



Indo-Pacific Strategic Digest Autumn 2016

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Centre for Defence and Strategic Studies

contents



Indo-Pacific Strategic Digest

Autumn 2016

Centre for Defence and Strategic Studies



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Foreword

The Autumn 2016 edition of the Indo-Pacific Strategic Digest is testimony to the impressive cognitive skills of the contributing students, and an empirical yardstick for measuring the Centre's obvious success in preparing its students for senior leadership positions within their respective organisations.

These essays capture the diversity and dynamism of the challenges confronting Australia's defence and national security community and those of our regional partners in today's vastly more complex, volatile and interconnected world. In the future strategic environment, senior officers must be thought leaders, as well as skilled practitioners. They must be able to reach within themselves to think through, and resolve, operational and strategic dilemmas in very short time spans.

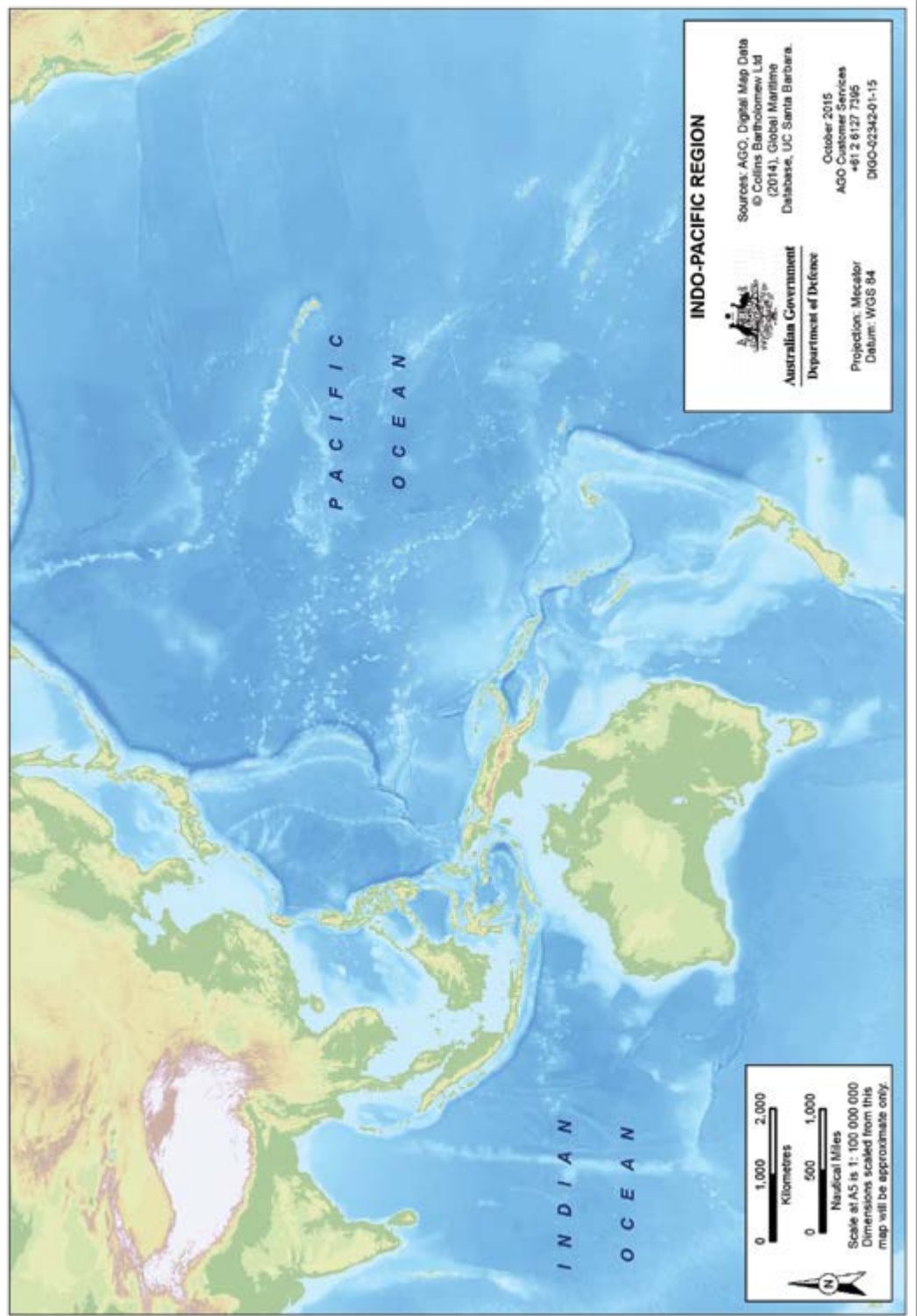
A thorough reading of the Digest, spanning a dizzying array of security themes, suggests that we are in good hands. There are thought provoking articles on Australia's defence partnership with Japan; how Australia's relationship with India might be transformed; why Afghanistan matters; and how the South China Sea dispute is inflaming tensions between the US, China and its neighbours, which has potentially serious implications for Australia as the 2016 Defence White Paper makes clear.

As a robust and engaged middle power, the increasing breadth of Australia's national security interests is illuminated by the equally perceptive and thoughtful contributions by the Centre's Australian and international students on Pakistan, the Philippines, Antarctica, climate change and the spread of jihadist-salafist influence in Southeast Asia. These are countries and issues that were once considered to be of only marginal interest to Australia. But the last decade and a half have brought home to Australians the reality that events in distant parts of the world can directly impact on our security interests. Climate change is a global problem which cannot be dealt with by individual nations. 9/11, the rise of Islamic State and the stillborn Arab Spring remind us that the Middle East, and the contest for the soul of Islam, are events that we cannot and should not ignore.

Having had the privilege of serving on many journal boards and participating in the regional security discourse for over 40 years, I doubt whether I have been better informed on the defence and national security issues that really matter to Australia than by this edition of the Digest, which is a tribute to the Centre and the student authors. I commend it to you.

Alan Dupont

Professor of International Security
University of New South Wales



INDO-PACIFIC REGION



Australian Government
Department of Defence

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Projection: Mercator
Datum: WGS 84

0 1,000 2,000
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Introduction

The Centre for Defence and Strategic Studies is the senior professional development and educational institution of the Australian Defence College. It is responsible for providing students with the knowledge and skills required to operate at the strategic level in a modern security environment. It is also responsible for leading developments in Defence's learning environment, manages Defence publications and research, and delivers courses on leadership and ethics.

The Defence and Strategic Studies Course is our marquee activity. This year-long master's-level course is designed for senior military officers and government officials engaged in national security matters. The course is attended by Australian and international officers and officials who focus their learning energies on defence and security issues in a complex strategic setting. This group of practitioners brings substantial intellectual weight to the national security debate and it is therefore appropriate that the best analyses are published in the *Indo-Pacific Strategic Digest*.

The range of papers in this third edition of the *Digest* reflects research submitted by students of the 2015 and 2016 Defence and Strategic Studies Courses. The papers have been chosen for publication based on their scholarly attributes and strategic relevance. The topics relate to Australia's area of primary and enduring strategic interest—the Indo-Pacific region—and have relevance to Australia's policy interests. International students have authored several of the papers in this edition. Their perspectives are important contributions to learning during the course and are now able to be shared with readers of this *Digest*, providing excellent balance to the Australian perspectives. I am pleased to offer both to you.

On behalf of all staff and students, I commend these readings to you.

For further information about the Centre for Defence and Strategic Studies' publications, please visit

<http://www.defence.gov.au/adcc/publications/publications.html>

Ian Errington, AM, CSC

Principal

Centre for Defence and Strategic Studies

May 2016

Instability in Afghanistan: Why Afghanistan matters and what Australia can do to address the causes of instability

Colonel Stuart Kenny, CSC
Australian Army

Abstract

This paper examines why Afghanistan is important to Australia, and what Australia can do to address the causes of instability in that country. It argues that Afghanistan is a key element of the regional security dynamic of South Asia, and that it has the potential to adversely affect the security of other regional states, notably India, with which Australia seeks closer political and economic relations.

The paper proposes two policy initiatives to contribute to Australia's efforts in supporting the Afghan government in its efforts to address the sources of instability. The first addresses the immediate causes of instability. The second proposes a strategy to address the influence of external actors on the long-term stability of Afghanistan. The paper concludes that these initiatives should enhance Australia's national security, economic and political interests in Afghanistan, as well as strengthening Australia's ability to exploit the economic opportunities that are emerging in South Asia.

Introduction

Australia has a vital national interest in supporting Afghanistan's stability and security after transition [of the International Security Assistance Force].

Minister for Defence, Senator the Hon David Johnston, December 2013¹

After almost a decade and a half of international intervention, Afghanistan continues to face significant threats from an insurgency, political corruption and a lack of economic development.² In the second half of 2014, insurgents made some gains in districts in Helmand and Ghazni provinces and conducted an offensive in Kabul with a number of high-profile attacks.

This aggressive campaign continued through the winter of 2014 to May 2015 and has highlighted a number of deficiencies within the Afghan National Security Forces (ANSF), particularly acquisition and use of intelligence, casualty evacuation and close air support. As a result of this intensive fighting, Afghan President Ashraf Ghani gained support from President Obama to maintain US force levels throughout 2015 and allow for additional combat support to the ANSF, including close air support.³

During its 15-year commitment, Australia has invested significant 'blood and treasure' in Afghanistan. Afghanistan remains of long-term importance to Australia's national interests in South Asia. Accordingly, Canberra must have an ongoing policy for Afghanistan.⁴ The focus of Australia's strategic interests in Afghanistan has tended to centre on its efforts to counter the insurgency in Uruzgan province. But since the departure of Australia's combat forces from that province and the subsequent end of the NATO-led International Security Assistance Force (ISAF) mission, Afghanistan is no longer of much interest to the Australian public.

However, the question of Afghanistan's stability and situation cannot be viewed in isolation of Australia's national interests in South Asia and the Middle East. Indeed, Afghanistan's geostrategic location in the 'heart of Asia' means it has an effect on the dynamics of South Asia, Central Asia and China, with some asserting that the West cannot afford 'regional instability in a nuclear fault zone'.⁵

Australia's engagement with South Asia has been longstanding, although its diplomatic and military relationship with Afghanistan is only a recent phenomenon, which followed from the *al Qaeda*-sponsored attacks on the US in September 2001.⁶ In the past decade, Australia has displayed a growing national interest in South Asia, particularly due to the benefits of the rise of an economically prosperous India as a trading nation. Two-way trade between the two nations was worth approximately A\$16 billion in 2014; India is ranked as

Australia's fifth largest trading partner and trade is forecast to grow significantly in the future.⁷ Therefore the stability of South Asia is a key element in maintaining Australia's growing economic relationship with the region.

In December 2014, the NATO-led ISAF mission concluded and handed over to the more limited US-led NATO Resolute Support Mission.⁸ This new mission is largely constrained to a non-combat role to train, advise and assist the ANSF and other security institutions, focusing on national-level functions that are critical to generating, sustaining and resourcing the ANSF. It is only permitted to provide *in extremis* military support to the ANSF, thus limiting ground combat operations against the Taliban to mostly Afghan forces.

The US has maintained additional forces within Afghanistan for its own counter-terrorism mission to continue to target the remnants of *al Qaeda* and its affiliates.⁹ President Obama said in May 2014 that US objectives in Afghanistan from 2015 would be 'disrupting threats posed by *al Qaeda*; supporting Afghan security forces; and giving the Afghan people the opportunity to succeed as they stand on their own'.¹⁰

It is widely acknowledged, however, that the Government of the Islamic Republic of Afghanistan requires outside aid to fund its security, governance and delivery of services.¹¹ According to Ian Dudgeon, one of the key determinants of success in the short- and long-term future of Afghanistan will be 'the willingness of the international community, particularly the US, NATO countries, Japan and Australia, to commit politically, financially and militarily to Afghanistan in the longer term after 2014'.¹²

Australia has indicated that it remains interested in the immediate stability and future of Afghanistan post the ISAF mission. Since 2001, Australia's commitment to Afghanistan has seen bipartisan political support, with the former Minister for Defence, Kevin Andrews, asserting as recently as September 2015 that:

Australia remains committed to the NATO-led Resolute Support Mission ... to ensure that Afghanistan will never again become a safe haven for *al Qaeda* and other international extremist groups.¹³

This commitment is evident in the current Australian Government's provision of 400 ADF personnel to the Resolute Support Mission in 2015, its ongoing contribution of US\$100 million per year for three years from 2015 to sustain the ANSF, and its provision of A\$134.2 million in aid to Afghanistan during the financial year 2014-15.¹⁴

Australia's long-term interests in maintaining a relationship with Kabul are also reflected in the commitments made in two key agreements between Canberra and Kabul, namely the Comprehensive Long-term Partnership and the Memorandum of Understanding on Development Cooperation.¹⁵ The Long-

term Partnership was signed between Australian Prime Minister Julia Gillard and Afghan President Hamid Karzai in May 2012 and included an Australian commitment to assist the ANSF in 'countering the threat of international terrorist groups, and to promote the national security of Afghanistan during the transition of lead security... as well as after 2014 as mutually determined'.¹⁶

This paper will argue that Afghanistan is crucial to the stability of South Asia, and that it has global significance and remains important to Australia's economic, security and political interests. It will propose that Australia should continue to support the Afghan government to counter the threat from the Taliban-led insurgency, and that it should develop a policy approach to support the long-term stability of Afghanistan.

This proposition will be presented in three sections. Section 1 will illustrate why Afghanistan matters in the South Asia region and why, therefore, it remains important to Australia. Section 2 will review the current and future threats to the stability of Afghanistan, focusing on the security threats to the Afghan government. Section 3 will draw from the analysis conducted in the first two sections to identify opportunities for Australia to implement policies that serve to support the Afghan government in addressing the sources of instability.

Section 1: Why Afghanistan matters

As seen by its role as the playground of the 19th century's so-called 'Great Game', Afghanistan has global significance by being at the crossroads of Central Asia, South Asia and the Middle East. Afghanistan has geopolitical importance, not in isolation, but rather due to its location and 'the activities of its external stakeholders—Pakistan, India, Iran, Saudi Arabia, China, Russia and some Central Asian republics'.¹⁷ As NATO continues to downsize its forces and influence, nations with vested interests, such as Iran, Pakistan and India, will most likely increase their presence and engagement in Afghanistan to fill the vacuum of Western nations.¹⁸

This section will explain why Afghanistan is important to the Indo-Pacific region and to Australia's security, economic and political interests. It will examine Afghanistan's unique strategic location and its importance to South and Central Asia. It will then analyse Pakistani and Indian interests in Afghanistan before looking at the reasons why competition between these two states in Afghanistan may result in a more unstable South Asia, as well as why this could lead to instability in South Asia. Finally, it will examine the factors that make Afghanistan important to Australia.

Afghanistan's geostrategic importance

Afghanistan's neighbourhood has become a region influenced by multipolar competition between regional and great powers, including India and Pakistan, two nuclear-armed regional states that are strategic competitors. At the same time, there are indications of growing competition between China and India over their respective interests in Afghanistan.

There is evidence of an emerging 'New Great Game' between China and India in the region, which is aimed at increasing their respective influence as aspirational regional powers, and increasing their access to trade and energy resources.¹⁹ China has significant economic interests in both Afghanistan and Pakistan, already investing over US\$5 billion in Afghanistan for access to the Aynak copper mine and several oil fields.²⁰ China's security and economic interests in Pakistan are significant.²¹

China's key economic interest in Pakistan is the so-called China-Pakistan Economic Corridor, which travels through the western part of Pakistan, adjacent to areas in which the terrorist group *Tehreek-e-Taliban Pakistan* is active. An unstable Afghanistan would therefore adversely impact this corridor, giving Beijing reason to support a stable security situation in Afghanistan. China's shared border with Afghanistan and concerns regarding the spill-over of Islamic extremism from the restive Afghan-Pakistan frontier into China's Muslim-majority state of Xinjiang also add to Beijing's interest in the future of Afghanistan.

Iran also shares a border with Afghanistan and is a key stakeholder in its future.²² The two nations share a long history extending back to the influence of the Persian Empire, which resulted in shared linguistic ties and a significant Shia Muslim minority via the Persian-speaking Hazaras. Until the 1857 Treaty of Paris, Afghanistan's western city of Herat was part of Iran. During the rule of the Taliban, Iran provided arms and training to the Hazaras and Tajiks in an attempt to halt the spread of the Taliban to North and North Western Afghanistan.

Tehran is concerned that increased instability in Afghanistan has the potential to adversely impact its security and economy.²³ The success of the Taliban is seen to have direct implications on Iran's Baloch rebellion and its potential to cause an influx of refugees into Iran. Economically, Iran views Afghanistan as a possible link between India and Iran. Iran has partnered with India in developing a significant transport corridor from Afghanistan to its port of Chabahar, thus weakening Afghanistan's reliance on Pakistan for external access and, as a result, providing economic benefits to Tehran.

Iran, like the US, does not want to see the Taliban controlling Afghanistan.²⁴ However, Tehran's Afghanistan policy is sometimes at odds with that of

Washington, particularly in its traditional area of influence in the west and south of Afghanistan. Iran is also in competition with Pakistan for influence in Afghanistan. While Islamabad wants a pro-Pakistan, Pashtun-dominated government, Tehran wants a government which will not challenge its interests and which will 'preserve its influence in western Afghanistan'.²⁵

The interests and competition of these regional powers in Afghanistan place it in an important geostrategic position to influence the stability and security of the greater South and Central Asia regions. As Australia has an increasing interest in the Indian Ocean, via its Indo-Pacific strategic setting, the effects of Afghanistan on South Asia should be the focus of Australia's national interest. Therefore, the remainder of this section of the paper will focus on the importance of Afghanistan on the current and future situation in South Asia and its importance to Australia.

Why Afghanistan matters to South Asia stability

The direct influence of Afghanistan's stability on the security of Pakistan is a critical strategic concern to the international community.²⁶ Pakistani stability is important for four main reasons. It is located at the crossroads of South and Central Asia and can influence the global energy supply artery in the Indian Ocean through its ports at Gwadar and Karachi. It has a large and youthful population of over 170 million people who could pose a humanitarian crisis in the event of state failure. It is also nuclear armed and has a history of actively pursuing its national security interests through the use of proxy groups.²⁷

Therefore, any failure of or destabilisation within the Pakistan state has the potential to have a knock-on effect on South Asian stability, with ramifications further afield. Success by the Taliban and its affiliates in Afghanistan may embolden anti-state forces in Pakistan, particularly *Tehreek-e-Taliban Pakistan*, which may in turn threaten the stability of or, in the most extreme case, lead to the failure of Pakistan's government.²⁸

The longstanding rivalry between Pakistan and India, and their respective influence in Afghanistan, also has the potential to impact on regional stability in South Asia.²⁹ The corrosive impact of this rivalry has been acknowledged by President Ghani, who recently claimed that ongoing violence and instability in Afghanistan is a result of a 'proxy war between India and Pakistan'.³⁰ Afghanistan is simply another theatre in which Indo-Pakistan regional rivalry is played out. Maximising its own influence in Afghanistan is seen by New Delhi as a component of its desire to 'maintain dominance over Pakistan in South Asia'.³¹ Pakistan in turn views Afghanistan as a critical element in its defence against an expansive India.³²

To increase its influence in Afghanistan, New Delhi signed a strategic partnership agreement with Kabul in October 2011.³³ This partnership is focused on Indian assistance to the reconstruction of Afghanistan in the areas of education, politics, economic issues and trade. The agreement also addresses security issues, although it is not a security alliance. India has not committed to deploying any security forces into Afghanistan; however, it has agreed to provide security force training for the ANSF in India.

The partnership has also offered significant economic opportunities to both nations.³⁴ For example, an Indian mining company has received concessions to develop a large block in the Afghan iron ore deposit at Hajigak. India has also granted Afghanistan preferred trading status for its food exports, so that India is one of the few trading partners with which Afghanistan has a positive trade balance. India is the fourth largest donor to Afghanistan, having given over US\$2 billion to Afghanistan through aid and development projects to develop its economic capacity with roads, power, education and agriculture.³⁵

India sees a secure and stable Afghanistan as a key component of the region, which will be vital to India's access to the energy resources and markets in Central Asia.³⁶ The strategic partnership has provided India with an opportunity to develop a greater role in regional affairs, thereby enhancing its status as a rising regional power.

Pakistan views the Indo-Afghan strategic partnership as a threat to its security and its own influence on Afghanistan. Pakistan's interests in Afghanistan include ensuring that the Durand Line is maintained to prevent the establishment of what might become 'Pashtunistan', spanning both nations, as well as blocking India's influence and maintaining Pakistan's access to Afghanistan and Central Asia for trade.³⁷ As a consequence of these interests, Islamabad sees competition with India as a zero-sum game.

Afghanistan plays an important part in Pakistan's longstanding plans to defend its territory against the existential threat from India. Islamabad needs to be able to influence a weak or compliant Kabul in order to provide it with strategic depth to the west in case of an attack from India.³⁸ Therefore, Islamabad views the motives of the Indo-Afghan strategic partnership as New Delhi's attempt at strategic encirclement, which therefore is a direct threat to Pakistan's territorial security.

This rationale encourages Pakistan to utilise 'destabilising security measures—[which are] destabilising for itself, its neighbours and the international community'.³⁹ There is evidence that this perceived strategic encirclement has resulted in Pakistan maintaining its support to the insurgency in Afghanistan, including the Taliban and Haqqani Network.⁴⁰ The supposed rationale is that

these groups will keep the Afghan government under pressure and target India's interests, including its consulates, in Afghanistan.⁴¹ The risk is that this rivalry leads to regional competition, increased instability between these two nuclear-armed nations and 'the risk of strategic miscalculation', which at worst case has the potential to spill-over into state-on-state conflict.⁴²

Pakistan suspects that India is using this partnership to deprive Islamabad of a dominant share of Afghan markets and deny it access to Central Asian energy markets.⁴³ In particular, Pakistan is concerned about India's development of the Zaranj-Deleram Road, connecting Afghanistan to the Iranian port of Chabahar. This route has now given India and other nations a direct trade route into Afghanistan, thereby undermining Pakistan's monopoly over Afghan access to a port (via Karachi). As a result, Islamabad sees India's ties with Afghanistan as a threat and part of India's plan of strategic encirclement of Pakistan.

Why Afghanistan matters to Australia

The stability of Afghanistan is in Australia's national interest due to its alliance with the US and potential negative influence on the stability of South Asia. Australia's interests in Afghanistan cannot be looked at in isolation. Afghanistan's critical role in the security and stability of the broader South Asian region, in particular its part in the Indo-Pakistan relationship, is also important to Australia. Hence, Australia has three main interests in Afghanistan: preventing Afghanistan from becoming a terrorist safe haven; its role in the US-Australia relationship; and preventing the country from destabilising the broader South Asian region, with its attendant impact on Australian economic and security interests.

Successive Australian governments have maintained the consistent message that 'ensuring that Afghanistan does not again become a safe haven for terrorists' is in its national interest.⁴⁴ In April 2012, then Prime Minister Julia Gillard noted that since the September 11 attacks in the US, 'most of the terrorist attacks ... [that] have targeted Australian interests directly or in which Australians have been killed, had links to Afghanistan'.⁴⁵ As there is evidence that proscribed terrorist organisations, including ISIS, exist in Afghanistan and that the Afghan government is threatened by the Taliban-led insurgency, the conditions still exist in which active terrorist planning can occur. The risk of terrorist safe havens in Afghanistan therefore remains an ongoing concern for Australia's national interest.

Australia's interest in remaining committed to Afghanistan is also a reflection of its alliance relationship with the US. Australia committed troops to Afghanistan after the 9/11 attacks against the US in 2001.⁴⁶ While the reasons for continued Australian involvement in the country have evolved over the ensuing 15 years,

the importance of the US-Australia alliance has been critical to Canberra's calculus in maintaining its commitment in Afghanistan. This is evidenced by then Prime Minister Gillard's statement to Parliament in 2010, when she stated:

Australia has two vital national interests in Afghanistan: (1) to make sure that Afghanistan never again becomes a safe haven for terrorists, a place where attacks on us and our allies began, and (2) to stand firmly by our alliance commitment to the United States, formally invoked following the attacks on New York and Washington in 2001.⁴⁷

This view was reinforced by then Minister of Defence Kevin Andrews' update to Parliament in September 2015, when he stated that '[o]ver the last decade and a half, our purpose in Afghanistan has not changed'.⁴⁸

The added benefit to Australia's national interest is that its support to the US in Afghanistan has enhanced and strengthened the US-Australia alliance.⁴⁹ At a practical level, this support and cooperation in Afghanistan has seen improved interoperability between the ADF and US armed forces, strengthened people-to-people links, and improvements in intelligence sharing. In December 2013, Australia's Defence Minister and the US Secretary of Defense jointly opined that 'Australia and the United States will emerge from our shared commitment in Afghanistan with closer practical ties than ever before'.⁵⁰

A third and increasingly compelling reason why Afghanistan is important to Australia is the link between Indo-Pakistan rivalry in Afghanistan and its potential to have a negative effect on the stability of South Asia and continued economic growth of India.⁵¹ India is the tenth largest economy in the world and has transformed its economy from US\$433 billion in 1991 to US\$2.052 trillion in 2014.⁵² India is Australia's fifth largest export market, with the potential to rank higher as the two countries develop a 'Comprehensive Economic Cooperation Agreement', which is expected to increase two-way trade beyond the figure of A\$16 billion in 2014.⁵³

Australia has a national interest in the peaceful rise of India and the economic opportunities it presents to Australia now and into the future. Australia, along with its ally the US, has an interest in India's rise as 'an Asian balancer, global security provider, and engine room of the world'.⁵⁴ If it is mired in a proxy conflict with Pakistan, in both Afghanistan and along its shared border, this potential is likely to be impeded. Therefore, Australia should care about 'avoiding scenarios that inflame the adversarial India-Pakistan relationship'.⁵⁵ The security situation in Afghanistan, and Indo-Pakistan competition for influence in Afghanistan, are issues which Australia needs to take a close interest in—and attempt to positively influence.

Section 2: An uncertain road – instability and future threats to Afghanistan

American forces no longer patrol Afghan villages or valley. Our troops are not engaged in major ground combat against the Taliban. Those missions now belong to Afghans, who are fully responsible for securing their country.

President Barack Obama, October 2015 ⁵⁶

Since the end of the ISAF mission, Afghanistan continues to face significant complex 'challenges of governance, economy, security and regional dynamics'.⁵⁷ The Taliban has not been defeated militarily or politically and these challenges exist in the midst of an ongoing, resilient and entrenched Taliban-led insurgency. 2015 was expected to be the bloodiest year since 2001, with insecurity rising across the country, resulting in increased civilian casualties and the Afghan security forces taking large and likely unsustainable losses.⁵⁸ The increased insecurity of Afghanistan and pressure on the ANSF from the Taliban-led insurgency is best illustrated by the temporary seizure of the strategically-located northern city of Kunduz by the Taliban in late September 2015.

The US Department of Defense has assessed that the insurgent challenge to the stability of Afghanistan persists due to a number of key factors that remain unresolved by ISAF and are yet to be effectively addressed by the Afghan government. They include:

1. Public resentment of corruption in the Afghan government;
2. Lack of governance and security forces in much of the rural areas;
3. Safe havens for militants in Pakistan;
4. A popular backlash against civilian casualties and property damage as a result of military operations; and
5. The population's unrealised and unrealistic expectations for economic development.⁵⁹

The US Commander of the NATO Resolute Support Mission asserted in October 2015 that:

The ANSF still cannot handle the fight alone without American close air support and a special operations counter terrorism force to hit the Taliban leadership. [Moreover], it will take time for them to build their human capital in logistics and managing their forces in the field, meaning Afghan forces will need international assistance well beyond this year.⁶⁰

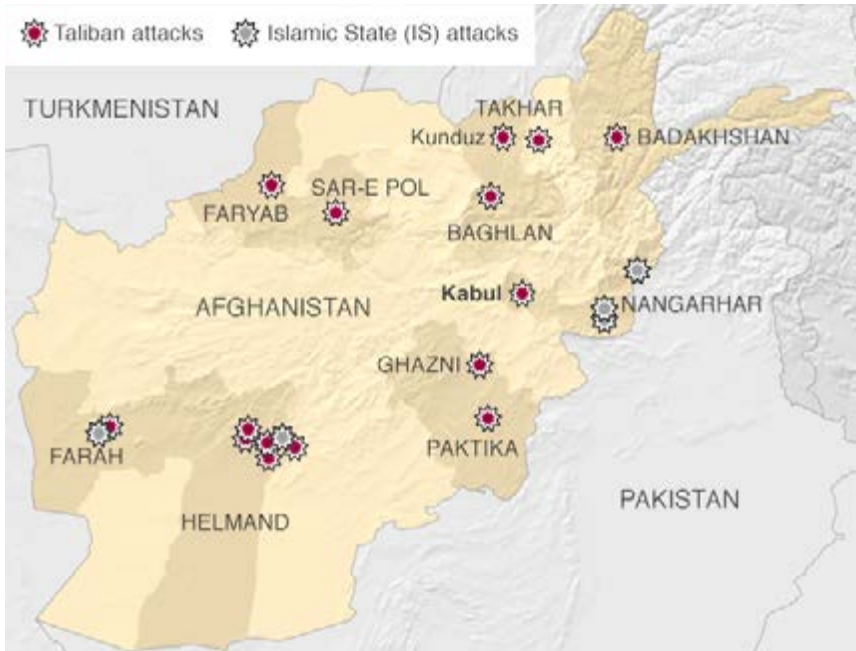
To comprehend the importance of Afghanistan to Australian policy settings, it is fundamental to first understand the current and future multifaceted threats

to Afghanistan's stability. This section will analyse the causes of instability in Afghanistan, with a focus on those which threaten the future security of the nation. It will initially examine the ongoing threats emanating from the Taliban-led insurgency, including emerging threats, and the US response to those threats. Second, it will examine the threats of poor governance and corruption on stability and legitimacy of the Afghan government. Finally, it will outline the risks posed by the uncertainty of ongoing medium- to long-term commitment of the US and NATO to Afghanistan.

Ongoing insurgent threats

The main threat to the Afghan government continues to be the Taliban, which continues to seek a return to power and the ousting of foreign forces.⁶¹ However, it is also threatened by other loosely-allied groups such as the Haqqani Network, *al Qaeda* and affiliated groups.⁶² There is growing evidence that ISIS has also established forces in Afghanistan, particularly in the frontier regions of the eastern provinces.⁶³ The map at Figure 1 depicts the extent of large-scale Taliban and ISIS-supported attacks in Afghanistan during 2015.

Figure 1: Major insurgent attacks in Afghanistan, June-September 2015⁶⁴



The Taliban⁶⁵

The Taliban remains an effective insurgent force capable of challenging the ANSF and exploiting the weaknesses of the Afghan government, particularly in rural areas. There is no agreement on the current size of the Taliban forces. However, in April 2015, the US Department of Defense assessed that the hardcore element of the Taliban comprised some 22,000 members.⁶⁶ The real strength of the Taliban, though, is not its numbers but its ability to 'influence and intimidate the population and to co-opt local support'.⁶⁷

The Taliban operates throughout Afghanistan, with the majority of its forces located in the Pashtun homeland in the country's south and east. However, as a result of the Taliban's successful capture of Kunduz in September 2015, it is evident that the Taliban has established itself outside its traditional Pashtun heartland and has been recruiting non-Pashtuns from Afghanistan's northern provinces.⁶⁸

Afghanistan's frontier provinces along the Pakistan border are of particular importance to the Taliban. It has established sanctuaries in these areas, adjacent to its safe havens in Pakistan, where it continues to plan, train, re-equip and seek refuge from ANSF and US offensive operations. In testimony to a US House of Representatives' committee in 2013, it was asserted that 'a US withdrawal and continuing Pakistan support of ... Afghan insurgent groups could lead to Taliban control of part or most of Afghanistan over the next decade'.⁶⁹

Haqqani Network⁷⁰

The Haqqani Network is a US-designated terrorist organisation, which US officials consider to be a 'veritable arm of [Pakistan's Directorate for Inter-Services Intelligence]'.⁷¹ The network has been cited as being the 'most virulent element of the insurgency ... [and] the greatest risk to remaining coalition forces', as well as a significant threat to Afghan security and a key enabler of *al Qaeda* in Afghanistan.⁷² It is also considered the key facilitator of foreign fighters into Afghanistan and the most effective militant group at conducting successful high-profile attacks in Kabul.

The network shares similar goals to the Taliban: namely, to expel coalition forces, destabilise the Afghan government and re-establish an Islamic Emirate of Afghanistan.⁷³ The size of the network is unknown. At its height in 2010, it was believed to have had 3000 fighters, although its strength is thought to be much diminished since.⁷⁴

The Haqqani Network's core support area is the three eastern provinces of Paktika, Paktiya and Khost. It is also reliant on safe havens in Pakistan to protect it from the ANSF and US counter-terrorism operations. The network is known to receive support from Pakistan's Directorate for Inter-Services Intelligence, and is suspected as often acting as a tool for Pakistan's interests in Afghanistan.⁷⁵ US officials have cited the Haqqani Network as being responsible for at least four high-profile attacks on Indian interests in Afghanistan, including India's embassy in Kabul.

Haqqani commanders had earlier indicated that the network may be prepared to participate in peace talks with the US and the Afghan government, contingent on the Taliban leader Mullah Omar deciding to do so also. However, Omar reportedly died in 2013, so its current willingness to negotiate is uncertain. Regardless, US officials assess that the Haqqani Network will remain a major threat to Afghan security and coalition forces via its demonstrated capability for high-profile, complex attacks, particularly if it cannot be denied its safe haven in Pakistan.

al Qaeda⁷⁶

al Qaeda's presence within Afghanistan is minimal and is now focused on facilitating other insurgent forces, rather than acting as a fighting force itself. As a result of successful US counter-terrorism operations, *al Qaeda* has largely been denied the use of Afghanistan for the planning and preparation of transnational terrorist acts. It has been confined to the isolated north-eastern Afghan provinces, such as Kunar and Nangarhar, and reportedly maintains between 50–100 fighters in these areas. The key concern for US and its coalition partners is that *al Qaeda* could regroup in Afghanistan's remote eastern provinces if the security situation worsens.

Islamic State⁷⁷

US officials and the UN have acknowledged that ISIS exists in Afghanistan and presents a threat to the stability of the country. In late September 2015, the UN reported that ISIS was recruiting in 25 of the nation's 34 provinces.⁷⁸ However, it is believed that the majority of ISIS members are foreign fighters and a small number of disaffected Taliban commanders and their supporters, operating in eastern Afghanistan in Nangarhar province, where it has been launching coordinated attacks on ANSF outposts.⁷⁹

The existence of ISIS in Afghanistan further complicates the Taliban's approach to negotiations with the Afghan government. The Taliban may find the need to better ISIS on the battlefield, and negotiations with the Afghan government

may affect the Taliban's unity and ability to recruit. Therefore, the Taliban may drag out any plans for peace talks with the government.

It was initially believed that the existence of ISIS and conflict between it and the Taliban would diminish the strength of both groups. However, both have continued to attack the government and its security forces. The additional risk of ISIS involvement in Afghanistan is that it may again make the terrorist threats to the Afghan government and the US and NATO transnational.

An uncertain peace process

The prospect of achieving peace and stability in Afghanistan through a negotiated peace settlement between the Afghan government and the Taliban is looking unlikely in the near term.⁸⁰ Such efforts were largely unsuccessful during Hamid Karzai's presidency, as a result of Pakistani interference and friction between Karzai and Washington over the process. However, President Ashraf Ghani has made peace talks 'the centre of his agenda'.⁸¹ In early 2015, President Ghani visited both China and Pakistan and raised the issue of peace talks, with both nations expressing their willingness to assist in getting the process started.

In May 2015, the Afghan Government and the Taliban met in Qatar, where both expressed enthusiasm about starting official negotiations. However, since the confirmation of the death of Mullah Omar in July 2015 and the appointment of Mullah Akhtar Mansour as the new Taliban leader, the peace talks have stalled. It has been reported widely that Mullah Mansour does not want to commit to peace talks, contending that peace can only be achieved once all foreign forces have departed the country and the movement has the potential for victory.⁸²

Contrary to optimistic assessments by the current US Administration, the Afghan insurgency has gathered strength after the end of the ISAF mission.⁸³ In late 2014, the US asserted that the insurgency 'continued to test the ANSF, but failed to achieve its objectives', particularly during the Afghan presidential election process.⁸⁴ The belief was that the insurgency would challenge the ANSF in remote rural areas but that it would not be able to capture or destroy well-defended zones and did not have the capability to control major urban centres. It was judged that the insurgency would focus on the rural areas and on high-profile attacks on key individuals and population centres. This assessment has been challenged by the Taliban's seizure of Kunduz, which led to questions regarding the capability and capacity of the ANSF and the Afghan government to counter the Taliban-led insurgency.

An uncertain governance and development prospect

The ongoing challenges in Afghan governance are adding to the strength and threats from the Taliban-led insurgency. According to Halimullah Kousary from the Afghanistan Centre for Conflict and Peace Studies, these challenges include rampant corruption at all levels of government and ineffective governance throughout the country's institutions.⁸⁵ The United States Institute of Peace similarly opines that a major causal factor for instability in Afghanistan is the 'failure of state institutions to respect and promote the rule of law and to act accountably and effectively'.⁸⁶

It is widely assessed that corruption in Afghanistan is endemic throughout all layers of the Afghan government and institutions, including the legal and justice system, the government's administration, and the implementation of foreign aid and development.⁸⁷ Such corruption exacerbates the divides along ethnic and tribal lines, especially seen when corrupt provincial governors appoint local officials, including police chiefs, thus marginalising segments of the population.⁸⁸

This leads to individual Afghans struggling to gain justice or support and allows the insurgents to fill the gap, including appeals to the locals to take up arms against the government in what is termed a 'religious jihad for justice'.⁸⁹ Added to the challenges of corruption is the lack of development, particularly at the village and district level. According to Kousary, this has left the 'Afghan population disenchanted with their government'.⁹⁰

These challenges for the Afghan government are compounded by Afghanistan's fragile economy. As a result of long-term internal conflict and poor governance, Afghanistan has become almost totally aid dependent.⁹¹ Its economic growth has shrunk significantly over the past four years, with a drop in its GDP growth from 9 per cent in 2012 to 2 per cent in 2014.⁹² Since the departure of ISAF, the Afghan domestic revenue has shrunk, with a sharp decline in the collection of taxes and customs revenue. As a result of this fiscal crisis, the Afghan Government was unable to pay the salaries of its civil servants in 2015 and was reliant on a US\$190 million stop-gap payment from the international community to meet its obligations.

Critically, as a consequence of corruption, lack of development and fiscal crisis, the Afghan government has not met the expectations of its people, and is therefore failing to win over the population and failing to establish a position of strength for negotiations with the Taliban.⁹³ Kousary identifies that for a long-term solution to counter the Taliban, there needs to be 'economic development in Afghanistan and economic integration in the broader region'.⁹⁴

An uncertain US perseverance

A further cause of increased instability in Afghanistan is disengagement of the US and NATO from the region. International support is still critical to Afghanistan, and ongoing assistance from the international community, including security sector support and funding and development aid, is essential for setting the conditions for stability in Afghanistan.⁹⁵

It is here that history sounds a warning. The US and the West can benefit from acknowledging and not repeating the consequences of an untimely withdrawal of international support from Afghanistan. The 1992 collapse of the Soviet-backed Najibullah nationalist government and the rise of the Taliban and Islamic extremism in Afghanistan are often linked to the withdrawal of covert Soviet financial and advisor support in 1991. After the withdrawal of Soviet combat forces in 1989, the Najibullah regime was able to hold off the Afghan Mujahedeen until 1992. However, Najibullah's regime was only able to achieve this with significant Soviet covert aid, which he utilised to 'consolidate his power through networks of patronage and by maintaining a powerful military'.⁹⁶

With the collapse of the Soviet Union, the support suddenly disappeared. As a result, Najibullah was unable to fund his patronage system and his regime was dealt a fatal blow. Najibullah agreed to an UN-brokered transition process and disappeared from view. The resultant scramble for power by regional and ethnic groups led to warlordism and a civil war from 1992 to 1998. By 1998, the Taliban had taken control of the majority of Afghanistan and had formed a national government in Kabul. What followed eventually led to Australia's own involvement in Afghanistan.

It now serves Australia's interests that history is not repeated in Afghanistan. The US and the West can also heed the lessons from the withdrawal of US forces from Iraq. While the circumstances of that withdrawal was the lack of a status-of-forces agreement between Iraq and the US, the US departure left an Iraqi security force not capable of providing security in a divided nation, which facilitated the rise of ISIS.⁹⁷

Following the ISAF mission, NATO established its US-led Resolute Support Mission, with a mandate until December 2016.⁹⁸ The purpose of this mission is to ensure that the Afghan government and the ANSF are capable of taking responsibility for their own security on the departure of ISAF's combat forces. It is to be achieved through the provision of 'train, advise and assist' tasks to support the ANSF and Afghan security institutions. NATO and partner nations are also providing funding support to the ANSF through three key funding mechanisms:

1. ANSF's operating budget;
2. The NATO ANA [Afghan National Army] Trust Fund; and
3. The UN Development Program's Law and Order Trust Fund for the Afghan National Police.⁹⁹

The US commitment to this new mission was outlined by President Obama in his State of the Union Address in January 2014, where he asserted that:

After 2014, we will support a unified Afghanistan as it takes responsibility for its own future.... A small force of Americans could remain in Afghanistan with NATO allies to carry out two narrow missions: training and assisting Afghan forces, and counter terrorism operations to pursue any remnants of al Qaeda.¹⁰⁰

The US and NATO had planned to decrease the size of the ANSF from the high of 352,000 (comprising 195,000 army and 157,000 police) in 2012 down to 228,000 in 2015.¹⁰¹ However, due to assessments of the challenges in securing Afghanistan, NATO agreed in February 2013 to reverse this plan. Hence, ANSF is to be funded by the US, NATO, partner nations and the Afghan government at a cost of US\$5.85 billion per year until at least 2017. At present, Afghanistan has pledged US\$500 million towards the ANSF for 2015 and is expected to take full responsibility to fund its own security requirements by 2024.

An uncertain ANSF

As a result of the increasing levels of insurgent-led violence, an atmosphere of uncertainty has pervaded in Afghanistan, including concerns regarding the ANSF's ability to secure the nation.¹⁰² In late 2014, it was judged that the ANSF had the ability to preserve the safety and security of Afghanistan, based largely on the success of the ANSF to plan and execute the security for the Afghan presidential election and its follow-on runoff in early 2014. However, as the insurgency maintained its high tempo through the winter of 2014 and into 2015, it has become apparent that the ANSF has not been able to maintain security.

The key areas of concern include an unsustainable level of personnel losses through casualties, desertions and discharges, and losses in equipment. The high level of combat has also highlighted the well known ANSF weaknesses in logistics planning and capability, operational planning and fusion of intelligence. It also reinforced its lack of a working casualty evacuation system and deficiencies in its intelligence, reconnaissance and surveillance, and close air support.

As a result of US and NATO concerns regarding the performance of Afghan forces against the Taliban-led insurgency and the Taliban actions in Kunduz in September/October 2015, President Obama made the decision on 15 October

2015 to extend the US mission in Afghanistan, committing to extend its 'train, advise and assist' mission and its counter-terrorism force to beyond 2017.¹⁰³ This decision will see the current US force of 9800 remain in Afghanistan until late 2016, reducing to a force of 5500 in 2017.

These troops will remain as part of the US contribution to the NATO-led Resolute Support Mission and the US counter-terrorism task force. This decision is a major amendment to the US plan, which previously envisioned the US reducing its forces to approximately 5000 in 2016 and then down to an embassy protection force of 1000 in 2017. The decision explicitly acknowledges that the ANSF and the Afghan government are not yet ready to accept responsibility for the country's security. The plan will also see the Resolute Support Mission maintain its bases in Bagram and Jalalabad in the east and Kandahar in the south after 2016.

The internal security and governance threats in Afghanistan are multifaceted and challenge the capacity of the Afghan government to defeat the Taliban-led insurgency. The identified deficiencies in the ANSF highlight the fragility of Afghanistan's ability to counter the entrenched insurgency and, as identified in a European Parliament report, the ANSF's inability to function without adequate international funding and support for the foreseeable future.¹⁰⁴

The performance of the ANSF will be important to the future outlook of Afghanistan and the perseverance of its international donors. It will also shape the perceptions of 'Pakistan, India, and other regional countries on the viability of the Afghan state and the existing political arrangements in the country'.¹⁰⁵ As a result, the decision by the US and NATO to extend the Resolute Support Mission is intended to buy time for the Afghan government to address its challenges and provide space for future negotiations with the Taliban.

Having demonstrated why Afghanistan matters to Australia's security, economic and political interests, it is important to consider how Australia might develop and implement policies that serve to promote Afghanistan's long-term sustainability, and thereby strengthen South Asian stability.

Section 3: Australia's future policy option

Beyond 2016, Australia will remain a constructive and committed partner to our Afghan friends.

[Then Australian] Minister for Defence, Kevin Andrews, September 2015 ¹⁰⁶

Because of the weakness of the Afghan state and its institutions, and the poor sustainability and force generation of the ANSF, there is a very real potential for the Afghan government to fail. That could allow an emboldened Taliban to take control or result in a return to a 1990s-style civil war and warlordism. Following President Obama's decision in October 2015 to extend US forces in Afghanistan beyond 2017, there is now an opportunity for NATO and Australia to review their current plans and policy settings for Afghanistan.

On the same day as President Obama's announcement, NATO Secretary General Jens Stoltenberg asserted that the US decision was important as it 'paves the way for a sustained presence by NATO Allies and partners in Afghanistan'.¹⁰⁷ He indicated that NATO would shortly announce its plans after reviewing the details of the US decision. Australia's Prime Minister Malcolm Turnbull responded to the US decision by stating that Australia would review current plans and discuss with the US what is required and then make a decision.¹⁰⁸

The current Australian Resolute Support Mission commitment and Afghan policy are based on decisions taken in 2013-14 that reflected the optimistic assessment of the situation in Afghanistan at the time. New policies must, therefore, be developed to recognise the more pessimistic assessments and take into account Australia's interests in the broader South Asia region, rather than just looking at Afghanistan in isolation.

This final section of the paper will draw on the analysis of the first two sections and identify opportunities for Australia to support Afghanistan's security, thereby helping safeguard Australia's strategic interests in the region. To achieve these national interests, Canberra should develop both short- and long-term policies.¹⁰⁹

This section will first address the short term by recommending what Australia should commit in the extended Resolute Support Mission. This recommended commitment would support the Afghan government in addressing the deteriorating security situation and support the US-Australia relationship. A longer-term initiative will then be proposed to address the effect of external factors on Afghanistan's stability, focusing on the regional competition and tension between India and Pakistan.

Policy Recommendation 1: Extend and expand Australia's ongoing commitment to Resolute Support Mission

In response to the recent US decision, an extension of the ADF's current commitment to the Resolute Support Mission, as well as an expansion of the current Special Forces capability and tasks in Afghanistan, are both warranted. The first proposed initiative requires an understanding of the likely amendments to the planned drawdown process for the NATO forces, which reflect a 2017 or later withdrawal, rather than the current 2016 plan. The second proposal would require detailed planning and coordination with the US and NATO, separate to those being conducted regarding the extension of the NATO mission.

Current status of Australian commitment to Resolute Support Mission¹¹⁰

The ADF's commitment to the NATO-led Resolute Support Mission is Operation HIGHROAD. It is significantly smaller than its commitment to the previous NATO-led ISAF mission under Operation SLIPPER. Australia has promised NATO to provide up to 400 personnel to the Resolute Support Mission. However, as at October 2015, there are only about 270 personnel deployed in Afghanistan under Operation HIGHROAD.¹¹¹

Australia's military commitment has been approved and funded out to the end of 2016, to align with the original NATO plan to end the Resolute Support Mission in December 2016. The current Australian Government has provided additional budget funding to the Department of Defence for Operation HIGHROAD, with A\$115.1 million allocated in the 2015-16 budget and an additional A\$134.4 million allocated over the forward estimates.

The ADF's contribution to the Resolute Support Mission is confined to the NATO-led 'train, advise and assist' mission in Afghanistan, with no Australian commitment to the US counter-terrorism mission in support of the Afghan government. The ADF elements in Afghanistan are providing approximately 70 personnel as embedded staff within the NATO Resolute Support Headquarters in Kabul and the Headquarters of the Train, Advise and Assist Command-South in Kandahar. It also has about 90 personnel deployed as trainers, advisors, support staff and force protection in the UK-led training and advisory team at the Afghan National Army Officer Academy in Qargha near Kabul.

The ADF also provides support to the ANSF's special forces through the provision of a small contingent of Australian special forces in Kabul. This contingent provides staff and support to the NATO Special Operations Component Command-Afghanistan and the Special Operations Advisory

Group. The Australian contingent's focus is on advising at the Headquarters of the Afghan General Command of Police Special Units Special Forces. The ADF also has its own national headquarters in Kabul, with support elements in Kandahar, totalling about 110 personnel, providing communications, logistic and administrative support and staff officers.

Initiative 1.1

Australia should maintain personnel and funding commitments in support of the Resolute Support Mission out to and beyond 2017.

It is recommended that Australia extend its current contribution deployed on the Resolute Support Mission to align with and reflect the US extension and pending commitments by the NATO nations. This would require the ADF to maintain its current deployed capabilities—and might also see Australia asked to provide additional capabilities.

The US mission extension will require the Resolute Support Mission Commander to review the current timeline for the drawdown of the current train, advise and assist capabilities. This would likely see the need for deployed ADF capabilities to remain in Afghanistan beyond current timelines. It may also see Australia asked to provide additional capabilities to address areas of weakness within the ANSF and the Afghan government which have led to the current security situation.

The Australian commitment would need to be meaningful, support the legitimacy of the Afghan government and reinforce the Australia-US alliance. However, a key concern for defence planners would be government and public sensitivities about any increase in the number of ADF personnel in Afghanistan beyond the mandated cap of 400 personnel. Therefore, any increase in defence personnel to support any requests for additional capability should be constrained by the Australian Government's current manning cap of 400.

Initiative 1.2

Australia should expand its special forces commitment in Afghanistan.

It is recommended that Australia should expand its current special forces' commitment to include the deployment of a special forces training team to support US Special Forces' training of units from the Afghan National Army's Special Operations Command or its special forces.¹¹² This training team would provide trainers, alongside US Special Forces trainers, to deliver advanced skills.

This initiative reflects previous Australian government public statements that it would consider contributing special forces to Afghanistan post-2014. In April 2013, then Minister of Defence Stephen Smith asserted that:

Under an appropriate mandate, Australia remains prepared to make a Special Forces contribution, either for training or for Counter Terrorism purposes, or both ... to prevent Afghanistan from again becoming a safe haven or breeding ground for international terrorists.¹¹³

With the deteriorating security situation across Afghanistan, including the emergent ISIS threat, it is likely that there will be increased reliance on the Afghan Special Operations Forces to conduct a higher tempo of counter-terrorism missions. An expanded and meaningful commitment of Australian special forces, to reinforce NATO's efforts to train, advise and assist Afghan Special Operations Forces, would provide assurances to the Afghan government that its stability is important to Australia. Furthermore, an expanded special forces' mission would reinforce the Australia-US alliance.

The deployment of this special forces' commitment would potentially support the US and Afghan Counter Terrorism mission. By assuming that the Australian training team would relieve some US Special Forces from this training responsibility, it could be presumed that those US Special Forces personnel would be available to conduct the more robust combat-advising task alongside Afghan Special Operations Forces.

The increased risk profile associated with additional ADF personnel deployed in Afghanistan would be a key concern for defence planners. Noting the likely government and public sensitivity to the risks associated with Australian special forces being recommitted to a combat or combat advisory role, it is unlikely that the Australian Government would approve any such role. However, deploying these forces in an enhanced training role with the Afghan Special Operations Forces may be more palatable. The reduction in ADF personnel deployed on Operation HIGHROAD, as a result of the end of ISAF mission, should allow the ADF to deploy a special forces training team without increasing its commitment above 400.

Funding for initiatives

The funding of these two initiatives should be able to be accommodated within the Australian Government's current budget allocations to support operations.¹¹⁴ These initiatives should not require additional immediate funding if there is no increase in personnel above the current cap of 400, and the special forces training team is constrained to training tasks. The funding should be able to be sustained within the current A\$115.1 million allocated in the 2015-16 budget. However, it would require additional funding into the forward

estimates, above the already-allocated A\$134.4 million, to cover costs out to at least mid 2018.

Rationale for initiatives

These initiatives, to extend and expand Australia's ongoing commitment to Resolute Support Mission, would reflect the intent of the Australian government over the past four years. Since 2012, Australian government ministers have regularly reiterated their intent not to allow Afghanistan to again become a terrorist safe haven and to continue building the capacity of the ANSF to counter the Taliban-led insurgency. The present Minister for Defence, Marise Payne, stated in early October 2015 that '[c]ontinued international support will be vital for Afghanistan.... [t]he country still faces many challenges, including in relation to security as a result of the ongoing Taliban insurgency'.¹¹⁵

The proposed initiatives would also support the Australian government's commitment to the Afghan government as outlined in its May 2012 'Comprehensive Long-Term Partnership between Australia and the Islamic Republic of Afghanistan'.¹¹⁶ As part of that agreement, Australia committed to 'addressing long-term transnational threat, including terrorism', to assist the ANSF in 'countering the threat of international terrorist groups', with Australia promising to continue this support after 2014. The proposed deployment of an expanded special forces' capability would also meet Australia's pledge to provide 'defence cooperation ... [which] could encompass such areas as counter-terrorism support and providing trainers and advisors to assist building capacity of ANSF institutions'.¹¹⁷

The final rationale for these initiatives is that they would support the US- Australia relationship. The US alliance remains vital to Australia's national interest; therefore, a small commitment to US efforts in Afghanistan would be of great value to both US and Australian interests.

Policy Recommendation 2: Influence Afghanistan's regional external actors

In response to the ongoing negative influence of some of Afghanistan's regional neighbours, Australia should undertake initiatives to promote regional cooperation. This would support the intent of UN Security Council recommendations on Afghanistan which, since 2001, have had a consistent theme of regional development and cooperation to assist the Afghan state with its transition to a stable and functional nation.¹¹⁸

The actions of these stakeholders have both a short- and long-term effect on the prospects of the Afghan government and will require both multilateral and

bilateral initiatives to address the behaviour. This policy approach would focus primarily on the actions of Pakistan and India but would require the input of all regional stakeholders.¹¹⁹ The first policy initiative focuses on Pakistan and the Taliban/terrorist safe havens on its frontier with Afghanistan. The second initiative focuses on reducing friction between India and Pakistan, in order to facilitate trade and cooperation in the transit of goods and energy resources.

Initiative 2.1

Australia should work with like-minded nations in influencing Pakistan to cooperate with Afghanistan to deny Taliban/terrorist safe havens which exist on their common frontier.

At the NATO Chicago Summit in May 2012, it was recognised by NATO and its partners that Pakistan has an important role in 'ensuring peace, stability and security in Afghanistan and in facilitating the completion of the transition process [from ISAF-supported security to Afghan lead and responsibility]'.¹²⁰ According to Thomas Barfield, 'if Pakistan ever reversed its policy of support, as it did to Mullah Omar in 2001, the insurgency in Afghanistan would be dealt a fatal blow'.¹²¹

The Australia-Pakistan relationship has been longstanding, with diplomatic relations established in 1947.¹²² The Australia-Pakistan security relationship commenced during the Cold War period and has deepened as a result of Australia's involvement in Afghanistan. Australia has said that the security and stability of Pakistan, like Afghanistan, is important to Australia's national interest.

Australia lacks the bilateral influence to address Pakistan's macro issues, such as the safe havens, and therefore would need to work multilaterally to address this issue.¹²³ However, the Australian government is well positioned with Pakistan, in comparison with some other Western nations, as it has very little 'political baggage or perceived agenda'.¹²⁴

To influence Pakistan's actions to counter the safe havens, Australia should prioritise the discussion of this issue at the every opportunity. Australia has both bilateral and multilateral forums where it discusses security issues with Pakistan. The bilateral forums include the Pakistan-Australia Defence Cooperation Committee, which is a regular 'Chief-to-Chief' meeting; the 1.5 Track Security Dialogue, which involves the respective Chiefs of Defence Force, along with senior leaders from government agencies, discussing issues of mutual strategic interest; and the Pakistan-Australia Joint Working Group on Border Management and Transnational Crime, which focuses on cooperation to counter transnational crime, including terrorism financing.¹²⁵

In a multilateral approach, the key forum to influence Pakistan is the Istanbul Process, which is a 'regional cooperation mechanism designed to support a peaceful and stable Afghanistan'.¹²⁶ The forum's key stakeholders are Afghanistan, Azerbaijan, China, Iran, India, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Saudi Arabia, Tajikistan, Turkey, Turkmenistan and the United Arab Emirates. Australia and the US are supporting members, along with another 26 members which are the traditional donors to Afghanistan's reconstruction.

Initiative 2.2

Australia should develop a strategy to de-escalate India-Pakistan tensions in relation to Afghanistan.

In this forum, Australia should work with the US to directly influence Pakistan. The two countries should also utilise China's longstanding strategic alliance with Pakistan to indirectly influence Pakistan to do more to clear the safe havens. Achieving this would result in a benefit to Afghanistan's future. It would also improve security within Pakistan and decrease the terrorist risks to the China-Pakistan Economic Corridor project.

Australia should initiate bilateral initiatives and multilateral efforts, particularly regional, to promote the de-escalation of tensions between India and Pakistan in relation to Afghanistan. Decreasing tensions would provide an opportunity to facilitate South Asian regional trade, including a more effective transit of goods, which would contribute significantly to the stability of Afghanistan.¹²⁷

Since 2009, Australia has recognised the growing importance of India as a rising power in Asia.¹²⁸ This recognition resulted in the elevation of the Australia-India relationship to a 'strategic partnership', which was affirmed in 2014 with the two nations conducting reciprocal Prime Ministerial visits. This relationship is further supported by annual ministerial-level meetings, such as the Foreign Ministers' Framework Dialogue and the 2009 Joint Declaration of Security Cooperation and its associated regular senior officials-level meetings. The importance of India in Asia has also been acknowledged by the US, which has developed a more formal relationship in recognition of the economic and strategic importance of India to the US.¹²⁹

The focus for Australia's strategy should address how India and Pakistan approach their competing relationships with Afghanistan. For India, the strategy should focus on its intent regarding the Indo-Afghan strategic partnership, alongside the Afghan government's expectations from this partnership. In particular, there is a need to ensure that the economic and security elements of the partnership do not enflame Pakistan's concerns that India is attempting a strategic encirclement.

Australia, therefore, should work with the US and NATO to shape the security environment such that Afghanistan does not need to rely on India for security sector support. This issue has been addressed in the short term by the US decision to extend the Resolute Support Mission. However, in the medium and long term, the US, NATO and Australia should develop security sector support, looking beyond the Resolute Support Mission, to provide Afghanistan with confidence that it does not need to ask India for security support in the future.

For Pakistan, the strategy should focus on reassuring Islamabad that the Indo-Afghan strategic partnership is not a threat to its security but rather that it has potential benefits. In particular, Australia, US and NATO should emphasise the potential economic benefits of a normalised Afghan-India-Pakistan relationship. Regional cooperation and development in the exploitation of Afghanistan's mineral and energy resources, and the transit of those resources and energy resources from Central Asia through Pakistan, would potentially contribute significantly to Pakistan's economy and thus address some of its economic challenges.

The forums which Canberra could utilise for this strategy are Australia's bilateral relationships with each nation and multilateral forums. At the bilateral level, Australia should use its Foreign Ministers' Framework Dialogue and the meetings associated with the Joint Declaration of Security Cooperation to influence India. With Pakistan, it should use high-level visits by the Foreign Minister, the Pakistan-Australia Defence Cooperation Committee and the 1.5 Track Security Dialogue to address the issues. At the multilateral level, Australia should work alongside the US and NATO nations, particularly at the Istanbul Process, to influence Pakistan and India to normalise their relations with Afghanistan.

Rationale for initiatives

This proposed initiative reflects the intent of the Australian government 'to secure the external environment for Afghanistan' using regional forums and processes.¹³⁰ The proposed initiative also supports Australia's commitments in the 'Comprehensive Long-Term Partnership between Australia and the Islamic Republic of Afghanistan', where Australia noted that 'Afghanistan's position [is] in the heart of Asia' and committed its 'support for regional stability and peaceful regional relations'.¹³¹

The proposal would also support the intent of the various UN Security Council Resolutions on the transition of Afghanistan to a stable and functioning state. In particular, this initiative would help facilitate 'regional cooperation, economic development, trade and transit ... by working with regional organisations whose activities intersect with Afghanistan', and assist Afghanistan in becoming the 'land bridge between East Asia, South Asia, Central Asia, Eurasia and the Middle East'.¹³²

Conclusion

Despite its ongoing instability, Afghanistan remains globally and regionally significant. Afghanistan is a key element of the regional security dynamic and has the potential to adversely affect the security of other regional states, including India, with which Australia seeks closer political and economic relations. Through an examination of the ongoing and future threats to Afghanistan and the way in which the US and NATO are responding to the deteriorating security situation, it has been argued in this paper that action needs to be taken to continue assisting Afghanistan to address the sources of its instability.

To that end, the paper has proposed two policy initiatives to contribute to Australia's efforts in supporting the Afghan government. The first addresses the immediate concerns of instability and is broken into two sub-components; namely, that Australia should maintain its current 'train, advise and assist' commitment to the NATO-led Resolute Support Mission in response to the US decision to extend its commitment into 2017, and that Australia should expand its current special forces' commitment by the provision of a special forces training team to support the US counter-terrorism mission in Afghanistan.

These initiatives would support the Afghan government in countering the Taliban-led insurgency, in accordance with Australia's commitment to its Comprehensive Long-Term Partnership with Afghanistan. They also reflect Australia's national interest in ensuring that Afghanistan does not become a transnational terrorism safe-haven, as well as support to the US-Australia alliance.

The second policy initiative proposes a strategy to address the influence of regional external actors, particularly Pakistan and India, on the long-term stability of Afghanistan. The policy recommends that Australia employ its bilateral relationships with each nation and its involvement in multilateral forums, such as the Istanbul Process, to influence the behaviour of Pakistan and India.

Specifically, it proposes that Australia should develop a strategy to convince Pakistan to do more to close the terrorist safe havens along the Pakistan-Afghan frontier. It should also work with Pakistan and India to temper their competition for influence on Afghanistan, which leads to a 'proxy war' in Afghanistan. The policy should also promote economic benefits through a cooperative approach to trade and development within Afghanistan. However, this policy cannot be achieved by Australia alone and would require the support of the US, NATO nations and regional stakeholders such as China.

Australia cannot view Afghanistan in isolation but rather must see it as part of a wider South Asia geopolitical construct. In promoting new initiatives to support Afghanistan, Australia will need to work as part of a US-led coalition while engaging key regional stakeholders. The policy initiatives suggested in this paper would protect Australia's national security, economic and political interests in Afghanistan and South Asia, and would strengthen Australia's ability to exploit the economic opportunities that are emerging in South Asia.

Notes

- 1 David Johnston, 'Statement on Afghanistan', [Australian] *Minister for Defence* [website], 11 December 2013, available at <<http://www.minister.defence.gov.au/2013/12/11/minister-for-defence-statement-on-afghanistan/>> accessed 8 September 2015.
- 2 This paragraph is based on US Department of Defense, *Progress Toward Security and Stability in Afghanistan*, Department of Defense: Washington DC, October 2014, pp. 1-8; Kenneth Katzman, 'Afghanistan: post Taliban governance, security and US policy', Congressional Research Service: Washington DC, 27 April 2015, pp. 16-22; and Vanda Felbab-Brown, 'Blood and hope in Afghanistan: a June 2015 update', *Brookings Institute* [website], 26 May 2015, available at <<http://www.brookings.edu/research/papers/2015/05/26-isis-taliban-afghanistan-felbabbrown>> accessed 3 September 2015.
- 3 This agreement occurred during the official visit to Washington by President Ghani and Chief Executive Officer Abdullah in March 2015. It would keep US forces at 9800 for all of 2015, rather than reduce to 5000 by the end of 2015: Katzman, 'Afghanistan', p. 28.
- 4 Ian Dudgeon, 'Afghanistan - Transition to transformation: a role for Australia in helping shape Afghanistan's future', *Australian Strategic Policy Institute (ASPI)* [website], Strategic Insight No. 67, February 2014, p. 9, available at <https://www.aspi.org.au/publications/afghanistantransition-to-transformation/Sl67_Afghanistan.pdf> accessed 28 July 2015.
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Transforming the India-Australia Relationship

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Abstract

This paper analyses how India and Australia can build on their relationship to become strategic partners. It argues that rising Chinese assertiveness needs to be balanced by a security architecture that is not led by the US, if a Cold War-type grouping of nations is to be avoided. It contends that a security architecture based around the ASEAN Regional Forum or East Asia Summit may not be effective, as the ASEAN countries lack military capacity and do not propagate military alliances.

The paper asserts that a strategic relationship between India and Australia, based on common political, economic and security cooperation, could provide the balancing influence. Being located away from China's immediate area of influence, such a relationship would not directly threaten Chinese interests but would still be able to exert influence over the sea lines of communication passing through the Indian Ocean region. The paper concludes that a strategic alliance between India and Australia could contribute to a more stable Indo-Pacific region and ensure the independence of action of South Asian countries.

Introduction

India and Australia, the two flourishing democracies in the Indo-Pacific region, have increasingly come together in the economic and diplomatic arena based on common values. Both countries rely on a rules-based world order, which is a prerequisite driving economic growth in both countries. Being an island country, Australia is dependent on freedom of navigation through the Indo-Pacific region with secure sea lines of communication (SLOC).¹ For peninsular India, strategically located in the centre of the Indian Ocean—and with 70 per cent dependency on imported oil and gas for energy requirements, and most of its trade going through the sea—security and dominance of the SLOCs through the Indian Ocean are a strategic necessity.²

The dynamics of aggressive control over international waters in the South China Sea recently exercised by China, and the parallel shifting of the US' strategic focus via its policy of pivoting to the Asia-Pacific, leaves a relative void in the Indian Ocean region which needs to be augmented by regional powers.³ These changing regional dynamics open up space for balancing bilateral and multilateral security arrangements in the Indian Ocean region, underpinned by US support. Naturally, India and Australia, with a strong maritime heritage and bonded by common values, have an opportunity to build their relationship from a political and economic level to one underpinning overall security in the India Ocean region.

This paper analyses how India and Australia can build on their relationship to become strategic partners. First, the paper analyses the current regional imperatives. It then examines the current Indian and Australian relationship, leading to a conclusion that the changing geopolitical focus towards an economically-rising Asia and an increasingly-assertive China necessitates the development of an overarching multilateral security architecture in the Indian Ocean region—one which India and Australia have the opportunity of creating.

Regional imperatives

The Indian Ocean is the third largest water body in the world. It encompasses critical SLOCs carrying 61 per cent of total global container traffic and 70 per cent of traffic in petroleum products, with the Malacca Straits being an important choke point connecting the ocean with the Pacific Ocean.⁴ The region also has large untapped offshore hydrocarbon reserves, which will be critical to feeding the growing energy demands of Asia.⁵ Krishnappa Venkatshamy concludes that 'maintaining stability in the region is therefore critical to regional as well as global prosperity'.⁶ With India and Australia having

the two largest navies in the region, it falls on them to contribute towards overall security in the region.⁷

The biggest driver of the altering security situation in the Indo-Pacific region has been the rapid rise of China and its increased assertiveness in the South China Sea. China is increasingly challenging the rights of The Philippines and Vietnam in the dispute over islands in the South China Sea. It is also taking such coercive measures as developing military airfields on the reclaimed islands. This assertiveness has also seen China impose restrictions regarding the permissions required for the use of air space in the East China Sea, a development which has been opposed by those nations committed to freedom of navigation, led by the US.

This increases the possibility of China taking similarly aggressive actions over other territorial disputes, such as its land borders with India, as a show of strength of its increased military capabilities. According to Venkatshamy, China's maritime modernisation efforts, based on the development of submarines for sea denial and large numbers of long-range missile systems, are 'centred around its expansionist motives to obtain a strategic foothold in the Indian Ocean and counter American influence in the region'.⁸

In order to balance against a rising Chinese influence, the US announced its policy of pivoting its strategic focus towards the Pacific Ocean. President Barack Obama recently remarked with reference to China that '[i]f we don't write the rules for trade around the world, guess what, China will'.⁹ Given the assertive and coercive nature of Chinese policy in the South China Sea, that result will definitely be a challenge to the current rules-based order.

The ability of South Asian countries to exercise complete freedom of economic independence in such an environment will be the key towards long-term security in the Indo-Pacific region. However, ASEAN countries have been constrained in their ability to contribute towards overall security in the region, as they tend to work through consensus building and lack sufficient military capabilities. Frederic Grare contends that 'many countries in the Indo-Pacific region, including Australia, fear the prospect of an Asian multilateralism dominated by China'.¹⁰ C. Raja Mohan contends that, with increasing hegemonic Chinese influence in the Indo-Pacific region, many countries are looking to India to play a larger role on the regional scene.¹¹

Historically, Australia depended on Britain prior to World War 2, and thereafter on the US, to contribute towards ensuring security in the Indo-Pacific region.¹² As such, it had its economic alliances with countries aligned around these two powers. However, in this new century, for the first time Australia is in the position of having China as its largest trade partner but its security alliance with the

US.¹³ With the US shifting its strategic focus towards the Pacific Ocean so as to balance against China, it is perhaps timely for Australia to review its over-dependence on trade with China.

Overview: Indian and Australian relations

Although India and Australia share common democratic traditions and are increasingly becoming closer trade partners, the relationship during the last 60 years is one which has never reached its true potential.¹⁴ Australia's alliance with the US, and India's relationship with the Soviet Union during the Cold War era, produced its own dynamics of differences.¹⁵ After the nuclear explosions by India in 1998, Australia reacted with much more than a robust response, including cancellation of all ministerial-level talks and the recalling of defence attachés. According to David Brewster, the reaction was perceived by New Delhi as much more than was required and was seen as directed towards impressing Washington.¹⁶

It also created a perception in New Delhi that Canberra was not following an independent foreign policy and would only follow the lead of the US.¹⁷ It was only after the India-US civil nuclear agreement that relations between India and Australia again warmed up and saw two prime minister-level visits from Canberra. The subsequent Australian policy to start the export of uranium to India was seen as a step towards regaining the lost ground of the last two decades and removing distrust between the two nations.¹⁸ The fact that the step involved then Prime Minister Gillard taking the issue to a vote in Parliament, and risking political capital, is indicative of the importance Australia attached to removing all obstacles towards engaging India in a new partnership.¹⁹

The last decade has seen major improvements in security engagements between Australia and India, which have gained in momentum in recent years.²⁰ The period saw the signing of several security-related bilateral agreements, including an agreement on countering terrorism in 2003, a memorandum of understanding on defence cooperation in 2006, a defence information-sharing arrangement in 2007, and an agreement on intelligence dialogue, extradition and counter-terrorism in 2008.²¹ A joint declaration on security cooperation, along similar lines to the ones Australia also shares with Japan and South Korea, was signed by both Prime Ministers in 2008.²²

However, Grare cautions that sharing common concerns does not necessarily mean the adoption of a common approach. Given the strong military relationship shared by Australia with the US, centred on maintaining common security through bilateral arrangements, and India's foreign policy focus of maintaining strategic autonomy, India may be hesitant to form a regional

security arrangement with Australia.²³ However, with the signing of the framework for security cooperation by both Prime Ministers in 2014, further impetus has been given to defence cooperation.

India and Australia conducted a bilateral level naval exercise (AUSINDEX) in September 2015, the first combined naval exercise since their combined participation in the Malabar exercise in 2007 triggered a *démarche* by China which resulted in a freeze on further military exercises. This was to be followed by India's participation in the Australian Air Force's Exercise PITCH BLACK in 2016.²⁴ Hence, the increasing level of defence cooperation is now not being limited by the possible concerns of China, and is gravitating towards significant collaboration in the broader Indo-Pacific region by increasing military interoperability and building mutual trust.

The rising level of bilateral economic trade is another area propelling strategic cooperation. Trade between the two countries in 2013-14 was valued at US\$14.8 billion, with India being Australia's 12th largest trading partner and seventh largest export destination.²⁵ The Indian economy has grown at around seven per cent annually since 2003, powered by merchandise, services, telecom and financial services.²⁶ Hence, it is being seen as a major destination for the export of raw materials, a major component of Australia's export trade.²⁷

As noted by Australia's Department of Foreign Affairs and Trade, a 2010 feasibility study into a possible joint free trade agreement concluded that the growth of trade between the two countries is based on complementarities wherein India would be able to use Australia's exports in items such as iron ore and coal to meet its growing economic demands, and to fill infrastructure gaps associated with its own export requirements.²⁸ The report recommended that both governments consider negotiations on a comprehensive bilateral free trade agreement.²⁹ The political direction given by both Prime Ministers towards concluding the same within 2015 is an encouraging milestone binding both nations strongly.³⁰

Towards establishing a strategic relationship

There is a need to create an alternative security architecture to balance against China's military rise and its perceived hegemonic policies.³¹ An architecture led by the US may not be the right answer, as that would parallel the Cold War dynamics of two opposing groups and may further contribute towards precipitating a deterioration of the security situation. The example of China quickly giving a *démarche* to India, Australia, Japan, Singapore and the US after their joint naval exercise in 2007, and requesting an explanation of proposals for the formation of a quadrilateral arrangement, is a case in point.³²

Anything similar would likely be exploited by the Communist Party of China in invoking nationalist feelings within China. Considering the technological and military advantage of the US over China (which cannot be overcome in the near future), the US can continue to guarantee overall security while keeping clear of any direct involvement in a sub-regional security arrangement in the region. So a parallel security architecture, less the US, may be a better option.

Hence, India and Australia, and possibly other South Asian countries, should consider aligning together in creating such an overarching security structure.³³ This would achieve wider security, acceptable to most of the countries in the Indo-Pacific region.³⁴ For such an arrangement to be effective, however, Grare contends that 'India and Australia must play a more active role in institutions, helping to build a new regional order [as] mere presence in existing security institutions differs from active participation and cooperation'.³⁵

Conclusion

The regional imperatives in the Indo-Pacific region point towards the continuing rise in influence of China. This in itself would not be a cause of worry had it not been accompanied by rising Chinese assertiveness in the South China Sea. The countries in the region cannot ignore the development of military airfields on the reclaimed islands. The rising Chinese assertiveness needs to be balanced by an alternative security architecture without the lead of the US, if a Cold War-type grouping of nations is to be avoided. A security architecture based around the ASEAN Regional Forum or East Asia Summit may not be effective, as the ASEAN countries lack military capacity and do not propagate military alliances.

In such a situation, a strategic relationship between India and Australia, based on common political, economic and security cooperation, could provide the balancing influence. Being located away from China's immediate area of influence, such a relationship would not directly threaten Chinese interests but would still be able to exert influence over the SLOCs passing through the Indian Ocean region. The creation of such a strategic alliance between India and Australia could thereby contribute to a more stable Indo-Pacific region and ensure the independence of action of South Asian countries.

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The Australia-Japan Defence Relationship: Improving interoperability at the operational level

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Abstract

This paper analyses ways to deepen the Australia-Japan defence relationship. It argues that while there has been considerable progress in the last decade, the operational level is the missing aspect of the defence relationship, and that there is still much work to be done to achieve interoperability between the ADF and the Japanese Self-Defence Force.

The paper contends that the key to bridging the apparent strategic-tactical divide is not only to focus on the operational level but also to build capacity in operational planning through developing a thorough understanding of each other's planning doctrines, operational and intelligence capabilities and limitations, and rules of engagement. The paper concludes that this is best addressed through more involvement by Japan in Australian operations and exercises, notably Operation RENDER SAFE and Exercises PACIFIC PARTNERSHIP and TALISMAN SABRE.

Introduction

Australia and Japan are in many respects natural security partners: they are both Asia-Pacific powers, liberal democracies, desire a rules-based international order, and are close allies of the US. Over the last decade, the defence relationship between both nations has both broadened and deepened significantly.¹

Most notably, on 9 October 2013, then Australian Prime Minister Tony Abbott stated that '[a]s far as I'm concerned, Japan is Australia's best friend in Asia and we want to keep it a very strong friendship'.² Later, he described Japan as a 'strong ally'.³ While Japan is not legally an 'ally', the reality is that the Prime Minister's sentiment was more important than his word choice—and the sentiment is that Japan is a very close security partner, and getting closer.

The 2013 Australian Defence White Paper states that '[t]here is close policy dialogue [between Australia and Japan] ... facilitating exchanges on strategic perceptions and policy approaches, and setting priorities for practical cooperation'.⁴ Additionally, Japan's 2014 Defence White Paper states that 'Japan will further deepen its relationship with Australia ... [and] will also actively conduct joint training and other activities so as to improve interoperability with Australia'.⁵ However, while it is clear that the relationship has come a very long way in the last decade, there is still much work to be done in order to achieve interoperability between the ADF and the Japanese Self-Defence Force (JSDF).

The aim of this paper is to analyse ways to deepen the Australia-Japan defence relationship at the operational level. To do this, it will first review the achievements of the Australia-Japan defence relationship to date; second, discuss the operational level and why it is important; and third, examine three exercises/operations that are of low to medium sensitivity and complexity that could be used as platforms to enhance interoperability between the ADF and the JSDF. The paper will conclude that the operational level is the missing aspect of the Australia-Japan defence relationship and that it is best addressed by building capacity in operational planning through more involvement by Japan in Australia's robust exercise program.

The status of the Australia-Japan defence relationship

Before ways to deepen the relationship can be discussed, a brief summary of what has already transpired is required. In March 2007, the prime ministers of both nations signed the Japan-Australia Joint Declaration on Security Cooperation.⁶ In December 2008, a Memorandum on Defence Cooperation was signed at defence minister level, which 'recognises the gradual maturation

of the defence relationship from one based on dialogue to one based on practical cooperation'.⁷

These agreements were followed in May 2010 by an Acquisition and Cross-Servicing Agreement, which came into effect in January 2013, and in May 2012 by an Information Security Agreement, which came into effect in March 2013.⁸ The Acquisition and Cross-Servicing Agreement is an important enabling document that applies only to low-level activities such as exercises, peacekeeping operations and humanitarian assistance and disaster-relief operations, but not conventional military operations.⁹ The Information Security Agreement was significant because, without it to protect each other's classified information, the defence relationship would be unable to deepen as required by the respective leaders.¹⁰

Since the Japan-Australia Joint Declaration on Security Cooperation in 2007, there has also been a large number of meetings across various levels. While these have mostly been at the bilateral level, there has also been a number at the trilateral level, including US representatives.¹¹ Notably, the majority of these interactions have been at the strategic level, which is 'concerned with the art and science of employing national power in a synchronised fashion to achieve the national end state and national objectives'.¹²

Both before and after the Joint Declaration, Australian and Japanese forces had deployed on peacekeeping operations in Cambodia in 1992 and in Timor-Leste in 2000, and are currently deployed in South Sudan. They also deployed on humanitarian assistance and disaster-relief operations in December 2004 in response to the Indian Ocean tsunami, and in March 2011 following a substantial earthquake in Japan. They were also involved in humanitarian reconstruction in Iraq during 2005-06.¹³ All of these deployed activities occurred at the tactical level of war where 'tasks are planned and conducted to achieve operational objectives'.¹⁴

Where to next?

It is apparent from the above developments that the defence relationship has been focused on either establishing the relationship's strategic framework or actually undertaking deployed tactical-level activities as events dictate. What is missing is a deeper relationship at the operational level, where 'campaigns and operations are planned, synchronised and conducted to achieve strategic objectives'.¹⁵ Addressing this deficiency is necessary in order to improve interoperability between Australia and Japan.

ADF doctrine also notes that the operational level is the responsibility of commanders who employ the operational art, which is 'the skilful

employment of military forces to attain strategic goals through the design, organisation, sequencing and direction of campaigns and major operations'.¹⁶ Of note, '[o]perational art translates strategic into operational and ultimately tactical actions'.¹⁷ Therefore, the operational level is critical to deepening the Australia-Japan defence relationship and further developing ADF-JSDF interoperability.

On 1 July 2014, the Japanese Government officially reinterpreted Article 9 of the Japanese Constitution (which renounces war) and allowed the JSDF to conduct collective self-defence of countries that have a 'close relationship with Japan'.¹⁸ The Upper House approved this in September 2015 and the reinterpretation is now law. This is a very important development because, for the first time, the JSDF will be able to operate in limited combat roles alongside the militaries of other nations in the defence of Japan.¹⁹

This is one of Japan's first steps towards becoming a 'normal country'—able to use its military power like other states.²⁰ In the future, further normalisation may see the JSDF conducting a broader array of activities across the spectrum of conflict away from Japan, and potentially in coalition with Australia. Hence the time is right to increase interoperability at the operational level between Australia and Japan.

Enhancing interoperability through exercises and operations

To describe areas for future Australia-Japan collaboration, the Australian Strategic Policy Institute (ASPI) has developed a categorisation system, based on the sensitivity and complexity of activities.²¹ It uses a simple rating scale of low, medium and high, where low-sensitivity/complexity activities might include peacekeeping, humanitarian assistance and disaster relief, counter-terrorism and counter-piracy operations and exercises.²² Medium-sensitivity/complexity activities could include higher-end military exercises, as well as capability development on submarines and ballistic-missile defence.²³ High-sensitivity/complexity activities could include intelligence collection, cyber, and a response to the US anti-access and area-denial concept.²⁴

For the purposes of discussion, this paper will focus on exercises and operations at the low to medium levels of sensitivity and complexity. Peacekeeping and humanitarian aid/disaster-relief activities are considered low-sensitivity/complexity activities, as there is already a significant 'history of cooperation' between the two countries.²⁵

While the 'primary justification for dispatching defence forces to help another country experiencing a disaster [or instability] is usually humanitarian ... [and

related to] saving lives, alleviating suffering and maintaining human dignity', there are also less altruistic reasons.²⁶ These include 'reinforcing alliances and partnerships, advancing foreign policy agendas and providing knowledge of operational military capabilities'.²⁷ While the latter reasons do not trump the former, they are nevertheless very important—and require clear-headed thinking on how best to accomplish them.

Planning and practice is accordingly required to work through complex issues and develop tactical and operational-level proficiency. This is best done through exercises, either in the field or at a headquarters, as they 'are the most effective way of demonstrating and evaluating ... preparedness for operations'.²⁸ Furthermore, ADF doctrine states that exercises 'are an important tool through which the ADF tests and validates its concepts, procedures, systems and tactics.... [and they also] demonstrate readiness, build interoperability and contribute to force development'.²⁹

While most peacekeeping and humanitarian assistance/disaster-relief operations are undertaken with little warning, the performance of the deployed force increases considerably if they are practised in the sorts of activities they are deployed to perform. It obviously also helps if the participating forces have good levels of interoperability. Because Australia and Japan have jointly experienced many years of tactical operations and exercises—and with strategic-level agreements now in place—there is scope to expand the bilateral peacekeeping and humanitarian assistance/disaster-relief relationship to a more permanent footing.

One way to achieve this would be through the ADF's Program of Major Service Activities, which is 'a rolling program of joint and combined collective training exercises and activities that are planned to meet' the ADF's operational preparedness requirements.³⁰ Within that program, there are three exercises/operations that would seem well suited to increase interoperability and operational-planning skills at the low- to medium-level of sensitivity and complexity, namely Operation RENDER SAFE, Exercise PACIFIC PARTNERSHIP and Exercise TALISMAN SABRE.

Operation RENDER SAFE is the ADF's annual series of operations that aims to safely dispose of World War 2-vintage explosive remnants of war in a number of South Pacific island nations.³¹ While the operation has previously involved other nations, it has not yet involved Japan.³² Because the activity is an operation, it involves significant operational-level planning, which includes amphibious, aviation, medical, intelligence, and public affairs aspects. It is relevant to both peacekeeping and humanitarian assistance/disaster-relief operations, would

increase ADF-JSDF interoperability, and falls within the strategic framework of agreements such as the Acquisition and Cross-Servicing Agreement.

Exercise PACIFIC PARTNERSHIP is another key peacekeeping and humanitarian assistance/disaster-relief related activity that is also low sensitivity and complexity. It is a US Pacific Command-sponsored activity that involves many nations from across the Pacific, with Australia being a leading participant. It 'aims to strengthen international relationships, improve host nation resilience to natural disasters and improve the interoperability of regional forces in response to natural disaster and humanitarian emergencies'.³³ While Japan has participated previously, it has not done so consistently. Like RENDER SAFE, Exercise PACIFIC PARTNERSHIP involves a range of military capabilities in a humanitarian assistance/disaster relief-like environment and would also sit comfortably within the framework of Australia-Japan defence agreements.³⁴

Exercise TALISMAN SABRE is in a different league as it is 'designed to train ... military forces in planning and conducting Combined Task Force operations to improve the combat readiness and interoperability' of the forces involved.³⁵ As it is also focused on mid-intensity 'high-end' warfighting, it is of medium-level sensitivity and complexity.³⁶ In 2015, the exercise was held in Australia and 40 JSDF ground troops participated for the first time, albeit operating only with US forces, and not the ADF.³⁷ Additionally, because of its combined task force focus, TALISMAN SABRE would provide the most operational level benefit to the Australia-Japan defence relationship, as the JSDF would be able to learn from experienced US and ADF operational level headquarters.

Exercises and low-level operations such as those described above would serve to achieve many strategic-level objectives in the Japan-Australia relationship, such as supporting foreign policy aims and applying military capabilities to soft-power objectives. They would also serve to tighten the military-to-military relationship and instil trust and understanding.

These issues are not only important at the tactical level, where force elements work with each other, but also at the operational level where the activities are planned, synchronised and deconflicted. This is important because this is where national operational-level planning doctrines are employed and where the often difficult issues about what can and cannot be done are explored, such as capabilities, limitations, and rules of engagement, as well as operational intelligence exchanges.³⁸

While RENDER SAFE and PACIFIC PARTNERSHIP are both low sensitivity and complexity, they offer excellent opportunities to deepen the operational-level planning relationship, with little risk and in real-world humanitarian assistance/disaster-relief settings. They are potentially an excellent example of 'learning

to walk before you run'. TALISMAN SABRE, however, is the best longer-term opportunity to fully function at the operational level, both before and during the exercise, across several areas of operation, within a complex scenario and in a fully joint and combined setting.

Conclusion

This paper has proposed several ways in which the Australia-Japan defence relationship can be deepened without undue sensitivity and complexity. The importance of this requirement has significantly increased since July 2014, with the Japanese Government's reinterpretation of Article 9 of the Japanese Constitution and subsequent permission for the JSDF to provide collective self-defence of other countries' forces operating with the JSDF, thus allowing for 'a more normal defence posture'.³⁹

The paper has also contended that the key to bridging the apparent strategic-tactical divide is not only to focus on the operational level but also to build capacity in operational planning through developing a thorough understanding of each other's planning doctrines, operational and intelligence capabilities and limitations, and rules of engagement. It has argued that Japan's involvement in activities such as RENDER SAFE, PACIFIC PARTNERSHIP and TALISMAN SABRE would achieve this.

The Australia-Japan defence relationship has developed quickly and in the last decade there has been an exceptional level of cooperation and collaboration in deepening the defence ties between the two countries. As noted by Yusuke Ishihara, '[i]n light of such a strong record of bilateral cooperation, it is not too much to state that the Japan-Australia bilateral relationship is an "action shop", unlike many other collaborative frameworks which are often only "talk shops"'.⁴⁰ While much work has been done, it is now time to deepen the relationship at the operational level.

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- 3 Robert Ayson, 'Australia-Japan: Abbott uses the 'A' word', *The Interpreter* [website], 3 December 2013, available at <<http://www.lowyinterpreter.org/post/2013/12/03/Australia-Japan-Abbott-uses-the-A-word.aspx?COLLCC=321711321&>> accessed 24 June 2015.
- 4 Department of Defence, *Defence White Paper 2013*, Commonwealth of Australia: Canberra, 2013, p. 61.
- 5 Japan Ministry of Defense, *Defense of Japan 2014*, Ministry of Defense: Tokyo, 2014, p. 390, available at <http://www.mod.go.jp/e/publ/w_paper/2014.html> accessed 10 June 2015.
- 6 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 92.
- 7 Japan Ministry of Defense, 'Memorandum on Defence Cooperation between Ministry of Defense, Japan and Department of Defence, Australia', *Ministry of Defense* [website], 18 December 2008, available at <http://www.mod.go.jp/j/approach/exchange/nikoku/pacific/australia/pdf/memorandum_e.pdf> accessed 13 June 2015: also Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030, (Defence White Paper)*, Commonwealth of Australia: Canberra, May 2009, p. 95, which states that '[k]ey elements [of the Memorandum on Defence Cooperation] include an expression of intent to further cooperation in counter-terrorism, disaster relief, humanitarian assistance, peacekeeping and maritime security; a commitment to explore cooperation in science and technology; a commitment to develop an annual calendar of defence activities; an emphasis on multilateral and trilateral defence cooperation with the United States; and a formal commitment to regular bilateral Defence Ministers' meetings'.
- 8 Yusuke Ishihara, 'Japan-Australia security relations and the rise of China: pursuing the "bilateral-plus" approaches', UNISCI Discussion Paper No 32, Research Unit on International Security and Cooperation, Madrid, May 2013, p. 85, available at <<http://revistas.ucm.es/index.php/UNIS/article/viewFile/44791/42210>> accessed 13 June 2015.
- 9 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 101. Notably, the US-Japan Acquisition and Cross-Servicing Agreement also applies to combat operations in and around Japan.
- 10 Malcolm Cook and Thomas Wilkins, *The Quiet Achiever: Australia-Japan security relations*, The Lowy Institute for International Policy: Sydney, January 2011, p. 11; and Ishihara, 'Japan-Australia Defence Cooperation in the Asia-Pacific Region', p. 102.
- 11 Department of the Prime Minister and Cabinet, *Strong and Secure: A strategy for Australia's national security (National Security Strategy)*, Commonwealth of Australia: Canberra, 2013, p. 22, states that the relationship will be based 'on shared strategic and regional security interests including through the Australia-Japan-United States Trilateral Strategic Dialogue'.

- 12 Australian Defence Force (ADF), *Australian Defence Doctrine Publication 5.0 – Joint Planning*, Edition 2, Defence Publishing Service: Canberra, 20 February 2014, p. 1-3, available at <http://www.defence.gov.au/adfwc/Documents/DoctrineLibrary/ADDP/ADDP_5_0.pdf> accessed 7 June 2015.
- 13 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 96.
- 14 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 1-3.
- 15 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 1-3.
- 16 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 2-2.
- 17 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 1-3.
- 18 Japan Ministry of Defense, *Defense of Japan 2014*, p. 120; and Lisa Sharland, 'Reinterpreting Article 9: enhancing Japan's engagement in UN peacekeeping', *The Strategist* [website], 10 July 2014, available at <<http://www.aspistrategist.org.au/reinterpreting-article-9-enhancing-japans-engagement-in-un-peacekeeping/>> accessed 11 June 2015. The new bills were passed by the Lower House in July 2015 and the Upper House in September 2015.
- 19 Japan Ministry of Defense, *Defense of Japan 2014*, p. 120, states that '[n]evertheless, the Government interprets that the Constitution does not permit armed troops to be dispatched to the land, sea, or airspace of other countries with the aim of using force; such overseas deployment of troops would exceed the definition of the minimum necessary level of self-defense'.
- 20 Graeme Dobell, 'China as number one, Japan as normal', *The Strategist* [website], 22 December 2014, available at <<http://www.aspistrategist.org.au/china-as-number-one-japan-as-normal/>> accessed 11 June 2015.
- 21 See Hayley Channer, Andrew Davies and Peter Jennings, *Something New Under the Rising Sun: Expanding Australia-Japan defence cooperation*, Australian Strategic Policy Institute (ASPI): Canberra, June 2013, pp. 5-6; and, Andrew Davies, 'Future Japan-Australia pathways to defence collaboration: the Australian perspective', in Tow and Yoshizaki, *Beyond the Hub and Spokes*, p. 81.
- 22 Davies, 'Future Japan-Australia pathways to defence collaboration', p. 81.
- 23 Davies, 'Future Japan-Australia pathways to defence collaboration', p. 81.
- 24 Davies, 'Future Japan-Australia pathways to defence collaboration', p. 81. This concept was first called 'AirSea Battle'; in January 2015, it was re-titled the 'Joint Concept for Access and Maneuver in the Global Commons'.
- 25 See Channer, Davies and Jennings, *Something New Under the Rising Sun*, p. 5.
- 26 Athol Yates and Anthony Bergin, *More than Good Deeds: Disaster risk management and Australian, Japanese and US defence forces*, ASPI: Canberra, December 2011, p. 1.
- 27 Yates and Bergin, *More than Good Deeds*, p. 1.
- 28 ADF, *Australian Defence Doctrine Publication 7.0.3 – Exercise Planning and Conduct*, Defence Publishing Service: Canberra, 15 June 2010, p. 1-1, available at <http://www.defence.gov.au/ADFWC/Documents/DoctrineLibrary/ADFP/ADFP_7-0-2_The_Defence_Training_Model.pdf> accessed 7 June 2015.
- 29 ADF, *Australian Defence Doctrine Publication 7.0.3 – Exercise Planning and Conduct*, p. 1-2.

- 30 ADF, *Australian Defence Doctrine Publication 7.0 – Training*, Defence Publishing Service: Canberra, 19 September 2011, p. 3-6, available at <<http://www.defence.gov.au/ADFWC/Documents/Doctrinelibrary/ADDP/ADDP7.0-Training.pdf>> accessed 7 June 2015.
- 31 Department of Defence, 'Global operations - South West Pacific nations - Operation RENDER SAFE', available at <<http://www.defence.gov.au/operations/SouthWestPacificNations/>> accessed 16 June 2015.
- 32 By the inclusion of Japan, the activity would include the main warring parties from World War Two in the Southwest Pacific area and allow Japan to assist in the peaceful re-development of the region by cleaning up unexploded ordnance, much of which is Japanese.
- 33 Department of Defence, 'Exercises - Pacific Partnership 2014', available at <<http://www.defence.gov.au/exercises/pacificpartnership14/>> accessed 16 June 2015; and Sam Bateman, Anthony Bergin and Hayley Channer, *Terms of Engagement: Australia's regional defence diplomacy*, ASPI: Canberra, July 2013, p. 47.
- 34 These activities are also opportunities not only for detailed planning to occur at the operational level but are also excellent ways for Japan to increase its military engagement with the broader region, alongside Australia, with the added advantage of developing higher-end military capabilities in low-risk settings. One example is the use of Australia's new amphibious Landing Helicopter Dock ships, with their significant personnel and vehicle accommodation, aviation, medical, and command, control and communications facilities.
- 35 Department of Defence, 'Exercises – Talisman Saber', available at <<http://www.defence.gov.au/exercises/ts13/>> accessed 16 June 2015.
- 36 Department of Defence, 'Exercises – Talisman Saber'.
- 37 Australian Broadcasting Commission (ABC), 'South China Sea dispute: Japan to participate in Australia-US Talisman Sabre military drill for first time', ABC News [website], 26 May 2015, available at <<http://www.abc.net.au/news/2015-05-26/japan-to-join-major-australia-us-military-training-drill/6498432>> accessed 16 June 2015. Additionally, TALISMAN SABRE will become increasingly useful for the amphibious warfare opportunities it will present to both Australia and Japan as they develop their separate amphibious capabilities.
- 38 This could include operational intelligence exchanges in such areas as joint intelligence preparation of the operating environment, threat and capability analysis, counterintelligence, targeting and intelligence, surveillance and reconnaissance planning. Additionally, the development of high-end secure information and communications technology systems to support operational planning and intelligence activities is required to make the relationship live beyond exercises, and enable combined crisis planning between operational-level headquarters in their respective homelands.
- 39 King, 'Australia and Northeast Asia', p. 98.
- 40 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 97.

The South China Sea Dispute: Opportunities for ASEAN to enhance its policies in order to achieve resolution

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Abstract

This paper examines the ongoing dispute in the South China Sea with a view to identifying opportunities for ASEAN to enhance its policies in order to achieve resolution. It notes that China's longstanding dispute with a number of coastal states has resulted in an environment that is far from conducive to achieving peaceful settlement. It also notes that while ASEAN has tried to manage the dispute multilaterally through dialogue and consultation, it has not yet been successful in playing a mediating role due to a lack of consensus among its member states.

The paper highlights the evolution of the dispute and current developments within the South China Sea. It also examines China's foreign policy and its strategy in the South China Sea, as well as assessing the likely responses from ASEAN disputants and ASEAN's framework for dealing with the issue. The paper concludes by proposing a revitalisation of ASEAN, and suggesting how ASEAN should implement its policies to assist in managing the dispute, including how this is likely to impact on the situation over the coming decade.

Introduction

If your enemy is secure at all points, be prepared for him. If he is in superior strength, evade him. If your opponent is temperamental, seek to irritate him. Pretend to be weak, that he may grow arrogant. If he is taking his ease, give him no rest. If his forces are united, separate them. If sovereign and subject are in accord, put division between them. Attack him where he is unprepared, appear where you are not expected.

Sun Tzu, *The Art of War*¹

The South China Sea is unquestionably one of the busiest international sea lanes in the world, with Robert Kaplan describing it as 'the throat of global sea routes'.² However, activities within the South China Sea are not only about seaborne trade and navigation; there is also considerable exploitation and exploration of natural resources, such as natural gas, oil and fish stocks. The littoral states with a particular interest in these natural resources are Indonesia, Vietnam, The Philippines, China, Taiwan, Brunei and Malaysia, while several international companies from countries such as the US, UK, Canada, India, Russia and Australia are also involved in commercial activities.³

However, China's longstanding dispute with a number of coastal states has resulted in the South China Sea being labelled as 'troubled waters' or a flash point.⁴ Several of these states, namely Vietnam, The Philippines, Malaysia and Brunei, are members of ASEAN. Indonesia, which is also an ASEAN member, has an exclusive economic zone (EEZ) generated from the Natuna Islands, overlapping China's so-called 'nine-dash-line claim' in the South China Sea. But Indonesia officially insists that it is not a claimant.⁵

Notwithstanding these claims, the South China Sea issue has much broader implications for maritime security, peace, stability and security in the region. Coastal states' interests are centred on maritime boundaries, territorial sovereignty and the right to exploit the region's resources, while many other countries' interests are to ensure secure sea lines of communications (SLOCs) and in satisfying their national geopolitical strategies. For example, Japan and South Korea's interests are to secure SLOCs for trade and oil transportation, and in fisheries, with roughly two-thirds of South Korea's energy, and nearly 60 per cent of Japan's crude oil imports (and 80 per cent of China's) coming through the South China Sea.

Meanwhile, the US demands freedom of navigation through the South China Sea, as codified in the UN Convention on the Law of the Sea (UNCLOS), despite it not being a party to the Convention.⁶ Freedom of navigation is a particularly contentious issue between the US and China over the right of vessels to operate unchallenged in the 200 nautical mile EEZ claimed by China. In August 2015,

during a regional meeting in Kuala Lumpur, US Secretary of State John Kerry asserted that the US will not accept any restrictions on freedom of navigation or overflight in the disputed South China Sea.⁷

Moreover, current developments associated with the dispute are far from conducive to achieving peaceful settlement. China's construction of facilities on man-made islands has raised tensions and risked the militarisation of competing claims by other states. And ASEAN, which has tried to manage the dispute multilaterally through dialogue and consultation with China, has not yet been successful in playing a mediating role due to a lack of consensus among its member states on how to address sovereignty disputes.

This was evident during the 45th ASEAN Ministerial Meeting in Phnom Penh in July 2012, when member states failed to reach agreement on issuing a joint communiqué, reflecting the disunity of ASEAN on this issue.⁸ Still, more recent developments which saw China agree in 2013 to commence discussions on a code of conduct in the South China Sea, and attend a meeting in July 2015 on the implementation of a Declaration on the Conduct of Parties in the South China Sea, are more positive and indicate some progress is being made, with Malaysian Foreign Minister Anifah Aman noting that the latter meeting included 'important progress with regard to the code of conduct'.⁹

In the meantime, growing Chinese assertiveness reaps criticism not only from coastal states but also from the US, which has criticised China's artificial island-building project as posing a serious threat to stability in the region.¹⁰ Some would also argue that the determined way in which China is pursuing its territorial and jurisdictional claims indicates that China is prepared to disregard international law, jeopardise the maintenance of regional order, and its obligations to abide by regional as well as international mechanisms.¹¹

In considering these recent developments, it is assessed that ASEAN could follow any of three different pathways in order to resolve or defuse the dispute, namely to argue legal jurisdiction; pursue political negotiations; or promote the prospects for joint resource exploitation. However, it will be difficult to find a single, unified solution if it depends on current ASEAN dispute resolution mechanisms, as ASEAN is a grouping of states with individual national interests. That is not intended as a criticism but simply highlights that, as a regional organisation, ASEAN is neither structurally nor functionally organised to resolve such issues. In this regard, like the EU and NATO, in which member states have different national interests and struggle to achieve consensus on contentious issues, ASEAN is unexceptional.¹²

Against that background, the paper will examine the South China Sea dispute and ASEAN's policy response and strategy. Firstly, it will highlight the evolution

of the dispute and current developments within the South China Sea. It will then examine China's foreign policy and its strategy in the South China Sea. The paper will then assess the likely responses from ASEAN disputants, before reviewing ASEAN's framework in dealing with the issue, and identifying its limitations. The paper will conclude by proposing a revitalisation of ASEAN, and suggesting how ASEAN should implement its policies to assist in managing the dispute, including how this is likely to impact on the situation over the coming decade.

Evolution of the South China Sea dispute

It could be argued that the South China Sea dispute is an intractable issue or 'wicked problem', having developed for decades, which presents a security risk to the region but for which no peaceful settlement is yet in sight. When the issue first arose, no-one could foresee the direction it would take. Today, the fact that tensions escalate from time-to-time to a level that may lead to military tension and deadly conflict, reflects the complexity of the issue and the strength of commitment by nations to protect their national interests.¹³

The first claim that China made regarding the South China Sea was in 1951 in response to the signing of the San Francisco Treaty.¹⁴ However, in 1947, the Nationalist Government of the Republic of China (Kuomintang) had published an 'eleven-dash line' map which subsequently became the basis of the 'nine-dash-line' claim after China removed two dashes as a concession to (North) Vietnam after 1954.¹⁵ China's resurgent claim, to more than 60 per cent of the South China Sea, and its ongoing occupation of several islands and reclamation activities on several reefs and rocks, including building airstrips and adding military fortifications, is creating a significantly-changed regional environment.¹⁶

The legality of China's actions is controversial, as the reclamation activities, in particular, have the potential to generate new territorial waters and EEZs. It is expected that these will not be recognised by the majority of the international community because of their legal ambiguity.¹⁷ Regardless, in late 2014, China classified its nine-dash line claim as a historical claim when it released the Chinese Government's 'Position Paper on a Matter of Jurisdiction in the South China Sea Arbitration', in response to a legal challenge initiated by The Philippines, asserting that:

Chinese activities in the South China Sea date back to over 2000 years ago. China was the first country to discover, name, explore and exploit the resources of the South China Sea Islands and the first to continuously exercise sovereign powers over them.¹⁸

China's claim is based on the argument of 'historical discovery'. However, while it could be true that China discovered and named some features within the South China Sea, simple discovery without effective governance extending over a long period of time is not sufficient as a matter of law.¹⁹ This was shown by the precedent set in international arbitration of the Palmas Island dispute between the US and the Netherlands.²⁰ In that case, it was agreed that the US had 'discovered' Palmas Island. However, its claim of sovereignty was lost in arbitration to the Netherlands, which was the administrator of the island. So it could be expected that in international law, based on the precedent of the Palmas Island case, China would be challenged in asserting a lawful claim over the South China Sea based on 'historical discovery'.²¹

Other important events occurred in relation to the South China Sea between 1955 and 2015, which have further clouded the ownership issue.²² After the establishment of the People's Republic of China in October 1949 and its subsequent assertion of its territorial claim to the South China Sea, Taiwan in 1956 followed the example of China by claiming Taiping (Itu Aba) Island in the Spratly Islands and garrisoning permanent troops on the island. In 1970, The Philippines claimed the western portion of the Spratly Islands group by occupying five features. This was quickly followed by South Vietnam occupying six features and officially claiming the Spratly Islands as a Vietnamese province in 1974. In the same year, China took control of the Crescent Group of the Paracel Islands from Vietnam.²³ Then, in 1983, Malaysia occupied three features in the Spratly Islands and in 1986 claimed an additional two.

These island-claiming disputes continued in 1988, when China attacked Vietnamese forces on Johnson South Reef. In addition, China became involved in a territorial dispute with The Philippines when China occupied the Philippines-claimed Mischief Reef and built several structures on it in 1994. China and The Philippines also competed for ownership of Scarborough Shoal by placing flags and erecting markers in 1997. In 2012, China virtually annexed Scarborough Shoal by deploying maritime law enforcement vessels there on a permanent basis.²⁴ Then, in May 2014, the deployment of the Chinese oil rig Haiyang Shiyou 981 into Vietnam's claimed EEZ resulted in incidents and triggered a major crisis in Sino-Vietnam relations that raised tensions in the region to the highest level since the end of the Cold War.²⁵

While overlapping territorial claims are continuing, reclamation projects are also taking place within the South China Sea. Some countries, including Taiwan, Vietnam and Malaysia, have expanded their territory by land reclamation on existing islands. However, China is the only country that has undertaken land reclamation activities on reefs, thereby creating artificial islands in the South China Sea.²⁶ Such man-made constructions do not fall under the legal

framework of UNCLOS. Therefore, China's projects to create artificial islands will generate complicated legal issues under international law or UNCLOS that are unlikely to be settled for years to come.

Consequently, the development of this situation in the South China Sea has the potential to result in unforeseen stakes and risks, such as generating an arms build-up in the region, in particular among disputant countries. If tensions rise, and waters of the South China Sea are classified 'high-risk' in terms of international shipping, this could result in increased insurance premiums or alternative routes or sources of supply being developed, with significant implications for global trade and commerce.

Recognising the potential of a deteriorating security situation, ASEAN made its first effort to create a positive atmosphere for eventual pacific settlement by adopting the 1992 ASEAN Declaration on the South China Sea which urged all parties to exercise self-restraint.²⁷ Earlier, in 1990, Indonesia—as a neutral party in the dispute—had attempted to facilitate a dispute-resolution process, in particular between ASEAN disputant states and China, by initiating an informal diplomacy initiative through a series of workshops involving academics and government officials in their private capacities. From 1990 to 2009, Indonesia organised 19 workshops involving the Chinese (as well as representatives from Taiwan), aimed at managing potential conflict in the South China Sea, under the auspices of the Policy Planning and Development Agency within Indonesia's Department of Foreign Affairs.²⁸

These meetings tried to achieve objectives that were summarised as 'managing the potential conflicts, developing confidence building measures and exchanging views through dialogues'.²⁹ However, it could be argued that this was more an informal diplomatic exchange than a formal mechanism to develop implementation strategies to manage the dispute, as no binding agreement such as a code of conduct eventuated. Therefore, the only existing confidence-building mechanism for the dispute is the Declaration on the Conduct of Parties in the South China Sea, signed by all members of ASEAN and the Republic of China in 2002.³⁰

Although ASEAN successfully created the 1992 Declaration on the South China Sea—signed by the foreign ministers of Indonesia, Brunei, Singapore, Vietnam, The Philippines and Thailand—it is not a legally-binding agreement, rather it is an example of ASEAN's internal diplomacy.³¹ Even so, the declaration did serve to reduce the tension among ASEAN states and several disputes were solved by bilateral agreement or through a third party.

For example, the dispute between Indonesia and Malaysia in 2002 regarding Sipadan Island and Ligitan Reef, and the dispute between Malaysia and

Singapore in 2008 over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge were settled by utilising a third party such as the International Court of Justice.³² Along similar lines, the bilateral agreement of 1997 between Thailand and Vietnam on the delineation of their continental shelf and EEZ boundaries in the Gulf of Thailand; the 2003 agreement between Indonesia and Vietnam on the delineation of their continental shelf boundaries in an area to the north of the Natuna Islands; and the 2014 agreement on the EEZ boundary in the Mindanao Sea and Celebes Sea between Indonesia and The Philippines, are several examples of bilateral negotiations to solve maritime boundary disputes among ASEAN states within the South China Sea.³³

Still, ASEAN has not been successful at conflict resolution when negotiating with non-ASEAN states, where it seems that ASEAN's spirit of collective goodwill is not as effective. For example, in 2002, ASEAN and China agreed to sign a Declaration of Conduct that promised to enhance favourable conditions for peace and find a durable solution to the differences and disputes among the countries concerned.³⁴ However, China has since responded in different ways in dealing with each disputant country which indicates it has shifted away from a collective ASEAN position, highlighting the ineffectiveness of the declaration.³⁵ China was able to do so because ASEAN itself could not retain its collective bargaining position—each ASEAN state has its own national interests and these prevailed.

In other words, as Carlyle Thayer has stated, the declaration was stillborn because it has not been implemented, even though implementation guidelines were agreed and adopted in July 2011.³⁶ Further developments, such as land reclamation by disputant states, reflect such failure—in particular, point five of the declaration which is to exercise self-restraint in the conduct of activities.³⁷ Additionally, even though point 10 of the declaration stated that the parties agreed to adopt a code of conduct to promote peace and security in the region, the disputant countries have not been successful in actualising it.³⁸ It seems that China is not interested in creating a code of conduct, evidenced by statements that it would discuss a code of conduct with ASEAN at an 'appropriate timing' or when 'appropriate conditions' were met.³⁹

It is clear that a code of conduct is still needed to overcome the declaration's weakness and create a dispute-resolution process.⁴⁰ However, while ASEAN states are generally supportive of the creation of a binding agreement, such as a code of conduct, it may not eventuate for many years as there is no real progress being made.⁴¹ ASEAN exhibited a newfound sense of unity and expected to reach agreement with China when the two parties agreed to start discussions on a code of conduct in September 2013.⁴² However, even after the Ninth Senior Officials' Meeting on the Implementation of Declaration

of Conduct in July 2015, only minimal progress has been achieved due to what is perceived as Chinese reluctance and the sense that China is biding its time to gain benefits from the ongoing development of its man-made islands within the disputed area.⁴³

Moreover, Ian Storey, for example, assesses that a code of conduct is unlikely to be agreed in the foreseeable future, particularly because—in his view—five key constraints still persist among the disputants, namely popular nationalism concerning sovereignty of the islands and features; claimants' ongoing efforts to strengthen their jurisdictional claims; competition to exploit fisheries and hydrocarbons; the ongoing militarisation of the dispute and China's willingness to apply coercive pressure; and the growing geostrategic competition between the US and China.⁴⁴

In the absence of a peaceful settlement process, and with the pathway to a code of conduct seemingly at an impasse, disputes over territorial claims have resulted in an escalation of tensions exacerbated by a region-wide upgrade of military capabilities and the new-found assertiveness of several claimants. This has resulted in several deadly incidents in recent decades between China and two ASEAN member-states, Vietnam and The Philippines. In January 1974, a clash between China and Vietnam, known as 'the Battle of the Paracel Islands', resulted in 36 troops from both sides being killed.⁴⁵ Two years later, 74 Vietnamese sailors died in a clash between Vietnam and China over Johnson Reef.⁴⁶

China has also been involved in incidents with The Philippines. In 1996, opposing gunboats clashed near Capones Island.⁴⁷ In 1999, a Chinese fishing boat collided with a Philippines' naval vessel and sank off Scarborough Shoal and, in 2000, Philippines' soldiers shot at Chinese fishermen off Palawan Island, killing one fisherman.⁴⁸ In April 2012, there was a reported challenge between China and The Philippines in an effort to control Scarborough Shoal, which a senior PLA Army officer, Major General Luo Yuan, described as 'China's proactive stance' against The Philippines.⁴⁹

In addition, in May 2014, China dispatched an oil rig into Vietnam's claimed EEZ, with a back-up force from the PLA Navy of six warships and 40 coast guard vessels. It clearly deterred and intimidated the Vietnamese, which resulted in incidents of violence against Chinese people and businesses in Vietnam, and a rise of anti-China nationalism.⁵⁰

China's naval capability dwarfs other Asian countries' capabilities, with more than 300 surface ships, submarines, amphibious ships and patrol craft; indeed, Chinese naval combatants and maritime law enforcement vessels outnumber the combined maritime forces of Japan, Indonesia, Vietnam, Malaysia and

The Philippines.⁵¹ Furthermore, as a reflection of Chinese confidence in its ability to manage the dispute, Beijing has reportedly adopted a civilian maritime enforcement policy in which civilian law enforcement vessels have taken the lead, supported by PLA Navy elements.⁵²

Some commentators have speculated that China's assertiveness over the South China Sea dispute may become more aggressive when the construction of artificial islands is complete.⁵³ By 2017, it is expected that 'these artificial islands will have been equipped with ports, barracks, battlements, artillery, air strips and long-range radar systems' that will enable China to project military and paramilitary power which, according to an un-named (but presumably Western) official source, will be 'a huge strategic victory for China'.⁵⁴

In response to the situation, disputants from ASEAN member states, notably Malaysia, The Philippines and Vietnam, are stepping up their own military modernisation.⁵⁵ In December 2014, for example, Rear Admiral Taccad, head of the Philippine Navy's weapons systems, announced that US\$885 million would be allocated for the procurement of three guided-missile fast attack craft, two guided-missile stealth frigates and two anti-submarine helicopters, asserting that 'events in the West Philippines Sea [South China Sea] actually gave some urgency on the acquisition'.⁵⁶

In October 2014, Malaysia similarly announced an increase in its defence budget by 10 per cent, in part because of concerns over Chinese assertiveness in the disputed waters around James Shoal, with Admiral Aziz Jaafar, Chief of the Royal Malaysian Navy, later announcing plans to procure 'eight guided-missile corvettes and six anti-submarine helicopters ... as well as the acquisition of small craft and the replacement of obsolescent torpedo and missile systems on navy ships'.⁵⁷

Meanwhile, between December 2014 and early 2015, Vietnam conducted strategic dialogues with India, Russia and the US, which included substantial military equipment procurement.⁵⁸ According to Murray Hiebert and Phuong Nguyen, Vietnam had the largest increase in defence spending among Southeast Asian countries over the period 2004 to 2013, increasing its defence outlay by 113 per cent, with total spending in 2013 of US\$3.4 billion.⁵⁹

Another measure of China's assertiveness in the South China Sea has been an increase in the number of military exercises and requests for military assistance made by regional states to external major powers. In August 2015, for example, The Philippines requested US assistance in resupplying and rotating its military forces in the South China Sea because, according to an un-named military spokesman, 'they face harassment from regional power China'.⁶⁰ Hiebert and Nguyen note that Vietnam similarly received military assistance from the US in

the form of an US\$18 million maritime security package, and from Japan in the form of decommissioned coast guard vessels.⁶¹

The Philippines has also actively continued its program of bilateral military exercises with the US, which included an amphibious landing exercise (PHIBLEX 16) in September 2015, and the CARAT (Cooperation Afloat Readiness and Training) Exercise which took place off Palawan Island in June 2015.⁶² A Philippines' military spokesman asserted that 'the holding of CARAT Philippines 2015 ... was part of regularly planned and scheduled drills ... [and] had nothing to do with Manila's ongoing dispute with China'.⁶³ However, in a signal clearly intended for China, The Philippines also held a similar exercise with Japan, which occurred shortly after President Benigno Aquino's visit to Tokyo, during which he and Japanese Prime Minister Shinzo Abe 'pledged to strengthen ... their strategic partnership ... and agreed to open discussions on ... [an] agreement that would allow Tokyo access to Philippine military bases'.⁶⁴

Despite being a non-claimant state, Indonesia is also proposing to boost its defence measures near the South China Sea, with Indonesia's Defence Minister, Ryamizard Ryacudu, announcing in September 2015 that Indonesia will equip its Natuna Islands with a port and extend its military air base runway, noting that the South China Sea remains an Indonesian concern and one of the country's security challenges.⁶⁵

More broadly, the ongoing dispute has also dragged the US into heightened rivalry with China as a result of the potential disruption of its interests in the South China Sea, particularly in regard to freedom of navigation, as well as the support it provides to ASEAN claimants.⁶⁶ However, some have argued that as the only power that could counter China's geopolitical ambition in the region, the US does not have a sustained commitment to defending the rule and law and *status quo* in the South China Sea because of its lack of legal standing as a non-party to UNCLOS.⁶⁷

China's foreign policy and strategy

China's policy on the South China Sea dispute is seen by some as being deliberately vague.⁶⁸ As Shannon Tiezzi argues, perhaps China's foreign policy in relation to the dispute could be stated simply as 'China's rise is peaceful but China will not hesitate to use whatever means necessary to defend itself'.⁶⁹

The peaceful aspect was evident in a speech by Chinese President Xi Jinping in May 2014, celebrating the 60th anniversary of the Chinese People's Association for Friendship with Foreign Countries, when he asserted that 'China loves peace and will not pursue hegemony.... China will insist on a peaceful way of development ... [and] there's no gene for invasion in the Chinese people's

blood'.⁷⁰ The somewhat harder dynamic was evident in a speech by General Fang Fenghui, Chief of the General Staff of the PLA, during a visit to the US in the same month, when he said:

We do not make trouble. We do not create trouble. But we are not afraid of trouble ... [and in relation to the] territory which has passed down from our ancestors into the hands of our generation ... China cannot afford to lose an inch.⁷¹

A closer reading of these two statements would suggest that, on the one hand, China promises not to use force with respect to territory over which it has no claim. However, on the other, it will stoutly defend territory over which it does have a claim—which would also suggest that China has no intention of reaching a compromise with other disputants in relation to the South China Sea. China has also tried to warn off other states from interfering, asserting in May 2015:

On the issues concerning China's territorial sovereignty and maritime rights and interests, some of its offshore neighbors take provocative actions and reinforce their military presence on China's reefs and islands that they have illegally occupied. Some external countries are also busy meddling in South China Sea affairs.⁷²

This policy is not surprising; in fact, it is not new Chinese policy. The policy has been adopted to justify China's denial of responsibility for rising tensions in the South China Sea, for which it blames the Southeast Asian claimants, the US and Japan, as well as to justify the artificial island construction it is now undertaking on seven features in the Spratly Islands.⁷³

Moreover, while President Xi Jinping asserted in October 2014 that the basic tenet of Chinese diplomacy is to treat its neighbours as friends and partners to make them feel safe and help them develop,⁷⁴ China in practice has been exercising more assertive actions when confronting other disputants which notably are China's neighbours. Certainly, China's actions in constructing military bases in the South China Sea to reinforce its military presence in the area would indicate it has no intention of withdrawing its claim or compromising with other disputants.⁷⁵

There is also a concern that China will attempt to impose an air defence identification zone (ADIZ) in the South China Sea, as it did in the East China Sea in November 2013 in the area in dispute with Japan over the Senkaku (Diaoyu) Islands.⁷⁶ An ADIZ is an additional zone of aerial control, beyond territorial airspace, which would allow China to monitor approaching aircraft—both civilian and military—including by requiring them to identify themselves in accordance with Chinese instructions. Already, there have been several instances where Chinese military authorities based on islands in the South China Sea have warned US aircraft that they are approaching restricted Chinese

airspace around the islands, based on what China would claim as territorial waters around the islands.⁷⁷

However, most of the islands in question are not natural islands but artificial constructions derived through land reclamation on otherwise submerged reefs, which the Commander of the US Pacific Fleet, Admiral Harry Harris, has described as China's 'Great Wall of Sand'.⁷⁸ Article 60(8) of UNCLOS states that such artificial islands are only entitled to a 500-metre safety zone around them. Most other countries, therefore, assume that—other than the 500-metre zone—passage through the South China Sea is regarded as freedom of navigation on the high seas, as articulated in Article 87 of UNCLOS.

That is certainly the position of the US which, on at least two occasions, has deliberately approached the islands by sea and air, ignoring Chinese demands not to do so, to enforce the US policy of freedom of navigation in and through what it contends are international waters.⁷⁹ More broadly, if China does implement an ADIZ in the South China Sea, it would likely attract considerable criticism from other countries, such as occurred when it declared its East China Sea ADIZ, which Japan and the US argued was contrary to international law.⁸⁰

A further uncertainty is the intent of China's land reclamation activities, notably on Fiery Cross Reef, which lies in the southern end of contested waters in the South China Sea, close to The Philippines. The construction could simply be Chinese efforts to improve the defensive posture of its claimed territory, providing an additional measure of protection, and a warning to other disputants that it is actively committed to the retention of its claim. Of course, China is not alone in undertaking such land reclamation. A number of regional countries, including Taiwan, Vietnam, Singapore and Malaysia have similarly expanded their territory, however, China is the only country that has transformed reefs into artificial islands in the South China Sea.⁸¹

There are also concerns that the construction of a military-grade airstrip on Fiery Cross Reef could be a tipping point in China's ability to project air power thousands of kilometres from its mainland. On the one hand, China has been at pains to explain the development in terms of its civilian potential, with a spokesman saying the island-building was 'beneficial to the whole of international society ... because it aided China's search-and-rescue efforts and environmental protection work'.⁸² However, a more assertive line has also been evident in a number of official comments, such as the statement by a Foreign Ministry spokesperson that:

China holds a clear and consistent stance on the South China Sea issue. China's normal construction activities on our own islands and in our own waters are lawful, reasonable and justifiable. We hope that relevant part[ies] can take a calm view on this.⁸³

China's willingness to disclose its activities in the Spratly Islands—such as the media coverage of two civilian airliners landing on Fiery Cross Reef in early January 2016—could mean a move towards more transparency from China.⁸⁴ Or it could be an indication that China is now very confident in asserting its claim to the disputed areas. Similarly, the potential for the islands to be used by both civilian and military aircraft would not have been lost on other claimants, nor would China's significantly improved ability to patrol the area and enforce its claims in the South China Sea.⁸⁵ Regardless of Beijing's talk of benefitting 'the whole of international society', China's newfound strategic reach is unlikely to be viewed by other regional states as a measure to promote peace and stability.

It is arguable, therefore, whether China's foreign policy is intended to promote the peaceful rise expressed by President Xi Jinping.⁸⁶ In the view of some commentators, Beijing has become more assertive and more proactive in international affairs.⁸⁷ Others believe the change to be a reflection of an increase in Beijing's confidence, by exposing its capabilities, which would be a move away from the traditional dictum of 'hide your strength, bide your time', rather than a significant policy change.⁸⁸ So they argue that nothing has changed from the policy known as 'peaceful rise or peaceful development'. According to Zheng Bijian, a prominent policy adviser to the Chinese leaders who were the creators of this foreign policy concept in 2003, peaceful development was China's intention in order to become a great power peacefully.⁸⁹

Another perspective is that the Chinese foreign policy concept of peaceful development could be defined as a Chinese campaign to reassure the international community, particularly neighbouring countries, that China's future is benign and that its rise will not be a zero-sum game.⁹⁰ However, questions remain about the future of China's foreign policy, especially associated with territorial disputes in the South China Sea, particularly as China becomes stronger economically and militarily, and others—including the US—are critically interdependent on China's economy.⁹¹

Some would also argue that even though China's actions in revealing its new foreign policy have increased transparency, the future implementation and practice of the policy is still unclear.⁹² In part, that is because the Communist Party's power is paramount over the state, and the Politburo Standing Committee remains the country's decision-making hub—which could still lead to a lack of transparency.⁹³ Hence, in considering the South China Sea dispute in terms of China's foreign policy, there is obviously some prospect that the *status quo* will be maintained. However, what seems more likely—based on China's recent actions in enforcing its nine-dash-line claim—is that China will gradually become more coercive.

Moreover, Chinese increased assertiveness will certainly be evident if it establishes an ADIZ in the South China Sea. Such a strategy is clearly being discussed in Chinese military circles, with a senior researcher at the China's People's Liberation Army Military Academy, Senior Colonel Li Jie, saying publicly in February 2014 that the establishment of an ADIZ in the South China Sea was necessary for China's long-term national interest.⁹⁴ The concern of ASEAN states is that the modernisation of China's military will encourage Beijing to become more assertive and confident in claiming and protecting its territory in the South China Sea. If it does, China's stated ambition of rising peacefully and achieving peaceful development will likely be severely tested.

ASEAN's likely responses

Somewhat pessimistically, it seems that several ASEAN claimant states are coming to the conclusion that a negotiated settlement of the South China Sea dispute is unlikely. As The Philippines' government indicated in its statement to the Arbitration Tribunal in early 2013, in its claim against China, 'over the past 17 years of such exchanges of views, all possibilities of a negotiated settlement have been explored and exhausted'.⁹⁵

Initially, The Philippines' effort received little support from ASEAN and its constituent members.⁹⁶ However, a March 2015 statement from the current ASEAN Secretary General might be interpreted that ASEAN supports The Philippines' decision to file arbitration against China, with Le Luong Minh reportedly saying that the nine-dash line is 'not binding on any claimant ... and that ASEAN supports The Philippines' efforts to bring about a peaceful resolution in its own territorial dispute with China'.⁹⁷

Notwithstanding the gloomy prospects for a possible settlement, ASEAN should be encouraged to continue making concerted efforts to settle the dispute, as there is every prospect that a failure to do so will adversely affect peace and security in the region. The next section of this paper therefore examines how ASEAN might respond to the issue over the coming decade, contending it may involve pursuing three different options on behalf of the involved parties as they seek a peaceful settlement of the issue, namely pursuing legal avenues, diplomatic or political negotiations, and/or joint development.

Legal avenues

Pursuing legal avenues to solve the South China Sea dispute will not be an easy pathway but arguably is the most well-founded option. The Philippines initiated its legal effort against China in January 2013 but—three years on and after six hearings of the Permanent Court of Arbitration—the case is still far from conclusion.⁹⁸ Therefore, predicting how this issue will play out in the legal field is difficult, particularly as China has ruled out using legal arbitration as the basis for dispute settlement.

Another reason is that the status of the sovereignty of the Paracel and Spratly Islands has been unclear since the dispute first emerged many decades ago. When colonial states such as the US, US, France, the Netherlands and Spain ruled littoral states around the South China Sea, the area was an important part of their economic activities. At the end of colonial rule, four international documents regarding the settlement of sovereignty and borders, namely the San Francisco Treaty, the Cairo Declaration, the Potsdam Declaration and the Joint Communiqué between the People's Republic of China and Japan, failed to generate any clarity regarding sovereignty of the Paracel and Spratly Islands.⁹⁹

In addition, Thi Lan Anh Nguyen has contended that there are three sets of laws governing the South China Sea: the law concerning territorial acquisition that is agreed by customary international law; the law of the sea (UNCLOS) that codified the maritime domain under customary international law; and the law of dispute settlement that resulted from the applicability of Part XV of UNCLOS in the effort of dispute settlement.¹⁰⁰ However, while any of these three laws might be applied to the South China Sea dispute, the reality is that the implementation of an award under the law needs an enforcement body which does not yet exist in any of the three areas of law.¹⁰¹ Hence, in this case, legal efforts alone are unlikely to lead to the end of the dispute.

Since all ASEAN states are parties to UNCLOS, it is also likely that ASEAN will continue to favour UNCLOS as the legal framework for assessing maritime claims or disputes. Meanwhile, even though the US is not a party to UNCLOS, the US supports adopting UNCLOS to resolve maritime claims and disputes in the South China Sea.¹⁰² The majority of external parties with an interest in the region, such as Japan, South Korea and Australia, also support UNCLOS as the legal framework for addressing claims or entitlements to maritime areas.

The Philippines has shown this predilection for the legal framework of UNCLOS by serving China with a formal claim to the Permanent Court of Arbitration in respect of maritime jurisdiction in what it refers to as the West Philippines Sea. Other disputants from within ASEAN, such as Vietnam and Malaysia, may

decide to take the same action as The Philippines, particularly if its case is successful. This would be beneficial to all parties as a tribunal ruling (or any other legally-recognised form of dispute resolution decision) would provide clarity to the case and, ideally, a satisfactory resolution for all parties.

However, there are several complications facing claimants pursuing a legal means of resolution. One is that the dispute negotiation process is protracted, which arguably benefits those countries intent on changing the situation on the ground, either through physical possession or reclamation activities such as China's 'Great Sand Wall'. Another is that China is strongly opposed to the legal avenue of the Permanent Court of Arbitration and may ignore any decisions that do not go in its favour.

Another problem is the practical reality that all disputants have a heavy economic dependency on China, which is ASEAN's largest trading partner, so economic considerations understandably influence the thinking of individual states to varying degrees.¹⁰³ Most are also mindful of the impact that taking legal action against China could have on their bilateral diplomatic relations. So with the individual states of ASEAN having such varying concerns, it is unlikely that ASEAN itself could generate the consensus to prosecute a legal claim against China.

Political negotiations

A second possible response in pursuing a settlement is the continuation of political negotiations, although this route too is likely to have problems in the coming decade. Most ASEAN states lack the political resolve to mount a serious counter-challenge to China, because of their economic dependency on China, resulting in a disunited ASEAN view on the issue. So reaching a political settlement with China using diplomatic efforts is unlikely to be successful for ASEAN claimant-states in the coming decade. However, as stated in its charter, ASEAN follows the principle of peaceful settlement of disputes, so ASEAN will continue to try and exploit diplomatic efforts through consultation and negotiation.¹⁰⁴

ASEAN has long been aware that China is reluctant to discuss the South China Sea issue solely on a multilateral basis and, even when it does, there is a lack of consistency and commitment in any political negotiations. The creation of the Declaration of Conduct, and internal meetings between ASEAN and China to discuss implementation of the declaration and a code of conduct, have not resulted in any concrete advancement on the issue, particularly because China seems to have adopted a 'hedging strategy'.¹⁰⁵

It is anticipated that this lack of a full commitment will continue over coming years until such time as China is confident it has further consolidated its national interests in the South China Sea. Therefore, the prospective outcome of any future political negotiation remains the same as in the past—more marking time. On the one hand, the stalling of political negotiations will have serious disadvantages for ASEAN. While political negotiations continue to end up in limbo, China will likely continue its reclamation projects in the South China Sea and continue bolstering its military garrisons in the region. On the other hand, addressing the dispute on a multilateral basis is important for ASEAN to show its centrality as a leading role-player in the region.¹⁰⁶

While ASEAN agreed in 2011 to adopt guidelines to implement the Declaration of Conduct, it is unfortunate that efforts to progress the suggested cooperative activities and confidence-building measures have not eventuated. Moreover, Chinese participation in code of conduct consultations in a number of recent meetings has not resulted in any agreement beyond two separate lists of commonalities.¹⁰⁷ It seems unlikely, therefore, that any progress will be made quickly in coming years, not least because China remains suspicious that the code of conduct is designed to thwart its activities in the South China Sea. China also likely perceives that a code of conduct is not necessarily an ASEAN formulation—China is well aware of US interest in the South China Sea, and that some other disputants—notably Vietnam and The Philippines—are keen to have the US involved in the dispute.¹⁰⁸

As a result, China does not want an ASEAN draft code of conduct to be the basis of negotiations, so it will continue to shy away from participating fully in future meetings on these issues.¹⁰⁹ However, it is predicted that ASEAN will continue its efforts to manage the conflict through negotiations under its principles of consensus and defusing tension, especially if ASEAN takes into account Chinese Foreign Minister Wang Yi's commitments made during the 48th ASEAN Foreign Ministers' Meeting in August 2015, which were cited as maintaining peace and stability in the South China Sea; peacefully solving disputes through negotiation and consultation; controlling differences through rules and regulations; maintaining freedom of navigation and overflight in the area; and gaining mutual benefits through cooperation.¹¹⁰ If China's commitments are to be believed, they would provide an important basis for negotiations between China and ASEAN, and a significant step towards settlement of dispute.¹¹¹

Joint resource development

The final possible ASEAN response is to promote joint development of South China Sea resources. This could be undertaken even while international arbitration is proceeding because it is consistent with Article 74(3) of UNCLOS, which allows such activity during transition periods before an agreement is reached. The arrangement for joint development normally defines the limits of disputed areas and includes a means to share the resources in a way that is independent of the relative strengths of the claims.¹¹² There is some prospect that in the next decade, in the absence of a sovereignty dispute (as distinct from a territorial claim) over islands, joint development ventures could be considered by claimants.

In addition, joint development may be possible in areas which are subject to competing claims but which have not been claimed or occupied previously and therefore have no specific historical attachment for the claimant countries. Joint development initiatives would create benefits not only in promoting peace, security and stability to the region but also by providing economic prosperity to the countries concerned. As Zou Keyuan argues, a form of joint development among the disputants would significantly enhance the prospects for long-term peace and security in the South China Sea.¹¹³

ASEAN's framework and its limitations

The aims and purposes of ASEAN, when it was founded in 1967, were about cooperation in the economic, social, cultural, technical, educational and other fields, and in the promotion of regional peace and stability through abiding respect for justice and the rule of law and adherence to the principles of the UN Charter.¹¹⁴ Since its establishment, ASEAN has evolved into a mature organisation by achieving these goals through its contribution to the region, notably in relation to peace, prosperity and geopolitical stability.¹¹⁵ This achievement is often attributed to the way that ASEAN takes decisions—the so-called 'ASEAN way', which has succeeded in shaping its identity—achieved by a process of consultation and consensus.¹¹⁶

Some believe that ASEAN is the core and most prominent regional institution of the post-war order in East Asia.¹¹⁷ The Association conducts its business in accordance with the ASEAN Charter, in particular the principles expounded in Chapter I Article 2.¹¹⁸ Since its establishment, ASEAN member states have concluded 39 maritime boundary arrangements, of which three were exceptions because they were achieved through third-party binding dispute settlement, namely the dispute concerning Myanmar and Bangladesh over maritime boundaries in the Bay of Bengal, the sovereignty dispute between

Indonesia and Malaysia over Sipadan and Ligitan, and the sovereignty dispute between Singapore and Malaysia over Pedra Branca.¹¹⁹

Another ASEAN success has been its leading role in sponsoring wider regional cooperation through forums such as the ASEAN Regional Forum and the East Asia Summit, which involves the ten ASEAN members and eight dialogue partners (US, China, Russia, Australia, India, Japan, New Zealand and South Korea). Therefore, ASEAN's ineffectiveness in dealing with China in the case of the South China Sea issue has not yet tarnished the reputation of the organisation, since its mediation efforts have not been conducted as a third-party binding dispute settlement.

Indeed, the standard operation of ASEAN as a security organisation focuses more on conflict management than conflict resolution.¹²⁰ Moreover, it is ASEAN's weakness as well as ASEAN's strength that it has to operate within the mandate of its Charter, namely 'respecting the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity'.¹²¹

An associated element is the Treaty of Amity and Cooperation in Southeast Asia, which is a code of conduct to govern inter-state relations in Southeast Asia.¹²² As at 2013, 19 states outside ASEAN's membership had acceded to the Treaty, which included important players in the region such as China and the US. The Treaty underpins ASEAN's conflict management model. Therefore, ASEAN's solution to the dispute settlement methodology is through decision-making based on consensus and consultation, even if it is a slow process.¹²³

As a regional organisation whose members are only Southeast Asian states, ASEAN is based on international law, taking into account the Bangkok Declaration of 1967, the Kuala Lumpur Declaration of 1971, the Declaration of the ASEAN Concord of 1976 and the Treaty of Amity and Cooperation in Southeast Asia of 1976.¹²⁴ However, an ASEAN declaration is not binding on its members; rather, it is a political statement that provides no obligations for its members.

On the other hand, the Treaty is a binding instrument for managing relations between one nation and another with the explicitly-stated purpose of 'promoting perpetual peace, everlasting amity and cooperation among their people, which would contribute to their strength, solidarity and closer relationship'.¹²⁵ The Treaty adopts six fundamental principles which the signatories are expected to obey, namely: mutual respect; the right of every state to lead its national existence; non-interference; peaceful settlement of disputes; renunciation of the use of force; and effective cooperation.¹²⁶ However, the Treaty is not an instrument of law that solves legal problems such as territorial disputes. Consequently, ASEAN is not able to enact international laws.

As a result, ASEAN harbours three significant limitations in dealing with the South China Sea dispute—a lack of cohesion among its members, a slow ASEAN decision-making mechanism, and limitations on the implementation of its code of conduct. The first on these is reflected in the disunity of ASEAN's view on the South China Sea dispute. As Mark Valencia argues, 'ASEAN has no official position on the South China Sea dispute'.¹²⁷ In fact, it has divergent views on the dispute, as was illustrated by Cambodia during its chairmanship in 2012, when the lack of a joint communiqué tarnished ASEAN's credibility.

Other issues associated with the South China Sea dispute over which ASEAN states have a difference of opinion include whether China should be invited to participate in the drafting of a code of conduct, differences over which elements of the Declaration of Conduct should be emphasised in a code of conduct, and the key issue of whether ASEAN member states should discuss the issue first among themselves before consulting with China.¹²⁸

As a matter of fact, ASEAN, which started out as purely a political undertaking to tackle the climate of uncertainty and suspicion within the five founding states of ASEAN (Indonesia, Malaysia, Thailand, Singapore and The Philippines), is already committed to building an 'ASEAN community' by 2015, one of the three pillars of which will be the ASEAN Political Security Committee.¹²⁹ In the interim, one of the main goals is to create a vision of common mechanisms to deal with regional security issues.¹³⁰

However, the absence of unity within ASEAN members on the South China Sea issue, leading to the fact that the organisation as a whole cannot agree on a regional approach to the problem, indicates that it faces serious challenges to ever achieving such an ambitious vision. In the view of some commentators, ASEAN needs to pursue a more inclusive approach and united stand on the South China Sea dispute, otherwise it will face increasing criticism from the international community.¹³¹

The second limitation is ASEAN's way of making decisions. ASEAN's decision-making mechanism is through consultation and consensus, as stated in Chapter VII, 'Decision Making', Article 20, of the ASEAN Charter, which has been identified as the 'ASEAN way'.¹³² ASEAN's failure to issue a joint communiqué in 2012 was criticised by some as exposing the organisation's inability to reach consensus on key issues. However, consensus should not be seen in an absolute context, in which all members should share the same concerns and are willing to sacrifice some or all of their interests to unify the organisation's view; rather, members should not necessarily have to sacrifice their interests as long as the organisation's needs are satisfied without damaging the interests of its members.¹³³

Moreover, Rhoda Severino argues that consensus is not an 'across the table' negotiation but rather a manifestation of goodwill and a giving of trust.¹³⁴ In fact, to some extent, a decision-making process through consensus to craft a dispute resolution is a slow process because Article 20(2) states that if consensus cannot be achieved, then an ASEAN Summit will make the decision. However, the decision-making process principle within an ASEAN Summit is also based on consultation and consensus, so the problem becomes cyclical.¹³⁵

In addition, there are four types of ASEAN meetings on different levels: an ASEAN Summit, an ASEAN Ministers' Meeting, an ASEAN Economics Meeting, and other ministerial meetings under the umbrella of the ASEAN Foreign Ministers' Meeting, which results in an inherently-slow process decision-making process—and suggests that ASEAN needs to modify both its definition of 'consensus' and how it is arrived at, to speed up the decision-making process.

The third limitation is on the implementation of the Treaty of Amity and Cooperation as a code of conduct. The Treaty began as a 'peace treaty' between its own member states but is now widely recognised as a code of conduct in inter-state relations in Southeast Asia.¹³⁶ However, the Treaty's mechanism for the pacific settlement of disputes, as stated in Chapter IV, which is through a High Council, has never been adopted to settle any dispute, not only among ASEAN states, but also between ASEAN states and other signatories to the Treaty.

Therefore, it could be argued that the Treaty's inability to resolve issues has resulted in China's perception that the South China Sea dispute is not a matter between China and ASEAN but a matter which China intends to discuss bilaterally with the individual disputants. Cambodia's Foreign Minister Hor Namhong might have reinforced this perception when he asserted that 'we are not a tribunal to adjudicate who is right, who is wrong'.¹³⁷ This aversion could be a reflection of ASEAN's principle of non-interference. But it is also the case that most of ASEAN's successes in settling disputes have been through bilateral negotiations or third-party settlements, with none by adjudication of the Treaty of Amity and Cooperation's High Council.

Recommendations

Some believe that ASEAN must not take sides in the South China Sea dispute but instead take and state a position which is neutral, forward-looking and encourages the peaceful resolution of the issue.¹³⁸ However, in order to be able to adopt such a stance, ASEAN must revitalise the founding arrangements of the organisation so that it can maintain its unity. Therefore, this paper suggests

two policy recommendations for ASEAN to implement in revitalising the organisation: these are to redefine the terms 'consultation' and 'consensus'; and to empower the ASEAN High Council.

It cannot be denied that for more than four decades, ASEAN has been able to prevent serious conflict in the region. To some extent, ASEAN has achieved its initial primary objective to serve as a regional security community, promoting social and political stability, and providing its members with a voice to speak on issues in the same tone, through a process of consultation and consensus. Two examples are the creation of the Zone of Peace, Freedom and Neutrality during the Cold War, and the centrality of ASEAN in the ASEAN Regional Forum and the East Asia Summit in addressing contemporary security issues, even though the contribution of these forums is typically more discussion than action.¹³⁹

At the same time, ASEAN's tradition of consultation and consensus has had some negative impacts. But it has also provided benefits to the organisation in that the outcome of consensus is a firm sign of unity within the organisation. More recently, however, achieving consensus has been threatening the unity of the organisation.¹⁴⁰ Therefore, it is time for ASEAN to redefine the process of how it arrives at consensus, which this paper would argue could be done through the implementation of a code of conduct to resolve disunity among members if any of their positional stances contain elements that conflict with the constraints of the principles stated in the Treaty of Amity and Cooperation. The objective of this policy would be to mitigate bias and different interpretations.

Currently, a code of conduct to manage the decision-making process within ASEAN does not exist. But such a code could and should be implemented. As ASEAN has previously amended its Treaty of Amity and Cooperation from the original version with the addition of new articles concerning the roles of the High Council, so ASEAN could do the same thing to introduce a new process for making decisions via a modification of the concept of consensus to one involving a mixed process of achieving consensus (or unanimity) and a voting system (with a majority-rule outcome).

As consultation and consensus are fundamental to ASEAN's culture and tradition, so this new code of conduct should have several levels or phases, ranging from purely implementing a unanimous decision, through to implementing a majority-rule voting decision. In between, there should be several levels that involve a mixture of these processes. The code of conduct should also specify the types of occasions when the organisation should implement a consensus/unanimity-based decision (such as when a situation exists that has a direct

impact on a certain member) and the types of occasions where there is no direct impact to a certain member and the organisation may implement a majority-rule voting system in making a decision.

Agreement to adopt such a code of conduct for its decision-making process would ensure that ASEAN projects a greater degree of organisational unity to the international community. Another benefit is that the changed process would enhance the success of the proposed ASEAN Community.

The second recommendation is to take action to empower the High Council, which is mandated by the Treaty of Amity and Cooperation to adjudicate in dispute settlements. Indeed, originally only two of five articles dealing with the pacific settlement of disputes in the Treaty referred to the arrangements for a High Council. In 2001, ASEAN amended the Treaty by inserting new rules of procedure for the High Council, which provided comprehensive arrangements and powers to settle disputes.

However, Rule 19 of Part VII of the Treaty states that 'all decisions of the High Council shall be taken by consensus at a duly-convened meeting'.¹⁴¹ Consequently, it seems that ASEAN's habitual conformation to following its historical interpretation of 'consultation and consensus' has hampered the implementation of the use of the High Council to adjudicate disputes. This situation could change if a code of conduct were adopted relating to the decision-making process as discussed previously.

Furthermore, there is no provision in the Treaty that the High Council shall only be involved in resolving political and security disputes, or that its adjudication cannot be sought to solve legal issue such as in the South China Sea dispute. Some might argue that ASEAN is not a tribunal to adjudicate the rights or wrongs of a particular dispute. However, referral to the High Council may be an appropriate avenue to consider some of the legal issues or at least give recommendations for appropriate consideration to prevent a deterioration of the dispute.

It also needs to be remembered that Article 3 of the ASEAN Charter states that ASEAN is considered a legal personality, suggesting it has 'the lawful characteristics and qualities of an entity'.¹⁴² Accordingly, it could be argued that ASEAN possesses rights and obligations in international law, which includes the arbitration of legal claims. Hence, it is time for ASEAN to amend its policies and procedures by implementing actions to empower the High Council to provide a pacific settlement to the South China Sea dispute.

Conclusion

The increasing escalation of the dispute in the South China Sea may indicate a change of policy and strategic intent from disputant countries, especially by China which has the biggest claim to the area. Taking into account these recent developments, the territorial claims in the South China Sea have further increased the challenge of arriving at a long-term peace settlement of this dispute. Diplomatic efforts made by ASEAN over several decades to formulate a peace settlement have not resulted in any significant developments, and it is a fact that even now ASEAN member-states have differing views on the issues associated with the South China Sea. This was particularly illustrated in 2012 when, for the first time in 45 years, the ASEAN Foreign Ministers' Meeting failed to produce a joint communiqué summarising its proceedings, because of concerns that the proceedings were implicitly critical of China.

Meanwhile, another significant development reflecting the level of frustration of ASEAN members over the South China Sea issue, as well as testing ASEAN's resolve not to interfere in the internal affairs of other countries, has been the action by The Philippines to refer its territorial dispute with China to an international tribunal. Some would argue that The Philippines' action is actually in line with what is mandated by the ASEAN Charter and the Treaty of Amity and Cooperation, namely to support the use of the principles adopted by international law.

However, The Philippines' action also shows that there is a level of distrust among ASEAN members as to whether the organisation can provide a satisfactory solution to issues in line with its members' national interests. On the other hand, it is a positive sign that the ASEAN principles of non-interference and the application of international law to settle a dispute are being applied, instead of resorting to the use of force. While some ASEAN states may feel that The Philippines should have consulted more broadly before it took such action, the outcome of the case is being eagerly awaited not only by the parties directly concerned but others who are involved in territorial disputes with China.

Another option that remains open for ASEAN to assist in resolving the dispute is to continue consultations with China, especially to actualise the creation of a binding code of conduct. However, these efforts will be more difficult given that China considers that the dispute in the South China Sea is not a matter between China and ASEAN but a bilateral issue between China and specific ASEAN countries. Given that the outcome will have significant ramifications both for ASEAN and a number of its members, it is in the interests of ASEAN as an organisation to involve all its members in the consultation process. This

paper has also argued that another possible route that could be pursued is the joint development of resources in the disputed areas.

Meanwhile, the latest developments on the ground should be used as an opportunity for ASEAN to review its existing policies and instruments so as to improve the shortcomings of its existing dispute resolution mechanisms. To that end, ASEAN could formulate new policies that would assist in the peaceful settlement of disputes in the South China Sea. This paper has recommended two courses of action that should be implemented, namely the re-definition of the concepts of consultation and consensus, and that ASEAN should try to use the mechanism of the High Council to achieve a peaceful settlement of the dispute.

In particular, the redefinition and implementation of a new form of consensus decision-making should be regulated in the Treaty of Amity and Cooperation, including details which define the limitations on the use of consensus/unanimous decision-making, as well as the facility to apply a majority rule voting system with certain requirements. This would require ASEAN to make another amendment to the Treaty. Meanwhile, in terms of the implementation and use of the High Council, ASEAN should clarify the circumstances that should exist as a pre-condition for the implementation of the use of the High Council to settle legal disputes between signatories.

Should these recommendations be implemented, ASEAN would be better able to state its position on the dispute, which is neutral but forward-looking in seeking peaceful settlement. In addition, by implementing and empowering its High Council, ASEAN would have a structured dispute-settlement mechanism providing an enhanced prospect of addressing and reducing the competing legal claims of territorial sovereignty over islands in the South China Sea. In sum, the changes would enable ASEAN to better reflect the unity and purpose of the organisation, which is essential if it is to retain its influential position in contributing to the security and stability of the region.

Notes

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Australia's National Interests in the Antarctic Region: What is important?

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Abstract

For much of the past 100 years, interest in the Antarctic has been limited mainly to environmental groups, explorers and scientists. More recently, however, it has received increased attention as nations seek solutions to the challenges of climate change, energy, water and food security. Accordingly, it seems inevitable that Australia's national security interests in the Antarctic region are likely to be increasingly challenged.

The paper examines the geopolitical context and significant current and emerging pressures in Antarctica, and assesses the impact of these pressures on Australia's national security interests over the next 20 years. It identifies three key policy initiatives that should be given priority consideration, arguing that their implementation would demonstrate Australia's commitment to remain an important, relevant and legitimate leader in the management of Antarctic issues.

Introduction

Antarctica is not only a region of elemental majesty; it is also a global archive, a window on outer space and a scientific laboratory. It is not only a wondrous world of ice; it is also a political frontier, a social microcosm and a humbling human experiment.¹

Antarctica, the fifth largest and least explored continent, is the world's most inhospitable space. In January 1912, Captain Robert Scott declared of Antarctica: 'Great God! This is an awful place'.² This was an understandable description by a man enduring the dangers and discomforts of polar conditions. However, today the Antarctic is more frequently recognised for its pristine beauty, with over 37,000 tourists visiting the continent by air or sea each year.³

As the world's coldest continent, completely surrounded by sea and with no indigenous human population, interest in the Antarctic has been limited mainly to environmental groups, explorers and scientists for over 100 years.⁴ More recently, Antarctica has received increased attention as nations seek solutions to the challenges of climate change, energy, water and food security.⁵

Since the early exploration by Douglas Mawson, Australia has played a significant leadership role in Antarctica.⁶ In 1933, following transfer of territory originally claimed for the UK by Mawson, Australia laid claim to 5.8 million square kilometres of the southern polar continent as the Australian Antarctic Territory.⁷ Australia, like other claimant states, was able to maintain its territorial claim through the construction of Article IV of the Antarctic Treaty. This treaty established a framework for shared governance of the continent through the evolving Antarctic Treaty System.⁸ The Treaty recognises the Antarctic as being dedicated to peaceful purposes and scientific research, and is cited as arguably the best example of successful regional governance.⁹

Geopolitical developments in the 21st century have led to increased interest in the potential opportunities afforded by Antarctica.¹⁰ These developments include nations seeking new sources of protein by harvesting Patagonian toothfish, whales and krill in the Southern Ocean, as well as scientists examining the global weather system and ozone depletion, and drilling ice cores to seek clues to global climate change. Energy dependent nations are increasingly interested in the potential mineral resources within the continent, including coal, manganese ores, iron, uranium and copper, and an estimate of over 200 billion barrels of oil to enhance energy security.¹¹

Increasingly, the discovery of Antarctica's potential to provide food, economic and energy security has created new interests that influence development of national Antarctic policies around the world. As a result, there is increasing

strain on the fragile and imperfect 'gentlemen's agreement' that evolved into the current Antarctic Treaty System.¹²

It is in Australia's national interests to retain influence in the Antarctic and Southern Ocean region, given its close geographic proximity.¹³ Australia's Antarctic strategy declares the strategic importance of the Antarctic Treaty System to Australia's national interests. It supports the multinational scientific treaty but also simultaneously pursues traditional sovereignty claims. However, Australia's ability to shape future Antarctic Treaty System development is constrained by funding levels that have been frozen for a decade.¹⁴

As such, it is timely to revisit Australia's national interests in the Antarctic region, and the policy commitments that arise from these interests. The Australian Government is currently considering its response to recommendations made by an independent inquiry led by Dr Tony Press that focused on a *20 Year Australian Antarctic Strategic Plan*.¹⁵ Concurrently, the Senate Standing Committee on Foreign Affairs, Defence and Trade released a report in October 2014, titled *Australia's future activities and responsibilities in the Southern Ocean and Antarctic waters*, which also made a number of recommendations (including some that linked to the strategic plan).¹⁶

The recommendations from both bodies of work will likely influence the Australian Government's 2016 Defence White Paper. The Government's response to the *Australian Antarctic Strategic Plan* and the Senate Standing Committee report was expected in late 2015. While it is not possible to anticipate the Government's response, it will provide a focus for future opportunities, as well as for key priorities and their implementation.

Recognising the changing geopolitical circumstances, this paper will argue that Australia's national security interests in the Antarctic region are likely to be challenged over the next 20 years. This argument is centred on two key assumptions. First, the continuity of Australia's 'sovereignty' claim to the Australian Antarctic Territory is key to its national interests. This interest is buttressed by the longest continuous presence on the continent and being one of the original Antarctic Treaty parties.¹⁷ Second, the paper assumes that current and future Australian governments will remain committed to the primacy of the Antarctic Treaty System to Australia's sovereignty and national interests over the next 20 years.

The paper will briefly examine the geopolitical context and significant current and emerging pressures in Antarctica, and consider the impact of these pressures on Australia's national security interests in Antarctica over the next 20 years. The paper will then identify three key policy initiatives aligned with the *Australian Antarctic Strategic Plan* and the findings of the Senate Standing

Committee and argue that they should be given consideration for priority implementation. Acting on these recommendations would demonstrate Australia's commitment to remain an important, relevant and legitimate leader in the management of Antarctic issues.

Section 1: Evolution of the Antarctic governance environment and pressures on its continued relevance

This section will provide a brief history of how the Antarctic Treaty came into being. It will analyse the geostrategic circumstances at the time the Treaty was established and discuss how the Treaty and its key subordinate and complementary instruments evolved over time to remain relevant. The section will go on to discuss the emerging pressures on the Treaty as a result of the changing geopolitical circumstances and increasing interest in Antarctica's resource potential.

Finally, within this section there will be a brief examination of the ever-increasing array of stakeholders with interests in the Antarctic. In particular, this section will seek to explain how the potential future policies and actions of these stakeholders might undermine the current cooperative approach achieved through the Antarctic Treaty System. The purpose of this examination will be to provide context for subsequent analysis of the potential impact on Australia's national interests and provide arguments supporting this paper's policy recommendations.

Development of the Antarctic Treaty System

In 1957, the world was in the midst of the Cold War, and Antarctica, remote as it is, was not exempt from discord. Several of the original claimant states were in the middle of territorial disputes, while other members of the international community believed Antarctica should be considered 'common property'.¹⁸ Significantly, the UK, Argentina and Chile had (and still have) overlapping sovereignty claims.

United by a common desire to demilitarise the Antarctic and ensure that it was not used as a nuclear testing site and/or dumping ground, the Antarctic Treaty was negotiated between the seven territorial claimant states of Argentina, Australia, Chile, France, New Zealand, Norway and the UK, along with non-claimants Belgium, Japan, South Africa, the USSR and the US.¹⁹ Ratified on 23 June 1961, the Treaty suspended existing territorial claims, prohibited new claims and any activity asserting, supporting or denying a territorial claim for the life of the Treaty.

Despite this development, no state formally disputes Australia's territorial claim.²⁰ During early negotiations to find a suitable solution to what became known as the 'Antarctic problem', Australia initially rejected the idea of forgoing sovereignty and potentially losing control over Antarctic resources.²¹ However, Australia remained committed to a solution and, following the celebrated success of the International Geophysical Year of 1957-58, perspectives changed and agreement was reached. Consequently, the Antarctic Treaty was drafted explicitly stating that 'Antarctica shall continue forever to be used exclusively for peaceful purposes, and shall not become the scene or object of international discord'.²²

Marcus Howard observes that Australia played a major role in negotiating 'capstone features of the Antarctic Treaty' that ban military bases, weapons testing, establishes freedom of scientific investigation and information exchange, and mandates open inspections and a governance structure for managing disputes.²³ This benign interpretation that sees Antarctica saved from the politics of the day by using a vision of peace and science to gain consensus on how to govern the continent is in contrast to the argument offered by Klaus Dodds. Dodds asserts that the US-led 'science and peace' diplomacy that constructed the Antarctic Treaty was actually orchestrated to 'secure US dominance and Soviet interests' without the need for complicated territorial disputes.²⁴

Regardless of motivation, the Treaty's primary objective was to ensure Antarctica was used for peaceful purposes and the pursuit of cooperative science. The original Treaty consisted of 14 Articles that constructed a framework to achieve objectives through consultation, cooperation and transparency.²⁵ The Scientific Committee on Antarctic Research, first established as the Special Committee on Antarctic Research in 1957, provides scientific advice to Antarctic Treaty System members and governments.²⁶

Since 1961, the Antarctic Treaty Consultative Parties have worked to strengthen the original Treaty and its institutional architecture. Membership has diversified, with 40 more countries acceding to the Treaty, increasing the membership to 52 nations. To achieve 'Consultative Party' status and voting rights on Antarctic administration, a nation must demonstrate their interest in Antarctica by 'conducting substantial research activity there'.²⁷ Seventeen of the acceding countries have had their activities in Antarctica recognised according to this provision, and consequently there are now 29 nations with voting rights.

A crucial factor to Australian influence is that any changes or additions to the Treaty must require ratification by all 12 original signatories. The other 24 'non-consultative parties' are invited to attend consultative meetings but

do not participate in the decision-making.²⁸ The Antarctic Treaty Consultative Parties are now significantly more representative of the wider international community and its membership covers approximately 80 per cent of the global population.²⁹

Arguably the continued legitimacy of the Antarctic Treaty System can be attributed to its ability to adapt to changing global circumstances. The Antarctic Treaty Consultative Parties have the ability to discuss any matters that arise in the Antarctic context and 'adopt binding obligations with respect to it' through the Antarctic Treaty Consultative Meeting process.³⁰ This has been achieved through adaptations to its governance structure negotiated under Article IX of the Antarctic Treaty.³¹

Using this 'rather open-ended power', the original Antarctic Treaty has expanded into a system that includes three other international treaties, the Convention for the Conservation of Antarctic Seals (1972); the Convention on the Conservation of Antarctic Marine Living Resources (1980); and the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol) (1991) and their subsidiary arrangements.³²

The Antarctic Treaty System also includes organisations such as the Council of Managers of National Antarctic Programmes, the Antarctic Treaty Secretariat, the Convention on the Conservation of Antarctic Marine Living Resources secretariat, and institutions such as the Antarctic Treaty Consultative Meeting. Together, their purpose is to conserve, preserve and protect the Antarctic marine and terrestrial environments.³³

Lastly, legal and political developments outside Antarctica have not stopped since the Antarctic Treaty came into force. Member states have had to embrace change, including the accommodation of non-state actors such as environmental groups, and tourism and fisheries organisations, within the Antarctic Treaty System. These adaptations demonstrate evolution to maintain relevance and embrace legal and political developments outside the Antarctic, including biological diversity, climate change, resource regulation, law of the sea, and commercial activities.³⁴

Madrid Protocol

Of the three complementary instruments to the Antarctic Treaty System, the Protocol on Environment Protection to the Antarctic Treaty or the 'Madrid Protocol' is the most relevant to the discussion in this paper. The following provides a brief overview of its history.

The mineral and oil resource potential afforded by Antarctica has always been on the minds of nations with Antarctic interests. However, the potential

for dispute over access and ownership of these resources encouraged original Treaty negotiators to wisely choose to leave the topic for later consideration. Antarctic resources have been discussed several times over the ensuing years and, at the Antarctic Treaty Consultative Meeting of 1977, a voluntary moratorium on exploration was adopted, with the parties agreeing to refrain from exploration and exploitation while seeking a solution.³⁵

After six years of challenging negotiations, the Convention on the Regulation of Antarctic Mineral Resource Activities was adopted. This Convention permitted mining while directing that the Antarctic environment be preserved. At the time, neither the Australian Prime Minister, Bob Hawke, nor Treasurer, Paul Keating, were satisfied with the Convention. They expressed concern over the impact of mining on the environment and the impact on Australian sovereignty and revenue share. On 22 May 1989, the Prime Minister announced that Australia would not sign.³⁶ France supported Australia's position and the two countries collaborated to advocate for an alternative approach that prohibited mining.

Nearly ten years later, the Madrid Protocol (adopted in 1991) entered into force on 14 January 1998.³⁷ The most significant aspect of the Protocol's 27 Articles and six Annexes is Article 7, which states that 'any activity relating to mineral resources, other than scientific research, shall be prohibited'. Also of note is that until 2048, the Protocol can only be modified by unanimous agreement of all Consultative Parties.

Thereafter, modifications can be made by the agreement of the majority of the Parties, including three-quarters of the States, which were Antarctic Treaty Consultative Parties at the time of adoption of this Protocol. It also allows for Parties to withdraw from the Protocol in certain circumstances.³⁸ Of significance, adoption of this protocol demonstrated the ability of Australia as a middle world power to shape Antarctic policy by working bilaterally with France and gaining support of the increasingly influential transnational environmental organisations.

UN Convention on Law of the Sea

The UN Convention on Law of the Sea (UNCLOS) established the legal framework for the use of the world's oceans. It was developed over the period 1956 to 1982 in response to numerous disputes over ocean resources. The convention addresses the rights and duties of sovereign nations with respect to territorial seas, contiguous zones, exclusive economic zones (EEZ), continental shelves and extended continental shelves, and the exploration and exploitation of natural resources in, on and above the seabed.³⁹ The challenge is created where the Antarctic Treaty's Article IV 'intersects' with Article 76 of UNCLOS. Noting that the Treaty suspends all territorial claims, Article IV states that:

No acts or activities taking place ... shall constitute a basis for asserting, supporting ... a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the Treaty is in force.⁴⁰

Article 76 recognises the entitlement of coastal states to an EEZ of 200 nautical miles. It also allows an extended continental shelf beyond the limits of the EEZ, to a maximum distance of 350 nautical miles, where a continental shelf exists.⁴¹ The problem arises because the basis of any such claim is ownership of sovereign territory, and the Convention required nations to submit data to the Commission on the Limits of the Continental Shelf within 10 years of UNCLOS entering into force for that nation. Australia was required to submit its claim by 16 November 2004.

Cognisant that any claim under UNCLOS for an extended continental shelf could be perceived by some Antarctic Treaty Consultative Parties as acting in violation of Article IV, Australia worked with other claimants in an attempt to find a solution. Eventually, Australia did submit its claim on time but caveated it with a *Note Verbale* acknowledging the 'special legal and political status of Antarctica' and requesting the Commission on the Limits of the Continental Shelf 'not take any action for the time being with regard to the information in this Submission that relates to the continental shelf appurtenant to Antarctica'.⁴²

Eight states made representations to the UN about Australia's submission. Six rejected outright Australia's right to claim territorial sovereignty in Antarctica over the seabed or adjacent offshore surrounding Antarctica. Australia's submission generated a response that demonstrates the tenuous nature Australia's claim to sovereignty.⁴³ This situation is significant for Australia given the emerging challenge for resource potential and the developing extraction technologies that make these resources increasingly accessible.⁴⁴

Emerging geopolitical influences

The notion of security and global order has changed significantly since the Antarctic Treaty was originally negotiated at the height of the Cold War.⁴⁵ Today, the Treaty has to address new challenges. The 'rise of Asia', the impact of globalisation, the tensions associated with climate change, anthropogenic impact, and resource scarcity pose a level of complexity not considered previously.⁴⁶ With the growing appreciation of Antarctica's potential to provide food, economic and energy security, the question is whether the Antarctic Treaty System will be able to adapt and respond to the challenges going forward.⁴⁷

Climate change

The Antarctic region has an important link to climate change for two reasons. First, Antarctica is critical to climate research. The Antarctic ice sheet contains within its layers a rich archive of information on past climatic and environmental changes. The information suspended in the ice is of immense importance to the accurate reconstruction of past climates.⁴⁸ Second, Antarctica—as suggested by Alan Hemmings and colleagues—is ‘in a sense, the world’s largest canary’.⁴⁹

Antarctica and the Southern Ocean’s vulnerability to the effects of climate change and influence on regional and global weather and climate is being increasingly recognised. The 2007 Intergovernmental Panel on Climate Change identified that Antarctica was one of two regions with the ‘greatest potential to affect global climate and thus human populations and biodiversity’.⁵⁰ The emerging pressures of resource security and tourism makes Antarctica a place with competing tensions between those who want to protect and preserve it for its value to science and humanity, and those who want to exploit it.⁵¹

Human activity

Environmental degradation is of significant concern due to increased human presence on the continent from scientific research and tourism. Tourism increases public awareness of Antarctica and engenders support for conservation but there are negative effects. Antarctica is well established within the global tourism market. However, the capacity of the Antarctic Treaty System to regulate tour operators is limited and there are no regulations in the Treaty to manage tourism effectively.⁵²

There are fears of an increasing risk of environmental damage caused by the ever-increasing number of tourists. These include the risk of introduction of non-indigenous animals, plants and micro-organisms; disruption to animal breeding cycles; concerns over environmental damage from vessels operating in the Ross Sea and Peninsula regions; and pressure to establish permanent land-based tourist facilities.⁵³

Not surprisingly, the original Treaty did not anticipate tourism as a core industry in the Antarctic continent. However, it does recognise the right of Contracting Parties to designate observers to ‘have complete freedom of access at any time to any or all areas of Antarctica’.⁵⁴ This provides some mitigation for operators, tour guides and tourists who are nationals of a Treaty state. Fortunately, the tourism industry has established a self-regulating body, the International Association of Antarctica Tour Operators, ‘dedicated to facilitating appropriate, safe and environmentally sound private-sector travel to the Antarctic’.⁵⁵ The Association has established by-laws to guide

best practice operations aligned with Antarctic Treaty Consultative Meeting standards. However, membership is not compulsory and there is no mechanism to regulate compliance.⁵⁶

Statistics collected by the Association indicate that over 37,000 tourists visited Antarctica in 2014-15. This potentially does not reflect the actual number of visitors, noting that these figures do not capture non-Association tourists. Significantly, a study of the 2005-06 season indicated that 'non-International Association of Antarctica Tour Operators member large vessels accounted for 64 per cent of all large vessel voyages to the Antarctic' and that 'an estimated 47 per cent of all large vessel tourists travelled with non-Association member operators'.⁵⁷

Antarctic tourism operates in a potentially-hazardous environment. Increased activity without effective regulation increases the chance of incidents and accidents in this remote location and puts tourists at risk. Search-and-rescue operations in the Antarctic region are challenging. The rescue of tourists off the MV *Akademik Shokalskiy* in January 2014 provides an example of the potential problem.⁵⁸ Very few vessels have the capacity to operate in the Southern Ocean Antarctic environment and, in this particular rescue situation, Australian, French and Chinese research vessels were redirected from their scientific work to support the rescue.⁵⁹

An increase in events such as the MV *Akademik Shokalskiy* incident will further challenge the maritime security services of the five countries with search-and-rescue areas that extend to Antarctica.⁶⁰ There is potential for Antarctic relations to be challenged if science and research assets continue to be redirected to tourist rescue missions.⁶¹

Competing foreign policy objectives: scientific research versus exploitation of natural resources

Antarctica's substantial mineral resources tempt countries to exploit them.⁶² The drivers of energy security and competition for finite resources are creating growing geopolitical tensions as states are forced to look further afield for reliable and available sources.⁶³ The resource potential of Antarctica is a risk to the Antarctic Treaty System because it raises the unresolved issue of claimant and non-claimant states. Major powers such as China and Russia have voiced their interest in the continent's resource potential, strongly suggesting the current prohibition on resource exploitation will be revisited after 2048.⁶⁴

In 2001, Russia illegally collected data on oil and gas reserves and, in 2010, announced a strategy that dealt extensively with the potential for Antarctic resources to be exploited; it has also released an investment strategy that

allocates US\$20 billion to Antarctic activities out to 2020.⁶⁵ Since 2005, the Chinese Government has dramatically increased expenditure on Antarctic affairs in the quest to secure greater leadership in Antarctic administration as a result of its increasing dissatisfaction with the current order.⁶⁶ Speaking at its governing meeting in July 2013, China's leader Xi Jinping stressed the need to 'take advantage of ocean and polar resources'.⁶⁷

Commensurate with its rise as an economic and military power, China is integrating itself into the international world order and playing an increasing leadership role in Antarctica. Australia was instrumental in including China in Antarctic research by integrating Chinese scientists in the Australian research team. China has since established its own research stations. However, cooperation between Antarctic research partners, away from the glare of issues over the South China Sea and North Korea, remains strong. Chinese scientific cooperation under the Antarctic Treaty System provides useful track-two diplomacy opportunities with many nations, and has included China hosting Taiwanese scientists at its Antarctic research stations.⁶⁸ While China's interests clearly include access to natural resources, the opportunity to include this rising world power in future negotiations could significantly strengthen any new collaborative approach.

Of the original Antarctic Treaty System partners, the US remains the largest financial investor in Antarctica, with the largest presence also.⁶⁹ Thirty other nations, including Australia, New Zealand, Norway and the UK, also maintain a year-round scientific presence. While the Treaty stipulates data sharing, annual reporting and bans mineral exploration, there are increasing concerns that nations are using 'scientific research' to cover national interest activities.⁷⁰

Argentina, Chile and South Korea have also registered their interest in Antarctic resources, indicating their presence on Antarctica will support future sovereignty claims if the Treaty is revoked or expires.⁷¹ India, Malaysia and China have all expressed dissatisfaction with the original Treaty's 'colonials' club' and actively campaigned for new administrative arrangements.⁷² However, now that Malaysia has been the first ASEAN state to accede to the Treaty, it can play a constructive role as a conduit between the Antarctic Treaty System and non-member countries, and possibly encourage more Asian states to become members of the Treaty.⁷³

Many of these nations are commissioning new stations and expanding their national research efforts, while established treaty members are upgrading their existing stations. Germany has replaced an existing station and the UK has replaced its Halley Station. Russia is expanding its icebreaker fleet, while China is proceeding with upgrades of its existing sites.⁷⁴ In 2012, China also

commissioned the first of three telescopes under construction at Dome A, the highest site on the Antarctic Plateau.⁷⁵

The Antarctic and Southern Ocean Coalition and Greenpeace International represent the new transnational environmental organisations committed to protecting the Antarctic environment, and providing independent advice.⁷⁶ The Antarctic and Southern Ocean Coalition, with 150 members in 40 countries, has successfully lobbied governments to introduce and police new fishing regulations, protect krill stocks, and support the establishment of large marine protected areas. More activist groups, such as Greenpeace and Sea Shepherd, have actively pursued the Japanese whaling fleet during its annual hunt. Determining common interests and tensions will be important in implementing any new Antarctic strategy.

Summary

The Antarctic Treaty stabilised the deeply-divisive problem of territorial sovereignty. It suspended sovereignty positions and allowed for the emergence of scientific pursuit as the determining factor in affording access to the region. Cognisant of the evolving world context, the Antarctic Treaty Consultative Parties have worked to create a relevant international institutional and regime-based structure with the aim of strengthening the original Treaty. Over the 50 years of its existence, the Antarctic Treaty was buttressed and extended by additional legal instruments addressing conservation, resource management and environmental protection. It has broadened its reach and maintained relevance by expanding its membership.

However, there are also potential disadvantages to some of these developments. Size of membership could dilute the original spirit and aims of the Treaty. This could give rise to tensions between claimant and non-claimant states, and between states and non-government organisations. Notwithstanding, the Antarctic Treaty has endured because there are still tangible benefits for the original parties. It has become flexible to accommodate new members and deal with emerging geopolitical issues as they have arisen, enabling competing positions to coexist.⁷⁷ The additional instruments have also widened and deepened the institutional architecture of the Antarctic Treaty System. The Treaty's ongoing success has enabled a positive story to be told about the unsolvable problem of competing sovereign claims.

This section of the paper has traced the development of the Antarctic Treaty System, highlighting the influence of contemporary geopolitics. It has discussed how Antarctica is critical to global and regional climate and weather and understanding of the progress and impact of climate change. Antarctica is rich in resources, which are coming under greater pressure for exploitation. It is

becoming a growing destination for tourists. All these factors have resulted in an increased risk of geopolitical competition in the region, 'not only with those that crave access to resources but also those who demand their exemption from exploitation'.⁷⁸

Notwithstanding the success of the Treaty, it is important to note the extensive time taken to negotiate each of its elements and that there have been no new instruments developed over the past two decades. This is despite resource and commercial issues that have risen in that time. These two aspects may present risk to the continued adaptation of the Treaty and its continued relevance over the next 20 years.

Section 2: Australia's strategy: what matters and when – the next 20 years

Section 1 outlined the genesis of the Antarctic Treaty and its subsequent development. This section shifts focus to consider a specifically Australian perspective. It will discuss Australia's national interests, confirming the critical need to ensure the Treaty remains robust and responsive. This discussion will inform the subsequent section and be used to build the argument for three high priority policy initiatives that will make a positive contribution to the stability of the Antarctic Treaty System and ensure Australia remains an Antarctic leader over the next 20 years.

Australia's strategic priorities

Australia has been clear about its strategic interests in Antarctica since the early stages of negotiating the Antarctic Treaty. In 1955, the Australian Minister for Foreign Affairs, Richard Casey, advised US Department of State officials that Antarctica was critical to Australia's climate. He further stated that there were certain 'mineral resources in the area which they had investigated', and that Australia could not afford to have the territory in 'hostile hands', as it was within aircraft range of Australia.⁷⁹

Thirty years later, the Hawke Government first officially articulated Australia's Antarctic interests as:

- Preserve our sovereignty over the Australian Antarctic Territory, including our sovereign rights of the adjacent offshore areas;
- Take advantage of the special opportunities Antarctica offers for scientific research;
- Protect the Antarctic environment, having regard to its special qualities and effects on our region;

- Maintain Antarctica's freedom from strategic and/or political confrontation;
- Be informed about and able to influence developments in a region geographically proximate to Australia; and
- Derive any reasonable economic benefits from living and non-living resources of the Antarctic (excluding deriving such benefits from mining and oil drilling).⁸⁰

Australia's strategic interests are still relevant today and successive Australian governments have re-endorsed these six key interests.⁸¹

In 2008, then Prime Minister Kevin Rudd presented Australia's first national security statement to Parliament. This statement defined national security as freedom from attack or threat of attack, the maintenance of territorial integrity, sovereignty, freedoms and capacity to advance economic prosperity for all Australians.⁸² Importantly, the statement included a reference to climate change representing 'a most fundamental national security challenge with potential to bring about unregulated population movements, declining food production and creating violent weather patterns'.⁸³

Prime Minister Rudd also defined Australia's national interests as maintaining territorial and border integrity, political sovereignty and promoting an international environment that is stable, peaceful and prosperous within a global rules-based order.⁸⁴ He also stated that 'national security policy must be advanced through the agency of creative middle power diplomacy' and an active, persuasive, influential and resourced foreign policy. While the statement placed no explicit priority on Antarctica, as argued, it is key to predicting climate change and has a profound impact on global weather patterns.

Australia's 2009 Defence White Paper, *Defending Australia in the Asia Pacific Century: Force 2030*, was similarly deficient in prioritising the protection of Australia's interests in Antarctica, instead focusing on traditional military threats.⁸⁵ It defined the ADF's primary operating environment as including the Southern Ocean and all Australia's sovereign offshore territories, including Heard Island and McDonald Islands and waters adjacent to the Australian Antarctic Territory.⁸⁶ However, the paper further stated that 'we do not judge there is a credible risk of our national interests in the Southern Ocean and Australian Antarctic Territory'.⁸⁷

The latest tranche of national security policy documents, which include the 2012 *Australia in the Asian Century White Paper*, the 2013 *National Security Strategy* and the *Defence White Paper 2013*, all make similar references to Antarctica, with the addition of new guidance asserting that 'the development

of the close relations with Asian regional partners involved in Antarctica will be increasingly important in protecting the Antarctic region'.⁸⁸

Given the increasing interests in Antarctic resources, the Australian Government has recognised the need to review its aspirations and consider options to unambiguously demonstrate its presence and leadership within both the Antarctic Treaty System and the Australian Antarctic Territory.⁸⁹ The Senate Standing Committee on Foreign Affairs, Defence and Trade, for example, has noted that:

[T]he importance for Australia of robust engagement in the Antarctic Treaty System cannot be underestimated. The [Treaty] is the foundation for continued peace and constructive activity in the region to our south. As such, it must also be regarded as a keystone in Australian foreign and strategic policy.⁹⁰

The challenge for Australian strategists is how to remain influential in international discussions as a middle power amongst a range of interests all jostling for position in Antarctica.

Australia's balancing act

Australia has claimed a range of maritime zones, which include the waters of external territories and offshore of Antarctica. This action created tensions, and the claim was later revised to exclude the Australian Antarctic Territory, following protests from other parties. In 2004, Australia submitted a claim of its extended continental shelf that encompassed all its offshore territories. However, it asked the UN Commission on the Limits of the Continental Shelf not to consider the evidence relating to the Antarctic Treaty System for the moment.⁹¹

In no other part of Australian territory is there the same level of strategic competition as experienced in the Australian Antarctic Territory. The US, China and Russia have all established stations in the Territory, some in locations that Australia currently lacks capability to access. A potential scenario that should be considered is that some nations are likely positioning for mineral and/or hydrocarbon resource exploration and exploitation, facilitated by the advent of technology improvement, and Australia needs better situational awareness. This could be achieved by being a 'collaborator of choice' for science and logistics support. As highlighted earlier in the paper, this situation presents the need to maintain a delicate balance between sovereign interests and support to the main tenet of the Antarctic Treaty System.

The US takes the position that there are no coastal states in the Antarctic region and that the waters adjacent to the polar continent are part of the common heritage of the international community.⁹² India's and China's presence in the Antarctica, and active involvement in the Antarctic Treaty System, is another reminder that there is a group of global states that have not only

rejected the rights of the seven claimant states but also articulate a view that is fundamentally different.

Such states believe that Antarctica belongs to the common heritage of mankind, and that it should not be subject to exploitation by individual states but held in trust for future generations. In May 2007, India hosted an annual consultative party meeting, wherein India's then External Affairs Minister, Pranab Mukherjee, reaffirmed that 'Antarctica, being a common heritage of mankind, and the foremost symbol of peaceful use and cooperation, needs to be protected for prosperity'.⁹³ The struggle to secure agreement over a mineral's regime represents the most significant challenge to the Antarctic Treaty System and its ability to maintain consensus, noting that the seven claimant states are a minority group, albeit an important one.

What might undermine Australia's interests?

During its first 30 years, the Antarctic Treaty System proved to be adaptable, adopting new instruments in response to new challenges. However, no new instruments have been added to deal with the resource and commercial issues that have arisen over the last two decades.⁹⁴ Thus, with the changing nature of the geopolitical landscape and the rising importance of energy and food security, it is possible that 'states may feel that their best interest will be served by withdrawing from the Antarctic Treaty System'.⁹⁵

This raises questions about the future stability and effectiveness of the existing regime. It presents the potential for increased competition among stakeholder nations and questioning of the relevance of the Treaty or, even more disastrous, failure of the Antarctic Treaty System and subsequent contesting of sovereignty claims. Australia, as an influential and credible middle power with a lot at stake, should focus efforts on keeping the existing governance model relevant, equitable, responsive and transparent. Importantly, Australia needs to ensure it has a robust position regardless of the status of the Antarctic Treaty System.

Strengthening the Antarctic Treaty System through collaboration

Over the next 20 years, the pressure to exploit resources in Antarctica will be significant. Sovereignty and national interests, an increasing world population, a global economy driven by consumption and an energy market focused on hydrocarbons will drive this mounting pressure. Environmental issues will also play an ever-increasing role in national and international politics. Balancing these competing interests in Antarctica will require collaboration and compromise. Achieving consensus within the Antarctic Treaty System will require strong national and international leadership and, potentially, a new approach to

negotiations. It will be critical that all competing interest groups be afforded the opportunity to be part of the solution.⁹⁶

Fortunately, Antarctica is likely to remain a low priority strategic interest for some time. Other pressing strategic circumstances attract attention elsewhere in the world, with the international economy stalled, unrest across the Middle East, Iran developing nuclear weapons, the US strategically pivoting into Asia to contain an emerging China, and unpredictable leadership in North Korea. Antarctica provides a low-threat environment for confidence building. With the success of the current Antarctic Treaty System arrangements and a number of countries positioning to challenge the Madrid Protocol in or possibly before 2048, Australia has some strategic breathing space to develop and champion a robust Antarctic strategy.⁹⁷

Australia's goals and objectives for Antarctica need to be realistic, transparent and integrated into Australian foreign policy. A strategy of slowly developing an alliance of countries with similar interests and strategic vision would maximise the chances of achieving consensus—and reflect the reality of Australia's ability to influence as a middle power.

Australian diplomats and politicians must aim to get Antarctica on the agenda during international discussions and work towards increasing international collaboration. Bilateral negotiations with other Treaty partners offer the most realistic approach, starting with like-minded nations such as New Zealand. Diplomatic efforts should focus on identifying what stakeholders have in common. Ultimately, compromises between the idealistic, utilitarian positions of the environmentalists and those of the national power realists will be necessary.⁹⁸

The Antarctic Treaty System framework provides Australia significant leverage and influence in Antarctic negotiations. As a consequence, Australia must invest to ensure ongoing relevance and effectiveness of the Treaty. Looking beyond traditional security partners may present opportunities, in particular with emerging powers. For example, Australia has strong bilateral relationships with India, Indonesia, Malaysia and China, all of whom have voiced dissatisfaction with aspects of the current governance model of the Antarctic Treaty System.⁹⁹ These countries purportedly support retaining Antarctica for all humanity, minimising the extraction of minerals, and developing a new model for equitably dividing Antarctic resources.

Achieving these goals within the Antarctic Treaty System framework would increase its validity, and the chances of a consensus position. Australia's record in supporting the involvement of non-governmental organisations within Antarctic Treaty System forums provides a strong base for such initiatives.

The Scientific Committee on Antarctic Research, for example, has had a longstanding role within the Antarctic Treaty System, providing independent scientific advice to Treaty members and governments.¹⁰⁰ The Antarctic and Southern Ocean Coalition and the International Association of Antarctica Tour Operators also represent transnational groups committed to protecting the Antarctic environment.

At the same time, activist environmental organisations such as Sea Shepherd actively pursue the Japanese whaling fleet during its annual hunt, while Greenpeace International, with membership across 40 countries, has lobbied governments to introduce and police new fishing regulations, protect krill stocks, and support the establishment of large marine protected areas.¹⁰¹ A future Antarctic governance structure might see a shift to non-government organisations having a more significant role within the Antarctic Treaty System.¹⁰²

Building confidence and trust in any 'Antarctic coalition' will be critical to reaching a successful international outcome and would require leveraging extant international groupings and new, innovative confidence-building measures. As an example, instead of all nations independently conducting bioprospecting surveys, Australia could sponsor or coordinate a comprehensive international survey of Antarctica's flora and fauna, openly publishing all findings under existing Antarctic Treaty System provisions.

Regional military cooperation to provide support to all national research stations through sharing military logistics capabilities could also increase international transparency, building on existing collaborative relationships in a genuine partnering arrangement. ASEAN, APEC and similar regional groupings provide excellent forums for advancing Antarctic interests and an opportunity to enhance the role of these organisations in a non-threatening partnership, and providing opportunities for so-called 'track two' diplomacy initiatives.¹⁰³

Economically, Australia will have to invest more in Antarctic research, enforcement operations, logistics, diplomatic and bureaucratic support. Australia will also need to build on existing collaborative efforts and develop new ones to build trust and put everyone in a better place to approach resource discussions that are likely to intensify as parties consider any review of the Madrid Protocol in 2048.¹⁰⁴

Australia will also need to determine what it is prepared to offer in future negotiations. With significant claims over Antarctica, the surrounding continental shelf and oceans, compromise should arguable include Australia being prepared to offer up some control and resource claims as part of a genuine international agreement on the future of Antarctica. The recommendations delivered by the Press Inquiry and reports by the Senate Standing Committee

on Foreign Affairs, Defence and Trade have proposed a series of initiatives that are achievable through a long term and orchestrated strategy, if Australia's leadership is willing and commitment is genuine.

Summary

This section has considered Australia's national interests relating to the Antarctic region and noted the Government's intent that the Antarctic Treaty System remains relevant, robust and responsive. It has also argued that effective management of the Antarctic region, using the Antarctic Treaty System as the governance model, will require collaboration with wider interest groups, many of whom will have conflicting objectives. Reaching agreement will be challenging but success is critical, as the alternative—failure of the Antarctic Treaty System—is an unacceptable risk.

The Australian Government is currently considering its options for an Antarctic strategic plan for the next 20 years that will have the objective of ensuring Australia remains an Antarctic leader. Sections 1 and 2 of this paper have established 'why' Australia needs to support a robust and relevant Antarctic Treaty System, and established that priority should be placed on taking action that strengthens the Treaty and Australia's leadership role. The next section will consider three priority policy initiatives to support this aim.

Section 3: Policy initiatives to meet Australian priorities

Australia has 'direct strategic interests in Antarctica and the Southern Ocean', along with 'sovereign territory' to protect, and 'a cooperative surveillance and enforcement treaty with France' to honour.¹⁰⁵ The Australian Government has expressed its commitment to ensuring Australia's future engagement in Antarctica and the Southern Ocean. However, Australia's standing as a leader in Antarctic affairs has arguably been undermined by a combination of under-investment and complacency.¹⁰⁶

Encouragingly, the Australian Government has commissioned two reports to inform development of an Australian Antarctic strategy to protect and advance Australia's interests over the next 20 years.¹⁰⁷ Many of the issues identified in the Senate Standing Committee on Foreign Affairs, Defence and Trade's report have concurrent recommendations within the strategic plan proposed by the Press Inquiry.

A strong, relevant and agile Antarctic Treaty System directly affects Australia's national interests. The first two sections of this paper identified the evolving geopolitical environment and potential risks that might destabilise the Treaty System. Operating in Antarctica is expensive and the recommendations from

the Press Inquiry and the Senate Committee, should they be accepted and agreed, will need to be phased as capacity permits. Policy implementation should be prioritised to achieve the best effect with available resources. Australia must maintain and build on its position of strength and credibility within the 'politics' of Antarctic to continue to support the effectiveness and relevance of the Antarctic Treaty System, and to be in a position to protect its national interests in the event that the Treaty is challenged.¹⁰⁸

In the first instance, Australia needs to be visibly committed to a strong presence in the Antarctic. Second, Australia needs to strengthen important relationships with emerging influential states. Third, Australia needs to reinforce its leadership role in science and governance by driving continued evolution of the Treaty so that it remains strong, credible and relevant into the future.¹⁰⁹

This section of the paper will identify three priority policy initiatives that are actionable, symbolic and important to enable Australia to remain a credible and influential Antarctic leader. Each policy proposal will also provide details to be considered for implementation, along with resource considerations for the proposals, where available and appropriate.

Recommendation 1: Utilise ADF 'heavy lift' capability to support Antarctic logistics

Climate change and improved extraction technology will introduce tensions within the Antarctic Treaty System. Australia's 2013 Defence White Paper articulated the position that there is 'no credible risk to Australia's national interests in the Southern Ocean and the AAT [Australian Antarctic Territory] being challenged in ways that might require substantial military responses over the next few decades'.¹¹⁰ This assessment overlooks the long-range perspective of emerging challenges and the role that the ADF's presence plays in asserting sovereignty.¹¹¹ It also fails to acknowledge that climate change and improved extraction technology will make the potential exploitation of Antarctic resources more feasible in the near future. These developments will likely introduce tensions within the Antarctic Treaty System.

Increasing civilian and commercial activity in the region are contemporary challenges. This may prompt the need for ADF involvement in search-and-rescue operations, humanitarian relief or disaster response. There may also be a requirement to support Australian Border Force-led operations in the Southern Ocean. Acknowledging Australia's unequivocal commitment to the values and principles of the Antarctic Treaty, in particular demilitarisation of the region as stated in Article I (i) of the Antarctic Treaty, these non-warfighting roles provide valuable support to national security.¹¹²

Australia has responsibilities for the coordination of search-and-rescue in a significant portion of the Southern Ocean under the International Convention on Maritime Search and Rescue and other treaties.¹¹³ While responding to a search-and-rescue request is not primarily the role of the ADF, its aviation capability is currently the only asset that Australia has that is capable of operating in the more remote, extreme areas of the Southern Ocean and Antarctic region. Having military crews experienced in working in these extreme conditions provides Australia with additional capacity to respond safely to disasters and requests for assistance.

ADF operations in the Australian Antarctic Territory are not a force determinant for capability acquisition. However, opportunities to exploit dual-use capability and capacity of ADF assets in support of Australian Antarctic Territory activities should be undertaken for several reasons. First, using ADF assets such as the C-17A heavy lift capability in support of the Australian Antarctic Division's logistics program would demonstrate an active and visible Australian presence in the region. Second, Australia should continue to support and utilise the provision of Article I (ii) of the Antarctic Treaty, which states that 'the present treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose', and exercise this option.¹¹⁴

As previously identified, one of Australia's national interests in Antarctica is to maintain Antarctica's freedom from strategic and/or political confrontations. The Press Inquiry recommended that to support this outcome, the Australian Government should ask the Department of Foreign Affairs and Trade, as the lead agency, to coordinate action; the inquiry also identified that the Department of Defence would have a significant supporting role.¹¹⁵

Antarctica presents very demanding and potentially dangerous operating conditions. If the ADF is going to support this recommendation, it will need to be able to operate safely and effectively under these conditions by having the right skills and experience. The ADF currently has very limited training and experience in Antarctic conditions but definitely the capability to develop these skills in a reasonably short period. Having the capacity to operate safely in the region would also support the recommendations to increase collaborative efforts by extending support to other nations on an opportunity basis in pursuit of scientific endeavours in the Australian Antarctic Territory.

The Australian Antarctic Division currently leases an Airbus A319 to move people and lightweight materials from Australia (Tasmania) to the Antarctic continent.¹¹⁶ This aircraft is optimised for passenger transport. The ADF should be tasked to provide heavy lift support using the C-17A, which could be used to

deliver bulky cargo and respond to search-and-rescue or mass casualty events. It could also be used as an airdrop capability to support contingency options.¹¹⁷

The C-17A does not require unique servicing, modifications or special fuels for summer operations to Antarctica. However, any expansion of scope to winter operations would require additional preparation.¹¹⁸ The ADF could start summer operations immediately and follow up with developing the capability for winter operations in slower time as experience is accumulated. In this scenario, the ADF support would supplement, not replace, the existing commercial contract aviation services provided to the Australian Antarctic Division. There would also be the potential to offer spare capacity to other collaborating partners.

This approach would enable critical bulky scientific equipment and sustainment stores to be moved to the Australian stations. It would also free up funds that would otherwise be used to pay for transporting these stores, to be reinvested to support scientific activity. Routine ADF flights in support of the Australian Antarctic Division would be mutually beneficial to both organisations. The benefits in providing logistics support to the Australian Antarctic Division, and the associated ongoing training to ADF personnel, would be an enhanced Defence capability and provide additional options for the Australian Government in responding to civil emergencies.

As a priority, therefore, it is recommended that the ADF should commence regular routine C-17A inter-continental flights to Antarctica to support the Australian Antarctic Division. The flights should initially operate from Hobart to Wilkins aerodrome during the summer season. The crew should also prepare and train for airdrop capability. This action could be undertaken with very short lead-time and would provide a visible presence and commitment to strengthen Australia's practical ability to participate in Antarctic science. This policy initiative supports the Press Inquiry's recommendation 3, to provide 'heavy lift from ... Hobart ... to Wilkins aerodrome or elsewhere in Antarctica'.¹¹⁹

Challenges

Concurrency and capacity have been raised in the past as limiting factors for ADF support to the Australian Antarctic Division. With the recent increase of the C-17A fleet to eight aircraft, the ADF should have the capacity to include routine operation to Antarctica into its program. There is also the question of whether or not providing heavy lift support to the Australian Antarctic Division is an appropriate use of military assets.

However, the Australian Government has recently shown a level of comfort in using ADF assets as civil aid tools, as demonstrated by the ADF response to MH17 and MH370.¹²⁰ There is a high likelihood that the ADF would be called on

to respond to an issue in the Australian Antarctic Territory and Southern Ocean region and, as such, it needs to be prepared. The Australian Antarctic Territory is Australian sovereign territory and the ADF must be capable of operating in this environment to support an emergency evacuation of Australian personnel or tourists.

Resources

The ADF's recent expansion of its C-17A fleet minimises the risk of concurrency issues created by supporting the Australian Antarctic Division with routine flights. To deliver routine training/ logistics support flights between Tasmania and Wilkins airfield each summer season would require allocation of the airframe and fuel, training of crew and support personnel in operating and surviving in Antarctic conditions and ensuring that the airfield remains capable of supporting C-17A heavy lift aircraft.

Normally, under the provisions of aid to the civil community, cost recovery would be considered appropriate. However, as the primary purpose of this activity would be to enable ADF personnel to gain training and experience to operate safely in the Antarctic environment, making the aircraft available to carry cargo would be a secondary dual use. Hence, it is proposed that this service would be provided at no cost to the Department of the Environment, with the annual cost of routine flights to Antarctica being absorbed by the Department of Defence's global operating budget.

Recommendation 2: Expand collaboration with China

Within one generation, China has transformed itself from being one of the world's least developed nations to the world's largest economic power.¹²¹ Initially satisfied to observe, learn and adapt to the requirements of established international institutions, China now seeks more influence over its environment to better support its ambitions.¹²² China seeks a position of status and influence in the global order and is looking for leadership opportunities. China's actions in the Antarctic reflect this desire, as it strives to achieve the status of a significant scientific contributor and leader.

During the negotiations to establish the Antarctic Treaty, China was initially excluded for political reasons.¹²³ Many within the People's Republic of China still carry 'a strong sense of injustice' at not being afforded the opportunity to be one of the original signatories to the Antarctic Treaty.¹²⁴ Domestic turmoil then delayed the opportunity for China to participate in Antarctic activities until the austral summer of 1979-80, when Australia invited two Chinese scientists to join the Australian Antarctic Research Expedition. This was the start of China's journey to establish a scientific program, build Antarctic bases, commission

icebreakers and develop the skills and expertise to operate and conduct science in the Antarctic.¹²⁵

China became a party to the Antarctic Treaty in 1983 and achieved consultative party status in 1985.¹²⁶ Initially, its Antarctic science program was restricted by a lack of funding but, as China's national wealth increased, so did its spending on Antarctic activities. During the late 1980s, China assumed the role of learning, establishing, consolidating and developing a foundation of capability and capacity. By 1990, China was in a position to focus its efforts on high-quality scientific research.¹²⁷ One lesson that China learnt well is that countries that lead in Antarctic science, lead in its governance.¹²⁸ China is now well established in the Australian Antarctic Territory.

Australia enjoys a high level of engagement and practical cooperation with China, and actively seeks to work with China on issues of shared concern.¹²⁹ Within the Antarctic context, Australia enjoys a very good relationship with China. Since the late 1970s, the relationship has been characterised by strong and continuous logistics and scientific collaboration.¹³⁰ Most recently, China and Australia reaffirmed and strengthened this long tradition of collaboration in Antarctic diplomacy, science, logistics and operations when President Xi Jinping visited Tasmania with then Prime Minister Abbott in November 2014 and witnessed the signing of a bilateral Memorandum of Understanding.¹³¹ Significantly, the Memorandum declared a continued commitment to the Antarctic Treaty System.

There are advantages for Australia to collaborate closely and deeply with China. From a practical perspective, China and Australia have a long history of supporting each other with general operations, including engineering and medical advice, and sharing of mutually-beneficial data on meteorological and other research projects.¹³² This approach enables both parties to collectively achieve more in difficult Antarctic conditions and builds trust in Australia as a collaborator of choice.

This collaboration has borne fruit at the October 2015 Convention on the Conservation of Antarctic Marine Living Resources meeting in Hobart, where China changed its original position and supported the proposal for marine protected areas in the Ross Sea and East Antarctica.¹³³ This outcome demonstrated the position asserted by the Press Inquiry that it is essential for Australia to become the 'partner of choice in East Antarctica logistics and science'.¹³⁴ China has a very significant presence in Eastern Antarctica, making it a logical target for expanded collaboration.

Scientific cooperation under the Antarctic Treaty System provides useful track-two diplomacy opportunities. It provides Australia the opportunity to

demonstrate to China the norms and principles that underpin the Treaty, and affords China the opportunity to appreciate the Treaty's environmental protection objectives from Australia's perspective. Working closely also encourages alignment of activity and behaviour within the established Treaty protocols. Collaboration also encourages sharing and greater transparency of activities being undertaken in Eastern Antarctica.

Finally, working closely with China in Antarctica provides the opportunity to build deeper trust and a strengthened relationship with Australia's most significant trading partner and significant emerging power in the Asia-Pacific region. A strengthened relationship with China in diverse situations provides the opportunity to balance the risks associated with Australia's strategic alliance with the US.¹³⁵

Australia should expand its collaboration with China in the Antarctic. Building on the recently-signed Memorandum of Understanding between the two countries, Australia should promote even deeper cooperation on Antarctic policy issues and scientific research, and support to operational activities through the joint movement of personnel and sharing of resources in the region.

Such increased collaboration will provide Australia with greater situational awareness of China's activities in Eastern Antarctica. This would be a natural extension of the already-established relationship, and afford potential future opportunities such as a joint venture to build an airfield in the interior of Eastern Antarctica, which would benefit the activities of both nations. Australia should actively encourage the expansion of the Australia-China Antarctic Memorandum of Understanding to strengthen its credentials as an active and credible collaborator.

Challenges

There are some challenges for Australia in managing this relationship with China, particularly in determining China's motives for involvement in Eastern Antarctica. Is China prepositioning, driven by a desire to stake a claim to Antarctic resources? Alternatively, is China seeking prestige for legitimate scientific work?¹³⁶ As asserted in a recent speech by Australia's Foreign Minister, Julie Bishop, it is certain that 'China is seeking a greater role in many existing forums and, where it finds them unaccommodating, it now has the influence and economic heft to create new arrangements'.¹³⁷ Regardless of perspective, a strong relationship and close collaboration is considered a sound strategy to improve Australia's awareness and understanding of China's activities in the Eastern Antarctic region.

Resources

Australia already collaborates with China. This recommendation is about actively seeking ways to expand that collaboration with the deliberate decision to invite China to be a partner in as many activities as practicable. As such, there should be minimal requirement for additional resources initially, as the maintenance of the Australia–China collaborative relationship should be a part of 'business as usual' for all departments and organisations involved in Antarctic operations. There may be a small increase in travel and subsistence funding required to enable more visits by Australian representatives to China's Polar Research Institute in Shanghai as engagement increases but this could be achieved through the reprioritisation of existing funding.

Recommendation 3: Australia to lead in establishing a working group to address the requirement for bioprospecting in the Antarctic

Bioprospectors are increasingly being drawn to the Antarctic because its extreme environment has led to the evolution of a range of physiological adaptations of flora and fauna.¹³⁸ Antarctic biological resources are seen as potentially rich sources of raw materials for pharmaceutical and other industries, and the influence of commercialisation on scientific research cannot be ignored. The interplay between public science and private commercial interest is a matter of ongoing debate in many areas of biological research.

The dilemma in the Antarctic context is that science is subject to management by the Antarctic Treaty System, while bioprospecting is not.¹³⁹ As bioprospecting is an activity with potentially both environmental and resource implications, the Antarctic Treaty parties need to determine a more comprehensive policy position, if not a regulatory framework, to deal with this development.

The Antarctic Treaty and associated agreements have little to say specifically on bioprospecting activities within the Antarctic region. Consequently, Antarctic bioprospecting has elicited much debate within the Antarctic community. Key issues include benefit sharing between Antarctic Treaty parties, the free availability of scientific data originating in Antarctica, the potential environmental impacts, and how governments should develop equitable benefit sharing arrangements and keep up with relevant policy developments.

It is also attracting attention in international law because there is a lack of clarity between sovereign rights over biological resources and intellectual property rights related to inventions developed from those resources. Since activities are already being undertaken, patents have been filed and products developed, and there is increasing tension between the parties in reaching a consensus on this issue.¹⁴⁰

The situation is even more complex where sovereign rights are disputed or absent such as in Antarctica.¹⁴¹ Access, ownership and sharing of the benefits of resource exploitation are regulated by UNCLOS. However, neither the Antarctic Treaty nor UNCLOS provides specific guidance for regulating bioprospecting, other than by linking together some of the fundamental principles contained within these instruments, such as conservation and rational management. The Antarctic region is under administrative control of the Antarctic Treaty System but the status of Antarctic resources is legally unclear.¹⁴² Other international regimes also have application, including the Agreement on Trade-Related Aspects of Intellectual Property, the Convention on Biological Diversity and UNCLOS.

The subject of bioprospecting has been on Antarctic Treaty Consultative Meeting agendas for over 13 years. In 2009, the Parties agreed that bioprospecting was adequately covered by the Antarctic Treaty System. This assessment was reaffirmed again in 2011.¹⁴³ Of significant concern is that there is no consistency of approach to the management of Antarctic biological resources and, while the Antarctic Treaty Consultative Parties have consistently acknowledged a desire to protect Antarctica's biological resources, they have been unable to even take the first step to achieving this ambition.¹⁴⁴ Absence of a collaborative approach and an instrument to guide behaviour is no longer ideal or even acceptable.

Further research is required to provide a solid basis for considering this complex and pressing issue. It encompasses scientific and commercial interests, environmental concerns, ethics and equity, and considerations relating to international law and policy. It also raises the question of the adequacy of the Antarctic Treaty System to manage bioprospecting. The growth of the Treaty, and reacting to the emerging needs of the past 50 years, means effective interfaces are required between the Antarctic Treaty Consultative Meeting and international bodies. The current lack of alignment poses a high risk to the effective operation of the governance regime in Antarctica and the Southern Ocean, and potentially to Australia's national interests.

Australia should undertake to lead a working group within the Antarctic Treaty Consultative Meeting to propose an instrument to manage bioprospecting within the Antarctic and Southern Ocean region. Taking this action would strengthen Australia's position as a leader within the Treaty governance framework and address the intent of a number of the Press Inquiry recommendations.

Specifically, should Australia be successful in leading an effort to establish an instrument for the management of bioprospecting in the Antarctic and Southern Ocean region, this would strengthen the Antarctic Treaty System

and reinforce its relevance. This activity would also provide the opportunity to collaborate with emerging significant players in Antarctica when developing options for an instrument to manage bioprospecting in the Antarctic and Southern Ocean region.

Challenges

The Antarctic Treaty System was last substantively updated 17 years ago with the adoption of the Madrid Protocol in 1991. Hemmings notes that there now appears to be reluctance to develop new instruments.¹⁴⁵ The complex political reality that now exists with 29 states having voting rights as part of the Antarctic Treaty Consultative Meeting means that the Treaty's consensual decision-making model arguably achieves 'low level *status quo* management and not much else'.¹⁴⁶ Attempting to introduce new instruments that are without prejudice to all other instruments, within a consensus environment, will be difficult to achieve.

Resources

Diplomatic resources would be essential to support this politically-challenging undertaking. However, implementation of this initiative could be undertaken using existing staff and resources within the Department of Foreign Affairs and Trade, the Attorney-General's Department, and the Australian Antarctic Division, in collaboration with other Antarctic Treaty Consultative Parties and stakeholders.

The establishment of a working party may require additional funding, depending on how quickly Australia chose to progress this initiative, how many Australian representatives agreed to be a part of the working group, and the location for meetings. However, as this activity is considered core business of the Antarctic Treaty Consultative Parties, it would seem reasonable that funding could be allocated from within the existing operating budget, prioritised at the cost trade-off to another initiative.

These initiatives would provide a short-, medium- and longer-term option to enhance Australia's standing in Antarctic politics, strengthen the Antarctic Treaty System and strengthen vital relationships through close collaboration. As each of these initiatives could be achieved through a decision to prioritise 'business as usual' effort, personnel and funding, they would present good value for money should they be successful.

Conclusion

Australia is recognised as an important, relevant and legitimate leader in Antarctic policy development through its long-term involvement as an original treaty partner, and as a claimant to 42 per cent of the continent. For Australia to retain its influence and leadership role in the Antarctic Treaty System, there needs to be a coherent and well-resourced national strategy. Without clear strategic objectives, and the resources to achieve them, Australia will struggle to continue to influence the wider international community active within the Antarctic Treaty System.¹⁴⁷

This paper has discussed a brief history of Antarctic governance and analysed what the future pressures on the Antarctic and the Antarctic Treaty System are likely to be over the next 20 years. The Press Inquiry and the aforementioned Senate Standing Committee have suggested the need for a comprehensive strategy for Australia, however working in Antarctica is costly and not all their recommendations can be implemented at once. Prioritising policy initiatives that enable military logistics support, strengthen relationships and support collaborative scientific research projects would be critical to better positioning Australia to continue exerting influence within the Antarctic Treaty System over the next 20 years.

When the original Antarctic Treaty was signed, US lawmakers declared that 'the Antarctic Treaty will be seen one day as the Magna Carta of peaceful, cooperative international diplomacy'.¹⁴⁸ With Treaty membership now standing at 50 nations, the cooperation and ongoing diplomacy over the past 50 years has been remarkable. This paper recognises that while Antarctica is experiencing increased international focus, it currently remains a relatively low priority for most nations and that there has been little meaningful development of contemporary policy over the past 20 years.

Noting 2048 as a critical decision point, there is an opportunity for Australia, as a significant stakeholder, to influence the strengthening of the Antarctic Treaty System. The essential step would be to identify nations and international organisations that share Australia's interests and vision for Antarctica, and then leverage existing bilateral and regional organisations to work towards a consensus position. This would require innovative leadership to align the agendas of numerous stakeholders with sometimes significantly different interests.

Continued evolution and strengthening of the Antarctic Treaty System affords the international community the opportunity to collaborate for the benefit of all, rather than the historically common position of a zero-sum game. Success will require a long-term commitment, patience and compromise. The challenge will be to manage competing interests in a pragmatic manner.

Traditional power politics is unlikely to achieve an acceptable outcome for Australia or the world, and has the potential to create security challenges in Australia's backyard.¹⁴⁹

There is time for Australia to position itself to increase its influence and broker a solution for the future Antarctic political landscape. Without the will to collaborate on the potentially divisive issues of resource management and environmental protection, the next 20 years may not be as harmonious as the previous fifty.

Notes

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Islamic Extremism in Indonesia: Will it affect Australia's security in the next ten years?

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Abstract

This paper addresses the question of whether Islamic extremism in Indonesia will affect Australia's security in the next ten years. It notes that in the world's most populous Islamic country, there are numerous Islamic extremist groups mutating and splintering at a frenetic rate, with the January 2016 attacks in Jakarta bringing the issue into stark focus.

The paper outlines the prevalence and ideology of extremist groups in Indonesia. It analyses their intent and capability, as well as the measures that the Indonesian and Australian Governments are taking to contain the threat. The paper contends that although extremists are flexible, adaptable and unpredictable, the responses to them are both proportionately increasing and adequate. It concludes that Islamic extremism in Indonesia will not significantly affect Australia's security for the foreseeable future.

Introduction

As the Bali bombings of 2002 fade in the memory of most Australians, Islamic extremism in Indonesia remains ever-present. The January 2016 attacks in Jakarta have brought the issue back into stark focus. In the world's most populous Islamic country, there are numerous Islamic extremist groups that mutate and splinter at a frenetic rate.¹ *Jemaah Islamiya (JI)*, *al Qaeda* and Islamic State may be the most recognisable but new groups are spawned seemingly as fast as security agencies become aware of existing groups.²

The Bali tragedy, claiming 88 Australian lives among a total death toll of 202, shocked both Australia and Indonesia. Within the Australian and Indonesian Governments, as well as within mainstream Indonesian Islamic society, the jolt spurred a significant reaction that continues today.³ For the purpose of this paper, 'Australia's security' refers to the safety of Australian citizens and assets in Australia. Although the security of Australian interests outside Australia will also be discussed, it will not be taken into consideration when assessing the threat to Australia's security.

The paper will argue that Islamic extremism in Indonesia will not significantly affect Australia's security in the next ten years. To support this argument, it will first outline the prevalence and ideology of Islamic extremist groups in Indonesia. It will then analyse the intent and capability of the known extremist groups, using the most notorious and dangerous as examples. Finally, the paper will outline and analyse the measures that the Indonesian and Australian Governments and other organisations are taking to ensure the threat from Islamic extremism is contained. It will conclude that although extremists are flexible, adaptable and unpredictable, the responses to them are proportionately increasing and therefore provide an adequate defence.

Islamic extremist groups in Indonesia

The Muslim population of Indonesia is approximately 230 million—greater than that of Egypt, Tunisia, Libya, Saudi Arabia and the Persian Gulf countries combined.⁴ Indonesian Islam is generally considered a moderate, tolerant expression of the religion. However, many groups are focused on the imposition of strict Islamic law, without resorting to violence.⁵

On the extreme end of the religious activist spectrum, there are a number of extremist groups that are willing to resort to violence against domestic and international enemies and targets.⁶ It is universally accepted that these groups have grown from the *Darul Islam* movement, whose origins date back to the middle of the 20th century.⁷ *Darul Islam*'s goal is the formation of an Islamic

state in Indonesia—a goal to which many of its factions and splinter groups have continued to dedicated themselves.

Jl, which claimed responsibility for the 2002 Bali bombing and numerous other attacks since, is perhaps Indonesia's most recognisable extremist group.⁸ Founded in Indonesia in 1993, it is a breakaway faction of the conservative *Darul Islam* movement. Like many other Islamic extremist groups around the world, *Jl* has previously had links with *al Qaeda* and shares the Salafi-jihadist ideology.⁹ However, after the Bali bombings, elements of *Jl* became uneasy with the *al Qaeda* policy of targeting the US and its allies. *Jl*'s leadership also preferred not to conduct further attacks against targets in Indonesia.¹⁰ Subsequent similar attacks have largely been attributed to a splinter group, the Noordin Network, led by a former *Jl* commander, Noordin Muhammad Top.

Jl recruitment often occurs in universities and schools, of which some 50 of the latter are affiliated to the group. The selection process begins with religious discussion groups in mosques or schools, and becomes progressively more specialised through a number of stages of indoctrination. Finally, an individual is inducted by swearing allegiance to the *Jl* emir (leader). Although *Jl* is known to be still recruiting converts eager to prove their piety, its threat appears to be in decline.¹¹

In recent years, potentially more dangerous groups have taken up the fight against international and domestic *kafirs* (infidels). The most extreme and dangerous is Islamic State, which claimed responsibility for the January 2016 attacks on a shopping and embassy district in Jakarta.¹² So extreme are its methods that even Osama Bin Laden and his successor Ayman Al-Zawahiri condemned the early actions of Islamic State in Iraq.¹³ Zawahiri claimed that the indiscriminate use of violence undermined efforts to attract broad support for the global Islamist cause. Although the stated aim of Islamic State is the establishment of an Islamic state (or caliphate) in the Middle East, it has also gained influence elsewhere in the world.¹⁴ The dense concentration of Muslims in Southeast Asia provides a clear opportunity for Islamic State to gain a foothold in the region.

It is estimated that more than 2000 Indonesians have pledged their support for Islamic State. Furthermore, many Indonesians are known to have journeyed to Syria and Iraq to support Islamic State in its jihadist mission. Estimates of the number joining the fight vary considerably but could be as many as 500.¹⁵ Whatever the number, it is growing rapidly.¹⁶ It is feared that both domestic Islamic State supporters and veterans returning from Syria will join forces to become a virulent and professional force.

Extremist groups' intent and capability

For a threat to Australia's security to exist, an adversary must possess both the intent and capability to enact it. What is clear is that Australian citizens and assets represent legitimate targets for extremist groups for a number of reasons. First, as a part of the 'West' and an ally of the US, Australia is an enemy of Islam in the minds of many extremists. Second, Australia's significant involvement in Timor Leste's independence from Indonesia was seen as an indication of Australia's intention to take over Muslim territory. Third, Australian collaboration with the Indonesian security forces' crackdown on terrorism after the Bali attacks attracted the rage of extremists.¹⁷

For these reasons, hard-line individuals have called for Australians, along with Americans and their other allies, to be targeted whenever and wherever they are found. However, any intent to target Australians, even in Indonesia, is tempered by the view among some extremists that attacks on foreigners are counter-productive to their cause.¹⁸ This view is confirmed by studies that have shown that attacks on domestic targets and the resultant propensity to kill other Muslims have drawn a negative response from the broader community.¹⁹ This may lead Australians to believe that extremist groups would prefer to attack foreigners outside Indonesia. But is that really their intent?

Perhaps the most important indicator of the intent of extremist groups is in their core ideology. Almost universally, Islamic extremists in Indonesia pursue the *Darul Islam* goal of establishing an Islamic state that adheres to *sharia* law.²⁰ And, although Islamic State is attempting to inspire a broader Islamic war in the 'far abroad', which includes countries outside the region of Syria and Iraq, there is no doubt that its focus is in the Levant, not outside it.²¹ The fact that Southeast Asia is the only region with a significant Muslim population where Islamic State has not established a province is a good indication of its focus.

Furthermore, Sidney Jones argues that most foreign fighters, including Indonesians, who have left their country to join Islamic State have no intention of coming back.²² Rather, they want to be part of the 'final battle', which is prophesied to occur in the Levant.²³ Therefore, there is little evidence that either established extremist groups in Indonesia like *Jl*, or Islamic State-affiliated groups, have a clear intent to target Australia.

The capability of extremist groups to export violence to Australia appears similarly low. Attacking 'soft' targets such as Bali night clubs and Jakarta shopping districts is far simpler than projecting that violence onto the Australian continent. Furthermore, it is widely acknowledged that since the Bali bombings, the capability of most extremist groups has decreased.²⁴ Many of the charismatic leaders and their followers are now dead and many others are in prison. In *Jl*, for

example, every known emir and many senior commanders are dead or in prison and, since 2007, it has been unclear who is leading the organisation.²⁵

Moreover, its splinter groups have not fared much better. The notorious leader of a *Jl* splinter faction, Noordin Mohammad Top, whose aim was 'to make Western nations tremble', was killed in a police raid in 2009.²⁶ *Jl* membership was estimated to be over 900 in 2007 but that number has almost certainly decreased.²⁷ Over the next decade, *Jl* appears to be more of a threat as a recruiting pool for other Islamic extremist groups than a threat to regional security.

Despite the significant loss of leadership, convicted extremists who are currently in prison are virtually free to propagate hate speech and motivation to their followers. The former *Jl* emir and alleged mastermind of the Bali bombings, Abu Bakar Baasyir, currently serving a 15-year sentence, is doing just that. As Jones asserts, 'the problem is that preaching is almost as easily done from behind bars—everything from lectures by speaker phone to smuggled CDs—as from people who are actually present in the flesh'.²⁸

In addition to the influence of those extremists in prison, there is a fear that many extremists arrested in the last 10 years are being released en masse as their sentences end. However, although the large number of convicted terrorists being released in a short period is causing alarm for security agencies in Indonesia and Australia, the number is only one factor.²⁹ The recidivism rate is only 10 per cent—and only a small proportion of the more militant rejecters of deradicalisation have the capacity to cause a significant impact on security in Indonesia, let alone Australia.³⁰ Perhaps for these reasons, the freedom of ideologues to spread their extremist views does not appear to have enhanced the capability of their followers to conduct large-scale attacks.³¹

Efforts to contain the threat of Islamic extremism

Both the Indonesian and Australian Governments are taking Islamic extremism very seriously and have responded strongly since 2002. On numerous occasions, most recently in December 2015, senior government and security agency leaders from both countries have met to discuss counter-terrorism cooperation.³²

During the most recent meetings, Australia expressed concern that extremists returning from Syria, coupled with the imminent release of numerous convicted terrorists, could allow extremists to establish a beachhead in Indonesia from which to launch attacks on Australia.³³ However, Indonesia has a very strong record of combating Islamic extremists—a point many commentators acknowledge.³⁴ There is no doubt that their efforts to contain extremist organisations, which Australia has supported in some cases, have been largely successful.³⁵

Consecutive Indonesian Governments have implemented a suite of measures to minimise the impact of Islamic extremists. For example, several groups, including Islamic State, have been legally banned and membership is a crime. A number of new counter-terrorism agencies have also been created, including a new anti-terrorism special operations command in the Indonesian military, called *Koopsugab*.³⁶ But by far the most successful element of Indonesia's counter-terrorism campaign has been the formation and action of its crack police unit known as *Densus 88*, or Detachment 88.

Since 2002, Detachment 88 has arrested more than 1000 suspected terrorists and prosecuted over 700, resulting in almost a 100 per cent conviction rate. The unit has disrupted current and emerging terrorist cells and foiled terrorist plots. The unit is not only responsible for arresting or killing numerous terrorists, including some of the most dangerous group leaders, it also plays a large role in deradicalisation. By building personal relationships with incarcerated extremists, providing positive education from reputable Islamic teachers and supporting extremists' families financially, Detachment 88 deserves much of the credit for the very low recidivism rate cited earlier.

The Indonesian Government and its counter-terrorism agencies are not the only positive influence on Islamic extremists in Indonesia. Most notably since the emergence of Islamic State, prominent Muslim organisations and figures are promoting tolerant and peaceful Islam.³⁷ A resurgent nationalist Islamic agenda is being broadcast, which repudiates Middle East-style violent Salafism and Wahhabism, and embraces Indonesian Islamic moderation and inclusion.³⁸

As President Widodo declared in June 2015, in distinguishing Indonesia from the Middle East, 'our Islam is *Islam Nusantara*, which is full of respect, courtesy and tolerance'.³⁹ The actions of moderate religious groups therefore provide a positive ideological foundation, which complements the successful but repressive tactics of counter-terrorism agencies.⁴⁰ Both are required to ensure the successful momentum against extremists continues over the next decade.

For its part, Australia has taken measures to prevent Islamic extremists from any country, including Indonesia, from threatening Australia's security. Like the Indonesian Government, the Australian Government has tightened domestic laws pertaining to terrorism, increased the size and capability of counter-terrorism agencies and introduced broader intelligence-gathering powers.⁴¹ To prevent terrorists entering the country, it has also tightened travel and immigration legislation and airport security resourcing and procedures.⁴²

Furthermore, recognising the demographic and geographic significance of Indonesia as a potential source of insecurity and Islamic jihadists, Australia has substantially strengthened security cooperation with Indonesia since 2002. This

cooperation has included intelligence sharing, law enforcement collaboration and training, border and transport security, and legal framework development, to name a few.⁴³ The January 2016 terrorist attack in Jakarta, despite being poorly planned and executed, provided impetus for a reinvigoration of the security collaboration of the two nations.⁴⁴ Consequently, both countries' counter-extremism and counter-terrorism efforts since 2002 have ensured that they are prepared for the extremist threat that Islamic State poses.

Conclusion

There is little doubt that Islamic extremism in Indonesia has been substantially suppressed since the Bali bombings of 2002. However, nobody, least of all the Governments of Indonesia and Australia, considers it a spent force. Despite *Jl* and other established extremist groups being in decline for the last decade, new and more extreme threats are emerging. The rise of Islamic State and its growing number of affiliated groups in Indonesia presents a renascent challenge to the security of that country.

However, the core intent of Islamic State-affiliated extremist groups is to establish a puritanical Islamic caliphate in the Levant, not Indonesia. Moreover, despite the anti-Western motivation of extremist groups, there is little evidence of their intent or capability to target assets or people in Australia, notwithstanding the likely increase in skilled and experienced fighters returning to Indonesia from Syria.

The Indonesian and Australian Governments have established effective counter-terrorism laws, agencies and procedures since 2002, further reducing the threat to Australia from Indonesian Islamic extremists. The rise of Islamic State has not, therefore, caught either country flat-footed. Security agencies were already established and proficient as a result of more than 10 years of counter-terrorism operations—and it is likely that they will continue to improve in the next decade. Furthermore, moderate Indonesian Islamic groups, comprising the vast majority of the Muslim population, have escalated their counter-extremist rhetoric and action.

Although not addressed in this paper, the threat to Australian assets and citizens abroad, particularly in Indonesia, is receiving significant attention. It is also important to remember that a single terrorist laying siege to any establishment in Australia, as occurred at the Lindt café in Sydney in December 2014, can quickly shatter Australia's perception of security. However, the threat to Australia from Islamic extremism in Indonesia is assessed as being low, increasingly mitigated and thus not likely to significantly affect Australia's security for the foreseeable future.

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A Greener Dragon? Climate change lessons and opportunities for cooperation between China and Australia

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Abstract

This paper examines the impact of climate change on Australia, and whether there are lessons and opportunities for cooperation from China's experience. It contends that Australia is seemingly out of alignment with the international community in addressing climate change, not least because Australia's mitigation actions have been constrained by economic reliance on coal exports, the domestic use of coal for energy production and the influence of vested mining interests on climate change policy.

This paper argues that Australia needs a strategy to communicate and demonstrate to the Australian public that mitigating and adapting to climate change is in Australia's national interest, particularly in relation to human and comprehensive security issues. It concludes that Australia can benefit from China's experience as a 'greener dragon', offering lessons for Australia on achieving climate change-related economic and energy reform, as well as sustainable development and cooperation opportunities.

Introduction

In September 2014, US President Barack Obama remarked to a UN Climate Change Summit that:

[F]or all the immediate challenges that we gather to address this week—terrorism, instability, inequality and disease—there's one issue that will define the contours of this century more dramatically than any other, and that is the urgent and growing threat of a changing climate.... We are the first generation to feel the impact of climate change and the last generation that can do something about it.¹

The US, through its 2015 Clean Power Plan, has committed to curbing power plant carbon emissions by 32 per cent by 2030.² China has also declared, through its submission to the UN Framework Convention on Climate Change, that it will reduce carbon dioxide emissions by 60-65 per cent of GDP and increase forest stock volume by 4.5 billion cubic meters on the 2005 level.³

The commitments by China and the US are significant as they are the world's first and second largest green house gas (GHG) emitters. Neither country had previously committed significant action to the international GHG reduction framework, although both had made domestic economic and environmental adjustments.⁴ However, it is widely recognised that the participation of China and the US is essential to achieving the UN-mandated target of reducing emissions to avoid what otherwise has been predicted to be irreversible 'tipping points', resulting in catastrophic changes to the climate system.⁵ Their commitment also accords with the global priority being placed on mitigating climate change, including through the transformation of their economy and energy sectors.

China's commitment to climate change mitigation is an important economic issue for Australia. As China is Australia's largest trading partner, any adjustments China makes to its economy will impact the Australian economy.⁶ China has been signalling the importance of the environment and climate to its economy since the release in 2001 of its 10th Five Year Plan (2001-05), in which it set targets for fuel consumption and energy conservation, and foreshadowed an expansion of forests as 'carbon sinks'.⁷ This was followed in 2008 by a White Paper on Climate Change.⁸ More recently, the 12th Five Year Plan set a target for the reduction of energy intensity and signalled an intention to price carbon by trialling an emissions trading scheme.

China is also undertaking macro-economic restructuring, reflecting an attitude shift toward a low carbon or 'green economy', focusing on energy efficiency, renewable energy, environmental sustainability and domestic innovation.⁹ Some have suggested that these initiatives are linked to the legitimacy of the Chinese Communist Party, particularly since 2013 when air pollution in a number

of urban centres became so bad that it constituted a threat to social stability.¹⁰ Regardless, the initiatives have had a positive effect on emission reductions. China's actions are also consistent with Australia's other major trading partners in Asia, North America and Europe.¹¹

This presents opportunities for Australia to leverage its trading relationships to work with trading partners in order to mitigate climate change as a threat to human security.¹² Climate change can threaten human security by slowing economic growth, making poverty reduction more difficult, and eroding food and water security.¹³ Climate change impacts are also likely to result in human displacement and migration, particularly in the Indo-Pacific region.¹⁴ As noted by the Climate Council of Australia in 2015, the Indo-Pacific region is:

[O]ne of the world's most disaster prone [regions]; in 2014 over half of the world's 226 natural disasters occurred here.... [Moreover], Asia is also home to more than 90 per cent of the global population ... [living in a region] that is exposed to tropical cyclones, with rising sea-levels magnifying the impact of storms.¹⁵

Extreme weather effects, water and food scarcity, and population migration also have broader security implications, leading climate change to be considered a 'threat multiplier', suggesting there is considerable potential for climate change to impact significantly on the national security of affected states.¹⁶ However, climate change is also a transnational security issue. While effective state-level policies are critical, individual countries alone cannot remove the climate change threat—there has to be coordinated international action to reduce GHG emissions.

This is an important consideration for Australia, as it is the 13th largest GHG emitter and, according to Australia's Climate Change Authority—an independent statutory body—the highest GHG emitter on a per capita basis.¹⁷ Yet Australia is seemingly out of alignment with the international community in addressing climate change. In particular, Australia's mitigation actions have been constrained by economic reliance on coal exports, the domestic use of coal for energy production and the influence of vested mining interests on climate change policy.¹⁸

The Climate Change Authority has recommended that Australia's emission reductions be 30 per cent below 2000 levels by 2025.¹⁹ However, the Australian Government has committed only to a 26-28 per cent reduction below 2005 levels by 2030.²⁰ Australia's intended mitigation measures and timeframe have drawn international criticism, with the International Energy Agency, G20, EU, China, US, Switzerland and Brazil all criticising Australia for being out of alignment with international expectations.²¹ This is more noticeable when a developing country such as China is taking more direct action than Australia to deal with climate change. It is compounded by the fact that Australia,

as a leading supplier of uranium, does not use nuclear power—and that it is one of the hottest, driest continents but makes use of solar electricity for only 2 per cent of its energy needs.²²

Australia's misalignment with the international community and its continuing reliance on coal places Australia's economy and infrastructure at risk, as well as impacting Australia's reputation. Although coal currently generates significant export revenue for Australia, the international move away from the use of coal, because of its impact on climate change, is resulting in a declining market.²³ These issues require a trade-off decision about positioning Australia's economy for the future, particularly when some alternative energy sources—such as a nuclear energy capability—would likely take up to 10 years to develop.²⁴

As a developed economy endowed with natural resources, it is within Australia's capacity to undertake reform and increase GHG emission reductions. The constraints for Australia implementing mitigation actions are 'no longer technological or economic.... [t]hey are political, institutional and ideological [based on individual and cultural belief systems]'.²⁵ To overcome these constraints, Australia needs a coherent bipartisan strategy to mitigate climate change, offering a road map, change management plan and context narrative for the Australian public on the necessary changes to industry and the economy.²⁶ Such a strategy would also provide a pathway for government actions and the synchronising of policies required to adapt to the current and emerging effects of climate change.

This paper will contend that the development of such a strategy is in Australia's national interest, particularly in relation to human and comprehensive security issues. It will further contend that Australia can benefit from China's experience as a 'greener dragon', offering lessons for Australia on achieving climate change-related economic and energy reform, as well as sustainable development and cooperation opportunities.

In considering how Australia should respond to climate change and maximise its development opportunities, Part 1 of this paper will outline why climate change is a 'diabolical' policy issue and recommend a strategy to address this. It will outline China's strategy and approach, and draw out the key lessons for developing a climate change strategy. Part 2 will propose that Australia needs a climate change strategy based on an economic argument, and assert that there is strong popular support for government action on climate change. It will also propose the content of a climate change strategy and how this would be implemented, contending that the foundations of a strategy exist within the current policy framework, although they are not integrated and do not achieve a synergistic effect.

Part 3 will outline China's climate change policy initiatives and their relevance for an Australian climate change strategy. Part 4 will propose two major initiatives centred on Australia's energy mix and low carbon cities that would complement an Australian climate change strategy, as well as offering opportunities for cooperation and development with China. The paper will conclude that adjusting Australia's approach to climate change, and leveraging the trading relationship with China, presents a unique opportunity to transform Australia's economy, energy and infrastructure, and improve Australia's contribution to global GHG emission reductions.

Part 1: Climate change is a diabolical policy issue

A diabolical policy issue incorporates the characteristics of a 'wicked' policy problem. It also contains the characteristic of being long term, rather than immediate, implying that effective solutions are unlikely to be easily developed or implemented. While some wicked problems are purely domestic, the globalisation of modern society suggests that most can only be adequately resolved through international cooperation of unprecedented dimension and complexity.²⁷

Climate change is certainly not a short-term issue. A number of mitigation actions, even if implemented immediately, would likely have minimal influence this century, not least because some GHG remain in the atmosphere for up to 120 years.²⁸ Governments must be prepared to mitigate and adapt to climate change over a long period. This requires the development of policies within an intergenerational framework, focusing on economic, social and environment areas.

Furthermore, climate change policies should have bipartisan support to ensure there is continuity throughout any change of government. As climate change impacts the economy, environment and human security, it is a comprehensive security issue and it is, therefore, in the national interest to mitigate and adapt to it.²⁹ Only a consistent and comprehensive government approach, underpinned by effective communication with the Australian public, will enable policy certainty and coordinated mitigation and adaptation action.

Developing an appropriate mechanism

A strategy provides a road map to deal with diabolical policy problems. According to Gerry Johnson and Kevan Scholes, a strategy is 'the direction and scope of an organisation over the long term ... which achieves advantage for the organisation through its configuration of resources within a changing environment, to meet the needs of markets and to fulfil stakeholder expectations'.³⁰ Harry Yarger contends that a strategy can also be defined as 'the calculation of objectives, concepts and resources within acceptable

bounds of risk to create more favourable outcomes than might otherwise exist by change or at the hands of others'.³¹

Taking these broad definitions into consideration, the key effect to be achieved from a climate change strategy would be an explanation of the vision and policy themes in order to gain business and public commitment to investments that mitigate and adapt to climate change. China's approach to a climate change strategy offers an example where there are some lessons that may be applicable for Australia.

China's climate change approach and strategy

China undertakes climate change mitigation and adaptation action through an authoritarian environmentalism approach and a 'green economy' strategy. Bruce Gilley defines authoritarian environmentalism as a 'non-participatory approach to public policy making and implementation in the face of severe environmental challenges'.³²

China's approach reflects an appreciation that 'China's climate is complex and its ecological environment is fragile, which makes it very vulnerable to the adverse impacts of climate change'.³³ Climate change-related extreme weather events are projected to increasingly affect the heavily-populated coastal cities of Shanghai (22.3 million people) and Tianjin (11 million people), causing not only humanitarian disasters but also impacting China's industrial capacity and economy.³⁴ Additionally, an anticipated sea level rise of one metre would likely impact 'twelve coastal provinces [that] account for 42 per cent of its population and 73 per cent of its GDP'.³⁵ China accordingly acknowledges the nexus of climate change with its future prosperity and economic growth, and has crafted an approach and strategy to align with China's context.

Economic development and the ongoing legitimacy of the Chinese Communist Party are the key drivers of China's strategy and approach to climate change. Economic development has enabled over 500 million people to be lifted out of poverty and food security to be achieved.³⁶ However, China's initial focus on economic development resulted in severe ecological and environmental damage.³⁷ The tipping point occurred in 2013, when citizen discontent and social protests over air quality in Beijing prompted media attention and forced the Government's commitment to improve air quality through reducing carbon emissions and improving energy intensity.³⁸ While economic development remains a key driver for political legitimacy, more recently this has been balanced by the requirement for ecological and environmental sustainability to achieve a mitigating effect on climate change.

Recognition of the nexus between climate change and human security, and the legitimacy of the Chinese Communist Party, resulted in China adapting its approach to climate change. China's approach has evolved from 'hard line' during the 1997 Kyoto Protocol negotiations to one where climate change adaptation and mitigation measures are considered as an economic opportunity for a green economy.³⁹ Evidence for this includes climate change receiving increased priority in China's Five Year Plans from 2006, as well as the growth of investment in clean energy, both signalling the transformation of China's economy to a green economy.

China's transformation to a green economy is also reflected in the Government's planned implementation of an emissions trading scheme in 2017, and that China became the world's leading exporter of solar and wind technology in 2009.⁴⁰ Consequently, it can be argued that China has constructed its strategy for climate change mitigation and adaptation by viewing climate change as an economic development opportunity, rather than an environmental issue. Such an approach is suited to China's strategic context. As a developing country, it is continuing to seek economic growth through dominating areas of a 'green market', while economic growth—along with ecological sustainability—is the narrative being utilised to maintain the legitimacy of the Chinese Communist Party. The effect of this approach positions China as a 'good international citizen', through making meaningful contributions to international norms.⁴¹

China has also prioritised climate change as an economic issue to address ecological degradation. This is reflected in the fact that the central policy-making body on climate change is the National Development and Reform Commission, which has broad administrative and planning control over the Chinese economy. Within the Commission, the primary body to execute climate change policy is the National Leading Committee on Climate Change, chaired by China's Premier. It coordinates actions across 20 ministries, ensuring climate change adaptation and mitigation actions are prioritised, coordinated, controlled and transformed to meet government requirements,⁴² although local governments may modify policies and the method of implementation to accord with local economic priority issues.⁴³

China also promulgates to domestic and international audiences its climate policy achievements and planning for future developments, primarily through the annual *China's Policies and Actions for Addressing Climate Change* report. Each report serves as an annual strategy, providing direction for provinces and businesses on future climate change mitigation and adaptation investments—in effect a roadmap and a vision for China's transition to a green economy. The 2014 report, for example, highlighted industry restructure, the focus of the economy on low carbon technology and bilateral arrangements.⁴⁴ It

also outlined key policy focus areas, such as coal consumption targets, regulation measures and the dual treatment of mitigation and adaptation policy development.

China's approach and strategy provides key lessons for Australia. First, the Australian Government needs to set and communicate the climate change strategy and policy agenda in order to provide certainty for businesses and the public on investment opportunities. Second, the Government should communicate its achievements against the strategy, thereby providing transparency in its approach to climate change, as well as enabling learning and policy adjustment to occur. Third, the Government should prioritise climate change policy implementation and achieve policy synergy through the establishment of a coordination body. Finally, climate change mitigation and adaptation action should be viewed as an economic opportunity rather than simply an environmental issue.

Clearly, however, there are a number of issues in reviewing China's approach and strategy and their applicability for Australia. First, the degrees of recognition of climate change vary between China and Australia, with the former having decided that specific measures must be adopted while the latter continues to have partisan policies. Second, China's political system allows it to adopt policies directly from the central leadership. In addition, the political system in China normally provides for a relatively stable governing cohort to stay in power for ten years, with no official opposition. In contrast, Australia has much shorter election cycles and a political culture wherein the opposition tends to oppose most government policies. Moreover, partisan positions lock parties to specific policies to the extent that once in power, they often find it difficult to reverse their earlier policy positions.

Similar to Australia, China's policies also are subject to trade-off decisions between sustaining economic growth and the need to address climate change.⁴⁵ However, it appears that China—having positioned itself as a green economy—is developing a market and market instruments to minimise the trade-off decision requirements, and is communicating this strategy to domestic and international audiences. Consequently, while the political systems and capacities may be different, the requirements and effects of a strategy remain applicable to both countries.⁴⁶ Therefore, a key initiative for Australia would be to develop and implement a climate change mitigation and adaptation strategy.

Part 2: An Australian climate change strategy initiative

This part of the paper will argue that Australia needs a climate change strategy to address what is a diabolical policy issue. It will highlight that the foundations for a strategy exist within the current policy environment, although they are not integrated or coherent and do not achieve policy synergies. It will also provide the economic argument for implementing climate change policies and illustrate that there is strong popular support for Australian Government action on climate change. Finally, it will propose the contents of an Australian climate change strategy and how this would be implemented.

The need for a climate change strategy

Because of the nature of the Australian electoral cycle, there are short-term electoral imperatives and sectional interests that diffuse policies, as well as impacting on long-term national security considerations. This has been particularly evident in Australia's approach to climate change since 2007. The lack of vision for a long-term strategy for climate change, and planning for mitigation and adaptation action, is also reflected in the Australian Government's *2015 Intergenerational Report*, which is a significant policy deficit in a report that is meant to be a 'social compact between generations ... to make choices today to build a strong and resilient economy ... for future prosperity'.⁴⁷

Furthermore, given Australia's vulnerability to climate change impacts—which increasingly include a reduction of average winter rainfall, an increase in extreme fire weather and droughts, and more intense cyclones—it could be assumed that there would be strong partisan support for climate change policies.⁴⁸ However, this is not the case; instead, 'climate action in Australia has been a polarising and highly political issue ... [and] could be seen as inconsistent and lacking in direction'.⁴⁹ This is a contributing factor in Australia's misalignment with the international community's approach to climate change.

Additionally, the current political approach is the antithesis of what is required in dealing with climate change as a diabolical issue. Climate change necessitates a bipartisan approach—including a shared vision and coordinated policy framework—to ensure consistency of action over a long intergenerational period. A strategy initiative that considers these issues, along with the economic argument, must be developed to ensure success in mitigating and adapting to climate change.

The economic argument

According to one recent study, the prospective economic impact of climate change in Australia has been estimated at \$226 billion, which includes the cost of damage to infrastructure by extreme weather events and a sea level rise of 1.1 metres.⁵⁰ The damage to critical infrastructure (road, rail, ports and warehousing) is expected to be devastating. Moreover, the economic impact will likely worsen commensurately with Australia's projected population growth, and be exacerbated by the likelihood that close to 90 per cent of Australia's population will be residing in urban areas on or near the coast.

Droughts are anticipated to further impact the economy through an annual reduction of 1 per cent of GDP from 2020, while extreme heat will continue to impact the productivity of the Australian economy.⁵¹ In 2013-14, for example, heatwaves caused an estimated productivity loss of \$8 billion due to reduced labour capacity and disruption of electricity supplies. The impact of bushfires has already been realised, with insured losses averaging \$160 million per year during the period 2003-13. Without a global reduction in GHG emissions, it is also estimated that Australia's agricultural exports will decline between 11 and 63 per cent by 2030 and between 15 and 79 per cent by 2050.

Based on these projections, Australia needs to take action to mitigate and adapt to climate change, as opposed to its current approach of expending funds in dealing with the current climate impacts. A climate change strategy would articulate a pathway for the transformation of the Australian economy and its infrastructure, as well as a cultural shift in the population (the ideological basis) regarding the need to mitigate climate change. The economic consequences of Australia not taking climate change mitigation and adaptation action will impact significantly on Australia's overall national security.

To date, Australia's limited actions are impacting bilateral investment opportunities and risk leaving Australian industry 'stranded' through continued investment in declining industries. For instance, China and the US have recently declared in a joint statement that they would reduce carbon emissions, commit to fuel efficiency standards and commit climate finance to assist developing countries transition to low carbon economies.⁵² In the same statement, China also committed to launching an emissions trading scheme and using low carbon sources in the electricity grid. As China is Australia's largest trading partner, China's actions and transition to a green economy place Australia's economic and financial system at significant risk of stranded assets in a declining market.

A recent discussion paper by the Climate Institute of Australia outlines that the nature of climate regulatory risk is changing and that companies are

now shadow carbon-pricing investments to determine their exposure to GHG emissions.⁵³ It also contends that investors are increasingly considering GHG emissions as part of their fiduciary responsibilities, such as superannuation funds screening fossil fuel investments.

The International Energy Agency has also warned that a transition away from fossil fuel needs to be orderly or could trigger a 'rushed exit', stranding approximately US\$300 billion in fossil fuel production assets world-wide.⁵⁴ Australia's reliance on coal exposes the Australian economy to such a risk, with coal providing 64 per cent of Australia's energy mix and with Australia being the fourth largest coal producing country and the world's largest coal exporter.⁵⁵ Financial analysts have also highlighted a risk to Australian sovereign debt as a result of international macro-economic shifts away from coal, which would significantly impact Australia's export market, with a recent report arguing that:

[The] Australian economy is more susceptible to a policy shock than other developed markets given the uncertainty surrounding its national climate change policy, which currently lags other developed markets, combined with the level of dependency of the Australian economy on carbon-intensive sectors.⁵⁶

There is a strong argument, therefore, for Australia to commence transitioning from its reliance on coal for energy and export to avoid any negative impact to the Australian economy of a 'rushed exit' from coal.

Existing foundations

Australia already possesses a number of policy instruments, institutions, scientific evidence and Government-directed reports to provide the foundations for an Australian climate change strategy. These include the Garnaut Reviews of 2008 and 2011, the Climate Science Framework 2009, and the work of such organisations and departments as CSIRO, Climate Change Authority, Bureau of Meteorology, Department of Environment, Department of Industry, Innovation and Science, and Office of the Chief Economist.⁵⁷ However, although these key strategic information sources and programs exist, there is not a sustainable development climate change strategy that links the foundation assets to individual departmental initiatives or provides certainty for the community and economy.

Additionally, the dispersed and uncoordinated nature of Australia's response to climate change reduces the opportunities for synergy, diffuses policies and does not enable effective communication with the Australian public. For instance, the Australian Government website does not have an entry point for climate change information. To find initiatives and policies on climate change, an individual must review the websites of four government departments and

four associated organisations/bureaus and authorities.⁵⁸ This contrasts with China's system, where there is a readily identifiable coordinating committee, chaired by the Premier, with clearly-articulated responsibilities for coordination and synchronisation.

Popular support

Notwithstanding the lack of a climate change strategy, a recent poll indicates that the majority of the Australian people support the need to mitigate and adapt to climate change, with 70 per cent of respondents agreeing that climate change is occurring, 57 per cent trusting the science on climate change and 59 per cent believing that the Government is underestimating its impact.⁵⁹ Significantly, 63 per cent were of the view that the Government should take more action, including such measures as supporting the growth in renewable energy and a move away from coal, the regulation of carbon pollution, and that polluters (not taxpayers) should be financially responsible for costs.

These findings were mirrored in a 2015 poll by the Lowy Institute, where 63 per cent of respondents thought the Government should commit to significant GHG reductions, while 43 per cent believed solar energy would be the primary source of electricity in 10 years, with 13 per cent believing it would be nuclear energy.⁶⁰ Based on these polls, it would seem that the population is favourably positioned for a cultural shift, warranting the implementation of a strategy that focuses on communicating government actions and the future plans necessary to transform Australia's economy, energy and infrastructure.

Contents of an Australian climate change strategy

Drawing on the lessons from China, this paper contends that Australia's climate change strategy should be framed in three parts. Part one should contain a strategic narrative explaining the vision, imperative and priority for the Australian public on climate change. This would effectively be the business case for undertaking climate change mitigation and adaptation action, and should be expressed as an opportunity to reform Australia's energy infrastructure and establish new markets.

The narrative should explain the link between climate change and the Australian economy, particularly acknowledging the trend of Australia's international trading partners away from coal. It should explain why Australia must participate globally in emission reductions and acknowledge that all countries need to take action to mitigate climate change. It should draw on Australian and international scientific evidence to outline the projected

physical and economic impact and risks of climate change to geographical areas throughout Australia.

Part two of the strategy should illustrate the positive aspects of mitigation in terms of energy and infrastructure reform and ameliorating perceived business risks. The strategy should articulate the short-, medium- and long-term goals, as well as the innovation, research and policies that need to be implemented or developed for complementary mitigation and adaptation measures. It should highlight the key political commitment of avoiding investments that lock in future carbon developments.

There should also be a commitment to renewable technology, infrastructure, and research and development, as well as an educated debate on Australia's energy mix. This would include a discussion on utilising nuclear power and mandating that all federal government policies be reviewed to assess the impact and risk to mitigation and adaptation measures. The effect would be to provide certainty for businesses and the public to invest in climate change mitigation and adaptation actions, thus facilitating business opportunities.

Part three of the strategy should provide guidance on how the Commonwealth would support and complement the mitigation and adaptation actions of states and territories, building on the work of the Council of Australian Governments, which commenced in 1992 with a National Strategy for Ecologically Sustainable Development, followed by a National Strategy on Energy Efficiency in 2009.⁶¹ Although the Council has developed a number of strategies for climate change-related issues, there is not an over-arching strategy or focus for transforming the economy that aligns the Commonwealth and Australia's states and territories, nor have there been any updates since 2009.

The effects of not developing and implementing a comprehensive strategy to reform Australia's economy can be assessed on an opportunity cost basis. Although economic reform would require investment in energy and infrastructure, it is generally agreed that this would outweigh the cost of 'stranded assets' and the risk to sovereign debt as the international economy transitions away from fossil fuels. Furthermore, without a change in Australia's GHG emissions reduction commitments, Australia's reputation in the international community will continue to degrade.

Strategy oversight

One option to ensure a heightened focus on sustainable development and emissions reduction/low carbon future would be to re-establish a Climate Change Department.⁶² However, given current economic constraints, a more viable option would be for the Department of Industry, Innovation and Science

to assume the responsibility for climate change policy coordination. The existing Clean Energy Regulator could be transferred to this department and a dedicated Climate Change Commission, internal to the Department, could be established to focus on coordination requirements and the synchronising of policy approaches and initiatives across the Australian Government.

Although this proposal would position the GHG emitting industry elements against climate change policy within the one department, it would allow for the contestability of policies and implementation in an economic framework of sustainable development, rather than an environmental framework. Under this proposal, the Department of Environment would retain the responsibility for environmental protection issues associated with economic development.

Developing an Australian climate change strategy as proposed in this paper would articulate the direction and priority of climate change within the Australian Government for business, public and the international community. It would enable a commitment to initiatives that would provide a transformation of the Australian economy, energy mix and infrastructure. China has undertaken a number of initiatives in these areas that provide an opportunity for Australia (and others) to learn from China's evolving approach, as well as potential areas for cooperation and development.

Part 3: 'A Greener Dragon' actions and their relevance for Australia

Having established that climate change is a diabolical policy issue and that a strategy is needed to manage this issue, this part of the paper will outline China's policies and the opportunities for cooperation and development for Australia. It will focus on the green economy, financial policy, infrastructure, and renewable energy. It will highlight that Australia can learn from China's policy initiatives and use climate change as the opportunity to transform the Australian economy and energy supply mix. It will contend that the 2014 Memorandum of Understanding on Climate Change between Australia and China, and the Comprehensive Strategic Partner Dialogue, are appropriate frameworks to collaborate on practical climate change outcomes.⁶³

China's 'green economy'

The Chinese Government's report *China's Policies and Actions for Addressing Climate Change 2014* declares that 'pursuing green, low-carbon development and actively addressing climate change is not only necessary to advance our ecological progress and put our development on a sustainable path, but will also demonstrate to the world that China is a responsible country'.⁶⁴ This reflects China's strategy for developing a green economy, wherein 'green

development is part of the policy approach to overcoming future risks and finding new robust sources of growth'.⁶⁵

It is estimated that the changes to China's energy policy and infrastructure to achieve a green economy are likely to cost \$US6.6 trillion.⁶⁶ A 2013 report by China and the World Bank forecast that the 'contribution of emerging green industries to China's GDP will be 15 per cent by 2020'.⁶⁷ The report assessed that China has the ability, capacity and human capital, as well as the renewable energy resources, necessary to innovate and develop into a green economy.⁶⁸ The report identified that implementation of the strategy is to be achieved through mandated fuel efficiency, an emissions trading scheme, low carbon cities, closure of coal plants, acceleration of energy-saving measures, development of a smart grid, and demonstrated support and growth in renewable energy.⁶⁹

Although China is currently dependent on coal for approximately 80 per cent of its electricity, it intends to reduce its dependency to less than 40-50 per cent by 2050, reinforcing its commitment to diversify its energy sources towards a green economy.⁷⁰ This has particular relevance for Australia, as China is its largest trading partner, and any macro-economic changes will impact Australia's prosperity. Consequently, 'understanding China's growth is also profoundly important for Australia as we craft a national strategy to seize the opportunities it affords and avoid the risks it poses for us',⁷¹ which will include the need for Australia to adapt its political and economic approach to retain access to China's significant market.

Financial considerations

China has adjusted its financial policy approach to GHG emissions and climate change mitigation actions to support a green economy and reduce GHG emissions. China has announced that it will implement an emissions trading scheme in 2017. China had previously signalled this intention in its 12th Five Year Plan through pilot schemes being conducted in seven significant economic regions, including Beijing, Tianjin, Shanghai, Chongqing and Shenzhen, as well as the Guangdong and Hubei regions.⁷² When these regions are combined, they amount to the world's largest national carbon pricing (by volume) initiative.⁷³

China's fiscal approach to GHG reductions supports the development of a green economy and is likely to present opportunities for the global carbon pricing system when it is implemented in 2017. A recent World Bank report states there are currently 40 nations and 20 cities pricing carbon; this is an expansion of 90 per cent since 2012.⁷⁴ The report also highlights that businesses are pricing carbon as part of a risk management strategy.

Given China's move to an emissions trading scheme and increased global participation in either an emissions trading scheme or carbon pricing system, Australia should reconsider a carbon pricing system to maximise opportunities in the international system and to provide a fiscal mechanism to support any climate change strategy. This would be controversial, given Australia's partisan history on climate change and carbon pricing—and is unlikely to occur in the short term. However, any climate change strategy should be underpinned by financial policy that provides incentives for business and consumer decisions to change behaviour, or taxes on carbon emissions for maintaining GHG emitting behaviours.⁷⁵

Mitigation and adaptation infrastructure

Underpinning China's strategy is the dual priority placed on mitigation and adaptation actions to manage climate change. China has created the conditions for the development of low carbon cities.⁷⁶ It embarked on a program of closing inefficient power plants and set a target of 16 per cent energy intensity reduction in its 12th Five Year Plan; in 2011, it also declared that a national high speed rail covering 16,000 kilometres would be built by 2020.⁷⁷ The World Bank has determined that 'urban infrastructure and policies can influence lifestyle choices which in turn impact urban [GHG] emissions'.⁷⁸

China has also commenced 'eco-city' developments with an emphasis on low carbon emissions through an integrated approach to smart land use, which includes preserving green space through promoting urban agriculture and vertical greening, and energy and resource efficiency.⁷⁹ This is significant as China expects to reach an urbanisation level of 51 per cent by 2015, making cities a key component of its plan to reduce energy intensity and GHG emissions. The actions that China has taken include cleaner energy systems, managing private vehicle demand and restricting private vehicle use to lower congestion and improve air quality, facilitating public transport, and walking and cycling modes to reduce emissions.

Furthermore, China's Government has curtailed local government land conversion from farming to urban development.⁸⁰ City adaptation measures include mapping risks, identifying vulnerable communities, emergency preparedness, flood plain management, improved drainage and water storage, and shore management to include safe routes.⁸¹ These measures have proven particularly successful, with the US\$3.15 billion spent on flood control averting estimated losses of US\$12 billion.⁸² The design, planning and technology to support the development of low carbon cities represents an opportunity for cooperation between China and Australia.

A key Chinese infrastructure investment has been the plan by the State Grid Corporation of China to implement 'smart' power grids by 2020. The Corporation provides electricity to over 1 billion people in China, however, supply is problematic due to the uneven distribution of resources and electricity consumption.⁸³ To enhance inter-regional transmission capacity, and integrate renewable energy, the smart grid vision aims to provide a coordinated, digitised and automated network, capable of supporting large-scale power transmission from multiple sources, utilising distributed generation and storage systems. To date, pilot projects have been implemented, demonstrating the viability of this research and development project.⁸⁴

Australia also needs to upgrade its energy infrastructure to incorporate renewable energy, and conduct research on smart grid and infrastructure. So the smart grid concept provides an avenue of technology development and cooperation for the two countries. In particular, China is upgrading and enhancing nuclear plants, standardising market regulation of photovoltaic products, improving wind technology, using biological and geothermal energy for electricity production, and developing electric vehicles for application in the smart grid system.⁸⁵

Renewable energy

The increased growth of renewable energy in China's energy mix is an important key to GHG reductions. China has reduced GHG emissions through reducing the amount of coal in the energy mix and increasing nuclear, hydro, gas and renewable, such as wind and solar.⁸⁶ In the past year, China increased hydropower by 12 per cent, LNG by 42 per cent and achieved new capacity in nuclear power generation and wind. Thermal coal imports declined 31 per cent as a function of low prices, reduced industrial activity, increased regulation and available hydropower—this is also reflected in a reduction of Australian coal exports to China by 23 per cent, worth A\$635 million.⁸⁷

China has also set renewable energy policies to include a system favouring renewable power generation (wind and solar, followed by hydro and biomass), while also requiring grid companies to improve transmitting technologies and enhance the integration capacity of renewables. The Central Government has also increased oversight of renewable energy development.⁸⁸ Furthermore, China has 28 nuclear power reactors in operation and 23 under construction, and has become self-sufficient in reactor design and construction.⁸⁹

China's use of renewable energy, albeit in different scales, mirrors that of Australia, where wind is the leading renewable technology. Australia's import of wind turbines from China potentially provides an opportunity for technology cooperation and development on improving efficiency and smoothing

wind energy integration into electricity grid systems. China's upgrading and enhancement of its nuclear energy infrastructure may also have lessons for Australia in terms of the potential development (or at least the exploration) of a nuclear power capability.

While China and Australia have existing common areas for development, such as renewable energy integration, energy infrastructure development and carbon pricing, potential areas of cooperation clearly require a nuanced approach to effectively leverage the existing trading relationship. In particular, the relationship must take account of the different political approaches and objectives on climate change, and the different political systems.

Leveraging the China-Australia relationship

The China-Australia relationship has deepened over the last several decades, especially in the economic area, from one of dependency to interdependence, with China becoming Australia's largest export market in 2007. Despite differences in ideology and values, China regards the relationship as 'a stable and cooperative bilateral relationship'.⁹⁰ Indeed, President Xi Jinping has emphasised his Government's desire to 'expand bilateral cooperation to new areas, such as clean energy, the environment, financial services and infrastructure'.⁹¹

According to Jingdong Yuan, China wants to focus on economic ties with a strategic vision and considers that a successful relationship would be pragmatic, bipartisan, feasible and coherent in policy and engagement.⁹² This reflects China seeking consistency of policy and policy implementation, which is a key lesson for Australia, particularly in climate change action. This further reinforces the requirement for Australia to develop and implement a bipartisan climate change strategy that views climate change as a sustainable development opportunity.

The traditional China-Australia economic relationship has been about resources, predominantly coal and uranium for energy security. However, China has recently prioritised clean energy, environment and infrastructure as areas for bilateral expansion. This presents opportunities for the development of further economic relationships, particularly in areas such as research and development for a green economy, and infrastructure mitigation and adaptation measures, including low carbon cities, smart grids and renewable energy sources, such as nuclear and wind technology.

As China and the US have made joint announcements on climate change measures, a strengthened Australia-China bilateral relationship on climate change would not necessarily challenge Australia's traditional

security relationship with the US, particularly if based on the existing 2014 Memorandum of Understanding on Climate Change and the Comprehensive Strategic Partnership.⁹³

The Memorandum of Understanding on Climate Change agrees that Australia and China will cooperate to 'deliver practical climate change outcomes ... and encourages participation from business, industry and the scientific communities'.⁹⁴ The Comprehensive Strategic Partnership acknowledges China's and Australia's shared view of the economic importance of the relationship. Its aim is to take advantage of high-level dialogue between the Prime Minister of Australia and President of China to enhance dialogue and exchanges between the respective Governments and public sectors.⁹⁵ Both agreements would provide an effective framework for business, government and public sector dialogue and cooperation in areas of infrastructure, technology, innovation and energy efficiency.

Part 4: Australia's policy initiatives

This part of the paper proposes two key policy initiatives, containing micro initiatives, to complement an Australian climate change strategy. The initiatives also serve as potential areas for cooperation and development between China and Australia through leveraging the current trading relationship. The initiatives are themed on Australia's energy mix, and focus on a nuclear energy public discussion and low carbon cities.

The initiatives are key pragmatic programs that China is also implementing. Hence, cooperation through the Comprehensive Strategic Partner Dialogue and Memorandum of Understanding on Climate Change would enhance business opportunities for Australia. Each proposal will be reviewed against its potential contribution to Australia's national interest. An assessment will also be made on the political capital necessary to implement the initiative. Finally, it will outline which government department should be responsible for implementation and the resource implications, and the initiative's prospect of success.

The policy context

The Australian Government's *Australia's Energy Projections to 2049-50*, released in 2014, contends that coal and gas are expected to decline in Australia's energy mix consumption and, that in the absence of direct or indirect carbon pricing, coal power generation is projected to remain constant while renewable energy will increase to 22 per cent in 2020.⁹⁶ However, the report indicates that an investment in energy infrastructure should occur, both to replace ageing assets, as well as enabling the further integration of renewable

energy. Consequently, for Australia to transition to a low carbon/green economy, a long-term restructure in the energy sector is required, including significant investment in technology, infrastructure and the energy mix.

The Australian Government's *Energy White Paper 2015* also noted the requirement for the refurbishment of infrastructure and decommissioning of coal-fired power stations that are beyond original design life.⁹⁷ The White Paper acknowledged the growth and benefits of nuclear energy, including that it is affordable, reliable and with significant environmental benefits over the existing use of coal. Indeed, Australia has 31 per cent of the world's supply of uranium; it also mines and exports uranium fuel for foreign reactor programs and has a nuclear research and medicine sector and a regulatory body. There would seem merit, therefore, in Australia harnessing this endowment as an option to transition the energy infrastructure and existing power resources to nuclear.

However, while Australia has a significant endowment in relation to uranium, paradoxically Australian law (the *Environment Protection and Biodiversity Conservation Act 1999* and the *Australian Radiation Protection and Nuclear Safety Act 1998*) prevents the construction or operation of nuclear plants. Yet nuclear energy, along with hydropower, provides viable base load energy that is cleaner than GHG emitting coal-fired power.⁹⁸ It seems logical, therefore, that Australia should investigate nuclear energy as a potential source of low carbon energy, including legislative amendment to facilitate the transition to a low carbon and green economy.

Initiative 1 – Discuss, investigate and educate on nuclear energy

The South Australia Government has recognised the potential of nuclear energy and has established a Royal Commission to determine the feasibility of South Australia undertaking an expansion of mining uranium, the further processing of uranium, nuclear energy electricity generation and the management, storage and disposal of waste.⁹⁹ The use of nuclear energy for electricity generation is consistent with global actions, with 437 nuclear reactors in operation in over 30 nations, including 110 reactors in operation in Asia, with 68 under construction in China, Russia, India and South Korea.¹⁰⁰

Therefore, it would be in Australia's national interest to investigate nuclear energy as a means to ensure energy security in a green economy. The mechanism to commence this would be to leverage South Australia's Royal Commission and recommence the nuclear energy discussion in Australia. By leveraging the current Royal Commission, the Federal Government would burden-share investigative resources, while media attention and political capital could be diffused between state and federal jurisdictions in what

would be an emotive discussion, noting any move to nuclear requires federal legislation amendment.

Leveraging the Royal Commission would require regular communication on its progress via social media and other traditional forms such as television and radio, as well as transparency through publishing the report as soon as practical. The financial costs of reporting progress are considered minimal and would be borne by the Department of Industry, Innovation and Science. This is also considered consistent with the aim of a climate change strategy. Furthermore, to progress a nuclear energy industry in Australia, investment in community consultation and education should commence to ensure public acceptance. This could occur through the Department of Industry, Innovation and Science sponsoring conferences and information seminars in capital and major regional cities, as well as at select universities.

Furthermore, Australian nuclear education and development of human capital could occur through the sponsorship of nuclear physics and engineering studies in collaboration with the Australian Nuclear Science and Technology Organisation. Investment in human capital is considered a priority for any nuclear energy capability, as it is generally recognised that a skilled workforce would take approximately 10 years to develop. Hence, grants of say five postgraduate positions per year over 10 years, costing approximately A\$4 million in total, would seem an effective and relatively low cost means of contributing to the development of the necessary workforce.¹⁰¹

Given China's experience with nuclear energy, as well as synergies with the uranium trading relationship, a discussion on nuclear energy for Australia provides an opportunity for cooperation with China under the 2006 Australia-China *Cooperation in Peaceful Uses Nuclear Energy Agreement*.¹⁰² This would provide an element of transparency on policy, technologies, the regulatory program and a comparison on the electricity sources, risks and costs. Discussion on nuclear energy could take place under the Memorandum of Understanding on Climate Change (or a separate clean energy framework) and could also occur through dialogue between universities.

Cooperation could also focus on new technologies, such as the breeder reactor that utilises thorium instead of plutonium. This energy combination would be more acceptable to the Australian public and with the US security alliance, as it cannot be enriched to make nuclear weapons and hence precludes weapon technology. Yet it is an area for cooperation on an energy technology that potentially delivers 80 times more energy than would normally be obtained. This type of reactor would prolong Australia's reserves of both uranium and thorium, and provide Australian energy security from within its

own factor endowments. Nuclear energy also provides consistent base load power that would facilitate the transition away from Australia's current reliance on coal.¹⁰³

While a joint Australia-China conference on the subject of energy would not be considered controversial and would likely be successful in terms of discussion and sharing of technology, it is anticipated that cooperation on a new technology such as the uranium/thorium breeder reactor could draw criticism. There is also risk it may be perceived poorly in relation to Australia's alliance with the US. Consequently, any move in relation to technology and nuclear reactor cooperation should be mitigated through transparency measures such as invitations to participate as observers in any conference.

In summary, the initiative of recommencing a nuclear energy discussion in Australia would need to be supported by the continued development of human capital to ensure a capable nuclear energy workforce that could be utilised in the future. As part of the nuclear energy discussion, there would also be opportunities for development and cooperation with China on new technologies such as the breeder reactor.

Initiative 2 – Low carbon cities

Low carbon cities are important for Australia's mitigation and adaptation policy implementation, not least because they provide a dual policy effect. To illustrate this point, 89 per cent of Australia's population lives in urban areas and, of this, the majority lives in just 20 cities. Australia's urban population is projected to increase to 92 per cent by 2050. Cities are responsible for large energy use and related GHG emissions.¹⁰⁴ However, the largely-urbanised population is also susceptible to serious disruption to societal functioning due to the impact of weather on urban infrastructure, such as the disruption of electricity supplies in heatwaves and water shortages or restrictions during droughts.

Furthermore, Australia's six cities with the highest population growth are on the Queensland coast. Consequently, adaptation measures for extreme weather, tidal surge and sea level rises should be included in urban planning.¹⁰⁵ However, the population concentration also enables the implementation of public transport to reduce GHG emissions, increased use of energy efficient buildings and the concentrated use of renewable technology. Cities also provide for a large concentrated population under local government legislation, facilitating their engagement via local politicians and through community-based programs.

The Commonwealth, through the Council of Australian Governments, should continue to drive consistent and common green city planning designs and building codes that ensure energy efficiency as well as adaptation measures.

This initiative would be managed by the Department of Infrastructure and Regional Development and reported through the previously-recommended coordinating function of the Department of Industry, Innovation and Science/Climate Change Coordinating Commission.

Resourcing this initiative would be consistent with the current shared funding arrangements between federal, state and territory jurisdictions for key infrastructure development. While there may be some resistance about federal government direction in state and local government infrastructure development, joint financing and key design principles would still enable state/local government flexibility. It is in the national interest to ensure the sustainability of key concentrated population nodes for economic development. Therefore, it is likely that this initiative would receive support and would not require the expenditure of a significant amount of political capital.

City planning and design, incorporating public transport, are important aspects to achieve the dual challenge of climate change mitigation and adaptation. In relation to transport, efficient public transport systems would reduce vehicle travel, while car electrification could be supported through designated power-charging centres and mandatory fleet low emission standards. Mitigation efforts could be concentrated in the urban planning design of new buildings (orientation) that incorporate heating and cooling efficiency, lighting efficiency through solar, and wind and solar photovoltaic electricity generation. City design could also include innovative mechanisms for adaptation purposes, such as the capture and recycle of water run-off, and reducing the piped water requirements to support cities, as well as vertical farming or utilising glass city buildings as greenhouses.

To maximise the use of renewable energy, particularly wind and solar which Australia is endowed with, reform of and research and development into the energy infrastructure, energy storage and smart grids are key to increasing their penetration in the electricity market. Hence, technological advances in energy infrastructure are a key to achieving low carbon cities. In a low carbon city construct, critical to the use of renewable energy is the concept of a micro grid and smart grid. A micro grid is the integration of electrical loads and generation that can be isolated from the national grid, to ensure uninterrupted supply and match electricity load generation with demand requirements.¹⁰⁶

The smart grid concept is one that is digitised, automated and integrates the micro grids to maintain overall region supply; this ensures electricity reliability and security. It is conceivable that a building designed to be energy efficient, which generates power through either photovoltaic cells or wind turbines being incorporated into the structural design, could be a micro grid that would feed

a broader city or state smart grids. To mitigate renewable energy fluctuation, due to seasonal variation, energy storage systems need to be developed to cater for micro grid use.

While a number of technologies are available, such as super capacitors, flywheel energy storage systems, regenerative fuel cells (hydrogen) and battery storage, there are limited available capabilities that are cost effective.¹⁰⁷ Therefore, for Australia—as a country endowed with solar and wind energy—research and development in energy storage and connectivity with micro grids would provide effective electricity solutions for low carbon cities. As China has invested in 21 smart grid projects, there are likely to be lessons for Australia's development. Thus the low carbon city provides a number of avenues for development and cooperation.

In summary, this second initiative would enable cooperation across local, state and federal levels of government to facilitate key planning, design and building codes to ensure energy efficiency, as well as adaptation measures for climate change. This initiative could be further supported through technology developments in energy storage, micro grids and smart grids that would enable the increased use of renewable energy and provide effective electricity solutions for the projected concentrated demand in cities resulting from urbanisation. The initiative would support Australia's national interest by ensuring Australian cities are sustainable and remain key nodes for the economy.¹⁰⁸

Both initiatives are likely to experience ideological and institutional barriers to implementation. In terms of ideological barriers, these are reflected in the partisan politics experienced in Australia in recent years in relation to climate change policies. However, this could be mitigated through consistent communication and a strategy initiative highlighting the benefits of reform. Indeed when private industry expresses the positive aspects of a reform argument, this should be highlighted. Private industry should be leveraged, along with media associations, to communicate the strategy and benefits of mitigating and adapting to climate change.

An example was in December 2014, when Rio Tinto declared nuclear energy 'should not be summarily precluded from Australia's future energy mix',¹⁰⁹ presenting a business interest in a nuclear conversation that could be used to stimulate further discussion and reform. Moreover, business investment would be encouraged when there are consistent policies that provide certainty for investment decisions, which a strategy would provide.

Institutional barriers likely to be experienced include Australia's federal structure, wherein states are responsible for infrastructure decisions and energy

supply. Consequently, the federal government would need to work with the states through the Council of Australian Governments to achieve policy implementation. Again, a strategy would provide guidance, prioritisation of resources and financial incentives to assist the states in implementing the initiatives. Indeed, Commonwealth resources could be leveraged to provide cooperation and business opportunities for states and territories to pursue with China.

Although the cost and availability of Commonwealth funds, linked to the economic growth of Australia, remain a risk to implementing the above initiatives, particularly any nuclear capability and research and development for technological solutions, they are not considered barriers to implementation. The initiatives present opportunities for foreign investment or public/private funding partnerships that could be utilised to mitigate initial high capital costs.

However, there is a risk that due to high capital costs, the above initiatives may not be implemented as priority policies. When viewed through this prism, cost could be considered a barrier; this circumstance is considered likely to occur if a national climate change strategy is not developed. Consequently, it is contended that a national climate change strategy, as proposed in this paper, would provide the key foundation initiative to enable the implementation of a nuclear energy industry in Australia, as well as low carbon city initiatives.

Conclusion

It has been argued in this paper that climate change is a diabolical security policy problem, wherein Australia's national security is impacted by the social, economic, intergenerational and transnational nature of climate change. To date, Australia's mitigation and adaptation measures have been subject to short-term approaches, partisan politics, and are diffused across a number of Commonwealth departments, resulting in a loss of policy priority.

Although Australia has the relevant scientific expertise, economic and energy reports that highlight its vulnerability to climate change impacts, there is no coherent strategy to tie policies and outcomes to a single vision and policy framework. Consequently, policy development and implementation synergy have not been achieved. This paper has argued that the problem needs to be addressed through a consistent, coordinated and comprehensive approach, including the development of a climate change strategy.

The paper has also highlighted that China's transition to a green economy has realised improved ecological circumstances, as well as business opportunities, that have resulted in China becoming a leading exporter in renewable energy. The lessons from China's approach to climate change include dual priorities

for mitigation and adaptation policies, and a centrally-coordinated strategy. These lessons are applicable to Australia, despite the differences in political circumstances and available resources.

Like China, any Australian strategy should be viewed through a sustainable development prism, as well as an environmental one, thus viewing climate change as an economic opportunity, rather than as a threat. Establishing a climate change coordinating commission, within the Department of Industry, Innovation and Science, would place the contest of climate change strategy and policy ideas in an economic framework rather than an environmental framework, as currently occurs. The coordinating commission would be responsible for the climate change strategy, as well as providing policy coordination and delivering a policy development and implementation synchronisation effect.

While its climate change policies have been subject to partisan politics, the majority of Australia's population is supportive of the Federal Government taking increased action on climate change, including investment in renewable energy, and seems open to a conversation about nuclear energy. Such popular sentiment presents the opportunity to develop and implement a climate change strategy in a supportive environment. However, the key to any strategy would be the ability for the government-of-the-day to effectively communicate the strategy, vision and goals to the public and businesses to enable certainty for business investment decisions in government initiatives.

The paper has contended that the economic argument remains fundamental to undertaking climate change mitigation and adaptation measures. The ability to communicate the current costs of climate change impacts and the opportunity costs associated with any decision not to reform the economy, energy and infrastructure, would enable trade-off decisions to be made and supported. In particular, these include the assessment that Australia needs to diversify its reliance on coal for domestic energy needs and as an export commodity due to the economic impact on Australia's comprehensive security.

It has also been argued that coal presents as a sovereign debt risk to the Australian economy, particularly as China, being Australia's largest trading partner, has committed to GHG reductions and a green economy. Furthermore, China's actions in establishing a fiscal policy to support the green economy through an emissions trading scheme are consistent with Australia's other trading partners. Therefore, rather than China's transition to a 'greener dragon' being considered a threat, the paper has argued that it should be viewed as an opportunity to leverage the established trading relationship and cooperate to develop business opportunities, such as nuclear power technology, smart

grids, micro grids and renewable energy. The framework for such cooperation could be the existing Comprehensive Strategic Partnership dialogue and the Memorandum of Understanding on Climate Change.

The paper has suggested that the initiatives to be implemented should centre on Australia's energy mix, as this is considered most impacted by any transition to a green economy, as well as representing an opportunity to diversify away from the current reliance on coal. The first proposed initiative is that Australia should commence a discussion and investigate nuclear energy as a major source of its energy security. The opportunity to achieve this could be through the current Royal Commission being undertaken by South Australia into such issues as the expansion of mining and processing uranium, nuclear energy for electricity generation, and the management, storage and disposal of nuclear waste.

It has been argued that this initiative would leverage community debates, new information and analysis. It would also diffuse any emotive arguments across Commonwealth and state governments. The nuclear discussion initiative could be supported through government-sponsored nuclear energy conferences at various universities and the development of human capital to ensure a robust nuclear energy capability. Furthermore, the nuclear discussion would present opportunities for cooperation with China on new technologies such as a breeder reactor that maximises Australia's factor endowment with uranium and thorium.

A nuclear energy capability takes up to 10 years to implement. Therefore, it has been argued that Australia should be considering this initiative now to ensure that it is viable for implementation prior to any energy security emergency that may arise. Although Australia has historically and politically been opposed to nuclear energy, its factor endowment, as well as nuclear energy technology improvements, warrant debate and legislative amendment, especially now that large businesses such as Rio Tinto are also supporting nuclear energy as a viable alternative to coal.

The second key initiative proposed in this paper relates to the development of low carbon cities. This would provide the opportunity for a dual focus on mitigation and adaptation measures for climate change, particularly in Australia where there is a high level of urbanisation. This initiative focuses on the Commonwealth Government cooperating with the states and territories through the Council of Australian Governments to implement common green city planning designs and building codes.

It also would encourage increased use of renewable energy, focusing on solar and wind. It would require investment in innovation of electricity grids,

such as smart grids and micro grids, as well as battery storage to improve the penetration of renewable energy in the market. It has also been argued that low carbon cities would provide opportunities for cooperative development with China, particularly given China's investment in 21 projects relating to the development of a 'smart grid'.

Both of the proposed initiatives are considered capital intensive and therefore would require public private partnerships or foreign direct investment to enable them to occur. Both initiatives are considered necessary for Australia's future economic and energy security within the context of climate change mitigation and adaptation measures. Action taken in relation to energy and infrastructure reform to improve the uptake of renewable energy would also improve Australia's reputation in the international community. However, the initiatives are long term and would, therefore, likely be subject to institutional and ideological barriers. Consequently, it has been argued that commitment, understanding and acceptance of a climate change strategy would provide the pathway to mitigate these barriers, particularly when strong economic benefits can be argued in any trade-off decisions.

While the initiatives are long term in nature, they would need to be fully implemented by 2030 for positive effects to be evident by 2100. Key players in the international community have demonstrated their commitment to mitigate climate change—and have articulated their concerns about Australia's limited progress to date. Australia needs to take action to avoid being out of alignment with the international community, otherwise it risks its economy through sovereign debt, stranded assets and loss of international reputation.

The initiatives proposed in this paper are considered pragmatic and feasible, and consistent with the Australian Government's recent commitment to innovation. If implemented, they would provide business opportunities, ensure that Australia maintains its energy security and that Australia's cities remain sustainable.

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Jihadist-salafism in Indonesia: Will it present a security challenge to law and order in the next ten years?

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Abstract

This paper addresses the question of whether jihadist-salafism, an extreme and violent wing of militant Sunni Islam, will present a security challenge to law and order in Indonesia in the next ten years. It acknowledges that the Indonesian government has made great strides against jihadi-salafists but that their threat arguably poses a greater challenge than at any time in Indonesia's history, as demonstrated in the Jakarta attacks of January 2016.

The paper articulates the link between ideology and violence within the jihadi-salafist movement and charts its penetration into Indonesia. It outlines some policy and operational responses that would assist the Indonesian government to successfully mitigate the challenges posed by jihadi-salafists. The paper concludes that if it makes the right decisions in the years ahead, Indonesia may well emerge stronger at home and abroad, respected for leading the way against a global threat.

Introduction

Jihadist-salafism, an extreme and violent wing of militant Sunni Islam, currently presents a serious security challenge to law and order in Indonesia, as demonstrated in the Jakarta attacks of January 2016.¹ Indeed, global events since the September 2001 attacks in New York and Washington suggest the Indonesian government will need to invest considerable effort in tackling jihadist-salafism in the next ten years and beyond.

This paper will explain what jihadist-salafism is, and its rise since the events of September 2001. It will address the link between ideology and violence within the jihadi-salafist movement and chart its penetration into Indonesia. The security challenge to law and order will be defined and discussed before the paper outlines some policy and operational responses that would assist the Indonesian government to successfully mitigate the challenges posed by jihadi-salafists.

What is jihadist-salafism?

Jihadist-salafism emphasises the importance of returning to a 'pure' form of Islam, that of the *Salaf*, the pious ancestors. Further, this ideology propagates the notion that violent *jihad* (or struggle) is a personal religious duty.² Ayman al-Zawahiri and Abu Bakr al-Baghdadi, the respective leaders of *al Qa'ida* and Islamic State in Iraq and the Levant (ISIL), can be categorised as jihadi-salafists.³ In Indonesia, there are a number of other groups that pre-date the infiltration of ISIL, which also subscribe to the jihadist-salafism ideology, including *Jemaah Islamiyah (JI)*, *Jamaah Ansharut Tauhid* and *Mujahidin Indonesia Timur*.⁴

What is a 'security challenge to law and order'?

There is dense theoretical debate about what 'security' means in international relations and many versions are values laden, representing one political view or another.⁵ For the purposes of this paper, the context in which security will be used is the ability for a state to maintain control of its territorial borders, provide a decent level of services for its people, such as health and education, sustain a functioning economy, and maintain law and order.⁶ A key component of a secure state, therefore, is its ability to maintain law and order. This requires the state to effectively regulate the conduct of its citizens and, in return, provide the basic arrangements that allow it to protect the life and property of those citizens.

Jihadist-salafism's theological justification for violence

Jihadist-salafism promotes revolutionary violence to establish a caliphate (or Islamic state).⁷ In other words, the jihadi-salafists believe they are authorised to commit violent acts in the name of Islam. Further, jihadist-salafism challenges Western norms and liberal democratic values, and its followers reject religious and moral pluralism.⁸

To be clear, this is not an assertion that Islam and democracy are incompatible in Indonesia or elsewhere. Indeed, since 1998, Indonesia has demonstrated that a majority-Muslim nation can be democratic. Islam and democracy are not mutually exclusive. However, this paper argues that jihadist-salafism is a manifestation of Islamic practice—an extremely dangerous and pervasive manifestation—and one that poses challenges for any nation-state, democratic or otherwise. If coupled with tribal, ethnic or geo-political divisions, as is often the case, it is even more dangerous.⁹

The preceding paragraph argues that jihadist-salafism provides a theological justification for violence. However, as British Prime Minister David Cameron stated in a speech on extremism in July 2015, 'you don't have to support violence to subscribe to certain intolerant ideas which create a climate in which extremists can flourish'.¹⁰ He went on to say that 'the extremist world view is the gateway, and violence is the ultimate destination'.¹¹ There is a certain logic to this assertion by Prime Minister Cameron, that is:

No-one becomes a terrorist from a standing start. It starts with a process of radicalization. When you look in detail at the backgrounds of those convicted of terrorist offences, it is clear that many of them were first influenced by what some would call non-violent extremists.¹²

What this means for Indonesia is that not only the violent jihadi-salafists require attention from authorities but so do those who promote the ideology.

Jihadist-salafism in Indonesia

Islam was introduced into Indonesia by traders from India and the Middle East more than 700 years ago. It was an accommodating form of Islam and blended with local customs.¹³ It has become known as 'Archipelago Islam' or Islam *Nusantara* and was initially influenced by Hinduism and ancient Javanese religions.¹⁴ At the end of the 19th century, waves of 'reformist' conservative Islam came from the Middle East seeking to 'modernise' Islam in Indonesia.¹⁵

That has produced a tension between a local, more tolerant Islam and an imported, conservative and pious Islam.¹⁶ Since Indonesian independence in 1945, the tension has often resulted in a violent radical fringe seeking the

imposition of *sharia* law.¹⁷ Over the last 20 years, in particular, conservative Islam has increased in importance in the daily lives of many Indonesians, whether this is reflected in the increasing popularity of Islamic dress or growing sales of Islamic literature. Strikingly, this same period of increasing adherence to imported Middle Eastern practices has witnessed a number of murderous jihadi-salafist attacks.

Jl, arguably the most well-known Indonesian jihadi-salafist group, was responsible for a string of attacks in the 2000s, including the Bali bombings of 2002 that killed over 200 people, as well as many other attacks, including on Christian churches across the country, and the Marriot Hotel and Australian Embassy in Jakarta.¹⁸ Following these attacks, Indonesian authorities had some success in cracking down on jihadi-salafist groups, and Indonesia experienced several years of relative calm, not least because *Jl* apparently had renounced violence in 2007 and wanted its followers to focus on religious outreach and education.¹⁹

However, since the rise of ISIL in Syria and Iraq, Indonesian authorities have again had cause to worry about the jihadi-salafists in their midst. Notably the January 2016 attack on a Starbucks café in Jakarta by a suicide bomber and the related shootings that day appear to have links to ISIL.²⁰ Thus, in addition to *Jl*, which may still have violent intentions notwithstanding its recent peaceful hiatus, Indonesia now must face the prospect of increasing attacks by ISIL-linked or -inspired groups. Furthermore, *Jl* and ISIL are not the only jihadi-salafist groups operating in Indonesia.²¹ Notably, *Jamaah Ansharut Tauhid* and *Mujahidin Indonesia Timur* have committed lethal attacks on police since 2011.

The effects of jihadist-salafism on Indonesia's nascent democracy

The Indonesian state is founded on a philosophical concept known as *Pancasila*, which is based on five principles that can be summarised as promoting religious and cultural freedoms, human rights and social justice.²² Since the 1998 pro-democracy street demonstrations that led to the fall of the military-backed, authoritarian Suharto regime, Indonesia has transitioned to democracy and is considered to provide a glowing example of a majority-Muslim nation transitioning from dictatorship to democracy. In the year of the Arab Spring in 2011, then US Secretary of State Hillary Clinton made this very point.²³

While there is no inherent bias in Muslim-majority nations against democracy, a moderate and tolerant version of Islam is key. *Pancasila* provides the framework for such moderation in an Indonesian context, noting that extremists can undermine any democracy. Therefore, when analysing the threats posed by

jihadi-salafists in Indonesia, it is important to consider what effect, if any, there is on *Pancasila* and democracy when there is an overlap of beliefs between violent and non-violent groups, beliefs such as a desire to implement *sharia* law or the establishment of a caliphate.²⁴ To draw this out further, should democracy start to falter, perhaps undermined from within by so-called non-violent groups, governance may weaken and, in turn, the ability for the state to maintain law and order may suffer.

There are two jihadist-salafism challenges that threaten to undermine law and order in the years ahead, these being the influence and infiltration of ISIL, and jihadi-salafists in prisons.

The influence and infiltration of ISIL

The existence of ISIL has had an invigorating effect on jihadist-salafism in Southeast Asia, raising fears about more violence, shifting tactics and the potential for new cross-border alliances.²⁵ Estimates of how many foreign fighters have left Indonesia to fight with ISIL in Syria and Iraq vary. Sidney Jones, a Southeast Asia security expert who specialises in the study of terrorist groups in Indonesia, has suggested the number was most likely 250 to 300 as at January 2016, albeit some of these have been killed and many do not intend to return to Indonesia.²⁶

Since June 2014, when Abu Bakr al-Baghdadi announced his caliphate, a number of Indonesians—like many jihadi-salafists from all over the world—have been drawn to Syria and Iraq, believing the Middle East is the place where they can best defend and expand the caliphate.²⁷ The Internet and social media have been important in drawing these fighters from Indonesia but face-to-face recruitment from within groups that existed before the formation of ISIL has been critical.²⁸

While it is difficult for Indonesian foreign fighters to return home, estimates as of late 2015 suggest around 60 may have already done so.²⁹ This figure could increase markedly if ISIL's leadership in Syria and Iraq tasked members of its Indonesian cadre to return home. Their leadership credentials, ideological commitment and combat experience would pose a high-level of threat to law and order in Indonesia. In any event, the Indonesian Police believe the January 2016 Jakarta attacks were masterminded from Syria by Bahrun Maim, an Indonesian previously convicted of terrorism in Indonesia—thus demonstrating that ISIL can reach in from afar and motivate home-based jihadi-salafists to murder.³⁰

The problem of jihadi-salafists in prisons

Prisons in Indonesia have proved a breeding ground for jihadi-salafists. This has occurred due to corruption, overcrowding, limited intelligence gathering and poorly-trained and -paid staff.³¹ Indeed, the grave law-and-order challenges posed by releasing convicted terrorists back into the community, possibly more radicalised than when they entered, was on display during the recent Jakarta attacks. Police have confirmed that not only was the mastermind a former convicted terrorist operating out of Raqqa (Syria) but the financier was released from prison in 2012 and is also in Syria; moreover, one of the attackers had only been released from prison in 2015.³²

This event raises a series of questions about these men and the operation they carried out, as well as broader policy questions about radicalisation in prisons. These questions include but are not limited to what contact with jihadi-salafists did each of the three have when in prison; if they had contact with jihadi-salafists, was it being monitored and why was it allowed? Also, what, if any threat assessments are done prior to the release of convicted terrorists, and what ongoing monitoring and intelligence activities do Indonesian police undertake once a convicted terrorist is released from prison?

How can Indonesia respond to these challenges?

As the country with the world's largest population of Muslims—and a rare example where a majority-Muslim nation has embraced democracy—how Indonesia addresses the rise of ISIL, and jihadist-salafism generally, is important to Indonesia and the international community at large.³³ Since September 2001 and the declaration by President George W. Bush of a global war on terror, successive Indonesian governments have been careful not to appear to be doing the bidding of Western nations when tackling jihadist-salafism, and not to appear as anti-Islam generally.³⁴

Yet Indonesian presidents have nevertheless been able to argue strongly that jihadi-salafists pose a threat to Indonesia. Further, some of Indonesia's largest religious organisations have added their weight to campaigns against jihadist-salafism, arguing that this ideology is alien to Indonesia's Islamic traditions.³⁵ Indonesian authorities are, therefore, well placed to continue the fight against jihadist-salafism. However, a larger question arises, that is, is Indonesia confident enough to do more than fight jihadist-salafism within its own borders but go further and inspire Muslims throughout the world to practise a more tolerant version of Islam, an 'Archipelago Islam', instead of the version being offered by the likes of *al Qaeda* and ISIL? The answer to this question will unfold over the next decade and beyond.

A paper of this size cannot describe in adequate detail the panoply of responses required by the Indonesian government to combat jihadist-salafism. Nevertheless, there are three broad areas where Indonesia should continue to invest further time, intellectual endeavour and resources if it is to maintain law and order and ultimately defeat jihadist-salafism. They are strong and nuanced policy and legal responses, including tackling the ideology itself; robust and clearly-delineated police, corrective services and military responses; and an enhanced diplomatic effort in Southeast Asia and beyond.

The legal, policy and ideological responses

Adam Fenton and David Price assess that Indonesia's legal and policy response to the threat of jihadist-salafism has been slow and piecemeal.³⁶ Indonesia has not given its police the same level of intrusive powers as many other countries, including Malaysia, the US and France.³⁷ Further, no laws have yet been passed to outlaw support for jihadist-salafism, and it appears that authorities are limited in relation to the actions they can take when ISIL supporters conduct rallies or meet at mosques.³⁸ Indonesia needs to react sooner rather than later to put in place a strong legal and policy framework to tackle jihadist-salafism.

The operational response of the Indonesian police, corrective services and military

While Indonesia's national police counter-terrorism unit, Detachment 88, has had operational successes against both *Jl* and ISIL, it has an immensely challenging job and less legislated powers compared to police forces elsewhere.³⁹ The corrective services authorities in Indonesia also have a myriad of challenges, not least the training and professionalism of their workforce; there is also room to exercise greater controls over the activities of inmates.⁴⁰ Finally, the Indonesian military needs to complement the police in the area of counter-terrorism. This is especially important for an emerging democracy, not long out of the grip of military dictatorship, that needs to maintain social harmony.⁴¹

International cooperation and diplomacy

Jihadist-salafism is an international problem that crosses borders and threatens many nations. Therefore, Indonesia would benefit from cooperating more closely with other countries in Southeast Asia and further abroad as well. Cooperation can take many forms, such as the sharing of operational information and intelligence on target groups and individuals. Enhanced cooperation between national financial intelligence units to stop the flow of terrorist funding is also important.⁴² Indonesia already does some of this but further efforts would benefit Indonesia itself and its international partners.

Conclusion

The Indonesian government has made great strides against jihadi-salafists but faces considerable challenges. While there was a brief lull in attacks after 2007, jihadi-salafists are active again and arguably pose a greater challenge than at any time in Indonesia's history. Not only do home-grown groups and *al Qa'ida* affiliates endure but ISIL has a following that appears to be growing.⁴³ Indonesian authorities need to continue their hard work to defeat jihadist-salafism, operationally, policy-wise and ideologically. Imprisoning individuals and degrading the more violent groups will not be enough to confront the poisonous ideology.

The spread of the ideology must be contained, and failure to do this will result in more attacks, more deaths and law and order will be undermined. The stability of the state and the principles of *Pancasila* may even be threatened. Events in the Middle East, North Africa and South Asia provide an important warning for Indonesia. Yet the future need not be viewed from only a negative perspective. There are opportunities in this fight, as in any war, and if it makes the right decisions in the years ahead, Indonesia may well emerge stronger at home and abroad, respected as a young democracy that is leading the way against a global threat.

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The Australia-Japan Security Relationship: Valuable partnership or much ado about nothing much?

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Abstract

This paper examines the Australia-Japan security relationship, which it notes has substantially expanded since the end of the Cold War. The paper contends that the bilateral partnership has exceeded the limits that would be seen if it were merely cooperation between two spokes in the US alliance mechanism, arguing that the ongoing growth of bilateral relations is due more to the two countries' shared interests and geostrategic risks in the Indo-Asia-Pacific.

However, it also notes that neither country would likely wish to elevate the current relationship to a formal security treaty, due to common concerns about their respective relations with China. It concludes that the burgeoning areas of bilateral cooperation indicate that the relationship provides value in its own right, while complementing each nation's formal alliance with the US.

Introduction

Since the turn of the current millennium, Australia and Japan have developed a remarkably strong strategic security partnership. Cooperative military deployments to Iraq and Sudan, increasing numbers of joint military exercises, and the signing of bilateral cross-servicing and intelligence-sharing agreements are some of the outward signs of an increasingly-close security relationship.¹ The landmark 2007 Joint Declaration on Security Cooperation between the two countries was a significant signal of a formal collaborative approach to Indo-Asia-Pacific security matters.²

However, it is unlikely that either country would wish to elevate the current relationship to a formal security treaty, due to common concerns about damaging relations with China.³ Some commentators consider that this relationship has grown primarily at the behest of the US, prompted by its recognition of changed international security conditions—exemplified by the 2001 terrorist attacks on the US, and China's growing military capability in the Indo-Asia-Pacific region.⁴ Therefore, the increasing closeness between Australia and Japan could be seen as simply closer cooperation between two 'spokes' within the US 'hub-and-spoke' alliance system in the Asia-Pacific.

This paper argues that despite the influence of the US in initiating a greater bilateral security relationship between Australia and Japan, the ongoing growth of bilateral relations is due more to the two countries' shared interests and geostrategic risks in the Indo-Asia-Pacific. It examines the development of the Australia-Japan security relationship into its current form, considers the nations' respective security relationships within the US alliance system, and assesses whether the bilateral partnership adds value to the security of the Indo-Asia-Pacific region beyond being a by-product of the US alliance system.

The paper concludes that the bilateral partnership has exceeded the limits that would be seen if it were merely cooperation between two spokes in the US alliance mechanism. The burgeoning areas of bilateral cooperation indicate that the Australia-Japan relationship provides value in its own right, while complementing each nation's formal alliance with the US.

Development of the Australia-Japan security relationship

The security relationship between former wartime enemies, Australia and Japan, has been painstakingly regenerated over the past 70 years. The post-war relationship initially centred on economic interests, with commercially-focused treaties signed in 1957 and 1976. Defence and security aspects did not evolve a similar closeness during that period.⁵

In terms of tangible security cooperation, the Cold War spawned only a limited exchange of intelligence information between the countries and dialogue between academics and policy planners on regional cooperation mechanisms.⁶ The 1990s saw increasing, though still modest, defence cooperation. The Japanese Self-Defense Force (JSDF) participated in the 1992-93 Cambodian peacekeeping mission, under the command of an ADF officer, and again joined peacekeeping efforts under ADF command in East Timor between 2002 and 2003.⁷

The strength of the bilateral security relationship accelerated during the 2000s, due to shared interests and vision. The core basis for the renewed relationship, as described during Japanese Prime Minister Koizumi's 2002 Australian visit, is 'shared values of democracy, freedom, the rule of law and market-based economies'.⁸ Subsequent statements by senior politicians from both countries continue to emphasise those shared values and security interests.

The ADF's provision of security to a JSDF force in Iraq, which enabled the JSDF deployment between 2004 and 2006, was likely the catalyst for further strengthening of the security relationship. In 2007, the two countries signed a Joint Declaration on Security Cooperation, the first bilateral security agreement between Japan and a country other than the US.⁹ The agreement provides a foundation for broad cooperation on security issues between the two nations, and for regular policy discussions between respective foreign and defence ministers.¹⁰

Importantly, the relationship is considered an 'action shop' rather than a 'talk shop', the latter being a deficiency that characterises many Asia-Pacific security fora. Practical outcomes include an Information Security Agreement and an Acquisition and Cross-Servicing Agreement, two important bilateral agreements that provide a framework to improve interoperability between national security and defence forces.¹¹ The relationship was further elevated to a 'Special Strategic Partnership' in 2014, with cyber security cooperation being added as an important dialogue discussion.¹²

Bipartisan support for the deepening security relationship is an important factor in its growth. Despite several changes of ruling party or prime minister in each country between 2007 and 2014, the two governments have maintained a strong commitment to the high-level security relationship.¹³ The relationship in 2015 is extremely strong, demonstrated by a recent defence technology treaty and discussion of potential Australian acquisition of a Japanese submarine, with strong personal ties between national leaders.¹⁴

Australia's engagement with Japan explicitly supports Japanese Prime Minister Shinzo Abe's agenda of revising Japan's defence posture and increasing involvement in regional security issues, even at some risk of upsetting China.¹⁵ However, despite media speculation of the relationship being potentially upgraded from a 'quasi alliance' to a formal alliance, such a move is extremely unlikely to be supported in either Australia, where the perceived risk of alienating China is highlighted, or Japan, where the constitutional limitation on its defence posture maintains popular support.¹⁶

Australian and Japanese relationships within the US alliance

At the core of Asia-Pacific security relationships since the 1950s is the US 'hub-and-spokes' approach of mainly bilateral alliances between it and regional countries such as Japan and Australia.¹⁷ Until the 1990s, national security links between Australia and Japan were primarily indirect, through the US. Japan and Australia have been described as the 'northern and southern anchors' of the US alliance system in the Asia-Pacific, with Purnendra Jain believing that the bilateral linkages have grown due to the countries being 'spokes' connected to a common 'hub', when politico-strategic factors have provided sufficient impetus.¹⁸

Arguably, the ADF's support to the JSDF deployment to Iraq was primarily useful in facilitating Japan's demonstration of commitment to its US alliance. Japan certainly sees its bilateral military alliance with the US as the basis of Japan's security, and Japanese governments tend to strengthen their security through the US, not outside it.¹⁹ With the perceived security implications from the growth of Chinese military capability, however, the US has applied pressure to Japan to soften its constitutional limitation on the use of its military forces, and to expand its strategic approach to regional security.²⁰

Additionally, Malcolm Cook and Thomas Wilkins contend that the relative decline of the US and Japan has caused the latter to seek new partnerships within the region, with US blessing for the increased coordination between its alliance 'spokes',²¹ described by Euan Graham as 'alliance "cross-bracing"'.²² The US has also adjusted its approach, developing formal trilateral cooperation with Japan and Australia, through the Trilateral Security Dialogue that commenced in 2002.²³ Considering this context, it is certainly arguable that the Australian-Japan bilateral security partnership has advanced because of, and through, the US alliance. As Desmond Ball points out:

[I]t is difficult ... even impossible to distinguish bilateral activities from the myriad of multilateral activities in which Australia and Japan are engaged, and particularly from collaborative activities undertaken as part of the respective alliance arrangements with the United States.²⁴

Despite the impressive list of exercises that the ADF has undertaken with the JSDF in recent years, there has been significant impediment to undertaking purely bilateral exercises, and joint exercise activity has often been nested within a US-Japan exercise framework.²⁵ Ryo Sahashi's analysis of why the Japan-Australia relationship is likely to expand is telling—three of the four reasons involve the US. These include both countries, as US allies, seeing a US regional presence as in their national interest; Japanese leaders recognising that Australia is important for US power projection in the region; and Japan benefiting bilaterally and trilaterally from US-Australian security ties.²⁶

In considering the possibility of the relationship becoming a formal alliance, Hauke Klevinghaus believes that a formal treaty would be unnecessary because of the obligations of existing treaties, and natural cooperation on security issues.²⁷ Graham considers that the 'bilateral Australia-Japan relationship is destined to remain the short side of an isosceles triangle formed by US-Japan-Australia relationship'.²⁸ Such views support the premise that Japan-Australia cooperation is a by-product of the countries' respective alliances with the US.

The Australia-Japan bilateral relationship in Indo-Asia-Pacific security

The bilateral relationship is becoming strategically important in regional security. Rod Lyon notes that historically, 'close, bilateral or trilateral defence cooperation between Asian countries has been rare'.²⁹ Therefore, the deepening Australia-Japan security relationship does seem to fit the 'special relationship' description that is ascribed to it by politicians from both countries.³⁰ Rikki Kersten and William Tow consider that this represents a common strategic choice—with multilateral security arrangements becoming more important for regional stability—as an adjunct to respective bilateral relationships with the US.³¹

Ryo Sahashi supports this perspective, arguing that the US is a necessary but no longer sufficient security partner, and that security partnerships, such as with Australia, are a necessary strategic tool.³² Yusuke Ishihara contends that the current bilateral developments represent a second evolution of the security partnership, with new and increased areas of cooperation. These include the proposed new collective security posture for the JSDF, which could lead to interwoven logistics support and force protection operations between the two nations' forces.

Graeme Dobell similarly argues that 'defence cooperation is a function of capability', such that forces of both nations, operating F-35s, will drive the relationship closer. He notes that in a short 20 years, Japan has risen to the second tier of security partnerships, alongside Australia's traditional allies of New Zealand and the UK.³³ In return, Japan's 2014 Defence White Paper identifies Australia as a 'first-ranked security cooperation partner'.³⁴

At the core of the bilateral relationship is a focus on 'an open, rules-based regional order, based on the two countries' common US alliances'.³⁵ Cook and Wilkins discern Japan's new grand strategy as one in which its increased security challenges and comparatively-reduced capabilities prescribe the need to go beyond sole reliance on the US security alliance. In fact, the most recent Defence White Papers from each nation identify maritime security in the Asia-Pacific as a primary concern for the security of the respective nations, and the region.

Japan is seeking to invest in greater regional cooperation, partly through multilateral fora and partly through enhanced bilateral strategic partnerships, of which Australia is one—but arguably the first and most prominent.³⁶ Andrew Davies similarly argues that new geostrategic drivers in the Indo-Asia-Pacific—including globalisation, military modernisation and the rising cost of military systems—have provided compelling cause for increased cooperation.³⁷ These views infer that the existing common point of a US alliance relationship may have initiated the growth of the Australia-Japan security relationship,³⁸ but that sufficient geostrategic factors now exist for it to sustain itself.

Arguably, Australia and Japan have as much or more in common with respect to their national interests as they do with the US. Graham notes that the 'primacy of the US security relationship for Australia and Japan ... can ... overshadow the direct maritime economic linkages that continue to bind' the two countries.³⁹ This reinforces the perspective that successive governments of both nations have welcomed the US rebalance towards the Asia-Pacific because of their own national interests,⁴⁰ and not simply as followers of a revised US grand strategy.⁴¹

Graham notes that of Australia's major maritime trading partners, eight are in the Asia-Pacific, with Japan the largest export market, and second largest partner for imports.⁴² He further categorises the strategic importance of trade commodities, with a significant share of Japan's energy, mineral and food imports being sourced from Australia. Graham contends that this accordingly drives a shared national interest in the protection of sea lines of communication, and freedom of navigation in maritime and air domains.⁴³ Such shared interests reinforce the likelihood that the bilateral relationship exists in symbiosis with the US alliance paradigm.

Conclusion

There is no doubt that the Australia-Japan security relationship has substantially expanded since the end of the Cold War. There is a strong track record of practical defence cooperation since 1992, and increasing institutionalisation of the bilateral security partnership. However, there has also been a parallel increase in the trilateral defence relationship with the US. It is reasonable to consider that the US did play a significant role in encouraging greater Australia-Japan security ties as part of the US grand view of Indo-Asia-Pacific security.

Certainly, changing geostrategic factors in the Indo-Asia Pacific, including the new US approach to the region brought about by the rise of China as an economic and military power, have been an influence on the growth of the Australia-Japan relationship. However, the same changing geostrategic factors appear to have influenced the policies of both the Australian and Japanese governments, such that an improved bilateral relationship has become important for each country's perception of its security, amongst the growth of multilateral and other bilateral security relationships within the region.

With the two nations having an increasingly-convergent understanding of regional security factors, it is reasonable to argue that the bilateral partnership has exceeded the limits that would be seen if it were merely cooperation between two spokes in the US alliance mechanism. The burgeoning areas of bilateral cooperation support a view that the Australia-Japan relationship provides value in its own right, while complementing each nation's formal alliance with the US.

Notes

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- 3 Yusuke Ishihara, 'The case for Japan-Australia defence co-operation guidelines', *The Strategist* [website], 6 May 2015, available at <<http://www.aspistrategist.org.au/the-case-for-japan-australia-defence-cooperation-guidelines/>> accessed 19 October 2015.
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- 6 Yusuke Ishihara, *Japan-Australia Security Relations and the Rise of China: Pursuing the 'bilateral-plus' approaches*, UNISCI Discussion Papers, No. 32, National Institute for Defense Studies: Tokyo, May 2013, p. 84.
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- 8 Hauke Klevinghaus, *The Samurai Preparing for the Dragon's Attack? Normative Drivers and Strategic Foundations of Japan's Security Cooperation with Australia and the United States*, Anchor Academic Publishing: Hamburg, 2013, p. 31.
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- 17 Searle and Kamae, 'Anchoring trilateralism', p. 465. It should be noted that the Australia, New Zealand, United States Security Treaty, known as ANZUS, is a trilateral treaty, although it has been effectively a bilateral treaty since New Zealand's suspension in the 1980s.

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- 19 Cook and Wilkins, *The Quiet Achiever*, p. 5.
- 20 Craig Mark, 'Transformations in security relations between the USA, Japan and Australia', *Global Science Technology and Science Forum Journal of Law and Social Sciences*, Vol. 2, No. 1, December 2012, pp. 60-1.
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- 23 Berkshire Miller, 'US-Japan-Australia: a trilateral with purpose?', *The Diplomat* [website], 25 October 2013, available at <<http://thediplomat.com/2013/10/u-s-japan-australia-a-trilateral-with-purpose/>> accessed 19 October 2015.
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- 25 The author was Director Plans and Operations at Headquarters Air Command in 2011-12, responsible for Air Force exercise planning. Despite Chief of Air Force's support for bilateral exercises, it was only possible to arrange exercises in a trilateral (or US-run multilateral) construct due to Japanese requirements. This is further exemplified in the list of exercises cited as evidence of military cooperation in Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', pp. 98-100.
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- 40 Cook and Wilkins, 'Aligned allies'.
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Under the Radar: How might Australia enhance its policies to prevent 'lone wolf' and 'fixated person' violent attacks?

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Abstract

This paper addresses the detection, intervention and prevention of so-called 'lone wolf' and 'fixated person' violent attacks in Australia. It argues that while the threat of terrorism may vary over time, the increase in lone wolf terrorism over the past decade requires a more focused approach to the identification and monitoring of individuals who are moving along the pathway from radical ideology to radical violence.

The paper proposes that a specialised unit, the National Fixated Threat Assessment Centre, be established to assess the threat posed by such persons, regardless of whether they fall into the category of lone wolf, fixated persons or other, grievance-fuelled violent actors. It also proposes community-friendly options of e-referral and a new hotline in an effort to identify persons on a radicalisation pathway. With research confirming that the majority of such individuals suffer from mental illness or mental instability, the paper concludes that these initiatives should reduce the risk by providing an opportunity to intervene before violent activity occurs.

Introduction

An epidemic of anorexia, insomnia and acute bodily discomfort swept this nation [US] late in 1963. One-half of its victims could not eat or sleep. If the illness from which they were suffering had been diagnosed as influenza, infectious mononucleosis or an unnamed virus, the relevance of the syndrome to an audience of conscientious physicians would be obvious.

You might wonder why this syndrome of epidemiologic proportion had not found its way into the medical literature. When I add to this symptom complex the finding that more than two-thirds of those affected were also nervous, tense, and depressed, you may shift conceptually from physical pathology to psychopathology.

When I tell you that this epidemic lasted about one week and began on the afternoon of November 22, 1963, you may be tempted to abandon the model of either pathology or psychopathology and, recalling that it followed immediately the assassination of President John F. Kennedy, see it instead as a wide-spread but normal reaction to a terrible political event.¹

This paper focuses on the detection, intervention and prevention of so-called 'lone wolf' and 'fixated person' violent attacks in Australia.² It draws on earlier work by the author addressing whether there is a threat-assessment gap in Australia's national security framework.³ The intention is to provide a policy solution that is effective, efficient and complements existing frameworks and initiatives, including reducing the budget impact in Australia's tight fiscal environment.

The end goal is for intervention and risk mitigation in preventing violent attacks against all members of the community through the collaboration of police, intelligence agencies and mental health clinicians. It aims to propose policy options that are enduring and contribute to the Australian Government's priority of countering violent extremism and preventing terrorist attacks.

By way of background, the terrorist threat in Australia was raised to 'high' in September 2014.⁴ This was brought about by the emergence of ISIS (Islamic State of Iraq and Syria) and the increase of home-grown terrorism.⁵ ISIS has demonstrated sophisticated use of the Internet, employing it to propagate its radical message and recruit foreign fighters from across the globe to join it in furthering its goals, particularly in the Middle East.⁶

ISIS also uses the Internet to groom and exploit vulnerable young persons—those that are isolated and socially inept; those that sympathise with the plight of others in the Middle East; and persons suffering from mental health issues—all in an effort to encourage and incite lone wolf attacks in Western countries. *al Qaeda* had previously shown no allegiance to ISIS but has now also called on 'Muslim youth in the west' to conduct lone wolf attacks in Western countries;

it has also stated that *al Qaeda* would 'work with' ISIS in support of the establishment of a caliphate.⁷

The political and security situation in the Middle East continues to decline, which exacerbates the global terrorist threat. Australia remains under threat, with the Director-General of the Australian Security Intelligence Organisation (ASIO) saying in late 2015 that there are more than 400 counter-terrorism investigations under way, and that these numbers are expected to grow.⁸ He further stated that in the first ten months of 2015, agencies had disrupted a large number of terrorist plots, which totalled some two-thirds of all plots disrupted since 9/11.⁹

Australia has responded competently to the threat. However, three attacks have eventuated: in September 2014, 18-year-old Abdul Haider attacked two police officers in Melbourne, resulting in significant injuries to the officers and his own death; in December 2014, Man Haron Monis seized hostages at the Lindt café in Martin Place, Sydney, which resulted in the death of two hostages and his own death; and, in October 2015, 15-year-old Farhad Khalil Mohammad Jabar murdered Curtis Cheng, a NSW Police Service civilian employee in Parramatta, Sydney, which also resulted in his death.¹⁰

At the coronial inquiry into the Lindt café siege, experts were unable to agree on whether Monis was an ISIS-inspired lone wolf terrorist or if he was a mentally-unwell man seeking attention.¹¹ Haider had been in contact with other young Australians prior to his attack. It is alleged that Jabar, who was alone when he shot and killed Cheng, was assisted in planning the attack and acquiring the firearm by 18-year-old Raban Alou and 22-year-old Talal Alameddine.¹²

The earlier work explored the typologies of Haider and Monis. Open-source reporting has reaffirmed these typologies in Jabar, with indicators of behavioural changes, broadcasting and location familiarity (Parramatta police station is near his school and the mosque he attended).¹³ Regardless of their motivation, all three perpetrators demonstrate that the threat in Australia is real and enduring, and that persons who commit violent acts alone are being inspired and incited to conduct these acts by radical groups online.¹⁴

This paper will continue the research and argument from the earlier work, including analysis of the role of language and the Internet as both a tool for radicalisation and an opportunity for security agencies to identify persons of concern and assess the threat posed by these persons. It will propose that a specialised unit, the National Fixated Threat Assessment Centre (NFTAC), be established to assess the threat posed by persons, regardless of whether they fall into a category of lone wolf, fixated person or other, grievance-fuelled violent actors.

The policy addresses a current gap in Australia's national security arrangements, and seeks to assist all communities within Australia. While the threat of terrorism may vary over time, the threat from mentally-ill loners to Australian holders of high office, as well as the general community, is unlikely to change. It is, therefore, a priority for long-term policy change, particularly when it will also benefit current counter-terrorism investigations.¹⁵

The intention is to increase the possibility of risk mitigation either through community referral, mental health intervention or police action. It also proposes other policy options that could assist in the functioning of the NFTAC. It is designed to enhance current counter-terrorism and protective security arrangements, and not redesign existing structures that are functioning effectively. The policy is deliberately enduring in that it provides enhanced security for multiple scenarios, as well as demonstrating a responsibility to those that require mental health intervention.

It will argue that the increase in lone wolf terrorism over the past decade requires a more focused approach to the identification and monitoring of individuals who are moving along the pathway from radical ideology to radical violence. These persons are not all motivated by Islamic extremism; some have other ideological drivers, such as anti-Islamic sentiments or right-wing beliefs; some are acting on personal grievances, while others are fixated.

The typologies of persons who resort to violence as a means to attract attention or notoriety, or further a cause or act on a personal grievance, were found in the earlier work to be consistent among the groups, with research confirming that the majority were suffering from the effects of mental illness or mental instability. The policy proposals advocated in this paper provide an opportunity to reduce the risk posed by these persons by intervening before violent activity occurs.

Part 1 – Fixated persons and lone wolves; only the ideology differs

A research study by Joel Capellan on lone wolf terrorism and deranged shooters in the US between 1970 and 2014 distinguished the two groups into ideological and non-ideological actors.¹⁶ He concurred that there is little difference in the personal characteristics of the two but that the exception is in how they 'prepare, execute and conclude their attacks'.¹⁷ Capellan noted that ideological actors were less likely to be 'prompted' by an event or crisis relating to the theory of 'unfreezing'.¹⁸ Their planning was also of a higher level than non-ideological actors and they were more likely to disclose their plans to a third party.

This contributes to the theory that lone wolf terrorists (ideologists) are more predictable than fixated persons (non-ideological/personal grievance) and, if this is the case, there may be an opportunity to prevent lone wolf terrorist attacks. Capellan also noted that 70 per cent were not formally linked to extremist organisations but were self-radicalised through Internet fora and media, including books and music.¹⁹ Capellan concluded from his analysis that:

[M]ass murderers, deranged shooters, lone wolves and active shooters ... [are all part of a] larger phenomenon of lone-actor grievance-fuelled-violence ... [and that] ideological active shooter events are on the rise [and] represent a serious threat to national security.²⁰

Research by James Biesterfold and J. Reid Meloy, conducted on assassins of high-profile persons, has confirmed that assassins 'who target a public figure to advance a political or religious agenda are terrorists, whether attached to an organized group with a command and control hierarchy, an autonomous cell, or acting alone'.²¹

In the last decade, there have been a number of high-profile public figures targeted by small cell or lone wolf terrorists, such as the thwarted attacks in Toronto, including a plot to behead the Canadian Prime Minister in June 2006; the attack on the Canadian Parliament in Ottawa in 2014; and the murder of Theo Van Gogh in Amsterdam (by a small group that was also considering attacking other high-profile politicians).²²

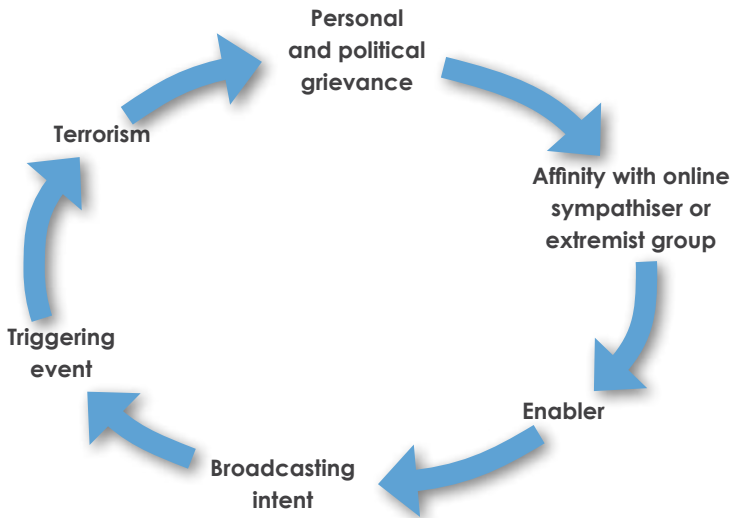
However, there is little distinction between lone wolf terrorists and fixated persons, as demonstrated through the Monis siege at the Lindt café in Sydney and subsequent evidence provided at the coronial inquiry, where terrorism experts could not agree whether he was a terrorist or a person fixated on notoriety and bringing attention to himself.²³ Regardless of the label, the typologies are similar, which increases the possibility of identifying, assessing and responding to both cohorts through a NFTAC.

The NFTAC would be designed to specifically address lone wolves and fixated persons. Hence, it needs to ensure that those working within it understand the radicalisation process, the areas of vulnerability within that process, and the opportunity that emerging software provides in detecting such persons.²⁴ It is also important to identify how the Internet is able to influence these persons.

Part 2 – The Internet as a tool to move from radical ideology to radical violent action

Research conducted by Mark Hamm and Ramon Spaaij into lone wolf terrorist attacks that occurred pre- and post-9/11, aiming to identify changes in the radicalisation process, found commonalities indicating that lone wolf terrorism ‘begins with personal and political grievances which become the basis for an affinity with an extremist group, followed by an enabler, broadcasting of intent and triggering event’, as illustrated at Figure 1.²⁵

Figure 1: The pathway to radicalisation for lone wolf terrorists



However, the research also noted a significant shift in how terrorists were radicalising post-9/11, with an increased reliance on the Internet. Of note is the percentage of lone wolves that demonstrate these signatures since 9/11, as highlighted at Table 1.

Table 1: Evidence of how terrorists have radicalised post-9/11²⁶

| Signature | pre-9/11 | post-9/11 |
|---|--|---|
| Loci of radicalisation | Belonged to an extremist group but left group before attack. | Informal online social networks, workplace and mass media. |
| Motives | 80% — acting on a blend of personal and political grievance | 80% — acting on a blend of personal and political grievance |
| Affinity with extremist groups | 63% | 42% — primarily online |
| Enablers | 57% — directly by others | 67% — nearly all indirect enablers, online, figure heads and literature ²⁷ |
| Broadcasting intent 'Broadcasting intent is pervasive in lone wolf terrorists'. ²⁸ | 84% | 76% — broadcasted intent often more than once through verbal and written threats, statements, letters, manifestos or videotaped proclamations |
| Triggering event 'Unfreezing' | 84% | 71% |

The influence of the Internet post-9/11 is evident at Table 1 in the 'loci of radicalisation', 'affinity with extremist groups', 'enablers' and 'broadcasting intent' sub-headings—and is a clear distinction to lone wolves pre-9/11. Hamm and Spaaij concluded that lone wolves post-9/11 are becoming increasingly independent and that 'radicalisation is caused by an affinity with online sympathisers'.²⁹

This possibly explains why the three successful attacks in Australia were not prevented, as a result of less physical group affinity, reduced reporting of broadcasting, and lower levels of triggering events. However, the research dispels any suggestion that lone wolves do not communicate with others and are therefore unable to be prevented, with Haam and Spaaij concluding that:

Virtually all lone wolves demonstrate affinity with some person, community or group, be it online or in the real world. This is a significant finding because it contests the policy assumption that lone wolf terrorists do not communicate or interact with others. They clearly do.³⁰

Rik Collsæet cites three characteristics that affirm the work of Haam and Spaaij, contending that:

- '[Lone wolves] surf upon an enabling environment characterised by a widely-shared sense of (real or perceived) exclusion, inequity and humiliation, as a result of wide-scale economic and social dislocation that creates winners and losers.
- The decision to become an activist always takes place at the intersection of a personal history and that enabling environment ... [which might range from] a tragic experience, such as the death of a family member, to mundane incidents [such] as the authorities' refusal to fund a local youth club.
- The violent option is always the action of a few within the larger group or community whose fate is at stake and whose plight they invoke to try and justify their acts'.³¹

The current use of the Internet by extremist groups to groom and radicalise individuals, including motivating them to move from radical opinion to radical violence, has increased. So insidious is the Internet in the radicalisation and recruitment of young Australians that the Director-General ASIO, Duncan Lewis, recently compared the grooming of young persons online as being akin to the grooming by paedophiles, saying that 'the youngest ones we have are down around 14 years of age ... [and] they are being groomed with a technique that is not dissimilar to child molestation'.³²

Lewis further asserted that 'the passage to radicalisation, astonishingly, can happen quite quickly'.³³ The age of those who are coming to the attention of security agencies is decreasing, with a 12-year old currently linked to investigations related to the Parramatta incident in October 2015.³⁴ This development reflects the findings of the earlier work by the author which identified that the next generation of youth, those between 8 and 12 years of age, may already be on the path of radicalisation.³⁵

ISIS has been successful in producing high-quality propaganda videos—and the media perpetuates this through reporting their violent acts and providing links to their videos through mainstream news sites. *al Qaeda* has resurged on the Internet, similarly calling for lone wolf attacks on Western targets and perpetuating violence as a means of communicating its cause.³⁶ However, lone wolf terrorism is not isolated to Islamic extremism and some lone actors are motivated solely by personal grievance fuelled through radical dialogue to support their actions, such as school shootings and right-wing/racist attacks in the US and Scandinavia.

The use of language and speech on the Internet

Self-radicalisation through the Internet has increased significantly since the event of Web 2.0, which provides communication platforms with a global audience of like-minded people. It is difficult to understand how this medium is able to move individuals along the radicalisation path. However, it may be contributed, in part, to the use of speech or language. Susan Benech, for example, conducted research into 'dangerous speech' primarily related to genocide cases.³⁷ She defined five characteristics associated with dangerous speech, namely:

1. The presence of a speaker with a high degree of influence over the audience;
2. The audience has grievances and fears that the speaker can cultivate;
3. A speech act that is clearly understood as a call to violence;
4. There is a social or historical context that is propitious for violence; and
5. There is a means of dissemination that is influential in itself, for example because it is the sole or primary source of news for the relevant audience.³⁸

Jesse MacLean extended Benech's research by analysing the characteristics against two successful lone wolf attacks, being the attack in Norway by Anders Breivik in 2011 when he killed 69 people and wounded another 60; and multiple nail-bomb attacks in London by David Copeland over a matter of days in 1999 that killed three people and wounded another 146.³⁹

MacLean was seeking to assess if Benech's theory of 'dangerous speech' could contribute to individuals moving from radical opinion to radical violence. She found that both perpetrators had 'consumed' dangerous speech and, in the case of Breivik, that he was active on the Internet in online discussions.⁴⁰ MacLean states that 'for each case, the presence of at least four out of the five guidelines were taken as evidence for the applicability of dangerous speech toward analysing and understanding lone wolf terrorism'.⁴¹

Benech's fifth characteristic may appear unlikely in today's global world, with the abundance of media and information available. However, both Breivik and Copeland only sought information and news that they were interested in and that fed their ideology and grievances. The research by MacLean is further confirmed by Spaaij, who describes their use of the Internet as the 'self-study of both perpetrators'.⁴²

This may be applicable to many persons who are initially interested in a viewpoint and then progress along the pathway of radicalisation to the extent that they only seek like-minded information and discussion. Therefore, the Internet as a source of self-radicalisation is also viable as a tool to dissuade

radical thinking by providing alternate views and understanding through these preferred areas of interest.

It should also be recognised that speech and language is equally important in the reporting on terrorism attacks by media and government. Minority groups which have similar background to Benech's five characteristics may feel marginalised through unbalanced reporting. For example, the Muslim community has been subjected to commentary connecting its members to terrorism since 9/11. Therefore, many Australian Muslim youths born around 2001 have constantly heard language that labels and marginalises them, which may have adversely impacted on their opinions and self-identity.

Extremist material on the Internet

Australia's young people are at risk of radicalisation, and the Internet provides a platform that offers radical views and supports violence. The evaluation of speech and the characteristics of the recipients of that speech go toward explaining how this medium is so effective and why it may be the only 'voice' heard. Several recent studies in France and the UK have examined the amount of Islamic extremist material online and the ease with which it can be accessed. The *Jihad Trending* study by Ghaffar Hussain and Erin Maree Saltman, for example, provides evidence that it is the younger cohort that is accessing Internet-based material, particularly 20-30 year olds, and that it includes social media, chat rooms and the 'Dark Web'.⁴³

Notwithstanding the findings of the *Jihad Trending* study, there arguably has now been a shift in the age demographic of those accessing extremist material to persons under 20 years of age. Moreover, the statistical analysis of web-based searches by Hussain and Saltman found that curious searchers will also access counter-narrative and counter-terrorism sources, with only a few links to extremist sites, albeit the searches conducted did not include ISIS.⁴⁴

The earlier work by the author explored the role of the media in propagating extremist material and aiding the exposure of attacks undertaken. The media also contributes to the language used for attacks, such as references to 'terrorism' for Muslim offenders versus 'deranged gunman' for other offenders, which was demonstrated in the reporting of the Norway attack by Anders Breivik. It was initially reported as an act of terrorism but then changed to 'lone gunman or attacker', presumably on the basis that it was not-Islamic based and the perpetrator was white. The term 'CNN effect' has been coined to describe the influence of the media when reporting on non-Western conflicts. Therefore, the media, and particularly online reporting, may be exposing this violence and possibly appealing to a small but dangerous audience.

The research in *Jihad Trending* demonstrated that those who do become involved in online chat rooms, and have significant virtual contact, go to great lengths to seek out like-minded persons. This indicates a proclivity towards either the ideology, a new community for inclusion, or support for radical or violent tendencies. The 'auto complete' function on typical Internet search engines had more concerning results, redirecting searchers to pro-Islamist and extremist material, including beheading videos.⁴⁵

The research also found that social media sites provide pathways to extremist material, thus curious young people are actually directed to the sites that can groom and radicalise their opinion.⁴⁶ *Jihad Trending* argued that censorship is not the solution in Australia's liberal democratic society because of our freedom of speech. However, the ability to provide a counter-narrative, so that these results are also found during searches, including accurate interpretations of religious texts, would provide a counter-balancing platform of information.

Harnessing the Muslim community globally to ensure that accurate information on Islam is available on the Internet, and providing guidance and contributing to this counter-narrative, would greatly assist in providing an alternate option for those on the path to radicalisation. However, as asserted by Nick Cohen in the foreword to *Jihad Trending*:

Unfortunately, for the authorities, while the web may be a secret-policeman's dream, it isn't a playground for censors. Start closing down sites and not only will you deny our spies access to useful intelligence, but you will run into the technological limits of state power. Extremists use blogs, instant messaging, video sharing sites, Twitter and Facebook. Democratic states may try to tell their owners what content they should host, but it is a doomed enterprise.⁴⁷

Recommendation 1:

Law enforcement agencies should undertake more effective social media surveillance, and use forensic psychiatrists/psychologists to assess the language and contribute to threat assessments on persons of interest/concern.

This recommendation is an expansion on existing intelligence capabilities. However, the use of specialists, such as forensic psychiatrists, will be expanded on for persons of concern within the proposal for the NFTAC.

Part 3 – The role of mental health

The earlier work by the author argued that the vulnerability of persons with impaired mental health and social isolation is a factor for radicalisation and advancement from radical violent opinion to radical violent action. The presence of impaired mental health has been a strong indicator in all cohorts of lone actor/grievance-fuelled violence.

The Australian Government's *Fourth National Mental Health Plan 2009-2014* included the statistics that one-in-five Australians will suffer from mental health issues and that 64 per cent of those suffering from one of the five most common mental illnesses will have onset by 21 years of age.⁴⁸ It explains that prevalence rates vary across a lifespan but are highest in the early adult years and that earlier surveys found that 14 per cent of children (4-17 years) have a mental illness.

This aligns with the Australian Institute of Criminology's reporting that the highest offender rate in Australia is the 15- to 19-year-old cohort.⁴⁹ Combine these statistics with social isolation, bullying and potential crises involving ethnicity and isolation, and it provides an explanation as to why so many young Australian people are being radicalised.

In regard to crises concerning ethnicity, it is potentially compounded when it is noted that many of the Muslim youth in Australia and abroad have heard a constant dialogue during their formative years of Muslims as terrorists since 9/11. Ahmed Kilani, a community leader who works with young Muslims in Sydney, said after the Cheng murder that:

Jabar lived his whole life in a media and political environment where Islam is associated with terrorism and negativity.... If young people feel disenfranchised from society, regardless of their race or religion, they can become susceptible to extreme ideas.⁵⁰

Sheikh Wesam Charkawi, who works with disaffected Australian Muslim youth, reaffirmed this when he asserted that:

They [youth] say that we are not part of the Australian society. We are not part of the Australian community, that we are terrorists, that we are extremists, that our religion is one that is of destruction and loss of life and so on and so forth.⁵¹

Groups like ISIS are preying on these vulnerabilities and grooming young Australians, resulting in the emergence of teenage lone wolf terrorists.

Statistics from the *Fourth National Mental Health Plan* are particularly relevant given that a finding from the US on school attackers/shooters, albeit dated 2004, was the lack of sufficient numbers of school counsellors and mental health practitioners for vulnerable youths on a path of radicalisation to violent action.⁵²

In that study, Katherine Newman and her colleagues claimed that 80 per cent of school shooters were suicidal and that 'we need to move away from a law enforcement model and toward devoting greater resources to counselling, mental health services, social workers, and development of social skills'.⁵³

US research, while focusing on school shooters, is applicable to Australian youth, social pressures, mental health issues and radicalisation. In a tight fiscal environment, it is difficult to assess the economic impact of increasing school mental health facilities without prior research to assess how effective they would be. However, other alternate programs that might be available also tend to cease during periods of budgetary restraint as resources are diverted to higher priorities.

Referral option for young persons at risk of radicalisation

The police often implement and fund diversion programs for youth at risk, in the absence of other programs being available. The Australian Capital Territory (ACT) Police, for example, provide funding to the Canberra Police and Community Youth Club to provide programs for youth at risk, and contract the services of SupportLink as the referral agency for these young people, as well as their families.⁵⁴ This model of cooperative diversion programs and referrals provides a confidential pathway to divert troubled young people into programs that may be of assistance.

The benefit of using a provider such as SupportLink is that it is an 'electronic referral system that allows police officers to make referrals to social support providers in an easy and efficient manner ... in under 60 seconds, saving time and resources while adding value to their core activities'.⁵⁵ SupportLink conducts triage and follows up on referrals utilising multiple program providers to meet the requirements and the circumstances of the referral. The *ACT Policing Annual Report* for 2013-14 indicated that some 6000 people were referred to SupportLink during the reporting period.⁵⁶ Queensland and Northern Territory Police also utilise SupportLink.⁵⁷

Initiatives such as the Canberra Police and Community Youth Club program are performance measured and provide an opportunity for police to be involved to break down barriers between youth and police. Other program providers, when registered with SupportLink, provide law enforcement agencies with some reassurance that the provider is legitimate and has appropriate staff. An organisation that can monitor providers may eliminate the current concerns of persons working in the youth liaison space, such as in Bankstown, where attempts were being made to radicalise young people at a youth centre.⁵⁸

An online referral system similar to SupportLink could be considered for the use of police and educators (in existing states), providing an early intervention pathway with relevant programs aimed at countering extremism and creating social opportunities and skills. It could also facilitate referral to a NFTAC should the behaviours be concerning enough to warrant further exploration by police and qualified forensic psychiatrists.

Electronic referrals could be made available with short question/answer on behaviours and indicators. Assurance that these referrals would be assessed by experienced psychological practitioners and police, and that risk mitigation is the priority, is potentially a preferred forum to concerned friends and family. The costs of a service such as SupportLink is unavailable in the public domain. However, if a specialised unit were to be created within the Australian Federal Police (AFP), the current role of SupportLink to the ACT Police could viably be expanded to the national arm of the organisation.⁵⁹

Consultation for such a tool could be explored through the Australia-New Zealand Police Advisory Agency as to the current benefits and performance experienced in the ACT, Queensland and Northern Territory.⁶⁰ Such a referral system would also be in line with current countering violent extremism initiatives and discussion.⁶¹

Recommendation 2:

The current SupportLink program utilised by the ACT Police should be expanded to enable referral from all state and territory police to divert persons at risk of violent extremism or related behavioural concerns.

A referral point for third-party notifications

In October 2011, the Australian Government introduced the website 'Living Safe Together – Building community resilience to violent extremism' as part of a suite of initiatives aimed at countering violent extremism.⁶² While the site provides for reporting of online extremism and has documents on radicalisation, it does not provide a comprehensive referral point for third-party notifications. The site provides details of the National Security Hotline, however contacting the hotline may be viewed by some as an act of last resort by third parties, as the 'national security' prefix implies a law enforcement response rather than intervention.⁶³

A new hotline, hosted by the same team, could be created for the referral of persons for whom there is concern for early intervention. The Attorney-General's Department, which hosts the National Security Hotline, would need to be

consulted, and staff trained on the behaviours and information to be obtained from callers.

If the hotline could be managed by current staff, the costs would likely be relatively minor. However, the quantity of calls received would need to be monitored to assess if current staffing levels are sufficient. Hotline attendants could utilise the e-referral process or, if considered urgent, contact the NFTAC directly. The imperative would be to provide a suitably-named service that encourages reporting and disassociates high-level security response from an intervention.

Recommendation 3:

A new hotline should be created with a focus on attracting reporting by young people, educators, religious leaders, friends and family members who may need assistance after recognising behavioural changes in a person but who are hesitant to engage law enforcement or report to the National Security Hotline.

Part 4 – Existing models and frameworks

The earlier work by the author explored and explained the role of impaired mental health in all cohorts of lone-actor/grievance-fuelled violence, although it is only in the last decade that mental health intervention and the assistance of mental health experts has been considered an appropriate investigative aid when considering the threat. Thomas Muller, a criminal psychologist who assisted in the investigation of Franz Fuchs' bombing campaign, commented that 'we do not search for offenders, we look for offender behaviours'.⁶⁴

The Council of Australian Governments' recently-released 'Australia's Counter-Terrorism Strategy' does not mention the role of mental health and specialised practitioners until page 9—under the heading of 'Diversion – Stopping people from becoming terrorists'—and does not expand on psychological analysis in the assessment process.⁶⁵ However, the use of identifying behaviours has been incorporated in the work of police and mental health expert teams in the UK and Queensland, which this paper will now examine, together with a proposal for a similar NFTAC hosted by the AFP.

The earlier work argued that the use of the Internet as a radicalisation tool provides for both a global reach and law enforcement opportunity. The significant presence of impaired mental health across all cohorts, and the accompanying similar typologies and behaviours, suggests that a NFTAC comprising of specialists including police, counter-terrorism investigators and

clinical psychologists could effectively mitigate the risk from fixated persons and lone wolf terrorists.

The benefits would be threefold, namely:

- A preventative strategy against lone wolf terrorists (all ideologies);
- A preventative strategy against fixated persons, including enhancing the protective security arrangements for Australian holders of high office; and
- Mental health intervention and monitoring for those that require it.

The unit would draw from the experience of the current UK Fixated Threat Assessment Centre and the Queensland Fixated Threat Assessment Centre. The latter focuses on threats in the state of Queensland and accepts Queensland-based referrals from the AFP. The intention would be for the NFTAC to have a wider remit to enable those on the periphery of counter-terrorism investigations to be continuously assessed and monitored regarding the threat they potentially pose.

Fixated Research Group

The UK and Queensland models were founded on the premise that the 'role of psychiatry is central to confronting the issue of threat from fixated individuals', as well as research conducted by the Fixated Research Group, which is a UK Home Office initiative comprising forensic psychiatrists and psychologists from the UK, Australia and the US with expertise in the field of stalking.⁶⁶ Some of the key findings of studies by the Fixated Research Group have been that:

- The main risks to elected politicians in Western countries come not from terrorist or criminal groups but from fixated loners.
- The majority of fixated loners are mentally ill.
- The risks posed by an individual depend on their underlying motivation and symptomatology.
- Different sorts of risk are associated with different risk factors (and motivations).
- Those fixated on a personal cause or quest for justice are of particular concern.
- Other than violence (which is rare), risks which need to be assessed comprise:
 - Persistence: the risk that the intrusive behaviours will continue, unless there is some form of intervention;
 - Escalation: the risk that the behaviours will become more intrusive or dangerous; and

- Disruption: the risk that the behaviours will disrupt a person's ability to go about their normal lives and duties, or disrupt public events.
- Attention to inappropriate communications and approaches to public figures is a way of identifying seriously ill people who have fallen through the care net.
- Treatment of the underlying mental illness would both benefit the individual concerned and reduce any threat they might constitute.⁶⁷

The UK Fixated Threat Assessment Centre

The UK Fixated Threat Assessment Centre (UKFTAC), based in London, was jointly created in October 2006 by the British Home Office, Department of Health, and Metropolitan Police to assess and manage the risk to politicians, members of the British Royal family and other public figures from obsessive (fixated) individuals. It incorporates 'best practices found in other public figure threat assessment units of Europe', as well as the US.⁶⁸ Its formal role is:

The assessment and management of risks posed to prominent individuals, the places they work in, and the prominent organizations and events in which they are involved, by isolated loners pursuing idiosyncratic quests or grievances to an irrational degree.⁶⁹

The UKFTAC is made up of staff from the Metropolitan Police and the UK National Health Service, with psychiatric staff working full-time alongside police officers. It comprises:

- Nine police officers;
- Four full-time forensic nurses;
- Three consultant forensic psychiatrists; and
- One consultant psychologist providing on-site supervision.⁷⁰

The Centre operates by receiving referrals of the most worrying communications made to public figures in the UK. Of note, 81 per cent of the first 100 threateners reported to the Centre had previously been treated by psychiatric services, and 57 per cent had previously undergone compulsory admission to hospital'; moreover, of those that had previously been treated, 60 per cent remained 'notionally under care'.⁷¹

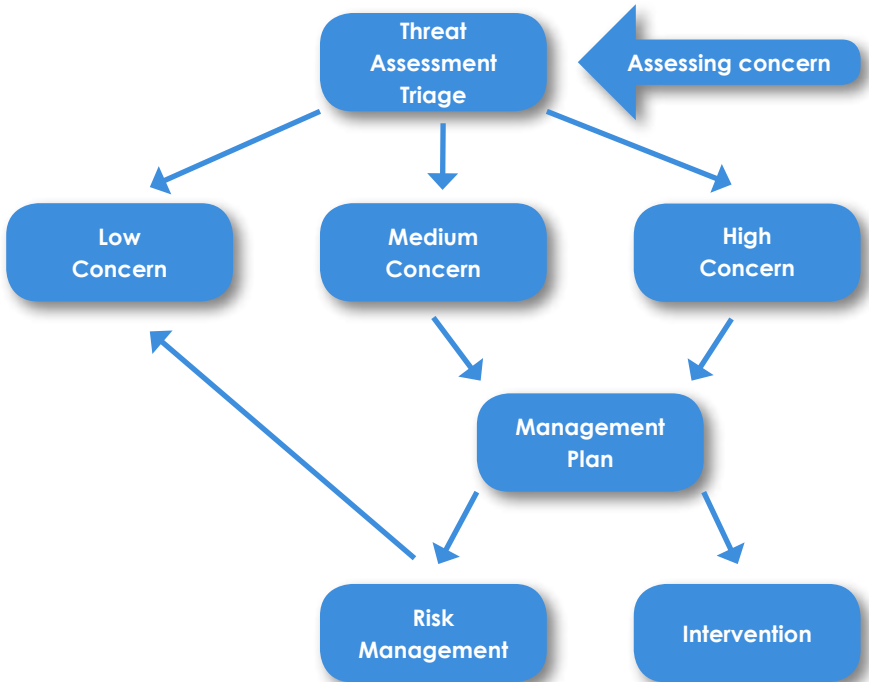
This highlights that even though a person may be under the care of a mental health provider, the provider may not be aware of their behaviour, unless voluntarily informed by the person or a third party. It also reinforces that a person notionally under care may still be a concern unless independently assessed against indicators or behaviours.

In determining the threat posed by such individuals, the UKFTAC undertakes a process described as:

[T]he making of quick decisions in response to limited information in an operational, dynamic, real-time setting. It takes risk as a unitary concept and does not produce any form of nuanced judgement. Its purpose is to triage individuals into categories of high, medium and low concern in order to determine the level of immediate response.⁷²

In the methodology used by the Centre, high-concern cases require an urgent response; medium cases require a prompt response; while low concern cases do not require an immediate response, although the individuals are recorded and monitored to identify any escalation in behaviour. The threat assessment process is depicted at Figure 2.

Figure 2: The threat assessment process, as used by the UK Fixated Threat Assessment Centre



The risk assessment approach used is that of the 'Stalking Risk Profile' (guidelines for the assessment and management of stalkers), a 'manualised, structured professional judgement tool, which incorporates both international research findings and the clinical expertise accumulated by the Fixated

Research Group'.⁷³ The behaviours in question include the approaches or communications that have been made as well as any history of violence, motivation and other behaviours that are indicators of risk.

The importance of communication was explained earlier this paper, as was the opportunity provided by persons who may be inspired, sympathised or groomed by extremist groups in their use of the Internet and social media to communicate. It is this communication that can assist in the threat assessment by units similar to the UKFTAC.

Two future challenges identified by the Centre are the role of social media and lone actors. When the Centre was created in 2006, the main form of written communication was still letters. However, this has since changed, particularly in relation to those under 40 who primarily utilise electronic communications, such as email, which:

... is a source of warning behaviours that has yet to be tapped. Work in this area is likely to move from being reactive, in terms of responding to cases brought to its attention by others, to proactive, in searching of the Internet through developing protocols and strategies for looking for evidence of threat in cyberspace.⁷⁴

As noted by David James *et al*, the UKFTAC also recognises the overlap between fixated persons and lone wolf terrorists (lone actors), the majority of whom involve Islamic and right-wing extremism. However, 'there is also the question of whether the threat assessment approaches developed for isolated loners have relevance in the consideration of lone actors, a subject that needs further research'.⁷⁵

In the earlier work, the nexus of typologies between fixated persons and lone wolves was analysed and the case of Man Haron Monis was considered, including his past behaviour, violent activity, attention-seeking behaviour, communications and Facebook postings.⁷⁶ The work identified a gap in the Australian national security framework for the referral and assessment of persons like Monis. Indeed, if Australia had a NFTAC that considered these persons, including those known to counter-terrorism teams and intelligence agencies, the threat assessment process may have identified that Monis was of high concern and required an urgent response.

Figure 1 illustrated the radicalisation process. The behaviours of a person on the radicalisation pathway may bring them to the attention of third parties, mental health or law enforcement agencies. Moreover, communications made during this process may be available either through writing, verbally or by a third party, and could provide some evidence of behaviours and motivations for assessment by a NFTAC.

However, it is the 'interest in extremism', 'enabler' and 'broadcasting' that would provide impetus to consider all behaviours, including previous history, to assess the person and monitor his or her behaviour for a triggering event that would require immediate action. Individuals could be monitored along this pathway with either an intervention conducted or, if the person was not cooperative and there was little to facilitate emergency police or mental health action/orders, then surveillance, both physical and virtual, could be conducted. Assessment could then continue until the appropriate time for intervention, facilitated by authorities, especially if it were to prevent the commission of an attack.

Queensland Fixated Threat Assessment Centre – the Australian experience

The Queensland Fixated Threat Assessment Centre (QFTAC) was established in July 2013 as a joint initiative between the Queensland Police Service and Queensland Mental Health Service.⁷⁷ Michele Pathé assisted in its development and was also involved in the development of the UKFTAC. The unit is staffed by officers from the Security Operations Unit of the Queensland Police Service and the Community Forensic Outreach Service of the Queensland Mental Health Service, including a clinical nurse consultant, forensic psychologist and a senior forensic psychologist.⁷⁸ QFTAC's purpose statement is:

[T]o facilitate care for individuals with a serious mental illness and in doing so minimise the harm they potentially pose. There is a substantial body of evidence to indicate that many people who fixate on public figures have a major mental disorder and a small proportion will go on to approach and attack behaviours. Despite their fixation on a public official or some related cause, their victims are more often family members, other innocent citizens or the fixated person themselves.⁷⁹

This reinforces the view that disordered communications and approaches to public figures are a means of identifying these concerning individuals—and intervening before their behaviours escalate. Furthermore, it has been found that many people who become pathologically fixated on public figures have fallen through the mental health care net. Some of these individuals are not currently known to mental health services, while others have disengaged from treatment.⁸⁰ In carrying out its role, the QFTAC:

[R]eceives referrals from staff in Ministerial and Electoral offices, the Queensland Police Service (especially dignitary protection), the Australian Federal Police, other law enforcement agencies both interstate and overseas, the judiciary, some embassies and mental health services. Ministerial and electoral office staff use evidence-based checklists to 'filter out' cases of low concern.⁸¹

QFTAC has noted that in its first year of operation, it received 145 referrals for evaluation and that 64 per cent (93 cases) were either in the high (19) or moderate (74) concern category.⁸² The unit reported that of the cases referred, 70 per cent had an existing psychiatric diagnosis, and 54 per cent of

all cases analysed had a 'severe mental disorder or major affective disorder'.⁸³ The unit further reported that:

The primary mode of contact precipitating referral to QFTAC included written correspondence (43%), concerning or inappropriate phone calls (27%), in person presentations to public office-holders or prominent individuals (22%, with two of these in possession of weapons). The vast majority of cases referred [...] were fixated on a cause or grievance, but they focused their attentions on one or more public office-holders because the politician(s) represented a potential source of help or harm to their cause.⁸⁴

In January 2015, QFTAC was reportedly monitoring at least ten persons who were similar to Man Monis—with Michele Pathé asserting that the Monis incident was a good example of how fixated people could be mistaken for lone wolves.⁸⁵ This demonstrated again the similarities between the typologies but also that professional clinicians can recognise the behaviours, providing opportunity for intervention. Monis was not a person who had become a concern to the safety of Australian holders of high office so would not have been referred for assessment.

It is, therefore, essential that the expertise of these units is used across both protection and counter-terrorism operations. Moreover, while it may be assumed that the persons mentioned as being monitored by the QFTAC were residing in Queensland, they may well have travelled to other Australian jurisdictions, highlighting the need for potential monitoring and intervention both within and across the various Australian jurisdictions.

An Australian NFTAC could also be effectively utilised in assessing the threat against federal members of Parliament. This remit currently sits with the AFP, in consultation with ASIO. The NFTAC's required breadth of responsibility and staffing could not be established within existing AFP resources. However, if additional resources could be provided to the AFP, it may be appropriate to include NFTAC functions within its wider counter-terrorism remit, given the role of the AFP in counter-terrorism operations and its existing relationships with other national security agencies, particularly ASIO, the Attorney-General's Department, and state and territory police.

An alignment of the team along those lines, with both protection and counter-terrorism functions, would enable the provision of threat assessments, monitoring and risk mitigation to persons of concern on the periphery of counter-terrorism investigations. It would also enable ASIO and the AFP's Joint Counter Terrorism Teams to continue investigations into known groups and threats, and refer other persons of concern, or persons who come to the attention of security agencies but are not linked to organised radical groups, to NFTAC for assessment.⁸⁶

Conversely, the NFTAC could conduct the threat assessments and, if warranted, advise the Joint CounterTerrorism Teams or appropriate state or territory local police of the requirement for urgent action and the prioritisation of resources to respond. In the case of Australian holders of high office, this work is currently conducted in the protective security environment, which this paper will now examine.

Australian protective security as risk mitigation

Australian government public figures and holders of high office are provided protection by federal, state and territory law enforcement agencies, with the AFP having primary responsibility for the protection of Federal members of Parliament and Australian holders of high office.⁸⁷ Increased funding was provided to the AFP in the 2014-15 Federal budget to enhance national protective security arrangements in response to the increased threat brought about by ISIS, and Australians travelling to Syria and Iraq to fight or further their cause through terrorist acts on their return to Australia.⁸⁸ The arrangements include the provision of close protection officers, and intelligence and assessment teams to identify persons and events of concern.

The Protection Liaison portfolio within the AFP Protection function collects, analyses, evaluates and disseminates intelligence/information to the AFP and relevant agencies. It conducts liaison and intelligence investigations into threats against holders of high office, foreign dignitaries and diplomatic missions.⁸⁹ Its intelligence-gathering activities facilitate contact with community groups and assist in determining possible acts of politically-motivated violence, criminal offences or acts likely to affect the dignity of a diplomatic mission, its representatives or Australian holders of high office. Protective Liaison gathers intelligence on issue-motivated groups; those planning acts of politically-motivated violence; and psychologically-disturbed individuals who may pose a threat or embarrassment to high-office holders, guests of government or members of the diplomatic community.

Community liaison is a fundamental security intelligence collection activity and an integral element of Protective Liaison operations. The aim of its Community Contacts Program is to liaise with, develop and enhance relationships with relevant ethnic, community and business communities to facilitate the acquisition of relevant intelligence to the AFP and key stakeholders. It is an overt process, intended to raise the awareness and responsibilities of the AFP, enhance community understanding of the AFP's role, and provide a point of contact for the provision of information.

The AFP's Protection Assessment Team liaises directly with Protective Liaison members and other relevant AFP teams to exchange and coordinate information, and to provide timely and accurate intelligence and analytical support. The

Protection Assessment Team is the dedicated target development and analytical function for the Protection function, providing targeting and analytical support to all AFP offices, as requested or required by operational necessity.

This support includes strategic and operational targeting; the provision of written analytical product to assist in operational planning; and advice on potential risks, threats and emerging issues. The Protection Assessment Team is also responsible for the production of specialist analytical products, including association charts, timelines and profiles. Protective Liaison and the Protection Assessment Team both work closely with ASIO, the Attorney-General's Department, the Department of Foreign Affairs and Trade, and state and territory protection and intelligence units.

The teams have drawn on US experience and doctrine, such as the *Protective Intelligence and Threat Assessment Investigations Guide* produced in July 1998 by the US Department of Justice.⁹⁰ Although the *Guide's* 'Exceptional Case Study Project' indicated high levels of mental health issues in persons who approached or attacked public profile figures, this did not originally form part of the construct for effective protective security teams.⁹¹ The findings of the case study were included in the author's earlier work and showed that 44 per cent were diagnosed with mental health illnesses, although some practitioners indicated that all had some form of mental health instability.

To date, there has only been one significant assassination attempt on an Australian holder of high office. It occurred in June 1966, when a 19-year-old man shot then Leader of the Opposition, Arthur Calwell, at the Mosman Town Hall in Sydney, after he had spoken on conscription for the Vietnam War. Fortunately, Calwell sustained only minor injuries. It is significant to note that the offender, Peter Kocan, was suffering mental health issues and subsequently hospitalised for over ten years.⁹² A more recent example was the threat made on Facebook by Jeffrey Geaney in June 2011 to kill then Prime Minister Julia Gillard.⁹³ Undoubtedly, there have been other threats over the years that have not come to public attention but have been managed by law enforcement agencies.

Australia's national security framework

Australia's national security framework provides clear responsibilities for the government agencies chartered with cooperating in the prevention, investigation and response to terrorist attacks in Australia, as well as response for attacks offshore that affect Australians.⁹⁴ The role of the AFP is described as:

Investigat[ing] national terrorist offences, provid[ing] overseas liaison and protective services, and perform[ing] a state policing function in the ACT. The AFP Protective Service provides physical protection services in relation to foreign embassies and certain government facilities, and also counter-terrorism first response at major airports.⁹⁵

These counter-terrorism arrangements were implemented in 2002 and stipulate that the national responsibility for counter-terrorism and protection operations resides with the AFP. The framework for cooperation with state and territory police and intelligence agencies is articulated in the Australian Government's 2012 'National Counter-Terrorism Plan'.⁹⁶ The AFP can also utilise the international liaison network and police-to-police cooperation to ensure persons of concern in Australia, if they intend to travel, are known to other countries and, conversely, that foreign persons of concern intending to travel to Australia are brought to the attention of the AFP.⁹⁷

ASIO has a threat assessment role, although it does not include the assessment of individuals against the basis of escalating behaviour. The role of ASIO, Australia's national security intelligence service, is described as 'gather[ing] information and produc[ing] intelligence so that it can warn the government about activities or situations that might endanger Australia's national security'.⁹⁸

Early consultation with ASIO needs to occur to ensure that it understands that the proposed NFTAC would not be replicating or replacing the function of the National Threat Assessment Centre, which issues 'threat assessments to inform the actions of the police and other agencies with a role in protecting Australians and Australian interests from threats to national security'.⁹⁹ A NFTAC would complement the threat assessments conducted by ASIO, and also provide an alternate point of assessment by specialised clinicians.

After the Lindt café siege by Man Monis in December 2014, the Federal and NSW Governments conducted a review into the incident.¹⁰⁰ As a result of that review, a new 'Counter-Terrorism Strategy' has been developed; however, it does not include a specialist unit, such as the proposed NFTAC, that can assess the threat of individuals and provide prioritisation for investigation, response and monitoring.¹⁰¹

Part 5 – Policy proposal for a National Fixated Threat Assessment Centre

Both the earlier work by the author and this paper have argued that the typologies for lone wolf terrorists and fixated persons are similar, and that impaired mental health, the Internet and sociological factors increase the risk of such persons undertaking attacks within Australia. Threat assessment of persons of concern is not a new law enforcement tool. However, the assessment against behaviours and communications by psychiatrists/psychologists is not currently utilised in Australia on a national level.

Nevertheless, there are a number of examples, notably the UKFTAC, QFTAC, US Capitol Police Threat Assessment Section and the US Secret Service,

of organisations effectively utilising behavioural threat assessments, with complementary research assessing that:

Warning behaviours are acts which constitute evidence of increasing or accelerating risk. They are acute, dynamic, and particularly toxic changes in patterns of behaviour which may aid in structuring a professional's judgement that an individual of concern now poses a threat—whether the actual target has been identified or not.¹⁰²

As the Australian Department of Health does not have state-level equivalent mental health providers, mental health clinicians would need to be contracted directly by the AFP. A memorandum of understanding would need to be developed between the AFP, Department of Health, and state government health departments to allow for appropriate consultation between the AFP's forensic psychologists/ psychiatrists and state and territory mental health providers.

Queensland-based persons of concern that come to the attention of the AFP could either be referred to the QFTAC or managed jointly with the NFTAC. It is probable that federal legislative reform would be required to enable the sharing of mental health information between the AFP's mental health clinicians and state-based mental health providers, so the Attorney-General's Department would need to be consulted on this, as well as the Department of Health.

Concept phase

This paper makes no allowance for funding the concept and pilot phases of the introduction of a NFTAC, on the assumption that the resources would be provided by the AFP and any costs absorbed in the existing operating budget. It is suggested that a Superintendent, Sergeant and senior sworn member would be required for this phase, to work cooperatively with the Human Resources, Finance, Counter-Terrorism, Policy, and Protection sections of the AFP. They would also need to liaise with the Attorney-General's Department, ASIO, Department of Health, Department of Education, the Department of the Prime Minister and Cabinet, and the QFTAC.

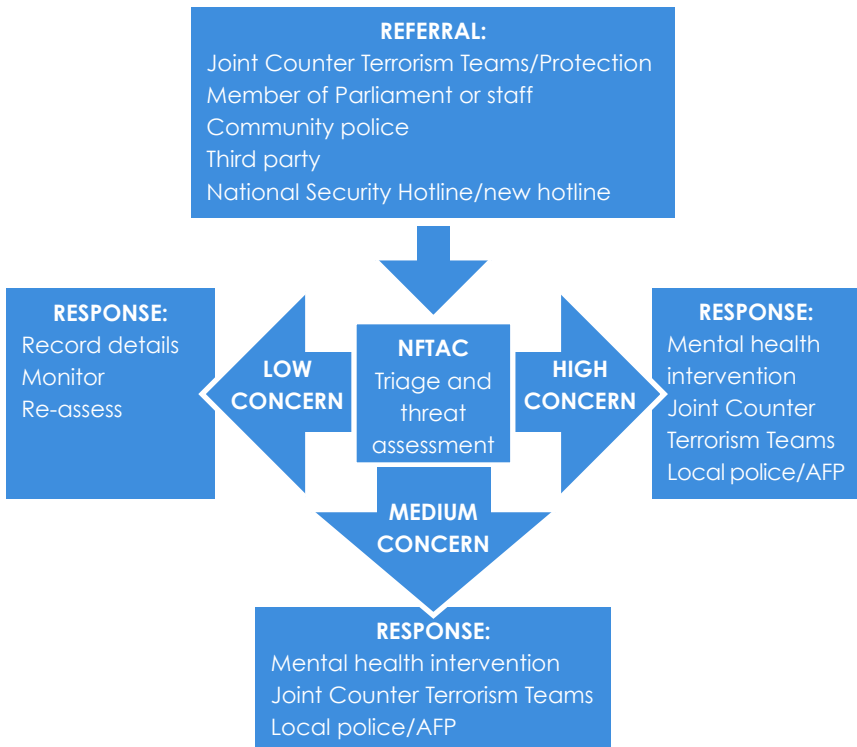
Phase 1

The suggested staffing level for the NFTAC is for the first four years only, which would need to be reviewed during this period. It is expected that the tempo of the unit would be high in the first two years as it assesses current persons of interest, assesses and responds to new referrals, and implements protocols, processes and procedures. Fortunately, the governance arrangements could be expedited through consultation and lessons learned from QFTAC, while the processes and protocols of the Protection Assessment Team and Protection Liaison could be expanded and incorporated as appropriate.

The response mechanisms would need to be discussed with state and territory police, as well as the Joint Counter Terrorism Teams, to ensure they understand that requirements for response are based on the probability these persons would come to their attention, or may have already come to their attention. Referrals would likely be directly from Parliament, AFP, state and territory police (including the Joint Counter Terrorism Teams) and also education establishments, such as schools, universities and colleges.

However, third-party advice is essential in the identification of persons unknown. These could be made from work colleagues, religious leaders, friends and family or persons who see social media notifications. This is the reason that a separate hotline for reporting is required and, preferably, a hotline that is different to the National Security Hotline to encourage early advice and intervention as behaviour changes or radicalisation commences—and, importantly, before an urgent response is required. The referral and response process is depicted at Figure 3.

Figure 3: The referral and response process



Proposed staff

The staffing template for the unit has been considered against current AFP staffing, with the intention that the team would work closely with the Protective Assessment Team and also the Counter-Terrorism portfolio, including the Joint Counter Terrorism Teams and the Counter Violent Extremism Team.

The proposed template is:

- 1 x AFP Superintendent—to sit across the Protective Assessment Team and the NFTAC, and to work closely with Counter Terrorism and Counter Violent Events teams;
- 1 x AFP Sergeant;
- 4 x senior AFP sworn members (Band 4-5) drawn from Protective Liaison and Joint Counter Terrorism Teams;
- 1 x analyst;
- 3 x intelligence officers for additional Internet monitoring and intelligence product preparation/ collection/collation;
- 1 x Band 3 administrative support; and
- 2 x forensic psychologists/psychiatrists and 1 x clinical psychiatric nurse.

Budget

Table 2: Proposed NFTAC budget*

| Financial Year | 2016–17 \$ | 2017–18 \$ | 2018–19 \$ | 2019–20 \$ | Total \$ |
|---------------------------|---------------|---------------|---------------|---------------|-------------|
| Total funded resourcing | 2,684,982 | 2,468,823 | 2,490,235 | 2,514,238 | 10,158,279 |
| Total unfunded resourcing | 29,000 | 30,000 | 31,000 | 32,000 | 122,000 |
| Total Resourcing | 2,713,982 | 2,498,823 | 2,521,235 | 2,546,238 | 10,280,279 |

* These estimates have been prepared utilising advice from AFP Finance.

Phase 2

The cost of a new hotline (Recommendation 1) may be relatively minor and possibly within the resources of the Attorney-General's Department, which could be explored during the first year of operation. An e-referral system by a provider such as SupportLink may be more expensive and, again, would benefit from further consultation and exploration in the first year of operation.

Should either or both of these recommendations be found to be effective and supported, then it is possible a separate budget proposal would be required dependent on the cost of expanding the service. Marketing would need to be conducted with all national security agencies and could possibly be built into current Counter Violent Extremism marketing through the Department of the Prime Minister and Cabinet.

Final proposal

Fixated persons or those that may seek to use violence as a method of revenge or action such as lone wolves could also be a threat to other persons and government agencies as explained in the earlier work. An example was David Lia, who planned and prepared to conduct two bombings in Sydney in March 2013 due to a grievance against a doctor.¹⁰³ Historically, there have been other cases, such as the attacks against the Family Law Courts in the 1980s, which resulted in the deaths of four persons. Leonard Warwick was arrested in August 2015 and it is alleged that he conducted the attacks based on a grievance with the Courts over child custody.¹⁰⁴

The analysis of behaviour and other indicators is essential in discerning the difference between those that make threats against persons or places, and those that pose an actual threat. Often, those that provide commentary on social media sites, write threatening letters or make verbal threats will never act on those threats or escalate from radical violent opinion to radical violent action. It is essential, therefore, that qualified clinicians, experienced in mental health, and behavioural analysis are engaged in an effort to effectively prioritise persons who are at risk of violent action.¹⁰⁵

Recommendation 4:

A National Fixated Threat Assessment Centre be established, hosted by the AFP, to work cooperatively with state and territory police, intelligence agencies and health departments. The Centre would employ mental health clinicians to assist in the threat assessment of individuals and their risk mitigation through community programs, mental health intervention or police action.

This policy proposal purposefully avoids increasing policing resources for physical surveillance teams, covert investigators, criminal investigators, and telephone intercept staff. The intention is that the proposal be lean to reflect the current fiscal environment while, at the same time, providing a specialist unit to assist in prioritising persons for further consideration of investigation, or mitigate the risk through community or mental health intervention.

It would be essential for the policy and legislative reform proposal to be socialised through the national security community, primarily the counter-terrorism committees, and be supported by the Counter-Terrorism Coordinator in consultation with the Senior Executive Counter Terrorism Group and the National Counter Terrorism Centre.¹⁰⁶ During the four-year proposal period, assessment of its effectiveness and the utilisation of existing police and intelligence agency resources should be conducted to consider additional gaps in capability.

The 'Living Safe Together' website provides referral options, such as the National Security Hotline, Lifeline and Kids Lifeline: callers could also use Crime Stoppers.¹⁰⁷ However, concerned persons may not want to refer to a security authority and Lifeline may not identify the gravity of the information they are being provided, so education and marketing needs to ensure that these other referral points understand the function and role of the unit so that they forward such referrals.

As discussed earlier, a separate hotline could be created for use by persons who are concerned and do not want to contact law enforcement agencies directly but seek advice or other pathways such as mental health or community intervention. These persons need to be assessed against behavioural indicators and other background information of personal crises, social isolation or personal/political grievance, regardless of the type of intervention outcome.

Conclusion

The threat in Australia from lone wolves has been demonstrated on three occasions in recent years. The threat is enduring, and the global reach of the Internet is contributing to the ongoing radicalisation of Australian youth. The earlier work by the author argued that this phenomenon is global and is not confined to Islamic terrorism but is affecting socially-isolated, disenfranchised and mentally-unstable young people throughout the world. The earlier work and this paper have tried to explain why this is occurring and that not all persons will follow the radicalisation path from opinion to violence.

The typologies of lone wolves, fixated persons, school attackers and assassins are very similar and provide behavioural indicators that can inform threat assessments.

The cooperation between police and specialist psychological clinicians has been recognised and implemented in the UKFTAC and QFTAC in an effort to mitigate the risk to holders of high office in the protective security environment.

The results have been proven and the risk mitigation has not only prevented attacks but has also provided a mental health pathway for persons in the community who require it. These results and the lessons and governance that have already been created can contribute to a NFTAC which would not only mitigate the risk from fixated persons but also other lone actors that are intent on using violence to further their causes or bring notoriety to themselves.

It has been suggested in this paper that the AFP is the most appropriate agency to accommodate this unit as it has the national responsibility for the protection of Australian holders of high office, and also for terrorism investigations. The AFP also has an international liaison function that provides for police-to-police cooperation and information exchange to ensure that law enforcement agencies are aware of persons of concern travelling overseas. Given that the national and international relationships and frameworks already exist and do not need to be expanded, this policy proposal complements arrangements rather than seeking to alter them. The emphasis is on effectiveness and efficiency and to work within current models and recent counter violent extremism initiatives.

This paper also provides options for referral including the creation of a new hotline for reporting. This would be a small and inexpensive option that may encourage greater reporting from diverse minority groups who are concerned for their family member or friend but are fearful of police intervention. By triaging these referrals, alternate pathways that are appropriate to the behaviours could be recommended, such as community programs, mental health intervention or low-level police contact. It would also provide for cases that would not come to the attention of law enforcement agencies to be brought forward for immediate intervention if required.

Recent reporting has indicated that Australia is experiencing its highest level of counter-terrorism investigations, and it is reasonable to assume that security agency resources are finite. This policy proposal would enable these agencies to focus on the threat from large terrorist groups and seek assistance from a NFTAC for the assessment of individuals that are on the periphery of these investigations. It would also provide for referral from persons who come to attention through protection operations, local policing matters, educators, religious leaders and the broader community. This is important because lone wolves and fixated persons generally communicate their intention—and third parties are privy to their behavioural changes.

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The policy proposal is cost effective and it would provide three significant outcomes, namely:

- A preventative strategy against lone wolf terrorists (all ideologies);
- A preventative strategy against fixated persons, including enhancing the protective security arrangements for Australian holders of high office; and
- Mental health intervention and monitoring for those that require it.

The UKFTAC has reported that two of its future challenges are the use of social media and lone actors. The research conducted by the author concludes that while these are challenges, there is the ability for units like NFTAC to incorporate the threat assessment of persons referred by counter-terrorism teams. This policy paper also addresses these challenges by proposing community-friendly options of e-referral and a new hotline in an effort to identify persons that are on a radicalisation pathway, possibly mentally unwell and in need of intervention. The effectiveness of using Fixated Threat Assessment Centres for the intervention of fixated persons has been proven and, by its extension, may provide a solution to countering lone wolf terrorism.

Notes

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The 'Comprehensive Agreement on the Bangsamoro': Will it provide a peaceful and lasting solution to the insurgency and security challenges in the Southern Philippines?

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Abstract

This paper addresses the question of whether the 'Comprehensive Agreement on the Bangsamoro' will provide a peaceful and lasting solution to the insurgency and security situation in the Southern Philippines. It briefly outlines the background to the conflict, and analyses three dynamic factors that have progressed, hindered or derailed the peace process.

The paper argues that the interaction of the political situation in Manila and the fractious nature of the rebel groups make a peaceful solution difficult. Moreover, it contends that should Islamic State establish a presence in the region, it will make it extremely unlikely that an enduring peaceful solution will be found. The paper concludes that this situation is likely to continue to challenge the social, economic and security circumstances in the Southern Philippines, and the Government of the Republic of the Philippines more broadly.

Introduction

In March 2014, the 'Comprehensive Agreement on the Bangsamoro' was signed by representatives of the Government of the Republic of the Philippines and the Moro Islamic National Front (MILF).¹ The agreement marked a significant moment in the long struggle to secure a lasting, just and peaceful solution to the seemingly-intractable insurgency and security problem in the Bangsamoro regions of the Southern Philippines.²

The agreement set out the legislative framework and the steps that the Government and MILF would take in preparation for autonomy in Bangsamoro. It was witnessed by Philippine President Benigno Aquino III, the Organisation of Islamic Council's chief facilitator, the leader of the MILF and the President of Malaysia.

This paper will argue that although the agreement was presided over at the highest levels, it is unlikely to achieve its stated aim of achieving a just and peaceful solution to the security and insurgency problems that have plagued the Southern Philippines for more than 40 years. To make this argument, the paper will first briefly outline the background to the conflict, noting the significant events, personalities, third-party organisations and political agendas that have interacted with the peace process.

It will then analyse three dynamic factors that have progressed, hindered or derailed the peace process. The first of these is the variable political leadership from Manila. The second is the complexity of the Moro rebel groups—some of whom have been in negotiation with the government, while others have shown little interest. The third factor is the potential impact should Islamic State establish a base of operation in the region.

The paper will argue that the interaction of the political situation in Manila and the fractious nature of the rebel groups make a peaceful solution difficult. Moreover, should Islamic State establish a presence in the region, it is likely to act as an accelerant, making it extremely unlikely that an enduring peaceful solution will be found to address the insurgency and security situation in Bangsamoro.

Background to the conflict

The southern region of The Philippines, comprising Mindanao and the Sulu Archipelago, has a long history of defending its homelands from foreign powers and invaders. Mindanao and the Sulu Archipelago peacefully converted to Islam in the 14th and 15th centuries following contact with Arab, Malay and Persian merchants and missionaries.³ The local Moro people successfully repelled Spanish, British, American and Japanese colonisers and invaders from the 16th to the mid 20th centuries.⁴ The Philippines achieved independence in July 1946, and the entire southern region was annexed to the Philippine Republic.

In 1913, the population of Mindanao and the Sulu Archipelago was 98 per cent Muslim. However, the Muslim majority waned rapidly as a result of large-scale resettlement, facilitated by the government in encouraging people from largely Christian regions to settle in resource-rich Mindanao, the second largest island of The Philippines.⁵ By 1999, the Muslim population was a minority in its ancestral homelands, with those identifying as Muslim making up only 19 per cent of the population. Mindanao and Sulu remain the two poorest regions of The Philippines, with a population of 23 million, an average household income some 40 per cent of the national average, and a jobless rate around 48 per cent.⁶

This history of Moro dispossession from the land, and their disenfranchisement from The Philippines' political and economic systems, led to the creation of the Muslim Independence Movement, founded in 1968 to agitate for a separate Moro state in the Southern Philippines.⁷ The Moro struggle for independence converted into an armed insurgency against the central government following two significant events. The first was the Jabidah massacre in 1967, where a number of Muslim soldiers—who were under training on Corregidor Island—were killed by members of the Philippine Armed Forces.⁸ The second, and arguably more politically-damaging event, involved the killing of 70 Muslims, including women and children, inside a mosque in the province of Cotabato in Mindanao in June 1971, allegedly perpetrated by the Philippine Constabulary.⁹

In September 1972, President Marcos further inflamed the situation by declaring martial law, militarising the situation in the Southern Philippines and generating considerable animosity towards Manila.¹⁰ In 1968, Professor Nur Misuari, an academic and political scientist at the University of The Philippines, assumed leadership of the Moro National Liberation Front (MNLF).¹¹ The MNLF became engaged in an armed insurgency against the government as well as directing international attention to the plight of Muslim people in the Southern Philippines.¹² The newly-formed international Organisation of Islamic

Conference lent its support to the Moro struggle which, together with a threat from Saudi Arabia to restrict the supply of oil to The Philippines, compelled President Marcos to open peace negotiations with the MNLF¹³.

Peace: A slow process and the President's personal mission

The process towards peace in the Southern Philippines has been complicated and frustratingly slow. Over the last 46 years, under the auspices of the Organisation of Islamic Conference, prominent leaders from Libya, Somalia, Senegal, Saudi Arabia, Turkey, Indonesia and Malaysia have at times been involved in the peace process. The numerous agreements brokered between the Moro groups and the government all promised degrees of autonomy and self-determination for Bangsamoro.¹⁴ However, none of these agreements has ever been fully implemented; each became bogged down in internal political debate, constitutional arguments and High Court challenges, and a genuine concern about the economic cost to The Philippines of an autonomous Bangsamoro.¹⁵

The scepticism of Filipino lawmakers has been regularly reinforced by the behaviour of the rebel groups, which have indiscriminately resumed armed insurgency operations against the government. The perception from the provinces is that the government is preoccupied with centralist concerns and has little interest in the outlying provinces. Rather than experiencing the benefits of the recent economic upturn, those in the provinces, particularly in Mindanao, have experienced a firm determination by some central leaders, notably President Joseph Estrada (1998-2001), to crush the insurgency.¹⁶ Over the last 46 years, the conflict has resulted in an estimated 120,000 deaths and the displacement of more than two million Filipinos.¹⁷

President Benigno Aquino III came to office in 2010 on a platform of 'inclusive progress', justice and a peaceful resolution to the Bangsamoro insurgency.¹⁸ Under Aquino's leadership, the Comprehensive Agreement on the Bangsamoro seemed to provide a pivotal moment in this long struggle, signalling the hope of an enduring and peaceful resolution of the conflict, with the first step being the drafting of the 'Bangsamoro Basic Law' in early 2014. It was intended to set out the legal basis of Moro autonomy, including administrative arrangements, power-sharing details, and how revenue would be raised in the newly-formed Bangsamoro region. The proposed law was drafted, and subject to numerous modifications. However, it was never progressed to the Philippine Senate for ratification.

The lack of progress on the Comprehensive Agreement is evidence of the deep concern that many law-makers in the Philippine legislature hold about the efficacy of the negotiated peace agreements. Although elected with a significant majority, Aquino faced a challenging task to gain the necessary political consensus in Manila to progress the Bangsamoro Basic Law through both houses of parliament. The task, however, became even more problematic following the death of 44 Police commandos in January 2015, killed by the MILF and Bangsamoro Islamic Freedom Fighters during an operation to capture two suspected terrorists in the town of Mamasapano in Mindanao.

The death of the commandos outraged ordinary Filipinos, particularly when it was reported that many were killed after they had surrendered.¹⁹ Politicians who were already sceptical about the peace process hardened their opposition to negotiation with what they considered to be a terrorist organisation; as a result, the passage of the Bangsamoro Basic Law stalled.²⁰ In early February 2016, The Philippines' parliament began a three-month recess, meaning the legislation could not pass through parliament before the elections in May 2016.²¹ The MILF's leadership has responded, after initial disappointment, with a renewed willingness to 'stay the course' toward peace. However, some rebel groups are reportedly planning to resume hostilities.²²

If a peaceful solution to the Bangsamoro situation is to be found, then The Philippines' next President will need to make the legislation a priority and shepherd its passage through both houses of parliament. There are five presidential candidates in the June 2016 election. Most commentators agree that Aquino's current deputy, Manuel Roxas, will most likely be his successor. It is understood that Roxas shares Aquino's concern for the Bangsamoro Basic Law and will move swiftly to implement the agreement.²³ However, should a conservative like Robert Duterte, the current major of Davos in Southern Mindanao win the presidential election, commentators have argued that the peace process is unlikely to make any new progress, increasing the risk of violence.²⁴

Complexity of opposition: autonomy verses independence

The complex nature within and between the rebel groups has hindered the development of a unified negotiating position between the rebels and the government. Initially, the Moro people demanded independence from The Philippines, arguing that they were never conquered and, as an Islamic people, had a cultural identity that was distinct from the rest of The Philippines.²⁵ They believed that the US had acted improperly by annexing the Southern Philippines into the newly-formed Republic of the Philippines in 1946.²⁶ In spite of their initial

desire for independence, the Organisation of Islamic Council persuaded some of the MNLF's leadership to accept the concept of autonomy as a legitimate outcome. It is possible that some member countries of the Organisation of Islamic Council may have influenced it to insist on a solution that respected the sovereignty of the Republic of the Philippines.

It is generally regarded, for example, that neither Indonesia nor Malaysia, near neighbours of The Philippines, would be interested in a solution to the Moro situation that involved secession from a multi-ethnic state.²⁷ The decision to compromise on independence and settle for autonomy created conflict within the MNLF's leadership.²⁸ Hashim Salamat, one of the founding fathers of the MNLF, reportedly clashed with Nur Misuari, insisting that independence was the only outcome consistent with the truly Islamic goals of the Moro people.²⁹ This disagreement over ideology and politics led to the establishment of the breakaway MILF in 1977 and set an unfortunate precedent for resolving future disputes between the rebel Moro groups.³⁰

The MNLF and MILF have competed with each other for regional control and influence of the Moro people and, as a result, any progress towards a peaceful solution has rarely translated into tangible benefits for ordinary Moro people. The creation of the Autonomous Region of Muslim Mindanao was an example of the kind of progress promised by the MNLF. The autonomous region was meant to usher in a new era of economic prosperity and development and, initially, it brought a significant boost in popularity for the MNLF.³¹

However, the concept did not produce the promised economic growth and development that was hoped for by ordinary Moro people.³² Rather, a small number of Muslim families prospered, which included the family of Nur Misuari, the first governor of the autonomous region.³³ In time, popular Moro support shifted from the MNLF to the MILF. The MILF also changed its position on autonomy and, because it was the largest and most influential rebel group in the Southern Philippines, the government began to bypass the MNLF and negotiate directly with the MILF.

The rebel groups have not only worked to destabilise each other's positions but factions or undisciplined members have directly undermined the peace efforts of their own groups. At a Senate hearing on the Bangsamoro Basic Law, two key leaders of the MNLF addressed the hearing with contradictory positions. One hoped that it would be rejected in the Congress or the Senate, while the other was hopeful that it would pass both houses.³⁴ Nur Misuari was not at the hearing as he was the subject of an arrest warrant, following a violent uprising against Christian settlers in Zamboanga. Yet Misuari has made his position clear

by denouncing the Bangsamoro Basic Law and returning to the earlier struggle for independence.³⁵

The MILF, with whom the government has been primarily negotiating over the past decade, has been deeply implicated in the Mamasapano massacre. The MILF's leadership is firmly resisting the current Government's request for access to those MILF fighters suspected of perpetrating the deaths of the Police commandos.³⁶ Additionally, there are other groups whose formation is based on differing expectations about what the peace process should achieve, contrasting religious emphases and internal power politics.³⁷ These include the Bangsamoro Islamic Freedom Fighters, *Grupong Abu Sayyaf*, *Jamia Islamia* and the Bangsamoro National Liberation Army, a local Sunni Islamic separatist group which has no interest in negotiating with the current Government and does not feel in any way obliged to participate in the proposed Bangsamoro Basic Law.³⁸

There is also a significant communist insurgency in The Philippines. Successive governments have had some success in curtailing the activities of the communist groups; however, they remain a serious threat to national security.³⁹ Accordingly, an agreement with only one of the Moro groups will do little to temper the hostilities from other rebel groups.

Islamic State: a new player?

Islamic State is expected to announce the formation of a satellite of its caliphate in either Indonesia or The Philippines in 2016.⁴⁰ If Islamic State was to commence operations in Sulu, it would add a new layer of complexity to the search for a peaceful resolution to the insurgency situation in the Southern Philippines. Islamic State has officially recognised the pledge of allegiance from Isnilon Hapilon, the leader of *Grupong Abu Sayyaf* in Basilan, the largest island in the Sulu Archipelago.⁴¹ The leaders of two smaller Southern Philippines extremist groups also pledged their allegiance to Abu Bakr al Baghdadi (the leader of Islamic State) and Islamic State itself. An official *wilayat* (or province) is yet to be established in the region.⁴² If Islamic State was to do so, it would present not only a serious security concern for The Philippines but also the broader Southeast Asia region.⁴³

The Sulu Archipelago has proven to be a difficult and challenging environment to conduct policing or military operations. *Grupong Abu Sayyaf* and other groups have local knowledge of the terrain and waterways around the Archipelago making them difficult to target or contain. It is also likely that Islamic State may use this location to set up training camps, which may lure not only

Southeast Asians but other motivated individuals from Australia and China.⁴⁴ This would then have direct implications for Australia's national security.

The initial response of successive governments has not been promising because, rather than taking this threat seriously, they have tended to write these groups off as jihadi 'wannabes'.⁴⁵ However, *Grupong Abu Sayyaf* and the other groups that have pledged allegiance to Islamic State are firmly focused on achieving an Islamic state in the region and have no interest in autonomy on anyone else's terms or power-sharing arrangements with the government.

Conclusion

The slow pace of the peace process in the Southern Philippines has exacerbated the situation for the Moro people and has led to cycles of violent insurgency. The MNLF, MILF and other rebel groups have at times held divergent and often contradictory views of what a peaceful and just solution to the Bangsamoro situation would be.

This confusion has existed both among the main groups as well as within the same organisations. While ostensibly pursuing peace, it has also been frustrating that elements within the negotiating parties have acted to scuttle the process by their militant activities. There is also little doubt that the government has, at times, used this confusion and disunity to its advantage.

Moreover, the threat potentially posed by Islamic State, should it choose to pivot into the region, is likely to have a significant and deleterious effect on the entire peace process. A number of commentators have expressed cautious hope of a satisfactory resolution. However, unchecked insurgencies will continue to prevent a just and lasting peaceful solution to Muslim Mindanao security and the insurgency problem.⁴⁶

Ongoing strife and violence are also likely to continue, especially from groups that have aligned themselves with Islamic State. This unstable situation is liable to challenge further the social, economic and security circumstances for the Moro and settler communities in Mindanao and the Sulu Archipelago, and the Government of the Republic of the Philippines more broadly.

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Instability in Pakistan: Can Australia contribute to countering the causes of instability?

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Abstract

This paper examines instability in Pakistan, and addresses the questions of whether and how Australia should contribute to counter its causes. It argues that Pakistan is of long-term importance to Australia's interests in South Asia, and that Australia can do more to build a stronger relationship with Pakistan, which would serve the national interests of both countries.

The paper proposes that the relationship could be enhanced through niche security sector contributions that would assist Islamabad in addressing internal sources of instability. It recommends two specific initiatives, namely a domestic security counter-terrorism policy and an enhanced policing policy, concluding that these initiatives would enhance the capacity of Pakistani security forces and support Australia's national interests for security and stability in South Asia.

Introduction

Pakistan will remain an important partner to Australia in the region, regardless of the transition in Afghanistan.

Air Marshal Mark Binskin,
then Vice Chief of the Australian Defence Force, August 2013¹

Australia has increased its engagement in South Asia since committing military forces to Afghanistan following the September 11 attacks in the US.² The focus of Australia's strategic narrative has tended to centre on Afghanistan, with any reference to Pakistan inextricably linked to countering the insurgency in Afghanistan. However, Pakistan is of long-term importance to Australia's interests in South Asia, and Australia must therefore have a separate policy for Pakistan.

The Australia-Pakistan relationship has been longstanding, with Canberra being one of the first to establish diplomatic relations with Islamabad in 1947.³ The relationship spans political, security, developmental, economic and trade relations. The two countries have had a formal bilateral trade agreement in place since 1990.⁴ Their security relationship dates back to the Cold War period and deepened this century as a result of Australia's military commitment to the international forces in Afghanistan.⁵ Since 2008, successive Australian governments have intensified their relations with Pakistan, with particular emphasis on economic reform, development, democratic governance, and security cooperation focused on defence and law enforcement.⁶

However, Australia can do more to build a stronger relationship with Pakistan, which would serve the national interests of both countries. In particular, this paper proposes that Australia's relationship with Pakistan could be enhanced through niche security sector contributions that would assist Islamabad in addressing internal sources of instability.

The paper substantiates this proposition by first summarising Australia's national interest in Pakistan and defining the threats to Pakistan's stability. It then recommends two specific initiatives, namely a domestic security counter-terrorism policy and an enhanced policing policy, to assist Pakistan in countering the causes of instability.

Why Pakistan matters

The Australian Government has publicly asserted that the stability and security of Pakistan is important to Australia's national interest, saying that 'Australia is committed to supporting Pakistan as a partner in its efforts to address security threats, build economic prosperity and enhance development'.⁷ This

commitment from Canberra is founded on the premise that stability in Pakistan matters because of its influence on Australia's regional and broader interests.⁸ Commentators have similarly argued that the geopolitical situation of Pakistan is significant to Australia's interests in the Indo-Pacific region and is important to the international community's interests in South Asia.⁹

Kate Boswood *et al* assess that Pakistan is geopolitically significant due to four key attributes.¹⁰ First, it is located at the crossroads of South Asia, Central Asia and the Middle East, and is adjacent to the global energy supply artery in the Indian Ocean. Second, it has a large population base of over 170 million people, with a coming 'youth bulge' in the future. Third, Pakistan is nuclear-armed. Fourth, it has a history of using destabilising methods to pursue its national security interests, such as militancy and terrorism. Based on these attributes, any critical destabilisation or failure of the Pakistan state has the potential to negatively impact the stability of South Asia and, indeed, the global order.

Australia's national interest in Pakistan is also linked to the continued existence of major terrorist organisations and training camps based in Pakistan's periphery.¹¹ The Federal Administered Tribal Areas of Pakistan are regarded as the 'global hub for *al Qaeda* leadership'.¹² They also harbour other terrorist groups, such as *Laskar-e-Tayyiba* and *Tehreek-e-Taliban Pakistan*, which have been responsible for planning and conducting attacks in Western nations.¹³

As noted by Claude Rakisits, the 'pivotal role' of Pakistan to neutralise these threats is seen as geopolitically important to the rest of the world (or at least to Western-aligned states).¹⁴ The importance of this role has been recognised by the Australian Government, with Air Marshal Mark Binskin, then Vice Chief of the Defence Force, noting in a speech to the Pakistan Command and Staff College in 2013 that 'the success of Pakistan's efforts to counter militant insurgency is critical to regional and global security'.¹⁵

Pakistan also matters because its location and historical influence make it a 'critical player' in the efforts to stabilise Afghanistan.¹⁶ With Australia's continued commitment of military forces and aid to Afghanistan, both during and after the transition of the NATO International Security Assistance Force mission, the security and stability of Afghanistan remains significant to Australia's national interest.¹⁷ Of particular concern to Australia is the existence of terrorists groups in Pakistan that serve to undermine the security and stability of Afghanistan.

It is widely contended that the Afghan Taliban and Haqqani Network have safe havens on the Pakistan-Afghanistan border, and receive covert support from some elements within Pakistan's Inter-Services Intelligence Directorate.¹⁸ According to Thomas Barfield, 'if Pakistan ever reversed its policy of support, as it did to Mullah Omar in 2001, the insurgency in Afghanistan would be

dealt a fatal blow'.¹⁹ In recognition of the risk these safe havens have on Afghanistan, then Prime Minister of Australia Julia Gillard asserted in October 2010 that 'stability in Pakistan, and the uprooting of extremist networks that have established themselves in the border regions and terrorise both countries, is essential to stability in Afghanistan'.²⁰

The final characteristic which highlights why Pakistan matters is its troubled relationship with nuclear-armed India. Mohan Malik assesses that this is due to Pakistan's perception that 'India's size, power and ambitions are seen as an existential threat' to its survival as an independent state.²¹ This is based on a history of conflict between the two nations since they divided in 1947, including the 1971 India-Pakistan War, where—as a result of India's military action—Pakistan saw the dismemberment of East Pakistan to become Bangladesh.²²

This threat perception is further reinforced by India's interests in Afghanistan via the Indo-Afghan Strategic Partnership, which is assessed by Islamabad as an attempt to strategically encircle Pakistan.²³ Stable Pakistan/India relations are in Australia's national interest, as it benefits from an economically-prosperous India. Two-way trade between the two nations was worth approximately A\$16 billion in 2014 and is forecast to grow significantly.²⁴ Pakistan, therefore, matters greatly to Australia's economic dividend from trade with South Asia.

Threats to Pakistan's security

In setting the context for how Australia can utilise bilateral defence and policing initiatives to develop its relations with Islamabad, it is important to understand that Pakistan is facing what some have called a 'perfect storm' of crises, based on an increasing internal terrorist threat and continuing economic stagnation.²⁵ In the decade following September 11, it is estimated that the militancy in Pakistan has been responsible for the deaths of over 5000 security personnel and more than 46,000 civilians.²⁶ The economic price of this militancy has likely cost Pakistan more than US\$67 billion.²⁷

According to William Maley, 'Pakistan is a country under threat, from a "witches' brew" of terrorism and extremism'.²⁸ Pakistan is seeing a rise in the 'Talibanisation' of its society, which is threatening the influence of its government.²⁹ While this is largely restricted to Pakistan's periphery, in particular the Federal Administered Tribal Areas, the North West Frontier Province and Baluchistan,³⁰ Malik contends that this rising militancy has become an increased threat to the survival of Pakistan—and greater than that posed by the conventional threat from India.³¹

Pakistan's response to the increasing extremist threat has been haphazard, in part because of weak counterinsurgency capabilities within Pakistan's security

forces and the lack of a comprehensive government strategy to defeat militant organisations.³² Rakisits contends that Islamabad's response to this threat requires the Pakistan Army to 'hunt down the Afghan Taliban, *al-Qaeda* and their Pakistani allies and permanently shut down their network', while at the same time 'extend[ing] the rule of law and promot[ing] sustainable economic development' in Pakistan's periphery.³³

One recent study has concluded that increased threats of terrorism in Pakistan are the result of high inequity in Pakistani society and poor policing and judicial practice.³⁴ Further, the poor governance, lack of political integration and the low socio-economic development of the periphery regions of Pakistan, particularly in the Federal Administered Tribal Areas, has set the conditions for the growth of terrorist organisations in these regions.³⁵

As a result, these areas are central to the instability of Pakistan.³⁶ The ingredients for increasing threats from terrorism are amplified through poor policing and the use of informal law and justice systems, which are susceptible to corruption and bias.³⁷ Accordingly, it is in these areas where Australia has an opportunity to assist Pakistan, and benefit as a result.

Policy opportunities

Australia lacks the influence to address the macro issues in Pakistan and thus should focus on niche opportunities to influence Australia's strategic interests.³⁸ The Australian Government is well positioned to enhance its relationship with Pakistan, as it has very little 'political baggage or perceived agenda' in comparison to other Western nations.³⁹ Australia has excellent access to the Pakistani Government, where a functioning bureaucracy and military architecture exists.⁴⁰ These niche opportunities should be concentrated on problems of instability emanating from Pakistan's geographic peripheries.

Initiative 1.1

Provide an interagency counterinsurgency training team to train Pakistani security leaders in Pakistan.

The first recommended initiative is that an Australian interagency counterinsurgency training team should be established to educate mid-level leaders in the Pakistani security agencies, aimed specifically at the Major- to Colonel-level in the Pakistani Armed Forces and police. The aim would be to address the identified weaknesses in the Pakistan Army's counterinsurgency operations, linked to the lack of a comprehensive, whole-of-government strategy.

A review of publicly-available statements indicates that the Australian Government has already offered Pakistan opportunities to conduct counterinsurgency and counter improvised explosive device (IED) training and exchanges in Australia.⁴¹ The current counterinsurgency training concept is concentrated on an exchange between the two nations respective Staff Colleges, which commenced in 2010.⁴² However, this program is constrained by the number of Pakistani personnel able to attend activities in Australia. The current approach, therefore, restricts the potential to improve Pakistan's whole-of-government counterinsurgency capability.

It is proposed instead that the Australian Government should offer an interagency counterinsurgency training team to train Pakistani personnel in Pakistan. The emphasis would be to develop Pakistan's ability to:

- Develop comprehensive, whole-of-government strategies in the unstable periphery regions of Pakistan in order to address the causes of terrorism and extremism;
- Plan and conduct interagency operations; and
- Develop counter IED training packages, with an emphasis on intelligence-led operations to enable the targeting of IED manufacturers and supply chains.⁴³

Sending an Australian team to Pakistan would demonstrate Australia's commitment to Pakistan's security and stability, and would also allow for a higher number of Pakistani security and government personnel to complete the training. Its prerequisites would include an appropriate status-of-forces agreement and a secure site for the training team.

Initiative 1.2

Provide assistance in community policing development in Pakistan's periphery.

The second suggested initiative relates to community policing. A number of commentators have identified that local policing practices in Pakistan's periphery are a critical cause for terrorism and extremism.⁴⁴ Therefore, it is recommended that the Australian Federal Police (AFP) develops a community policing program for local police, with an emphasis on the periphery regions of Pakistan.

The program should aim to achieve the following outcomes:

- Increase governance of the local police and judiciary through making them more accountable to civilian oversight;⁴⁵
- Reduce the endemic levels of police and judicial corruption;
- Improve the professionalism of local police forces and have them focus on providing a sense of community security, in particular focusing on improved training for lower ranks;⁴⁶ and
- Develop the ability to conduct interagency counterinsurgency operations.

This initiative could be conducted as part of Initiative 1.1 or be delivered separately. The key issue for this program would be how to deliver it within the periphery regions of Pakistan, as these areas would likely be unsuitable for the AFP to operate in. Therefore, it is recommended that this program be delivered by a local or international implementing power, in partnership with the AFP.⁴⁷

Conclusion

Because of Pakistan's global geopolitical significance and its influence on regional security, it is in Australia's interest to ensure that Pakistan remains a secure and stable nation. It is evident that Pakistan's security and stability is threatened by the existential threat of terrorism and extremism. To address these threats, Pakistan should be encouraged to develop a whole-of-government approach to counterinsurgency. It is in this area that Australia has an opportunity to support Pakistan and, by doing so, enhance the bilateral relationship and help protect Australia's national interests in South Asia.

Australia's growing economic ties with South Asia are reliant on a stable and secure environment for trade and investment. Furthermore, Australia's objectives in supporting a democratic and stable Afghanistan are directly affected by the Pakistan Government's ability to control malfeasant elements prevalent in its border areas. The two initiatives suggested in this paper seek to enhance the capacity of Pakistani security forces, and would support Australia's national interests for security and stability in South Asia.

Notes

- 1 Mark Binskin, 'Speech to Pakistan Command and Staff College, Quetta'. Address by the Vice Chief of Defence Force, [Australian] *Department of Defence* [website], 16 August 2013, p. 14, available at <<http://www.defence.gov.au/VCDF/docs/speeches/130816%20-%20AIR%20MARSHAL%20MARK%20BINSKIN%20SPEECH%20TO%20PAKISTAN%20COMMAND%20AND%20STAFF%20COLLEGE.pdf>> accessed 2 September 2015.
- 2 This paragraph based on Claude Rakisits, 'Engaging Pakistan', *Lowy Institute* [website], 3 December 2008, p. 3, available at <<http://www.lowyinstitute.org/publications/engaging-pakistan>> accessed 17 October 2015; and Kate Boswood, Jacob Townsend and Silal Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', *Australian Strategic Policy Institute (ASPI)* [website], Strategic Insights No. 55, March 2015, pp. 1-2, available at <<https://www.aspi.org.au/publications/strategic-insights-55-beyond-af-pak-australias-long-term-interests-in-pakistan>> accessed 17 October 2015.
- 3 Binskin, 'Speech to Pakistan Command and Staff College, Quetta', p. 10.
- 4 Australian Department of Foreign Affairs and Trade (DFAT), 'Country brief: Pakistan', DFAT [website], available at <<http://dfat.gov.au/geo/pakistan/pages/pakistan-country-brief.aspx>> accessed 19 August 2015.
- 5 David Brewster, 'The India-Australia security engagement: opportunities and challenges', *Gateway House* [website], Research Paper No. 9, 30 October 2013, p. 41, available at <<http://www.gatewayhouse.in/the-india-australia-security-engagement-opportunities-and-challenges/>> accessed 19 October 2015.
- 6 DFAT, 'Country brief: Pakistan'.
- 7 DFAT, 'Country brief: Pakistan'.
- 8 This position is also supported by statements by Australian ministers. A clear example is when then Foreign Minister Kevin Rudd said in 2013 that '[w]hat happens in Pakistan directly affects the security of the region and Australia's long-term national interests. All countries of our region and beyond will benefit from a Pakistan which is democratic, stable and prosperous': Kevin Rudd, 'Australia and Pakistan: a long-term friendship', [Australian] *Foreign Minister* [website], 28 November 2010, available at <http://foreignminister.gov.au/speeches/Pages/2010/kr_sp_101128.aspx?ministerid=2> accessed 25 August 2015.
- 9 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', pp. 2-7.
- 10 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', pp. 6-7.
- 11 Rakisits, 'Engaging Pakistan', p. 4.
- 12 Moeed Yusuf, 'Pakistan-US relations: an inconvenient partnership of convenience', in Ashutsh Misra and Michael E. Clarke (eds.), *Pakistan's Stability Paradox*, Routledge: London, 2012, p. 10.

- 13 *Laskar-e-Tayyiba* has conducted attacks in the region, predominantly in India, and has had operatives arrested in the US, and *Tehreek-e-Taliban Pakistan* was involved in the 2010 Times Square plot in New York City: Seth Jones, 'After the withdrawal - a way forward in Afghanistan and Pakistan', Testimony before the Committee on Foreign Affairs Subcommittee on Middle East and North Africa and Subcommittee on Asia and the Pacific- United States House of Representatives, *Rand* [website], 19 March 2013, pp. 1-3, available at <<http://www.rand.org/pubs/testimonies/CT382.html>> accessed 16 February 2015.
- 14 Rakisits, 'Engaging Pakistan', p. 4.
- 15 Binskin, 'Speech to Pakistan Command and Staff College, Quetta', p. 14. See also DFAT, 'Country brief: Pakistan'; Julie Bishop, 'The role of women and families in challenging terrorist propaganda', Address by the Australian Foreign Minister to the Regional Summit to Counter Extremism Panel, [Australian] *Foreign Minister* [website], 11 June 2015, available at <http://foreignminister.gov.au/speeches/Pages/2015/jb_sp_150611.aspx?w=tb1CaGpkPX%2FIS0K%2Bg9ZKEg%3D%3D> accessed 2 September 2015; Mateen Haider, 'Australian Defence Chief calls on General Raheel Sharif', *Dawn News* [website], 11 February 2015, available at <<http://www.dawn.com/news/1162925/australian-defence-chief-calls-on-general-raheel-sharif>> accessed 2 September 2015; Angus Houston, 'Opening statement to media roundtable 13 September 2010', Address by Air Chief Marshal Angus Houston, [Australian] *Department of Defence* [website], available at <<http://www.defence.gov.au/media/speechtpl.cfm?CurrentId=10808>> accessed 2 September 2015.
- 16 Rakisits, 'Engaging Pakistan', p. 4.
- 17 Julie Bishop, 'Address to North Atlantic Council', Address by the Australian Foreign Minister, [Australian] *Foreign Minister* [website], 24 April 2015, available at <http://foreignminister.gov.au/speeches/Pages/2015/jb_sp_150424.aspx?w=tb1CaGpkPX%2FIS0K%2Bg9ZKEg%3D%3D> accessed 2 September 2015. This national interest includes 400 ADF personnel committed to the NATO Resolute Support Mission and a financial commitment of US\$300 million to security sector sustainment in Afghanistan.
- 18 Many academics, academic journals and journalists state these facts: see Jones, 'After the withdrawal- a way forward in Afghanistan and Pakistan', pp. 7-9; Rakisits, 'Engaging Pakistan', p. 4; A. Nicoll, 'US and Pakistan: a troubled relationship', *Strategic Comments*, Vol. 18, No. 1, 1 March 2012, abstract available at <<http://www.tandfonline.com/doi/abs/10.1080/13567888.2012.671054>> accessed 19 October 2015; Mohan Malik, *China and India: Great power rivals*, First Forum Press: Boulder, 2012, pp. 176-9; and William Maley, 'Pakistan-Afghanistan relations', in Misra and Clarke, *Pakistan's Stability Paradox*, pp. 128-30.
- 19 Thomas Barfield, *Afghanistan: A cultural and political history*, Princeton University Press: Princeton, 2010, p. 328.
- 20 The statement also noted that Australia's and NATO International Security Assistance Force's 'new strategy ... includes a greater focus on partnership with Pakistan to address violent extremism in the border regions that threatens both Pakistan and Afghanistan: see Julia Gillard, 'No safe haven', Prime Ministerial Statement, House of Representatives, [Australian] *Department of the Prime Minister and Cabinet* [website], 10 October 2010, available at <<http://pmttranscripts.dpmpc.gov.au/release/transcript-17471>> accessed 24 August 2015.
- 21 Malik, *China and India*, p. 172.

- 22 Paul J. Smith, 'The tilting triangle: geopolitics of the China-India-Pakistan relationship', *Comparative Strategy*, Vol. 32, No. 4, 2013, pp. 314-6.
- 23 Smruti Pattanaik, 'India's Afghan policy: beyond bilateralism', *Strategic Analysis*, Vol. 36, No. 4, July-August 2015, p. 576.
- 24 Julie Bishop, 'Tabling and statement in Parliament - Australia-India Civil Nuclear Cooperation Agreement', Address by the Australian Foreign Minister, [Australian Foreign Minister [website], 28 October 2015, available at <http://foreignminister.gov.au/speeches/Pages/2014/jb_sp_141028.aspx?w=tb1CaGpkPX%2FIS0K%2Bg97KEg%3D%3D> accessed 2 September 2015.
- 25 Malik, *China and India*, p. 165.
- 26 Zain Rafique and Muhammad Azfar Anwar, 'Insurgency in Afghanistan: implications for Pakistan's internal and external security', *Defense & Security Analysis*, Vol. 30, No. 3, 12 June 2014, p. 273.
- 27 Safiya Aftab, 'The 2014 ISAF pullout from Afghanistan: impacts on Pakistan', *NOREF [Norwegian Peacebuilding Resource Centre] [website]*, 12 December 2013, p. 2, available at <<http://www.peacebuilding.no/Regions/Asia/Afghanistan/Publications/The-2014-ISAF-pullout-from-Afghanistan-impacts-on-Pakistan>> accessed 19 October 2015.
- 28 Maley, 'Pakistan-Afghanistan relations', p. 132.
- 29 'Talibanisation' is a process of promulgation of an ideology of Islamic purification, and the emergence of organised groups that see implementation of this ideology as a fundamental goal and a consequent limiting of the autonomous capacity of the state, either throughout the country or in particular regions: Maley, 'Pakistan-Afghanistan relations', p. 131.
- 30 Clause Rakisits, 'The evolution of the Pakistani Taliban', in Misra and Clarke, *Pakistan's Stability Paradox*, p. 135.
- 31 Malik, *China and India*, p. 176.
- 32 Christopher L. Budihas, 'What drives Pakistan's interest in Afghanistan?', School of Advanced Military Studies, US Army Command and General Staff College: Fort Leavenworth, April 2011, p. 12.
- 33 Rakisits, 'The evolution of the Pakistani Taliban', p. 150.
- 34 Research conducted at Forman Christian College, Lahore, Pakistan, cited in Shahibb Haider Syed, Luqman Saeed and Roger Martin, 'Causes and incentives for terrorism in Pakistan', *Journal of Applied Security Research*, Vol. 10, No. 2, 9 April 2015, pp. 198-201.
- 35 Rakisits, 'The evolution of the Pakistani Taliban', p. 137.
- 36 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 8.
- 37 This is based on Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', pp. 8-12; and Rakisits, 'The evolution of the Pakistani Taliban', pp. 138-40.
- 38 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 2.
- 39 Rakisits, 'Engaging Pakistan', p. 6.

- 40 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 2.
- 41 Binskin, 'Speech to Pakistan Command and Staff College, Quetta', pp. 10-14; DFAT, 'Country brief: Pakistan'; Department of Defence, 'Chief of the Defence Force visits Pakistan', 13 February 2015, [Australian] *Department of Defence* [website], available at <<http://news.defence.gov.au/2015/02/13/chief-of-the-defence-force-visits-pakistan/>> accessed 2 September 2015; and Sam Bateman, Anthony Bergin and Hayley Channer, 'Terms of engagement - Australia's regional defence diplomacy', *ASPI* [website], July 2013, pp. 61-2, available at <<https://www.aspi.org.au/publications/terms-of-engagement-australias-regional-defence-diplomacy>> accessed 19 October 2015.
- 42 Bateman, Bergin and Channer, 'Terms of engagement - Australia's regional defence diplomacy', p. 61
- 43 Note that the counter IED training concept announced by Air Chief Marshal Binskin on his visit to Pakistan stated that the two nations would explore options to cooperate on counter IED training, exercises and exchanges, however, there are no further details available at this time: Department of Defence, 'Chief of the Defence Force visits Pakistan'.
- 44 Syed, Saeed and Martin, 'Causes and incentives for terrorism in Pakistan', pp. 200-1.
- 45 Syed, Saeed and Martin recommend that the local police should become more accountable to the already established 'Public Safety Commission': Syed, Saeed and Martin, 'Causes and incentives for terrorism in Pakistan'.
- 46 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 11.
- 47 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 12.

China's Assertiveness in the South China Sea: How will it affect Australia's national interests over the next ten years?

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Abstract

This paper addresses the question of whether China's assertiveness in the South China Sea is likely to affect Australia's national interests over the next ten years. It notes that China has been demonstrating increasingly-assertive behaviour in the South China Sea, which has the potential to affect Australia's national interests through the pressure being placed on the framework of the rules-based global order, with particular implications for freedom of navigation within and through the South China Sea.

The paper argues that Australia will need to tread carefully in showing its resolve, not least in balancing the relative merits of strategic monogamy with the US against the increasing importance of its Asian economic relationships, notably with China. The paper concludes that Canberra's approach should not be a binary choice but a careful balancing of Australia's interests, which would also provide an opportunity for Australia to emerge as an influential player in contributing to the security and stability of the region.

Introduction

We need to match aspiration to capacity. We need to understand the way in which history has shaped current challenges. We need to understand strategic geography, as well as the character and temperament of our international partners.

Peter Varghese, Secretary of the Department of Foreign Affairs and Trade,
August 2015¹

The South China Sea is of significant geostrategic importance, and has been the focus of seemingly-intractable territorial disputes for decades. This semi-enclosed maritime area, comprising some 3.5 million square kilometres, is bordered by the coastal states of China, Taiwan, The Philippines, Vietnam, Malaysia, Brunei and Indonesia. It is home to a number of island groups, including the Spratly Islands, most of which are the subject of competing territorial claims.² The disputes have increased in intensity in the last decade, largely as a result of China's increased assertion to its claims.

The South China Sea contains strategically-important sea lanes, which facilitate the essential trade that feeds the burgeoning economies of the region. Described by Robert Kaplan as 'the throat of the Western Pacific and Indian Oceans', the waterways of the South China Sea are vital to Australia's interests, carrying the majority of its trade to major economic markets in China, Japan and the Republic of Korea.³ The region also has abundant fish stocks, as well as what is believed to be significant oil and gas reserves.⁴ However, it arguably is the volume of oil and natural gas imports which transit the sea lanes of the South China Sea that is more important than the resources beneath.⁵

Since 2013, China has demonstrated increasingly-assertive behaviour in the South China Sea as a means to protect its sovereignty and safeguard the attendant maritime rights and interests, underscored by a strong nationalist fervour.⁶ This has the potential to affect Australia's national interests through the pressure being placed on the framework of the rules-based global order, increasing regional tension and the likelihood of miscalculation, and with implications for freedom of navigation within and through the South China Sea.⁷

This paper will analyse the extent to which China's assertiveness has the potential to affect Australia's national interests over the next ten years. It will argue that this is a test, as much as an opportunity, for Canberra to articulate strategic policy that improves Australia's standing in the region. The paper will contend that China's assertiveness is foremost about sovereignty, and that an equitable solution to the territorial disputes—at least for the foreseeable future—will accordingly remain elusive.

The paper will argue that while Australia has legitimate national interests in the South China Sea, it will need to tread carefully in showing its resolve, not least in balancing the relative merits of strategic monogamy with the US against the increasing importance of its Asian economic relationships. It will postulate that clear strategy and policy will be essential, acknowledging the dilemma that acting in Australia's interests has the very real potential to negatively affect them. The paper will conclude by arguing that Canberra's approach should not be a binary choice but a careful balancing of Australia's interests, which would also provide an opportunity for Australia to emerge as an influential player in contributing to the security and stability of the region.

China's assertiveness

China's claims to sovereignty over the islands and features in the South China Sea are based on its contention of historical rights which pre-date the UN Convention on the Law of the Sea (UNCLOS).⁸ China argues that the map of the so-called 'nine-dash' or 'U-shaped' line, which is the basis of its historical claim of sovereignty, has been in existence since before the People's Republic of China was established in 1949.⁹ China accordingly asserts that it has 'indisputable sovereignty over the islands in the South China Sea and the adjacent waters ... supported by abundant historical and legal evidence'.¹⁰

Since 2013, China has undertaken unprecedented land reclamation activity in the South China Sea, resulting in the construction of a number of artificial islands, some of which host airfields, harbours and military infrastructure.¹¹ During this period, the sovereignty disputes have been widely publicised, resulting in markedly-increased nationalist sentiment in several of the claimant nations, including anti-Chinese demonstrations in Vietnam and The Philippines.¹² In China, nationalist sentiment has been the centrepiece of public opinion of the dispute, seemingly encouraged by actions such as the inclusion of the U-shaped line on newly-issued passports.¹³

China's actions in the South China Sea, over a prolonged period, have been described as 'salami slicing', where a gradual accumulation of evidence of customary presence purportedly enhances China's claims to sovereignty in terms of international law, and works towards eventual settlement in its favour.¹⁴ Michael Wesley contends that China has a 'telocratic' approach, which is a trait common to the broader Asian region, where countries exhibit little interest in forging collective institutions to support liberal rules, and advocate not to interfere with the affairs of other states.¹⁵ Such an approach reinforces the primacy of national interests and the state's obligation to maintain stability and security without reliance on collective institutions.

China's attitude towards UNCLOS is illustrative. While China is a signatory to UNCLOS, it is unlikely that it will adhere to the conventions unless it provides an advantage. This is unsurprising when viewed through a telocratic lens, in that the motivation for China's signatory status is more likely a result of advantage gained from the importance given to islands under the development of UNCLOS since the 1970s.¹⁶ This may explain the increase in tension over the decades since, related to territorial sovereignty over the islands in the South China Sea.

The sea lines of communication in the South China Sea are vital for China's economic prosperity and energy security, with 80 per cent of China's crude oil imports passing through the South China Sea.¹⁷ When nationalist idealism over sovereignty and China's fear of encirclement are added, the prospect of a negotiated settlement seems remote.¹⁸ UNCLOS asserts that parties have an obligation to settle disputes by peaceful means.¹⁹ However, UNCLOS contains no such mechanism. And while the Permanent Court of Arbitration has jurisdiction for dispute resolution, its findings require acceptance of its authority by the concerned parties, which China has failed to concede in the Court's current hearing of an appeal lodged by The Philippines. This creates an uncertain regional environment, exacerbated by the build-up of naval forces and the increased risk of miscalculation, with important implications for Australia's national interests.

Australia's national interests

Security and prosperity are the foundation of Australia's national interests, based on a stable Indo-Pacific region, facilitated by a rules-based global order.²⁰ Within that region—and indeed globally—Australia is uniquely situated, with the geographic advantage of relative isolation in the Southern Hemisphere, and the economic advantages associated with geographic proximity to Asia, which affords great opportunity for inclusive relations within the world's fastest growing economic region.

Australia is a heavily trade-dependent nation, and its economic security relies on the sea lines of communication that connect it with its trading partners. Nearly two-thirds of Australia's exports pass through the South China Sea, primarily to its three largest export markets in China, Japan and the Republic of Korea.²¹ Trade with ASEAN countries, some of which also transits the South China Sea, was worth over A\$100 billion in 2014.²²

Notwithstanding this economic dependency on the markets of Asia, Australia's cultural and historical ties see its deepest and most enduring links with key Western nations, best represented by the strength of its enduring security

alliance with the US. Viewed optimistically, this geopolitical dilemma should offer opportunities for increased influence in the Asian region, with Australia potentially a bridge between East and West.²³

Deepening Australia's relationship with the US through the crucible of its strategic alliance is also a core national interest. The ANZUS treaty with the US underpins Australia's security and is vital to security and stability in the Indo-Pacific region.²⁴ It also provides disproportionate influence and access to the US, which affords an opportunity to shape US activities in ways advantageous to Australia's national interests.²⁵ The same should also apply to Australia's growing strategic relationship with Tokyo.²⁶

Australia's national interests are, therefore, particularly enmeshed in the complexities of the South China Sea. Australia has close ties with China, particularly from an economic perspective, but also growing cooperation in defence and security issues.²⁷ It also has longstanding economic and security ties with the US and Japan. Adding to the complexity is the deep-seated enmity between Japan and China, and the historical tensions between Japan and South Korea, as well as some residual ill-feeling towards Japan from some Southeast Asian countries as a result of its actions in World War 2.²⁸ This puts Australia in a challenging position in terms of acting in its national interest, as some actions have the potential to adversely impact bilateral relations with one or more of its key partners.²⁹

Australia's policy and approach

With the rise of China and growing concerns regarding China's adventurism in the South China Sea, there has been some debate in Australia that it may soon have to choose between China and the US.³⁰ But that may not necessarily be the case. Australia obviously must act in accordance with its national interests, which—at present anyway—involve maintaining the economic partnership with China for prosperity and the strategic alliance with the US to underpin Australia's security.

In fact, the argument of needing to make a choice would seem to presuppose that—against the backdrop of Chinese assertiveness in the South China Sea—increasing Australia's economic relationship with China at the same time as deepening its security relationship with the US, and countries like Japan, would be mutually incompatible. Yet that is exactly Australia's current trajectory—and it seems to be working for now.

The challenge is how to continue to balance these arrangements. Criticism of Australia's approach has included the notion that foreign policy has been indecisive, aimed at a hedging strategy to avoid offending any key partners.³¹

If considered through the rubric of Australia's national interests, then it is the strength of these relationships, and firm, unambiguous messaging, which will allow the relationships to wax and wane in those instances where national interests diverge.

An example of such resolve occurred in 2013 when Australia's Foreign Minister Julie Bishop spoke out against China's unilateral declaration of an air defence identification zone in the East China Sea, saying that 'the timing and the manner of China's announcement are unhelpful in light of current regional tensions, and will not contribute to regional stability'.³² In support of Foreign Minister Bishop's stance, John Garnaut asserted that 'China does not respect weakness... [w]hen something affects our national interest then we should make it very clear about where we stand'.³³

During the later visit to Australia of Japan's Prime Minister, Foreign Minister Bishop asserted that those who said that Australia had to choose between its security alliances and economic engagement with China had been proven 'absolutely wrong', noting that 'there had been no economic fallout from that exchange'.³⁴ However, notwithstanding the lack of economic consequence from that particular exchange, China has the potential to exert significant economic leverage over Australia, and it follows that any future miscalculation in foreign policy regarding the dispute in the South China Sea may not be cost free.³⁵

Despite the closeness of Australia's security partnership with the US, there have also been occasions when Australian and US national interests have been at odds. The considerable criticism from the US of then Foreign Minister Alexander Downer's comments in 2004 regarding Taiwan is such an example, where he indicated that in the event of a conflict with China, the ANZUS treaty would not necessarily apply.³⁶

Although the comments generated apparent US outrage, there were no deleterious consequences to the alliance relationship. More recent sentiment that Australia's security alliance should not necessarily be exclusive came from former Foreign Minister Gareth Evans in November 2015 who, while supportive of the alliance, opined that Australia should demonstrate a more independent approach in the region, particularly as it related to the US rebalance to the Asia-Pacific.³⁷

While Australia has continued to work towards strengthening the alliance to support the US pivot strategy, including agreeing to the rotation of up to 2500 US marines through Darwin for training and exercises, there nevertheless needs to be careful consideration of how assertive Australia's actions should be in showing resolve towards Chinese actions in the South China Sea.³⁸ The US has recently increased its presence in the region, including undertaking so-called

freedom of navigation operations in disputed areas, with pressure increasing for Australia to take a similar stance.³⁹ In October 2015 and January 2016, the US deliberately conducted separate freedom of navigation operations in the South China Sea, involving US Navy ships passing within 12 nautical miles of features claimed by China, Vietnam and Taiwan.⁴⁰

Unlike the US, Australia does not have a formal freedom of navigation program but exercises its rights to freedom of navigation and overflight in routine operations.⁴¹ Representations that Australia should show more resolve toward this issue and similarly conduct freedom of navigation operations in the South China Sea tend to oversimplify a complex issue, involving sovereignty claims by multiple disputants, and the quite separate issues of the classification of offshore features and legal application of maritime zones under UNCLOS.

Moreover, this impatience to be seen to be doing something tangible in response to Chinese assertiveness tends to obscure the reality that Australia has a great deal at stake and needs to carefully consider the best course of action according to its national interests, rather than falling into the trap of political syllogism.⁴² The risk of employing the logic of 'being seen to do something' in the form of formal freedom of navigation operations is that it is unlikely to achieve anything more than antagonising an already-sensitive China over territorial disputes it regards as sovereign territory.⁴³

Such a demonstration would be a step-change in Australia's customary approach to exercising freedom of navigation, and risks unnecessarily damaging Australia's relationship with China. It risks reinforcing China's fears of encirclement, as well as further increasing tensions in the region and setting back options for stabilisation and resolution; it could also have a detrimental effect on Australia's reputation and influence in the broader Asian region, compounding the perception of Australia as the 'deputy sheriff' of the US.⁴⁴

Further, the absence of policy on the status of features in the South China Sea makes it problematic to apply international law (or the provisions of UNCLOS) in conducting such operations.⁴⁵ It would also seem prudent to await the outcome of the current hearing before the Permanent Court of Arbitration of The Philippines' case against China to determine what, if any, rulings are relevant to future activities in the region.⁴⁶ Finally, it might be instructive to reflect on James Cable's seminal work, *Gunboat Diplomacy*, where he noted that 'something done by one government does not have the same results as the identical deed of another'.⁴⁷

Conclusion

The seeming intractability of disputes in the South China Sea is due to a myriad of complex factors that make the resolution of sovereignty issues unlikely in the foreseeable future. It is far more likely that tensions will continue, with the focus of regional security and stability a question of management rather than resolution.

It has been argued in this paper that the desire to consider a binary choice as to what Australia should do in advancing its national interests in the South China Sea should be resisted in favour of balancing the complexity of Australia's interdependent security and economic relationships in meeting its strategic goals. The choices made by Canberra will need to ensure that Australia's position on the dispute and any pursuant actions do not result in unintended costs to Australia's important economic relationship with China, or compromise Australia's commitment to the US alliance.

The implications of strategic decisions such as joining the US in more coercive naval diplomacy need to be considered carefully. Exercising caution now, however, does not preclude Australia from exercising more decisive action, including the use of naval power, if it is in the national interest to do so. The Australian Government's decision, therefore, is not whether it is a choice of strategic monogamy with the US at the expense of Australia's key relationship with China—or whether to be a 'hawk' or a 'dove' in being seen to 'do something' to protect Australia's national interests in the South China Sea—but a matter of ensuring some political and diplomatic room to manoeuvre to pursue Australia's best interests.

For now, Australia can have it both ways. But it will need to espouse clearly Australia's national interests and be prepared to act to protect them, which includes courage and consistency in strategic decision making when its national interests diverge from those of its major partners. This means there may be times when exclusivity of Australia's strategic relationships may not be absolute.

Strong regional and bilateral relationships, underpinned by support for the multilateral institutions that promote the rules-based global order, will support these more difficult decisions and assist in making the outcomes more predictable. It is in Australia's national interests to leverage its unique relationships with the US and China to advantage, and to take a proactive leadership role in the Asian region—and use this influence to meet its goals of protecting Australia's interests through contributing to the maintenance of order and stability in the Indo-Pacific region.

Notes

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- 3 Robert Kaplan, *Asia's Cauldron: The South China Sea and the end of a stable Pacific*, Random House: New York, 2014, p. 9.
- 4 Jian Zhang, 'China's South China Sea policy: evolution, claims and challenges', in Buszynski and Roberts, *The South China Sea Maritime Dispute*, pp. 62-3. The existence of significant amounts of oil and gas reserves is disputed: see Schofield, 'Adrift on complex waters', p. 26; and Andrew Billo, 'Conclusion: harmony from disunity - core issues and opportunities in the South China Sea', in Jing Huang and Andrew Billo (eds.), *Territorial Disputes in the South China Sea: Navigating rough waters*, Palgrave Macmillan: London, 2015, p. 191.
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- 6 Zhang, 'China's South China Sea policy', p. 73.
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- 13 Buszynski, 'The origins and development of the South China Sea maritime dispute', p. 14.
- 14 O'Rourke, 'Maritime territorial and exclusive economic zone (EEZ) disputes involving China', p. 16.
- 15 Michael Wesley, 'The new bipolarity', *The American Interest*, Vol. 8, No. 3, 12 December 2012, available at <<http://www.the-american-interest.com/2012/12/12/the-new-bipolarity/>> accessed 3 March 2016.

- 16 This includes rights of sovereign nations to claim territorial seas and exclusive economic zones, which provided considerable sovereignty and economic advantage to maritime states: see Anh, 'Origin of the South China Sea dispute', p. 21.
- 17 The US Energy Information Administration estimated that 4.5 million barrels of crude oil alone passed through the South China sea trade routes to China each day in 2011: see Anh, 'Origin of the South China Sea dispute', p. 26.
- 18 Anthony Fenson, 'Analyst: China's encirclement could spark war', *The Diplomat* [website], 9 October 2014, available at <<http://thediplomat.com/2014/10/analyst-chinas-encirclement-could-spark-war/>> accessed 25 February 2016.
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- 24 Department of Defence, *2016 Defence White Paper*, pp. 121-3.
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- 35 Bisley and Taylor, *Conflict in the East China Sea*, p. 57.
- 36 This refers to a doorstep interview with then Foreign Minister Alexander Downer in Beijing during a visit in 2004: see Bisley and Taylor, *Conflict in the East China Sea*, p. 16.
- 37 Gareth Evans, 'Navigating Australia's relations with China and the United States', speech to 'China Matters, 2nd National Meeting', Melbourne, 19 November 2015, available at <<http://www.gevans.org/speeches/speech589.html>> accessed 2 March 2016.
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Biographical details



Senior Chaplain Collin Acton

Royal Australian Navy

Senior Chaplain Collin Acton joined the RAN in 1979 as an apprentice. In January 1988, he left the Navy to work part-time while undertaking a year of discernment at St Paul's Anglican Church, Chatswood. In February 1989, he entered Moore Theological College, graduating in January 1993. He was appointed as Assistant Minister at Port Kembla for two years and then a further two years at Christ Church, Blacktown.

He rejoined the Navy in March 1997 and served at HMAS *Kuttabul* as base support chaplain, and then at sea for two years in HMAS *Success*, which included support to East Timor. Senior Chaplain Acton was then posted to HMAS *Cairns*, where he also completed a Graduate Diploma in Psychology. In January 2004, he was posted to ADFA, during which time he completed an Honours Degree in Social Science (Psychology). In mid 2007, he was appointed as the RAN Senior Chaplain Training.

In 2009, Senior Chaplain Acton was posted as the Senior Chaplain Afloat in HMAS *Stuart* for Operation SLIPPER. In November 2011, he was appointed Fleet Command Chaplain. In 2012, Senior Chaplain Acton served a rotation at Headquarters Joint Task Force 633, providing leadership and pastoral care to ADF Chaplains in the Middle East Area of Operations and pastoral support to personnel in locations without access to an ADF Chaplain. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



Commander Kate Buggy

Australian Federal Police

Commander Kate Buggy joined the Australian Federal Police in January 1987 and initially deployed to ACT Policing general duties. She later moved to National Criminal Investigations and worked on a number of task forces. She completed the Close Personal Protection course, and undertook protection duties when not involved in investigations.

From 1999, she worked in a number of executive staff officer positions, including as staff officer to Commissioner Keelty, and the Law

Enforcement Liaison officer to the Federal Minister for Justice on a number of occasions between 2002 and 2010. In 2004, she took up a role in Counter Terrorism, where she was involved in the response to the second Bali bombing and the 2004 Indian Ocean tsunami. She was also involved in the planning and execution of a number of Australia-New Zealand counter-terrorism exercises.

In 2006, Commander Buggy was appointed to the role of Manager Ministerial, providing high-level support to the senior executive and office of the Federal Minister for Justice. In late 2008, she moved back to ACT Policing and was given responsibility for reshaping the crime prevention portfolio, where she was awarded a Commissioner's Commendation for Conspicuous Conduct.

In 2010, Commander Buggy moved back to Protection, which later included the role of Coordinator for Protection Security Operations. Commander Buggy holds a Graduate Certificate in Applied Management and, in 2009, attended the UK National Policing Improvement Agency as a visiting fellow. In 2015, she attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies, Australian Defence College, qualifying for a Master of Arts (Strategic Studies) from Deakin University. She is currently the Manager at Parliament House.



Air Commodore Margot Forster, CSM

Royal Australian Air Force

Air Commodore Margot Forster joined the RAN in 1982. Her early postings included HMAS *Cerberus*, at sea as a Deputy Supply Officer, and Staff Officer to the Director of Naval Officers' Postings. In October 1988, she transferred to the RAAF and was posted to RAAF Base Williamtown. After accompanying her husband to a posting in the US, she returned in May 1995 to a staff position in Air Force Materiel Division. In 1997, she was posted to Aircraft Research and Development Unit as the Administrative Officer.

Air Commodore Forster returned to Canberra in 1999 to join the Air Force Personnel Transition Team, before working as Staff Officer to the Director General Personnel-Air Force. Later postings included Senior Administrative Officer No. 92 Wing, Staff Officer Maritime Patrol Group, Staff Officer Establishments in Air Force Headquarters, and on the Chief of Air Force's Rebalance and Reshape Team.

In January 2007, she was appointed Base Commander RAAF Base Williams and Commanding Officer Combat Support Unit Williams. After a posting to Aerospace Operational Support Group as Staff Officer Personnel, she deployed in November 2010 to the Middle East Area of Operations as Commanding Officer Combat Support Unit, Al Minhad Air Base.

In May 2012, she was appointed Director Pathway to Change. In January 2013, she took up the position of Chief of Staff Air Force Personnel Branch. Air Commodore Forster attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies in 2015, completing a Master of Arts (Strategic Studies) from Deakin University. In December 2015, she was appointed Commandant Australian Command and Staff College.



Brigadier Natasha Fox, AM, CSC

Australian Army

Brigadier Natasha Fox graduated from the Royal Military College, Duntroon in 1991, into the Royal Australian Army Ordnance Corps. Her early career included postings to several corps-related appointments, an instructor at ADFA, and aide-de-camp to the Chief of Army, as well as Project Director for the dedication of the Australian Korean National War Memorial.

Her more recent postings have included Headquarters Logistic Support Force, Special Operations Command, Headquarters Training Command-Army and Commanding Officer/Chief Instructor at ADFA. In 2013, she was the Director of Personnel Policy-Army. Brigadier Fox has operational experience with the UN Truce Supervision Organisation, serving in Lebanon and Syria. She also deployed on Operation SLIPPER during the period June 2012 to January 2013.

Brigadier Fox is a graduate of the 2003 Australian Army Command and Staff College and has a Bachelor of Arts, a Master of Business Administration (University of Southern Queensland) and a Master of Management in Defence Studies (University of Canberra), as well as being a graduate of the Australian Institute of Company Directors. She attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015, where she completed a Masters of Politics and Policy from Deakin University. She is currently the Director General Workforce Planning.



Group Captain Lindley (Jim) Ghee, OAM

Royal Australian Air Force

Group Captain Lindley (Jim) Ghee joined the RAAF in 1986. His early postings included No. 33 Squadron and No. 36 Squadron. In 1988, he participated in No. 84 Wing's detachment to Kuwait in support of Operation SOUTHERN WATCH. During 2002, he deployed with No. 84 Wing's detachment to Kyrgyzstan, in support of operations in Afghanistan.

In 2003, Group Captain Ghee completed Australian Command and Staff Course, and continued as directing staff throughout 2004.

In late 2005, he assumed command of No. 33 Squadron. Later postings included Headquarters Air Lift Group, Director of Joint Project 160 Transition Team, Director Plans/Operations at Headquarters Air Command, and Officer Commanding No. 84 Wing.

Group Captain Ghee has a Bachelor of Science from the University of NSW, and a Masters of Management in Defence Studies from the University of Canberra. He attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015, completing a Master of Arts (Strategic Studies) from Deakin University. He is currently the Director C-27J (Battlefield Airlifter) Transition Team.



Captain Jeffrey Goedecke

Royal Australian Navy

Captain Jeffrey Goedecke joined the RAN in 1980. After specialising in communications and electronic warfare, he studied languages in 1985, qualifying as a Vietnamese translator/interpreter. He subsequently served in a range of RAN ships and qualified as a submariner in 1987, with his early postings including HMAS *Hobart*, HMAS *Perth*, HMAS *Sydney* and HMAS *Brisbane*. He deployed to the Persian Gulf as part of Operation DAMASK.

Captain Goedecke commanded HMAS *Townsville* from December 2001 to July 2003. He then served as a Staff Officer in the Maritime Development Branch within Capability Systems Division, before attending the Australian Command and Staff Course in 2004. Later postings included Deputy Director in the Air Warfare Destroyer program, and Executive Officer of HMAS *Watson*.

In June 2007, Captain Goedecke was appointed Commanding Officer of HMAS *Ballarat*. He then Directed the Navy Electronic Warfare reform program, Project Phoenix, before assuming the post of Director General Navy Communications and Information Warfare. A posting to the Middle East followed, as Deputy Commander/Chief of Staff of CTF150, prior to returning to Navy Strategic Command as Chief of Staff. His most recent posting was within the Military Strategic Commitments Branch of ADF Headquarters.

Captain Goedecke holds Masters degrees in Management and Maritime Studies. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies Course at the Australian Defence College.



Air Commodore Richard Keir, AM, CSC

Royal Australian Air Force

Air Commodore Richard (Rick) Keir is a career Air Intelligence Officer who has held appointments at the tactical, operational and strategic levels of command, as an Intelligence specialist and as a generalist, and in both Air Force and joint organisations. He was commissioned in 1988. His early postings included No. 75 Squadron at RAAF Tindal, No. 6 Squadron at RAAF Amberley, and the Air Headquarters Imagery Analysis Centre at RAAF Fairbairn. He also served at Headquarters

Australian Theatre, Defence Materiel Organisation, and as Staff Officer to the Deputy Chief of Air Force.

In September 2002, he was seconded to US Central Command in Florida, and Ninth Air Force in South Carolina. In 2003, he deployed to Saudi Arabia for Operation FALCONER. On return to Australia, he was posted as Director of Intelligence, Surveillance and Reconnaissance at Headquarters Air Command. In 2006, he was appointed to re-form and then command No. 87 Squadron—Air Force's Intelligence Squadron—at RAAF Edinburgh. In January 2009, he was promoted to Group Captain and appointed the Director of the RAAF's Air Power Development Centre. In 2012, he was posted to Headquarters Joint Operations Command. In 2015, he undertook the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies. Air Commodore Keir was promoted to his current rank in December 2015 and appointed as the Director-General Intelligence/J2 at Headquarters Joint Operations Command.

Air Commodore Keir is a graduate of the Canadian Forces College Command and Staff Course and the Centre for Defence and Strategic Studies' Defence and Strategic Studies Course. He holds a Bachelor of Arts and an Executive Master of Public Administration from the Australian National University, and a Master of Arts (Strategic Studies) from Deakin University. He is also a graduate of the Australian Institute of Company Directors.



Colonel Stuart Kenny, CSC

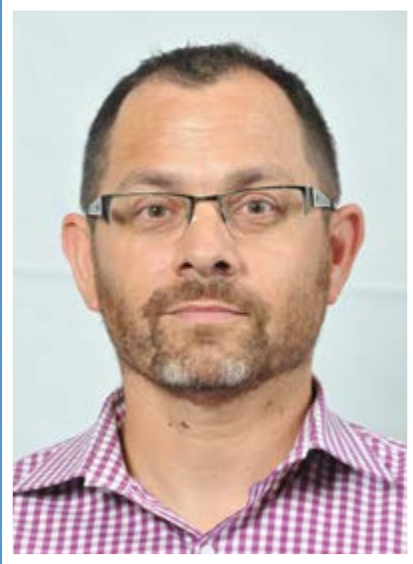
Australian Army

Colonel Stuart Kenny graduated from the Royal Military College, Duntroon in 1991. His early postings included 1 Field Regiment, 4 Field Regiment, 53 Independent Training Battery at the School of Artillery, and an instructor at the Land Warfare Centre. In July 2007, he assumed command of 1 Field Regiment. Later postings included Land Warfare Development Centre; Defence Advisor to the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade;

and Director Global Operations in Joint Operations Command.

His operational service has included Operation VISTA (1997); Operation OSIER (1999/2000), where he deployed with UK forces to Kosovo; and Operation TANAGER (2001/02); as well as deployments to Afghanistan on Operation SLIPPER in 2010 and again in 2013-14, the latter as Chief of Future Operations and then Director of Operations for the US 4th Infantry Division/Regional Command-South.

Colonel Kenny is a graduate of the UK's Joint Services Command and Staff College 2003/04. He attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies Course at the Australian Defence College, graduating with a Master of Arts (Strategic Studies) from Deakin University. He is currently on the Directing Staff of the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



Superintendent Craig Riviere

Australian Border Force

Superintendent Craig Riviere is a sworn officer of the Australian Border Force. His most recent position has been as Director, Counter-Terrorism Operations within the National Security Branch. Prior to that, he was seconded to the multi-agency team that undertook a review of Australia's counter-terrorism machinery, which was led by the Department of the Prime Minister and Cabinet and which reported to the Government in January 2015.

Superintendent Riviere joined the Australian Public Service (APS) as a research assistant with the Commonwealth Ombudsman's Office in 1994 and, during his APS career, worked as an intelligence analyst in the Australian intelligence community, policy officer at the Department of Immigration, and lawyer at the Attorney-General's Department. A career highlight was representing Australia at the OECD, in a series of legal negotiations in Paris in 2007 and 2008.

Superintendent Riviere has a Bachelor of Arts, a Bachelor of Laws with honours and a Graduate Diploma in Legal Practice. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



Commodore Agus Rustandi

Indonesian National Armed Forces (Navy)

Commodore Agus Rustandi graduated from the Indonesian Naval Academy in 1988 and completed an advanced officer course the following year. He gained sea experience on the Corvettes classes KRI *Fatahillah* and KRI *Nala*. Other early postings included Indonesian Naval Headquarters as a member of the Naval Personnel Administration Service.

In 2009, Commodore Rustandi was posted as Indonesia's Defense Attaché for the Republic of Korea for three years. He was then posted to the Navy Procurement Service in Naval Headquarters Cilangkap Jakarta as Head of Foreign Procurement Subservice.

Commodore Rustandi has a degree from the Indonesian Naval Science and Technology College, specialising in Industrial Management Technique; a Masters of Engineering Science, specialising in Project Management, from the University of NSW; a Graduate Certificate in Maritime Studies from the University of Wollongong; and a Masters of Management in Defence Studies from the University of Canberra.

Commodore Rustandi is also a graduate of the Australian Command Staff College and the Indonesian Naval Command and Staff College. He attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015, completing a Master of Arts (Strategic Studies) from Deakin University. He is currently Head of the Center for Defence Strategic Research and Development at the Indonesian Ministry of Defence.



Colonel Sanjive Sokinda, SM

Indian Army

Colonel Sanjive Sokinda graduated from India's National Defence Academy and was commissioned in 1995. His regimental appointments have been in 4th Battalion, Jammu & Kashmir Light Infantry, including platoon and subunit command, as well as Second-in-Command, and Commanding Officer in 2011-14. Colonel Sokinda has wide experience of operational service in counter-terrorism operations, and at high altitude. He has been awarded the Sena Medal for gallantry.

Colonel Sokinda's instructional duties have included tenure at the Officers Training Academy in 2002-04, and at the Weapons and Trials Wing at the Infantry School, Mhow in 2009-11. He attended the Technical Staff Officers Course in 2005-06 at the Institute of Armament and Technology, Pune. He has also served in the UN as a Military Observer in the Congo, where he was responsible for planning and coordinating military operations as Deputy Chief G-3 Operations. In 2015, he attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College, completing a Master of Arts (Strategic Studies).



Group Captain Guy Wilson

Royal Australian Air Force

Group Captain Guy Wilson graduated from pilot training in 1990. His early postings included RAAF Base Edinburgh to fly DC-3 Dakotas at the Aircraft Research and Development Unit, RAAF Base Richmond to fly C130E Hercules, a staff position at Headquarters No. 86 Wing Richmond, and 33 Squadron to fly the Boeing 707 air-to-air refuelling and transport aircraft. From 2000-04, he performed the roles of Tanker Flight Commander and then Executive Officer of 33 Squadron,

which included deployment as Executive Officer of the 84 Wing detachment to Kyrgyzstan to fly air refuelling missions over Afghanistan.

Following completion of the Australian Command and Staff College in 2005, Group Captain Wilson was posted to Headquarters Joint Operations Command. In June 2006, he was appointed Deputy Director of the KC-30A Transition Team. In 2008, he was appointed the Commanding Officer of 33 Squadron, and moved the squadron to its new base at RAAF Base Amberley. In 2011, Group Captain Wilson was appointed Chief of Staff of Headquarters Air Mobility Group. In late 2013, he was appointed Officer Commanding 86 Wing. Group Captain Wilson has a Masters of Management in Defence Studies from the University of Canberra. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.

Indo-Pacific Strategic Digest

Autumn 2016

Centre for Defence and Strategic Studies



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Foreword

The Autumn 2016 edition of the Indo-Pacific Strategic Digest is testimony to the impressive cognitive skills of the contributing students, and an empirical yardstick for measuring the Centre's obvious success in preparing its students for senior leadership positions within their respective organisations.

These essays capture the diversity and dynamism of the challenges confronting Australia's defence and national security community and those of our regional partners in today's vastly more complex, volatile and interconnected world. In the future strategic environment, senior officers must be thought leaders, as well as skilled practitioners. They must be able to reach within themselves to think through, and resolve, operational and strategic dilemmas in very short time spans.

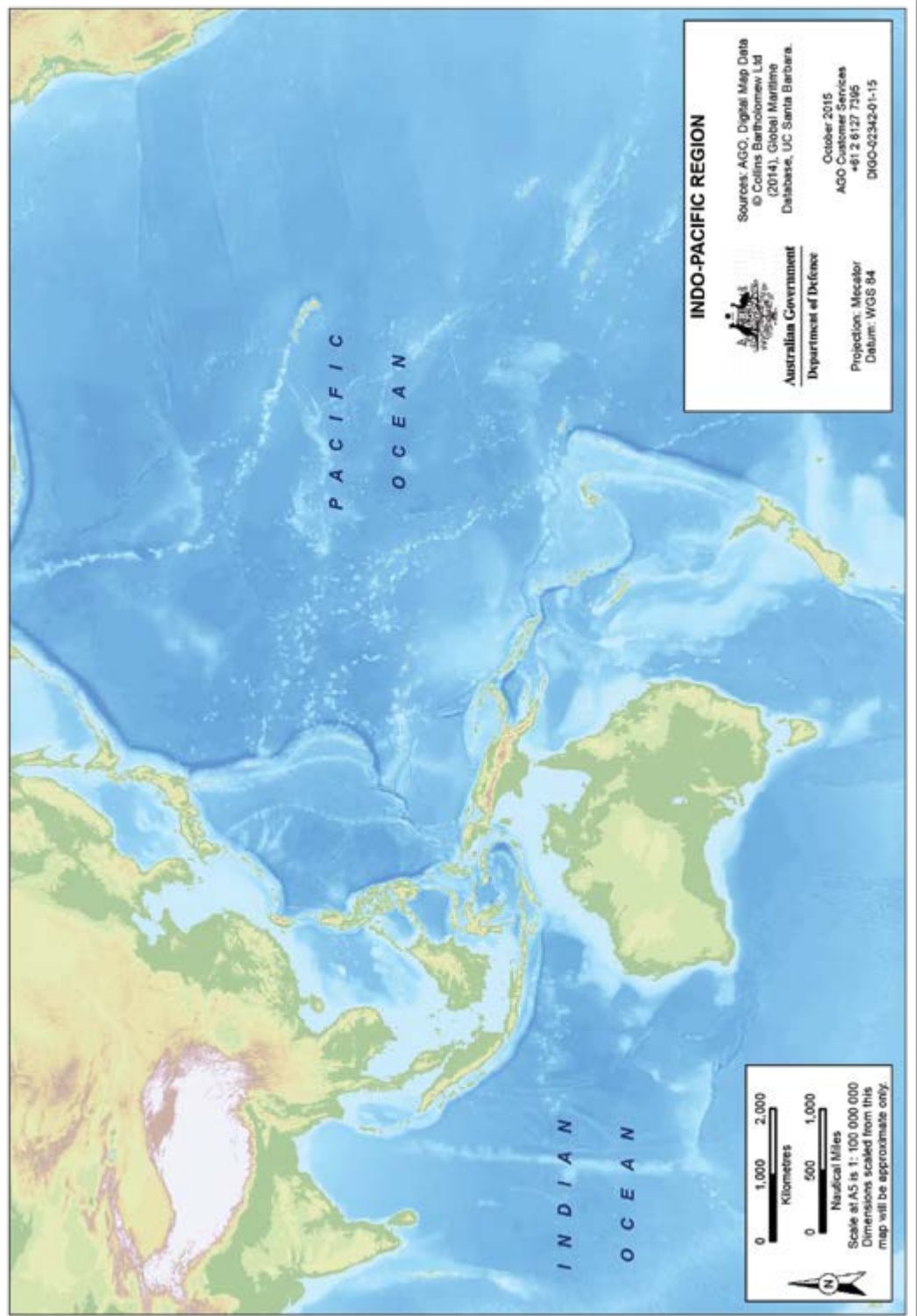
A thorough reading of the Digest, spanning a dizzying array of security themes, suggests that we are in good hands. There are thought provoking articles on Australia's defence partnership with Japan; how Australia's relationship with India might be transformed; why Afghanistan matters; and how the South China Sea dispute is inflaming tensions between the US, China and its neighbours, which has potentially serious implications for Australia as the 2016 Defence White Paper makes clear.

As a robust and engaged middle power, the increasing breadth of Australia's national security interests is illuminated by the equally perceptive and thoughtful contributions by the Centre's Australian and international students on Pakistan, the Philippines, Antarctica, climate change and the spread of jihadist-salafist influence in Southeast Asia. These are countries and issues that were once considered to be of only marginal interest to Australia. But the last decade and a half have brought home to Australians the reality that events in distant parts of the world can directly impact on our security interests. Climate change is a global problem which cannot be dealt with by individual nations. 9/11, the rise of Islamic State and the stillborn Arab Spring remind us that the Middle East, and the contest for the soul of Islam, are events that we cannot and should not ignore.

Having had the privilege of serving on many journal boards and participating in the regional security discourse for over 40 years, I doubt whether I have been better informed on the defence and national security issues that really matter to Australia than by this edition of the Digest, which is a tribute to the Centre and the student authors. I commend it to you.

Alan Dupont

Professor of International Security
University of New South Wales



INDO-PACIFIC REGION



Australian Government
Department of Defence

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Projection: Mercator
Datum: WGS 84

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Kilometres

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Nautical Miles

Scale at A5 is 1: 100 000 000
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map will be approximate only.

Introduction

The Centre for Defence and Strategic Studies is the senior professional development and educational institution of the Australian Defence College. It is responsible for providing students with the knowledge and skills required to operate at the strategic level in a modern security environment. It is also responsible for leading developments in Defence's learning environment, manages Defence publications and research, and delivers courses on leadership and ethics.

The Defence and Strategic Studies Course is our marquee activity. This year-long master's-level course is designed for senior military officers and government officials engaged in national security matters. The course is attended by Australian and international officers and officials who focus their learning energies on defence and security issues in a complex strategic setting. This group of practitioners brings substantial intellectual weight to the national security debate and it is therefore appropriate that the best analyses are published in the *Indo-Pacific Strategic Digest*.

The range of papers in this third edition of the *Digest* reflects research submitted by students of the 2015 and 2016 Defence and Strategic Studies Courses. The papers have been chosen for publication based on their scholarly attributes and strategic relevance. The topics relate to Australia's area of primary and enduring strategic interest—the Indo-Pacific region—and have relevance to Australia's policy interests. International students have authored several of the papers in this edition. Their perspectives are important contributions to learning during the course and are now able to be shared with readers of this *Digest*, providing excellent balance to the Australian perspectives. I am pleased to offer both to you.

On behalf of all staff and students, I commend these readings to you.

For further information about the Centre for Defence and Strategic Studies' publications, please visit

<http://www.defence.gov.au/adc/publications/publications.html>

Ian Errington, AM, CSC

Principal

Centre for Defence and Strategic Studies

May 2016

Instability in Afghanistan: Why Afghanistan matters and what Australia can do to address the causes of instability

Colonel Stuart Kenny, CSC
Australian Army

Abstract

This paper examines why Afghanistan is important to Australia, and what Australia can do to address the causes of instability in that country. It argues that Afghanistan is a key element of the regional security dynamic of South Asia, and that it has the potential to adversely affect the security of other regional states, notably India, with which Australia seeks closer political and economic relations.

The paper proposes two policy initiatives to contribute to Australia's efforts in supporting the Afghan government in its efforts to address the sources of instability. The first addresses the immediate causes of instability. The second proposes a strategy to address the influence of external actors on the long-term stability of Afghanistan. The paper concludes that these initiatives should enhance Australia's national security, economic and political interests in Afghanistan, as well as strengthening Australia's ability to exploit the economic opportunities that are emerging in South Asia.

Introduction

Australia has a vital national interest in supporting Afghanistan's stability and security after transition [of the International Security Assistance Force].

Minister for Defence, Senator the Hon David Johnston, December 2013¹

After almost a decade and a half of international intervention, Afghanistan continues to face significant threats from an insurgency, political corruption and a lack of economic development.² In the second half of 2014, insurgents made some gains in districts in Helmand and Ghazni provinces and conducted an offensive in Kabul with a number of high-profile attacks.

This aggressive campaign continued through the winter of 2014 to May 2015 and has highlighted a number of deficiencies within the Afghan National Security Forces (ANSF), particularly acquisition and use of intelligence, casualty evacuation and close air support. As a result of this intensive fighting, Afghan President Ashraf Ghani gained support from President Obama to maintain US force levels throughout 2015 and allow for additional combat support to the ANSF, including close air support.³

During its 15-year commitment, Australia has invested significant 'blood and treasure' in Afghanistan. Afghanistan remains of long-term importance to Australia's national interests in South Asia. Accordingly, Canberra must have an ongoing policy for Afghanistan.⁴ The focus of Australia's strategic interests in Afghanistan has tended to centre on its efforts to counter the insurgency in Uruzgan province. But since the departure of Australia's combat forces from that province and the subsequent end of the NATO-led International Security Assistance Force (ISAF) mission, Afghanistan is no longer of much interest to the Australian public.

However, the question of Afghanistan's stability and situation cannot be viewed in isolation of Australia's national interests in South Asia and the Middle East. Indeed, Afghanistan's geostrategic location in the 'heart of Asia' means it has an effect on the dynamics of South Asia, Central Asia and China, with some asserting that the West cannot afford 'regional instability in a nuclear fault zone'.⁵

Australia's engagement with South Asia has been longstanding, although its diplomatic and military relationship with Afghanistan is only a recent phenomenon, which followed from the *al Qaeda*-sponsored attacks on the US in September 2001.⁶ In the past decade, Australia has displayed a growing national interest in South Asia, particularly due to the benefits of the rise of an economically prosperous India as a trading nation. Two-way trade between the two nations was worth approximately A\$16 billion in 2014; India is ranked as

Australia's fifth largest trading partner and trade is forecast to grow significantly in the future.⁷ Therefore the stability of South Asia is a key element in maintaining Australia's growing economic relationship with the region.

In December 2014, the NATO-led ISAF mission concluded and handed over to the more limited US-led NATO Resolute Support Mission.⁸ This new mission is largely constrained to a non-combat role to train, advise and assist the ANSF and other security institutions, focusing on national-level functions that are critical to generating, sustaining and resourcing the ANSF. It is only permitted to provide *in extremis* military support to the ANSF, thus limiting ground combat operations against the Taliban to mostly Afghan forces.

The US has maintained additional forces within Afghanistan for its own counter-terrorism mission to continue to target the remnants of *al Qaeda* and its affiliates.⁹ President Obama said in May 2014 that US objectives in Afghanistan from 2015 would be 'disrupting threats posed by *al Qaeda*; supporting Afghan security forces; and giving the Afghan people the opportunity to succeed as they stand on their own'.¹⁰

It is widely acknowledged, however, that the Government of the Islamic Republic of Afghanistan requires outside aid to fund its security, governance and delivery of services.¹¹ According to Ian Dudgeon, one of the key determinants of success in the short- and long-term future of Afghanistan will be 'the willingness of the international community, particularly the US, NATO countries, Japan and Australia, to commit politically, financially and militarily to Afghanistan in the longer term after 2014'.¹²

Australia has indicated that it remains interested in the immediate stability and future of Afghanistan post the ISAF mission. Since 2001, Australia's commitment to Afghanistan has seen bipartisan political support, with the former Minister for Defence, Kevin Andrews, asserting as recently as September 2015 that:

Australia remains committed to the NATO-led Resolute Support Mission ... to ensure that Afghanistan will never again become a safe haven for *al Qaeda* and other international extremist groups.¹³

This commitment is evident in the current Australian Government's provision of 400 ADF personnel to the Resolute Support Mission in 2015, its ongoing contribution of US\$100 million per year for three years from 2015 to sustain the ANSF, and its provision of A\$134.2 million in aid to Afghanistan during the financial year 2014-15.¹⁴

Australia's long-term interests in maintaining a relationship with Kabul are also reflected in the commitments made in two key agreements between Canberra and Kabul, namely the Comprehensive Long-term Partnership and the Memorandum of Understanding on Development Cooperation.¹⁵ The Long-

term Partnership was signed between Australian Prime Minister Julia Gillard and Afghan President Hamid Karzai in May 2012 and included an Australian commitment to assist the ANSF in 'countering the threat of international terrorist groups, and to promote the national security of Afghanistan during the transition of lead security... as well as after 2014 as mutually determined'.¹⁶

This paper will argue that Afghanistan is crucial to the stability of South Asia, and that it has global significance and remains important to Australia's economic, security and political interests. It will propose that Australia should continue to support the Afghan government to counter the threat from the Taliban-led insurgency, and that it should develop a policy approach to support the long-term stability of Afghanistan.

This proposition will be presented in three sections. Section 1 will illustrate why Afghanistan matters in the South Asia region and why, therefore, it remains important to Australia. Section 2 will review the current and future threats to the stability of Afghanistan, focusing on the security threats to the Afghan government. Section 3 will draw from the analysis conducted in the first two sections to identify opportunities for Australia to implement policies that serve to support the Afghan government in addressing the sources of instability.

Section 1: Why Afghanistan matters

As seen by its role as the playground of the 19th century's so-called 'Great Game', Afghanistan has global significance by being at the crossroads of Central Asia, South Asia and the Middle East. Afghanistan has geopolitical importance, not in isolation, but rather due to its location and 'the activities of its external stakeholders—Pakistan, India, Iran, Saudi Arabia, China, Russia and some Central Asian republics'.¹⁷ As NATO continues to downsize its forces and influence, nations with vested interests, such as Iran, Pakistan and India, will most likely increase their presence and engagement in Afghanistan to fill the vacuum of Western nations.¹⁸

This section will explain why Afghanistan is important to the Indo-Pacific region and to Australia's security, economic and political interests. It will examine Afghanistan's unique strategic location and its importance to South and Central Asia. It will then analyse Pakistani and Indian interests in Afghanistan before looking at the reasons why competition between these two states in Afghanistan may result in a more unstable South Asia, as well as why this could lead to instability in South Asia. Finally, it will examine the factors that make Afghanistan important to Australia.

Afghanistan's geostrategic importance

Afghanistan's neighbourhood has become a region influenced by multipolar competition between regional and great powers, including India and Pakistan, two nuclear-armed regional states that are strategic competitors. At the same time, there are indications of growing competition between China and India over their respective interests in Afghanistan.

There is evidence of an emerging 'New Great Game' between China and India in the region, which is aimed at increasing their respective influence as aspirational regional powers, and increasing their access to trade and energy resources.¹⁹ China has significant economic interests in both Afghanistan and Pakistan, already investing over US\$5 billion in Afghanistan for access to the Aynak copper mine and several oil fields.²⁰ China's security and economic interests in Pakistan are significant.²¹

China's key economic interest in Pakistan is the so-called China-Pakistan Economic Corridor, which travels through the western part of Pakistan, adjacent to areas in which the terrorist group *Tehreek-e-Taliban Pakistan* is active. An unstable Afghanistan would therefore adversely impact this corridor, giving Beijing reason to support a stable security situation in Afghanistan. China's shared border with Afghanistan and concerns regarding the spill-over of Islamic extremism from the restive Afghan-Pakistan frontier into China's Muslim-majority state of Xinjiang also add to Beijing's interest in the future of Afghanistan.

Iran also shares a border with Afghanistan and is a key stakeholder in its future.²² The two nations share a long history extending back to the influence of the Persian Empire, which resulted in shared linguistic ties and a significant Shia Muslim minority via the Persian-speaking Hazaras. Until the 1857 Treaty of Paris, Afghanistan's western city of Herat was part of Iran. During the rule of the Taliban, Iran provided arms and training to the Hazaras and Tajiks in an attempt to halt the spread of the Taliban to North and North Western Afghanistan.

Tehran is concerned that increased instability in Afghanistan has the potential to adversely impact its security and economy.²³ The success of the Taliban is seen to have direct implications on Iran's Baloch rebellion and its potential to cause an influx of refugees into Iran. Economically, Iran views Afghanistan as a possible link between India and Iran. Iran has partnered with India in developing a significant transport corridor from Afghanistan to its port of Chabahar, thus weakening Afghanistan's reliance on Pakistan for external access and, as a result, providing economic benefits to Tehran.

Iran, like the US, does not want to see the Taliban controlling Afghanistan.²⁴ However, Tehran's Afghanistan policy is sometimes at odds with that of

Washington, particularly in its traditional area of influence in the west and south of Afghanistan. Iran is also in competition with Pakistan for influence in Afghanistan. While Islamabad wants a pro-Pakistan, Pashtun-dominated government, Tehran wants a government which will not challenge its interests and which will 'preserve its influence in western Afghanistan'.²⁵

The interests and competition of these regional powers in Afghanistan place it in an important geostrategic position to influence the stability and security of the greater South and Central Asia regions. As Australia has an increasing interest in the Indian Ocean, via its Indo-Pacific strategic setting, the effects of Afghanistan on South Asia should be the focus of Australia's national interest. Therefore, the remainder of this section of the paper will focus on the importance of Afghanistan on the current and future situation in South Asia and its importance to Australia.

Why Afghanistan matters to South Asia stability

The direct influence of Afghanistan's stability on the security of Pakistan is a critical strategic concern to the international community.²⁶ Pakistani stability is important for four main reasons. It is located at the crossroads of South and Central Asia and can influence the global energy supply artery in the Indian Ocean through its ports at Gwadar and Karachi. It has a large and youthful population of over 170 million people who could pose a humanitarian crisis in the event of state failure. It is also nuclear armed and has a history of actively pursuing its national security interests through the use of proxy groups.²⁷

Therefore, any failure of or destabilisation within the Pakistan state has the potential to have a knock-on effect on South Asian stability, with ramifications further afield. Success by the Taliban and its affiliates in Afghanistan may embolden anti-state forces in Pakistan, particularly *Tehreek-e-Taliban Pakistan*, which may in turn threaten the stability of or, in the most extreme case, lead to the failure of Pakistan's government.²⁸

The longstanding rivalry between Pakistan and India, and their respective influence in Afghanistan, also has the potential to impact on regional stability in South Asia.²⁹ The corrosive impact of this rivalry has been acknowledged by President Ghani, who recently claimed that ongoing violence and instability in Afghanistan is a result of a 'proxy war between India and Pakistan'.³⁰ Afghanistan is simply another theatre in which Indo-Pakistan regional rivalry is played out. Maximising its own influence in Afghanistan is seen by New Delhi as a component of its desire to 'maintain dominance over Pakistan in South Asia'.³¹ Pakistan in turn views Afghanistan as a critical element in its defence against an expansive India.³²

To increase its influence in Afghanistan, New Delhi signed a strategic partnership agreement with Kabul in October 2011.³³ This partnership is focused on Indian assistance to the reconstruction of Afghanistan in the areas of education, politics, economic issues and trade. The agreement also addresses security issues, although it is not a security alliance. India has not committed to deploying any security forces into Afghanistan; however, it has agreed to provide security force training for the ANSF in India.

The partnership has also offered significant economic opportunities to both nations.³⁴ For example, an Indian mining company has received concessions to develop a large block in the Afghan iron ore deposit at Hajigak. India has also granted Afghanistan preferred trading status for its food exports, so that India is one of the few trading partners with which Afghanistan has a positive trade balance. India is the fourth largest donor to Afghanistan, having given over US\$2 billion to Afghanistan through aid and development projects to develop its economic capacity with roads, power, education and agriculture.³⁵

India sees a secure and stable Afghanistan as a key component of the region, which will be vital to India's access to the energy resources and markets in Central Asia.³⁶ The strategic partnership has provided India with an opportunity to develop a greater role in regional affairs, thereby enhancing its status as a rising regional power.

Pakistan views the Indo-Afghan strategic partnership as a threat to its security and its own influence on Afghanistan. Pakistan's interests in Afghanistan include ensuring that the Durand Line is maintained to prevent the establishment of what might become 'Pashtunistan', spanning both nations, as well as blocking India's influence and maintaining Pakistan's access to Afghanistan and Central Asia for trade.³⁷ As a consequence of these interests, Islamabad sees competition with India as a zero-sum game.

Afghanistan plays an important part in Pakistan's longstanding plans to defend its territory against the existential threat from India. Islamabad needs to be able to influence a weak or compliant Kabul in order to provide it with strategic depth to the west in case of an attack from India.³⁸ Therefore, Islamabad views the motives of the Indo-Afghan strategic partnership as New Delhi's attempt at strategic encirclement, which therefore is a direct threat to Pakistan's territorial security.

This rationale encourages Pakistan to utilise 'destabilising security measures—[which are] destabilising for itself, its neighbours and the international community'.³⁹ There is evidence that this perceived strategic encirclement has resulted in Pakistan maintaining its support to the insurgency in Afghanistan, including the Taliban and Haqqani Network.⁴⁰ The supposed rationale is that

these groups will keep the Afghan government under pressure and target India's interests, including its consulates, in Afghanistan.⁴¹ The risk is that this rivalry leads to regional competition, increased instability between these two nuclear-armed nations and 'the risk of strategic miscalculation', which at worst case has the potential to spill-over into state-on-state conflict.⁴²

Pakistan suspects that India is using this partnership to deprive Islamabad of a dominant share of Afghan markets and deny it access to Central Asian energy markets.⁴³ In particular, Pakistan is concerned about India's development of the Zaranj-Deleram Road, connecting Afghanistan to the Iranian port of Chabahar. This route has now given India and other nations a direct trade route into Afghanistan, thereby undermining Pakistan's monopoly over Afghan access to a port (via Karachi). As a result, Islamabad sees India's ties with Afghanistan as a threat and part of India's plan of strategic encirclement of Pakistan.

Why Afghanistan matters to Australia

The stability of Afghanistan is in Australia's national interest due to its alliance with the US and potential negative influence on the stability of South Asia. Australia's interests in Afghanistan cannot be looked at in isolation. Afghanistan's critical role in the security and stability of the broader South Asian region, in particular its part in the Indo-Pakistan relationship, is also important to Australia. Hence, Australia has three main interests in Afghanistan: preventing Afghanistan from becoming a terrorist safe haven; its role in the US-Australia relationship; and preventing the country from destabilising the broader South Asian region, with its attendant impact on Australian economic and security interests.

Successive Australian governments have maintained the consistent message that 'ensuring that Afghanistan does not again become a safe haven for terrorists' is in its national interest.⁴⁴ In April 2012, then Prime Minister Julia Gillard noted that since the September 11 attacks in the US, 'most of the terrorist attacks ... [that] have targeted Australian interests directly or in which Australians have been killed, had links to Afghanistan'.⁴⁵ As there is evidence that proscribed terrorist organisations, including ISIS, exist in Afghanistan and that the Afghan government is threatened by the Taliban-led insurgency, the conditions still exist in which active terrorist planning can occur. The risk of terrorist safe havens in Afghanistan therefore remains an ongoing concern for Australia's national interest.

Australia's interest in remaining committed to Afghanistan is also a reflection of its alliance relationship with the US. Australia committed troops to Afghanistan after the 9/11 attacks against the US in 2001.⁴⁶ While the reasons for continued Australian involvement in the country have evolved over the ensuing 15 years,

the importance of the US-Australia alliance has been critical to Canberra's calculus in maintaining its commitment in Afghanistan. This is evidenced by then Prime Minister Gillard's statement to Parliament in 2010, when she stated:

Australia has two vital national interests in Afghanistan: (1) to make sure that Afghanistan never again becomes a safe haven for terrorists, a place where attacks on us and our allies began, and (2) to stand firmly by our alliance commitment to the United States, formally invoked following the attacks on New York and Washington in 2001.⁴⁷

This view was reinforced by then Minister of Defence Kevin Andrews' update to Parliament in September 2015, when he stated that '[o]ver the last decade and a half, our purpose in Afghanistan has not changed'.⁴⁸

The added benefit to Australia's national interest is that its support to the US in Afghanistan has enhanced and strengthened the US-Australia alliance.⁴⁹ At a practical level, this support and cooperation in Afghanistan has seen improved interoperability between the ADF and US armed forces, strengthened people-to-people links, and improvements in intelligence sharing. In December 2013, Australia's Defence Minister and the US Secretary of Defense jointly opined that 'Australia and the United States will emerge from our shared commitment in Afghanistan with closer practical ties than ever before'.⁵⁰

A third and increasingly compelling reason why Afghanistan is important to Australia is the link between Indo-Pakistan rivalry in Afghanistan and its potential to have a negative effect on the stability of South Asia and continued economic growth of India.⁵¹ India is the tenth largest economy in the world and has transformed its economy from US\$433 billion in 1991 to US\$2.052 trillion in 2014.⁵² India is Australia's fifth largest export market, with the potential to rank higher as the two countries develop a 'Comprehensive Economic Cooperation Agreement', which is expected to increase two-way trade beyond the figure of A\$16 billion in 2014.⁵³

Australia has a national interest in the peaceful rise of India and the economic opportunities it presents to Australia now and into the future. Australia, along with its ally the US, has an interest in India's rise as 'an Asian balancer, global security provider, and engine room of the world'.⁵⁴ If it is mired in a proxy conflict with Pakistan, in both Afghanistan and along its shared border, this potential is likely to be impeded. Therefore, Australia should care about 'avoiding scenarios that inflame the adversarial India-Pakistan relationship'.⁵⁵ The security situation in Afghanistan, and Indo-Pakistan competition for influence in Afghanistan, are issues which Australia needs to take a close interest in—and attempt to positively influence.

Section 2: An uncertain road – instability and future threats to Afghanistan

American forces no longer patrol Afghan villages or valley. Our troops are not engaged in major ground combat against the Taliban. Those missions now belong to Afghans, who are fully responsible for securing their country.

President Barack Obama, October 2015 ⁵⁶

Since the end of the ISAF mission, Afghanistan continues to face significant complex 'challenges of governance, economy, security and regional dynamics'.⁵⁷ The Taliban has not been defeated militarily or politically and these challenges exist in the midst of an ongoing, resilient and entrenched Taliban-led insurgency. 2015 was expected to be the bloodiest year since 2001, with insecurity rising across the country, resulting in increased civilian casualties and the Afghan security forces taking large and likely unsustainable losses.⁵⁸ The increased insecurity of Afghanistan and pressure on the ANSF from the Taliban-led insurgency is best illustrated by the temporary seizure of the strategically-located northern city of Kunduz by the Taliban in late September 2015.

The US Department of Defense has assessed that the insurgent challenge to the stability of Afghanistan persists due to a number of key factors that remain unresolved by ISAF and are yet to be effectively addressed by the Afghan government. They include:

1. Public resentment of corruption in the Afghan government;
2. Lack of governance and security forces in much of the rural areas;
3. Safe havens for militants in Pakistan;
4. A popular backlash against civilian casualties and property damage as a result of military operations; and
5. The population's unrealised and unrealistic expectations for economic development.⁵⁹

The US Commander of the NATO Resolute Support Mission asserted in October 2015 that:

The ANSF still cannot handle the fight alone without American close air support and a special operations counter terrorism force to hit the Taliban leadership. [Moreover], it will take time for them to build their human capital in logistics and managing their forces in the field, meaning Afghan forces will need international assistance well beyond this year.⁶⁰

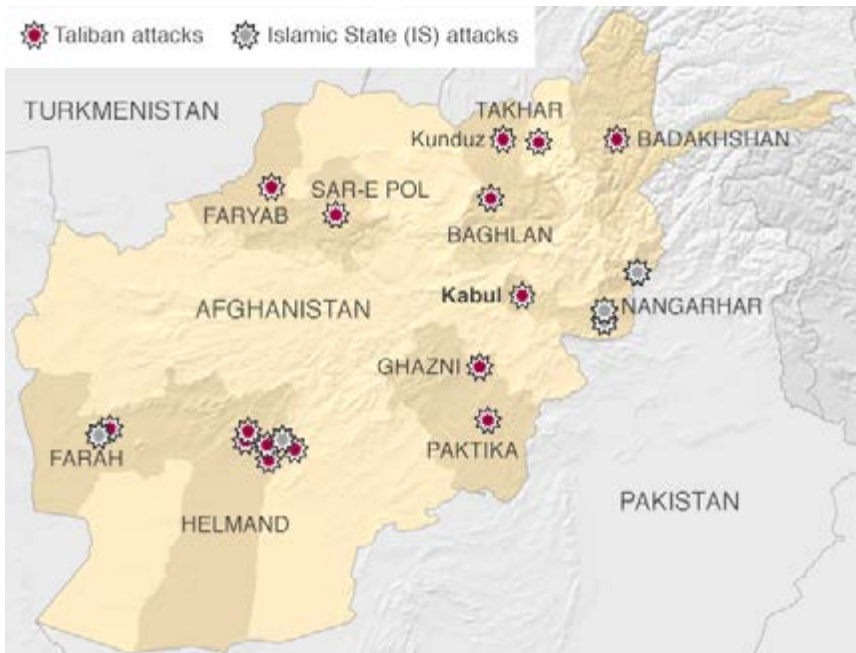
To comprehend the importance of Afghanistan to Australian policy settings, it is fundamental to first understand the current and future multifaceted threats

to Afghanistan's stability. This section will analyse the causes of instability in Afghanistan, with a focus on those which threaten the future security of the nation. It will initially examine the ongoing threats emanating from the Taliban-led insurgency, including emerging threats, and the US response to those threats. Second, it will examine the threats of poor governance and corruption on stability and legitimacy of the Afghan government. Finally, it will outline the risks posed by the uncertainty of ongoing medium- to long-term commitment of the US and NATO to Afghanistan.

Ongoing insurgent threats

The main threat to the Afghan government continues to be the Taliban, which continues to seek a return to power and the ousting of foreign forces.⁶¹ However, it is also threatened by other loosely-allied groups such as the Haqqani Network, *al Qaeda* and affiliated groups.⁶² There is growing evidence that ISIS has also established forces in Afghanistan, particularly in the frontier regions of the eastern provinces.⁶³ The map at Figure 1 depicts the extent of large-scale Taliban and ISIS-supported attacks in Afghanistan during 2015.

Figure 1: Major insurgent attacks in Afghanistan, June-September 2015⁶⁴



The Taliban⁶⁵

The Taliban remains an effective insurgent force capable of challenging the ANSF and exploiting the weaknesses of the Afghan government, particularly in rural areas. There is no agreement on the current size of the Taliban forces. However, in April 2015, the US Department of Defense assessed that the hardcore element of the Taliban comprised some 22,000 members.⁶⁶ The real strength of the Taliban, though, is not its numbers but its ability to 'influence and intimidate the population and to co-opt local support'.⁶⁷

The Taliban operates throughout Afghanistan, with the majority of its forces located in the Pashtun homeland in the country's south and east. However, as a result of the Taliban's successful capture of Kunduz in September 2015, it is evident that the Taliban has established itself outside its traditional Pashtun heartland and has been recruiting non-Pashtuns from Afghanistan's northern provinces.⁶⁸

Afghanistan's frontier provinces along the Pakistan border are of particular importance to the Taliban. It has established sanctuaries in these areas, adjacent to its safe havens in Pakistan, where it continues to plan, train, re-equip and seek refuge from ANSF and US offensive operations. In testimony to a US House of Representatives' committee in 2013, it was asserted that 'a US withdrawal and continuing Pakistan support of ... Afghan insurgent groups could lead to Taliban control of part or most of Afghanistan over the next decade'.⁶⁹

Haqqani Network⁷⁰

The Haqqani Network is a US-designated terrorist organisation, which US officials consider to be a 'veritable arm of [Pakistan's Directorate for Inter-Services Intelligence]'.⁷¹ The network has been cited as being the 'most virulent element of the insurgency ... [and] the greatest risk to remaining coalition forces', as well as a significant threat to Afghan security and a key enabler of *al Qaeda* in Afghanistan.⁷² It is also considered the key facilitator of foreign fighters into Afghanistan and the most effective militant group at conducting successful high-profile attacks in Kabul.

The network shares similar goals to the Taliban: namely, to expel coalition forces, destabilise the Afghan government and re-establish an Islamic Emirate of Afghanistan.⁷³ The size of the network is unknown. At its height in 2010, it was believed to have had 3000 fighters, although its strength is thought to be much diminished since.⁷⁴

The Haqqani Network's core support area is the three eastern provinces of Paktika, Paktiya and Khost. It is also reliant on safe havens in Pakistan to protect it from the ANSF and US counter-terrorism operations. The network is known to receive support from Pakistan's Directorate for Inter-Services Intelligence, and is suspected as often acting as a tool for Pakistan's interests in Afghanistan.⁷⁵ US officials have cited the Haqqani Network as being responsible for at least four high-profile attacks on Indian interests in Afghanistan, including India's embassy in Kabul.

Haqqani commanders had earlier indicated that the network may be prepared to participate in peace talks with the US and the Afghan government, contingent on the Taliban leader Mullah Omar deciding to do so also. However, Omar reportedly died in 2013, so its current willingness to negotiate is uncertain. Regardless, US officials assess that the Haqqani Network will remain a major threat to Afghan security and coalition forces via its demonstrated capability for high-profile, complex attacks, particularly if it cannot be denied its safe haven in Pakistan.

al Qaeda⁷⁶

al Qaeda's presence within Afghanistan is minimal and is now focused on facilitating other insurgent forces, rather than acting as a fighting force itself. As a result of successful US counter-terrorism operations, *al Qaeda* has largely been denied the use of Afghanistan for the planning and preparation of transnational terrorist acts. It has been confined to the isolated north-eastern Afghan provinces, such as Kunar and Nangarhar, and reportedly maintains between 50–100 fighters in these areas. The key concern for US and its coalition partners is that *al Qaeda* could regroup in Afghanistan's remote eastern provinces if the security situation worsens.

Islamic State⁷⁷

US officials and the UN have acknowledged that ISIS exists in Afghanistan and presents a threat to the stability of the country. In late September 2015, the UN reported that ISIS was recruiting in 25 of the nation's 34 provinces.⁷⁸ However, it is believed that the majority of ISIS members are foreign fighters and a small number of disaffected Taliban commanders and their supporters, operating in eastern Afghanistan in Nangarhar province, where it has been launching coordinated attacks on ANSF outposts.⁷⁹

The existence of ISIS in Afghanistan further complicates the Taliban's approach to negotiations with the Afghan government. The Taliban may find the need to better ISIS on the battlefield, and negotiations with the Afghan government

may affect the Taliban's unity and ability to recruit. Therefore, the Taliban may drag out any plans for peace talks with the government.

It was initially believed that the existence of ISIS and conflict between it and the Taliban would diminish the strength of both groups. However, both have continued to attack the government and its security forces. The additional risk of ISIS involvement in Afghanistan is that it may again make the terrorist threats to the Afghan government and the US and NATO transnational.

An uncertain peace process

The prospect of achieving peace and stability in Afghanistan through a negotiated peace settlement between the Afghan government and the Taliban is looking unlikely in the near term.⁸⁰ Such efforts were largely unsuccessful during Hamid Karzai's presidency, as a result of Pakistani interference and friction between Karzai and Washington over the process. However, President Ashraf Ghani has made peace talks 'the centre of his agenda'.⁸¹ In early 2015, President Ghani visited both China and Pakistan and raised the issue of peace talks, with both nations expressing their willingness to assist in getting the process started.

In May 2015, the Afghan Government and the Taliban met in Qatar, where both expressed enthusiasm about starting official negotiations. However, since the confirmation of the death of Mullah Omar in July 2015 and the appointment of Mullah Aktar Mansour as the new Taliban leader, the peace talks have stalled. It has been reported widely that Mullah Mansour does not want to commit to peace talks, contending that peace can only be achieved once all foreign forces have departed the country and the movement has the potential for victory.⁸²

Contrary to optimistic assessments by the current US Administration, the Afghan insurgency has gathered strength after the end of the ISAF mission.⁸³ In late 2014, the US asserted that the insurgency 'continued to test the ANSF, but failed to achieve its objectives', particularly during the Afghan presidential election process.⁸⁴ The belief was that the insurgency would challenge the ANSF in remote rural areas but that it would not be able to capture or destroy well-defended zones and did not have the capability to control major urban centres. It was judged that the insurgency would focus on the rural areas and on high-profile attacks on key individuals and population centres. This assessment has been challenged by the Taliban's seizure of Kunduz, which led to questions regarding the capability and capacity of the ANSF and the Afghan government to counter the Taliban-led insurgency.

An uncertain governance and development prospect

The ongoing challenges in Afghan governance are adding to the strength and threats from the Taliban-led insurgency. According to Halimullah Kousary from the Afghanistan Centre for Conflict and Peace Studies, these challenges include rampant corruption at all levels of government and ineffective governance throughout the country's institutions.⁸⁵ The United States Institute of Peace similarly opines that a major causal factor for instability in Afghanistan is the 'failure of state institutions to respect and promote the rule of law and to act accountably and effectively'.⁸⁶

It is widely assessed that corruption in Afghanistan is endemic throughout all layers of the Afghan government and institutions, including the legal and justice system, the government's administration, and the implementation of foreign aid and development.⁸⁷ Such corruption exacerbates the divides along ethnic and tribal lines, especially seen when corrupt provincial governors appoint local officials, including police chiefs, thus marginalising segments of the population.⁸⁸

This leads to individual Afghans struggling to gain justice or support and allows the insurgents to fill the gap, including appeals to the locals to take up arms against the government in what is termed a 'religious jihad for justice'.⁸⁹ Added to the challenges of corruption is the lack of development, particularly at the village and district level. According to Kousary, this has left the 'Afghan population disenchanted with their government'.⁹⁰

These challenges for the Afghan government are compounded by Afghanistan's fragile economy. As a result of long-term internal conflict and poor governance, Afghanistan has become almost totally aid dependent.⁹¹ Its economic growth has shrunk significantly over the past four years, with a drop in its GDP growth from 9 per cent in 2012 to 2 per cent in 2014.⁹² Since the departure of ISAF, the Afghan domestic revenue has shrunk, with a sharp decline in the collection of taxes and customs revenue. As a result of this fiscal crisis, the Afghan Government was unable to pay the salaries of its civil servants in 2015 and was reliant on a US\$190 million stop-gap payment from the international community to meet its obligations.

Critically, as a consequence of corruption, lack of development and fiscal crisis, the Afghan government has not met the expectations of its people, and is therefore failing to win over the population and failing to establish a position of strength for negotiations with the Taliban.⁹³ Kousary identifies that for a long-term solution to counter the Taliban, there needs to be 'economic development in Afghanistan and economic integration in the broader region'.⁹⁴

An uncertain US perseverance

A further cause of increased instability in Afghanistan is disengagement of the US and NATO from the region. International support is still critical to Afghanistan, and ongoing assistance from the international community, including security sector support and funding and development aid, is essential for setting the conditions for stability in Afghanistan.⁹⁵

It is here that history sounds a warning. The US and the West can benefit from acknowledging and not repeating the consequences of an untimely withdrawal of international support from Afghanistan. The 1992 collapse of the Soviet-backed Najibullah nationalist government and the rise of the Taliban and Islamic extremism in Afghanistan are often linked to the withdrawal of covert Soviet financial and advisor support in 1991. After the withdrawal of Soviet combat forces in 1989, the Najibullah regime was able to hold off the Afghan Mujahedeen until 1992. However, Najibullah's regime was only able to achieve this with significant Soviet covert aid, which he utilised to 'consolidate his power through networks of patronage and by maintaining a powerful military'.⁹⁶

With the collapse of the Soviet Union, the support suddenly disappeared. As a result, Najibullah was unable to fund his patronage system and his regime was dealt a fatal blow. Najibullah agreed to an UN-brokered transition process and disappeared from view. The resultant scramble for power by regional and ethnic groups led to warlordism and a civil war from 1992 to 1998. By 1998, the Taliban had taken control of the majority of Afghanistan and had formed a national government in Kabul. What followed eventually led to Australia's own involvement in Afghanistan.

It now serves Australia's interests that history is not repeated in Afghanistan. The US and the West can also heed the lessons from the withdrawal of US forces from Iraq. While the circumstances of that withdrawal was the lack of a status-of-forces agreement between Iraq and the US, the US departure left an Iraqi security force not capable of providing security in a divided nation, which facilitated the rise of ISIS.⁹⁷

Following the ISAF mission, NATO established its US-led Resolute Support Mission, with a mandate until December 2016.⁹⁸ The purpose of this mission is to ensure that the Afghan government and the ANSF are capable of taking responsibility for their own security on the departure of ISAF's combat forces. It is to be achieved through the provision of 'train, advise and assist' tasks to support the ANSF and Afghan security institutions. NATO and partner nations are also providing funding support to the ANSF through three key funding mechanisms:

1. ANSF's operating budget;
2. The NATO ANA [Afghan National Army] Trust Fund; and
3. The UN Development Program's Law and Order Trust Fund for the Afghan National Police.⁹⁹

The US commitment to this new mission was outlined by President Obama in his State of the Union Address in January 2014, where he asserted that:

After 2014, we will support a unified Afghanistan as it takes responsibility for its own future.... A small force of Americans could remain in Afghanistan with NATO allies to carry out two narrow missions: training and assisting Afghan forces, and counter terrorism operations to pursue any remnants of al Qaeda.¹⁰⁰

The US and NATO had planned to decrease the size of the ANSF from the high of 352,000 (comprising 195,000 army and 157,000 police) in 2012 down to 228,000 in 2015.¹⁰¹ However, due to assessments of the challenges in securing Afghanistan, NATO agreed in February 2013 to reverse this plan. Hence, ANSF is to be funded by the US, NATO, partner nations and the Afghan government at a cost of US\$5.85 billion per year until at least 2017. At present, Afghanistan has pledged US\$500 million towards the ANSF for 2015 and is expected to take full responsibility to fund its own security requirements by 2024.

An uncertain ANSF

As a result of the increasing levels of insurgent-led violence, an atmosphere of uncertainty has pervaded in Afghanistan, including concerns regarding the ANSF's ability to secure the nation.¹⁰² In late 2014, it was judged that the ANSF had the ability to preserve the safety and security of Afghanistan, based largely on the success of the ANSF to plan and execute the security for the Afghan presidential election and its follow-on runoff in early 2014. However, as the insurgency maintained its high tempo through the winter of 2014 and into 2015, it has become apparent that the ANSF has not been able to maintain security.

The key areas of concern include an unsustainable level of personnel losses through casualties, desertions and discharges, and losses in equipment. The high level of combat has also highlighted the well known ANSF weaknesses in logistics planning and capability, operational planning and fusion of intelligence. It also reinforced its lack of a working casualty evacuation system and deficiencies in its intelligence, reconnaissance and surveillance, and close air support.

As a result of US and NATO concerns regarding the performance of Afghan forces against the Taliban-led insurgency and the Taliban actions in Kunduz in September/October 2015, President Obama made the decision on 15 October

2015 to extend the US mission in Afghanistan, committing to extend its 'train, advise and assist' mission and its counter-terrorism force to beyond 2017.¹⁰³ This decision will see the current US force of 9800 remain in Afghanistan until late 2016, reducing to a force of 5500 in 2017.

These troops will remain as part of the US contribution to the NATO-led Resolute Support Mission and the US counter-terrorism task force. This decision is a major amendment to the US plan, which previously envisioned the US reducing its forces to approximately 5000 in 2016 and then down to an embassy protection force of 1000 in 2017. The decision explicitly acknowledges that the ANSF and the Afghan government are not yet ready to accept responsibility for the country's security. The plan will also see the Resolute Support Mission maintain its bases in Bagram and Jalalabad in the east and Kandahar in the south after 2016.

The internal security and governance threats in Afghanistan are multifaceted and challenge the capacity of the Afghan government to defeat the Taliban-led insurgency. The identified deficiencies in the ANSF highlight the fragility of Afghanistan's ability to counter the entrenched insurgency and, as identified in a European Parliament report, the ANSF's inability to function without adequate international funding and support for the foreseeable future.¹⁰⁴

The performance of the ANSF will be important to the future outlook of Afghanistan and the perseverance of its international donors. It will also shape the perceptions of 'Pakistan, India, and other regional countries on the viability of the Afghan state and the existing political arrangements in the country'.¹⁰⁵ As a result, the decision by the US and NATO to extend the Resolute Support Mission is intended to buy time for the Afghan government to address its challenges and provide space for future negotiations with the Taliban.

Having demonstrated why Afghanistan matters to Australia's security, economic and political interests, it is important to consider how Australia might develop and implement policies that serve to promote Afghanistan's long-term sustainability, and thereby strengthen South Asian stability.

Section 3: Australia's future policy option

Beyond 2016, Australia will remain a constructive and committed partner to our Afghan friends.

[Then Australian] Minister for Defence, Kevin Andrews, September 2015 ¹⁰⁶

Because of the weakness of the Afghan state and its institutions, and the poor sustainability and force generation of the ANSF, there is a very real potential for the Afghan government to fail. That could allow an emboldened Taliban to take control or result in a return to a 1990s-style civil war and warlordism. Following President Obama's decision in October 2015 to extend US forces in Afghanistan beyond 2017, there is now an opportunity for NATO and Australia to review their current plans and policy settings for Afghanistan.

On the same day as President Obama's announcement, NATO Secretary General Jens Stoltenberg asserted that the US decision was important as it 'paves the way for a sustained presence by NATO Allies and partners in Afghanistan'.¹⁰⁷ He indicated that NATO would shortly announce its plans after reviewing the details of the US decision. Australia's Prime Minister Malcolm Turnbull responded to the US decision by stating that Australia would review current plans and discuss with the US what is required and then make a decision.¹⁰⁸

The current Australian Resolute Support Mission commitment and Afghan policy are based on decisions taken in 2013-14 that reflected the optimistic assessment of the situation in Afghanistan at the time. New policies must, therefore, be developed to recognise the more pessimistic assessments and take into account Australia's interests in the broader South Asia region, rather than just looking at Afghanistan in isolation.

This final section of the paper will draw on the analysis of the first two sections and identify opportunities for Australia to support Afghanistan's security, thereby helping safeguard Australia's strategic interests in the region. To achieve these national interests, Canberra should develop both short- and long-term policies.¹⁰⁹

This section will first address the short term by recommending what Australia should commit in the extended Resolute Support Mission. This recommended commitment would support the Afghan government in addressing the deteriorating security situation and support the US-Australia relationship. A longer-term initiative will then be proposed to address the effect of external factors on Afghanistan's stability, focusing on the regional competition and tension between India and Pakistan.

Policy Recommendation 1: Extend and expand Australia's ongoing commitment to Resolute Support Mission

In response to the recent US decision, an extension of the ADF's current commitment to the Resolute Support Mission, as well as an expansion of the current Special Forces capability and tasks in Afghanistan, are both warranted. The first proposed initiative requires an understanding of the likely amendments to the planned drawdown process for the NATO forces, which reflect a 2017 or later withdrawal, rather than the current 2016 plan. The second proposal would require detailed planning and coordination with the US and NATO, separate to those being conducted regarding the extension of the NATO mission.

Current status of Australian commitment to Resolute Support Mission¹¹⁰

The ADF's commitment to the NATO-led Resolute Support Mission is Operation HIGHROAD. It is significantly smaller than its commitment to the previous NATO-led ISAF mission under Operation SLIPPER. Australia has promised NATO to provide up to 400 personnel to the Resolute Support Mission. However, as at October 2015, there are only about 270 personnel deployed in Afghanistan under Operation HIGHROAD.¹¹¹

Australia's military commitment has been approved and funded out to the end of 2016, to align with the original NATO plan to end the Resolute Support Mission in December 2016. The current Australian Government has provided additional budget funding to the Department of Defence for Operation HIGHROAD, with A\$115.1 million allocated in the 2015-16 budget and an additional A\$134.4 million allocated over the forward estimates.

The ADF's contribution to the Resolute Support Mission is confined to the NATO-led 'train, advise and assist' mission in Afghanistan, with no Australian commitment to the US counter-terrorism mission in support of the Afghan government. The ADF elements in Afghanistan are providing approximately 70 personnel as embedded staff within the NATO Resolute Support Headquarters in Kabul and the Headquarters of the Train, Advise and Assist Command-South in Kandahar. It also has about 90 personnel deployed as trainers, advisors, support staff and force protection in the UK-led training and advisory team at the Afghan National Army Officer Academy in Qargha near Kabul.

The ADF also provides support to the ANSF's special forces through the provision of a small contingent of Australian special forces in Kabul. This contingent provides staff and support to the NATO Special Operations Component Command-Afghanistan and the Special Operations Advisory

Group. The Australian contingent's focus is on advising at the Headquarters of the Afghan General Command of Police Special Units Special Forces. The ADF also has its own national headquarters in Kabul, with support elements in Kandahar, totalling about 110 personnel, providing communications, logistic and administrative support and staff officers.

Initiative 1.1

Australia should maintain personnel and funding commitments in support of the Resolute Support Mission out to and beyond 2017.

It is recommended that Australia extend its current contribution deployed on the Resolute Support Mission to align with and reflect the US extension and pending commitments by the NATO nations. This would require the ADF to maintain its current deployed capabilities—and might also see Australia asked to provide additional capabilities.

The US mission extension will require the Resolute Support Mission Commander to review the current timeline for the drawdown of the current train, advise and assist capabilities. This would likely see the need for deployed ADF capabilities to remain in Afghanistan beyond current timelines. It may also see Australia asked to provide additional capabilities to address areas of weakness within the ANSF and the Afghan government which have led to the current security situation.

The Australian commitment would need to be meaningful, support the legitimacy of the Afghan government and reinforce the Australia-US alliance. However, a key concern for defence planners would be government and public sensitivities about any increase in the number of ADF personnel in Afghanistan beyond the mandated cap of 400 personnel. Therefore, any increase in defence personnel to support any requests for additional capability should be constrained by the Australian Government's current manning cap of 400.

Initiative 1.2

Australia should expand its special forces commitment in Afghanistan.

It is recommended that Australia should expand its current special forces' commitment to include the deployment of a special forces training team to support US Special Forces' training of units from the Afghan National Army's Special Operations Command or its special forces.¹¹² This training team would provide trainers, alongside US Special Forces trainers, to deliver advanced skills.

This initiative reflects previous Australian government public statements that it would consider contributing special forces to Afghanistan post-2014. In April 2013, then Minister of Defence Stephen Smith asserted that:

Under an appropriate mandate, Australia remains prepared to make a Special Forces contribution, either for training or for Counter Terrorism purposes, or both ... to prevent Afghanistan from again becoming a safe haven or breeding ground for international terrorists.¹¹³

With the deteriorating security situation across Afghanistan, including the emergent ISIS threat, it is likely that there will be increased reliance on the Afghan Special Operations Forces to conduct a higher tempo of counter-terrorism missions. An expanded and meaningful commitment of Australian special forces, to reinforce NATO's efforts to train, advise and assist Afghan Special Operations Forces, would provide assurances to the Afghan government that its stability is important to Australia. Furthermore, an expanded special forces' mission would reinforce the Australia-US alliance.

The deployment of this special forces' commitment would potentially support the US and Afghan Counter Terrorism mission. By assuming that the Australian training team would relieve some US Special Forces from this training responsibility, it could be presumed that those US Special Forces personnel would be available to conduct the more robust combat-advising task alongside Afghan Special Operations Forces.

The increased risk profile associated with additional ADF personnel deployed in Afghanistan would be a key concern for defence planners. Noting the likely government and public sensitivity to the risks associated with Australian special forces being recommitted to a combat or combat advisory role, it is unlikely that the Australian Government would approve any such role. However, deploying these forces in an enhanced training role with the Afghan Special Operations Forces may be more palatable. The reduction in ADF personnel deployed on Operation HIGHROAD, as a result of the end of ISAF mission, should allow the ADF to deploy a special forces training team without increasing its commitment above 400.

Funding for initiatives

The funding of these two initiatives should be able to be accommodated within the Australian Government's current budget allocations to support operations.¹¹⁴ These initiatives should not require additional immediate funding if there is no increase in personnel above the current cap of 400, and the special forces training team is constrained to training tasks. The funding should be able to be sustained within the current A\$115.1 million allocated in the 2015-16 budget. However, it would require additional funding into the forward

estimates, above the already-allocated A\$134.4 million, to cover costs out to at least mid 2018.

Rationale for initiatives

These initiatives, to extend and expand Australia's ongoing commitment to Resolute Support Mission, would reflect the intent of the Australian government over the past four years. Since 2012, Australian government ministers have regularly reiterated their intent not to allow Afghanistan to again become a terrorist safe haven and to continue building the capacity of the ANSF to counter the Taliban-led insurgency. The present Minister for Defence, Marise Payne, stated in early October 2015 that '[c]ontinued international support will be vital for Afghanistan.... [t]he country still faces many challenges, including in relation to security as a result of the ongoing Taliban insurgency'.¹¹⁵

The proposed initiatives would also support the Australian government's commitment to the Afghan government as outlined in its May 2012 'Comprehensive Long-Term Partnership between Australia and the Islamic Republic of Afghanistan'.¹¹⁶ As part of that agreement, Australia committed to 'addressing long-term transnational threat, including terrorism', to assist the ANSF in 'countering the threat of international terrorist groups', with Australia promising to continue this support after 2014. The proposed deployment of an expanded special forces' capability would also meet Australia's pledge to provide 'defence cooperation ... [which] could encompass such areas as counter-terrorism support and providing trainers and advisors to assist building capacity of ANSF institutions'.¹¹⁷

The final rationale for these initiatives is that they would support the US- Australia relationship. The US alliance remains vital to Australia's national interest; therefore, a small commitment to US efforts in Afghanistan would be of great value to both US and Australian interests.

Policy Recommendation 2: Influence Afghanistan's regional external actors

In response to the ongoing negative influence of some of Afghanistan's regional neighbours, Australia should undertake initiatives to promote regional cooperation. This would support the intent of UN Security Council recommendations on Afghanistan which, since 2001, have had a consistent theme of regional development and cooperation to assist the Afghan state with its transition to a stable and functional nation.¹¹⁸

The actions of these stakeholders have both a short- and long-term effect on the prospects of the Afghan government and will require both multilateral and

bilateral initiatives to address the behaviour. This policy approach would focus primarily on the actions of Pakistan and India but would require the input of all regional stakeholders.¹¹⁹ The first policy initiative focuses on Pakistan and the Taliban/terrorist safe havens on its frontier with Afghanistan. The second initiative focuses on reducing friction between India and Pakistan, in order to facilitate trade and cooperation in the transit of goods and energy resources.

Initiative 2.1

Australia should work with like-minded nations in influencing Pakistan to cooperate with Afghanistan to deny Taliban/terrorist safe havens which exist on their common frontier.

At the NATO Chicago Summit in May 2012, it was recognised by NATO and its partners that Pakistan has an important role in 'ensuring peace, stability and security in Afghanistan and in facilitating the completion of the transition process [from ISAF-supported security to Afghan lead and responsibility]'.¹²⁰ According to Thomas Barfield, 'if Pakistan ever reversed its policy of support, as it did to Mullah Omar in 2001, the insurgency in Afghanistan would be dealt a fatal blow'.¹²¹

The Australia-Pakistan relationship has been longstanding, with diplomatic relations established in 1947.¹²² The Australia-Pakistan security relationship commenced during the Cold War period and has deepened as a result of Australia's involvement in Afghanistan. Australia has said that the security and stability of Pakistan, like Afghanistan, is important to Australia's national interest.

Australia lacks the bilateral influence to address Pakistan's macro issues, such as the safe havens, and therefore would need to work multilaterally to address this issue.¹²³ However, the Australian government is well positioned with Pakistan, in comparison with some other Western nations, as it has very little 'political baggage or perceived agenda'.¹²⁴

To influence Pakistan's actions to counter the safe havens, Australia should prioritise the discussion of this issue at the every opportunity. Australia has both bilateral and multilateral forums where it discusses security issues with Pakistan. The bilateral forums include the Pakistan-Australia Defence Cooperation Committee, which is a regular 'Chief-to-Chief' meeting; the 1.5 Track Security Dialogue, which involves the respective Chiefs of Defence Force, along with senior leaders from government agencies, discussing issues of mutual strategic interest; and the Pakistan-Australia Joint Working Group on Border Management and Transnational Crime, which focuses on cooperation to counter transnational crime, including terrorism financing.¹²⁵

In a multilateral approach, the key forum to influence Pakistan is the Istanbul Process, which is a 'regional cooperation mechanism designed to support a peaceful and stable Afghanistan'.¹²⁶ The forum's key stakeholders are Afghanistan, Azerbaijan, China, Iran, India, Kazakhstan, Kyrgyzstan, Pakistan, Russia, Saudi Arabia, Tajikistan, Turkey, Turkmenistan and the United Arab Emirates. Australia and the US are supporting members, along with another 26 members which are the traditional donors to Afghanistan's reconstruction.

Initiative 2.2

Australia should develop a strategy to de-escalate India-Pakistan tensions in relation to Afghanistan.

In this forum, Australia should work with the US to directly influence Pakistan. The two countries should also utilise China's longstanding strategic alliance with Pakistan to indirectly influence Pakistan to do more to clear the safe havens. Achieving this would result in a benefit to Afghanistan's future. It would also improve security within Pakistan and decrease the terrorist risks to the China-Pakistan Economic Corridor project.

Australia should initiate bilateral initiatives and multilateral efforts, particularly regional, to promote the de-escalation of tensions between India and Pakistan in relation to Afghanistan. Decreasing tensions would provide an opportunity to facilitate South Asian regional trade, including a more effective transit of goods, which would contribute significantly to the stability of Afghanistan.¹²⁷

Since 2009, Australia has recognised the growing importance of India as a rising power in Asia.¹²⁸ This recognition resulted in the elevation of the Australia-India relationship to a 'strategic partnership', which was affirmed in 2014 with the two nations conducting reciprocal Prime Ministerial visits. This relationship is further supported by annual ministerial-level meetings, such as the Foreign Ministers' Framework Dialogue and the 2009 Joint Declaration of Security Cooperation and its associated regular senior officials-level meetings. The importance of India in Asia has also been acknowledged by the US, which has developed a more formal relationship in recognition of the economic and strategic importance of India to the US.¹²⁹

The focus for Australia's strategy should address how India and Pakistan approach their competing relationships with Afghanistan. For India, the strategy should focus on its intent regarding the Indo-Afghan strategic partnership, alongside the Afghan government's expectations from this partnership. In particular, there is a need to ensure that the economic and security elements of the partnership do not enflame Pakistan's concerns that India is attempting a strategic encirclement.

Australia, therefore, should work with the US and NATO to shape the security environment such that Afghanistan does not need to rely on India for security sector support. This issue has been addressed in the short term by the US decision to extend the Resolute Support Mission. However, in the medium and long term, the US, NATO and Australia should develop security sector support, looking beyond the Resolute Support Mission, to provide Afghanistan with confidence that it does not need to ask India for security support in the future.

For Pakistan, the strategy should focus on reassuring Islamabad that the Indo-Afghan strategic partnership is not a threat to its security but rather that it has potential benefits. In particular, Australia, US and NATO should emphasise the potential economic benefits of a normalised Afghan-India-Pakistan relationship. Regional cooperation and development in the exploitation of Afghanistan's mineral and energy resources, and the transit of those resources and energy resources from Central Asia through Pakistan, would potentially contribute significantly to Pakistan's economy and thus address some of its economic challenges.

The forums which Canberra could utilise for this strategy are Australia's bilateral relationships with each nation and multilateral forums. At the bilateral level, Australia should use its Foreign Ministers' Framework Dialogue and the meetings associated with the Joint Declaration of Security Cooperation to influence India. With Pakistan, it should use high-level visits by the Foreign Minister, the Pakistan-Australia Defence Cooperation Committee and the 1.5 Track Security Dialogue to address the issues. At the multilateral level, Australia should work alongside the US and NATO nations, particularly at the Istanbul Process, to influence Pakistan and India to normalise their relations with Afghanistan.

Rationale for initiatives

This proposed initiative reflects the intent of the Australian government 'to secure the external environment for Afghanistan' using regional forums and processes.¹³⁰ The proposed initiative also supports Australia's commitments in the 'Comprehensive Long-Term Partnership between Australia and the Islamic Republic of Afghanistan', where Australia noted that 'Afghanistan's position [is] in the heart of Asia' and committed its 'support for regional stability and peaceful regional relations'.¹³¹

The proposal would also support the intent of the various UN Security Council Resolutions on the transition of Afghanistan to a stable and functioning state. In particular, this initiative would help facilitate 'regional cooperation, economic development, trade and transit ... by working with regional organisations whose activities intersect with Afghanistan', and assist Afghanistan in becoming the 'land bridge between East Asia, South Asia, Central Asia, Eurasia and the Middle East'.¹³²

Conclusion

Despite its ongoing instability, Afghanistan remains globally and regionally significant. Afghanistan is a key element of the regional security dynamic and has the potential to adversely affect the security of other regional states, including India, with which Australia seeks closer political and economic relations. Through an examination of the ongoing and future threats to Afghanistan and the way in which the US and NATO are responding to the deteriorating security situation, it has been argued in this paper that action needs to be taken to continue assisting Afghanistan to address the sources of its instability.

To that end, the paper has proposed two policy initiatives to contribute to Australia's efforts in supporting the Afghan government. The first addresses the immediate concerns of instability and is broken into two sub-components; namely, that Australia should maintain its current 'train, advise and assist' commitment to the NATO-led Resolute Support Mission in response to the US decision to extend its commitment into 2017, and that Australia should expand its current special forces' commitment by the provision of a special forces training team to support the US counter-terrorism mission in Afghanistan.

These initiatives would support the Afghan government in countering the Taliban-led insurgency, in accordance with Australia's commitment to its Comprehensive Long-Term Partnership with Afghanistan. They also reflect Australia's national interest in ensuring that Afghanistan does not become a transnational terrorism safe-haven, as well as support to the US-Australia alliance.

The second policy initiative proposes a strategy to address the influence of regional external actors, particularly Pakistan and India, on the long-term stability of Afghanistan. The policy recommends that Australia employ its bilateral relationships with each nation and its involvement in multilateral forums, such as the Istanbul Process, to influence the behaviour of Pakistan and India.

Specifically, it proposes that Australia should develop a strategy to convince Pakistan to do more to close the terrorist safe havens along the Pakistan-Afghan frontier. It should also work with Pakistan and India to temper their competition for influence on Afghanistan, which leads to a 'proxy war' in Afghanistan. The policy should also promote economic benefits through a cooperative approach to trade and development within Afghanistan. However, this policy cannot be achieved by Australia alone and would require the support of the US, NATO nations and regional stakeholders such as China.

Australia cannot view Afghanistan in isolation but rather must see it as part of a wider South Asia geopolitical construct. In promoting new initiatives to support Afghanistan, Australia will need to work as part of a US-led coalition while engaging key regional stakeholders. The policy initiatives suggested in this paper would protect Australia's national security, economic and political interests in Afghanistan and South Asia, and would strengthen Australia's ability to exploit the economic opportunities that are emerging in South Asia.

Notes

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Instability in Afghanistan: Why Afghanistan matters and what Australia can do to address the causes of instability

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Transforming the India-Australia Relationship

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Abstract

This paper analyses how India and Australia can build on their relationship to become strategic partners. It argues that rising Chinese assertiveness needs to be balanced by a security architecture that is not led by the US, if a Cold War-type grouping of nations is to be avoided. It contends that a security architecture based around the ASEAN Regional Forum or East Asia Summit may not be effective, as the ASEAN countries lack military capacity and do not propagate military alliances.

The paper asserts that a strategic relationship between India and Australia, based on common political, economic and security cooperation, could provide the balancing influence. Being located away from China's immediate area of influence, such a relationship would not directly threaten Chinese interests but would still be able to exert influence over the sea lines of communication passing through the Indian Ocean region. The paper concludes that a strategic alliance between India and Australia could contribute to a more stable Indo-Pacific region and ensure the independence of action of South Asian countries.

Introduction

India and Australia, the two flourishing democracies in the Indo-Pacific region, have increasingly come together in the economic and diplomatic arena based on common values. Both countries rely on a rules-based world order, which is a prerequisite driving economic growth in both countries. Being an island country, Australia is dependent on freedom of navigation through the Indo-Pacific region with secure sea lines of communication (SLOC).¹ For peninsular India, strategically located in the centre of the Indian Ocean—and with 70 per cent dependency on imported oil and gas for energy requirements, and most of its trade going through the sea—security and dominance of the SLOCs through the Indian Ocean are a strategic necessity.²

The dynamics of aggressive control over international waters in the South China Sea recently exercised by China, and the parallel shifting of the US' strategic focus via its policy of pivoting to the Asia-Pacific, leaves a relative void in the Indian Ocean region which needs to be augmented by regional powers.³ These changing regional dynamics open up space for balancing bilateral and multilateral security arrangements in the Indian Ocean region, underpinned by US support. Naturally, India and Australia, with a strong maritime heritage and bonded by common values, have an opportunity to build their relationship from a political and economic level to one underpinning overall security in the India Ocean region.

This paper analyses how India and Australia can build on their relationship to become strategic partners. First, the paper analyses the current regional imperatives. It then examines the current Indian and Australian relationship, leading to a conclusion that the changing geopolitical focus towards an economically-rising Asia and an increasingly-assertive China necessitates the development of an overarching multilateral security architecture in the Indian Ocean region—one which India and Australia have the opportunity of creating.

Regional imperatives

The Indian Ocean is the third largest water body in the world. It encompasses critical SLOCs carrying 61 per cent of total global container traffic and 70 per cent of traffic in petroleum products, with the Malacca Straits being an important choke point connecting the ocean with the Pacific Ocean.⁴ The region also has large untapped offshore hydrocarbon reserves, which will be critical to feeding the growing energy demands of Asia.⁵ Krishnappa Venkatshamy concludes that 'maintaining stability in the region is therefore critical to regional as well as global prosperity'.⁶ With India and Australia having

the two largest navies in the region, it falls on them to contribute towards overall security in the region.⁷

The biggest driver of the altering security situation in the Indo-Pacific region has been the rapid rise of China and its increased assertiveness in the South China Sea. China is increasingly challenging the rights of The Philippines and Vietnam in the dispute over islands in the South China Sea. It is also taking such coercive measures as developing military airfields on the reclaimed islands. This assertiveness has also seen China impose restrictions regarding the permissions required for the use of air space in the East China Sea, a development which has been opposed by those nations committed to freedom of navigation, led by the US.

This increases the possibility of China taking similarly aggressive actions over other territorial disputes, such as its land borders with India, as a show of strength of its increased military capabilities. According to Venkatshamy, China's maritime modernisation efforts, based on the development of submarines for sea denial and large numbers of long-range missile systems, are 'centred around its expansionist motives to obtain a strategic foothold in the Indian Ocean and counter American influence in the region'.⁸

In order to balance against a rising Chinese influence, the US announced its policy of pivoting its strategic focus towards the Pacific Ocean. President Barack Obama recently remarked with reference to China that '[i]f we don't write the rules for trade around the world, guess what, China will'.⁹ Given the assertive and coercive nature of Chinese policy in the South China Sea, that result will definitely be a challenge to the current rules-based order.

The ability of South Asian countries to exercise complete freedom of economic independence in such an environment will be the key towards long-term security in the Indo-Pacific region. However, ASEAN countries have been constrained in their ability to contribute towards overall security in the region, as they tend to work through consensus building and lack sufficient military capabilities. Frederic Grare contends that 'many countries in the Indo-Pacific region, including Australia, fear the prospect of an Asian multilateralism dominated by China'.¹⁰ C. Raja Mohan contends that, with increasing hegemonic Chinese influence in the Indo-Pacific region, many countries are looking to India to play a larger role on the regional scene.¹¹

Historically, Australia depended on Britain prior to World War 2, and thereafter on the US, to contribute towards ensuring security in the Indo-Pacific region.¹² As such, it had its economic alliances with countries aligned around these two powers. However, in this new century, for the first time Australia is in the position of having China as its largest trade partner but its security alliance with the

US.¹³ With the US shifting its strategic focus towards the Pacific Ocean so as to balance against China, it is perhaps timely for Australia to review its over-dependence on trade with China.

Overview: Indian and Australian relations

Although India and Australia share common democratic traditions and are increasingly becoming closer trade partners, the relationship during the last 60 years is one which has never reached its true potential.¹⁴ Australia's alliance with the US, and India's relationship with the Soviet Union during the Cold War era, produced its own dynamics of differences.¹⁵ After the nuclear explosions by India in 1998, Australia reacted with much more than a robust response, including cancellation of all ministerial-level talks and the recalling of defence attachés. According to David Brewster, the reaction was perceived by New Delhi as much more than was required and was seen as directed towards impressing Washington.¹⁶

It also created a perception in New Delhi that Canberra was not following an independent foreign policy and would only follow the lead of the US.¹⁷ It was only after the India-US civil nuclear agreement that relations between India and Australia again warmed up and saw two prime minister-level visits from Canberra. The subsequent Australian policy to start the export of uranium to India was seen as a step towards regaining the lost ground of the last two decades and removing distrust between the two nations.¹⁸ The fact that the step involved then Prime Minister Gillard taking the issue to a vote in Parliament, and risking political capital, is indicative of the importance Australia attached to removing all obstacles towards engaging India in a new partnership.¹⁹

The last decade has seen major improvements in security engagements between Australia and India, which have gained in momentum in recent years.²⁰ The period saw the signing of several security-related bilateral agreements, including an agreement on countering terrorism in 2003, a memorandum of understanding on defence cooperation in 2006, a defence information-sharing arrangement in 2007, and an agreement on intelligence dialogue, extradition and counter-terrorism in 2008.²¹ A joint declaration on security cooperation, along similar lines to the ones Australia also shares with Japan and South Korea, was signed by both Prime Ministers in 2008.²²

However, Grare cautions that sharing common concerns does not necessarily mean the adoption of a common approach. Given the strong military relationship shared by Australia with the US, centred on maintaining common security through bilateral arrangements, and India's foreign policy focus of maintaining strategic autonomy, India may be hesitant to form a regional

security arrangement with Australia.²³ However, with the signing of the framework for security cooperation by both Prime Ministers in 2014, further impetus has been given to defence cooperation.

India and Australia conducted a bilateral level naval exercise (AUSINDEX) in September 2015, the first combined naval exercise since their combined participation in the Malabar exercise in 2007 triggered a *démarche* by China which resulted in a freeze on further military exercises. This was to be followed by India's participation in the Australian Air Force's Exercise PITCH BLACK in 2016.²⁴ Hence, the increasing level of defence cooperation is now not being limited by the possible concerns of China, and is gravitating towards significant collaboration in the broader Indo-Pacific region by increasing military interoperability and building mutual trust.

The rising level of bilateral economic trade is another area propelling strategic cooperation. Trade between the two countries in 2013-14 was valued at US\$14.8 billion, with India being Australia's 12th largest trading partner and seventh largest export destination.²⁵ The Indian economy has grown at around seven per cent annually since 2003, powered by merchandise, services, telecom and financial services.²⁶ Hence, it is being seen as a major destination for the export of raw materials, a major component of Australia's export trade.²⁷

As noted by Australia's Department of Foreign Affairs and Trade, a 2010 feasibility study into a possible joint free trade agreement concluded that the growth of trade between the two countries is based on complementarities wherein India would be able to use Australia's exports in items such as iron ore and coal to meet its growing economic demands, and to fill infrastructure gaps associated with its own export requirements.²⁸ The report recommended that both governments consider negotiations on a comprehensive bilateral free trade agreement.²⁹ The political direction given by both Prime Ministers towards concluding the same within 2015 is an encouraging milestone binding both nations strongly.³⁰

Towards establishing a strategic relationship

There is a need to create an alternative security architecture to balance against China's military rise and its perceived hegemonic policies.³¹ An architecture led by the US may not be the right answer, as that would parallel the Cold War dynamics of two opposing groups and may further contribute towards precipitating a deterioration of the security situation. The example of China quickly giving a *démarche* to India, Australia, Japan, Singapore and the US after their joint naval exercise in 2007, and requesting an explanation of proposals for the formation of a quadrilateral arrangement, is a case in point.³²

Anything similar would likely be exploited by the Communist Party of China in invoking nationalist feelings within China. Considering the technological and military advantage of the US over China (which cannot be overcome in the near future), the US can continue to guarantee overall security while keeping clear of any direct involvement in a sub-regional security arrangement in the region. So a parallel security architecture, less the US, may be a better option.

Hence, India and Australia, and possibly other South Asian countries, should consider aligning together in creating such an overarching security structure.³³ This would achieve wider security, acceptable to most of the countries in the Indo-Pacific region.³⁴ For such an arrangement to be effective, however, Grare contends that 'India and Australia must play a more active role in institutions, helping to build a new regional order [as] mere presence in existing security institutions differs from active participation and cooperation'.³⁵

Conclusion

The regional imperatives in the Indo-Pacific region point towards the continuing rise in influence of China. This in itself would not be a cause of worry had it not been accompanied by rising Chinese assertiveness in the South China Sea. The countries in the region cannot ignore the development of military airfields on the reclaimed islands. The rising Chinese assertiveness needs to be balanced by an alternative security architecture without the lead of the US, if a Cold War-type grouping of nations is to be avoided. A security architecture based around the ASEAN Regional Forum or East Asia Summit may not be effective, as the ASEAN countries lack military capacity and do not propagate military alliances.

In such a situation, a strategic relationship between India and Australia, based on common political, economic and security cooperation, could provide the balancing influence. Being located away from China's immediate area of influence, such a relationship would not directly threaten Chinese interests but would still be able to exert influence over the SLOCs passing through the Indian Ocean region. The creation of such a strategic alliance between India and Australia could thereby contribute to a more stable Indo-Pacific region and ensure the independence of action of South Asian countries.

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The Australia-Japan Defence Relationship: Improving interoperability at the operational level

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Abstract

This paper analyses ways to deepen the Australia-Japan defence relationship. It argues that while there has been considerable progress in the last decade, the operational level is the missing aspect of the defence relationship, and that there is still much work to be done to achieve interoperability between the ADF and the Japanese Self-Defence Force.

The paper contends that the key to bridging the apparent strategic-tactical divide is not only to focus on the operational level but also to build capacity in operational planning through developing a thorough understanding of each other's planning doctrines, operational and intelligence capabilities and limitations, and rules of engagement. The paper concludes that this is best addressed through more involvement by Japan in Australian operations and exercises, notably Operation RENDER SAFE and Exercises PACIFIC PARTNERSHIP and TALISMAN SABRE.

Introduction

Australia and Japan are in many respects natural security partners: they are both Asia-Pacific powers, liberal democracies, desire a rules-based international order, and are close allies of the US. Over the last decade, the defence relationship between both nations has both broadened and deepened significantly.¹

Most notably, on 9 October 2013, then Australian Prime Minister Tony Abbott stated that '[a]s far as I'm concerned, Japan is Australia's best friend in Asia and we want to keep it a very strong friendship'.² Later, he described Japan as a 'strong ally'.³ While Japan is not legally an 'ally', the reality is that the Prime Minister's sentiment was more important than his word choice—and the sentiment is that Japan is a very close security partner, and getting closer.

The 2013 Australian Defence White Paper states that '[t]here is close policy dialogue [between Australia and Japan] ... facilitating exchanges on strategic perceptions and policy approaches, and setting priorities for practical cooperation'.⁴ Additionally, Japan's 2014 Defence White Paper states that 'Japan will further deepen its relationship with Australia ... [and] will also actively conduct joint training and other activities so as to improve interoperability with Australia'.⁵ However, while it is clear that the relationship has come a very long way in the last decade, there is still much work to be done in order to achieve interoperability between the ADF and the Japanese Self-Defence Force (JSDF).

The aim of this paper is to analyse ways to deepen the Australia-Japan defence relationship at the operational level. To do this, it will first review the achievements of the Australia-Japan defence relationship to date; second, discuss the operational level and why it is important; and third, examine three exercises/operations that are of low to medium sensitivity and complexity that could be used as platforms to enhance interoperability between the ADF and the JSDF. The paper will conclude that the operational level is the missing aspect of the Australia-Japan defence relationship and that it is best addressed by building capacity in operational planning through more involvement by Japan in Australia's robust exercise program.

The status of the Australia-Japan defence relationship

Before ways to deepen the relationship can be discussed, a brief summary of what has already transpired is required. In March 2007, the prime ministers of both nations signed the Japan-Australia Joint Declaration on Security Cooperation.⁶ In December 2008, a Memorandum on Defence Cooperation was signed at defence minister level, which 'recognises the gradual maturation

of the defence relationship from one based on dialogue to one based on practical cooperation'.⁷

These agreements were followed in May 2010 by an Acquisition and Cross-Servicing Agreement, which came into effect in January 2013, and in May 2012 by an Information Security Agreement, which came into effect in March 2013.⁸ The Acquisition and Cross-Servicing Agreement is an important enabling document that applies only to low-level activities such as exercises, peacekeeping operations and humanitarian assistance and disaster-relief operations, but not conventional military operations.⁹ The Information Security Agreement was significant because, without it to protect each other's classified information, the defence relationship would be unable to deepen as required by the respective leaders.¹⁰

Since the Japan-Australia Joint Declaration on Security Cooperation in 2007, there has also been a large number of meetings across various levels. While these have mostly been at the bilateral level, there has also been a number at the trilateral level, including US representatives.¹¹ Notably, the majority of these interactions have been at the strategic level, which is 'concerned with the art and science of employing national power in a synchronised fashion to achieve the national end state and national objectives'.¹²

Both before and after the Joint Declaration, Australian and Japanese forces had deployed on peacekeeping operations in Cambodia in 1992 and in Timor-Leste in 2000, and are currently deployed in South Sudan. They also deployed on humanitarian assistance and disaster-relief operations in December 2004 in response to the Indian Ocean tsunami, and in March 2011 following a substantial earthquake in Japan. They were also involved in humanitarian reconstruction in Iraq during 2005-06.¹³ All of these deployed activities occurred at the tactical level of war where 'tasks are planned and conducted to achieve operational objectives'.¹⁴

Where to next?

It is apparent from the above developments that the defence relationship has been focused on either establishing the relationship's strategic framework or actually undertaking deployed tactical-level activities as events dictate. What is missing is a deeper relationship at the operational level, where 'campaigns and operations are planned, synchronised and conducted to achieve strategic objectives'.¹⁵ Addressing this deficiency is necessary in order to improve interoperability between Australia and Japan.

ADF doctrine also notes that the operational level is the responsibility of commanders who employ the operational art, which is 'the skilful

employment of military forces to attain strategic goals through the design, organisation, sequencing and direction of campaigns and major operations'.¹⁶ Of note, '[o]perational art translates strategic into operational and ultimately tactical actions'.¹⁷ Therefore, the operational level is critical to deepening the Australia-Japan defence relationship and further developing ADF-JSDF interoperability.

On 1 July 2014, the Japanese Government officially reinterpreted Article 9 of the Japanese Constitution (which renounces war) and allowed the JSDF to conduct collective self-defence of countries that have a 'close relationship with Japan'.¹⁸ The Upper House approved this in September 2015 and the reinterpretation is now law. This is a very important development because, for the first time, the JSDF will be able to operate in limited combat roles alongside the militaries of other nations in the defence of Japan.¹⁹

This is one of Japan's first steps towards becoming a 'normal country'—able to use its military power like other states.²⁰ In the future, further normalisation may see the JSDF conducting a broader array of activities across the spectrum of conflict away from Japan, and potentially in coalition with Australia. Hence the time is right to increase interoperability at the operational level between Australia and Japan.

Enhancing interoperability through exercises and operations

To describe areas for future Australia-Japan collaboration, the Australian Strategic Policy Institute (ASPI) has developed a categorisation system, based on the sensitivity and complexity of activities.²¹ It uses a simple rating scale of low, medium and high, where low-sensitivity/complexity activities might include peacekeeping, humanitarian assistance and disaster relief, counter-terrorism and counter-piracy operations and exercises.²² Medium-sensitivity/complexity activities could include higher-end military exercises, as well as capability development on submarines and ballistic-missile defence.²³ High-sensitivity/complexity activities could include intelligence collection, cyber, and a response to the US anti-access and area-denial concept.²⁴

For the purposes of discussion, this paper will focus on exercises and operations at the low to medium levels of sensitivity and complexity. Peacekeeping and humanitarian aid/disaster-relief activities are considered low-sensitivity/complexity activities, as there is already a significant 'history of cooperation' between the two countries.²⁵

While the 'primary justification for dispatching defence forces to help another country experiencing a disaster [or instability] is usually humanitarian ... [and

related to] saving lives, alleviating suffering and maintaining human dignity', there are also less altruistic reasons.²⁶ These include 'reinforcing alliances and partnerships, advancing foreign policy agendas and providing knowledge of operational military capabilities'.²⁷ While the latter reasons do not trump the former, they are nevertheless very important—and require clear-headed thinking on how best to accomplish them.

Planning and practice is accordingly required to work through complex issues and develop tactical and operational-level proficiency. This is best done through exercises, either in the field or at a headquarters, as they 'are the most effective way of demonstrating and evaluating ... preparedness for operations'.²⁸ Furthermore, ADF doctrine states that exercises 'are an important tool through which the ADF tests and validates its concepts, procedures, systems and tactics.... [and they also] demonstrate readiness, build interoperability and contribute to force development'.²⁹

While most peacekeeping and humanitarian assistance/disaster-relief operations are undertaken with little warning, the performance of the deployed force increases considerably if they are practised in the sorts of activities they are deployed to perform. It obviously also helps if the participating forces have good levels of interoperability. Because Australia and Japan have jointly experienced many years of tactical operations and exercises—and with strategic-level agreements now in place—there is scope to expand the bilateral peacekeeping and humanitarian assistance/disaster-relief relationship to a more permanent footing.

One way to achieve this would be through the ADF's Program of Major Service Activities, which is 'a rolling program of joint and combined collective training exercises and activities that are planned to meet' the ADF's operational preparedness requirements.³⁰ Within that program, there are three exercises/operations that would seem well suited to increase interoperability and operational-planning skills at the low- to medium-level of sensitivity and complexity, namely Operation RENDER SAFE, Exercise PACIFIC PARTNERSHIP and Exercise TALISMAN SABRE.

Operation RENDER SAFE is the ADF's annual series of operations that aims to safely dispose of World War 2-vintage explosive remnants of war in a number of South Pacific island nations.³¹ While the operation has previously involved other nations, it has not yet involved Japan.³² Because the activity is an operation, it involves significant operational-level planning, which includes amphibious, aviation, medical, intelligence, and public affairs aspects. It is relevant to both peacekeeping and humanitarian assistance/disaster-relief operations, would

increase ADF-JSDF interoperability, and falls within the strategic framework of agreements such as the Acquisition and Cross-Servicing Agreement.

Exercise PACIFIC PARTNERSHIP is another key peacekeeping and humanitarian assistance/disaster-relief related activity that is also low sensitivity and complexity. It is a US Pacific Command-sponsored activity that involves many nations from across the Pacific, with Australia being a leading participant. It 'aims to strengthen international relationships, improve host nation resilience to natural disasters and improve the interoperability of regional forces in response to natural disaster and humanitarian emergencies'.³³ While Japan has participated previously, it has not done so consistently. Like RENDER SAFE, Exercise PACIFIC PARTNERSHIP involves a range of military capabilities in a humanitarian assistance/disaster relief-like environment and would also sit comfortably within the framework of Australia-Japan defence agreements.³⁴

Exercise TALISMAN SABRE is in a different league as it is 'designed to train ... military forces in planning and conducting Combined Task Force operations to improve the combat readiness and interoperability' of the forces involved.³⁵ As it is also focused on mid-intensity 'high-end' warfighting, it is of medium-level sensitivity and complexity.³⁶ In 2015, the exercise was held in Australia and 40 JSDF ground troops participated for the first time, albeit operating only with US forces, and not the ADF.³⁷ Additionally, because of its combined task force focus, TALISMAN SABRE would provide the most operational level benefit to the Australia-Japan defence relationship, as the JSDF would be able to learn from experienced US and ADF operational level headquarters.

Exercises and low-level operations such as those described above would serve to achieve many strategic-level objectives in the Japan-Australia relationship, such as supporting foreign policy aims and applying military capabilities to soft-power objectives. They would also serve to tighten the military-to-military relationship and instil trust and understanding.

These issues are not only important at the tactical level, where force elements work with each other, but also at the operational level where the activities are planned, synchronised and deconflicted. This is important because this is where national operational-level planning doctrines are employed and where the often difficult issues about what can and cannot be done are explored, such as capabilities, limitations, and rules of engagement, as well as operational intelligence exchanges.³⁸

While RENDER SAFE and PACIFIC PARTNERSHIP are both low sensitivity and complexity, they offer excellent opportunities to deepen the operational-level planning relationship, with little risk and in real-world humanitarian assistance/disaster-relief settings. They are potentially an excellent example of 'learning

to walk before you run'. TALISMAN SABRE, however, is the best longer-term opportunity to fully function at the operational level, both before and during the exercise, across several areas of operation, within a complex scenario and in a fully joint and combined setting.

Conclusion

This paper has proposed several ways in which the Australia-Japan defence relationship can be deepened without undue sensitivity and complexity. The importance of this requirement has significantly increased since July 2014, with the Japanese Government's reinterpretation of Article 9 of the Japanese Constitution and subsequent permission for the JSDF to provide collective self-defence of other countries' forces operating with the JSDF, thus allowing for 'a more normal defence posture'.³⁹

The paper has also contended that the key to bridging the apparent strategic-tactical divide is not only to focus on the operational level but also to build capacity in operational planning through developing a thorough understanding of each other's planning doctrines, operational and intelligence capabilities and limitations, and rules of engagement. It has argued that Japan's involvement in activities such as RENDER SAFE, PACIFIC PARTNERSHIP and TALISMAN SABRE would achieve this.

The Australia-Japan defence relationship has developed quickly and in the last decade there has been an exceptional level of cooperation and collaboration in deepening the defence ties between the two countries. As noted by Yusuke Ishihara, '[i]n light of such a strong record of bilateral cooperation, it is not too much to state that the Japan-Australia bilateral relationship is an "action shop", unlike many other collaborative frameworks which are often only "talk shops"'.⁴⁰ While much work has been done, it is now time to deepen the relationship at the operational level.

Notes

- 1 Yusuke Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', in William Tow and Tomonori Yoshizaki (eds.), *Beyond the Hub and Spokes: Australia-Japan security cooperation*, National Institute for Defense Studies: Tokyo, 2014, p. 92.
- 2 Amy King, 'Australia and Northeast Asia', in Peter Dean, Stephan Frühling and Brendan Taylor (eds.), *Australia's Defence: Towards a new era?*, Melbourne University Publishing: Melbourne, 2014, p. 97.
- 3 Robert Ayson, 'Australia-Japan: Abbott uses the 'A' word', *The Interpreter* [website], 3 December 2013, available at <<http://www.lowyinterpreter.org/post/2013/12/03/Australia-Japan-Abbott-uses-the-A-word.aspx?COLLCC=321711321&>> accessed 24 June 2015.
- 4 Department of Defence, *Defence White Paper 2013*, Commonwealth of Australia: Canberra, 2013, p. 61.
- 5 Japan Ministry of Defense, *Defense of Japan 2014*, Ministry of Defense: Tokyo, 2014, p. 390, available at <http://www.mod.go.jp/e/publ/w_paper/2014.html> accessed 10 June 2015.
- 6 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 92.
- 7 Japan Ministry of Defense, 'Memorandum on Defence Cooperation between Ministry of Defense, Japan and Department of Defence, Australia', *Ministry of Defense* [website], 18 December 2008, available at <http://www.mod.go.jp/j/approach/exchange/nikoku/pacific/australia/pdf/memorandum_e.pdf> accessed 13 June 2015: also Department of Defence, *Defending Australia in the Asia Pacific Century: Force 2030, (Defence White Paper)*, Commonwealth of Australia: Canberra, May 2009, p. 95, which states that '[k]ey elements [of the Memorandum on Defence Cooperation] include an expression of intent to further cooperation in counter-terrorism, disaster relief, humanitarian assistance, peacekeeping and maritime security; a commitment to explore cooperation in science and technology; a commitment to develop an annual calendar of defence activities; an emphasis on multilateral and trilateral defence cooperation with the United States; and a formal commitment to regular bilateral Defence Ministers' meetings'.
- 8 Yusuke Ishihara, 'Japan-Australia security relations and the rise of China: pursuing the "bilateral-plus" approaches', UNISCI Discussion Paper No 32, Research Unit on International Security and Cooperation, Madrid, May 2013, p. 85, available at <<http://revistas.ucm.es/index.php/UNIS/article/viewFile/44791/42210>> accessed 13 June 2015.
- 9 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 101. Notably, the US-Japan Acquisition and Cross-Servicing Agreement also applies to combat operations in and around Japan.
- 10 Malcolm Cook and Thomas Wilkins, *The Quiet Achiever: Australia-Japan security relations*, The Lowy Institute for International Policy: Sydney, January 2011, p. 11; and Ishihara, 'Japan-Australia Defence Cooperation in the Asia-Pacific Region', p. 102.
- 11 Department of the Prime Minister and Cabinet, *Strong and Secure: A strategy for Australia's national security (National Security Strategy)*, Commonwealth of Australia: Canberra, 2013, p. 22, states that the relationship will be based 'on shared strategic and regional security interests including through the Australia-Japan-United States Trilateral Strategic Dialogue'.

- 12 Australian Defence Force (ADF), *Australian Defence Doctrine Publication 5.0 – Joint Planning*, Edition 2, Defence Publishing Service: Canberra, 20 February 2014, p. 1-3, available at <http://www.defence.gov.au/adfwc/Documents/DoctrineLibrary/ADDP/ADDP_5_0.pdf> accessed 7 June 2015.
- 13 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 96.
- 14 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 1-3.
- 15 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 1-3.
- 16 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 2-2.
- 17 ADF, *Australian Defence Doctrine Publication 5.0 – Joint Planning*, p. 1-3.
- 18 Japan Ministry of Defense, *Defense of Japan 2014*, p. 120; and Lisa Sharland, 'Reinterpreting Article 9: enhancing Japan's engagement in UN peacekeeping', *The Strategist* [website], 10 July 2014, available at <<http://www.aspistrategist.org.au/reinterpreting-article-9-enhancing-japans-engagement-in-un-peacekeeping/>> accessed 11 June 2015. The new bills were passed by the Lower House in July 2015 and the Upper House in September 2015.
- 19 Japan Ministry of Defense, *Defense of Japan 2014*, p. 120, states that '[n]evertheless, the Government interprets that the Constitution does not permit armed troops to be dispatched to the land, sea, or airspace of other countries with the aim of using force; such overseas deployment of troops would exceed the definition of the minimum necessary level of self-defense'.
- 20 Graeme Dobell, 'China as number one, Japan as normal', *The Strategist* [website], 22 December 2014, available at <<http://www.aspistrategist.org.au/china-as-number-one-japan-as-normal/>> accessed 11 June 2015.
- 21 See Hayley Channer, Andrew Davies and Peter Jennings, *Something New Under the Rising Sun: Expanding Australia-Japan defence cooperation*, Australian Strategic Policy Institute (ASPI): Canberra, June 2013, pp. 5-6; and, Andrew Davies, 'Future Japan-Australia pathways to defence collaboration: the Australian perspective', in Tow and Yoshizaki, *Beyond the Hub and Spokes*, p. 81.
- 22 Davies, 'Future Japan-Australia pathways to defence collaboration', p. 81.
- 23 Davies, 'Future Japan-Australia pathways to defence collaboration', p. 81.
- 24 Davies, 'Future Japan-Australia pathways to defence collaboration', p. 81. This concept was first called 'AirSea Battle'; in January 2015, it was re-titled the 'Joint Concept for Access and Maneuver in the Global Commons'.
- 25 See Channer, Davies and Jennings, *Something New Under the Rising Sun*, p. 5.
- 26 Athol Yates and Anthony Bergin, *More than Good Deeds: Disaster risk management and Australian, Japanese and US defence forces*, ASPI: Canberra, December 2011, p. 1.
- 27 Yates and Bergin, *More than Good Deeds*, p. 1.
- 28 ADF, *Australian Defence Doctrine Publication 7.0.3 – Exercise Planning and Conduct*, Defence Publishing Service: Canberra, 15 June 2010, p. 1-1, available at <http://www.defence.gov.au/ADFWC/Documents/DoctrineLibrary/ADFP/ADFP_7-0-2_The_Defence_Training_Model.pdf> accessed 7 June 2015.
- 29 ADF, *Australian Defence Doctrine Publication 7.0.3 – Exercise Planning and Conduct*, p. 1-2.

- 30 ADF, *Australian Defence Doctrine Publication 7.0 – Training*, Defence Publishing Service: Canberra, 19 September 2011, p. 3-6, available at <<http://www.defence.gov.au/ADFWC/Documents/Doctrinelibrary/ADDP/ADDP7.0-Training.pdf>> accessed 7 June 2015.
- 31 Department of Defence, 'Global operations - South West Pacific nations - Operation RENDER SAFE', available at <<http://www.defence.gov.au/operations/SouthWestPacificNations/>> accessed 16 June 2015.
- 32 By the inclusion of Japan, the activity would include the main warring parties from World War Two in the Southwest Pacific area and allow Japan to assist in the peaceful re-development of the region by cleaning up unexploded ordnance, much of which is Japanese.
- 33 Department of Defence, 'Exercises - Pacific Partnership 2014', available at <<http://www.defence.gov.au/exercises/pacificpartnership14/>> accessed 16 June 2015; and Sam Bateman, Anthony Bergin and Hayley Channer, *Terms of Engagement: Australia's regional defence diplomacy*, ASPI: Canberra, July 2013, p. 47.
- 34 These activities are also opportunities not only for detailed planning to occur at the operational level but are also excellent ways for Japan to increase its military engagement with the broader region, alongside Australia, with the added advantage of developing higher-end military capabilities in low-risk settings. One example is the use of Australia's new amphibious Landing Helicopter Dock ships, with their significant personnel and vehicle accommodation, aviation, medical, and command, control and communications facilities.
- 35 Department of Defence, 'Exercises – Talisman Saber', available at <<http://www.defence.gov.au/exercises/ts13/>> accessed 16 June 2015.
- 36 Department of Defence, 'Exercises – Talisman Saber'.
- 37 Australian Broadcasting Commission (ABC), 'South China Sea dispute: Japan to participate in Australia-US Talisman Sabre military drill for first time', ABC News [website], 26 May 2015, available at <<http://www.abc.net.au/news/2015-05-26/japan-to-join-major-australia-us-military-training-drill/6498432>> accessed 16 June 2015. Additionally, TALISMAN SABRE will become increasingly useful for the amphibious warfare opportunities it will present to both Australia and Japan as they develop their separate amphibious capabilities.
- 38 This could include operational intelligence exchanges in such areas as joint intelligence preparation of the operating environment, threat and capability analysis, counterintelligence, targeting and intelligence, surveillance and reconnaissance planning. Additionally, the development of high-end secure information and communications technology systems to support operational planning and intelligence activities is required to make the relationship live beyond exercises, and enable combined crisis planning between operational-level headquarters in their respective homelands.
- 39 King, 'Australia and Northeast Asia', p. 98.
- 40 Ishihara, 'Japan-Australia defence cooperation in the Asia-Pacific region', p. 97.

The South China Sea Dispute: Opportunities for ASEAN to enhance its policies in order to achieve resolution

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Abstract

This paper examines the ongoing dispute in the South China Sea with a view to identifying opportunities for ASEAN to enhance its policies in order to achieve resolution. It notes that China's longstanding dispute with a number of coastal states has resulted in an environment that is far from conducive to achieving peaceful settlement. It also notes that while ASEAN has tried to manage the dispute multilaterally through dialogue and consultation, it has not yet been successful in playing a mediating role due to a lack of consensus among its member states.

The paper highlights the evolution of the dispute and current developments within the South China Sea. It also examines China's foreign policy and its strategy in the South China Sea, as well as assessing the likely responses from ASEAN disputants and ASEAN's framework for dealing with the issue. The paper concludes by proposing a revitalisation of ASEAN, and suggesting how ASEAN should implement its policies to assist in managing the dispute, including how this is likely to impact on the situation over the coming decade.

Introduction

If your enemy is secure at all points, be prepared for him. If he is in superior strength, evade him. If your opponent is temperamental, seek to irritate him. Pretend to be weak, that he may grow arrogant. If he is taking his ease, give him no rest. If his forces are united, separate them. If sovereign and subject are in accord, put division between them. Attack him where he is unprepared, appear where you are not expected.

Sun Tzu, *The Art of War*¹

The South China Sea is unquestionably one of the busiest international sea lanes in the world, with Robert Kaplan describing it as 'the throat of global sea routes'.² However, activities within the South China Sea are not only about seaborne trade and navigation; there is also considerable exploitation and exploration of natural resources, such as natural gas, oil and fish stocks. The littoral states with a particular interest in these natural resources are Indonesia, Vietnam, The Philippines, China, Taiwan, Brunei and Malaysia, while several international companies from countries such as the US, UK, Canada, India, Russia and Australia are also involved in commercial activities.³

However, China's longstanding dispute with a number of coastal states has resulted in the South China Sea being labelled as 'troubled waters' or a flash point.⁴ Several of these states, namely Vietnam, The Philippines, Malaysia and Brunei, are members of ASEAN. Indonesia, which is also an ASEAN member, has an exclusive economic zone (EEZ) generated from the Natuna Islands, overlapping China's so-called 'nine-dash-line claim' in the South China Sea. But Indonesia officially insists that it is not a claimant.⁵

Notwithstanding these claims, the South China Sea issue has much broader implications for maritime security, peace, stability and security in the region. Coastal states' interests are centred on maritime boundaries, territorial sovereignty and the right to exploit the region's resources, while many other countries' interests are to ensure secure sea lines of communications (SLOCs) and in satisfying their national geopolitical strategies. For example, Japan and South Korea's interests are to secure SLOCs for trade and oil transportation, and in fisheries, with roughly two-thirds of South Korea's energy, and nearly 60 per cent of Japan's crude oil imports (and 80 per cent of China's) coming through the South China Sea.

Meanwhile, the US demands freedom of navigation through the South China Sea, as codified in the UN Convention on the Law of the Sea (UNCLOS), despite it not being a party to the Convention.⁶ Freedom of navigation is a particularly contentious issue between the US and China over the right of vessels to operate unchallenged in the 200 nautical mile EEZ claimed by China. In August 2015,

during a regional meeting in Kuala Lumpur, US Secretary of State John Kerry asserted that the US will not accept any restrictions on freedom of navigation or overflight in the disputed South China Sea.⁷

Moreover, current developments associated with the dispute are far from conducive to achieving peaceful settlement. China's construction of facilities on man-made islands has raised tensions and risked the militarisation of competing claims by other states. And ASEAN, which has tried to manage the dispute multilaterally through dialogue and consultation with China, has not yet been successful in playing a mediating role due to a lack of consensus among its member states on how to address sovereignty disputes.

This was evident during the 45th ASEAN Ministerial Meeting in Phnom Penh in July 2012, when member states failed to reach agreement on issuing a joint communiqué, reflecting the disunity of ASEAN on this issue.⁸ Still, more recent developments which saw China agree in 2013 to commence discussions on a code of conduct in the South China Sea, and attend a meeting in July 2015 on the implementation of a Declaration on the Conduct of Parties in the South China Sea, are more positive and indicate some progress is being made, with Malaysian Foreign Minister Anifah Aman noting that the latter meeting included 'important progress with regard to the code of conduct'.⁹

In the meantime, growing Chinese assertiveness reaps criticism not only from coastal states but also from the US, which has criticised China's artificial island-building project as posing a serious threat to stability in the region.¹⁰ Some would also argue that the determined way in which China is pursuing its territorial and jurisdictional claims indicates that China is prepared to disregard international law, jeopardise the maintenance of regional order, and its obligations to abide by regional as well as international mechanisms.¹¹

In considering these recent developments, it is assessed that ASEAN could follow any of three different pathways in order to resolve or defuse the dispute, namely to argue legal jurisdiction; pursue political negotiations; or promote the prospects for joint resource exploitation. However, it will be difficult to find a single, unified solution if it depends on current ASEAN dispute resolution mechanisms, as ASEAN is a grouping of states with individual national interests. That is not intended as a criticism but simply highlights that, as a regional organisation, ASEAN is neither structurally nor functionally organised to resolve such issues. In this regard, like the EU and NATO, in which member states have different national interests and struggle to achieve consensus on contentious issues, ASEAN is unexceptional.¹²

Against that background, the paper will examine the South China Sea dispute and ASEAN's policy response and strategy. Firstly, it will highlight the evolution

of the dispute and current developments within the South China Sea. It will then examine China's foreign policy and its strategy in the South China Sea. The paper will then assess the likely responses from ASEAN disputants, before reviewing ASEAN's framework in dealing with the issue, and identifying its limitations. The paper will conclude by proposing a revitalisation of ASEAN, and suggesting how ASEAN should implement its policies to assist in managing the dispute, including how this is likely to impact on the situation over the coming decade.

Evolution of the South China Sea dispute

It could be argued that the South China Sea dispute is an intractable issue or 'wicked problem', having developed for decades, which presents a security risk to the region but for which no peaceful settlement is yet in sight. When the issue first arose, no-one could foresee the direction it would take. Today, the fact that tensions escalate from time-to-time to a level that may lead to military tension and deadly conflict, reflects the complexity of the issue and the strength of commitment by nations to protect their national interests.¹³

The first claim that China made regarding the South China Sea was in 1951 in response to the signing of the San Francisco Treaty.¹⁴ However, in 1947, the Nationalist Government of the Republic of China (Kuomintang) had published an 'eleven-dash line' map which subsequently became the basis of the 'nine-dash-line' claim after China removed two dashes as a concession to (North) Vietnam after 1954.¹⁵ China's resurgent claim, to more than 60 per cent of the South China Sea, and its ongoing occupation of several islands and reclamation activities on several reefs and rocks, including building airstrips and adding military fortifications, is creating a significantly-changed regional environment.¹⁶

The legality of China's actions is controversial, as the reclamation activities, in particular, have the potential to generate new territorial waters and EEZs. It is expected that these will not be recognised by the majority of the international community because of their legal ambiguity.¹⁷ Regardless, in late 2014, China classified its nine-dash line claim as a historical claim when it released the Chinese Government's 'Position Paper on a Matter of Jurisdiction in the South China Sea Arbitration', in response to a legal challenge initiated by The Philippines, asserting that:

Chinese activities in the South China Sea date back to over 2000 years ago. China was the first country to discover, name, explore and exploit the resources of the South China Sea Islands and the first to continuously exercise sovereign powers over them.¹⁸

China's claim is based on the argument of 'historical discovery'. However, while it could be true that China discovered and named some features within the South China Sea, simple discovery without effective governance extending over a long period of time is not sufficient as a matter of law.¹⁹ This was shown by the precedent set in international arbitration of the Palmas Island dispute between the US and the Netherlands.²⁰ In that case, it was agreed that the US had 'discovered' Palmas Island. However, its claim of sovereignty was lost in arbitration to the Netherlands, which was the administrator of the island. So it could be expected that in international law, based on the precedent of the Palmas Island case, China would be challenged in asserting a lawful claim over the South China Sea based on 'historical discovery'.²¹

Other important events occurred in relation to the South China Sea between 1955 and 2015, which have further clouded the ownership issue.²² After the establishment of the People's Republic of China in October 1949 and its subsequent assertion of its territorial claim to the South China Sea, Taiwan in 1956 followed the example of China by claiming Taiping (Itu Aba) Island in the Spratly Islands and garrisoning permanent troops on the island. In 1970, The Philippines claimed the western portion of the Spratly Islands group by occupying five features. This was quickly followed by South Vietnam occupying six features and officially claiming the Spratly Islands as a Vietnamese province in 1974. In the same year, China took control of the Crescent Group of the Paracel Islands from Vietnam.²³ Then, in 1983, Malaysia occupied three features in the Spratly Islands and in 1986 claimed an additional two.

These island-claiming disputes continued in 1988, when China attacked Vietnamese forces on Johnson South Reef. In addition, China became involved in a territorial dispute with The Philippines when China occupied the Philippines-claimed Mischief Reef and built several structures on it in 1994. China and The Philippines also competed for ownership of Scarborough Shoal by placing flags and erecting markers in 1997. In 2012, China virtually annexed Scarborough Shoal by deploying maritime law enforcement vessels there on a permanent basis.²⁴ Then, in May 2014, the deployment of the Chinese oil rig Haiyang Shiyou 981 into Vietnam's claimed EEZ resulted in incidents and triggered a major crisis in Sino-Vietnam relations that raised tensions in the region to the highest level since the end of the Cold War.²⁵

While overlapping territorial claims are continuing, reclamation projects are also taking place within the South China Sea. Some countries, including Taiwan, Vietnam and Malaysia, have expanded their territory by land reclamation on existing islands. However, China is the only country that has undertaken land reclamation activities on reefs, thereby creating artificial islands in the South China Sea.²⁶ Such man-made constructions do not fall under the legal

framework of UNCLOS. Therefore, China's projects to create artificial islands will generate complicated legal issues under international law or UNCLOS that are unlikely to be settled for years to come.

Consequently, the development of this situation in the South China Sea has the potential to result in unforeseen stakes and risks, such as generating an arms build-up in the region, in particular among disputant countries. If tensions rise, and waters of the South China Sea are classified 'high-risk' in terms of international shipping, this could result in increased insurance premiums or alternative routes or sources of supply being developed, with significant implications for global trade and commerce.

Recognising the potential of a deteriorating security situation, ASEAN made its first effort to create a positive atmosphere for eventual pacific settlement by adopting the 1992 ASEAN Declaration on the South China Sea which urged all parties to exercise self-restraint.²⁷ Earlier, in 1990, Indonesia—as a neutral party in the dispute—had attempted to facilitate a dispute-resolution process, in particular between ASEAN disputant states and China, by initiating an informal diplomacy initiative through a series of workshops involving academics and government officials in their private capacities. From 1990 to 2009, Indonesia organised 19 workshops involving the Chinese (as well as representatives from Taiwan), aimed at managing potential conflict in the South China Sea, under the auspices of the Policy Planning and Development Agency within Indonesia's Department of Foreign Affairs.²⁸

These meetings tried to achieve objectives that were summarised as 'managing the potential conflicts, developing confidence building measures and exchanging views through dialogues'.²⁹ However, it could be argued that this was more an informal diplomatic exchange than a formal mechanism to develop implementation strategies to manage the dispute, as no binding agreement such as a code of conduct eventuated. Therefore, the only existing confidence-building mechanism for the dispute is the Declaration on the Conduct of Parties in the South China Sea, signed by all members of ASEAN and the Republic of China in 2002.³⁰

Although ASEAN successfully created the 1992 Declaration on the South China Sea—signed by the foreign ministers of Indonesia, Brunei, Singapore, Vietnam, The Philippines and Thailand—it is not a legally-binding agreement, rather it is an example of ASEAN's internal diplomacy.³¹ Even so, the declaration did serve to reduce the tension among ASEAN states and several disputes were solved by bilateral agreement or through a third party.

For example, the dispute between Indonesia and Malaysia in 2002 regarding Sipadan Island and Ligitan Reef, and the dispute between Malaysia and

Singapore in 2008 over Pedra Branca/Pulau Batu Puteh, Middle Rocks and South Ledge were settled by utilising a third party such as the International Court of Justice.³² Along similar lines, the bilateral agreement of 1997 between Thailand and Vietnam on the delineation of their continental shelf and EEZ boundaries in the Gulf of Thailand; the 2003 agreement between Indonesia and Vietnam on the delineation of their continental shelf boundaries in an area to the north of the Natuna Islands; and the 2014 agreement on the EEZ boundary in the Mindanao Sea and Celebes Sea between Indonesia and The Philippines, are several examples of bilateral negotiations to solve maritime boundary disputes among ASEAN states within the South China Sea.³³

Still, ASEAN has not been successful at conflict resolution when negotiating with non-ASEAN states, where it seems that ASEAN's spirit of collective goodwill is not as effective. For example, in 2002, ASEAN and China agreed to sign a Declaration of Conduct that promised to enhance favourable conditions for peace and find a durable solution to the differences and disputes among the countries concerned.³⁴ However, China has since responded in different ways in dealing with each disputant country which indicates it has shifted away from a collective ASEAN position, highlighting the ineffectiveness of the declaration.³⁵ China was able to do so because ASEAN itself could not retain its collective bargaining position—each ASEAN state has its own national interests and these prevailed.

In other words, as Carlyle Thayer has stated, the declaration was stillborn because it has not been implemented, even though implementation guidelines were agreed and adopted in July 2011.³⁶ Further developments, such as land reclamation by disputant states, reflect such failure—in particular, point five of the declaration which is to exercise self-restraint in the conduct of activities.³⁷ Additionally, even though point 10 of the declaration stated that the parties agreed to adopt a code of conduct to promote peace and security in the region, the disputant countries have not been successful in actualising it.³⁸ It seems that China is not interested in creating a code of conduct, evidenced by statements that it would discuss a code of conduct with ASEAN at an 'appropriate timing' or when 'appropriate conditions' were met.³⁹

It is clear that a code of conduct is still needed to overcome the declaration's weakness and create a dispute-resolution process.⁴⁰ However, while ASEAN states are generally supportive of the creation of a binding agreement, such as a code of conduct, it may not eventuate for many years as there is no real progress being made.⁴¹ ASEAN exhibited a newfound sense of unity and expected to reach agreement with China when the two parties agreed to start discussions on a code of conduct in September 2013.⁴² However, even after the Ninth Senior Officials' Meeting on the Implementation of Declaration

of Conduct in July 2015, only minimal progress has been achieved due to what is perceived as Chinese reluctance and the sense that China is biding its time to gain benefits from the ongoing development of its man-made islands within the disputed area.⁴³

Moreover, Ian Storey, for example, assesses that a code of conduct is unlikely to be agreed in the foreseeable future, particularly because—in his view—five key constraints still persist among the disputants, namely popular nationalism concerning sovereignty of the islands and features; claimants' ongoing efforts to strengthen their jurisdictional claims; competition to exploit fisheries and hydrocarbons; the ongoing militarisation of the dispute and China's willingness to apply coercive pressure; and the growing geostrategic competition between the US and China.⁴⁴

In the absence of a peaceful settlement process, and with the pathway to a code of conduct seemingly at an impasse, disputes over territorial claims have resulted in an escalation of tensions exacerbated by a region-wide upgrade of military capabilities and the new-found assertiveness of several claimants. This has resulted in several deadly incidents in recent decades between China and two ASEAN member-states, Vietnam and The Philippines. In January 1974, a clash between China and Vietnam, known as 'the Battle of the Paracel Islands', resulted in 36 troops from both sides being killed.⁴⁵ Two years later, 74 Vietnamese sailors died in a clash between Vietnam and China over Johnson Reef.⁴⁶

China has also been involved in incidents with The Philippines. In 1996, opposing gunboats clashed near Capones Island.⁴⁷ In 1999, a Chinese fishing boat collided with a Philippines' naval vessel and sank off Scarborough Shoal and, in 2000, Philippines' soldiers shot at Chinese fishermen off Palawan Island, killing one fisherman.⁴⁸ In April 2012, there was a reported challenge between China and The Philippines in an effort to control Scarborough Shoal, which a senior PLA Army officer, Major General Luo Yuan, described as 'China's proactive stance' against The Philippines.⁴⁹

In addition, in May 2014, China dispatched an oil rig into Vietnam's claimed EEZ, with a back-up force from the PLA Navy of six warships and 40 coast guard vessels. It clearly deterred and intimidated the Vietnamese, which resulted in incidents of violence against Chinese people and businesses in Vietnam, and a rise of anti-China nationalism.⁵⁰

China's naval capability dwarfs other Asian countries' capabilities, with more than 300 surface ships, submarines, amphibious ships and patrol craft; indeed, Chinese naval combatants and maritime law enforcement vessels outnumber the combined maritime forces of Japan, Indonesia, Vietnam, Malaysia and

The Philippines.⁵¹ Furthermore, as a reflection of Chinese confidence in its ability to manage the dispute, Beijing has reportedly adopted a civilian maritime enforcement policy in which civilian law enforcement vessels have taken the lead, supported by PLA Navy elements.⁵²

Some commentators have speculated that China's assertiveness over the South China Sea dispute may become more aggressive when the construction of artificial islands is complete.⁵³ By 2017, it is expected that 'these artificial islands will have been equipped with ports, barracks, battlements, artillery, air strips and long-range radar systems' that will enable China to project military and paramilitary power which, according to an un-named (but presumably Western) official source, will be 'a huge strategic victory for China'.⁵⁴

In response to the situation, disputants from ASEAN member states, notably Malaysia, The Philippines and Vietnam, are stepping up their own military modernisation.⁵⁵ In December 2014, for example, Rear Admiral Taccad, head of the Philippine Navy's weapons systems, announced that US\$885 million would be allocated for the procurement of three guided-missile fast attack craft, two guided-missile stealth frigates and two anti-submarine helicopters, asserting that 'events in the West Philippines Sea [South China Sea] actually gave some urgency on the acquisition'.⁵⁶

In October 2014, Malaysia similarly announced an increase in its defence budget by 10 per cent, in part because of concerns over Chinese assertiveness in the disputed waters around James Shoal, with Admiral Aziz Jaafar, Chief of the Royal Malaysian Navy, later announcing plans to procure 'eight guided-missile corvettes and six anti-submarine helicopters ... as well as the acquisition of small craft and the replacement of obsolescent torpedo and missile systems on navy ships'.⁵⁷

Meanwhile, between December 2014 and early 2015, Vietnam conducted strategic dialogues with India, Russia and the US, which included substantial military equipment procurement.⁵⁸ According to Murray Hiebert and Phuong Nguyen, Vietnam had the largest increase in defence spending among Southeast Asian countries over the period 2004 to 2013, increasing its defence outlay by 113 per cent, with total spending in 2013 of US\$3.4 billion.⁵⁹

Another measure of China's assertiveness in the South China Sea has been an increase in the number of military exercises and requests for military assistance made by regional states to external major powers. In August 2015, for example, The Philippines requested US assistance in resupplying and rotating its military forces in the South China Sea because, according to an un-named military spokesman, 'they face harassment from regional power China'.⁶⁰ Hiebert and Nguyen note that Vietnam similarly received military assistance from the US in

the form of an US\$18 million maritime security package, and from Japan in the form of decommissioned coast guard vessels.⁶¹

The Philippines has also actively continued its program of bilateral military exercises with the US, which included an amphibious landing exercise (PHIBLEX 16) in September 2015, and the CARAT (Cooperation Afloat Readiness and Training) Exercise which took place off Palawan Island in June 2015.⁶² A Philippines' military spokesman asserted that 'the holding of CARAT Philippines 2015 ... was part of regularly planned and scheduled drills ... [and] had nothing to do with Manila's ongoing dispute with China'.⁶³ However, in a signal clearly intended for China, The Philippines also held a similar exercise with Japan, which occurred shortly after President Benigno Aquino's visit to Tokyo, during which he and Japanese Prime Minister Shinzo Abe 'pledged to strengthen ... their strategic partnership ... and agreed to open discussions on ... [an] agreement that would allow Tokyo access to Philippine military bases'.⁶⁴

Despite being a non-claimant state, Indonesia is also proposing to boost its defence measures near the South China Sea, with Indonesia's Defence Minister, Ryamizard Ryacudu, announcing in September 2015 that Indonesia will equip its Natuna Islands with a port and extend its military air base runway, noting that the South China Sea remains an Indonesian concern and one of the country's security challenges.⁶⁵

More broadly, the ongoing dispute has also dragged the US into heightened rivalry with China as a result of the potential disruption of its interests in the South China Sea, particularly in regard to freedom of navigation, as well as the support it provides to ASEAN claimants.⁶⁶ However, some have argued that as the only power that could counter China's geopolitical ambition in the region, the US does not have a sustained commitment to defending the rule and law and *status quo* in the South China Sea because of its lack of legal standing as a non-party to UNCLOS.⁶⁷

China's foreign policy and strategy

China's policy on the South China Sea dispute is seen by some as being deliberately vague.⁶⁸ As Shannon Tiezzi argues, perhaps China's foreign policy in relation to the dispute could be stated simply as 'China's rise is peaceful but China will not hesitate to use whatever means necessary to defend itself'.⁶⁹

The peaceful aspect was evident in a speech by Chinese President Xi Jinping in May 2014, celebrating the 60th anniversary of the Chinese People's Association for Friendship with Foreign Countries, when he asserted that 'China loves peace and will not pursue hegemony.... China will insist on a peaceful way of development ... [and] there's no gene for invasion in the Chinese people's

blood'.⁷⁰ The somewhat harder dynamic was evident in a speech by General Fang Fenghui, Chief of the General Staff of the PLA, during a visit to the US in the same month, when he said:

We do not make trouble. We do not create trouble. But we are not afraid of trouble ... [and in relation to the] territory which has passed down from our ancestors into the hands of our generation ... China cannot afford to lose an inch.⁷¹

A closer reading of these two statements would suggest that, on the one hand, China promises not to use force with respect to territory over which it has no claim. However, on the other, it will stoutly defend territory over which it does have a claim—which would also suggest that China has no intention of reaching a compromise with other disputants in relation to the South China Sea. China has also tried to warn off other states from interfering, asserting in May 2015:

On the issues concerning China's territorial sovereignty and maritime rights and interests, some of its offshore neighbors take provocative actions and reinforce their military presence on China's reefs and islands that they have illegally occupied. Some external countries are also busy meddling in South China Sea affairs.⁷²

This policy is not surprising; in fact, it is not new Chinese policy. The policy has been adopted to justify China's denial of responsibility for rising tensions in the South China Sea, for which it blames the Southeast Asian claimants, the US and Japan, as well as to justify the artificial island construction it is now undertaking on seven features in the Spratly Islands.⁷³

Moreover, while President Xi Jinping asserted in October 2014 that the basic tenet of Chinese diplomacy is to treat its neighbours as friends and partners to make them feel safe and help them develop,⁷⁴ China in practice has been exercising more assertive actions when confronting other disputants which notably are China's neighbours. Certainly, China's actions in constructing military bases in the South China Sea to reinforce its military presence in the area would indicate it has no intention of withdrawing its claim or compromising with other disputants.⁷⁵

There is also a concern that China will attempt to impose an air defence identification zone (ADIZ) in the South China Sea, as it did in the East China Sea in November 2013 in the area in dispute with Japan over the Senkaku (Diaoyu) Islands.⁷⁶ An ADIZ is an additional zone of aerial control, beyond territorial airspace, which would allow China to monitor approaching aircraft—both civilian and military—including by requiring them to identify themselves in accordance with Chinese instructions. Already, there have been several instances where Chinese military authorities based on islands in the South China Sea have warned US aircraft that they are approaching restricted Chinese

airspace around the islands, based on what China would claim as territorial waters around the islands.⁷⁷

However, most of the islands in question are not natural islands but artificial constructions derived through land reclamation on otherwise submerged reefs, which the Commander of the US Pacific Fleet, Admiral Harry Harris, has described as China's 'Great Wall of Sand'.⁷⁸ Article 60(8) of UNCLOS states that such artificial islands are only entitled to a 500-metre safety zone around them. Most other countries, therefore, assume that—other than the 500-metre zone—passage through the South China Sea is regarded as freedom of navigation on the high seas, as articulated in Article 87 of UNCLOS.

That is certainly the position of the US which, on at least two occasions, has deliberately approached the islands by sea and air, ignoring Chinese demands not to do so, to enforce the US policy of freedom of navigation in and through what it contends are international waters.⁷⁹ More broadly, if China does implement an ADIZ in the South China Sea, it would likely attract considerable criticism from other countries, such as occurred when it declared its East China Sea ADIZ, which Japan and the US argued was contrary to international law.⁸⁰

A further uncertainty is the intent of China's land reclamation activities, notably on Fiery Cross Reef, which lies in the southern end of contested waters in the South China Sea, close to The Philippines. The construction could simply be Chinese efforts to improve the defensive posture of its claimed territory, providing an additional measure of protection, and a warning to other disputants that it is actively committed to the retention of its claim. Of course, China is not alone in undertaking such land reclamation. A number of regional countries, including Taiwan, Vietnam, Singapore and Malaysia have similarly expanded their territory, however, China is the only country that has transformed reefs into artificial islands in the South China Sea.⁸¹

There are also concerns that the construction of a military-grade airstrip on Fiery Cross Reef could be a tipping point in China's ability to project air power thousands of kilometres from its mainland. On the one hand, China has been at pains to explain the development in terms of its civilian potential, with a spokesman saying the island-building was 'beneficial to the whole of international society ... because it aided China's search-and-rescue efforts and environmental protection work'.⁸² However, a more assertive line has also been evident in a number of official comments, such as the statement by a Foreign Ministry spokesperson that:

China holds a clear and consistent stance on the South China Sea issue. China's normal construction activities on our own islands and in our own waters are lawful, reasonable and justifiable. We hope that relevant part[ies] can take a calm view on this.⁸³

China's willingness to disclose its activities in the Spratly Islands—such as the media coverage of two civilian airliners landing on Fiery Cross Reef in early January 2016—could mean a move towards more transparency from China.⁸⁴ Or it could be an indication that China is now very confident in asserting its claim to the disputed areas. Similarly, the potential for the islands to be used by both civilian and military aircraft would not have been lost on other claimants, nor would China's significantly improved ability to patrol the area and enforce its claims in the South China Sea.⁸⁵ Regardless of Beijing's talk of benefitting 'the whole of international society', China's newfound strategic reach is unlikely to be viewed by other regional states as a measure to promote peace and stability.

It is arguable, therefore, whether China's foreign policy is intended to promote the peaceful rise expressed by President Xi Jinping.⁸⁶ In the view of some commentators, Beijing has become more assertive and more proactive in international affairs.⁸⁷ Others believe the change to be a reflection of an increase in Beijing's confidence, by exposing its capabilities, which would be a move away from the traditional dictum of 'hide your strength, bide your time', rather than a significant policy change.⁸⁸ So they argue that nothing has changed from the policy known as 'peaceful rise or peaceful development'. According to Zheng Bijian, a prominent policy adviser to the Chinese leaders who were the creators of this foreign policy concept in 2003, peaceful development was China's intention in order to become a great power peacefully.⁸⁹

Another perspective is that the Chinese foreign policy concept of peaceful development could be defined as a Chinese campaign to reassure the international community, particularly neighbouring countries, that China's future is benign and that its rise will not be a zero-sum game.⁹⁰ However, questions remain about the future of China's foreign policy, especially associated with territorial disputes in the South China Sea, particularly as China becomes stronger economically and militarily, and others—including the US—are critically interdependent on China's economy.⁹¹

Some would also argue that even though China's actions in revealing its new foreign policy have increased transparency, the future implementation and practice of the policy is still unclear.⁹² In part, that is because the Communist Party's power is paramount over the state, and the Politburo Standing Committee remains the country's decision-making hub—which could still lead to a lack of transparency.⁹³ Hence, in considering the South China Sea dispute in terms of China's foreign policy, there is obviously some prospect that the *status quo* will be maintained. However, what seems more likely—based on China's recent actions in enforcing its nine-dash-line claim—is that China will gradually become more coercive.

Moreover, Chinese increased assertiveness will certainly be evident if it establishes an ADIZ in the South China Sea. Such a strategy is clearly being discussed in Chinese military circles, with a senior researcher at the China's People's Liberation Army Military Academy, Senior Colonel Li Jie, saying publicly in February 2014 that the establishment of an ADIZ in the South China Sea was necessary for China's long-term national interest.⁹⁴ The concern of ASEAN states is that the modernisation of China's military will encourage Beijing to become more assertive and confident in claiming and protecting its territory in the South China Sea. If it does, China's stated ambition of rising peacefully and achieving peaceful development will likely be severely tested.

ASEAN's likely responses

Somewhat pessimistically, it seems that several ASEAN claimant states are coming to the conclusion that a negotiated settlement of the South China Sea dispute is unlikely. As The Philippines' government indicated in its statement to the Arbitration Tribunal in early 2013, in its claim against China, 'over the past 17 years of such exchanges of views, all possibilities of a negotiated settlement have been explored and exhausted'.⁹⁵

Initially, The Philippines' effort received little support from ASEAN and its constituent members.⁹⁶ However, a March 2015 statement from the current ASEAN Secretary General might be interpreted that ASEAN supports The Philippines' decision to file arbitration against China, with Le Luong Minh reportedly saying that the nine-dash line is 'not binding on any claimant ... and that ASEAN supports The Philippines' efforts to bring about a peaceful resolution in its own territorial dispute with China'.⁹⁷

Notwithstanding the gloomy prospects for a possible settlement, ASEAN should be encouraged to continue making concerted efforts to settle the dispute, as there is every prospect that a failure to do so will adversely affect peace and security in the region. The next section of this paper therefore examines how ASEAN might respond to the issue over the coming decade, contending it may involve pursuing three different options on behalf of the involved parties as they seek a peaceful settlement of the issue, namely pursuing legal avenues, diplomatic or political negotiations, and/or joint development.

Legal avenues

Pursuing legal avenues to solve the South China Sea dispute will not be an easy pathway but arguably is the most well-founded option. The Philippines initiated its legal effort against China in January 2013 but—three years on and after six hearings of the Permanent Court of Arbitration—the case is still far from conclusion.⁹⁸ Therefore, predicting how this issue will play out in the legal field is difficult, particularly as China has ruled out using legal arbitration as the basis for dispute settlement.

Another reason is that the status of the sovereignty of the Paracel and Spratly Islands has been unclear since the dispute first emerged many decades ago. When colonial states such as the US, US, France, the Netherlands and Spain ruled littoral states around the South China Sea, the area was an important part of their economic activities. At the end of colonial rule, four international documents regarding the settlement of sovereignty and borders, namely the San Francisco Treaty, the Cairo Declaration, the Potsdam Declaration and the Joint Communiqué between the People's Republic of China and Japan, failed to generate any clarity regarding sovereignty of the Paracel and Spratly Islands.⁹⁹

In addition, Thi Lan Anh Nguyen has contended that there are three sets of laws governing the South China Sea: the law concerning territorial acquisition that is agreed by customary international law; the law of the sea (UNCLOS) that codified the maritime domain under customary international law; and the law of dispute settlement that resulted from the applicability of Part XV of UNCLOS in the effort of dispute settlement.¹⁰⁰ However, while any of these three laws might be applied to the South China Sea dispute, the reality is that the implementation of an award under the law needs an enforcement body which does not yet exist in any of the three areas of law.¹⁰¹ Hence, in this case, legal efforts alone are unlikely to lead to the end of the dispute.

Since all ASEAN states are parties to UNCLOS, it is also likely that ASEAN will continue to favour UNCLOS as the legal framework for assessing maritime claims or disputes. Meanwhile, even though the US is not a party to UNCLOS, the US supports adopting UNCLOS to resolve maritime claims and disputes in the South China Sea.¹⁰² The majority of external parties with an interest in the region, such as Japan, South Korea and Australia, also support UNCLOS as the legal framework for addressing claims or entitlements to maritime areas.

The Philippines has shown this predilection for the legal framework of UNCLOS by serving China with a formal claim to the Permanent Court of Arbitration in respect of maritime jurisdiction in what it refers to as the West Philippines Sea. Other disputants from within ASEAN, such as Vietnam and Malaysia, may

decide to take the same action as The Philippines, particularly if its case is successful. This would be beneficial to all parties as a tribunal ruling (or any other legally-recognised form of dispute resolution decision) would provide clarity to the case and, ideally, a satisfactory resolution for all parties.

However, there are several complications facing claimants pursuing a legal means of resolution. One is that the dispute negotiation process is protracted, which arguably benefits those countries intent on changing the situation on the ground, either through physical possession or reclamation activities such as China's 'Great Sand Wall'. Another is that China is strongly opposed to the legal avenue of the Permanent Court of Arbitration and may ignore any decisions that do not go in its favour.

Another problem is the practical reality that all disputants have a heavy economic dependency on China, which is ASEAN's largest trading partner, so economic considerations understandably influence the thinking of individual states to varying degrees.¹⁰³ Most are also mindful of the impact that taking legal action against China could have on their bilateral diplomatic relations. So with the individual states of ASEAN having such varying concerns, it is unlikely that ASEAN itself could generate the consensus to prosecute a legal claim against China.

Political negotiations

A second possible response in pursuing a settlement is the continuation of political negotiations, although this route too is likely to have problems in the coming decade. Most ASEAN states lack the political resolve to mount a serious counter-challenge to China, because of their economic dependency on China, resulting in a disunited ASEAN view on the issue. So reaching a political settlement with China using diplomatic efforts is unlikely to be successful for ASEAN claimant-states in the coming decade. However, as stated in its charter, ASEAN follows the principle of peaceful settlement of disputes, so ASEAN will continue to try and exploit diplomatic efforts through consultation and negotiation.¹⁰⁴

ASEAN has long been aware that China is reluctant to discuss the South China Sea issue solely on a multilateral basis and, even when it does, there is a lack of consistency and commitment in any political negotiations. The creation of the Declaration of Conduct, and internal meetings between ASEAN and China to discuss implementation of the declaration and a code of conduct, have not resulted in any concrete advancement on the issue, particularly because China seems to have adopted a 'hedging strategy'.¹⁰⁵

It is anticipated that this lack of a full commitment will continue over coming years until such time as China is confident it has further consolidated its national interests in the South China Sea. Therefore, the prospective outcome of any future political negotiation remains the same as in the past—more marking time. On the one hand, the stalling of political negotiations will have serious disadvantages for ASEAN. While political negotiations continue to end up in limbo, China will likely continue its reclamation projects in the South China Sea and continue bolstering its military garrisons in the region. On the other hand, addressing the dispute on a multilateral basis is important for ASEAN to show its centrality as a leading role-player in the region.¹⁰⁶

While ASEAN agreed in 2011 to adopt guidelines to implement the Declaration of Conduct, it is unfortunate that efforts to progress the suggested cooperative activities and confidence-building measures have not eventuated. Moreover, Chinese participation in code of conduct consultations in a number of recent meetings has not resulted in any agreement beyond two separate lists of commonalities.¹⁰⁷ It seems unlikely, therefore, that any progress will be made quickly in coming years, not least because China remains suspicious that the code of conduct is designed to thwart its activities in the South China Sea. China also likely perceives that a code of conduct is not necessarily an ASEAN formulation—China is well aware of US interest in the South China Sea, and that some other disputants—notably Vietnam and The Philippines—are keen to have the US involved in the dispute.¹⁰⁸

As a result, China does not want an ASEAN draft code of conduct to be the basis of negotiations, so it will continue to shy away from participating fully in future meetings on these issues.¹⁰⁹ However, it is predicted that ASEAN will continue its efforts to manage the conflict through negotiations under its principles of consensus and defusing tension, especially if ASEAN takes into account Chinese Foreign Minister Wang Yi's commitments made during the 48th ASEAN Foreign Ministers' Meeting in August 2015, which were cited as maintaining peace and stability in the South China Sea; peacefully solving disputes through negotiation and consultation; controlling differences through rules and regulations; maintaining freedom of navigation and overflight in the area; and gaining mutual benefits through cooperation.¹¹⁰ If China's commitments are to be believed, they would provide an important basis for negotiations between China and ASEAN, and a significant step towards settlement of dispute.¹¹¹

Joint resource development

The final possible ASEAN response is to promote joint development of South China Sea resources. This could be undertaken even while international arbitration is proceeding because it is consistent with Article 74(3) of UNCLOS, which allows such activity during transition periods before an agreement is reached. The arrangement for joint development normally defines the limits of disputed areas and includes a means to share the resources in a way that is independent of the relative strengths of the claims.¹¹² There is some prospect that in the next decade, in the absence of a sovereignty dispute (as distinct from a territorial claim) over islands, joint development ventures could be considered by claimants.

In addition, joint development may be possible in areas which are subject to competing claims but which have not been claimed or occupied previously and therefore have no specific historical attachment for the claimant countries. Joint development initiatives would create benefits not only in promoting peace, security and stability to the region but also by providing economic prosperity to the countries concerned. As Zou Keyuan argues, a form of joint development among the disputants would significantly enhance the prospects for long-term peace and security in the South China Sea.¹¹³

ASEAN's framework and its limitations

The aims and purposes of ASEAN, when it was founded in 1967, were about cooperation in the economic, social, cultural, technical, educational and other fields, and in the promotion of regional peace and stability through abiding respect for justice and the rule of law and adherence to the principles of the UN Charter.¹¹⁴ Since its establishment, ASEAN has evolved into a mature organisation by achieving these goals through its contribution to the region, notably in relation to peace, prosperity and geopolitical stability.¹¹⁵ This achievement is often attributed to the way that ASEAN takes decisions—the so-called 'ASEAN way', which has succeeded in shaping its identity—achieved by a process of consultation and consensus.¹¹⁶

Some believe that ASEAN is the core and most prominent regional institution of the post-war order in East Asia.¹¹⁷ The Association conducts its business in accordance with the ASEAN Charter, in particular the principles expounded in Chapter I Article 2.¹¹⁸ Since its establishment, ASEAN member states have concluded 39 maritime boundary arrangements, of which three were exceptions because they were achieved through third-party binding dispute settlement, namely the dispute concerning Myanmar and Bangladesh over maritime boundaries in the Bay of Bengal, the sovereignty dispute between

Indonesia and Malaysia over Sipadan and Ligitan, and the sovereignty dispute between Singapore and Malaysia over Pedra Branca.¹¹⁹

Another ASEAN success has been its leading role in sponsoring wider regional cooperation through forums such as the ASEAN Regional Forum and the East Asia Summit, which involves the ten ASEAN members and eight dialogue partners (US, China, Russia, Australia, India, Japan, New Zealand and South Korea). Therefore, ASEAN's ineffectiveness in dealing with China in the case of the South China Sea issue has not yet tarnished the reputation of the organisation, since its mediation efforts have not been conducted as a third-party binding dispute settlement.

Indeed, the standard operation of ASEAN as a security organisation focuses more on conflict management than conflict resolution.¹²⁰ Moreover, it is ASEAN's weakness as well as ASEAN's strength that it has to operate within the mandate of its Charter, namely 'respecting the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus and unity in diversity'.¹²¹

An associated element is the Treaty of Amity and Cooperation in Southeast Asia, which is a code of conduct to govern inter-state relations in Southeast Asia.¹²² As at 2013, 19 states outside ASEAN's membership had acceded to the Treaty, which included important players in the region such as China and the US. The Treaty underpins ASEAN's conflict management model. Therefore, ASEAN's solution to the dispute settlement methodology is through decision-making based on consensus and consultation, even if it is a slow process.¹²³

As a regional organisation whose members are only Southeast Asian states, ASEAN is based on international law, taking into account the Bangkok Declaration of 1967, the Kuala Lumpur Declaration of 1971, the Declaration of the ASEAN Concord of 1976 and the Treaty of Amity and Cooperation in Southeast Asia of 1976.¹²⁴ However, an ASEAN declaration is not binding on its members; rather, it is a political statement that provides no obligations for its members.

On the other hand, the Treaty is a binding instrument for managing relations between one nation and another with the explicitly-stated purpose of 'promoting perpetual peace, everlasting amity and cooperation among their people, which would contribute to their strength, solidarity and closer relationship'.¹²⁵ The Treaty adopts six fundamental principles which the signatories are expected to obey, namely: mutual respect; the right of every state to lead its national existence; non-interference; peaceful settlement of disputes; renunciation of the use of force; and effective cooperation.¹²⁶ However, the Treaty is not an instrument of law that solves legal problems such as territorial disputes. Consequently, ASEAN is not able to enact international laws.

As a result, ASEAN harbours three significant limitations in dealing with the South China Sea dispute—a lack of cohesion among its members, a slow ASEAN decision-making mechanism, and limitations on the implementation of its code of conduct. The first on these is reflected in the disunity of ASEAN's view on the South China Sea dispute. As Mark Valencia argues, 'ASEAN has no official position on the South China Sea dispute'.¹²⁷ In fact, it has divergent views on the dispute, as was illustrated by Cambodia during its chairmanship in 2012, when the lack of a joint communiqué tarnished ASEAN's credibility.

Other issues associated with the South China Sea dispute over which ASEAN states have a difference of opinion include whether China should be invited to participate in the drafting of a code of conduct, differences over which elements of the Declaration of Conduct should be emphasised in a code of conduct, and the key issue of whether ASEAN member states should discuss the issue first among themselves before consulting with China.¹²⁸

As a matter of fact, ASEAN, which started out as purely a political undertaking to tackle the climate of uncertainty and suspicion within the five founding states of ASEAN (Indonesia, Malaysia, Thailand, Singapore and The Philippines), is already committed to building an 'ASEAN community' by 2015, one of the three pillars of which will be the ASEAN Political Security Committee.¹²⁹ In the interim, one of the main goals is to create a vision of common mechanisms to deal with regional security issues.¹³⁰

However, the absence of unity within ASEAN members on the South China Sea issue, leading to the fact that the organisation as a whole cannot agree on a regional approach to the problem, indicates that it faces serious challenges to ever achieving such an ambitious vision. In the view of some commentators, ASEAN needs to pursue a more inclusive approach and united stand on the South China Sea dispute, otherwise it will face increasing criticism from the international community.¹³¹

The second limitation is ASEAN's way of making decisions. ASEAN's decision-making mechanism is through consultation and consensus, as stated in Chapter VII, 'Decision Making', Article 20, of the ASEAN Charter, which has been identified as the 'ASEAN way'.¹³² ASEAN's failure to issue a joint communiqué in 2012 was criticised by some as exposing the organisation's inability to reach consensus on key issues. However, consensus should not be seen in an absolute context, in which all members should share the same concerns and are willing to sacrifice some or all of their interests to unify the organisation's view; rather, members should not necessarily have to sacrifice their interests as long as the organisation's needs are satisfied without damaging the interests of its members.¹³³

Moreover, Rhoda Severino argues that consensus is not an 'across the table' negotiation but rather a manifestation of goodwill and a giving of trust.¹³⁴ In fact, to some extent, a decision-making process through consensus to craft a dispute resolution is a slow process because Article 20(2) states that if consensus cannot be achieved, then an ASEAN Summit will make the decision. However, the decision-making process principle within an ASEAN Summit is also based on consultation and consensus, so the problem becomes cyclical.¹³⁵

In addition, there are four types of ASEAN meetings on different levels: an ASEAN Summit, an ASEAN Ministers' Meeting, an ASEAN Economics Meeting, and other ministerial meetings under the umbrella of the ASEAN Foreign Ministers' Meeting, which results in an inherently-slow process decision-making process—and suggests that ASEAN needs to modify both its definition of 'consensus' and how it is arrived at, to speed up the decision-making process.

The third limitation is on the implementation of the Treaty of Amity and Cooperation as a code of conduct. The Treaty began as a 'peace treaty' between its own member states but is now widely recognised as a code of conduct in inter-state relations in Southeast Asia.¹³⁶ However, the Treaty's mechanism for the pacific settlement of disputes, as stated in Chapter IV, which is through a High Council, has never been adopted to settle any dispute, not only among ASEAN states, but also between ASEAN states and other signatories to the Treaty.

Therefore, it could be argued that the Treaty's inability to resolve issues has resulted in China's perception that the South China Sea dispute is not a matter between China and ASEAN but a matter which China intends to discuss bilaterally with the individual disputants. Cambodia's Foreign Minister Hor Namhong might have reinforced this perception when he asserted that 'we are not a tribunal to adjudicate who is right, who is wrong'.¹³⁷ This aversion could be a reflection of ASEAN's principle of non-interference. But it is also the case that most of ASEAN's successes in settling disputes have been through bilateral negotiations or third-party settlements, with none by adjudication of the Treaty of Amity and Cooperation's High Council.

Recommendations

Some believe that ASEAN must not take sides in the South China Sea dispute but instead take and state a position which is neutral, forward-looking and encourages the peaceful resolution of the issue.¹³⁸ However, in order to be able to adopt such a stance, ASEAN must revitalise the founding arrangements of the organisation so that it can maintain its unity. Therefore, this paper suggests

two policy recommendations for ASEAN to implement in revitalising the organisation: these are to redefine the terms 'consultation' and 'consensus'; and to empower the ASEAN High Council.

It cannot be denied that for more than four decades, ASEAN has been able to prevent serious conflict in the region. To some extent, ASEAN has achieved its initial primary objective to serve as a regional security community, promoting social and political stability, and providing its members with a voice to speak on issues in the same tone, through a process of consultation and consensus. Two examples are the creation of the Zone of Peace, Freedom and Neutrality during the Cold War, and the centrality of ASEAN in the ASEAN Regional Forum and the East Asia Summit in addressing contemporary security issues, even though the contribution of these forums is typically more discussion than action.¹³⁹

At the same time, ASEAN's tradition of consultation and consensus has had some negative impacts. But it has also provided benefits to the organisation in that the outcome of consensus is a firm sign of unity within the organisation. More recently, however, achieving consensus has been threatening the unity of the organisation.¹⁴⁰ Therefore, it is time for ASEAN to redefine the process of how it arrives at consensus, which this paper would argue could be done through the implementation of a code of conduct to resolve disunity among members if any of their positional stances contain elements that conflict with the constraints of the principles stated in the Treaty of Amity and Cooperation. The objective of this policy would be to mitigate bias and different interpretations.

Currently, a code of conduct to manage the decision-making process within ASEAN does not exist. But such a code could and should be implemented. As ASEAN has previously amended its Treaty of Amity and Cooperation from the original version with the addition of new articles concerning the roles of the High Council, so ASEAN could do the same thing to introduce a new process for making decisions via a modification of the concept of consensus to one involving a mixed process of achieving consensus (or unanimity) and a voting system (with a majority-rule outcome).

As consultation and consensus are fundamental to ASEAN's culture and tradition, so this new code of conduct should have several levels or phases, ranging from purely implementing a unanimous decision, through to implementing a majority-rule voting decision. In between, there should be several levels that involve a mixture of these processes. The code of conduct should also specify the types of occasions when the organisation should implement a consensus/unanimity-based decision (such as when a situation exists that has a direct

impact on a certain member) and the types of occasions where there is no direct impact to a certain member and the organisation may implement a majority-rule voting system in making a decision.

Agreement to adopt such a code of conduct for its decision-making process would ensure that ASEAN projects a greater degree of organisational unity to the international community. Another benefit is that the changed process would enhance the success of the proposed ASEAN Community.

The second recommendation is to take action to empower the High Council, which is mandated by the Treaty of Amity and Cooperation to adjudicate in dispute settlements. Indeed, originally only two of five articles dealing with the pacific settlement of disputes in the Treaty referred to the arrangements for a High Council. In 2001, ASEAN amended the Treaty by inserting new rules of procedure for the High Council, which provided comprehensive arrangements and powers to settle disputes.

However, Rule 19 of Part VII of the Treaty states that 'all decisions of the High Council shall be taken by consensus at a duly-convened meeting'.¹⁴¹ Consequently, it seems that ASEAN's habitual conformation to following its historical interpretation of 'consultation and consensus' has hampered the implementation of the use of the High Council to adjudicate disputes. This situation could change if a code of conduct were adopted relating to the decision-making process as discussed previously.

Furthermore, there is no provision in the Treaty that the High Council shall only be involved in resolving political and security disputes, or that its adjudication cannot be sought to solve legal issue such as in the South China Sea dispute. Some might argue that ASEAN is not a tribunal to adjudicate the rights or wrongs of a particular dispute. However, referral to the High Council may be an appropriate avenue to consider some of the legal issues or at least give recommendations for appropriate consideration to prevent a deterioration of the dispute.

It also needs to be remembered that Article 3 of the ASEAN Charter states that ASEAN is considered a legal personality, suggesting it has 'the lawful characteristics and qualities of an entity'.¹⁴² Accordingly, it could be argued that ASEAN possesses rights and obligations in international law, which includes the arbitration of legal claims. Hence, it is time for ASEAN to amend its policies and procedures by implementing actions to empower the High Council to provide a pacific settlement to the South China Sea dispute.

Conclusion

The increasing escalation of the dispute in the South China Sea may indicate a change of policy and strategic intent from disputant countries, especially by China which has the biggest claim to the area. Taking into account these recent developments, the territorial claims in the South China Sea have further increased the challenge of arriving at a long-term peace settlement of this dispute. Diplomatic efforts made by ASEAN over several decades to formulate a peace settlement have not resulted in any significant developments, and it is a fact that even now ASEAN member-states have differing views on the issues associated with the South China Sea. This was particularly illustrated in 2012 when, for the first time in 45 years, the ASEAN Foreign Ministers' Meeting failed to produce a joint communiqué summarising its proceedings, because of concerns that the proceedings were implicitly critical of China.

Meanwhile, another significant development reflecting the level of frustration of ASEAN members over the South China Sea issue, as well as testing ASEAN's resolve not to interfere in the internal affairs of other countries, has been the action by The Philippines to refer its territorial dispute with China to an international tribunal. Some would argue that The Philippines' action is actually in line with what is mandated by the ASEAN Charter and the Treaty of Amity and Cooperation, namely to support the use of the principles adopted by international law.

However, The Philippines' action also shows that there is a level of distrust among ASEAN members as to whether the organisation can provide a satisfactory solution to issues in line with its members' national interests. On the other hand, it is a positive sign that the ASEAN principles of non-interference and the application of international law to settle a dispute are being applied, instead of resorting to the use of force. While some ASEAN states may feel that The Philippines should have consulted more broadly before it took such action, the outcome of the case is being eagerly awaited not only by the parties directly concerned but others who are involved in territorial disputes with China.

Another option that remains open for ASEAN to assist in resolving the dispute is to continue consultations with China, especially to actualise the creation of a binding code of conduct. However, these efforts will be more difficult given that China considers that the dispute in the South China Sea is not a matter between China and ASEAN but a bilateral issue between China and specific ASEAN countries. Given that the outcome will have significant ramifications both for ASEAN and a number of its members, it is in the interests of ASEAN as an organisation to involve all its members in the consultation process. This

paper has also argued that another possible route that could be pursued is the joint development of resources in the disputed areas.

Meanwhile, the latest developments on the ground should be used as an opportunity for ASEAN to review its existing policies and instruments so as to improve the shortcomings of its existing dispute resolution mechanisms. To that end, ASEAN could formulate new policies that would assist in the peaceful settlement of disputes in the South China Sea. This paper has recommended two courses of action that should be implemented, namely the re-definition of the concepts of consultation and consensus, and that ASEAN should try to use the mechanism of the High Council to achieve a peaceful settlement of the dispute.

In particular, the redefinition and implementation of a new form of consensus decision-making should be regulated in the Treaty of Amity and Cooperation, including details which define the limitations on the use of consensus/unanimous decision-making, as well as the facility to apply a majority rule voting system with certain requirements. This would require ASEAN to make another amendment to the Treaty. Meanwhile, in terms of the implementation and use of the High Council, ASEAN should clarify the circumstances that should exist as a pre-condition for the implementation of the use of the High Council to settle legal disputes between signatories.

Should these recommendations be implemented, ASEAN would be better able to state its position on the dispute, which is neutral but forward-looking in seeking peaceful settlement. In addition, by implementing and empowering its High Council, ASEAN would have a structured dispute-settlement mechanism providing an enhanced prospect of addressing and reducing the competing legal claims of territorial sovereignty over islands in the South China Sea. In sum, the changes would enable ASEAN to better reflect the unity and purpose of the organisation, which is essential if it is to retain its influential position in contributing to the security and stability of the region.

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Australia's National Interests in the Antarctic Region: What is important?

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Abstract

For much of the past 100 years, interest in the Antarctic has been limited mainly to environmental groups, explorers and scientists. More recently, however, it has received increased attention as nations seek solutions to the challenges of climate change, energy, water and food security. Accordingly, it seems inevitable that Australia's national security interests in the Antarctic region are likely to be increasingly challenged.

The paper examines the geopolitical context and significant current and emerging pressures in Antarctica, and assesses the impact of these pressures on Australia's national security interests over the next 20 years. It identifies three key policy initiatives that should be given priority consideration, arguing that their implementation would demonstrate Australia's commitment to remain an important, relevant and legitimate leader in the management of Antarctic issues.

Introduction

Antarctica is not only a region of elemental majesty; it is also a global archive, a window on outer space and a scientific laboratory. It is not only a wondrous world of ice; it is also a political frontier, a social microcosm and a humbling human experiment.¹

Antarctica, the fifth largest and least explored continent, is the world's most inhospitable space. In January 1912, Captain Robert Scott declared of Antarctica: 'Great God! This is an awful place'.² This was an understandable description by a man enduring the dangers and discomforts of polar conditions. However, today the Antarctic is more frequently recognised for its pristine beauty, with over 37,000 tourists visiting the continent by air or sea each year.³

As the world's coldest continent, completely surrounded by sea and with no indigenous human population, interest in the Antarctic has been limited mainly to environmental groups, explorers and scientists for over 100 years.⁴ More recently, Antarctica has received increased attention as nations seek solutions to the challenges of climate change, energy, water and food security.⁵

Since the early exploration by Douglas Mawson, Australia has played a significant leadership role in Antarctica.⁶ In 1933, following transfer of territory originally claimed for the UK by Mawson, Australia laid claim to 5.8 million square kilometres of the southern polar continent as the Australian Antarctic Territory.⁷ Australia, like other claimant states, was able to maintain its territorial claim through the construction of Article IV of the Antarctic Treaty. This treaty established a framework for shared governance of the continent through the evolving Antarctic Treaty System.⁸ The Treaty recognises the Antarctic as being dedicated to peaceful purposes and scientific research, and is cited as arguably the best example of successful regional governance.⁹

Geopolitical developments in the 21st century have led to increased interest in the potential opportunities afforded by Antarctica.¹⁰ These developments include nations seeking new sources of protein by harvesting Patagonian toothfish, whales and krill in the Southern Ocean, as well as scientists examining the global weather system and ozone depletion, and drilling ice cores to seek clues to global climate change. Energy dependent nations are increasingly interested in the potential mineral resources within the continent, including coal, manganese ores, iron, uranium and copper, and an estimate of over 200 billion barrels of oil to enhance energy security.¹¹

Increasingly, the discovery of Antarctica's potential to provide food, economic and energy security has created new interests that influence development of national Antarctic policies around the world. As a result, there is increasing

strain on the fragile and imperfect 'gentlemen's agreement' that evolved into the current Antarctic Treaty System.¹²

It is in Australia's national interests to retain influence in the Antarctic and Southern Ocean region, given its close geographic proximity.¹³ Australia's Antarctic strategy declares the strategic importance of the Antarctic Treaty System to Australia's national interests. It supports the multinational scientific treaty but also simultaneously pursues traditional sovereignty claims. However, Australia's ability to shape future Antarctic Treaty System development is constrained by funding levels that have been frozen for a decade.¹⁴

As such, it is timely to revisit Australia's national interests in the Antarctic region, and the policy commitments that arise from these interests. The Australian Government is currently considering its response to recommendations made by an independent inquiry led by Dr Tony Press that focused on a *20 Year Australian Antarctic Strategic Plan*.¹⁵ Concurrently, the Senate Standing Committee on Foreign Affairs, Defence and Trade released a report in October 2014, titled *Australia's future activities and responsibilities in the Southern Ocean and Antarctic waters*, which also made a number of recommendations (including some that linked to the strategic plan).¹⁶

The recommendations from both bodies of work will likely influence the Australian Government's 2016 Defence White Paper. The Government's response to the *Australian Antarctic Strategic Plan* and the Senate Standing Committee report was expected in late 2015. While it is not possible to anticipate the Government's response, it will provide a focus for future opportunities, as well as for key priorities and their implementation.

Recognising the changing geopolitical circumstances, this paper will argue that Australia's national security interests in the Antarctic region are likely to be challenged over the next 20 years. This argument is centred on two key assumptions. First, the continuity of Australia's 'sovereignty' claim to the Australian Antarctic Territory is key to its national interests. This interest is buttressed by the longest continuous presence on the continent and being one of the original Antarctic Treaty parties.¹⁷ Second, the paper assumes that current and future Australian governments will remain committed to the primacy of the Antarctic Treaty System to Australia's sovereignty and national interests over the next 20 years.

The paper will briefly examine the geopolitical context and significant current and emerging pressures in Antarctica, and consider the impact of these pressures on Australia's national security interests in Antarctica over the next 20 years. The paper will then identify three key policy initiatives aligned with the *Australian Antarctic Strategic Plan* and the findings of the Senate Standing

Committee and argue that they should be given consideration for priority implementation. Acting on these recommendations would demonstrate Australia's commitment to remain an important, relevant and legitimate leader in the management of Antarctic issues.

Section 1: Evolution of the Antarctic governance environment and pressures on its continued relevance

This section will provide a brief history of how the Antarctic Treaty came into being. It will analyse the geostrategic circumstances at the time the Treaty was established and discuss how the Treaty and its key subordinate and complementary instruments evolved over time to remain relevant. The section will go on to discuss the emerging pressures on the Treaty as a result of the changing geopolitical circumstances and increasing interest in Antarctica's resource potential.

Finally, within this section there will be a brief examination of the ever-increasing array of stakeholders with interests in the Antarctic. In particular, this section will seek to explain how the potential future policies and actions of these stakeholders might undermine the current cooperative approach achieved through the Antarctic Treaty System. The purpose of this examination will be to provide context for subsequent analysis of the potential impact on Australia's national interests and provide arguments supporting this paper's policy recommendations.

Development of the Antarctic Treaty System

In 1957, the world was in the midst of the Cold War, and Antarctica, remote as it is, was not exempt from discord. Several of the original claimant states were in the middle of territorial disputes, while other members of the international community believed Antarctica should be considered 'common property'.¹⁸ Significantly, the UK, Argentina and Chile had (and still have) overlapping sovereignty claims.

United by a common desire to demilitarise the Antarctic and ensure that it was not used as a nuclear testing site and/or dumping ground, the Antarctic Treaty was negotiated between the seven territorial claimant states of Argentina, Australia, Chile, France, New Zealand, Norway and the UK, along with non-claimants Belgium, Japan, South Africa, the USSR and the US.¹⁹ Ratified on 23 June 1961, the Treaty suspended existing territorial claims, prohibited new claims and any activity asserting, supporting or denying a territorial claim for the life of the Treaty.

Despite this development, no state formally disputes Australia's territorial claim.²⁰ During early negotiations to find a suitable solution to what became known as the 'Antarctic problem', Australia initially rejected the idea of forgoing sovereignty and potentially losing control over Antarctic resources.²¹ However, Australia remained committed to a solution and, following the celebrated success of the International Geophysical Year of 1957-58, perspectives changed and agreement was reached. Consequently, the Antarctic Treaty was drafted explicitly stating that 'Antarctica shall continue forever to be used exclusively for peaceful purposes, and shall not become the scene or object of international discord'.²²

Marcus Howard observes that Australia played a major role in negotiating 'capstone features of the Antarctic Treaty' that ban military bases, weapons testing, establishes freedom of scientific investigation and information exchange, and mandates open inspections and a governance structure for managing disputes.²³ This benign interpretation that sees Antarctica saved from the politics of the day by using a vision of peace and science to gain consensus on how to govern the continent is in contrast to the argument offered by Klaus Dodds. Dodds asserts that the US-led 'science and peace' diplomacy that constructed the Antarctic Treaty was actually orchestrated to 'secure US dominance and Soviet interests' without the need for complicated territorial disputes.²⁴

Regardless of motivation, the Treaty's primary objective was to ensure Antarctica was used for peaceful purposes and the pursuit of cooperative science. The original Treaty consisted of 14 Articles that constructed a framework to achieve objectives through consultation, cooperation and transparency.²⁵ The Scientific Committee on Antarctic Research, first established as the Special Committee on Antarctic Research in 1957, provides scientific advice to Antarctic Treaty System members and governments.²⁶

Since 1961, the Antarctic Treaty Consultative Parties have worked to strengthen the original Treaty and its institutional architecture. Membership has diversified, with 40 more countries acceding to the Treaty, increasing the membership to 52 nations. To achieve 'Consultative Party' status and voting rights on Antarctic administration, a nation must demonstrate their interest in Antarctica by 'conducting substantial research activity there'.²⁷ Seventeen of the acceding countries have had their activities in Antarctica recognised according to this provision, and consequently there are now 29 nations with voting rights.

A crucial factor to Australian influence is that any changes or additions to the Treaty must require ratification by all 12 original signatories. The other 24 'non-consultative parties' are invited to attend consultative meetings but

do not participate in the decision-making.²⁸ The Antarctic Treaty Consultative Parties are now significantly more representative of the wider international community and its membership covers approximately 80 per cent of the global population.²⁹

Arguably the continued legitimacy of the Antarctic Treaty System can be attributed to its ability to adapt to changing global circumstances. The Antarctic Treaty Consultative Parties have the ability to discuss any matters that arise in the Antarctic context and 'adopt binding obligations with respect to it' through the Antarctic Treaty Consultative Meeting process.³⁰ This has been achieved through adaptations to its governance structure negotiated under Article IX of the Antarctic Treaty.³¹

Using this 'rather open-ended power', the original Antarctic Treaty has expanded into a system that includes three other international treaties, the Convention for the Conservation of Antarctic Seals (1972); the Convention on the Conservation of Antarctic Marine Living Resources (1980); and the Protocol on Environmental Protection to the Antarctic Treaty (Madrid Protocol) (1991) and their subsidiary arrangements.³²

The Antarctic Treaty System also includes organisations such as the Council of Managers of National Antarctic Programmes, the Antarctic Treaty Secretariat, the Convention on the Conservation of Antarctic Marine Living Resources secretariat, and institutions such as the Antarctic Treaty Consultative Meeting. Together, their purpose is to conserve, preserve and protect the Antarctic marine and terrestrial environments.³³

Lastly, legal and political developments outside Antarctica have not stopped since the Antarctic Treaty came into force. Member states have had to embrace change, including the accommodation of non-state actors such as environmental groups, and tourism and fisheries organisations, within the Antarctic Treaty System. These adaptations demonstrate evolution to maintain relevance and embrace legal and political developments outside the Antarctic, including biological diversity, climate change, resource regulation, law of the sea, and commercial activities.³⁴

Madrid Protocol

Of the three complementary instruments to the Antarctic Treaty System, the Protocol on Environment Protection to the Antarctic Treaty or the 'Madrid Protocol' is the most relevant to the discussion in this paper. The following provides a brief overview of its history.

The mineral and oil resource potential afforded by Antarctica has always been on the minds of nations with Antarctic interests. However, the potential

for dispute over access and ownership of these resources encouraged original Treaty negotiators to wisely choose to leave the topic for later consideration. Antarctic resources have been discussed several times over the ensuing years and, at the Antarctic Treaty Consultative Meeting of 1977, a voluntary moratorium on exploration was adopted, with the parties agreeing to refrain from exploration and exploitation while seeking a solution.³⁵

After six years of challenging negotiations, the Convention on the Regulation of Antarctic Mineral Resource Activities was adopted. This Convention permitted mining while directing that the Antarctic environment be preserved. At the time, neither the Australian Prime Minister, Bob Hawke, nor Treasurer, Paul Keating, were satisfied with the Convention. They expressed concern over the impact of mining on the environment and the impact on Australian sovereignty and revenue share. On 22 May 1989, the Prime Minister announced that Australia would not sign.³⁶ France supported Australia's position and the two countries collaborated to advocate for an alternative approach that prohibited mining.

Nearly ten years later, the Madrid Protocol (adopted in 1991) entered into force on 14 January 1998.³⁷ The most significant aspect of the Protocol's 27 Articles and six Annexes is Article 7, which states that 'any activity relating to mineral resources, other than scientific research, shall be prohibited'. Also of note is that until 2048, the Protocol can only be modified by unanimous agreement of all Consultative Parties.

Thereafter, modifications can be made by the agreement of the majority of the Parties, including three-quarters of the States, which were Antarctic Treaty Consultative Parties at the time of adoption of this Protocol. It also allows for Parties to withdraw from the Protocol in certain circumstances.³⁸ Of significance, adoption of this protocol demonstrated the ability of Australia as a middle world power to shape Antarctic policy by working bilaterally with France and gaining support of the increasingly influential transnational environmental organisations.

UN Convention on Law of the Sea

The UN Convention on Law of the Sea (UNCLOS) established the legal framework for the use of the world's oceans. It was developed over the period 1956 to 1982 in response to numerous disputes over ocean resources. The convention addresses the rights and duties of sovereign nations with respect to territorial seas, contiguous zones, exclusive economic zones (EEZ), continental shelves and extended continental shelves, and the exploration and exploitation of natural resources in, on and above the seabed.³⁹ The challenge is created where the Antarctic Treaty's Article IV 'intersects' with Article 76 of UNCLOS. Noting that the Treaty suspends all territorial claims, Article IV states that:

No acts or activities taking place ... shall constitute a basis for asserting, supporting ... a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the Treaty is in force.⁴⁰

Article 76 recognises the entitlement of coastal states to an EEZ of 200 nautical miles. It also allows an extended continental shelf beyond the limits of the EEZ, to a maximum distance of 350 nautical miles, where a continental shelf exists.⁴¹ The problem arises because the basis of any such claim is ownership of sovereign territory, and the Convention required nations to submit data to the Commission on the Limits of the Continental Shelf within 10 years of UNCLOS entering into force for that nation. Australia was required to submit its claim by 16 November 2004.

Cognisant that any claim under UNCLOS for an extended continental shelf could be perceived by some Antarctic Treaty Consultative Parties as acting in violation of Article IV, Australia worked with other claimants in an attempt to find a solution. Eventually, Australia did submit its claim on time but caveated it with a *Note Verbale* acknowledging the 'special legal and political status of Antarctica' and requesting the Commission on the Limits of the Continental Shelf 'not take any action for the time being with regard to the information in this Submission that relates to the continental shelf appurtenant to Antarctica'.⁴²

Eight states made representations to the UN about Australia's submission. Six rejected outright Australia's right to claim territorial sovereignty in Antarctica over the seabed or adjacent offshore surrounding Antarctica. Australia's submission generated a response that demonstrates the tenuous nature Australia's claim to sovereignty.⁴³ This situation is significant for Australia given the emerging challenge for resource potential and the developing extraction technologies that make these resources increasingly accessible.⁴⁴

Emerging geopolitical influences

The notion of security and global order has changed significantly since the Antarctic Treaty was originally negotiated at the height of the Cold War.⁴⁵ Today, the Treaty has to address new challenges. The 'rise of Asia', the impact of globalisation, the tensions associated with climate change, anthropogenic impact, and resource scarcity pose a level of complexity not considered previously.⁴⁶ With the growing appreciation of Antarctica's potential to provide food, economic and energy security, the question is whether the Antarctic Treaty System will be able to adapt and respond to the challenges going forward.⁴⁷

Climate change

The Antarctic region has an important link to climate change for two reasons. First, Antarctica is critical to climate research. The Antarctic ice sheet contains within its layers a rich archive of information on past climatic and environmental changes. The information suspended in the ice is of immense importance to the accurate reconstruction of past climates.⁴⁸ Second, Antarctica—as suggested by Alan Hemmings and colleagues—is ‘in a sense, the world’s largest canary’.⁴⁹

Antarctica and the Southern Ocean’s vulnerability to the effects of climate change and influence on regional and global weather and climate is being increasingly recognised. The 2007 Intergovernmental Panel on Climate Change identified that Antarctica was one of two regions with the ‘greatest potential to affect global climate and thus human populations and biodiversity’.⁵⁰ The emerging pressures of resource security and tourism makes Antarctica a place with competing tensions between those who want to protect and preserve it for its value to science and humanity, and those who want to exploit it.⁵¹

Human activity

Environmental degradation is of significant concern due to increased human presence on the continent from scientific research and tourism. Tourism increases public awareness of Antarctica and engenders support for conservation but there are negative effects. Antarctica is well established within the global tourism market. However, the capacity of the Antarctic Treaty System to regulate tour operators is limited and there are no regulations in the Treaty to manage tourism effectively.⁵²

There are fears of an increasing risk of environmental damage caused by the ever-increasing number of tourists. These include the risk of introduction of non-indigenous animals, plants and micro-organisms; disruption to animal breeding cycles; concerns over environmental damage from vessels operating in the Ross Sea and Peninsula regions; and pressure to establish permanent land-based tourist facilities.⁵³

Not surprisingly, the original Treaty did not anticipate tourism as a core industry in the Antarctic continent. However, it does recognise the right of Contracting Parties to designate observers to ‘have complete freedom of access at any time to any or all areas of Antarctica’.⁵⁴ This provides some mitigation for operators, tour guides and tourists who are nationals of a Treaty state. Fortunately, the tourism industry has established a self-regulating body, the International Association of Antarctica Tour Operators, ‘dedicated to facilitating appropriate, safe and environmentally sound private-sector travel to the Antarctic’.⁵⁵ The Association has established by-laws to guide

best practice operations aligned with Antarctic Treaty Consultative Meeting standards. However, membership is not compulsory and there is no mechanism to regulate compliance.⁵⁶

Statistics collected by the Association indicate that over 37,000 tourists visited Antarctica in 2014-15. This potentially does not reflect the actual number of visitors, noting that these figures do not capture non-Association tourists. Significantly, a study of the 2005-06 season indicated that 'non-International Association of Antarctica Tour Operators member large vessels accounted for 64 per cent of all large vessel voyages to the Antarctic' and that 'an estimated 47 per cent of all large vessel tourists travelled with non-Association member operators'.⁵⁷

Antarctic tourism operates in a potentially-hazardous environment. Increased activity without effective regulation increases the chance of incidents and accidents in this remote location and puts tourists at risk. Search-and-rescue operations in the Antarctic region are challenging. The rescue of tourists off the MV *Akademik Shokalskiy* in January 2014 provides an example of the potential problem.⁵⁸ Very few vessels have the capacity to operate in the Southern Ocean Antarctic environment and, in this particular rescue situation, Australian, French and Chinese research vessels were redirected from their scientific work to support the rescue.⁵⁹

An increase in events such as the MV *Akademik Shokalskiy* incident will further challenge the maritime security services of the five countries with search-and-rescue areas that extend to Antarctica.⁶⁰ There is potential for Antarctic relations to be challenged if science and research assets continue to be redirected to tourist rescue missions.⁶¹

Competing foreign policy objectives: scientific research versus exploitation of natural resources

Antarctica's substantial mineral resources tempt countries to exploit them.⁶² The drivers of energy security and competition for finite resources are creating growing geopolitical tensions as states are forced to look further afield for reliable and available sources.⁶³ The resource potential of Antarctica is a risk to the Antarctic Treaty System because it raises the unresolved issue of claimant and non-claimant states. Major powers such as China and Russia have voiced their interest in the continent's resource potential, strongly suggesting the current prohibition on resource exploitation will be revisited after 2048.⁶⁴

In 2001, Russia illegally collected data on oil and gas reserves and, in 2010, announced a strategy that dealt extensively with the potential for Antarctic resources to be exploited; it has also released an investment strategy that

allocates US\$20 billion to Antarctic activities out to 2020.⁶⁵ Since 2005, the Chinese Government has dramatically increased expenditure on Antarctic affairs in the quest to secure greater leadership in Antarctic administration as a result of its increasing dissatisfaction with the current order.⁶⁶ Speaking at its governing meeting in July 2013, China's leader Xi Jinping stressed the need to 'take advantage of ocean and polar resources'.⁶⁷

Commensurate with its rise as an economic and military power, China is integrating itself into the international world order and playing an increasing leadership role in Antarctica. Australia was instrumental in including China in Antarctic research by integrating Chinese scientists in the Australian research team. China has since established its own research stations. However, cooperation between Antarctic research partners, away from the glare of issues over the South China Sea and North Korea, remains strong. Chinese scientific cooperation under the Antarctic Treaty System provides useful track-two diplomacy opportunities with many nations, and has included China hosting Taiwanese scientists at its Antarctic research stations.⁶⁸ While China's interests clearly include access to natural resources, the opportunity to include this rising world power in future negotiations could significantly strengthen any new collaborative approach.

Of the original Antarctic Treaty System partners, the US remains the largest financial investor in Antarctica, with the largest presence also.⁶⁹ Thirty other nations, including Australia, New Zealand, Norway and the UK, also maintain a year-round scientific presence. While the Treaty stipulates data sharing, annual reporting and bans mineral exploration, there are increasing concerns that nations are using 'scientific research' to cover national interest activities.⁷⁰

Argentina, Chile and South Korea have also registered their interest in Antarctic resources, indicating their presence on Antarctica will support future sovereignty claims if the Treaty is revoked or expires.⁷¹ India, Malaysia and China have all expressed dissatisfaction with the original Treaty's 'colonials' club' and actively campaigned for new administrative arrangements.⁷² However, now that Malaysia has been the first ASEAN state to accede to the Treaty, it can play a constructive role as a conduit between the Antarctic Treaty System and non-member countries, and possibly encourage more Asian states to become members of the Treaty.⁷³

Many of these nations are commissioning new stations and expanding their national research efforts, while established treaty members are upgrading their existing stations. Germany has replaced an existing station and the UK has replaced its Halley Station. Russia is expanding its icebreaker fleet, while China is proceeding with upgrades of its existing sites.⁷⁴ In 2012, China also

commissioned the first of three telescopes under construction at Dome A, the highest site on the Antarctic Plateau.⁷⁵

The Antarctic and Southern Ocean Coalition and Greenpeace International represent the new transnational environmental organisations committed to protecting the Antarctic environment, and providing independent advice.⁷⁶ The Antarctic and Southern Ocean Coalition, with 150 members in 40 countries, has successfully lobbied governments to introduce and police new fishing regulations, protect krill stocks, and support the establishment of large marine protected areas. More activist groups, such as Greenpeace and Sea Shepherd, have actively pursued the Japanese whaling fleet during its annual hunt. Determining common interests and tensions will be important in implementing any new Antarctic strategy.

Summary

The Antarctic Treaty stabilised the deeply-divisive problem of territorial sovereignty. It suspended sovereignty positions and allowed for the emergence of scientific pursuit as the determining factor in affording access to the region. Cognisant of the evolving world context, the Antarctic Treaty Consultative Parties have worked to create a relevant international institutional and regime-based structure with the aim of strengthening the original Treaty. Over the 50 years of its existence, the Antarctic Treaty was buttressed and extended by additional legal instruments addressing conservation, resource management and environmental protection. It has broadened its reach and maintained relevance by expanding its membership.

However, there are also potential disadvantages to some of these developments. Size of membership could dilute the original spirit and aims of the Treaty. This could give rise to tensions between claimant and non-claimant states, and between states and non-government organisations. Notwithstanding, the Antarctic Treaty has endured because there are still tangible benefits for the original parties. It has become flexible to accommodate new members and deal with emerging geopolitical issues as they have arisen, enabling competing positions to coexist.⁷⁷ The additional instruments have also widened and deepened the institutional architecture of the Antarctic Treaty System. The Treaty's ongoing success has enabled a positive story to be told about the unsolvable problem of competing sovereign claims.

This section of the paper has traced the development of the Antarctic Treaty System, highlighting the influence of contemporary geopolitics. It has discussed how Antarctica is critical to global and regional climate and weather and understanding of the progress and impact of climate change. Antarctica is rich in resources, which are coming under greater pressure for exploitation. It is

becoming a growing destination for tourists. All these factors have resulted in an increased risk of geopolitical competition in the region, 'not only with those that crave access to resources but also those who demand their exemption from exploitation'.⁷⁸

Notwithstanding the success of the Treaty, it is important to note the extensive time taken to negotiate each of its elements and that there have been no new instruments developed over the past two decades. This is despite resource and commercial issues that have risen in that time. These two aspects may present risk to the continued adaptation of the Treaty and its continued relevance over the next 20 years.

Section 2: Australia's strategy: what matters and when – the next 20 years

Section 1 outlined the genesis of the Antarctic Treaty and its subsequent development. This section shifts focus to consider a specifically Australian perspective. It will discuss Australia's national interests, confirming the critical need to ensure the Treaty remains robust and responsive. This discussion will inform the subsequent section and be used to build the argument for three high priority policy initiatives that will make a positive contribution to the stability of the Antarctic Treaty System and ensure Australia remains an Antarctic leader over the next 20 years.

Australia's strategic priorities

Australia has been clear about its strategic interests in Antarctica since the early stages of negotiating the Antarctic Treaty. In 1955, the Australian Minister for Foreign Affairs, Richard Casey, advised US Department of State officials that Antarctica was critical to Australia's climate. He further stated that there were certain 'mineral resources in the area which they had investigated', and that Australia could not afford to have the territory in 'hostile hands', as it was within aircraft range of Australia.⁷⁹

Thirty years later, the Hawke Government first officially articulated Australia's Antarctic interests as:

- Preserve our sovereignty over the Australian Antarctic Territory, including our sovereign rights of the adjacent offshore areas;
- Take advantage of the special opportunities Antarctica offers for scientific research;
- Protect the Antarctic environment, having regard to its special qualities and effects on our region;

- Maintain Antarctica's freedom from strategic and/or political confrontation;
- Be informed about and able to influence developments in a region geographically proximate to Australia; and
- Derive any reasonable economic benefits from living and non-living resources of the Antarctic (excluding deriving such benefits from mining and oil drilling).⁸⁰

Australia's strategic interests are still relevant today and successive Australian governments have re-endorsed these six key interests.⁸¹

In 2008, then Prime Minister Kevin Rudd presented Australia's first national security statement to Parliament. This statement defined national security as freedom from attack or threat of attack, the maintenance of territorial integrity, sovereignty, freedoms and capacity to advance economic prosperity for all Australians.⁸² Importantly, the statement included a reference to climate change representing 'a most fundamental national security challenge with potential to bring about unregulated population movements, declining food production and creating violent weather patterns'.⁸³

Prime Minister Rudd also defined Australia's national interests as maintaining territorial and border integrity, political sovereignty and promoting an international environment that is stable, peaceful and prosperous within a global rules-based order.⁸⁴ He also stated that 'national security policy must be advanced through the agency of creative middle power diplomacy' and an active, persuasive, influential and resourced foreign policy. While the statement placed no explicit priority on Antarctica, as argued, it is key to predicting climate change and has a profound impact on global weather patterns.

Australia's 2009 Defence White Paper, *Defending Australia in the Asia Pacific Century: Force 2030*, was similarly deficient in prioritising the protection of Australia's interests in Antarctica, instead focusing on traditional military threats.⁸⁵ It defined the ADF's primary operating environment as including the Southern Ocean and all Australia's sovereign offshore territories, including Heard Island and McDonald Islands and waters adjacent to the Australian Antarctic Territory.⁸⁶ However, the paper further stated that 'we do not judge there is a credible risk of our national interests in the Southern Ocean and Australian Antarctic Territory'.⁸⁷

The latest tranche of national security policy documents, which include the 2012 *Australia in the Asian Century White Paper*, the 2013 *National Security Strategy* and the *Defence White Paper 2013*, all make similar references to Antarctica, with the addition of new guidance asserting that 'the development

of the close relations with Asian regional partners involved in Antarctica will be increasingly important in protecting the Antarctic region'.⁸⁸

Given the increasing interests in Antarctic resources, the Australian Government has recognised the need to review its aspirations and consider options to unambiguously demonstrate its presence and leadership within both the Antarctic Treaty System and the Australian Antarctic Territory.⁸⁹ The Senate Standing Committee on Foreign Affairs, Defence and Trade, for example, has noted that:

[T]he importance for Australia of robust engagement in the Antarctic Treaty System cannot be underestimated. The [Treaty] is the foundation for continued peace and constructive activity in the region to our south. As such, it must also be regarded as a keystone in Australian foreign and strategic policy.⁹⁰

The challenge for Australian strategists is how to remain influential in international discussions as a middle power amongst a range of interests all jostling for position in Antarctica.

Australia's balancing act

Australia has claimed a range of maritime zones, which include the waters of external territories and offshore of Antarctica. This action created tensions, and the claim was later revised to exclude the Australian Antarctic Territory, following protests from other parties. In 2004, Australia submitted a claim of its extended continental shelf that encompassed all its offshore territories. However, it asked the UN Commission on the Limits of the Continental Shelf not to consider the evidence relating to the Antarctic Treaty System for the moment.⁹¹

In no other part of Australian territory is there the same level of strategic competition as experienced in the Australian Antarctic Territory. The US, China and Russia have all established stations in the Territory, some in locations that Australia currently lacks capability to access. A potential scenario that should be considered is that some nations are likely positioning for mineral and/or hydrocarbon resource exploration and exploitation, facilitated by the advent of technology improvement, and Australia needs better situational awareness. This could be achieved by being a 'collaborator of choice' for science and logistics support. As highlighted earlier in the paper, this situation presents the need to maintain a delicate balance between sovereign interests and support to the main tenet of the Antarctic Treaty System.

The US takes the position that there are no coastal states in the Antarctic region and that the waters adjacent to the polar continent are part of the common heritage of the international community.⁹² India's and China's presence in the Antarctica, and active involvement in the Antarctic Treaty System, is another reminder that there is a group of global states that have not only

rejected the rights of the seven claimant states but also articulate a view that is fundamentally different.

Such states believe that Antarctica belongs to the common heritage of mankind, and that it should not be subject to exploitation by individual states but held in trust for future generations. In May 2007, India hosted an annual consultative party meeting, wherein India's then External Affairs Minister, Pranab Mukherjee, reaffirmed that 'Antarctica, being a common heritage of mankind, and the foremost symbol of peaceful use and cooperation, needs to be protected for prosperity'.⁹³ The struggle to secure agreement over a mineral's regime represents the most significant challenge to the Antarctic Treaty System and its ability to maintain consensus, noting that the seven claimant states are a minority group, albeit an important one.

What might undermine Australia's interests?

During its first 30 years, the Antarctic Treaty System proved to be adaptable, adopting new instruments in response to new challenges. However, no new instruments have been added to deal with the resource and commercial issues that have arisen over the last two decades.⁹⁴ Thus, with the changing nature of the geopolitical landscape and the rising importance of energy and food security, it is possible that 'states may feel that their best interest will be served by withdrawing from the Antarctic Treaty System'.⁹⁵

This raises questions about the future stability and effectiveness of the existing regime. It presents the potential for increased competition among stakeholder nations and questioning of the relevance of the Treaty or, even more disastrous, failure of the Antarctic Treaty System and subsequent contesting of sovereignty claims. Australia, as an influential and credible middle power with a lot at stake, should focus efforts on keeping the existing governance model relevant, equitable, responsive and transparent. Importantly, Australia needs to ensure it has a robust position regardless of the status of the Antarctic Treaty System.

Strengthening the Antarctic Treaty System through collaboration

Over the next 20 years, the pressure to exploit resources in Antarctica will be significant. Sovereignty and national interests, an increasing world population, a global economy driven by consumption and an energy market focused on hydrocarbons will drive this mounting pressure. Environmental issues will also play an ever-increasing role in national and international politics. Balancing these competing interests in Antarctica will require collaboration and compromise. Achieving consensus within the Antarctic Treaty System will require strong national and international leadership and, potentially, a new approach to

negotiations. It will be critical that all competing interest groups be afforded the opportunity to be part of the solution.⁹⁶

Fortunately, Antarctica is likely to remain a low priority strategic interest for some time. Other pressing strategic circumstances attract attention elsewhere in the world, with the international economy stalled, unrest across the Middle East, Iran developing nuclear weapons, the US strategically pivoting into Asia to contain an emerging China, and unpredictable leadership in North Korea. Antarctica provides a low-threat environment for confidence building. With the success of the current Antarctic Treaty System arrangements and a number of countries positioning to challenge the Madrid Protocol in or possibly before 2048, Australia has some strategic breathing space to develop and champion a robust Antarctic strategy.⁹⁷

Australia's goals and objectives for Antarctica need to be realistic, transparent and integrated into Australian foreign policy. A strategy of slowly developing an alliance of countries with similar interests and strategic vision would maximise the chances of achieving consensus—and reflect the reality of Australia's ability to influence as a middle power.

Australian diplomats and politicians must aim to get Antarctica on the agenda during international discussions and work towards increasing international collaboration. Bilateral negotiations with other Treaty partners offer the most realistic approach, starting with like-minded nations such as New Zealand. Diplomatic efforts should focus on identifying what stakeholders have in common. Ultimately, compromises between the idealistic, utilitarian positions of the environmentalists and those of the national power realists will be necessary.⁹⁸

The Antarctic Treaty System framework provides Australia significant leverage and influence in Antarctic negotiations. As a consequence, Australia must invest to ensure ongoing relevance and effectiveness of the Treaty. Looking beyond traditional security partners may present opportunities, in particular with emerging powers. For example, Australia has strong bilateral relationships with India, Indonesia, Malaysia and China, all of whom have voiced dissatisfaction with aspects of the current governance model of the Antarctic Treaty System.⁹⁹ These countries purportedly support retaining Antarctica for all humanity, minimising the extraction of minerals, and developing a new model for equitably dividing Antarctic resources.

Achieving these goals within the Antarctic Treaty System framework would increase its validity, and the chances of a consensus position. Australia's record in supporting the involvement of non-governmental organisations within Antarctic Treaty System forums provides a strong base for such initiatives.

The Scientific Committee on Antarctic Research, for example, has had a longstanding role within the Antarctic Treaty System, providing independent scientific advice to Treaty members and governments.¹⁰⁰ The Antarctic and Southern Ocean Coalition and the International Association of Antarctica Tour Operators also represent transnational groups committed to protecting the Antarctic environment.

At the same time, activist environmental organisations such as Sea Shepherd actively pursue the Japanese whaling fleet during its annual hunt, while Greenpeace International, with membership across 40 countries, has lobbied governments to introduce and police new fishing regulations, protect krill stocks, and support the establishment of large marine protected areas.¹⁰¹ A future Antarctic governance structure might see a shift to non-government organisations having a more significant role within the Antarctic Treaty System.¹⁰²

Building confidence and trust in any 'Antarctic coalition' will be critical to reaching a successful international outcome and would require leveraging extant international groupings and new, innovative confidence-building measures. As an example, instead of all nations independently conducting bioprospecting surveys, Australia could sponsor or coordinate a comprehensive international survey of Antarctica's flora and fauna, openly publishing all findings under existing Antarctic Treaty System provisions.

Regional military cooperation to provide support to all national research stations through sharing military logistics capabilities could also increase international transparency, building on existing collaborative relationships in a genuine partnering arrangement. ASEAN, APEC and similar regional groupings provide excellent forums for advancing Antarctic interests and an opportunity to enhance the role of these organisations in a non-threatening partnership, and providing opportunities for so-called 'track two' diplomacy initiatives.¹⁰³

Economically, Australia will have to invest more in Antarctic research, enforcement operations, logistics, diplomatic and bureaucratic support. Australia will also need to build on existing collaborative efforts and develop new ones to build trust and put everyone in a better place to approach resource discussions that are likely to intensify as parties consider any review of the Madrid Protocol in 2048.¹⁰⁴

Australia will also need to determine what it is prepared to offer in future negotiations. With significant claims over Antarctica, the surrounding continental shelf and oceans, compromise should arguable include Australia being prepared to offer up some control and resource claims as part of a genuine international agreement on the future of Antarctica. The recommendations delivered by the Press Inquiry and reports by the Senate Standing Committee

on Foreign Affairs, Defence and Trade have proposed a series of initiatives that are achievable through a long term and orchestrated strategy, if Australia's leadership is willing and commitment is genuine.

Summary

This section has considered Australia's national interests relating to the Antarctic region and noted the Government's intent that the Antarctic Treaty System remains relevant, robust and responsive. It has also argued that effective management of the Antarctic region, using the Antarctic Treaty System as the governance model, will require collaboration with wider interest groups, many of whom will have conflicting objectives. Reaching agreement will be challenging but success is critical, as the alternative—failure of the Antarctic Treaty System—is an unacceptable risk.

The Australian Government is currently considering its options for an Antarctic strategic plan for the next 20 years that will have the objective of ensuring Australia remains an Antarctic leader. Sections 1 and 2 of this paper have established 'why' Australia needs to support a robust and relevant Antarctic Treaty System, and established that priority should be placed on taking action that strengthens the Treaty and Australia's leadership role. The next section will consider three priority policy initiatives to support this aim.

Section 3: Policy initiatives to meet Australian priorities

Australia has 'direct strategic interests in Antarctica and the Southern Ocean', along with 'sovereign territory' to protect, and 'a cooperative surveillance and enforcement treaty with France' to honour.¹⁰⁵ The Australian Government has expressed its commitment to ensuring Australia's future engagement in Antarctica and the Southern Ocean. However, Australia's standing as a leader in Antarctic affairs has arguably been undermined by a combination of under-investment and complacency.¹⁰⁶

Encouragingly, the Australian Government has commissioned two reports to inform development of an Australian Antarctic strategy to protect and advance Australia's interests over the next 20 years.¹⁰⁷ Many of the issues identified in the Senate Standing Committee on Foreign Affairs, Defence and Trade's report have concurrent recommendations within the strategic plan proposed by the Press Inquiry.

A strong, relevant and agile Antarctic Treaty System directly affects Australia's national interests. The first two sections of this paper identified the evolving geopolitical environment and potential risks that might destabilise the Treaty System. Operating in Antarctica is expensive and the recommendations from

the Press Inquiry and the Senate Committee, should they be accepted and agreed, will need to be phased as capacity permits. Policy implementation should be prioritised to achieve the best effect with available resources. Australia must maintain and build on its position of strength and credibility within the 'politics' of Antarctic to continue to support the effectiveness and relevance of the Antarctic Treaty System, and to be in a position to protect its national interests in the event that the Treaty is challenged.¹⁰⁸

In the first instance, Australia needs to be visibly committed to a strong presence in the Antarctic. Second, Australia needs to strengthen important relationships with emerging influential states. Third, Australia needs to reinforce its leadership role in science and governance by driving continued evolution of the Treaty so that it remains strong, credible and relevant into the future.¹⁰⁹

This section of the paper will identify three priority policy initiatives that are actionable, symbolic and important to enable Australia to remain a credible and influential Antarctic leader. Each policy proposal will also provide details to be considered for implementation, along with resource considerations for the proposals, where available and appropriate.

Recommendation 1: Utilise ADF 'heavy lift' capability to support Antarctic logistics

Climate change and improved extraction technology will introduce tensions within the Antarctic Treaty System. Australia's 2013 Defence White Paper articulated the position that there is 'no credible risk to Australia's national interests in the Southern Ocean and the AAT [Australian Antarctic Territory] being challenged in ways that might require substantial military responses over the next few decades'.¹¹⁰ This assessment overlooks the long-range perspective of emerging challenges and the role that the ADF's presence plays in asserting sovereignty.¹¹¹ It also fails to acknowledge that climate change and improved extraction technology will make the potential exploitation of Antarctic resources more feasible in the near future. These developments will likely introduce tensions within the Antarctic Treaty System.

Increasing civilian and commercial activity in the region are contemporary challenges. This may prompt the need for ADF involvement in search-and-rescue operations, humanitarian relief or disaster response. There may also be a requirement to support Australian Border Force-led operations in the Southern Ocean. Acknowledging Australia's unequivocal commitment to the values and principles of the Antarctic Treaty, in particular demilitarisation of the region as stated in Article I (i) of the Antarctic Treaty, these non-warfighting roles provide valuable support to national security.¹¹²

Australia has responsibilities for the coordination of search-and-rescue in a significant portion of the Southern Ocean under the International Convention on Maritime Search and Rescue and other treaties.¹¹³ While responding to a search-and-rescue request is not primarily the role of the ADF, its aviation capability is currently the only asset that Australia has that is capable of operating in the more remote, extreme areas of the Southern Ocean and Antarctic region. Having military crews experienced in working in these extreme conditions provides Australia with additional capacity to respond safely to disasters and requests for assistance.

ADF operations in the Australian Antarctic Territory are not a force determinant for capability acquisition. However, opportunities to exploit dual-use capability and capacity of ADF assets in support of Australian Antarctic Territory activities should be undertaken for several reasons. First, using ADF assets such as the C-17A heavy lift capability in support of the Australian Antarctic Division's logistics program would demonstrate an active and visible Australian presence in the region. Second, Australia should continue to support and utilise the provision of Article I (ii) of the Antarctic Treaty, which states that 'the present treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose', and exercise this option.¹¹⁴

As previously identified, one of Australia's national interests in Antarctica is to maintain Antarctica's freedom from strategic and/or political confrontations. The Press Inquiry recommended that to support this outcome, the Australian Government should ask the Department of Foreign Affairs and Trade, as the lead agency, to coordinate action; the inquiry also identified that the Department of Defence would have a significant supporting role.¹¹⁵

Antarctica presents very demanding and potentially dangerous operating conditions. If the ADF is going to support this recommendation, it will need to be able to operate safely and effectively under these conditions by having the right skills and experience. The ADF currently has very limited training and experience in Antarctic conditions but definitely the capability to develop these skills in a reasonably short period. Having the capacity to operate safely in the region would also support the recommendations to increase collaborative efforts by extending support to other nations on an opportunity basis in pursuit of scientific endeavours in the Australian Antarctic Territory.

The Australian Antarctic Division currently leases an Airbus A319 to move people and lightweight materials from Australia (Tasmania) to the Antarctic continent.¹¹⁶ This aircraft is optimised for passenger transport. The ADF should be tasked to provide heavy lift support using the C-17A, which could be used to

deliver bulky cargo and respond to search-and-rescue or mass casualty events. It could also be used as an airdrop capability to support contingency options.¹¹⁷

The C-17A does not require unique servicing, modifications or special fuels for summer operations to Antarctica. However, any expansion of scope to winter operations would require additional preparation.¹¹⁸ The ADF could start summer operations immediately and follow up with developing the capability for winter operations in slower time as experience is accumulated. In this scenario, the ADF support would supplement, not replace, the existing commercial contract aviation services provided to the Australian Antarctic Division. There would also be the potential to offer spare capacity to other collaborating partners.

This approach would enable critical bulky scientific equipment and sustainment stores to be moved to the Australian stations. It would also free up funds that would otherwise be used to pay for transporting these stores, to be reinvested to support scientific activity. Routine ADF flights in support of the Australian Antarctic Division would be mutually beneficial to both organisations. The benefits in providing logistics support to the Australian Antarctic Division, and the associated ongoing training to ADF personnel, would be an enhanced Defence capability and provide additional options for the Australian Government in responding to civil emergencies.

As a priority, therefore, it is recommended that the ADF should commence regular routine C-17A inter-continental flights to Antarctica to support the Australian Antarctic Division. The flights should initially operate from Hobart to Wilkins aerodrome during the summer season. The crew should also prepare and train for airdrop capability. This action could be undertaken with very short lead-time and would provide a visible presence and commitment to strengthen Australia's practical ability to participate in Antarctic science. This policy initiative supports the Press Inquiry's recommendation 3, to provide 'heavy lift from ... Hobart ... to Wilkins aerodrome or elsewhere in Antarctica'.¹¹⁹

Challenges

Concurrency and capacity have been raised in the past as limiting factors for ADF support to the Australian Antarctic Division. With the recent increase of the C-17A fleet to eight aircraft, the ADF should have the capacity to include routine operation to Antarctica into its program. There is also the question of whether or not providing heavy lift support to the Australian Antarctic Division is an appropriate use of military assets.

However, the Australian Government has recently shown a level of comfort in using ADF assets as civil aid tools, as demonstrated by the ADF response to MH17 and MH370.¹²⁰ There is a high likelihood that the ADF would be called on

to respond to an issue in the Australian Antarctic Territory and Southern Ocean region and, as such, it needs to be prepared. The Australian Antarctic Territory is Australian sovereign territory and the ADF must be capable of operating in this environment to support an emergency evacuation of Australian personnel or tourists.

Resources

The ADF's recent expansion of its C-17A fleet minimises the risk of concurrency issues created by supporting the Australian Antarctic Division with routine flights. To deliver routine training/ logistics support flights between Tasmania and Wilkins airfield each summer season would require allocation of the airframe and fuel, training of crew and support personnel in operating and surviving in Antarctic conditions and ensuring that the airfield remains capable of supporting C-17A heavy lift aircraft.

Normally, under the provisions of aid to the civil community, cost recovery would be considered appropriate. However, as the primary purpose of this activity would be to enable ADF personnel to gain training and experience to operate safely in the Antarctic environment, making the aircraft available to carry cargo would be a secondary dual use. Hence, it is proposed that this service would be provided at no cost to the Department of the Environment, with the annual cost of routine flights to Antarctica being absorbed by the Department of Defence's global operating budget.

Recommendation 2: Expand collaboration with China

Within one generation, China has transformed itself from being one of the world's least developed nations to the world's largest economic power.¹²¹ Initially satisfied to observe, learn and adapt to the requirements of established international institutions, China now seeks more influence over its environment to better support its ambitions.¹²² China seeks a position of status and influence in the global order and is looking for leadership opportunities. China's actions in the Antarctic reflect this desire, as it strives to achieve the status of a significant scientific contributor and leader.

During the negotiations to establish the Antarctic Treaty, China was initially excluded for political reasons.¹²³ Many within the People's Republic of China still carry 'a strong sense of injustice' at not being afforded the opportunity to be one of the original signatories to the Antarctic Treaty.¹²⁴ Domestic turmoil then delayed the opportunity for China to participate in Antarctic activities until the austral summer of 1979-80, when Australia invited two Chinese scientists to join the Australian Antarctic Research Expedition. This was the start of China's journey to establish a scientific program, build Antarctic bases, commission

icebreakers and develop the skills and expertise to operate and conduct science in the Antarctic.¹²⁵

China became a party to the Antarctic Treaty in 1983 and achieved consultative party status in 1985.¹²⁶ Initially, its Antarctic science program was restricted by a lack of funding but, as China's national wealth increased, so did its spending on Antarctic activities. During the late 1980s, China assumed the role of learning, establishing, consolidating and developing a foundation of capability and capacity. By 1990, China was in a position to focus its efforts on high-quality scientific research.¹²⁷ One lesson that China learnt well is that countries that lead in Antarctic science, lead in its governance.¹²⁸ China is now well established in the Australian Antarctic Territory.

Australia enjoys a high level of engagement and practical cooperation with China, and actively seeks to work with China on issues of shared concern.¹²⁹ Within the Antarctic context, Australia enjoys a very good relationship with China. Since the late 1970s, the relationship has been characterised by strong and continuous logistics and scientific collaboration.¹³⁰ Most recently, China and Australia reaffirmed and strengthened this long tradition of collaboration in Antarctic diplomacy, science, logistics and operations when President Xi Jinping visited Tasmania with then Prime Minister Abbott in November 2014 and witnessed the signing of a bilateral Memorandum of Understanding.¹³¹ Significantly, the Memorandum declared a continued commitment to the Antarctic Treaty System.

There are advantages for Australia to collaborate closely and deeply with China. From a practical perspective, China and Australia have a long history of supporting each other with general operations, including engineering and medical advice, and sharing of mutually-beneficial data on meteorological and other research projects.¹³² This approach enables both parties to collectively achieve more in difficult Antarctic conditions and builds trust in Australia as a collaborator of choice.

This collaboration has borne fruit at the October 2015 Convention on the Conservation of Antarctic Marine Living Resources meeting in Hobart, where China changed its original position and supported the proposal for marine protected areas in the Ross Sea and East Antarctica.¹³³ This outcome demonstrated the position asserted by the Press Inquiry that it is essential for Australia to become the 'partner of choice in East Antarctica logistics and science'.¹³⁴ China has a very significant presence in Eastern Antarctica, making it a logical target for expanded collaboration.

Scientific cooperation under the Antarctic Treaty System provides useful track-two diplomacy opportunities. It provides Australia the opportunity to

demonstrate to China the norms and principles that underpin the Treaty, and affords China the opportunity to appreciate the Treaty's environmental protection objectives from Australia's perspective. Working closely also encourages alignment of activity and behaviour within the established Treaty protocols. Collaboration also encourages sharing and greater transparency of activities being undertaken in Eastern Antarctica.

Finally, working closely with China in Antarctica provides the opportunity to build deeper trust and a strengthened relationship with Australia's most significant trading partner and significant emerging power in the Asia-Pacific region. A strengthened relationship with China in diverse situations provides the opportunity to balance the risks associated with Australia's strategic alliance with the US.¹³⁵

Australia should expand its collaboration with China in the Antarctic. Building on the recently-signed Memorandum of Understanding between the two countries, Australia should promote even deeper cooperation on Antarctic policy issues and scientific research, and support to operational activities through the joint movement of personnel and sharing of resources in the region.

Such increased collaboration will provide Australia with greater situational awareness of China's activities in Eastern Antarctica. This would be a natural extension of the already-established relationship, and afford potential future opportunities such as a joint venture to build an airfield in the interior of Eastern Antarctica, which would benefit the activities of both nations. Australia should actively encourage the expansion of the Australia-China Antarctic Memorandum of Understanding to strengthen its credentials as an active and credible collaborator.

Challenges

There are some challenges for Australia in managing this relationship with China, particularly in determining China's motives for involvement in Eastern Antarctica. Is China prepositioning, driven by a desire to stake a claim to Antarctic resources? Alternatively, is China seeking prestige for legitimate scientific work?¹³⁶ As asserted in a recent speech by Australia's Foreign Minister, Julie Bishop, it is certain that 'China is seeking a greater role in many existing forums and, where it finds them unaccommodating, it now has the influence and economic heft to create new arrangements'.¹³⁷ Regardless of perspective, a strong relationship and close collaboration is considered a sound strategy to improve Australia's awareness and understanding of China's activities in the Eastern Antarctic region.

Resources

Australia already collaborates with China. This recommendation is about actively seeking ways to expand that collaboration with the deliberate decision to invite China to be a partner in as many activities as practicable. As such, there should be minimal requirement for additional resources initially, as the maintenance of the Australia–China collaborative relationship should be a part of 'business as usual' for all departments and organisations involved in Antarctic operations. There may be a small increase in travel and subsistence funding required to enable more visits by Australian representatives to China's Polar Research Institute in Shanghai as engagement increases but this could be achieved through the reprioritisation of existing funding.

Recommendation 3: Australia to lead in establishing a working group to address the requirement for bioprospecting in the Antarctic

Bioprospectors are increasingly being drawn to the Antarctic because its extreme environment has led to the evolution of a range of physiological adaptations of flora and fauna.¹³⁸ Antarctic biological resources are seen as potentially rich sources of raw materials for pharmaceutical and other industries, and the influence of commercialisation on scientific research cannot be ignored. The interplay between public science and private commercial interest is a matter of ongoing debate in many areas of biological research.

The dilemma in the Antarctic context is that science is subject to management by the Antarctic Treaty System, while bioprospecting is not.¹³⁹ As bioprospecting is an activity with potentially both environmental and resource implications, the Antarctic Treaty parties need to determine a more comprehensive policy position, if not a regulatory framework, to deal with this development.

The Antarctic Treaty and associated agreements have little to say specifically on bioprospecting activities within the Antarctic region. Consequently, Antarctic bioprospecting has elicited much debate within the Antarctic community. Key issues include benefit sharing between Antarctic Treaty parties, the free availability of scientific data originating in Antarctica, the potential environmental impacts, and how governments should develop equitable benefit sharing arrangements and keep up with relevant policy developments.

It is also attracting attention in international law because there is a lack of clarity between sovereign rights over biological resources and intellectual property rights related to inventions developed from those resources. Since activities are already being undertaken, patents have been filed and products developed, and there is increasing tension between the parties in reaching a consensus on this issue.¹⁴⁰

The situation is even more complex where sovereign rights are disputed or absent such as in Antarctica.¹⁴¹ Access, ownership and sharing of the benefits of resource exploitation are regulated by UNCLOS. However, neither the Antarctic Treaty nor UNCLOS provides specific guidance for regulating bioprospecting, other than by linking together some of the fundamental principles contained within these instruments, such as conservation and rational management. The Antarctic region is under administrative control of the Antarctic Treaty System but the status of Antarctic resources is legally unclear.¹⁴² Other international regimes also have application, including the Agreement on Trade-Related Aspects of Intellectual Property, the Convention on Biological Diversity and UNCLOS.

The subject of bioprospecting has been on Antarctic Treaty Consultative Meeting agendas for over 13 years. In 2009, the Parties agreed that bioprospecting was adequately covered by the Antarctic Treaty System. This assessment was reaffirmed again in 2011.¹⁴³ Of significant concern is that there is no consistency of approach to the management of Antarctic biological resources and, while the Antarctic Treaty Consultative Parties have consistently acknowledged a desire to protect Antarctica's biological resources, they have been unable to even take the first step to achieving this ambition.¹⁴⁴ Absence of a collaborative approach and an instrument to guide behaviour is no longer ideal or even acceptable.

Further research is required to provide a solid basis for considering this complex and pressing issue. It encompasses scientific and commercial interests, environmental concerns, ethics and equity, and considerations relating to international law and policy. It also raises the question of the adequacy of the Antarctic Treaty System to manage bioprospecting. The growth of the Treaty, and reacting to the emerging needs of the past 50 years, means effective interfaces are required between the Antarctic Treaty Consultative Meeting and international bodies. The current lack of alignment poses a high risk to the effective operation of the governance regime in Antarctica and the Southern Ocean, and potentially to Australia's national interests.

Australia should undertake to lead a working group within the Antarctic Treaty Consultative Meeting to propose an instrument to manage bioprospecting within the Antarctic and Southern Ocean region. Taking this action would strengthen Australia's position as a leader within the Treaty governance framework and address the intent of a number of the Press Inquiry recommendations.

Specifically, should Australia be successful in leading an effort to establish an instrument for the management of bioprospecting in the Antarctic and Southern Ocean region, this would strengthen the Antarctic Treaty System

and reinforce its relevance. This activity would also provide the opportunity to collaborate with emerging significant players in Antarctica when developing options for an instrument to manage bioprospecting in the Antarctic and Southern Ocean region.

Challenges

The Antarctic Treaty System was last substantively updated 17 years ago with the adoption of the Madrid Protocol in 1991. Hemmings notes that there now appears to be reluctance to develop new instruments.¹⁴⁵ The complex political reality that now exists with 29 states having voting rights as part of the Antarctic Treaty Consultative Meeting means that the Treaty's consensual decision-making model arguably achieves 'low level *status quo* management and not much else'.¹⁴⁶ Attempting to introduce new instruments that are without prejudice to all other instruments, within a consensus environment, will be difficult to achieve.

Resources

Diplomatic resources would be essential to support this politically-challenging undertaking. However, implementation of this initiative could be undertaken using existing staff and resources within the Department of Foreign Affairs and Trade, the Attorney-General's Department, and the Australian Antarctic Division, in collaboration with other Antarctic Treaty Consultative Parties and stakeholders.

The establishment of a working party may require additional funding, depending on how quickly Australia chose to progress this initiative, how many Australian representatives agreed to be a part of the working group, and the location for meetings. However, as this activity is considered core business of the Antarctic Treaty Consultative Parties, it would seem reasonable that funding could be allocated from within the existing operating budget, prioritised at the cost trade-off to another initiative.

These initiatives would provide a short-, medium- and longer-term option to enhance Australia's standing in Antarctic politics, strengthen the Antarctic Treaty System and strengthen vital relationships through close collaboration. As each of these initiatives could be achieved through a decision to prioritise 'business as usual' effort, personnel and funding, they would present good value for money should they be successful.

Conclusion

Australia is recognised as an important, relevant and legitimate leader in Antarctic policy development through its long-term involvement as an original treaty partner, and as a claimant to 42 per cent of the continent. For Australia to retain its influence and leadership role in the Antarctic Treaty System, there needs to be a coherent and well-resourced national strategy. Without clear strategic objectives, and the resources to achieve them, Australia will struggle to continue to influence the wider international community active within the Antarctic Treaty System.¹⁴⁷

This paper has discussed a brief history of Antarctic governance and analysed what the future pressures on the Antarctic and the Antarctic Treaty System are likely to be over the next 20 years. The Press Inquiry and the aforementioned Senate Standing Committee have suggested the need for a comprehensive strategy for Australia, however working in Antarctica is costly and not all their recommendations can be implemented at once. Prioritising policy initiatives that enable military logistics support, strengthen relationships and support collaborative scientific research projects would be critical to better positioning Australia to continue exerting influence within the Antarctic Treaty System over the next 20 years.

When the original Antarctic Treaty was signed, US lawmakers declared that 'the Antarctic Treaty will be seen one day as the Magna Carta of peaceful, cooperative international diplomacy'.¹⁴⁸ With Treaty membership now standing at 50 nations, the cooperation and ongoing diplomacy over the past 50 years has been remarkable. This paper recognises that while Antarctica is experiencing increased international focus, it currently remains a relatively low priority for most nations and that there has been little meaningful development of contemporary policy over the past 20 years.

Noting 2048 as a critical decision point, there is an opportunity for Australia, as a significant stakeholder, to influence the strengthening of the Antarctic Treaty System. The essential step would be to identify nations and international organisations that share Australia's interests and vision for Antarctica, and then leverage existing bilateral and regional organisations to work towards a consensus position. This would require innovative leadership to align the agendas of numerous stakeholders with sometimes significantly different interests.

Continued evolution and strengthening of the Antarctic Treaty System affords the international community the opportunity to collaborate for the benefit of all, rather than the historically common position of a zero-sum game. Success will require a long-term commitment, patience and compromise. The challenge will be to manage competing interests in a pragmatic manner.

Traditional power politics is unlikely to achieve an acceptable outcome for Australia or the world, and has the potential to create security challenges in Australia's backyard.¹⁴⁹

There is time for Australia to position itself to increase its influence and broker a solution for the future Antarctic political landscape. Without the will to collaborate on the potentially divisive issues of resource management and environmental protection, the next 20 years may not be as harmonious as the previous fifty.

Notes

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- 12 Adrian Howkins, 'Defending polar empire: opposition to India's proposal to raise the "Antarctic question" at the United Nations in 1956', *Polar Record*, Vol. 44, Issue 1, January 2008, p. 37.
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Islamic Extremism in Indonesia: Will it affect Australia's security in the next ten years?

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Abstract

This paper addresses the question of whether Islamic extremism in Indonesia will affect Australia's security in the next ten years. It notes that in the world's most populous Islamic country, there are numerous Islamic extremist groups mutating and splintering at a frenetic rate, with the January 2016 attacks in Jakarta bringing the issue into stark focus.

The paper outlines the prevalence and ideology of extremist groups in Indonesia. It analyses their intent and capability, as well as the measures that the Indonesian and Australian Governments are taking to contain the threat. The paper contends that although extremists are flexible, adaptable and unpredictable, the responses to them are both proportionately increasing and adequate. It concludes that Islamic extremism in Indonesia will not significantly affect Australia's security for the foreseeable future.

Introduction

As the Bali bombings of 2002 fade in the memory of most Australians, Islamic extremism in Indonesia remains ever-present. The January 2016 attacks in Jakarta have brought the issue back into stark focus. In the world's most populous Islamic country, there are numerous Islamic extremist groups that mutate and splinter at a frenetic rate.¹ *Jemaah Islamiya (JI)*, *al Qaeda* and Islamic State may be the most recognisable but new groups are spawned seemingly as fast as security agencies become aware of existing groups.²

The Bali tragedy, claiming 88 Australian lives among a total death toll of 202, shocked both Australia and Indonesia. Within the Australian and Indonesian Governments, as well as within mainstream Indonesian Islamic society, the jolt spurred a significant reaction that continues today.³ For the purpose of this paper, 'Australia's security' refers to the safety of Australian citizens and assets in Australia. Although the security of Australian interests outside Australia will also be discussed, it will not be taken into consideration when assessing the threat to Australia's security.

The paper will argue that Islamic extremism in Indonesia will not significantly affect Australia's security in the next ten years. To support this argument, it will first outline the prevalence and ideology of Islamic extremist groups in Indonesia. It will then analyse the intent and capability of the known extremist groups, using the most notorious and dangerous as examples. Finally, the paper will outline and analyse the measures that the Indonesian and Australian Governments and other organisations are taking to ensure the threat from Islamic extremism is contained. It will conclude that although extremists are flexible, adaptable and unpredictable, the responses to them are proportionately increasing and therefore provide an adequate defence.

Islamic extremist groups in Indonesia

The Muslim population of Indonesia is approximately 230 million—greater than that of Egypt, Tunisia, Libya, Saudi Arabia and the Persian Gulf countries combined.⁴ Indonesian Islam is generally considered a moderate, tolerant expression of the religion. However, many groups are focused on the imposition of strict Islamic law, without resorting to violence.⁵

On the extreme end of the religious activist spectrum, there are a number of extremist groups that are willing to resort to violence against domestic and international enemies and targets.⁶ It is universally accepted that these groups have grown from the *Darul Islam* movement, whose origins date back to the middle of the 20th century.⁷ *Darul Islam*'s goal is the formation of an Islamic

state in Indonesia—a goal to which many of its factions and splinter groups have continued to dedicated themselves.

Jl, which claimed responsibility for the 2002 Bali bombing and numerous other attacks since, is perhaps Indonesia's most recognisable extremist group.⁸ Founded in Indonesia in 1993, it is a breakaway faction of the conservative *Darul Islam* movement. Like many other Islamic extremist groups around the world, *Jl* has previously had links with *al Qaeda* and shares the Salafi-jihadist ideology.⁹ However, after the Bali bombings, elements of *Jl* became uneasy with the *al Qaeda* policy of targeting the US and its allies. *Jl*'s leadership also preferred not to conduct further attacks against targets in Indonesia.¹⁰ Subsequent similar attacks have largely been attributed to a splinter group, the Noordin Network, led by a former *Jl* commander, Noordin Muhammad Top.

Jl recruitment often occurs in universities and schools, of which some 50 of the latter are affiliated to the group. The selection process begins with religious discussion groups in mosques or schools, and becomes progressively more specialised through a number of stages of indoctrination. Finally, an individual is inducted by swearing allegiance to the *Jl* emir (leader). Although *Jl* is known to be still recruiting converts eager to prove their piety, its threat appears to be in decline.¹¹

In recent years, potentially more dangerous groups have taken up the fight against international and domestic *kafirs* (infidels). The most extreme and dangerous is Islamic State, which claimed responsibility for the January 2016 attacks on a shopping and embassy district in Jakarta.¹² So extreme are its methods that even Osama Bin Laden and his successor Ayman Al-Zawahiri condemned the early actions of Islamic State in Iraq.¹³ Zawahiri claimed that the indiscriminate use of violence undermined efforts to attract broad support for the global Islamist cause. Although the stated aim of Islamic State is the establishment of an Islamic state (or caliphate) in the Middle East, it has also gained influence elsewhere in the world.¹⁴ The dense concentration of Muslims in Southeast Asia provides a clear opportunity for Islamic State to gain a foothold in the region.

It is estimated that more than 2000 Indonesians have pledged their support for Islamic State. Furthermore, many Indonesians are known to have journeyed to Syria and Iraq to support Islamic State in its jihadist mission. Estimates of the number joining the fight vary considerably but could be as many as 500.¹⁵ Whatever the number, it is growing rapidly.¹⁶ It is feared that both domestic Islamic State supporters and veterans returning from Syria will join forces to become a virulent and professional force.

Extremist groups' intent and capability

For a threat to Australia's security to exist, an adversary must possess both the intent and capability to enact it. What is clear is that Australian citizens and assets represent legitimate targets for extremist groups for a number of reasons. First, as a part of the 'West' and an ally of the US, Australia is an enemy of Islam in the minds of many extremists. Second, Australia's significant involvement in Timor Leste's independence from Indonesia was seen as an indication of Australia's intention to take over Muslim territory. Third, Australian collaboration with the Indonesian security forces' crackdown on terrorism after the Bali attacks attracted the rage of extremists.¹⁷

For these reasons, hard-line individuals have called for Australians, along with Americans and their other allies, to be targeted whenever and wherever they are found. However, any intent to target Australians, even in Indonesia, is tempered by the view among some extremists that attacks on foreigners are counter-productive to their cause.¹⁸ This view is confirmed by studies that have shown that attacks on domestic targets and the resultant propensity to kill other Muslims have drawn a negative response from the broader community.¹⁹ This may lead Australians to believe that extremist groups would prefer to attack foreigners outside Indonesia. But is that really their intent?

Perhaps the most important indicator of the intent of extremist groups is in their core ideology. Almost universally, Islamic extremists in Indonesia pursue the *Darul Islam* goal of establishing an Islamic state that adheres to *sharia* law.²⁰ And, although Islamic State is attempting to inspire a broader Islamic war in the 'far abroad', which includes countries outside the region of Syria and Iraq, there is no doubt that its focus is in the Levant, not outside it.²¹ The fact that Southeast Asia is the only region with a significant Muslim population where Islamic State has not established a province is a good indication of its focus.

Furthermore, Sidney Jones argues that most foreign fighters, including Indonesians, who have left their country to join Islamic State have no intention of coming back.²² Rather, they want to be part of the 'final battle', which is prophesied to occur in the Levant.²³ Therefore, there is little evidence that either established extremist groups in Indonesia like *Jl*, or Islamic State-affiliated groups, have a clear intent to target Australia.

The capability of extremist groups to export violence to Australia appears similarly low. Attacking 'soft' targets such as Bali night clubs and Jakarta shopping districts is far simpler than projecting that violence onto the Australian continent. Furthermore, it is widely acknowledged that since the Bali bombings, the capability of most extremist groups has decreased.²⁴ Many of the charismatic leaders and their followers are now dead and many others are in prison. In *Jl*, for

example, every known emir and many senior commanders are dead or in prison and, since 2007, it has been unclear who is leading the organisation.²⁵

Moreover, its splinter groups have not fared much better. The notorious leader of a *Jl* splinter faction, Noordin Mohammad Top, whose aim was 'to make Western nations tremble', was killed in a police raid in 2009.²⁶ *Jl* membership was estimated to be over 900 in 2007 but that number has almost certainly decreased.²⁷ Over the next decade, *Jl* appears to be more of a threat as a recruiting pool for other Islamic extremist groups than a threat to regional security.

Despite the significant loss of leadership, convicted extremists who are currently in prison are virtually free to propagate hate speech and motivation to their followers. The former *Jl* emir and alleged mastermind of the Bali bombings, Abu Bakar Baasyir, currently serving a 15-year sentence, is doing just that. As Jones asserts, 'the problem is that preaching is almost as easily done from behind bars—everything from lectures by speaker phone to smuggled CDs—as from people who are actually present in the flesh'.²⁸

In addition to the influence of those extremists in prison, there is a fear that many extremists arrested in the last 10 years are being released en masse as their sentences end. However, although the large number of convicted terrorists being released in a short period is causing alarm for security agencies in Indonesia and Australia, the number is only one factor.²⁹ The recidivism rate is only 10 per cent—and only a small proportion of the more militant rejecters of deradicalisation have the capacity to cause a significant impact on security in Indonesia, let alone Australia.³⁰ Perhaps for these reasons, the freedom of ideologues to spread their extremist views does not appear to have enhanced the capability of their followers to conduct large-scale attacks.³¹

Efforts to contain the threat of Islamic extremism

Both the Indonesian and Australian Governments are taking Islamic extremism very seriously and have responded strongly since 2002. On numerous occasions, most recently in December 2015, senior government and security agency leaders from both countries have met to discuss counter-terrorism cooperation.³²

During the most recent meetings, Australia expressed concern that extremists returning from Syria, coupled with the imminent release of numerous convicted terrorists, could allow extremists to establish a beachhead in Indonesia from which to launch attacks on Australia.³³ However, Indonesia has a very strong record of combating Islamic extremists—a point many commentators acknowledge.³⁴ There is no doubt that their efforts to contain extremist organisations, which Australia has supported in some cases, have been largely successful.³⁵

Consecutive Indonesian Governments have implemented a suite of measures to minimise the impact of Islamic extremists. For example, several groups, including Islamic State, have been legally banned and membership is a crime. A number of new counter-terrorism agencies have also been created, including a new anti-terrorism special operations command in the Indonesian military, called *Koopsugab*.³⁶ But by far the most successful element of Indonesia's counter-terrorism campaign has been the formation and action of its crack police unit known as *Densus 88*, or Detachment 88.

Since 2002, Detachment 88 has arrested more than 1000 suspected terrorists and prosecuted over 700, resulting in almost a 100 per cent conviction rate. The unit has disrupted current and emerging terrorist cells and foiled terrorist plots. The unit is not only responsible for arresting or killing numerous terrorists, including some of the most dangerous group leaders, it also plays a large role in deradicalisation. By building personal relationships with incarcerated extremists, providing positive education from reputable Islamic teachers and supporting extremists' families financially, Detachment 88 deserves much of the credit for the very low recidivism rate cited earlier.

The Indonesian Government and its counter-terrorism agencies are not the only positive influence on Islamic extremists in Indonesia. Most notably since the emergence of Islamic State, prominent Muslim organisations and figures are promoting tolerant and peaceful Islam.³⁷ A resurgent nationalist Islamic agenda is being broadcast, which repudiates Middle East-style violent Salafism and Wahhabism, and embraces Indonesian Islamic moderation and inclusion.³⁸

As President Widodo declared in June 2015, in distinguishing Indonesia from the Middle East, 'our Islam is *Islam Nusantara*, which is full of respect, courtesy and tolerance'.³⁹ The actions of moderate religious groups therefore provide a positive ideological foundation, which complements the successful but repressive tactics of counter-terrorism agencies.⁴⁰ Both are required to ensure the successful momentum against extremists continues over the next decade.

For its part, Australia has taken measures to prevent Islamic extremists from any country, including Indonesia, from threatening Australia's security. Like the Indonesian Government, the Australian Government has tightened domestic laws pertaining to terrorism, increased the size and capability of counter-terrorism agencies and introduced broader intelligence-gathering powers.⁴¹ To prevent terrorists entering the country, it has also tightened travel and immigration legislation and airport security resourcing and procedures.⁴²

Furthermore, recognising the demographic and geographic significance of Indonesia as a potential source of insecurity and Islamic jihadists, Australia has substantially strengthened security cooperation with Indonesia since 2002. This

cooperation has included intelligence sharing, law enforcement collaboration and training, border and transport security, and legal framework development, to name a few.⁴³ The January 2016 terrorist attack in Jakarta, despite being poorly planned and executed, provided impetus for a reinvigoration of the security collaboration of the two nations.⁴⁴ Consequently, both countries' counter-extremism and counter-terrorism efforts since 2002 have ensured that they are prepared for the extremist threat that Islamic State poses.

Conclusion

There is little doubt that Islamic extremism in Indonesia has been substantially suppressed since the Bali bombings of 2002. However, nobody, least of all the Governments of Indonesia and Australia, considers it a spent force. Despite *Jl* and other established extremist groups being in decline for the last decade, new and more extreme threats are emerging. The rise of Islamic State and its growing number of affiliated groups in Indonesia presents a renascent challenge to the security of that country.

However, the core intent of Islamic State-affiliated extremist groups is to establish a puritanical Islamic caliphate in the Levant, not Indonesia. Moreover, despite the anti-Western motivation of extremist groups, there is little evidence of their intent or capability to target assets or people in Australia, notwithstanding the likely increase in skilled and experienced fighters returning to Indonesia from Syria.

The Indonesian and Australian Governments have established effective counter-terrorism laws, agencies and procedures since 2002, further reducing the threat to Australia from Indonesian Islamic extremists. The rise of Islamic State has not, therefore, caught either country flat-footed. Security agencies were already established and proficient as a result of more than 10 years of counter-terrorism operations—and it is likely that they will continue to improve in the next decade. Furthermore, moderate Indonesian Islamic groups, comprising the vast majority of the Muslim population, have escalated their counter-extremist rhetoric and action.

Although not addressed in this paper, the threat to Australian assets and citizens abroad, particularly in Indonesia, is receiving significant attention. It is also important to remember that a single terrorist laying siege to any establishment in Australia, as occurred at the Lindt café in Sydney in December 2014, can quickly shatter Australia's perception of security. However, the threat to Australia from Islamic extremism in Indonesia is assessed as being low, increasingly mitigated and thus not likely to significantly affect Australia's security for the foreseeable future.

Notes

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A Greener Dragon? Climate change lessons and opportunities for cooperation between China and Australia

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Abstract

This paper examines the impact of climate change on Australia, and whether there are lessons and opportunities for cooperation from China's experience. It contends that Australia is seemingly out of alignment with the international community in addressing climate change, not least because Australia's mitigation actions have been constrained by economic reliance on coal exports, the domestic use of coal for energy production and the influence of vested mining interests on climate change policy.

This paper argues that Australia needs a strategy to communicate and demonstrate to the Australian public that mitigating and adapting to climate change is in Australia's national interest, particularly in relation to human and comprehensive security issues. It concludes that Australia can benefit from China's experience as a 'greener dragon', offering lessons for Australia on achieving climate change-related economic and energy reform, as well as sustainable development and cooperation opportunities.

Introduction

In September 2014, US President Barack Obama remarked to a UN Climate Change Summit that:

[F]or all the immediate challenges that we gather to address this week—terrorism, instability, inequality and disease—there's one issue that will define the contours of this century more dramatically than any other, and that is the urgent and growing threat of a changing climate.... We are the first generation to feel the impact of climate change and the last generation that can do something about it.¹

The US, through its 2015 Clean Power Plan, has committed to curbing power plant carbon emissions by 32 per cent by 2030.² China has also declared, through its submission to the UN Framework Convention on Climate Change, that it will reduce carbon dioxide emissions by 60-65 per cent of GDP and increase forest stock volume by 4.5 billion cubic meters on the 2005 level.³

The commitments by China and the US are significant as they are the world's first and second largest green house gas (GHG) emitters. Neither country had previously committed significant action to the international GHG reduction framework, although both had made domestic economic and environmental adjustments.⁴ However, it is widely recognised that the participation of China and the US is essential to achieving the UN-mandated target of reducing emissions to avoid what otherwise has been predicted to be irreversible 'tipping points', resulting in catastrophic changes to the climate system.⁵ Their commitment also accords with the global priority being placed on mitigating climate change, including through the transformation of their economy and energy sectors.

China's commitment to climate change mitigation is an important economic issue for Australia. As China is Australia's largest trading partner, any adjustments China makes to its economy will impact the Australian economy.⁶ China has been signalling the importance of the environment and climate to its economy since the release in 2001 of its 10th Five Year Plan (2001-05), in which it set targets for fuel consumption and energy conservation, and foreshadowed an expansion of forests as 'carbon sinks'.⁷ This was followed in 2008 by a White Paper on Climate Change.⁸ More recently, the 12th Five Year Plan set a target for the reduction of energy intensity and signalled an intention to price carbon by trialling an emissions trading scheme.

China is also undertaking macro-economic restructuring, reflecting an attitude shift toward a low carbon or 'green economy', focusing on energy efficiency, renewable energy, environmental sustainability and domestic innovation.⁹ Some have suggested that these initiatives are linked to the legitimacy of the Chinese Communist Party, particularly since 2013 when air pollution in a number

of urban centres became so bad that it constituted a threat to social stability.¹⁰ Regardless, the initiatives have had a positive effect on emission reductions. China's actions are also consistent with Australia's other major trading partners in Asia, North America and Europe.¹¹

This presents opportunities for Australia to leverage its trading relationships to work with trading partners in order to mitigate climate change as a threat to human security.¹² Climate change can threaten human security by slowing economic growth, making poverty reduction more difficult, and eroding food and water security.¹³ Climate change impacts are also likely to result in human displacement and migration, particularly in the Indo-Pacific region.¹⁴ As noted by the Climate Council of Australia in 2015, the Indo-Pacific region is:

[O]ne of the world's most disaster prone [regions]; in 2014 over half of the world's 226 natural disasters occurred here.... [Moreover], Asia is also home to more than 90 per cent of the global population ... [living in a region] that is exposed to tropical cyclones, with rising sea-levels magnifying the impact of storms.¹⁵

Extreme weather effects, water and food scarcity, and population migration also have broader security implications, leading climate change to be considered a 'threat multiplier', suggesting there is considerable potential for climate change to impact significantly on the national security of affected states.¹⁶ However, climate change is also a transnational security issue. While effective state-level policies are critical, individual countries alone cannot remove the climate change threat—there has to be coordinated international action to reduce GHG emissions.

This is an important consideration for Australia, as it is the 13th largest GHG emitter and, according to Australia's Climate Change Authority—an independent statutory body—the highest GHG emitter on a per capita basis.¹⁷ Yet Australia is seemingly out of alignment with the international community in addressing climate change. In particular, Australia's mitigation actions have been constrained by economic reliance on coal exports, the domestic use of coal for energy production and the influence of vested mining interests on climate change policy.¹⁸

The Climate Change Authority has recommended that Australia's emission reductions be 30 per cent below 2000 levels by 2025.¹⁹ However, the Australian Government has committed only to a 26-28 per cent reduction below 2005 levels by 2030.²⁰ Australia's intended mitigation measures and timeframe have drawn international criticism, with the International Energy Agency, G20, EU, China, US, Switzerland and Brazil all criticising Australia for being out of alignment with international expectations.²¹ This is more noticeable when a developing country such as China is taking more direct action than Australia to deal with climate change. It is compounded by the fact that Australia,

as a leading supplier of uranium, does not use nuclear power—and that it is one of the hottest, driest continents but makes use of solar electricity for only 2 per cent of its energy needs.²²

Australia's misalignment with the international community and its continuing reliance on coal places Australia's economy and infrastructure at risk, as well as impacting Australia's reputation. Although coal currently generates significant export revenue for Australia, the international move away from the use of coal, because of its impact on climate change, is resulting in a declining market.²³ These issues require a trade-off decision about positioning Australia's economy for the future, particularly when some alternative energy sources—such as a nuclear energy capability—would likely take up to 10 years to develop.²⁴

As a developed economy endowed with natural resources, it is within Australia's capacity to undertake reform and increase GHG emission reductions. The constraints for Australia implementing mitigation actions are 'no longer technological or economic.... [t]hey are political, institutional and ideological [based on individual and cultural belief systems]'.²⁵ To overcome these constraints, Australia needs a coherent bipartisan strategy to mitigate climate change, offering a road map, change management plan and context narrative for the Australian public on the necessary changes to industry and the economy.²⁶ Such a strategy would also provide a pathway for government actions and the synchronising of policies required to adapt to the current and emerging effects of climate change.

This paper will contend that the development of such a strategy is in Australia's national interest, particularly in relation to human and comprehensive security issues. It will further contend that Australia can benefit from China's experience as a 'greener dragon', offering lessons for Australia on achieving climate change-related economic and energy reform, as well as sustainable development and cooperation opportunities.

In considering how Australia should respond to climate change and maximise its development opportunities, Part 1 of this paper will outline why climate change is a 'diabolical' policy issue and recommend a strategy to address this. It will outline China's strategy and approach, and draw out the key lessons for developing a climate change strategy. Part 2 will propose that Australia needs a climate change strategy based on an economic argument, and assert that there is strong popular support for government action on climate change. It will also propose the content of a climate change strategy and how this would be implemented, contending that the foundations of a strategy exist within the current policy framework, although they are not integrated and do not achieve a synergistic effect.

Part 3 will outline China's climate change policy initiatives and their relevance for an Australian climate change strategy. Part 4 will propose two major initiatives centred on Australia's energy mix and low carbon cities that would complement an Australian climate change strategy, as well as offering opportunities for cooperation and development with China. The paper will conclude that adjusting Australia's approach to climate change, and leveraging the trading relationship with China, presents a unique opportunity to transform Australia's economy, energy and infrastructure, and improve Australia's contribution to global GHG emission reductions.

Part 1: Climate change is a diabolical policy issue

A diabolical policy issue incorporates the characteristics of a 'wicked' policy problem. It also contains the characteristic of being long term, rather than immediate, implying that effective solutions are unlikely to be easily developed or implemented. While some wicked problems are purely domestic, the globalisation of modern society suggests that most can only be adequately resolved through international cooperation of unprecedented dimension and complexity.²⁷

Climate change is certainly not a short-term issue. A number of mitigation actions, even if implemented immediately, would likely have minimal influence this century, not least because some GHG remain in the atmosphere for up to 120 years.²⁸ Governments must be prepared to mitigate and adapt to climate change over a long period. This requires the development of policies within an intergenerational framework, focusing on economic, social and environment areas.

Furthermore, climate change policies should have bipartisan support to ensure there is continuity throughout any change of government. As climate change impacts the economy, environment and human security, it is a comprehensive security issue and it is, therefore, in the national interest to mitigate and adapt to it.²⁹ Only a consistent and comprehensive government approach, underpinned by effective communication with the Australian public, will enable policy certainty and coordinated mitigation and adaptation action.

Developing an appropriate mechanism

A strategy provides a road map to deal with diabolical policy problems. According to Gerry Johnson and Kevan Scholes, a strategy is 'the direction and scope of an organisation over the long term ... which achieves advantage for the organisation through its configuration of resources within a changing environment, to meet the needs of markets and to fulfil stakeholder expectations'.³⁰ Harry Yarger contends that a strategy can also be defined as 'the calculation of objectives, concepts and resources within acceptable

bounds of risk to create more favourable outcomes than might otherwise exist by change or at the hands of others'.³¹

Taking these broad definitions into consideration, the key effect to be achieved from a climate change strategy would be an explanation of the vision and policy themes in order to gain business and public commitment to investments that mitigate and adapt to climate change. China's approach to a climate change strategy offers an example where there are some lessons that may be applicable for Australia.

China's climate change approach and strategy

China undertakes climate change mitigation and adaptation action through an authoritarian environmentalism approach and a 'green economy' strategy. Bruce Gilley defines authoritarian environmentalism as a 'non-participatory approach to public policy making and implementation in the face of severe environmental challenges'.³²

China's approach reflects an appreciation that 'China's climate is complex and its ecological environment is fragile, which makes it very vulnerable to the adverse impacts of climate change'.³³ Climate change-related extreme weather events are projected to increasingly affect the heavily-populated coastal cities of Shanghai (22.3 million people) and Tianjin (11 million people), causing not only humanitarian disasters but also impacting China's industrial capacity and economy.³⁴ Additionally, an anticipated sea level rise of one metre would likely impact 'twelve coastal provinces [that] account for 42 per cent of its population and 73 per cent of its GDP'.³⁵ China accordingly acknowledges the nexus of climate change with its future prosperity and economic growth, and has crafted an approach and strategy to align with China's context.

Economic development and the ongoing legitimacy of the Chinese Communist Party are the key drivers of China's strategy and approach to climate change. Economic development has enabled over 500 million people to be lifted out of poverty and food security to be achieved.³⁶ However, China's initial focus on economic development resulted in severe ecological and environmental damage.³⁷ The tipping point occurred in 2013, when citizen discontent and social protests over air quality in Beijing prompted media attention and forced the Government's commitment to improve air quality through reducing carbon emissions and improving energy intensity.³⁸ While economic development remains a key driver for political legitimacy, more recently this has been balanced by the requirement for ecological and environmental sustainability to achieve a mitigating effect on climate change.

Recognition of the nexus between climate change and human security, and the legitimacy of the Chinese Communist Party, resulted in China adapting its approach to climate change. China's approach has evolved from 'hard line' during the 1997 Kyoto Protocol negotiations to one where climate change adaptation and mitigation measures are considered as an economic opportunity for a green economy.³⁹ Evidence for this includes climate change receiving increased priority in China's Five Year Plans from 2006, as well as the growth of investment in clean energy, both signalling the transformation of China's economy to a green economy.

China's transformation to a green economy is also reflected in the Government's planned implementation of an emissions trading scheme in 2017, and that China became the world's leading exporter of solar and wind technology in 2009.⁴⁰ Consequently, it can be argued that China has constructed its strategy for climate change mitigation and adaptation by viewing climate change as an economic development opportunity, rather than an environmental issue. Such an approach is suited to China's strategic context. As a developing country, it is continuing to seek economic growth through dominating areas of a 'green market', while economic growth—along with ecological sustainability—is the narrative being utilised to maintain the legitimacy of the Chinese Communist Party. The effect of this approach positions China as a 'good international citizen', through making meaningful contributions to international norms.⁴¹

China has also prioritised climate change as an economic issue to address ecological degradation. This is reflected in the fact that the central policy-making body on climate change is the National Development and Reform Commission, which has broad administrative and planning control over the Chinese economy. Within the Commission, the primary body to execute climate change policy is the National Leading Committee on Climate Change, chaired by China's Premier. It coordinates actions across 20 ministries, ensuring climate change adaptation and mitigation actions are prioritised, coordinated, controlled and transformed to meet government requirements,⁴² although local governments may modify policies and the method of implementation to accord with local economic priority issues.⁴³

China also promulgates to domestic and international audiences its climate policy achievements and planning for future developments, primarily through the annual *China's Policies and Actions for Addressing Climate Change* report. Each report serves as an annual strategy, providing direction for provinces and businesses on future climate change mitigation and adaptation investments—in effect a roadmap and a vision for China's transition to a green economy. The 2014 report, for example, highlighted industry restructure, the focus of the economy on low carbon technology and bilateral arrangements.⁴⁴ It

also outlined key policy focus areas, such as coal consumption targets, regulation measures and the dual treatment of mitigation and adaptation policy development.

China's approach and strategy provides key lessons for Australia. First, the Australian Government needs to set and communicate the climate change strategy and policy agenda in order to provide certainty for businesses and the public on investment opportunities. Second, the Government should communicate its achievements against the strategy, thereby providing transparency in its approach to climate change, as well as enabling learning and policy adjustment to occur. Third, the Government should prioritise climate change policy implementation and achieve policy synergy through the establishment of a coordination body. Finally, climate change mitigation and adaptation action should be viewed as an economic opportunity rather than simply an environmental issue.

Clearly, however, there are a number of issues in reviewing China's approach and strategy and their applicability for Australia. First, the degrees of recognition of climate change vary between China and Australia, with the former having decided that specific measures must be adopted while the latter continues to have partisan policies. Second, China's political system allows it to adopt policies directly from the central leadership. In addition, the political system in China normally provides for a relatively stable governing cohort to stay in power for ten years, with no official opposition. In contrast, Australia has much shorter election cycles and a political culture wherein the opposition tends to oppose most government policies. Moreover, partisan positions lock parties to specific policies to the extent that once in power, they often find it difficult to reverse their earlier policy positions.

Similar to Australia, China's policies also are subject to trade-off decisions between sustaining economic growth and the need to address climate change.⁴⁵ However, it appears that China—having positioned itself as a green economy—is developing a market and market instruments to minimise the trade-off decision requirements, and is communicating this strategy to domestic and international audiences. Consequently, while the political systems and capacities may be different, the requirements and effects of a strategy remain applicable to both countries.⁴⁶ Therefore, a key initiative for Australia would be to develop and implement a climate change mitigation and adaptation strategy.

Part 2: An Australian climate change strategy initiative

This part of the paper will argue that Australia needs a climate change strategy to address what is a diabolical policy issue. It will highlight that the foundations for a strategy exist within the current policy environment, although they are not integrated or coherent and do not achieve policy synergies. It will also provide the economic argument for implementing climate change policies and illustrate that there is strong popular support for Australian Government action on climate change. Finally, it will propose the contents of an Australian climate change strategy and how this would be implemented.

The need for a climate change strategy

Because of the nature of the Australian electoral cycle, there are short-term electoral imperatives and sectional interests that diffuse policies, as well as impacting on long-term national security considerations. This has been particularly evident in Australia's approach to climate change since 2007. The lack of vision for a long-term strategy for climate change, and planning for mitigation and adaptation action, is also reflected in the Australian Government's *2015 Intergenerational Report*, which is a significant policy deficit in a report that is meant to be a 'social compact between generations ... to make choices today to build a strong and resilient economy ... for future prosperity'.⁴⁷

Furthermore, given Australia's vulnerability to climate change impacts—which increasingly include a reduction of average winter rainfall, an increase in extreme fire weather and droughts, and more intense cyclones—it could be assumed that there would be strong partisan support for climate change policies.⁴⁸ However, this is not the case; instead, 'climate action in Australia has been a polarising and highly political issue ... [and] could be seen as inconsistent and lacking in direction'.⁴⁹ This is a contributing factor in Australia's misalignment with the international community's approach to climate change.

Additionally, the current political approach is the antithesis of what is required in dealing with climate change as a diabolical issue. Climate change necessitates a bipartisan approach—including a shared vision and coordinated policy framework—to ensure consistency of action over a long intergenerational period. A strategy initiative that considers these issues, along with the economic argument, must be developed to ensure success in mitigating and adapting to climate change.

The economic argument

According to one recent study, the prospective economic impact of climate change in Australia has been estimated at \$226 billion, which includes the cost of damage to infrastructure by extreme weather events and a sea level rise of 1.1 metres.⁵⁰ The damage to critical infrastructure (road, rail, ports and warehousing) is expected to be devastating. Moreover, the economic impact will likely worsen commensurately with Australia's projected population growth, and be exacerbated by the likelihood that close to 90 per cent of Australia's population will be residing in urban areas on or near the coast.

Droughts are anticipated to further impact the economy through an annual reduction of 1 per cent of GDP from 2020, while extreme heat will continue to impact the productivity of the Australian economy.⁵¹ In 2013-14, for example, heatwaves caused an estimated productivity loss of \$8 billion due to reduced labour capacity and disruption of electricity supplies. The impact of bushfires has already been realised, with insured losses averaging \$160 million per year during the period 2003-13. Without a global reduction in GHG emissions, it is also estimated that Australia's agricultural exports will decline between 11 and 63 per cent by 2030 and between 15 and 79 per cent by 2050.

Based on these projections, Australia needs to take action to mitigate and adapt to climate change, as opposed to its current approach of expending funds in dealing with the current climate impacts. A climate change strategy would articulate a pathway for the transformation of the Australian economy and its infrastructure, as well as a cultural shift in the population (the ideological basis) regarding the need to mitigate climate change. The economic consequences of Australia not taking climate change mitigation and adaptation action will impact significantly on Australia's overall national security.

To date, Australia's limited actions are impacting bilateral investment opportunities and risk leaving Australian industry 'stranded' through continued investment in declining industries. For instance, China and the US have recently declared in a joint statement that they would reduce carbon emissions, commit to fuel efficiency standards and commit climate finance to assist developing countries transition to low carbon economies.⁵² In the same statement, China also committed to launching an emissions trading scheme and using low carbon sources in the electricity grid. As China is Australia's largest trading partner, China's actions and transition to a green economy place Australia's economic and financial system at significant risk of stranded assets in a declining market.

A recent discussion paper by the Climate Institute of Australia outlines that the nature of climate regulatory risk is changing and that companies are

now shadow carbon-pricing investments to determine their exposure to GHG emissions.⁵³ It also contends that investors are increasingly considering GHG emissions as part of their fiduciary responsibilities, such as superannuation funds screening fossil fuel investments.

The International Energy Agency has also warned that a transition away from fossil fuel needs to be orderly or could trigger a 'rushed exit', stranding approximately US\$300 billion in fossil fuel production assets world-wide.⁵⁴ Australia's reliance on coal exposes the Australian economy to such a risk, with coal providing 64 per cent of Australia's energy mix and with Australia being the fourth largest coal producing country and the world's largest coal exporter.⁵⁵ Financial analysts have also highlighted a risk to Australian sovereign debt as a result of international macro-economic shifts away from coal, which would significantly impact Australia's export market, with a recent report arguing that:

[The] Australian economy is more susceptible to a policy shock than other developed markets given the uncertainty surrounding its national climate change policy, which currently lags other developed markets, combined with the level of dependency of the Australian economy on carbon-intensive sectors.⁵⁶

There is a strong argument, therefore, for Australia to commence transitioning from its reliance on coal for energy and export to avoid any negative impact to the Australian economy of a 'rushed exit' from coal.

Existing foundations

Australia already possesses a number of policy instruments, institutions, scientific evidence and Government-directed reports to provide the foundations for an Australian climate change strategy. These include the Garnaut Reviews of 2008 and 2011, the Climate Science Framework 2009, and the work of such organisations and departments as CSIRO, Climate Change Authority, Bureau of Meteorology, Department of Environment, Department of Industry, Innovation and Science, and Office of the Chief Economist.⁵⁷ However, although these key strategic information sources and programs exist, there is not a sustainable development climate change strategy that links the foundation assets to individual departmental initiatives or provides certainty for the community and economy.

Additionally, the dispersed and uncoordinated nature of Australia's response to climate change reduces the opportunities for synergy, diffuses policies and does not enable effective communication with the Australian public. For instance, the Australian Government website does not have an entry point for climate change information. To find initiatives and policies on climate change, an individual must review the websites of four government departments and

four associated organisations/bureaus and authorities.⁵⁸ This contrasts with China's system, where there is a readily identifiable coordinating committee, chaired by the Premier, with clearly-articulated responsibilities for coordination and synchronisation.

Popular support

Notwithstanding the lack of a climate change strategy, a recent poll indicates that the majority of the Australian people support the need to mitigate and adapt to climate change, with 70 per cent of respondents agreeing that climate change is occurring, 57 per cent trusting the science on climate change and 59 per cent believing that the Government is underestimating its impact.⁵⁹ Significantly, 63 per cent were of the view that the Government should take more action, including such measures as supporting the growth in renewable energy and a move away from coal, the regulation of carbon pollution, and that polluters (not taxpayers) should be financially responsible for costs.

These findings were mirrored in a 2015 poll by the Lowy Institute, where 63 per cent of respondents thought the Government should commit to significant GHG reductions, while 43 per cent believed solar energy would be the primary source of electricity in 10 years, with 13 per cent believing it would be nuclear energy.⁶⁰ Based on these polls, it would seem that the population is favourably positioned for a cultural shift, warranting the implementation of a strategy that focuses on communicating government actions and the future plans necessary to transform Australia's economy, energy and infrastructure.

Contents of an Australian climate change strategy

Drawing on the lessons from China, this paper contends that Australia's climate change strategy should be framed in three parts. Part one should contain a strategic narrative explaining the vision, imperative and priority for the Australian public on climate change. This would effectively be the business case for undertaking climate change mitigation and adaptation action, and should be expressed as an opportunity to reform Australia's energy infrastructure and establish new markets.

The narrative should explain the link between climate change and the Australian economy, particularly acknowledging the trend of Australia's international trading partners away from coal. It should explain why Australia must participate globally in emission reductions and acknowledge that all countries need to take action to mitigate climate change. It should draw on Australian and international scientific evidence to outline the projected

physical and economic impact and risks of climate change to geographical areas throughout Australia.

Part two of the strategy should illustrate the positive aspects of mitigation in terms of energy and infrastructure reform and ameliorating perceived business risks. The strategy should articulate the short-, medium- and long-term goals, as well as the innovation, research and policies that need to be implemented or developed for complementary mitigation and adaptation measures. It should highlight the key political commitment of avoiding investments that lock in future carbon developments.

There should also be a commitment to renewable technology, infrastructure, and research and development, as well as an educated debate on Australia's energy mix. This would include a discussion on utilising nuclear power and mandating that all federal government policies be reviewed to assess the impact and risk to mitigation and adaptation measures. The effect would be to provide certainty for businesses and the public to invest in climate change mitigation and adaptation actions, thus facilitating business opportunities.

Part three of the strategy should provide guidance on how the Commonwealth would support and complement the mitigation and adaptation actions of states and territories, building on the work of the Council of Australian Governments, which commenced in 1992 with a National Strategy for Ecologically Sustainable Development, followed by a National Strategy on Energy Efficiency in 2009.⁶¹ Although the Council has developed a number of strategies for climate change-related issues, there is not an over-arching strategy or focus for transforming the economy that aligns the Commonwealth and Australia's states and territories, nor have there been any updates since 2009.

The effects of not developing and implementing a comprehensive strategy to reform Australia's economy can be assessed on an opportunity cost basis. Although economic reform would require investment in energy and infrastructure, it is generally agreed that this would outweigh the cost of 'stranded assets' and the risk to sovereign debt as the international economy transitions away from fossil fuels. Furthermore, without a change in Australia's GHG emissions reduction commitments, Australia's reputation in the international community will continue to degrade.

Strategy oversight

One option to ensure a heightened focus on sustainable development and emissions reduction/low carbon future would be to re-establish a Climate Change Department.⁶² However, given current economic constraints, a more viable option would be for the Department of Industry, Innovation and Science

to assume the responsibility for climate change policy coordination. The existing Clean Energy Regulator could be transferred to this department and a dedicated Climate Change Commission, internal to the Department, could be established to focus on coordination requirements and the synchronising of policy approaches and initiatives across the Australian Government.

Although this proposal would position the GHG emitting industry elements against climate change policy within the one department, it would allow for the contestability of policies and implementation in an economic framework of sustainable development, rather than an environmental framework. Under this proposal, the Department of Environment would retain the responsibility for environmental protection issues associated with economic development.

Developing an Australian climate change strategy as proposed in this paper would articulate the direction and priority of climate change within the Australian Government for business, public and the international community. It would enable a commitment to initiatives that would provide a transformation of the Australian economy, energy mix and infrastructure. China has undertaken a number of initiatives in these areas that provide an opportunity for Australia (and others) to learn from China's evolving approach, as well as potential areas for cooperation and development.

Part 3: 'A Greener Dragon' actions and their relevance for Australia

Having established that climate change is a diabolical policy issue and that a strategy is needed to manage this issue, this part of the paper will outline China's policies and the opportunities for cooperation and development for Australia. It will focus on the green economy, financial policy, infrastructure, and renewable energy. It will highlight that Australia can learn from China's policy initiatives and use climate change as the opportunity to transform the Australian economy and energy supply mix. It will contend that the 2014 Memorandum of Understanding on Climate Change between Australia and China, and the Comprehensive Strategic Partner Dialogue, are appropriate frameworks to collaborate on practical climate change outcomes.⁶³

China's 'green economy'

The Chinese Government's report *China's Policies and Actions for Addressing Climate Change 2014* declares that 'pursuing green, low-carbon development and actively addressing climate change is not only necessary to advance our ecological progress and put our development on a sustainable path, but will also demonstrate to the world that China is a responsible country'.⁶⁴ This reflects China's strategy for developing a green economy, wherein 'green

development is part of the policy approach to overcoming future risks and finding new robust sources of growth'.⁶⁵

It is estimated that the changes to China's energy policy and infrastructure to achieve a green economy are likely to cost \$US6.6 trillion.⁶⁶ A 2013 report by China and the World Bank forecast that the 'contribution of emerging green industries to China's GDP will be 15 per cent by 2020'.⁶⁷ The report assessed that China has the ability, capacity and human capital, as well as the renewable energy resources, necessary to innovate and develop into a green economy.⁶⁸ The report identified that implementation of the strategy is to be achieved through mandated fuel efficiency, an emissions trading scheme, low carbon cities, closure of coal plants, acceleration of energy-saving measures, development of a smart grid, and demonstrated support and growth in renewable energy.⁶⁹

Although China is currently dependent on coal for approximately 80 per cent of its electricity, it intends to reduce its dependency to less than 40-50 per cent by 2050, reinforcing its commitment to diversify its energy sources towards a green economy.⁷⁰ This has particular relevance for Australia, as China is its largest trading partner, and any macro-economic changes will impact Australia's prosperity. Consequently, 'understanding China's growth is also profoundly important for Australia as we craft a national strategy to seize the opportunities it affords and avoid the risks it poses for us',⁷¹ which will include the need for Australia to adapt its political and economic approach to retain access to China's significant market.

Financial considerations

China has adjusted its financial policy approach to GHG emissions and climate change mitigation actions to support a green economy and reduce GHG emissions. China has announced that it will implement an emissions trading scheme in 2017. China had previously signalled this intention in its 12th Five Year Plan through pilot schemes being conducted in seven significant economic regions, including Beijing, Tianjin, Shanghai, Chongqing and Shenzhen, as well as the Guangdong and Hubei regions.⁷² When these regions are combined, they amount to the world's largest national carbon pricing (by volume) initiative.⁷³

China's fiscal approach to GHG reductions supports the development of a green economy and is likely to present opportunities for the global carbon pricing system when it is implemented in 2017. A recent World Bank report states there are currently 40 nations and 20 cities pricing carbon; this is an expansion of 90 per cent since 2012.⁷⁴ The report also highlights that businesses are pricing carbon as part of a risk management strategy.

Given China's move to an emissions trading scheme and increased global participation in either an emissions trading scheme or carbon pricing system, Australia should reconsider a carbon pricing system to maximise opportunities in the international system and to provide a fiscal mechanism to support any climate change strategy. This would be controversial, given Australia's partisan history on climate change and carbon pricing—and is unlikely to occur in the short term. However, any climate change strategy should be underpinned by financial policy that provides incentives for business and consumer decisions to change behaviour, or taxes on carbon emissions for maintaining GHG emitting behaviours.⁷⁵

Mitigation and adaptation infrastructure

Underpinning China's strategy is the dual priority placed on mitigation and adaptation actions to manage climate change. China has created the conditions for the development of low carbon cities.⁷⁶ It embarked on a program of closing inefficient power plants and set a target of 16 per cent energy intensity reduction in its 12th Five Year Plan; in 2011, it also declared that a national high speed rail covering 16,000 kilometres would be built by 2020.⁷⁷ The World Bank has determined that 'urban infrastructure and policies can influence lifestyle choices which in turn impact urban [GHG] emissions'.⁷⁸

China has also commenced 'eco-city' developments with an emphasis on low carbon emissions through an integrated approach to smart land use, which includes preserving green space through promoting urban agriculture and vertical greening, and energy and resource efficiency.⁷⁹ This is significant as China expects to reach an urbanisation level of 51 per cent by 2015, making cities a key component of its plan to reduce energy intensity and GHG emissions. The actions that China has taken include cleaner energy systems, managing private vehicle demand and restricting private vehicle use to lower congestion and improve air quality, facilitating public transport, and walking and cycling modes to reduce emissions.

Furthermore, China's Government has curtailed local government land conversion from farming to urban development.⁸⁰ City adaptation measures include mapping risks, identifying vulnerable communities, emergency preparedness, flood plain management, improved drainage and water storage, and shore management to include safe routes.⁸¹ These measures have proven particularly successful, with the US\$3.15 billion spent on flood control averting estimated losses of US\$12 billion.⁸² The design, planning and technology to support the development of low carbon cities represents an opportunity for cooperation between China and Australia.

A key Chinese infrastructure investment has been the plan by the State Grid Corporation of China to implement 'smart' power grids by 2020. The Corporation provides electricity to over 1 billion people in China, however, supply is problematic due to the uneven distribution of resources and electricity consumption.⁸³ To enhance inter-regional transmission capacity, and integrate renewable energy, the smart grid vision aims to provide a coordinated, digitised and automated network, capable of supporting large-scale power transmission from multiple sources, utilising distributed generation and storage systems. To date, pilot projects have been implemented, demonstrating the viability of this research and development project.⁸⁴

Australia also needs to upgrade its energy infrastructure to incorporate renewable energy, and conduct research on smart grid and infrastructure. So the smart grid concept provides an avenue of technology development and cooperation for the two countries. In particular, China is upgrading and enhancing nuclear plants, standardising market regulation of photovoltaic products, improving wind technology, using biological and geothermal energy for electricity production, and developing electric vehicles for application in the smart grid system.⁸⁵

Renewable energy

The increased growth of renewable energy in China's energy mix is an important key to GHG reductions. China has reduced GHG emissions through reducing the amount of coal in the energy mix and increasing nuclear, hydro, gas and renewable, such as wind and solar.⁸⁶ In the past year, China increased hydropower by 12 per cent, LNG by 42 per cent and achieved new capacity in nuclear power generation and wind. Thermal coal imports declined 31 per cent as a function of low prices, reduced industrial activity, increased regulation and available hydropower—this is also reflected in a reduction of Australian coal exports to China by 23 per cent, worth A\$635 million.⁸⁷

China has also set renewable energy policies to include a system favouring renewable power generation (wind and solar, followed by hydro and biomass), while also requiring grid companies to improve transmitting technologies and enhance the integration capacity of renewables. The Central Government has also increased oversight of renewable energy development.⁸⁸ Furthermore, China has 28 nuclear power reactors in operation and 23 under construction, and has become self-sufficient in reactor design and construction.⁸⁹

China's use of renewable energy, albeit in different scales, mirrors that of Australia, where wind is the leading renewable technology. Australia's import of wind turbines from China potentially provides an opportunity for technology cooperation and development on improving efficiency and smoothing

wind energy integration into electricity grid systems. China's upgrading and enhancement of its nuclear energy infrastructure may also have lessons for Australia in terms of the potential development (or at least the exploration) of a nuclear power capability.

While China and Australia have existing common areas for development, such as renewable energy integration, energy infrastructure development and carbon pricing, potential areas of cooperation clearly require a nuanced approach to effectively leverage the existing trading relationship. In particular, the relationship must take account of the different political approaches and objectives on climate change, and the different political systems.

Leveraging the China-Australia relationship

The China-Australia relationship has deepened over the last several decades, especially in the economic area, from one of dependency to interdependence, with China becoming Australia's largest export market in 2007. Despite differences in ideology and values, China regards the relationship as 'a stable and cooperative bilateral relationship'.⁹⁰ Indeed, President Xi Jinping has emphasised his Government's desire to 'expand bilateral cooperation to new areas, such as clean energy, the environment, financial services and infrastructure'.⁹¹

According to Jingdong Yuan, China wants to focus on economic ties with a strategic vision and considers that a successful relationship would be pragmatic, bipartisan, feasible and coherent in policy and engagement.⁹² This reflects China seeking consistency of policy and policy implementation, which is a key lesson for Australia, particularly in climate change action. This further reinforces the requirement for Australia to develop and implement a bipartisan climate change strategy that views climate change as a sustainable development opportunity.

The traditional China-Australia economic relationship has been about resources, predominantly coal and uranium for energy security. However, China has recently prioritised clean energy, environment and infrastructure as areas for bilateral expansion. This presents opportunities for the development of further economic relationships, particularly in areas such as research and development for a green economy, and infrastructure mitigation and adaptation measures, including low carbon cities, smart grids and renewable energy sources, such as nuclear and wind technology.

As China and the US have made joint announcements on climate change measures, a strengthened Australia-China bilateral relationship on climate change would not necessarily challenge Australia's traditional

security relationship with the US, particularly if based on the existing 2014 Memorandum of Understanding on Climate Change and the Comprehensive Strategic Partnership.⁹³

The Memorandum of Understanding on Climate Change agrees that Australia and China will cooperate to 'deliver practical climate change outcomes ... and encourages participation from business, industry and the scientific communities'.⁹⁴ The Comprehensive Strategic Partnership acknowledges China's and Australia's shared view of the economic importance of the relationship. Its aim is to take advantage of high-level dialogue between the Prime Minister of Australia and President of China to enhance dialogue and exchanges between the respective Governments and public sectors.⁹⁵ Both agreements would provide an effective framework for business, government and public sector dialogue and cooperation in areas of infrastructure, technology, innovation and energy efficiency.

Part 4: Australia's policy initiatives

This part of the paper proposes two key policy initiatives, containing micro initiatives, to complement an Australian climate change strategy. The initiatives also serve as potential areas for cooperation and development between China and Australia through leveraging the current trading relationship. The initiatives are themed on Australia's energy mix, and focus on a nuclear energy public discussion and low carbon cities.

The initiatives are key pragmatic programs that China is also implementing. Hence, cooperation through the Comprehensive Strategic Partner Dialogue and Memorandum of Understanding on Climate Change would enhance business opportunities for Australia. Each proposal will be reviewed against its potential contribution to Australia's national interest. An assessment will also be made on the political capital necessary to implement the initiative. Finally, it will outline which government department should be responsible for implementation and the resource implications, and the initiative's prospect of success.

The policy context

The Australian Government's *Australia's Energy Projections to 2049-50*, released in 2014, contends that coal and gas are expected to decline in Australia's energy mix consumption and, that in the absence of direct or indirect carbon pricing, coal power generation is projected to remain constant while renewable energy will increase to 22 per cent in 2020.⁹⁶ However, the report indicates that an investment in energy infrastructure should occur, both to replace ageing assets, as well as enabling the further integration of renewable

energy. Consequently, for Australia to transition to a low carbon/green economy, a long-term restructure in the energy sector is required, including significant investment in technology, infrastructure and the energy mix.

The Australian Government's *Energy White Paper 2015* also noted the requirement for the refurbishment of infrastructure and decommissioning of coal-fired power stations that are beyond original design life.⁹⁷ The White Paper acknowledged the growth and benefits of nuclear energy, including that it is affordable, reliable and with significant environmental benefits over the existing use of coal. Indeed, Australia has 31 per cent of the world's supply of uranium; it also mines and exports uranium fuel for foreign reactor programs and has a nuclear research and medicine sector and a regulatory body. There would seem merit, therefore, in Australia harnessing this endowment as an option to transition the energy infrastructure and existing power resources to nuclear.

However, while Australia has a significant endowment in relation to uranium, paradoxically Australian law (the *Environment Protection and Biodiversity Conservation Act 1999* and the *Australian Radiation Protection and Nuclear Safety Act 1998*) prevents the construction or operation of nuclear plants. Yet nuclear energy, along with hydropower, provides viable base load energy that is cleaner than GHG emitting coal-fired power.⁹⁸ It seems logical, therefore, that Australia should investigate nuclear energy as a potential source of low carbon energy, including legislative amendment to facilitate the transition to a low carbon and green economy.

Initiative 1 – Discuss, investigate and educate on nuclear energy

The South Australia Government has recognised the potential of nuclear energy and has established a Royal Commission to determine the feasibility of South Australia undertaking an expansion of mining uranium, the further processing of uranium, nuclear energy electricity generation and the management, storage and disposal of waste.⁹⁹ The use of nuclear energy for electricity generation is consistent with global actions, with 437 nuclear reactors in operation in over 30 nations, including 110 reactors in operation in Asia, with 68 under construction in China, Russia, India and South Korea.¹⁰⁰

Therefore, it would be in Australia's national interest to investigate nuclear energy as a means to ensure energy security in a green economy. The mechanism to commence this would be to leverage South Australia's Royal Commission and recommence the nuclear energy discussion in Australia. By leveraging the current Royal Commission, the Federal Government would burden-share investigative resources, while media attention and political capital could be diffused between state and federal jurisdictions in what

would be an emotive discussion, noting any move to nuclear requires federal legislation amendment.

Leveraging the Royal Commission would require regular communication on its progress via social media and other traditional forms such as television and radio, as well as transparency through publishing the report as soon as practical. The financial costs of reporting progress are considered minimal and would be borne by the Department of Industry, Innovation and Science. This is also considered consistent with the aim of a climate change strategy. Furthermore, to progress a nuclear energy industry in Australia, investment in community consultation and education should commence to ensure public acceptance. This could occur through the Department of Industry, Innovation and Science sponsoring conferences and information seminars in capital and major regional cities, as well as at select universities.

Furthermore, Australian nuclear education and development of human capital could occur through the sponsorship of nuclear physics and engineering studies in collaboration with the Australian Nuclear Science and Technology Organisation. Investment in human capital is considered a priority for any nuclear energy capability, as it is generally recognised that a skilled workforce would take approximately 10 years to develop. Hence, grants of say five postgraduate positions per year over 10 years, costing approximately A\$4 million in total, would seem an effective and relatively low cost means of contributing to the development of the necessary workforce.¹⁰¹

Given China's experience with nuclear energy, as well as synergies with the uranium trading relationship, a discussion on nuclear energy for Australia provides an opportunity for cooperation with China under the 2006 Australia-China *Cooperation in Peaceful Uses Nuclear Energy Agreement*.¹⁰² This would provide an element of transparency on policy, technologies, the regulatory program and a comparison on the electricity sources, risks and costs. Discussion on nuclear energy could take place under the Memorandum of Understanding on Climate Change (or a separate clean energy framework) and could also occur through dialogue between universities.

Cooperation could also focus on new technologies, such as the breeder reactor that utilises thorium instead of plutonium. This energy combination would be more acceptable to the Australian public and with the US security alliance, as it cannot be enriched to make nuclear weapons and hence precludes weapon technology. Yet it is an area for cooperation on an energy technology that potentially delivers 80 times more energy than would normally be obtained. This type of reactor would prolong Australia's reserves of both uranium and thorium, and provide Australian energy security from within its

own factor endowments. Nuclear energy also provides consistent base load power that would facilitate the transition away from Australia's current reliance on coal.¹⁰³

While a joint Australia-China conference on the subject of energy would not be considered controversial and would likely be successful in terms of discussion and sharing of technology, it is anticipated that cooperation on a new technology such as the uranium/thorium breeder reactor could draw criticism. There is also risk it may be perceived poorly in relation to Australia's alliance with the US. Consequently, any move in relation to technology and nuclear reactor cooperation should be mitigated through transparency measures such as invitations to participate as observers in any conference.

In summary, the initiative of recommencing a nuclear energy discussion in Australia would need to be supported by the continued development of human capital to ensure a capable nuclear energy workforce that could be utilised in the future. As part of the nuclear energy discussion, there would also be opportunities for development and cooperation with China on new technologies such as the breeder reactor.

Initiative 2 – Low carbon cities

Low carbon cities are important for Australia's mitigation and adaptation policy implementation, not least because they provide a dual policy effect. To illustrate this point, 89 per cent of Australia's population lives in urban areas and, of this, the majority lives in just 20 cities. Australia's urban population is projected to increase to 92 per cent by 2050. Cities are responsible for large energy use and related GHG emissions.¹⁰⁴ However, the largely-urbanised population is also susceptible to serious disruption to societal functioning due to the impact of weather on urban infrastructure, such as the disruption of electricity supplies in heatwaves and water shortages or restrictions during droughts.

Furthermore, Australia's six cities with the highest population growth are on the Queensland coast. Consequently, adaptation measures for extreme weather, tidal surge and sea level rises should be included in urban planning.¹⁰⁵ However, the population concentration also enables the implementation of public transport to reduce GHG emissions, increased use of energy efficient buildings and the concentrated use of renewable technology. Cities also provide for a large concentrated population under local government legislation, facilitating their engagement via local politicians and through community-based programs.

The Commonwealth, through the Council of Australian Governments, should continue to drive consistent and common green city planning designs and building codes that ensure energy efficiency as well as adaptation measures.

This initiative would be managed by the Department of Infrastructure and Regional Development and reported through the previously-recommended coordinating function of the Department of Industry, Innovation and Science/Climate Change Coordinating Commission.

Resourcing this initiative would be consistent with the current shared funding arrangements between federal, state and territory jurisdictions for key infrastructure development. While there may be some resistance about federal government direction in state and local government infrastructure development, joint financing and key design principles would still enable state/local government flexibility. It is in the national interest to ensure the sustainability of key concentrated population nodes for economic development. Therefore, it is likely that this initiative would receive support and would not require the expenditure of a significant amount of political capital.

City planning and design, incorporating public transport, are important aspects to achieve the dual challenge of climate change mitigation and adaptation. In relation to transport, efficient public transport systems would reduce vehicle travel, while car electrification could be supported through designated power-charging centres and mandatory fleet low emission standards. Mitigation efforts could be concentrated in the urban planning design of new buildings (orientation) that incorporate heating and cooling efficiency, lighting efficiency through solar, and wind and solar photovoltaic electricity generation. City design could also include innovative mechanisms for adaptation purposes, such as the capture and recycle of water run-off, and reducing the piped water requirements to support cities, as well as vertical farming or utilising glass city buildings as greenhouses.

To maximise the use of renewable energy, particularly wind and solar which Australia is endowed with, reform of and research and development into the energy infrastructure, energy storage and smart grids are key to increasing their penetration in the electricity market. Hence, technological advances in energy infrastructure are a key to achieving low carbon cities. In a low carbon city construct, critical to the use of renewable energy is the concept of a micro grid and smart grid. A micro grid is the integration of electrical loads and generation that can be isolated from the national grid, to ensure uninterrupted supply and match electricity load generation with demand requirements.¹⁰⁶

The smart grid concept is one that is digitised, automated and integrates the micro grids to maintain overall region supply; this ensures electricity reliability and security. It is conceivable that a building designed to be energy efficient, which generates power through either photovoltaic cells or wind turbines being incorporated into the structural design, could be a micro grid that would feed

a broader city or state smart grids. To mitigate renewable energy fluctuation, due to seasonal variation, energy storage systems need to be developed to cater for micro grid use.

While a number of technologies are available, such as super capacitors, flywheel energy storage systems, regenerative fuel cells (hydrogen) and battery storage, there are limited available capabilities that are cost effective.¹⁰⁷ Therefore, for Australia—as a country endowed with solar and wind energy—research and development in energy storage and connectivity with micro grids would provide effective electricity solutions for low carbon cities. As China has invested in 21 smart grid projects, there are likely to be lessons for Australia's development. Thus the low carbon city provides a number of avenues for development and cooperation.

In summary, this second initiative would enable cooperation across local, state and federal levels of government to facilitate key planning, design and building codes to ensure energy efficiency, as well as adaptation measures for climate change. This initiative could be further supported through technology developments in energy storage, micro grids and smart grids that would enable the increased use of renewable energy and provide effective electricity solutions for the projected concentrated demand in cities resulting from urbanisation. The initiative would support Australia's national interest by ensuring Australian cities are sustainable and remain key nodes for the economy.¹⁰⁸

Both initiatives are likely to experience ideological and institutional barriers to implementation. In terms of ideological barriers, these are reflected in the partisan politics experienced in Australia in recent years in relation to climate change policies. However, this could be mitigated through consistent communication and a strategy initiative highlighting the benefits of reform. Indeed when private industry expresses the positive aspects of a reform argument, this should be highlighted. Private industry should be leveraged, along with media associations, to communicate the strategy and benefits of mitigating and adapting to climate change.

An example was in December 2014, when Rio Tinto declared nuclear energy 'should not be summarily precluded from Australia's future energy mix',¹⁰⁹ presenting a business interest in a nuclear conversation that could be used to stimulate further discussion and reform. Moreover, business investment would be encouraged when there are consistent policies that provide certainty for investment decisions, which a strategy would provide.

Institutional barriers likely to be experienced include Australia's federal structure, wherein states are responsible for infrastructure decisions and energy

supply. Consequently, the federal government would need to work with the states through the Council of Australian Governments to achieve policy implementation. Again, a strategy would provide guidance, prioritisation of resources and financial incentives to assist the states in implementing the initiatives. Indeed, Commonwealth resources could be leveraged to provide cooperation and business opportunities for states and territories to pursue with China.

Although the cost and availability of Commonwealth funds, linked to the economic growth of Australia, remain a risk to implementing the above initiatives, particularly any nuclear capability and research and development for technological solutions, they are not considered barriers to implementation. The initiatives present opportunities for foreign investment or public/private funding partnerships that could be utilised to mitigate initial high capital costs.

However, there is a risk that due to high capital costs, the above initiatives may not be implemented as priority policies. When viewed through this prism, cost could be considered a barrier; this circumstance is considered likely to occur if a national climate change strategy is not developed. Consequently, it is contended that a national climate change strategy, as proposed in this paper, would provide the key foundation initiative to enable the implementation of a nuclear energy industry in Australia, as well as low carbon city initiatives.

Conclusion

It has been argued in this paper that climate change is a diabolical security policy problem, wherein Australia's national security is impacted by the social, economic, intergenerational and transnational nature of climate change. To date, Australia's mitigation and adaptation measures have been subject to short-term approaches, partisan politics, and are diffused across a number of Commonwealth departments, resulting in a loss of policy priority.

Although Australia has the relevant scientific expertise, economic and energy reports that highlight its vulnerability to climate change impacts, there is no coherent strategy to tie policies and outcomes to a single vision and policy framework. Consequently, policy development and implementation synergy have not been achieved. This paper has argued that the problem needs to be addressed through a consistent, coordinated and comprehensive approach, including the development of a climate change strategy.

The paper has also highlighted that China's transition to a green economy has realised improved ecological circumstances, as well as business opportunities, that have resulted in China becoming a leading exporter in renewable energy. The lessons from China's approach to climate change include dual priorities

for mitigation and adaptation policies, and a centrally-coordinated strategy. These lessons are applicable to Australia, despite the differences in political circumstances and available resources.

Like China, any Australian strategy should be viewed through a sustainable development prism, as well as an environmental one, thus viewing climate change as an economic opportunity, rather than as a threat. Establishing a climate change coordinating commission, within the Department of Industry, Innovation and Science, would place the contest of climate change strategy and policy ideas in an economic framework rather than an environmental framework, as currently occurs. The coordinating commission would be responsible for the climate change strategy, as well as providing policy coordination and delivering a policy development and implementation synchronisation effect.

While its climate change policies have been subject to partisan politics, the majority of Australia's population is supportive of the Federal Government taking increased action on climate change, including investment in renewable energy, and seems open to a conversation about nuclear energy. Such popular sentiment presents the opportunity to develop and implement a climate change strategy in a supportive environment. However, the key to any strategy would be the ability for the government-of-the-day to effectively communicate the strategy, vision and goals to the public and businesses to enable certainty for business investment decisions in government initiatives.

The paper has contended that the economic argument remains fundamental to undertaking climate change mitigation and adaptation measures. The ability to communicate the current costs of climate change impacts and the opportunity costs associated with any decision not to reform the economy, energy and infrastructure, would enable trade-off decisions to be made and supported. In particular, these include the assessment that Australia needs to diversify its reliance on coal for domestic energy needs and as an export commodity due to the economic impact on Australia's comprehensive security.

It has also been argued that coal presents as a sovereign debt risk to the Australian economy, particularly as China, being Australia's largest trading partner, has committed to GHG reductions and a green economy. Furthermore, China's actions in establishing a fiscal policy to support the green economy through an emissions trading scheme are consistent with Australia's other trading partners. Therefore, rather than China's transition to a 'greener dragon' being considered a threat, the paper has argued that it should be viewed as an opportunity to leverage the established trading relationship and cooperate to develop business opportunities, such as nuclear power technology, smart

grids, micro grids and renewable energy. The framework for such cooperation could be the existing Comprehensive Strategic Partnership dialogue and the Memorandum of Understanding on Climate Change.

The paper has suggested that the initiatives to be implemented should centre on Australia's energy mix, as this is considered most impacted by any transition to a green economy, as well as representing an opportunity to diversify away from the current reliance on coal. The first proposed initiative is that Australia should commence a discussion and investigate nuclear energy as a major source of its energy security. The opportunity to achieve this could be through the current Royal Commission being undertaken by South Australia into such issues as the expansion of mining and processing uranium, nuclear energy for electricity generation, and the management, storage and disposal of nuclear waste.

It has been argued that this initiative would leverage community debates, new information and analysis. It would also diffuse any emotive arguments across Commonwealth and state governments. The nuclear discussion initiative could be supported through government-sponsored nuclear energy conferences at various universities and the development of human capital to ensure a robust nuclear energy capability. Furthermore, the nuclear discussion would present opportunities for cooperation with China on new technologies such as a breeder reactor that maximises Australia's factor endowment with uranium and thorium.

A nuclear energy capability takes up to 10 years to implement. Therefore, it has been argued that Australia should be considering this initiative now to ensure that it is viable for implementation prior to any energy security emergency that may arise. Although Australia has historically and politically been opposed to nuclear energy, its factor endowment, as well as nuclear energy technology improvements, warrant debate and legislative amendment, especially now that large businesses such as Rio Tinto are also supporting nuclear energy as a viable alternative to coal.

The second key initiative proposed in this paper relates to the development of low carbon cities. This would provide the opportunity for a dual focus on mitigation and adaptation measures for climate change, particularly in Australia where there is a high level of urbanisation. This initiative focuses on the Commonwealth Government cooperating with the states and territories through the Council of Australian Governments to implement common green city planning designs and building codes.

It also would encourage increased use of renewable energy, focusing on solar and wind. It would require investment in innovation of electricity grids,

such as smart grids and micro grids, as well as battery storage to improve the penetration of renewable energy in the market. It has also been argued that low carbon cities would provide opportunities for cooperative development with China, particularly given China's investment in 21 projects relating to the development of a 'smart grid'.

Both of the proposed initiatives are considered capital intensive and therefore would require public private partnerships or foreign direct investment to enable them to occur. Both initiatives are considered necessary for Australia's future economic and energy security within the context of climate change mitigation and adaptation measures. Action taken in relation to energy and infrastructure reform to improve the uptake of renewable energy would also improve Australia's reputation in the international community. However, the initiatives are long term and would, therefore, likely be subject to institutional and ideological barriers. Consequently, it has been argued that commitment, understanding and acceptance of a climate change strategy would provide the pathway to mitigate these barriers, particularly when strong economic benefits can be argued in any trade-off decisions.

While the initiatives are long term in nature, they would need to be fully implemented by 2030 for positive effects to be evident by 2100. Key players in the international community have demonstrated their commitment to mitigate climate change—and have articulated their concerns about Australia's limited progress to date. Australia needs to take action to avoid being out of alignment with the international community, otherwise it risks its economy through sovereign debt, stranded assets and loss of international reputation.

The initiatives proposed in this paper are considered pragmatic and feasible, and consistent with the Australian Government's recent commitment to innovation. If implemented, they would provide business opportunities, ensure that Australia maintains its energy security and that Australia's cities remain sustainable.

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Jihadist-salafism in Indonesia: Will it present a security challenge to law and order in the next ten years?

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Abstract

This paper addresses the question of whether jihadist-salafism, an extreme and violent wing of militant Sunni Islam, will present a security challenge to law and order in Indonesia in the next ten years. It acknowledges that the Indonesian government has made great strides against jihadi-salafists but that their threat arguably poses a greater challenge than at any time in Indonesia's history, as demonstrated in the Jakarta attacks of January 2016.

The paper articulates the link between ideology and violence within the jihadi-salafist movement and charts its penetration into Indonesia. It outlines some policy and operational responses that would assist the Indonesian government to successfully mitigate the challenges posed by jihadi-salafists. The paper concludes that if it makes the right decisions in the years ahead, Indonesia may well emerge stronger at home and abroad, respected for leading the way against a global threat.

Introduction

Jihadist-salafism, an extreme and violent wing of militant Sunni Islam, currently presents a serious security challenge to law and order in Indonesia, as demonstrated in the Jakarta attacks of January 2016.¹ Indeed, global events since the September 2001 attacks in New York and Washington suggest the Indonesian government will need to invest considerable effort in tackling jihadist-salafism in the next ten years and beyond.

This paper will explain what jihadist-salafism is, and its rise since the events of September 2001. It will address the link between ideology and violence within the jihadi-salafist movement and chart its penetration into Indonesia. The security challenge to law and order will be defined and discussed before the paper outlines some policy and operational responses that would assist the Indonesian government to successfully mitigate the challenges posed by jihadi-salafists.

What is jihadist-salafism?

Jihadist-salafism emphasises the importance of returning to a 'pure' form of Islam, that of the *Salaf*, the pious ancestors. Further, this ideology propagates the notion that violent *jihad* (or struggle) is a personal religious duty.² Ayman al-Zawahiri and Abu Bakr al-Baghdadi, the respective leaders of *al Qa'ida* and Islamic State in Iraq and the Levant (ISIL), can be categorised as jihadi-salafists.³ In Indonesia, there are a number of other groups that pre-date the infiltration of ISIL, which also subscribe to the jihadist-salafism ideology, including *Jemaah Islamiyah (JI)*, *Jamaah Ansharut Tauhid* and *Mujahidin Indonesia Timur*.⁴

What is a 'security challenge to law and order'?

There is dense theoretical debate about what 'security' means in international relations and many versions are values laden, representing one political view or another.⁵ For the purposes of this paper, the context in which security will be used is the ability for a state to maintain control of its territorial borders, provide a decent level of services for its people, such as health and education, sustain a functioning economy, and maintain law and order.⁶ A key component of a secure state, therefore, is its ability to maintain law and order. This requires the state to effectively regulate the conduct of its citizens and, in return, provide the basic arrangements that allow it to protect the life and property of those citizens.

Jihadist-salafism's theological justification for violence

Jihadist-salafism promotes revolutionary violence to establish a caliphate (or Islamic state).⁷ In other words, the jihadi-salafists believe they are authorised to commit violent acts in the name of Islam. Further, jihadist-salafism challenges Western norms and liberal democratic values, and its followers reject religious and moral pluralism.⁸

To be clear, this is not an assertion that Islam and democracy are incompatible in Indonesia or elsewhere. Indeed, since 1998, Indonesia has demonstrated that a majority-Muslim nation can be democratic. Islam and democracy are not mutually exclusive. However, this paper argues that jihadist-salafism is a manifestation of Islamic practice—an extremely dangerous and pervasive manifestation—and one that poses challenges for any nation-state, democratic or otherwise. If coupled with tribal, ethnic or geo-political divisions, as is often the case, it is even more dangerous.⁹

The preceding paragraph argues that jihadist-salafism provides a theological justification for violence. However, as British Prime Minister David Cameron stated in a speech on extremism in July 2015, 'you don't have to support violence to subscribe to certain intolerant ideas which create a climate in which extremists can flourish'.¹⁰ He went on to say that 'the extremist world view is the gateway, and violence is the ultimate destination'.¹¹ There is a certain logic to this assertion by Prime Minister Cameron, that is:

No-one becomes a terrorist from a standing start. It starts with a process of radicalization. When you look in detail at the backgrounds of those convicted of terrorist offences, it is clear that many of them were first influenced by what some would call non-violent extremists.¹²

What this means for Indonesia is that not only the violent jihadi-salafists require attention from authorities but so do those who promote the ideology.

Jihadist-salafism in Indonesia

Islam was introduced into Indonesia by traders from India and the Middle East more than 700 years ago. It was an accommodating form of Islam and blended with local customs.¹³ It has become known as 'Archipelago Islam' or Islam *Nusantara* and was initially influenced by Hinduism and ancient Javanese religions.¹⁴ At the end of the 19th century, waves of 'reformist' conservative Islam came from the Middle East seeking to 'modernise' Islam in Indonesia.¹⁵

That has produced a tension between a local, more tolerant Islam and an imported, conservative and pious Islam.¹⁶ Since Indonesian independence in 1945, the tension has often resulted in a violent radical fringe seeking the

imposition of *sharia* law.¹⁷ Over the last 20 years, in particular, conservative Islam has increased in importance in the daily lives of many Indonesians, whether this is reflected in the increasing popularity of Islamic dress or growing sales of Islamic literature. Strikingly, this same period of increasing adherence to imported Middle Eastern practices has witnessed a number of murderous jihadi-salafist attacks.

Jl, arguably the most well-known Indonesian jihadi-salafist group, was responsible for a string of attacks in the 2000s, including the Bali bombings of 2002 that killed over 200 people, as well as many other attacks, including on Christian churches across the country, and the Marriot Hotel and Australian Embassy in Jakarta.¹⁸ Following these attacks, Indonesian authorities had some success in cracking down on jihadi-salafist groups, and Indonesia experienced several years of relative calm, not least because *Jl* apparently had renounced violence in 2007 and wanted its followers to focus on religious outreach and education.¹⁹

However, since the rise of ISIL in Syria and Iraq, Indonesian authorities have again had cause to worry about the jihadi-salafists in their midst. Notably the January 2016 attack on a Starbucks café in Jakarta by a suicide bomber and the related shootings that day appear to have links to ISIL.²⁰ Thus, in addition to *Jl*, which may still have violent intentions notwithstanding its recent peaceful hiatus, Indonesia now must face the prospect of increasing attacks by ISIL-linked or -inspired groups. Furthermore, *Jl* and ISIL are not the only jihadi-salafist groups operating in Indonesia.²¹ Notably, *Jamaah Ansharut Tauhid* and *Mujahidin Indonesia Timur* have committed lethal attacks on police since 2011.

The effects of jihadist-salafism on Indonesia's nascent democracy

The Indonesian state is founded on a philosophical concept known as *Pancasila*, which is based on five principles that can be summarised as promoting religious and cultural freedoms, human rights and social justice.²² Since the 1998 pro-democracy street demonstrations that led to the fall of the military-backed, authoritarian Suharto regime, Indonesia has transitioned to democracy and is considered to provide a glowing example of a majority-Muslim nation transitioning from dictatorship to democracy. In the year of the Arab Spring in 2011, then US Secretary of State Hillary Clinton made this very point.²³

While there is no inherent bias in Muslim-majority nations against democracy, a moderate and tolerant version of Islam is key. *Pancasila* provides the framework for such moderation in an Indonesian context, noting that extremists can undermine any democracy. Therefore, when analysing the threats posed by

jihadi-salafists in Indonesia, it is important to consider what effect, if any, there is on *Pancasila* and democracy when there is an overlap of beliefs between violent and non-violent groups, beliefs such as a desire to implement *sharia* law or the establishment of a caliphate.²⁴ To draw this out further, should democracy start to falter, perhaps undermined from within by so-called non-violent groups, governance may weaken and, in turn, the ability for the state to maintain law and order may suffer.

There are two jihadist-salafism challenges that threaten to undermine law and order in the years ahead, these being the influence and infiltration of ISIL, and jihadi-salafists in prisons.

The influence and infiltration of ISIL

The existence of ISIL has had an invigorating effect on jihadist-salafism in Southeast Asia, raising fears about more violence, shifting tactics and the potential for new cross-border alliances.²⁵ Estimates of how many foreign fighters have left Indonesia to fight with ISIL in Syria and Iraq vary. Sidney Jones, a Southeast Asia security expert who specialises in the study of terrorist groups in Indonesia, has suggested the number was most likely 250 to 300 as at January 2016, albeit some of these have been killed and many do not intend to return to Indonesia.²⁶

Since June 2014, when Abu Bakr al-Baghdadi announced his caliphate, a number of Indonesians—like many jihadi-salafists from all over the world—have been drawn to Syria and Iraq, believing the Middle East is the place where they can best defend and expand the caliphate.²⁷ The Internet and social media have been important in drawing these fighters from Indonesia but face-to-face recruitment from within groups that existed before the formation of ISIL has been critical.²⁸

While it is difficult for Indonesian foreign fighters to return home, estimates as of late 2015 suggest around 60 may have already done so.²⁹ This figure could increase markedly if ISIL's leadership in Syria and Iraq tasked members of its Indonesian cadre to return home. Their leadership credentials, ideological commitment and combat experience would pose a high-level of threat to law and order in Indonesia. In any event, the Indonesian Police believe the January 2016 Jakarta attacks were masterminded from Syria by Bahrin Maim, an Indonesian previously convicted of terrorism in Indonesia—thus demonstrating that ISIL can reach in from afar and motivate home-based jihadi-salafists to murder.³⁰

The problem of jihadi-salafists in prisons

Prisons in Indonesia have proved a breeding ground for jihadi-salafists. This has occurred due to corruption, overcrowding, limited intelligence gathering and poorly-trained and -paid staff.³¹ Indeed, the grave law-and-order challenges posed by releasing convicted terrorists back into the community, possibly more radicalised than when they entered, was on display during the recent Jakarta attacks. Police have confirmed that not only was the mastermind a former convicted terrorist operating out of Raqqa (Syria) but the financier was released from prison in 2012 and is also in Syria; moreover, one of the attackers had only been released from prison in 2015.³²

This event raises a series of questions about these men and the operation they carried out, as well as broader policy questions about radicalisation in prisons. These questions include but are not limited to what contact with jihadi-salafists did each of the three have when in prison; if they had contact with jihadi-salafists, was it being monitored and why was it allowed? Also, what, if any threat assessments are done prior to the release of convicted terrorists, and what ongoing monitoring and intelligence activities do Indonesian police undertake once a convicted terrorist is released from prison?

How can Indonesia respond to these challenges?

As the country with the world's largest population of Muslims—and a rare example where a majority-Muslim nation has embraced democracy—how Indonesia addresses the rise of ISIL, and jihadist-salafism generally, is important to Indonesia and the international community at large.³³ Since September 2001 and the declaration by President George W. Bush of a global war on terror, successive Indonesian governments have been careful not to appear to be doing the bidding of Western nations when tackling jihadist-salafism, and not to appear as anti-Islam generally.³⁴

Yet Indonesian presidents have nevertheless been able to argue strongly that jihadi-salafists pose a threat to Indonesia. Further, some of Indonesia's largest religious organisations have added their weight to campaigns against jihadist-salafism, arguing that this ideology is alien to Indonesia's Islamic traditions.³⁵ Indonesian authorities are, therefore, well placed to continue the fight against jihadist-salafism. However, a larger question arises, that is, is Indonesia confident enough to do more than fight jihadist-salafism within its own borders but go further and inspire Muslims throughout the world to practise a more tolerant version of Islam, an 'Archipelago Islam', instead of the version being offered by the likes of *al Qa'ida* and ISIL? The answer to this question will unfold over the next decade and beyond.

A paper of this size cannot describe in adequate detail the panoply of responses required by the Indonesian government to combat jihadist-salafism. Nevertheless, there are three broad areas where Indonesia should continue to invest further time, intellectual endeavour and resources if it is to maintain law and order and ultimately defeat jihadist-salafism. They are strong and nuanced policy and legal responses, including tackling the ideology itself; robust and clearly-delineated police, corrective services and military responses; and an enhanced diplomatic effort in Southeast Asia and beyond.

The legal, policy and ideological responses

Adam Fenton and David Price assess that Indonesia's legal and policy response to the threat of jihadist-salafism has been slow and piecemeal.³⁶ Indonesia has not given its police the same level of intrusive powers as many other countries, including Malaysia, the US and France.³⁷ Further, no laws have yet been passed to outlaw support for jihadist-salafism, and it appears that authorities are limited in relation to the actions they can take when ISIL supporters conduct rallies or meet at mosques.³⁸ Indonesia needs to react sooner rather than later to put in place a strong legal and policy framework to tackle jihadist-salafism.

The operational response of the Indonesian police, corrective services and military

While Indonesia's national police counter-terrorism unit, Detachment 88, has had operational successes against both *Jl* and ISIL, it has an immensely challenging job and less legislated powers compared to police forces elsewhere.³⁹ The corrective services authorities in Indonesia also have a myriad of challenges, not least the training and professionalism of their workforce; there is also room to exercise greater controls over the activities of inmates.⁴⁰ Finally, the Indonesian military needs to complement the police in the area of counter-terrorism. This is especially important for an emerging democracy, not long out of the grip of military dictatorship, that needs to maintain social harmony.⁴¹

International cooperation and diplomacy

Jihadist-salafism is an international problem that crosses borders and threatens many nations. Therefore, Indonesia would benefit from cooperating more closely with other countries in Southeast Asia and further abroad as well. Cooperation can take many forms, such as the sharing of operational information and intelligence on target groups and individuals. Enhanced cooperation between national financial intelligence units to stop the flow of terrorist funding is also important.⁴² Indonesia already does some of this but further efforts would benefit Indonesia itself and its international partners.

Conclusion

The Indonesian government has made great strides against jihadi-salafists but faces considerable challenges. While there was a brief lull in attacks after 2007, jihadi-salafists are active again and arguably pose a greater challenge than at any time in Indonesia's history. Not only do home-grown groups and *al Qa'ida* affiliates endure but ISIL has a following that appears to be growing.⁴³ Indonesian authorities need to continue their hard work to defeat jihadist-salafism, operationally, policy-wise and ideologically. Imprisoning individuals and degrading the more violent groups will not be enough to confront the poisonous ideology.

The spread of the ideology must be contained, and failure to do this will result in more attacks, more deaths and law and order will be undermined. The stability of the state and the principles of *Pancasila* may even be threatened. Events in the Middle East, North Africa and South Asia provide an important warning for Indonesia. Yet the future need not be viewed from only a negative perspective. There are opportunities in this fight, as in any war, and if it makes the right decisions in the years ahead, Indonesia may well emerge stronger at home and abroad, respected as a young democracy that is leading the way against a global threat.

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The Australia-Japan Security Relationship: Valuable partnership or much ado about nothing much?

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Abstract

This paper examines the Australia-Japan security relationship, which it notes has substantially expanded since the end of the Cold War. The paper contends that the bilateral partnership has exceeded the limits that would be seen if it were merely cooperation between two spokes in the US alliance mechanism, arguing that the ongoing growth of bilateral relations is due more to the two countries' shared interests and geostrategic risks in the Indo-Asia-Pacific.

However, it also notes that neither country would likely wish to elevate the current relationship to a formal security treaty, due to common concerns about their respective relations with China. It concludes that the burgeoning areas of bilateral cooperation indicate that the relationship provides value in its own right, while complementing each nation's formal alliance with the US.

Introduction

Since the turn of the current millennium, Australia and Japan have developed a remarkably strong strategic security partnership. Cooperative military deployments to Iraq and Sudan, increasing numbers of joint military exercises, and the signing of bilateral cross-servicing and intelligence-sharing agreements are some of the outward signs of an increasingly-close security relationship.¹ The landmark 2007 Joint Declaration on Security Cooperation between the two countries was a significant signal of a formal collaborative approach to Indo-Asia-Pacific security matters.²

However, it is unlikely that either country would wish to elevate the current relationship to a formal security treaty, due to common concerns about damaging relations with China.³ Some commentators consider that this relationship has grown primarily at the behest of the US, prompted by its recognition of changed international security conditions—exemplified by the 2001 terrorist attacks on the US, and China's growing military capability in the Indo-Asia-Pacific region.⁴ Therefore, the increasing closeness between Australia and Japan could be seen as simply closer cooperation between two 'spokes' within the US 'hub-and-spoke' alliance system in the Asia-Pacific.

This paper argues that despite the influence of the US in initiating a greater bilateral security relationship between Australia and Japan, the ongoing growth of bilateral relations is due more to the two countries' shared interests and geostrategic risks in the Indo-Asia-Pacific. It examines the development of the Australia-Japan security relationship into its current form, considers the nations' respective security relationships within the US alliance system, and assesses whether the bilateral partnership adds value to the security of the Indo-Asia-Pacific region beyond being a by-product of the US alliance system.

The paper concludes that the bilateral partnership has exceeded the limits that would be seen if it were merely cooperation between two spokes in the US alliance mechanism. The burgeoning areas of bilateral cooperation indicate that the Australia-Japan relationship provides value in its own right, while complementing each nation's formal alliance with the US.

Development of the Australia-Japan security relationship

The security relationship between former wartime enemies, Australia and Japan, has been painstakingly regenerated over the past 70 years. The post-war relationship initially centred on economic interests, with commercially-focused treaties signed in 1957 and 1976. Defence and security aspects did not evolve a similar closeness during that period.⁵

In terms of tangible security cooperation, the Cold War spawned only a limited exchange of intelligence information between the countries and dialogue between academics and policy planners on regional cooperation mechanisms.⁶ The 1990s saw increasing, though still modest, defence cooperation. The Japanese Self-Defense Force (JSDF) participated in the 1992-93 Cambodian peacekeeping mission, under the command of an ADF officer, and again joined peacekeeping efforts under ADF command in East Timor between 2002 and 2003.⁷

The strength of the bilateral security relationship accelerated during the 2000s, due to shared interests and vision. The core basis for the renewed relationship, as described during Japanese Prime Minister Koizumi's 2002 Australian visit, is 'shared values of democracy, freedom, the rule of law and market-based economies'.⁸ Subsequent statements by senior politicians from both countries continue to emphasise those shared values and security interests.

The ADF's provision of security to a JSDF force in Iraq, which enabled the JSDF deployment between 2004 and 2006, was likely the catalyst for further strengthening of the security relationship. In 2007, the two countries signed a Joint Declaration on Security Cooperation, the first bilateral security agreement between Japan and a country other than the US.⁹ The agreement provides a foundation for broad cooperation on security issues between the two nations, and for regular policy discussions between respective foreign and defence ministers.¹⁰

Importantly, the relationship is considered an 'action shop' rather than a 'talk shop', the latter being a deficiency that characterises many Asia-Pacific security fora. Practical outcomes include an Information Security Agreement and an Acquisition and Cross-Servicing Agreement, two important bilateral agreements that provide a framework to improve interoperability between national security and defence forces.¹¹ The relationship was further elevated to a 'Special Strategic Partnership' in 2014, with cyber security cooperation being added as an important dialogue discussion.¹²

Bipartisan support for the deepening security relationship is an important factor in its growth. Despite several changes of ruling party or prime minister in each country between 2007 and 2014, the two governments have maintained a strong commitment to the high-level security relationship.¹³ The relationship in 2015 is extremely strong, demonstrated by a recent defence technology treaty and discussion of potential Australian acquisition of a Japanese submarine, with strong personal ties between national leaders.¹⁴

Australia's engagement with Japan explicitly supports Japanese Prime Minister Shinzo Abe's agenda of revising Japan's defence posture and increasing involvement in regional security issues, even at some risk of upsetting China.¹⁵ However, despite media speculation of the relationship being potentially upgraded from a 'quasi alliance' to a formal alliance, such a move is extremely unlikely to be supported in either Australia, where the perceived risk of alienating China is highlighted, or Japan, where the constitutional limitation on its defence posture maintains popular support.¹⁶

Australian and Japanese relationships within the US alliance

At the core of Asia-Pacific security relationships since the 1950s is the US 'hub-and-spokes' approach of mainly bilateral alliances between it and regional countries such as Japan and Australia.¹⁷ Until the 1990s, national security links between Australia and Japan were primarily indirect, through the US. Japan and Australia have been described as the 'northern and southern anchors' of the US alliance system in the Asia-Pacific, with Purnendra Jain believing that the bilateral linkages have grown due to the countries being 'spokes' connected to a common 'hub', when politico-strategic factors have provided sufficient impetus.¹⁸

Arguably, the ADF's support to the JSDF deployment to Iraq was primarily useful in facilitating Japan's demonstration of commitment to its US alliance. Japan certainly sees its bilateral military alliance with the US as the basis of Japan's security, and Japanese governments tend to strengthen their security through the US, not outside it.¹⁹ With the perceived security implications from the growth of Chinese military capability, however, the US has applied pressure to Japan to soften its constitutional limitation on the use of its military forces, and to expand its strategic approach to regional security.²⁰

Additionally, Malcolm Cook and Thomas Wilkins contend that the relative decline of the US and Japan has caused the latter to seek new partnerships within the region, with US blessing for the increased coordination between its alliance 'spokes',²¹ described by Euan Graham as 'alliance "cross-bracing"'.²² The US has also adjusted its approach, developing formal trilateral cooperation with Japan and Australia, through the Trilateral Security Dialogue that commenced in 2002.²³ Considering this context, it is certainly arguable that the Australian-Japan bilateral security partnership has advanced because of, and through, the US alliance. As Desmond Ball points out:

[I]t is difficult ... even impossible to distinguish bilateral activities from the myriad of multilateral activities in which Australia and Japan are engaged, and particularly from collaborative activities undertaken as part of the respective alliance arrangements with the United States.²⁴

Despite the impressive list of exercises that the ADF has undertaken with the JSDF in recent years, there has been significant impediment to undertaking purely bilateral exercises, and joint exercise activity has often been nested within a US-Japan exercise framework.²⁵ Ryo Sahashi's analysis of why the Japan-Australia relationship is likely to expand is telling—three of the four reasons involve the US. These include both countries, as US allies, seeing a US regional presence as in their national interest; Japanese leaders recognising that Australia is important for US power projection in the region; and Japan benefiting bilaterally and trilaterally from US-Australian security ties.²⁶

In considering the possibility of the relationship becoming a formal alliance, Hauke Klevinghaus believes that a formal treaty would be unnecessary because of the obligations of existing treaties, and natural cooperation on security issues.²⁷ Graham considers that the 'bilateral Australia-Japan relationship is destined to remain the short side of an isosceles triangle formed by US-Japan-Australia relationship'.²⁸ Such views support the premise that Japan-Australia cooperation is a by-product of the countries' respective alliances with the US.

The Australia-Japan bilateral relationship in Indo-Asia-Pacific security

The bilateral relationship is becoming strategically important in regional security. Rod Lyon notes that historically, 'close, bilateral or trilateral defence cooperation between Asian countries has been rare'.²⁹ Therefore, the deepening Australia-Japan security relationship does seem to fit the 'special relationship' description that is ascribed to it by politicians from both countries.³⁰ Rikki Kersten and William Tow consider that this represents a common strategic choice—with multilateral security arrangements becoming more important for regional stability—as an adjunct to respective bilateral relationships with the US.³¹

Ryo Sahashi supports this perspective, arguing that the US is a necessary but no longer sufficient security partner, and that security partnerships, such as with Australia, are a necessary strategic tool.³² Yusuke Ishihara contends that the current bilateral developments represent a second evolution of the security partnership, with new and increased areas of cooperation. These include the proposed new collective security posture for the JSDF, which could lead to interwoven logistics support and force protection operations between the two nations' forces.

Graeme Dobell similarly argues that 'defence cooperation is a function of capability', such that forces of both nations, operating F-35s, will drive the relationship closer. He notes that in a short 20 years, Japan has risen to the second tier of security partnerships, alongside Australia's traditional allies of New Zealand and the UK.³³ In return, Japan's 2014 Defence White Paper identifies Australia as a 'first-ranked security cooperation partner'.³⁴

At the core of the bilateral relationship is a focus on 'an open, rules-based regional order, based on the two countries' common US alliances'.³⁵ Cook and Wilkins discern Japan's new grand strategy as one in which its increased security challenges and comparatively-reduced capabilities prescribe the need to go beyond sole reliance on the US security alliance. In fact, the most recent Defence White Papers from each nation identify maritime security in the Asia-Pacific as a primary concern for the security of the respective nations, and the region.

Japan is seeking to invest in greater regional cooperation, partly through multilateral fora and partly through enhanced bilateral strategic partnerships, of which Australia is one—but arguably the first and most prominent.³⁶ Andrew Davies similarly argues that new geostrategic drivers in the Indo-Asia-Pacific—including globalisation, military modernisation and the rising cost of military systems—have provided compelling cause for increased cooperation.³⁷ These views infer that the existing common point of a US alliance relationship may have initiated the growth of the Australia-Japan security relationship,³⁸ but that sufficient geostrategic factors now exist for it to sustain itself.

Arguably, Australia and Japan have as much or more in common with respect to their national interests as they do with the US. Graham notes that the 'primacy of the US security relationship for Australia and Japan ... can ... overshadow the direct maritime economic linkages that continue to bind' the two countries.³⁹ This reinforces the perspective that successive governments of both nations have welcomed the US rebalance towards the Asia-Pacific because of their own national interests,⁴⁰ and not simply as followers of a revised US grand strategy.⁴¹

Graham notes that of Australia's major maritime trading partners, eight are in the Asia-Pacific, with Japan the largest export market, and second largest partner for imports.⁴² He further categorises the strategic importance of trade commodities, with a significant share of Japan's energy, mineral and food imports being sourced from Australia. Graham contends that this accordingly drives a shared national interest in the protection of sea lines of communication, and freedom of navigation in maritime and air domains.⁴³ Such shared interests reinforce the likelihood that the bilateral relationship exists in symbiosis with the US alliance paradigm.

Conclusion

There is no doubt that the Australia-Japan security relationship has substantially expanded since the end of the Cold War. There is a strong track record of practical defence cooperation since 1992, and increasing institutionalisation of the bilateral security partnership. However, there has also been a parallel increase in the trilateral defence relationship with the US. It is reasonable to consider that the US did play a significant role in encouraging greater Australia-Japan security ties as part of the US grand view of Indo-Asia-Pacific security.

Certainly, changing geostrategic factors in the Indo-Asia Pacific, including the new US approach to the region brought about by the rise of China as an economic and military power, have been an influence on the growth of the Australia-Japan relationship. However, the same changing geostrategic factors appear to have influenced the policies of both the Australian and Japanese governments, such that an improved bilateral relationship has become important for each country's perception of its security, amongst the growth of multilateral and other bilateral security relationships within the region.

With the two nations having an increasingly-convergent understanding of regional security factors, it is reasonable to argue that the bilateral partnership has exceeded the limits that would be seen if it were merely cooperation between two spokes in the US alliance mechanism. The burgeoning areas of bilateral cooperation support a view that the Australia-Japan relationship provides value in its own right, while complementing each nation's formal alliance with the US.

Notes

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- 6 Yusuke Ishihara, *Japan-Australia Security Relations and the Rise of China: Pursuing the 'bilateral-plus' approaches*, UNISCI Discussion Papers, No. 32, National Institute for Defense Studies: Tokyo, May 2013, p. 84.
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- 8 Hauke Kleivinghaus, *The Samurai Preparing for the Dragon's Attack? Normative Drivers and Strategic Foundations of Japan's Security Cooperation with Australia and the United States*, Anchor Academic Publishing: Hamburg, 2013, p. 31.
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- 17 Searle and Kamae, 'Anchoring trilateralism', p. 465. It should be noted that the Australia, New Zealand, United States Security Treaty, known as ANZUS, is a trilateral treaty, although it has been effectively a bilateral treaty since New Zealand's suspension in the 1980s.

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- 40 Cook and Wilkins, 'Aligned allies'.
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Under the Radar: How might Australia enhance its policies to prevent 'lone wolf' and 'fixated person' violent attacks?

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Abstract

This paper addresses the detection, intervention and prevention of so-called 'lone wolf' and 'fixated person' violent attacks in Australia. It argues that while the threat of terrorism may vary over time, the increase in lone wolf terrorism over the past decade requires a more focused approach to the identification and monitoring of individuals who are moving along the pathway from radical ideology to radical violence.

The paper proposes that a specialised unit, the National Fixated Threat Assessment Centre, be established to assess the threat posed by such persons, regardless of whether they fall into the category of lone wolf, fixated persons or other, grievance-fuelled violent actors. It also proposes community-friendly options of e-referral and a new hotline in an effort to identify persons on a radicalisation pathway. With research confirming that the majority of such individuals suffer from mental illness or mental instability, the paper concludes that these initiatives should reduce the risk by providing an opportunity to intervene before violent activity occurs.

Introduction

An epidemic of anorexia, insomnia and acute bodily discomfort swept this nation [US] late in 1963. One-half of its victims could not eat or sleep. If the illness from which they were suffering had been diagnosed as influenza, infectious mononucleosis or an unnamed virus, the relevance of the syndrome to an audience of conscientious physicians would be obvious.

You might wonder why this syndrome of epidemiologic proportion had not found its way into the medical literature. When I add to this symptom complex the finding that more than two-thirds of those affected were also nervous, tense, and depressed, you may shift conceptually from physical pathology to psychopathology.

When I tell you that this epidemic lasted about one week and began on the afternoon of November 22, 1963, you may be tempted to abandon the model of either pathology or psychopathology and, recalling that it followed immediately the assassination of President John F. Kennedy, see it instead as a wide-spread but normal reaction to a terrible political event.¹

This paper focuses on the detection, intervention and prevention of so-called 'lone wolf' and 'fixated person' violent attacks in Australia.² It draws on earlier work by the author addressing whether there is a threat-assessment gap in Australia's national security framework.³ The intention is to provide a policy solution that is effective, efficient and complements existing frameworks and initiatives, including reducing the budget impact in Australia's tight fiscal environment.

The end goal is for intervention and risk mitigation in preventing violent attacks against all members of the community through the collaboration of police, intelligence agencies and mental health clinicians. It aims to propose policy options that are enduring and contribute to the Australian Government's priority of countering violent extremism and preventing terrorist attacks.

By way of background, the terrorist threat in Australia was raised to 'high' in September 2014.⁴ This was brought about by the emergence of ISIS (Islamic State of Iraq and Syria) and the increase of home-grown terrorism.⁵ ISIS has demonstrated sophisticated use of the Internet, employing it to propagate its radical message and recruit foreign fighters from across the globe to join it in furthering its goals, particularly in the Middle East.⁶

ISIS also uses the Internet to groom and exploit vulnerable young persons—those that are isolated and socially inept; those that sympathise with the plight of others in the Middle East; and persons suffering from mental health issues—all in an effort to encourage and incite lone wolf attacks in Western countries. *al Qaeda* had previously shown no allegiance to ISIS but has now also called on 'Muslim youth in the west' to conduct lone wolf attacks in Western countries;

it has also stated that *al Qaeda* would 'work with' ISIS in support of the establishment of a caliphate.⁷

The political and security situation in the Middle East continues to decline, which exacerbates the global terrorist threat. Australia remains under threat, with the Director-General of the Australian Security Intelligence Organisation (ASIO) saying in late 2015 that there are more than 400 counter-terrorism investigations under way, and that these numbers are expected to grow.⁸ He further stated that in the first ten months of 2015, agencies had disrupted a large number of terrorist plots, which totalled some two-thirds of all plots disrupted since 9/11.⁹

Australia has responded competently to the threat. However, three attacks have eventuated: in September 2014, 18-year-old Abdul Haider attacked two police officers in Melbourne, resulting in significant injuries to the officers and his own death; in December 2014, Man Haron Monis seized hostages at the Lindt café in Martin Place, Sydney, which resulted in the death of two hostages and his own death; and, in October 2015, 15-year-old Farhad Khalil Mohammad Jabar murdered Curtis Cheng, a NSW Police Service civilian employee in Parramatta, Sydney, which also resulted in his death.¹⁰

At the coronial inquiry into the Lindt café siege, experts were unable to agree on whether Monis was an ISIS-inspired lone wolf terrorist or if he was a mentally-unwell man seeking attention.¹¹ Haider had been in contact with other young Australians prior to his attack. It is alleged that Jabar, who was alone when he shot and killed Cheng, was assisted in planning the attack and acquiring the firearm by 18-year-old Raban Alou and 22-year-old Talal Alameddine.¹²

The earlier work explored the typologies of Haider and Monis. Open-source reporting has reaffirmed these typologies in Jabar, with indicators of behavioural changes, broadcasting and location familiarity (Parramatta police station is near his school and the mosque he attended).¹³ Regardless of their motivation, all three perpetrators demonstrate that the threat in Australia is real and enduring, and that persons who commit violent acts alone are being inspired and incited to conduct these acts by radical groups online.¹⁴

This paper will continue the research and argument from the earlier work, including analysis of the role of language and the Internet as both a tool for radicalisation and an opportunity for security agencies to identify persons of concern and assess the threat posed by these persons. It will propose that a specialised unit, the National Fixated Threat Assessment Centre (NFTAC), be established to assess the threat posed by persons, regardless of whether they fall into a category of lone wolf, fixated person or other, grievance-fuelled violent actors.

The policy addresses a current gap in Australia's national security arrangements, and seeks to assist all communities within Australia. While the threat of terrorism may vary over time, the threat from mentally-ill loners to Australian holders of high office, as well as the general community, is unlikely to change. It is, therefore, a priority for long-term policy change, particularly when it will also benefit current counter-terrorism investigations.¹⁵

The intention is to increase the possibility of risk mitigation either through community referral, mental health intervention or police action. It also proposes other policy options that could assist in the functioning of the NFTAC. It is designed to enhance current counter-terrorism and protective security arrangements, and not redesign existing structures that are functioning effectively. The policy is deliberately enduring in that it provides enhanced security for multiple scenarios, as well as demonstrating a responsibility to those that require mental health intervention.

It will argue that the increase in lone wolf terrorism over the past decade requires a more focused approach to the identification and monitoring of individuals who are moving along the pathway from radical ideology to radical violence. These persons are not all motivated by Islamic extremism; some have other ideological drivers, such as anti-Islamic sentiments or right-wing beliefs; some are acting on personal grievances, while others are fixated.

The typologies of persons who resort to violence as a means to attract attention or notoriety, or further a cause or act on a personal grievance, were found in the earlier work to be consistent among the groups, with research confirming that the majority were suffering from the effects of mental illness or mental instability. The policy proposals advocated in this paper provide an opportunity to reduce the risk posed by these persons by intervening before violent activity occurs.

Part 1 – Fixated persons and lone wolves; only the ideology differs

A research study by Joel Capellan on lone wolf terrorism and deranged shooters in the US between 1970 and 2014 distinguished the two groups into ideological and non-ideological actors.¹⁶ He concurred that there is little difference in the personal characteristics of the two but that the exception is in how they 'prepare, execute and conclude their attacks'.¹⁷ Capellan noted that ideological actors were less likely to be 'prompted' by an event or crisis relating to the theory of 'unfreezing'.¹⁸ Their planning was also of a higher level than non-ideological actors and they were more likely to disclose their plans to a third party.

This contributes to the theory that lone wolf terrorists (ideologists) are more predictable than fixated persons (non-ideological/personal grievance) and, if this is the case, there may be an opportunity to prevent lone wolf terrorist attacks. Capellan also noted that 70 per cent were not formally linked to extremist organisations but were self-radicalised through Internet fora and media, including books and music.¹⁹ Capellan concluded from his analysis that:

[M]ass murderers, deranged shooters, lone wolves and active shooters ... [are all part of a] larger phenomenon of lone-actor grievance-fuelled-violence ... [and that] ideological active shooter events are on the rise [and] represent a serious threat to national security.²⁰

Research by James Biesterfold and J. Reid Meloy, conducted on assassins of high-profile persons, has confirmed that assassins 'who target a public figure to advance a political or religious agenda are terrorists, whether attached to an organized group with a command and control hierarchy, an autonomous cell, or acting alone'.²¹

In the last decade, there have been a number of high-profile public figures targeted by small cell or lone wolf terrorists, such as the thwarted attacks in Toronto, including a plot to behead the Canadian Prime Minister in June 2006; the attack on the Canadian Parliament in Ottawa in 2014; and the murder of Theo Van Gogh in Amsterdam (by a small group that was also considering attacking other high-profile politicians).²²

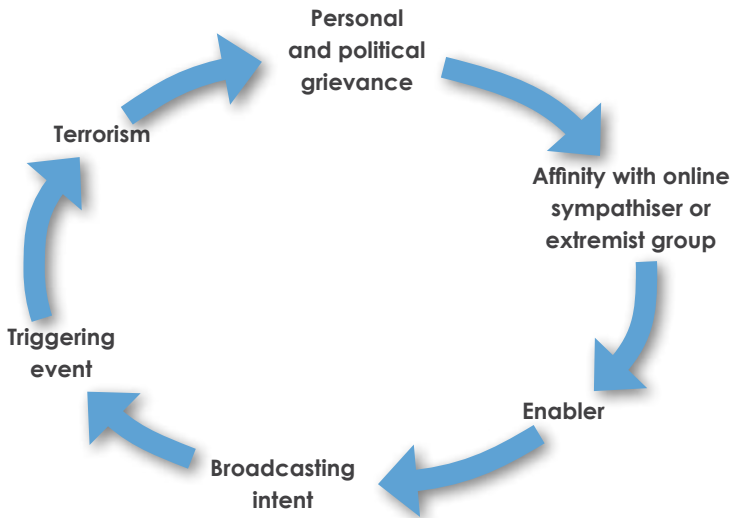
However, there is little distinction between lone wolf terrorists and fixated persons, as demonstrated through the Monis siege at the Lindt café in Sydney and subsequent evidence provided at the coronial inquiry, where terrorism experts could not agree whether he was a terrorist or a person fixated on notoriety and bringing attention to himself.²³ Regardless of the label, the typologies are similar, which increases the possibility of identifying, assessing and responding to both cohorts through a NFTAC.

The NFTAC would be designed to specifically address lone wolves and fixated persons. Hence, it needs to ensure that those working within it understand the radicalisation process, the areas of vulnerability within that process, and the opportunity that emerging software provides in detecting such persons.²⁴ It is also important to identify how the Internet is able to influence these persons.

Part 2 – The Internet as a tool to move from radical ideology to radical violent action

Research conducted by Mark Hamm and Ramon Spaaij into lone wolf terrorist attacks that occurred pre- and post-9/11, aiming to identify changes in the radicalisation process, found commonalities indicating that lone wolf terrorism 'begins with personal and political grievances which become the basis for an affinity with an extremist group, followed by an enabler, broadcasting of intent and triggering event', as illustrated at Figure 1.²⁵

Figure 1: The pathway to radicalisation for lone wolf terrorists



However, the research also noted a significant shift in how terrorists were radicalising post-9/11, with an increased reliance on the Internet. Of note is the percentage of lone wolves that demonstrate these signatures since 9/11, as highlighted at Table 1.

Table 1: Evidence of how terrorists have radicalised post-9/11²⁶

| Signature | pre-9/11 | post-9/11 |
|---|--|---|
| Loci of radicalisation | Belonged to an extremist group but left group before attack. | Informal online social networks, workplace and mass media. |
| Motives | 80% — acting on a blend of personal and political grievance | 80% — acting on a blend of personal and political grievance |
| Affinity with extremist groups | 63% | 42% — primarily online |
| Enablers | 57% — directly by others | 67% — nearly all indirect enablers, online, figure heads and literature ²⁷ |
| Broadcasting intent 'Broadcasting intent is pervasive in lone wolf terrorists'. ²⁸ | 84% | 76% — broadcasted intent often more than once through verbal and written threats, statements, letters, manifestos or videotaped proclamations |
| Triggering event 'Unfreezing' | 84% | 71% |

The influence of the Internet post-9/11 is evident at Table 1 in the 'loci of radicalisation', 'affinity with extremist groups', 'enablers' and 'broadcasting intent' sub-headings—and is a clear distinction to lone wolves pre-9/11. Hamm and Spaaij concluded that lone wolves post-9/11 are becoming increasingly independent and that 'radicalisation is caused by an affinity with online sympathisers'.²⁹

This possibly explains why the three successful attacks in Australia were not prevented, as a result of less physical group affinity, reduced reporting of broadcasting, and lower levels of triggering events. However, the research dispels any suggestion that lone wolves do not communicate with others and are therefore unable to be prevented, with Haam and Spaaij concluding that:

Virtually all lone wolves demonstrate affinity with some person, community or group, be it online or in the real world. This is a significant finding because it contests the policy assumption that lone wolf terrorists do not communicate or interact with others. They clearly do.³⁰

Rik Collsaet cites three characteristics that affirm the work of Haam and Spaaij, contending that:

- '[Lone wolves] surf upon an enabling environment characterised by a widely-shared sense of (real or perceived) exclusion, inequity and humiliation, as a result of wide-scale economic and social dislocation that creates winners and losers.
- The decision to become an activist always takes place at the intersection of a personal history and that enabling environment ... [which might range from] a tragic experience, such as the death of a family member, to mundane incidents [such] as the authorities' refusal to fund a local youth club.
- The violent option is always the action of a few within the larger group or community whose fate is at stake and whose plight they invoke to try and justify their acts'.³¹

The current use of the Internet by extremist groups to groom and radicalise individuals, including motivating them to move from radical opinion to radical violence, has increased. So insidious is the Internet in the radicalisation and recruitment of young Australians that the Director-General ASIO, Duncan Lewis, recently compared the grooming of young persons online as being akin to the grooming by paedophiles, saying that 'the youngest ones we have are down around 14 years of age ... [and] they are being groomed with a technique that is not dissimilar to child molestation'.³²

Lewis further asserted that 'the passage to radicalisation, astonishingly, can happen quite quickly'.³³ The age of those who are coming to the attention of security agencies is decreasing, with a 12-year old currently linked to investigations related to the Parramatta incident in October 2015.³⁴ This development reflects the findings of the earlier work by the author which identified that the next generation of youth, those between 8 and 12 years of age, may already be on the path of radicalisation.³⁵

ISIS has been successful in producing high-quality propaganda videos—and the media perpetuates this through reporting their violent acts and providing links to their videos through mainstream news sites. *al Qaeda* has resurged on the Internet, similarly calling for lone wolf attacks on Western targets and perpetuating violence as a means of communicating its cause.³⁶ However, lone wolf terrorism is not isolated to Islamic extremism and some lone actors are motivated solely by personal grievance fuelled through radical dialogue to support their actions, such as school shootings and right-wing/racist attacks in the US and Scandinavia.

The use of language and speech on the Internet

Self-radicalisation through the Internet has increased significantly since the event of Web 2.0, which provides communication platforms with a global audience of like-minded people. It is difficult to understand how this medium is able to move individuals along the radicalisation path. However, it may be contributed, in part, to the use of speech or language. Susan Benech, for example, conducted research into 'dangerous speech' primarily related to genocide cases.³⁷ She defined five characteristics associated with dangerous speech, namely:

1. The presence of a speaker with a high degree of influence over the audience;
2. The audience has grievances and fears that the speaker can cultivate;
3. A speech act that is clearly understood as a call to violence;
4. There is a social or historical context that is propitious for violence; and
5. There is a means of dissemination that is influential in itself, for example because it is the sole or primary source of news for the relevant audience.³⁸

Jesse MacLean extended Benech's research by analysing the characteristics against two successful lone wolf attacks, being the attack in Norway by Anders Breivik in 2011 when he killed 69 people and wounded another 60; and multiple nail-bomb attacks in London by David Copeland over a matter of days in 1999 that killed three people and wounded another 146.³⁹

MacLean was seeking to assess if Benech's theory of 'dangerous speech' could contribute to individuals moving from radical opinion to radical violence. She found that both perpetrators had 'consumed' dangerous speech and, in the case of Breivik, that he was active on the Internet in online discussions.⁴⁰ MacLean states that 'for each case, the presence of at least four out of the five guidelines were taken as evidence for the applicability of dangerous speech toward analysing and understanding lone wolf terrorism'.⁴¹

Benech's fifth characteristic may appear unlikely in today's global world, with the abundance of media and information available. However, both Breivik and Copeland only sought information and news that they were interested in and that fed their ideology and grievances. The research by MacLean is further confirmed by Spaaij, who describes their use of the Internet as the 'self-study of both perpetrators'.⁴²

This may be applicable to many persons who are initially interested in a viewpoint and then progress along the pathway of radicalisation to the extent that they only seek like-minded information and discussion. Therefore, the Internet as a source of self-radicalisation is also viable as a tool to dissuade

radical thinking by providing alternate views and understanding through these preferred areas of interest.

It should also be recognised that speech and language is equally important in the reporting on terrorism attacks by media and government. Minority groups which have similar background to Benech's five characteristics may feel marginalised through unbalanced reporting. For example, the Muslim community has been subjected to commentary connecting its members to terrorism since 9/11. Therefore, many Australian Muslim youths born around 2001 have constantly heard language that labels and marginalises them, which may have adversely impacted on their opinions and self-identity.

Extremist material on the Internet

Australia's young people are at risk of radicalisation, and the Internet provides a platform that offers radical views and supports violence. The evaluation of speech and the characteristics of the recipients of that speech go toward explaining how this medium is so effective and why it may be the only 'voice' heard. Several recent studies in France and the UK have examined the amount of Islamic extremist material online and the ease with which it can be accessed. The *Jihad Trending* study by Ghaffar Hussain and Erin Maree Saltman, for example, provides evidence that it is the younger cohort that is accessing Internet-based material, particularly 20-30 year olds, and that it includes social media, chat rooms and the 'Dark Web'.⁴³

Notwithstanding the findings of the *Jihad Trending* study, there arguably has now been a shift in the age demographic of those accessing extremist material to persons under 20 years of age. Moreover, the statistical analysis of web-based searches by Hussain and Saltman found that curious searchers will also access counter-narrative and counter-terrorism sources, with only a few links to extremist sites, albeit the searches conducted did not include ISIS.⁴⁴

The earlier work by the author explored the role of the media in propagating extremist material and aiding the exposure of attacks undertaken. The media also contributes to the language used for attacks, such as references to 'terrorism' for Muslim offenders versus 'deranged gunman' for other offenders, which was demonstrated in the reporting of the Norway attack by Anders Breivik. It was initially reported as an act of terrorism but then changed to 'lone gunman or attacker', presumably on the basis that it was not-Islamic based and the perpetrator was white. The term 'CNN effect' has been coined to describe the influence of the media when reporting on non-Western conflicts. Therefore, the media, and particularly online reporting, may be exposing this violence and possibly appealing to a small but dangerous audience.

The research in *Jihad Trending* demonstrated that those who do become involved in online chat rooms, and have significant virtual contact, go to great lengths to seek out like-minded persons. This indicates a proclivity towards either the ideology, a new community for inclusion, or support for radical or violent tendencies. The 'auto complete' function on typical Internet search engines had more concerning results, redirecting searchers to pro-Islamist and extremist material, including beheading videos.⁴⁵

The research also found that social media sites provide pathways to extremist material, thus curious young people are actually directed to the sites that can groom and radicalise their opinion.⁴⁶ *Jihad Trending* argued that censorship is not the solution in Australia's liberal democratic society because of our freedom of speech. However, the ability to provide a counter-narrative, so that these results are also found during searches, including accurate interpretations of religious texts, would provide a counter-balancing platform of information.

Harnessing the Muslim community globally to ensure that accurate information on Islam is available on the Internet, and providing guidance and contributing to this counter-narrative, would greatly assist in providing an alternate option for those on the path to radicalisation. However, as asserted by Nick Cohen in the foreword to *Jihad Trending*:

Unfortunately, for the authorities, while the web may be a secret-policeman's dream, it isn't a playground for censors. Start closing down sites and not only will you deny our spies access to useful intelligence, but you will run into the technological limits of state power. Extremists use blogs, instant messaging, video sharing sites, Twitter and Facebook. Democratic states may try to tell their owners what content they should host, but it is a doomed enterprise.⁴⁷

Recommendation 1:

Law enforcement agencies should undertake more effective social media surveillance, and use forensic psychiatrists/psychologists to assess the language and contribute to threat assessments on persons of interest/concern.

This recommendation is an expansion on existing intelligence capabilities. However, the use of specialists, such as forensic psychiatrists, will be expanded on for persons of concern within the proposal for the NFTAC.

Part 3 – The role of mental health

The earlier work by the author argued that the vulnerability of persons with impaired mental health and social isolation is a factor for radicalisation and advancement from radical violent opinion to radical violent action. The presence of impaired mental health has been a strong indicator in all cohorts of lone actor/grievance-fuelled violence.

The Australian Government's *Fourth National Mental Health Plan 2009-2014* included the statistics that one-in-five Australians will suffer from mental health issues and that 64 per cent of those suffering from one of the five most common mental illnesses will have onset by 21 years of age.⁴⁸ It explains that prevalence rates vary across a lifespan but are highest in the early adult years and that earlier surveys found that 14 per cent of children (4-17 years) have a mental illness.

This aligns with the Australian Institute of Criminology's reporting that the highest offender rate in Australia is the 15- to 19-year-old cohort.⁴⁹ Combine these statistics with social isolation, bullying and potential crises involving ethnicity and isolation, and it provides an explanation as to why so many young Australian people are being radicalised.

In regard to crises concerning ethnicity, it is potentially compounded when it is noted that many of the Muslim youth in Australia and abroad have heard a constant dialogue during their formative years of Muslims as terrorists since 9/11. Ahmed Kilani, a community leader who works with young Muslims in Sydney, said after the Cheng murder that:

Jabar lived his whole life in a media and political environment where Islam is associated with terrorism and negativity.... If young people feel disenfranchised from society, regardless of their race or religion, they can become susceptible to extreme ideas.⁵⁰

Sheikh Wesam Charkawi, who works with disaffected Australian Muslim youth, reaffirmed this when he asserted that:

They [youth] say that we are not part of the Australian society. We are not part of the Australian community, that we are terrorists, that we are extremists, that our religion is one that is of destruction and loss of life and so on and so forth.⁵¹

Groups like ISIS are preying on these vulnerabilities and grooming young Australians, resulting in the emergence of teenage lone wolf terrorists.

Statistics from the *Fourth National Mental Health Plan* are particularly relevant given that a finding from the US on school attackers/shooters, albeit dated 2004, was the lack of sufficient numbers of school counsellors and mental health practitioners for vulnerable youths on a path of radicalisation to violent action.⁵²

In that study, Katherine Newman and her colleagues claimed that 80 per cent of school shooters were suicidal and that 'we need to move away from a law enforcement model and toward devoting greater resources to counselling, mental health services, social workers, and development of social skills'.⁵³

US research, while focusing on school shooters, is applicable to Australian youth, social pressures, mental health issues and radicalisation. In a tight fiscal environment, it is difficult to assess the economic impact of increasing school mental health facilities without prior research to assess how effective they would be. However, other alternate programs that might be available also tend to cease during periods of budgetary restraint as resources are diverted to higher priorities.

Referral option for young persons at risk of radicalisation

The police often implement and fund diversion programs for youth at risk, in the absence of other programs being available. The Australian Capital Territory (ACT) Police, for example, provide funding to the Canberra Police and Community Youth Club to provide programs for youth at risk, and contract the services of SupportLink as the referral agency for these young people, as well as their families.⁵⁴ This model of cooperative diversion programs and referrals provides a confidential pathway to divert troubled young people into programs that may be of assistance.

The benefit of using a provider such as SupportLink is that it is an 'electronic referral system that allows police officers to make referrals to social support providers in an easy and efficient manner ... in under 60 seconds, saving time and resources while adding value to their core activities'.⁵⁵ SupportLink conducts triage and follows up on referrals utilising multiple program providers to meet the requirements and the circumstances of the referral. The *ACT Policing Annual Report* for 2013-14 indicated that some 6000 people were referred to SupportLink during the reporting period.⁵⁶ Queensland and Northern Territory Police also utilise SupportLink.⁵⁷

Initiatives such as the Canberra Police and Community Youth Club program are performance measured and provide an opportunity for police to be involved to break down barriers between youth and police. Other program providers, when registered with SupportLink, provide law enforcement agencies with some reassurance that the provider is legitimate and has appropriate staff. An organisation that can monitor providers may eliminate the current concerns of persons working in the youth liaison space, such as in Bankstown, where attempts were being made to radicalise young people at a youth centre.⁵⁸

An online referral system similar to SupportLink could be considered for the use of police and educators (in existing states), providing an early intervention pathway with relevant programs aimed at countering extremism and creating social opportunities and skills. It could also facilitate referral to a NFTAC should the behaviours be concerning enough to warrant further exploration by police and qualified forensic psychiatrists.

Electronic referrals could be made available with short question/answer on behaviours and indicators. Assurance that these referrals would be assessed by experienced psychological practitioners and police, and that risk mitigation is the priority, is potentially a preferred forum to concerned friends and family. The costs of a service such as SupportLink is unavailable in the public domain. However, if a specialised unit were to be created within the Australian Federal Police (AFP), the current role of SupportLink to the ACT Police could viably be expanded to the national arm of the organisation.⁵⁹

Consultation for such a tool could be explored through the Australia-New Zealand Police Advisory Agency as to the current benefits and performance experienced in the ACT, Queensland and Northern Territory.⁶⁰ Such a referral system would also be in line with current countering violent extremism initiatives and discussion.⁶¹

Recommendation 2:

The current SupportLink program utilised by the ACT Police should be expanded to enable referral from all state and territory police to divert persons at risk of violent extremism or related behavioural concerns.

A referral point for third-party notifications

In October 2011, the Australian Government introduced the website 'Living Safe Together – Building community resilience to violent extremism' as part of a suite of initiatives aimed at countering violent extremism.⁶² While the site provides for reporting of online extremism and has documents on radicalisation, it does not provide a comprehensive referral point for third-party notifications. The site provides details of the National Security Hotline, however contacting the hotline may be viewed by some as an act of last resort by third parties, as the 'national security' prefix implies a law enforcement response rather than intervention.⁶³

A new hotline, hosted by the same team, could be created for the referral of persons for whom there is concern for early intervention. The Attorney-General's Department, which hosts the National Security Hotline, would need to be

consulted, and staff trained on the behaviours and information to be obtained from callers.

If the hotline could be managed by current staff, the costs would likely be relatively minor. However, the quantity of calls received would need to be monitored to assess if current staffing levels are sufficient. Hotline attendants could utilise the e-referral process or, if considered urgent, contact the NFTAC directly. The imperative would be to provide a suitably-named service that encourages reporting and disassociates high-level security response from an intervention.

Recommendation 3:

A new hotline should be created with a focus on attracting reporting by young people, educators, religious leaders, friends and family members who may need assistance after recognising behavioural changes in a person but who are hesitant to engage law enforcement or report to the National Security Hotline.

Part 4 – Existing models and frameworks

The earlier work by the author explored and explained the role of impaired mental health in all cohorts of lone-actor/grievance-fuelled violence, although it is only in the last decade that mental health intervention and the assistance of mental health experts has been considered an appropriate investigative aid when considering the threat. Thomas Muller, a criminal psychologist who assisted in the investigation of Franz Fuchs' bombing campaign, commented that 'we do not search for offenders, we look for offender behaviours'.⁶⁴

The Council of Australian Governments' recently-released 'Australia's Counter-Terrorism Strategy' does not mention the role of mental health and specialised practitioners until page 9—under the heading of 'Diversion – Stopping people from becoming terrorists'—and does not expand on psychological analysis in the assessment process.⁶⁵ However, the use of identifying behaviours has been incorporated in the work of police and mental health expert teams in the UK and Queensland, which this paper will now examine, together with a proposal for a similar NFTAC hosted by the AFP.

The earlier work argued that the use of the Internet as a radicalisation tool provides for both a global reach and law enforcement opportunity. The significant presence of impaired mental health across all cohorts, and the accompanying similar typologies and behaviours, suggests that a NFTAC comprising of specialists including police, counter-terrorism investigators and

clinical psychologists could effectively mitigate the risk from fixated persons and lone wolf terrorists.

The benefits would be threefold, namely:

- A preventative strategy against lone wolf terrorists (all ideologies);
- A preventative strategy against fixated persons, including enhancing the protective security arrangements for Australian holders of high office; and
- Mental health intervention and monitoring for those that require it.

The unit would draw from the experience of the current UK Fixated Threat Assessment Centre and the Queensland Fixated Threat Assessment Centre. The latter focuses on threats in the state of Queensland and accepts Queensland-based referrals from the AFP. The intention would be for the NFTAC to have a wider remit to enable those on the periphery of counter-terrorism investigations to be continuously assessed and monitored regarding the threat they potentially pose.

Fixated Research Group

The UK and Queensland models were founded on the premise that the 'role of psychiatry is central to confronting the issue of threat from fixated individuals', as well as research conducted by the Fixated Research Group, which is a UK Home Office initiative comprising forensic psychiatrists and psychologists from the UK, Australia and the US with expertise in the field of stalking.⁶⁶ Some of the key findings of studies by the Fixated Research Group have been that:

- The main risks to elected politicians in Western countries come not from terrorist or criminal groups but from fixated loners.
- The majority of fixated loners are mentally ill.
- The risks posed by an individual depend on their underlying motivation and symptomatology.
- Different sorts of risk are associated with different risk factors (and motivations).
- Those fixated on a personal cause or quest for justice are of particular concern.
- Other than violence (which is rare), risks which need to be assessed comprise:
 - Persistence: the risk that the intrusive behaviours will continue, unless there is some form of intervention;
 - Escalation: the risk that the behaviours will become more intrusive or dangerous; and

- Disruption: the risk that the behaviours will disrupt a person's ability to go about their normal lives and duties, or disrupt public events.
- Attention to inappropriate communications and approaches to public figures is a way of identifying seriously ill people who have fallen through the care net.
- Treatment of the underlying mental illness would both benefit the individual concerned and reduce any threat they might constitute.⁶⁷

The UK Fixated Threat Assessment Centre

The UK Fixated Threat Assessment Centre (UKFTAC), based in London, was jointly created in October 2006 by the British Home Office, Department of Health, and Metropolitan Police to assess and manage the risk to politicians, members of the British Royal family and other public figures from obsessive (fixated) individuals. It incorporates 'best practices found in other public figure threat assessment units of Europe', as well as the US.⁶⁸ Its formal role is:

The assessment and management of risks posed to prominent individuals, the places they work in, and the prominent organizations and events in which they are involved, by isolated loners pursuing idiosyncratic quests or grievances to an irrational degree.⁶⁹

The UKFTAC is made up of staff from the Metropolitan Police and the UK National Health Service, with psychiatric staff working full-time alongside police officers. It comprises:

- Nine police officers;
- Four full-time forensic nurses;
- Three consultant forensic psychiatrists; and
- One consultant psychologist providing on-site supervision.⁷⁰

The Centre operates by receiving referrals of the most worrying communications made to public figures in the UK. Of note, 81 per cent of the first 100 threateners reported to the Centre had previously been treated by psychiatric services, and 57 per cent had previously undergone compulsory admission to hospital'; moreover, of those that had previously been treated, 60 per cent remained 'notionally under care'.⁷¹

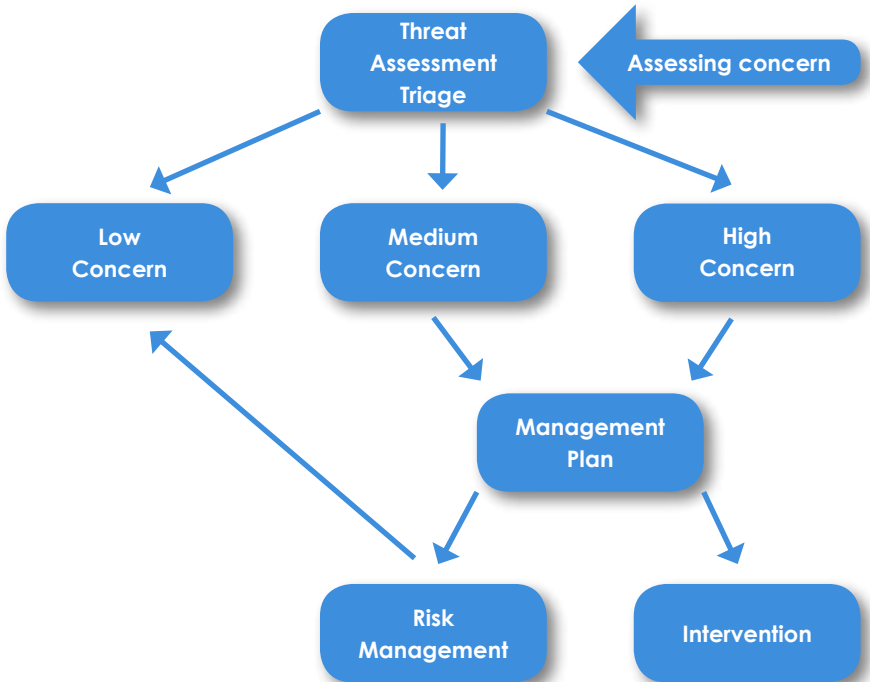
This highlights that even though a person may be under the care of a mental health provider, the provider may not be aware of their behaviour, unless voluntarily informed by the person or a third party. It also reinforces that a person notionally under care may still be a concern unless independently assessed against indicators or behaviours.

In determining the threat posed by such individuals, the UKFTAC undertakes a process described as:

[T]he making of quick decisions in response to limited information in an operational, dynamic, real-time setting. It takes risk as a unitary concept and does not produce any form of nuanced judgement. Its purpose is to triage individuals into categories of high, medium and low concern in order to determine the level of immediate response.⁷²

In the methodology used by the Centre, high-concern cases require an urgent response; medium cases require a prompt response; while low concern cases do not require an immediate response, although the individuals are recorded and monitored to identify any escalation in behaviour. The threat assessment process is depicted at Figure 2.

Figure 2: The threat assessment process, as used by the UK Fixated Threat Assessment Centre



The risk assessment approach used is that of the 'Stalking Risk Profile' (guidelines for the assessment and management of stalkers), a 'manualised, structured professional judgement tool, which incorporates both international research findings and the clinical expertise accumulated by the Fixated

Research Group'.⁷³ The behaviours in question include the approaches or communications that have been made as well as any history of violence, motivation and other behaviours that are indicators of risk.

The importance of communication was explained earlier this paper, as was the opportunity provided by persons who may be inspired, sympathised or groomed by extremist groups in their use of the Internet and social media to communicate. It is this communication that can assist in the threat assessment by units similar to the UKFTAC.

Two future challenges identified by the Centre are the role of social media and lone actors. When the Centre was created in 2006, the main form of written communication was still letters. However, this has since changed, particularly in relation to those under 40 who primarily utilise electronic communications, such as email, which:

... is a source of warning behaviours that has yet to be tapped. Work in this area is likely to move from being reactive, in terms of responding to cases brought to its attention by others, to proactive, in searching of the Internet through developing protocols and strategies for looking for evidence of threat in cyberspace.⁷⁴

As noted by David James *et al*, the UKFTAC also recognises the overlap between fixated persons and lone wolf terrorists (lone actors), the majority of whom involve Islamic and right-wing extremism. However, 'there is also the question of whether the threat assessment approaches developed for isolated loners have relevance in the consideration of lone actors, a subject that needs further research'.⁷⁵

In the earlier work, the nexus of typologies between fixated persons and lone wolves was analysed and the case of Man Haron Monis was considered, including his past behaviour, violent activity, attention-seeking behaviour, communications and Facebook postings.⁷⁶ The work identified a gap in the Australian national security framework for the referral and assessment of persons like Monis. Indeed, if Australia had a NFTAC that considered these persons, including those known to counter-terrorism teams and intelligence agencies, the threat assessment process may have identified that Monis was of high concern and required an urgent response.

Figure 1 illustrated the radicalisation process. The behaviours of a person on the radicalisation pathway may bring them to the attention of third parties, mental health or law enforcement agencies. Moreover, communications made during this process may be available either through writing, verbally or by a third party, and could provide some evidence of behaviours and motivations for assessment by a NFTAC.

However, it is the 'interest in extremism', 'enabler' and 'broadcasting' that would provide impetus to consider all behaviours, including previous history, to assess the person and monitor his or her behaviour for a triggering event that would require immediate action. Individuals could be monitored along this pathway with either an intervention conducted or, if the person was not cooperative and there was little to facilitate emergency police or mental health action/orders, then surveillance, both physical and virtual, could be conducted. Assessment could then continue until the appropriate time for intervention, facilitated by authorities, especially if it were to prevent the commission of an attack.

Queensland Fixated Threat Assessment Centre – the Australian experience

The Queensland Fixated Threat Assessment Centre (QFTAC) was established in July 2013 as a joint initiative between the Queensland Police Service and Queensland Mental Health Service.⁷⁷ Michele Pathé assisted in its development and was also involved in the development of the UKFTAC. The unit is staffed by officers from the Security Operations Unit of the Queensland Police Service and the Community Forensic Outreach Service of the Queensland Mental Health Service, including a clinical nurse consultant, forensic psychologist and a senior forensic psychologist.⁷⁸ QFTAC's purpose statement is:

[T]o facilitate care for individuals with a serious mental illness and in doing so minimise the harm they potentially pose. There is a substantial body of evidence to indicate that many people who fixate on public figures have a major mental disorder and a small proportion will go on to approach and attack behaviours. Despite their fixation on a public official or some related cause, their victims are more often family members, other innocent citizens or the fixated person themselves.⁷⁹

This reinforces the view that disordered communications and approaches to public figures are a means of identifying these concerning individuals—and intervening before their behaviours escalate. Furthermore, it has been found that many people who become pathologically fixated on public figures have fallen through the mental health care net. Some of these individuals are not currently known to mental health services, while others have disengaged from treatment.⁸⁰ In carrying out its role, the QFTAC:

[R]eceives referrals from staff in Ministerial and Electoral offices, the Queensland Police Service (especially dignitary protection), the Australian Federal Police, other law enforcement agencies both interstate and overseas, the judiciary, some embassies and mental health services. Ministerial and electoral office staff use evidence-based checklists to 'filter out' cases of low concern.⁸¹

QFTAC has noted that in its first year of operation, it received 145 referrals for evaluation and that 64 per cent (93 cases) were either in the high (19) or moderate (74) concern category.⁸² The unit reported that of the cases referred, 70 per cent had an existing psychiatric diagnosis, and 54 per cent of

all cases analysed had a 'severe mental disorder or major affective disorder'.⁸³ The unit further reported that:

The primary mode of contact precipitating referral to QFTAC included written correspondence (43%), concerning or inappropriate phone calls (27%), in person presentations to public office-holders or prominent individuals (22%, with two of these in possession of weapons). The vast majority of cases referred [...] were fixated on a cause or grievance, but they focused their attentions on one or more public office-holders because the politician(s) represented a potential source of help or harm to their cause.⁸⁴

In January 2015, QFTAC was reportedly monitoring at least ten persons who were similar to Man Monis—with Michele Pathé asserting that the Monis incident was a good example of how fixated people could be mistaken for lone wolves.⁸⁵ This demonstrated again the similarities between the typologies but also that professional clinicians can recognise the behaviours, providing opportunity for intervention. Monis was not a person who had become a concern to the safety of Australian holders of high office so would not have been referred for assessment.

It is, therefore, essential that the expertise of these units is used across both protection and counter-terrorism operations. Moreover, while it may be assumed that the persons mentioned as being monitored by the QFTAC were residing in Queensland, they may well have travelled to other Australian jurisdictions, highlighting the need for potential monitoring and intervention both within and across the various Australian jurisdictions.

An Australian NFTAC could also be effectively utilised in assessing the threat against federal members of Parliament. This remit currently sits with the AFP, in consultation with ASIO. The NFTAC's required breadth of responsibility and staffing could not be established within existing AFP resources. However, if additional resources could be provided to the AFP, it may be appropriate to include NFTAC functions within its wider counter-terrorism remit, given the role of the AFP in counter-terrorism operations and its existing relationships with other national security agencies, particularly ASIO, the Attorney-General's Department, and state and territory police.

An alignment of the team along those lines, with both protection and counter-terrorism functions, would enable the provision of threat assessments, monitoring and risk mitigation to persons of concern on the periphery of counter-terrorism investigations. It would also enable ASIO and the AFP's Joint Counter Terrorism Teams to continue investigations into known groups and threats, and refer other persons of concern, or persons who come to the attention of security agencies but are not linked to organised radical groups, to NFTAC for assessment.⁸⁶

Conversely, the NFTAC could conduct the threat assessments and, if warranted, advise the Joint Counterterrorism Teams or appropriate state or territory local police of the requirement for urgent action and the prioritisation of resources to respond. In the case of Australian holders of high office, this work is currently conducted in the protective security environment, which this paper will now examine.

Australian protective security as risk mitigation

Australian government public figures and holders of high office are provided protection by federal, state and territory law enforcement agencies, with the AFP having primary responsibility for the protection of Federal members of Parliament and Australian holders of high office.⁸⁷ Increased funding was provided to the AFP in the 2014-15 Federal budget to enhance national protective security arrangements in response to the increased threat brought about by ISIS, and Australians travelling to Syria and Iraq to fight or further their cause through terrorist acts on their return to Australia.⁸⁸ The arrangements include the provision of close protection officers, and intelligence and assessment teams to identify persons and events of concern.

The Protection Liaison portfolio within the AFP Protection function collects, analyses, evaluates and disseminates intelligence/information to the AFP and relevant agencies. It conducts liaison and intelligence investigations into threats against holders of high office, foreign dignitaries and diplomatic missions.⁸⁹ Its intelligence-gathering activities facilitate contact with community groups and assist in determining possible acts of politically-motivated violence, criminal offences or acts likely to affect the dignity of a diplomatic mission, its representatives or Australian holders of high office. Protective Liaison gathers intelligence on issue-motivated groups; those planning acts of politically-motivated violence; and psychologically-disturbed individuals who may pose a threat or embarrassment to high-office holders, guests of government or members of the diplomatic community.

Community liaison is a fundamental security intelligence collection activity and an integral element of Protective Liaison operations. The aim of its Community Contacts Program is to liaise with, develop and enhance relationships with relevant ethnic, community and business communities to facilitate the acquisition of relevant intelligence to the AFP and key stakeholders. It is an overt process, intended to raise the awareness and responsibilities of the AFP, enhance community understanding of the AFP's role, and provide a point of contact for the provision of information.

The AFP's Protection Assessment Team liaises directly with Protective Liaison members and other relevant AFP teams to exchange and coordinate information, and to provide timely and accurate intelligence and analytical support. The

Protection Assessment Team is the dedicated target development and analytical function for the Protection function, providing targeting and analytical support to all AFP offices, as requested or required by operational necessity.

This support includes strategic and operational targeting; the provision of written analytical product to assist in operational planning; and advice on potential risks, threats and emerging issues. The Protection Assessment Team is also responsible for the production of specialist analytical products, including association charts, timelines and profiles. Protective Liaison and the Protection Assessment Team both work closely with ASIO, the Attorney-General's Department, the Department of Foreign Affairs and Trade, and state and territory protection and intelligence units.

The teams have drawn on US experience and doctrine, such as the *Protective Intelligence and Threat Assessment Investigations Guide* produced in July 1998 by the US Department of Justice.⁹⁰ Although the *Guide's* 'Exceptional Case Study Project' indicated high levels of mental health issues in persons who approached or attacked public profile figures, this did not originally form part of the construct for effective protective security teams.⁹¹ The findings of the case study were included in the author's earlier work and showed that 44 per cent were diagnosed with mental health illnesses, although some practitioners indicated that all had some form of mental health instability.

To date, there has only been one significant assassination attempt on an Australian holder of high office. It occurred in June 1966, when a 19-year-old man shot then Leader of the Opposition, Arthur Calwell, at the Mosman Town Hall in Sydney, after he had spoken on conscription for the Vietnam War. Fortunately, Calwell sustained only minor injuries. It is significant to note that the offender, Peter Kocan, was suffering mental health issues and subsequently hospitalised for over ten years.⁹² A more recent example was the threat made on Facebook by Jeffrey Geaney in June 2011 to kill then Prime Minister Julia Gillard.⁹³ Undoubtedly, there have been other threats over the years that have not come to public attention but have been managed by law enforcement agencies.

Australia's national security framework

Australia's national security framework provides clear responsibilities for the government agencies chartered with cooperating in the prevention, investigation and response to terrorist attacks in Australia, as well as response for attacks offshore that affect Australians.⁹⁴ The role of the AFP is described as:

Investigat[ing] national terrorist offences, provid[ing] overseas liaison and protective services, and perform[ing] a state policing function in the ACT. The AFP Protective Service provides physical protection services in relation to foreign embassies and certain government facilities, and also counter-terrorism first response at major airports.⁹⁵

These counter-terrorism arrangements were implemented in 2002 and stipulate that the national responsibility for counter-terrorism and protection operations resides with the AFP. The framework for cooperation with state and territory police and intelligence agencies is articulated in the Australian Government's 2012 'National Counter-Terrorism Plan'.⁹⁶ The AFP can also utilise the international liaison network and police-to-police cooperation to ensure persons of concern in Australia, if they intend to travel, are known to other countries and, conversely, that foreign persons of concern intending to travel to Australia are brought to the attention of the AFP.⁹⁷

ASIO has a threat assessment role, although it does not include the assessment of individuals against the basis of escalating behaviour. The role of ASIO, Australia's national security intelligence service, is described as 'gather[ing] information and produc[ing] intelligence so that it can warn the government about activities or situations that might endanger Australia's national security'.⁹⁸

Early consultation with ASIO needs to occur to ensure that it understands that the proposed NFTAC would not be replicating or replacing the function of the National Threat Assessment Centre, which issues 'threat assessments to inform the actions of the police and other agencies with a role in protecting Australians and Australian interests from threats to national security'.⁹⁹ A NFTAC would complement the threat assessments conducted by ASIO, and also provide an alternate point of assessment by specialised clinicians.

After the Lindt café siege by Man Monis in December 2014, the Federal and NSW Governments conducted a review into the incident.¹⁰⁰ As a result of that review, a new 'Counter-Terrorism Strategy' has been developed; however, it does not include a specialist unit, such as the proposed NFTAC, that can assess the threat of individuals and provide prioritisation for investigation, response and monitoring.¹⁰¹

Part 5 – Policy proposal for a National Fixated Threat Assessment Centre

Both the earlier work by the author and this paper have argued that the typologies for lone wolf terrorists and fixated persons are similar, and that impaired mental health, the Internet and sociological factors increase the risk of such persons undertaking attacks within Australia. Threat assessment of persons of concern is not a new law enforcement tool. However, the assessment against behaviours and communications by psychiatrists/psychologists is not currently utilised in Australia on a national level.

Nevertheless, there are a number of examples, notably the UKFTAC, QFTAC, US Capitol Police Threat Assessment Section and the US Secret Service,

of organisations effectively utilising behavioural threat assessments, with complementary research assessing that:

Warning behaviours are acts which constitute evidence of increasing or accelerating risk. They are acute, dynamic, and particularly toxic changes in patterns of behaviour which may aid in structuring a professional's judgement that an individual of concern now poses a threat—whether the actual target has been identified or not.¹⁰²

As the Australian Department of Health does not have state-level equivalent mental health providers, mental health clinicians would need to be contracted directly by the AFP. A memorandum of understanding would need to be developed between the AFP, Department of Health, and state government health departments to allow for appropriate consultation between the AFP's forensic psychologists/ psychiatrists and state and territory mental health providers.

Queensland-based persons of concern that come to the attention of the AFP could either be referred to the QFTAC or managed jointly with the NFTAC. It is probable that federal legislative reform would be required to enable the sharing of mental health information between the AFP's mental health clinicians and state-based mental health providers, so the Attorney-General's Department would need to be consulted on this, as well as the Department of Health.

Concept phase

This paper makes no allowance for funding the concept and pilot phases of the introduction of a NFTAC, on the assumption that the resources would be provided by the AFP and any costs absorbed in the existing operating budget. It is suggested that a Superintendent, Sergeant and senior sworn member would be required for this phase, to work cooperatively with the Human Resources, Finance, Counter-Terrorism, Policy, and Protection sections of the AFP. They would also need to liaise with the Attorney-General's Department, ASIO, Department of Health, Department of Education, the Department of the Prime Minister and Cabinet, and the QFTAC.

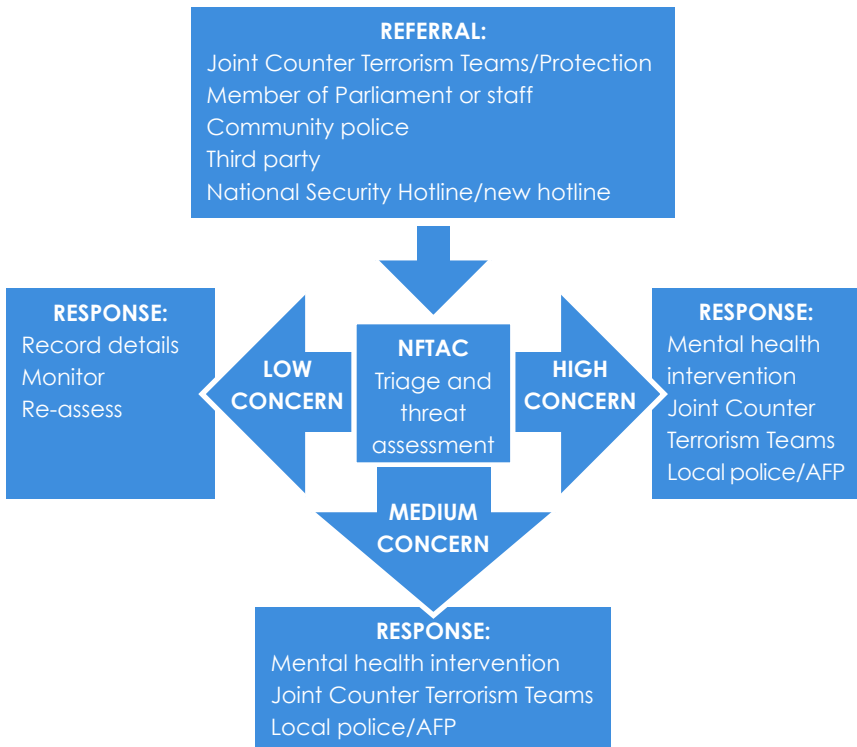
Phase 1

The suggested staffing level for the NFTAC is for the first four years only, which would need to be reviewed during this period. It is expected that the tempo of the unit would be high in the first two years as it assesses current persons of interest, assesses and responds to new referrals, and implements protocols, processes and procedures. Fortunately, the governance arrangements could be expedited through consultation and lessons learned from QFTAC, while the processes and protocols of the Protection Assessment Team and Protection Liaison could be expanded and incorporated as appropriate.

The response mechanisms would need to be discussed with state and territory police, as well as the Joint Counter Terrorism Teams, to ensure they understand that requirements for response are based on the probability these persons would come to their attention, or may have already come to their attention. Referrals would likely be directly from Parliament, AFP, state and territory police (including the Joint Counter Terrorism Teams) and also education establishments, such as schools, universities and colleges.

However, third-party advice is essential in the identification of persons unknown. These could be made from work colleagues, religious leaders, friends and family or persons who see social media notifications. This is the reason that a separate hotline for reporting is required and, preferably, a hotline that is different to the National Security Hotline to encourage early advice and intervention as behaviour changes or radicalisation commences—and, importantly, before an urgent response is required. The referral and response process is depicted at Figure 3.

Figure 3: The referral and response process



Proposed staff

The staffing template for the unit has been considered against current AFP staffing, with the intention that the team would work closely with the Protective Assessment Team and also the Counter-Terrorism portfolio, including the Joint Counter Terrorism Teams and the Counter Violent Extremism Team.

The proposed template is:

- 1 x AFP Superintendent—to sit across the Protective Assessment Team and the NFTAC, and to work closely with Counter Terrorism and Counter Violent Events teams;
- 1 x AFP Sergeant;
- 4 x senior AFP sworn members (Band 4-5) drawn from Protective Liaison and Joint Counter Terrorism Teams;
- 1 x analyst;
- 3 x intelligence officers for additional Internet monitoring and intelligence product preparation/ collection/collation;
- 1 x Band 3 administrative support; and
- 2 x forensic psychologists/psychiatrists and 1 x clinical psychiatric nurse.

Budget

Table 2: Proposed NFTAC budget*

| Financial Year | 2016–17 \$ | 2017–18 \$ | 2018–19 \$ | 2019–20 \$ | Total \$ |
|---------------------------|---------------|---------------|---------------|---------------|-------------|
| Total funded resourcing | 2,684,982 | 2,468,823 | 2,490,235 | 2,514,238 | 10,158,279 |
| Total unfunded resourcing | 29,000 | 30,000 | 31,000 | 32,000 | 122,000 |
| Total Resourcing | 2,713,982 | 2,498,823 | 2,521,235 | 2,546,238 | 10,280,279 |

* These estimates have been prepared utilising advice from AFP Finance.

Phase 2

The cost of a new hotline (Recommendation 1) may be relatively minor and possibly within the resources of the Attorney-General's Department, which could be explored during the first year of operation. An e-referral system by a provider such as SupportLink may be more expensive and, again, would benefit from further consultation and exploration in the first year of operation.

Should either or both of these recommendations be found to be effective and supported, then it is possible a separate budget proposal would be required dependent on the cost of expanding the service. Marketing would need to be conducted with all national security agencies and could possibly be built into current Counter Violent Extremism marketing through the Department of the Prime Minister and Cabinet.

Final proposal

Fixated persons or those that may seek to use violence as a method of revenge or action such as lone wolves could also be a threat to other persons and government agencies as explained in the earlier work. An example was David Lia, who planned and prepared to conduct two bombings in Sydney in March 2013 due to a grievance against a doctor.¹⁰³ Historically, there have been other cases, such as the attacks against the Family Law Courts in the 1980s, which resulted in the deaths of four persons. Leonard Warwick was arrested in August 2015 and it is alleged that he conducted the attacks based on a grievance with the Courts over child custody.¹⁰⁴

The analysis of behaviour and other indicators is essential in discerning the difference between those that make threats against persons or places, and those that pose an actual threat. Often, those that provide commentary on social media sites, write threatening letters or make verbal threats will never act on those threats or escalate from radical violent opinion to radical violent action. It is essential, therefore, that qualified clinicians, experienced in mental health, and behavioural analysis are engaged in an effort to effectively prioritise persons who are at risk of violent action.¹⁰⁵

Recommendation 4:

A National Fixated Threat Assessment Centre be established, hosted by the AFP, to work cooperatively with state and territory police, intelligence agencies and health departments. The Centre would employ mental health clinicians to assist in the threat assessment of individuals and their risk mitigation through community programs, mental health intervention or police action.

This policy proposal purposefully avoids increasing policing resources for physical surveillance teams, covert investigators, criminal investigators, and telephone intercept staff. The intention is that the proposal be lean to reflect the current fiscal environment while, at the same time, providing a specialist unit to assist in prioritising persons for further consideration of investigation, or mitigate the risk through community or mental health intervention.

It would be essential for the policy and legislative reform proposal to be socialised through the national security community, primarily the counter-terrorism committees, and be supported by the Counter-Terrorism Coordinator in consultation with the Senior Executive Counter Terrorism Group and the National Counter Terrorism Centre.¹⁰⁶ During the four-year proposal period, assessment of its effectiveness and the utilisation of existing police and intelligence agency resources should be conducted to consider additional gaps in capability.

The 'Living Safe Together' website provides referral options, such as the National Security Hotline, Lifeline and Kids Lifeline: callers could also use Crime Stoppers.¹⁰⁷ However, concerned persons may not want to refer to a security authority and Lifeline may not identify the gravity of the information they are being provided, so education and marketing needs to ensure that these other referral points understand the function and role of the unit so that they forward such referrals.

As discussed earlier, a separate hotline could be created for use by persons who are concerned and do not want to contact law enforcement agencies directly but seek advice or other pathways such as mental health or community intervention. These persons need to be assessed against behavioural indicators and other background information of personal crises, social isolation or personal/political grievance, regardless of the type of intervention outcome.

Conclusion

The threat in Australia from lone wolves has been demonstrated on three occasions in recent years. The threat is enduring, and the global reach of the Internet is contributing to the ongoing radicalisation of Australian youth. The earlier work by the author argued that this phenomenon is global and is not confined to Islamic terrorism but is affecting socially-isolated, disenfranchised and mentally-unstable young people throughout the world. The earlier work and this paper have tried to explain why this is occurring and that not all persons will follow the radicalisation path from opinion to violence.

The typologies of lone wolves, fixated persons, school attackers and assassins are very similar and provide behavioural indicators that can inform threat assessments.

The cooperation between police and specialist psychological clinicians has been recognised and implemented in the UKFTAC and QFTAC in an effort to mitigate the risk to holders of high office in the protective security environment.

The results have been proven and the risk mitigation has not only prevented attacks but has also provided a mental health pathway for persons in the community who require it. These results and the lessons and governance that have already been created can contribute to a NFTAC which would not only mitigate the risk from fixated persons but also other lone actors that are intent on using violence to further their causes or bring notoriety to themselves.

It has been suggested in this paper that the AFP is the most appropriate agency to accommodate this unit as it has the national responsibility for the protection of Australian holders of high office, and also for terrorism investigations. The AFP also has an international liaison function that provides for police-to-police cooperation and information exchange to ensure that law enforcement agencies are aware of persons of concern travelling overseas. Given that the national and international relationships and frameworks already exist and do not need to be expanded, this policy proposal complements arrangements rather than seeking to alter them. The emphasis is on effectiveness and efficiency and to work within current models and recent counter violent extremism initiatives.

This paper also provides options for referral including the creation of a new hotline for reporting. This would be a small and inexpensive option that may encourage greater reporting from diverse minority groups who are concerned for their family member or friend but are fearful of police intervention. By triaging these referrals, alternate pathways that are appropriate to the behaviours could be recommended, such as community programs, mental health intervention or low-level police contact. It would also provide for cases that would not come to the attention of law enforcement agencies to be brought forward for immediate intervention if required.

Recent reporting has indicated that Australia is experiencing its highest level of counter-terrorism investigations, and it is reasonable to assume that security agency resources are finite. This policy proposal would enable these agencies to focus on the threat from large terrorist groups and seek assistance from a NFTAC for the assessment of individuals that are on the periphery of these investigations. It would also provide for referral from persons who come to attention through protection operations, local policing matters, educators, religious leaders and the broader community. This is important because lone wolves and fixated persons generally communicate their intention—and third parties are privy to their behavioural changes.

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The policy proposal is cost effective and it would provide three significant outcomes, namely:

- A preventative strategy against lone wolf terrorists (all ideologies);
- A preventative strategy against fixated persons, including enhancing the protective security arrangements for Australian holders of high office; and
- Mental health intervention and monitoring for those that require it.

The UKFTAC has reported that two of its future challenges are the use of social media and lone actors. The research conducted by the author concludes that while these are challenges, there is the ability for units like NFTAC to incorporate the threat assessment of persons referred by counter-terrorism teams. This policy paper also addresses these challenges by proposing community-friendly options of e-referral and a new hotline in an effort to identify persons that are on a radicalisation pathway, possibly mentally unwell and in need of intervention. The effectiveness of using Fixated Threat Assessment Centres for the intervention of fixated persons has been proven and, by its extension, may provide a solution to countering lone wolf terrorism.

Notes

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The 'Comprehensive Agreement on the Bangsamoro': Will it provide a peaceful and lasting solution to the insurgency and security challenges in the Southern Philippines?

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Abstract

This paper addresses the question of whether the 'Comprehensive Agreement on the Bangsamoro' will provide a peaceful and lasting solution to the insurgency and security situation in the Southern Philippines. It briefly outlines the background to the conflict, and analyses three dynamic factors that have progressed, hindered or derailed the peace process.

The paper argues that the interaction of the political situation in Manila and the fractious nature of the rebel groups make a peaceful solution difficult. Moreover, it contends that should Islamic State establish a presence in the region, it will make it extremely unlikely that an enduring peaceful solution will be found. The paper concludes that this situation is likely to continue to challenge the social, economic and security circumstances in the Southern Philippines, and the Government of the Republic of the Philippines more broadly.

Introduction

In March 2014, the 'Comprehensive Agreement on the Bangsamoro' was signed by representatives of the Government of the Republic of the Philippines and the Moro Islamic National Front (MILF).¹ The agreement marked a significant moment in the long struggle to secure a lasting, just and peaceful solution to the seemingly-intractable insurgency and security problem in the Bangsamoro regions of the Southern Philippines.²

The agreement set out the legislative framework and the steps that the Government and MILF would take in preparation for autonomy in Bangsamoro. It was witnessed by Philippine President Benigno Aquino III, the Organisation of Islamic Council's chief facilitator, the leader of the MILF and the President of Malaysia.

This paper will argue that although the agreement was presided over at the highest levels, it is unlikely to achieve its stated aim of achieving a just and peaceful solution to the security and insurgency problems that have plagued the Southern Philippines for more than 40 years. To make this argument, the paper will first briefly outline the background to the conflict, noting the significant events, personalities, third-party organisations and political agendas that have interacted with the peace process.

It will then analyse three dynamic factors that have progressed, hindered or derailed the peace process. The first of these is the variable political leadership from Manila. The second is the complexity of the Moro rebel groups—some of whom have been in negotiation with the government, while others have shown little interest. The third factor is the potential impact should Islamic State establish a base of operation in the region.

The paper will argue that the interaction of the political situation in Manila and the fractious nature of the rebel groups make a peaceful solution difficult. Moreover, should Islamic State establish a presence in the region, it is likely to act as an accelerant, making it extremely unlikely that an enduring peaceful solution will be found to address the insurgency and security situation in Bangsamoro.

Background to the conflict

The southern region of The Philippines, comprising Mindanao and the Sulu Archipelago, has a long history of defending its homelands from foreign powers and invaders. Mindanao and the Sulu Archipelago peacefully converted to Islam in the 14th and 15th centuries following contact with Arab, Malay and Persian merchants and missionaries.³ The local Moro people successfully repelled Spanish, British, American and Japanese colonisers and invaders from the 16th to the mid 20th centuries.⁴ The Philippines achieved independence in July 1946, and the entire southern region was annexed to the Philippine Republic.

In 1913, the population of Mindanao and the Sulu Archipelago was 98 per cent Muslim. However, the Muslim majority waned rapidly as a result of large-scale resettlement, facilitated by the government in encouraging people from largely Christian regions to settle in resource-rich Mindanao, the second largest island of The Philippines.⁵ By 1999, the Muslim population was a minority in its ancestral homelands, with those identifying as Muslim making up only 19 per cent of the population. Mindanao and Sulu remain the two poorest regions of The Philippines, with a population of 23 million, an average household income some 40 per cent of the national average, and a jobless rate around 48 per cent.⁶

This history of Moro dispossession from the land, and their disenfranchisement from The Philippines' political and economic systems, led to the creation of the Muslim Independence Movement, founded in 1968 to agitate for a separate Moro state in the Southern Philippines.⁷ The Moro struggle for independence converted into an armed insurgency against the central government following two significant events. The first was the Jabidah massacre in 1967, where a number of Muslim soldiers—who were under training on Corregidor Island—were killed by members of the Philippine Armed Forces.⁸ The second, and arguably more politically-damaging event, involved the killing of 70 Muslims, including women and children, inside a mosque in the province of Cotabato in Mindanao in June 1971, allegedly perpetrated by the Philippine Constabulary.⁹

In September 1972, President Marcos further inflamed the situation by declaring martial law, militarising the situation in the Southern Philippines and generating considerable animosity towards Manila.¹⁰ In 1968, Professor Nur Misuari, an academic and political scientist at the University of The Philippines, assumed leadership of the Moro National Liberation Front (MNLF).¹¹ The MNLF became engaged in an armed insurgency against the government as well as directing international attention to the plight of Muslim people in the Southern Philippines.¹² The newly-formed international Organisation of Islamic

Conference lent its support to the Moro struggle which, together with a threat from Saudi Arabia to restrict the supply of oil to The Philippines, compelled President Marcos to open peace negotiations with the MNLF¹³.

Peace: A slow process and the President's personal mission

The process towards peace in the Southern Philippines has been complicated and frustratingly slow. Over the last 46 years, under the auspices of the Organisation of Islamic Conference, prominent leaders from Libya, Somalia, Senegal, Saudi Arabia, Turkey, Indonesia and Malaysia have at times been involved in the peace process. The numerous agreements brokered between the Moro groups and the government all promised degrees of autonomy and self-determination for Bangsamoro.¹⁴ However, none of these agreements has ever been fully implemented; each became bogged down in internal political debate, constitutional arguments and High Court challenges, and a genuine concern about the economic cost to The Philippines of an autonomous Bangsamoro.¹⁵

The scepticism of Filipino lawmakers has been regularly reinforced by the behaviour of the rebel groups, which have indiscriminately resumed armed insurgency operations against the government. The perception from the provinces is that the government is preoccupied with centralist concerns and has little interest in the outlying provinces. Rather than experiencing the benefits of the recent economic upturn, those in the provinces, particularly in Mindanao, have experienced a firm determination by some central leaders, notably President Joseph Estrada (1998-2001), to crush the insurgency.¹⁶ Over the last 46 years, the conflict has resulted in an estimated 120,000 deaths and the displacement of more than two million Filipinos.¹⁷

President Benigno Aquino III came to office in 2010 on a platform of 'inclusive progress', justice and a peaceful resolution to the Bangsamoro insurgency.¹⁸ Under Aquino's leadership, the Comprehensive Agreement on the Bangsamoro seemed to provide a pivotal moment in this long struggle, signalling the hope of an enduring and peaceful resolution of the conflict, with the first step being the drafting of the 'Bangsamoro Basic Law' in early 2014. It was intended to set out the legal basis of Moro autonomy, including administrative arrangements, power-sharing details, and how revenue would be raised in the newly-formed Bangsamoro region. The proposed law was drafted, and subject to numerous modifications. However, it was never progressed to the Philippine Senate for ratification.

The lack of progress on the Comprehensive Agreement is evidence of the deep concern that many law-makers in the Philippine legislature hold about the efficacy of the negotiated peace agreements. Although elected with a significant majority, Aquino faced a challenging task to gain the necessary political consensus in Manila to progress the Bangsamoro Basic Law through both houses of parliament. The task, however, became even more problematic following the death of 44 Police commandos in January 2015, killed by the MILF and Bangsamoro Islamic Freedom Fighters during an operation to capture two suspected terrorists in the town of Mamasapano in Mindanao.

The death of the commandos outraged ordinary Filipinos, particularly when it was reported that many were killed after they had surrendered.¹⁹ Politicians who were already sceptical about the peace process hardened their opposition to negotiation with what they considered to be a terrorist organisation; as a result, the passage of the Bangsamoro Basic Law stalled.²⁰ In early February 2016, The Philippines' parliament began a three-month recess, meaning the legislation could not pass through parliament before the elections in May 2016.²¹ The MILF's leadership has responded, after initial disappointment, with a renewed willingness to 'stay the course' toward peace. However, some rebel groups are reportedly planning to resume hostilities.²²

If a peaceful solution to the Bangsamoro situation is to be found, then The Philippines' next President will need to make the legislation a priority and shepherd its passage through both houses of parliament. There are five presidential candidates in the June 2016 election. Most commentators agree that Aquino's current deputy, Manuel Roxas, will most likely be his successor. It is understood that Roxas shares Aquino's concern for the Bangsamoro Basic Law and will move swiftly to implement the agreement.²³ However, should a conservative like Robert Duterte, the current major of Davos in Southern Mindanao win the presidential election, commentators have argued that the peace process is unlikely to make any new progress, increasing the risk of violence.²⁴

Complexity of opposition: autonomy verses independence

The complex nature within and between the rebel groups has hindered the development of a unified negotiating position between the rebels and the government. Initially, the Moro people demanded independence from The Philippines, arguing that they were never conquered and, as an Islamic people, had a cultural identity that was distinct from the rest of The Philippines.²⁵ They believed that the US had acted improperly by annexing the Southern Philippines into the newly-formed Republic of the Philippines in 1946.²⁶ In spite of their initial

desire for independence, the Organisation of Islamic Council persuaded some of the MNLF's leadership to accept the concept of autonomy as a legitimate outcome. It is possible that some member countries of the Organisation of Islamic Council may have influenced it to insist on a solution that respected the sovereignty of the Republic of the Philippines.

It is generally regarded, for example, that neither Indonesia nor Malaysia, near neighbours of The Philippines, would be interested in a solution to the Moro situation that involved secession from a multi-ethnic state.²⁷ The decision to compromise on independence and settle for autonomy created conflict within the MNLF's leadership.²⁸ Hashim Salamat, one of the founding fathers of the MNLF, reportedly clashed with Nur Misuari, insisting that independence was the only outcome consistent with the truly Islamic goals of the Moro people.²⁹ This disagreement over ideology and politics led to the establishment of the breakaway MILF in 1977 and set an unfortunate precedent for resolving future disputes between the rebel Moro groups.³⁰

The MNLF and MILF have competed with each other for regional control and influence of the Moro people and, as a result, any progress towards a peaceful solution has rarely translated into tangible benefits for ordinary Moro people. The creation of the Autonomous Region of Muslim Mindanao was an example of the kind of progress promised by the MNLF. The autonomous region was meant to usher in a new era of economic prosperity and development and, initially, it brought a significant boost in popularity for the MNLF.³¹

However, the concept did not produce the promised economic growth and development that was hoped for by ordinary Moro people.³² Rather, a small number of Muslim families prospered, which included the family of Nur Misuari, the first governor of the autonomous region.³³ In time, popular Moro support shifted from the MNLF to the MILF. The MILF also changed its position on autonomy and, because it was the largest and most influential rebel group in the Southern Philippines, the government began to bypass the MNLF and negotiate directly with the MILF.

The rebel groups have not only worked to destabilise each other's positions but factions or undisciplined members have directly undermined the peace efforts of their own groups. At a Senate hearing on the Bangsamoro Basic Law, two key leaders of the MNLF addressed the hearing with contradictory positions. One hoped that it would be rejected in the Congress or the Senate, while the other was hopeful that it would pass both houses.³⁴ Nur Misuari was not at the hearing as he was the subject of an arrest warrant, following a violent uprising against Christian settlers in Zamboanga. Yet Misuari has made his position clear

by denouncing the Bangsamoro Basic Law and returning to the earlier struggle for independence.³⁵

The MILF, with whom the government has been primarily negotiating over the past decade, has been deeply implicated in the Mamasapano massacre. The MILF's leadership is firmly resisting the current Government's request for access to those MILF fighters suspected of perpetrating the deaths of the Police commandos.³⁶ Additionally, there are other groups whose formation is based on differing expectations about what the peace process should achieve, contrasting religious emphases and internal power politics.³⁷ These include the Bangsamoro Islamic Freedom Fighters, *Grupong Abu Sayyaf*, *Jamia Islamia* and the Bangsamoro National Liberation Army, a local Sunni Islamic separatist group which has no interest in negotiating with the current Government and does not feel in any way obliged to participate in the proposed Bangsamoro Basic Law.³⁸

There is also a significant communist insurgency in The Philippines. Successive governments have had some success in curtailing the activities of the communist groups; however, they remain a serious threat to national security.³⁹ Accordingly, an agreement with only one of the Moro groups will do little to temper the hostilities from other rebel groups.

Islamic State: a new player?

Islamic State is expected to announce the formation of a satellite of its caliphate in either Indonesia or The Philippines in 2016.⁴⁰ If Islamic State was to commence operations in Sulu, it would add a new layer of complexity to the search for a peaceful resolution to the insurgency situation in the Southern Philippines. Islamic State has officially recognised the pledge of allegiance from Isnilon Hapilon, the leader of *Grupong Abu Sayyaf* in Basilan, the largest island in the Sulu Archipelago.⁴¹ The leaders of two smaller Southern Philippines extremist groups also pledged their allegiance to Abu Bakr al Baghdadi (the leader of Islamic State) and Islamic State itself. An official *wilayat* (or province) is yet to be established in the region.⁴² If Islamic State was to do so, it would present not only a serious security concern for The Philippines but also the broader Southeast Asia region.⁴³

The Sulu Archipelago has proven to be a difficult and challenging environment to conduct policing or military operations. *Grupong Abu Sayyaf* and other groups have local knowledge of the terrain and waterways around the Archipelago making them difficult to target or contain. It is also likely that Islamic State may use this location to set up training camps, which may lure not only

Southeast Asians but other motivated individuals from Australia and China.⁴⁴ This would then have direct implications for Australia's national security.

The initial response of successive governments has not been promising because, rather than taking this threat seriously, they have tended to write these groups off as jihadi 'wannabes'.⁴⁵ However, *Grupong Abu Sayyaf* and the other groups that have pledged allegiance to Islamic State are firmly focused on achieving an Islamic state in the region and have no interest in autonomy on anyone else's terms or power-sharing arrangements with the government.

Conclusion

The slow pace of the peace process in the Southern Philippines has exacerbated the situation for the Moro people and has led to cycles of violent insurgency. The MNLF, MILF and other rebel groups have at times held divergent and often contradictory views of what a peaceful and just solution to the Bangsamoro situation would be.

This confusion has existed both among the main groups as well as within the same organisations. While ostensibly pursuing peace, it has also been frustrating that elements within the negotiating parties have acted to scuttle the process by their militant activities. There is also little doubt that the government has, at times, used this confusion and disunity to its advantage.

Moreover, the threat potentially posed by Islamic State, should it choose to pivot into the region, is likely to have a significant and deleterious effect on the entire peace process. A number of commentators have expressed cautious hope of a satisfactory resolution. However, unchecked insurgencies will continue to prevent a just and lasting peaceful solution to Muslim Mindanao security and the insurgency problem.⁴⁶

Ongoing strife and violence are also likely to continue, especially from groups that have aligned themselves with Islamic State. This unstable situation is liable to challenge further the social, economic and security circumstances for the Moro and settler communities in Mindanao and the Sulu Archipelago, and the Government of the Republic of the Philippines more broadly.

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- 46 STRATFOR, 'The Philippines commits to southern offensive despite peace effort', p. 7.

Instability in Pakistan: Can Australia contribute to countering the causes of instability?

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Abstract

This paper examines instability in Pakistan, and addresses the questions of whether and how Australia should contribute to counter its causes. It argues that Pakistan is of long-term importance to Australia's interests in South Asia, and that Australia can do more to build a stronger relationship with Pakistan, which would serve the national interests of both countries.

The paper proposes that the relationship could be enhanced through niche security sector contributions that would assist Islamabad in addressing internal sources of instability. It recommends two specific initiatives, namely a domestic security counter-terrorism policy and an enhanced policing policy, concluding that these initiatives would enhance the capacity of Pakistani security forces and support Australia's national interests for security and stability in South Asia.

Introduction

Pakistan will remain an important partner to Australia in the region, regardless of the transition in Afghanistan.

Air Marshal Mark Binskin,
then Vice Chief of the Australian Defence Force, August 2013¹

Australia has increased its engagement in South Asia since committing military forces to Afghanistan following the September 11 attacks in the US.² The focus of Australia's strategic narrative has tended to centre on Afghanistan, with any reference to Pakistan inextricably linked to countering the insurgency in Afghanistan. However, Pakistan is of long-term importance to Australia's interests in South Asia, and Australia must therefore have a separate policy for Pakistan.

The Australia-Pakistan relationship has been longstanding, with Canberra being one of the first to establish diplomatic relations with Islamabad in 1947.³ The relationship spans political, security, developmental, economic and trade relations. The two countries have had a formal bilateral trade agreement in place since 1990.⁴ Their security relationship dates back to the Cold War period and deepened this century as a result of Australia's military commitment to the international forces in Afghanistan.⁵ Since 2008, successive Australian governments have intensified their relations with Pakistan, with particular emphasis on economic reform, development, democratic governance, and security cooperation focused on defence and law enforcement.⁶

However, Australia can do more to build a stronger relationship with Pakistan, which would serve the national interests of both countries. In particular, this paper proposes that Australia's relationship with Pakistan could be enhanced through niche security sector contributions that would assist Islamabad in addressing internal sources of instability.

The paper substantiates this proposition by first summarising Australia's national interest in Pakistan and defining the threats to Pakistan's stability. It then recommends two specific initiatives, namely a domestic security counter-terrorism policy and an enhanced policing policy, to assist Pakistan in countering the causes of instability.

Why Pakistan matters

The Australian Government has publicly asserted that the stability and security of Pakistan is important to Australia's national interest, saying that 'Australia is committed to supporting Pakistan as a partner in its efforts to address security threats, build economic prosperity and enhance development'.⁷ This

commitment from Canberra is founded on the premise that stability in Pakistan matters because of its influence on Australia's regional and broader interests.⁸ Commentators have similarly argued that the geopolitical situation of Pakistan is significant to Australia's interests in the Indo-Pacific region and is important to the international community's interests in South Asia.⁹

Kate Boswood *et al* assess that Pakistan is geopolitically significant due to four key attributes.¹⁰ First, it is located at the crossroads of South Asia, Central Asia and the Middle East, and is adjacent to the global energy supply artery in the Indian Ocean. Second, it has a large population base of over 170 million people, with a coming 'youth bulge' in the future. Third, Pakistan is nuclear-armed. Fourth, it has a history of using destabilising methods to pursue its national security interests, such as militancy and terrorism. Based on these attributes, any critical destabilisation or failure of the Pakistan state has the potential to negatively impact the stability of South Asia and, indeed, the global order.

Australia's national interest in Pakistan is also linked to the continued existence of major terrorist organisations and training camps based in Pakistan's periphery.¹¹ The Federal Administered Tribal Areas of Pakistan are regarded as the 'global hub for *al Qaeda* leadership'.¹² They also harbour other terrorist groups, such as *Laskar-e-Tayyiba* and *Tehreek-e-Taliban Pakistan*, which have been responsible for planning and conducting attacks in Western nations.¹³

As noted by Claude Rakisits, the 'pivotal role' of Pakistan to neutralise these threats is seen as geopolitically important to the rest of the world (or at least to Western-aligned states).¹⁴ The importance of this role has been recognised by the Australian Government, with Air Marshal Mark Binskin, then Vice Chief of the Defence Force, noting in a speech to the Pakistan Command and Staff College in 2013 that 'the success of Pakistan's efforts to counter militant insurgency is critical to regional and global security'.¹⁵

Pakistan also matters because its location and historical influence make it a 'critical player' in the efforts to stabilise Afghanistan.¹⁶ With Australia's continued commitment of military forces and aid to Afghanistan, both during and after the transition of the NATO International Security Assistance Force mission, the security and stability of Afghanistan remains significant to Australia's national interest.¹⁷ Of particular concern to Australia is the existence of terrorists groups in Pakistan that serve to undermine the security and stability of Afghanistan.

It is widely contended that the Afghan Taliban and Haqqani Network have safe havens on the Pakistan-Afghanistan border, and receive covert support from some elements within Pakistan's Inter-Services Intelligence Directorate.¹⁸ According to Thomas Barfield, 'if Pakistan ever reversed its policy of support, as it did to Mullah Omar in 2001, the insurgency in Afghanistan would be

dealt a fatal blow'.¹⁹ In recognition of the risk these safe havens have on Afghanistan, then Prime Minister of Australia Julia Gillard asserted in October 2010 that 'stability in Pakistan, and the uprooting of extremist networks that have established themselves in the border regions and terrorise both countries, is essential to stability in Afghanistan'.²⁰

The final characteristic which highlights why Pakistan matters is its troubled relationship with nuclear-armed India. Mohan Malik assesses that this is due to Pakistan's perception that 'India's size, power and ambitions are seen as an existential threat' to its survival as an independent state.²¹ This is based on a history of conflict between the two nations since they divided in 1947, including the 1971 India-Pakistan War, where—as a result of India's military action—Pakistan saw the dismemberment of East Pakistan to become Bangladesh.²²

This threat perception is further reinforced by India's interests in Afghanistan via the Indo-Afghan Strategic Partnership, which is assessed by Islamabad as an attempt to strategically encircle Pakistan.²³ Stable Pakistan/India relations are in Australia's national interest, as it benefits from an economically-prosperous India. Two-way trade between the two nations was worth approximately A\$16 billion in 2014 and is forecast to grow significantly.²⁴ Pakistan, therefore, matters greatly to Australia's economic dividend from trade with South Asia.

Threats to Pakistan's security

In setting the context for how Australia can utilise bilateral defence and policing initiatives to develop its relations with Islamabad, it is important to understand that Pakistan is facing what some have called a 'perfect storm' of crises, based on an increasing internal terrorist threat and continuing economic stagnation.²⁵ In the decade following September 11, it is estimated that the militancy in Pakistan has been responsible for the deaths of over 5000 security personnel and more than 46,000 civilians.²⁶ The economic price of this militancy has likely cost Pakistan more than US\$67 billion.²⁷

According to William Maley, 'Pakistan is a country under threat, from a "witches' brew" of terrorism and extremism'.²⁸ Pakistan is seeing a rise in the 'Talibanisation' of its society, which is threatening the influence of its government.²⁹ While this is largely restricted to Pakistan's periphery, in particular the Federal Administered Tribal Areas, the North West Frontier Province and Baluchistan,³⁰ Malik contends that this rising militancy has become an increased threat to the survival of Pakistan—and greater than that posed by the conventional threat from India.³¹

Pakistan's response to the increasing extremist threat has been haphazard, in part because of weak counterinsurgency capabilities within Pakistan's security

forces and the lack of a comprehensive government strategy to defeat militant organisations.³² Rakisits contends that Islamabad's response to this threat requires the Pakistan Army to 'hunt down the Afghan Taliban, *al-Qaeda* and their Pakistani allies and permanently shut down their network', while at the same time 'extend[ing] the rule of law and promot[ing] sustainable economic development' in Pakistan's periphery.³³

One recent study has concluded that increased threats of terrorism in Pakistan are the result of high inequity in Pakistani society and poor policing and judicial practice.³⁴ Further, the poor governance, lack of political integration and the low socio-economic development of the periphery regions of Pakistan, particularly in the Federal Administered Tribal Areas, has set the conditions for the growth of terrorist organisations in these regions.³⁵

As a result, these areas are central to the instability of Pakistan.³⁶ The ingredients for increasing threats from terrorism are amplified through poor policing and the use of informal law and justice systems, which are susceptible to corruption and bias.³⁷ Accordingly, it is in these areas where Australia has an opportunity to assist Pakistan, and benefit as a result.

Policy opportunities

Australia lacks the influence to address the macro issues in Pakistan and thus should focus on niche opportunities to influence Australia's strategic interests.³⁸ The Australian Government is well positioned to enhance its relationship with Pakistan, as it has very little 'political baggage or perceived agenda' in comparison to other Western nations.³⁹ Australia has excellent access to the Pakistani Government, where a functioning bureaucracy and military architecture exists.⁴⁰ These niche opportunities should be concentrated on problems of instability emanating from Pakistan's geographic peripheries.

Initiative 1.1

Provide an interagency counterinsurgency training team to train Pakistani security leaders in Pakistan.

The first recommended initiative is that an Australian interagency counterinsurgency training team should be established to educate mid-level leaders in the Pakistani security agencies, aimed specifically at the Major- to Colonel-level in the Pakistani Armed Forces and police. The aim would be to address the identified weaknesses in the Pakistan Army's counterinsurgency operations, linked to the lack of a comprehensive, whole-of-government strategy.

A review of publicly-available statements indicates that the Australian Government has already offered Pakistan opportunities to conduct counterinsurgency and counter improvised explosive device (IED) training and exchanges in Australia.⁴¹ The current counterinsurgency training concept is concentrated on an exchange between the two nations respective Staff Colleges, which commenced in 2010.⁴² However, this program is constrained by the number of Pakistani personnel able to attend activities in Australia. The current approach, therefore, restricts the potential to improve Pakistan's whole-of-government counterinsurgency capability.

It is proposed instead that the Australian Government should offer an interagency counterinsurgency training team to train Pakistani personnel in Pakistan. The emphasis would be to develop Pakistan's ability to:

- Develop comprehensive, whole-of-government strategies in the unstable periphery regions of Pakistan in order to address the causes of terrorism and extremism;
- Plan and conduct interagency operations; and
- Develop counter IED training packages, with an emphasis on intelligence-led operations to enable the targeting of IED manufacturers and supply chains.⁴³

Sending an Australian team to Pakistan would demonstrate Australia's commitment to Pakistan's security and stability, and would also allow for a higher number of Pakistani security and government personnel to complete the training. Its prerequisites would include an appropriate status-of-forces agreement and a secure site for the training team.

Initiative 1.2

Provide assistance in community policing development in Pakistan's periphery.

The second suggested initiative relates to community policing. A number of commentators have identified that local policing practices in Pakistan's periphery are a critical cause for terrorism and extremism.⁴⁴ Therefore, it is recommended that the Australian Federal Police (AFP) develops a community policing program for local police, with an emphasis on the periphery regions of Pakistan.

The program should aim to achieve the following outcomes:

- Increase governance of the local police and judiciary through making them more accountable to civilian oversight;⁴⁵
- Reduce the endemic levels of police and judicial corruption;
- Improve the professionalism of local police forces and have them focus on providing a sense of community security, in particular focusing on improved training for lower ranks;⁴⁶ and
- Develop the ability to conduct interagency counterinsurgency operations.

This initiative could be conducted as part of Initiative 1.1 or be delivered separately. The key issue for this program would be how to deliver it within the periphery regions of Pakistan, as these areas would likely be unsuitable for the AFP to operate in. Therefore, it is recommended that this program be delivered by a local or international implementing power, in partnership with the AFP.⁴⁷

Conclusion

Because of Pakistan's global geopolitical significance and its influence on regional security, it is in Australia's interest to ensure that Pakistan remains a secure and stable nation. It is evident that Pakistan's security and stability is threatened by the existential threat of terrorism and extremism. To address these threats, Pakistan should be encouraged to develop a whole-of-government approach to counterinsurgency. It is in this area that Australia has an opportunity to support Pakistan and, by doing so, enhance the bilateral relationship and help protect Australia's national interests in South Asia.

Australia's growing economic ties with South Asia are reliant on a stable and secure environment for trade and investment. Furthermore, Australia's objectives in supporting a democratic and stable Afghanistan are directly affected by the Pakistan Government's ability to control malfeasant elements prevalent in its border areas. The two initiatives suggested in this paper seek to enhance the capacity of Pakistani security forces, and would support Australia's national interests for security and stability in South Asia.

Notes

- 1 Mark Binskin, 'Speech to Pakistan Command and Staff College, Quetta'. Address by the Vice Chief of Defence Force, [Australian] *Department of Defence* [website], 16 August 2013, p. 14, available at <<http://www.defence.gov.au/VCDF/docs/speeches/130816%20-%20AIR%20MARSHAL%20MARK%20BINSKIN%20SPEECH%20TO%20PAKISTAN%20COMMAND%20AND%20STAFF%20COLLEGE.pdf>> accessed 2 September 2015.
- 2 This paragraph based on Claude Rakisits, 'Engaging Pakistan', *Lowy Institute* [website], 3 December 2008, p. 3, available at <<http://www.lowyinstitute.org/publications/engaging-pakistan>> accessed 17 October 2015; and Kate Boswood, Jacob Townsend and Silal Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', *Australian Strategic Policy Institute (ASPI)* [website], Strategic Insights No. 55, March 2015, pp. 1-2, available at <<https://www.aspi.org.au/publications/strategic-insights-55-beyond-af-pak-australias-long-term-interests-in-pakistan>> accessed 17 October 2015.
- 3 Binskin, 'Speech to Pakistan Command and Staff College, Quetta', p. 10.
- 4 Australian Department of Foreign Affairs and Trade (DFAT), 'Country brief: Pakistan', DFAT [website], available at <<http://dfat.gov.au/geo/pakistan/pages/pakistan-country-brief.aspx>> accessed 19 August 2015.
- 5 David Brewster, 'The India-Australia security engagement: opportunities and challenges', *Gateway House* [website], Research Paper No. 9, 30 October 2013, p. 41, available at <<http://www.gatewayhouse.in/the-india-australia-security-engagement-opportunities-and-challenges/>> accessed 19 October 2015.
- 6 DFAT, 'Country brief: Pakistan'.
- 7 DFAT, 'Country brief: Pakistan'.
- 8 This position is also supported by statements by Australian ministers. A clear example is when then Foreign Minister Kevin Rudd said in 2013 that '[w]hat happens in Pakistan directly affects the security of the region and Australia's long-term national interests. All countries of our region and beyond will benefit from a Pakistan which is democratic, stable and prosperous': Kevin Rudd, 'Australia and Pakistan: a long-term friendship', [Australian] *Foreign Minister* [website], 28 November 2010, available at <http://foreignminister.gov.au/speeches/Pages/2010/kr_sp_101128.aspx?ministerid=2> accessed 25 August 2015.
- 9 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', pp. 2-7.
- 10 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', pp. 6-7.
- 11 Rakisits, 'Engaging Pakistan', p. 4.
- 12 Moeed Yusuf, 'Pakistan-US relations: an inconvenient partnership of convenience', in Ashutsh Misra and Michael E. Clarke (eds.), *Pakistan's Stability Paradox*, Routledge: London, 2012, p. 10.

- 13 *Laskar-e-Tayyiba* has conducted attacks in the region, predominantly in India, and has had operatives arrested in the US, and *Tehreek-e-Taliban Pakistan* was involved in the 2010 Times Square plot in New York City: Seth Jones, 'After the withdrawal - a way forward in Afghanistan and Pakistan', Testimony before the Committee on Foreign Affairs Subcommittee on Middle East and North Africa and Subcommittee on Asia and the Pacific- United States House of Representatives, *Rand* [website], 19 March 2013, pp. 1-3, available at <<http://www.rand.org/pubs/testimonies/CT382.html>> accessed 16 February 2015.
- 14 Rakisits, 'Engaging Pakistan', p. 4.
- 15 Binskin, 'Speech to Pakistan Command and Staff College, Quetta', p. 14. See also DFAT, 'Country brief: Pakistan'; Julie Bishop, 'The role of women and families in challenging terrorist propaganda', Address by the Australian Foreign Minister to the Regional Summit to Counter Extremism Panel, [Australian] *Foreign Minister* [website], 11 June 2015, available at <http://foreignminister.gov.au/speeches/Pages/2015/jb_sp_150611.aspx?w=tb1CaGpkPX%2FIS0K%2Bg9ZKEg%3D%3D> accessed 2 September 2015; Mateen Haider, 'Australian Defence Chief calls on General Raheel Sharif', *Dawn News* [website], 11 February 2015, available at <<http://www.dawn.com/news/1162925/australian-defence-chief-calls-on-general-raheel-sharif>> accessed 2 September 2015; Angus Houston, 'Opening statement to media roundtable 13 September 2010', Address by Air Chief Marshal Angus Houston, [Australian] *Department of Defence* [website], available at <<http://www.defence.gov.au/media/speechtpl.cfm?CurrentId=10808>> accessed 2 September 2015.
- 16 Rakisits, 'Engaging Pakistan', p. 4.
- 17 Julie Bishop, 'Address to North Atlantic Council', Address by the Australian Foreign Minister, [Australian] *Foreign Minister* [website], 24 April 2015, available at <http://foreignminister.gov.au/speeches/Pages/2015/jb_sp_150424.aspx?w=tb1CaGpkPX%2FIS0K%2Bg9ZKEg%3D%3D> accessed 2 September 2015. This national interest includes 400 ADF personnel committed to the NATO Resolute Support Mission and a financial commitment of US\$300 million to security sector sustainment in Afghanistan.
- 18 Many academics, academic journals and journalists state these facts: see Jones, 'After the withdrawal- a way forward in Afghanistan and Pakistan', pp. 7-9; Rakisits, 'Engaging Pakistan', p. 4; A. Nicoll, 'US and Pakistan: a troubled relationship', *Strategic Comments*, Vol. 18, No. 1, 1 March 2012, abstract available at <<http://www.tandfonline.com/doi/abs/10.1080/13567888.2012.671054>> accessed 19 October 2015; Mohan Malik, *China and India: Great power rivals*, First Forum Press: Boulder, 2012, pp. 176-9; and William Maley, 'Pakistan-Afghanistan relations', in Misra and Clarke, *Pakistan's Stability Paradox*, pp. 128-30.
- 19 Thomas Barfield, *Afghanistan: A cultural and political history*, Princeton University Press: Princeton, 2010, p. 328.
- 20 The statement also noted that Australia's and NATO International Security Assistance Force's 'new strategy ... includes a greater focus on partnership with Pakistan to address violent extremism in the border regions that threatens both Pakistan and Afghanistan: see Julia Gillard, 'No safe haven', Prime Ministerial Statement, House of Representatives, [Australian] *Department of the Prime Minister and Cabinet* [website], 10 October 2010, available at <<http://pmttranscripts.dpmpc.gov.au/release/transcript-17471>> accessed 24 August 2015.
- 21 Malik, *China and India*, p. 172.

- 22 Paul J. Smith, 'The tilting triangle: geopolitics of the China-India-Pakistan relationship', *Comparative Strategy*, Vol. 32, No. 4, 2013, pp. 314-6.
- 23 Smruti Pattanaik, 'India's Afghan policy: beyond bilateralism', *Strategic Analysis*, Vol. 36, No. 4, July-August 2015, p. 576.
- 24 Julie Bishop, 'Tabling and statement in Parliament - Australia-India Civil Nuclear Cooperation Agreement', Address by the Australian Foreign Minister, [Australian Foreign Minister [website], 28 October 2015, available at <http://foreignminister.gov.au/speeches/Pages/2014/jb_sp_141028.aspx?w=tb1CaGpkPX%2FIS0K%2Bg97KEg%3D%3D> accessed 2 September 2015.
- 25 Malik, *China and India*, p. 165.
- 26 Zain Rafique and Muhammad Azfar Anwar, 'Insurgency in Afghanistan: implications for Pakistan's internal and external security', *Defense & Security Analysis*, Vol. 30, No. 3, 12 June 2014, p. 273.
- 27 Safiya Aftab, 'The 2014 ISAF pullout from Afghanistan: impacts on Pakistan', *NOREF [Norwegian Peacebuilding Resource Centre] [website]*, 12 December 2013, p. 2, available at <<http://www.peacebuilding.no/Regions/Asia/Afghanistan/Publications/The-2014-ISAF-pullout-from-Afghanistan-impacts-on-Pakistan>> accessed 19 October 2015.
- 28 Maley, 'Pakistan-Afghanistan relations', p. 132.
- 29 'Talibanisation' is a process of promulgation of an ideology of Islamic purification, and the emergence of organised groups that see implementation of this ideology as a fundamental goal and a consequent limiting of the autonomous capacity of the state, either throughout the country or in particular regions: Maley, 'Pakistan-Afghanistan relations', p. 131.
- 30 Clause Rakisits, 'The evolution of the Pakistani Taliban', in Misra and Clarke, *Pakistan's Stability Paradox*, p. 135.
- 31 Malik, *China and India*, p. 176.
- 32 Christopher L. Budihas, 'What drives Pakistan's interest in Afghanistan?', School of Advanced Military Studies, US Army Command and General Staff College: Fort Leavenworth, April 2011, p. 12.
- 33 Rakisits, 'The evolution of the Pakistani Taliban', p. 150.
- 34 Research conducted at Forman Christian College, Lahore, Pakistan, cited in Shahibb Haider Syed, Luqman Saeed and Roger Martin, 'Causes and incentives for terrorism in Pakistan', *Journal of Applied Security Research*, Vol. 10, No. 2, 9 April 2015, pp. 198-201.
- 35 Rakisits, 'The evolution of the Pakistani Taliban', p. 137.
- 36 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 8.
- 37 This is based on Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', pp. 8-12; and Rakisits, 'The evolution of the Pakistani Taliban', pp. 138-40.
- 38 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 2.
- 39 Rakisits, 'Engaging Pakistan', p. 6.

- 40 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 2.
- 41 Binskin, 'Speech to Pakistan Command and Staff College, Quetta', pp. 10-14; DFAT, 'Country brief: Pakistan'; Department of Defence, 'Chief of the Defence Force visits Pakistan', 13 February 2015, [Australian] *Department of Defence* [website], available at <<http://news.defence.gov.au/2015/02/13/chief-of-the-defence-force-visits-pakistan/>> accessed 2 September 2015; and Sam Bateman, Anthony Bergin and Hayley Channer, 'Terms of engagement - Australia's regional defence diplomacy', *ASPI* [website], July 2013, pp. 61-2, available at <<https://www.aspi.org.au/publications/terms-of-engagement-australias-regional-defence-diplomacy>> accessed 19 October 2015.
- 42 Bateman, Bergin and Channer, 'Terms of engagement - Australia's regional defence diplomacy', p. 61
- 43 Note that the counter IED training concept announced by Air Chief Marshal Binskin on his visit to Pakistan stated that the two nations would explore options to cooperate on counter IED training, exercises and exchanges, however, there are no further details available at this time: Department of Defence, 'Chief of the Defence Force visits Pakistan'.
- 44 Syed, Saeed and Martin, 'Causes and incentives for terrorism in Pakistan', pp. 200-1.
- 45 Syed, Saeed and Martin recommend that the local police should become more accountable to the already established 'Public Safety Commission': Syed, Saeed and Martin, 'Causes and incentives for terrorism in Pakistan'.
- 46 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 11.
- 47 Boswood, Townsend and Shafqat, 'Beyond Af-Pak, Australia's long-term interests in Pakistan', p. 12.

China's Assertiveness in the South China Sea: How will it affect Australia's national interests over the next ten years?

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Abstract

This paper addresses the question of whether China's assertiveness in the South China Sea is likely to affect Australia's national interests over the next ten years. It notes that China has been demonstrating increasingly-assertive behaviour in the South China Sea, which has the potential to affect Australia's national interests through the pressure being placed on the framework of the rules-based global order, with particular implications for freedom of navigation within and through the South China Sea.

The paper argues that Australia will need to tread carefully in showing its resolve, not least in balancing the relative merits of strategic monogamy with the US against the increasing importance of its Asian economic relationships, notably with China. The paper concludes that Canberra's approach should not be a binary choice but a careful balancing of Australia's interests, which would also provide an opportunity for Australia to emerge as an influential player in contributing to the security and stability of the region.

Introduction

We need to match aspiration to capacity. We need to understand the way in which history has shaped current challenges. We need to understand strategic geography, as well as the character and temperament of our international partners.

Peter Varghese, Secretary of the Department of Foreign Affairs and Trade,
August 2015¹

The South China Sea is of significant geostrategic importance, and has been the focus of seemingly-intractable territorial disputes for decades. This semi-enclosed maritime area, comprising some 3.5 million square kilometres, is bordered by the coastal states of China, Taiwan, The Philippines, Vietnam, Malaysia, Brunei and Indonesia. It is home to a number of island groups, including the Spratly Islands, most of which are the subject of competing territorial claims.² The disputes have increased in intensity in the last decade, largely as a result of China's increased assertion to its claims.

The South China Sea contains strategically-important sea lanes, which facilitate the essential trade that feeds the burgeoning economies of the region. Described by Robert Kaplan as 'the throat of the Western Pacific and Indian Oceans', the waterways of the South China Sea are vital to Australia's interests, carrying the majority of its trade to major economic markets in China, Japan and the Republic of Korea.³ The region also has abundant fish stocks, as well as what is believed to be significant oil and gas reserves.⁴ However, it arguably is the volume of oil and natural gas imports which transit the sea lanes of the South China Sea that is more important than the resources beneath.⁵

Since 2013, China has demonstrated increasingly-assertive behaviour in the South China Sea as a means to protect its sovereignty and safeguard the attendant maritime rights and interests, underscored by a strong nationalist fervour.⁶ This has the potential to affect Australia's national interests through the pressure being placed on the framework of the rules-based global order, increasing regional tension and the likelihood of miscalculation, and with implications for freedom of navigation within and through the South China Sea.⁷

This paper will analyse the extent to which China's assertiveness has the potential to affect Australia's national interests over the next ten years. It will argue that this is a test, as much as an opportunity, for Canberra to articulate strategic policy that improves Australia's standing in the region. The paper will contend that China's assertiveness is foremost about sovereignty, and that an equitable solution to the territorial disputes—at least for the foreseeable future—will accordingly remain elusive.

The paper will argue that while Australia has legitimate national interests in the South China Sea, it will need to tread carefully in showing its resolve, not least in balancing the relative merits of strategic monogamy with the US against the increasing importance of its Asian economic relationships. It will postulate that clear strategy and policy will be essential, acknowledging the dilemma that acting in Australia's interests has the very real potential to negatively affect them. The paper will conclude by arguing that Canberra's approach should not be a binary choice but a careful balancing of Australia's interests, which would also provide an opportunity for Australia to emerge as an influential player in contributing to the security and stability of the region.

China's assertiveness

China's claims to sovereignty over the islands and features in the South China Sea are based on its contention of historical rights which pre-date the UN Convention on the Law of the Sea (UNCLOS).⁸ China argues that the map of the so-called 'nine-dash' or 'U-shaped' line, which is the basis of its historical claim of sovereignty, has been in existence since before the People's Republic of China was established in 1949.⁹ China accordingly asserts that it has 'indisputable sovereignty over the islands in the South China Sea and the adjacent waters ... supported by abundant historical and legal evidence'.¹⁰

Since 2013, China has undertaken unprecedented land reclamation activity in the South China Sea, resulting in the construction of a number of artificial islands, some of which host airfields, harbours and military infrastructure.¹¹ During this period, the sovereignty disputes have been widely publicised, resulting in markedly-increased nationalist sentiment in several of the claimant nations, including anti-Chinese demonstrations in Vietnam and The Philippines.¹² In China, nationalist sentiment has been the centrepiece of public opinion of the dispute, seemingly encouraged by actions such as the inclusion of the U-shaped line on newly-issued passports.¹³

China's actions in the South China Sea, over a prolonged period, have been described as 'salami slicing', where a gradual accumulation of evidence of customary presence purportedly enhances China's claims to sovereignty in terms of international law, and works towards eventual settlement in its favour.¹⁴ Michael Wesley contends that China has a 'telocratic' approach, which is a trait common to the broader Asian region, where countries exhibit little interest in forging collective institutions to support liberal rules, and advocate not to interfere with the affairs of other states.¹⁵ Such an approach reinforces the primacy of national interests and the state's obligation to maintain stability and security without reliance on collective institutions.

China's attitude towards UNCLOS is illustrative. While China is a signatory to UNCLOS, it is unlikely that it will adhere to the conventions unless it provides an advantage. This is unsurprising when viewed through a telocratic lens, in that the motivation for China's signatory status is more likely a result of advantage gained from the importance given to islands under the development of UNCLOS since the 1970s.¹⁶ This may explain the increase in tension over the decades since, related to territorial sovereignty over the islands in the South China Sea.

The sea lines of communication in the South China Sea are vital for China's economic prosperity and energy security, with 80 per cent of China's crude oil imports passing through the South China Sea.¹⁷ When nationalist idealism over sovereignty and China's fear of encirclement are added, the prospect of a negotiated settlement seems remote.¹⁸ UNCLOS asserts that parties have an obligation to settle disputes by peaceful means.¹⁹ However, UNCLOS contains no such mechanism. And while the Permanent Court of Arbitration has jurisdiction for dispute resolution, its findings require acceptance of its authority by the concerned parties, which China has failed to concede in the Court's current hearing of an appeal lodged by The Philippines. This creates an uncertain regional environment, exacerbated by the build-up of naval forces and the increased risk of miscalculation, with important implications for Australia's national interests.

Australia's national interests

Security and prosperity are the foundation of Australia's national interests, based on a stable Indo-Pacific region, facilitated by a rules-based global order.²⁰ Within that region—and indeed globally—Australia is uniquely situated, with the geographic advantage of relative isolation in the Southern Hemisphere, and the economic advantages associated with geographic proximity to Asia, which affords great opportunity for inclusive relations within the world's fastest growing economic region.

Australia is a heavily trade-dependent nation, and its economic security relies on the sea lines of communication that connect it with its trading partners. Nearly two-thirds of Australia's exports pass through the South China Sea, primarily to its three largest export markets in China, Japan and the Republic of Korea.²¹ Trade with ASEAN countries, some of which also transits the South China Sea, was worth over A\$100 billion in 2014.²²

Notwithstanding this economic dependency on the markets of Asia, Australia's cultural and historical ties see its deepest and most enduring links with key Western nations, best represented by the strength of its enduring security

alliance with the US. Viewed optimistically, this geopolitical dilemma should offer opportunities for increased influence in the Asian region, with Australia potentially a bridge between East and West.²³

Deepening Australia's relationship with the US through the crucible of its strategic alliance is also a core national interest. The ANZUS treaty with the US underpins Australia's security and is vital to security and stability in the Indo-Pacific region.²⁴ It also provides disproportionate influence and access to the US, which affords an opportunity to shape US activities in ways advantageous to Australia's national interests.²⁵ The same should also apply to Australia's growing strategic relationship with Tokyo.²⁶

Australia's national interests are, therefore, particularly enmeshed in the complexities of the South China Sea. Australia has close ties with China, particularly from an economic perspective, but also growing cooperation in defence and security issues.²⁷ It also has longstanding economic and security ties with the US and Japan. Adding to the complexity is the deep-seated enmity between Japan and China, and the historical tensions between Japan and South Korea, as well as some residual ill-feeling towards Japan from some Southeast Asian countries as a result of its actions in World War 2.²⁸ This puts Australia in a challenging position in terms of acting in its national interest, as some actions have the potential to adversely impact bilateral relations with one or more of its key partners.²⁹

Australia's policy and approach

With the rise of China and growing concerns regarding China's adventurism in the South China Sea, there has been some debate in Australia that it may soon have to choose between China and the US.³⁰ But that may not necessarily be the case. Australia obviously must act in accordance with its national interests, which—at present anyway—involve maintaining the economic partnership with China for prosperity and the strategic alliance with the US to underpin Australia's security.

In fact, the argument of needing to make a choice would seem to presuppose that—against the backdrop of Chinese assertiveness in the South China Sea—increasing Australia's economic relationship with China at the same time as deepening its security relationship with the US, and countries like Japan, would be mutually incompatible. Yet that is exactly Australia's current trajectory—and it seems to be working for now.

The challenge is how to continue to balance these arrangements. Criticism of Australia's approach has included the notion that foreign policy has been indecisive, aimed at a hedging strategy to avoid offending any key partners.³¹

If considered through the rubric of Australia's national interests, then it is the strength of these relationships, and firm, unambiguous messaging, which will allow the relationships to wax and wane in those instances where national interests diverge.

An example of such resolve occurred in 2013 when Australia's Foreign Minister Julie Bishop spoke out against China's unilateral declaration of an air defence identification zone in the East China Sea, saying that 'the timing and the manner of China's announcement are unhelpful in light of current regional tensions, and will not contribute to regional stability'.³² In support of Foreign Minister Bishop's stance, John Garnaut asserted that 'China does not respect weakness... [w]hen something affects our national interest then we should make it very clear about where we stand'.³³

During the later visit to Australia of Japan's Prime Minister, Foreign Minister Bishop asserted that those who said that Australia had to choose between its security alliances and economic engagement with China had been proven 'absolutely wrong', noting that 'there had been no economic fallout from that exchange'.³⁴ However, notwithstanding the lack of economic consequence from that particular exchange, China has the potential to exert significant economic leverage over Australia, and it follows that any future miscalculation in foreign policy regarding the dispute in the South China Sea may not be cost free.³⁵

Despite the closeness of Australia's security partnership with the US, there have also been occasions when Australian and US national interests have been at odds. The considerable criticism from the US of then Foreign Minister Alexander Downer's comments in 2004 regarding Taiwan is such an example, where he indicated that in the event of a conflict with China, the ANZUS treaty would not necessarily apply.³⁶

Although the comments generated apparent US outrage, there were no deleterious consequences to the alliance relationship. More recent sentiment that Australia's security alliance should not necessarily be exclusive came from former Foreign Minister Gareth Evans in November 2015 who, while supportive of the alliance, opined that Australia should demonstrate a more independent approach in the region, particularly as it related to the US rebalance to the Asia-Pacific.³⁷

While Australia has continued to work towards strengthening the alliance to support the US pivot strategy, including agreeing to the rotation of up to 2500 US marines through Darwin for training and exercises, there nevertheless needs to be careful consideration of how assertive Australia's actions should be in showing resolve towards Chinese actions in the South China Sea.³⁸ The US has recently increased its presence in the region, including undertaking so-called

freedom of navigation operations in disputed areas, with pressure increasing for Australia to take a similar stance.³⁹ In October 2015 and January 2016, the US deliberately conducted separate freedom of navigation operations in the South China Sea, involving US Navy ships passing within 12 nautical miles of features claimed by China, Vietnam and Taiwan.⁴⁰

Unlike the US, Australia does not have a formal freedom of navigation program but exercises its rights to freedom of navigation and overflight in routine operations.⁴¹ Representations that Australia should show more resolve toward this issue and similarly conduct freedom of navigation operations in the South China Sea tend to oversimplify a complex issue, involving sovereignty claims by multiple disputants, and the quite separate issues of the classification of offshore features and legal application of maritime zones under UNCLOS.

Moreover, this impatience to be seen to be doing something tangible in response to Chinese assertiveness tends to obscure the reality that Australia has a great deal at stake and needs to carefully consider the best course of action according to its national interests, rather than falling into the trap of political syllogism.⁴² The risk of employing the logic of 'being seen to do something' in the form of formal freedom of navigation operations is that it is unlikely to achieve anything more than antagonising an already-sensitive China over territorial disputes it regards as sovereign territory.⁴³

Such a demonstration would be a step-change in Australia's customary approach to exercising freedom of navigation, and risks unnecessarily damaging Australia's relationship with China. It risks reinforcing China's fears of encirclement, as well as further increasing tensions in the region and setting back options for stabilisation and resolution; it could also have a detrimental effect on Australia's reputation and influence in the broader Asian region, compounding the perception of Australia as the 'deputy sheriff' of the US.⁴⁴

Further, the absence of policy on the status of features in the South China Sea makes it problematic to apply international law (or the provisions of UNCLOS) in conducting such operations.⁴⁵ It would also seem prudent to await the outcome of the current hearing before the Permanent Court of Arbitration of The Philippines' case against China to determine what, if any, rulings are relevant to future activities in the region.⁴⁶ Finally, it might be instructive to reflect on James Cable's seminal work, *Gunboat Diplomacy*, where he noted that 'something done by one government does not have the same results as the identical deed of another'.⁴⁷

Conclusion

The seeming intractability of disputes in the South China Sea is due to a myriad of complex factors that make the resolution of sovereignty issues unlikely in the foreseeable future. It is far more likely that tensions will continue, with the focus of regional security and stability a question of management rather than resolution.

It has been argued in this paper that the desire to consider a binary choice as to what Australia should do in advancing its national interests in the South China Sea should be resisted in favour of balancing the complexity of Australia's interdependent security and economic relationships in meeting its strategic goals. The choices made by Canberra will need to ensure that Australia's position on the dispute and any pursuant actions do not result in unintended costs to Australia's important economic relationship with China, or compromise Australia's commitment to the US alliance.

The implications of strategic decisions such as joining the US in more coercive naval diplomacy need to be considered carefully. Exercising caution now, however, does not preclude Australia from exercising more decisive action, including the use of naval power, if it is in the national interest to do so. The Australian Government's decision, therefore, is not whether it is a choice of strategic monogamy with the US at the expense of Australia's key relationship with China—or whether to be a 'hawk' or a 'dove' in being seen to 'do something' to protect Australia's national interests in the South China Sea—but a matter of ensuring some political and diplomatic room to manoeuvre to pursue Australia's best interests.

For now, Australia can have it both ways. But it will need to espouse clearly Australia's national interests and be prepared to act to protect them, which includes courage and consistency in strategic decision making when its national interests diverge from those of its major partners. This means there may be times when exclusivity of Australia's strategic relationships may not be absolute.

Strong regional and bilateral relationships, underpinned by support for the multilateral institutions that promote the rules-based global order, will support these more difficult decisions and assist in making the outcomes more predictable. It is in Australia's national interests to leverage its unique relationships with the US and China to advantage, and to take a proactive leadership role in the Asian region—and use this influence to meet its goals of protecting Australia's interests through contributing to the maintenance of order and stability in the Indo-Pacific region.

Notes

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- 37 Gareth Evans, 'Navigating Australia's relations with China and the United States', speech to 'China Matters, 2nd National Meeting', Melbourne, 19 November 2015, available at <<http://www.gevans.org/speeches/speech589.html>> accessed 2 March 2016.
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Biographical details



Senior Chaplain Collin Acton

Royal Australian Navy

Senior Chaplain Collin Acton joined the RAN in 1979 as an apprentice. In January 1988, he left the Navy to work part-time while undertaking a year of discernment at St Paul's Anglican Church, Chatswood. In February 1989, he entered Moore Theological College, graduating in January 1993. He was appointed as Assistant Minister at Port Kembla for two years and then a further two years at Christ Church, Blacktown.

He rejoined the Navy in March 1997 and served at HMAS *Kuttabul* as base support chaplain, and then at sea for two years in HMAS *Success*, which included support to East Timor. Senior Chaplain Acton was then posted to HMAS *Cairns*, where he also completed a Graduate Diploma in Psychology. In January 2004, he was posted to ADFA, during which time he completed an Honours Degree in Social Science (Psychology). In mid 2007, he was appointed as the RAN Senior Chaplain Training.

In 2009, Senior Chaplain Acton was posted as the Senior Chaplain Afloat in HMAS *Stuart* for Operation SLIPPER. In November 2011, he was appointed Fleet Command Chaplain. In 2012, Senior Chaplain Acton served a rotation at Headquarters Joint Task Force 633, providing leadership and pastoral care to ADF Chaplains in the Middle East Area of Operations and pastoral support to personnel in locations without access to an ADF Chaplain. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



Commander Kate Buggy

Australian Federal Police

Commander Kate Buggy joined the Australian Federal Police in January 1987 and initially deployed to ACT Policing general duties. She later moved to National Criminal Investigations and worked on a number of task forces. She completed the Close Personal Protection course, and undertook protection duties when not involved in investigations.

From 1999, she worked in a number of executive staff officer positions, including as staff officer to Commissioner Keelty, and the Law

Enforcement Liaison officer to the Federal Minister for Justice on a number of occasions between 2002 and 2010. In 2004, she took up a role in Counter Terrorism, where she was involved in the response to the second Bali bombing and the 2004 Indian Ocean tsunami. She was also involved in the planning and execution of a number of Australia-New Zealand counter-terrorism exercises.

In 2006, Commander Buggy was appointed to the role of Manager Ministerial, providing high-level support to the senior executive and office of the Federal Minister for Justice. In late 2008, she moved back to ACT Policing and was given responsibility for reshaping the crime prevention portfolio, where she was awarded a Commissioner's Commendation for Conspicuous Conduct.

In 2010, Commander Buggy moved back to Protection, which later included the role of Coordinator for Protection Security Operations. Commander Buggy holds a Graduate Certificate in Applied Management and, in 2009, attended the UK National Policing Improvement Agency as a visiting fellow. In 2015, she attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies, Australian Defence College, qualifying for a Master of Arts (Strategic Studies) from Deakin University. She is currently the Manager at Parliament House.



Air Commodore Margot Forster, CSM

Royal Australian Air Force

Air Commodore Margot Forster joined the RAN in 1982. Her early postings included HMAS *Cerberus*, at sea as a Deputy Supply Officer, and Staff Officer to the Director of Naval Officers' Postings. In October 1988, she transferred to the RAAF and was posted to RAAF Base Williamtown. After accompanying her husband to a posting in the US, she returned in May 1995 to a staff position in Air Force Materiel Division. In 1997, she was posted to Aircraft Research and Development Unit as the Administrative Officer.

Air Commodore Forster returned to Canberra in 1999 to join the Air Force Personnel Transition Team, before working as Staff Officer to the Director General Personnel-Air Force. Later postings included Senior Administrative Officer No. 92 Wing, Staff Officer Maritime Patrol Group, Staff Officer Establishments in Air Force Headquarters, and on the Chief of Air Force's Rebalance and Reshape Team.

In January 2007, she was appointed Base Commander RAAF Base Williams and Commanding Officer Combat Support Unit Williams. After a posting to Aerospace Operational Support Group as Staff Officer Personnel, she deployed in November 2010 to the Middle East Area of Operations as Commanding Officer Combat Support Unit, Al Minhad Air Base.

In May 2012, she was appointed Director Pathway to Change. In January 2013, she took up the position of Chief of Staff Air Force Personnel Branch. Air Commodore Forster attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies in 2015, completing a Master of Arts (Strategic Studies) from Deakin University. In December 2015, she was appointed Commandant Australian Command and Staff College.



Brigadier Natasha Fox, AM, CSC

Australian Army

Brigadier Natasha Fox graduated from the Royal Military College, Duntroon in 1991, into the Royal Australian Army Ordnance Corps. Her early career included postings to several corps-related appointments, an instructor at ADFA, and aide-de-camp to the Chief of Army, as well as Project Director for the dedication of the Australian Korean National War Memorial.

Her more recent postings have included Headquarters Logistic Support Force, Special Operations Command, Headquarters Training Command-Army and Commanding Officer/Chief Instructor at ADFA. In 2013, she was the Director of Personnel Policy-Army. Brigadier Fox has operational experience with the UN Truce Supervision Organisation, serving in Lebanon and Syria. She also deployed on Operation SLIPPER during the period June 2012 to January 2013.

Brigadier Fox is a graduate of the 2003 Australian Army Command and Staff College and has a Bachelor of Arts, a Master of Business Administration (University of Southern Queensland) and a Master of Management in Defence Studies (University of Canberra), as well as being a graduate of the Australian Institute of Company Directors. She attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015, where she completed a Masters of Politics and Policy from Deakin University. She is currently the Director General Workforce Planning.



Group Captain Lindley (Jim) Ghee, OAM

Royal Australian Air Force

Group Captain Lindley (Jim) Ghee joined the RAAF in 1986. His early postings included No. 33 Squadron and No. 36 Squadron. In 1988, he participated in No. 84 Wing's detachment to Kuwait in support of Operation SOUTHERN WATCH. During 2002, he deployed with No. 84 Wing's detachment to Kyrgyzstan, in support of operations in Afghanistan.

In 2003, Group Captain Ghee completed Australian Command and Staff Course, and continued as directing staff throughout 2004.

In late 2005, he assumed command of No. 33 Squadron. Later postings included Headquarters Air Lift Group, Director of Joint Project 160 Transition Team, Director Plans/Operations at Headquarters Air Command, and Officer Commanding No. 84 Wing.

Group Captain Ghee has a Bachelor of Science from the University of NSW, and a Masters of Management in Defence Studies from the University of Canberra. He attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015, completing a Master of Arts (Strategic Studies) from Deakin University. He is currently the Director C-27J (Battlefield Airlifter) Transition Team.



Captain Jeffrey Goedecke

Royal Australian Navy

Captain Jeffrey Goedecke joined the RAN in 1980. After specialising in communications and electronic warfare, he studied languages in 1985, qualifying as a Vietnamese translator/interpreter. He subsequently served in a range of RAN ships and qualified as a submariner in 1987, with his early postings including HMAS *Hobart*, HMAS *Perth*, HMAS *Sydney* and HMAS *Brisbane*. He deployed to the Persian Gulf as part of Operation DAMASK.

Captain Goedecke commanded HMAS *Townsville* from December 2001 to July 2003. He then served as a Staff Officer in the Maritime Development Branch within Capability Systems Division, before attending the Australian Command and Staff Course in 2004. Later postings included Deputy Director in the Air Warfare Destroyer program, and Executive Officer of HMAS *Watson*.

In June 2007, Captain Goedecke was appointed Commanding Officer of HMAS *Ballarat*. He then Directed the Navy Electronic Warfare reform program, Project Phoenix, before assuming the post of Director General Navy Communications and Information Warfare. A posting to the Middle East followed, as Deputy Commander/Chief of Staff of CTF150, prior to returning to Navy Strategic Command as Chief of Staff. His most recent posting was within the Military Strategic Commitments Branch of ADF Headquarters.

Captain Goedecke holds Masters degrees in Management and Maritime Studies. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies Course at the Australian Defence College.



Air Commodore Richard Keir, AM, CSC

Royal Australian Air Force

Air Commodore Richard (Rick) Keir is a career Air Intelligence Officer who has held appointments at the tactical, operational and strategic levels of command, as an Intelligence specialist and as a generalist, and in both Air Force and joint organisations. He was commissioned in 1988. His early postings included No. 75 Squadron at RAAF Tindal, No. 6 Squadron at RAAF Amberley, and the Air Headquarters Imagery Analysis Centre at RAAF Fairbairn. He also served at Headquarters

Australian Theatre, Defence Materiel Organisation, and as Staff Officer to the Deputy Chief of Air Force.

In September 2002, he was seconded to US Central Command in Florida, and Ninth Air Force in South Carolina. In 2003, he deployed to Saudi Arabia for Operation FALCONER. On return to Australia, he was posted as Director of Intelligence, Surveillance and Reconnaissance at Headquarters Air Command. In 2006, he was appointed to re-form and then command No. 87 Squadron—Air Force's Intelligence Squadron—at RAAF Edinburgh. In January 2009, he was promoted to Group Captain and appointed the Director of the RAAF's Air Power Development Centre. In 2012, he was posted to Headquarters Joint Operations Command. In 2015, he undertook the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies. Air Commodore Keir was promoted to his current rank in December 2015 and appointed as the Director-General Intelligence/J2 at Headquarters Joint Operations Command.

Air Commodore Keir is a graduate of the Canadian Forces College Command and Staff Course and the Centre for Defence and Strategic Studies' Defence and Strategic Studies Course. He holds a Bachelor of Arts and an Executive Master of Public Administration from the Australian National University, and a Master of Arts (Strategic Studies) from Deakin University. He is also a graduate of the Australian Institute of Company Directors.



Colonel Stuart Kenny, CSC

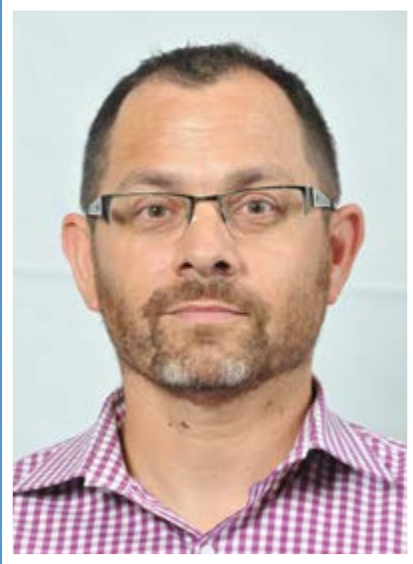
Australian Army

Colonel Stuart Kenny graduated from the Royal Military College, Duntroon in 1991. His early postings included 1 Field Regiment, 4 Field Regiment, 53 Independent Training Battery at the School of Artillery, and an instructor at the Land Warfare Centre. In July 2007, he assumed command of 1 Field Regiment. Later postings included Land Warfare Development Centre; Defence Advisor to the Defence Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade;

and Director Global Operations in Joint Operations Command.

His operational service has included Operation VISTA (1997); Operation OSIER (1999/2000), where he deployed with UK forces to Kosovo; and Operation TANAGER (2001/02); as well as deployments to Afghanistan on Operation SLIPPER in 2010 and again in 2013-14, the latter as Chief of Future Operations and then Director of Operations for the US 4th Infantry Division/Regional Command-South.

Colonel Kenny is a graduate of the UK's Joint Services Command and Staff College 2003/04. He attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies Course at the Australian Defence College, graduating with a Master of Arts (Strategic Studies) from Deakin University. He is currently on the Directing Staff of the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



Superintendent Craig Riviere

Australian Border Force

Superintendent Craig Riviere is a sworn officer of the Australian Border Force. His most recent position has been as Director, Counter-Terrorism Operations within the National Security Branch. Prior to that, he was seconded to the multi-agency team that undertook a review of Australia's counter-terrorism machinery, which was led by the Department of the Prime Minister and Cabinet and which reported to the Government in January 2015.

Superintendent Riviere joined the Australian Public Service (APS) as a research assistant with the Commonwealth Ombudsman's Office in 1994 and, during his APS career, worked as an intelligence analyst in the Australian intelligence community, policy officer at the Department of Immigration, and lawyer at the Attorney-General's Department. A career highlight was representing Australia at the OECD, in a series of legal negotiations in Paris in 2007 and 2008.

Superintendent Riviere has a Bachelor of Arts, a Bachelor of Laws with honours and a Graduate Diploma in Legal Practice. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



Commodore Agus Rustandi

Indonesian National Armed Forces (Navy)

Commodore Agus Rustandi graduated from the Indonesian Naval Academy in 1988 and completed an advanced officer course the following year. He gained sea experience on the Corvettes classes KRI *Fatahillah* and KRI *Nala*. Other early postings included Indonesian Naval Headquarters as a member of the Naval Personnel Administration Service.

In 2009, Commodore Rustandi was posted as Indonesia's Defense Attaché for the Republic of Korea for three years. He was then posted to the Navy Procurement Service in Naval Headquarters Cilangkap Jakarta as Head of Foreign Procurement Subservice.

Commodore Rustandi has a degree from the Indonesian Naval Science and Technology College, specialising in Industrial Management Technique; a Masters of Engineering Science, specialising in Project Management, from the University of NSW; a Graduate Certificate in Maritime Studies from the University of Wollongong; and a Masters of Management in Defence Studies from the University of Canberra.

Commodore Rustandi is also a graduate of the Australian Command Staff College and the Indonesian Naval Command and Staff College. He attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College in 2015, completing a Master of Arts (Strategic Studies) from Deakin University. He is currently Head of the Center for Defence Strategic Research and Development at the Indonesian Ministry of Defence.



Colonel Sanjive Sokinda, SM

Indian Army

Colonel Sanjive Sokinda graduated from India's National Defence Academy and was commissioned in 1995. His regimental appointments have been in 4th Battalion, Jammu & Kashmir Light Infantry, including platoon and subunit command, as well as Second-in-Command, and Commanding Officer in 2011-14. Colonel Sokinda has wide experience of operational service in counter-terrorism operations, and at high altitude. He has been awarded the Sena Medal for gallantry.

Colonel Sokinda's instructional duties have included tenure at the Officers Training Academy in 2002-04, and at the Weapons and Trials Wing at the Infantry School, Mhow in 2009-11. He attended the Technical Staff Officers Course in 2005-06 at the Institute of Armament and Technology, Pune. He has also served in the UN as a Military Observer in the Congo, where he was responsible for planning and coordinating military operations as Deputy Chief G-3 Operations. In 2015, he attended the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College, completing a Master of Arts (Strategic Studies).



Group Captain Guy Wilson

Royal Australian Air Force

Group Captain Guy Wilson graduated from pilot training in 1990. His early postings included RAAF Base Edinburgh to fly DC-3 Dakotas at the Aircraft Research and Development Unit, RAAF Base Richmond to fly C130E Hercules, a staff position at Headquarters No. 86 Wing Richmond, and 33 Squadron to fly the Boeing 707 air-to-air refuelling and transport aircraft. From 2000-04, he performed the roles of Tanker Flight Commander and then Executive Officer of 33 Squadron,

which included deployment as Executive Officer of the 84 Wing detachment to Kyrgyzstan to fly air refuelling missions over Afghanistan.

Following completion of the Australian Command and Staff College in 2005, Group Captain Wilson was posted to Headquarters Joint Operations Command. In June 2006, he was appointed Deputy Director of the KC-30A Transition Team. In 2008, he was appointed the Commanding Officer of 33 Squadron, and moved the squadron to its new base at RAAF Base Amberley. In 2011, Group Captain Wilson was appointed Chief of Staff of Headquarters Air Mobility Group. In late 2013, he was appointed Officer Commanding 86 Wing. Group Captain Wilson has a Masters of Management in Defence Studies from the University of Canberra. He is currently attending the Defence and Strategic Studies Course at the Centre for Defence and Strategic Studies at the Australian Defence College.



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