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EDITOR'S NOTE

For the second edition of Nomad Journal, we bring you the theme of Crossing Boundaries. As illustrated on the cover, we want it not only to represent the interweaving and intersecting of cultures, nations, and people but also the crossing of divides and the reconciling of differences. The four sections that you will go on to read represent four different facets of what this means for us: (1) Indigenous Connections, (2) Transcending Nations, (3) Crossing Borders, and (4) Creative Mediums: Expressing Identity.

Continuing from our first edition, we present four new Global Studies undergraduate research projects. This edition will also include student papers from our Area Studies schedule which have been graciously permitted and approved by respective course coordinators. It should be noted that each of the works are the personal view of the author and the editorial team does its utmost to uphold the integrity of these intentions.

Following on from our interview with Dr Jamie Gillen in our last edition, we are delighted to be sharing the story of the Origins of Global Studies as told by Dr Svetlana Kostyikina and Professor Bernadette Luciano. We are also proud to present in this edition a collection of photos taken by Global Studies students at the National University of Singapore, each highlighting a different aspect of Global Studies in a region separate from our own.

As always, we would like to give special thanks to the Global Studies Faculty and individual course coordinators, without whom this would not be possible. Our gratitude also goes out to all authors, contributors, and collaborators, whose work we hope you enjoy and draw insight from.

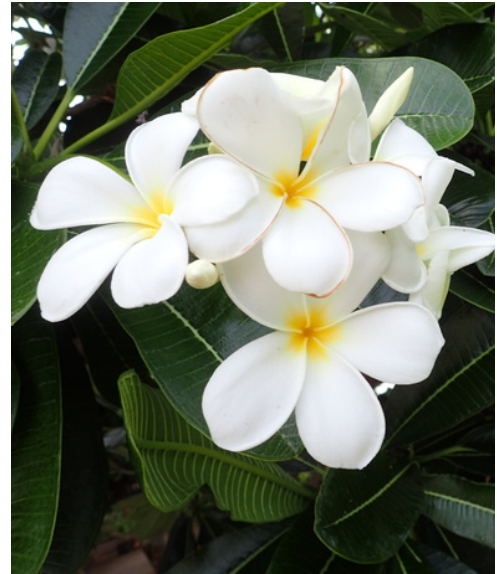
- Nomad Journal Editorial Team

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This edition includes the academic work of Global Studies students from Area Studies courses and Global 300 as well as creative pieces from our editing team.

Global 300 is a capstone course which is a core component of the Global Studies degree and is exclusive to Global Studies students.

Area Studies courses are another important part of the Global Studies degree but they are not exclusive to the Global Studies schedule and are also offered in Arts.



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INDIGENOUS CONNECTIONS

WHAT IS NOMAD?

- VICTOR WEI -

NOMAD – NOUN

/'NƏʊ.MÆD/

1: A MEMBER OF A GROUP OF PEOPLE WHO MOVE FROM ONE PLACE TO ANOTHER RATHER THAN LIVING IN ONE PLACE ALL OF THE TIME

- FROM THE CAMBRIDGE DICTIONARY

The concept of a Third Space might be familiar to you – a hypothetical place intended to transcend fixed cultural boundaries. You might understand it as a space for reconciliation, a meeting place for the fusion of identities, philosophies, positionalities. Similarly, global citizenship is a core principle in Global Studies, and is a skill we are expected to exhibit with great fluency upon accomplishing our degree. At its core, it speaks to the idea of a detached national identity and a level of heightened self-awareness for global mechanisms and for an individual's unique position in the world.

Nomad is the name that was drawn from all these ideas, it represents motion and flexibility, an indeterminate and unfixed position. For us, the term describes a path of constant discovery, a journey of growth and learning, a process of updating beliefs. There is a hint of reflexivity and individualism, but also of collaborative eclecticism. For us, Nomad reminds us of our commitment to challenge the status quo, to engineer new solutions, and to become the architect of vibrant new futures. From our unique position, being successful in solving issues on the global–local continuum means acknowledging Te Tiriti as the basis for all our endeavours and considerations.

Nomad is an independent, student-led publication, made by and dedicated towards Global Studies students at the University of Auckland, beginning in May 2021. Put simply, our mission is to provide a consistent, reassuring platform that adds value to the Global Studies cohort. We want this journal to be representative and inclusive of Global Studies culture, to showcase the talent, potential, and the ambitions of our cohort. It is important for us to stay flexible and relevant to reflect the state of current affairs, the ever-changing global landscape, and adapt the journal to keep up with the updating teaching and research methods.

Our vision is unapologetically grand. In the short term, our goal is to become firmly established within the university and work towards becoming a household name that collates high quality content from Global Studies students. In the longer term, our aim is to become a source of inspiration and motivation for our students, to provide the creative platform that will allow students to broaden their academic horizons, giving them the confidence to dream a little bigger. We want this journal to contribute to the ambitions of Global Studies students, and potentially even spur the next generation of inspired change.

ORIGINS OF GLOBAL STUDIES

INTERVIEW WITH DR LANA KOSTRYKINA AND PROF BERNADETTE LUCIANO
WRITTEN AND EDITED BY VICTOR WEI

Origins

B: We first started this conversation in 2014 in our school (CLL) and it started anecdotally because my son was a university student at the University of California in Santa Barbara (UCSB) which had the first Global Studies programme in the world. I knew it was a very successful programme – 1000 students in its first year cohort and students were having trouble getting into it. It was a degree that was attractive to students because it wasn't just focused on a single major, or a single subject, but a wide variety of different courses through which one could really start thinking about the contemporary world and how students could become a participant in forming the direction the world could take.

It's really interesting because the more we looked at things, the more we thought that Auckland is in a really great position to do this because of the diversity of our academic staff and the breadth of our programmes. If you look at a lot of other Global Studies programmes, they're much more narrow, a lot of them are just International Relations, or just Languages and Cultures. There was also the discussion, not only did we want this, but we wanted this as a degree and not as a major, and that was also a very challenging concept because there are very few independent degrees. There's the BA, BCom, there weren't, at the time, very many named degrees and so there was a lot of scepticism about doing that kind of thing. This is a very bums-on-seat university and [Global Studies] was seen as a potentially threatening programme.

But eventually, we had some great cooperation from some great colleagues overseas. First of all, Susanna Scarparo, who was the founding person of Global Studies at Monash University came and gave a presentation to our leadership team and her excitement and enthusiasm in showing how it had become their flagship programme really began to sway some people. I also, on a trip to California, talked to the founders of the UCSB programme and they were so enthusiastic and so excited about us doing it. What they really liked about our programme was that it wasn't strictly social sciences and a lot of Global Studies programmes end up being that; but ours wasn't, it was beyond that.



Professor Bernadette Luciano

So the things that have been the basis of the programme from the start was that we knew it had to have a core, the idea of having something at Stage 1, Stage 2, Stage 3. It would have a language requirement, that was always part of it; it would have an area studies requirement, to do with when students focus on certain parts of the world; and then we began thinking of the majors. The majors came about with conversations with other faculties who were willing to come on board. I don't think there was a big diversity in the models [that we considered], we always thought, looking at UCSB and Monash, it was really important to have core [courses]. The idea was that the core would introduce students to what Global Studies was as an emerging discipline.

A Strategic Vision

L: Vision would be the key word here. The degree was conceived as a response to the changing environment globally and locally. The premise of the degree is that the world has gotten smaller, it has become more globalised and homogenised, and we are affected by the same trends globally and locally. The second consideration was that the global problems we see today are too complicated to be solved efficiently by one discipline and that's why we need this intersection of disciplines and intersectional expertise to make sense of what is going on. Basically, the majors [in our degree] are the reflections of these challenges and they hold promise for potential solutions. The courses that make up our majors are the tools that we're offering to the students to find a way of meaningfully tackling global and local issues. Also, the languages are not just a fancy thing. A language is a tool to communicate, collaborate, and understand other people's cultures. Here we also have area studies coming in to help navigate this complex world. You can't embrace the unembraceable, you need a focal point and an anchor that will help you bring all these perspectives together. Global Studies offers sails to catch the winds of change, a global lens to navigate the world, and a local anchor to bring it all home.

Hilary

L: A huge role in championing Global Studies belongs to Hilary. I mean, for her, it was more than just a project at the university, more than just a degree. She really loved Global Studies and she considered the Bachelor of Global Studies as her legacy. Her enthusiasm was really catching and she would bring people to see the degree with her eyes, and that was really, really important in winning allies across the university. Hilary had this great way of just going there and knocking on peoples' doors. She would appear there and you had to talk to her, you couldn't say no. Hilary also knew many people around the university, she had been a head of school, an Associate Dean (International), she had some contacts in other schools, and she was able to sell her ideas really well. She did an amazing job in finally getting [the degree] off the ground.

B: Somewhere along the way, I don't know where it happened, Hilary and I were in a meeting with the person who was an Associate Dean (Academic) at the time and we brought up the idea again – can this be a degree? And they said something like: “Okay, why not?”



Dr Hilary Chung



“

GLOBAL STUDIES OFFERS
SAILS TO CATCH THE
WINDS OF CHANGE, A
GLOBAL LENS TO
NAVIGATE THE WORLD,
AND A LOCAL ANCHOR
TO BRING IT ALL HOME.

”

DR SVETLANA KOSTRYKINA

So I think that was a very major turning point, when everyone decided alright, let's go with calling it the Bachelor of Global Studies as opposed to calling it a Bachelor of Arts. Yea, she did a lot of work really, I mean not just within the university, but outside – she would go to schools, I don't know how many schools she went to, up and down New Zealand selling the degree to students and that was a great advantage for the university.

Lana and First Enrolments

L: I first met Hilary in the middle of September, 2017. The degree was approved in August and they started to recruit a support person for Hilary, because at that time she was already working part-time, so together we made one full-time unit. This role was introduced to me by my PhD supervisor who suggested that this would be something I would thrive in. At that point in time, I was quite sceptical. However, I applied, went for an interview and this is where I met Hilary.

One thing that appealed to me greatly when I first learnt about Global Studies was that I felt at home. Global Studies incorporated all my various backgrounds, *like in everything* – in linguistics, in languages, in economics and marketing, in social sciences. It was a little bit of an identity moment

for me because I did my PhD at the Faculty of Education and I could never understand why I didn't feel like I belonged there, and the reason was that I was de-facto doing a PhD in Global Studies and not in Education in the first place. For me, it helped to clarify many things and I found a solid ground beneath my feet.

I guess 2018 was a crucial year for the programme because we got our first cohort and it turned out twice as big as we expected. The idea was that we would get around 50 students and it would be a small, “cottage-industry” or “boutique” degree, as Hilary called it. In the first intake, we had slightly over 100 students, then we had about 20 more in the second intake in Semester Two. I guess it was a common, cautious approach [that we were taking] because there hadn't been much time for marketing, and the first cohort came in with zero marketing. We didn't have much promotion in between 2017 and 2018, so basically it was organic intake. These were the students who were motivated to take something new, who believed in the programme and I am immensely grateful to the original cohort. Deliberate promotion came later, in the rest of 2018 and 2019. In 2019, the cohort grew fast, it almost tripled from 120 in the first year, we moved up to 260-270, something like that.

Reaction

B: I think in the end, Global Studies was accepted and seen as a really important degree for this university by the teaching community, by the students, externally it was seen as a very important thing. So I think it was, there was, a favourable reaction. I think there are probably people who are jealous but I think it was wonderful that it was so successful from the start and that there was so much student interest.

L: I guess each success story has its dark side. When you set a very high standard, you need to keep up with this standard. Sometimes as the teams change, as the times change, as the circumstances, resourcing, whatever else, is changing at the university level, it could be hard to maintain the high standards and live up to the expectations set out at the beginning. Global Studies is a continuous work in progress and we'll see where it goes, but it's not easy to maintain this programme. We need to understand that it's quite fragile. It's amazing, but it's fragile and it depends on many variables that need to be mitigated but often these variables are beyond our control. There are lots of risks that don't rest upon the Global Studies team and we greatly rely on our multiple stakeholders and friends of Global Studies.

A Changing Environment

B: I think Global Studies is always changing and I think that's something to keep in mind. It started off with a vision, a vision that Lana and I very strongly believed in and we really loved to see that vision come to fruition. With Hilary no longer the director, it was inevitably going to change because whoever's going to be the director now or in the future is going to bring their own vision to Global Studies. And Global Studies is a huge field with a lot of potential and a lot of direction that it could go in, which is why it is also important for there to be a team working together to make a commitment to what the values and vision in this programme are.

L: If I can dream big here, I think one thing, I really want to see someday a

special centre for Global Studies or a School of Global Studies, some kind of home for Global Studies. We're so trans-, we're so inter-, but we don't have a place where all this transdisciplinary magic can be happening. Collaboration, exchange of ideas, blending of different viewpoints, this is what makes global studies Global Studies. And there should be a place and space for this.

A Local Movement

B: Global Studies is a discipline or transdisciplinary area of study but wherever you study, you're always studying something from a place. So the place where you are is always going to be central to Global Studies. Studying Global Studies in Aotearoa New Zealand is different from studying Global Studies from Santa Barbara California, right? The idea that is unique about our Global Studies programme and an area we would like to see grow is the focus on the Pacific and our location in the Pacific.

L: If we're looking at the former British colonies and if we're looking at countries from the Anglo-Saxon world, I think, New Zealand is positioned uniquely because it has managed to establish more or less a constructive dialogue with the Māori people, with the Pacific people, with immigrant communities, and somehow it all works together. Of course, nothing is perfect. But if we look at some other areas such as Australia, for example, there are much more serious issues in terms of how people cannot co-exist together. This is something that we need to cherish and remember, this is a strength of Aotearoa, and this should be a major strength of Global Studies here. And if we're talking specifically about Auckland, we need to remember that we created the first New Zealand Global Studies degree, and it will always be the first. We have a certain responsibility related to that, we need to be the flagship of Global Studies research in New Zealand. We should, perhaps, be a golden standard, I don't know. It's kind of aspirational but still, we need to do our best to maintain high standards and lead the way. This is something that keeps me awake at night but that's something we all owe our students.

GRIEVABILITY AND IMPERIALISM: LAND PERCEPTIONS OF MAPUCHE, MĀORI, AND THEIR WESTERN COUNTERPARTS

By Kimberly Widia Thio

BA/BGlobal St: Psychology, Global Politics and Human Rights, Spanish

Abstract:

Indigenous groups, like Coordinadora Arauco-Malleco (CAM) or Ngāti Pāoa in the Pūtiki Bay protest, may be viewed and portrayed by their Western counterparts as ungrievable. This may be due to the difference in land perceptions of the West and of these indigenous communities; with the initial using land to gain capital and the latter having a deeper, spiritual connection to land. However, decolonisation invites the idea that ungrievability of indigenous communities may be due to imperialism. These land perceptions of CAM, Ngāti Pāoa, and their Western counterparts will be unravelled, and discussed with the lens of grievability and decolonisation.

Keywords: land perceptions, the West, CAM, Ngāti Pāoa, grievability, decolonisation, imperialism

We all have some sort of interaction with land. Most of us live on it, some may capitalise on it, and some may have a deeper connection to it. Western ideologies may lead to the capitalisation of land, while some indigenous ways of being may hold a deeper connection to land. This contrasting view often conflicts with each other, as in the case of the Mapuche in Chile and Māori in New Zealand, with their Western counterparts.

The insidious part of this conflict lies in the concept of ‘grievability’, derived from Judith Butler. Grievability is explained by Butler (2009) as the way that individuals or certain groups are framed to have lives that “are considered valuable” and are “mourned”, as opposed to those “whose lives are considered ungrievable”, or not as valuable (p. 38). Hence, grievability can be used as a political tool to ascribe different groups as ‘ungrievable’ or not deserving mercy, consequently influencing public opinion that these groups are harmful to society and should be punished. This concept of grievability can be illuminated through specific case studies of a Mapuche organisation, Coordinadora Arauco-Malleco (CAM), and the protest in Pūtiki Bay led by Ngāti Pāoa.

These two case studies are chosen to highlight the similarities and differences of the two different indigenous

groups. A similarity can be found in their fight for land rights due to their deep relationship with land—and nature by extension. However, CAM is an organisation, while Pūtiki is a protest. They are also different communities with distinct experiences under colonialism (Smith, 2021), therefore, their historical backgrounds will be briefly examined. However, their land perceptions may reveal to be similar. Hence, they will be discussed together in contrast to the land perception of the West.

This view of ‘the West’ needs to be clarified first. The postmodernist scholar Edward Said often refers to the West as the “European Western experience” (Said, 1978, p. 9), and the feminist scholar Sarah Ahmed often regards the West as the Northern hemisphere, particularly the United States and the United Kingdom (Ahmed et al., 2005). Most importantly, the Western view is defined best by a sociology journal article by Joseph et al. (1990) as the tendency to use a Western social norm as a basis to make evaluative judgements on other groups, implicitly holding that their view is superior to others’. The Western view is also rooted in the “historical process of western colonialism and economic dominance”, which provides an ideological justification for their dominance (Joseph et al., 1990, p. 1). Hence, by the West, this paper mainly refers to the Eurocentric or Western ideologies held by the Chilean and New Zealand industries that are involved with the two case studies, and, by extension, the governments of these countries.

Through contrasting land perceptions of the West and the indigenous groups, many global paradigms are challenged. Firstly is the global issue of indigenous rights. The indigenous groups mentioned are located in Western-dominated countries but from different parts of the world. They have different histories, policies, cultures, and more, but their experiences still reflect each other in their fight for their land perception. Secondly, there is also the global paradigm of climate change, and how it is addressed is often a reflection of ongoing colonisation. This paradigm emerges from how the difference in land perceptions may result in a difference in the treatment of land, and nature as an extension.

Therefore, this paper aims to analyse the land perceptions of

the indigenous groups in the case studies, view how it may clash with the land perception of the West, and then tie it to the concept of grievability. In the first point, the Mapuche and Māori perception of land will be inspected, followed by a discussion of the grievability of these indigenous groups and land from their perspectives. In the second point, the perspective of land of the West (i.e., the Chilean and New Zealand governments and industries) will be discussed, followed by a discussion on the grievability of these indigenous groups and of land from the perspective of the West.

Methodology

As it is a new protest, the period for the Pūtiki protest is from its start in March 2021 to the current date in October 2021. The period chosen for CAM is also from its creation to October 2021. This wide time frame was chosen so as to have a general overview of CAM and its interactions with the Chilean government, but some events will be brought up. The Pūtiki protest was chosen to contrast CAM due to the differences in timeframe, in being a relatively new protest, and severity, in being relatively less severe. This will be expanded upon later.

Historical-archival research was used to gather the information required for all the parties involved. While academic articles sufficed to represent the view of CAM, social media was predominantly used for the Pūtiki protest. This was because there are still gaps in the literature for the latter, as it is a very recent protest. Social media provides a good outlet for primary research on the Pūtiki protest, especially as the Instagram account has frequent posts and updates of the situation in Pūtiki Bay.

There are also limitations to social media. There is the uncertainty of who has posted on the account; whether the posts were made from the owner of the account and what their positionality is. To alleviate this issue, news, documentaries, and petitions were also used. To have a complete view of the situation, the Western views of their governments are also inspected. News articles were predominantly used to describe the situation, but governmental declarations and reports from industries were also used.

As a 4th generation Asian migrant or tauwiwi in New Zealand, there are many aspects of indigeneity that I do not know of. I have taken some Māori courses, or courses that covered some aspects of indigeneity, however, I recognise that it may still not be sufficient, as I do not share the lived experiences that these indigenous groups have. In reference

to the Chilean government, I have not had any experience under it. As for the New Zealand government, although I only started living here a couple of years ago, I am taught in a Western lens and brought up partly under a Western education, even when I lived in Indonesia. Therefore, as much as I aim to maintain a neutral viewpoint, I recognise that I am also influenced by my upbringing.

Theoretical Lens

Regarding the theoretical lens used in this paper; besides grievability, decolonisation will also be a lens adopted in this research, as it aids in understanding grievability. Decolonisation provides a reason why these indigenous groups are grieved differently by their Western counterparts. In this paper, grievability will be used to see “how affect is regulated” by the West to shape the way the public views certain groups (Butler, 2009, p. 40). Then, decolonisation will support grievability as it provides the lens on how “imperialism has been perpetuated” by collecting, classifying, then representing the knowledge of indigenous peoples “back to the West”, shaping indigenous peoples to suit the mould of the West (Smith, 2012, p. 1). In other words, decolonisation helps in viewing how grievability is used as a tool for imperialism.

Coordinadora Arauco-Malleco (CAM)

Overview

Until the late nineteenth century, the Mapuche were autonomous socially, politically, economically, and territorially (Gaitán-Barrera & Azeez, 2018). Only after the Chilean state invaded the Mapuche territory in the ‘Pacification of Araucania’ campaign that ended in 1883, did the assimilation and start of poverty in Mapuche communities begin (Bengoa, 2000). Mapuche land was reduced from 10 million hectares of land to between 475,000 to 500,000 by the end of the 22 yearlong campaign and Mapuche communities became limited to *reducciones* or reservation areas (Bengoa, 2000; UNESCO, 2013). These *reducciones* were generally of poor quality, arid land that forced Mapuche to migrate to cities or work as temporary labourers in nearby estates (Kowalczyk, 2013; Minority Rights Group International, 2020).

This is why CAM was created in 1998. CAM aims to recover Mapuche lands back (Gaitán-Barrera & Azeez, 2018), however, different from other Mapuche protest organisations that are typically pacifist, CAM deploys a more aggressive tactic. Furthermore, CAM is the first Mapuche organisation that takes direct action against the political and economic systems of Chile (Kowalczyk, 2013), bearing arms to fight against the forestry industry that occupies their land and resources. Aljazeera reporter

Newman (2021) reports that “CAM has carried out armed sabotage attacks, primarily on assets of forestry companies” for over two decades. While their emergence did create a divide with other pacifist Mapuche organisations, it has also inspired new Mapuche organisations to fight against land grabbing with assault rifles (Newman, 2021).

Directly, CAM aims their attacks on industries (mainly forestry industries), but their main attack is on the Western ideology. CAM’s political project can be seen as an act of decolonisation that is “inherently anti-Western, anti-capitalist, anti-Christian, anti-statist, anti-systemic, non-leftist, and non-anarchist” (Gaitán-Barrera and Azzez, 2018, p. 7). For CAM, the objective is to have autonomy for Mapuche people. This refers to having their own “historia, lengua, cultura, un territorio, la conciencia de ser Mapuche” or their own “history, language, culture, and territory, the conscience of being Mapuche”, as Llaitul puts in *La Tercera* news (Cayuqueo, 2016). To CAM, this cannot be done unless separated from the Western ideology. Picking on one of CAM’s values, anti-capitalism, it can be observed that CAM believes it is important to have this. CAM believes that capitalism “era el principal culpable del retroceso económico, cultural y político del pueblo mapuche”, or “was the main culprit of the economic, cultural, and political regression of the Mapuche peoples” (Padilla and Vallejos, 2011, p. 73). Industries, such as the forestry industries against CAM, are driven by capitalism. Not only do they take up Mapuche land, but they also use up the resources, and sometimes pollute it. For CAM, Mapuche appears to be in the process of being exterminated by these industries, and also by the governments that allow or issue industries to do so (i.e., during Pinochet’s regime, see Minority Rights Group International, 2020). Hence, for CAM, to resist this extermination and gain autonomy, it is important to go against Western values.

This leads to the question of why CAM chose a more aggressive tactic. In their research, Gaitán-Barrera and Azzez (2018) interviewed one of the creators of CAM and current CAM spokesperson, Weychafe Héctor Llaitul, where he explained the reason behind CAM’s strategies. In the interview, Llaitul expressed how other Mapuche organisations that aim to establish autonomy through a regional government in Chile (e.g., Wallmapuche or CTT) often are “unable to achieve anything more than a symbolic, cultural and folkloric form of autonomy” (p. 8). He mentions that they will, at most, gain “political representation at a local level and regained control of smaller fundos”, but it will be at the “cost of the overall Mapuche struggle for liberation” (p. 6). Meanwhile, CAM

posits that autonomy for Mapuche needs to be “‘battled over, it cannot be achieved neither by concession nor negotiation’” (p. 12).

Llaitul’s statement is emphasised more when the history of indigenous rights in Chile is taken into consideration. During Salvador Allende’s government (1970-73) an Indigenous Law was passed to recognise the culture and history of Mapuche in Chile, however, this was undone in 1979 under Augusto Pinochet’s regime who also murdered and threatened many Mapuche leaders (Minority Rights Group International, 2020). Under Patricio Aylwin in 1993, the National Corporation for Indigenous Peoples’ Development (CONADI) was built to return land to Mapuche communities and involve them in policy decisions that affect their community. However, the directors of CONADI could still be removed if they opposed the government’s agenda. These seesaw acts added to the frustration of Mapuche peoples, which led to the formation of more radical protest organisations, such as CAM.

Contrasting View

Even though CAM deploys an aggressive tactic, it is important to note that they do not carry out their attacks on people. Their attacks are directed solely to “inflict harm and loss on statist and economic agents” and they do not “execute actions against any individual whether a farmer, driver or a security guard”, as per Llaitul’s comment in the interview with Gaitán-Barrera and Azzez (2018, p. 17). However, there has been recent news that Chilean civilians and small farms have been attacked and homes were torched (Newman, 2021; Zamorano, 2021). For example, in March 2021 there was an ambush on journalists that worked with Chile’s main television channel, moments after they finalised their plan for an interview with Llaitul (Newman, 2021). In a report by Nahuelpán et al. (2021), mainstream media was mentioned to attribute the attack to CAM, however, CAM released a statement days after that this was a “false flag action” (p. 297). Many instances mimic this situation as well (see Zamorano, 2021; Nahuelpán et al., 2021; Newman, 2021). Furthermore, there have been instances where evidence was contested due to thoughts of fabrication, such as in Operación Huracán (Sepúlveda & González, 2018; The Economist Intelligence Unit, n.d.). Although they assert that they do not attack civilians, CAM has inspired new organisations that are more militant. These new organisations respond with more violence, including towards Mapuche communities that show opposition to CAM’s method. An example is Camilo Sanchez from the Boroa Mapuche community who expressed disapproval of CAM’s “violent, radical method of land takeovers”, to

which they were replied with a burning of “between 3,000 and 5,000 bales of [their] dry grain” that was used to feed their animals (Newman, 2021). Sanchez expressed to Aljazeera that they support Mapuche land movements, but not through these “terrorist methods that are discrediting the Mapuche people” (Newman, 2021).

For these reasons, Chile declares CAM as a terrorist group. In a report by the Office of the Coordinator for Counterterrorism (2008), Chile requested FBI support on “domestic terrorism cases”, referring to CAM. The report describes CAM as a “violent Mapuche Indian group...that has burnt fields and attacked police while fighting for land it claims belongs to it”. Highlighting the word ‘claims’, this sentence creates the portrayal that CAM does not have any evidence that the land belongs to them; that the land that Chile industries or government has been using was not CAM’s to begin with. This report illuminates how the Western counterparts of CAM view and aim to portray CAM as a foolish and brash organisation to be stopped.

Mapuche View on Land

Similar to other indigenous groups, land plays a big part in Mapuche identity. The strength of their identity and community depends on the health of the land and their relationship to it (Mariman et al., 2006; Quintriqueo & Cárdenas, 2010). Mapuche especially have a long history with their land, resisting even the Incan empire. Their culture revolves around land, whether socio-politically, spiritually, medically, and more. More importantly, Mapuche have been forcibly removed from their land, relocated to arid land, and forced to assimilate to the West through the repression of their language and culture (Bengoa, 2000; Mariman et al., 2006). This is why the fight for land is important for CAM to the point that they are willing to take a more aggressive stance.

Discussion on Grievability

In terms of grievability, CAM appears to be less grievable from the eyes of the West than from the view of CAM itself. This is apparent from the West’s portrayal of CAM as less grievable through the government declaration of CAM as a terrorist group, as well as through attribution of attacks to CAM by forestry industries. This instance appears to ring true to what Judith Butler (2009) proposes, in that “those who sought to limit the power of the image... also sought to limit the power of affect” as it would “turn public opinion” (p. 40). The more the public sides with the Chilean government and forestry industries, the easier it would be to continue with construction processes on Mapuche land to gain profit. Meanwhile, a pushback from the public could

incite further protests and halt construction processes. In fact, this pushback has been a reoccurring issue in Chile, especially whenever it is close to election day (Cambero, 2021). The historical attacks from the government on Mapuche communities and the revelation of fabricated evidence also adds more fire to political protests due to further doubts on the integrity of the Chilean government. Hence, it appears that there is a political benefit for the West in making CAM ungrievable.

Besides grievability of people, there is also the grievability of land. Butler (2009) views an ungrievable life as “one that cannot be mourned because it has never lived” (p. 38). In other words, if something or someone was not considered alive in the first place it would be ungrievable. The West more often view land as a source of capital, and if there is grievance over land it would be from loss of capital (Bauer, 2015). Meanwhile, CAM’s grief over land includes their grief over their culture being lost, history forgotten, and community displaced as they are moved to arid lands. This shows the different ways of knowing and being of CAM compared to its Western counterpart; with CAM having a deeper spiritual relationship with land, and the West having a more superficial relationship with land.

Pūtiki Bay Protest

Overview

The protest at Pūtiki Bay started with the construction of the Kennedy Point Marina on Waiheke Island. The Spinoff reports that the project will include the construction of “180 berths, a floating carpark, onshore facilities like sewage containment and a café”, however, this was planned without consultation with Ngāti Pāoa that holds whakapapa, or trace their ancestry to the land (Muru-Lanning, 2021). In their call for a petition to stop this construction, Ngāti Pāoa mentions that their resistance to the construction is to protect their “whakapapa connections” and also “ancestral moana” (Ngāti Pāoa, 2021). Furthermore, there are also concerns that the construction will impact the “taonga species” [1] or treasured species home to Pūtiki Bay, such as the “are kororā (little blue penguins), makō (sharks), aihe (dolphins) and parāoa (whales)” (Ngāti Pāoa, 2021).

For these reasons, some members of Ngāti Pāoa started the protest by occupying Pūtiki Bay to stop the construction from continuing. Acting as kaitiaki (guardians), they aim for a peaceful protest. On their Instagram account, throughout different posts, they have encouraged the people of Aotearoa (New Zealand) to join in and stop this construction (Protect Pūtiki, May 3 2021). This can be done by swimming, kayaking, or sailing, as construction will be

halted if there is anyone in the waters around Pūtiki Bay. This has led to the construction being halted for over 7 months (Protect Pūtiki, October 16 2021).

This peaceful protest still involved violence. A protestor was rammed by a marina developer's boat, leaving them with a sprained neck and wrist (Franks, 2021). Police had arrived to remove the protest group, and in July, in a video from Radio New Zealand (RNZ) (2021), a reporter narrates over a scene of a protestor being pushed into the water and "kicked in the face". There were comments by a kaitiaki called Mako that it was dangerous and did not seem necessary to use "a hook and a paddle as a weapon" on protestors (RNZ, 2021). It was mentioned in their Instagram post that "4 kaitiaki were raided from peaceful occupations" and "1 chopper, 4 police boats and 100 police officers" were involved (Protect Pūtiki, 16 July 2021).

This was also complicated by lockdown in Auckland. The protestors remained in their bubbles with their own tents at Pūtiki Bay, but their campsite was dismantled by police for breaching lockdown rules (RNZ, 2021). This was deemed "totally unnecessary" by some and "clearly targeting the protestors" (RNZ, 2021). This treatment has been compared to other anti-lockdown protests in Auckland or lockdown breachers (e.g., the couple in Wanaka that left Auckland during lockdown) where bubbles were clearly breached (Kapitan, 2021). Though there is a difference in anti-lockdown protests with massive amounts of people, where arrests could cause mayhem (Dillane, 2021), it has taken lockdown breachers a while to be charged.

Contrasting View

Stuff news reported that the Kennedy Point Marina already had resource consent from Auckland Council to conduct the construction as of 2016 (Brettkelly, 2021; Muru-Lanning, 2021). Furthermore, the developers had consulted with the Ngāti Pāoa Iwi Trust and had been given a green light (Franks, 2021). This Iwi Trust is separate from the Trust Board that Ngāti Pāoa set up in 2013 that holds "mandate over issues of resource management and local governance", and which they insist should have been consulted (Franks, 2021). A ruling from the Māori Appellate Court (2020) recognised that Auckland Council was wrong in engaging with Iwi Trust "as if it were the representative of the iwi" (p. 329), however, legally Kennedy Point Marina was still granted consent and can resume their construction (Auckland Council, 2021). Despite this, the developers also maintain that they have consulted with mana whenua

(people of the land), especially Ngāti Pāoa (Franks, 2021; Kennedy Point Marina, n.d.).

In regards to the protection of the animals, kororā was focused on since the rocks where construction begins is the habitat of the penguins. The developers insist that "protecting the penguins is a priority" and that the construction works "are not and never have been destroying the breakwater wall" where kororā burrows are (Earley & Franks, 2021). Their work has been confirmed by a penguin expert, Dr Leigh Bull, that it will not harm the kororā's habitat (Earley & Franks, 2021). There were some concerns that the noise of the construction may harm the kororā, however, the proposal for the construction has also been revised to take this extra precaution to monitor the noise (Auckland Council, 2021).

Moreover, there were also replies on the violence involved. For example, when a developer's boat rammed into a protestor, the developer responded that protestors were "deliberately putting themselves into the path" of the boat (Franks, 2021). And in response to the presence of police, Inspector Dave Hines has mentioned that the "police recognise the lawful right to protest, however [they] also recognise the right of people to go about their lawful business" (Earley & Franks, 2021). Police were also present to ensure that everyone was safe while construction took place (Earley & Franks, 2021).

Māori View of Land

Land is significant to Māori. Like CAM, Ngāti Pāoa's culture and history are rooted in land. They are mana whenua, the land is part of their whakapapa, and they have a responsibility to protect the taonga of Waiheke. They also view the area as wāhi tapu (sacred) and not to be interfered with. Most Māori consider the construction of sewage tanks for the marina as trampling on tapu, even if it is mentioned to have zero chance of leakage (Franks, 2021). When land or connection to land is perturbed, wellbeing for many Māori is also perturbed. This can be viewed through the wellbeing models that have been adapted to Māori, such as Te Whare Tapa Whā which includes the element of whenua (land) (Durie, 1998).

Discussion of Grievability

Although the Pūtiki protest is less severe than CAM, there is still violence involved. They held a peaceful protest, but were sometimes responded with violence from the workers, developers, or police. The Pūtiki kaitiaki also remained in

[1]Māori words are not italicized, except when in quotes, as Te Reo Māori is an official language in New Zealand. Although translations are provided for Māori words, not all translations will reflect the true meaning in one or a couple of words. Hence, they should be treated as a refresher instead.

their bubbles but were forcibly removed by police. Meanwhile, lockdown breachers are significantly more harmful, due to the possible spread of Covid-19, but they were treated with less physical violence and not yet charged (Kapitan, 2021). In terms of grievability, it appears that the Pūtiki kaitiaki are less grievable than lockdown breachers. Indeed, they are not treated as terrorists like CAM, but this is a peaceful protest that is instead treated with violence.

In terms of grievability of land, Ngāti Pāoa holds land in a deeper sense, similar to CAM. Meanwhile, the New Zealand government and the companies involved in this protest view land more similarly to the Western counterparts of CAM. Land is viewed as a body to be grieved over for Māori. The damage of land is damaging for them, which is why they act as kaitiaki to prevent the construction. Meanwhile, Kennedy Point Marina views land as capital. The construction continues as a lot of resources have already been invested for construction, and the marina will also produce a lot of capital (Kennedy Point Marina, n.d.). This shows a similar situation to CAM where Ngāti Pāoa and its Western counterpart appear to have different ways of knowing and being. Though, in this case, Ngāti Pāoa views themselves as a kaitiaki of Waiheke land, while their Western counterparts view themselves as developers that have the legal rights to make profit on Waiheke.

The West (Chile & NZ)

Western View of Land and The Connection to Grievability

Throughout this paper, the Western view of land has been stated. Land is viewed as a commodity, a capital to transact and build industries to produce more capital. It certainly is not considered to have a life of its own. This difference in the view of land reveals itself in the extent of grievability in the two case studies.

For the grievability of land, both New Zealand and Chile governments often may view land as what humans control. Their grief over land is limited to how much land is needed to serve people. In the case of the Pūtiki protest, the habitat of the kororā was only considered after further pushbacks from Ngāti Pāoa and the public (Earley & Franks, 2021). A sewage tank was also planned, disregarding how precious the land and sea is, and that there still is a potential that it may leak and destroy the environment. From this view, it is apparent that the West holds the view that the most disastrous outcome a leak would create is environmental damage. However, Ngāti Pāoa, and many other indigenous groups, views nature as an entity itself, as precious as people (Ngāti Pāoa, 2021). If the West viewed the sea as a person, they may refuse to jeopardise the life of another person for construction that provides capital.

Meanwhile, with CAM, the Chilean government labels them as terrorists. There is a power in framing, which portrays CAM as dangerous to the people of Chile. However, CAM possesses the most threat mainly on industries like forestry, and its extension—capital. It has been discussed that there was fabricated evidence made to frame CAM as more violent than they are to the public, and there were allusions that this has happened over multiple cases.

Regarding the grievability of people, the indigenous groups that grieve over land appear to be responded with punishment instead. In the case of CAM, there is the idea of a ‘good Mapuche’, which refers to the pacifist organisations, and ‘bad Mapuche’, such as CAM—in which the Chilean government only wants to negotiate with the ‘good Mapuche’ (Newman, 2021). Here, the West aims to portray CAM as ungrievable, through labelling them as terrorists and fabricating evidence to portray them as harmful to the public. For the Pūtiki protest, the construction of the marina is an investment that will give large returns from tourists. The protestors are a hindrance to this progress, halting it for over seven months now. Even though less severe, the protestors at Pūtiki were still treated harshly. This shows how the Western counterparts of both of these groups view and portray them as ungrievable.

There is a fundamental difference here. The West does not perceive land as something to be mourned over. To the West, land is ungrievable as it has never had life to begin with. It is significantly harder to grasp why Ngāti Pāoa or CAM are willing to relentlessly fight this hard against them, for the ontology of their land perceptions conflicts. The West would find it difficult to understand the concept of mourning over land, and likewise, for CAM or Mapuche, it would be difficult to understand why the idea of constructions could harm land.

Grievability’s Tie to Decolonisation

Even though there are contrasting views from the different land perceptions of the indigenous groups and the West, it still questions why they truly clash. For the West, there is the ongoing colonial ideology established since colonisation. For New Zealand, this Western influence derives from the Crown. For Chile, they are influenced by Spanish colonisation. From this history, New Zealand and Chile have grown to be countries with a system and culture centred on this Western ideology. As initially described, the West views other cultures through their own lens. They view other parties against them as a threat that must be assimilated into the Western way before a conversation can be made. They promote cultural hegemony, a concept

developed by Antony Gramsci to explain the manipulation of “the values and perceptions of the working classes” to suit the view of powerful elites (Darian-Smith, & McCarty, 2017, pp. 64-65). In the 21st century, it appears that this Western ideology worships capitalism, as it dictates that survival in the modern world requires capital.

This reveals there is more to the difference in land perceptions. It is not just that Mapuche and Māori have different land perceptions from the West, but that they are also forced to live in this Western way. Mapuche and Māori now have to live within the framework of capitalism, as their perceptions of land carry less weight.

Decolonisation aids to view these different land perceptions. CAM and the Pūtiki protest are portrayed in negative lighting to maintain what Smith refers as the “status quo of unequal power distribution” (Smith, 2021, p. 148). In the case study of CAM, the Chilean government and forestry industries disregard their right to their land, referring to them as terrorists when their construction plans are prevented and current industries ruined. While in the case of Pūtiki, as Auckland Council and Kennedy Point Marina persist in the construction despite the circumstances of not consulting with the right iwi organisation, they are acknowledging the Western legal system. This maintains the Western ways of knowing and being, and diminishing Māori’s. Decolonisation aids in understanding precisely this; that Māori and Mapuche have complete different fundamental ways of perceiving the world from the West, and according to the West, this difference is not invited. Both indigenous do not want their land trampled over and desecrated through construction, but their land perception does not seem valid enough to stop construction.

Discussion On The Global Effects

There are global ramifications from these two case studies. The first is on indigenous rights. We see this from the two case studies that Chile and New Zealand hold a view that the only way to view the world is the Western way. This dominance of the Western view oppresses other ways of knowing and being when it conflicts with theirs, such as that of indigenous communities. In the case studies, it can be observed that when indigenous communities clash with the Western ideology of capitalism, these groups are seen or portrayed to be ungrievable. Why are they ungrievable? Simply put, it can be said that it is due to the difference in land perceptions—since land is ungrievable to the West but grievable to CAM and Ngāti Pāoa. However, from a decolonisation lens, this may simply be the effects of imperialism.

These different land perceptions also further lead to the concept of ‘untouched land’ that the West often considers. This is the premise of colonisation; that a land is untouched if it is unregistered by Western law, and hence can be claimed. This completely disregards indigenous communities that have a long history with land. It questions why indigenous communities have to have their land acknowledged under the laws of the West if they already occupied the land long before the West came.

This leads to the second point on climate change. As established, CAM and Ngāti Pāoa, as well as other indigenous groups, have a long and deep relationship with land. This also means that they understand well how to regulate and care for land to maintain its sustainability. However, with industries taking over their land, it becomes harder to regulate it. And the more the West takes up land, repurposing it to create profit, the worse climate change becomes. The world now struggles to fight the issue of climate change, scrambling to find ways of land management under the West’s capitalism. However, the key to climate change may not be in new inventions, but rather in old conventions.

Bibliography:

- Auckland Council. (2021, September 21). *Explainer: Kennedy Point marina consent*. <https://ourauckland.aucklandcouncil.govt.nz/news/2021/04/explainer-kennedy-point-marina-consent/>
- Ahmed, S., Kilby, J., Lury, C., & Skeggs, B. (2005). *Transformations Thinking Through Feminism*. Taylor and Francis.
- Bauer, K. (2016). Land versus Territory: Evaluating Indigenous Land Policy for the Mapuche in Chile. *Journal of Agrarian Change*, 16(4), 627-645. <https://doi.org/10.1111/joac.12103>
- Bengoa, J. (2000). *Historia del Pueblo Mapuche*. Editorial LOM.
- Brett Kelly, S. (2021, April 13). The Detail: The controversy behind Waiheke Island's Kennedy Point marina. *Stuff*. <https://www.stuff.co.nz/national/the-detail/300276345/the-detail-the-controversy-behind-waiheke-islands-kennedy-point-marina>
- Burgos, M. E. Q., & Huaiquinao, J. Ñ. (2013). Registro de América Latina y el Caribe de Memoria del Mundo de la UNESCO reconoce documentos sobre historia del pueblo mapuche. United Nations Educational, Scientific, and Cultural Organization (UNESCO). <https://es.unesco.org/news/registro-am%C3%A9rica-latina-y-caribe-memoria-del-mundo-unesco-reconoce-documentos-historia-del>

- Butler, J. (2009). *Frames of war: When is life grievable?* Verso.
- Cayuqueo, P. (2016, July 24). Héctor Llaitul, líder de la Coordinadora Arauco Malleco (CAM): 'Estamos disponibles para una tregua con el Estado. *La Tercera*.
<http://www.cooperativa.cl/noticias/pais/pueblos-origenarios/mapuche/lider-de-la-cam-estamos-disponibles-para-una-tregua-con-el-estado/2016-07-24/120640.html>.
- Chile. (n.d.). The Economist Intelligence Unit.
<http://country.eiu.com/article.aspx?articleid=1226119906&Country=Chile&topic=Economy&oid=716153655&flid=145967998>
- Darian-Smith, E., & McCarty, P. (2017). *The Global Turn: Theories, Research Designs, and Methods for Global Studies*. University of California Press
- Dillane, T. (2021, October 16). Covid 19 Delta: Thousands at Auckland lockdown protest, Brian Tamaki speaks, police keep distance. *The New Zealand Herald*.
<https://www.nzherald.co.nz/nz/covid-19-delta-thousands-at-auckland-lockdown-protest-brian-tamaki-speaks-police-keep-distance/NYPJ6ETBX2UA6I5ZXBO5EKEFDI/>
- Durie, M. (1998). *Whaiora: Maori health development* (2nd ed.). Oxford University Press.
- Earley, M. & Franks, J. (2021, June 17). Arrests at Waiheke's Kennedy Point as fight to protect penguins escalates. *Stuff*.
<https://www.stuff.co.nz/national/300335223/arrests-at-waihekes-kennedy-point-as-fight-to-protect-penguins-escalates>
- Franks, J. (2021, March 27). Court to camp-out: Four-year fight to stop Waiheke marina culminates in occupation. *Stuff*.
<https://www.stuff.co.nz/national/124664510/court-to-campout-four-year-fight-to-stop-waiheke-marina-culminates-in-occupation>
- Gaitán-Barrera, A., & Azeez, G. K. (2018). Beyond recognition: autonomy, the state, and the Mapuche Coordinadora Arauco Malleco. *Latin American and Caribbean Ethnic Studies*, 13(2), 113-134.
<https://doi-org.ezproxy.auckland.ac.nz/10.1080/17442222.2018.1440488>
- Joseph, G. G., Reddy, V., & Searle-Chatterjee, M. (1990). Eurocentrism in the social sciences. *Race & Class*, 31(4), 1-26.
<https://doi-org.ezproxy.auckland.ac.nz/10.1177/030639689003100401>
- Kapitan, C. (2021, September 17). Covid 19 Delta outbreak: Why charges haven't been filed against Wānaka holidaymakers yet. *The New Zealand Herald*.
<https://www.nzherald.co.nz/nz/covid-19-delta-outbreak-why-charges-havent-been-filed-against-wanaka-holidaymakers-yet/N2C45AZFH637GIKT7WJH2DKJYU/>
- Kennedy Point Marina. (n.d.). *Kennedy Point Marina FAQs*.
<https://www.kennedypointmarina.co.nz/faqs>
- Kowalczyk, A. M. (2013). Indigenous peoples and modernity: Mapuche mobilizations in Chile. *Latin American Perspectives*, 40(4), 121-135.
<https://doi.org/10.1177/0094582X13484292>
- Māori Appellate Court. (2020). *Te Whakataunga ā Te Kooti, Reserved Judgment of the Court*.
<https://www.maorilandcourt.govt.nz/assets/Documents/Decisions/Ngati-Pāoa-Trust-Board-v-Ngati-Pāoa-Iwi-Trust-Ngati-Pāoa-2020-Maori-Appellate-Court-MB-318-2020-APPEAL-318-clean.pdf>
- Marimán, J. (2015). El nuevo ciclo de movilización mapuche en Chile: la emergencia de la CAM y el proyecto autonomista para una región plurinacional 1/The new cycle of mapuche mobilization in Chile: the emergence of the CAM and the project for a plurinational autonomy region. *Araucaria*, 17(34), 279-301.
<http://dx.doi.org.ezproxy.auckland.ac.nz/10.12795/araucaria.2015.i34.13>
- Mariman, P., Caniuqueo, S., Millalén, J., and Levil, R. (2006). '¡. . . Escucha, winka . . . !' *Cuatro ensayos de historia nacional mapuche y un epílogo sobre el future*. LOM Ediciones.
- Maureira, S. T., & Beltrán, M. V. (2018). Chile 2017: Ambiciones, Estrategias y Expectativas en El Estreno de Las Nuevas Reglas Electorales/Chile 2017: Ambitions, Strategies and Expectatives at the Onset of the New Electoral Rules. *Revista de Ciencia Política*, 38(2), 207+.
<https://link.gale.com/apps/doc/A602633661/AONE?u=learn&sid=bookmark-AONE&xid=a828f955>
- Minority Rights Group International. (2020, November 23). *Mapuche*.
<https://minorityrights.org/minorities/mapuche-2/>
- Muru-Lanning, C. (2021, June 27). The occupation at Pūtiki Bay, Waiheke – explained. *The Spinoff*.
<https://thespinoff.co.nz/atea/23-06-2021/the-occupation-at-Pūtiki-Bay-waiheke-explained/>
- Nahuelpán, H., Martínez, E., Hofflinger, A., & Millalén, P. (2021). In Wallmapu, Colonialism and Capitalism Realign: As Mapuche land reclamations threaten corporate profits, the Chilean state and forestry industry double down on repression. *NACLA Report on the Americas*, 53(3), 296-303.
<https://doi.org/10.1080/10714839.2021.1961469>

- Newman, L. (2021, April 12). A journey through Chile's conflict with Mapuche rebel groups. *Aljazeera*.
<https://www.aljazeera.com/features/2021/4/12/a-journey-through-chiles-conflict-with-mapuche-resistance-groups>
- Padilla, F. P., & Vallejos, R. Á. (2011). La Nueva Guerra de Arauco: la Coordinadora Arauco-Malleco y los nuevos movimientos de resistencia mapuche en el Chile de la Concertación (1997-2009). *Revista Izquierdas*, (10), 66-84.
- Camero, F. (2021, October 19). Polarized Chile marks anniversary of 2019 protests as election nears. *Reuters*.
<https://www.reuters.com/world/americas/chile-braces-protests-crossroads-election-nears-2021-10-18/>
- Ngāti Pāoa. (2021). "Petition to Auckland Council, Acting Minister of Conservation; Ayesha Verrall, Minister for the Environment; David Parker to Protect Pūtiki".
<https://our.actionstation.org.nz/petitions/protectPūtiki>
- Office of the Coordinator for Counterterrorism. (2008). *Country Reports on Terrorism 2007- Chile*. United States Department of State.
<https://www.refworld.org/docid/48196ccb28.html>
- Protect Pūtiki [protectPūtiki]. (2021, May 3). *Spread the word!!* [Photograph]. Instagram.
<https://www.instagram.com/p/COZE2GDs4WX/>
- Protect Pūtiki [protectPūtiki]. (2021, October 16). *Testament to direct action...* [Photograph]. Instagram.
<https://www.instagram.com/p/CVELQmjBzzc/>
- Protect Pūtiki [protectPūtiki]. (2021, July 16). *Yesterday was a disgusting day for the history of Aotearoa...* [Photograph]. Instagram.
<https://www.instagram.com/p/CRXFUDiMAJ1/>
- Protect Pūtiki [protectPūtiki]. (2021, July 16). *Red Alert...* [Photograph]. Instagram.
<https://www.instagram.com/p/CRXdZijMBVv/>
- Quintriqueo, S., & Cárdenas, P. (2010). Educación Intercultural en contextos mapuches. Articulación entre el conocimiento mapuche y el occidental en el ámbito de las ciencias. *Interculturalidad en contexto mapuche*, 91-128.
- Radio New Zealand (RNZ). (2021, July 8). *Checkpoint* [Video]. Radio New Zealand.
- Radio New Zealand (RNZ). (2021, August 21). Protesters' campsite at Pūtiki Bay taken down by police. *Radio New Zealand*.
<https://www.rnz.co.nz/news/national/449688/protesters-campsite-at-Pūtiki-Bay-taken-down-by-police>
- Said, E. (1978). *Orientalism: Western concepts of the Orient*. Pantheon.
- Sepúlveda, N. & González, M. (2018, December 07). "Operación Huracán": Testimonios y confesiones confirman que fue un montaje. *CIPER*.
<https://www.ciperchile.cl/2018/03/13/operacion-huracan-testimonios-y-confesiones-confirman-que-todo-fue-un-montaje/>
- Smith, L. T. (2012). *Decolonizing methodologies: Research and indigenous peoples* (2nd ed.). Zed Books Ltd.
- Zamorano, C. (2021, October 17). Coordinadora Arauco Malleco afirma que continuará con la ocupación de fundos ante despliegue militar en la Macrozona Sur. *La Tercera*. Retrieved from
<https://www.latercera.com/nacional/noticia/coordinadora-arauco-malleco-afirma-que-continuaran-con-la-ocupacion-de-fundos-ante-despliegue-militar-en-la-macrozona-sur/WVWKY2QDQBDUTDISFYXRKBWZ54/>
- Zamorano, C. (2021, September 20). Fiscalía de Alta Complejidad investiga ataque incendiario a matrimonio en Carahue: Pareja se mantiene en estado grave. *La Tercera*.
<https://www.latercera.com/nacional/noticia/fiscalia-de-alta-complejidad-investiga-ataque-incendiario-a-matrimonio-en-carahue-pareja-se-mantiene-en-estado-grave/ZKCTPNUBGJFVHMVSL6EMSX564/>

Kuaretanga, Ignorance

Nga mihi mahana mai nga wharangi o tenei puka whakaputa. He uri o
Hikurangi, o Waiapu, o Te Tairawhiti tuturu e haruru mai na.
A descendant of Mount Hikurangi, of the river Waiapu, of the East Coast
that thunders.

By Kakatarau Te Pou Kohere

Po! Po!
E tangi ana Tama ki te kai mana!
Waiho me tiki ake ki te Pou-a-hao-kai,
Hei a mai te pakake ki uta ra
Hei wai-u mo Tama!
Kia mauria mai e to tipuna, e Uenuku!
Whakarongo! Ko te kumara ko Pari-nui-te-
ra.
Ka hikimata te tapuae o Tangaroa,
Ka whaimata te tapuae o Tangaroa.
Tangaroa! Ka haruru!

Potiki, potiki, oh dear babe
The boy cries for food
Until it is to be fetched by the Pouhaokai
Drive the minke whale to shore
So as food to make mother's milk for the boy
Let it be brought by your ancestor, Uenuku
Listen! The kumara comes from the Cliffs of
the Sun
The trail of Tangaroa moves over the surface
The track of Tangaroa moves over the surface
Tangaroa! The steps resound!

There is an inclination to be critical of that which we know little of and to hold close to the truths that we have been taught, even if it is at the cost of someone else's dignity. Kuaretanga, ignorance, is one of the great afflictions of our societies today. To expect academics who neither speak Te Reo nor study Maori culture to intimately understand yet refute a knowledge base capable of crossing the vast Moana-nui-a-Kiwa requires quite a bit of kuare.

What is correct is that Maturanga Maori isn't limited to science as it is popularly understood. Science, after all, can't be limited to biology, chemistry, and physics. Science is a way of doing things and Maturanga Maori is a knowledge base to draw on. Poetry, songs, arts and folklore are intrinsic elements of Maturanga Maori, holistically contributing to the retention of facts, skills and history. Peer-reviewed across centuries of observation and a millennium of practice, stories have been passed down from generation to generation with codes to understand the observed and practised reality of our peoples and ancestors.

My ancestors passed down their purakau, stories and tales, recited in verse. Po po, an oriori (lullaby), was sung to my tipuna, as it was sung to me by my mother. Originating from the East Coast, the oriori is of pre-European origin and records the journey of the kumara to Aotearoa under the context of feeding a crying baby. The kumara was (and is still very much) a staple

food product, an essential kai at feasts and at other important occasions. Elaborate ritual usages were observed during its cultivation, and various myths explained its origin and nature. This oriori introduces a dozen purakau and historical stories to children that are to be learned in full later. Being a baby when it was first sung to me as my mother drove me to kohanga reo, it wasn't until I grew older and learned from my grandfather at the doorstep of his house on East Cape the significance of Uenuku, father of the famous whale rider Paikea, an ancestor mentioned across the genealogies of the Pacific, that I realized the sheer depth of our histories, both those of my whanau, and of my peoples.

The oriori mentions the cliffs of Pare-Nui-te-Ra, a name brought to Aotearoa from Tahiti, which had fertile banks brimming with kumara in the ancient days of yore. These connections echoed in my mother's voice beyond time as she recited the verses to me. When cross-referenced with other verses of the oriori and the narratives of our Pacific cousins, the narrative charts the tides and winds on which our ancestors brought the kumara from our Hawaiki. The second section of the oriori alludes to Hakirirangi, a woman aboard the waka Horouta who brought the kumara to Turanga-nui-a-Kiwa, Gisborne. An expert in the lore of the kumara, she knew that it should be planted with the blossoming of the kowhai in Spring. As something that remains true to this day, the kowhai tree's yellow flowers are a harbinger of a good kumara harvest if the signs are followed correctly. Oriori, and many other stories indigenous to this whenua can provide the basis for connecting people to their environments, the histories of the places they live in, and the historical significance of the lands they reside.

If the value of Egyptology, the study of Ancient Greece, Sumeria, and the Qin is priceless in its antiquity, why is there not the same enthusiasm for Tangata Maori, the indigenous peoples, across Te Moana-Nui-a-Kiwa? For what reason would you devalue thousands of years of exploration, astronomy, oceanography, and meteorology? All without the compass, without steel. The ancient chants and songs are the Maori archives, the annals of our history and experiences, the very essence that allows us to transcend boundaries whether they are the equator or the limits of human endurance. With the sun as our True North and the stars as our maps, our precious taonga are passed on from generation to generation, kept alive by incessant practice. Our songs and traditions echo with the thunder of waves and resonate with the spirit of our maritime ancestry.

There is an opportunity here, in the days of our lives, to proliferate this matauranga to future generations, Maori and tauwiwi alike. To reconnect tangata whenua to our ancestral knowledge, to further our understanding of the human experiences on this side of the Moana-nui-a-Kiwa, and for the indigenous histories and achievements to be recognised. Despite nearly 200 years of suppression, it is my hope that our ancestors, lawyers, scientists, scholars, elders, children, and descendants will continue to recite the verses that have been passed on. Understand that these verses are the kernels of truth from which trees of knowledge will grow, and the fruits that sprout will nourish the growth and embellish the minds of young Maori.

A NEW STAR

Friday 24 June 2022. The beginning of a new year. A date to remember.

For many of us, June 24 will come to pass as another unremarkable, cold winter's day made slightly more bearable with our encounter with a new public holiday. For those of us who haven't skimmed the significance and meaning of the occasion, for our *tangata whenua*, June 24 will mark a day of celebration, a day for growth and renewal – a chance to recognise *progress* in a country where progress for Māori has been slow and stunted. Positioned as a tauiwi, an outsider, a third party, I feel a buzzing excitement for the recent legislation which has formally recognised and established Matariki as an annual public holiday on these colonised lands.

For me, these developments represent an exciting advancement, a small step in the direction which is underpinned by the enduring struggles and the resolute resilience of Māori communities. I see this development as a historical moment, one that represents a shifting of attitudes and the turning of tides. It signals the intent from those at the top that we might finally be ready to begin reconciling Te Tiriti in the history of this country. Perhaps we can take these developments as a precursor, an antecedent that marks the initiation of decolonial efforts and the return of mana motuhake. Certainly, the sentiments I hold could be labelled ignorant optimism coming from an outsider. However, given the history of obstacles and the unfavourable decisions that have quelled Māori independence, Matariki feels noticeably different. It is an absolute privilege to be living in the era which may finally be ready to navigate these challenges, reconcile differences, and recognise indigeneity.

While conditioning 'mainstream' society to become comfortable with Te Ao Māori has taken decades, efforts have not been in vain. From hearing Te Reo being spoken on the 6pm news, to seeing words such as mīti and miraka being displayed at Pak'nSave, even the most basic kia ora said in passing have contributed to the current precedent in which upholding Te Tiriti is no longer anomalous. Instead, it seems to be more and more common that Vision Mātauranga is taking precedence with engagements and appreciation of Te Tiriti seen as a key skill and requirement for many workplaces and institutions.

All of us have the same responsibility to begin re-exploring, reimagining, re-envisioning the past, present, and future of the country we live in and the fundamental role Te Tiriti plays in it. We all have the same responsibility to begin dismantling the colonial mantle that has clouded perceptions and set a false precedent.

The rising of the Matariki constellation and the formal acknowledgement of its significance is the guiding light that sets the tone for a renewal of knowledge that is masked by colonial darkness. This year, on June 24, reach out and feel the urge to search for even the smallest significance of Matariki, to gain insight into the meaning it holds and what the occasion represents. Feel excited about the prospective developments that might soon follow and use the day to recognise the momentum we have gathered to reach this point. Granted, progress has been slow and strenuous. Fast-tracking this progress will take all of us and we all have a role to play.

THE NOUMÉA ACCORD: A SELF-DETERMINATION TRADE-OFF?

An analysis of Independence, Indigeneity and Self-Determination in the Context of the Decolonisation of New Caledonia

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Note from the Author: This article was written in 2021 prior to the final independence referendum in New Caledonia.



Part I: Introduction

A. Research Context

Since the 20th century, contemporary waves of decolonisation have eroded nation-state influence and amplified concerns of minority rights and indigenous populations. While independence movements in Catalina and Scotland have made headlines in recent years, independence continues to gain momentum in the Pacific, a region with a deep-rooted colonial history and significant geo-diversity. The tension that underlies independence in these regions is the need to strike a balance between regional dependencies and the preservation of independence and cultural identity. This is easier said than done.

This tension is evident in the decolonisation process that has occupied New Caledonia over the past two decades. At present, New Caledonia remains a French Overseas Territory whose soil contains approximately 25% of the world's nickel. Its GDP is higher than all independent and non-sovereign territories in the Pacific, [and is] almost equivalent to that of France.[1] The process of decolonisation was formalised by the territory in 1989 by L'accord de Nouméa (the Nouméa Accord). The Accord envisaged the transfer of "des compétences régaliennes", sovereign powers across a period of approximately twenty years.[2] This process would culminate in a "vote by the concerned populations" whose approval would amount to the 'new' sovereignty of New Caledonia shared in a "common destiny".[3]

However, out of three independence referendums conducted to date, two have marginally rejected independence. A similar result is anticipated for the final referendum which is to be held on 12 December 2021. While the pro-independence movement led by the Front de Libération Nationale Kanak et Socialiste (FLNKS), contends the "path to independence and sovereignty is inevitable",[4] it is evident that their participation in a process centred within French constitutional law has watered down the original elements of self-determination envisaged under the Accord. In this context, pro-independence movements cannot and should not be conflated with pro-indigenous movements. In fact, according to the Union Syndicale des travailleurs Kanak et des exploités (USTKE), one of several pro-indigenous collectives who see independence as a threat to their exercise of self-determination, they view the referendums [as] an 'electoral farce' and part of an extended strategy to subsume the Kanak people's struggle for self-determination into a singular 'New Caledonian' identity.[5]

B. Research Focus and Objective

Accordingly, the specific research question this paper addresses is to what extent the process of decolonisation envisaged by the Nouméa Accord affords the indigenous Kanak peoples of New Caledonia a legitimate right to self-determination. Ultimately, this paper aims to expose the constitutional tensions that underlie both the bipolarity of local politics in New Caledonia and those tensions of global decolonisation. This includes the tension between a Western framework based on the promotion of universal human rights versus an indigenous decolonial framework that recognises and seeks to generate a distinct ethnocultural identity. In the context of New Caledonia, it is this tension that has stagnated any prospect of independence and one which, at the time of writing of this paper (?), risks a repeat of the 1987 referendum boycott in the final vote on independence in December 2021.

C. A Global Studies Research

The above research question forms part of a broader research focus that analyses the global process of

[1] Graff and Le Queux, *Indigeneity, Decolonization and the "Politics of Common Destiny" in New Caledonia*, 11.

[2] Nouméa Accord, preamble.

[3] Preamble.

[4] Robie, *Victory in defeat for Kanak independence movement in latest referendum*, 1.

[5] Le Queux, "Labour and the Kanak People's Struggle for Sovereignty," 10.

decolonisation and its recognition of indigenous independence in a local context. In this sense, it forms part of the field of global studies research through the explicit reference to the link between intercultural, local, and global forces both spatially and temporally.[6] The convergence and intersection of several theoretical frameworks grounded in decoloniality, indigeneity, and human rights seeks to encourage global thinking and generate a sufficiently flexible conclusion to a contemporary and local issue;[7] the decolonisation of New Caledonia.

D. Positionality

I want to acknowledge that as a non-indigenous researcher, my understanding of decolonisation is derived from my Western education and my lived experiences as Dutch migrant woman who has grown up in New Zealand. While I have gone some way in “decolonising my own mind”[8] through my experiences as an intern for the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) under Dr. Claire Charteris, as Nombuso Dlamini explains, “to decolonize one’s mind is a life-long process”, made inherently more difficult by “systems of domination and subordination are not necessarily easy to identify”.[9] Thus, in conducting this research I acknowledge the Kanak peoples as the indigenous peoples of New Caledonia and the impacts of colonisation on their cultural dispossession and physical displacement. I also acknowledge that my conclusions do not and cannot speak for the Kanak peoples and their experiences.

E. Key Concepts

In answering the research question, it is important to preface this research by outlining what is meant by the term indigenous peoples and how this status affords indigenous peoples the right to self-determination.

Indigenous Peoples: As defined by former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for the UN, Jose R. Martinez Cobo, “Indigenous peoples are those which, having a historical continuity with pre-invasion and pre-colonial societies... consider themselves distinct from other sectors of the societies now prevailing on those territories”. [10] In the context of the Kanak peoples, such historical continuity is present in their occupation of their ancestral lands, distinct culture, language, and ethnic

identity. This historical continuity is also crucial in understanding the recognition of self-determination as a mechanism to enable the decolonisation of indigenous peoples and their territories.

Self-Determination: Identification with such factors preserves for these communities, without external interference, the sovereign right to decide who belongs to them. This is known as the right to self-determination and is formally recognised in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), by virtue of which indigenous peoples can “freely determine their political status and freely pursue their economic, social and cultural development”. [11] This right affords them “autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions”. [12]

Indigeneity: as a French territory, the decolonisation of New Caledonia requires a discussion of indigenous sovereignty or self-determination and the preservation of indigenous culture and identity, or indigeneity. While some contend indigeneity is an active reclamation of cultural identity in the struggle against the ongoing impacts of colonisation, as indigenous scholar Sir Mason Durie notes, indigeneity “goes beyond cultural recognition to claim a special place for indigenous people in the life of the nation.” [13] Instead, indigeneity is interpreted as the lens through which access to resources and respective privileges are determined. [14]

Ngugi wa Thiong’o sees indigeneity as a powerful tool in identity politics because it is able to establish continuity between the past and present as well as critique post and decolonial structures in the pursuit of independence. [15] However, indigeneity, like any form of identity must be understood as “a contingent, interactive, and historical product”. [16] This suggests that the targeted cultural recognition, that underpins the concept of indigeneity does not mean other cultures should not be appropriately recognised. [17]

F. Methodology, Theoretical Framework and Data Collection

To identify more specifically whether the process of decolonisation envisaged by the Nouméa Accord affords indigenous peoples a legitimate right to self-determination,

[6] Darian-Smith and McCarthy, *The Global Turn: Theories Research and Methods for Global Studies*, 55.

[7] Darian-Smith and McCarthy, 76.

[8] Thiong’o, Ngugi Wa, *Decolonising the Mind: The Politics of Language in African Literature*.

[9] Dlamini, S. Nombuso, et al, “What does a decolonizing/decentralizing methodology in examining sexual lives entail?” 53.

[10] United Nations, *Defining “Indigenous Peoples,”* 2.

[11] UNDRIP, art 3.

[12] Article 4.

[13] Durie, “An Indigenous Model of Health Promotion,” 181.

[14] Timperley, “Constellations of indigeneity: The power of definition”, 38.

[15] Ngugi, “Petals of Blood,” 151.

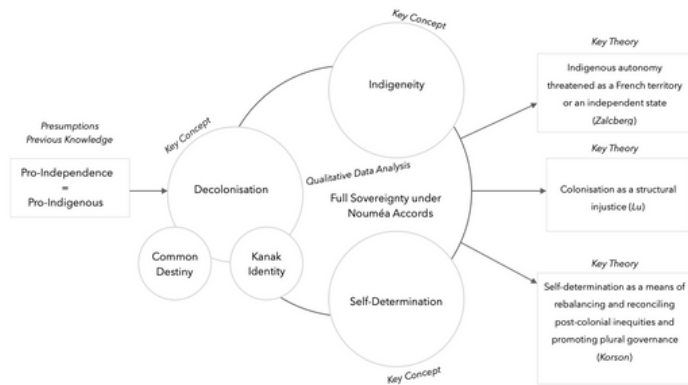
[16] Merlan, “Global and Local: Global and Local,” 319.

[17] Durie, 182.

this research project adopts a grounded theory constant comparative methodology. There are several strands of the grounded theory methodology developed by Glaser and Strauss in 1967.[18] This research will adopt a critical lens that focuses on the human, or in this case indigenous, perspectives, structures, and processes.[19] The approach constructs theories from data that has been systemically obtained and comparatively analysed,[20] where one single theory may not be appropriate or is too abstract to be tested.

In the context of this research, post-colonialism and neo-colonialism are inherently limited through their focus on political ideologies which frame the post-colonial lives of majority populations. Because settler colonialism is entangled in their practices, a focus on both post-colonialism and neo-colonialism not only risks misrepresenting indigenous peoples and their interests, but it also entangles the de-colonial desires of non-indigenous and indigenous groups which in turn, further empowers settler colonialism.[21] Although undeniably ‘relevant’ in the context of this research project, these theories and their anti-colonial critique are not addressed.

Figure 1: Grounded Theory Constant Comparative Framework



Instead, this research project is grounded in a decolonisation framework as set out in the above diagram. The qualitative content analysis aspect of the grounded theory is “a research method for subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns”.[22] This particular research project focuses on the latter identification of themes or concepts from a set of qualitative data as the

former more rigid and structured coding approach[23] leaves limited room for flexibility and adaptation throughout the research process.[24] These themes and concepts are used to address the presumption that pro-independence means pro-indigenous, and as a consequence of this presumption, the full sovereignty advocated for under the Nouméa Accord equates to a legitimate recognition and realisation of indigenous self-determination. The aim of this research project and its associated research methodology is to challenge these assumptions.

The identification of key concepts and themes is particularly important in this research project. Decolonisation is not a simple question of independence versus non-independence. It is a complex process that involves the balancing of several competing interests and political objectives. By placing concepts such as indigeneity and self-determination within this comparative framework, the aim is not to produce new knowledge or theories. Instead, and as highlighted above, these themes draw on several existing theories to answer the research question across three separate phases of analysis. In doing so, this research project sees decolonisation as part of a broader struggle for indigenous personhood and self-determination, situated within the ongoing structural injustices of colonisation within the international and transnational legal orders.

G. Research Limitations

The Use of a Grounded Theory Constant Comparative Approach for Data Collection: The traditional grounded theory approach uses a combination of primary and secondary data collection to produce a set of data. It places a significant emphasis on interviewing as a data collection method. Due to the approval required by the University of Auckland’s Ethics Committee to interview of human participants, the data collection in this research project is limited to qualitative and secondary data collection. Primary methods will include the collection of data and research from online historical archives and databases such as Taylor & Francis Online, JSTOR, Pacific Islands News & Information (PINI), Legal Information Institute, the Indigenous People’s Centre for Documentation, Research and Information (DOCIP), and LexisAdvance.

[18] Timonen, Foley and Conlon, “Challenges When Using Grounded Theory: A Pragmatic Introduction to Doing GT Research,” 2.

[19] Kempster and Parry, “Grounded theory and leadership research: A critical realist perspective”; Lee, Critical realism, method of grounded theory, and theory construction; Oliver, “Critical realist grounded theory: A new approach for social work research.”

[20] Kohlbacher, “The use of qualitative content analysis in case study research,” 12.

[21] Tuck and Yang, 1.

[22] Hsieh & Shannon “Three approaches to qualitative content analysis,” 1278.

[23] Mayring, “Qualitative content analysis.”

[23] Mayring, “Qualitative content analysis.”

[24] Kohlbacher, 12.

The Subjective Nature and Limited Focus of Qualitative Data: While qualitative data analysis is a key tenet of the grounded theory approach, the use of secondary sources and qualitative data analysis is inherently subjective. This also raises concerns regarding potential bias in the interpretation of data including confirmation bias on the part of the researcher. However, as grounded theory proponents explain, the assumption that this must produce a fully elaborated theory is a myth.[25] Instead, grounded theory is premised on secondary and qualitative data analysis and, regardless of the importance of interviewing and primary data collection, can assist in providing a new conceptualisation or framework which links key concepts to a variety of theories.

The Implications of Indigenous Data Sovereignty on Data Collection: Indigenous data sovereignty denotes that indigenous people as “direct indigenous descendants of the knowledge”, should have the right to control and be the “first beneficiaries” of data concerning their lands and communities.[26] The availability of indigenous sources relatively limited, as these sources are often not published or recorded in the same manner as Western data. Where there is access to indigenous data, it has been difficult to discern whether particular resources and data have been subject to indigenous data sovereignty principles before publication, including obtaining consent from indigenous peoples before publication.

This has been a challenging aspect of the research process particularly with respect to the analysis in Part I of my research on indigenous self-determination. However, where I have had access to indigenous data throughout the process of data collection, I have been conscious of my bias as a non-indigenous researcher, the potential misrepresentation of any data that I have permission to access, and to ensure that all sources are properly attributed.

H. Intercultural and Ethical Limitations

Conducting Indigenous Research as a Non-Indigenous Researcher: Indigenous storytelling is an essential part of not only indigenous culture but the process of decolonisation. As a non-indigenous researcher, I am conscious that certain aspects of indigenous research methodology and decolonisation techniques such as indigenous storytelling should be left to those with the lived experiences of what it means to be indigenous. Similarly, I am unable to speak to the intergenerational trauma and structural racism that indigenous peoples have and continue to face because of the ongoing effects of colonisation. This

is an inherent research limitation which I acknowledge cannot necessarily be overcome and has methodological implications on the legitimacy of my own conclusions.

Thus, my aim throughout this research project is not to assert that my conclusions are “correct” nor that they are an accurate representation of the indigenous experience of the decolonisation process in New Caledonia. Instead, I have used this research project as an opportunity to learn more about the indigenous decolonial experience through an, admittedly borrowed, indigenous lens. While this research represents my own views, I am conscious that I should not speak for the views of the Kanak peoples, and I acknowledge that by undertaking indigenous research as a non-indigenous researcher I risk further perpetuating settler colonial narratives and assumptions. As Tuck and Yang outline, this may cause feeling of discomfort and embarrassment or even the feelings of implication and complicity.[27] But these feelings are necessary and admittedly, I have encountered these feelings throughout my research. Thus, rather than using my research as a mechanism to deny my own potential complicity in ongoing settler colonialism and to relieve myself of these feelings of guilt or responsibility, I acknowledge that my research is not a substitute for indigenous narratives. Indigenous research methodology is a space for indigenous researchers that I should not and cannot occupy.

The Homogenisation of Indigenous Research Using a Conceptual Framework: The use of concepts such as decolonisation, indigeneity, and self-determination throughout my theoretical and conceptual framework carry inherent ethical limitations. As is evident in the struggle for independence in New Caledonia, concepts of indigeneity and independence converge also diverge depending on which group an individual identifies themselves with. Each group has a legitimate claim to their narrative regardless of its outcome. To address this limitation, I have deliberately separated and identified the pro-indigenous and pro-independence narratives and their converging and diverging interests throughout my research. Given that each group of indigenous peoples carries a unique set of characteristics and beliefs, their views cannot be homogenised under a singular heading of “indigenous peoples”. In doing so, I have been careful to draw conclusions from the decolonisation experience for indigenous peoples as a whole.

Part II: Data Analysis and Interpretation Understanding Decolonisation: Colonisation as a

[25] Timonen, Foley and Conlon, 4.

[26] Kukutai and Taylor, Indigenous Data Sovereignty: Towards an Agenda.

[27] Tuck and Yang, 10.

“Historic Movement” or a Structural Injustice

Decolonisation is often understood as “the action or process of a state withdrawing from a former colony, leaving it independent”.[28] The explicit reference to independence has fostered the presumption that the aim of the decolonisation process is inherently pre-occupied or associated with the facilitation of full sovereignty or self-government. This “transfer of sovereign powers to New Caledonia” is what is envisaged under the Nouméa Accord.[29] But who should these sovereign powers be transferred to and why?

As Tuck and Yang contend, decolonisation must be understood within the context of settler colonialism,[30] with the ultimate goal for the eradication of colonialism being the exercise of the right to self-determination.[31] The right to self-determination does not just enable indigenous peoples to “freely determine their political status”, or exercise external self-determination, but by virtue of this right they can “freely pursue their economic, social and cultural development”.[32] By viewing colonisation as a structural injustice which prevents the realisation of self-determination, it becomes evident that decolonisation is not just a historic acknowledgement of colonisation. It is the active reclamation of the right to self-determination for indigenous peoples to the present day. As Catherine Lu contends, for some “colonialism is not yet over”.[33]

A. Colonisation as a “Historic Movement”

In its preamble, the Nouméa Accord acknowledges that the colonisation of New Caledonia was “un vaste mouvement historique”(a vast historical moment) which brought with it considerable displacement and lasting trauma, for its original population.[34] The colonisation of New Caledonia commenced at a similar time as the rest of the Pacific. While France took formal possession of New Caledonia in 1853,[35] Captain Cook claims to have “discovered” New Caledonia in 1774. Known as the Doctrine of Discovery, this tool was used to alienate indigenous peoples from their land, resources, and culture.[36] It is now widely accepted that this doctrine has had and continues to have a detrimental impact on indigenous peoples[37] and their claims to a legitimate right to self-determination.

This implicit but arguably detrimental impact is evident in the period of significant land acquisition and alienation, military repression, and internal movement during the early colonial era from 1853 onwards.[38] This includes the regime of explicit cultural assimilation and suppression known as the ‘Indigénat’.[39] It is this regime that modified the tribu (administrative unit) created during the process of colonisation in 1867 and used it to racially and spatially segregate indigenous peoples from settlers.[40] Although the first nickel processing plant was built in the Ououé tribu area in 1898, the exclusion of the Kanak peoples from waged labour opportunities was a further effect of this segregationist policy.[41] This colonial history is briefly acknowledged by the Accord which notes the “often difficult circumstances, in mining and agricultural development” that the Kanak peoples suffered,[42] but it makes no mention of who the state powers over mining will or should be transferred to.

Ultimately, the Accord represents what Catherine Lu calls “a universalisation of sovereign equality” which seeks to condemn the unequal status of peoples as an integral part of the colonial international order.[43] However, this division of ‘colonial’ and ‘indigenous’ and their supposed reintegration through the notion of “sovereign equality” is misleading according to Lu. Even in “la nouvelle étape vers la souveraineté” (a new sovereignty),[44] indigenous peoples will be forced to participate in a sovereign state system in which they are subject to broader structural injustices that deny the recognition of their self-determination.[45] It would be wrong to assert that decolonisation should be understood solely in the context of colonisation as a ‘historic movement’ because it “is not temporally contained in the arrival of the settler”.[46] Rather, as Patrick Wolfe asserts, “settler colonialism is a structure and not an event”,[47] and this structure is undoubtedly one on which the Accord has been negotiated and implemented.

B. Colonisation as a Structural Injustice

The Accord clearly states that upon French possession of the “Grande terre”, “ce territoire n’était pas vide”, the

[28] Oxford English Dictionary, “Decolonisation”.

[29] Nouméa Accord, preamble.

[30] Tuck and Yang, 3.

[31] UNGA, “International Decade for the Eradication of Colonialism,” point 2.

[32] UNDRIP, art 3.

[33] Lu, “Redressing and Addressing Colonial Injustice,” 1.

[34] Preamble.

[35] Connell, “New Caledonia: A crisis of decolonization in the South Pacific,” 54.

[36] Toki, Study on Decolonization of the Pacific Region, 3.

[37] Toki, 3.

[38] Le Meur, Locality, Mobility and Governmentality in Colonial/Postcolonial New Caledonia: The case of the Kouare tribe (xûâ Xârâgwii), âgwii), Thio (Cöö),” 131.

[39] Le Meur, 130.

[40] 130.

[41] Le Meur, 132.

[42] Preamble.

[43] Lu, “Decolonizing Borders, Self-Determination, and Global Justice,” 260.

[44] Preamble.

[45] Lu, 260.

[46] Tuck and Yang, 3.

[47] Wolfe, Settler Colonialism.

territory was not empty.[48] As Jeremy Waldron outlines, the concept of indigeneity speaks of indigenous peoples as the original occupants of a territory.[49] Because indigenous peoples are the descendants of those who inhabited the land at the time of colonisation, the Principles of ‘First Occupancy’ and ‘Prior Occupancy’ can be used as mechanisms to condemn the disruption of an existing indigenous order, and as the basis for “radical remedies”. [50]

Despite this history of colonisation, the Accord claims that through their participation in building New Caledonia, other communities have obtained a legitimate right of occupation and continued presence. However, should the presence of different groups and communities in an “ostensibly multicultural society”, justify the promotion of their interests at the expense of separate indigenous claims to self-determination?[51] Importantly, the injustices perpetrated against indigenous inhabitants are egregious not solely as detrimental consequences of historical and colonial practice, but due to their explicit perpetration against the original inhabitants of the land.[52] This is an answer rooted in the concept of indigeneity, which notes that “first people” by virtue of their initial possession, acquire special rights concerning land and sovereignty.[53]

However, Waldron also acknowledges that the Prior Occupancy Principle does not justify returning to a pre-colonial “status quo”. Generally, it places too much weight on historical events and is insensitive to subsequent changes such as the participation of other communities in “building” New Caledonia.[54] Similarly, the First Occupancy Principle only protects rights and privileges which do not dispossess anyone else.[55] This is difficult when Kanak peoples remain a minority of the New Caledonian population. The majority argue that they have equally valid claims to a fair and equal share of New Caledonian land, resources, income, and power. On this basis, the modern-day importance of indigeneity must be justified using an alternative claim.

A more legitimate claim is that presented by Catherine Lu who contends that practices of dispossession, cultural destruction, and the associated “existential alienation”, require the accommodation of indigenous claims to self-determination to ensure that these practices are not repeated.

[48] Preamble.

[49] Waldron, *Indigeneity? First Peoples and Last Occupancy*, 55.

[50] Waldron, 56.

[51] Waldron, 57.

[52] Waldron, 58.

[53] Waldron, 59.

[54] Waldron, 56.

[55] Waldron, 56.

[56] As exemplified by the Indigénat regime, the law is a powerful mechanism for the assertion of dominance over a minority group, particularly in the context of the mining industry. Reliance on the Nouméa Accord to support the fair distribution of resources and power is an inherent risk that is unable to guarantee or legitimately protect the indigenous right to self-determination. While the Accord acknowledges the existence of two peoples and views the process of decolonisation as the method to “rebuild this lasting social bond”, [57] the existence of two peoples by the French state was acknowledged only due to the recognition of its own self-determination.[58] Ultimately, the Accord fails to see the ongoing indigenous struggle against colonialism as a structural injustice or a distinctive claim to self-determination that must be afforded special protection.

The Nouméa Accords: A Referendum on Self-Determination or an Electoral Farce?

The through the “transfer of sovereign powers to New Caledonia”, the process of decolonisation envisaged under the Nouméa Accord clearly concerns the facilitation of self-governance. While there is no promise of full independence at its conclusion, at present there are three potential outcomes for the future governance of New Caledonia under the Accord. These include full sovereignty (independence), sovereign state partnership (independent association), and extended or self-perpetuated autonomy (autonomy within the French Republic or provisional autonomy).[59] These are the current options mandated under Resolution 1514 of the United Nations General Assembly (UNGA), and as Valmaine Toki outlines in her 2013 Study on Decolonisation, irrespective of the favoured model, the end result should include the realisation of the right for indigenous peoples to self-determination.[60] While the previous section of analysis established a foundation for the basis of a legitimate claim to self-determination, the question is whether the transfer of powers envisaged under the Accord in fact includes a legitimate recognition of such a right, and if not, whether there are any alternatives.

A. The Recognition of Indigenous Self-Determination under the Accord

The existence of the Kanak peoples and the impacts of French colonisation on their dispossession of land but more specifically, “l’identité Kanak” (their Kanak identity), is

[56] Lu, “Decolonizing Borders, Self-Determination, and Global Justice,” 254.

[57] Preamble.

[58] Tutugoro, *Incompatible Struggles? Reclaiming Indigenous Sovereignty and Political Sovereignty in Kanaky and/or New Caledonia*, 5.

[59] Quanchi, “End of an epoch: towards decolonization and independence in the Pacific,” 21.

[60] Toki, *Study on Decolonization of the Pacific Region*, 13.

clearly acknowledged in the Accord. In recognition of this identity, the Accord sets out various provisions which afford Kanak peoples special customary status,[61] a greater role in issues regarding land and custom through the transfer of administrative powers to local authorities within a new Congress,[62] and the creation of a Customary Senate who must be consulted on issues regarding Kanak identity.[63] Arguably, this gradual devolution of power has been largely successful as indigenous inhabitants still comprise almost half of the total New Caledonian population and currently hold 46% of the seats in Congress.[64] However, as the Waitangi Tribunal has noted, merely ensuring that indigenous representation in governance is proportionate to their population size isn't a sufficient recognition of *tino-rangatiratanga*, or in the context of New Caledonia, the right to self-determination.[65]

Instead, the recognition of indigenous self-determination requires an understanding that indigenous Kanak peoples have special interests on which they need to be consulted and over which they should have decision-making capacity. The Customary Senate established under the Accord recognises this to a certain extent. In 2014, it published the "Charter of the Kanak People" (the Charter) which represents the common basis of the fundamental values and principles of the Kanak civilisation and sees decolonisation as a matter of transferring powers and the readjustment of society to recognise "our custom's values and the rights of the autochthonous people".[66] These values include the link of Kanak peoples to their land, and the notion that all land and resources constitute their material and immaterial heritage.[67] These links mean they exercise "their uninterrupted presence – in spite of the colonial fact – and sovereignty", over this land and its resources,[68] and that all autochthonous economic and social development should generally support sustainable development for the collective interest.[69]

There is no doubt that almost three decades of reform facilitated by a framework of self-government under the Accord have resulted in significant changes for indigenous peoples with respect of natural resources. [70] This includes

the right of indigenous peoples to benefit from such changes. While the 1989 Accord facilitated the progressive transfer of economic and development powers, the 1998 Bercy Accord notably transferred local authorities the right to manage mining resources.[71] However even in this context, indigenous rights remain subordinate to the French Constitution under the 1989 Accord.[72] Ultimately, this partial recognition of sovereignty through self-government and greater control over economic development form part of a French strategy of increased sense of loyalty in order to generate sufficient support for its own interests in a 'referendum on self-determination'.[73] So far, this strategy seems to have worked.

B. The Referendum as an 'Electoral Farce'

Evidently, the Accord is not a strategy that legitimately supports indigenous self-determination. However, the general presumption is that the pro-independence collective, which advocates for full Kanak independence, also protects the indigenous right to self-determination. Additionally, as the UNGA noted in its 1960 resolution, "inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence." [74] Arguably then, the Accord was signed with the knowledge that relinquishing a referendum on self-determination in 1998 to participate in a thirty-year framework of decolonisation centred within French State law would undoubtedly water down the original elements of self-determination envisaged under the Accord.

Despite the promise of a series of new referendums, pro-indigenous supporters claim they are "anything but referendums on self-determination".[75] Instead, they are a mere "electoral farce" and part of a longer strategy in which indigenous self-determination will be inevitably subsumed into French law.[76] It is also strategy which they claim has resulted in significant inequalities for indigenous peoples, particularly with regards to employment. The current unemployment rate for the indigenous Kanak community sits at approximately 38%.[77] Ultimately, the concern by pro-indigenous supporters is that the electoral lists are not an accurate representation or legitimate means for

[61] Article 1.1.

[62] Article 1.2.

[63] Article 1.2.5.

[64] La Première, "Provinciales en Nouvelle-Calédonie: la droite non-indépendantiste garde la majorité au Congrès."

[65] Waitangi Tribunal, He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry, 22.

[66] Customary Senate, Charter of the Kanak People, 5.

[67] Charter, art 82.

[68] Article 82.

[69] Article 84.

[70] Barreñada-Bajo, "Autonomy and Natural Resources: the self-Determination process in New Caledonia as a Counter-Lesson for Western Sahara." 9.

[71] Barreñada-Bajo, 11.

[72] Lemaire, "Le Statut Constitutionnel de la Nouvelle-Calédonie".

[73] Barreñada-Bajo, 9.

[74] Resolution 1514.

[75] Le Queux, "Labour and the Kanak People's Struggle for Sovereignty," 10.

[76] Le Queux, 10.

[77] Lin, "Poverty in New Caledonia: The Kanak's Struggle."

indigenous peoples to exercise their right to self-determination. This is primarily due to significant waves of migration over the past 30 years, which have distorted the voter pool.[78] Not only is this contrary to article 3 of the UNDRIP but pro-indigenous groups claim that the right to self-determination means they must have the sole right to vote on the particular issue.[79] As Thio politician Odette Moindou explains, “thirty years is too short when we have lived 165 years under colonial rule.”[80]

Accordingly, indigenous self-determination in New Caledonia may be threatened either as a French territory or an independent state.[81] Given the importance of values such as natural sovereignty,[82] free, prior and informed consent,[83] the partial control over natural resources and the ability of non-Kanak citizens to vote in the referendum, whilst facilitating a level of partial independence for the indigenous population, is inherently contrary to the full realisation self-determination. However, should indigenous peoples be constrained by these options?

The stalling of decolonisation processes more globally indicates that perhaps the current options available to non-self-governing territories are insufficient.[84] This global problem is reflected in the three options available under Resolution 1514 and affirmed by Accord. Resolution 2625 appears to expand the options available by allowing the exercise of self-determination under the current options “or the emergence into any other status freely determined by a people”, but there is limited research or academic dialogue into what alternative forms of decolonisation could constitute.[85] Notwithstanding the need for greater discussion into alternative forms, which is beyond the scope of this paper. The devolution of partial control by indigenous peoples over natural resources and other affairs under the current decolonisation process, rather than fuelling a sense of commonality, have fuelled the desire for separate recognition of indigenous identity.[86]

Reconciling Self-Determination and Independence: A Tale of Two Identities

Although the process of decolonisation envisaged under the Accord did not set out to explicitly recognise, affirm, or

protect the right of the indigenous peoples to self-determination, proponents of the Accord claim it has laid the foundations for a broader social dialogue on reconciliation and sovereignty.[87] By presenting self-determination through an arguably ‘cosmopolitan’ lens, independence leaders claim to have abandoned the predominant ethno-cultural nationalism associated with the imposition of a single ethnic identity which excludes the majority of the non-Kanak population.[88]

Instead, this has been replaced by a dominant narrative which envisages France and New Caledonia as cosmopolitan entities in that plural culturalism can thrive in communities united under a ‘common destiny’.[89] While some scholars contend the devolution of power and decisions on sovereignty present the ideal opportunity to enable such tensions to be addressed, the question is whether reconciliation attempts to subsume indigenous identity under the guise of colonisation as a mere ‘misunderstanding’ into a singular New Caledonian ‘citizenship’ or ‘common identity’, will ultimately come at the expense of indigenous Kanak self-determination.

A Indigenous Identity in a shared ‘Common Destiny’

As noted in the preamble of the Accord, the recognition and reinstatement of indigenous Kanak identity requires a recognition of sovereignty in “un destin commun”, a common destiny. This concept has two main objectives. Firstly, to act as a form of reconciliation between communities within New Caledonia and with France and secondly, to foster a greater sense of New Caledonian identity through the promotion of New Caledonian citizenship.[90] This is the essence of the ‘social contract’ envisaged under the Accord. The amalgamation of several identities is a fundamental objective of the decolonisation process that is extended through the ‘common destiny’.

However, it appears that the aim of this common identity is to renounce the idea of sole independence in favour of “a Republic, the French Republic, one indivisible and secular”. [91] While the claim is that this Republic “is not afraid of diversity”, it is questionable to what extent it will actively promote and advocate for such diversity in the future of

[78] Le Queux, 11.

[79] 11.

[80] Lévy and Srinivasan, “We live in misery’: New Caledonia’s indigenous people fight for independence from France”.

[81] Zalberg, “The Kanak indigenous peoples of New Caledonia: Decolonization and Self-Determination in Practice,”

[82] Charter, art 81.

[83] Article 87.

[84] Perham, “A Solution for the Third International Decade for the Eradication of Colonialism: A Fourth Option to Obviate the Need for a Fourth Decade?,” 17.

[85] Perham, 4.

[86] Barreñada-Bajo, 11.

[87] Le Queux, 10.

[88] Robertson, “Envisioning Kanak Independence: A Cosmopolitan Future?,” 39.

[89] Roberston, 38.

[90] Graff and Le Queux, *Indigeneity, Decolonization and the “Politics of Common Destiny” in New Caledonia*, 2.

[91] French Constitution, art 1.

New Caledonian governance. In general, the notion of citizenship promoted through the French Republican model sees sovereignty as indivisible and individuals as universally equal.[92]

B. An Irreconcilable Identity

Ultimately, the objectives of the ‘common destiny’ are incompatible with indigenous notions of self-determination. As Tuck and Yang note, decolonisation is not a metaphor. Instead, the metaphorization of decolonisation under the Nouméa Accord into a ‘common destiny’ is a problematic attempt to reconcile settler guilt and complicity.[93] This may be a difficult reality to accept, but failure to confront this reality risks perpetuating settler colonial narratives even further. The Accord recognises that colonisation deprived indigenous peoples of their identity however, it fails to sufficiently recognise the loss of sovereignty.[94] The realisation of indigenous self-determination must allow such communities to preserve their unique identity as Kanak indigenous peoples and to not be the object of destructive and assimilative cultural practices.[95] As Romain Hmeun, asserts, “the common destiny is a declared will of the politicians to build a society where inequalities are banned”. [96]

Ultimately, such romantic approaches to decolonisation assume that lifting indigenous voices constitutes sufficient action but as Hmeun says, “the context has changed.”[97]

Indigenous Kanak peoples continue to live with past and present ethnic inequalities. It is difficult to see how a common destiny will reconcile these inequalities under a singular ‘New Caledonian’ identity. Instead, Cadey Korson argues that only legitimate recognition of the right to self-determination can rebalance the ongoing inequalities created by colonial processes.[98] Reconciliation through a common identity will merely “rescue settler normalcy”.[99] when in fact, indigenous identity is irreconcilable with the notion of ‘Caledonian independence’. As former leader of the Kanak independence movement, Jean-Marie Tjibaou explains, “has no meaning.”[100]

Part III: Conclusion

A. Looking Forward: Future Plural Governance

Hence, if indigenous self-determination and identity cannot be fully realised either as a French territory or an

independent state, where does this leave the future governance of New Caledonia? While an in-depth discussion of this point is beyond the scope of this paper, Korson concludes that reconciliation and convergence will be necessary for the integration of French and Kanak values and customs in future systems of governance, particularly those that currently divide pro-independence and pro-indigenous collectives. She sees this occurring in the form of a plural society, “a place where culture is self-defined, multiculturalism is based on political rights, equality of access and collective culture”[101] The election of a new pro-independence government at the start of this year, represents a turning point in greater recognition of indigenous self-determination but a shift towards a plural governance that supports pro-indigenous interests.

The COVID-19 pandemic has also added a complex dimension to an already multi-layered global problem with considerable local consequences.[102] The repatriation of expatriated New Caledonians stranded outside the territory during the early stages of the pandemic was initially opposed by customary authorities. The pandemic has had a particular impact on not only Kanak cultural grieving methods but out of the 254 people that have died in New Caledonia due to COVID-19, most are Kanaks.[103] However, through comprehensive dialogue consistent with Oceanic oratory, a customary method of negotiation, pro-independence, and pro-indigenous collectives have managed to reach consensus that “their arrival without all the guarantees being met, would make the Caledonian population take an unacceptable risk.”.[104] This was the first time that all Kanak spoke side by side to the whole of New Caledonia. It is also evidence that during a global health crisis, pro-independence and pro-indigenous movements can work towards a common interest, not for ‘New Caledonian’s’ but for ‘Kanak’s’. Whether such consensus means independence will triumph in the final referendum, remains to be seen.

B. Concluding Remarks

Since the 1853 French occupation of New Caledonia, legal instruments have been used as tool of indigenous oppression, alienation, and racial segregation. While the Nouméa Accord represented a promising shift towards greater recognition of indigenous independence, Kanak

[92] LeFevre, “Indigeneity, Youth and the Cultural Politics of the Possible,” 2.

[93] Tuck and Yang, 11.

[94] Robertson, 37.

[95] UNDRIP, art 8.

[96] Wilson, “New Caledonia: decolonisation in conversation.”

[97] Wilson.

[98] Korson, “Mapping Narratives of Self-Determination.”

[99] Tuck and Yang, 35.

[100] Robertson, 38.

[101] Korson, 156.

[102] Tutugoro, 10.

[103] Fisher, “New Caledonian independence leaders challenge France over final referendum date.”

[104] Tutugoro, 10.

identity and their right to self-determination, colonisation remains structural injustice that threatens indigenous self-determination regardless of whether New Caledonia sees itself as a French territory or an independent state. Ultimately, the Accord has turned decolonisation “into an empty signifier to be filled by any track towards liberation”. [105] Although liberation attempts have been made by reconciling Kanak identity with the notion of a ‘common destiny’, this metaphor fails to realise such as attempts are a trade-off for the recognition of a legitimate right to self-determination for the indigenous Kanak peoples.

[105] Tuck and Yang, “Decolonisation is not a metaphor,” 7.

Bibliography:

- Barreñada-Bajo, Isaías. “Autonomy and Natural Resources: the self-Determination process in New Caledonia as a Counter-Lesson for Western Sahara.” *The Journal of North African Studies*. (2021): 1-22. doi:10.1080/13629387.2021.1917126
- Breda, Vito and, Andreja Mihailovic. “New Caledonia: The Archipelago that Does not Want to be Freed.” *Comparative Law Journal of the Pacific* 24, Small Countries. (2019): 69-95.
- Chappell, David A. “The Noumea Accord: Decolonisation Without Independence in New Caledonia?” *Pacific Affairs* 72, no. 3 (1999): 373-391.
- Connell, John. “New Caledonia: A crisis of decolonization in the South Pacific.” *The Round Table* 305 (1988): 53-66.
- Darian-Smith, Eve and Phillip C. McCarthy. *The Global Turn: Theories, Research Designs, and Methods for Global Studies*. University of California Press, 2017.
- Dlamini, S. Nombuso, et al. “What does a decolonizing/ decentralizing methodology in examining sexual lives entail?” *African Journal of Reproductive Health* 16.2 (2012): 55-70.
- Durie, Mason. “An Indigenous Model of Health Promotion.” *Health Promotion Journal of Australia* 15, no. 3 (2004): 181-185.
- Fisher, Denise. “New Caledonian independence leaders challenge France over final referendum date.” *The Strategist*. Updated 21 October, 2021. <https://www.aspistrategist.org.au/new-caledonian-independence-leaders-challenge-france-over-final-referendum-date/>
- Graff, Dr. Stéphanie and Dr. Stéphane Le Queux. *Indigeneity, Decolonization and the “Politics of Common Destiny” in New Caledonia*. Presented at Tides of Transformation: Pacific Pasts, Pacific Futures. 6th Biennial Conference of the Australian Association for Pacific Studies, 1-3 April, 2016.
- Hazell, Robert. *Constitutional Futures Revisited: Britain's Constitution to 2020*. London; Palgrave Macmillan, 2008.
- Hsieh, H-F and S. E. Shannon. “Three approaches to qualitative content analysis.” *Qualitative Health Research* 15, no.9 (2005): 1277-1288.
- Hollande, François. “Discourse during the 2012 Presidential election campaign”. Speech presented to French overseas territories, 10 March 2012, <http://www.touspourhollande.fr/2012/03/11/discours-de-francois-hollande-aux-outr- mers-du-samedi-10032012/>.
- Kempster, Stephen and Ken W. Parry. “Grounded theory and leadership research: A critical realist perspective.” *The Leadership Quarterly* 22 (2011): 106-120.
- Kohlbacher, Florian. “The use of qualitative content analysis in case study research.” *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research* 7, no. 1 (2005): <http://nbn-resolving.de/urn:nbn:de:0114-fqs0601211>
- Korson, Cadey. “Mapping Narratives of Self-Determination, National Identity and Rebalancing New Caledonia.” PhD Thesis, Kent State University, 2015.
- Kukutai, Tahu and John Taylor. *Indigenous Data Sovereignty: Toward an Agenda*. ANU Press, 2016.
- La Première. “Provinciales en Nouvelle-Calédonie: la droite non-indépendantiste garde la majorité au Congrès.” *La Première*. 12 May 2019.
- Lee, Frederic. *Critical realism, grounded theory, and theory construction in heterodox economics*. MPRA Paper. University Library of Munich, Germany, 2012.
- LeFevre, Tate Augusta. “Indigeneity, Youth and the Cultural Politics of the Possible.” PhD Thesis, New York University, 2013.
- Le Meur, Pierre-Yves. “Locality, Mobility and Governmentality in Colonial/Postcolonial New Caledonia: The case of the Kouare tribe (xûâ Xârâgwii), Thio (Cöö).” *Oceania* 83, no. 2 (2013): 130-146.
- Le Queux, Stéphane. “Labour and the Kanak People's Struggle for Sovereignty.” *International Union Rights* 25, no. 4 (2018): 10-12.
- Lu, Catherine. “Decolonizing Borders, Self-Determination, and Global Justice.” Chapter. In *Empire, Race and \Global Justice*, edited by Duncan Bell, 251–72. Cambridge: Cambridge University Press, 2019. doi:10.1017/9781108576307.012.
- Lu Catherine. “Redressing and addressing colonial injustice.” *Ethics and Global Politics* 11, no. 1 (2018): 1-5. doi:10.1080/16544951.2018.1507386
- Mayring, P. “Qualitative content analysis”. *Forum: Qualitative Social Research* 1, no. 2 (2000).
- Merlan, Francesca. “Global and Local: Global and Local”. *Current Anthropology* 50, no.3 (2009): 303–33.
- Oliver, Carolyn. “Critical Realist Grounded Theory: A New Approach for Social Work Research.” *The British Journal of Social Work* 42, no. 2 (2012): 371-387.

- Perham, Elizabeth. "A Solution for the Third International Decade for the Eradication of Colonialism: A Fourth Option to Obviate the Need for a Fourth Decade?" *New Zealand Yearbook of International Law* 11, no. 1 (2013): 3-36.
- Quanchi, Max. "End of an epoch: towards decolonization and independence in the Pacific." *Agora* 43, no. 4 (2008): 18-23.
- Robertson, Scott. "Envisioning Kanak Independence: A Cosmopolitan Future?" *Journal of Social Anthropology and Cultural Studies* 13, no. 1 (2016). doi: 10.11157/sites-vol13iss1id301
- Robie, David. *Victory in defeat for Kanak independence movement in latest referendum*. 2020 Report. Asia Pacific Report, October 2020.
- Thiong'o, Ngugi wa. *Petals of Blood*. London: Heinemann, 1977.
- Thiong'o, Ngugi Wa, *Decolonising the Mind: The Politics of Language in African Literature*. London: J. Currey, 1986.
- Timonen, Foley and Conlon, "Challenges When Using Grounded Theory: A Pragmatic Introduction to Doing GT Research." *International Journal of Qualitative Methods* 17, no. 1 (2018). doi: 10.1177/1609406918758086.
- Timperley, Claire. "Constellations of indigeneity: The power of definition." *Contemporary Political Theory* 19 (2020): 38-60.
- Toki, Valmaine. *Study on Decolonisation of the Pacific Region*. 2013 Report. New York: Permanent Forum on Indigenous Issues, Twelfth session, 2013.
- Tuck, Eve and K. Wayne Yang. "Decolonization is not a metaphor." *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 1-40.
- Tutugoro, Anthony. *Incompatible Struggles? Reclaiming Indigenous Sovereignty and Political Sovereignty in Kanaky and/or New Caledonia*. Discussion Paper. Australia: Department of Pacific Affairs, 2020.
- United Nations General Assembly Resolution 46/181, International Decade for the Eradication of Colonialism, A/46/634/Rev.1, (13 December 1991).
- United Nations. Defining "Indigenous Peoples". 2004 Background Paper. New York: Department of Economic and Social Affairs, 2004.
- Waitangi Tribunal. *Waitangi Tribunal, He Pāharakeke, He Rito Whakakīkinga Whāruarua: Oranga Tamariki Urgent Inquiry*. WAI 2915 Report. June 2021.
- Waldron, Jeremy. *Indigeneity? First Peoples and Last Occupancy*. Paper presented at the 2002 Quentin-Baxter Memorial Lecture. Victoria University of Wellington Law School, 5 December 2002.
- Wilson, Catherine. "New Caledonia: decolonisation in conversation." *The Interpreter*. 10 July 2018. <https://www.lowyinstitute.org/the-interpreter/new-caledonia-decolonisation-conversation>
- Wolfe, Patrick. *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event*. University of Michigan: Cassell, 1999.
- Zalberg, Jacqui. "The Kanak indigenous peoples of New Caledonia: Decolonization and Self-Determination in Practice." In *Statehood and Self-Determination: Reconciling Tradition and Modernity in International Law*, edited by Duncan French, 377-406. Cambridge University Press, 2013.



TRANSCENDING NATIONS

THE STONE HOUSE: MEIJI JAPAN, FUKUZAWA YUKICHI, AND PAN-ASIANISM

By Calum M Wicks

Introduction

Pan-Asian thought emerged largely without government support, spontaneously around the middle of the nineteenth century (Saaler, Szpilman 2011, 43). This awakening was driven by the encroachment of Western powers into East Asia, particularly the British and French pushing up from the South and the Russians pushing down from the North. After the humiliating defeat of Qing China in the First Opium War (1839-1842) at the hands of the British Empire, intellectuals across the three primary East Asian states—China, Korea, and Japan—began contemplating mutually beneficial alliances. In comparison to their foreign invaders, these states noticed how similar their cultures were.

This Pan-Asianism would find further development as a political ideology in rapidly modernising Meiji Japan throughout the rest of the nineteenth and well into the twentieth century. Initially, a counter-culture movement in opposition to the ruling Meiji Oligarchy championed a rationalist, pro-Westernisation approach to statesmanship; seeking further reproachment with the Western powers to shake off unequal treaties and preserve Japanese independence (Saaler, Koschmann 2007, 2). However, with the growing influence of Japan mirroring the decline of China, nationalistic views increasingly took hold of the overall movement in Japan. By the collapse of the Japanese Empire in 1945, the Pan-Asian rhetoric had become a tool to justify the conquest of Asia for over a decade.

As the world becomes more interconnected and regionalist movements such as the European Union (EU), African Union (AU), and Association of South-East Asian Nations (ASEAN) start to rise, it is imperative to examine past attempts at regionalism so as not to succumb to similar pitfalls. Hence, this essay aims to analyse the influence of Pan-Asian thought on Japan's dealings with its immediate neighbours roughly from the 1870s to the 1900s. While a sense of Pan-Asianism did not inspire the primary ideology of the Meiji Oligarchy, this essay seeks to see how it developed alongside and in reaction to Japanese policy of the period. Using Fukuzawa Yukichi, a leading figure of the Meiji Era, as a microcosm of this period, this essay



demonstrates through a singular man's experience a nation's changing attitudes towards Asia and Pan-Asianism.

Part 1: Origins of Pan-Asianism and Japanese Liberalism

“A man living in a stone house, wrote Fukuzawa, was no more secure against fire than a man living in a wooden house, if his neighbour's house was made of wood. He must go to his neighbour and persuade him to build a stone house like his own if he was to feel secure against fire, and he would be justified in using force to make him do so if the neighbour didn't” (Hwang 1975, 158).

This quote by Fukuzawa Yukichi, Arch-Liberal of Meiji Japan, sums up much of Japan's Pan-Asian thought: nationalistic. Whether the irony of nationalistic regionalism was lost on those like Yukichi is unknown. Still, it provides a fantastic metaphor for the whole journey of Japan and its brand of Pan-Asianism, from the beginning to the fires of war with China.

Pan-Asianism may seem like a simple enough concept to wrap one's head around. Collin's English Dictionary (n.d.) defines Pan-Asianism as “the idea or advocacy of a political alliance of all the Asian nations”. However, what does one define as ‘Asia’? For Japanese intellectuals throughout the Edo Period, ‘Asia’ did not symbolise a common regional or cultural identity in their eyes (Koichiro 2007, 44). The closest parallel to Pan-Asianism prior to the arrival of the West would have been the Sinosphere; the area of East Asia where Chinese culture and civilisation played a significant part in the development of the countries therein. However, while Japan was part of this Sinosphere, it was so only tentatively. While having adopted many Chinese customs in their long relationship, Japan was not a part of the Chinese tributary system and maintained a radically different form of government. Morris-Suzuki (1998, 144-145) explains that while Japanese culture had traditionally borrowed heavily from China, Japan's Edo Period isolationism had spurred to create a more individual ‘national character’ of

sorts. Thus, by the entrance of Western imperialist powers into East Asia, there was no true sense of brotherhood or cultural unity between Japan and its continental neighbours.

The first initial attempts at anything resembling East Asian unity in Japan pre-dated the Meiji Restoration, originating from Bakufu intellectuals advocating for “...active cooperation between Japan and China against the Western powers” (Koichiro 2007, 45). However, this did not stem from any sense of cultural unity, but from a pragmatic realisation that both countries would fare better against the Westerners if they assisted one another. The collective fear of Western encroachment can be viewed as what began the Pan-Asian movement, encouraging cooperation between China, Korea, and Japan. But fear of a collective enemy does not form cultural unity; ‘my enemy’s enemy is my friend’ is a mantra that only goes so far. As Kuroki Morifumi (2011, 34) explains, an unfortunate duality governed these three nations; “Asianism was a mode of conduct and thought that arose among these three main nations of East Asia to resist Western encroachment, inspire attempts to revive their fortunes and oppose the West. Unfortunately, however, relations amongst these nations were not as good as they might have been. If anything, the governments of the nations in question were in a constant state of diplomatic conflict”.

Key to understanding the trajectory of Japanese Pan-Asianism is the concept of civilisation. Here it is helpful to turn to a significant individual of the Meiji Era: Fukuzawa Yukichi, one of Asia’s first liberal thinkers and decidedly the most representative liberal of his time is still generally respected in Japan as “a pioneer of liberalism and enlightenment” (Hwang, Bronner 2018, 2). Fukuzawa’s radically different understanding of civilisation based on his Western Liberal studies would dominate Japan’s intelligentsia.

Before Fukuzawa, most scholars of kokugakusha believed in the inherent superiority of Japanese civilisation, with some such as Hirata Atsutane going so far as to name Japan the “Land of the Gods”, with Japan replacing China as the “Middle Kingdom” (Saaler 2007, 3). While acknowledging the superiority of Western technology, kokugakusha scholars become increasingly nationalistic and xenophobic, believing in the divine destiny of the Emperor and Japan to rule the world, claiming that Ezo, Korea, Ryukyu and the Kurils were all rightfully Japanese (Calman 1992, 112, 211).

To Fukuzawa, civilisation was the continuing progress of

history. In an attempt to define civilisation in his work *Bunmeiron*, he wrote:

In the narrow sense “civilization” merely means the increase of what man consumes and of the superficial trappings added on to daily necessities. In its broad sense “civilization” means not only comfort in daily necessities but also the refining of knowledge and the cultivation of virtue so as to elevate human life to a higher plane. ...civilisation is a relative thing, and it has no limits. It is a gradual progression from the primitive level. ...Civilization is all-important, it is the goal of all human endeavors. (Fukuzawa, *Bunmeiron*, op. Cit. P.) Hwang 1975, 37)

Levels of civilisation divided up the world in Fukuzawa’s mind. His realist view of these levels and how a country would climb from one to another preoccupied his writings. Morris-Suzuki (1998, 4) writes that while nations are seen as bounded geographical entities, they can also be seen as ‘time zones’, separated from others by chronology rather than geography. As Japan rapidly modernised, it may have appeared to leave behind its neighbours in terms of civilisational level and advanced into a new era, leaving them in the past as they moved into the future.

By the time the Western powers drew towards East Asia, material wealth and technological mastery had become the definitive markers of progress, used to differentiate the ‘advanced’ from the ‘backwards’ (Duus 1995, 8). Modernising itself, Japan fit itself into this worldview, embracing civilisation and coming to look down on their neighbours as backwards and weak. Technological mastery combined with the already present sense of superiority from decades of kokugakusha dominated philosophy further pushed the Japanese into a sense of absolute supremacy. Combined with fledgling Pan-Asian ideology, this naturally pivoted many intellectuals such as Fukuzawa towards the view that only Japan could lead Asia to a bright future—whether by cooperation under Japanese guidance or kicking and screaming the entire way.

Part 2: Japan and Korea

The 1873 crisis has been framed as a ‘what-if’ scenario by many scholars, suggesting that Japan could have attacked Korea in an attempt to conquer the Kingdom for its bountiful resources. While Duus (1995, 32) claims that, in reality, few of the Meiji leadership who supported seikanron wished to seize Korea as a colony in the same way Japan had subjugated Hokkaido. Instead, he frames its purpose as one to reorder formal relationships.

The Meiji government was aware of its precarious position going into the 1870s. It is impossible to overemphasise that fear was the biggest motivator for Japan's rapid shift towards the Western-dominated world system. Unequal treaties had hard-hit Japanese prestige, and Meiji leadership were hellbent on increasing their nation's international status to the end of revising these treaties. For as long as Japan was subject to unequal treaties, it would naturally never be regarded as an equal power to the West and thus at risk of exploitation or worse. Whether or not the Meiji leadership held friendly opinions of their neighbours, they knew they had to look after their nation above all else, even if that meant stepping on the heads of others. It is no surprise, then, that three years after the crisis, Japan would impose upon Korea the Treaty of Kanghwa, officially opening it to the outside world for the first time. By mimicking Perry's expedition and opening Korea in 1876, they showed the world that they were capable of conforming to the new imperial world order. Duus (1995, 15) notes the Japanese enthusiasm following this act of gunboat diplomacy to "show the Koreans how easy it was to assimilate the benefits of "civilisation"". This enthusiasm to 'teach' their neighbours about the benefits of civilisation mirrors the newly imported Western concepts of civilisation and liberalism.

The treaty opening Korea in 1876, the Treaty of Kanghwa, stipulated that Korea was to be recognised as an independent country, rejecting their subservient relationship with China and reordering relations under the new "Law of Nations" practised by the West; "Article 1 of this treaty stipulates that Joseon is an "independent country," and has "equal rights" as Japan" (HTRA, HERA 2014, 213).

While this may seem to triumph Asianist values on the surface, scholars such as Calman (1992, 42) argue that the Japanese inclusion of Korea's Independence in the 1876 treaty was an attempt to carve Korea out of China's sphere of influence. Indeed, Japan was able to economically cripple Korea using the treaty's stipulations, exporting manufactured goods and importing such a large amount of rice, beans, and foodstuffs that Koreans suffered food shortages (HTRA, HERA 2014, 213). Korea was a valuable tool for Japan, a piñata out of which Meiji leadership could provide much-needed prestige, raw materials, and a captive market for their new manufactured goods.

Part 3: Kim, Fukuzawa, and the Death of Hope

Those within Korea looked to Japan and marvelled, wishing for their own country to advance just as Japan had in a

generation. One of these men, a visionary, was Kim Ok-Kyun. Kim's relationship with Fukuzawa Yukichi is a grand metaphor for the Korea–Japan relations of this time.

Fukuzawa disliked the notion of violence to push forward civilisation, believing instead in the gradual progress of civilisation and enlightenment of the people by intellectuals (Hwang 1975, 43). However, his utilitarian, realist views drew an unnerving line in the sand; if he believed violence was the only practical way forward, then morality did not matter. It was what must be done for the greater good of all.

Fukuzawa was not only a great liberal thinker; he was also a staunch Japanese nationalist. As Japan's strength grew, so did Fukuzawa's belief that only Japan could save Asia, dragging the uncivilised nations into a brighter future. As Hwang (2018, 4) put it, "His life had been filled with desperate struggles between a realistic goal to save Japanese sovereignty and a more idealistic goal to bring about progress". Fukuzawa's idealism was poisoned by his nationalism, resulting in overall progress taking a backseat to Japanese success. Considering Japan's precarious situation in the nineteenth century, it is understandable.

Nevertheless, by the time Kim met Fukuzawa, the latter was preaching more on military strength than pacifism, claiming "A nation does not come out on top because it is right. It is right because it has come out on top". He also claimed "A few cannons are worth more than a hundred volumes of international law. A case of ammunition is of more use than innumerable treaties of friendship" (Cook 1972, 44-45). In this more realist, nationalist form, Fukuzawa bestowed his support on Kim and his followers in 1881. Their eventual plan would be a palace coup, attempting to seize control and expel the pro-China faction, which they believed were sabotaging—intentionally or not—Korea's future.

Kim comes off as a naïve, idealistic person who truly believed in Korea's ability to reform and step into the future by following Japan's model of rapid modernisation. Fukuzawa, on the other hand, appears as a Japanese snake to the Korean Adam, the former interested in the extension of their national power and prestige, while the latter's goal was true independence from both China and Japan by reform and modernisation. Cook provides an insightful (1972, 48, 63) analysis that "Fukuzawa took advantage of Kim and used him as his tool".

Part 4: Helping Those Who Cannot Help Themselves

Kim's coup failed. Most of his reformers and their families

were executed, although he survived. Following this, Fukuzawa, who was already tending towards a view that Asia could not modernise by itself, went completely off the deep end. He abandoned the idea that Korea could be saved through ‘civilisation and enlightenment’, beginning a call for Japanese leadership and hegemony in East Asia (Hwang 1972, 148).

As aforementioned, Fukuzawa was a utilitarian realist nationalist who wished for peaceful progress above all else. His position leaned towards a belief that it was Japan’s duty to uplift Asia, claiming it was for all of Asia’s benefit while simultaneously professing that it was in Japan’s best interest to force its neighbours to modernise.

While he genuinely supported the spread of education and liberal enlightenment across East Asia, he was interested in modernising the neighbours for Japan’s sake. He took the utilitarian view that for Japan’s continued security, Korea, at the very least, had to become civilised. To Fukuzawa, the opinions of the Koreans on the matter did not come into the equation.

Fukuzawa disapproved of violence where it was not necessary. Yet, his utilitarian views and logical thinking would naturally realise that violence was the only solution if there was no chance of peaceful progress due to obstructing forces. It is this thinking that ultimately took over Fukuzawa. Hwang (2018, 9) articulates this as Fukuzawa’s rational irrationalism, believing that Japanese military intervention in her neighbours’ affairs.

Pan-Asianism, as discussed above, emphasised the need for Asian unity, initially aimed at Western imperialist countries encroaching onto East Asia. This idealist movement sought to bind Asia together in solidarity, harnessing the similarities of China, Korea, and Japan. However, this was the age of realist politics, utilitarian methods, and the birth of Asian nationalism. Idealism and Realism do not make good bedfellows—and throwing nationalist zeal into the mix wasn’t going to help.

Kimitada (2007, 21-22) defined two distinct forms of Pan-Asianism in Meiji Japan. The first was Pan-Asianism based on an Asian identity, held by intellectuals who put stock in the communal identity of Asiatics; that they should work together for regional security. The second was based on Japanese exceptionalism, held by those who believed in Japan’s national uniqueness and ability to protect itself from the Westerners. This latter form does not initially seem to

be Pan-Asian at all. However, one must realise that the supporters of this form held the messianic belief that it was Japan’s solemn duty to save the rest of East Asia if they could not save themselves.

Part 5: Firemen in the Apocalypse

While much of Japan’s intelligentsia seemed to be baying for an invasion of East Asia to save the hapless fools as they saw them, others attempted to bridge the spiritual gap that spanned the Sea of Japan. The Koa-Kai was Japan’s first organisation dedicated to the cause of Asianism; initially established in Tokyo in February 1880, it would establish branches across Japan and even in Korea and China (Morifumi 2007, 36). The atmosphere surrounding the founding of this organisation was grim in terms of Japan–Chinese relations. The 1870s had seen Japan continuously challenge China’s position in East Asia: 1874 had seen an expedition to Taiwan to establish tentative claims to the island; 1876 saw the Treaty of Kanghwa opening Korea; 1879 had Japan annex the Ryukyu Kingdom, despite it being a Chinese tributary. Given this, it is understandable that while the Koa-Kai was founded to promote cooperation between Japan and China, Chinese diplomats met this with “coolness and suspicion” (Zachmann 2012, 51), with accusations of the group’s duplicity, its ideals standing in stark contrast with Japan’s behaviour in East Asia.

The heterogeneous membership led to members often butting heads over their views on East Asian geopolitics, with many Japanese members viewing their nation’s rise as inevitable. In contrast, Chinese members saw them as upstarts (Morifumi 2007, 44). The internal squabbling of the organisation in the 1880s stands as a metaphor for Sino-Japanese relations of the period.

While this group attempted in vain to heal wounds caused by Japanese foreign policy, it was on the fringes of Japanese politics, with members of the ruling Oligarchy staying far away from Pan-Asian organisations lest the Western powers fear a ‘Yellow Peril alliance’. Fukuzawa, in particular, roared ahead with his now vehemently anti-Asian vitriol with Datsu-A Ron (On Leaving Asia):

Our country has no time to wait for our neighbors to become enlightened so that we can together prepare for the rise of Asia. On the contrary, we should leave their ranks and align our destiny with that of civilized Western nations. There is no need to show special consideration for China of Joseon, just because they are our neighbors. All we have to do is treat them the

way Westerners treat them. Those who frequent bad people will share their bad reputation. We must from the bottom of our heart sever our ties with our bad friends of Asia. (Jiji Shinpo, March 1885) (HTRA, HERA 2014, 225)

When tensions spilt over in 1894, and the inevitable war between China and Japan set East Asia ablaze, men like Fukuzawa cheered, crying tears of joy as Japan finally took its place at the helm of Asia. Now, they may have thought, Japan can truly save Asia from a position of strength, never mind the blood that must be spilt. As long as Japan is safe, Asian power lives on in us, the true 'Middle Kingdom'.

Conclusion:

The Meiji Era leading up to the Sino-Japanese war was one where Japan was still attempting to secure its independence, never mind the rest of Asia. To this end, the government sought to emulate the West, becoming an imperial power. More interesting are the undercurrents of the intelligentsia outside of the Oligarchy, such as Fukuzawa. His relationship with Asia is a good metaphor for Japan's tense and uncertain relationship with its neighbours. He and Japan were displeased with their progress and decided that if they could not save themselves, Japan would humbly take the mantle and deliver them from the jaws of defeat by either failing or not caring to see the irony of making them their dominions.

This saviour complex and nationalistic corruption of idealistic movements are almost hard to watch when viewed through the lens of Fukuzawa Yukichi, who had noble ideals that were corrupted by none other than himself, becoming rationally irrational. If there is anything to be learned on the issues of regionalism, it is to learn from this singular man's struggle: Do not let your irrational wants corrupt your overall rational goal. When regional stability is concerned, this lesson is even more critical. Should economies collapse and people die to satisfy the ego of nationalists?

Bibliography:

- Donald Calman. 1992. *The Nature and Origins of Japanese Imperialism: A reinterpretation of the Great Crisis of 1873*. New York: Routledge.
- Peter Duus. 1995. *The Abacus and the Sword: The Japanese Penetration of Korea, 1895-1910*. Berkeley: University of California Press
- Harold F. Cook. 1972. *Korea's 1884 Incident: Its Background and Kim Ok-kyun's Elusive Dream*. Seoul: Taewon Publishing Company
- Hwang, In Kwan. 1975. "The Korean Reform Movement of the 1880s and Fukuzawa Yukichi" PhD diss., Washington University.
- Hwang, Minhyuk. 2018. "The Betrayal of the East Asian Enlightenment: The Rise and Fall of Fukuzawa Yukichi's Bourgeois Liberalism" PhD diss., University of New Jersey.
- Tessa Morris-Suzuki. 1998. *Re-Inventing Japan: Time, Space, Nation*. New York: M. E. Sharp, Inc.
- History Textbook Research Association, History Education Research Association. 2014. *A History of Korean-Japanese Interaction: From Prehistory to Modern Times*. Korea: Northeast Asian History Foundation.
- Sven Saaler and J. Victor Koschmann. 2007. *Pan-Asianism in Modern Japanese History: Colonialism, Regionalism and Borders*. London and New York: Routledge
- Saaler, Sven, and Szpilman, Christopher W. A., eds. 2011. *Pan-Asianism : A Documentary History, 1850–1920*. Lanham, MD: Rowman & Littlefield Publishers. Accessed February 16, 2022. ProQuest Ebook Central.

INTRODUCING NUS



Global Studies at the National University of Singapore is an interdisciplinary major under the Department of Political Science. Since contemporary issues today transcend the boundaries of any single academic discipline, Global Studies (GL) students explore a plethora of modules ranging from anthropology to public policy. The GL major offers a rigorous curriculum that equips students with problem-solving skills to develop new perspectives and a cosmopolitan sensibility in global issues.

Students are also given the opportunity to specialise in a theme and a region. GL currently offers four themes: (1) Colonialism, Security and Global Order; (2) Global Health, Environment, and Technology; (3) Global Political Economy; as well as (4) People, Cultures, and Globalisation. Students can then gain expertise in the region of their choice by selecting modules from Southeast Asian Studies, Chinese Studies, European Studies, and more. Although the language component has recently been removed as part of the GL degree requirement, many GL students pick up targeted languages for a year or two to complement their regional knowledge.

In our final year, GL Honours students attend compulsory seminars that revolve around global issues rather than a single field of study. GL Students undertake a Task Force group project which simulates a consultancy working with a real stakeholder to analyse policy challenges in a certain country or region and thereby propose policy recommendations. The skills gained in Global Studies can be helpful for careers in diplomacy, civil service, management consulting, international business, law, social enterprise, education, and other exciting fields.

The autonomy and flexibility to choose what one wants to learn is definitely the biggest appeal of this Global Studies major. The challenges that it presents train students to be highly adaptable and fast learners in an ever-changing environment locally and abroad.

GALLERY

Photos and descriptions collated by NUS Global Studies Students



Photo credit: Instagram, @shafiq.apandi, 4 April 2022
Used with permission

#1: Political landmark in Singapore

While Article 14 of the Constitution of Singapore guarantees Singaporeans the right to free speech, free speech and expression are restricted on the grounds of national security. Thus, the Speakers' Corner at Hong Lim Park holds great significance as a political landmark in Singapore because it is the first and only outdoor venue that permits Singaporeans to conduct peaceful rallies and protest. Applications must be made prior to hosting an event through the National Parks's website, and organisers have to ensure that their participants do not exceed 950 people. Recently, over 400 people attended a protest against capital punishment which came after Singapore's decision to convict and hang a mentally disabled man, Nagaenthran K. Dharmalingam for drug trafficking.

#2: Example of International Relations in Singapore

In 2018, Singapore was chosen as the backdrop for the Trump-Kim Summit thanks to Singapore's good diplomatic ties with North Korea and close relationship with the U.S.. Although neutrality is not a core principle of Singapore's foreign policy, the nation's impartiality and tight security has turned Singapore into a favourable venue for high-profile summits. Many restaurants in Singapore also exercised their creativity and sold limited edition food surrounding the summit, such as the Harmony Nasi Lemak at Suntec City.



Photo credit: Yahoo Finance, *Businesses in Singapore hope to cash in on Trump burgers, Kim tacos*, 12 June 2018

#3: Singapore's commitment to the Environment and Sustainability

Singapore is one of the greenest cities in the world, thanks to our leaders' visionary ambition and dedication towards environmental sustainability. While the 'Gardens by the Bay' in this photo is popularly known as a tourist attraction, all 11 Supertrees are equipped with technologies that can imitate how trees photosynthesize and harvest solar energy for its night shows - the blooming epitome of environmental sustainability.



#4: Transnational Cultures in Singapore

Transnational Culture in Singapore is epitomised by the food in our hawker centres. Pictured above is Gilles Massot's exhibition of an old 'kopitiam' – a traditional coffee shop commonly found in Singapore that houses various food stalls. In modern times, hawker centres and kopitiam often have stalls selling food from diverse cuisines and cultural backgrounds.

#5: A social issue that is being commonly talked about in Singapore

The booth that is pictured here was an initiative by ex-Global Studies students intended to raise awareness for migrant workers in Singapore. While migrant workers are responsible for most of the construction and maintenance here in Singapore, they face a variety of issues ranging from long working hours, poor living conditions, and discrimination within the local community. The plight of migrant workers in Singapore was further highlighted during the onslaught of the pandemic where they made up ~90% of total infections despite only making up only 25% of Singapore's population.



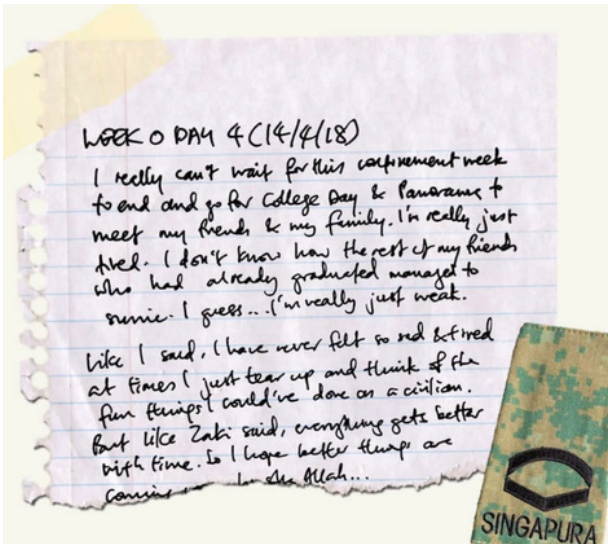


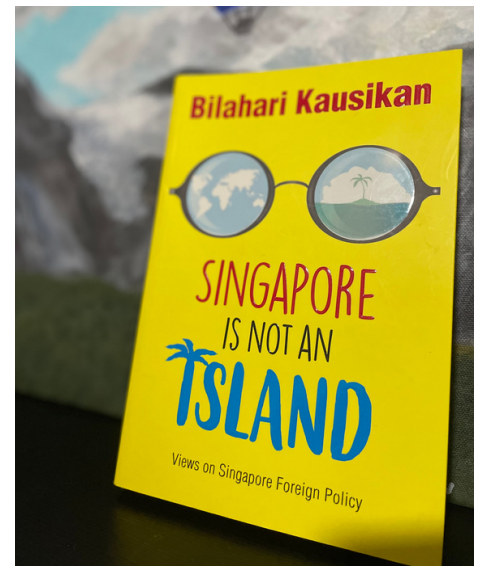
Photo credit: Instagram, @fadh.fadzil, 18 February 2020
Used with permission

#6: What the world needs to know more about in Singapore

Every Singaporean man who turns 18 is required to be conscripted into National Service for 2 years. While sacrificing 2 years of your youth is a difficult pill to swallow for many young people, the experiences and friendships that are gained are unlike any other. In May 2022, Singapore’s Defence Minister Ng Eng Hen responded in Parliament to a question of “Should women be required to serve National Service?” and stated that the “societal cost” will “far outweigh” benefits. Perhaps the question should not be if women are required to be conscripted, but is conscription still necessary in this day and age? Only time will tell.

#7: A common concern for Global Studies students in Singapore

Being a lesser known major compared to Political Science, many GL students will come to face family members, friends, recruiters and even strangers who give us a puzzled look and are not quite sure what to expect from this major. This book, Singapore is not an Island, is written by one of Singapore’s top diplomats that most GL students are acquainted with. It succinctly sums up Singapore’s diplomatic relations with the rest of the world.

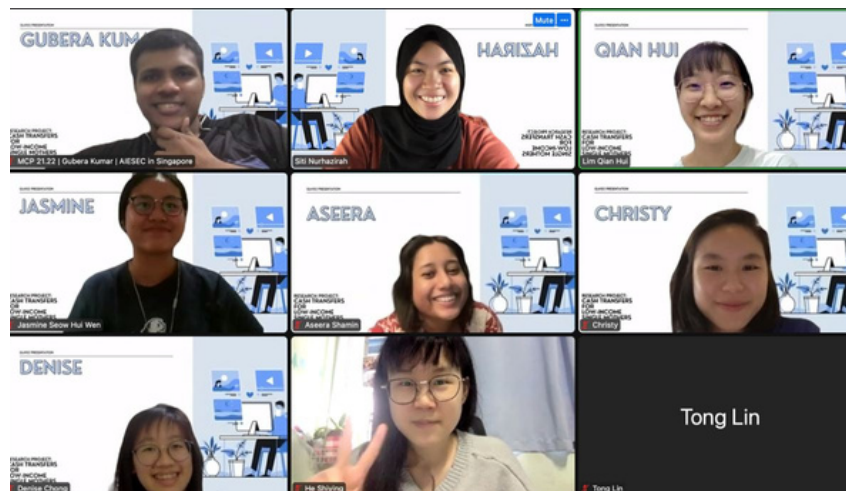


#8: Something Singaporeans are excited about

Due to Singapore’s Safe Management Measures (SMM) imposed throughout the pandemic, gatherings have been strictly limited to five people for the past two years. In April, the government lifted all restrictions which was just in time for the Eid celebrations for the Malay-Muslim population in Singapore! It is safe to say that being able to celebrate occasions like these with loved ones is something Singapore feels excited for!

#9: What it means to be a Global Studies student in Singapore

One of the many defining aspects of being a Global Studies student in Singapore is its uniquely rigorous curriculum that moulds us to be a critical thinker and an analyst. The image of our Global Studies Task Force (below), where students are asked to draft a policy paper targeting a specific issue (e.g. food security, refugee rights, welfare policies), would be one example of this. As Singapore is merely a tiny red dot in the world map, being a Global Studies student in Singapore also means striving to become a global citizen that proactively contributes to the local and international community.



*Special thanks to our friends over at the
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Siti Nurhazirah Bte Othman, Aisyah Lyana, Nicholas Lim, Lee Jun Kun



See more of them:

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CHALLENGING PRIMACY: DISINTEGRATING THE EU FROM INSIDE A POLISH COURTROOM

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LLB(Hons)/BGlobalSt: Global Politics and Human Rights, Spanish



Abstract:

On 7th October 2021, the Polish Constitutional Tribunal delivered a European Union (EU) first, a judgement in case K 3/21 denying the primacy of Union law. Since the Court of Justice of the European Union's (CJEU) 1964 ruling in *Costa v ENEL*, member states have universally accepted that EU law prevails over all state law, even most constitutional provisions. The CJEU's decision heralded in a new era in European integration, which quickly become foundational to the Union's longevity. Yet, with the stroke of a pen the Polish Court completely upended this long-settled principle. It is, therefore, incumbent for us to study the outcome of this decision for the EU, and how the Union has, and could, react to preserve its future. Put simply, I will answer the question 'what does case K 3/21 teach us about the EU's levels of integration vis-à-vis state sovereignty?', and its ability to respond to challenges to that integration. This piece combines primary and secondary sources (judicial opinions, legal scholarship, EU publications and news reports) to generate a case study analysis of this multi-faceted issue in its real-life European context. I anticipate this research will not only contribute to the ongoing sovereignty debate in the wake of this case, but also offer concrete options for the Union in these types of cases moving forward.

I Introduction: An Unprecedented Union and its Unprecedented Challenge

The European Union is primarily an economic union relying on four freedoms: free movement of goods, services, capital, and people. To practically ensure this, the EU requires an unprecedented level of integration and unparalleled pooled sovereignty over certain decisions and state functions, including a state's legal system. The EU's control over a state's legal system is dictated by the principle of primacy. Unfortunately, a recent decision by the Polish Constitutional Tribunal in case K 3/21 has declined to apply this principle as a matter of Polish law.[1] This poses an unprecedented

challenge to the EU's integration and legitimacy if it is unable to respond appropriately. If Poland remains unscathed, other states may follow and the EU may begin to disintegrate. This paper then answers a vital question, what does case K 3/21 teach us about the EU's levels of integration vis-à-vis state sovereignty, and its ability to respond to challenges to that integration. I begin by explaining the principle of primacy and how the Polish K 3/21 decision challenges it. Then, I draw conclusions about what K 3/21 tells us about EU integration and the EU's ability to preserve itself. Finally, I hypothesise an alternative EU response.

II Primacy: A Primer

Primacy is the principle that EU law, treaties, and treaty-authorized law, take precedence over, and is supreme to, state law. Therefore, when EU and state law conflict, EU law will prevail, either by reading state law as consistent with EU law or disapplying state law. This principle cannot be directly found in the EU's founding treaties, but rather is an inherent pre-condition for supranational treaty-based law to function. This was acknowledged in 1964 in *Costa v ENEL*, the first case of the Court of Justice of the European Union (CJEU) to establish the principle. In that case the Court held that Community Law "could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived of its character as community law and without the legal basis of the community itself being called into question".[2] This reinforces that primacy is foundational to European integration and ensuring that all EU citizens and trade are subject to the same protections. Furthermore, primacy is vital to protect democracy, the rule of law, and human rights as required by the Copenhagen accession criteria.[3] Finally, despite technical differences, we use primacy, precedence, and supremacy interchangeably in accordance with CJEU practice. [4]

[1] Polish Constitutional Tribunal, Assessment of the conformity to the Polish Constitution of selected provisions of the Treaty on European Union.

[2] Court of Justice of the European Union, *Costa v ENEL*, 593.

[3] European Council, Presidency Conclusions: Copenhagen European Council, 7.

[4] Ravluševičius, "The Enforcement of the Primacy of the European Union Law: Legal Doctrine and Practice," 1378.

III Poland Knows Best: The Fall of Judicial Independence and the EU

The Polish Constitutional Tribunal's decision in case K 3/21 is a highpoint in the ever-receding judicial independence and rule of law in Poland since the Law and Justice Party (PiS) took power in 2015. Over their tenure, PiS has completely gutted judicial independence safeguards and brought the appointment, promotion, and discipline of Polish judges under direct or indirect executive political control. PiS has managed to, through a system of laws and the new Disciplinary Chamber of the Polish Supreme Court, discipline and replace judges for unfavourable political rulings, holding discussions about judicial independence, or applying EU law in line with CJEU rulings.[5] As a foundational challenge to the rule of law, democracy, and the Treaty on European Union (TEU), the CJEU has consistently ruled against Poland and ordered it to restore judicial independence.[6] In the wake of those decisions, the Polish Prime Minister asked the Constitutional Tribunal, now packed with PiS appointees, to rule on the primacy of EU law vis-à-vis their constitution.[7] This case, decision K 3/21, held that Polish law is supreme insofar as the Polish Constitution is inconsistent with the TEU. They found the TEU inconsistent when it forced Polish courts to ignore domestic law in areas beyond the EU's competence, required domestic courts to apply EU law inconsistent with the Constitution and required evaluation of Polish judicial independence according to EU law.[8] Putting aside the fact that K 3/21 may be incorrect as a matter of Polish law, given it overruled longstanding precedent upholding EU primacy in Poland,[9] this case has important lessons for the fragility and longevity of the EU.

IV A Union in Crisis: What does the decision tells us?

A) A Fragile Sovereignty Experiment

This decision highlights the ongoing sovereignty-primacy tension within the EU. All member states have long agreed, in accordance with CJEU precedent, that EU law needs to be applied uniformly for all states to reap the Union's economic benefits. The CJEU has always been clear that primacy includes over all constitutional provisions.[10]

However, Superior Courts in member states, such as Germany and Belgium, have taken differing approaches and have even limited primacy. Therefore, is it fair to criticise a Polish court for doing the same? I suggest it is because there are key differences. The German *identitätsvorbehalt* exception to primacy, a model followed by others including Belgium, found that EU primacy is limited only if there is not substantial concurrence between core constitutional principles and EU law.[11] That is, I suggest a reasonable threshold safeguard to protect from a hypothetical authoritarian EU, an EU which holds values diametrically opposed to those of today. Whereas, Poland does not want to uphold fundamental democratic EU values, but erode them, and that is why this ruling is so unusually dangerous. All this is to show that if Poland is allowed to get away with the erosion of primacy, retake its legal sovereignty and still gain EU benefits, there is nothing stopping other EU states from following this path. With this decision, I see how fragile the EU and its customs union remain despite longstanding integrative efforts. As Ambassador Nina Obermaier noted "we never expected a slide back on the rule of law".[12]

B) EU's Lack of Appropriate Responses

Unfortunately, Poland's decision in direct violation of a CJEU ruling has exposed the EU's inability to effectively respond. The Commission, charged with enforcing EU law, has issued recommendations and public condemnations, taken successful cases and financial penalty proceedings to the CJEU, and initiated Article 7 proceedings which can lead to suspension of certain membership rights.[13] Nevertheless, Poland's controversial Disciplinary Chamber and executive control over the judiciary remain. Despite the Commission getting the CJEU to fine Poland €1m daily since late October, this comes on top of an earlier unrelated €500,000 daily fine,[14] both of which Poland has refused to pay.[15] There is legal uncertainty over whether this fine will be deducted from any money owed to Poland, however, at a certain point one must admit that these fines have become empty symbols in the face of an unprecedented denial of EU law and order. Furthermore, despite the

[5] Duncan and Macy, "The Collapse of Judicial Independence in Poland: A Cautionary Tale," 41-43.

[6] Most recently in Court of Justice of the European Union, *A.B. v Krajowa Rada Sądownictwa*, 150 and 167.

[7] Botsford, "Rule of law: Poland's highest court challenges primacy of EU law."

[8] Polish Constitutional Tribunal, Assessment of the conformity to the Polish Constitution of selected provisions of the Treaty on European Union.

[9] Decision has been critiqued by 26 retired Polish Constitutional Tribunal judges in Biernat et al., Statement of Retired Judges of the Polish Constitutional Tribunal.

[10] Court of Justice of the European Union, *Costa v ENEL*, 593.

[11] Meyer, "From Solange II to Forever I: The German Federal Constitutional Court and the European Arrest Warrant (and How the CJEU Responded)," 277; Petersen and Chatziathanasiou, *Primacy's Twilight? On the Legal Consequences of the Ruling of the Federal Constitutional Court of 5 May 2020 for the Primacy of EU Law*, 19-22 and 28.

[12] Obermaier, "EU Ambassador to New Zealand Guest Lecture".

[13] Duncan and Macy, "The Collapse of Judicial Independence in Poland: A Cautionary Tale," 43-45.

[14] Gwozdz-Palokat, "Poland vows not to pay any EU court fines."

[15] Gwozdz-Palokat, "Poland vows not to pay any EU court fines."

Commission triggering Article 7 proceedings in late 2017 and the Parliament's support, the Council has not held a formal hearing since late 2018, with Hungary expected to veto any vote.[16] The only remaining option the EU is currently exploring is funding conditionality, that is holding back post-COVID loans and grants from Poland until it re-establishes the rule of law.[17] Although, the chance that this measure will provide a sufficient incentive for Poland when no other financial and diplomatic measures have worked so far is slim. This proves that the EU is ill-equipped to deal with such rogue lawlessness. So, what can be done?

V Thinking the Unthinkable: From Polesxit to Polexpulsion

K 3/21 challenges primacy, which is at the heart of the European legal order. Therefore, some may begin to wonder whether a Polesxit, or rather a forced Polexpulsion could be on the cards. Certainly, a voluntary Polesxit seems unlikely given a recent study found 88% of Poles support EU membership and 66% believe Polesxit is not a realistic scenario.[18] However, when a member state has intentionally strayed from foundational EU principles, the EU should be able to take forced removal action as a matter of last resort. This is not explicitly provided for in the treaties, although nor was primacy, and so could exist as an implied right. During the Greek Debt Crisis, there was talk of expulsion, but the European Central Bank determined an implied right was not intended and it was inappropriate in the circumstances.[19] Of course, the Debt Crisis and a fundamental challenge to primacy, EU law and the rule of law are very different things. While one should be hesitant to read too readily an implied right to expel, it must be a logically corollary of any group formation. After all, did the member states really intend that nothing could bring about a compulsory end to membership? Not reintroducing intractable trade barriers, a new dictatorship, or reimposing the death penalty? There comes a point in which the actions of a member state are so abhorrent to EU values and the foundations of integration that they cannot be permitted to remain a member. The real question going forward is, has Poland crossed that line?

VI Conclusion: A Dangerous Precedent

We have seen how case K 3/21 has set a dangerously

[16] Human Rights Watch, "EU: Use Article 7 Now to Protect European Values."

[17] Bodoni and Skolimowski, "EU Prepares to Cut Billions in Funds to Anti-Democratic Members."

[18] CBOS, Polish Public Opinion November 2021, 1-2.

[19] Athanassiou, *Withdrawal and Expulsion from the EU and EMU: Some Reflections*, 32-36.

intolerable precedent for states to ignore the rule of law, the CJEU, and the principle of primacy. This has exposed the fragility of the Union, the delicate sovereignty-primacy balance, and the lack of appropriate EU remedies to challenges to its integration. I have suggested that a forced expulsion option must at least be considered to preserve the EU's longevity. It may be too late to expel Poland without a clear process in place, or Poland's conduct may not yet warrant expulsion. Either way, can the EU really afford not to have a plan in place for when a member state's conduct does? I suggest not.

Bibliography:

- Athanassiou, Phoebus. *Withdrawal and Expulsion from the EU and EMU: Some Reflections*. Legal Working Paper Series No 10. Frankfurt: European Central Bank, December, 2009.
- Biernat, Stanisław, Teresa Dębowska-Romanowska, Kazimierz Działocha, Lech Garlicki, Mirosław Granat, Wojciech Hermeliński, Adam Jamróz et al. *Statement of Retired Judges of the Polish Constitutional Tribunal*. Poland: Verfassungsblog, October 10, 2021.
- Bodoni, Stephanie and Piotr Skolimowski. "EU Prepares to Cut Billions in Funds to Anti-Democratic Members." *Bloomberg*, January 17, 2022. <https://www.bloomberg.com/news/articles/2022-01-17/eu-prepares-to-cut-billions-in-funds-to-anti-democratic-members>
- Botsford, Polly. "Rule of law: Poland's highest court challenges primacy of EU law." International Bar Association. Updated November 11, 2021. <https://www.ibanet.org/Rule-of-law-Polands-highest-court-challenges-primacy-of-EU-law>
- CBOS. *Polish Public Opinion November 2021*. Warsaw: CBOS, November, 2021.
- Court of Justice of the European Union. *A.B. v Krajowa Rada Sądownictwa*. Case C-824/18. Luxembourg: Judgement, March 2, 2021.
- Court of Justice of the European Union. *Costa v ENEL*. Case 6/64. Luxembourg: Judgement, July 15, 1964.
- Duncan, Allyson and John Macy. "The Collapse of Judicial Independence in Poland: A Cautionary Tale." *Judicature* 104, 3 (2020-21): 41-50.
- European Council. *Presidency Conclusions: Copenhagen European Council*. Copenhagen: European Council, June 22, 1993.

-
- Gwozdz-Palokat, Magdalena. "Poland vows not to pay any EU court fines." *Deutsche Welle*, October 28, 2021. <https://www.dw.com/en/poland-vows-not-to-pay-any-eu-court-fines/a-59654600>
- Human Rights Watch. "EU: Use Article 7 Now to Protect European Values." Human Rights Watch. Updated June 18, 2021. <https://www.hrw.org/news/2021/06/18/eu-use-article-7-now-protect-european-values>
- Meyer, Frank. "From Solange II to Forever I: The German Federal Constitutional Court and the European Arrest Warrant (and How the CJEU Responded)." *New Journal of European Criminal Law* 7, 3 (2016): 277-294.
- Obermaier, Nina. "EU Ambassador to New Zealand Guest Lecture." Lecture presented at EUROPEAN 302: European Integration, University of Auckland, February 2, 2022.
- Petersen, Niels and Konstantin Chatziathanasiou. *Primacy's Twilight? On the Legal Consequences of the Ruling of the Federal Constitutional Court of 5 May 2020 for the Primacy of EU Law*. Brussels: European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, April, 2021.
- Polish Constitutional Tribunal. *Assessment of the conformity to the Polish Constitution of selected provisions of the Treaty on European Union*. K 3/21. Warsaw: Trybunał Konstytucyjny, October 7, 2021.
- Ravluševičius, Pavelas. "The Enforcement of the Primacy of the European Union Law: Legal Doctrine and Practice." *Jurisprudencija* 18, 4 (2011): 1369-1388.

THE UNDHR AND ITS IMPACT ON FAMILY VIOLENCE IN CONTEMPORARY JAPANESE SOCIETY

By Owen Segismar

BGlobalSt: Global Politics and Human Rights, Japanese

Introduction:

After the end of the Second World War, many acknowledged the sheer violence and destruction that came as a consequence of such massive conflict. Thus, many called for reforms to prevent such plights and the possibility of future conflict. The failure of the League of Nations, as seen through the occurrence of the Second World War, resulted in the nations seeking to come together to form a new world order that would drive the development of the world we live in today. The United Nations was created to provide a new opportunity for nations to cooperate and maintain a sense of global peace. Most importantly, it provided a sense of direction for many developing countries to establish their state in the world (Urquhart, 1989). The United Nations Declaration of Human Rights was then created, and international law implemented a globally agreed set of standards regarding how peoples' rights were to be treated and acknowledged in nations (United Nations, 1948).

Nevertheless, how do these human rights get translated into nations who have an aversion towards universality, or exist in modes of knowing different to those of the Western Nations that Human Rights were established? Most importantly, how can globally agreed to human rights affect issues and ways of life in localised settings? This project seeks to investigate how the United Nations Declaration on Human Rights, first formed in 1948, and impacted the issue of family violence in contemporary Japanese society today.

Issue and Objectives

Human rights are a concept that have been internationally debated and discussed on the stage of global politics and hence are implemented in many nation's policies (Mayerfeld, 2016). However, to what extent are human rights agreed on the international stage, and how are they translated and changed within individual government policies?

There is potential that the way international human rights are implemented into government policies can differ based on localised views, or based on how specific cultural contexts can affect certain societal issues. One such area of concern is how human rights have affected the

conceptualisations of family structures and therefore family violence in societies around the world, particularly in nations with varying human rights norms (Koo & Ramirez, 2009). Family violence is also a vital issue to address as it is a global phenomenon, but one that is hardly recognised in individual nations due to their perceptions around family, discipline, and other factors.

This project seeks to investigate several objectives, such as the effects of global politics on the local sphere, how the United Declaration of Human rights has influenced policy, national identity in Japan, and how it affects the issue of family violence in contemporary Japanese society. We have chosen Asia as our region of interest as the democratisation of Asia, and implementation of global human rights has been observed as a struggle begged by the consequence of rapid development in economic and social spheres. Contemporary Japan will serve as our specific area of interest as Japan is seen as one of the most democratic and economically strong countries in Asia, yet still struggles with social development and negotiating with traditional views and identity (Arase, 1993). We also seek to answer overarching questions, such as how difficult the struggle for multilateralism is in regards to human rights. As well as identifying the relationship, if any, between global agreements and localised views, and whether family violence is interpreted and approached differently in Japan in comparison to of the United Declaration of Human Rights. This project aims to address the issue of Global Politics and Human rights, by drawing connections between global agreements and paradigms and localised cultural contexts and how global politics and human rights can affect the localised sphere of existence.

Theoretical Framework

To begin our discussion, we must set out our theoretical framework for the project. This framework shall assist in specifying the concepts and theories that we will refer to when doing our research and analysis of the UN declaration of Human Rights and its relationship with family violence in Japan.

Nationalism and the Imagined Community

We will start by outlining the theoretical framework of

Nationalisms and Identity that we shall focus on, as stated in The Global Turn for our GlobalStudies research framework (Darian-Smith & Mccarty, 2017). Nationalisms and identities focus on observing identities, nation-building and nationalism theories which can potentially provide an explanation as to how specific policies, issues and views exist in societies. Anderson (2006) states that the nation is an imagined community, one whose national identity is socially constructed through the imagination and desire of its people to become a part of something much bigger. In addition, national identity is more socially constructed and inspired by European modes of nation-building in the region of Asia and Africa (Anderson, 2006). Nationalism and the national identity are explored as a dynamic and socially constructed identity is continually changing, as the state has the power to change whom they represent by determining the national identity of the nation (Anderson, 2006). However, nationalism in the Asian sphere is also seen as a modular experience, derived from European nation-building. It has been adapted to suit the nation with which it is being applied to (Anderson, 2006). For this discussion, we shall utilise the idea that the concept of national identity and nationalism is overall a social construction that is dynamic and ever-changing, hence the identity of the nation changes based on the decree of the state, bearing in mind that it can arguably be a Western invention that has been adapted and improved.

Globalisation as a form of transformation of context

Stemming from the idea that nationalism is a Western invention, we also wish to discuss globalisation and multilateralism. Globalisation is the idea that as the world develops and nations become more interconnected with one another, the significance of borders, national economies and specific cultural contexts become irrelevant (Martell, 2007). However, there is also discussion within globalisation literature in recent times outlining three waves or perspectives of globalisation; globalists, sceptics and transformationalists (Martell, 2007).

Globalists see globalisation as a causal and straightforward factor that creates a homogenous sense of living and removes the need for arbitrary boundaries. Sceptics will argue that globalisation is simply a discourse and internationalisation explains the phenomenon of globalisation, as it is not received equally throughout the world, and that the state is responsible for such international and social activity (Martell, 2007). However, transformationalists will argue that globalisation creates a new mode of existence and transforms the circumstances within which individual nation-states and cultural contexts function, acknowledging heterogeneity yet also somewhat

denying the nation-state as the main contributor to the phenomenon (Held, McGrew, Goldblatt, & Perraton, 1999). As our discussion is based on the potential for the Human Rights Declaration to affect local issues, such as family violence policy in Japan, we will dissect and observe the idea that Human Rights has changed the mode of existence of family in contemporary Japan from the transformationalist perspective.

The Universality of Human Rights

Human Rights, their definition and most importantly, how they are applied internationally will be essential to set the theoretical framework of this discussion. The most important aspect of Human Rights, which is familiar in many iterations of human rights theory is the idea that Human Rights are universal, and therefore everyone subscribes to the concept (Mayerfeld, 2016). Besides, The Universal Declaration Model suggests that human rights have the overall purpose of keeping the dignity of an individual intact by upholding all rights and liberties stated in the UN declaration of Human Rights, and that everyone has a right to them as they are the rights of individuals. However, nation-states have the ability to implement them differently in terms of their nations contextual factors (Donnelly, 2013). Hence for this discussion, we are going to refer to the individuality, universality, and responsibility of nation-states in their implementation of human rights. Hence, for this discussion effort the argument is not that human rights are not a culturally appropriate concept for some regions, such as Asia, instead, they are interpreted and implemented differently to suit specific cultural contexts. Thus not assuming complete homogeneity of human rights, yet still emphasising the universality of them (Arase, 1993). This will aim to assist in understanding human rights conceptualisation in Japan and how it affects the issue of family violence policies in contemporary Japanese society.

Family Violence, Japanese Identity and Views Regarding Human Rights and Family

To finalise our theoretical framework, a definition of family violence that we will be discussing must be made and a brief overview of the Japanese national identity and its views on family and human rights. Defining family violence has been a contentious issue in scholarship, as is researching the topic, as many have discussed what constitutes family violence. What is essential to understand however is that family violence's conceptualisation potentially differs between each cultural context and that scholarly and legal definitions will contend (Gelles, 1985). Family violence and human rights are also not discussed fully in Japanese society, even in contemporary times, as the Japanese

identity resembles that of a reserved nation with a focus on economic growth over social development (Beer & Weeramantry, 1979). The word *Jinken* started to be used in Japanese society in the 19th century (Beer & Weeramantry, 1979). Also, the family unit in Japan and its interests are of the central accord, and therefore much effort is needed to preserve it, even the idea of keeping family matters private (Fujieda & Dvorak, 1989). Family violence tended to be conceptualised as spousal violence in any form from a man towards his wife, but within contemporary discussions family or domestic violence are now interchangeable and therefore include violence towards [a] child (Gelles, 1985) as well. Human rights are also viewed by Japan, arguably, as a means of compliance with international norms and proof of the legitimacy of Japan as an international actor (Kolmas, 2014).

For this discussion, we will investigate with the idea that family Violence and domestic Violence are interchangeable and include all forms of violence against women, spouses and children. We will also keep intact the Japanese identity of reservation and privatisation of family views and the importance of the family unit, and their stance on Human rights as a tool of legitimacy and multilateralism on the international stage.

Methods/Data Collection and Evidence

Our method will consist of research into relevant scholarly texts regarding human rights, Japanese identity and family violence, and qualitative policy analysis of four documents; The United Nations Declaration of Human Rights, the Japanese Constitution, the Japanese act on the Prevention of Spousal Violence and the law concerning the Prevention of Child Abuse. Qualitative analysis will be necessary for our topic of discussion, as it provides a basis of explanation for our theoretical framework through inference and deduction of the content of each of these documents, and allows us to link it with relevant theory to explain the content and interpretations of these documents (Darian-Smith & Mccarty, 2017). We will also supplement this textual analysis with quantitative information on domestic violence in Japan, focusing information regarding the occurrence, rate and degree of domestic violence in Japan from 2000-2020. This can either be news media or statistics on the issue within Japanese society. We will then apply the scholarship to analyse and draw potential links in our discussion between theory and current information on Japanese family violence to answer our objective. That objective being, how has the UN Universal Declaration of human rights affected family violence in contemporary Japanese society.

Our documents on the Prevention of Spousal Violence and law concerning the Prevention of Child Abuse have been acquired from the Japanese government's Ministry of Health Labour and Welfare website. Our acquired media reports regarding family violence come from researching news headlines on child abuse and domestic violence statistics in Japanese media. We have also explored a variety of secondary scholarly resources on the implementation of the human rights declaration and family violence in Japan, analysis of the declaration and the identity of Japanese society and its views on human rights norms and filial attitudes. We have also used other scholarly resources and discussions to help supplement our research and to better infer perspectives as we are limited in the methods of gathering information for this project. Initially, we aimed to utilise interviews and face-to-face consultations with Japanese people and their values regarding human rights, family violence and filial dynamic. However, due to restrictions, we were not permitted to conduct face-to-face interviews or gather our own personal data.

To compensate for this, we aim at analysing and comparing policy with links drawn to theory and findings regarding our issue of family violence. First, we will examine the Human Rights Declaration and discuss the universality and application of this declaration and its mode of existence across cultures. Then we will study the identity and attitudes of Japanese society, using the Constitution of Japan as a reference point between international law and local perception on the issue. Finally, we shall make links through an analysis of the two family violence policies in Japan to create an understanding of how perceptions of family violence has been affected by the Human Rights Declaration in Japan. We aim to create an understanding of views in Japan concerning human rights and filial attitudes; however, it will assumed/theoretical, and not be a proper and accurate representation in comparison to interviewing people, and discussing their personal views. We will utilise policy under the impression that policy and government provide a nation-state with a constructed Identity through its implementation and execution (Anderson, 2006).

Analysis:

The UN Universal Declaration of Human Rights and Japanese Human Rights via the Constitution of Japan and Japanese identity

The first two documents that we will be utilising are the Universal Declaration of Human Rights, first issued by the United Nations in 1948, and the Japanese Constitution as of 1947. The Japanese Constitution, in its most current form as of 1947, came to be out of necessity for Japan to found a

new democratic political structure under the agreed terms of surrender after the Second World War during their time under Allied occupation (The Origins of the Present Japanese Constitution). It was deemed as a necessary move to the Western mode of democracy as the terms of surrender left Japan with an urgent need to create a new political fabric and rebuild as a nation (Herzog, 1951). Article 11 of the Japanese Constitution states that:

"The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights." (The Constitution of Japan, 1946).

This emphasises the newness of the development of human rights in Japanese society, as the Constitution is synonymous with Japan's need to adopt a new and democratic political system and begin their rebuild and this is a stark contrast to the lack of acknowledgement of human rights in the [earlier] Meiji Constitution (Y. Yamada, 1955).

Similarities to the Japanese Constitution in terms of objectives are drawn in the United Nations Universal Declaration of Human Rights, particularly about Articles 3, 22 and 30 regarding the right to life, social security and the notion that human rights cannot be abolished or taken away by another party (United Nations, 1948). What is, however, essential to note about the Universal Declaration of Human Rights is that it was drafted by a majority of members from Western Powers and that Human rights are a relatively new concept in the Asia region (Ghosal, 2010). More so, it was drafted during the occupation of Japan by the Americans. Japanese perspectives towards human rights can, therefore, be attributed to the context and content of both the Universal Declaration and the Japanese Constitution. The Japanese adopted Human Rights into their Constitution as a result for the urgent need of political restructure. Yet, their attitudes towards human rights and social development have a considerable disparity to the objectives set out by the UDHR Universal Declaration of Human Rights (Beer & Weeramantry, 1979). The origins of human rights within the Constitution can be traced to Western influence, as suggested by Grassmuck (Grassmuck, 1947).

However, there is still a strong notion of group rights over individual rights, and greater focus on economic development in Japanese society, arguably not reaching the same standard of human rights intended by the Universal Declaration (Katsumata, 2006). The Japanese nation-state is arguably built upon the concepts of discrete cultural separateness and preservation of sovereignty, with strong

notions of group rights rather than individual autonomy. As a result, to preserve Japanese identity amid switch to a Western model of the political structure where Human rights have been internalised (Beer, 1981).

The Japanese Law Act on the Prevention of Spousal Violence

We will then discuss the issue of family violence in Japan through a discussion of two acts directed at addressing family violence in Japan. The first being the Act on the Prevention of Spousal Violence. After being passed in 2001, the law called for equality and protections between men and women in conjunction with international efforts to implement human rights and combat global domestic violence (Act on the Prevention of Spousal Violence and the Protection of Victims, 2001). This Act, particularly in its preamble, tends to lean towards a more global perspective similar to international law standards towards human rights and violence, addressing the contentious issue of domestic violence especially in a country that has traditionally been as reserved and patriarchally oriented as the society of Japan (Domestic violence policy). The act, as it is titled, focuses on the actions necessary to prevent the occurrences of spousal violence in the Japanese domestic sphere and provides actions to protect victims of spousal violence (Act on the Prevention of Spousal Violence and the Protection of Victims, 2001). It draws its passing and creation to human rights organisations and gender equality groups in Japanese society advocating for further awareness of global human rights (Iida, 2004). This suggests the strength of the relationship between the Declaration of Human rights and family violence in Japan through the use of its doctrines and its objectives in raising group consciousness of human rights in the Japanese domestic sphere.

Japanese Law Act Concerning the Prevention of Child Abuse

The second law we will be examining is the Law Concerning Prevention of Child abuse, passed by Japanese lawmakers in 2000. The act focuses on creating a set of guidelines and responsibilities for the local and national governing bodies of Japan to protect the welfare of children and prevent child abuse, thus, adhering to the UN's Human Rights declaration, granting children their right to healthy growth and mental wellbeing (Law Concerning the Prevention of Child Abuse (Act no. 82 of 2000), 2000). It is interesting to note that Japan has a firm view towards cherishing children and the focus on group rights and the family unit (Kadonaga & Fraser, 2015). Nevertheless, it is essential to acknowledge that family violence in the form of child abuse is still prevalent in Japan. Such events can be

attributed to the innate patriarchal and hierarchical cultural context [of] Japanese society (Kadonaga & Fraser, 2015).

Findings on Family Violence Statistics

Family violence and child abuse is both prevalent in Japan, yet it is hardly discussed or reported due to the systematic existence of hierarchy and the notion that the family life is a private matter in Japanese society (Ishii-Kuntz, 2016). Although the previously discussed laws were passed and have made efforts to implement human rights into Japanese society and address issues of family violence, cases of spousal violence and child abuse have only increased.

Reported cases of potential child abuse increased from roughly 18,000 in 2000 to roughly 60,000 in 2011, a three-fold increase in just a decade from passing the Prevention of Child Abuse act (Kadonaga & Fraser, 2015). Japanese media and statistics report that although the rate of crime in Japan has decreased to the lowest amount in its post-war state, reports of family violence and child abuse are reported to be rising (Osumi, 2019). From 2001, after the introduction of the Prevention of Spousal Violence Law, to 2017 there has been a reported increase in consultations each year regarding domestic violence. The arrests made in conjunction have also been increasing (Nippon.com, 2018). However, a survey in 2017 conducted by the Cabinet Office of Japan also observes that of the number of people harmed by domestic violence, an approximate 50% of the sample size refused to confide with anyone about their experience and speak out about family violence (Nippon.com, 2018). Child abuse-related arrests have also increased, from around 200 in 1989 to 1000 in 2018 (Osumi, 2019).

The Relationship of Global Politics Human Rights and Cultural Identities, and the Struggle of Multilateralism and Universality

From these findings, we can infer several observations. The first being that family violence is more widely discussed in Japan with the introduction of human rights awareness in law (Sasaki & Ishii-Kuntz, 2016). Second, that family violence is a topic that is still gaining public awareness in Japan.

With the introduction of laws in accordance to human rights agreements such as the Universal Declaration of Human Rights, there has been a paradigm shift in Japanese society towards greater acknowledgment of the human rights of individuals and therefore the acknowledgement of issues concerning the inhibitors of human rights such as family violence. The laws in our previous analysis share qualities that focus on the notion of human rights, like those stated in the Universal Declaration, such as everyone is entitled to

safety and that these rights cannot be taken away. Both the Spousal Violence and Child Abuse prevention Acts discuss the human rights of the parties involved and the necessity to protect them. More importantly, however, the Spousal Violence Act can draw accordance with the universal declaration as to the motivation to pass the law came from human rights activists and the necessity to acknowledge global human rights standards and fight the international war against family violence (Donnelly, 2013). These acts can also be linked to the Constitution of Japan, as the creation of the Constitution aimed at democratising and progressing Japan towards a national image of peace and pacifism, providing a human rights clause in the form of Article 11.

These can then draw on to the idea that there is in fact, a relationship between Global Politics and Human rights in implicit cultural contexts such as Japan and its identity. Japan sought towards implementing human rights in the post-war occupation era as a means of repairing a political fabric torn by the need to shift from the Meiji Constitution. As a result, Jinken, or human rights have only recently been properly acknowledged in Japanese vocabulary. Human rights were initially a means of legitimising Japan, allowing it to participate in multilateral global affairs. However, it has proven to address several societal issues such as family violence (Kolmas, 2014). The very identity of Japanese society was changed, showing that policy can drive national identity reconstruction and the dynamic nature of nationalism (Anderson, 2006). The extent at which it is addressed, however, can be inhibited due to the Japanese contextual identity structured around patriarchal hierarchy, family importance, privatisation of personal life and the fact that human rights are still a recent development (Donnelly, 2013).

This further implies one of the main struggles of human rights and global politics in general is the struggle of universality and multilateralism. It portrays the idea that agreements, such as the Declaration of Human Rights can be universally agreed on, and that its objectives can be implemented in other national policies. However, its interpretation and execution can differ based on the predetermined contextual perceptions in each cultural context that it is applied in, as is the case of Japan and human rights regarding family violence (Lavelle, 2020). However, Japan's experience through human rights affecting its family violence policies and perceptions can also be a testament to the transformationalist view of globalisation, showing that globalisation has transformed the approach of family violence in Japanese society by generating an

awareness of global human rights (Donnelly, 2013).

Conclusion

To conclude, we have investigated the relationship between Global Politics and Human rights and domestic cultural contexts through researching, and understanding how the United Nations Universal Declaration of Human Rights have impacted on the issue of Family Violence in Contemporary Japanese society. We outline a theoretical framework concerning the transformationalist nature of globalisation, the constructionist nature of nationalism as outlined by Benedict Anderson's 'imagined communities', the universality of human rights and the Japanese perception of family and human rights. We then carried out a qualitative analysis of three documents of Japanese legislature, the Constitution, the Spousal Violence Protection Act and the Prevention of Child Abuse Act and quantitative analysis of news media and statistics regarding the issue of family violence in Japan. Finally, we have made inferences through analysis to determine that the United Declaration of Human Rights has affected family violence in Japan through raising awareness and contesting its national identity, though also realising that implementation of human rights is subjected to the cultural contexts with which it is utilised.

Bibliography:

- Act on the Prevention of Spousal Violence and the Protection of Victims. ,
www.japaneselawtranslation.go.jp § (2001).
- Anderson, B. (2006). *Imagined communities : reflections on the origin and spread of nationalism* (Rev. ed.). Verso.
- Arase, D. (1993). Japanese policy toward democracy and human rights in asia. *Asian Survey*, 33, 935–952. Retrieved from <http://www.jstor.org/stable/2645094>
- Beer, L. W. (1981). Group rights and individual rights in japan. *Asian Survey*, 21, 437–453. Retrieved from <http://www.jstor.org/stable/2643933>
- Beer, L. W., & Weeramantry, C. G. (1979). Human rights in japan: Some protections and problems. *Universal Human Rights*, 1, 1–33. Retrieved from <http://www.jstor.org/stable/761835>
- Darian-Smith, E., & Mccarty, P. C. (2017). *The global turn : theories, research designs, and methods for global studies*. Oakland, California: University Of California Press.

- Donnelly, J. (2013). *Universal human rights in theory and practice*. Retrieved from <http://www.jstor.org/stable/10.7591/j.ctt1xx5q2>
- Fujieda, M., & Dvorak, J. (1989). Some Thoughts on Domestic Violence in Japan. *Review of Japanese Culture and Society*, 3(1), 60–66. Retrieved from <https://www.jstor.org/stable/42800966>
- Gelb, J. (2003). *Domestic violence policy in japan and the united states*. https://doi.org/10.1057/9781403976789_4
- Gelles, R. J. (1985). Family Violence. *Annual Review of Sociology*, 11, 347–367. Retrieved from <https://www.jstor.org/stable/2083298>
- Ghosal, S. G. (2010). HUMAN RIGHTS: CONCEPT AND CONTESTATION. *The Indian Journal of Political Science*, 71, 1103–1125. Retrieved from <http://www.istor.org/stable/42748940>
- Grassmuck, G. (1947). WESTERN INFLUENCES IN JAPANESE CONSTITUTION-MAKING. *India Quarterly*, 3, 362–381. Retrieved from <http://www.jstor.org/stable/45071030>
- Held, D., Mcgrew, A., Goldblatt, D., & Perraton, J. (1999). Global transformations. *ReVision*, 22, 7–13. Retrieved from <http://search.proquest.com/docview/207580425/>
- Herzog, P. J. (1951). Political Theories in the Japanese Constitution. *Monumenta Nipponica*, 7(1/2), 1–23. <https://doi.org/10.2307/2382947>
- Iida, K. (2004). Human rights and sexual abuse: The impact of international human rights law on japan. *Human Rights Quarterly*, 26, 428–453. Retrieved from <http://www.jstor.org/stable/20069733>
- Ishii-Kuntz, M. (2016). Child abuse: History and current state in japanese context. In F. Kumagai & M. Ishii-Kuntz (Eds.), *Family Violence in Japan* (pp. 49–78). https://doi.org/10.1007/978-981-10-0057-7_2
- Kadonaga, T., & Fraser, M. W. (2015). Child maltreatment in japan. *Journal of Social Work*, 15, 233–253. <https://doi.org/10.1177/1468017314537424>
- Katsumata, H. (2006). Why does Japan downplay human rights in Southeast Asia? *International Relations of the Asia-Pacific*, 6, 249–267. Retrieved from <http://www.jstor.org/stable/26156547>
- Kolmas, M. (2014). Legitimization strategies and Japan's multilateralism switch. *Perspectives*, 22, 49–75. Retrieved from <http://www.jstor.org/stable/24624581>

- Koo, J.-W., & Ramirez, F. O. (2009). National incorporation of global human rights: Worldwide expansion of national human rights institutions, 1966-2004. *Social Forces*, 87, 1321–1353. Retrieved from <http://www.jstor.org/stable/40345163>
- Lavelle, K. C. (2020). *The challenges of multilateralism*. Retrieved from <http://www.jstor.org/stable/j.ctvxkn79b>
- Law Concerning the Prevention of Child Abuse (Act no. 82 of 2000). , www.mhlw.go.jp § (2000).
- Martell, L. (2007). The third wave in globalization theory. *International Studies Review*, 9, 173–196. Retrieved from <http://www.jstor.org/stable/4621804>
- Mayerfeld, J. (2016). *The promise of human rights: Constitutional government, democratic legitimacy, and international law*. Retrieved from <http://www.jstor.org/stable/j.ctt1bmzkmk>
- Nippon.com. (2018, August 27). Only a Fraction of Domestic Violence Victims Contact the Police. Retrieved November 3, 2020, from nippon.com website: <https://www.nippon.com/en/features/h00269/>
- Osumi, M. (2019, November 29). Japan’s crime rate hits postwar low, but child abuse, domestic violence and offenses by elderly on rise. Retrieved November 3, 2020, from The Japan Times website: <https://www.japantimes.co.jp/news/2019/11/29/national/crime-legal/japans-crime-rate-hits-postwar-low-report-shows-rise-child-abuse-domestic-violence-offenses-elderly/>
- Sasaki, T., & Ishii-Kuntz, M. (2016). *Intimate partner violence: Domestic violence from japanese perspectives* (F. Kumagai & M. Ishii-Kuntz, Eds.). https://doi.org/10.1007/978-981-10-0057-7_3
- The Constitution of Japan. , www.japaneselawtranslation.go.jp § (1946).
- United Nations. (1948). *Universal Declaration of Human Rights*. New York, New York: United Nations.
- Urquhart, B. (1989). The united nations system and the future. *International Affairs (Royal Institute of International Affairs 1944-)*, 65, 225–231. Retrieved from <http://www.jstor.org/stable/2622069>

CONFUCIANISM: A METHOD OF SOCIO-POLITICAL CONTROL IN NORTH AND SOUTH KOREA

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Confucianism has the potential to significantly heighten and establish nationalism within a state, and has a potent cultural and historical significance within many East Asian countries. As a result of this, Confucianism has the capacity to act as a mechanism of socio-political control. As an ideology that is socio-culturally embedded in East Asian countries, Confucianism appeals to the behaviour and attitudes of people in East Asia. It is a philosophy that exists as a moral guide for living and interacting with other people. However, the state and scope of Confucianism in modern East Asian countries varies. The way it has been utilised and implemented as an ideology and how it is viewed today is not synonymous across the entirety of East Asia. There is a vast range of interpretations and presentations of Confucianism in a modern context, cross-culturally and within states.

A vital example of this is the juxtaposition of Confucianism in North and South Korea. It has been argued that North Korea has manipulated Confucianism into a facet of political indoctrination. Furthermore, it has been suggested that Confucianism is a vital component of its maintenance of authority. Alternatively, it is argued that Confucianism in South Korea exists locally, and that Confucianism is perpetuated by the people rather than the government. In essence, a top-down example of Confucianism is contrasted with a bottom-up approach. From the examination of north Korea and South Korea, it is possible to identify Confucianism's social, cultural, and political implications. Overall, there is no ideal presentation of this ideology since its establishment in Korea in the 14th-century.[1] The legacy of Confucianism is neither wholly positive nor negative.

Confucianism is an ideology that is deeply rooted in the culture of East Asian countries. Most notably, Confucianism has been heavily present in China, Japan, and Korea.[2] This ideology is founded upon moral beliefs, translated through

an emphasis on relationships with other people. There are five specific relationships that are significant in Confucianism: “father-son, husband-wife, elder-younger brothers, and friend-friend.”[3] Significance is placed on these relationships in order to promote ideals of respect, and the lower social hierarchy individual is expected to demonstrate “respect and loyalty in their interactions with their superior.”[4] Although, the ways in which this respect is conveyed varies in accordance with the relationship, not just with status. For example, in the relationship between a father and son, respect is translated as filial piety. It is also important to note that Confucianism is an ideology that heavily revolves around hierarchical values. The emphasis placed on relationships demonstrates Confucian social hierarchy on a local or individual level, but this is also evident within Confucian political structures. Prior to the Han Dynasty, in China, Confucians held the opinion that human behaviour is inherently corrupt and thus, must be “kept in check through the formal structures of government.”[5] This example implicitly conveys a desire to politically enforce Confucian values, however this is not necessarily reflective of a modern context. To some extent, this element of Confucianism has translated into governments and states as a justification for authoritarian rule. However, it is important to highlight that “although Confucian ethical thought entails notions of hierarchy and has been appealed to justify abusive authoritarianism during parts of its history, the abuse of political authority is not supported by the ethical tradition.”[6] Although, this does not negate the potential for Confucianism to heighten political control.

North Korea is a state that’s authority is based on Marxist-Leninist and Confucius ideology. This is due to the fact that

[1] Clemens, Walter C. *North Korea and the World*. (University Press of Kentucky, 2016), 31.

[2] Kim, Suk Hi. "The Survival of North Korea: A Case for Rethinking the U.S.-North Korea Nuclear Standoff." *North Korean Review* (McFarland & Company, 2015) 11: 103.

[3] Kim, "The Survival of North Korea: A Case for Rethinking the U.S.-North Korea Nuclear Standoff," 103.

[4] Freiner, N. *The Social and Gender Politics of Confucian Nationalism*. (Palgrave Macmillan US, 2012), 34.

[5] Ackerly, Brooke A. "Is Liberalism the Only Way toward Democracy? Confucianism and Democracy." *Political Theory* (Sage Publications, Inc., 2005) 33: 555.

[6] Ackerly, "Is Liberalism the Only Way toward Democracy? Confucianism and Democracy," 553.

these ideologies created a cult of personality of North Korea's first leader, Kim Il Sung.[7] The fact that Kim Il Sung's family still retain power and authority in North Korea demonstrates the effectiveness of utilising these ideologies. Through the transference of traditional cultural norms and beliefs (Confucius values and beliefs) to the state, Kim Il Sung essentially crafted his own ideology (*juche*) that enabled him to ensure the loyalty of North Korean citizens.[8] The Confucius notion of filial piety no longer applied to the relationship between a parent and their child. Instead, Kim Il Sung became the symbolic father of North Korea. All citizens were obligated to show him respect, loyalty, and devotion.[9] To a large extent, this is perceived as a mass indoctrination of the North Korean population.[10] It is clear that "the ruling elite in North Korea has exploited cultural legacies to perpetuate its hold on power." [11] Although, it is unreasonable to conclude that Confucianism is the sole contributor to the Kim family's maintenance of power in North Korea.

The legacy that Confucianism has left North Korea is largely negative. The North Korean state conveys Confucian values through a top-down approach, suggesting that "the eternal socio-political life is bestowed by the supreme leader, *suryōng*, while individuals' physical lives are [...] unimportant." [12] Although North Korea is referred to as the Democratic People's Republic of Korea (DPRK), North Korean governance leans more towards authoritarianism and monarchy than democracy. As a result of this, North Korean citizens do not have socio-political autonomy. If North Korean citizens speak out against the government or attempt to leave the country, they may be subject to brutal punishment or even death.[13] In this regard, it can be determined that North Korean state Confucianism vastly differs from the traditional notion of Confucian ethics. Another way North Korean Confucianism differs from the traditional notion of Confucianism is the way in the position of women in the North Korean social hierarchy.

In the scheme of Confucian relationships and the social hierarchy, women are placed below their male counterparts;

[7] Kihl, Young Whan. "The Cultural Dimension and Context of North Korean Communism." *Korean Studies* (University of Hawai'i Press, 1994) 18: 142.

[8] Kim, "The Survival of North Korea: A Case for Rethinking the U.S.-North Korea Nuclear Standoff," 111.

[9] Clemens, *North Korea and the World*, 32.

[10] Kihl, "The Cultural Dimension and Context of North Korean Communism," 151.

[11] Kihl, "The Cultural Dimension and Context of North Korean Communism," 153.

[12] Kang, Jin Woong. "Political Uses of Confucianism in North Korea." *The Journal of Korean Studies* (Duke University Press, 2011) 16: 77.

[13] BBC. *North Korea: Everything you need to know about the country*, April 2020, <https://www.bbc.co.uk/newsround/20692214>.

their role is to serve men. In this sense, Confucianism can be understood as a perpetrator of gender inequality. However, evidence suggests that this is not an element of Confucianism perpetuated by the North Korean government. To a large extent, it is argued that gender equality in North Korea has been achieved. The dominance of Communist ideology encouraged women to join the workforce, and the Confucian Patrilineal Family Registration System was eradicated.[14] This is also significant because it is thought that it was the patrilineal registration system "encouraged son-preference." [15] With women able and encouraged to join the workforce, there was little justification for son-preference and thus a reduction in gender-based discrimination. Furthermore, in 1946, the North Korean Gender Equality Law was passed. This law gave North Korean women "freedom of marriage and divorce, stipulated legal inheritance [...], promoted employment [...], and banned prostitution." [16] Essentially, this law gave North Korean women the right to be socially and economically independent. Contrarily, this divergence from Confucian values was not explored in South Korea until much later.

The influence of Confucianism on South Korea is closely tied to the social hierarchies instilled in on the local level to the detriment of South Korean women. This is primarily a consequence of Confucianism's emphasis on men as superior to their female counterparts. Most notably, Confucian values suggest that women should be subordinate to their husbands, a key presentation of this ideal being the *Hoju* system. The *Hoju* system ensured that men had legal jurisdiction over the women of their families. Essentially, it existed to strip South Korean women of their autonomy. This system was abolished in 2005 [17] and was only met with some resistance by the Association of Korean Confucians. [18] This is significant as it demonstrates the change in dominant social attitudes towards gender equality. Although this feminist response to Confucianism has been met with resistance, as Confucianism is perceived to be an integral part of South Korean culture, [19] there is still a notable shift in socio-cultural beliefs. Essentially, within a

[14] Schwekendiek, Daniel. "Why Has Son-Preference Disappeared in North Korea?" *North Korean Review* (McFarland & Company, 2010) 6: 66.

[15] Schwekendiek, "Why Has Son-Preference Disappeared in North Korea?," 67.

[16] Schwekendiek, "Why Has Son-Preference Disappeared in North Korea?," 67.

[17] Schwekendiek, "Why Has Son-Preference Disappeared in North Korea?," 67.

[18] Koh, Eunkang. "Gender Issues and Confucian Scriptures: Is Confucianism Incompatible with Gender Equality in South Korea?" *Bulletin of the School of Oriental and African Studies* (University of London, 2008) 71: 346.

[19] Koh, "Gender Issues and Confucian Scriptures: Is Confucianism Incompatible with Gender Equality in South Korea?," 347-348.

modern context, “if Confucianism is incompatible with the idea of gender equality, it is difficult for most Koreans to accept Confucianism as a valuable tradition that should be preserved.”[20] Although overall, this is suggestive that Confucianism is inherently patriarchal, it is also important to recognise that, to some extent, it is argued that these patriarchal ideas may not have stemmed from Confucian scripts. Alternatively, it has been proposed that the commentaries on Confucius scriptures have perpetuated patriarchal values and that the scriptures themselves are not inherently patriarchal.[21] Unfortunately, this does not negate the consequences of gender inequality as they have and continue to be tied to Confucian ideology. Overall, this contrast between the reality of gender equality in North Korea and South Korea is very significant.

From this discussion of North and South Korea, it is evident that the expression of nationalism and the experience of the Confucian legacy are complex. Given the authoritarian nature of North Korea, it may be natural to presume that Confucianism in North Korea is inherently negative, in particular when contrasted with a liberalist democratic country. To some extent, this is the dominant narrative. However, the pitting of liberalist democracy against socialism can be deemed a logical fallacy. No ideology is inherently moral or immoral, positive, or negative, as demonstrated in the case of gender equality in North Korea and South Korea. North Korea may be considered more socially progressive if its state policies are examined in isolation, but authoritarian policies restrict other freedoms. They have escaped one negative facet of Confucianism, only to be subject to its new institutionalised materialisation. By extension, although South Korean women may be subject to higher rates of gender-based discrimination, they are not subject to authoritarian state politics and political freedom. However, in both respects, the ways in which Confucianism is experienced in these states can still be perceived as a mechanism of socio-political control. In North Korea, Confucianism has been more directly manipulated to assert power over North Korean citizens. However, the effects of Confucianism on South Korea have been more insidious. South Korean women in particular are still subject to casual gender discrimination that has been socially, rather than politically, integrated into society. The legacy of Confucianism in South Korea is indirect but still very much a contributor to South Korean nationalism.

In conclusion, Confucianism perpetuates a diverging state of nationalism in North and South Korea due to it being a mechanism of socio-political control. Confucianism, at its core, exists as an ideology based on morals, ethics, and to some extent it is perceived as a guide that illustrates how to live life. Confucianism is based on the foundation of relationships based on respect. However, in a broader sense, it translates to the formation of social hierarchy. Arguably, the notion of social hierarchy is prevalent and not necessarily negative; there have been negative repercussions. Potently, it has contributed to the establishment of South Korean women as inferior to men. While this is not a status enforced on a state level, it has been perpetuated unofficially on a local level. In contrast, North Korean women have transcended Confucian notions of subservience with the sanction of the state. They are encouraged to work and enjoy social freedom. However, the North Korean state has successfully manipulated other facets of Confucianism to establish and maintain socio-political control, specifically through the construction of a cult of personality founded on Confucian notions of filial piety. Essentially, Confucianism's historical and cultural significance abetted the establishment of Marxist-Leninist (socialist) ideologies and authoritarian politics. Consequently, North Korean citizens have little to no political freedom or autonomy. Ultimately, the legacy of Confucianism is determined by people, the people who hold authority over a state and by the individuals who make up the state.

Bibliography:

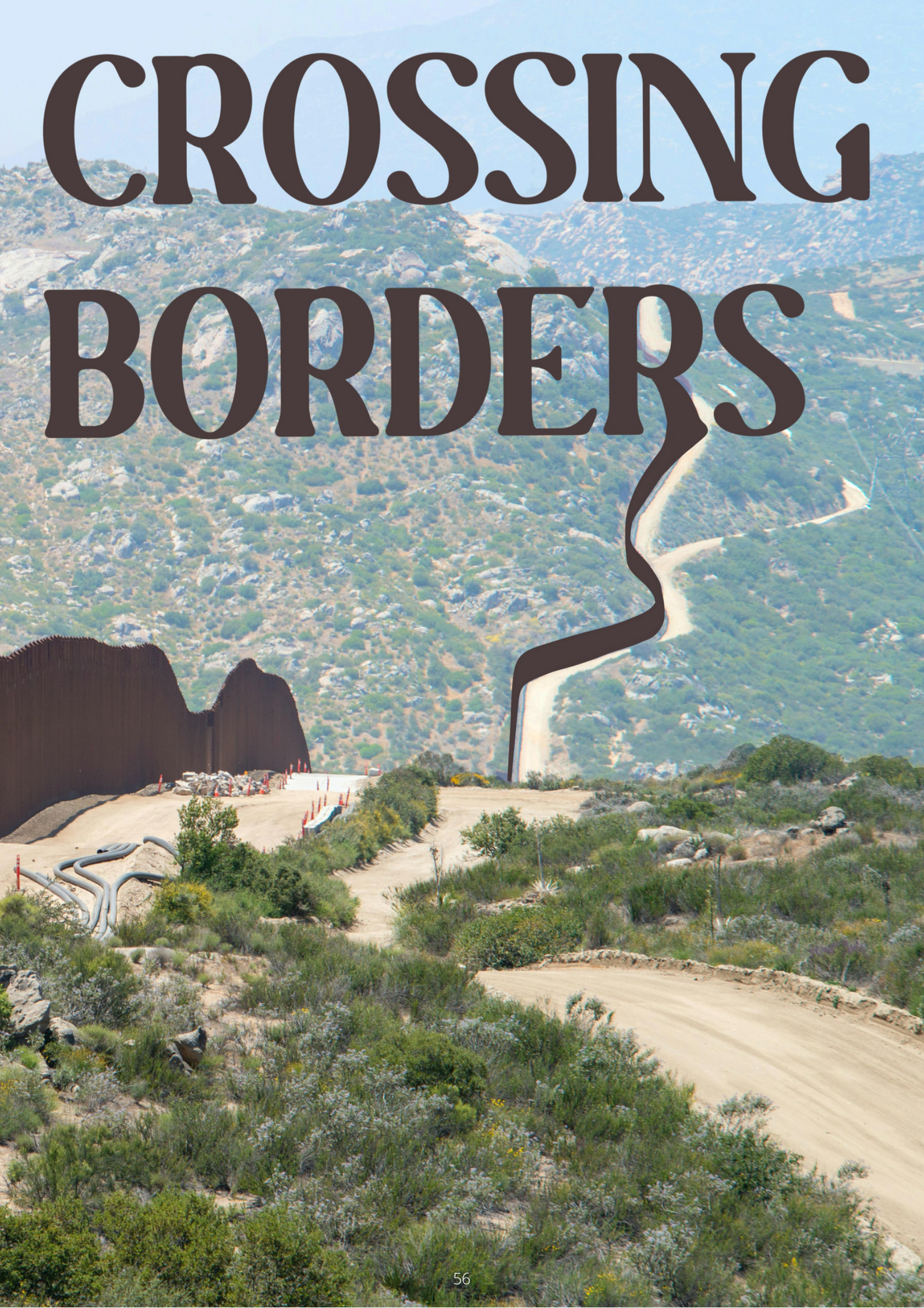
- Ackerly, Brooke A. "Is Liberalism the Only Way toward Democracy? Confucianism and Democracy." *Political Theory* (Sage Publications, Inc., 2005) 33: 547-576.
- BBC. *North Korea: Everything you need to know about the country*, April 2020, <https://www.bbc.co.uk/newsround/20692214>, [Accessed October 24, 2021].
- Clemens, Walter C. *North Korea and the World*. University Press of Kentucky, 2016.
- Freiner, N. *The Social and Gender Politics of Confucian Nationalism*. Palgrave Macmillan US, 2012.
- Kang, Jin Woong. "Political Uses of Confucianism in North Korea." *The Journal of Korean Studies* (Duke University Press, 2011) 16: 63-87.

[20] Koh, "Gender Issues and Confucian Scriptures: Is Confucianism Incompatible with Gender Equality in South Korea?," 351.

[21] Koh, "Gender Issues and Confucian Scriptures: Is Confucianism Incompatible with Gender Equality in South Korea?," 354.

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- Kihl, Young Whan. "The Cultural Dimension and Context of North Korean Communism." *Korean Studies* (University of Hawai'i Press, 1994) 18: 139-157.
- Kim, Suk Hi. "The Survival of North Korea: A Case for Rethinking the U.S.-North Korea Nuclear Standoff." *North Korean Review* (McFarland & Company, 2015) 11: 101-113.
- Koh, Eunkang. "Gender Issues and Confucian Scriptures: Is Confucianism Incompatible with Gender Equality in South Korea?" *Bulletin of the School of Oriental and African Studies* (University of London, 2008) 71: 345-362.
- Schwekendiek, Daniel. "Why Has Son-Preference Disappeared in North Korea?" *North Korean Review* (McFarland & Company, 2010) 6: 65-73.

CROSSING BORDERS



A SINK WITH NO DRAIN

By Yvette Brennan

What do you do when a bathtub is overflowing? You pull the plug and let the water drain. Unfortunately for Jakarta, there is no drain, only an endless supply of water that will inevitably submerge at least a ⅓ of the city by 2050 (CTV). Northern Jakarta has been given a life expectancy of 28 years until it joins the lost City of Atlantis, with the rest of Jakarta to follow the same tragic fate. What is now a thriving city of 11 million and counting will become a tragic story of more than 1.8 million people being displaced and seeking refuge. The effects of sinking can already be felt, with Northern Jakarta having sunk more than 2.5 metres between 2008 and 2018, with an extra 10-25 centimetres each year since then. Greater Jakarta, with a population of 30 million, is sinking between 1-10 centimetres each year (BBC). Although climate change is a significant contributing factor, it does not bear all the responsibility for Jakarta's tragic fate. A combination of over-extracting groundwater, land subsidence, poor government regulation, poor infrastructure and population density exacerbate the sinking. In response, the government has embarked on an aspirational solution; relocating the capital.

The proposed upheaval of Indonesia's capital city from Jakarta, Java to Nusuntara, Borneo will be no easy feat and has received mixed responses from the public. In a study of 26,000 people across 25 countries, Indonesia was found to have the highest percentage of climate change deniers (Statista). Despite there being multiple pieces of sound evidence proving Jakarta is sinking, there remains a strong reluctance to move. This reluctance is based on the assumption that climate change is not as bad as it seems, or that it does not exist at all.

There is little sense of urgency to move among residents who are accustomed to the natural disasters or completely unaffected and unaware of the crisis at hand. The lack of environmental awareness and the settlement for current standards has produced attitudes of denial which has undermined the severity of the situation. The current reality bears witness to the abandonment of many homes and buildings due to irreparable damage, with others surviving under constant repair. The possibility of homes and places being completely submerged in the near future seems to be an empty threat with many people seemingly unphased by Jakarta's sinking reality and its speculative relocation.

Although Indonesia holds the title for the most climate change deniers, there are plenty on the flip side who are horrified by the impending doom that awaits Jakarta. This understanding is typically adopted by the younger generation who are more open to accepting new information and is more cognizant of the disasters that have occurred, and are pending. This is highlighted every year when flooding worsens and the risk of water-borne disease increases, disproportionately affecting those who live in high-risk areas and insufficient housing. However, the Prime Minister's announcement in 2018 to relocate the capital city does not account for the changes that must be made within Jakarta. There is no predicting how many people will stay or relocate, but it is likely that many residents will stay put. Interviews have revealed that even those who accept Jakarta is sinking and will eventually be underwater are included in the group of people who refuse to move, albeit for different reasons.

Residents are willing to accept the risks associated with living in Jakarta because of its guaranteed access to education, family, special treatments, transportation and employment. A new capital city poses many uncertainties for the public, even if they understand the reasoning behind it.

The relocation of Indonesia's capital provides for the future; not for the present.

There is still a small window of time to significantly delay the sinking of Jakarta. This is crucial even with the relocation of the capital as those who cannot afford to move (or refuse to) will be left behind. Building a new city in an attempt to transition the capital city will be a monumental task with no guarantee of success. The official documents for the relocation have been signed but there is no guarantee Nusantara will be built in time. Climate change operates on its own agenda and will not accommodate around the government's timeline. There are too many open-ended possibilities for the solution to be dependent on a new city, especially when the swift prevention of land subsidence could be the redeeming factor.

Living in Auckland, a city mostly unaffected by the rising sea level, it's easy to get lost in the chaos of the world and forget the realities being faced by others. Real people, real homes, and real lives are at stake. We did not cause the problem but it is our burden to carry. It is imperative we remain aware and empathetic, because there will come a day in our lifetime when a sea of climate change refugees flood our doorsteps, and it will be our responsibility to help them.

THE IMPACT OF ANTHROPOGENIC CLIMATE CHANGE ON MIGRATION - A CASE STUDY FROM THE DRY CORRIDOR IN GUATEMALA

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Climate change is one of the most significant issues that humanity is facing today. With warming global temperatures causing more extreme weather events, such as droughts, hurricanes, and heat waves, people's homes and livelihoods are at stake. However, this crisis is not affecting all people equally. The UN Office of the High Commissioner for Human Rights outlined that poor people from developing countries will suffer earlier and most seriously from climate change, even though they have contributed far less to its emergence (UNHR, 2007). As a result, predictions outline that migration will be one of the most critical consequences of anthropogenic climate change (IPCC, 2007).

For smallholder farmers in the Central American Dry Corridor (CADC), the effects of climate change are already being felt. Seasonal droughts—an established part of this geographic location—are worsening due to the effects of climate change, causing farmers and families to suffer drastically as their reliance on rain-fed agriculture results in ever-increasing food insecurity. For many, migration is a last resort adaptive strategy to enable survival (World Food Programme, 2017).

This essay will reflect upon the impact of anthropogenic climate change on migration from the Dry Corridor in Guatemala to the United States. This reflection will look into whether there is a causal link between climate change and the migration of Guatemalans from the CADC to the United States, specifically through analysing the impact of climate change-induced droughts on food security. In turn, this essay will discuss how the intersection between climate change and migration raises the question of what it means, legally and morally, to be a climate migrant and whether the United States has a moral obligation towards such migrants due to their role in causing climate change.

The CADC is a geographic area known for its prolonged dry spells and droughts (WFP, 2017). The natural occurrence of the El Niño Southern Oscillation phenomena can worsen these dry spells (Beveridge et al., 2019), as shown through the current drought in the CADC which began during the powerful 2014-2016 El Niño episode (WFP, 2017).



However, with more frequent strong El Niño events predicted to occur under future anthropogenic forcing (Wang et al, 2019), both short-term and long-term droughts are projected to worsen substantially across the region under both moderate and high emission scenarios by the end of the century (Depsky, 2020). Therefore, it is clear that climate change is an issue that is already affecting and will continue to affect millions of lives in Guatemala's Dry Corridor.

One of the most detrimental effects of these increasing droughts is their impact on food security. Many variables impact food security in this region, including high poverty levels, low education levels, small landholdings, and a lack of funds for adaptation (Alpizar, 2020). However, sustained droughts are one of the biggest causes of food insecurity due to crop loss (Abbott, 2019). This can be proven at an individual level. For example, participants in an Ethnographic and Household Survey on the drivers of food insecurity in Guatemala's Dry Corridor saw consecutive drought events as the most limiting factor in their perception of their well-being and food insecurity experiences (Beveridge et al., 2019).

Statistics also prove that food insecurity levels in the CADC are high. A 2017 World Food Programme study in the CADC found that nearly half of the families interviewed were food insecure (WFP, 2017). In addition, Guatemala has one of the highest malnutrition rates for children in the world (Abbott, 2019). In an interview with Aljazeera (Abbott, 2019), Jeremias Hernandez, an agronomist and member of the central coordination for the Maya Ch'orti organization Nuevo Día, stated "We have seen cases where families are only eating once a day, or in some extreme cases, every other day" (Poverty, Malnutrition section, para. 14).

Although not the sole cause, it is clear that anthropogenic climate change is increasing the amount and intensity of droughts in this geographic region, which is increasing food insecurity. However, is this also impacting migration?

It is challenging to outline the exact role of climate change in migration, due to other factors such as violence and established migration patterns from Central America to the United States. In turn, when specifically reflecting on food insecurity, various coping mechanisms are used by those suffering from this issue in Guatemala's Dry Corridor, such as readjusting finances, taking on debt, and the sale of land and assets (WFP, 2017). However, migration is also a mechanism used in response to food insecurity, although it tends to be the endmost coping strategy that people turn to (WFP, 2017).

When people choose to migrate, both negative and positive impacts can occur. Migrants provide vital economic support to their families by sending home remittances (WFP, 2017). However, the debt incurred through the migratory journey—especially when migrants are unsuccessful and get sent back to their home country—can increase the economic difficulty they face. In addition, migration reduces the available workforce for families at home. Thus, if not offset by remittances, migration can increase food insecurity (WFP, 2017). These facts highlight a contradiction in this system—although food insecurity causes migration, migration can also cause or exacerbate food insecurity (WFP, 2017).

Despite being the ultimate coping strategy, the flow of migrants from Guatemala—as well as El Salvador and Honduras—has increased significantly since 2010 (WFP, 2017). In addition, 50% of emigrants that left Mexico and returned to their home country of Guatemala were working in the agricultural sector before migrating (WFP, 2017), alluding to the fact that drought conditions influenced them to migrate. This illustrates a link between increased food insecurity—in large part caused by climate-induced droughts—and increased migration to the United States. Thus, there is an established causal connection between anthropogenic climate change and increasing migration from Guatemala's Dry Corridor to the United States.

With this causal connection established, this essay will discuss how climate change, as a cause of migration, may impact these migrants at a policy level, by reflecting on whether migrants from the Dry Corridor of Guatemala can be considered climate migrants and forced migrants.

International law distinguishes between political or 'forced' migrants and economic or 'voluntary' migrants. Political migrants, such as refugees and asylum seekers, are entitled to international protection, including the principle of non-refoulement. This principle ensures that they cannot be

returned to a dangerous nation from which they have fled. On the other hand, the same protections are not given to economic migrants who have moved 'voluntarily', with their migratory movements mostly governed by receiver countries' immigration laws and policies (Bates-Eamer, 2019). Fitting individuals into this binary definition of migration is inherently problematic, however, as it ignores the multiple intersecting factors that push people to migrate, which are different for every person depending on their context and surroundings.

Under international law, it is not clear where climate migrants fit into this strict binary, as there is no officially accepted definition for what and who can qualify as a climate migrant. One of the reasons for this is that isolating the environment as the sole cause of migration is inherently incorrect, as migration is caused by an array of different circumstances and events in an individual's or family's life. Because of this, it has been outlined that climate migrants are not their own class of migrants, but that climate change intersects with and complicates the factors affecting migrants' lives and decisions (Bates-Eamer, 2019). However, others have argued that by not recognising environmentally displaced people under international law, which would allow them to fit into international refugee and immigration policies, these migrants become invisible (Nawrotzki, 2014).

Migrants moving from the Dry Corridor in Guatemala to the United States would be considered economic migrants. They are primarily moving because they are trying to find a way to make more money, often to feed themselves and their families. They are not running away from a warzone or racial genocide, like many asylum seekers and refugees. Nor are they migrating solely because of climate change. Thus, international law sees their actions as 'voluntary.'

However, as outlined above, migrants from Guatemala's Dry Corridor face rampant food insecurity, much of which climate change-induced drought has caused. Many of these people go hungry every day and choose to migrate because they believe there is no other option. Can this migration be considered 'voluntary'? Does this show that the definitions of migrants that are so strictly adhered to internationally fail to consider the individual lives at stake?

With the rising issue of climate change predicted to increase migrant numbers worldwide, what it means to be a 'climate migrant' needs to be defined—however, this relies on redefining what it means to be a 'forced migrant.' Although

migrants from Guatemala's Dry Corridor may move for economic reasons, many of these economic reasons—such as food insecurity—stem from climate change which they have had little fault in causing. Thus, this essay argues that such migration is both climate migration and a form of forced migration—when climate change in developing countries acts as a cause for a migrant's decision to move, it is itself a form of force.

Current migration policies—both in the United States and internationally—do not uphold these ideas as they continue to rely on the simplistic dichotomy of forced versus voluntary migration set out under international law (Bates-Eamer, 2019). However, this reflection shows the complicated nexus of issues that arise when considering the status of migrants who move from the Dry Corridor of Guatemala to the United States. Anthropogenic climate change has both aided in causing their migration, and impacted what it means for these people to be migrants and how their status is defined.

With this reflection arguing that migrants from Guatemala's Dry Corridor should be considered both climate migrants and forced migrants, what moral obligation does the United States have towards them, and others like them?

The United States is one of the highest global emitters of greenhouse gas emissions, having emitted more carbon dioxide than any other country (Ritchie, 2019). Despite this, the Global South—who have contributed the least to global emissions—are predicted to suffer the most from climate change. This is because poorer countries lack resources, which stops them from being able to adapt to climate challenges. Furthermore, much of the Global South live in hotter climates, where even a small rise in temperature can destroy crops and affect livelihoods (Borunda, 2019).

These facts illustrate that climate change is mostly impacting the subaltern. This term refers to and gives identity to voices on the margins of society who do not fit into the dominant socio-economic institutions of power (Vandewiele, 2021). Migrants from the Dry Corridor of Guatemala are part of the subaltern as they do not have a voice in global, colonial politics, meaning that the global community does not prioritise their plight as sufferers of climate change. The United States inaction in swiftly or significantly decreasing its greenhouse gas emissions illustrates that the US does not consider these subaltern migrants important enough to take action for, thereby ensuring they stay in a place of precarity.

Policymakers in the United States cannot ignore climate migrants' perils forever—but how much moral responsibility should the United States bear due to their role in causing climate change?

Nawrotzki's ethical discussion on the moral responsibility around climate migration uses the 'historical principle,' based on the 'polluter pays' notion (2014). This considers both current emissions and historical wrongs, acknowledging that countries such as the United States have built their prosperity by emitting fossil fuels that are now causing other nations to suffer while not sharing any benefits (Nawrotzki, 2014).

Although not all blame lies with the United States—other countries have also contributed significantly to emissions, and developing countries are not entirely blameless—this principle leads to the idea that justice can only occur if the producer of the problem takes responsibility. The United States has had a prominent role in causing climate change, so implementing policies that allow climate migrants to be granted asylum in the United States would be a good step towards upholding justice in some form. However, in doing so, the United States would also have to accept that multiple factors along with climate change may have influenced such people to migrate.

Although accepting climate migrants is important, there are other ways in which the United States could help developing nations suffering from climate change—and these would be arguably more effective. This is because migration in itself is a last resort coping mechanism that can have negative impacts—such as exacerbating food insecurity, as outlined above. Thus, rather than encouraging such migration, the United States could accept moral responsibility by offering climate finance to the Dry Corridor to help the local people adapt to climate change, thereby helping to mend the issue at its core.

Various entities are already implementing projects in Guatemala, helping to limit the need for migration. For example, the Food and Agriculture Organisation of the United Nations is implementing a project in the Mayan landscapes and Dry Corridor of Guatemala, aiming to build resilience for farmers impacted by climate change. The Green Climate Fund, a transnational fund established by 194 governments to aid in climate mitigation and adaptation, is likely to fund this project. It will promote drought-resilient crop production systems, and both

women's equitable representations and indigenous stakeholder feedback (Food and Agriculture Organisation of the United Nations, 2020). This illustrates a fantastic example of how climate financing can aid those affected by climate change, and is a project that could guide the United States in its efforts to increase its climate financing internationally.

Overall, this moral responsibility of the United States towards climate migrants displays another impact of anthropogenic climate change on migration from the Dry Corridor in Guatemala to the United States. Instead of being seen as economic migrants, to whom the United States owe nothing, climate change lays partial blame on the United States for these migrants' movements. This may change how these migrants are viewed and will hopefully transform how the United States enacts migration policies.

In conclusion, this essay has reflected upon the various impacts of anthropogenic climate change on migration from the Central American Dry Corridor in Guatemala to the United States. A causal link can be established between climate change and migration, as climate change is worsening droughts in this area, which in turn is leading to food insecurity and thus increased migration. This leads to questions around the status of these migrants and what it means to be a climate migrant and a forced migrant; this essay outlines the need for change in the narrow definitions of migrants under international law. Finally, moral questions arise around the United States' obligation, as a major emitter, to accept these migrants. This essay argues that an even better step forward would be to aid in climate financing in developing countries, enabling adaptation efforts so that individuals do not have to turn to the final coping mechanism that is migration.

Bibliography:

- Abbott, J. (2019, May 13). 'No other option': Climate change driving many to flee Guatemala: *Aljazeera*. Retrieved from <https://www.aljazeera.com/features/2019/5/13/no-other-option-climate-change-driving-many-to-flee-guatemala>
- Alpizar, F., Milagro, S., Martínez-Rodríguez, M. R., Viguera, B., Vignola, R., Capitán, T., Harvey, C. A. (2020). Determinants of food insecurity among smallholder farmer households in Central America: recurrent versus extreme weather-driven events. *Regional Environmental Change*, 20(22), 1-16. doi:10.1007/s10113-020-01592-y
- Bates-Eamer, N. (2019). Border and Migration Controls and Migrant Precarity in the Context of Climate Change. *Social Sciences*, 8(7), 1-17. doi:10.3390/socsci8070198
- Beveridge, L., Whitfield S., Fraval S., Wijk, M. V., Etten, J. V., Mercado, L., ... Challinor, A. (2019). Experiences and Drivers of Food Insecurity in Guatemala's Dry Corridor: Insights From the Integration of Ethnographic and Household Survey Data. *Frontiers in Sustainable Food Systems*, 3(65), 1-14. doi:10.3389/fsufs.2019.00065
- Borunda, A. (2019). Inequality is decreasing between countries—but climate change is slowing progress. Retrieved from <https://www.nationalgeographic.com/environment/article/climate-change-economic-inequality-growing>
- Depsky, N., Pons, D. (2020). Meteorological droughts are projected to worsen in Central America's dry corridor throughout the 21st century. *Environmental Research Letters*, 16, 1-14. doi:10.1088/1748-9326/abc5e2
- Food and Agriculture Organization of the United Nations. (2020). *Resilient Livelihoods of Vulnerable Smallholder Farmers in the Mayan Landscapes and the Dry Corridor of Guatemala*. Retrieved from <http://www.fao.org/3/ca9109en/ca9109en.pdf>
- IPCC. (2007). *Impacts, Adaptation and Vulnerability: Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. New York: Cambridge University Press.
- Nawrotzki, R. J. (2014). Climate Migration and Moral Responsibility. *Ethics, Policy & Environment*, 17(1), 69-87. doi:10.1080/21550085.2014.885173

-
- Ritchie, H. (2019). Who has contributed most to global CO2 emissions? Retrieved from <https://ourworldindata.org/contributed-most-global-co2>
- UNHR. (2007). The human rights impact of climate change. Paper presented at the United Nations Joint Press Kit for Bali Climate Change Conference, Geneva, Switzerland.
- Wang, B., Luo, X., Young-Min, Y., Weiyi, Sun., Cane, M. A., Cai, W., ... Liu, J. (2019). Historical change of El Niño properties sheds light on future changes of extreme El Niño. *Proceedings of the National Academy of Sciences*, 116(vol. 45), 22512-22517. doi:10.1073/pnas.1911130116
- World Food Programme. (2017). *Food Security and Emigration: Why people flee and the impact on family members left behind in El Salvador, Guatemala and Honduras*. Retrieved from https://docs.wfp.org/api/documents/WFP0000022124/download/?_ga=2.85460124.46423775.1540402016-1767178983.1540402016

BLACK WOMEN AT THE BORDER: CEUTA AND MELILLA BORDER ENCLAVES AND THEIR LETHAL MILITARISATION

By Abby Manson

BGlobalSt: Global Politics and Human Rights, Spanish

Chapter I:

Introduction:

In today's contemporary landscape, borders are everywhere, which act as tools in solidifying the boundaries of each country's geographical area. Borders not only control the mobilisation of goods and people, but they also convey who is welcome and, more importantly, who is not, which is what this research studies. This research examines borders as a force greater than a physical boundary and as a social movement that entails, as expressed by Polly Pallister-Wilkins, "policing the interior through policing the exterior" (2017, p.63). Whilst migration crises exist all around us and are growing increasingly problematic in their border security. This research focuses on a localised context of the Spanish border enclaves of Ceuta and Melilla located in Morocco, which have been recorded, as illustrated by North African analyst Magdi Abdelhadi (2021), as having 8,000 attempted crossings of migrants at the border enclaves in a single day this year. This paper argues that the experiences of Black women are a consequence of these border's aims of maintaining a "Fortress Europe" (Pallister-Wilkins, 2017, p.65), which views this marginalised group as "ungrievable"[1] (Butler, 2015), exceedingly exacerbating this border crisis. This research thus addresses the question of how the Ceuta and Melilla border militarisation perpetuates hostile environments towards women of colour, in which these women experience volatile treatment and are subjected to situations in which they have to compromise their agency in their need for survival.

Background Context:

In discussing the brutalised treatment influenced by racial and gendered motivations that Black female migrants experience in the attempt to cross the Ceuta and Melilla enclaves, it's important to address why these women who are subjected to awful abuse continue to cross these militarised border zones. In Encarnacion Soriano Ayala and Rachida Dalouh's writings, they express that a key motivator for migration is the possibility of a new life released from "social pressure and the chance to achieve what would be impossible in one's mother country or at least more difficult" (2014, p.226). These social pressures can be tied greatly to the gendered expectations of a woman

which equates to why this is a further leading cause of migration than the male sex (2014, p.226). However, as each woman is a separate and autonomous individual from the other, who each attain unique lived experiences, it is impossible to apply merely one justification for migrating. As Elsa Tyszler illustrates, a "plurality of situations and backgrounds" (2019, p.8) influences a woman's decision to make the hazardous journey that extends further than escapism from gendered societal pressures. In Tyszler's reports, many women migrated in the escape of domestic violence, others from the political and economic turmoil within their country of origin; various women left in the hopes to provide for their families back home, now have access to better education, jobs, and simply for the chance for a better life (2019, p.8). While the situational conditions that act as a catalyst for a woman's journey differ, opportunity remains absolute for all migrants. It is this chance of opportunity that inspires female migrants to proceed with these dangerous routes, and what this research will argue, the opportunity for this better life is greatly limited for the Black female migrants as a result of the existing racialized and gendered hierarchies that are reinforced by the militarised borders.

The regional focus for this research on the Spanish enclaves of Ceuta and Melilla and their increasingly restricted and militarised border operations, it is important to establish the geography of the terrain to convey how these enclaves and their proximity to Spain have contributed to these hostile conditions for women attempting to migrate. The intensely fenced, 12 squared kilometre territory of Melilla is located on the North-Eastern coast of Morocco (Bermant, 2014), and to the West, separated by approximately 400 kilometres (Parra, 2021). The 8.2 square kilometre region of Ceuta can be found on the Southern side of the Straits of Gibraltar (Pallister-Wilkins, 2017). As Tyszler articulates, the Ceuta and Melilla enclaves are the only existing land borders from the African continent for entry into Europe (2019). Therefore, the borders and the possible opportunities they represent for those who are successful have created an increasing surge of migrants attempting to make the journey into Spain. In response, the militarization of these borders has been exacerbated.

[1] For more details, see <https://www.versobooks.com/blogs/2339-judith-butler-preciousness-and-grievability-when-is-life-grievable>



(Diagram of Map provided by <https://www.bbc.com/news/world-africa-57305882>)

A Global Studies Research:

In defining Global Studies, Michael R. Anderson and Stephanie S. Holmsten (2019) iterate it as “an interdisciplinary project that integrates a variety of fields to describe and analyse the nature of society and international affairs” (2019, p.1). This body of work aligns with Global Studies aims. It focuses on the issues presented in international migration through contrasting theoretical frameworks of border theory, militarization, intersectionality, and grievability, which, when synthesized together, produce a Global Studies research that can analyse this issue from various perspectives. In alignment with Global Studies, this research uses the specific experiences of Black female migrants at a local level with the area study of Ceuta and Melilla, enabling this project to address the wider “international norms and institutions, translated through state action” (2019, p.2) within a localised context, to convey how specific “communities and groups” (2019, p.2) are disproportionately impacted by the globalised institutions of borders. Global Studies thus encourages a multi-faceted nature of research which brings together a diverse but “interconnected” (2019, p.5) field of disciplines, which, when closely studying a local region, not only provides agency for a voice that is often marginalised, but allows better comprehension of this globally complex process of international migration.

Research Methodology:

This research has been developed through a qualitative approach, utilising data from secondary sources from scholarly journal articles, chapters from books, and current localized news reports. Whilst qualitative in approach, secondary data sources have been borrowed that provide statistics surrounding migrants, such as the number of deaths during specific time periods, used in a brief comparison to depict the impact of this contemporary

period, with this study extensively focusing on this current decade: 2011-2021. This research borrows from several transdisciplinary fields such as international migration, gender studies, and critical race theory, which is addressed through the theories and concepts of border theory, militarisation, intersectionality, and grievability. This qualitative research will focus on theoretical-based literature that provides an in-depth analysis of how female migrants, specifically female migrants of colour, are negatively impacted on their journey as understood through border theory, grievability, and militarisation. Whilst one or two visual aids will be applied, journal articles written by various scholars on their specific thesis and field will be heavily utilised. This research is thus predominantly conducted and grounded by the chosen theories and concepts to examine the experiences of Black female migrants in the Ceuta and Melilla enclaves.

Background Literature Review:

This research is centralised predominantly from a theoretical framework that works from the key theories and concepts of border theory, militarisation, intersectionality, and grievability. Coined by Thomas Nail, a professor of philosophy at the University of Denver, his book “The Theory of The Border” (2016) is a relatively new piece of literature in international migration studies. Nail has developed an in-depth theory in research on the movement of migrants. This study borrows the key concept of Nail’s Kinopolitics and its core conceptual basis: Flow, Junctions, and Circulation (Nail, 2016). Nail’s interpretation of migration as a social movement provides a lens in this study that rejects the notion of borders as merely stagnant, physical boundaries but an active process. This analysis of Nail’s Theory of the Border is thus contextualised within the regions of Ceuta and Melilla and in connection with the effects of its border militarisation. Polly Pallister-Wilkins is a key researcher utilised in these findings in the study of militarisation specifically and throughout this research. As a professor of international relations and conflict at the University of Amsterdam, her writings in “The Tensions of the Ceuta and Melilla Border Fences” (2015) have aided immensely in understanding this cumulative radicalisation process of the militarisation at the borders as to how they stand and operate today. Pallister-Wilkins’s (2015) argument of the borders “policing the interior through policing the exterior” (p.64) in the maintaining of this “Fortress Europe” (2015, p.64) lays the foundation of this research’s argument on the racialised and gendered lens these policing projects take, thus utilising the concept of intersectionality. In conducting this research, this research uses a publication from Migreurop, which was established by a “network of

associations, activists and researchers, with a presence in around twenty countries across Europe, Africa and the Middle East” (2018, p.4). This group focuses on raising awareness of a multitude of issues, with this specific publication, “Women at the External Borders of the European Union ” focusing on human rights abuses central to migration. The editor of this publication, Emmanuel Blanchard, illustrates the experience of Black female migrants at the Ceuta and Melilla Border enclaves and how their gender and ethnicity directly impact their journey, providing the context for the concept of intersectionality to be applied in this research’s argument. In correlation with intersectionality, the Black female migration experience is further conveyed through the theoretical lens of grievability. Grievability was coined by Judith Butler, a renowned Gender Theorist and American Philosopher, in the original 2009 publication of her book “Frames of War When Is Life Grievable?”. Whilst this specific research borrows from her 2015 blog post “Judith Butler: Precariousness and Grievability—When Is Life Grievable?”, the concepts applied remain the same. Grievability, in its questioning and critique of society and how the systems in place protect and assume the value of certain lives over others, and therefore the determined level of grief for a life lost. In the scope of this study, grievability is used as a critique of the Ceuta and Melilla border systems, as in the increasing exploitation and deaths of migrants on this journey, the militarisation of these borders continues the same. Because of their status as migrants, these women are not grieved for, interpolated as this criminal alien other.

Ethical Considerations:

In depicting how Black female migrants are at a high risk of volatile treatment and experiences through their journey crossing the Ceuta and Melilla borders, this research does not seek to reduce or dismiss the experiences of other Moroccan migrants who can, and do, undergo hazardous and violent journeys in their attempts to cross the border. This paper instead illustrates why and how this marginalised group is treated; and whilst a comparison will be made between male and female journeys, this is not with the attention of diminishing the individual experiences of male migrants, but to convey how women are displaced on grounds of their ethnicity, sex, and the associated gender norms. Furthermore, this research takes into account that in depicting how these women have to lose their agency often to cross the border, this paper does not work to depict these women as voiceless agents, but in order to convey how marginalised and often uncared for, this group is these experiences need to be addressed, which this research hopes will convey the immense resilience and strength these

women have in their migration journey.

Research Limitations:

In this research project, it is important to address the possible limitations that may present themselves in this research’s findings. Firstly, this research does not have access or the resources to obtain primary sources such as interviews with migrants at the border enclaves, and so will be reliant on primarily academic secondary sources, which provide such accounts alongside other relevant information. However, whilst this presents limitations in establishing more connected and personal research, this instead allows for a more analytical argument that will better aid in analysing the chosen interdisciplinary fields, theories, and concepts of this research. In addition, Thomas Nails (2016) border theory is relatively new research, and therefore there isn’t an extensive form of literature surrounding this theory and its key conceptual components. When also in correlation with this research’s main focus: Black female migrants, who are an exceptionally marginalized community with little literature surrounding their experiences, this research’s scope may be confined to the limited sources existing. Alternatively, this limited literature surrounding border theory and the Black female experience in the Ceuta and Melilla enclaves depicts why this topic is vital in filling this gap of knowledge for this often-neglected group.

Chapter II: Border Theory: More than Just a Physical Boundary The Ceuta and Melilla Landscape: A Brief History of Imperialism:

In order to comprehend the current migration crisis occurring at the borders of Ceuta and Melilla, it is vital to address the significance of the complex and dynamic history of Spain and Morocco. It will thus be briefly outlined to provide context to how this climate of migration has been facilitated today. The historical relationship between Spain and Morocco is just one of many in the vast narratives of imperialism of Africa by a European power to grasp hegemonic sovereignty against other nations. With many wars and violence over the sovereignty of Morocco between different European nations spanning through the course of centuries, the 1912 protectorate by the Spanish and French was established, dividing Morocco between the two and thus providing Spain sovereignty over the Northern region until Morocco’s independence in 1956 (Marín-Aguilera, 2018). What creates an increasingly complex situation as a consequence of European imperialism is that whilst Morocco was granted independence, Spain still retains its

sovereignty over the Spanish enclaves of Ceuta and Melilla, resulting in the continued intertwined nature of these two nations as connected by the subsequent enclaves. As Bermant (2014) explains in his writings, the enclaves were established in 1492 after the Spanish Reconquista as presidios (military penal settlements) along the North African coast. They became important military headquarters and trading regions for Spanish noblemen. As globalisation across continents increased, as did the enclaves in their significance of becoming the powerful tools of exchange and mobility that currently exist today, acting as a bridge between Spain and Morocco and Europe and Africa (Bermant, 2014). In analysing this area, which is immense in its content and complexities regarding the relationship between these nations, this falls beyond the scope of this specific research, and therefore going forward, the focus will be on the contemporary period from this decade, the years 2011-2021 of the current migration crisis.

Who is Welcome?: The Ebbs, Flows, and Harmful Redirections of Female Migrants:

As Thomas Nail articulates, borders are not simply a stagnant by-product of society but are an active and continuous process that reproduces the “process of movement and circulation” (2016, p.1). Through militarisation and security, surveillance, and policing, borders all contribute to this social movement that redirects and controls this continuous flow of people. Kinopolitics, as illustrated by Nail, is “the theory and analysis of social motion: the politics of movement” (2016, p.4). Kinopolitics theorises that societies and their borders are never still but “regimes of motion” (Nail, 2016, p.4) in the regulating of the flow of people and commodities, which re-informs the social conditions of the given society (Nail, 2016).

In Nail’s (2016) articulation of border theory, he argues that Kinopolitics contains a core conceptual basis of three components: flow, junction, and circulation. Flow is the term used to describe the social movement of migrants that is not halted by borders but, as border theory expresses, is instead redirected or decreased in pace at which movement occurs (Nail, 2016). Part of this altering of the flow can be understood through the junction. As theorised by Nail, the junction acts as a “sieve” (2016, p.7) that can be conveyed through the physical border itself, driven by patrol workers, surveillance, and other forms of deterrence. Junctions are tangible, which hold power to allow the flow of some migrants, exploitation of others, or entirely redirect the movement from the borders (Nail, 2016). Circulation finally, as illustrated by Thomas Nail, is what encompasses the “controlled reproduction and redirection of movement”

(2016, p.9). Circulation, therefore, describes the cycle of the flow of movement in migration. It does not harness it as junctions do. Still, it is used to convey how social movement, particularly concerning migration, is a continuous circuit that Nail (2016) theorises as the following: “cross, apprehend, deport, cross (C-A-D-C)” (p.9). In understanding this local context through a Global Studies lens, a critique of this cycle can be conveyed in addressing the question of power, or more accurately, who has this power, and how this power is demonstrated. (Anderson & Holmsten, 2019, p.4). What the Nails circuit depicts of power is that Spain’s wealth and power through migration border enforcement are increased at each point of this circuit. Thus, it “justifies its reproduction and expansion” (Nail, 2016, p.9) and re-establishes the social conditions between these bordered societies. Circulation, therefore, in understanding how power is expressed through this global studies perspective in its reproducing of Spain’s wealth and agency, implies that this cycle is never-ending. Borders are constantly redirecting and regulating the flow of people in this social movement, which, as articulated by Global Studies scholars Anderson & Holmsten (2019), act immensely in “rewarding some constituents and punishing others” (p.4).

It is important to stress how border theory articulates these borders through a lens much further than just a barrier or physical wall that marks the territories between nations. Borders are a social movement, constantly reproducing the subliminal and glaring conditions of the socio-political spaces between the nations. This redirection of the flow of movement, particularly for female migrants of colour, illustrates this notion of the Ceuta and Melilla border enclaves acting in the preservation of this “Fortress Europe” (Pallister-Wilkins, 2017, p.65), which consequently stratifies this distinction of the European ‘us’ and the North African ‘them’. In this understanding of how Nail’s (2016) junctions of border patrol workers and security regulate this flow of movement, an argument can be drawn that this aversion to particular migrants from crossing the border, whilst facilitating the circulation of others, actively reproduces this cycle in which Black migrants are interpolated as this foreign, alien other. Hence, re-establishing this racialized hierarchy has dominated the social relationship between Spain and Morocco since its original colonisation. In contextualising border theory in this local context of the Ceuta and Melilla border enclaves, it provides a clear argument that the ability to separate borders and the violence that occurs impossible, as confirmed by Lorena Gazzotti (2019), who articulates “crisis and violence have become incorporated into the

ordinary administration of mobility in the borderlands” (p.419). This violence enacted in the regulated redirection of movement is part of this research’s core conceptual basis, attributed to the border enclave’s security trajectory, which has become heavily militarised.

Chapter III: Border Militarization and Gendered Migration

In the Name of Security: Militarization at the Border:

The spaces of the Ceuta and Melilla border enclaves, through their exacerbated militarisation, have become volatile environments that present their intentions clearly to maintain fortress Europe. The Ceuta and Melilla border security evolution has been vast in its fortifications. In their increasing militarisation efforts, these borders were appointed by some in Europe as the “the walls of shame” (Walters 2006, as cited in Polly Pallister-Wilkins, 2017, p.76). In understanding Thomas Nail’s (2016) conceptual basis of junctions, these “walls of shame” can be exemplified through the development of lethal fencing, employment of mass numbers of border security, and high-tech surveillance, which regulate the circulation of these flows of movement.

Bermant (2014) conveys that in 1998 the first fence was constructed surrounding the perimeters of the enclaves, thus marking the beginning of this militarised policing of the borders (p.112). Over time this fencing was constructed and restructured. At its conception, it was three meters tall, which Pallister-Wilkins notes was then modified to six meters with barbed wire fencing surrounding it to prevent migrants from climbing the fence (2017, p.70). Corey Johnson & Reece Jones (2018) also illustrate that to aid European efforts, Moroccan border enforcements constructed further defensive fencing in which “plastic bags snagged on the barbs warn of the violence it will do to the flesh” (p.76). These barbaric acts of deterrence have directly caused an immense amount of strife and injuries to migrants who have attempted to scale the fencing. These hostile conditions perpetuated by the border’s fencing only worsen in contemporary decades. As explained by Michael Colleyer (2012) as cited by Johnson and Jones (2018), the year 2005 can be understood as the catalyst for the modernised modifications of the borders due to public outrage, at which point 11–14 migrants were shot and killed by Spanish border security after attempts to climb this fence (p.72). As a result of attempts to save face, recent years have seen modifications to the border fences. Their technological advances have provided more conspicuous and less outwardly volatile deterrence. As Pallister-Wilkins disputes, whilst the barbed fencing was removed, what replaced it

was “a tripod-like rope structure... like a spider web trapping the migrants within it” (p.70). This structure leaves migrants entrapped before their eventual retrieval by heavily armed border security, which is invariably deployed all around the borders. This contemporary period has seen the Spanish enclaves border crisis at its absolute worst in these technical modifications. Pallister-Wilkins (2017) rightly argues that these borders are deploying century-old tactics of deterrence in Ceuta and Melilla (p.70), which reinforce the racialised hierarchies between Morocco and Spain. However, in the abuse of the existing and continually advancing technology within this contemporary decade, these tactics have evolved; militarisation continues to accelerate the trauma and death of migrants, as will be further portrayed through its surveillance and deployment of border patrol security.

The intensified militarisation of the Ceuta and Melilla border enclaves can be directly portrayed through the implementation of the “Integrated System of External Surveillance” known as SIVE (Ferrer-Gallardo, 2008, p.311) in 1999, which has become a core system in detection tactics whilst also controlling the flow of migration. Jorgen Carling (2007) explains how SIVE is composed of a series of “fixed and mobile detection devices” such as the installation of cameras, radars, and infrared and thermal cameras (p.325). This technology has resulted in the regulation and redirection of a migrant’s route in its ability to detect the physical bodies of migrants and their boats from as far as 10 kilometres from shore (Carling, 2007, p.325). Morally, installing this surveillance technology projects immense ethical concerns in its costly upkeep of maintaining this “Fortress Europe” (Pallister-Wilkins, 2017, p.65). In the continuous funding and deployment of advanced militarised deterrence at the borders, which perpetuates increasingly hazardous journeys, it conveys that rather than providing aid for Morocco’s economy and people (Carling, 2007, p.325), the directing of funds solely to expand the militarisation of the borders exposes this desire not to prevent migration, but rather to control it.

As done so by Xavier Ferrer-Gallardo, it can be argued that the implementation of SIVE and other forms of deterrence do not decrease the flow of migration (2008, p.311). However, as Nail’s (2016) Border Theory entails, these junctions merely redirect this flow of movement, which in this case has facilitated a worsening border crisis. In migrants’ search for non-surveillance routes, there have been casualties to a degree in which the sea crossing has been dubbed “a mass open grave” (Casas-Cortes et al.,

2012, p.39). With the inability to accurately document the number of migrants, the exact number of deaths remains unknown (Casas-Cortes et al., 2012, p.39). However, between 1988 and 2011, it has been estimated that 15,760 migrants have lost their lives, drowning in their efforts to cross the border (Del Grande, 2011 as cited in Casas-Cortes et al., 2012). Within the first six months of 2021, an estimated 2,100 migrants have died by drowning (Rédaction Africanews, 2021). This number does not even include the casualties from injuries sustained inland due to fencing or border patrol abuse. When comparing the deaths from 1988 to 2011 to the year 2021, the statistics provided entail that the Ceuta and Melilla border enclaves and their increasing militarisation present an issue that has been highly exacerbated in this contemporary period and can be argued as a direct consequence of this accelerating militarisation. These militarised mechanisms and surveillance convey that migrant lives are deemed less than worthy of humane treatment. In facilitating this climate through its fencing, surveillance, and border patrol, these junctions have resulted in the loss of lives that cannot even be accurately recorded as the trauma and death caused by this militarisation continue to accelerate. This will be put in the context of the experiences of the Black female migrant.

Intersectionality & Grievability: The Marginalised Black Female Experience:

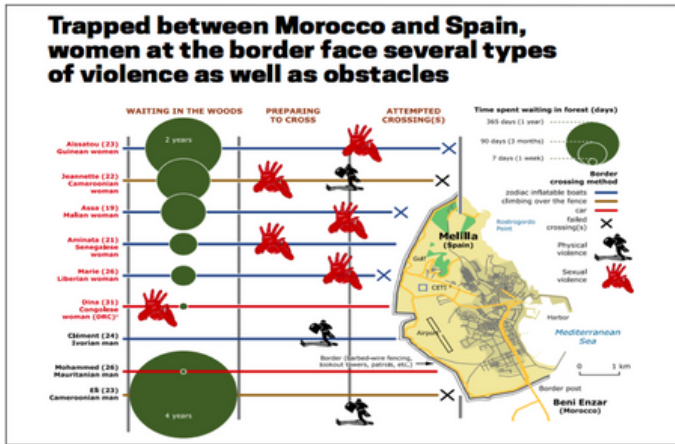
In acknowledging the barriers for Black women when migrating, the concept of intersectionality can be articulated in explaining the societal structures that enable these processes to occur. Chow, Segal, Lin, and Demos (2011) describe intersectionality as:

...operating on many levels. Individuals occupy intersecting positions in social structures. Those positions represent the socially constructed multiple inequalities of everyday life, an inequality regime in which diverse women and men are privileged or oppressed in many ways, sometimes simultaneously.... patriarchal traditions are among the processes that shape and differentiate the lives of women and men in many specific settings (Chow et al., 2011, p.3).

This differentiating of experiences between men and women, and even further the experiences of Black women can be directly depicted in the context of the Ceuta and Melilla border enclaves which subject women to dangerous and unsafe positions. As Emmanuel Blanchard's (2018) publication depicts, "Migration policies are not gender-neutral. At the border, policies will often be applied differently to men and women" (2018, p.1), and even more

so by their "ethnic origin" (2018, p.1). This can be first illustrated in the constructed gender norms attached to the migration routes. As Blanchard explains, the three key modes of transportation for migrants being the scaling of the fences, maritime, or hiding in the trunk of a car (2018, p.2), the climbing of the fences is deemed " 'too physically demanding' for women" (2018, p.2) and therefore female migrant's movement is restricted purely based on the gender normative that to be a woman is to be weak, interpolated as the lesser to the dominant male. Not only is this oppressive in preventing a female migrant's movement, but as Blanchard (2018) conveys, it facilitates extreme danger for the safety of female migrants, in that in being forced to take the maritime route, women are left waiting "from several weeks to a few years" (2018, p.2) for a raft to cross over. As a direct consequence of this, as Mar Binimelis-Adell & Amarela Varela Huerta informs, women are thus "displaced yet stuck bodies" (2021, p.724). Forced to flee and wait in camps created in the Nador forests, these campsites become a breeding ground for sexual violence against women, who find themselves unable to leave until the safe passage is secured (2018, p.2), thus adhering to the fixed and displaced nature of a female migrant.

The rates at which female migrants are victims of brutality and sexual violence in the border zones of Ceuta and Melilla have accelerated so immensely in this contemporary period, which Blanchard has expressed it as "systematic" (2018, p.2). The range of men enacting this abuse ranges at all levels in which the borders facilitate and reproduce. The key is border control soldiers claiming to be preventing "irregular immigration" (2018, p.2) alongside male migrants awaiting passage within the Nador woods. In the characterisation of intersectionality, the impact of gender and ethnicity is stratified in this specific migration context. Tyszler (2019) articulates how "women perceive their female bodies as a handicap that will make them suffer doubly throughout their migration route" (p.13). In the interwoven impact of gender and ethnicity, Blanchard creates a graphic depiction that transparently displays how Black female migrants are disproportionately subjected to volatile treatment at the border zones due to the militarisation of the borders and the dangerous journeys they facilitate.



(Infographic provided by: http://migreurop.org/IMG/pdf/note_8_en.pdf)

As this graphic conveys, all five women of colour were subjected to sexual violence at one point in their journey. Out of the three men included, even though they experienced physical violence, none were sexually abused. This directly portrays the perpetuated hostile environments for Black women, who have had to lose their agency in their hopes for survival on their migratory route across the Ceuta and Melilla border enclaves. This addresses the concept of Judith Butler's grievability. In the comprehension of the extremely brutal treatment of Black women, why do these experiences remain marginalised and not grieved?

The concept of grievability has been coined by Judith Butler in the illustration of how only certain lives are mourned, this mourning dependent on the assumed value of said life. Butler (2015) expresses "an ungrievable life is one that cannot be mourned because it has never lived, that is, it has never counted as a life at all." [2] Butler goes further by stating, "Only under conditions in which the loss would matter does the value of the life appear. Thus, grievability is a presupposition for the life that matters." [3] In contextualizing this concept of grievability in the domain of this research's question of how the Ceuta and Melilla border militarisation establishes hostile conditions for Black female migrants, it applies a lens that depicts how as these abuses continue, the migrant life remains discounted and, therefore not grievable in the violence and deaths of Black women. Sonja van Wichelen (2015) constructs a similar framework in her writings, focusing on how certain children are grieved depending on their geopolitical location. Winchelen conveys, "geography matters in assessing which child-body deserves what kind of moral concern" (2015, p.553), arguing that their lack of citizenship when migrating interpolates them immediately as criminal and therefore less

deserving of sympathy (2015, p.563). This can be directly conveyed in the Black female migrant experience. The link between migrants' legitimacy of citizenship and their access to fundamental human rights and compassion is heavily present in the institutionalised power structures of the Ceuta and Melilla border enclaves. In the autonomy held within these structures, as put by Anne Demo, the power of denial and the default process of shifting responsibility onto the migrant is far too easy (2019). The language utilised by border controls such as "illegal" and "alien" (Demo, 2019, p.623), establishes a characterisation of migrants that provides a space of dehumanisation so that when countless female migrants are abused and/or killed on their journey in repercussion of the militarised enclaves, their lives, understood by the concept of grievability, are viewed dispassionately. Without remorse, this facilitates this endless traumatic cycle produced by the borders.

Conclusion:

The power that borders as a global system exude is immense in their control of the mobility and displacement of migrants. Through this externalised "policing the interior through policing the exterior" (Pallister-Wilkins, 2017, p.63) of the borders in its deterrence fencing, surveillance, and deployment of security personnel, the localised level, the Ceuta and Melilla Border enclaves have exacerbated their border crisis beyond recognition. In the imperialist and complex history between Spain and Morocco, the contemporary relationship between the nations remains fragile. With 70% of migrants attempting to cross the enclaves on the grounds of Asylum in the year 2015 (Tyszler, 2019, p.6), Spanish border controls in their association of "black skin colour with a status of illegality" (Tyszler, 2021, p.955), continued to reject these migrants, in which result "Spain was denounced before the United Nations for violation of the right to non-discrimination" (Tyszler, 2019, p.6). This has left the relationship between Spain and Morocco increasingly strained as migrants continue to perish in the hazardous journeys undertaken in their dire attempts to cross the border enclaves. This historical relationship has repeatedly displayed the violent nature of the Spanish borders, exercising its power as the dominant, the racialised and gendered hierarchies are forever present in the systemic workings at the Ceuta and Melilla enclaves.

This research has undertaken an analysis of Black female migrants and their experiences. Whilst it has needed to depict how they remain most vulnerable and subject to

[2] For more details, see <https://www.versobooks.com/blogs/2339-judith-butler-preciousness-and-grievability-when-is-life-grievable>

[3] For more details, see <https://www.versobooks.com/blogs/2339-judith-butler-preciousness-and-grievability-when-is-life-grievable>

volatile treatment to validate its core argument of the hostile conditions the militarised borders perpetuate, the strength and resilience of these women should not be omitted. In an environment perpetrated by these borders that actively works against these migrants through both racialised and gendered hierarchies, these women are “far from passive subjects” (Tyslzer, 2021, p.968) but as illustrated in Tyslzer’s fieldwork, self-described “vulnerable fighters” (2021, p.968), who continue their journey, always adapting in their fight for a better future for themselves. In the male-dominated space of migration and even in scholarly literature written on the migrant experience, there is an imminent need for further research and representation of the experiences of Black female migrants. For too long, these women have been marginalised, and their strife and trauma have not only been evaded in being regarded as ungrievable individuals but, as Tyslzer argues, this sexual abuse has also been “naturalised” (2021, p.966) and accepted as mutually exclusive for a Black woman’s experience during migration.

In this research’s portrayal of this border crisis through its diverse theoretical framework of border theory, militarisation, intersectionality, and grievability, it has worked to reduce this knowledge gap and contest against this narrative that has normalised the abuse these women experience in the systems that these borders knowingly perpetuate and allow through their militarisation. It is abundantly clear that the wealth and resources funnelled to maintain the immense level of militant security at these borders serves a purpose that overreaches this claim of ‘security’ of the nation but instead works in securing this “Fortress Europe” (Pallister-Wilkins, 2017, p.65). In correlation with Global Studies, utilising this regional focus of Ceuta and Melilla, the global mechanisms at play within international migration and their perpetuation of such abuses of power are depicted. In the chaos and strife they create for Black women, a severe reevaluation is required at the borders. Further denouncements must be made of the ongoing abuses occurring at the Ceuta and Melilla enclaves, facilitated by their accelerating militarisation.

Bibliography:

- Abdelhadi, M. (2021). Ceuta and Melilla: Spain's enclaves in North Africa.
<https://www.bbc.com/news/world-africa-57305882>
- Anderson, R. M., & Holmsten, S. S. (2019). What Is Global Studies? A Political and Economic Perspective. In M. R. Anderson, & S. S. Holmsten (Eds.), *Political and Economic Foundations in Global Studies* (1st ed, pp- 1-12).
<https://doi-org.ezproxy.auckland.ac.nz/10.4324/9781315717333>
- Bermant, S. L. (2014). Consuming Europe: the moral significance of mobility and exchange at the Spanish –Moroccan border of Melilla. *The Journal of North African Studies*, 19 (1), 111-129.
doi: <http://dx.doi.org/10.1080/13629387.2013.862776>
- Binimelis-Adell, M., & Varela Huerta, A. (2021). Inequalities in intersection. Media representations of women at the Spanish/Moroccan border. *Feminist Media Studies*, 21(5), 721-738.
<https://doi.org/10.1080/14680777.2020.1804974>
- Blanchard, E. (2018). Women At The External Border of The European Union.
http://migreurop.org/IMG/pdf/note_8_en.pdf
- Butler, J. (2015). Judith Butler: Precariousness and Grievability—When Is Life Grievable?
<https://www.versobooks.com/blogs/2339-judith-butler-precariousness-and-grievability-when-is-life-grievable>
- Carling, J. (2007). Migration control and migrant fatalities at the spanish-african borders. *International Migration Review*, 41(2), 316-343.
https://heinonline-org.ezproxy.auckland.ac.nz/HOL/Page?public=true&handle=hein.journals/imgratv41&div=18&start_page=316&collection=journals&set_as_cursor=0&men_tab=srchresults
- Casas-Cortes, M., Cobarrubias, S., & Pickles, J. (2012). Re-bordering the neighbourhood: Europe’s emerging geographies of non-accession integration. *European Urban and Regional Studies* 20(1), 37–58.
doi: 10.1177/0969776411434848
- Chow, E. N., Segal, M. T., Lin, T., & Demos, V. (Eds.). (2011). Analyzing gender, intersectionality, and multiple inequalities : Global-transnational and local contexts. Emerald Publishing Limited.
<https://ebookcentral.proquest.com/lib/auckland/reader.action?docID=730836&ppg=4>

- Demo, A. (2019). Documenting Death by Policy: Public Grievability, Migrant Lives, and Commonplace Denials. *Rhetoric & Public Affairs, Volume 22* (4), 615-649. <https://www.muse.jhu.edu/article/748022>.
- Johnson, C., & Reece, J. (2018). The biopolitics and geopolitics of border enforcement in Melilla. *Territory, Politics, Governance* 6(1), 61-80, doi: 10.1080/21622671.2016.1236746
- Ferrer-Gallardo, X. (2008). The Spanish–Moroccan border complex: Processes of geopolitical, functional and symbolic rebordering. *Political Geography* 27(3), 301-321. doi: <https://doi.org/10.1016/j.polgeo.2007.12.004>
- Gazzotti, L. (2019). Deaths, Borders, and the Exception: Humanitarianism at the Spanish–Moroccan Border. *American Behavioral Scientist, 64* (4) 408–435. doi: <https://doi.org/10.1177/0002764219882990>
- Marín-Aguilera, B. (2018). Distorted Narratives: Morocco, Spain, and the Colonial Stratigraphy of Cultural Heritage. *Archaeologies: Journal of the World Archaeological Congress* (14), 482-483. doi: <https://link.springer.com/content/pdf/10.1007/s11759-018-9341-2.pdf>
- Nail, T. (2016). *Theory of the Border*. Oxford University Press. doi:10.1093/acprof:oso/9780190618643.001.0001
- Pallister-Wilkins, P. (2017). The Tensions of the Ceuta and Melilla Border Fences. In P. Gaibazzi, S. Dünnwald, & A. Bellagamba (Eds.), *EurAfrican Borders and Migration Management*. (pp. 67- 81). doi: [10.1057/978-1-349-94972-4_3](https://doi.org/10.1057/978-1-349-94972-4_3)
- Parra, A. (2021). Over 200 African men cross from Morocco into Spain’s Melilla. <https://apnews.com/article/europe-africa-health-migration-coronavirus-pandemic-a4a656a03b68145de7ab63b33c672448>
- Rédaction Africanews. (2021). Nearly 2,100 migrants died trying to reach Spain in 2021: Spanish NGO. africanews. <https://www.africanews.com/2021/07/07/nearly-2-100-migrants-died-trying-to-reach-spain-in-2021-spanish-ngo/>
- Soriano Ayala, E, & Dalouh, R. (2014). Moroccan Immigrant Women in Spain: Problems of Identity and Emotional Well-being. *Procedia- Social and Behavioral Sciences* 132, 222-228. doi: <https://doi.org/10.1016/j.sbspro.2014.04.302>
- Tyszler, E. (2019). From controlling mobilities to control over women’s bodies: gendered effects of EU border externalization in Morocco. *Tyszler Comparative Migration Studies, 7*(25), 1-20. doi: <https://doi.org/10.1186/s40878-019-0128-4>
- Tyszler, E. (2021). Humanitarianism and black female bodies: violence and intimacy at the Moroccan–Spanish border. *The Journal of North African Studies, 26*(5), 954-972, <https://doi.org/10.1080/13629387.2020.1800211>
- Wichelen, V, S. (2015). Scales of grievability: on moving children and the geopolitics of precariousness. *Social & Cultural Geography, 16* (5), 552-566. <https://doi.org/10.1080/14649365.2014.1001428>

CREATIVE MEDIUMS: EXPRESSING IDENTITY

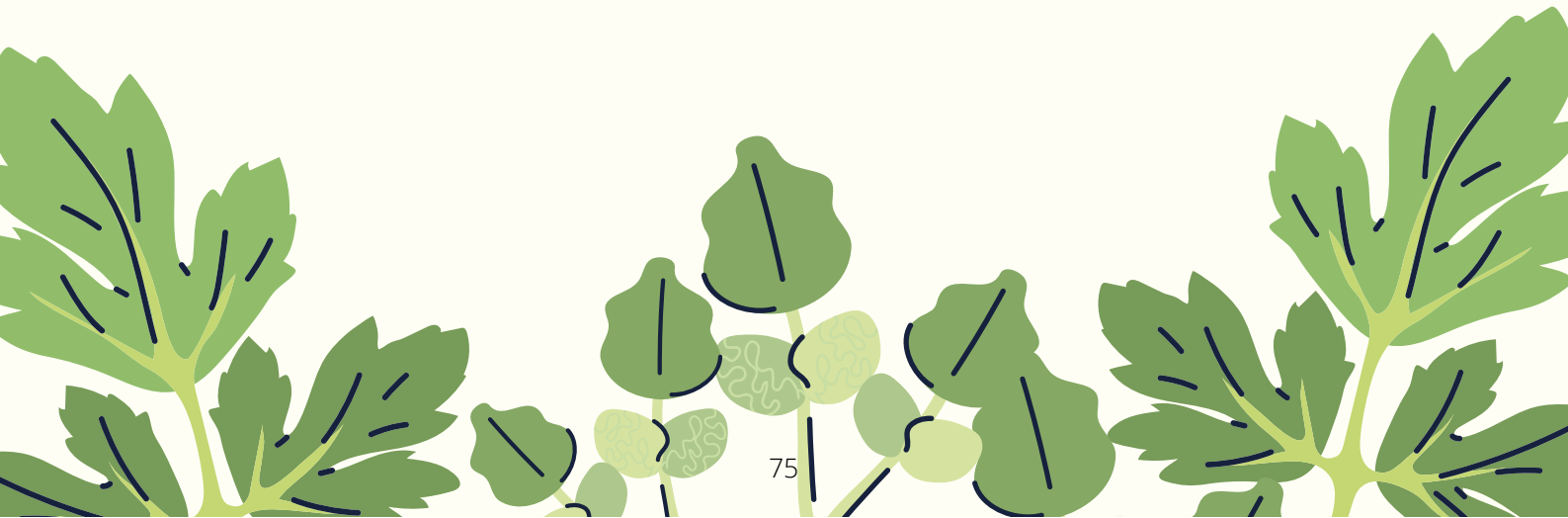
MINARI

FINDING HOME

By Katalina Chung

Growing up, I was always anxious about inviting friends over to my house. I was embarrassed by the fishy scent of our cups, I was embarrassed by the traditional Korean ornaments above the wooden piano, and most of all I was embarrassed by my parents. When friends did come over, I furiously cleaned up the house as much as I could, chucking the mess into any storage space I could find. I cringed at the jolted conversation between them and my parents; their mispronunciations and grammatical errors made me sweat and go bright red. I profusely apologised to my friends for the garlic smell, and quickly hushed them into my bedroom, shutting the door behind us.

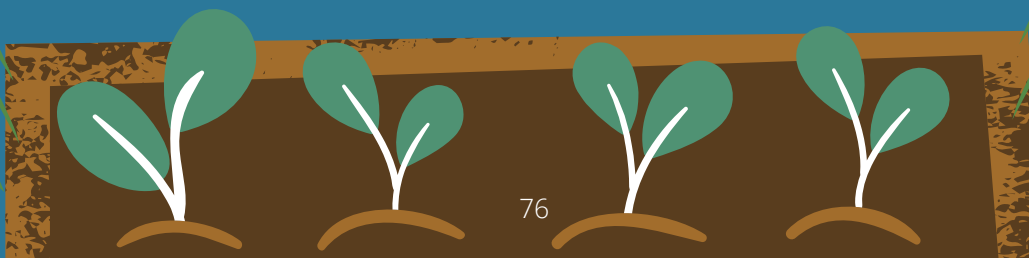
In 1994, my umma and appa immigrated from Busan to Auckland to escape the wrath of my appa's strict mother who disapproved of their relationship. My appa was 30 and my umma, 27. When they moved, my umma was pregnant with my older brother. Borrowing money from friends, my parents were able to afford a big burgundy mom van and rent a one-bedroom rumpus in Northcote. My appa worked as a lawnmower, carpet cleaner and pest control exterminator by day, and an office cleaner by night to provide for our family. My appa tried and failed at many different jobs, sometimes losing faith and considering moving back to Korea. My umma, who had left her entire life back in Busan, relied solely on my dad, hoping that things would turn out okay.



The modern immigrant story is often swept under the rug. A cloud of shame shadows the unglamorous experience of moving to a country where your culture is a minority and your customs are considered ‘weird’ to the dominant society. The power of creative practices is in its ability to tell these stories with nuance and empathy, expressing the untold struggles of individual lives. For me, this untold struggle was the shame and guilt of an ignorant second generation child. However the shame that had followed me for so long was not just a result of my ignorance but a result of a Western-dominant, culturally-repressive system where practising your culture meant exclusion and having a diasporic background meant living a double life.

When I watched *Minari* for the first time, I finally felt that I was being validated by mainstream media. Inspired by his own life, director Lee Isaac Chung’s film is about a Korean American family who move to an Arkansas farm in search of a better life. While each family member faces their own challenges, they are eventually brought closer together. *Minari* is about the sacrifices that have to be made in order to build a home in a place that does not feel like one.

I saw my appa in the father, Jacob, who battled through every failure trying to cultivate his farm; I saw my umma in the mother, Monica, who sacrificed everything she had to keep the family united; I saw my older brother in Anne, who carried the burden of being the eldest child, and I saw my little brother in David, a baby, who somehow managed to prevent the entire family from falling apart with his affectionate nature. Every character touched my heart and the struggles they presented on the screen felt so similar to the ones I had witnessed in my own home. I felt the confusion and pain of the children when they could hear Jacob and Monica fighting about money. I knew why the children ran to their mother and not their father. I had seen the disgusted and confused looks from the white kids when I brought tteokbokki for lunch. Every moment was related to my life, in big and small ways.



Representation matters. Even though this film was about a South Korean family struggling to settle into a farmland city in the United States, *Minari* was about the immigrant experience and a yearning for home. Immigrants and members of the diasporic community are too often forgotten in the mainstream media but our stories deserve to be told. I felt incredibly alone growing up. I always felt that I was an outsider, and in order to live a happy life, I had to fit in. Films like *Minari* prove that this conformity is not necessary; David is shunned by some of the white kids but he also forms an unlikely friendship with Johnnie. We only feel that conformity is necessary because society hides behind a facade of multiculturalism. The immigrant experience is a universal struggle because immigrants are disadvantaged by law, language and shame and though this system is now familiar to us, we must change it.

Amongst the trends of K-Pop, *Crazy Rich Asians*, and Asian fetishes, it seems that being Asian is becoming much more accepted in mainstream society. In fact, being a person of colour means social capital these days, with racial and cultural diversity becoming more and more of an ethical expectation in social spaces. However, is this a real societal change or are immigrant groups purely being glamorised for the parts that Western society deems fit to be commercialised? The modern immigrant experience is a part of the Asian diasporic identity that cannot be boxed up and sold as a product like Blackpink or *Shang-Chi* can; it is a messy, unconventional, and at times painful story that Western-dominated societies must accept and celebrate in order for multiculturalism and diversity to truly exist.

THE FRENCH REVOLUTION ON SCREEN: ASSESSING FILM AS HISTORICAL SOURCE

By Amy Crawford

BA/BGlobalSt: Communications, Global Politics and Human Rights, French

History has long privileged the written word. However, as visual culture continues to dominate, history must inevitably confront its biases against film; the discipline's leading presence in popular culture.[1] Sofia Coppola's *Marie Antoinette* and Patrice Leconte's *Ridicule*, two films surrounding pre-Revolutionary France, are worthy media to allow such reconsideration by the historian. Most importantly, these cinematic portrayals do not merely supplement existing literature but express history in ways distinct to the filmic medium, revealing the format's necessity.

The presence of female sexuality as a principal theme in *Ridicule* and *Marie Antoinette* is a credit to these films as formidable historical sources. In their respective analyses of female sexuality, *Marie Antoinette* is the superior 'historical' film; as *Ridicule* inadvertently surrenders itself to the sexist practices of the era it depicts. Though easily dismissed as a mere taboo, female sexuality was routinely demonised and overstated in the media of pre-Revolutionary France—feared by royalists and revolutionaries alike.[2] Such publications constructed female sexuality as "a central metaphor for political decay", supposedly allowing opportunistic women to circumvent tradition and access power via erotic coercion.[3] In her final lines of the film, Madame de Blayac, *Ridicule*'s imagined mistress of a powerful noble, describes how "[her] bedroom is known to lead to the king", confirming the era's conspiracy of female sexuality. 'As *Ridicule*'s allegory for the corruptive feminine, de Blayac seduces the film's protagonist, Ponceludon, who is only morally 'redeemed' for his proximity to the corruptive feminine by publicly humiliating de Blayac. In creating this inverse relationship between feminine sexuality and political virtue, *Ridicule* uncritically echoes the primary source material of pre-Revolutionary France. The pamphlets surrounding Madame du Barry, mistress of Louis XV, clearly served as inspiration here. Du Barry was incited as a menacing "liminal" figure, as phrased by Mary Douglas, "whose sexual powers give [her] access



to an equally broad cross-section of society".[4] However, the sexist treatment of a singular character would hypothetically not condemn *Ridicule*'s value entirely. The era's sexist accusations towards any French woman in the public sphere proliferated to represent 'women' in their entirety, a phenomenon Sarah Maza identifies as a "theme of interchangeable female identities".[5] Appropriately then, in extending de Blayac's sexuality as a metaphor for the corruption of Versailles—described as a "rotten tree that bears no fruit"—*Ridicule* preserves historical 'accuracy' in recreating the zeitgeist's cruel posture towards female sexuality. However, by indiscriminately recreating the era's pre-determined gendered narratives, Leconte's film is arguably not an appropriate source for historical audiences. Clearly, the prioritisation of 'accuracy' in historical film as paramount may only stray audiences towards traditional ways of thinking about history—lacking the much-needed revisionism this era deserves.

In humanising its female subjects, *Marie Antoinette* is undoubtedly more successful in portraying female sexuality. Despite her position as Queen, Antoinette was not immune to the misogynistic conceptions of female sexuality and was frequently parodied in pornographic material, revealing the pervasiveness of such attitudes.[6] The typical anxieties surrounding female sexuality were, in fact, amplified in association with Antoinette. In Louis XVI not taking a mistress—a practice of previous Kings—Antoinette supposedly possessed a sexual, and by extension political, monopoly over the King; evidence of 'bewitching' him.[7] This heightened paranoia of the feminine is the historical context of *Marie Antoinette*. Tactfully, unlike *Ridicule*, Coppola does not merely regurgitate the period's oppressive outlook. Instead, Coppola honours the Feminist literature on pre-Revolutionary France, a genre of academia that

[1] Robert Rosentone, 'History in Images/History in Words: Reflections on the Possibility of Really Putting History onto Film', *The American Historical Review*, 93, 5, 1988, p. 1174

[2] Sarah Maza, 'The Diamond Necklace Affair Revisited (1785-1786): The Case of the Missing Queen,' in Dena Goodman and Thomas Kaiser, eds, *Marie-Antoinette: writings on the body of a queen*, New York, 2003, p. 79

[3] *Ibid.*, p. 86

[4] *Ibid.*, p. 88

[5] *Ibid.*

[6] Lynn Hunt, 'The Many Bodies of Marie-Antoinette: Political Pornography and the Problem of the Feminine in the French Revolution', in Lynn Hunt, ed, *Eroticism and the body politic*, Baltimore, 1991, p. 108

[7] Meredith Martin, *Dairy queens: the politics of pastoral architecture from Catherine de' Medici to Marie-Antoinette*, Cambridge, 2011, p. 206

rightfully identifies the Queen as an "emblem (and sacrificial victim) of the feared disintegration of the gender boundaries that accompanied the revolution".[8] Through this framework, Coppola illustrates female sexuality—namely in her representation of the Queen's historically dubious affair with Count Von Fersen. In the eight years in which Antoinette and Louis XVI failed to produce an heir, Antoinette's alleged affairs became an apt metaphor for the Queen's selfishness amidst political strife, further scapegoating female sexuality.[9] Despite this history, in inhabiting the perspective of Antoinette herself—over her detractors—Coppola portrays the relationship as unashamedly erotic and light-hearted, lacking the shameful sentiments of *Ridicule's* central affair.

Whilst inhabiting the female gaze does not make Coppola's film an inherently superior historical source, Marie Antoinette's historical legacy continues to be plagued by slander and misinterpretation, motivated by misogyny. In light of this sexist impulse, greater empathy for historical subjects and greater accuracy are thus inextricably bound. Film's unique ability to "swamp our senses, and destroy attempts to remain aloof, distanced, critical" positions us to confront our preconceptions of the sovereign, making it the ideal medium for this history. [10] This predisposition to empathy is strengthened by Coppola's unique insight as a female auteur, whose success is often falsely attributed to her inheritance of Hollywood nepotism.[11] These sexist accusations can be understood to parallel the misogynistic conceptions Antoinette faced herself, enabling greater understanding between Coppola and her subject. This connection, coupled with the inherent advantages of film, makes Marie Antoinette's analysis of female sexuality to be the superior account for historians.

Oral media in pre-Revolutionary France was not just simple hearsay, but a primary political currency, a phenomenon that *Ridicule* is superior in conveying. Evoking an expression of the time, Robert Darnton imagines France as "an absolute monarchy tempered by songs", capturing the "overlapping, interpenetrating messages, spoken, written, printed, pictured, and sung".[12][13] *Ridicule* makes this phenomenon its central focus, the film's title alluding to the value placed on one's ability to harness the spoken word. As

Ponceludon attempts to navigate the convoluted network of relationships in Versailles, his grasp on 'wit' is what propels him to patronage. 'Wit' in *Ridicule* can be understood as exemplars of the greater media infrastructure of Revolutionary France, functioning as a vessel for performative knowledge of Enlightenment culture, science, and even the private lives of your noble peers—a nod to the inflammatory libelles popular at the time. Quickly, we tend to overvalue the evidence of primary written media as a proxy for public opinion, obviously unable to reconstruct the many oral means of media. "But, evanescent as it was", Darnton concedes, "contemporaries took it seriously".[14] This seriousness can only be transmitted in the filmic medium, *Ridicule* exemplifying how the format allows the oral word to ultimately triumph. In making oral media its central theme, *Ridicule* reconstructs this history in a powerfully visceral way that written material cannot, showing its merit as a historical source.

In making Marie Antoinette an intimate character study, the oral media of Versailles is relegated to the film's background—making it ultimately less successful than *Ridicule* in this regard. Though less central, gossip is made a ubiquitous audio feature of the film, imagined as hushed murmurs amongst the palace landscape. This gossip is brought to the forefront of the film when Antoinette dines with King Louis XV, his mistress du Barry, and other courtiers. Between formalities, the elites tell various and competing stories about du Barry. This scene can be read as an apt metaphor for the period's affection for scandal. Such affection transformed the content of the era's written material, particularly seen in the media surrounding the Diamond Necklace Affair in 1784; "presses churn[ing] out sensational versions of the life story of Madame de La Motte, replete with the most unwieldy plots and subplots". [15] In portraying this speculative ritual, Marie Antoinette does not just uphold historical accuracy, but also disproves the notion that film can only "tell a single, linear story with, essentially, a single interpretation".[16] Such nuance is created when Coppola imagines Marie Antoinette hearing her falsely historically attributed 'Let Them Eat Cake' phrase in a conversation with her friends, casually responding, "...That's such nonsense...I would never say that". Here, Coppola compares the practice of gossip to

[8] Hunt, p. 123

[9] Martin, p. 206

[10] Rosentone, p. 1177

[11] <https://www.theatlantic.com/entertainment/archive/2013/06/the-big-upside-of-hollywood-nepotism/277246>. Accessed 30th September 2021. Nick Shager, 'The Big Upside of Hollywood Nepotism'

[12] Robert Darnton, 'An Early Information Society: News and the Media in Eighteenth-Century Paris,' *The American Historical Review*, 105, 1, 2000, p.9

[13] *Ibid.*, p. 20

[14] *Ibid.*, p. 9

[15] Maza, p. 85.

[16] Rosentone, p. 1173.

history, both practices creating a myriad of interpretations, disproving that historical film is doomed to deny historical alternatives.[17]

This tendency to scandalise must be situated in the reputation of the historical film, a genre long plagued with accusations of inaccuracies, supposedly prioritising the commercial interests of the film industry over 'true' history. Arguably, however, in succumbing to audience interests, these films ultimately mirror the media of pre-Revolutionary France, granting it accuracy in this parallel. The customs of speculative information sharing in Marie Antoinette and the media of the Ancien Régime comprise what Darnton calls "political folklore".[18] Folklore, as a style, may be understood as the antithesis of the conceptions of our 'scientific' written history. This style possesses a "particular relationship to the written word, a rationalised economy, notions of individual rights, and the nation-state".[19] In light of this style, "political folklore" becomes easily dismissible. However, Marie Antoinette's unapologetic femininity—centring its analysis of media on the private, domesticated gossip of elite women—is closely aligned with the era's pamphlet literature. Thus, though Coppola's film grants oral media less focus than it deserves; in the cinematic tradition of 'show don't tell', Marie Antoinette pays tribute to French oral media by becoming mimesis of its very form. This creative take is not just evidence of Marie Antoinette as a formidable historical source, but the sui generis of film as a historical medium.

Despite its visual medium, *Ridicule* falls short of stressing the principality of aesthetics in the Ancien Régime—most notably, the self-presentation of women. *Ridicule*'s two central women, de Blayac and Mathilde, can be understood as the corresponding metonymy for the Ancien Régime and Republican ideal. De Blayac, as an allegory for the corruption of female sexuality and Versailles itself, is dressed in the sumptuous garments of French nobility; highly feminine, excessive, and sexual. In contrast, Mathilde—Ponceludon's love interest in the film—is routinely dressed in plain dresses. Accordingly, Mathilde becomes an "abstract representation of Liberty or the Republic", her restrained self-presentation, and scientific pursuits reducing her to a symbol of the incoming era.[20] In their mutual reduction, neither de Blayac's nor Mathilde's self-

presentation is imagined as an agent decision, but a symptom of their temporal symbolism. Once again, *Ridicule*'s female characters are robbed of agency, limiting the film as a respectable historical source on this theme.

In its emphasis on calculated pageantry, Marie Antoinette is undoubtedly superior in its analysis of self-presentation in pre-Revolutionary France. Coppola's film honours this theme through an intricate array of costumes for its titular character—a visual citation of the Queen's excessive self-presentation. As an "active zealous manipulator of her own celebrity",[21] these contrived displays of aesthetics were deeply political, "imbu[ing] her with an aura of influence that she otherwise sorely lacked".[22] This influence was measured in social adoration—when "Parisians spotted Marie Antoinette applauding fervently at the Opera...they could scarcely contain their delight"; a moment Coppola reconstructs in her film.[23] Conscious self-presentation, however, was not exclusively channelled via fashion. Equally, architectural display was a significant performative medium for the French court.[24] Amidst her struggle to produce an heir, the Queen's Hameau adopts an agrarian visage to "signify her vital contribution to the state as the monarchy's fertile, feminine provider and helpmate".[25] The irony of the Hameau is certainly not lost on Coppola. Her portrayal of the space is tinged with self-awareness, most notably when a handmaiden cleans fresh eggs before Antoinette and her daughter 'finds' them, humorously alluding to the simulated nature of their rural lifestyle.

Coppola also examines the Queen's self-presentation as a barometer of political approval to track her decline. Antoinette's style is "no longer the glamour of a caste being staged, but that of a woman", as heightened political tensions recast her aesthetic pursuits as selfish indulgences.[26] Coppola captures this shift by portraying a parallel scene of Antoinette attending the Opera. Set years later to the backdrop of social unrest, the Queen fails to encourage the Parisian crowd into applause, a powerful metaphor for Antoinette's pageantry now eliciting resentment. Marie Antoinette's attention to aesthetics is thus not ahistorical, but rather deeply in tune to the period the film recreates, lending the practice of frivolity the seriousness it deserves.

Clearly, on balance, Marie Antoinette is the worthier

[17] Ibid.

[18] Darnton, p. 32

[19] Rosenstone, p. 1185

[20] Maza, p. 94

[21] Caroline Weber, *Queen of fashion: what Marie Antoinette wore to the Revolution*, New York, 2006, p. 110

[22] Ibid., p. 100

[23] Ibid., 105

[24] Martin, p. 162

[25] Ibid.

[26] Chantal Thomas, *The wicked queen: the origins of the myth of Marie-Antoinette*, New York, 1999, p. 83

resource for historians, offering more nuanced accounts of female sexuality, oral media, and self-presentation. However, *Ridicule* and Marie Antoinette's competing strengths are not a testament to any inherent flaws with historical film, but rather the diversity the genre can offer us. As film and visual media dominate historical consumption, the question will not be whether historians deem it permissible, but whether they will adapt to the contemporary ways of fashioning these stories. In analysing these films as reputable historical sources, a historian may begin this adaptation, ultimately enriching themselves and the discipline.

Bibliography:

- Darnton, Robert, 'An Early Information Society: News and the Media in Eighteenth-Century Paris,' *The American Historical Review*, 105, 1, 2000, pp. 1- 35
- Hunt, Lynn, 'The Many Bodies of Marie-Antoinette: Political Pornography and the Problem of the Feminine in the French Revolution', in Lynn Hunt, ed, *Eroticism and the body politic*, Baltimore, 1991, pp. 108- 130
- Martin, Meredith, *Dairy queens: the politics of pastoral architecture from Catherine de' Medici to Marie-Antoinette*, Cambridge, 2011, pp. 294-303
- Maza, Sarah, 'The Diamond Necklace Affair Revisited (1785-1786): The Case of the Missing Queen,' in Dena Goodman and Thomas Kaiser, eds, *Marie-Antoinette: writings on the body of a queen*, New York, 2003, pp. 73 - 98
- Rosentone, Robert, 'History in Images/History in Words: Reflections on the Possibility of Really Putting History onto Film', *The American Historical Review*, 93, 5, 1988, pp. 1173 - 1185
- Shager, Nick, <https://www.theatlantic.com/entertainment/archive/2013/06/the-big-upside-of-hollywood-nepotism/277246>. Accessed 30th September 2021. 'The Big Upside of Hollywood Nepotism'
- Thomas, Chantal, *The wicked queen: the origins of the myth of Marie-Antoinette*, New York, 1999, pp. 81 - 102
- Weber, Caroline, *Queen of fashion: what Marie Antoinette wore to the Revolution*, New York, 2006, pp. 94 - 130

THE POWER OF CHALLENGING THE STATUS QUO

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BA/BGlobalSt: Māori, Economics, Global Politics and Human Rights, Spanish

Cultural movements have shaped our societies today, from our values to our political views to our preferred music tastes. These movements are often initiated through the values of curiosity and courage to challenge the status quo. However, these actions can come in different forms, and their impact may not be understood until much later in time. The Nueva Cancion and Bossa Nova movements both formed pivotal points in Chile and Brazil's history. Through their correlations and contrasts, they exemplify the true power of music and show how change can be made through both explicit and subtle forms of innovation.

The Nueva Cancion ignited a counter-hegemonic movement (Cervantes, & Saldana, 2015) by dismantling Chile's hegemonic structures to reform the country's identity. The political climate of 1970 Chile provided space for a new song, the Nueva Cancion, to flourish. Salvador Allende attained the presidency in 1970, establishing the first ethically appointed socialist party within South America (Gossens, Allende, & Canning, 2000). Allende made an impact in his three-year presidency, nationalising copper mines, implementing significant agrarian reforms, and establishing significant improvements throughout the housing and industrial sectors (Gossens, Allende, & Canning, 2000). He challenged Chile's imperial characteristics that structured the country's politics and economy. His decolonial ambitions aimed to unlink Chile from its 'modern colonial designs' and 'Western epistemology' (Cervantes, & Saldana, 2015). Allende's key role in the Nueva Cancion movement was demonstrated in his government's strategic use of culture to affirm its socialist ideologies throughout Chile. Nueva Cancion was used as a platform to make political and social statements, incentivising political and social change. Historian Morris (1986) affirmed that the movement did not "seek to create escapist entertainment but instead endeavoured to voice current reality and social problems in a meaningful style" (p. 117). Through its lyrics and traditional elements such as the troubadour's decima, Nueva Cancion challenged the imposed imperial status quo, and thus attempted to dismantle the US hegemonic culture that had been established throughout Chile. The socialist government significantly invested in the Nueva Cancion campaign,



implementing regulations and opportunities for this anti-imperialist form of music to be heard. Allende legislated that Argentine music had to comprise 40% of radio broadcasts, to counteract the dominance of US pop culture (Moreno, 1986). The Nueva Cancion which was conceived in the lower working class of Chile, was utilised to affirm a new identity through the act of appropriation and re-appropriation. Celebrating and utilising indigenous musical elements previously disregarded was now competitively broadcast against US pop music as a notable act of decolonisation. Tumas-Sema explained that Nueva Cancion "signifies an ideological stance and provides a critical case for analysis of mass-mediated cultural expression in opposition to the homogenizing and centralizing tendencies of transnational commercial mass media" (Tumas-Serna, 1992, p.144). Regions across Latin America followed the Nueva Cancion movement, igniting a domino effect throughout the continent as countries practised decolonisation and established new national identities.

The characteristics of the Nueva Cancion comprise an array of traditional elements. Troubadour elements complemented with traditional and indigenous instruments produced a sound that distinguished itself from the popular US music of the time. The central focus of the Nueva Cancion was to create a sense of authenticity which contrasted with US music, which was viewed as disposable through its heavy commercialisation (Morris, 1986). Walescka (2021) affirmed, "what guides this movement is not a pre-constituted set of ideological commitments... but rather a pursuit of authenticity in social engagement" (p. 6). Victor Jara's Manifiesto exemplifies the ideologies of the Nueva Cancion movement. Jara affirms in his song that 'I do not sing for singing,' referring to the lack of meaning behind US pop culture. His voice is intimate and unassuming. He prioritises authenticity rather than a theatrical performance as he sings about 'the true truths / not the fleeting flattery / nor foreign fames / but the song of a fish market' His lyrics are conversational. Nueva Cancion's simplicity enables people of all classes and socioeconomic backgrounds to

engage with music. This inclusive aspect of the Nueva Cancion contributed to the movement's momentum. However, one must not confuse simplicity for lack of sophistication, as the array of traditional and indigenous musical elements utilised produce an impressive form of art. Nueva Cancion presented new ideologies that show pride in the indigenous ingenuity of Chile while challenging the normalities of the country's imperial culture. Thus, the Nueva Cancion was an effective political tool for Allende to dismantle the hegemonic beliefs throughout Chile and strengthen the support of the socialist government in power. McSherry reiterated that musicians "did not simply reflect or articulate the politics of the time; they helped to create the politics of the time and embody it."

However, the Bossa Nova origin story contrasts significantly from Nueva Cancion's political history. Bossa Nova was formed in the most promising era of Brazil's history. Brazil experienced a golden era from 1958 to 1964 that saw significant industrial modernisation in the post-WWII climate (Contreras, 2019). Brazil was heavily influenced by US culture following WWII. Consequently, the presence of US pop and jazz elements were incorporated to form the Bossa Nova movement, alongside indigenous elements. Historian Lang (2002) stated that "Bossa Nova was not a purely native... product of Brazilian culture, rather an exemplary use of cannibalization (p. 199)". Lang refers to Brazil's act of cultural cannibalisation here. In contrast to the Nueva Cancion movement, Brazilians embraced foreign musical elements to complement traditional techniques; this fusion of cultures distinguished the Bossa Nova movement.

Brazil's prosperity was reflected in the new generation, who held pride and optimism for the country's future. Historian Behague (1980) affirmed, "The decade of the 1950s saw... the emergence of a new generation whose aspirations to modernity coincided with post-war progress toward industrialization and modernization" (p. 440). This upper-middle class generation initiated the Bossa Nova movement, their state of positivity and stability was reflected in the simplistic, carefree lyricism of the Bossa Nova. Songs were devoted to themes of love, women, and the pure enjoyment of nature. However, Bossa Nova's portrayal of the lifestyle of the "carefree, hedonistic group of young people" received criticism (Lang, 2002, p. 444). Historians challenge the value of the Bossa Nova movement, as its platform was not utilised for political change like the Nueva Cancion but instead portrayed the nonchalant lifestyle of a privileged group (Lang, 2002). However, the significant impact of the

Bossa Nova is demonstrated differently via its fusion of foreign elements. It provides insight into this beautiful point of Brazilian history, "one in which commercial music originating in the United States could, without apparent conflict, blend and fuse with the literary tastes of relatively self-assured... middle class" (Lang, 2002, p. 205). It exemplifies the innovative mindset of the time, with the public's openness to new sounds and combinations, exemplifying Brazil's modernist, optimistic political climate.

Antonio Carlos's famous *Desafinado* of 1958 was a pioneering song of the Bossa Nova and exemplified the central characteristics of the movement. The casual delivery distinguished itself from the popular, ostentatious opera style. Musician Charles Perrone commented that the "Bossa Nova favoured refinement of touch over driving impact" as it was "to be played within an apartment, not in the street, not in auditoriums, but in small room" (Lang, 2002, p. 204). Carlos's soft, introspective vocals reflect the desire for intimacy formed through the Bossa Nova. Subtle improvisation is heard through the deliberate softening of vocals that engage interest due to the "unpredictability of melodic shapes" (Béhague, 1980, p. 440). These musical elements form a sense of personableness, a central characteristic of the Bossa Nova. Carlos's *Desafinado* presents an argument between a couple questioning the legitimacy of the Bossa Nova. The song provides a sarcastic response to common public accusations of Bossa Nova's strange characteristics. 'If you say I'm out of tune, love / know that this causes immense pain in me'. Carlos refers to how Bossa Nova songs are often strategically sung out of tune to form interesting, altered melodic phrases. These chromatic tones were a trademark of Bossa Nova. When the tones were applied to harmonic progressions, it formed new "modulations unknown in previous Brazilian popular musical styles" and thus "came to be regarded as one aspect of the modernizing qualities of Bossa Nova" (Béhague, 1980, p. 442). Carlos argues that although this sound is different, it does not mean it is not beautiful. His language is used in a simple, minimalistic manner. Carlos communicates his ideas directly without any melodramatic forms; "You cannot judge my intimacy because you disagree with the way I convey them" The simplicity and clarity throughout the piece reflect the "essential values of the bossa nova musician" (Béhague, 1980, p. 440). Carlos argues that this form of music is sophisticated despite its minimalism. The subtle yet distinct features of Bossa Nova are what distinguishes the movement's identity and innovation. He argues that the new sounds that are used are

not strange but “very natural”. Desafinado embodies the beliefs of Bossa Nova both through its story and musical elements. Despite its new unusual sounds and combinations, it affirms Bossa Nova’s place in Brazilian culture. The argument itself directly foreshadows Brazil’s political climate in the late 1950s as the country strived for industrial modernisation and looked to embrace new ideas and innovations.

There are notable similarities and differences between the Nueva Cancion and Bossa Nova movements. The movements originated from different classes in different political climates. Thus, the perspectives and incentives between the songs differ. However, both movements utilised musical elements such as conversational vocals to increase the movement's inclusivity. The intimacy that was created through their restrained vocals enhanced how the song’s ideologies were communicated to the listener. The humble vocals enabled the performer to come across as an ordinary person, thus enhancing how the song's message is understood and accepted by the public. The Nueva Cancion represented the working class of Chile, who utilised the movement to express social inequities and dismantle the hegemony of US culture within their society. In comparison, the Bossa Nova was birthed in the upper classes of Brazil, who embraced US musical elements. Bossa Nova's lyrics were not politically incentivised but expressed the beauties of life. Despite Bossa Nova not explicitly correlating itself with Brazil’s political climate as Nueva Cancion did through its lyricism, Bossa Nova’s innovative, new music fusions subtly reflected the modernisation and economic growth that was occurring in the country post-WWII. Both Manifiesto and Desafinado presented new ideologies that challenged the status quo. Both the explicit and subtle new musical elements demonstrated by both movements foreshadowed the political and social climate of the time, providing a touching insight into each country’s cultural history.

Nueva Cancion and Bossa Nova were utilised for different purposes and ideals. However, both movements exemplify the impact of culture on instilling new ideologies and discourses throughout a society. Cultural movements have the power to shift long-lasting hegemonic structures through their use of communicating new ideas. The tying theme between both movements was the presence of curiosity and the desire for something new that challenged the status quo, whether that be politically or culturally. However, Nueva Cancion and Bossa Nova further demonstrated how closely politics and culture are connected, as their reciprocal influence shaped these movements and their societies today.

Bibliography:

- Béhague, G. (1980). Brazilian musical values of the 1960s and 1970s: popular urban music from bossa nova to tropicalia. *The Journal of Popular Culture*, 14(3), 437-452.
- Cervantes, M. A., & Saldana, L. P. (2015). Hip hop and nueva canción as decolonial pedagogies of epistemic justice. *Decolonization: Indigeneity, Education & Society*, 4(1).
- Contreras, F. (2019). *João Gilberto, Master Of Bossa Nova, Dies At 88*. Npr.org. Retrieved 25 October 2021, from <https://www.npr.org/2019/07/06/739224759/jo-o-gilberto-master-of-bossa-nova-dies-at-88>.
- Gossens, S. A., Allende, S., & Canning, J. (2000). *Salvador Allende Reader: Chile's Voice of Democracy*. Ocean Press.
- Lang, G. (2002). Cannibalizing Bossa Nova. In *Music, Popular Culture, Identities* (pp. 181-197). Brill.
- Moreno, A. (1986). Violeta Parra and La nueva canción chilena. *Studies in Latin American Popular Culture*, 5, 108-126
- Morris, N. (1986). Canto porque es necesario cantar: The New Song movement in Chile, 1973-1983. *Latin American research review*, 21(2), 117-136.
- Pino-Ojeda, W. (2021). Resisting Neoliberal Totality: The “New” Nueva Canción Movement in Post-Authoritarian Chile. *Popular Music and Society*, 44(2), 175-192.
- Tumas-Serna, J. (1992). The " nueva cancion" movement and its mass-mediated performance context. *Latin American Music Review/Revista de Música Latinoamericana*, 13(2), 139-157.

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