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THE GLOBE

The Globe aims to engage the undergraduate academic community in responsible global citizenship through the promotion of undergraduate international relations scholarship. The articles published in *The Globe* offer rich diversity in thought and conviction, allowing for active and vigorous debate on key policy issues in International Affairs.

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Letter from the Editor-In-Chief

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Dear Readers,

This is the second and last time that I address you all as Editor-In-Chief of *The Globe*, the sole student-run undergraduate research journal in International Affairs at the George Washington University, and by extension, the Elliott School of International Affairs. My time as the head of this publication's Editorial Board, spanning just over 12 months, has been one of my most memorable experiences at GW, one that included its fair share of challenges and triumphs.

This issue marks the culmination of three months of intense work during the Summer 2024 term, a period that has seen us grow and evolve in remarkable ways. We focused on welcoming a new cohort of Associate Editors, implementing updated ethics guidelines to ensure the integrity of our publication, and training our newly appointed Senior Staff to lead the publication in the 2024-25 academic year. Many of these projects were conducted remotely, adding an extra layer of complexity to our coordination but showcasing our adaptability.

I am proud to say that this issue represents a landmark in the history of *The Globe*. It is the longest issue we have on record, our second publication since the journal's revival in 2023, and it includes the first two-author article we have seen since the early 2010s. These milestones are not just a testament to the hard work of our team but also to the ambition of our journal as we continue to rebuild our presence as a publication on-campus and beyond.

Over the past three months, we have launched several other key initiatives. Just days ago, we re-established *The Compass*, our online short-form sister publication, providing a platform for GW students to publish accessible insights into current events from a geopolitical perspective. We have also opened our journal to consultations, allowing interested writers to talk directly with our Senior Staff on whether their work may fit the journal's scope. Furthermore, we

have expanded our submission policy to welcome articles from any undergraduate student worldwide, not just those from the George Washington University. This move marks a significant step in broadening our reach and enriching our content with diverse perspectives.

Of course, one must note that as our team created this issue, the field of International Affairs continued to shift in unprecedented ways. The War in Ukraine has entered a new phase with a recent Ukrainian incursion into Kursk Oblast. The Israeli-Palestinian conflict persists, intensifying global divides amid the suffering of Palestinian civilians in the besieged Gaza Strip. In the United States, where a general election is set to occur in November 2024, domestic politics were shaken by an attempted assassination on former President Donald Trump, the withdrawal of President Joe Biden from the Presidential Election, and the subsequent rise of Vice President Kamala Harris as the new Democratic nominee. From Latin America and the Caribbean to the Middle East and Indo-Pacific, global politics continued to evolve in an era defined by uncertainty and turmoil, ever reminding us of the need for informed analysis and rigorous discourse, which *The Globe* has striven to provide since its founding in 2008.

As I prepare to pass the torch to my successor, Stephanie Van Ausdeln, I do so with confidence that she will stay true to *The Globe*'s mission and continue to improve this publication's analytical rigor and inclusivity. Thank you for being part of this journey with me. As you read through this issue, I encourage you to engage deeply with the insights presented herein, challenge established narratives, and broaden your understanding of the field as a whole.

Kind regards,

Sophia Pavlenko

Editor-In-Chief

Human Trafficking in the Middle East: A Result of a Globalized World?

Authors: Suvin Moon*, Daniela Herrera**

Abstract:

What factors drive the clandestine, transnational crime of human trafficking? The rise of American hegemony has reshaped globalization, reinforcing structural forces that disproportionately harm marginalized populations. By widening inequalities, specifically socio-economic inequality, women are particularly vulnerable to and bear the brunt of economic burdens. As a result, many opt to migrate and find low-skilled jobs in the informal economy, rendering them susceptible to potential human trafficking situations. Through case studies of four Middle Eastern destinations for millions of migrants – the United Arab Emirates, Lebanon, Saudi Arabia, and Qatar – this paper examines how commercial sex trafficking and labor trafficking capitalize and exploit vulnerable individuals. It argues that despite the legal recognition and efforts to combat this crime on international and national levels, the failure to address the underlying supply and demand for exploitative labor perpetuates human trafficking.

Keywords: human trafficking, globalization, Middle East, migration, vulnerability, refugees, supply and demand

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Introduction[1]

Human trafficking is a crime of exploitation. This globally-expanding phenomenon abuses the bodies and labor of millions of individuals. Due to the clandestine nature of human trafficking, verifiable and reliable data on the number of victims is difficult to obtain.[2] Despite the absence of accurate numerical statistics, governmental and international organizations have displayed escalating estimates of trafficked victims in recent years. The United States Department of State has issued an annual Trafficking in Persons Report (TIP) and identified over 115,000 victims globally in 2022, nearly double the number of victims reported in 2016.[3] In 2022 as well, the International Labor Organization in collaboration with the Walk Free Foundation and the International Organization for Migration claimed that there were around 50 million victims of human trafficking, emphasizing that 10 million more victims were identified compared to 2016.[4] While the extrapolated scope and methodology are topics of debate among researchers and experts, the staggering rise in the number of victims underscores the critical need to address human trafficking.

In an effort to identify specific factors driving human trafficking across international borders, Seo-Young Cho, an author of many scholarly articles on human trafficking at Philipps

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[1] This paper was originally submitted for IAFF 2101: International Affairs Research Methods, taught by Prof. Edi Jurkovic at the George Washington University. It has since been revised and expanded for *The Globe*.

[2] Ronald Weitzer, "New Directions in Research on Human Trafficking," *The ANNALS of the American Academy of Political and Social Science* 653, no. 1 (March 2014): 11, https://doi.org/10.1177/0002716214521562.

[3] "2023 Trafficking in Persons Report," U.S. Department of State, accessed July 3, 2024, https://www.state.gov/reports/2023-trafficking-in-persons-report/.

[4] International Labour Organization, Walk Free, and International Organization for Migration, *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, (Geneva: International Labour Organization, 2022), 1, https://www.ilo.org/publications/major-publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage.

University in Marburg, Germany, published a notable 2015 empirical study. Employing a quantitative approach, she tested a total sum of 133 potential push and pull factors that exacerbate the presence of human trafficking in 153 countries. Her findings suggested that poverty and domestic instability motivated people to leave their origin countries and a high percentage of the workforce in agriculture in destination countries attracted them.[5] In other words, the lack of economic opportunities for higher earnings and an unstable domestic climate exacerbate human trafficking as these conditions propel vulnerable individuals to migrate to countries with a sizable sector employing low-skilled labor.

While these factors explain the motivation behind individual migration, a critical question remains: what drives millions of individuals to leave their homes and willingly expose themselves to the risks of human trafficking? Does economic impetus provide a sufficient explanation for why individuals migrate despite life-threatening dangers? In this paper, we address the fundamental cause driving such migration patterns by dissecting the economic structure of the global economy and its impact on migrants. In section one, the paper delves into the Palermo Protocol known as the international legal framework of human trafficking, examining its ineffectiveness and reactive nature stemming from disregard for the economic consequences of globalization. Next, in section two, we argue that the enhancement of a deregulated market economic model in the interconnected global economy has produced structural forces that create incentives for cheap, exploitative labor. Subsequently, this profit-driven global economic structure has created push and pull factors for migration. Section three pinpoints globalization as the root cause of these factors, as it propelled transnational

[5] Seo-Young Cho, "Modeling for Determinants of Human Trafficking: An Empirical Analysis," *Social Inclusion* 3, no. 1 (February 2015): 2–21, https://doi.org/10.17645/si.v3i1.125.

demand and supply of low-skilled, cheap labor. While migrants possess economic vulnerabilities, we focus on women and refugees, who experience added vulnerability and are more susceptible to human trafficking due to intersecting social, economic, and legal challenges. Section four surveys commercial sex trafficking, where vulnerable women are disproportionately exploited. By analyzing domestic legal frameworks in the United Arab Emirates (UAE) and Lebanon in comparison to the Palermo Protocol, the paper pinpoints the failure in addressing international demand and supply for exploitative labor existent in the global economy, portraying the snowball effect of such deficiency by examining the ineffectual enforcement and prosecution of human trafficking victims in the UAE and Lebanon. Further, this section addresses the ongoing debate on the criminalization of commercial sex work, presenting potential solutions to protect women internationally. Lastly, section five delves into labor trafficking with a focus on domestic labor, which is the primary sector in which the majority of migrant women are employed. While this section presents the analysis of domestic laws, enforcement, and prosecution issues regarding international demand and supply, it highlights the Gulf States' *Kafala System* that promotes the systematic exploitation of migrant workers. Saudi Arabia and Qatar, as beneficiaries of globalization, exemplify the role of perpetrators, as their legal frameworks often fail to provide meaningful protection for migrant workers.

This paper focuses on the Middle East because the region boasts one of the highest migrant populations across the globe. The continued flow of migrant workers particularly from the Global South to the Gulf States not only exemplifies the push and pull factors of migration but also reflects the broader implications of the current structure of the global economy.[6] This

[6] David Tittensor and Fethi Mansouri, eds., *The Politics of Women and Migration in the Global South* (London: Palgrave Pivot London, 2017), https://doi.org/10.1057/978-1-137-58799-2.

phenomenon makes the region both a destination and a hub of trafficking. Notably, the 2022 FIFA World Cup in Qatar has drawn international attention to labor exploitation and trafficking faced by migrants. In addition to the recent focus on human rights violations, the Middle East is a particularly compelling region for the research of human trafficking because of its high concentration of vulnerable populations, exacerbated by numerous civil wars in Syria, Libya, Yemen, and other countries. The United Nations High Commissioner for Refugees estimates 11.7 million displaced individuals within their origin countries in 2024.[7] As displaced people and refugees continue to migrate within and beyond the Middle East, there is a growing urgency to comprehend the complexities of human trafficking.

Research Gap

Why do wealthier Middle Eastern nations have a higher demand for industries often associated with trafficking, even though they outline stricter domestic protocols for its prevention? This critical question remains unexplored by many researchers in addressing the root causes of human trafficking. Particularly, dismissing the structural forces of globalization within the legal framework fails to provide a more nuanced approach to combating this phenomenon. Scant discussions on the origin of the heightened demand for services provided by victims of human trafficking in scholarship and legal protocols of nations in the Middle East failed to redirect the focus of government officials and advocates from buyers who sustain traffickers in business. Instead, their seemingly arbitrary enforcement of domestic laws, often criminalizing

[7] "Middle East and North Africa 2024," *United Nations High Commissioner for Refugees*, accessed July 3, 2024, https://reporting.unhcr.org/operational/regions/middle-east-and-north-africa.

victims, perpetuates this cycle of exploitation as traffickers can easily take advantage of other vulnerable migrants to fulfill the same roles.

Furthermore, the lack of emphasis in academia on the inability of migrant workers to report to the authorities exacerbates human trafficking by perpetuating a cycle of exploitation and impunity. In particular, migrants with added vulnerabilities, whether economic or political, become apprehensive about being arrested or deported by their host country authorities due to their undocumented status. Addressing the stigma and treatment of migrants by the authorities during enforcement is crucial in enhancing effective prosecution and combating human trafficking. Therefore, it is imperative that policymakers prioritize safeguarding those who are structurally vulnerable to human trafficking and ensuring accountability for those who profit from exploitative practices.

International Legal Framework: Definition of Human Trafficking

Human trafficking is universally defined by the United Nations Office on Drugs and Crimes under the Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children as a crime against humanity. This defining article is also known as the Palermo Protocol of 2000, which provides a comprehensive international approach to addressing this serious crime.[8] Trafficking in persons must meet all of the following three conditions: act, means, and purpose – the details of each are as follows:

[8] "The Protocol for Human Trafficking," *United Nations Office on Drugs and Crime*, last modified November 2000, https://www.unodc.org/res/human-trafficking/2021the-protocol-tip_html/TIP.pdf.

Action	Recruitment Transportation Transfer Harboring Receipt of Persons
Means	Force (i.e. Abduction) Fraud (i.e. Deception) Coercion Threats Abuse of power Abuse of person in position of vulnerability Giving or receiving of payments or benefits for exploitative purposes
Purpose	Prostitution Other forms of sexual exploitation Forced labor or services Slavery or practices similar to slavery, servitude Removal of organs

Figure 1: Necessary Conditions to Satisfy Human Trafficking under the Palermo Protocol, from the United Nations Office of Drugs and Crime.

The Palermo Protocol is accepted by more than 170 countries and is considered a milestone in efforts to combat international human trafficking. This wide recognition of the international working definition is invaluable because it sets a universal baseline for domestic laws; however, it has considerable shortcomings. The Palermo Protocol was not ratified under

the legally binding human rights treaty; in other words, it is an optional protocol accepted by certain countries.[9] Its legal influence is limited since it can only strongly advise, not mandate, its execution. Moreover, the vague definition of terms, such as "sexual exploitation" and "practices similar to slavery" under "Purpose," weakens the protocol's already restricted effectiveness, leaving it to the discretion of each country to define terms such as "sexual exploitation" and to enforce their domestic legislation.[10] While the principles outlined in the Palermo Protocol are reflected in domestic legal approaches to combating human trafficking, their diverging interpretation and law enforcement fail to address underlying currents that perpetuate human trafficking. Often resulting in a lack of proactive measures and a misplaced focus on prosecuting victims of human trafficking, we argue that the ineffectiveness of the protocol stems from the shift in the economic structure of the global economy. Incoherent legal interpretation and enforcement of the protocol provide a loophole for maximizing profits through perpetuating exploitative practices.

Globalization and Its Impact: Neoliberalism and Gendered Inequities

Globalization, characterized by increased worldwide political, economic, and social integration and interconnectedness, has rapidly facilitated the movement of people, capital, and information.[11] Robert Gilpin, a political scientist renowned for his work in international political economy, pinpoints the significance of economic globalization after the collapse of the Soviet Union and the end of the Cold War. The rise of the US as a hegemonic power marked a change in

[9] United Nations Office on Drugs and Crime, "The Protocol," 50.

[10] Nicole J. Siller, "Human Trafficking in International Law Before the Palermo Protocol," *Netherlands International Law Review* 64 (November 2017): 445, https://doi.org/10.1007/s40802-017-0099-9.

[11] George Ritzer and Paul Dean, *Globalization: A Basic Text*, (New York: John Wiley & Sons, 2015).

the economic trends of the international political system. Particularly evident during the Reagan administration, a "worldwide shift to a greater reliance on the market" spread across the globe, integrating national economies into an expanding global economy.[12] This neoliberal move toward economic integration, consisting of removing capital controls and financial flow barriers, advanced global capitalism. Gilpin claims that the development of this global capitalist economy has created invisible and profit-maximizing forces, fomenting structural incentives for businesses to opt for the cheapest inputs and labor, even through exploitation.[13] This consequence of globalization is prevalent as businesses increasingly outsource low-skilled jobs to the Global South in pursuit of cheap labor and profit maximization. Subsequently, the institutionalization of this practice has led to outcomes on international, national, and individual levels. Mansouri and Tittensor discuss macro-level analysis, pinpointing these "global forces or structures" from globalization as the culprit of widening the gap between developed and developing countries.[14] In other words, the creation of a power structure where developed countries exploit cheap labor from developing countries widens inequality, placing the burden on individuals.

In an attempt to alleviate these inequitable consequences of economic globalization, the International Monetary Fund initiated a neoliberal approach in the 1980s. This approach, known as Structural Adjustment Programs, aimed to liberalize domestic markets and foreign investments in developing countries across South Asia and Latin America. However, the implementation of these neoliberal policies within the existing global economic structure

[12] Robert Gilpin, *The Challenge of Global Capitalism: The World Economy in the 21st Century* (New Jersey: Princeton University Press, 2018), 15.

[13] Ibid., 17.

[14] Tittensor and Mansouri, *Politics of Women and Migration in the Global South,* 4.

presented additional challenges. Notably, the rise in male unemployment has furthered economic pressures on women, driving them to migrate for job opportunities. Mansouri and Tittensor contend that the surge in the number of women grappling with poverty, compounded by societal pressure to adhere to traditional gender roles, created an "alternative circuit of survival".[15] This term refers to the expansion of a shadow economy in which women willingly migrate and engage in survival commercial sex and domestic work despite the heightened risks for exploitation.[16] This displays that the detrimental forces of global capitalism in the Global South concentrate on women as victims of international demand for cheap labor and the failure of neoliberal policies. As many vulnerable women confront poverty and strive for survival, they often migrate and willingly engage in practices involving high risks of human trafficking.

Migration: Demand and Supply of Migrant Workers

Push Factors

Migration is the movement from a person's residence to another and is one of the biggest outcomes of globalization. A recent empirical analysis in identifying "robust push and pull factors" of human trafficking by Seo-Young Cho suggests that economic motivations propel individuals to voluntarily migrate. She identifies three determinants of push factors: those residing in countries with a low GDP per capita, exposed to outside information flows, and experiencing the effects of domestic economic transition.[17] In essence, individuals from low-income countries equipped with external information via the Internet, TV, and other media

[15] Ibid.

[16] Ibid.

[17] Cho, "Modeling for Determinants of Human Trafficking," 7.

outlets are inclined to migrate and can potentially fall prey to human trafficking. The combination of economic hardships and exposure to images and narratives of a better life in other parts of the world pushes individuals to pursue migration. However, Cho raises a pivotal question: Why do some migrants fall victim to human trafficking while others do not? She notes that the degree of vulnerability is critical in understanding the correlation between push factors of migration and human trafficking.[18]

Refugees, according to the definition of the United Nations, are individuals who are forced to migrate to their place of residence due to conflict, persecution, and/or war.[19] Refugees are often isolated from their support networks and confronted with language and cultural barriers, making them particularly vulnerable to human traffickers. These vulnerabilities are further exposed in refugee women and girls who are at a higher risk of disappearing and being abducted for exploitation. Susan Kneebone, an expert in migration law and human rights, claims that there are few distinctions between the routes and facilitators utilized by refugees and trafficked individuals.[20] Recent evidence displays a growing number of refugees being trafficked in refugee camps as well as in places like airports and border zones. On a broader scale, she claims that armed conflicts in the poorest countries produce most refugees who fall victim to human trafficking. Overall, individuals influenced by domestic economic and political instability tend to migrate voluntarily or forcibly. While they already possess a certain set of vulnerabilities,

[18] Ibid.

[19] "Convention and Protocol Relating to the Status of Refugees," United Nations High Commissioner for Refugees, last modified December 2010, 14, https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees.

[20] Susan Kneebone, "The Refugee-Trafficking Nexus: Making Good (The) Connections," *Refugee Survey Quarterly* 29, no.1 (August 2010): 140, https://doi.org/10.1093/rsq/hdq011.

women and girls, who engage in involuntary migration, experience increased susceptibility to human trafficking.

Pull Factors

As nearly 70 percent of migration is voluntary, individuals are clearly motivated to migrate for various reasons. According to Cho's empirical analysis, countries that are wealthier and have a higher percentage of the workforce in the agricultural sector attract migrants.[21] In other words, the demands for labor, especially in the low-skilled industrial sector in different countries, promote voluntary migration. For instance, according to the International Labor Organization, the Gulf States such as Saudi Arabia and Qatar, employ migrant laborers for more than two-thirds of their workforce.[22] Such high demand attracts marginalized individuals to migrate to these destination countries. However, these pull factors also provide the means for traffickers to exploit them. The recruiters prey on their vulnerabilities by promising them higher salaries and better education, later manipulating and exploiting them. Women as migrant workers are particularly vulnerable to these pull factors because the low-skilled sector, such as sex work and domestic work, is often unregulated and unprotected, which leaves them particularly vulnerable to trafficking. As these lopsided policies fail to provide alternatives to meet the existing demand, they promote illegal migration, further heightening the risks of exploitation.

[21] Cho, "Modeling for Determinants of Human Trafficking."

[22] "Labour Migration," International Labour Organization, accessed July 3, 2024, https://www.ilo.org/regions-and-countries/arab-states/ilo-arab-states/areas-work/labour-migration.

Case Studies of the United Arab Emirates and Lebanon: Commercial Sex Trafficking

Commercial sex trafficking is understood worldwide as a crime that involves the trafficking of persons with the purpose of sexual exploitation. While it is legal to engage in commercial sex acts in various countries, the inducement of coercion, force, and fraud to perform such acts is considered sex trafficking.[23] As Kofman and Raghuram state in *Gendered Migrations and Global Social Reproduction*, sex work is often not recognized as a part of the formal economy due to domestic legislation, often leading to its workers being at risk in the face of abuses. By taking advantage of sex workers' vulnerabilities, traffickers capitalize on sex workers.[24] Through cases in the UAE and Lebanon, this section explores the domestic legal frameworks surrounding sex trafficking and its tenuous link to law enforcement.

United Arab Emirates (UAE): Lack of Addressing Demand

As the failure of neoliberal policies in countries in the Global South proliferates "alternative circuits of survival," increased poverty and male unemployment rate in their home countries drive feminized migration.[25] The Gulf States, due to the rising wealth produced by the oil and gas boom, became pronounced destinations for many migrant women seeking employment.[26] The intersection of these push and pull factors facilitates the mass migration of women. Pardis Mahdavi, a notable scholar in human trafficking and gendered labor, notes that immigration to the Gulf Cooperation Council countries is a recent phenomenon. Highlighting

[23] United Nations Office on Drugs and Crime, "The Protocol," 42.

[24] Eleonore Kofman and Parvati Raghuram, *Gendered Migrations and Global Social Reproduction*, (London: Palgrave Macmillan, 2015).

[25] Tittensor and Mansouri, *Politics of Women and Migration in the Global South,* 13.

[26] Ibid.

Dubai's "thriving black market economies" due to free market policies, women who confront limited employment opportunities turn to the informal sex industry to meet the high demand for sex workers.[27] In some cases, economic desperation drives them from domestic work to the informal sex industry for higher wages.[28]

Significant progress has been made at international and domestic levels to combat human trafficking. In the Middle East, almost all countries, except Yemen and Somalia, have enacted domestic laws criminalizing human trafficking with the debut of the Palermo Protocol, which recognizes and defines sex trafficking. However, Molly Dragiewicz, an academic on gender-based violence, argues that the use of the word "exploitation" in said international protocol can be interpreted by each state differently, as it is vaguely defined, thus leading countries to draft and employ different domestic strategies and approaches in dealing with commercial sex work.[29] In the case of the UAE, Federal Law No. 51 of 2006, amended by Federal Law of 2015, criminalizes sex trafficking. Penalties prescribed in this law with respect to sex trafficking are similar to those prescribed for other serious crimes, such as rape.[30] Despite such strict laws, the US TIP report reveals that the UAE government only prosecuted 15 sex trafficking cases in 2022.[31] This low number highlights a significant gap, especially considering

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[27] Pardis Mahdavi, "The 'Trafficking' of Persians: Labor, Migration, and Traffic in Dubayy," *Comparative Studies of South Asia, Africa, and the Middle East/Comparative Studies of South Asia, Africa and the Middle East* 30, no. 3 (December 2010): 535, https://doi.org/10.1215/1089201x-2010-032.

[28] Kofman and Raghuram, *Gendered Migrations and Global Social Reproduction.*

[29] Molly Dragiewicz, *Global Human Trafficking: Critical Issues and Contexts* (London: Routledge, 2014), 18.

[30] "Combating Human Trafficking," The United Arab Emirates Government, last modified May 8, 2024, https://u.ae/en/about-the-uae/human-rights-in-the-uae/combatting-human-trafficking.

[31] "2022 Trafficking in Persons Report," U.S. Department of State, accessed July 3, 2024, https://www.state.gov/reports/2022-trafficking-in-persons-report/.

the proliferation of sex work in wealthier cities like Dubai due to increased supply and demand in the commercial sex market.[32]

In addition to the establishment and enforcement of human trafficking laws, the UAE has recently taken steps to combat commercial sex trafficking and created *Ewa'a* shelters for trafficking victims. However, scholarship suggests that these efforts prove to be ineffective in addressing the demand for commercial sex work.[33] In fact, the TIP Report notes that the majority of trafficking victims in the UAE were migrants.[34] This shows the misdirected focus of prosecution in the UAE, identifying economically desperate sex workers rather than addressing those, who contribute to the demand side of the sex industry, and thereby perpetuating informal sex work. Consequently, the UAE's prosecution of victims in informal sex work contributes to the stigma surrounding sex workers, further exacerbating their vulnerabilities.

In summary, this case study underscores the economic implications of globalization driving women to engage in the informal sex industry. The high demand for sex workers in Dubai thrives under unregulated neoliberal policies, posing increased risks for vulnerable female migrants who voluntarily enter the sex industry for survival and often find themselves trapped in cycles of trafficking. The failure to address the demand for sex services and victimization of sex workers not only has hindered efforts to identify and prosecute traffickers but also has stigmatized sex workers.

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[32] Pardis Mahdavi, "Race, Space, Place: Notes on the Racialisation and Spatialisation of Commercial Sex Work in Dubai, UAE," *Culture, Health & Sexuality* 12, no. 8 (2010), https://doi.org/10.1080/13691058.2010.512393.

[33] The United Arab Emirates Government, "Combating Human Trafficking."

[34] U.S. Department of State, "2022 Trafficking in Persons Report."

Lebanon: Syrian Refugee Crisis

In Lebanon, sex trafficking rings have targeted Syrian refugee women since the 2011 migration crisis due to the Syrian Civil War. Refugees in Lebanon are particularly susceptible to traffickers because the Lebanese government has not ratified the 1951 Convention Relating to the Status of Refugees.[35] Instead, under Lebanese law, these migrants are categorized solely as displaced persons.[36] This regulatory status limits their legal protections and subjects them to dependency on Lebanese sponsors for residency permits. This increases their vulnerability to abuse and exploitation as the sponsors wield significant control over their legal status and livelihoods. Francisco Poggi, in his thesis on the sexual exploitation of Syrian refugee girls and women in Lebanon, highlights that "survival sex" is the most common form of exploitation, where Syrian women are asked to provide sexual favors in exchange for food, housing, or money.[37] Traffickers capitalize on these women as their involuntary migration leaves their personal and socio-economic vulnerabilities unprotected. Physical fragility has disproportionate effects on women, heightening the risks of sexual violence. This vulnerability is particularly pronounced during migration, as they are left physically exposed. Even after their arrival in the recipient country, their lack of a proper legal status due to hasty migration inhibits their ability to earn income.[38] The absence of residency permits heightens the effects of poverty among the migrants, structurally excluding them from making an income below the survival minimum

[35] Ibid.

[36] Francisco Astudillo Poggi, "The Vulnerability of the Syrian Refugee Women in Lebanon and the Sex Trafficking" (PhD diss., Saint Joseph University of Beirut, 2017), 5-6.

[37] Ibid., 27.

[38] Annie Wilson, "Trafficking Risks for Refugees," 107-9.

expenditure basket.[39] This specific vulnerability that comes from their status compels refugee women to opt for an alternate method of survival, often leading to their entry into commercial sex work.

The Lebanese approach to combating human trafficking displays flaws in both domestic legislation and enforcement. Article 524 of the Lebanese Penal Code prohibits forced prostitution, while Article 523 prohibits commercial sexual exploitation of a person under 21 years old. While both of these articles illegalize sex trafficking, the Lebanese Penal Code fails to employ stringent penalties for this crime. Prescribed penalties for sex trafficking and the prostitution of children are only between one month and one year, not at the same level as other serious crimes such as rape.[40] Worse, the 2022 TIP Report notes that Lebanon has overall decreased its prosecution efforts, displaying its weak commitment to the actual enforcement of domestic human trafficking laws.[41] Moreover, Lebanon's Criminal Code makes it harder to assist and recognize victims of commercial sex trafficking. It contradicts the Palermo Protocol, which Lebanon has ratified, as individuals who engage in sex work can be classified either as human trafficking victims or criminals. Despite being sexually exploited, Syrian refugees refuse to report abuse due to the risk of being criminalized and deported if Lebanese authorities categorize them as criminals.

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[39] United Nations International Children's Emergency Fund, "Syrian Refugees in Lebanon Struggle to Survive Amid Worst Socio-economic Crisis in Decades," *Unicef*, September 29, 2021, https://www.unicef.org/lebanon/press-releases/un-syrian-refugees-lebanon-struggle-survive-amid-worst-socio-economic-crisis-decades.

[40] "Trafficking in Persons Report: Country Narratives – Countries H through R," U.S. Department of State, last modified June 4, 2008, https://2009-2017.state.gov/j/tip/rls/tiprpt/2008/105388.htm.

[41] U.S. Department of State, "2022 Trafficking in Persons Report."

Criminalization of Commercial Sex Work

Considering efforts to combat sex trafficking through the legal framework, Dragiewicz discusses debates on criminalizing commercial sex trafficking between parties that view sex work as a medium for human trafficking, while others see it as voluntary work. These debates surrounding the definition of voluntary sex work are ambiguous, as individuals' willingness to participate can be influenced by both physical and psychological coercion. Focusing on targeting sex work rather than the demand of the buyers, some advocate for the complete criminalization of the sex industry because they believe that no sex work is truly voluntary. By penalizing the industry, they aim to eliminate the potential for exploitation. However, others argue that targeting sex work is not effective because it decreases job opportunities for voluntary sex workers and fails to address the underlying demand for purchasing sex.[42] Bolstering this view, Amnesty International's policy brief argues that the stigma and criminalization of sex work increase the risks of exploitation. It further criticizes those who advocate for the criminalization of the industry, as it deprives individuals who voluntarily engage in the sex industry of their means of survival.[43]

In the Middle East, most migrant female workers face limited mobility regarding the industries they are constrained to partake in, exacerbating the challenges within this debate. According to Pardis Mahdavi, women experience greater human rights abuses in industries other than sex work, leading them to perceive it as a preferable employment option. In comparison to

[42] Molly Dragiewicz, *Global Human Trafficking,* 132.

[43] Amnesty International, "Amnesty International Policy on State Obligations to Respect, Protect and Fulfill the Human Rights of Sex Workers," *Amnesty International*, May 26, 2016, 9, https://www.amnesty.org/en/documents/pol30/4062/2016/en/.

industries like domestic work, they stated that engaging in sex work provides them with more autonomy.[44] Thus, it is important to note that the criminalization of sex work pushes sex workers into situations in which they have fewer protections. Overemphasis on targeting sex work often leaves women with fewer options for income and diverts attention from the harsh reality of many migrant women. The advocates, who equate sex work to sex trafficking, base their arguments on bias and stigmatization against sex industries. As they disregard the complexity of the sex industry as a result of global and individual factors, these scholarly sources hinder the exploration of pragmatic measures and regulations that could contribute to the prevention of human trafficking.

In conclusion, the UAE and Lebanon face challenges in effectively preventing commercial sex trafficking due to their focus on criminalizing and punishing sex work instead of addressing the demand for trafficking victims. Strict legislation and enforcement of laws alone are ineffective without addressing the root causes that drive migrant workers to participate in informal economies. Addressing these underlying factors is complex and contradicts neoliberal economic forces that profit from globalized markets. However, misdirected efforts perpetuate stigma against migrant sex workers and contribute to continued underreporting of human trafficking cases.

[44] Pardis Mahdavi, "Gender, Labour and the Law: The Nexus of Domestic Work, Human Trafficking and the Informal Economy in the United Arab Emirates," *Global Networks* 13, no. 4 (February 2013): 428, https://doi.org/10.1111/glob.12010.

Case Studies of Saudi Arabia, UAE, and Qatar: Labor Trafficking

Domestic Labor in the Gulf States: Challenges under the Kafala System

According to the Palermo Protocol, labor trafficking occurs when individuals are obliged to provide service or labor against their will through the means of force, fraud, and coercion.[45] Traffickers often confiscate legal documents and forgo paying undocumented workers to exploit the labor of individuals. In Saudi Arabia, the UAE, and Qatar, labor exploitation is a prevalent form of trafficking as migrants make up over two-thirds of the total workforce in the Gulf States. The surging demand for domestic workers in these oil-rich countries has created the "private character of the workplace," referring to employment in the private nature of households.[46] Because of this private nature of domestic labor, it is challenging to discover and prosecute forced labor cases. Additionally, according to the 2013 report on the distribution of migrant domestic workers, over 55 million female migrants are domestic workers.[47] This displays that women who are predominantly in the domestic labor sector are disproportionately trafficked.

The *Kafala System*, a literal translation of "sponsor," is a temporary labor contract between the state and foreign nationals that creates a system of structural dependence of migrant workers on their employers.[48] The state directly permits migrant workers in some countries;

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[45] United Nations Office on Drugs and Crime, "The Protocol," 42-3.

[46] Elisa Menegatti, "Protecting Migrant Domestic Workers: The International Legal Framework at a Glance," *International Labour Organization*, 2016, 2, https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/briefingnote/wcms_467722.pdf.

[47] Ibid., 1.

[48] Amrita Pande, "'The Paper that you Have in Your Hand is My Freedom': Migrant Domestic Work and the Sponsorship (Kafala) System in Lebanon," *International Migration Review* 47, no. 2 (June 2013): 416, https://doi.org/10.1111/imre.12025.

however, a low level of protection under the host country's law is guaranteed to the migrant workers due to the fact that the *Kafala System* falls under interior ministries, not labor ministries.[49] With limited workers' rights, the system has enabled employers to exploit migrant workers because of uneven power dynamics. A prominent example is Saudi Arabia, as the two-year contract that provides visas to migrants is tied to their employers. Even a small dispute between a migrant and an employer ends in the termination of employment, which results in the loss of their legal rights to be migrant workers.[50] Moreover, as most Middle Eastern countries with the *Kafala System* restrict migrant workers from changing their employers, the contracts create structural dependence on sponsors, heightening the risks for labor exploitation.[51] As these Arab States are the destination of over half of the male migrant workers from all over the world, it is apparent that labor trafficking is not exclusive to the female migrants in the domestic work sector.

Saudi Arabia: Lack of Female Mobility

Women, primarily from South and Southeast Asia and East Africa, voluntarily migrate to Saudi Arabia to work in labor-intensive, low-skilled sectors. According to Human Rights Watch, the majority of 50 to 80 percent of documented migrants from the Philippines, Indonesia, and Sri Lanka move to be domestic workers in the Middle East as a result of the lack of job opportunities that drive individuals to migrate.[52] As one of the push factors of migration, some women in

[49] Ibid., 420.

[50] Menegatti, "Protecting Migrant Domestic Workers," 1.

[51] Nisha Varia, *As If I am Not Human: Abuses Against Asian Domestic Workers in Saudi Arabia* (New York: Human Rights Watch, 2008), 7, https://www.hrw.org/sites/default/files/reports/saudiarabia0708_1.pdf.

[52] Ibid., 14.

impoverished populations willingly migrate for labor to subsist and provide for their families. This phenomenon, noted as the epitome of feminized migration, is increasingly evident today.

Leaving their communities and facing cultural and linguistic barriers, many migrant women are exposed to vulnerabilities, heightening the risks of human trafficking. Often, they voluntarily migrate for temporary labor in the Middle East and earn sufficient income to move to their final destinations.[53] Because migrating to more developed countries is implausible due to their shortage of funds, many women decide to first migrate to the Gulf States as they have the lowest initial migration expenses.[54] Here, as most of them settle for domestic labor due to the high demand in these countries, they willingly enter into one of the most precarious industries for human trafficking. When many of these temporary migrant domestic workers live with their employers, they experience confiscation of their passports, withholding of payments, and excessive work demands. As a result, they become illegal migrants due to the expiration of their visas and, in the worst cases, fall victim to physical abuse. Due to the clandestine nature of domestic work, these crimes typically go largely unnoticed.[55] Millions of women endure exploitation for survival, which makes cases of human trafficking go unreported.

This lack of female mobility in Saudi Arabia has led to growing abuses towards domestic migrant workers. Many migrant women within the country remain stuck with abusive employers because of this lack of female mobility. In most cases, there is no formal agreement between employer and worker on the duties that are expected from domestic workers, so these are left to

[53] Rhacel Parreñas, *Servants of Globalization: Migration and Domestic Work,* (California: Stanford University Press, 2015), 9.

[54] Ibid., 2.

[55] Varia, *Abuses Against Asian Domestic Workers in Saudi Arabia,* 62.

the employer's varying commands. Saudi Arabia uses the *Kafala System* of sponsorship and allows migrant workers to switch jobs and leave the country without the sponsor's permission. However, domestic workers usually get their passports and legal documents taken away upon their arrival, making it difficult to leave.[56] Furthermore, because of the worldwide lack of recognition of the domestic work sphere, there is no specific protection for such laborers within legal frameworks.[57] Parreñas takes a closer look at cases of forced labor against female domestic migrant workers from the Philippines in Saudi Arabia.

In *Servants of Globalization,* Parreñas looks at migration patterns of Filipino domestic workers in Saudi Arabia. When the Philippines sought better treatment of their citizens working abroad, Saudi Arabia responded by banning the entry of Filipino workers for a period of time. Despite the fact that Filipino workers make up most of Saudi Arabia's workforce, the protectionist policies in regard to migrant workers display its apathy in providing legal protection.[58] Furthermore, Human Rights Watch's interview of Indonesian domestic workers in Saudi Arabia demonstrates the lack of protection for migrant domestic workers. Coming from rural areas and lower socio-economic status, they were employed as maids and domestic workers. Many of them testified that they worked inappropriate hours, got their documents confiscated by employers, and were denied their payments. Moreover, the report even mentions publicized cases of abused or killed Indonesian women in Saudi Arabia. This showcases how these labor trafficking cases were sometimes exacerbated by Saudi Arabian authorities. A

[56] Anti-Slavery International, *Trafficking in Women Forced Labour and Domestic Work in the Context of the Middle East and Gulf Region*, (London: Anti-Slavery International, 2006), 14, https://www.antislavery.org/wp-content/uploads/2017/01/traffic_women_forced_labour_domestic_2006.pdf.

[57] Kofman and Raghuram, *Gendered Migrations and Global Social Reproduction*, 28.

[58] Parreñas, *Servants of Globalization,* 25.

statement by the Minister of Social Affairs of Riyadh proves how recruitment agencies are often complacent and dishonest when drafting contracts of employment for migrant workers. He states that there is a discrepancy in the treatment of migrant domestic workers, as some employers may treat their workers like slaves and some like family.[59] This statement shows that Saudi Arabian governments are aware of the abuses that domestic workers face, but no major efforts have been pursued to combat them. Despite the fact that the 2009 anti-trafficking law criminalized labor trafficking, enabling up to 15 years of imprisonment and a fine of up to one million Saudi Arabian riyals (around $266,750 USD), their deliberate neglect undermines legal enforcement and perpetuates labor trafficking.

Qatar: 2022 World Cup Made Possible by Labor Trafficking

In 2022, Qatar hosted the *Federation Internationale de Football Association* (FIFA) World Cup, an event that draws global viewership and travel each year it occurs. In Qatar, 95 percent of the labor force is composed of migrant workers, meaning that projects to prepare for the FIFA event heavily relied on the employment of migrants through the *Kafala System*.[60] Scholars, such as Paula Renkiewicz, vocalized Qatar's long history of violations against migrant workers. In a 2016 publication, she wrote about how migrant worker deaths started to rise after FIFA announced the Qatar World Cup in 2010. These deaths were usually reported as a consequence of heat strokes or heart attacks which were commonly a result of harsh working conditions, such as long shifts between 12 to 14 hours in severe temperatures of approximately

[59] Varia, *Abuses Against Asian Domestic Workers in Saudi Arabia,* 90.

[60] International Labour Organization, "Labour Migration."

100 degrees.[61] While Renkiewicz expressed such precedents before the 2022 Qatar World Cup, Moa Johansson investigated this phenomenon of labor trafficking during and after the event, speculating why these concerns were not publicized.

Johansson argues that despite recent reforms to improve migrant workers' rights in Qatar, cases of labor trafficking persisted during the preparations for the 2022 World Cup. Qatar criminalized labor trafficking with a punishment of up to seven years and 15 years.[62] The recent reform of Qatar's *Kafala System* in 2021 specified the permitted outdoor working period during summers and allowed migrants to switch jobs without permission from their employers.[63] However, many cases of labor trafficking were present as seen with the construction of Al Bayt Stadium for the World Cup despite the reforms.

Both the Qatari authorities and FIFA are responsible for the growing cases of forced labor during the World Cup. The construction of the Al Bayt Stadium was a Qatar Meta Coats project and was supervised by the Qatari Supreme Committee and Qatari authorities. Approximately 100 workers in the project had been denied their salaries for up to seven months and their resident permits were not renewed by Qatar Meta Coats. While Qatari authorities pledged that they would continue to reduce labor abuses and banned Qatar Meta Coats in 2019, FIFA responded that they did not want to interfere with national legislation. While FIFA refuses to act, Johansson claims

[61] Paula Renkiewicz, "Sweat Makes the Green Grass Grow: The Precarious Future of Qatar's Migrant Workers in the Run up to the 2022 FIFA World Cup Under the Kafala System and Recommendations for Effective Reform." *American University Law Review* 65, no. 3 (2016): 724.

[62] U.S. Department of State, "2022 Trafficking in Persons Report."

[63] Moa Johansson, "Human Rights Violations in the Name of Football." Master Project, University College of Stockholm, 2023, 43.

that the abuses are common during preparations for each World Cup.[64] As the margins of economic profits generated by World Cups are greater when backed by the cheap labor of migrants, actors lack the incentives to conduct monitoring and ensure the protection of workers.

Although there have been reforms to the *Kafala System* aimed at enhancing the protection of migrant workers, they demonstrate a reactive nature. The lack of recognition and protection for migrant workers in Saudi Arabia and Qatar exhibits the failure of a robust implementation and enforcement of the Palermo Protocol. As migrant workers make up the majority of their workforces, the number of trafficking victims is alarming as a significant portion of migrants engage in domestic work and other unskilled industries, where labor rights abuses are prevalent. Despite reforms and strict trafficking laws, the profits generated by cheap labor supersede the prevention of forced labor practices.

Conclusion

Throughout this research, academic evidence has been provided on how processes of globalization have had an impact on rising cases of human trafficking among the migrant communities in the Middle East. The spread of neoliberal policies has created winners and losers in the globalized world, fostering structural inequalities. We have surveyed the push and pull factors of migration as wars and poverty at home drive mostly women to migrate for economic opportunities and safety. With fewer opportunities in their countries and high demand for reproductive jobs such as domestic and sex work, women are becoming the main figures in their families or communities to migrate. However, many women are susceptible to exploitation in

[64] Ibid., 46.

these industries due to the lack of labor recognition and the inadequate enforcement of legal protections.

As their migrant statuses expose their vulnerabilities, women are manipulated and targeted by traffickers. The criminalization and stigmatization of sex work by the government further exacerbate their existing vulnerabilities, as they are left with no choice but to work in the shadow economy to subsist. In the case of the domestic work industry, the underreporting of human trafficking cases due to the hidden, private nature of work continues to threaten millions of lives.

Commercial sex trafficking and domestic forced labor in the Middle East are facilitated by misinformed and weak government enforcement of laws and protocols meant to combat human trafficking. The vague language of the Palermo Protocol provides room for various interpretations, allowing governments to develop their own domestic laws that improperly target the issues of enforcement and recognition of migrant rights. One of the common weaknesses is the overemphasis on targeting the sex industry. We have reviewed that this targeting decreases the mobility of migrant women in employment and takes away from the oversight of other dangerous types of trafficking.

In order to advance effective advocacy against human trafficking, an emphasis on the demand for sex trafficking is necessary. There is a lack of sufficient scholarship on those benefiting from the services provided by sex workers, and in some cases, the scholarship instead scapegoats sex workers. In this research, we have inductively substantiated that there are more human trafficking cases in the wealthier nations in the Middle East despite issues of

underreporting in the region. Prosecutors, policymakers, and global advocates must grasp the complexity of human trafficking as a phenomenon. The demand and supply for these unregulated industries and the push and pull factors result from inequalities created by globalization, which have gone unaddressed. Increasing knowledge and understanding of this intricate phenomenon may lead to more effective preventative measures to combat this crime of exploitation.

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Domestic Violence as a Basis for Asylum:

Changing the United Nations Definition of a Refugee

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Abstract

One central part of the debate over asylum seekers involves the question of female asylum seekers, who seek refuge due to their experience with domestic violence. This paper argues for changing the definition of a refugee at the United Nations level to include "gender" as a protected category under the definition, in order to grant asylum to those fleeing their home countries because of domestic violence. Through an analysis of asylum cases and their outcomes in the United States, along with comparative analysis of perspectives in the United States, the United Kingdom, and France, this paper explores the trajectory of domestic violence being considered a valid reason for asylum. The research utilizes both qualitative and quantitative methods, including interviews, statistical data, and Board of Immigration Appeals cases, to assess the ability and necessity for asylum seekers to seek refuge due to domestic violence. The findings suggest that while national legislation on the issue may be a short-term solution for the United States, ultimately, the definition of a refugee must be changed at an international level for a long-term, global solution. The paper concludes by reiterating the necessity of changing the United Nations definition of a refugee to protect gender overall – thus protecting domestic violence survivors seeking asylum.

Keywords: 1951 Refugee Convention, gender-based violence, international migration, asylum policy

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Introduction

In 2018, a Salvadoran woman left her abusive husband, seeking asylum in the United States. Unfortunately, her asylum was not guaranteed. This was because her claim did not fit under the protected categories guaranteed by international and federal law in the US. This case was not an isolated event, and it is evident that there are many women who have faced the same rejection. Domestic violence is considered a criminal offense and involves the abuse of a partner or spouse. Unfortunately, domestic violence is common in all parts of the world and can be difficult for even the most equitable justice systems to recognize. Additionally, many women who experience domestic violence are in situations, where it is unsafe or difficult to escape, because of threats, fear of exposure or a corrupt and misogynistic justice system. Thus, because of the sheer number of women facing domestic violence every day across the world, it is imperative that those women be able to flee situations where their safety and well-being is compromised.

Similar to claims of violence due to one's race, religion or political opinion, the claim of domestic violence should be considered equal in terms of severity. However, in many parts of the world, including the US, it is extraordinarily difficult for a woman to claim asylum because of domestic violence due to lack of international law that defines gender as a social group, such as the standard definition for a refugee as established in 1951. Therefore, women are being forced to return to countries where their health and safety are being put at risk. In addition, the West, who consider themselves to be the beacon of morality for other countries, are not actively working to solve the situation. Despite progressive movements in asylum law and the status of refugees, ultimately, the definition of a refugee as laid out in 1951 remains unchanged. There are large discrepancies on what accounts for asylum, especially in the realm of gender-based

violence, such as domestic violence. Therefore, due to the inconsistencies regarding application for asylum based on gender, it is imperative that gender be added as a sixth protected social group under the UN definition of a refugee.

Foundations

Following the Second World War, many Europeans were forcibly displaced. To respond to the crisis, the UN held the 1951 Refugee Convention in Geneva which not only established an international definition of a refugee but created international standards for the protection of refugees. The definition written at the 1951 Convention defined a refugee as someone who "has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group".[1] One category missing from this definition is "gender" which has not been codified into the UN definition of a refugee. The lack of "gender" as a category means that many countries have vastly different policies on what counts for asylum based on gender-based violence.

In the US, the ability of domestic violence survivors to claim asylum has been determined by the Refugee Act of 1980, which imposed the international regulations established by the UN at the 1951 Refugee Convention; this included the adoption of the UN definition of a refugee, and the subsequent categories for asylum.[2] Both of these important documents relating to refugees shaped the global asylum process and the asylum system in the US. An extension of the US immigration system, the asylum system in the US is handled by the federal government and includes important actors such as the Board of Immigration Appeals (BIA), the Attorney

[1] UNHCR, "Convention and Protocol Relating to the Status of Refugees," Accessed 24 Nov. 2023, www.unhcr.org/media/convention-and-protocol-relating-status-refugees.

[2] USCIS, "Refugee Timeline," Accessed 7 Feb. 2023, www.uscis.gov/about-us/our-history/stories-from-the-archives/refugee-timeline.

General, and the United States Citizenship and Immigration Services (USCIS) branch of the Department of Homeland Security (DHS). Specifically, the precedent for asylum cases in the US largely relies on previous asylum decisions, since the definition of a refugee as established by the UN can be left up to interpretation. Therefore, due to the lack of definition surrounding "gender" as a category in the definition of a refugee, the precedent for asylum claims based on gender-based violence in the US is reliant on a few major BIA cases. The first case is *Matter of R-A*, in which a Guatemalan woman faced violence from her husband and thus fled to the US. The BIA originally decided that the woman may not be granted asylum in the US due to her lack of membership in a "particular social group."[3] However, fourteen years later, she was granted asylum through a judge. Thus, the case did not establish extremely strong precedent on the issue. The case highlighted the immense power given to US Court judges when deciding on asylum claims, and also the ambiguity regarding domestic violence as means for asylum in the US.

A second BIA case, entitled *Matter of A-R-C-G*, decided in 2014, established the principle that women could be granted asylum based on domestic violence if they belonged to a social group that was particular and recognized by society. In the *Matter of A-R-C-G*, the social group was defined as "married women in Guatemala who are unable to leave their relationship."[4] Ultimately, one of the most important cases in this discussion is the *Matter of A-B*, in which a Salvadoran woman claimed asylum in the US under the particular social group (PSG) "El Salvadoran women who are unable to leave their domestic relationships where they have

[3] Center for Gender and Refugee Studies,"Matter of R-A-," Accessed 24 Nov. 2023, cgrs.uclawsf.edu/our-work/matter-r-a-.

[4] Harvard Law Review, "Matter of A-R-C-G-," Accessed 24 Mar. 2023, harvardlawreview.org/print/vol-128/matter-of-a-r-c-g/.

children in common' with their partners."[5] However, after her application was denied by an immigration judge and she appealed to the BIA, her case was reversed. The BIA approved her claim, and stated that her proposed PSG was valid. However, soon afterwards, the case was handed to then-Attorney General Jeff Sessions who vacated the BIA decision and claimed that domestic violence would not qualify for asylum as there was a lack of nexus – connection between the applicant and the particular social group. Recently, the decision made by then Attorney General Sessions was reversed by Attorney General Merrick Garland under the Biden Administration. This meant that ultimately, her asylum claim had been approved, despite the claim being denied, then approved, then denied again, before reaching this conclusion. Therefore despite the most recent reversal, this case highlights how quickly the decisions for asylum can change when there is not a specific category to which the applicant can claim persecution based on their identity. Therefore, the determinant for what counts for asylum when it comes to domestic violence is largely inconsistent due to these important precedents and varying national regulations on refugees across the globe.

Overview

This essay will analyze the inconsistencies of the US government when deciding on asylum cases from the *Matter of R-A* to the *Matter of A-B*. Additionally, it will highlight the intersectionality of race, and Western values of gender-based violence as means for asylum. This analysis will also include details about the sexism involved in the asylum system, which also creates hardships for domestic violence survivors. Next, it will introduce the commonly held belief that domestic violence can and should be addressed on a federal level through

[5] Harvard Law Review, "Matter of A-B-," Accessed 24 Mar. 2023, harvardlawreview.org/print/vol-135/matter-of-a-b/.

congressional legislative action. However, in refutation to this argument, the essay will describe the inconsistencies and issues with policies in other Western countries, such as France and the United Kingdom. Finally, it will close with the long-term solution of calling for a convention at the level of the UN, so that "gender' can be added as a sixth protected category under the UN definition of a refugee.

Issues

Inconsistencies

First and foremost, within the US, there have been large inconsistencies in the past two decades for women claiming asylum based on claims of domestic violence. The system is unpredictable, and too much power is placed in the interpretation of the judge when making a decision because of inconsistent precedent. A study conducted by Blaine Bookey, a graduate of the University of California San Francisco School of Law and the current director of the Center for Refugee Studies, determined some of the large gaps in granting asylum to victims of gender-based violence. In the study, she analyzed case outcomes from a variety of cases involving women claiming asylum before, during, and after the *Matter of R-A* was decided. She found that out of 206 outcomes analyzed from the years 1994 to 2012, 62% of the applicants claiming asylum on the basis of domestic violence were granted asylum, however, 31% of the applicants were not.[6] Additionally, she found that out of the 31% that were denied the most common grounds for denial was limited nexus or undefined particular social group.[7] Both of these findings demonstrate that even during and after the precedent established by *Matter of R-A*,

[6] Bookey, Blaine. "Domestic Violence as a Basis for Asylum: An Analysis of 206 Case Outcomes in the United States from 1994 to 2012." *Hastings Women's Law Journal*, vol. 24, no. 1 (Winter 2013): 107-148 https://repository.uclawsf.edu/hwlj/vol24/iss1/5/, 120.

[7] Ibid, 121.

women were still being denied asylum claims because their chosen social group lacked definition or recognition. Also, nexus – the ability to connect oneself to a particular social group – was a major reason for denial of asylum claims. This demonstrates the issue of women defining gender-based violence PSGs as grounds for asylum through citing that domestic violence is not only a broad social issue, but also one that their government fails to deal with adequately. Furthermore, the concept of nexus means that women must also establish that domestic violence is not just a private criminal act, but rather caused by the applicant's membership in their particular social group. Another important facet of Bookey's findings was that the denials during the period after *Matter of R-A* that were vacated by the Attorney General from January 20, 2001, to February 19, 2004 "largely lack legal analysis" and that "some judges who denied relief did so with very little reasoning, simply stating that they do not believe domestic violence is a basis for asylum."[8] Ultimately, this statement reflects the idea that many of the decisions made during the legal battle of *Matter of R-A* were arbitrary and relied heavily on the judge's own political and social opinions, without much regard for precedent established by gender-based violence asylum cases. Additionally, the denials lacked sufficient legal evidence, demonstrating that the protection of women who are fleeing domestic violence cannot come from the BIA or US Court asylum cases because, due to a lack of "gender" in the definition of a refugee, the decision for asylum based on claims of domestic violence rests largely in the hands of individual judges.

To go further, the variation of grants and denials of applicants claiming asylum based on gender-based violence is evident in changing presidential administrations. In an interview conducted with Paulina Vera J.D, Associate Professor of Law at the George Washington University, and supervisor of the GW Law Immigration Clinic, she mentions that an important

[8] Ibid, 127.

part of asylum claims based on gender-based violence is knowing the opinions of judges in the area on the matter. She discusses that judges' opinions on the matter vary greatly, where some judges will consider nationality attached to gender as a particular social group while other judges in the area are "outright hostile" and would not hear claims that lack extreme specificity in the membership of a particular social group.[9] Additionally, she recognizes that there are discrepancies in asylum law as a whole in the US, especially during the Trump Administration and the controversial decision of *Matter of R-A*. She describes that time as very fast paced and "chaotic," stating that "every single day I just checked the news to see what new immigration policy was in place."[10] The issue that Vera describes were not the policies that may have been "anti-immigration" in particular, but rather that those policies were also frequently shifting. She mentions that the time was "chaotic" but that she thinks "chaos was the point."[11] In other words, these changes were used in an attempt to instill fear into the immigration law and asylum community in the US during the period. The instability of asylum law under the Trump Administration continues to highlight the inconsistencies with asylum law, especially in the case of gender-based violence, and demonstrates the need for more precise definitions.

Finally, with regards to the inconsistencies and ever-changing policies regarding asylum on the basis of domestic violence in the US, it is important to highlight the vacating of the *Matter of A-B* during the Biden Administration. On June 16, 2021, Attorney General Merrick Garland dismissed the previously held decision in the *Matter of A-B* decided by Attorney General Jeff Sessions, allowing the applicant to be granted asylum based on her claims of domestic violence.

[9] Paulina Vera J.D, interviewed by Alexia Creeden, 9 November 2023.

[10] Ibid.

[11] Ibid.

The reversal allowed for a new precedent to be set for claiming asylum based on domestic violence, especially when women come from places, where there is a large presence of gang activity. Also, this demonstrated the changing ideals from the Trump Administration to the Biden Administration on domestic violence as a means for asylum.[12] However, despite the reversal, the question of whether domestic violence counts as a basis for asylum is left unresolved due to the previously mentioned issues of rapidly changing precedent and the power given to US Court judges, and the unfortunate fact that a new presidential administration could shift the viewpoint almost instantly on the matter. Ultimately though, the reversal of *Matter of A-B* does not solve the issue of domestic violence as means for asylum, because case law precedent has proven to be ineffective in protecting women who claim asylum on the grounds of gender-based violence. Therefore, the controversial and excruciating decisions in the *Matter of A-B* demonstrate that asylum based on gender needs to be protected at an international level which will not allow the asylum grants and denials to be decided with vague reasoning.

Intersectionality

The inconsistencies in the decisions and precedents of asylum claims based on gender-based violence are important reasons in favor of adding "gender" in the definition of a refugee. However, there is also the intersectionality between gender and race that demonstrates some of the reasons these inconsistencies exist. Importantly, the *Matter of Kasinga* granted asylum to a survivor of female genital mutilation (FGM), Fauziya Kassindja, establishing the

[12] Joel Rose, "The Justice Department Overturns Policy That Limited Asylum for Survivors of Violence," NPR, June 16, 2021, http://www.npr.org/2021/06/16/1007277888/the-justice-department-overturns-rules-that-limited-asylum-for-survivors-of-viol.

precedent that someone can claim asylum because they were persecuted based on their gender in conjunction with membership in a particular social group.[13] Although a landmark progressive case in the protection of women under US asylum law, the case also reveals important implications for women who choose to claim asylum based on domestic violence. Domestic violence occurs around the globe, even in countries considered to be “developed" and countries considered to be “developing.” Therefore it cannot be defined as a crime that only occurs in the context of poverty or economic instability. Despite this, domestic violence is defined as ethnocentric in context of the Western viewpoint and “the American experience of domestic violence serves as a yardstick for adjudicating asylum claims.”[14] This means that anytime an applicant claims domestic violence as a basis for their asylum claim, they are judged in the context of domestic violence in the US, as opposed to considering the nuances of the sociopolitical structure of the country of origin. Ultimately, women in the US experience domestic violence, and it is seen as a “universal occurrence” so when it is called into question for asylum, some judges in the US do not consider it a valid claim due to the fact that it would entail opening the door to a plethora of other asylum claims as a result of the prevalence of domestic violence across the world.[15] Therefore, the US and Western perspective overall on domestic violence is that it is too common to be used as grounds for asylum, unlike other forms of gender-based violence such as FGM. This means that the ethnocentric definition of gender-based

[13] K. Musalo, “A Short History of Gender Asylum in the United States: Resistance and Ambivalence May Very Slowly Be Inching towards Recognition of Women’s Claims,” *Refugee Survey Quarterly* 29, no. 2 (March 1, 2010): 46–63, https://doi.org/10.1093/rsq/hdq026, 53-54.

[14] Connie G. Oxford, “Protectors and Victims in the Gender Regime of Asylum,” *NWSA Journal* 17, no. 3 (2005): 18–38, http://www.jstor.org/stable/4317156, 22.

[15] Ibid, 23.

violence negatively affects survivors of domestic violence, who choose to claim asylum in the US.

Additionally, in the realm of intersectionality between race and gender, there is also the issue of stereotypes of women, especially those from Latin America, that demonstrate the issues that women face when claiming gender-based violence as grounds for asylum in the US asylum system. Many Latin American women face discrimination due to harmful stereotypes of Latin Americans being associated with gang activity and criminal activity. Therefore, women, who seek asylum based on domestic violence and originate from Latin America, may face a system that does not want to include or allow them into the US. Such was the case of the *Matter of R-A*, where the applicant was denied in part to exclude certain people from being granted asylum in the US due to her country of origin being Guatemala.[16] This makes it more difficult for women to claim asylum based on domestic violence, as they not only have to deal with the convoluted and difficult process of applying for asylum on the basis of gender-based violence but also encounter racism in a system that discriminates against them based on their country of origin. This is especially important given that most women who apply for asylum based on domestic violence are nonwhite and are frequently met with stereotypes that assume they are criminals and are not victims of the situation.[17] Therefore, there are many boundaries based on race that make it difficult for women to make claims of asylum based on domestic violence.

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[16] Cynthia S Gorman, "Feminist Legal Archeology, Domestic Violence and the Raced-Gendered Juridical Boundaries of U.S. Asylum Law," *Environment and Planning A: Economy and Space* 51, no. 5 (February 19, 2018): 1050–67, https://doi.org/10.1177/0308518x18757507.

[17] Cheryl Llewellyn, "(In)Credible Violence: An Analysis of Post-Alvarado Domestic Violence Asylum Cases in the United States," *Journal of Women, Politics & Policy* 41, no. 2 (November 12, 2019): 170–93, https://doi.org/10.1080/1554477x.2019.1674023.

While the issues of racism and stereotypes within the system make the process harder, so too does the lack of recognition of trauma of domestic violence survivors. Women of color are already questioned on their credibility due to harmful stereotypes about their race, but throughout the finding of "legitimacy of fear" in a claim based on domestic violence, many are unable to recall events with immense detail due to the trauma they faced, which causes their credibility to falter even further.[18] Because the women have to prove the nexus of their claim with immense details when using the membership of a particular social group as the base for their asylum claim, they are not only forced to face their trauma head on but also ridiculed for even the slightest mistake in their stories. Essentially, this reduces the stories and humanness of these women claiming asylum on the grounds of domestic violence. In the interview conducted with Paulina Vera, she highlights the important notion that asylum seekers and immigrants overall are largely thought of as just numbers; however, they all have their own story to tell, and are people in the same way as citizens of the county that they are entering.[19] Unfortunately, the reduction of refugees to a number or statistic takes away from their humanity and allows for the system to work against them, limiting their ability to find safety in another country. The reduction of a human story is especially important when it comes to domestic violence, because women are silenced for domestic violence claims all over the world, even if not just for asylum. Therefore, stereotypes of both women and especially women of color in the asylum system limits the ability of women, who have experienced domestic violence, to claim asylum.

Finally, when it comes to the importance of recognizing the asylum system as "gendered" it is necessary to look at the impact of the patriarchy that allows the system to turn women

[18] Ibid.

[19] Paulina Vera J.D, interviewed by Alexia Creeden, 9 November 2023.

against one another under the context of Eurocentric values. When a woman claims domestic violence as a basis for asylum, she is likely to face pushback from other women. In her article, Jenny Oxford claims that "acts of ethnocentric harm are not automatically considered persecution and female asylum officers and judges assume a gendered authority in differentiating 'real' victims."[20] In the description of "ethnocentric harm," Oxford refers to acts such as domestic violence, and she explains that women in positions of power see themselves as better equipped on the subject and will judge the asylum seeker based on their own personal experience with domestic violence. Fundamentally, this is evidence of the system being not only based on Western perspectives on the issue, but also inherently gendered. The current framework makes such asylum decisions arbitrary in deciding what 'level' of domestic violence counts as legitimate grounds for asylum, not to mention making the process extremely difficult for women to successfully make their claim based on domestic violence. Ultimately, this means that gender needs to be protected by defining "gender" as the sixth protected ground for asylum at the UN level, so that systems like the one in the US are not filled with harmful practices that make it challenging for women to claim asylum based on domestic violence.

Solutions

Legislation

Even so, there are many scholars who say that the best way to help domestic violence survivors seeking asylum in other countries is to implement solutions on a national level in the US. The idea behind this would be to add more specificity to the US' definition of refugee under

[20] Connie G. Oxford, "Protectors and Victims in the Gender Regime of Asylum," *NWSA Journal* 17, no. 3 (2005): 18–38, http://www.jstor.org/stable/4317156, 16.

the Refugee Act of 1980, establishing a clearer definition for a particular social group and nexus.[21] This would likely be in the form of an act of Congress, thus making it more difficult for judges to rule arbitrarily on the matter due to biases and political opinions on refugees, gender, and immigrants. Ultimately, by solving the problem on the federal level through acts of Congress, it can be ensured that domestic violence survivors are treated more equitably in the US, and that precedent is not the only grounds, on which applicants claiming asylum based on domestic violence have to rely to make their case. This is highlighted in the case of the Refugee Act of 1980, where a precedent was set for the admission of refugees, thus greatly expanding the scope of refugee admittance to the US from the previous regulations set out under acts like the Immigration Act of 1965.[22] Additionally, as Paulina Vera explains, both major political parties are at fault in the US for immigration laws that hinder the ability of people to claim asylum and gain entry into the US.[23] Thus, if such legislation were to be passed by Congress, it would limit the impact of major electoral shifts, particularly concerning the presidency, on the asylum claims process and by extension the ability of domestic violence survivors to claim asylum.

The argument for national legislation in the US also points out that adding "gender" as a sixth protected ground for asylum at the UN level could have negative effects. These negative effects include the fact that the US would no longer be in accordance with international law, and

[21] Kate Jastram and Maitra Sayoni, "Matter of A-B- One Year Later: Winning Back Gender-Based Asylum through Litigation and Legislation.," *Santa Clara Journal of International Law* 18, no. 1 (2020): 48–91, https://digitalcommons.law.scu.edu/scujil/vol18/iss1/2, 83.

[22] USCIS, "Refugee Timeline," Accessed 7 Feb. 2023, www.uscis.gov/about-us/our-history/stories-from-the-archives/refugee-timeline.

[23] Paulina Vera J.D, interviewed by Alexia Creeden, 9 November 2023.

because of the complexities of asylum law, it may introduce more confusion into the debate.[24] Finally, the reason some give that adding gender as a sixth category for asylum at the UN level may not be necessary is because other Western asylum systems such as Canada do not have specific protections for gender, but rather those claims are addressed under the other protections mentioned in the UN definition of a refugee.[25] Therefore, some may argue that there is no need for an international change to the definition of a refugee, but rather there is the opportunity to create legislation in the US that makes the category of a particular social group easier to define and allows those who have experienced gender-based violence to establish nexus to their social group without just using precedent from previous asylum cases.

International Change

Despite the argument that the solution for domestic violence victims claiming asylum can be solved by federal regulation in the US, ultimately this is a short-term solution to a long-term problem, and there are two specific reasons that it would be better to make the protection for gender at the UN level. The first is that while the issue of domestic violence survivors claiming asylum may appear to be an issue that is only present in the US, there are other Western countries in which the same issue appears, such as France and the UK, where organizations on the issue have developed. Campaigns in Europe such as the European Women's Lobby have helped to make the issue of gender as a specific category for asylum present at the level of European Parliament; however, "the only countries amongst the EU members to have adopted any kind of gender directives or guidelines into their asylum procedures are Sweden and the United

[24] Kate Jastram and Maitra Sayoni, "Matter of A-B- One Year Later: Winning Back Gender-Based Asylum through Litigation and Legislation.," *Santa Clara Journal of International Law* 18, no. 1 (2020): 48–91, https://digitalcommons.law.scu.edu/scujil/vol18/iss1/2, 89.

[25] Ibid, 90.

Kingdom."[26] Thus, countries in Europe are also dealing with the issue of women not being able to claim asylum based on persecution of their gender, despite awareness at the level of the European Union. Therefore, the issue of asylum is one of a global nature, especially when that comes to gender as a basis for asylum claims. One of the positive examples of gender protection in regard to asylum is in the United Kingdom, where they have established guidelines to protect women in the asylum process. In the UK, many NGOs, such as the Asylum Aid and Refugee Women's Resource Project, have long seen gender as an area where they can agree despite the many fractures between the NGOs.[27] However, even with the ability of NGOs in the UK to work towards gender protection within the asylum system, this has not made more European countries establish forms of protection at their own national level. Despite the protections at the national level in the UK, a global norm for those protections is not being established. This serves as a likely example for what would occur should the US implement similar policies; without an international change, national policy that protects domestic violence survivors seeking asylum is insufficient on a global scale. Additionally, despite the UK's seemingly positive outlook for women asylum seekers, other prominent Western countries lack protections for gender and are in a similar position to the US.

For instance, France has internal issues when it comes to women, who apply for asylum on the basis of gender-based violence. Groups in the country have faced much backlash for trying to project gender under French asylum law. Much of this is due to not only France's

[26] Jane Freedman, "Protecting Women Asylum Seekers and Refugees: From International Norms to National Protection?," *International Migration* 48, no. 1 (January 4, 2010): 175–98, https://doi.org/10.1111/j.1468-2435.2009.00549.x, 187-188.

[27] Ibid, 187.

history with discrimination, especially against women of color, but also the large presence of anti-feminism in France. To begin with, like many Western countries, France has issues relating to anti-asylum sentiments that see many women trying to claim asylum as "the other."[28] This common sentiment across France makes it difficult for all women, but especially domestic violence victims, to claim asylum because their experience is seen as a Western norm, and thus allowing them into the country would open the doors to victims of any private crime to claim asylum. While negative perceptions of women of color and of victims of domestic violence as a whole are a major reason for the lack of protections of gender in the French asylum system, so too is the presence of anti-feminism as a whole. In France, organizations like Groupe Asile Femmes (GRAF), which assist women claiming asylum based on domestic violence, are seen as feminist organizations, and thus are considered by many to oppose the French tradition of universalism – having a gender or race-blind outlook on the asylum process.[29] Organizations like these have had much trouble gaining traction in France, and thus there had not been any national-level protections for gender as a basis for asylum. Additionally, the process for asylum in France continues to be extremely difficult for those who claim asylum based on domestic violence specifically due to these sentiments and the inability of NGOs to impact the asylum process. France is a country that continues to have a convoluted asylum process, especially for women. In combination with both the principles of universalism in France, as well as its discrimination towards women and people of color, many women seeking asylum in the country are met with indifference or even opposition. Therefore, as demonstrated by the issues within the

[28] Ibid, 191.

[29] Ibid, 188.

French asylum system and French society as a whole, it is clear that "gender" must be added as a sixth protected grounds for asylum on an international level.

The second reason that it would be preferable to change the definition of a refugee by adding "gender" as a sixth protected ground for asylum under the UN definition of a refugee as opposed to imposing federal regulations in the US is that by adding a definition to the UN, it would establish a global norm to combat anti-immigration and anti-asylum sentiment. By changing the definition of a refugee at the international level, it would in fact make the Refugee Act of 1980 out of date, creating an imperative to update it. As demonstrated by the fact that the US passed the Refugee Act in the first place, it is completely possible for Congress to pass another act to put the US in line with the international standard, should gender be adopted as a protected category. As of now, there is not a strong global norm for gender as a protected ground for asylum, and the US is unable to lead the example of reform without an established international standard.[30] If the UN definition of a refugee was changed, it would likely result in a federal regulation in the US on the issue. It is thus necessary to address the problem first at a global level and have it trickle down to each nation, because one nation cannot solve this problem alone. In addition, it is important to note that anti-immigration sentiment is a global issue as well, from Brexit to the views of Trump during his presidential term. By adding gender as a protected category at the international level, there would be an opportunity to combat anti-immigration and anti-asylum sentiment in other countries. This is especially important in the present because recent developments in Europe have led to more gender-neutral policies

[30] Monica Vazquez, "Why the U.S. Should Add Gender as the Sixth-Ground for Asylum," *Columbia Undergraduate Law Review*, January 12, 2023, http://www.culawreview.org/journal/why-the-us-should-add-gender-as-the-sixth-ground-for-asylum.

regarding asylum, which are harming women due to the lack of recognition of gender-based discrimination in asylum systems.[31] Because of a lack of gender protection in international asylum law, policies that act in a gender-neutral way are not only harmful to women that seek asylum because of gender-based violence, but also promote a gendered asylum and immigration system in Western countries. As such, despite the argument that the introduction of "gender" as a sixth protected ground for asylum may inspire more confusion into the debate, it is extremely necessary due to the current global landscape and the lack of awareness of the negative effects of gender-neutral policies on women seeking asylum. Thus, although legislation in the US that better defines a particular social group or establishes the principle of nexus with more clarity may be helpful to women seeking asylum because of domestic violence in the US, it is not the best solution in the long run. Therefore, it is imperative that the definition of a refugee be changed at the international level to reflect "gender" as a sixth protected ground for asylum so that women across the world can be protected, and a global norm of the protection of women who have experienced domestic violence is established.

Conclusion

Ultimately, domestic violence is a global issue, one that deprives women of safety in their own homes every day. Because of this and the lack of willingness of governments around the world to understand the severity of domestic violence, women are forced to flee for their safety. Unfortunately, these women play a gamble in Western asylum systems due to the lack of institutionalization of a protection of gender in asylum law. In order to change the global norm regarding asylum, it is imperative that we act now by holding a convention of the UN to discuss

[31] Jane Freedman, "Women's Right to Asylum: Protecting the Rights of Female Asylum Seekers in Europe?," *Human Rights Review* 9, no. 4 (April 11, 2008): 413–33, https://doi.org/10.1007/s12142-008-0059-1, 413.

the status of refugees and add "gender" as the sixth protected ground under the UN definition of a refugee. The inclusion of gender into the definition "A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group" will allow domestic violence survivors to have strong grounds for asylum across the globe.[32] By changing the definition, not only will domestic violence survivors have the opportunity to be granted asylum, but also adding "gender" as a sixth protected category will establish an international standard that inspires countries to protect "gender" as a category within their own federal or national asylum systems. For too long, asylum systems like that of the US have discounted the experience of women who have fled domestic violence at home, and in order to combat this international issue, we must act to promote stability and protection of "gender" in asylum processes. Therefore, it is time that the global community change the incomplete definition of a refugee, so that women may be granted asylum from gender-based violence on just grounds.

[32] UNHCR, "Convention and Protocol Relating to the Status of Refugees," Accessed 24 Nov. 2023, www.unhcr.org/media/convention-and-protocol-relating-status-refugees.

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Indonesia in US Security Strategy in the Indo-Pacific: Precedents and Prospects for the Future of US-Indonesian Relations

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Abstract

In an era of Great Power Rivalry, Southeast Asia has been pushed to the forefront of attention by China and the United States, perhaps none so much so as the region's largest nation, Indonesia. Since President Barack Obama's "pivot to Asia," the US has worked to develop its ties with Indonesia as part of its Indo-Pacific strategy, an endeavor that faces its own set of challenges. This article analyzes the complexities of Indonesia's "free and active" foreign policy and its wider strategy in the Indo-Pacific region through historical policy analysis. It further examines the policy challenges for closer US-Indonesian ties alongside the impact of both nations' 2024 presidential elections in developing a more robust strategic partnership. Through this, the article argues that while Indonesia's fundamental foreign policy prevents any conception of a US-Indonesia alliance, there is growing room for further engagement in maritime and security affairs amid growing concern over China's ambitions. Nonetheless, Indonesia shall always remain a "free and active" actor in the region, one unlikely to align itself with Beijing or Washington and instead predominantly committed to its "national interest."

Keywords: Indonesia, Southeast Asia, foreign policy, US, China, power politics

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Introduction

In the age of heightening tensions between the great powers of the United States and China in the Indo-Pacific, Southeast Asia has become an increasingly vital aspect of the US Indo-Pacific Security Strategy. The dramatic rise of China as a major player in the region has pushed Washington to seek closer ties with like-minded nations that wish to uphold the "rules-based" international order. As a result, the US has partnered with India, Japan, and Australia to develop the Quad and enact freedom of navigation operations (FONOPs) in the disputed South China Sea (SCS). Amid this great power rivalry, Southeast Asia and the Association of Southeast Asian Nations (ASEAN) have become increasingly important actors within America's regional strategy. The White House declared in its US Indo-Pacific Strategy that "the United States also welcomes a strong and independent ASEAN that leads in Southeast Asia. We endorse ASEAN centrality and support ASEAN in its efforts to deliver sustainable solutions to the region's most pressing challenges."[1] Indonesia is one of the most important actors in the Southeast Asian region, acting as the *de facto* leader of ASEAN and having the largest economy in Southeast Asia.[2] Furthermore, Indonesia has the fourth largest population in the world, making it the world's second largest democracy and largest Muslim-majority nation.[3] Indonesia's demographics have made it one of the most powerful voices within Southeast Asia, allowing it to hold significant influence in broader Indo-Pacific affairs. Thus, Indonesia has

[1] The White House, "FACT SHEET: Indo-Pacific Strategy of the United States," February 11, 2022, https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/02/11/fact-sheet-indo-pacific-strategy-of-the-united-states/?utm_source=link.

[2] Gibran Mahesa Drajat, "Assessing Indonesia's Leadership in the Advancement of ASEAN Political-Security Community under President Joko Widodo," *AEGIS: Journal of International Relations* 2, no. 2 (September 2018): 137–53, http://dx.doi.org/10.33021/aegis.v2i2.424.

[3] The Economist, "Why Indonesia Matters," November 17, 2022, https://www.economist.com/leaders/2022/11/17/why-indonesia-matters.

immense potential as a partner for the US in Southeast Asia and the broader Indo-Pacific strategy, especially considering the US-China "battleground" in the disputed SCS.

This paper shall seek to analyze the role Indonesia plays within the geopolitics of the Indo-Pacific region and the potential of Indonesia as a partner to the US to work towards shared security policy goals in the region, taking into consideration the historical precedents of Indonesia's foreign policy and its current foreign policy course under the incumbent President Jokowi. It will also consider the recent history of US-Indonesian relations and the challenges facing a more robust US-Indonesian partnership. Furthermore, it will consider the recent election of Prabowo Subianto as President of Indonesia and the upcoming 2024 US presidential election's impact on developing the US-Indonesia partnership and Indonesia's role in the Indo-Pacific. By examining existing literature on Indonesian foreign policy and US-Indonesian relations, this paper shall establish a complex understanding of the nature of Indonesia's role in the region and its potential in US security strategy and provide policy recommendations to the US in further advancing the US-Indonesian partnership.

Indonesia's "Free and Active" Foreign Policy

To analyze Indonesia's role in the broader US security strategy in the region and the US-Indonesian relationship, one must consider Indonesia's fiercely independent yet complex foreign policy in place since its founding in 1945. Indonesia's foreign policy has been defined as "free and active," a term coined by one of the nation's founders, Mohammad Hatta. This "free and active" foreign policy means that Indonesia will not take sides between any blocs or great powers; however, Indonesia still maintains an active presence in the international community and

in resolving global issues.[4] Hatta adopted this foreign policy based upon four objectives: 1) to defend the Indonesian state and people, 2) to obtain the means of increasing standards of living, 3) to gain capital, and 4) to uphold international law and social justice. Hatta's vision for Indonesian foreign policy coincides with *pancasila*.[5] As the state ideology since the country's founding, *pancasila* is based on five principles: monotheism, civilized humanity, Indonesian unity, deliberative democracy, and social justice.[6] Taking sides is incompatible with the *pancasila* state ideology that is enshrined in the constitution, leading to Indonesia's "free" foreign policy.[7] Hatta further asserts that Indonesia's foreign policy is independent so as to not force Indonesia to choose between the two blocs of communism and capitalism of the Cold War. This independence assured that Indonesia's foreign policy would be "free" and always in Indonesia's interest, not to its detriment.[8] According to Hatta, as a people freed from colonialism, Indonesians were inspired by ideas of "the brotherhood of nations" and "social justice," which led to the Indonesian National Revolution. As such, Indonesians place a high value on humanitarian social justice internationally. It is this high value of international discourse that leads to the "active" part of Indonesia's foreign policy, being that Indonesia will always involve itself in global affairs and remain an involved member of the international community.[9] With this "free and active" foreign policy having been adopted amid the US-Soviet global rivalry

[4] "Indonesia's Foreign Policy," Embassy of the Republic of Indonesia in Washington D.C., accessed August 5, 2024, https://kemlu.go.id/washington/en/pages/kebijakan_luar_negeri_ri/716/etc-menu.

[5] Mohammad Hatta, "Indonesia's Foreign Policy," *Foreign Affairs* 31, no. 3 (1953): 441, https://doi.org/10.2307/20030977.

[6] Patrick Greenwalt, "Factsheet: Indonesia's Pancasila," *United States Commission on International Religious Freedom*, March 2021, https://www.uscirf.gov/sites/default/files/2021%20Factsheet%20-%20Indonesias%20Pancasila.pdf.

[7] Embassy of The Republic of Indonesia, "Indonesia's Foreign Policy."

[8] Hatta, "Indonesia's Foreign Policy," 445, https://doi.org/10.2307/20030977.

[9] Ibid, 442.

during the Cold War, it is clear that this policy was designed in response to the bipolar world order of the time**.** This foreign policy is legally cemented into the Indonesian state by Article III of Law No. 37/1999 on Foreign Relations.[10] To this end, Indonesia has been historically independent in its foreign policy, having hosted the Bandung Conference in 1955 that established the Non-Aligned Movement under its first president Sukarno, who was also a prominent leader of the movement.[11] Furthermore, Indonesia was a founding member of ASEAN in 1967 and has since played an active role in the organization.[12]

Despite the centrality of "free and active" principles in Indonesia's foreign affairs, presidential administrations have interpreted and adopted this policy in varying ways. The nation's first president, Sukarno, had been considered by some as too active in his foreign policy at the cost of independence due to his anti-colonial ideology. Sukarno had rejected liberal democracy for its "excesses" and instead adopted the policy of "guided democracy," which cemented his power as president and allowed him to promote radical revolutionary thought in the Indonesian political sphere.[13] Sukarno's anti-colonialism would contribute to Indonesia starting a war with Malaysia in the *Konfrontasi*, or Confrontation, military conflict, as he viewed Malaysia as a legacy of "neo-colonialism." His increasingly anti-colonial stance led him to villainize the West while subtly aligning with the Communist bloc through the "Jakarta-Phnom Penh-Beijing-Pyongyang Axis." His Western antagonization also led him to reject Western

[10] "Indonesia: Law No. 37 of 1999, Foreign Relations," Refworld, last modified September 14, 1999, https://www.refworld.org/legal/legislation/natlegbod/1999/en/147504.

[11] "Non-Aligned Movement (NAM)," List of Multilateral Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia, last modified December 9, 2022, https://kemlu.go.id/portal/en/read/142/halaman_list_lainnya/non-aligned-movement-nam.

[12] Drajat, "Assessing Indonesia's Leadership," 137-153, http://dx.doi.org/10.33021/aegis.v2i2.424.

[13] Rizal Sukma, "The Evolution of Indonesia's Foreign Policy: An Indonesian View," *Asian Survey* 35, no. 3 (March 1995): 309-310, https://www.jstor.org/stable/2645547.

investment, coinciding with an overall lack of economic policy desperately needed to rebuild Indonesia.[14] The ongoing *Konfrontasi* with Malaysia, economic mismanagement, and the rivalry between the communists and the military paved the way for his downfall. Following the killing of six army generals (officially caused by the Communist Party of Indonesia according to the Indonesian Government), Sukarno would be deposed in a US-backed military coup and replaced with the fiercely anti-communist President Suharto.[15] The "New Order" regime, headed by Suharto, more closely followed what was outlined by Hatta, with a greater focus on developing Indonesia's domestic economic and political strength before truly realizing Hatta's "free and active" foreign policy.[16] Suharto's foreign policy refocused on domestic concerns that were largely ignored by his predecessor while rapidly increasing ties with Washington for its economic investment and military ties.[17]

Indonesia's Post-Suharto Foreign Policy: The Era of Jokowi

Indonesia's outgoing President Joko Widodo (Jokowi), and his predecessor, Susilo Bambang Yudhoyono (SBY), have built upon the framework set out by Hatta, Sukarno, Suharto, and their successors while remaining true to the 'free and active' heart of Indonesia's foreign policy. Straying away from the more closed-off and Washington-focused foreign policy of the New Order, post-Suharto presidents have moved toward the original vision of Hatta, marked by non-alignment and participation in global affairs. In this pivot towards a more modern foreign

[14] Francis J. Galbraith, "The Coup That Failed—Indonesia 1965," *The National Interest*, no. 3 (1986): 97-100, https://www.jstor.org/stable/42894422.

[15] Robert Crib, "Indonesia 1965: The Attempted Coup and the Rise of Suharto," *ASPI's The Strategist*, September 29, 2015, https://www.aspistrategist.org.au/indonesia-1965-the-attempted-coup-and-the-rise-of-suharto/.

[16] Sukma, "The Evolution of Indonesia's Foreign Policy," 304-315, https://www.jstor.org/stable/2645547.

[17] Ted Piccone and Bimo Yusman, "Indonesian Foreign Policy: 'A Million Friends and Zero Enemies,'" *Brookings*, February 14, 2014, https://www.brookings.edu/articles/indonesian-foreign-policy-a-million-friends-and-zero-enemies/.

policy, SBY would move Indonesia's foreign policy in a new direction based upon what he labeled as having "a thousand friends and zero enemies."[18] SBY's foreign policy was focused on creating a popular global image of Indonesia, which targeted a multilateral approach through ASEAN, the UN, and similar organizations and summits to advance human rights and economic development. Under SBY, Indonesia rapidly expanded its international influence globally, heavily involving itself in the G20 and Bali Democracy Forum and leveraging its pivot towards democracy to establish a more favorable international image of Indonesia.[19] SBY's policy worked towards improving relations with all nations, mainly concerning economic ties, which have been a focal point of Indonesia's foreign policy approaches since Suharto's New Order ties with American economists to develop Indonesia's early economy.[20]

The Jokowi administration has taken this economic focus in foreign policy to heart since coming into office in 2014. Jokowi's foreign policy has primarily been associated with economic diplomacy, mainly through bilateral means, unlike his predecessor's focus on multilateral diplomacy. It was Jokowi who moved away from SBY's "a thousand friends, zero enemies" foreign policy, with Jokowi instead focusing on *diplomasi membumi*, or down-to-earth diplomacy. This new approach to foreign policy has focused on policies that would create tangible benefits for everyday Indonesians, mainly by advancing Indonesia's economic interests.[21] Jokowi's *diplomasi membumi* stems from the broadly domestically oriented policy of

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[18] Ibid.

[19] Keoni Marzuki and Adhi Priamarizki, "Inscribed in Stone: The Making of Jokowi's Foreign Policy Legacy," *Institute of Defence and Strategic Studies Paper*, no. 46 (August 22, 2022), https://www.rsis.edu.sg/wp-content/uploads/2022/08/IP22046-Priamarizki-Marzuki-masthead-final-1.pdf.

[20] Ifra Puspitasari, "Indonesia's New Foreign Policy- 'Thousand Friends Zero Enemy,'" *Institute for Defence Studies and Analyses Issue Brief*, August 23, 2010, 1–6, https://www.files.ethz.ch/isn/136921/IB_IndonesiaForeignPolicy.pdf.

[21] Marzuki and Priamarizki, "Inscribed In Stone: The Making of Jokowi's Foreign Policy Legacy."

Jokowi's administration, as a consequence of his inexperience in foreign policy when first taking office that had some populist undertones.[22] Jokowi is undoubtedly a more domestically-oriented President than SBY, which has led to criticism of his administration for its limited international presence. Jokowi's foreign policy has primarily been transactional, favoring policies that help Indonesia directly through economic means over the more ambitious nature of grand strategy.[23]

Sailing Between Two Reefs: Indonesia's Hedging Policy in the Indo-Pacific

Within the geopolitical complexities of the US-China rivalry in the Indo-Pacific, Indonesia has been placed at a crossroads between these two great powers and alongside many other Southeast Asian nations. On one end, China's Belt and Road Initiative (BRI) has offered immense economic benefits to Southeast Asian states, including Indonesia. Indonesia holds very close-knit economic ties with China, acting as its largest trading partner and second-largest investor after Singapore.[24] China's BRI has supported many government infrastructure projects that have been a cornerstone of Jokowi's important domestic policy goals, such as the recently completed "Whoosh" high speed rail, the first one in Southeast Asia.[25] However, Indonesia has become increasingly wary of China's economic power, primarily due to concerns of debt entrapment as well as the influx of Chinese workers into Indonesia. Owing to historical prejudice against Chinese immigrants, there has been notable pushback against the presence of Chinese

[22] Chris Lundry, "Assessing Indonesia's Foreign Policy under Jokowi," *Asia Policy* 13, no. 4 (October 2018): 30, https://www.jstor.org/stable/26533123.

[23] "Expert Panelists Urge 'Grand Strategy' on Indonesian Foreign Policy for Global Relevance - Asia & Pacific," The Jakarta Post, December 8, 2023, https://www.thejakartapost.com/world/2023/12/08/expert-panelists-urge-grand-strategy-on-indonesian-foreign-policy-for-global-relevance.html.

[24] Prashanth Parameswaran, "The Future of Indonesia-China Relations after Jokowi," GIS Reports, November 8, 2023, https://www.gisreportsonline.com/r/indonesian-chinese-relations/.

[25] Christopher S. Chivvis, Elina Noor, and Beatrix Geaghan-Breiner, "Indonesia in the Emerging World Order," Carnegie Endowment for International Peace, November 9, 2023, https://carnegieendowment.org/research/2023/11/indonesia-in-the-emerging-world-order?lang=en.

companies and workers, especially with popular negative perceptions of a mass influx of Chinese workers into the nation. Incidents such as mass strikes by Indonesians against Chinese companies highlight tense people-to-people ties between Indonesia and China.[26] Beyond economic concerns, Indonesia has become increasingly attentive to China's increasing military influence in the disputed SCS. While Indonesia is not a claimant to the SCS, China's nine-dash line intrudes into Indonesia's claimed North Natuna Islands. Within these claimed waters of Indonesia, Chinese vessels have repeatedly violated Indonesian maritime boundaries, causing friction between the two governments. Furthermore, the increasing military activities in the region caused by an increased Chinese maritime presence in the SCS and US-led FONOPs have made Indonesia increasingly wary of the security risks in its own backyard.[27]

Alongside its FONOPs, the United States has established the Quad alongside India, Japan, and Australia in light of China's growing influence in the region under the Free and Open Indo-Pacific doctrine (FOIP).[28] The United States holds solid bilateral military ties with the Indonesian Military, the Tentara Nasional Indonesia (TNI). The US and TNI have had substantial levels of cooperation since the era of Suharto, which, while diminishing since 1998, remains robust with several military education programs and joint exercises, not to mention the US'

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[26] William Yuen Yee, "Ten Years On, How Is the Belt and Road Initiative Faring in Indonesia?," *Jamestown Foundation*, March 3, 2023, https://jamestown.org/program/ten-years-on-how-is-the-belt-and-road-initiative-faring-in-indonesia/.

[27] Penny Radjendra et al., "Indonesia's Vision as Global Maritime Fulcrum: A Geopolitical Strategy to Address Geopolitical Shifts in Indo-Pacific," *Journal of Positive School Psychology* 6, no. 5 (July 23, 2022): 8621–34, https://journalppw.com/index.php/jpsp/article/view/9442.

[28] Ryosuke Hanada, "The Role of U.S.-Japan-Australia-India Cooperation, or the 'Quad' in FOIP: A Policy Coordination Mechanism for a Rules-Based Order" (Center for Strategic and International Studies Japan Chair, 2019), https://csis-website-prod.s3.amazonaws.com/s3fs-public/2023-06/190401_Hanada_Strategic_Japan.pdf?VersionId=5aOquZI3.y0iAmqFGWuD6K2eIOvr53Wk.

status as one of Indonesia's primary arms suppliers.[29] Under the Biden Administration, the US has proclaimed its support for ASEAN centrality, which remains at the heart of Indonesia's policy towards the region. Furthermore, the FOIP doctrine holds many shared normative values with the ASEAN Outlook on the Indo-Pacific (AOIP), which Indonesia has championed.[30] However, while the US has proclaimed a commitment to the doctrine that ASEAN upholds, there exist differing attitudes within the bloc. While some states, most notably the Philippines, have leaned towards America's anti-China bloc, Indonesia has maintained a hedging policy consistent with its 'free and active' foreign policy. As in the Cold War with the USSR and the US, Indonesia continues to avoid a strict alignment with the US or China. The hedging strategy has become a staple in describing Southeast Asia's position in the context of the great power rivalry between China and the United States. One of the earliest researchers of hedging, Evelyn Goh, notes that "hedging may be defined as a set of strategies aimed at avoiding (or planning for contingencies in) a situation in which states cannot decide upon more straightforward alternatives such as balancing, band wagoning or neutrality." Through soft projection, complex engagement, and enmeshment policy, hedging Southeast Asian nations seek to ensure that three unfavorable scenarios do not occur. These scenarios are: 1) establishing a Chinese hegemony, 2) US withdrawal from the region, and 3) regional instability.[31] Thus, Indonesia adopts a hedging strategy to pit the two powers against each other, while also engaging with both powers to prevent Chinese regional dominance by ensuring that the US maintains its presence in the region.

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[29] Evan A. Laksmana, "A Fragile Fulcrum: Indonesia-U.S. Military Relations in the Age of Great-Power Competition," *Asia Policy* Vol. 16, No. 4,(October 2021): 106-114, https://www.jstor.org/stable/27088776.

[30] Evan A. Laksmana, "Whose Centrality? ASEAN and the Quad in the Indo-Pacific," *The Journal of Indo-Pacific Affairs* Vol. 3 No. 5, (2020): 106-117, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3814082.

[31] Evelyn Goh, "Meeting the China Challenge: The U.S. In Southeast Asian Regional Security Strategies," ed. Muthiah Alagappa (East-West Center Washington, 2005), http://www.jstor.org/stable/resrep06541.

Within the complexities of the US-China rivalry, Indonesia has sought to leverage its unique geography as the crossroads between the Indian and Pacific Oceans and its influence in ASEAN to carve itself as a "middle power" in the region, with ASEAN at the center.[32] Thus, Indonesia's foreign policy approach in the Indo-Pacific has primarily been left to ASEAN by Jokowi because of his primarily domestically oriented policies. However, the Jokowi administration still maintains some of the legacies of SBY with its strong diplomatic presence in the G20 and, most notably, ASEAN. Jokowi has kept Indonesia committed to ASEAN centrality and maintained Indonesia's vital role as the first among equals in ASEAN. Even as Jokowi has largely looked domestically in policy, with ASEAN's diplomatic trend moving towards a more integrated bloc, Jokowi has been pushed to maintain and strengthen Indonesia's active role in ASEAN, especially as its *de facto* leader.[33] With the increasing tensions in the Indo-Pacific caused by the US-China rivalry, Indonesia sees ASEAN as the most effective way to de-escalate potential conflicts in the Indo-Pacific; by strengthening ASEAN centrality, Indonesia can effectively utilize its role as the "first among equals" in ASEAN to hold strong diplomatic sway in the region and thereby combat the increasingly strained situation. Within the realm of great power politics of the region, ASEAN remains Indonesia's primary means to navigate through the challenges that the US-China rivalry has created. Thus, Indonesia's own regional policy is inextricably linked to ASEAN centrality and ASEAN's approach to the US-China rivalry.

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[32] A. Safril Mubah, "Indonesia's Double Hedging Strategy toward the United States–China Competition: Shaping Regional Order in the Indo-Pacific?," *Issues & Studies* 55, no. 04 (December 2019): 1940007, https://doi.org/10.1142/s1013251119400071.

[33] Muhammad Tri Andika, "An Analysis of Indonesia Foreign Policy under Jokowi's Pro-People Diplomacy," *Indonesian Perspective* 1, no. 2 (December 8, 2016): 93–105, https://doi.org/10.14710/ip.v1i2.14284.

Navigating the Waters: The Global Maritime Fulcrum

Despite Indonesia's focus on utilizing ASEAN in managing its foreign affairs, Jokowi's Indonesia has had its share of individual foreign policy endeavors. Perhaps the most "active" vision that Jokowi has had in his foreign policy goals has been the establishment of Indonesia as the "Global Maritime Fulcrum" (GMF) between the Pacific and Indian oceans. Jokowi's GMF vision implements foreign and domestic policy considerations into play, for it calls for domestically focused policies in expanding maritime infrastructure and environmental regulations while also requiring internationally focused policies in maritime security and diplomacy. The GMF was developed as part of Indonesia's hedging strategy in response to the rising tensions in the region stemming from the US-China rivalry. Jokowi's GMF built from the work of his predecessors, who had empowered the navy when the arm had previously dominated. Building off of the work of SBY, Jokowi would firmly connect Indonesia's foreign policy to the Indo-Pacific by placing Indonesia as the "fulcrum" between the Indian and Pacific Oceans.[34] This, by extension, would place Indonesia within the sights of the great power competition between the United States and China. Jokowi outlined his vision for the GMF through the Indonesian Ocean Policy Roadmap (KKI), which outlined seven primary pillars: 1) marine and human resources development, 2) maritime security, law enforcement, and safety at sea, 3) ocean governance and institutions, 4) maritime economic development, 5) sea space management and marine protection, 6) maritime culture, and 7) maritime diplomacy.[35] At the heart of the motivation for this vision is that as a historically maritime state, Indonesia needs to re-pivot

[34] Prashanth Parameswaran, "Assessing Indonesian Maritime Strategy: Current Evolution and Future Prospects," *Asia Policy* 15, no. 3 (2020): 117–18, https://www.jstor.org/stable/27023925.

[35] "Indonesian Ocean Policy" (Coordinating Ministry for Maritime Affairs Republic of Indonesia, 2017), https://maritim.go.id/konten/unggahan/2017/07/offset_lengkap_KKI_eng-vers.pdf.

towards its roots as a naval power in an age of great power politics.[36] The security pillar calls for expanding Indonesia's naval security capacity to uphold Indonesian maritime sovereignty to support law enforcement in the region. Meanwhile, the maritime diplomacy pillar has sought to make Indonesia a more active player at sea through cooperation on maritime boundaries and security.[37] The two most significant maritime security challenges that Indonesia has targeted through GMF have been: 1) the SCS dispute and, by extension, the North Natuna Island dispute, and 2) combating illegal, unreported, and unregulated fishing in Indonesian waters. Jokowi's GMF has been a very ambitious policy for Indonesia by transforming it into a "middle power" between China and the United States; however, progress towards the GMF has been marked by bureaucratic inefficiency and a lack of direction. This is only worsened by Indonesia's already limited capacity to implement the GMF due to its preexisting bureaucratic inefficiencies and limited defense budget to finance further maritime hardware expansion. For instance, the GMF calls for an expansion of Indonesia's maritime security capabilities across the multitude of maritime ministries and agencies, including the Indonesian Navy (TNI-AL), the Indonesian National Police, the Indonesian Sea and Coast Guard Unit (KPLP), and the Maritime Security Agency (BAKAMLA). Indonesia's maritime security apparatus suffers from several operational capacity insufficiencies and bureaucratic conflicts. Indonesia's maritime fleet in the KPLP and TNI-AL is insufficient in patrolling Indonesia's vast waters, only having a small force of mostly patrol craft that lack modern equipment. Meanwhile, bureaucratic competition between

[36] Edna Caroline, "Indonesia's Global Maritime Fulcrum: From Hedging to Underbalancing," *Journal of Asian Security and International Affairs* 8, no. 3 (September 22, 2021): 234779702110416, https://doi.org/10.1177/23477970211041661.

[37] Coordinating Ministry For Maritime Affairs Republic Of Indonesia, *Indonesian Ocean Policy*.

Indonesia's traditional maritime security force, the TNI-AL, and the newer BAKAMLA has led to operational gaps in bolstering Indonesia's maritime governance capabilities.[38]

The KKI has been described as a "bureaucratic umbrella" that only provides a superficial guide for the GMF doctrine, connecting pre-existing programs without developing any new ones that would allow Indonesia to realize the vision of the GMF.[39] The GMF has made limited progress on maritime security, with the KKI lacking substantial and specific policies on the geopolitics of the Indo-Pacific. In this, the GMF has primarily addressed domestic issues around maritime infrastructure and economic development at the cost of geopolitical and maritime security concerns. Beyond the lack of any real strategy around the GMF, budgetary concerns made implementing the GMF impossible for Jokowi. Rather, Jokowi returned to his trademark foreign policy of foreign investment, particularly through BRI to attempt to accomplish the goals of the GMF. Yet, BRI and GMF have been seen to be largely incompatible with each other. Implementing GMF would have required Indonesia to take a harder stance on its maritime borders and strengthen its role in regional security. This opposes China's rejection of international maritime regulations and China's ambitions for the region's security. Thus, the GMF became an initiative that Jokowi could not afford, leading him to use BRI to support its goals despite the visions of the GMF and BRI being unable to coexist.[40] The lack of budget and vision for the GMF has placed many severe doubts about the viability of the doctrine. Indonesian

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[38] Tangguh Chairil, "Assessing Indonesia's Maritime Governance Capacity: Priorities and Challenges," Asia Maritime Transparency Initiative, November 21, 2023, https://amti.csis.org/assessing-indonesias-maritime-governance-capacity-priorities-and-challenges/.

[39] Penny Radjendra et al., "Indonesia's Vision as Global Maritime Fulcrum: A Geopolitical Strategy to Address Geopolitical Shifts in Indo-Pacific," 8630.

[40] Demas Nauvarian and Putu Shangrina Pramudia, "Pouring Cold Water on Jokowi's Maritime Ambitions," East Asia Forum, August 26, 2022, https://eastasiaforum.org/2022/08/26/pouring-cold-water-on-jokowis-maritime-ambitions/.

foreign and defense policy expert Evan Laksmana even argues that the GMF was never a true grand strategic doctrine but rather simply a political campaign tool for Jokowi, which "died" in his second term.[41]

Despite the existing limitations in the implementation of the GMF and the proposed "death" of the GMF, it still acts as an essential precedent for future Indonesian geostrategic policy as Jokowi's final term reaches its end in October 2024. The GMF has led to the restructuring of Indonesia's bureaucracy to more effectively address maritime issues by establishing the Coordinating Ministry for Maritime Affairs in 2014, later reforming into the Coordinating Ministry for Maritime Affairs and Investments (Kemenko Marves) in 2019. The Kemenko Marves has played an essential role as a high-level ministry in coordinating Indonesia's wide variety of maritime agencies, from the Fisheries Ministry to the TNI-AL and BAKAMLA, in tackling maritime challenges that few other nations have an equivalent to.[42] Indonesia has further advanced its diplomatic and military cooperation with regional actors to support maritime goals. Indonesian political scientist Dewi Fortuna Anwar notes that Indonesia was vital in proposing and adopting the "ASEAN Outlook on the Indo-Pacific" in 2019 by ASEAN. The AOIP acknowledges the link between the Indian and Pacific oceans as the "Indo-Pacific," calling for cooperation and dialogue with ASEAN as a central pillar within Indo-Pacific affairs.[43] While Indonesia has relied on ASEAN to enact its foreign policy in the region, it has nonetheless played a crucial role within ASEAN in shaping the bloc's Indo-Pacific

[41] Evan A. Laksmana, "Indonesia as 'Global Maritime Fulcrum': A Post-Mortem Analysis," Asia Maritime Transparency Initiative, November 8, 2019, https://amti.csis.org/indonesia-as-global-maritime-fulcrum-a-post-mortem-analysis.

[42] Chairil,"Assessing Indonesia's Maritime Governance Capacity."

[43] Dewi Fortuna Anwar, "Indonesia and the ASEAN outlook on the Indo-Pacific," *International Affairs*, Volume 96, Issue 1, (January 2020):111–129, https://doi.org/10.1093/ia/iiz223.

policy. Finally, Indonesia has sought to mitigate its current naval operational capacity failures through its continuation of the "Minimum Essential Force" doctrine from 2010 and the "Green Water Navy" blueprint from 2005, with plans to develop a 274-ship fleet by 2024. While Indonesia is projected to be unable to meet its 2024 goal, it has still made remarkable progress in its naval modernization, including an order of six modern Italian frigates.[44] Furthermore, Indonesia has expanded its naval cooperation with many regional actors, including Exercise Komodo 2018 with China, Exercise Eagle Indopura with Singapore, and the Australia-Indonesia Coordinated Patrol with Australia.[45] These exercises with a diverse array of regional actors further highlight Indonesia's push to expand its naval capabilities and pursue a hedging strategy by not strictly conducting exercises with either the US or China camps.

Indonesian-US Relations: A Brief Overview from Suharto to Jokowi

US-Indonesian relations have long been based upon military ties since the 1940s with Indonesia's independence from the Netherlands. Particularly within military training and education, the US began its relationship with Indonesia by training Indonesian military leaders during the Cold War. As part of the US's policies to prevent the spread of communism in the region, the US trained Indonesia's military leaders to fight against the influence of the USSR or China. With the rise of the fervently anti-communist Suharto and the New Order in Indonesia, the US would further invest in US-Indonesian military ties, reaching its peak during this time with Indonesia primarily using US equipment and US military leaders and economists being

[44] Felix K. Chang, "At a Crossroads: Indonesia's Navy Modernization - Foreign Policy Research Institute," Foreign Policy Research Institute, September 27, 2021, https://www.fpri.org/article/2021/09/at-a-crossroads-indonesias-navy-modernization/.

[45] Zulkifli Noraini, Muhammad Nazrul Basar, and Azrul Azlan Abdul Rahman, "The Modernisation of Indonesian Naval Forces in Jokowi Era," *Malaysian Journal of History, Politics & Strategic Studies* 47, no. 1 (April 2020): 1–23, https://journalarticle.ukm.my/15637/1/39004-123830-1-SM.pdf.

extensively involved in Indonesia's development. With the military being one of the most vital pillars of Indonesia's government during Suharto's dictatorship, America's military investment in Indonesia paid off, giving it significant leverage in Indonesia's policies. During this period, it was even described that Indonesia had a "*de-facto* alliance" with the United States despite Indonesia's 'free and active' foreign policy doctrine. This period of US-Indonesia relations would take a drastic turn in the 1990s as Indonesia's human rights abuses in Timor-Leste and West Papua gained widespread public attention by the public and international community. This high level of scrutiny on Indonesia would lead the US to suspend its military education programs with Indonesia and impose arms embargoes on Indonesia, which took a significant toll on Indonesia's military capacity.[46] US-Indonesia relations would only return to normalcy in 2005 as the rise of Islamic terrorism in the region following the September 11th terrorist attacks gave the US a vested interest in counter-terrorism cooperation. This led Washington to restore full military ties with Indonesia under the new post-Suharto government.[47] In 2010, as part of President Barack Obama's "pivot to Asia" strategy, the US signed a comprehensive partnership agreement with Indonesia, later upgraded to a strategic partnership in 2015 under Jokowi.[48] With the growing threat of China, the US further enhanced ties with Indonesia, with several high level visits, including one by Former Defense Secretary James Mattis in 2018 and one by Defense Minister Prabowo to Washington in 2020, in spite of his prior sanction due to his connections with the Suharto government. In the most recent development of US-Indonesia relations,

[46] Evan A. Laksmana, "A Fragile Fulcrum: Indonesia-U.S. Military Relations in the Age of Great-Power Competition," *Asia Policy* 16, no. 4 (2021): 108–09, https://www.jstor.org/stable/27088776.

[47] Joshua Kurlantzick, "Relationship Moving Forward Center for Preventive Action" (Council on Foreign Relations Center for Preventative Action, February 2018), https://www.cfr.org/sites/default/files/report_pdf/CSR81_Kurlantzick_Indonesia_With%20Cover.pdf.

[48] Bich Tran, "A Renewed Focus on Indonesia-U.S. Relations" (Center for International and Strategic Studies, February 17, 2022), https://www.csis.org/analysis/renewed-focus-indonesia-us-relations.

President Biden and President Jokowi agreed to a Comprehensive Strategic Partnership (CSP) agreement in November 2023 to advance defense cooperation, economic collaboration, and people-to-people ties between the two nations.[49]

Despite moves to expand the fields of US-Indonesia relations, the foundation of US-Indonesia relations has historically been and continues to be based on security and defense ties. The US is a significant arms supplier to Indonesia, with the US having $1.8 billion worth of foreign military sales to Indonesia as of 2021.[50] Since the normalization of defense relations, the US and Indonesia have conducted the annual Operation Garuda Shield joint-exercise since 2009, which has expanded every year since to include nations such as Australia and Singapore.[51] The most recent iteration of the exercise, Operation "Super Garuda Shield," is one of the largest in the Indo-Pacific, with seven nations involved in several joint exercises, academic exchanges, and simulations with twelve observer nations.[52] Furthermore, the US and Indonesia maintain a close relationship with military education and law enforcement training cooperation, such as the Department of Justice's International Criminal Investigative Training Assistance Program with the Indonesian National Police.[53] In the most recent developments to US-Indonesia defense ties,

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[49] Anton Santoso, ed., "Jokowi, Biden Agree to Elevate Indonesia-US Partnership: Minister," Antara News, November 15, 2023, https://en.antaranews.com/news/298734/jokowi-biden-agree-to-elevate-indonesia-us-partnership-minister.

[50] Bureau of Political-Military Affairs, "U.S. Security Cooperation with Indonesia," U.S Department of State, March 23, 2021, https://www.state.gov/u-s-security-cooperation-with-indonesia/.

[51] Fadlan Syam and Niniek Karmini, "Australian and Indonesian Forces Deploy Battle Tanks in US-Led Combat Drills amid Chinese Concern," AP News, September 12, 2023, https://apnews.com/article/indonesia-us-australia-garuda-shield-military-exercise-6db9f940f6f43e70cac974f41e289706.

[52] Joseph Clark, "Super Garuda Shield: U.S., Partners Train in Indo-Pacific," DOD News (U.S. Department of Defense, September 12, 2023), https://www.defense.gov/News/News-Stories/Article/Article/3523152/.

[53] Brian Harding and Andreya Natalegawa, "Enhancing the U.S.-Indonesia Strategic Partnership" (Center for Strategic and International Studies, July 8, 2018), https://www.csis.org/analysis/enhancing-us-indonesia-strategic-partnership.

as part of the CSP, President Biden announced efforts to cooperate in cybersecurity, counterterrorism, and maritime security with a pledge of $5 million to improve Indonesian maritime capabilities and $3 million to support the US-funded Batam Maritime Training Center.[54] Furthermore, US Defense Secretary Austin and Indonesian Defense Minister Subianto signed a new Defence Cooperation Agreement (DCA) to continue expanding US-Indonesia security ties in the region.

US-Indonesia relations have varied since the New Order period, but with the rise of China as a threat in the region, there remains a clear interest in developing stronger US-Indonesia ties. Despite this, the current relationship between the two nations remains far from its full potential due to Jokowi's economic focus and limited interest in geopolitics. At the same time, the US remains too dependent on military ties in its attempts to sway Indonesia, which is among several challenges facing a stronger US-Indonesia relationship for handling Indo-Pacific issues effectively.

Challenges in Enhancing the US-Indonesia Partnership

The US and Indonesia have made long strides in their relationship in the past few years. The Indo-Pacific region continues to grow as a significant focus of the Biden Administration, with China's increasing threat in the region. For a practical implementation of the FOIP, Washington must maximize its ties to Indonesia and, by extension, ASEAN. However, it faces numerous challenges that keep the existing transactional relationship from reaching its full

[54] Mohammad Iqbal Nasution, "FACT SHEET: President Joseph R. Biden and President Joko Widodo Announce the U.S.-Indonesia Comprehensive Strategic Partnership" (U.S. Embassy & Consulates in Indonesia, November 13, 2023), https://id.usembassy.gov/fact-sheet-president-joseph-r-biden-and-president-joko-widodo-announce-the-u-s-indonesia-comprehensive-strategic-partnership.

potential to effectively meet the challenges of the Indo-Pacific. First and foremost, Indonesia's "free and active" foreign policy limits how far US-Indonesian relations can go. Indonesia has no interest in strictly aligning itself with the United States; thus, there is a diplomatic ceiling that limits their relationship to being lower than other US partners in the region, such as Japan or India.[55] It is unrealistic to think Indonesia will ever join the US camp; Indonesia is unwilling to sacrifice cooperation with China for full US alignment and is wary of all great powers due to their "free and active" doctrine. However, this also ensures that Indonesia will never join the China camp, especially as Indonesia increasingly sees it as the more significant security threat to the region. Despite this ceiling on US-Indonesia ties, there remains plenty of room for growth below this ceiling to enhance the relationship further and to face the region's security challenges. However, to strengthen their relationship, the two must overcome a variety of roadblocks.

Defense ties are the cornerstone of the US-Indonesian relationship. Historically, the US was one of Indonesia's key military partners during the Suharto-era when Indonesia had a semi-*de-facto* alliance with the United States. Despite a post-Cold War falling out between the two, US-Indonesia military ties are now stronger than ever.[56] The US is one of Indonesia's primary arms suppliers while also being a major partner in joint-military exercises. However, this security relationship faces problems that prevent a more comprehensive US-Indonesia partnership.[57] Evan Laksmana notes that one of the critical limitations of the US-Indonesia relationship is an overreliance on defense ties. However, the US has failed to move forward from

[55] Lucas Myers, "Indonesia Should Be at the Heart of US Indo-Pacific Policy," *The Wilson Quarterly*, 2023, https://www.wilsonquarterly.com/quarterly/when-goods-cross-borders/indonesia-should-be-at-the-heart-of-us-indo-pacific-policy.

[56] Joseph Rachman, "US-Indonesia Security Relations Flourish in a Changing Indo-Pacific," The Diplomat, September 14, 2023, https://thediplomat.com/2023/09/us-indonesia-security-relations-flourish-in-a-changing-indo-pacific/.

[57] Chivvis et al, " Indonesia in the Emerging World Order."

Suharto-era assumptions that military ties can effectively influence Indonesia's regional policies. This is no longer the case; unlike under Suharto, the military is no longer a dominant force in Indonesian politics and thus cannot sway Indonesia towards the US as it did under the Suharto regime. In the post-New Order era, Indonesian politics was dominated by political parties and civilian businesses, with the military no longer acting as the basis of power in politics as it did under Suharto. Furthermore, the US no longer has a dominant military relationship with Indonesia under Suharto. Learning from the lessons caused by the end of US arms imports due to Indonesian actions in Timor-Leste, Indonesia has worked to not depend on a single arms supplier, with Indonesian arms coming from a multitude of nations.[58] Today, Indonesia's primary military suppliers are a collection of mainly Western-aligned nations, including France, South Korea, Italy, and the United States.[59] In the age of a democratic Indonesia, led by the economically-focused Jokowi, US defense ties are simply insufficient to sway Indonesia toward closer relations with the US.

Alongside the limitations in the ability of defense ties to effectively engage with Indonesia, America's defense ties with Indonesia have come under fire which has led to doubts by Indonesian officials as to the reliability of the US as a defense partner. For instance, in 2021 the US pushed Indonesia into canceling the purchase of Russian Su-35 fighter jets under the threat of sanctions under the Countering America's Adversaries Through Sanctions Act (CAATSA).[60] This action was perceived as an overreach by the US to Indonesians, evoking memories of the damage caused by US sanctions in the 1990s that had severely hampered

[58] Laksmana, "A Fragile Fulcrum: Indonesia-U.S. Military Relations in the Age of Great-Power Competition."

[59] "Weapons in Indonesia," November 2023.

[60] Chivvis et al, "Indonesia in the Emerging World Order."

Indonesian military potential. This had been done despite an earlier commitment by former Defense Secretary Mattis to provide Indonesia with a CAATSA waiver to ensure that US partners were not hurt by the policy.[61] While the US remains Indonesia's largest defense partner, it must ensure that it acts as a reliable defense partner as Suharto-era Indonesian officials still remember the cost of US embargos in the 1990s.

The existing US-Indonesia economic relationship remains another weak point in their relationship. While the United States may be the most significant overall foreign direct investor (FDI) in ASEAN, worth $40 billion, it lags behind China in FDI within Indonesia. China is a big player in this area, Indonesia's second-largest investor and biggest trading partner.[62] Furthermore, China's BRI offers Indonesia several opportunities to expand its economic development, including moving the Indonesian capital from Jakarta to Nusantara. Economic expansion and infrastructure development initiatives like these are at the center of Jokowi's agenda, giving the Chinese a significant role as Indonesia's premier economic partner.[63] The US lags behind China regarding economic influence in Indonesia, leading to a lack of an economic incentive for Indonesia to seek closer ties to the US, especially when considering Jokowi's economics-focused foreign policy. While it is unrealistic to expect the US to overtake China as Indonesia's leading economic partner, the US will have to enhance its economic engagement with Indonesia if it seeks to create a strong partnership that can effectively engage with challenges in the Indo-Pacific.

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[61] Marchio Irfan Gorbiano, "As Prabowo Visits Russia Again, Little Headway on Sukhoi - National," The Jakarta Post, July 1, 2020, https://www.thejakartapost.com/news/2020/07/01/as-prabowo-visits-russia-again-little-headway-on-sukhoi.html.

[62] Myers, "Indonesia Should Be at the Heart of US Indo-Pacific Policy."

[63] Ibid.

Finally, the Israeli-Palestinian conflict has been a minor friction point that limits the expansion of relations. For the Muslim-majority Indonesia, the issue of Israel-Palestine has been a significant concern among the Indonesian public. Dewi Anwar mentions how everyday Indonesians view the persecution of Muslim Palestinians and occupation of the West Bank as significant issues, which has seeped into government policy based upon issues of self-determination more so than Islam.[64] For instance, Indonesia was dropped as the FIFA U-20 host following the refusal by Bali's governors to host the Israeli team.[65] Furthermore, following the most recent period of conflict in Israel-Palestine, including the events of October 7th, 2023, President Jokowi firmly reaffirmed Indonesia's support and recognition of Palestinian independence.[66] Jokowi has pressed the issue of Palestine to the US, having called upon Biden to do more to end the "atrocities" in Palestine in his most recent visit to the White House.[67] Furthermore, Indonesia refuses to recognize the state of Israel and is highly skeptical of US support for Israel. Thus, the differing views on the Israeli-Palestinian conflict have been and continue to be a notable drag on US-Indonesian relations that hamper closer ties.[68]

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[64] Dewi Fortuna Anwar, Christopher S. Chivvis, and Scot Marciel, "Pivotal States: Revamping the U.S.-Indonesia Partnership," *Carnegie Endowment for International Peace*, September 5, 2023, https://carnegieendowment.org/2023/09/05/pivotal-states-revamping-u.s.-indonesia-partnership-event-8151.

[65] John Duerden, "How Bali Governor's Israel Protest Ended Indonesia's U20 World Cup Dream," The Guardian, March 30, 2023, https://amp.theguardian.com/football/2023/mar/30/indonesia-mens-u20-world-cup-bali-israel-fifa.

[66] Yvette Tanamal, "Indonesia Reaffirms Support for Palestine during PM's Visit," The Jakarta Post, October 25, 2022, https://www.thejakartapost.com/world/2022/10/25/indonesia-reaffirms-support-for-palestine-during-pms-visit.html.

[67] "Indonesian President Joko Widodo Urges Biden to Help End Gaza 'Atrocities,'" Al Jazeera, November 14, 2023, https://www.aljazeera.com/news/2023/11/14/indonesian-president-joko-widodo-urges-biden-to-help-end-gaza-atrocities.

[68] Brian Harding, "Indonesia and the U.S. Strengthen Ties under Cloud of Gaza War," United States Institute of Peace, November 15, 2023, https://www.usip.org/publications/2023/11/indonesia-and-us-strengthen-ties-under-cloud-gaza-war.

A New Man in Merdeka Palace: Prabowo Subianto's Foreign Policy

In February 2024, Indonesia elected Prabowo Subianto to succeed the widely popular Jokowi as President of Indonesia. Prabowo was a former Suharto-era Special Forces Commander and served as Defense Minister in Jokowi's Cabinet. Despite Prabowo's previous political rivalry with Jokowi, he has vowed to continue the policies of Jokowi during his term as President.[69] Prabowo has continued to champion Indonesian neutrality and has prioritized the "Jokowinomics" development model with a focus on welfare and the economic well-being of the people. However, his foreign policy will likely be a mix of continuity and change from Jokowi's policies. Compared to Jokowi's disinterest in geopolitics and focus on economics, Prabowo has shown to be more committed to international engagement with a nationalistic and "off-the-cuff" attitude. Furthermore, Prabowo's military background and largely ex-military cabinet suggest that security will become a more prevalent role in Prabowo's foreign policy.[70] Prabowo has a history of advocating for a more assertive Indonesia and this likely shift in focus on security matters would provide the means for this. Prabowo is likely to utilize this new security bent to make Indonesia more assertive in issues around the North Natuna Sea and SCS.[71] It is unlikely that Prabowo will be as outspokenly anti-China as Filipino President Ferdinand Marcos Jr., someone Prabowo is often compared to due to their questionable authoritarian backgrounds.[72]

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[69] Yvette Tanamal, "Prabowo Says He Will Continue Jokowi's Foreign Policy," The Jakarta Post, November 13, 2023, https://www.thejakartapost.com/indonesia/2023/11/13/prabowo-says-he-will-continue-jokowis-foreign-policy.html.

[70] Joseph Rachman, "What Prabowo's Victory Means for Indonesian Foreign Policy," The Diplomat, March 7, 2024, https://thediplomat.com/2024/03/what-prabowos-victory-means-for-indonesian-foreign-policy/.

[71] Pizaro Gozali Idrus, "Where Is Jakarta's South China Sea Policy Heading under Prabowo?," Radio Free Asia, February 16, 2019, https://www.rfa.org/english/news/southchinasea/prabowo-scs-02162024031254.html.

[72] Sebastian Strangio, "Indonesia's President Congratulates Successor-Elect Following Decisive Victory," The Diplomat, February 16, 2024, https://thediplomat.com/2024/02/indonesias-president-congratulates-successor-elect-following-decisive-victory/.

However, Prabowo's shift toward geopolitics and security will most likely lead to renewed tensions between Indonesia and China over territorial sovereignty in the region. Despite this, Prabowo will still likely maintain a cordial relationship with China, owing to his commitment to continue with Jokowi's legacy of economic investment that may include attempts to attract American investment in the face of increased scrutiny of China.[73]

Alongside Prabowo's commitment to expanding security in Indonesia's foreign policy, he has also pushed to expand Indonesia's role on the international stage. Immediately following his electoral victory, Prabowo made his first visit as president-elect to China. During his visit, he stated that he "fully supports the development of closer Indonesia-China relations and wishes to continue President Jokowi's policy of friendship with China."[74] Despite Prabowo's focus on security, it is clear that he still wishes to continue Jokowi's legacy of maintaining good relations with China. Following this visit, Prabowo went on trips to Tokyo and Kuala Lumpur soon after. Prabowo likely went to Japan to highlight Indonesia's "free and active" foreign policy, owing to Japan's position as a key US ally. Prabowo's visit to Kuala Lumpur, meanwhile, has helped bolster his internal support within the region's second-highest Muslim-majority country.[75] Indonesia's Muslim population has also pushed Prabowo toward engaging in a far more proactive approach to the Israel-Palestinian conflict in light of the events following the October 7th attacks. Prabowo reiterated Indonesia's continued support for Palestinian independence and

[73] Sarang Shidore, "What a Prabowo Win Signals for US-Indonesia Relations | Responsible Statecraft," Responsible Statecraft, February 14, 2024, https://responsiblestatecraft.org/prabowo-subianto-indonesia-elections/.

[74] Warief Djajanto Basorie, "Prabowo in China: Indonesia's President-Elect on the World Stage | Lowy Institute," The Interpreter (Lowy Institute, March 10, 2024), https://www.lowyinstitute.org/the-interpreter/prabowo-china-indonesia-s-president-elect-world-stage.

[75] Leo Suryadinata and Siwage Dharma Negara, "Analysing Prabowo Subianto's Visits to China, Japan, and Malaysia," Fulcrum, April 16, 2024, https://fulcrum.sg/analysing-prabowo-subiantos-visits-to-china-japan-and-malaysia/.

concern for the humanitarian situation in Gaza. However, he has pushed for Indonesia to hold a more active role by announcing that Indonesia would be willing to send peacekeepers and provide medical aid to Palestine. His comments on the conflict reflect a departure from Jokowi, who has largely been less active in the matter and more critical of the US role in the region.[76] In November 2023, Jokowi called on President Biden to take more action to "stop the atrocities in Gaza."[77] By contrast, Prabowo applauded Biden's Three Part Peace Plan as a "step in the right direction."[78] Prabowo made an additional visit to Jordan to meet with US Secretary of State Antony Blinken, discuss efforts to resolve the conflict, and affirm his support for Biden's peace plan. Prabowo seems to be utilizing the Israeli-Palestinian conflict as a vantage point for an expanded international presence while being more constructive than critical in his dealings with the actors of the region compared to his predecessor.[79] These actions indicate that Prabowo will likely place Indonesia in a more active role in the conflict, while still considering the strategic calculus of maintaining "non-alignment" between the US and China camps.[80] Prabowo's ambitions for Indonesia will likely lead the country to play a more active role in the international scene compared to Jokowi, paving the way for Indonesia to expand its ties on both sides of the Pacific and beyond.

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[76] Sebastian Strangio, "Indonesia Ready to Send Peacekeepers to Gaza, Prabowo Says," The Diplomat, June 3, 2024, https://thediplomat.com/2024/06/indonesia-ready-to-send-peacekeepers-to-gaza-prabowo-says/.

[77] "Jokowi Urges Biden to Do More to Stop Gaza 'Atrocities' - Middle East and Africa," The Jakarta Post, November 14, 2023, http://www.thejakartapost.com/world/2023/11/14/jokowi-urges-biden-to-do-more-to-stop-gaza-atrocities.html.

[78] Sebastian Strangio, "Indonesia Ready to Send Peacekeepers to Gaza, Prabowo Says,"

[79] Sebastian Strangio, "Indonesia's Prabowo Meets with US Secretary of State over Gaza," The Diplomat, June 13, 2024, https://thediplomat.com/2024/06/indonesias-prabowo-meets-with-us-secretary-of-state-over-gaza/.

[80] Sebastian Strangio, "Indonesia Ready to Send Peacekeepers to Gaza, Prabowo Says,"

Prabowo's victory is also likely to expand US-Indonesia ties. Prabowo's focus on security and America's historical role as one of Indonesia's closest military partners make closer ties with the United States an easy choice for Prabowo. In the past, Prabowo was more favorable to US-led initiatives like AUKUS compared to outgoing Foreign Minister Marsudi when it was announced.[81] Since he visited the US in 2020, Prabowo has developed a robust relationship with the Pentagon and has already made steps to advance US-Indonesia defense ties with the passing of the DCA in November 2023. As Minister of Defense, he was involved in the upgrading of US-Indonesia ties through the CSP in November 2023, and Prabowo is likely to continue this work as president. Prabowo's greater interest in security and geopolitics will provide the US opportunities to expand ties in their preexisting security relationship. However, Prabowo's controversial human rights background and nationalistic anti-democratic tendencies may also create barriers to stronger ties. Unlike Beijing, Washington cares about Indonesia's human rights record and democratic trajectory, for which Prabowo's Indonesia has come under great scrutiny internationally.[82] During his time in the military, Prabowo was accused of arresting pro-democracy activists in 1998 and of human rights abuses in Papua and Timor-Leste, which prompted him to be discharged from the military and banned from the United States until 2020.[83] Despite his attempts at a rebrand, his past will continue to influence US policymakers' decisions

[81] Noto Suoneto, "Where Does Indonesia's Prabowo Subianto Stand on Foreign Policy?," The Diplomat, November 30, 2023, https://thediplomat.com/2023/11/where-does-indonesias-prabowo-subianto-stand-on-foreign-policy/.

[82] Prashanth Parameswaran, "How a Prabowo Foreign Policy Could Impact US-Indonesia Relations | Wilson Center," Wilson Center Wahba Institute for Strategic Competition, February 16, 2024, https://www.wilsoncenter.org/article/how-prabowo-foreign-policy-could-impact-us-indonesia-relations.

[83] Kate Lamb, "Who Is Prabowo Subianto, Ex-Military Commander Running for Indonesia President?," Reuters, February 11, 2024, https://www.reuters.com/world/asia-pacific/once-disgraced-military-man-prabowo-eyes-indonesia-presidency-after-makeover-2024-02-08/.

regarding Indonesia-US ties, which is likely to slow any expansion of the existing relationship.[84] Furthermore, due to his past with Suharto and disdain for democracy, some have speculated that he will guide Indonesia toward a more authoritarian path, following patterns seen in Rodrigo Duterte in the Philippines and Recep Tayyip Erdoğan in Turkey.[85] If Prabowo does turn Indonesia toward authoritarianism based on his human rights record, further cooperation between the US and Indonesia would likely be unpopular in the US Congress and a potential Democratic presidential administration, severely dampening the prospect of closer ties.

Despite Prabowo's greater focus on security matters, Prabowo is likely to continue Indonesia's non-alignment in the Indo-Pacific. Prabowo has declared that he fully intends to maintain equal relations between all powers. During the 2022 Shangri-La Dialogue, Prabowo cited the "Asian Way" as the way Southeast Asian countries interact with the world. He asserts that in the "Asian Way," each country has its own approach to handling issues in a "mutually beneficial way" that maintains good relations with all powers and neighbors.[86] Following his electoral victory, Prabowo further defined this "Asian Way" as inviting the West as friends but also reserving their right to maintain a friendship with Russia, China, or India.[87] While there remain many questions about the future of Indonesian foreign policy under Prabowo, he will likely continue to navigate between the two "reefs" of China and the United States. We will see a

[84] Parameswaran, "How a Prabowo Foreign Policy Could Impact US-Indonesia Relations | Wilson Center." https://www.wilsoncenter.org/article/how-prabowo-foreign-policy-could-impact-us-indonesia-relations.

[85] Joshua Kurlantzick, "Prabowo Wins. Does Indonesian Democracy Lose?," Council on Foreign Relations, February 14, 2024, https://www.cfr.org/blog/prabowo-wins-does-indonesian-democracy-lose.

[86] Magdalene Edi Fungtor, "Indonesia Stresses 'Asian Way' for Resolving Challenges in a Multipolar Region," *The Straits Times*, June 11, 2022, https://www.straitstimes.com/asia/se-asia/indonesia-stresses-asian-way-for-resolving-challenges-in-a-multipolar-region.

[87] "Indonesia's Prabowo Reiterates 'Asian Way' to Defuse Tension, al Jazeera Says," Reuters, May 11, 2024, https://www.reuters.com/world/asia-pacific/indonesias-prabowo-reiterates-asian-way-defuse-tension-al-jazeera-says-2024-05-12/.

continuation of the "free and active" benchmark of Indonesian foreign policy but with a move toward bolstering Indonesia's security and greatly expanding Indonesia's role in geopolitics and international agreements compared to President Jokowi.

The Battle for the White House: The 2024 US Presidential Election

Across the Pacific, the United States has its own presidential election that will have reverberating effects not just on US-Indonesia ties, but the entire world, especially in the Indo-Pacific. The Indo-Pacific region will remain an important issue area for the US, with the view that China is a threat to the US existing across party lines. The president-elect who will assume office in January 2025 will have substantial effects on how the US interacts with the states in the region, including Indonesia. Under a Biden administration, it is likely the US will continue in its overtures to effectively engage with states in the region, such as Indonesia. While another Trump administration will certainly engage in some forms of cooperation with its partners in the region, his track record of engagement in Southeast Asia has been limited. During his term in office, Trump did not attend any of the three East Asia Summits and only one of three US-ASEAN Summits. This came to the dismay of many ASEAN states, including Indonesia, who perceived these actions as the US ignoring the importance of ASEAN, damaging US perceptions among ASEAN states.[88] Furthermore, a 2020 survey by the ISEAS-Yusof Institute found that 77% of citizens of ASEAN member states perceived US engagement with Southeast Asia as either decreased or substantially decreased during the Trump administration, with 79.7% of Indonesians holding this view. The same study found that only 34.9% of respondents viewed

[88] Tang Siew Mun et al., "The State of Southeast Asia: 2020 Survey Report," *Iseas.edu.sg* (ASEAN Studies Centre at ISEAS-Yusof Ishak Institute, January 16, 2020), https://www.iseas.edu.sg/wp-content/uploads/pdfs/TheStateofSEASurveyReport_2020.pdf.

the US as a reliable security partner in the region.[89] Trump's poor track record with ASEAN engagement combined with his general dislike among ASEAN citizens will likely lead to limited interaction with ASEAN in a potential second Trump presidency. With ASEAN and ASEAN centrality being core aspects of Indonesia's approach to the Indo-Pacific, a Trump presidency would most certainly dampen the prospects of further major US-Indonesian regional cooperation.

President Biden, coming from his experience as Vice President in the Obama Administration during the "Pivot to Asia" policy, had made more significant overtures to ASEAN and Indonesia. Biden attended the 2022 East Asia Summit and ASEAN-US Summit to the relief of ASEAN diplomats who had been frustrated by Trump's previous absences. Furthermore, Biden made significant diplomatic overtures to ASEAN including the elevation of the US-ASEAN partnership to a CSP, a commitment to ASEAN centrality in his Indo-Pacific strategy, and hosting the US.-ASEAN Special Summit at the White House with nearly every ASEAN leader.[90] These diplomatic overtures toward Asia appeared to have paid off to an extent. In the 2023 edition of the previously mentioned State of Southeast Asia survey, 39.4% of ASEAN perceived the Biden administration's engagement with Southeast Asia as having increased or significantly increased, with 31.5% of Indonesians following these sentiments. However, 34.9% of respondents felt that US engagement with Southeast Asia was unchanged, highlighting a limitation in President Biden's engagement with ASEAN and the region as a whole.[91] While President Biden has been generally more popular in Indonesia compared to his

[89] Tang Siew Mun et al, "The State of Southeast Asia: 2020 Survey Report

[90] Derek Grossman, "Biden's Southeast Asia Policy Improves in Second Year, but Still Much to Do," RAND Corporation, January 10, 2023, https://www.rand.org/pubs/commentary/2023/01/bidens-southeast-asia-policy-improves-in-second-year.html.

[91] Sharon Seah et al., "The State of Southeast Asia: 2023 Survey Report" (ASEAN Studies Centre at the ISEAS-Yusof Ishak Institute, February 9, 2023), https://www.iseas.edu.sg/wp-content/uploads/2025/07/The-State-of-SEA-2023-Final-Digital-V4-09-Feb-2023.pdf.

predecessor, his popularity with Indonesians and ASEAN as a whole has declined. In the 2024 edition of the same survey, only 24.9% of Indonesian respondents felt that US engagement in ASEAN had increased or significantly increased. Furthermore, confidence in the US as a reliable strategic partner dropped significantly from 31.4% in 2023 to 20.7% in 2024. Regionally, the study found that for the first time in the last few years, if Southeast Asians were forced to choose a side, a majority of them would side with China over the United States. One of the most significant causes of this dramatic shift in public opinion regarding the US can be placed on US support of Israel in the Israeli-Palestinian conflict following the events of October 7th, 2023. The conflict was found to be the most important issue among Indonesians with 74.7% of Indonesians finding it to be a major concern, greatly surpassing the SCS dispute and Russia-Ukraine War.[92] With Indonesia's longstanding history of supporting Palestine, President Biden will struggle to garner public support from Indonesians to pursue a further expansion of ties with Indonesia. Despite this, with a second term for President Biden, he will likely continue to engage with ASEAN at high levels, offering great potential for continued US-Indonesia cooperation. Coinciding with Prabowo's security preferences and likely attempts to diversify Indonesia's economic relationships, there are many opportunities that a second Biden Administration could use to boost ties. However, Biden will have to overcome his unpopular Israel policy among Indonesians and the controversies surrounding working with Prabowo's human rights abuses and authoritarian tendencies if he wishes to secure stronger ties with Indonesia.

[92] Sharon Seah et al., "The State of Southeast Asia: 2024 Survey Report" (ASEAN Studies Centre at ISEAS - Yusof Ishak Institute, April 2, 2024), https://www.iseas.edu.sg/wp-content/uploads/2024/03/The-State-of-SEA-2024.pdf.

Conclusion and Policy Recommendations

Indonesia holds a role of paramount importance in the Indo-Pacific region, with its rapidly growing economy, political leadership in ASEAN, and its intentions to establish itself as the "fulcrum" between the Indian and Pacific oceans. While Indonesia has been described as "punching below its weight" due to Jokowi's disinterest in geopolitics, a wave of Indonesian leadership and the developing security situation in the SCS offers a great opportunity to Washington.[93] Indonesian and US interests often align in several key areas, including countering transnational terrorism and piracy in the Indo-Pacific and ensuring a rules-based order in the region. As such, Washington would do well in incorporating Indonesia as a pillar of its Indo-Pacific Strategy, fostering cooperation and advancing its partnership with Indonesia. Yet, Indonesian-US cooperation in the region is far from reaching its potential in tackling the complex challenges of the region. While Indonesia's "free and active" foreign policy will ensure that Indonesia will never be a firm US ally to the extent that nations like Japan or the Philippines have become in recent years, it is still a valuable partner to the US with a common interest in ensuring the regional autonomy of the nations in the region. However, for the US to reach the strategic ceiling of the Indonesian-US partnership, it must overcome key challenges that have created roadblocks in their relationship, namely disagreements for the future vision of the Indo-Pacific, the weaknesses of US-Indonesia military ties, and ASEAN engagement. The US vision for the Indo-Pacific has been rooted in establishing a like-minded coalition of states to counter China, while Indonesia's vision seeks an autonomous Southeast Asia, free of the influence of either major power. To this end, the Pacific Forum's US-Indonesia Security Dialogue provided recommendations to guide the reconverge of US-Indonesian interests. The US

[93] "Why Indonesia Punches below Its Weight in Global Affairs," The Economist, July 21, 2022, https://www.economist.com/asia/2022/07/21/why-indonesia-punches-below-its-weight-in-global-affairs.

should clarify its intentions for the region through both bilateral and ASEAN-led mechanisms to show that the US does not seek a binary vision for the region, but one that allows for autonomy for all parties in the region. Furthermore, the US should not paint its intentions in the region as strictly opposing China, which many ASEAN nations like Indonesia still see as a dependable economic partner that can support their developing economies. Rather, the US should clarify that its intentions in the region are to ensure respect for the rule of law and the protection of regional sovereignty, highlighting common values between Southeast Asia and the US. While the US-Indonesian military partnership is strong, there remains significant room for further growth in defense ties between the two. While Indonesia is wary of depending strictly on US arms, the US should seek to expand its capacity-building operations with Indonesia. Intelligence, surveillance, target acquisition, and reconnaissance (ISR) is one area that Washington is particularly suited to support in Indonesia's military modernization. With Washington's superiority in military technology, providing Indonesia with critical ISR equipment gives Indonesia the edge among regional powers, especially considering Indonesia's vital role in maritime security and counterterrorism, where ISR capabilities are especially critical. With Indonesia's limited defense budget, the US should work to increase its foreign military investment in the country. Indonesia's role as a regional maritime security pillar in crucial areas like the Strait of Malacca makes stronger Indonesian maritime capabilities crucial to global trade and would likely prove popular in Congress. While the US should work to enhance its defense ties, it should also not seek to dominate Indonesia's arms supply. Indonesia has been wary of depending on US military support due to the embargos in the 1990s as well as due to the message it sends to China that jeopardizes its hedging strategy in the region. To build trust in the US as a reliable military-strategic partner, the US should provide Indonesia with a CAATSA

waiver, showing a US commitment to Indonesian strategic autonomy while building trust in the US as a reliable defense partner. Beyond security and military ties, the US should also work to further develop its economic ties with Indonesia. While it is unlikely that the US will be able to trump China's place as Indonesia's most important economic partner, it is integral that the US strengthens its engagement in Indonesia's economy to develop a relationship that is not exclusively based on defense.[94] Dewi Fortuna mentions that the United States' technological edge in green technology provides a great opportunity for the US to engage in green economic investment in Indonesia as it moves toward developing itself as a blue economy. She also mentions that Western economic investment is viewed with less concern than Chinese investment due to Western investment not bringing in blue-collar workers from abroad that have been seen as a threat to Indonesian workers, a problem that has been of increasing prevalence among Chinese investments.[95] Furthermore, the US should work to leverage its immense private sector investment to support Indonesia's economic development, offering an alternative to China's government-led investment approach.[96] For the US to enhance the US-Indonesia partnership to its full potential, the US must recalibrate its rhetoric in the region from that of competition to cooperation, increase its engagement with ASEAN-led bodies in the region, and develop both its military and economic ties to Indonesia.

The most essential conclusion that US policymakers must consider in regard to US-Indonesia relations is that Indonesia will always maintain a high level of independence and

[94] Jeffrey Ordaniel, David Santoro, and Robert Girrier, "The United States and Indonesia: Re-Converging Security Interests in the Indo-Pacific by Jeffrey Ordaniel," *Pacific Forum*, vol. 21 (Pacific Forum, September 2021), https://pacforum.org/wp-content/uploads/2021/10/US-Indonesia-Issues-and-Insights-2021.pdf.

[95] Chivvis and Anwar, "Pivotal States: Revamping the U.S.-Indonesia Partnership."

[96] Myers, "Indonesia Should Be at the Heart of US Indo-Pacific Policy."

autonomy from the US. While Indonesia has made many shifts in its alignment in its 79 years of independence, its commitment to its "free and active" foreign policy ensures that Indonesia is unlikely to enter into any formal agreements with the US in the near future. However, this goes both ways; despite Indonesia's integral economic ties with China, they are no closer to joining the China camp than they are to joining the US camp. With the election of a new voice in Merdeka Palace, the United States has the opportunity to enhance its security ties while diversifying into other sectors of diplomacy, whether that be economic, humanitarian, or environmental. However, the US should be wary of seeking to pull Indonesia into any form of formal alliance. The most effective strategy for the US to pursue regarding Indonesia is to bolster the nation as a reliable and autonomous regional power, rather than developing a concrete ally as seen in Suharto's Indonesia. The US must engage with Indonesia in good faith to present itself as a truly reliable partner in the region if it wishes to gain the edge in the age of great power rivalry. Indonesia's role on the world stage has always been one based on non-alignment, from Bandung in 1955 to Bali in 2022, and Jakarta has and will continue to seek friendship with all and to become enemies with none. Thus, the US should forgo any thought of a Cold War-style alliance with Indonesia. Rather, in this increasingly multipolar world, supporting Indonesia's growth as a developed independent nation will support America's interests in the region more than millions of dollars or thousands of soldiers could do. Indonesia is and will continue to be a free and active power in the Indo-Pacific, placed between the Eagle and the Dragon.

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The Taxonomy of Contemporary Indian Foreign Policy

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Abstract

Unlike NATO and its allies, which responded with a flurry of condemnations and sanctions, India was drawn into the spotlight for responding with abstentions in the UN and buying a greater volume of discounted Russian oil after the start of the 2022 Russo-Ukrainian War, all the while still calling for peace. Analysts frequently called Indian diplomacy contradictory and 'reliably unreliable,' yet this may be more than a peculiar characteristic. This paper argues that current Indian foreign policy is a continuation of Nehruvianism with heavy influence of an indigenous realpolitik that has led to India hedging at the global stage. It first examines minilateralism as a part of Indian foreign affairs. It then establishes Nehruvianism and a Kautilyan realpolitik as the two defining concepts of Indian strategic thought. Finally, it consults hedging and its three elements – soft balancing, complex engagement, and enmeshing regional powers – to classify Indian foreign policy in a broader sense. It concludes that India is indeed hedging, not in the shadows but in broad daylight, and it is only now that the world has begun to notice the in-between that Indian statecraft calls home.

Keywords: India, China, foreign policy, hedging, Russia-Ukraine, realpolitik, South Asia

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Introduction

On February 24, 2022, President Vladimir Putin began an air, land, and sea invasion of Ukraine, initiating what is now known as the 2022 Russo-Ukrainian War. Predictably, allies of Ukraine and NATO member states responded with condemnations in press conferences, statements to the public, and the UN General Assembly, alongside sanctions on the Russian elite and their businesses.[1] However, while the United States and its allies expected India to follow suit, it responded with silence. India abstained on almost every UN resolution regarding the war and did not issue any sanctions against Russia.[2] In fact, to the contrary, it continued to buy discounted oil and acquire Russian weapons for its military.[3] With this, India joined China, Iran, and North Korea, the few other nations that had not severed ties with Russia, as a diplomatic pariah.[4]

In his 2020 book *The India Way: Strategies for an Uncertain World*, Indian External Affairs Minister Dr. S. Jaishankar delves into the intricacies of the underlying doctrine of contemporary Indian foreign policy, but the doctrine is encapsulated well in a rhetorical question he asks his readers: "Will the world continue to define India, or will India now define itself?"[5] As one might expect, Jaishankar sees the latter as the path forward. He firmly believes that, as times and circumstances change, so too should Indian statecraft. Jaishankar sees the world becoming more multipolar and, as such, "India will have to engage a broader set of partners more

[1] Center for Preventive Action, "War in Ukraine."

[2] Grossman, "India Upholds International Order."

[3] Center for Preventive Action, "War in Ukraine"; Grossman.

[4] Baunov, "Russia Sees Signs of Diplomatic Rehabilitation in Orbán Visit"; Center for Preventive Action.

[5] Jaishankar, *The India Way*, 27.

creatively."[6] He posits that "pragmatism and imagination" can help in "working with different powers" on common issues via "issue-based relationships."[7] Most importantly, he maintains that "the current anachronistic order" and "its outdated agenda" must be changed.[8] When asked whether India was an ally of Russia, Jaishankar replied, "We [Indians] do not define ourselves or perceive ourselves in alliance terms. That is very much a Western terminology."[9] However, this change Jaishankar envisages may not sit well with other powers. He says that "those most unsettled at the prospect of multipolarity with weaker rules are nations that have long functioned in an alliance construct."[10] The Economist said in an article that "on foreign policy, India is reliably unreliable" and though it is evidently clear that Jaishankar's approach to foreign affairs is provocatively contrarian, by no means is it arbitrary or without basis.[11] His message is simple: the world will try to control their rhythm, but India will always march to the beat of its own drum. On that, the world can rely.

The idea of rarely choosing between two great powers is a predominant theme in India's foreign policy today which has led many to believe that India is following the alignment logic of hedging, a dominant feature of the Asian-Pacific foreign policy architecture.[12] Hedging was conceptualized because purely realist and liberal interpretations often resulted in inadequate

[6] Ibid., 49.

[7] Ibid., 45, 51.

[8] Ibid., 41.

[9] S. Jaishankar ORF Interview, 7:18.

[10] Jaishankar, *The India Way*, 43.

[11] The Economist, "On Foreign Policy, India Is Reliably Unreliable."

[12] Jackson, "Power, Trust, and Network Complexity," 333.

understandings of the Southeast Asian security landscape.[13] As such, international security scholar Evelyn Goh articulated hedging as a new line of thinking which elucidated that states used "a set of strategies" to avoid being in a position where they would have to make undesirable decisions.[14] Instead, states chose to consolidate a "middle position" in which they would not have to "choose one side at the obvious expense of another."[15] Moreover, hedging is not one strategy but rather a mix of balancing, engaging, cooperating, bandwagoning, and competing, thereby leading to "inherently contradictory or opposing actions" within a state's foreign policy.[16] Thus, if India being "reliably unreliable" indicates anything, it is that India is hedging.

Today, India marries hedging with Nehruvianism. International politics scholar Ian Hall proposes that this school of thought has been a dominant philosophical tradition since Indian independence in 1947.[17] Its main beliefs hold that "dependence must be avoided and self-reliance pursued if India is to act autonomously in the world."[18] Named after Jawaharlal Nehru, the first Prime Minister and Minister of External Affairs of India, Nehruvianism also proposes that India should avoid "alliances and binding entanglements with the U.S. and Soviet superpowers" – a clear sign that this doctrine was born out of the Cold War – and instead use "moral appeals and careful diplomacy."[19] While Nehruvian tenets are as old as India, they have withstood the test of time within Indian foreign policy. In his book, Jaishankar writes that "India cannot give any

[13] Goh, "Great Powers and Hierarchical Order," 115.

[14] Goh, "Meeting the China Challenge," 2.

[15] Ibid., 2.

[16] Korolev, "Systemic Balancing and Regional Hedging," 376.

[17] Hall, "Persistence of Nehruvianism," 149.

[18] Ibid., 149.

[19] Ibid., 150; Ibid., 154.

other nation a veto on its policy options" which paraphrases what Nehru had said years before: that he prioritizes self-reliance and independence over alliances and binding entanglements.[20] Nevertheless, one glaringly obvious difference between Nehru and his contemporary counterpart is that the latter has tenets that clearly push for more engagement between India and the rest of the world. Alongside Nehruvianism lies another key doctrine: realism, an indigenous rendition of which will soon be explored. Rather than providing a belief system, realism, or realpolitik, prioritizes pragmatism and national interests over any ideological doctrine.[21] This article argues that current Indian foreign policy is a continuation of Nehruvianism with heavy influence of an indigenous realpolitik that has led to India hedging at the global stage.

Ubiquitous Minilateralism in Indian Foreign Policy

As it rose through the ranks of the largest economies in the world, India became increasingly globalized and interconnected. It is a member of over 40 different intergovernmental organizations (IGOs), from the G20 – whose 2023 summit it hosted – to BRICS (Brazil, Russia, India, China, and South Africa) – a group of countries with emerging economies.[22] India has not only founded forums and IGOs that have broad agendas and mandates, but also recently made major headway in 'minilateralism,' which fills the gulf between bilateral and multilateral diplomacy through small issue-based partnerships.[23] With narrower mandates, specific purposes, and fewer members, minilateral partnerships circumvent the difficulties of larger IGOs, like the

[20] Jaishankar, *The India Way*, 35.

[21] Emery, "What Is Realpolitik?," 450.

[22] Saroha, "Indian Membership in IGOs."

[23] Janardhan and Haqqani, "The Minilateral Era."

UN, which is infamous for frequent gridlock in decision-making.[24] The Quadrilateral Security Dialogue, or simply the Quad, with Australia, India, Japan, and the US as its only members, has become a mainstay of "India's undisguised effort to balance China."[25] More recently, India has become even more specific with its minilaterals through the I2U2 Group that comprises India, Israel, the UAE, and the US, focusing on food security and agricultural technology as opposed to countering the rise of a new power.[26] In an attempt to connect with partners in broader conversations, India also took part in the India-France-Australia Trilateral Ministerial Dialogue on the sidelines of the 2021 G7 Summit in the UK and similarly met with France and the UAE on the sidelines of the 2022 United Nations General Assembly session. In addition, through naval exercises, India has been able to create a trilateral partnership with the US and Japan.[27]

In many ways, minilaterals have increasingly become a significant part of Indian engagement with the rest of the world. Not only do they circumvent conventional issues that are often found in multilateral forums and IGOs, but also help India engage with US allies and the US itself without giving out "a veto on its policy options," as Jaishankar put it.[28] This idea of prohibiting alliances and external states to determine Indian foreign policy has become an overarching value propounded by Jaishankar, an opinion he readily and fiercely defends. For example, at the Global Security and Development (GLOBSEC) Bratislava Forum in 2022, he was asked by an interviewer that since it is an established fact that there will always be two axes in the world, who India would choose between a US-led and a China-led axis. Jaishankar's

[24] Ibid.

[25] Mohan, "Nimble New Minilaterals."

[26] Ibid.

[27] Rajagopalan, "Rise of Minilaterals"; Janardhan and Haqqani, "The Minilateral Era."

[28] Jaishankar, *The India Way*, 35.

response first firmly challenged the interviewer's notion of axiomatic global binarism: "I don't think it's necessary for me to join this axis or not and if I'm not joining this, I must be with the other one. I don't accept that."[29] After this flat-out rejection, he goes on to reinforce Indian strategic autonomy: "I'm entitled to have my own side… to weigh my own interest, make my own choices… [which] will be a balance of my values and interest."[30] Jaishankar made it evident that no country will ever "disregard its interests" so the world should not expect India to suddenly follow the contrary. India's minilaterals are an excellent example of Jaishankar's notion. Through them, India engages with both the US and its allies, alongside its enemies and competitors. On the one hand, Israel considers the US to be its greatest ally, and India engages with both through the I2U2. On the other hand, China is the foremost competitor of the US, and Iran its persistent threat, yet India engages with both through BRICS, a perfect showcase of India hedging at the global stage.[31] For Jaishankar, India does not choose sides because it does not need to choose sides.

Nehruvianism & An Indigenous Realpolitik

To reiterate, Nehruvian foreign policy held that binding entanglements with and dependence on the two Cold War superpowers had to be avoided at all costs, and that India should prefer non-interference as well.[32] While this ideology was birthed in a time very different from today, its beliefs still lie within contemporary Indian foreign policy. Indian political scholar Chanchal Kumar Sharma writes that today, Nehruvianism's "*form* may have changed but the

[29] *EAM at GLOBESEC*, 23:25.

[30] Ibid., 23:46.

[31] US Department of Defense, "2022 National Defense Strategy," 4–5; Scroll Staff, "Five New Members Join BRICS."

[32] Hall, "Persistence of Nehruvianism," 149; Sharma, "Rise and Demise of Nehruvianism," 19.

substance remains the same."[33] There have been slight changes in the Nehruvian essence at the center of Indian foreign policy; in today's highly globalized age, India has to opt for significantly more engagement. As such, contemporary foreign policy has incorporated values of an indigenous realpolitik to keep up with changing circumstances in international relations. While there exists a myriad of definitions for realpolitik, it generally describes a pragmatic approach to foreign affairs, with an emphasis on national interests over all else.[34] Florentine philosopher Niccolò Machiavelli is widely known as the father of realism, the ideology derived from realpolitik; and much to his credit, he wrote a host of works on realism, making him its pioneer — at least in 16th century Europe.[35]

Ancient Indian philosopher Kautilya is said to have written *The Arthashastra* sometime between 4th century BCE and 150 CE, at least 1500 years before Machiavelli.[36] With pragmatism and realism permeating every verse, Part X of *The Arthashastra* deals with foreign policy. Kautilya states that "the welfare of a state depends on an active foreign policy."[37] His guiding principles of foreign policy are that a king must develop his own state, that enemies must be eliminated, that a prudent course must be adopted, that peace is preferred over war, and that a king's behavior must be just.[38] A king must always treat proponents of an unequal treaty as hostile.[39] A state's foreign policy is focused on weakening or overwhelming the enemy, with the

[33] Sharma, "Rise and Demise of Nehruvianism," 21.

[34] Emery, "What Is Realpolitik?," 450.

[35] Korab-Karpowicz, "Political Realism in International Relations."

[36] Kautilya and Rangarajan, *The Arthashastra*, 6-7.

[37] Ibid., 505.

[38] Ibid., 510.

[39] Ibid., 551–56.

end goal of elimination.[40] Producing a gain equal to its expenditure is neither decline nor progress, thus a king must "produce a large profit for a small expenditure."[41] A well-read king must take into account the conditions of progress and decline in his own position before applying the appropriate strategic method.[42] Most importantly, states must act to "maximize power and self-interest."[43] Kautilya truly was the political realist of ancient India.[44]

With this context of Kautilyan realpolitik, it is much easier to see the pragmatism and political realism Jaishankar exudes. While he may be no card-carrying realist, analysts and scholars do point out Jaishankar's evident realism. Derek Grossman, Senior Defense Analyst at the Research and Development (RAND) Corporation, writes that India has used "an ultra-realist foreign policy" to uphold the established liberal global order "in its own way."[45] Hall outright labels Jaishankar as a "realpolitiker."[46] Lastly, Indian political scientist Shubhrajeet Konwer describes the foreign policy put forth by the current Indian government as "pragmatic," as seen through its agreements with both traditional and new friends at the global stage.[47] Jaishankar's outright refusal to enter alliances with major powers is an exhibition of Kautilya's notion that unequal treaties must be treated as hostile. This is to say that an alliance where a major power has a "veto" over a supposed ally's decisions is an unequal treaty and thus must not be entered.

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[40] Ibid., 519.

[41] Ibid., 519.

[42] Ibid., 519.

[43] Dar, "Beyond Eurocentrism," 3.

[44] Ibid., 2.

[45] Grossman, "India Upholds International Order."

[46] Hall, "Persistence of Nehruvianism," 167.

[47] Konwer, "Hallmarks of Current Indian Foreign Policy," 237.

Furthermore, Indian participation and membership in minilaterals is an excellent example of pragmatic outreach to a number of partners, old and new. Pragmatism is at the heart of all of India's minilateral groupings because minilaterals transcend traditional alliance lines. Additionally, they reduce the cost of decision-making with fewer members and a focus on concrete outcomes i.e. 'making a larger profit for a smaller expenditure.' Jaishankar employs a lexicon of pragmatism throughout his book by focusing on issue-based, result-oriented relationships and cooperating with a broader set of partners on common points. His potent realism is also patrilineal, stemming from K. Subrahmanyam, Jaishankar's father, who himself contributed to India's nuclear deterrence policy under Prime Minister Manmohan Singh (2004-2014) as an Indian civil servant and strategic affairs expert.[48] Considering that Jaishankar cites Kautilyan writings as the of the major traditions behind Indian strategic thought, one can now see that his realpolitik is not simply an homage to the tenets of his father but to the ancient Indian philosophy that forms the very basis of Indian strategic culture.[49]

Indian Hedging

Now all that remains to be discussed is the role of Jaishankar's realpolitik in Indian hedging. Evelyn Goh lists three telltale signs of a state hedging: soft balancing, complex engagement, and enmeshing regional powers.[50] Also known as indirect balancing, the first constitutes the state asking major powers to act as counterweights to adversaries.[51] The second, complex engagement, entails political, economic, and strategic interactions with adversary

[48] *EAM S Jaishankar Says Indira Gandhi Removed His Father As Union Secretary: Who Was K Subrahmanyam?*

[49] Jaishankar, *The India Way*, 17.

[50] Goh, "Meeting the China Challenge," 4.

[51] Ibid., 4.

powers. The third, enmeshing regional powers, requires the state to implicate regional powers "in order to give them a stake in a stable regional order."[52] This was all articulated in "Meeting the China Challenge," an article by Goh, whose title indicates that the adversary power, the subject of all three elements, was initially China, and Goh extensively applied her analysis to Southeast Asia. However, this article seeks to explore the utility of this alignment logic in studying India, South Asia, and the rest of the world, with a variable adversarial power that can be either be China, the US, or the West as a whole. In this instance, India is hedging against having to pledge allegiance within the purported global binarism but simultaneously charting its own course, navigating "the east-west [polarization]" and bridging "the north-south developmental divide."[53] While India has been unsuccessful in executing some of the elements, the intention of hedging underlies it all.

Soft Balancing

Though Indian soft balancing is the least evident of the three elements of hedging, it can be seen particularly in the forums and partnerships that India frequently associates itself with. As a founding member of BRICS, India has chosen to closely identify itself with China and Russia, but through the Quad, it sits alongside the US and its allies. It has already been established that India will not give any power a veto on its policy decisions, but by managing stakes in partnerships with great powers that perceive each other as adversaries, India plots them against one another. It cannot be said that India never chooses to side between the two. Through simple observation of trade volume, the US has surpassed China as being India's largest trade partner, with both imports and exports between China and India marginally reducing between 2020 and

[52] Ibid., 4.

[53] Jaishankar, "India's Growing Global Role."

2021.[54] In most instances, India firmly chooses the US over China because of the well-known Indo-China rivalry that spans every domain – from economics to power politics. Indeed, US-India relations have been rebuilt against the backdrop of Sino-Russian relations improving – China being a common rival for the US and India.[55]

Simultaneously, however, India emerged to be one of the largest buyers of Russian oil after the start of the war in Ukraine, building on their historic relationship. India also continues to buy weapons from Russia to arm its military. Alongside this, India has rebuilt its relationship with the US in recent years, as will be discussed later. Strategic soft balancing by India here has pitted Russia against the US. In a more general sense, India tends to associate itself with major powers and their rival powers, thereby creating a quasi-security dilemma. The US now finds itself in the unfortunate position where it must vie for Indian support and concede more and more so that India does not turn too much towards Russia, despite it already supplying India with oil and weapons.

Complex Engagement

In Goh's analysis, Southeast Asian states' policy toward China constitutes complex engagement, which entails political, economic, and strategic interactions with adversaries.[56] However, applying this in a broader context, complex engagement is indeed taking place between India and its adversarial powers – the US and China. While India does not consider the US as much of an adversary as it does China, an adversarial state simply represents another major power that, at times, challenges the rise of India. During the Cold War, India began a

[54] Livemint, "US Beats China to Emerge as India's Biggest Trading Partner during H1FY24."

[55] Menon and Rumer, "Russia and India."

[56] Goh, "Meeting the China Challenge," 4.

Soviet rapprochement because the US supported China and Pakistan.[57] However, in more recent years, India has been building on its relationship with the US.[58] With the violent skirmishes at their shared border and common pursuits for the coveted 'economic superpower' status, China presents itself as a natural adversary, forcing India to now partner with the US to counterbalance.

Consequently, the US and India have been growing their security ties at an unprecedented pace. As part of its 2022 National Defense Strategy, the US has crafted and aims to achieve "integrated deterrence" which entails "increased partnerships with American allies and partners."[59] As such, there has been a colossal transfer of American defense technology to India, which has come especially in use at the Sino-Indian border.[60] The two countries have been sharing intelligence during crises, with the US sharing vital information, alongside "critical supplies", during the 2020 military crisis with China.[61] Reports suggest that the US may also start joint production of jet engines in India, bolstering the country's domestic defense sector.[62] Going one step further was the June 2023 INDUS X Summit that has the potential to help India export $5 billion worth of defense products and "diversify its defense supply chain" by creating co-production opportunities between the two countries' industries.[63] Apart from defense, the US is not only India's largest trade partner today, with bilateral trade amounting to $191 billion, but

[57] Menon and Rumer.

[58] Menon and Rumer.

[59] Lopez, "U.S. Integrated Deterrence Effort."

[60] P. Lalwani and J. Singh, "U.S.-India Defense Ties."

[61] Ibid.

[62] Ibid.

[63] Roshan, "INDUS X to Boost U.S.-India Defense Partnership."

also its third largest source of foreign direct investment.[64] By the Indian Ministry of External Affairs' own record, Prime Minister Modi and President Joe Biden have met six times in just 2022 and 2023 alone, with 33 more visits by both Indian and US government officials.[65] This is all to say that Indian-US ties are being consolidated at a rapid pace, a stark contrast to the previous policy of the Nehruvian era of avoiding entanglement with either superpower altogether.

When it comes to Indian complex engagement with China and the US, there remains an inequality where India seems much more comfortable with high-level interaction with the latter as opposed to the former. That India and China are rivals – economically, politically, and militarily – has become a given of the South Asian and Indo-Pacific security landscape. Thus, there exists a paucity of complex engagement between India and China which is seen only through international issues like global trade and climate change.[66] India and China do want to rebuild trust but have been unable to create a commonly agreed upon process to do so.[67] Since the 2020 border skirmishes with China in the Galwan Valley, India has found Sino-Indian relations to be irreparable, with even 18 rounds of talks amongst officials leading to no success in resolving the border conflict.[68] Aside from China being India's second largest trade partner, complex engagement between the two is simply incomparable to that of India and the US.[69]

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[64] Ministry of External Affairs, "India-U.S. Bilateral Relations," 6–7.

[65] Ibid., 1–3.

[66] Gokhale, Menon, and Madan, "India-China Relationship."

[67] Reuter and Grare, "Here Be Dragons."

[68] Ibid.

[69] Gokhale, Menon, and Madan, "India-China Relationship."

Enmeshing

The last element of hedging consists of India enmeshing regional powers so as to give them a stake in a stable regional order.[70] The obvious example of this is the Modi Administration's 'Neighborhood First Policy'.[71] Its four main elements are giving "political and diplomatic priority" to neighboring states, supporting them with "resources, equipment, and training," improving connectivity between parties, and promoting a "model of regionalism led by India and relevant to its neighbors."[72]

To a certain extent, this policy was exceptionally clear during the COVID-19 pandemic. By extending the Neighborhood First Policy into its health diplomacy initiatives, India gave medical devices, personal protection equipment, testing kits, essential medication, respirators, and much more alongside teams of Indian military doctors that helped neighboring countries fight the pandemic.[73] Helping countries like Nepal, the Maldives, and other members of the South Asian Association for Regional Cooperation (SAARC), India thoroughly implemented the Neighborhood First Policy.[74] This was also particularly exuded through the first recipients of Indian-manufactured COVID-19 vaccines that were sent abroad: "Afghanistan, Bhutan, Bangladesh, Nepal, Maldives, Sri Lanka and Myanmar."[75] As part of Modi's Vaccine Maitri initiative (literally meaning Vaccine Friendship), through which India sent over 6.6 million

[70] Goh, "Meeting the China Challenge," 4.

[71] Thanh Ha, "'Neighbourhood First Policy' Under Narendra Modi," 386.

[72] Ibid., 387.

[73] Singh et al., "India's Neighbourhood Vaccine Diplomacy During COVID-19 Pandemic," 1025–26.

[74] Ibid., 1026.

[75] Ibid., 1027.

vaccine doses to 95 countries, 29% of all deliveries were to India's geographic neighbors.[76] Beyond this, India even created a SAARC COVID-19 Emergency Fund which raised $21 million for its neighbors, $10 million of which it donated.[77] The same vigor of the Neighborhood First Policy is seen in what some analysts have called grain diplomacy. India has massive agricultural capabilities, and it has started to take advantage of them, exporting rice and wheat to Sri Lanka and Nepal respectively.[78] Proving its worth as the 'pharmacy of the world' and an agricultural superpower, India implicated its neighbors in the global order by helping them with their most dire needs.

Unfortunately, India's neighborly cordiality, for the most part, ends with these two initiatives. Aside from some glowing examples, the essence of the Neighborhood First Policy has diluted through the years. With Pakistan being the first obvious obstacle to an integrated, interconnected neighborhood, India has thus far been unable to reconcile with its rival. Even with the SAARC COVID-19 Emergency Fund, Pakistan was the only SAARC member to not contribute, and unsurprisingly, it was the only member to not receive any vaccines from India.[79] SAARC is the only regional organization that includes most of India's neighbors, but India has a "passive interest" in it.[80] In 2016, armed militants attacked an Indian Army base in Uri and India blamed a Pakistan-based militant group.[81] Consequently, relations broke down and India, alongside Bangladesh, Bhutan, and Afghanistan, boycotted the 2016 SAARC Summit that was

[76] Ibid., 1029.

[77] Ibid., 1027.

[78] Jadhav and Jayasinghe, "India Supplying Rice to Sri Lanka"; Haq, "India to Export Cereals."

[79] Singh et al., "India's Neighbourhood Vaccine Diplomacy During COVID-19 Pandemic," 1027–29.

[80] Aryal and Bharti, "'India's Neighbourhood First Policy," 229.

[81] Center for Preventive Action, "Conflict Between India and Pakistan."

meant to be held in Islamabad.[82] In 2021, members could not come to a consensus on what had to be done with the Afghan seat in the organization after the Taliban took over the government that same year.[83] Because of tense relations and other complications, there were no SAARC summits held in 2020, 2021, and 2022.[84] With infrequent meetings and no platform to meaningfully discuss relevant issues to the subcontinent, SAARC, and India's role in it, is a feeble attempt at regional integration. Outside SAARC, Indian domestic politics have created tensions with neighbors. In 2019, the Indian Parliament passed the Citizenship Amendment Act which designated Bangladeshis as non-Muslims, despite them coming from a Muslim-majority country. This angered high-level officials in the Bangladeshi government, with even Prime Minister Sheikh Hasina calling the act unnecessary.[85]

The Neighborhood First Policy has been unsuccessful in many cases, from tense bilateral relations to neglected regional organizations. However, all these examples still undergird India's larger goal of attempting to enmesh its neighbors. Its purpose behind the enmeshing seems simple enough: connecting with neighbors provides India the opportunity to lead a nascent regionalism within the Indian subcontinent. Doing so gives India and its potential partners a stake in the order of not just the region but of the whole world.

Conclusion

A concept that was briefly explored by Kautilya in his book was that of *sama,* which, in the specific context of the verse, is "the deliberate choice of a policy of keeping away from

[82] Boone and Safi, "Pakistan Humiliated by Summit Boycott."

[83] ANI, "SAARC Foreign Ministers' Meet Cancelled."

[84] Giri, "SAARC Discord."

[85] Aryal and Bharti, "'India's Neighbourhood First Policy," 229.

foreign entanglements."[86] This idea of avoiding foreign entanglements remained dormant for centuries until it reappeared in the verbiage of India's first prime minister. Today, it is not only expressed through Jaishankar's speeches but through India's actions. Paying heed to *sama*, India has entered minilaterals that engage with major powers without the obligations of voting on alliance lines. On a daily basis, whether that may be through trade or diplomacy, India is heavily interacting with countries that are adversarial to one another – from China to the US and Iran to Israel. India is constantly crossing the barriers of mainstay alliances to focus on concrete outcomes. Whether this reliably leads to results is debatable. However, what is indisputable is that India now makes its partners think twice about playing the alliance card. India makes it clear to the world that it has no interest in being an ally to anyone because it is acutely aware that it is better to be cordial with well-wishers than be an ally to a state that does not act like one, a value derived from Kautilya.[87]

Consequently, India consolidates a middle position where it can comfortably avoid choosing between two sides. While Jaishankar vehemently denies the existence of a binary axis, the fact of the matter is that, in many instances, India is presented with the choice of two different sides. Instead, India chooses to occupy a gray area where it does not need to make undesirable decisions, e.g., pledging allegiance to a hegemon. However, with the turmoil stirred by the Russo-Ukrainian War and accusations of India profiteering from discounted Russian oil, its middle position has entered the spotlight. India will push for peace and diplomacy in Ukraine but also make deals with Russia. India will buy Russian weapons but also build security ties with the US. India will welcome Iran into BRICS but also enter a minilateral grouping with Israel.

[86] Kautilya and Rangarajan, *The Arthashastra*, 510.

[87] Ibid., 511.

India has been hedging for years, not in the shadows but in broad daylight, and it is only now that the world has begun to notice the in-between that Indian statecraft calls home.

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Indo-French Cooperation Since 2018: An Example of Middle Power Multilateralism Amid Sino-American Rivalry in the Indo-Pacific

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Abstract

Ever since the concept of the "Indo-Pacific" revived within the past decade, many countries have jostled to formulate strategies, come up with policy plans, and forge new alliances in the context of an uncertain international environment. Two crucial countries under this renewed interest in the Indo-Pacific are India and France, who have increased their cooperation due to shared goals and interests for the region. Thus, this paper analyzes how multilateralism has been the central pillar of Indo-French cooperation in the Indo-Pacific since 2018, as multilateral formats, such as the India-France-Australia trilateral, maximize and safeguard Paris and New Delhi's desire to have an influential role in the Indo-Pacific as middle powers amid rising Sino-American great power competition. However, while the two countries have a similar worldview of ensuring "strategic autonomy," India and France diverge on how to respond to the growing Russia-China relationship. Due to the Ukraine War, France views China as a "balancer" against Russia, while India views Russia as a "balancer" against China.

Keywords: Indo-Pacific, India, France, Russia, China, foreign policy

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Introduction[1]

On January 26, 2024, the President of France, Emmanuel Macron, was the chief guest for India's Republic Day, the day India adopted its current constitution after independence from the British.[2] A year earlier, Narendra Modi was the Guest of Honour for France's Bastille Day celebration on 14 July 2023, the day the French monarchy ended with the storming of the Bastille during the French Revolution.[3] Macron's visit to India and Modi's visit to France illustrate the broader strategic significance of the India-France relationship, and some argue that France is India's "new Russia."[4] A key element of India-France relations is the Indo-Pacific, especially after the French released their Indo-Pacific strategy in 2018. Since 2018, the foundation of Indo-French cooperation in the Indo-Pacific has been to advance multilateralism. Through multilateralism, both countries can safeguard their strategic autonomy and cooperate on non-traditional security issues, such as climate change, amid Sino-American rivalry. However, India and France have divergent views on how to deal with the Russia-China relationship. As a result of Russia's invasion of Ukraine, the French position towards Russia has become more hawkish, resulting in the French seeing China as a "balancer" against Russia. By contrast, India views engagement with Russia as a "balance" against China.

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[1] This paper was originally submitted for IAFF 3186: Asian Order & Community-Building at the George Washington University. It has since been revised and expanded for *The Globe*.

[2] Ashok Sharma, "French President Macron joins India's Republic Day celebrations as chief guest," *Associated Press*, January 26, 2024, https://apnews.com/article/india-france-macron-republic-day-parade-642d570ba3ab965df74b6e09c2a06ae6#.

[3] "Prime Minister attends the Bastille Day Parade as Guest of Honour," *Ministry of External Affairs*, July 14, 2023, https://www.mea.gov.in/press-releases.htm?dtl/36796/Prime+Minister+attends+the+Bastille+Day+Parade+as+Guest+of+Honour.

[4] Chilamkuri Raja Mohan, "France: India's New Russia?" *The Indian Express* March 9, 2018, https://indianexpress.com/article/opinion/columns/france-indias-new-russia-emmanuel-macron-narendra-modi-5091279/.

History of India-France Relations

During the Cold War, while France was in the American bloc, Charles de Gaulle opposed "bloc politics" and wanted France to act as the "third pole." "Thereafter most French leaders sincerely believed that 'France was destined to play a major role in world politics… and for that, it would have to…maintain its independence… as an international actor."[5] Under this policy, the French withdrew from the North Atlantic Treaty Organization's (NATO) military command in 1966 and recognized the People's Republic of China (PRC) in 1964 before the Americans did.[6] Likewise, the Indians had a similar notion of maintaining independence, expressed under the policy of "nonalignment," in which India refused to join groups like the Central Treaty Organization (CENTO) and the Southeast Asia Treaty Organization (SEATO).[7] Additionally, in many instances, the French sided with the Indians when the Americans did not. For example, after India's nuclear test in 1974, while the Americans and Canadians stopped deliveries of fuel for India's nuclear power plants, the French provided uranium for India's plant in Tarapur, and France's ambassador to India, Jean-Daniel Jurgensen, congratulated the Indian government and India's scientists on this test.

"A major turning point in Indo-French bilateral relations occurred in the 1990s," with France seeking to fill the vacuum as India's "strategic partner after the Soviet Union collapsed."[8]

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[5] Sanjay Gupta, "The changing patterns of Indo-French relations: From Cold War estrangement to strategic partnership in the twenty-first century," *French Politics*, 7, (2009). 246, https://link.springer.com/article/10.1057/fp.2009.15.

[6] Mathieu Droin, Rajesh Basrur, Nicolas Blarel, and Jyotsna Mehra., "France and India: Two Nuances of 'Strategic Autonomy," *Center for Strategic and International Studies*, July 13, 2023, https://www.csis.org/analysis/france-and-india-two-nuances-strategic-autonomy.

[7] Sanjay. Gupta, "The changing patterns of Indo-French relations," 247, https://link.springer.com/article/10.1057/fp.2009.15.

[8] Manish Barma and Shreya Sinha, "France-India Security Partnership: An Assessment of a Dynamic Evolution," *Strategic Analysis,* 47, no. 3 (2023), 255, https://doi.org/10.1080/09700161.2023.2247764.

When President Jacques Chirac visited India in 1998, the two countries signed a memorandum of understanding (MoU) and established a strategic partnership.[9] Additionally, like the earlier Cold War, there were instances in which the French had a different policy towards India than the Americans. In 1998, after India conducted another nuclear weapons test, France increased nuclear cooperation with India instead of condemning or sanctioning India as the Americans did.[10] Additionally, as India seeks to reduce its dependency on Russian weapons, France is an important partner since unlike the Americans, the French have been willing to sell India advanced technology.[11]

The modern 'revival' of "Indo-Pacific" occurred in 2007 when the late Japanese Prime Minister Shinzo Abe said that word in a speech, with the "Indo" symbolizing India's growing stature while terms like "Asia-Pacific" centered on East Asia.[12] "In terms of geo-spatiality, the Indo-Pacific is broadly to be understood as an interconnected space between the Indian Ocean and the Pacific Ocean."[13] Nevertheless, there is some variation between the definitions of the Indo-Pacific. France's definition of the Indo-Pacific extends from the coast of Djibouti to French Polynesia.[14] Additionally, since France has territories in the Pacific, such as French Polynesia

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[9] Mukesh Shankar Bharti and Akshithaa Singh. "India and France bilateral partnership for advancing strategic autonomy in the Indo-Pacific region: Special reference to the Indo-French strategic partnership," *Cogent Social Science*, 9. (2023), 2, https://doi.org/10.1080/23311886.2023.2215561.

[10] Manish Barma and Shreya Sinha, "France-India Security Partnership," 255, https://doi.org/10.1080/09700161.2023.2247764.

[11] Anchal Vohra, "India looks beyond Russia for defense imports," *Politico*, April 25, 2024, https://www.politico.eu/article/india-defense-imports-russia-exports-trade-weapons/.

[12] Gurpreet S. Kharuna, "The 'Indo-Pacific' Idea: Origins, Conceptualizations and the Way Ahead," *Journal of Indian Ocean Rim Studies* (2019), 3-5.

[13] Udayan Das, "What is the Indo-Pacific?" *The Diplomat*, July 13, 2019, https://thediplomat.com/2019/07/what-is-the-indo-pacific/.

[14] Manish Barma and Shreya Sinha, "France-India Security Partnership, "262, https://doi.org/10.1080/09700161.2023.2247764.

and Réunion, it is an Indo-Pacific country, not a distant European country.[15] According to India, the Indo-Pacific is "from the shores of Africa to that of America." According to the US, the Indo-Pacific is from America's West Coast to Indian shores.[16] However, this paper considers the areas between the Red Sea and the Pacific Islands to be the "Indo-Pacific."

India and France's Promotion of Multilateralism

The central driver of Indian-French cooperation in the Indo-Pacific is to advance multilateralism. The importance placed on multilateral engagement was reflected in the 2018 Indo-French joint strategic vision, outlining that the two countries should work with "other strategic partners in the growing cooperation between India and France, as and when required and (...) establish trilateral dialogues." Later, the July 2023 India-France Indo-Pacific Roadmap outlined "a shared commitment between the two nations to strengthen "plurilateral arrangements with Australia and the UAE and build new ones in the region."[17] Multilateralism is central to Indo-French cooperation because India and France reject American and Chinese hegemony in the Indo-Pacific. In recent years, France's relations with China have been strained due to French opposition to issues such as China's infringement of Hong Kong's autonomy.[18] Additionally, Paris worries that Chinese hegemony could threaten access to French territories in the Indo-Pacific. For example, according to a study by the French parliament, China has been

[15] Marius-Mircea Mitrache and Sergiu Mișcoiu, "The Mental Maps of French Foreign Policy: Between Ambitions of Grandeur and Constraints of Multipolarity in the Twenty-First Century," in *Great Powers' Foreign Policy Approaching the Global Competition and the Russian War against the West*, ed. Valentin Naumescu, (Brill 2022), 235.

[16] "Indo-Pacific Strategy of the United States," *The White House, (*February 2022), 4, https://www.whitehouse.gov/wp-content/uploads/2022/02/U.S.-Indo-Pacific-Strategy.pdf.

[17] Shairee Malhotra and Thibault Fournol, "India-France Trilaterals in the Indo-Pacific," *Observer Research Foundation*, (March 2023), no. 421, 3, https://www.orfonline.org/public/uploads/posts/pdf/20231201144839.pdf.

[18] Manish Barma and Shreya Sinha, "France-India Security Partnership," 262, https://doi.org/10.1080/09700161.2023.2247764.

supporting pro-independence factions in New Caledonia.[19] Amid a rising China threat, Paris has led the European pushback against China, such as how in 2019, Macron said that the "time of European naiveté" towards China had ended and warned in a speech to the European parliament that the BRI was undermining the sovereignty of states.[20]

Similarly, India is concerned about a rising China in the Indo-Pacific region. With the expansion of the Belt and Road Initiative, India feels "encircled" by China in its neighborhood.[21] The June 2020 border clashes were a "turning point" in India-China relations. For Delhi, this was a wake-up call of its military power differential with Beijing; not only was it incapable of securing the shared border, but it continued to lack a viable sea-based deterrent.[22] Amid growing Chinese power, in 2019, the French and Indian navies held joint exercises in the Arabian Sea, implicitly targeted against China.[23] In 2020, the French and Indians conducted a joint naval patrol from Réunion Island. Before this, India only did joint exercises with its neighbors like Thailand and Myanmar; however, this was the first time a Western country had participated.[24]

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[19] Christophe Kerdodé and Dylan Motin, "Why do Middle Powers Project Forces in Distant Regions? The Case of France in the Indo Pacific," *International Journal of Asia-Pacific Studies*, 20 no. 1. (2024), 136-137, https://doi.org/10.21315/ijaps2024.20.1.6.

[20] Manish Barma and Shreya Sinha, "France-India Security Partnership," 262, https://doi.org/10.1080/09700161.2023.2247764; Mahima Duggal, "The China Factor in France's Indo-Pacific Strategy, *Journal of Indo-Pacific Affairs* (July 2022), 8, https://media.defense.gov/2022/Jul/13/2003034259/-1/-1/1/JIPA%20-%20DUGGAL%20-%20JUL%2022.PDF.

[21] Darshana M. Baruah, "India in the Indo-Pacific: New Delhi's Theater of Opportunity," *Carnegie Endowment For International Peace,* (2020), 8–9, https://carnegie-production-assets.s3.amazonaws.com/static/files/Baruah_UnderstandingIndia_final1.pdf.

[22] Sarah Tzinieris, Rishika Chauhan and Eirini Athanasiadou, "India's A La Carte Minilateralism: AUKUS and the Quad," *The Washington Quarterly*, 46, no. 4 (2023), 24, https://doi.org/10.1080/0163660X.2023.2285540.

[23] Franz-Stefan Gady, "India, France Hold Large Naval Warfare Exercise Involving 2 Aircraft Carriers," *The Diplomat*, May 1, 2019, https://thediplomat.com; "India and France hold biggest naval exercises -- with one eye on China," *France 24*, May 10, 2019, https://www.france24.com/en/.

[24] Alik Naha, "Franco-Indian Maritime Cooperation: Implications for the Indo-Pacific," *Journal of South Asian Studies*, 9, no. 1 (2021), 45, https://doi.org/10.33687/jsas.009.01.3597.

Nevertheless, Paris and New Delhi both insist on maintaining "strategic autonomy" from Washington.[25] As the former French Foreign Minister Catherine Colonna said, "What makes our (French and Indian) partnership so strong is that it rests on a shared vision…to retain our strategic autonomy."[26] The concept of strategic autonomy refers to the ability to make decisions independently of external pressure, especially from great powers.[27] At the core, France's "anti-Americanism" rests on the view that France is "destined" to have global influence and that American hegemony is denying France's "rightful place."[28] An example of the French expressing their "anti-American" sentiment was in 2021. After the Americans, British, and Australians announced AUKUS trilateral partnership in 2021, the former French Foreign Minister Jean-Yves Le Drian called the development "a stab in the back."[29] In 2023, when Macron visited China, he said that the Americans should not expect the Europeans to join in a conflict if China invaded Taiwan and infamously said that Europe must resist pressure to be "America's followers."[30]

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[25] Mukesh Shankar Bharti and Akshithaa Singh. "India and France bilateral partnership," 5, https://doi.org/10.1080/23311886.2023.2215561.

[26] Catherine Colonna, "France and India in the Indo-Pacific: An Essential Partnership in Challenging Times," (Observer Research Foundation, Mumbai, September 15, 2022.), https://www.diplomatie.gouv.fr/en/.

[27] Mathieu Droin, Rajesh Basrur, Nicolas Blarel, and Jyotsna Mehra. "France and India," https://www.csis.org/analysis/france-and-india-two-nuances-strategic-autonomy.

[28] Marius-Mircea Mitrache and Sergiu Mișcoiu, "The Mental Maps of French Foreign Policy: Between Ambitions of Grandeur and Constraints of Multipolarity in the Twenty-First Century," in *Great Powers' Foreign Policy,* 203.

[29] Sarah Tzinieris, Rishika Chauhan and Eirini Athanasiadou, "India's A La Carte Minilateralism," 29-30, https://doi.org/10.1080/0163660X.2023.2285540; Ules Darmanin and Zoya Sheftalovich, 'Stab in the back': France slams Australia, US over move to ditch €50B submarine deal," *Politico*, September 16, 2021 https://www.politico.eu/article/france-slams-australia-us-e50b-submarine-deal/.

[30] Wyn Rees and Ruike Xu, "US–UK–France relations." *International Affairs* 100. no. 3. (2024) 9, https://doi.org/10.1093/ia/iiae075; Jamil Anderlini and Clea Caulcutt, "Europe must resist pressure to become 'America's followers,' says Macron," *Politico*, April 9, 2023, https://www.politico.eu/article/emmanuel-macron-china-america-pressure-interview/.

Likewise, in Modi's Shangri-la speech, he emphasized that India needs to distance itself from "alliances of containment."[31] The former Indian Foreign Minister Harsh Vardhan Shringla also insisted that the Quadrilateral Security Dialogue (QUAD) is a group of countries with shared values, while AUKUS is a security alliance between three countries.[32] Perhaps most importantly, at a fundamental level, the US-China interaction goes like a pendulum.[33] As a result, any possible US-China rapprochement will come at the cost of India, and this is what happened during the 1970s. Notably, national security council (NSC) staffers said at the time that "the new US relationship with China requires that the US not appear to forsake Pakistan or reward India for its recent aggression."[34]

Consequently, in an environment of rising competition between Beijing and Washington, multilateralism serves as a mechanism for India and France to safeguard their strategic autonomy and cooperate on non-traditional security areas as "middle powers."[35] There is no clear definition of a "middle power," however, in general, such states don't have enough hard or soft power to make an impact internationally, although they have immense regional sway.[36] Additionally, some middle powers are autocratic, such as Türkiye and Vietnam, and others are democratic, such as

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[31] Darshana M. Baruah, "India in the Indo-Pacific," 12, https://carnegie-production-assets.s3.amazonaws.com/static/files/Baruah_UnderstandingIndia_final1.pdf.

[32] Sarah Tzinieris, Rishika Chauhan and Eirini Athanasiadou, "India's A La Carte Minilateralism," 24, https://doi.org/10.1080/0163660X.2023.2285540.

[33] Alexei Zakharov, "The Geopolitics of the US-India-Russia Strategic Triangle," *Strategic Analysis*, 43, no. 5 (2019), 367, https://doi.org/10.1080/09700161.2019.1653527.

[34] Tanvi Madan, "Fluid New World (1969–1972)," in *Fateful Triangle: How China Shaped U.S.-India Relations During the Cold War* (Brookings Institution Press, 2020), 250.

[35] Joo Hee Kim, "Making Multilateralism Matter' Middle powers in the era of the US-China competition," in *Asian Geopolitics and the U.S-China Rivalry*, ed. Felix Heiduk (Routledge, 2021), 51.

[36] Hilda Veress, "France as a Middle Power in the Shadow of Great Powers After the Pandemic," 113, https://doi.org/10.47706/KKIFPR.2021.3.112-126.

South Korea and Brazil.[37] Furthermore, traditional middle powers like Norway are considered high-income, whereas emerging middle powers, such as Nigeria, are considered low to middle-income.[38] Despite these differences, "all share one fundamental feature: they are determined to be at the table and not on the menu, since they all have the power and ambition" to influence regional affairs.[39]

Even though India sees itself as a great power, it is a middle power. While India has nuclear weapons, it lacks global strike capabilities, and its military cannot provide security for other countries, instead being equipped to defend India. Additionally, India's economy needs greater foreign investment and integration with the global economy.[40] Whether or not France is a great power or a middle power has been contested. According to former Minister of Foreign Affairs Hubert Védrine, France is a "global middle power."[41] In 1979, the former French President Giscard d'Estaing said France is "une puissance moyenne," or middle power.[42] While Paris is a permanent member of the United Nations Security Council (UNSC) and is a nuclear state, the French have a gap in their naval capabilities compared to other actors in the Indo-Pacific. Additionally, whether the French can commit to resources in Françafrique and the

[37] Ivan Krastev, "Middle Powers are reshaping geopolitics," *Financial Times*, November 18, 2022, https://www.ft.com/content/0129492d-ac7f-4807-8050-2760a09e9ccc.

[38] Eduard Jordaan, "The concept of a middle power in international relations: distinguishing between emerging and traditional middle powers," *Politikon*, 30, no. 2 (2003), 171, https://doi.org/10.1080/0258934032000147282.

[39] Ivan Krastev, "Middle Powers are reshaping geopolitics," https://www.ft.com/content/0129492d-ac7f-4807-8050-2760a09e9ccc.

[40] Veena Kukreja, "India in the Emergent Multipolar World Order:Dynamics and Strategic Challenges," *India Quarterly*, 76, no. 1 (2020), 9-10, https://doi.org/10.1177/097492841990118; Ashley J. Tellis, "India as a Leading Power," *Carnegie Endowment for International Peace* (2016), 9, https://carnegie-production-assets.s3.amazonaws.com/static/files/CP_268_Tellis_India_final1.pdf.

[41] Hilda Veress, "France as a Middle Power in the Shadow of Great Powers After the Pandemic," 113-114, https://doi.org/10.47706/KKIFPR.2021.3.112-126.

[42] Marius-Mircea Mitrache and Sergiu Mișcoiu, "The Mental Maps of French Foreign Policy: Between Ambitions of Grandeur and Constraints of Multipolarity in the Twenty-First Century," in *Great Powers' Foreign Policy,* 202-203.

Indo-Pacific remains a question. In fact, Macron's policy of "grandeur" can be seen as an effort to hold onto and prevent the further decline of French influence globally.[43] Still, President Macron believes France is a great power, or "une grande puissance."[44] For the sake of this paper, France is considered a middle power.

Given India and France's limitations, multilateralism has been at the center of French and Indian cooperation.[45] The nature of multilateral engagement is characterized by informal or formal agreements between two or more states based on shared security goals.[46] These multilateral engagements are preferred since "alliances are costly in terms of both the state's loss of strategic autonomy (in return for security protection by another state), and the allies' financial and legal obligations to each other."[47] An example of using multilateralism is the India-France international solar alliance, which was launched in 2015 during the COP-21 conference in Paris. The alliance's purpose is to bring solar panels to about 121 developing countries near the equator at an affordable cost.[48] In 2023, the ISA announced that it was instrumental in developing one gigawatt of power in the last six years and aims to develop 9.5 gigawatts of solar energy

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[43] Qi Siang Ng, "The limits to French grandeur in the Indo-Pacific," *The Interpreter*, July 26, 2019, https://www.lowyinstitute.org/the-interpreter/limits-french-grandeur-indo-pacific.

[44] David Scott, "France's "Indo-Pacific" strategy: regional power projection," *Journal of Military and Strategic Studies*, 19, no. 4 (2019), 77, https://jmss.org/article/view/61666/53348.

[45] Darshana M. Baruah, "India in the Indo-Pacific," 12, https://carnegie-production-assets.s3.amazonaws.com/static/files/Baruah_UnderstandingIndia_final1.pdf; Frédéric Grare, "France, the other Indo-Pacific Power," https://carnegieendowment.org/research/2020/10/france-the-other-indo-pacific-power?lang=en.

[46] Elena Atanassova-Cornelis, "Alignment, Cooperation, and Regional Security Architecture in the Indo-Pacific," *The International Spectator*, 55, no.1 (2020), 19-20, https://doi.org/10.1080/03932729.2020.1712132.

[47] Ibid.

[48] Pia Krishnankutty, "All about International Solar Alliance, co-founded by France & India, to promote solar energy," *The Print*, January 29, 2021, https://theprint.in/theprint-essential/all-about-international-solar-alliance-co-founded-by-france-india-to-promote-solar-energy/594010/.

throughout the Global South, which would power about six million homes.[49] The ISA has grown immensely, and as of now, 98 countries are members of it, including Sri Lanka, Myanmar, Bhutan, Singapore, Bangladesh, Oman, the US, and many other countries throughout Africa, Latin America, and Asia.[50]

Additionally, India and France have engaged in "minilateral" forums, which are "informal groupings of three or four participants designed to address specific security concerns, typically on an ad hoc and voluntary basis."[51] An example of this minilateral format was between India, France, and – ironically – Australia. In 2018, the first meeting of this trilateral occurred, and the joint statement said to reform multilateralism.[52] Later, the 2020 India-France-Australia trilateral meeting was significant since it sought to elevate the role of middle powers and avoid the zero-sum nature of the US-China competition, partly as a response to China's aggressive behavior.[53] During the 2023 meeting, the participants advocated for greater cooperation in multilateralism, humanitarian assistance, and the environment, illustrating that these meetings are not solely focused on security.[54] Another example of this minilateral was in 2023, when France, India, and the United Arab Emirates announced a trilateral partnership, which explicitly

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[49] Sibi Arasu, "India-led alliance set to fund solar projects in Africa in a boost to the energy transition," *Associated Press*, October 31, 2023, https://apnews.com/article/solar-energy-india-seed-fund-africa-climate-change-renewables-cop28-3d757a463ad39eda71d4186cf8a24faf.

[50] "Member Countries," *International Solar Alliance,* https://isolaralliance.org/membership/countries.

[51] Elena Atanassova-Cornelis, "Alignment, Cooperation, and Regional Security," 20, https://doi.org/10.1080/03932729.2020.1712132.

[52] Shairee Malhotra and Thibault Fournol, "India-France Trilaterals in the Indo-Pacific," 8, https://www.orfonline.org/public/uploads/posts/pdf/20231201144839.pdf.

[53] Frédéric Grave, "Exploring Indo-Pacific Convergences," 165-166, https://doi.org/10.1080/0163660X.2020.1850004.

[54] Shairee Malhotra and Thibault Fournol, "India-France Trilaterals in the Indo-Pacific," 10, https://www.orfonline.org/public/uploads/posts/pdf/20231201144839.pdf.

states that each member can have their strategic autonomy.[55] Additionally, in 2023, the three countries announced an initiative to cooperate on climate change and renewable energy, especially solar panels, and announced the possibility of cooperating with the Indian Rim Ocean Association, a multilateral forum that India, Sri Lanka, South Africa, and other countries are members of.[56]

More broadly, France and India's usage of multilateralism has been a common policy of middle powers throughout the Indo-Pacific to safeguard against Sino-American rivalry. For example, Indonesia uses the Association of Southeast Asian Nations (ASEAN) to preserve its strategic autonomy amid tensions between the US and China.[57] Similarly, multilateralism enables the Emiratis to play a larger regional role without sacrificing their strategic autonomy, which allows them to join BRICS and participate in the I2U2 (India, Israel, US, UAE) forum.[58] Even though some middle powers are closer to the US, like South Korea, while others are closer to China, such as Thailand, these middle powers aspire to prevent the negative impacts of Sino-American rivalry.

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[55] S. Lawale and T. Ahmad, "UAE-India-France Trilateral: A Mechanism to Advance Strategic Autonomy in the Indo-Pacific?" *Asian Journal of Middle Eastern and Islamic Studies*, 15, no. 4 (2021), 484-485, https://doi.org/10.1080/25765949.2021.2024401.

[56]Ashok Sharma, "India, France, UAE to work on climate change, biodiversity," *Associated Press*, February 4, 2023, https://apnews.com/article/south-africa-india-government-france-united-arab-emirates-3686b7974ed146d026c37ad0f0588619.

[57] Dewi Fortuna Anwar, "Indonesia's hedging plus policy in the face of China's rise and the US-China rivalry in the Indo-Pacific region," *The Pacific Review*, 36, no. 2 (2023), 367, https://doi.org/10.1080/09512748.2022.2160794.

[58] Nickolay Mladenov, "BRICS Invites the UAE—Another Sign That the Multipolar World Is Here," *The Washington Institute for Near East Policy*, August 24, 2023, https://www.washingtoninstitute.org/policy-analysis/brics-invites-uae-another-sign-multipolar-world-here.

A Major Disagreement: How to Deal with the Russia-China Relationship

A major difference between India and France is how to handle the Russia-China relationship. Before Russia invaded Ukraine, the French had a very different policy vis-à-vis Russia than the Americans.[59] In 2015, former French President François Hollande said, "Russia should not be considered as a threat but rather a partner."[60] In 2019, Macron insisted that "pushing Russia away from Europe is a major strategic error" since it would cause Russia to pursue closer ties to China.[61] However, after Russia invaded Ukraine in 2022, Macron "now called for Russia's defeat, urged allies not to be 'cowardly,' and warned that a Russian victory would spell 'the end of European security.'"[62] The tensions between Paris and Moscow have escalated so much that the spokesperson for the Russian Foreign Ministry, Maria Zakharova, said that Russia would target French troops if they are sent to Ukraine.[63]

Amid worsening relations with Russia, the French seek to balance China "against" Russia, and this effort was illustrated when Macron went to China in 2023 and urged President Xi Jinping to "bring Russia to its senses." A year later, in May 2024, during Xi's visit to France, the French welcomed China's decision not to sell any weapons and to control the sale of arms to

[59] David Cadier, "Continuity and change in France's policies towards Russia: a milieu goals explanation," *International Affairs*, 94, no. 6 (2018), 1353, https://doi.org/10.1093/ia/iiy186.

[60] "Hollande: Russia Is A Partner, Not A Threat," *Radio Free Europe*, July 8, 2016, https://www.rferl.org/a/hollande-russia-is-a-partner-not-a-threat/27847690.html.

[61] Marius-Mircea Mitrache and Sergiu Mișcoiu, "The Mental Maps of French Foreign Policy: Between Ambitions of Grandeur and Constraints of Multipolarity in the Twenty-First Century," in *Great Powers' Foreign Policy,* 243.

[62] "How Russia targeted France and radicalised Emmanuel Macron," *The Economist,* April 18, 2024, https://www.economist.com/europe/2024/04/18/how-russia-targeted-france-and-radicalised-emmanuel-macron.

[63] "Russia says it will target French troops if they are sent to Ukraine," *Reuters,* May 8, 2024, https://www.reuters.com/world/europe/russia-says-it-will-target-french-troops-if-they-are-sent-ukraine-2024-05-08/.

the Russians.[64] Thus, under the premise that France can use China "against" Russia, the French have insisted that their China policy differs from that of the Americans to assuage Chinese concerns on issues related to the Indo-Pacific. By contrast, New Delhi wants Moscow to help "balance" against Beijing since India's greatest strategic nightmare is the possibility of a "Russia-Pakistan-China axis."[65] Consequently, India emphasizes its differences from the US to assuage Russian concerns, as France does for China. As of now, this issue has caused minor tensions with the European Union, such as in 2022 when India's External Affairs Minister pushed back against European expectations that India would side with them in the Ukraine War.[66] Additionally, in February 2024, one Indian company was sanctioned for selling dual-use technologies to Russia.[67] However, whether this will specifically impact India-France relations remains to be seen.

Conclusion

Since 2018, the purpose of Indo-French cooperation in the Indo-Pacific has been to promote multilateralism since it enables the two countries to safeguard their strategic autonomy and cooperate on non-traditional security issues as middle powers in a region with increasing Sino-American rivalry. However, India and France have different views on how to deal with the

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[64] Sylvie Corbet, "Macron puts trade and Ukraine as top priorities as China's Xi opens European visit in France," *Associated Press*, May 7, 2024, https://apnews.com/article/china-france-xi-macron-visit-c7f48d55fd9ccb345fc6e9eda105f89b.

[65] Sarah Tzinieris, Rishika Chauhan and Eirini Athanasiadou, "India's A La Carte Minilateralism," 34, https://doi.org/10.1080/0163660X.2023.2285540.

[66] Frédéric Grare, "A Question of Balance: India and Europe After Russia's Invasion of Ukrane," *European Council on Foreign Relations* (May 2022), 3-4, https://ecfr.eu/wp-content/uploads/2022/05/A-question-of-balance-India-and-Europe-after-Russias-invasion-of-Ukraine.pdf.

[67] Sarah Shamin, "Why has the EU sanctioned Indian, Chinese companies for Russia links?" *Al Jazeera,* February 29, 2024, https://www.aljazeera.com/news/2024/2/29/why-has-the-eu-sanctioned-indian-chinese-companies-for-russia-links.

Russia-China relationship. As a result of Russia's invasion of Ukraine, the French policy towards Russia has become hawkish, resulting in French attempts to use China "against" Russia. On the other hand, the Indians view cooperation with the Russians as essential to prevent Moscow from becoming more dependent on the Chinese. Nevertheless, it remains to be seen if the hostile France-Russia relations are short-term, which could improve if the Ukraine War ends, or if it is a long-term structural shift.

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Organized Labor's Strategic Blunders in Postwar Japan, 1945 to 1993

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Abstract

The radical economic growth sustained by Japan during the second half of the 20th century under the rule of the Jiyū-Minshutō (Liberal Democratic Party) rapidly transformed the political environment faced by organized labor groups, which emerged as a major domestic force in the aftermath of the Second World War. Entrepreneurial activities and managerial consolidation of business owners, alongside general liberalization in global trade, lent support to a new economic mandate that demanded significant organization and investment from the state under a system of regulation Andrew Gordon terms as "industrial policy." Although at the mercy of market forces, entrepreneurial firms closely collaborated with the state to secure capital, reduce regulatory burdens, and court favorable bailout conditions. The relationships between private sector leadership and party elites became an integral pillar of support for the LDP as they sought to maintain their strikingly durable electoral mandate in power. While labor unions thrived in the early postwar era under American occupation, they faced uncertain prospects after the early 1950s as businesses consolidated and rapid development superseded all other economic priorities for the state. In a pivotal moment of vulnerability, organized labor was forced to choose between a continuation of

previously successful aggressive tactics or cooperation with the increasingly entrenched mandate of the LDP. Moderate elements embraced a cooperative approach, which achieved tangible policy aims, yet set into motion gradual and durable dynamics that slowly rendered the effective capacity of organized labor too diminished to challenge the core tenets of the LDP's economic platform.

Keywords: Liberal Democratic Party, Anpo Protests, labor policy, postwar Japan

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Introduction[1]

From 1955 to 1993, the Liberal Democratic Party (LDP) governed Japan as a single-party majority, forming a remarkably durable political mandate known as the 1955 system, where the center-right dominated public policy and led Japan through an era of remarkable fiscal prosperity. The postwar era saw explosive economic growth at a rate seldom achieved elsewhere in the history of industrialized societies, reaching at its peak an average annual GDP growth of 10.5% from 1961 to 1970.[2] Amidst this rapid development, organized labor emerged as a powerful opposing force in domestic affairs, advocating for redistributive wages, safety regulations, and protectionist bulwarks for domestic industries. Faced with a constantly shifting electorate, the LDP sought expansive "big tent" policies to consolidate popular support and splinter potential rival coalitions, an approach of both conciliation and division which they often used in negotiations with organized labor. Prior to the 1960 Anpo Protests, a dramatic groundswell opposed to the renewal of Japan's security treaty with the United States galvanized the nation, and organized labor achieved policy success through "hard" measures under the protection of the Nihon Shakai-tō (Japanese Socialist Party), using tactics such as strikes and a protracted blockade. In the aftermath, the power of political patrons favorable to organized labor was subdued, and "soft" measures of institutionalized dialogue and compromise were utilized in negotiations with the LDP for the remaining decades of their nearly uninterrupted majoritarian rule.

Organized labor unions first emerged in Japan during the intellectual and industrial tumult of the Meiji Restoration, largely as fraternal organizations of skilled artisans and

[1] This paper was originally submitted for HIST 3621: History of Modern Japan at the George Washington University. It has since been revised and expanded for *The Globe*.

[2] Andrew Gordon, "A Modern History of Japan: From Tokugawa Times to the Present", *Oxford University Press*, 2002, 277

tradesmen.[3] These groups were small and fractured, however, and were mostly limited to striking as a tactic for advancing their position, as there was high turnaround in these nascent industries. The Public Order Police Law of 1900 facilitated a crackdown on social dissidence, including union organizers, and effectively barred any lawful operation of unions outside of localized disputes.[4] Despite this, clandestine organizations continued to emerge, and some gained significant influence during the Taisho era, though they remained small-scale organizations. By 1931, nearly 8% of the industrial workforce was unionized, in spite of the lack of legal sanctions for union activity.[5] State tolerance for their activities waned after the Second Sino-Japanese War began, and eroded further as military-political forces reorientated the nation for prolonged conflict. In 1941, Prime Minister Fumimaro Konoe implemented a policy of Economic New Order and established the Control Association, a state-sponsored cartel which melded the business elite with his cabinet to ensure unitary management of production.[6] Though organized labor was limited in scale, political leaders were extremely fearful of the outsized impact union activity could inflict on public support for the war and its costly production demands. As a result of union activity, apart from a small number of state collaborators, organized labor was suppressed entirely by 1943 and replaced by mandatory state-run conglomerates of labor and small business owners.[7] These were stripped of resources and closely monitored for dissent until the end of the Second World War, and thus the gradual surrender of organized labor's radical

[3] Gordon, "A Modern History of Japan" 134.

[4] Gordon, "A Modern History of Japan", 102-103.

[5] Gordon, "A Modern History of Japan", 152.

[6] Gordon, "A Modern History of Japan", 210-212.

[7] Ibid.

tools ultimately neutered its capacity to influence state policy during the LDP's uninterrupted decades in power.

The International Hand in Labor's Postwar Renewal

The postwar emergence of organized labor as a major political force in domestic Japanese affairs was largely enabled by the American occupation, which initially viewed labor unions as a politically energetic pro-democracy cohort within an otherwise exhausted society.[8] The 1947 Constitution of Japan, a collaborative document drafted and ratified by the Imperial Diet under the close supervision of United States General Douglas MacArthur and his staff, includes in Article 28 a right to collective organizing.[9] American pressure had by year's end additionally secured the passage of the 'holy trinity' of labor law, including a defined workweek, protections for union organizers, and the criminalization of child labor.[10] Public interest was explosive, and union membership expanded by a factor of 12 within a mere 36 months of the occupation.[11] The first aim of labor leadership was to reverse the depression of wages and living standards under the ration system. In late 1946, Densan, the union for electrical power workers, had introduced the threshold of a "living wage" into contract negotiations, which based salary on seniority and the total number of dependents under the care of a worker rather than solely on merit or market pressure.[12] These demands swiftly became a rallying cry across organized labor, and the resultant

[8] Miriam Farley, "Labor Policy in Occupied Japan", *Pacific Affairs*, Vol. 20, No. 2 (1947): 134-140 https://www.jstor.org/stable/2752314.

[9] "1947 Constitution of Japan," *Records of the Prime Minister of Japan and His Cabinet*, https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html.

[10] Kazutoshi Koshiro, "A Fifty Year History of Industry and Labor in Postwar Japan", *The Japan Institute of Labor*, no. 6, volume 1 (2000) 8.

[11] Koshiro, "A Fifty Year History of Industry and Labor in Postwar Japan", Figure 1, 10.

[12] Ibid, 8-11.

seniority system of wage distribution reduced divides between white-collar and blue-collar income levels for the following five decades.

The ascendancy of Japanese labor and its growing ties with extremist political organizations worried American officials at the General Headquarters (GHQ), who took increasingly oppressive steps through the 'Reverse Course', the anti-communist response to the collapse of Kuomintang (KMT) forces in mainland China from 1947 onwards.[13] Rhetoric among union organizers had gradually assumed a Leninist distinction, and after General MacArthur learned of a strike plan between the Nihon Kyōsan-tō (Japanese Communist Party) and nearly five million organized workers, GHQ intervened. The strike was called off under threat of mass incarceration, and the entente between the Japanese Communist Party and the labor elite was severed.[14] The JSP, meanwhile, sought to establish itself as a pro-labor advocate and aligned itself with union messaging, prompting an electoral success that briefly interrupted the center-right Yoshida government.[15] GHQ responded by banning strikes among public employees in 1948, yet private sector groups adopted aggressive tactics in response.[16] By 1949, union membership encompassed approximately 6.7 million Japanese workers, or 56% of the nation's employed workforce, the zenith of their popular authority.[17] When Prime Minister Yoshida returned to power later that year, he orchestrated a purge of communist intellectuals and leaders from any positions of power within organized labor and passed legislation curtailing the

[13] Gary Allison, "The Moderation of Organized Labor in Postwar Japan", *The Journal of Japanese Studies*, Vol. 1, No. 2 (Spring, 1975), https://doi.org/10.2307/132133, 409-411.

[14] Koshiro,"A Fifty Year History of Industry and Labor in Postwar Japan", 14.

[15] Ibid.

[16] Solomon Levine, "Prospects of Japanese Labor, II", *Far Eastern Survey*, Vol. 23, No. 7 (1954) https://www.jstor.org/stable/3024094 109.

[17] Gordon, "A Modern History of Japan", 271.

demonstration rights of union organizations.[18] This alienated moderate factions within the labor movement that had sought collaboration with Yoshida's government. Those that remained consolidated sought the explicit patronage of the JSP to coordinate more effectively against a government increasingly hostile to their efforts, a radicalization with profound consequences in the decade that followed.

Labor's Radical Pivot in the Face of Consolidation

The departure of the United States as an occupying power in 1952 did little to alter the crackdown on communist actors by the political right. Aided by a vibrant emerging entrepreneurial cohort, political leaders capitalized on the Korean War to develop Japanese industrial capacity. Left-of-center labor movements continued to consolidate, and the most influential union organization of the era, Sōhyō, was founded in 1950 out of the wreckage of previously communist organizations at the behest of a bitterly divided socialist leadership.[19] Sōhyō leaders, many of whom were elevated by or persecuted as a result of the purges by the Yoshida government, had little interest in collaboration with the right-of-center political actors, including those who went on to found the LDP.

At the national level, left-of-center actors increasingly worked in unison towards shared aims, often via radical tactics. The JSP reorganized in October of 1955, spurring a parallel consolidation of right-of-center parties into the LDP the following month, with a durable

[18] Koshiro, "A Fifty Year History of Industry and Labor in Postwar Japan", 31-35.

[19] Ibid.

mandate over slightly less than two-thirds of the Diet.[20] Though this mandate emerged from an agrarian electorate, the modernization and development trajectory pursued by right-of-center parties spurred party leadership to pursue new strategies to secure a sufficiently broad base of support. This outreach included a greater measure of cooperation and conciliation towards organized labor as industrialization slowly crept beyond urban centers. As a consequence, though center-right, LDP economic policy from the outset adopted core elements of New Deal Liberalism in order to capture a wide electorate; for example, the founding charter calls for the realization of a welfare state and full employment.[21] The JSP encouraged labor leaders to utilize aggressive tactics in order to force the LDP into wage concessions, and Sōhyō eagerly adopted an increasingly militant ideological outlook.[22]

Significant American capital investment in Japanese development during the 1950s came with additional pressures on Japanese political leaders to embrace limited tariffs and cement their military reliance on the United States as a Cold War sponsor. Tensions between the left-leaning and right-leaning factions of the LDP were exacerbated by the late decade, as populist social movements advocated for Cold War neutrality and protectionist tariffs.[23] These disputes reached their peak in 1958, as Prime Minister Nobusuke Kishi, in anticipation of labor mobilization, sought to expand police enforcement powers via the Police Duties Bill.[24] Under stiff opposition from the Japanese Socialist Party (JSP) and the left flank of the LDP, the measure was tabled,

[20] David Lu,"Japan: A Documentary History", Routledge (2016) Doc 2 506-508.

[21] Ibid.

[22] Nick Kapur, "Japan at the Crossroads: Conflict and Compromise after Anpo", *Harvard University Press* (2018) 10-17.

[23] D. C. S. Sissons, "The Dispute Over Japan's Police Law", *Pacific Affairs*, Vol. 32, No. 1 (Mar 1959), https://doi.org/10.2307/3035341 34-45.

[24] Ibid.

emboldening a populist anti-Kishi coalition to mobilize with far more ambitious policy objectives. Organized labor, led by Sōhyō, collaborated with the JSP to seek a broad-spectrum realignment of national policy in favor of Cold War neutrality and greater protectionist tariffs to ensure stable wage growth. The spark came in 1959 with the renewal of the US-Japan Security Treaty, or Anpo; what followed was the largest popular demonstration in Japanese history, the June 15th incident.[25] Organized labor leadership was hopeful that popular outrage over Anpo and the close relationship between the United States and Japan more broadly would force political concessions in favor of protectionist trade, which they viewed as essential to securing domestic wage growth. The United States was vehemently opposed to such policies.

In response to stiffening domestic disruption and on the eve of a long-awaited visit with United States President Dwight D. Eisenhower, Prime Minister Kishi orchestrated an antidemocratic unilateral passage of the treaty after removing the JSP from the Diet floor. This only further inflamed critics of the treaty's renewal, who had already set in motion a general strike of 6.4 million workers.[26] The radicalized among them joined forces with marxist student organizations and stormed the Diet on June 15th, resulting in the death of one Tokyo University student while police chaotically retook the chamber.[27] Though the legislature successfully renewed the Anpo treaty in absentia, the tumultuous affair led to Kishi's resignation the following day at the behest of his cabinet.[28] A nominal political victory for the JSP-Sōhyō entente was overshadowed by a swift reversal of public sentiment due to the violence of the day, and successive disputes among internal factions were thrust into the forefront, ending labor

[25] Kapur, "Japan at the Crossroads: Conflict and Compromise after Anpo", 1.

[26] Kapur, "Japan at the Crossroads: Conflict and Compromise after Anpo", 29, 135.

[27] Ibid, 30-34.

[28] Ibid.

leader's hope that unified popular sentiment would force a trade policy realignment. JSP Party Chairman Inejirō Asanuma was assassinated by the year's end, splintering the party, and Sōhyō was dealt a devastating loss after vying factions of the aggressive Miike strikers failed to reach wage agreements and were fired by management.[29] The gamble taken by the two most powerful left-of-center organizations in Japan had backfired, with steep costs for each. The prestige blow led to a general re-ordering across organized labor and an end to general strike tactics.

Political Realignment in the Aftermath of Anpo

In the aftermath of Anpo and Miike, scandalized national standard-bearers in the political arena sought a renewed contract for stability and a more cooperative pathway forward. While the fundamental division that initially provided stability to the LDP's popular mandate was the divide between organized labor and the management class, the brutality of recent events had sowed doubts about the longevity of this approach.[30] Efforts were made by all involved parties to mend the intensity of this division, resulting in a rapid transformation of both the LDP's policy towards organized labor and organized labor leadership's receptivity towards cooperative policy negotiation. The LDP, though nonetheless bruised by the ousting of Kishi, resumed a "big tent" approach to stabilizing their electoral mandate and sought to ease relations with organized labor. Prime Minister Ikeda, a member of the party's left flank, was eager to exit the domestic maelstrom. He announced a domestic economic rationalization policy in 1960, The National Income Doubling Plan, which sought to double Japan's GDP in ten years by reducing trade barriers and easing taxes to promote export growth.[31] Fears of damaging the strength of niche

[29] Gordon, "A Modern History of Japan", 277-286.

[30] Junnosuke Masumi, "The 1955 System in Japan and Its Subsequent Development", *Asian Survey*, Vol. 28, No. 3, (March 1988), https://www.jstor.org/stable/2644488 296.

[31] Kapur, "Japan at the Crossroads: Conflict and Compromise after Anpo" 47-49.

domestic industries were assuaged by a redoubled party commitment to "industrial policy" or administrative guidance, which safeguarded emerging industries through low-interest loans, protectionist tariffs, and bureaucratic patronage.[32]

Organized labor, deprived of full political patronage, retained an ambitious policy platform and sought wage growth guarantees to offset the inflation caused by an export-driven economy. In methodology, however, a significant evolution occurred, and protracted, localized negotiations were pursued in place of widespread demonstrations or strike tactics.[33] Aware of their reduced position, compromise was sought even when endangering broader actions, such as when Sōhyō threatened public-private joint strikes in 1964. Ikeda resolved the matter largely by prioritizing union demands over those of the business elite, a negotiated off-ramp which required painful compromise from all involved parties yet strengthened the reputation for stability and pragmatism sought by LDP leaders.[34] Japan's GDP was doubled by 1967, three years earlier than the initial goal, and the incorporation of organized labor into an institutionalized system of controlled negotiation was largely satisfactory for union stakeholders.[35]

This LDP strategy of incorporating the interests of organized labor, especially robust wage growth, as a means of nullifying the risk of major confrontation continued throughout the 1970s and early 1980s, as membership in labor unions gradually declined and the party retained a broad mandate for its economic policies.[36] The stability of this relationship saw organized labor

[32] Gordon, "A Modern History of Japan", 247-248.

[33] Kapur, "Japan at the Crossroads: Conflict and Compromise after Anpo", 142.

[34] Koshiro, "A Fifty Year History of Industry and Labor in Postwar Japan", 59.

[35] Gordon, "A Modern History of Japan", 277.

[36] Lonny Carlile "Party Politics and the Japanese Labor Movement: Rengo's 'New Political Force'", *Asian Survey*, Vol. 34, No. 7, (1994), https://www.jstor.org/stable/2645371.

retreat from aggressive frontline political action almost entirely. When environmentalist groups and labor rights student organizations started a national wave of protests against university officials and, more broadly, the perceived corruption of the LDP in 1968, organized labor did not intervene. The renewal of the Anpo Treaty in 1970 witnessed a similar absence in widespread labor participation; only the most militant unions joined efforts spearheaded by student and anti-war protestors, a stark contrast to the mobilizations of 1959-1960.[37]

As radical tendencies in organized labor declined, the LDP and international business allies promoted a growth and productivity message that rewarded labor conciliation with concrete policy objectives. Continued liberalization of trade policy with the United States weighed heavily on party leadership when adopting this approach.[38] Management was financially incentivized during this period of rapid growth to insulate their workforce from global fluctuations by avoiding mass layoffs during industry downturn, and private sector unions were increasingly successful at the negotiating table in securing retirement, housing, and paid leave benefits for their members.[39] In 1966, this centrist coalition of unions was formalized through the Japan Council of the International Metal Workers Union, which notably included large segments of Sōhyō.[40] By contrast, in the less conciliatory public sector, the LDP forced conciliation through robust suppression of disruptive union activity. When nearly 1.5 million public employees went on strike in 1975 to protect their right to implement hardline tactics, the party response was swift; strikers were disciplined and the majority of its leaders were fired.[41] The

[37] Gordon, "A Modern History of Japan", 280-281.

[38] Kapur, "Japan at the Crossroads: Conflict and Compromise after Anpo", 73-74.

[39] Gordon, "A Modern History of Japan", 279.

[40] Ibid, 280.

[41] Ibid, 286-287.

pacification of union activity by sharing the rewards of rapid growth only imploded when the 1991 recession caused conspicuous consumption to plummet, carrying domestic wages along with it.

Conclusion

Organized labor in the postwar era, while undoubtedly influential and partially successful in achieving its policy ambitions, gradually faded into increasing obscurity in the long aftermath of the 1959 to 1960 demonstrations. Their decline provides a cautionary tale for labor movements across the international community— once dramatic tactics are abandoned in favor of conciliatory policies, it becomes exceedingly difficult to reclaim a credible mandate for their use in the future. The great strategic blunder of organized labor in the aftermath of Anpo, and in the absence of a unified political patron, was a willingness to bargain temporary gains in wage growth and benefits at the price of broader popular support. There is a caveat of impotency in general popular support: although organized labor in Japan peaked in membership in 1949, this public influence did not translate into salient political capital nor alone produce durable pro-labor policies. However, enthusiastic support among traditional bastions of organized labor was a requisite for any potent policy gains. As center-right coalitions formed in the early 1950s, pressures both implicit, such as trade liberalization, and explicit, such as the targeted removal of communists from union leadership, drove labor to pursue aggressive national coalitions.

These radicalized tactics produced extraordinary gains for workers, such as a living wage, employment safety regulations, and basic rights to demonstrate and organize, yet fatally relied too heavily on the political tutelage of a fractured minority party, the JSP, in the aftermath of Anpo. When these aggressive strategies backfired heavily, organized labor cooperated rather than resisted the rising mandate of the LDP's economic policies. This pivot in the benefit of hindsight

was not without some credible merit; labor under conciliation with the LDP achieved stable yet modest advancements in a wide range of labor policies, including consistent wage growth, affordable housing, retirement benefits, and job security. However, having tacitly retreated from strike-organizing and mass mobilization, organized labor was rendered increasingly vulnerable, and ultimately proved unable to defend itself when challenged with the subtle erosion of baseline rights. The collapse of public sector strikes in 1975 without any policy gains only escalated the continued fragmentation of major unions, which in turn provoked a loss in credibility among traditional union stalwarts. In short, having voluntarily deprived itself of the most radical tools for change in its arsenal, organized labor set into motion durable dynamics, which slowly neutered its capacity to influence policy during the LDP's uninterrupted decades in power.

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Cislunar Transportation, Lunar Resources, and Its Policy Implications

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Abstract

The research presented analyzes various models focused on advancing space capabilities and infrastructure for the benefit of human advancement in space, as well as peaceful use of space by all countries. The central concept for this is In Situ Resource Utilization (ISRU), which involves using local space resources to support exploration and commercialization. The study also explores technical backgrounds of these topics and the development of a self-sustaining cislunar economy, emphasizing the need for commercial activities in space. Key challenges include reducing the high costs of cislunar transportation and creating viable business models for lunar resource extraction. The analysis considers whether lunar resources can be utilized effectively for cislunar transportation and covers policy issues used by the United States and future policy recommendations, such as the importance of international cooperation through treaties. The shift to a space-for-space model promises to revolutionize space exploration and resource utilization, driving long-term innovation and collaboration in space.

Keywords: ISRU, NASA, space policy, US, cislunar economy

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Introduction

To promote growth and innovation, the development of space policy must shift from a space-for-Earth model to a space-for-space model. A new model would shift the goals of space-related work to further development in space rather than just focusing on daily benefits on Earth. This can be achieved through "In Situ Resource Utilization (ISRU) [which] involves any hardware of operation that harnesses and utilizes 'in-situ' resources to create commodities for robotic and human exploration and space commercialization."[1] As the existence of water/ice was recently confirmed by India's Chandrayaan-3 on August 23, 2023, the possible utilization of lunar resources for propulsion has become a focus. However, the plausibility of this technology is still questionable. This analysis will consider the following questions: Can lunar resources be utilized for cislunar transportation? What are the key policy issues that need to be addressed for the United States? What implications does this have on international cooperation in space? The National Aeronautics and Space Administration (NASA) has taken a leadership role in technology for resource extraction and propellent development, creating a self-sustaining cislunar economy supported by commercialization, and international policy for cooperation. This concept introduces a novel and sustainable model, although there remains room for improvement.

Technical Background

Utilizing water resources from the moon for propulsion has not been proven to be possible yet but is an ambitious approach to sustainable transportation in the cislunar region. ISRU allows humans to travel further into space, alleviating the worry of carrying enough

[1] "In situ resource utilization (ISRU) envisioned future priorities" - NASA. Accessed December 12, 2023. https://www.nasa.gov/wp-content/uploads/2023/06/live-isru-efp-new-3-21-23-tagged-1.pdf.

propulsion resources from Earth.[2] There are three possible systems for the use of ISRU on the Moon, as outlined below.

The first system is strictly based on liquid oxygen (LO2) and liquid hydrogen (LH2) propulsion derived from ice mined at the polar regions of the Moon. Research proposals have suggested the use of the Advanced Cryogenic Evolved Stage (ACES) and the XEUS (Experimental Enhanced Upper Stage) lander to make up the elements of the transportation system. This is currently being developed by United Launch Alliance. The ACES and XEUS have their main propulsion elements and structures in common. Both stages are fully reusable with refueling of their propellants, promoting the sustainability of space transportation.[3]

> "There are several advanced technologies that enable the utility of ACES as the cornerstone of a cislunar transportation system,[such as] Integrated Vehicle Fluids (IVF). IVF enables all the functions of the stage to be accomplished using just LO2 and LH2. This allows the stage to be fully reusable with refueling from propellants extracted from lunar ice deposits. [Additionally,] technologies for long-duration storage of cryogenic propellants. The basic ACES will reduce the boiloff of the cryogenic propellants extending mission duration to a week or more, an order of magnitude improvement over Centaur. Storage in dedicated vessels, like tankers or depots, can be extended to years. [Lastly,] on-orbit transfer of cryogenic propellants essential for refueling. Finally, ACES can be equipped with a kit that transforms it into a lunar lander called XEUS."[4]

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[2] "Overview: In-Situ Resource Utilization." NASA, July 26, 2023. https://www.nasa.gov/overview-in-situ-resource-utilization/.

[3] George F. Sowers, "A cislunar transportation system fueled by lunar resources." *Space Policy* 37 (2016): 103–9. https://doi.org/10.1016/j.spacepol.2016.07.004, 103.

[4] Ibid., 105.

All of these technologies are passive, that is, they do not require any power to operate. They are also more sustainable as boiling hydrogen is almost ten times more efficient in removing heat than boiling oxygen. By using just LO2 and LH2, ACES is reusable and can be refueled, allowing for multi-utilization of technology for transportation in the cislunar space.[5] This solution proposes the coupling of ACES and XEUS technology to utilize lunar resources, although it is not proven possible. This hypothesis would allow for the mining of water/ice on the moon following scientific verification and full program support.

The second possible system considers the Lunar Gateway (LOP-G), which is a station intended to orbit the moon. It will not only serve to bring astronauts safely to the lunar surface but might also be able to serve as a gateway for resources from the Moon, such as oxygen, water, aluminum, or titanium. The use of ISRU will become a key aspect of logistics in water resource extraction. If the rockets can be propelled with in-situ material, not all propellants have to be brought from Earth. There are early concepts available on how icy water can be decomposed into hydrogen and oxygen via electrolysis, which are used by life support and propulsion technologies.[6] Currently, there is little scientific information available on engineering processes on the Moon. Electrolysis could be used to generate propellant from water, however, many unknown factors could affect this process in the lunar environment.

Realistically, using a liquid propellant derived from the Moon's surface can be complicated, heavy, and cost-intensive. Hybrid rocket engines could be an intermediate step towards lunar exploration. "Firstly, the solid fuel that would have to be brought from Earth can

[5] Ibid., 106-107.

[6] Enrico Stoll et al.,"The Regolith Rocket—a Hybrid Rocket Using Lunar Resources." *Acta Astronautica* 179 (2021): 509–18. https://doi.org/10.1016/j.actaastro.2020.11.022, 509

be safely stored in large quantities on the Moon due to the non-cryogenic properties. Secondly, in a subsequent step, the fuel might be even produced in-situ. Thirdly, it is possible to use oxygen as the oxidant which can be extracted from Regolith (asteroid soil)."[7] Hybrid rocket engines can be used for a wide range of space applications, such as launch systems, upper stages, sounding rockets, and lunar or martian ascent stages. In this case, the LOP-G would be key to resource exportation and the hybrid technology of current propulsion. This hybrid technology can include existing nuclear thermal propulsion.

The third possible system involves a nuclear thermal rocket (NTR) through the hybrid technology previously outlined. The NTR can play an important role in providing a robust cislunar transportation system (LTS) that can grow lunar settlements. These can be empowered by commercial activities such as ISRU for propulsion. "The use of lunar liquid oxygen (LLO2) derived from iron-oxide- (FeO-) rich volcanic glass beads, found in numerous pyroclastic deposits on the Moon, can significantly reduce the launch mass requirements from Earth by enabling reusable, surface-based lunar landing vehicles (LLVs) that use liquid oxygen and hydrogen (LO2/LH2) chemical rocket engines. Afterward, a LO2/LH2 propellant depot can be established in lunar equatorial orbit to supply the LTS. At this point, a modified version of the conventional NTR—called the LO2-augmented NTR, or LANTR—is introduced into the LTS, allowing bipropellant operation and leveraging the mission benefits of refueling with lunar-derived propellants for Earth return."[8] This can even allow for short-timed cargo transports

[7] Ibid., 509–18.

[8] Stanley K. Borowski et al."Robust Exploration and Commercial Missions to the Moon Using Nuclear Thermal Rocket Propulsion and Lunar Liquid Oxygen Derived from Feo-Rich PYROCLASTIC Deposits - NASA Technical Reports Server (NTRS)." NASA. Accessed December 12, 2023. https://ntrs.nasa.gov/citations/20180002979, 1.

or a commuter shuttle service that operates one-way trips to and from the Moon within 36 hours.[9] If only 1% of the extracted LLO2 propellant from identified resource sites were available for use in lunar orbit, it could support daily commuter flights to the Moon for many thousands of years.[10] This is the most probable system to be adopted in the short term. Once LO2 and LH2 can be used for propulsion on the Moon, an NTR through hybrid technology would be the scientifically easiest method to approach.

Although there is no set method for mining water/ice on the Moon and converting that to LO2/LH2 for propulsion, scientists have created various plans to develop propulsion systems. This includes the use of ACES/XEUS, a focus on the LOP-G through hybrid technology, and the combination of a NTR with LO2 and LH2. In addition to technical aspects, there must be a set method and analysis for using lunar resources.

Utilizing Lunar Resources

The utilization of lunar resources as propellants can extensively reduce the cost of transportation in cislunar space. They subsequently lower the barrier to entry for cislunar-based activities, including activities like space solar power or asteroid mining.[11] Additionally, when liquefied hydrogen and oxygen form the most powerful chemical rocket propellants known. Harnessing these resources will exponentially increase the potential for space exploration and development.

In 2005, NASA created the ISRU project in the Exploration Technology and Development Program (ETDP). The purpose of this project was to develop technologies,

[9] Ibid.

[10] Ibid.

[11] Sowers, "A cislunar transportation system fueled by lunar resources.", 103.

hardware, and readiness levels by mitigating the risk of using ISRU in future missions to the Moon or beyond, coordinating the development of ISRU technologies with other exploration systems, and implementing ISRU into larger exploration plans. The ISRU project was led by the NASA Johnson Space Center and then by the Kennedy Space Center. Other NASA locations were involved, such as the Marshall Space Flight Center, the Glenn Research Center, the Ames Research Center, and the Jet Propulsion Laboratory. Partnerships occurred with industry and academia through contracts, grants, small business innovative research, and internal research and development initiatives.[12] The immediate goal of ISRU is to decrease the cost of going to and from the Moon and Mars. The second goal is to develop self-sufficient and long-duration crewed space bases. These initiatives work to expand exploration efforts and grow the commercialization of space.[13]

NASA outlines five major areas of interest and benefits for ETDP: resource characterization and mapping; mission consumable production; civil engineering and surface construction; energy generation, storage, and transfer with in-situ resources; and manufacturing and repair with in-situ resources.[14] These areas all focus on the use of lunar resources while considering the goal of energy generation. NASA has also evaluated how the incorporation of ISRU can greatly change stages of their processes: level of reusability; endurance of stay on surface; level of protection for crew and hardware; location of exploration; commercial involvement; mission staging; pre-deployment; abort strategies; and hub-and-spoke surface

[12] Gerald B. Sanders and William E. Larson. "Progress Made in Lunar in Situ Resource Utilization under NASA's Exploration Technology and Development Program." *Journal of Aerospace Engineering* 26, no. 1 (2013): 5–17. https://doi.org/10.1061/(asce)as.1943-5525.0000208, 5.

[13] Ibid., 5.

[14] Ibid.

exploration from a centralized base or all mission to different lunar locations launched from earth. Essentially, ISRU would increase sustainability measures and human existence on the Moon by acting as an energy source.[15] For incorporation strategies dealing with risk reduction for mission success, the approach was to identify ISRU capabilities and technologies that could meet one or more of the following criteria: reduce mission mass and risk, help solve limitations to the architecture, enable long-term sustainability, and support future Mars exploration activities.[16]

Lunar exploration missions have been focused on resource utilization of lunar regolith, solar wind volatiles, potentially water resources, and other volatiles at the lunar poles for the production of propellants, life support consumables, radiation shields, and habitat/infrastructure construction. Missions have found that more than 42% of the mass of the lunar regolith is oxygen. After the impact of the lunar crater observation and sensing satellite (LCROSS), major volatiles included 5.50% water/ice and 1.40% hydrogen.[17] This has incentivized NASA to take advantage of resource opportunities on the lunar regolith, particularly for LO2 and LH2. The presence of large amounts of water, hydrogen, and hydrocarbon resources at the poles could provide significant benefits for not only propulsion but also life support, power, thermal control, food production, and manufacturing.[18] However, there is still uncertainty in the form, concentration, and distribution of these resources local to the source's area as well as the terrain and environment around them, which may inhibit access.

[15] Ibid., 6.

[16] Ibid., 7.

[17] Ibid.

[18] Ibid.

ISRU and its products can also influence how other exploration systems are developed by determining which technologies can benefit further space travel. Although the concept of lunar ISRU has existed for more than 40 years, the technologies and systems have not progressed much past simple laboratory testing. Harnessing the Moon's resources became a priority with the release of the Vision for Space Exploration in 2004, initiating the ISRU component of the ETDP. Several portions of the lunar ISRU program saw significant developments by 2013.[19] NASA plans to initially focus on the South Pole, which has highland regolith and volatiles(water) in shadowed regions. Following India's landing in the region, international attention to resource availability has escalated. The United States plans to take a leadership position to explore the possibilities of the available resources and then evolve its program to explore other locations, specific minerals, refined products, and the potential transportation of the resources. The current understanding of available materials is displayed in *Figure 1*. After exploring the Polar Highland Regolith and volatiles at locations one and two, NASA plans to further explore ilmenite and pyroclastic glass at the points labeled three, not to mention search for rare Earth elements and thorium at point four.[20] Specific mission technologies for extraction have not yet been developed as the forms, concentrations, and distributions of water in shadowed regions and craters are not adequately known. Currently, NASA has intermediate missions in place to locate and characterize resources to reduce risks for lunar ISRU-related missions.

[19] Ibid., 16.

[20] "In situ resource utilization (ISRU) envisioned future priorities", 8.

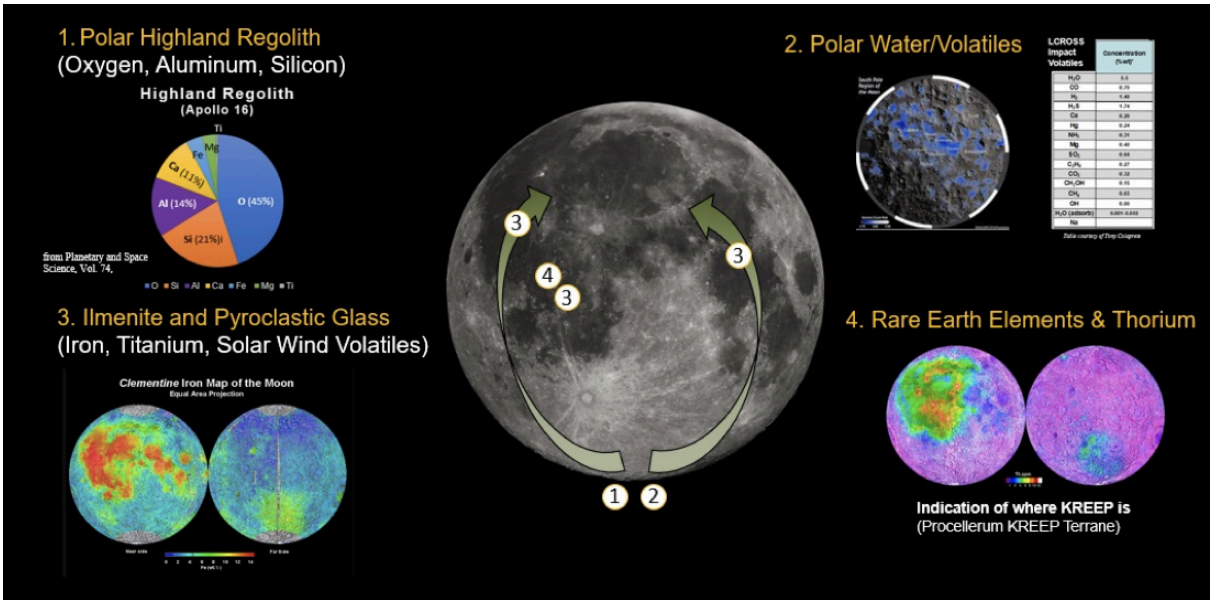


Figure 1: Metals, Water, and Volatiles on the Moon.

NASA is also focused on mining metal and other sources of oxygen from the lunar regolith, making up for the 42% of oxygen available by mass. It is known that the Polar Highland Regolith consists of anorthosite which is mostly rich in aluminum and silicon while poor in iron. The Equatorial Mare Regolith has regions of highly concentrated iron, titanium, and pyroclastic glasses. These resources can provide 75-80% of chemical propulsion mass, especially for Extravehicular Activity (EVA), rovers, and habs.[21] The experiences previously gained from regolith excavation, beneficiation, and mining Mars' hydrated soil and minerals for water can be applied to the success of lunar mining. Full implementation can also be empowered by commercialization.

So far, NASA has gained experience in the following activities on the lunar surface: water mining, oxygen extraction from the regolith, and metal extraction from the regolith. They have implemented three water mining approaches and have examined six water extraction

[21] Ibid., 9.

technologies. They have, however, struggled with robotic elements and breaking the lunar ice.[22] In terms of oxygen extraction at the Mare Regolith, they have built and tested two hydrogen reduction systems and one carbothermal reduction system at the sub-Pilot scale. NASA has also led terrestrial operations while initiating new work on hydrogen reduction and carbothermal reduction in laboratories.[23] Finally, for metal extraction at the Highland Regolith, NASA has tested carbothermal reduction, molten regolith electrolysis, molten salt electrolysis, and ionic liquid reduction. They have also analyzed low technology readiness level (TRL) concepts, such as hydrogen plasma reduction, vapor phase pyrolysis, bio-mining, and alkaline reduction.[24]

Beyond the lunar surface, NASA hopes to utilize lessons from lunar ISRU and apply them to Mars or beyond. They have set three goals in this area, which are outlined as follows:

1. Identify, characterize, and quantify environments and resources for science and ISRU.
2. Demonstrate ISRU concepts, technologies, and hardware applicable to Mars.
3. Use the Moon for operational experience and mission validation for Mars.

As there is possibly O2 in the atmosphere of Mars and water from regolith/ice gaps, NASA can build upon lessons gathered from the lunar ISRU and apply them to the Mars ISRU. This will allow for further exploration of Mars while leading to sustainable, cheap, and more attainable missions beyond Mars; however, to make these aspirations realistic, there needs to be adequate economic support.

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[22] Ibid., 14.

[23] Ibid., 14.

[24] Ibid.

Self-Sustaining Cislunar Economy

Thus far, there have only been two business models in space. The first is selling goods and services to governments to fulfill their desires in the national security, scientific, and political spheres, while the second is selling commercial communications to terrestrial customers. To create a self-sustaining space economy, commercial economic activities in space must be developed, and companies need to appeal to humans on Earth to develop their income. Following the development of satellites, companies and governments have shifted their focus to mining lunar ice for rocket propellant, which is the first intended economic use of lunar resources. While the primary model is still pertinent, the secondary model is currently developing exponentially.

To create a self-sustaining space economy, commercial economic activities in space must be developed. Firms are challenged with developing space activities with a worth that can incentivize people on Earth. Any short-term self-sustaining economic activity will take place in cislunar space. To achieve this, stakeholders must reduce the cost of cellular transportation. It costs $5,000 to $10,000 per kilogram to get from Earth to low Earth orbit (LEO). It costs four times as much to get to geosynchronous orbit (GEO) and seven times as much to get to the lunar surface.[25]

A solution to this issue has been developed as a part of the ACES technology proposal. Transit would continue to be refueled at different stages leading to the Moon, making its first stop at LEO. A fully fueled ACES in LEO can then be used to transport satellites from LEO to GEO. “If the cost of propellant obtained from the Moon in LEO is less than the cost to ship propellant to LEO from Earth, the business case can be closed. Based on these considerations, a preliminary price point for propellant can be established. *Figure 2* shows a comparison of the

[25] Sowers, “A cislunar transportation system fueled by lunar resources”, 104.

cost of lunar propellant at various locations in cislunar space compared to the cost of propellant shipped from Earth." This example shows a case in which stages such as LEO have the potential to be used to maximize the value and amount of transportation in cislunar space, therefore developing a self-sustaining economy.[26]

Summary of some of the key business parameters for lunar propellant mining.

Tons of propellant delivered to LEO	210
Price in LEO	$3 M/ton
Tons of propellant produced on the Moon	1050
Price at the Moon	$0.5 M/ton
Tons of water mined	1575
Total revenue at Moon	$525M
Total revenue in LEO	$630M

Figure 2: Key business parameters for lunar propellant mining.

It is a general expectation that the cislunar economy will develop in the next 10–20 years, but there is no clear outline for its development.[27] Another analysis of a new space market comes from New Space Global (NSG) and focuses on the commercialization of the cislunar economy. It outlines eight market verticals: spacecraft, launch vehicle providers, human spaceflight, microgravity research, spaceland, space resources, and space-based energy. These eight verticals consider current space activities while extending into future ones, as demonstrated in *Figure 3*.[28] The current space industry is dominated by space services and the infrastructure used to support them, such as ground stations, launch providers, and other elements. The new space model works to open untapped markets through commercialization. It brings value back to Earth through microgravity research and Earth observation while supporting human-based activities such as

[26] Ibid.,108.

[27] Carlos Manuel Entrena Utrilla . "Establishing a framework for studying the emerging cislunar economy." *Acta Astronautica* 141 (2017): 209–18. https://doi.org/10.1016/j.actaastro.2017.10.005, 209.

[28] Ibid., 210.

spaceflight. The eight market verticals create value in space for space, namely space resources and in-space services.[29] With the expansion of a cislunar economy, the new space model needs to create value in space-for-space rather than space-for-Earth. Water mining in the cislunar economy requires propellant production, consumables, and radiation shielding. This creates an opportunity for commercialization, particularly with companies like Deep Space Industries (DSI), Planetary Resources, Moon Express, and TransAstra. [30]



Figure 3: The eight verticals of the New Space model and commercial partnerships.

In addition to the companies displayed in *Figure 3*, many other businesses work to advance the cislunar economy through their specializations in ISRU (funding sources included):[31]

1. AI Space Factory - United States (government and private investment)
2. Ariane Space - France (government and private investment)
3. Astrobotic - United States (government and private investment)

[29] Ibid., 211.

[30] Ibid.

[31] Thomas J. Colvin, et al. "Demand Drivers of the Lunar and Cislunar Economy." *Science and Technology Policy Institute*, April 2020, A-1 - A-10.

4. Blue Horizon - Luxembourg (private investment)
5. Blue Origin - United States (government and philanthropic/self-funding)
6. Ispace - Japan (private investment)
7. Laser Zentrum Hannover e.V. - Germany (government and private investment)
8. Project Moonrise - Germany (philanthropic/self-funding)
9. Space Mining Technologies - Germany (unknown)

Opening the cislunar economy to commercialization will attract funding for water or regolith mining and transportation. The companies with partial government funding will also work to continue developing national priorities, such as national security, scientific progress, and politics.

The cislunar economy also includes mining near Earth asteroids. Policymakers have considered prioritizing the Lunar Commercial Orbital Transfer Services (LCOTS) program versus the Asteroid Commercial Orbital Transfer Services (ACOTS) program. Both programs focus on the value of resource extraction and the LCOTS program seems to provide more value. Commercial partners are in a much better position to start work on the first phase of the LCOTS program than any of the companies considered for ACOTS. There is also a better understanding of resource distribution on the Moon as all of the information was gathered in early 2000s missions. It could be more reasonable to implement an LCOTS program first and develop capabilities on the Moon before moving on to asteroids.[32]

[32] Utrilla, "Establishing a framework for studying the emerging cislunar economy," 19.

In terms of long-term benefits, LCOTS would provide more experience as well as operational and technical knowledge applicable to Mars missions. It also led to the establishment of a permanent human presence on the Moon, creating the first human outpost outside of Earth. The ACOTS program would not lead to a permanent human outpost, but asteroid-derived resources could be cheaper than those extracted from the Moon. The ACOTS program would benefit the cislunar economy as a whole, including both Mars and the Moon, by providing cheap, accessible resources. This debated topic comes into the purview of NASA's economic priorities in terms of long-term goals. Since NASA is focused on returning to the Moon and reaching Mars, the LCOTS program would be the most valuable approach. In terms of affordable human access, it would be beneficial to approach both LCOTS and ACOTS as lessons that can be applied interchangeably. Although LCOTS is more costly, it provides a greater value to NASA's priorities.[33]

> "Some in the space industry have argued that a return to the Moon may lead to the creation of a more commercially oriented lunar economy that involves mining operations, tourism, scientific exploration, and other activities, which would be funded by governments, individuals, and businesses. If such a commercially oriented lunar economy emerges, demands on NASA to support lunar activities would be reduced."[34]

Nevertheless, if consumer demand is less than expected, the US government will be required to provide more funding in support of research, development, and operations of lunar businesses to promote the growth of the cislunar economy.

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[33] Ibid.

[34] Colvin et al., "Demand Drivers of the Lunar and Cislunar Economy," p. iii

The budget available for government-funded human lunar missions is estimated to be $63 billion over 17 years, from 2024–2040. This is the total sum of funds available to the private sector to support the lunar human exploration activities of NASA and partnering governments. "In light of the estimated cost of a human mission to the Moon ($2.6 billion at the low end and $4.9 billion at the high end) under this budget cap, it would be feasible to launch at least one mission a year to the Moon under the low-cost scenario, but no more than seven missions over a decade under the high-cost scenario."[35] With the assumption that there will be no large deviations in funding or changes in NASA's commitments, external private funding gathered from consumer support would aid in developing a self-sustaining cislunar economy. With the assumption of seven missions in over a decade, the development from a lunar base to mining activities may be a strenuous and long-term project. Private funding would help create a faster-paced plan and support NASA in its priorities.

Policy Implications/International Cooperation and Competition Regarding Lunar Resources

International cooperation has been and will continue to be a core part of space advancement. Cooperation is even supported by the diversity in the commercial sector, with varying companies that specialize in ISRU hailing from different countries. "Of 18 companies, nine of these companies—50 percent—are located in the United States. Three companies—about 17 percent—are based in Germany. Japan has two companies interested in ISRU. Austria, Luxembourg, Israel, and Belgium each have a single company interested in ISRU."[36]

[35] Ibid., 95.

[36] Colvin et al.. Demand Drivers of the Lunar and Cislunar Economy, 95.

Intergovernmental cooperation must be a priority of cislunar activities and lunar mining, even with national security priorities in mind.

NASA initiatives

NASA introduced the Lunar Surface Innovation Initiative (LSII) which is focused on the topic of utilizing lunar resources for space advancement. It will develop and demonstrate technologies to use the Moon's resources to produce water, fuel, and other supplies as well as capabilities to excavate and construct structures on the Moon.[37] Robotic technology in orbit has proven the existence of volatiles on both the surfaces of the Moon and Mars through four main initiatives that NASA has implemented. The first is the Lunar Reconnaissance Orbiter, which has returned the highest-quality images and data from the lunar surface. They indicate the presence of water buried under the lunar regolith at certain locations.[38] The second is the Volatiles Investigating Polar Exploration Rover, or VIPER, which is a mobile robot that went under the lunar South Pole in 2023 to get more data on the location and concentration of water that could eventually be harvested to sustain human exploration on the Moon, Mars, and beyond. It was the first resource mapping mission on another celestial body.[39] The third is the Lunar Crater Observation and Sensing Satellite mission, which was launched along with the lunar orbiter that was directed to impact the lunar surface. Observations showed that about 5% of the regolith was composed of water and another 5% contained additional volatiles including methane, ammonia, hydrogen, carbon dioxide, and carbon monoxide.[40] The fourth policy is based on international

[37] "NASA's Lunar Surface Innovation Initiative." NASA, November 21, 2023. https://www.nasa.gov/space-technology-mission-directorate/lunar-surface-innovation-initiative/.

[38] "Using Space-Based Resources for Deep Space Exploration." NASA, July 26, 2023. https://www.nasa.gov/overview-in-situ-resource-utilization/.

[39] Ibid.

[40] Ibid.

cooperation. NASA has joined forces with other space agencies to coordinate exploration of lunar polar volatiles in order to advance scientific knowledge, determine their viability as resources, and potentially utilize the Moon as a proving ground for Mars ISRU technologies.[41] These policies that NASA has implemented are important stepping stones for the LSII itself and an attempt to develop a successful lunar mining program:

"The LSII bridges technological capabilities needed for sustained human exploration missions on the Moon that can evolve to help us understand and explore other challenging environments in deep space including Mars."[42] The LSII is structured by six key capability areas: in-situ resource utilization, surface power, excavation and construction, extreme environment, dust mitigation, and extreme access. NASA's Space Technology Mission Directorate also established the Lunar Surface Innovation Consortium (LSIC) in 2020 to collate government, academia, non-profit institutions, and the private sector to identify technological capabilities and risks that must be addressed to achieve a sustained presence on the surface of the Moon. This group has three priority points which work to assess technology, develop recommendations, and create a coalition of resources to support lunar surface exploration. LSIC currently has over 3,600 participants from nearly 1,000 organizations across 50 states, the District of Columbia, Guam, Puerto Rico, and nearly 60 countries.[43]

NASA has also continued to develop ISRU technology maturation by requesting information to formulate its future Lunar Infrastructure Foundational Technologies (LIFT-1) demonstration. Responses were due by December 18, 2023, proving that this policy is continuing

[41] Ibid.

[42] "NASA's Lunar Surface Innovation Initiative." NASA, November 21, 2023. https://www.nasa.gov/space-technology-mission-directorate/lunar-surface-innovation-initiative/.

[43] Ibid.

to develop and advance. NASA has assessed the key challenges posed by lunar landing and operations sites with summarized options and recommendations. These are key elements of a risk analysis that could inhibit lunar missions as displayed in *Figure 4*.[44] For example, the assessment highlights a solution as beginning to implement safety zones, as included in the Artemis Accords, while taking additional steps to reduce the need for safety zones. This is a policy embedded in international policy, stressing the need for peaceful relations in space. A second applicable solution is to work with Artemis partners to support United Nations space efforts for sustainable ISRU.

Challenge	Overview	Summarized Options and Recommendations
Challenges Posed by Landings	Landings will create plume-surface interactions (PSIs) that can damage assets—significant gaps in understanding their effects exist	Increase priority of obtaining PSI measurements; identify distances from landing sites that will reduce danger from particles to tolerable levels; develop "gold standards" for PSI predictions with partner space agencies; work with partners to develop landing and ascent infrastructure to mitigate dangers from particles
Threats to and From Surface Operations	Activities on the surface can cause damage to or interfere with surface assets and operations	Begin implementation of the concept of safety zones (envisioned in the Artemis Accords)—incorporate into mission planning and design on a mission-by-mission basis; take additional steps to reduce the need for safety zones (e.g., landing infrastructure); respect similar tools used by non-signatories to the Accords
Challenges to Moving Across the Lunar Surface	Technical constraints limit the ability to move between areas of interest—there is a need to ensure navigable pathways remain available for use	Ensure our understanding of navigable pathways between sites of interest is robust; if there continues to be a need to protect these pathways, identify them as "transit corridors" and ensure their protection; if fixed facilities must be placed on these corridors, make their locations known and ensure they do not block mobile assets
The Danger of Radio-Frequency Interference	Surface operations could be subject to radio-frequency interference	Continue to engage with the interagency and rely on the International Telecommunication Union (ITU)—specialized policy tools for lunar surface operations are not needed

[44] Gabriel Swiney and Amanda Hernandez. "Lunar Landing and Operations Policy Analysis." *NASA: Office of Technology, Policy, and Strategy*, September 30, 2022, ii - iii.

Threats to Areas with Special Characteristics	Certain locations may warrant protection if operations may render them less useful	Ensure freedom of access to areas conducive to operations, such as the Connecting Ridge; work with Artemis partners to support United Nations space resource efforts for sustainable in-situ resource utilization (ISRU)
The Challenge of Unexpected Activities on the Surface	Security-related concerns could interfere with surface operations	Consider incorporating multi-purpose hardware (e.g., cameras, sensors) onto missions that can identify proximity operations from other actors
The Need for Human Heritage Protection	The U.S. may wish to preserve non-operational sites for their historic or cultural value	Continue to implement the 2011 Recommendations[1] for Apollo and Surveyor sites; apply them to any new heritage sites; use restraint in identifying any new heritage sites; determine if other nations request human heritage protection; look to terrestrial heritage protection to develop formal processes

Figure 4: Key challenges to lunar landing and surface operations and corresponding policy tools to mitigate each challenge.

	Purpose	**Summarized Options and Recommendations**
Transparency	To address potential concerns and increase effectiveness of policy tools	Build on the transparency section of the Artemis Accords by 1) meeting with signatories to discuss policy tools for upcoming missions and, 2) developing a public relations strategy along with multilateral engagement to explain rationale for policy tools
Coordination	To actively involve the space community before implementing policy tools,	Work with the Department of State to ensure partners on joint missions share our views on responding to
	especially when related to cooperative missions	challenges; develop mechanisms for consultation and coordination to deconflict surface operations
Implementation	To put policy tools into practice by incorporating into mission plans	For missions over which NASA has operational control, build policy tools into mission planning; for missions operated as a service, work with contracting companies to implement relevant policy tools

Figure 5: Options for building transparency into next steps, coordinating when necessary, and implementing policy tools into mission planning.

NASA has developed three values for policy frameworks alongside recommendations for their implementation, displayed in *Figure 5*.[45] Transparency is essential to the Artemis Accords, especially for the principles of sovereignty and safety zones. This value will be enhanced through multilateral engagement and public relations. Coordination is a priority through international relations and the United States Department of State. They need to coordinate surface operations and joint missions. Lastly, implementation through services, contracting, and policy tools will dictate the successful peaceful cooperation of space exploration.

The key next steps are embedded in this analysis of landing and surface operations. Desired policy recommendations must be included in current and future mission plans as displayed in *Figure 6*.[46] These are future lunar missions that will work towards a plan of lunar resource extraction over time. Transparency, coordination, and implementation must be policy tools applied to each operation as well. Reassessment of priorities over time is also essential for the growth and development of lunar surface missions.

[45] Swiney and Hernandez, "Lunar Landing and Operations Policy Analysis," iii - iv.

[46] Ibid., iv.

Anticipated Lunar Surface Missions in the Near-Term (2022-2026)

*South Pole/South Polar Region landing and/or operations

Note that launch dates may change and additional missions may arise within this timeframe.

Country	Organization	Mission	Launch
U.S.	NASA	CLPS Task Order 2 (Intuitive Machines)†	2022
U.S.	NASA	CLPS Task Order 2 (Astrobotic) †	2022
Japan	JAXA	Smart Lander for Investigating the Moon (SLIM)[90]	2022
Japan	ispace	Hakuto-R Mission 1[91]	2022
India	ISRO	Chandrayaan-3[92]	2022
Russia	Roscosmos	Luna-25[93]	2022*
U.S.	NASA	CLPS Task Order PRIME-1 (Intuitive Machines) †	2023*
U.S.	NASA	CLPS Task Order 19C (Masten Space Systems) †	2023*
India	ISRO	Lunar Polar Exploration (LUPEX), joint JAXA mission, ISRO lander[94],[95]	2023*
U.S.	NASA	CLPS Task Order 19D (Firefly Aerospace) †	2024
U.S.	NASA	CLPS Task Order 20A VIPER (Astrobotic) †	2024*
U.S.	NASA	CLPS Task Order CP-11 (Intuitive Machines) †	2024
U.S.	NASA	NextSTEP-2 App. H Option A: Uncrewed Demo (SpaceX)[96]	2024*
Japan	ispace	Hakuto-R Mission 2[97]	2024
China	CNSA	Chang'e 6[98]	2024*
China	CNSA	Chang'e 7[99]	2024*
Israel	SpaceIL	Beresheet2[100],[101]	2024
U.S.	NASA	CLPS Task Order CP-12 (RFP in progress) †	2025
U.S.	NASA	NextSTEP-2 App. H Option A: Artemis III Crewed Demo (SpaceX)[102]	2025*[103]
Russia	Roscosmos	Luna-27[104]	2025*
U.S.	NASA	CLPS Task Order CP-21 (Announced) †	2026
U.S.	NASA	CLPS Task Order CP-22 (Announced) †	2026*

Figure 6: Anticipated lunar surface missions in the near term.

Multilateral Initiatives

The Artemis Accords are a recent agreement that affirms that cooperative activities should be exclusively for peaceful purposes and per international law. This agreement was

launched on October 13, 2020, alongside Australia, Canada, Italy, Japan, Luxembourg, the United Arab Emirates, the United Kingdom, and the United States. As of December 2023, there were 33 signatories.[47] It is grounded in the Outer Space Treaty of 1967, which was developed to avoid the weaponization of space. In that period, countries were concerned about the placement of weapons of mass destruction (WMD) in space, deterring military activities. Now, countries are focused on peaceful cooperation to avoid any conflict off of the planet, which is the purpose of the Artemis Accords. It is also a chance for smaller countries to contribute to space exploration, especially ones that don't have independent space programs. For example, the recent signatories Angola, Bulgaria, and the Netherlands. The ten goals of the agreement are outlined below:[48]

1. Peaceful purposes in accordance with international law
2. Transparency through the broad dissemination of information
3. Interoperability to enhance the potential for space exploration
4. Emergency assistance under the Agreement on the Rescue of Astronauts concerning both astronauts and objects
5. Registration of space objects to mitigate the risk of harmful interference
6. Release of scientific data to maximize the potential of global benefits
7. Protecting heritage to preserve significant achievements
8. Space resources to comply with the Outer Space Treaty

[47] "Artemis Accords." NASA, December 1, 2023. https://www.nasa.gov/artemis-accords/.

[48] Ibid.

9. Deconfliction of activities through safety zones

10. Orbital debris and spacecraft disposal to maintain a safe environment and sustainability

Similar to the initiatives outlined by NASA for lunar landing and operation sites, these goals focus on coordination, transparency, deconfliction, and peaceful coexistence. The goal of countries who lead in space exploration is to ensure that all countries diligently respect these goals. They are focused on technological and scientific advances and recognize the risk of political conflicts affecting their priorities.

Another important agreement is the Outer Space Treaty, which states that the Moon is not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means. However, objects and materials obtained from the Moon for research become a means of sovereignty. There is still an unclear determination of sovereignty for objects obtained from the Moon. The United States has a law that determines this, but it is not necessarily a binding international interpretation. The concerning aspect of the Artemis Accords and the case of sovereignty comes alongside US adversaries like Russia and China. They are both not signatories of the Artemis Accords, which can be concerning for peaceful cooperation in space if domestic politics escalate to involve tools in space. Russia and particularly China can threaten peaceful cooperation on the Moon when it comes to the sovereignty of resources. China has especially shown a desire for acquiring resources on Earth as seen with the South China Sea and the Arctic Circle. Although cooperation in space with these countries has been fairly peaceful following the Space Race, relations on Earth have deteriorated cooperation with Russia. This is a concern that should be considered in future missions and risk analyses.

A third agreement is the UN Convention on the Law of the Sea, which sets forth a comprehensive legal framework for the use and protection of the sea, the seabed and subsoil, and the marine environment, including both natural and cultural resources."[49] It applies to space policy as there is a common consensus that the sea is a shared resource without mass sovereignty claims. In terms of mining, resources, and fish taken from the sea become sovereign objects. This has been considered in applying laws to lunar resources and may lead to a peaceful consensus on the topic.

The fourth resolution is the Moon Agreement. It was considered and elaborated by the Legal Subcommittee from 1972 to 1979. The Agreement was adopted by the General Assembly in 1979 in resolution 34/68.[50] The Agreement reaffirms and elaborates on many of the provisions of the Outer Space Treaty emphasizing that celestial bodies should be used exclusively for peaceful purposes, that their environments should not be disrupted, and that the UN should be informed of the location and purpose of any station established on those bodies. It states that the Moon and its natural resources are the common heritage of mankind and that an international regime should be established to govern the exploitation of the resources extracted.[51] It is key to note that the United States did not sign the Moon Agreement. Although, they have led international cooperation upon the same principles as this agreement. This displays the seriousness of the motivations of mining for energy and fuel. While countries prioritize the resources available, they have taken key steps to promote peaceful cooperation. However, with

[49] "Law of the Sea Convention - National Oceanic and Atmospheric Administration." Accessed December 12, 2023. https://www.noaa.gov/law-of-sea-convention.

[50] "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies," United Nations Office for Outer Space Affairs, accessed December 12, 2023, https://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/intromoon-agreement.html.

[51] "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies."

the US. leading in sovereignty of resource extraction, they will most likely lead in lunar mining and resource ownership.

Another recent development that was a precursor to the Artemis Accords was the creation of The Hague International Space Resources Governance Working Group, established in 2016 to assess the need for a governance framework on space resources and lay the groundwork for such a framework. It has developed a set of building blocks that include various provisions related to space resource activities. They were created to be considered by States or international organizations and contribute to a future governance framework. They are a basis for negotiations or a non-binding instrument. The Working Group members are stakeholders of space resource activities and represent consortium partners, industry, States, international organizations, academia, and NGOs.

There are 16 total building blocks, but the most applicable ones are as follows: jurisdiction and control over space-made products used in space resource activities; avoidance and mitigation of potentially harmful impacts resulting from space resource activities; technical standards for, prior review of, and safety zones around space resource activities; sharing of benefits arising out of the utilization of space resources; and monitoring and review.[52] Noticeably, these priorities are very similar to those of the Artemis Accords. This group most effectively works in conjunction with the Accords by promoting the cooperation of stakeholders to develop practical guidelines for lunar resource extraction. This also serves a similar purpose to

[52] "The Hague International Space Resources Governance Working Group." Leiden University. Accessed December 12, 2023. https://www.universiteitleiden.nl/en/law/institute-of-public-law/institute-of-air-space-law/the-hague-space-resources-governance-working-group.

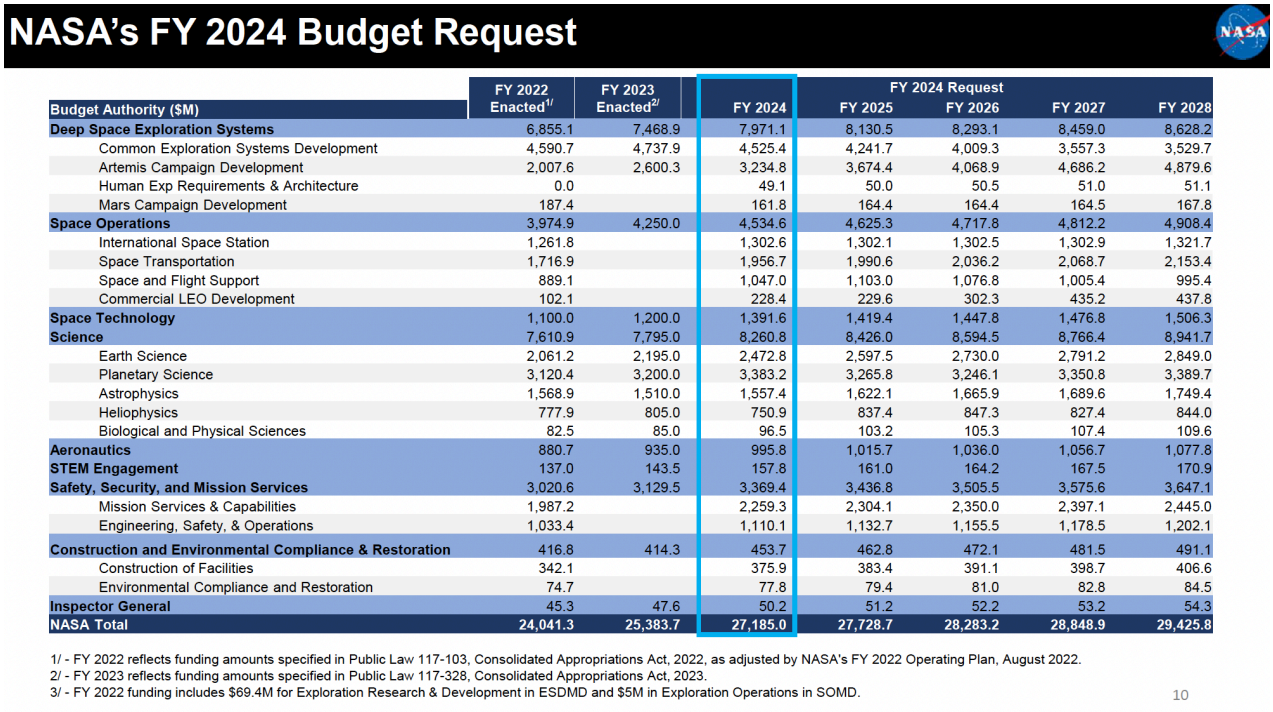
the LSIC, which is a more domestic version of the Hague Space Resources Working Group for the US.

The United States has implemented policies to prioritize its advancements in space policy for lunar resource extraction while also leading in international space policy cooperation. There is a trend toward peaceful cooperation in space, especially as space is developing into its economy. The US must continue to be aware of threats from countries like Russia and China in space, but the continuous commitment to multilateral cooperation by all countries will ensure the fast, peaceful, and effective development of lunar resource extraction.

Policy Suggestions

NASA must consider the international implications of all its missions. In an interview with a representative from the United States Department of State Office of Space Affairs, the importance of both competition and cooperation was highlighted.[53] The representative stressed that the future of space policy is based on pure competition. There are low prospects of China and Russia becoming signatories of the Artemis Accords, so leaders should be focused on opportunities from cooperation with smaller states who join. He explained that commercialization should be a large focus on this topic and will continue to grow in all aspects of space policy. It is important to consider external events such as the retirement of the International Space Station, which is set to deorbit in 2030, leaving China's Tiangong station to be the only one in orbit. There are still a lot of unknown details in lunar mining, so the implications of it cannot be determined yet. The biggest issue moving forward will be the technical challenge of lunar resource extraction, developing that into a propellant, and the legitimization of a self-sustaining cislunar economy.

[53] Joshua Wolny (Foreign Affairs Officer) in discussion with the author. November, 2023.



NASA's FY 2024 Budget Request

Budget Authority ($M)	FY 2022 Enacted[1/]	FY 2023 Enacted[2/]	FY 2024 Request: FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Deep Space Exploration Systems	6,855.1	7,468.9	7,971.1	8,130.5	8,293.1	8,459.0	8,628.2
Common Exploration Systems Development	4,590.7	4,737.9	4,525.4	4,241.7	4,009.3	3,557.3	3,529.7
Artemis Campaign Development	2,007.6	2,600.3	3,234.8	3,674.4	4,068.9	4,686.2	4,879.6
Human Exp Requirements & Architecture	0.0		49.1	50.0	50.5	51.0	51.1
Mars Campaign Development	187.4		161.8	164.4	164.4	164.5	167.8
Space Operations	3,974.9	4,250.0	4,534.6	4,625.3	4,717.8	4,812.2	4,908.4
International Space Station	1,261.8		1,302.6	1,302.1	1,302.5	1,302.9	1,321.7
Space Transportation	1,716.9		1,956.7	1,990.6	2,036.2	2,068.7	2,153.4
Space and Flight Support	889.1		1,047.0	1,103.0	1,076.8	1,005.4	995.4
Commercial LEO Development	102.1		228.4	229.6	302.3	435.2	437.8
Space Technology	1,100.0	1,200.0	1,391.6	1,419.4	1,447.8	1,476.8	1,506.3
Science	7,610.9	7,795.0	8,260.8	8,426.0	8,594.5	8,766.4	8,941.7
Earth Science	2,061.2	2,195.0	2,472.8	2,597.5	2,730.0	2,791.2	2,849.0
Planetary Science	3,120.4	3,200.0	3,383.2	3,265.8	3,246.1	3,350.8	3,389.7
Astrophysics	1,568.9	1,510.0	1,557.4	1,622.1	1,665.9	1,689.6	1,749.4
Heliophysics	777.9	805.0	750.9	837.4	847.3	827.4	844.0
Biological and Physical Sciences	82.5	85.0	96.5	103.2	105.3	107.4	109.6
Aeronautics	880.7	935.0	995.8	1,015.7	1,036.0	1,056.7	1,077.8
STEM Engagement	137.0	143.5	157.8	161.0	164.2	167.5	170.9
Safety, Security, and Mission Services	3,020.6	3,129.5	3,369.4	3,436.8	3,505.5	3,575.6	3,647.1
Mission Services & Capabilities	1,987.2		2,259.3	2,304.1	2,350.0	2,397.1	2,445.0
Engineering, Safety, & Operations	1,033.4		1,110.1	1,132.7	1,155.5	1,178.5	1,202.1
Construction and Environmental Compliance & Restoration	416.8	414.3	453.7	462.8	472.1	481.5	491.1
Construction of Facilities	342.1		375.9	383.4	391.1	398.7	406.6
Environmental Compliance and Restoration	74.7		77.8	79.4	81.0	82.8	84.5
Inspector General	45.3	47.6	50.2	51.2	52.2	53.2	54.3
NASA Total	24,041.3	25,383.7	27,185.0	27,728.7	28,283.2	28,848.9	29,425.8

1/ - FY 2022 reflects funding amounts specified in Public Law 117-103, Consolidated Appropriations Act, 2022, as adjusted by NASA's FY 2022 Operating Plan, August 2022.
2/ - FY 2023 reflects funding amounts specified in Public Law 117-328, Consolidated Appropriations Act, 2023.
3/ - FY 2022 funding includes $69.4M for Exploration Research & Development in ESDMD and $5M in Exploration Operations in SOMD.

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Figure 7: NASA's FY 2024 Budget Request (NASA, 2023).

NASA has embedded increased funding for lunar operations in their budget requests, as displayed in *Figure 7*.[54] There is a gradual increase in funding for Artemis-related priorities, Mars operations, and space transportation. NASA plans to allocate $60 million for advanced cislunar and surface capabilities to expand scientific understanding and identify technologies for lunar sustainability and future human missions to the Moon and Mars. They also plan to attribute $33 million to support strategy and architecture development for Moon and Mars exploration. Also, $16 million is expected to support systems engineering and integration efforts for Moon and Mars architecture development. A large focus of the budget is an expected $180 million for

[54] "NASA Fiscal Year 2024 Budget Request." NASA, September 29, 2023. https://www.nasa.gov/nasa-fiscal-year-2024-budget-request/, 10.

deorbit costs, which is a high priority and may take funding from the lunar program if it requires more financial support.[55]

Lunar and cislunar priorities are essential to NASA's strategic plan. "Over the next several decades, NASA will establish long-term footholds in cislunar space and on the lunar surface and deploy complex crew-rated transportation and habitation systems to the Moon and Mars."[56] NASA should work to enhance this strategic plan to include further stakeholder assessments and risk analysis. The United States must prioritize peaceful cooperation and work to expand signatories of the Artemis Accords. When expanding its presence on the Moon, the United States must be a leader in international cooperation. Without peace, this could implicate political and economic competition in outer space. This would harm political and economic relations on Earth.

The United States must also solidify the notion of resource sovereignty. Utilizing lunar resources for cislunar transportation may be a long-term achievement, allowing the United States to foster peaceful cooperation through research on lunar resources in the short term. It will also be useful to implement strong public-private partnerships in this area. Overall, the United States should remain consistent with its financial and technical commitments to lunar resource extraction and their development into propellants. This will allow them to lead in this renowned scientific advancement and promote peaceful cooperation in space.

[55] "NASA Fiscal Year 2024 Budget Request," 12-28.

[56] "NASA Fiscal Year 2024 Budget Request," 21.

Conclusion

The technical proposals to utilize lunar resources for cislunar transportation are still developing but provide plausible solutions. There are a variety of resources available for mining on the Moon, but the mass availability of O2 and the opportunities for LO2 and LH2 from the South Pole are the primary focus of NASA. The main mode of economic support will be provided by commercialization and companies that specialize in ISRU. Policy developments have been led by NASA both domestically and internationally through agreements and working groups. Various multilateral forums have established rules for peaceful cooperation and space, but these agreements must be developed for legitimization. Cooperation is needed because competition is also plausible. As noted, NASA should continue to support the lunar program financially and strategically. The US must also ensure that it will be a leader in maintaining peace through multilateral forums so it can reap the greatest potential benefit from this technological advancement. Lunar resources as a propellant and a self-sustaining cislunar economy propose a sustainable model that creates multidisciplinary energy solutions. The policies proposed above will shift priorities to fit a space-for-space model and initiate a revolutionary trend of innovation that will alter space policy in the long term.

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