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A century of international arbitration and adjudication

Sir Kenneth Keith reflects on the evolution of the international legal system.

On 28 August 1913 the Peace Palace in The Hague was opened in the presence of Queen Wilhelmina. Andrew Carnegie, the Scottish American philanthropist who provided the major funding for the building, recorded in his diary that evening that ‘nothing man has yet accomplished equals the substitution for war of judicial decisions founded upon International Law which is slowly, yet surely, to become the cornerstone, so long rejected by the builders, of the grand edifice of Civilisation’.

The palace was built to house the Permanent Court of Arbitration, which was established by the Hague Conventions of 1899 and 1907 for the Peaceful Settlement of Disputes. It was said of that body that it was not permanent, it was not a court and it did not arbitrate. Rather it was a secretariat with a list of possible arbitrators if states in dispute were willing to agree to use its services — as, in fact, fifteen countries did in seventeen cases in the first decade or so of that body’s existence.

In 1919–20 the Netherlands, which had been neutral through the Great War, succeeded in having the Permanent Court of International Justice, set up under Article 14 of the Covenant of the League of Nations, housed in the Peace Palace. Finally, a permanent court, with resident judges from Europe, the Americas, China and Japan and with a steady flow of cases, primarily from Europe, came into existence. That court operated until the outbreak of the Second World War. Since 1946, the International Court of Justice, the principal judicial organ of the United Nations, has occupied the palace along with a now very busy Permanent Court of Arbitration, with more than 70 pending cases. That body had almost disappeared from sight from the 1920s to the 1980s.

So far I have mentioned only arbitration and adjudication, but that is to give an incomplete picture even as at 1899 and 1907. The convention under which the Permanent Court of Arbitration was established provided for a raft of means of peaceful settlement: good offices, mediation and international commissions of inquiry as well as arbitration generally, arbitration by the court and summary arbitration. That list can be extended by including negotiation, conciliation (if it differs from mediation) and, of course, adjudication. The longer list is important to remind us that only a small proportion of disputes are resolved by arbitra-

Codification need

The point had been taken some decades earlier as major arbitrations began, notably the Alabama in 1870, the Bering Sea in 1893 and British Guiana in 1897, that the law had to be systematically codified and developed if arbitration according to law was to be-
come accepted. It was not only governments that had taken that point. In 1873 the Institut de Droit International and the International Law Association were established, their members being of the opinion that the codification and development of international law were too important to be left to governments. That was a time when a great number of non-governmental organisations were being created, one notable instance being the beginnings of the international Red Cross movement, though the International Committee of the Red Cross, which in its initial form began 150 years ago, I should be careful to note, is not a non-governmental organisation. So the first Geneva Red Cross Convention was adopted in 1864. Other more functional regimes were being established by governments at that time or even earlier with the Central Commission for Navigation on the Rhine (1831) and the Danube Commission (1856), the beginnings of the International Telecommunications Union (1865) along with the Convention for the Protection of Submarine Cables (1884), the Universal Postal Union (1874) and the various unions for the protection of intellectual property beginning in 1883 and, since 1970, consolidated in the World Intellectual Property Organisation.

Another practical matter increasingly requiring international regulation was international commerce, to the extent that it was not governed by customs of the trade. In 1893 what is now the Hague Conference on Private International Law was formed on the initiative largely of Tobias Asser, a Dutch practitioner and professor, to adopt conventions, for instance, on international aspects of civil procedure and later family law. For that work and his work at the Peace Conferences of 1899 and 1907 he was awarded the Nobel Peace Prize. He was also a foundation member of the Institut de Droit International and an international arbitrator in the first arbitration by the Permanent Court of Arbitration. He died just one month before the opening of the Peace Palace.

So far I have mentioned peaceful means for the settlement of international disputes and processes for the clarification and development of international law, both private and public. A third element associated with the Peace Palace and The Hague is the Hague Academy on International Law, a gathering of leading scholars and senior students which began in 1923 and meets every summer at the Peace Palace as well as elsewhere. Asser gave half his Nobel Prize money to assist the establishment of the proposed academy.

I will now focus on arbitration and adjudication but, from time to time, will return to the other methods of peaceful settlement and to methods of law-making. I trust that the need for excellent teaching will not need further mention.

**Major disputes**

One of the major disputes in 1920 and again in 1945 when the Permanent Court of International Justice and the International Court of Justice were being established was whether they should have compulsory jurisdiction over the states parties to a legal dispute or whether the established principle that states were free to consent or not to third party binding procedures would continue to prevail. On both occasions the established principle was maintained. New Zealand supported that position in the 1920s and only reluctantly accepted the jurisdiction of the Permanent Court of International Justice in 1929 and 1931. For instance, in 1924, the government declared that whatever the jurists in Geneva might think

the law advisers of the Crown in New Zealand believe that there is a grave danger that the International Court of Justice at the Hague consisting mainly of foreigners might hold that New Zealand [immigration] law is contrary to the law of nations... that the right of foreigners to reside in New Zealand was not a matter exclusively within the domestic jurisdiction of New Zealand, and... that, as a matter of international law, we must admit foreigners or reduce restrictions on their admission.

New Zealand was also concerned about the possible denial by the court of the existence of belligerent rights claimed on the high seas by the Royal Navy in time of war. At Versailles in 1919 Prime Minister William Ferguson Massey had declared that while others might trust the League, New Zealand trusted the Royal Navy. In the debates in the 1920s within the Empire, we see two concerns — one about the substance of the law and the other about the composition of the tribunal of the court: New Zealand’s comment about ‘mainly foreigners’. A British minister referred to Britain’s reluctance to be a party to international adjudication or arbitration unless it was involved in the appointment of at least half of the arbitrators, a reference to the already extensive experience of several countries in setting up particular panels and an attitude to be seen to this day in the establishment of chambers at the International Court of Justice as well as with the setting up of arbitral tribunals.

The New Zealand concern about its immigration policies, shared by Australia, related to a proposal made in 1924 by Japan, which is to be connected back to another proposal made by Japan for the inclusion in the Covenant of the League of Nations of a clause prohibiting racial discrimination. Prime Ministers Billy Hughes and Massey vigorously opposed that, and President Woodrow Wilson in the chair declared the proposal lost — although on some accounts it appeared to have majority support. Australia at one point in the exchanges within the Empire contended that it should not be the subject of any rule of international-
al law unless it had favourably accepted it.

**Reluctant acceptance**

The belligerent maritime rights and domestic jurisdiction issues continued to be the subject of debate within the Empire through to the late 1920s when, as I noted, New Zealand, and Australia too, reluctantly accepted the jurisdiction of the permanent court. Their acceptances, like those of the United Kingdom, Canada and India but not the Irish Free State, excluded matters within 'domestic jurisdiction' and actions being taken or considered within the Council of the League — ways of addressing their two concerns about the substance of the law. At that time Britain and the United States were negotiating the terms of an arbitration treaty that was also intended to address the belligerent maritime rights issue, which had caused difficulty in the Great War.

The election of the Labour government in New Zealand in 1935 brought a basic change in attitude, a change that was apparent in 1945. In San Francisco, New Zealand sought a strong international organisation, a positive obligation to support victims of aggression, a limit on the veto power and a requirement that UN organs act according to principle. It was also a leader in promoting the compulsory jurisdiction of the soon to be established International Court of Justice. But the United States and the Soviet Union were opposed and to press the proposal, which had majority support, would jeopardise the adoption of the Statute and indeed the Charter itself. Even a compromise proposal for compulsory jurisdiction with reservations was not acceptable to those major powers and the established position was maintained.

New Zealand has participated in court proceedings in 1973, 1974 and 1995 concerning French nuclear testing in the Pacific, 1995–96 concerning the use of nuclear weapons and most recently in the whaling case brought by Australia against Japan. In 1971 when the UN General Assembly engaged in a review of the role of the court, the government stated that ‘it attaches considerable importance to third party settlement as a means of resolving disputes and, in particular, has always strongly supported the Court and the role of judicial settlement’. It recalled that it had declared its acceptance of the jurisdiction of the court in accordance with Article 36(2) of the Statute of the Court initially in 1929 and had also accepted the jurisdiction under special provisions in a number of treaties.

**Two reservations**

The most recent declaration of acceptance of jurisdiction, like those of many of the other 69 states that have taken that action, has a number of reservations. I mention two. The declaration was made in 1977 when the major United Nations Convention on the Law of the Sea was still being negotiated and one reservation excludes disputes arising out of or concerning the jurisdiction over rights claimed or exercised by New Zealand in respect of the exploration, exploitation or management of the living resources in the maritime zone beyond the territorial sea out to 200 miles (320 kilometres). In the course of 1977 the New Zealand Parliament had established an exclusive economic zone of that width. It also reserved the right to amend the declaration in light of the results of the Law of the Sea Conference. That reservation and comparable ones made by other states indicate caution about the current state of the law of the sea, another instance of the concern about the current state of the law as demonstrated by the immigration and belligerent maritime rights issues of 50 years earlier.

The second reservation is related. It excludes disputes in regard to which the parties agree to some other method of peaceful settlement, several of which are to be found in treaties relating to the law of the sea, such as those in issue in the southern blue fin tuna case, between Australia and New Zealand on the one side and Japan on the other, and the Convention for the South Pacific Regional Fisheries Management Organisation, which I will mention again below.

Returning now to the work of the International Court of Justice, between 1947 and 1962 it was busy and gave major decisions relating to the law of the sea, the law of treaties, the law of the United Nations and the status of South West Africa. But then came the disaster of the South West Africa cases in 1966 and the disappointment of the Barcelona traction case in 1970. By the time the General Assembly came to address the role of the court at the end of 1970 not a single contentious case was on its agenda and only one request for an advisory opinion. Those who proposed that item saw the lack of business before the court as being neither commensurate with the distinction of the judges or the need of the international community. That situation meant that a review of the court was urgently needed (A/8042). That led to the New Zealand response of 1971, to which I referred above, and to which, I might add, it was useful to refer in the course of the nuclear testing case just a year or two later.

**Inconsequential review**

That review appears to have had few consequences although it may have helped prompt the court’s review of its rules, which among other things led to an enhanced role for chambers of the court, a development which brought some increase in business in later decades.

In the 1970s and 1980s the court faced six very difficult cases — the two Icelandic fisheries cases brought by Germany and the United Kingdom, the two French nuclear tests cases brought by Australia and New Zealand, the Teheran hostages case brought by the United States against Iran and the military and paramilitary
activities in and against Nicaragua case brought by that country against the United States. Much can be and has been said about these cases. I make three points about them, points that have a wider significance.

The first, which is related to the reservations included in acceptances of jurisdiction relating to the law of the sea, concerns the Icelandic claim to a 50-mile (80-kilometre) exclusive fishing zone. The court would have understood that that law was definitely on the move as indeed Libya and Tunisia recognised in 1978 in their agreement submitting their maritime boundary dispute to the court and asking it to take account of the ‘newly accepted trends’ in the conference. The court would also have appreciated that various proposals before the Law of the Sea Conference for new institutions were designed to reduce its role in deciding disputes about the law of the sea. The impact of the 1966 South West Africa cases lingered on.

The second is that two major supporters and users of the court, France and the United States, withdrew their general acceptances of jurisdiction in response to the decisions in the nuclear testing and Nicaragua cases — although both have subsequently agreed to jurisdiction in particular cases. In taking that action they expressed strong displeasure about the decisions of the court. In the words of a senior French official, France could no longer have confidence in the present-day court. The court had changed. France did not in fact attend the hearings in 1973 and 1974. The United States, in announcing that it would not participate further in the Nicaragua case, declared that the objectives of the International Court of Justice were being subverted by the efforts of Nicaragua and its Cuban and Soviet sponsors to use the it as a political weapon. It spoke of the result-oriented illogic of the court’s majority.

The third is that each of these cases has to be seen in a much broader context, including the complicated relations from the early 1950s between Iran and the United States, the attitude of Australia and New Zealand, especially the latter, to nuclear weapons and France’s insistence on developing its force de frappe. France would not allow its fundamental security and independence to be called in question. And the United States declared that the inherently political problem of the conflicts in Central America was not appropriate for judicial determination.

**Increased business**

I must emphasise, on the other side, that the business before the court was increasing from the late 1980s, marked by the ending of the Cold War, into the 1990s and to the present day. The increase includes cases from all areas of the world and a wide range of subject matters.

By the 1990s, much other international court and tribunal activity was developing. That occurred to such an extent that some scholars and practitioners began to be concerned, wrongly in my view, with what they saw as the ‘fragmentation’ of international law resulting from what they saw, in a negative sense, as the ‘proliferation’ of international courts and tribunals. I might instance the International Tribunal of the Law of the Sea, regional human rights courts, notably in Europe, UN human rights treaty bodies, investment tribunals, regional economic and free trade courts and tribunals, and ad hoc tribunals dealing, for instance, with territorial disputes, maritime delimitation, the unlawful use of armed force, breaches of international humanitarian law, customs unions, the uses of rivers, and breaches of treaties more generally. They all became more and more prominent, as did the work of the ad hoc international criminal tribunals.

From all that activity I mention three tribunals — the Iran–US Claims Tribunal, set up as part of the settlement of the Teheran hostages crisis, has decided 4700 claims in favour of US nationals, amounting to $2.5 billion, and continues to this day with a handful of inter-state cases mainly brought by Iran against the United States; the Eritrea–Ethiopia Tribunal rendered major awards between 2003 and 2009 relating to claims by those two states of breaches by the other of the Geneva Conventions and other relevant rules of law in their war; and the system for dispute settlement set up within the World Trade Organisation in 1994, which has dealt or is now dealing with over 400 cases relating to 100 states and other entities many of which have never had experience of international litigation.

**Some lessons**

From this mass of material I should try to draw some lessons that might indicate ways forward. I am, however, very aware of the dangers of prediction. Who would have predicted, for instance, that a court which a century ago had jurisdiction over a quarter of the world population but now has jurisdiction over barely one-thousandth still has about the same number of hearing days and delivers the same number of judgments as it did then?

Notwithstanding that caution about numbers, my first point is about numbers and the wide range of the business these days of the International Court of Justice. In the last decade the court has given about 50 substantive decisions — some minor, many not. That is a big increase on earlier decades. The cases now come from all areas of the world, with France, the Russian Federation and the United States appearing as parties in recent years and the People’s Republic of China making submissions along with four members of the UN Security Council in the advisory case relating to Kosovo. They concern wide areas of law — territorial disputes, many law of the sea matters (notwithstanding the concerns of the 1970s and 1980s and the creation of a specialised tribunal), war (providing a gloss on the US position of the 1980s), human rights, diplomatic protection, treaty breaches, environmental issues, jurisdictional immunities, international criminal law issues and related evidentiary, procedural and jurisdictional issues. We are now a long way from a New York Times editorial of early 1970 that described the court as a forgotten forum where judges are paid to waste their time wanting to decide cases that are never filed. Things were no better in the late 1970s: the judge who was president from 1976 to 1979 signed only one judgment and that was one finding that the court had no jurisdiction. He was busier after he retired from the court, chairing a tribunal deciding a maritime dispute between Canada and France and another relating to the Rainbow Warrior case.
The second lesson concerns the fears about ‘proliferation’ and ‘fragmentation’, concerns that, as indicated above, I do not share. My first comment relates to the existence of court systems and indeed legislatures and executives in the 190 or more countries that make up the international system. Consider, for instance, the many national court decisions and legislation discussed in the recent jurisdictional immunities case between Germany and Italy. Many parts of customary international law are to be discovered in such national practice, some of which inevitably will be inconsistent, as was the case there. With the amazing developments in information technology that practice is now more accessible. A related comment is that most international law, most of the time, is applied through national institutions — consider all the movements of people, trade, finance, aircraft and ships across borders at every moment of every day. That fact is reflected by the requirement that in many circumstances an individual complaining of a breach of international law must exhaust national remedies before any international remedies available to that person or their state can be invoked.

**Few inconsistencies**

Another fact meeting the fragmentation concern is the record of the work of the array of international courts and tribunals. Careful studies have shown that there are very few inconsistencies — certainly nothing to rank with the differences which might be found, for instance, between the different circuits of the Courts of Appeal in the United States. Again the revolution in information technology, together with the skill and knowledge of counsel, means that judges in the Peace Palace and other international tribunals are not likely to be ignorant of relevant decisions.

Those facilities accorded by information technology, the submissions of counsel and the related role of the scholarly community are also relevant to a third lesson — the borrowing by international courts and tribunals not just of substantive law but also of procedural and evidentiary rules and practices from national courts or international ones. To take two examples, those bodies face arguments that evidence should not be admitted because of claims of military secrecy or ICRC confidentiality or about the way in which difficult technical and scientific matters can be introduced into the particular judicial proceeding.

Fourth, I return to the choice of means between the various methods of peaceful settlement — the choices to be made by those constructing the means in the first place and then the choices made between these by the states and others who may decide to use one or other of these — I recall some wise words from one of the great legal thinkers of recent decades, Lon Fuller:

Anyone who discharges a judicial function works within a particular institutional framework. That framework is like a specialised tool; the very qualities which make it apt and efficient for one purpose make it useless for another. A sledge-hammer is a fine thing for driving stakes. It is cumbersome device for cracking nuts, though it can be used for that purpose in a pinch. It is hopeless as a substitute for a can-opener. So it is with adjudication. Some social tasks confront it with an opportunity to display its fullest powers. For others it can be at best a pis aller. For still others it is completely useless.

**Fisheries case**

This can be tested by many cases, such as the various phases of the *Rainbow Warrior* affair. I take a very recent example — the panel appointed under the Convention for the South Pacific Regional Fisheries Management Organisation to decide on a challenge made by the Russian Federation to a determination made by the commission relating to the quota of jack mackerel that can be taken by the various states involved. The panel consisted of fisheries experts, one appointed by each side, with an international lawyer as chair. It had to decide within a very short time frame, with the hearing on a Monday and a reasoned decision on the Friday, as indeed it did. The decision could not wait for another fishing season. That tribunal, a special one designed for a particular purpose, is to be seen as a very clever can-opener, assisted by the expertise of the Permanent Court of Arbitration.

A fifth reflection is about the inequality of access to and applicability of some of the new regimes. Consider the International Criminal Court and tribunals or the ICJ Statute itself. Notwithstanding all the emphasis on the sovereign equality of states, some states and the nationals of some states are certainly more equal than others.

For my sixth reflection, I return to the matter of updating the law. As I hope I have made clear, the perceptions of many states of the unsatisfactory state of the law in a substantive sense or its uncertainty have been one reason for their reluctance to accept the court’s jurisdiction on a broad basis. But that cannot justify their refusal or refusal to agree to its jurisdiction when they have participated in the stating and updating of the law in a treaty text negotiated at length to which they are then willing to become party. It is striking that in 1989 the Soviet Union withdrew its reservations to provisions in six multilateral human rights treaties, giving the court jurisdiction over disputes arising under them. Georgia invoked one of them following its war with the Russian Federation.

**Overdue examination**

It is a long while since the organised international law community has examined in a broad way those matters of the overall structure and systems of law-making and implementation of the law. The remit of the International Law Commission is wide enough for it to initiate such an examination, an examination which could be supported by the work of two learned societies founded in 1873. Those examinations might also include the methods for resolution of disputes as a whole, a matter not addressed at the inter-governmental level for over three decades.

My final point is about the limits of the law and legal process. I fear that lawyers and especially judges, or some of them, have far too grand a view of what the law and lawyers can alone achieve. I recall the dreadful evidence in the genocide case between Bosnia–Herzegovina and Serbia, the first case on which I sat in The Hague. And lawyers should address the critically important targets in the Millennium Development Goals and the document that will replace them. The role of the law and the lawyer must be relatively modest in those huge, challenging areas, but it is interesting to notice one important feature for lawyers of those undertakings in respect of health, education, environment, economic development and many related matters. They increasingly emphasise the rule of law and good governance in seeking those goals. That essential connection was demonstrated last September when, with heads of international courts and tribunals, Helen Clark, as administrator of the United Nations Development Programme, was one of those who spoke at the General Assembly meeting which adopted a Declaration on the Rule of Law.
The Islamic Republic of Pakistan held scheduled elections for the National Assembly and four provincial assemblies on 11 May 2013. With something over 190 million people, Pakistan has the sixth largest population in the world — after China, India, United States, Indonesia and Brazil. The election was remarkable in that it resulted in the first democratic transfer of power from one full-term civilian government to another. For the first time in Pakistan's 66-year history the prospect of an elected government completing its full five-year term in office and being replaced by an elected successor caused heightened interest at home and abroad.

The elections were monitored by both national and international observers. Among several national observer groups the Free and Fair Election Network (FAFEN), made up from 42 organisations, fielded an impressive 40,000 local observers on election day. The European Union, despite the prevailing austerity, fielded the largest group of international observers — 140 with a budget of €4 million. Their first staff were ‘in country from 3 April and by 16 April had already built to 52 observers. The United States, living up to its bipartisan tradition, fielded not one but two teams — one each from Republican and Democratic foundations, both apparently funded by Congress. Several high commissions and embassies hosted small teams.

Thanks to an offer of special funding by Australia and the United Kingdom, the Commonwealth was able to field a team of eight observers from seven member countries. I was the chair of this group, and the only one with a political background. I admit to not being the first choice for chair but understand that those offered the post ahead of me sensibly assessed the security situation as too perilous, at least for an unpaid position. With one exception, the other seven members were all election officials; the exception was a media person with election monitoring experience. The team was supported by five Commonwealth Secretariat staff from four countries and a security adviser. This team compared with one of 21 observers in the 2002 elections (coming out of the military government of General Pervez Musharraf), which included several serving and former politicians, including me. On that occasion I spent six weeks in Pakistan — the first four as a member of a three-person advance party. This year the team was ‘in country’ from 4 May until 18 May.

Security situation
Throughout the election campaign and on election day, the security situation ranged from dire to a matter for heightened concern. The situation in the western and north-western provinces of Balochistan and Kyber–Pashtunwha (KPW) and the FATA (Federally Administered Tribal Areas on the Afghanistan border) were assessed by international observer groups as so serious that no observers were deployed in either the first and last mentioned and few in KPW. These three areas comprise well over half the area of Pakistan but elect only 61 out of 272 directly elected members of

The outcome of Pakistan’s elections on 11 May was of historic significance. For the first time in the state’s history, a civilian government completed its full term and power was transferred to another civilian government. Both national and international observers monitored the elections, including an eight-person Commonwealth team led by Sir Doug Kidd. The observers’ verdict was mostly positive, despite the fact that proceedings were marred by violence. They all in the end formed the view that despite everything, and taking everything into account, the election enabled most voters to freely express their will and the result was a creditable expression of their will.
the National Assembly.

In these areas there were a multitude of insurgents and militants, far from all being (as is so commonly reported in Western media) Taliban. (The Taliban’s umbrella organisation is Tehreek-e-Taliban Pakistan, usually referred to in English language media in Pakistan by its initials TTP) There are groups in Balochistan that have been resisting incorporation in Pakistan since its foundation in 1947 and there are Sunni militants intermittently and murderously targeting the Shia minority. In the FATA and what was known in earlier times as the North West Frontier, the locals have been shooting and blowing up anyone who ventured into their area since the first European showed up. (Winston Churchill’s book The Malakand Field Force, on sale in Islamabad, is a good account of the endless efforts in Victorian times to subdue these people.) Nothing has changed — they just keep on insisting on being left alone!

In the midst of this, US drones (piloted by desk bound war-riors at Creech USAF base in Nevada) operated, targeting the Taliban and others but succeeding mainly in swelling the ranks of all groups with the relations and kinsmen of those killed and wounded — as President Obama belatedly admitted recently. Incidentally, the RAF’s 39 Squadron is operating Predator drones from the same US base.¹

The security situation elsewhere was serious but not fratricidal.

**Taliban opposition**

The Taliban had declared elections as being ‘un-Islamic’ and they openly declared (by named spokesmen who never seem to be rounded up) that they would target ‘secular’ parties. All these were members of the previous coalition government — Pakistan People’s Party (PPP), associated with the Bhutto family, Awami National Party (ANP), mainly from KPW, Jamait-e Ulema Islam-Fazl (JUI-F), mainly from Balochistan and KPW, and Mutta-hida Quami Movement (MQM), mainly from Karachi. The supporters of these ‘secular’ parties were nearly all Muslims, but the Taliban, themselves strictly Sunni and ultra-conservative in Muslim doctrine and practice, judged them to be not strict enough in their observance of the faith. Left/liberal and right/conservative have essentially religious meanings in Pakistan politics.

Each time, after suicide bombers or remotely detonated improvised explosive devices (IEDs) had done their work, a named Taliban spokesman would issue a statement claiming responsibility and reminding the public why yet more people had been blown up. On one occasion the spokesman, while claiming responsibility, issued an apology for killing some 23 people in the front rows at an election rally. Their target was the candidate, who survived, and they were sorry that all the people in the crowd had been killed. To complicate matters the candidate was not standing for a ‘secular’ party but was being ‘punished’ for supporting the governing, ‘secular’ coalition for a brief period in the early part of the term then ending.

There was a completely different security situation in Karachi — by far Pakistan’s biggest city with an estimated 20 million people. The MQM party has dominated Karachi politics since the mid-1980s. Turf wars are a feature of politics with supporters of other parties frequently attacked and driven off and not infrequently killed. The party, in turn, complains vigorously about the attention it receives from the police and security services, alleging frequent ‘disappearances’ and killings of its people. To make matters worse, MQM was also one of the four ‘secular’ parties targeted by the Taliban.

**Pre-election violence**

During the 30 days prior to election day over 160 people (including three candidates) were killed and somewhere between 400–500 wounded. The rallies, meetings, offices, workers and candidates of the secular parties and many western independents were targeted, accounting for 140 deaths, whereas the parties of Nawaz Sharif (Pak-istan Muslim League-Nawaz or PML-N), Bhutto (PPP), Imran Khan (Pakistan Tehreek-e-Insaf or PTI) and others lost a total of 35, none more than nine. While PPP was a targeted party, it responded to the threats by reducing the risk, cancelling what would otherwise have been a number of large rallies, amongst other actions. In the two weeks prior to 11 May the Taliban extended their target group from the ‘secular’ parties to include all parties so as to reinforce their opposition to the election itself.

Our team in Karachi was the only one whose work was con-strained by the security situation prevailing in the area on election day. There were reports of polling stations being captured — a tactic aimed at preventing supporters of other parties voting. The Electoral Commission Pakistan (ECP) ordered a re-polling of 43 polling stations in this constituency, which was conducted on 19 May. Elections were also re-scheduled in the three electorates where candidates had been killed during the campaign.

In seeking to establish the ‘normal’ level of militancy one might compare the 160 killed in the 30 days up to the election.
with the 160 killed by militants/insurgents/terrorists in the first two months following polling day. The level appears to have spiked up more recently, perhaps as a ‘positioning statement’ prior to agreeing to talks with the government. (One needs to keep a sense of proportion in relation to the danger of operating in Pakistan. Take, for instance, another highly populated country such as the United States where, like Pakistan, the possession of firearms is widespread. It suffers around three times the average monthly number of deaths by firearms, but few by explosives.)

**Deadly shoot-out**

The election day toll was 64 killed and 225 injured in 64 violent incidents. Two of those killed died in a shoot-out between groups of supporters of the Sharif and Bhutto parties on a stretch of a Rawalpindi street along which I had passed twice only a few hours before. My police escort consisted of two police on a low-powered motor bike, the man at the back carrying an AK-47. In addition, armed private security guards hired by the Commonwealth followed in a ute. This level of security compared with a three-vehicle escort in 2002 in Lahore and the surrounding plains. It comprised an Army truck with a platoon of the Punjab Regiment — commanded by a captain — and two SAS personnel on board, a ute of police armed with automatic shotguns, and a ute with armed security guards employed by the Commonwealth!

Significant among the reports of observers relating to violence were these words from the FAFEN observers’ report. It said that the pre-election violence which made the election ‘one of the most deadly in the country’s history was not met with an effective counter-attack by state security forces, raising concerns of patronage by certain political interests’.

Observer reports all noted the chilling effect the threats and violent events had on the campaigns of the targeted parties. Holding colourful, noisy rallies has been a feature of Pakistan elections. Affected parties had to resort to lower key election campaign activities and door to door canvassing. On the other hand, the threats and lack of security did not affect the number of candidates — nearly double the number compared with the 2008 election — or the turnout on election day. The turnout in the Punjab (148 seats) and Sindh (61 seats) was around 55 per cent — well ahead of that of previous elections. In the likes of Islamabad and Rawalpindi (where I operated with a female colleague from Antigua and Barbuda) it was around 60 per cent in many polling stations. My colleague reported from the female booths the large number of women who were casting their first vote along with a daughter who had reached 18 since the last election.

The lift in turnout was in large part attributed to increased participation by women and younger voters. This, at least in respect of younger voters, was attributed by some to the effectiveness of Imran Khan’s PTI party — with its symbol of a cricket bat. He was only one seat short of a majority of the seats in KPW for the National Assembly. In the provincial assembly vote his party won the largest number of seats and was building a coalition to move into government.

**Saving accident**

Khan tried to get traction in 2002 but was almost completely unsuccessful then and in 2008. It was widely suggested that his genuine accident — shown in real time on television — which put him in hospital three or so days before 11 May probably saved his life. His strong appeal, this time, was not only among young people of both sexes but also among the more conservative people in his home area of Peshawar — below Khyber Pass. Khan was the first party leader during the campaign to publically demand an end to US drones operating over Pakistan. That was quickly taken up by Nawaz Sharif.

The other serious deficiencies found by all observer groups were in respect of the participation of women. That said, there had been a considerable lift in the numbers of women enrolled since 2008. However, there was a consensus that there were around 10–11 million women ‘missing’ from the rolls. The ECP, with the endorsement of mainstream religious leaders and assistance from both civil society and outside groups, had been energetic over several years to lift female enrolment and have committed to substantial further progress before the 2018 election. The rolls closed with a total of 86.2 million registered of whom 37.6 million were females — up from 20.8 million at the 2008 election.

The most glaring deficiency was in the number of women candidates. The constitution of Pakistan provides for reserved seats for women in both the National Assembly and provincial assemblies — 60 in the former. These are allotted among party lists of
women candidates according to the votes obtained by all parties for their candidates in the first past the post ballots for directly elected seats. The four parties that won the most seats in 2013 showed a lack of commitment to women candidates — eight, fifteen, six and eight, respectively. Of the women candidates, 95 stood independently and 66 were nominated by political parties. Only six women were successful in directly elected seats, compared with sixteen in 2008. The Beijing Declaration and Platform for Action target for women’s participation in positions at decision-making level, subscribed to by Pakistan, is 30 per cent. Including reserved seats, there are now 66 women in the National Assembly, 19.3 per cent of the total.

The ECP itself did not set much of an example. A mere 1.8 per cent of its 2288 full-time employees were women, and there were none in senior management positions. The ECP Strategic Plan for 2010–14 commits to lifting the figure to 10 per cent.

Assessment approach
It is important to note that Commonwealth observers assess elections against the national and international commitments that the host nation has committed itself to, rather than some external standard only capable of being achieved in an affluent long-running social democracy. Pakistan, during the period since the 2008 election, had brought itself into line with most nations in terms of the international standards it now subscribes to, which include all the Commonwealth standards.

A measure of the social and cultural obstacles to participation by women (even though there are separate polling stations with female staff in most locations except in remote and small centres) can be evidenced by there being no votes cast by women even in female polling stations in some places in Balochistan and KPW provinces. Subsequent to the election the ECP ordered re-polling in two locations where women had been banned from voting by the local (male only) council. In both cases the result was the same the second time — zero votes cast. There are demands from civil society groups that the law be changed to not allow a winner to be declared if the female vote does not reach a modest level.

The bravest woman in Pakistan in the first half of 2013 was undoubtedly the one who stood as an independent in the FATA. Unsurprisingly, in such a conservative area, she did not win, but at last hearing she was still alive. But, overall, things have improved — in 2002 women in those areas were threatened with having their homes destroyed if they dared vote against the prohibitions.

Muslim homeland
One peculiarly Pakistan matter ran foul of all criteria for an acceptable election. This concerned people of the Ahmadi sect, who are declared, by law, to be, in effect, apostate. They are forbidden from promoting their faith. When one encounters an issue of this kind it brings home the fact that the nation’s full title has real meaning. We need to understand that Pakistan was created to be a homeland for Muslims in the chaos of separation when India was granted independence. Muslims are 96.4 per cent of the population and they are 85–90 per cent Sunni and 10–15 per cent Shia.

Despite universal suffrage, for all over eighteen, being set out in the Constitution, the Ahmadi people — about 115,000 had been identified by the registering agency — were placed on a separate roll. Observers were not able to ascertain what would have happened to their votes on election day. Their leaders had called for a boycott of the election, which seemed to be effective. On the other hand, non-Muslims (mainly Hindu, Christian, Sikh, and Parsi) have ten reserved seats in the National Assembly, allocated as for reserved seats for women.

Faith and religious practice issues appeared in relation to voter enrolment procedures and qualifications to be a candidate. Electoral rolls are compiled from data provided by the National Database and Registration Authority (NADRA), the government body responsible for issuing computerised national identification cards (CNICs), possession of which is essential for nearly all interactions with government at all levels. These include a full-face passport-type photograph and a thumbprint — different thumbs for males and females. Some 2.7 million women declined to be photographed, pleading their faith. They were still enrolled but the integrity, at least theoretically, of the electoral rolls, which are compiled by the ECP directly from CNIC data, was an issue raised by some observer teams. With a photograph and thumbprint on the roll itself, beside each voter’s name, the opportunity for impersonation of voters is nil. That is not quite the case where there is no photograph. Reliance on the thumbprint alone in the rush of polling day leaves the potential for impersonation as polling station staff are not experts in reading thumbprints. Copies of the roll seen on the day showed less than clear prints in some cases.

A more than theoretical issue arose in relation to vetting of candidates. To be accepted would-be candidates had to be of ‘good character and not commonly known as persons who violate Islamic injunctions’. Further, they had to ‘practice obligatory duties prescribed by Islam’ and ‘abstain from major sins’. Beyond these moral requirements candidates must have ‘not worked against the integrity, at least theoretically, of the electoral rolls, which are compiled by the ECP directly from CNIC data, was an issue raised by some observer teams. With a photograph and thumbprint on the roll itself, beside each voter’s name, the opportunity for impersonation of voters is nil. That is not quite the case where there is no photograph. Reliance on the thumbprint alone in the rush of polling day leaves the potential for impersonation as polling station staff are not experts in reading thumbprints. Copies of the roll seen on the day showed less than clear prints in some cases.

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Nomination process
Nominations are lodged with returning officers, all of whom are serving judges. There were widespread media and anecdotal reports on the controversies of the nomination process. Returning officers used various means of testing nominees, including asking women if they were married and questioning men as to the number of their wives. Others required nominees to recite at length from the Koran. The Lahore High Court on 5 April 2013 ordered returning officers to refrain from asking candidates unnecessary questions that did not pertain to the information contained in
nomination papers or to objections raised. The origin of these provisions was a decree, inserted in the Constitution by the former military ruler General Zia-ul-Haq (1977–84) as part of his plan to deeply ‘Islamise’ the nation. Although a number of his other requirements were repealed — such as requiring a university degree to be eligible to be nominated — there has not been a majority in the National Assembly since 2008 to repeal the sensitive moral provisions.

The candidate nomination process was compromised by uneven application of the law, assumption of guilt and lack of due process. For instance, former President Musharraf was accepted as a candidate in one constituency because he was assumed innocent of charges pending against him, while in others there was an assumption of guilt and his candidacy was refused. Candidates could stand in as many constituencies as they could get nominations. A number of by-elections followed the elections of 11 May after multiple successful candidates elected which seat they would take.

Two characteristics

Pakistan has two characteristics which impact enormously on designing and conducting elections. The first is the multiplicity of languages: Punjabi, 48 per cent; Sindhi, 12 per cent; Pashtu, 8 per cent; Urdu (official), 8 per cent and English (which is the lingua franca of government, amongst other things). The second is literacy. By the definition of being age fifteen and over and able to read and write the literacy rate is about 60 per cent. Among males it is around 75 per cent and among females it is around 50 per cent.

Space does not permit of deep analysis but these issues are truly a case where a picture is worth a thousand words. In order to appeal across the various language groups and to both the literate and illiterate, all parties have long since adopted highly visual election advertising. This typically depicts the candidate, the party symbol (arrow for Bhutto’s PPP Party, tiger for Sharif’s PML-N and the cricket bat for Khan’s PTI Party, for instance); the candidate’s name in the main language of the area; and a picture of the party leader — even if dead — as in the case of the late Benazir Bhutto! It is all highly visual and effective and is consistent across all media.

This use of symbols carries across to the ballot paper, one for an Islamabad seat being illustrated. The ECP had registered 143 party symbols for the 2013 election. The ballot paper shown has 43 candidates and their symbols. (In the polling station where the count was observed in this constituency less than half the candidates listed secured any votes!) To assist voters, significant parties all set up election ‘camps’ across the road from polling stations to help their illiterate and confused voters (not necessarily the same people). These help give a carnival air to the day. All polling stations had party scrutineers, sometimes a dozen, seeking to help voters having difficulty with the process.

Regulations limiting the size of advertising and hoardings were overcome by the sheer number of colourful, mainly printed plastic, banners covering everything — all patiently cleared away by the local authorities the day after the election. Other rules requiring all material to be removed from the proximity of polling stations was observed more in the breach than the performance. Rules limiting expenditure by candidates were ignored, the amount permitted being derisory. The limit needs to be seriously reviewed if it is to be enforced. Parties were not subject to spending limits.

Election triumph

Election day, with qualifications as noted, was a triumph for the electors of Pakistan. They queued for hours, patiently and in an orderly manner. Where the polling stations did not open on time things, understandably, became somewhat heated. Talking to people in the queues, once they knew your origin, was a test of one’s knowledge of cricket. It is a under-statement to say Pakistani men and boys are mad about cricket. Almost without exception, they seemed to be of the view that New Zealand needed a better team!

The Army, which had announced it would respect the will of the people and assure the security of voters, turned out 70,000 troops the night before, taking up post at major intersections and around polling stations and the headquarters of returning officers. They were also in charge of delivering the ballot boxes and ballot papers by plane, helicopter and truck to the nearly 70,000 polling stations (staffed by 645,000 people trained under the direction of the ECP). Given the number of polling stations, the geography and the state of much of the infrastructure, it was not surprising that some materials were late. The limited time between nominations closing, the vetting of candidates and election day put the secure printers under a lot of pressure.

The scene in polling stations ranged from extremely orderly, as under the gaze of the principal of a girls secondary school where several booths operated in a large hall, to completely chaotic in a vacant shop in the narrow alleys of old town Rawalpindi. All polling stations had several armed police to hand, including one with a rifle in sight of the ballot boxes. This may have been unnerving to us but seemed reassuring to voters.

In the end all observers formed the view that despite everything, and taking everything into account, the election enabled most voters to freely express their will and the result was a creditable expression of their will. As our report to the Commonwealth secretary-general stated: ‘the elections were credible and represent notable progress for Pakistan towards holding fully democratic elections’. Commenting on the impact of violence, we said:

What was remarkable was that despite the level of violence against the process by militants, there was a determination by political parties to remain engaged in the process and to ensure it was not derailed. Also, the high turnout of voters was in spite of threats of violence and reports of actual violence. These two factors bode well for the further consolidation of democracy in the country.

The 2013 mission report contrasts with that of the 2002 observer group. The latter concluded ‘We observed an incomplete democratic progress. We look forward to the complete restoration of democracy in Pakistan’.59
Political impressions

Beyond one's strictly neutral role as an election observer everyone with a background in politics anywhere or an interest in international affairs could not but help taking an interest in the politics emerging after the election. Nawaz Sharif had, by the standards of most Western democracies, a decisive victory, being just short of an outright majority on the day. When successful independents had, within a couple of weeks, declared their allegiances he had achieved that all too rare result.

What was interesting for me, as a former politician with a longstanding interest in defence, was Sharif affirming, within days of the election results being known, his demand for an end to the use of US drones over Pakistan. Within days of his statement, President Obama announced the result of a review of US policy that was intended to limit drone usage over Pakistan. Whether that satisfies Sharif remains to be seen.

Sharif coupled his demand to an offer to the United States of a safe exit for US and NATO forces from Afghanistan through Pakistan. Without that, those forces might well have enormous difficulty exiting, especially with their heavy equipment, through northern Afghanistan and the former Soviet ‘stan’ republics. Much of the US effort in the fiercely contested Helmand province and Kandahar would best be exited through Quetta (in Balochistan) and that from Kabul through Peshawar, down the Khyber Pass. Without a strong commitment from Pakistan and deployment of its forces in support, the withdrawing forces might well have difficulties all the way to the port of Karachi. It will be interesting to see whether this case of ‘one good turn deserving another’ is grasped and followed through by the United States.

The other hugely important political and economic issue is the economy and, in lockstep with it, the availability of energy. Pakistan suffers terribly from power blackouts, not infrequently for twelve and more hours a day, most of the year. The impact on employment and loss of export earnings in, for instance, the very important textile and clothing industries can be readily understood. The Sharif government knows it must make real progress in securing additional energy resources and achieving economic growth or it can expect to meet the fate of its predecessor, come 2018. The main hope for additional energy is by means of a gas pipeline from Iran. Both Pakistan and Iran need the economic benefit the pipeline will bring. Enter the impact of US (and other) economic sanctions against Iran. If the United States and others take stern action against Pakistan to prevent it accessing Iranian gas, the result would be to seriously undermine not only Pakistan's ability to strengthen its economy but also its ability to stabilise its security situation.

Counter-terrorism policy

Pakistan needs peace to enable it to develop and lift its people out of poverty. Sharif, initially supported by Imran Khan, but since strengthened by the consensus reached at an All Parties Conference held on 9 September, is devising a comprehensive counter-terrorism policy, including peace and reconciliation dialogue with the Taliban.

The All Parties Conference was also unanimous that the use of drones is not only a continued violation of Pakistan's territorial integrity but also detrimental to its resolve and efforts to eliminate extremism and terrorism from the country. This adds urgency to the United States backing off from its aggression over Pakistan's sovereign airspace and territory. Prime Minister Sharif has since articulated the Pakistan position in clear terms at the United Nations and directly to the United States.

Pakistan can be expected to be a prominent voice in international fora challenging the legality of drone strikes across international borders. Already, other powers — the United Kingdom, China, Russia for instance — are equipping their armed forces with long-range reconnaissance and attack drones. The first pilotless plane was landed on an aircraft-carrier at sea this year. It may not be long before New Zealand needs a considered policy position on the subject of drones. Failing international agreements to limit the use of drones, it may not be many defence reviews out from now before New Zealand needs to acquire an anti-drone capability. The 12th Heavy Anti-Aircraft Regiment (equipped with 10-ton radar/predictor controlled 3.7-inch guns firing 56-lb shells) I joined at Fort Dorset as a student in 1960, may yet have a rather differently equipped successor!

NOTES

1. See RAF website under Squadrons/Remotely Piloted Air System.
2. Comparison made after allowing for the United States having nearly twice the population of Pakistan and excluding suicides and accidental deaths where firearms are involved.

POSTSCRIPT

On 1 November the Pakistan Taliban leader Hakimullah Mehsud was killed by a US drone attack in the North Waziristan tribal area. The killing was condemned by Pakistani ministers, one describing it as ‘sabotaging the peace process’. The timing was significant — the day before the government was to send a delegation of three clerics to the region to deliver a formal invitation to start peace talks. The attack may yet be seen as counter-productive. The new Taliban leader, Mullah Faziiullah, considered to be more hard line than Mehsud, has already rejected the peace initiative. The response of Imran Khan, among others, is to renew calls to block the Khyber Pass to US/NATO traffic. A week after the attack Khan gave vent on television to a question troubling many in Pakistan: 'Is the United States our friend or our enemy?'
New Zealand’s global diplomacy story-book

Ken Ross analyses the role of our prime ministers in the projection of New Zealand globally.

Our prime ministers are the most important players projecting the New Zealand government globally. I have watched them for the past five decades, usually from a vantage point of close proximity, in the role of informing them about current global developments.

Commentary on how capably each of the prime ministers engaged in global diplomacy has been sparse. Likewise, how they rate among the other prime ministers in this sphere.

Norman Kirk stands out as the most adept. In the early 1970s his inspired branding of the country as a progressive small state, with a deep internationalism central to our national identity, was a pinnacle moment for New Zealand global diplomacy. He found for us the global role best suited to our strengths — being a good international citizen.

Kirk earns top spot for establishing a brand that endures, largely because of his initial outstanding effort. David Lange, Jim Bolger and Helen Clark have backed up his branding with strong support performances. Sir Robert Muldoon and John Key have been the only prime ministers who have not committed wholeheartedly to the Kirk brand. Muldoon was contrarian by deliberate intent. Key’s non-committal effort has been by default.

This article looks at the intellectual scaffolding around the assessment of Kirk’s importance and of the strong support performances by Lange, Bolger and Clark. The accomplishments that constitute the case for Kirk’s top spot will be detailed in the next issue.

The first analytical task was to prepare profiles of the fifteen prime ministers who have led New Zealand since 1945, looking particularly at their contributions in global diplomacy. The second task is to explain, within the context of New Zealand’s international relations, the importance of branding us as a progressive small state committed to internationalism.

New Zealand’s best performances on the global stage have occurred when we acted as a progressive small state. Such endeavours generated considerable worldwide appreciation that this is what New Zealand is best at: being a good international citizen. How we have been seen by others, and not just as we have perceived ourselves, is at the forefront of this story.

Political biographies

Scholarly reflection on the fifteen New Zealand prime ministers since 1945 has been limited. Of the handful of biographies, the best is Keith Sinclair’s Walter Nash (1976). Margaret Clark’s editing of seven Stout Research Centre conference-inspired books on New Zealand prime ministers has seen further political biographies published. A small pool of academic articles and the occasional book consider which prime ministers performed best, but

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Our prime ministers have been the most important players projecting New Zealand globally. Of the fifteen prime ministers since 1945, Norman Kirk stands out the most. His inspired branding of New Zealand as a progressive small state, with a deep internationalism central to our national identity, was a pinnacle moment for our global diplomacy. He found for us the global role best suited to our strengths — being a good international citizen. The Kirk branding endures, largely because of his outstanding effort. David Lange, Jim Bolger and Helen Clark have backed his branding with strong support performances. Sir Robert Muldoon and John Key have been the only prime ministers who have not committed wholeheartedly to the Kirk brand.
their international diplomacy is rarely mentioned in that material.

In preparing the prime ministers’ profiles, I have drawn on the thoughts of Keith Sinclair and Ben Pimlott, Harold Wilson’s biographer. In July 1984 Sinclair outlined his insights on political biography at the Stout Research Centre’s first-ever conference (it focused on biography in New Zealand).1 Pimlott sets out his reflections in his 1989 inaugural lecture as professor of politics and contemporary history at Birkbeck College, London.2

Also useful were Michael King’s paper ‘Tread Softly — Biography and Compassionate Truth’ presented at a Stout Centre gathering in 1997,3 and James Walter’s The Leader: A political biography of Gough Whitlam,4 about the individual whom I most contrast with Kirk. They were contemporaries: Whitlam’s ‘a certain grandeur’ was no match for Kirk’s remarkable ‘common touch’ when the pair were together overseas. Kirk repeatedly upstaged the Australian when persuading other world leaders to act, for instance, to oppose nuclear testing more forthrightly.

New insights

I have come up with substantial evaluations of Kirk, Lange, Bolger and Clark, with new insights on each. Brief pen-sketches of the other eleven prime ministers establish why they are not in the top quartet.

No other New Zealand prime minister has matched Kirk’s considerable standing with global counterparts. Clark comes next, though not a close second. The quite different contributions from Lange and Bolger both head off Clark’s contribution to global diplomacy while she was prime minister. Clark, however, outstrips them when her pre- and post-prime ministerial efforts are acknowledged.

Another considerable component in the analytical process compares the fifteen prime ministers with key contemporaries in Australia and Britain. The Australian prime ministers of most interest are Sir Robert Menzies, Gough Whitlam, Malcolm Fraser, Bob Hawke, John Howard, Kevin Rudd and Julia Gillard. Britain’s Harold Macmillan, Harold Wilson, Edward Heath, Margaret Thatcher, John Major and Tony Blair are valuable contrasts in the game of comparisons.

Other world leaders who deserve appearances include Lee Kuan Yew, Golda Meir, Pierre Trudeau, Nelson Mandela, Olof Palme, Kofi Annan and Dag Hammarskjöld.

Intellectual scaffolding

Two concepts central to the profiles are ‘maturity of mind’ and ‘intellectual capital’. Dag Hammarskjöld, the United Nations’ second secretary-general, is the source of the first concept. Brian Urquhart, Hammarskjöld’s biographer, rates it ‘as the essential source of individual strength and as the indispensable basis for the successful discharge of public responsibility’.5

Henry Kissinger is the source for the second concept. Early in his White House memoirs, Kissinger, who already had agreed to be Richard Nixon’s national security adviser, discusses the president’s choice of William P. Rogers to be secretary of state. Kissinger, who had no prior knowledge of the choice, which he thought was a poor one, comments: ‘on the whole, a period in high office consumes intellectual capital; it does not create it. Most high officials leave office with the perceptions and insights with which they entered; they learn how to make decisions but not what decisions to make’ and ‘the less they know at the outset, the more dependent they are on the only source of available knowledge: the permanent officials. Unsure of their own judgment, unaware of alternatives, they have little choice except to follow the advice of the experts’.6

Four further factors, when added with the two central concepts, give us the basis for fuller portraits of the prime ministers.

The first is how many decisions a prime minister had the capacity to take and how capable were those decisions. The process involves tallying occasional major decisions and many lesser ones. The totality of a prime minister’s decisions in global diplomacy invariably constitutes fascinating DNA. We need to be aware of context: whether there was opportunity for maturation ahead of decisions taken, or whether crisis management meant that quick-fire decisions were all that was possible at the time.

The second is the calibre of the prime minister’s ‘support team’ — their principal lieutenants involved in international affairs — the foreign minister as well as the defence, trade and disarmament ministers, along with top officials. To have had a unified, high quality team was beneficial for a prime minister’s own performance. We see this spectacularly so for Bolger. Lacking such a team, or having a difficult group, has invariably undermined a prime minister’s global performance. This was so for Lange and Clark.

Leadership spectrum

The third is to observe where leaders themselves fit on the leadership spectrum: did they have the calibre to take the lead; did
they function as active supporters to other leaders; or were they best summed up as ‘having been present’ at the international gatherings, whether Commonwealth, South Pacific, Asian, or multilateral (such as the United Nations). Peter Fraser and Kirk assumed leadership roles. Walter Nash, Clark, and Bolger took the role of active supporters of other leaders. Those who have been just quietly present are Sid Holland, Keith Holyoake, Jenny Shipley and John Key. Outside of this spectrum there have been two mavericks: Muldoon and Lange. The other prime ministers (Jack Marshall, Bill Rowling, Geoffrer Palmer and Mike Moore) held office too briefly to be assessed. Palmer is due a separate subsidiary assessment as an outstanding New Zealander engaging in global diplomacy by his achievements subsequent to his year as prime minister — for example, in international whaling talks and as chair of a United Nations investigation into the Israeli storming of a Gaza peace flotilla boat in May 2010.

The fourth is appreciating the prevailing international landscape when each was prime minister. How favourable was the international climate for the New Zealand prime minister to make a mark internationally. Bolger operated in the more opportune 1990s. A decade later, Clark faced a more difficult global landscape. A matrix of issues constitutes my template for measuring their respective global diplomacy performances. The issues are

- the quality of their support teams — mandarins or lemons;
- the impact of protest movements concerned with global issues, such as disarmament, racism, and the environment;
- the dynamics with their Australian counterparts;
- the performance at the United Nations (distinct from the Security Council terms);
- the contributions to Commonwealth, South Pacific and Asian summity;
- the bilateral endeavours in the South Pacific;
- the handling of bilateral relations with the United States;
- the handling of bilateral relations with Australia;
- the stance on nuclear issues — French testing, Chinese testing, ANZUS, and endeavours at multilateral negotiations concerning disarmament;
- the stance on race — Springbok rugby encounters (1949, 1956, 1960, 1965, 1970, 1973 and 1981); other sporting boycotts (Commonwealth and Olympic Games); South/Southern Africa, including Rhodesia/Zimbabwe; and associated discussions at Commonwealth heads of government meetings and in United Nations forums;
- the promotion of free or fair trade;
- the emphasis given to ‘small state rampant’ (Professor Fred Wood’s term), or to reckoning the need to acquiesce as a loyal ally of Britain, the United States, or Australia.

### Diplomatic context

All of this requires the context of New Zealand’s international relations and world affairs since 1945, previous scholarship on our foreign policy, and revisiting Kirk’s branding of us as a progressive small state.

Since Malcolm McKinnon’s 1993 book *Independence and Foreign Policy: New Zealand in the World since 1935*, there has been no single author book-length study that has been a serious contribution assessing New Zealand’s international relations since 1945. Robert Ayson and David Capie have given us the best more recent observations, but at most only in chapter-length bites.7

The New Zealand Institute of International Affairs has been the principal agent for keeping the conversation informed, with four books surveying developments in the years from 1945 to 2005, with numerous reports of conference proceedings, and by publishing this journal. The four surveys (1945–57, 1957–72, 1972–90 and 1990–2005) provide a solid platform establishing the basic facts (and some interpretation), enabling me to draw them together to discuss the importance of the Kirk brand.

### Best-known endeavours

Kirk’s two best-known endeavours were enshrining New Zealand’s opposition to both nuclear testing and racism. Two further accomplishments have been less familiar to New Zealanders, but much acknowledged away from home. Ensuring that in early 1972 Bangladesh was internationally recognised following its break from Pakistan was one. Kirk’s efforts turned on his Socialist International role as the chair of its Asian bureau.

His fourth stand-out endeavour was more personal. He was a gifted networker at the global level (long before the concept of networking was in vogue). Willy Brandt, Indira Gandhi, Golda Meir, Lee Kuan Yew, Olof Palme and Julius Nyerere engaged with him, willingly passing their precious time with him. In 1973 he was incorporated into the inner cadre of second-tier leaders (the level immediately below the then super-power giants — the United States, the Soviet Union and China). At the time, Kirk’s Australian counterpart, Gough Whitlam, failed to be similarly included — we have Lee Kuan Yew’s observation of this happening during the Commonwealth Heads of Government Meeting (CHOGM) in Ottawa.8
Kirk built on Peter Fraser’s ideas of the late 1940s. Fraser had with his ‘small state rampant’ mantra heralded the aspirational brand that Kirk was subsequently to institute. Fraser had failed to bed it in. The long prime ministerships of Holland (1949–57) and Holyoake (1960–72) pushed back Fraser’s impetus. Walter Nash’s numerous international perambulations while prime minister (1957–60) are well covered by Keith Sinclair in his Nash biography. Kirk, as a new MP in Nash’s government, learnt much from seeing Nash gain access to world leaders yet rarely accomplish anything with them beyond tea and conversation.

Kirk’s brevity as prime minister prompts many to think he could not possibly have succeeded in his brand. He did, and in the face of the railing of his old foe Muldoon, who was intent on destroying Kirk’s brand. Muldoon wanted to take New Zealand back to the ‘glory days’ of Holland and Holyoake, with their quiet modest loyalty to Britain and the United States. But Muldoon’s intense efforts during his eight years as prime minister became instrumental in the Kirk brand’s resilience now. Muldoon’s demise saw that it had weathered his era. Then subsequent prime ministers, particularly Lange, Bolger and Clark, became instrumental in polishing the brand, as did the trio of prime ministers who were briefly in charge — Palmer, Moore and Shipley.

**Serious flaws**

Of the fifteen prime ministers, Lange has been written about most, and also has written most on his own prime ministerial time, particularly about his global diplomacy. Gerald Hensley captures the quintessential Lange in his 2006 memoir Final Approaches. In the same memoir, Hensley is also a most perceptive observer of Kirk and Muldoon.

Lange’s gonzo dynamics were his strength and in due course his fatal political weakness. He scores poorly on both maturity of mind and intellectual capital. When combined with his maverick approach, these produced a seriously flawed prime minister in global diplomacy. There were some brilliant moments, particularly the Oxford Union debate, but Lange was not a successful coalition builder in his international engagements. As he recounts so often, he was bored by summity; possibly it thwarted his need for attention-seeking.

Bolger’s abrupt adoption of bipartisanship on the nuclear issue ahead of the 1990 general election ensured a comfortable win for National. It also locked in the Kirk brand.

Once prime minister, Bolger disowned Muldoon. He had made clear when in Muldoon’s Cabinet his opposition to allowing the 1981 Springbok tour. On racism in South Africa the high point came in November 1995, Bolger was hosting the CHOGM which had as a highlight South Africa rejoining the organisation after three decades in exile. Nelson Mandela talked then (and at other times) of the magic moments for him of Kirk’s stopping the 1973 tour and of the opposition to the 1981 tour, particularly in the calling off of the game in Hamilton.

**Substantial success**

Bolger as prime minister did not shine the way Kirk, Lange and Clark did. Instead his strength was his strong maturity of mind that was backed by the best support team any of the fifteen prime ministers had. He also had a succession of developments overseas turn his prime ministership into a substantial success for New Zealand global diplomacy. New Zealand’s highly regarded performance on the UN Security Council in 1993 and 1994; being at the forefront of the global protest against France’s resumed nuclear testing at Mururoa in 1995; and his hosting of the 1995 CHOGM were each major moments.

Clark has the most complex profile of all the fifteen prime ministers. Her major contributions to the Kirk brand occurred before and after she was prime minister. Her steeling Lange to achieve his accomplishments was among the strongest emanating from any supporter. Her career after the prime ministership illuminates her personal talent for global diplomacy at work in a role better suited to her. Her prime ministership had one diplomatic high point. This was saying ‘no’ in March 2003 to joining the coalition of the willing that intervened militarily in Iraq. She undermined that by agreeing to military engagement in Afghanistan and Iraq (for reconstruction after President Bush declared ‘victory’) but did well on the reaction to the MV Tampa incident. From March 2003 she essentially kept her head down on foreign policy except by being an active support player on Zimbabwe in Commonwealth circles and being a good supporter of South Pacific, Commonwealth and Asian (APEC and EAS) summity. She participated regularly in the Progressive Governance project: she was the leader who attended the most gatherings and it was to be one of her several valuable launch-pads for her post-prime ministerial career.

**NOTES**

The trans-Tasman link: more than the sum of two parts

Michael Potts surveys the relationship between Australia and New Zealand and finds it in first-class shape.

Our indigenous histories are strikingly different. Australia’s aborigines date back thousands of years while the Maori are a much more recent arrival. But our respective histories of European settlement run on parallel lines.

For a brief period, New Zealand was a detached part of New South Wales. There was a period in the 1890s when New Zealand might have joined the nascent Australian Federation, but there is little evidence that New Zealanders ever regretted the decision not to do so. But in any case the proclamation of New Zealand as a dominion in 1907 was a sign that New Zealand would chart its own course of action.

Charting a separate course was only a relative term given that both remained firmly under a unified British Empire foreign policy until the Second World War. Indeed, there are historians who argue that it was not until the United Kingdom decided to join the European Union that Australia and New Zealand achieved psychological independence. In my view the Second World War was the turning point in our emergence as sovereign entities. In 1943, Australia established its high commission in Wellington. In 1944, Peter Fraser and John Curtin signed the Canberra Pact — our first independent treaty action.

Close relationship

It is not easy to think of an international relationship as close as that between our two countries. Even on the sporting field, where we are ostensibly rivals, we do share values of fair play and mateship. Our values and our overall way of life are very similar, although I always note that Australians here need to be alert to subtle differences, not least the Maori perspective.

Our shared Anzac history, starting in Gallipoli but continuing in various theatres over the last 100 years, including most recently in Afghanistan, remains a special link. No doubt 2015 will be a particularly special commemoration for both countries. The Australian war memorial will have a prominent place in the new National War Memorial Park in Buckle Street.

The closeness starts at the prime ministerial level — certainly for close to twenty years. I would suggest that all New Zealand ministers have a personal relationship with Australian counterparts — and in many cases this is at the state level as well. Visits back and forward are a regular part of doing trans-Tasman business. New Zealand ministers are very involved in many of the Council of Australian Governments (COAG) processes, which provide excellent opportunities for sharing best practice and to learn from each other’s policy challenges.

New Zealand is quite different in terms of architecture compared with, say, Indonesia, the United Kingdom or United States. There we typically have formal Australia–United States ministerial consultations (AUSMIN) and an Australia–United Kingdom ministerial consultation (AUKMIN), which are difficult to make happen. New Zealand is different because each minister has such close and on-going contacts across the Tasman.

Stripped down

So the basic architecture is pretty stripped down: an annual prime minister-to-prime minister meeting plus the Australia New Zealand Leadership Forum. The latter is focused on business, trade facilitation and single market issues. And on the economic front, there is only the Trans-Tasman Business Circle. The lack of a business council or chamber of commerce reflects the ease of doing business and the fact that for Australian business New Zealand is not quite foreign.

After 30 years, the low hanging fruit has been picked. What can be done further? There is on-going work on trans-Tasman roaming charges and on Smartgate. And then there is the whole single economic market (SEM) agenda with detailed work on business harmonisation, bankruptcy law and so on — I will come back to this below.

Without going into any detail at all, this survey needs to record the close to $80 billion of Australian investment in New Zealand. And the more than half a million Kiwis who have chosen to live and work in Australia. I simply want to note their importance in the larger scheme of things.

Unequal relationship

Our relationship is not strictly an equal one — in terms of size and population. New Zealand focuses a lot more on Australia than the other way around. New Zealand’s most important external relationship is with Australia. That is on the public record and the converse does not hold good.

But that does not mean that we do not take New Zealand seriously — quite the contrary. And our track record convincingly

The Australia–New Zealand relationship is perhaps the strongest between any two countries in the world. Our shared Anzac history, starting in Gallipoli but continuing in various theatres over the last 100 years, including most recently in Afghanistan, remains a special link. The relationship is not strictly an equal one — in terms of size and population. New Zealand focuses a lot more on Australia than the other way around. Assymetry is a factor also with defence and national security. But economic ties are close and the aim is to create a single economic market to enable business, consumers and investors to conduct operations across the Tasman in a seamless regulatory environment.
shows that Australia is always happy to assist — instinctively — in case of New Zealand emergencies (such as the Christchurch earthquakes and Pike River disaster). The opposite also applies, with New Zealand assistance to Australia, as, for example, during the Victorian bushfires or flooding in Queensland.

Asymmetry is a factor also with defence and national security. We have to recognise that. There are consequences: New Zealand can sometimes not devote the level of resources to some areas that we might wish to see — that is ultimately for New Zealand to decide — but a credible New Zealand Defence Force is important for us. We need one because New Zealand’s capabilities generally mesh in with Australia’s and because in some operations, for example Pacific, New Zealand brings an important cultural perspective. As budgets tighten on both sides of the Tasman, we need to look creatively at new areas of defence co-operation, especially the possibility of joint procurement and industry.

**Economic tie**

Thirty years of the Closer Economic Relationship was celebrated in 2013. It is interesting to look back beyond CER and recollect Australia and New Zealand in the 1960s and 1970s as two rather inward-looking countries, heavily reliant on agricultural exports. Both were directed at the United Kingdom (which then turned towards Europe) and highly protectionist in terms of domestic manufacturing. We have both come a long way since then.

Closer Economic Relations (CER) is a treaty signed in 1982, but it has a wider sense of being the overall framework for trans-Tasman economic and commercial relations. It has also proved to be a dynamic and positive tool in our political relationship.

Unlike free trade agreements today, where everything is put on the table and a grand bargain is struck, CER has been progressively built on over 30 years. Services were brought into CER in 1989 through the Trade in Services Protocol, allowing most services to be traded free of restriction. Other areas of detailed agreement include quarantine, technical barriers to trade, business law harmonisation, mutual recognition, government procurement and food standards.

It is worth dwelling on mutual recognition in terms of merchandise trade. This is unique among free trade agreements and the envy of many other trading nations, who would love to have it in their treaties but face overwhelming political problems in doing so.

A protocol on investment has just entered into force. It will reduce compliance costs and increase foreign investment screening thresholds for trans-Tasman investment.

**Looking forward**

The current CER work programme aims at the creation of a single economic market — the SEM — to enable business, consumers and investors to conduct operations across the Tasman in a seamless regulatory environment. This is an ambitious goal given the national differences in approach to issues, especially at the detailed technical level.

As you drill down to details, the issues become more complex, not less complex. If I mention that key areas of focus include business law, prudential regulation, superannuation and taxation, my point will be understood.

The SEM has served as a very practical forum to stimulate the trans-Tasman venture. Eleven outcomes from the 2009 agenda have been completed, steered by the treasuries. These have included: simplifying trans-Tasman financial statements for profit entities; registered auditors and registered financial advisers now being able to operate in either country; functional equivalence of financial reporting standards agencies; and harmonised approaches to enforcement of consumer law. We are now looking to a ‘refresh’ of our agenda, exploring where new areas of harmonisation and co-ordination will provide practical benefits.

The point of these arrangements is the belief of both governments that the integration of our economies will support our joint interests in the Asia-Pacific region and beyond.

**Meshed policies**

Overall, our foreign and trade policies mesh very closely together.
This is to be expected, given that we hail from the same part of the world and we subscribe broadly to the same set of values. Our ministers work together comfortably and candidly.

In particular, we find ourselves like-minded on Pacific issues such as the need for the restoration of democracy in Fiji and governance issues more widely in the Pacific, and we have co-operated closely in RAMSI and in East Timor. Both countries are active development donors in the South Pacific and we work very closely together, especially in Cook Islands and Niue, where New Zealand delivers much of our aid funding under delegated co-operation arrangements.

Australia is a current non-permanent member of the UN Security Council, and we not only support New Zealand’s candidacy in 2014 but also have assisted the campaign where we can. We have also worked closely on a range of environment issues, including opposition to whaling, preserving the Antarctic and in the disarmament area (such as the Arms Trade Treaty).

In trade policy, we both bring strong free trade credentials to the table. So in the World Trade Organisation, we work closely in the Cairns Group. We have developed a range of free trade agreements with principal trading partners. There is a fair degree of overlap, but some important differences exist as well. New Zealand has a free trade agreement with China and Australia does not, and vice versa in respect of the United States. Both countries are working for a high quality Trans-Pacific Partnership; the Pacific Alliance is getting more interesting; and the RCEP is a longer-range prospect.

Different interests
In all these negotiations, we have somewhat different national interests to prosecute. There are areas of competition, but overall the areas of complementarity are probably greater.

Finally, Asia generally has become accustomed to the ANZ brand, to Australia and New Zealand working together. We see this in areas such as the East Asia Summit. We should look to do more joint activity as we scale up our respective engagements with Asia.

The incredibly close relationship between Australia and New Zealand is a win-win situation for both countries. ANZ is more than the sum of the two parts and we should not be shy about teaming up in public. The overall trans-Tasman relationship is in first-class shape. Nonetheless, there will be the need to refresh it under the new government in Canberra. And the high commission will play its part in doing so.

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India: new focus, new opportunities

Ashok Sharma assesses New Delhi’s growing strategic engagement in the Asia–Pacific region and its implications for the New Zealand–India relationship.

At the periphery of international politics for decades, India is now beginning to realise its potential as a future great power in the so-called ‘Asian century’. In the post-Cold War period India has taken concrete steps to enhance its regional and international presence. One of these steps has been its eastward policy orientation and its increasing economic, political and strategic engagement with the Asia–Pacific region. This process began in the 1990s as India’s ‘Look East Policy’.

The demise of the Soviet Union resulting in the emergence of a unipolar world led by the United States, the threats emanating from a rising China in the region, and New Delhi’s great power aspirations — all have shaped India’s foreign policy of eastward engagement. With its robust economic growth, military modernisation, naval expansion and strategic engagement with the United States and its allies in the region, especially Japan and Australia, India has accumulated comprehensive power and is ready to use it to influence the emerging strategic geometry and distribution of power in the Asia–Pacific region.

However, India’s eastward expansion has not yet resulted in substantial strategic or economic relationship with New Zealand. There is ample scope for New Zealand to enhance this relationship, particularly in strategic and security co-operation, to deal with the emerging challenges from traditional and non-traditional sources in the region.

Historical context

New Zealand and India have traditionally enjoyed friendly relations based on common linkages with the Commonwealth, parliamentary democracy, the English language, and sporting ties, mainly cricket. In addition to relations at the official level since 1957, trade and people-to-people contacts have been continuous, although modest. However, despite these commonalities New Zealand and India could not forge a comprehensive relationship. The reason lies in the Cold War dynamics in which India pursued a foreign policy of non-alignment, and later sided with the Soviet Union, whereas New Zealand entered into an alliance with the United States in the ANZUS pact. Also, India’s refusal to sign the Nuclear Non-Proliferation Treaty prevented New Zealand and India from coming together on many nuclear-related security issues.

After the demise of the Soviet Union ended the Cold War, the ideological differences between India and the ‘Political West’ began to dwindle and India began to give attention to its eastward neighbours. Although the relationship between India and New Zealand has not progressed all that much, some of the major developments that have taken place with regard to India in the post-Cold War period have brought New Delhi to Wellington’s foreign policy attention. In addition to India’s steady economic progress and expanding military and naval capability in the Asia–Pacific region, among other things, the growing US–India strategic partnership and the US–India civilian nuclear deal have cleared away much of the suspicion in New Zealand policy-making circles about India’s nuclear programme and strategic posture. Today, New Zealand and India have set aside the Cold War baggage and nuclear disagreements. They have begun to explore possibilities for coming together to co-operate on economics, security, and a host of other issues of global concern.

Today India is considered to be a major player in the emerging global balance of power. It is also emerging as one of the centres of the modern global economy. One of the major aspects of India’s foreign policy in the post-Cold War period is its increasing economic, political and strategic engagement with the Asia–Pacific region, or India’s ‘Look East Policy’. However, India’s eastward expansion has not yet resulted in substantial strategic or economic relationship with New Zealand. There is ample scope for New Zealand to enhance this relationship, particularly in strategic and security co-operation, to deal with the emerging challenges from traditional and non-traditional sources in the region.
Common ground

Today, the Asia–Pacific region is facing traditional and non-traditional security threats. The rise of China and the prospect of the region being dominated by a single power is a major security concern for many nations within it. India considers China’s expanding military presence in the region as a threat to its geo-strategic and geo-economic interests and has taken strategic steps to maintain the power balance. However, New Zealand is clear about its intention to avoid joining such a power balancing game. On this issue there will be no collaboration with India. However, the very fact that New Zealand shares security relations with the United States and the steady growth of US–India strategic and defence ties provide common ground for New Zealand and India to discuss common security interests.

Other security problem areas where both could come together relate to the threats posed by state sponsors of terrorism and religious extremism to democratic societies, and the further proliferation of weapons of mass destruction and related technologies. For example, there has been the rise of religious fundamentalism in Indonesia and the radicalisation of Islam is spreading in other South-east Asian countries such as Thailand and Philippines.

A further possible area of engagement for both New Zealand and India in the region could be promoting the spread of democracy not only as an end in itself but also as a strategic means of preventing illiberal polities from exporting their internal struggles and checking trans-border destabilising forces in the region. As India’s strategic interests and foreign policy goals are expanding it is expected that it will play an active role in tackling these issues. In regard to New Zealand the question has been raised as to what extent New Zealand can come out of its neighbourhood to cooperate on these issues, given the global nature of these problems and New Zealand’s active involvement in the US-led ‘Global War on Terrorism’.

Another security concern is the Indian naval presence in South-west Pacific, which, I would argue, is a stabilising factor. India’s aim in the South Pacific is the restoration of a democratic government in Fiji that takes care of its ethnic Indian citizens’ safety and welfare. Fiji’s military government has shown its arrogance by expelling the high commissioners of both Australia and New Zealand, resulting in the expulsion of Fiji from the Pacific Islands Forum and then from the Commonwealth. Together with the growing involvement of China in Fiji, these developments have motivated India to become more active economically and diplomatically in the region. Over the last decade, India has tried to connect and actively listen to the concerns of the Indian diaspora to the point where this has become an important component of its foreign policy and its projection of ‘soft power’ in world affairs. These are issues that should also engage New Zealand.

Practical steps

Both New Zealand and India have begun to meet on security issues. Both countries participate in the ASEAN Regional Forum (ARF) and the ASEAN Defence Ministers’ Plus Meeting, and this gives them opportunities to explore cooperation on the security issues. There is an increase in exchange visits of Indian and New Zealand defence personal. Naval ships have visited each other’s ports and their armed forces have served together in United Nations peacekeeping missions in Kosovo and Sudan. More joint exercises between their armed forces, especially navy-backed seminars, symposia and regular academic and strategic think tank exchanges, can further enhance this aspect. Track II meetings of organisations such as CSCAP and the Asia:New Zealand Foundation can be focused more on India-related security issues. The security ties of both the countries have tilted towards the United States. A US–Australia–India strategic triangle is evolving and in the future New Zealand’s active involvement is recommended so as better to meet the traditional and non-traditional security challenges in the region.

Apart from the economic rationale, two factors seem to be prominent in shaping India’s Asia–Pacific involvement. One is the pull of United States’ encouragement, the other the push of China’s growing military presence. India is concerned about the vacuum that would be created by the contraction of the US naval presence in the southern Indian Ocean. Also there are many constraints on India’s control of its coastal areas, as well as the Indian Ocean, and also on the home front that come in the form of economic
and political challenges. These will challenge India’s capacities. The Pacific Ocean is on the outer edge of its ambitions. In both oceans, India will need to secure its interests by winning friends and building influence. Diplomacy and defence relationships will be as important as laying keels and rolling out runways. This applies equally to the Pacific. In the coming years India will need to co-operate and build partnerships with the local players situated in the Pacific Ocean. In this context, its relationship with New Zealand, which is an influential member of the Asia–Pacific community, will acquire importance. New Zealand’s role, following Australia, will be increasingly oriented to a new paradigm, the ‘Indo-Pacific’, as India rises in prominence and reaches out towards the United States and the Pacific.

**Security community**

The need to resolve global commons issues such as human security, climate change, terrorism, protecting the sea lanes of communication, the free movement of goods and people in the Asia–Pacific region, and the possibility of great power war in the nuclear age may induce a great power concert in the Asia–Pacific region. This kind of strategic scenario is ideal for countries such as New Zealand, which does not want to be involved in the military tussle between Washington and Beijing and between New Delhi and Beijing. In this new game of ‘balance of interests’ in the Asia–Pacific region, and the possible evolution of an Indo-Pacific/Asia–Pacific ‘security community’, there will be ample opportunities for both New Zealand and India to collaborate on a variety of issues of common interest.

Today, India has become a priority relationship for Wellington. The New Zealand government has developed the inter-agency ‘NZ Inc. India Strategy’ that envisages India becoming a core trade, economic and political partner for New Zealand by 2015. Both governments are taking steps to institutionalise the relationship and are moving towards a steady and comprehensive relationship encompassing economic, political, cultural and strategic aspects of bilateral ties.

As it rises, democratic India has the potential to become not only a leading member of the ‘Political West’ but also one of the leading international players in the global economy, political modernisation and global governance. The prospect of India and the ‘Political West’ coming together hinges on their shared democratic values and principles, and the convergence of their geo-strategic and geo-economic interests. However, it will also depend on the ‘Political West’, including New Zealand, accepting that India is a nation that is self-confident, aware of its growing international standing and not ready to be a junior partner. New Zealand, being a non-threatening Western country, can play a proactive role in engaging India not only economically but politically and strategically too.

New Zealand is a country known for punching above its weight and is visible in diplomatic circles and international institutions. As India aspires for a global role, it can benefit from New Zealand’s diplomatic insights in international institutions. Reciprocally, India offers New Zealand trade, investment and tourism opportunities, but also a security partnership to meet the emerging traditional and non-traditional security challenges in the Asia–Pacific region. This relationship is poised to grow stronger.

**NOTES**

The Maritime guerrillas: a sign of things to come?

Dmitry Shlapentokh considers the significance of the Russian authorities’ response to a series of attacks on policemen in the Russian Far East.

In May/June 2010, a group of young Russians killed or wounded several policemen in the Maritime Provinces in the Russian Far East. After some effort, the authorities were able to find the young men. In the ensuing standoff two of them committed suicide and the others were arrested. The trial of the remaining boys continues to the present. The event seems trivial, from both the Western and Russian points of view, or at least it should be considered so. Indeed, in the West any attack on the police is not usual and would in most cases not be considered of great interest outside the immediate area. And such an attack as occurred in the Maritime Provinces should have been of even less interest to the Russian public, which should have been used to the wave of criminal violence. It has been on-going for almost a generation, when the collapse of the Soviet system with its repressive and controlling functions led to the proliferation of all sorts of outrages.

Still, this event stirred up the Russian public as have very few events in recent history, and compelled the authorities, clearly reluctantly, to gauge public opinion in this respect. And when they discovered that the majority of respondents approved the action of the young men, the authorities (if one would trust Russian public radio) decided not to reveal their findings. It seems that even before gauging the public mood the authorities were quite concerned. It was said that hundreds, if not thousands, of law enforcement personnel had engaged in the hunt and — this was even more amazing — that not just armoured personnel carriers but even tanks were moved to the site where the authorities supposed the group to be hiding.

One could assume that in no Western country nor possibly elsewhere would this be the kind of response to a few trouble-makers or even to armed criminals. So why did the authorities become so concerned? And why did a considerable number of the Russian public become so much predisposed to the attackers? To understand this, one needs to sketch a short history of violence in the Russian heartland.

Following the collapse of the Soviet society with its controlling aspects and chaotic criminalised privatisation, criminal violence became endemic, with youngsters actively engaging in violent crime as a way to ensure their place in the sun. Very few succeeded, and the majority was left out in the cold. The rising Russian nationalism provided them with an explanation of who was supposedly responsible for their misery: the ethnic minorities, increasingly those from Russia called ‘people of Caucasian nationality’. This included all people from the Caucasus regardless of their citizenship or, in many cases, their ethnicity, language, or religion. The ethnic clashes became increasingly violent and culminated in 2006 in major ethnic riots in Kondopoga, a small city in the northern part of European Russia, where several hundred ‘Caucasians’, mostly Chechens and Russians, fought each other. In 2007, the same ethnic violence erupted in Stavropol, in the south of European Russia; and in December 2010 ethnic rioting erupted in downtown Moscow, the capital.

Controversial approach

The authorities’ approach to this ethnic violence and the general
increase of ethnic tension was controversial. On one hand, the authorities were apparently worried, for uncontrolled violence could lead down a dangerous path. On the other hand, they could have been pleased, in a sort of twisted way. Indeed, those who engaged in this violence had seen their enemies in the minorities but not in the authorities and ruling elite in general. The authorities took advantage of this and implied by their pronouncements and actions that they understood the nature of the grievances and tried to improve the situation.

Soon after the Kondopoga riots, Putin proclaimed that the number of sales persons in markets who were not Russian citizens must be reduced. Since those who were not Russian citizens were mostly non-Slavic people, the decree actually was directed against minorities and sent the signal that the authorities understood and even, in a way, supported the mass grievances. The war against Georgia (2008) also conveniently channeled the people’s anger in the direction of the ‘Caucasians’.

The situation with the Maritime group was altogether different. Not only did the young men not attack the minorities but also they did not even mention ‘Caucasians’ in their statements. Moreover, there were indications that they actually praised north Caucasian jihadists, seeing them as fellow fighters against the abuses of the state. And later, according to some sources, some imprisoned ‘partisans’ converted to Islam, most likely in its Salaf version. Here, they followed the model quite popular in Russia and elsewhere, which is related to the peculiar role that Islamism plays in the modern world. While the critics of the Islamists proclaimed Islam’s similarities with fascism — the term ‘Islamo-fascism’ became rather popular among the critics — the converts are closer not to fascists/Nazis but to Marxist radicals of the early 20th century. Similar to them, they reject the social/political arrangements of the modern capitalist world and the deep alienation of people from each other. They also follow radical Marxism in other important ways. They reject ethnic/racial divisions, view building the ideal society — khalifat for Islamists and communism for radical Marxists — as their goal and willingly sacrifice not just the life of others but their own. This explains why guerrillas express their sympathy with jihadists, or at least do not make any negative statements in regard to them or ‘Caucasians’ in general.

Anti-regime feeling

The mention of ‘Caucasians’ was also absent in the internet discussions of those who supported the Maritime rioters. They even ignored the Chinese, who in nationalistic discourse have been presented as the major threat for the Maritime Provinces and Russia in general, the force that would take Russia, either through invasion or through creeping Chinesification of the Far East/Siberia. Moreover, in some discussions, the young men’s supporters even praised the Chinese for keeping the bureaucracy at bay. It is true that some of the ‘guerrillas’ made anti-Semitic statements. Still, they were marginal and fleeting. The major thrust was not against the Jews, but rather against law enforcement — corrupt and brutal — and implicitly against the entire regime. And this resonated quite positively in the minds of many Russians and is what made the authorities quite nervous and willing to employ such extraordinary measures in dealing with the ‘guerrillas’. But why did this happen?

By the end of the Yeltsin presidency, it had become clear to an increasing number of under-privileged youth, especially in the Russian provinces, that they had been bypassed by privatisation. They still believed that Putin would improve the situation. This was an illusion. Neither Putin nor Medvedev had improved the life of the youth, or in fact, a good segment of the Russian population, especially in the provinces. Moreover, the situation for the poor continued to deteriorate as the regime continued to dismantle the remnants of the Soviet safety net under the slogan of making Russia more competitive and market-oriented.

In addition, throughout Putin’s first turn at office, the authorities continued to eliminate any avenue for legal protest. The new laws against ‘extremism’ made it a serious crime not just for actions but even for the expression of animosity to not just ethnic/religious groups but even to the economic elite and the authorities. The power of the FSB — Russian secret police — continued to grow, not just during Putin’s era but even during the time Medvedev was in power, despite the latter’s liberal and pro-Western reforms. And after Putin’s formal return, the trend of increasing control/repression continued; and a new decree increased the power of the FSB even more. Legal protests, even by the most liberal pro-Western opposition, had become extremely hard; and the new law decree hardly made the situation better. It just provided an additional license for the authorities to do whatever they liked. In this situation, terrorist-type violence became the only possible response, and this explains why the actions of the ‘guerrillas’ were approved by a considerable segment of the Russian middle class. Here, the situation is quite similar to what one could see in late 19th century Russia, when the urban middle class had rather positive views of revolutionary terrorists who attacked policemen and finally killed the czar himself in March 1881.

Troubling signs

It is not just the support of a considerable segment of the middle class for the ‘guerrillas’ that bothers the authorities. There are other troubling signs for them. Despite their young age, the ‘guerrillas’ were not dilettantes. They had made detailed preparations for prolonged guerrilla warfare and had avoided their pursuers for a long time. This could be explained by the fact that one member of the group was a deserted soldier and that others were veterans of the Chechen War, with considerable military experience. The very possibility of military personnel taking the side of the rebels is especially worrisome for the authorities, and even more so because of the rumours that a detachment affiliated with the GRU — Russian military intelligence — was ready to side with the ‘guerrillas’ instead of fighting them.

One, of course, should approach all of these events with due caution, since the real facts are intermingled with rumours. And the future, of course, is pregnant with many alternatives. Still, the very existence of generations-long terrorist activities in the Caucasus — the mass demonstrations against the regime started in the fall of 2011 — and support of the ‘guerrillas’ by a considerable segment of the Russian population, so much similar to what Russia witnessed at the end of the 19th century, all make it possible to suggest that the emergence of a new type of terrorist activity in Russia is not out of the question. And if it were to emerge, it would be conducted not by ‘Caucasians’ but by ethnic Russians who might well co-operate with jihadists plainly on the grounds that the enemy of my enemy is my friend. In a peculiar way, the situation could be similar to that in which the Russian opposition, even the most moderate in their political outlook, often express sympathy for terrorists, despite all warnings of the authorities and considerable ‘collateral’ losses among innocent bystanders.
The South Pacific rediscovered?

John R. Martin discusses recent contributions to our understanding of the South Pacific with particular attention to developments in Samoa.

More than 50 years ago Frank Corner suggested that a ‘re-discovery of our role in the South Pacific will contribute to the process by which we are regaining our national confidence and re-discovering our unique identity as New Zealanders’.1 This raises more questions than could possibly be tackled in a review article or indeed by someone whose direct South Pacific experience coincides with the time of Corner’s proposition. But how much do New Zealanders know about the countries of the South Pacific outside their availability as tourist destinations and as the home of Pasifika New Zealanders?

The tragic 2009 tsunami more than any other recent event brought Samoa to the attention of New Zealanders.

Fifty years of Samoan independence was appropriately celebrated in 2012. And we are reminded that in 2014 it will be 100 years since New Zealand became directly involved with that country. (Our association with the Cook Islands and Niue is even longer.)

Much of the media comment at the time of the tsunami, underlining the case for generosity, focused on unfortunate episodes in the story of New Zealand/Samoan relations, notably the devastating influenza epidemic of 1919 and the death in 1929 of Tupua Tamasese Lealofi III and ten other Samoans (and one New Zealand policeman). The post-war Trusteeship, encouraged by Peter Fraser and administered largely under the leadership as high commissioner of Sir Guy Powles, deserves a better telling.

The appearance in the last few years of a significant number of publications about the South Pacific provides a welcome resource for those who may wish to consider the extent to which Corner’s proposition has been realised. Samoan Journey 1962–2012: Aspects of History is a very good place from which to start.2 This volume of essays, supported by the National University of Samoa and Victoria University of Wellington, provides an up-to-date, fact-filled survey of Samoan developments since 1962. The essays, all written by Samoan scholars, range across politics, economic and social development and religion to arts, literature and the media, and sport.

The present Samoan prime minister, Tuila’epa Sa’ilele Malielegoi (and the Human Rights Protection Party), has been in office since 1998 and has been unopposed as a parliamentary candidate at the last two elections. This long tenure has underlined the stability that has been a feature of recent Samoan history by comparison with a number of other Pacific countries. Since Mata’afa, holder of one of the four paramount tamā’aiga titles, formed the first post-independence government in a climate of ‘consensus politics’ the constitutional framework has evolved: the adoption of universal suffrage in 1991 in place of restricted matai suffrage; the recognition of political parties in 1979 (initially excluded by the Constitution as contrary to the unity required by a newly independent state); an extension of the parliamentary term from three to five years; and an increase in the maximum number of Cabinet ministers from eight to twelve. In a chapter on political development since independence, Professor Asofou So’o (vice-chancellor of the National University of Samoa) observes that the present government has been ‘able to successfully pass legislation that helped to entrench its pre-eminent position in parliament... but the continuing political risk is that with a weak opposition, some aspects of a democratic system may be stifled’.

Political underpinning

Underpinning Samoa’s political arrangements are sets of ‘patron-client relationships’.3 In tune with Samoa’s cultural norms and practices, friends and relatives who give support expect reciprocity...’ Apart from the dynamics of Parliament, the ‘patron-client’ relationship is also relevant to the government’s programme of development. Since independence successive governments have ‘provided sealed

John R. Martin was employed in the Department of Island Territories in the 1950s, assisted Dr Colin Aikman, adviser to the New Zealand government on Samoan constitutional development, and was seconded for a short period to the government of Western Samoa.
road access, electrical power and piped water to almost everyone in the country’. There has also been a large investment in education and health. To a very large extent the progress that has been made has been funded by development assistance, bilateral and multilateral (a third of government revenue). This is well documented in an essay on ‘Aspects of Economic Development’ by five Samoan scholars. But what is equally well exposed is the way in which the Samoan economy has had to come to terms with the reality that the economic model in place at independence — dependence on a small range of agricultural exports — was not sufficient. The decline of export income from bananas, copra and cocoa was massive. Within five years of independence exports of bananas were less than 10 per cent of the quantity shipped in 1962; ‘the past 30 years have seen coconut production and exports falling to the point of near collapse; and the cocoa industry has been another source of economic disappointment’. While there have been vigorous efforts to diversify, the two major factors, apart from aid, in enabling Samoa to continue to grow (but not at a rate sufficient to sustain a population that continues to increase rapidly) are tourism — 20 to 25 per cent of GDP — and remittances from overseas, which account for 25 per cent of GDP.

At independence, promotion of tourism was not a priority for some of Samoa’s leaders, fearing what they saw as the unattractive features of French Oceania. But by 2009 the Samoa Tourism Authority was confidently targeting a 40 per cent increase in visitor arrivals by 2013. In the event, numbers seem to have leveled off, reflecting no doubt not only the impact of the international economy but also the tsunami of 2009 and Cyclone Evan of December 2012. The vulnerability of the Samoan economy, and the reliance on aid and remittances, recall the discussion in the 1980s around the MIRAB (Migration, Remittances, Aid, Bureaucracies) model developed by Ray Watters and Geoff Bertram in a 1984 report commissioned by the Ministry of Foreign Affairs (but unfortunately not published at the time).³

Important contribution

The contribution of Watters to our understanding of the South Pacific has been underlined by the recent publication of Journeys Towards Progress: Essays of a Geographer on Development and Change in Oceania.² The problems of the ‘village mode of production’ and of modernisation in a range of Pacific countries are explored in a series of essays built upon earlier research on the ground from the late 1950s by Watters and colleagues from a variety of disciplines. Book-ending individual chapters on research are an introduction discussing the themes that underpin the essays and the methodology employed and two concluding chapters — ‘Has Progress Been Achieved?’ and an ‘Afterword’ — reflecting on five decades of deep involvement with the countries of the South Pacific. Essentially, the story told through reporting on the case studies located across the Pacific is ‘the transition from the subsistence state to the market and the innumerable difficulties that occur on the way’. There is now a state of ‘dualism’: the market sector and the traditional subsistence economy. (In Samoa two-thirds of the potential labour force is absorbed by village agriculture; only 12 per cent of the population is engaged in formal paid employment.)

Watters reflects on the application in the case of Samoa of ‘economic viability’ as a criterion for independence and contrasts the situation of the Cook Islands — self-government in association with metropolitan New Zealand — and the independent sovereign state of Samoa: the Cook Islands’ GDP per capita is many times higher than Samoas. Perhaps Samoa should have chosen the Cook Islands solution? The judgment attributed to J.W. Davidson, adviser to the Samoan government, that ‘the constitution had to reflect what the Samoans wanted, and not what New Zealand thought suitable for them’ accords with my own recollection. From the late 1950s full independence for Samoa was inevitable.

Leadership must be prominent in any consideration of the past 50 years of history in the South Pacific. The impressive production, New Flags Flying: Pacific Leadership,⁴ provides valuable insights into the background and motivation of the generation of leaders that guided the transition from colony to various stages of self-gov-
Two leaders

Two Samoan leaders are interviewed: the present head of state and former prime minister Tui Atua Tupua Tamasese Efi (1976–82) and the late Tofilau Eti Alesana (prime minister 1982–85 and 1988–98). Tupuola Efi raises questions about the level of education available to Samoans at independence and says that ‘the big job for our leaders was to sell the idea to people that we are not born losers’. But he pays a tribute to the New Zealand and Samoan people who were instrumental in laying the foundation for independence: ‘I would mark the performance quite highly’. Tofilau Eti surprisingly refers to New Zealand’s ‘grievance against Western Samoa because Samoa wanted to become independent….’ He also asserts that independence was based on insufficient preparation with economic measures.

A further contribution to the recent literature on the South Pacific is Pacific Futures, a collection of essays addressing the question posed by the Pacific Islands Forum leaders a decade ago: regional change — ‘whether to cooperate more closely — even to integrate or not. This is in itself a challenging topic (and there have been important developments in trade, ‘open skies’, and climate change) but the recent inaugural gathering of the Pacific Islands Development Forum promoted by Fiji points to division among the countries of the South Pacific. Of special interest, however, to someone seeking to update their knowledge of the region, and of Samoa in particular, is an essay by Lau Asofou So’o of the National University of Samoa, ‘Governance in a Future Pacific: the Case of Samoa’. This is a clear description of the implications of Samoan culture (fa’asamo’a) for the system of government.

At the heart of the discussion is the continuing, and perhaps surprising, influence of the matai — ‘still the predominant form of government’. The majority of Samoans live in 238 villages and it is through the village that the central government operates. The essay argues that the Samoan example demonstrates that indigenous institutions can be incorporated into the formal arrangements of governance and stability maintained. It also suggests that the MIRAB model advanced 30 years ago is not without relevance still.’ In fact, another essay in Pacific Futures, ‘Development Assistance Challenges’ by Vijay Naidu (then at VUW, now at the University of the South Pacific), invokes ‘MIRABleness — while noting that the model does not apply in Melanesia — to underline the obvious; that Pacific Islands countries are ‘relatively poor and powerless in the global community’.

Neo-liberal danger

In another paper, ‘Neo-liberalism and the Disciplining of Pacific Island States’, University of the South Pacific scholar Claire Slatter argues that ‘the aggressive marketing of neo-liberalism and its core values of individual advancement, private wealth accumulation and open access to resources, strikes at the heart of things that have long been enshrined in law, cultural value systems and social practice in the Pacific Islands’. As in the rest of the world, the voices of neo-liberalism may not be as loud now in the South Pacific countries as they were a decade ago; but there is no doubt that the citizens’ welfare requires a special approach. Certainly in Samoa the employment figures and the Lau Asofou So’o exposition of contemporary governance emphasise the continued centrality of the village subsistence economy, as argued by Watters and Bertram 30 years ago.

For me the various publications discussed in this article have collectively contributed to a better understanding of the contemporary state of the South Pacific — both in terms of the history of the past 50 years and the issues confronting those who shape public policy in the states’ capitals and in Wellington. Unfortunately, the literature is not matched by similar contributions in the New Zealand media. While Michael Field (Fairfax and Radio NZ), Barbara Dreaver (TVNZ) and Radio New Zealand’s Saturday Tagata o te Moana report on events in the South Pacific, there is a paucity of in-depth commentary on broader issues such as elections or the state of the economies (except in recent years in the special case of Fiji). The challenge laid down by Frank Corner 50 years ago has hardly been met.

NOTES


Books

Central Asia and the Rise of Normative Powers: Contextualizing the Security Governance of the European Union, China, and India

Author: Emilian Kavalski

Emilian Kavalski is a British educated Bulgarian working as a senior lecturer in politics and international relations at the University of Western Sydney and has published previously on European external relations and also on those of India, China and on contemporary Central Asia.

His book Central Asia and the Rise of the Normative Powers is his third published monograph and if the main title does not make it clear, then the subtitle, ‘Contextualizing the Security Governance of the European Union, China and India’ probably gives the game away that this is a work more for the academic specialist or foreign policy theoretician than for those with a general interest in Central Asia.

That focus is reinforced by a dense literary style richly laced, as is characteristic of specialist academic monographs, with quotes from similarly specialised works in support of Kavalski’s various positions.

Central Asia — defined here as the five former Soviet republics of Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan and Tajikistan — remains a poorly understood or reported region and is proving a theatre of competition for normative and other forms of foreign policy influence. Nationalism since the Soviet collapse; the West’s implicit choice of short-term stability not democratic development in the face of perceived Islamist threats; energy politics; geo-politics in the wake of the 2001 US invasion of Afghanistan; the rise of China and the relative decline of Russia — all make for a fascinating and explosive region.

In this context, however, Kavalski’s analytical framework is idiosyncratic, driven as it is by selection, or definition, of the normative powers in relation to Central Asia which leaves out two major players, Russia and the United States. This approach suits Kavalski’s specialties and gives this work its uniqueness, but potentially at the cost of practical foreign policy relevance.

Most readers will understand normative power to mean, as Kavalski writes in one of his crisper lines, ‘influencing conceptualizations of the normal’; hence this exclusion of both the United States and Russia from the study seems counter-intuitive. These exclusions are dealt with in a few short paragraphs with the explanation being that no states other than India, Europe and China ‘fit the bill’, as Russia and the United States are both focused on resource extraction or domination, or both — or on controlling complexity, as opposed to engaging with it. The implication is that these characteristics are incompatible with normative power, and vice versa. This is a bold assertion that would seem to require a substantial argument of its own for overlooking both America’s (normative) role in world affairs as well as the existence of extractive or domineering impulses on the part of China, India and the European Union.

Instead of Russia and America we have the European Union and India as normative foreign policy agents. This is a stretch in general terms and particularly so in relation to Central Asia — a conclusion that even Kavalski seems to come close to supporting.

Indeed, he seems at times uncertain as to whether the European Union and India really do ‘fit the bill’. He indicates that Europe has only recently begun to focus on developing a grand strategy and that its own security governance focus has been ‘accession driven’; hence Brussels has struggled to ‘articulate not merely a new strategy for its relations with the region, but more generally an effective external affairs strategy which [sic] will be able to extend its normative power outside the framework of enlargement initiatives’.

Meanwhile in relation to India he writes that it has been ‘unable to overcome the South Asian demarcation of its agency’. These are reasonable conclusions but further draw into question the value of assessing these two actors in a grouping of three ‘normative powers’ in Central Asia.

In contrast the analysis on China shows, predictably and much more usefully, a cohesive structure of engagement with Central Asia. China, as is well known, is the ‘coming man’ of the region. Kavalski focuses substantially on the existence of the Shanghai Co-operation Organisation (SCO) as evidence of China’s ‘normatively driven engagement’, particularly on security governance matters.

The SCO (with its secretariat headquartered in Beijing) certainly shows China to be the most active of the three covered in this book, but it is, however, difficult to take at face value the SCO as ‘an active community of practice’, implying a degree of equality, when it appears so heavily Sino-oriented, comes with such vast collateral Chinese support (such as a $10 billion loan to SCO member states in 2009 to deal with fallout of the global financial crisis) and seems more of an umbrella for bilateral Sino-Central Asian activities than a truly multilateral entity.

Indeed, China’s security and investment activity into the region and parts of neighbouring South Asia such as Afghanistan and Pakistan seems to imply at least some extractive or domineering impulses and hence potentially undermines the tight definition of ‘normative’ to which Kavalski is working. Saying that, he provides a good summary of Chinese goals in the region but appears over-willing to accept that Chinese foreign policy in general adheres to the
rhetoric of peaceful rise, which seems inconsistent with the array of well-known territorial disputes that are escalating in China’s vicinity.

Kavalski provides context for the ways the European Union, China and India interact with Central Asia on security governance. But given he shows that two of these three powers do not interact effectively as ‘normative powers’, there are probably more valuable analytical frameworks available to the general reader on this very complex part of the world; while China’s role in the region (in competition with Russia and America) deserves a book of its own.

ALEXANDER McKINNON

NEW FLAGS FLYING: Pacific Leadership

Editors: Ian Johnstone and Michael Powles

This book arose from an oral history project conducted by Radio New Zealand International, funded by the Ministry of Foreign Affairs and Trade. The project’s aim was to record the reflections of Pacific Islands leaders on the transition from colonialism to independence. Interviews were carried out by Ian Johnstone during the years 1992–95 and again in 2009–11 and the recordings were lodged in Radio New Zealand International’s Archive, where they provided a source for uplifting broadcasts and sadly, as the years passed, obituaries.

In 2009 Ian Johnstone enlisted the assistance of career diplomat Michael Powles, founder and chair of the Pacific Co-operation Foundation, and the two constructed a website at www.rnzi.com/newflagsflying to make the recordings accessible. Because internet access was unreliable in the Pacific Islands, the next step, with the financial assistance of AusAid and the Pacific Development and Conservation Trust, was to publish a book that could be distributed to libraries and classrooms throughout the region.

The result is an attractive volume that presents not only the words of leaders whose names resonate with anyone familiar with recent Pacific history — Davis, Mara, Somare, Lini, Kenilorea, Efi, Tupou IV — but also ample photographs, maps, and chronologies, arranged into fourteen chapters in order of date of independence, from Samoa to Palau, and a fifteenth chapter on Pacific women leaders such as Papua New Guinea’s Carol Kidu. The editors put each leader’s verbatim reflections into perspective by providing a brief historical and political overview of the events leading to independence. The editors also offer ‘A Pacific Overview’ chapter on the colonial experience by way of introduction and a ‘Conclusion’ to sum up, followed by a Bibliography and Index. The book is supplemented by an audio CD of interviews with twenty leaders.

New Flags Flying is certain to achieve what the editors set out to do: to provide Pacific people with not only the key facts of their colonial and independence heritage but also the insights of their leaders as they navigated towards an uncharted political future.

STEFERN HOADINGE

THE DEVOURING DRAGON
How China’s Rise Threatens The Natural World

Author: Craig Simons
Published by: Awa Press, Wellington, 2013, 289pp, $36.

Craig Simons provides an insightful account examining the impact of China’s rise on both the Chinese and world environments. The author writes of the impact’s magnitude given the Chinese economy’s significant annual growth, its population representing one-fifth of humanity, and the country’s responsibility for one-quarter of global greenhouse emissions with almost half of all the coal burned on Earth. The author moves beyond statistics to provide a vivid eyewitness account drawing on his travel throughout China and the world where the environment has changed. These include the Amazon, India and New Guinea. The author has supplemented his own experiences and knowledge with interviews that provide helpful information. These range from talking to indigenous people, scientists and environmental advocates, traders of endangered animals, and ordinary people. Reference notes are extensive, though additional tables and diagrams would be useful. Information on New Zealand, which is mentioned on the book’s back cover, would also be welcomed.

Simons believes that unless we live more sustainably, the speed of environmental change will accelerate as both China and the rest of the developing world’s demands increase. Moreover, unless we find ways to produce and consume more sustainably, our growing demands will degrade our shared environment at an ever-faster rate. As the environmental costs become more obvious we will address the problems with greater urgency. The real questions are: when will that happen, and what will be left? Global warming poses the greatest threat, and to address the negative environmental consequences the mantra needs to change from ‘think globally, act locally’ to ‘think locally and act globally’. This requires moving to an ethic of shared responsibility with wealthy nations helping those poorer, such as by sharing the income from sustainable logging. People need to take personal action, and to demand government action.

Simons is optimistic that if people in the West act, China will ‘stand with us because this is their century and the Chinese people do not want it marred by environmental collapse. Like the West in the twentieth century, China’s environmental ideals are evolving rapidly’. Indeed, even with China becoming the world’s top source of carbon emissions it has also become its largest producer and consumer of renewable energy technologies. There is further optimism that the worst environmental problems can be solved at a relatively low cost, and the tools, knowledge and resources exist to allow all to live sustainably and well.

The Devouring Dragon is highly recommended for those seeking to better understand the rise of China, and the environmental consequences. The well-written book provides a thought-provoking and vivid account of these consequences and possible solutions that warrant our attention and action.
The word ‘Passchendaele’ symbolises the agony of the Western Front, New Zealand’s most bloody campaign. In two and a half years of combat New Zealand deaths exceeded 12,000, more than were lost in the whole of the Second World War. One unsuccessful attack, on 12 October 1917 accounted for 845 of the fatalities.

The main outlines of this tragedy, the worst military disaster in New Zealand’s history, have long been known. Eight days after their first attack at Passchendaele — a signal success — the New Zealanders (and Australians) were thrown in again, following a disastrous British effort on 9 October. The artillery, struggling to get their guns forward and to operate them in the quagmire caused by incessant rain, failed to cut the barbed wire or destroy the pillboxes on Bellevue Spur leading to Passchendaele. This left the hapless infantry at the mercy of German machine gunners, who cut a murderous swathe through them. The troops went to ground in a sea of mud. For the first time in a major attack, the New Zealand Division had failed to secure its objectives.

What has long been a matter of dispute, however, is the responsibility for this tragedy. This question is at the heart of Andrew Macdonald’s analysis of the battle in Passchendaele, The Anatomy of a Tragedy. He lays the blame squarely on the shoulders of the commander of II Anzac Corps, in which the New Zealanders served at Passchendaele, Lieutenant-General Sir Alexander Godley, the British officer who also commanded the New Zealand Expeditionary Force.

Not the least of the merits of this history, which is based on Macdonald’s PhD thesis, is the deep research in the primary sources on which it is based. Macdonald has explored the archives in the United Kingdom, especially the records of II Anzac Corps, Canada and New Zealand. This alone sets his book apart from the most recent studies of the battle.

Whereas Harper laid the blame for the disaster at the feet of the German officers, Macdonald places it on both sides, as does Edward G. Dreyer in his Passchendaele Story. The New Zealanders engaged in the battle were not the victims, as Macdonald says in his title, of a massacre. The men who failed to advance were those who were charged with the task by their superiors.

The Anatomy of a Tragedy provides evidence that Godley could have advanced in his defence. Macdonald notes that Haig and Plumer set the operational tempo. The former believed the enemy to be tottering, and that one more push might induce a collapse. Convinced that in the First Battle of Ypres in 1914 the Germans had missed an opportunity by not putting in one more attack, which would have brought victory because of the British disarray, he was determined not to make the same error. Moreover, a corps commander who failed to carry out his superior’s orders was likely to be ‘degummed’ (relieved of command and sent back to the United Kingdom), a fate that had already befallen numerous commanders.

It was Plumer, too, who prevented Godley from attempting to exploit the success of the 4 October attack by rapidly seizing Passchendaele before German reinforcements arrived, as officers at the front believed feasible (such as, for example, machine gun company command and future general Lindsay Inglis and II Anzac intelligence officers).

Although Macdonald compares Godley unfavourably with Currie, who demanded and got time to prepare his attack, it is unfair to hold that latter fact against Godley. The two corps commanders faced very different situations in their approach to the battle. With the failure of the 9 and 12 October attacks, it was obvious to Haig and Plumer that time was needed properly to prepare the further ‘bite and hold’ assaults that might finally capture the ruins of Passchendaele. In short, they were more willing to accommodate Currie’s demands than they would have been earlier in the month.

Debate will continue about the role of Russell. Macdonald excuses him from blame, in spite of the fact that Russell berated himself in his diary for not ensuring that the conditions were suitable for the attack. And Macdonald takes the view that Godley misled Plumer about the proposed new attack that was ordered for 3 p.m. on the 12th — something the bogged and exhausted infantry were in no position to carry out. At 11 am Plumer’s chief of staff noted that Russell was determined to carry out the assault, implying that he supported the new attempt. According to Macdonald, Russell’s attitude was the opposite — but he nevertheless set about carrying out Godley’s orders. Should he have refused and risked being degummed? Or did he in fact favour a new effort, only to be persuaded otherwise by the protests of one of his brigade commanders? Mercifully the renewed attack was eventually called off.

Macdonald has produced an excellent history, which will be the standard work on New Zealand’s participation in the battle for the time being. His argument is clear, and based on impressive research. It is sure to prompt renewed interest in the events at Passchendaele. Even if his findings may come under challenge, he has provided an impressive basis for the debate in this work. In doing so, he has greatly enhanced his reputation as a military historian, and we may look forward to further analytical studies by him in future. Readers of this book will also find it very well illustrated, featuring both photographs and art works.

IAN McGIBBON
The participants in the September dialogue between the New Zealand and Japanese institutes. Professor Rabel is in the middle with the Japanese chair, Professor Tsutomu Kikuchi, on his right and the New Zealand chair, Peter Kennedy, on his left. Professor Harris is at the far left and Paul Sinclair (CSS) and John McKinnon, the executive director of Asia:NZ Foundation, are second and third from right respectively.

On 19 August HE David Daly (the European Union’s ambassador to Australia and to New Zealand) gave a presentation on ‘The European Union and New Zealand, the Pacific and Asia’.

On 22 August Dr Alan Bollard (executive director of the APEC Secretariat, Singapore) addressed a meeting at Victoria University on ‘APEC in a Very Different Asia Pacific’. Five days later HE Judge Sir Kenneth Keith, the first New Zealander to be elected a judge of the International Court of Justice, did the same on the topic ‘100 Years of the Peace Palace: Prospects for International Adjudication and Arbitration’. (The edited text of this address is to be found elsewhere in this issue.)

On 23 September the 6th NZIIA/JIIA (Japan Institute of International Affairs) Track 1.5 Dialogue was held in Wellington. It was co-hosted by the Asia: NZ Foundation and NZIIA and formally opened by the NZIIA’s acting president, Professor Rob Rabel. This was the first time this dialogue has been held in New Zealand (as previous sessions were in Tokyo). Topics included China’s growing influence and its relationship with the United States, regional economic architecture, and a special item on the Middle East and in particular the situation in Syria (which Professor Bill Harris from Otago University led on).

**Auckland**

The following meetings were held:

- **23 Sep** Lyndon Burford (Auckland University political studies doctoral candidate), ‘New Zealand in the Modern Nuclear World’.
- **26 Sep** Professor Alexander Gillespie (Waikato University), Grant Bayldon (CEO of Amnesty International) and Barry Wilson (president of Auckland Civil Liberties), with Treasa Dunworth in the chair, ‘The Arms Trade Treaty: Will it Curb the Power of the Gun?’ (in association with the Auckland branch of the International Law Association).

**Christchurch**

The following meetings were held:

- **16 Sep** Prof Alex Tan (professor of political science, University of Canterbury), ‘Three’s a Crowd: US–China–Taiwan Triangular Relations’.
- **9 Oct** Prof Karen Scott (professor of law, University of Canterbury), ‘The Ross Sea MPA: Law, Politics and Fishing in the “Last Ocean”’.

**Hawke’s Bay**

In August Roger Mortlock spoke about the peacekeeping intervention in Bougainville. In September the Korean ambassador reviewed the situation in north-east Asia with regard to the Korean peninsula.

**Nelson**

On 9 August the ambassador of Mexico, HE Leonora Rueda, addressed the branch on ‘Mexico and New Zealand: Close Pacific Neighbours’.

**Palmerston North**

On 4 September, HE David Huebner spoke on ‘US–New Zealand Relations: Security and Trade Issues for the Pacific Century’. After beginning with a friendly welcome in multiple languages to acknowledge the diversity of the audience, he covered three areas, including innovation of diplomatic policy, President Obama’s rebalance of the Pacific region, and US–New Zealand relations. He emphasised the longstanding relations between our two countries, citing the 175th anniversary of the posting of the first US consul to New Zealand. He noted the history of whaling, the first posting of a New Zealand diplomat to Washington in 1942 and co-operation in the Second World War, and outlined the success stories of US–New Zealand exchange, investment, ca-
pacity-building in infrastructural, economic, military and cultural relations.

Huebner lamented the poor state of relations during the 1980s and 1990s. In the 2000s, US foreign policy focus on the Middle East led to the failure of Washington to pay adequate attention to the Pacific. Since 2010, Washington has promoted an inclusive policy that welcomes all to participate in a Pacific century. New Zealand and the United States work for win-win results, through inter-operability in defence, value chain economics, and capitalising on the movement of people and skills. The ambassador highlighted recent examples of joint US–New Zealand action and dialogue on military and humanitarian relief efforts, such as water provision in Tokelau. He emphasised the value of action and dialogue on military and humanitarian relief efforts.

25 Sep HE Noppadon Theppitak (Thailand’s ambassador in Washington Branch Study Group of Japan, ‘The Future of East Asia — The Role of Japan, 21pp
2001 Wgton Branch Study Group, Solomon Islands — Report of a Study Group
2002 Bruce Brown (ed), New Zealand and Australia — Where are we Going?, 102pp
2002 Peter Cozens (ed), The Asia–Pacific Region: Policy Challenges for the Next Decade, 78pp
2002 Malcolm Templeton, Protecting Antarctica, 68pp

from 200 in 2009 to over 1000 this year. Many of these efforts work towards building economic prosperity, but are never seen in the trade statistics. Huebner finished his address by explaining some of the changes he was making at the US Embassy — more emphasis on public diplomacy, digital and social media, working with students, leadership development, and building community links with diverse groups. His seminar was supplemented with many pearls of wisdom from his own life experience. The seminar was very well-received and enjoyed by all who attended. (Supplied by James To)

Wairarapa
On 7 October Dr Jim Veitch addressed the branch on ‘An Arab Spring or an Arab Winter of Discontent: and New and Unexpected Initiatives for Change in the Middle East’.

Wellington
The following meetings were held:
25 Sep HE Noppadon Theppitak (Thailand’s ambassador in New Zealand), ‘Thailand and New Zealand Bilateral Relations: Linking People, Linking Countries’.

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APOLOGY AND RETRACTION

In our July–August 2013 issue (volume 38, no 4), we published a review by Stephen Hoadley of the book *Diplomatic Ladies* by Joanna Woods. Much to my embarrassment and regret as editor, the third to last paragraph of that review contained comments about John Collinge and his wife that were both inaccurate and without foundation. We retract the statements made in that paragraph without reservation and offer our sincere apologies to Mr and Mrs Collinge for any distress that it has caused.

Mr Hoadley accepts that his reporting of Chapter 19 of the book was grossly in error and he has also unreservedly and sincerely apologised to Mr Collinge and his wife.

The NZIIA has been informed that a settlement agreement has been executed whereby the author Mrs Woods has unreservedly and sincerely apologised to Mr Collinge for the contents of Chapter 19 of the book headed ‘Conduct Unbecoming’. The author and publisher (who were represented by Queen’s Counsel) have agreed to withdraw and recall all unsold copies of the book from sale. They have further agreed to remove the chapter in its entirety from all future editions.

The NZIIA, through its president, has likewise unreservedly and sincerely apologised to Mr and Mrs Collinge for the review in this journal and has agreed to publish a statement from Mr Collinge to correct the record as follows:

‘Both Chapter 19 of the book and your review of the chapter are false and defamatory.

‘The brief facts are that while in London my wife and I were seriously and persistently stalked by a woman (with whom I never lived, with whom any relationship had long ended and who wrongly claimed to have been “Mrs High Commissioner”) with the intent of substituting herself in a relationship with me. The stalking was very serious indeed — which to me included multiple gifts and invitations, a bombardment of communications, following and surveillance, thefts and threats; and to my wife (then my fiancé) included assaults, intimidation, following and surveillance, disruption at all hours of the night, attempts at serious injury and spreading false and malicious material. It was a campaign of verbal, written and physical abuse which was persistent for a period of two years. It was at all times known by the Diplomatic Protection Squad who increasingly became very concerned at her activities and obsessive state of mind, she having been apprehended on some five occasions. As a result, the Police, on their own initiative, brought a prosecution (in which we did not participate) against the stalker with a view to have her bound over to desist. Some six months later, first the UK Parliament and then New Zealand enacted the Harassment legislation to provide serious offences and remedies against harassment of this kind.

‘The alleged “dining room table incident”, as it has become known, which was alleged by the stalker and repeated by Mrs Woods, never actually occurred and I have long denied the allegations. In Court the Police prosecutor by way of example read out an abusive letter written by the stalker to my wife (then my fiancé). This letter (written by the stalker more than two years after the alleged event) included for the first time the allegation of the dining table incident and others. The allegations were read out by the Police prosecutor as evidence of her state of mind and threatening behaviour, and were subsequently reported in the media. The Police would not have used the letter in this way had they considered it to be true or credible, and even Mrs Woods describes it as “mindless ranting”. In Court, the woman pleaded guilty to sending it as part of the stalking campaign and to the charge that it was “an offensive letter with intent to cause distress or anxiety”. Her defence lawyer in court in entering the plea of guilty accepted that it was inappropriate and, in justification, that she was in love and still was. Further, the stalker has never said that the “dining table incident” was true. The Magistrate told her that her jealousy had caused her to become obsessed. The stalker was bound over by the Court to desist from her behaviour.

‘There was not the slightest cause given to the woman for her behaviour or any impropriety while I was High Commissioner. The behaviour of the stalker was never returned in any way by myself or my wife — to do so would have increased the very real danger of the situation.

‘My wife was entirely an innocent party to these events in every respect, and brought great credit to New Zealand during the two years as my partner and hostess. My wife had never met or known of the woman stalker previously and never contributed in any way to her behaviour. She bore with great fortitude all of the totally unjust, serious and malicious communications made by the stalker to third parties — for which I am extremely grateful. Likewise, she bore the very real fear generated by the stalker’s behaviour and which concerned the Police. Her role while my hostess when I was High Commissioner was exemplary and universally favourably commented upon. In fact, her contribution as my partner was highly dignified, invaluable and supportive of the New Zealand effort.

‘Regrettably, this myth and “urban legend”, itself a product of media interests and frenzy, was perpetuated in derogatory terms when repeated by Mrs Woods and your reviewer as though it was true, when in fact it was palpably false and, indeed, risible.’
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