

Mayor's Factors for Good Local Governance: Attributes, Political Orientations, Political Networks and Behavior of Mayors in the Philippines

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Abstract

This paper explored the relations between mayors' different attributes such as family background, educational background and age. It also examined whether there are significant correlations between mayors' attributes and their political behaviors as well as new paradigm of governance – New Public Management (NPM). Our assumption under these examinations is that the mayors from political families which spread their roots in local politics widely don't prefer NPM than the mayors from non-political families. Results of analysis, contrary to our assumption, don't show significant difference between mayors from political family and non-political family.

Keywords: political family, NPM, Philippines

Introduction

This paper examines the relations between political orientations, behaviors, networks as well as attributes of mayors and the performance of local governments in the Philippines utilizing the results of an elite survey “2011 Local Government Survey in the Philippines” (The principal investigator was Fumio Nagai, Osaka City University).

Since Local Government Code of 1991 was enacted, we have observed various efforts for decentralization and democratization of political process in local governments in the Philippines. On the other hand, as Bunte (2011) points out, “predatory forces and interests can capture the process and institutions of decentralization”, and ‘political families’ are resilient in the Philippines (White 2015). In fact, we can see media reports and comments lamenting strong control of political process in the Philippines by ‘political families’ (*Philippine Star*, Oct. 7, 2012; *ABS-CBN News*, May 11, 2016).

It is not clear, however, if ‘political families’ are obstacle for democratic decentralization or not. Our previous study showed that there are no significant differences

in the administrative performance, the performance in service delivery, and the performance of value fundamentals between the mayors from ‘political family’ and ‘non-political family’. And we still don’t have comprehensive picture about the political orientation, behavior and network of the mayors – from ‘political family’ and ‘non-political family’ – in the Philippines based on a quantitative empirical study.

Therefore, our questions here are who has what kind of political orientations and political networks and how they behave, and finally what are the important factors for good local governance in the Philippines.

1. Data

The data we use in this paper is acquired by the survey mentioned above. The population was 1,515 local governments in 16 regions in 78 provinces. Out of all the 1,591 governments in 17 regions in 80 provinces, we excluded 76 governments in 2 provinces in Autonomous Region in Muslim Mindanao (ARMM) due to their political instability. The population consists of 135 cities and 1,380 municipalities; 771 governments in Luzon, 336 in Visayas, and 408 in Mindanao. And we used a representative sample of 300 local governments in 16 regions in 71 provinces. It consists of 93 cities and 203 municipalities; 170 governments in Luzon, 67 in Visayas, and 63 in Mindanao.

In our survey we interviewed a mayor and a municipal/city planning and development coordinator at each local government using a questionnaire for mayors and that for coordinators. Interviews were done by Social Weather Stations (SWS) and most interviews were conducted face-to-face excepting very few cases.

We had 300 respondents and 100% response rates for both mayors and coordinators. The sample contains one fifth governments of the whole country. Yet it covers more than half the residents of the nation. Cities are overrepresented in the sample because of their large population sizes. The sample mostly maintains proportions of governments and residents by island groups.

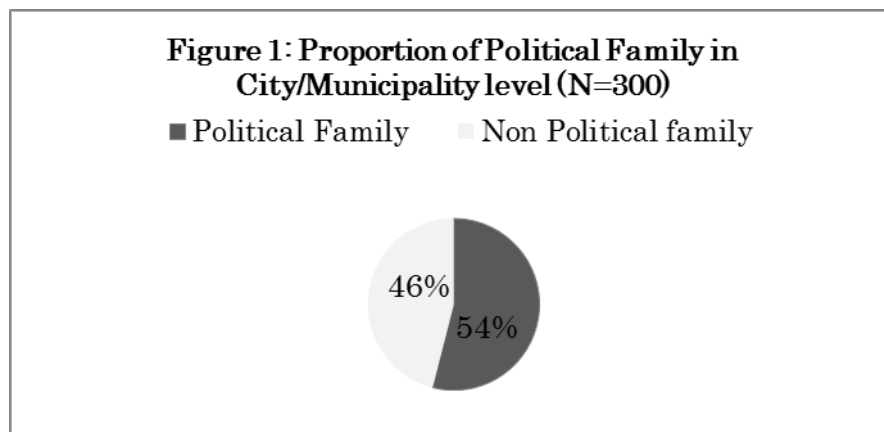
2. Mayors’ Attributes - Political Family and Other Attributes

2-1. Political Family and Occupation/Profession

According to the Senate Bill No. 1580 filed by Senator Miriam Defensor Santiago in 2013, political family has several “relatives within the second civil degree of consanguinity or affinity”. We take this as the definition of political family here. Thus we assume the mayors from political family as follows; 1) one who has at least one parent occupying a

politically elected post concurrently, or 2) one who has at least one sibling occupying a politically elected post concurrently, or 3) one who has at least one child occupying a politically elected post concurrently.

We found that 54% of the mayors or 162 among 300 are from political family as the figure below shows. This is smaller than the provincial government, House of Representative and Senate. According to Senator Santiago, as of year 2010, 94% of provincial governors, 80% of Senators and 74% of congresspersons are from political family. Still more than half of mayors are from political family in the Philippines.



Then we explored occupation/profession of mayors and found that 62% or 186 among 300 mayors are/were business owner which cut the biggest share among occupations/professions.

It has been said that in the Philippines political elites (mostly from political families) and business elites are networking to seek their personal gain at the expense of public welfare of community. In not a few cases, political elites themselves are at the same time engaged in business. In these circumstances, it is expected that a considerable number of the mayors from political families are also from the families who own some kind of businesses.

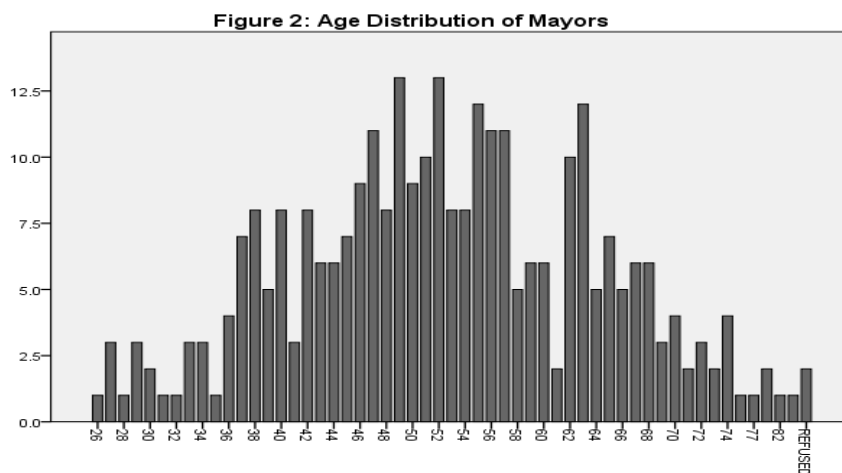
To verify whether this hypothesis is supported or not, we did chi-square test. From the cross tabulation below we can say that there is a strong association between political family and business owner ($\chi^2(1, N=300) = 4.851, p < .05$).

Table 1: Political Family * Business Owner Cross tabulation

		Business Owner		Total
		.00	1.00	
Political Family	.00 count	91	47	138
	expected count	80.5	57.5	138.0
	Std. residual	1.2	-1.4	
	Adjusted residual	2.5	-2.5	
1.00	count	84	78	162
	expected count	94.5	67.5	162.0
	Std. residual	-1.1	1.3	
	Adjusted residual	-2.5	2.5	
Total	count	175	125	300
	expected count	175.0	125.0	300.0

2-2. Political Family and Educational Background and Age

We also explore mayors’ basic attributes – age and educational background. The figures below show these items respectively. And we will analyze the relations between political family and these attributes. First, we examine the relations of political family with age.



This figure shows us that the average age of mayors is 53 years old. We clustered the age of mayors into two for our analysis: 1) 52 years and below the average age, and 2) 53

years old and above the average age. Distribution is shown in the table below.

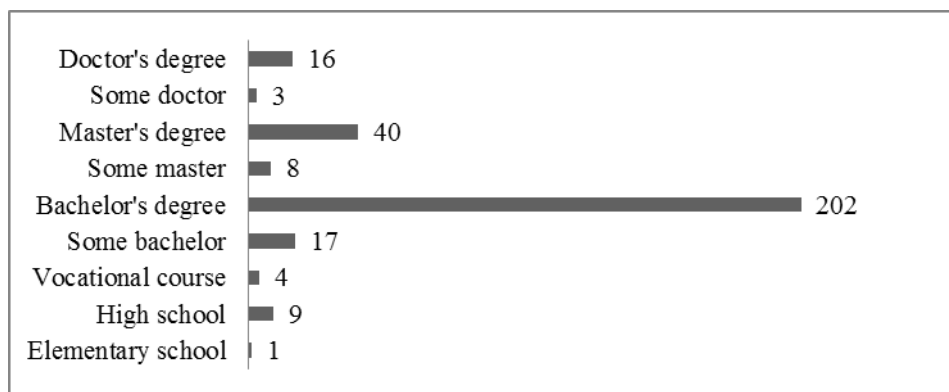
Table 2: Age (N=300)

Age	Frequency	%
~ 52	154	51.3
53 ~	146	48.7

We used chi-square test to examine if there is a significant difference between the mayors from political family and the ones from non-political family about their age. Result didn't show us any significant difference.

Then we examine the relations of political family with educational background. The figure below shows distribution of mayors' educational background.

Figure 3: Educational Background of Mayors



From this figure we can see that 90% of them attain bachelor's degree or higher educational attainments. We clustered the mayors' educational background into three: 1) elementary to some bachelor, 2) bachelor to some master, 3) master to doctor to examine whether there are significant relations between political family background and educational attainment. Distribution is shown in the table below. We used chi-square test for analysis. The result didn't show us correlation between political family background and educational attainment either.

Table 3: Education (N=300)

Education attained	Frequency	%
Elementary to some bachelor	31	10.3
Bachelor to some master	210	70.0
Master to doctor	59	19.7

3. Political Behavior of Mayors

3-1 Frequency of Contact with Other Politicians

In our survey, we asked mayors how often they contact with other politicians/government officials – the president of the Philippines, secretaries and under-secretaries (USECs) of the departments of central government, senators, congressperson from same district, party-list congressperson, and governor - in a year giving choices as follows: 1) More than Once / Month, 2) Once / Month, 3) Several times / Year, 4) Once / Year, and 5) None. Distribution of frequency of contact is shown in the table below.

We use this data as dependent variables to analyze whether there is significant difference between the mayors from political family and the ones from non-political family. The hypothesis here is that a mayor from political family contacts with other politicians/officials more often than the one who is not from political family because political family itself has wider political network through several clan members who occupy different politically elected posts at the same time.

Table 4: Frequency of Contact with Politicians/Officials (N=300)

	Governor	District Congressm an	Party-list Congressm an	Senator	USEC	Secretary	President
	Count (%)	Count (%)	Count (%)	Count (%)	Count (%)	Count (%)	Count (%)
None	27(9.0)	34(11.3)	100(33.3)	88(29.3)	84(28.0)	82(27.3)	147(49.0)
Once / Year	8(2.7)	9(3.0)	66(22.0)	85(28.3)	87(29.0)	86(28.7)	83(27.7)
Several times / Year	83(27.7)	91(30.3)	81(27.0)	99(33.0)	102(34.0)	103(34.3)	63(21.0)
Once / Month	64(21.3)	50(16.7)	29(9.7)	13(4.3)	15(5.0)	17(5.7)	3(1.0)
More than Once / Month	97(32.3)	113(37.7)	20(6.7)	10(3.3)	8(2.7)	8(2.7)	0(0.0)
Missing	21(7.0)	3(1.0)	4(1.3)	5(1.7)	4(1.3)	4(1.3)	4(1.3)

We used the ordered logistic regression and/or multinomial logistic regression to test the hypothesis mentioned above. Through analysis we found that there are no statistically significant differences between the mayors from political family and the ones

from non-political family in terms of frequency of contacts with other politicians/officials except for party-list congresspersons. In case of party-list congresspersons, mayors from political family have more contact with them.

Table 5: Parameter Estimates for Party-List Congressman

Party-List Congressman Contact ^a	B	Std. Error	Wald	df	Sig.	Exp (B)	95% Confidence Interval for Exp(B)	
							lower bound	upper bound
							.00 Intercept	2.351
Political	-1.06	.595	3.199	1	.074	.345	.108	1.107
Family	4							
1.00 Intercept	2.140	.529	16.391	1	.000			
Political	-1.44	.611	5.610	1	.018	.235	.071	.779
Family	7							
6.00 Intercept	2.303	.524	19.280	1	.000			
Political	-1.36	.602	5.123	1	.024	.256	.079	.833
Family	2							
12.00 Intercept	1.504	.553	7.404	1	.007			
Political	-1.87	.677	7.691	1	.006	.153	.040	.576
Family	9							

a. The reference category is 30.00 contacts.

3-2 Frequency of Contact with Local People/Constituents

In our survey, we asked mayors how often they contact with local people/constituents – barangay/village captains, assemblymen of local council, people from NGOs, people from peoples’ organizations (POs) operating within the city/municipality, people from civic organizations such as Rotary Club, people from business corporations and common local residents - in a year giving choices as follows: 1) Several Times/week, 2) Once / Week, 3) 2 – 3 times/month, 4) Once / Month, 5) Several times/year and 6) None. Distribution of frequency of contact is shown in the table below.

Table 6: Frequency of Contact with Local People/Constituents (N=300)

	Barangay Captain	Members of Local Assembl y	Members of NGO	Members of Local PO	Members of Civic Organizati on	People from Business Corporatio ns	Common Local Residents
	Count (%)	Count (%)	Count (%)	Count (%)	Count (%)	Count (%)	Count (%)
None	0(0.0)	0(0.0)	3(1.0)	4(1.3)	55(18.3)	16(5.3)	2(0.7)
Several times / year	18(6.0)	16(5.3)	75(25.0)	73(24.3)	89(29.7)	97(32.3)	44(14.7)
Once / Month	59(19.7)	27(9.0)	77(25.7)	80(26.7)	64(21.3)	72(24.0)	23(7.7)
2 – 3 times/month	41(13.7)	29(9.7)	56(18.7)	55(18.3)	38(12.7)	44(14.7)	25(8.3)
Once / Week	42(14.0)	103(34.3)	34(11.3)	38(12.7)	24(8.0)	25(8.3)	24(8.0)
Several Times/week	139(46.3)	123(41.0)	53(17.7)	49(16.3)	28(9.3)	45(15.0)	181(60.3)
Missing	1(0.3)	2(0.7)	2(0.7)	1(0.3)	2(0.7)	1(0.3)	1(0.3)

We use this data as dependent variables to analyze whether there is significant difference between the mayors from political family and the ones from non-political family. There are two hypotheses here. First, a mayor from political family contacts with “Barangay Captain”, “Members of Local Assembly”, “Members of Civic Organization” and “Peoples from Business Corporations” more often than the one who is not from political family because political family itself has been widening and deepening its network with traditional political contacts in the locality - “Barangay Captain” and “Members of Local Assembly” – and local economic/business elites - “Members of Civic Organization” and “Peoples from Business Corporations”. Second hypothesis is that a mayor from political family contacts with “Members of NGO” and “Members of Local PO” less often than the one who is not from political family because NGO and PO are representing those who have been out of political/economic elite circle of which political family is a core member and have not had

political contacts with politicians traditionally.

We conducted analysis using the ordered logistic regression and/or multinomial logistic regression to test the hypothesis mentioned above. Through analysis we found that there are no statistically significant differences between the mayors from political family and the ones from non-political family in terms of frequency of contacts with local people/constituents.

3-3 Politically Significant Contacts

Contacts with other politicians/officials as well as local people/constituents include both politically important contacts such as meetings to make policy decisions as well as to get financial support and unimportant contacts such as gathering in town festivals. We need therefore to check with whom mayors make politically significant contacts. In line with this we firstly asked mayors from whom they obtain ideas for new projects in the sectors of environment as well as infrastructure giving choices as follows: 1) Mayor, 2) Members of Local Assembly, 3) Barangay/Village Captains, 4) Businesspersons, 5) NGO, 6) Local PO, 7) Officials from Local Government, 8) Common Local Residents and 9) Others. The hypothesis here is if a mayor is from political family, s/he obtains policy idea more from political/business elites than NGO/PO/common residents.

To test this hypothesis, we made cross tabulation using chi-square test to examine whether there are some significant differences between the mayors from political family and the ones from non-political family regarding actors from whom mayors obtain policy idea. Results didn't show us any significant difference between political family and non-political family.

Then we asked from whom mayors could get financial support for his/her projects if initial budget was not enough. We listed target actors as follows: 1) Governor, 2) Congresspersons, 3) Senators, 4) Secretaries of the project related departments, 5) President, 6) International donor agencies/countries, 7) Private sector, 8) Others. Choices about the level of support are a) Strong support, b) Moderate support, c) Little support, d) No support. The hypothesis here is that mayors from political families would get stronger financial support because they constitute strong ties with other politicians/government officials as well as business elites through exploiting personal connections.

Using the data mentioned above as dependent variables, we conducted the ordered logistic regression analysis and found that there are significant difference between the

mayors from political family and the ones from non-political family. Contrary to our hypothesis, mayors from non-political families could get stronger financial support from Senators (significant level of 5%) and Secretaries of the project related departments (significant level of 10%).

Table 7: Parameter Estimates (Support from Senator)

		B	Std. Error	Wald	df	Sig.	95% Confidential Interval	
							Lower Bound	Upper Bound
Threshold	[Senator Support = 1.00]	-1.624	.192	71.399	1	.000	-2.001	-1.248
	[Senator Support = 2.00]	.293	.164	3.183	1	.074	-.029	.616
	[Senator Support = 3.00]	1.821	.211	74.503	1	.000	1.408	2.235
Location	Political Family	-.516	.216	5.710	1	.017	-.939	-.093

Link function: Logit

Table 8: Parameter Estimates (Support from Secretary)

		B	Std. Error	Wald	df	Sig.	95% Confidential Interval	
							Lower Bound	Upper Bound
Threshold	[Secretary support = 1.00]	-1.381	.184	56.063	1	.000	-1.742	-1.019

	[Secretary support = 2.00]	-0.202	.165	1.496	1	.221	-.525	.121
	[Secretary support = 3.00]	1.364	.188	52.740	1	.000	.996	1.732
Location	Political	-.385	.212	3.305	1	.069	-.801	.030
	Family							

Link function: Logit

3-4 Discussions

Our assumption was that the mayors from political family would make stronger connection with other politicians/government officials because of wider and deeper personal network through other family members who occupy politically elected positions thus would be able to secure stronger financial support from other politicians/officials than the ones who are not from political family.

The results were however contrary to our assumption. As to frequency of contacts with politicians and constituents, there are no significant differences between the mayors from political family and the ones from non-political family except one case – Party-list congressperson. And the mayors from non-political family even could get stronger financial support from Senators and Secretaries of project related departments.

What do these ambiguous results mean? As to frequency of contacts, national level politicians/officials such as president, senators, congresspersons and secretaries/under-secretaries of the departments of national governments contact with mayors evenly regardless their family background because the mayors are one of the most prominent representatives of localities. Same reasons can be established to explain why there are no significant differences between the mayors from political family and non-political family in terms of frequency of contacts with local constituents. Local constituents try to contact with their mayor without considering his/her family background if they need to do so. And mayor also approaches different kinds of local constituents – they are at the same time stakeholders and voters - when s/he wants to persuade them to accept and support his/her projects, when s/he wants to publicize new services such as livelihood projects, distribution of free medical services, and when s/he wants to mobilize political

support from local constituents not only in time of election but also in time of political showdown against his/her political rival. Mayors in the Philippines, to sum up, need wide range of constituents who support them.

Then how can we explain the result which shows that the mayors from non-political family get stronger financial support from senators and secretaries of project related departments? One possible explanation is that mayors from non-political family are neophyte or relatively new in politics and don't have political network within their family/clan on which they can rely for financial backup to their projects thus they need more support. Bigger the necessity, more occasions to discuss about financial issue with senators and department secretaries/under-secretaries. Another point is that governors and congressperson don't have enough spear to provide financial support because 1) they have to provide financial support to most of mayors from their localities regardless family background of mayors and 2) in the case of congresspersons, their pork barrel is smaller than the one of senator and 3) in the case of governors, they have their own projects covering whole area of province. In these circumstances, financial support from governors and congresspersons to mayors from non-political family is not so strong.

We have seen the attributes of mayors from political family and their political behaviors. In next section we will examine whether mayors from political family have been adopting new paradigm of public administration – New Public Management (hereafter NPM), considering this paradigm has risen rapidly in last three decade in the Philippines.

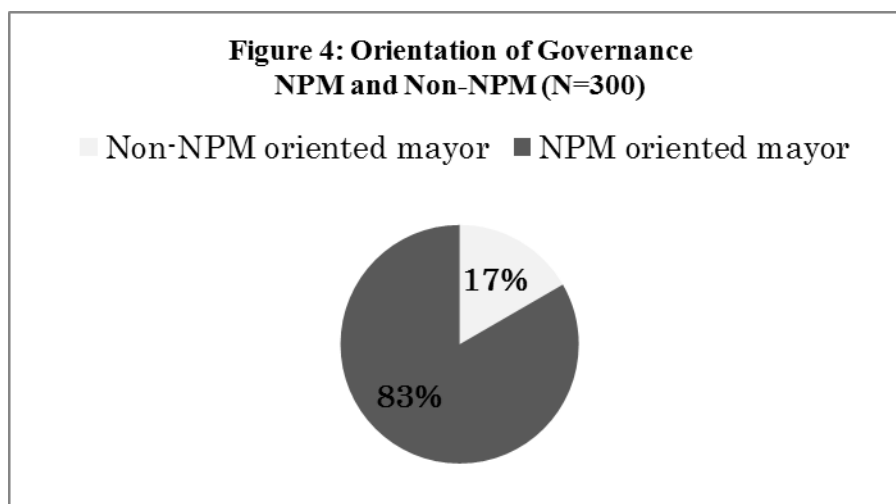
4. New Public Management (NPM)

Since late 1970s we have been observing emergence and evolution of new type of political leadership such as “New Public Management” (hereafter NPM) in local governance around the world (Çetin 2015; Rosyadi & Dharma 2014; Harun et.al. 2013; Pilcher 2011; Tippett & Kluvers 2010; Tanaka 2010; Goddard 2005; Helden & Jansen 2003). Philippine is one of the spearheads of this trend in Asian region with examples of NPM local governance such as participatory governance in Naga City, environmental management in Marikina City, effective tax collection in Quezon City and others. Since enactment of the Local Government Code of 1991, especially, NPM has drawn attention of practitioners and academe in the Philippines. Therefore we give a brief description of the norm of NPM to make a framework for analyzing the relations between attributes of mayors and their political behavior as well as their orientation of governance.

NPM was introduced to reform public administration which had been suffering from red tape and inefficiency. As a post-bureaucratic paradigm, NPM puts emphasis on entrepreneurialism, managerialism, market-based administration, and it pursues customer satisfaction, efficiency and accountability (Kim 2009). Therefore required norms to local chief executives and bureaucracy are mission-oriented, results-oriented and customer-driven behavior, anticipatory and innovative thinking, and competence of communication with community among others (Kim 2009).

Considering the elements of NPM mentioned above, we made a set of questions to mayors on the expected capacity of bureaucrats in their governments providing choices as follows; 1) Basic Legal Competency / Accounting Skills, 2) Professional Skills required in each department/division, 3) Management Capacities for more Strategic Thinking, 4) Management Practices in Private Companies for more Efficient Business, 5) Customer Orientation, Skills to deal with citizens, 6) Civil Service / Professional Ethics, 7) Transparency Management, 8) Others. And we assume that the mayors who say 1), 2), and 6) are important principles are “Non-NPM oriented mayor”, and the mayors who choose 3), 4), 5), and 7) are “NPM oriented mayor”.

Distribution of “NPM oriented mayor” and “Non-NPM oriented mayor” is shown in the figure below. As this figure tells us, the principle of NPM is already widely shared among mayors in the Philippines.



4-1 Mayors’ Attributes and NPM: Family Background, Educational Background and Age

As examined above (Sec. 2-1), we found that if a mayor is from a political family, s/he is most probably from a family who owns a business. Therefore we analyze whether a mayor who is from a business family has an orientation of NPM or not. For this purpose, we set three levels of the strength of NPM orientation in accordance with the number of mayors’ choices indicating NPM norms – a) Management Capacities for more Strategic Thinking, b) Management Practices in Private Companies for more Efficient Business, c) Customer Orientation, Skills to deal with citizens, d) Transparency Management. Distribution is shown in the table below. We utilize this data as dependent variables.

Table 9: Strength of NPM Orientation (N=300)

Number of Choice*	Frequency	%
0	50	16.7
1	173	57.7
2	77	25.7

* Maximum two choices.

We used chi-square test for examination utilizing the data of mayors’ occupation/profession as independent variables. The result shows that there is no correlation between them. For good measure, we also took the analysis of variance (ANOVA). Still we didn’t find any significant difference between the mayors from business families and the ones from non-business families.

Then we explored if there is a correlation between the mayors’ orientation of NPM and political family which has correlation with business family. For this examination, we again took both chi-square test and ANOVA. However we didn’t find any correlation between them either.

From these results, we can say that there is no correlation between a mayors’ family background, occupation/profession with their orientation of NPM. And important point is that the mayors from business family aren’t necessarily NPM oriented comparing with the mayors of non-business background.

We also explore if there are correlations between educational background, age and NPM orientation. We put two hypotheses here. There are; 1) if a mayor has higher

educational attainment, s/he is more prone to adopting NPM because s/he has more possibility to learn such new paradigm during schooling, 2) if a mayor is younger, s/he is more prone to adopting NPM because s/he has less time to get familiar with old style Non-NPM public management. To test the relevance these hypotheses, we make use of ANOVA. And we take “Strength of NPM Orientation” as dependent variables. Independent variables are the data on the educational attainment and age of each mayor which we used above (Sec. 2-2).

Results from ANOVA tell that there are no significant differences in educational background. However in the case of age, we can see significant difference between younger mayors and older ones ($F(1, 298)=4.780, p<.05$). Mayors whose are younger than the average age (53 years old) prefer NPM type local governance. However, there is no correlation between the age and political family background of mayors thus this age effect isn't reflected to the relations between mayors family background and their NPM orientation.

4-2 NPM and Peoples' Participation

According to Kim, NPM is a paradigm to enhance both efficiency and democratic value (Kim 2009: 59). On the other hand, Ocampo points out that some proponents of NPM put emphasis on manager's leadership (Ocampo 1996). These discussions indicate that there are some conflicts of argument about the principles and practices of NPM – conflicts between leadership oriented governance and the governance balancing both leadership and peoples' participation. Therefore this section examines if there are any biases on the practice of governance among mayors with different attributes.

We take the data on the mayors' thinking about participation of people in the process of public administration as a dependent variable. In our survey we asked mayors a question about good local governance giving two choices as follows; 1) to implement projects with lower cost and faster speed, 2) to satisfy as much as the widest range of constituents regardless of the cost and speed of project implementation. We assume that the mayors who choose Number 1) as leadership oriented (“Leader” mayor) and the mayors who choose Number 2) as participation oriented (“Citizen” mayor). Independent variables are the data on the family background of mayors – political and business -, educational background and age.

First, we analyzed on family background of mayors – political family and business

family. We utilized both chi-square test and ANOVA for examination. Results show us that there is no significant difference between the mayors from political family and non-political family. In the case of business family, however, there is a significant difference between the mayors from business family and the ones from non-business family. The cross tabulation tells us that if a mayor is from business family, s/he has a bias toward leadership oriented governance.

Table 10: Business Owner * Citizen Orient Cross Tabulation

			Citizen Orient		Total
			Leader	Citizen	
Business Owner	.00	count	95	80	175
		expected count	104.4	70.6	175.0
		Std. residual	-.9	1.1	
		Adjusted residual	-2.2	2.2	
	1.00	count	84	41	125
	expected count	74.6	50.4	125.0	
	Std. residual	1.1	-1.3		
	Adjusted residual	2.2	-2.2		
Total		count	179	121	300
		expected count	179.0	121.0	300.0

Then we analyzed on educational background and age. Results tell us that there are no significant differences in terms of educational background and age.

The results from analyses indicate that business experiences may not necessarily make mayors internalize the principles of NPM in a form which is balancing between efficiency and participation.

5. Performance of NPM oriented Mayors

In this section we analyze whether the NPM oriented mayors perform better than the Non-NPM oriented mayors. NPM paradigm has been introduced worldwide with

expectation that it would improve performance of local governments. If the principle of NPM is adopted as expected, NPM oriented mayors should perform better than the ones with Non-NPM oriented.

For analysis, we utilize the data which are taken from Local Governance Performance Management System (LGPMS) developed by the Department of Interior and Local Government (DILG) as dependent variables (performance indices of each local government).

LGPMS has five performance areas – (1) Administrative Governance, (2) Social Governance, (3) Economic Governance, (4) Environmental Governance, and (5) Valuing Fundamentals of Governance – and seventeen service items as well as three value indicating items – a) Local Legislation, b) Development Planning, c) Revenue Generation, d) Resource Allocation & Utilization, e) Customer Service, Civil Applications, f) Human Resource Management & Development (all as indices of Administrative Governance), g) Health Services, h) Support to Education Services, i) Support to Housing & Basic Utilities, j) Peace, Security & Disaster Risk Management (all as indices of Social Governance), k) Support to Agricultural Sector, l) Support to Fishery Services, m) Entrepreneurship, Business & Industry Promotion (all as indices of Economic Governance), n) Forest Ecosystems Management, o) Freshwater Ecosystems Management, p) Coastal Marine Ecosystems Management, q) Urban Ecosystems Management (all as indices of Environmental Governance), r) Participation, s) Transparency, t) Financial Accountability (all as indices of Valuing Fundamentals of Governance). All performance indices are shown with five-point scale; point 5 being the highest performance and 1 being the lowest. In this paper, we utilize the data in year 2011. Table below shows the descriptive statistics of dependent variable which are taken from LGPMS 2011

Table 11: Descriptive Statistics of Dependent Variable (from LGPMS 2011)

	Frequency	Minimum	Max	Mean	SD
Local Legislation	300	1.33	5.00	3.86	.741
Development Planning	300	2.04	5.00	4.57	.511
Revenue Generation	300	1.63	5.00	3.78	.690
Resource Allocation and Utilization	300	1.00	5.00	3.54	.815

Customer Service - Civil Applications	300	3.10	5.00	4.68	.363
Human Resource Management & Development	300	1.80	5.00	4.75	.549
Health Services	300	2.97	5.00	4.71	.363
Support to Education Services	300	2.00	5.00	4.49	.575
Support to Housing & Basic Utilities	300	1.00	5.00	4.05	1.299
Peace, Security & Disaster Risk Management	300	2.60	5.00	4.39	.460
Support to Agriculture Sector	277	1.42	5.00	4.24	.687
Support to Fishery Services	161	1.00	5.00	3.97	.868
Entrepreneurship, Business & Industry Promotion	300	1.58	5.00	4.07	.738
Forest Ecosystems Management	201	1.00	5.00	4.75	.713
Freshwater Ecosystems Management	250	1.00	5.00	4.53	.995
Coastal Marine Ecosystems Management	162	1.00	5.00	4.84	.549
Urban Ecosystems Management	300	1.48	5.00	4.01	.655
Participation	300	2.00	5.00	4.33	.635
Transparency	300	1.27	5.00	4.58	.584
Financial Accountability	300	2.99	5.00	4.63	.317

Independent variables are the data on the strength of NPM orientation of each mayor. ANOVA is used for analysis. Results show that there are no significant different of performance between NPM oriented mayors and Non-NPM oriented mayors in most sectors of governance, although NPM oriented mayors perform better significantly in “revenue generation” ($F(2, 297)=2.818, p<.10$) and “fishery support services” ($F(2, 158)=4.742, p<.05$).

Conclusion

From the analysis, we found that political families widely spread their roots in city/municipal level (54% of mayors are from political family) and there is strong association between political family and business family. This is reflection of the fact that political families and business families form network and control local politics and economy.

Mayors from political families, however, don't show any difference in political behavior such as frequency of contacts with other politicians/officials as well as constituents, from the mayors of non-political families. This may be because behavior of mayor is determined somewhat by the role as mayor. If you are a mayor, you should contact other politicians and government officials as well as local constituent regardless family background. And mayors from non-political families need more support due to weakness of network comparing with mayors from political family. Therefore these mayors discuss with national level politicians/officials about financial issue more often when they meet them.

As to relations between mayors' attributes and NPM, we may say that the principles of NPM are widely accepted among mayors in the Philippines as shown that 83% of mayors expect their staff to acquire the capacities defined by NPM norms and principles. This fact may be one of the reasons why there are no significant differences among mayors of different attributes (except for age) as for NPM orientation or not.

Contrary to our expectations, however, the analysis reveals that the mayors who show their preference for NPM principles don't necessarily make their governments perform better than the ones who don't prefer NPM principles. NPM oriented mayors perform better significantly only in "revenue generation" and "fishery support services" among 20 indices of governance set by DILG. Nevertheless we may recognize that NPM opens up doors for local governments to improve their performance considering that there are no indices of governance in which NPM oriented mayors perform worse.

There may be another reason for this ambiguity of results. Performance of LGU is not influenced by the orientation on governance of mayor solely. NPM is complex concept which includes several factors of bureaucracy such as behavioral ethics to take risks and flexibility, organizational designs and others. Mayor is, of course, one of the most important factors which influence the performance. But s/he himself can't change everything of his/her government. We need therefore go through holistic analysis to derive more relevant results.

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U.S Engagement in Asia: Approaching China through Cooperation and Mutual Interests Post Obama Leadership

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Abstract

In November 2015, U.S President Barack Obama visited Asia and Pacific in his ninth trip to the dynamic region. It reflects the growing importance of the region to U.S. national interests and the Administration's commitment to advancing decision makers broader regional strategy, known as the U.S Rebalance Policy. With nearly half of the earth's population, one-third of global GDP, and some of the worlds most capable militaries, Asia and the Pacific region is increasingly the world's political and economic center of gravity. The region's dynamic, expanding trade and investment, growing ranks of capable powers, and increasing people-to-people ties with the U.S present extraordinary opportunities that administration is leveraging. The writer is examining the U.S Rebalance in Asia in analytical description in order to understand the framework of U.S and China relations post Obama presidency in the framework of human security. U.S deepened actively its engagement with China at every level under President Obama leadership in order to maximize its strategic cooperation on areas of mutual interest while confronting and managing disagreements, mostly in South China Sea and East China Sea. It's important to recognize the long-term trends that increasingly anchor this complex relationship as understanding how U.S approaches China, how far the progress going on, and how the future of regional security architecture can be built together.

Keywords: *leadership, national interest, U.S rebalance, human security, cooperation*

Introduction

The Asia Pacific is a region that serves as a backdrop for U.S own personal experiences, which is a marketplace where U.S government and its multi-national corporations (MNCs') can expand a business, a region to visit and explore, a place Americans came from before building a new life in America. Currently China would be what it is today as a global power and U.S most consequential bilateral relationship centered in the world's most dynamic region. That's why, when President Obama took office, we decided to invest more American resources in Asia as it continued to transform into a region that houses the world's largest middle class and fastest-growing markets. Not only does the Asia Pacific hold more than 25 percent of global GDP as well as expect nearly half of all

global economic growth outside of the United States occur in the region. Thus, that kind of economic transformation has resulted in a region that is now, by and large, more prosperous than people could have imagined when in Asia nearly 30 years ago.

The United States and China is often described as being one of neither friends nor foes. It is a simple but apt description of the bilateral ties between the two major powers. For over two decades since the end of the Cold War, the overall relationship between U.S and China has been largely stable, even though there have been incessant frictions between them over US arms sales to Taiwan, territorial and maritime disputes involving China in East Asian seas, human rights, trade imbalance, intellectual property rights, non- proliferation, climate change, and many other issues in global governance.

Globalization momentum has made U.S–China relations stable. Globalization has made the two societies interconnected and economically interdependent and has rendered their borders permeable for many of the socio- economic and political opportunities and challenges of 21st century. Therefore, this deepening global engagement also means that the global issues of this century require global efforts, especially on the part of major powers playing a leadership role. The U.S and China top this list with their enormous resources and accompanying leverage.

Both political leaders have behaved and played an important role in painstakingly managing bilateral ties in the past few decades. While continuously putting pressure on Beijing on many political, economic, and security issues, successive American decision-makers have chosen not to attempt to contain China, hoping that engagement with the rising power would help integrate China into the existing international order and gradually transform the Chinese political system with more liberal direction.

The Chinese leaders similarly during much of the past two decades were intent on implementing Deng Xiaoping's low- profile (*tao guang yang hui*) strategy, believing that only a non-confrontational relationship with the world's sole superpower would enable them to focus on domestic economic growth (Li Mingjiang & Kalyan M. Kemburi, 2015,p.18). Beijing has thus sought to expand and strengthen cooperation with the U.S in areas where the interests of the two countries converged, and either competed or struggled against Washington's influence and leverage on issues of divergence. Nevertheless, Beijing has been cautious that such competition and or struggles would not transition into a conflicting relationship and thereby damage the bilateral relationship to the extent that it would become irreparable.

The world major power economy and political rules of the road are still taking shape. And as they do, countries of the region are looking more and more to the U.S which recognizing the economic opportunity that relying on the international security, and valuing the deep cultural ties between most countries populations and the Asian-American communities in the U.S.

Moreover, in endeavoring to renew and strengthen U.S leadership in the 21st century, U.S President Obama recognized that failing to reorient its foreign policy toward the region would not only be imprudent, it would also be potentially perilous.

In January of 2009, American foreign policy was largely defined by the horrific aftermath of the September 11th, 2001 attacks; two ground wars in the Middle East; and the worst financial crisis in decades in 2008, with the global economy, by many measures, on a worse trajectory than in 1929.

In 2008, when President Obama took office, it's not surprising that most Americans viewed U.S foreign policy through a lens of protracted war and global uncertainty. U.S government was taking steps not only to put its own economy on the path to recovery, but to renew and redefine U.S. leadership on the world stage. To do that, U.S leader had to focus big efforts and resources not only on the challenges that Americans read in the headlines, but on the regions that American knew would shape the globe in the 21st century with all challenges and pursue political economy opportunities. He instructed his national security team to ensure that America's international presence was calibrated to the challenges and opportunities ahead of the new Administration. The American economy recovered, and began to draw down American troop presence in Afghanistan and Iraq, enabling America to become more engaged in Asia with one overarching objective: to sustain a rules-based order, reflects economic openness, peaceful dispute resolution, and respect for universal human rights.

In 2011, the U.S President said in Canberra, Australia: "This is the future we seek in the Asia Pacific, security, prosperity and dignity for all. That's what we stand for. That's who we are. That's the future we will pursue, in partnership with allies and friends, and with every element of American power. So let there be no doubt: In the Asia Pacific in the 21st century, the United States of America is all in". (Susan Rice, "Explaining President Obama's Rebalance Strategy", 6 September 2016. <http://blogs.state.gov/stories/2016/09/06/explaining-president-obama-s-rebalance-strategy>)

In January 2012, the Obama administration announcement of the US “rebalance” towards the Asia-Pacific sparked a variety of reactions across the globe. Following a decade of conflict in the Middle East, this strategic development seemed to signal a new direction for American foreign policy in the 21st century. However, the intentions of rebalance have often been misunderstood, with important implications in Asia and Europe, and transatlantic perspectives on the so-called “pivot” are vital to understanding the evolution and impact of this policy shift.

Today one region above all else presenting the possibility to do just that: the Asia Pacific. And out of that recognition emerged a concerted American strategy: “The U.S Asia Rebalance”, in order to avail American of the region’s opportunities by deepening and broadening America’s engagement with the emerging global center of gravity. It raised questions, why does the Asia Pacific mean for U.S leaders? How the U.S Asia Rebalance implements? Do we need to know about the U.S President’s regional strategy.

U.S Engagement in Asia (1967 – present)

In his 1967 article, “Asia after Vietnam”, Richard Nixon expressed his idea of rebalancing U.S foreign policy toward Asia to build a Pacific community. This rebalance implied a dynamics change in U.S. foreign policy priorities, moving the focus from the West to the East: “Out of the wreckage of two world wars we forged a concept of an Atlantic community, within which a ravaged Europe was rebuilt and the westward advance of the Soviets contained. If tensions now strain that community, these are themselves a by-product of success. But history has its rhythms, and now the focus of both crisis and change is shifting. Without turning our backs on Europe, we have now to reach out westward to the East, and to fashion the sinews of a Pacific community” (Nixon, 1967, p.113).

After Nixon was elected president in 1968, he considered rapprochement with China as an important dimension of U.S. foreign policy. The rhythm of history, in the newly elected President’s view, had to be played in the East. Four decades later, President Obama also saw the need for the U.S. to rebalance toward the Asia-Pacific. His administration has officially announced and implemented this policy since 2011. This paper aims to critically assess the U.S rebalance by answering three concrete and interconnected questions: First, how has the U.S rebalance been implemented?; Second, what are the obstacles to the U.S rebalance?; Third, what should the U.S do to truly succeed in carrying forward the rebalance? In order to offer a critical evaluation of the Obama administration’s rebalance to

the Asia Pacific, this research examines a variety of U.S government official documents and secondary literature. These sources of data are best analyzed through a documentary research approach, which allows the author to identify the main themes in text-rich documents (Bryman & Burgess, 1994, p. xix).

As consequences, U.S–China relations have essentially reached a dynamic dyad of cooperation, and competition with an important objective of avoiding an open armed conflict. This underlying dynamic characterizing the relations between the two countries has been possible to realize because of the regular interactions between the leadership and bureaucrats of the two countries over the past decade. Over 60 official consultation mechanisms between Washington and Beijing have been established, with the Strategic and Economic Dialogue becoming the most significant forum, which might possibly be overshadowed only by the shirtsleeves summits, if these become a regular fixture in the bilateral presidential diplomatic itinerary.

The economic ties and social interactions between the two countries continue to grow. The two countries, together with other major economies in the world, joined hands in tackling the financial crisis that started in 2008. Even though the military- to-military and security ties between the U.S and China have always been the weakest link in bilateral relations, the two countries have managed to maintain some level of engagement and communications in these areas, despite the growing strategic distrust and occasional interruptions of bilateral military exchanges.

In facts, U.S–China relations will continue to exhibit the co-existence of cooperation and competition in the coming years, and an all- round confrontation between the U.S and China is very unlikely. However, recent events suggest the emergence of new phenomena in the bilateral relations, phenomena that increasingly worry about regional instability. Researcher is concerned about the possibility of China starting to challenge the American hegemonic position in the world and seeking to dramatically transform the existing international order. It might be a pattern of new regional security landscape along with globalized economy in Asia Pacific.

The U.S–China relations worrisome aspect is the increasing strategic rivalry and the possibility of security conflicts between those two countries in the Asia-Pacific. In fact, we have seen the growth of strategic distrust and security differences between Washington D.C and Beijing in the Asia-Pacific region in recent years, and it seems that such disputes and tensions are likely to persist. The US–China contentions in the Asia- Pacific have intensified

in South China Sea territorial dispute.

The potential threatening tensions between the U.S and China in the region have been on the rise essentially in 2010 beyond due to the boosting friction between the U.S strategic rebalance to Asia and China's pursuit of new strategic and security interests in the region. Washington's new regional strategy has multidimensional characteristics involving economic, diplomatic, military, cultural components. Economically, recognizing Asia as a new source of demand and investments for global economic growth, Washington is keen to push for the conclusion of the Trans- Pacific Partnership (TPP) initiative. Diplomatically, the US has emphasized multilateral engagements with institutions led by the Association of Southeast Asian Nations (ASEAN) and increased high-level visits to many regional states by senior American leaders.

Culturally, since coming to power, president Xi Jinping has tightened the Communist Party's control over the cultural playing field. He has expanded the Chinese film industry, and increased promotion of Chinese culture abroad. In a 2010 national speech on art and literature, Xi stressed that the two cultural realms must "Persist in the fundamental orientation of serving the people and serving Socialism". Throughout all of this there has been the China Dream campaign. The national propaganda campaign, mostly consisting of publicly displayed posters, has contrasted messages of hope for China's future with romantic allusions to its past. Depictions of classical embroidery designs and ancient painting motifs partnered with slogans like, "Honesty and sincerity passed down from generation to generation; Confucian classics last forever", and "The Spring is always ahead for our motherland", are common examples of the posters.

Thus, unlike propaganda posters of the past that advertised overtly socialist imagery, the China Dream posters conjure up images of a faraway past. In doing this the Party is utilizing material that used to be derided by the Party as belonging to China's backward, pre-Communist past; now, these aesthetic traditions are a bulwark used to legitimize the Party as a guardian and creator of the country's hopes and aspirations. Within this atmosphere, culture has, in some ways, become a politically charged topic. Militarily, the US has undergone a qualitative and quantitative upgrading of force capabilities and a rebalancing of key military assets to the Asia-Pacific including expansion of its military exercises in the region.

While it is true that China has now stepped up efforts to contend for more decision-making power in various international institutions and regimes, prevailing evidence shows

that Beijing is neither keen to challenge US global supremacy nor willing to take the mantle of global governance.

The geographic focus of this study is the Asia Pacific, including East Asia, South Asia, Southeast Asia, and Oceania, and the time frame is from 2011 to the first half of 2016. Numerous administration documents during this period mentioned the U.S Rebalance to the Asia Pacific. In this research, researcher selected twelve official documents that were released between 2011 and 2016 during the Obama's administration. These documents highlighted the objectives of the U.S rebalance in their contents. Using a qualitative approach, the study seeks to identify how the main objectives of the U.S rebalance were defined in challenging China power arise.

After setting the stage with a discussion of the main objectives of the U.S. refocus on the Asia Pacific, the study begins its in-depth exploration with a critical evaluation of the implementation of the U.S rebalance in four key areas: security, economics, diplomacy, and culture.

These documents were selected based on thematic analysis. After the official announcements of the U.S rebalance in 2011, various issues were raised on its implementation, and these were used as analytical themes for this study. Four main themes emerging from the analysis are security, economics, diplomacy and culture. This exploration continues with a descriptive analysis of the main challenges to the expansion of U.S engagement in the region: the limits of U.S power, U.S allies' concerns and China's opposition. The study makes three policy recommendations that would help the U.S overcome these challenges, i.e.: First, to build domestic power; Second, to reinforce alliances and partnerships, Third, to increase proactive engagement with China. It outlines specific, practical examples to accomplish these goals.

U.S Rebalance Policy (2011 – 2016)

In 2011, the Obama administration announced its foreign policy goal to intensify the already important role of the U.S in the Asia Pacific. President Obama's decision to rebalance U.S resources toward and within this crucially important region is based on the argument that U.S power and interests are historically intertwined with the Asia-Pacific's socio-economic, political, and security order. Among documents officially stated the objectives of the U.S rebalance to the Asia-Pacific between 2011 and 2016, twelve ones are selected for this study (Table 1). A careful reading of these official statements shows how the

objectives of the U.S rebalance to the Asia Pacific were defined.

Table 1: U.S Rebalance in Asia Pacific (2011-2016)

Date	What	By whom
October 2011	Foreign Policy article: America's Pacific Century	U.S State Secretary Hillary Clinton
November 2011	Address to the Australian Parliament, Canberra	U.S President Barack Obama
December 2012	Remarks on U.S President Obama's Asia policy	National Security Advisor Thomas Donilon
March 2013	Speech at Asia Society, New York	National Security Advisor Thomas Donilon
November 2013	Speech at Georgetown University	National Security Advisor Susan Rice
December 2013	The Fact Sheet: The East Asia-Pacific Rebalancing: Expanding U.S Engagement	U.S State Department
November 2014	Speech at the University of Queensland on the sidelines of the G20 Summit in Brisbane, East Australia.	U.S President Barack Obama
4 November 2015	U.S & Asia Policy Update	Daniel R. Russel, U.S Assistant Secretary, Bureau of East Asian & Pacific Affairs at The Asia Society, New York City
22 March 2016	Remarks at "Looking East - Trend Lines in the Asia Pacific".	Daniel R. Russel, U.S Assistant Secretary, Bureau of East Asian & Pacific Affairs at the Hertie School of Governance, Berlin.
27 April 2016	U.S.-China Relations: Strategic Challenges and Opportunities.	U.S Deputy Secretary of State, Antony J. Blinken (Testimony Before the Senate Foreign Relations Committee Washington)

28 April 2016	Obama Administration Policy in the Asia-Pacific.	U.S Deputy Secretary of State, Antony J. Blinken (Testimony Before the House Foreign Affairs Committee, Washington)
4 May 2016	Remarks at the East-West Center on "Next Steps in the U.S and Southeast Asia Economic Partnership".	Ziad Haider, U.S Special Representative for Commercial & Business Affairs, Bureau of Economic and Business Affairs, Washington, DC

In 2011, Secretary of State Hillary Clinton’s article in Foreign Policy, titled “*America’s Pacific Century*,” was the first official announcements of the U.S rebalance to the Asia Pacific. Clinton explained the reasons for the Obama administration’s reallocation of resources: to place the U.S in the best position to maintain U.S international leadership, to protect U.S national interests, and to promote U.S values (Clinton, 2011). Clinton stated that the Asia Pacific was chosen as the focus of the U.S rebalance because a more mature security and economic architecture is currently being built in the region and thus it is crucial for the U.S to make a commitment there (Clinton, 2011).

However, Hillary Clinton set forth six lines of action for the U.S strategic refocus on the region (Clinton, 2011), i.e.:

First, to foster bilateral security alliances;

Second, to intensify working relationships with emerging regional powers, including with China;

Third, to participate in regional multilateral institutions;

Fourth, to boost trade and investment;

Fifth, to increase U.S military presence; and

Sixth, to spread democracy and human dignity.

This U.S strategic refocus on the Asia-Pacific was also outlined in President Barack Obama’s speech at the Australian Parliament in November 2011. Obama reaffirmed the need for the U.S. to adapt to this rapidly changing region. He underlined that the U.S rebalance to the Asia Pacific aims to promote peace, prosperity and human rights in the region (Obama, 2011). In 2012, National Security Advisor Thomas Donilon’s remarks on President Obama’s

Asia policy stated that the objectives of the Asia-Pacific rebalance are summarized in three themes: economics, security and leadership. Economically, strong U.S trade and investment in the Asia Pacific remain crucial for the U.S economic recovery and long term economic might.

However, regarding to regional security, U.S military presence is vital to the region. The U.S security commitments to its allies and partners in the Asia Pacific help to ensure stability in the region. Due to superiority leadership, there has been a demand for U.S leadership from various nations in the Asia Pacific.

Moreover, the U.S presence has a significant role in solving disputes, promoting human rights, providing humanitarian assistance and developing sustainable energy. According to Donilon, these objectives can be achieved by pursuing five lines of efforts: First, strengthening and modernizing U.S security alliances across the region; Second, deepening partnerships with emerging powers; Third, engaging more deeply in global and regional institutions; Fourth, pursuing a stable and constructive relationship with China; and Fifth, advancing the Asia-Pacific economic architecture (Donilon, 2012).

In 2013, more rebalance statements were made by the Obama administration. Three stood out. The first was Donilon's speech at the Asia Society in March, where Donilon reaffirmed the importance of the "5 (five) distinctive lines of efforts" stated in 2012 (Donilon, 2013). Donilon's "five distinctive lines of efforts" were consistent with Clinton's "six lines of action", though there were four differences. In Donilon's speeches, the role of the U.S military presence in the region was downplayed; China was separated from other emerging powers; more importance was placed on stable and constructive relations between the U.S and China; and human rights and democracy was barely mentioned. Indeed, the U.S rebalance to the Asia Pacific was articulated with some constructive changes.

The second Obama administration desired to focus more on stability and prosperity. The next statement was given at Georgetown University in November, at which point Susan Rice had replaced Donilon as the National Security Advisor. Rice underlined that the Asia Pacific rebalance remained critical to U.S Foreign Policy and the U.S would continue to deepen its commitment to the region (Rice, 2013). She added that the U.S is seeking to lay the foundation for advancement in security, prosperity, democracy and human rights (Rice, 2013).

Moreover, Susan Rice placed more emphasis on democracy and human rights and made particular mention of institutions, partnerships, and China. Rice's speech therefore was

seen as a departure from Clinton's six lines of action and Donilon's five lines of efforts. The third 2013 statement was "The Fact Sheet: The East Asia Pacific Rebalancing: Expanding U.S. Engagement," issued by the State Department in December 2013. It stated seven key objectives of the U.S. rebalance: First, reinforcing U.S. alliances; Second, building up relations with emerging partners; Third, assisting to improve regional institutions; Fourth, expanding economic activities, Fifth, making sure that U.S. military presence in the region would contribute to overall U.S. engagement; Sixth, supporting democracy, good governance, and human dignity; and Seventh, broadening non-governmental relations ("The Fact Sheet: The East Asia-Pacific," 2013). This statement added a new objective, which is broadening non-governmental relations or expanding people-to-people ties.

Thus, it highlighted the importance of people-to-people exchanges between the U.S. and regional countries. In 2014, the important document describing the objectives of the U.S. rebalance was President Obama's November speech at the University of Queensland, Australia. In this speech, Obama made it clear that the U.S. would continue to increase its engagement with the Asia Pacific by strengthening diplomatic ties; expanding economic activities, military presence, and development assistance; and promoting U.S. values and beliefs (Obama, 2014). This engagement would help to ensure security, economic growth and democracy in the Asia Pacific. The main rebalance statements made by the Obama administration from 2011 to 2014 stressed the rebalance as a significant dimension of U.S. Foreign Policy.

The highlighted objectives include ensuring security, advancing prosperity and promoting human rights. When comparing these rebalance statements, we see that at different points of time some changes were made. This creates the feeling that there was some inconsistency about the rebalance's objectives. Yet the overall impression is that the rebalance is underpinned by strong military presence, active economic engagement and institution building. The rebalance aims to bring mutual benefits to the region.

In 2013, Joseph Yun, Acting Assistant Secretary of State, Bureau of East Asian and Pacific Affairs, once asserted that by increasing U.S. engagement in the region, the U.S. can create more jobs for Americans, make the U.S. safer and expand U.S. values (Yun, 2013). For the Asia-Pacific, the rebalance helps to enhance regional stability and prosperity (Yun, 2013).

U.S – China Strategic Relations

In weighing the state of U.S - China relations, researcher is reminded of a well-known story. When Zhou Enlai, who served as China's premier from 1949 to 1976, was asked for his opinion of the 1789 French Revolution, he demurred: "It's too early to say." To analyze history as it unfolds presents an even riskier and more challenging proposition.

Nevertheless, as U.S President Barack Obama approaches the end of his tenure, we stand at an inflection point. We must therefore measure the outcomes of U.S - China relations during this period, drawing whatever lessons we can, even though it may be too early to judge.

From the time President Obama assumed office in 2009 to the present, positive U.S - China relations have been vital to the two countries and to the world at large. As Obama himself has said, "The relationship between the United States and China is the most important bilateral relationship of the 21st century". Forty-four years after establishing diplomatic relations (1972-2016), the world's two greatest economic powers have forged unprecedentedly close ties. Unsurprisingly, the current relationship reflects varying degrees of cooperation as well as competition.

Generally speaking, on the U.S side President Obama has firmly guided the overall direction of U.S - China relations throughout his two terms in office. To understand this trajectory, we must incorporate into our analysis the president's personal background, the domestic backdrop of the two countries, changes in the global and regional economic-political landscape, and other relevant factors.

Upon arriving in Beijing in November 2009, Obama became the first U.S president to visit China during the first year in office. Even amidst a recession, he assigned great importance and high expectations to the U.S - China relationship despite his limited previous exposure to China. Obama did not have much contact with China, neither as a law professor at the University of Chicago, as an Illinois state senator, nor as a U.S senator. At the time of his inauguration, Obama's knowledge of China was relatively limited.

In fact, President Obama's 2009 visit was his first personal experience in China. In contrast to many of his recent predecessors who had visited China before becoming president, Obama had never been in China prior to that trip. As both a lawyer and the first African American to be elected president, Obama considered civil society and human rights issues to be particularly important and naturally dealt with China with these interests in mind. The visit was a challenging one, and he was caught by surprise by a number of

pitfalls.

For example, he did not have much chance to engage in a genuine and broad dialogue with people from various walks of life, especially young college students. The U.S media widely panned Obama's China debut, contending that he was led by the nose by the Chinese and failed to express American values. One former U.S official familiar with China scoffed, "It's a pity that Obama did not visit China until now going there in his capacity as U.S President".

From Obama's own perspective, during his presidency U.S - China relations started off at an imbalance. President Obama's visit to Beijing was immediately followed by another unhappy episode, which is the failure to secure an ambitious deal at the 2009 Copenhagen Climate Change Conference. While this international meeting offered Obama deeper insight into Chinese national interests and leaders motivations, it also substantiated a more-cynical perspective of China, marring the idealism of his initial impressions and expectations.

Despite Obama's delayed exposure to China, we should not forget that globalization formed the backdrop of his childhood and has thus strongly influenced his thinking as president. Born in Hawaii, Obama spent his early years there and in Indonesia before moving to the U.S mainland in his late youth. His upbringing afforded him a clearer understanding of emerging economies and associated shifts in the world order. Many of Obama's public statements evince his global mindset and the lessons he learned during his younger years: In Obama's view, in the twenty-first century, America should evolve from a leader into a partner. He understands that "Leadership comes with a price, and thus the United States cannot have leadership without strength. At the same time, he recognizes that the United States must be aware of the rise of emerging economies and its impact on the new world order".

Based on researcher opinion, among America's postwar presidents, Obama has placed the least emphasis on a "top dog" image of the United States. Instead, he has stressed the need for the United States to integrate itself into a changing world rather than stomp around arrogantly and blindly. This principle is consistent with his enthusiastic participation in the G-7 and G-20. He has repeatedly expressed that "the United States welcomes the rise of China", and he characterizes the U.S - China relationship as the most important bilateral relationship of our time. Globalization and domestic aspirations for cultural diversity are also reflected in the historic composition of his first-term cabinet, which included three

members of Asian descent, two of whom were Chinese American.

As U.S - China relations become unprecedentedly complex; parts of American public opinion have degenerated into hostility, including open calls for the use of force to solve disagreements. China must understand that the United States operates under a system of checks and balances. While there inevitably will be individuals in the United States who distrust China or even view it as an enemy, it is important to understand whether or not such sentiments emanate from Obama himself. In my opinion, Obama and his team have refrained from pursuing paths that might lead to military confrontation. Not only did President Obama win the Nobel Peace Prize for promoting global denuclearization, but in his second term he has also focused on arms reduction. Many of his other ideas and policies also serve to promote global peace.

U.S - China Reconfiguration

Over the past eight years (2008-2016), the biggest change in the U.S - China relationship stems from China's new status as the world's second largest economy. With China continuing to gain economic strength relative to the United States, the incumbent superpower undoubtedly feels under pressure. The two countries must continue adjusting to this new reality and seek dynamics balance in their relationship.

When Obama first assumed office, numerous media outlets urged China and the United States to form the G-2 (Group of Two). This idea did not originate from the Obama administration, but rather from former U.S national security advisor Zbigniew Brzezinski. China approached this concept with trepidation: In the eyes of many Chinese citizens at the time, China and the United States were not peers in terms of overall strength and, therefore, could not play comparable roles in global leadership. I notice that this formulation as problematic.

In a G-2 framework, what roles would Russia, Japan, India, the EU, and other countries play? How those countries play their roles in the world politics and maximize potential power to overcome international problems (terrorism, disease, natural disaster, refugees, massive urbanization) ? This concept is unreasonably exclusive in an increasingly interconnected world.

On the Chinese side, following his rise to the top leadership, President Xi Jinping proposed in 2015 a "new type of great power relations" between China and the United States. Although the dictum of "no conflict and no confrontation; mutual respect and win-win

cooperation”, represents an admirable founding principle, China’s position lacks substance. For example, the United States has called into question the specifics of China’s core interests, its definition of “great power”, and the relationship between these conceptualizations and real-world problem-solving.

After eight years, the scope of U.S - China relations has significantly expanded and is no longer restricted to the conventional issues of bilateral trade, cross-Strait relations, the RMB exchange rate, and the Tibetan issue. Given China’s increasing importance in the Asia-Pacific and in the world economy, this reformed relationship encompasses broader regional issues such as tensions in the East China Sea, the South China Sea dispute, various challenges in Asia-Pacific, and the Trans-Pacific Partnership (TPP), as well as global issues like climate change, denuclearization, cyber-security, anti-terrorism, and poverty reduction. The U.S - China relationship has never been more complex.

At the official level, the past eight years of U.S - China relations have brought an impressive degree of constructive cooperation. From an economic standpoint, post-crisis developments such as China’s massive purchase of U.S Treasury bonds, the expansion of the U.S - China Economic and Strategic Dialogue, and the ongoing negotiation of the U.S - China bilateral investment treaty (BIT) have induced an unprecedented level of economic integration. Culturally speaking, people-to-people exchange programs, like U.S - China Strong’s Hundred Thousand Strong Initiative and One Million Strong Initiative, as well as the countries’ agreement to offer reciprocal 10-year tourist visas, continue to expand and deepen.

Likewise, China and the United States not only have refrained from directly airing ideological differences, but they also have avoided dwelling on politically sensitive events like the Wang Lijun scandal and the Edward Snowden disclosures.

Since Xi Jinping took office, the two heads of state have met a total of 11 times, on occasions ranging from state visits to international conferences. Their respective visits to Sunny Lands in the United States and Yingtai, China, were both high-profile, fruitful meetings. Although their relationship is not characterized as a close personal friendship, it is laudable that the two have maintained numerous open lines of communication, particularly given the present complexity of U.S.-China relations and the breadth of global challenges.

Misunderstandings and Misperceptions

As scholars in both countries have pointed out, China and the United States suffer from a “trust deficit”. As trust cannot be built through words alone, the two sides must do a better job to demonstrate mutual understanding and respect. Over the past eight years, misunderstandings have complicated bilateral issues, and these false perceptions have hindered the development of U.S - China relations on several occasions.

China’s most significant misunderstanding of Obama’s tenure occurred during his first term, when then U.S Secretary of State Hillary Clinton introduced America’s strategic “pivot to Asia”. Of course, some Chinese scholars recognized the policy’s original intent to mark a general rebalance of strategy and focus as the United States withdrew from the Middle East. Obvious and legitimate motivations for an Asia-centered U.S. strategy included booming Asian economies, the increasingly alarming threat of the North Korean nuclear proliferation, and various regional tensions that posed a risk for conflict. However, Beijing strongly opposed the “strategic pivot”, which many considered nothing but a containment policy aimed at China.

China’s overreaction pushed the United States into a defensive posture. American interest groups, the U.S. Department of Defense, and the U.S military subsequently adopted tough stances on cyber-security, China’s establishment of the East China Sea Air Defense Identification Zone (ECS ADIZ), and its land reclamation efforts in the South China Sea. These positions should not be seen as provocations directed at China, but rather as the result of America’s own strategic calculations in reaction to China’s initiatives. Similarly, in the South China Sea dispute, public opinion only appears to further escalate and intensify the misunderstandings.

On the trade front, the TPP began as a neutral trade agreement but later evolved into a counterweight to China’s expanding regional influence. When China established the Asian Infrastructure Investment Bank in early 2016, the Obama administration saw it as an attempt to rewrite the global rules of engagement and therefore accelerated TPP negotiations. Obama hopes to make the TPP a late-term policy achievement, and no doubt he will strive to promote it for as long as he is in office.

In the 1990s, China established favorable conditions for foreign firms in order to attract foreign capital and technology that were desperately needed domestically. Throughout Obama’s presidency, China has continued to experience economic development. While state-owned enterprises continue to grow, private enterprises have begun to crop up,

including information technology (IT) giants such as Baidu, Alibaba, and Tencent, collectively referred to as “BAT”. Many enterprises and markets no longer have trouble drawing foreign investment, and a large number of Chinese firms have even started “going out” as global investors in their own right. America, in fact, is now a popular destination for Chinese investment. China’s economic advancement has necessitated adjustments in trade and economic policy, which in turn have contributed to a more difficult environment for American and foreign firms, especially those in the IT sector.

Despite Chinese efforts to advance negotiations, the prospects for a U.S - China Bilateral Investment Treaty (BIT) remain dismal. It now appears that a U.S - China BIT will be established only if and when the TPP is approved. With the current political climate in the U.S., Congress is likely to block any such treaty.

In his pursuit of other political achievements for his personal legacy, Obama’s foreign policy has engendered other false perceptions and misunderstandings in China. On the one hand, Obama used his two terms to end the Iraq War and the war in Afghanistan, to call for the closure of Guantanamo Bay, and to cut military expenditures. On the other hand, Obama also successfully transformed old foes into new friends and mended historical grievances: he signed the Iran nuclear deal, reestablished diplomatic relations with Cuba, and paid historic visits to both Vietnam and Japan’s Hiroshima. Even so, to some Chinese observers, his attempts at outreach have simply been thinly veiled attempts to contain China. On this point, researcher would like to add own observations: “Containing China is no easy task”. The United States is a global power with unique norms, perspectives, and strategies, and China should not interpret every U.S. action as an effort at containment. By the same measure, it is misguided for the United States to consider every Chinese action as a challenge to its preminent position. The two sides should avoid making assumptions and policies based on extreme views and misguided conspiracy theories.

U.S - China Contextual Relations on the Future Dynamics of Regional Security

Landscape in East Asia

U.S - China relations are shaped by actions (and or reactions) on both sides, and thus patterns of action and reaction by either party cannot be evaluated outside of a broader context. Obama’s engagement with Japan illustrates this point. During his first term (2008-2012), Obama cautiously recalibrated the U.S - Japan relationship to try to prevent Japanese right-wing politicians from aggravating China. While China may view the strong

U.S - Japan alliance as aimed at containment, in reality, America is reluctant to alter its foreign policy to primarily accommodate the interests of other countries. The current strengthening of U.S - Japan ties is not only attributable to a changing U.S assessment of the tensions in the East China Sea, but also comes in response to warming China-Russia relations.

Each of Obama's two terms has featured a distinctive foreign policy team, and Chinese experts believe that the difference between them illustrates his evolved attitude towards China. According to this view, during Obama's first term, when Hillary Clinton served as secretary of state, America was more actively engaged in the Asia Pacific and in China's affairs. In his second term (2012-2016), Secretary of State John Kerry has shifted the focus from Asia to the Middle East, perhaps even setting U.S - China relations "adrift."

Researcher disagrees with this view. Many complex factors have exerted new influence on U.S - China relations during Obama's second term. These include the increasing scope of issues included in dialogues between the U.S and China, a lack of U.S political will to improve relations, and the difficulty Obama faces in pushing through some of his foreign policies.

Additionally, China's confidence has increased following its successful hosting of the 2008 Beijing Olympic Games and its emergence as the second-largest economy in an increasingly globalized world. Some would argue that this has led China to become more assertive or even aggressive in foreign affairs. While it is perfectly acceptable for China's confidence to grow, becoming a true global power requires deeper empathy for foreign nations and a more-nuanced understanding of the world. A global vision will also help China to recognize its own domestic problems and earn a stronger voice on the international stage.

China's peaceful rise is a boon to the world, but that narrative has not been meaningfully presented and hence not widely acknowledged or embraced. In order to share China's story, China must seek to adopt and transmit global values that the international community can accept and appreciate. Otherwise, if China's perspective does not resonate with other nations, China's rise will be interpreted as a threat in some parts of the world.

The persistent friction between the United States and China has made it increasingly important to establish effective mechanisms of communication. Without a doubt, U.S - China relations are undergoing significant changes: China's power and status are on the rise, new forms of media are emerging, and science and technology develop rapidly.

These dynamics changes often occur faster than government policies can respond and mostly for future dynamics regional architecture. Likewise, the global economy has yet to fully stabilize after the financial crisis; the world order is still undergoing reshuffling; and a host of environmental issues, health concerns, and other challenges continue to trouble humanity. All of these problems will test “the twenty-first century’s most important bilateral relationship”. Both leaders and scholars have every reason to pursue win-win cooperation over zero-sum competition, and they must hope that they will continue to do so.

U.S Engagement Agenda

In order to assess how the Asia Pacific rebalance has been implemented to achieve its objectives, this section examines the Obama administration’s engagement in the region. This examination shows that the strategy behind the Asia Pacific rebalance has brought the Obama administration certain successes. By increasing its military presence and its economic, diplomatic and cultural activities in the region, the Obama administration has demonstrated its serious commitment to reallocate U.S resources towards the Asia Pacific. Tangible evidence of U.S deepening and broadening engagement with the region can be seen in four major issues: security, economics, diplomacy, and culture.

Global Security Engagement

The Obama administration has considered expanding U.S security engagement in the region to be a crucial facet of the U.S rebalance and has held that the U.S must invest time and energy in capabilities vital to the future success of security engagement (“Sustaining U.S Global Leadership,” 2012, p.3). Washington’s determination to increase the U.S. military presence can be seen in the deployment of more troops, ships, marines and aircraft in the region (Yun, 2013). In the four years after the rebalance was announced, the number of U.S. troops in the Asia-Pacific increased by 22,000, to 266,000 (Olson, 2015). The U.S. Navy in the region was strengthened with two additional destroyers sent to Japan and a second littoral combat ship to Singapore (Olson, 2015), and the U.S. was moving more of its Navy to the Pacific Ocean than to the Atlantic Ocean. Deputy Secretary of Defense Ash Carter made it clear that in coming years, the ratio of U.S. naval deployment between the Pacific Ocean and the Atlantic Ocean will be 60:40 and it may continue to increase (Carter, 2012).

Despite substantial budget cuts, the U.S is expanding its naval presence in the

region with new ships and hi-tech weaponry (Greenert, 2013). Among the U.S. Navy’s 283 ships, 101 are being deployed, and 52 of which are stationed in the Pacific Ocean (Greenert, 2013). In order to foster U.S. naval strength in the region, the Defense Department will deploy 62 ships there by 2020 (Greenert, 2013). The Marine Corps increased its power by creating a Marine Rotational Force in Darwin, Australia, which deployed 1,150 Marines (Greenert, 2013). There was also a considerable increase in U.S. air power in the Asia-Pacific, from 416 to 630 Marine Corps aircraft (Olson, 2015). The steadily expanding U.S. military presence in the Asia-Pacific represents a crucial component of the Obama administrations’ strategic rebalance, and further exemplifies the significance the Obama administration has placed on the Asia-Pacific. Public opinion towards this increased military power and presence in the region differs from nation to nation. Some treaty partners openly welcome U.S. security engagement, while other countries are more wary. However, the general attitudes are enthusiastic, as the U.S. military presence ensures a degree of stability and security that allows governments in the region to focus their resources on socio-economic development (Keating, 2011).

Global Economic Engagement

Asia has experienced phenomenal economic growth. Its economic dynamism provides the foundation for prosperity across the region, and thus for the stability and legitimacy of the national governments. Asia’s massive market presents significant opportunities for the U.S., which is still struggling with the consequences of the global financial crisis. The growing U.S. economic engagement in Asia can be seen in an increase in U.S. trade with Asia from 2008 to present (Table 2). U.S. trade with Asia was much higher than that with Africa and Europe.

Table 2: U.S trade with Africa, Europe and Asia from 2008 to January – June 2015 (USD million)

	2008	2009	2010	2011	2012	2013	2014	January-June 2015
Africa	141,888	86,733	113,348	125,892	99,542	85,304	72,666	26,604
Europe	760,200	589,277	667,476	778,074	785,017	787,197	824,479	166,605
Asia	1,184,476	951,970	1,183,488	1,778,461	1,423,061	1,448,033	1,495,131	718,776

Source: Adapted from the data released by the U.S. Census Bureau, retrieved July 12, 2015, from <https://www.census.gov/foreign-trade/balance>

One of the most evident manifestations of the Obama administration's enhancing economic ties with the Asia-Pacific is the Trans-Pacific Partnership (TPP), a trade agreement among 12 Pacific Rim countries (Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States, and Vietnam). This agreement aims to increase trade and investment, promote economic development and create jobs among the TPP partner countries. The TPP has been one of the Obama administration's top trade priorities, and the administration's efforts to push through negotiations on the agreement highlights the administration's continued focus on the Asia Pacific.

U.S National Security Advisor Susan Rice once stated that the TPP is "a focal point" of U.S efforts to create a high standard regional trading environment (Rice, 2014). The partners completed negotiations on the TPP on October 5, 2015 (though it still must be ratified by partner countries). The successful conclusion of this landmark trade agreement, which covers more than 40% of global GDP, will serve as a springboard for the expansion of economic ties with Asia, and will certainly increase economic interdependence between the U.S. and the Asia-Pacific region. Enhancing U.S. trade and investment links with Asia is fundamental to U.S. efforts to penetrate these large and growing markets, to increase exports to Asia, and to create more jobs for Americans.

In 2013, U.S. goods exports to TPP countries were US \$698 billion, accounting for 44% of total U.S. goods exports ("Overview of the Trans-Pacific Partnership," 2013). U.S. agricultural exports to TPP countries amounted to US \$58.8 billion, 85% of total agricultural exports ("Overview of the Trans-Pacific Partnership," 2013). And in 2012, U.S. private services exports to these countries were US \$172 billion, 27% of its total private services exports ("Overview of the Trans-Pacific Partnership," 2013).

Along with expanding multilateral trade relations through the TPP, the Obama administration has also sought to deepen bilateral trade relations with individual Asian countries. For example, in 2011 the Obama administration obtained Congressional ratification of the U.S - South Korea Free Trade Agreement (KORUS FTA). This free trade agreement, which came into force on March 15, 2012, is the second-largest U.S. free trade agreement after the North American Free Trade Agreement, and has been expected to bring substantial economic benefits to both the U.S and South Korea. In 2013, South Korea became the sixth-largest goods trading partner of the U.S.; the U.S was South Korea's second-largest trading partner (Williams, Manyin, Jurenas & Patzer, 2014, p.5).

Trade and investment bilateral relations between the U.S and South Korea have

substantially strengthened and deepened since 2011: Goods and services trade between the two nations increased from \$126.5 billion in 2011 to \$145.2 billion in 2014 (“Fact Sheet: U.S - Korea,” 2015). Given South Korea’s prominent position in East Asia, the agreement has the potential to serve as a platform for the U.S to expand its trade and investment relationship with the regional economy. The shared economic goals for the region and joint work on the KORUS FTA provide the United States and South Korea a firm base for strengthened cooperation and collaboration on global and regional economic issues (Hirsh, 2015).

In addition to these multilateral and bilateral trade and investment agreements, U.S foreign aid based on economic assistance to the Asia-Pacific rose steadily from 2008 to 2011 before declining in 2012, 2013 and 2014. As shown in Table 3, the total amount of U.S foreign aid to East Asia & Oceania (1) and South & Central Asia (2) gradually increased over four years (2008 to 2011).

Though there was a downward trend in U.S foreign aid from 2012, the total amount of U.S foreign aid to East Asia & Oceania and South & Central Asia remained higher than U.S foreign aid to the Middle East or North Africa. During this time period, U.S. direct investment to the Asia-Pacific was also on the rise, increasing from US \$591 billion in 2011 to US \$651 billion in 2012 and US \$695 billion in 2013 (Ibarra-Caton, 2014).

Table 3: U.S Foreign Aid, 2008 - 2014 (USD billion, based on economic assistance)

Region Year	East Asia & Oceania (1)	South & Central Asia (2)	Total (1) + (2)	Middle East and North Africa	Western Hemisphere
2008	1.1	2.9	4.0	5.3	1.9
2009	1.1	3.7	4.8	5.8	2.0
2010	1.0	5.0	6.0	3.9	3.1
2011	1.3	5.3	6.6	3.4	2.9
2012	1.2	4.5	5.7	3.1	2.6
2013	1.3	3.5	4.8	4.0	1.2
2014	1.3	3.1	4.4	3.3	1.9

Source: Adapted from the Data Released by USAID, retrieved July 10, 2015

from <https://explorer.usaid.gov/aid-dashboard.html#2014>

In facts, these figures vividly reflect the Obama administration's efforts to increase economic engagement with the Asia-Pacific. Thus, U.S allies and partners in the region hold that deepening economic engagement in the Asia Pacific makes a considerable contribution to sustaining U.S influence and a leading role in the region (Schott, Kotschwar & Muir, 2013).

Diplomatic Engagement

In terms of diplomacy, the Obama administration has shown that high-level diplomatic activities are important components of the U.S rebalance. President Obama had visited Asia six times thus far in his presidency. In his sixth trip to the region, Obama travelled to Beijing for the Asia-Pacific Economic Cooperation Leaders Meeting; to Nay Pyi Taw and Rangoon, Burma for the East Asia Summit and the U.S.-ASEAN Summit; and to Brisbane, Australia for the G20 summit ("The President's Trip," 2014). Secretary of State Hillary Clinton had travelled to Asia 14 times, visiting virtually all nations across the Asia-Pacific and all ASEAN member states. U.S. Secretaries of Defense Robert Gates and Leon Panetta visited Asia 13 times during Obama's first term, and National Security Advisor Thomas Donilon, Chairmen of the Joint Chiefs of Staff Admiral Michael Mullen and General Martin Dempsey, and several chiefs of the U.S. military services also made regular visits to the region.

Apart from these high-level visits, in 2009 President Obama appointed the first U.S Ambassador for ASEAN Affairs and in 2011 he appointed the first resident U.S. Ambassador to ASEAN (Hachigian, 2015). The United States regularly participates in key regional meetings such as the East Asia Summit and the ASEAN Regional Forum meeting. The U.S's increased involvement in regional institutions, such as signing the ASEAN Treaty of Amity and Cooperation.

Still, it illustrates that the U.S Asia-Pacific rebalance emphasizes multilateralism and regionalism ("East Asian and Pacific Affairs," 2015). All of these activities help to reverse the perception that U.S. leaders seem to ignore the Asia-Pacific, as they are not frequent visitors to the region (Sambaugh, 2013).

Global Cultural Engagement

The U.S also has expanded its cultural engagement in the region through the American Centers. The American Centers open to the general public free of charge;

regularly organize events and activities to further regional understanding of U.S politics, economics, history, arts, language and culture. For example, the American Center in Vietnam announced the establishment of the American Studies Forum in 2012. Since then, the American Studies Forum has helped Vietnamese citizens to easily obtain updated information about all aspects of the U.S Education has been a major element of U.S cultural engagement with Asia, and the U.S has a long history of supporting modern universities and schools in the region. U.S universities have trained generations of Asians, including public and private sector leaders in a wide range of fields.

According to data released by the Institute of International Education, the number of Asian students in U.S higher education in the 2013/2014 academic year rose by 8% (Witherell & Clayton, 2014). Much of this increase was driven by China, especially at the undergraduate level: the total number of Chinese students increased more than 17% from the previous year, to more than 274,000, while the number of Chinese undergraduates grew by 18% (Witherell & Clayton, 2014). Chinese students made up 31% of all international students in the U.S. Indian enrolment also rose by 6%, to 102,673, after three years of decline (Witherell & Clayton, 2014).

The U.S Fulbright Program, including the Fulbright Scholar Program, Fulbright Student Program, Fulbright Specialist Program, and Fulbright Visiting Scholar Program, has contributed considerably to the exchange of professors, scholars, students, and specialists between Asia and the American institutions. The recently launched Young Southeast Asian Leaders Initiative (YSEALI) which initiated by President Obama in 2013 is also expected to train ASEAN's bright men and women to become world future leaders. Indeed, U.S cultural engagement with Asia continues to be broadened and deepened. In the long term period, this will certainly contribute to enhancing the influence of U.S culture in the Asia Pacific.

U.S Leaders Perception

Even with a surging investment of time and energy into the Asia-Pacific and certain policy successes, as discussed in the previous section, the Barrack Obama administration has encountered several obstacles in the implementation of the rebalance. The major challenges to the U.S. presence in the Asia Pacific are the U.S military and economic resources limitation; U.S. allies' concerns about national sovereignty; and Chinese reactive responds to increasing U.S engagement in the region.

U.S Limitation in Military & Economy Resources

The Obama administration's rebalance has raised concerns about the cost to the United States. Skepticism about the effective implementation of the rebalance has increased when the U.S. economy is in disarray and U.S military forces are engaged in continuing chaos in the Middle East and Afghanistan. Though the debate on the limits of U.S power is not new, it has become more intense with the expansion of U.S military and economic engagement in the Asia - Pacific (Bacevich, 2009).

The substantial debatable question is whether the U.S, struggling with economic difficulties and on-going military engagements, can afford the potential costs of the Asia Pacific rebalance. The Obama administration's strategy to increase U.S. military presence in the region may not be effectively carried out due to more restrictive budget constraints imposed by the U.S Congress, which has the power of the purse. In particular, the Budget Control Act of 2011, enacted into law on August 2, 2011, would certainly result in serious reductions of U.S military "operational and training funds" (Sutter 2015, p.102) that would be very disruptive to the size of U.S military forces worldwide, and thus to U.S. security engagement in the Asia-Pacific (Manyin, Daggett, Dolven, Lawrence, Martin & O'Rourke, 2012, p.17).

National Sovereignty Concerns

The U.S rebalance has been generally welcomed by its allies and partners in the region. However, this does not mean that there are no concerns about the U.S military presence. Opponents and skeptics in the host countries usually stress the negative effects caused by the U.S military presence, viewing it as an extension of U.S imperialism and an obstacle to peace. For example, when the Australian government announced the establishment of a permanent U.S Marine base in Darwin, many Australian experts argued that this would have catastrophic consequences for Darwin. Robin Tennant-Wood, Assistant Professor at the University of Canberra, expressed that adding a U.S Marine base in Darwin is likely to worsen rather than improve Darwin's social problems (Thompson, 2011). Dr Anthony Ashbolt, University of Wollongong, underscored that Australia does not benefit from its alliance with the U.S.

In fact, Australia's "subservience" to the U.S is detrimental to the country's image in international relations, especially when compared to other important emerging powers such as China, India and Brazil.

The People's Republic of China (PRC) in particular may perceive an increase in U.S military deployment in Australia as '*a hostile signal*', which could adversely affect the China - Australia relationship (Thompson, 2011). Such opposition to the establishment of the base in Darwin indicates that many Australians are concerned about the consequences of increased U.S troops on their soil.

The arguments put forth by U.S and Australian leaders on the mutual benefits of the strong U.S - Australia alliance would hardly eliminate the sense of skepticism among the Australian public. In Japan, successive governments have failed to obtain support from Okinawa residents for hosting U.S troops there. The Okinawa community often criticizes the U.S bases for noise, pollution and crime ("U.S and Japan," 2011). For instance, in 2012, the deployment of the MV-22 Osprey aircraft to a U.S military base in Okinawa was a serious political issue for the Japanese government due to strong local opposition ("Japan Bans U.S War Planes," 2012). Similarly, there is intense opposition to the existence of U.S bases on South Korean soil. One South Korean activist stated: "There are currently 36,000 U.S troops based at 95 bases in South Korea which cover a total area of 60,700 acres. These effects of those troops are not limited to facilities and bases alone; they are extend into the communities surrounding the bases.

During the time from the posting of U.S troops in 1945 to the present, environmental pollution has been constant, and the military has neglected to be concerned about the impact. Not only the water, soil and noise pollution produced on and near bases is of concern, but also the physical and mental health impairments of Korean citizens and the destruction of the pre-existing community's lifestyles brought about by U.S military actions that must be considered (Feinerman 2005, p. 212).

It raised the negative side effects of U.S military bases have caused substantial anti Americanism among citizens in the host countries, which constitutes an impediment to the U.S rebalance. In democratic nations where public opinion is critical, such as: including Australia, Japan, and South Korea. It increased the intense local opposition that has been a serious national political headache.

As the U.S rebalance, currently conceptualized, requires an increased U.S military presence in the region, including through military bases in Australia, Japan, South Korea and elsewhere, this raises a tough question for U.S government: what should be done to reconcile the need for permanent establishment of military bases on U.S allies' soil and the local communities' anti-American pressures?

China Ambitions vs U.S Rebalance

A wide range of mechanisms has been employed by the U.S. to explain that the Asia Pacific rebalance is not designed to contain China. The Obama administration expresses its willingness to broaden and deepen cooperation with China on economic, military, diplomatic and cultural areas (Swaine, 2015) while stressing that the U.S strongly opposes any attempts to use force or threats to change the status quo (Parrish, 2013). Despite these assurances, China remains ambivalent to the Obama administration's stated reasons for the Asia-Pacific rebalance, and maintains that the U.S rebalance is based on great power politics. As Aaron Friedberg pointed out, the United States and China are now "locked in a quiet but increasingly intense struggle for power and influence, not only in Asia but around the world" (Friedberg, 2011, p. 25).

From the Chinese perspective, the real rationale behind the rebalance is to dominate the region and the world (Guangshun & Qiang, 2014). In this view, the United States' effort to reassert a leadership role in Asia is particularly aimed at China; it runs against mutual interests between Washington D.C and Beijing and is detrimental to the region (Sheng, 2011).

Meanwhile, China holds that for the rebalance to be successful, the U.S needs to make constructive contributions to enhancing economic growth and cooperation. A focus on security through military engagement will not offer any possibilities for progress (Sheng, 2011). China perceives the Asia Pacific rebalance as a strategy to enhance U.S national interests and sustain its hegemony, and warns that it is unlikely the U.S will continue to dominate global affairs as it has in the past (Gang, 2011).

However, in response to Clinton's article "America's Pacific Century", China denied that the U.S military presence over the past decade has been critical for maintaining the regional security and stability on which Asia's economic growth depends (Clinton, 2011). An article published in People's Daily Online, a state-run Chinese news media strongly asserted that a "Pacific Century" would belong to the nations in and around the Pacific, and would not be monopolized by the U.S (Fei, 2011).

It is so clear that the Obama administration's efforts to expand engagement with the Asia Pacific have been and will be complicated by the fact that China read these attempts as an implicit signal to contain China's ambitious influence in the region. It seems that under Xi Jin Peng, Chinese leaders have discarded Deng Xiaoping's guidelines to maintain a "low profile" (Godement, 2013). For instance, President Xi even suggested that the security

architecture built by the U.S was no longer able to stabilize Asia, and that the security architecture for the region should be designed by Asians, not by someone else: the region needs to define its own concept of security, build a new architecture of security cooperation and formulate a strategic plan for regional security (Xi, 2014). This remark implied that the Pacific is not large enough for all, as Secretary of State Hillary Clinton asserts (Clinton, 2012).

Indeed, from Chinese perspective, the U.S is seeking to contain China and to prevent China from becoming a regional hegemony. China's opposition to the U.S rebalance represents a big challenge for the successful implementation of the rebalance strategy.

Conclusion

The U.S President Obama administration's rebalance to the Asia Pacific manifestly demonstrates the significant role of this region in helping the U.S maintain its global influence. However, the expansion of economic, military, diplomatic and cultural engagement with regional countries has proven to be an uneasy task. Internally, the U.S. faces immense difficulties in managing the issue of resource constraints.

Externally, U.S allies and partners support the U.S rebalance while they are seeking to protect their national interests, and how much they can contribute to the U.S rebalance remains an open question. At the same time, China has become more assertive and ambitious (Cliff, 2011; Ratner, 2014 & Schmitt, 2009). The U.S leaders have repeatedly explained that their strategic rebalance to Asia is aimed at benefiting from the thriving regional economies and that it emanates from a desire to play the leading role in maintaining peace and stability in the region, but China seems to be not entirely convinced.

In contrast, the majority of the Chinese elite believe that Washington D.C is intent on containing China or at least undermining China's growing regional influence.

Beijing is extremely critical of U.S intervention in the territorial and maritime disputes involving China and some regional states in the East China Sea and South China Sea since 2010. In fact, it is widely believed in China that Washington has tacitly encouraged or emboldened regional states to challenge and provoke China on those disputes in the past few years purely for the purpose of maintaining Washington's preponderant strategic position and the pursuit of U.S security interests.

However, the U.S argues from an altruistic stance that all the initiatives related to the rebalancing are undertaken to maintain peace and stability in Asia, while simultaneously

benefiting from the expanding economic opportunities offered by the regional economies.

Apparently, China is not prepared to back down in the face of regional territorial disputes and American strategic pressure. China seems to have gained the confidence to handle the perceived challenges from the U.S strategic rebalancing to the Asia-Pacific. For the U.S and China, it is a mutual responsible strategic decision to establish the new regional security landscape in East Asia. If the frictions and conflicts in the past few years were the initial round of U.S–China contention in the Asia-Pacific, Beijing may have concluded that it has scored fairly well. Hard-line decision-makers in Beijing may have relished in the facts that China has successfully created a new status quo over the Diaoyu (Senkaku) Islands, has taken the Scarborough Shoal under Chinese control, and dealt a significant blow to ASEAN unity over the South China Sea issue in 2012.

In 2008, the global financial crisis has propelled Beijing to emerge as an Asia Pacific new economics engine growth. In the aftermath of the crisis, Beijing has surpassed other major advanced economies like Japan to become not only the largest trading partner for the region, but also an important source of investments and foreign aid. China may believe that its growing economic importance in the region could, to some extent, help complement its weak strategic and security ties with many regional states and prevent these states from completely realigning with the US. The rise of China in such a diverse and complex region certainly poses significant challenges that the U.S has to address and to ensure that the rebalance will not produce unexpected consequences. The following recommendations are made for the U.S policymaking circle to achieve the objectives of the rebalance and overcome some of the obstacles explored here.

Nation-building has always been an important base for projecting U.S influence regionally and globally. From the early days of the republic, U.S leaders realized that economics, politics, and the military were important foundations of domestic power. The U.S success in building formidable domestic power through these areas allowed the country to become one of the most influential nations in the world by the early 20th century. It is imperative for the Obama administration to maintain formidable domestic power by continuing to strengthen its economic, political, and military foundations.

In terms of economics, the U.S must focus on increasing efficiency in production, renewing the labor force, promoting technological innovation, and accelerating the U.S federal government revenue.

In terms of politics, political polarization must be reduced because it causes

difficulties in adjusting existing laws or passing new ones. Many of U.S. economists have seen political polarization as one of the U.S economy's most critical problems. The main source of political polarization is institutional.

These suggested changes in institutional design would help the U.S begin the process of political depolarization, which in turn would make it much easier for the U.S government to work effectively. Implicitly, the U.S government would be more likely to succeed in addressing the nation's most important economic and security questions.

In terms of the military, it is imperative for the U.S to maintain its global superiority in land, air, and naval forces. This means that the U.S government must further invest in technological and scientific research in pursuit of cutting-edge military capabilities. Besides, cultural knowledge, as part of soft power, is useful in military operations.

Thus, it is significant that leading officers, soldiers and personnel on all levels and areas of the forces are provided with intercultural training and knowledge. Furthermore, it is necessary to increase the U.S army's humanitarian aid to spread favorable images of the U.S. These practical proposals would help to build up U.S. defense capabilities and further contribute to U.S national security.

The U.S government should always prioritize strengthening its political, military and economic foundations. When these foundations are firmly built and fostered, U.S domestic power would continue to be superior to others in the world. The U.S alliances and partnerships in Asia are important in the Asia Pacific rebalance. The U.S needs to build up its capacity to protect its alliance partners while asking them to make a proper contribution to regional security.

The U.S government also needs to consolidate its old and emerging partnerships in the region by deepening economic, diplomatic and security ties with these partners. Outside of Asia, the Asia Pacific rebalance could be perceived by U.S allies and friends to mean that they are no longer U.S priorities, generating a sense of uncertainty over whether they will see a reduction in U.S economic and military support. Consequently, they may look for other sources of help that could run against U.S strategic interests. To prevent this, the U.S should assure its allies and friends in other parts of the world that the Asia Pacific rebalance does not signal a discontinuation of traditional support in other regions. In particular, the U.S must ensure Brussels that the European Union is not downplayed in U.S Foreign Policy.

Most Asia Pacific nations and elsewhere in the world depend on their ties with China, and especially on the revenue from bilateral trade with China. These nations may not

oppose the Asia Pacific rebalance, but they do not want to have to choose between the U.S and China. Thus, the U.S government needs to balance these two dynamics by increasing practical engagement with China. Washington must pursue its continued interests in the Asia-Pacific but ensure this pursuit is not perceived by Beijing as a containment of China. It is in the U.S interest to have a stable and cooperative China. Specific steps for building an effective relationship with China are as follows:

First, the U.S should coordinate with China in developing regional mechanisms for regional cooperative activities. For instance, Washington and Beijing can cooperate in providing development and humanitarian aid in the region. Their coordination in development assistance and disaster relief would serve as a springboard for cooperation in other areas.

Second, the U.S should ensure that its increased economic engagement in the Asia Pacific serves to open up new opportunities of commerce in the region. For example, Washington and Beijing should move to a common ground that the Trans Pacific Partnership (TPP) and Regional Comprehensive Economic Partnership (RCEP) are pursued to promote free trade and prosperity in the region. It is not to reduce the other side's economic influence in the Asia Pacific. It would be of great mutual benefit for both the U.S and China potential market to integrate the TPP and RCEP into a higher standard regional free trade agreement that provides a pathway to a free trade area of the Asia Pacific.

Third, The U.S should engage proactively in more frequent effective high-level dialogue with China in order to build mutual trust and increase strategic cooperation. The U.S China Security and Economic Dialogue (the S&ED) provides a good example. It creates opportunities for the two countries to host such important dialogues as the Strategic Security Dialogue, the U.S.-China Innovation Dialogue, the U.S.-China Climate Change Working Group, and the U.S - China High-Level Consultation on People-to-People Exchange, all of which aim to enhance mutual understanding and build a constructive relationship between the two countries (“Strategic and Economic Dialogue,” 2014).

Fourth, North Korea's nuclear program has been the source of mutual doubts and suspicions about Washington and Beijing's future intentions. The U.S can build trust with China through a dialogue on a nuclear-free zone in Korean Peninsula. This dialogue should work alongside the six-party negotiations to establish a more effective multilateral mechanism for dealing with the problem of North Korea's nuclear program.

The U.S Asia Pacific rebalance should not be misperceived as containment of

China's rise, a demotion of U.S. allies in other parts of the world, or a strategy that is solely beneficial to the U.S. The rebalance creates opportunities for peoples in both the Asia Pacific and the U.S. Whether the policy implementation is successful or not will depend on both the strength of the Obama administration's commitment and the ability of the next U.S. administration to carry it forward, secure, and strengthen closer political and economic relations with China.

The next U.S. leader post Obama must concern with Asia-Pacific geopolitics context, which has become a dynamic region due to strategic contentions rivalry between Washington D.C and Beijing. Given the centrality of the U.S and China for the strategic stability and economic development of the region, the key issue is that the new dynamics in US-China relations need to be properly understood and appropriately handled. The U.S policy makers should provide a comprehensive decision on the strategic dimensions in US-China relations and the strategies in their conflicting interest management; understand sources of conflict and the U.S-China strategic cooperation; and the role of regional states in shaping US-China relations.

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Governing Human (In)Security: An Attempt to Secure Life

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Abstract

Human security concept emerged from the multidisciplinary facets of security, development, and environmental point of views. Human survival was the main concern of this human security paradigm. Environmental degradation, climate change, pandemic diseases, short of crops supply could not be understood as single issue of natural science. More to it, those threats entailed to anthropological course, thus the reaction toward the threats was fully committed to anthropocentric reason. To understand about the meaning of security, people need to rethink the meaning of insecurity. Insecurity could be understood by acknowledging the threats possessed by Nation State and also by accepting that how human living system are insecure and vulnerable by design.

Threat was seen global and interconnected phenomena beyond the national boundaries. The reception of that nature possessed risk toward humans' freedom and power, therefore humans grew the ability to transform the nature and its system around them. Governing the nature for human survival was an attempt to securitize the insecurity itself. Securitization is by designed aimed to introduce humans' exposure to danger through the political acts. The challenge of understanding human security was on how the more humans securitize, the more insecurities would emerge. Securing life could be understood as normalizing the insecurity, thus people could adjust to endangerment as integral part of life.

Key words: human security, biopolitics, insecurity, government, resilience

Introduction

Human security becomes a buzzword nowadays, used in many occasions and circumstances. Introduced by the United Nations Development Programme (UNDP) in one of its annual Human Development Reports (UNDP 1994), the term 'human security' is meant to humanize strategic studies, to connect development studies with security studies, and to offer a tool to understand the way of life of peoples regarding their survival. The basic conception of human security, relied on the fundamental liberal notion of basic individual rights to 'life, liberty, and the pursuit of happiness', and of the international community's responsibility to protect and promote these rights.

The end of the Cold War shaped a new period of security agendas. Security notion was not merely about the nation state and its military affairs functioned in protecting state's

sovereignty, but it moves beyond towards the protection of human populations within the state itself. Poverty, famine, political repression and violence, ethnic- and religious-based conflict, terrorism, environmental degradation, and pandemic disease are the new challenges and threats to global security today. Traditional perception of security views the threats to security as coming from outside or from attack by other countries, and the focus of security is sovereignty of state. On the other hand, the concept of human security places the individual or human as the focus of security.

Human security conception puts life as the center of security matter. And this paper would like to discuss further about centrality of life which related to the conception of biopolitics. It also would analyze the way of securitization conducted by the liberal government to secure the life of humans. The act of securitization is not only about how to protect the peoples and humans from the possible danger which can threaten their survival, but also shape the ability to adapt and recover from the damage of the threats. This paper would argue that liberal government will openly expose the possibility of danger that might be faced by the populations, and to secure life through insecurity.

Biopolitical Aspect of Human Security

Security notion was dominated by the centrality of military and state as the means and end. Traditionally, security concept emphasized on the using of military force and high political strategies to secure the state and its interest. Branded as state-centric security, traditional concept of security was rarely give much attention to the lives of human-beings as the securing object of security. Post-Cold War setting has changed the constellation of how security should be perceived. State should not be considered as the only object that mattered to be secured, but there are proliferation of subjects such as economic development, health, environmental protection, food supply in which those subjects are important to ensure the security of human-beings.

Human security concept was growing popularity in the post-cold war era, in which deepening and broadening the concept of security is a necessarily things to do to adapt with a changing world. Instead of securing high concept of state or anonymous notion as international system, human security offered a down to earth conception about what to be secured, humans' life. Traditional security concept which was dominated by political and international relations science, slowly changed – not necessarily means replaced – by human security concept. Human security became the bridge between different social sciences and

natural sciences such as biology, environment, health, anthropology, politics, international relations and economy, in reorienting security theory and clarify the meaning of this concept (Eriksen, 2010). Poverty and underdevelopment are now seen to be the threats of security, because of human security connected the merger of economic development, security and sociology as theoretical concepts and practical phenomena.

Human security was identical with the approach to broaden and deepen the security agenda. Human security concept tried to deepen and shift the security referent object from the nation state itself, and broadening the agenda in more complex issues. However, deepening and broadening security issues caused confusion and questions. What is the definition of human security? Whose security is human security defend? And how to secure it? Human security is about enlisting ordinary living human beings into the core of the security notion. It puts humans, humans' vulnerabilities and humans' basic and any other related necessities, to be the consideration for policy maker in designing security agenda (Roberts, 2010). Human security is a more humane method to analyze about security, in which security is not only about sovereignty, war, ethnic conflicts or terrorist attacks, but which are matters of security is the existence of people's lives in their daily life.

The consequence of challenging the political realism of security and broadening the security agenda, security notions nowadays entitle what so called moral obligation toward humanity (Evans, *Liberal Terror*, 2013). The shift from narrow state security towards 'life-centric' paradigm requires various kind of political methods for prioritizing life of human-beings in security agenda. As the target of human security is the life itself, and the importance in defining and analyzing the discourse of human security, an understanding of biopolitical term of human was needed (Chandler, 2008).

Biopolitics is a notion used so often nowadays to explain the origin of human security. Biopolitics may refer to the attempt of protecting and prolonging the life of humans. The notion of biopolitics emerged in the early 20th century. Rudolf Kjellén, a Swedish political scientist, was among the first scientist who popularized this concept. Kjellén introduced the concept of biopolitics in view of the life is about the struggle for existence and growth and considered nation state is also a form of life and living organism (Lemke, 2011). Nation state, similar to living organism, has rational consciousness to govern over its own body and spirit. The basic assumption is that all social and political life related to collective awareness that existence of "life" is a fundamental principal of statehood.

Development of biopolitics was going beyond the concept of biopolitics as the

foundation of politics and statehood, to be the referent object of the political decision and action. Biopolitics embraced the existence of threats against life and its survival were a relevant matter to be considered. Lemke (2011) also mentioned that in order to protect the life of human being, broadening issues as health, population control, and environmental protection should be included in the political process for the sake of the future of humanity. And politics, as in biopolitical concept, should be a life-oriented politics. When life becomes an object of politics, this has impacts for the foundations, means, and ends of political action.

In the 1970s, French philosopher, Michel Foucault popularized the new conception of biopolitics and distinguished it with the previous conceptions. Foucault put life as the center of political strategies and as form for exercising power, rather than put life as fundamental basic and referent object of politics (Lemke, 2011). Biopolitics, according to Foucault, is about how the politics put human existence as a living being matter. Power and politics have big influence in transforming life into political issue, in which Foucault mentioned that “modern man is an animal whose politics places his existence as a living being in question” (Foucault, 1980, p. 143).

Foucault also developed the conception of biopower that goes beyond the concept of traditional sovereign power to determine the right of life or death. Biopower was a new form of power that seeks to govern, secure, develop, and foster life (Foucault, 1980). Power should not only exercising its right to take life or let life, but also how to foster life beyond the basic needs of survival. Fostering life also means allows human and its population developed for the increase of the economic productivity, and cultivate the skills of resilient towards the life’s threats. For Foucault, biopolitics related to political strategization of life for the productive progress of its own and its populations (Evans, *Liberal Terror*, 2013). Modification of the destiny of life is needed as the prerequisite of security.

The establishment of humans’ life as the core referent object of security can be traced from the history of liberalism value. According to Report of the Commission on Human the definition of human security is how the notion of security can and should protect the vital core of all human freedoms and human fulfilment (Hampson, 2008). Liberty and being free as part of liberal values adopted by human security as its main concept. UNDP emphasized on the ‘freedom from fear’ and ‘freedom from want’ as the core agendas for the Millennium Development Goals (MDGs) to reduce the mortality rate of humans’ lives (Battersby & Siracusa, 2009). Liberalism endorse the spirit of protecting human rights,

establishing the principles of democracy, and how to create what so called perpetual peace. State should take into account to the social needs and aspirations of its citizens regarding the policies of the state.

Understanding Insecurity

Security itself is contesting concept which still debated among this days. Being secure means being protected from the exposure of danger and eliminating the potential threats which could jeopardize the survival of the referent object of security. And security cannot be separated with threats and the notion of insecurity, in which insecurity can be described as the condition of not being sure or uncertain condition in the degree can harm the survival of the object. From traditional concept of security studies, notion of insecurity can sourced from wars, violation of human rights, domestic violence, spread of conflicts, criminalities. For the contemporary perspective of security studies, the roots of insecurity comes from loss of guarantee of access to jobs, health care, social welfare, education, and recognition to identity.

To understand about what is the essential of security, we have to understand what the insecurity is. Conceptualizing the insecurity began from the analyzing the threats and the objects that threaten by the threats itself. Insecurity can be varied and differ from one to another depend on the nature of threat and the referent object that is threaten (Huysmans, 2006). For example, the food security defines threats came from the scarcity of food supply therefore creating the problem of starvation and famine; the environment security will emphasized the threat came from environmental degradation such as deforestation, pollution, earthquake in which placed humans in critical danger; and the military security saw arm race and military aggression as threat to sovereignty of a state.

Human security which adopted the concept of biopolitics into its core of knowledge, indirectly investing on something that naturally insecure. Taking life of humans as the referent object of security means that political system tried to control the mortality of human, which is impossible. Nobody is immune to the threats and dangers. And life is something that always troubled and it could never be secured (Evans & Reid, 2014). In further, Evans and Reid (2014) defined that:

Life, biologically understood, is a phenomenon of vulnerability. To live is to be a thing that can and must die; a thing which can only ever struggle to survive in

competition with other living systems for the finite time of which it is capable of lasting. (p. 40)

To understand what entangled within security and humans' life, we have to also understand the concept of risk and uncertainty (Lentzos & Rose, 2009). These two notions were close in connection but not mutually synonymous. For uncertainty surely possessed a risk, meanwhile every risk might not always become a moment of uncertainty. Risk contained the explanation of a future events that could be anticipated from the present time, because of those future events could be calculated so people can take pre-emptive actions toward them. However, there was a different explanation about the definition of uncertainty. Uncertainty, according to (Ericson & Doyle, 2004, p. 4), is the incapability of humans to calculate the future's consequence in the present time, or as they stated as "the lack of secure knowledge about an unwanted outcome". Because uncertainty was something hard to calculate and predict, it possessed more danger to the survival ability of humans.

In post-Cold War era, the uncertainty within human civilization will be challenged by a new arrangement of old and new security dilemmas in relation to such issue areas as, terrorism, climate change and environmental degradation, competition for energy and resources, mass migration or mass displacement, cultural/religious/civilizational conflicts, and the growing gap between develop and underdevelopment, starvation, and new evolution of infected disease. Contemporary security studies are indicted with analyzing a wider set of referents object and issue areas than the traditional state and military centric security. It means that wider range of insecurity was the consequence of deepening and widening the security notion.

Thus defining insecurity was such a complex process for the decision makers. The center of debates of defining insecurity was whether the threat was real or perceived (Huysmans, 2006). Contemporary rationalities of security are certainly adjusted to uncertain potential futures that do not go along with statistical or probabilistic calculations (Lentzos & Rose, 2009). Thus a certain methods to rationalize and render the uncertain future into thinkable matter, were needed to determine that the risk or insecurity was real. Another important factor to define insecurity was in the point of political attentions of certain threat during the policy-making process (Huysmans, 2006). It was also related on how the decision makers can calculate the degree of threat that caused the insecurity. Calculation from the past experiences, rationalization with the present condition might create the possibility of imagining the potential futures of insecurity and into what degree and when it should be

managed. From the explanation on how insecurity and threats were defined, those two notions were not something that naturally happened, but politically and socially constructed as Huysmans (2006) stated:

This interpretation broadens the notion of insecurity from threat definition to the political and institutional framing of policy issues in what can be referred to as ‘domains of insecurity’. These domains refer to areas of activity and interest that are traversed by, and invest social and political relations with a ratio by virtue of which insecurity is known to exist. (p. 4)

The Act of Securitization

Determining what security is, classifying the objects that have to be secured, defining the insecurity and threats against life, and calculating the threats in order to take pre-emptive actions, were part of the securitization. The construction and production of security through political process refer to as the ‘speech acts’ in which policy-making situations can be assumed of as ‘securitizing moves that become securitizations through audience consent’, meaning that the policy makers announced the subject matter of security to the audience, and when the audience agreed and gave the consent that the subject matter is important and urgent, then the speech act transformed into security concept (McDonald, 2008).

According to the Copenhagen School, securitization was a political process which adopted and implemented extraordinary measures toward certain issues as threats that need to be tackled urgently (Emmers, 2013). This extraordinary measures to differentiate the normal event in normal condition and normal event in emergency situation. Therefore the urgency of such event can be categorized as threat or security subject. The successful act of securitization relied on the power and influence possessed by the securitizing actors, government and political elites, in influencing the audience to call for implementation of the extraordinary measures (Collins, 2005). Further, the implementation of extraordinary measures into an issue will lead to the mobilization of political support from the population and distribution of resources to tackle the referent threat.

In governing the human security, power is also important to this notion in placing human security in global political discourse. Human security was governed in the basic of biopolitics in which government tried to manage the basic necessity of human in order to sustain the life. Human security concept has to compete with other security concepts to be

considered as important matter in international system. Human security concept have a marginal position in articulating power and more likely denied in global political order (Chandler, 2008). Michel Foucault and Giorgio Agamben stated that human security can assert its power to give positive influence in the political realms. In their works about biopolitics, Foucault and Agamben argued that the term of biopolitics constitute the inclusion of humans' life in politics and the state power in calculating and managing the life itself (Roberts, 2010). Biopolitics articulates the relationship of state to population of humans and the strategies to maintain and foster life (Faucault, 2003). The relation to human security notion is that by giving security to the survival and sustainable of humans' life, state and its government have the obligation to discipline and protect the population. The act of securitization needed power to make it successful in implementation. Foucault reorientated the understanding of power relations which goes beyond the material property. Foucault's understading was that 'power produces the truth in order to give legitimate meaning to the prevailing order of things... It is, however, to understand that all truth is the product of power relations' (Evans, 2013, pp. 66-67).

By governing the security and insecurity, liberalism tried to universalize the need of securitizing issues which threaten the existence of humans' life and humanity. Emanuel Kant with his conception of universal value and perpetual peace, imagined individual can live peacefully in wider political environment, to what extent, in global political environment (Evans, 2013). For example, liberal intervention in the name of humanity conducted and justified to secure the local populations in the crisis zones, and this such intervention should consider globally in which international systems have responsibility to do so. Regarding to the scope and space of the security, power or can be refered as bio-power, has the ability in producing and transforming basic social life to its most general and global level (Hardt & Negri, 2004). Globalization provide the internationalization of local issues of humanity. With the open and fast access of information, news in television and inernet, people from around the world are able to know the condition of othe populations in remote area, in Papua Indonesia for instance. Liberal notions made people aware of this condition and cross cultural understanding were the goals in which people are sharing values in the basis of humanity. In facing the dinamic of global challenges which not only altered within the national security boundaries, the universality of human security beyond the geographic territory was needed.

Governing security means that the authority or government of a state has

responsibility to manage the source of insecurities, and to discipline the population to anticipate any risk of uncertain events in the future. The government manage such anticipations acts for the populations through the language of preparedness. Lentzos and Rose (2009) explained that the language of preparedness is widely used in the contexts of disaster preparedness, preparedness of lethal diseases, and any emergency preparedness for survival reasons. The language of preparedness is widely implemented in the United States of America and in European Unions. European Union member states under supervision of European Commission issued its Green paper on bio-preparedness in order to anticipate the potential threat of bioterrorist attack (Commission of the European Communities, 2007). European Union define the notion of preparedness as “in a generic way covering all aspects such as prevention, protection, first response capacity, prosecution of criminals/terrorists, surveillance, research capacity, response and recovery”(p. 3).

Preparedness is not only about the preventive action before the threat happen or the respon in facing the threat, but also how population can recover from the damage of the threat. Lentzos and Rose (2009) stated that the act of recovering, rebounding, recoiling or springing back from damage of a disaster or threat is called a logic of resilience. Resilience trains the populations to have the skills of adaptation, being able to endure the stress, and recover to the state of condition before the threat strikes. To be resilient, populations have to move beyond the attitude of preparedness in which populations should survive under unprotected circumstances. In further explanation, “resilience implies a systematic, widespread, organizational, structural and personal strengthening of subjective and material arrangements so as to be better able to anticipate and tolerate disturbances in complex worlds without collapse, to withstand shocks, and to rebuild as necessary” (Lentzos & Rose, 2009).

Exposure of Fear

The concept of resilience nowadays promoted by the liberal government and institutions as the core value in which populations in global environment must retain the ability to live with danger. The idea is on how to create a social awareness that danger is something inevitable and infinite in the life of human. Liberal government encourage the peoples and individuals to cope with insecurity as the condition of possibility for humans' life, instead of assisting peoples and individuals to develop the ability in securing themsleves from the threatening and dangerous events (Evans & Reid, 2014). And securitng

life means a permanent process of constant adaptation to threats and dangers.

When it is said that liberal government investing something impossible regarding human security, because of life itself will be dead in the end, the government develop the policy to make sure peoples and individuals accept every possibility of danger. Friedrich Nietzsche once claimed that the most certain sign of living was to forever be in danger (Nietzsche, 1998). Evan and Reid (2014) explained that resilience advocate the language of insecurity as a natural things in our daily life. And since danger and crisis are something unavoidable, exposing life to lethal principle of threat is justifiable thing to do. Thus liberal government tried to arrange such political strategies containing fear as fuel for humans to be aware of the dangerous pontential of threat. The histories of modern nation state has implied fear as part of the political culture. For some nation states' regimes, fear plays important part for governing its populations: "What aspect of life, from the most momentous to the most trivial, has not become a workstation in the mass production line of fear?" (Masumi, *The Politics of Everyday Fear*, 1993, p. vii).

When it is related to security matter, fear plays in constructing the rationality of manifestation of threat or danger. Fear is an expression of certain emotion upon certain things or events, and goes politically through the construction of threat (Evans, 2013). Fear grew from the peoples and humans' experiences in their life. Fear of terror, fear of hunger, fear of crime, fear of natural or man-made disaster are some of productions of fear entangled the livelihood of humans. Fear is not always become a natural phenomenon, but it can also constructed by social and political cultures. Fear should project the possibility of threats along with the prevailing retionalities to have some power in political conduct.

The political strategy of liberal government in using fear as instument of human security, works in the bases of openness. Liberal governmet tend to expose the things that threaten the existence of life. Globalization makes it possible and easier to expose and spread the language of fear. As Masumi (2009) explained about the definite anxiousness of threat circulating throughout living system:

Threat is as ubiquitous as the wind, and its source as imperceptible. It just shows up. It breaks out. It irrupts without warning, coming from any direction following any path through the increasingly complex and interconnected world. The longer it has been that a threat has not materialized, the greater the prospects must be that it will: it is difficult to everstate an indiscriminate threat. It is impossible to stop. Absence makes the threat loom larger. Its form is priori neither human nor natural. Its form is in the looming: as-yet undetermined potential to just suddenly

show up and spread. Threat is self-organizing, self amplifying, indiscriminate and indiscriminable, tirelessly agitating as a background condition, potentially ready to erupt. The potential threat is already, in the waiting, an incipient systemic disruption. (p. 160)

Amplifying fear in order to build self-awareness and resilience of the populations supported by the interconnected world of globalization. Media, television, and internet spread fear and the knowledge of insecurity globally. Globalization brought the world into a radical connectivity. It connects the world through its liberal economics construction, makes the world more likely interdependent one to another. The consequence, threat, danger, insecurity, and fear also become part of global societies' concern. Globalization makes local political, social, cultural, or even disaster events passes through different localities (Evans, 2013). Through the news on the media, peoples from around the world can be the witnesses of certain events that happened from another part of the world. And through the displays of horror, any emotional feeling such as pity, horror, anxiety are globally shared. The 9/11 terrorist attack has been proven that terror, fear, anxiety were globally spread and shared to populations outside the United States of America. Amplifying the fear of terrorist attack is not relying on the weaponry used by terrorists, but the amplification works through "the emotional synchronization of the hordes, a process in which terror must be instantaneously felt by all, everywhere at once, here and there, on the scale of a global totalitarianism" (Virilio, 2007, p. 33).

Through the amplification of fear, the liberal government developed the state of emergency to create a securitization of an issue. Exposing the potential threat and spreading fear are used to rationalize dangers and threats to the population, therefore the liberal government could build a populations who can adapt and resilient toward the dangers and threats. Since the threats are natural, imminent, unavoidable, and indiscriminate, peoples and individuals are required to build the sense of resilient in which they have to cope with the fear, adapt with changing environment and circumstances, and the most important is how to bounce back and continue the life. For resilient itself is more than just survivability.

To be secured, peoples and individuals are trained to live with insecurity. The liberal government intentionally expose the danger within humans' life. By living with the exposure of danger, peoples and individuals should evolve their living capacity and build pre-emptive measurements for the danger itself. The security notion regarding freedom from danger cannot be understood as a prerequisite of being secured. But on how peoples and individuals cope with their exposure to danger. Evans and Reid (2014) stated that peoples

and individuals are:

Subjects who have learnt the lesson of the dangers of the myth of lasting security, in order to live out a life of permanent exposure to dangers that are not only beyond their abilities to overcome, but necessary for the prosperity of their life.

In short, governing human security is not merely about how to protect the biological life of humans, but also exposing the wider possibility of danger and insecurity in their living sphere. In the end, the resilient populations who are ready to adapt with dangerous circumstances, are made through the construction of insecurity. For many factors can contribute to the endangerment of humans' life, wider human security subjects are possible to be created. Currently, the threats of humans' existence are including the states' war, ethnic- and religious-based conflicts, poverty, famine, political violence, environmental degradation, pandemic disease. However, the possibility of putting another factor into the notion of human insecurity is widely open. Anything threaten the life of humans and its population can be a matter of security. The language of insecurity is more spoken in global era than before. Fueled by the language of fear, proliferation of risk and threats are inevitable and unavoidable (Eriksen, 2010).

Conclusion

A risky investment is when we invest on something that we know would not last, and vulnerable to damage. This risky investment was taken by the global governments when they decided on putting the priority of security in humans' life. Begin from the assumption of Friedrich Nietzsche that life is always in danger, liberal government tried to create a political strategies to prepare its populations to face the dangerous aspect of contemporary threats. Once again, human become the center of political strategy.

Human security notion also linked to the conception of biopolitics, because of centering human and its biological aspect of live in the human security discourse. The basic assumption is that all social and political life related to collective awareness that existence of "life" is a fundamental principal of statehood. It means that to secure the existence of life, government should take a strategic management of life. Biopolitics moved beyond the protection of life, but also about empowerment. Security is not only about survival humans, but also on how human can adapt with dangerous situations, create pre-emptive measures, response when the threats stroke, and the most important, resilience.

To construct a management strategy of life, we have to understand about the nature

of threat and its uncertainty. Because uncertainty was something hard to calculate and predict, it possessed more danger to the survival ability of humans. For many years, state and government tried to rationalize the risk and uncertainty of events. Calculation from the past experiences, rationalization with the present condition might create the possibility of imagining the potential futures of insecurity and into what degree and when it should be managed.

Deciding the subject of security, what might possess danger towards humans' life must be decided carefully. Political act is needed to determine which issues should be a security issue. This political process called the act of securitization. Government use an extraordinary measurement to draw the audiences' attentions that certain issue is important to be secured. This act guide the audiences or in this case is the populations, to be more aware of the possibility threat they will face in the future. So by putting certain issue into security terrain, it will make easier for government to rule and manage.

The language of fear is used to draw the attentions of the populations. Involving the emotional part of human makes the threat and danger more prominent to their life. And the government amplification of fear to build such awareness for the peoples and individuals about their own security. Exposing insecurity becomes part of securitization. In the end, liberal government aimed to make a form of resilient population. Populations who are ready and prepared for any endangerment of their life. Populations who are ready and prepared to recover and bounce back from the damage of the threats. Protection is not the fundamental strategy in securing humans' life, instead exposing insecurity, amplifying fear, and train the populations to live with danger are the main strategies from the liberal government in human security notion.

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ASEAN's Governance of Migrant Worker Rights

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Abstract

Temporary migrant workers within Southeast Asia are vulnerable and subject to a range of rights abuses in the course of recruitment, work and repatriation. In 2007, ASEAN member states committed to developing an instrument governing the rights of migrant workers. Since this declaration negotiations over the content of the instrument have stalled, with member states failing to agree key conditions, including whether the instrument would be legally binding. Constructivist perspectives on ASEAN tend to emphasise its adherence to norms of non-interference and consensus decision making while realist ones claim that ASEAN is driven by the national interests of member states.

Utilizing a critical political economy framework, this paper argues that the impasse reflects ongoing national-level struggles between civil society organizations and state-actors over migrant labour rights. Amid unprecedented levels of migrant labour unrest in destination countries, state-actors are seeking to stymie the scaling-up of migrant labour advocacy from the national to regional level. Functional instruments of governance would allow civil society groups greater leverage to advocate for and collectively mobilize migrant workers. Such instruments, if implemented, would limit the manner in which states choose to handle migrant labour unrest within their respective societies. The impasse over the protection of migrant workers within ASEAN is more reflective of unresolved national-level conflicts rather than the challenges of achieving regional consensus over rights and protections.

Keywords: ASEAN, migrant labour, global governance, migrant rights

1. INTRODUCTION

Southeast Asian economies are highly dependent on temporary workers on economic development. In the destination countries of Singapore, Malaysia and Thailand, important economic sectors – construction, manufacturing, services and household work – are highly reliant on cheap and politically disempowered temporary migrants from the region and beyond. Source countries, such as the Philippines, Indonesia and more recently, Myanmar, Cambodia and Laos, rely on migrant remittances as a source of foreign exchange earnings. Temporary migrants in the region, however, suffer from a range of abuses such as low and unpaid wages, long working hours, harsh and dangerous working conditions, as well as physical, psychological and sexual abuse at work. These workers are also vulnerable to

labour trafficking due to poorly regulated recruitment channels. The absence of legal-political rights, debt bondage from recruitment, illiberal political structures of states in the region and migrants' social distance from labour movements produce extremely huge, but not insurmountable, barriers to the struggle for migrant worker rights.

The issue of migrant workers' rights was included in government negotiations for the past decade over the form and function of the ASEAN Economic Community, which commenced in December 2015. With the Vientiane Action Programme of 2004, governments committed to developing the ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers (henceforth, the Instrument). In January 2007 states then signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (henceforth, the Declaration). In July 2007 a regional agency was established to manage this issue, the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW). The ACMW comprises one member from each country and a representative from the Secretariat and is tasked with developing the Instrument. Within a couple of years negotiations reached an impasse, with sending and destination countries disagreeing over whether the Instrument should be legally binding. This point of disagreement is not insignificant, determining whether migrant workers would have grounds to pursue claims on the basis of the Instrument.

This paper seeks to explain the impasse on the development of concrete regulatory mechanisms based on the Declaration. Dominant perspectives on ASEAN emphasise the absence of binding terms on member states and concrete resolutions. Despite differences, all conventional approaches recognize that ASEAN operates on a non-interference principle. It has even been argued that this is the only institutional principle that ASEAN adheres to (Jones and Smith 2006). Within mainstream IR, there is a broad agreement that the absence of functional and binding institutional mechanisms within ASEAN is a result of this very principle. Such an explanation is limited not least because it has been falsified. Recent empirical studies have falsified this position by demonstrating regular violations of the principle of non-interference (e.g. Jones 2012). Furthermore, existing accounts of ASEAN's reluctance for binding institutional mechanisms do not examine the specific political pressures or interests involved in (non)development of these mechanisms.

In contrast, we adopt a critical political economy perspective that focuses on struggles over migrant worker rights between state-actors and civil society organisations (CSOs). Such an approach identifies the precise social forces pushing for the

implementation of instruments as well as those resistant to it. Consequently, we argue that the impasse reflects unresolved national- or, more precisely, societal-level conflicts over the rights of migrant workers *within* countries in the region rather than the absence of consensus *between* ASEAN member states. Both sending and destination states have been faced with increasing levels of migrant labour unrest. This is accompanied by CSOs in respective countries pushing for more rights for migrant workers in terms of reforms to immigration, employment and recruitment laws. Subsequently, CSOs have scaled-up their activism to the regional level and put pressure on ASEAN to develop an enforceable mechanism.

State-actors within individual countries, on the other hand, have responded to unrest and advocacy with various combinations of coercion and reforms. Within ASEAN platforms, state-actors attempt to block-off CSO pressure for institutional mechanisms, as these would otherwise allow CSOs greater political leverage in advocacy. This would in turn limit the capacity of states to deal with migrant labour issues, with feasible options being those that are then compatible with the interests of elite groups.

The following section provides a background on the ASEAN Declaration for the Protection and Promotion of the Rights of Migrant Workers and the subsequent deadlock in developing instrumental mechanisms based on the declaration. This is followed by a critique of conventional IR approaches to ASEAN regionalism where an alternative approach – emphasising national-level struggles between state and civil society actors – is proposed. Sections 3 and 4 examine contemporary migrant labour politics in both destination and source countries respectively. We emphasise the emergence and gains of migrant labour activism as well as state responses to this. Section 5 highlights the re-scaling of migrant labour activism to the regional level and subsequent civil society pressure for the development of regional mechanisms. Finally, Section 6 demonstrates how state-actors' reluctance to adopt enforceable regional instruments reflect their attempts to contain independent advocacy whilst managing migrant labour unrest at the national-level in ways that are compatible with certain elite interests.

2. ASEAN Negotiations and Explanations

The ACMW meets annually and is tasked with two purposes: ensuring the implementation of states' commitments in the Declaration, and facilitating the development of the Instrument (ASEAN 2007). The ACMW convened a drafting team for the Instrument, comprising representatives from two destination states, Malaysia and Thailand, and

representatives from two sending states, the Philippines and Indonesia. The drafting team first met on 1 April 2009 in Bangkok, and at its second meeting developed a work plan. However, by its third meeting in December 2009 negotiations had stalled because of disagreements between governments of sending and destination countries over three issues: first, if the Instrument would be legally binding; second, if the Instrument would cover irregular migrant workers; and third, if it would cover members of migrant workers' families, and migrants who are not from ASEAN states (ForumAsia 2013). In particular, Malaysia opposed the inclusion of undocumented workers and families of migrant workers, while Thailand wanted to ensure that the rights granted to migrant workers would not exceed those of locals (Bacalla 2012).

The drafting team was expanded in 2010 to include representatives from all ASEAN members with the intent of breaking the deadlock. In 2012 it produced what was termed a "zero draft", this being a preliminary document outlining each state's individual recommendations. In this document, the Malaysian government asserted that each state should continue to determine its own migration policy (Bacalla 2012). At the most recent ACMW meeting held in May 2016, a leaked draft report charted the key conflicts that have characterized the (non)development of the Instrument. This report indicated that the key issue remains whether the Instrument is legally binding. At this meeting labour sending countries with strong civil society movements advocating to protect migrant workers' rights – the Philippines and Indonesia – argued in support of the Instrument being legally binding. The Philippines also argued for a speedy resolution to the negotiations, suggesting that the document could be passed at the 28th Summit in September 2016 or the 30th Summit in April 2017. It also tabled the possibility of referring the Instrument and the negotiation of outstanding issues from the ACMW to the ASEAN Foreign Ministers Meeting or the ASEAN Socio-Cultural Community Senior Officials Committee (ACMW 2016), suggesting that representatives in these forums would be more inclined to make the Instrument legally binding.

Malaysia and Singapore, as destination countries, supported rapidly finalising the Instrument, but their representatives argued that this could be done only if the Instrument was not legally binding, a position that was then supported by Brunei. Thailand, as the third key destination country in ASEAN, also supported the Philippines' proposed timeline but argued that negotiations should be kept at the level of the ACMW drafting team thereby rejecting the Philippines' attempt to shift negotiations to other forums that may be potentially more supportive of the Instrument being legally binding. Thus, twelve years after the commitment

to develop an Instrument governing migrant workers' rights – whether the Instrument would be legally binding was still being negotiated (ACMW 2016).

Explanations of this impasse point to the 'ASEAN Way', in particular the non-interference norm and consensus decision-making, arguing that these constrain the development of legally binding regulations. For example, Kneebone argues that ASEAN's failure to protect migrant workers' rights is a consequence of ASEAN's emphasis on consensus and sovereignty: 'Because of its non-interventionist approach ASEAN is unlikely to challenge states directly... It is hoped that through quintessential ASEAN consultation and persuasion, acculturation will occur and that attitudes of member states will shift over time' (2011: 164). These accounts overlook, first, recent empirical analyses that falsify this position, and second, the conflicts and interests involved in the (non)development of protections for migrant workers.

In the case of the non-intervention norm, Jones (2012) clearly demonstrates how the scholarly consensus over ASEAN's apparent commitment to sovereignty has served to obscure the manner in which this norm has been deployed. He demonstrates that rather than the norm being a neutral commitment not to intervene in one another's domestic conflicts, the norm has never been resolute. ASEAN elites have intervened in one another's affairs since ASEAN's foundation, typically for the purpose of undermining political opponents and often with the support of Western powers. Elites have selectively used the norm to advance their interests, invoking it or ignoring it so as to "impose their interests as *raison d'état*" (2012: 2). On the practice of consensus decision-making, in establishing the ASEAN Economic Community, governments have developed agreements according to the '2+X' approach, where two member states can proceed with regulatory reforms to liberalise flows without waiting for all other states to be similarly prepared. These have been developed in a number of areas, such as the Framework Arrangements governing the movement of accountants and surveyors. Explanations of the impasse that highlight ASEAN commitments to non-interference and consensus decision-making as constraining the development of legally binding regulations are thus inadequate.

In pointing to consensus and non-interference in explaining the (non)development of regulations governing migrant workers' rights, mainstream accounts of ASEAN also do not examine the political pressures or interests involved in the specific conflicts that have shaped the trajectory of regional regulation. The commitment to promote migrant workers' rights can work to advance particular interests at the expense of others' and in doing so

address, ameliorate, or marginalise conflict. During the Cold War, for instance, governments' commitments to not interfere made transnational organisation by the left illegitimate, despite ASEAN governments collaborating in undermining communist forces and drawing on support from Western powers (Jones 2012, p. 57). Examining whose interests are furthered when a norm is invoked (or not), and how this norm is practiced, can thus draw attention to the conflicts that claims are embedded in, and the political pressures driving reforms.

The conceptual framework we adopt in this paper involves examining the vested interests and social forces involved in developing (or preventing the development of) regulatory instruments at the regional level. Specifically, it centres on the interests of key social groups involved in this process – CSOs, migrant workers, state-actors, employers and recruiters – as well as the strategies they deploy to forward or defend their interests. It reveals that regional-level disagreements over the Instrument are more reflective of how migrant labour politics between the aforementioned groups have played out within respective countries.

3. Migrant Labour Politics in Destination Countries

The primary receiving economies of Southeast Asia – Thailand, Malaysia and Singapore – are dependent on temporary migrant workers, from the region and beyond, for development and industrial expansion. Migrant workers tend to be concentrated in specific industries such as construction, manufacturing, services and household work. While the Singapore state uses a highly controlled and calibrated migrant labour regime, the regimes of the Thai and Malaysian states appear considerably less so, utilizing significant amounts of undocumented or irregular workers.

Despite these differences, key industries in all these economies benefit from access to a cheap and politically powerless labour force. The latter is particularly important for employers as well as state-actors as key aspect of labour control. Powerless workers – often without access to citizenship rights and independent trade union movements, deportable and vulnerable due to migration debt – face significant barriers to agitating for better working conditions from employers as well as rights and legal protections from governments. Employers benefit from this as it allows them more flexibility in implementing and enforcing workplace regimes within their capabilities, while governments benefit by not having to deal with being under pressure from organized labour to redistribute economic wealth or extend legal-political rights to workers. In spite of this, state-actors in these

countries have been faced with rising migrant labour unrest and nascent civil society activism pushing for reforms to immigration and employment laws.

Thailand

Migrant workers in Thailand largely come from Myanmar, Cambodia and Laos. These workers are mostly concentrated in the labour-intensive manufacturing sector. There are also significant numbers working as household and construction workers. Within the manufacturing sector, the increasing use of agency-supplied migrant workers allow both domestic and foreign firms to implement “flexible” production regimes and avoid pressure from trade union to improve working conditions. A significant proportion of these manufacturers are garment manufacturers who produce for large global corporations. They compete with manufacturers in China, Cambodia and Bangladesh where wages are a fraction of Thai minimum wage standards. Being situated in the northern Thak province with easy access to Burmese migrant workers allow these manufacturers to circumvent Thai labour laws in order to keep production costs low and make fast and flexible deliveries (Arnold and Hewison 2006).

As a significant proportion of these workers are undocumented and almost all shunned by Thai trade unions, employers are able to employ them on terms far below statutory labour standards. Consequently, migrant workers are subject to poor and unsafe working conditions as well as low wages and unstable work arrangements. Additionally, they are vulnerable to deportation and harassment by local police and thugs hired by firms to coerce workers into accepting poor working conditions.

Despite these barriers, the high concentration of migrant workers at a given point of production has led to the organization and mobilization of Burmese migrant workers in northern Thailand from the early-2000s. Wildcat strikes among Burmese workers have been common-place since the early-2000s and continue today. As much as flexible production regimes and coercive employer strategies have deprived workers of labour rights and exposed them to extreme exploitation, these strategies have simultaneously exacerbated management-labour relations and incited workers to self-mobilize (Campbell 2013). Local NGOs have also emerged and established themselves to aid workers in terms of legal aid and assistance and advocacy for employment rights. These have also been, sometimes violently, resisted by employers who attempt to intimidate activists.

Government agencies, who have previously turned a blind eye to or been complicit

in labour rights abuses, have been put under pressure by NGO activists and organized migrant workers to enforce labour laws in favour of migrant workers such as regarding the payment of wages, minimum wage, overtime rates, employment security and benefits. Rights to form recognized unions and rights to strike are still not fully recognized by government agencies. However, nascent migrant worker unions and NGOs have succeeded in preventing some deportations of undocumented migrants from taking place. Ruling elites – government agencies and business groups – often see undocumented Burmese migrant workers as business opportunities rather than security risks. Faced with rising unrest from migrant workers and NGO activism, government agencies have moved to attempt to regularize temporary labour migration through an initial and then an extended amnesty for undocumented migrants to register with the Thai government.

The registration system has not been motivated by the desire to expand employment rights to migrant workers but by the desire to assert more political control over them. The migrant registration system involves undocumented migrants registering with the immigration or labour department. The information they provide will then be sent back for verification to their home country (e.g. Myanmar), which would then issue the worker with a passport. Workers whose passports are not issued by the home country will be deported while those with passports will be allowed to stay. This allows both the Thai and Burmese governments to control the types of migrants coming in and going out of their respective countries. For instance, the Burmese government does not issue passports to anyone suspected of being political dissidents, leaving such migrants at risk of deportation through the new registration system. Families of Burmese migrant workers also face extortion from government personal in Myanmar in return for issuing passports. In the meantime, employers have continued to intimidate workers and activists from agitating for labour rights and avenues of redress. State and employer responses to unrest and activism, therefore, are more geared towards the political control of migrant workers rather than expanding rights and protections to them.

Singapore

In contrast to Thailand and Malaysia, where undocumented workers constitute a significant proportion of the migrant labour force, the migrant labour regime in Singapore is highly regularised, calibrated and purportedly rule-governed. Despite a more illiberal political space, the city-state has been similarly faced with rising migrant labour unrest and

nascent NGO pressures for reforms to migrant labour laws, particularly from the tail end of the Global Financial Crisis in 2008.

Despite being employed in a highly regularised regime, temporary migrant workers in Singapore suffer from similar abuses experienced in other AMS. These include low and unpaid wages, salary deductions, long working hours and dangerous work conditions, substantial recruitment debt, kickbacks for employment/contract renewal, unreported and mismanaged work injuries, forced repatriations as well as physical, psychological and sexual abuse. Additionally, they also face significant barriers to accessing labour justice through formal labour complaints mechanisms. This is in spite of the fact that they are covered by employment laws such as the Employment Act, the Work Injury Compensation Act and the Employment of Foreign Manpower Act that guarantee them, on paper at least, basic rights such as the timely payment of wages, overtime and rest-day rates, work injury compensation as well as caps on working hours. Household workers (often referred to as “maids”) are even more vulnerable as they are not recognized as workers under the Employment Act and are therefore not entitled to some of these rights such as overtime rates and work injury compensation.

The most prevalent form of migrant labour struggles in the country involve worker desertion from the workplace and NGO advocacy based on assistance to deserting workers. Workers commonly desert the workplace after disputes with employers over pay, working conditions and work injuries result in intimidation, physical violence and forced repatriation attempts (Bal 2015; Yea 2016). Yea estimates that around 300 South Asian migrant workers from the construction and shipbuilding desert the workplace each month (Yea 2016). This figure would be more than double if we include female migrant domestic workers (MDWs). NGOs, such as HOME and TWC2, provide direct services to deserting workers through soup kitchens and shelters as well as assisting them in lodging employment-related claims to the Ministry of Manpower (MOM).

NGOs document cases of desertion to lobby the ministry to (i) apply existing labour laws in favour of workers during disputes; and (ii) pressure the ministry to amend existing labour laws in order to offer better employment protection to workers. In addition, NGOs use documentations of these cases in reporting to International Organisations such as UNHRC, the US Department of State and Amnesty International. Ensuing reports such as the UNHRC Periodic Review, the US Department of State Trafficking in Persons Report highlight migrant labour abuses in Singapore and put further pressure on the state to reform

migrant labour laws.

Aside from commonplace worker desertion fuelling migrant labour advocacy, Singapore has also seen more openly contentious forms of migrant worker unrest such as protests, strikes and a riot. In the wake of the Global Financial Crisis (late-2008 to early-2009), Chinese and Bangladeshi construction and shipyard workers, numbering over 300, conducted at least three separate sit-ins outside the MOM building demanding redress for unpaid wages and under-deployment (TODAY 2008; The New Paper 2009). Between 2009 and 2013, there have been at least 4 cases of Chinese construction workers conducting crane-top protests from heights demanding unpaid wages from their employers (The Straits Times 2009; HOME 2011: 5; The New Paper 2012; The Straits Times 2013).

In mid-2012, Chinese female factory workers in a local Panasonic factory organised with the assistance of a local NGO to petition their employer for an increase in wages and a reduction in working hours (Asian Correspondent 2012). Earlier that year, over a hundred Bangladeshi construction workers took to a wildcat strike on-site in the eastern suburb of Tampines to protest unpaid wages (TWC2 2012). In that same year, 171 bus drivers employed by the state-owned SMRT Corporation went on a high-profile strike over pay-parity and accommodation issues. In late-2013, a riot involving Indian migrant workers broke out in the Little India district after a worker was run over by a private bus ferrying workers between their dormitories and Little India (TODAY 2013).

CSOs in the country have leveraged on these events along with routine cases of desertion to make demands on the state to expand rights and protections to migrant workers. These demands include:

- (i) The outlawing and prosecution of repatriation companies for wrongful confinement and forced repatriation of workers.
- (ii) Repealing labour laws that allow employers the unilateral right to cancel the work permits of their workers and allowing for migrant workers to change employers while remaining in the country.
- (iii) The outlawing of kickbacks for employment and contract renewal.
- (iv) Legislating for a mandatory day-off for migrant domestic workers and formally recognizing them as workers under the Employment Act and Work Injury Compensation Act hence allowing them the right to overtime wages and work injury compensation among others.

- (v) Stricter enforcement of existing labour laws in favour of workers to ensure greater protection from exploitation and abuse.

State actors, on their part, have responded to NGO advocacy and migrant labour unrest with a calibrated mix of reforms, interventions and coercion. Kickbacks were outlawed and “no-work-pay” was mandated for under-deployed workers. The latter meant that employers of migrant workers were still required to pay basic wages even when they had no jobs for them. MDWs were granted a mandatory weekly day-off while their employers were further banned from making their MDWs clean windows unsupervised in order to prevent the alarmingly frequent occurrences of falling from heights. MDWs, however, are still not formally as workers under prevailing labour laws. While repatriation companies were still allowed to operate, the ministry warned them over repatriating workers with outstanding salary claims. Migrant workers are also now allowed to change employers, but under very strict conditions outlined by the Ministry. Strikes, protests and the riot, however, were largely put down through coercive measures. In the case of the SMRT strike and the Little India riot, only a small handful of suspected “ringleaders” or perpetrators were criminally prosecuted (Wong 2013; Ministry of Home Affairs 2014). Large numbers of workers who had participated were forcefully repatriated by authorities without access to legal defence after being interrogated by the police. All workers involved in crane-top protests were also prosecuted and jailed for criminal trespass. The mass sit-ins outside the ministry building and the Tampines strike, however, were resolved when ministry officials intervened to assist workers in reclaiming unpaid wages.

State responses to advocacy and migrant labour unrest in Singapore had little to do with actually expanding rights and protection to migrant workers but with attempting to maintain political control over migrant workers through the depoliticisation of migrant worker grievances. New rules banning MDWs from cleaning windows and allowing them a mandatory weekly day-off, for instance, reduce the likelihood of death and abuse while continuing to exclude MDWs from formal employment rights such as overtime pay and work injury compensation. The expansion of employer offences under the Employment of Foreign Manpower Act represents a “technocratic management and resolution of political conflict” (Rodan and Jayasuria 2007: 796). By expanding complaints mechanisms for migrant workers, workplace disputes can be resolved administratively at an individual level rather than through collective mobilisation or independent civil society advocacy.

The shape of migrant labour politics within the destination countries of Thailand and

Singapore demonstrate significant amounts of migrant labour unrest accompanied by nascent civil society activism pushing for reforms to labour and immigration laws. While states-actors have benefitted from politically powerless migrant workers, they have appeared willing to enact reforms in response to advocacy and migrant labour agitation. At the same time, these reforms have little to do with expanding rights and protection to migrant workers. When accompanied by coercive or interventionist measures to quell collective mobilisation, these reforms serve to exert greater political control over migrant workers.

4. Migrant Labour Politics in Source Countries

The Philippines and Indonesia are the primary sending countries in the region and appear to be the strongest supporters of finalizing the instrument among all AMS. On the surface it appears that both states are committed to protecting their citizens abroad as well as regulating recruitment channels within their respective societies. At the same time, very specific national-level political interests and social forces underpin these countries' stance on migrant labour protection at the regional-level.

The Philippine state is often seen as exemplary in regulating migrant labour recruitment in the country as well as protecting its citizens working abroad. The Philippine Overseas Employment Administration (POEA) has a strong legal mandate to regulate the recruitment and deployment of Filipino overseas workers. In contrast to many sending states, the POEA exerts strong controls over recruitment agencies through stringent compliance checks and business-shutdowns in the event of recruitment violations (Abella 2005). Additionally, the Philippine state has developed policy instruments to promote the welfare of Filipino migrant workers outside the country such as on-site legal assistance, life and work injury insurance and counselling services (Agunias and Ruiz 2007).

The willingness of the Philippine state to expand protection and rights to migrant workers stems from sustained civil society pressure since the post-Marcos era. More crucially, however, is the fact that the increased regulation of migrant labour recruitment does not threaten the economic interests of the oligarchic ruling elites. The oligarchs refer to the same handful of powerful families or "clans" that dominate political and economic life in the country. They have business stakes in diverse economic sectors and tend to converge with each other on matters of economic policy (Hutchcroft 1998). Despite strong intra-elite rivalry over political issues, the oligarchs have regularly closed ranks to resist mass mobilization for reforms, particularly in the case of agrarian reform (see Oh 2016: 208-210).

When it came to migration policies, however, the ruling elite was willing to accommodate civil society pressure for reform not least because the former were not required to make costly political or economic concessions (Oh 2016: 206). The oligarchs had no economic stake in a labour recruitment industry run by small businesses with little political connections to the former. This also meant that recruitment industry bodies had limited collective bargaining power and little ability to influence government policy.

In contrast, the politics of migrant labour protection are far more contested in Indonesia where there are tensions within the state over migrant labour protection. Following nascent civil society pressure in the wake of the fall of the New Order, consecutive governments passed the country's first migrant labour law in 2004 and, three years later, established the National Body for the Placement and Protection of Overseas Indonesian Workers (BNP2TKI, the National Body henceforth). While policy-makers intended the National Body to work together with the Ministry of Manpower on migrant worker protection and placement issues, it culminated in a turf war over authority and jurisdiction that resulted in a duplication of services to both migrants and recruiters (Palmer 2016).

This conflict between state agencies is also reflective of deeper tensions between competing social forces, namely CSOs and recruitment agencies. CSOs have used the National Body, as well as the Ministry of Foreign Affairs, as platforms to advance rights advocacy. This is hardly surprising as the National Body was an effort by ruling elites to appease CSOs and the latter have attempted to use it to extend protection to migrant workers as well as regulating recruitment companies. CSOs have also successfully garnered the support of the Foreign Affairs Ministry that oversees the welfare of Indonesians abroad. Recruiters, on the other hand, have enjoyed a symbiotic relationship with the Manpower Ministry. The latter often provide protection for recruitment agencies while enlisting their support to undermine the authority of the National Body.

Recruitment agencies in Indonesia also have more political influence than those in the Philippines, particularly after decentralisation. Village and district heads often work together with unlicensed recruiters to profit from referring potential migrant workers to licensed recruiters (West Java Provincial Government 2015). In the context of decentralisation, these local elites are crucial in delivering grassroots political support for those vying for elected office in the central government. This makes lawmakers less likely to regulate recruitment in ways that undermines the interests of recruitment agencies.

Sending states do not support the finalization of the Instrument because of adherence to norms of human rights nor due to some “national interest” in protecting their citizens abroad. Very specific oligarchic interests underpin the Philippines’ support while Indonesian support for the Instrument represents only one of several competing social forces over the politics of migrant labour protection, specifically that of CSOs. Nonetheless, it is the outcomes of these particularistic societal-level struggles between CSOs, recruiters and state-actors that determine the stance that these sending states take on the ASEAN Instrument.

5. Rescaling Activism

Prior to the Asian Financial Crisis in the late-1990s, CSOs paid little attention to ASEAN given its limited impact on their activities and its highly elitist and exclusive mode of governance. The regional economic crisis, however, drove political mobilisation against ASEAN’s governments, clearly captured in the protests against the Suharto regime and the *Reformasi* movement in Malaysia. CSOs were a crucial organising force in the wake of the crisis, leading calls for greater transparency and accountability in governments and measures to address corruption. Activism was then increasingly regionalised in response to ASEAN’s reform. CSOs began collaborating across countries, with their common experiences of organising around issues arising from states’ narrow pursuit of growth – such as land evictions, deforestation, labour rights, child trafficking, and sex tourism – providing fertile ground for collaboration and the development of regional partnerships, while also enabling groups to pool resources. The regionalisation of activism is evident in the establishment of regional networks and the development of ASEAN-focused activities in existing networks such as the Solidarity for Asian People’s Advocacy (SAPA) network, established in 2006.

The SAPA Task Force on ASEAN and Migrant Workers formed in April 2006 at a regional meeting of civil society organisations and trade unions (SEARCH 2010, p. 4). It unites relevant groups in lobbying the ACMW and was formed with the goal of all ASEAN members adopting a legally binding instrument that protects the rights of migrant workers. Most significantly, the task force has key links (“national focal points”) with the CSOs – HOME, TWC2 (Singapore), Tenaganita (Malaysia), Federations of Trade Unions – Burma (Thailand), among others – involved in advocacy and providing direct services to migrant workers at the national-level.

The task force has been central in the ‘scaling up’ of migrant worker advocacy. After

holding national consultations in seven ASEAN states, the task force put together 192 recommendations and presented these to the ASEAN Secretariat and ASEAN Labor officials in May 2009, just prior to the 2nd ASEAN Forum on Migrant Labor in July (SEARCH 2010). The task force then published the 192 recommendations as a book as a means of uniting civil society organisations across the region in their approaches to engaging ASEAN and state actors. A regional migrant workers' rights advocacy organization, SEARCH, noted that three out of the four government delegations that comprised the drafting committee of the Instrument used this document as their primary source of information; however, more significantly, of these three governments, the Indonesian and Philippine delegations adopted approximately 60 per cent of the recommendations into their initial bargaining positions (SEARCH 2010). The task force has thus been central in bringing together the resources of its members and creating alliances in what has historically been a highly atomised sector (see Rodan 2012).

6. Instruments and Elite Interests

While Indonesia and the Philippines have adopted a number of CSO recommendations, other AMS appear resistant. The Singaporean and Malaysian governments clearly support an Instrument that is not legally binding. The Thai representative did not voice a position on whether the Instrument should be legally binding, but did support the rapid finalization of negotiations alongside rejecting the Philippines' call for shifting negotiations to another forum that may be more supportive of the Instrument being legally binding. For the three key destination countries, the finalization of the Instrument enables them to respond to advocacy claims by arguing they are indeed acting to improve the conditions of migrant workers, while continuing to protect their interests and facilitate the exploitation of migrant workers for development and industrial expansion.

Given the current nuances of migrant labour struggles within respective AMS, these stances are hardly surprising. Philippine government support for the Instrument derives from its compatibility with oligarchic interests among its ruling elites, and the Instrument would complement the national-level regulatory mechanisms that are in place. Indonesian support for the Instrument is more specifically the position of its local CSO actors who have successfully lobbied the Ministry of Foreign Affairs to take this stance. In the unlikely event that the Instrument becomes legally binding, it remains to be seen how competing state agencies and actors, some of which command the political support of recruiters, actually

implement it.

The resistance of destination states to the Instrument stems from a range of vested elite interests ranging from state capitalism in Singapore and Malaysia, labour-intensive manufacturing capital in Thailand (particularly the North) and the desire to quell the political mobilization of migrant workers in all three states. The proposed Instrument would oblige receiving states to allow for migrant workers to collectively organize and access collective bargaining, access to labour and criminal justice systems and minimum standards with regard to pay and working conditions. These calls are almost identical to those being made by local CSOs through advocacy and mobilization. An effective Instrument would therefore allow CSOs to add further pressure and monitor state-actors in delivering protection that would endanger elite interests. This would also reduce the flexibility that state-actors in destination countries currently enjoy in managing migrant labour unrest. The regional impasse over mechanisms, therefore, reflect the efforts of these governments in blocking off CSO pressure to reform domestic migrant labour regimes.

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Nuclear Arsenals: Building Security, Threatening Peace

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Abstract

For decades, Australia has been involved on efforts pertaining to nuclear disarmament and non-proliferation though the country does not possess any nuclear weapon and it no longer sustain programs concerning on weapons of mass destruction. Presently, a humanitarian pledge which was first introduced by Austria was concluded at the Vienna Conference held last December 2014 which had a purpose of banning all nuclear weapons around the globe and is currently endorsed by more than a hundred states. Nevertheless, Australia's involvement on the past treaties with the same advocacy is not perceived in this contemporary nuclear issue. The purpose of this research is to scrutinize the arguments relating on the country's stance with regard to nuclear treaties and its inconsistency with such matters and will conduct a qualitative research design specifically utilizing a case-study approach. This study will also explore the condition of Australia's international relations especially to countries that possess nuclear arsenals such as United States of America and India. It also aims on analyzing the variables that make Australia a significant figure on cases associated with nuclear covenants such as the country's supply of Uranium and bases built for nuclear facilities. Nuclear Interdependence of Australia is a model that will be used in this research to fully comprehend the state's stand on the Austrian-led humanitarian pledge.

Keywords: nuclear weapons, non-proliferation, international relations, US nuclear deterrence

INTRODUCTION

The world is a dangerous place but it's the only place where we could live and build the family we dream of and fulfil all our dreams and so countless efforts have been made to make it a safer place for everybody. Yet the question is, what would happen if the people have been conducting activities for the safety of everyone at the expense of other people's safety? This has been the condition for hundreds of years now and people, no matter how the government showcases their ability of battling violence and lowering the rate of criminality, do not still feel that they the world could be any safer than it is now.

Emergence of various kinds of criminality and violence around the world is very

rapid as it is with the effort of the government wherein science and technology were utilized. Improvement of facilities, machines, and military weapons were made throughout the years which were aimed at resolving crimes but were also for countermeasures or are part of that which they call defence military strategy. Part of the advancement of technologies was the creation of the nuclear weapons.

However this technology was told to be a kind of an offensive mass destruction weapon in which millions of lives could be put into danger and unpredictable consequences could lead into a global catastrophe. This is how many years, several countries and organizations around the world put effort in addressing this issue and initiated what was said to be the nuclear non-proliferation and disarmament treaties. Various states and institutions support such advocate which includes even those countries that possess nuclear weapons and technologies. In regard, on the year 2014, a conference which concluded the Humanitarian pledge with the aim of banning all nuclear weapons around the globe was being supported by states across the world but the country of Australia who was said to be supporting such advocacy in the past years, resisted to support such agreement. (Doherty, 2015)

In relation to this, this paper aims to assess the arguments presented by Australia on its stand about the banning of nuclear weapons treaty. It will provide a brief history of the creation of nuclear weapons and its relation to human security and peace, and why various countries prefer the existence of nuclear arsenals. It will also discuss the previous nuclear non-proliferation and disarmament treaties and other efforts on the advocacy of lessening or banning nuclear technology. Another part of this paper will also discourse about Australia's nuclear capability and its foreign relations with countries possessing nuclear weapons. It will also have a brief overview of the past involvement of Australia on other nuclear non-proliferation treaties.

BODY

Nuclear Weapons, Non-Proliferation and Disarmament

To begin with, Nuclear Arsenals have always been seen as a threat for offense and defense, causing extremities of advantage and destruction. Having such facility if used as an

assault could damage all the individuals' property, environment, and even mass lives. This damage could resonate the trauma, turmoil experienced by the casualties until countless of transitions of generations may happen.

Examples of these are the ones dropped in Hiroshima and Nagasaki in Japan during 1945 (HISTORY.com, 2009). The Second World War from 1939-1945, an American B-29 aircraft dropped the world's initially conveyed clear bomb over the Japanese city of Hiroshima. The blast wiped out 90 percent of the city. This took 80,000 lives of casualties and many thousands suffer the dust of radiation introduction. After three days, a second B-29 dropped another A-bomb on Nagasaki, killing an expected 40,000 individuals. Japan's Emperor Hirohito reported his nation's genuine surrender in World War II in a radio location on August 15, referring to the staggering force of "another and most remorseless bomb."

Another example to set a vivid picture on the effects and implications of the damages caused by the nuclear bombs, is where the million tons of weapons that were dropped are, in Laos. It is the Secret War in Laos done by the United States of America (Legacies of War, 2016). From 1964 to 1973, the U.S. dropped more than two million tons of weapons on Laos amid 580,000 besieging missions—equivalent to a planeload of bombs at regular intervals, 24-hours a day, for a long time – making Laos the most intensely shelled nation per capita ever. The bombings were a piece of the U.S. Mystery War in Laos to bolster the Royal Lao Government against the Pathet Lao and to forbid movement along the Ho Chi Minh Trail. The bombings wrecked numerous towns and dislodged a huge number of Lao regular citizens amid the nine-year time frame. Up to 33% of the bombs dropped did not detonate, leaving Laos defiled with inconceivable amounts of unexploded weapons (UXO). More than 20,000 individuals have been executed or harmed by UXO in Laos since the bombarding stopped. The injuries of war are not just felt in Laos. At the point when the Americans pulled back from Laos in 1973, a huge number of exiles fled the nation, and a hefty portion of them eventually resettled in the United States.

Seeing the effects and implications, it is necessary to exercise a pre-emptive action from preventing the occurrence of mass annihilation. This is where the concept of Nuclear Deterrence remains significant. The disappointment of the atomic forces to incapacitate has increased the danger that different nations will gain atomic weapons (International Campaign to Abolish Nuclear Weapons (ICAN), 2016). The main surety against the spread and utilization of atomic weapons is to kill them immediately. Despite the fact that the

pioneers of some atomic furnished countries have communicated their vision for an atomic sans weapon world, they have neglected to build up any definite arrangements to dispose of their munitions stockpiles and are modernizing them.

This concept of Nuclear Deterrence is a form of strategy for counteracting war, self-defense (Harvey, 2012). For the interest of security of signatories, states maintain whatever authority is needed to utilize atomic weapons in self-preservation against an outfitted assault undermining their crucial security interests. States with nuclear arsenals sometimes get a bargaining privilege in the international diplomacy for these states can lead in the deterrence exercises.

This deterrence process also entails disarmament of some nuclear states which could threaten the allied coalition for deterrence. Following the mandate for disarmament, on January 1952 through the resolution 502, the United Nations Disarmament Commission (UNDC) under the Security Council was created (United Nations Office for Disarmament Affairs, 2016). It was made as a deliberative body, with the capacity of considering and making proposals on different issues in the field of demobilization and of following up on the significant choices and suggestions of the extraordinary session. It reports yearly during the General Assembly.

Lessening the quantities of weapons may diminish the odds of atomic war and enhance the general wellbeing and security of our atomic arms stockpile. Prevention of war is one of the advantages of atomic weapons examined underneath; for the time being it is sufficient to attest that activities that undermine the believability of our obstacle may make atomic war all the more, as opposed to less, likely over the long haul (Spulak, 1997). A number of alternate dangers connected with atomic weapons rely on such angles as the points of interest of individual weapon plans, the security of the offices where they are put away, the operational necessities of their conveyance frameworks, and the outline and trustworthiness of the atomic order and control framework. On the off chance that cautious consideration is not paid to these variables, lessening the numbers won't as a matter of course diminish the genuine perils connected with atomic weapons. Truth be told, a clear absence of enthusiasm for these sorts of atomic issues at the most abnormal amounts in the US government could create outcomes much more critical - and significantly more unsafe - than the quantity of weapons or the measure of atomic material the United States has.

Purpose of the Creation of Nuclear Weapons

There are 2 schools, the neo-realists and neo-liberals, in International Relations that believe Anarchy or the absence of central authority of nation states (Shahid, 2010). Having this disorder creates conflict and tension among states.

Morgenthau (1964) conceptualized the six principles of Political Realism. First, politics is governed by objective laws. Second, the concept of interest is defined in terms of power which assumes that actors will use their rationality and consider theoretical understanding of politics. Third, the idea of interest will not be infiltrated nor influenced by sudden circumstances on pressing issues and statements by others. Fourth, the successful political action will always prevail over moral significance; it recognizes that universally accepted moral principles will not take effect on political decision making. Fifth, actions made are not to promote the moral purpose of the state. Sixth, political actions produced are characterized as real and profound.

Realists endorse the Billiard Ball Model as to describe the role of actors in a system (Behvareh , 2010). The states are represented by billiard balls in which they are affected by other forces that may sometimes come into conflict with each other depending on the system which they are in. States are assumed to have the hard exterior – possessing same powers and capabilities.

Last August 4, 2015, tensions arose upon the incident of having two South Korean soldiers maimed by mine blasts in the DMZ (BBC NEWS UK, 2015). South Korea claims that landmines were planted by North Korea but the latter continues to deny these accusations. As if to retaliate, South Korea started to utilize the psychological warfare. Last 2004, both parties conceded not to use propaganda loudspeakers at their border. Psychological warfare used loudspeakers to broadcast anti-communist propaganda over the border to infuriate the North Korean Leadership. To defuse the tension and to prevent the incremental armed conflict, President of South Korea, Park Guen-Hye demanded North Korea to apologize to the casualties and to their state as compensation (Sang-Hun, 2015). If the North is to execute the demands of Park, anti-Pyongyang broadcasts will cease. North Korea imposed a deadline to South Korea that they will engage in an “act of war” if broadcasts will still continue after 5pm on August 7, 2015. They sent out heavy weaponry and troops to show South Korea their strong military capacity and maximized military

presence at their borders. As a resolution, North Korea expressed “regrets” for the mine explosions but did not take full responsibility of actions. South Korea, however, stated that they will still implement the loudspeakers tactic if North Korea will initiate actions against them. To divert the issue, South and North Korea agreed to hold new rounds of reunion of separated families. These families were separated as a result of the Korean War six decades ago. The reunion coincided with Chuseok, the annual harvest holiday, traditionally a Thanksgiving and Family gathering day in Korea.

They have made South Korea (and the other states) feel their actual threatening power and strong military capacity to cause damage and defend itself. North Korea has been consistent on invalidating international agreements for the purpose of promotion of national interest. They easily withdraw if they see it non beneficial. South Korea tends to adapt self defense while North Korea threatens them with full artillery. As President Park Guen-hye stated in her speech during the Seventieth Anniversary of Liberation (Park, 2015), she attests that the continuous provocation of threatening their security and nuclear capabilities development is the hindrance to their relations to North Korea. She has exerted efforts to make offers to engage in dialogue for peace and integration of Koreas. But North Korea chose not to ease the tensions and responded to them with belligerence.

From this case, it can be seen that some states would prefer the use and/or possession of nuclear weapons to establish their superiority among other states.

In a Liberal approach on international relations, states would behave pursuing their own national interests which could sometimes be different or the same with one another. These states may push and strive for their wealth, competition or survival. From this international political environment, goals and behavior of states would always be directed for the survival from competition. One of the foundations of Liberalism is the Democratic Peace contributed by Immanuel Kant. This entails that the absence of war between Liberal States notes the maturity of liberal democratic states. Another contribution to the Liberalist Perspective is from Andrew Moravcsik, who developed three (3) core assumptions on a general liberal theory – (1) Individuals and private actors are the fundamental actors in world politics, which are Non-State Actors; (2) States represent some dominant subset of democratic society – they serve their interests, in which their preferences would (3) determine the state’s behaviour. Therefore, they do not only survive for competition but also they would consider other interests and ideological beliefs as an important goal too. Thus, in

achieving this ultimate goal of liberalists, wherein states behaving in an international anarchical system, states would cooperate and develop tacit cooperation. (Slaughter, 2013)

This Liberalist perspective of international relations is related to nuclear deterrence, where states would prefer to ally and form coalition in for achieving a common purpose – the safety and preservation of their own constituents.

During the time when the jurisdiction over the Spratly Islands remains unsettled yet, claims of Vietnam seems to be weak compared to China's 9-dash line, in which China continues to bully through the presence of Chinese vessels (Peek, 2014). In this case, the possession of Nuclear Weapons can be a solution to this problem. Hanoi has been alone and poorly secured. If Vietnam would adapt nuclear weapons, it would ensure the administration's survival from other dangers and may stop China from insulting them.

Nuclear Disarmament Treaties

The Human Pledge strives to stigmatize, prohibit and eliminate nuclear weapons. They pledge that these kind of weapons be banned from its usage under the international law because of its capability for mass destruction. It was issued on 9 December 2014 at the finish of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons, went to by 158 countries. This vital report gives governments the chance to move past certainty construct dialogs in light of the impacts of atomic weapons to the beginning of settlement transactions. Prohibiting atomic weapons is not a radical recommendation: it appreciates across the board support among countries, and is the legitimate and vital strategy in light of the aimless and disastrous impacts of any utilization of these weapons. ICAN is approaching all countries to support the Pledge and join arrangements for a boycott. A turnout of 139/168 in favor of adopting the Pledge during the United Nations General Assembly last December 7, 2015. (International Campaign to Abolish Nuclear Weapons, 2015)

Australia: Involvement on Past Treaties

Australia, in contradiction with its current stand on the Austrian-led non-proliferation treaty, has been supporting disarmament treaties for the past years. It also provided assistance to certain activities and programs whose primary concern was the non-proliferation of nuclear weapons.

Australia developed its nuclear weapons during the Second World War and during the 1950s, it coordinated with the United Kingdom with the testing of nuclear warheads. However, the country has never produced any nuclear weapons and nowadays, it does not possess any weapons of mass destruction and it no longer sustain nuclear programs (James Martin Center, 2015). It was also said that for the past years that non-proliferation treaties were proposed by certain countries, Australia has been supporting these agreements in relation to its commitment of attaining its goal of having a nuclear-free world. (Australia: Department of Defence, 2013)

The state's participation can be perceived in the past covenants such as the Treaty on the Non-Proliferation of Nuclear Weapons which was initiated in 1973 and the Comprehensive Nuclear Test Ban Treaty on the year 1998 and the country was part of the finalization of the treaty in 1996 (James Martin Center, 2015). The country also was a part of the Treaty of Rarotonga which was opened for signature on 6th of August 1985. This treaty began because the countries in the Asia-Pacific region started to become concerned about the effects of the nuclear tests that were made by the United States of America. (James Martin Center, 2016)

Australia did not just became active in supporting non-proliferation efforts through becoming a party in treaties but also have supported programs of the same goals such as the effort of the Australian Nuclear Science and Technology Organisation to collaborate with Southeast Asian countries with regard to the organisation's Regional Security of Radioactive Sources to enhance the risks of security among places considered as source of radioactive energy. The country together with South Korea, Vietnam and Indonesia signed an agreement that helped them understand furthermore about security cooperation and nuclear protection (James Martin Center, 2015). Last April 2010, Russia together with the United States signed the New Strategic Arms Reduction Treaty which Australia supported (Australia: Department of Defence, 2013). Another instance that showed Australia's concern about nuclear was its joint initiative with the government of Japan to build the International Commission on Nuclear Non-Proliferation and Disarmament. The aim of the commission was to restore the international endeavour on non-proliferation and disarmament of nuclear weapons (International Commission on Nuclear Non-proliferation and Disarmament, 2010).

The above-mentioned treaties showed how Australia's participation on agreements of nuclear non-proliferation was very significant and how the country shows its support as

they aim for a nuclear-free world. It was emphasized that Australia has been supporting for the reduced role of nuclear weapons as part of strategies for human security and protection. Another of which it was mentioned that their support were also made visible to the activities that would lessen the numbers of nuclear arsenals among states that possess such capability. (Australia: Department of Defence, 2013)

Australia: Nuclear Capability

Australia has been known for its Uranium resource that is necessary for nuclear weapons to be built. The uranium mines of the country has been utilized since 1954 and it is said that the country's possession of such resource is considered as the world's largest with a total of 31% (World Nuclear Association, 2016).

Uranium's slow radioactive decay was considered to be the main source of heat for the Earth. It has a process which is called a fission chain reaction that would repeatedly happen and this process is said to be what is occurring in a nuclear reactor. Meanwhile, it is said that uranium is only sold to countries that are parties of non-proliferation treaties and are trusted for the peaceful utilization of such resource. (World Nuclear Association, 2014)

It was also said that the state can be able to support any future programs regarding nuclear power. It has developed infrastructures and institutions such as the Australian Nuclear Science and Technology Organisation which was established in 1949 as an industrial committee whose aim is to furthermore explore into the field of industrialization that could help the development of nuclear technology and advocate programs that would aid atomic researches (Australian Nuclear Science and Technology Organisation, 2016). There was also the Australian Safeguards and Non-proliferation Office or ASNO, Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and its uranium industry. On the other hand, the country's emission of carbon dioxide is said to be the main force for the pursuance of nuclear power. (World Nuclear Association, 2016)

On the consideration of opening a nuclear facility or power plant in the country, Australia has opened its first nuclear reactor in 1958 which was aimed at testing components that would be suitable for the future use of power reactors. Nonetheless, the usage of the Lucas Height reactor (Australia's first nuclear reactor) has not been consistent and was always subject to change because of the emergence of arguments pertaining to Australia's

decision not to persevere power reactor programs. The government of Australia has identified the nuclear power reactor as a possible target for terrorism because the process of nuclear production generates harmful wastes that should be treated carefully. (National Film and Sound Archive of Australia, 2015)

On December 2006, a report was made in regard of the consideration of the Prime Minister of the country of nuclear power. It was said in the report that there was a growing market-demand for Uranium and Australia could benefit a lot from here. The research conducted by the task force said that Australia's electricity also would double by the year 2050 and more than two-thirds of the existing electricity resource would need to be changed or enhanced (Switkowski, 2006). The environmental concern of the Prime Minister led to his conclusion that nuclear power should be considered to address the issues facing Australia's electricity and greenhouse emissions. It was told that on the year 2007, the Prime Minister proposed for the reconsideration of nuclear power in Australia and conducted activities that would push for his proposal nevertheless, the change of government officials caused for the freezing of his projects. (World Nuclear Association, 2016)

Australia's capability to nuclear energy can be perceived due to its infrastructures and resources however, arguments still arise from the concerns that development of nuclear weapons may provide security and safety among the people but it would also cause a wide array of consequences that could not be predicted and this could lead to a suffering that millions of people would have to endure.

Australia: Resistance to the 2014 Humanitarian Pledge and U.S. Extended Nuclear Deterrence

Australia has been for a long time supported treaties banning nuclear weapons or its non-proliferation and disarmament. It was discussed above how the country became a signatory and a party of the agreements pushing for this global advocacy against weapons of mass destruction. However, as this paper aimed to argue, the country resisted on engaging itself on the Austrian-led humanitarian pledge about the banning of nuclear arsenals. (Doherty, 2015)

It can be seen that there is an inconsistency when it comes to the stand of Australia to the banning of nuclear weapons. On February 24, 2012, Australia's department of defence

was being interviewed by the Kyodo News Media with regard to its disparity between its advocacy of having a nuclear-free world and its enthusiasm about United States' extended nuclear deterrence. (Australia: Department of Defence, 2013)

This might be the obvious case but Australia has denied its inconsistency to its contradicting advocacies and they mentioned that the country's stance is based on some grounds. The country has been visible to its support on efforts of global advocacy against the use of nuclear warheads however; they argued that the US extended nuclear deterrence would keep the country safe and secured. Another point that was raised was that despite its acknowledgement of banning of nuclear weapons, the government of Australia admitted that non-proliferation and disarmament treaties are a long-term processes and unless their goals were to be carried out, Australia would have to accept that the presence of nuclear weapons would still be part of their strategic plans against any offensive attacks. This is one of the reasons why Australia supports the extended nuclear deterrence of the United States. The country has also supported the reduction of the role of nuclear weapons as part of the strategic plans for national security nonetheless; it approved US deterrence as long as it is only the purpose of the nuclear weapons of US. (Australia: Department of Defence, 2013)

Meanwhile, the Austrian led humanitarian pledge was already supported by 159 countries (Charbonneau, 2015). One of the aims of this pledge was to fill the legal gap to which was it was said that the nuclear arsenals were only the kind of weapons of mass destructions that were not yet definitely proscribed in the international arena. This initiative was the result of the Vienna Conference held last December 2014 as countries were alarmed by unpredictable and harmful consequences that nuclear weapons may cultivate. (International Campaign to Abolish Nuclear Weapons, 2015)

The stand of Australia on this campaign was based on the extended nuclear deterrence of US. This nuclear deterrence of America has been one of its central focuses when it comes to their security policy since the beginning of Cold War. The idea of deterrence is that one should give a message or convince his potential competitor that whatever gains of his actions he wish to achieve would far surpass the consequences or the costs of his action. In application to US' power, the country made the use of nuclear energy and constructed infrastructures and developed programs that would strengthen their nuclear capacity. This is not just to give a message to their aggressors that they such capability but also for the security and safety of the country from any future offensive attacks. (Pifer, Bush,

Felbab-Brown, Indyk, O'Hanlon, & Pollack, 2010)

Prior to this, deterrence was mainly utilized by the Soviet Union during the Cold War in which they established their own nuclear facilities and their target was the United States. This relationship between the two countries was called the 'mutual assured destruction'. According to some reports, this concept of MAD is what kept the two states from engaging into an all-out war even though there is a high tension on the economic, military and political areas. This ideology gave both the countries incentives which later made them avoid conflict. (Pifer, Bush, Felbab-Brown, Indyk, O'Hanlon, & Pollack, 2010)

The development of this concept of nuclear deterrence into an extended one paved way during the efforts of America to advance their post-war alliance system. Now, the idea of deterrence would not just benefit that of the country but also to deter potential attacks to the countries to which they were allied with. (Pifer, Bush, Felbab-Brown, Indyk, O'Hanlon, & Pollack, 2010)

This ideology of extended nuclear deterrence is one of the reasons why Australia denied to support the banning of nuclear weapons. It is said that the military force of the United States plays an important role in ensuring the safety and human security in the Indo-Pacific region and its nuclear capabilities were told to be the only power that can deter any potential threats and attacks that are targeted towards Australia (Lyon, 2016). This is where the idea of nuclear interdependence came from in which Australia depends on the extended nuclear deterrence that United States offer while Australia becomes a promising ally and provides resources for the improvement not just of nuclear technology of the United States of America but also on the economic, military, and political spheres.

CONCLUSION

Survival is something that is a common goal among all the people in the world regardless of the race, the culture where they came from, the kind of environment they grew up with or the kinds of beliefs and practices they exercise. For this survival to achieve and maintain, human security and protection is next to this. Individuals around the world have conducted certain activities that showed how they value such important aspect. Governments around the world improve their military force and developed technologies that would further strengthen their capability of protecting the people. However, it is quite ironic

that some developments of the people about human security would also be the reason for the suffering or worst, execution, of other individuals. This is the reason why the humanitarian pledge initiative by Austria came into being.

Australia may have been inconsistent in its expression of its support to the global advocacy of banning nuclear weapons and to the concept of nuclear deterrence but the only thing common to the paradox of the Australian stance about nuclear power is their desire to keep their people safe and secured. As it was mentioned in the initial part of this conclusion, survival is the one thing that would bind diverse people around the world but it could also be the reason for people to become more diverse or that it could also arise conflict between groups of people.

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Denmark's Jewelry Bill: (Un)fair Deal?

Diandra Dewi

Abstract

By the end of January 2016, Denmark's government decided to pass what seems to be a controversial legislation known as jewelry law. The law itself stated that for the exchange of staying at refugee camps, the law justified police to search asylum seekers' and refugees' belongings and permits them to confiscate any valuable and cash worth more than £1,000 – with the exception of sentimental items like wedding rings. Despite creating an uproar since its passing from various parties, especially the international humanitarian groups, on early July, the bill was used for the first time. Despite the fact that the money being confiscated by refugees will be used to cover the cost of their stay, this bill is a sharp contrast with humanitarian values. The notion of compassion, solidarity were, human rights, and human security competing with the right of the state to protect its survivability in managing the refugees' flow in the country. This writing will try to present whether the law is justifiable or to the very least compromisable with humanitarian values. It will also argue the urgent needs for countries of the EU to come up with common migration policy.

Human Security

Human Security was first introduced in 1994, within the Human Development Report published by United Nations Development Program (UNDP). This is consider as another significant effort on diversify the previously narrow concept of security.¹ Security was first redefined in 1970s to include international economy, along with other concerning issues such as resources, human population, and environmental.² However the notion of human as the central actor was never really put on point until the previously mentioned Human Development Report. The concept of human security has a significant change regarding the referent object. Previously, state was perceived as the referent object, but now human beings along with their various complex aspect of life are perceived to be more or at least as important as state as a referent object.³ Relating to the change of the referent object, the ideas of human security was the ability to protect the people, along with safeguarding the states. Regarding to a depiction of certain ideal condition, human security will refers to a condition where basic need are met, and people's dignity are preserved. The previous

¹ Christopher Hughes W. and Yew Lai Meng., *Security Studies: A Reader* (London: Routledge, 2011), 85-93.

² *Ibid.*, 64.

³ Caroline Thomas and Peter Wilkin, *Globalization, Human Security, and the African Experience* (Boulder, CO: Lynne Rienner Publishers, 1999).

statement refers to the quantitative and qualitative sides of human security, fulfilling one is not enough, for which you need basic needs, along with decent quality of human dignity to have a condition where human security could be perceived to exist.

Within the UNDP report, the idea of changing of referent object was visible and explicitly stated. It is stated that the concept of security has been too narrow, that it only focuses on state security and the threats of external aggression – along with big concerns on nuclear holocaust.⁴ Due to this state-centric focus, the notion of people's security is often forgotten. The report proposed new concept of security known as human security. The definition of human security that was proposed has two aspects, the safety from continuing threats (like famine, economic and political repression, various diseases); and the protection from threats that could disrupts people's daily life in any possible situations such as at home, at their current occupation, or in their respective community.⁵ The UNDP report that was published in 1994 was aimed to influence the UN's World Summit on Social Development that was held in the following year. The efforts of UNDP throughout the 1990s was to continue to revise and refined the concept of human security.

The latest definition of human security could be categorized into seven elements, those are: (1) economic security, like freedom from poverty; (2) food security, meaning access to acquiring food; (3) health security, meaning access to health care; (4) environmental security, meaning feeling secure from environmental threats like pollution; (5) personal security, meaning feeling secure from threats like criminal attacks, torture, physical violence, drug abuse, suicide; (6) community security, meaning the ability to preserve group's culture and ethnicity – even up to the extent of physical survivability of the group; and (7) political security, meaning the ability to enjoy various political and civil rights.⁶

Denmark's Jewelry Bill and the Backlash

Denmark's parliament on January 26th this year, has decided to pass what is known as the Jewelry Bill.⁷ This controversial legislation that was presented by the right-wing

⁴ United Nations Development Program, "Human Development Reports," Human Development Report 1994, 1994, accessed September 20, 2016, <http://hdr.undp.org/en/content/human-development-report-1994>.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

minority party in the government, was approved by the majority of the parliament (81 out of 109 that was present).⁸ This bill was supported both by the government support parties like the Danish People's Party, the Conservatives, and the Liberal Alliance – along with the opposition party, the Social Democrats.⁹ As to why both the opposition and the government support parties were on the same side regarding this bill, is due to the fact that 70 percent of Danes agrees that immigration issues is a top priority.

The bill basically means that the government has the right to search and seize any cash and other valuable belongings above 10,000 kroner possessed by asylum seekers entering Denmark.¹⁰ The capping of maximum 10,000 kroner that could be possess by asylum seekers, also excluding the seizure of sentimental items such as wedding rings – was actually a revision from the original proposals of 3,000 kroner, with no specific exception on sentimental items. It was changed due to harsh criticism from the international world.¹¹ The bill itself is actually a part of an immigration bill, which besides the search and seizures of cash and other valuable belongings, also stated that refugees entering Denmark could be granted a lower form of protection under Danish law. This status means that people who are fleeing from indiscriminate violence, rather than individual persecution need to wait three years (instead of one year) before they are able to apply for family reunifications. The application alone could take years to be processed.¹² This specific delay for family reunifications for three years triggered international outrage stating that it breaches international conventions such as the European Convention on Human Rights, the UN

⁸ The Local, "Denmark Passes Controversial Bill to Take Migrants' Valuables," The Local.dk, January 26, 2016, accessed September 26, 2016,

<https://www.thelocal.dk/20160127/danish-parliament-to-vote-on-controversial-migrant-bill>.

⁹ *Ibid.*

¹⁰ The Local, "Here's How Denmark's Famed 'jewellery law' Works," - The Local.dk, February 05, 2016, accessed September 18, 2016,

<https://www.thelocal.dk/20160205/heres-how-denmarks-controversial-jewellery-law-works>.

¹¹ Lizzie Dearden, "Denmark Approves Controversial Refugee Bill Allowing Police to Seize Asylum Seekers' Cash and Valuables," The Independent, January 26, 2016, accessed September 25, 2016, <http://www.independent.co.uk/news/world/europe/denmark-approves-controversial-refugee-bill-allowing-police-to-seize-asylum-seekers-cash-and-a6834581.html>.

¹² The Local, "Here's What Denmark's New Immigration Bill Means for You," The Local.dk, January 26, 2016, accessed September 20, 2016,

<https://www.thelocal.dk/20160126/heres-how-denmarks-new-immigration-bill-will-affect-you>.

Convention on the Rights of the Child, and the UN Refugee Convention.¹³ Along that, the immigration bill also mentioned the language requirement needed for permanent citizenship application, along with other rules that not necessarily helpful for refugees that are seeking for help.

Various allegations of human rights violations towards Denmark is not the only backlash regarding the bill. The idea of confiscating gold and other valuable items has made Denmark to be perceived as another Nazi – the one that also confiscate valuable items belong to the Jews during the Holocaust. Another concern regarding human security is that this bill will likely increase the probability of higher xenophobic and racist sentiment in Denmark towards the refugees. The idea that this bill was passed by the parliament was one of the sign where the public discourse of the Danes could be perceived to have certain tendency to be prejudice towards refugees – the fact that they are actually burdening the state, taking up jobs, and creating possible economic instability, were at some recorded cases has resulted in hate speech.¹⁴ Without proper integration efforts for the refugees, the biggest concern is that the situation might actually worsen up and create social unrest in the future.

Human Rights Violation?

The bill itself was described by many international organizations such as the United Nations (UN) and the Human Rights Watch (HRW), as despicable and vindictive.¹⁵ The idea of seizing the last remaining belonging possess by these impoverished people that are currently vulnerable are perceived as downright inhumane. Creating a sense of insecurity has violates most of the previously mentioned elements of human security. For example, confiscating the cash and valuable items belongs to the refugee might lead to them being unable to live properly (economic security), considering the fact that having a job and a smooth integration process to the society might not always be possible. In addition, the international world perceived Denmark as a wealthy country, a country that is assumed to

¹³ The Local, "Under Fire, Denmark Moves Ahead on Hard-line Migrant Bill," The Local.dk, January 21, 2016, accessed September 25, 2016,

<https://www.thelocal.dk/20160121/under-fire-denmark-stands-firm-on-migrant-bill>.

¹⁴ The Local, "Danish Migrant Bill Blasted at UN," The Local.dk, January 21, 2016, accessed September 25, 2016, <https://www.thelocal.dk/20160121/danish-migrant-bill-blasted-at-un>.

¹⁵The Local, "Denmark Faces Backlash over 'despicable' 'jewellery Law'" The Local.dk, January 27, 2016, accessed September 18, 2016,

<https://www.thelocal.dk/20160127/denmark-faces-backlash-over-despicable-migrant-bill>.

still be able to economically stand the incoming of refugee, without having to strip them for their precious belonging in exchange for basic services.¹⁶ According to Kenneth Roth, the executive director of the HRW, this legislation is just another way for Denmark to say that its country is not friendly towards asylum seekers – that if you ever need one, you better think twice before coming to Denmark.

As previously stated, the idea of postponing family reunifications is actually violating the European Court of Human Rights. Stated by the director of the Danish Institute for Human Rights Jonas Christofferson, the European Court of Human Rights stated that the process of family reunifications must be expeditious, flexible and efficient with special attention and care – which in this case is contradictory to what the Danish government set out to be.¹⁷ By postponing the family reunification process, it also means that Denmark violates human security of the refugees, especially on community security, and up to the extent of personal and political security. As to why it also violating the UN Convention on the Rights of the Child, it is due to the fact that the refugees also consist of children that mostly separated from their family, which in this case is more vulnerable to various elements of human security, and implementing the delay period of three years of family reunification is actually promoting the possible ongoing violation of human security, instead of ending them.

On the other side of the argument, saying that just because a certain country is wealthy (which in this case is Denmark), is not a good enough justification so that it does not need to implement a certain refugee law which demand for money in exchange for basic services. Despite being morally obligated to help those in need, as a state, Denmark also has responsibility to maintain its economic stability for Denmark citizens in general. An argument that was stated by Danish Prime Minister Lars Løkke Rasmussen was that this bill is highly misunderstood. The idea of Denmark as a welfare state is based on simple principle where the state will provide for those who are in need and unable to take care of themselves, but not for those who can. Based on this logic, if you are indeed in possession of wealth, where you will deemed to be able to afford basic services, then the state will asks some money in exchange for them. Based on this principle, the bill, which now is a law is actually

¹⁶ *Ibid.*

¹⁷ The Local, "Under Fire, Denmark Moves Ahead on Hard-line Migrant Bill,".

a fair law that also applies to Danish citizens that could not afford to support themselves.¹⁸ The native Danes that are unable to support themselves needs to pay more than 10,000 kroner (equal to £1,120) before they could receive any kinds of benefits from the state, which in this case is the same with the basic services offered by the refugees.¹⁹

Going back to the basic definition of human security where human beings is become a referent object, and where it is about protecting the security of the people along with the security of the state, what Denmark does and offers in return regarding the jewelry bill is considered as a fair deal. Noting the fact that it might look violating human rights and jeopardizing human security of the refugees, this is a better off option compared to the other possible alternative. The other worse alternative is the continuous support of Denmark as the wealthy state in the region without no string attached, which in the future could jeopardized its economic standing that could lead to economic instability which will harm more people (especially the Danes) in the future. Despite being a draconian bill, this is actually a necessary measures which is proven to be applicable to everybody (having no discrimination) if you want to live as a part of the community in Denmark. What can be done in order to minimize and solve the allegation was for the neighboring countries, along with the European Union to come up with a respective, feasible, and unified immigration policies, so that the refugees problem could be solved together, and not actually burdening more on one specific state compared to the other.

¹⁸ Henriette Jacobsen, "Danish Prime Minister Defends Controversial 'jewellery' Law," EurActiv.com, January 13, 2016, accessed September 20, 2016, <https://www.euractiv.com/section/justice-home-affairs/news/danish-prime-minister-defends-controversial-jewellery-law/>.

¹⁹ Harriet Agerholm, "Denmark Uses Controversial 'jewellery Law' to Seize Assets from Refugees for First Time," The Independent, July 01, 2016, accessed September 20, 2016, <http://www.independent.co.uk/news/world/europe/denmark-jewellery-law-migrants-refugees-asylum-seekers-unhcr-united-nations-a7113056.html>.

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Potencies and Problems of Waste Management at the Upstream Cikapundung

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ABSTRACT

The waste problem remains a serious problem in the preservation of Cikapundung. Some potencies of river preservation can be done from the upstream river, but there are a few problems encountered. This study elaborates any kind of potency which can support preservation efforts at the upstream area of Cikapundung River. This study also discovers problems that become obstacles in waste management at the upstream area. The approach used in this research is qualitative descriptive study with data collection using interviews, observation, and focus group discussion (FGD). The informants are figures that do waste management, government officials, as well as the public and community groups who have concern and interest in waste management. Research findings are analyzed by the Theory of Action. The results shows that the upstream river has the potency of the number of cattle farm in large quantities. However, not all people use cow manure as biogas. People prefer a practical way to dispose cow manure directly to the river which causes environmental pollution. This happens because the awareness of community action in preserving Cikapundung River is still low. In addition, the activity of manure disposal into the river occurs because the structure and institution developed in the community do not restrict the activity.

Keywords: Management, waste, upstream, potency, problems

INTRODUCTION

Cikapundung River that crosses Bandung Raya region has an important role for societies. The role is seen from the number of areas crossed by Cikapundung River. At least, there are twelve sub-districts included into three administrative areas with the population almost 750,000 inhabitants.

A quite high rate of population growth together with lack of awareness to throw and to manage household waste make Cikapundung River the target of waste disposal. It leads to a condition where Cikapundung River cannot be used optimally. Environmental Management Agency (BPLH) of Bandung City states that at least 1,058 houses located around Cikapundung Riverbank, where almost the whole houses throw their waste directly to the Cikapundung River. There are 2.5 million liters of household waste dumped into Cikapundung River in daily²⁰.

On the other side, Cikapundung River is used as the main water source for Bandung City people and the water of Cikapundung River is used as consumption for the people in Bandung City. Based on Local Regulation Draft (Raperda) about Spatial Plan (RTRW) of Bandung City in 2011-2030, the area of Cikapundung River is established as one of Strategic Areas of the City (KSK) that has a strategic value from the point of importance function of environmental support²¹. Both factors become signification that the existence and preservation of Cikapundung River are very important for the continuity of life of Bandung City community.

The main problem at Cikapundung River in Bandung City is garbage and household waste disposal. Bandung City government totally encourages and forces active participation of community groups settled at the riverbank to preserve the river. This preservation effort is important in environmental preservation because the condition where the river is polluted will affect community's life quality who lives in such environment.

A research in community's behavior and perception in littering to Cikapundung riverbank (Bintarsih Sekarningrum, 2012) shows that there is a close relation between littering habit behavior with perception and community's view toward a river. This kind of behavior is a habit done for a long time. There are some things that underlie littering behavior, such as: (1) less garbage facility compounded by irregular timing of garbage carriage by sanitary agency due to limited access to such area; (2) there is no communal

²⁰ Ibid: 12

²¹ (BAPPEDA Kota Bandung, 2011)

awareness that causes indifference to river cleanliness; (3) and the emergence of practical thinking attitude seen from community's supposition that Cikapundung River is the easiest place for communities to dispose garbage and household waste.

This behavior does not only happen in Bandung City but also at the upstream area of Cikapundung River in Lembang sub-district. The waste dumped to the upstream area is cow manure. The community considers that the suitable location for cow manure disposal is river. The community uses the river to clean up the shed from manure and flow it to Cikapundung River. Besides, there are also inhabitants who throw household waste to the river or to a landfill by heaping or burning.

Such problems become the basis for this research to discover and to analyze: potencies and problems in waste management at the upstream area of Cikapundung River so that in the future, there will be an appropriate and a suitable model of waste management formation in such area.

RESEARCH METHODOLOGY

Qualitative method with descriptive approach is chosen to conduct this research. This method is chosen for its suitability to depict individual, situation, symptom, or particular group in waste management process and to connect them with other symptoms lying on the community. According to Denzin and Lincoln (1994)²², this method is used to gain a basic understanding through firsthand experience of the researcher who does a direct process, blends with the community inseparably with the subject and background that will be observed, and results a report as real as possible, as well as the actual field notes. This research aims at understanding community in waste management process which derives meanings from surrounding environment and those meanings affect community behavior. In other words, the researcher understands the community's point of view and feeling that will be observed maximally.

The referential data in this research are primary and secondary data. Primary source is gain by deep interview, observation, and Focus Group Discussion (FGD). Collected primary data is related to: (1) potency and problem in waste management at the upstream area of Cikapundung River and (2) garbage and household waste management formation in such area. The source of secondary data are gained from compilation result and result of data

²² Herdiansyah, Haris. 2010. *Metodologi Penelitian Kualitatif untuk Ilmu-Ilmu Sosial*. Jakarta: Salemba Humanika.

processing, scientific article, village and sub-district monographic document, and electronic source related to waste management process. Data and information extraction will be started from key informants who are public figures, government, as well as group or individuals whose information related to waste management process. After all data and information are collected then they will be analyzed descriptively.

RESEARCH FINDING AND DISCUSSION

1. General Description of Upstream Area of the River

1.1. Suntenjaya Village

Suntenjaya village is a village located at the upstream Cikapundung River with 7,031 inhabitants whereas 3,685 male inhabitants and 3,616 female inhabitants. The occupations of the community are: breeder (848 inhabitants), farmer (488 inhabitants), farm worker (718 inhabitants), migrant worker (294 inhabitants), and pitchman (116 inhabitants) (based on Suntenjaya village monograph, 2016).

Suntenjaya village is one of villages that produces milk whereas the amount of production is 3.6 million liters/year. The cow population in Suntenjaya village is 2,179 cows owned by 965 inhabitants. In average, each inhabitant has 2-3 cows (based on Suntenjaya village monograph, 2016). Besides having a large number of livestock, Suntenjaya village has protected forest area of 800 Ha but 200 Ha of it are in damaged condition. The damaged forest surely has potentials to cause disasters like air pollution, water pollution, landslide and erosion, loss of water spring, and loss of spring catchment.

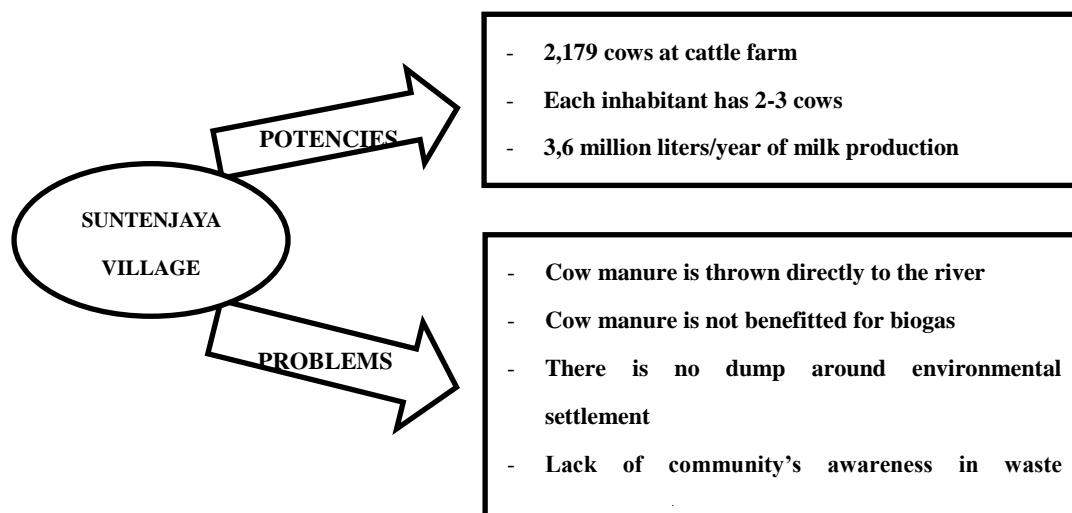
The village categorized as the center of milk production will need water in a huge quantity. The location of village which is side by side with Cikapundung River becomes benefit for the community of Suntenjaya village. Based on the observation, most of sheds in Suntenjaya village are located at the edge of the river. This is done by the community to ease them getting water in cleaning cows and their sheds before milking process. Besides, the observation done toward the quality of water shows that before milking activity, the water of Cikapundung River looks very clear especially in the morning. But when the milking activity is done in the afternoon, there is alteration on the quality of river water. Once the river is clear, after that it turns green due to being polluted by cow manure. In Suntenjaya village, the community has not used the manure as biogas. It shows that the community chooses a shortcut by throwing the manure from shed cleaning to the river.



Picture 1. Manure, waste, and garbage disposal to Cikapundung River

In relation to waste-handling problem, the community of Suntenjaya village has attempted to collect inorganic waste but the difficulty is that no one buys inorganic waste to the area. So that in the end, this waste-collecting movement does not run well and slowly, the community gets back to their habit in waste disposal. Suntenjaya village has got a socialization about the importance of environmental protection especially both household waste and manure but there was no follow up.

Studying the potency of the community's income earned from cattle farming and lack of effort in preserving Cikapundung River at the upstream area are the conditions that have to be put together and be solved, so that the effort of Cikapundung River preservation does not cut the community's income economically, vice versa.



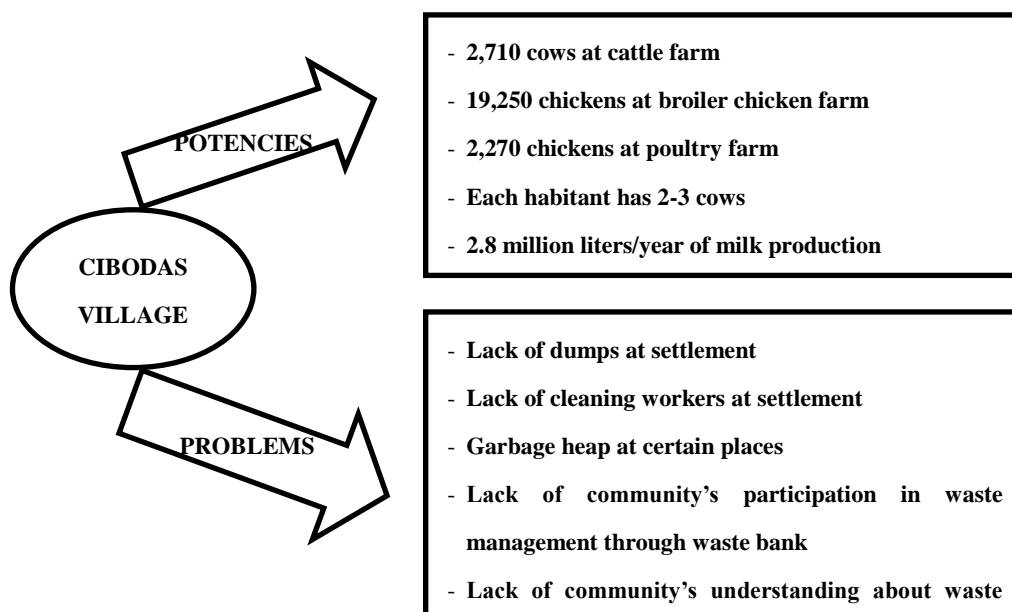
1.2. Cibodas Village

Cibodas village is another village located at the upstream area of Cikapundung River. The inhabitants in this village are 10,642 inhabitants where 5,347 inhabitants are male and 5,296 inhabitants are female and the amount of families are 3,341. Cibodas village

is often accused as the village that pollutes Cikapundung River, either manure waste or waste disposal to the river. The location of Cibodas village has indirect border with Cikapundung River but the location is on the top of Cikapundung River. Therefore, it can be stated that the community of Cibodas village does not pollute directly.

In effort to answer all accusations, the local government as well as the community do some efforts to show an image that Cibodas village does not pollute Cikapundung River, such as: (1) developing waste bank together with private companies in a form of CSR, (2) building biogas as an effort to benefit manure, and (3) minimizing manure waste disposal either to the earth or to the river. But, not all communities in Cibodas village have the same understanding toward waste management process. The community's participation in waste bank is lack. Besides, due to lack of dump around settlement and lack of cleaning workers who handle garbage, it is often found garbage heap in certain places.

The potencies owned by Cibodas village are the center of cattle farm (2,710 cows), broiler chicken farm (19,250 chickens), and poultry farm (2,270 chickens). The milk production produced in Cibodas village is at the amount of 2.8 million liters per year. This amount is a little less from Suntenjaya village although Cibodas village has more cows.



2. Potencies of Waste Management at the Upstream Area of Cikapundung River

Waste management at the upstream Cikapundung River is only done in Cibodas village even though the distance is not adjacent with the area of Cikapundung River. The waste management that has been done by community group in Cibodas village is initiated by

a community which does not only educate the people to sort economic waste, but also encourage the use of organic waste to be agricultural fertilizer. Although there has been the community that benefits plastic waste, but because the result of waste sorting is not too significant, then not all of the people are attracted to participate this activity.

The local government of Bandung District has established the regulation related to the waste management process. Although it is not specifically about waste management, but the local regulation can be considered as a legal protection for the emergence of waste management movement for the village located at the upstream Cikapundung River especially Lembang sub-district. Regulation of West Bandung Regent No. 45 in 2011 about the devolution of part of government's affairs to sub-district head around West Bandung District relates to waste problems that consist of:

- Encouraging coordination and facility of household dump
- Encouraging coordination of waste management at the level of village (from household/school garbage can to a dump (TPS) or the integrated one)
- Encouraging waste sorting (3R)
- Encouraging socialization about waste management to community
- Facilitating location-determining of final disposal (TPA)
- Facilitating location-determining of dump (TPS) or the integrated one (TPST)

From the regulation, the local government has paid attention to waste problems. But on the practice, the regulation has not been an important priority for the staffs underneath the local government. So that, it is still found the community that directly throws garbage to the river.

3. Problems in Waste Management at the Upstream Cikapundung River

Based on the observation, until now there is no any dump (TPS) specially provided by the local government at the upstream area of Cikapundung River. The community still throws garbage to a wild dump located close to Cikapundung River around Suntenjaya village.



Picture 2. Waste Disposal to Upstream River

There has been a waste bank at the upstream area of Cikapundung River initiated by the community of Cibodas village but this movement of waste-utilizing has not been a social movement that encourages the community to create similar movement in other villages.

The other problem that takes an important role to Cikapundung River pollution at the upstream are is the formation of Cikapundung River as manure disposal. This thing happens in Suntenjaya village with its 2,179 livestock owned by 965 families. Manure disposal will directly make the river polluted. The river is clear in the morning then it turns green in the afternoon. This habit happens for a long time and the tendency will continue to happen because the main income of most of Suntenjaya village people are cattle raiser.

DISCUSSION

From some potencies and problems elaborated above, the main problem of waste management at the upstream Cikapundung River is lack of human capital and government officials at the upstream Cikapundung River related to waste management. A low human capital related to waste management at the level of government is seen from a condition where waste management has not been the first priority in construction plan proved from lack of disposal facilities. Although this waste problem has been set in a regulation but such thing is still optional. A low human capital is showed from the lack of community's awareness and initiative to create an environmental condition that is clean from dirt. On the other side, the more selfishness or an attitude to foreground personal importance develops without seeing the impact of such selfishness, the more it is seen especially on the cattle raisers who throw the manure to the river.

Studying the potencies and problems in waste management happened at the upstream Cikapundung River encourages improvement and alteration in the model of waste management at the upstream river through social structure and social regulation approach in

society. The social structure and social regulation that exist in the society can become the instruments that are capable of contributing to the formation of meaningful human acts especially in waste management.

The improvement of human capital and government in this waste management is very important to do as an effort in improving awareness of community action in waste management where the awareness action is possible to be altered when there are structure and regulation forcing the emergence of awareness. The developing structure and regulation in the society related to waste management can only be done immediately because the existence of a higher structure can push the social structure beneath. The illustration of the process of society's behavior alteration in manure waste disposal at the upstream Cikapundung River is set herein under:

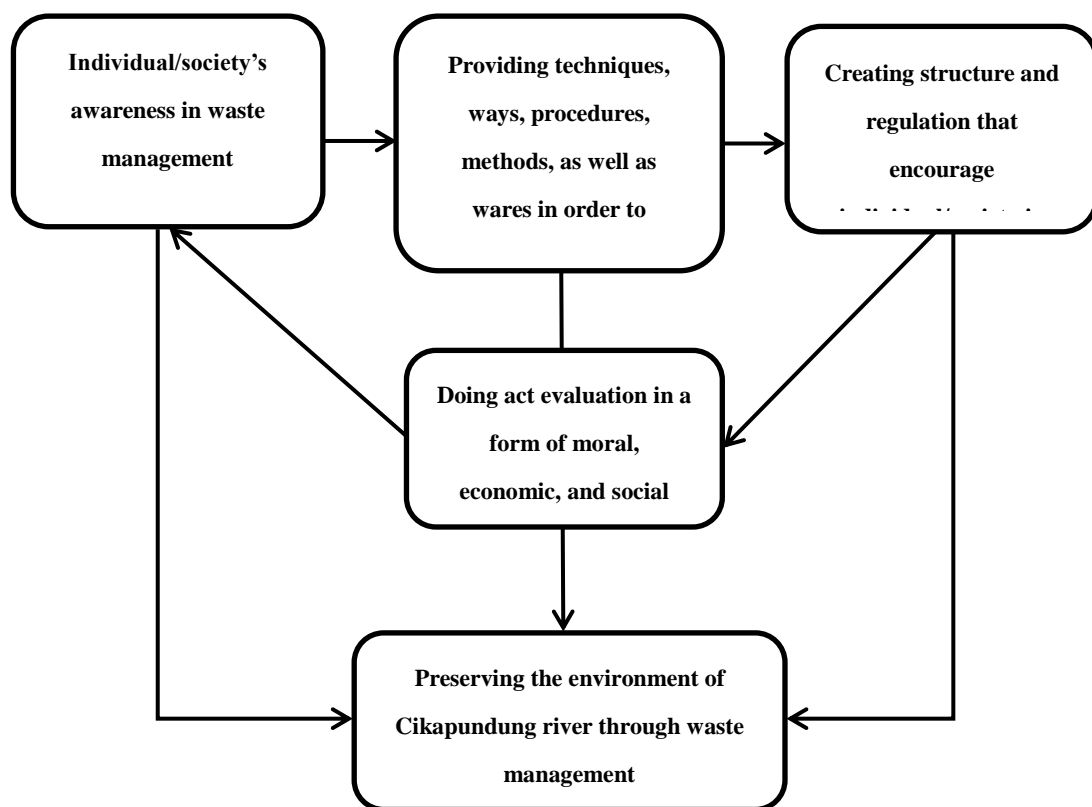


Figure 1. Society's Behavior Alteration in Waste Management

From the figure, creating structure and regulation becomes a main factor to encourage alteration toward individual/community's awareness to execute the preservation of Cikapundung River.

CONCLUSION

The study toward waste management at the upstream river shows that the problems happened are related to individual/community's awareness in waste management. Such thing happens due to the structure that exists in the local government explicitly has not been disputed the waste problems at Cikapundung River as main problems that have to be solved. Therefore, the government has to be the facilitator in encouraging the expansion of waste management movement in communities at the upstream Cikapundung River by applying the appropriate and suitable model of waste management at such area.

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Potencies and Problems of Waste Management at the Downstream Cikapundung

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ABSTRACT

Waste problems in Cikapundung River need a serious attention related to environmental preservation. Conservation efforts can be made in the lower reaches of the river, as a region that can not escape from the pressures of society about the problem of waste. The purpose of this study to determine the extent of potential and existing problems in the downstream area of Cikapundung can be a solution for the waste problem in the downstream area. The approach uses qualitative descriptive study with data collection using interviews, observation, and focus group discussion (FGD). Informants consists of figures that do waste management, government officials and the public and community groups who have a concern and interest in waste management. Research findings were analyzed by the theory of action. The results showed that the downstream area has economic potential as an industrial region, especially the textile industry. There are also some food and textile company owned by individuals. But the existence of the industry and the company became on of the problems related to the Cikapundung river pollution. Many people who throw garbage into the river because of inadequate waste treatment facility. Besides the lack of public awareness in waste bins in place, bring care less attitude towards environmental cleanliness.

Keywords : Management, waste, downstream, potency, problems

INTRODUCTION

Administratively, Cikapundung River crosses West Bandung District, Bandung City, and Bandung District. Based on the result of Bintarsih Sekarningrum research's (2014), it is stated that the area of Bandung City located in the middle of Cikapundung river stream has done a waste management. It is indicated from the number of communities managing the waste either sorting the waste, creating "Waste Bank", or doing "Clean Cikapundung" movement initiated by a group of community whose concern and attention to the cleanliness of Cikapundung River. A dense population with its quite huge daily waste production does not equal to the number of community managing the waste. So that, most waste are not handled well. Such thing is also compounded by a difficult access for garbage trucks to get into the areas whose high dense population. As the main water spring for Bandung City people, Cikapundung River has an important role because most of water need used by Bandung City people come from Cikapundung River.

Another research conducted by Bintarsih Sekarningrum (2012) about community's behavior and perception toward littering to Cikapundung riverbank shows a close relation between littering habit behavior with perception and community's view toward a river. This kind of behavior is a habit done for a long time. There are some things that underlie littering behavior, such as: (1) less garbage facility compounded by irregular timing of garbage carriage by sanitary agency due to limited access to such area; (2) there is no communal awareness that causes indifference to river cleanliness; (3) and the emergence of practical thinking attitude seen from community's supposition that Cikapundung River is the easiest place for communities to dispose garbage and household waste.

Different with the community on the headwater of Cikapundung River who dispose manure waste and garbage directly to the river, at the downstream area, Bandung District, a waste issue is the main problem of Cikapundung River pollution. Therefore, it is interesting to discover: the potencies and problems at the downstream area of Cikapundung River mainly related to waste management and the cause of a large amount of garbage at the downstream of Cikapundung River. This research is conducted as an effort to discover and to analyze the potencies and problems in waste management at the downstream area of Cikapundung River so that in the future, there will be an appropriate and a suitable model of waste management formation in such area.

RESEARCH METHODOLOGY

This research uses a qualitative method with descriptive approach to depict individual, situation, symptom, or particular group in waste management process and to connect them with other symptoms lying on the community. This qualitative research is also conducted to gain a basic understanding about waste management process done by the community at the downstream area of Cikapundung River through firsthand experience of the researcher who does a direct process and blends with the community acting as the subject and background that will be observed. This research aims at understanding community in waste management process which derives meanings from surrounding environment and those meanings affect community behavior. In other words, the researcher understands the community's point of view and feeling that will be observed.

The referential data in this research are primary and secondary data. Primary source is gain by deep interview, observation, and Focus Group Discussion (FGD). Collected primary data is related to: (1) potency and problem in waste management at the upstream area of Cikapundung River and (2) garbage and household waste management formation in such area. The source of secondary data are gained from compilation result and result of data processing, scientific article, village and sub-district monographic document, and electronic source related to waste management process. Data and information extraction will be started from key informants.

The informants in this research are public figures, waste management officers, communities that dispose garbage to the river, and a group or individual whose insights and information about research requirement. To gain an accurate and maximum information, the researcher will not limit the number of informants. But if the information collected is enough then the process of information extraction will be stopped.

RESEARCH FINDING AND DISCUSSION

1. General Description of Downstream Area of Cikapundung River

Citeureup village, Dayeuhkolot sub-district is one of downstream areas of Cikapundung River that has 250 Ha land area. Citeureup village is the largest village in Dayeuhkolot sub-district which covers 23% area of Dayeuhkolot sub-district. Demographically, the amount of population of Citeureup village is 21,831 inhabitants with 11,879 male inhabitants and 9,952 female inhabitants, divided into 5,274 families. Citeureup village is the second densest village in Dayeuhkolot sub-district. Most of the community in

Citeureup village work in the field of service like digging or mining, industry, construction, trading, transportation, hospitality, communication, finance, education, health, government, etc.

Economically, Citeureup village is included into industry area. It is showed by the amount of companies operated in the area, such as PT. Metro Garment, PT. Daliatex, PT. Cardinal, PT. Apolo Agung, PT. Okta Putra Jaya, PT. Simnu, PT. Indo Karpet, and PT. Firman Jaya. Beside textile company, there are some businesses done by the community, such as sprout cultivation business, chips business, tofu business, and garment and bag production business. From the description, the existence of Cikapundung River in this area gets quite pressure from the existing industries. It happens due to most of industries located at the downstream area are textile industries that need much water.

In relation to waste problem, Citeureup village community does not directly dispose garbage to the river but due to lack of dump at the area, then household waste usually are placed at the edge of the river. After the waste are collected at the edge of the river, the community then burn the waste out. Burning waste is not a good solution. Waste burning, on the other hand, gives a negative impact on community's health because the waste burned without sorting process will probably be mixed.

It is known that the collected garbage does not only come from Citeureup village community but also from another village. So that the collected garbage causes unpleasant smell and is hard to be burnt. At the end, the garbage is dragged by rain and dropped to the river.



Picture 1. Waste are placed at the edge of the river

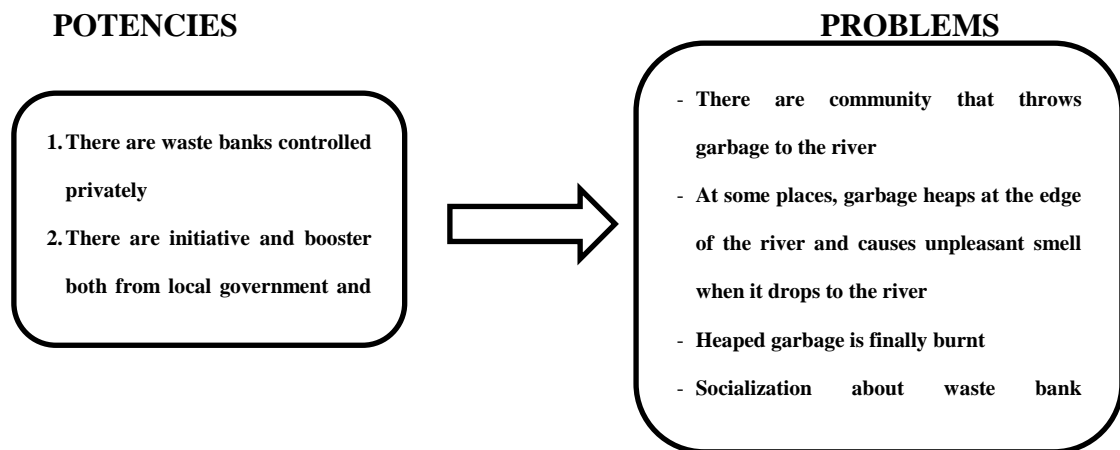


Figure 1. Potencies and problems at the downstream area of Cikapundung River

2. Potencies of Waste Management at the downstream of Cikapundung River

One of potencies of waste management existed at the downstream area of Cikapundung River is a local regulation related to integrated waste management in Bandung District, that is, Local Regulation of Bandung District No. 15 in 2012 which is an alteration to Local Regulation of Bandung District No. 21 in 2009 about waste management. Such regulation becomes a guidance in waste management process in Bandung District.

Another potency owned by Bandung District as the downstream area of Cikapundung River is the existence of waste management school located in Bandung District area, precisely at Jatibaru village, Cilengkrang sub-district. This school emerges community's initiative to take part in managing waste so that the waste can give additional economic value to individual, group, or community whose concern in managing waste.

The other potency being developed in waste management at the downstream area of Cikapundung River in Bandung District region is the existence of memorandum of understanding in waste management between Bandung City government and Bandung District government. The across region memorandum of understanding consists of nine scopes, such as the field of structuring urban infrastructure that covers handling waste problem and flood

(<https://portal.bandung.go.id/posts/2016/03/31/yn9b/rencana-kerjasama-kota-bandung-dan-kabupaten-bandung>).

3. Problems in Waste Management at the Downstream Area of Cikapundung River

Some problems that emerge in waste management at the downstream area of Cikapundung River are the weight of waste management at the downstream area of Cikapundung River which is at least 800 tons of garbage produced by community in daily. On the other side, the ability of waste management service is only done by the government, either as regulator or as operator. Such big responsibility carried by the right institution in handling waste, at the end gives impact to lack of government's control over littering behavior done by community.

Bandung District government has not yet maximized the community potency in this waste management. So far, there is community movement in managing waste but no potency is seen as an opportunity in increasing a larger community's participation.

4. Discussion

In relation to waste management at the downstream area of Cikapundung River, the problems faced area:

1. The low level of public awareness in waste management.
2. Lack of synergy between government and community in waste management.
3. Open dumping waste management paradigm, which means to put garbage in an open area.

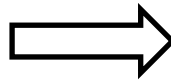
The lack of community's awareness in waste management at the downstream area is affected by a few factors like human capital. The result of research shows that there is no dump in every house so the community does not sort the waste organically and inorganically. Usually, the waste is thrown into a waste heap at the edge of river. Likewise at the downstream area, since there is no waste bank due to unavailability of land, it becomes a reason that the process of creating a waste bank is hard to do.

The lack of community's awareness in waste management is also affected by the government who less involves the community in waste management. In this case, the government is still positioning their selves as the one whose responsibility in waste management. This paradigm should not happen in waste management. The government should be able to see the community as an integral part which is not separated in solving waste management problems. Even though efforts in keeping the environment clean are done routinely, but without making the community as the main actor in solving the waste management problem, this waste problem will forever remain a problem.

After seeing that this problem is not solved by only the government then the paradigm of waste management also has to undergo an alteration, from open dumping habit to an integrated waste management.



Picture 2. Open Dumping Waste Management
(<http://science-in-blog.blogspot.co.id>)



Picture 3. Integrated Waste Management
(<http://www.jawapos.com>)

From the three points, the main problem of waste management at the downstream area of Cikapundung River happens due to different vision of environmental hygiene issued by the local government at the downstream area of Cikapundung River with the community that lives around Cikapundung River. The local government of Bandung District still sees the waste problem as the problem that has to be solved by the government. The government should be able to be a facilitator to accommodate developed community's initiative in waste management and to follow up the initiative to be applied in all locations. The local government of Bandung District as the highest structural position in Bandung District becomes a driving force to structural alteration and regulation for the community through social movement of waste management in community.

The alteration model in a theoretical frame is included into Social Act Theory. Social Act Theory does not firmly separate social structure and social regulation within the community. In additional, the absence of separation shows meaningful initiative acts. In this case, waste management becomes a meaningful initiative done by individual or group.

A few things that Bandung District government can do in encouraging the altering behavior, mindset, and increasing community's awareness are to create hygiene competition supported by some instruments that attract the community to compete fixing their environment, such as routine publication in trusted local media and a widely winner announcement. In the end, the competition can encourage the whole community to protect their environment and also to avoid pollution which is able to damage their environment.

CONCLUSION

The lack of community's awareness in waste management at the downstream area is affected by human capital factor. Government as the highest structure in the area needs to alter the structure and regulation in the community through social movement of waste management at their neighborhood environment. Besides, the government still runs its function as an evaluator whose task to evaluate the process of alteration in community.

To lead to an integral alteration in community, the government needs to find meaningful social acts done by individual or group in a community as a role model for a wider community in encouraging active participation of a whole community who live at the downstream area of Cikapundung River.

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REDD+ and Job Insecurity in Ulu Masen Aceh²³

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Abstract

Tulisan ini mengkaji bagaimana sebuah penerapan kebijakan lingkungan mempengaruhi secara langsung maupun tidak langsung kehidupan masyarakat. Secara khusus tulisan ini ingin melihat bagaimana kebijakan REDD+ di Ulu Masen Aceh mempengaruhi kehidupan masyarakat adat mukim di tempat Program REDD+ dilaksanakan. Hasil penelitian lapangan menemukan bahwa Program REDD+ dibangun dengan prinsip top down yang tidak memperhatikan kebutuhan masyarakat adat mukim, sehingga menimbulkan permasalahan sosial dimana masyarakat adat mukim kehilangan kesempatan untuk melakukan pekerjaan tradisional yang sudah turun temurun dilakukan di area hutan tempat mereka tinggal.

Making the Case: Why it is Important to Study the Impact of Environmental Policy to the Livelihood of the Indigenous Acehnese People (Mukim)

Since the adoption of 1994 Human Development Report on Human Security, the notion of security has evolved from state security to people-centered security which places the individual in the center of security analysis. The economic security as one part of the seven dimensions of human security²⁶ ensures the right of people to have proper way of living and have access to basic income.

Environmental Policy lies in the centre of debate between developmentalist in one end and environmentalist/conservationist in another end. In short, environmental policy is the central issue between the rights to earn a living and the needs to protect the environment.

In Aceh province, indigenous people way of living is highly dependent on the utilization of the forest. In that sense any environmental policy that limits their ability to utilize the forest will directly influence their livelihood. Therefore, it is important to understand how Environment Policy operates and how the policy can affect people's

²³ Based on Field Research that was conducted on April 22-27, 2015 in four districts in Aceh.

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²⁶ The seven dimensions of human security are Economic Security, Health Security, Personal Security, Political Security, Food Security, Environmental Security and Community Security.

livelihood.

Relating the Case with Human Security

In 1994, UNDP released Human Development Report that became the cornerstone of human security perspective. The human security approach expands the scope of security study from state centric which focus on state's territorial security to people-centered security. People-centered security take into account conditions that threaten survival, livelihood, and dignity of individuals and communities as key point of security paradigm. It focuses on the root causes of insecurity and set the basic threshold for minimum standard of living which guarantee human life. According to United Nations General Assembly,²⁷ the central of Human Security is to ensure that "people has the right to live in freedom and dignity, free from poverty and despair...with an equal opportunity to enjoy all their rights and fully develop their human potential".

The 1994 HDR Report stated seven dimensions of human security which includes; Economic Security, Health Security, Personal Security, Political Security, Food Security, Environmental Security and Community Security. Each dimension has its own insecurities that has to be address. This writing basically lies in the intersection between economic security area which include the threat of poverty and unemployment within the Acehese Indigenous people with environmental security threat such as environmental degradation and resource depletion.

New Global Environmental Management: REDD+

Industrial revolution throughout the world since 1700s were all evident by the advancement of scientific and technological innovations and eventually has led to growth both in agricultural and industrial production. Since then there are more people and economic activity in the world, as the result of the increasing population growth and rapid industrialization. Our world witnessed the growing number of developed countries emerged in the North and of developing countries in the South.

This development was considered both as a blessing and somehow regarded as a curse, if we are to see to the appalling evidences years later. Extreme and erratic weather events have progressed from a merely visible to virtually problematizing. Our planet is not

²⁷ UN General Assembly 66th Session "Follow up to paragraph 143 on Human Security of the 2005 World Summit Outcome (A/RES/66/290)

doing really well. It suffers from environmental quality degradation such as transboundary pollution, ozone layers degradation, climate change to extreme deforestation.

Developed countries, such as the United States of America and European countries have never given the attention to such environmental problems until 1960s when there has been a growing movement to environmentalism²⁸. Several events raised the public awareness of harm caused by human. Rachel Carson's influential book *The Silent Spring* (1962) touched off national debate in the USA on how government allowed the use of toxic chemicals such as pesticides to be put into the environment which harmed both human and nature.²⁹ But still these movements were considered as local and did not address the growing globalized environmental problems.

The 1972 United Nations Conference on Human Environment or the Stockholm Conference and 1992 United Nations Conference on Environment and Development (Rio Summit) pointed out the globalization of environmental problems.³⁰ There were growing awareness from developed countries on how local environmental problems have affected the earth globally. Therefore environmental regimes are established to solve the aforementioned problems and functioned to synchronize policies of many parties. United Nations Environmental Programme (UNEP) estimated that by December 2009, more than 300 multilateral agreements on environmental regime to enforce collective actions have been produced by states.³¹

Despite this collective attention and effort, despite the treaties and conventions that have been adopted in the years since, studies suggested that environmental problems have been continuously deteriorate.³² Environmental regimes have been regarded as only being a movement without any progress and tangible results.³³ Their effectiveness is lesser than the environmental tasks at hand require. They are fragmented and weak because either they lack

²⁸ Clapp, Jennifer and Dauvergne, 2005, *The Political Economy of Global Environment*, Cambridge:MIT Press hal 46-48

²⁹ Carson, Rachel, 1962, *The Silent Spring*, New York: Mariner Books

³⁰ Elliot, Lorraine, 2004, *The Global Politics of the Environment*, New York: Palgrave, hlm 7

³¹ UNEP, n.d, Auditing the Implementation of Multilateral Environmental Agreements (MEAs): A Primer for Auditors, <http://www.unep.org/delc/Portals/119/audingmeas.pdf>, p.4

³² Elliot, Lorraine, *Op.Cit.*, p.94

³³ Esty, Daniel and Maria Ivanova, 2002, *Revitalising Global Environmental Governance: A Function-Driven Approach*, dalam Daniel Esty and Maria Ivanova (eds), 2002, *Global Environmental Governance: Options and Opportunities*, Yale School of Forestry and Environmental Studies, p.1

competence or lack real powers—because of the conflictual political system among states.

Within their mechanism lie jurisdictional, information and implementation gap, because states are reluctant to commit and most states dislike the idea of being interfered in their internal affairs. Environmental regimes were seen as a supranational body which would reducing and even superseding states' authority in dealing with environmental problems. The 'unprecedentedly high degree of international cooperation and mutual understanding'³⁴ that is required has not been forthcoming. Furthermore, environmental regimes were seen only focus on state as the main actors and participants whereas environmental problems are complex and implicated many actors particularly inhabitants in the affected areas.

This situation encouraged the idea that global environmental regime required a new mechanism. In recent years, the environmental governance system with multi-level governance mechanism has become one of the innovative options in addressing global environmental issues. Multi-Level Governance mechanism (MLG) engages sub-national, national, international and global actors as well in cooperation to overcome the problems.

MLG is defined as "supranational, national, regional and local governments are enmeshed in territorially overarching policy networks".³⁵ Therefore, the concept of MLG has vertical and horizontal dimensions. Multi-level refers to the increasing interdependence of government that operates on different levels, while governance shows the growth of interdependence between government and non-state actors in the various levels of territorial government. Each actors in the policy networks has their own role in achieving collective goals that have been set in the beginning and no one is left behind. Not even the most vulnerable and weakest actor in the system.

Reducing Emission from Deforestation and Degradation (REDD) is a global forest governance that implemented MLG mechanism. REDD considers the implementation of forest conservation and forest management program at the global, national and sub-national level, where states are entangled with new actors such as private sector and community.³⁶ Hence, governance processes within REDD included many actors, interests and activities, involving multiple sources of power and authority of both formal and informal-UN agencies,

³⁴ Fairclough, A. J., 1991, *Global environmental and natural resource problems –their economic, political and security implications*, The Washington Quarterly, vol. 14, no. 1, Winter, pp. 81–98, p.83

³⁵ Marks, Gary, 1993, Structural Policy and Multilevel Governance in the EU, dalam A. Cafruny and G. Rosenthal (eds.), *The State of the European Community*, New York: Lynne Rienner, p.402-403

³⁶ Bulkeley, Harriet and Peter Newell, 2010, *Governing Climate Change*, London: Routledge

multilateral organizations, governments, multinationals, local communities and non-governmental organizations both international and local.³⁷

REDD is a mechanism aimed at reducing carbon emissions by giving incentives to countries or parties that avoided deforestation and forest degradation. The reduction of emissions through forest conservation or averted deforestation are taken into account as a credit that can be traded on the carbon market.³⁸ Credits earned will be exchanged through the funding agencies that have been established to provide financial compensation to countries that do conservation. REDD concepts and mechanism itself changed into REDD+ (REDD plus). This change was due to the expansion of the scope of definition. Initially, REDD was to address the problem of reducing emissions from deforestation and forest degradation only. In REDD+, they added another provision of forest carbon stocks issue.

REDD+ mechanism also increases the role of non-state actors in the forest governance along with state actors. An article from Thompson, et.al (2014) show a political strategy where the REDD+ framework actually established to align the interests of various stakeholders, including the local residents / natives, so that outcomes are generated in accordance with the interests of the parties concerned.³⁹

A UN report on REDD+ programme states that “REDD+ can be a mechanism for achieving sustainable development outcomes that benefit tropical forests and their populations while simultaneously delivering climate change mitigation benefits. For indigenous peoples and other forest-dependent communities concerned with securing rights and enhancing sustainable livelihoods, REDD+ may offer both a promising new policy environment and access to resources that enable those rights and livelihoods to be realized.”⁴⁰ However, the same UN report also states that there are many potential downsides for indigenous community stemming from the programme, including:⁴¹

- Violation of customary land rights
- Increased political marginalization

³⁷ Corbera, Esteve and Heike Schroeder, 2010, *Governing and implementing REDD+*, Environmental Science Policy, 14, 89-230, p.2

³⁸ Greenpeace (September 29, 2010). Apa itu REDD?. April, 2 2015.

<http://www.greenpeace.org/seasia/id/campaigns/melindungi-hutan-alam-terakhir/apa-itu-REDD/>

³⁹ Thompson, Ian D., et.al, 2014, *Biodiversity and ecosystem service: lessons from nature to improve management of planted forests for REDD-plus*, Biodivers Conserv, 23,p.2613-2635

⁴⁰ <http://firstpeoples.org/wp/does-un-redd-help-or-hurt-indigenous-peoples/>

⁴¹ *Ibid*

- Denial of the right to participate in financial benefits from the program
- Inability to participate effectively due to lack of information
- Exploitative carbon contracts
- Money directed to fraudulent participants
- Decreased local food production, loss of livelihood, and threats to food security
- Increased tension between indigenous groups and the government

Despite the fact that 16th Conference of Parties 16 in Cancun, Mexico, 2010, has introduced a regulation to protect the rights of indigenous people called "safeguards", it cannot fully guarantee violation will not be occurred. Safeguard is a concept introduced by UNFCCC to ensure that the implementation of the national REDD+ would not be harmful to the environment and the local community.⁴² The role of indigenous peoples is a vital component in the framework of the implementation of REDD + in the world. Without the participation and full support from them, then it is likely the project will fail. It is worth noting that the state is not obliged to report safeguards, but shall only promote and support the concept by issuing regulation that would be likely to ensure the safeguard practices.

REDD+ Ulu Masen, Aceh

Ulu Masen project in Aceh is one of the first REDD+ pilot projects in Indonesia. At that time, condition of forests in Aceh required attention where uncontrolled deforestation rates extremely increasing after the tsunami disaster in 2004. Demand for timber for the reconstruction of the cities destroyed was one reason of deforestation. Demand for timber increased four-fold from 33,249.25 to 120,209.50 m³.⁴³ Another cause of deforestation in Aceh is the transfer of land use, infrastructure expansion, forest fires and illegal logging. The impact is flood, land and water pollution, and wild animals invading into residential areas.

One of the main objectives convening Ulu Masen REDD+ project is to reduce emissions through deforestation and forest degradation by compensating for the environmental services generated. These services included the protection of forests and

⁴² UNFCCC. (2015, December 10). COP 16 Cancun: report of the conference of the parties in its sixteenth session, held in Cancun from 29 November to 10 December 2010. April 2, 2015. <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf> p.13

⁴³ Husnan, et.al, 2013, *Strategi dan Rencana Aksi Provinsi (SRAP) REDD+ Aceh*.

combating illegal logging. Compensation for environmental services are given by way of generating carbon credits that can be sold on the international carbon market system.

According to REDD-Desk, the Ulu Masen project will reduce deforestation rates up to 95,000 hectares per year and reduce emissions by 1 million tons of CO² annually.⁴⁴ On the other hand, the calculations performed by REDD-Monitor⁴⁵ estimated that the Ulu Masen project can generate 3.3 million carbon credits per year that can be used to fund conservation activities and empowerment of local communities.⁴⁶

Another goal to be achieved in addition to the money from the environmental services was to protect an area of 750,000 hectares in the northern region of Aceh. Ulu Masen area would cover six districts: Aceh Besar, Aceh Jaya, West Aceh, Pidie, Pidie Jaya and Bireueun. Ecosystem area within those six counties is called the Ulu Masen ecosystem. Protection of forests in Ulu Masen ecosystem is considered important because it will provide social services and substantial economic contribution to estimated 300,000 people who live in the region or directly adjacent to the project area as well.⁴⁷

Ulu Masen REDD + project was also going to restore and preserve the natural

⁴⁴ REDD-Desk, n.d

⁴⁵ REDD Monitor is a nonprofit organization that focuses on forestry and REDD+ issues. The organization is run independently since October 2008 by Chris Lang, a master of Forestry and Land Use of the Oxford Forestry Institute. He was involved in various forest protection movement, e.g. within the organization TERRA (http://terraper.org/mainpage/index_en.php?langs=en). Furthermore, he was active in the movement of the World Rainforest Movement (<http://www.wrm.org.uy>) that focuses on tree plantation and pulp and paper industries. Monitor REDD funding obtained from various social and environmental organizations like FERN, Rainforest Foundation Norway, Rainforest Foundation UK, Global Witness, Corner House, Arbeitsgemeinschaft Regenwald und Artenschutz. In addition, REDD Monitor also indirectly funded by the European Commission. REDD Monitor actively monitors REDD projects in countries that apply this mechanism. In the case of Indonesia, REDD Monitor actively researching the Ulu Masen project in 2012 funded by Samdhana Institute and the World Rainforest Movement.

Look at REDD-Monitor, n.d, <http://www.redd-monitor.org/about/> and Interview with Chris Lang, April 10, 2015.

⁴⁶ Lang, Christopher. (2014, January 20). Interviews about Ulu Masen, Indonesia: A REDD-labelled Protected Area. REDD-Monitor. February 16, 2015.

<http://www.redd-monitor.org/2010/01/20/interviews-about-ulu-masen-indonesia-a-redd-labelled-protected-area/>

⁴⁷ Kasia, Rahmad, et.al., 2011, *Penanganan Masalah Pembalakan Liar di Kawasan Ulu Masen Aceh*, FFI Aceh Programme, November 2011, p.5

function of forests to stabilize steep slopes which is the main cause of landslide, to keep water supply needed by agriculture, and maintain the climate change. These things are very crucial for the local communities living around forests whom depend their livelihoods from the forest, plantation and agriculture. In addition, the Ulu Masen forest protection was also intended to protect the region's biodiversity. In the area of REDD + projects, there are 300 species of birds, 87 species of reptiles and amphibians as well as the rare population of Sumatran tigers and elephants.⁴⁸

Aceh's socio-economic and political condition are prone to illegal logging. Its Gross Regional Product is less than US\$ 1900 per capita, poverty rate is high about 21.88% with 30% of rural household existing below the poverty line, and unemployment rate is 9.8%.⁴⁹ Therefore, the Ulu Masen REDD+ project also designated to curb illegal logging in Ulu Masen ecosystem, which the underlying causes are multifaceted but always linked to poverty. The indigenous community who lives closest to the forest usually are low-income and often exploited by bigger unscrupulous illegal logging operators.

The project has made a commitment to increase employment and income for locals. Its design stated that it would recruit forest wardens from the locals and also provide alternative livelihoods to forest-adjacent communities that commit to protecting the forest. Local people or indigenous people around the Ulu Masen ecosystem are located in 61 regions Kemukiman with 200 villages, in which each has a head of Mukim respectively. Within it, there are hundreds of villages, led by a *geuchik* or village head.

Mukim or Kemukiman is the smallest local government who oversees several villages and chaired by the Head of Mukim and recognized by the local government of Aceh. Kemukiman is a customary governance system governed by Qanun 4 Year 2003 concerning Governance Mukim and Qanun 5 Year 2003 regarding gampong.⁵⁰ Below is a table listing local Mukim Ulu Masen REDD + project in the list of audit CCBA:

⁴⁸ *Ibid.*, p.11

⁴⁹ *Ibid.*, p.1

⁵⁰ Anandi, Cut Agusta Mindry, et al., 2012, *Ulu Masen REDD+ initiative, Aceh, Indonesia*, <http://www.cifor.org/redd-case-book/case-reports/indonesia/ulu-masen-redd-initiative-aceh-indonesia/>

Table 1.1 Mukim within Ulu Masen REDD+ Project

District	Number of Mukim	Mukim
Aceh Besar	12	Reukih, Jruek, Lamteuba, Gunung Biram, Jentho, Glee Yeung, Leupueng, Cot Jumpa, Lhoong, Glee Bruék, Lam Lhom, Lam Lheu
Aceh Jaya	15	Paya Baro, Sarah Raya, Keude Teunom, Panga Pucok, Panga Pasle, Krueng Sabee, Rigah, Lageun, Lam Teungoh, Pante Puba, Kulam Mutiara, Keude Unga, Pante Cermin, Lamno, Kaluang
Aceh Barat	11	Manjeng, Lango, Menuang Kinco, Gunong Meuh, Mugo, Meuko, Tanjung Meulaboh, Babah Krueng Manggi, Tungkop, Darul Ihsan, Woyla Tunong
Pidie*	14	Geumpang, Mane, Pulo Mesjid, Layan, Tanjong Bungong, Beungga, Rubee, Blang Keudah, Metareum, Andeue Lala, Ujong Rimba, Keumala Dalam, Keumala Raya, Kunyet

***Pidie has not been divided into Pidie and Pidie Jaya**

***Bireueun withdrew from the project**

Source: GoA, Final Ulu Masen CCBA Project Design Note

Most them are peasants and depend on forest for their living. They live at the Ulu Masen ecosystem for generations and generally their land are recognized as customary land. Primarily they use land for farming, such as rubber tree, timber, and many more. Initially they saw REDD+ project as a threat but project facilitator guaranteed that there would be alternative earning from the project. FFI was responsible in this matter, therefore FFI conducted the *Free, Prior, Informed and Consent* mechanism to disseminate information toward the locals.⁵¹ This mechanism was to guarantee that locals were giving their consent and was to ensure benefit sharing generated for Mukim.

Moreover, government of Aceh and its partners has informed and empowered local people in regards to the Ulu Masen REDD + project. The purpose of the initiative was to get

⁵¹ McCulloch, Lesley, 2010, *Ulu Masen REDD Demonstration Project: The Challenges of Tackling Market Policy and Governances Failures that Underlie Deforestation and Forest Degradation*, Intitute for Global Environmental Strategies (IGES)

Mukim community actively involved and participated in the management of Ulu Masen REDD+ project. These are list of programs that have been done to empowering and strengthening the capacity of locals: ⁵²

- Conduct meetings with stakeholders before the audit CCBA (2007)
- Mukim consolidation for local forest management (2007)
- Establishment of community forest supervisors in four counties (2009)
- Training and development of alternative livelihoods (from 2006)
- Support for land planning area of habitation (17 regions mukim)
- Education and distribution of REDD for Indigenous Peoples (2010)
- The establishment of the Ulu Masen REDD 081306414491 SMS Hotline (April 2010)

The Impacts of REDD+ Project to Mukim's Livelihoods

The expectation of positive influence of REDD+ as a climate change mitigation is very high, even among supporters and initiator.⁵³ REDD+ includes everything that is needed and seemed to be a panacea for climate change caused by deforestation. The "+" at the end of the acronym REDD+ indicates a complete package that also includes conservation, poverty alleviation, sustainable forest management to ensure sufficient carbon stocks.

But unfortunately, REDD+ creates new conflicts and exacerbates existing conflicts. The biggest effect is threatening the population who had been living and depend on the forest, especially when the rights, tenure issues and their participation is not guaranteed. This is mainly due to questions raised on: who owns the rights to trees, carbon, and the right to benefit sharing.⁵⁴ In fact, tenure clearly and definitely identified as one of the key elements for the success of forest conservation schemes, including the REDD+.⁵⁵ REDD+ is designed to be implemented in developing countries, where forests and forest degradation is

⁵² FFI GCF Taskforce, 2010, *Ulu Masen REDD Project – Government of Aceh with Technical Support from Fauna and Flora International*, p.4

⁵³ Brown, D, et.al, 2008, *How do we achieve redd co-benefits and avoid doing harm? In Arild Angelsen (Ed). Moving Ahead with REDD: Issues, Options and Implications*, pp. 107-118, Bogor, Indonesia: CIFOR.

⁵⁴ Yasmi, Y., Kelley, L., Murdiyarso, D., and Patel, T, 2012, *The Struggle Over Asia's Forests: An Overview of Forest Conflict and Potential Implications for REDD+*. *International Forestry Review*, 14(1), 99-109, p.107

⁵⁵ Larson, Anne M., et.al, 2013, *Land tenure and REDD+: The Good, The Bad and The Ugly*, *Global Environmental Change*, 23, pp.678-689, p.679

the largest contributor of greenhouse gases.

In developing countries, especially in Asia, conflicts of tenure as well as the seizure of natural resources are the biggest problems that can not be resolved until now. Almost 75% of the forests in Asia is the area of the seizure and the bloody conflict in the last 20 years.⁵⁶ Unfortunately, Ulu Masen REDD+ also shared the same fate. Despite the design of the Ulu Masen project states that the project will be beneficial for all parties, especially the indigenous people, the implementation results inverted from its very purpose that was to increase the welfare of the locals. Ulu Masen REDD+ project eliminated the rights of the locals, especially the land-use rights and livelihood.

Based on interviews to some head of mukims who involved actively in the project, turned out REDD+ project in Ulu Masen did not generate any advantages for the locals.⁵⁷ They are deeply disappointed to the project's facilitators. They felt betrayed once the pre-REDD stage started in 2008 because they did not fully approve the proposed design that did not specify which land could be used for livelihood and which one could not. Given its complicated procedure and concepts Mukims did not understand how the project works and how it would be good for their living. Even after the project suddenly stopped in 2012, Mukims as the receiving end never once gained tangible benefits from the project.

Most of Mukims depend on farming and timber trade-off for domestic market. REDD+ project demands all activities linked to deforestation should be terminated in order to reduce carbon emission and soil degradation. However, the lack of clarity in land-use differentiation brought forth a new conflict between indigenous people and government: which land included to the project and which one was not; was customary land also included in the project or not. Due to this vagueness, the government were considered as antagonist which caused the locals lost their livelihood and job. For example, mukims were banned from cutting down trees even from trees located within the boundary of their own land.⁵⁸

⁵⁶ *Ibid*

⁵⁷ Personal Interview with Zulfikar Arma, Managing Director Jaringan Komunitas Masyarakat Adat Aceh, Banda Aceh, 22 April 2015; Personal Interview with Ibrahim, Chief of Mukim Kunyet, Sigli, Pidie, 22 April 2015; Personal Interview with Sabee Basyah, Chief of Mukim Geumpang, Pidie, 22 April 2015; Personal Interview with Anwar Ibrahim, Chief of Mukim Teunom, Calang, Aceh Jaya, 23 April 2015; Personal Interview with Sapari, Wawancara dengan Sapari, Chief Coordinator of Calang Customary Council, Aceh Jaya, 23 April 2015.

⁵⁸ Personal Interview with Anwar Ibrahim, Chief of Mukim Teunom, Calang, Aceh Jaya, 23 April 2015

When they did, they were accused of being illegal loggers by the government.⁵⁹

Another complicated problem was the government and its partners have promised that mukims are obliged to avoid logging but compensation will be given to them, whom earning activities stopped by the project. However, when asked about what compensation they had received, everyone said there was no such compensation.⁶⁰ Initially they thought that project facilitator would wire some amount of money, based on how much carbon they saved by avoiding logging.⁶¹ The obscurity on the compensation concept led to misunderstanding. Government of Aceh claimed that they never promised money as compensation. Rather, the mukims had been self-guessing that the compensation would be in form of money.⁶²

Furthermore, tenurial problems in Ulu Masen are complicated because involving a debate on customary land and indigenous people versus state land and government of Aceh. According to Sunderlin, Hatcher and Liddle, tenure is a matter of who has and is entitled to use the resources contained therein within a certain period and under certain conditions.⁶³ Tenure is also seen as "a set of rights" that includes:⁶⁴

- The right of access, to enter the area
- Right to take resources
- Rights Management
- Right-exclusion, to determine who is not eligible and can not take and regulate land and resources
- The right of alienation, ie the right to rent to outsiders

Both customary law and state law regarding tenure rights is a combination of several

⁵⁹ *Ibid*

⁶⁰ Personal interview with Ibrahim, Sabee Basyah, Mirwandah etc

⁶¹ From socialization held by FFI and others, mukims aware of carbon trading and funding from Merrill Lynch. So when they are promised to be compensated, they thought they would receive money.

Personal Interview with Head of Mukims in Aceh Besar, Pidie and Aceh Jaya.

⁶² Personal Interview with Dedek Hadi, former member of Ulu Masen REDD+ Task Force, Aceh Forestry Agency, Banda Aceh, 24 April 2015.

⁶³ Sunderlin, William D., Jeffrey Hatcher, and Megan Liddle, 2008, *From Exclusion to Ownership? Challenges and Opportunities In Advancing Forest Tenure Reform*, The Rights and Resources Initiative, May 1, 2015. http://www.rightsandresources.org/documents/files/doc_736.pdf.3, p.3

⁶⁴ Schlager, Edella and Elinor Ostrom, 1992, *Property-rights Regimes and Natural Resources*, Land Economics, 68, 249-262

such complexes.⁶⁵ The complex rights concerning existing resources in it, which can be water, land, minerals, timber, wildlife and other up to a certain geographic area. In the context of the implementation of REDD+, a new resource that is carbon, not included in the regulatory system of the previous tenure. With the carbon rights which are not clearly included in the area whom, who is entitled to receive other benefits and raises new problems.

Moreover, customary law is often not recognized by state especially if the customary law is considered disrupting a project. With that manner, the people in it are considered not entitled to the resources nor the territory contained therein. Carbon rights and other benefits offered by REDD + likely will not get into the hands of those who became targets of the program. Therefore, the community-based forest management approach has been changed into a "fences and fines" approach . Under this approach, there will be an increase in segregation area (zoning) that did not allow indigenous people to enter or utilize forest areas that were formally or legally labeled as a protected area.

In Ulu Masen REDD+ case, government of Aceh claimed that people who live around the project are not considered as indigenous people.⁶⁶ These mukims are political entities, governed by Qanun—not a customary law, and they differ with indigenous people which entitled to their customary laws. They are only citizens who live near forest and depend on forest for generations. Therefore, the land they inhabit belongs to the state—in this case, government of Aceh.

This way of thinking led to another conflict between government of Aceh and mukims. Anwar Ibrahim said in one interview that they are prohibited from entering their own land. They are also prohibited to do the practice of utilizing forest based on traditional ways. Not only customary activities such as controlled forest burning, but also collecting firewood, cutting down of trees for building materials, and even gather other forest products are now considered a form of forest degradation. Furthermore, due to the non-recognition of indigenous peoples by the government, compensation negotiations were tough. Both parties had different opinion on how much the project should pay the costs, how much land belongs to the mukims and the extent to which the land may be cultivated. Thus, the REDD+ project threatened the security of the livelihoods of indigenous peoples.

⁶⁵ Springer, Jenny Peter Bille and Larsen, 2012, *Community Tenure and REDD+*, WWF Report June 2012, p.4

⁶⁶ Personal Interview with Dedek Hadi, former member of Ulu Masen REDD+ Task Force, Aceh Forestry Agency, Banda Aceh, 24 April 2015

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