

Burgmann Journal

RESEARCH DEBATE OPINION ISSUE IV, 2015

The *Burgmann Journal* is a multidisciplinary, peer-reviewed publication of collected works of research, debate and opinion from residents and alumni of Burgmann College, designed to engage and stimulate the wider community.



BURGMANN COLLEGE

Affiliated with The Australian National University

Capture our imagination

EH BURGMANN 1944



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Published by ANU eView
The Australian National University
Acton ACT 2601, Australia
email: enquiries.eview@anu.edu.au
This title is also available online at eview.anu.edu.au

ISSN 2201-3881 (Print)
ISSN 2201-3903 (Online)

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Front cover by Keely Van Order. 'This artwork was inspired purely by the joy that color brings to humanity and existence, in all its permutations.'

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Jessica Elliott is a third-year Bachelor of Arts, Bachelor of Laws student at The Australian National University. She is completing a major in Human Rights and a minor in International Relations. Jessica has a particular interest in the intersection of gender and contemporary human rights issues, and is the 2015 Women's Officer at Burgmann College. She hopes to work in the field of international human rights law or policy.

Keely Van Order studies psychology with an interest in perception and neuroscience. She has a Bachelor of Arts in International Development Studies from McGill University, and a Masters of Visual Art from The Australian National University. Keely teaches visual arts and language courses in the ACT, where she also exhibits and works as a freelance graphic artist. This year she independently published her first creative work, *Vesper: Notes from an Interstellar Medium*. This is her second year in the Burgmann community, where during her free time she is also studying music theory at the college piano.

Laura Wey is undertaking Honours in Biology for the fourth and final year of her Bachelor of Philosophy (Honours), an undergraduate science research degree. She is passionate about translating discoveries from the laboratory into real-world outcomes – and her research involves characterising proteins from a proposed genetic engineering strategy to improve food crop yields by targeting photosynthesis. She holds the ARC Centre of Excellence for Translational Synthesis Charles Barry Osmond Honours Scholarship for her research and, so far, she has presented her findings at the Australasian Conference of Undergraduate Research in Perth. Laura was a Burgmann Resident from 2012 to 2014.

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Rachel Hao is currently in her penultimate year of a double Bachelor degree in International Relations and Law. She has just returned from a semester abroad in the Netherlands, where she confirmed her passion for international law and its powerful potential to synthesise our globalising world. As the world grows increasingly connected, she believes that collective agendas and action are essential for effective management of international issues – and she hopes to pursue a career that will allow her to take part in this exciting process. Rachel was a Burgmann resident from 2012 to 2014.

Robert Cullum is currently a Masters student in the Strategic Studies program at The Australian National University. He has been a Burgmann resident for the duration of 2015, and comes from Maryborough, Victoria. Before starting at ANU, he completed a Bachelor of Arts at Monash University, with honours in History. His research interests include hybrid warfare and counterinsurgency.

Editorial

The reader will find a diverse range of material in this fourth edition of the *Burgmann Journal*, and we are pleased, first and foremost, to publish scholarship that continues to broaden the academic scope of our college. The research papers this year cover an intriguing range of topics; and although there has been no specified theme for the journal, many of the essays this year deal with issues concerning global identities, and the ethical treatment of those identities by bodies of power. In a year where governments and populations worldwide are grappling with terrorism, war, human rights and refugee asylum, I am proud that these issues are at the forefront of academic concern in the Burgmann community. In the first essay, Alix Biggs explores the complexity of Palestinian identity for a people who have been dramatically displaced. Jessica Elliott works through the current frameworks for gendered refugee ‘identity’, to explore how these stereotypes can restrict the expression and understanding of refugee experience. James Connolly discusses issues of gender in relation to the trans* community, focusing on the complex interplay of historical context and modern attitudes in Indonesia. Rachel Hao investigates modern humanitarian practice at a theoretical level, and the meaning of an international ‘responsibility to protect’, while Ben Ye explores governmental authority through the specific example of China’s Communist Party. The final two peer-reviewed essays take up the notion of strategy: first through Robert Cullum’s consideration of military tactics; and second in Maclaren Wall’s discussion of what it might take to seriously consider a transition to environmentally friendly electric vehicles. Following from Maclaren’s paper, we also have two opinion pieces that are both concerned with improving the consumer relationship with the natural environment: Laura Wey argues that genetic modification of food crops offers a promising way to sustain the growing global population; and Patrick Negline-Smyth assesses the merits of Distributed Energy Generation as a way to enhance the national power supply. Finally, we are also proud to publish the portrait work and cover design by Keely Van Order. I conclude by inviting the reader to engage in the interesting material we have to offer, with the hope that Burgmann’s culture of keen academic interest continues to grow in the years to come.

Ella Relf
Editor-in-Chief

Section I: Peer-Reviewed Articles

Palestinian refugees in exile: Identity politics and the politics of difference

Alix Biggs

ABSTRACT: Edward Said spoke of the Palestinians having to ‘painfully reassemble a national identity in exile’. Nearly seventy years after their initial displacement in 1948, the Palestinian diaspora throughout the Middle East numbers almost five million. They live in a variety of circumstances, enjoying different privileges and rights in different host nations. Given that many Palestinians in exile have no lived experience of their homeland, constructing and maintaining a shared group identity is a growing challenge. Notions of Palestinian identity have proved mobile and malleable over time, and are influenced by a wide range of factors. Evaluating assimilation and integration attempts in Arab host states, this paper questions exactly what it means to be a Palestinian in exile.

What's the worth of a man

Without a homeland,

Without a flag,

Without an address?

What is the worth of such a man?

‘Telegram from Exile’, Mahmoud Darwish, 1963

Over 4,950,000 displaced Palestinians reside in the Middle East, exiled by the creation of the state of Israel in 1948 and successive waves of conflict. The Palestinian refugee experience is protracted, with many third- and fourth-generation descendants of the original refugees never having set foot in Palestine. The Palestinian diaspora also live in diverse circumstances, extending from insular communities living in camps, operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and are fully reliant on aid, to those who have dispersed within local communities and outwardly display little or no difference from the populace of their host nations. This essay will examine the Palestinian situation in host communities in the Middle East, considering both the factors that influence assimilation and integration and the challenges that limit or prevent movement in those directions. It will also turn to the creation of a Palestinian national identity and attempts to force a single Palestinian character across geographic and social divides. It asks, ultimately, can assimilation ever occur concurrently with the retention of a distinct national identity?

Edward Said suggested that, after the blow to Palestinian identity by the 1948 and 1967 expulsions of Palestinians from their traditional homelands, it became the task of the Palestinian people to ‘painfully reassemble a national identity in exile’ (Said 2000, 178). Before considering the prospects of a coherent single Palestinian national identity, it is necessary to have an understanding of what the term ‘identity’ entails. Malkki defines identity as ‘always mobile and processual, partly self-construction, partly categorisation by others, partly a condition, a status, a label, a weapon, a shield, a fund of memories’ (Malkki 1992, 37). With this in mind, it is clear why the notion of identity has been drawn upon by Palestinian political actors – who, according to Bowker, ‘promote particular imagery ... to construct a distinct national identity and culture’ (Bowker 2003, 17).

Palestinian concepts of identity have indeed proven to be mobile and malleable over time, and continue to respond to internal and external factors (Khalidi 1997, viii). It has been suggested too that individuals have varying levels of identification with ‘Palestinianness’, including, according to Laurie Brand, ‘whether one is a refugee, whether one lives in a camp, when one came to the East Bank, and one’s degree of economic success’ (Brand 1988, 180). El-Abed reaffirms that socio-economic status is a factor in how strongly Palestinians identify with their collective identity, and notes that notions of identity fluctuate in relation to broader political dynamics and processes (El-Abed 2014). In analysing Palestinians residing in Jordan, Brand suggests that the 1948 and 1967 refugees (and their descendants) in UNRWA camps, from the lowest end of the socio-economic spectrum (and in many cases reliant on aid), are also the most militant about their Palestinian identity (ibid).

In at least some circumstances, the potential for assimilation of refugees is dependent on their living arrangement and exile experience. Brand isolates the 1948 Palestinian refugees (and their descendants) living outside of UNRWA-operated camps in Jordan as exceptionally well assimilated, noting their economic and professional success, investment in property and business in Jordan and support of the Jordanian regime (Brand 1988, 180). With vastly divergent circumstances to Palestinians in exile in other Arab countries, and several generations into their enforced exile, this group has been remarkably successful in integrating socially, economically and politically with the wider East Bank Jordanian community. Were it not for some social expressions of their heritage and identity as Palestinian-Jordanians it would be hard for an observer to separate them from their upper class East Bank Jordanian counterparts. Beyond the challenges of integration, lived experiences of exile have further ramifications of establishing a sense of identity. Malkki’s study of Hutu refugees in Tanzania suggested that the refugees living within isolated refugee camps had a stronger sense of national and ethnic identity, viewing themselves as a ‘nation in exile’. Refugees living in dedicated camps also were far less likely to integrate with host communities than those who lived dispersed in non-refugee neighbourhoods (Malkki 1992, 35). This contrasts again with the ‘town-refugees’ living in broader communities, who held more fluid identities based on a life ‘located within the present circumstances’ (ibid, 36). In practice, camp-based Palestinian refugees are also more likely to have powerful familial connections among themselves that influence marriage ties, spatial location and other factors that reinforce a strong sense of Palestinian identity.

Of the challenges to the integration of Palestinians in host communities, the one that in many cases proves to be the crux of the assimilation versus distinct identity debate, is the issue of the Right of Return. Reconciling assimilation with the Right of Return has proved one of the biggest barriers to meaningful integration with host communities. In Arab eyes, undermining the principle of the Right of Return would provide Israel with the means to evade its responsibilities for the protracted plight, and in many cases extreme hardship, of the Palestinians (Bowker 2003, 73). However, while the Right of Return has been a mantra of both Palestinian refugees and of the Arab governments that host them, it has been approached very differently in Jordan and Lebanon. The Right of Return holds a central position in Palestinian political mythology, and is popularly believed to be based upon the United Nations General Assembly Resolution 194 (Bowker 2003, 73; III).¹

In Jordan, successive generations of policy have attempted to counteract strong Palestinian notions of identity by stressing their identity as Jordanian citizens above all else. According to Richter-Devroe, these policies, coupled with the many integration policies for Palestinians holding Jordanian citizenship, have ‘hampered the development of separatist political expression among many Palestinians in Jordan’ (Richter-Devroe 2013, 98). However, it is suggested that these Jordanian-Palestinians do ‘not see their status as Jordanian citizens as opposite to their Palestinian national identity, but rather as complementary and potentially supportive’ (ibid, 98). While political expressions of Palestinian identity are discouraged by the state, expressions of ‘Palestinianness’ do exist outside this sphere. Supporting the soccer team Al-Wehdat SC is seen as declaration of Palestinian identity, whereas supporting Al-Ramtha SC is a clear statement of being a native East Bank Jordanian (Brand 1988, 183). In the absence of other political expressions of identity, this has become a social way of expressing one’s heritage as either a Palestinian or an East Bank Jordanian. While ‘(officially) having equal rights with Jordanian citizens, most still assert their Palestinian Right of Return and their status as refugees’ (ibid, 181). Al Hussein suggests that the Palestinians of Jordan are unique in their status as ‘refugee-citizens’, who are ‘formally endowed with citizenship rights and duties pending the day when they would be given the right to choose to return to Palestine or to stay in Jordan as permanent citizens’ (Al Hussein et al. 2009, 263).

In Lebanon, assimilation with local communities has been prevented by a general attitude originally held by the Palestinian refugee communities, and now fiercely advocated by the Lebanese government (and practically all Lebanese political parties): namely, the prevention of permanent settlement so as to uphold the Right of Return. Political rhetoric within Lebanon suggests that the camps, and indeed the entire situation of Palestinians in Lebanon, need to remain temporary in order that the Right of Return not be undermined. Richter-Devroe suggests that it is ‘upheld by Palestinian factions to maintain their hold on power in the camps and by Lebanese political actors to preserve Lebanon’s fragile sectarian balance’ (Richter-Devroe 2013, 100). Lebanese political elements also seek to avoid the socio-economic ‘burden’ that they see Palestinians to be. In 1998, then Prime Minister Rafiq al-Hariri argued that ‘Lebanon will never,

¹ ‘[The General Assembly] resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date.’

ever integrate Palestinians ... Integration would take the Palestinians off the shoulders of the international agency which has supported them since 1948' (Rafiq al-Hariri in Bowker 2003, 75). In reality, this resistance to assimilation – expressed in practice through restrictions on employment and access to membership of professional associations in particular – has held most of the Palestinian people in Lebanon in grave poverty; the majority dwelling in camps and reliant on limited UNRWA aid. Since 2005, some of the restrictions on labour policy and property regulations have been relaxed, indicating a shift in understanding to recognise that 'suffering does not have to be maintained for the Right of Return to be valid, recognised and implemented' – and further, that it would be cruel to act as though a return were foreseeable (Richter-Deyroe 2013, 100). Still, the overall economic situation for most Palestinians remains dire, and of all host nations, Lebanon has the highest percentage of Palestinian refugees living in abject poverty (UNRWA 2014).

Notably, Bowker identifies socio-economic differences more generally as an obstacle to assimilation. He points to the second-tier status that Palestinians hold in some communities of their host states, in particular within Lebanon (Bowker 2003, 72). Many Arab states' policies directed at Palestinian refugees in their territories are guided by nationalist agendas that seek to protect jobs, national identities and sectarian balances. Often denied basic rights and condemned to the status of second-class citizens, Palestinians cannot fully integrate in such communities. As long as Palestinians continue to be relegated, they will not be able to assimilate with the host societies they live among.

While there is no doubt that a vast number of Palestinian refugees are reliant on the UNRWA for its service and camps, the UNRWA has itself been a target of criticism for its perceived role as a barrier to the assimilation of refugees into host countries. For some, the continuing existence of UNRWA-operated camps is seen as contributing to 'the continuation of Palestinian dreams of return, rather than acceptance by refugees of assimilation into other Arab countries' (ibid, 66). The refugee camps in particular have been the targets of criticism, for holding Palestinians in a state of limbo that does nothing to resolve their protracted statelessness (ibid). Israeli politicians have been vocal in their criticism, suggesting that the camps preserve the 'problem' of people sustaining hopeless dreams for returning to what is now Israel. Some critics of the UNRWA have also sourced a passing responsibility for Palestinian refugees (who are the only refugee group to have their own relief agency) in the United Nations High Commission for Refugees (UNHCR). Palestinian responses to this have been overwhelmingly negative, fearing that the UNHCR would seek to permanently resettle the refugees (as its mandate outlines as the alternative when repatriation home is not possible), thus stripping them of their hope of returning back to Palestinian territories permanently (UNRWA 2011). Additionally, accepting the idea of the UNHCR as the body responsible for the Palestinians is seen as potentially denying the responsibility of the United Nations for creating or contributing to the creation of the Palestinian refugee problem. For Palestinians, the responsibility of UNRWA for the welfare of Palestinian refugees in the Middle East is a non-negotiable principle.

Palestinian notions of identity have proven to be extremely malleable over the last century, reacting to a variety of internal and external factors (Khalidi 1997, viii). Internal politics at different periods has emphasised the importance of a coherent far-reaching Palestinian identity, although in the contemporary era it has not been a priority for any of the key Palestinian political factions. External political ideologies, such as Zionism, Pan-Arabism and Islamism, have influenced Palestinian notions of national identity, and here will be examined in brief.

Khalidi asserts, for example, that ‘it is a serious mistake to suggest that Palestinian identity emerged mainly as a response to Zionism’ (ibid, 19). Instead, he determines that increasing national identification was occurring throughout the Middle East as a response to the new states emerging from post-World War I partitions. Nevertheless, most Arabs living in the British Mandate of Palestine did not actively identify as Palestinian until the expansion of Zionist settlement, and so, some of the emergence of a Palestinian sense of identity must be attributed as reacting to the challenge of Zionism. (Even Arab identity is relatively recent; widespread Arab identity was slow to emerge until the Arab Revolt, with most of the inhabitants of Palestine regarding themselves primarily as Ottoman subjects. Prominent Israeli politicians latched onto this concept as a key demonstration that Palestinians should assimilate into neighbouring Arab populations, given their own lack of historical identity. As Golda Meir famously stated, ‘there were no such thing as Palestinians ... They did not exist’ (Meir 1969). This contestation of Palestinian nationhood has been largely absent from Israeli political rhetoric since the Camp David talks.)

While many Arab states moved to more nationalist politics in their resistance to the mandates accorded to the British and French after World War I, the situation of Palestine was seen as a lingering entrenchment of ‘colonialist dominance on Arab lands’, and proved a useful (albeit carefully controlled) rallying cause for some Arab leaders (Andoni 2009). Pan-Arabism (the notion that all states within the single Arab nation are ultimately illegitimate, and that the resources of Arab countries are the heritage of the one Arab people) also guided several factions within the Palestinian Liberation Organisation in its formative years, who framed the Palestinian struggle as only part of a wider movement to overthrow foreign elements that oppress Arabs. The resounding defeat of Arab armies by the Israelis in 1967 signalled the decline of Pan-Arabism as instrumental to Palestinian notions of identity, and marked a watershed in the emergence of a Palestinian identity distinct from the wider realm of Arab nationalism. At present, while popular political sentiment within the Arab world remains deeply sympathetic to the Palestinian people, in practice senior levels of politics are at times antagonistic and skeptical towards the Palestinians (Bowker 2003, 71).

Today, Islamism is seen as a key source of Palestinian identity; but this has not always been the case for Palestinians in exile. While 90% of Palestinians today identify as Sunni Muslim, perhaps half the pre-1948 Palestinian demographic makeup was Christian (Hassassian 2001, 17). The rise of Islamism as a determiner of Palestinian national identity has been attributed to the role of Hamas, since its establishment in the early 1980s. Islamist frameworks of the Palestinian situation view the struggle as one to reclaim Muslim land and the holy sites of Jerusalem.

The most overarching theme of Palestinian refugee identity is the collective struggle against Israeli occupation, for self-determination and a return to the homeland of 1948. Across political divides, including between refugee and non-refugee Palestinians, this cause has unified Palestinians like none other. Palestinian literature echoes this sentiment, helping it transcend the political sphere into Palestinian culture. In 1963, Mahmoud Darwish asked the question ‘what’s the worth of a man/ without a homeland, / without a flag, / without an address?’. Half a century later, Palestinians from all walks of life are still trying to answer this question. What does it mean to be a Palestinian when there is no sovereign state of Palestine? Can one identify with a territory one has never set foot in, as is the case of many of the displaced diaspora throughout the Middle East? Would assimilating in host nations mark the irreparable decline of Palestinian identity?

According to Michael Dumper, the most striking feature of the Palestinian refugee situation is the longevity of their case (Dumper 2006, 5). He asserts that such longevity produces one of two ‘dynamics of exile’: greater opportunities of integration, combined with economic and social ties within the host community, or greater nationalist identification as a means of solidarity in a foreign environment (ibid, 6). It is clear that, in the case of the Palestinians, there has been nurturing of nationalist sentiment and Palestinian identity during their exile (Kagan 2009, 419). The restrictions and hardships experienced by Palestinians in many host nations have also undoubtedly helped forge a sense of national identity. While Palestinian identity shifts with the ebb and flow of internal and external politics, it does maintain the overarching theme of the struggle to reclaim a lost homeland, which unites Palestinians across geographical, social and political divides. The case of Jordan also demonstrates that integration is possible, whilst still retaining elements of Palestinian identity in specific circumstances. It seems, then, that assimilation can indeed exist concurrently with retaining a distinct Palestinian national identity.

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A gendered perspective on refugee policy: The right thing to do for women *and* men

Jessica Elliott

ABSTRACT: Contemporary refugee crises have seen an increased focus on the plight of refugee women in policy and law. However, the production and perpetuation of a female victim paradigm has simultaneously disempowered both male and female refugees. This essentialised view of women's vulnerability has obscured the heterogeneity of women's experiences and failed to appreciate that men are also victims of gender-based violence. This paper therefore advocates for the adoption of an intersectional gender-based approach that recognises the complexity of gender-based experiences for male and female refugees.

Despite the increased focus on the plight of female refugees, it is imperative that the international community adopts a gendered-approach to adequately encapsulate the fluid and diverse experiences of refugee men and women. The continuing focus on women as opposed to 'gender' as an analytical and structural category has three harms: essentialising women's experiences, creating a victim-hood identity for women, and ignoring the gendered experiences of persecution for men. A tension in international refugee law and policy exists between the assumed male-centricity of refugee experiences, and yet a failure to recognise that men, like women, may also experience gender-based violence. This essay therefore calls for an increasing emphasis on gender as an analytical category that avoids the essentialisation of female refugees in terms of their gender, and recognises the intersectionality of refugee women and men's diverse experiences.

Historically, refugee law and policy has been deemed 'gender-neutral' (Behera 2006, 58). Gender refers to the social construction of femininity and masculinity based on the existing power relations between men and women (Lammers 1999, 33). This was codified by the United Nations in the 1951 Convention relating to the Status of Refugees, which defined who qualifies as a refugee, and what rights they are granted in terms of seeking asylum. Edwards criticises the 'gender-neutrality' of the Convention, arguing that it fails women by its 'complete blindness to women, gender and issues of sexual inequality' (Edwards 2010, 22). The 1951 Convention essentially ignored the significance of gender, considering it a relevant subject of state-based domestic legislation (Firth & Mauthe 2013, 474). The blindness of historical refugee policy and law to gender has resulted in the masculine refugee experience becoming the supposed 'norm'; an androcentric focus evidenced by key refugee criteria focusing on 'public sphere' activities, viewed as the domain of men (Sircar 2006, 264). This serves to conceal the violence that is typically associated with women in the 'private sphere', as well as political involvement at home (Sirca 2006, 264).

In response to the perceived inadequacies of the 1951 Convention, the rights of refugee women have become a priority since the early 1990s (Edwards 2010, 40). For example, the landmark Security Council Resolution 1325 (from the year 2000) was the first resolution directly relating to women's security, highlighting the need to 'adopt a gender perspective' to recognise 'the specific needs of women and girls' (United Nations Security Council 2000). The current

focus on refugee women in policy essentialises women, portraying them as a homogenous group vulnerable because of their gender. The 'Women in Development' approach of the early 1990s ignored critical differences between women's experiences of persecution within and between countries (Baines 2004, 56). UN Refugee Agency's frequent emphasis of women as a categorical focus essentialises and assumes the primacy of gender over other 'dimensions of difference' such as ethnicity, caste and religion (Hyndman 2004, 200). Despite this singular conception of 'refugee women', Lammers emphasises that refugee women 'see a lot of differences among themselves – differences according to age, religion, personal character, cultural background, life experience, education standard and marital status' (Lammers 1999, 36).

The diversity of women's experiences is also downplayed by the way refugee women are represented as a singular image. According to Firth and Mauthe, the refugee woman stereotype is grounded in gender-based vulnerability and oppression, 'located in the cultures of the Third World' (Firth & Mauthe 2013, 481). Spikherboer presents a strong criticism of refugee law as viewing the 'refugee woman' uniquely in terms of Western societies, where the woman is constructed 'as a victim of patriarchal traditions, of the unrestrained sexuality of non-white men, of a lack of development on the free market and the lack of order which results from the dysfunctioning of states' (2000, 105). Writing within a post-colonial framework, Mohanty similarly argues that the construction of 'third-world women' (including refugee women as a homogenous group) is a form of discursive colonisation, ensuring they are viewed as the 'implicit victims of particular cultural and socio-economic systems' (Mohanty, 1988, 66). This process of essentialisation is evident in promotional material for the United States Committee for Refugees, where photographic cards intended for sale are merely captioned 'Refugee Mother and Child Returning Home' or 'Sudanese Refugee Girls' (Rajaram 2002, 252). This lack of particularity suggests that the woman's identity as a 'refugee woman' is sufficient for fundraising purposes, and that her individuality is irrelevant (Rajaram 2002, 252). Therefore, the promotion of refugee women within refugee policy is based upon an essentialised and ethnocentric view of refugee women, that fails to recognise the diversity of women's experiences.

Significantly, the discursive concept of female refugees creates an incentive for women seeking refugee status to conform to the stereotypical 'female refugee' by suppressing the reality of their experiences; an aim that ultimately perpetuates their essentialisation. Hajdukowski-Ahmed labels this process as 'strategic essentialism' (Hajdukowski-Ahmed 2008, 39). Mertus posits that, because asylum officials assume that female refugee applicants are 'poor, uneducated, and incapable of confronting their oppression, women who do not fit this mould are viewed with suspicion' (Mertus 2003, 68). Thus, women's claims have the greatest chance of success when the women self-identify as 'victims of dysfunctional, exceptionally patriarchal cultures' (Firth & Mauthe 2013, 481). Women seeking refugee status are therefore incentivised to suppress their genuine identity and experiences, because 'recycling a stereotype that is familiar to authorities is more effective' (Hajdukowski-Ahmed 2008, 40). Lammers recognises that the practice of labelling is a 'complex and delicate blend of oppressing people and of providing them with a tool for empowerment at the same time' (Lammers 1999, 32). On the one hand, the focus on refugee women is intended to empower women by focusing on their needs. However, by incentivising

refugee women to efface their genuine experiences in favour of a stereotypical narrative, it is ultimately disempowering. Consequently, women's authentic experiences are silenced whilst an essentialised narrative of female refugees is seemingly legitimised and perpetuated.

A further consequence of essentialisation is the creation and emphasis of women's victimhood identity on the basis of their vulnerability. Refugee women are viewed as doubly vulnerable; firstly because of their refugee status, and secondly because of their gender (Edwards 2010, 33). The essentialisation of their identity thereby constructs refugee women as the 'exotic, vulnerable other' in need of protection (Baines 2004, 36). Hoffman describes this as a repressive hierarchy where 'women are seen as potential victims who have to be "protected"' (Hoffman 2001, 33). Harrell-Bond argues that the victimhood of female refugees is essential to raising funds from donors (Harrell-Bond 1986). Stereotyped representations which emphasise women's vulnerability are displayed in pictures, testimonials and descriptive materials that serve as effective tools for transnational advocates to elicit a heightened response from international actors and publics (Baines 2004, 36).

The construction of a victimhood identity is particularly pertinent in the conflation of 'woman and children' in refugee policy, on the basis of a shared vulnerability (Enloe 1992). Statistical analyses frequently suggest that up to 80 per cent of refugees are women and children (Edwards 2010, 32). However, a breakdown by gender indicates women and girls accounted for 49 per cent of the refugee population, suggesting a much more even balance (UNHCR 2014, 36). As a trope, the 'women and children' conflation has two functions in the construction of a stereotypical 'refugee woman' (Haddad 2008, 15). Firstly, as Valji describes, it 'reinforce[s] a view of women as infants, equal in agency capability to their children' (Valji 2001, 31). Secondly, it emphasises women's maternal roles in the private sphere, implying that they deserve to be helped at the exclusion of men (Hyndman 2004, 203). According to a constructivist perspective, this classification is a significant device for framing the refugee 'problem' for states and international actors, allowing the state to fulfil the 'paternalistic role of saviour' in protecting agency-less and victimised women confined to their private sphere roles (Valji 2001, 38). Subsequently, the 'women and children' label remains a powerful discursive means of positioning women in terms of their vulnerability.

The emphasis on women's vulnerability serves to downplay the agency and power of female refugees on the basis of their gender. This representation legitimises decision-making on behalf of female refugees, 'silencing women from expressing needs and placing them in an even more vulnerable position' (Valji 2001, 31). Furthermore, Lammers criticises this victim-identity as failing to 'do justice to reality nor to the strength that people display in the dire circumstances of exile' (Lammers 1999, 30). The depiction of women as innately vulnerable and agency-less rises in stark contrast to Gladden's study of the extraordinary coping strategies displayed by Sudanese refugee women (residing in the Kakuma Refugee Camp in Kenya (Gladden 2013)), and the documentation of resilient refugee women resettled in Australia (Pulvirenti & Mason 2011). Further, a recent collection of essays entitled *Not Born a Refugee Woman*, emphasises the incredible ability of many refugee women to survive in extremely dangerous and unstable situations (Hajdukowski-Ahmed 2008). Thus, the emphasis of women's vulnerability serves to

silence and downplay women's capacity to survive, rendering them as perpetual victims as a result of their gender.

The promotion of a female victim paradigm in refugee discourse is also deficient and harmful to male refugees, who can equally be victims of violence. This is a significant blind spot in contemporary refugee policy and law, because despite the androcentric nature of refugee policy, there is a failure to recognise that men are also the victims of gender-based violence (GBV). GBV has been increasingly prominent on the international human security agenda, articulated in UN Security Council Resolution 1325, which implored 'all parties to armed conflict to take special measures to protect women and girls from gender-based violence' (Carpenter 2006, 85). In current discourse, GBV is frequently synonymised with violence inflicted against women by the power and dominance of men (Lukunka 2012, 131). Writing from a postmodernist perspective and focusing on power-knowledge relations, Flax criticises the confinement of discourse to the 'problems' of women, arguing that it 'ironically privileges the man as unproblematic' (Flax 1987, 629). Importantly, this narrow conception of sexual violence ignores the possibility that men and boys are victims of GBV in gender-specific ways.

In 2002, the Reproductive Health for Refugees Consortium issued a leading report on GBV that epitomises the failings of contemporary refugee policy towards men. It read:

Although GBV encompasses violence against boys and girls and men and women, the findings of this report focus almost exclusively on women and girls. The reasons for this orientation are two-fold: first, *GBV programming targeting men and boy survivors is virtually non-existent among conflict-affected populations*; and second, women and girls are the primary targets of GBV worldwide. (Ward 2002, 4; emphasis added.)

The justification for excluding men from GBV analysis is contradictory to the report's overall objective: 'to provide a baseline narrative account of ... gaps in programming related to the prevention and response to GBV among conflict affected populations worldwide' (Ward 2002, 3). Rather than using the report to highlight policy failures, the current omission of men and boys from GBV policy is used to legitimise further exclusion from the international agenda, and downplay its significance (Carpenter 2006, 87). Despite this, men – like women – also experience GBV motivated by underlying power dynamics. Sexual violence against both women and men is a means of exerting power and dominance over an individual (Sivakumaran 2007, 267). Flax contends that 'men and women are both prisoners of gender, although in highly differentiated but interrelated ways' (Flax 1987, 629). Haddad emphasises that despite popular conceptions 'the male refugee experience can itself be a violent one and that refugee men also become tools of power networks' (Haddad 2008, 40).

In one telling example, the advocacy-oriented documentary 'Gender Against Men' portrays the prevalence of hidden GBV against men in the Great Lakes region (Project 2008). It is widely acknowledged that women are frequent victims of sexual abuse in the region, and there is a strong international focus on tailored services for female victims (Project 2008). Despite this, the

estimation that 30% of male combatants in Liberia have been victims of sexual abuse remains largely unspoken. This shows that men continue to be viewed as insusceptible to sexual violence, and remain largely absent from the domestic and international human rights agenda. Incidents of male sexual assault in the Great Lakes region are a means of disempowering and exerting control over a particular community, emphasising their vulnerability through a process of ‘feminising’ their male leaders (Project 2008). Sivakumaran emphasises that sexual violence against men possesses strong connotations of feminisation, homosexualisation and prevention of procreation that seek to disempower their male victims and transmit fear, vulnerability and stigma to the individual and the community (Sivakumaran 2007). Clearly, though, despite a conception of women as sole victims of sexual violence, men also experience sexual violence grounded in ideas of power and dominance.

The failure of refugee policy to appreciate male GBV enhances the already high levels of associated stigma, and reduces the likelihood of men reporting their experiences. The first published African report on sexual abuse suffered by Sudanese refugees emphasised that sexual violence towards men is underreported, primarily due to a persistent lack of services appropriate to male victims, and strong feelings of embarrassment and guilt (Nagai et al. 2008, 267). Similarly, Amnesty International documented the level of stigma that prevented disclosure in recent conflict in Algeria:

Male rape is known to have been practised in Algeria. It is a taboo subject there, as it is in various other countries in North Africa and the Middle East. In practice, the shame associated with male rape means that very few individuals would feel able to talk about it openly afterwards (Amnesty International UK 2004, 37).

The lack of recognition of male GBV perpetuates the female victim and male perpetrator paradigm that is extremely damaging to male victims (Linos 2009, 1549). The failure of refugee policy to consider ‘refugee men’ as possessing gender-based experiences worthy of specialised and direct attention only serves to exacerbate the stigma and difficulties in disclosing GBV. Thus, it is imperative that refugee policy adopts a ‘gender perspective’ that appreciates that men, like women, are also victims of violence as a result of their gender.

In contrast to the continuing contemporary focus on women, there are two, frequently cited reasons against an increased recognition of men’s experiences. First, some argue that male recognition would divert valuable attention away from women, who remain the vast majority of victims of GBV (Read-Hamilton 2014, 7). Read-Hamilton describes, for example, that ‘there is a very real risk’ that a focus on gender as opposed to women, ‘will take attention and resources away from violence against women and girls’ (Read-Hamilton 2014, 7). Second, others contend that male recognition would downplay the power dynamics of violence inflicted by men against women (Hoffman 2001, 32). Hoffman describes this increasing focus on ‘gender’ as opposed to women, ‘distracts us from the injustice and inequality which women suffer at the hands of men’ (Hoffman 2001, 32). However, I would argue that a gender-based focus in refugee policy and law would allow for an analysis of power relations that affect both men *and* women. This ensures that attention is not shifted exclusively to men, but rather towards a more holistic understanding of both women and men’s gendered experiences. A gendered-analysis does *not* ignore the reality that

women are frequently victims of gendered-based violence from men; rather, it appreciates the underlying power dynamics that motivate *all* gender-based violence.

An intersectional approach is necessary to fully appreciate the entirety of underlying power dynamics that shape an individual's experiences. Crenshaw's theory of intersectionality emphasises that an individual may experience a multitude of interlinking and simultaneous oppressions (Crenshaw 1989, 149). Thus, whilst a focus on gender as opposed to 'women' is essential to recognise the heterogeneity of men and women's experiences, it is also necessary to recognise that gender does not exist in isolation. Mohanty emphasises that '[w]omen are constituted as women through the complex interaction between class, culture, religion and other ideological institutions and frameworks' (Mohanty 1991, 74). Identically, men's gendered experiences are also shaped by the simultaneous and compounding interplay of their other identities.

A single and static understanding of gender as the core component of an individual's identity effaces the impact of an individual's other identities as grounds for discrimination, such as class, race or religion. This has the effect of sending 'an alienating message that pits gender against other cultural aspects of her [and his] personality such as race, nationality and religious identity' (Macklin 1995, 255). For example, an intersectional gender-based approach is necessary to understand the complexity of women's experiences of GBV in Kenya, part of the aforementioned Great Lakes region. Kagwanja describes female refugees in Kenya as vulnerable to abuse as a result of their gender (Kagwanja 2000, 22). However, Sudanese women are particularly vulnerable because of the 'politicization of ethnic identities' and 'longstanding institutional discrimination against Somalis in Kenya', that enable 'male refugees and militias to assault and rape Sudanese women with impunity' (ibid, 24). Thus, it is necessary that an intersectional gendered-approach be adopted to recognise the totality of how individual experiences of gender interact simultaneously with other core identities.

In conclusion, the increased focus on refugee women in refugee policy and law has produced and perpetuated victimising and essentialised identities of refugee women. This narrow conception of refugee women has masked the heterogeneity of women's experiences, and encouraged a form of 'strategic essentialism' as women are incentivised to conceal their true experiences, in favour of a stereotypical narrative of disempowerment. The emphasis of a female victim paradigm based on women's vulnerability has also failed to encapsulate men as victims of gender-based violence. The failure to recognise male gender-specific violence is extremely disempowering and detrimental to victims, enhancing the stigma and problems of disclosure. It is imperative that the international community adopt an intersectional, gender-based approach to refugees, to recognise the complexity of both female and male experiences.

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Gender and sexuality in contemporary Indonesia: The role of pre-modern culture in the treatment of Queer* Indonesians

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ABSTRACT: Pre-modern cultural understandings of gender and sexuality that have influenced contemporary Indonesian attitudes on issues of gender identity and sexuality are largely limited to the regional cultures from which they originate. An understanding of societal attitudes and the treatment of Queer* Indonesians must bridge the divide between pre-modern and contemporary Indonesia, accounting for what J.D. Legge referred to as Indonesia's 'geographical spread, archipelagic character, ethnic complexity and economic diversity' (Legge 1990, 127–131). Stigma, discrimination, tolerance and understanding vary region to region. I find that regional conceptualisations of gender and sexuality have positively influenced the perceptions of gender and sexuality diversity. However, the secular and religious modernity of the 20th century have provided the basis for broad societal intolerance demonstrating that these cultural understandings are largely confined to their respective regions. This societal intolerance is manifested in the laws, policies and religious doctrines that impact on gender and sexuality.

In modern day Indonesia, historical and modern forms of gender and sexual diversity feed a multiplicity of discourses, within which gender identity and sexuality are understood (Davies & Bennet 2015, 1–26). Current understandings are reflective of societal attitudes that, to a large extent, can be considered intolerant. However, there are also markedly different patterns of community tolerance on gender and sexual diversity that are derived from pre-modern cultural norms. These are specific to certain geographic regions, which have a history of gender and sexually diverse customs to precede the modern governmental approach. In this essay, I argue that regional conceptualisations of gender and sexuality have made significant contributions to contemporary understandings, and assert a positive influence on Indonesian attitudes. I also argue, however, that Indonesia's discriminatory national laws, policies and religious doctrines demonstrate a widespread social intolerance of sexual diversity, and indicate that tolerance is confined to particular regions.

For the purposes of this essay, I define 'pre-modern cultural understandings' as the conceptualisations of gender and sexuality by ethno-linguistic groups that predate the Dutch colonial period. This is also what the United Nations Development Programme (UNDP) referred to as 'early 20th century secular and religious modernity', when many conceptualisations came under sustained attack (UNDP 2014, 37). As I will demonstrate, pre-modern cultural understandings have manifested in overtly discriminatory legislation and policies, that see Queer* Indonesians physically and verbally attacked, relegated and ignored. Also within this essay, issues of gender identity refer to the trans* community; that is, encompassing all individuals who are not cisgender, or whose biological sex differs from their gender identity and

expression (Slater 2015, 10). This includes both transgender and genderqueer* people who don't identify with either gender binary. Additionally, issues of sexuality refer to sexual orientations that are non-heterosexual. Queer* denotes the aforementioned meanings of both gender identity and sexuality, representing the gender and sexuality diverse community otherwise identified as LGBT, LGBTI and LGBTIQ* (Lesbian, Gay, Bisexual, Transgender, Intersex and Queer*) (Warner 1993, xxvi). The asterisk (*) is an inclusive symbol of gender identities and sexualities that are unlabelled (ibid).

In Indonesia, as in Western societies, the presumption of sex determining gender perpetuates a gender binary which, according to feminist theory, divides people into two opposite and unequal groups based on reproductive capacity (Gunning 1991, 189–248). I argue, however, that the regional conceptualisations of gender in West Sumatra and South Sulawesi serve to disrupt this categorisation, affecting discourse and societal attitudes on gender identity. Blackwood details, for example, the idiosyncratic relationships between West Sumatran *tombois* (masculine females who identify as men), and their cisgender female partners, referred to as *femmes* (Blackwood 2010, 44). Interestingly, these couples identify as *lesbi* (lesbian) but also adhere to the gender binary. The *tombois* act as the breadwinners, are allowed to socialise with cisgender men, and according to Saskia Wieringa, achieve a degree of community tolerance (Wieringa 2008, 70–92). In retaining awareness of their female bodies and labelling their relationships as *lesbi*, the *tombois* perform what Blackwood calls a 'female masculinity', challenging the gender binary they adhere to (Blackwood 2010, 68).

The Buginese people in South Sulawesi recognise five genders: *oroané*, *makkunrai*, *calalai*, *calabai* and *bissu* (Davies 2010, 11). The first two are equivalent to cisgender male and female. Bugis *calalai* challenge their birth-assigned female gender roles by taking on the role of heterosexual men, whilst *calabai* are the inverse. These roles resemble transmen (female-to-male) and transwomen (male-to-female) though typically without a 'transition' process like that of the Western trans* community (ibid, 65). The aforementioned 'transition' process refers to the process of transitioning from one gender expression to another that is more in accord with the person's gender identity. *Bissu* are androgynous shamans who combine all aspects of gender to form a whole. Davies proposes that *bissu* are remnants of a Southeast Asian cultural belief that all five genders must peacefully coexist, challenging the gender binary (ibid, 206). Furthermore, she argues that the cultural precedent of *bissu* has provided for the relative acceptance of *calabai* and *calalai* people within Buginese communities and in so doing accept the conceptual challenge to the gender binary that *calalai*, *calabai* and *bissu* present (ibid, 86).

While these regional conceptualisations of gender are not necessarily connected with the modern transgender identity in Indonesia, they have also allowed more Indonesians to grow accustomed to conceptual challenges to the gender binary (ibid, 52). This positive influence cannot be overstated, because it cannot be extended, for example, to transmen. In contrast to other gender identities, the transman identity is far less clear to Indonesians, and their role in the Indonesian Queer* community is substantially less visible than transwomen, commonly referred to as *waria*. The UNDP's National Dialogue Steering Committee aptly demonstrated this in their report, acknowledging they were 'less certain about discrimination against transgender men',

with transmen issues being considered possibly ‘relatively new in the movement’ (UNDP 2014, 30). Despite this, it is still notable that modern Queer* advocacy in Indonesia began with an emphasis on the transwoman: beginning from the formation of Himpunan Wadam Djakarta (Hiwad, Jakarta Association of Transgender Women) (Boellstorff 2007, 103). Transwomen or *waria* (*wanita pria*, ‘man woman’) are also found and tolerated in multiple social settings, and Golkar, the ruling party during the New Order Regime, even established an internal *waria* group (Ellis 2006, 80–81). As these attitudes suggest, by accustoming Indonesians to challenges to the gender binary, many pre-modern conceptualisations of gender can be found to have influenced societal attitudes on issues of gender diversity.

According to Queer* theorists, the presumption of heterosexuality, or a singular normative sexuality, perpetuates a heteronormative culture in Indonesia whereby sexuality diversity is stigmatised as abnormal (Davies 2015, 12). Pre-modern conceptualisations of sexuality were influenced by what the UNDP refers to as ‘diverse sexual behaviours among men ... practiced in the context of performing and martial arts, spirit medium and shamanistic rituals, rite of passage initiations or just in daily life in all-male settings’ (UNDP 2014, 16). As a further example, the regional conceptualisations of sexuality in the Ponorogo region of eastern Java, and the ‘ritualised Melanesian homosexuality’ in Papua, disrupt the aforementioned categorisation (Herdt 1984). Gouda details how *warok* were ‘ascetic experts in the martial arts, often homosexual’ (Gouda 2002, 123). The *warok* historically provided protection for peasants in villages. In *Reog Ponorogo*, a traditional regional dance, the *warok* plays the role of *Singa Barong*. Whilst performing, the *warok* took on *gemblaks* (men aged 8–16) as understudies forming a pederastic relationship with them that was historically ‘welcomed by the families of gemblaks’ (Boellstorff 2005, 41). The *gemblak* catered to the *warok*’s needs including ‘sexual ones’ (Gouda 2002, 123). During this pre-modern historical period, ‘the people of Ponogoro allowed these same-gender relations without any reaction’ (Hardjomartono 1961, 17). *Warok* and *Reog* performances did not come under attack from Christian and Islamic groups until the Dutch colonial period. This is indicative of a pre-modern conceptualisation of sexual diversity that challenges the modern heteronormative framework.

Intrinsic to several Melanesian tribal understandings of manhood is the inclusion of ritualised homosexual practices. Herdt has recorded West Papuan tribal rites of passage that include ‘boy-insemination rights’, where adolescent males ingest the semen of older men in the tribe (Herdt 1984, xvi). As members of the tribe, males will participate in the practice first as recipients of the semen, and then through the provision of their own semen once they become older. The symbolic value of this ritual is the enabling of adolescents to grow into adult male members of the tribe. This ritualistic practice often takes on an ‘erotic’ element, and Herdt observes that in several tribes, adults continue to partake in homosexual acts with the younger males beyond the ritual practices for sexual gratification (ibid, xxvi). Significantly, this indicates the normalisation of sexual diversity within these regional cultures; and demonstrates the influence of pre-modern conceptualisations of sexuality on contemporary Indonesian attitudes.

As Boellstorff describes, the ‘narrative continuity of history and identity’ has influenced Queer* Indonesians to link the historical acceptance of *warok* with the need for

greater acceptance of gay Indonesians (Boellstorff 2005, 45). This provides a tangential link between pre-modern conceptualisations of sexuality with some contemporary Indonesian attitudes. Importantly, the influence of these conceptualisations should not be exaggerated; particularly given that the role of *gemblaks* in *Reog* performances are now largely filled by young women (ibid, 41). Several other ritualised Melanesian homosexual practices have long since ceased and are considered unconnected with the modern Indonesian Queer* identity (UNDP 2014, 26). There is limited literature on pre-modern conceptualisations of sexuality pertaining to females (ibid, 16); and thus, whilst the influence of pre-modern conceptualisations is noteworthy, its applicability to widespread Indonesian attitudes is also limited in scope.

Now that the influence of pre-modern conceptualisations of gender and sexuality have been established, the following section will compare some pre-modern conceptualisations of sexuality with modern Indonesian attitudes on sexuality and gender diversity. Conceptually, the Dutch colonial regime sought to differentiate between ‘religions’ and ‘beliefs’ in order to allow Christian missionary activities amongst people with ‘beliefs’ but who were not Muslims. This relegation of pre-modern beliefs was indicative of the ensuing secular and religious modernity in Indonesia, as well as a Dutch desire to avoid civil unrest through antagonising the Muslim majority. This also serves as the foundation for my comparison between pre-modern and modern conceptualisations and attitudes on gender and sexuality diversity. I argue that, owing to Indonesia’s laws, policies and religious doctrine, the extent of Indonesia’s societal intolerance is still grave, and confines any derived tolerance to respective regions.

National laws in Indonesia are not actively repressive; but, as found by the UNDP, they do ‘not protect them [gender and sexuality diverse citizens] either’ (ibid, 19). Sexuality, homosexuality and MSM (male-with-male sex) are not criminalised, though this is a by-product of the Indonesian Penal Code being heavily based on the Netherlands Indies Penal Code, which didn’t explicitly cover various types of sexuality. This does not point to societal tolerance (Boellstorff 2005, 234). The five exceptions in local ordinances are a Provincial Ordinance in South Sumatra, a District Ordinance in Banjar (South Kalimantan) and City Ordinances in Palembang (South Sumatra), Tasikmalaya (West Java) and Padang Panjang (West Sumatra). They classify homosexuality and MSM as ‘abnormal’ and ‘immoral behaviour’, or ‘prostitution’ (Offord 2011, 146). Punishment includes fines of \$1,000AUD and imprisonment. Other ordinances regulating prostitution are interpreted to incorporate homosexuality and MSM as well (ibid). The prohibition of pornography under the Pornography Law defines ‘deviant sexual intercourse’ as including MSM and lesbian intercourse alongside ‘necrophilia [and] bestiality’ (Jauhola 2012, 86).

In terms of gender identity, the expression and appearance of another gender is not penalised under Indonesian law. However, the Marriage Law stipulates that there are only two genders; and trans* Indonesians, like all Indonesians, must carry an identity card. As the card of a trans* person will state a gender to which they do not identify, trans* Indonesians often experience difficulties travelling and accessing services (UNDP 2014, 21). For example, trans* Indonesians who have changed their gender in personal documents without gender reassignment surgery have been convicted of identity fraud (Wieringa 2013, 98). Indonesian jurisprudence

does indicate that Indonesians can request a legal gender change after reassignment surgery (Boellstorff 2007, 95); but *waria* are not mentioned by local ordinances and are therefore considered men under Indonesian law. The criminalisation of MSM in local ordinances therefore applies to transwomen as well. In the absence of any anti-discrimination laws on the basis of sexuality or gender identity, trans* Indonesians are worst affected owing to the visibility of gender diversity as opposed to diversity of sexuality. There are theoretical protections under the Constitution and the Human Rights Law, but the Queer* community has never applied the law in court (UNDP 2014, 24). Demonstrably, by providing inadequate legal protections or in openly discriminating against Queer* Indonesians, the Indonesian law demonstrates societal intolerance on issues of gender identity and sexuality.

This intolerance is further demonstrated by the implementation of policies on a national and local level. Attitudes towards gender identity are primarily demonstrated by the Directorate of Mental Health's classification of gender diversity as a mental disorder (ibid). The Ministry of Social Affairs regularly gathers trans* Indonesians together and sends them to rehabilitation centres for the purpose of 'society integration'. To combat this drive, there has been support from the National Human Rights Commission which in 2010 declared transwomen as women and in 2013 argued that Queer* people should receive state protection from discrimination (ibid, 25). *Waria* were also included in the last National AIDS Strategy but a promised working group and specific strategy never came to fruition. However, there are several instances of *waria* being collected by local officials, alongside prostitutes and the homeless, before important public events, on the pretence of enforcing accurate identification documents. In many of these instances, *waria* are then subjected to physical, verbal and sexual abuse (ibid, 19).

Indonesian policies on sexuality also indicate broad societal ignorance. In 2014, the Pew Research Global Attitudes Project showed that 93% of surveyed Indonesians rejected homosexuality, and only 3% accepted it (Pew Research Centre). Until 1993, homosexuality was considered a mental disorder by the Directorate of Mental Health in the way gender diversity still is. The police regularly fail to protect gay, lesbian and other Queer* Indonesians from attacks by far-right Islamist activists, and they also often discourage Queer* organisations from arranging activities rather than provide protection from violence (Weiss 2013, 157). Queer* activity is further inhibited by the Foundations Law, which obliges Queer* organisations to register with the Ministry of Human Rights and Law, which is responsible for regulating word-usage in matters of nomenclature. Under these enforcement bodies, words like gay, *waria*, *seksual* and *seksualitas* are restricted and cannot be used in the name or by-laws of any organisation. For Indonesian youth, the formal education policy is to treat sexuality as taboo, and to limit the availability of information on sexuality. Sex is taught as something that should only be engaged in after marriage, and practical sex education almost exclusively concerns conception (Parker & Nilan 2013, 125). This attitude is reflected on the international stage, where Indonesia opposed the passing of a UN Human Rights Council LGBT Resolution in 2014. Such policies, whether they pertain to sexuality or gender identity, demonstrate a broad societal intolerance of sexual diversity that has been largely uninfluenced by pre-modern conceptualisations.

Religious doctrines in Indonesia are not necessarily a reflection of religion itself, but rather, the interpretation of relevant scripture by Indonesian religious leaders. The state recognises Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. Indigenous faiths, many of which recognise gender diversity, are classified as ‘beliefs’ (Bouma, Ling & Pratt 2010, 62). Consequently, pre-modern acceptance by many ethno-linguistic cultures has been undermined by 20th century religious modernity (UNDP 2014, 37). Islamic and Christian Indonesian leaders largely present strongly conservative views on gender identity. The original Indonesian term for *waria* in the 20th century was *wadam* (*wanita Adam*, ‘Adam woman’). However, Islamic leaders argued the term implied being transgender was not against nature (Sears 1996, 262). In 2012, the Council of Ulama (MUI) stated that trans* Indonesians ought to accept their ridicule and harassment. Despite this, when the National Human Rights Commission argued in favour of state protection for the Queer* community from discrimination, this was approved by the MUI. Regarding Hinduism, *waria* are typically permitted to participate in Balinese Hindu rituals whilst transmen have been refused entry into temples for ‘inappropriate dress’; that is, for wearing the traditional dress of the gender they identify as (UNDP 2014, 27).

The recent fatwa (ruling on a point of Islamic law) issued against homosexuality by the MUI, and the suggestion that such relationships be punishable by death, is indicative of religious inspired intolerance on issues of sexuality. The fatwa categorises homosexuality as a serious disease, which categorises the Queer* community as what philosopher Judith Butler referred to as ‘the abject’ in order to ensure ‘normal behaviour’ (Loizidou 2007, 36). Stigmatisation and marginalisation serve to force ‘the abject’ to conform to social norms. The sexuality diverse are most affected by the religious perpetuation of the nuclear family unit consisting of a mother, father and children and the rejection of sex outside of marriage (UNDP 2014, 9). Family acceptance is inhibited by religious pressure to enter into heterosexual marriage making marriages of convenience common (ibid). It perpetuates gender and sexuality diversity as abnormal and ‘the abject’.

The foundational role of religiosity in modern Indonesian politics also conflates religion with culture, and tends to inhibit alternatives to the literalist Christian and Islamic doctrines on family and sexuality (ibid, 38). Primarily this requirement comes from the Indonesian public, who scrutinise candidates’ displays of religious faith. Whilst Political Islam in Indonesia is yet to attain political power in its own right, Jeff Lee notes that the growing religiosity within the Muslim community has influenced the broader political spectrum to reflect a more ‘devout’ mainstream Indonesian culture (Lee 2004, 101). There is little surprise, perhaps, that an open Queer* Indonesian is also yet to achieve political representation via an election. There have been overt homosexual individuals in cabinet before – most famously Joop Ave, the Tourism Minister under President Soeharto. However, Ave never admitted to being Queer*. More troublingly, in the region of Aceh (which in 2005 was granted special regional autonomy), independent rulings have enabled Sharia-inspired laws to punish homosexual acts with one hundred lashes (Offord 2011, 146). The severity of these laws is indicative of the literalist religious doctrine in Indonesia on issues of gender and sexuality in general.

In conclusion, the discriminatory treatment of Queer* Indonesians suggests that fundamental changes are necessary. Current Indonesian discourse on issues of gender identity and sexuality is indicative of the poor treatment and broad societal intolerance that Queer* Indonesians endure. While pre-modern conceptualisations of gender and sexuality have influenced contemporary understanding of these issues, this is largely confined to the regions from which these understandings originate. Indonesia remains a conservative, heteronormative culture, where inadequate legal protections, discriminatory policies and religious doctrine combine to inspire and perpetuate such intolerance. The life of Queer* Indonesians is spent in the shadow of a deliberately oblivious State, and an unaccepting people; and as such, Indonesia remains hostile to gender and sexual diversity in ways that suggest a widespread indifference to its pre-modern history.

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The rhetoric of responsibility: An analysis of the ‘Responsibility to Protect’ doctrine and its harmful application in modern humanitarian practice

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ABSTRACT: Since its conception in the early 2000s, the doctrine of the Responsibility to Protect has been simultaneously lauded as a human rights necessity and an empty vehicle of Western sloganism. As violent and authoritarian regimes continue to violate the rights of their civilians, and humanitarian crises continue to dog the international community, a collective right to intervene for the protection of all peoples, regardless of their citizenship, remains relatively popular. However, practical and theoretical analysis reveals the responsibility to protect to be an unreliable institution. The lack of legal force and embedded global hierarchies has seen practice of the doctrine to be only enforced when it is in the best interest of the powerful. Consequently, despite the best intentions of its authors, the ‘responsibility to protect’ doctrine has ultimately become a pathway for Western nations to use humanitarian justifications to entrench international hierarchies.

Global outrage following the atrocities of Rwanda and Kosovo saw an increasing demand for reform of international humanitarian protection. In response, the notion of a sovereign state’s ‘responsibility to protect’ (R2P) emerged. Adopted unanimously at the 2005 World Summit, the doctrine was developed as a rejection of the humanitarian interventionist traditions of the past, and has since been touted as the reconciliation of tensions between state sovereignty and international protection of human rights (Evans 2009). However, since its introduction, the doctrine has faced a multitude of scepticism. Many, particularly those in the global south, accuse R2P for simply being another ‘slogan’ employed by Western nations to justify self-interested interventions in their continued bid to propagate liberal ideals and maintain the international status quo (See Stahn 2007; Chomsky 2009; Murray & Hehir 2011). The lack of legal force and inherent institutional bias in the R2P norm particularly allows states to decide ‘whether and where’ to intervene, according to personal ‘interests and values’ (Focarelli 2008, 202), resulting in a practice that is inconsistent and unreliable. As a result, there is a growing perception of R2P as a ‘Trojan Horse’ which has re-legitimised Western intervention on their own terms (Bellamy 2005). In particular, the international response to the humanitarian crises of Libya and Syria highlight the pervasive influence of *realpolitik* in R2P norm application. As a result, R2P has become a tool for the powerhouses of the international community to exert their influence throughout the developing world, departing from the purposes of ‘civilian protection’ advocated by the original doctrine (Wills 2009). Ultimately, unless the doctrine undergoes significant reform, the Western-centric nature of R2P and the way it allows humanitarian discourse to entrench the current world order is likely to effect more harm than good in the international community.

The 1990s saw a decade of humanitarian crises around the world, with genocides, war crimes, ethnic cleansings, and mass displacements of citizens dogging the United Nations and its member nations (Evans 2009, 30). Humanitarian interventions had either been attempted largely unsuccessfully (e.g. Somalia), or not at all (e.g. Rwanda) (Evans 2009, 27–29). In particular, the Rwandan genocide galvanised global sentiment, and calls were made for international reform to better prevent such atrocities (Annan 2000, 48). With such an emotive backdrop grew the tensions between sovereignty and principles of non-intervention, and the ‘right to intervene’ in the name of human rights protection (Evans 2009, 30). The responsibility to protect doctrine claims to resolve these tensions. Finding its origins in the 2001 report of the International Commission on Intervention and State Sovereignty (ICISS), it shifted the understanding of sovereignty from ‘sovereignty as control’ to ‘sovereignty as responsibility’ – for the human rights protection of its peoples (ICISS 2001, 14). If a state is ‘unwilling or unable’ to adequately uphold this responsibility to its citizens, then the onus of protection is shifted to the international community (ICISS 2001, 8; 14). Thus, when people are faced with ‘genocide, ethnic cleansing, war crimes, or crimes against humanity’, the global community is assigned a collective responsibility to intervene, through UNSC sanctioned action (ICISS 2001, 47). Importantly, this new principle of R2P advocated a three-pillar approach to the application of this new international norm: the notion of sovereignty as a responsibility; an international commitment to aid states in this responsibility; and an international responsibility to intervene coercively (UNGA 2005). This separates from the traditions of humanitarian intervention, because military intervention is notably only ‘exercisable by the Security Council’ as a ‘last resort’ (The Secretary-General 2004, 203). As such, any claims by state actors that they are acting according to the principles of R2P, where those actions are not sanctioned by the UNSC, cannot be truly representative of R2P practice.

The R2P doctrine has undoubtedly become a pervasive part of international relations discourse, and represents a significant shift in the understandings of sovereignty and humanitarian actions. However, its success as a normative concept is highly contingent on a number of idealistic presumptions. Primarily, it is important to realise that there is no positive obligation to act or intervene under any of the conceptions of R2P (Stahn 2007, 120). Whilst the duty of a state to protect its own citizens from mass atrocities is recognised in a variety of international legal instruments, there is no indication of the consequences of a breach of the R2P doctrine by state actors who fail to intervene in the face of a humanitarian crisis (Stahn 2007, 117; 118). Thus, despite the rhetoric of collective security, it is generally accepted that R2P does not represent an international legal duty.

This is problematic for a number of reasons. Firstly, without legal force, R2P remains a moral or political principle, and does not hold the power of protection that it purports to. Instead, as a ‘soft’ norm, R2P becomes less about holding states accountable and more about grandiloquence, as states and institutions advocate for R2P more than they actually practice its tenants (Breakey 2011, 48). Further, though, the non-binding nature of the R2P doctrine allows states to act according to self-interest, instead of an overarching, moral obligation (Focarelli 2008, 202). R2P and its creators are emblematic of the liberal belief that the weight of ethical principles is sufficient to alter the strategic dispositions of a state (Murray & Hehir 2011, 4). Such a belief

presupposes first that there is a general standard of morality shared by the international community, and then, assumes that this standard reigns above all other strategic considerations (Reiff 2003, 8). This is a utopian postulation and highly idealistic (Robertson 2005, 50). Instead, nations have their own value systems, which differ across different cultural contexts, influencing state positions on R2P implementation. The great potential for self-interest poisoning the humanitarian intentions of R2P has given rise to the popular ‘Trojan horse’ critique (Bellamy 2005). This argument recalls the Greek myth about invasion via subterfuge as an analogy for the use of the ‘resort to R2P as a weapon of imperial intervention at will’ (Chomsky 2009, 4). UN Special Advisor on the Responsibility to Protect similarly held that ‘ultimately, of course, it is all about political will’ (Luck 2010, 363). Thus, despite states using R2P as a slogan to demonstrate their commitment to human rights protection, any instance of R2P in action is likely to be due to self-interested intentions, more than the actual principles of the doctrine. As such, rhetoric about the communal, global nature of R2P creates unrealistic expectations of a ‘false emancipatory friend who does not materialise’, which is damaging to those that R2P was supposed to protect (Kennedy 2004, 22–23).

One pertinent example of self-interest can be found in the application of R2P to the humanitarian crises in Libya. *Resolution 1973* was the first instance of the Security Council authorising the use of military force for the protection of civilians, without the consent of the host state, and was done in response to the flagrant intent of the Gaddafi regime to commit mass atrocities against Libyan civilians (Bellamy 2011, 265). Appallingly, Gaddafi recalled the horrors of Rwanda with descriptions of his protestors as ‘cockroaches’, and proclamations that dissidents would be ‘hunted down door to door and executed’ (Fahim & Kirkpatrick 2011; Bellamy, 2011, 265). Reminded of their commitment to ‘Never Again!’ allow mass atrocities to occur unchecked, many members of the international community were quick to condemn Gaddafi’s actions (Murray & Hehir 2011, 4). Even though military intervention is not permitted under the R2P doctrine, unless enacted ‘as a last resort’, *Resolution 1970* attempted to use the International Criminal Court (an arms embargo), and a travel ban (UNSC 2011) to end the human atrocities committed by Gaddafi’s regime; but these initiatives all proved unsuccessful (Zifcak 2012, 6). As such, *Resolution 1973* authorised a military coalition intervention; NATO bombed areas where civilians were likely to be attacked by the Libyan Government, and enforced a no-fly zone and navy arms embargo (Zifcak 2012, 7). Subsequently, NATO-supported rebel forces gained control over Benghazi within weeks (Zifcak 2012, 7). Through this international military support, the Libyan conflict was largely ended by late August 2011, and the mandate for ‘civilian protection’ ultimately achieved (Zifcak 2012, 8).

Libya has been described as ‘a textbook case of the R2P norm working exactly as it was supposed to’ (Evans 2012). Yet, analysis of UNSC negotiations over *Resolution 1973* does not afford much credit to R2P principles for its passing (Morris 2013, 1272). In fact, during debate, only France and Columbia mentioned the doctrine (Zifcak 2012, 7). The interventionist nature of the resolution also provoked abstentions from China, Russia, Germany, India, and Brazil (UNSC 2011). Even so, the resolution was passed with a two-thirds majority; (UNSC 2011) a ground breaking move that continues to be cited as an achievement of R2P, despite the apparent lack of

influence it had over the decision (Garwood-Gowers 2013b, 605). Furthermore, although the subsequent NATO military actions eventually concluded the conflict, they also appear to prioritise 'regime change' over simply fulfilling the mandate of 'civilian protection' (Zifcak 2012, 8). For example, retreating Libyan forces that did not pose threat to distant civilians were attacked in the NATO retaliation (Hehir & Murray 2013, page. 19); Libyan military leaders were directly targeted; and the bombing of 'command and control' centres resulted in the deaths of Gaddafi's son and three grandchildren (Zifcak 2012, 7). Cumulatively, these acts suggest that 'regime change' was an undoubted strategic goal, and thereby push the understanding of 'civilian protection' to its limits (Zifcak 2012, 9). David Rieff has thus declared that 'regime change became the West's policy, and the civilian-protection mandate of R2P was its cover' (Reiff 2011).

Like the Libyan crisis, the international community's approach to the events in Syria was equally stagnant: which has only strengthened the implication that R2P is a mere slogan for acts of self-interest. The Assad regime in Syria's blatant disregard for the lives and welfare of protestors and civilians alike has implied a similar failure to protect its civilians (Gaitlin 2012, 15). As of 22 August 2014, the United Nations has recorded a death toll of at least 191,000 people (BBC 2014). However, unlike the swift response action to the Libyan atrocities, the UNSC remains at an impasse; with sustained disagreements leading three draft resolutions to be vetoed by China and Russia (Garwood-Gowers 2013a, 3). This can largely be attributed to the supremacy of national interests in dictating state policy. Syria has long been an important ally to Russia, with the two nations sharing a mutually beneficial trade relationship centred on military equipment and naval facilities (Nuruzzaman 2014). China shares similar economic ties, as Syria's largest supplier of imported goods (Wong 2012). The way NATO's measures in Libya appeared to expand the scope of civilian protection under the R2P doctrine was a further 'cause for concern' for the non-interventionist countries of Brazil, Russia, India, China and South Africa (BRICS), who all opposed the Western-sponsored initiatives in the Security Council (ICRtoP). Another major reason that there has been a difference in response to Syria compared to Libya is the lack of regional support for intervention (Garwood-Gowers 2013b, 311). During the Libyan conflict, key regional organisations called for the use of UNSC-sanctioned force for the protection of civilians on the ground – including the Gulf Cooperation Council, the Organisation of the Islamic Conference, and the League of Arab States (Carment & Landry 2014, 52). Such antagonism towards Gaddafi is attributed to his unpopularity in the Arab world, displaying again the multifaceted nature of state intentions (Garwood-Gowers 2013b, 608). Without such widespread regional support, it is likely that Russia and China would have similarly vetoed *Resolution 1973* (Bellamy 2011, 266). In contrast, the same regional organisations have been reluctant to support military intervention into Syria; thus encouraging non-interventionist principles in the Security Council (see Alsharif 2012; Kirkpatrick 2013).

The international community's inaction in Syria is not unusual when considering the scope of other humanitarian crises in the last decade. In fact, there have been many similar accusations of politically motivated inaction since the conception of R2P. This may be expressed through the international community's response to the atrocities in Darfur, which many observers called a 'test case for the international community's commitment to R2P' (Matthews 2008, 144). In

Darfur, the conflict that began in 2003 has yet to be resolved; since 2010, several hundred thousand people have been killed (Degomme & Guha-Sapir 2010), and as of 2008, more than two million people displaced (Matthews 2008, 144). Still, it took two years after the conflict began for the Security Council to impose sanctions, and three for peacekeepers to be recommended to Khartoum (Grono 2005, 626). The US in particular has been dogged in its rhetoric, with then Secretary of State, Colin Powell, and then President George W. Bush calling it a 'genocide' (Grono 2005, 626). However the United States' strong intelligence relationship with Sudan takes precedence; similarly, China is Sudan's largest importer of oil, whilst European nations have demonstrated that the issue is not large enough for them to be willing to risk the lives of their troops (Grono 2005, 629). The international community's persistent complacency is an eerie reminder of Rwanda. Similar records of inaction have been recognised in international responses to mass atrocities in Somalia, Iraq, and Afghanistan (Bellamy 2010, 150). This standard of practice emphasises the significant role of politics and self-interest in R2P, thus delegitimising the accountability of the so-called R2P program and revealing the rhetorical nature of the doctrine.

It would be inappropriate to discuss the 'Trojan horse' challenge of R2P without considering the US-headed invasion of Iraq, which greatly propagated critique throughout the international system (Breakey 2011, 52). Western advocates continually defended the military intervention with humanitarian justifications and principles of R2P; however, the only manifest failure evident was the failure of the US to meet the thresholds of the precautionary principles of right intention, last resort, proportional means and reasonable prospects, which must guide any claim of R2P-motivated intervention (Thakur 2005, 7). Similar attempts to claim R2P where the humanitarian situation did not appear to reach the threshold of 'manifest failure to protect' have been demonstrated by Russia in relation to Georgia, and France in relation to Myanmar (Bellamy 2010, 144). However, none of these claims were ever legitimised by the UNSC, which is an important requirement of the R2P doctrine. This demonstrates that whilst hidden national agendas are certainly part of the decision making process when applying R2P, the norm does not go so far as to allow individual states 'automatic legitimacy on coercive interference' (Bellamy 2010, 152). It would be unfair to hold a doctrine to account for the misuse of it by independent state actors; as such, fears of R2P being used as a Trojan horse are not as alarming as they may seem.

It is evident that R2P as a doctrine is dominated by rhetoric, and is often used as a slogan for humanitarian protection to conceal a state's true intentions. However, this does not necessarily equate to harmful actions. It is debatable whether motive is relevant in assessing the value of a state's act or intervention. Nicholas Wheeler instead argues, for instance, that '[m]aking the primacy of motives the defining test of a legitimate humanitarian intervention excludes cases in which states act for non-humanitarian reasons but produce a positive humanitarian outcome' (Wheeler 2002, 38). Similarly, Helen Frowe asserts, 'it is what the state does, rather than its intentions, that ground permissibility' (2012, 15). Advocates of this view would consider the intervention into Libya a success, because it arguably ultimately saved lives and ended the conflict, regardless of whether or not regime change was the real intention (Jude 2012). Therefore, a finding that R2P is more a slogan than a program does not sufficiently conclude that its existence as a norm is harmful in the international system.

Critical approaches to R2P are particularly revealing when analysing potential harm that results from norm application. 'Third World Approaches to International Law' (TWAIL) considers modern international relations and law with particular emphasis on the international system's colonial history (Robertson 2005, 41). By regarding the R2P doctrine through a 'third world' perspective, TWAIL reveals concerns specific to the cultural context of the developing world that would otherwise be overlooked (Gathii 2011, 32). In particular, the colonial history of most developing nations has embedded a deep mistrust of any kind of foreign intervention, regardless of claims of humanitarian protection (Robertson 2005, 43). ASEAN, for example, is especially sceptical of R2P, as many of its members see military intervention as central to its implementation, thus conflicting with their Westphalian understanding of sovereignty. (Drummond 2009, 7).

R2P arguably sustains the current inequality of the international system for a number of reasons. Firstly, as discussed, the international system is not governed by a universal standard of morality. Instead, as the critical theorist David Reiff argues, there is an international order and international institutions 'dominated by the United States' (Reiff 2003, 8–9). Furthermore, the structural requirement of a Security Council mandate for R2P interventions to take place means that this so-called 'universal standard' is, in reality, defined by the five veto powers, who thereby control R2P's application (Robertson 2005, 50). Another necessary threshold of R2P is the 'Reasonable Prospects' requirement, which necessitates a 'reasonable chance of success' for an intervention to be justified (ICISS 2001, 37). As a result, only nations of political and military strength could reasonably apply R2P, likely doing so for selfish motives, and thus entrenching the current international hierarchy (Robertson 2005, 44). There are also claims that R2P has contributed to a 'geography of power'; with a 'core and a periphery' that defines international prestige not just on military and economic strength, but also by assigning moral superiority to the Western forces associated with the practice of the doctrine (Dexter 2007, 1057). This neo-colonial humanitarian discourse, which posits the powerful as 'heroic saviours' of the pitiful victims of the developing world, is damaging not just to the psyche of states receiving assistance, but also normalises and entrenches the right of the powerful to judge the sovereign legitimacy of the weak. (Branch 2011, 109). For these reasons, TWAIL thus convincingly draws a causal link between the nature of R2P as a slogan and the harm this affects on the parties it was intended to protect.

The scholastic framework of R2P is undoubtedly one that came from a place of well-meaning attempts at humanitarian protection in the wake of the mass atrocities of the 1990s. However, practical application of the doctrine has highlighted the ubiquity of self-interest of nations in international relations. Structural attempts by the drafters to ensure R2P is only used for legitimate interventions, such as the requirement of Security Council approval and the 'Reasonable Prospects' threshold, have in fact apportioned more power to the already powerful; allowing the West and the Permanent Five to further their agendas and entrench their dominance in the international system. Consequently, the limited 'sanctioning of action' in response to mass atrocities, in places such as Libya, Syria and Darfur, has often left suffering civilians wanting, and has generally been derived 'not from an objective appraisal of humanitarian suffering but rather a coincidence between national interest and mass atrocities' (Hehir 2012). R2P has thus become a

vehicle that conceals self-interested motives by purporting the primacy of human rights protection as a norm of international relations. R2P's continued application *must* coincide with continued reform of the principle, in order to do the doctrine justice.

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Sourcing the modern legitimacy of China's Communist Party

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ABSTRACT: Arguably, China's current government can no longer depend on its revolutionary history as a basis for public support. How, though, does China's Communist Party (CCP) continue to enjoy a high level of legitimacy despite the rapid change in the People's Republic experienced in the past 30 years? This paper explores the three pillars of the CCP's legitimacy; ideological pragmatism, economic development, and political reform, and examines how the party has transformed itself from a revolutionary party towards one that is designed and fit to rule.

Despite the pessimistic outlook of many western observers, the Chinese Communist Party (CCP) remains dominant and popular in China today. Although the memory of the revolution is fading from Chinese society almost seven decades after the foundation of the People's Republic, the legitimacy of the authoritarian regime is widely considered to be well founded (Zeng, 2014b). The 2008 Asian Barometer Survey found that 74% of Chinese people responded positively to the statement, 'whatever its faults may be, our current form of government is still the best for the country' (Chu 2013, 5). Today, the CCP rests its legitimacy on three major pillars: ideological pragmatism, economic development and political reform. The flexible interaction between the pillars helps to maintain the perception that the CCP is fit to rule; even though the masses are no longer engaged with its revolutionary ideals.

Transition of Sources of Legitimacy in China

Political legitimacy refers to the popular acceptance of an authority and its right to rule. Max Weber characterised it as a 'willingness to obey ... a belief by virtue' that the authority is fit to rule (Weber 1947, 382). Weber's classical conception of charismatic authority captures the essence of the CCP's legitimacy, and the power broadly exercised by Mao during his 27 years of reign (ibid, 328). Despite the related purge of political opponents and the disastrous Cultural Revolution, 'revolutionary success over feudalism and national victory over imperialism' was largely attributed to Mao's charisma, and proved sufficient to maintain his status of the paramount leader (Teiwes 1984, 76). However, upon Mao's death, the CCP underwent a transition towards a traditional authority where the legitimacy was derived from the extensive period of stability, and legal-rational authority derived from rule of law. The CCP is fully aware of the importance in maintaining the perception that the CCP is the 'most appropriate and proper' authority, and the current transition is integral in achieving and sustaining that point of view (Lipset 1981, 64).

The CCP's motivation to undergo self-transition was a response to the difficult circumstances the party faced between Mao's death and the Tiananmen incident in 1989. First, the death of Mao indicated the end of the CCP's charismatic legitimacy. The nature of Mao's charismatic rule requires a significant dedication to the construction of a personality cult, which inevitably prevents other potential leaders from simultaneously achieving similar power. This became evident when Hua Guofeng, the appointed successor of Mao, rested his legitimacy on Mao's dictum, '[w]ith you in charge, I'm at ease', which, on its own, also does not guarantee

support from the people and the party (Teiwes 1984, 79). The subsequent power struggle between the so-called 'whateverists' and reformist factions and the fall of Hua reflects the struggle for the party to find a more charismatic claim. Secondly, by the end of the Cultural Revolution, living standards in China were stagnating. The significantly weakened belief in the CCP's ability to rule led to increasing dissent, and growing pressure from the population for immediate reform. Thirdly, the market reforms that were introduced in an attempt to improve living standards further weakened the Marxist-socialist ideology that the party claims to uphold, hindering the party's legitimacy on traditional grounds (Weatherley 2006, 111). Lastly, the regime also faced increasing internal and external pressure for democratisation and is in dire need to reclaim legal-rational authority. By 1989, the danger of the CCP losing its legitimacy was apparent.

Ideological Pragmatism

Pragmatic revision and updates of ideologies provides the party with the basis to reclaim its legitimacy. Ideology is crucial for an authoritarian regime in providing a normative foundation for political authority, and also, a definition for the government's task and purpose, and a stimulus for popular support (Beetham 2001). As such, the CCP displayed strong will in its intention to undergo revision and update its ideology in order to fit its ruling agenda and to elicit trust among the populace. This is evident in the party constitution:

The Communist Party of China takes Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents and the Scientific Outlook on Development as its guide to action (Xinhua 2012).

Not all of the doctrines listed in the constitution appeared in its earlier versions, nor do they have the same interpretation through time. Marxism-Leninism and Mao Zedong Thought were the only ideologies for the CCP at the time of Mao's death. However, as Deng assumed leadership of the CCP and prepared the country for economic reforms, the traditional socialist ideologies began to lose their relevance. The essence of Deng Xiaoping Theory (Dengism) involves the attitude of 'seeking truth from facts': it is a rejection of a dogmatic approach from pre-set texts of doctrines or sayings of leaders, and an acknowledgement of policy experimentation, risk taking and pragmatic adjustments (Mohanty 1998). The pragmatism within Dengism allows the party to shift its attention away from class struggle towards a market economy and modernisation. Meanwhile, Dengism does not claim to contradict Maoism, yet frames itself as a revision, continuation and advancement of Maoist thoughts. For the people, this approach demonstrates the CCP's capability to correct its past mistakes and be responsive to peoples' demands for higher living standards (Liu 1982). The party is thus enabled to deliver economic performance while still enjoying the residual benefit of the Maoist charisma and regain the trust of the people.

Although Dengism provides the CCP its ideological foundation to experiment with a market economic structure that leads to high-speed growth, it alone is not enough to legitimise the CCP's rule. China under the 'reform and open' policy experienced significant change in its social and political structure – there now exists a growing middle class with private ownership of capital. However, income inequality has worsened and the issue of corruption has become apparent. The proletariat the party claimed to represent is no longer the only relevant class in China. In other

words, CCP can no longer claim to represent the homogenous interest of the Chinese people. Dengism is insufficient to meet the new demands of this socio-economic development (Hong & Yi 1999, 35). Jia argued that the CCP's economic reform has weakened its legitimacy, due to the social changes the reform has brought about; stressing that there is a need to stress the ideology of the 'common wealth ahead of economic performance' (Jia 2004, 265). In response to such a need, the third generation of CCP leadership, headed by Jiang Zemin, introduced an important extension to the party ideology: the Three Represents, that the party ought to represent the 'development trend of China's advanced productive forces, orientation of China's advance culture and fundamental interests of the overwhelming majority of the Chinese people' (Mohanty 2003). Shortly after Jiang's succession to power, the party opened its membership to private entrepreneurs under this guiding ideology. It was successful in incorporating a section of society who would otherwise pose a substantial threat to the party's rule. It synchronised the interest of the party with the middle class, which creates confidence in the party's ability to care for them. It also ensured that the entrepreneurs would adhere to other ideologies of the party that remained in the constitution. Once again, the CCP reinforced its legitimacy by reimagining its ideology to suit its circumstantial need.

Ideological pragmatism can also be observed in Hu Jintao's Scientific Outlook on Development (SOD). The party identified the most pressing threat to its rule, and subsequently raised a new ideological banner to justify policies and strategies in response to the threat. The continuous increase of inequality, the degradation of the environment and the resulting upsurge of 'mass incidences' due to rapid economic growth in Jiang's era all threatened the stability of Chinese society. In response, Hu's SOD called for the party to be 'people-oriented' and offered a grand strategy of 'comprehensive, coordinated, and sustainable development', which distances the party from the growth-only focus and towards a balanced approach between development, social stability and ecological sustainability (Holbig & Gilley 2010, 407). The SOD was also accompanied by the target of a 'Socialist Harmonious Society' (SHS), acknowledging pressing social issues and a willingness to combat them. Consequently, the spending on 'stabilisation' increased, with the party putting less emphasis on growth, and more social policies such as pension reform have been introduced. Although critics such as Li and Cary may rightly denounce SOD and SHS, one cannot deny the fact that the new ideologies allowed the policy changes to happen (Li & Cary 2011).

Since the death of Mao, the CCP has ideologically transformed from a Marxist party for proletariats to a pragmatic party for the majority of Chinese people. Through its pragmatism, the party was able to constantly revise its ideology to suit its political needs. Each addition allowed the implementation of policies that can reinforce the normative mass support for the party, expand its political base, and each revision of interpretation prevents the CCP from being attacked by potential political adversaries (Yao 2010, 334). Although far from being sufficient, ideological reinvention is indeed a prerequisite of any CCP strategies to protect its legitimacy.

Economic Development

The pragmatism in ideological approach leads to policy change that can influence the lives of many Chinese. The CCP is fully aware that the people would not be satisfied without feeling a substantive improvement in their living standard, especially after the almost complete breakdown of social and economic order during the Cultural Revolution (Zheng & Lye, 2005). The 'Four Modernisations', the 'Reform and Opening', the reopening of the Shanghai Stock Exchange in 1992 and joining the World Trade Organisation in 2001 all exemplify the CCP's attempt to boost economic growth. As Wang states, support for the CCP is 'largely due to citizens' positive assessment of the regime's performance' (Wang 2005, 135). The party understands that the improvement of living standards and the delivery of good economic growth are essential in order to satisfy a population with memories of an appalling living condition in the non-distant past and to re-establish faith in the party's ability to rule. Hence, policies securing strong growth and development are often praised by commentators for being the primary reason the CCP continues to enjoy its high level of legitimacy.

Although many may claim that economic growth is the primary reason behind the CCP's high level of legitimacy, however, growth alone is not enough for ensuring popular support. Growth, being a relatively abstract concept, does not earn CCP the trust of the masses, because individuals perceive their own living standard through interpersonal and inter-temporal comparison (Holbig & Gilley 2010). Further, as corruption and inequality has grown with the economy in recent decades, the improved living standard for ordinary citizens may be outweighed by the dissatisfaction with injustice, resulting in disillusionment with state power (Zeng 2014a). The enduring success of the party can be partially attributed to the self-reinforcing mechanism of its economic rule. Firstly, due to its authoritarian nature, the CCP remains largely uninfluenced by the specific interests of different social groups, because it claims to already represent the majority of Chinese (McNally & Wright 2010, 190). As McNally and Wright suggest, the interests of private capital holders are deeply embedded within the regime (ibid). Further, cooperating with the CCP often yields a high economic payoff compared to dissidence, as the latter does not only pose a threat to one's own security, but also the stability under which the private sector cannot flourish. Cumulatively, these factors provide a strong disincentive for people to 'rebel', and thus, can obscure the normal social indicators of popular discontent (Yao 2010).

Political Reform

Public demands for more political rights and civil liberties must be addressed by adequate political reform for the CCP to maintain its legitimacy. These demands tend to increase rapidly once socio-economic development reaches a high enough level (Wang 2005). Although economic growth may provide a 'short-term fillip to party legitimacy', it is 'bound to be exhausted' just like revolutionary legitimacy (Holbig & Gilley 2010, 399–400). As the difficulty in maintaining performance based legitimacy increases, the CCP needs to appeal to legal-rational legitimacy to make up the difference. For the leaders of the CCP, there exist both internal and external incentives to support political reforms.

As charismatic legitimacy is no longer attainable, current leaders of the CCP are motivated to realise the institutionalisation of leadership succession. An institutionalised leadership succession involves the 'creation and perpetuation of formal and informal guidelines that stipulate how and by whom leaders are selected and removed from power' (Zeng 2014b, 295). The lack of institutionalised transition between Mao and his successors created large-scale division within the party. In the late 1970s, soon after Mao's death, the competition for leadership between the 'whateverists' and the reformists made the public wary of how the CCP operates, and thus undermined the legitimacy of the party. For the current leaders, there is a need to strengthen the existing institutional arrangements as their power is derived from official postings instead of personal charismatic authority (ibid, 299). Hence, continuation of political institutionalisation is observed in China: when Hu assumed the leadership in 2002, Jiang retained the position of Chairman of Central Military Committee until 2004; yet when Hu handed over his power to Xi in 2012, he gave away everything, allowing the incoming leader to have full control over the military. Term and age limits were placed on positions, which allowed a relatively high turnover rate in the Central Committee of the CCP (ibid, 300). This provides the younger leaders a viable path towards the top without elderly leaders standing in the way, which prevents conservative anti-pragmatism and a disillusioned younger generation. Furthermore, the meritocratic selection of leaders also provides fair opportunities for ambitious candidates, all of which are compatible with the interests of party members, yet also improved the legal-rational legitimacy of the ruling elites.

Another step taken by the CCP in terms of political reform was a move towards a more standardised decision-making process and a growing realisation of rule of law. As opposed to the rule by person commonly practised in Mao's era, legislative and executive powers today are exercised with more procedural awareness. The formulation of legislation is required to undergo drafting, circulation, public submission and revision processes, which is often viewed as an essential element for a legal-rational state (Lampton 1992). Decisions of the State Council are no longer made at the Premier's Working Meeting – an informal decision-making platform, but at the State Council Regular Meeting – a platform instituted by the Constitution (Yao 2010). There has also been gradual establishment of a functional legal system since the 1970s, accompanied by the slogan 'ruling in accordance with the law'. This indicates the CCP's willingness to move towards a constitutional state, and constitutional objections to the CCP's policy become less valid (Wang 2010). Relatively free and fair elections were allowed for village committees with procedures that are deemed mostly satisfactory for many foreign observers, which combats the criticism that there is a total lack of democratisation in China (O'Brien & Han 2009). Although the status quo is far from perfect, the CCP has successfully created a perception that changes and improvements are being made, and the Chinese citizens seem to be satisfied with the way 'democracy is developing' at present (Wang 2005, 137). Although under Xi the progress has been somewhat stagnate, one can nevertheless argue that there have been positive inter-temporal changes on the matter. With these small incremental steps, the CCP is delicately building its legal-rational authority.

The death of Mao was a turning point for the CCP's search for legitimacy. Dissent and struggle dominated the early years of post-Mao CCP, and the 1989 Tiananmen crisis marked the

peak of public distrust towards the regime. However, the party's pragmatism helped it to survive the internal and external challenge and reinforce its claim on power. The continuous ideological transformation provides the party a normative basis to respond to any threat to its rule. The economic advances, while gradually losing some steam, re-synchronised the party's interests with the majority of the Chinese people and provides the party a meritocratic claim to power. Political reformation, while far from complete, indicate the party's willingness to move towards a legal-rational state, which is enough to appease the public at present. Overall, the CCP was successful in transforming itself away from being a revolutionary party towards an efficient ruling authority. With the coherent use of three pillars of strategies and pragmatism as its guiding spirit, the CCP is able to respond to new challenges and protect its legitimacy, to maintain the perception among the populace that the party is indeed fit to rule.

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Military strategy: A theoretical analysis

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ABSTRACT: Military strategy is a difficult business. This is because strategy is a complex phenomenon with a range of factors. Broadly speaking, strategy's difficulties can be divided into two categories: internal, or those factors whose sources arise within a state, and external, those factors which arise external to the state. No one factor is stronger than another, and each varies in importance according to its historical context.

Strategy, to paraphrase Carl von Clausewitz, is the planning and conduct of the use of force for political aims on the highest level (Clausewitz 1989, 80–81). Making strategy is not easy; it is 'a particular sort of problem-solving' (Freedman 2013, 72). This essay argues that the difficulties of strategy stem from the fact that it involves dealing with a mix of human and environmental variables, ensuring that every strategic situation is unique. An exhaustive list of all the reasons why strategy is difficult is outside the scope of this essay, but I hope to concentrate on the most salient complicating factors. This article divides strategic difficulties into two categories: *internal* factors, or those which spring from sources within a state (resource allocation, differences of opinion on strategic aims and civil-military relations), and *external* factors, whose origins occur outside a state (friction, balancing offence/defence and technology). These factors are common throughout history, and this essay uses specific historical examples where each factor was particularly prominent. Using the case study of World War I, this essay will also demonstrate that the more that difficult factors are present, the harder strategy becomes.

Internal complicating factors

The term 'internal factors' refers to those that arise *within* the governmental structures of a state and complicate the strategy-forming process. The process of formulating strategy is often a long and difficult one, requiring the balancing of multiple interests (Snider 1993, 47–48). Therefore, these internal complications typically revolve around conflicts or tensions between different power groups within a state, and are reflected in jumbled strategic outcomes. These factors are: resource allocation; differences of opinion among strategy-makers; and civil-military relations.

The first problem that strategy-makers face is one of resource allocation. States face significant challenges in deciding where to direct their resources. The leaders of a state are not just concerned with defending it from attack – they also have to pay for many services like education, law enforcement, health and trade. Given that states have limited means at their disposal, there are inevitable difficulties for strategists and defence policy planners who must try to implement strategies under tight constraints (Murray & Grimsley 1994, 17–19). This is a problem for rich societies as well as poor: Gordon Adams pointed out that even during the Cold War, when US defence budgets were at their peak, 'overall federal fiscal policy and the state of the economy played a role in the volume of resources available for defense and rate at which those resources were obligated' (Adams 1993, 99). Adams further outlined what happened as the strategic situation changed for the US following the collapse of the USSR: 'the bureaucratic

politics inside the DoD [Department of Defence] also moved from an ethos of relative agreement to one of competition for scarce resources' (ibid, 100). This competition can lead to problems with expenditure, with defence and strategic planners confounded by a strategic goal they cannot reach due to resource constraints. In a current example, Australia's submarine acquisition process has been fraught with resource allocation difficulties, with differing opinions over the submarines' manufacturer. Andrew Davies and Mark Thomson, writing for the Australian Strategic Policy Institute, point out that continuing delays in securing funding for the project will mean that Australia is likely to entirely forgo a submarine capability by the late 2020s, a potentially disastrous situation for a country whose security is dictated to a large extent by its capacity to defend its sea-lanes (Davies & Thomson 2012, 2). Therefore, strategic planners need to ensure there is broad consensus on the allocation of resources to avoid disagreements that could stifle the effective formation of strategy.

The second major internal difficulty facing strategic planners is the difference of opinion that often exists between different elites. There is no 'proper' way to form strategy. It can be imprecise and uncertain, and therefore within a group of decision-makers there can be multiple opinions on strategic direction. A strategist might have a particular view on a state's strategy requirements, which has to be balanced with other prevailing opinions: according to Gary Guertner 'the dilemma is in maintaining a strategic consensus that minimises the natural tension in national security affairs' (Guertner 1993, xvi). Finding this consensus is not an easy task, especially in democracies where difference of opinion is key to leadership discourse. Differences of opinion can have serious impact in the strategic end product. In the 1890s, the British Army senior command was split between two groups: the 'Africans', headed by Field Marshal Lord Wolseley, and the 'Indians', led by Field Marshal Lord Roberts (Pakenham 1992, 74–75). Each group favoured a strategic posture facing their respective namesakes, and their tussle for supremacy resulted in a muddled military policy during the Second Boer War. The pettiness of the relationship between the two groups ensured that significant War Office energies were channelled into this dispute, rather than the war itself (ibid, 243–244; 250). The case of the Boer War illustrates the way internal disputes complicate the strategy-forming process, ensuring that states have incentive to manage the relations between different groups in their strategic establishments.

Civil-military relations (CMR) are a major internal factor complicating strategic planning. In many places, the question of how a state should interact with its military has been a difficult one for as long as recorded history – the Roman Republic and later the Empire notoriously suffered from repeated occurrences of its military intervening in state affairs (Suetonius 2008, 20; 184). This is a fundamental problem of CMR; finding the correct balance between civilian authority and military power and independence. Colin S. Gray points out several problems inherent within CMR, but they all collapse into one underlying issue: the difficulties in communication between politicians and soldiers, born out of their two very different backgrounds (ibid, 60–61). For Gray, this lack of mutual understanding presents strategic formulation with a serious obstacle, and he says that 'it is appallingly difficult for politicians and soldiers ... to conduct a genuine dialogue so that the two stay in step' (ibid, 64). For strategists, the difficulties in CMR stem from a lack of balance. If one side or the other becomes too influential in the

strategy-forming process, then there is a risk that the strategy that is generated will be similarly lopsided. A military-dominated regime tends to favour military solutions to political problems. An aggressive, martial political culture in Imperial Japan helped to precipitate a disastrous series of strategic decisions, including launching an all-out attack on US forces at Pearl Harbour, effectively sowing the seeds of the Japanese imperial state's destruction (Luttwak 1987, 222–223). Similarly, too much civilian influence over the direction of military affairs can have a negative effect on strategic outcomes: Saddam Hussein's regime held iron control over the Iraqi military, for example, greatly reducing its independent capacity as a fighting force and leaving the country vulnerable to invasion (Marr 2012, 208–209; 257).

External complicating factors

The following section of this paper deals with factors complicating strategy that are external to the state – that is, those occurring not as a result of internal state mechanisms, but rather as factors outside state control. These difficulties are typically more environmental in nature. The three most important external factors are friction, balancing offence and defence and the technological environment in which armed forces operate, and as with internal difficulties, there is no singular factor that poses a greater problem than the others. Rather, the significance of each depends on the context in which it appears.

The first external difficulty is Carl von Clausewitz's notion of friction. Friction, according to Clausewitz, is the 'only concept that distinguishes real war from war fought on paper' (Clausewitz 1989, 119). What he is talking about is the element of the unforeseen chance, which can completely derail a plan. The principle of strategic friction ensures that we can never truly know what is going to happen when a strategy moves from being a plan to reality. It is the ultimate external confounding factor, and riskier strategies leave greater room for failure. An excellent example of strategic friction occurred in 1588, during the Anglo-Spanish War: the Spanish sailed a great Armada up the coast of England, to land an army and impose a monarch favourable to Spanish interests (Parker 1994, 146). The Armada faced heavy resistance from the English navy, but what might have been manageable setbacks quickly turned into strategic disaster when a southwesterly wind blew up, scattering the Spanish fleet and foundering many of its ships on the rocks around the coast of Britain (Martin & Parker 1988, 189). The Spanish were forced to come to terms with the English crown very quickly following the loss of half their force. Friction, here manifested by the weather, was responsible for completely ruining Spanish strategy.

The formulation of strategy does not occur in a vacuum. Strategy is ultimately concerned with an adversary or an enemy, and that enemy gets a vote in the form of a strategy of their own. Therefore, strategists must be flexible, or both proactive and reactive; proactive in that they must have a plan, and reactive in that they must be ready for the enemy's plan. Finding this balance between offence and defence is key to developing effective strategy: if a strategy is too aggressive then it risks overreach. Conversely, if a strategy is too defensive, then it allows the enemy to understand and counter it. The degree to which a strategy ought to combine the two elements varies depending on each situation; however, a surfeit of one of these aspects can lead to strategic disaster.

The price of excessive strategic offence in the face of a determined enemy is high: in 1812, Napoleon chose to strike against Russia, assembling one of the largest armies then seen, marching deep into the heart of that country (Malkasian 2002, 17). This ambitious attempt to neutralise one of his greatest strategic rivals led to the almost total destruction of the *Grande Armée*, leaving him open to defeat at Leipzig the following year, and eventual exile (Esdaile 2008, 517–519; 522). Being too strategically defensive leaves one at an equal disadvantage, with the French again providing us with an excellent example. In the 1920s and 30s, French planners and politicians were motivated by fears of a sudden German attack through Alsace-Lorraine (Hughes 1971, 197). This fear led them to construct a giant belt of defensive fortifications, known as the Maginot Line. The Line completely failed in its task: the German Army, possessed of a much more flexible and aggressive doctrine, easily circumvented the defences and brought France to its knees in a matter of weeks (Powaski 2003, 65; 349). The Germans understood the French strategy, and responded with an effective counter. In both these examples, the plight of the unfortunate French highlights the strategic difficulties that occur if one's strategy is not properly balanced for the situation with which it is presented.

The development of technology also plays an important part in complicating strategy. Technology is necessarily an external factor because different strategies use different technologies, and different combatants are at different levels of technological development. There exists a good deal of debate over the exact role of technology, with some thinkers ascribing more weight to 'skill and organizational effectiveness, [and] not military hardware' in determining strategic outcomes (Cohen 2012, 142). However, failure to properly account for an enemy's military hardware can have disastrous implications on the battlefield, and by implication wider strategic outcomes. For example, in the creation of their vast Eurasian empire, the Mongol tribes' entire military strategy rested on the flexible use of light, bow-armed horse archers (May 2007, 52–57). Able to strike through armour and retreat quickly, this powerful combination of bow, man and horse proved too much for almost every enemy the Mongols faced, and enabled them to create a vast empire very quickly (ibid, 57). Many of their enemies had empires and great armies of their own, but none had an answer to the Mongols' proficiency with their weapons systems. Here, the effective combination of technology and doctrine enabled the Mongols to operate with impunity at a strategic level.

Case Study: World War I

World War I provides ample evidence of strategic difficulty, to the extent that it is hard to imagine a more comprehensive strategic disaster. The war that was supposed to last until Christmas instead dragged on for four agonising years, spanned continents, oceans and empires and killed 21 million people, all whilst failing to answer the underlying strategic question of the European balance of power (DeGroot 2001, 1). The world was split loosely into two armed camps: those aligned with the Entente powers (France, Great Britain and Russia), and the Central Powers (Germany, Austria-Hungary, Bulgaria and the Ottoman Empire) (Hayman 1997, 7–9). It involved the interaction of strategy at the highest, global level, and as such, all of the problems inherent in strategic formulation are writ large, serving as an excellent example of the way in which strategic difficulties can compound one another, ultimately resulting in suboptimal outcomes. WWI shows

that if strategists cannot work to rid themselves of as many difficulties as possible, then the possibility of strategic catastrophe becomes very real.

The build-up to the conflict saw huge military spending by both camps, but particularly by Germany. As a matter of national prestige, Kaiser Wilhelm was determined to construct a navy of equal might to the British Royal Navy (ibid, 5–6). This resulted in a huge increase in spending on German naval forces, particularly on battleships, which were considered essential as a strategic weapon against British power in the North Sea (ibid). However, this proved to be a misallocation of resources: the main military effort against the British occurred on land, in northern France and Belgium. Apart from a Pyrrhic victory at Jutland in 1916, the German High Seas Fleet spent the majority of the war bottled up in Kiel (Stevenson 2004, 252–255). The relative inactivity by German battleships throughout the conflict highlights the internal resource allocation problem: the Kaiser and his strategic thinkers could not have known where to apportion their resources before they went to war. In trying to challenge the British in this field, they wasted precious resources that might have increased their efforts on the Front.

Differences in schools of thought also contributed to the strategic debacle. Among the British there was a group of strategists spearheaded by Winston Churchill whose enthusiasm for a strategic ‘right hook’ through either the Baltic or the Balkans led to an under-equipped, poorly planned and executed attack on the Gallipoli peninsula (Wallin 1981, 35; Stevenson 2004, 117–121). Churchill’s dogged insistence on opening a new theatre of war led directly to the bloody failure at Gallipoli. This is a clear example of problems arising from differences of opinion, where the main strategic effort is weakened by distractions, especially if those dissenters exert influence on the strategic process.

The relationship between the German High Command and the Berlin government provides a clear example of how a breakdown in CMR can complicate strategic formulation. Stalemate in the war led to the seizure of power by military officers Erich Ludendorff and Paul von Hindenburg. Their *de facto* rule ‘set over-ambitious arms production targets ... resisted compromise over war aims ... [and] backed a new submarine campaign even if it meant war with the United States’ (Wallin 1981, 35). Without proper civilian oversight of the war effort, the Germans placed a much greater emphasis on operational matters rather than political goals – the decision to adopt unrestricted submarine warfare pushed the US to war. The German generals’ policy added another opponent to the list faced by the strained German Army on the Western Front, ultimately contributing to the collapse of the military effort by 1918. Internal difficulties in the establishment of both Britain and Germany also complicated the strategy-forming process. In the case of WWI, the British war effort was weakened by distracting ventures that were distant from the main theatre of conflict. Similarly, the German war effort was weakened by heavy investment in battleships, which spent much of the war inactive. The German CMR ensured that there was no balance against military authority, leaving the German High Command to make strategically faulty decisions with no civilian accountability. Of course, internal factors were not the only difficulty encountered by both sides, but they were significant contributors to the military outcome.

WWI also provides strong examples of the external factors listed in this discussion; and usefully, for example, many instances of strategic friction. As with the Spanish Armada, the weather in WWI became one of the great debilitating factors of the conflict, where the progress of men, horses and materiel was slowed in many sectors by the prevailing conditions of mud and freezing rain (Hussey 1997, 140). At Passchendaele in 1917, the weather and the mud proved so decisive in determining the outcome of British attacks that the German commander referred to rain as ‘our most effective ally’ (ibid). In the same battle, weapons systems also failed: the artillery was rendered ineffective by the soft ground, as most shell explosions were muffled by the depth of the slough (ibid, 142). Passchendaele was by no means the only example of mud fouling battle plans. By complicating both the movement and fighting ability of the troops, environmental conditions served to hinder the offensive strategies of all parties to the conflict.

The initial strategic calculus of WWI was not effectively balanced. In particular, the Germans possessed a strategy that was dangerously ambitious, and ignored the enemy’s vote. In order to avoid a two-front war, the Schlieffen Plan advocated a quick strike deep into French territory, knocking France out of the war before pivoting to face the slow-moving Russians (Taylor 1969, 25–26). The Plan was remarkable both for its proactive nature and its rigidity; the German staff officers who conceived it were entirely unprepared for the enemy’s action. The ‘war by time-table’ quickly fell into difficulty in the form of determined British and French resistance at the Battle of the Marne (Stevenson 2004, 58). By treating war as an abstraction, the German planners set themselves up for battle on two fronts, and for the horrors of the next four years.

Linked to strategic overreach was the failure by both sides to understand the implications of new military technology. The iconic images of WWI focus strongly on trench warfare, and its emphasis on artillery, barbed wire, machine guns and poison gas. The failure of military establishments on all sides of the conflict to grasp these developments led to repeated strategic blunders. The Battle of the Somme, for instance, was an attempt at a major strategic blow against the Germans that ended in disaster, promulgated by both British and French soldiers and politicians (Prior & Wilson 2005, 1). Planning for the operation was very naïve, failing to take into account the destructive potential of the new technology that both sides possessed: British troops were famously mown down in their thousands on the first day of the offensive by massed artillery and machine-gun fire (ibid, 300–301). A failure to understand the implications of combat technology at the operational and tactical level in the Somme had important implications for the strategic: the British war effort was seriously hampered by a staggering casualty figure of 432,000 across the whole campaign, the product of a doctrine of mass armies placed against industrial killing power. It was not until the end of the war that planners on both sides grasped the full value of technology, developing a doctrine of combined-arms warfare to overcome the strategic deadlock of the Western Front (Biddle 2002, 92–96).

Strategic formulation is not an easy process. There are many difficulties inherent in the process of working out how to achieve one’s political goals through the use of force. These difficulties either develop from internal factors, which originate from within the strategy-forming group, or external factors, sourced from outside the group’s control. Internal difficulties (such as

resource allocation, different strategic schools of thought, and CMR) tend to revolve around conflicts between different groups within a state. External difficulties (such as friction, enemy action and the technological milieu) reflect the nature of the environment in which the strategist operates, obfuscating strategic decisions and adding uncertainty to the strategist's calculations. No factor is more dominant than another. Instead, the strength and importance of each difficulty will vary depending on the context in which it occurs. Any of these difficulties has the potential to derail a strategy.

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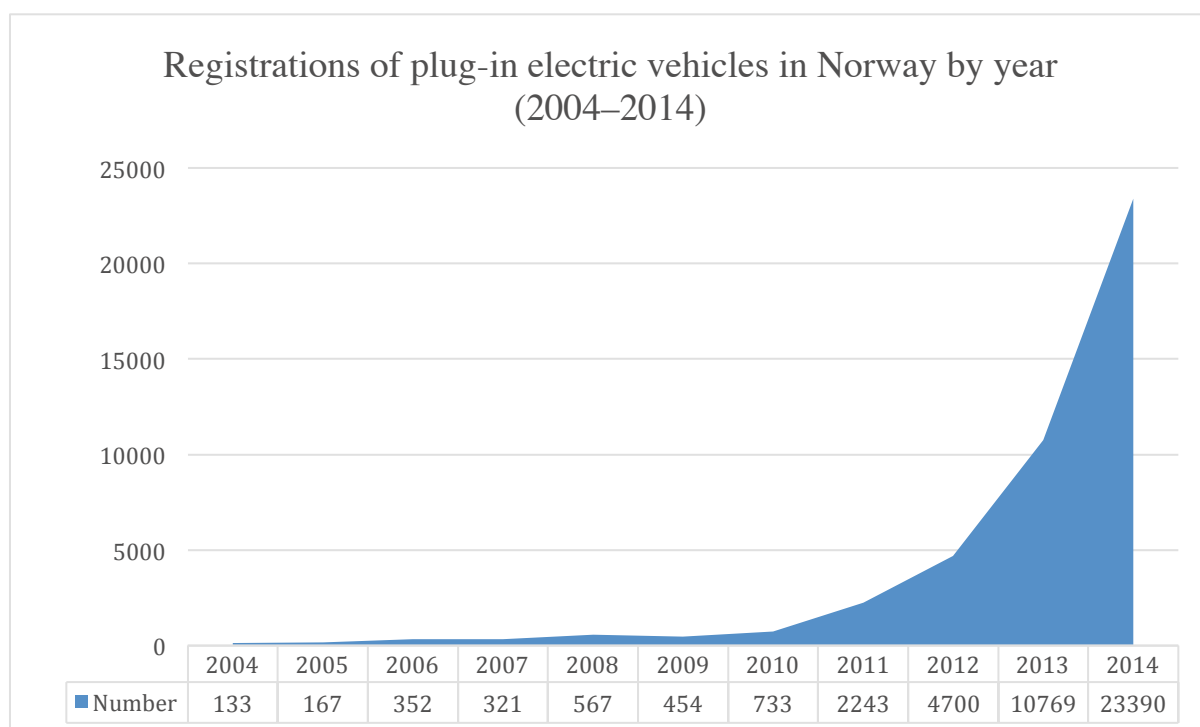
Lessons from Norway: Regulatory and policy approaches to increase the uptake of electric vehicles in Australia

Maclaren Wall

ABSTRACT: In recent years, electric vehicles have attracted a significant amount of public attention. Once severely limited by range and lackluster performance, vehicles like the Tesla Model S have presented an attractive vision to the consumer market as a meaningful response to climate change. Australia has a fairly good record when it comes to embracing new energy efficient technology; however, it has become apparent that sales of electric vehicles in Australia have stalled. This paper will outline a range of regulatory and policy approaches adopted by Norway to increase the uptake of electric motor vehicles. Translating these to an Australian context, strategies to encourage the public to switch to electric as well as concerns related to the construction of a charging network are explored. This paper concludes that given the right circumstances, strategies exist that have been proven to increase the uptake of electric vehicles, and could help facilitate a transition to more environmentally sustainable modes of transport.

Research has shown that electric vehicles are a viable method to reduce human greenhouse gas emissions in two ways. First, electric vehicles are energy efficient, do not cause local emissions, and produce relatively little noise (Figenbaum & Kolbenstvedt 2013). Electric motors convert 75% of the chemical energy produced by their batteries to power the vehicle's wheels. In contrast, internal combustion engines only convert 20% of the energy stored in gasoline (The Climate Group, 2012). Second, the electricity used to power an electric vehicle could be obtained from sustainable and renewable sources (Bhawna Singh and Anders H. Strømman 2013, 106). Over the past decade, Norway has taken several steps towards achieving a carbon-neutral transport sector; and as seen in Figure 1, these approaches have proven to be extremely successful (EV Norway 2015). Undeniably the world leader when it comes to electric vehicles, Norway has a wealth of experience and knowledge that can be adapted for use in an Australian context.

Consumer demand for electric vehicles is growing; however, to date, only a handful of vehicles can be found on Australian roads. Commercial electric vehicles have been around for over five years now, yet just over 1000 vehicles have been sold (with only a fraction of those owned privately), representing only 0.01% of the market (Riley 2015). After critically analysing the various legal and policy approaches adopted in Norway, this essay will argue for law reform in several different areas. The various regulatory and policy approaches presented all share an ultimate purpose; to increase the uptake of light plug-in electric vehicles. This essay will focus on achieving two main goals related to the uptake of electric vehicles: motivating the public to switch to electric, and building an effective charging network.

Figure 1.

(created with data from Bill 2014; Norwegian Road AS 2014)

I. Electric Vehicles and Climate Change

The capacity of electric vehicles to operate as a meaningful response to climate change depends greatly on a number of external factors (Miret 2013). Currently, methods used to produce electric vehicles are significantly more damaging to the environment than those used to produce conventional vehicles. This is due to the energy intensive processes involved in battery manufacturing. However, the high environmental cost of the production of electric vehicles is easily offset by lower greenhouse gas emissions during their lifetime. Accordingly, energy infrastructure and the source of the electrical energy becomes the dominant factor for the ultimate amount of greenhouse gas emissions of electric vehicles (ibid). Norway's fleet of electric cars is one of the cleanest in the world, due to the fact that nearly all of the country's electricity is generated by hydropower (Doyle 2013; Singh & Strømman 2013, 107). It is likely that Australian electric vehicles charged using the standard grid would be less effective, given that, at present, the majority of electricity generated in the country is through coal fired plants (Energy Supply Association of Australia 2014). For electric vehicles to comprehensively present a meaningful response to climate change in Australia, electricity generation needs to more rapidly transition towards renewable sources. Based on average CO₂ power emissions/kWh from base-load power generation, completely recharging the battery of the BMW i3 (which has a range of 130km) will result in emissions of 22.2kg in Victoria; 16.2kg in NSW/ACT; 15.2kg in Queensland; 14.3kg in WA; 12.8kg in the NT; 11.5kg in SA; and 3.8kg in Tasmania. BMW's 118i hatch, a petrol-fuelled car of a size and acceleration similar to electric vehicles, uses 16.9kg of CO₂ to travel the same distance (Duff 2015). It is evident, then, that renewable energy law and policy is inextricably linked with electric vehicles. This essay will assume that all public measures taken to increase the uptake of electric vehicles should coincide with an increase

in renewable energy sources. Indeed, early infrastructure developments in Australia have already reflected this assumption (Burin 2014). Recent developments in the home power storage sector have paved the way for houses to become self-sustainable. In theory, electric vehicles could easily fit within this system. Without such advancements, encouraging an increase in electric vehicles in Australia may not result in a meaningful response to climate change due to a reliance on fossil fuels for the provision of base-load power supply.

II. Motivating the Public to Switch to Electric

One of the major challenges surrounding electric vehicles is encouraging consumers to embrace the industry. Currently, many electric vehicles are reasonably expensive due to price of advanced components incorporated into the product and high-end research and development costs. At the time of publication, the Tesla Model S (an electric four-door sedan) has a price tag of around \$100,000 AUD. The BMW i3 is considered to be one of the best electric vehicles on the market, but at \$64,000 it is an extremely expensive example of what is essentially a city car. The price of the Nissan Leaf has dropped significantly from \$51,500 to \$40,000, yet similar sized internal combustion cars (like the Volkswagen Polo, which arguably contains better features and a premium finish) cost less than half that price. From an economic viewpoint, commentators have noted that if electric vehicles are ever to compete effectively with conventional internal combustion engine vehicles, the price at which they can be profitably built and sold to the public must be similar to that of a conventional vehicle with a similar feature level (Westbrook 2001, 174). There are several evidence-based regulatory and policy approaches that can be utilised in Australia to accelerate the economies of scale in order to increase the uptake of plugin light electric vehicles. Such measures include: tax law reform, specifically targeting the petrol excise tax, GST, luxury vehicles tax and stamp duty; and different perks, rebates and exemptions that could be extended to the owners of electric vehicles.

In 2012, Norway introduced several initiatives designed to make electric motor vehicles more affordable. Climate policy and an awareness of environmental issues form the backbone of the Norwegian parliament's support of the scheme (Figenbaum & Kolbenstvedt 2014). The incentives have made the purchase cost of an electric vehicle comparable to that of conventional vehicles. In essence, the consumer has been provided with an advantage that compensates for some of the drawbacks of electric vehicles (ibid). The Norwegian financial incentives system, which was approved by all Norwegian political parties, includes:

- An exemption from purchase taxes
- An exemption from 25% VAT (GST) on purchase
- No charges on toll roads
- Free municipal parking and access to bus lanes (Holtmark & Skonhøft 2014, 161)

In some Australian jurisdictions, similar programs have already been implemented. Others could be easily incorporated into existing regulatory regimes. The measures have proved extremely successful in Norway, but they are not without their problems. Potential law reform in Australia and various issues surrounding policy implementation are explored below.

a) Petrol Taxation

Changes to petrol taxation could be used as one method to detract consumers from conventional vehicles through economic means. If the running costs of combustion engine vehicles were to increase dramatically in comparison to electric vehicles, consumers may be drawn to purchase an electric vehicle due to their long-term economic benefits. Put simply, ‘if policymakers took the politically unpopular step of taxing people based for the carbon their cars emit, electric vehicles would capture a larger market share’ (Levinson 2014, 22). Norway currently has a carbon tax on petroleum and diesel, in addition to an excise (Jansen & Bjerke, internal document). Without having to implement a new taxation system in Australia, the fuel excise tax could be increased progressively over a certain number of years.

However, once economics and psychology are thrown into the mix, human factors limit the potential effectiveness of a higher fuel excise. An upfront car tax (or reduction in said tax) immediately influences the decision of consumers to purchase a specific vehicle. In contrast, a fuel tax requires consumers to take into account future fuel costs, which studies have shown are usually undervalued by the consumer (Allcott & Wozny 2012). In an Australian context, fuel prices have risen progressively for decades, and yet there are more four wheel drives on the road than ever before (interview with Dr Tony Davis 2015). If this is any reflection of the average Australian motorist, it is unlikely that a gradual increase in the fuel excise would have any significant effect (unless the increase was particularly dramatic) (ibid). As the motoring columnist for *The Australian Financial Review*, Dr Tony Davis, writes, ‘people will put up with a lot in order to drive the car that they want (or think that they deserve)’ (ibid). If there is a large-scale uptake of electric vehicles, this will involve a significant (multi-billion dollar) loss of fuel excise revenue for the government; so it is unlikely that this measure would be actively pursued due to this factor.

b) Purchase Taxes: Stamp Duty and VAT/GST

Norway’s one off registration tax for new cars imposes a tax at progressive rates based on several criteria, including vehicle classification, emissions (CO₂ and NO_x), vehicle weight, and engine power (Pearce 2012, 150). Under section 4.10 of the Regulations Concerning One-Off Registration Tax on Motor Vehicles, electrically powered motor vehicles are exempt from the registration tax (*Regulations* (Norway) 2015).

The use of exemptions in this area of the law in Australia is not unprecedented. The Australian Capital Territory, through its Green Vehicles Duty Scheme, exempts all owners of light electric powered vehicles from paying motor vehicle stamp duty. In other states and territories, existing regulatory structures could be easily adapted to incorporate exemptions for electric vehicles. In New South Wales, the *Duties Act 1997* outlines that duty should be paid on all vehicles that have not been previously registered (*Duties Act 1997*, s261). Section 267 of the same act outlines a range of exemptions to the motor vehicle duty. These include vehicles used for non-profit use, charitable purposes, ambulances and vehicles purchased by war veterans (ibid, s267). These categories have been included as the public benefit of not charging duty on these categories of consumers outweighs the economic benefit of the duty. Arguably, as has been

determined in the ACT, the public benefit gained from reduced air pollution and greenhouse gases renders an exemption for electric vehicles viable.

One of the most influential Norwegian incentives for electric vehicle consumers is the exemption from Value Added Tax (VAT). The Norwegian VAT imposes a 25% tax on most purchases (Norwegian Tax Administration 2015). As electric vehicles are more expensive to produce than traditional vehicles, the exemption amounts to a significant saving for potential electric vehicle consumers (Figenbaum & Kolbenstvedt 2013). This measure has effectively ‘evened out the price difference between EVs and conventional cars’ (ibid). Even in rural areas, where localised incentives like free car parking cannot be utilised, or are not attractive to consumers, the substantial price reductions have been enough to make electric vehicles highly competitive (ibid, 8).

In Australia, electric vehicles could also be extended a GST exempt status. Businesses already receive a tax credit for the GST included in the price of a vehicle to be used solely for business purposes (Australian Tax office 2014). Such a credit could be extended to private individuals who purchase electric vehicles for personal use. To further reduce taxes associated with the purchase of electric vehicles, an exemption from the luxury car tax could also be implemented. A simple method of reform would be to change the definition of a ‘luxury car’ under the relevant act. Under section 25.2 of the *Luxury Car Tax Act*, motorhomes, campervans, emergency vehicles and transports for disabled people are explicitly left out of the definition of a luxury car (A New Tax System Act 1999). Plug-in electric vehicles could be easily incorporated into this list.

However, at current market rates (October 2015), an entry level Nissan Leaf (GST exempt) would still cost over \$35,000. When one considers that the most popular car in Australia, the Toyota Corolla, costs around \$23,000, there is the perception that such tax exemptions are merely ‘special privileges for essentially the rich’ (interview with Dr Tony Davis 2015). The various tax incentives in Norway work due to the homogenous nature of the country’s population and relative income parity (ibid).

c) Perks: Free Municipal Parking and Bus Lane Access

These reforms have been the subject of much debate and criticism in Norway; but at the same time, they have also undeniably helped contribute to an increase in the uptake of electric vehicles (Fibgenbaum & Kolbenstvedt 2013). In a survey of electric vehicle owners in Norway, 28% of respondents picked ‘practical reasons’ (such as bus lane access, free parking and road toll exemption) as the main reason they purchased an electric vehicle (ibid).

The free use of bus lanes is particularly appealing to drivers who face a long commute to work from suburban areas (ibid). A similar program could be extended to electric vehicle owners in large Australian cities like Sydney and Melbourne, utilising the existing bus and transit lanes in these cities. However, studies have shown that such measures introduce a risk of increased vehicle ownership, negating any future benefit if people drive electric vehicles in a bus lane instead of commuting on public transport (Figenbaum & Kolbenstvedt 2013). This becomes more of an

issue when one considers the problems associated with a lack of existing road infrastructure. There are reports that up to 75% of vehicles that travel on the bus lanes of Oslo are electric cars (Vidal 2014). Even without electric cars, some of Sydney's bus lanes are already approaching full capacity during peak hour (Tatnell 2010).

The availability of free parking is another attractive perk. The city of Oslo has over 400 free car parks that also incorporate free charging stations. A number of local governments in Australia have already introduced similar programs although at a limited scale. Brisbane City Council offers half price parking and free charging stations in selected car parks (Brisbane City Council 2015). Sydney City Council offers free charging stations and a rebate on permanent parking passes (City of Sydney 2015). Fremantle City Council has set aside two free parking spots (also with a free charging facility) for the exclusive use of electric vehicles for up to 16 hours (City of Fremantle 2015). Businesses and organisations (like universities) could be encouraged to implement their own policies, giving priority parking privileges to electric car owners.

The free parking and use of bus lanes could help to foster a societal norm in relation to electric vehicles. Incentives such as these directly emphasise the social desirability of a change of purchase behaviour (Nayum 2013, 106). However, after assessing the arising situation in Norway, it is likely that measures providing perks to electric vehicle owners would attract significant opposition from certain sectors of the Australian community, due to concerns about social equity. The effectiveness of the measures would also reduce over time, as more consumers purchase electric vehicles and place demand on the systems that provide the benefits. Eventually, once the number of electric vehicles reaches a certain point, the perks will become self-defeating (interview with Dr Tony Davis 2015). In the short term however, in Norway at least, these measures have fulfilled their purpose, with electric vehicle numbers increasing from 567 in 2012 to 26,886 by the end of March 2014 (Bill 2014).

III. Building a Charging Network

'Range anxiety' (or the fear of running out of power when driving an electric vehicle) is among the most serious of concerns facing drivers of electric vehicles (interview with Dr Tony Davis 2015). Most electric vehicles only have a maximum range of around 120km. In order to decrease range anxiety there are a number of solutions. An increase in battery size or a reduction in the minimum state of charge is one possible solution. However, current electric vehicles already make considerable concessions in order to fit the required number of batteries. The only other alternative is to create a network of fast charging infrastructure. Electric vehicle owners require appropriate charging facilities not only at home, but also at locations like the workplace, shopping centres and in public areas. Norway has an extensive network of charging infrastructure and now has over 5,500 charging points nationwide (EV Norway 2015). In Australia, an increase in the number of plugin electric powered vehicles will create significant planning and infrastructure requirements. Experiences in Norway have shown that public participation is key to the successful implementation of a charging network (Molmen 2012, 9). Additionally, planning law in Australia will need to adapt in order to keep up with new technology and infrastructure developments.

a) Infrastructure Requirements

Even prior to 1980, researchers at the University of Wollongong highlighted the various challenges that electric vehicles present to town planners and policymakers, stating that; ‘in the event that electric cars replace internal combustion engine cars in significant numbers ... government must consider the number and position of recharging facilities to be provided for electric vehicles’ (Stokes 1980, 13). As has been noted by officials in Norway, the creation of a charging network requires careful planning to alleviate community and stakeholder concerns (Molmen 2012, 9).

In 2008, as part of a radical plan to make their local area electric vehicle friendly, Oslo City Council in Norway decided to establish 400 free charging points for electric vehicles (ibid, 6). Although technologically specific, there are several policy challenges associated with the implementation of public charging points. In Australia, 90% of the population commutes less than 100km a day (Duff 2015). The range of most electric vehicles currently available in Australia exceeds that distance, making electric vehicles a viable alternative (especially as a second city-based car). However, considering Australia’s geographic layout, publically accessible, long distance ‘fast-charge’ facilities will be required along key travel corridors (such as the Hume Highway and Pacific Highway). If batteries are to be recharged in the minimum possible period (15 minutes for 80% charge), there will be ‘major infrastructure implications for the electrical supply system if these facilities are to be provided’ (Westbrook 2001, 174). Norwegian authorities have highlighted several issues, all of which are important considerations in the implementation of a charging network. These include: the type of technical equipment, the selection of charging locations, controlling use and encouraging private innovation (Molmen 2012, 7).

The type of technical equipment used and the engineering challenges associated with the electricity supply are also notable concerns. Most of Norway’s charging infrastructure is located in major cities (EV Norway 2015). Charging poles, similar to parking ticket bays have been installed in key locations allowing for efficient charging solutions to thousands of drivers (Molmen 2012, 9). As of November 2015, it is now possible to drive from Sydney to Melbourne utilising supercharging stations in Goulburn and Wodonga (Campbell 2015). This is a promising start, yet without an appropriate charging network, a significant percentage of Australian roads will be off limits to electric vehicles, even if they are fitted with range extenders. In the next couple of years, inductive charging (a wireless solution where the electric charge is provided via a metal plate located in the ground) will become available on the market (Westbrook 2001, 176). Technical developments such as this should be considered by policymakers when planning for the future. If widespread use of electric cars is to become commonplace, it will be necessary to provide a variety of charging points in many different public (and private) areas. This is due to the relatively long period required to charge an electric car at normal domestic charging rates (ibid).

Authorities in Oslo found that public participation was vital when deciding the location of charging points (Molmen 2012, 9). Local community organisations and the national electric vehicle association provided suggestions, as did the local community via public participation methods online and through local newspapers (ibid, 10). As the electric car market in Australia

begins to grow, similar steps should be taken; for example, utilising the local branches of the Australian Electric Vehicle Association.

From a compliance and enforcement point of view, the public charge points present challenges for relevant authorities in how to control and regulate use. Norwegian authorities utilised parking officers to patrol the various charging stations and write up fines whenever conventional vehicles were parked in a charging bay (Molmen 2012, 13). A similar approach could be used in Australia, with local governments and even state police taking on the responsibility of enforcing these regulations. Due to various technical limitations, authorities face significant issues when it comes to public charging points. For example, vandal-proof connections to the charging point have still not been conceptualised (Westbrook 2001, 190). The charging points in Oslo also utilise a universal physical key system that has been deemed unsuitable for current usage patterns (Molmen 2012, 8).

b) Planning Law Reform

Local and state planning law will need to adapt to the various technicalities associated with the charging of electric vehicles. Law reform will be required in order to ensure that charging stations are allowed to be developed as distinct entities. Of particular concern will be the development of public charging networks.

Electric charging stations are inherently different from their fossil fuel counterparts. There are no fumes, smells, liquids, vapours or dangerous substances associated with the recharging of an electric car. In order to encourage development and to allow for efficient and appropriate placement of charging facilities, planning laws need to be reformed. In NSW for example, the Standard Instrument for a Local Environment Plan does not outline a specific category that an electric vehicle charging station would fall under (*Standard Instrument Order* 2006). Indeed no Local Environment Plan in NSW mentions electric charging infrastructure. In the Dictionary section of the standard instrument, a service station is defined as ‘a building or place used for the sale by retail of fuels and lubricants for motor vehicles’ (ibid, definitions). The definition of fuel is ‘material such as coal, gas or oil that is burned to produce heat or power’ (ibid). As a charging station would be predominantly providing electricity, it is unlikely that it would fall under this definition. Arguably charging infrastructure could be classified as a ‘sustainable energy technology’ and therefore fall under the definition of a high technology industry, however even then as a light industry its zoning would be inappropriate. As a show of support to the industry and in order to reduce confusion, electric charging stations should be clearly defined in law.

A reform of planning law will also allow authorities to determine where charging stations are located and how they are built (Transportation and Climate Initiative 2012, 7). Although zoning will not directly facilitate the construction of charging stations, the potential for local planning laws to prohibit or preclude the infrastructure is something that needs to be considered and rectified for the long term viability of electric vehicles (ibid, 8). In Norway, an elaborate network of charging stations has been built on the side of the road on public land. These stations have proven to be extremely popular. To date, Australian planning laws have failed to keep up

with technology. Action needs to be taken to ensure that the specialised planning requirements (pertaining to electricity delivery, public placement and public health and safety) are adequately reflected in law. Effective planning laws should ensure that charging stations can be built in practical locations, establish clear definitions and consider higher-level planning frameworks (such as state-wide planning instruments) (ibid).

IV. Conclusion

As Norway has shown, there are several requirements that are needed to ensure the long-term viability of electric vehicles as a meaningful response to climate change in Australia. The policy and regulatory approaches in this essay are not without their faults, but they are generally tried and tested methods of achieving the stated goal. Firstly, the percentage of electrical power derived from renewable sources in Australia must increase or all efforts may turn out to be self defeating. Secondly, incentives to encourage consumers to purchase electric cars should be introduced. However, these incentives are not fool proof and should only be used in the short term to normalise the use of electric cars as a practical alternative to conventional vehicles. Finally, in order to reduce range anxiety, steps should be taken to facilitate an effective charging network. Local and state governments need to familiarise themselves with the various policy concerns associated with public charging networks. Additionally, law reform in the area of town planning and zoning needs to keep up with the fast-paced nature of the industry.

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Section II: Opinion Pieces

A realistic assessment of Distributed Energy Generation in Australia

Patrick Negline-Smyth

With the development of various renewable energy technologies in recent decades, which have the potential to generate local, on-site electricity, Decentralised or Distributed Electricity Generation (DG) has gained momentum. The fluctuating and the variable nature of renewable energy, coupled with un-practical mass storage technologies (particularly in water-scarce areas), has led engineers to conclude that an integration of different sources of energy is the most efficient way forward. Completely restructuring towards renewable energy in Australia is an unfeasible fairy-tale; but adopting a DG system which allows a combination of generation methods is a promising way to reach our growing energy needs.

Firstly, many energy systems already operate with a certain degree of co-generation. In Australia, the national grid is supplied by a mixture of coal-fired stations, hydro-power, wind and solar power stations. Currently, energy production in Australia is dominated by coal, oil and gas, and renewable energy remains a minor component in the energy mix for domestic consumption (EWP 2015). Furthermore, even as the renewable energy sector has increased exponentially in Australia in recent years – growing in absolute terms of 3.5% since 2009 – the proportion of coal has remained constant since 2000 (Bird et al. 2014, 645). Here, I am proposing a DG system where energy conversion units are located in close proximity to the energy consumers.

The modern trend in energy generation consists in a combination of small-scale energy conversion units (usually solar panels operating at around 100–250kWe), and more centralised, regional power plants (typically operating at 1000 MWe) (Alanne & Saari 2006, 547). However, Australia's emissions reduction targets for 2020 are unlikely to be achieved via the current electricity generation model. Even with a 20% supply of renewable energy to the grid, it is estimated that no fewer than 13 nuclear-fired power stations will be needed by 2020 to meet those needs (Pielke 2011, 26). This same predictions can be made in regard to large-scale existing solar power plants. The Cloncurry Solar Thermal Power plant in Queensland, for example, is expected to generate 30GWe of electricity when completed. If Australia is to meet its emissions reduction targets, whilst also supplying growth in energy demand, there would need to be a total of 12,667 solar power plants like the Cloncurry one built from now until 2020 (Pielke 2011, 26). This is clearly not a feasible way forward.

There are also problems surrounding the potential voltage fluctuations from DG to its connection with the wider grid; a system essentially designed to cater for one-way flows from large centralised sources of energy (Lilley et al. 2012, 163). The most technically challenging aspect of DG is its reliance on natural conditions such as wind and photoperiods, which lie outside

of human control. First, this complicates the ability for electricity providers to switch on protection systems for its engineers, in times when power lines are down or upgrades are needed. It can also cause periodic ‘power pulsations’ in the flow of electricity, where differences in wind speed or turbulence can affect the frequency spectrum of the electricity being generated. Consequently, DG can result in the ‘Flicker’ phenomenon, where rapid fluctuations in power cause a visible flickering of lighting (Bayod-Rujula 2009, 380). Management systems cannot efficiently respond to rapid fluctuations in power caused by solar irradiance (Cheng et al. 2015, 1). In Germany, for example, its significant proportion of PV within its electricity network means that they are currently facing huge technical problems associated with the fluctuations in electrical feed to the network (Ruggiero et al. 2015, 439). PV systems can only operate for a limited time each day in accordance with the availability of sunlight, thus significant changes in supplied voltage to the grid from day to night presents challenges for transmission infrastructure and the efficient integration of PV into the energy mix. This is referred to as the ‘harmonic distortion of the network voltage’, and in various instances can lead to decreases or increases of voltage received by other uses of the immediate electricity grid (Lopes et al. 2007, 1191).

One possible response to the challenges associated with distributed generation is the creation of what is called ‘micro-grids’. A micro-grid is essentially a small localised distribution system that operates separately from the main distribution system and is also commonly referred to as an ‘island’ system. Non-autonomous micro-grids, used in conjunction with ‘smart switches’, assisting in disconnecting/reconnecting to main distribution systems have the potential to maximise efficient usage of a mix of energy resources (Chicco & Mancarella 2009, 543). Whilst these micro-grids could not efficiently service the energy needs of the industrial sector, with projected future price increases for fossil fuel generated energy, resource maximisation and management of a mix of energy sources will be essential for efficient participation in a modern world economy.

Significantly, a DG energy structure could potentially shield both the domestic economy from international price fluctuations, and individual consumers from the fluctuating domestic market. First, two thirds of Australia’s energy production is exported globally, and international demand will likely see yearly export earnings from energy resources reach \$114 billion within the next five years. (EWP 2015, 3) This means that local prices for coal and particularly gas are expected to rise, to the detriment of the consumer. Second, on a domestic scale, energy prices usually fluctuate in accordance with basic supply and demand algorithms. In Australia for example, peak energy usage is typically associated with air conditioner use in the summer heat. Cost-efficiency in peak times is very low; and it is estimated that 25% of electricity costs are associated with peak demand periods, while accounting for less than 40 hours per year (Department of Industry 2013, 31). A DG system which allows home owners to add their own energy on top of traditional centralised systems have the potential to alleviate these supply and demand issues.

One great benefit of DG is its potential to fill a much-needed gap in the market situation, and increase economic efficiency in remote areas of Australia. Regulatory policy from

government, such as the National Electricity Law and the Australian Energy Market Commission, in conjunction with the Australian Energy Regulator, will also be necessary to encourage fair practice (DOI 2013, 13). However, current pricing mechanisms of supply and demand (such as ‘peak-load’ and ‘time-of-use’) suggest that implementing a system of DG would be efficient and productive (Pepermans et al. 2005, 794). In 2009 alone, for example, 31 million litres of diesel was used in generators in remote communities in the Northern Territory, with consumption expected to increase significantly as demand for electricity in these remote areas of far north Australia, is projected to increase (El Bassam et al. 2013, 218). A DG structure in Australia’s far north would be the most feasible scenario for renewable energy in Australia.

The use of DG technologies would improve the relationship consumers have with both energy companies and national electricity infrastructure. No longer are people content with being net consumers of electricity, and already, many households are opting for co-generation systems to become net-generators of electricity. As the national consumer market increases its appetite for more environmentally friendly and cleaner alternatives of energy, an embedded and distributed energy mix seems the only efficient way to integrate renewable sources of energy. If Australia is to realistically meet any of its clean energy targets, every household needs to contribute to the grid through independent means of electricity generation, as well as being connected to a national generation strategy. Without such co-generation, renewable energy will continue to be ineffective in addressing both our energy needs and our CO₂ reduction obligations.

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Genetic modification of food crops will be essential to our future

Laura Wey

The United Nations has advised that global food production must double by 2050 to meet the needs of projected population growth (Tilman et al. 2011). It has been predicted, however, that the world's agricultural land does not have the capacity to feed more than 15 billion people (Bruce and Bruce 2014). Climate change will exacerbate the threat to food security, with food crops struggling to adapt and meet consumption demand (Gregory et al. 2005). While food crop yields have increased due to gains in the harvest index (the proportion of biomass that is grain), studies have shown that yields are now plateauing (Parry et al. 2011). In addition to better agronomic practices, genetic improvements to food crops are needed to increase biomass and yield (Leegood et al. 2010). In this brief article, I will explain one proposed genetic engineering strategy to increase food crop yields and present the case for the safety of genetically modified foods. I strongly believe that since there is consensus from the scientific community that genetically modified foods are safe, it follows that the need for implementing genetic modification of food crops will be respected.

One genetic engineering strategy to increase biomass is to improve the photosynthesis of C_3 plants¹ that are important food crops, like rice and wheat (Price and Howitt 2014). These plants have a sub-optimal CO_2 fixation rate for photosynthesis, primarily due to the inefficiencies of the major carbon-fixing enzyme, RuBisCO.² In addition, these plants suffer resistance to CO_2 diffusion from the air into the chloroplasts (Evans et al. 2009). Collectively, these limitations mean that C_3 photosynthesis is not at maximal capacity. Significantly, C_3 photosynthesis could be improved by integrating components from photosynthetic blue-green algae into the chloroplasts (Price et al. 2013). This strategy is a multi-stage process, but modelling indicates that, from just the first step, the photosynthetic CO_2 fixation rate could theoretically be improved by 5–15% (Price et al. 2011).³

The consensus from the scientific community is that genetically modified foods are safe (Snell et al. 2012). To date, Food Standards Australia New Zealand has identified no safety concerns with any genetically modified foods that they have assessed (FSANZ 2015). There is a risk that some people will be allergic to some genetically modified foods. However, 6% of children and 3% of adults are allergic to 'natural' foods but Greenpeace does not lobby for a global ban of peanuts (Wood 2003). There is concern that we are yet to see the long-term health risks of genetically modified foods. However genetically modified foods have been consumed for decades in the United States without adverse health effects due to the genetically modified foods.

¹ So classified because the first product of CO_2 fixation is a three-carbon sugar.

² Firstly, RuBisCO has low reaction affinity for CO_2 and also fixes O_2 , which leads to energetically wasteful photorespiration (18) Whitney, S. M., R. L. Houtz & H. Alonso. 2011. Advancing Our Understanding and Capacity to Engineer Nature's CO_2 -Sequestering Enzyme, Rubisco. *Plant Physiology* 155: 27–35. Secondly, RuBisCO has a low CO_2 fixation rate (14) Raven, J. A., M. Giordano, J. Beardall & S. C. Maberly. 2012. Algal evolution in relation to atmospheric CO_2 : carboxylases, carbon-concentrating mechanisms and carbon oxidation cycles. *Philosophical Transactions of the Royal Society B-Biological Sciences* 367: 493–507. Therefore, C_3 plants need to heavily invest in RuBisCO to achieve acceptable photosynthetic CO_2 fixation (3) Evans, J. R. 1989. Photosynthesis and nitrogen relationships in leaves of C_3 plants. *Oecologia* 78: 9–19.

³ The first step would be to add bicarbonate transporters from the cyanobacterial CO_2 -concentrating mechanism into the chloroplast inner envelope membrane (11) Price, G. D., M. R. Badger & S. Von Caemmerer. 2011. The prospect of using cyanobacterial bicarbonate transporters to improve leaf photosynthesis in C_3 crop plants. *Plant Physiology* 155: 20–26. The primary objective of this step would be to reduce the diffusive CO_2 drawdown at the chloroplast by bringing in more inorganic carbon.

Many studies that purportedly showed genetically modified foods to be harmful have been discredited because of scientific flaws, including incorrect experimental set-up and statistical insignificance. One well-known study (now retracted) used only a small sample size, did not perform statistical analyses, and used rats already predisposed to tumours (Séralini et al. 2012). Still, myths about genetically modified foods that are unsubstantiated by scientific studies have swayed public perception. A recent ANU Poll found that ‘36 per cent of respondents felt that GM foods are not safe to eat’ (Lockie and Pietsch 2012). Fear campaigns prey on the appalling lack of scientific literacy in the general community. For example, many people are afraid that the DNA from genetically modified foods can be transferred into the humans who eat them – despite no human yet being reported to have turned into a ‘natural’ food.

It is disappointing that few in the scientific community are vocally countering anti-genetic modification activists on their claims. In Australia, the official stance of the CSIRO on genetic modification is weak, despite their having developed the hugely successful DHA canola, rich in healthy long-chain omega-3 oils (CSIRO 2015). The CSIRO stresses that they first use conventional breeding approaches to improve crop plant varieties, and only use genetic modification if conventional breeding cannot deliver the required outcome. Whilst genetic modification is just one technique that can be used to improve food crops, agricultural scientists should not be afraid of using genetic modification first if that would be the best strategy.

While the science suggests that genetically modified foods are safe, I am concerned that current approaches to marketing and delivering genetically modified foods are undesirable. Genetic modification could be used to increase yields of cash crops for export at the expense of, or at least before, food crops. Unfortunately this was seen when cloves were fortified for export in Zanzibar as a national priority over food crops (Bruce and Bruce 2014). Biotechnology companies also have the potential to profit massively from bio-prospecting for genetic modification without paying royalties, despite indigenous people having already used key food crop plants or their metabolites for thousands of years. For example, a US company was briefly granted a patent on a Neem tree product, which Indians had used for over 2,000 years (Marden 1999). More humanitarian approaches to the marketing and delivery of genetically modified foods need to be taken, with solving food security as the goal.

In the face of climate change and a growing global population, genetic modification of food crops must play a role in our future attempts to feed the world. If humanitarian approaches to genetic modification of food crops were used, then it would be unethical not to deploy genetic modification as a tool to fight malnutrition and starvation. It is in the interests of governments and non-governmental organisations to work with scientists on this front, and lead an informed genetic modification charge.

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Section III: Artworks



‘Portrait of a friend who works at the National Portrait Gallery’

Keely Van Order

As an art course instructor I have developed an appreciation for the skills required to draw from life, particularly for capturing the human face. Being someone who draws mostly from the realm of the imaginary – and usually with creative software – it was a challenge for me this year to set out sketching a series of portraits using only pencil. In drawing from life I am always astounded at what I discover that I hadn’t noticed before. In our fast-paced modern world I think there is ever more need to honour this process of perceiving and communicating visually. The picture shown here is my first attempt at a life portrait this year, made possible by my generous, patient friend Tamsin Hong.