structures work together to pacify behaviour and outlook.[2]

Democratic norms and structures are just two factors that influence the behaviour of states. Also important are trade relations, strategic interests and alliances such as those that dominated the Cold War era. It is a difficult and complex proposition to determine the degree to which each of these factors influences the decision-making process. The degree to which norms and structures are exaggerated in the modern debate is wholly dependent on the interpretation of democratic peace theory you choose to analyse. While some democratic peace theorists such as R.J. Rummel[3] have overstated the peaceful nature of democracy, the claim that the qualities of democracies cannot influence the interactions of democratic states is not substantiated in light of historical evidence and logic.[4]

This report looks first at the foundations of democratic peace, focusing on the work of Immanuel Kant. It then examines the different positions of the current debate regarding democratic peace theory, highlighting the shortcomings of empirical paradigms and the problems in defining democracy. The focus then turns to the arguments for democratic norms and structures, indicating how together they can pacify democratic interactions. Next, this report will discuss the role that trade, strategic interests, and alliance networks play in the decision-making of states. It concludes by reinforcing the notion that democratic norms and structures are important in such decisions, whist exploring the impact of democratic peace theory on international relations.

The foundations for most modern democratic peace theorists, notably Michael Doyle, are found in the work of Immanuel Kant. In *Perpetual Peace: A Philosophical Sketch*,

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[2] S. Chan, 'In Search of Democratic Peace: Problems and Promise', *Mershon International Studies Review*, vol. 41, no. 1, 1997, p. 78.
[3] R. J. Rummel, 'Democracies are Less Warlike Than Other Regimes', *European Journal of International Relations*, vol. 1, no. 4, 1995, p. 457.
[4] J. A. Owen, 'How Liberalism Produces Democratic Peace', *International Security*, vol. 19, no. 2, 1994, p. 90.

Kant introduces three "definite articles" whose widening acceptance would guarantee perpetual peace: republican constitutions, a pacific union, and cosmopolitan right.[5] He also maintains that liberal states are not peaceful towards non-liberal states out of fear of being overrun by them.[6] Michael Doyle argues that Kant offers the best guidance in understanding the difference in how liberal democracies interact with each other as opposed to how they behave towards non-democracies.[7] Kant's insights about the role of public opinion and government structure are fundamental to modern theorists who attribute the peaceful nature of democratic interactions to democratic structures. The arguments about democratic peace theory can be broken into three main groups. The first group maintain that democracies are generally more peaceful than non-democracies. The second argue that democracies are only more peaceful towards each other. Whilst the third group contend that democracies are no more peaceful than non-democracies.[8]

The first interpretation, referred to as *monadic democratic peace*, proposes that the inherent nature of liberal democratic states makes them more peaceful than non-democracies. Theorists supporting this proposition, notably R.J. Rummel, argue that the more liberal a democratic state is, the less likely it will pursue an aggressive foreign policy.[9] Rummel presents statistical evidence and data sets when arguing that democracies are "less warlike than other regimes."[10] His empirical work is criticised, however, because of the limited scope of its analysis and for failing to provide a strong theoretical explanation for the proposed behaviour of democracies. Monadic peace is dismissed by a broad range of scholars, including prominent theorist Bruce Russett, who describes it as a controversial proposal and "one for which there is little systematic evidence."[11] Because the *monadic democratic peace* proposition has been largely discredited from both empirical and theoretical perspectives it will not be considered further in this report.

The second proposition, which is adopted in this report, as it appears to be supported theoretically, logically and empirically is that democracies are more peaceful, but only towards each other; this is known as *dyadic peace*. Bolstered by strong evidence since World War II it is the most popular concept of democratic peace.[12] Indeed, as dyadic theory maintains the democratic norms and structures that can pacify behaviour are most evident in the interaction between established liberal democratic states.

Why then do characteristics of the non-democratic state influence the behaviour of democratic states? The answer is that democratic states, possessing limited information about non-democratic states, seek to avoid the worst possible outcomes such as conflict or invasion. Because non-democratic states do not possess the same internal norms,

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[5] A pacific union of states is seen by Kant as a collection of peaceful states, whilst the cosmopolitan right refers to the basic rights of individuals.
[6] I. Kant, *To Perpetual Peace: A Philosophical Sketch*, Translated by Ted Humphrey. Indianapolis, Indiana: Hackett Publishing, 1964. pp. 112-129.
[7] M. Doyle, 'Kant, Liberal Legacies, and Foreign Affairs', *Philosophy and Public Affairs*, vol. 12, no. 3, 1983, p. 225.
[8] Chan, op.cit. (1997) p. 62.
[9] R. J. Rummel, 'Libertarianism and International Violence', *Journal of Conflict Resolution*, vol. 27, no. 1, 1983, p. 27.
[10] Rummel, op.cit. (1995) p. 457.
[11] B. Russett, C. Layne, D.E. Spiro and M.W. Doyle, 'Correspondence: The Democratic Peace', *International Security'*, vol. 19, no. 4, 1995, p. 168.
[12] Chan, op.cit. (1997) p. 62.

democracies will not expect them to be restrained in their external behaviour by democratic norms when they come into conflict.[13] Therefore, the democratic state may be "forced to adapt to the norms of international conduct of the latter lest it be exploited or eliminated by the non-democratic state that takes advantage of the inherent moderation of democracies."[14] Democratic states, when interacting with non-democratic states, seek to avoid exploitation and the least desirable outcomes, therefore choosing *pragmatic* behaviour.

Interactions between democracies and non-democracies lack perceptions of shared norms, structures and mutual respect that influence democratic interactions.[15] Such differing perspectives lead liberals to a presumption of amity with other liberals, but a presumption of enmity about non-liberals.[16] Lack of shared perceptions between both sides is exacerbated by the transparent political process in democratic states. This is turn creates an asymmetric balance of information in mixed dyad interactions and provides the non-democratic state with information that could be useful in exploiting democracies. Such asymmetry, combined with different expectations for non-democratic interactions, causes democratic states to think more pragmatically out of fear of being exploited or exterminated.[17]

The third and final major scholarly group of democratic peace theorists are those who argue that the pattern of behaviour between democracies is either insignificant or non-existent. Their critiques are divided into three main strands.[18] The first of these emphasises the insignificance of democratic peace, arguing that although there may be a pattern the data is insufficient to yield significant proven results. David Spiro, one such academic, argues that "the absence of wars between liberal democracies is not…a significant pattern for most of the past two centuries."[19] Although his critique is an important contribution, Spiro's criticism of empirical evidence for democratic peace does not shed much light on the theoretical side of the debate and thus it will not be discussed further here.

The second strand of critiques takes issue with the causal logics presented. Christopher Layne, a prominent proponent of this strand, argues that factors expounded in realist international relations theory, not democratic peace theory, account for the behaviour of states. He concludes that "democratic peace theory's causal logic has only minimal explanatory power."[20] However, there are two problems with Layne's position. Firstly, he proposes that because there is a lack of democratic peace in the four cases that he has chosen, democratic peace theory is therefore universally untrue. Secondly, he "draws

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[13] B. Russett, *Grasping the Democratic Peace: Principles of a Post-Cold War World*, New Jersey: Princeton University Press, 1993. p. 94.
[14] Z. Maoz and B. Russett, 'Normative and Structural Causes of Democratic Peace, 1946-1986', *American Political Science Review*, vol. 87, no. 3, 1993, p. 625.
[15] While democracies and non-democracies may also lack shared norms, it is the perception of each that the other does not share same set of norms, and not the actual possession of norms, that is important in influencing interactions.
[16] M. W. Doyle, 'Liberalism and World Politics', *American Political Science Review*, vol. 80, no. 4, 1986, p. 1151.
[17] The United States, for example, can be seen as dealing more pragmatically with North Korea, a non-democratic state, than with Japan.
[18] Owen, op.cit. (1994) p. 88.
[19] D. Spiro, 'The Insignificance of the Liberal Peace', *International Security*, vol. 19, no. 2, 1994, p. 51.
[20] Layne, op.cit. (1994) p. 38.

deterministic predictions from a probabilistic theory."[21] Layne's use of select case studies, all over 80 years old, fails to prove his argument and sheds little light on the interaction of modern democracies.

The third and most cited strand of critiques is how democratic peace theorists define variables of democracy and war. How to define democracy has been a highly contentious and subjective question for scholars arguing both the empirical and normative dimensions of a democratic peace because there are no firm and indisputable relevant criteria. Democracy cannot be understood in dichotomous terms. Instead, it is more accurately understood as a range of practices, norms, behaviours and thoughts that characterise societies, governments and polities. Because no state is a pure democracy, it is impossible to analyse empirically whether democratic peace theory is in fact true without making subjective classifications. [22]

The heavy reliance on empirical analysis in the work of many democratic peace theorists has drawn added attention to the subjective classification of state-types. Theorists have chosen to use hypothesis testing to show statistical correlations between state-type and propensity to become involved in conflict, thus "proving" the existence of a democratic peace.[23] These tests are contingent on isolating both the independent variable of state-type and the dependent variable of war-proneness, although in reality this is an impossible task. Even if such hypothesis tests could reveal indisputable correlations, this would not necessarily help us understand the causal mechanisms. Statistical tests and quantitative analyses "do not inquire into causal mechanisms; they establish correlations that can plausibly be interpreted as causation."[24] Empirical analysis has revealed correlations between the subjectively defined variables of state-type and war but these do not reveal causation and are heavily criticised.

Subjective definitions of democracy present a major challenge to the maintenance of objectivity in democratic peace theory. Classifications have been criticised, "for being subjective, ethnocentric, inconsistent, incomplete, and biased." [25] According to democratic peace theorist Ida Oren, in *Polity II* (a commonly used coding scheme) "polities are coded on a scale that typically takes competitiveness and fairness of electoral processes, as well as constraints on the freedom of executive action, as the defining empirical features of democracy."[26] Other coding schemes for data assign weight to factors such as "civic, political, and economic freedom."[27] But any assignment of value to certain characteristics, and even the selection of those characteristics as the measures of democracy, are subjective judgements. The decision whether to emphasise "mass welfare, distributive justice, popular sovereignty, personal liberty, or political participation," is left to the researcher to determine, creating both a conflict of interest and incentives for self-fulfilling criteria selection.[28] When researches select the data set

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[21] C. F. Gelpi and M. Griesdorf, 'Winners or Losers? Democracies in International Crisis, 1918-94', *American Political Science Review*, vol. 95, no. 3, 2001, p. 634.
[22] Chan, op.cit. (1997).
[23] A. Geis., L. Brock and H. Muller, *Democratic Wars: Looking at the Dark Side of Democratic Peace*, New York: Palgrave Macmillan, 2006. p. 4.
[24] ibid, p. 4.
[25] Chan, op.cit. (1997) p. 65.
[26] I. Oren, 'The Subjectivity of the 'Democratic' Peace: Changing U.S. Perceptions of Imperial Germany' *International Security*, vol. 20, no. 2, 1995, p. 149.
[27] ibid, p. 149.
[28] Chan, op.cit. (1997) p. 65.

they leave themselves open to accusations that it "is only intellectual suppleness…the continual tinkering with definitions and categories…that allows democratic peace theorists to deny that democratic states have fought each other."[29] In short, subjective judgments that must be made to codify and empirically analyse 'democratic' interactions undermine the necessary objectivity of analysis.

Further, the subjectivity involved in coding such complex real world systems into such simplistic data sets is reflected in the great variation of classifications, some of which defy common sense. The list compiled by Zeev Maoz "disagrees with Doyle's list of liberal regimes for two-thirds of the nations that either or both list as democratic."[30] In one of Maoz's data sets, France is not listed as democratic after 1981 according to the cut-off criteria, which coincidently classifies El Salvador as democratic in the very same year.[31] If we remove the empirical need for dichotomous classifications we can examine different degrees and characteristics of democratic behaviour instead of grouping all democracies together as equals. Democracies have both different institutional structures and governing processes and their citizens are influenced by democratic norms to varying degrees. Whilst some countries may have the structures of democratic governance such as elections and an open judiciary, their leaders and polities may not be heavily influenced by democratic norms.[32] Such states, for example Iraq, would act quite differently than established democracies, although these disparities cannot be reflected in empirical analysis. Therefore, we should examine states by the degree they exhibit certain democratic qualities and how ingrained those characteristics are in the political life of the leaders and populace.

Democratic norms are the generally accepted rules of behaviour that informally regulate the political process and include "regulated political competition, compromise solutions to political conflicts, and peaceful transfer of power."[33] The normative argument of democratic peace theorists is that the externalisation of these internal norms pacifies the relations between democracies. When interacting with other democracies, states "externalize the norms of behaviour that are developed within and characterize their domestic political processes and institutions."[34] This phenomenon is often manifested in the actions of political leaders and understood through social psychology. It asserts that unless these leaders, like normal people, are given a reason to change their own patterns of behaviour they will tend to act in a similar fashion when confronted with similar scenarios.[35] When leaders of democracies confront international problems that resemble domestic ones that they have already encountered, they exhibit norms learned in the domestic realm, unless compelled to adopt another tack because of extenuating circumstances.

The externalisation of the democratic norm of bounded competition, which incorporates a set of values including compromise, tolerance and trust, is especially important in understanding the pattern of behaviour between democracies.[36] Competition within

[29] Layne, op.cit. (1994) p. 40.
[30] Spiro, op.cit. (1994) p. 56.
[31] ibid, p. 56.
[32] Chan, op.cit. (1997) p. 66.
[33] Russett, op.cit. (1993) p. 94.
[34] Maoz and Russett, op.cit. (1993) p. 625.
[35] S. Weart, 'Peace Among Democratic and Oligarchic Republics', *Journal of Peace Research*, vol. 31, no. 3, 1994, p. 300.
[36] Chan, op.cit. (1997) p. 77.

democratic states is characterised by clashing "material interests and basic political values," but these conflicts are always governed by rules, guidelines and procedures that set boundaries for competition.[37] The most relevant of these externalised 'guidelines' is the tacit agreement not to employ coercive force or violence to secure a victory.[38] Leaders who preside over quarrelling democratic countries "are fully cognizant that bounded competition is the norm, both for themselves and their opponents."[39] When externalised, the norm of such competition alters the "rules" of the game in which leaders make decisions. When two democratic states are confronted with a conflict of interest they can apply democratic norms to their interaction, preventing conflict from escalating and resulting in the use of military force.[40] Common democratic norms also shift the social perception of what constitutes an acceptable outcome of a conflict.[41] When democratic states mutually perceive that their interactions are subject to norms of bounded competition the decisions of their leaders will be influenced because of the perception that the 'rules' of the game have changed.

The use of covert intervention by democratic states against other democracies illustrates an important caveat to the normative explanation. Because covert action is hidden from public knowledge, the public perceptions that are normally essential in ensuring the normative checks against violence in a liberal democratic state do not exist.[42] This caveat is deeply tied to both structural and normative explanations of democratic peace, but is presented here because it is rooted in perceptions of democratic norms. Norms have little or no effect when states involved do not believe that they share democratic norms. A few examples of this - drawn from the history of the United States - include interventions in Iran in 1953, Guatemala in 1954, Indonesia in 1957, Brazil in 1964 and Chile in 1973.[43]These interventions demonstrated that the fact that a state possesses democratic institutions may not necessarily be sufficient to avert intervention in its internal affairs by a liberal democracy. These examples also call into question the notion that democratic relations are more peaceful and that norms provide a check against violence. Shared norms can make democratic relations more peaceful, but the public in both states must perceive that they share norms with the other for this 'check' against violence to be realised. When the public in one state is unaware of an intervention in another state it is impossible for the norm of bounded competition to be advocated by the public of the intervening state.

The normative argument also provides a warning for the foreign policy of liberal states. If the roots of democratic peace are found in a mutual perception of shared norms, then policies of territorial enlargement and intervention could be counterproductive. The imposition of democratic structures by force "may even be incompatible with a more fundamental goal: the fostering of a global political culture where decisions are made in non-violent contestation among individuals or regimes with equal political rights."[44] Democratic peace is not grounded solely in the structures of democratic governance that

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[37] W. J. Dixon, 'Democracy and the Peaceful Settlement of International Conflict', *The American Political Science Review*, vol. 88, no. 1, 1994, p. 15.
[38] ibid, p. 16.
[39] ibid, p. 17.
[40] Russett, op.cit. (1993) p. 94.
[41] Chan, op.cit. (1997) p. 79.
[42] Owen, op.cit. (1994) p. 90.
[43] D. P. Forsythe, 'Democracy, War, and Covert Action', *Journal of Peace Research*, vol. 29, no. 4, 1992, p. 388.
[44] Weart, op.cit. (1994) p. 312.

are easily spread. Instead it is also found in the political culture of democratic norms, which are not so easily spread. This distinction should mitigate the drive by liberal democracies for enlargement policies, because the pacifying effects of democratic interactions are largely the result of the perception of shared norms.

The second theoretical argument for why democratic interactions are more peaceful centres on democratic structures which include competitive and fair elections with popular sovereignty, checks and balances on government power and a transparent government decision-making processes.[45] These structures introduce new costs and benefits for decision-makers as they are accountable to public opinion. This has a number of effects, including constraining the behaviour of leaders and influencing their decisions on conflict. Although democratic peace theorists propose that these structures inherently make relations between democracies more peaceful, these configurations actually produce mixed results as they simply convey public opinion to leadership by introducing accountability into the decision making equation.

The argument that structural constraints pacify relations between democracies has its foundations in Kant's theories, as he maintains that "if the consent of the citizens is required in order to decide that war should be declared…nothing is more natural than that they would be very cautious in commencing such a poor game."[46] His assertion that the costs of war will make democracies more opposed to conflict is echoed by modern democratic peace theorists, most notably Bruce Bueno de Mesquita. The often repeated counterargument to this hypothesis is, "if democratic public opinion really had the effect ascribed to it, democracies would be peaceful in their relations with all states, whether democratic or not."[47] The costs of war should be equal regardless of the state-type of the opposing country, assuming that all differences in relative capabilities were extracted out. This would lead us to assume that democracies are more peaceful in their relations with all countries; a position already shown to be unlikely. The fault in Layne's criticism is that public opinion is not strictly determined by the costs of a prospective war on the populace. Public opinion also factors in a variety of unquantifiable features, including democratic norms and national pride. It is possible to have differing public opinion about conflicts that have the same cost. Structures relay this sentiment, however it is determined, to the government. The argument that structures are always peaceful because of public opinion does not hold.

There are abundant examples of how democratic structures have conveyed domestic opinion to decision-makers, thus influencing decision-making. US withdrawals from Vietnam in the 1970s and Somalia in 1993 are examples of how public opinion led to pacifying behaviour. Government officials have also noted the importance of popular support, including former US Secretary of Defense Caspar Weinberger, who maintained that "the United States had learned from experience that it was foolhardy to use troops in combat without substantial domestic political support."[48] Popular opinion can also be influential, as noted by democratic peace theorist John Owen, who states that "democratic structures were nearly as likely to drive states to war as to restrain them from it. Cabinets, legislatures, and publics were often more belligerent than the

[45] Oren, op.cit. (1995) p. 149.
[46] Kant, op.cit. (1964) p. 113.
[47] Layne, op.cit. (1994) p. 12.
[48] B. Bueno de Mesquita, 'Domestic Opposition and Foreign War', *The American Political Science Review*, vol. 84, no. 3, 1990, p. 748.

government heads they were supposed to constrain."[49] An excellent example of this popular belligerence is the Spanish-American War where a hawkish US public, inspired by media and parts of the legislature, pressured a comparatively benign Government into war. These conflicting examples demonstrate that public opinion relayed through democratic structures is not inherently pacifying. Instead, it encourages leaders to respect public opinion by providing accountability mechanisms.

Democratic structures do not just affect behaviour through public opinion; they can also affect interactions between democratic states by facilitating a transparent relay of information and by requiring dramatically increased time for military mobilisation. The decision-making process in democratic states "is constrained by the presence of various mechanisms, such as checks and balances, the division of power, and the need for public debate to create widespread public support."[50] These internal mechanisms lengthen the decision-making process in a transparent and open fashion. The extended period of military mobilisation by democracies in conflict alleviates fears of a surprise attack from the other side, thus enlarging the window of opportunity for peaceful settlement.[51] The transparent nature of democracy probably gives an opposing state more accurate information on the other's intentions and constraints. Greater availability of information decreases the uncertainty of confrontation and enables more effective and trustworthy negotiations. When there is mutual transparency neither state fears being exploited by an asymmetry of information and this encourages peaceful settlement.

These structural effects of democracy call into question Layne's assertion that realism and not democratic peace is more appropriate for examining international politics. Although he demonstrates the importance of strategic interests and relative power calculations, Layne does not examine why, for example, during the 1896 Anglo-American crisis both sides took six months to reach a resolution while the conflict did not escalate.[52] Democratic structures can indeed increase the time required to mobilise for conflict, enlarge the window of opportunity for peaceful settlement and allow transparent debates that convey information between states. These characteristics do not exist in the interactions between democracies and non-democracies.

Although the norms and structures of democratic states are important, the role of economic interdependence, strategic interests and alliance arrangements are among the other fundamental considerations that states incorporate in their analysis of how to react to international problems. Democratic peace literature often recognises these other important considerations. Prominent democratic peace theorist Bruce Russett, for example, states that democratic peace theory does not propose that "shared democracy is the *only* influence permitting states to avoid war" as power and strategic interests are also one crucial factors influencing decisions made by all states.[53] The difficulty comes in determining the degree to which each of these different variables influences the decisions made by states. The positive correlation between the relative high volumes of trade shared by democratic states, the large number of mutual strategic interests and the alliance networks that bind many of the world's liberal democracies makes it even more

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[49] Owen, op.cit, (1994) p. 91.
[50] G. Levy and R. Razin, 'It Takes Two: An Explanation for the Democratic Peace', *Journal of the European Economic Association,* vol. 2, no. 1, 2004, p. 5.
[51] Russett, op.cit. (1993) p.103.
[52] Russett et al, op.cit. (1995) p.166.
[53] ibid, p.166.

difficult to determine the degree to which each variable influences the decision-making process.

Determining what role norms and structures play in influencing states' behaviour is a major problem because "it is difficult to distinguish between norm-based and interest-based attributes of foreign policy."[54] The behaviour of democracies towards each other, notably their inclination to form alliances and settle disputes, could be attributed to either norms or interests.[55] Alliances themselves could be a large factor in determining why states do not fight. Before WorldWar I, democracies were less likely to enter alliances with one another, but after World War II they became aligned at a significantly higher rate. If we consider alliances as a reflection of the interest of states, these relationships would tell us that the paucity of war between democracies "is a function of changing patterns of interest."[56] The nature of regimes is "an important variable in understanding the composition of alliances."[57] Economic interdependence can restrain the behaviour of democratic states and prevent conflict between them, but could also agitate political tensions if they compete for the same resource(s). Democratic norms and structures do not necessarily have to change strategic interests, alliance networks and economic relationships of states to be relevant. Their importance is instead in how they change the rules by which potential conflicts are sorted out, and by altering the costs and benefits for adopting certain behaviours to resolve conflict.

The proposition that the internal characteristics of states influence international interactions challenges many of the most prevalent modern theories of international relations. According to Layne, 'it goes to the heart of the international relations theory debate about the relative salience of second-image, domestic politics, and of third-image, systemic structure, explanations of international political outcomes."[58] No longer can one argue that domestic politics is an irrelevant consideration in understanding state interactions. This in turn calls into question the validity of structural realist assertions that the causes of war lie in the structure of the international system. Democratic peace theory also challenges the conventional realist assumption that politics is governed by unchanging, objective laws that are rooted in human nature.[59] It proposes instead that shared norms and liberal institutional structures can overcome the natural, anarchic state of human interaction. Democratic peace theory and historical events in the last 25 years have led to the re-emergence of second-image theories in understanding international relations. As a form of liberal theory, it has also breathed new life into the debate about the foundational influences of state behaviour and the ability of humans to overcome nature and build towards Kant's concept of a pacific union.

Conclusion

Democratic norms and structures can influence both the behaviours of democratic states and their leaders during a crisis. The role of democratic norms increases in states where

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[54] Chan, op.cit. (1997) p.78; J. Gowa, 'Democratic States and International Disputes', *International Organization*, vol. 49, no. 3, 1995, p. 516.
[55] ibid, p. 78.
[56] Gowa, op.cit. (1995) p. 516.
[57] Spiro, op.cit. (1994) p. 79.
[58] Layne, op.cit. (1994) p. 5.
[59] H. J. Morganthau, *Politics Among Nations.* New York: McGraw Hill, Sixth Edition. p. 58.

they are relatively more ingrained in the thinking of the leaders and populace. Norms, such as bounded competition, can also influence behaviour and change the rules of acceptable behaviour for resolving conflict by limiting the legitimate methods that democratic leaders can use. A mutual perception by the public that they share liberal values with other states is also an important factor. These shared perspectives influence decision-making through democratic structures, which are not inherently pacifying. Instead they are simply a mechanism through which the public can hold decision-makers accountable. They can be used to advocate warfare just as easily as they can be employed to pacify government. Democratic structures can limit the prospects of war by lengthening the time needed for military mobilization and transparent debate. Democratic norms and structures are not competing explanations for the differing pattern of interactions between democracies; instead, they "reinforce each other to produce the phenomenon of democratic peace."[60] When the polities of states perceive shared democratic norms, these sentiments are conveyed through democratic structures and produce more peaceful results.

There is no evidence to support the claim that only democratic norms or structures determine state behaviour. Furthermore, this position is not supported by most democratic peace theorists. Norms and structures are factors that must be considered along with such issues as strategic interests, alliance networks and trade. Norms and structures can alter the 'rules' that govern democratic interactions and the cost and benefit analyses made by leaders, resulting in tools such as negotiation becoming more feasible and beneficial, and thus helping them to avoid conflict. The perception of shared norms can change the 'rules of the game' by modifying the guidelines of acceptable behaviour for conflict resolution. Although it is difficult to quantify the exact impacts of democratic norms and structures, logic and history indicate that both have played an essential role in influencing interactions between democratic states.

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[60] Russett et al, op.cit. (1995) p. 166.

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SOUTH OSSETIA AS A CULTURAL CONFLICT

Alison Collins

The brief but intense conflict between Russia and Georgia in South Ossetia, in August 2008, killed more than 1000 people and left many more displaced. On the surface the conflict may be considered to be purely the result of rising ethnic tension in the region. However this conclusion oversimplifies a far more complex reality. By examining both the history of tension in the area as well as the more recent, direct causes of the conflict, this report will demonstrate that the outbreak of violence was a result of the combination of several factors. While not a cultural conflict itself, two of the underlying causes stem from the existence of distinct cultural groups. Firstly, the territorial dispute between Georgians and South Ossetians and secondly, the South Ossetian claim to autonomy from Georgia. The final contributing factor discussed in this report is the wider political dispute between Georgia and Russia and its influence on the outbreak of war. In addition, this report will address the international response to the violence. While the United States (US) was very vocal in its opposition to Russia's actions in South Ossetia, the ceasefire and negotiations following the conflict have been largely handled by the European Union (EU). Importantly, the report will also discuss why it is necessary for the international community to work towards gaining a full understanding of the causes of the conflict in order to prepare for similar situations which, in this volatile region, are likely to arise in the future.

Introduction

The five-day war in the Georgian breakaway region of South Ossetia in August 2008 was, for many outsiders, an unexpected conflict fought by Russia over a little known *de facto* state. The region, however, has experienced tension and violence since the Soviet Union was disbanded. With three distinct regional ethnicities, Georgian, Ossetian and Russian, involved in the violence it would be easy to attribute the events in South Ossetia as merely a cultural conflict. The extent to which this is true can be assessed by examining the history of the region and the recent violence experienced there, as well as several other underlying factors which have heightened tensions in the area.

Many conflicts have been attributed to issues of cultural difference. This has become an easy explanation for complex issues in the post-Cold War period, especially since some positive attention has been given to Samuel P. Huntington's controversial thesis which argues that "culture and cultural identities, which at the broadest level are civilization identities, are shaping the patterns of cohesion, disintegration, and conflict."[1] The situation in South Ossetia, however, cannot be explained simply as a 'clash of civilizations.' Whilst Ossetians are a group defined by their ethnicity, which is distinct from that of both Russians and Georgians, the differences are too minimal and few to be classed as different civilizations.[2] Yet the South Ossetian conflict is still likely to be

[1] S.P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York: Simon & Schuster, 1996, p. 20.
[2] S.T. Hunter, 'Border, Conflict and Security in the Caucasus: The Legacy of the Past?', *SAIS Review,* vol. 26, no. 1, 2006, p. 119.

described as one of culture because opposing sides are divided and defined by their ethnicity.

To understand the extent to which the tension in South Ossetia can be attributed to issues of ethnicity, this report will first briefly examine the history of the Ossetians, the region and the events leading to the conflict of August 2008. The discussion will then turn to the four main causes of the outbreak of violence. First, the desire of the Ossetians to preserve their culture. Second, the territorial dispute between Georgians and Ossetians over the region in Georgia known as South Ossetia. Third, the South Ossetian claim to autonomy in that region. And finally, the significance of the broader political tension between Russia and the US-supported Georgia. The wider international response will then be briefly discussed in order to situate the conflict in a broader context. To conclude, this report will consider the implications of gaining a full understanding of the complex causes of this brief conflict, as well as assessing whether the situation in South Ossetia ought to be considered strictly in terms of culture.

Development of Tensions in South Ossetia

The history of the Ossetians, their location and treatment in the 20th century, is crucial in understanding the recent violence in the region. The Ossetians are an ethnic group of Iranian decent and indigenous to North Ossetia in Russia. The Ossetians began to migrate south across the Caucasus mountains in the 17th century, eventually settling in an area of Georgia now known as South Ossetia.[3] Whilst some differences between Ossetians in the North and South have developed there is still a strong and continuing interconnection and interdependence amongst the two Ossetian ethnic groups.[4] Tension between Georgians and Ossetians did not develop until the end of the Cold War, although the origins of this tension can be found in the expansion of the United Socialist Soviet Republics (USSR) into Georgia after the Russian Revolution when South Ossetia was granted autonomy as an *Oblast* of Georgia in 1923.[5] When the Soviet Union collapsed at the end of the Cold War, Georgia became an independent state and abolished South Ossetian autonomy. This sparked violence between South Ossetians and Georgians which escalated into a war that lasted for over a year. Throughout this war the Ossetian militia was actively supported by Russia, although it was Russia that initiated the ceasefire, agreed to by Georgia, which ended the violence in 1992.[6] Since that time a fragile stability has existed in the region. As part of the 1992 peace accord a peacekeeping force was posted in South Ossetia, made up of Georgian, Russian and Ossetian soldiers. This force remained in the region until the outbreak of violence in 2008.[7] However, the situation of South Ossetia remained precarious, with neighbouring Georgian and Ossetian villages remaining heavily guarded. Despite the ceasefire and the presence of peacekeepers in recent years there has been a sharp increase in violence

[3] ibid. p. 119.
[4] J. O'Loughlin, V. Kolossov and J. Radvanyin, 'The Caucasus in a Time of Conflict, Demographic Transition, and Economic Change', *Eurasian Geography and Economics*, vol. 48, no. 2, 2007, p. 143.
[5] R. Denber, *Bloodshed in the Caucasus: Violation of Human Rights Law and Human Rights in the Georgia-South Ossetia Conflict,* New York: Human Rights Watch, 1992, p. 2.
[6] Hunter, op.cit. (2006) pp. 119,120.
[7] N. Macfalane, 'On the Front Lines in the near Abroad: The CIS and the OSCE in Georgia's Civil Wars', *Third World Quarterly*, vol. 18, no. 3, 1997, p. 512.

between these villages earning South Ossetia the dubious label of a "bloody little chessboard."[8]

These tensions have only increased since the current Georgian President, Mikhail Saakashvili, came to power in January 2004. Since taking office, one of Saakashvili's main policy objectives has been to reassert Georgia's sovereignty and power over, what it considers to be, the Georgian breakaway regions of South Ossetia and Abkhazia.[9] The events leading to the August 2008 conflict between the Russian and Georgian armies in South Ossetia are disputed by both sides. However, it is widely thought that various Russian actions, such as operating aircraft without permission in Georgian airspace over South Ossetia in July 2008, were a reaction to Saakashvili's attempt to reassert control of the region.[10] Confrontation between Georgian soldiers and Ossetian militia in the region continued until a unilateral ceasefire was announced on 8 August 2008.[11] The ceasefire only lasted for a few hours, however, before Georgia sent a large number of soldiers into the separatist region, claiming that such action was necessary to control shelling of Georgian villages and "restore constitutional order in the whole region."[12] As a response to this military incursion by Georgia, Russian soldiers were sent into South Ossetia on August 8. Russia maintained throughout the conflict, and continues to do so, that its army was sent only to protect Russian citizens and peacekeepers in South Ossetia. However, most reports have indicated that Russian forces were heavily involved in the fighting, alongside the Ossetian militia. The violence continued for five days until another ceasefire was brokered between the two sides with the help of the French President, Nicholas Sarkozy.[13]

The fighting and subsequent ceasefire failed, however, to resolve the core issues in the conflict, including South Ossetian claims over the disputed territory and independence from Georgia. While the violence reportedly left nearly 1,500 civilians dead and 100,000 people displaced, tensions between the Georgian and Ossetian-Russian sides remain high.[14] Furthermore, throughout the brief conflict, South Ossetia has strongly reasserted its claim of independence, which has been recognised by only two countries, Russia and Nicaragua.[15] This brief outline of the history of South Ossetia shows that this conflict did not merely develop 'out of the blue'. It is also clear that because tensions in the region have been developing for nearly two decades, it is unlikely that this uneasy truce will resolve the ongoing dispute without further negotiations.

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[8] D. McLaughlin, 'Tiny rebel region brings Russia and Georgia to brink of war', *Independent*, 6 August 2008, (online available) http://www.independent.co.uk/news/world/europe/tiny-rebel-region-brings-russia-and-georgia-to-brink-of-war-886101.html (accessed 2 October 2008).
[9] Hunter, op.cit. (2006) p.120.
[10] S. Walker, 'Russia refuses outside help to ease rising tensions with Georgia', *Independent*, 12 July 2008, (online available) http://www.independent.co.uk/news/world/europe/russia-refuses-outside-help-to-ease-rising-tensions-with-georgia-865820.html (accessed 2 October 2008).
[11] S. Walker, 'Georgia launches offensive in South Ossetia', *Independent*, 8 August 2008, (online available) http://www.independent.co.uk/news/world/europe/georgia-launches-offensive-in-south-ossetia-888287.html (accessed 2 October 2008).
[12] M. Kurashvili (Commander of Georgian forces) as quoted in Walker, op.cit. (8 August 2008).
[13] BBC NEWS, 'Georgia and Russia agree on truce', 13 August 2008, (online available) http://news.bbc.co.uk/2/hi/europe/7557457.stm#map (accessed 2 October 2008).
[14] L. Peter, 'Civilian Emergency hits Georgia', *BBC*, 12 August 2008, (online available) http://news.bbc.co.uk/2/hi/europe/7556044.stm (accessed 2 October 2008).
[15] B. Kendall, 'West looks to future with Russia relations', *BBC*, 27 September 2008, (online available) http://news.bbc.co.uk/2/hi/europe/7639612.stm (accessed 2 October 2008).

Causes of the 2008 Conflict

Any comprehensive study of the reasons behind the war in South Ossetia must consider how issues of culture have influenced the conflict. The above recount of the recent history of South Ossetia has shown that for many years the region has been subject to violence. This began at the end of the Cold War and has continued until the present day, with the continuous presence of peacekeeping forces. Of course, this violence threatens and affects people of all ethnicities, including both Georgians and Ossetians, who live in the region. However, as the minority group in Georgia the violence threatens the Ossetian community to a greater extent. The lack of recognition of their self-declared independence means that any move that Georgia may make to re-assert its claim over the disputed territory places the very existence of their culture in peril. Indeed, the South Ossetian claim to independence is likely to be, at least in part, a move to preserve Ossetian ethnicity, which exists almost exclusively in this small region of the Caucasus. The surrender of South Ossetian land to Georgian rule is considered by the Ossetians as a step that could threaten their identity. For Ossetians, the preservation of their traditional culture and unique identity is considered essential and non-negotiable.[16] It is not surprising, then, that this ethnic minority has strongly and at times violently resisted what they consider to be the increasing dominance of a different culture that wishes to subsume their own. This 'micro' cultural clash does reflect the same principles that Huntington applies to conflicts between larger civilisations.

An example of the Ossetian resistance to the cultural dominance of Georgia occurred in 1991 when the introduction of new legislation in Georgia made Georgian the sole administrative language in the country and abolished the teaching of the Ossetian language in schools. This sparked violence and was one of the initiating factors that led to the first South Ossetian war.[17] Such violence can be considered a response to a perceived threat to the Ossetian culture, especially because one of the strongest aspects of ethnic identity in the Caucasus region is sharing a common language.[18] The desire to preserve and promote the Ossetian identity has been a clear cause of the tensions since that time. It must be noted, however, that Georgia has never questioned the right for the Ossetian culture to thrive in an Ossetian territory, such as North Ossetia in Russia. Rather, Georgia argues against this preservation of Ossetian culture only when so doing would result in a loss of Georgian land.[19] It is clear then, that it would be remiss to argue that the preservation of Ossetian culture was the only trigger of the conflict. More accurately, it should be considered as one aspect of the conflict that, when combined with others, led to the outbreak of violence.

There are a number of underlying reasons for the 2008 conflict in South Ossetia which, although linked to the existence of distinct cultural groups in Georgia, are not actually themselves issues of cultural conflict. The first of these is the dispute over territory. Violent clashes between these different ethnic groups are highly probable when land is

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[16] T.R. Gurr, 'Peoples Against States: Ethnopolitical Conflict and the Changing World System: 1994 Presidential Address', *International Studies Quarterly*, vol. 38, no. 3, 1994, p. 365.
[17] Hunter, op.cit. (2006) p. 120.
[18] J.M. Cotter, 'Cultural Security Dilemmas and Ethnic Conflict in Georgia', *Journal of Conflict Studies,* vol. 19, no. 1, 1999.
[19] T. Gomelauri, 'The Role of Economic Factors in Conflict Resolution in Georgia and the Caucasus', Open Society Institute Central European, *University Center for Policy Studies*, 2002, (online available) http://pdc.ceu.hu/archive/00001807/01/Gomelauri.pdf (accessed 2 October 2008), p. 9.

at stake. When the Soviet Union was dissolved many violent conflicts erupted throughout the newly independent states, including Georgia, as different communities claimed traditional rights to the land.[20] Both the Ossetian and Georgian groups have based their claims to the territory on their historical and cultural links with the region as well on the demographics of the population living there. Although South Ossetia was not historically the centre of the Ossetian population, by the end of the Cold War the majority was ethnically Ossetian.[21] From 1990 onwards, however, South Ossetia was incorporated largely into the greater Georgian administrative region of Shida Kartli. Since this time no formal census of the South Ossetian region has occurred properly to determine the demographic makeup of the area. However, it has recently been estimated that that roughly two-thirds of the population is Ossetian and less than one-quarter Georgian.[22] The Ossetians' claim to the disputed territory is based mainly on this demographic majority as well as the fact that they are indigenous to neighbouring North Ossetia-Alania, which is located in Russia, directly north of the Caucasus Mountains.

Conversely, the Georgians maintain that such estimates of the demographics of the South Ossetian region demonstrate that the society is not a homogenous Ossetian community, as well as claiming that the region has always been Georgian territory. In fact, they call the area the Tskhinvali region so as to avoid any links with North Ossetia in Russia, which they claim to be the only legitimate Ossetia.[23] This claim is supported by evidence that the Ossetians have only been in South Ossetia since the 17th century.[24] Significantly, the ethnic composition of the region is likely to have changed again since August 2008 as many Georgians living in South Ossetia fled from the fighting and are unlikely to return.[25] The violence in South Ossetia is partially a result of a territorial dispute, unresolved since the end of the Cold War. So although this dispute is between groups defined by their ethnicity, it does not directly relate to any conflict of culture.

Arguably the main cause of the 2008 war in South Ossetia is the Ossetian claim and reassertion of independence from Georgia. As with the claim to the territory discussed above, the issue of South Ossetian autonomy arises from the presence of distinct ethnic groups but transcends cultural conflict. Indeed, the South Ossetian struggle for independence can be better understood in historical and political terms. It was the political climate resulting from the disbanding of the USSR, rather than ethnic tensions, which created the opportunity for South Ossetia to claim a right to form their own independent nation state.[26] South Ossetia had functioned as an autonomous region of Georgia for more than 60 years even after Georgia was annexed as part of the Soviet Union.[27] After the dissolution of the USSR, Georgia became an independent state and its first President, Zviad Gamaskhurdia, adopted extreme nationalist policies, one of which

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[20] ibid, p. 9.
[21] C. King, 'The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States', *World Politics*, vol. 53, 2001, p. 534.
[22] Permanent Committee on Geographical Names, 'Georgia: A Toponymic Note Concerning South Ossetia', 2007, (online available) http://www.pcgn.org.uk/Georgia%20-%20South%20Ossetia-Jan07.pdf (accessed October 2 2008). Para. 10.
[23] BBC NEWS, 'Regions and Territories: South Ossetia', 27August 2008, (online available) http://news.bbc.co.uk/2/hi/europe/country_profiles/3797729.stm (accessed 25 September 2008).
[24]Hunter, op.cit. (2006) p. 119.
[25] R. Wingfield-Hayes, 'South Ossetia's Abandoned Villages', *BBC*, 9 September 2008, (online available) http://news.bbc.co.uk/2/hi/europe/7606774.stm (accessed 28 September 2008).
[26] King, op.cit. (2001) p. 534.
[27] Denber, op. cit.; (1992) p. 2.

was the abolition of South Ossetian autonomy.[28] However, with the decentralisation of power that came with the end of the Cold War former Soviet states such as Georgia were also weakened by the loss of Russian economic and political support. This led to greater opportunities for groups such as the South Ossetians to seek autonomy.[29]

The growing separatist movement in South Ossetia combined with the weakening of Georgia's stronghold over the region led to the eruption of violence in 1991. However, this did not lead to any conclusive political status for the Ossetians with South Ossetia operating as a *de facto* state, although it was occupied throughout the 1990s by a combined Russian, Georgian and Ossetian peacekeeping force. During this time South Ossetia developed three of the four requirements of sovereignty that are often possessed by *de facto* states: a permanent population, a defined territory and a functioning government organisation. South Ossetia, however, has not achieved the final requirement of international recognition of independence which is regarded as the "capacity to enter into relations with other states."[30] It is unlikely that Georgia will give up its claim to this territory to enable South Ossetia to achieve sovereignty. Yet, whilst the Ossetians call for absolute sovereignty, it is possible that they may consider that the status of *de facto* state sufficient so long as the region of South Ossetia does not cease to exist.[31] While such a situation appears difficult to realise given the unrelenting positions taken by both sides at the moment, the successful history of South Ossetia as an independent *Oblast* does indicate the possibility of future cooperation between the two opposing groups. If all parties sought to reach a peaceful resolution to the matter of South Ossetian autonomy without resorting to issues of culture and nationalism then the conflict might have more chance of being settled successfully.

Another important cause of the August 2008 war in South Ossetia, which is quite distinct from those discussed above, is the influence of the greater dispute between Russia and Georgia. Whilst the three contributing factors discussed above have shown how tensions have developed between the Georgians and Ossetians, Russia's role in the conflict is significant and thus must also be considered. This powerful state has contributed greatly both to the tensions and fighting in South Ossetia. Russia has watched the Caucasus region carefully since the end of the Cold War, exercising what power it still has over the former Soviet states and remembering that this area was historically well within the Russian sphere of influence and control.[32] It is therefore not surprising that many of the events which have triggered violence in the region either directly involved Russia or were exacerbated by the support and interests of that country. For example, Russia has recently reasserted control over most of Eurasia's fuel sources including the gas and oil pipelines that run through the Caucasus region, which were cut off for the duration of the South Ossetian conflict.[33] A similarly hostile move occurred in 2001 when Russia restricted movement across its border from Georgia without applying this strict visa control to its border with South Ossetia.[34]

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[28] D.E. Mark, 'Russia and the New Transcaucasus', *Foreign Policy*, vol. 105, 1997, p.149.
[29] Gurr, op. cit. (1994) p. 353.
[30] D. Lynch, 'Separatist States and Post-Soviet Conflicts', *International Affairs*, vol. 78, no. 4, 2002, pp. 834-5.
[31] ibid, p.836.
[32] I. Berman, 'The New Battleground: Central Asia and the Caucasus', *The Washington Quarterly*, vol. 28, no. 1, 2004, p. 60.
[33] BBC NEWS, 'BP reopens Georgia pipeline', 14 August 2008, (online available) http://news.bbc.co.uk/2/hi/business/7561466.stm (accessed 8 October 2008).
[34] Lynch, op. cit. (2002) p. 846.

Furthermore, Russia has supported the separatist Ossetian Government by supplying weapons to the breakaway region [35] and recently recognised South Ossetia's independence 16 years after it was declared. These could only be seen by Georgians as unwelcome displays of strong Russian support for the separatist region. It must be noted that Georgia has also taken some steps which would be regarded by Russia as equally hostile. The most significant of these has been Saakashvili's policy to seek to ensure that Georgia is accepted into the North Atlantic Treaty Organisation (NATO). This is perceived as a direct divergence from any association or alliance that Georgia and Russia may have once shared.[36] Although this is not an exhaustive list of tensions between Russia and Georgia, these examples indicate that the reasons for Russian involvement in the South Ossetian conflict go far beyond the cultural ties that Russians and Ossetians share. It appears that the dispute over South Ossetia has become a platform for Russia and Georgia to play out the larger dispute over their respective strength in the region and territorial integrity. This demonstrates that the recent violence in South Ossetia cannot solely be explained by a conflict of culture between Ossetians and Georgians, or even by the presence of distinct ethnic groups.

The dispute between Russia and Georgia that was played out during the war in South Ossetia was further heightened by the involvement of other international players, including the EU and the US. In the contemporary international system American reaction to such conflicts always carries great weight. It is not surprising that the US held a strong line against its old Cold War enemy, Russia. While a full discussion of US-Russian tension is beyond the scope of this essay, the uncompromising position held by the US, and Russia's response to it, must be considered in any assessment of the 2008 conflict. The US has always supported Georgian sovereignty and control over the region of South Ossetia. This support was apparent from the outset of the conflict and was demonstrated by Washington's hardline rhetoric against Russia's involvement in the violence. For example, former US Secretary of State Condoleezza Rice accused Russia of being the aggressor and as having overreached its power by invading Georgia.[37] Russia has continually rejected such claims, maintaining that it had acted only to defend its citizens as a response to Georgian aggression.[38]

While this 'war of words' was reminiscent of the enmity between the two superpowers during the Cold War, it was perhaps more interesting that America was not a key player in the immediate resolution of the issue. Although the US remained vocal on the topic, it was the French President who was integral in brokering the ceasefire between Georgia and Russia. Furthermore, the EU held an emergency summit immediately following the conflict during which European leaders were united against the actions of Russia, without the presence or influence of the US.[39] The swift and strong response of the EU at the summit reflected a clear apprehension of Russia's growing power, which it displayed during the war. However, it also revealed the EU to be another strong international player, especially when united in a cause. While the international response

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[35] V. Tishkov, 'Ethnic Conflicts in the Former USSR: The Use and Misuse of Typologies and Data', *Journal of Peace Research*, vol. 36, no. 5, 1999, p. 585.
[36] C.A. Wallander, 'Russian Transimperialism and Its Implications', *The Washington Quarterly*, vol. 30, no. 2, 2007, p. 112.
[37] BBC NEWS, 'Georgia Conflict: Key Statements', 19 August 2008, (online available) http://news.bbc.co.uk/2/hi/europe/7556857.stm (accessed 8 October 2008).
[38] ibid.
[39] BBC NEWS, 'EU's show of unity over Georgia', 1 September 2008, (online available) http://news.bbc.co.uk/2/hi/europe/7556857.stm (accessed 8 October 2008).

to the 2008 conflict in South Ossetia was a reminder that the Cold War should not be considered a distant memory and that there are still some significant tensions remaining from that time, it also signalled that the international system has moved away from that period's bipolarity and now includes a greater number of major international players.

Conclusion

This report has sought to emphasise the importance of examining the 2008 conflict in South Ossetia in order better to understand its many complex causes. It is vital that the international community recognises the underlying factors that have caused tension in order to attempt to reach a lasting resolution to the problems in South Ossetia. The artificial borders created by the Soviet Union have become the modern lines of enmity in this volatile region and as such further tension and violence in this area is likely to arise. [40] By understanding the many reasons behind the outbreak of the fighting in South Ossetia and developing effective solutions, it may be possible to prevent future violence occurring in this region. Moreover, the involvement of the EU in negotiations between Russia and Georgia gives a promising indication that disputes involving Russia may no longer be considered as merely a Cold War struggle between the former superpowers Russia and the United States.

The 2008 conflict in South Ossetia may have been brief, but it was the culmination of many years of rising tension in the region. The above discussion has considered the main causes of the conflict that led to the outbreak of violence, demonstrating that they differ in the extent to which each is rooted in ethnicity. While the underlying tension between Georgia and Ossetia can be traced to the fact that they exist as different cultural groups, the causes of the conflict can only be partially attributed to these differences. For Georgia, the tensions resulting from the Ossetians aspiration to preserve their distinct culture extends only to the point that it should not result in the loss of Georgian territory. Other factors contributing to the tensions, such as South Ossetian claims to territory and their desire to achieve complete autonomy, can be seen, to an even lesser extent, as a result of cultural conflict. Furthermore, the larger dispute between Georgia and Russia was an equally important element that contributed to the violence but is not rooted in ethnicity. None of these elements on its own led to the war in South Ossetia.

This report has shown that ethnic differences provided only the background to the South Ossetian conflict, which was the result of a volatile combination of the above mentioned factors. The hardline rhetoric exchanged between the US and Russia during the conflict highlights the broader international political implications of NATO's creeping influence in a region that has traditionally fallen within Russia's sphere of influence. Interestingly, the intervention in the conflict and brokering of a ceasefire by the EU signals the importance that the EU places on maintaining stability in this region, which is essential to the supply of energy to Eastern Europe. Ultimately, it has been shown that it is vital for the international community carefully to examine the causes of this conflict in order to develop strategies which may resolve the tension that continues to undermine stability in the region.

[40] Y. Sadowski, 'Ethnic Conflict', *Foreign Policy*, vol. 111, 1998, pp. 13-15.

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STILL SEEKING AZADI: RESPONSES OF THE YOUTH OF JAMMU AND KASHMIR TO THE KASMIR CONFLICT

Kimberley Layton

Since 1947, the turmoil in the Indian state of Jammu and Kashmir has led both directly and indirectly to the fomentation of terrorism, insurgency, political upheaval, social unrest and economic decline. One of the world's most prominent protracted conflicts, it presents a special challenge to analysts who seek to uncover a solution to the Kashmir conflict, and to those who study protracted conflicts. Israeli professor Daniel Bar-Tal has developed a sociopsychological structure of protracted conflicts, which focuses on three key elements: first, collective memories; second, the ethos of conflict; and third, collective emotional orientation. By using Bar-Tal's theoretical framework, the role of youth in protracted conflicts is discussed in this work with reference to the unrest in Jammu and Kashmir. The predominant goals of the conflict for the Kashmiri youth are either autonomy for Kashmir or absolute Azadi (the Persian word for freedom). The more complicated question of the role that young people in the Indian state of Jammu and Kashmir could play in terms of resolution of the conflict, particularly through certain peace-building initiatives, is also analysed.

Introduction

Protracted conflicts, such as those in Northern Ireland, Kosovo, Sri Lanka, Kashmir and the Middle East, are often severe and present special challenges. They are frequently dismissed as unsolvable, as is demonstrated clearly by the propensity of analysts to refer to them as 'intractable'. Nevertheless, developments in Northern Ireland and Kosovo demonstrate that tangible progress can be made in moving protracted conflicts towards stability, and possibly even resolution. There is no reason to assume that simply because a situation is highly complex and challenging, it ought to be considered unalterable. The enduring nature of protracted conflicts invites forward-thinking initiatives, new ways of trying to understand the actions of stakeholders and actors, and highlights the need continually to re-address and re-assess situational dynamics through new frameworks of thought. One such new framework is Daniel Bar-Tal's notion of a sociopsychological structure of protracted conflicts, which focuses on three key elements: first, collective memories; second, the ethos of conflict, and third, collective emotional orientation[1]. This report discusses the role of youth, especially those of Kashmir, in protracted conflict, who are often misrepresented or overlooked entirely in analyses in favour of other 'minority' actors such as children or women. The experiences of young people in Kashmir, specifically in Indian controlled Jammu and Kashmir (commonly referred to as J&K), are examined to discover how both past and contemporary events inform collective memory. This report concludes by discussing the more complicated question of the ramifications of the role of youth in the Kashmir conflict in terms of both resolution of the dispute and peace-building.

[1] D. Bar-Tal, 'Sociopsychological Foundations of Intractable Conflicts', *American Behavioral Scientist*, vol. 50, no. 11, July 2007, p. 1435.

Analytical Framework

Bar-Tal argues that it is the psychological dimension of protracted conflicts that makes them so difficult to resolve. Tangible issues that can be negotiated and resolved through concrete political and economic mechanisms are influenced negatively by psychological barriers that are near-impossible to break down. Protracted conflicts fall prey to human emotions in such a way that renders Bar-Tal's new conceptual framework extremely important. He contends that "the societal psychological (i.e. sociopsychological) infrastructure that evolves during an intractable conflict plays a determinative role in its development, continuation, and later its resolution and reconciliation." Although intractable conflicts occur over 'real' issues such as territories, resources, self-determination, and statehood, they are accompanied by "intense sociopsychological dynamics." Furthermore, Bar-Tal maintains that a sociopsychological infrastructure evolves during protracted conflicts built on variables such as shared beliefs, attitudes, motivations and emotions.

This paper focuses on three stages of the Kashmir dispute and examines how these have influenced, and continue to influence, the sociopsychological infrastructure of Kashmiri youth. The first event considered is the 1947 Partition of India, which initiated the dispute over Kashmir. The second is the highly controversial 1987 elections and the insurgency that followed. The third stage discussed is the contemporary situation in Kashmir, including the current relationship between youth and police as well as the Indian Security Forces (ISF), and Indian Government policies in J&K. The consequences of the resultant sociopsychological infrastructure are then considered, as is the way this infrastructure influences how Kashmiri youth engage with peace-building initiatives.

Youth and Protracted Conflict

According to the United Nations World Youth Report 2007, 17.6 percent of the world's population are aged 15-25. The United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict emphasises that:

> Children are the primary victims of armed conflict. They are both its targets and increasingly its instruments. Their suffering bears many faces, in the midst of armed conflict and its aftermath. Children are killed or maimed, made orphans, abducted, deprived of education and health care, and left with deep emotional scars and trauma. They are recruited and used as child soldiers, forced to give expression to the hatred of adults. Uprooted from their homes, displaced children become very vulnerable. Girls face additional risks, particularly sexual violence and exploitation. All of these categories of children are victims of armed conflict. All of them deserve the attention and protection of the international community.[2]

Despite the attention given to children, however, there is much less literature from within active international organisations on the role of youth defined in this study as adolescents and young adults from 15-25 years of age or in the manner in which they do

[2] The United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Introduction*, (online available) <http://www.un.org/children/conflict/english/issues.html>. (accessed 30 November 2008).

or may engage with peace-building initiatives. The way youth are specifically considered to be largely passive recipients of the traumas of war may be appropriate when dealing with younger children, but is unhelpful when discussing 'older' young people, who tend to engage more dynamically with the conflict.

Similarly, although there is an increasing number of academic works that discuss the role of young people in armed conflicts and the effect that these have on their development, very few address youth as a truly vigorous force, able to influence and interact with political structures.[3] Although the available literature provides invaluable insights into the role of youth in armed conflicts and the reasons for their differing forms of involvement, while furthering the body of knowledge required to address the diverse range of social, psychological, economic, political and security interests of young people in war-torn societies, it tends to address youth in terms of passivity, rather than as active agents of social and political change. In addition, it fails to confront the more complicated issue of the ramifications of youth in conflict in conflict resolution and peace-building.

For a number of reasons, seldom discussed, youth (as opposed to children) must be addressed as a separate section of society, particularly when dealing with protracted conflicts.[4] As Sabine Kurtenbach states, "young people represent transition in different respects – from childhood to adulthood, from family to society."[5] This shift correlates to those faced by societies embedded in protracted conflicts, frequently engaged as they are in cyclical transitions from increased levels of peace to escalation of violence, to war, and back again. Young people are active participants both in preventing and perpetrating violence and are frequently involved in both sides of a conflict, participating in both militant groups and peace movements. As Siobhán McEvoy-Levy states, youth influence, and are influenced by, the twin challenges of violence prevention/accord maintenance and societal reconciliation/reconstruction. Because they "embody essential elements of both challenges: posing at once potential threats to peace and peace building resources"[6] they ought to be engaged with more effectively.

The Kashmir Dispute

The Kashmir conflict began as a territorial dispute in 1947 between the newly-formed nations of India, a predominately Hindu state and Pakistan, a predominately Muslim state. At that juncture, when the British Indian Empire was partitioned in two, over forty-five percent of it was not under direct British administration but rather existed as a

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[3] Macksoud and Aber, 'The War Experiences and Psychosocial Development of Children in Lebanon', *Child Development*, vol. 67, 1996, pp. 70-88; Nguyen-Gillham, Giacaman, Naser, and Boyce, 'Normalising the Abnormal: Palestinian youth and the contradictions of resilience in protracted conflict', *Health and Social Care in the Community*, vol 16, no. 3, 2008, pp. 291-298; K. Kostelny and J. Dyregrov, 'Coping with the consequences of living in danger: The case of Palestinian children and youth', *International Journal of Behavioral Development,* vol. 17, no. 4, 1994, pp. 595-611; M. Wessels, 'How We Can Prevent Child Soldiering', *Peace Review: A Transnational Quarterly*, vol. 35, no. 5, 1998, pp. 407-413; L. Jones, 'Adolescent understandings of political violence and psychological well-being: a qualitative study from Bosnia Herzegovina', *Social Science and Medicine*, vol. 55, 2002, pp. 1351-1371.

[4] One exception is S. McEvoy-Levy, 'Youth as Social and Political Agents: Issues in Post-Settlement Peace Building', *Krok Institute Paper #21:OP:2*, December 2001, pp. 1-40.

[5] S. Kurtenbach, 'Youth Violence in Post-War Societies: Conceptual Considerations on Continuity and Change of Violence', *Project Working Paper No. 1*, INEF, October 2008, p. 3

[6] McEvoy-Levy, op.cit. (2001) p. 3.

patchwork of 562 'princely states'. The latter were ruled by Indian potentates and enjoyed relative autonomy on the condition that their rulers accepted the 'paramountcy' of British power. At the time of Independence, the states were given three options: choose between India and Pakistan, or become independent. The third option for many reasons was realistically unviable and as such, in 1947 the states decided upon their differing destinies with relative ease, choosing either Pakistan or India depending on their geographical location. Kashmir, however, proved to be a prickly exception to the rule. The largest princely state in India was ruled at the time of Partition by Hari Singh, a Hindu maharaja, who found himself confronted by an unenviable dilemma. Although the state was 77 percent Muslim, with 20 percent of the population Hindu and the remaining 3 percent mostly Sikh, it was geographically contiguous to Pakistan and adjacent to India. Despite the official religious divide, the preferences of the Kashmiri people were not as clear cut as they might have been.

Finally, the Hindu leader of Kashmir, faced with a Muslim majority population and a geographical location that left him being pulled in both directions, was forced to accede to India after Pakistan attempted to take the state by force. Alarmed, Singh appealed to the new Indian Government for help, but when it refused to intervene across international borders, Singh bequeathed Kashmir to India. The princely state, however, was divided along what later became known as the Line of Control (LoC), which effectively ceded one-third of the state to Pakistan ('Azad Kashmir', Urdu for 'Free Kashmir') and two-thirds to India (Jammu and Kashmir, known as J&K).

The United Nations (UN) attempted to mediate between the two warring parties and demanded that the Kashmiri people be allowed a plebiscite in order to decide their own fate. Indian Prime Minister Jawaharlal Nehru agreed to a UN-administered referendum to decide the future of Kashmir as part of India's ceasefire agreement with Pakistan in 1948. The elusive vote has never been conducted, though, and successive Indian governments have argued that Kashmiris have demonstrated an obvious desire to stay a part of India through participation in multiple elections. Many Kashmiris argue that they have been effectively silenced and continue to be oppressed by Indian Government. They also maintain that the majority of the elections held in J&K since 1947 have been grievously manipulated by the Government of India and thus do not reflect Kashmiri wishes at all.

The Kashmir dispute has evolved from being a territorial dispute to an extremely complex controversy involving national, religious and cultural identity, and a people's right to self-determination. The conflict continues to be informed by "a highly charged, intensely contradictory set of images, memories, and meanings intimately related to core issues of personal and national identity."[7] For Pakistan, Kashmir is intimately connected to its identity as a Muslim nation; the 'K' in 'Pakistan' is thought by many to denote Kashmir.[8] For India, Kashmir stands as the corner-stone to its identity as a secular,

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[7] J. D. Greenberg, 'Generations of Memory: Remembering Partition in India/Pakistan and Israel/Palestine', *Comparative Studies of South Asia, Africa and the Middle East*, vol. 25, no. 1, 2005, p. 90.

[8] Multiple central and South Asian states and regions end with *-stan,* such as *Afghanistan, Pakistan, Baluchistan, Kurdistan,* and *Turkistan.* This *-stan* means place, home or country. The names are amalgamations of *-stan* plus the name of the people living there. Pakistan is a slight exception however; its name was created using the suffix *-istan* from Baluch*istan* preceded by the first letters of *P*unjab, *A*fghanistan, and *K*ashmir.

multiethnic state; Indian army billboards alongside roads in the Kashmir Valley declare 'India is a bouquet. Kashmir is the rose in the bouquet'.

India and Pakistan have fought four wars over the region in 1947-48, 1965, 1971 and 1999. The area has been subject to a protracted guerrilla war since 1988-9 and continues to be extremely unstable. The Government of India estimated that between 1988 and 2008, more than 47,000 people have died as a result of the insurgency although Kashmir's principal Muslim political group, the All Parties Hurriyat (Freedom) Conference, claims the number may be as high as 100,000. A leading Kashmir human rights organisation puts the number of missing Kashmiris at 10,000.[9]

Kashmir's Youth

Young Kashmiris have grown up with no concept of security, as the victims of direct conflict (most recently the 1999 Kargil War), insurgency and counter-insurgency as well as violence and crimes perpetrated by the Indian Security Forces (ISF). Scholar, journalist and author Humra Quraishi writes that:

> The last fourteen years must count as the most difficult time for the young in the history of Kashmir. Youth is a liability in times of strife, especially a separatist struggle: it makes you extra visible, the favourite target of militant outfits in constant need of new recruits and the security forces under constant pressure to show results in their battle against insurgency. Neutrality is hardly ever an option, and whichever side you are on, you must pay the price for making a choice.[10]

The Kashmir Valley, the geographical epicentre of the conflict, has witnessed the most direct fighting whilst the circumferential regions of J&K and Azad Kashmir have, at least until August 2008 when renewed violence erupted in J&K, suffered more heavily from 'secondary effects' of the conflict. These include repression; loss of security, income, employment and service access; disrupted schooling; displacement; and military harassment.[11]

Kashmiri youth suffer also from a number of mental health problems driven by on-going violence and an uncertain future, with post-traumatic stress disorder and drug abuse reported as being on the increase in the region. Dr Ghulam Nabi Wani, founder of the Hindustan National Social Society (HNSS) de-addiction and rehabilitation centre in Khanyar, J&K, maintains that "failure of authorities to prevent the accessibility to prescription drugs as well as the high levels of anxiety found among the populace because of the political instability" are the primary contributing factors to the rise of drug abuse, particularly prescription drug abuse, amongst young people in the state.[12] Police records reveal that in the Pulwama and Anantang districts of southern Kashmir there were 34 suicides from January to May 2007 of which twenty were young women

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[9] Reuters, 'India revises Kashmir death toll to 47,000', Alertnet.org, 21 November 2008, (online available), http://www.alertnet.org/thenews/newsdesk/DEL356088.htm (accessed 7 December 2008).
[10] H. Quraishi, *Kashmir: The Untold Story*, New Delhi: Penguin Books India, 2004, p. 146.
[11] C. Dasgupta, 'Children's Construction of Political Ideology in Kashmir', Paper presented at the 30th Annual Meeting of the International Society of Political Psychology, 4-7 July, 2007, p. 2.
[12] G.N. Wani cited in R. Jehangir, 'Addiction Consuming Kashmir's Youth', *Islamonline,* 3 September 2008, (online available) http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1220346208778&pagename=Zone-English-HealthScience%2FHSELayout (accessed 2 December 2008).

and three were teenagers aged 15 to 17.[13] Doctors at the Shri Maharaja Hari Singh (SMHS) hospital, the major health care facility in the Valley of Srinagar reported in late 2007 that "middle age suicide attempts are few and far between. It is predominantly the youth that have made attempts to end their lives...and who have been the focus of both the security forces and militant groups."[14]

Collective Memory, Ethos of Conflict and Collective Emotional Orientation

Collective memory, ethos of conflict and collective emotional orientation are mutually interrelated concepts. Bar-Tal states that in "this cognitive-affective repertoire, societal beliefs are the basic components of collective memories and an ethos of conflict."[15] Thus it is important to first understand that societal beliefs are shared by members of a society and are specifically of special concern to them and contribute to their sense of uniqueness.[16] Furthermore, such beliefs provide a shared understanding of reality and, importantly, underlie the development of the collective emotional orientation of a society.[17]

Collective memory, as originally described by French philosopher and sociologist Maurice Halbwachs[18], separates mass memory from individual memory and is shared, passed on as well as constructed by social groups. It creates narratives that develop over time and describe a conflict's beginning and course. A socially constructed narrative provides a coherent and meaningful picture in ways that meet a given society's present needs.[19] As American psychologist Jerome Bruner argues, narratives represent tools of individual and collective sense-making.[20] They are fundamental to the distinctly human process of finding meaning in our own experiences, and in those of whichever social grouping we belong to. Collective memory can be highly subjective and is often biased, omitting key facts and ignoring contradictions and contradictory positions. It allows for a positive image of the 'in-group', or dominant group, through the de-legitimisation of an opponent or 'out-group', and the presentation of the society itself as the victim of that out-group.[21] The propensity for collective memory to be passed down from generation to generation is particularly obvious in situations of protracted conflict. Conflict analysts Paul Connolly and Paul McGinn report that "the young learn the default stances of their ethnopolitical communities. By the age of three children in Northern Ireland can identify and attribute positive or negative characteristics to a Catholic or Protestant person."[22]

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[13] K. Suri, 'From Heaven on Earth to the Valley of Suicides', *The Statesman*, New Delhi, 19 May 2007: p. 1.
[14] Bio-Medicine, 'Kashmir Battles Alarming Increase in Suicides', 20 July 2007, (online available), < http://www.bio-medicine.org/medicine-news/Kashmir-Battles-Alarming-Increase-in-Suicides-23223-3/> (accessed 7 December 2008).
[15] Bar-Tal, op.cit. (2007) p. 1435.
[16] D. Bar-Tal, *Shared Beliefs in a Society: Social Psychological Analysis*, California: Sage, 2000.
[17] H.R. Markus and S. Kitayama, 'The Cultural Shaping of Emotion: A conceptual framework' in H.R. Markus and S. Kitayama (eds.), *Emotion and Culture: Empirical Studies of Mutual Influence*, Washington DC: American Psychological Association, 1994, pp. 339-351.
[18] M. Halbwachs, *On Collective Memory,* Chicago:The University of Chicago Press, 1992.
[19] Cairns and Roe, (eds) *The Role of Memory in Ethnic Conflict*, New York: Palgrave Macmillian, 2003.
[20] J. Bruner, *Acts of Meaning*, Cambridge, MA: Harvard University Press, 1990.
[21] For more explanation of in-group/out-group dynamics see: R. Nyla, R. Branscombe, D. L Wann, J.G. Noel, and J. Coleman, 'In-Group or Out-Group Extemity: Importance of the Threatened Social Identity', *Personality and Social Psychology Bulletin*, vol. 19, no. 4, 1993, pp. 381-388.
[22] P. Connolly and P. McGinn, *Sectarianism, Children and Community Relations in Northern Ireland,* Centre for the Study of Conflict, Colraine: University of Ulster, 1999.

McEvoy-Levy further explains that "these perceptions are vitally important in terms of long-term peace building for they legitimize hard-line political attitudes and structure everyday behavior."[23]

Ethos has been described as a narrative involving a:

> configuration of shared central societal beliefs that provide a particular dominant orientation to a society at present and for the future…[it] binds the members of society together, connects between the present and the goals and aspirations that impel them toward the future, and gives meaning the societal life."[24]

Bar-Tal's ethos of conflict narrows the broad concept to focus more specifically on the particular type that develops during protracted conflicts. He asserts that an ethos of conflict gives overarching direction and orientation and provides for a clear picture of the goal(s) of the conflict, as well as for its conditions, requirements, and images of the in-group and its rival.[25]

Collective emotional orientation occurs when the society provides a context, information, cues, models and instructions that inform the emotions of its members.[26] Bar-Tal argues that societies involved in protracted conflicts tend to be dominated by a number of collective emotional orientations, such as hatred, anger, guilt or pride; yet the most notable is the collective orientation of fear.[27] This report supports the weight given to collective fear orientation and proposes that, with regard to the Kashmir conflict, there are two other dominant collective emotions: hatred and a sense of powerlessness.

In Memory of Partition

The sociopsychological infrastructure of the Kashmir conflict found amongst Kashmiri youth is built on the foundations of suffering and loss laid by the 1947 Partition of India, as it is this event which most heavily informs their collective memory. To understand modern Kashmiri youth's collective memory, their construction of an ethos of conflict and their collective emotional identity, one must understand the trauma of Partition as; the two are infinitely and inextricably connected. Johnathon D. Greenberg has analysed the almost simultaneous partitioning of Israel/Palestine and India/Pakistan and as a result has proposed an invaluable framework through which to view the word itself, and its inherent and inescapable ramifications. Greenberg's understanding of partition is utilised in this report and deserves to be quoted at length:

> Partition, the political division of formerly integrated territory, in these cases refers to a set of interrelated historical events that remain fraught with intense emotional significance for millions who lived through them, and their children and grandchildren. In this context, it is useful to understand "partition" as a code word evoking layers of psychologically heightened, politically resonant meaning. In psychoanalytic terms, "partition" can be seen as a set of associations to which an individual has invested a high degree of psychic energy and identification; to

[23] McEvoy-Levy, pp. 20-21.
[24] Bar-Tal, op.cit. (2007) p. 1438.
[25] ibid.
[26] D.M. Mackie and E.R. Smith, (eds) *From Prejudice to Intergroup Emotions: Differentiated Reactions to Social Groups*, Philadelphia: Psychological Press, 2002.
[27] Bar-Tal, op.cit. (2007) p. 1439.

> use Freud's analogy, it is as if such "cathected" associations are infused with an electric current.[28]

Israeli philosopher Avishai Margalit labels trauma a 'master-metaphor' for the effect of painful experience and emotional damage.[29] Greenberg remarks that "when traumatic events smash and disfigure our lives, we often cannot remember what really happened. The past is profoundly distorted or denied, or fixed in time."[30] This explanation helps elucidate the way in which the trauma of Partition has formed Kashmir's collective memory, which has transcended generations and become diffused throughout Kashmiri society, and therefore amongst Kashmiri youth. Partition gave Kashmiris a heightened sense of in-group/out-group dynamics that continues to this day. Its trauma almost single-handedly caused the still dominant collective interpretation of Kashmiris, as the in-group, being continuously threatened and abused by their twin opponents: India and Pakistan. It propels the collective emotional orientations of hatred and anger, and complements the ethos of conflict that has evolved to form a solid, holistic narrative that is shared by Kashmiri youth.

The Politics of Repressive Reality

In 1987 legislative assembly and state government elections were conducted in J&K. It was what occurred during these elections that directly led to the outbreak of violence in 1989 and produced the climate of hostility and militancy into which the current generation of Kashmiris were born. The March 1987 elections and the events that followed have undeniably influenced the way in which Kashmir's young people relate to the political process, the separatist and militancy movements as well as the police and ISF. Prominent scholar Sumantra Bose describes what occurred during the election in Amira Kadal, the highest profile constituency in Srinagar.[31] The two primary candidates were Ghulam Mohi-ud-din Shah of the National Conference Party (NC) which was aligned with India's ruling party at the time, the Congress, and Mohammad Yusuf Shah who represented a coalition of anti-establishment groups that called itself the Muslim United Front (MUF). The MUF called for regional pride and responsible government and attracted a large number of Kashmiri youth as volunteer workers. Bose reports that voter turnout was heavy and that as the counting of ballots began, it became obvious that the MUF's Mohammad Yusuf Shah, also a member of a conservative religious party called Jama'at-i-Islami, was winning by a landslide. Obviously dejected, Ghulam Mohiuddin Shah left the counting office and returned home in acknowledgment of his impending defeat. He was, however, summoned back after a short time by presiding officials and declared the winner. The crowd that was in attendance then began to protest and police arrived *en masse*. They summarily arrested Yusuf Shah, his supporters and his campaign manager, twenty-one year old Yasin Malik of the adjoining lower middle-class neighbourhood of Maisuma, under the state's draconian Public Safety Act. Both the candidate and his manager were held until the end of 1987 without formal charge, court appearance or trial. The Indian news magazine *Missive* published eyewitness reports that spoke of a pattern of "rigging and strong-arm tactics all over the Valley", not just in Bose's Amira Kadal, of "massive booth-capturing [forcible takeover of polling

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[28] Greenberg, op.cit. (2005) p. 90.
[29] A. Margalit, *The Ethics of Memory*, Cambridge, MA: Harvard University Press, 2002, p. 125.
[30] Greenberg, op.cit. (2005) p. 91.
[31] S. Bose, *Kashmir: Roots of Conflict, Paths to Peace*, Cambridge MA: Harvard University Press, 2003, pp. 47-49.

stations] by gangs"; … "entire ballot-boxes pre-stamped in favour of NC"; numerous citizens …"simply not being allowed to vote"; and the police refusing… to listen to any complaint."[32]

The 1987 election "was widely perceived as the Indian government's ultimate betrayal of its promise to Kashmiris of freedom within the Indian Union."[33] Indian Prime Minister Rajiv Gandhi, faced with increasing political violence and fragmentation and at the helm of a fast-declining Congress party, further undermined Kashmir's political institutions and ignored the brutal way the NC (the party was allied to Gandhi's ruling Congress party) cracked down on protestors[34], which only compounded the situation. The disillusionment and anger provoked by the 1987 election drove many young men, including the election and polling agents of Yusuf Shah, to lead the insurgency in 1989. These men crossed the LoC into Pakistan and Azad Kashmir to undergo training and seek financial support and weaponry for their cause. The Pakistani government both implicitly and explicitly supported this movement as it complied with their policy of destabilisation of the Indian side of Kashmir. Ghulam Mohiuddin Shah was forced to flee Kashmir in 1990, as popular uprising and insurgency overwhelmed the region, but re-entered politics after dubious 'elections' in 1996 as a senior minister in an Indian-administered J&K government, serving until 2002. Yusuf Shah, under the wartime name Syed Salahuddin, went on to become the head of the militant organization Hizb-ul Mujahedeen (HuM), which has been compared and linked to Lashkar-e-Toiba (LeT) which has been recently rediscovered as a result of its apparent responsibility for the terrorist attack at Mumbai in November 2008. Yasin Malik, meanwhile, became a core member of the now peaceful Jammu and Kashmir Liberation Front (JKLF) that launched the insurrection in the Valley. Malik remained under house arrest in J&K for much of the end of 2008, accused by the Government of India of inciting anti-India sentiment and encouraging Kashmiris to boycott the December 2008 J&K legislative assembly elections to protest India's role in the Kashmir conflict. He was one of many separatist figures that were detained for this reason.

The collective memory of the 1987 debacle shapes the political sentiments of youth in Kashmir today who, born into the chaos of the insurgency that followed it, have little or no faith in the ability of the Government of India to conduct free and fair elections. McEvoy-Levy states that "…when mainstream or establishment politics are barred, children will still engage in political activity, often violent and structured by confrontation and brinkmanship rather than dialogue and cooperation."[35] This, coupled with the clear acclimatisation to violence that accompanies prolonged exposure to it, has resulted in a generation of Kashmiris that have formed an ethos of conflict, and a sociopsychological structure that connects militancy with the achievement of their goal. According to Dr Nazir Mushtaq, psychiatrist at Srinagar's SMHS Hospital: "This is a generation that has grown up amid the sounds of booming guns and exploding

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[32] as quoted in Bose, op.cit. (2003) p. 49. [Editor's note: for an Indian Government Perspective see: http://india.gov.in/outerwin.php?id=http://jammukashmir.nic.in]

[33] W. Habibullah, *My Kashmir: Conflict and the Prospects of Enduring Peace*, Washington, DC: United States Institute of Peace Press, 2008, p. 67.

[34] G. Meyerle, 'Conflict Escalation in Kashmir: A Study in State-Society Breakdown', Paper delivered at the 2005 Annual Graduate Student Conference of the Woodrow Wilson Department of Politics, University of Virginia, 2005, p. 13.

[35] McEvoy-Levy, op.cit. (2001) p. 24.

grenades…[l]athi charges and exploding teargas shells are commonplace for them. They are not afraid of death."[36]

Pervasive Contradictions

The activities of actors such as Yasin Malik, who was and is discussed in Kashmir as a 'freedom fighter' rather than a militant or terrorist - despite the violent nature of the JKLF and his direct participation in the kidnapping of Rubaiya Sayeed, the daughter of the then home minister Mufti Sayeed in 1989 - are frequently conceptualised more favourably than those of moderate political actors. Malik's name features in the list of legendary freedom fighters and controversially he spoke at the India Today Conclave in August 2008 on a youth panel titled "If I Could Change the World". Malik's transition from violent militant to peaceful activist serves as a perfect example of the pervading contradictions of the Kashmiri struggle, which is felt particularly strongly amongst youth. As one newspaper reports:

> For the legions of Yasin obsessives, there is scarcely a grace the young chairman of Jammu Kashmir Liberation Front (JKLF) cannot claim. He is their "only hope","saviour" and "saint", whose efforts have provided a voice to their suffering and kept the Kashmir issue alive on the world stage. But there are just as many who revile Yasin, the "double agent", "butcher" and "threat to humanity". One rather witty detractor has even tweaked his moniker to "Osama Yasin Gandhi", perhaps as a dig at his tactical turnaround from self-acclaimed author of terrorism to peacenik.[37]

Kashmiri youth, though they struggle with whether they ought to use violence to achieve their goals, share a sense that Kashmir's militants are heroes. Journalist Rupa Jha, following her interviews with young Kashmiris, comments that the young people "could go either way" despite the fact that all of those she spoke with claimed to be in favour of peace first, and violence only as a last resort, if at all. She remarks that it will be interesting to see how these young people react if they are truly put under pressure "because there is a lot of …seething anger and resentment", and a lot of sympathy for the militants who do pick up guns because they are heroes in these young people's eyes. Jha describes the situation as balancing on a "razor's edge."[38] There is an obvious tension and an acknowledged contradiction in the description of violent activists as 'freedom fighters' that does not escape the attention of young people[39], yet as well-known Kashmiri writer Basharat Peer comments, militants are "heroes – people want to talk to them, touch them, hear their stories, and invite them for a feast."[40] This perception connects the goals of the conflict for Kashmiri youth, which are predominantly either autonomy for Kashmir, or absolute *Azadi* (the Perisan word for freedom), with the present situation. It also helps give meaning to societal life, thus

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[36] Nazir Mushtaq as quoted in R. Ahmed., 'Valley Youths Yearn for Azadi', *Hindustan Times*, 24 August 2008, (online available) http://www.hindustantimes.com/StoryPage/StoryPage.aspx?id=f98b6d0b-9a6a-4a11-8e2a-3c80a7af79d8 (accessed 28 November 2008).
[37] S. Hanif, 'Touched with Fire', *Newsline,* July 2008, (online available), http://www.newsline.com.pk/NewsJuly2008/profilejuly.htm (accessed 7 December 2008).
[38] R. Jha, 'Tired of Terror', *BBC World News Radio*, 26 November 2008, (online available) http://www.bbc.co.uk/worldservice/documentaries/2008/11/081124_tired_of_terror_two.shtml (accessed 2 December 2008).
[39] This is discussed in R. Jha's interviews with young Kashmiris, op. cit.
[40] B. Peer, *Curfewed Night*, Noida: Random House India, 2008, p. 24.

forming their specific ethos of conflict and underscores the collective emotional orientation of Kashmiri youth in terms of their sense of powerlessness and anger.

Voiceless and Screaming

The current Government of India policies on J&K have had a particularly significant effect on the young people of the state. They reinforce Kashmiri youth's collective emotional orientation toward anger and a sense of powerlessness. Youth in Kashmir, and particularly young men, are openly targeted by the Indian Security Forces (ISF) and police. Quraishi states that she "asked several parents with young sons, in Srinagar and the surrounding villages, whether they feared the security forces more or the militant outfits. The answer was invariably the same: they were more afraid of their boys being 'dragged off and interrogated'."[41] Peer tells of his experience of being detained and interrogated during a 'crackdown', a cordon-and-search operation during which the ISF surround neighbourhoods or villages and force all male adults and teenage boys to convene for identification. He maintains that he was beaten badly and heard cries of 'Khodayo bachaav' (Save me, God!) and 'Nahin pata, sir!' (I don't know, sir!).[42]

Similarly, many Kashmiri youth would be aware of *YouTube* videos showing mobile phone recordings of ISF beating and arresting Kashmiri students, apparently during the policing of a Government of India-imposed curfew.[43] Additionally, mobile phone Short Message Services (SMS), one of the most popular methods of communication between young people worldwide, remain unavailable in J&K after having been jammed in August 2008 because, according to a Government of India spokesperson, "people in Jammu were spreading rumours through provocative SMS messages that fuelled and fanned the protests demanding the restoration of land to the Shri Amarnath Shrine Board."[44] When asked if they thought they could achieve their goals without having to resort to weapons, they replied that it is only through the media speaking on their behalf and giving them a voice that people will come to understand they are not the terrorists that the Government of India makes them out to be. The young man that is being interviewed by Jha becomes audibly agitated during this conversation and declares that young Kashmiris must be allowed to speak and be heard.[45]

Kashmiri Youth and Peace-Building

The various negative effects of the conflict on young people in Kashmir can be used to understand how Kashmiri youth collect information and interpret events and experiences. By better understanding young people's interaction with the conflict, a more comprehensive and sensitive analysis can be made of their relationship with both it and the peace process. In terms of peace building potential and ability, young people's interpretations of, or the meaning they give to, the conflict is vital to the peace-process itself**.** The sociopsychological infrastructure that underpins their actions and engagement

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[41] Quraishi, op.cit. (2004) p. 147.
[42] Peer, op.cit. (2008) pp. 53-55.
[43] YouTube, 'Indian Security Forces Beating Kashmir Students', 22 August 2008, (online available) <http://au.youtube.com/watch?v=aO1LpqM0X8s>. (accessed 2 December 2008).
[44] The Economic Times, 'With Festival Season Ahead, Kashmiris want SMS Back', 29 September 2008, (online available) http://economictimes.indiatimes.com/News/News_By_Industry/ET_Cetera/With_festival_season_ahead_Kashmiris_want_SMS_back/articleshow/3540205.cms (accessed 4 December 2008).
[45] Jha, op.cit (2008).

with the conflict influences directly the way in which young people then move on, or fail to move on, and participate in peace-building. The deep historical roots of the Kashmir conflict and the current oppressive instability in the region have pushed Kashmiri youth toward an interesting form of passive-aggressive militancy. They are not as openly and directly violent as the generation that came before them during the insurgency of the early 1990s, but, nor are they willing to sacrifice their goals in favour of complete pacifism.

Bose discusses the dangers of incremental approaches to peace-building in Kashmir and remarks that "the dominant mood among political actors and the public is one of exhaustion." This underscores his argument that:

> Incrementalism can go awry, and sometimes haywire, if the gradualist and piecemeal approach leads to the prolongation of a peace process without substantial, tangible progress and becomes a means of postponing direct engagement with the crucial issues of the conflict…a process that drags on at a snail's pace can be a recipe for failure, and the cost of failure may be a disastrous relapse into armed conflict."[46]

Similarly, McEvoy-Levy explains that militant groups are more action-and goal-oriented than peace groups, whose stance is predominantly one of outreach and vulnerability engendered by interaction with the 'other'. Additionally, the inherent ambiguity of the cause of 'peace' is a notoriously vague and under-theorized concept with much less concrete meaning for young people than war, as findings on their perceptions of war and peace suggest.[47] These factors combine to make the more obviously vigorous route of militancy appear to be more effective: violent protests normally elicit a response a tangible response, such as media coverage and more visible, direct political responses as opposed to peaceful exchanges of dialogue, which often go unrecognised. When considered in this way, the dilemma of Kashmiri youth becomes obvious: what is the correct way to go about achieving their goals?

Conclusion

Although it is well beyond the space of this report to propose a solution to the Kashmir dispute, the analysis presented here does allow for some recommendations pertaining to young people in Kashmir. Primarily, it is obvious that they must be more effectively engaged with by political actors in the region in order to regain at least some of the trust lost by the Government of India's repeated manipulation of elections. During peace-building and socio-political reconstruction young people are rarely effectively engaged with and consulted. The processes of conflict termination, political re-structuring and economic development are dominated by older members of society, despite the fact that it is young people that are often most affected by these processes. It is youth, after all, that will have to carry these initiatives into the future. Overlooking young people in this way creates a structural foundation for inter-generational tension that negatively influences progress towards peace and stability. It also neglects a valuable resource in

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[46] S. Bose, *Contested Lands: Israel-Palestine, Kashmir, Bosnia, Cyprus, and Sri* Lanka, Cambridge, MA: Harvard University Press, 2007, p. 200.

[47] I. Hakvoort and L. Oppenheimer, 'Children and Adolescents' Conceptions of Peace, War and Strategies to Attain Peace: A Dutch Case Study', *Journal of Peace Research*, vol. 30, no. 1, 1993, pp. 65-77 ; R. Hall, 'How Children Think and Feel about War and Peace: An Australian Study', *Journal of Peace Research*, vol. 30, no. 2, 1993, pp. 181-196.

the resolution of protracted conflicts. This is particularly evident in Kashmir where young people appear not to be consulted at all, and are often discussed only in terms of their propensity toward violent militancy and terrorism.

For their part, young Kashmiris must participate fully in both the political process and elections themselves. They must work to earn themselves a voice, and therefore political influence, asserting their presence responsibly and peacefully where they can. There does appear to be a move away from violent militancy by the youth of Kashmir. This may demonstrate that they are beginning to question the route taken by the previous generation and perhaps shift toward a more pragmatic and peaceful strategy. Greenberg, for example, argues that "when the children of the 'hinge generation' come of age, forms of nationalism useful and inspiring to their parents' generation, originally constructed to be politically unifying and socially liberating, have largely become stifling and corrosive…Instead, there is a feeling of great disappointment and betrayal."[48] Although there may not be the sense of betrayal among Kashmiri youth as they remain quite obviously proud of the action taken and sacrifices made by their militant predecessors, there is certainly a pervasive sense of disappointment that their goals remain unachieved.

Perhaps this new generation of Kashmiris must begin deliberately and concertedly to question and challenge their collective memories, their ethos of conflict and their collective emotional orientation. They must deconstruct their sociopsychological infrastructure and, if tangible progress is to be made towards a conclusive peace, they must follow Greenberg's advice that young Kashmiris must "smash" the "frozen slides" that they have inherited as sacred images and myths[49]. They must realise their own Azadi.

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[48] Greenberg, op.cit. (2005) p. 109.
[49] ibid., p. 110.

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INTERPRETING AUSTRALIA'S NATIONAL INTEREST: AN APPRAISAL OF GARETH EVANS, ALEXANDER DOWNER AND THE NEW RUDD GOVERNMENT

Rachel Thomas[50]

The notion of 'national interest' lies at the heart of all foreign policy decisions made on behalf of Australia. For such a pivotal idea, the national interest in the Australian context has not attracted sufficient attention or debate. While foreign policy is not determined by one person alone, a proactive and interested prime minister or foreign minister plays a critical role in shaping foreign policy, which is reflected in the Government's policy choices and priorities. For this reason, this report focuses on the policies of former Foreign Ministers Gareth Evans and Alexander Downer and the current Prime Minister Kevin Rudd, as all are regarded as being highly influential in outlining a strategic policy vision for Australia. A comparison of their policies will demonstrate the diversity of views in what constitutes the national interest. Evans constructed Australia's interests as three-fold: geo-political/strategic interests; economic/trade interests; and good international citizenship. Downer understood the national interest to comprise of two categories, security and prosperity. Finally, the Rudd Government has outlined three main foreign policy objectives: security; competitiveness; and compassion. Despite the diversity of opinion on some foreign policy issues, such as the role of international institutions, it is clear that the national interest has two core elements – security and prosperity. This report concludes that Evans, Downer and Rudd all view security and prosperity as the core of national interest. These categories are then broken down into different constituents. For Evans and Rudd, this core is supported by a broader appreciation of international interests. While security and prosperity remain integral to the construction of the national interest, this report illustrates that decision-makers remain influenced by their own particular values and priorities in formulating foreign policy.

Introduction

> It is a truism that all foreign policy is, or should be, directed at the protection and advancement of the national interest. But the different elements that make up the national interest, and our capacity to advance it, are not necessarily self-evident at all, they require definition, elaboration and thinking through.[51]

The following analysis of the 'national interest' compares and contrasts Australian Foreign Policy under the direction of Foreign Ministers Gareth Evans, during the Hawke and Keating Labor Governments, and Alexander Downer, during the Howard Government, as well as the early indications of the new Labor Government under Prime Minister Kevin Rudd. While Foreign Minister Stephen Smith may make a mark on his

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[50] I would like to thank Ms Melissa H. Conley Tyler, Associate Professor Dr Robert Campbell and Ms Mee-Yeong Bushby for their support, guidance and encouragement.

[51] G. Evans, '*Australia's Place in the World: The Dynamics of Foreign Policy Decision-Making*', Speech to ANU Strategic and Defence Studies Centre Bicentennial Conference, Australia and the World: Prologue and Prospects, Canberra, 6 December 1988, (online available) http://www.crisisgroup.org/library/documents/speeches_ge/foreign_minister/1988/061288_fm_australiasplace.pdf, (accessed 12 May 2008).

portfolio, at this stage Rudd provides a better study due to his pro-active and outspoken stance on the topic.

In order to identify the key components of each government's construction of the national interest, it is necessary to select key materials for each. Firstly, the book *Australia's Foreign Relations: In the World of the 1990s,* written by Gareth Evans and published in 1995, provides a comprehensive explanation of how Australia should conduct itself in world affairs. Secondly, the Howard Government's *In the National Interest* and *Advancing the National Interest* White Papers, published in 1997 and 2003 respectively, provide the official approach to foreign affairs, with the latter addressing new concerns about international terrorism. Lastly, Kevin Rudd's *The Three Pillars: Our Alliance with the US, Our Membership of the UN, and Comprehensive Engagement with Asia*, written in 2004, stands to date as the most detailed account of Labor's foreign policy intensions for the new Government.

This report provides evidence that Australia does not possess an immutable and objective national interest, but rather that the national interest is a subjective political construct. Australia has not reached a consensus on what constitutes the national interest, nor how to pursue it. As international relations theorist Christian Reus-Smit describes, the formulation of foreign policy is heavily conditioned by how those in power imagine the world and Australia's position within it. This vision is influenced by international events, as these are filtered through 'ideological lenses' which provide the foundation for defining a 'national interest' and guide foreign policy according to particular values and priorities.[52]

Defining the National Interest

The term 'national interest' is difficult to define due to its inherently subjective nature. Broadly speaking, it simply describes particular actions thought to advance the well-being of a nation. Beyond this definition, ideology shapes its interpretation. Realism describes a political philosophy that considers the nation-state as the core actor in the international system, with foreign policy directed towards the pursuit of power for the survival of the state. In addition, realism prescribes that governments focus on interests rather than ideology, as morality and ethics have no place in an anarchical international system.[53] Realist scholar Hans J. Morgenthau argues that the national interest is the struggle for power that characterises all relations between nations.[54] While, realism has undoubtedly influenced Australian thinking on foreign policy, it does not adequately explain all foreign policy decisions.

Liberalism attempts to counter the pessimism of realism by promoting cooperation and a rule-based order between nations, which can regulate the dangers of the international system. Harvard Professor Stanley Hoffman identifies the essence of liberalism to be

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[52] C. Reus-Smit, 'Lost at sea: Australia in the turbulence of world politics', *ANU Working Paper*, Canberra, 2002/4, (online available) http://rspas.anu.edu.au/ir/pubs/work_papers/02-4.pdf (accessed 5 May 2008) p. 3.
[53] T .Dunne and B.C. Schmidt, "Realism" in, J. Baylis and S. Smith, *The Globalization of World Politics: An Introduction to International Relations*, 3rd ed, Oxford: Oxford University Press, 2005, p. 162.
[54] L. Glanville, 'How are we to think about the 'national interest'?, *Australian Quarterly*, vol. 77, no. 4, July-August 2005, pp. 33-37.

self-restraint, moderation, compromise and peace.[55] Idealism as a subset of the liberal tradition considers morals and ethics to be inherently part of the national interest. Thus liberalism rejects the notion that the pursuit of power dictates the national interest and argues instead that it should be constructed upon liberal principles. This brief explanation of realism and liberalism demonstrates the diversity behind the national interest concept, both of which have influenced the foreign policies of the Hawke-Keating, Howard and Rudd Governments.

Gareth Evans: Australia as a Middle Power

> As a middle power, not a great power, not a major power, we don't have the clout militarily, economically or politically, to rely on anything other than our capacity to persuade.[56]

Background

While Foreign Minister, Evans reinvigorated the idea of Australia as a 'middle power', a concept first developed in Australia by H. V. Evatt after World War II, when he petitioned the newly established United Nations (UN) for a greater Australian influence. The liberal internationalist spirit of the Evatt period is reflected in idealistic comments by Evans that "the world cannot be changed overnight, but it can be changed gradually."[57] Middle powers are broadly defined by their preference for multilateral institutions and processes, commitment and promotion of international legal norms and diplomatic, military and economic activism.[58] These characteristics pervade the foreign policy of Evans as conceptualised in his work *Australia's Foreign Relations: In the World of the 1990s* as geo-political/strategic interests and economic/trade interests, as well as good international citizenship.

Geo-Political/Strategic Interests

Evans understood security as not solely defined by military capability, but rather by a broader consideration of international relations. The primary element in his security strategy was the idea of 'defence self-reliance', wherein Australia enjoys a greater degree of independence in formulating foreign and defence policy. Evans proposed that Australia in the post-Cold War world no longer faced an immediate identifiable threat, and therefore could embark upon a more flexible and engaging security strategy with the region.[59] Increasing government-to-government and people-to-people engagement with the region resulted in a more integrated area and fostered understanding between nations. Indeed Evans encouraged Australia to think of itself as "an East-Asian hemisphere nation."[60] This characterisation was criticised by *The Australian* journalist

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[55] Dunne and Schmidt, op.cit. (2005) p. 186.
[56] G. Evans, '*Labor's Foreign Policy*', Address to the Rotary International World Understanding Month Dinner, Noble Park, 15 February 1996, (online available) http://www.crisisgroup.org/library/documents/speeches_ge/foreign_minister/1996/150296_labour_foreign_policy.pdf, (accessed 1 May 2008).
[57] G. Evans and B. Grant, *Australia's Foreign Relations: In the World of the 1990s*, 2nd edn, Melbourne: Melbourne University Press, 1995, p. 41.
[58] C. Ungerer, 'The 'Middle Power' Concept in Australian Foreign Policy', *Australian Journal of Politics and History,* vol. 53, no. 4, 2007, p. 539.
[59] Evans and Grant, op. cit.; (1995) p. 110.
[60] ibid, p.116

Greg Sheridan as an attempt at 'Asianisation' of Australian life.[61] However, Evan's attempt at Asian engagement does not tell the whole story, as Australia's alliance with the United States (US) was also an essential dimension of Australian foreign policy.

The promotion by Evans of an independent and self-reliant foreign policy continued to maintain Australia's focus upon the security treaty between Australia, New Zealand and the United States of America (ANZUS). Evans defined Australia's security as comprising of self-reliance within an alliance framework, with the greatest asset of the alliance being deterrence.[62] However, whilst Evans expressed commitment to the relationship, he did not see it as the central decisive element in Australian foreign policy. He argues that Australia should not take America's presence in Asia for granted and instead of relying on the US for protection in the region, as occurred during World War II, Australia should now embrace regional multilateralism. In particular, Evans emphasised the importance of Australia's involvement with the Association of South-East Asian Nations (ASEAN).[63]

The end of the Cold War transformed perceptions of security, with the superpower balance between the US and the Soviet Union replaced by the prospect of increased global instability. The response by Evans to these changes was to adopt the emerging concept of 'New World Order' which advocated multilateralism:

> Co-operative security' is an approach which is multi-dimensional in scope and gradualist in temperament, emphasises reassurance rather than deterrence, is inclusive rather than exclusive, favours multilateralism over bilateralism, and does not advance military solutions over non-military ones.[64]

UN, in particular, existed as the most promising vehicle for multilateralism despite being in need of reform. Evans proposed three interrelated themes that the UN could advance to improve peace. First, 'common security' described as a confidence-building process between nations to reduce security anxieties which could lead to military reactions. Second, 'comprehensive security', which recognises that economic and social co-operation enhances security by focusing on issues such as economic development, trade disputes and human rights. And finally, the core principle of the UN, 'collective security', where states agree to defend each other in the face of an attack from another state, thus providing the ultimate guarantee that individual states do not benefit from aggressive behaviour.[65] Evans demonstrated his commitment to collective security through his promotion of Australia's involvement in the 1990 Gulf War. Australia became part of a 34 state coalition authorised by the UN to defend Kuwait after an Iraqi invasion. Evans regarded Australia's contribution to this force as part of an essential UN collective security response safeguarding the authority of international law, the UN and the sovereign right of states.[66] Surprisingly little is said about the Gulf War in Evans's *Australian Foreign Relations* considering the importance he places on collective security in his conception of the national interest. Perhaps, as defence studies academic Graeme

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[61] A. Milner, 'The Rhetoric of Asia', in J. Cotton and J. Ravenhill (eds.), *Seeking Asian Engagement: Australia in World Affairs 1991-95*, Melbourne: Oxford University Press, 2000, pp. 34-35.
[62] Evans and Grant, op.cit. (1995) p. 113.
[63] ibid., p. 196.
[64] ibid., p. 102.
[65] ibid., p. 80.
[66] ibid., p. 276.

Cheeseman argues, it is because the Gulf War did not comfortably fit into Evans's 'defence self-reliance' policy. The Middle East was neither within an "area of direct military interest", nor did the decision to go to war involve dialogue and engagement with Australia's neighbours.[67] Nonetheless, Evans's own justification for the Gulf War was firmly within the bounds of the collective security principle.

This internationalist approach was also reflected in efforts by Evans to reduce the proliferation of weapons of mass destruction (WMD). Evans built upon earlier Labor efforts, such as the establishment of the Australia Group in 1985, claiming that it should not be left to the major powers to rid the world of WMD.[68] Indeed, Evans contributed to UN efforts in extending the Nuclear Non-Proliferation Treaty in 1995 and establishing the Comprehensive Nuclear-Test Ban Treaty of 1996. He was not, however, immune from other foreign policy considerations. This is demonstrated by Evans alignment with the Defence Department to allow the sale of Australian made rifles to Thailand in 1994 despite fears that it might be involved in trading arms with the Khmer Rouge.[69] Further, there was considerable public dissatisfaction with the response by Evans to French nuclear testing in the Pacific in 1995. He described the situation as 'regrettable' showing that he was ultimately unwilling to damage diplomatic relations with France.[70] These events illustrate the difficulty that Evans encountered in implementing his ideals.

Economic/Trade Interests

In accordance with the economic reforms initiated during the Hawke period, Evans embraced the idea of further liberalisation of international trade. His policy priorities reflected his broader commitment to neo-liberalism, arguing that Australia's reliance on commodity exports would be better served by the global reduction in tariffs and subsidies. Whilst Evans celebrated the creation of the World Trade Organisation (WTO) in 1994 as a renewed international commitment to free trade, other areas became pivotal in his promotion of Australia's economic interests.[71] In 1989, Australia embarked on a significant economic initiative launching the Asia Pacific Economic Co-operation (APEC) forum. From Australia's perspective, the forum's primary aims were economic co-operation as well as the facilitation and liberalisation of trade. Evans regarded APEC as a model of successful Australian leadership in coalition-building, diplomacy and commitment to becoming a more engaged partner with our neighbours.[72]

Good International Citizenship

In addition to pursuing security and prosperity as national interests, Evans added a third dimension to Australia's foreign policy, 'The New Internationalist Agenda'. This refers

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[67] G. Cheeseman, 'The Gulf War and Australian Defence: Aberration or 'Defining Event'?' in M McKinley (eds.), *The Gulf War: Critical Perspectives*, New South Wales: Allen and Unwin, 1994, pp. 128-9.
[68] Evans and Grant. op.cit. (1995) p. 82.
[69] G. Cheeseman, 'Australia, Disarmament and Arms Control', in J. Cotton and J. Ravenhill (eds.), *Seeking Asian Engagement: Australia in World Affairs 1991-95*, Melbourne: Oxford University Press, 2000, p. 91.
[70] G. Smith., D. Cox and S. Burchill, *Australia in the World: An Introduction to Australian Foreign Policy*, Melbourne: Oxford University Press, 2001, pp. 129-30.
[71] Evans and Grant. op.cit. (1995) p. 123, 133.
[72] ibid, p. 128.

to the development of a "community of interests between nations", an initiative which has been encouraged since the end of the Cold War.[73] In explaining the value of international citizenship, Evans maintained that:

> Being a good international citizen is not a soft option in a hard-headed world of competitive interests…It is a realistic acceptance of the fact that no nation can always act simply, and unilaterally, in pursuit of its interests in a world that is increasingly interdependent.[74]

Australia in particular favoured internationalism as a means of addressing global problems. The most important task for the international community, according to Evans, was advancing human rights. Evans claimed that the pursuit of human rights worldwide is an extension of basic Australian values in the foreign policy domain. He elaborated by stating that "moral obligation is its own justification."[75] Multilateralism provided the greatest scope for advancing human rights through forums such as the Commission on Human Rights and by supporting international standards such as the Universal Declaration of Human Rights. However, Evans also noted the importance of bilateral human rights representations, with Australia independently pursuing 535 new human rights cases with the governments of 90 countries.[76] Australia's most active attempt to implement human rights began in 1989, with Evans seeking support from the international community to stage a UN intervention in Cambodia.

The plan by Evans for Cambodia led to the establishment of the UN Transitional Authority in 1992, with Australia committing both nine hundred troops and the commander to the operation.[77] Humanitarian concerns proved most potent in motivating the operation, with Evans in 1994 directly linking Australia's involvement in the Vietnam War with responsibility to intervene in Cambodia.[78] This responsibility signalled his belief in the principle of 'human security', whereby the intra-state violence inflicted by the Khmer Rouge on its own people warranted foreign intervention. But, conversely, Evans simultaneously took a more 'hard-headed' approach to human rights in Indonesia and was unwilling to act on the human rights abuses in East Timor after the Dili massacre of 1991. Australia's diplomatic relationship with Indonesia proved more important at the time with the Government signing a security pact with Indonesia in 1995 committing Australia to consult with Indonesia over adverse challenges to either party.[79]

The national interest framework articulated by Gareth Evans lies firmly within the 'middle power' tradition embracing liberal internationalism at its core. His middle power preference for multilateralism, international legal norms and activism characterise attempts to advance Australia's security and economic interests. After the victory of the Liberal party in the 1996 elections, Evans was succeeded by another proactive Foreign Minister, Alexander Downer. Whilst Downer also placed security and economic interest at the core of Australia's national interest, his methods of securing these imperatives saw a shift away from the liberal internationalism of Evans.

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[73] ibid., p. 151.
[74] ibid., p. 153.
[75] ibid., p. 154.
[76] ibid., p. 156.
[77] Smith, Cox and Burchill, op.cit. (2001) p. 146.
[78] F. Frost, 'Labor and Cambodia', in D. Lee and C. Waters (eds.), *Evatt to Evans: the Labor tradition in Australian foreign policy*, New South Wales: Allen & Unwin, 1997, p. 199.
[79] Smith, Cox and Burchill, op.cit. (2001) p. 154.

Alexander Downer: Australia as a Pivotal Power

> Over the last 11½ years, Australia has enjoyed stability, success and influence in international diplomacy on a scale not previous (sic) experienced. Throughout our time in office, the Coalition's approach to international affairs has been characterised by realistic, clear-eyed assessment of how the world works, and Australia's place in the international system. At the heart of our foreign policy has always been what matters to Australia; our national interest – the security and prosperity of our people.[80]

Background

The Howard Government's election campaign of 1996 focused, amongst other things, on the way in which the Labor Party presented Australia to the world. At that time Downer rejected the Labor proposition that Australia was a middle power, claiming that:

> This sells us short and overlooks the rich potential that Australia has to play a vital role in the world…I do not accept Australia as merely a middle power. Rather, I believe Australia is a pivotal power.[81]

Downer emphasised the pursuit of the national interest as the Coalition's foreign policy priority, implying that this had not occurred during the previous government. Events such as the September 11, 2001 terrorist attack and the subsequent 'war on terror' presented Downer with an opportunity to propel Australia onto the world stage, transforming Australian foreign policy in the process. The following analysis demonstrates how Downer applied the pivotal power thesis to Australian foreign policy as reflected in the Department of Foreign Affairs and Trade (DFAT) White Papers' of 1997, *In the National Interest* and 2003, *Advancing the National Interest* which focused on security and prosperity.

Security

In the National Interest reflected a renewed emphasis on the US-Australia alliance stating that: "A key objective of the Government will be to strengthen further the relationship between Australia and the United States by expanding the already close links that exist." [82] This support for the alliance translated into enthusiastic backing of the Afghanistan mission of 2001 and the Iraq invasion of 2003, with US foreign policy viewed as enhancing Australian national security. The problem of international terrorism dominated the 2003 White Paper:

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[80] A. Downer, 'Labor's Little Australia', Sir Thomas Playford Memorial Lecture, 23 August 2007, (online available) http://foreignminister.gov.au/speeches/2007/070823_lla.html, (accessed 5 May 2008).
[81] A. Downer, '*Australia: Much more than a middle power'*, Speech to the Young Liberals' Convention, Adelaide, 8 February 1996, in Carl Ungerer, "'The 'Middle Power' Concept in Australian Foreign Policy", Australian Journal of Politics and History, vol. 53, no. 4, 2007, p. 549.
[82] DFAT, *'In the National Interest: Australia's Foreign and Trade Policy'*, White Paper, Canberra: Commonwealth of Australia, 1997, p. 58.

> Threats to Australia's security come not just from our region, but also from more distant points on the globe...Australia's vigorous participation in the war against terrorism is vital to protect the long-term security of Australians.[83]

Australia's support for US foreign policy resulted in criticism by those in the media and academia whom perceived Australia as the 'deputy sheriff' for the US in the Asia-Pacific, an unpopular suggestion for many countries in the region.[84] This closeness with the US allowed Downer to present Australia as the pivotal power that he had envisaged in 1996, a partner with the US rather than merely a junior ally.

Since 2003 Australia's foreign policy increasingly featured a lack of support for multilateralism, as a process for advancing the national interest, replacing it with increased support for bilateral agreements. The Coalition demonstrated this preference as early as 1997. However, it was most pronounced in the realism of *Advancing the National Interest* report of 2003 which stressed that:

> The actions of nation states and their governments still have the greatest bearing on the world's security and economic environment. So Australia depends on the strength of its bilateral relations around the world to advance its national interests.[85]

This translated particularly into criticism and circumvention of the UN.[86] Downer, in the case of Iraq reserved the right of countries to act outside an ineffective UN, claiming that "sovereignty in our view is not absolute. Acting for the benefit of humanity is more important."[87] Resistance to multilateralism is also demonstrated by Downer's decision not to ratify the Convention on the Elimination of All Forms of Discrimination against Women, non-commitment to the UN Millennium Development Goals (MDG) and initially refusing to sign the Treaty of Amity and Cooperation with ASEAN. By contrast, bilateralism resulted in a number of positive developments for the Government proving an effective means of achieving results. These include the greatly improved relations between the Howard Government and Indonesia from 2004 and the Japan-Australia Security Declaration of 2007.

The newly elected Howard Government aimed to maintain Labor's earlier focus on regional security, stating in the 1997 paper that the "Asia Pacific is the region of highest foreign and trade policy priority for the Government."[88] Two events during Downer's period in office illustrated the strained relations that developed between Australia and the Asia-Pacific region. First, Australia led the International Force for East Timor (INTERFET) in 1999, intervening to enforce its peaceful independence from Indonesia. Asian studies specialist Anthony Milner perceives the Timor crisis to have constituted the greatest challenge to Australia's engagement with Asia in several decades, as Australian

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[83] DFAT, *'Advancing the National Interest'*, White Paper, Canberra: Commonwealth of Australia, 2003, pp. ix, xi.
[84] M. Wesley, 'Rebuilding Engagement: Australia and South-East Asia', in J. Cotton and J. Ravenhill (eds), *Trading on Alliance Security: Australia In World Affairs 2001-2005*, South Melbourne: Oxford University Press, 2007, p. 57.
[85] *Advancing the National Interest,* op. cit.; (2003) p. 7.
[86] ibid., p. 44.
[87] A. Downer, 'Security in an Unstable World', Speech to the National Press Club, Canberra, 26 June 2003.
[88] *In the National Interest*, op.cit. (1997) p. vi.

interests seemingly overrode Indonesian sovereignty.[89] Second, in July 2003, Downer launched the Regional Assistance Mission to the Solomon Islands (RAMSI) which sought to stabilise law and order and institute long-term improvements to their economy and governance. The idea that Australia should fix the 'arc of instability' was heavily linked with the new security paradigm that emerged after the 11 September 2001 terrorist attacks in America. Downer raised concerns that 'failed states' in the Pacific could potentially become centres of terrorist activity directly threatening Australia's security.[90]

Downer regarded the promotion of human rights as essential to Australian foreign policy. The link between human rights and national interest was drawn in the 1997 White Paper which stated that "national interests cannot be pursued without regard to the values of the Australian community."[91] In addition to the support of such organisations as the International Criminal Court by ratifying the Rome Statute in 2002, Downer considered human rights to be a moral motivating force for actions abroad. Downer argued that Australia had a duty to defend the values of tolerance, pluralism and respect for human dignity, as demonstrated by Australia's military deployments to Afghanistan and Iraq.[92] Freedom and democracy are not just positive values in themselves; rather they enhance global security and prosperity. Despite the importance awarded to human rights in foreign policy, there was significant domestic controversy over issues such as the Tampa incident of 2001, the legal and human rights of suspected terrorist David Hicks and the strengthening of sedition laws in 2005.

Prosperity

The second component of Downer's conception of the national interest focused on trade as the cornerstone of prosperity, with the Coalition having embraced trade liberalisation as a key policy for Australia. The 1997 paper recognised two positive trends for Australia's prosperity, burgeoning globalisation and increasing economic growth in East-Asia. Globalisation was regarded as providing increased economic opportunities for competitive countries, such as Australia, by allowing access to previously underdeveloped or closed economies, particularly in the Asia-Pacific region. Reus-Smit has highlighted the complexity of the Coalition's conception of globalisation. It embraced economic aspects, such as interdependence in trade and finance, yet was careful to defend Australia's sovereign authority in other areas such as international pressure over climate change and refugees.[93] Downer's emphasis on trade liberalism demonstrated continuity with the approach to prosperity set out by Evans. However, the methods he employed to strengthen Australia's trading relations with the Asia-Pacific region diverged significantly.

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[89] A. Milner, 'Balancing 'Asia' against Australian Values', in J. Cotton and J. Ravenhill (eds), *The National Interest in a Global Era: Australia in World Affairs 1996-2000*, South Melbourne: Oxford University Press, 2004, p. 41.
[90] A. Downer, *'Co-operation to Combat Terrorism in the Pacific'*, media release, Commonwealth of Australia, 17 May 2003, (online available) http://www.foreignminister.gov.au/releases/2003/fa051_03.html, (accessed 2 May 2008).
[91] DFAT, op.cit. (1997) p. iv.
[92] A. Downer, *'Australian Foreign Policy Today and Tomorrow'*, The Inaugural Monash Asia Public Lecture, Melbourne, 22 August 2007, (online available). http://foreignminister.gov.au/speeches/2007/070822_monash.html, (accessed 5 May 2008).
[93] C. Reus-Smit, op.cit. (2002/4) p. 6.

Trade bilateralism was central to the Coalition's economic strategy, believing that multilateralism alone was not sufficient to advance the national interest. The shift occurred with the failure of the World Trade Organisation (WTO) ministerial meeting in Seattle in 1999 and East Asian enthusiasm for more limited alternatives.[94] The 2003 paper, *Advancing the National Interest*, reflected this new reality outlining that:

> The Government is determined to pursue pragmatically the advantages that free trade agreements offer Australia. Such agreements can deliver important market access gains faster than a multilateral round. They can also go deeper and further than the WTO.[95]

Downer went on to sign free trade agreements (FTAs) with Singapore, Thailand and the US, and sought to establish FTAs with China, Japan, Korea and ASEAN. The Coalition's preference for bilateral trade agreements was consistent with their previously outlined scepticism about multilateralism within the security domain. Downer's high estimation of Australian negotiating capacity can be tied to his pivotal power thesis wherein, "by any measure Australia is a significant country."[96]

The Coalition had always understood the national interest to rest upon two essential components: security and prosperity. These two themes have consistently informed Downer's foreign policy, highlighted by the primacy of the US alliance for Australian security and a preference for bilateralism over multilateralism. Issues such as human rights were considered part of the foreign policy agenda, however, were secondary in importance. This narrow conceptualisation of the national interest signalled Downer's realist scepticism over putting principles before interests. Downer's pivotal power thesis attempted to elevate Australian foreign policy from the middle power preoccupation with multilateral cooperation and perceived soft issues.

The Rudd Government: A New Tradition?

> As a good international citizen, Australia can and should do more in the world…We are a regional leader. We are not, however, a powerhouse. Regional and multilateral institutions work well for a nation like Australia.[97]

Background

Australia's change of government in November 2007 signalled to many a transformation in Australian foreign policy, with government rhetoric outlining a new direction in US relations, greater cooperation with the UN, and greater efforts to engage with the Asia-Pacific region. While clearly adopting middle power language, it is worth examining how the Rudd Government will apply this model in practise. To determine the Rudd

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[94] J. Ravenhill, 'Australia and the Global Economy', in J. Cotton & J. Ravenhill, op.cit. (2007).
[95] DFAT, op. cit.; (2003) p. 58.
[96] A. Downer, 'Should Australia Think Big or Small in Foreign Policy?' Speech to the Centre for Independent Studies: The Policymakers Forum, Sydney, 10 July 2006, (online available) http://foreignminister.gov.au/speeches/2006/060710_bigorsmall.html, (accessed 5 May 2008).
[97] S. Smith, '*A Modern Australia for a New Era'*, Speech to the Australian Strategic Policy Institute National Security Dinner, Sydney, 9 April 2008, (online available) http://foreignminister.gov.au/speeches/2008/080309_nsd.html, (accessed 6 May 2008).

Government's interpretation of the national interest it is useful to examine the focus on Rudd's *The Three Pillars* on Australia being secure, competitive and compassionate.

A Secure Australia

The Rudd Government's first foreign policy pillar calls for enhanced relations with the US within the established Labor policy of 'defence self-reliance'.[98] Rudd intends to "reaffirm the centrality of the US alliance to Australia's long term security", specifically encouraging US strategic engagement in the Asia-Pacific region.[99] In his March 2008 address to the Brookings Institution in Washington, Rudd outlined three positive roles for the US in improving Australian and global security: that the US should provide global leadership on the reform of institutions such as the UN; that the US could strengthen its alliance system in Asia and that the US could encourage China to integrate with the international community.[100] Rudd notes that under the Howard Government "the US may have won an uncritical supporter, but it lost a trusted, thoughtful and independent ally – an ally willing to offer distinctive views on matters of common concern."[101] Thus for Rudd, the alliance remains central to Australian foreign policy, but it should not automatically dictate foreign policy decisions which he claims it did under Howard and Downer. The 2003 Iraq War has proved one such issue where Australian interests no longer align with that of the US, with Rudd having announced the withdrawal of combat troops by June 2008.[102]

The second foreign policy pillar of the Rudd Government is to increase Australia's commitment to the UN and the broader multilateral system. Support for the UN is based on Rudd's belief that middle powers are normally advantaged by a strong international rules-based system and that the UN is the best defence against an anarchical international order.[103] In addition to enhancing global security, Rudd notes that "the UN multilateral system also provides a vehicle for the global articulation of social democratic values" such as social justice.[104] Thus, the UN is valued both for its contribution to Australian security and as a means for Australia to help improve the world. The first indication of the Rudd Government's increased support for the UN is the announcement that Australia will bid for a non-permanent seat on the Security Council. A seat during the 2013-14

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[98] K. Rudd, , *'Fresh ideas for future challenges: A new approach to Australia's Arc of Instability'*, Speech to the Lowy Institute, 5 July 2007, (online available) http://www.alp.org.au/media/0707/speloo050.php (accessed 15 April 2008).
[99] K. Rudd, *'The Three Pillars: OurAalliance with the US, Our Membership of the UN, and Comprehensive Engagement with Asia'*, A Foreign Policy Statement by the Australian Labor Party, October 2004, (online available) http://www.ozpolitics.info/election2004/2004ALP/policy_foreignaffairs.pdf, (accessed 17 April 2008).
[100] K Rudd, '*The Australia-US alliance and emerging challenges in the Asia-Pacific Region'*, Speech to the Brookings Institution, Washington, 31 March 2008, (online available) http://www.pm.gov.au/media/Speech/2008/speech_0157.cfm, (accessed 17 April 2008).
[101] Rudd, op.cit. (October 2004) p. 98.
[102] *Sydney Morning Herald*, "Rudd visits Iraqi PM", 22 December 2007, (online available) <http://www.smh.com.au/news/world/rudd-visits-iraqi-pm/2007/12/21/1198175344087.html> (Accessed 9 May 2008).
[103] Rudd, op.cit. (October 2004) p. 94.
[104] ibid.

term would provide Australia with the opportunity to participate in the UN decision-making body which would enhance Australia's international engagement.[105]

The third foreign policy pillar of the Rudd Government aims to strengthen comprehensive engagement between Australia and Asia. This engagement includes both bilateral and multilateral efforts, with a distinct emphasis on enhancing regional institutions. Rudd claims that "Australia's voice has been too quiet for too long across the various councils of the world." His desire to see Australia more actively engaged in multilateral forums illustrates his reinforcement of the principle of creative middle power diplomacy espoused by Evans.[106] Existing regional architecture such as the ASEAN Regional Forum, East Asia Summit and APEC provide Australia with avenues for further engagement with Asia although Rudd warns that these organisations have suffered from serious limitations in recent years. As a result, Australia has found itself at the margins of debate on regional security and economic development.[107] In addition to these organisations Rudd has initiated the creation of an 'Asia-Pacific Community' in an effort to further strengthen Australia's relations with the region. Rudd argues that effective Australian diplomacy can revitalise regional multilateralism stressing partnerships as the core element of middle power diplomacy.[108] He hopes this approach would improve Australia's reputation in the region, perhaps becoming what Asia-Pacific academic Robin Jeffrey describes as an 'honest broker' rather than the previous role of 'deputy sheriff'.[109] The principle of partnership is strongly advanced in Rudd's proposed active role for Australia abroad.

Struggling Pacific Island nations and Afghanistan represent two challenges linking Australia's responsibility to improve the world with the threat to global security posed by failed states. Rudd regards this 'Arc of Instability' to the North as having "gone from being a strategic concept a decade ago to becoming an unsettling strategic reality today."[110] This is demonstrated by the increased threat posed by Jemaah Islamiyah in the Indonesian archipelago, military crises in East Timor, political instability in Papua New Guinea and a breakdown of law and order in the Solomon Islands. As a policy response, the Rudd Government has announced the new Pacific Partnerships for Development policy stressing the importance of long-term economic development over military intervention.[111] Similarly, Afghanistan's susceptibility to terrorism has prompted the decision to maintain Australian troops in Afghanistan promising a long-term commitment to the North Atlantic Treaty Organisation (NATO) mission.[112] This active support for

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[105] Sydney Morning Herald, 'Rudd in Australian UN bid', 30 March 2008, (online available) http://www.smh.com.au/news/national/rudd-in-australian-un-bid/2008/03/30/1206815308279.html, (Accessed 12 May 2008).
[106] K. Rudd, '*Advancing Australia's Global and Regional Economic Interests*', Speech to the East Asia Forum, 26 March 2008, (online available) http://www.pm.gov.au/media/Speech/2008/speech_0145.cfm, (accessed 17 April 2008).
[107] Rudd, op.cit. (October 2004) p. 79.
[108] Rudd, op.cit. (March 2008).
[109] R. Jeffrey, 'Australia in Asia, Australia and Asia: The next generation', *Australia's security and prosperity: Ideas for 2020.* Australian National University, Department of International Relations, Keynotes Series No. 9, April 2008, pp. 32-6 (online available) http://rspas.anu.edu.au/ir/pubs/keynotes/documents/Keynotes-9.pdf, (accessed 12 May 2008).
[110] Rudd, op.cit. (July 2007).
[111] ibid.
[112] P. Coorey, 'Rudd promises troops will stay for long haul', *Sydney Morning Herald*, 4 April 2008, (online available) http://www.smh.com.au/news/world/rudd-troops-will-stay-for-long-haul/2008/04/03/1206851105824.html, (accessed 12 May 2008).

multilateralism and Pacific security demonstrates Rudd's credentials as an internationalist, however increasing casualties may make it politically difficult to maintain this position.

A Competitive Australia

The second element of Rudd's concept of national interest centres on Australia's competitiveness as a way to maintain prosperity and a high standard of living. Enhanced trade liberalisation forms the basis of Labor's economic vision in keeping with the policy legacy of the previous two governments. Globalisation presents many opportunities for Australia, however, Rudd notes that it will increasingly challenge both national and international economic governance.[113] The Rudd Government looks to the WTO as the best avenue for Australia's sustained prosperity in this environment, particularly in encouraging the freer trade in agricultural commodities. While stating that bilateral and regional trading arrangements have complicated international trade, Rudd claims that FTAs can indeed encourage wider systemic trade liberalisation by ensuring that "bilateral and regional free trade agreements support the rules-based trade system of the WTO."[114] One such agreement is the proposed Australia-China FTA, the negotiations for which were initiated by the Howard Government and are continuing under the current Government. Thus, while the Rudd Government claims to support multilateral efforts first and foremost in the economic sphere, it is not prepared to abandon FTAs as an important, though less than optimal means of trade liberalisation. The same globalised interdependent world that benefits Australia is critical in Rudd's targeting of global poverty and injustice.

A Compassionate Australia

In addition to security and prosperity, the Rudd Government includes the idea of compassion as a foreign policy objective. At the heart of this commitment is the belief that Australia has a responsibility to help improve the wider global community. Following from the Rudd Government's understanding of problems in Pacific Island nations, compassion is linked most clearly with overseas economic aid and development. Rudd views Australia's contribution to overseas development as a humanitarian imperative in its own right, as well as contributing to the prevention of failed states.[115] The effects of globalisation need to be managed by the international community to ensure that developing nations receive a fair portion of its benefits. The Government identifies the Doha Round negotiations of the WTO and the International Labour Organisation (ILO) as pivotal to achieve this goal.[116] The MDG in particular provide a framework for Australian efforts with Rudd contributing an extra AUS$500 million to this year's foreign aid budget and a commitment to invest $200 million more over the next four years - specifically in partnership with UN development agencies.[117]

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[113] Rudd, op.cit. (October 2004) p. 34.
[114] K Rudd, op.cit. (March 2008)
[115] Rudd, op.cit. (October 2004) p. 104.
[116] ibid., p. 102.
[117] M. Dodd, 'Aid boost to UN's world development goals', *The Australian*, 14 May 2008, (online available) http://www.theaustralian.news.com.au/story/0,25197,23694581-5013871,00.html, (accessed 15 May 2008).

While the Rudd Government is still in its early days, there already exists a strong theoretical framework in which foreign policy is constructed. The national interest is interpreted as the advancement of a secure, competitive and compassionate Australia, focusing on a more constructive US alliance, closer cooperation with the UN and comprehensive engagement with Asia.

Conclusion

The National Interest Construct

The preceding analyses of Australian foreign policy under the Hawke-Keating, Howard and the new Rudd Government have demonstrated that the concept of the 'national interest' requires close examination to provide any meaningful insight into how foreign policy is determined. The national interest is a construct built upon the values and priorities of decision-makers. The way in which each government has constructed and pursued the 'national interest' indicates fundamental conceptual differences in how Australia's interests are conceived. The greatest contrast lies in Downer's adoption of a narrower interpretation of the national interest in comparison with Evans and Rudd. The manner in which the national interest is advanced differs greatly across issues. While Evans, Downer and Rudd all consider the defence of Australia as critical to the national interest, they do not necessarily agree on the best way of ensuring security. Hence, the national interest is more complex than merely deciding what issues are important; it also encompasses the means employed to achieve the decided upon goals.

Ideology in Practice

While realism dictates that power relations are the first and foremost concern of the nation-state, with other interests subsumed to power, this ideological position alone has proved deficient in explaining the foreign policies of the Hawke, Keating, Howard and the Rudd Governments. Australian foreign policy has not been characterised by a strict commitment to realism as its guiding light, but rather a more complicated set of ideological influences. Strains of liberalism have featured prominently in all three governments' foreign policies both in the security realm and as the foundation of trade liberalisation. Australia's commitment to multilateralism in principle, and the UN in particular, has developed as the main battleground for the realism versus liberalism principle. Currently, under the Rudd Government there appears to be a return in Australian foreign policy towards the liberal principles of collective and human security. Nonetheless, the 'middle power' and 'pivotal power' titles expressed by former Foreign Ministers Evans and Downer and the newly appointed Prime Minister Rudd are essentially realist, as they define Australia in relation to its comparative power. Thus, all three have revealed elements of realism and liberalism in their construction of the national interest.

The National Interest Core

While demonstrating the inherently subjective nature of the national interest, two core common components have emerged. Security and prosperity feature as the predominant themes in the national interest construct of Evans, Downer and Rudd. For Evans and Rudd, these themes do not constitute the only categories, although they undoubtedly form the foundation of the national interest. The broader interests held by Evans and Rudd

support and complement security and prosperity, rather than detract from the national interest core. Security and prosperity have proved so integral to the national interest, that it is difficult to imagine any government formulating foreign policy without strong reference to these themes. Security issues in particular are subject to the greatest discussion and debate as the best means of ensuring Australia's security remains highly contentious. In contrast, a high level of consensus has been achieved in the economic policy sphere with trade liberalisation broadly accepted as Australia's best means of continued prosperity.

The Value of Meaning

The national interest is not a self-evident truth, and policy decisions cannot be justified in reference to an abstract notion of what is good for Australia. Foreign policy decisions are directly informed by the meaning given to the national interest, evident in the varied treatment of issues such as the US alliance, commitment to multilateralism and engagement with Australia's region. Despite its subjectivity, the concept of national interest remains critical to understanding the values and priorities of governments and their formulation of foreign policy. Its use by politicians and commentators signals their vision for Australia and how the nation should advance into the future. The years to come will provide further depth to the analysis of the Rudd Government and how the concept of Australia's national interest develops.

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