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Dear reader,

Welcome back to *Politik*. On the release of this second issue of 2015, we are grateful for the support and contributions that have enabled us to continue providing a platform for students to publish their ideas on international affairs.

The theme of this issue, 'Uncharted Territory', was inspired by the way in which many of the key challenges of this century are intertwined with questions of sovereignty and global governance. Climate change, mass migration, the proliferation of regional trade agreements and ongoing territorial disputes in the Middle East and South-China Sea are but a few examples of how the Westphalian system of sovereign states is being tested and how global governance regimes are being rethought.

In this issue, our talented student contributors canvas a number of these topics. The face of geopolitics and regional security in East Asia is explored on the 70th anniversary of the end of World War II (*p. 4*), and Australian foreign policy options in response to the rise of China are considered at *p. 12*. Territorial independence is contemplated in the context of the little known but longstanding movement in West Papua at *p. 8*.

Some of the unfamiliar challenges that must be navigated by the international community today include protecting cultural heritage and artefacts from ISIS (*p. 16*), the regulation of autonomous weapons (*p. 34*) and dealing with the threat of cyberattacks (*p. 38*). On the tactical front, understanding sovereignty in the context of cross-border insurgencies is discussed at *p. 20*.

Climate change, in particular, demands the adoption of new approaches to mitigate and cope with the highly unpredictable yet likely severe consequences of rising temperatures, sea levels and volatile weather patterns. In this issue, our writers suggest that an appreciation of the 'non-human' is critically missing from current global environmental governance (*p. 42*), and further highlight the effect that increasing resource scarcity will have on security in Central Asia (*p. 45*).

In July 2015, the United Nations Security Council P5+1, along with the European Union and Iran, reached a historic agreement over Iran's nuclear weapons program. The principles, power politics and significance behind the deal are considered at *p. 24*. This issue also features an interview with esteemed academic Professor Ramesh Thakur from the Australian National University (*p. 29*). Professor Thakur shares with us some fascinating insights about the Iranian nuclear deal and the future of the global nuclear non-proliferation regime.

We greatly hope that you enjoy the following articles, in which a breadth of original research and critical analysis from students at UNSW is well on display.

Max Newman

Deputy Editor-in-Chief

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Contents

4	Omens of the Past: Asia on the 70th anniversary of World War II Andrew Blackie	Asia-Pacific
8	Inside the West Papuan Resistance: An Uncertain Future Ned Talbot	
12	What to Do With a Rising China: Australian Perspectives Thomas Boak	
16	Stealing Art to Buy Guns: The Crisis that is ISIS's Modern Take on Cultural Destruction and Plunder Madeleine Frith	Middle East & Africa
20	Misunderstanding Sovereignty: The Power of Cross-border Insurgencies Ewen Levick	
24	The Iranian Nuclear Deal: Principles, Politics and Rapprochement Vijay Prakash	
29	Professor Ramesh Thakur on Nuclear Non-Proliferation Interview	
34	Should We Jump the Gun? Pre-Emptive Regulation of Autonomous Weapons Will de Waal	Science & Environment
38	Attribution in a Vacuum: Cybersecurity and the Sony Pictures Entertainment Hack Michael Chi	
42	The Rights of Nature: Bringing the Non-Human into Global Environmental Governance Elise Moo	
45	The Impact of Water Scarcity on Regional Stability in Central Asia Laura McCarthy	

Omens of the Past: Asia on the 70th anniversary of World War II

Andrew Blackie

As the symbolic 70th anniversary of the end of World War II in the Pacific approached this year, commentators in Australia, Japan, China and elsewhere devoted themselves to speculative chatter on what parameters Japanese Prime Minister Shinzo Abe would set himself for his commemorative speech. After all, Abe is acknowledged even by his allies as a right-wing nationalist; his grandfather, Nobusuke Kishi, was held as a Class A war crimes suspect at the end of the war,¹ and Abe himself had gone on television not a month before in a pantomime routine designed to boost flagging public support for his security reforms.² Would he say the ‘sorry’ word, as Japan’s closest neighbours, South Korea and China, had been urging for months? Would he abide by the ‘spirit’ of the Murayama and Kono Statements, two landmark speeches that have come closest to recognising the terrible devastation that Japan wrought in World War II?

In the end, Abe attempted to have it both ways. He did not apologise, although he did profess the government’s ‘unshakable’ support for the positions espoused by Murayama and Kono.³ Yet he also indicated that the time had come to move on: ‘We must not let our children, grandchildren, and even further generations to come, who have nothing to do with that war, be predestined to apologise’.⁴

For China, the idea of moving on was premature. It had prepared to commemorate the end of the war in its own style, shutting down central Beijing in order to host a massive military parade on September 3, the day after the date on which Japan’s surrender was signed. President Xi Jinping proclaimed, ‘The Chinese People’s War of Resistance Against Japanese Aggression... [was] a decisive battle between justice and evil, between light and darkness, and between progress and reaction,’⁵ deploying the trademark subtlety of Chinese government rhetoric. To ensure that no one would miss the point, the Foreign Ministry urged Japan to ‘face up to and reflect upon [its] history of militarist aggression [with] an honest and modest attitude.’⁶

The politics of ghosts

East Asia is haunted by its history. The extraordinary extent to which the incumbent leaders of Japan, China and South Korea are influenced by the legacies of their parents, all of them former politicians who emerged in the early post-war era, has been well-documented.⁷ Politics and foreign

policy approaches are a platform for the airing of conflicting interpretations of history. The contrasting approaches to commemorating the end of the Second World War – Japan muted and sombre, China ostentatious and patriotic – exemplify these thorny differences.

In the West, sovereignty has been developing gradually since the 1960s towards the concept of collective international responsibility,⁸ while in Africa and the Middle-East, borders drawn hastily

by departing colonial powers are now collapsing in spectacular fashion.⁹

“ **the nations of East Asia are unique on the world stage, jealously guarding their sovereignty and national honour in ways that possibly appear to Western observers as representative of a bygone era.** ”

In that respect, the nations of East Asia are unique on the world stage, jealously guarding their sovereignty and national honour in ways that possibly appear to Western observers as representative of a bygone era.¹⁰ This trend even appears to be moving in an opposite direction to that of the West, towards consolidation of sovereignty rather than any relegation of it. The rigorous advancement of territorial claims within East Asia over far-flung, uninhabited islands is one manifestation of this preoccupation. Another is the phenomenon of ‘hot economics, cold politics,’¹¹ the apparently pragmatic ability of two neighbouring states to carry on a robust trade relationship even while their respective populations are deeply estranged. Trade between China and Japan was worth US\$343.7 billion in 2014,¹² even as the Pew Research Centre found that half the Chinese and Japanese populace had deeply unfavourable views of the other.¹³

This arises partly from the thinness of regional institutions: beyond trade, there is little architecture to prop up inter-state relations.¹⁴ It is also partly attributable to popular nationalism. Anti-Japanese sentiment is strong in China, and it is in the interests of the Chinese government,

intent on portraying itself as the guardian of the nation, to invoke the ‘remilitarisation’ of Japan as a threat.¹⁵ In South Korea, animosity towards Japan also runs deep, and the Japanese government’s insincerity on the issue of South Korean ‘comfort women’ (or prostitutes) from World War II has constantly disrupted the relationship.¹⁶ The interaction of these two factors means that nothing compels the leaders of Asia’s economies to risk unpopularity by pursuing compromise during periods of tension. From September 2012, Japan and China went for two years without any high-level meetings, while at the time of publication, South Korea’s President Park Geun-hye is yet to hold a meeting with her Japanese counterpart Abe.¹⁷

Resetting the regional compass?

In May 2014, during a speech at the Conference on Interaction and Confidence Building Measures in Asia, Chinese President Xi Jinping invoked a new foreign policy concept: that of an Asia for Asians. Asians were bound by a ‘common destiny,’ he explained. ‘In the final analysis, it is for the people of Asia to run the affairs of Asia, solve the problems of Asia and uphold the security of Asia.’¹⁸ These statements were clearly intended as a rebuke to the US post-war dominance of the Asia-Pacific. China has followed up with a raft of initiatives, including its ‘One Belt, One Road’ concept for regional development, and the inauguration of an Asian Infrastructure Investment Bank (AIIB), designed to emphasise that China envisions a leadership role for itself in the new regional order.

All of this is to be expected. As China continues to rise, it is axiomatic that it will assume a regional stake equal with its status. Though problematically, Beijing has indulged its state media’s



Image credit: Miki Yoshihito

predictions of war,¹⁹ embarked on an island-building program in the South China Sea that is almost certainly in breach of international law,²⁰ and prompted its neighbours to build partnerships with each other in response to what they feel is a threat.²¹ Japan on the other hand, despite China's frequent and eager denunciations of it, has undergone a thorough transformation in the 70 years since the end of the war. It has made positive contributions to the region. It is the second largest financial contributor to the UN, and has been a strong supporter of global norms.

Seventy-two years ago, in the midst of World War II, the Japanese government reached for a language of Asian solidarity remarkably similar to that which has been advanced more recently by Xi Jinping in China. With the goal of advancing Japan's 'Greater East Asia Co-Prosperty Sphere,' they announced that the nations of East Asia were 'bound' by a 'common

mission': to create a 'new Asia for the Asiatics.'²² Japanese rhetoric also continued to announce 'the countries of Greater East Asia, with a view to contributing to the cause of world peace,' would throw off the 'yokes of imperialism.' They would cooperate to 'ensure the stability of their region and construct an order of common prosperity and well-being based upon justice.'²³

This is not to suggest any equivalence between the actions of China and Imperial Japan. Xi Jinping's clumsy remarks did, however, create some uncomfortable parallels between Japan's claims of the 1940's and contemporary Chinese challenges to the regional order. In this way, the 70th anniversary of World War II in Asia is a poignant moment to reflect on the irony of history.

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Inside the West Papuan Resistance: An Uncertain Future

Ned Talbot

Unbeknown to many outside of Indonesia, West Papua remains one of the longest-running and most obscure independence movements in Southeast Asia. Located only 350km north of Australia and bordering Papua New Guinea, the Organisasi Papua Merdeka (OPM) or the Free Papua Movement as it is more commonly known, is now into the sixth decade of its struggle for self-determination. While the movement has secured support from human rights groups around the world, experts still describe the campaign as ‘weak and lacking in influence’¹ and ‘largely unnoticed overseas’.² Moreover, recent downward pressure on the OPM from dominant regional powers in the South Pacific, including Australia, Indonesia and a host of Melanesian states, has continued to

hamper the efforts of West Papuans in bringing about a free and independent state. This article intends to explore the emergence of the Free Papua Movement and its transformation over time, as well as contemplate the reality of independence for West Papua. It will do so in light of an unsympathetic South-Pacific community and recent political developments in the region, which have projected the campaign into a future of uncertainty.

The Emergence of the OPM

The OPM was born out of a complex colonial and political history. West Papua was colonised in the 17th century as part of the Dutch East Indies, along with the rest of Indonesia. Following World War II, when Indonesia regained lost territory, West Papua remained a Dutch colony under the pretext that it was a distinct political entity with no real cultural, administrative or political connection to the rest of Indonesia.³ The Netherlands additionally claimed that it intended to remain in the region to prepare the people of West Papua for self-determination.⁴ However, the 1969



Image credit: Hitchster

referendum for independence was a sham, and 1025 ‘handpicked’ representatives unanimously voted for West Papua to remain part of Indonesia.⁵

The Free Papua Movement grew rapidly in the late 1970s with fighters joining its ranks in all major provinces of West Papua. Their operations mainly consisted of small-scale hit-and-run tactics against Indonesian patrols. Over time, they started to carry out more sophisticated attacks on foreign mining companies, including blowing up important pipelines belonging to the Grasberg mine in Freeport, and carrying out assaults on civilian aircrafts. In an attempt to further raise the profile of the movement, fighters also resorted to a strategy of kidnapping foreign nationals and journalists – the most notable of which was the Mapenduma incident, wherein 24 foreigners and Indonesians on a field trip with the World Wildlife Foundation were taken hostage for 129 days.⁶

These strategies ushered West Papua into popular discourse, but not without criticism. Instead of sympathising with members of the OPM, human rights groups, foreign governments and not-for-profit organisations criticised the movement for their unethical tactics. Reporting of the movement in the media, as a result of the infamous Mapenduma hostage crisis, also led to unfavourable media attention; stories referred to the OPM as ‘primitive’ and ‘stone-age kidnappers’,⁷ and its members as a ‘rag-tag’ group of rebels⁸ and ‘bandits’.⁹

“ **freedom fighters in West Papua have since attempted to reframe their movement in peaceful terms and place emphasis on diplomacy in lieu of an internal violent struggle.** ”

Redefining the OPM

Nonetheless, the fall of President Suharto in 1998 and East Timor’s subsequent independence instigated a shift in the strategic capacity of the resistance effort. In what appears to be a ‘Timorisation’ of the independence struggle, freedom fighters in West Papua have since attempted to reframe their movement in peaceful terms and place emphasis on diplomacy in lieu of an internal violent struggle. These changes have occurred concurrently with a change in rhetoric, reframing the situation in West Papua as one of human rights violations alongside demands for self-determination.

The effects of this change have been resounding. Human rights organisations such as Amnesty International, who failed to publicise the situation in West Papua, subsequently began to recognise their plight. Furthermore, foreign governments were quick to criticise the Indonesian government for using force against peaceful demonstrations. In 2010, 50 United States Congress members signed

a letter to President Obama openly expressing their concerns regarding a ‘slow-motion genocide’ in West Papua.¹⁰ The same year, British Prime Minister David Cameron and former Deputy Prime Minister Nick Clegg openly recognised the terrible situation faced by the Papuan people.¹¹ A campaign spearheaded by leaders of the OPM to release two French journalists detained in West Papua, Thomas Dandois and Valentine Bourrat, also led to a historic motion passed in the Australian Senate in October 2014, which criticised the Indonesian government for its ban on foreign journalists.¹²

What future for an independent West Papua?

Nonetheless, while the OPM has gained considerable traction internationally, it is unclear what the future holds for the movement. Notably, the recent election of Indonesian President

Joko Widodo, a former Jakarta Mayor, will force West Papuan sympathisers to change their tactics. Unlike past presidents of Indonesia, President Widodo has sought to regain the trust of West Papuans by addressing issues of inequality, underdevelopment, corruption, violence and autonomy. Remarkably, within months of commencing his presidency, President Widodo lifted a 40-year restriction that prevented foreign journalists into Papuan provinces. In doing so, he also has aspirations to regain the trust and support of foreign governments to respect Indonesia's sovereignty in West Papua. This strategic shift places considerable pressure on West Papuan independence lobbyists, whose arguments for an independent West Papua have relied on accusations of Indonesia's human rights violations there. A more conciliatory and approachable Jakarta is likely to be an effective handbrake on the momentum of the campaign.

“ [President Widodo] has aspirations to regain the trust and support of foreign governments to respect Indonesia's sovereignty in West Papua. ”

The South Pacific community is also overwhelmingly unsympathetic to West Papuan calls for independence. With the exception of Vanuatu's President Baldwin Lonsdale, the Australian government, along with the majority of countries in the Melanesian Spearhead Group (MSG), maintain their support for Indonesia's sovereignty over West Papua. At the 20th MSG Leader's Summit in June 2015, a number of Member States outright supported Indonesia's sovereignty over West Papua and upgraded Indonesia's membership of the MSG from observer status to associate membership.¹³

As for Australia, the strength and importance of its ties with Indonesia have traditionally dictated Canberra's position of support for Indonesia's sovereignty over disputed territories such as West Papua. The negative political ramifications of Australia's support for an independent East Timor in 2002 still remain fresh in the minds of political elites in Canberra. Furthermore, Australia's acceptance of 43 West Papuan political asylum seekers in 2006, which resulted in Indonesia retracting its foreign ambassador, makes it highly unlikely that Australia will want to break with this bipartisan tradition.

An uncertain future

As it stands, without the support of key regional players it seems unlikely that West Papua will achieve independence. As the politics of the region continue to evolve, West Papuans will be forced to devise new plans in order to coordinate support for their campaign. This will particularly be the case as Indonesia, under President Widodo, implements new arrangements to better integrate West Papua into Indonesian territory. At present, it is clear that West Papuans around the world face an uphill battle for recognition of their independence.

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Image credit: Hitchster

What to Do With a Rising China: Australian Perspectives

Thomas Boak

Pax Americana wavers

2 September 2015 marked 70 years since the formal surrender of Imperial Japan and the official end to World War II. The defeat of Japan removed the only existential threat faced by Australia in its modern history. In 1951, largely in return for its support for a peace treaty with Japan and the end of Allied occupation, the United States agreed to Australia's request for a tripartite security

treaty between Australia, New Zealand, and the US. The resulting ANZUS Treaty came into force in 1952 and has since been the bedrock of Australian security policy. American military hegemony in the West Pacific enforced peace and a rules-based regional order that fostered trade and the spread of technology. Australia grew economically prosperous and safe under the umbrella of US power. China's rise challenges this all – Australia is entering uncharted territory.

“ **Tensions are mounting in the West Pacific as historical, ideological, cultural, and ethnic fractures are exacerbated by an emerging strategic clash between the US and China.** ”

Tensions are mounting in the West Pacific as historical, ideological, cultural, and ethnic fractures are exacerbated by an emerging strategic clash between the US and China. As nations assert overlapping territorial claims, the threat of a major conflict in the region looms, with potentially devastating results for Australia. Having considered itself safe with the 'margin of comfort' granted by its island continent and alliance with the US, Australia faces a difficult strategic environment – it must tread carefully if it is to weather this transitional period.¹

The China threat or China's peaceful rise?

What, then, is Australia to do? Australian policymakers and security analysts all agree that the rise of China will fundamentally influence Australia's future security and prosperity. 'The consensus', Linda Jakobson writes, 'ends there'.²

Many perceive China's rise as no threat to Australia. According to this group, Australians should instead focus on the economic benefits of a strong Chinese economy. Geoff Raby, a former

Australian ambassador to China, states that China is a ‘constrained superpower’, reliant on international trade, finance, and energy supplies.³ The Chinese are trapped in Thomas Friedman’s ‘golden strait-jacket’, heavily enmeshed in a regional economic system and global trade network.⁴ Meanwhile, issues such as social unrest, corruption, environmental degradation, and demographic decline threaten China’s social stability.⁵ This China poses no threat to the Asia-Pacific regional order, restrained by domestic pressures and economically dependent on regional stability. Even if it could threaten peace, China has historically shown no desire to expand militarily.⁶ Australia can continue trading with China without fear.

Comparatively, for many Australian policymakers and analysts, a rising China is a growing threat, and one that we should not pander to. Danby, Ungerer, and Khalil write that ‘bowing to Beijing would be the modern equivalent of the Munich agreement’⁷ and Jacobs contends that ‘the current Chinese regime most resembles the Nazis and the Japanese militaristic regime’.⁸ Davison writes that the Australian government is ‘appeasing’ China and that the ‘Beijing lobby’ is ‘infiltrating’ Australia,⁹ while Hartcher equates China with the Islamic State.¹⁰ Babbage argues that Australia should build up military strength, double down on its security alliance with the US, and ‘balance and offset’ China’s People’s Liberation Army.¹¹

But can Australia hope to resist Chinese military power? Kissane states that it would be easier for Australia to ‘huddle beneath the Chinese security umbrella’.¹² Former Prime Minister Malcolm Fraser recommended that Australia dissolve its security alliance with the US, which he argued causes friction in the Australia-China relationship for little gain.¹³

Somewhere between these two poles, Hugh White urges Australia to convince the US to form a ‘Concert of Asia’, accommodating growing Chinese power.¹⁴ If this does not happen, White warns that Australia may face a terrible choice between the US and China, and between prosperity and security. Former Prime Ministers Bob Hawke and Paul Keating give qualified support to White’s views, as does former Foreign Minister Gareth Evans, former Ambassador to China Stephen Fitzgerald, and former DFAT Secretary Dick Woolcott.¹⁵ Sheridan, though, argues that White has produced ‘the single, stupidest strategic document ever prepared in Australian history’.¹⁶ Dupont calls White’s ‘Concert of Asia’ ‘ill-considered’, arguing that it presents to the US government a false choice ‘between confronting China and conceding primacy’.¹⁷ Dupont proposes that Australia instead engage diplomatically with China to persuade it to act more collaboratively in the West Pacific while continuing to use the Australia-US alliance and the ADF to hedge against China.¹⁸

“ **Australia gains significantly from its economic relationship with China and it also gains from its military relationship with the US.** ”

‘The most desired girl on the block’

Indeed, this policy of deepening engagement with China but simultaneously hedging against its rise is broadly reflective of Australia’s existing strategy. Australia gains significantly from its economic relationship with China and it also gains from its military relationship with the US. Australia is – as US diplomat Kurt Campbell indelicately put it – the ‘most desired girl on the block’ and it is in Australia’s best interest to sustain this as long as is possible.¹⁹ This means increasing diplomatic, economic, military, and cultural ties with China at the same time as maintaining the ANZUS Treaty. It entails attempting to bind China into the international system while opposing any challenges it may present to regional stability. This is why Australia supported China’s entry into the World Trade Organisation and the G20

group of nations, but spoke out against China's declaration of an air defence identification zone over the East China Sea and agreed to housing American marines in Darwin. It is why Australia upgraded its relationship with China to a Comprehensive Strategic Partnership while planning to spend \$24 billion buying US fighter jets. Australia is hedging its bets, maximising its economic opportunities but ensuring it is understood that it 'won't play client to China's patron'.²⁰

On 3 September 2015, China held a major military parade commemorating Japan's surrender. This display of power is for some a reminder that China, Australia, and the US all fought on the same side in WWII. For others, this parade – the first time China has commemorated Japan's surrender with a show of military force – is a worrying sign of militarism. Whichever the case is, Australia has a flexible, well thought-out foreign policy and is prepared to enter this new, uncharted Asia-Pacific.

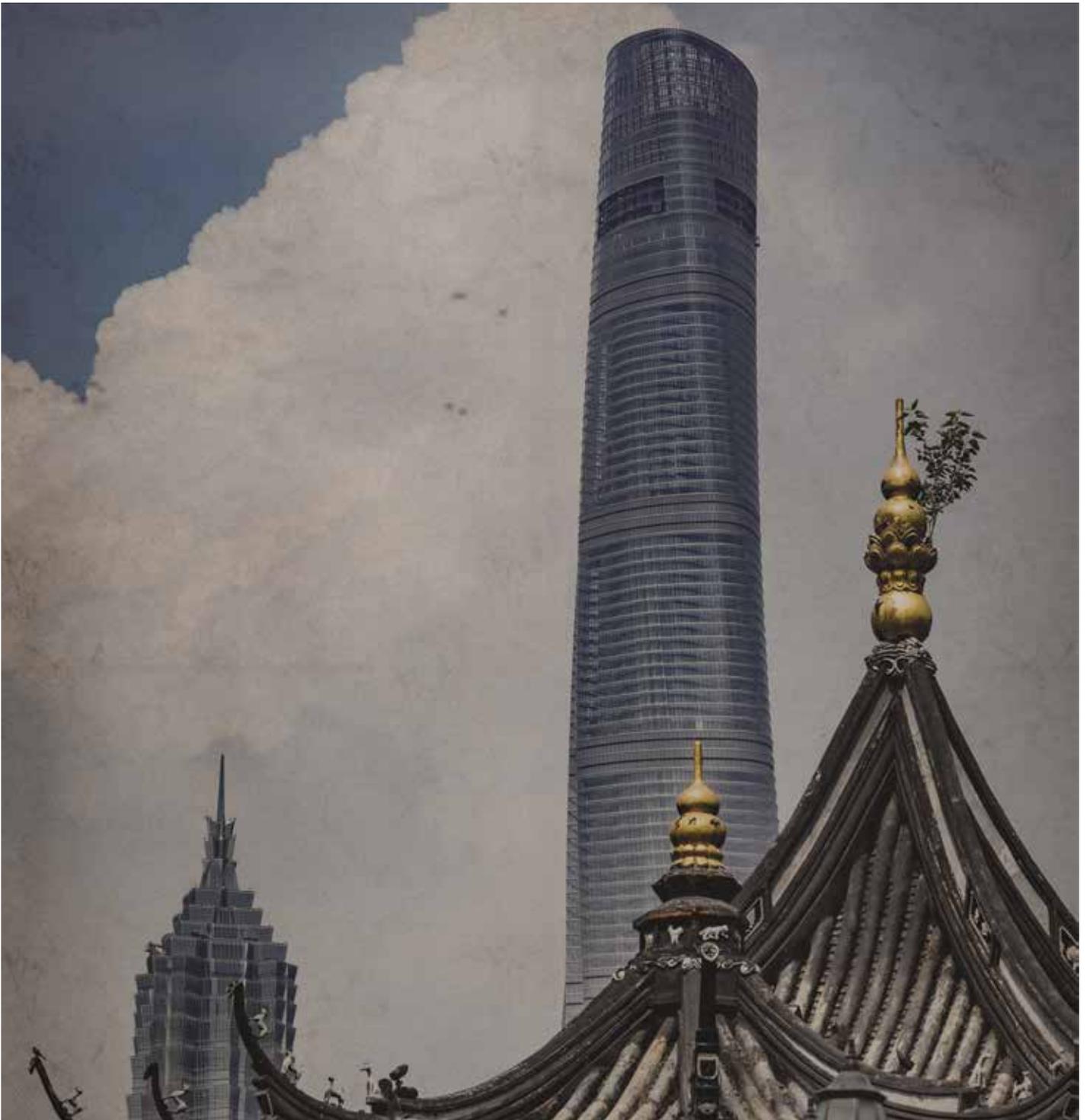


Image credit: Thomas Bächinger

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Stealing Art to Buy Guns: The Crisis that is ISIS's Modern Take on Cultural Destruction and Plunder

Madeleine Frith

Since early 2014, the Islamic State of Iraq and Syria (ISIS) has regularly featured on our newspaper covers and media screens, invading vulnerable parts of the Middle East in pursuit of their self-declared caliphate. ISIS, a group of fundamentalist Sunni Muslims, continues to defy international and domestic laws. Amongst other atrocities, they are systematically damaging and destroying cultural heritage, as well as looting and selling cultural property expropriated during their armed conflicts.¹ This is the erasure of history and culture in its most poignant form. As the bedrock of civilisation, the damage done in the Middle East is a 'loss not only to the country of origin but also to the cultural heritage of all people'.²

Trail of devastation

ISIS's cultural vandalism is the most recent and visible manifestation of a trend in which the looting of cultural heritage is linked to the funding of terrorist activity. The scale of destruction is conveyed in disturbing satellite images of ransacked archaeological sites in Iraq and Syria.³ Countless looting holes can be seen in this photograph of Apamea, Syria in April 2012.



Apamea, Syria in April 2011 (left) and April 2012 (right). (Map data: Google, DigitalGlobe)

A December 2014 report revealed that ‘of six of the twelve sites that Syria has nominated for World Heritage status, four have sustained extensive damage’ in the fallout from the Syrian civil war.⁴ This has been exacerbated at three of the damaged sites by looting that ‘appears to have ramped up during the last year.’⁵ The report claims that the 3rd century BC city of Dura-Europos has suffered the most looting. The report further cited ISIS claims that it controls over 4,000 archaeological sites in Iraq.⁶ Accompanying this catastrophe is the April 2015 news of the ancient city of Nimrud being bulldozed.⁷ In addition, databases such as the Art Loss Register are growing as recorded stolen property is advertised.⁸ In June 2015, the International Council of Museums released an *Emergency Red List of Iraqi Cultural Objects at Risk*. Syrian archaeologist Amr Al-Azm observes that ‘everyone in Syria lives either on top of an archaeological site, next to an archaeological site, or a stone’s throw away from an archaeological site.’⁹ Clearly, the diversity of cultural sites and cultural property under ISIS control cannot be understated.

“ **years of poor policy decisions in the Middle East have led to ongoing internal conflict, with a huge scale of cultural heritage on the front line** ”

A number of international law instruments establish that the intentional destruction of a historical building is capable of comprising a war crime.¹⁰ Of course, the reasons for ISIS’s destruction of cultural heritage go far deeper than a mere dislike of art. The depiction in culture of any god is against ISIS’s strict interpretation of Sunni Islam, and the art must therefore be destroyed, sold or even ‘exploited for propaganda’.¹¹ Al-Azm states that ‘ISIS hires its own pillaging teams to dig out archaeological items, and then to sell them via a network of brokers and other middlemen’.¹² This occurs through smuggling routes into Turkey, Jordan and Lebanon. Beyond those countries, cultural property lands in Europe and America, often in the grand art auction houses, and is finally laid to rest in the homes and galleries of the Western rich.¹³ Not only is ISIS using these sale profits, but it also imposes a 20% tax on local looters in order to fund its terrorist activities.¹⁴ Hence, international lawyers and cultural heritage experts

are scrambling to find ways to hold ISIS accountable, as its status as a non-state actor poses difficulties in prosecuting it through existing legal frameworks. More broadly, years of poor policy decisions in the Middle East have led to ongoing internal conflict, with a huge scale of cultural heritage on the front line, being traded in a way reminiscent of African Blood Diamonds.¹⁵

Just art?

Why should cultural property be prioritised when lives are at stake? On the face of it, this is a fair question; humanitarian aid is vital in the wake of brutality. But, as cultural heritage law expert Lucas Lixinski notes:

*The Syrian people are suffering at the hands of IS... but there is even more to that suffering than a body count can suggest. Cultural heritage is what binds a people together, and binds peoples across the world in anything we can call ‘our shared humanity’. To destroy said heritage is an attack not only on Syrians, but on all of us.*¹⁶

Furthermore, UNESCO affirms that ‘both the protection of human lives *and* culture are indispensable and interconnected in conflict’.¹⁷ UNESCO Director-General Irena Bokova emphasised that ‘heritage preservation during conflict must go hand in hand with humanitarian assistance and efforts to restore stability’.¹⁸

In August 2015, it was reported that Syrian archaeologist Khaled Assad was murdered by ISIS. Assad oversaw antiquities at the UNESCO World Heritage site of Palmyra for more than 50 years. He had been taken captive for over a month and was 'questioned about the location of valuable artefacts'.¹⁹ Bokova stated:

*They killed him because he would not betray his deep commitment to Palmyra... His work will live on far beyond the reach of these extremists. They murdered a great man, but they will never silence history.*²⁰

Although some people are risking their lives to save cultural property, others are risking theirs to destroy it. Locals have reportedly assisted ISIS in their plundering.²¹ However, it is worth bearing in mind the desperation many Iraqis and Syrians face: either to live under the strict and abusive ISIS rule, flee as a refugee or asylum seeker in the hopes of finding safety, or stand up to ISIS, with imminent certainty of death.

Shaping a correct response

The extent of destruction across the Middle East makes plain that the ISIS crisis is not one that can be easily resolved. Indeed, the extent of the organisation's control of territory in the region, and the floundering international response, has led to ISIS becoming one of the most brutal and powerful terrorist organisations in history. Military intervention has been minimal: a US-led coalition of air strikes on ISIS-held areas, Kurdish and Turkish forces in the north protecting borders and halting ISIS's growth, and the triangular warfare in Syria between the Assad regime, rebel fighters and ISIS.

International humanitarian law may also not be the best mechanism of response. Customs and border control procedures prioritise the movement of people rather than objects, as over four million Syrians²² and five million Iraqis have been displaced in the last two years.²³ Recently, a UN ban on all trade in Syrian artefacts has facilitated greater monitoring of imports and exports.²⁴ But smugglers are increasingly exploiting illegal means. Esman suggests that this is because 'they are too good to be caught, and the profits are too high for them to be discouraged'.²⁵ These realities demonstrate the complexity of safeguarding cultural heritage. Thus, the UN increasingly focuses on 'the integration of culture in humanitarian, recovery and reconstruction operations, which provides the challenging opportunity of defining how cultural heritage protection can effectively contribute to the broader UN crisis response'.²⁶

ISIS's looting campaign, funded by the black market exchanges of antiquities, has grown into a 'two billion dollar jihadist network'.²⁷ This is the organisation's unique mark on the uncharted territory of the art black market, a 'global security issue'²⁸ that will affect prevention measures in the art market. Academic Brian Daniels alarmingly 'admits that right now, there's not much that... [can be done] to stop the looting'.²⁹ Despite resolutions by the UN Security Council demanding compliance with international law, and the attempts of UNESCO to stop illicit trafficking of cultural property, the UN and its affiliated agencies must ultimately be assessed on their enforcement and prosecution of these norms. If ISIS is eventually defeated, prosecutorial and rehabilitative efforts may be rendered.

Art and life are intimately linked, and both deserve a high value and respect. The destruction of ancient cultural heritage by ISIS in Syria and Iraq has reinforced the need for the international community to value ancient art and cultural heritage the same as human life, because of its lasting universal impact.

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Misunderstanding Sovereignty: The Power of Cross-Border Insurgencies

Ewen Levick

'Sovereignty is a monopoly on the legitimate use of physical violence within a given territory.'

- Max Weber¹

'Sovereignty is the popular recognition of authority.'

- Alain De Benoist²

Most Australians, if asked, would likely agree that we are all subject to the sovereignty of the Australian Government. It is a fact that most of us take for granted as we go about our daily lives. Yet what is the basis of this sovereignty? Is it, as Weber suggests, the monopoly on the legitimate use of physical violence within a given territory?³ Or is it actually the popular recognition of authority?⁴ Could it be something else entirely? As it turns out, sovereignty is one of the most contested ideas in the field of political science.⁵ However, most definitions of sovereignty refer to a 'legitimate' government that is able to exert power over the totality of its population and territory. This is reminiscent of a classroom world map in which the bounded territorial lines are solid and all territory in between is coloured in.

In reality, the world is far more complex. For Australians, sovereignty can ultimately be traced to the legitimacy of government in Canberra. Yet in Syria, power and authority may actually lie with Islamic State or other opposition forces rather than the government in Damascus. In Syria, as in much of the Middle East, tracing sovereignty is a complicated practice, as power over territory changes regularly according to battlefield fortunes. In these regions, sovereignty is not represented by solid lines and block colours, but is a fluid, constantly shifting mosaic. Yet Australian politicians deploying soldiers to the Middle East continue to organise military operations using traditional borders, despite these being largely redundant on the ground. This hands immense battlefield advantages to local insurgency groups such as the Taliban and, more recently, Islamic State (IS). This article draws on NATO's experience in Afghanistan to argue in support of Australia's expanded military operations to Syria, otherwise risking yet another slow defeat in the Middle East.⁶

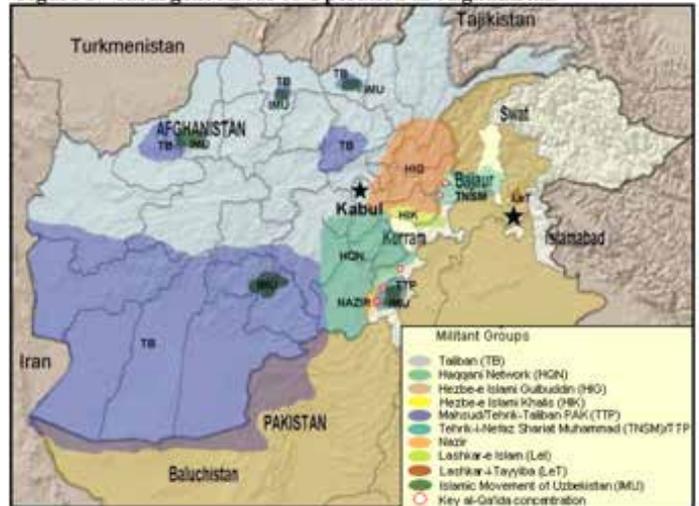
A Lesson from the Taliban

The power of cross-border insurgencies was made painfully evident during NATO's war in Afghanistan. The Taliban insurgency began 14 years ago after the group was toppled from power by the US following the attacks of 11 September 2001.⁷ Retreating deep into the mountains on the Afghan-Pakistan border, the Taliban were able to use bases in Pakistan to orchestrate a remarkably effective insurgency against an opponent with vastly superior conventional firepower and resources.

To understand how, consider the two maps shown below. The first is a screenshot of Afghanistan and Pakistan taken from Google Maps, which uses internationally recognised boundaries of sovereignty.⁸ The second is a map of how power and control was actually divided between different factions in 2010, taken from a Pentagon report.⁹

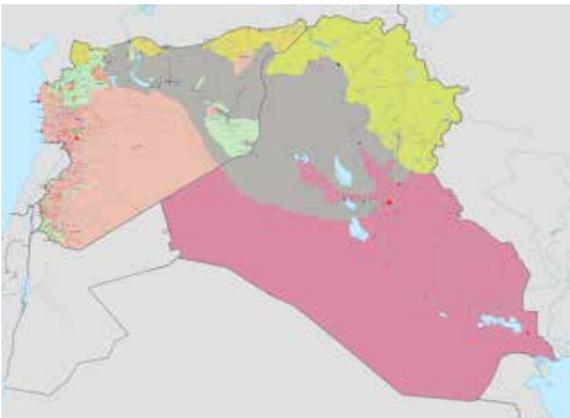


Figure 3 - Insurgent Areas of Operation in Afghanistan



The map on the left represents the division of legal sovereignty according to many Western governments, whilst the map on the right represents the reality of territorial control and alternate sovereignty on the ground. Problematically for NATO soldiers, the Afghan-Pakistan border was an impermeable political boundary; to the Taliban, it did not exist.¹⁰ Thus, it became a shield behind which the insurgents were unassailable. For example, during the battle of Tora Bora in December 2001, al-Qaeda's senior leadership was able to safely escape across the border despite overwhelming American firepower, which included Special Forces teams and 7000 kilograms of 'daisy-cutter' bombs with a reported blast radius of 1.5 kilometres.¹¹

Whilst the increase in drone strikes under the Obama administration reduced the tactical advantages of the Afghan-Pakistan border,¹² the fact remained that NATO soldiers were unable to cross a seemingly redundant boundary line in order to target Taliban camps or supply routes. Thus, the Taliban were able to engage in a long war of attrition that ultimately resulted in NATO withdrawal in 2014.¹³ In fact, the military advantages the Taliban gained using cross-border insurgency operations were so great that, according to strategist George Friedman, there was no conceivable force the US could have deployed to pacify Afghanistan.¹⁴



Islamic State

A similar story is now playing out in the war against IS. Currently, politicians from Denmark, France, Belgium, the Netherlands, the United Kingdom, and Australia have delimited military operations against IS insurgents to Iraqi territory.¹⁵ However, this ignores the reality of sovereign control on the ground for civilians, many of whom are living under IS rule across both Iraq and Syria; this discrepancy is illustrated in the following maps from 2014.¹⁶

From an operational perspective, rigid notions of sovereignty should not prevent Australia expanding operations against IS to Syria. In fact, the border between Iraq and Syria shown above was originally drawn by Western powers in 1916, ignorant of local sovereignty and demography.¹⁷ This misunderstanding of reality in the Middle East was highlighted again in 2014 by the sudden alarm with which journalists responded to the initial IS advance into Iraq.¹⁸ In reality, this border had ceased to exist long beforehand. Furthermore, the Syrian government under Assad has questionable claims to legitimate sovereignty over the local population, upon which it has allegedly used chemical weapons and barrel bombs. Western coalitions are making a dangerous habit of restricting military operations to certain areas on the basis of what can be seen as ‘misunderstood sovereignty’.

The need to address this issue is urgent. Deploying a military force only to limited areas, whilst the enemy operates across borders, risks handing the same battlefield advantages to IS as it did to the Taliban. Firstly, restricting military action to Iraq leaves the de facto IS capital of Raqqa in Syria relatively unscathed. This is the political, economic, and supply hub of IS, where the group runs extensive oil and antiquity smuggling operations and levies taxes.¹⁹ While the US does fly missions in Syria, the absence of other coalition jets risks

allowing IS to operate a Taliban-style cross-border insurgency out of Raqqa that will drain Western resources and resolve. Secondly, restricting operations to Iraq reduces the air support available for groups fighting against IS in Syria, such as the Kurds or moderate Syrian rebels. These groups are crucial to changing the reality of sovereignty for the civilians experiencing the brutality of IS rule.

Conclusion

The problem here lies in a misunderstanding of what sovereignty actually means. Is true sovereignty found in ideas of legitimacy, or in the guns on the ground? For Australian politicians it is the former, but for civilians living under IS it is the latter. Applying Weber’s famous statement, in the Middle East, the reality is that sovereignty is simply a monopoly on the use of violence, legitimate or not, within the territory in question. Legitimacy is seemingly too abstract a concept in war; territorial control is not. If there is one lesson that emerged from Afghanistan, it is that understanding this reality on the ground is essential in order to create an effective counter-insurgency strategy.

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The Iranian Nuclear Deal: Principles, Politics and Rapprochement

Vijay Prakash

The 'Joint Comprehensive Plan of Action', the historic nuclear deal recently agreed to by Iran, is an opportunity to reaffirm the integrity of international principles, and depart from the unilateralism that has characterised the international system for the past 15 years. However, the deal's opponents are concerned, not with Iran's lack of commitment to 'reciprocal incineration',¹ but with the increased sphere of influence that would correspond with lifted sanctions. More prescient proponents of the deal discern a demographically youthful and increasingly moderate Iran that is eager to accept this tentative invitation to the diplomatic table and thereby potentially upend the region's current balance of power.

Principles

Without principle, the international system is merely an order agreed for minimum purposes.² Diplomacy is the central principle and practice that makes broader aspirations viable. The unilateral foreign policy of the Bush administration risked abandoning the idea of a 'global community' to act on immediate inclinations.³ International society was definitively dissolving into a rapid pluralist system. In such a world, universal principles submit to competing and often conflicting views of justice.⁴ However, upon the conclusion of the Iranian nuclear agreement in

Vienna in July 2015, a discourse of diplomacy and solidarity is now resurgent. Trita Parsi agrees that prior to the negotiations, diplomacy had not been exhausted as much as the clenched fist of sanctions had been preferred over the extended hand of political solutions.⁵

With this deal, it is possible that international values will be bolstered in Iran through corollary negotiations.⁶ Ultimately, diplomacy underpins the normative development of international society. However, Iran's past hostility complicates whether or not pursuing diplomacy on the nuclear issue is in fact a principled

approach. The impact of World War II solidified any semblance of 'appeasement' as an exception to the rule.⁷ For commentators, it seems very easy to make false equivalences with the nuclear case. It is crucial to note that, with or without an agreement, Iran is already a nuclear threshold state.⁸

“ It is crucial to note that, with or without an agreement, Iran is already a nuclear threshold state. ”



Image credit: Babak Farrokhi

Power politics

As Professor Paul Kahn highlights, nuclear states are locked in reciprocal relationships of deterrence that have rendered nuclear weapons useless as offensive weapons for the better half of a century.⁹ Secondly, it is wholly ignorant to assume that Iran does not operate as a rational actor in international relations. Tehran would be posing a threat to its own existence if it considered recourse to nuclear weapons.¹⁰ With these propositions considered, sanctions and political alliances appear to be the true subject of the Vienna agreement.

Israel is justifiably concerned with any increase in Tehran's economic and soft power, which would likely result in hard power consolidation. The inflammatory and belligerent comments often expressed by Iran's Supreme Leader, Ayatollah Ali Khamenei, are a clear reference point.¹¹ Although there is distance between the hard-line elite and the more moderate administration, opposition to Israel's existence was also recently reaffirmed by Iranian President Hassan Rouhani.¹² The extent of Iran's hostility towards Israel was apparent even in the background to negotiations, with John Kerry's own Department of State confirming the interception of an Iranian supply tanker intended to arm Hamas forces in the Gaza Strip.¹³

However, the illusion of a 'better deal' veils the reality of Iran's greater capacity for hostility without a deal. Once nuclear, an Iranian umbrella would protect Israel's powerful military enemies just across the border, inhibiting serious unilateral measures.¹⁴ As Roger Cohen argues, 'the great merit of the deal is 'to slash and ring-fence acquired Iranian nuclear capacity until 2030. To say that that is not in Israel's security interest is utterly unpersuasive'.¹⁵

The immediate effects of Iran's increasing influence on the region are debatable. Daoud Kuttab points out that the Yemeni and Palestinian conflicts provide some indications of the positive regional role that a more moderate Iran could play. Following a recent financial detachment from Hamas, an organisation that encourages the use of force, Tehran is also seemingly attempting a pivot towards the Palestinian Liberation Organisation, with a visit by Palestinian President

Mahmoud Abbas scheduled next month.¹⁶ Further, Iranian officials have recently reiterated support for UN-led Yemeni peace talks.¹⁷

However, Rouhani's calls for broader diplomatic engagement, specifically to resolve the Syrian civil war,¹⁸ were immediately contradicted by an apparent escalation in Russian and Iranian support for the Assad regime in September 2015.¹⁹ For the critics, there is an important distinction between moderate Iranian influence in the region and a more powerful Iranian hegemony. The Iraqi, Syrian and Yemeni conflicts are widely regarded as proxy sectarian wars between the Sunni and Shia centres, Saudi Arabia and Iran respectively.²⁰ As Richard Nephew points out,

“There is a tension between ... ensuring that companies keep doing business with Iran, while at the same time policing Iran's support for terrorism with sanctions.”²¹

Obama's administration has consequently put forward a number of measures to ensure vigilance over non-nuclear muscle flexing. One such proposal is legal or reputational discouragement for Western businesses from engaging with companies in which the Islamic Revolutionary Corp has even a minority stake.²²

Prospects of rapprochement

Norm-building and short-term geopolitics are only incidental to this agreement's long-term aspiration: an Iranian-US rapprochement and the opportunity to entrench a moderating influence in the Middle East. It would be naïve to glean a commitment to human rights and

democratic reform from this agreement. However, sanctions relief and reengagement with the international system will all bear positive shifts in Iran's fundamental political outlook.

The sanctions themselves have played a role in circumscribing President Hassan Rouhani's reformist domestic agenda, which would foster greater political freedom. As Pape argues, it is unrealistic to expect economic punishment to override central policies of a government. Modern administrative capabilities can mitigate damages and protect supporters, while shifting the economic burden to opponents or disenfranchised groups.²³ Given Rouhani's limited control over administration, his reformist agenda has suffered against the priorities of conservatives. For example, today in Iran

women constitute 60% of college graduates but only 17% of the workforce with minimal political representation.²⁴ In an interview with Al Jazeera, Cabinet Minister, Shahindokht Molaverdi, claimed that her efforts to increase female involvement in political life had in fact been stifled by the country's economic burdens.²⁵

Further, Rouhani has made it clear that the fundamental opposition of Islamic conservatives to reform has also inhibited the progression of political freedoms. Recently, Iranian politician Ali Shakorirad, was taken into custody after praising Rouhani's efforts to foster a more open political environment.²⁶ The horrifying number of 661 executions that took place in 2011 and the treatment of political prisoners have remained consistent since Rouhani's election in 2013.²⁷ Masoumeh Dehgan, the wife of human rights lawyer and political prisoner Abtulfatah Sultani, voiced a widespread opinion that it is the hard-line judiciary that is preventing the implementation of reforms.²⁸

“sanctions relief and reengagement with the international system will all bear positive shifts in Iran's fundamental political outlook.”

However, this older conservative element cannot continue to solely determine Iran's future. The Vienna agreement will give Iran access to the banking system outside of the United States, as well as to foreign companies and markets, strengthening the position of moderates.²⁹ More than half of Iran's population is under 35 years old, born after the Iranian Revolution.³⁰ To survive, conservatives must account for a youthful constituency that wants to engage with the international system. When Khamenei claims that Israel will not last 25 years and that no other issues will be discussed with the US,³¹ he contradicts the immediately prior sentiments of the elected President Rouhani, who was willing to discuss solutions to the Syrian conflict.³² If this deal is pursued as intended, it may be Khamenei's anachronistic theocracy that will shift in 25 years.

Conclusion

Author Robert Kaplan offers the common realist aphorism that values require self-interest to enforce.³³ However today, self-interested nations require a hospitable international environment that shares their values. A moderating influence in the Middle East is a worthy object of any party invested in stability. Along with this agreement's importance to the integrity of the international community, re-engaging Iran is a landmark step towards resolving the Middle East's chaotic balance of power.

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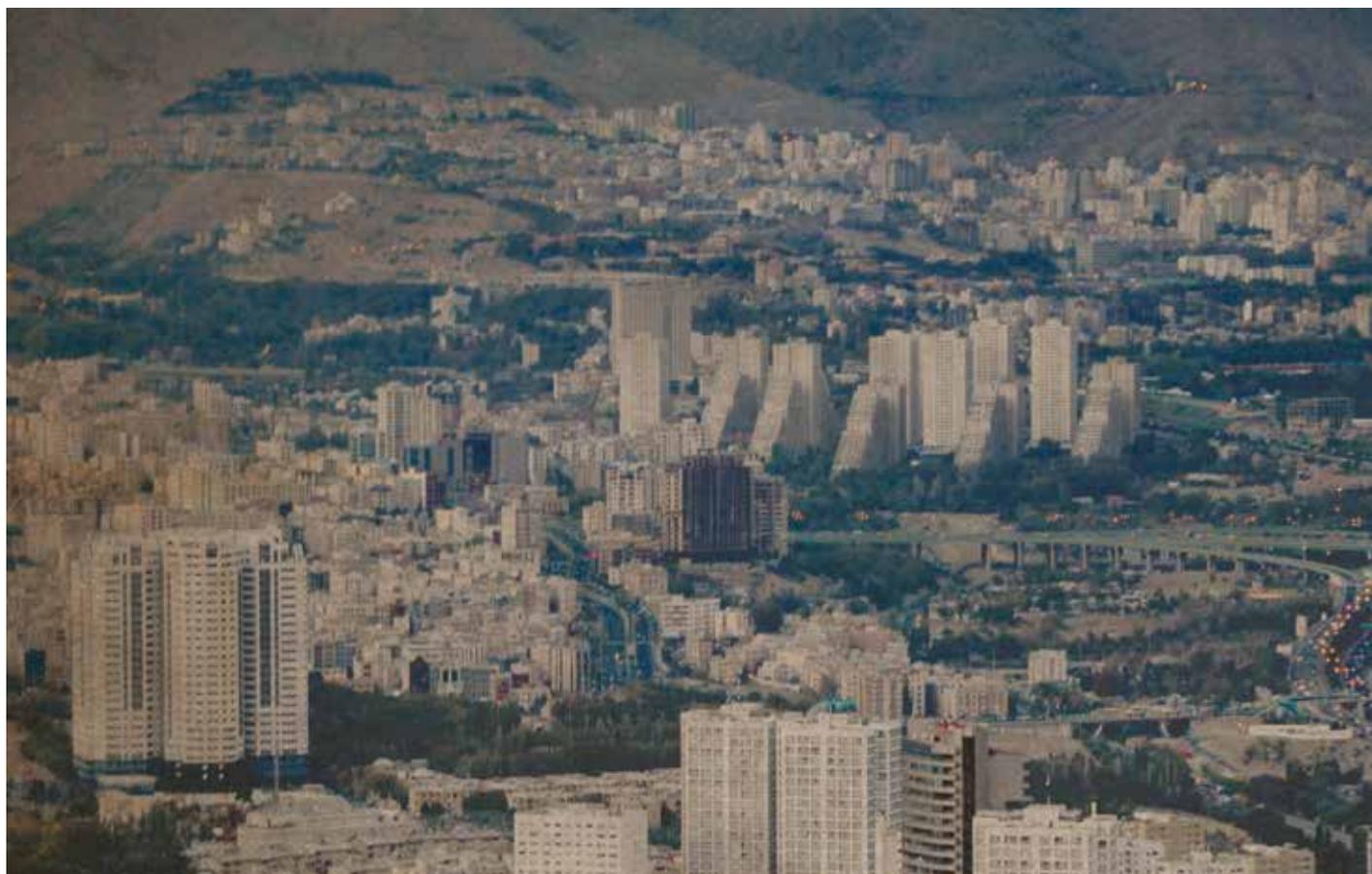


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Nuclear Non-Proliferation

Interview: Professor Ramesh Thakur

The issue of nuclear non-proliferation has been at the forefront of the global agenda once more this year. The issue gained momentum when in July, a Joint Comprehensive Plan of Action was signed in Vienna between Iran, the permanent members of the United Nations Security Council, Germany and the European Union, to effectively limit the Iranian nuclear program. Beyond the Iranian nuclear issue, however, what progress is being made in global negotiations to ensure nuclear disarmament? Will the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) prove an effective instrument?

In this interview, Professor Ramesh Thakur of the Australian National University shares his thoughts on the current climate for nuclear non-proliferation. Professor Thakur is the Director of the Centre for Nuclear Non-Proliferation and Disarmament at the ANU. He has penned numerous books and articles on the topic. In 2001, Professor Thakur was also a principal author of the Responsibility to Protect doctrine.

Professor Thakur, earlier this year you helped put out a revised edition of the ‘State of Play’ report on nuclear weapons. Would you say that the state of play on nuclear proliferation in 2015 is an optimistic or pessimistic affair?

We recorded a pessimistic mood at the end of last year, as a result of which we are not really surprised at the failure of the NPT Review Conference in May to agree to an articulated document. What we have had is a steady, gradual deflation of the balloon of optimism that was floated starting with Obama’s speech in Prague in April 2009 and including his chairing of the UN Security Council meeting in September, which reaffirmed the commitment to the call for a world freed of both the existence and threat of nuclear weapons.

In the meantime we have had the International Commission for Nuclear Non-Proliferation and Disarmament, co-chaired by Gareth Evans and Yoriko Kawaguchi, come out with this report towards the end of 2009 to map out a sharply practical, ambitious but realistic agenda. Then, of course, in 2010 we had the last NPT Review Conference which, unlike the 2005 conference, was in fact moderately successful. Given the total failure of 2005, that modest success was quite welcome to those of us who follow these issues.

Since then, we have gone downhill. The negotiations got a new start, but there have been the tensions with China, the questioning by many commentators as to whether Ukraine would have

been better off keeping its nuclear weapons, and the repeated reminders by President Putin of Russia's vast nuclear arsenal. This has unfortunately served to falsely 're-legitimise' and revalidate the role of nuclear weapons, and has been reflected in the fact that, China, India, Pakistan and North Korea have continued to gradually increase their nuclear weapon stockpiles.

So overall, notwithstanding the commitment in Article 6 of the NPT to conclusively negotiate the elimination of nuclear weapons, the fact is that nine countries have nuclear weapons and there are just under 16,000 now in total stockpiles. Every single one of these nine countries foresees an indefinite retention of nuclear weapons as an essential anchor of its national security policy. The prospect of a world free of nuclear weapons has, if anything, receded since 2009.

Claims of 'nuclear apartheid', or the contention concerning some nations being allowed to possess nuclear weapons under the NPT but not others, seems to be a significant obstacle in disarmament negotiations. Do you see a way for this issue to be resolved?

The charge of 'nuclear apartheid', which was raised by Indians and the late K. Subrahmanyam in particular, is an attractive slogan but a fundamentally false metaphor. Apartheid was a rule of the minority over the majority, denying any equality of opportunity, access or treatment to the majority community in South Africa. The NPT, by contrast, has a very wide, near universal membership – there are only four countries outside of it: Israel, Pakistan, India and North Korea. The majority has subscribed to the NPT because it believes the Treaty is valid.

The non-proliferation part of the NPT was immediate, legally-binding and subject to verification, compliance and enforcement. The disarmament part, due to its practical difficulties, was left open-ended, with no timetable, no verification and no enforcement. However, it is now many years since it came into effect [1970]. No matter how generous you want to be to those who have nuclear weapons, it is very difficult to argue that they are not in violation of their Article 6 obligations.

As long as nuclear weapons exist, they will proliferate. Therefore, the existence of nuclear weapons is a sufficient guarantee of proliferation and conversely, disarmament is a necessary commission.

“ **As long as nuclear weapons exist, they will proliferate.** ”

The NPT has been very successful in that it is near universal, but it may have reached the limit of its potential and it has, in my phrase, exhausted its 'normative capacity'. The policy challenge now becomes, how do we work around the NPT without jeopardising and undermining it, and how do we work around it to complete its own agenda and achieve disarmament?

With regard to your argument that the NPT has reached its normative potential, if that is the case, what can we work towards?

That is where I think we must come back to the so-called 'Humanitarian Impact of Nuclear Weapons' movement, which is the most substantial mobilising device in the world at the moment. Its first conference was held in early 2013 in Oslo.

It is worth remembering for us that the Australian government has not signed on to the Humanitarian Impact initiative – it is not opposed and it subscribes to the aim but it has disagreements over the strategy of the movement and particularly over the exact language being spoken. The Humanitarian Consequences movement has swelled to around 116 countries by today. The civil society participation at the Vienna conference in 2014 was more numerous and more enthusiastic than at the NPT Review Conference, which tells you where the people believe progress might be achieved.

There are three propositions at the heart of the movement:

- 1) No country individually, nor the international system collectively, has the capacity to cope with the humanitarian damage that would be caused by a nuclear war.
- 2) Therefore, it is in the interest of the very survival of humanity that these weapons are never used again under any circumstances.
- 3) The only guarantee of these weapons never being used again is their total elimination.

It is a very clear 1-2-3 step summation that has been expressed in a General Assembly Resolution at the United Nations as a policy option to stigmatise, prohibit and eliminate nuclear weapons.

In the post-Cold War era, do you think that mutually assured destruction (MAD) remains a relevant concept? Has the presence and threat of nuclear weapons prevented the outbreak of World War III?

I think we need to go back to history on this one. The mythology in the United States and elsewhere is that the dropping of the bomb on Hiroshima and Nagasaki on 6 and 9 August 1945 was the key to the surrender of Japan. Now that we have the archives and we look at the evidence, it is actually surprisingly clear that had it been just the atomic bomb, Japan would have fought on for two or three months, because the scale of damage and destruction was not out of line with other damage that they had sustained and absorbed. The Japanese could have gone on fighting. Why, then, did they surrender? The key factor was the entry of the Soviet Union into the war. The entire northern Japan was exposed and vulnerable to a rapid Soviet advance. If the Japanese had not surrendered in a couple of months, in effect we would have had a divided North and South Japan, just like North and South Korea and just like East and West Germany. That was the fear that drove them.

History thus tells us that 'first use' is ruled out as an argument of effective nuclear strategy, because the moral costs are so great. Furthermore, no one can point to a single example of one country that has nuclear weapons that has wanted to attack another country but was stopped from doing so because it knew or feared the other had a bomb. There is just no evidence. Similarly, there is absolutely no evidence of even one instance of a country using its bombs successfully to coerce another country to change its behaviour under the threat of nuclear bombs. It has never been done and it is never going to happen, as it is not a credible threat.

So, first use is not possible, nuclear blackmail is not possible, which then leaves us only with deterrence. What does it do? It makes you more cautious. If you know the other side has a nuclear weapon, you are a bit more wary of initiating even a minor skirmish just in case it starts escalating.

It does not, however, guarantee that that won't happen, and it does not guarantee that it won't happen by accident, for example by rogue launch, by faulty information or by system error. We don't have these guarantees and thus the question that we face is, whether we rely extensively on nuclear deterrence.

Nuclear deterrence is caught in an inescapable fundamental paradox. To work, deterrence must involve a credible threat of the use of nuclear weapons if it fails. However, if it does fail, it cannot be used, because then the consequence is worse for everyone.

“ **Nuclear deterrence is caught in an inescapable fundamental paradox.** ”



Image credit: Tnarik Innael

The limited utility of deterrence has to balance against the risks of proliferation, of terrorism, of insecurity and of nuclear weapons being used. It is not that nuclear weapons are useless, but that their use today is outweighed by the risks in a world in which we can meet all of our security objectives without nuclear weapons, and so we should get rid of them.

Has the rise of non-state actors led to an escalation of risks for nuclear non-proliferation, and how will the NPT regime deal with this challenge?

If we go back to my earlier thoughts on the humanitarian consequences of nuclear weapons, the only guarantee we can have is total elimination. If nuclear weapons did not exist, they could not proliferate. If they did not exist, they could not be stolen. That is the only guarantee we have. As long as they exist, terrorists will do their best – and worst – to try to get them, and one day they will succeed. It is a low probability event but one with a high-impact risk.

Geoffrey Robertson QC has suggested that the right of possession of nuclear weapons could be confined in international law to nations whose governments have not committed crimes against humanity. Do you see this as a feasible solution?

No. That is not how the politics of nuclear weapons works. It's a nice 'lawyerly' solution, but – and I've had this conversation with Geoffrey – that's like saying "you should restrict the United Nations to democracies". Who gets to decide? Do you really want a decision left to the International Court of Justice as to who is allowed nuclear weapons? Do you think countries will agree to that? Who gets to decide whether crimes against humanity have been committed by a country? The biggest indictment against the ICC is not its failure to arrest Bashir and Saddam, but rather its failure to consider a warrant against the leaders of the West who attacked Iraq in 2003.

How do you think the recent Iran nuclear deal can be understood in the context of the NPT? Is it a sign of good progress?

Firstly, if we did not have the NPT, it would have been much more difficult to even engage in negotiations, because then Iran would have had the right to get nuclear weapons. Under the NPT, it has given up that right.

It is exactly in relation to the NPT that the obligations have been spelt out. What Iran has said is that any country, as a sovereign state, has the right to enrich uranium. Contrary to the common perception, the NPT does not take away that right. The other bottom line was that Iran did not want to close any existing facilities, and the third was that it did not want inspection of its military facilities. On the last one they've given ground somewhat, and on the first and second, Iran's minimum concerns have been met.

What were our minimum concerns? One, to deter, dissuade, and if necessary, lengthen the timeframe in which Iran decides to weaponise. Two, to make sure we can detect any effort to cheat, if they go down that path. And three, to make sure that we have sufficient time to do something about cheating if it occurs. Our minimum goals were met on all three counts.

What we have is both sides coming to a negotiated deal and walking away feeling that they have both gained more than they gave up, which is the secret to international diplomatic negotiations. If both sides feel they have taken more than they have given, then you have success.

What are the practical consequences of the deal?

There are two pathways to the bomb. In both cases this deal relies on severe restrictions on the material capacity and facilities of Iran to make a bomb. It closes off the plutonium pathway to the bomb completely. The Arak reactor will be closed off as a plutonium reprocessing and separating plant and it will be reconfigured. No other facility will be allowed to engage in the reprocessing and separation of plutonium. Any spent fuel of plutonium that already exists will be shipped out and kept in international storage under IAEA supervision.

Iran have agreed to cut their stockpiles of medium-enriched uranium by 98%, from 10,000 to 300 kilograms. The 300 kilograms is a face-saving measure more than anything else. The enrichment level that they have agreed to is 3.67%. They will not be allowed to enrich beyond that, and existing medium-enriched items will be down-blended to within that level. Enrichment will be limited to just one facility under international supervision.

IAEA has been given rights of access to Iran's nuclear weapons program, covering their entire supply chain, from mining to imports and exports and various stages in between. That is without precedent other than for a country which has been defeated in war, such as Iraq previously. In addition, Iran has given consent to on-demand inspection of military facilities.

So, first you take care of the materials and facilities, then you have inspection, and then you have a sanctions architecture staying in place, so that they can be reimposed. It should be noted that sanctions were never enough to get Iran to the table, and they could have borne the pain of sanctions indefinitely.

So those are the three benefits of this deal. However, what are the alternatives? Maintain and tighten the sanctions? This was a multilateral international agreement between the P5+1 and Iran. It was not a bilateral US-Iran deal. If the Congress was to have rejected it, on what basis would it believe that China, Russia, Brazil and India would continue to cooperate with the sanctions architecture if the Americans would not commit to a deal that everyone else thinks is good. And if the international consensus on sanctions collapses, sanctions are weakened, not strengthened. So the alternative is that, or, you go in for the military strike. The Western military interventions across the regions have been brilliant successes haven't they?

An intervention would be a temporary setback to Iran, but I think that all the military analysts agree that the two, perverse, long-term effects would be that the entirety of Iranian society would unite behind the government to get the bomb. Whichever the government, it would want to get the bomb, and they would throw out the inspectors and pull out of the NPT. So that strategy simply does not make sense.

All in all, the Joint Comprehensive Plan of Action is a pretty good deal. Will Iran try to cheat? There are enough incentives for them to stay with the deal. They would lose more than they gain if they try to cheat. If they do, however, we have the IAEA inspections and we have the US and other Western intelligence capabilities. If you take a reasonable analysis, there are lots of plus sides to the deal, and the only negative side is that we had to concede on Iran's right to enrichment. Well, the practicalities were that that was happening anyway.

Should We Jump the Gun? Pre-Emptive Regulation of Autonomous Weapons

Will de Waal

'A sword is never a killer, it is a tool in the killer's hands.'

- Seneca¹

70 years on from the catastrophic end to WWII we are still struggling to ban nuclear weapons. Today, humankind has a second chance. A new era of weapons is on the verge of deployment. We have strong indicators of its destructive potential and the power to stop it. But do we have the will?

Lethal Autonomous Weapons Systems (LAWS) are weapons that 'have autonomy in the critical functions of acquiring, tracking, selecting and attacking targets.'² For example, LAWS might include armed quadcopters that can independently search for and eliminate enemies, but do not include cruise missiles or remotely piloted drones. While *fully* autonomous LAWS have not yet been deployed in armed conflict, weapons are being progressively infused with autonomous features, and there is a general technological and ideological shift towards ever-increasing autonomy.³

In light of these developments, a global movement against the development of LAWS is continuing to gather momentum. Major civil society coalitions, such as the Campaign to Stop Killer Robots, have been placing increasing pressure on governments to acknowledge the profound threat LAWS pose to international peace and security. This movement has prompted a series of expert meetings within the framework of the United Nations Convention on Certain Conventional Weapons (CCW).⁴ The debate rose to an even higher profile in July 2015, when Elon Musk, Steve Wozniak and Stephen Hawking, along with 1,000 artificial intelligence and robotics researchers, claimed that LAWS 'will become the Kalashnikovs of tomorrow'.⁵ In a letter presented at the International Joint Conference on Artificial Intelligence, the authors cautioned that the international community must prevent the development of LAWS before a global arms race begins, and technological progress outpaces diplomatic processes. Despite conceding that artificial intelligence can be used to increase safety in war, the authors claim that LAWS 'lower the threshold of going to battle and result in greater loss of human life'.⁶

Musk, Wozniak and Hawking do make cogent points. However, is a complete ban the ideal way forward? To better understand the debate, the three main options must be examined. The first is to



Image credit: The U.S. Army

take no action. Alternatively, LAWS could be banned completely. The third option is to create a new legal framework to regulate LAWS.

Option 1: Take no action

Even if no action is taken, LAWS will not reign completely free from regulation. In fact, international humanitarian law (IHL) already comprehensively regulates all weaponry used in war.

First, IHL bans certain *types* of weapons. Weapons are prohibited either because they are ‘indiscriminate’ by nature,⁷ or they are ‘of a nature to cause superfluous injury or unnecessary suffering’.⁸ Under Article 36 of Additional Protocol I to the Geneva Conventions, nations must conduct internal reviews of all new weapons to ensure these rules are complied with before deployment. LAWS have most frequently been challenged on account of their apparent ‘indiscriminateness’. Weapons are considered indiscriminate if they cannot adequately distinguish between military targets and civilians.⁹ For example, cluster bombs often cannot be directed at a specific

military objective because the scale of the bomb is too vast. Similarly, these regulations currently prohibit ‘indiscriminate’ LAWS.

Secondly, IHL prohibits particular *uses* of weapons. Most notably, weapons cannot be used in circumstances where the military advantage gained by an attack is disproportionate to the collateral civilian damage – the ‘proportionality’ principle.¹⁰ For example, militaries are required to scrutinise the location of a planned attack and examine the proximity of that location to hospitals and schools, and estimate the scale of potential civilian injury and death. Whether LAWS are used or not, militaries must undertake a very similar assessment. In order to comply with IHL, militaries could limit the use of LAWS to situations where there are few civilians, or where the geographical terrain is simple to navigate.

In outlining the current regulation of all weaponry, it is possible to appreciate how certain types and uses of LAWS are *already* limited by IHL.

Option 2: Complete Ban

Proponents of a complete ban argue that LAWS subvert the entire body of IHL due to their removal of human control.

Arguably, LAWS are inherently ‘indiscriminate’ because the capacity to distinguish between military and civilian targets rests on an attacker’s ability to perceive and process their surroundings – their situational awareness.¹¹ In a modern world characterised by asymmetric urban conflicts fought in civilian regions, the ability to accurately make this distinction is becoming increasingly challenging for human soldiers. One of the major issues is that belligerents often do not wear uniforms or insignia.¹² How could LAWS determine whether an individual is a civilian if there are

no distinguishing physical indicators? And even if LAWS were able to correctly identify a target as a civilian, how could they be programmed to accurately identify and respond to a change in status under IHL – for example, when a ‘civilian’ becomes a ‘combatant’ once they ‘directly participate’ in the conflict?¹³

Similarly, proponents of a complete ban assert that LAWS cannot properly respect the IHL principle of ‘proportionality’, because compliance with this rule entails a ‘case-by-case qualitative judgment, often in rapidly changing circumstances.’¹⁴ Kathleen Lawand, the head of the International Committee of the Red Cross’ Arms Unit, has voiced concerns over the ability of LAWS to make ‘the complex, context-dependent judgments required.’¹⁵ Balancing the cumulative value of likely civilian death, injury, and broader damage to civilian objects against likely military advantage, the combatant must compare ‘unlike quantities and values.’¹⁶ Many lawyers doubt that even ‘human soldiers are capable of truly applying this ambiguous test.’¹⁷ As such, there is resounding skepticism that LAWS will ever be to perform these assessments more effectively than humans.¹⁸

Option 3: Meaningful Human Control

However, while the rhetoric of a complete ban certainly is ‘viscerally appealing’¹⁹ and is often deemed the most newsworthy, another solution has taken centre stage. The locus of current international negotiations is not settling in favour of a complete ban nor inaction, but rather a pragmatic medium. At the most recent CCW meeting in April 2015, a vast majority of parties

agreed that regulation is preferable to prohibition.²⁰ What is emerging is an acknowledgement that LAWS are extremely diverse, and should not be policed under a blanket rule. Parties are coming to a consensus that LAWS can be legal *so long as* humans retain a certain requisite degree of control over the critical functions of selecting and attacking targets. This threshold, known as ‘Meaningful Human Control’,²¹ forms the skeleton of a legal test that could be used to distinguish between lawful and unlawful LAWS.

“ a vast majority of parties agreed that regulation is preferable to prohibition. ”

With the concept of Meaningful Human Control now commanding widespread acceptance, the task before the international community is not to decide whether to focus on the concept, but on how to define it. There are several factors that might validly be taken into account, three of which are particularly promising. First, LAWS should be required to operate within strict geographical bounds, thus controlling the environment and limiting the impact of unforeseen variables. Secondly, LAWS must *always* gain consent from a human controller, ensuring that it is always a human that is ‘pulling the trigger’. Thirdly, the human controller must have a reasonable opportunity to confirm each individual attack’s compliance with IHL. This proposed framework would ensure that the test of ‘Meaningful Human Control’ is objectively assessable, and that human judgment remains a vital element of the weapon’s operation.

As nations around the world continue to roll out weapons with increasing autonomy, it is vital that the international community unites with haste and defines Meaningful Human Control. With the annual CCW meeting looming on 13 November 2015, and the Fifth CCW Review Conference in late 2016, it is possible that a workable solution will be achieved in the near future. Let’s not allow history to repeat itself.

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Attribution in a Vacuum: Cybersecurity and the Sony Pictures Entertainment Hack

Michael Chi

Even after a year, the details of the Sony Pictures Entertainment (SPE) hack remain unclear. While there seemed to be a ‘case closed’ moment after a national press release by the Federal Bureau of Investigation (FBI) on 19 December 2014 stating that they had ‘enough information to conclude that the North Korean government is responsible for these actions’,¹ experts and technocrats in the field of cybersecurity have voiced and continue to voice considerable doubts over the strength of the case that would place North Korea behind the notorious hacks.

The FBI has argued that North Korea was implicated in the hacks through:

1. Links to other malware² that the FBI claims it knows North Korean actors have previously developed;
2. A significant overlap between the infrastructure used in this attack and other malicious cyber activity the U.S. Government has previously linked directly to North Korea; and,
3. That the tools used in the SPE attack have similarities to a cyber attack in March of last year also allegedly carried out by North Korea.

As such, the FBI has argued that the hack bore links to North Korean cyberwar tools, North Korean internet protocol (IP) addresses and previous North Korean attacks.³ The intent of the FBI press release was to establish ‘attribution’ to a source,⁴ attribution being the term given by cybersecurity scholars to the intrinsic puzzle of determining who perpetrated the cyberattack. Generally speaking, attribution of cyberattacks is made extremely difficult by the architecture of computers and computer networks.

However, in making this press release and tentatively attributing the attack to North Korea, the FBI withheld sensitive evidence, fearing that its divulgence would allow North Korea to plug its intelligence leaks and operational gaps, stating that ‘the need to protect sensitive sources and methods precludes us from sharing all of this information’.⁵ As a result, the FBI did not release IP

addresses, nor the specifics of the machines they are attached to, resulting in a vacuum of public knowledge from which to verify the FBI's claims.

The Problem of Attribution

As a result of the paucity of information, the little information that has been made publically available by the FBI has been heavily examined by the cybersecurity community. Marc Rogers, a 'white-hat hacker' and Principal Security Researcher at cybersecurity firm CloudFlare, identified the three key pieces of malware used in previous hacks attributed to North Korea – Shamoon, DarkSeoul, and Destover⁶ – and argued that although 'some of these similarities certainly strongly hint at a similar operation and a shared DNA between these pieces of malware, it is hardly a smoking gun'.⁷ Rather, he says, 'the strength of this particular line of analysis weakens when you consider just how much sharing happens in the malware world', and that 'many of these pieces of malware are based on malware source code that has been sold/released/leaked and is therefore accessible and easy to use' and are being sold as part of a booming business.⁸ The claim that IP addresses associated with North Korea were implicated in the Sony hack has also been called into question. It is commonly understood that IP addresses are quite fallible, often being circumvented by proxy addresses or "botnets",⁹ networks of compromised computers that respond to the instructions of the hacker when needed but remain otherwise fully functional and retain an IP address indicating their geographic location. This effectively provides hackers with a 'cover identity' under which to operate,¹⁰ and significantly increases the difficulty of attribution.

The Character of the Hack

Given these doubts, and the paucity of specific, important information that would enable forensic security analysts to review the evidence of the FBI, analysts have turned retrospectively to information regarding the circumstances, rather than the means, of the hack.

Brandon Valeriano, a lecturer in International Relations at the University of Glasgow, argues that given North Korea's history, culture, and capabilities, it makes sense for North Korea to have perpetrated the attack. He argues that North Korea had the means, motive, and ability to do so.¹¹

“ given North Korea's history, culture, and capabilities, it makes sense for North Korea to have perpetrated the attack. ”

Furthermore, SPE's satirical movie set in North Korea, 'The Interview', to be released 25 December 2014 and featuring the assassination of Kim Jong-un, was objected to strongly by North Korea through diplomatic channels¹² and was commonly cited in the mainstream media as the key motivation for the hack.¹³ An analysis of North Korea's cyberwarfare capabilities from Hewlett-Packard seems to concur with Valeriano's assessment, concluding that although 'North Korea does not have a high tech culture... we should not underestimate the regime's advanced cyber capability',¹⁴ and that furthermore, cyberwarfare plays a central role in fulfilling the regime's ideological goals of *juche* and *songun*.¹⁵

However, behavioural analysts have pointed out that the specifics of the hack and the group that claimed credit for the hack, the 'Guardians of Peace' (GOP), as well as the timeline of the hack, do not match what would be expected from a state-sponsored cyberattack. While North Korea may well have had the means, motive, and opportunity, they argue the intent and actions undertaken by the hackers of Sony differ in key ways. They firstly problematise the timeline of the hack, noting that the GOP threatened SPE executives via e-mail on 21 November 2014¹⁶ and made a series of nine

leaks of highly sensitive internal data from 1 December through to 16 December 2014. Items such as employee Social Security Numbers, incident reports, customer details, contracts, and other sensitive data were disseminated into the wider internet via peer-to-peer sharing websites, pastebin, and other Filesharing sites such as RapidGator and TurboBit. However, it was only on 16 December 2014, three weeks after the hack had been made publically known, that the GOP referred

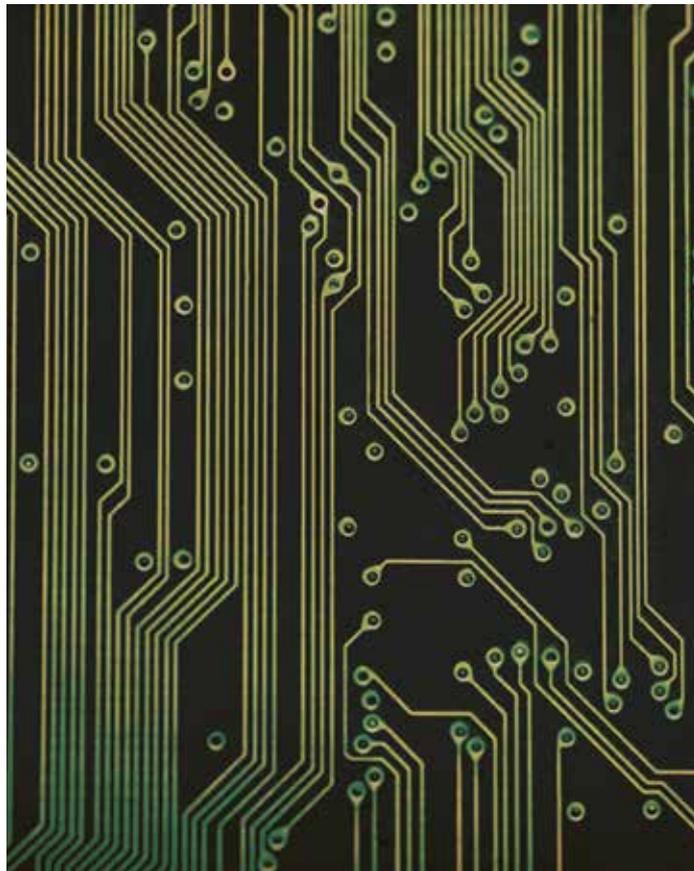


Image credit: Creativity103

to 'The Interview', at which point it warned potential audiences to 'Remember the 11th of September 2001'. This occurred well after speculation was sparked in the media as to whether the hack was perpetrated by North Korea in response to the impending release of 'The Interview',¹⁷ causing some to suggest that 'the attackers only latched onto 'The Interview' after the media did – the film was never mentioned by GOP right at the start of their campaign'.¹⁸

Others have noted the cultural incongruence of the GOP's messages with a North Korean background. Shlomo Argamon, a linguist with Taia Global, argued that based on writing style the hackers were likely Korean, Mandarin Chinese, Russian and German¹⁹ but that, importantly, there was word-for-word phrasing that was most consistent with Russian syntax. Conflictingly, however, researchers from the Silicon Valley cybersecurity firm Norse Corporation have argued that they found six individuals with direct involvement in the hack; two in the United States, one in Canada, one in Singapore, and one in Thailand. Furthermore, they argued that one of these individuals

was a 10-year technical veteran of Sony who was laid off in April/May 2014,²⁰ a claim based on corroboration with SPE's leaked human resources records and messages in IRC chatrooms between the identified individuals. Norse Corporation has argued that the bespoke, tailor-made nature of the SPE hack required insider knowledge to execute.

Despite the breadth of criticisms of the FBI's findings and the rise of alternate theories in a vacuum of information, the United States government has remained confident that North Korea was behind the hack of SPE, and has continued with its unilateral sanctions against 10 individuals and three organisations in North Korea, inhibiting access to US financial systems.²¹ Some have suggested, based on the FBI Director's comments about sensitive sources, that the FBI was able to gather information at the source, through the US Government's own cyber intrusions into North Korean computer networks, and that it had been tracking the intrusion for nine months before the hack was made public.²² This reminds us not to 'be fooled by the rather circumstantial public evidence that ties the Sony attack to North Korea – that's just cover for the real intelligence behind the attribution assertion, which is no doubt air tight'.²³

Conclusion

Many aspects of the hack of Sony Pictures Entertainment remain contentious and unclear, even a year later. Given the muddled waters involved in the realm of cybersecurity and the issue of

attribution, this is hardly surprising. What is surprising, however, is that despite the considerable murkiness of the issue within the public eye, national governments have been quick to assert their case and lay the blame on North Korea. In the absence of the privileged information that would underwrite a definitive conclusion, the realm of cybersecurity ultimately appears more uncharted and unnavigable for the average citizen, setting an concerning tone for future responses to cyberattacks in the years to come.

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The Rights of Nature: Bringing the Non-Human into Global Environmental Governance

Elise Moo

'If we are to go on living together on this earth, we must all be responsible for it.'
– Kofi Annan

Does a river have rights? In August 2014, the New Zealand Government answered that question with a resounding 'yes' when it signed the Whanganui River Deed of Settlement. Under the agreement, the river, its animal and human tributaries and surrounding lands are an 'indivisible and living whole' with the same legal rights, protections and powers of a person.¹

In December this year, representatives from around the world will meet at the Paris Climate Change Conference. High on the agenda is the push for a legally binding treaty to reduce emissions and prevent global temperatures rising by two degrees above pre-industrial levels.² Yet who speaks for nature in these forums? Who will represent a river at the negotiating table?

To bring the non-human into global environmental governance, we need to move beyond the anthropocentrism that still limits institutional capacities to solve complex issues. The complexity of climate change lies in the entanglement of human and non-human systems, including the

weather, the oceans, the plants and animals that humans subsist on.³ While the United Nations (UN) recognises the human causes of anthropogenic climate change, there is limited scope to engage the non-human subjects of climate change. The emerging field of earth jurisprudence, or 'wild law', provides an alternative to a system that silences the non-human. As it stands, the status quo, which mostly views the environment as a resource for exploitation, is insufficient. Radical and new interventions are required if we are to halt environmental degradation at the required rate and so respond to the pressing challenge posed by climate change.

“ **there is limited scope to engage the non-human subjects of climate change.** ”



Image credit: Richard Potts

From natural rights to rights of nature

The basis for a 'rights of nature' doctrine bears striking similarity to the aptly named discourse of 'natural rights'. Natural rights stem from John Locke's notion that individuals, by virtue of being human, have certain rights that are inherent, universal and inalienable.⁴ Indeed, the Universal Declaration of Human Rights is based on 'the inherent dignity and...the equal and inalienable rights' of 'the human family'.⁵ A rights of nature doctrine adopts the inherency of natural rights, arguing that nature has a right to be protected and conserved because 'all ecosystems on our planet are deeply intertwined'.⁶ In the New Zealand case, the non-human river is seen as having the same inalienable, natural rights as a person and can be represented by

legal custodians in a court of law, similar to the legal representation of minors.⁷ If, for example, someone violates those rights by polluting, degrading, or damaging the river, the trees that surround it or the animals that live in and off it, they can be prosecuted and punished.

Granting non-human entities legal rights is not new. Indeed the US Constitution has long been interpreted as guaranteeing corporations personhood.⁸ Yet such artificial rights have rarely been extended to non-human features of the environment – animals, forests, waterways, oceans and atmospheres – outside concepts of exploitable property.

Environmental law develops strong standards for environmental protection, promotes environmental justice, establishes minimum standards to limit the impact of human activity on the environment and recognises the obligation of human societies to protect and conserve non-human networks. However, this legal architecture stems from anthropocentric interests: from the notion of access to a healthy environment as a human right, to the protection of non-human animal herds and land under property rights.⁹ Even national parks – spaces where animals, land, rivers and trees are 'protected from human exploitation and occupation'¹⁰ – are protected only insofar as their existence as property of the state.¹¹ As such, non-human entities are only granted rights through their function as human property, from leisure parks to industrial mining.

Wild Law

Yet there are examples of granting non-human rights beyond property rights or aesthetic value. One notable model is Ecuador's *Rights of Nature Act*, which grants natural ecosystems constitutional rights. The Act, passed in 2008 after a national referendum, states that nature 'has the right to exist, persist, maintain and regenerate its vital cycles'.¹² The case is a landmark example of earth jurisprudence, which grants rights on the basis of the Earth's inherent value, 'not what the Earth can do for humans'.¹³ Practical implications include: recognising the Earth as a living whole in policy documents; redefining state interest to include non-human interests; granting non-human entities legal status; and developing a framework for a Universal Declaration on the Rights of Nature that would expand an esoteric idea into one that is commonplace. The idea that nature has rights would move advocacy beyond the rarefied provenance of indigenous groups, radical thinkers, green activists and NGOs, to commonly held principles that are taken for granted, in the same vein as human rights.

Beyond the 'state-us' quo

Polar bears on thinning ice, dried-up riverbeds crusted in dust, smoggy horizons and waterways choking with plastic; these images make visible the impacts of climate change on the interconnected world we live in. Non-human entities are not passive bystanders or resources, but rather, central agents that interact with and are impacted by environmental governance in important and multidimensional ways. Rarely, however, are such non-human entities recognised or represented as meaningful stakeholders when contemplating solutions to the problem. Responding to climate change is a new challenge, one that threatens the life and livelihoods of countless species around the world. Humans are intrinsically linked to non-human agents, from the soil that grows our food (and our food's food) to the trees that help us breathe.

While the UN and its Member States recognise the importance of these linked ecosystems and the need to protect them, the harms and associated solutions to climate change are still only expressed in their capacity to impact humans and nation-states. Indeed, the UN Framework Convention on Climate Change (UNFCCC), the most comprehensive global agreement on climate change to date, acknowledges that 'change in the Earth's climate and its adverse effects are a common concern of humankind'.¹⁴ But climate change is of concern for groups far larger and broader than 'humankind'.

Conclusion

In questioning the power differentials that allow for some voices to be heard and others to be lost, rights of nature advocates and the precedent of wild law offer examples of the radical rethinking that creative and holistic approaches to environmental governance require. The challenge remains to widen the debate further as we breach the 'uncharted territory' of damaged ecosystems and transformative climate change. In doing so, rivers need to be at the table.

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The Impact of Water Scarcity on Regional Stability in Central Asia

Laura McCarthy

As we near the end of the United Nations International Decade for Action ‘Water for Life’ (2005-2015), the threat of water scarcity remains firmly in place. It is a crisis that affects every continent, and approximately 1.8 billion people will experience absolute water scarcity by the year 2025.¹ Central Asia, a ‘hotbed’ of regional instability,² has been noted to be particularly vulnerable to climate change and water scarcity due to a long history of environmental mismanagement.³ The

“ **the threat of water scarcity cannot be addressed by one nation’s domestic policy alone.** ”

Central Asian states of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan offer an important lesson in cross-border cooperation and conflict, as it is increasingly acknowledged that the threat of water scarcity cannot be addressed by one nation’s domestic policy alone.

Climate change and the impact of water scarcity

Climate change is currently affecting the Central Asian states in a variety of ways, primarily through increasing temperatures, changing hydrology and droughts, floods, windstorms, forest fires and seasonal heatwaves.⁴

Without developing counter-measures, Central Asian states risk becoming progressively and irreversibly affected. Water scarcity and availability is an increasingly contentious issue, with each state becoming more volatile in its security politics when claiming rights to water.

The Central Asian region relies on two great rivers, the Amu Darya and the Syr Darya, which are fed by snow and glacier melts to the north. As the temperature of the globe increases, melt-rates – and thus water availability – have been affected.⁵ Calculations have shown that by the year 2050, the water runoff in the basins of the two rivers ‘will dry up by 10 to 15% (Amu Darya) and by 6 to 10% (Syr Darya)’.⁶ Experts have argued that as water availability continues to decrease, the region will experience a sharp increase in water-security related conflicts.⁷

In Central Asia, approximately 22 million out of 60 million lives depend directly or indirectly on irrigated agriculture, which produces between 20 and 40 percent of GDP for each country.⁸ The Europe-Central Asia Monitoring Programme (EUCAM) explains that due to poor water management, water scarcity has been exacerbated, leading consumption and agriculture to become

an increasingly volatile security problem for Central Asian states and their populations.⁹ As the Amu Darya and Syr Darya rivers extend across territorial boundaries, tensions are mounting due to the complex allocation systems and tradeoffs that exist between the states.¹⁰ Specifically, upstream states – Kyrgyzstan and Tajikistan – rely on water for hydropower energy production in winter, whilst downstream states – Uzbekistan, Turkmenistan and Kazakhstan – harness water flow in summer for agriculture and irrigation of crops.¹¹

Case Study: The Rogun Dam

The Rogun Dam in Tajikistan is a particularly important case study that demonstrates the contention caused by cross-border water sources. The dam has caused conflict between downstream Uzbekistan and upstream states, Kyrgyzstan and Tajikistan. The project began decades ago under Soviet occupation, but it has been too costly for the Tajikistan government to fund and complete.¹² It is a hydropower dam that will expand the upstream states' hydroelectric capacity, particularly that of Tajikistan. It has been touted to bring much needed electricity and resources to Tajikistan and also advance the nation's economic interests. The dam has been aggressively opposed by Uzbekistan, primarily due to its location. The dam lies on the Vakhsh River, a major contributor to the Amu Darya. The Amu Darya supplies a great majority of the water needed for irrigation canals in Uzbekistan. Uzbekistan has argued that the formation of the dam will affect the water flow to its cotton fields and will damage its crops and the economic turnover it receives from crop yields as a result.¹³

The Rogun Dam has become a political symbol in both countries, exacerbating the regional dispute and instability between Tajikistan and Uzbekistan. For example, the Tajik President Emomali Rahmon has referred to the dam as a symbol of national pride and honour.¹⁴ The Rogun Dam has evolved into a figure of national independence and a source of hope for the Tajik people. Conversely, the population of Uzbekistan see the dam as a fundamental threat to their nation.

The Uzbek government fears that the dam will give Tajikistan increased geopolitical leverage in the region and that it will damage Uzbekistan's agriculture and environment.¹⁵ Consequently, Uzbekistan has threatened to cut off the gas and energy supplies that Tajikistan sources from within Uzbek borders. Furthermore, the Uzbek government has declared that the construction of the dam could ultimately lead to war between the two countries.¹⁶

The Rogun Dam case study highlights the volatility of the water security situation in the region. It demonstrates the extent to which the climate can bring the region into periods of instability and shape regional tensions. Water is a major source of conflict worldwide, and climate change is exacerbating Central Asian water problems with troubling effect. Coupled with a history of poor water management, projects such as the Rogun Dam are increasingly becoming the subject of bitter feuds.

“ **Water is a major source of conflict worldwide, and climate change is exacerbating Central Asian water problems with troubling effect.** ”

Potential for increased cooperation

A positive observation of the regional situation is nonetheless possible. The realisation of the threat of climate change and increased water scarcity has led to a push for common integrated water resource management in the Central Asian region, which is slowly becoming a reality.¹⁷ The Central Asian states have become increasingly interested in effective water management,



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despite difficulties in giving effect to these intentions due to financial constraints. One pattern of cooperation that is taking place is through the Environment and Security Initiative (ENVSEC), an initiative of the United Nations and other international organisations aimed at reducing the risk of climate change impacts and increasing cooperation within the region.¹⁸ The initiative has opened dialogues between the states on dealing with adaptation to climate change, and demonstrates how climate change has the capacity to bring states together and positively affect regional stability. With a shared threat and shared goal, Central Asian states may be able to address the regional manifestations of climate change through cooperative measures. Such cooperation is vital, as experts have estimated that continued water scarcity and land degradation as a result of climate change will begin to threaten food security in the region in the near future.¹⁹

Conclusion

The Central Asian region has been cursed with periods of great instability arising from border tensions, extremism and authoritarianism. Today, water scarcity threatens to destabilise Central Asia again.²⁰ For a region that has often existed in turmoil, stability is an aspiration for most Central Asian nations. With the consequences of climate change steadily taking a toll on collective resources, proper water management through cross-border cooperation is increasingly vital to ensure political and regional stability in Central Asia.

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