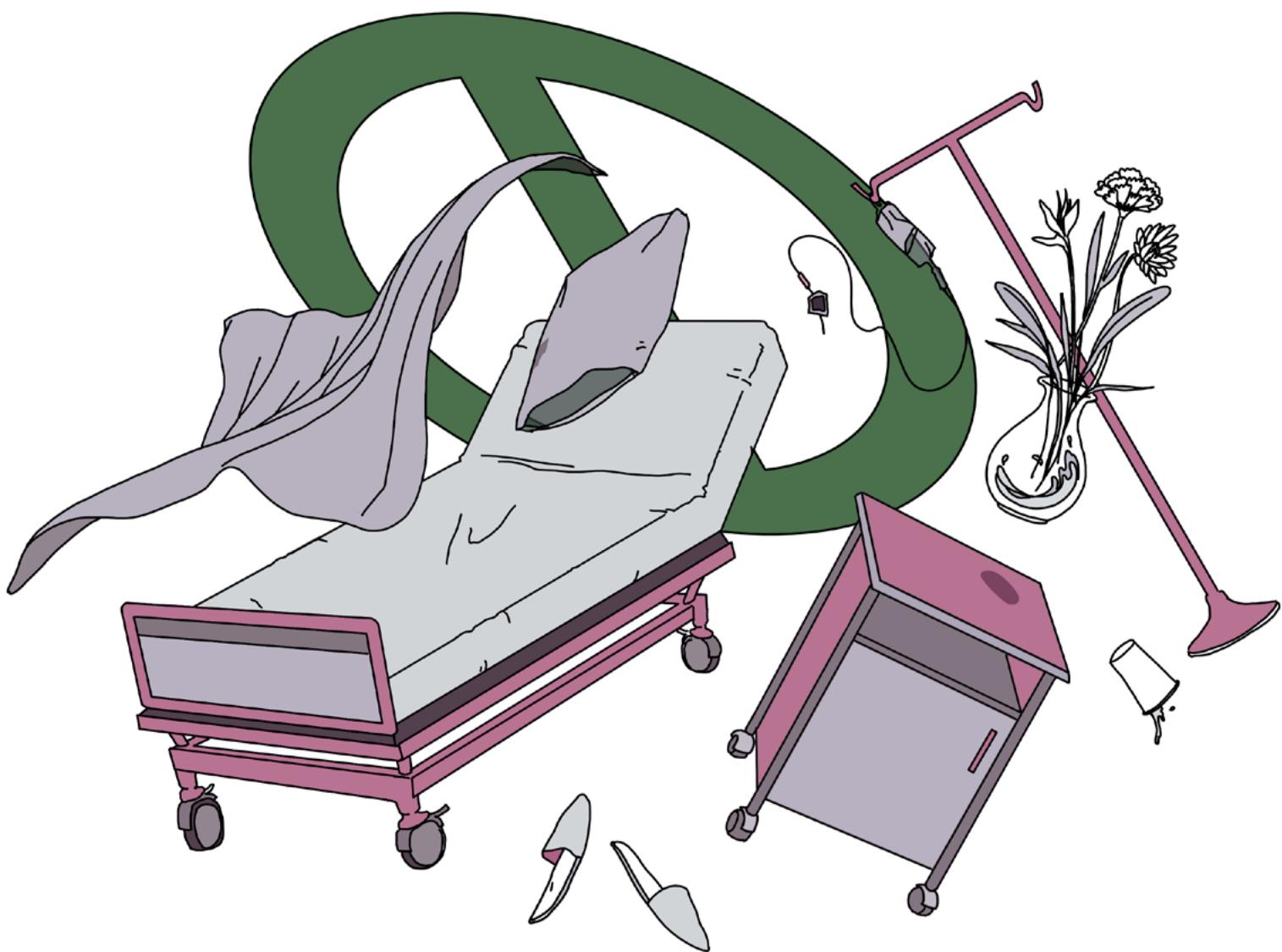


# POLITIK

UNSW International Affairs Review



**SURVIVAL**



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# **Dear reader,**

Welcome to the second edition of *Politik* for 2017, where we explore what ‘survival’ means to different actors in the arena of world affairs. Contributions have been drawn from all corners of UNSW to create a truly inter-disciplinary voice of student thought. We thank the Faculty of Arts and Social Sciences at UNSW for their guidance and support this year, in particular for their generous support of this edition of *Politik*.

The notion of survival in global politics demands renewed inspection, given the turbulent forces of major change this year. With the global landscape changing every day, there is opportunity for smaller agents to rise, as traditional superpowers falter against increasingly disruptive conditions. Several articles in this issue identify this trend. Bosworth analyses the potential for North Korea to withstand heat from its adversaries amidst talks of re-unification (p.7), while Dowling shows how the forces of Islamic radicalisation have faltered in their traditional homes and shifted into the peripheries of Western societies (p.33). In Africa, Murdocca outlines reasons for the rise of Boko Haram as a threat to the state of Nigeria (p.23) and Vangen describes the growing tension over water resources in the Nile basin, which threatens to overflow violently (p.29).

In comparison to the traditional ‘David and Goliath’ interpretation of ‘survival’, other articles approach the theme from a different angle – the struggle of the status quo to remain relevant. Berkon (p.17) and Field (p.51) outline the stagnation and failures of international law while Suleiman notes the shortcomings of the international Olympic Refugee team to accommodate internally displaced persons (p.26). In Asia, Flaherty explores the shortcomings of the Cambodian court system (p.11), Bacani questions the justification of the Philippines’ hard line drug policy (p.4) and Mallikahewa probes the Sri Lankan government for transparency in its recount of the nation’s civil war (p.14). Moreover, while De Silva highlights increasing food insecurity (p.45), King questions whether food aid may actually perpetuate power imbalances between developed and developing countries (p.20). Elsewhere, Kaisin questions the authority of sovereign states against the intrusion of multinational corporations in the Americas (p.42) while Roberts casts a stronger light on the global impact of the ‘green’ revolution (p.48).

Other authors celebrate triumphs of survival and how past experiences can inform the future. In Europe, Turnbull explores the rise of peaceful multiculturalism in the former Yugoslavia in response to historical ethnic cleansing (p.36), while Abeyratne praises Australia’s break from the US, with its attempts to combat university sexual assault (p.39).

We hope you enjoy the contributions of talented students at UNSW in the following pages, and thank you for your ongoing support.

**Rashmi Shingde and Christopher Valencic**  
Editors-in-Chief

# Justice, Due Process and Human Rights: Issues and Responses in the Philippines' Drug War

by Von Bacani

ARTS / LAW II

*Von is an undergraduate Arts and Law student at UNSW, with a major in Politics. He is passionate about socio-political affairs in the Philippines, and has an interest in exploring issues within the wider Asia-Pacific region.*

## INTRODUCTION

Vigilante activity has been transpiring in the Philippines for decades, having been driven by constantly clashing political interests between the government of the time and those who attempt to hold those in power accountable. Vigilantism in the Philippines experienced a surge in the late 1960s as a result of political, guerrilla-style rebellion of groups such as the New People's Army (NPA) against the regime of President Ferdinand Marcos.<sup>1</sup> Such political uprisings have become de facto symbols of civilian checks and balances against oppressive or otherwise disagreeable regimes. Today, the Philippines has become the epicentre of a vigilante war on drugs facilitated by President Rodrigo Duterte's attempt to wipe out the use of methamphetamines, particularly among those living in sub-standard housing in the urban areas around the capital of Manila, thereby shifting the vigilante role from civilians onto public officials and leaving a trail of 3,500 lives lost since 2016.<sup>2</sup>

## THE STRUGGLE IN THE STREETS

On Saturday, 26 August 2017, more than a thousand people took to the streets of Manila to remember Kian delos Santos, a student shot by members of the Philippine National Police.<sup>3</sup> The 17-year-old's death on 16 August followed a string of vigilante killings plaguing the Philippines over the past year, as President Rodrigo Duterte vowed to mercilessly combat the spread of drugs in the country as part of his election campaign in early 2016.<sup>4</sup> The news was met with outrage from the entirety of the Filipino community, with members of Kian's family pleading for mercy and justice from the Philippine President. CCTV footage making rounds on

Philippine media outlets ABS-CBN and GMA show the young man being dragged away in a blue shirt and boxer shorts from a community basketball court.<sup>5</sup> The hashtag #JusticeForKian circulated the Philippine ‘Twittersphere’, with many believing his death is one of many instances of an abuse of police power.<sup>6</sup>

In recent years, the Philippines has acquired the highest abuse rate for methamphetamines (known as *shabu* in the Philippines) in the entire region of East Asia.<sup>7</sup> A country preoccupied with tribulations brought about by poverty, corruption and political scandals, the Philippines remains a conservative, predominantly Roman Catholic nation, unconcerned with Western agendas of legalising recreational drug usage. Its leader, Rodrigo Roa Duterte, is a self-proclaimed leftist who intends to implement widespread change to improve life for ordinary Filipinos – so much so that he has been dubbed the ‘Donald Trump of the East’ despite their ideological distinctions.<sup>8</sup>



Image credit: Eloisa Lopez, Rappler



Image credit: Damir Sagolj, Reuters

## DOMESTIC AND INTERNATIONAL LEGAL RESPONSES

Human rights in the Philippines are constitutionally enshrined through the national Bill of Rights.<sup>9</sup> There are two clauses which prevail as being virtually applicable to all human rights in existence; in the Philippines, these are the ‘due process’ clause and the ‘equal protection’ clause: ‘No person shall be deprived of life, liberty and property without due process of law, nor shall any person be denied the equal protection of the laws’.<sup>10</sup> These laws hold significance to the ongoing drug war due to their all-encompassing stance on due process. President Duterte has allowed police forces to raid and enter the homes of civilians in economically impoverished areas, allowing them to exercise vigilante actions on any vulnerable person regardless of whether they are involved in the business or usage of methamphetamines. This fatal flaw in the balance of Philippine power has led to criticisms from members of the international community, garnering allegations of abuse of power by the authorities and passionate human rights advocacy from NGOs such as Amnesty International. Aside from Kian delos Santos, at least 30 other people under the age of 18 have fallen victim to vigilante killings and police violence during Duterte’s first year, according to reports from Amnesty International.<sup>11</sup>

During the 20th Century, the international community has established various documents of international law involving the need for reasonable measures against the spread of illicit drugs. For instance, the United Nations established the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which enshrines the possession and trade and possession of illegal drugs within signatory countries under Article 3 Section 1(a).<sup>12</sup> Other documents created by the member states of the UN includes the non-binding Universal Declaration of Human Rights, which establishes under Articles 3, 5 and 7 that states practice of drug regulation must under no circumstances be executed at the expense of a person’s life, well-being or protection under the law.<sup>13</sup> Bodies such as the UN Office on Drugs and Crime operate to assist states in adapt appropriate laws for drug control.<sup>14</sup> These interests of law, however, are susceptible to clashes with human rights principles, exemplified thorough the Philippine drug war. As of now, states remain virtually unable to intervene without resorting to unreasonable duress, due to the

affordances of state sovereignty whereby individual states are self-determinant despite being a signatory to various conventions and treaties upholding human rights. Moreover, leaders of international authoritative bodies such as the International Narcotics Control Board have expressed the inability for such bodies to comment or act on human rights violations which arise from the drug control standards which the bodies themselves impose,<sup>15</sup> thereby leaving little to no room for peaceful intervention.

## JUSTICE HANGING IN THE BALANCE – A TENTATIVE CONCLUSION

With nations like Colombia and Mexico serving as testament to the devastating effects of using private military and security companies to combat drugs,<sup>16</sup> privatisation of the drug war may not seem ideal for the Philippines after all, as privatisation further undermines the rule of law by permitting armed conflict. All the Philippine courts are left with are allegations of drug usage by the authorities clashing with pleas and testimonies of innocence by families, friends, neighbours and other people who knew the victim. With the Philippine budget for human rights at an all-time low of US\$20,<sup>17</sup> it is becoming increasingly difficult for working-class Filipino citizens to survive and live as innocent people before being proven guilty.

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# Policy Advice for Korean Reunification

by Nicholas Bosworth

ENGINEERING / ARTS II

*Nicholas is an undergraduate Engineering/Arts student, majoring in Bioinformatics and Politics.*

Korean reunification is often written about like it is an inevitable event. While no-one can predict a definitive timeline to reunification and some are cautious and note that '(the North) has long had the power to surprise',<sup>1</sup> most articles have an underlying assumption that the Democratic People's Republic of Korea (North Korea) will eventually collapse and the Korean peninsula will be re-unified. As pointed out by Larres and Panayi in their study of pre-unification German Society, it is important to be prepared for unification.<sup>2</sup> However, despite the academic consensus that unification is inevitable, studies such as those published by the Korean Institute for National Unification suggest that the Republic of Korea (South Korea) is 'unprepared for unification'.<sup>3</sup> Hence, it is crucial to review and understand the writings of those who have studied similar situations and those who have studied potential Korean reunification, to determine the best options for policy and to prepare for the future.

Similar situations include the resolution of The Troubles in Ireland, the reunification of Germany and the Truth and Reconciliation Commission in South Africa. These conflicts provide abundant empirical data demonstrating that policy must address three key issues to achieve successful reunification - involvement of external parties for support, a process of power-sharing between elites and a preparation for economic cost. These issues also consistently appear in academic analysis of the Korean Conflict, reinforcing their importance as cornerstones of potential policy for South Korea.

The reunification of Korea will have unique challenges, as identified by Takesada ‘the Korean people actually went to war with each other’ and ‘the capitalist South, (unlike the capitalist West Germany) has not urged early unification’.<sup>4</sup> However, it is important to learn from previous examples of successful reunification, so that the Korean situation can be handled peacefully and prosperously.

### INVOLVEMENT OF EXTERNAL PARTIES

External actors are a necessary component in the resolution of societal divisions because they can facilitate peace talks and support the economic deficit created during the unification process. McEvoy focuses on the social benefits external actors can provide, arguing that they encourage inter-ethnic cooperation,<sup>5</sup> and linking how the involvement of Britain in Northern Ireland and the European Union and the United States in Macedonia and the former Yugoslavia helped create successful power-sharing systems that resolved their respective conflicts.<sup>6</sup> McEvoy’s work is supported by McPherson, who makes a similar case about international support for the South African Truth and Reconciliation Commission.<sup>7</sup>

McPherson expands on McEvoy’s thesis by studying the role of international assistance and financial support in the South African Commission. McPherson believes that foreign donations helped support and maintain the Truth and Reconciliation Commission, where it may have otherwise collapsed due to a lack of funding. This view on the economic role of external actors is mirrored in the work of Larres and Panayi who claim that the financial support of Western Europe and the United States helped support peaceful German unification.<sup>8</sup>

Takesada and Wolf apply these studies to the Korean situation, focusing on the importance of involving China and the United States in resolving the Korean conflict.<sup>9</sup> Wolf studies economic policies in 1990s Germany to provide policy options that could maintain trade and wage growth during the Korean unification process, these include the complete rebuilding of North Korean factories and infrastructure, to make them more competitive.<sup>10</sup> Takesada mirrors McEvoy and reinforces the importance of involving China, the United States and Japan in Korean peace talks and unification processes. Takesada believes that the involvement of international actors will minimise

social tensions during reunification and avoid the creation of harmful Korean nationalism by involving non-Korean bodies in the nation building narrative of a unified Korea.<sup>11</sup>

### NECESSITY OF POWER-SHARING AMONGST ELITES

Power-sharing allows for the smooth transition of totalitarian societies to democracy and it is a necessary process in reunification because it reduces conflict between elites.

To McEvoy, power-sharing is a form of government where majoritarianism, or rule by the majority, cannot promote peace. In her book, McEvoy details the successes and failures of the different forms of power-sharing in the governments of Northern Ireland, Bosnia & Herzegovina and Macedonia.<sup>12</sup> McEvoy believes that with sufficient incentive for elites, power sharing can reduce conflict and promote a more stable regime in the future, with the eventual hope that power-sharing systems become redundant.<sup>13</sup> McEvoy’s analysis is also useful in identifying the need for power-sharing systems to be adaptable to their specific contexts, a point she reinforces by arguing that Northern Ireland has been successfully peaceful because of the ‘capacity of power-sharing executives to change’.<sup>14</sup>

Power-sharing during the reunification of Korea is a challenging but integral policy, mainly because of the corruption, social disparity and tension between North and South Korean elites. Park argues that improvements to South Korea’s resettlement program would resolve some of these issues by appropriately adjusting North Korean settlers to life in the South.<sup>15</sup> In her dissertation, Park identifies the failure of the resettlement program to properly adjust North Korean settlers to life in the South and encourages improvements and funding to the government ‘Hana Centres’, which were bureaucratic centres established to assist in resettlement and cultural adjustment.<sup>16</sup> Park’s policy suggestions are very useful because they create the ‘adaptable power-sharing system’ described by McEvoy, and so should support a peaceful transition of power.

### PREPARATION FOR ECONOMIC COST

Economic cost is a core part of policy discussions around the reunification of Korea and policy options often stem from studies into the economic

revitalisation of Germany in the 1990s. There are significant differences in the Korean and German situation - as reinforced by Wolf, the 'indiscriminate transplantation of policy choices from the Germans to Korea would invite disaster – policies operate against their contexts'.<sup>17</sup> However, Korea can learn from the German experience and implement better policies during unification.

The defining recommendation of Larres and Panayi's work is that successful unification requires the total economic restructuring of a country, supported by effective monetary policy and international investment.<sup>18</sup> In their work, which studies the changes in German economics and politics during the 20th Century, Larres and Panayi stipulate that heavy investment into East German infrastructure ensured that societal divisions did not become entrenched in German society.<sup>19</sup> They believe, in a very Marxist style of analysis, that social problems will be resolved following economic reform, and they recommend that future countries implement clear policies on information sharing and the revision of laws to avoid the errors made in Germany.<sup>20</sup> These errors include the mishandling of real estate in East Germany, which led to 'unclear property ownership which hampered investment and created inequalities'.<sup>21</sup>

The economic analysis conducted by Wolf and Takesada supports the findings of Larres and Panayi and applies their theory to potential reunification scenarios. Wolf recommends the building of new

infrastructure and facilities in the North, rather than upgrading pre-existing infrastructure, followed by a control of wage growth to equalise the disparities in the North and the South and to avoid exacerbating social tensions by maintaining full employment rates.<sup>22</sup> Takesada supports Wolf's stance reinforcing the importance of maintaining trade relationships in Korea, so that the international community can support Korea's economic reconstruction, and help provide for the inevitable recession that will be created in the North.<sup>23</sup>

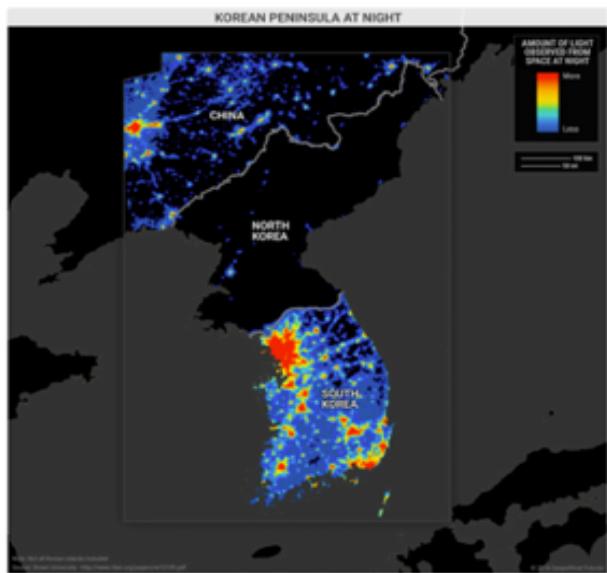
The economic cost of Korean unification will be significantly higher than previous situations, as identified by Roediger, 'the economic gap (in Germany) was mainly in the form of luxury goods ... however, (in the case of Korea) North Koreans are still primarily interested in a stable supply of food'.<sup>24</sup> Despite the cost, Roediger optimistically argues that this economic disparity provides an opportunity for more successful redevelopment and avoids creating a recession, like the 1990s German Recession, so long as there is a defined 'unification blueprint' with international support.<sup>25</sup>

## NOTES FOR THE FUTURE

According to the many studies into reunification and resolving tensions in divided societies, policy approaches to the reunification of Korea must revolve around the power-sharing between elites, economic investment into underdeveloped regions of the country and must gain the support of external actors, to successfully unify the Peninsula.

Notable policy suggestions involve increased funding towards South Korea's 'Hana Centres' and resettlement program, to implement an adaptable power-sharing system, to restructure and rebuild the North Korean Economy, to avoid entrenching economic disparity, and to garner support and investment from international actors in Korea, namely the United States and China.

With tensions on the Korean peninsula intensifying on a seemingly daily basis it is important to understand the possible strategies that can be adopted to minimise the damage caused by the dissolution of North Korea. Policies implemented should include the dimensions discussed because this will stimulate a peaceful and prosperous resolution of conflict on the Korean Peninsula.



*Image credit: George Friedman, Business Insider*

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# Voices of Gender-based Violence Victims in the ECCC

by Sonia Flaherty

ARTS / LAW VI

*Sonia is a sixth-year Laws and International Relations student who has a strong interest in gender justice issues in domestic and international criminal law. Sonia has travelled to Cambodia fifteen times to volunteer with various organisations, including her recent internship at the Extraordinary Chambers in the Courts of Cambodia.*

She had lost her memory until she was confronted by her perpetrator in real time, 40 years on from the Khmer Rouge regime. As the Extraordinary Chambers in the Courts of Cambodia (ECCC) closes in on Case 002/2 and the Cambodian population consider the role of the Court in their process of healing, it may come as little surprise that the accused in this case, Nuon Chea and Khieu Samphan were never formally charged with sexual violence despite the growing body of evidence suggesting the widespread, systematic nature of forced marriage, rape and other sexual crimes under the Khmer Rouge regime.

The ECCC is a unique hybrid tribunal formed to prosecute the most senior leaders of the Pol Pot regime from 1975 to 1979. The ECCC has been investigating four cases against perpetrators of the genocide and has only recently heard the closing statements for Case 002/2. Case OO2/02 forms part of the Court's indictment against the senior leaders of Democratic Kampuchea, Nuon Chea, Khieu Samphan, Ieng Sary and Ieng Thirith. These leaders were indicted in Case 002/02 on charges of crimes against humanity, genocide and grave breaches of the Geneva Conventions of 1949. Case 002/02 includes charges concerning sexual violence, namely forced marriage, however, the ECCC has made little progress in developing the substantive international criminal law surrounding sexually violent crimes. During the 34-year reign of Pol Pot, at least 1.7 million Cambodians are estimated to have died from starvation, torture, execution and forced labour and it wasn't until the end of 1998, when the Khmer Rouge's political and military structures were officially dismantled that the civil war was declared over.<sup>1</sup> As part of the case(s), the Chamber heard the testimony of 185

individuals, 114 fact witnesses, 63 Civil Parties and eight experts, all of which have assisted in the history telling component of the Court.<sup>2</sup>

The regulation of marriage or ‘forced marriage’ was the only sexual related act of violence formally included in the prosecution despite the countless victim impact statements and in-court testimonies by civil parties conveying trauma, discrimination and social stigma from their experiences of sexual violence under the regime.

Civil Party participation in the court process has empowered around 4,000 Cambodian citizens to actively participate in Case 002. The ECCC is the first international court that deals with mass crimes to allow victims as civil parties to participate in the court’s proceedings and to claim moral and collective

reparation.<sup>3</sup> This is extremely important considering the court’s failure to include rape and other forms of sexual violence on the indictment. One of the distinctive justifications for this exclusion is that sexual acts under the Khmer Rouge regime were deemed immoral and were explicitly prohibited and punished under the 12 Moral Principle Code enforced by the Communist Party of Kampuchea’s (CPK) Statute at the time. The CPK enemy policy to smash (kill or purge) those who engaged in any sexual acts was apparently enough to dismiss responsibility and allow the court to forego any allegations.

The strong focus on civil participation has provided a unique legal experience for direct and indirect victims to come forward and share their stories, dispelling wide beliefs that sexual violence did not occur under Pol Pot’s reign. During a three-month internship undertaken at the ECCC I was engaged in the task of identifying any incidences of alleged rape at the Tuol Sleng Security Centre where at least 12,273 persons are known to have been detained during the war from 1975 to 1979. According to a revised prisoner list, 5,994 detainees were reported to be male, 1,698 female and 89 children.<sup>4</sup> Despite being able to identify countless reports of rape and gender-based violence in Civil Party applications, interviews and external Non-Government Organisation studies, the Trial Chamber found that only one incident of rape occurred.<sup>5</sup>

This begs the question of how justice can be achieved 40 years on from the alleged incidences of sexual violence. Justice for an individual versus justice in the eyes of the State is a difficult evaluation to make when harms suffered vary on a large scale and monetary compensation was not offered due to the widespread suffering in Cambodia during and after the Khmer Rouge regime. International law attempts to achieve this in a broad sense through assisting national judiciaries in investigating and prosecuting perpetrators. The aim is to allow States to be the first to investigate and prosecute. On an individual level, Civil Party participation in Court proceedings and reparation projects may allow for the achievement of some form of justice. For many Civil Parties who attended a Civil Party Forum held in Phnom Penh in June 2016, justice was achieved through physically attending the court, sharing their experiences with a lawyer or in court, being able to connect with Cambodian youth and having the history passed



Sonia Flaherty at the ECCC Trial Chamber in June 2017 while interning for the Civil Party Lead Co-Lawyers Section of the Court.



Participants at a Civil Party Forum on 9 February 2017 in Cambodia. This forum was designed to discuss the developments of the ECCC’s proceedings and reparations in Case 002/02.

Image credit: <http://giz-cambodia.com/the-civil-peace-service-of-giz-in-cambodia-supports-the-forum-on-the-developments-of-ecccs-proceedings-and-reparations-in-case-00202/>.

on through this type of story-telling. There was a conscious concern shared by many Civil Parties at the forum who felt disconnected from youth, as they were somewhat hesitant and distrusting of their stories of suffering.

To bring justice to all the middle and lower soldiers who perpetrated crimes is impossible without the jurisdiction and resources to do so. Actualising such justice is a common wish among many Cambodians. Delivering justice would crudely unpick the rigid social fabric the people of Cambodia have sewn since the genocide. While the evidence provided by the victim of sexual assault who was confronted by her alleged perpetrator in the courtroom was deemed inadmissible, her powerful story of remembering, overcoming and moving forward paved a safe road for other victims to share their story and have their voices heard. Courts, while often deemed as sites of re-traumatization functioning to find the truth within an inflexible framework of legal principles, appear to have the potential for subjective justice to be felt by survivors. International court testimony for sexual violence victims offers a space to tell their story and thus come to know one's story. This requires an external audience to acknowledge the reality of the lived experience and an internal listener, requiring an agency of the self which comes to comprehend the events. The confluence of these processes may result in a powerful step forward in the healing journey – for some.

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# Chasing Ghosts: The Legacy of the Sri Lankan Civil War

by Nimaya Mallikahewa

INTERNATIONAL STUDIES /  
MEDIA II

*Nimaya is a second-year undergraduate student majoring in international relations. Sri Lankan by birth but having lived in Australia since 2007, Nimaya has a keen interest in her home country, giving inspiration for the article below.*

The first disappeared off his motorbike by the roadside. The second went to sea and never returned. The forty thousandth was whisked off the streets.

In the 26 long years of the Sri Lankan Civil War, over 100,000 Tamil civilians have been reported missing. Plucked off the streets and bundled into unmarked white vans, these people left home in the morning and never returned. Rumours circulate of secret camps and mass graves hidden deep in military-controlled land, fuelled not only by slow government investigations but the extreme reluctance of the military to release seized land back to the farmers whose futures depend upon it.<sup>1</sup>

The Sri Lankan Civil War has its roots in British colonisation, as it seems with a host of issues that perpetuate in much of the former colonial empire. With an extensive colonial past dating back to the Portuguese takeover in 1593 and Dutch governance from 1658, Sri Lanka was a stronghold for European powers prior to the arrival of the British East India Company in 1796.<sup>2,3,4</sup> With the introduction of over one million Tamil Hindus from Southern India into coffee and tea estates by British land owners, the Sinhalese Buddhist majority were left fuming.<sup>5,6</sup> As these insults festered over time, independence in 1948 only served to trigger a backlash as the Sinhalese took back what they believed was theirs. The Sinhala Only Act of 1956 by former Prime Minister S.W.R.D. Bandaranaike, declaring Sinhala as the official national language, lit the fuse of Sri Lanka's impending implosion.<sup>7</sup> Colvin De Silva, Marxist party leader, made an eerie prophecy in 1956, stating that 'one language, two nations. Two languages, one nation', which would soon prove to frighteningly true.<sup>8,9</sup>

As civil unrest brewed in the Tamil heartland in the North and East, multiple Tamil nationalist groups grew out of the discontent. The Liberation Tigers of Tamil Eelam (LTTE) rose above the tide to become the single voice that resonated over the others, calling for an independent Tamil Eelam state.<sup>10</sup> Sri Lanka descended into turmoil as tensions erupted, with widespread race riots through 1958, 1977 and 1981, culminating in ‘Black July’ 1983, resulting in thousands of Tamils fleeing the country in a desperate attempt to survive.<sup>11,12,13</sup> This mass migration and refugee movement out of the country thus created the current Tamil diaspora, with multiple international bases – the UK, Canada and India being the largest – which gathered funds and support for the rapidly strengthening LTTE.<sup>14</sup>

Although the guns finally fell silent on 18 May 2009, allegations of mass human rights abuses and war crimes continue to plague the island-nation, with the United Nations and human rights groups calling for investigations to be undertaken to bring justice to perpetrators and prevent any future violations.<sup>15</sup> Globally classified as a terrorist organisation, the LTTE’s abuse of its own people is well documented; from child soldiers and human shields, to forced displacement and involuntary conscription, Tamil people have suffered much at the hands of the very people who promised to liberate them.<sup>16</sup> The LTTE is also responsible for many suicide bomb attacks and assassinations, notably, the former Indian Prime Minister Rajiv Gandhi, former Sri Lankan President Ranasinghe Premadasa, and fellow Tamil and former Sri Lankan Foreign Minister, Lakshman Kadirgamar.<sup>17,18</sup>

These violations, however, are not one sided. Countless reports of rape, torture and abuse of Tamil citizens at the hands of the state security forces exist, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR).<sup>19</sup> While the exact numbers are contested, numerous victims have come forward, with cases dating well into the post-war era. As stated in their 2016 report, ‘[they] received many testimonies from victims and detainees who took the risk to speak out, despite concerns either for their own safety or their families’.<sup>20</sup> The military and police authorities offer only blatant denials, even going as far as to proclaim the pleas of these families as fabrications.<sup>21,22</sup> The military maintains that all those

who were detained as the war came to its bloody and final conclusion are suspected LTTE members and sympathisers.<sup>23</sup>

The chilling rumours of mass graves, however, have been proven to be true, with discoveries in Jaffna underneath Duraiappah Stadium in 1999, Mannar District in 2013 and in Mullaitivu District in 2014 – well within the former warzone. Others were unearthed in the Central and Southern Provinces.<sup>24,25,26</sup> While public outcry forced official commissions for investigation into the graves, there was consistent insistence by the government, military and authorities that the LTTE were indisputably at fault. Arguably, as control of these areas fell interchangeably between the LTTE and the Sri Lankan Army – and at one point, the Indian Peace Keeping Force – it is difficult to assign blame.<sup>27</sup>

As families plead for information, seeking closure, one crucial achievement has been made in recent months. A recommendation of the UNHCR, the Office of Missing Persons Act achieved no legitimacy for two long years.<sup>28</sup> With its final approval by President Sirisena in July 2017, the Act comes as a long overdue but positive step in the right direction.<sup>29</sup> If a little euphemistic, the ‘missing persons’ act has a broad mandate that covers:

*[The] war-affected, members of the armed forces or police identified as ‘Missing in Action’, those missing due to “political unrest or civil disturbances”, those subjected to an enforced disappearance.<sup>30</sup>*

In the current political climate, where public confidence in the efficacy of the law is at its lowest, as corruption, scandals and political instability run rampant, the initial faith in the 2015-elected coalition government is fast fading.<sup>31</sup> Growing frustrations with slow progress and consecutive delays, not only within the Tamil community but amongst the Sinhalese as well, threaten the fragile peace that exists. As such, it is crucial that future government responses to these existing crises are well-considered, organised and timely to ensure that as Sri Lanka continues to rebuild, the personal, communal and political security of her people are protected.

Perhaps if answers are finally found and the narrative of government negligence is overturned, the long

road to Sinhala-Tamil reconciliation will become just a little shorter.

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# Invisible Yemen: Why War Crimes are Going Unpunished in the Middle East's Poorest Country

by Finbar McManus Berkon

ARTS / LAW V

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## INTRODUCTION

On 15 August 2016, the Abs Hospital in Yemen was hit by a Saudi Arabian-led coalition airstrike, killing 19 people including one international aid worker.<sup>1</sup> The hospital holds internationally recognised and protected immunity from warfare and should not be the target of military operations.

The coalition, comprising several African and Middle Eastern nations, and supported by the United States and Britain, claims that the airstrike targeted a training ground of the Houthi rebels opposing the internationally recognised but domestically contested Yemeni government. Instead, it hit a hospital supported by the international medical humanitarian aid organisation *Médecins Sans Frontières* (MSF) and operated by both Yemeni and international staff.

Abs Hospital is the fourth MSF-supported hospital to be hit by coalition airstrikes in the year up to the attack.<sup>2</sup> These hospitals are not being afforded the protection that medical facilities and workers must receive under international humanitarian law. As a result, MSF has been forced to evacuate its staff from six supported hospitals in northern Yemen.

The withdrawal is yet another blow for the Yemeni people living in the region, and highlights the inadequacies of international humanitarian law in protecting medical facilities and workers and guaranteeing the provision of critical medical services in conflict zones.

## THE INTERNATIONAL LEGAL FRAMEWORK

The *Geneva Conventions* are among the oldest and most important treaties in our international legal system, with

196 state parties to the conventions.<sup>3</sup> One of the principal protections imparted by the conventions is the protection of the wounded and sick, and those engaged in their treatment, during an armed conflict.

The *Fourth Geneva Convention* sets out in unequivocal terms that civilian hospitals which are not engaged in hostilities cannot be the object of an attack,<sup>4</sup> and the *First Additional Protocol* prohibits attacks which cause excessive incidental loss of civilian life or damage to civilian objects.<sup>5</sup> The MSF-supported hospitals in Yemen fall within these protected categories, and must be afforded protection under international humanitarian law.

It is difficult to believe, as the coalition has argued, that they were unaware of the location of the hospitals. MSF has a stringent policy of providing the GPS location of all of its areas of operation to all parties of a conflict.<sup>6</sup> Nevertheless, MSF-supported hospitals have been hit by coalition airstrikes on four separate occasions. These airstrikes were either deliberate breaches of international humanitarian law, or reckless mistakes due to indiscriminate bombing. Neither is acceptable.

When a treaty, such as the *First Geneva Convention*, enters into force, it imposes on the state parties specific obligations which must be carried out. If they are not, then the party in breach of their obligations will, in theory, incur international responsibility for their breach unless they can provide a valid defence.<sup>7</sup> So how is it that Saudi Arabia can commit war crimes in clear violation of the *Geneva Conventions* without facing any sanctions?

## LIMITATIONS OF INTERNATIONAL LAW

The international system within which our international law operates is often referred to as an ‘anarchical society’. This is because our international system is, at least ostensibly, a system without superiors, which respects the principle of national sovereignty.<sup>8</sup> Rather than an imposed legal system, international law is therefore a series of unilateral and multilateral treaties binding each party to the terms of each agreement entered into.

The fundamental difficulty inherent in this anarchical system is the lack of enforceability. Without a centralised system of enforcement, the onus falls on individual states or groups of states to enforce sanctions

against states which have broken international law. Where states are unable or unwilling to enforce these sanctions, our system of international law breaks down.

A United Nations panel has investigated the Saudi-led coalition’s bombing campaign against Yemen and found that the coalition has engaged in widespread and systematic attacks on civilian targets in violation of international humanitarian law.<sup>9</sup> Furthermore, international non-governmental organisation Human Rights Watch has called upon Britain and France as members of the *Arms Trade Treaty*,<sup>10</sup> and the United States as a signatory that has not yet ratified the treaty, to stop the sale of arms to Saudi Arabia in accordance with the treaty’s primary purpose of controlling the flow of arms to states or other actors that may use them in violation of international humanitarian law.<sup>11</sup>

However, these countries have been unwilling, or at the very least unable, to enforce this sanction on Saudi Arabia for its breaches of international law. While this raises its own issues in relation to British and French compliance with their own treaty obligations, it highlights the difficulties inherent in relying on states to be the enforcers of international law.

It is situations like these that give credence to the theories of international law ‘deniers’ who believe that international law is not ‘real law’ because it is not supported by a centralised system of enforcement. They argue that states will behave exclusively in accordance with their national interest, regardless of whether that behaviour violates international law.<sup>12</sup> Given the long history of arbitrarily imposed sanctions for breaches of international law, and the recent example of Saudi Arabian impunity, these theories appear all too accurate.

Nevertheless, it would be naive to suggest that international law does not exert any influence over a state’s decision on whether to engage in certain behaviour. It clearly has at least some persuasive weight on leaders. The fact that Saudi Arabia has agreed to conduct ‘investigations’, token or otherwise, into previous bombings of MSF hospitals in Yemen,<sup>13</sup> and the fact that France and Britain have previously faced some form of political and international backlash for their failure to meet their obligations under the *Arms Trade Treaty*, is a testament to this.

## CONCLUSION

It is imperative to balance criticism of the failures of international humanitarian law with praise for its successes. International law ‘reformists’ acknowledge that our current international legal system is an imperfect system, but maintain that it has the potential to evolve into a more effective federalist style ‘world government’.<sup>15</sup> This arrangement, which would include a system of centralised enforcement, would be better equipped to deal with situations such as the crisis in Yemen, where powerful states are unable or unwilling to use their influence to impose sanction on other states which are violating international law.

However, it is unlikely that we will see a new system of international law in the near future. Traditional international law-making is stagnating,<sup>16</sup> and significant formal restructuring to the extent suggested by reformists would take many years, if they were to occur at all. Therefore, we must endeavour to hold states accountable to our current international legal system through the political and legal means we have available to us.

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# Survival of the Humanitarian.

by Madeleine King

INTERNATIONAL STUDIES /  
MEDIA V

*Madeleine is a fifth-year student with a strong interest in international relations and conflict resolution. She has spent a year studying abroad in Germany and plans to study in Canada next year. She has also recently returned from conducting fieldwork in Northern Uganda concerning land conflict which inspired her to write this piece.*

Africa is the largest recipient of food aid in the world yet is also home to some of the most fertile soil. Africa is on the cusp of unlocking its massive agricultural potential yet still teeters on the edge of self-sufficiency thanks to the overbearing ‘generosity’ of the West. Western aid is the gift that just keeps on giving, even when it’s no longer needed.

As of 2016, over 232 million people in Africa were malnourished.<sup>1</sup> With Tanzania and Uganda now producing a surplus of crops each year, Africa currently has the opportunity to reduce its dependency on international food aid.<sup>2</sup> However, countries such as Australia, Canada and the United States also produce a mass surplus of food, so what better than to feed our humanitarian conscience and give to those in need.

Similarly to volunteer tourism, foreign aid floods into the developing world and often, however unknowingly, does more harm than good. Western nations are notorious for food wastage with Australians discarding \$8 billion of edible food each year.<sup>3</sup> It is no question that we live in a country that overproduces food. Yet instead of reducing their amount of food production, donor countries continue to supply aid which by no means offers a long-term or sustainable solution to food insecurity and only contributes to Africa’s post-colonial dependency on the West.

The ongoing food aid donations to Africa only concrete historically dependent relationships and impede the potential development and prosperity of national trade. Agricultural development is a major opportunity for employment and economic growth in developing countries. It directly

addresses food insecurity and is a sustainable source of income, food and employment.<sup>4</sup> However, Western food donations are glorified with humanitarian merit and its negative consequences are continuously overlooked.

"In two or three years, there'll be another drought. Again 3 or 4 million Kenyans could suffer," says Abbas Gullet, Secretary General of the Red Cross Kenya. "Enough of food aid. What we want is food security."<sup>5</sup>

Australia currently commits over \$4 billion dollars to foreign aid yet less than 25% is dedicated to food security and agricultural development.<sup>6</sup> While food aid from the West to East Africa has been successful in providing temporary relief in the past, it also inhibits Africa from unlocking its full agricultural potential which limits its long-term economic development.<sup>7</sup>



*FUSA Wall, Dire Dawa, Ethiopia: Child leaning against wall made of USAID food aid containers in the flood-destroyed area of Bahere Tsege in Dire Dawa.*

*Image credit: Liz Lucas, Oxfam America*



*A farmer walks through her field of cassava.*  
*Image credit: Neil Palmer, Flickr, available from <https://www.flickr.com/photos/ciat/7489596890/in/set-72157630405023916>*

If the resources that are currently committed to food aid were redirected to encourage Africa's agricultural and cross-border trade and infrastructure, Africa would be well on its way to food self-sufficiency.

In Uganda alone, 82% of the population are agricultural workers.<sup>8</sup> There is massive potential for the development of an efficient and open market where food and economic resources can flow to areas most in need. However, one of the biggest disadvantages of the African trade industry is a lack of large-scale food markets and free flowing distribution. By increasing investment in the agricultural and trade sectors, it will result in more economic opportunities for local farmers and reduce the necessity and dependency upon foreign food donations.

Small Tanzanian and Ugandan farmers have the potential to reap massive rewards from new international markets and cross border trade.<sup>9</sup> African buyers also have the opportunity to buy locally sourced produce and support their agricultural industry. However, many farmers do not have access to large scale distributors nor means of mass production, so these markets are consequently dominated by Western distributors and aid programs. Local Ugandan and Tanzanian farmers are playing a game with competitors who not only dominate the field but also wrote the rules.

While countries currently suffering widespread drought and famine, such as Ethiopia, have greatly benefited from Western aid, this has provided only temporary relief and contributes to the larger and long term problem of post-colonial food aid dependency. Also known as Dependency Syndrome, long-term food aid to developing countries can decrease the motivation of food aid recipients to improve their own livelihoods.<sup>10</sup>

Ethiopia is one of the largest recipients of food aid in the world with over 5 million Ethiopians relying on food from donor countries to survive.<sup>11</sup> The head of the Ethiopian District Agricultural Office explained that "due to the availability of food aid for many years, farmers have developed a dependency syndrome and have become reluctant to improve their lives. As a consequence they are not willing to use their potential to improve their livelihood by themselves".<sup>12</sup>

Many Ethiopians have grown reliant upon the

biannual shipments of aid and some will actively reduce their work and livelihood efforts to qualify for food aid transfers.<sup>13</sup> While food aid has been consistently delivered to the area for over 30 years, food insecurity remains unchanged.<sup>14</sup> As a result, the Ethiopian government launched a program in 2005 to counteract aid dependency. Otherwise known as Ethiopia's Productive Safety Net Programme, the programme centres around agricultural development which aims to reduce the food insecurity of the vulnerable by providing economic opportunities.<sup>15</sup> Since its implementation, the program has proved successful in administering community programs and improving the livelihoods and food security of the Ethiopian population.<sup>16</sup> It also demonstrates how investing in agricultural and structural development proves more beneficial and sustainable than long-term shipments of food aid.

In redirecting aid resources from food aid to structural development, dependency upon the West is reduced and invested in the capable and outstretched hands of the local community. While foreign aid has proved helpful in the past, it is important that we begin to move beyond outdated and post-colonial relationships to better define the discourse of humanitarian aid.

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# The Rise of Boko Haram

by Michael Murdocca

ARTS / LAW IV

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Boko Haram has capitalised on public resentment towards government within Nigeria by purporting that Western colonialism has contributed to systemic poverty, corruption, ethnic and religious divisions and resource shortages within the nation since the late 19th Century.<sup>1</sup> The responses of the Jonathan and Buhari governments have been to indiscriminately kill members of the organisation and increase military resources within north-eastern Nigeria.<sup>2</sup> However, the membership of Boko Haram has continued to increase because such measures fail to address the underlying reasons behind why people are drawn to extremism, such as a desire for a new moral purpose due to feelings of alienation and a lack of faith in established political structures.<sup>3</sup>

## THE ORIGINS OF BOKO HARAM

Boko Haram was able to correlate its desire to implement a strict form of Sharia law within Nigeria with a search for collective identity has been present within the country since its nationalist movement in the 20th Century.<sup>4</sup> The British colonisers divided the provinces of Nigeria largely according to religious and ethnic groups, thus contributing to a divisive political environment that is characterised by mistrust towards representatives of different sects.<sup>5</sup> The British amalgamated two colonial territories in 1914 and this enabled economic resources to be increasingly concentrated within the Christian south.<sup>6</sup> As a response, three Muslim provinces formed within northern Nigeria and drew their collective identity from pride in the precolonial Sokoto caliphate as well as solidarity with the shared aspirations of the broader Muslim world.<sup>7</sup> Anti-Western attitudes gradually formed in these provinces as emirs sought to retain control over the provision of cultural customs once

modern technology, Christian missionaries and non-traditional socio-political concepts were introduced into the nation by the British.<sup>8</sup> Boko Haram has been able to exploit inter-group rivalries for organisational purposes because the British treated ethnicity as a form of identity which elevated it to an important role within the social structures of Nigerian society where it had previously been non-existent.<sup>9</sup>

The Nigerian Civil War (1967-1970) created the social conditions for the religious and ethnic tension between the northern and southern regions that led to the rise of Boko Haram.<sup>10</sup> The massacre of Christian Igbos by the Muslim Hausas in northern Nigeria persuaded thousands of Igbos to flee to the eastern regions and successfully campaign for the secession of Biafra.<sup>11</sup> Antagonism also grew towards the federal government after it instituted a blockade in order to pressure Biafra to surrender its territory. This resulted in significant famine and one million deaths.<sup>12</sup> Boko Haram used these occurrences as propaganda in order to capitalise on disillusionment towards the political establishment that was perceived by many oppressed groups to be beholden to Western corporate influences.<sup>13</sup>

### ECONOMIC DEPRIVATION

President Muhammadu Buhari has blamed the rise of Boko Haram on the conflict over oil resources within the Niger Delta and consequently cracked down on protesters.<sup>14</sup> Such an approach has failed to address widespread grievances that successive governments have served the interests of Western corporations. This has in turn fostered poverty and environmental destruction.<sup>15</sup> The Ogoni and Ijaw peoples have blamed Shell for the rise in inflation and foreclosure rates that have drawn people to commit acts that are morally corruptible according to the religious standards of the community, such as prostitution, in order to financially sustain themselves.<sup>16</sup> Boko Haram has been able to garner support from these affected groups by presenting itself as an emancipatory agent that opposes the perceived corruptible interests of these corporations on the traditional Islamic cultural values within Nigeria.<sup>17</sup>

### THE RELATIONSHIP BETWEEN VIOLENCE, CULTURAL VALUES AND WOMEN

It would be reasonably accurate for one to contend that Boko Harm felt threatened by liberal Western

cultural practices that conflicted with its despondent view towards women.<sup>18</sup> The decision of Boko Haram to kidnap 276 schoolgirls from Chibok in April 2014 attracted international media attention because Shekau stated that he wanted to sell them as slaves.<sup>19</sup> This demonstrates how gender itself may perpetrate ‘superior-subordinate’ constructs within diverging social, political and economic contexts.<sup>20</sup> A UNICEF study stated in 2016 that the women who returned to their communities after being sexually assaulted by members of Boko Haram were ostracised.<sup>21</sup>

### CONCLUSION

Ultimately, the rise of Boko Haram has been influenced by a deeply divided society due to the effects of colonialism, socio-economic inequality, political feuds between various ethnic groups and a desire to establish an Islamic state.

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# A 2016 Olympic Games Reading of Palestinian Refugees

by Nagham Suleiman

ARTS / LAW IV

Nagham is a Law/Arts student at the University of New South Wales, with a desire to imprint a legacy for the voiceless and unheard through her work.

*'We know too well that our freedom is incomplete without the freedom of the Palestinians'*

Nelson Mandela, 1997

In the wake of the global refugee crisis, a refugee team was chosen to compete in the 2016 Olympic Games, held in Rio de Janeiro, Brazil.<sup>1</sup> The 10 refugee athletes would serve as a symbol of hope for refugees around the world and as a reminder of the magnitude of the refugee crisis.<sup>2</sup> It is true that the international community is under an obligation to protect the rights of refugees as per the *1951 Refugee Convention*<sup>3</sup> and the principle of non-refoulement: similarly refugees are in need of hope. The Olympic Refugee Team conveyed a message of potential, resilience and extraordinary courage. However, the International Olympic Committee (IOC) together with the United Nations High Commissioner for Refugees (UNHCR) exemplified, on a universal platform, that refugee rights are human rights not inherent to all human beings.

## THE CONVENTIONAL DEFINITION

The 2016 Olympic Games reminded millions of internally displaced Palestinian people that they do not fit the construction of a genuine refugee. The definition of a refugee as per article 1A(2) of the *Refugee Convention* is a person that has fled their homeland due to a well-founded fear of persecution.<sup>4</sup> From late 2016, there were more than 2.2 million Palestinian refugees in their own home country, blocked from the land in which they once lived and packed in densely populated refugee camps.<sup>5</sup> According to the above definition, the 2.2 million internally displaced Palestinians would not qualify as refugees. Palestinian refugees in Palestine are not only absent from international human rights affairs but also international

sporting events such as the Olympic Games.

The Refugee Olympic Team comprised of refugee athletes that came from Syria, the Democratic Republic of Congo, South Sudan and Ethiopia. In March 2016, national Olympic Committees with the aid of the UNHCR set out to identify 43 potential candidates from refugee camps in Africa and Europe based on a selection criteria of the following: personal circumstance, ability and UN-verified refugee status.<sup>6</sup> These 43 individuals were later narrowed to a team of 10. The selection process was contested by many refugees that claimed the handful of athletes were cherry-picked, excluding better-prepared candidates.<sup>7</sup> Although the IOC has defended these allegations, it is true to say that the 2016 Refugee Olympic Team is not an accurate representation of the diversity of individuals that are in danger of persecution or have fled persecution in search for freedom and safety. Not only does the *Refugee Convention*<sup>8</sup> fail to recognise the millions of internally displaced Palestinians and other internally displaced persons as refugees, it also hinders the ability of these people to participate in international affairs and fails to account for the practical difficulties they encounter in trying to return to their towns, which for many Palestinians have been turned into Israeli military and settlement zones.

## INTERNALLY DISPLACED PALESTINIANS

The absence of Palestinians from the refugee team and international affairs begs the question, are internally displaced Palestinians not refugees?

In the case of Palestine, displacement of refugees was an objective rather than a mere consequence of war.



Banksy in Gaza; quote by Paulo Freire  
Image credit: Banksy, <http://www.widewalls.ch/10-intriguing-quotes-by-street-artists/>.

The UNHCR's *Guiding Principles on Internal Displacement* recognises internally displaced persons to be persons that have been forced or obliged to flee their homes to escape the effects of war, and without crossing a state border.<sup>9</sup> Although internally displaced Palestinians are partially recognised by way of UNHCR guidelines, a fundamental distinction exists which detrimentally affects their ability to seek protection from abuse. Unlike refugee status, asylum cannot simply be granted for internally displaced persons given the predominance in international law of the principles of state-sovereignty and non-intervention.<sup>10</sup> In the case of *Nicaragua v United States*,<sup>11</sup> the International Court of Justice reinstated:

*The principle of non-intervention involves the right of every sovereign State to conduct its affairs without inside interference ... the Court considers that it is part and parcel of customary international law.*<sup>12</sup>

Discussion of the principle of dual criminality in *State Cooperation with Respect to National Proceedings* regarding extradition provides for an interesting dimension to analysing the position of internally displaced Palestinians in international law. More specifically, the writers challenge the contention that the dual criminality rule, which requires the underlying act or omission to be criminal in the requested as well as the requesting state, stands as a major impediment to effective international cooperation.<sup>13</sup> The authors further argue that dual criminality serves to protect human rights. Whilst dual criminality can operate to restrict states from using extradition warrants as a fishing expedition as disputed in the *Assange Case*,<sup>14</sup> it equally contributes to unjustified reliance on state sovereignty by states in situations where crimes against humanity are inflicted on minority groups. For instance, Balata, one of the largest Palestinian refugee camps situated in northern West Bank and home to 27,000 people has been attacked multiple times by Israeli Forces as a ritual practice of collective punishment against the Palestinian people.<sup>15</sup> The attacks have taken multiple forms including (and this is not exhaustive): gunshots fired at children, young men and the elderly, use of tanks to demolish shelters, bombings, release of tear gas and denial of medical aid. The wider international community's branding of Palestinian civilians as internally displaced persons demonstrates flagrant denial of the right of Palestinians to enjoy the protection of international law, including

the *Genocide Convention*<sup>16</sup> and Responsibility to Protect.

## A PERPETUATION OF INJUSTICE

Permanent Palestinian refugee camps operate as ethnic cleansing concentration camps. The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), a United Nations agency established specifically to respond to the needs of Palestinians that lost their homes as a result of the 1948 conflict, works with host governments to set-up camps, schools and health facilities. Although the UNRWA acknowledges the existence of ‘Palestine refugees’,<sup>17</sup> its establishment of concrete Palestinian refugee camps in replacement of the once temporary tents has contributed to an everlasting Palestinian refugee crisis. The concrete camps have created a situation where Palestinians appear to no longer need refuge, but rather as mere displaced persons that enjoy a stable life in their designated place of relocation. Yet, what is unknown to the foreigner is that these concrete boxes resembling little houses lack the very basic infrastructure which make a home. Aside from the inadequate sewerage and roads, shortage of water supply, hyper-congestion and poverty, concrete walls segmented by towers loom over the camps, separating the Palestinians from each other and the world. In *Diplomatic Protection*, John Dugard’s discussion of the nature and purpose of diplomatic protection resonates with the plight of the Palestinian people and myself, being of Palestinian descent. Dugard writes that the principle underlying diplomatic protection, that is injury to the national is injury to the state, is a legal fiction.<sup>18</sup> Indeed, the individual is the subject of many inalienable and covenanted international rules enshrined in the *International Bill of Human Rights*<sup>19</sup> that cannot simply be surpassed or defined by states. The situation of Palestinian refugees, or other refugees, cannot simply be hidden away behind the façade of humanitarian organisations used by oppressive governments to further exclude and marginalise the oppressed.

## THE WAY FORWARD

As a first step, the Olympics, or other sports, should not be used to further delineate a status of non-existence in international dialogue to an already oppressed group of people. Humanitarian organisations should likewise acknowledge that refugees require, above all else, agency. Ultimately, true change for Palestinian refugees will come from the will and support of the

public to stand against flagrant abuse of Palestinian rights, which are human rights fundamental to all human beings.

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# When the River Runs Dry: The Grand Ethiopian Renaissance Dam and Water Security in the River Nile Basin

by Amalie Anda Vangen

INTERNATIONAL STUDIES IV

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In 2013, the former Egyptian president Muhammad Morsi summoned a meeting to discuss the impacts of the Grand Ethiopian Renaissance Dam (GERD) on Egypt's national security.<sup>1</sup> Unaware that the meeting was being broadcast on national TV, some Egyptian politicians suggested sabotaging GERD by supporting rebel groups fighting the Ethiopian regime or by putting on an airstrike scare. Clearly, any perceived threats to the its share of the world's longest river will not be taken lightly by the Egyptian government.

Approaching its completion later in 2017, the GERD will be Africa's largest dam by generating 6,000 megawatts of hydropower.<sup>2</sup> The dam is located on Ethiopia's highlands at the border of Sudan, and Egypt, being the furthest downstream of the riparian countries, is expected to experience a significant reduction in river flow reaching its borders.<sup>3</sup> With an annual per capita water consumption fall from 2,526 cubic meters in 1947 to less than 700 cubic meters in 2013, Egypt is below the United Nation's water security line.<sup>4</sup> With 97% of Egypt's water being sourced from the Nile<sup>5</sup> and a population nearing 100 million<sup>6</sup>, the GERD is seen as a direct national security threat. More broadly, the dam sheds light on the challenges of sharing a transboundary resource.

For a region facing a booming population, a desire for rapid development and a changing climate, these challenges are immediate.

Egypt's very existence starts and ends with the Nile. Historically called 'the gift of the Nile', the river has been a central element of Egyptian identity for thousands of years

which continues into the present politics.<sup>7</sup> Today, Egypt derives its claims to the Nile from agreements dating back to its colonial past. The Anglo-Egyptian Treaty of 1929 stated that Egypt was to have an annual 48 billion cubic metres and its upstream neighbour Sudan to have an annual allocation of 4 billion cubic metres.<sup>8</sup> Further, they were given veto power in all construction projects on the river to secure the stream reaching Egypt. Thus, the British pioneered a system of sharing the Nile through agreements entirely biased towards Egypt yet also making them vulnerable to upstream political processes.<sup>9</sup>

When Sudan gained its independence in 1956, it demanded a greater share of the river's resources, leading Egypt to mobilise troops at the border to protect its planned Aswan High Dam.<sup>10</sup> Agreements were made in the following years, and in 1959 Egypt and Sudan reinforced the Anglo-Egyptian Treaty with a new bilateral agreement that increased water



*The River Nile*  
Image credit: Global Risks Insights, <http://globalriskinsights.com/wp-content/uploads/2015/08/The-Nile-River.png>



*The River Nile in Egypt.*  
Image credit: Michael Gwyther-Jones, <https://www.flickr.com/search/?license=4%2C5%2C9%2C10&advanced=1&text=nile%20river>

allocations for both countries.<sup>11</sup> Missing from both of these agreements, however, where the other eight riparian states, including Ethiopia, whose highlands hold the source of more than 80% of the river.

Having been neglected due representation in the Nile Agreements, Ethiopia regard themselves unbound by their ruling, and see the dam as their overdue right as a means to lift the country out of poverty through potentially US\$1 billion in foreign exchange revenue.<sup>12</sup> Their claimed purposes are not only domestic, but also to become a regional power hub for fostering regional integration and development. Additionally, the dam carries significant 'We Can' symbolism and is argued to unite the Ethiopian people.<sup>13</sup> As with Egypt, the Nile represents more than a physical resource but also a symbolic element of Ethiopian history and identity.<sup>14</sup>

It is still uncertain how the benefits from the dam will trickle down to the Ethiopian population. Two thirds of Ethiopians are without electricity,<sup>15</sup> and although the GERD will primarily be generating hydropower, most Ethiopians live in rural areas without electricity infrastructure.<sup>16</sup> The variability of the Nile leaves Ethiopia vulnerable to both droughts and floods. Multipurpose water infrastructure, such as irrigation systems and storage facilities, would be more profitable for Ethiopia in the long term.<sup>17</sup> However, after years of paradoxically being the 'Water Tower of Africa' while experiencing several devastating droughts and famines, the antagonism towards Egypt's monopoly of the river's waters is not unjustified, given the prosperity and development of nearby Egypt.

Still, Egypt claims the greater need of the Nile waters and a cut in its supply could have devastating impacts, particularly considering its challenging domestic situation. An illustrative example of these impact is seen through the price of bread. In Egyptian Arabic, the word '*aish*' means 'bread' as well as 'life',<sup>18</sup> and is symbolic for the importance of bread for the survival of the Egyptian people. The price of bread in Egypt has remained low due to significant government subsidies. However, Egypt's economy was greatly impacted by the revolution and the toppling of the Mubarak regime during the Arab Spring in 2011. Bread subsidies were cut leading to the streets being filled with people chanting "bread, freedom and social justice". The economy is still recovering today, and part of the recovery strategy has been a US\$12bn

loan from the International Monetary Fund (IMF). In order to attain the loan, Egypt was required to devalue its currency by 48% as well as cut government subsidies, including bread. This lead to new protests in March this year.<sup>19</sup> With a current water shortage and a small area of land fit for cultivation, Egypt's agriculture is suffering<sup>20</sup> and the country is becoming more dependent on imports, diverting money away from subsidies. Feeding the growing population will only become more challenging. Thus, ensuring that the river runs unhindered is a priority security concern for the Egyptian government.

Egypt's previously dominant regional position may also be seen to be weakening. Egypt has tended to safeguard its interests through military intimidation and the Nile's importance for the survival of Egypt and its peoples has been cornerstone to Egyptian administrations over decades.<sup>21</sup> With military expenditure twice the equivalent of all the other states along the Nile in 2005,<sup>22</sup> this approach has worked to an extent. However, Egypt's influence in the Arab world can be seen to wither away,<sup>23</sup> and the current President Abdel Fattah al-Sisi is taking a softer and more diplomatic approach than the presidents before him. On a tour to neighbouring African countries in August, al-Sisi sought to fix the ties that were broken after Mubarak's negligence towards Africa, as well as promoting other energy resources to riparian states.<sup>24</sup> The majority of the Nile Basin countries support Ethiopia due to the potential for cheap electricity as well as to end Egyptian monopoly of the river.<sup>25</sup>

Sudan is also realising the possibility of securing cheap electricity and is softening its approach towards the dam, thereby leaving its previous alignment with Egypt's position. Tensions are rising between the two countries due to Sudanese accusations of Egyptian interference in its domestic issues, such as Darfur.<sup>26</sup> A decades-long territorial dispute over the border region of Halayeb and Shalateen between Sudan and Egypt may also push Sudan further away from Egypt, leaving Cairo isolated at the bottom of the river.<sup>27</sup> A retired diplomat in charge of the GERD file in 2011 explained that Egypt has, since the beginning, had an exaggerated confidence in its leverage over its African neighbour states in being able to stop the project 'without sufficiently taking into account the diminishing influence of Egypt in the region'.<sup>28</sup> What is certain is that the GERD is changing the

hydropolitical landscape in the Nile River Basin.

Three-quarter of a billion people of the eleven riparian states will be dependent on the Nile for their livelihood within the next three to four decades.<sup>29</sup> Although almost five years have passed since Egypt discussed taking military action, the stakes elevate as every day passes and the conflict continues to be a focal point of contention between the riparian countries.<sup>30</sup> A viable solution is yet to be found, leaving millions of people at risk. When we throw the grenade of climate change into the equation, the link between security and natural resources becomes increasingly imminent. The management of the River Nile is an issue granted far less external attention than what it may rightly deserve.

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# Islamic Radicalisation in France: A Preview of What's to Come?

by Madeleine Dowling

INTERNATIONAL STUDIES IV

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If you're thinking that right now, the global hub of Islamic radicalisation is Kabul, Tehran, or even Jakarta, you would be wrong. It's Paris. For Europeans, the once-idyllic image of France is dead, shattered by more than a dozen fatal attacks on civilians since 2011.<sup>1</sup> While the picturesque window-dressings remain, the imminent threat of violence is inescapable.

## THE CURRENT SITUATION

In the French capital, violence is at an all time high, with more people killed in the 2015 Paris attack alone than in the last four decades combined.<sup>2</sup> Yet the French government's efforts to address the issue have further exacerbated domestic tensions, marginalised many Muslims, and permitted radical Islam to make inroads into the state. Buckling under the weight of constant threats to public safety, the societal fabric of France has been left shredded, as the government struggles to tackle the violence. Sitting in a tiny Provencal cafe, nestled among lavender fields and Cezanne's Mount St Victoire, it was easy to forget that Europe is at crisis point. But the patrols of camouflaged special forces through the tiny cobblestoned streets couldn't be ignored, their machine guns a stark reminder that France has been the target of a relentless wave of extremist violence.<sup>3</sup> Even the smallest villages haven't escaped the bloodshed, as a brutal attack last year on a priest in Rouen made clear.<sup>4</sup>

France's long history of difficult relations with its Muslim population,<sup>5</sup> in conjunction with high unemployment levels<sup>6</sup> (the situation being significantly worse among immigrants),<sup>7</sup> have transformed it into a demographically-perfect storm, with tensions in the country at an all time high. Whilst the recent election of Emanuel Macron over Marine Le Pen

represented a decisive rejection of the nationalistic politics sweeping much of Europe,<sup>8</sup> the optimism was short-lived. Amongst the iconic grounds of the Louvre, facing a sea of waving French flags, Macron's victory speech was markedly subdued, as he described the challenges facing France as 'immense'.<sup>9</sup>

## THE MYRIAD FAILURES OF THE FRENCH SYSTEM

The fractures in French society run deeper than the wounds inflicted by the recent terrorist attacks, with a growing tide of Islamophobia gripping the state. Whilst Macron's victory was decisive,<sup>10</sup> the right wing 'Front National' garnered more support than in any previous election, with many French citizens supporting their hardline policies on immigration.<sup>11</sup> Across French society more broadly, Muslims are suffering at the hands of racial intolerance and deep suspicion. Whilst they make up less than 10% of French citizens, they are grossly overrepresented in the prison system, forming between 50 and 70% of the incarcerated population.<sup>12</sup> In recent years, there has been outrage amongst many French communities at the mistreatment of young, black Muslim men at the hands of the police. Riots erupted in February this year in a number of cities after police allegedly beat and raped a 22 year old African man,<sup>13</sup> with many seeing it as just the latest case of abuse of emergency powers implemented after the 2015 attack.<sup>14, 15</sup> The pre-existing structural racism within France's state institutions has flourished under the extended powers, targeting the vulnerable Maghreb population.<sup>16, 17</sup>

The French government's lack of transparency and inaction have failed to stem the rising anger amongst Muslim populations,<sup>18</sup> who feel that their mistreatment is being ignored, written off by many as a minor cost in the state-sanctioned fight against terrorism. This disillusionment has, for some Muslims, allowed radical Islamic sentiment to flourish, particularly amongst those incarcerated or living in banlieues.<sup>19</sup> The perpetrators of the recent terrorist attacks were not foreign nationals coming to France to wage jihad, as claimed by right-wing groups,<sup>20</sup> but rather French citizens, radicalised within the borders of their own country. Rejected and disenfranchised, they turned to a community which not only accepted their faith and religious identity, but celebrated it. This shift, often framed as an indefensible choice, may be better understood as a desperate final attempt to escape a

society which repeatedly denied their rights and reinforced their inferiority.

## BUT WHAT DOES THIS MEAN FOR AUSTRALIA?

Australia's unique geographic isolation has allowed an ignorance towards terrorism, insulating Australians from the daily fears which plague many Europeans. Even after the recent terror raids in Sydney, life goes on basically undisturbed. The largest reaction seemed to be a collective frustration regarding extended delays at the Sydney domestic airport.<sup>21</sup> Given the bloodshed and trauma terrorist attacks are inflicting all around the world, it seems impossibly naive that we have the luxury to be outraged at a slight inconvenience to our daily routine. Whilst most Australians regard the events in France as distant, we are unknowingly teetering on the edge of the same precipice. For a nation which prides itself on its multicultural identity, much of our media is spreading a similar rhetoric to that in Europe, cultivating anti-Muslim political sentiment,<sup>22</sup> developing fear and mistrust, and demonising Islam and Muslim people as the 'other'.<sup>23</sup> This attitude is affecting not only the way Muslims are perceived by much of the wider community, but the views of Muslims themselves. A 2017 study of young Australian Muslims found that they felt overwhelmingly negative towards mainstream media coverage of Islam,<sup>24</sup> believing that it relied heavily on stereotypes and generalisations, and lacked the inclusion of Muslim voices. They also expressed significant concern that this negative feeling could, for some young Muslims, further their feelings of 'incompatibility' with the community, and allow radicalisation to flourish.

## CONCLUSION

Looking to France, the dangers of letting this divide continue to grow could not be clearer, and we have a mutual responsibility to acknowledge what our blissful ignorance is allowing our country to become. Radicalisation does not occur in a vacuum; our perception of Australia as a country which celebrates cultural and religious differences is no longer reflective of reality. By denying Islamic people the right to a voice in our media and space in our community, we push them further towards the peripheries of our society. Facing such rejection, could they be blamed for being swayed by extremism?

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# Multiculturalism for Peace

by Calum Turnbull

INTERNATIONAL STUDIES IV

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Sitting on a cracked pedestal in front of Sarajevo's Orthodox cathedral is a touching monument to multiculturalism. 'Multicultural Man Builds World' could not have a better home nestled between the rebuilt churches and mosques of the Old Town.

Not far away is the reconstructed state library, modelled by the Austro-Hungarians in intricate neo-Moorish style.<sup>1</sup> It is a mark of Bosnia & Herzegovina's combined Christian-Muslim heritage and was a target for Serbian artillery pieces during the war.

Originally built as the city's town hall in the twilight years of the Austro-Hungarian Empire, it shows the Empire's eagerness to grasp multiculturalism before the tides of nationalism tore it apart. The irony is that it was on the steps of this beautiful Islamic building where Archduke Franz Ferdinand had his final photo taken before being killed by a Serbian nationalist, directly precipitating the events of the World War I (WWI).

For contemporary Western nations, there is a lesson to be learned from Sarajevo's architecture – multiculturalism is not just the rational end-point of liberal societies, it is the foundation that holds them together, much like the buildings that ground the city. Conflict is the inevitable result of casting away what is so often mistaken by nationalist politicians as an ideological yolk.<sup>2</sup>

Relative newcomers to ethnic pluralism are still struggling to accept this. Nations such as Sweden, Australia, and France too often flirt with national values that resist tolerance and

promote xenophobia.<sup>3, 4, 5</sup>

The likes of the Sweden Democrats, One Nation, and Front National see a threat from the introduction of new cultures and peoples to the nation-state. What they fail to understand is that the danger lies within intolerance and neo-nationalism.

When the Balkans embraced these values, it led to a violent ethnic conflict that lasted from 1991 to 1999.<sup>6</sup> Sarajevo staggered through the longest siege in modern history, surrounded by those who viewed its population (not its army) as the true enemy. Catholic Croatians, Orthodox Serbians, and Muslim Bosniaks did not fight for a nation, but for a nation free of neighbours of a different faith. The conflict was typified by genocide and ethnic cleansing on all fronts, though it was Muslim minorities that bore the brunt of racial persecution.

This is not to say Western countries today are in a similar position to pre-war Yugoslavia, but similar dangers still exist. The riots that spread like wildfire across England in 2011 show that even those nations that have long had pluralistic societies are still vulnerable to ethnic violence.<sup>7</sup>

In Australia, the warning signs are there. Recently a Muslim commentator; Yasmin Abdel-Magied, left the country following a concerted hate campaign.<sup>8</sup> Sweden, despite its successes relative to other countries, retains high levels of alienation among its newly arrived refugees.<sup>9</sup> France also has long struggled with its multi-ethnic identity and doggedly pursues policies of cultural assimilation.<sup>10</sup>

Yugoslavia was careful to dodge the assimilation issue by painstakingly avoiding the topic of minorities. However, such attempts to ignore the diverse ethnic populations of Yugoslavia led to, at least, a perceived predominance of Serbian culture. When the collapse of Yugoslavia occurred in the early 1990s,<sup>11</sup> it was a reaction against this hegemony that brought conflict.

In Sarajevo, disregarding cultural diversity is no longer the norm. The city stands as the official capital of Bosnia & Herzegovina, as well as the Republic of Srpska, the semi-autonomous Serbian component of the country. Tourist maps seek to highlight the many religious centres of the city, going so far as to point

out the ancient pagan names of the surrounding mountains.

However, more modern history is still controversial. Only recently was a monument re-erected on the site of Franz Ferdinand's assassination, originally torn down during WWI.<sup>12</sup> Gavrilo Princip, the Archduke's assassin, remains a divisive figure as a hero and a murderer according to different communities.<sup>13</sup> Many museums in the city, including the assassination museum, are closed most days due to an ongoing dispute between the governments of Bosnia & Herzegovina and due to denied funding from the Republic of Srpska.<sup>14</sup>

Further afield, other Balkan countries are struggling with their past. Croatia's involvement in the Bosnian War is still contentious and the war is commemorated as part of Anti-Fascist Struggle Day (originally a holiday celebrating partisan resistance against German occupation). The official Croatian name for the conflict, The Homeland War, obfuscates Croatian operations across the border in Bosnia & Herzegovina.<sup>15</sup>

In Serbia last year, an accused war criminal, Vojislav Seselj, was controversially acquitted of all charges, leading to international condemnation from its neighbours.<sup>16</sup> The Republik of Srbska has also faced issues, with the US imposing sanctions on its president for obstructing parts of the Dayton Accords.<sup>17</sup>

Despite all this, there have still been important steps taken towards tolerance and reconciliation. A recent poll has shown that attitudes towards multiculturalism in Bosnia & Herzegovina, Serbia, and Croatia are the most positive in the Balkan region.<sup>18</sup> All three countries showed overwhelming support for the statement 'it is better for us if society consists of people from different nationalities, religions and cultures' in a region typified by pessimistic responses to the question.<sup>19</sup>

In the political sphere, there are other positive signs. Croatia and Bosnia & Herzegovina have recently held a joint parliamentary session where the countries agreed to cooperate in a number of ways, including assisting Bosnia & Herzegovina to meet EU membership requirements.<sup>20</sup> Croatia has also begun thawing relations with Serbia, with the Croatian president stating in Belgrade that 'we do not need to pretend to be friendly states... but we must be pragmatic'<sup>21</sup> Even the Serbian president has recently

made a visit to Sarajevo to continue the process of political reconciliation with Bosnia & Herzegovina.<sup>22</sup>

Indeed, pragmatism appears to be the rationale for much of the region's positivity towards multiculturalism. A deeply entrenched knowledge of what happens when tolerance fails has seen multiculturalism take root, in spite of contentious histories and tense politics.

On the streets of Sarajevo today walk Croats, Serbs, and Bosniaks who understand the importance of peaceful coexistence. Sarajevo's new image as the 'Jerusalem of Europe' has begun to revive its economy,<sup>23</sup> and many internally displaced people have felt it safe enough to return home. There is still a long way to go, but a policy of pragmatic multiculturalism appears to be leading the way.

Those in the West who continue to debate political correctness and the ideological imposition of multiculturalism need to take note. Intolerance destroyed Sarajevo, and it is multiculturalism that builds it again.

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# Let's Talk About Sex Betsy

by Remesha Abeyratne

LAW / ARTS IV

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“Universities are taking academic misconduct much more seriously than rape,” says Isabella Brook, President of the Student Representative Council of the University of Sydney. This is an accurate description of the present attitude of Universities across the globe in dealings with sexual assault victims on campuses. Therefore, the appointment of Betsy DeVos as the Education Secretary of the United States holds greater weight than initially foreseen. For if her past charitable actions – for example, repeatedly defending<sup>1</sup> those who have been accused of sexually assaulting their fellow colleagues – gives any indication as to what her and her department’s plans are for higher education, she could aggravate the ‘rape culture’ that is plaguing campuses. This situation could create a ‘domino effect’ by making of a dangerous precedent both at in the US and overseas.

In Australia, through freedom of information requests, Channel Seven’s Sunday Night program (2016) investigated the rate of reported sexual assaults on Australian university campuses.<sup>2</sup> It was discovered that there had been over 575 official complaints of sexual assault and harassment, recorded from 2011 – 2016, and 145 of said reports were rape.<sup>3</sup> However, only six of such complaints had resulted in the expulsion of the perpetrator from the university. Nevertheless, in the wake of the university crackdown on MyMaster essay cheating in 2015, two university students were expelled and 70 faced severe penalties for academic misconduct.<sup>4</sup> In the US, similar reports show that an approximate 20% of female university students report cases of rape or sexual assault annually and only a very few of those cases are properly dealt with by the authorities.<sup>5</sup>

In the face of such evidence, the DeVos Family Foundation evidences a history of donating to organizations that have sided with the students' accused of rape or sexual assault. IRS records show four donations made by the DeVos to the Foundation for Individual Rights in Education (FIRE), of amounts to a total of \$25,000. FIRE, an organisation that is known for its representation of alleged rapists and sexual assailants, has historically done very little to protect victims of sexual assault in a similar manner.<sup>6</sup> Undoubtedly, there are cases of false accusations, and the law does demand due process for both the perpetrator as well as the victim. However, this does not apply for the majority of the accused perpetrators. A 2015 US study found that only two to eight percent of the reported cases were actually false allegations. Therefore, the claims of Candice Jackson – DeVos' top civil rights official of the Department of Education – who has recently stated that "90% of the allegations fall into the category of 'we were both drunk', or 'she just decided that our last sleeping together was not quite right'", appear improbable if not questionable.<sup>7</sup>

The distribution of factual inaccuracies aside, the true danger of DeVos' views lies in President Donald Trump's cabinet and their approach to sexual violence. The DeVos Family Foundation's charitable contributions are particularly troublesome, given the President's own extensive history of sexual assault allegations.<sup>8</sup> Trump, who has maintained a flippant attitude towards these allegations, has remained relentlessly unapologetic. Further, Trump chalked off said use of vulgar language as 'locker room talk' and as 'its just words folks, just words'.<sup>9</sup>

In contrast, Australia has taken its first steps in changing the tide. The launch of landmark reports On Safe Ground: A Good Practice Guide for Australian Universities,<sup>10</sup> by the Australian Human Rights Centre (AHRCentre) of the University of New South Wales (UNSW), recognised the need for change in university culture and attitude towards sexual assault. The reports were introduced as roadmaps for the vice-chancellors of Australian universities to change such culture of rape and harassment on university grounds.<sup>11</sup> It is the culmination of Andrea Durbach and her team's two-year research project commissioned by The Hunting Ground Australia Project. The report is based on data collected from the 2016 National University Student Survey, and draws upon student

experiences, in addition to international universities and their approaches to the matter.<sup>12</sup> Durbach and her team have made 18 recommendations, encouraging campuses across Australia to endorse such, facilitating a safe ground for its students.

As many prepare to "take back the night"<sup>13</sup> once more, there are those who are skeptical of the campaign's effectiveness. Victims of sexual assault and harassment have marched since the early 1970's as demonstration for justice. However, the problem still remains. Yet the alternative – staying quiet – is far more damaging. The marches, protests, and even written articles or blogs, create a much-needed awareness, demonstrating solidarity within our society. In fact, it is an important characteristic of democracy. Although marches may rarely have any immediate effect, their positive impacts, such as solidarity for movement or push for change, may take time to develop. Regardless, protests and articles are not enough. The unification of policy makers, activists, and regular citizens is essential for the long-term success of any cause. Therefore, individuals who hold influential positions such as Betsy DeVos are at the heart of making an impactful change for those victimised by sexual assault and harassment, and are fighting to survive. Therefore, as radical as it may seem, if Betsy DeVos is to succeed in her role as the Education Secretary of US, she must give ear to all those she has overlooked in the past, because this is certainly not a fight that a single individual can win alone.

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# The ‘Mapuche People’ Versus Benetton: a Fight for the Rights of the Argentinian Patagonia

by Maxine Kaisin

INTERNATIONAL STUDIES IV

*Having lived in six countries, Maxine is a multicultural individual, interested in a range of topics including international politics, human rights, international law, environmental development and sociology. Her Argentinian background has helped her find a special interest in Latin American communities, their origins, political desires and social environments, especially in furthering the portrayal of marginalised actors who carry the hidden, and often misportrayed, realities of our societies and our common humanity within them.*

The Italian multinational clothing company, Benetton, is currently in severe land disputes with the indigenous Mapuche people, who hold legitimate land rights to the territory of the Argentinian Patagonia. These disputes have been shaped by federal and provincial police brutality against the rural community of the Po Lof, in the Argentinian Patagonia.<sup>1</sup> Forced disappearances, racial abuse, tear gas attacks, physical violence, water cannons, helicopters, horses, trucks, drones, fire arms, bullets, arrests are among the images that still today are seen in a region mainly populated by the Mapuche people, the largest First Nation community in Argentina.<sup>2</sup> This is a story, not of circumstantial legal disputes, but of historical and systemic destitution against a community that has yet to embrace its rightful nationhood once and for all.

In 1991, the multinational company Benetton bought 900,000 hectares of land in the Patagonia in which they keep 100,000 sheep to produce wool for their clothing.<sup>3</sup> Tensions and disputes erupted on 13 March 2015, when the Mapuche people reclaimed an area of land located near Esquel, in the Chubut province where resides the Benetton-owned Leleque ranch.<sup>4</sup> On that same day, the Argentine Southern Land company, also owned by Benetton, initiated proceedings with the local justice authorities to investigate the claimed ‘usurpation of the land’ by the Mapuche people.<sup>5</sup> A year later, Amnesty International, among other organisations, began to expose this disregarded dispute by reporting the ongoing cases of violent protests, stigmatization, brutality and persecution against the Mapuche people in the area.<sup>6</sup>

Unsurprisingly, Benetton’s political and economic influence in the area has influenced how the authorities perceive this

issue. Still today, the Chilean government characterises the Mapuche demands as a ‘terrorist threat’ and has applied an anti-terrorist law against the occupation.<sup>7</sup> At the request of the Chilean government, the leader of the Mapuche People, Facundo Jones Huala was arrested in July 2015 with charges of terrorism. Argentinian national authorities consider this community to be a ‘threat to social security’ and have become involved to dissolve the conflict.<sup>8</sup> The law seems to be on Benetton’s side but the Mapuche people have been retaliating for two years and receive growing support from activists.

This issue has rapidly escalated into bloodshed and forced disappearances, namely the disappearance of Mapuche activist Santiago Maldonado.<sup>9</sup> Maldonado, a staunch supporter of the Mapuche Pu Lof community has not been seen since he was arrested on 1 August



*Image credit: DiarioHoy, ‘Museo francés, objeto de reclamo de la comunidad mapuche argentina’ in Diario Hoy, 20 September 2016, <https://diariohoy.net/interes-general/museo-frances-objeto-de-reclamo-de-la-comunidad-mapuche-argentina-78107>*



*Image credit: BBC, ‘Where is Santiago Maldonado? Argentina searches for missing protester’, in the BBC, 27 August 2017, <http://www.bbc.com/news/world-latin-america-41066685>*

2017 by border police for reportedly blocking a road in the Chubut province.<sup>10</sup> Huala argues that Maldonado’s disappearance mirrors the prolonged policy of repression and violence against the Mapuche people by Patagonian para-police groups.<sup>11</sup>

Benetton rejects any claims to ancestral rights principally because they argue that Mapuches are originally Chilean immigrants.<sup>12</sup> Beyond this argument, multinational clothing giants like Benetton act as international institutions, governing and influencing the agendas of developing states like Argentina and thus have a far more utilitarian vision on ownership. The Administrator General of the estates of Benetton, Ronald McDonald, defends the model of maintaining extended landholdings. He argues that if the Mapuche people were given some land, their economy would only subsist with help from the government given that farming in harsh Patagonian winters is only sustainable with very large spreads of land.<sup>13</sup> Also, McDonald insists he employs 130 local employees and continuously offers work to 200 people all within a sustainable economy.<sup>14</sup> In Benetton’s view, their presence benefits the communities and the economy as a whole. These arguments might hold some practical value but they deny and neglect the legality and legitimacy that Mapuche claims rest on.

The fact is that companies that have bought large ranches to Argentinian community lands often move in by force and dispossess its inhabitants with no legal basis.<sup>15</sup> That is because the Argentinian Constitution recognises in article 75, section 17 that the existence of the Mapuche people predates that of the establishment of the state as a legal sovereign agent. Thus, this recognition awards First Nation status and legitimate land rights for the Mapuche people. Also, beyond its constitution, Argentina complies to other international regulations, including the ratification of the UN Declaration on the Rights of Indigenous People and the International Labour Organisation Convention No. 167.<sup>16</sup> These recognise the rights of Indigenous people including rights to territory, natural resources, customary law, self-determination and priority for development. Yet despite these regulations, there is increasing evidence that demonstrates how Mapuche people continue to face obstacles and risk their lives when claiming their rights. James Anaya, a UN Special Rapporteur on the rights of Indigenous People, visited Argentina in 2012 and reported that a clear gap exists

'between the established regulatory framework on Indigenous issues and its actual implementation'. This trend is not exclusive to Mapuche land rights.

These violent events demonstrate that this dispute is more than a fight for land. It represents the everlasting fight against the colonisation, destitution and genocide of ancestral indigenous people in Argentina and across the world. It encapsulates the struggle of ancestral land rights, and of the stolen privileges of colonised subjects, the original settlers of lands. Isabel Huala, representor of 'the Communities in Resistance of Cushamen Department' argues 'we are fighting for the dignity of our people, to recuperate our lands and to put a stop to the continued destruction of the earth'.<sup>17</sup> The Mapuche resistance is an attempt to forge a stronger community against its original colonisers but also against its contemporary enemies: international corporations and the soft power they exploit. The Mapuche people question western claims of legitimacy behind land ownership as they strictly rest on the results of appropriated land with centuries of blood, fire and appropriation.<sup>18</sup>

This contested issue covers a range of highly politicised subjects and there is no element of novelty in this age-old fight for the rights of subjugated minorities. Yet, this conflict and its violent eruptions are uncovering complex realities about contested power and state authority within society. Ultimately, how much control and authority does the Argentinian government have against a multinational beast like Benetton? Is it possible that this government doesn't have the political and economic capability to enforce its own constitution? Benetton is winning the fight to an illegitimate land, by the hands of a government that cannot afford to lose its client. The Mapuche people are many steps away from obtaining results for their communities because they are fighting far more than legal battle. They are fighting the war against a system that is structurally designed to only benefit globalised neo-liberal institutions that build their empires on hardships of subjugated actors.

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# The Age of Foodies Privilege

by Sonala De Silva

COMMERCE / ARTS V

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Globalisation has facilitated integration between states, further encouraging the interchange of commodities, services and technology. But why has food security remained a serious welfare concern for communities around the world?

Nowadays, Generation Y is well-known for their Instagram and Snapchat posts showcasing their meals and dining experiences. The dining industry in Australia has prospered with famous chefs opening new restaurants and diverse trends being introduced into the market, such as the current avocado smash obsession or the Buddha bowl craze. While we enjoy our Sunday morning brunch by the shores of Bondi Beach, sipping on our soy chai lattes and deciding on whether we want to bag the leftovers for later, nearly 800 million people around the world are suffering from undernourishment.<sup>1</sup>

Food security is currently overlooked by the international community as it is not the first thing that comes to mind when one thinks about security. The mainstream security discourse highlights only issues like terrorism, nuclear proliferation and climate change. However, food security is an issue of great importance as the benefits of globalisation are seemingly creating larger disparities. With an increasing global population and limited resources available, the ongoing security of food production and supply is uncertain. Will an environmental lens be effective in resolving this anxiety? Unfortunately, the current concerns of food security will not be able to compete with the present-day food industry which has slowly progressed to be aligned with elitist status.<sup>2</sup> Food is merely perceived as a revenue-generating commodity that is produced and distributed to be accounted for in company profit.

Huge corporations have been exposed on numerous occasions

for the exploitation of the disadvantaged, whether that be related to the current controversial 7-Eleven wage scandal in Australia or the harsh working conditions in Sri Lankan sweatshops. The recent small farmers' controversy proves how huge supermarket giants such as Woolworths and Coles can back their suppliers into a corner and demand the lowest purchasing prices with the aim of increasing their own profit margins. Meanwhile, these farmers are worried about being able to look after their livestock and harvest while being able to provide for their families. Food security is especially concerning nowadays as chains such as Wesfarmers and Woolworths are looking to expand their product lines and keep their manufacturing costs low. Companies are seeking to invest in arable land overseas for their own economic benefits whilst not considering the value of the land and resources it generates for that community or nation.<sup>3</sup> Oxfam have released information stating that in developing countries with higher rates of undernourishment, investment in arable land was mainly by foreign investors comprising over 60% of total land ownership.<sup>4</sup> Local farmers and producers in developing communities are often forced to sell food supplies to exporters just to make an income and provide for their families.

Food wastage is a significant issue occurring in many developed nations with approximately 40% of the world's food production going to waste.<sup>5</sup> Today we have enough fresh produce and the technology to feed every individual around the world, yet nearly one billion people are left in hunger.<sup>6</sup> If only half of the food gone to wastage was recovered or redistributed, that alone would be able to feed the world's population entirely. For most Australians, being able to obtain food and water is effortless and something we take for granted every day. But for millions of people around the world it is a basic human right that they are being denied. However, this problem is often not seen in the same light as other "serious" human right violations, such as genocide or slave labour. Furthermore, there needs to be some affirmative action that allows communities to become aware of this security issue that is currently being hidden by the markets. Even though, it may not be compared to genocide or slave labour, it is still an issue that affects the well-being of individuals and communities in many parts of the world.

Food security will remain a threat if huge corporations continue to overtake small farmers and producers and governments continue to support this capitalist approach by encouraging the free-market system.<sup>7</sup> If the issue of food security can be resolved, it will also promote the economic, political and socio-economic well-being for individuals. For example, if food produce was equally distributed globally and undernourishment or famines were abolished, then there will be a decrease in healthcare costs, increase education rates and economic growth will flourish.<sup>8</sup>

Being able to grow up in a nation like Australia, we have been fortunate to experience the multiculturalism that we pride ourselves on. As a result, we have been spoiled for choices when it comes to deciding what to have for lunch or what kind of milk we prefer in our coffee. When we are in line at our favourite cafes, we are hardly ever thinking about the food that this café will dispose of at the end of the day. Thus, food security is an issue that most of us are unaware of and some of are avoiding in finding a solution. We are fortunate to have access to such a large variety of fresh produce and food goods imported from around the world, but we fail to consider the consequences of these privileges. Governments, the media and corporations play a significant part in representing what the international community views as issues of security, and influencing what should be overlooked as they are considered not to be urgent. Food security needs to be placed on this list of priorities for such actors as without doing so, the long-term sustainability of the world community is uncertain.

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# Mining for a Cleaner Future: How Clean is the ‘Green’ Revolution?

by Rachel Roberts

INTERNATIONAL STUDIES / LAW

*Rachel is an undergraduate international relations and law student. She has an interest in issues such as the use and distribution of power and state responses to humanitarian issues. She is also interested in the relationships between state institutions and citizens and the social and political dynamics that shape such relationships.*

With environmental movements on the rise and increasing initiatives targeting climate change, the future is looking greener than ever. Yet with evidence of human rights abuses in the production of green technology, the legitimacy of environmental movements is questionable.<sup>1</sup> Policy makers are faced with the difficult question of whether environmental initiatives in the name of climate change are worth the human cost.

In a push to develop efficient and environmentally friendly solutions, the use of rechargeable ion-lithium batteries in many modern day electronics has become the norm.<sup>2</sup> Lithium-ion batteries are broadly considered as environmentally friendly.<sup>3</sup> According to the U.S. National Recycling Coalition, ‘lithium Ion batteries are classified by the federal (U.S.) government as non-hazardous waste and are safe for disposal in the normal municipal waste stream’.<sup>4</sup>

Rechargeable batteries are used in a range of technologies such as electric cars, smartphones and laptops. In particular, electric cars have been recognised as significant in combatting climate change, largely in reducing air-pollution and petroleum reliance,<sup>5</sup> and many European countries have introduced incentives to purchase electric cars.<sup>6</sup> The 2017 Global Electric Vehicle Outlook has estimated that by 2025 the number of electric cars on the market will range between 40 and 70 million.<sup>7</sup>

With the electric car revolution and the wider growth in the use of rechargeable technologies, there has been exponential growth in the demand for minerals such as cobalt, which is essential to the composition of rechargeable

lithium-ion batteries.<sup>8</sup> According to Benchmark Mineral Intelligence, in the past five years the demand for cobalt in the battery sector has tripled and is expected to double by the year 2020,<sup>9</sup> by which time approximately 75% of all lithium batteries will contain cobalt and about one-fifth of this demand will be driven by electric cars.<sup>10</sup>

However, there is a strong evidence of severe human rights abuses that suggest the human cost of cobalt mining is unjustifiable.<sup>11</sup> In order to meet the skyrocketing demand for cobalt, thousands of workers labour in precarious and extreme conditions.<sup>12</sup> Approximately half of cobalt supply is mined in the Democratic Republic of Congo (DRC). With minimum levels of safety precautions and supervision, an estimated 100,000 miners, including children, work in remote mines hundreds of feet deep underground.<sup>13</sup>



*Image credit: Robinson Chavez, M 2016, A “creuseur,” or digger, climbs through a cobalt and copper mine in Kawama, Congo, in June., photograph, The Washington Post, viewed 3 October 2017, <https://www.washingtonpost.com/graphics/business/batteries/congo-cobalt-mining-for-lithium-ion-battery/>*



*Image credit: Robinson Chavez, M 2016, A boy carries a bag used to transport cobalt-laden dirt and rock at the Musompo market, photograph, The Washington Post, viewed 3 October 2017, <https://www.washingtonpost.com/graphics/business/batteries/congo-cobalt-mining-for-lithium-ion-battery/>*

The exact amount of children involved in cobalt mining in the DRC is uncertain.<sup>14</sup> In 2012, UNICEF estimated that in the southern part of the country, 40,000 children laboured in mines, while a study funded by the U.S. Agency for International Development found that just in Kolwezi, 4,000 children worked on mining sites.<sup>15</sup>

Investigations by the Centre for Research on Multinational Corporations (SOMO) have also revealed that as a result of cobalt mining, various community rights abuses (such as water pollution and forced evictions) are occurring in the DRC.<sup>16</sup>

There have also been findings that correlate exposure to mining activities and high levels of toxic metals to illnesses and birth defects in Congolese communities and villages.<sup>17</sup> Studies conducted at the University of Lubumbashi have determined that people who live in the south of the country have extremely high urinary concentrations of metals such as cobalt, lead, cadmium and uranium, with concentrations being even higher in children.<sup>18</sup>

In 2014, the Congolese government engaged in the process of implementing a UN-supported action plan in efforts to rid practices of child labour.<sup>19</sup> The DRC has ratified all the key conventions concerning child labour and as such, the government has implemented legislation and regulations to stop child labour.<sup>20</sup> Despite such efforts, children living in the Democratic Republic of the Congo are still involved in child labour, including in the forced mining of cobalt. It has been noted that the DRC did not implement the decree for Child Protection Code and thus the laws of the DRC are not entirely consistent with international child labour standards.<sup>21</sup> Nevertheless, the United Nations has reported that the DRC has so far actively cooperated, allowing UN access to all bases, in implementing the action plan to identify and eliminate all forms of child labour.

As the European Union has a large market for electric cars, and therefore lithium-ion batteries, the EU has introduced a regulation on responsible mining. The regulation represents the recognition on behalf of policy makers that the ‘extraction and trade of minerals, including those that end up in our electronics, has been widely linked to serious human rights violations and environmental pollution’.<sup>22</sup>

However, the coordinator of the GoodElectronics Network, Alejandro Gonzalez has stated that the EU regulation only covers a limited selection of minerals in their raw form and overlooks the actual products that contain those minerals.<sup>23</sup> As a result, companies trading electronics will not be included in the scope of the regulation.

Perhaps on a more positive note, in attempt to develop solutions for the issues surrounding cobalt mining, action groups such as SOMO and the GoodElectronics Network have hosted ongoing discussions and meetings with policy makers, experts, electronics industry representatives, civil society organisations and Congolese researchers. These gatherings have been somewhat successful in holding cobalt supply chain companies, such as electronic brands, to account.<sup>24</sup>

So how clean is the green revolution? The issues surrounding the impact of the environmentalist movement are extremely complex. A particularly important question we must ask is whether the price of a green future is worth the cost of human lives. In environmental terms, the future is clean. In humanitarian terms, I think not.

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# Lifestyles of the Rich and the Powerful: International Law

by Alexander Field

ARTS & BUSINESS / LAW V

*Alex is passionate about travelling and musicals, and hopes to one day combine these interests by spending a few years working in London or New York. However, given that he is still on a student budget, he's found himself browsing pictures of the Guggenheim while listening to Spotify Premium in lieu of his grand aspirations.*

In the 21st Century, international law is often hailed as the providence of the victors of World War Two, as a system by which Rule of Law might reign where before anarchy predominated. Reflecting on geopolitics after WWII, Bederman claims that we live in an increasingly multipolar world, and intimates that under the auspices of the United States as a global police force, international law has brought about the Rule of Law.<sup>1</sup>

Bederman's thesis is at odds with the opinion of George Orwell, espoused in a 1945 article in the London Tribune. In this essay, Orwell concludes that in an era after the nuclear bomb, geopolitics would be dominated by an elite few nations that could back their agendas with force.<sup>2</sup> In the years after 1945, Orwell's words rang with prophecy as the US and Russia emerged as the dominant world powers, and together with the other militarily powerful, wealthy and nuclear ready nations, France, the UK, and China, set about creating what has come to be called "international law". It is no coincidence that these powers all possess vetoes on the United Nations Security Council, allowing them to act with an element of impunity. As Orwell's article predicted, the geopolitics in the 20th and 21st Centuries has come to be dominated by the threat of force. International law in this context is simply an attempt to legitimise this rule and hierarchy.

This article argues that international law is far from the optimistic contemplation of it as embodying the Rule of Law, and rather that it has become an instrument to entrench the power of the ruling hegemons, the victors of WWII.

## THE NPT

A clear example of the use of international law as a means to reinforce the power of its creators can be seen in the Treaty on the Non-Proliferation of Nuclear Weapons (“NPT”). The NPT has long been criticised for being ineffective and for the unequal burdens it places on its signatories.<sup>3</sup> Under the treaty, nuclear capable nations are only prohibited from supplying nuclear weapons, or supplying materials that could be used to make nuclear weapons, to non-nuclear nations. Conversely, non-nuclear nations must not pursue the creation of nuclear weapons and must submit to rigorous inspections to ensure that they are respecting the NPT.

Notionally, the NPT aims for disarmament, however the disarmament goals are incredibly lax, only requiring that nuclear nations “agree to undertake to pursue negotiations in good faith on effective means relating to cessation of the nuclear arms race at an early date”.<sup>4</sup> Nuclear nations are not mandated to disarm, rather they need only attempt to negotiate to disarm.

By requiring virtually nothing of nuclear powers, the NPT guarantees the military supremacy of the 21st Century hegemons; France, England, China, Russia, the US and the UK, and ensures that states seeking to level the martial playing field cannot challenge them. The NPT has no enforcement mechanism, consequently, like so much of international law, only weak states, those unable to resist powerful, nuclear-wielding nations, are truly beholden to it. The results of this reality can be witnessed in the example of Iran.

## IRAN AND THE NPT

In 2006, the United Nations passed Resolution 1696, enforcing oppressive economic sanctions against Iran. The resolution was the result of heavy lobbying by the USA and the European Union. The sanctions were authorised after Iran allegedly breached its obligations under the NPT. The sanctions cut Iran off from most international finance and trade, crippling the Iranian economy. Ordinary citizens paid a heavy toll as the scarcity of daily staples rapidly inflated their price and essential medical supplies became nearly impossible to source. The head of Iran’s Haemophiliac’s Society decried the sanctions as a “blatant hostage-taking of the most vulnerable people by countries which claim they care about human rights”.<sup>5</sup> The sanctions were

provisionally lifted in early 2016 after Iran agreed to extreme monitoring measures. While few would wish to see the proliferation of nuclear weapons, this episode demonstrates the contingency of international law on force, and the ability of powerful nations to control the weak. Had Iran wished to enforce the NPT against the US for example, the US would easily have been able to resist any attempts Iran made, given the lack of an enforcement mechanism within the NPT.

## THE RULE OF LAW AND INTERNATIONAL LAW

Within the Dicean conception, the Rule of Law is achieved when all are equal before the law and when it can limit the wielding of arbitrary power.<sup>6</sup> The international law created by the victors of WWII does not achieve these objectives; the NPT is not the only institution of international law that demonstrates this. The International Court of Justice (“ICJ”) has found that international customary law demands states respect the sovereignty of other states.<sup>7</sup> This aspect of customary law has been breached numerous times by the ruling hegemons. The overthrow of democratically elected governments, as achieved by the US and UK in Iran in 1953, demonstrates this perfectly. In this instance, the use of state backed force, including the mobilisation of part of the UK’s army, is a clear example of the failure of international customary law to prevent the arbitrary use of power by influential states.

Many mechanisms of international law have no enforcement powers, a corollary of the sovereign states having no higher power to resort to. This ensures that many treaties have little impact on ensuring the propagation of the Rule of Law. The lack of enforceability means that powerful nations can ignore the judgments of the ICJ, WTO and other international tribunals, as weak states lack the martial and economic strength to enforce them. A prime example of this can be seen in the 1986 ICJ judgment against the USA for facilitating a coup in Nicaragua. In this instance, the USA was ordered to pay reparations to Nicaragua.<sup>8</sup> However, the US never paid these, indeed disputing the very jurisdiction of the ICJ to hear the matter,<sup>9</sup> something it faced no sanction for given Nicaragua’s inability to ensure the reparations were paid. The failure to bring the US to heel in this instance demonstrates that not all are equal before international law, and that it is incapable of preventing arbitrary use of power.

## RULE OF LAW AND REALITY

The examples above are just a few of many that demonstrate that international law is a tool for rich and powerful states to enforce and legitimise their power over weaker nations. Mégret, Professor of Law at McGill University, talks of different theories of international law, and its intersection with imperialism stating that in imperialistic systems “the hegemon itself is not susceptible to that law” and that “rogue states’ exercise of self-defence is presented as a violation of the international order”.<sup>10</sup> The description given by Mégret is resoundingly similar to the behaviour of the hegemons that emerged from WWII. A system without Rule of Law fundamentally affects the ability of states to survive and exercise their sovereignty. Stating that international law has brought about the Rule of Law is at best a false equivalence, and at worst, entirely overlooks the nature and reality of “international law” in the last 70 years.

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# The Rise of Crypto: Will China Say Otherwise?

by Christopher Valencic

ECONOMICS / ARTS IV

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Amidst the rise of global cryptocurrencies as an alternative to fiat currency, the People's Bank of China (PBC) is set to rewrite the rules of international money markets and develop a digital version of the renminbi,<sup>1</sup> which will cause significant disruption to the likes of Bitcoin in the region as China continues its rise to global economic hegemony. Testing of the new currency has begun as recently as June, although a formal launch date is yet to be announced. This action is a major response to faltering central bank authority globally and suggests that cryptocurrencies may face competition from the very powers they are trying to usurp.

Such a move will allow the PBC to take advantage of all of the benefits of cryptocurrencies all while maintaining a Sino-style oversight of the coming and going of money in and out of the country. Reasons promoted by the PBC itself include greater insights into the structure of Chinese money supply for policymakers, and greater protection against money laundering and counterfeit in an economy where the costs of curbing such crimes are mounting.<sup>2</sup>

## CHINESE CRACKDOWN

While Bitcoin enjoyed success in China in 2013,<sup>3</sup> the state has cracked down on trading in the popular cryptocurrency as a way to better track the movement of capital in and out of the country, and to maintain the value of a renminbi that is increasingly exposed to shocks in such a globalised economy. However, Chinese investors in particular have turned their backs on the national currency in favour of cryptocurrencies to swiftly move capital out from under the noses of authorities.

More recently, the PBC has banned initial coin offerings (ICOs) in an effort to curb the rise of cryptocurrencies within its economic borders.<sup>4</sup> ICOs act in a similar way to traditional initial product offerings (IPOs) except that they raise fiat tender through issuing digital tokens linked to established cryptocurrencies. The ban had a significant negative effect on crypto markets across the board in the short run, as the threat of government regulation continues to impose itself on the world of cryptocurrencies as a whole. However, money flowed back into cryptocurrency markets within a week, evidencing that they may be more immune to government regulation than previously thought.

China is not alone in undertaking monetary innovation to gain better control over the economy, with Indian Prime Minister Narendra Modi undertaking an unforeseen nationwide demonetisation campaign in 2016<sup>5</sup> to eliminate the cash economy and regain control of rampant tax evasion. Despite widespread opposition from consumers and firms alike, such endeavours allow a more comprehensive application of the taxation system, as well as allowing better monetary and fiscal policy to sustain high levels of economic growth into the future. China faces similar problems if the PBC is unable to attain a comprehensive picture of the national money supply as a result of unpredictable capital flight through global cryptocurrencies.

## THE RENMINBI AND THE WORLD

China will also require a currency that is easily traceable at all levels of its ‘One Belt One Road’ infrastructure project spanning Eurasia and parts of Africa.



The People's Bank of China  
Image credit: bfshadow, <https://www.flickr.com/photos/bfshadow/16556327031>

By mandating money transfers through the medium of its new digital currency, China will be able to maintain comprehensive surveillance of contractors throughout the project without incurring costs of putting people on the ground to supervise. This is particularly important, given the project will be traversing many politically unstable countries of western Asia and the Middle East. Such an infrastructure project will be both strategically and economically important as China continues its rise to global superpower, so there is a significant amount at stake to ensure that the state maintains a comprehensive monetary supervision over the entirety of the project.

However in an increasingly interconnected global economy, decentralised cryptocurrencies are continuing to rise as the future of online commerce,<sup>7</sup> with the ability to safely, cheaply and securely execute transactions on a truly democratic and unhackable network. As more and more commercial activity finds itself online just as the threat of cyberattack is increasing, consumers have reason to reject a centralised currency that is overseen by the authorities in favour of a choice from a plethora of transparent, truly global currencies.

The reality of the coming decades may well lie in the reduction of monetary autonomy of central banks and onto whatever decentralised system is able to gain superiority online, be it Bitcoin, its close relative Ethereum, or any one of the other cryptocurrencies being created every day.

Additionally, the Chinese preoccupation with planned economic activity and state supervision is not conducive to changing consumer preferences towards decentralised cryptocurrencies. Central bank issued digital currencies are diametrically opposed to the decentralised nature of cryptocurrencies desired by consumers,<sup>8</sup> and these ingrained preferences will be difficult to change from the top.

Chinese investors are looking towards cryptocurrencies for a reason, and as aforementioned, these kinds of preferences are hard to change from the top. There is serious doubt that a digital currency overseen by the PBC will attract consumers in the same numbers as decentralised cryptocurrencies.

## PIONEERS OR JOINING THE PARTY?

However, China is not alone in developing its own central bank issued digital currency – many other central banks have expressed interest in developing digital currencies backed by their own fiat currencies for the same reasons as the PBC.<sup>9</sup> While central bank development of digital currencies will inherently exclude the decentralised characteristics that draw consumers to established cryptocurrencies, there is potential for central banks to quickly establish and disseminate their own digital currencies as legitimate and widely-accepted stores of value and units of account in the global economy. If done correctly, there is significant opportunity to remove legitimacy from volatile cryptocurrencies that are still searching for widespread acceptance outside of early investors and tech insiders.

An iron-fist declaration a la Modi alongside further restrictions on investing in cryptocurrencies in China could leave consumers with no other option than to take up the new currency in daily transactions. Such a swift and wide-reaching decision would allow the PBC to reclaim monetary superiority within its borders while enjoying all the desired characteristics of cryptocurrencies to maintain high levels of sustainable economic growth in China.

Decentralised cryptocurrencies are also facing new problems almost daily, with convoluted political movements within cryptocurrency communities and increasing competition threatening to destroy coins within seconds,<sup>10</sup> never mind the inherent volatility of cryptocurrencies with questionable tangible utility. This is an area where central bank-issued digital currencies may have a better chance at gaining legitimacy among consumers and financial institutions. Properly distributed and with calculated discourse from monetary authorities, central bank-issued digital currencies have the opportunity to breed certainty and stability in the economy.

Central bank issued digital currencies will have to deal with constantly changing consumer preferences in the economy, but if China is serious in pioneering central bank digital currencies, it will provide substantial legitimacy to central banks and the primacy of fiat currency over decentralised cryptocurrencies. While promoting a liberal economic tool for continued illiberal means, if any economy is to successfully

launch a central bank issued digital currency, China has the impetus and capacity to do so.

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