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ST ANTONY'S INTERNATIONAL REVIEW

Volume 18, Number 1, October 2023

Table of Contents

Tribute to Annika Fawcett-Greup (1986-2021).....**4**

GENERAL SECTION

No, no me da la gana ser una mujer sumisa y abnegada. Sí, sí me da la gana ser una mujer consciente y liberada: Female Vulnerability as a Channel for Violence Against Women in Latin America.....**5**
Chloe Chayo

EU trade and investment agreements with 'like-minded' partners: acting together in facing global challenges?.....**25**
Ivana Damjanovic

Prelude to the Green Tide: struggle for abortion liberalisation Argentina (2001–2018) **42**
Chantal Medici

Hypotheses on Social Movements and Catalan Nationalism.....**80**
Dominik Rehbaum

The Impact of Consociationalism on Foreign Relations in Lebanon:
A Case for The Detrimental Effect of Consociationalism on Democracy.....**101**
Gia Rowley

Water and the Exacerbation of Indo-China Relations.....**122**
Shantanu Roy-Chaudhury

THEME SECTION – From the UK to Ukraine: Walking the Tightrope of European Unity

'Playing with fire': implications of Russia's Occupation of Chornobyl and Zaporizhzhia Nuclear Power Plants for the global nuclear order.....**137**
Anna Davis

How realistic is 'Global Britain' as a role?.....**150**
Ash Dharmasingham

An Analysis of Russian Foreign Policy in the South Caucasus.....**191**
Anezka Ferreira
Shaping post-war Ukraine's political regime: backsliding democracy or turn to presidentialism? **123**
Denys Karlovskyi
Lessons from Ukraine: Macron's European policy in the wake of the war.....**249**
Jeanne Nougué (MPhil International Relations, University of Oxford)
Finding Oneself after a Messy Divorce: has Brexit Strengthened British Identity?.....**268**
Nicholas Scott
Retracing the 'Return to Europe's fissures: Factors of dilution of a deepened Eastward enlargement in the aftermath of 1989.....**287**
Cristina Sío-López

BOOK REVIEWS.....**300**

Tribute to Annika Fawcett-Greup (1986-2021), *STAIR* editor 2009–2010

By Diarmuid Torney

I had the privilege of working with Annika Fawcett-Greup as co-editor of *STAIR*'s 10th edition, *New Directions in Climate Change Politics* (vol. 5, no. 2), published in February 2010. Annika was committed and determined, with a sharp intellect, intense work ethic, and profound commitment to the topic of our special issue—which would come to shape her professional life. I have many fond memories of our time working together. Annika was invariably good humoured and understanding throughout the stresses and late nights that came with producing our issue of *STAIR*.

While the field of climate change politics has advanced considerably since our special issue, the articles we published in that issue collectively serve as an important snapshot of an evolving global landscape. The themes we called out in our editorial introduction—the role of institutions in shaping climate politics, the increasing prominence of non-state actors, a growing emphasis on climate change adaptation, and the importance of domestic politics—are all as relevant today as when we wrote our introduction in the early days of January 2010.

After our time together in *STAIR*, our professional and personal lives took us in different directions—in my case an academic career focusing on climate change politics, and in Annika's case a career working in the Dutch government on various aspects of climate change policy. The last time we met was at the COP21 climate change summit in Paris in 2015, which she attended as a negotiator for the Dutch government.

With the passage of time Annika and I had fallen out of contact, and it was only by chance that I recently learned of her tragic death in early 2021 after a freak accident. The world of international climate policy has lost a passionate and dedicated servant, and so many have lost a kind and devoted friend. She is survived by her husband Richard, whom she met in Oxford, and their three children: Mattias, Lennart, and Tilda.

GENERAL SECTION

'*No, no me da la gana ser una mujer sumisa y abnegada. Sí, sí me da la gana ser una mujer consciente y liberada*': Female Vulnerability as a Channel for Violence Against Women in Latin America

Chloe Chayo

Abstract

"No, no me da la gana ser una mujer sumisa y abnegada. Sí, sí me da la gana ser una mujer consciente y liberada[1]" is a cry belted at feminist rallies across Latin America. It highlights the importance of female independence to mitigate violence against women. Leveraging panel data from 16 Latin American countries from 2005 to 2020, this paper uses statistical analysis to analyse factors which contribute to violence against women in Latin America. I theorize that female vulnerability, shaped by institutions and gender norms, contributes to violence against women. This analysis finds statistically significant evidence that female informal employment is associated with higher rates of violence against women, and that primary school and secondary school completion are associated with lower rates of violence against women. I invite further study into how female socioeconomic and health factors, shaped by public policy, contribute to violence against women by suggesting there are non-linear effects and feedback loops among these factors.

Introduction

"*No, no me da la gana ser una mujer sumisa y abnegada. Sí, sí me da la gana ser una mujer consciente y liberada*" is a cry belted at feminist rallies across Latin America. UN Women estimates that 1 in 3 women will experience gender-based violence during their lifetime (UN Women 2022) - this number is even higher in Latin America, home continent to several countries with a high incidence rate of against women, such as El Salvador, Honduras, Colombia, and Peru (Georgetown Institute for Women 2021). This paper focuses on the relationship between female socioeconomic outcomes and rates of violence against women across countries in Latin America. This analysis will operationalise violence against women as expressed through sexual violence and femicides. Femicides are the killing of females exclusively because of their gender; they are the most common expression of violence against women. For the sake of this analysis, gender-based violence will be considered synonymous to violence against women. Leveraging panel data from 16 Latin American countries from 2005 to 2020, this paper uses statistical analysis to answer the question: What factors contribute to violence against women in Latin America?

[1] No, I do not feel like being a self-sacrificing, submissive woman. Yes, I do feel like being a self-aware, liberated woman, in Spanish.

This paper builds from existing literature on violence against women to develop a more comprehensive theory that ties existing, often disparate, findings together within a single framework. I argue that the root of gender violence is underlying female vulnerability, which is shaped by institutions and gender norms. I conceptualize female vulnerability as an effect of external factors, which constrain women's socioeconomic options, therefore limiting female self-sufficiency. Institutions and culture shape public policy in ways which promote female vulnerability. Female vulnerability is in turn what contributes to violence against women, as vulnerable women are at risk of being unable to escape violence from intimate partners, family members, or other men around them.

This research addresses prevalent notions that violence against women in Latin America is largely a product of an attitude of *machismo*.[2] This justification is at pains to explain why there is variation in violence against women across Latin America, a relatively homogenous region at the level of its *machismo* culture and dismisses how institutions and policy impact female socioeconomic outcomes, including women's susceptibility to gender-based violence. I propose that there can be a pathway through which violence against women occurs, providing a more nuanced explanation that can explain heterogeneity across Latin-American countries. Explanations that use *machismo* to justify violence against women do not allow for targeted action to prevent future violence, whereas my theory allows for stakeholder agency through policy implementation to decrease violence against women. For this analysis, *machismo* will be considered a particular expression of overarching Latin American gender norms. These norms are reproduced within wider regional culture. Hence, gender norms and culture will be used interchangeably to describe sexist societal customs, *machismo* included.

This research is additionally relevant to the field of International Affairs as it can inform policy decisions to mitigate the problem of violence against women which is globally occurring. Its findings are especially relevant to educational, labour, and health policy, as quantifying the positive externalities of public goods like education and healthcare can incentivize countries with high rates of violence against women to implement them. This analysis estimates the direction and magnitude of the effect of socioeconomic factors on violence against women. This is crucial for policy formulation as it provides the expected impact of a health, education, or labour policies on rates of violence, while giving policymakers the ability to compare the effectiveness of various programs as part of the consideration of their implementation.

Decreasing violence against women through public goods provision is linked to the achievement of multiple Sustainable Development Goals, including good health, well-being, and gender equality. Additionally, analysing the variation of violence against women alongside schooling and employment rates may uncover regional tendencies that may further serve intergovernmental organizations to reassess their efforts towards achieving Sustainable Development Goals. At the national level, this study serves to track progress on violence against women in the past 20 years, helping stakeholders make informed decisions on how policy can be implemented to mitigate this issue.

This analysis finds statistically significant evidence that female informal employment is associated with higher rates of violence against women, while primary and secondary

[2] Latin-American sexism rooted in cultural notions of strong, aggressive masculine pride.

school completion rates are associated with lower rates of violence against women. This study does not find statistically significant evidence in favour the combination of health, education, and employment factors as a cause of violence against women. However, that is in part a product of this study's inability to assess non-linear trends and mutualisms between socioeconomic factors as joint causes of violence.

Literature Review

"Gender-based violence (GBV) is the general term used to capture violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power relationships between the two genders, within the context of a specific society." (Bloom 2008, 14). Although nonbinary and transgender communities can also experience gender-based violence, this paper will focus on violence against cisgender women as this is what is captured by the data used in this analysis. I will be focusing on the most severe expression of violence against women: femicides, defined as homicides where "deaths occurred as a result of women or girls being targeted on the basis of gender" (Bloom 2008, 178). As such, all femicides are female homicides, but not all female homicides are femicides, as female deaths may have other causes beyond gender violence. I will also consider sexual violence as another extreme form of violence against women. This review outlines existing explanations for violence against women, including institutional factors, geopolitics, and gender norms.

Literature suggests that there are structural or socioeconomic factors which contribute to violence against women by enabling perpetrators and failing to convict them, creating an unequal social order, or systematically trampling on women's rights. An observational study from Mexico found that "poverty, unemployment, the disintegration of the peasant economy, and migration [...] are, along with the national crisis of governability, the most important structural causes of the increase in violence against women" (Olivera 2006, 107). These findings are supported by another empirical study which tracked femicides across Argentina, Bolivia, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, and Uruguay from 2000 to 2014. Specifically, this second study examined the femicide rate in each country as a potential function of three independent variables: national femicide laws, the level of impunity for perpetrators of femicide in the country, and various proxies for gender inequality. Gender inequality was measured by the proportion of seats held by women in national parliament, gross enrolment ratio in tertiary education for females, and the female percentage of the total labour force. This femicide study's main findings were that "impunity is the main cause behind gender violence in Latin America" (Saccomano 2015, 23). Female representation in parliament was found to "weakly deter femicides, but this is more an indicator of functioning institutions," (Saccomano 2015, 24) thus confirming the importance of institutions, in this case that of the rule of law, as contributors to femicides. Although institutional decisions may be imbued by gender norms, Saccomano isolates the effect of institutions on femicides as gender norms are taken to be constant throughout the countries in her study. Thus, any variation in femicides is assumed to not be due to gender norms. Both studies illustrate that femicides might be related to societal factors instead of gender issues directly, illustrating how violence against women can be perpetuated by institutions.

Furthermore, the state and local justice bodies are other mechanisms through which institutions have been found to contribute to violence against women. A study of extreme

cases of femicide, based on a collection of data sources (including national legislation, country-level statistical data, and stakeholder interviews) in Honduras found that femicides occur through "the actions and inactions of the state that have served to amplify violence" against women (Menjivar 2017, 222). Menjivar adds to the argument that institutions promote extreme violence against women (through femicides) by illustrating how the state practices omission and commission of violence. Omission refers to "indirect mechanisms such as failure to provide prevention, protection, and prosecution" for cases of violence against women (Menjivar 2017, 222) while commission is defined as "direct actions, such as sexual violence, threats, and the targeting of women leaders for persecution and police harassment" (Menjivar 2017, 222).

Agreeing with Saccomano, Menjivar's study proposes that violence against women is promoted by institutional factors and perpetuated by structural factors. This study adds to how weak rule of law and the state promote femicides, explaining that "women are kept disproportionately poor through policy design and become even more vulnerable to violence as policies contribute to maintaining impunity." (Menvijar 2017, 224). Finally, Pamela Neumann conducted an ethnographic study in Nicaragua from June 2012 to December 2014 on 162 *comisarias de la mujer*: police departments staffed entirely by female investigators, psychologists, and social workers. Neumann found that, at the local level, women officials within state institutions do not improve most women's treatment by police or prosecutors (Neumann 2017, 1113). Neumann therefore concluded that local justice institutions are those responsible for enabling femicides (Neumann 2017, 1106), as female state officials impeded access to legal justice by imposing pressure to mediate, taking the side of the accused, shifting the burden of investigation, and employing arbitrary procedures alongside technical language (Neumann 2017, 1110). This combination of behaviours promoted violence against women. Although Neumann disagrees with Saccomano's findings that female presence in government is negatively associated to femicides, Neumann agrees that state institutions are connected to violence against women but proposes that there are local and individual factors that affect gender-based violence, and that the importance of large institutional structures as pointed by Menjivar and Saccomano come second to local factors.

These studies contribute to this analysis as they lay the theoretical foundation for my hypotheses on female vulnerability, which will be discussed in the following section, by setting a precedent that violence against women can arise from factors, such as institutions, that can be strengthened with policy, even with the presence of *machista* gender norms. This helps support the idea proposed by my thesis, that violence against women can be mitigated sooner than it takes to shift *machista* gender norms via policy implementation, despite the continued presence of *machismo*.

Additionally, scholars propose that violence against women is caused by geopolitical factors, which disproportionately affect women. For instance, using cross-country data from national statistical bodies in Central America and United Nations data, Heather Agnew identified that the violence induced by drug wars on the US-Mexico border, starting with President Felipe Calderon's 2006 War on Drugs, had a disproportionate effect on women. This was confirmed by Gustavo Fondevila et al, who tracked female homicides in Mexico from 1998 to 2016 using data adapted from the Mexican Ministry of Health. Fondevila et al found a statistically significant increase at a 1% significance level of female homicides when comparing deaths in 1998 – 2006, pre-War on Drugs, to 2007-

2012 and 2013-2016, post-War on Drugs (Fondevila 2020,151). Fondevila et al therefore concluded that females were differentially impacted by the drug-war-induced increase in general homicide rates in Mexico starting in 2006 (Fondevila 2020, 152). Authors who extended this analysis by including a spatial analysis when assessing female versus male homicide rates over time concluded that Mexican "states that actively enforced the War on Drugs policy experienced higher and more concentrated levels of female homicidal victimization" (Roldan 2021, 130). There are various explanations to how geopolitics translates into increased violence against women, such as the existence of societal features which make women more vulnerable to increases in crime (Fondevila 2020, 148). Another way in which geopolitics perpetuates violence against women is described in an ethnographic study in Mexico in 2004, which found that "the implementation of NAFTA led to a regressive shift in how Mexican society came to devalue female laborers as human capital, and this idea transcended the economic sphere and became internalized culturally" (Agnew 2015), thus contributing to violence against women through existing geopolitical phenomena.

Moreover, literature has proposed that sociocultural norms are the root of gender-based violence. Using observational data from Colombia, authors compared repertoires of gender-based violence in the Revolutionary Armed Forces of Colombia (FARC) to gender-based violence in civilian society, leveraging the transition of the FARC into a political party in 2017. Their study proposed that gender norms contribute to gender-based violence by making it "conceivable and realizable" (Bates 2022, 154). These norms are collectively described as *machismo.* Gender norms were also mentioned as conditions which promote violence against women by Fondevila, Menvijar, and Neumann.

Finally, scholars have proposed that, despite the existence of significant contributors to gender violence, there are policy options that help reduce violence against women. This weakens arguments about gender norms causing violence against women. Authors examined the effects of the creation of female-staffed police stations, called *comisarias*, designed specifically for cases of violence against women - which are present in Brazil, Bolivia, Ecuador, Nicaragua, Peru, Uruguay, and Argentina (Carrington 2022, 578). Based on three-months of field research interviewing 100 employees from 10 different *comisarias* in the province of Buenos Aires in Argentina in 2019, scholars found that *comisarias* decreased violence against women by developing "practices and protocols that have a potential to widen access to justice; empower[ing] survivors to liberate themselves from the cycle of domestic violence; disrupt[ing] the patriarchal norms that sustain gender violence at a local level through community policing" (Carrington 2022, 597). With this, Carrington introduced the option of policy implementation to mitigate and ultimately stop gender-based violence promoted by gender norms. Carrington suggests that policy can produce "a large-scale educative influence through […] community engagement activities to challenge the norms that sustain violence against women" (Carrington 2022, 581). By showing that norms can shift, this study therefore diminishes the importance of gender norms, and their effect on institutions in determining female outcomes. Research having been done at different time periods and Argentina's history of female activism, activism which is absent in Nicaragua's history of Somoza's autocratic rule, followed by Sandinista and Daniel Ortega's leadership, may explain why the outcome of Carrington's contrasts with that of the *comisarias*.

All factors identified by the literature are insufficient in themselves to differentially impact women. It is true that both institutional factors, like impunity and lack of rule of law, and cultural factors, namely gender norms, contribute to violence against women. However, there is no reason why the aforementioned factors should, alone, lead to female deaths specifically. Similarly, although there is merit in considering the contribution of local conditions to gender violence, like local bodies of justice or conflict-inducing phenomena like transnational dynamics on the Mexico-US border, these local explanations are insufficient to explain existing trends across the wider Latin-America region. A regional lens is more appropriate than local, case-specific explanations as it contributes to knowledge on violence against women within international affairs, allowing for policy implementation at the regional level. There is merit in using a regional lens over local analyses because violence against women is not exclusive to a single locality, so the factors which contribute to it must be present across the region.

This literature review highlights how existing knowledge in the field is limited. Current literature has established what factors contribute to violence against women, but further work is required to look at how each identified factor contributes to violence against women. There has not yet been a study that attempts to look at the causal effect of a combination of socioeconomic factors on violence against women after isolating gender norms, geopolitical conflict, or institutions. This analysis will fill that gap in the literature.

Theory and Hypotheses

Therefore, I will now propose my theory to answer: What factors contribute to violence against women in Latin America? I argue that the root of gender violence is underlying female vulnerability, which is shaped by institutions and gender norms. My theory connects the existing body of scholarly work exposed in the literature review. I theorize that institutions and culture shape public policy in ways which contribute to female vulnerability. I conceptualize female vulnerability as an externally imposed state in which women are not independent and are unable to independently fulfil their financial and health needs on their own. Therefore, female vulnerability can be defined as a female inability to be self-sustaining and self-sufficient because of external factors. Female vulnerability is then what contributes to violence against women. Conflict is the only channel identified by the literature that can promote violence against women directly, because conflict increases all forms of violence, including violence against women. Conflict does not cause female vulnerability directly, as conflict deteriorates social wellbeing overall, so a disproportionate effect on women from conflict must be drawn from pre-existing female vulnerability. All other factors - institutions and gender norms - promote female vulnerability, therefore perpetuating violence against women.

Female vulnerability is thus a channel through which violence against women is enabled. Female vulnerability can also be understood as a latent factor arising from socioeconomic indicators – this explains how female vulnerability is measured in this study. Figure 1 summarizes the existing explanations for violence against women, while Figure 2 depicts my theory. As the focus of this analysis is female vulnerability, the relationship between institutions and gender norms will not be explored in depth.

Figure 1: Existing Literature

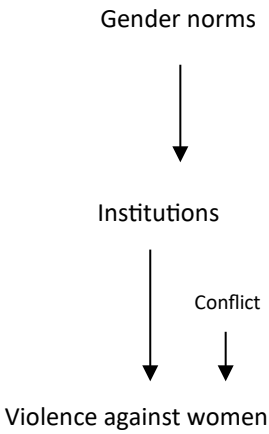
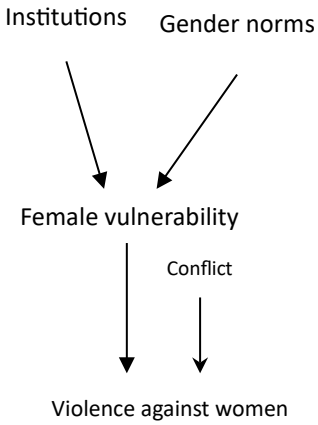


Figure 2: Vulnerability Theory



My theory follows from existing literature, as the Argentine *comisarias* study illustrated potential outcomes where women were less vulnerable to begin with. It implied that social norms or institutions that cause gender violence may be mitigated through anti-violence against women policy. By extension, it illustrated how lack of public policy towards women leaves them in a vulnerable state which then enables violence against women.

Rather than institutions and cultural norms being the cause of violence against women, I hypothesize that they are the mechanisms through which channels for violence against women are enabled. The institutions and cultural norms promote a systematic female exclusion of public goods, which then leads to female vulnerability. This female vulnerability contributes to violence against women, as it alone can explain why institutional, geopolitical and factors have a differential impact on women. My theory adds to existing literature by incorporating state agency and introducing variation in female access to policy benefits as a contributor to violence against women.

I propose that there are various ways in which female vulnerability makes women susceptible to gender-based violence. The first is female exclusion from compensated work, which limits female agency to flee from areas of conflict, where they are disproportionately targeted. This economic vulnerability may make women more likely to suffer violence, as it limits their geographical mobility, forcing them to live in areas of conflict, like those affected by drug wars in Mexico (Fondevila 2020, 148). By staying in areas of conflict, they are exposed to extreme forms of violence, which ultimately leads to their deaths. Alternatively, for the cases where conflict is not present as a trigger for violence against women, exploitative employment promotes female vulnerability by creating female economic dependence (Olivera 2006, 107). Exploitative employment refers to any activity where women are not compensated fairly for their work, such as when they are not part of the formal labour force or perform unpaid domestic work. It is likely that these women are financially dependent, either partially or fully, on males. With this, women will be more likely to tolerate violence as their subsistence depends on their potential perpetrator, and the man supporting them knows of their dependence, so will be more likely to engage in violent behaviour as he expects them to tolerate it. In parallel,

females who are not economically self-sufficient can be viewed as less valuable socially by their male counterparts, contributing to pre-existing gender norms that shape violence against women.

Furthermore, female vulnerability can stem from systematic exclusion from public policy benefits. When females are excluded from public goods, such as health and education, they become vulnerable as their physical and social well-being is impaired (Wilson 2014, 3). A woman who has not received an education or cannot access healthcare, including family planning and contraception, is more likely to find herself (and her children) being financially dependent on a male partner. This then restarts the same process of violence toleration. Also, if women have less access to education than their male counterparts, as may be common in conservative *machista* societies in Latin America, then their exclusion from education (a public good) promotes female vulnerability by limiting future outcomes, potentially trapping women to conduct informal work or take up exploitative employment, promoting further vulnerability over time. Exclusion from public goods also makes women less likely to have access to fair and compensated employment opportunities (Olivera 2006, 105), further contributing to female vulnerability. On an individual level, women in these situations may exhibit a lack of self-worth and self-confidence (Agnew 2015), which reduces individual agency to escape violent situations. Thus, an exclusion from public goods - that is informed by gender norms - shapes female socioeconomic outcomes such that women are more vulnerable than men, explaining violence against women.

The above theory produces the following hypothesis:

H1: Countries with higher female vulnerability see higher rates of violence against women.
I predict that both education and labor participation decrease female vulnerability. Education provides women with skills that allow them to be economically self-sufficient through employment. In fact, many forms of violence against women include the denial of funds and limiting access to healthcare and employment (Wilson 2014, 3). Women who have the option of working, or are already working in the formal economy, are less likely to be vulnerable because they are likely capable of being economically self-sufficient.

So, H1 summarizes the following two sub-hypotheses:
H1a: Countries where women are less educated see higher rates of violence against women.
H1b: Countries where women have low formal labor force participation are likely to exhibit higher rates of violence against women.

Research Design
This study will use a regression analysis to assess to what extent violence against women is explained by female vulnerability, captured by economic, educational, and health indicators. This analysis aims to test the hypothesis that countries with higher female vulnerability will exhibit higher rates of violence against women. The dependent variable is violence against women, operationalized by femicides, female homicides, and female cases of sexual violence. The independent variable is female vulnerability, which will be captured by various employment, health, and education indicators. This study isolates the effect of female vulnerability on violence against women, meaning institutions and gender norms across countries are held constant using statistical techniques.

My analysis leverages panel data from 16 countries spanning from 2005 to 2020, making the unit of observation a country-year. Out of these 16 countries, 6 are in Central America (Honduras, Nicaragua, Costa Rica, Panama, Guatemala, El Salvador) and 9 are in South America (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay), and Mexico due to its cultural similarities. These countries will henceforth jointly be referred to as Latin America. Venezuela was excluded due to insufficient data and extremely high levels of conflict that may not be fully captured by existing conflict indices. The Caribbean was excluded due to its historical colonial differences from Latin America, which impact culture and, by extension, gender norms (Dym et al 2006). Although Caribbean gender norms display *machista* traits, they differ systematically from Latin American gender norms. The scope of this analysis is determined by countries which share Latin American, and not Caribbean, gender norms, as the latter include more African influences due to the Caribbean's colonial past (Dym et al 2006). It is reasonable to assume that any variation in gender norms between Latin American countries is slight and not enough to merit a new conceptualization. (Dym et al 2006) This would not be the case if the Caribbean were included in the analysis. This choice also facilitates looking at the direct effect of socioeconomic factors on violence against women.

Violence against women is operationalized with three measures: femicides per 100.000 women, female homicides per 100.000 individuals, and the rate of women subject to sexual violence per 100.000. Each of the three measures of violence against women will be used individually as the dependent variable of an ordinary least squares linear regression, with independent variables that capture female vulnerability, alongside controls for factors that directly impact violence against women. This is appropriate to test whether countries with higher female vulnerability exhibit more violence against women and allows for the identification of which factors (socioeconomic or educational) make women the most vulnerable to violence.

The dependent variable for the first model will be femicides per 100.000 women. Femicide data is taken from the United Nations Economic Commission for Latin America and the Caribbean (UN ECLAC), which combines national crime and judicial records for each country (United Nations Economic Commission for Latin America and the Caribbean 2020). To correct for potential underreporting of femicides, the rate of intentional female homicides per 100.000 individuals will also be included as a dependent variable serving as an indirect measure of femicides. When using the rate of female homicides as the dependent variable, I will include the rate of male homicides for the same year in each country as an independent variable, in order to net out baseline homicide rate differences across countries. Homicide data is from the United Nations Crime Trend Survey, collected by the United Nations Office on Drugs and Crime (UN ODC) (United Nations Office on Drugs and Crime 2020). Additionally, the third measure of violence against women will be UN ODC records of women per 100.000 experiencing sexual violence, disaggregated by the victim's relationship to the perpetrator (intimate partner, family member, perpetrator known to the victim, perpetrator unknown to the victim, unknown relationship between victim and perpetrator) (United Nations Office on Drugs and Crime 2020). I will be using rates of sexual violence for known perpetrators intimate partners, family members, or other perpetrators known to the victim.

By using a variety of measures for the most extreme manifestations of violence against women, I can effectively capture violence against women, as the high presence of extreme

manifestations necessarily implies the presence of smaller, microaggressions which also constitute violence against women. It will also be useful to uncover whether female vulnerability has varying impacts depending on the measure of violence against women being used. UN ECLAC femicide data may display underreporting as it is drawn from national records, which may misreport femicides as homicides, but UN ODC homicide and sexual violence data is less likely to suffer from severe underreporting as, unlike UN ECLAC data, it was verified through review of UN member states and goes beyond national crime records.

Next, each measure of violence against women will be compared to the same independent variables, which aim to capture female vulnerability. My models have either four or five independent variables of interest to quantify female vulnerability. Initially, I planned on using International Labor Organization data showing the female proportion of labour force, for married and unmarried women separately, and the informal employment rate for married and unmarried women separately (International Labor Organization 2021). Both these variables allowed me to capture economic indicators of female vulnerability, while controlling for marriage. However, due to high correlation between labour measures for married and single women, I will use only married women's labour force participation and informal employment. Next, health outcomes as they relate to female vulnerability will be captured by the percentage of women of reproductive age (aged 15-49 years) who have their need for family planning satisfied with modern methods, taken from the World Health Organization (World Health Organization 2021). My health measure will capture relative female access to healthcare services that relate directly to their empowerment and ability to avoid violence against women, as explained in the theory section. Due to issues of insufficient data, this health measure is only present in the first model. Still, this health measure is ideal to gauge for female vulnerability related to public health as it isolates a need that is exclusively female: family planning and contraception. All countries in Latin America provide public healthcare, and contraceptive methods for family planning are geography-invariant. Therefore, this is a good measure because it effectively captures female exclusion from health-related public goods, as lower percentages of women with their family planning needs satisfied imply exclusion, or decreased accessibility, to contraception methods and education surrounding family planning that exist world-wide.

Moreover, to capture female exclusion from education systems as a source of female vulnerability, I will compare the percentage of males versus females aged 15-19 that have completed primary school, and the percentage of males versus females aged 20-24 that have completed secondary school for each country in each year of study. This data is from UN ECLAC, based on household survey data (United Nations Economic Commission for Latin America and the Caribbean 2020). Comparing male versus female percentages will cancel out baseline differences of education levels across countries, allowing me to isolate female exclusion from public education specifically. These measures have the additional benefit of adding nuance to my findings, by allowing me to assess at which level of education are women made more vulnerable through exclusion, whether primary or secondary education. Variables were normalized using the following formula: $Normalized\ rate_{it} = \frac{Female\ rate_{it} - Male\ rate_{it}}{Male\ rate_{it}}$. That is, for any given country at a given year, the normalized schooling completion rate is the difference between the female rate and the male rate in terms of the male completion rate.

Finally, to prevent issues with endogenous variables, I will include time and country fixed effects, while controlling for institutions, conflict, and marriage. Gender norms are assumed to be homogenous across Latin America, justifying the absence of a direct control for gender norms in the model. As conflict can directly promote violence against women, it will be controlled for by the inclusion of male homicide rates per 100.000 as a control to help isolate the causal effect of female vulnerability on violence against women. These techniques ensure that my model captures how female vulnerability, measured by the socioeconomic variables previously mentioned, contributes to violence against women in its different forms.

Although regression analysis is a powerful tool to uncover broad trends, alongside the size and the magnitude of relationships between variables, a limitation of regression analysis is that it is unable to capture more complex, qualitative dynamics that go beyond linear associations between variables. For instance, a regression analysis is unable to account for non-linear relationships between variables, nor for specific, local phenomena that explain violence against women, such as the presence of a combination of local factors like social norms within self-sufficient, isolated rural societies. Regression analysis also fails to give qualitative insights that are specific to a given country, in exchange for its wide geographical scope. We are also unable to assess the quality of public services in each country, which may not be directly associated with female access to public goods. Despite the inclusion of controls, this analysis may still be subject to issues with omitted variables.

Table 1 depicts statistics for variables on female socioeconomic and health outcomes.

Table 1: Female Outcomes Summary Statistics

Descriptive Statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
married women info~e	186	63.703	17.168	20.9	97.3
single women infor~e	186	61.871	17.119	25.4	97.5
single women LFP r~e	228	51.59	6.152	42.12	70.2
married women LFP ~e	228	51.6	10.32	31.02	73.83
prim ed norm	169	.015	.028	-.139	.168
sec ed norm	180	.113	.126	-.12	.502
needs satis percent	47	70.977	11.986	43.1	89.8

Across the cross-section, there are on average more women working in the informal economy - roughly 60% - than the formal economy, as about 50% of women are in the labour force. There is no statistically significant difference between married and single women, for both the informal employment rate and the labour force participation rate. The correlation between them is 0.975 for informal employment and 0.724 for labour force participation. This is verified in Table 4 in the appendix, justifying the choice of using labour outcomes for married women only, for better predictive power and to avoid multicollinearity. Labor outcomes appear to be normally distributed in the cross-section.

On average, men and women appear to have similar completion rates of primary and secondary education, as the mean of normalized primary education completion is 0.015 and the mean of normalized secondary education completion is 0.113. This means that the female completion rate is about 1.5% higher than the male completion rate for primary school, and 11.3% higher for secondary school. Still, there is significant variation,

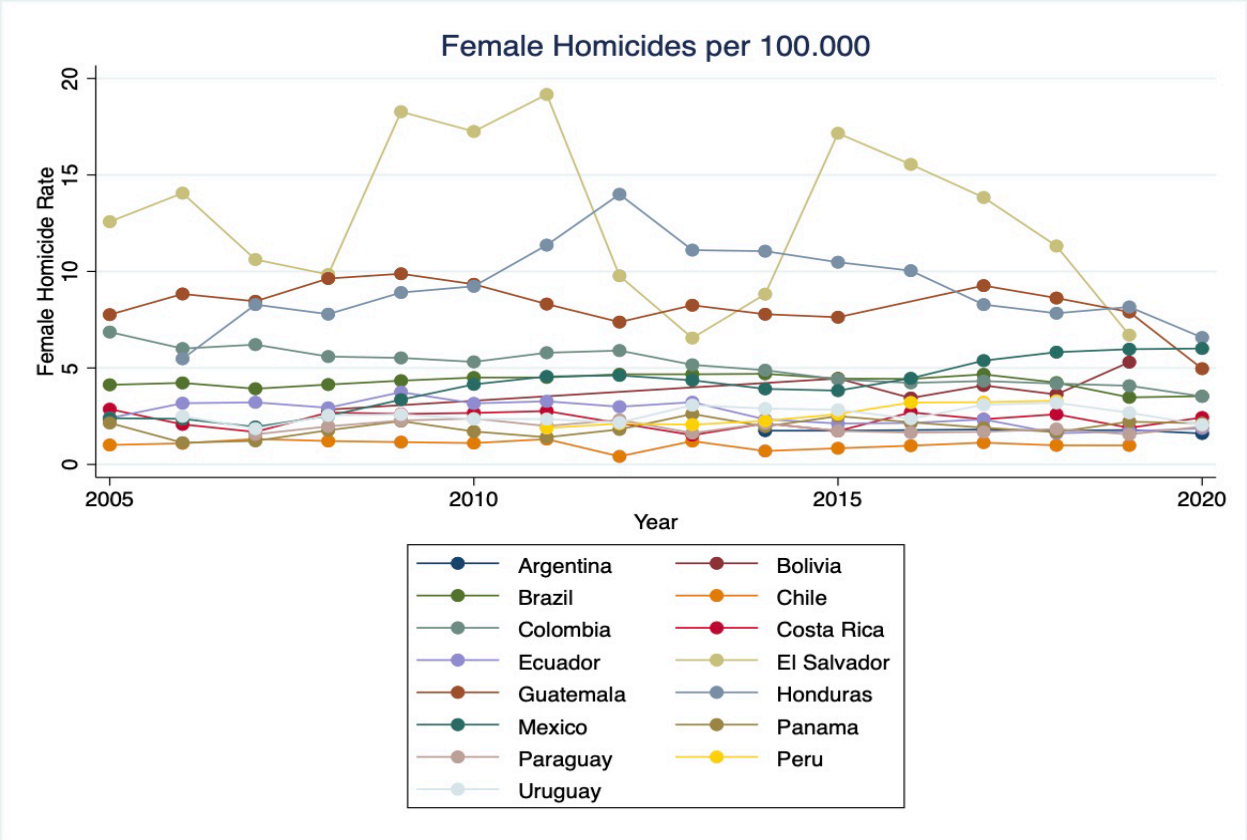
with about half the sample exhibiting lower completion rates for females over males. There is more variation for secondary schooling completion than primary schooling. Due to their low correlation (correlation coefficient of 0.362 in Table 4 in the appendix), both primary and secondary schooling variables will be present for regression analysis.

On average, 70% of women of reproductive age have their reproductive needs satisfied across the cross section. This seems like a biased estimate as potentially only countries with high progress report this measure, since this variable is only present for 47 country-years, when the full cross-section has 271 observations (country-years). This is another reason for why this health variable has been dropped from the regression analysis in Models 2, 3, 4, and 5 in Table 3. The regressions in Table 5 in the Appendix also show the analysis prior to the omission of labour outcomes for single women.

Analysis

The figures below depict the time trends for each measure of violence against women.

Figure 3: Female Homicides per 100.000



Looking at Figure 3, it is evident that while some countries had systematically higher female homicide rates than others, like El Salvador and Honduras, there is some variation of homicide rates over time within-country, while there is even more variation between countries. Figure 4 suggests that many cases of femicides go unreported, as there are significantly less available observations. As Figure 3 depicts intentional homicides committed by perpetrators known to the victim, it is the closest measure for femicides available given underreporting for femicides measured directly. The rates of sexual violence summarized in Figure 5 also suggest significant underreporting, as whole countries are missing from the UN ODC data set. This will be explored further when analysing the regression results summarized in Table 3.

Figure 4: Femicides per 100.000[3]

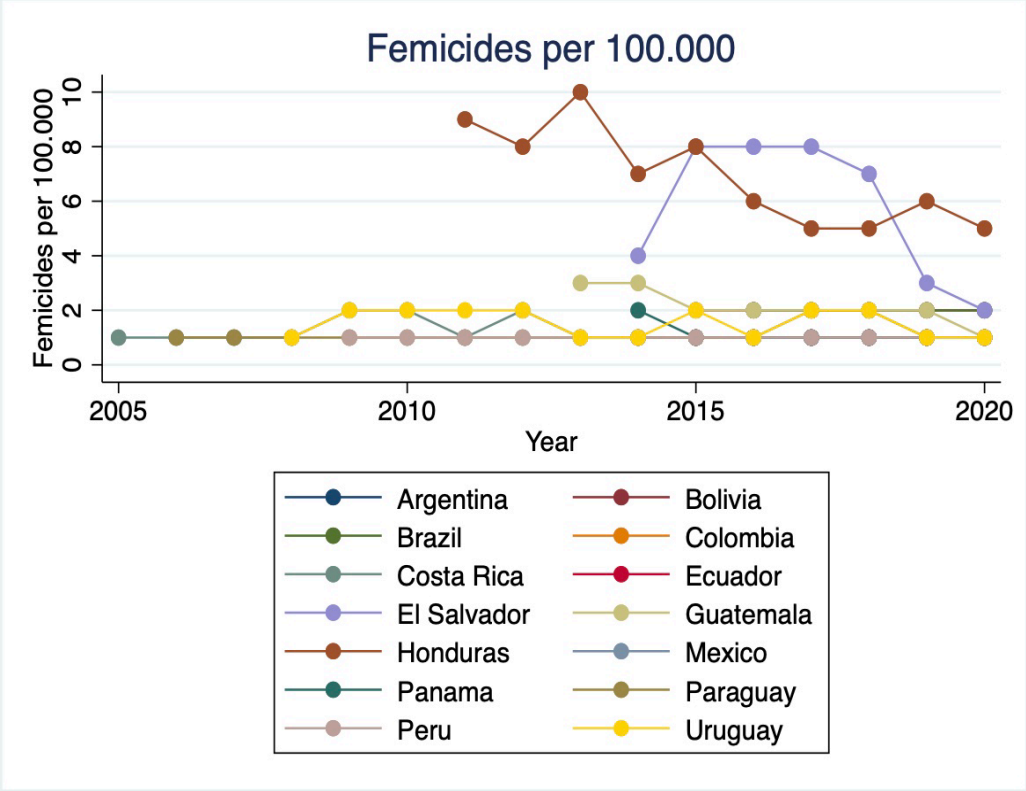


Figure 5: Female Victims of Sexual Violence per 100.000 – Known Perpetrator

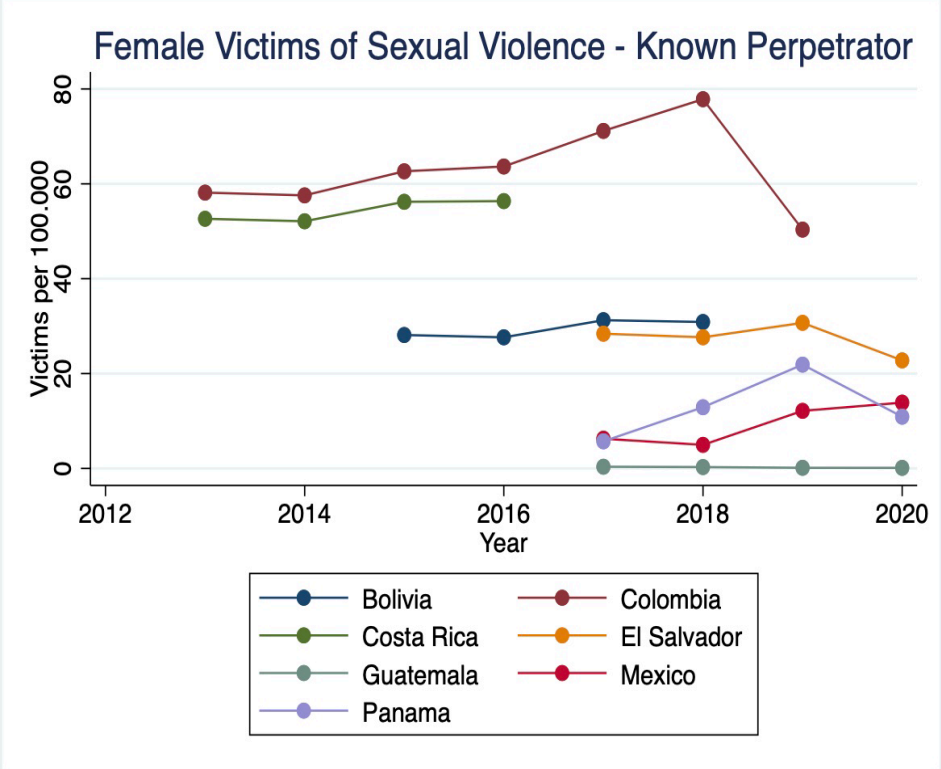


Table 2 gives summary statistics of the measures of violence against women. The mean of female homicides per 100.000 is about twice as large as femicides per 100.000. This

[3] Various countries report 1 femicide per 100.000 for multiple years.

again confirms suspicions of underreporting. We can also observe that most of sexual violence cases that are registered come from a known perpetrator who is not an intimate partner or family member. It seems that all the variables in Table 1 are not normally distributed, as they exhibit positive skew. Fixed effects will therefore ensure regression estimates are not biased.

Table 2: Violence Against Women Summary Statistics - per 100.000

Descriptive Statistics

Variable	Obs	Mean	Std. Dev.	Min	Max
femicides	122	2.025	1.998	1	10
female homicides	205	4.467	3.58	.419	19.171
sexual v_all known_perp	34	33.173	24.523	.121	77.844
sexual ipv_family	30	16.609	16.942	.121	70.853
sexual_other_known	27	23.318	26.715	0	70.853

Table 3 depicts five models of a multiple linear regression with country-year fixed effects for all models. I have verified there are no significant issues with multicollinearity. The low correlation between the variables included in all 5 regressions can be verified by the correlation matrix in Table 4 in the Appendix.

Table 3: Regression Results

	(1)	(2)	(3)	(4)	(5)
	Female Homicides	Female Homicides	Sexual Violence	Femicides	Femicides
married_women_informal_rate	-0.146*	-0.00813	0.0329	-0.00712	0.00434
	(0.040)	(0.614)	(0.984)	(0.770)	(0.825)
married_women_LFP_rate	0.0923	0.00616	1.212	-0.00580	0.00763
	(0.363)	(0.803)	(0.349)	(0.874)	(0.813)
prim_ed_norm	36.37	4.731	-478.9	29.69*	13.09
	(0.378)	(0.512)	(0.447)	(0.024)	(0.231)
sec_ed_norm	-16.76	-4.240*	16.44	0.477	0.0826
	(0.150)	(0.021)	(0.886)	(0.857)	(0.967)
male_hom	0.123*	0.0663***			0.0272***
	(0.013)	(0.000)			(0.000)
needs_satis_percent	0.0606				
	(0.207)				
N	22	114	26	83	78
adj. R^2	0.273	0.553	-0.534	-0.125	0.159

p-values in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Models 1 and 2 have female homicides as the outcome variable, including male homicides as a predictor to control for baseline differences in homicide rates across countries. Model 2 drops the health variable, significantly increasing the number of observations from 22 country-years to 114 country-years. Model 3 has victims of sexual violence, also by known perpetrators, per 100.000 as the outcome variable. Models 4 and 5 use femicide

rates per 100.000 as the outcome variable. Most coefficients are statistically insignificant due to large standard errors from a small sample size.

In Model 1, which includes female health outcomes as a predictor, the female informal employment rate has a statistically and economically significant effect on female homicides: on average, a one percentage point increase in the informal female employment rate is associated with a 0.15 decrease in the rate of intentional female homicides by known perpetrators per 100.000, holding fixed the other variables in the regression. This suggests, initially, that large fluctuations in the female informal employment rate may have an important effect on female homicides. However, this is the only model where the female informal employment rate has a statistically significant coefficient - this may be because of the inclusion of the health variable. Reproductive decisions are a key determinant of female labour supply, so perhaps the lack of significance in subsequent models stems from the absence of this health control. This presentsinsufficient evidence for H1b, which proposes that countries where women have low formal labour force participation are likely to exhibit higher violence against women.

Moreover, Model 1 suggests that secondary education may have a statistically significant effect on the rate of female homicides, as it estimates that a one-unit increase of the normalized female education completion rate is associated with a 16.76 drop in female homicides per 100.000, assuming the other variables in the regression are held constant. This estimate is weakly statistically significant as it has a p-value of 0.15. Although not statistically significant at the 10-percent confidence level, this suggests female secondary education completion may have a massive effect on decreasing homicides, as a drop of 16 femicides per 100.000 is more than the mean of female homicides across the cross-section (4.4 homicides per 100.000). The magnitude of this coefficient seems too large, so this suggests that schooling may have a non-linear effect on violence against women.

Furthermore, Model 2 confirms the importance of secondary education as a mechanism for violence against women measured through homicides. The coefficient of -4.240 on normalized secondary education completion is statistically significant at the 10% confidence level. This means that a one-unit increase of normalized secondary education is associated with a drop of 4.2 intentional female homicides by known perpetrators (per 100.000), controlling for the other variables present in Model 2. Now, the magnitude of this coefficient seems to be more contextually accurate as it is closer to 4.4 homicides per 100.000, the mean of female homicides across the cross-section. It also presents the expected sign: education is theorized to decrease violence against women. The findings in Models 1 and 2 suggest that education is a powerful predictor for violence against women: they help conclude that the more educated women a country has, the less likely women are to be intentionally murdered by known perpetrators. This supports H1a, stating countries where women are less educated are likely to exhibit higher rates of violence against women. A reason for why education may be more significant than labour force participation or employment as a predictor of violence against women may be that it gives woman an outside option should their husbands or intimate partners become violent. Education may break the cycle of female vulnerability that contributes to violence against women as described in the Theory section. The statistical significance of the coefficient on male homicide rates validates its inclusion as a control in Models 1 and 2.

Not much can be said about Model 3, as the adjusted R-squared of -0.534 confirms that 26 observations are insufficient to construct estimates that aren't clouded by large standard errors. Even when including the male homicide rate as an independent variable, no coefficients are statistically significant. Models 4 and 5 attempt to explain femicides per 100.000, first excluding then including male homicides per 100.000 as a control. The coefficient on normalized female primary education completion is statistically significant at a 10% confidence level in Model 4, suggesting that a one-unit increase of normalized primary school completion is associated to a rise of femicides by 29.69 per 100.000. This is not consistent with vulnerability theory, and the significance may stem from the lack of femicide data, as shown in Figure 2. Perhaps there is a sample selection bias, where countries that reported femicides have higher levels of female primary education – explaining why a positive association is seen between these two variables. In parallel, it is likely that the countries that are absent from the femicide sample, and did not report femicide rates, have higher femicide rates than those observed in the sample. Additionally, the magnitude of the coefficient seems too large to make contextual sense, indicating a potential non-linear relationship between primary schooling and femicide rates. The negative adjusted R-squared of -0.125 decreases the validity of this estimate, but still suggests that the relationship between education and violence against women should be studied further.

In addition, including male homicide rates in Model 5 improves the explanatory power of the regression, increasing the adjusted R-squared to 0.159. Here, the coefficient on primary education completion is no longer statistically significant, while the coefficient on male homicides is highly statistically significant at the 0.1% confidence level. This suggests that out of the variables in Model 5, only variation in male homicides can explain variation in femicides. This does not allow for commentary on female vulnerability as a cause of violence against women, as the statistical significance of the coefficient on male homicides confirms how general violence contributes to violence against women. It again suggests that there is a more complex relationship between how female vulnerability contributes to violence against women after controlling for baseline differences in violence across countries. As such, it is not possible to reject the null hypothesis of either H1, H1a or H1b.

Conclusion

Overall, these results suggest that female vulnerability, or the forces that make women subject to gender violence, are more complex than what was initially theorized. This study hints at how education could be a powerful predictor of violence against women, suggesting that the more educated women a country has, the less likely women are to be intentionally murdered by known perpetrators. Lack of more substantial results in Models 1-5 indicates that there may be a non-linear effect of female education and workforce participation on rates of violence against women. It is possible that the true cause of vulnerability is a feedback loop between socioeconomic, health, and local factors, which aren't captured by regression analysis. It is also possible that female employment and education may be complements instead of substitutes as it relates to vulnerability, meaning their effect would only appear in an interaction.

Additionally, missing data is a key reason for the lack of substantial results, as it has yielded large standard errors that make coefficient estimates statistically insignificant. The negative adjusted R-squared from Models 3 and 4 is indicative of insufficient data on

femicides and rates of sexual violence committed by known perpetrators. This hints at another explanation for violence against women: systematic underreporting. Lack of reporting may signal that violence against women is not a policy concern for governments, or that cases of violence against women are not registered. This then suggests that violence against women is allowed to occur because local communities or governments turn a blind eye to cases, if victims speak up, or because victims do not manifest themselves to begin with. The latter reason highlights the importance of local factors to explain violence against women. The results in Table 3 suggest local factors are an important explanation for violence against women, as regional trends cannot yet explain violence against women.

This analysis should be extended to a wider, more complete data set. It should also be complemented by a qualitative comparison of countries with relatively low rates of violence against women with countries with high violence rates. Including a case-study analysis to the rigorous quantitative methods employed in this paper provide a better understanding of local factors evidently important to explain violence against women.

This study impacts existing literature on gender-based violence as it shows that more work can be done to connect existing theory on what factors contribute to violence against women. This study introduces the notion that socioeconomic and health factors can work together, through feedback loops or as interactions, to contribute to violence against women. It additionally complicates notions of how women are made susceptible to violence. As it relates to policy implications, this analysis urges stakeholders to tackle violence against women more broadly. It invites the notion that anti-violence policy may be policy that promotes female independence, re-shifting the focus away from existing gender violence policy, which has focused on decreasing impunity for known cases of gender violence. By contrast, this study proposes that policy can stop violence against women before violent acts occur, instead of simply punishing perpetrators more harshly after the act. This study also signals where and how policy may be most effective: it highlights local factors and suggests there are non-linear returns to female education.

Appendix

Table 4: Female Outcomes Correlation Matrix

Matrix of correlations

Variables	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(1) female_hom	1.000							
(2) married_informal_employment	0.353	1.000						
(3) single_ informal_employment	0.358	0.975	1.000					
(4) single_labor_force_particip	-0.274	0.432	0.396	1.000				
(5) married_ labor_force_particip	-0.488	-0.062	-0.007	0.724	1.000			
(6) primary_ed_norm	0.335	0.041	0.070	-0.227	-0.192	1.000		
(7) secondary_ed_norm	-0.016	-0.691	-0.639	-0.523	-0.044	0.362	1.000	
(8) male_homicides	0.944	0.305	0.300	-0.323	-0.554	0.463	0.069	1.000

Table 5: Regression Results

	(1)	(2)	(3)	(4)
	Female Homicides	Female Homicides	Sexual Violence	Femicides
married_women_informal_rate	-0.0365	-0.0275	0.146	0.0303
	(0.652)	(0.447)	(0.958)	(0.549)
single_women_informal_rate	-0.0276	0.0323	2.679	-0.0475
	(0.629)	(0.435)	(0.299)	(0.422)
single_women_LFP_rate	-0.393	-0.0549	-4.923	-0.0166
	(0.063)	(0.405)	(0.259)	(0.878)
married_women_LFP_rate	0.344*	0.0342	4.736	0.00756
	(0.046)	(0.417)	(0.173)	(0.923)
prim_ed_norm	85.41	3.594	-1103.2	28.11*
	(0.064)	(0.625)	(0.167)	(0.038)
sec_ed_norm	-5.159	-4.413*	45.21	0.734
	(0.597)	(0.017)	(0.711)	(0.785)
needs_satis_percent	0.0135			
	(0.778)			
male_hom	0.109*	0.0658***		
	(0.015)	(0.000)		
N	22	114	26	83
adj. R^2	0.619	0.548	-0.528	-0.146

p-values in parentheses

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

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EU trade and investment agreements with 'like-minded' partners: acting together in facing global challenges?

Ivana Damjanovic

Introduction

Europe has become a model for how capitalism driven by principal considerations of economic growth can give way to welfare state fostering a fair balance between economy and sustainability. In so doing, the EU as well as national decision-makers have been placing much emphasis on preventing and anticipating risks that could harm workers, consumers, citizens' health, or the environment. Legal instruments in the EU have been particularly salient in fostering social, environmental, health and consumer protection policies achieving a high level of protection. Indeed, the obligation to seek a high level of protection for consumers, public health and environment is stemming from various provisions of the founding treaties. Moreover, sustainable development that balances economic growth, environmental protection and social justice is one of the key objectives of the EU, enshrined in Article 3 TEU.

While these treaty obligation have been fleshed out in internal EU regulation, the EU has been also implementing these commitments in its foreign trade and investment policy. A number of Free Trade Agreements (FTAs) concluded with third States following the entry into force of the Lisbon Treaty (with South Korea, Canada, Japan, Singapore) include chapters on trade and sustainable development; trade and environment; labour and trade (TSD chapters). The EU is currently in the process of concluding new generation FTAs and investment protection agreements (IPA) with Vietnam and is negotiating 'ambitious' and progressive FTAs with Australia and New Zealand. As part of the EU deep trade agenda, the EU is also modernising trade provisions of its Association Agreements, such as with Mexico and Mercosur.

In addition to modernised TSD chapters, the EU is proposing a new international system for the settlement of investment disputes to replace the controversial investor-State dispute settlement (ISDS). The legitimacy of ISDS has come under fire due to high profile cases of investors' challenges against States' regulatory actions. ISDS in Europe has been dogged by controversies ever since the agreements with the US (TTIP) and Canada (CETA) were negotiated. This led the EU institutions to introduce in the CETA a reinforced 'right to regulate' and a new adjudication mechanism that is deemed to balance to a greater extent the rights of investors and host States. This mechanism, called the Investment Court System (ICS) is envisaged as a transitionally arrangement in EU bilateral investment agreements until a Multilateral Investment Court (MIC) is created.

In implementing new standards in its bilateral agreements, the EU acts as an entrepreneur of norms in the field of international trade and investment, intending to strike a balance between free trade and protections for investors, and the values and protective standards enshrined in EU treaties. FTAs offer for the EU an opportunity to influence the trade agenda of third states, and in particular the agenda of its so-called 'like-minded' partners – partners with whom the EU generally shares the same values. In contrast to the EU, their trade agenda has been dominantly focused on liberalisation of trade and less on sustainability. On the other hand, EU's strong focus on including

sustainable development issues in trade agenda has caused challenges in EU trade negotiations with industrialised states and has increased domestic pressures in the EU to act decisively in addressing global challenges, such as climate change.

The differences between the EU and its 'like-minded' partners are noted not only with respect to trade and investment agendas, which mirror their diverse trade interests, but also with respect to domestic regulatory standards that implement these agendas. This article aims to identify some of the differences between the EU and its like-minded partners in order to explains how these differences may impact the forthcoming EU FTAs with partners, such as Australia. The analysis is placed in a broader context of the EU's obligations with respect to TSD issues under EU law and practice and effectiveness of the EU in implementing these legal obligations in its trade and investment agreements, in relations with 'like-minded' partners. Ultimately, this article explores how are political messages of like-mindedness implemented in respective legal standards and what are the potential implications of the existing differences between the EU and its like-minded partners in addressing emerging global challenges.

I. Values, objectives, and 'like-minded' partners

Values and objectives in EU law and external action

In contrast to other international economic organisations, values and objectives underpinning the EU and its legal order, as defined in the founding treaties, play a prominent role in EU internal as well as external action. In this respect, the Lisbon Treaty of 2009 has strengthened the constitutional nature of the EU by transforming political slogans into legally binding constitutional obligations and streamlining the objectives to be pursued by the EU.

The EU legal order is underpinned by six core values ranging from human rights to the rule of law, as outlined in Article 2 TEU.[1] These values are a core internal component of the EU, common to all its Member States.[2] Importantly, EU values apply not only internally but also externally, with an aim to 'uphold and promote' EU values and interests in its relations with 'the wider world'.[3] The Article 2 values are furthermore defined as 'principles' which the EU is obliged to 'respect' in its action on international scene.[4] Given that values underpin the EU legal order, they must be implemented into secondary EU law (internally) and EU agreements concluded with international organisations and third States (externally). A legal act that infringes or departs from these values is deemed to be void and must be nullified by the EU Court of Justice (CJEU).[5]

EU acts that enshrine EU values may pursue an array of objectives stated either in Article 3 TEU or in more specific policy provisions. In the same manner as values, these objectives are pursued both in the internal domain of EU integration among the Member States, as well as in EU external relations.[6] In the internal dimension, these objectives among others also include sustainable development of Europe, based on three pillars of sustainability: the economy ('balanced economic growth and price stability'), the society ('a highly competitive social market economy, aiming at full employment and social progress') and the environment ('a high level of protection and improvement of the quality of the environment').[7] In the external relations, the Union is on the one hand, obliged to 'promote its values and interests and contribute to the protection of its citizens' while on the other contribute to higher interests that surpass the narrower sphere of EU

interests. These higher goals, among others also include 'the sustainable development of the Earth', 'free and fair trade', 'eradication of poverty' and 'the strict observance and the development of international law'.[8]

Furthermore, Article 21(2) TEU outlines additional objectives of the EU in defining and pursuing common policies and actions.[9] In virtue of Article 21(3) TEU, the same principles and objectives apply to the development and implementation of the EU's external action and the external aspects of its other policies. These include objectives ranging from safeguarding EU values,[10] support for democracy, human rights, the rule of law[11] and promotion of peace[12] to progressive trade liberalisation,[13] sustainable development[14] and promotion of multilateral international system.[15]

While these objectives have a more political nature than the values and the general principles of EU law,[16] they enter the legal scene whenever courts review the proportionality of EU and national measures. Consequently, these treaty provisions constitute important substantive obligations that define not only the general outlines but also the substantial content of the internal market and EU external policies. The way in which the CJEU has developed EU law means that the capacity of the EU to produce independent effects within legal systems of Member States extends beyond the creation of private economic rights of individuals to include proceedings initiated for the protection of a range of public interests in the general interest,[17] such as environment.[18] With respect to protection of health and life of humans, the CJEU repeatedly ruled that they 'rank foremost' among the assets and interests protected by the Treaty[19] and that public health protection 'must take precedence over economic considerations' even in situations where legitimate expectations have been created.[20]

Who are EU's like-minded partners?

EU values also serve to identify EU's 'like-minded' partners in global geopolitics and geoeconomics. As with relationships between people,[21] countries seem to be equally attracted to 'like-minded' partners. While it is difficult to clearly define what like-mindedness is, more generally it includes sharing a same set of values. Considering the treaties, the EU 'shall seek to develop relations and build partnerships' with third countries and organisations which share its principles, while 'promoting multilateral solutions to common problems'.[22] It will also define and pursue common policies and actions to 'promote an international system based on stronger multilateral cooperation and good governance.[23]

In the current international trading system, like-mindedness would translate to sharing the same commitment to a multilateral rules-based order and open markets. Furthermore, such relationship includes issues beyond trade and investment, such as practical cooperation on security issues. More broadly, like-mindedness embraces an ideological stance on democracy, respect for human rights and the rule of law. In the later sense, like-mindedness serves to distinguish liberal democracies from authoritarian powers, such as China despite China's overall support for multilateral trading system in the WTO framework.

Like-mindedness therefore must be placed in the context of broader global geopolitical and geoeconomic challenges, in particular those related to the multilateral trading system and its reform. In relations with the US, like-mindedness means protecting

European and American companies better from 'unfair global trade practices' and working closely together with other like-minded partners to reform the WTO and 'to address unfair trading practices, including intellectual property theft, forced technology transfer, industrial subsidies, distortions created by state owned enterprises, and overcapacity.'[24] These unfair trading practices could be widely understood as involving China. The EU-US like-mindedness therefore translates into a general objective of forcing China to reform its trade and non-market-oriented policies and practices,[25] despite differences in opinion and practice of how this could be achieved.[26] Others who share the same desire and broadly abide to ideals and practices of liberal democracies could be identified as 'like-minded' partners.

In pursuing its external policy agenda, the EU intends to develop deeper relations with 'like-minded' partners. The EU has already concluded trade and investment agreements with some of such like-minded partners. Recently concluded Economic Partnership Agreement (EPA) with Japan,[27] and FTA and IPA with Singapore[28] were accompanied by the messages of like-mindedness. Earlier concluded trade deals with South Korea and Canada are also in this group of like-minded partnerships, as well as currently negotiated agreement with Mexico.[29] The EU and Australia have hailed like-mindedness as the cornerstone of their relationship and the imperative for future trade deal.[30] Moreover, countries like India have also been called 'like-minded' partners[31] although its democratic and human rights practices and adherence to the rule of law have been repeatedly called into question.[32] What is noticeable is that some of these 'like-minded' partners are active supporters of the EU in reforming multilateral trading institutions (Canada, Japan), or multilateral investment (Canada), while others serve to passively support EU's commitment for international rules-based global system in trade (in opposition to the US protectionism) and/or investment,[33] or to leverage the influence of China in the Asia-Pacific region (India and other 'like-minded' partners in Asia).

While these 'like-minded' partnerships can be used to bring leverage to the EU in reforming the multilateral trading (and investment) system, the issue is to what extent they can be used to address other pressing global challenges, such as preservation of natural resources for future generations and climate change. In this respect, of relevance are, on the one hand TSD chapters in FTAs, and on the other protection of investment in IPAs. While former serve to promote sustainable development domestic policies such as environmental and labour standards, later can work to off-set such policies by giving too wide protections to foreign investors which can in turn subtly undermine States' regulatory action towards sustainable development.

II. The EU and sustainable development in trade and investment

Sustainable development as EU value and objective

In the same way it develops EU internal market as liberal, social, and green, the EU is supposed to export its values into the 'wider world' and pursue more sustainable global trade and investment. Sustainable development goals have entered EU trade and investment agenda by virtue of Article 21 TEU and Article 205 TFEU, which both serve to complement the specific objectives of EU Common Commercial Policy (CCP) listed in Article 206 TFEU. In virtue of these provisions, EU CCP objectives include not only commercial objectives of the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers.[34] They

also include non-commercial objectives of sustainable development: fostering sustainable economic, social and environmental development of developing countries;[35] abolitions of restrictions on international trade;[36] and sustainable development through proper management of global natural resources.[37]

The EU has attempted to translate these objectives into its new generation of trade and investment agreements with 'like-minded' partners. In its 'trade for all' approach,[38] the EU institutions have been moving from a traditional mercantile approach to a more complex trade approach. The new EU trade and investment strategy is based on values as one of the key three principles. On the one hand, the objective is to 'safeguard the European social and regulatory model at home'. On the other hand trade and investment agreements are aimed to serve 'as levers to promote, around the world, European values like sustainable development, human rights, fair and ethical trade and the fight against corruption'.[39] New trade and investment agreements negotiated and concluded by the EU are thus meant to sustain the higher level of protection for EU citizens guaranteed under EU law, while exporting to the 'wider world' not only these higher regulatory standards but also the values of the EU.

Such approach has been the result of strong popular domestic opposition to trade and investment agreements in the EU Member States, across different cross-sections of the society in a range of Member States.[40] To address these concerns, the Commission has promoted greater transparency in trade negotiations, civil society dialogues involving issues of sustainability, and the replacement of most controversial ISDS with an Investment Court System (ICS). The EU treaty practice since 2009 highlights the integration of different regulatory issues that intersect with trade, among which the EU sustainable development agenda, the environment, and the health policies. For example, CETA has three chapters on aspects of sustainable development.[41] The EU institutions have been emphasising the salience of this new approach to convince the Member States of the need to ratify EU trade and investment treaties. It nevertheless remains questionable the extent to which this new approach has been successful in sensitising public opinion in favour of trade.

The importance of sustainable development in trade has been confirmed by the CJEU. In its Opinion 2/15, the Court held that the objective of sustainable development 'forms an integral part' of the CCP.[42] Moreover, the sustainable development chapter of the EU-Singapore FTA plays an essential role in that, and *mutatis mutandi*, all other EU trade agreements. For that reason, the breach of the provisions concerning social protection of workers and environmental protection in the sustainable development chapter amounts to a sufficiently serious breach which can give rise to the termination or suspension of liberalisation of trade.[43] Accordingly, the requirements of sustainable development must be met when trade liberalisation takes place.

Sustainable development in EU trade agreements

While the rhetoric of sustainable development has been undoubtedly embraced in the EU both as political as well as legal obligation, the issue remains to what extent EU trade and investment agreements have been able to produce real effects towards the sustainable development aims in practice. While it is difficult to measure these effects, of importance is to assess whether the mechanisms for achievement of these aims in TSD chapters have been properly conceived, primarily in legal terms, to have real effects. On the one hand,

this entails the consideration of the extent to which TSD chapters include new substantive obligations, and on the other, the mechanisms of enforcement that are available in case of breaches of such obligations. With respect to both issues, EU TSD chapters fall short in the ability to create effective legal obligations that are required for addressing global social and environmental challenges.

As admitted by the European Commission, TSD chapters do not aim to create new substantive obligations concerning labour and environmental protection, but merely reaffirm certain existing international commitments. Its purpose is to ensure that conditions for trade and investment are not adversely affected because of different levels of protection.[44] In effect, discrepancies in the levels of environmental and labour protection between States can have direct and immediate effects on international trade and investment. Lower standards of protection in one of the parties of an FTA can enhance trade and investment in its territory.[45] The purpose is thus to prevent a race to the bottom that would lead to significant degradation of labour and environmental standards, rather than increasing the level of protection that is required for the conservation of nature resources, fight against climate change or significant improvements in labour conditions. On the other hand, environmental and labour standards can also become disguised trade barriers.[46] This effectively means that attempts of states to improve labour, environmental and safety conditions can be received with scepticism and potential challenges. Consequently, faced with prospects of possible trade and investment claims against their regulatory measures, states might be reluctant to act towards achieving higher regulatory standards, effect known as 'regulatory chill'.[47]

In substantive terms, EU TSD chapters oblige parties to uphold standards in the existing multilateral environmental and labour agreements. Regarding environmental protection, the obligation of the parties is to implement very basic environmental multilateral agreements that have in most cases already been ratified by the parties. However, many of these agreements dates to the 90s and as a result do not provide for the relevant mechanism to prevent the emergence of new environmental risks. With respect to climate change, reference is made to Paris Agreement targets, which are already insufficient in addressing climate change risks. Similarly unambitious agenda is noticed with respect to sensitive goods, such as fish stocks and timber. For example, in these areas CETA contains only loose and vague obligations of the parties to cooperate.[48] Moreover, the EU has been ready to compromise its own environmental standards in Fuel Quality Directive arrive at a deal with Canada.[49]

Regarding labour standards, the EU approach is to commit parties to implement into their domestic legislation labour rights stemming from core eight International Labour Organisation (ILO) Conventions. From a European perspective, these conventions offer a minimal level of protection, such as, freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation.[50] Accordingly, sustainable development obligations with respect to labour and environment protection endorse a bottom-line approach in abiding by minimum international hard and soft standards.[51] In this sense, the EU is not exporting any new standards but merely achieves one of its objectives in external relations – compliance with international law. Nevertheless, such approach is

still broader in scope than the approach of other EU's 'like-minded' partners that endorse sustainable development in their trade agendas, such as the US and Canada.

In addition to weak substantive obligations, EU TSD chapters also suffer from lack of effective enforcement mechanisms and financial sanctions for non-compliance. In case of a suspected breach of TSD obligations, concerned party can initiate State-to-State consultations. If this fails, a panel of three independent experts can be conveyed to determine the breach and recommend solutions. For monitoring and cooperation purposes, TSD chapters also envisage establishment of specialised TSD committees and civil society dialogue through domestic advisory groups (DAGs) and Civil Society Forums but the role of these bodies as well as their concrete contribution towards implementation of sustainable development objectives is rather vague.[52]

The first and only dispute settlement procedure for breach of TSD chapter involved insufficient Korea's action in implementing labour rights stemming from ILO Conventions into domestic legislation. Following failed consultation process, a panel of experts has been conveyed to deliver a public report with recommendations on achieving compliance.[53] It remains uncertain what other measures can be taken if such recommendations are not implemented. Nevertheless, the case will provide at least some indications regarding the functioning of this dispute settlement mechanism in practice.

Finally, the real effects of EU TSD chapters, if any, remain unclear. In assessing the contribution of the EU-Korea FTA to the overarching FTA objectives of 'harmonious development and expansion of world trade, promotion of economic growth and stability, poverty reduction, raising standards of living, improvement of the general welfare and contribution to sustainable development', the Commission considered that it is 'too early to draw definitive conclusions because those objectives require a longer period of time to produce tangible results'.[54] Some studies demonstrate that FTAs with 'strongly institutionalised labour-related cooperation provisions are a "win-win" outcome in North-South relations', suggesting that sustainable development provisions 'at best contribute to achieve some (modest) positive outcomes and at worst do not harm socio-economic developments.'[55] In the case of Korea this is yet to be demonstrated.

Sustainable development in EU investment agreements

In addition to TSD chapters, the EU has pledged to reform controversial ISDS as a potential barrier to more effective regulatory actions towards addressing global sustainability challenges. Investors' claims can 'penalise' host States' regulatory efforts towards nature conservation, protection of water resources, improvement of labour conditions or climate change action, thus subtly discouraging necessary States' efforts towards such goals. Investment chapters thus present 'the other side of the medal'. The EU has been emphasising the need to raise environmental and labour standards in FTAs while protecting only those investments that comply with protections in its IPAs.

In effect, while EU IPAs formally eliminate ISDS, substantively they do not embrace any sustainable development agenda. It is expected that the expressively proclaimed 'right to regulate' and more precisely defined investor protections offer sufficient limitations on the discretionary powers of new ICS Tribunals, depriving them from jurisdiction to question public interest choices made following a democratic process in areas relating to: the level of protection of public order or public safety, public morals, health and life of

humans and animals, food safety, plants and the environment, welfare at work, product safety, consumer protection or fundamental rights.[56] In that respect, decisions of the ICS tribunals should not have a 'chilling' effect on the EU regulators. This assumption yet remains to be tested in practice. In addition, new IPAs do not introduce any substantive obligations for foreign investors beyond domestic law obligations and do not provide recourse to affected communities to submit claims against foreign investors before the same ICS tribunals for their breaches of labour and environmental standards.

III. Towards the future in facing global challenges

To face global challenges, the EU must act more decisively in implementing its sustainable development obligations. This includes more effective TSD chapter enforcement mechanisms and more ambitious sustainable development agenda in the forthcoming FTAs with like-minded partners. Neither is without challenge.

Improving TSD chapters

In response to criticism of its non-sanction-based model in EU TSD chapters, the Commission held consultation with civil society, European Parliament, and the Member States, which did not result in consensus on moving forward with a sanction-based model. In a non-paper,[57] issued following the consultation process, it was concluded that economic compensation for breaches of sustainable development obligations do not guarantee 'effective, sustainable and lasting improvement of key social and environmental standards on the ground'.[58] The related issues also include difficulties of determining economic compensation. In this respect, conclusions are drawn from the experience of the US sanction-based model. Reference is made to the only judicial case involving the US claim against Guatemala under CAFTA. This claim failed as the US could not demonstrate that the breaches of ILO rights occurred in a 'manner affecting trade'. While the panel concluded that the breaches clearly occurred, it could not establish a direct link between such breaches and effects on trade.[59] The failure of the US claim therefore had less to do with the sanction-based approach *per se* and more with the way the legal obligation subject to the sanction mechanism has been framed. In fact, there is no sufficient evidence which could clearly demonstrate the ineffectiveness of the sanctions-based model.[60]

Importantly, the non-paper noted that EU negotiating partners 'have been clear that they would not accept a broad scope combined with trade sanctions'.[61] Instead, 'assertive enforcement' focusing on the existing review mechanisms remains a preferable way forward.[62] The reluctance of EU negotiating partners in this respect questions the extent to which the EU is 'like-minded' with all its many like-minded partners.

How like-minded are the EU and its trade partners in pursuit of sustainable development objectives?

Looking at the already concluded FTAs, like-mindedness is indeed broad and flexible concept. With respect to countries like South Korea that struggle with the implementation of core ILO Conventions, such like-mindedness is less obvious. With countries like Canada, like-mindedness, at least *prima facie* makes more sense. In response to ISDS claims both the EU and Canada have implemented improved investment chapter in CETA with clear commitment of States' right to regulate. While it remains untested whether such right entails anything substantial beyond the usual investment

treaty jargon, European-style commitments rather include a *duty* of States to regulate to achieve high labour, environmental and safety standards of protection. Since the EU and Canada have not been committed to same multilateral environmental agreements, it also remains questionable to what extend they share same environmental values.[63]

Similar issues arise with respect to the forthcoming EU FTAs, such as the ones with New Zealand and Australia. Unlike EU trade agenda, the Australian trade agenda has mostly been focused on trade. What is more, unlike the EU treaties and the Member States' constitutions, the Australian constitution does not enshrine values like the rule of law, human rights, or commitments towards a high level of environmental or labour protection. Thus, the differences between the two regimes are striking. While Australia's adherence to the principles of democracy and the rule of law remains unquestionable, its compliance with international labour and environmental standards raises more questions. In particular, Australian dualist system means that international conventions to which Australia is a party do not have direct applicability in domestic legal system and Australian laws cannot be declared invalid by the courts for its incompatibility with international law. Furthermore, under domestic law there is no requirement for Australia to legislate its international obligations.

With respect to labour laws, Australia has not yet signed one core ILO Convention – Minimum Age Convention of 1973.[64] In addition, the compatibility of Australian labour laws with other ILO Conventions, in particular feedom of association and the right to strike remain questionable.[65] For example, industrial action in Australia is only protected during the process of bargaining for an agreement but even then, it will be unlawful if it does not meet the criteria for 'protected industrial action' outlined in the Commonwealth's *Fair Work Act*. In this respect, industrial action in support of multiple business agreements and pattern bargaining by employees is restricted, while sympathy strikes, and general secondary boycotts are prohibited. These provisions of the *Fair Work Act* have been repeteadly criticised for their unduly restrictions on the right to strike and freedom of association, including by the ILO Committee on Freedom of Association and the ILO Committee of Experts on the Application of Conventions and Recommendations.[66]

Situation with environmental laws is even more complicated. Australia is one of the most carbon-intensive economies among the developed countries. While Australia committed to Paris Agreement, government's own predictions show that Australia is not on track to meet its commitments by 2030.[67] Compared to other industrialised countries these targets are already modest.[68] Several other differences in technical standards also highlight the challenges of efficiently addressing climate change through FTA commitments. For example, fuel standards in Australia are significantly lower than European standards.[69] Australia's 91 unleaded petrol allows sulphur levels of up to 150 parts per million compared to the 10ppm allowed by the EU, but also China and India. The EU will aim to address this issue albeit this standard is not to set the change before 2027.[70] In addition, Australian environmental laws have been criticised as insufficient in preventing deforestation and biodiversity.[71]

Given the domestic pressures in the EU, it can be expected that climate change and environmental protection will be in the focus of the forthcoming FTAs. While division of competences in the EU allows the EU to avoid ratification of EU-exclusive FTAs in national

parliaments of the Member States,[72] any deal still needs the ratification by the European Parliament.[73] Slim support for the designate European Commission in the Parliament could mean more pressure on the Commission in delivering on TSD chapters. For example, the Greens have declined to endorse new Trade Commissioner-designate Hogan's nomination for 'the necessary level of ambition that would make trade policy part and parcel of the EU's climate objectives.'[74]

Recent discussion on EU-Australia FTA in the EP's Committee on International Trade (INTA) indicates the importance of sustainable development issues. It has been noted that sustainable development chapter of the FTA is particularly ambitious but that it 'must gain public support'. Apart from climate change action and ratification of core ILO Conventions, the 'new standard of enforceability' beyond previous review mechanism will be important for the success of the negotiations.[75] While the current proposal of the TSD chapter does propose a more 'ambitious' language around trade and climate change, it does not offer any new and effective enforcement mechanism. While Australia remains 'practical environmentalist', which is 'mindful of issues',[76] it remains questionable to what extent TSD chapter will be 'state-of-the-art' in fulfilling 'increased expectations to achieve results in the FTA context'.[77]

Conclusion

Sustainable development in trade is EU's political promise as well as legal obligation under the founding treaties. The EU has been implementing these commitments into its FTAs since the Lisbon Treaty of 2009. While embracing a broader scope of obligations than its 'like-minded' partners, EU sustainable development commitments lack more progressive substantive obligations and proper enforcement mechanism. In addition, vague political like-mindedness does not translate to more concrete legal standards.

While rhetorical like-mindedness is important, it must be accompanied by practical like-mindedness if global challenges such as climate change are to be addressed. For the EU, the challenge is to effectively implement legal obligations of sustainability that already exist in EU law. So far, the EU has not been particularly successful in translating its founding treaty obligations into enforceable legal commitments in trade and investment agreements, which could otherwise have a more substantive contribution in addressing global challenges. To place itself on equal footing with third states competitors, the EU has been tempted to embrace more neoliberal agenda that compromises social market economy in favour of allegedly faster economic growth. On the other hand, for countries like Australia, which are driven by neoliberal rhetoric of economic growth, the challenge is to commit itself to more sustainable trade agenda, which will translate into enforceable legal obligations that can have real effect on its domestic policies. With political will on both sides EU-Australia FTA could be one albeit very small step in that direction. In view of New Zealand's clear commitment towards climate change action,[78] TSD commitments in the FTA should be less politically sensitive.

If like-mindedness is limited to liberal democracies and the shared desire to maintain multilateral rules-based order and market capitalism, it provides a thin bases for real cooperation in addressing global challenges such as climate change. The core challenge for both the EU and all its 'like-minded' partners remains in changing the rationale of TSD chapters in FTAs – from sustainable development being used as a tool for trade to trade being used as a tool for sustainable development. Until such change of paradigm takes

place, FTAs with TSD chapters will remain primarily an expression of 'political correctness' in trade, while the messages of like-mindedness will continue to serve broader ideological ends in global geopolitics and geoeconomics, beyond global challenges such as sustainability.

Notes

[1] These values are respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.
[2] C-64/16, *Associação Sindical dos Juízes Portugueses* case [2018] C:2018:117, para. 30; Article 2 TEU, second sentence. In addition to the listed values, article 2 TEU defines Member States' society as a society characterised by pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.
[3] Article 3(5) TEU
[4] Article 21(1) TEU. These principles are listed as: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.
[5] Joined cases C-402/05 P & C-415/05 P *Kadi* [2008] ECR I-6381.
[6] Article 3 TEU
[7] Article 3(3) TEU
[8] Article 3(5) TEU.
[9] Article 21 (2) TEU
[10] Article 21(2)(a) TEU
[11] Article 21(2)(b) TEU
[12] Article 21(2)(c) TEU
[13] Article 21(2)(e) TEU
[14] Article 21(2)(d) and (f) TEU
[15] Article 21(2)(h) TEU
[16] General principles of EU law guide the interpretation of EU treaties. As per Article 6 TEU, they are set out in the Charter of Fundamental Rights of the EU.
[17] Alan Dashwood, Michael Dougan, Barry Rodger, Eleanor Spaventa and Derrick Wyatt, *Wyatt and Dashwood's European Union Law* (2011), Hart Publishing, 249.
[18] See for example, Case C-72/95, *Aannemersbedrijf P.K. Kraaijeveld BV e.a. v Gedeputeerde Staten van Zuid-Holland*, Judgment of the Court of 24 October 1996; Case C-435/97, *World Wildlife Fund (WWF) and Others v Autonome Provinz Bozen and Others*, Judgment of the Court (Sixth Chamber) of 16 September 1999; Case C-287/98, *Grand Duchy of Luxemburg v Berthe Linster, Aloyse Linster and Yvonne Linster*, Judgment of the Court of 19 September 2000.
[19] See for example, Case 215/87 *Schumacher* [1989] ECR 617, para 17; Case C-347/89 *Eurim-Pharm* [1991] ECR I-747, para 26; Case C-62/90 *Commission v Germany* [1992] ECR I-2575, para 10; Case C-320/93 *Ortscheit* [1994] ECR I-5243, para 16; Case C-322/01, *Deutscher Apothekerverband* [2003] ECR I-14887, para 103; Case C-473/98 *Kemikalieinspektionen v. Toolex Alpha* [2000] ECR I-5681, para 38; Case C-141/07 *Commission v. Germany* [2008] ECR I-6935, para 46; Joined Cases C-570/07 and C-571/07 *Blanco Pérez and Chao Gómez* [2010], para 44; Joined Cases C-171/07 and C-172/07 Apothekerkammer des Saarlandes and Others [2009] ECR I-0000, para19; and Case C-108/09 Ker-Optika [2010], para 58.
[20] Case C-183/95 *Affish* [1997] ECR I-4315, paras 43 and 57. This judgment confirms the Case law of *United Kingdom v. Commission* concerning export prohibitions of beef and veal due to contamination by bovine spongiform encephalopathy (BSE). See Case C-180/96 *United Kingdom v. Commission* [1996] ECR I-3903; Case T-76/96 *Pfizer* [1996] ECR II-815.
[21] See AJ Bahns, CS Crandall, O Gillath, KJ Preacher, 'Similarity in relationships as niche construction: Choice, stability, and influence within dyads in a free choice environment' (2017) 112(2) *Journal of Personality and Social Psychology* 329.
[22] Article 21(1), second paragraph.
[23] Article 21(2)(h) TEU
[24] European Commission, 'Joint U.S.-EU Statement following President Juncker's visit to the White House', Press Release, 25 July 2018, Washington DC.

[25] See Joint Statement of the Trilateral Meeting of the Trade Ministers of the European Union, Japan and the United States, 9 January 2019, Washington, D.C.
[26] Importantly, there are many differences in the EU and US approach. The EU generally opposes President Trump's approach in using tariffs to force China to change and has criticised the US approach in blocking the appointments to the WTO Appellate Body. On the other hand, the US has already indicated that it will oppose any EU's WTO proposal which would give more powers to the Appellate Body. For more detailed analysis of EU-US relations, see Marianne Schneider-Petsinger, *US–EU Trade Relations in the Trump Era: Which Way Forward?* (2019) Chatham House Research Paper.
[27] European Commission, 'EU and Japan sign Economic Partnership Agreement', Press Release, 17 July 2018, Tokyo.
[28] European Union External Action, 'European Parliament approves landmark EU-Singapore agreements', News Story, 14 February 2019
[29] Delegation of the European Union to the Republic of Korea, 'Building bridges between the EU and South Korea', News Story, 21 September 2019.
[30] European Commission, EU and Australia launch talks for a broad trade agreement, Press Release, 18 June 2018, Brussels.
[31] European Commission, 'EU - India Summit: strengthening our strategic partnership and moving forward with our common agenda', Press Release, 6 October 2017, Brussels.
[32] Sten Widmalm, *India's declining democracy,* East Asia Forum, 27 September 2019.
[33] With respect to the EU's initiative to reform ISDS by introducing a Multilateral Investment Court (MIC), the messages of like-mindedness do not necessarily apply as the EU relies on the support of some non-like-minded partners, such as Vietnam with whom is in the process of concluding an IPA or China on whose general support for the establishment of a MIC counts.
[34] Article 206 TFEU.
[35] Article 21(2)(d) TEU
[36] Article 21(2)(e) TEU
[37] Article 21(2)(f) TEU
[38] European Commission, *Trade for all: Towards a more responsible trade and investment policy*, Communication, 2015.
[39] Trade for All: European Commission presents new trade and investment strategy, Brussels, 14 October 2015, http://trade.ec.europa.eu/doclib/press/index.cfm?id=1381.
[40] In particular, European Citizens' Initiative 'Stop TTIP' collected over 3 million signatures against TTIP and CETA. See Julia Rone, 'Why Europeans may not want a U.S. trade deal', *The Washington Post*, 4 October 2018.
[41] Trade & sustainable development, trade & labour, trade and environment. See CETA ch. 22-24.
[42] Opinion 2/15, para 147.
[43] Opinion 2/15, para 161.
[44] Opinion 2/15, Opinion of AG Sharpston, para 471.
[45] Opinion 2/15, Opinion of AG Sharpston, para 470.
[46] Opinion 2/15, Opinion of AG Sharpston, para 470.
[47] States can be subject to claims in the framework of WTO or to ISDS claims under international investment agreements.
[48] Article 24.11 CETA
[49] The EU has lowered the standards of the Fuel Quality Directive in order to allow export of fuel derived from the Alberta oil sands into the EU. In particular, such fuel is not required to be specially labelled to indicate its emissions' impact on European consumers. It has been estimated that fuel derived from sources such as the Alberta oil sands is 23% more carbon-intensive than regular fuel, and as such would be labelled as high-polluting fuel. See Lachlan McKenzie, 'Overcoming legacies of foreign policy (dis)interests in the negotiation of the European Union–Australia free trade agreement' (2018) 72(3) *Australian Journal of International Affairs*, 255.
[50] See for example, Article 13.04 EU-Korea FTA
[51] Article 23.3 CETA
[52] See European Commission, *Implementation of the Trade and sustainable development (TSD) chapter in trade agreements - TSD committees and civil society meetings*, last update on 9 August 2019, http://trade.ec.europa.eu/doclib/press/index.cfm?id=1870

[53] European Commission, 'EU moves ahead with dispute settlement over workers' rights in Republic of Korea', Press Release, 5 July 2019, Brussels.
[54] Commission Staff Working Document, Executive Summary of the Evaluation of the Implementation of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, SWD(2019) 103 final, 7.03.2019, p. 1.
[55] Damian Raess, 'Labour (and environmental) provisions in FTAs: What do they do?' in European Parliament, *The future of sustainable development chapters in EU free trade agreements* (2018), p. 13.
[56] CJEU Opinion 1/17, para 160.
[57] European Commission services, *Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements*, Non paper, 26 February 2018,
http://trade.ec.europa.eu/doclib/docs/2018/february/tradoc_156618.pdf
[58] European Commission services, *Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements*, Non paper, 26 February 2018, p. 3.
[59] See International Centre for Trade and Sustainable Development, 'Trade Dispute Panel Issues Ruling in US-Guatemala Labour Law Case', 6 July 2017.
[60] Damian Raess, 'Labour (and environmental) provisions in FTAs: What do they do?' in European Parliament, *The future of sustainable development chapters in EU free trade agreements* (2018), p. 13.
[61] European Commission services, *Feedback and way forward on improving the implementation and enforcement of Trade and Sustainable Development chapters in EU Free Trade Agreements*, Non paper, 26 February 2018, p. 3.
[62] Ibid, pp. 7-8.
[63] For example, Canada has signed but not yet ratified Aarhus Convention and Kiev Protocol on chemicals and waste. For detailed analyses on CETA's environmental commitments, see Delphine Misonne, 'Exploring CETA's Relation to Environment Law' (2016) 2 *Environmental Law Network International*, 46.
[64] As a way comparison, Canada only ratified this convention in 2016.
[65] Breen Creighton, 'International Labour Standards and Collective Bargaining under the Fair Work Act 2009' in Anthony Forsyth and Breen Creighton (eds), *Rediscovering Collective Bargaining: Australia's Fair Work Act in International Perspective* (Routledge, 2014).
[66] See Australian Law Reform Commission, *Laws that interfere with freedom of association and assembly* (2016).
[67] Stephanie March, 'Will we make it? Are Australia's efforts to curb global warming enough to meet our Paris target?, *ABC*, 2 April 2019.
[68] Australia's commitment is to reduce emissions to 26-28 per cent on 2005 levels by 2030. By way of comparison, the EU's commitment is 'at least 40%' below 1990 levels by 2030. See Climate Action Tracker, https://climateactiontracker.org
[69] Peter Brewer, 'Australia's poor petrol quality diminishes our potential to reduce emissions', *The Canberra Times*, 19 April 2019.
[70] Sarah Martin, 'EU to push Australia to clean up petrol standards as part of free trade deal', *The Guardian*, 2 September 2019.
[71] Samantha Hepburn, 'Why aren't Australia's environment laws preventing widespread land clearing?', *The Conversation*, 8 March 2018.
[72] CJEU Opinion 2/15.
[73] Under Article 218 TFEU.
[74] http://extranet.greens-efa-service.eu/public/media/file/1/6205
[75] INTA Committee meeting, 2 October 2019, recordings available at: https://www.europarl.europa.eu/ep-live/en/committees/video?event=20191002-0900-COMMITTEE-INTA
[76] Remarks by Kevin Andrews MP, INTA Committee meeting, 2 October 2019.
[77] INTA Committee meeting, 2 October 2019.
[78] See for example, New Zealand's initiative with Costa Rica, Norway, Iceland and Fiji on the Agreement on Climate Change, Trade and Sustainability:
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Prelude to the Green Tide: struggle for abortion liberalisation Argentina (2001–2018)

Chantal Medici

Abstract

In December 2020, the Argentine Congress approved the legalisation of abortion ('Interrupción Voluntaria del Embarazo,' hereinafter, 'IVE'), surrounded by massive demonstrations that attended the lengthy session until dawn. This normative shift, which seemed improbable a few years ago, is the product of continuous political work and multiple strategies carried out by local feminisms during decades. This article summarises and highlights the most meritorious of these strategies accomplished between 2001 and 2020. We include actions related to three types of demands: access to legal abortion based on exceptions to existing laws (in case of rape or risk to the pregnant person's life or health), access to safe abortion, and the struggle for legalisation of abortion within the first 12 to 14 weeks of pregnancy. This is an abstract of the author Master's Thesis[1], which analysed how Argentine feminisms built a discursive field of action[2] that expanded both horizontally throughout civil society and vertically towards both the state and non-organized civil society. This article addresses only on the horizontal expansion of the abortion-related discursive field of action. Additionally, we summarise the evolution of access to abortion. Analysis of vertical expansion, including state initiatives and important expressions of institutional activism[3] (Pettinicchio, 2012), are set apart for further papers.

Introduction

In December 2020, Argentina legalised abortion (known as *Interrupción Voluntaria del Embarazo*, IVE) within the first 14 weeks of pregnancy, setting an important precedent in a region wherein abortion is generally only allowed under specific circumstances, such as rape or risk to the pregnant person's life or health. The lengthy sessions were surrounded by massive demonstrations of people who waited for the results until dawn, as an audience of countless people followed the TV and social media broadcast.[4] This decision is the culmination of five years of massive mobilisations and women's strikes that became famous around the globe, known as *#NiUnaMenos* ('Not a woman less') and later as *Marea Verde* ('Green Tide') when participants wore a green *pañuelo* (scarf) to show support for the legalisation of abortion. Two years earlier, in 2018, a similar bill was discussed and finally rejected by the Upper Chamber as two million people surrounded the Congress throughout the coldest nights of the year.[5]

Despite the visibility of this movement during the past few years, local feminists have in fact been working on this demand since the 1970's,[6] and more formally after the democratic recovery in 1983, after 8 years of dictatorship.[7] In the early 2000s, this activism expanded its scope and multiple strategies were deployed, which ranged from creating organisations that offer support to people capable of giving birth who decide to perform an abortion, to parliamentary lobbying, and advocacy among global organisations as the UN or the Organization of American States (OEA).

Literature about the claim for legalisation of abortion in Argentina generally discusses a number of experiences: the first expressions during the 1970s, the *Comisión por el Derecho al Aborto* in the 1980s, *Mujeres Autoconvocadas para Decidir en Libertad* (MADEL) in the 1990s, the *Encuentros Nacionales de Mujeres* ever since the 1980s and

the activity of *Campaña Nacional por el Aborto Legal, Seguro y Gratuito*.[8] Various investigations analyse other strategies and actions as the litigations on individual cases or regulations and the jurisprudence that resulted from them, as well as the norms and regulations dictated during the last decades.[9] Some important research is centred in the struggle for sexual and reproductive rights during the presidency of Cristina Fernández.[10] Various studies describe several initiatives to improve access to safe abortion.[11] Another set addresses events such as *Ni Una Menos* and the Green Tide.[12]

Literature generally focuses on the initiatives undertaken by the civil society and places government mostly as a context for action. Additionally, the various strategies and actions are generally portrayed in disconnected ways. This article intends to gather this variety of strategies and organisational forms, some of them deployed in coordination and others, independently – albeit with the same mission since the new millennium, by feminisms and the human rights organisations that joined the struggle. This is an abbreviated and updated version of the research conducted as part of the author's Master's degree thesis in which, following Álvarez[13] it was analysed how feminism built a *discursive field of action* for the liberalisation of abortion, that *expanded horizontally* to various instances of civil society (in this article human rights organisations and other NGOs[14]) and *vertically* to the unorganised civil society, on one hand, and to the heights of the State and the international organisations on the other.

According to Álvarez, feminisms[15] have expanded beyond civil society, both towards the state and the non-organised civil society, and built a *discursive field of action*, a political-communicative tissue of individual and grouped actors of different kinds, articulated by speeches, practices, ideas, and *political grammars* that are partially shared and always disputed.[16] This flexible perspective allows one to portray a process in which both civil society and the state had agency and initiative to change policies and to build networks or community that evolved throughout the process, and faced similar network or communities built by conservative groups that act against the liberalisation of abortion. The term *field*, in contrast with the concept of network or community, allows one to recognise the inequalities of power within the allied actors and that, as in a chess board, not all the pieces have the same value and the same capacity to influence outcome.

This article explores only the *horizontal* expansion and therefore important expressions of institutional[17] or governmental activism,[18] the role of Congressional representatives that pursued the approval in the lower chamber in 2018 (frequently named as '*las sororas*' or '*lxs sororxs*' by the press) and numerous personalities form the three powers of the Argentine state, including President Alberto Fernández's decision to include legalisation of abortion in his campaign in 2019, are set apart as they require further analysis and attention.[19]

The term 'liberalisation' was formerly used by Paola Bergallo[20] as part of an argument that assesses different paths to expand access to abortion and considers both decriminalisation or legalisation by terms or exceptions (legalisation of the practice in certain circumstances such as pregnancy being a product of rape or a threat to the woman or pregnant person's life or health). In this article the term 'liberalisation' intends to gather various types of strategies that are considered as being confluent: the pursuit of a better implementation of the Legal Interruption of Pregnancy ('*Interrupción Legal del Embarazo*,' hereinafter 'ILE'), namely the exceptions considered by the law, the

legalisation of IVE and the improvement of access to legal abortion, disregarding the legal frame of the case.

Additionally, the article analyses the actions that sought a change from a regulation of abortion based on legal exceptions to a mixed legislation that includes both the exceptions and legalisation of abortion within the first 14 weeks. Therefore, it also intends to contribute to the debate regarding the convenience of both types of regulation. Several academics have repeatedly pointed out that, despite exceptions to the law being a crucial instrument to grant women's and people of childbearing capacity's most basic human rights, this type of regulation does not achieve the creation of sufficient legal security, as they still leave space for arbitrariness.[21]

Methods

Framed in a descriptive-exploratory approach, the methodology for this article combines 17 interviews with prominent activists of *La Campaña Nacional por el Aborto Legal, Seguro y Gratuito* (hereinafter, '*La Campaña,'* which is the main actor for the legalisation of IVE), as well as with NGOs and prominent organisations and academics undertaken in 2017, with second hand sources such as the repositories of the High Commissioner for Human Rights of the United Nations, the decisions corresponding with the main litigations such as 'L.M.R. vs. Argentina,' the text of decrees and orders, researches and documents edited by the organisations that were interviewed. Journalistic sources are integrated into the analysis,[22] in particular, to describe political events of public knowledge, public declarations of members of the government that are not accessible by other sources save through media, in cases in which the occurrence of the facts described is by no means controversial or doubtful. Eventually these sources are used to replace the text of decrees, orders or judicial files that are not accessible. The current research work complements, updates, and completes the information available in the specific literature.

The selection of the organisations combined purposive sampling with the snowball method, as some activists referred others as having a prominent role in actions of some sort. The period covered by this research is 2001–2018. A summary of recent events and a summary of the current accessibility of pregnancy termination are included as well.
Interviews with 9 members of *La Campaña* were conducted: Elsa Schvartzman, Martha Rosenberg, María Alicia Gutiérrez; Marta Alanis, Victoria Tesoriero and Soledad Deza, who are also members of Catholics for Choice ('Católicas por el Derecho a Decidir,' CDD); Florencia Maffeo, who is the organiser of *Red de Profesionales por el Derecho a Decidir* and who participated in *socorrismo;* Celeste Mc Dougall, who is an organiser of the *Red de Docentes por el Derecho al Aborto*; and Cristina Zurutuza, who is also a member of the *Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer* (CLADEM); Agustina Ramón Michel, associate researcher at the *Centro de Estudios de Estado y Sociedad* (CEDES); Edurne Cárdenas, member of the *Centro de Estudios Legales y Sociales* (CELS); Natalia Gherardi, from the *Equipo Latinoamericano de Justicia y Género* (ELA); Mabel Bianco, from the *Fundación para el Estudio e Investigación de la Mujer* (FEIM); Felicitas Rossi, former member of the *Asociación por los Derechos Civiles* (ADC); Sandra Vázquez, director of the Argerich Hospital and the FUSA Group; Emelina Alonso, leader of the *Comité de Género de Nuevo Encuentro-Capital Federal*; Luciana Sánchez, leader of *Lesbianas y Feministas* and creator or the telephone line '*Aborto: más información, menos riesgos.'*[23]

The first section summarises the legislation related to abortion in Argentina and the contradictions in local public policies. The second section describes the emergence of activism for the liberalisation of abortion in the 2000's and the creation of *La Campaña*. Some of the most prominent strategies are then portrayed: accompaniment ('acompañamiento') of people who undergo outpatient medication abortions, formation of professional and academic networks, shaping of scientific and legal arguments, litigation of crucial cases, participation in the United Nations' Committee sessions. Afterwards, the rising of #NiUnaMenos (Not One Woman Less), the women's strikes and the sequence of events that culminate in the parliamentary debate are summarised. Finally, the current situation of abortion and the main achievements of these strategies are described and analysed.

Abortion in Argentina

Until December 2020, as in most countries in the region, abortion in Argentina was legal only under certain conditions. Before this date, the only countries, and territories in Latin America with unrestricted access to abortion during the first weeks of pregnancy were Puerto Rico, Cuba, Uruguay, Guyana, CDMX (Ciudad de México). and the Mexican state of Oaxaca. The only countries that prohibit abortion regardless of circumstance are El Salvador, Honduras, El Salvador, Dominican Republic, and Nicaragua.[24]

Until the legal change, the Argentine Penal Code defined in Article 86 that abortion was only legal when carried out 'in order to avoid a danger to the life or health of the mother' or if 'the pregnancy comes from a rape or an attack on the integrity committed on an idiot or insane woman.'[25,26] The legality of these exceptions was frequently questioned by arguments based either on the ambiguities of their wording,[27] or in treaties and conventions that refer to the protection of human life.[28] In fact, according to some studies,[29] during most of the 20th century, the norm functioned *de facto* as if the exceptions raised in Article 86 did not exist.[30]

Despite these circumstances, at the beginning of the new century, it was estimated that an average of 486,000 to 552,000 abortions were performed per year in the country[31]. The complications derived from abortions performed under risky conditions were reported as the main individual cause of maternal death.[32] Hospitalisations related to unsafe abortions reached 70,000 a year.[33] In contrast, neighbouring Uruguay, where abortion has been legal within the first 12 weeks of pregnancy since 2012, registered no death related to unsafe abortion in recent years.[34]

In 2012, the Supreme Court handed down the 'F.A.L. s/ medida autosatisfativa' judgement, in which it reaffirmed the authorisation of the termination of the pregnancy of a 15-year-old girl who was pregnant as a product of sexual abuse. The judgement provided legal certainty about the legality of the practice in certain circumstances as it established the interpretation of international conventions and treaties and the articles of the National Constitution that had been basis for restrictive readings. Therefore, it offered a legal framework for the protection of intrauterine life and its arrangement with the commitments made by the Argentine State.[35]

Likewise, it indicated that the petition of requirements that are not foreseen by the law by the state personnel to those who require the ILE is a *contra legem* practice. It hence

requested the Executive Power to dictate protocols for the public health system.
On the other hand, while the legal formulation described above was incorporated into the Penal Code in 1922,[36] since 1946 the World Health Organization (WHO) defines health as 'a state of complete physical well-being, mental and social, and not only the absence of conditions or diseases.'[37] This paradigm was incorporated in the 'Protocol for the comprehensive care of people with the right to the legal termination of pregnancy' dictated by the Ministry of Health.[38] The latter as well included the expression *mujeres y personas con capacidad de gestar* (women and people with childbearing capacity), according to the *Ley 26.743 de Identidad de Género* (Gender Identity Act).

In brief, when the standards in which the law is interpreted were updated, the prohibitive and punitive lectures of the law lost authority, and a more permissive legal context was created. This is how the *de jure* restrictive and *de facto* enabling legal framework[39] that allowed expanding access to the legal termination of pregnancy and safe abortion even before the acihevement of a regulatory change was configured.

The demand for legal abortion in the new millennium

Although the demand for the legalisation of the abortion first appeared in Argentina during the 1970s,[40] it was only in the new millennium when relevant social debate about policies and laws that regulate abortion took place, as local feminists achieved considerable visibility and importance. After the major economic, social, and political crisis that took place in 2001, various forms of organisations and protests emerged, such as *asambleístas* (neighbourhood assemblies), *ahorristas*,[41] *empresas recuperadas* (recovered companies)[42] that staged large mobilisations together with the *piqueteros* organisations.[43] Feminisms were transversally related to this activism and installed their demands in these new spaces.[44] This helped to shape the prominent position they would have during the next decades, as it configured the first step for this *horizontal expansion*.

Additionally, spaces of organisation and debate organised by women were most relevant. The *Encuentros Nacionales de Mujeres* (National Women's Meetings) have been organised every year since the 1980s in a different city of the country. In that context, women, *travestis* and trans women, meet, discuss, and create networks on various topics (regardless of whether they are affiliated with an organisation or not): contraception, abortion, living conditions, health, education, unemployment in different *talleres* (workshops). These Encuentros are totally free of cost and there are no requirements to attend them. The organising committee also negotiates with the local government to allow participants to stay in public schools in sleeping bags during the weekend when these meetings take place. Social movements and political parties take part in these mass gatherings and in the discussions that take place, which helps install them in broader sectors of society,[45] which also contributed to the early expansion of this *discursive field of action*. During the last decade and a half, these events became massive, with up to 65 thousand people summoned.[46]

La Campaña arose from the *talleres* for decriminalisation of abortion organised in these *Encuentros* and it was formally launched in 2005 (Campaña Nacional por el Aborto Legal, Seguro y Gratuito, n.d.). The green *pañuelos* were chosen as an icon, as they allude to the white *pañuelos* that were worn by the Madres de Plaza de Mayo, some of whom support *La Campaña* and wear both the green and white *pañuelos*.[47] The slogan *Educación sexual*

para decidir, anticonceptivos para no abortar, aborto legal para no morir (sexual education to decide, contraception to avoid an abortion, legal abortion in order not to die) was chosen as a main slogan. After years of struggle, there are now hundreds of organisations across the country, and they are the main driving force behind the legalisation of termination of pregnancy in the first weeks of gestation.[48]

From its creation, *La Campaña* focused its activity on presenting bills for the legalisation of *IVE*, which happened 8 times during the last decade and a half (2007, 2008, 2010, 2012, 2014, 2016, 2018, 2019). The number of legislators supporting this initiative increased discontinuously (20 in 2007, 22 in 2008, 35 in 2010, 60 in 2012, 56 in 2014, 140 in 2016, 72 in 2018 and 68 in 2019) (Campaña Nacional por el Aborto Legal, Seguro y Gratuito, 2008b; 2010; 2013; 2014; 2016; 2017; HCDN, 2018; 2020).

Along with this, the organisations grouped in *La Campaña* deployed various strategies that complemented the struggle for legal change with the aim of a broad implementation of ILE, improvements in access to safe abortion and greater visibility of demand. The most prominent of them, along with others undertaken by other groups, are described throughout this article. Around 2006, several cases in which ILE was denied or hampered by public officials took major relevance in media and helped to open social debate about abortion. Many of these girls and women and their families were *acompañadas* (followed and supported) by *La Campaña* through various bureaucratic obstacles.[49] From this point, and closely related to the activity of La Campaña, the *discursive field of action* took greater scope.

***Acompañamiento* of women and people with capacity of birth using medication**

Along with strategies that sought to change regulations and policies, several actions were taken to improve the access to safe abortion beyond the grounds provided by the law. Nevertheless, they subsequently influenced the frontline implementation of policies. The first was carried out by a group of health professionals who, aware of the high rates of maternal mortality linked to unsafe abortion, decided to create pre- and post- abortion counselling. These services provided information about how to safely terminate pregnancy with misoprostol, a medication that is recommended by the World Health Organization[50] as a safe and effective abortifacient[51] and that until recent time was sold in Argentina only for treating gastric ulcer. Post-abortion examination and contraceptive counselling were also performed. This risk and harm reduction strategy was imported from Uruguay, where it was developed since 2001 to combat maternal mortality. The first of these facilities was installed in the Hospital for Acute Care Cosme Argerich in the City of Buenos Aires, but soon this type of service was implemented in more health centers around the country (S. Vázquez, author interview, 2017).

Since 2009, some organisations have also created initiatives for counselling people using medication abortion. *Lesbianas y Feministas por la Descriminalización del Aborto* promoted the telephone line *Aborto: más información, menos riesgos* ('Abortion: more information, less risks'), which provides information about how to safely terminate pregnancy with misoprostol.[52] In 2013 the group reported answering around 5,000 calls per year.[53] Likewise, they edited a guide[54] that reached 500,000 downloads and 20,000 copies delivered by 2015.[55]

In 2011, the networks of *Socorristas en Red* began to form. These provide information,

apart from *acompañar*[56] medication abortions through a telephone line. The network is named after a similar experience developed by Italian feminists in the 1970s, the *Socorro Rosa*[57]. The practice was first launched by a group from Neuquén, in Patagonia, but it quickly spread throughout the country with the support of *La Campaña*, to which the organisation belongs (F. Maffeo, author interview, 2017).

According to calculations by the *socorristas*, in 2019 up to 54 feminist organisations throughout Argentina formed the network. Between 2014 and 2019, they had accompanied 31,936 women and people of child-bearing capacity in the process of abortion, and other 1,508 were referred to health systems.[58] These activists also interact with the local healthcare providers of their territories of influence. Within the framework of this continuous work, they created what they call *redes de amigables* ('network of friendly services'), lists of services and professionals that the activists identify as favourable to the rights of women and people of child-bearing capacity. Feminisms and *socorrismo* in turn supported health personnel initiatives such as pre- and post-abortion and contraceptive counselling.[59]

As demonstrated in the number of downloads of *Lesbianas and Feminista*'s guide, and the number of *acompañamientos* performed by Socorristas, these initiatives significantly changed the access to safe abortion as they contributed to the spread information about how to perform abortions safely with misoprostol.[60] In May 2021, *Red Compañera,* a network that links 23 similar groups that accompany abortions with medication throughout 17 countries in Latin America was launched.[61]

The professional networks

To consolidate these long-term relationships and collaborations with caregivers, in 2014 *La Campaña* created the *Red de Profesionales por Derecho a Decidir* ('Network of Health Professionals for Choice'). The relationships and *redes de amigables* built by *Socorristas* were integrated into the initiative (F.Maffeo, author interview, 2017). Within the network the professionals discussed strategies for the implementation of ILE, debated the urgency of legalising IVE and conducted training on discretion.[62]

The intensification of feminist activism for the legalisation of IVE in 2018 contributed to the exponential growth of the network, which is currently made up of thousands of professionals throughout the country. During the COVID-19 lockdown in 2020, the *Red de Profesionales* updated the list of health services where they can be found, accounting for a wide extension of the articulation throughout the country[63] that reaches 2000 health professionals.[64] A network of lawyers, *Alianza Nacional de Abogadas y Abogados por los Derechos Humanos de las Mujeres* (National Alliance of Lawyers for Women's Human Rights)[65] was created as well. The network has provided support to women's right defenders and organisations that had been intimidated or menaced, wrote declarations and press releases about possible changes in regulations, and coordinated actions for the defense of women's human rights.[66] In 2019, the alliance was comprised of 380 lawyers around the country (Alianza Nacional de Abogadas y Abogados por los Derechos Humanos de las Mujeres, 2019). The *Red de Docentes por el Derecho al Aborto* ("Network of Teachers for Choice") also debated matters of sexual education and created guides for teachers who need to discuss these issues with teenagers or that are consulted at school about a situation of unplanned pregnancy.[67]

These networks, along with the direct impact in the implementation of the policy, helped to incorporate part of the first line of state personnel to the *discursive field of action*, that was directly involved in the pursuit of change.

The creation of legal arguments

In parallel to the grassroots work by *La Campaña*, a series of NGOs, human rights organisations and academic groups produced scientific, medical, sociological, and epidemiological evidence on abortion in Argentina.

CEDES, CELS and ADC produced legal arguments to promote a comprehensive interpretation of the grounds on which abortion is legal. Academics associated with CEDES built an environment of highly recognised scholars[68] and worked with them on legal arguments based on central concepts such as the principle of legality.[69] As the Congress had repeatedly refused to discuss the bill presented and as the regulations based on exceptions to the law predominated in the region, they had characterised that a normative change was improbable within the next few years. Therefore, they decided to work on the implementation of the legal exceptions and make abortion truly accessible under those conditions. They performed, additionally, numerous trainings to care givers and legal departments of hospitals, where professionals used to state that in university, they were only taught that abortion was illegal. Additionally, the group participated in the draft of the first protocol for the provision of legal abortions emitted by the Ministry of Health in 2010[70] (A. Ramón Michel, author interview, 2017).

Between 2009 and 2010, the CELS and ADC joined the endeavour and formulated positions founded on human rights. Some of these groups, notably ADC and CELS, participated in numerous litigations on rules and regulations that apply to ILE, such as those described in the next section. As a manner of creating a favourable legal frame for a broad implementation of ILE, these and other groups also submitted shadow reports in several sessions of supranational organisations, particularly in the United Nations Committees.[71] As a result, the Committees issued important Concluding Observations and Recommendations that favoured liberalisation of abortion, many of which were as well cited by the Supreme Court in the sentence "F.A.L."[72] The incorporation of human rights and organisations that are focused on issues other than women's rights was a benchmark in the horizontal expansion of the discursive field of action.[73] The activists referred to this issue as part of a strategy of "diversification of speeches" (E. Cárdenas, CELS, author interview).

The litigation of the case "L.M.R. vs. Argentina"

Strategic litigation[74] of various types of cases related to abortion, both on individual cases and on regulations, was a prominent strategy performed by feminist organisations and human rights activists. Among those, the case of 'L.M.R. vs. Argentina' was crucial. The case was first filed by CLADEM, *Instituto de Género y Derecho* (INSGENAR), and CDD, that belong to *La Campaña,* in 2007 in Argentine courts and in 2011 reached a verdict by the Human Rights Committee of the United Nations.

The Committee ruled that the Argentine State had violated the human rights of 'L.M.R,' a young disabled woman who became pregnant as a product of rape and was denied her access to ILE. It considered that Articles 3 and 17 of the International Covenant on Civil and Political Rights, that is, 'the right to equality and the right not to be subject to

arbitrary interference in private life,' were infringed upon. It also considered that Article 7, the right not to be subjected to *cruel, inhuman, or degrading treatment*, was violated as she had been denied the termination of a pregnancy that was the product of sexual abuse. This judgement was an outstanding precedent that was cited by the Supreme Court in 'F.A.L.'

Litigation over regulations

After the 'F.A.L.' verdict, the National and Provincial Executive Powers were urged to issue protocols for the procedure to be followed to allow access to ILE in public health institutions.[75] The National Ministry of Health issued in 2015 a new protocol that met the standards set by 'F.A.L.' and other improvements in fundamental rights, such as the Gender Identity Law, passed in 2012.[76]

Meanwhile, various jurisdictions renewed or issued their procedures for the first time. Immediately, these regulations became an arena of struggle between those seeking to expand the right and those seeking to restrict it through numerous litigations.[77] In the provinces of Córdoba and Salta and the City of Buenos Aires, protocols were subjected to legal actions that went through all the instances of appeal to the Superior Courts of the respective jurisdictions, with uneven outcomes.[78,79] After the change of government in 2019, a new protocol was sanctioned by the Ministry of Health, this time with the hierarchy of ministerial resolution.[80] Some jurisdictions that, for a long time, lacked a procedure that met the standards set by the Court, rapidly approved the national protocol for their territory, as did the province[81] and the City of Buenos Aires.[82,83] However, in 2020, during the last months before legalisation, only 13 out of the 24 jurisdictions had adhered to the national protocol, 5 provinces had their own protocol with different standards, and 6 did not have any officially approved procedure.[84]

Another series of lawsuits targeted the rules regulating the production and distribution of misoprostol and mifepristone. Among other measures, the public production of these medicines and the official recognition of the obstetric use of misoprostol were requested, as only the use for gastric ulcers was approved until 2018. Beta Laboratories, the only laboratory that produced and distributed misoprostol for gastric use in Argentina until recent times, was sued in the Competition Defence Commission, as it had increased the price of the pills by 300% in two years (Cárdenas *et al*, 2017). In 2018, several of these proposed advances were achieved: the National Administration of Food, Drugs and Medical Technology (ANMAT) approved the gynaecological use of misoprostol[85] and its sale in pharmacies[86] and it started to be produced in state laboratories in the provinces of Santa Fe,[87] Río Negro[88] and the City of Buenos Aires,[89] at prices much more accessible than those of commercial production.[90]

From #NiUnaMenos to the 'Green Tide'

Starting in 2015, the massive mobilisations against femicide and gender-based violence known as #NiUnaMenos arose. They have ever since been organised through open assemblies throughout the country and through the *hashtag* #NiUnaMenos every June 3rd.[91]Together with women's strikes[92] these mobilisations spread throughout more than 50 countries and implied a massification of feminisms and a much greater importance of their demands on the agenda. At the beginning, the main claims were against violence and femicides, but in later years, a broader scope of demands, including economic inequality and sexual and reproductive rights, were articulated. Since 2016, the

legalisation of IVE began to be raised as one of the central demands, as a product of the long-term work of *La Campaña* and its participation in organisation and debate.[93]

In 2016 the case of 'Belén,'[94] a young woman from the province of Tucumán who was sentenced 8 years of prison after a miscarriage had a prominent public impact. She was charged with murder, a common strategy by ultra-conservative prosecutors throughout Latin America. In its defending, lawyer Soledad Deza showed that it was not proved whether she had performed an abortion or miscarried and discovered inaccuracies in the supposed proofs against her.[95] A very important campaign for her liberation and absolution took place around the country,[96] which helped to raise awareness of the risks of criminalisation of abortion and the demand gained increasing prominence in the agenda. She was finally absolved in 2017.[97]

Since February 2018 massive *pañuelazos*, gatherings in which the green *pañuelos* are held up in public places, started to be held throughout the country. The recurrence of demonstrations for the legalisation of abortion, the inclusion of such demand in all demonstrations for women's rights, in which the green *pañuelos* are worn, started to be called *Marea Verde* ('Green Tide'). Amid this context of mass demonstrations, the then President Mauricio Macri[98] announced that the *Ley de Interrupción Voluntaria del Embarazo* (Voluntary Pregnancy Termination Act), would be debated in the Congress in 2018.[99] In response, women[100] across the country started to wear the green *pañuelo* as a part of their everyday outfits, as a sign of support for the legalisation and the expressions of support to the legalisation multiplied (author's observation, 2018). *La Campaña* systematically organised *Martes Verdes* (Green Tuesdays), which consisted of *pañuelazos* organised all along Argentina, accompanied by actions on social media (author's observation, 2018).[101]

Those were months of intense public controversy. Large audiences closely followed the broadcast as 700 experts argued in the Congress for and against the approval of the law (Bianco, 2018). Conservative sectors also organised an important campaign and mobilisations under the slogan *Salvemos las dos vidas* ('Save both lives') and chose as an icon a blue[102] *pañuelo*.[103] The days of debate in Congress were accompanied by concentrations of millions of people.[104] After reaching a half sanction in the Lower Chamber, the law was rejected in the Senate by 7 votes.[105]

Despite the rejection, feminist mobilisation continued to massively occupy the streets.[106] The 'Green Tide' also inspired feminisms throughout the region, that started with wearing the green scarf as a sign of support for women's rights and legalisation of abortion and the claim raised in neighbouring countries. Actions of support for Argentine feminists were organised every time the debate was held in Congress.[107] After years of massive mobilisations for the legalisation of abortion,[108] in 2019 the new president Alberto Fernández took office after including the legalisation of abortion in his electoral campaign.[109] In March 2020, he declared that he would soon introduce a bill to legalise IVE.[110] A few weeks later, the agenda was dramatically disrupted by the appearance of the first cases of coronavirus in the country and the debate was suspended for several months.

On September 28th, which is Decriminalisation and Legalisation of Abortion Day in Latin America, when regulations against coronavirus were still very strict, massive actions

were held on social media through the hashtag #EsUrgente and #AbortoLegal2020, and an enormous '*pañuelazo*' took place through *La Campaña*'s YouTube channel. During those days, parsley bouquets were thrown to the Congress during an action led by Amnesty International. A declaration was signed by 500 celebrities and published in various prominent newspapers[111]. Over the next months, demonstrations and 'caravanas verdes' (green caravans) took place in provinces and cities where the current situation of the pandemic allowed large gatherings[112] and members of *La Campaña* held meetings with Sergio Massa, president of the Lower Chamber.[113]

The bill was finally introduced November 17th.[114] *La Campaña* published a press release that highlighted the areas of agreement between the Executive Power's project and its own (*Campaña Nacional por el Aborto Legal, Seguro y Gratuito*, 27 Septeber 2020). It was finally approved[115] on December 30th, 2020, as massive gatherings were held around the Congress and in numerous squares around the country and the region.[116] According to the new law, women and people with childbearing capacity have the right to access abortion until week 14, free of charge and within 10 days after requiring it, through public health system, social security funds for health or prepaid health insurance companies. After the 14th week of pregnancy, abortion is still legal under the circumstances provided by the former law. Conscientious objection[117] and access of people underage or with disabilities[118] were as well regulated by the law. The criminal code was also modified, and abortion after the 14th week of pregnancy is currently an offense that does not necessarily entail prison time.[119]

The evolution of access to abortion

After arduous years of activism and political battles of various kinds, access to abortion changed radically in Argentina. Towards the beginning of the new millennium there were few or no cases in which the State guaranteed the practice. In recent years, before legalisation, some jurisdictions, as the city[120] province[121] of Buenos Aires, have reported to systematically carry out these interventions.[122]

On the other hand, the obstruction of ILE by state personnel took place in various parts of the country in recent times. For instance, in 2019, two girls aged 11 and 12 in the provinces of Tucumán[123] and Jujuy,[124] victims of rape, were denied access to legal abortion and, after months of delays, they underwent a caesarean section. Additionally, legal claims were opened against both physicians that performed[125][126] or denied[127] to carry on legal abortions. After the legalisation of abortion, conservative actors have already made several claims against the new law.[128] A precautionary measure was dictated to suspend the application of the law the province of Chaco,[129] and was rapidly appealed and overturned.[130] Different factors, such as the number of health professionals that are conscientious objectors, and political pressures at the local level, suggests the implementation of the law will be a challenge over the next few years.[131]

Conclusions

In summary, a multiplicity of strategies by different groups for the liberalisation of abortion were deployed between 2001 and 2018. The demand for the legalisation of the voluntary interruption of pregnancy in the first weeks of gestation, for the implementation of the grounds of ILE and the actions to improve access to safe abortion are closely related, such that the results of some have consequences in the others.

The centrality of *La Campaña* in promoting these rights is undeniable, but the variety of discourses and types of action is also important. Feminisms *expanded horizontally* through different instances of civil society as it gained for its cause individual and grouped actors, such as various Human Rights organisations, such as CELS, ADC and Amnesty and groups of prominent academics, non-organised civil society, teachers, and frontline caregivers. The expansion towards the non-organised civil society is testified, as well, by the massive mobilisations across the country. Additionally, some other actors emerged in support of the cause, such as *Socorristas* and the various networks. These various organisational forms in some situations are directly linked with each other and in some others, they seldom work together. Nevertheless, they are linked—or knitted into a tissue—that is articulated by speeches, practices, political ideas, and goals.

#NiUnaMenos contributed to feminist demands gaining much higher importance and centrality in debate. The occupation of the streets against femicides on an unprecedented scale soon articulated broader demands, particularly the legalisation of abortion, and was the prelude to the historic days of the parliamentary debate. Likewise, the existence of these large-scale mobilisations is preceded by the long trajectory of feminisms in Argentina and the massiveness of the *Encuentros Nacionales de Mujeres*. Before the regulatory change being achieved, access to ILE and safe abortion improved markedly. Two decades ago, women and people of child-bearing capacity rarely accessed this right. By contrast, months before the approval of the new law there were multiple ways of access and more information about this right.

In any case, during the period immediately before the legal change, 8 years after the ' F.A.L.' sentence and almost a century after the sanction of Article 86, despite the sustained and combined efforts of the state and civil society, the effective implementation of the law was still very uneven throughout the national territory, and there continue to be obstacles, delays, and arbitrariness. Although the exceptions are crucial to grant women's and people with childbearing capacity's most basic human rights, the persistent difficulties to achieve an effective implementation of the exceptions and the sustained demand of a legal change are additional arguments that support a mixed regulation which combines legalisation of abortion on request within the first weeks of pregnancy and the exemptions to the law in specific cases such as rape or risk to the pregnant person's life or health.

The approval of the law encourages other countries to move in a similar direction. In January 2021, Chile's lower chamber started to discuss a similar bill.[132] Ecuador's Constitutional Court decriminalised abortion in case of rape in April.[133] In May, feminists from the Dominican Republic performed an important struggle for the Congress to include exceptions in the new criminal code.[134] The Mexican states of Puebla[135] and Quintana Roo[136] debated similar legal changes during the first trimester of 2021. In the opposite direction, Honduras passed a constitutional reform to avoid legalisation of abortion.[137] In brief, some countries and districts in Latin America are likely to discuss legalisation of abortion on demand within the first few weeks, while others might prefer to add exceptions to the law. Reactions and setbacks must also be expected.

In a global context marked by advances and setbacks in sexual and reproductive rights, it is pertinent to review the steps that led Argentina to the sanction of the Voluntary Termination of Pregnancy Act.

Notes

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[14] In this article, work undertaken by the Centro de Estudios de Estado y Sociedad (CEDES), Centro de Estudios Legales y Sociales (CELS) and Asociación por los Derechos Civiles (ADC) is described. These are not considered feminist organizations as their agenda includes but is not centered in women's rights.

[15] The word 'feminisms' is used in plural to highlight the diversity of political tendencies, the debate and conflict within feminist politics, and as a strategy to make visible feminisms that are other than white, heterosexual, cisgender, from North- western countries.

[16] S.E. Álvarez, "Para alem da sociedade civil: reflexoes sobre o campo feminista." *Cadernos Pagu, 43* (2014): 13-56. doi: https://dx.doi.org/10.1590/0104-8333201400430013

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[18] I. Verhoeven, and J.W. Duyvendak, "Understanding governmental activism." Social Movement Studies, 16:5, (2017) 564-577 accessed May 25, 2021, https://www.tandfonline.com/doi/full/10.1080/14742837.2017.1338942

[19] The work of physicians -and a hospital director as Susana Vázquez - that first provided abortion counseling and afterwards legal abortions can be as well considered institutional activism. Nevertheless, it is relevant to distinguish the actions of insiders that resist the mainstream policies and the directions of law and policy makers that belong to the higher hierarchy of the state.

[20] P. Bergallo, "La liberalización del aborto: contextos, modelos regulatorios y argumentos para su debate," in *Aborto y justicia reproductiva*., comp. P. Bergallo (Buenos Aires: Editores del Puerto, 2011) pp. 1-54

[21] P. Laurenzo Copello, "Otra vez el aborto: el inevitable camino hacia un sistema de plazos,," 2008, in P. Bergallo, comp., *Aborto y justicia reproductiva*. (Buenos Aires, Argentina: Editores del Puerto, 2011); P. Bergallo, "La liberalización del aborto: contextos, modelos regulatorios y argumentos para su debate," in P. Bergallo, comp., *Aborto y justicia reproductiva*. (Buenos Aires: Editores del Puerto, 2011) pp. 1-54; A. Ramón Michel, and M. Cavallo, "El principio de legalidad y las regulaciones de aborto basadas en los

médicos," in P. Bergallo *et al.* comp., *El aborto en América Latina. Estrategias jurídicas para luchar por su legalización y enfrentar las resistencias conservadoras* (Buenos Aires: Siglo Veintiuno, 2018);

[22] The media was systematically followed with Google Alerts with the following phrases: aborto; aborto+denunciada; aborto+legal; aborto+autorizado; aborto+garantizado; aborto+obstaculizado since August 2019. Other information about demonstrations, #NiUnaMenos, laws and regulations, judicial decisions and policies were intentionally looked up in the media. The articles were selected when the information displayed in them, of public knowledge and broadly covered by the national media, matched the information intended to be presented in the article.

[23] The Master's thesis was sent to all the subjects interviewed, and the information included was checked. They all agreed to have their names mentioned in the thesis and in future academic articles. Most of the subjects interviewed are renowned feminist activists in Argentina, and particularly Rosenberg, Deza and Alanis are often interviewed by the press.

[24] This information was collected from the official webpage of the Organization of the American States, that links most of the criminal codes. The criminal codes of the City of Mexico, the State of Oaxaca, Dominican Republic's 2014 Criminal Code were also revised. Haiti has recently passed a new Criminal Code that legalizes abortion within the first 12 weeks, but it will only come into force in 2022. See "Vers une dépenalization de l'avortement en Haiti" *Le Figaro*, July 16, 2020 https://www.lefigaro.fr/flash-actu/vers-une-depenalisation-de-l- avortement-en-haiti-20200716

[25] Ley 11.179, Código Penal Argentino, Buenos Aires, (passed in 1984 as ammended), accessed on April 22, 2017, http://servicios.infoleg.gob.ar/infolegInternet/anexos/15000- 19999/16546/texact.htm

[26] It is relevant to highlight that Argentina is officially a Catholic country, as stated in the Argentine Constitution in Article 2: "The federal government holds the Roman Catholic cult." According to recent research, the Catholic population has been decreasing (63% in 2019) and the Evangelical population is increasing (15% in 2019). The election of an Argentine Pope has not influenced religious activity in the country. The Evangelical community has had a prominent role in the organisation of the "Salvemos las dos vidas" movement, as will be detailed below). See Constitución de la Nación Argentina. *Infoleg*. Access November 6, 2020, http://servicios.infoleg.gob.ar/infolegInternet/anexos/0-4999/804/norma.htm; F. Mallimaci, *et al*., "Segunda Encuesta Nacional sobre Creencias y Actitudes Religiosas en Argentina." (CEIL, 2019) Access November 18, 2020, http://www.ceil-conicet.gov.ar/wp-content/uploads/2019/11/ii25-2encuestacreencias.pdf

[27] Due to the imprecise wording of the law, until the issuance of the "F.A.L." verdict, it was seldom argued that the practice was only allowed in cases in which the victim of abuse was a woman with a disability. In fact, this interpretation was reflected in some regulations, such as the first protocol of the City of Buenos Aires, issued in 2007. See S. Soler, "El derecho penal argentino," Tomo III. (Buenos Aires: Tipográfica Editora Argentina, 1945); Resolución 1174 del 28 May 2007, Ministerio de Salud de la Ciudad Autónoma de Buenos Aires, accessed August 2, 2020, https://boletinoficial.buenosaires.gob.ar/normativaba/norma/100573

[28] These debates are summarized in footnote number 6.

[29] C. Motta, and M. Rodríguez, "Mujer y justicia. El caso argentino," *Banco Mundial*, Buenos Aires, 2001, accessed August 2, 2020, http://web.worldbank.org/archive/website00955A/WEB/PDF/ARGENT-2.PDF, acceso el 15 March de 2018; S. Chiarotti, "El aborto en el marco de los derechos humanos," in S. Checa, comp., *Realidades y coyunturas sobre aborto*. (Buenos Aires: Paidós, 2006) pp. 91-110.

[30] The cases that were summarised in the document "Foro…" are an interesting testimony to the type of obstacles created by public officials. Take, for example, the case of "A.M.A," a young woman who was diagnosed with cancer and fell pregnant at the same time. Her and her son died soon after she gave birth, as she was denied both the ILE and the chemotherapy that is incompatible with pregnancy. After the death, the action called "Request for Fiscal Instruction No. 1 referring to the death of AMA" took place. See Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito, *Foro: Las acciones de la Campaña Nacional por el Aborto Legal, Seguro y Gratuito ante Aborto No Punible* (2009), accessed August 2, 2020, https://es.scribd.com/doc/126758377/Foro-Aborto-No- Punible-2009

[31] S. Mario, and E.A. Pantelides, "Estimación del aborto inducido en Argentina," *Notas de Población. Año XXXV. Nro. 87*, CEPAL – ONU, Santiago de Chile, 2009.

[32] Ministerio de Salud de la Nación, *Análisis de la mortalidad materno - infantil 2007-2016* (n.d.) Access August 31, 2021, https://bancos.salud.gob.ar/recurso/analisis-de-la-mortalidad-materno-infantil-en-la-argentina-2007-2016-partir-de-la

[33] A. Rubinstein, *Aportes desde el Ministerio de Salud al de sobre la Ley IVE en el Honorable Senado de la Nación.* n.d., Access November 21, 2020, https://drive.google.com/file/d/1-j3PzujjIbnTWJ7N-CAQfFr6spMMnFG_/view

[34] Uruguay Presidencia, *Uruguay no registra casos de mortalidad materna por interrupción voluntaria del embarazo* (May 29, 2018). Access November 21, 2020, https://www.presidencia.gub.uy/comunicacion/comunicacionnoticias/dia-internacional- salud-mujeres-jorge-basso-canelones-mortalidad-materna-casi-cero

[35] The Court indicated that Article 75 inc. 23 of the Constitution had been created with the aim of dictating a normative framework related to social security and not a punitive one, and therefore cannot be the basis for criminalisation, as some have proposed. It pointed out that it does not follow, neither from Article 1 of the American Declaration of the Rights and Duties of Man, nor of Article 4 of the American Convention on Human Rights, which totally prohibits abortion in all circumstances, since these norms were specially formulated in such a way that their invalidity did not derive from them (paragraph 10 of the Judgment). It also defined that Article 86 is harmonized with the Inter-American System of Human Rights in accordance with what is enshrined in its Treaties and Conventions (paragraph 117).

[36] S. Soler, "El derecho penal argentino," Tomo III. (Buenos Aires: Tipográfica Editora Argentina, 1945).

[37] Constitution of the World Health Organization (New York: UN General Assembly, November 17, 1946), accessed August 2, 2020, https://www.refworld.org/docid/3b00f09554.html

[38] Ministerio de Salud, *Protocolo de atención integral a personas con derecho a una interrupción legal del embarazo,* 2015, accessed August 2, 2020, http://www.msal.gob.ar/images/stories/bes/graficos/0000000875cnt-protocolo_ile_October%202016.pdf

[39] S.S. Fernández Vázquez, "Políticas difusas: la implementación de las consejerías pre y post aborto en Argentina." *Revista de Investigaciones Políticas Sociológicas*. Vol 16, um 1(2017). https://doi.org/10.15304/rips.16.1.3862 Access November 24, 2020, https://revistas.usc.gal/index.php/rips/article/view/3862

[40] The organizations Movimiento de Liberación Femenina (MLF) and Unión Feminista Argentina (UFA) included the demand in their declarations and eventually in flyers and magazine articles and interviews, and the Partido de Trabajadores Socialistas (PST) included the issue in an electoral campaign. See M. Bellucci, *Historia de una desobediencia. Aborto y Feminismo*. (Buenos Aires, Argentina: Capital Intelectual, 2014), pp 135 - 258

[41] The movement of "ahorristas" was created by middle classes whose savings were blocked by banks during the 2001 "corralito," the immobilization of bank deposits dictated by the government.

[42] During the crisis, hundreds of the factories and enterprises that shut down were taken over and run by their workers. They are known as *empresas recuperadas*.

[43] G. Di Marco, *et at*., *Movimientos Sociales en Argentina. Asambleas. La politización de la sociedad civil (*Buenos Aires: Ediciones Baudino-UNSAM, 2003), p. 288

[44] G. Di Marco, *El pueblo feminista: movimientos sociales y lucha de las mujeres en torno a la ciudadanía*. (Buenos Aires, Argentina: Biblos, 2011), p. 288.

[45] Ibid, pp. 269-270.

[46] "Tras dos femicidios, la marcha de 65 mil mujeres en Mar del Plata terminó con disturbios entre grupos extremistas," *La Nación,* October 12, 2015, accessed August 2, 2020, https://www.lanacion.com.ar/1835816-tras-dos-femicidios-la-marcha-de-65-mil-mujeres- en-mar-del-plata-termino-con-disturbios-entre-grupos-extremistas

[47] K. Felitti and M. del R. Ramírez Morales, "Pañuelos verdes por el aborto legal: historia, significados, y circulaciones en Argentina y México." *Realidades socioculturales.* Vol. 3 Núm 5 (2020), Access November 20, 2020, https://www.rosarioplus.com/en-otros-temas/mujer/el-origen- del-panuelo-verde-fue-hace-15-anos-y-en-rosario_a5f4af13d12b5372badfd1e91

[48] Campaña Nacional por el Aborto Legal, Seguro y Gratuito *Adhesiones. Organizaciones que adhieren (2005- 2015). Actualizado octubre de 2015* (n.d.) Access September 1, 2021, http://www.abortolegal.com.ar/adhesiones/

[49] A detail of the cases *acompañados* are listed in Campaña Nacional por el Aborto Legal, Seguro y Gratuito "Foro…." Some of these cases, such as "L.M.R.," finally became legal benchmarks. Since its beginnings, members of *La Campaña* have constantly followed and monitored cases in which ILE was hampered by state officials. See Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito, *Foro: Las acciones*

de la Campaña Nacional por el Aborto Legal, Seguro y Gratuito ante Aborto No Punible (2009), accessed August 2, 2020, https://es.scribd.com/doc/126758377/Foro-Aborto-No- Punible-2009

[50] WHO, *Aborto sin riesgos. Guía técnica y de políticas para sistemas de salud. Segunda edición*, Access March 15, 2019, http://apps.who.int/iris/bitstream/10665/77079/1/9789243548432_spa.pdf

[51] Misoprostol is a widely spread medication sold for various uses, including obstetric use. To produce abortion in pregnancies until 12 weeks, 800 mg must be administrated either sublingually or by introducing them in the vagina, let them melt for half an hour, repeat after 4 hours and again after 4 more hours. The same form of administration must be repeated, they cannot be combined. For higher gestational ages consult the formerly referenced guide provided by WHO. Misorpostol has dramatically transformed the practice of abortion, especially in legally restricted contexts, as it can be self-administrated in privacy, reduces the cost and the risk of complications associated. As stated below, gynecological use of misoprostol was approved in 2018. See Zamberin, N. and Raiher, S. (2010). *Revisión del conocimiento disponible sobre experiencia de las mujeres con el uso del misoprostol en América Latina*. Buenos Aires: Consorcio Latinoamericano contra el Aborto Inseguro (CLACAI) /Centro de Estudios de Estado y Sociedad (CEDES). Access July 6, 2020, http://www.clacaidigital.info:8080/handle/123456789/25

[52] A. Mines, *et al*. "El aborto lesbiano que se hace con la mano. Continuidades y rupturas en la militancia por el derecho al aborto en Argentina (2009-2012)." *Bagoas, 9* (2013).: 133-160. Access November 24, 2020, http://ri.conicet.gov.ar/bitstream/handle/11336/28699/CONICET_Digital_Nro.1381b192-0d3a-4c6d-b501b9a9681d66c1_X.pdf?sequence=5&isAllowed=y

[53] *Quinto informe de atención de la Línea Aborto: más información, menos riesgos.* Lesbianas y Feministas por la Descriminalización del Aborto, Centro de Estudios Legales y Sociales (CELS), CLACAI digital. Access November 21, 2020, https://clacaidigital.info/handle/123456789/451

[54] *Todo lo que querés saber sobre cómo hacer un aborto con pastillas,* n.d., Lesbianas y Feministas por la Descriminalización del Aborto, accessed August 2, 2020, http://nebula.wsimg.com/f7467bb21a591c137c8202a4691e0087?AccessKeyId=D34CC03C C1FCC38F3272&disposition=0&alloworigin=1

[55] R. Drovetta, "Líneas telefónicas de información sobre aborto seguro: una estrategia efectiva para implementar el acceso de las mujeres a los abortos seguros en América Latina." *Reproductive Health Matters* 23 (45) (2015), p 128 DOI: 10.1016/j.rhm.2015.06.004

[56] The word *acompañar* in Spanish means to go or to do something together with another person and has a connotation of empathy. Feminist groups in Argentina use the word *acompañar* for the action of giving information about how to perform an abortion with misoprostol and to monitor the process as it is done. The organisation *Socorristas en red* also holds meetings in which they discuss various issues related to the decision with those who contact them willing to interrupt pregnancy. See B. Grosso, and R Zubriggen, *Coaliciones y alianzas entre activistas feministas y el sistema de salud: Relato de una experiencia situada en pos del derecho a abortar*, 2016, accessed August 2, 2020, http://www.redaas.org.ar/archivos-actividades/38- Doc8_pdfweb_GrossoZurbri_ok.pdf

[57] Ibid.

[58] J. Burton, and R. Zubriggen, *Sistematización de acompañamientos a abortar realizados en el año 2019 por Socorristas en Red* (*feministas que abortamos),* April 2020, p.7, accessed June 3, 2020, https://socorristasenred.org/sistematizacion-2019/

[59] B. Grosso, and R. Zubriggen, *Coaliciones y alianzas entre activistas feministas y el sistema de salud: Relato de una experiencia situada en pos del derecho a abortar*, 2016, accessed August 2, 2020, http://www.redaas.org.ar/archivos-actividades/38- Doc8_pdfweb_GrossoZurbri_ok.pdf

[60] In an online training held in 2020 by *La Campaña* a caregiver stated that, according to her experience, most physicians had learned to perform abortion from feminist networks *"Most of us did not learn to acompañar in the University, but from the feminist organizations that acompañan interruptions of pregnancy. I don't know if you remember Lesbianas y Feminista's guide, well I learnt from there, for instance."* Nevertheless, the media has repeatedly published that the caregivers have been receiving trainings on ILE provided by the Ministry of Health. See Campaña Nacional por el Aborto Legal, Seguro y Gratuito (CampAbortoLegal) (2020b) *Módulo 2 – Curso para Docentes – El derecho al aborto como contenido de la ESI*, Access November 19th 2020, https://www.youtube.com/watch?v=oZFl8ngcEh8&t=1129s; "Aborto legal: agentes de salud de Neuquén se capacitaron en su abordaje." (May 18, 2019). *Rio Negro.* Accessed February 18, 2021,

https://www.rionegro.com.ar/aborto-legal-agentes- de-salud-de-neuquen-se-capacitaron-en-su-abordaje-992037/; "Capacitaron a personal de hospitales rurales sobre los nuevos protocolos de abuso sexual infantil e interrupción legal del embarazo" *ADN Sur*, January 22, 2021, https://www.adnsur.com.ar/sociedad/capacitaron-a-personal-de-hospitales-rurales-sobre-los-nuevos-protocolos-de-abuso-sexual-infantil-e-interrupcion-legal-del-embarazo-

[61] Socorristas en Red, *Se presentó la Red Compañera por el aborto libre en América Latina y el Caribe* (May 21, 2021). Access May 26, 2021, https://socorristasenred.org/se-presento-la-red-companera-por-el-aborto-libre-en-america-latina-y-el-caribe/

[62] A. P. Fagioli, *Red de profesionales de la salud por el derecho a decidir*, 2016, accessed May 26, 2020, https://clacaidigital.info/bitstream/handle/123456789/879/Red.profes.salud.derecho.decidir.pdf?sequence=5&isAllowed=y

[63] Red de Profesionales de la Salud por el Derecho a Decidir, *Dónde encontrarnos*, n.d*.,* accessed August 14, 2018, http://www.redsaluddecidir.org/donde-encontrarnos-recursero/

[64] Red de Profesionales de la Salud por el Derecho a Decidir, *Quiénes somos*, n.d., aaccessed August 14, 2018, http://www.redsaluddecidir.org/quienes-somos/

[65] In the introduction the fact that regulations based on grounds fail to create sufficient legal certainty was debated. Physicians might refuse to perform legal abortions as they fear to be prosecuted. In fact, criminal claims have been opened to some of them in recent years. In this context, it is understandable that building networks of physicians that perform legal abortions and lawyers that can defend them, and showing these organizations publicly, is a powerful tool to provide some security to those who choose to grant access to women and people with capacity of childbearing's rights.

[66] See "Comunicado de la Alianza Nacional de Abogados y Abogadas por los Derechos Humanos de las Mujeres en apoyo a la abogada Soledad Deza," Alianza Nacional de Abogados y Abogadas por los Derechos Humanos de las Mujeres (Abril 3, 2019): Access November 22, 2020, https://mujeresxmujeres.org.ar/comunicado-de-la-alianza-nacional-de-abogadxs-por-los- ddhh-de-las-mujeres-en-apoyo-a-la-abogada-soledad-deza-1/; "Comunicado de Prensa." Access November 22, 2020, https://clacaidigital.info/bitstream/handle/123456789/388/Comunicado_Alianza.pdf?sequence=5&isAllowed=y; "Declaración de la Alianza Nacional de Abogadas por los Derechos de las Mujeres." Access November 22, 2020, https://catolicas.org.ar/declaracion-de-la-alianza-nacional-de- abogadas-por-los-derechos-de-las-mujeres/; "La Alianza Nacional de abogadas/os por los Derechos Humanos de las Mujeres expresa su rechazo al proyecto de ley sobre libertad religiosa." (July 4, 2017) Access November 22, 2020, https://insgenar.wordpress.com/2017/07/04/la-alianza-de-abogadasos-por-los-derechos-humanos-de-las-mujeres-expresa-su-rechazo-al-proyecto-de-ley-sobre-libertad-religiosa/

[67] This information was reported by Celeste McDougall, member of *La Campaña* and promoter of *Red de Docentes por el Derecho al Aborto.*

[68] Ramón Michel mentioned Martín Bömer, Marcelo Ferrante, Martín Farrel, Marisa Herrera and Roberto Gargarella during the interview. Paola Bergallo is a prominent academic that led this project.

[69] CEDES's work was reflected in important publications. Two of them are: P. Bergallo, comp., *Aborto y justicia reproductiva*. (Buenos Aires: Editores del Puerto, 2011) and Mesa por la Vida y la Salud de las Mujeres and Alianza Nacional por el Derecho a Decidir, *Causal salud. Interrupción legal del embarazo, ética y derechos humanos,* 2008, accessed August 2, 2020, https://clacaidigital.info/handle/123456789/152. In the second of these documents, the various dimensions of grades in which health can be affected by pregnancy and the concept of integral health were also studied by CEDES. Vulnerability, precipitation and consolidation factors, social and economic problems, psychical pain, gender violence, and gender roles were considered. The main arguments worked by CEDES referred to the principle of legality: if the law is ambiguous, do not condemn when it is possible to doubt whether a condemnation was indicated by the law. It was debated whether the risk to the pregnant individual's health had to reach a certain probability and severity. In what respects the cases of rape, as it was formerly said, it was discussed if the law only allowed abortion when the victim was disabled. It was argued that the only ireason for such interpretation was eugenics, which does not match the Argentine legal structure. See Ferrante, M. (2011). "Sobre la permisividad del aborto en el derecho penal argentino," n P. Bergallo (Comp.). *Aborto y justicia reproductiva* (pp. 363-375). Buenos Aires, Argentina: Editores del Puerto. In 2009 CELS started including chapters about abortion in its yearly documents on human rights, which are influent in the national agenda on this issue, and in the Shadow and Alternative Reports presented in the sessions of the UN Committees. Chapters and reports can be consulted in CELS's official page: www.cels.org.ar. See Ramos, S.

et al, *El acceso al aborto permitido por la ley: un tema pendiente de la política de derechos humanos en Argentina*, 2009, accessed August 2, 2020, https://www.cels.org.ar/web/wp-content/uploads/2016/06/Debate-2-El- acceso-al-aborto-permitido-por-la-ley-un-tema-pendiente-de-la-politica-de-DDHH-en-la- Argentina.pdf; A. Pochak, *La despenalización del aborto en la Argentina. Un paso hacia una sociedad justa y equitativa* (2011), Access November 22, 2020, https://www.cels.org.ar/web/capitulos/la-despenalizacion-del-aborto-en-la-argentina-una- paso-hacia-una-sociedad-mas-justa-y-equitativa/; An example of this report is CDD, et al., "Derechos Humanos de las Mujeres: asignaturas pendientes del Estado Argentino," 2010. Access November 22, 2020, https://www.cels.org.ar/web/publicaciones/derechos-humanos-de-las-mujeres-asignaturas-pendientes-del-estado-argentino/. The above-mentioned debates on art. 4.1 of the American Convention on Human Rights, 6 of the Convention of the Right of the Child and art. 75.23 of the National Constitution were also considered by these organisations. CELS also edited specific publications as a contribution for legislative debates on sexual and reproductive rights: See CELS "Aportes del CELS a los debates legislativos. Derechos sexuales y reproductivos.", 2015, Access November 24, 2020, https://www.cels.org.ar/web/publicaciones/aportes-del-cels-a-los-debates-legislativos-sobre-derechos-sexuales-y-reproductivos/; A. Pochak, *La despenalización del aborto en la Argentina. Un paso hacia una sociedad justa y equitativa* (2011), Access November 22, 2020, https://www.cels.org.ar/web/capitulos/la-despenalizacion-del-aborto-en-la-argentina-una- paso-hacia-una-sociedad-mas-justa-y-equitativa/. Among the various scientific and sociological publications, it is important to mention the first calculation of the number of abortions that are performed annually in Argentina, published S. Mario, and E.A. Pantelides, "Estimación del aborto inducido en Argentina," *Notas de Población. Año XXXV. Nro. 87*, CEPAL – ONU, Santiago de Chile, 2009.

[70] See Ministerio de Salud de la Nación. *Guía técnica para la atención integral de los abortos no punibles* (2010). Access February 24, 2021, http://www.legisalud.gov.ar/pdf/guia_tecnica_web_2010.pdf

[71] The Committees are the most authoritative voices on the interpretation of international treaties. Periodic sessions on the application of these in each of the member States are held. They are attended by representatives of the State and Civil Society, which present respective reports. The result are documents that guide the State on how to act on certain issues, the Concluding Observations and Recommendations. See United Nations, *Comité de los Derechos Humanos. Vigilancia del ejercicio de los derechos civiles y políticos,* n.d., accessed August 2, 2020, https://www2.ohchr.org/spanish/bodies/hrc/

[72]Some of the most important documents are Human Rights Commitee. *Concluding observations of the Human Rights Commitee. Argentina. Seventieth session*. (Nueva York, CCPR/CO/70/ARG, November 15, 2000), para. 14. Access August 8, 2021, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCO%2F70%2FARG&Lang=es ; Human Rigths Committee, *Consideration of reports submitted by States parties under article 40 of the Convenant. Conculding observations by the Human Rights Committee. Argentina* (New York, CCPR/C/ARG/CO/4, March 21, 2010), para.13, accessed at http://www2.ohchr.org/english/bodies/hrc/docs/CCPR.C.ARG.CO.4_S.pdf, acceso el 15 November de 2019; Human Rigths Committee. *Concluding observations on the fifth periodic report of Argentina* (New York, CCPR/C/ARG/CO/5, August 10, 2016), paras, 11 and 12, accessed August 2, 2020, https://documents-dds- ny.un.org/doc/UNDOC/GEN/G16/176/94/PDF/G1617694.pdf?OpenElement; Committee on the Rights of the Child, *Consideration of reports submitted by States parties under article 44 of the Convention. (CRC/C/ARG/CO/3-4. 54th period of sessions,* June 21, 2010), paras, 58 and 59, inc D, accessed August 2, 2020, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC.C.ARG.CO.3-4_sp.pdf; Commitee on the Elimination of Discrimination against Women, *Concluding observations of the Committee on the Elimiantion of Discrimination against Women. Argentina. 46th Sessions* (New York, CEDAW/ARG/CO/6, August 16, 2010), paras. 37 and 38 accessed August 2, 2020, http://www.acnur.org/t3/fileadmin/Documentos/BDL/2012/8408.pdf?view=1; Commitee on the Elimination of Discrimination against Women, *Concluding observations on the seventh periodic report of Argentina*. (New York, CEDAW/C/ARG/CO/7. November 25, 2016), para 33, inc. C; Access August 8, 2021, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/ARG/CO/7&Lang=Sp; Committee on Economic, Social and Cultural Rights, E /C.12/ARG/CO/3 *Consideration of reports submitted by States parties under articles 16 and 17 of the Convenant. 47th period of sessions*. (New York: United Nations, 14 December, 2011), para. 22 accessed August 2, 2020,

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/ARG/CO/3&Lang=En

[73] S.E. Álvarez "Para alem da sociedade civil: reflexoes sobre o campo feminista." *Cadernos Pagu, 43* (2014): 13-56. doi: https://dx.doi.org/10.1590/0104-8333201400430013

[74] Strategic litigation is the litigation of cases with the intention to have an impact on public policies or regulations, beyond the impact in the individual case. See M. Bömer and T. Salem, "Litigio estratégico: una herramienta para que el Poder Judicial tenga voz en políticas públicas clave." Document on Public Policies. CIPPEC. (December 2010), Access February 3rd, 2021, https://www.cippec.org/publicacion/litigio-estrategico-una-herramienta-para-que-el-poder-judicial-tenga-voz-en-politicas-publicas-clave/. The litigation of subnational regulations, that was as well a prominent strategy, is synthesized in the next section.

[75]The first protocols for the practice of ILE were issued in 2007 (Menéndez, 2011).

[76] Ministerio de Salud, *Protocolo de atención integral a personas con derecho a una interrupción legal del embarazo,* 2015, accessed August 2, 2020, http://www.msal.gob.ar/images/stories/bes/graficos/0000000875cnt-protocolo_ile_October%202016.pdf

[77]Two important documents that compile these legal actions in detail until 2015 are C. Gebruers, and N. Gherardi, *El aborto legal en la Argentina: la justicia después de la sentencia de la Corte Suprema de Justicia en el caso "F.A.L.*," 2015 and ADC, *Acceso al aborto no punible en Argentina. Estado de situación.* March 2015. This article about the litigations on regulations and cases before 2012 is also a relevant reference: P. Bergallo, "The struggle against informal rules on abortion in Argentina." In: R. Cook, J. Erdman, and B. Dickens, eds. *Abortion law in transnational perspective: Cases and controversies* (Pennsylvania: University of Pennsylvania Press, 2014) pp. 241–277. The following document describes litigations over regulations of misoprostol: E. Cárdenas, L. de la Vega, and A. López Cabello, *Acceso desigualitario al aborto legal y criminalización selectiva,* March 7, 2017. A summary of the follow-up and update of these cases is presented in this section.

[78]In Córdoba, the litigation achieved the halt of conservative initiatives against the protocol. In the City of Buenos Aires, feminist and human rights groups did not achieve a judicial decree against the points of the protocol they considered more restrictive than the standards set by the Supreme Court. In Salta, both conservative and feminist initiatives fail to achieve a favorable decree.

[79] "Portal de Belén, Asociación Civil, c/Superior Gobierno de la Provincia (amparo) – Rec. de Casación E. Inconst.." Expte 5597080. Tribunal Superior de Justicia de Córdoba. Córdoba, September 09, 2019. Access 21 January, 2021, https://www.justiciacordoba.gob.ar/JusticiaCordoba/inicio/indexDetalle.aspx?codNovedad= 11889; "Portal de Belén, Asociación Civil, c/Superior Gobierno de la Provincia (amparo) – Cuerpo de Apelación.." Expte. 5607254. Tribunal Superior de Justicia de Córdoba. Córdoba, September 24, 2019. Access 21 January, 2021, https://www.justiciacordoba.gob.ar/JusticiaCordoba/inicio/indexDetalle.aspx?codNovedad= 11889 ; "R, M de la C. y otros c/GCBA s/ amparo," Expte 13918/16 Tribunal Superior de Justicia de la Ciudad de Buenos Aires, October 10 2018, *https://drive.google.com/file/d/1tK0rqOLeszWTqNHFK6QjiDBGnnjZZeXi/view*

[80] Resolución 1/2019 Ministerio de Salud de la Nación, Protocolo para la atención integral de las personas con derecho a la interrupción legal del embarazo, accessed August 2, 2020, http://test.e-legis-ar.msal.gov.ar/leisref/public/showAct.php?id=34562

[81] Resolución conjunta 1/2020. Ministerio de Salud y Ministerio de Mujeres, Políticas de Géneros y Diversidad Sexual, accessed September 1, 2021, https://normas.gba.gob.ar/ar-b/resolucion-conjunta/2020/1/213360

[82] Ley 6312. Se adhiere – Ciudad Autónoma de Buenos Aires- Resolución 1-2019 – Ministerio de Salud de la Nación- Adopta Sistema de Salud – Protocolo para la Atención Integral de las Personas con Derecho a la Interrupción Legal del Embarazo - ILE – 2da Edición. Ciudad Autónoma de Buenos Aires (passed in 2019). Access 21 January, 2021, https://boletinoficial.buenosaires.gob.ar/normativaba/norma/523830

[83] The Province of Buenos Aires and the City of Buenos Aires are two separate jurisdictions.

[84] The provinces adhered to the national protocol are the provinces of Buenos Aires; Chaco; Chubut; Entre Ríos; Jujuy; The Rioja; Salta; San Luis; Santa Cruz; Santa Fe; Misiones; Tierra del Fuego, Antártida e Islas del Atlántico Sur and the City of Buenos Aires. The provinces that have their own protocol are Catamarca,

Córdoba, Neuquén, La Pampa, and Río Negro and those that do not have a protocol are Corrientes, Santiago del Estero, Tucumán, Formosa, San Juan. Mendoza approved a technical guide (Ministerio de Salud, Desarrollo Social y Deportes, n.d.).

[85] Disposición DI-2018-6726-APN-ANMAT#MS, Administración Nacional de Medicamentos, Alimentos y Tecnología Médica (A.N.M.A.T.), Accessed 21 January, 2020, http://www.anmat.gov.ar/boletin_anmat/julio_2018/dispo_6726-18.pdf

[86] Disposición DI-2018-946-APN-ANMAT#MSYDS, Administración Nacional de Medicamentos, Alimentos y Tecnología Médica (A.N.M.A.T.), Accessed 21 January, 2020,http://www.anmat.gov.ar/boletin_anmat/octubre_2018/Dispo_MSYDS_0946-18.pdf

[87] E. Vega, "Santa Fe está lista para lanzar el primer Misoprostol de uso ginecológico hecho en el país," *Clarín,* 25 August, 2018, accessed August 2, 2020, https://www.clarin.com/sociedad/santa-fe-lista-lanzar-primer-misoprostol-uso-ginecologico-hecho-pais_0_rySGFkCIQ.html

[88] "En Río Negro se fabricará misoprostol," *Río Negro*, August 16, 2018, https://www.rionegro.com.ar/en-rio-negro-se-fabricara-misoprostol-CE5574172/

[89] M.F. Alcaraz, "¡Bienvenido a la Argentina Misop 200!," *Latfem*, October 26, 2018, accessed August 2, 2020, https://latfem.org/bienvenido-la-argentina-misop-200/}

[90] A. Buchara, "Misoprostol industria nacional," *Revista Anfibia*, n.d., accessed August 2, 2020, http://revistaanfibia.com/cronica/misoprostol-industria-nacional/

[91] "Miles de personas marcharon contra la violencia de género por tercer año consecutivo," *Télam,* June 3, 2017, http://www.telam.com.ar/notas/201706/191126-ni-una-menos-junio-2017.html

[92] "Paro Internacional de Mujeres: cuándo surgió y por qué Argentina tiene un rol central," *Clarín,* March 7, 2018, https://www.clarin.com/entremujeres/genero/paro-mujeres-paro-internacional-mujeres-8m_0_H1MEblPuz.html

[93] A. Fiol, "Ni Una Menos, Posibilidades para la acción histórica de las mujeres en Argentina," in G. Di Marco, A. Fiol, P.K.N. Schwarz (comp.) *Feminismos y populismos del siglo XXI frente al patriarcado y el orden neoliberal* (Buenos Aires: Teseo, 2018) pp. 125 -136.

[94] "Belén" is a pseudonym with which she was called to keep her privacy.

[95] For instance, the fact that the fetus was found in the toilet before the hour when "Belen" is registered in the entrance of the hospital. The care giver report stated that she was 23 months pregnant.

[96] Campaña Nacional por el Aborto Legal, Seguro y Gratuito, [Press release] August 10, 2016, accessed Februry 24, 2021, http://www.abortolegal.com.ar/la-campana-pide-la-libertad-de-belen/

[97] Corte Suprema de Justicia de la Provincia de Tucumán (March 23, 2017) Sentencia 329/2017 Access February 24, 2021, https://www.cij.gov.ar/nota-25407-Caso-Bel-n--fallo-de-la- Corte-Suprema-de-Justicia-de-Tucum-n.html

[98] "Mauricio Macri alentó a un debate 'maduro y responsable' sobre el aborto," *Clarín,* March 1, 2018, https://www.clarin.com/politica/mauricio-macri-alento-congreso-debate-maduro-responsable aborto_0_Sk5Ql9rOz.html

[99] The reasons why Macri, who is against the law, promoted the debate, are unknown. In his book "Primer tiempo," he explains that, after the massive demonstration of March 8 that held the demand of legalization of abortion as one of the main claims, the conservative congress woman Carmen Polledo proposed to make the first move and open the debate. If that was his intention, his tactic seems to have been very counterproductive, as the opening of the debate in the Congress took to the concentration of attention and political efforts towards the legalization of abortion and gathered unprecedented expressions of support. Supporters most probably considered that an extraordinary political opportunity was opened and that it was the right time to struggle for the legal change they pursued. See Macri, M., *Primer tiempo*. (Buenos Aires: Editorial Planeta, 2021).

[100] Although people of other gender identities wear the scarf as well, it is remarkable the predominance of young women among those who wear the scarf.

[101] Campaña Nacional por el Aborto Legal, Seguro y Gratuito, *Cada vez falta menos!! Sumate a otro #MartesVerde y sigamos demostrando que somos miles en las calles exigiendo #AbortoLegalYa*. [Press release], May 21, 2018, accessed May 4, 2021, http://www.abortolegal.com.ar/martes-verdes-nuestras-vidas-importan/

[102] In Argentina, the light blue color alludes to the national flag.

[103] "Concentración 'Salvemos las dos vidas' en el Obelisco convocada por las iglesias evangélicas," *Clarín*, August 4, 2018, https://www.clarin.com/sociedad/aborto-ley-aborto-aborto-legal-iglesia-evangelica-obelisco-concentracion-marcha-aborto-legal-pro-vida_5_rkffFvQrQ.html
[104] S. Diaz García, , "Uno más uno, ¡dos millones por el aborto legal!," *La Voz*, August 3, 2018, accessed August 2, 2020, https://www.lavoz.com.ar/opinion/uno-mas-uno-dos-millones-por- el-aborto-legal
[105] Honorable Cámara de Senadores de la Nación (Senado Argentina) (August 2018) "Votaciones." Accessed February 14, 2021, https://www.senado.gob.ar/votaciones/detalleActa/361
[106] "Las mejores fotos de la marcha por el 8m," *Perfil,* March 8, 2019, https://www.perfil.com/noticias/igualdad/las-mejores-fotos-de-lo-que-dejo-el-8m.phtml, acceso el 13 May de 2019.
[107] "Vigilia mundial por el debate de la ley del aborto legal en la Argentina" *Página 12* , Dec 29th, 2020, https://www.pagina12.com.ar/314307-vigilia- mundial-por-el-debate-de-la-ley-del-aborto-legal-en-
[108] The role of Ni Una Menos and the massive demonstrations was broadly discussed not only by scholars but also by the main political actors. In recent interviews, 'las sororas,' a network of congresswomen formed throughout the years of advocacy meetings promoted by *La Campaña* that coordinated advocacy strategies within their parties in 2018 and in 2020, characterized that 'NiUnaMenos' helped the debate within the Congress and within their parties, and was most useful for defeating the 'opportunistic no,' that is to say, the politicians that were not deeply convinced that abortion should not be legalised, but found it politically inconvenient to support the law. All the actors, including these congress women, recognise the importance and centrality of the activism of *La Campaña.* See Campaña Nacional por el Aborto Legal, Seguro y Gratuito (@CampAbortoLegal) "Dos años de la sanción de Diputadxs – Entrevista a las sororas." Youtube Video, June 13, 2020a Accessed March 3, 2020, https://www.youtube.com/watch?v=KT-DxBmbIig
[109] Apart from the context of massive mobilisations for the legalisation of abortion, Alberto Fernández had other reasons for pursuing the approval of the law. In contrast with Cristina Fernández, whom it was said was convinced against the approval during her government, as a Law professor, he had for many years lectured about the inconvenience of criminalisation of abortion. His ex-wife and political right hand, the current Secretary of Legal Issues (Secretaria Legal y Técnica), Vilma Ibarra, who previously had served as a congresswoman, has been a prominent institutional activist for the legalisation.
[110] M. Jastreblansky, and S. Dapelo, "Aborto, reforma judicial y crisis, los ejes del discurso de Alberto Fernández,"*La Nación*, March 1, 2020, accessed August 3, 2020, https://www.lanacion.com.ar/politica/aborto-reforma-judicial-y-crisis-los-ejes-del-discurso-de-fernandez-nid2338467/
[111] "Se realizó un 'pañulazo virtual' en el Día Internacional por la Legalización del aborto" *Infobae*, September 28, 2020, https://www.infobae.com/sociedad/2020/09/28/se-realizo-un-panuelazo-virtual-en-el-dia- internacional-por-la-legalizacion-del-aborto/
[112] "'Caravana verde' y reclamos en todo el país para que se trate este año" (November 4, 2020). Télam. Access January 27, 2020, https://www.telam.com.ar/notas/202011/532269-caravana-verde-y-reclamos-en-todo-el-pais-para-que-se-trate-este-ano-la-legalizacion-del- aborto.html
[113] "Massa recibirá a militantes a favor y en contra del aborto en el Congreso" *Ámbito*, November 3, 2020, https://www.ambito.com/politica/aborto/massa- recibira-militantes-favor-y-contra-del-el-congreso-n5145389
[114] "Alberto Fernández envió al Congreso el proyecto de legalización del aborto y el plan de los 100 días" *Télam*, November 17, 2020, https://www.telam.com.ar/notas/202011/535457-alberto-fernandez-envio-congreso- proyecto-aborto.html
[115] Ley 27.610. Acceso a la interrupción voluntaria del embarazo (passed in 2020). Access February 2, 2021, https://www.boletinoficial.gob.ar/detalleAviso/primera/239807/20210115
[116] "Vigilia mundial por el debate de la ley del aborto legal en la Argentina" *Página 12* , Dec 29th, 2020, https://www.pagina12.com.ar/314307-vigilia- mundial-por-el-debate-de-la-ley-del-aborto-legal-en-
[117] It was regulated that any professional that might directly intervene in the practice has the right of conscientious objection. They must maintain this decision both in the private and public health system and refer the patient to a professional that can perform the abortion.
[118] It was dictated that adolescents have full capacity at 16. Before this age, they must provide the informed consent with the assent of a 'support' (someone that formally or informally has a role of care towards the child or adolescent, or an affective reference). People with disabilities can provide informed

consent, with a 'support system' if they desire, except when it was ruled a restriction of their capacity, when it is related to the possibility of providing informed consent to this practice. In this case, they must provide informed consent with the assistance of the legal guardian, or a 'support.'

[119] The penalty for performing an abortion or consenting someone else to do it after the 14th week of pregnancy is 3 months to 3 years. Crimes with this penalty in Argentina do not necessarily entail prison time. The judge can also exempt an individual from penalty when the circumstances of the case merit it.

[120] Coordinación de Salud Sexual, SIDA e ITS, "Salud sexual y Reproductiva en la Ciudad de Buenos Aires. Situación y Respuesta 2019," 2019, Ministerio de Salud de la Ciudad de Buenos Aires. Access 21 January 2021, https://www.buenosaires.gob.ar/sites/gcaba/files/situacion_y_respuesta_en_ssyr._caba_2019_para_publicar.pdf

[121] Ministerio de Salud de la Provincia de Buenos Aires *Informe de gestión. Estrategia de implementación de la interrupción legal del embarazo en la Provincia de Buenos Aires.* Período enero a junio 2020, 2020. Access February 2nd, 2020, http://www.ms.gba.gov.ar/sitios/srpr/files/2020/10/Informe-ILE1016.pdf

[122] Other provinces provided information to the press about the number of abortions performed. See GEDESyR, *Situación del Derecho al Aborto en Argentina y el Cono Sur,* 2019, http://www.unsam.edu.ar/escuelas/humanidades/centros/cedehu/boletin.asp

[123] López, F., "Denunciaron penalmente a los médicos que le hicieron una cesárea a la chica violada en Tucumán," *La Nación,* March 11, 2019, accessed August 2, 2020, https://www.lanacion.com.ar/2227505-denunciaron-penalmente-medicos-le-hicieron- cesarea-nena

[124] "Jujuy: realizarán el aborto legal a una niña de 12 años pese a que la Iglesia y grupos Pro- Vida intentarán frenarlo," *La Nación,* January 17, 2019, https://www.lanacion.com.ar/sociedad/jujuy-realizaran-aborto-legal-nina-12-anos- nid2211717 , acceso el 15 November de 2019

[125] López, F., "Denunciaron penalmente a los médicos que le hicieron una cesárea a la chica violada en Tucumán," *La Nación,* March 11, 2019, accessed August 2, 2020, https://www.lanacion.com.ar/2227505-denunciaron-penalmente-medicos-le-hicieron- cesarea-nena

[126] "En Viedma allanaron un refugio para mujeres por una ILE" *Página 12,* June 17, 2020, https://www.pagina12.com.ar/272679-en-viedma-allanaron-un- refugio-para-mujeres-por-una-ile

[127] "Rodríguez Lastra s/ incumplimiento de los deberes de funcionario público – Ley 5020," Expte MPF- CI 00050-2017, Superior Tribunal de Justicia de Chubut. Viedma, December 22, 2020. Access February 1, 2020, https://fallos.jusrionegro.gov.ar/protocoloweb/protocolo/protocolo?id_protocolo=18c82202-1d8e-45ac-935e-b884ea155770&stj=1

[128] A summary of the legal claims performed between January and March 2021 is offered in GEDESyR, *¡Es ley!,* April 2021, accessed September 2, 2021, http://www.unsam.edu.ar/escuelas/humanidades/centros/cedehu/boletin.asp

[129] "D., H.B y otros c/ Gobierno de la Provincia del Chaco y/o Ministerio de Salud Pública del Chaco y/o Ministerio de Educación, Cultura, Ciencia y Tecnología del Chaco s/ Medida Cautelar." Expte N 511/21, Juzgado Civil y Comercial Nro .19 de Resistencia, February 28, 2021.

[130] "D., H.B y otros c/ Gobierno de la Provincia del Chaco y/o Ministerio de Salud Pública del Chaco y/o Ministerio de Educación, Cultura, Ciencia y Tecnología del Chaco s/ Medida Cautelar." Expte N 511/21-1-C, Cámara de Apelaciones en lo Civil y Comercial de Resistencia, March 18, 2021.

[131] The Red de Profesionales was recently interviewed by the press about these challenges. See 'Aborto legal, los desafíos…,' 2021).

[132] "El Congreso inicia este miércoles la discusión del proyecto para legalizar el aborto hasta la semana 14" *CNN Chile,* January 11, 2021, https://www.cnnchile.com/pais/congreso-tramitacion-proyecto-aborto_20210111/

[133] "Aborto: la Corte Constitucional de Ecuador lo despenaliza para casos de violación" *BBC*, April 29, 2021, https://www.bbc.com/mundo/noticias-america-latina-56922095

[134] Rd3causales (@rd3causales) *Como canta nuestra querida Xiomara Fortuna "tu casa será tu casa, pero la calle será la calle" y este domingo.* Tweet, May 26, 2021, https://twitter.com/rd3causales/status/1397565461764657154

[135] "Aplazan debate sobre despenalización del aborto en Puebla hasta elecciones" *Manatí Noticias*, March 18, 2021, https://manati.mx/2021/03/18/parlamento-aborto-congreso-de-puebla-campanas/

[136] "Congreso de Quintana Roo rechaza legislación del aborto" *Aristegui noticias,* March 3, 2021, https://aristeguinoticias.com/0203/mexico/congreso-de-quintana-roo-rechaza-legalizacion-del-aborto/

[137] "Aborto en Honduras: el Congreso blinda la prohibición absoluta del aborto para impedir su legalización" *BBC*, January 21, 2021, https://www.bbc.com/mundo/noticias-america-latina-55760365

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Hypotheses on Social Movements and Catalan Nationalism

Dominik Rehbaum

Abstract
Although Catalan nationalism was commonly portrayed as modest and mainly focused on economic aspects, the denial of extended Catalan autonomy rights in 2010 led it to become almost overnight a widespread movement for self-determination. Instead of rendering nationalism obsolete, the case study suggests that new (sub-state) nationalist movements aim to reconcile national sovereignty with globalisation and modernisation. Since previous attempts to explain this turn of modern nationalism suffer from a theoretical ethnic-civic dichotomy of nationalism and fail to connect different explanatory strands due to their focus on narrow explanatory factors, this paper explains the resurgence of sub-state nationalist movements in Western Europe by investigating how the competing theories on sub-state nationalism account for the sudden rise of Catalan nationalism. Relying on public opinion surveys and qualitative document analysis, it considers both structure and agent-focused explanations to overcome the demand side bias for explaining the occurrence of sub-state nationalism. Building on the theoretical lens of social movement studies to underline the importance of political identity as primary driver of mobilisation, it finds that primordial instrumentalist and constructivist notions on sub-state nationalism should be understood as complementary rather than mutually exclusive. Instead of being neither fixed nor wholly malleable, identities are found to be fluid by nature, allowing elites to exploit opportunity structures for the common cause of self-determination.

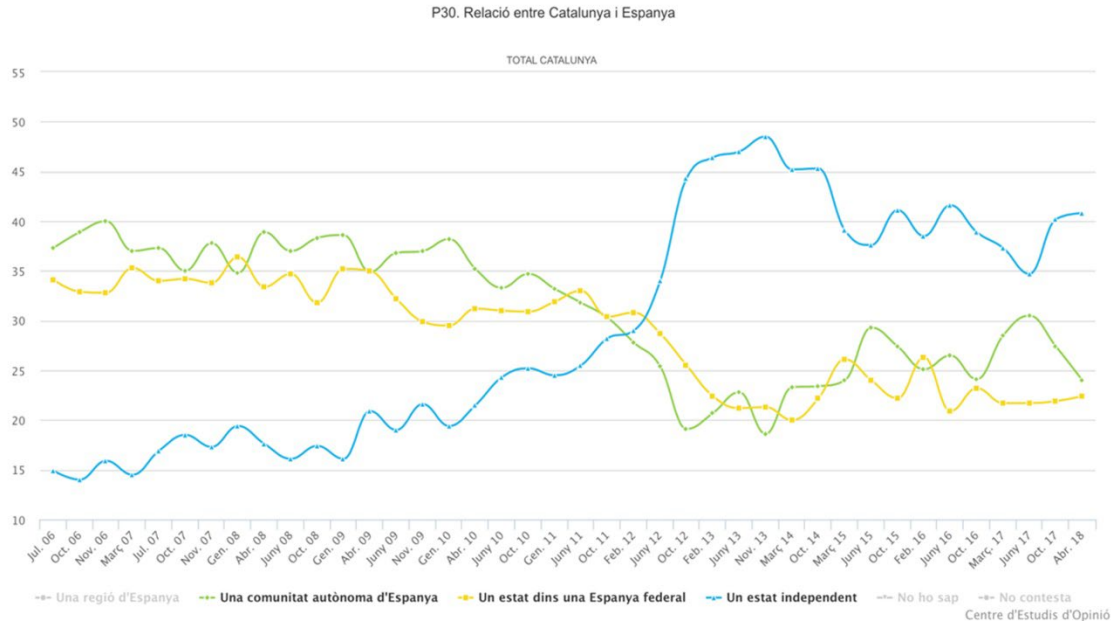
Introduction

Conversely to the allegedly more radical Basque nationalism, Catalonia was commonly portrayed as modest and primarily focused on economic aspects (Conversi, 2000; Keating et al. 2003). During the Spanish transition towards democracy, Catalan leaders sought to modernise Catalonia by asking for moderate autonomy rather than making a case for independence. Following the denial of extended Catalan autonomy rights in 2010, however, Catalan independence became to be a powerful movement that mobilised people across the society to demand their right of self-determination. Almost overnight, Catalan independence emerged from an obscure nationalist dream to a tangible possibility. The *Centre d'Estudis d'Opinió* (CEO) found that public approval rates of Catalonia as an independent state heighted after 2012, whereas support for Catalonia as an autonomous or a federal state declined consistently, as demonstrated in the table.

Prior to the recent popularity of sub-state nationalism, several scholars had assumed extended sovereignty of supranational institutions to render nationalism obsolete (Hobsbawm, 2012). Some even believed that regional assertiveness would bring about an era of post-nationalism with multiple and complex identities (Ohmae, 1996). However, the current appeal of different types of nationalism suggests not only the survival of nationalism but the co-existence of different types. Rather than regionalisation and Europeanisation proving national sovereignty irrelevant, sub-state national movements exemplify how the renewed appeal of statehood aims at coming to terms with globalisation and modernisation (Alter, 2000; Pasquin, 2002).

The unpredicted turn of nationalism sparked a body of literature that seeks to explain its prevalence (Lecours, 2012; Guibernau, 2013). However, nationalist, and sub-state nationalist theories overlap and lack a coherent theory on sub-state national movements. Most scholars focused on narrow aspects of sub-state nationalism, for instance solely ethnic or economic explanations, and therefore failed to connect the different explanatory strands. This makes it even more difficult to depict the case of contemporary sub-state nationalism in Western Europe. Moreover, various studies are subject to a theoretical ethnic-civic dichotomy of nationalism, providing merely restricted views on sub-state nationalism (Conner, 2004; Keating, 2001).

Figure 1: CEO Opinion Poll on the Relation between Catalonia and Spain.



Source: Centre d'Estudis d'Opinió. Should Catalonia become an independent community in Spain (green), a federal state in Spain (yellow) or an independent state (blue)? Retrieved from: http://evoluceo.ceo.gencat.cat/ceo/inici/evoluceo.html#/main/evolucio

This paper investigates the question of how theories on sub-state nationalism can explain the sudden turn of Catalan nationalism into a ubiquitous movement that demanded independence to explain the resurgence of sub-state nationalism in Western Europe. Arguing that primordial, instrumentalist and constructivist notions on sub-state nationalism show in fact significant similarities, it maintains that they must be understood as complementary rather than mutually exclusive. In this context, Catalan nationalism presents a particularly intriguing case as its widespread mobilisation displays both civic and ethnic elements. Moreover, identity politics correspond as a pivotal driver to increasing demands for self-determination.

The paper begins by reviewing how scholars analysed the mobilisation of nations and ethnic groups regarding the role of nationalism. It deems political identity crucial and therefore claims that current sub-state nationalism can in fact be analysed as a social movement, arriving at three hypotheses for the current upspring of sub-state nationalism. In the analysis, it traces external and internal factors to explain the currently vast mobilisation of Catalan nationalism. It then evaluates the relevance of the hypotheses regarding the relationship between the dominant theoretical explanations

for sub-state nationalism, paying attention to how identities are activated and impact the mobilisation of social nationalist movements. By analysing both structure and agent-focused explanations, it overcomes the demand side bias for explaining Catalan nationalism (Serrano, 2013; Muñoz & Tormos, 2015). Finally, next to the conceptual contribution on sub-state nationalism, it offers abalanced analysis of endogenous and exogenous factors to explain therise of sub-state nationalism in Western Europe.

The Theoretical Controversy of Sub-State Nationalism

The scholarly literature on nationalism dates to the origins of ethnic communities and nations. While both are understood to provide a sense of belonging or identity, scholars analysed them primarily as different variables for mobilisation. Weber (1922) insists that ethnic groups refer to common ancestry and shared pasts to invoke a self-perception of cultural distinctiveness and collective identity. Nations describe communities that are conscious of their shared territory and their common myths entrenched in historical memories (Smith, 1995). In short, nations are political concepts, whereas ethnic groups must be thought of as somewhat pre-political (Conversi, 2006). Political consciousness, however, required the arrival of the modern nation-state to assimilate cultural communities with self-determination claims. Consequently, nationalism aims at accomplishing a one-to-one translation between the nation and the state (Muro, 2015). Put differently, nationalism is the "coupling of political processes linked to identity, interests and mobilisation" (Béland & Lecours, 2007, p. 270).

However, scholars emphasised different explanatory avenues to expose why cleavages between different ethnic groups become politically salient. Primordialism defines nations as inscriptively fixed entities which are entrenched in natural communities (Connor, 2004). These historical ties with the myth of vernacular languages, customs and traditions would then define the identity of its members and motivate uprising nationalism (Smith, 1991, p. 126). Gellner (1996), on the other hand, describes nationalism as a likely but not inevitable symptom of modernisation. He contends that homogenising roles of the modern political and economic system allowed elites to reconcile the national with the political unit. Groups or individuals exploited nationalism for their benefit. The constructivist approach rejects the assumption of inherently given or rationally chosen nations. Instead, constructivists believe national identity is constructed along institutional or ideological side-lines (Brown, 2000). Due to these apparently incompatible points of departure, scholars differentiated between ethnic and civic nationalism (Hobsbawm, 2012). The first portrays a sense of community anchored in myths of shared ancestry. The latter construes a civic culture that is committed to its state and civil society organisations (Erk, 2005). Supposedly irrational attachments liable for reactive and self-generating identities induced a depiction of ethnocultural nationalism as illiberal and civic nationalism as liberal (Brown, 2000, p. 49-50).

Nonetheless, the pivotal role of elites in promoting nationalism within all theoretical strands triggered scholars to relativise the clear-cut differentiation. In fact, Brown suggests that the difference between liberal and illiberal manifestations does not lie in the ethnic-civic distinction. Instead, both can emerge due to illiberal reactions of insecure elites. Therefore, nationalism should be seen as a Janus-faced ideological character which is both civic and ethnocultural (p. 67). Likewise, Saylan (2011) explores civic and ethnocultural nationalism as two ends of a continuum which allows for integrating seemingly contradictive ideologies, values and identities (Lecours, 2012). In short, the

success of nationalism depends on reconciling civic and ethnic communities by distracting attention from their disagreements, whereas the failure of this undertaking makes individuals susceptible to ideologies that seek to challenge political hegemons.

These counter-hegemonic movements often take the shape of mobilisation against state ideologies. In fact, several Western European states harbour cultural communities who strive for self-determination against the central state. The groups define themselves as nations and share claims for independence in the framework of the European Union (Fabry, 2010). Conversely to a common belief, self-determination ambitions must hence not lead inevitably to secessionism (Lynch, 1996).

There are two rough strands of scholars commenting on sub-state nationalism; Firstly, indirect, and somewhat contingent comments by scholars of nationalism (Gellner, 1996; Smith, 1991; Breuilly, 1993). Secondly, case studies and comparative research that contest the unanimous interpretation of modernisation (Connor, 2004; Letamendia, 1997). However, the second group builds on the thoughts of scholars of nationalism which causes similarities between nationalist and sub-state nationalist writings. Both strands of literature can be separated into three camps: Primordialists who refer to ethnocultural awakening for collective identity mobilisation (Connor, 2004; Smith 1991); modernists who regard sub-state nationalism as contingent and instrumentalist (Hobsbawm, 1983); and constructivists who emphasise the politicisation of ethnic differences through identity construction accounts for mobilisation (Keating, 2001; Conversi, 2000). The three approaches differ on how malleable identities are and what constraints political entrepreneurs face in activating identities.

Guibernau (2013) coined the term *emancipatory nationalism* to provide a new analytical lens for nations with common culture and history, attached to a certain demarcated territory and striving for self-determination. However, as shown above, it remains unclear what kind of emancipation minorities strive for, which makes the term somewhat exclusive. To account for the novelty of the phenomenon, simultaneously to providing preferably all-encompassing common theoretical ground, the paper favours the term sub-state nationalism. Essentially, it means the promotion of a well-defined political agenda on national and international layers (Anaid, 2014). This definition resembles the notion of social movements. In fact, Murro (2015) argues that nationalist movements are not different from social movements, both pressuring the state with conventional and unconventional tactics (p.195). Moreover, their tactics respond to changing circumstances while their success depends on mass participation and the receptiveness of the state (Tarrow, 2011).

As a result of the different accounts, the literature on sub-state nationalism lacks a coherent line of thought. Moreover, the relationship between the dominant approaches to sub-state nationalism remains unclear while the literature on social movements paid little attention to the study of identity politics (Muro, 2015). This paper considers the described explanatory strands of sub-state nationalism. They are insofar particularly useful as they focus on different elements of sub-state nationalism, namely aspects of ethnocultural distinctiveness, economics, and politics. Simultaneously, they share the assumption of the decisive role of elites. Together, they can inform the understanding of how identities are activated and impact the mobilisation of social nationalist movements. Furthermore, they overcome the clear-cut ethnic-civic divide of the current literature in

allowing for elites to construct both kinds. The paper thus bridges the gap between social movements and identity politics in the case of sub-state nationalism by evaluating the explanatory value and relationship of the dominant explanatory strands in the literature.

Theoretical Framework: Hypothesising Catalan Nationalism

The literature review demonstrated that sub-state nationalism is explained by various somewhat narrow theoretical strands. However, some authors found significant consistency among the dominant approaches. While the literature on sub-state nationalism proved to be subject to comparable threefold explanatory divisions as nationalism, the explanatory weight of each theoretical strand with one another remains somewhat vague. This paper proposes three hypotheses to arrive at an explanatory compass which cannot only evaluate the explanatory relevance of the explanatory strands but also understands their conjunctions and relationship.

Primordialism emphasises strong cultural bonds between individuals as crucial for basic human functioning (Connor, 2004). Identities are thus not invented or constructed for a specific interest, but they are timelessly fixed and singular. They are exogenous to human processes. Consequently, nationalism presents the natural expression of deeply rooted collective identities which have existed alongside ethnic communities (Smith, 1998). Sub-state ethnic groups would thus become self-conscious due to cultural distinctiveness and modern political transformations while the ineffable emotional and spiritual bond is blended with a proclaimed natural right to self-determination. Nationalist conflicts and aspirations of independence are therefore understood as a product of discontinuity between the boundaries of natural national communities. Nonetheless, primordialists acknowledge the importance of leaders for facilitating effective identity formation and daily reproduction (Geertz, 1973).

Hypothesis 1: Ethnocultural distinctiveness endorsed sub-state nationalism in Catalonia in the light of the current political transformations.

Despite the conspicuous relevance of ethnocultural values for sub-state nationalism, the primordialist concept lacks an explicit proof of the individual bond with the ethnonational community, taking identities as inherently given (Brown, 2000). Moreover, it fails to explain the evident variation in conflict drivers, which becomes particularly palpable in modern conflicts without ancient roots. Furthermore, one would have reckoned progressive erosion of genetic, linguistic and ethnocultural distinctiveness to render political support in the long-term obsolete. However, contemporary sub-state nationalism enjoys growing support despite diminished ethnocultural distinctiveness. Nonetheless, the narrative of infringed autonomy and cultural distinctiveness plays still a crucial role in democratic sub-state nationalism.

The instrumentalist explanation deems identity neither inherent in human nature nor intrinsically valuable. Instead, rational and utility-maximising entrepreneurs exploit identities to extend their economic and political benefits (Brown, 2000). Therefore, scholars argued sub-state nationalism to be the result of structural economic imbalances and fiscal grievance (Boylan, 2015; Le Breton & Weber, 2003). Hechter (1987) writes that altered calculations of wealth maximisation can take the shape of 'internal colonisation' or economically advantaged regions calling for independence to end subsidising disadvantaged regions. In fact, residents of wealthier regions are found likelier to

entertain self-determination demands, anticipating their region to perform better without the central state (Sambanis & Milanovic, 2011). Here, identity works as a defence vehicle for elite interest that faces economic and power disparities. As a result, strategic elite framing of expensive state structures, such as fiscal competition or losing control of economic and political processes, is considered liable for flourishing sub-state nationalism.

Hypothesis 2: Economic imbalances of the Spanish national state led to emerging Catalan sub-state nationalism.

However, the rational choice component in the instrumentalist explanation says little about why identities resonate and persist in the light of changing circumstances, failing to unpack how identities are ideologically and politically constructed. It also neglects different preferences among its heterogenous supporters. Moreover, one would expect more free-riding individuals who only pursue their own interest. In sum, the ethnocultural approach ignores that ethnic differences on their own are not necessarily liable for the emergence of sub-state nationalism while the instrumentalist approach neglects non-economic structural factors and downplays institutional dynamics.

Constructivists argue that unless ethnic differences are politized, they remain diffuse. Catt & Murphy (2002) conclude that identity construction and mobilisation are political in nature and therefore entrenched in power relationships and changing circumstances. The dynamics of ethnopolitical conflicts are hence understood best through power rather than cultural or economic deliberations, stressing that cultural and economic relevance depend on their connection to political and institutional considerations (Béland & Lecours, 2007). Nations are thus reckoned to be neither rationally chosen nor innately given but constructed within an institutional or ideological framework. By filtering rather than reflecting reality, the constructed identity offers a moral legitimation for the defence of personal interests in the ideological myths of ancestry, kindship, permanence, and home, promising a sense of identity, security, and moral authority. Hence, elites employ nationalism as a resource for pursuing material interest by calling for precise objectives which are subsequently translated into the shared goal of independence.

Hypothesis 3: The political exploitation of ethnocultural and structural differences caused the rise of Catalan sub-state nationalism.

The constructivist approach bears the advantage of acknowledging the integrative nature of nation-states and their ideologies in both ethnic and civic dimensions. The notion of ideological myths constructed by displaced or aspiring elites who appeal to socially disrupted societies and political autonomy succeeds in accounting for changes in ethnic and national consciousness. Moreover, it includes the process by which ethnic and national identities are reproduced every day from above or below by informal institutions, the state and civil society organisations. However, by assuming nations to be the outcome of power gaps rather than societal necessities, constructivism risks overstating the importance of actors (Brubaker, 2004). Furthermore, the recent dominance of constructivism caused academic bias vis-à-vis other approaches. Due to the different theoretical shortcoming, this paper regards an investigation of the three dominant approaches indispensable, claiming that all three explanations describe

collective mobilisation of a particular group aiming at altering the social order in its fundamentals, similarly to the concept of social movements.

According to Tarrow (2011), social movements depend on underlying social networks, resonant collective action frames and their capacity to maintain sustained challenges against powerful opponents (p.7). They emerge in response to changes in political opportunities and are characterised by social solidarity, serving as a melting pot for various consciousness-raising and mobilising agents of civil society (Guibernau, 1999; Letamendia, 2000). Operating within state structures, they rely on mass participation and are contingent on the extent to which the state is receptive to their demands.

Despite these significant similarities, the literature on social movements did only pay marginal attention to identity politics (Muro, 2015). In fact, nationalism and ethnicity were studied as separate variables for social mobilisation (Fearon & Laitin, 2003). This paper considers sub-state nationalism to present a particular form of social movements. Moreover, it argues that all three theoretical explanations fit within the notion of social movements. Therefore, the hypotheses should be considered as ideal explanations which are somewhat complementary rather than mutually exclusive. This paper introduces a methodology of opportunity structures of ethnicity, material benefits and access to political power to analyse the three approaches together instead of separately.

Methodology

Opportunity structures portray the broader political environment in which sub-state nationalism is embedded. They illustrate distribution and restructuring of internal and external resources in economic, political, cultural but also social dimensions (Hooghe, 1992). Put differently, opportunity structures describe the internal and external structural underpinnings in which sub-state nationalism materialises. Opportunity structures can be exploited by either rational or moral-guided actors which leaves space to account for all hypotheses on sub-state nationalism without favouring one approach. The model accounts for the diverging nature of different nationalist movements because the approach balances competing interests and disparities of power-access with a belief in grievances and destiny of nations (Saylan, 2011).

The threefold model is divided into internal, external, and fomenting factors. The internal dimension refers to endogenous factors that display the strengths of ethnic identity. De Winter (1998) finds that ethnic identity is contingent on the prevalence of a specific language and the belonging to a claimed territory. Considering the pronounced historical component of Catalan identity, this paper elaborates language and territory next to the institutionalisation of national identity to the internal dimension. Simultaneously, it discards links with social movements because it understands Catalan nationalism a multi-layered social movement with an institutionalised political identity. To account for fragmented party ideologies, the domestic political party dimension translates into centre-periphery cleavages and socio-economic issues that shape the political landscape.

Acknowledging that national and international factors dynamically impact and reinforce one another, the external dimensions contain both state and extra-state factors (Saylan, 2011). Moreover, it elaborates with European integration and globalisation two specific features of the changing nature of the international system that helped to enable the rise of Catalan autonomy. Finally, fomenting factors overcome the straitjacket of the

endogenous and exogenous dimension and point towards the connection of the three dimensions through critical events and issues. They can impact economic, political, and ideological resources of sub-state nationalism positively and negatively.

Figure 2: Methodology: Opportunity Structures for Sub-State Nationalism

Endogenous Factors	Ethnic Identity • political programme and policy stances, organisational capacity, leadership, inter-party cleavage, financial and human resources, media coverage, *language, territory, institutionalisation of national identity*
Exogenous Factors	State Dimension • state structure and openness/closedness of the political regime expressed in the constitution, party system, electoral system, national identity, nature of state nationalism, presence, and stability of elite allies
	Extra-State Dimension • international system, the development of supranational organisations, demonstration effects, *European integration, Globalisation*
Fomenting Factors	Critical Events and Issues • positive and negative social, economic, and political changes that have catalytic impacts on the conflicts between states and sub-state nationalism

Source: Modified framework of Saylan, İ. (2011). *Sub-state nationalism within European integration process: a comparative study of Scottish, Basque, and Kurdish cases.* Bilkent University, p.122. Retrieved from: https://repository.bilkent.edu.tr/items/7c1274d1-61f2-432d-a55f-ab58845b40a4

Within the framework of endogenous, exogenous, and fomenting factors, this paper uses process tracing to analyse the unfolding of events or situations over time and their connection to change and sequence. In order to draw descriptive and causal inferences about Catalan nationalism and to evaluate the severity of the hypotheses, process tracing offers four tests that suggest causal relations (Collier, 2011). Passing the *Straw-in-the-Wind-test* and the *Hoop-test* is necessary to affirm the relevance of the hypotheses. The *Smoking-Gun test* can confirm the hypothesis, while the *Double-Decisive test* eliminates competing hypotheses eventually (George & Bennett, 2005). The case of Catalan nationalism is particularly relevant because it presents as a large-scale social movement entrenched in common historical identity, cutting across several layers of civil society. Building on the above discussed methodological orientation, the hypotheses are tested by analysing legal primary sources and historical documents, public opinion data of the Centre d'Estudis d'Opinió barometer, providing representative monthly data on Catalan political and social beliefs, as well as secondary sources.

Analysis

Endogenous Factors: 'Catalanness' as Historical Identity

The roots of modern Catalan nationalism as a progressive social movement can be traced back to the 1960s. Throughout the Spanish transition to democracy after the Franco dictatorship, Catalans advocated for democratic principles and demanded regional autonomy (Guibernau, 2013). The restoration of the historic Catalan government "*Generalitat*" was a crucial aspect of this autonomy. Since the Union with Aragon in 1137, Catalonia has a long history of semi-autonomous governance. However, this autonomy has been intermittently interrupted by periods of oppression, particularly in the aftermath of the War of the Spanish Succession in 1714, when institutions were curtailed.

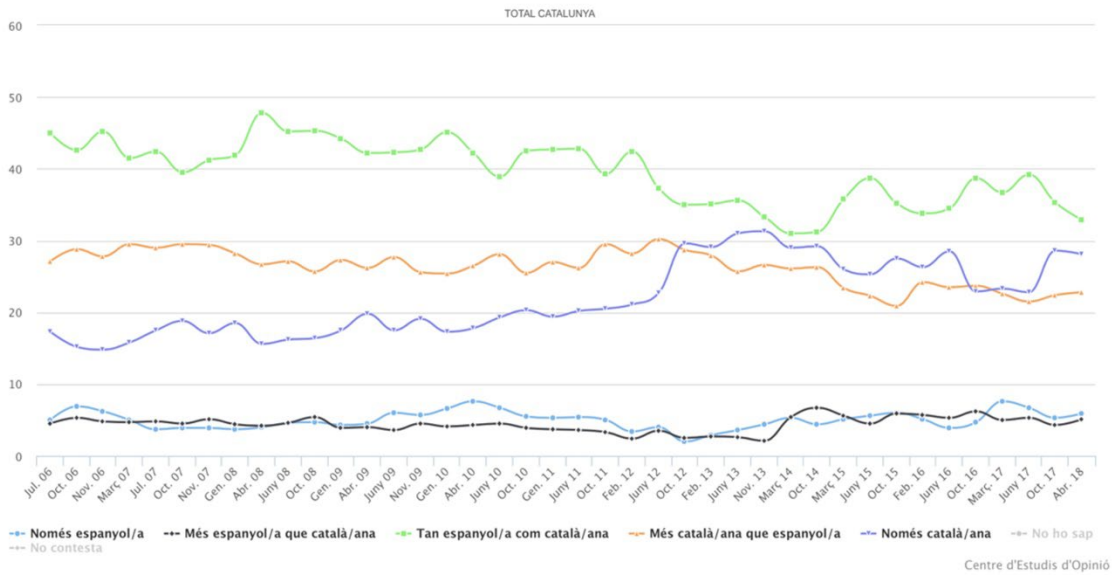
The oscillation between repression and accommodation in the Spanish state rendered independence a historically reoccurring point of contention for the Catalan people

(Tammikko, 2018; Elliot, 1984). This experience facilitated a narrative of oppression among Catalans liable to fuel animosity and resentment (Guibernau, 2013). As of the beginning, the movement spanned from united anti-Franco forces to civil society organisations, which combined democracy with left-wing policies and autonomy claims (Castells, 2010). During Spain's democratic transition, the historic nations of Catalonia, the Basque country and Galicia opted for autonomy liable for Spain restoring the *Generalitat*. As a result, Spain became a uniquely decentralised system without officially being a federal state: "a quasi-federal democratic state" (Alvarez Junco, 2002).

In the frame of the *Generalitat,* Catalan demands for self-governance and bilingualism were translated into a constitutional groundwork. Catalonia was granted competencies for cultural, educational, and mass media policies (Moreno et al. 1998). Together with the re-establishment of Catalan institutions and the promotion of the Catalan language at school, these competencies facilitated the construction and daily reproduction of the Catalan identity (Guibernau, 2014, p. 374). With linguistic and cultural features at its heart, Castells (2010) defines Catalan identity "a constantly renewed historical product" (p. 51). Identity revolved around the spread of the Catalan language in public schools, universities, and public places, such as radio and television.

Together with the narrative of defending the Catalan culture and language against prosecution, 'Catalanness' emerged of powerful identity driver (Serrano, 2013). Due to self-governance and linguistics at the heart of Catalan identity (Boylan, 2015), one could conclude ethnocultural distinctiveness in the face of modern democratic political transformation liable for the recent appeal and intensified self-determination demands of Catalan nationalists. However, the connection between historically entrenched identity and radicalised demands for self-determination is not as clear-cut as it might seem at first sight (Hoecks, 2016). The CEO provided a useful indication for measuring Catalan identification with respectively Catalan or Spanish identity.

Figure 3: CEO Opinion Poll on Catalan and Spanish Identities in Catalonia



Source: Centre d'Estudis d'Opinió. What do you identify most with? I am only Spanish (light blue), more Spanish than Catalan (black), as much Spanish as Catalan (green), as much Catalan as Spanish (orange), only Catalan (dark blue). Retrieved from:

http://evoluceo.ceo.gencat.cat/ceo/inici/evoluceo.html#/main/evolucio
The CEO survey on perceived Catalan identity illustrates that, despite minor fluctuations, most Catalans feel as much Spanish as Catalan. Despite the minor increase in exclusive Catalan identity as of 2012, the amount of people identifying with both Catalan/Spanish and Spanish/Catalan identity remained relatively consistent. Additionally, Castilian is, contrary to widespread belief, in greater everyday use than Catalan, while the latter is mostly used in the countryside (Elcano Royal Institute, 2018). Therefore, it would be rash to conclude ethnocultural distinctiveness of Catalan identity as the primary mobilisation factor of current Catalan nationalism. Nonetheless, the pronounced historical Catalan identity affirms the importance of ethnocultural distinctiveness and therefore the relevance of H1 by passing the *Straw-in-the-Wind* test. Correspondingly, Dowling (2009) finds a correlation between ethnocultural identity and secessionism, especially for the daily reproduction of the nation. Considering identity as the most important driver of independence must thus be considered as incomplete.

Inter-Party Cleavages in Catalonia

Ethnic identity depends significantly on ideological inter-party cleavages, which are reflected in party programmes and policy stances. Catalan parties are defined by ordinary left-right divides but most critically their stances on Spanish-Catalan relations. Party alliances are therefore forged regarding perspectives on Catalan autonomy (Hoecks, 2016). The societal divide along cross-cut classes opting for more autonomy and bilingual immigrants with Castilian as a mother tongue elicited two dominant parties: The Catalan branch of the state-wide Socialist party *Partit dels Socilaistes de Catalunya* (PSOE-PSC) and the centre-right nationalist coalition *Covèrgencia i Unió* (CiU). After about 20 years of CiU governance with autonomy demands since the elections in 1980, the 2003 elections brought the separatist *Esquerra Republicana de Catalunya* (ERC) and the *Iniciativa per Cataunya Verds* (ICV) into government and transformed the Catalan party alignment.

The new government had promised to revise the *Estado le las Autonomías* in order to introduce a new financial arrangement with the Spanish state and to establish Catalonia's recognition as a nation. Due to the neo-centralist and conservative PP in the Spanish government, both Spanish and Catalan governments only approved the draft amendment in 2006 after a successful referendum by the Catalan people. However, the PP nonetheless challenged the new government as unconstitutional. After protracted discussions, the Spanish Constitutional Court appealed the Statue in 2010 as unconstitutional, rewriting 14 Articles and reinterpreting another 27 (Dowling, 2014). Most critically, the court vetoed the legal status of the Catalan nation with the proposed tax distribution system and the status of the Catalan language and caused stark polarisation of the Catalan autonomy discourse (Marinzel, 2014).

Resentment and discontent among the Catalan people facilitated the subsequent transformation of the Catalan party landscape. As of the 2012 elections, smaller parties with more radical stances on independence (such as ERC) entered the government and deepened inter-party cleavages. Moreover, they triggered other parties to adjust their perspective on independence. The previously moderate CiU for instance ran a campaign inspired by the Catalan *right to decide* about independence. Furthermore, President Artur Mas promised a referendum on independence when he called for snap election in 2012 (Serrano & Bonillo, 2017). Conversely to the identity dimension, the shift of ideological

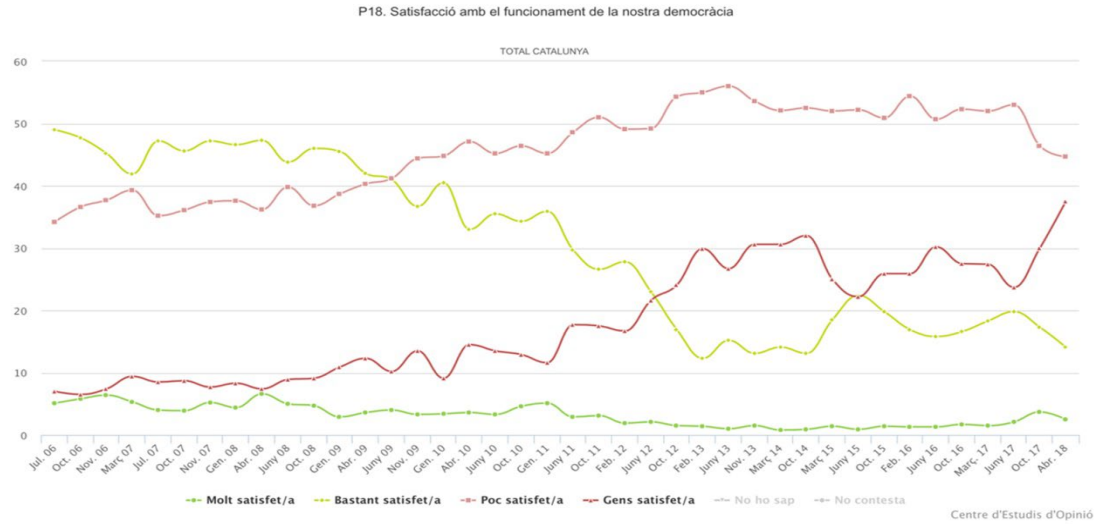
intra-party cleavages and policy stances as of the 2003 elections appear to have pioneered shifted independence beliefs among Catalans.

The ideological turn towards independence suggests that ethnicity was rather flexible and exploited according to party objectives. Guibernau (2013) observers that it became more difficult to feel Spanish and Catalan at the same time, reiterating the assumption of identity responding to political demands. It meant that nationalism became more exclusive as the society shifted from an open and tolerant to a rather closed and polarised one (Tammikko, 2018, p. 5). The observation supports Breuilly's (1993) claim that ethnicity needs to be politicised to mobilise protest. These findings point towards the relevance of H3 and simultaneously weaken the relevance of H1. The analysis of endogenous factors demonstrated a dynamic Catalan identity entrenched in the heritage of iterated oppression. During the Franco era, modern Catalan nationalism emerged a powerful resistance movement. Nonetheless, the ethnocultural distinctiveness of Catalan identity failed to explain large-scale nationalist mobilisation and increasing Catalan demands for self-determination after the turn of the century. Therefore, the paper continues to examine exogenous factors as an alternative explanatory avenue, considering firstly the Spanish state dimension and secondly the impact of extra-state structures on Catalan nationalism.

Exogenous Factors: Autonomy and Unity in the 1978 Spanish Constitution

Castells (2010) found that identity is typically constructed vis-à-vis its significant other. Considering the long-standing repression of Catalan culture by the Spanish state, Catalan identity was constructed vis-à-vis the Spanish state. The 1978 Spanish Constitution and more precisely the *Generalitat* govern the liaison between Spain and Catalonia. The ambiguous compromise of Francoist reformists and anti-Francoist reformists emphasises in 'Section Two' the "indissoluble unity of the Spanish Nation" simultaneously to recognising and guaranteeing "the right to self-governance of all nationalities and regions of which it is composed" (1978 Spanish Constitution). With this paradox of unity and autonomy at the heart of the Spanish Constitution, one might consider discontent with Catalonia's institutional arrangement the most important driver of Catalan nationalist mobilisation.

Figure 4: CEO Opinion Poll on the Satisfaction with the Functioning of Democracy



Source: Centre d'Estudis d'Opinió. Are you very satisfied (green), quite satisfied (yellow), poorly satisfied (rose), or not at all satisfied (red) with our democracy? Retrieved from: http://evoluceo.ceo.gencat.cat/ceo/inici/evoluceo.html#/main/evolucio

The CEO opinion poll on the satisfaction with the of democracy proves useful to analyse how Catalans evaluate the constitutional arrangements because various Catalans associated the Spanish constitutional issue with badly functioning democracy (Guibernau, 2013). The poll illustrates that Catalans became only recently discontent with democracy. In fact, the figure shows significant parallels with increased demands for independence in Figure 1, thus discarding the argument of underlying deficient constitutional arrangements liable for escalating Catalan nationalism. Longstanding institutional dissatisfaction among Catalans that is entrenched in the Catalan identity hence fail to explain the sudden rise of Catalan autonomy.

The Independence Economy

The political economy approach to secession stipulates that economic advantages of a region determine its political identity (Boylan, 2015, Jenne et al. 2007). The radicalisation of political identity is accordingly the result of changing calculations of wealth maximisation. At first sight, Catalan nationalism seems to be a perfect fit for the political economy argument. Its open and industry-focussed economy renders Catalonia Spain's fourth richest regional industry. Looking at Catalonia's net fiscal flows, the equalisation system forces Catalonia to contribute about 20% to the central government's tax revenue while receiving only 14% of spending in return (Guibernau, 2014). On top of this vertical fiscal imbalance, Catalonia runs an annual fiscal deficit which fuelled Catalans to demand more responsibility for their revenue generation (Castells, 2014).

When drafting the revised *Generalitat,* the Catalan government demanded to levy its own taxes instead of central government grants with normative and administrative competencies. The request referred to the *Concierto* system of the Basque country which gives full responsibility for the collection of VAT and corporate tax to the Basque country. In Catalonia, however, the Spanish hybrid between unitary and federal system seems to respond solely to the assessment of needs by the central government (Boylan, 2015). Several fiscal reforms (1997, 2002, 2009), which reassigned fiscal authority to the regions, failed to alter the fundamental of the system. Boylan (2015) affirms the correlation between grievance of fiscal policy and preferred levels of self-governance (Keating, 2001; Desquens, 2003). Moreover, the argument aligns with Sambanis & Milanovic's (2011) assumption that residents of wealthier regions are likelier to entertain secessionist convictions. The resulting Catalan fiscal frustration with the current system can be regarded as a motivation to opt for independence (Abend, 2012).

The CEO 2017 opinion poll reiterates that people's concerns about economic issues have increased significantly since the beginning of the financial crisis in 2012 and precarious labour following the trend a few years later, the economic relevance came about four years before demands for self-determination. One can hardly establish causation between the two. Moreover, the fiscal system was put in place with the 1978 Constitution, whereas societal endorsement for secessionism heightened only 30 year later. Similarly, Boylan (2015, p.778) finds the most significant correlation in both absolute and relative terms between exclusive Catalan identity and independence. Therefore, one must conclude fiscal grievance to materialise alongside ethnic identity, not vice versa.

While structural economic shortcoming can hardly account for the exorbitant rise of secessionism, fiscal arguments play an important role in independence arguments. One can conclude that "welfare might reinforce support for independence along identity lines, however, cannot explain secessionism on its own" (Serrano, 2013, p.533). Although both H1 and H2 prove to be subject to explanatory limitations, they fit within Gourevitch's (1979) argument that regional nationalism heightens when ethnic diversity ties with a superior economic position relative to the centre. In fact, Catalonia shows both elements and thus affirms the relevance of both hypotheses. Nonetheless, they fall short an explanation for societal mobilisation and sudden self-determination demands. To offer a more sophisticated picture of how Catalan movement gained dynamic, this paper complements the national dimension with global dynamics.

The Oxymoron of pro-European Independence?

The rapid spread of international institutions during the 20th century was repeatedly quoted to predict the end of nationalism. Quite the contrary, global economies and integration sparked different forms of nationalisms to co-exist and to reinforce one another (Saylan, 2011). Consequently, scholars became concerned with explaining nationalist appeal congruent to globalisation. This is insofar difficult as contemporary nationalist movements take positive and negative stances on globalisation. However, Western sub-state nationalists take mostly positive stances towards globalisation. Keating & McGarry (2001) suggest the interconnectedness of regions and countries' market economies bears the chance of minorities promoting sub-state agendas in international institutions and therefore endorse sub-state nationalism.

This holds particularly true for Catalonia. Due to increasing economic liberalisation and global governance, Catalonia could exploit economies of scale irrespective of its size. Recent technological development augmented this opportunity. Having established Catalonia as an economic powerhouse earlier on, Catalan leaders began to promote "[w]ith an almost messianic zeal, free trade and competitiveness within the wider international, particularly European arena" (Budowski, 2002, p.164). In his analysis of globally integrated sub-state economies, Anaid (2014) attests a positive correlation between globalisation and sub-state nationalism due to the wide-ranging availability of policy tools for promoting sub-state national agendas. Catalan nationalists exploited globalisation strategically to promote a Catalan agenda. The most crucial part of economic globalisation presents the trend towards political decentralisation (Castells, 2014). This is true for national economies but also European integration which reinforced Catalan opportunities to bypass the Spanish government.

Since Spanish accession to the European Union in 1986, Catalonia was eager to extend the role of regions and to promote a Catalan agenda in European institutions. Nonetheless, informal networks or foreign relations of sub-national governments lacked legislative powers (Aldecoa & Keating, 1999). So far, regional networks and treaty revisions together failed to assign a proactive role to Europe's regions. Due to its sole focus on nation states, the EU makes independence more practical and desirable (Connolly et al., 2013). This is for one because all regional networks have weak legislative competencies with mostly consultative powers, but more importantly, because statehood remains the key to significant power in the Union (Maertens, 1997). Consequently, membership as sovereign state became a prominent goal of Catalan nationalism. Due to the lack of precedence cases for re-accession to the EU, however, the legal basis for EU

membership remains imprecise (Fassbender, 2013). Despite decreasing support for EU membership as of 2013, the CEO survey on support for membership demonstrated that with 63% most Catalans support the EU (CEO, 2018)

European integration has an ambiguous impact on Catalan nationalism. While the economic safety net of the EU incentivises independence through economic and political benefits, Catalan calls for EU support remained unanswered. In fact, the EU leaders bolstered President Rajoy and the Spanish government. The intergovernmental set-up of the EU in core areas affirms the impression that only independent states can steer the course of the Union. The current EU structures should thus be framed more of a problem than a solution for sub-state nationalism (Pinder & Usherwood, 2007). Nonetheless, most Catalans supported the EU even in times of lacking European backup for independence which points to the conclusion that European integration was strategically exploited by Catalan national elites. Withal, the elite exploitation of European integration confirms H3 which can be regarded to pass the *Hoop-test.* On the other hand, it reduces the relevance H1 to the extent that global transformations cannot account for Catalan nationalism.

Fomenting Factors: Towards Civic-Ethnic Convergence

Next to the endogenous and exogenous factors, this paper considers critical events that impacted Catalan nationalism cutting across the internal and external division. On top of ongoing constitutional and financial quarrels between Catalonia and Madrid, the 2008 financial crisis hit hard. The globally integrated finance network ensured that the crisis spread immediately and plunged Europe into a severe recession. With high unemployment and a soaring annual deficit in Spain and Catalonia, the financial crisis became a frequent point of reference for secessionists.

Housing bubbles, a current account deficit and a significant fall in competitiveness were among the most prominent causes for the Catalan recession (Karanikolos et al., 2013). Catalonia's autonomous public deficit soared from 8%/GDP in 2007 to more than 25 %/GDP in 2012 (Castells, 2014, p.5). Youth unemployment showed an astonishing turn from 13,4% in 2007 to 50,2% in 2012 (Instituto Nacional de Estadística 2012). Consequently, one could assume Catalan mobilisation as a rationalisation of prior circumstances at times of social and economic crisis. The state of economic uncertainty joined with unpopular austerity measures would account for Catalan resentment and wide-spread independence demands. However, Catalan nationalism predates the economic crisis and indeed European integration. Boylan (2015) finds a negative correlation between the economic assessment of a country's current economic situation and the prospect of voting for independence in Catalonia. His analysis supports the previous findings of economic resentment hardly corresponding to increasing demands for self-determination.

Instead, Catalan elites capitalised on the economic crisis by inventing the narrative of freeing Catalonia from the shackles of the Spanish economy. Castells (2014) suggests that economic arguments are important, however, political arguments might be decisive. Thus, the analysis of the economic crisis is reduced the explanatory relevance of H2, indicating that elites hijacked the Catalan identity for their cause of economic prosperity (Mendelsohn, 2003). Yet, the financial crisis enhanced animosity between Catalonia and Madrid, impacting the development of Catalan identity. Economic integration and

political identity hence appear to go hand in hand, whereas the latter reveals the decisive factor for identity mobilisation.

Sub-State Nationalism as a Social Movement

This paper exposed sub-state nationalism in Western Europe as a unique form of social movements in so far that they happen to be a powerful merger of civil society and institutionalised politics. They display grassroots and top-down features of social movements. The relationship between elites and masses is critical for identity mobilisation, considering that elite views on identity have radicalised over the last 25 years. In the matter of identity mobilisation, social movements are commonly understood to shift the political discourse towards more extreme viewpoints (Muro, 2015). This assumption endorses the notion that ethnocultural distinctiveness in the face of modernisation shifted beliefs among people (H1).

Baras et al. (2015) point to the fact that since the 1990s Catalan party elites have held more radical views on national identities than their voters or political activists. In fact, data of Barrio & Rodríguez-Teruel (2017) shows that all political elites in Catalonia have more radical subjective national values (SNV) than their voters. This reversed logic of the outbidding model is illustrated best by the drafting process of the new Statue of Autonomy. The CiU opted for outbidding members of the coalition through tensions and contradictions among the members of the coalition, which in turn led the ERC to promote radicalised positions vis-à-vis self-governance (Keating and Wilson, 2009). Abundant identification with secessionist values did not become evident during the drafting process, but it rather took almost ten years for public opinion pools to picture radicalised demands for self-governance among the society.

Consequently, polarisation was forced by political elites rather than originating from changes in voter's preferences and identities. Moreover, Barrio & Rodríguez-Teruel (2017) find that the strategic outbidding by political elites was accompanied by critical events, such as austerity policies (p.1785). Together, they fuelled polarisation in people's demands closer to radical elite positions which diminished the gap between elites and voters. The role of political elites in impacting people's beliefs supports H3 which stressed elite agents to exploit ethnocultural differences. Simultaneously, the findings devalue the notion of vast identity changes due to modernisation and mere economic drivers being liable for secessionist stands in Catalonia. Nonetheless, the extent of polarisation and fragmentation depends on the incentives and opportunity structures of the political system (Coakley, 2008).

Social movements are commonly portrayed as multi-dimensional and dynamic groups that span across societal classes and institutions. In this way, they can reconcile grassroots and elite sections. Catalan nationalism reveals to be notably influenced by cultural elites, for instance the *Omnium Cultural* which gained prominence for the slogan "We are a nation. We decide." Additionally, civil society and political organisations entered the stage for independence demands as of 2012 and thus rendered Catalan nationalism a multi-dimensional social movement. Threlfall (2008) coined the notion of co-construction as "dynamic of change akin to a round of forceful tugs-of-wars between opponents" (p.931) in the case of multi-dimensionality of power networks. Civil society organisations would have together with cultural and economic elites co-constructed Catalan nationalism as a dynamic social movement for self-determination claims.

In recent year, however, scholars have emphasised the grassroots dimension of Catalan nationalism due to iterating mass protests since the Catalan national day. One million Catalans demonstrated against the High Constitutional Courts decision in 2010. The impactful gathering sparked societal mobilisation, for instance 1.5 million people in the streets of Catalonia on the national day in 2012 or a 400km long human chain in 2013 (Boylan, 2015). The inherently multi-dimensional nature of the Catalan movement is illustrated best by the role of digital media. Castells (2010) writes that "social movements exercise counterpower by constructing themselves in the first place through a process of social communication" and thus exploited space not regulated by the government or mass media (p.9). In the case of Catalonia, it allowed activists to reach a vast pool of participants who do not necessarily feel personally committed to the project. This cross-cutting and multi-dimensional nature, however, challenges the simplistic black-white differentiation between bottom-up and top-down movements. In fact, Crameri (2015) claims that the capacity of leader mobilisation has been eclipsed by civil society movements, which illustrates best the significance of various actors for vast mobilisation.

In this way, this paper demonstrated that collective actions of multi-dimensional social movements can bridge the gap between civil society and political associations (Walzer, 1991). The reciprocal relationship between civil movements and institutional actions is critical for a pro-independence consensus. The Catalan shift away from mass-political apathy towards large-scale mobilisation centred around the polarisation of identity politics. Although some scholars put an emphasis on the grassroots aspect of Catalan nationalism, this paper found Catalan political institutions and political elites in control of making people's beliefs. The notion of co-construction proves misleading because elites played the pivotal role in constructing political identity as the main driver for mobilisation. The characterisation of *seny* (common sense) and *rauxa* (sudden actions taken without regard to its consequences) of Catalan nationalism must therefore be considered the result of elites exploiting opportunity structures.

The changes in voter's identity and opinions, which have followed party leader and elite beliefs, steer to the conclusion that political exploitation of ethnocultural and structural differences is liable for Catalan nationalist mobilisation. H3 passes therefore the *double-decisive test*. However, it does not fully invalidate the relevance of H1 and H2. Instead, it points to the conclusion that the political dimension relies on several factors for identity mobilisation and therefore, H1 and H2 should be regarded as complementary to H3. Nonetheless, only H3 succeeded in explaining how large-scale mobilisation of Catalan nationalism came about due to the reconciliation of elite-constructed political identity and multi-dimensional social movement.

Conclusion

The qualitative analysis of Catalan nationalism demonstrated that the nation state mostly determines the opportunity structures of sub-state nationalism. Political blame-gaming illustrates how elites exploited both identity and structural factors for their benefit. The Catalan identity construction took in this regard the shape of a pronounced right to decide and the goal of self-determination. Crucially, the observed elite radicalisation happened before the Catalan public adapted to more extreme opinions. Elites exploited opportunity structure to reconcile radicalised elites' views with civil society. As a result, a powerful and multi-dimensional movement emerged around identity as primary driver

of mobilisation. The analysis therefore confirms the claim that sub-state national mobilisation in the case of Catalonia is in fact no different from the political identity-based mobilisation of social movements.
Identity is consequently neither fixed as primordialists argue nor wholly malleable, as instrumentalists suggest. Instead, identities revealed fluid in nature which allows elites to exploit opportunity structures in the case of identity mobilisation for the common cause of self-determination. The conclusion of political exploitation of ethnocultural differences and structural factors to reconcile political identity with mobilisation supports the hypothesis that political exploitation of ethnocultural and structural differences have caused the rise of Catalan sub-state nationalism.

Although ethnocultural distinctiveness and economic grievance proved to play a crucial part for elite-driven identity construction, the main findings reveal that ethnic differences remain diffuse unless they are politicized. Moreover, the instrumentalization of economic concerns plays a part in identity mobilisation, although it does not present its chief driver. In short, the three theoretical strands of sub-state nationalism prove to be somewhat complementary rather than mutually exclusive. While all three are relevant for comprehending sub-state nationalist mobilisation, the constructivist avenue of identity construction in both ethnic and civic dimensions with the resolution of elite-constructed political identity and multi-dimensional social movement is decisive. Finally, sub-state nationalism must be regarded as a particular shape of social movements that includes critical points of the three dominant theoretical strands and relies on identity politics to make a case of self-determination.

Despite the distinctive feature of different sub-state national movements in Western Europe, most of them display similarly intensified claims for self-determination over the past years. The modified opportunity structures framework together with the invented theoretical umbrella has not been applied in other cases yet and offers a point of departure for further research into western European sub-state nationalism. Moreover, the non-exhaustive list suggests that further research should be done to comprehend the case of Catalan nationalism. The framework offers several points of departure for further research. Finally, this paper demonstrated that the theories on sub-state nationalism should not be studied separately but in fact must be reconciled to comprehend the development of sub-state nationalism. Due to the with uncertain outcomes of sub-state nationalism in Europe, further research should pay close attention to subsequent development of sub-state nationalism.

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The Impact of Consociationalism on Foreign Relations in Lebanon: A Case for The Detrimental Effect of Consociationalism on Democracy

Gia Rowley

Abstract

Consociationalism—colloquially referred to as power-sharing—has been posited as a means of mitigating the dangers the dangers attendant to the governance of deeply divided and politically unstable societies. While early European studies on consociationalism concluded that consociationalism promotes democratic governance; studies in post-conflict states conclude that though power-sharing can indeed facilitate an end to conflict, it undermines long-term democratisation. However, few studies have studied the impact of consociational governance on foreign relations, and its consequent ability to either promote or undermine long-term democratisation. This study examines the case of Lebanon from 1943 to present to examine how Lebanese consociationalism structures the foreign relations of domestic sectarian factions with external actors. This study finds that in the post-independence period, consociationalism entrenched sectarian divisions in Lebanon including competition between disparate visions for Lebanon's role in the region which played a significant role in catalysing conflict and the outbreak of Lebanon's fifteen-year civil war. The study then argues that the adoption of consociationalism after the war not only entrenched Lebanon's wartime factions but also their relations with the country's external patron states. These relationships supported a fifteen-year occupation and subsequent pervasive foreign influence by Syria, the Gulf states, and Iran. Furthermore, Lebanese factions lacked the incentive to generate broad-based political support among the public or cross-sectoral collaboration necessary to address pertinent economic and political crises. Instead, these factions turned to external patrons for funding and resources. As a result, a consistent political deadlock emerged, foreign influence in Lebanese politics was enhanced, and a growing economic crisis followed suit. The study concludes that consociationalism played a powerful and unique role in undermining Lebanon's long-term democratization, and that the utility of indefinite models of power-sharing after conflict should be reconsidered, especially in highly polarised regions such as the Middle East.

Introduction

As conflict erupted in the Balkans in the 1990s, policymakers and academics explored systems of government capable of accommodating and tackling the unique challenges posed by the governance of deeply divided societies.[1] At the time, majoritarian systems of government were already recognized as incapable of managing conflict and providing for the rights of minorities in such societies, as these winner-take-all systems tended to relegate minority groups to a status of permanent opposition.[2] In turn, stakeholders began to pay closer attention to the consociational model. First observed in scholarly literature by Arend Lijphart in 1969, consociationalism—colloquially referred to as power-sharing—is a system of government in which elites from disparate religious or ethnic groups cooperate in state governance.[3] Though there remained a paucity of literature on power-sharing and little empirical evidence on whether it facilitated either peacebuilding or democratization after conflict,[4] power-sharing models were used to resolve conflicts in states such as Bosnia, Burundi, Cambodia, Nepal, and Sierra Leone.[5]

Whereas early studies on consociationalism in Europe concluded that the system fostered democracy in peaceful states, subsequent studies examining post-conflict states in other locales arrived at the opposite conclusion. These latter inquiries found that while power-sharing is indeed helpful in facilitating an end to conflict, it undermines long-term democratization.[6] However, in both sets of studies, research focused on the effect of consocialisation on domestic politics. Scant attention is paid to its impact on foreign relations, and how consociationalism may promote or undermine democratisation.

This paper will therefore examine the case of Lebanon to understand how consociationalism affected relations with external actors, and in turn, how those relations have undermined Lebanon's long-term democratisation. The word "relations" is chosen here because while governments may themselves have established foreign policies, non-state and sub-state groups may still maintain relations with foreign actors, which may be more pervasive in fractured states. As this case will demonstrate, in areas of the world with highly polarised regional politics, such as the Middle East, the disparate relationships that internal non-state actors may cultivate with external actors can be highly detrimental to the stability and long-term democratisation of the state. The implications of this study extend not only to Lebanon and Iraq, two states that already have power-sharing arrangements; but can also inform future decision-making in the region. Indeed, power-sharing was posited as the most likely solution to the Syrian Civil War and has likewise been suggested as a mechanism to resolve the conflict in Yemen.

Part I: Literature Review

The Foundations of Consociational Theory

Arend Lijphart first explored consociationalism in a 1969 piece which analysed governance in Belgium, the Netherlands, Switzerland, and Austria.[7] In seeking to explain how these countries managed to prevent democratic backsliding despite significant social cleavages , Lijphart posited the theory of consociational democracy, which he describes as systems of governance that emerge when a state has segmental cleavages to which elites respond through cooperation by means of a cartel to "turn a democracy with a fragmented political culture into a stable democracy."[8]

Lijphart's definition of consociationalism was deliberately loose upon the insistence that it could not be defined by a specific institutional arrangement, but rather by the mere institutionalised cooperation of elites from different groups with the intent to maintain a stable democracy.[9] As such, he did not specify the exact institutional arrangement a consociational democracy must take. Instead, he argues that a consociational democracy possesses four characteristics: a grand coalition or elite cartel, mutual veto power between relevant elites, proportional elite representation, and segmental autonomy. Through formation of a cartel, state elites may bypass the majority by making political concessions among one another in pursuit of compromise.[10] When unable to reach an agreement, mutual veto power can prevent a majority elite decision from negatively impacting their cartel peers and the segments of society who grant them power or who are under their patronage..[11] Proportional representation and segmental autonomy provide for both minority influence in government and a degree of self-governance sufficient to accommodate the political interests of state minorities.[12]

Lijphart believes that consociationalism may serve as both an empirical and a normative model of government.[13]He also argues that in cases where citizens vote along ethnic lines, such as in Lebanon, "the choice is not between consociational and majoritarian democracy, but between consociational democracy and no democracy at all."[14] He can therefore be seen as a strong advocate of consociationalism for both its explanatory potential and for its capacity to serve as a model of governance in divided societies.[15]

The earliest scholars of consociationalism built on Lijphart and focused on European countries that were largely consolidated, including the Netherlands from 1917 to 1967, Austria from 1945 to 1966, Belgium since 1918, and Switzerland since 1943.[16] From there, scholars increasingly began turning their attention outside of Western Europe, examining countries such as Lebanon, Malaysia, Colombia, Cyprus, and Czechoslovakia.[17] In many of these early studies consociationalism was typically viewed favourably; though, the early theorists did not argue that consociationalism should be a permanent organising principle of government, instead finding it to be unstable or transitory.[18]

Power-Sharing in Conflict Resolution

Once power-sharing became a favoured method of the international community to resolve domestic conflict, literature on the subject rapidly proliferated. The literature now spans multiple subfields, including conflict resolution, peacebuilding, and democracy, and covers a wide variety of causal mechanisms, units of analysis, and measured outcomes. Definitions of power-sharing have also evolved. While Lijphart stated that he considers power-sharing and consociationalism to be synonymous,[19] power-sharing as explored in conflict resolution literature differs from how power-sharing was first understood in democracy literature.

A large body of conflict resolution literature defines power-sharing as the inclusion of warring parties in peace settlements.[20] Literature that examines this definition tends to use game theory as its basis and views its impact positively.[21] In these cases, power-sharing is hailed as a tool of conflict resolution capable of addressing problems of commitment in peace agreements, rather than as a system of governance of its own. This literature typically evaluates power-sharing vis-a-vis its ability to bring about an end to violence, rather than its role in building long-term democracy.[22]

Power-Sharing and Democracy in Post-Conflict States

As power-sharing continued to be used as a conflict resolution tool, literature emerged on how power-sharing in post-conflict states impacts long-term democratisation. Jarstad, Roeder and Rothchild, and Sriram and Zahar argue that while power-sharing may facilitate conflict resolution, it undermines long-term democratisation.[23] Howard argues that power-sharing arrangements create ethnocracies rather than democracies.[24] Jung and Shapiro argue that the inclusion of all relevant parties on equal terms in government prevents the formation of an effective opposition.[25] Tull and Mehler find that power-sharing can reward violent behaviour and enable future conflict.[26]

Across multiple studies, power-sharing has been found to entrench ethnic or sectarian divisions and contribute to their continued saliency in political life.[27] This results in both ethnic out-bidding that prevents moderates from reaching office, all while "freezing" ethnic identification.[28] Furthermore, this model has been found to create incentive structures in which politicians cater to their respective ethnic or sectarian group rather

than developing broad-based political parties that cross societal divisions.[29] Power-sharing creates political deadlocks, requiring external intervention which in turn undermines public control over political processes.[30]

Several recent studies retain a favourable view of consociationalism as a democratic remedy in post-conflict settings, albeit with relatively tempered expectations of what it may deliver in the long run. Hartzell and Hoddie write that the dynamics that emerge in a conflict may be so corrosive to future democratisation that the best outcome in a post-conflict setting would be a minimal, Schumpeterian version of democracy.[31] They argue that power-sharing in fact aids in this process by reducing the uncertainty elections create for former warring parties, allowing them to accept elections within a power-sharing arrangement. [32] Due to the problems posed by power-sharing, scholars such as Horowitz, Reilly, and Roeder have suggested an alternative strategy of centripetalism or power-division. In a power-dividing system, territorial autonomy and political institutions cut across ethnic lines, rather than seeking to encompass them. Power-dividing systems prevent any single party from capturing political power by dividing the populace into many overlapping publics.[33]

Differences in the Democracy Literature

While early scholars specifically credited power-sharing for the stability of multi-ethnic European democracies, later scholars have outlined a multitude of ways in which it undermines democratisation in the long-term.[34] The primary difference between these two bodies of literature is their choice of case studies. The early studies on European democracies did not have to account for the unique dynamics of a post-conflict state, neglecting the potency of ethnic grievances formed during a conflict and their uniquely severe ability to undermine long-term democratisation when those ethnic divisions are frozen in a power-sharing arrangement.

Disagreements arise between scholars of post-conflict societies in large part due to the different outcomes they respectively evaluate. For instance, Walter and Mukherjee look favourably upon power-sharing, but are concerned primarily with its ability to bring about an end to violence, as opposed to its impact on long-term democratisation.[35] Scholars who evaluate the impact of power-sharing on long-term democratisation have instead tended to come to less optimistic conclusion.[36] Hartzell and Hoddie have a favourable view of power-sharing, but they moderate their approach compared to the aforementioned scholars, evaluating the ability of power-sharing to facilitate only a limited form of democracy.[37]

Foreign Relations: The Missing Piece

The bulk of the analyses concern the impact of consociationalism on a nation's domestic political environment. Given that their object of study is typically an evaluation of how consociationalism may impact peacebuilding or democratisation, an emphasis on the domestic sphere is appropriate. Nonetheless, literature on the relationship between consociationalism and foreign relations is lacking, with most mentions of foreign relations occurring in the periphery rather than at the heart of analysis. Moreover, most of these theories are divergent in their conclusions. Some scholars argue that consociationalism undermines the capacity of the government to resolve conflict thereby requiring external support to achieve stability at the cost of public accountability.[38] Other studies, particularly those on Lebanon, find that consociationalism weakens the central

government, leaving it vulnerable to foreign "penetration."[39] This perspective casts foreign powers as inherently unwanted, destabilising forces.

These differences notwithstanding, both theories converge in their presupposition that it is the weakness of a nation's democracy that necessitates the intervention of foreign powers in the first place. Unfortunately, they refrain from a deeper consideration of an alternative causal mechanism, namely, the direct impact of consociationalism on foreign policy. Therefore, it is the purpose of this paper to understand how consociationalism affects foreign relations, and in turn, how this may either contribute to or undermine long-term democratisation. To do so, this paper will turn to the case presented by Lebanon to understand how consociationalism impacted foreign relations when it was adopted as part of the 1943 National accompanying Lebanese independence and again as part of the 1990 Taif Accord which ended the Lebanese Civil War. Lebanon is a valuable case study as its lessons are germane to other parts of the region which, like Lebanon, are characterised by particularly polarised geopolitics.

Part II: Consociationalism and Lebanese Foreign Relations

Lebanon from Independence to the Outbreak of War (1943-1975)

As Lebanon gained independence from France in 1943, powerbrokers in the country negotiated a political arrangement known as the National Pact. Under the National Pact, the president of Lebanon would be a Maronite Christian, the Prime Minister a Sunni, the Speaker of parliament a Shia, and the Deputy Speaker of parliament and Deputy Prime Minister a Greek Orthodox Christian. A ratio of six Christians to five Muslims was established for the Parliament and civil service. The National Pact's strengthening of the presidency and the favourable allocation of seats to Christians granted Maronites an outsized force in Lebanese politics.[40] These allocations reflected the balance of power according to population size as established by the 1932 Lebanese census, in which Maronite Christians predominated as a majority, followed by Sunnis, finally Shias, the Druze, and other groups. The National Pact also cemented Lebanese neutrality in its foreign policy to balance internal political dynamics—namely, the divergent affinities of Maronites and Sunnis toward the West and the Sunni Arab world, respectively.[41]

Political forces in the country varied from sectarian to secular, with differences in the degree of factionalism between groups. The official foreign policy line in Beirut was countervailed by the distinct preferences of the various political groups across the country. Views on foreign policy starkly diverged. Differences in orientation towards the West or the Arab world, preference for Lebanese nationalism versus Arab nationalism, and the myriad feelings towards neighbours —such as Syria—all divided Lebanese factions. Far more than a matter of opinion, these policy preferences could be considered existential threats by opposing groups. For example, some sought greater integration or even political union with other Arab states, such as the Syrian National Party in Lebanon (which called for unity between Syria, Lebanon, and Palestine), whereas Nasserists in the 1950s preferred that Lebanon join the United Arab Republic with Egypt and Syria.[42] However, to some Maronites and Shias, these calls appeared to be a death knell to their autonomy and an assurance that they be further marginalized in a Sunni-majority state.

External pressure on Lebanon also remained strong throughout its post-independence period. Much of the Arab world expected Lebanon to act in line with anti-Israel and pro-

Palestinian policies or actions. Syria refused to recognise Lebanon's independence and saw itself as either integrating Lebanon eventually or projecting its influence over Lebanon indefinitely.[43] In the meantime, the veil of the Cold War would affect secular factions in Lebanon and their affinity for either the United States or the Soviet Union.[44]

The first major upheaval in Lebanon came in 1958 when growing domestic tensions led to an outbreak of violence and prompted Lebanese President Camille Chamoun to call for U.S. intervention to stabilise the country. Beginning in 1955, Chamoun became increasingly unpopular at home for meeting with the president and prime minister of Turkey while Turkey and Syria were experiencing tensions, leading pan-Arabists to accuse the president of being anti-Arab. The following year, Chamoun refused to abrogate relations with the West during the 1956 Arab Israeli War, leading to further accusations against him for his pro-Western politics. In the meantime, Christians and Shias in Lebanon were feeling increasingly threatened by pro-Nasserist forces calling for union with Syria and Egypt in the United Arab Republic, as feared sublation into a predominately Sunni state. Chamoun felt that the pro-Nasserist forces were acting in violation of the National Pact, which was intended to maintain internal cohesion and protect the neutrality of Lebanon in the region, but his opposition to these forces increased sentiment against him. The number of actors united against Chamoun increased after he took money from the United States to rig the 1957 Lebanese parliamentary elections in his favour, prompting moderate Christians to join the anti-Chamoun bloc.[45] Violence broke out in the capital after the assassination of an anti-Chamoun journalist, prompting the newly formed anti-Chamoun United National Front to overtake wide swaths of territory.[46] Chamoun called on the U.S. to intervene under the Eisenhower Doctrine. The U.S. sent in 10-15,000 Marines and mediated between internal factions, stabilising the country, while Chamoun would step down after his term ended.[47]

The second major shift in Lebanon came during the 1967 war between Israel, Egypt, Syria, and Jordan. Support for the Palestinian cause was high across social and sectarian groups in Lebanon, but there remained differences of opinion between groups about how Lebanon should act.[48] Meanwhile, though the Palestine Liberation Organization (PLO) was largely based in Jordan, factions of the organisation in southern Lebanon began conducting operations against Israel, compelling the Lebanese government to determine its stance on these actions and the conflict at large. Eventually, the government succumbed to pressure from pro-PLO Muslim factions in Lebanon, as well as diplomatic pressure from Egypt, and signed the 1969 Cairo Agreement that gave the PLO autonomy over Palestinian refugee camps and allowed them to engage in operations against Israel. This decision resulted in continued operations between the PLO and Israeli forces, leading to 44 Israeli attacks on Lebanon by 1974, yielding substantial material and physical losses. Whenever Lebanese military forces attempted to curtail PLO operations, Lebanon was swiftly condemned by neighbouring Arab states, pro-Palestinian Muslim forces, and Lebanese leftists.[49]

The stakes then escalated significantly when Jordan expelled the PLO from its borders in 1970, leading the group to establish its new base in southern Lebanon with substantial support from the country's Sunni Muslim parties. As Sunni factions within Lebanon allied with the PLO, the Christian community in Lebanon perceived the developments as "a movement to establish a Muslim state within the Lebanese state."[50] Shias, predominantly based in southern Lebanon, faced retaliatory attacks by Israel and feared the rise of Sunni

elements supporting the PLO. A second fault line emerged between Muslim Lebanese nationalists and Arab nationalists who had divergent visions of Lebanon's role in regional politics.[51] The result was a widespread militarisation across the country as different factions began acquiring arms to build armed wings and militias.[52]

In the meantime, Lebanese Muslims were growing dissatisfied with the National Pact as Maronite Christians continued to dominate political life despite demographic changes in the country that catapulted Muslims into the majority. No census would be undertaken due to the sensitive implications of formally recognizing this transformation. There was no consensus among Muslims about how to handle the changing demographics. While some called for a greater allocation of power to Muslims, others demanded the abolition of the entire confessional system.[53] In this context of escalating tensions, the political elite pursued rhetoric and policies that catered to their constituencies ahead of cooperation.[54] Friction grew both within the population and between the country's elites, fragmenting the coalition that had previously held the country together. Tensions continued escalating until the Kata'eb, a Christian militia, massacred twenty-seven Palestinians travelling on a bus in East Beirut. The attack boiled over into armed clashes which sparked the fifteen-year civil war which left in its wake 144,000 dead, 184,000 injured, and $25 billion in damages.[55]

Legacy of the Civil War

Though a full description of the civil war in Lebanon is outside of the scope of this paper, understanding impact of power-sharing on democratisation during peacetime makes it necessary to pause and consider a few key dynamics that emerged during the war that would come to shape the post-war environment.

Collapse of the Government and Entrenchment of Sectarian Divisions

When Kata'eb massacred Palestinians in 1975, the underlying assumption among members was that the Lebanese military forces would be able to control fighting in the capital and restore Lebanese sovereignty over the country, including areas that had fallen under PLO jurisdiction. Instead, the military quickly fractured along sectarian lines, leaving the government without a monopoly on violence. Militias became uncontainable, leading to an inevitable spiral into war. Divisions between groups fell among numerous fault lines related to identity, religion, wealth disparity, elite monopolies on power, foreign policy, and political ideology. The divisions primarily related to religion and political power became entrenched over the course of the war as land was divided into sectarian enclaves and different sectarian or political groups inaugurated independent and parallel systems of taxation, military service, and customs.[56] Each of these groups would ultimately develop its own relations with external patrons to provide weapons and funding in hopes of influencing the outcome of the war in their interests.

The Syrian Occupation of Lebanon

Soon after the escalation of conflict in Lebanon, Syrian President Hafez Al Assad recognised that any of the possible trajectories the civil war could take would threaten Syria. Whether it was the establishment of a radical left-wing Sunni Muslim regime, an Israeli invasion and advancement to Syria's border, or a fracturing and spillover of sectarian conflict into Syria, each iteration of potential outcomes was viewed as unfavourable. Thus, in 1976 Syria invaded and overran Lebanon while largely backing the country's Christians. The invasion was soon legitimised as other Arab countries

recognised the Syrian intervention and contributed modest amounts of their own troops, labelling it the Arab Deterrent Force.[57]

The Israeli Occupation of Southern Lebanon

In response to a hijacking of a tourist bus in Israel in 1978 by Palestinian fighters, Israel enacted Operation Litani, an invasion of southern Lebanon with the hopes of eradicating the PLO to prevent further attacks on Israel. A swift UN Security Council Resolution in response called for Israel's immediate exit from Lebanon and the deployment of a peacekeeping force to prevent the situation from escalating.[58] Israel then deployed a larger contingent to south Lebanon in 1982 with support from Lebanon's Christian factions who wanted to see the removal of the PLO from the country. After suffering defeat at the hands of the Israeli soldiers and their Christian allies, the PLO agreed to leave Lebanon for Tunisia in 1982, while a multinational force led by the U.S. with participation by Italy, France, and the United Kingdom oversaw the exit. Syrian forces remained in Lebanon but had lost control of Beirut and the Beqa Valley. The threat of Israel at Syria's doorstep as well as the power vacuum left behind after the evacuation of the PLO led Syria to shore up its presence in Lebanon and to seek allies within the Muslim community, especially within the country's Shias community.[59]

The Emergence of Hezbollah

It was within the context of Israel's occupation of southern Lebanon—the historic homeland of the country's Shias—that Hezbollah emerged. For Iran, the Israeli occupation represented an opportunity to export its revolutionary ideology and support its iteration of politicized Shi'ism. For Syria, the possibility that Israel could advance up to the Syrian border posed a substantial threat. Thus, in 1982, Syria acquiesced to the Iranian offer to send a cadre of between 1000 and 1500 Revolutionary Guard Corps fighters through Syria to Lebanon. There, Iran had an existing relationship with Shias in the Amal movement, founded by Iranian-born cleric Musa Al-Sadr. Iran then began training and equipping Shia fighters to form a vanguard force against Israel.[60] These fighters would eventually announce themselves in 1985 as Hezbollah, or the "Party of God." Through the end of the war, Hezbollah grew both as a fighting force and a political faction, drawing the ire of Western governments whose citizens they kidnapped or killed in suicide bombings.[61]

The Development of Wartime Alliances with External Patrons

Throughout the war, factions within Lebanon allied with external patrons motivated either by strategy or ideology. Most alliances ended up forming on account of the former, though they were precarious, shifting throughout the course of the civil war as domestic factions engaged in both inter-sectarian and intra-sectarian fighting. At the war's outset, the myriad factions were broadly divisible into those supporting the leftist Lebanese National Movement (LNM), led by Kamal Jumblatt, which sought an overhaul of the consociational system in Lebanon, and the right-wing Lebanese Front -an alliance between the Kataeb Party and the National Liberals led by Pierre Gemayel and Camille Chamoun who sought to preserve the current system. The PLO allied with the LNM, as both groups were oriented towards the Soviet Union's support for secular political systems and opposition to the West's accommodation of Israel.[62] This bloc's simultaneous support for the PLO and leftism complicated its wider net of alliances. For example, while groups such as Amal initially were part of the LNM and supported the PLO, they grew opposed to a continued PLO presence in Lebanon due to its perceived

corruption and strategic prioritization of a continued war against Israel in Lebanese territory over ahead of a decisive conclusion to the conflict.[63]

The Lebanese Front was, in turn, backed by Israel and directed its combat against the PLO, though it had numerous other adversaries including Walid Jumblatt and his Druze militia and eventually fought against the Lebanese Army under Michel Aoun for control of the Christian area in Lebanon.[64] However, even their position was not clearly defined, as the Lebanese Forces refused to commit troops to support the Israelis in their 1982 offensive on Lebanon's south.[65] Syrian involvement in the war began within its first year as the Syrians—backed by oil-rich Gulf states—entered the conflict to fight against the PLO and leftists, who were gaining ground by 1976.[66] Syria allied early on with the Gemayel-Chamoun alliance, but their cooperation ended quickly and the Lebanese Front called for Syria's departure from Lebanon.[67] Kemal Jumblatt, then-leader of the Druze, was opposed to Lebanese and broader Arab mediation with Israel,[68] but his assassination in 1977 by Syrian forces left the National Movement an ancillary player to the PLO, and his son would become a staunch Syrian ally.[69]

Israel's 1982 offensive finally forced a PLO retreat from Lebanon, following which the war would continue for another 8 years with both inter- and intra-sectarian fighting and a jockeying with external players to improve domestic positions. Amine Gemayel led the Beirut government and had strong relations with the West, bringing the U.S. into the conflict as a mediating force. However, Iranian-backed Shia factions—namely Hezbollah—conducted suicide bombings against U.S. troops, leading to a U.S. withdrawal. Druze factions during this time allied with Shias against Christian militias to take over territory around Beirut, though the alliance was short-lived, and the Druze withdrew to the mountains soon after winning control of the Druze Shuf region.[70]

Syrian involvement in the war led to a split in the Christian Lebanese Front between those that supported Syria's position in Lebanon led by Elie Hobeika and those that opposed Syria's involvement under Samir Gaegea, with the latter group ultimately winning control over the Lebanese Forces.[71] Eventually, an anti-Aoun alliance formed under the banner of the National Front, coalescing pro-Syrian and pro-Iranian forces including Amal, Hezbollah, and the Druze Progressive Socialist Party under Jumblatt's leadership. Iraq became involved later in the war, with support going both to Aoun and the Lebanese Army as well as Gagaea and the Lebanese Forces.[72] These shifting alliances became entrenched with the Syrian occupation of Lebanon following the war, with pro-Syria and pro-Iran forces enjoying greater political success under Syrian occupation, while anti-Syria forces either had to acquiesce to the Syrian presence or face imprisonment, exile, or assassination. Though external players including the Gulf states, Western countries, and other regional powers would continue to fund, support, or train local allies, the defining feature of the post-war environment was the Syrian occupation.

The Signing of the Taif Accord

The Taif Accord, signed in Taif, Saudi Arabia on October 22, 1989, sought to address the underlying causes of the civil war to bring about an end to conflict. The accord continued the consociational model establishing a grand coalition with a Maronite as President, a Sunni as Prime Minister, and a Shia as the Speaker of Parliament. It further established Lebanon as a parliamentary democracy and altered the religious composition in legislature and the civil service from a 6:5 ratio of Christians Muslim to one of parity. The

powers of the Maronite president were significantly curtailed to the extent that the position became largely ceremonial, while Maronites also lost their majority in parliament. The Accord also provided for the creation of a national body that would eliminate confessionalism in the country, as well as for a new electoral law that would establish districts containing multiple sects.[73] These two steps were intended to move Lebanon forward from its consociational system but were never implemented.[74]

Under the Accord, Lebanon's "Arab affiliation and identity" were recognised. This evolution led to a stronger stance on Lebanon's orientation towards the Arab world than the previous National Pact that sought to maintain Lebanon's neutrality between East and West. The Accord called for the withdrawal of all foreign forces but permitted Syria to maintain a presence in Lebanon for two years to assist the Lebanese government with establishing itself and consolidating power over the country. In practice, this legitimised Syria's continued occupation and meddling in Lebanese politics in the post-war period, and Syria remaining in the country until 2005.[75]

The Post-War Period: Syrian Occupation Until 2005

The result of high levels of sectarianism and corruption was a weak, ineffectual central government. The Taif Accord left the government plagued by stalemate as the system prevented the formation of a governing majority. Divisions remained a defining characteristic of political life, with internal dynamics dominated by patron-client relationships. Political elites exerted influence over government ministries to capture the resources allocated to those ministries and to create jobs within them for loyal clients.[76]

The civil war's legacies would loom large over Lebanon long after its conclusion. In espousing consociationalism as a model of governance once again, the Taif Accord entrenched the sectarian wartime factions into post-war political parties. While all militias were disarmed—apart from Hezbollah which was recognised as an anti-Israel resistance force—wartime dynamics would become entrenched in post-war power structures as former warlords became embedded in the political elite. Former warring factions such as Hezbollah and Amal converted to political parties and exercised significant influence in the country's politics. With consociationalism, there was little incentive to move away from sectarian policies and attract a wider demographic. As such, when these factions became entrenched in consociationalism, so too did their foreign alliances. For example, Hezbollah and Amal continued and even coordinated their collaboration with Syria and Iran. This would come to have a significant impact on Lebanon moving forward, as the country continued to see high levels of foreign interference on behalf of clients, undermining the democratic environment.

This same dynamic contributed to the Syrian occupation of and control over Lebanon for nearly 25 additional years after the war. During the war, the government largely relied on the support of Syria to maintain its position domestically. Indeed, President Franjieh relied on Syria, President Gemayel on the U.S., followed by the multinational forces made up of the U.S., France, Italy, and the United Kingdom, and finally on Syria again, while Presidents Hoss relied on Syria to varying degrees, and Aoun on Syria, Iraq, and the West at varying times.[77] This set the stage for continued Syrian interference in the state following the war, as the government was unable to consolidate governance over the country. Using the situation to its advantage, Syria extended its control over Lebanon's political and military establishments.[78] The political environment under Syrian

occupation was not one of freedom, as Syria banned certain political parties and members of the political elite, imprisoning them or forcing them into exile.[79] Moreover, Syria used its position to prevent any measures that would disarm Hezbollah, at that point a close ally of the Syrian regime.[80]

U.S. concern over Syria grew in the wake of September 11. By 2004, the U.S. and France secured a UN Security Council Resolution demanding Syria's withdrawal from Lebanon.[81] However, the resolution fell on deaf ears, and Syrian control over Lebanon remained until 2005 when Prime Minister Rafik Hariri was assassinated in Beirut. A Sunni politician and powerful force within Lebanon, Hariri was seen as a counterbalance to Syrian influence, and the assassination provoked anger both domestically and internationally as the assassination was widely interpreted as plot by Syria and Hezbollah. In what would be known as the Cedar Revolution, the March 14 alliance of anti-Syrian factions of Sunnis, Maronites, and Druze organized protests demanding the withdrawal of Syrian forces, to which Syria ultimately acceded. However, even after their withdrawal, Syrian elements in Lebanon remained powerful and continued to exert significant influence over the government, including conducting targeted assassinations of Lebanese politicians. Their relations with Shia groups became solidified as a second avenue for influence.[82]

Lebanon Between the Syrian Withdrawal and Doha

Following the withdrawal of Syrian forces, foreign observers became optimistic of prospects for democratisation. Banned political parties could re-emerge while exiled politicians could return. Hopes grew that the country could embark on the democratic reforms as outlined in the Taif Accord 16 years prior.[83] However, the provisions to end the confessional system were never implemented, largely because the authors of Taif failed to foresee that the system, while embedding sectarianism, also entrenched a class of political elites in power who preferred to see the continuation of the confessional system rather than risk losing their positions.[84] Furthermore, the authors assumed there had been a higher level of political reconciliation between Lebanese factions than there was.[85] In reality, high levels of distrust continued between elites from different sects, dashing hopes of meaningful reform.[86] Extant factions continues to receive funding and support from competing external patrons; Iran and Syria continued to support Shia groups in the country while Saudi Arabia channelled approximately $2 billion of support to Sunni factions beginning in 2005.[87]

Within a year of Syria's withdrawal, Lebanese politics were once again transformed with the outbreak of the 2006 Hezbollah-Israel War, resulting in1500 deaths, the displacement of one million civilians, and millions of dollars in damage. Soon after the war, there was significant international and domestic pressure for Hezbollah's disarmament, the latter emerging primarily from Christian and Sunni factions fearing Hezbollah's resurgence.[88] Hezbollah contrapuntally asserted its status one uniquely capable of and committed to the resistance of Israeli regression, and refused to concede to disarmament, continuing to receive millions of dollars in support from Iran.[89]

These actions then culminated in Hezbollah demanding one-third of seats in cabinet, a move that would give them veto-power over government decisions. When their demands were not met, Shia cabinet members resigned, causing a political crisis as the cabinet could no longer claim to be representative of all sects. Attempts at national dialogue thereafter failed, and the country entered a political crisis when the country's

parliamentary deputies were unable to elect a new president. International actors intervened with competing objectives, leading the U.S. and France to oppose Syrian and Iranian actions in Lebanon all while trying to facilitate an end to the political crisis in the country.[90] The crisis nearly escalated to the point of a second civil war in 2008 when Hezbollah took control of West Beirut, the city's airport, and other surrounding areas. The resultant clashes left hundreds of dead, ending only upon a joint Saudi Syrian effort to broker an agreement. Known as the Doha Agreement, its provisions outlined numerous steps to resolve the deadlock, including giving Hezbollah a third of parliamentary power as it demanded, allowing it an effective veto over legislation, and preventing any political settlement that required its disarmament going forward.[91]

The Post-Doha Order

The Doha Agreement staved off civil war but failed to resolve any underlying issues in Lebanon. Foreign actors were still funding their respective allies within Lebanon, and the system of government remained confessional. Deep divisions persisted between the March 14 Alliance and the rival March 8 Alliance, a pro-Syrian alliance of parties including Hezbollah, Amal, and the Free Patriotic Movement. The March 8 Alliance continued to ally openly with Iran and Syria while espousing ideals of resistance against Israel and the West. The March 14 Alliance, in contrast, saw Lebanon's allies as the U.S. and Sunni Arab states and prioritised economic development and the disarmament of Hezbollah.

In the years since Doha, sectarianism, high levels of corruption, and competition for power have defined Lebanese political life. The outbreak of the Syrian Civil War led to a political crisis as Lebanese factions saw the conflict as an opportunity to grow their own domestic positions by either channelling support or fighting alongside their favoured factions in the Syrian war. In the meantime, factions within Lebanon put off voting on a new electoral law, hoping they could improve their negotiating position depending on the outcome in Syria. The result was a deadlock and an inability to hold parliamentary elections, leading to their postponement multiple times from 2013 until 2018.[92]

In 2019, the country witnessed widespread protests over a liquidity crisis, leading to mass government resignations. In the subsequent year, the Lebanese pound collapsed and an explosion in the port of Beirut triggered another political crisis, leading to the abdication of the sitting government, a nearly year-long stalemate ensuing as political elites failed to agree on the composition of a new government. However, the crisis has yet to subside as of the time of this writing, plunging the country into deeper economic turmoil as political elites protect their patron-client networks instead of engaging in substantial audits and reforms. In the meantime, Hezbollah sidesteps international sanctions on Iran and has eased some of the pains of the crisis through its participation in Iran's strategy of economic "resistance" by importing Iranian fuel. Throughout this period, intra- and inter-sectarian clashes have broken out sporadically in the country since the Beirut explosion, and a pattern of high-profile murders indicates the return of political assassinations. As of late 2021, a population 80% impoverished resides in a country lacking basic medicine, enduring interruptions to the availability of electricity.[93]

Part III: Analysis

Consociationalism in Lebanon has now twice failed to produce a functional democracy. In line with studies by Jarstad, McCulloch, and Butenschøn, consociationalism in Lebanon

hardened sectarianism and created a political environment of extremism, with no room for moderates.[94] Consequently, no mass party with broad-based political support has formed successfully. Instead, the prevalent system incentivizes the development of patron-client relations within sectarian factions, leading to high levels of elite capture of state resources and weak governance. Moreover, the system never successfully delivered on its basic promise to secure a peaceful, nonviolent state, as was predicted by Tull and Mehler.[95] Since its independence and initial adoption of the consociational model, Lebanon witnessed a fifteen-year civil war, the 1958 War, the 2006 Hezbollah-Israel War, the Hezbollah capture of the airport and West Beirut, and outbreaks of armed clashes.

However, these dynamics are insufficient to explain the poor progression of democratisation in Lebanon without including the role of foreign relations. Indeed, a focus on the impact of consociationalism on foreign relations demonstrates that it has potent effects. First, consociationalism entrenched sectarian divisions in Lebanon, including highly disparate visions of Lebanon's relationships with the outside world. This created significant friction in the state when groups disagreed over foreign relations visions, leading to conflict. Second, while building relations with external patrons during wartime is not unique to consociational states, by adopting a consociational model in the wake of conflict, those foreign relations can become incontrovertibly entrenched. This contributes to a continued dynamic in which domestic factions rely on external patrons for support, undermining civilian democracy, enabling foreign interference in the country's politics and society, and disincentivizing collaboration between Lebanese political groups, culminating in political stalemate. Third, consociationalism created political deadlock, which led groups within Lebanon to solicit external intervention to stabilise the country, degrading the country's integrity and democracy. Depending on which states intervened and how those states were perceived by other groups within Lebanon, these "stabilising" missions could fuel conflict.

Since Lebanon's independence, each sectarian or political group had its own vision for Lebanon's foreign policy and its role in the region. These visions conform deeply to sectarian identity and affinity, raising the stakes of the failure to compromise. Harkening back to the 1950s, the strong pan-Arab affinities of Nasserist elements failed to result in their membership in the United Arab Republic, as the prospect of joining such a state posed an existential threat to the country's Christian and Shia groups who feared marginalisation. Disagreements over Lebanon's relations with these states became significant enough to shape the emerging crisis and outbreak of violence in 1958.

As posited by Jarstad and Sriram and Zahar, consociationalism in Lebanon did require foreign intervention to stabilise the country on numerous occasions, though these "stabilisation" efforts frequently undermined the country's democratisation in the long-term. For example, while stabilising the country, Syria banned certain political parties and conducted political assassinations. Moreover, the polarisation in Lebanese society over a Western or Arab foreign policy orientation inevitably resulted in any external intervention provoking at least one segment of the population that found involvement by that state or group of states to be unwelcome, creating instability. Divergent foreign policy visions likewise played a role in the outbreak of the Lebanese Civil War. Though there were several domestic factors that escalated tensions, one of the primary sources of contention was how different factions imagined Lebanon's relationship with the PLO, Israel, and other Arab states. While some Sunni factions had strong affinities towards the

PLO and were eager to support its fight against Israel, other factions grew more concerned with the growing power of the PLO and Sunni factions, fearing that the Lebanese state could be jeopardised. In turn, they began to take up arms, and finally massacred a group of Palestinians in 1975.

During the war, different factions then developed relationships with external patrons. While this wartime phenomenon is by no means unique to a consociational state, the adoption of consociationalism at Taif entrenched not only the sectarian divisions of wartime but also their sectarian alliances with external patrons. No government with broad-based support ever emerged, precluding any development of a unified, cohesive Lebanese foreign policy. Instead, as internal actors transitioned almost seamlessly into political parties, they continued to maintain relations with external actors whose support provided them with leverage to boost their position internally.

During the post-war era under the Syrian occupation, factions were largely sorted based on their support for or opposition to Syria. The Lebanese Armed Forces split between those that favoured Syria, led by Elie Hobeika, and those opposed to Syria under Samir Gaegea.[96] Political survival was largely contingent on parties allying with Syria lest politicians be exiled, imprisoned, or assassinated.[97] With the formation of the March 8 and March 14 Coalitions and the eventual Syrian withdrawal in 2005, parties' ties with external patrons were able to come to the forefront. Saad Hariri's Future Movement party enjoyed support from Saudi Arabia until the 2017 incident in which Hariri announced his resignation while visiting Saudi Arabia, leading to accusations that he was coerced by the Saudis.[98] Gaegea, leader of the Lebanese Forces, likewise favours the Saudis.[99] March 8 members such as Hezbollah and its allies remained oriented towards Iran and Syria, legacies of their wartime alliances. Other leaders such as Druze leader Walid Jumblatt, who heads the Progressive Socialist Party, have been more pragmatic, shifting allegiances to external patrons based on expedience.[100] A former leader of the Kata'eb party explained the dynamics, saying, "the political system provides a space of freedom for the sectarian communities to build alliances with external actors[…]the sectarian groups are interested in external support to hold more power and external forces are interested in keeping sectarianism in order to sustain their interference in internal affairs."[101]

As political elites found support through external patrons, the need to build coalitions or work cooperatively to achieve certain goals became less incentivised. This is seen clearly in the case of Hezbollah during the most recent 3 years of political crisis. While the deteriorating economic situation demands cooperation to overcome the crisis, Hezbollah has been able to receive imports and funding from Iran to provide services to their own constituency. This has allowed Hezbollah to blame the crisis on the Christian and Sunni factions in the state and position itself ostensibly ambivalent. This has in part contributed to the failure of the government to pass reforms or move forward.[102]

Indeed, it is this very dynamic in which domestic factions seek external patrons to grow their own internal position that has led to such a significant level of foreign influence in Lebanon. In that sense, Najem has reason to conclude that consociationalism weakens state democracy and leaves it vulnerable to external penetration. However, the reality is more nuanced. Apart from Israel's invasion of Lebanon in 1978 and the 2006 Israel-Hezbollah War, there were no cases of foreign interference, occupation, or influence that were not welcomed by at least one major faction within Lebanon. Therefore, the

supposition that the Lebanese state was weak and vulnerable to external penetration neglects the agency of internal actors and the fact that the fractured nature of Lebanese politics led factions to seek out or welcome foreign intervention when it benefited their position vis-à-vis the other factions. While this jockeying may have staved off crisis on some counts or boosted one's faction in others, the accumulated effect of multiple factions welcoming in foreign interference over decades has been a loss of autonomy over the country. Moreover, the tendency to build relations with foreign powers as opposed to domestic opposition members was detrimental to any democratic progress Lebanon could have made.

Conclusion

The case of Lebanon is one in which power-sharing was clearly useful in facilitating a transition to independence without bloodshed and securing an end to the country's civil war. Yet it was that same power-sharing arrangement that contributed to the outbreak of civil war in the first place, and that has once again continued to undermine Lebanon's democracy ever since. Perhaps one of the tragedies of Lebanon's modern history is the opportunity that was lost to devise a new system for governance at the end of the country's civil war. The Taif Accord that brought about an end to the war even provided for the end of consociationalism, but it was built on the false assumption that the same political elites in Lebanon who benefited under the consociational system would one day facilitate its end.

The impact of consociationalism on foreign relations had profoundly detrimental effects for the country's democracy. The implications of this study should give pause to proponents of indefinite systems of power-sharing. Alternative options may include different systems of government that prioritise centripetalism, or the implementation of sunset clauses in power-sharing agreements that can ensure the mistake made in Taif is not repeated. These alternatives demand further research, but this need for research should not deter policymakers and academics alike from taking seriously the consequences of consociationalism on democratic governance or neglect the role it may play in facilitating the resurgence of conflict in polarised regions such as the Middle East.

Notes

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Water and the Exacerbation of India-China Relations

Shantanu Roy-Chaudhury

Abstract

As water scarcity increases around the world, South Asia is experiencing an extremely precarious situation due to the region's burgeoning population and depleting fresh water resources. The transboundary nature of the rivers in the region, many of which have their headwaters in China, further creates cause for water distress. China's dam-building initiatives on the major rivers flowing into India, to reduce its water-stress levels and to increase hydropower capacity, have been a cause of concern for India. The India and China military standoff across the Line of Actual Control (LAC) that lasts to this day, has heightened tensions, and deteriorated diplomatic relations between these two most populous and nuclear-armed countries in the world. Against this backdrop, this paper aims to analyse the potential of water becoming another flashpoint in the already turbulent relations between New Delhi and Beijing. Focusing on the Yarlung Tsangpo River, which is known as the Brahmaputra River upon entering India, the article will examine the effects of China's newly announced mega-dam across the river on the downstream nations, particularly India, where it currently supports the development and livelihood of millions. This project is speculated to also be used strategically as a coercive tool by China to get an upper hand in its bilateral relations with India. The article draws from the measures China has taken along the Mekong River which flows into Southeast Asia. Chinese interventions on the river have resulted in decreasing water levels consequently causing widespread drought, and economic and ecological devastation. Finally, the article reflects on China's resilience towards its dam-building ambitions, and that unless adequate transparency and cooperation is strengthened, water could become the next point of major contention even if it alone would not be a reason for the two nuclear-armed states to go to war.

Introduction

In May 2020, it was reported that there had been simultaneous efforts by China to occupy land at multiple locations along the Sino-Indian border, also known as the Line of Actual Control (LAC). These manoeuvres were resisted by Indian forces and resulted in a military standoff with a complete drawback of troops on both sides yet to take place. This was followed by a skirmish in the Galwan Valley in June 2020 resulting in the casualties between Indian and Chinese forces – a first in the last 45 years. Subsequently, another skirmish was reported along the Eastern sector of the LAC in the Tawang Sector in Arunachal Pradesh in December 2022. This was the first such incident in the Eastern sector since the clash at Galwan. Although the tensions between the two countries are currently limited to the border along the LAC, there have been speculations of a wider conflict. While the Indian Ocean is one theatre where tensions could also arise, there is also the possibility of tensions escalating further due to Chinese actions along the Yarlung Tsangpo River which flows from Tibet through the Himalayan mountains and becomes the Brahmaputra River upon entering India. As South Asia faces an unnerving water crisis that threatens economic, political, and environmental stability, water "has emerged as a source of increasing competition and underlying discord between many Asian states" that are seeking to fulfil their development goals.[1] In this light, where water has been frequently linked to security in Asia, China is planning on building a mega dam across this river, which is stated to dwarf the existing Three Gorges Dam on the Yangtze River – currently the world's largest power station. Mega dams, although have no universal

definition of classification, usually refer to those dams which are over 15 metres in height and generate more than 400 megawatts of power on average.[2] Currently, mega dams, which are incredible architectural feats, account for less than 5 percent of the total existing dams around the world. This decision by Beijing, which has been unilaterally taken without consulting with the downstream countries of India and Bangladesh, where the livelihood of millions could be affected, could add a layer to the already complex geopolitics and conflicts between India and China. However, it is important to note that the international water law norms under the 1997 UN Convention (which China voted against) does not necessitate cross-border water-sharing agreements, although it does advocate for the general obligation to cooperate and the regular exchange of data and information. Nevertheless, Article 12 states that prior to the implementation of planned measures that may have a significant adverse effect on other states, a notice should be provided to the other affected countries.[3]

Subsequently, in a region where bilateral relations are often strained, combined with weak institutional water-sharing norms, water-sharing agreements like the Indus Water Treaty between India and Pakistan, has stood the test of time and continually ensured that tense bilateral tensions do not spill over to natural resources. However, it is important to note that in January 2023, India called upon Pakistan to renegotiate the treaty on how the waters of the six rivers under it are shared. Pakistan is likely to turn down the proposal to renegotiate. Similarly, New Delhi and Dhaka are also conducting bilateral talks on the sharing of more than 50 rivers that flow from India to Bangladesh – some successful, and others, like on the major Teesta River, unresolved.

This paper, therefore, will analyse the possibility of water becoming a flashpoint for contemporary international politics between New Delhi and Beijing, "a concern underscored by the attempts of some countries to exploit their riparian advantage."[4] This can be viewed under the framework of 'hydro-hegemony,' as propounded by Mark Zeitoun and Jeroen Warner. Hydro-hegemony refers to hegemony at the river basin level which is "achieved through water resource control strategies" and are "enabled by the exploitation of existing power asymmetries within a weak international institutional context."[5] Thus, rather than outright war leading to control over water, tactics and strategies such as the building of dams allow the control of water which in turn exacerbates bilateral tensions as "the absence of war does not mean the absence of conflict."[6] However, this paper does not propound that damming rivers in China will lead to outright war but will lead to increased tensions and add another point of bilateral contention. Historically speaking the likelihood of war breaking out over water is extremely scarce as over the past century there has been no war fought over water despite there being 261 international rivers, many traversing neighbouring countries which do not necessarily see eye to eye.[7] Overall, international cooperation over water resources has "far outweighed international conflict."[8]

While a stalemate has continued along the LAC and disputed parts of the border, China could benefit by controlling the water levels of the Brahmaputra River and use it as leverage in getting an upper hand for future discussions with India, both in terms of military standoffs, and in demarcating the Sino-Indian border, more than 3,000 kilometres of which remains disputed. An important aspect of understating this non-traditional threat is Beijing considering water as a sovereign resource rather than a shared resource, and the opaque sharing of water flow data and hydropower operations which will no doubt have implications for the lower riparian nations who are dependent

upon these statistics.[9] This is despite China's position as an enormous transboundary water provider and will only contribute to making water an even more divisive issue in bilateral relations.

The first section of the paper will examine the importance of the Brahmaputra River to India. The second section will look at the measures China has taken along the Mekong River and the resulting tensions and conflicts that have arisen in the downstream countries of Southeast Asia. The third section will focus on the impact a similar dam could have on India and the strategic objectives China would gain. The fourth and final section will look at the wider Indo-China rivalry and examine the extent to which water could become another thorn in the relationship, whether lessons can be learned from other examples of cooperating over water, and current conflict management systems are.

Importance of the Brahmaputra River

Having expressed sole ownership over Tibet's waters, China is the upper riparian state for seven of Asia's rivers – the Brahmaputra, Ganges, Indus, Irrawaddy, Mekong, Salween, and the Yangtze that flow into India, Bangladesh, Pakistan, Myanmar, Laos, and Vietnam. Together, they form the "largest river run-off from any single location."[10] Presently, South Asia accounts for around 22 percent of the world's population and sustains that with less than 8.3 percent of the global water resources.[11] Originating in the Mansarovar Lake region near Mount Kailash in Tibet, China, the Brahmaputra River flows through the Indian states of Arunachal Pradesh and Assam before merging with the Ganges and Meghna Rivers in Bangladesh and finally emptying into the Bay of Bengal. The river is an important source of agriculture, fishing, navigation, and hydroelectric power, and in terms of the volume of cross-border flows is the largest of all rivers flowing from China.

The river is also one of the largest in the world covering 2,900 kilometres, out of which 918 kilometres is in India. More importantly, the Brahmaputra basin possesses around 44 percent of India's total hydropower potential.[12] The importance of the river to the Indian subcontinent is encompassed in the fact that "it has shaped the social, economic, cultural, religious, political, and linguistic fabric of the northeast region of India" through which it flows.[13] Subsequently, the river is the lifeline of Assam and integral to its economy where it not only provides sustenance through agricultural means but also serves, along with its many tributaries, as an important means of transport to connect Assam with other parts of the country before the advent of the railway system. For China, the Brahmaputra is significant for its hydropower potential which is integral to Beijing's plans to develop the western part of the country. Therefore, while India values the river for its overall water supply and wider resources, China sees it primarily to extract hydropower. For Bangladesh, the lowest riparian state, the Brahmaputra is the country's most important river, and tampering with its flow could cause enormous economic and environmental devastation to the nation and its 163 million citizens.

China and the Mekong River

The Mekong River, also originating in the Tibetan plateau, runs through China, Myanmar, Laos, Thailand, Cambodia, and Vietnam for almost 5,000 kilometres before emptying into the South China Sea. Flowing through and supporting one of Southeast Asia's most important rice-growing regions, the river is vital for the livelihood of over 60 million people, along with maintaining economic stability and security in the countries it flows through. Additionally, this river historically supported numerous ancient kingdoms. Like the Brahmaputra, China is the upper riparian state and for decades has been building

multiple dams across the river, with the current number at eleven mega dams (Wunonglong, Lidi, Huangdeng, Dahuaqiao, Miaowei, Gongguoqiao, Xiaowan, Manwan, Dachaoshan, Nuozhadu, and Jinghong), arguably generating more power than the region requires. China first began constructing dams across the Mekong at the turn of the twenty-first century. Due to the fast-flowing nature of the Mekong through narrow gorges in China, hydropower was the only viable option for utilising the river water, unlike in the lower riparian countries where it has multiple uses.

China's dam-building efforts have resulted in fluctuating water levels for the lower riparian nations and an increasing frequency of downstream droughts over the past two decades hampering development efforts and intensifying hardship in the region. The possibility that China could at any point 'turn off the tap' has further heightened tensions. This became a reality in 2019 when studies showed and confirmed what was previously suspected by locals and authorities in the five Southeast Asian nations – "China is impounding much more water than it ever has before and is causing erratic and devastating changes in water levels downstream."[14] During this period the Lower Mekong Basin experienced its worst drought in 40 years, and although China received above-average rainfall, the lower riparian countries faced severe drought as China's dams restricted nearly all of the seasonal rainfall and snowfall. China's Foreign Minister Wang Yi, however, attributed the cause of droughts to insufficient rainfall, a claim which has been unsubstantiated through satellite imagery and mapping precipitation levels.[15] Downstream, where the levels were expected to be 7.5 metres, the water levels were only 2.5 metres.[16] Furthermore, this enormous decrease in water levels prevented the annual monsoon led rise in water levels at Chiang Saen in Thailand. It was the first time this had "happened since modern records have been kept."[17] Additionally, the situation in Thailand was so dire that the armed forces were mobilized to provide immediate help.[18]

In Cambodia, the number of fish caught reduced by around 80 percent due to lower water levels.[19] In Vietnam, the Ben Tre and Tien Giang provinces were deprived of freshwater due to droughts and saltwater intrusions.[20] Overall, around 94,000 hectares of rice fields were affected due to the lower water levels. Subsequently, it became clear that if China had not withheld water, the Mekong along the Thailand-Laos border would not have suffered from drought.[21] Crucial to this is China's Nuozhadu dam which was completed in 2012 which has allowed China to store larger amounts of water, thereby also restricting more water than previous capabilities allowed. Cumulatively, "of the last ten major droughts in the lower Mekong basin, eight have occurred since China's first dam began construction," leading to widespread destruction and economic impoverishment.[22] Additionally, China has also failed to notify the downstream countries, on numerous occasions, about any intentions to withhold water that is important for planning and adapting to the water levels downstream.[23] Most recently, in 2021, Beijing only notified the lower riparian nations once a one-metre drop was noticed in Thailand and brought to notice despite "earlier promises to share hydrological data with downstream nations and inform them of disruptive dam operations in advance."[24] Consequently, although China's actions may not be strategic and purely due to a lack of concern, Beijing was viewed as a benevolent neighbour in 2016 when it released water from dams that had previously been withheld.

In contrast to Beijing's unilateral approach towards the Mekong River, the Lower Mekong countries abide by the Mekong River Commission (MRC). The MRC, established in 1995 by Cambodia, Laos, Thailand, and Vietnam is a regional platform for water diplomacy

where the partner countries commit to procedures on notification and consultations on the movement of the river and cooperate for mutual benefit and sustainable development of the region. To assuage concerns of 'turning off the tap', China subsequently proposed the Lancang-Mekong Cooperation (LMC) as a sub-regional cooperation mechanism to promote cooperation in the region. Under the Belt and Road Initiative umbrella, the LMC is often seen as a means for Beijing to further its strategic interests and dominate and override the existing institutions. China's Southeast Asian neighbours' worries have thus become more prominent as apart from the serious threats to economies and ecosystems, controlling the levels of the Mekong River is yet another lever of leverage and a means through which Beijing can exert influence over its neighbours, transforming the river from a natural resource to a political tool. These concerns have further strained the tense bilateral relationship between China and its Southeast Asian neighbours. While China has not yet controlled the water levels in the Mekong for strategic or coercive purposes, the above shows the devastating effects lower water levels could have if Beijing were to turn off the tap and portrays Beijing as "simply another imperial power eager to vacuum up natural resources without concern for the local populace."[25]

Implications of a Dam Across the Brahmaputra

Due to the importance of the Brahmaputra and the absence of a formal water-sharing treaty, New Delhi has been closely monitoring and analysing China's constructions of dams along the Brahmaputra along with any possible diversion of water to facilitate such constructions and has often conveyed its concerns to Beijing.[26] In December 2020, the president of the Power Construction Corporation of China, Yan Zhiyong, announced plans to develop a 60 million KW hydropower dam across the Brahmaputra that could provide around 300 billion KW of power annually.[27] The proposed location of the dam is said to be on the lower reaches of the river, referring to a section of the river just before it enters India. Potentially, this could refer to the 'the Great Bend' where the Brahmaputra takes a sharp turn and drops over 2,000 metres, providing ample hydropower generating opportunities just before entering India.

He elaborated the dam would achieve five objectives: First, it would generate electricity and reduce China's carbon dioxide emissions by providing clean energy to reach the goal of a carbon-neutral country by 2060. Second, it would aid the country's national security project by ensuring water security and homeland security, although it was not elaborated on how the dam would affect China's homeland security. Third, the dam would help the livelihood of Tibetans and generate more than 20 billion yuan annually for the Tibet Autonomous Region. Fourth, it is viewed as a major national energy project. Finally, Yan Zhiyong views the dam as an international cooperation project to further cooperation between China and South Asia. However, going by China's treatment of the lower riparian states of the Mekong River, this objective is probably lower down in Beijing's priorities. The plan for this dam was initially promulgated in the Communist Party of China's proposal for the 14th Five Year Plan and the long-term vision for 2035 and was officially adopted in March 2021 by China's legislature, the National People's Congress.

According to early estimates, a dam in the aforementioned location could result in Assam receiving 64 percent less water during the monsoon period and 85 percent less water the rest of the year.[28] Similarly, a diversion of 200 billion cubic meters of water from the river is likely to dry up several streams in the northeast of India.[29] The five major implications, discussed below, arising out of a mega Chinese dam across the river may further be exacerbated by Chinese President Xi Jinping's increasingly aggressive foreign policy and

the prospect that China could possibly control the flow of the river into India, even for a few days, which could be disastrous to populations which depend upon it.

First, water could be withheld as a coercive measure or as a bargaining chip to get a favourable outcome when negotiating with New Delhi during periods of high tensions – as was witnessed during the 2017 Doklam military standoff. Second, while withholding water by a dam can have serious drought effects and severely impact the economy of a region, the sudden release of large amounts of water can be equally destructive in the form of flash floods. In 2000, India's Space Research Organization identified the cause of flash floods in 2000 which killed more than 100 people being China's sudden release of excess water without warning New Delhi.[30]

Third, with China following a South-to-North Water Diversion project (the world's largest hydraulic project) to transfer water supply from the south of the country to the dry parts of the north, measures in the future could also lead to parts of the Brahmaputra being diverted. Currently, the central route of this project transfers water over 1,400 kilometres from the Hubei Province to Beijing and Tianjin, and the eastern route diverting water from Jiangsu to Shandong and Tianjin.[31] The Shuotian Canal, proposed by Guo Kai to be a part of the planned western route of this ambitious plan is one such suggestion that could have significant strategic implications. Guo Kai, who believes the Brahmaputra River is central to this canal and the solution to water shortages in parts of China has stated the "Brahmaputra has plenty of water; it won't make any difference to India."[32]

This short-sighted proposal has so far received plenty of pushback in Beijing due to its overly ambitious and costly nature, and still only remains a proposal as a part of the planned western route. Nevertheless, the idea of diverting the Brahmaputra, could garner growing attention as China's water scarcity problems increase. Incidentally, in November 2019, Chinese Premier, Li Keqiang called for options to further examine the western route of the project, which could also result in similar plans being put together for diverting parts of the Brahmaputra River.[33] Thus, while China has already rerouted domestic rivers, it is possible that the attention is now shifting towards transboundary rivers. Even if not implemented, just this notion generates considerable anxiety in India and could lead to increased tensions.[34]

Fourth, apart from controlling the flow of water, the construction of a dam would also pose environmental risks. Being one of the world's most ecologically sensitive regions that is also highly vulnerable to seismic activity, heavy construction would pollute the surrounding waters and lead to a decline in flora and fauna along with soil degradation, and increased vulnerability to landslides, floods, and erosions overtime.

Fifth, China has access to data that is imperative for flood management and water fluctuations for the lower riparian states. Withholding this hydrological data, for strategic or other means, could result in droughts or floods downstream due to the lack of planning from the data and early precautions. During the Doklam standoff between India and China in 2017 that lasted over two months, it was reported that China did not share the Brahmaputra's hydrological data during India's flood season despite a 2006 India-China Expert Level Mechanism on Trans-border Rivers and a 2013 Memorandum of Understanding (MoU) which stipulates the sharing of such data.[35] The lack of available data means that downstream countries have to rely on their own technical intelligence capability to monitor Chinese dams and water levels. The information asymmetries further create a diversion of opinions. So, while there are serious implications of a

Chinese dam on the Brahmaputra, many believe that there is no need for New Delhi to panic. Fuelling this argument is the fact that "a large proportion of the catchment of the Brahmaputra is within Indian territory," as stated by India's Ministry of External Affairs (MEA), implying a dam would give China limited strategic options.[36] Regarding the newly announced Chinese dam, however, India's MEA stated they were carefully monitoring developments, and "as a lower riparian state with considerable established user rights to the waters of the trans-border river we [India] have consistently conveyed our views and concerns to the Chinese authorities."[37]

Overall, as summed up by Brahma Chellaney, "upstream dams, barrages, canals, and irrigation systems can help fashion water into a political weapon that can be wielded overtly in a war, or subtly in peacetime to signal dissatisfaction with a co-riparian state. Even denial of hydrological data in a critically important season can amount to the use of water as a political tool."[38] Therefore, like the devastating economic and ecological effects felt by the lower Mekong countries, India and Bangladesh could face similar problems due to China damming the Brahmaputra. To mitigate the adverse effects of a Chinese dam in terms of generating power, the government of India is also considering its own 10-gigawatt hydropower project in Arunachal Pradesh, a decision that could irk Beijing as a move to strengthen India's hold over what it believes is disputed territory.[39]

To alleviate Indian concerns, Beijing assured New Delhi that the newly announced dam on the Brahmaputra would not divert or store water as a run-of-the-river.[40] The spokesperson of the Chinese Embassy in New Delhi also stated the dam would take into account the impact on the downstream areas, and that the outside world did not need to "over-interpret" the dam.[41] Nevertheless, New Delhi is wary considering the border tensions, and China's foreign policy assertion and aggression in other parts of the Asian continent. It remains to be seen whether the damming of the Brahmaputra will become another flashpoint in bilateral relations – with Bangladesh as the lowest riparian state getting caught in the middle.

Water and the Wider Indo-China Rivalry

The broader Indo-China rivalry is a complex affair that is marred with mutual distrust and pressing issues that have lasted decades. During the current LAC standoff, many in New Delhi called for rethinking ties with Beijing, which are currently at a new low. This section will highlight three varied irritants in the bilateral ties and analyse to what extent the issue over water can become an increasing thorn in their relations. First, the border disputes and the LAC. India claims the territory of Aksai Chin in Ladakh on the Western end of the LAC that is administered by China, and China claims the Indian state of Arunachal Pradesh, on the Eastern front. For decades, Indian and Chinese soldiers have patrolled along the LAC, a line that is not clearly demarcated with New Delhi and Beijing having different ideas of where it is located. This has led to multiple transgressions over the years, many of which do not escalate into a serious military standoff.

The clash in June 2020 led to the first fatalities in 45 years, and both sides hold varying positions on how the clash developed. New Delhi stated a premeditated Chinese action "reflected an intent to change the facts on the ground in violation of all our agreements to not change the status quo."[42] Beijing, on the other hand, stood by the narrative that "Indian frontline border forces openly broke the consensus reached."[43] Having disengaged from certain points along the LAC after several rounds of negotiation, the border is still under dispute, and could flare up again between the two nuclear-powered rivals. A second irritant between India and China is the former growing closer to the

United States (US) in Washington's bid to contain China in the Indo-Pacific region. As China expands its own influence across Asia and is increasing its presence in South Asia, New Delhi has increased its political and military cooperation with the US. A significant posturing towards the American vision was India's decision to join the Quadrilateral Security Dialogue (Quad) grouping with Australia and Japan and inviting the Australians to the Malabar naval exercise in November 2020, thereby making it an unofficial Quad joint military exercise. Previously, New Delhi had been hesitant to become a partner in what was perceived in Beijing as an "Asian version of NATO," directed at China.[44]

The third point of contention between the world's most populace countries is Tibet. Relating to the border disputes, China has highlighted Tibet as one of its core issues and claims Indian territory based on "purported Tibetan ecclesial or tutelary links."[45] This has become an issue ever since China's invasion of Tibet in the 1950s, thereby removing a buffer between India and China. Central to the Tibet issue is also the presence of the Dalai Lama in India, where he escaped to in 1959 amidst a Chinese crackdown. Since then, New Delhi has granted the Tibetan leader asylum and a government in exile has been established in the hill station of Dharamshala along with thousands of other Tibetan exiles. For China, therefore, Tibet remains the "single most important factor driving" bilateral relations with India, being acutely aware that the fire of Tibetan nationalism is fuelled by the facilities India has offered and consequently, whatever political, economic, and infrastructure developments take place in Tibet, have implications on India.[46]

With the Indo-China rivalry being multi-faceted in nature, it is easy to see how the weaponization of water could become another flashpoint in their bilateral relations, especially since concerns have already been raised numerous times by India's MEA along with China's belligerent use of withholding water without informing the lower riparian states. Therefore, the Brahmaputra and China building dams across it are a growing aspect of the wider geopolitical rivalry between New Delhi and Beijing. At the outset, the river flows through the Indian state of Arunachal Pradesh, which China considers as "southern Tibet" and thus, China seeks to establish ownership of the river in Arunachal Pradesh as well. Combined with the border disputes, and growing mutual distrust between the two countries, it is unlikely there will be an expansion of bilateral cooperation relating to the Brahmaputra. New Delhi, therefore, needs to draw lessons from the way China has dealt with the Mekong River and clearly assess the ability of China to weaponize its upper riparian advantage, and the devastating effects it could have on India's economy, ecology, and political stability. What is especially worrying is that even a non-strategic decision by Beijing that is taken to serve China's domestic purposes could have wide-ranging and lasting effects on water security and damming the Brahmaputra.

Looking ahead, and taking into account that "Transboundary water interaction is shown to be an inherently political process determined by the broader political context," it is unlikely that China will cease its ambitions to build dams and transfer water to its northern parts as has been with its action in the Mekong river.[47] Additionally, as argued by Hussein and Grandi, unless power asymmetries are properly addressed in order to overcome the likelihood of hegemonic regimes, a substantive integration of national water policies between India and China is unlikely.[48] This is exacerbated since no central authority is able to legally enforce "principles establishing the obligation to cooperate and the community of interests over shared waters," thereby stipulating a water sharing agreement.[49] Nevertheless, the two countries could learn from India and Pakistan's experience with the Indus Water Treaty which stands out in what is otherwise a turbulent

relationship. Incidentally, two of the main rivers out of six under the treaty, the Indus and Sutlej rivers, also originate from the Mansarovar Lake in Tibet. Signed in 1960 between the Indian Prime Minister Jawaharlal Nehru, and Pakistani President Ayub Khan, has lasted for more than 60 years despite the two countries having fought three wars since 1960, and the dispute over Kashmir continuing since the two countries became independent in 1947. Crucial to this is the management of the treaty remaining independent. This has enabled sustaining active cooperation through institutionalized cooperation where the riparian neighbours have "modified their policies to ease each other's concerns," despite the wider India-Pakistan hostilities.[50]

Presently, there remain limited mechanisms over the issue of water between India and China.[51] In addition to the existing MoUs and largely ineffective mechanisms, the need for a new framework was raised after China approved the construction of three dams on the Brahmaputra, and India advocated for a water commission, an inter-governmental dialogue, or a treaty to deal with water issues. Despite minimal headway on establishing and institutionalizing mechanisms in the last decades, it is imperative to have increased communication and formal interaction on water issues between India and China to ensure conflict resolution mechanisms are in place to prevent the natural resource from becoming a flashpoint and escalating tensions. If successful, the Brahmaputra River and shared water resources could become a beacon of light in bilateral ties that could help build trust and potentially have positive spill overs to other aspects of India-China relations. This is especially significant since water is not political by default, rather, it is the medium through which politics occur.[52] On the whole, the existing water stress in the region, and drawing from China's activities on the Mekong River and the consequences faced by the lower Mekong countries, there is no doubt that unless a strict level of transparency and adherence to agreements, potentially in the shape of a trans-boundary water-sharing agreement, is not implemented a growing rivalry over water could further strain the ever evolving and often tense bilateral as well as regional dynamics.

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THEME SECTION

‘Playing with fire’: implications of Russia’s Occupation of Chornobyl and Zaporizhzhia Nuclear Power Plants for the global nuclear order

Anna Davis

Abstract
On 24 February 2022, Russian military vehicles were sighted at the Chornobyl Nuclear Power Plant (NPP) as the world quickly realised the severity of Russia’s full-scale invasion of Ukraine. On 4 March, fighting broke out around the Zaporizhzhia NPP between Russian and Ukrainian forces, ending in the occupation of this plant as well. The head of the International Atomic Energy Agency (IAEA), Rafael Grossi, has warned that those responsible for jeopardizing the safety and security of the NPP are ‘playing with fire.’ The primary research question of this research is, ‘To what extent does Russia’s attack, occupation, and operation of the Zaporizhzhia and Chernobyl Nuclear Power Plants in Ukraine affect the global nuclear order?’ As such, this paper takes a deep dive into how the events that unfolded, and in the case of Zaporizhzhia, continue to unfold, at the two nuclear power plants, have challenged assumptions within the international nuclear order about the weaponization of civil nuclear sites. Additionally, the paper looks into the possibility of state actors experienced in nuclear technology holding civil nuclear sites hostage while continuing to occupy and operate them in wartime.

Introduction

On 24 February 2022, Russian military vehicles were sighted at the Chornobyl Nuclear Power Plant (NPP) as the world quickly realised the severity of Russia’s full-scale invasion of Ukraine. On 4 March, fighting broke out around the Zaporizhzhia NPP between Russian and Ukrainian forces, resulting in the occupation of this plant as well. At the time of writing, Zaporizhzhia remains under Russian occupation whilst Russian forces withdrew from Chornobyl on 31 March 2022. One of the most severe incidents at the Zaporizhzhia NPP occurred in November when a series of more than a dozen ‘powerful explosions’ occurred.[1] These were witnessed by members of the International Atomic Energy Agency (IAEA) team who have been stationed at the plant on a rotating basis. Neither Ukraine nor Russia have taken responsibility for the explosions whilst they accuse one another. Although no damage was done to buildings, systems, or equipment ‘critical for nuclear safety and security,’ the head of IAEA, Rafael Grossi, warned that those responsible for jeopardizing the safety of the Zaporizhzhia NPP are ‘playing with fire.’[1]

This paper takes a deep dive into how the events unfolded at the two nuclear power plants, and in the case of Zaporizhzhia, how the situation is continuing to develop. The primary research question of this research is, ‘To what extent does Russia’s attack, occupation, and operation of the Zaporizhzhia and Chornobyl Nuclear Power Plants in

Ukraine affect the global nuclear order?' I argue that these developments have challenged assumptions within the global nuclear order about the weaponization of civil nuclear sites and the possibility of state actors experienced in nuclear technology to hold a civil nuclear site hostage and continue to occupy and operate it in wartime.

Globally accepted principles in the nuclear order

Before exploring the gaps that Russia's full-scale invasion of Ukraine exposed in the global nuclear order, it is important to first discuss what exactly is the global nuclear order. Although the term has been used since the mid-twentieth century and increasingly so from the 2000s onwards, scholarship varies in its definition of the global nuclear order. These definitions, of which William Walker is most frequently cited, largely converge in their assumption that the purpose of the global nuclear order, however it is understood, is to prevent the use and proliferation of nuclear weapons.[2–7]

This research considers the global nuclear order as the 'system of national and international practices, policies, institutions, rules, and common understandings that govern the acquisition, possession, and use of nuclear weapons...'[6] This means that there is a general world consensus surrounding the proper and acceptable use of nuclear technology and materials. Behaviour that contradicts this consensus disrupts not only the status quo but also the status of the one exhibiting that behaviour. A deficiency in this understanding of the global nuclear order is its lack of accommodation for considering civil nuclear facilities as potential objects to be weaponized themselves rather than just sites to illegally obtain nuclear technology and radioactive material.[4] Until the occupation and operation of civil nuclear facilities are considered in this way, the inadequacy of the global nuclear order will become increasingly apparent.[5] The global nuclear order is also considered to hold an elite club of key stakeholders who judge acceptable universal behaviours based on their own interests, values, and perceptions.[4] Members of the global nuclear order are at the state and wider international level, meaning that we generally consider states as the stakeholders rather than individual corporations in the industry.[6]

Legitimacy represents a degree of trust by members of the global nuclear order towards a state to responsibly hold military and civil nuclear capabilities.[7] As such, the order is considered in scholarship to be essentially normative and comprised of a 'managed system of deterrence, and a managed system of abstinence.'[2] Although largely perceived to pertain to responsible maintenance of nuclear weapons, systems of deterrence and abstinence are also relevant to civil nuclear energy uses because of the need to abstain from risk to the public and from unsafe practices.[2] Thus, the global nuclear order is not defined as the non-proliferation regime; the latter is an element of the order but not representative of its entirety.[7] This is because nuclear status and legitimacy are not only related to military uses of nuclear energy, such as atomic weapons, but to civil nuclear capabilities as well, including nuclear power plants. It is also worth noting that four of the five countries capable of exporting civil nuclear technology are also recognised nuclear weapons states by the NPT (these are Russia, the USA, France, and China).[8] The breakdown of both legitimacy and trust as a result of Russia's behaviour in Chornobyl and Zaporizhzhia are explored below.

[4] This is further explored in the section on 'Consequences for the adequacy of the global nuclear order' in later paragraphs.
[5] This is further explored in subsequent sections.
[6] For a review of the precursors and beginnings of the global nuclear order, see endnote references 2,3,7
[7] For more on trust and legitimacy in the global nuclear order, see endnote references 2,4,5,54,55

Lastly, a core element of the global nuclear order is the International Atomic Energy Agency (IAEA). IAEA was established to both verify safeguards of nuclear facilities and the use of nuclear capabilities as well as to facilitate access to peaceful uses of nuclear energy (e.g. non-military applications).[7] IAEA is an important forum for international cooperation, interaction on nuclear issues, services for utilising and controlling peaceful nuclear development, and a symbolic expression by states engaging with it of the 'commitment to extend the peaceful benefits of the atom.'[7] As explored below, Russia's occupation of Chornobyl and Zaporizhzhia has prompted an unprecedented level of IAEA involvement and engagement in Ukraine's civil nuclear facilities.

The Occupation of Chornobyl and Zaporizhzhia Nuclear Power Plants

Prior to Russia's full-scale invasion, Ukraine was working towards being 'among the first' in nuclear energy 'both in Europe and in the world, according to President Volodymyr Zelensky, by becoming an 'Energy Bridge' to supply the EU with electricity from Ukraine's NPPs as well as diversifying its fuel supply from Russia, and expanding the Khmelnytskyi NPP.[8] It is important to contextualise that, of all the countries in Europe, Ukraine operates the greatest number of reactors second to France. All of Ukraine's fifteen reactors are the Russian VVER pressurised water reactor (PWR) design and they are operated by the Ukrainian state-owned nuclear corporation, Energoatom. Unlike the RBMK design, a graphite-moderated reactor built by the Soviet Union (and the type of reactors at the Chornobyl NPP), PWRs are the most common type of reactors in use today around the world.[8] T hus, Ukraine is well-established in the global nuclear industry and was headed in a promising direction prior to Russia's full-scale invasion.

On the day Russian forces began the full-scale invasion of Ukraine, the Ukrainian government informed IAEA that the Russian military had also taken control of the Chornobyl NPP.[9] Six days later, IAEA was informed by the Russian government that its military had taken control of the Zaporizhzhia NPP as well.[9] Although Russian military forces evacuated Chornobyl less than a month after taking control of it, the Russian government has now claimed ownership (as of 5 October 2022) of the Zaporizhzhia NPP under the joint-stock company, the 'Operating Organisation of the Zaporozhye NPP.'[10] On the same day, Russian President Vladimir Putin signed a law ratifying the Zaporizhzhia Region's assession to Russia as a new constituent entity.[11] This was after the director general of the Zaporizhzhia NPP was detained by Russian forces and IAEA was informed that he 'would not be returning to his role at the plant.'[9] It goes without saying that Ukraine does not recognise these Russian laws.[9]

At Chornobyl, a rise in radiation levels was detected as heavy military machinery disturbed the contaminated soil.[12] Russian troops are reported to have dug trenches in the radiation-contaminated soil around the plant.[13] These activities would cause the radioactive particles which have settled about a foot into the soil to resurface. There has been no official statement on the health of the troops who were potentially exposed to the radiation; however, rumours circulate based on a Belarusian Telegram channel post which showed a photo claiming to be Russian military vehicles arriving at a hospital specialising in treating radiation poisoning in Gomel in the south of Belarus.[14]

[8] The two new reactors at the Khmelytskyi NPP are VVER designs, by Russia's Rosatom. Since Russia's full-scale invasion, plans are underway to pilot Westinghouse's AP1000 design in Ukraine. See endnote references 8,56

Although Rosatom personnel were reportedly at the Chornobyl NPP whilst it was occupied by the Russian military forces, it appears that the latter acted against the direction of the nuclear experts.[15] This would explain the recklessness of Russian troops towards nuclear materials and radiation exposure in the area surrounding Chornobyl. However, the (near) opposite has occurred at Zaporizhzhia where Rosatom claims to hold firm control of all activities inside the plant as the Russian government blames Ukraine for any dangers caused by fighting, or simply the Ukrainian government cutting electricity supply to the plant as 'an act of pure spite…'[16,17] This deflects responsibility of Russia for jeopardizing the security and safety situation of the Zaporizhzhia NPP and thus reinforces the legitimacy of Rosatom personnel maintaining control of the plant.

Despite the appearance of greater adherence to the direction of expert nuclear personnel, military confrontations between Ukrainian and Russian fighters present a regular problem at the Zaporizhzhia NPP. The loss of electricity supply to the Zaporizhzhia NPP has been recurrent since Russia took control of the site due to various confrontations and fighting between Russian and Ukrainian forces. A few of the most serious incidents were on 4 March 2022 when a projectile struck a training building on the site of the NPP; on 22 July 2022 when the Ukrainian military launched drone strikes on Russian forces stations at the NPP; on 5 and 6 August 2022 when shelling damaged the external supply of power and injured a Ukrainian security guard; on 25 August 2022 when the offsite power supply was damaged; on 21 September 2022 when shelling again damaged cables providing electricity to the reactors; on 19 and 20 November 2022 when shelling damaged some of the buildings, equipment and systems; on 29 December 2022 when shelling damaged another power line; and on 9 March 2023 when missile strikes around the plant caused all off-site power to be lost.[18] When such incidents occur, the Zaporizhzhia NPP relies on its twenty backup diesel generators to provide essential power to safety systems.[18] These generators have the capacity to maintain operations on the site for fifteen days.[18]

Although all sides claim to be gravely concerned over the safety and security of the Zaporizhzhia NPP, the situation has not substantially improved. IAEA has visited both the Chornobyl and Zaporizhzhia NPPs over the course of the year in order to conduct nuclear safety, security, and radiological assessments as well as to reach an agreement between Ukraine and Russia on establishing a protection zone around the plant.[9] Despite this, a few important developments have contributed to an improvement in IAEA access to monitoring safety and security at the plant. These have been the permanent stationing of a rotating group of IAEA experts at the Zaporizhzhia NPP since 17 January 2023 to reduce the risk of a severe nuclear accident.[9] The second important development has been the occasional separate meetings by the IAEA director general, Rafael Grossi, with Ukrainian President Volodymyr Zelensky and Russian President Vladimir Putin. During Grossi's most recent visit to Ukraine, Zelensky emphasised that 'without the immediate withdrawal of Russian troops and personnel from the [Zaporizhzhia] NPP and adjacent territories, any initiatives to restore nuclear safety and security are doomed to failure.'[19] Conversely during a meeting in St. Petersburg, Putin explained to Grossi that 'it is necessary to do everything to limit the spread of military nuclear technology.'[20] With these clashing views, there has yet to be a consensus between Ukraine, Russia, and the IAEA on practical steps towards a protection zone.

Consequences for the adequacy of the global nuclear order

The statutes and protocols of the international legal framework fall short of capturing the possibility of state actors experienced in civil nuclear technology holding a civil nuclear site hostage and continuing to occupy and operate it in wartime. This gap is evident in the Geneva Convention, the NPT, the IAEA Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment, the IAEA Nuclear Security Series publications, the Convention on the Physical Protection of Nuclear Material and its Amendment, and the United Nations Security Council Resolution 1540 and 1373. This gap represents a grey area for both the legality of attacking nuclear facilities and the legality of occupying and operating civil nuclear facilities, as explored below.

The legality of attacking nuclear facilities

The Geneva Convention does indeed instruct that '…nuclear electrical generating stations, shall not be made the object of *attack*, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population' (italics mine).[21] However, this protection ceases 'for a nuclear electrical generating station only if it provides electric power in regular, significant and direct support of military operations and if such attack is the only feasible way to terminate such support.'[21] These two statutes mean that military nuclear facilities are legally targetable and that civilian nuclear facilities are also legal targets so long as attacking them does not cause 'the release of dangerous forces' or 'severe losses among the civilian population.'[21]

Additionally, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) does not include 'language prohibiting military targeting of nuclear facilities.'[22,23] Although the NPT, in accordance with the United Nations Charter, requires signatories to 'refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,' this does not specifically limit signatories from targeting nuclear facilities.[23]

Beyond this, the UN National Security Council Resolution 1540 details the threat posed by the proliferation of nuclear weapons whilst Resolution 1373 links international terrorism and transnational organised crime with the illegal movement of nuclear materials. Resolution 1540, the creed of nuclear non-proliferation scholars, centres its concern on the threat of proliferation by terrorist actors and assumes largely that such actors do not act under the lawful authority of any State.[22] This is because 'most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear… materials.'[22] It does not take into account the wartime environment which nuclear materials and facilities might be subjected to, which extends beyond terrorist activity. In fact, most nuclear safety protocols assume hostile forces towards nuclear sites would be motivated by the acquisition of radioactive and hazardous materials. Few mention the occupation of such sites in wartime as a motivation by hostile forces, and instead emphasise the risk presented by 'terrorists, other criminals and extremists who might seek to acquire and use nuclear material or other radioactive material…'[24] Therefore, Russia's attack on both the Zaporizhzhia and Chornobyl NPPs represents a formidable grey area of international law.

The legality of occupying and operating nuclear facilities

Not only has Russia *attacked* the Zaporizhzhia and Chornobyl NPPs using its military forces, but it has also occupied and operated the facilities (and continues to occupy the Zaporizhzhia NPP at the time of writing) vis-à-vis Rosatom personnel. This highlights an additional deficiency in the global nuclear order that attacking a nuclear facility and occupying one represent two very different scenarios. As the lack of clear prohibition of military targeting of nuclear facilities represents a deficiency, so also does the absence of considerations that a nuclear facility can be occupied by a foreign state. This deficiency in distinguishing between the two scenarios has led to a lack of safeguarding procedures against the loss of control of an NPP due to occupation by a foreign state and the weaponization of the facility itself. This also has resulted in a lack of procedures for safely regaining control of a nuclear facility that has been occupied by a foreign state.

The idea that a sovereign state would no longer be able to control its nuclear facility due to occupation by another state's military, and that the foreign state would be able to install its own scientists and engineers to continue running the facility, was until February 2022 beyond the realm of IAEA security considerations.[25] Occupation of a nuclear power plant is unprecedented. Never have foreign military forces even attempted to *occupy* another state's nuclear power plant. It is true that NPPs have found themselves in possible crossfire and have been threatened as targets of military operations. A recent example of this is the threat by Azerbaijan towards the Armenian NPP. During a flareup of tensions over the contested Nagorno-Karabakh region in 2020, the Defence Ministry spokesperson of Azerbaijan said that '[t]he Armenian side must not forget that our army's state-of-the-art missile systems allow us to strike the Metsamor nuclear plant with precision, which could lead to a great catastrophe for Armenia.'[26] Earlier examples of NPPs being potential targets of military operations include the Slovenian NPP in 1991 as well as Iraq's Osirak research reactors in 1981 and 1991.[27–29] Despite these occurrences, it is important to distinguish between a nuclear site being the target of military operations and being the subject of occupation by a foreign force. The latter is unprecedented, yet this is exactly what Russia has accomplished in Ukraine.

The most likely reason why foreign military forces do not attempt to occupy the NPP of another state is because of the technical skills required to keep it operating and ensure its safe function. The unique skill set to safely manage an NPP is held by those who operate or construct civil nuclear technology. The incentive is non-existent to occupy an NPP when the foreign force does not know how to handle the nuclear fission process, let alone the other necessary functions of a civil nuclear facility. The threat of radiation poisoning, or another accident, is just as real to foreign invaders as it is to the local population. Therefore, the risk is too high for foreign forces to attempt such a takeover.

However, the exception to this common knowledge is when the foreign force is highly experienced in nuclear technology or, in the case of Russia, when the foreign force is the one responsible for the construction of the NPP. In the case of Ukraine's NPPs, including Chornobyl and Zaporizhzhia, all were constructed during the Soviet period by state-owned enterprises which either have been incorporated into or sold and dissolved by Rosatom.[30–33] Rosatom is the modern Russian state-owned nuclear corporation and it is the reason for Russia's leadership in the international market for NPP construction and reactor export.[8] If anyone could occupy, operate, and weaponize an NPP in wartime, especially one that they were involved in constructing in the first place, it is Rosatom.

In addition to this, until the full-scale invasion of Ukraine, Russia was providing the majority of Ukraine's fuel for its reactors (Ukraine has in recent years diversified its fuel cycle with supplies from Westinghouse that were modified to suit VVER designs).[34] Spent fuel is stored in long-term dry storage facilities and ultimately sent to Russia (a unique service offered by Rosatom as part of its package for international customers).[9] All this is to say that the consideration of not being able to ensure the operation and safe function of the NPPs after takeover is significantly reduced for Russia. More central to prior strategy would be ensuring that the process of forcibly occupying the NPPs avoids conflict by non-nuclear specialists (e.g., military personnel) near critical safety areas of the plant to avoid a nuclear accident that would cause harm to the civilian population.

Consequences for Russia's role in the global nuclear industry

It goes without saying that trust in Russia has experienced a substantial decline since the invasion in February of 2022. Russia's violation of acceptable norms and behaviour related to civil nuclear facilities has caused a disruption of the global nuclear order as well as rendering Russia an irresponsible and untrustworthy actor. However, what this means practically for Russia is not yet clear. As discussed above, Russia is the leading exporter of reactors globally and a substantial player in the international civil nuclear market as well as a core actor in the order itself.[2,3,35–37] Russia has indeed broken the rules of the global nuclear order by forcibly occupying two civil nuclear facilities in another state. Although Russian forces have abandoned their position at Chernobyl, Rosatom employees still oversee operations at the Zaporizhzhia NPP and Russia claims federal ownership of the plant.[10]

Despite this, Russian officials claim that handing control of the Zaporizhzhia NPP to either IAEA or Ukraine raises questions of legitimacy.[38] Instead, Russia condemns IAEA for the adoption of its resolution on 17 November 2022 for Russia to hand over the NPP to Ukrainian authorities.[39] The resolution has been in effect for nearly five months at the time of writing and remains ineffective. Recent scholarship has already found that the 'Russian invasion of Ukraine triggered…[the] cancellation of planned Russian-built nuclear power plants in Finland, Jordan and Slovakia.'[40] However, these three projects represent a fraction of Rosatom's global engagements, numbering 73 projects in 29 countries, in addition to Russia's supply of about one-third of global nuclear fuel needs.[40,41] Thus, the Russian nuclear industry remains largely unaffected by the international backlash towards the occupation of the Zaporizhzhia and Chornobyl NPPs.

The United States and several EU countries rely on Russian uranium imports and enrichment services, which complicate potential options to sanction Rosatom or the Russian civil nuclear complex.[41,42] Russia provides the USA with about 14 percent of its uranium supply and about 28 percent of its nuclear fuel enrichment services whilst providing the EU with about 20 percent of its uranium and 26 percent of its enrichment services.[42] In addition to this, both Hungary and Bulgaria have NPPs constructed by Rosatom and receive all of their fuel supply from Russia.[43,44] Thus, any sanctions on Rosatom would hold severe consequences for the ones issuing the sanctions.

[9] It is also worth mentioning that Ukraine intends to be able to supply its own nuclear fuel by 2026 and to use the surplus to supply neighbouring states. For more see endnote references 8,57

Still, Zaporizhzhia and Chornobyl NPPs being occupied by a nuclear authority such as Russia renders consequences for Russia's, and indirectly, Rosatom's, trustworthiness as a civil nuclear partner. Russia's behaviour at Zaporizhzhia and Chornobyl poses risks to states where Rosatom is currently constructing nuclear power plants as well as those who are considering partnering with them. Those states who are in or near conflict zones would presumably factor in this behaviour to their decision-making. These would likely include Belarus, with its proximity and connections in the Ukraine-Russia war,[10] Egypt with its political instability, Turkey with its NPP being built by Russia in the area affected by conflict with Kurdish militants, and Armenia with ongoing hostilities with Azerbaijan. Therefore, even though sanctions on nuclear exports may not become a reality for Russia and only three of its former clients have ended their agreements with Rosatom since the full-scale invasion, the trustworthiness of Russia in the eyes of its civil nuclear partners may hold real effects for the durability of those partnerships and, in turn, for Russia's position as the leading nuclear exporter.

Consequences of occupying nuclear facilities in wartime

Beyond the costs to Russia, there are significant consequences of setting the precedent of occupying a civil nuclear facility in wartime as the occupation potentially emboldens less experienced actors in their behaviour towards nuclear facilities. It is significant that Russia, as the lead supplier of nuclear technology globally, would be the first to ever wage wartime hostilities on or near a nuclear power plant. Russian leadership should be able to easily access the required expertise to safely occupy the NPPs that Rosatom (and previously, the Russian Federal Atomic Energy Agency) and its subsidiaries have constructed. Russian operations around NPPs should be very calculated and measured according to known risks. However, Russia's expertise in nuclear technology and the fact that the reactors in the nuclear facilities it has occupied are all Russian designed has largely been taken for granted. This familiarity is not guaranteed in future potential wartime scenarios. Even with the resources and expertise it possesses, the past several months have shown that Russia's occupation of the Zaporizhzhia and Chornobyl has not necessarily guaranteed the security and safety of these civil nuclear facilities.

As such, this situation is quite different compared to other potential scenarios where states unfamiliar with nuclear technology and its associated risks might conduct wartime hostilities in or near NPPs. We can say in a sense that Russia would be among the actors to understand the risks and thus operate in a 'safer' manner compared to actors unfamiliar with the risks of nuclear technology. If we observe such instances of unsafe practice around nuclear technology by one of the world's most experienced civil nuclear actors, then the scenarios that might unfold if actors less experienced with nuclear technology conduct war near NPPs will present greater risk to public safety and security.

At this point, it is important to distinguish between the various capabilities in consideration of actors who would recognise the risks of nuclear technology and those who may be less familiar. Russia is both a nuclear weapons state, a civil nuclear state, and a civil nuclear technology provider. This means that, in addition to possessing nuclear weapons and nuclear power plants, Russia is at the forefront of nuclear advancement and has been so for decades. Prior to 1991, the USSR claimed numerous achievements in the global nuclear industry including connecting the world's first nuclear power plant (NPP)

[10] Despite largely being considered Moscow's ally, Belarus in the past has been engaged in energy disputes with Russia and sought alternative suppliers in Europe and the United States. For more, see [58–60]

to the grid in 1954 and pioneering tokamak-based fusion energy, small modular reactors, and fast breeder reactors.[45–47] These achievements of the Soviet nuclear energy complex were largely transferred to Russia after the breakup of the USSR and have now contributed to Russia's so-called 'integrated solution' – the ability to 'provide all aspects of engineering, construction, technical support of NPPs holding their reactors, front to back-end fuel cycle supply, as well as financing and loan options provided by the Russian state.'[8] There is not a comparable actor in assessing capabilities of occupying foreign nuclear facilities, especially those which Russia was involved in constructing; however, there are potentialities, as explored below.

Aside from Russia, states that possess nuclear weapons and operate nuclear power plants are the United States, the United Kingdom, France, China, India, and Pakistan (the latter two of which are not signatories of the NPT).[11] However, possessing a nuclear power plant does not necessarily entail the ability to occupy one. Thus, the second category of potential actors to occupy a foreign nuclear facility are those who are global nuclear technology providers and states that have the ability to construct their own nuclear power plants, irrespective of their possession of nuclear weapons.[12] In addition to Russia, these are Argentina[13] (no nuclear weapons), Canada[14] (no nuclear weapons), China, France, India, Japan (no nuclear weapons), Russia, South Korea[48] (no nuclear weapons), and the United States.

Aside from actors deemed capable of occupying *and* operating a foreign civil nuclear facility, there are multiple cases currently where civil nuclear sites are in less-than-peaceful times, and Russia's precedent may hold implications for the safety and security of these sites. For example, Taiwan has two nuclear reactors at the Maanshan NPP, and the state is currently in a confrontation with China over its status. As outlined above, China is a nuclear weapons state, a nuclear energy state, and a designer and exporter of civil nuclear technology. Thus, China's capability to occupy and operate a foreign NPP is considered in this research to be quite comparable to Russia's ability to do so. However, a major difference is that Taiwan imported its reactor designs from the United States' Westinghouse; they are not Chinese designed as both Zaporizhzhia and Chornobyl NPPs have VVER and RBMK (respectively) reactor designs (with which Russia's Rosatom is inherently familiar). Nevertheless, the type of reactors at Taiwan's Maanshan NPP are standard PWRs of similar design to China's own which it constructs both in China and abroad.[36,49,50] This familiarity combined with China's state-owned and sponsored nuclear suppliers, similar to Rosatom, as well as its experience operating its own fifty-five reactors and currently constructing twenty-four domestically[15], indicate the possibility that China could conduct similar activity to occupy *and* operate Taiwan's NPP as Russia has at the Zaporizhzhia NPP.[16]

Beyond this, Mexico also operates two reactors at its Laguna Verde NPP and consistently struggles with criminal violence. In this case, criminal gangs are not known for their expertise in nuclear technology, thus, occupation and operation by such gangs is unlikely.

[11] Israel and North Korea are excluded as they do not operate any nuclear power plants which generate electricity to the grid.
[12] These are countries who construct NPPs, either domestically or internationally, using their own reactor designs. This excludes countries who have constructed or are constructing NPPs using foreign reactor designs.
[13] Constructing the CAREM SMR design. See endnote reference 61
[14] The CANDU design reactors which operate in Canada and internationally. See endnote reference 62
[15] Four of which are Russian VVER designs.[63]
[16] A separate discussion on the likelihood of China attacking, in order to occupy and operate, Taiwan's NPP is beyond the scope and aims of this research.

Pakistan and India both possess nuclear power plants and contest one another's sovereignty over the Kashmir province. However, only India is capable of designing, constructing, commissioning, and operating nuclear facilities whilst Pakistan has imported its designs from China.[51,52]

South Korea receives 29% of its electricity needs from nuclear power with its four NPPs which contain twenty-five reactors of both domestic design and imported designs from Canada, the USA, and France.[48] South Korea also exports its nuclear technology by supplying the United Arab Emirates' first NPP with further marketing currently taking place in the Middle East, North Africa, and Latin America.[48] If tensions with North Korea were ever to result in renewed conflict, South Korea's civil nuclear facilities would undoubtedly be objects of concern. Although North Korea has not exhibited the capability to occupy and operate a civil nuclear power plant, it has displayed recklessness towards nuclear weapons use and a disregard for the global nuclear order. Nevertheless, the likelihood of this scenario is affected by the United States' deterrence commitment to South Korea; this 'nuclear umbrella' represents the U.S. vow to 'use nuclear weapons to deter and, if need be, defeat an attack' on South Korea.[53] This commitment is absent of a 'no first use' policy, meaning that a nuclear weapons response could follow a conventional military attack from North Korea.[53]

In addition to current nuclear energy states, occupation of civil nuclear facilities would also need to be considered by countries looking to adopt nuclear energy in future. Russia is the leading contender for partnership with many African states seeking to adopt nuclear energy for the first time. At present, Nigeria and Sudan are among those states seeking to do this and are both currently engaged in conflict – Nigeria is in ongoing hostilities with Boko Haram whilst South Sudan is in a civil war with claims by the anti-government forces of being supported by Sudan. With the precedent by Russia now set that occupying a nuclear power plant is justified in wartime, risks are now increased of these conflicts affecting current or future civil nuclear facilities beyond the considerations by the international nuclear regulatory regime of obtaining nuclear materials for terrorist activities.

Conclusion

Russia's occupation of both the Chernobyl and Zaporizhzhia NPPs in Ukraine has unveiled core deficiencies in the global nuclear order in capturing the possibility of state actors experienced in civil nuclear technology to attack a civil nuclear site, hold it hostage, and continue to occupy and operate it in wartime. Not only is it possible for conventional security threats to occur, such as nuclear sites being the potential or accidental target of missiles and hostilities, but it is also possible for a capable foreign force to weaponize a civil nuclear facility by occupying it for a substantial amount of time.

Russia is in a unique position as it is generally protected against international sanctions and punishment towards its nuclear industry despite international condemnation and calls by the IAEA for it to hand over control after forcibly occupying the Zaporizhzhia and Chornobyl NPPs. However, this protection is only possible because of the leading position Russia holds as a global supplier of civil nuclear technology and fuel services. Those who would issue the sanctions against Russia would be as much if not even more severely affected by their repercussions, including the United States and Europe. For this reason, Russia's legitimacy in the global nuclear industry and in operating its own civil nuclear

technology domestically remain largely intact and are likely to continue as before. However, additional important implications of Russia's occupation of Ukraine's civil nuclear facilities apply to the global nuclear order, and how its members go about preparing for the possibilities of threats to the safety and security of their own nuclear sites. The possibility of occupation now has a precedent. Preparation is required as Russia is not the only state capable of occupation and Ukraine is not the only state at war.

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How realistic is 'Global Britain' as a role?

Ash Dharmasingham

Abstract
Britain has articulated the desire to play the role of 'Global Britain' Post-Brexit. But what does 'Global Britain' mean and is it realistic? Based on over 35 interviews with experts and wider research, the author believes that 'Global Britain' is code for great power. To assess whether this role is realistic, the article assesses Britain's strengths and weaknesses across four areas that are important for being a great power: economics and trade, military, diplomacy, and finally, national cohesion and willpower. According to the assessment, 'Global Britain' is realistic as Britain has the latent capability of a Great Power, but it will need to rectify challenges and shortcomings in each of these metrics. Britain will need to proactively increase resources in certain areas, minimise the negative consequences of Brexit, and exploit opportunities whilst improving national cohesion and willpower. The author outlines specific actions the government could take to do this. Thus, the research is not only of academic interest but could potentially assist policymakers in making 'Global Britain' more of a reality.

Introduction

In 2016, Britain was at a crucial turning point. For decades it had committed itself, albeit arguably half-heartedly, to the European Union. That changed with Brexit. Now, the world watches as Britain attempts to forge a new path towards what some officials and politicians have called the role of 'Global Britain'.[1] But what does 'Global Britain' mean and is it realistic? The author believes that it is code for 'Great Power'. To assess whether this role is realistic, the article assesses Britain's strengths and weaknesses across four areas important to being a great power: economics and trade, military, diplomacy, and finally, national cohesion and willpower. The article will focus on the first three and in the latter, the analysis will be focused mostly on the state of the union, which the author believes is the most serious threat to national cohesion. General political cohesion is an expansive topic in its own right and thus beyond the scope of this article. According to the assessment, 'Global Britain' is realistic as Britain has the latent capability of a Great Power, but it will need to rectify challenges and shortcomings in each of these metrics.

States have often adopted and articulated national roles that they play on the international stage. Such roles influence foreign policy by entrenching norms of role-related national behaviour.[2] British political leaders have often asserted roles of international significance and leadership in the past.[3] The latest role to emerge is 'Global Britain'. It was first mentioned in former prime minister Theresa May's speech to the Conservative Party Conference in October 2016 and then further articulated in a speech to Chatham House by then foreign secretary and later prime minister, Boris Johnson.[4] Prime Minister Rishi Sunak has continued pursuing the role of 'Global Britain' and this can be seen, for instance, in how the 2023 Integrated Review Refresh builds on the 2021 Integrated Review, and the underlying goals and ambitions remain the same even if rhetoric may have changed since the Johnson years.[5]

The author conducted over 35 interviews with experts on matters surrounding this new role. These ranged from diplomats, government officials and professionals from international organisations to prominent current and former politicians as well as

leading think tanks and trade experts. The experts were chosen based on their positions and experience. Care was also taken to include politicians from different parties and differing views on Brexit.

Several interviewees criticised 'Global Britain' for being unclear. Alyn Smith (former SNP foreign affairs spokesperson), for instance, calls 'Global Britain' a "catch-all" that means many different things to different people.[6] Others, such as Robin Niblett (former director of Chatham House) believe that 'Global Britain' sought to state that it was less constrained out of the EU, not retreating into isolation whilst also reassuring British people and businesses.[7] Lord Teverson, a former Liberal Democrat Member of the European Parliament (MEP) and current member of the Lords International Relations and Defence Committee, saw 'Global Britain' as a justification for Brexit.[8] On the other hand, Tobias Ellwood (Commons Defence Committee chair and former government minister) described it as "a call to action" for Britain to utilise its capabilities and play a leading role on the global stage.[9] A unique insight came from Claudia Webbe, an independent MP and former foreign affairs committee member who believed that 'Global Britain' was about "continuing the wars of empire".[10] The foreign and commonwealth officials who were interviewed largely saw 'Global Britain' as a desire to be internationally engaged, particularly beyond Europe. A senior Australian defence official mentioned that he initially saw 'Global Britain' as a "bumper sticker" and a "quick win post-Brexit" to "glibly" articulate a post-Brexit Britain emerging on the global stage.[11] He, however, changed his view and believes that 'Global Britain' was "an entity and an activity" that embodied itself in the ways of a "persistent global presence".[12]

Whilst interviewees had differing views on the precise nature of the role of 'Global Britain', there was a consensus on what it broadly was. Based on interviews, particularly with the politicians, 'Global Britain' is both intended to send a message of international engagement post-Brexit and an articulation of the desire to play the role of a great power. Ellwood (a government minister until summer 2019), Bob Seely (Commons Foreign Affairs Committee member) and Lord Wallace (academic and former Liberal Democrat Lords foreign affairs spokesperson), all mentioned that 'Global Britain' was in part about being a great power.[13] Additionally, a majority of the 11 British politicians who offered a view on the matter believed that the government saw Britain as a great power and this was what 'Global Britain' was, at least in part, about.

Great power

This article will assess Britain's ability to play the role of 'Global Britain' by examining Britain's capacity to be a great power as per Barry Buzan's framework for assessing great power status.[14] Buzan defines great powers as "system-level" powers that act on the assumption that their security depends on the global power structure and that they can influence that structure.[15] Moreover, others "react to it as a potential hegemon and/or a crucial ally" in relation to the global balance of power.[16]

He contrasts these to lesser powers that operate as "takers" of such developments and can only play cards at a regional level to establish their status.[17] These include regional powers that may define polarity in a regional security complex but unlike great powers do not register their influence much at the international level. He also differentiates these to super powers that exercise broad-system capabilities across the entire international system, have "first-class" global and military capabilities and reach to be active players in

securitisation/desecuritisation in all or almost all regions and are accepted by others in terms of rhetoric and behaviour of having this rank.[18] They are also "fountainheads" of the universal values that underpin international society and their legitimacy depends "substantially" on establishing the legitimacy of such values.[19]

Buzan asserts that great powers do not need to have necessarily extensive capabilities in all sectors and do not need to be actively present in the securitisation or economic processes of all areas of the international system.[20] They regard themselves as more than regional powers, are usually capable of operating in more than one region and are responded to by others based on both system-led and regional calculations about the present and near future distribution of power.[21] Furthermore, in Buzan's view, unlike superpower status, great power status can be earned on the back of potential capability as well as actual capability.[22]

Britain will, therefore, need to be a system-level power capable of influencing the global power structure as a crucial ally in the global balance of power. In the context of Britain being a status-quo power in a global multilateral liberal order, this would mean Britain must demonstrate some capacity to help defend and influence this order. It will need to have the capability to operate in more than one region but unlike a superpower does not need to be actively present in the securitisation or economic processes of all areas of the international system, nor does it need extensive capabilities in all areas. It must, however, be able to shape international developments rather than simply take them (as in the case of regional powers). Britain's great power credentials will be assessed across four areas: economics and trade, military, diplomacy and, national cohesion and willpower.

Analysis

Economics and trade

'Global Britain' will need to have a strong economic foundation from which it can muster resources and influence. The British economy is currently the sixth-largest economy in the world and likely at least the sixth-largest in 2030.[23] In services, Britain is the second highest exporter globally after the US (quantity-wise) and the largest per capita.[24] The state also boasts a high level of innovation and entrepreneurship, coming fourth in the Global Innovation Index and third in the world for tech 'unicorns' (start-ups valued over $1 billion) behind the US and China.[25] The latter achievement benefits from a responsive and nurturing regulatory environment.[26] Britain continues to pioneer new technologies in many key areas such as artificial intelligence (AI), fintech, healthcare and electronics.[27] This is backed up by a strong performance in higher education, with seven of Europe's ten best universities in Britain and the University of Oxford frequently ranked the world's best.[28] Britain is also one of the most popular destinations in the world for international students. In recent years, Britain also overtook the US as the most popular higher education destination for international students (by annual enrolment).[29] London is also one of the world's preeminent financial and legal centres.[30]

There are however several concerns about Britain's economic performance. A long-term economic projection by PWC anticipated that as long as Britain developed trade links to fast-growing economies and remained open to immigration, Britain would be the fastest-growing G7 economy up to 2050, when it is expected to remain in the top 10 strongest economies globally despite Brexit.[31] However recent short-term growth projections (in

the context of slow growth and high inflation globally) for the UK nonetheless have been of concern with the IMF predicting sluggish growth for the UK in 2023.[32]

Additionally, many such as John Spellar (Labour MP and a former government minister) criticised the British economy for being unbalanced for a major nation, "where manufacturing had been marginalised to the benefit of finance".[33] Furthermore, British R&D investment has stagnated at around 1.7% of GDP for approximately 30 years which is much less than the EU average of 2.12%.[34] The Institute for Public Policy Research (IPPR) claimed that the UK was at the bottom of the G7 when it came to business investment and was "falling further behind".[35] The IPPR also believed that the UK would have had an extra £562 billion in public/private investment between 2006 and 2021, had it met the G7 average.[36]

Despite all this, the British economy is still overall one of the strongest and most innovative in the world. Henig, a leading UK trade expert, believes that Britain is a huge player in international investment and that its strong global economic standing will not be lost in the coming years, despite Brexit.[37]

However, Brexit does change things for the British economy and has had a noticeable impact in the short term. Increased uncertainty meant that even before the Brexit referendum result, companies questioned whether their European hubs should be in Britain.[38] There was a fall in both investment and the value of the pound sterling, the latter of which led to inflation and squeezed real incomes.[39] Additionally, the end of the transition period created a lot of initial disruption in UK-EU trade which was also aggravated by a failure of the British government to adequately invest in customs infrastructure and the strict and inflexible interpretation of rules by the EU regarding UK-EU trade.[40] Furthermore, adversarial rhetoric between both parties arguably created more disruption that was necessary.

Brexit has also reduced UK-EU academic collaboration. The number of EU academic talent entering the UK has fallen partly due to uncertainty surrounding the future of the former.[41] EU funding for British institutions have also been lost at a time when UK higher education is facing the largest real term fall in funding since the 1990s.[42] This is in addition to new limits on international students bringing dependents that are likely to have a reducing impact on international student numbers as well as revenue for British universities.[43] If these developments remain unaddressed, they could weaken the UK's strong position and reputation in higher education.

Brexit is also likely to have several long-term effects such as an increase in trade friction affecting long-term UK-EU trade. Much international trade occurs as part of regionally integrated and 'just in time' supply chains such as in the car and aircraft industry in Europe.[44] Countries trade most with their closest neighbours and thus increased trade friction in the form of tariffs, delays and other non tariff barriers at the UK-EU border, reduces the incentive for companies to include Britain in their European supply chains.[45] This means that whilst services could be sold more easily internationally (as Henig points out) manufacturing would be comparatively weakened.[46] This is also reflected by the fact that whilst Britain still has high investment numbers, much of it is going into finance and not into new manufacturing facilities.[47] Despite this, there are still some promising

developments in the manufacturing sector such as BMW and Stellantis both announcing large investments into electric vehicle manufacturing in the UK in 2023.[48]

Post-Brexit Britain will also have reduced influence on the EU's trading position and regulations, which is significant given that the EU is the world's largest economy. As Alyn Smith (MP and SNP foreign affairs spokesperson) notes from his experience as an MEP, Britain "won the vast majority of issues" and thus had influence in the EU as a member.[49] Douglas Alexander recounting his experience as trade minister argues that Britain's position in trade negotiations will be weakened first in an "arithmetic" sense with a smaller market and then in a "psychological" sense as the other party does not need negotiations to succeed as much as it would have needed to in negotiations with a larger market and prize.[50] Whilst, Britain will likely maintain influence in global regulatory conversations in certain industries such as finance and technology, its influence will be diminished in areas where the conversation will be dominated by the US, EU and China.[51]

The detrimental effects of Brexit are, however, arguably overstated. Renowned economist Paul Krugman argues that although he believes that Brexit was a mistake, it was "not a catastrophe" and has been over-dramatized.[52] Indeed as he points out, Canada is not a "nightmare society" for not being in a customs union with the US and that, in general, international trade was rather open with low tariffs and little distortions.[53] Furthermore, David Frost (Britain's chief Brexit negotiator) made a valid point that there is no equivalent example of a country in good order leaving a single market in such a manner and therefore the long term impacts are uncertain.[54]

Brexit arguably provides several benefits. One is a psychological one. Robin Niblett believes that out of a sense of desperation, Britain could become more determined and innovative.[55] Spellar. drawing on his ministerial experience, believes that the EU would not be able to be used as an "alibi" for inefficiencies in industrial strategy whilst Henig thinks that Brexit provides an opportunity to "think differently" and develop industries like sophisticated services.[56]

Another benefit is the ability to negotiate trade deals more quickly and more tailored to British interests. One major disadvantage of the EU trade deals is the need to secure the agreement of all members and sometimes even regional parliaments.[57] Some countries may also prefer to deal with Britain than the EU because it is seen as less of a competitive threat.[58] Moreover, distance is arguably becoming less of a challenge as technology such as containerization and miniaturization improves, and the global trade of semiconductors is an example of the problem of distance being overcome.[59]

It is, however, not immediately obvious whether post-Brexit trade deals could offset the loss of trade from the EU as it currently stands. Indeed, Lord Purvis (Liberal Democrat Lords foreign affairs and trade spokesperson) remarked that the benefits of joining the Comprehensive Progressive Agreement for Trans-Pacific Partnership (CPTPP) were less than trade with Ireland.[60] Whilst it is difficult, there is a possibility that Britain could find ways to sell more to large Asian markets such as India and Indonesia in the future, potentially when trade becomes more virtual and there is more trade in knowledge-based services.[61] An Indonesian diplomat, for instance, believed that there was "huge potential" for UK-Indonesia trade to be increased.[62]

Britain could potentially benefit economically through regulatory divergence in certain areas from the EU. As Niblett mentions, many believe that the EU's economic union privileged the economies of its founding members more than Britain's, i.e. goods and agriculture exporting nations, whilst Britain is more focused on services.[63] Britain is well-positioned to obtain new areas of economic strength - data and technology whilst also improving existing ones such as finance and investment.[64] This is because it will no longer be constrained by the EU's suspicion of finance and data.[65] Spellar also suggests that GM crops are another area suited to regulatory changes, given that Britain was a "world leader" in improving plant productivity before the EU's ban on genome editing.[66]

Post-Brexit, Britain is still likely to continue to have a strong economy that will allow it to play the role of 'Global Britain', but Britain must minimise EU-UK trade frictions and make the most of Brexit's opportunities. Britain will also need to find a way to increase public/private investment in industry.

Military

The ability to play the role of 'Global Britain' will also depend on whether Britain has sufficient military capability to actively influence the security of the international system and operate in regions outside Europe. The security of several regions and the wider international system has been deteriorating in recent years. In Europe, regional security is challenged by an increasingly aggressive and revanchist Russia, which launched a full-scale invasion of Ukraine in 2022 and numerous cyber-attacks across Europe.[67] The French naval attaché in London, Capt. Julien de Saint-Quentin also added that since 2016, anti-submarine warfare has recommenced in the North Atlantic at levels not seen since the Cold War.[68] Chinese assertiveness and aggression is rising in the Indo-Pacific and according to the Australian defence official, the Indo-Pacific has changed more rapidly from a geostrategic perspective than most Western states would have identified.[69] De Saint-Quentin also added that there was a need for European states like Britain to step up, especially given that the US cannot be relied upon anymore given Trump's comments about NATO and the US allowing Kabul to fall to the Taliban.[70]

Britain has numerous military capabilities that would help it play a prominent role in international security. As de Saint-Quentin points out, Britain is "one of five nations that can strike anywhere in the world".[71] Indeed, Britain has rapidly deployable and well-trained armed forces with enough strategic airlift capabilities to conduct small and medium-scale operations.[72] Britain possesses carrier strike capability with two large aircraft carriers, a sizeable fleet of logistics and support vessels, and amphibious capability, which is currently being organised around two Littoral Response Groups (LRGs) - LRG North operating in the Euro-Atlantic region and LRG South, operating east of Suez.[73] Britain's global reach is further strengthened by 14 overseas territories and the second largest number of overseas military facilities after the US.[74] Britain being one of a handful of states with credible second-strike nuclear capability also arguably gives it enhanced security, room for manoeuvre and a more elevated position in international security.[75] Moreover, in intelligence - a critical facet of security - Britain is second only to the US in terms of western capability.[76] Britain's military capabilities are also backed by what the IISS describes as a "sophisticated defence industry" that is a "world leader in defence exports", albeit one that cannot meet all British requirements.[77]

Britain's global military reach is bolstered by its prominent position in international security and its strong network of alliances. Britain is a veto-holding member of permanent five (P5) in the UN Security Council (UNSC), a member of NATO and the 5 Eyes alliance with the US, Canada, Australia and New Zealand, which Spellar describes as the "most significant intelligence relationship around the world".[78] Additionally, Britain leads the Joint Expeditionary Force (JEF), consisting of 10 Northern European states, giving Britain the opportunity of greater involvement in the Arctic and Baltic security.[79] In the Indo-Pacific, Britain is a member of the Five Powers Defense Agreement (FPDA) with Australia, Malaysia, Singapore and New Zealand and, more recently, the AUKUS security partnership with the US and Australia.[80] Britain also has several strong bilateral military alliances and partnerships that further amplifies its power with key countries such as Japan, France and the US, the latter with which is enjoys the 'special relationship' which was reaffirmed under US President, Joe Biden.[81] The 'special relationship' was also reinforced through the 'Atlantic Declaration' in June 2023, which is an economic partnership intended to enhance cooperation on emerging technologies, reduce strategic dependencies and foster greater economic and strategic cooperation.[82]

Britain's military capabilities and worldwide security partnerships have led to the armed forces being deployed globally in multiple continents. In April 2021, British forces were involved in 39 military operations in 46 states, on a range of different missions from airstrikes to humanitarian aid, training, and peacekeeping.[83]

In European security, Britain has been playing a leading role in militarily supporting Ukraine against Russia's invasion and was the first state to provide lethal weaponry during the current crisis.[84] Furthermore, the UK was the first state to commit to training Ukrainian pilots on western fighter planes and providing western main battle tanks to Ukraine.[85] Importantly, Britain then successfully persuaded its North American and European allies to shortly follow suit and do the same.[86] This showed evidence of Britain's credibility and influence in European security.

In the Asia-Pacific, Britain's "Indo-Pacific tilt" has been largely welcomed by regional actors.[87] Interviewed officials from Japan, Australia, Canada and New Zealand were all supportive of the move, and according to Kuok, Southeast Asian governments broadly welcomed it, believing that an increased British security presence would pay "a modest but significant role" in maintaining the balance of power and expanding the "region's strategic options".[88] This is important because British influence in this area would rely on coordination and partnerships with other states. Interviewed defence experts believed that the military commitment to regular deployments and permanently stationing a limited number of vessels in the area was significant, feasible and appropriate. It could also help Britain engage in defence diplomacy and convey a strategic message.[89]

Such a move is both in the national interest and helps tackle transitional issues. As Lord West, a former head of the Royal Navy and a former security minister, points out, the Indo-Pacific is important for world stability and is also generally a "growth area" critical to the global shipping industry, which Britain is deeply involved in.[90] This is in addition to historical links and commitments such as the FPDA.[91] Indo-Pacific officials also urged Britain to be involved "strategically" in order to maximise economic benefits and maintain military, commercial and historic ties with countries like India.[92]

Britain has shown some early success in its desire to play a role in Indo-Pacific Security, with the AUKUS partnership, which aims to cooperate on AI, cyber, quantum technology, undersea capabilities and hypersonic weapons.[93] Patalano argues that it is the "first significant proof of Britain's ability to convene partners" and favour action on matters of "critical geopolitical" importance.[94] Another success is the Reciprocal Access Agreement with Japan which is the most important Anglo-Japanese defence treaty since 1902 and gives both countries the ability to deploy forces in each other's countries.[95] Britain is the first European state to have such an agreement with Japan.[96]

Britain's armed forces also have several weaknesses and challenges that will need to be overcome for Britain to play the role of 'Global Britain'. Decades of consecutive rounds of defense cuts has weakened the British armed forces to the point where whilst it may have an impressive range of capabilities, those capabilities are too thinly spread. For instance, the navy had 39 surface combatants in 1994, but that number has declined to 19.[97] The 2021 integrated review partially alleviated the navy's low numbers by introducing Type 32 frigates, and whilst this and new investment into AI, space and cyber capabilities are promising, more cuts to capabilities such as a noticeable uncertainty over procurement numbers for F-35 fighter aircraft and the army being shrunk to 73 000 personnel is less so.[98] The falling numbers of fighter planes, troops and surface warships has brought the British Armed forces credibility and ability to launch large-scale conventional military operations into question. The Lord West believed that the military lacked sufficient numbers and capabilities to fulfil existing obligations and protect allies.[99] Similar concerns about cuts are raised by Mike Mullen, a former chairman of the US Joint Chiefs of Staff and the former Liberal Democrat defence spokesperson, Jamie Stone MP.[100] Defence spending has seen a small increase recently and Prime Minister Sunak has promised that it will move away from the NATO minimum spending of 2% of GDP to 2.5% but a timeline for this has not been announced. Whether this will be enough to achieve Britain's Global Britain ambitions from a military standpoint remains to be seen.

Britain has a strong military foundation that would help it play the role of 'Global Britain'; however, cuts to the armed forces bring the sustainability of this ambition into question. Serious investment will be required if Britain pursues the role of 'Global Britain' and effectively counter rising geopolitical challenges to the international order.

Diplomacy

Diplomatic power is particularly important for influencing major international developments in the context of globalisation and multilateralism. In addition to Britain's membership of the G7, G20 and its many previously mentioned alliances and security partnerships, there are several soft power and diplomatic assets that augment Britain's prominence and diplomatic power. Soft power is the ability to shape the preferences of other actors through persuasion and attraction rather than coercion and payment.[101] Britain's soft power assets range from the internationally renowned BBC World Service to the British Council, the latter of which promotes British education and the English language and builds soft power through fostering people-to-people relations.[102]

Furthermore, despite cuts, Britain is still one of the most generous international development spenders in the world and British legislation is often used as model legislation in many countries.[103] Additionally, Britain is aided by other attributes such as

the concentration of international media in London, English as the international language and Britain's zero-meridian time zone which maximises the ability for British actors to deal with both North America and the Far East in the same day.[104]

Britain's diplomatic prowess is evident in its successful activism in the UN and the wider international community. A New Zealand diplomat notes that Britain was "one of the most important pen holders of UN resolutions", often playing the most active role within the UN Security Council (UNSC).[105] In 2018, for example, Britain led the drafting and negotiations of a third of all UNSC agenda items.[106] Britain has also shown an ability to convene states to take concerted action to tackle transnational issues. In 2013, Britain launched an international campaign against sexual violence in conflict, which led to a G8 declaration that was consequently endorsed by two-thirds of the international community by 2013.[107]

There are however several challenges to British diplomatic power. All interviewees who offered an opinion on development budget cuts were highly critical of it. A UN development officer describes it as a "fairly disastrous public relations exercise" and explained that given the reduction in GDP and commitment to funding multilateral institutions, UK-badged aid was effectively halved.[108] Moreover, he adds that China successfully used the pandemic to bring much-needed aid in vaccines, thereby increasing its influence.[109]

Another challenge is that Brexit has reduced British influence over the EU and under current arrangements, Britain will not be part of the decision-making processes behind EU positions on things like climate, trade, UN and development. Smith for example claims that Britain largely wrote the EU's trade and development policies pre-Brexit.[110] Less influence over the EU also leads to less influence in the world. By being able to shape the EU from within, Britain was a useful partner to the US, for example.[111] Moreover, Britain can no longer rely on support from what is a "very effective European caucus" in the UN and this became evident when EU countries abstained in the 2017 Chagos vote in the UN General Assembly.[112] It is, however, important not to over-emphasise the amount of influence Britain had in the EU. Freedman argues that If Britain had stayed in the EU, it would have become "increasingly marginalised" because it was not part of the "main European project", the Eurozone and because Britain diverged from its partners on matters of integration.[113] Moreover, the EU is often divided on foreign policy matters and European influence has often relied on cooperation amongst individual states such as when Britain, France and Germany came together as the E3 to preserve the Iran deal.[114]

There are, however, opportunities that arise out of Brexit. Brexit, for example, has forced Britain to make more of an international effort.[115] This can be seen in the Indo-Pacific tilt and developments such as increased engagement with ASEAN and becoming an ASEAN Dialogue partner in 2021.[116] Whilst Britain may not have as much clout as a *united* EU position given that the EU is also a dialogue partner, Britain can be more active and nimble, not having to rely on time-consuming consultation with the EU. The Indonesian diplomat also pointed out that dealing with a single country is easier than a group of countries.[117] Another example is Britain's agreement to join the CPTPP which although is limited (for now) in terms of economic gains, helps Britain shape future developments of the bloc, deepen ties with member states and influence the global trade architecture.[118] Brexit has also brought an opportunity to improve ties with Canada, Australia and New

Zealand. The interviewed officials and individuals from these countries either hoped or believed that Brexit would improve bilateral ties. An Australian government official, for example, mentioned that Canada, Australia, and New Zealand were disadvantaged when Britain was in the EU.[119] Britain has a lot of diplomatic power but will need to minimise its post-Brexit loss of influence in Europe and maximise its influence elsewhere for 'Global Britain' to be successful.

National cohesion and willpower

For the role of 'Global Britain' to be sustainable, there needs to be a level of national cohesion and sufficient willpower to see it through. There are several challenges in this regard that threaten the ability of Britain to play this role. One is the prospect of constituent nations such as Northern Ireland and Scotland leaving the union. Both make up over 10% of Britain's population and GDP and over a third of its landmass.[120] Their loss would impact Britain's influence, identity and international standing. Tobias Ellwood (Former Commons Defence Committee Chair) argues that the inability to keep its own home nations together would be a knock to Britain's reputation.[121]

Some argue that Scotland is more likely to leave after Brexit; however, analysis of polls by the Institute for Government showed that Brexit did not appear to increase support for independence and that support for independence may be past its peak.[122] Many interviewees doubt the prospects of Scottish independence, as it could be quite damaging economically. Purvis, for instance, points out that Scotland is even more economically integrated into the union than Britain was into the EU, and thus the economic fallout would be larger.[123] However, economic reasons alone are insufficient to guarantee the unity of the state, and national identity should not be neglected. As Professor Sir John Curtice points out, the emotional pull of the union was important in the 2014 independence referendum as 20% of those who voted against independence thought that Scotland would have been better off independent, according to polls.[124] Given this, it is problematic that polling by YouGov showed that patriotism decreased with every generation in Britain whilst the British identity has appeared to have eroded with a stronger Scottish identity emerging over the last few decades.[125]

The prospect of Northern Ireland leaving the union, on the other hand, is a potentially more likely outcome due to Brexit. This is because an internal trade border has been implemented within the British state, with Northern Ireland being kept within the EU's common market under the Northern Ireland Protocol and the subsequent Windsor Framework.[126] As *The Economist* argues, even if Northern Irish firms are given unhampered trade access to mainland Britain, trade in the other direction would be.[127] The consequence of this is that Northern Ireland would grow further from the rest of Britain whilst growing closer to Ireland. Demographic changes add further pressure. Additionally, the Catholic population in Northern Ireland was expected to have reached parity with the Protestant population in 2021.[128] However, as a 2019 survey shows, whilst 95% of Protestants are unionist, only 54% of Catholics supported Irish unity, which means that Northern Ireland leaving may not be likely, for now, but is nevertheless a risk in the future.[129]

Another important aspect is political and bureaucratic willpower. Bipartisan support is critical to the sustainability of 'Global Britain'. As West (a former Labour minister) points out, the Labour Party has become more supportive towards 'Global Britain' since the

former leader, Jeremy Corbyn, departed and is for example concerned that the government is not spending enough on sovereign defence capability in some areas.[130] Moreover, the Labour Party supports increasing spending on development and diplomatic capability and tabled a motion in the Commons calling on the government to reverse cuts to the size of the military.[131] Additionally, Shadow foreign secretary David Lammy has stated that a Labour government would increase the number of economic attaches in key locations such as Brazil and India, showing a desire to be globally engaged. Therefore, a future Labour government may commit to 'Global Britain' (perhaps under a different name), particularly if it is successful.[132] This is, however, not guaranteed, especially if there is a change in leadership.

Some interviewees were concerned about a lack of strategic thinking in the government and civil service. Ellwood, for instance, believes that Britain is "lacking the bandwidth" at the moment to play a more constructive and assertive role internationally, "with any sense of vigour".[133] Sir Bernard Jenkin MP (chair of the Commons Liaison Committee) similarly suggests that "the biggest challenge we've got is the lack of strategic capability in government to think about how we enlarge our power".[134] He adds that this would also require the civil service to step up to the task by changing its culture, thinking out of the box more often and making sure that such opportunities do not go missed.[135]

Recommendations

Economics and trade

Britain should minimise EU-UK trade friction by establishing closer coordination on certain matters of industry, regulations and trade. Purvis recommends that the mechanisms in the EU-UK Trade and Cooperation Agreement are expanded as much as possible.[136] Indeed, Britain should establish formal regulatory coordination mechanisms wherever it can with the EU. It would also be in Britain's interests to maintain a similar regulatory framework to the EU in certain major manufacturing sectors such as aircraft and car production and ensure fast-tracking of such industries through customs.[137] Friendlier rhetoric towards the EU and efforts to build trust with them would enable more formal joint mechanisms to be implemented.[138] This would help protect Britain's manufacturing sector and keep it a contender for European hubs and investment.

Britain should however ensure freedom to diverge in specific areas such as AI, finance, and data where it would benefit from divergence or aligning itself with the regulations of another partner like in North America. Even then, as Niblett notes, Britain will not want to diverge from the EU to the extent it gets excluded from the European market.[139]

Regulatory divergence could also help boost Britain's low R&D spending. So too would a well-coordinated approach with the private sector to develop industry given that it provides 55% of British R&D spending).[140] To develop industry, the government could consider some of the recommendations made by Make UK, an organisation representing British manufacturers that has called for a long-term whole-of-government industrial strategy with a cross-party consensus. The organisation believes that a Royal Commission should be set up to determine the priorities, targets and a cross-party consensus for such a strategy. They also want the government to re-establish the Industrial Strategy Council and give it a mandate to monitor and evaluate policy implementation whilst also advising the Cabinet Office on how policy could be improved.

Finally, proactively striking trade deals, openness to immigration and supporting strong manufacturers would help build growth and a more balanced economy.

Military

To make 'Global Britain' sustainable in the long term, there will need to be an increase in resources for the armed forces. Another round of cuts may be the straw that breaks the camel's back in an overstretched military. Jenkin believes that greater investment is also needed in the wider defence industry which due to increasing crossover with civilian industries should also benefit the latter.[141]

Public and bipartisan support is needed to make a long-term increase in defence resources feasible. Engaging with the public to win such support and increase understanding of defence issues should be seen as a matter of national interest. The senior Australian defence official mentioned that after a long time of engagement with the Australian population with, for and by the military, the population is broadly supportive of investment in the armed forces.[142] In his view, the military's work in terms of natural disasters and the need for defence resulting from the "speed of geostrategic change" resonates well with the public in Australia.[143] James noted that there had been an obfuscation of military operations and thus a lack of interest and knowledge in security and defence matters in society that, in time, would lead to more cuts.[144] Jenkin argues that a solution to this issue is to have "hard engagement" with the public on several important topics, including defence and issues such as global warming and biodiversity.[145] He believes that the pandemic proved that the public is far more interested in hard data and expert opinion than was previously thought and that the daily press conferences with data and "difficult arguments" could be learned from.[146] This is achievable especially given Russia's invasion of Ukraine has led to a majority of the public supporting increasing defence spending to 2.5% of GDP. Additionally, there has been consistent support from the British public for sending armaments to Ukraine (the highest amongst the 12 NATO countries surveyed by Ipsos in 2023).[147]

Britain should also continue to deepen existing alliances and security partnerships and create new ones. Such measures could also help secure more strategic independence from the US and give Britain more options whilst acting as a force multiplier for its capabilities. For instance, the FPDA could be revitalised. Hemmings believes that developments in Malaysian politics made them more open to the idea and the then Malaysian defence minister in 2021 reaffirmed the importance of the FPDA to face security challenges in the future.[148] Another area for engagement is India, which has been closening its security ties with key British allies and partners such as France and Japan.[149] France and India have exchanged mutual access to naval bases, which Hemmings believes Britain could attempt to replicate in the form of trilateral maritime cooperation.[150] This would also build on existing Anglo-Indian cooperation on counter-terrorism and cyber-security.[151] Sharing logistics facilities would help mundane but important activities such as crew rotations and maintenance.[152] Anglo-French security ties could be deepened through a framework to ensure that there was always at least one British or French carrier, east of Suez at all times, which according to de Saint-Quentin, would send a powerful strategic message.[153]

Britain should improve coordination between the Royal and Merchant navies by setting up an inter-ministerial cell to coordinate all things maritime and naval, based on the

French Model, which is headed by the General Secretariat of the Sea operating under the French prime minister.[154] This could, for example, facilitate a transfer of white shipping data (commercial intelligence) from merchant ships to the navy.[155] Such data could include suspicious sightings and activity like, for example, particular ships that prevent their location from being transmitted when near conflict zones, suggesting that they may be involved in weapons trafficking.[156] Given that London is a maritime hub, de Saint-Quentin agrees that Britain would also then be best-placed to create a global maritime infusion cell, sharing commercial intelligence and working with countries with similar cells, such as France, Singapore, India and Madagascar.[157] This initiative would improve Britain's intelligence capabilities and its ability to reinforce international security.

Diplomacy

Britain will need to take several measures to safeguard and expand its diplomatic power, particularly due to Brexit but also to reduce reliance on the US and be better able to respond to the rising global challenges. This includes a need to increase engagement and coordination with the EU and European actors in general. As Wallace asserts, Britain's 'Global Britain' ambitions appear to lack a European policy which is a critical flaw given Britain is in Europe and the continent shares many commonalities in its international perspective.[158] As Lord Alton (former crossbench member of the Lords International Relations and Defence Committee) points out, some challenges, such as the migration crisis, need to be addressed collectively.[159] From former Liberal Democrat leader, Menzies Campbell to Alexander to Ellwood, many interviewees stressed the importance of mending bridges and strengthening cooperation with Europe.[160] There are various ways to do this - multilaterally, minilaterally and bilaterally, formally and informally.

Britain must establish a formal framework for cooperation with the EU on foreign and security policy (including rejoining organisations like Europol and Eurojust). Doing so would increase British influence within the EU and on the international stage but would require a new formally agreed treaty. Cooperation in foreign and security policy could be augmented by the creation of Ad-hoc UK-EU committees on specific issues.

Britain would also benefit through pursuing informal relationships that strengthen people-to-people links. An example of this is the annual Königswinter Conference between British and German politicians. Such relationships help forge stronger bonds and mutual understanding.[161] Britain could try to increase coordination with minilateral frameworks. The E3 is one framework however a French diplomat believed that it was good for specific issues but that the range of issues suited to it was "relatively limited".[162] This could be because France and Germany may not want to appear to undermine EU solidarity by working with Britain through the E3.[163] Another option is working though the European Intervention Initiative (E12), a framework for security cooperation.[164] Britain could also strengthen ties with the JEF countries of northern Europe where Britain already has some influence.[165] Several interviewees also stressed the need to improve bilateral ties with European states.

In addition to minimising losses of influence over the EU, Britain should seek to strengthen engagement elsewhere. The D10 (which consists of the G7 along with India, Australia, and South Korea) is a framework that Ellwood believes should be strengthened, arguing that the grouping accounts for over half of the world's GDP, allowing them to work together to set global standards.[166] Britain should also continue

to bolster ties with the Indo-Pacific. A diplomat for example, said that there was a feeling amongst ASEAN diplomatic circles that Britain should allocate more human resources to deal with ASEAN.[167] Given ASEAN's importance strategically and economically, Britain should do so. Britain should also not forget Latin America, which it tends to neglect perhaps due to a lack of historic and linguistic links. While it may not be the most important region for Britain, it is still home to many emerging markets and democracies that could become important trading and security partners in the future.[168]

Another opportunity lies in a potential multilateral agreement between the CANZUK states (Canada, Australia, New Zealand, and the UK) which would further improve diplomatic standing and strategic flexibility whilst complementing frameworks such as 5 eyes. These countries that share many commonalities, such as language, culture, legal system, and level of development, could form a freedom of movement and labour agreement as well as foreign policy and defence cooperation.[169] Together these countries would have the third-largest military budget after the US and China and the fourth-largest economy in the world after the US, China and the EU.[170] As the academic Andrew Roberts argues, if the CANZUK countries were to strengthen their ties and coordination at a multilateral level, they would be better placed to help the US and other allies such as Japan defend and uphold the international order.[171] The Australian government official, whilst noting that some aspects such as free movement could be in mutual interests, questioned if creating a "caucasian subgroup" was in the interests of these countries.[172] However, the CANZUK countries are all increasingly multi-racial, more so than many EU countries, and similar accusations can be levelled at the EU.

Support for CANZUK has increased "considerably" since 2015 and a 2018 poll showed that majorities of at least two-thirds in each of the four states favoured freedom of movement between the four countries.[173] Most interviewed politicians were in favour of the initiative and polling in 2021 suggested that large majorities of British MPs supported free movement and trade under a CANZUK agreement.[174] There is potential for a multilateral agreement on at least free movement and trade for the time being but there are certain challenges, such as the Liberal Party of Canada's silence on the issue.[175]

Britain could also seek to work with partners through the Commonwealth to advance transnational issues like climate action and development. All the Commonwealth individuals who were interviewed were supportive of the Commonwealth and its capacity to advance positive change. Commonalities such as language and legal systems provide opportunities to assist in development. Andrew Scheer (former Canadian Conservative Party leader) says that when he was speaker of the Canadian House of Commons, he saw "first hand" the work of the Commonwealth Parliamentary Association in helping train speakers and clerks from developing countries and improve access to information and accountability regimes.[176] The Commonwealth conducts a lot of work on transnational issues from climate change to gender equality and has the advantage of being a consensus-based body that could draw on the experiences of states from different regions and the expertise of both developed and developing countries.[177] A Commonwealth Official mentioned that the Commonwealth, for instance, did a lot of preventative work to combat violent extremism, which has been quite successful in local measures, from helping to improve community policing in Tanzania to fostering interfaith dialogue and mediation.[178] Purvis notes that the Commonwealth could play a role in shaping the WTO and positions in the UN.[179] The Commonwealth, for instance, has

a large proportion of the world's most climate-vulnerable nations as well as poverty, meaning that a Commonwealth consensus-based agenda for tackling climate change and poverty could be very successful in tackling sustainable development goals.[180] Additionally, he points out that British legislation is often used as model legislation internationally, and Britain has an "enormous opportunity" to help create regulatory frameworks for emerging areas such as E-commerce and AI.[181] Indeed, legislative drafting is often resource-intensive and challenging for developing countries, and the Commonwealth in the past developed a model law for cybercrime.[182]

Britain should also find ways to increase its soft power. For reasons mentioned in the previous chapter, Britain should put aid spending back to 0.7% of GDP. There are additional measures that Britain could take on this front. The UN development officer suggested that if Britain did more work in terms of improving the capacity of civil services and thus their self-reliance in developing countries rather than more work with NGOs, the development efforts would not only be more effective, but Britain would gain more influence with governments as it works more directly with them and gains their buy-in.[183] A further recommendation is that Britain follows the example of some Scandinavian countries and funds UN internships, volunteer placements and junior professional officers.[184] By doing so, more Britons will rise up the ranks of the UN system, and British values will be better represented.[185]

National cohesion and willpower

National cohesion can be improved in several ways such as competent domestic governance and improving UK-EU relations. If the latter is done successfully, Britain may be able to obtain more good faith from the EU and potentially get rid of all borders and barriers within the British and Irish Isles once again. This will be difficult as the EU will not want Northern Ireland to operate as a backdoor into its market.

Britain could also introduce more constitutional safeguards against secession, such as the requirement of supermajorities in referendums or double referendums for secession to be considered. Any safeguards would need to make exceptions to Northern Ireland, which is governed by the Belfast Agreement. In the event of a referendum, the government will also need to make it clear what independence would look like and its consequences. Such clarity was lacking during the Brexit referendum.[186] Additionally, national cohesion could be increased if civic British national pride and identity was strengthened across the union in a way that appeals to Britons of all ethnicities and ages.

Willpower on the international stage could also be improved by expanding strategic thinking, bandwidth, and culture in government. This should also include initiatives to develop the civil service's ability to do this. Jenkin asserts that this is "an absolute top priority".[187] Willpower would also be further improved by implementing the strategies of 'hard engagement' previously suggested across a broader set of transnational and external issues relevant to 'Global Britain'. Public backing would in turn manifest itself in more political willpower.

Conclusion

In conclusion, 'Global Britain' is a realistic role, but shortcomings must be addressed to make sure it can be executed successfully, in a sustainable manner. As shown, Britain has a solid economic foundation, a relatively powerful military with global reach and an

extensive amount of diplomatic power. These attributes give Britain the potential to play the role of 'Global Britain', i.e. a system-level power and a crucial ally in defending and influencing the international order and global power structure, with the capability to operate in more than one region and shape international developments. However, to realise this potential and ensure its sustainability, Britain will need to proactively increase resources in certain areas, minimise the negative consequences of Brexit, and exploit opportunities whilst improving national cohesion and willpower. As Menon argues, the more Britain works with others, and the more it invests in resources (such as a stronger military or more development aid), the more influence it will have.[188]

In terms of economics and trade, Britain should invest more in R&D, reduce trade friction with the EU in crucial areas, and take advantage of the opportunities of regulatory divergence from the EU in other areas. The military needs more resources, and Britain will need to engage with the public to build public and non-partisan political support for it. Britain should also forge new and strengthen existing security partnerships. Diplomatically, Britain should ensure it maintains a close relationship with Europe, including through a formal framework for cooperation with the EU on foreign and security policy. It should also take advantage of opportunities such as closer ties and cooperation elsewhere, such as in the Indo-Pacific and with CANZUK, the D10 and the Commonwealth. This would give Britain greater strategic flexibility, diplomatic options, and influence. Finally, Britain will need to implement measures to improve its resolve to make 'Global Britain' sustainable in the long term; these would range from constitutional safeguards to 'hard engagement' and fostering civic national pride.

Considering both Brexit and systemic challenges to the international order, it is arguably imperative that Britain invests in its capabilities to play the role of 'Global Britain' safeguarding its own future and that of the international order alongside allies. The ball is in the government's court.

Notes

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[6] Alyn Smith, interview with author, 14 July 2021.
[7] Robin Niblett, interview with author, 6 August 2021..
[8] Robin Teverson, interview with author, 5 August 2021.
[9] Tobias Ellwood, interview with author, 3 August 2021.
[10] Claudia Webbe, interview with author, 1 September 2021.
[11] Senior Australian Defence Official, interview with author, 23 August 2021.
[12] Ibid.

[13] Ellwood, interview; Bob Seely, interview with author, 19 July 2021; William Wallace, interview with author, 3 August 2021.
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[17] Ibid.
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[19] Ibid.
[20] Ibid., 69-70
[21] Ibid.
[22] Ibid., 70.
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Diplomat from an ASEAN member state, interview with author, September 2021.

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French Diplomat, interview with author, 1 October 2021.

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New Zealand Diplomat, interview with author, 31 August 2021.

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Purvis, Jeremy, interview with author, 12 August 2021.

de Saint-Quentin, Julien Lalanne, interview with author, 14 September 2021.

Scheer, Andrew, interview with author, 8 October 2021.

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Teverson, Robin, interview with author, 5 August 2021.

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Wallace, William, interview with author, 3 August 2021.

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Appendix – List of Interviewees

Serving British politicians (Members of the Houses of Parliament)

Alyn Smith MP (Scottish Nationalist Party)
- SNP Europe and EU Accession Spokesperson
- SNP Foreign Affairs Spokesperson (January 2020 - December 2022)
- Former Member of European Parliament (MEP) (June 2004 - December 2019)

Bob Seely MP (Conservative)
- Member of Foreign Affairs Committee, House of Commons
- Co-author of Henry Jackson Society report, *Global Britain: A Twenty-First Century Vision*
- Parliamentary Private Secretary to the Department for Environment, Food and Rural Affairs (January - July 2019)
- British Army Officer

Baroness Blackstone (Labour)
- Member of International Relations and Defence Committee, House of Lords (July 2019 to January 2023)
- Co-chair of the Franco-British Council
- Minister of State for the Arts (June 2001 - June 2003)
- Minister of State for Education and Employment (May 1997- June 2001)
- Opposition Foreign Affairs Spokesperson, House of Lords (1992-1997)
- Former Academic

Bernard Jenkin MP (Conservative)
- Chair of the Liaison Committee, House of Commons
- Former chair of the Public Administration and Constitutional Affairs Select Committee (June 2010 - January 2020)
- Former Shadow Secretary of State for the Regions
- Former Shadow Secretary of State for Defence (September 2001 - November 2003)

Claudia Webbe MP (Independent)
- Member of Foreign Affairs Committee, House of Commons (May 2020 - January 2022)

John Spellar MP (Labour)
- Member of the Defence Committee, House of Commons
- Former Shadow Minister for Foreign and Commonwealth Affairs (October 2010 - September 2015)
- Member of Joint Committee on the Fixed-Term Parliaments Act
- Former Minister of State for Northern Ireland (June 2003 - May 2005)
- Former Minister of State for Transport (June 2001 - June 2003)
- Minister of State for the Armed Forces (July 1999 - June 2001)
- Parliamentary Under-Secretary of State for Defence (May 1997 - July 1999)

Jamie Stone MP (Liberal Democrats)
- Liberal Democrat Spokesperson for Digital, Culture, Media and Sport
- Liberal Democrat Spokesperson for Defence (October 2017 - July 2022)
- Former Member of Scottish Parliament (MSP) (May 1999 - March 2011)

*In both the appendix and bibliography, interviews cannot be referenced fully to protect anonymity. Location has been removed as standard due to requests to do so by interviewees. Some individual interviewees have their precise date of interview redacted at their request.

Baroness Northover (Liberal Democrats)
- Liberal Democrat Spokesperson for Foreign Affairs, House of Lords (October 2016 - October 2021)
- Parliamentary Under-Secretary of State for International Development (Minister for Africa) (November 2014 - May 2015)
- Government International Development Spokesperson, House of Lords (2011-2014)
- Government Whip, House of Lords (May 2010 - November 2014)
- Former Academic

Lord Wallace (Liberal Democrats)
- Former Liberal Democrat Spokesperson for Foreign Affairs and Defence
- Former Deputy Director of Chatham House (1978-1990)
- Holder of several other posts in the House of Lords and Liberal Democrats
- Former Academic

Tobias Ellwood MP (Conservative)
- Chair of the Defence Committee, House of Commons (January 2020 - September 2023)
- Former minister in the Ministry of Defence (Parliamentary Under-Secretary of State for Defence People and Veterans) (June 2017 - July 2019)
- British Army Officer (reserve)

Lord Alton (Cross Bench)
- Member of Joint Committee on Human Rights
- Member of International Relations and Defence Committee, House of Lords (July 2019 - January 2023)
- Liberal Democrat MP (March 1979 - April 1997)
- Liberal Chief Whip 1985 - June 1987
- Former Academic

Lord Teverson (Liberal Democrats)
- Member of International Relations and Defence Committee, House of Lords
- Member of European Union Committee, House of Lords
- Chair of EU Environment Sub-committee, House of Lords
- MEP (June 1994 - June 1999)

Lord Purvis (Liberal Democrats)
- Liberal Democrat Spokesperson for Foreign Affairs, International Trade and Development, House of Lords
- MSP (May 2003 - March 2011)

Lord Campbell (Liberal Democrats)
- Former MP and Leader of the Liberal Democrats (March 2006 - October 2007)
- Former Liberal Democrat Spokesperson for Defence (October 2017 - August 2019)
- Former Liberal Democrat Spokesperson for Foreign Affairs (May 1992 - January 2006)

Lord West (Labour)
- First Sea Lord and Chief of the Naval Staff (September 2002 - February 2006)
- Parliamentary Under-Secretary of State for Security and Counter-Terrorism (June 2007 - May 2010)

Former Politicians
Douglas Alexander (Labour)
- Shadow Secretary of State for Foreign and Commonwealth Affairs (January 2011 - May 2015)
- Secretary of State for International Development (June 2007 - May 2010)
- Secretary of State for Scotland (May 2006 - June 2007)
- Minister of State for Europe (May 2005 - May 2006)
- Minister of State for Trade (September 2004 - May 2005)
- Several other Ministerial and Shadow Ministerial posts
- Academic

Economists
David Henig
- Director of the UK Trade Policy Project
- Leading UK Trade Policy expert

Julian Jessop
- 'Brexit Optimist' Economist

Foreign and Commonwealth Politicians
Andrew Scheer (Canadian Conservative Party)
- Former leader of the Canadian Conservative Party and the official opposition (May 2017 - August 2020)
- Former Speaker of the Canadian House of Commons

Foreign and Commonwealth Military and Government Officials
An Australian Government Official

A Canadian Defence Diplomat

A Senior Australian Defence Official

A Senior Australian Naval Officer

Captain Julien Lalanne de Saint-Quentin
- French Naval attaché in London
- Lecturer at Sciences Po
- Interviewed the day before AUKUS was revealed.

Foreign and Commonwealth Diplomats
A Diplomat from an ASEAN member state

A French Diplomat
- Interviewed after AUKUS was revealed.

An Indonesian Diplomat

A Japanese Diplomat

A New Zealand Diplomat

Other Officials

A United Nations Development Officer
- From Britain

A Commonwealth Official

Think Tank Officials

James Skinner
- Founder and Chief Executive of CANZUK International

Professor Malcolm Chalmers
- Deputy Director-General of the Royal United Services Institute (RUSI)
- Adviser to Parliament's Joint Committee on the National Security Strategy
- Former Senior Special Adviser to former Foreign Secretaries Jack Straw and Margaret Beckett

Nick Childs
- Senior Fellow for Naval Forces and Maritime Security at The International Institute for Strategic Studies (IISS)
- Former BBC World Affairs Correspondent (2011 - 2015)
- Former BBC Defence and Security Correspondent (2009 - 2011)
- Former BBC Political Correspondent (2008 -2009)
- Former BBC Pentagon Correspondent (2002 - 2005)

Dr Robin Niblett
- Former Director and Chief Executive of Chatham House (the Royal Institute of International Affairs) (2007 - 2022)
- Co-Chair of the World Economic Forum's Global Futures Council on Geopolitics.
- Former Chair of the Experts Group for the 2014 NATO Summit
- Former Vice President and Chief Operating Officer of Center for Strategic and International Studies (CSIS)

Academics

Professor Anand Menon
- Professor of European Politics and Foreign Affairs at King's College London
- Director of UK in a Changing Europe initiative

Professor Beatrice Heuser
- Professor of International Relations, University of Glasgow

An Analysis of Russian Foreign Policy in the South Caucasus

Anezka Ferreira

Abstract

This article will examine Russian foreign policy interests in the South Caucasus. More specifically, the article will demonstrate that Russia has vital strategic and economic concerns in the South Caucasus that are integral to its foreign policy. While it is tempting to assume that Russian actions advocate another Cold War threat, this article does not imply that. On the contrary, there remain multiple avenues for cooperation; however, as it will be demonstrated, the difference in approach to international affairs creates friction. Furthermore, Russia and the South Caucasus have shared a long and chequered history, and hence, it is important to narrow down the timeline. This article will thus analyse Russian interests in the South Caucasus under Vladimir Putin and use a realist lens to analyse Russian foreign policy. Russian leaders and policymakers characterize Russian foreign policy as focused on Russia's desire to increase its global influence and continue its recent economic growth. In pursuit of these goals, it has relied on various instruments. Through the examples of the Russo-Georgian War of 2008, the Russian balancing of Armenia and Azerbaijan, Russia's use of peacekeepers as occupiers and its hostility to the diversification of energy transport lines, the article will contribute to elucidating how an ingrained insecure mindset drives Russian foreign policy.

Introduction

Russia's priority has been restoring its influence on the world stage since the fall of the Soviet Union. Russia has pursued an assertive foreign policy in the Caucasus since Vladimir Putin's rise to power. The state's policies are consistent with its historical traditions, which portray the region as an inalienable and integral part of the history of Russia as well as its contemporary geostrategic interests. Russian leaders and policymakers characterize Russian foreign policy as focused on Russia's desire to increase its global influence and continue its recent economic growth. To achieve this, it has relied on various instruments —diplomacy, military force, and economic coercion— in pursuit of these goals. This article aims to analyse Russian foreign policy in the Caucasus. By examining the Russo-Georgian war of 2008, Russia's use of peacekeepers as occupiers in the region, the Russian balancing of Armenia and Azerbaijan, and Russian hostility to the diversification of energy pipelines, it will show that Russian foreign policy has followed a consistent pathway aimed at maintaining influence over the region to protect its state interests and security. Thus, it will conclude by reiterating that the Russian security mindset drives Russian foreign policy in the South Caucasus.

While it is tempting to assume that the Russian mindset and security dilemma advocate another Cold War threat, this article does not imply that. On the contrary, there remain multiple avenues for cooperation; however, the difference in approach to international affairs creates friction. Secondly, it is necessary to note that Russia and the South Caucasus have shared a long and chequered history, and hence, it is important to narrow down the timeline. Thus, this article will analyse Russian foreign policy in the South Caucasus under Vladimir Putin. Lastly, while there are remain a plethora of lenses through which one can analyse foreign policy, this article will adopt a Realist lens to analyse Russian state interests in the South Caucasus.

Theoretical Framework

Scholars and academics have relied on various theories to explain Russian foreign policy. However, the theory of Realism is best suited to explain Russian foreign policy, as Russia has continued to perceive international affairs in terms of great power dynamics where states compete to be more powerful and influential.[1] Realist theories argue that a state's objective is to be powerful and secure its national interests. However, the anarchical constraints of the system increase tensions between states which remain suspicious of one another. Hence, each state aims to increase its power and security at the expense of the other.[2] To do this, a state must build up its military and economic capacities to compete for the natural and material resources required to support long-term growth. These resources are often obtained by controlling land and, as a result, territorial expansion is a significant factor in great power competition.[3] Therefore, states act in a manner that optimises their power and ensures their survival. The build-up of military and economic capabilities creates a security dilemma where one state interprets the action of the other as aggressive and threatening, even if these actions were conceptualised as defensive by their perpetrator. The threat is driven not only by military and economic potential but also geography and perceptions of aggressive intentions.[4] States adopt balancing strategies against perceived threats.

When the Soviet Union collapsed, the Russian Federation remained a shadow of its Soviet self. The country's frontiers were pushed back further than they had been since the 17th century. Therefore, the aspiration for dominance over the "near abroad" comes from the claim that Russia has special rights and duties in this region, and Russian policy in the Caucasus is a manifestation of Russia's perspective on the region as a whole.[5] In a speech at the Commission on Security and Cooperation in Europe in 1992, the Russian Minister for Foreign Affairs, Kozyrev, stated that "former Soviet republics are in effect a post-imperial space where Russia has to defend its interests by all available means."[6] Thus, the South Caucasus is vital to Russian security as a buffer between itself and external threats.

For the Russian elite, Russia had been wronged. During the 1990s, the Yeltsin government attempted to work together with the West to build a common peace. However, the unsuccessful process of privatisation, corruption, and the worsening Chechen crisis raised questions about the viability of the Western liberal democratic trend. This resulted in calls in Russian political circles for Russia's return to previous ideologies of centralization and a balance of power via the West.[7] Consequently, by 1992, there was a growing consensus that Russian foreign policy had to be more assertive and that every republic of the former Soviet Union should be a part of the Commonwealth of Independent States (CIS) – a regional organisation that would strengthen Russian security and stability.

Moreover, Russia formed the Collective Security Treaty Organisation (CSTO) as a counterweight to the North Atlantic Treaty Organisation (NATO) to retain control and influence over its *near abroad* region.[8] Russia's attempt to create new alliances and institutions during this period can arguably be explained as an attempt to protect its interests in a new world order where it was no longer a great power, but struggled on the edges of Europe with the continuous existence of NATO, a Cold War alliance. Hence, Fawn argues that Russia's assertive foreign policy was a result of the continued existence of NATO, a military alliance that should have been disbanded after the Cold War.[9] Thus, even if Putin once talked about joining NATO, he later rejected the idea because it would limit

Russia's sovereignty and freedom of decision-making.[10] The very existence of NATO and its continuous eastward expansion, including countries that formerly belonged to the Warsaw Pact, has forced Russia to perceive it as a threat to its interests. This was especially true as the United States National Security Strategy argued for the full integration of certain areas of the CIS in Western economic and political structures.[11] Furthermore, the European Union (EU) continued to extend EU membership to post-Soviet republics, thus heightening Russian anxieties[12] to the extent that many perceived Azerbaijan and Georgia as Western strongholds in the region.[13] Therefore, any challenge to Moscow's control over the region is perceived in a hostile manner that highlights Moscow's insecure mindset regarding geostrategic interest. Nowhere is this clearer than in the South Caucasus.

Russian Foreign Policy and the Caucasus

Historically, the South Caucasus has been a part of Russia's empire and was consequently seen as a natural ally, crucial to Russian security and economic interest – particularly as the region proved to be a buffer zone between Russia and invading empires, as observed in the images below. The first image depicts changing Russia's borders over time, while the second shows a geographic map that depicts the lack of natural borders. Russian history runs rife with examples of invasions from Western actors/powers – the Poles in 1605, the Swedes in 1707, Napoleon in 1812, and the Germans in 1914 and 1945.[14] While many of these invasions failed to reach Moscow due to insufficient supply lines, the threat of invasion is enough to make Moscow nervous, especially in the post-Cold War world. Without defensible frontiers, Russia fell back on the establishment of buffer zones between itself and its rivals.[15] Thus, Russian attempts to occupy its surrounding territories and use them as cannon fodder comes from an ingrained fear of invasions and the lack of natural defences.[16] While its proximity to the North Caucasus within Russian borders, and its access to the Caspian Sea resources make the South Caucasus indispensable to Russian foreign policy interests, influence over the region is integral due to its geographical position as a strategic buffer between Russia and its neighbours.[17]

Image 1: European Borders - https://aratta.wordpress.com/2014/06/08/european-borders-cange/

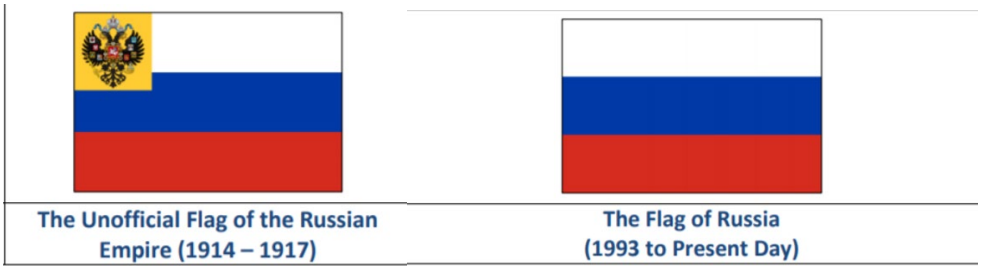


Image 2: European Geopolitics - https://eurasiangeopolitics.com/south-caucasus-maps/



Under Putin rebuilding the political, strategic, and economic foundations of the Russian state and re-establishing Russia's place as a great power has become an overarching objective of Russian foreign policy. Putin expressed his belief in the greatness of Russia, saying that Russia was and will remain a great power, preconditioned by the inseparable characteristics of its geopolitical, economic and cultural existence.[18] Furthermore, he boasted at the G-8 Summit in 2004 that, "Russia is one of the world's biggest nuclear powers" emphasising that efforts to resolve issues like non-proliferation would not be serious without Russian participation.[19] Thus, he adopts a more assertive foreign policy to establish Russia's interests on the world stage. One can argue that while Putin does not advocate a return to the Soviet era, he has expressed nostalgia for it and its values. Hence, Russia has come to resemble an empire that has become a confident international actor, conscious of its historic identity as seen through its school curriculum, the newly refurbished museums, and even the flag of the Russian Federation, which was the flag of the Tsarist empire until 1917.[20]

Image 3: Flagmakers - **https://flagmakers.co.uk/media/2mgmgfpy/flag-of-russia-a-brief-history-download.pdf**



Most scholars agree that Moscow fears the loss of its strategic territory, primarily due to external actors infringing upon its area of privileged interest. Having ruled over the geographic space for more than 200 years, Moscow has had difficulty acknowledging the states' sovereignty in domestic and foreign affairs for historic and security reasons.

Hence, from Putin's perspective the CIS countries belong to Russia's strategic sphere of influence, with which it has centuries long historical, cultural, and economic ties.[21] The map of the CIS demonstrates what Russia perceives as its "sphere of influence" or rather a region of "privileged interest," and hence any intervention in the region would be considered and perceived as interference by Moscow.

Image 4: CIS Map https://cis.minsk.by/map



Considering recent events in Ukraine, it is necessary to understand the importance that the South Caucasus plays in Russian foreign policy. Putin's administration has emphasised that the Caucuses have been – and will continue to be – among its most vital interests. Russia will do everything in its power to maximize its geopolitical position and build upon historical and cultural connections in that region. Russia sees the expansion of foreign powers such as NATO, the EU, Turkey, and Iran as a threat to its security interests in the Caucasus as it brought to the forefront Russian fears of encirclement and therefore the imperative need to secure control over its neighbouring states. Hence, reflecting on the August War of 2008, Richard Betts observed, "none but the most ethnocentric idealists should have been surprised when Moscow had the temerity to start acting like a great power again."[22] Thus, the following case studies will demonstrate that the geostrategic location and energy reserves of the South Caucasus are of paramount importance for Moscow's geostrategic and economic interest, and drive Russian foreign policy in the South Caucasus.

Strategic Destabilisation

As explained above, Moscow's strategy has always been to shape its external environment by establishing friendly and stable states on its periphery as a prerequisite for security.[23] The Russian decision to go to war in 2008 demonstrates the extent of Russian anxiety and the importance the South Caucasus plays in Russian foreign policy interests. The war reminded NATO and the former Soviet states that Russia was not afraid to use military force when its interests were threatened. [24]

Historically, Russia's relationship with Georgia was characterised by necessity and uncertainty. Necessity because it could protect Georgia from its powerful Muslim neighbours and uncertainty because Russia proved to be an overbearing neighbour.[25] Since the eighteenth century, this patron-predator polemic has been at the heart of interstate relations. Moreover, in Russian eyes, Georgia's strategic location made it a buffer between Russia and the West and guaranteed Russian access to the Black Sea.[26]

Image 5: Centre for Strategic and International Studies (CSIS) - https://www.csis.org/analysis/russias-design-black-sea-extending-buffer-zone



Thus, it is not surprising that Russia has had trouble accepting Georgian independence. As a Russian foreign ministry spokesperson announced, "we respect the principle of territorial integrity, but in Georgia's case, territorial integrity is still more of a possibility than a political and legal reality."[27] Russia has consistently used the conflicts in South Ossetia and Abkhazia to destabilise Georgia, maintain a degree of control over the state and prevent it from further movement towards the West.[28] In 1997, Tbilisi's attempt to join NATO and its provision for asylum for Chechen refugees did little to smooth relations with Moscow. The next blow to Russian interests came at the Organization for Security and Co-operation in Europe (OSCE) summit in 1999 when Moscow had to remove its existing military bases from Georgian territory. This summit also hosted the agreement between Georgia, Azerbaijan, and the United States on the construction of the oil and gas pipeline linking the Caspian and Black Seas that would bypass the existing Novorossiysk pipeline in Russia.[29] Furthermore, the arrival of US military advisors in Georgia in 2002 changed the security environment.[30]

Indeed, the increased American presence in the South Caucasus caused strategic uncertainty, particularly as rumours arose that the United States intended on building an electronic surveillance station in Georgia that would give them access to Iranian and Southern Russian communications.[31] Finally, the Rose Revolution in 2003 brought Western-backed candidate Mikheil Saakashvili to power.[32] These events were perceived as acts of aggression by Moscow and heightened Moscow's fears of a Western presence

so close to home. Thus, for Russia, the Georgian rush into Western arms and loss of influence over the territory was perceived as a threat to its foreign policy interests.

Russia retaliated in 2002 and applied a visa regime to Georgia permitting the naturalisation of Abkhazian and South Ossetian Citizens to punish the Georgian State. [33] Furthermore, in 2006, Russia banned Georgian wine to destabilise the state and deter it from pursuing a more Western-oriented policy. Russia claimed that there were impurities and unsafe pesticides in the wine, yet no other country had enacted such bans or found such impurities. Since Russia was the number one importer of Georgian wine the ban bankrupted many wineries. It was estimated that Georgia's wine exports plunged from $81.4 million in 2005 to $29.2 million in 2007.[34] The Georgians argued that the ban was Moscow's attempt to punish Georgia for pursing NATO membership and for refusing to support Russia's application for membership of the WTO.

Nevertheless, Russia's attempts at destabilizing Georgia pushed it/Tbilisi further away. By 2008, Saakashvili was determined to join NATO, despite Moscow's warnings that moving towards the Western alliance would result in dire consequences. The adoption of the Baltic states into Western alliances, the US missile defence plans for Poland and the Czech Republic, and Washington's outright support for Georgia's ascension to NATO strengthened the Kremlin's perceptions and fears of encirclement and consequent insistence on an exclusive presence in South Caucasus. Thus, making use of the growing unrest in South Ossetia, Russia invaded Georgia on the pretence of protecting Russian peacekeepers and the South Ossetians against Georgian forces.[35] On the 4th of August 2008, a heavy motor shelling of Georgian villages provoked Saakashvili to order a motor assault on Tskhinvali, the capital of South Ossetia.[36] Tensions arose on the 7th of August when Georgian troops entered South Ossetia to quell the growing unrest between the separatist Ossetian forces and pro-Georgian forces. In turn, Russia felt compelled to respond by using force, which sparked a five-day war between the two states. The ceasefire brokered by the EU failed to bring Russia to comply with its provisions or to take back its support for the separatist movements.[37] Rather, it solidified military control over separatist regions giving Russia the strategic advantage of establishing a Russian presence in Georgia.[38]

Russia pretended to protect Russian peacekeepers in South Ossetia to violate Georgia's territorial sovereignty and protect its own geopolitical interests.[39] This conclusion/This is supported by the Human Rights report that showed that Russia had "failed to observe their obligations to do everything feasible to verify that the objects to be attacked were military objectives (and not civilian objects) and to take all feasible precautions to minimize harm to civilians."[40] From a realist perspective, if the Russians did nothing to punish the Georgians for "attacking" their South Ossetian allies, it would prompt the North Caucasus to emulate Georgia's actions, challenging Russian authority.[41] Thus, losing Georgia to the West was a strategic and geopolitical threat to Russian foreign policy interests and would leave the door open to foreign intervention in the South Caucasus. Furthermore, while the role of NATO has been highlighted, the EU did nothing to assuage Russian fears in the preceding years. As previously developed, Moscow's relationship with the EU was strained over energy resources and European expansion into post-Soviet space.[42] Hence, the Russian National Security Concept of 2000 declared NATO to be a risk to global peace, but the Russian National Security Concept of 2016

defined both NATO and the EU as threats to Russia, blaming them for conducting geopolitical expansion.[43]

Finally, Abkhazia and South Ossetia were granted the status of *de facto* states.[44] By recognising the separatist states, Russia deliberately sought to hinder Georgia's eligibility and compatibility with NATO and the European Union. However, it is worth stating that Abkhazia is not a mere puppet of its patron state. In spite of Russian attempts at reaching a compromise, Abkhazian society and its elite maintain a hard position towards reintegration with Georgia and would resist any attempts at this with force, even against Moscow. This is different in South Ossetia, whose elites are not as dogmatic as they remain dependent on Russia and thus continue to communicate with Tbilisi.[45] Nevertheless, by prolonging the conflicts, Russia can keep a check on Georgia because a state has to be free of any territorial dispute to be able to join NATO.[46] Russia's primary goal was thus to keep NATO and the West out of its regional shell; however, a Western presence threatened its exclusive control over the region. In 2008, losing influence over Georgia to the West was a strategic and geopolitical threat to Russia which would leave the door open to foreign intervention in the Caucasus. Hence, the growing threat of Western expansion into the Russian sphere of influence, motivated further aggressive Russian actions. Russia continuously pursued a realist and aggressive foreign policy that aimed to secure its geopolitical interests in the region.

Peacekeepers as Occupiers

Charles King argues that Russia's policy of encouraging separatist movements under the disguise of defending Russian minorities and then intervening as a peacemaker when the conflict between the separatists and the successful regimes get out of hand is merely a protection racket.[47] Nowhere is this clearer than in Russian attempts to instil peacekeepers in conflicts in the Caucasus to secure its strategic interests and maintain influence over the states in its periphery. Russia's policy pertaining to the conflict in Nagorno-Karabakh provides another example of this strategy.

The Karabakh conflict encapsulates a number of issues for Russia, such as the possible military presence of external actors and the threat of the end of the development of Caspian Sea energy resources.[48] The dispute between the Karabakh Armenians, Armenia, and Azerbaijan has led to a revival of geopolitical divisions and disputes in the region involving Turkey, Iran, and the international community and has made Russian efforts to achieve complete control over the South Caucuses improbable. Armenia and Azerbaijan had been at war over the *de-facto* state of Karabakh since 1991. Under Soviet rule, the Autonomous Oblast of Nagorno-Karabakh, an Armenian-populated region within the borders of Azerbaijan, was created.

The Soviet system had recognised Karabakh as a part of Soviet Armenia in the 1920s but reversed its decision in 1921. While there had been continuous attempts at reunification with Armenia, it was not until the late 1980s when Karabakh demanded reunification with Armenia. The reason for this was that the Karabakh Armenians feared a similar fate as Nakhichevan that had been integrated into Azerbaijan. Karabakh claimed that they were not treated well by the Azerbaijanis(?), mentioning limited public investment, the unavailability of higher education, and not being able to study in Armenia. They claimed that they were cut off from their Armenian culture. Violence broke out as Azerbaijan tried to control Karabakh, while Armenia intervened to defend Karabakh Armenians.[49]

A ceasefire signed under Russian pressure was signed in 1994 and has set the guidelines for the status quo since then.[50] The recent conflict between the two states in 2020 reflected Russia's instrumentalization of the conflict for its foreign policy objectives. The resurgence of violence in 2020, a six-week war that had ended in Azerbaijan's favour, altered the status quo. Backed by Moscow's rival Turkey, Azerbaijan began an assault against ethnic Armenian soldiers who had held Nagorno-Karabakh and its surrounding areas since the 1990s. This change in the political situation concerned Moscow, especially as it signalled the arrival of a new strategic power in the Caucasus, one that could challenge Moscow's authority –Turkey.[51]

Russia was quick to intervene and broker a peace deal that froze the hostilities, returned a few territories to Azerbaijan, and established Russian peacekeepers for the first time in Karabakh. Thus, "the agreement to end the fighting hammered out by Russia promises to be neither an end nor a new beginning. Instead, it is merely a pause in the long-standing imperial rivalries and ethnic conflicts that have tormented the Caucasus for years."[52] For Russia, the agreement was successful as it had managed to deliver a coup by delivering Russian boots on the ground, granting Moscow an upper hand in the conflict. "Nagorno-Karabakh was the only conflict in the former Soviet Union without a Russian military presence, and that was a long-term irritant for Moscow," said Richard Giragosian, the director of the Regional Studies Centre an independent think tank in Yerevan, Armenia. "The deployment is clearly a win for Moscow." However, it was Turkey's support for Azerbaijan, which came in the form of military equipment, that had bolstered its position against Russian-backed Armenia.[53] The map below illustrates the dramatic changes that the 2020 resurgence of violence had caused, particularly the extensive deployment of Russian troops in the region.

Image 6: BBC Research



Turkey's assistance had altered the status quo, which in turn threatened Russia's foreign policy interest in the region. The 2020 ceasefire reiterated the Minsk Group commitments to "substantive talks" based on the Basic Principles, mediated by the co-chairs, and retaining the existing negotiating format, indicates just how much Russia wanted to keep Turkey from becoming a mediator and regional power in the South Caucasus.[54] This threatened Moscow and its sphere of influence. Hence, Russia has sought to construct deterrence dynamics capable of restraining war despite the growing capabilities and intent among belligerents to secure its position in the South Caucasus.

Through its balancing of Armenia and Azerbaijan via arms sales and its mediation in the 2020 conflict, Russian foreign policy has proven to use diverse instruments to secure its interests in the region and prevent foreign intervention into its sphere of influence.
For Russia, the situation in Nagorno-Karabakh reflects a zero-sum game, where political or material gains for another player is made at the expense of Russia's interests. Arguably, by agreeing to the establishment of a joint Russian-Turkish peacekeeping force, Russia has recognised Turkey's limited presence in the Caucasus. Henceforth, it can keep a check on its ambitions in the region. While Moscow has accepted Turkey's presence in the region, it has made it very clear that any attempt at expansion would have negative consequences for Russian security interests. This is because Turkey poses a threat as it provides NATO with a frontier on the Caucasus[55] and Moscow remains keen in preserving its exclusive sphere of influence.

This was clear when the 2020 ceasefire reiterated the Minsk Group commitments to "substantive talks" based on the Basic Principles, mediated by the co-chairs, and retaining the existing negotiating format, which indicated the extent to which Russia wanted to keep Turkey from becoming a mediator and regional power in the South Caucasus.[56] Hence, the strategic deployment of peacekeepers in the region gives Russia leverage over the Caucasus which prevents intervention into their sphere of influence.

Strategic Balancing through Arms Trade

Russian foreign policy interests in the South Caucasus are embedded in security concerns. This is further elucidated through its balancing strategy between Armenia and Azerbaijan and Russia's use of the intrastate conflict over Nagorno-Karabakh as a bargaining chip to prevent foreign intervention in the South Caucasus.[57] By prolonging the conflict, Russia can keep a check on Armenia and Azerbaijan as for any state to join either NATO or the EU, it had to be free of any unresolved territorial dispute.[58] To this end, by prolonging the conflict, Moscow can prevent regional integration between the states of the South Caucasus and prevent them from entering Western alliances.[59]

Russia's closest ally in the South Caucasus is Armenia, which is firmly entrenched in the Russian camp. Arms transfers to Armenia ensure that Yerevan cannot be overwhelmed and that a strong Russian military presence is sustained close to Turkey. This also provides easy access to Georgia's Southern frontier.[60] Russian deliveries to Armenia included armoured personnel carriers, air defence systems and multiple rocket launchers and tanks—all of which were used in the 2020 war. As of 2020, Russia has supplied 94 per cent of the entire Armenian military equipment.[61]

Therefore, Russia secured an ally whose position enabled it to reach a target deep inside Azerbaijan.[62] Thus, Russia supplies arms to Armenia at reduced prices or in the form of

military aid to maintain its influence in the region. However, while supporting Armenia, Russia also avoids policies that would alienate Azerbaijan to keep it out of Western control—thus strengthening its presence and influence in the region.

Azerbaijan is Russia's largest trading partner in the region and has important economic trading interests with Moscow regarding the hydrocarbons from the Caspian Sea. Unlike Armenia, it pays the full price for its Russian-supplied arms and has spent almost $5 billion on Russian military equipment. Russia has sold Azerbaijan military equipment such as the TOA-1A-220-millimetre multiple rocket launcher, the Smerch BM-30 heavy multiple rocket launchers, and S-300PMU-2 and Tor-2ME anti-aircraft missile systems. All these weapons were used during the 2020 war over Nagorno-Karabakh.[63]

By selling weapons to Azerbaijan while simultaneously providing defence guarantees to Armenia, Moscow retains the ability to influence the conflict over Karabakh. Compared to the conflicts in Abkhazia and South Ossetia, where Russia had a military presence in the region, Russia plays the balancing game in the conflict over Karabakh through the sale of weapons. Thus, it has had little interest in settling the Karabakh issue.

Image 7: Understanding Russia's Foreign Policy through International Arms Sales
https://wavellroom.com/2020/04/30/russian-foreign-policy-through-international-arms-sales/

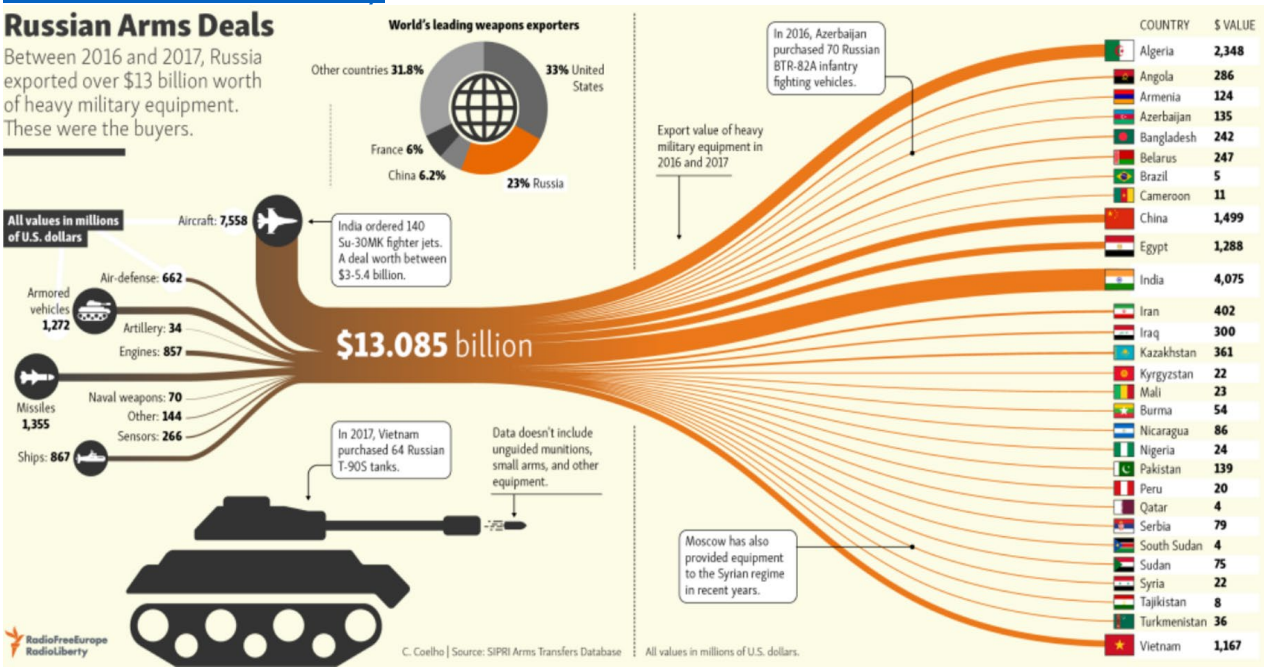
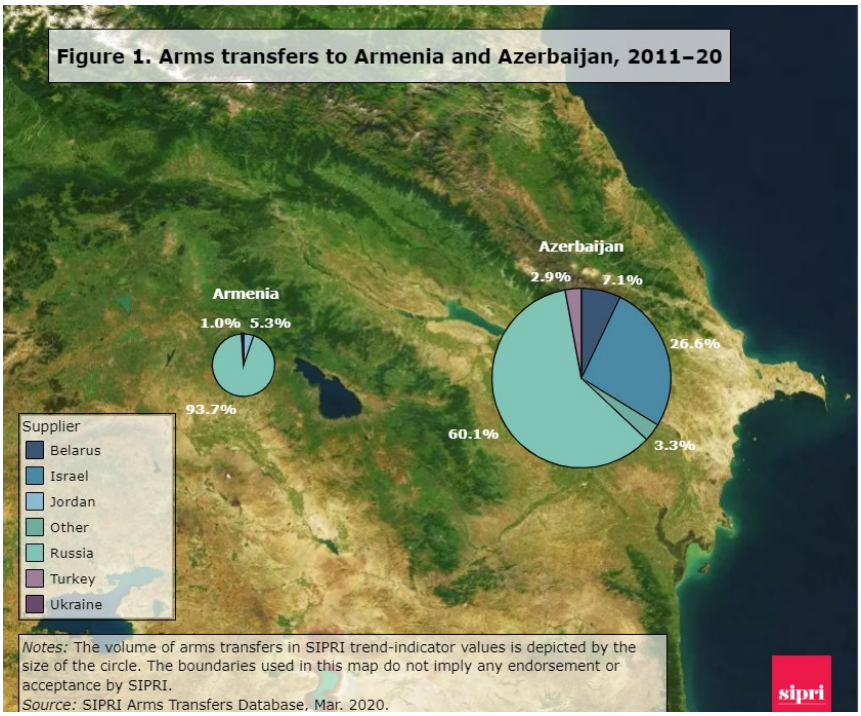


Image 8 – SIPRI - Arms Transfer to conflict zones: the Case of Nagorno-Karabakh https://www.sipri.org/commentary/topical-backgrounder/2021/arms-transfers-conflict-zones-case-nagorno-karabakh



As of 2020, Russia has supplied 94 per cent of Armenian military equipment.[64] The illustration above indicates that Azerbaijan and Armenia play a significant role in Russian arms sales, and it is in Russia's economic interests to support a foreign policy that furthers the conflict in Karabakh. Thus, it uses a monopoly to balance the military capabilities of Armenia and Azerbaijan to retain influence in the South Caucasus.

Russian foreign policy is geared towards continuing to maintain the status quo between Armenia and Azerbaijan to secure its strategic interests in the region. This strategy is indeed a result of the aftermath of the 2020 war, which altered the balance of power in the region. In fact, Armenia and Turkey are moving toward a better relationship, and the opening of their long-closed border paired with the possible restoration of diplomatic ties would have a tremendous effect on the geopolitics of the region.

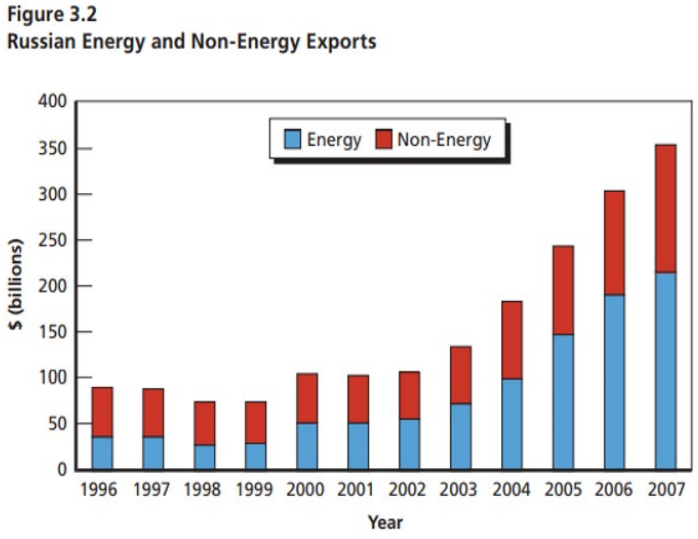
As it would give Turkey a more important role in the Caucasus, Armenia's dependency on Russia would be reduced.[65] Thus, Russian foreign policy aims to maintain the status quo between Armenia and Azerbaijan to secure its strategic interests in the region at the expense of strategic rivals such as Ankara. Like any other great power in the international system, Russia pursues its foreign policy goals by all available means, and prolonging conflicts is a convenient method by which it secures its military-security objectives.

Hostility to the diversification of energy lines

Since its transformation into an energy superpower after the turn of the century, Russia has seen a turn in its fortunes due to its economic capabilities — mostly originating from oil and gas exports. As the figure shows, earnings from oil, gas, and petroleum rose from

$28 billion in 1998 to $217 billion in 2007.[66] While energy may not be the only factor contributing to the Russian economy, it remains an integral one.

Image 9: Central Bank of Russia

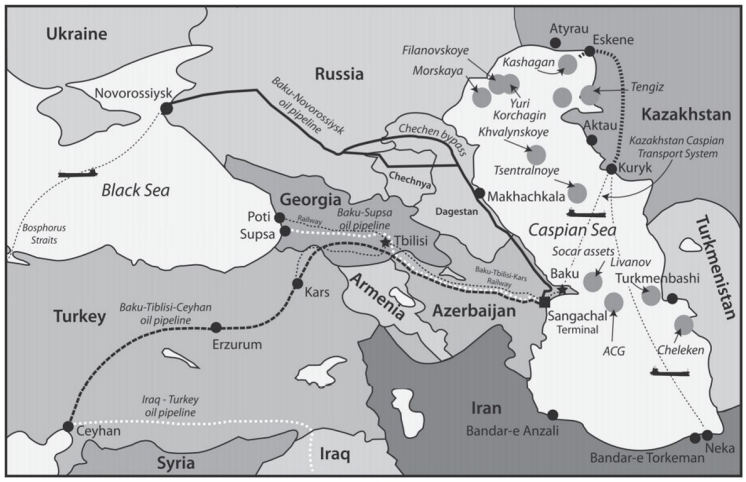


The South Caucasus is endowed with economically significant mineral and energy resources, which makes it an essential region for Russian economic interests. Growing international presence and competition over resources challenge Russian monopoly over these resources and its ability to leverage resources for diplomatic purposes.[67] Thus, Russia's foreign policy is driven by a need to secure this leverage over energy by controlling the transportation of oil and gas through pipelines. This is particularly important for its relationship with Azerbaijan, which is rich in hydrocarbons.[68] Azerbaijan is a small country of 8.2 million people. Its most salient feature is its geographical proximity to Russia and its rich oil and gas resources. Oil was a clear source that attracted international attention to Azerbaijan. This was hardly surprising given that Baku was known across the oil industry as the place of the first oil boom (1885-1920). Furthermore, the world's first commercial well in Bibi-Haybet was drilled in 1846, 13 years before the start of US commercial production in Pennsylvania.[69]

Hence, Russia had expressed interest in Caspian oil resources and in procuring the transit of this oil through its territory. This was especially important as Soviet era pipelines ran through Soviet territory, and for Russia to renounce these meant relinquishing their control over energy against foreign policy interests.[70] Initially, Moscow sought to thwart and control Azerbaijan's growing attempts at energy independence by questioning the status of the Caspian Sea.[71] Azerbaijan advocated full national jurisdiction over the seabed for each littoral state within its sector which was opposed by Russia. For Russia, conceding to Azerbaijan's claims to sovereignty over the Caspian Sea would give it the right to harbour commercial and military vessels from other states without Russian consent. Such an action was a security threat to Russian geostrategic and economic interests. Thus, Russia in turn proposed common ownership of the Caspian Sea to avoid outside engagement in their sphere of interests.[72]

The newly independent republic of Azerbaijan, under President Aliyev, had tried to account for Russian oil interests and develop a relationship with Moscow. However, Moscow's constant attempts to undermine Azerbaijani efforts to develop its oil industry drove Bakuto seek independence from Russian control.[73] The threat of Russia cutting off supplies to Europe had led to the search for new sources of energy transport, bypassing Russia. The latter has used its monopoly over resources as political leverage before. For instance, in order to stop Ukraine from becoming more pro-Western, it stopped the flow of gas to Ukraine during the winter. This impacted Europe too, as Ukraine transported Russian gas to Europe.[74] Thus, fears of further coercion pushed Europe to find more ways of transporting resources to the mainland. The most well-known example is Azerbaijan's Baku-Tbilisi-Ceyhan (BTC) pipeline. The image below shows the proposed Bake-Tbilisi-Ceyhan pipeline that sidesteps the existing Baku- Novorossiysk pipeline.

Image 10: Power Games in the Caucasus Azerbaijan's Foreign and Energy Policy towards the West, Russia, and the Middle East



Existing and proposed oil pipelines from the Caspian region

The idea emerged from Turkey, while Georgia and Azerbaijan backed the scheme as it gave them a link in the energy chain to the West, which would result in transit revenues.[75] The United States promoted the BTC pipeline as an alternative to Russia's monopoly on hydrocarbon transit to the West. However, the pipeline had to be viable in its own right, and the United States refused to fund the pipeline. Thus, Russia initially banked on the oil companies to withdraw based on this, but the BP chair threw his weight behind the BTC pipeline.[76] Unsurprisingly, Russia strongly opposed the BTC pipeline that envisaged another route from the Caspian Sea to Turkey's Mediterranean coast, bypassing Russian pipelines and reducing dependency on Russia. Despite this, in 2006, the BTC pipeline was inaugurated. The presidents of Azerbaijan, Georgia, and Turkey celebrated what the head of BP, Lord Browne, called "the first great engineering project of the 21st century."[77]

The most controversial pipeline to be developed, the BTC pipeline, was 1700 kilometres long, crossing the Caucuses from the Azari oil fields, passing Tbilisi, avoiding Abkhazia, and crossing the Turkish heartland to the Mediterranean oil export port of Ceyhan.[78] The construction of this pipeline gave the Western markets an important new source of energy and transformed a small country into a medium-level oil producer, free from Russian control and dependence.[79] Azerbaijan's pro-Western foreign and energy policy

and its successful implementation of the BTC pipeline drew it into conflict with Russia as it provided an alternative route for the transport of energy resources.

Russian fears were justified in 2006 when Russia demanded higher payments for gas exported to Azerbaijan. Baku claimed that the price of $230/1,000 cubic metres was too high to pay and turned to indigenous production. Furthermore, it claimed that it would no longer use the Baku-Novorossiysk pipeline for oil exports, as more oil would be needed internally to compensate for the shortfall in gas. This was in response to Russian actions and could only be accomplished due to the existence of spare capacity in the BTC pipeline. This incident shows that the existence of an alternative route had undermined Russia's leverage in the South Caucasus.[80] Hence, Moscow's loss of its monopoly over the transportation of energy resources in the South Caucasus was perceived as a threat to its interests in the region.

These pipelines have played a significant role in Russian foreign policy. Russian resistance to new pipelines in the Caucuses is political. The Caspian Sea and Caucuses are closely interlinked when it comes to oil and gas production and transportation. Caspian oil exported to the West that bypassed Russia would give the West greater influence over governments in the region and reduce Russia's leverage. Hence, Russian foreign policy is aimed at preventing Moscow's loss of its monopoly over the transportation of energy resources in the South Caucasus, which was perceived as a threat to its economic and strategic interest in the region.

Conclusion

For the longest time, the South Caucasus belonged to the Russian empire; it was a part of it and explained why Russia is so concerned by it, and why it seeks to maintain control over this region.[81] From Moscow's perspective, the Caucuses constitute a distinct, holistic environment within which the Russian grand strategy is most clearly exhibited. The geopolitical rivalries between the majority of regional powers unfolding in the region, as well as the growing interest of external powers including the European Union, the United States, and NATO in the aftermath of Soviet downfall, force Russia to resort to balancing strategies to preserve the status quo.[82] Perhaps the argument that neither Russophobia in the West and NATO-phobia in the East had subsided since the Cold War holds truth and must be accounted for when analysing Russian foreign policy.

Kissinger once claimed that Russian expansionism comes from its age-old insecurity and its desire to be a great empire once again. Such an assessment of Russian foreign policy may hold true today. While the primary interests of the US and the EU in the South Caucasus are economic, for Russia they are political, economic and security related. Its historical and imperial fate has been and remains tied to the region. There is an obsession with security and national interest which can be attributed to its desire to be a great power once again. Hence, Russian foreign policy interests in the Caucasus are primarily driven by the region's geostrategic location as a buffer state between itself and the West. The invasion of Georgia, the use of peacekeepers as occupiers, its balancing of Armenia and Azerbaijan, and Russia's hostility to the diversification of pipelines are examples that elucidate that Russian leaders are ready to exert a range of tools to retain their control over their sphere of influence in the Caucasus. Thus, this article suggests that the Russian security mindset has driven Russian policy actions aimed at securing the states strategic and economic interests in the region. As Russia moves in a more authoritarian and anti-

western direction, it has become even more determined to ensure that its neighbours follow suit.

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[69] Nazrin Mehdiyeva, *Power Games in the Caucasus Azerbaijan's Foreign and Energy Policy towards the West, Russia and the Middle East* (London: I.B.Tauris & Co Ltd, 2011), 5.
[70] de Waal, *The* Caucasus, 174
[71] Karagiannis, *Energy and Security*, 116.
[72] Mehdiyeva, *Power Games,*134; Karagiannis, *Energy and Security*, 118.
[73] Karagiannis, *Energy and Security*, 116
[74] Sussex, "Twenty years," 210.
[75] de Waal, *The* Caucasus, 178.
[76] Remler, "Russia's Stony Path"
[77] de Waal, *The* Caucasus, 170.
[78] Bertil Nygren, "Putin's Attempts to Subjugate Georgia: From Sabre-Rattling to the Power of the Purse." in *Russia Re-emerging Great Power* ed. by Roger Kanet (London: Palgrave Macmillan, 2007), 107-123, 118.
[79] de Waal, *The* Caucasus, 171.
[80] Mehdiyeva, *Power Games,*149.
[81] de Waal, *The* Caucasus, 37-38.
[82] Souleimanov, Abrahamyan and Aliyev, "Unrecognised states," 77.

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Shaping Post-War Ukraine's Political Regime: Competitive Authoritarianism or Turn to Presidentialism?

Denis Karlovksyi

Abstract

The current debates on the Russo-Ukrainian war concern mostly the geopolitical changes along the NATO-Russia axis, the rise of Ukraine as a regional leader in Europe and the European perspective of Ukraine. However, it pays to investigate how the present battlefield developments transform the domestic politics and society of Ukraine as these will be defining factors in the post-war reform and reconstruction. Drawing from the conceptual framework of George Tsebelis' theory of veto-players, this article aims to outline the changing institutional design of Ukraine in the face of increasing securitization of political agenda. Outlining the preferences of constitutional and informal veto-players by Tsebelis's conceptual toolkit, the article purports to show that the President and the military command converge on security and national defence issues but contest on the form of government. Essentially, Ukraine's post-war constitutional design is predicted to be transforming either into a 'competitive authoritarianism' construed along the lines of Steven Levitsky and Lucan A. Way or a fully presidential republic. However, the predicted scenario is that international pressure coupled with Ukraine's constitutional checks and balances will stand in the way of any future attempt to sway Ukraine's political regime into a more authoritarian framework. Due to the lack of prospective research in this area, polling research is used as a proxy for the trends of the political landscape in Ukraine.

Introduction: Conceptual Framework

The present article seeks to investigate the ways in which Ukraine's political regime will be shaped by constitutional and informal veto players after the cessation of hostilities and the revoking of martial law. Exhaustive and impartial research on the future of Ukraine's political regime runs up against an information barrier to accessing intra-governmental developments during martial law. However, drawing on the pre-war developments as well as analysing existing polling data, researchers may attempt to predict the most likely scenarios for post-war Ukraine's political regime. To operationalise the institutional constraints on regime change in Ukraine, I apply George Tsebelis's theory of veto players to underscore the capacity scopes and predicted priorities of political institutions and social groups.[1] My crucial assumption is that Ukraine's veto players have differing preferences over the choice of policy and the limits of their respective capacity scope, defined through constitutional design and malleable by public legitimacy. I draw on Tsebelis's argument in this analysis that the larger the core of veto players the harder it is for any single veto player to control policymaking and access to power-sharing procedures.

My crucial thesis underscores that the decreasing capacity of formal and informal veto players in the context of post-2022 securitization presents a compelling bifurcation point at the stage of post-war rebuilding. One scenario is the President with a larger scope of capacity, which is mostly uncontested and legitimized by the citizenry, retains the pre-2022 constitutional framework but informally affects the decision-making; whilst another scenario points to civil antagonisms and constitutional redesign of the veto players' scope of power in the context of crackdown on civil liberties, securitization of the governance, weaker media, and less transparency in the electoral process.

The former scenario broadly follows the premises of sustaining Ukrainian democratic regime with a turn to presidentialism. By presidentialism, I follow the definition of a political regime where the head of the executive branch of government is the president elected by the public and the president is entitled to appoint the members. Ukraine's current regime is presidential-parliamentarian democracy where the prime minister and majority of cabinet portfolios are appointed through the national legislature, Verkhovna Rada of Ukraine. The latter scenario is outlined by Levitsky & Way's notion of 'competitive authoritarianism': 'In competitive authoritarian regimes, formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such an extent, however, that the regime fails to meet conventional minimum standards for democracy.'[2] Even with having free, fair and open elections, the current risks to Ukraine's post-war political regime are that (i.) the elected officials will not be free from military tutelage and (ii.) the freedoms of association, of press and free speech will be frequently and systematically curtailed under the auspices of security necessities.[17]

The comparison of post-2022 Ukraine's fast-paced changes in the constitutional design with the previous regime changes in former Soviet nations is not the focus of this article. However, it pays to mention Hale's notion of 'patronal presidentialism' as the predominant form of political regime in every post-Soviet country bar the Baltics.[3] Patronal presidentialism here outlines a set of patterned cycles of contestation and legitimatization of the president and their policies by elites and the masses. Within this definition, Ukraine's revolutions in 2004 and 2014 can be covered by the notion of mass contestations of the status quo that generated elite defection from the incumbent. Likewise, Blondel's analysis of post-Soviet presidential regimes suggests that the relative stability and scope of capacity are contingent on socioeconomic factors and ethnoreligious cleavages in the societies.[4] According to Blondel's conceptual framework, post-2022 Ukraine's potential swerving to presidentialism will not be like cases of Belarus or Azerbaijan simply because Ukraine's veto players have larger capacity scopes and the regime's linkage with the West. Finally, Way's and Hale's arguments that post-Soviet regimes should not be construed as approximation to ideal endpoints on the spectrum between dictatorship and democracy but rather as malleable 'hybrid regimes.'[5]

The constitutional design of Ukraine imposes constraints on the principal political institutions. However, groups of politically active social groups and lobby actors, in pre-war times, routinely managed to exercise their preferences on political actors, to a varying degree. Therefore, my analysis considers first the changing capacity of the constitutional (formal) veto players, i.e., Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers, and the Constitutional Court of Ukraine; and, secondly, my analysis considers the pressure that may be exercised onto the political actors by informal veto players: grassroots groups, oligarchs and the military at large. The crucial difference at the post-war stage is that the most influential group of informal veto players, 'oligarchs' (*олігархи*) have been losing the communications, political and economic assets they had held previously. Additionally, in the context of martial law, it must be borne out that the military, law enforcement agencies and intelligence services securitize the decision-making standards affecting due process, access of the media to sensitive information and limiting freedoms of the citizens. The salience of the military grievances

[17] Cf. the current legal conundrums regarding the constitutional validity of the ban on international travel for Ukrainian male citizens of the conscription age.

and concerns might be further amplified if made public through social media or journalists, as it has been the case multiple times throughout the most publicised battlefield developments, e.g., the battle of Sievierodonetsk, siege of Bakhmut and Kherson counter-offensive.

This paper does not attempt to address the complex dynamics between the national government and local councils (*місцеві громади*) in the context of the decentralization reform. The legal remit of and the budget capacity of the local councils had expanded before 2022 due to the devolution reform. However, it would be difficult to explicate the intricacies of power-sharing between the national government and local authorities in this paper since martial law-bound securitization of the governance and civil service significantly undercut the powers of the mayors and local municipalities to affect the post-war constitutional design. Besides, the local specificity of elite makeup is drastically different due to socioeconomic and linguistic differences, so, say, Odesa and Lviv regions interact with the local elites and the national government in a different manner.

In my analysis, I argue that after 24 February 2022, the size of preference cores of institutional and informal veto players significantly decreased compared to the President's one. In turn, it leads to a relatively more beneficial arrangement in the 'win-set' of policy options for the President's preferences. It does not constitute any definitive proof that the President will hold onto this allocation of scope after the hostilities cease and the government revokes martial law. However, it pays to assess how these dynamics account for a projected turn to a presidential framework of power-sharing in Ukraine.

Figure 1: The core of preferences of Ukraine's institutional and informal veto-players before February 2022

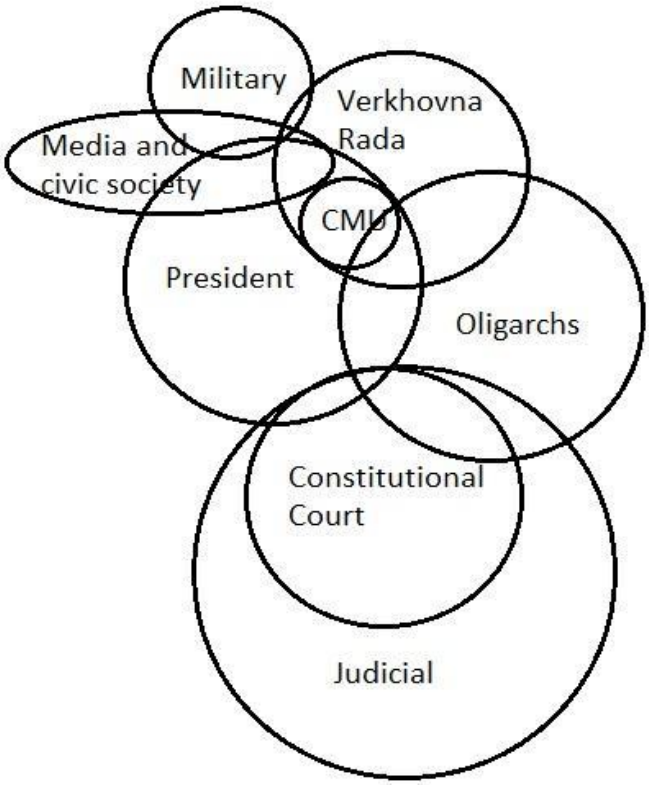
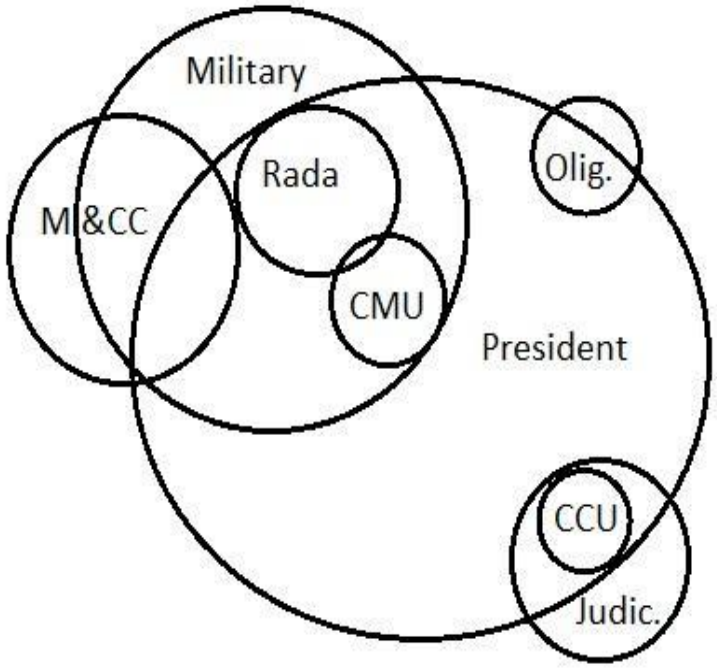


Figure 2. The core of preferences of Ukraine's institutional and informal veto-players after February 2022



M. stands for the media and CC. for civic society; Olig. Is for oligarchs, Judic. is for the judiciary, CMU is the Cabinet of Ministers of Ukraine

My analysis of the projected changes does not offer an exhaustive account of the political landscape in Ukraine since there are a series of intervening factors that affect the outcomes of institutional rivalry and contestation in policy choice. First, martial law suspended the usual procedures and due process in the government. Similarly, the civil rights and liberties are subject to military limitations, including a military draft and a ban on leaving the country for male citizens aged 18-60. Next, the international lobbying and pressure by Ukraine's partners and allies, including the EU, the US, the UK, and Poland, etc. as well as the International Monetary Fund, the World Bank, European Bank for Reconstruction and Development, etc. will be a crucial factor in keeping the transparency and accountability procedures for the government, acting as a check against the democracy-backsliding.

Doubtless, the EU and NATO are well-positioned to affect the constitutional design in post-war Ukraine due to the (1) reason that Ukrainian citizenry and civic society can exert pressure on veto players by arguing NATO and EU integration will be slowed down to un-democratic practices, and (2) economic and military reliance on the aid and support of the EU and NATO member countries for sustaining the military and security capabilities in Ukraine. Most importantly, the EU Commission already outlined reform of the Constitutional Court of Ukraine, the sustained reset of the judiciary and de-oligarchising in their 7 criteria for Ukraine to comply with before launching a negotiation track for EU membership.[6] In this manner, Ukraine has incrementally moved into the remit of Way & Levitsky's notion of '*Western linkage*' that affected former socialist nations of Central and Southeastern Europe.[7] The increasing density of communication, social, organizational, political and economic ties with the European and North American democracies generates democratizing processes domestically.

However, this paper's focus does not concern the relationship of Ukraine's domestic veto players with the international powers due to the complexity and uniqueness of the relationship between Ukraine and Western allies and partners as well as the lack of verifiable academic and journalistic evidence of inter-governmental communications to substantiate analysis and prognosis of the ways the EU, NATO and international donors will shape the constitutional changes in post-war Ukraine.

What is more, the anti-corruption institutions, the Supreme Court of Ukraine and several other investigative agencies have only commenced their operation properly a few years before 2022, if not less than a year. Their influence on the qualitative and quantitative composition of Ukraine's political stakeholders is yet to be seen, although some trends have already been calcified. According to numerous polling research by Ukrainian sociologists, the popular demand for a military-dominated regime has been increasing (28% of Ukrainians support a military dictatorship).[188] This popular demand for a more prominent role of the military in governance will challenge the position of traditional political parties and re-arrange the salience of issues that existed before Russia launched a full-scale invasion of Ukraine in 2022. Post-war institutional design should be borne out against these considerations.

Constitutional Veto Players: Turn To Presidentialism

Since the constitutional reform after the 2014 Revolution of Dignity Ukraine's constitutional design is defined along the framework of premier-presidentialism. With this term, I denote a specific variant of a semi-presidential form of government which establishes that the prime minister and the cabinet are collectively responsible to the legislature while the president is directly elected by the voters.[9]

Researchers previously noted that the political history of Ukraine in the 1990s and 2000s was largely defined by intra-executive conflicts over the president-parliamentary design, e.g., the tug-of-war between President Leonid Kuchma and the legislature and executive branch of the government in 1994-2004 as well as President Viktor Yushchenko's conflicts with Prime Minister Yuliia Tymoshenko in 2005-2006.[10] The institutional rivalry and policy stalemate between the President, the Cabinet and Verkhovna Rada continued in 2006-2010 when the constitutional design of Ukraine was amended to a premier-presidential system.[11] Despite a short-lived attempt by Viktor Yanukovych to consolidate presidential powers following Vladimir Putin's regime change in Russia, in 2014 the Verkhovna Rada invoked the previous version of the Constitution, effectively imposing the premier-presidential regime.[12]

1. President and Verkhovna Rada

Since 2014 the institutional rivalry between Verkhovna Rada and the President has endured periods of both tumultuous policy gridlock and cooperation on the most salient issues. In 2014-2016, there was a wide coalition between the five major parties that were in opposition to Viktor Yanukovych's government in 2012-2014. People's Front, the party which came as the first in the proportional party list ballot,[19] had leverage over the nomination of the ministers to the government, controlling the agenda and security

[18] However, 91% of those who replied 'I support a military autocracy or military-controlled regime,' also believe that a democracy is good for Ukraine.

[19a] Half of the 450 seats in Verkhovna Rada are filled through PR party-list electoral system in 225 electoral districts across Ukraine while another half is filled by the majoritarian, FPTP system. People's Front held the largest number of seats through the PR ballot but the Petro Poroshenko Bloc held the largest number of seats in total due to a combined number of seats secured through the majoritarian vote.

services by managing to negotiate the cabinet portfolios with Petro Poroshenko's Bloc.[13] After Prime Minister Arseniy Yatsenyuk's resignation on April 12, 2016, and the departure of three parties from the coalition (Batkivshchyna, Self-Reliance, and Radical Part of Oleh Liashko), the balance of power was tilted slightly towards the presidential allies in the coalition. However, crucial stakeholders, nominated by People's Front, still maintained a grip on the decision-making, the most prominent of whom were Arsen Avakov, who retained the position of the Minister of Internal Affairs, and Oleksandr Turchynov as the Chair of the National Security and Defense Council. Some researchers note that in terms of qualitative change, the political routines and mechanisms of power-sharing did not change since the 2014 Revolution of Dignity despite the quantitative change in the proliferation of new political and lobby groups.[14]

After Volodymyr Zelensky assumed the office of the President of Ukraine, July 2019 parliamentary elections sweepingly changed the makeup of the national parliament. 80,4% of the MPs elected in the 2019 elections had not ever been elected to the national parliament.[15] President Volodymyr Zelensky's party 'Servant of the People' (*Слуга народу*) formed the single-party majority coalition achieving 254 seats.[16] Initially, the ninth convocation of Verkhovna Rada swiftly passed the legislative bills put forward by the President, and the opposition parties could exercise leverage only through select committees, to a slight degree. This cooperative relationship between the parliament and the President is convergent with the findings by Sedelius and Mashtaler on the probability of intra-government conflict in Eastern and Central European countries depending on the factor of the president's party holding a majority in a parliament.[17]

The year 2021, however, became the watershed between the so-called period of 'turbo-speed mode' (*турборежим*), wherein Servant of the People MPs promptly and tacitly vetted the legislative agenda suggested by the President and his lobby groups, and the period of selective contestation and conflict over agneda.[18] On October 7, 2021, the majority of Servant of the People MPs voted to rescind Dmytro Razumkov from the position of the parliament's Chairman.[19] Razumkov formed his own cross-faction group of MPs in the parliament 'Smart Politics,' started attending talk shows at a number of prominent national TV channels, and rose to 8.2% national support as a presidential candidate in the polls.[20] In the meantime, Servant of the People suffered a dramatical decrease in popular support due to several corruption and reputation scandals involving MPs and the Head of the Office of President of Ukraine, Andriy Yermak. The most notable outcry of public discontent was caused by the allegations Yermak used the government helicopters for his personal trips with the President,[21] and another scandal involving MP Oleksandr Trukhin causing a large-scale car accident while being substance intoxicated.[22] Additionally, the polling showed a fracturing in public support for the opposition parties due to the intra-party feuds in 'Voice' (*Голос*) after the departure of the party's leader, Svyatoslav Vakarchuk, and the high treason subpoena issued to the former President Petro Poroshenko in December 2021.[23]

On the eve of the full-scale invasion, the Servant of the People ranks had been decimated because some MPs defected to other lobby groups without changing formal allegiance and the President struggled to maintain cooperation and agenda alignment with the parliamentary leadership. Since the outbreak of the full-scale war on February 24, 2022, the Verkhovna Rada ceased to contest the political agenda and formed a wartime coalition across all factions. Furthermore, chairman Ruslan Stefanchuk used the parliamentary rules to enact an emergency session, which effectively enables the

parliament's leadership to convene MPs for an emergency sitting at any time without the need to deliberate and approve the agenda with each faction beforehand. It crucially changes the ability of individual MPs as well as factions to affect the agenda formation and prioritize issues to their advantage because the due process of the parliamentary debate and legislation are virtually put on hold.

The major change came with the effective suspension of the second-largest faction in the parliament, Opposition Platform – For Life (*Опозиційна платформа – За життя, ОПЗЖ*). As dozens of the MPs from this party were alleged to conspire with the Russian military and political leadership and fled from Ukraine, the National Security and Defense Council suspended 11 parties with pro-Russian stances and ideology.[24] On April 14, 2022, the parliament dissolved the faction of the Opposition Platform.[25]

Since martial law was invoked on 24 February 2022, the Verkhovna Rada has ceased to act as a veto player in political decision-making. The Servant of the People does not de facto constitute a single-party majority: some MPs defected to the Russian Federation, like Oleksiy Kovalyov, and others fled the country, whilst the opposition parties cooperate with the Servant of the People selectively. What is more, since the timing and agenda of every session are confidential during martial law, the Verkhovna Rada stopped live coverage of the parliamentary deliberations, therefore opposition MPs do not have the means to promulgate their policies and suggestions through the media. It is a tacit consensus among the factions that the usual political rivalry and debates effectively are put on hold until the hostilities are over. The President dominates the formation of the parliamentary agenda and puts forward the legislation deemed salient for national defence and security. When the martial law is revoked, the parliament will not rebound as a veto player in and of itself since the MPs of the Servant of the People do not hold any popular support and their legitimacy will depend on the popular support for President Volodymyr Zelensky (69% Ukrainians demand the snap elections of the parliament after the victory while only 23% deem it is prudent to hold the presidential elections after the victory).[26] The opposition parties do not present any risk to the President's control of decision-making because the total number of seats held by the opposition parties is not sufficient for coalition creation, as required by the Constitution and the laws.

To make matters worse, according to the Constitution and the Electoral Code, the next parliamentary elections are scheduled no later than October 29, 2023. However, martial law explicitly states that the elections shall not be held until the martial law is repealed.[27] Therefore, as soon as the hostilities are over and the ceasefire allows for martial law to be repealed, the Central Election Commission will hold parliamentary elections. The capacity of Verkhovna Rada to reclaim its capacity scope as a veto player will depend on the popular support for parties and the eventual composition of the tenth convocation of the Verkhovna Rada.

2. Cabinet of Ministers

The Cabinet of Ministers used to be a significant veto player during Yatsenyuk and Groysman governments in 2014-2016 and 2016-2019, not least because ministers who obtained their portfolios by People's Front coalition-sharing, could block or amend the agenda promulgated by the President. Since Oleksiy Honcharuk's cabinet assumed its tenure on August 29, 2019, the Cabinet of Ministers have not exercised significant leverage over controlling the agenda and decision-making. Although some ministries had more leeway in their communications with business and grassroots organizations (Ministry of Digital Transformation, Ministry of Economy, Trade and Development,

Ministry of Education and Science, etc.), others were under tight grip by the Office of President headed by Andriy Bohdan. Since Denys Shmyhal's government assumed office on March 4, 2020, the Cabinet of Ministers aligned every policy with the preferences of the President. New candidates for the ministries, according to anecdotal data by the journalists, were picked out by the Office of the President rather than the parliamentary select committees.[28] With the outbreak of the full-scale war, the policy alignment between the Cabinet and the Office of the President became increasingly closer. Even the ministers who seemingly may be expected to hold a larger share of power due to the securitization of the policymaking, namely, the Ministries of Defence, Foreign Affairs, and Internal Affairs, still have depended on the preferences of the presidential office.

The ministers depend on presidential favouritism, as anyone of them can be expended at any time. In March 2023, the minister of education and science Serhii Shkarlet had to resign. This move was unexpected since President Zelensky stood by Shkarlet for several years even despite long-lasting pressure from the public, student unions and NGOs that organised protests against Shkarlet. Likewise, the journalists shared anecdotal data that Minister of Defence Oleksiy Reznikov was considered for a reshuffle during a scandal of petty corruption plaguing the ranks of the ministry.[29] Therefore, the Cabinet of Ministers is not a veto player during martial law and aligns itself with the preferences of the presidential office. When the full-scale war is over, it might be expected that the Cabinet will be reshuffled, and some institutional rivalry might arise because of the shared benefits of the 'winning the war' narrative. Recent polling suggests 47% of Ukrainians would like to change the Cabinet.[30]

3. Constitutional Court of Ukraine and the judicial branch of government

According to the Constitution of Ukraine, the CCU comprises 18 judges: six are appointed by the President, six are appointed by Verkhovna Rada, and six are appointed by the Assembly of Judges of Ukraine.[31] The tenure of a CCU judge lasts nine years but cannot be appointed for a second term. The legal experts must run a selection procedure for candidates before either of the three institutions tables their suggested candidates. Furthermore, Article 148 of the Constitution clearly states the eligibility criteria:

> *"A citizen of Ukraine who has command of the state language, has reached the age of forty as of the day of the appointment, has higher legal education and at least fifteen years of professional experience in the field of law, high moral character, and is a lawyer with a recognised level of competence shall be eligible to become a judge of the Constitutional Court of Ukraine."*[32]

Essentially, the Constitutional Court is partially paralyzed after October 2020 constitutional crisis. Some members of the Court consider themselves to retain a valid and legitimate office of a judge, despite being dismissed by the presidential decree. Instead of the dismissed judges, the President appointed new judges, but they have not yet had a chance to assume their offices legitimately. It pays to outline the issue at hand succinctly. On October 27, 2020, a ruling by the Grand Chamber of CCU deemed an article of the Criminal Code of Ukraine prohibiting a false declaration of assets by public officials as 'contrary to the principles of the Constitution of Ukraine.'[33] Their reasoning was based on the premise that criminal responsibility is overly excessive for a 'misdemeanour' of such nature. Effectively, this ruling invalidated the anti-corruption reform and freedom of information access to the assets of officials and civil servants.

This reform was a salient condition de facto for the EU Commission to grant a visa-free regime to Ukrainian citizens within the integration framework of the 2014 EU-Ukraine Association Agreement (as the Head of the EU Mission said in 2016 the e-declarations were the last condition for visa-free regime).[34] The Head of Ukraine's Mission to the EU Mykola Tochytskyi outlined in the letter to the Minister of Foreign Affairs Dmytro Kuleba that the EU signalled that the visa-free regime might be suspended pending further decision in Ukraine's government on the anti-corruption reform.[35] Civic society regarded this anti-corruption reform as one of the crucial victories of the 2014 Revolution of Dignity. The annulment of this article of the Criminal Code made redundant the National Agency for Prevention of Corruption (NACP) which had the powers to vet the declarations of civil servants and track conflicts of interest.[36] President Zelensky immediately introduced a bill with the amendments to enact this article of the Criminal Code back into force. Alongside, the President submitted a draft law which effectively suggested the termination of the tenure of the Court, but this bill was rejected, even by some MPs from the Servant of the People faction.[37]

Ukraine's Attorney General, Irina Venediktova, launched an investigation against the Chairman of the CCU Oleksandr Tupytskyi because of the allegations of corruption and silencing of witnesses. Tupytskyi did not cooperate with the prosecution, and the Attorney General's office asked the President to suspend Tupytskyi from his office because he did not turn up for the questioning. President Zelensky issued a decree on December 29, 2022, that suspended Tupytskyi from his job, on the grounds that the criminal legislation enables the President to suspend those appointed directly by him in case of criminal investigations.[38] However, the CCU issued a ruling that the President does not have such powers according to the Constitution. Meanwhile, some of the CCU judges started boycotting the sessions held by the CCU.[39]

On March 27, 2021, President Zelensky issued a decree annulling the 2013 presidential decree that appointed Tupytskyi as one of the judges of the CCU.[40] Essentially, it was a creative attempt to override the constitutional separation of powers and terminate the powers of a judge of the CCU without a legitimate mechanism to do so. Zelensky claimed that their tenure posed a 'threat to national security and state independence.'[41] At the time, constitutional law experts were at a loss to make any sense of this gridlock. On July 14, 2021, the administrative chamber of the Supreme Court of Ukraine decided that the presidential decree which terminated Tupytskyi *is nil* since the Constitution does not enable the President to terminate or suspend the judges of the CCU by his own judgement.[42] Nevertheless, on November 26, 2021, President Zelensky appointed two new judges to the CCU. However, the CCU did not technically recognise the legal validity of President Zelensky's decree that dismissed two judges from the CCU and created these vacancies. On November 30, 2021, the CCU refused to swear in the newly appointed judges until 'such vacancies appear.'[43]

After the full-scaled invasion broke out, the members of the CCU voted in favour of three judges terminating their tenure on 7 December 2022.[44] These three vacant places are appointed by the Verkhovna Rada, which in effect creates an opportunity to fill the court with people loyal to the current political elites. The EU requires the Verkhovna Rada to create a new law to effect the reform of the CCU through an independent panel of experts selecting candidates for the CCU members. The draft law was assessed by the Venice Commission of the Council of Europe as insufficient to provide the accountability and integrity of new candidates due to the influence of politically appointed members of the

expert panel.[45] The European Commission reiterated that Ukrainian government should seek to amend the reform of the CCU according to the Venice Commission recommendations in order to fulfil 7 criteria.[46] Verkhovna Rada amended the draft law by giving the international experts a 'no-veto' vote power as well as writing that candidates with a negative ruling of the panel cannot be appointed. The Venice Commission welcomed these changes but adamantly suggested complying with their previous recommendations.[47]

In closing, it needs to be borne in mind that the CCU is virtually paralyzed because of the legal and institutional gridlock between the President and the Court. Until the controversy about the appointment of two new judges is not solved, the legitimacy of any ruling might be challenged. Furthermore, the judicial branch at large weakened its constraints on the decision-making process due to the securitization of the government. The tenure of judges might be terminated on the grounds of 'suspicion of espionage or collusion with the enemy.' Additionally, the due process standards have been redacted with the imposition of martial law with some periods for criminal investigation and adjudication shortened and suspended. The judicial reform was underway when Russia invaded Ukraine and some time was lost during the initial months of the war. The EU Commission explicitly stated that one of the criteria to launch negotiations on Ukraine's membership in the EU is a rest of judicial reform through reshuffle of Supreme Council of Justice and Supreme Qualifications Commission of Judges that oversee selecting and appointing judges. Additionally, the constitutional reform of the CCU is under way due to the EU selecting it as another of 7 criteria.

INFORMAL VETO-PLAYERS: QUALITATIVE AND QUANTITATIVE RESHUFFLE

1. Oligarchs

The perennial locus of institutional gridlock and political crisis in Ukraine has been the clique of tycoons, called 'oligarchs.' In the initial decade after the dissolution of the USSR, they managed to secure the largest shares of state enterprises, assets and real estate through privatization and market reforms. Over the three decades of Ukrainian independence, oligarchs purchased vast networks of TV channels and online media, held an elaborate clientelist relationship with various political parties and, through lobbying, achieved an institutional capture of the anti-monopoly agencies.

One of President Zelensky's pledges was to combat the political and economic influence of oligarchs through a 'de-oligarchisation' programme (*деолігархізація*). In 2021, the President submitted a bill to launch 'de-oligarchisation' by several measures. One of those was the imposition of a criminal offence for any elected official or civil servant to conduct private meetings with oligarchs without public notice and declaration. Another contested mechanism was the creation of a publicly accessible 'register of the oligarchs.' Ukraine's National Security and Defence Council was endowed with the powers to compile this register within 3 months' notice after the ratification of the law. The criteria to be put on the register were as follows:

1. Is politically active (assumes elected office, supports a party or a politician etc.).
2. Has significant leverage in at least one media agency or news corporation.
3. Is the ultimate beneficiary of a company with a monopoly for longer than 1 year.
4. Has assets of more than 1 million USD.[48]

The law proscribes anyone put on this register to invest finance in political parties or organizations and submit bids in large-scale privatization auctions.

Verkhovna Rada was deliberating on this bill for several months. On July 1, 2021, the parliament accepted the bill provisionally. Later, Chairman Dmytro Razumkov asked the Venice Commission to assess whether this bill is compliant with the principles of the rule of law and fundamental human rights. The presidential allies argued that it was an attempt to undermine the swift passing of the law by Razumkov, which became a point for conflict later and his eventual dismissal.[49] On September 23, 2021, Verkhovna Rada finally passed the bill. At the EU-Ukraine summit on October 12, 2021, the EU leadership supported the bill.[50] Over a year, after the EU granted a candidacy status to Ukraine, the implementation of anti-oligarch legislation was included in a seven-point action plan to launch future negotiations track for EU membership.[51]

However, during the Russian full-scale invasion of Ukraine in 2022-2023, almost every tycoon alleged to be eligible for the 'oligarch register' and popularly labelled so, ceased to exert any significant political or economic influence. For instance, the two richest and most politically active oligarchs, Rinat Akhmetov and Ihor Kolomoiskyi, ended up being under close international and domestic scrutiny and lost sizeable parts of their assets. Rinat Akhmetov lost more than half of his assets due to the destruction of his property by the Russian military forces. His metalworks were destroyed or overtaken by the Russian army, most prominently 'Azovstal' steelworks that became the site of the fiercest battle in Mariupol.[52] On July 11, 2022, his conglomerate System Capital Management announced that the holding agrees for the government to nationalize all the media, including TV channels, that were in the ownership of Akhmetov's group.[53]

Igor Kolomoiskyi is under investigation by the Federal Bureau of Investigations in the US due to allegations of money laundering, bribery, and fraud. Additionally, the US government put Kolomoiskyi on the sanctions list banning entry for him and freezing his assets. In July 2022, President Zelenskyi issued a confidential decree relinquishing the Ukrainian citizenship of Kolomoiskyi.[54] Since the Constitution proscribes for Ukraine to deport Ukrainian citizens to other countries, this decision opened the way for the government to deport Kolomoyskiy coto the US. His holding group had to acquiesce to the nationalization of the oil companies 'Ukrnafta' and the oil and gas infrastructure. Due to martial law, the government has the power to nationalize the assets that are deemed highly valuable for national security. Kolomoyskyi is at a disadvantage to launch any hostile action against the government since the Ukrainian authorities might agree to his deportation to the US for detention and prosecution.

Table 1. The comparison of five notable oligarchs' assets pre- and post-2022 invasion of Ukraine

Oligarch's name and their estimated wealth (before 2022)	Assets and their estimated value (before 24 February 2022)	Post-2022 changes (estimated net loss)
Rinat Akhmetov (SCM holdings); total net wealth USD 13.7 billion post-2022 assets: USD 4.4 billions	MetInvest (metal casting and metalworking);	MetInvest lost Mariupol-based two largest steelworks and Avdiivka coaxed coal facility; other facilities are paused apart from Zaporizhzhiastal
	DTEK (energy) USD 1.9 billion	DTEK power stations were destroyed and shelled by

		Russians from October 2022 to March 2023; Zaporizhzhia Nuclear Power Plant is under occupation and Luhansk thermal power station is destroyed; wind farms are under occupation
	PUMB bank (USD 300 million)	The bank recorded that 2022 annual revenue was negative; dozens of bank branches are under occupation
	Lemtrans (rail cargo)	2,000 out of 15,000 rail freight cars are under occupation
	Ukrtelekom	34 property sites destroyed, more than 165 are inoperable due to damage; 447 vehicles seized by the invading army
	Media Group Ukraine (TV channels Ukraina, Ukraina24, NLO TV, Futbol 1/2/3)	Akhmetov sold his ownership of Media Group Ukraine to the national broadcasting agency
Ihor Kolomoiskyi (Privat group); pre-2022 assets (USD 1.8 billion) stripped of Ukrainian citizenship (July 2022); under the FBI investigation for crimes committed in the US jurisdiction, subject to extradition; his overseas assets are frozen due to impoundment ruling of the High Court of England	Dnipro International Airport	The court ceased the operation licence of Kolomoiskyi's company 'Haltera' over the airport facilities (16 September 2022)
	Ukrnafta and Ukrtatnafta (oil and petroleum products) including Ukraine's largest oil refinery in Kremenchuk	Nationalized by the Ukrainian government (November 2022)
	Ukrnaftoburinnya (natural gas extraction)	Nationalized by the Ukrainian government (April 2023)
	Nikopol Feroalloy Plant	Litigation on the unpaid debt to Privatbank (former Kolomoiskyi's asset)
	Privatbank (nationalized in December 2016)	The appeal and cassation courts revoked the previous decisions that favoured Kolomoiskyi failing to meet his debt obligations
Kostiantyn Zhevago (issued an international arrest charge) USD 2.1 billion post-2022 USD 1.4 billion	Ferrexpo	The government nationalized a car production facility in Kremechuk, "AvtoKrAZ" (АвтоКрАЗ) The State Investigative Bureau of Ukraine issued a subpoena against Zhevago on fraud and money laundering charges

Viktor Pinchuk: USD 2.6 billion; post-2022 USD 1.9 billion	Interpipe (metal casting and pipe manufacturing)	EBITDA net decrease of 63% (post-2022)
	Starlight Media Group (TV channels 'Novyi,' 'STB,' 'ictv,' M1 and M2	
Petro Poroshenko USD 1.6 billion before 2022 USD 0.7 billion post-2022	Roshen holdings	
	The shares of the media holdings owning TV channels "Pryamyi," "Espresso" and "5" were sold by Poroshenko to their staff in November 2021[55]	The national broadcasting agency suspended the broadcasting licences of Poroshenko's TV channels in April 2022 for 'breaches' of temporary martial law limitations
Oleksandr and Halyna Hereha USD 1.7 billions post-2022 USD 0.5 billion	Epicentr-K franchise of construction materials warehouses and supermarkets	Several warehouses, sorting facilities, transport equipment and supermarket were destroyed or damaged during the Russian occupation in Kyiv, Chernihiv, Sumy, Kherson, Kharkiv Zaporizhzhia, Donetsk and Luhansk regions

Sources: Forbes Ukraine 20 Richest Ukrainians List (https://forbes.ua/ratings/20-naybagatshikh-ukraintsiv-2022-27122022-10750), Ekonomicha Pravda (epravda.com.ua)

During martial law, Ukrainian oligarchs have seen their most impactful tool of political meddling, TV channels, merged into one 'TV marathon' operated per the government narrative. It is unlikely they will regain control afterwards, especially given that the likes of Akhmetov and Poroshenko had already ceased their ownership rights of TV channels. Therefore, their relative influence as veto players after the war will have been drastically diminished, therefore, they would be compelled to align their preferences with the President, as the strongest veto player with the largest core of preferences, to maintain their existing assets and avoid harsh penalties of de-oligarchisation in the context of securitization of governance.

2. Media and civic society

Since Orange Revolution in 2004, Ukrainian media and civil society have played a pivotal role as a valve for political demands and social tension to generate constructive reform agenda. It would take up too much space in this article to underline the impact the independent media and civic organizations exert on the political dynamics of Ukraine; therefore, I deem it better to refer to more in-depth and narrow-focused studies of Ukrainian media and civic organizations elsewhere.

TV channels assume a quite peculiar role within the media. Predominantly, the oligarch-owned media holdings controlled the TV channels before February 2022. It might be assumed that such a situation necessarily led to disruptive practices in politics and a lack of social cohesion, which is partially true.[56] Nevertheless, the contesting and, sometimes, mutually excluding accounts propounded by TV channels from circles of different oligarchs propped up a specific variety of ideological pluralism and social cleavages. However self-defeating it might seem, this division of TV channels between the oligarchs maintained a weak version of democracy in Ukraine among larger shares of society. When compared to the solid control of state apparatus over the TV channels in other post-Soviet

states (excluding Baltic nations), Ukrainian TV thrived with debate, competing narratives and a desire to put politicians to scrutiny.

In 2021, another trend set in, however. Three TV channels '112,' 'ZiK' and 'NewsOne,' which were controlled by the companies of a Ukrainian MP and Vladimir Putin's close associate Viktor Medvedchuk, were banned outright by Ukraine's National Security and Defense Council. Those channels openly propagated pro-Russian narratives and brazen allegations of 'foreign control' over Ukraine's governments[57], so the rationale for the extra-judicial onslaught on those TV channels, again, related to security. Later in the year, one of Ukraine's largest TV channels 'Ukrayina24,' which is owned by Rinat Akhmetov's UkraineMediaGroup, started a series of talk shows where guests enjoyed great liberty in delivering highly critical coverage of President Zelensky's policies and his associates' alleged corruption. Weekly episodes of Ukrayina's talk show 'Svoboda Slova' with Savik Shuster (*Свобода слова*) controlled the direction of the political agenda. Amidst 'Wagnergate,' a media scandal of alleged collusion of President Zelensky's chief-of-staff Andriy Yermak to blow up an undercover plot by Ukrainian security services to catch Wagner mercenaries, Savik Shuster invited a former chief of Ukraine's Ministry of Defence's intelligence unit, General Vasyl Burba to share his account of events. Burba alleged on live TV that Yermak rearranged the timing of the operation, which led eventually to the demise of the whole ploy.[58]

So, in November 2021, Zelensky responded to this media coverage by voicing intelligence information that Rinat Akhmetov colluded with Russian-backed mercenaries to devise a coup d'état and overthrow the legitimately elected government of Ukraine.[59] The President clearly started a clash with Ukraine's richest oligarch. Respectively, the coverage on Akhmetov's TV channels, including 'Ukrayina,' was critical of the President.

The TV market in Ukraine was changing on the eve of the 2022 Russian full-scale invasion, and some commentators voiced concerns over the freedom of speech and media freedoms being under threat in Ukraine. Everything was cast down on February 24, 2022, when Verkhovna Rada invoked martial law that enabled the President to impose nationwide censorship of all media. Zelensky did not go as far as to all-out censorship of the media, but the government decided to merge all TV channels into one studio. With oversight by the Ministry of Culture and Information, this 'National One-Voice Telethon' still operates as the only newsroom that has been vetted by the government to broadcast live. Although TV channels are given the liberty to air advertisements and entertainment content at their discretion, the 'National TV Marathon' still operates with oversight by the government.[60] At this time, it is hard to express an impartial judgement to which extent this decision helped the Ukrainian government to maintain social cohesion and deflect Russian propaganda in the first weeks of the full-scale invasion. At the same time, fewer voters cite the TV as the primary medium where they get information on recent developments. In July 2022, 43% of Ukrainians residing in the territory not occupied by Russia cited TV news coverage as their primary source of information.[61]

Other media have come through challenging circumstances as well. The online media, which are largely independent of any influence by oligarchs or political parties, effectively, act as the constraining factor on the government's decisions and policies from within Ukraine. Most of them maintain coverage from the frontlines as well as keep on covering political, social, and economic developments. Despite revenue losses and staff casualties, most online news agencies managed to keep afloat and continue their work.

Some news agencies allege that their war correspondents have been censored because of the negative feedback voiced by Ukrainian military officers in their coverage. Yuriy Butusov, a Ukrainian journalist covering the battle of Sievierodonetsk in June 2022, exposed an apparent lack of provision to Ukrainian forces when the government agency annulled his accreditation as the war correspondent.[62]

Similarly, war coverage by Ukrainska Pravda shared grievances about the lack of decent provision and reconnaissance at the frontline by Ukrainian military commanders. In a few weeks, the government issued an effective ban for Ukrainian war correspondents to cover any developments from the 'red area,' the area in the immediate proximity to the frontline and grey zone between Ukrainian and Russian trenches. The only exception is the journalists from "One-Voice Telethon" newsroom. Ukrainska Pravda's editor-in-chief Sevgil Musayeva publicly decried this decision and asked for the government to reconsider because, in her opinion, it amounts to effective censorship.[63]

In terms of public legitimacy, the media command the public trust of 65.1%, as of March 2023, which is higher than the public trust in Verkhovna Rada, the Cabinet of Ministers, the police, the civil servants, and the judicial system. [64] At the same time, this level of public trust in media is lower than the trust towards the Armed Forces, the President, the church and the security services. As a veto player in any endeavour to change the form of government or constitutional design, the media in Ukraine so far managed to maintain a significant degree of independence and impartiality, apart from the TV channels. However, it is yet to be seen how the institutional media and journalists will retain their power capacities in the post-war stage. Besides, a new phenomenon of Telegram-based broadcast channels that operate as 'new media' present a challenge to social trust towards media. Together with bloggers like Oleksiy Arestovich or Dmytro Gordon, they have changed the fabric of social media in Ukraine, propagating unverified and highly subjective accounts of the war without any accountability.

During the period of a full-scale invasion, private contractors who raise funds among the public and procure the weapons and toolkits called 'volunteers' in Ukraine (*волонтери*), gained the most robust legitimacy as social and political actors. The polling conducted in Ukraine throughout the period of the Russian full-scale invasion shows that the 'volunteers' come behind only the military. Razumkov Centre's poll registered the social trust to 'volunteer organizations' at 88% level, as of March 2023.[65] Using professional PR teams, foundations like 'Come Back Alive' (*Повернись живим*) and 'Serhiy Prutyla Foundation' (*Фонд Сергія Притули*) managed to raise funds to procure Turkish UAVs Bayraktar, access to private reconnaissance satellite, night-vision optics equipment for battle vehicles, etc. It may be reasonably expected that some leaders of these organizations might take up a chance to start a political movement or a party at the post-war stage. Their opinions and criticisms of the government practices will garner a palpably high level of public support, as has already been shown in an acrimonious row between Taras Chmut, Come Back Alive's CEO, and Borys Filatov, mayor of Dnipro.[66]

In closing, media, and civil society, especially 'volunteer' organizations, have a high level of public trust and legitimacy to exert pressure and to maintain the existing semi-presidential design of Ukraine's government. However, there are challenges to the operation of media in terms of martial law censorship and control of TV channels by government oversight; whilst the volunteer organization lack cohesion and institutionality to step up as a proper veto player.

3. Military forces and security service

In every poll conducted after February 24, 2022, Ukrainians placed the Armed Forces of Ukraine with other military units at the very top of political and social institutions, with an average trust level of 93%.[67] Before February 2022, the military did not have such a sweepingly strong hold over society. Because of the securitization of the political discourse in Ukraine and the existential threat to Ukraine's independence, the Armed Forces now command legitimacy as the foundation of political or social life in Ukraine.

It is interesting how the social debate unfolded in July 2022 when the General Staff seemingly tried to enact a Soviet-era legal norm about male citizens reporting their movement across the borders of regions (*области*). President Zelenskyi publicly criticized the General Staff of the Armed Forces and condescendingly reprimanded General Zaluzhnyi, the Commander-in-Chief.[68] However, the Ukrainian media gathered from their sources that there is a hidden rivalry between President Zelenskyi and General Zaluzhnyi since the polling research shows the public would support a 'strongman' kind of politician with a military background. 58% of Ukrainians supported a 'strongman' leading the nation in the war while only 27% supported a liberal democracy.[69] At the same time, 62% of citizens believed, as of July 2022, that even a reasonable criticism of the President and the government's actions is not appropriate during wartime.

So far, the military has not made any incursions into political debates or government institutions. But every issue, draft law or decree is weighed up tacitly against the considerations of the military command. In case of a scenario of Ukraine's victory (with retaking control of borders as of 2021 or as of 1991), the military will maintain the highest public trust and legitimacy as a veto player, even after martial law is revoked. Existing public trust in the military might suggest a risk of military coup d'état or, at any measure, further securitization of government matters. Ukraine lacks a robust system of institutional balance and checks, so military capture might even foment public support and legitimacy if veterans or military brass create a separate political party.

However, if the Office of the President keeps a grip on the judicial system, the TV channels and the security services, there are potential challenges to the military-born movements or parties. Also, the public investing legitimacy in the armed Forces may be undermined by publicized acts of violence or terrorist attacks perpetrated by traumatized veterans or volunteers. It pays to mention a seeming inconsistency in the social attitudes towards the military by invoking an example of the forced draft of male citizens in the street or public venues. Instances of grievous misconduct by enlistment officers and corruption led Zelenskyi to launch a campaign of audits and mass sacking of the management of the enlistment offices in the summer of 2023.[70] Although the public explicitly supports the Armed Forces, people quietly nurture distrust due to fear or opposition to the enlistment.

Presidentialism and Martial Law: Raison D'état for Competitive Authoritarianism

As the comparison between Figures 1 and 2 shows, the core of preferences of the President has grown considerably after the full-scale war broke out while the preferential cores of other veto players reduced significantly. Due to strict securitization of the political agenda and the martial law, the President as the Supreme Commander-in-Chief managed to align the preferences of other veto-players with his own (other players' preferences that fall out of the President's core take comparably less space in post-2022 set). In terms of the constitutional design of Ukraine, my main argument implies that the President has more institutional leeway to control and dominate the power-sharing process in post-2022 Ukraine compared with the pre-war situation.

More interestingly, such an imbalance of power and presidential control over matters in the Verkhovna Rada and the Cabinet of Ministers is legitimized by the general public – 79% of Ukrainian believe that the President's intrusion into the roles of the legislature and the executive are legitimate during the wartime.[71] Another poll showed that, as of February 2023, 65% of Ukrainians would like Zelenskyi to be re-elected for the second term as the President, whilst 54% are not satisfied with the current Verkhovna Rada.[72]

At the post-war stage, the President may choose to freeze the existing *modus operandi* on the grounds of national security or as a temporary measure for the transition period. The weaknesses of constitutional veto-players (Verkhovna Rada, the Constitutional Court and the Cabinet of Ministers) lead to the conclusion that their preferences will be ever more aligned with the President. The virtual elimination of the oligarchs coupled with the unification of TV channels means that the space for pluralist politics has decreased. In the meantime, the core preferences of the military and the media/civic society increased compared to the pre-2022 situation. The military's core of preferences now captures the preferences of Verkhovna Rada and the Cabinet of Ministers as well as a substantial part of the President's core of preferences. In case the military or the President might act to change the existing constitutional design of Ukraine, there is a sizeable overlap between them. Narratives the President and military support include:

1. A higher spending on the defence and security agenda, including the expenditure on the security services, intelligence, armed forces, weapons, etc.
2. Tighter control over the media coverage of the government's policies, expenditures, and appointments (lenient approach to accountability standards);
3. Securitization of education, healthcare, economy, and business as well as the continuation of the mandatory military draft for men aged 18-27.
4. More robust approach to Russia, including support for covert operations from within Russia and paramilitary units fighting against the government of Russia.

Despite this convergence on security matters, the President would rather tilt the constitutional framework towards robust presidentialism instead of a shared military-civic dictatorship. The constraining factors on sustaining 'competitive authoritarianism' in Ukraine are the pressure of the civic organizations and the media which command social and political legitimacy even in the face of legal limitations imposed by martial law.

In conclusion, any such analysis runs up against the contingency of the ongoing warfare and the specific nature of ceasefire and post-war arrangements. In the worst case, Ukraine fails to retake territories occupied by Russian forces after 2022, millions of Ukrainian citizens are internally displaced with millions of refugees staying abroad, and the prospect of joining the EU and NATO is postponed even further due to the crippling economy, infrastructure, and social cohesion. In such a scenario, the President might be seen as a 'scapegoat' for the national failure and lose all the legitimacy while the military can gain more public support for the idea of military dictatorship.

Furthermore, it must be borne in mind that international organizations, donors, and partners will exert pressure on the Ukrainian authorities in case of alarming trends in surging authoritarian trends. The widespread proliferation of firearms among civilians and the military in Ukraine also creates a danger of internal strife and terrorist attacks. Finally, any future changes in the political regime in Russia might lead to dramatical changes in Ukraine, which either exacerbate the security situation in Eastern Europe or sweepingly improve the prospect for democracy-building in former Soviet states.

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Lessons from Ukraine: Macron's European policy in the wake of the war

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Abstract
Since the beginning of his first term in 2017, Macron has attempted to position himself as a European leader, pleading for reforms of the Union. His foreign policy was articulated around a few core points: European sovereignty and strategic autonomy, a progressive detachment from NATO and the promotion of a European defence, and rapprochement and dialogue with Russia. The Russian invasion of Ukraine, by significantly altering the balance of power on the continent, forced Macron to reconsider the core tenets of his policy. This article explores French European policy in the wake of the war, its influence on the European response to the crisis but also how it changed within this shifting geopolitical context. It argues that while the invasion gave strength to Macron's call for a stronger Europe in the realm of defence, it transformed what "autonomy" and "sovereignty" might mean in the European context – specifically in relation to NATO and the US. It also explores the transformation of Paris' relations with Russia, and prospects for future European security.

Introduction

Late February 2022. Macron is on the phone with Putin, hoping to dissuade him from invading Ukraine. "Don't give in to provocations," advises the French president. A few days later, Russian troops lit the spark that ignited the war, and Macron witnessed the failure of his mediating efforts. In a documentary broadcasted by France 2, he conceded: "I thought that, through trust, intellectual conversation, we could find a way with Putin." Clearly, he had misjudged his ability to become a mediator in the crisis.

The war in Ukraine shattered Macron's ambitions regarding a rapprochement with Russia. Since his election in 2017, the French leader had attempted to foster dialogue and cooperation with Putin, with limited results. This first pillar of French foreign policy in Europe went hand in hand with an active promotion of the development of a "sovereign Europe" and "strategic autonomy," articulated particularly around a typically French anti-Atlanticist position and suspicion of NATO. Macron argued that the EU needed to develop as a fully-fledged political actor to become a master of its own destiny, able to tackle contemporary crises including destabilisation in the neighbourhood. Macron's foreign policy echoed a Gaullist vision of France's global role as a mediator.

But the war forced Macron, alongside European partners, to rethink his grand strategy: while the return of traditional warfare on the continent renewed the call for "Defence Europe," a conciliatory approach was viewed with suspicion. This article therefore seeks to analyse how the war in Ukraine pushed Macron to reconsider his European ambitions and whether it triggered significant change within French foreign policy. Did Paris manage to maintain its influence, or does the war reflect a moment of "Europeanisation" of its foreign policy? More importantly, I explore what these changes might mean for the post-war European architecture, and particularly what role France may play in it.

Framework and concepts. France in the European foreign policy architecture

This article is inscribed within a broader literature on the role of EU member states in shaping EU foreign policy. Drawing from the idea that EU foreign policy, although

influenced by the EU framework, retains strong intergovernmental elements,[1] it considers how member states' interests and national foreign policies shape the EU's. France, particularly, has tended to consider the EU as a platform for its own international ambitions,[2] and has historically considered that it had a role to forge the EU in its own image.[3] Macron is no stranger to this tradition. In recent years, he has been particularly active in proposing his vision for Europe – a vision that, as will be discussed later, goes beyond the sole framework of the EU. Russian policy has been emblematic: while Germany was the main leader in the EU-Russian relation, and developed bilateral cooperation on energy matters, France has tried to take the upper hand and forge its own special dialogue with Russia, attempting to retake the leadership role that Germany had occupied in the last decades[4]. Although it shook some of Paris' strategic assumptions to the core, the war in Ukraine also renewed the impetus for debates about European foreign policy, and France has seized the opportunity to influence the course of those debates. Paris' positions, in this perspective, are likely to influence the future of European architecture, whether on the nature of EU-Russia relations, the development of Europe's Defence policy, the relation between the EU and NATO, or the future of Ukraine in Europe (or as a member of the EU). Understanding the dynamics that influence and shape French foreign policy, and how it has evolved since the invasion of Ukraine, is therefore central to sketch out potential future directions for the European foreign policy architecture.

The research draws on a corpus of speeches and foreign policy declarations made by President Macron since the beginning of his first term in 2017, using discourse analysis to map out the changes and continuities in Macron's approach to Europe. Discourse both shapes and justifies policymaking, by constructing subjects and objects of foreign policy.[5] In this perspective, attention to Macron's discursive approach to the EU, the war in Ukraine, and the future of Europe, allows us to access the transformation of the cognitive framework in which French foreign policy is formulated – and whether this cognitive framework is substantially altered by the war. For reasons of space, this paper brushes over analyses of actual policy changes. It is first too soon to pick up on long-term alterations in the French approach to Russia given the exceptional situation that the war context presents. Second, a more thorough analysis would require much more extensive data, such as elite interviews and in-depth case studies, that fall beyond the means of this paper. The study therefore focuses more on Macron's "idea" of Europe and how it shapes France's international behaviour, specifically in matters of security and defence. The analysis of Macron's position is not anecdotal: he has emerged as a challenger to Germany's leadership in defining the terms of the relation between the EU and Moscow, as has been demonstrated through the strong interpersonal relationship built between Macron and Putin at the eve of the war. The analysis of specific member states' positions on Russia, and how these positions are altered under external and internal pressures therefore sheds lights on broader dynamics of European foreign policy making.

The analysis shows that while the war has given credence to Macron's call for independence and strategic autonomy, it has altered the content and outline of what strategic autonomy entails in the European context. Looking at Macron's discourse before and during the war, and his propositions for the future of Europe, this paper maps out the evolution of French strategic thinking in the context of a rapidly shifting geopolitical environment. I start by giving an overview of Macron's approach to European foreign policy before the war, centred around two core tenets: the obsession of Europe's "strategic autonomy," and the emphasis on being a *puissance d'équilibre* (balancing

power) – specifically, engaging in a dialogue with Russia. The outbreak of the conflict both reinforced and challenged those principles, and Paris' initial response to Ukraine reflected the confusion and contradictions embedded within Macron's strategic thinking. However, I will argue that more recent developments hint at adjustments in French foreign policy towards Europe, Ukraine, and Russia. Macron, far from abandoning his European dream, appears to be learning some lessons from the war: his weakened anti-NATO stance and his renewed attention for the Eastern neighbourhood indicate a shift in French foreign policy. But how significant are these developments, and for how long will they last?

French foreign policy before the war: Europe, strategic autonomy and *puissance d'équilibre*

Europe, its reform, and its promotion have been central to Macron's political career, even before he became president. His campaign was centred around the European ideal, in orchestrated opposition with his primary opponent, Marine le Pen, who back in 2017 did not hide her Eurosceptic tendencies. Always playing with symbols, Macron's celebratory walk towards the Louvre on the night of his first election was accompanied by the European Union anthem, Beethoven's *Ode to Joy*. His European ambitions, coupled with his proactive diplomatic style, led him to adopt a leadership position regarding EU's future. His goal, embedded in a Gaullist understanding of France's role in the world, was to make France a driver of change at the European level, trying to promote France's vision for Europe in European and international arenas.[6]

Macron l'Européen – French European policy since La Sorbonne

Macron's European vision was most clearly articulated in the speech he gave at La Sorbonne in September 2017, a few months after his election. In his now well-known diplomatic style, assertive, risk-taking, and sometimes controversial,[7] Macron signposted his ambition as a leader of European construction. The speech, although ambitious, remains in line with the traditional French approach to the EU, articulated around a few core points: the emphasis on European autonomy, the use of the EU as a power multiplier for France, suspicion regarding NATO and the promotion of independence vis-à-vis the US, a more conciliatory approach towards Russia rooted in a perception of France, and by extension the EU, as a *puissance d'équilibre*. It therefore stands in continuity with France's approach towards the EU, with a tendency to try and "upload" its policy preferences at the European level.[8]

To understand Macron's European vision, we first need to turn to the deep-rooted suspicion about NATO prevalent within the French diplomatic apparatus. Paris' position regarding the Atlantic Alliance dates back to the early days of the 5th Republic and has varied little over the last 70 years. De Gaulle, obsessed with France's rank in the world, was suspicious of becoming a vassal of the US through NATO.[9] He removed France from the integrated command of the organisation in 1966, and France remained out of it until Sarkozy's decision to return to it in 2009, as part of its turn towards the US. France was nonetheless a crucial actor in the organisation and never fully stopped participating in its operations, but it did maintain a form of distance throughout the years. Many diplomats adopted this world view of "independence and rank,"[10] and the doctrine of "allied but not aligned" remains a staple of French foreign policy. In this regard, Macron's comments on NATO and the US are in continuity with the French tradition, although more extreme. In

2019, Macron clearly outlined his vision when he claimed that NATO was "brain-dead"[11] and that it was time for the EU to step up; the election of Trump confirmed a loss of US interest for Europe, putting the security umbrella provided by NATO under threat. For him, the "junior partner" status of Europe vis-à-vis the US was detrimental to the continent in the long run and impeded the development of a geopolitical Europe able to deal with its crises, particularly because NATO had neglected strategic and political debates over management and budgetary questions.[12]

Drawing from this diagnosis of NATO's failure, Macron became the strongest advocate of "strategic autonomy" and European sovereignty, in continuity with Hollande's commitment to "Defence Europe" and its active participation in relaunching PESCO.[13] In the face of an unreliable US and a deteriorating strategic environment, Macron argued that it was time for Europe to develop its own defence capabilities and slowly decrease the reliance on American military power. For Macron, shifts needed to happen both at practical and ideological levels, as he outlined in his speech at La Sorbonne, namely the development of European military capabilities and a "common strategic culture" in order to elaborate a joint security and defence doctrine. His project translated concretely with the creation of the European Intervention Initiative (E2I), a coalition of 13 European countries "aiming to develop this shared strategic culture."

The E2I is particularly interesting as it reveals the limits of Macron's doctrine regarding European defence. Indeed, what is striking is the development of a new intervention capacity outside of the framework of the Union, all in the name of efficiency. The E2I also includes the UK and leaves aside some of Paris' partners.[14] For Macron, then, the EU can sometimes be a relevant actor in the service of his broader goals of European influence, but it is not the only one. The multiplication of political structures outside of the framework of the EU reveals that for Macron, European autonomy is rooted in the principle of differentiated integration, namely the promotion of a multi-speed Europe with different levels of commitment, a tool used in the context of the EU to deal with challenges including "variation in political will" or the "often divisive impact of geo-strategic events and developments"[15], the invasion of Ukraine being a case in point of such events. For Macron, though, differentiated integration happens not only between member states, but also between EU and non-EU states in Europe.

A final aspect of French European policy regards its relation to the Eastern neighbourhood, its Mediterranean counterpart being generally preferred. However, this Mediterranean tropism has had consequences for Macron's understanding of European priorities and balance of power. First, France has always been reluctant to the EU's enlargement eastward, preferring integration over expansion. Second, this relative lack of interest means the formulation of policies that sometimes neglect the specific needs of Eastern European countries. Most emblematic is maybe the approach to NATO discussed above. Indeed, the anti-Atlanticist stance traditionally adopted by Paris goes against the specific security preferences of Baltic and Eastern European countries, that have all defended a strong NATO as part of the European security architecture.[16] It is to be noted, though, that France, alongside Germany in the Normandy format[xx], was still involved in the efforts to solve the Ukraine crisis after 2014. Paris' lack of interest for the Eastern flank of Europe therefore needs to be nuanced.[17] As Cadier argues convincingly, French

[xx] The Normandy format is an informal diplomatic grouping created in the wake of the Donbas crisis in 2014, in order to resolve the conflict. It includes French, Germany, Ukrainian and Russian diplomats.

foreign policy is best understood in relation to its "milieu goals," namely its broader objectives in the international system. While Eastern Europe has traditionally been less of a focus, the centrality of the Ukraine question for the future of Europe since 2014 and even more so after 2022, means that Paris has adopted its foreign policy to the region to fit its wider international goals. The "return of war in Europe" has therefore been a significant trigger which has altered the place of the Eastern neighbourhood in Paris' strategy and understanding of European politics. It is central to understand that Macron's European policy reflects a translation of French foreign policy principles to the European level, or practices of "uploading."[18]

Both concepts of independence and *puissance d'équilibre* are core components of French international identity, that it attempts to project on the European scale. Rooted in a perception of French exceptionalism and grandeur, French foreign policy since de Gaulle has been focused on preserving France's international rank by a promotion of a specific voice in the concert of nations. With the loss of its colonial empire, Paris turned to the European framework as its new source of power.[19] This understanding of Europe is at the core of Paris' foreign policy contradictions: it relies heavily on the EU, but at the same time, tries to preserve and promote a specific French vision. The interlinkage of French and European policy is for example made clear in the 2018 Speech to the Ambassadors, a yearly address to the diplomatic corps in which the President outlines central goals for French foreign policy. He presented independence, for instance, as what "allows France to make its voice heard […], to influence the direction of the world rather than being its hostage,"[20] adding that "the place of our sovereignty, today, is Europe." Similarly, in the Sorbonne speech, he argued that "only Europe can guarantee us true sovereignty, that is our ability to exist in the contemporary world to defend our values and interests."[21] It is very clear here that France's international ambitions cannot exist outside of the EU framework, hence Macron's (and previous presidents) dedication to the European construction. Given the prevalence of French interests in the formulation of Macron's European policy, it is also no wonder that his propositions have sometimes been met with suspicion by its European partners. There is fear that France only tries to promote a Franco-French vision of Europe, rather than engage in a constructive dialogue with other member states on the best course of action for a collective future. In recent years, the Russian component of French foreign policy, linked to the notion of 'puissance d'équilibre', has been a central concern for member states.

Macron, a Russophile? (Failed) dialogue with Putin at the dawn of the war

The French approach to Russian-EU relations, indeed, has been frequently criticised by European, particularly Eastern, partners. Like Germany's *Ostpolitik*, the French approach focused on promoting negotiation and cooperation, arguing that anchoring Russia to Europe was essential for EU's security and that hostility towards Putin would risk promoting conflict rather than stability. Germany, specifically, was at the forefront of EU-Russia relations: it took on a leadership role in coordinating European response to the invasion of Crimea in 2014, whilst promoting a "change through trade" approach by developing bilateral energy cooperation with Russia[22]. Nonetheless, this leadership role has suffered in recent years, a role now coveted by Paris. Since 2017, Paris has tried to develop its own bilateral rapprochement, in the hopes that this would then incentivise a broader European policy, *à la française*.[23] It can therefore be argued that we are witnessing a struggle over leadership, informed by the specific roles played by both France and Germany, the former being traditionally less civilian than the latter[24].

The rapprochement with Putin started as early as 2017. He was first invited to Versailles a few weeks after Macron's election, to discuss topics such as the enactment of the Minsk accords regarding the conflict in Ukraine, antiterrorist cooperation, or the war in Syria. This first meeting, however, was the occasion for Macron to stand firm regarding Russian actions, whether concerning Syria, Ukraine, or the influence of Russian media in European elections.[25] Despite Macron's strong stance, the meeting in Versailles also reflected France's openness to dialogue with Russia, an openness which deepened throughout the years. As such, the 2019 invitation of Putin to Brégançon, the French president's holiday residence, marked an intensification of the bilateral dialogue, where they particularly discussed the European security architecture.[26] Aside from the diplomatic value of these meetings, it is important to note their symbolic dimension – and the signal they may send to other European partners. Indeed, Versailles and Brégançon are two highly symbolic places. The former is a symbol of French *grandeur*, destined to impress Putin, loaded with French diplomatic history, but it also has a less official tone than the Elysée. Brégançon, on the other hand, offers an informal, almost intimate setting to the meeting, displaying once again the proximity of the two men.

Macron's rationale for promoting dialogue with Putin is articulated around two core ideas.[27] First, he argues that Russian and European security are interlinked. Because of the geography of Russia, the stability of the continent cannot be guaranteed without cooperation with its Eastern neighbour. Second, besides the interest-based argument, Macron considers Russia as a European power and a member of Western civilisation.[xxi] In this perspective, rapprochement with Russia is not only rooted in a strategic assessment of the geopolitical realities of the continent, but in a deeper ideological reading about Western civilisation and its members. It reflects an understanding of contemporary international relations as a collection of diverging world views, sometimes incompatible, that threaten the principles of the post-war architecture held as universal. Maintaining Russia within the European architecture, therefore, appears in Macron's perspective as need for the defence of a Western-led, rules-based international order.

Far from limiting his efforts, the military escalation at the Ukrainian borders in the early days of 2022 reinforced Macron's voluntarism. His multiple hats, as French president, the holder of the rotating presidency of the Council of Europe, and a member of the Minsk agreements, strengthened his position as negotiator and mediator. As Russian troops were massed on the border and the threat of conflict increased, Macron multiplied calls with Putin and Zelensky to try and find a way out of the crisis. In early February, he met both presidents in Moscow and Kyiv back-to-back to find a solution to the escalation in Eastern Ukraine. For him, the crisis revealed "misunderstandings" and deep-rooted "traumas,"[28] and he remained convinced that a diplomatic solution was possible. He talked with Putin for more than 5 hours, followed by an hour-long press conference, where he reassured Putin that while their readings of the situation in Ukraine diverged, he would "consider what [Putin had] expressed" and his demands regarding NATO and security guarantees. The security and civilisational reading dialectic was also central there as Macron argued that dialogue with Russia was both France's "vocation" and a

[xxi] It has to be noted, however, that Russia has also been described as a challenger of the liberal international order. The fuzzy boundaries of the "civilisation" concept in Macron's thought might help explain why both readings have been adopted by the President and sheds light on the contradictions inherent to his foreign policy.

need, because, in his words, "if we do not [engage in] dialogue with Russia, we leave the space for others to do so," while reaffirming that "there is no security for Europeans if there is no security for Russia." The meeting with Zelensky, the next day, reflected this balancing act, with Putin explicitly asking Macron to talk to the Ukrainian president and Macron acting as a rapporteur between the two men.

This dynamic continued until the eve of the war, as a documentary broadcasted by France 2 revealed. A phone conversation between the two men is recorded, where Macron acts as an initiator of solutions, promising Putin to talk to Zelensky about the implementation of the Minsk agreements, but also tries to coordinate a summit between Biden and Putin to talk about de-escalation strategies. The phone call sheds full light on Macron's strategy regarding Putin: the familiarity of the tone, coupled with a form of assertiveness, reveals a process of trust-building and active diplomacy where Macron attempts to lead the Western response to the crisis, as exemplified by the proposition of a US-Russia summit. The subsequent events and the invasion of Ukraine, however, revealed both the failure of trust-building, and the limits of Macron's leadership position in Europe. Not only did he fail to successfully dialogue with Putin and prevent the escalation of the conflict, confirming some of his critics that called him too optimistic, his behaviour towards Russia also undermined France's credibility on the European stage. He was criticised for being too unilateral in his approach, neglecting the specific needs of Europe's Eastern flank, and finally being too conciliant with Russia.[29] His initial reactions on how to best manage the conflict remained consistent with his general foreign policy line - firmness and dialogue - far from the harsher position defended by the EU. The subsequent sections therefore analyse how the outbreak of a full-fledged war on the European continent pushed Macron to reconsider his doctrine, recognise the mistakes and pitfalls of his foreign policy, and to adapt to the new strategic balances on the continent.

Meddling through: France's first responses to the war in Ukraine

Holding on to France's Russia policy?

France's initial reaction to the invasion shed light on the contradictions and limits of French doctrine, and most particularly the failures of Paris' Russian policy. Against Macron's claim that dialoguing with Russia was the best way to prevent conflict, the invasion shed light on the pitfalls of one-on-one diplomacy. And yet, despite this setback, Macron kept lines of communication opened with the Kremlin throughout the first few months of the conflict. In his address to the nation in March 2022, Macron's balancing act is made clear. He declared, for instance, that "while [he] is in constant contact with President Zelensky, [he has] also chosen to remain and stay in contact as much as [he] can and as much as it is necessary with President Putin," emphasising that Europe and France "were not at war with Russia" and that we were "linked with this great European people that is the Russian people, which has sacrificed so much during the Second World War to save Europe from the abyss."[30]

In this speech, the main elements of Macron's Russian policy identified above can be found again: the reference to Russia as part of the European civilisation, the requirement of dialogue and measure regarding Russia, and France's position as a mediator. Even the sentence construction reflects this middle-ground position, where Ukraine and Russia are balanced against the other, with France playing a referee role in the conflict.

Most controversial amongst European partners was the constant call to "not humiliate Russia" and Macron's advocacy for a "demanding dialogue."[31] He further reiterated the role of France's mediation role in an interview with regional newspaper in June 2022, arguing that "we cannot humiliate Russia so that the day fighting will stop, we will be able to build an exit route through diplomatic means."[32] A few months later, in an interview for TF1 given in early December 2022, he kept a similar narrative when he emphasised the need for "guarantees for Russia's own security the day it will come back to the negotiating table." Those comments sparked outrage across the European partners, and specifically Ukraine, which accused Paris of falling victim to Russian propaganda. Indeed, the implicit thesis on which Macron's understanding of the conflict is built is, in part, the idea that Russia was humiliated after the end of the Cold War, ostracised from the Western camp, and that it felt threatened by the eastward expansion of NATO.

Western powers contributed to the isolation of Russia, which in turned fuelled resentment and aggressivity in the country. This understanding replicates the Kremlin narrative, and according to Adomeit, is a flawed diagnosis regarding EU-Russian relations.[33] Moreover, Paris' obsession with dialogue with Russia can undermine the objective of European unity: accused of acting unilaterally and neglecting the needs of European countries, Macron seemed to go against the consensus in the EU regarding Russia. France's position, it can be argued, seriously undermined its credibility as a European leader in the resolution of the conflict[34], as the words of the Ukrainian Foreign Affairs minister confirm, when he tweeted that "calls to avoid humiliation of Russia can only humiliate France."[35]

However, it would be excessive to argue that Paris' position has not evolved throughout the war regarding Russia, and France has tried to regain credibility by adapting and altering its approach to Russia. The sequence reveals the limits of Paris' unilateral approach to Russia and highlights the constraints placed by the European context on French foreign policy. Indeed, although France was acting as the leader of the European coalition and argued it was speaking in the name of all, its unilateralism was ill-received amongst European partners. It is possible that Paris' diplomatic posture, playing at the same time the European and the unilateral card, was interpreted as going against central procedural norms of the EU, specifically that of consensus-building and joint action.[36] This deviation from the standards set within the EU framework was then followed by a loss of credibility for France, weakening its position as a leader in the resolution of the conflict. But most importantly, the impact of the European framework is made most relevant by the changes in the French approach. While the emphasis on dialogue has not disappeared, as will be discussed in the final part of this paper, Paris has also tried to demonstrate its commitment to Ukraine by increasing participation in the war effort and by actively engaging all European partners in order to restore its influence at the European level. Although more research would be needed to outline the exact processes that led Paris to transform its approach, it is clear from this example that French foreign policy is partly Europeanised: its embeddedness within the European foreign policy architecture limits and constrains the possible course of action, even more so because Paris depends heavily on the EU for its international influence.[37]

French presidency of the EU during the invasion

France's role in the war was made even more salient as the onset of the conflict coincided with the French presidency of the Council of the EU (FPEU). As such, France was tasked

with coordinating the member states' response, and the presidency also gave Macron an opportunity to push his European agenda further. But as argued before, the European framework also constrained Macron's foreign policy, reminding him of the centrality of a multilateral and coordinated response.

The FPEU started on the 19th of January 2022, and the main policy priorities developed by Macron in his opening speech were given credence a little more than a month later. He indeed insisted that "Europe needs to arm itself" in the face of "an escalation of tensions […] in its neighbourhood."[38] There too, strategic autonomy, emancipation from NATO and the construction of a strategic vision were central to France's ambitions for Europe. All throughout the conflict, Macron built on these principles, and the war in Ukraine gave a new sense of urgency to his proposals, the FPUE marking a "European turn of defence."[39]

Macron's European response has been carefully crafted throughout the conflict, with a depiction of the president as a mediator and coordinator of the European response. The *France 2* documentary, for instance, shows the president on the phone with German Chancellor Scholz and Italian PM Draghi, discussing the best way to foster European unity and discussing the swift sanction procedures against Russia. It stages France's replacement of Germany as Russia's main interlocutor, taking initiatives *then* coordinating with its European partners. In the same sequence, Emmanuel Bonne, Macron's diplomatic advisor, admits that this is an ideal window of opportunity for France to adopt "a leadership position that unites the European family."[40] A strong, voluntary leader is shown, playing on the widely accepted notion amongst French diplomats that France needs to be at the centre of European policymaking.

The first coordinated European response came in the form of the "Versailles agenda," a 27-point declaration adopted on March 11th, 2022. One cannot help but note the symbolism of the location when Putin was also hosted at Versailles in 2017 as Macron was trying to foster dialogue with the Russian leader. During this informal meeting, the 27 heads of states and governments outlined the next priorities to build the European response to the war in the short and medium-run. The main core points included an increase in defence spending, with a focus on innovative technologies and cyber-resilience, and a commitment to reducing energy dependency to Russia. It also paved the way for Ukraine's candidacy to the EU. However, the efficiency of the Versailles agenda needs to be nuanced. While the commitment to European defence is reiterated, one needs to bear in mind that it only has declaratory power. In this regard, it duplicates the main points of the Strategic Compass also adopted under the FPEU but does not guarantee the effective implementation of those priorities.

As has often been the case for European defence, developing a strong response has generally come from a lack of political will,[41] and declarations were rarely matched by member states' action. Even Paris appears suspicious of the EU's ability to act together, as Macron's reliance on alternative frameworks such as the E2I or the EPC reveals. What conclusions can we then draw from the FPEU? As Warlouzet has argued, it is maybe in the rhetoric and the negotiation style that Macron has had the most success. For him, the commitment to multilateralism is one of the most striking conclusions of this presidency,[42] and it is true that Macron has stepped up as a promoter of dialogue, with EU member states, but also beyond, as this next section will show. In terms of strategic thinking, however, it is unsure whether the French vision will have a lasting impact on

the European security architecture. As will be discussed in the next part, the FPEU finally also happened alongside French initiatives external to the framework of the EU. Whether this is an avowal of failure for the EU or a creative solution to its institutional limits remains up for debate.

What does the future look like? Macron's ambitions for a post-war Europe

Multiple Europes? European Political Community, enlargement, and integration

The destructive effects of war on the European continent are undeniable. The continent is faced with security, economic, social, and humanitarian challenges which effects are likely to be felt on a long-term basis. Threat perception has also changed and the hopes of peaceful coexistence with Russia are long gone. But as has often been the case with the EU, the war also momentarily boosted cooperation and gave credence to Macron's call for European unity, independence, and autonomy. In this regard, the French president has already started thinking about what Europe's future might look like after the war, and has particularly seized questions regarding enlargement, integration, and political cooperation at the scale of the continent.

The invasion indeed triggered a reflection on further enlargement of the EU to the East, with Moldova and Ukraine presenting their candidacy to accession in early 2022. The candidate status was granted to the two countries in June 2022, a decision welcomed by the French president who had previously emphasised the reform efforts at play in the countries. His support, however, came with conditions and a call to caution and patience. In line with a French tradition suspicious of enlargement to the East, Macron reminded in multiple occasions that the admission process should not be rushed. In May 2022, he insisted that the process would take "multiple years, probably multiple decades."[43] Any exception would bear the risk of "lowering the standards of this membership" and "weaken the intimacy built within our EU." The new challenges posed by the war, in that perspective, served more to confirm France's preference for differentiated European integration, rather than alter their foreign policy tradition.

This led the French leader to propose alternative models for the future of the European continent, a future *with* but also *beyond* the EU. The creation of the European Political Community (EPC), an intergovernmental arena composed of 47 participants, and a direct response to the dilemmas of enlargement, best exemplifies this vision. It also sheds light on Paris' changed approach to Eastern Europe and its role for the future of the continent. Announced on the May 9th, 2022, Macron describes the EPC as a "new space of political cooperation, security, cooperation in energy matters, of transport, investments, infrastructures, movement of people and particularly our youths." Echoing his claim that Europe had lost its political vision by focusing too much on market expansion,[44] he therefore proposed a new space in which European (and not only EU member states) could discuss global issues and respond to the "need for unity in an increasingly complex world."[45] This process of "two way political socialisation"[46] is thought of as a stepping stone towards integration within the EU framework, a way for Macron to "accelerate the rhythm, raise our ambitions, create convergence at its heart, without a predefined format, without ever excluding, but also without ever letting the most sceptic and hesitant slow down what will allow our Europe to establish itself as a power."[47] However, that stepping stone is not an imperative, as he declared that "to join [the EPC] would not necessarily

prejudge future adhesion to the European Union, as it would not either be closed to those who have left the former."[48] For Macron, the future of Europe appears to reside in the EU, but in other forms of regional integration as well, which in his words, respect "the truth of its geography." This can also be interpreted as a way for Paris to maintain its preference for integration over expansion in the EU but also accommodate new demands coming from Eastern member states, specifically Ukraine.

The EPC raises questions regarding the specificity of the EU in dealing with European crises. The agenda for EPC cooperation outlined by the president in Prague indeed emphasises similar priorities than that of the Union, outlined in strategic documents such as the 2017 Global Strategy or the 2022 Strategic Compass, including energy independence, strengthening of the borders in the face of migratory waves, the fight against cyber-attacks. The EPC, therefore, seems to take its roots in the political limits of the EU, by removing the economic conditionality associated with EU membership, and promoting political dialogue.[49] It still operates within the European framework, though, in the sense that it bets on the expansion and diffusion of European norms to foster cooperation and convergence.[50]

This confirms the prevalence of "differentiated integration in French strategic thinking, with different layers of integration and a more gradual process of membership. It remains to be seen, then, whether this approach to integration can foster convergence and trust-building between the EU and aspiring member states more efficiently, and whether the bet of variable-geometry participation will pave the road for greater unity within Europe. It is also unclear whether the EU framework remains the end goal, a point somewhat blurry for Macron who has insisted on the fact that membership was not necessarily the long-term project. In this perspective, the French will also have to give guarantees to Ukraine that it will not be blocked in the EPC as an alternative to membership, a concern that has already been raised by some. Clarifying the purposes and means of the EPC, therefore, remains high on the agenda, and France dealing with its sometimes-contradictory visions is a necessary step in that direction. More globally, the EPC confirms the trend started with E21 towards a pattern of differentiated integration and the multiplication of frameworks to reach goals of European cooperation and address the continent's current crises.

EU-NATO relations: NATO is dead, long live NATO?

The starkest change in Macron's European ambitions might be seen in the question of EU-NATO relations. Indeed, far from confirming Macron's claim in 2020 that NATO was "brain-dead," the war shed light on the central role of the organisation for European security. The president himself recognised in Bratislava that "Putin had woken it up with the worst of electroshocks."[51] The demands of accession to NATO from Sweden and Finland, for instance, historically neutral, marked the continuing relevance of the Alliance. In this perspective, Paris had little choice but to shift its approach to the Alliance, if it were to remain a central actor in the war – and in European security more generally. But the war also confirmed the urgency of developing a European defence: whilst the US did step in for the war, it was argued that relying on the US in a deteriorating international context was unreliable in the long run. The content of this European defence, however, was significantly altered.

The renewed French commitment was immediate at the onset of the conflict. For the first time, Paris is leading a NATO battle group, as framework nation in Romania, the Mission Aigle, destined at reinforcing NATO's Eastern flank. France sent 500 troops in February 2022, a number that has since risen to 600. For some, this military involvement was a way for Paris to prove itself to its allies, specifically after the failure of its Russian diplomacy.[52] Interestingly, Germany has adopted similar practices. France has remained active, regularly announcing new military support, through the deployment of a ground-based air defence system in May 2022.

Interestingly, the French press kit mentions that through this operation, "France reaffirms its status of a reliable, credible and supportive ally, demonstrating that it is able to respond to a need expressed by the Alliance and contributing directly to the defence and protection of the Eastern flank of Europe."[53] More recently, Paris has presented a new law planning the next decade of military spending, in which a significant rise in the defence budget of more than "one-third" was announced (413.3 billion euros). However, it needs to be noted that this help does not apply directly to Ukraine. Paris remains discreet in its direct military support to Ukraine. While this might be part of a longer-term strategy for the defence of Europe, it has also undermined Paris' credibility and weakened its position in Europe.[54] At the same time, Germany, traditionally the foremost defender of a "civilian EU," announced a "historical change" in its security policy, in the now-famous Zeitenwende speech. Like Paris, these declarations remain so far little more than words, and it remains unclear whether change will happen on the long run.

Aside from these concrete steps, Paris' strategic turn towards NATO was also made evident at the GLOBSEC forum in Bratislava in May 2023. Specifically, Macron addressed concerns that had been raised amongst European partners: his speech explicitly referenced previous criticisms, which can be interpreted as an effort to position himself as a consensus-builder and as a proponent of multilateralism. For instance, he reassured the audience that there was no "naïveté towards Russia" and that he had no plans to try and "replace NATO." He also reiterated his commitment to a "powerful, large Europe with countries like yours [Slovakia], like Poland" against fears of a "Franco-German condominium."[55] While this is all declaratory and it remains to be seen how in practice collaboration with Central and Eastern European countries will develop, these discursive patterns reflect the strength of multilateral norms, which Paris has to adopt in order to maintain its credibility as a European leader. In this perspective, it can be argued that the war forced Paris to move beyond its national interests regarding EU-NATO collaboration and take seriously other member states (and more widely, other European partners) views on European security. NATO remains, to this date, the preferred framework. Taking stock of that reality, Paris then tries to work out a way to readjust its own preferences within this framework, and the speech reveals this difficult balancing exercise.

Indeed, the strengthening of NATO is not necessarily contradictory with Macron's call for a stronger Europe in the realm of defence. Rather, it operates as a readjustment of the means to do so, with a more pragmatic assessment of European capabilities. Macron's posture is close to proposals outlined by European security specialists, in the likes of Howorth, who for example argued that "a progressive transfer to the Europeans of American leadership in NATO"[56] appeared as a sensible course of action for European autonomy. Warning against Europe's "geopolitical minority," Macron reiterates his calls for European sovereignty through the emergence of a European pillar within NATO,

working alongside other European efforts such as the E2I. His long-term goals and commitment to a powerful Europe has not changed. The NATO summit in Vilnius scheduled for July should shed further light on the renewed dynamics regarding EU-NATO cooperation. It is hard before this date to know exactly how influential Paris' vision will be in those negotiations. Other players, such as Germany, who has committed 100 billion euros for defence and is now aiming to reach the golden 2% of GDP in military spending, have also given renewed attention to NATO and might also seek leadership in the structure. Nonetheless, the increased French presence within NATO and the integration of the organisation within French strategic thinking for European defence is a significant step for the future of the European security architecture.

The long run: fighting the civilisational war.

The specificity of the French approach lies mostly in the ideological underpinnings of French strategic thinking. Indeed, the war is, for Macron, a civilisational one . As Staunton has argued,[57] and as recent foreign policy declarations from Macron confirm, what is at stake is the liberal international order and in this civilisational fight, Europe has a central role to play. Indeed, the war has been interpreted as a breakdown of fundamental international norms entrenched in the post-World War II architecture.

At the Munich Conference on security, in February 2023, for instance, he claimed that "all taboos have been broken," and that "world stability" was at stake. Similarly, in Bratislava, he argued that plans for peace should include all countries, including the Global South, out of the fear that "those countries would be recuperated by others to build an alternative international order." There is also a stark change in Macron's approach to Russia, rooted in this civilisational reading: while he had previously claimed that Russia was a part of European civilisation, the invasion confirmed Russia's status as a challenger of the liberal international order. The answer is a strengthening of the European bloc, which can only triumph if it presents a united front, committed to core values amongst which are the respect of human rights and the rule of law.

In this perspective, the EPC stems directly from this civilisational understanding of Europe. In his speech presenting the creation of the Community, Macron for example reminded the audience of the importance of the "contribution that a lively Europe needs to bring to civilisation," and concluded by praising an "European extra measure that makes us unique" in "dreaming big," as opposed to China or the US.[58] For Macron, winning the conflict is not only a military affair. The battleground of narratives is, in the long run, arguably much more important.

But this is also where the picture of European future gets unclear: on the one hand, Macron has repeatedly argued that Russia could not be isolated, and that dialogue was needed. On the other, in this civilisational narrative, Russia is an "other" which threatens European existence to its core. Is the long-term objective to reintegrate Russia as a full member of the "European family," or has this French dream been definitively shattered by the invasion? One might also wonder how appropriate a geopolitical response rooted in a "war of civilisations" would be. Learning to dialogue with non-Western actors in a post-Western world will most likely be a core component of 21st century international relations, and Macron's attachment to the LIO goes against calls for reflexivity and inclusivity.[59] The way Europe addresses this question will be fundamental to the future of EU-Russian relations and emergence of European power on the world stage.

Conclusion

The war in Ukraine inevitably changed the strategic environment in which French (and more broadly European) foreign policy doctrine was formulated, forcing Macron to adapt and adjust his goals to adapt to the new international context. While his initial reaction to the war was in some respects ambivalent, specifically in his approach to Putin, he displayed throughout the diplomatic activism that matched his European leadership ambitions – and his position as the defender of a liberal international order under attack. Through active dialogue with Ukraine and Russia, via the coordination of the EU response to the war within the FPEU format, Paris was able to significantly shape the European response to the conflict and orchestrated a display of European unity, echoing his earlier call for a stronger EU. Paris, however, also had to adapt to the crisis and learn from the failures of its foreign policy doctrine. The drivers of change in French foreign policy, though, remain up for debate. Are we witnessing a case of Europeanisation, where the coordination of European members states and the constraints of credibility and playing by the rules of the EU have forced Paris to align with its partners in times of crisis? Or is it simply a case of reaction to a changing international environment? More data, specifically interviews from key policy actors or a detailed analysis of EU debates would be needed to settle that question.

One year in, it seems that the war did, without much surprise, profoundly impact ideas about Europe and its future. But are these tendencies here to stay or simply the result of the crisis? Does it display a broad transformation of France's conception of the EU, with a more tolerant approach to NATO, and an altered strategy towards Russia? More broadly, the war seems to have taught one main lesson to France, namely the limits of going it alone. Macron's activism towards Russia could only go so far, and his reluctance to take his European partners on board impeded his ability to shape foreign policy outcomes. At the same time, other actors, like Germany, are confronted with similar challenges regarding their position in the world and in the EU, developments which might also affect France's leadership claims in the long run. It is time for the EU to outline a coherent strategy and understanding what EU "big states" want – including Germany and France – is crucial to understand the potential directions this strategy might take. All in all, Macron's call for a stronger EU now appears warranted. The means, though, remain up for debate, and France might need to accept that it will not be able to dictate the course of Europe's future entirely in its own image.

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Finding Oneself after a Messy Divorce: has Brexit Strengthened British Identity?

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Abstract

This article is concerned with how Brexit has affected British identity, including the role English national identity played in the 2016 United Kingdom (UK) referendum on European Union (EU) membership. This article aligns itself with the postfunctionalist theory of European integration, arguing that English identity-based concerns and regional-national nationalism greatly affected the outcome of the 2016 referendum, leading to a more disjointed UK. Now that Brexit has happened, this article offers an attempt to understand how Brexit has affected the cohesion and resonance of British identity within the UK. In the era of the constraining dissensus, postfunctionalism argues for greater attention to the role identity plays in European politics at both the state and European level; identity-based concerns were a major factor in the UK's vote to leave the EU. For the EU, Brexit may have served to strengthen its unity by removing an 'awkward partner' from the union. For Britain, Brexit has generated internal questions about the future of the UK in the face of the increasingly politicised identities of each of the home nations, given the heavily regionalised nature of the Brexit vote. This article will expound the core attributes of British identity, including the conflation between Englishness and Britishness and power English identity exerts over British identity. This will be followed by a discussion of how the UK's complicated history with and within institutional Europe, culminating in Brexit, has affected British unity. It will outline the specific role of English identity and nationalism in the Brexit referendum, demonstrating how English identity concerns and English nationalism contributed to Brexit. Finally, it will argue that a resurgent English nationalism was not only one of the major catalysts for the Brexit referendum, but that this reinvigorated English nationalism is weakening British unity and therefore, British identity.

Introduction

The portmanteau 'Brexit' is misleading. At face value it was the population of the United Kingdom, acting as a unified political body, that voted to leave the EU in 2016, officially leaving the EU in 2020. However, one would need to only briefly examine the geographical breakdown of the Brexit referendum to realise how disunited the vote was. Brexit was decided by a vote that varied significantly between the four composite nations (subsequently referred to as regional nations) of the UK: Northern Ireland, Scotland, England, and Wales. As evidenced by the final voting statistics, Brexit was not so much a British decision as it was an English (and Welsh) decision. When rounded to the nearest whole number, the Leave-Remain dichotomy in each of the four nations was as follows: Northern Ireland voted 44% Leave versus 56% Remain; Scotland voted 38% Leave versus 62% Remain, the highest proportion of any home nation population to vote remain; England, most significantly, voted 53% Leave versus 47% Remain; and Wales, aligning with England, voted 53% Leave versus 47% Remain. Regional-national voting generated an overall outcome of 52% Leave versus 48% Remain. In terms of the overall British population, roughly 72% of the voting-age British electorate voted, including 16- and 17-year-olds in Scotland who were enfranchised for the referendum.[1] Voting in the 2016 referendum was overwhelmingly defined by regional-national identities and 'Brexit identities', otherwise known as 'Leavers' versus 'Remainers', although this binary is somewhat of an oversimplification.[2] As indicated by the distribution of votes between

each of the home nations, regional-national identity – English, Scottish, Welsh, and Northern Irish – was an important indicator of voter preference.[3]

Partisan identities, although significant, were not as indicative of voter preference in the Brexit referendum when compared to conventional British elections at the national level. Traditional regional divisions based on party support (i.e., the 'Red Wall') did not apply to Brexit politics. Thus, other dimensions to the politics of Brexit must be explored. This article is concerned with English identity and its relationship to British national identity, both in terms of the influence English identity has had on contemporary British politics and the role English identity played in the political process of Brexit, eventually leading to the UK's vote to leave the EU. It is argued here that Englishness, a regional-national nationalism within Britain, was a foundational pillar from which Brexit was born. While the voting statistics of the Brexit referendum are of course important, they are only superficially informative in the context of this article. This article seeks to discuss the factors underlying the statistics.

Postfunctionalism, a theory of European integration which posits that because European populations have a greater knowledge of, and engagement with, European-level issues, maintains the position that European integration can no longer continue as an elite-level unfettered by civilian input.[4] Therefore, things such as national identity, immigration concerns, and other elements of public political discourse now have impact on European integration. In the instance of Brexit, identity-based concerns about the EU's impact on British sovereignty and national identity, coupled with the heightened levels of immigration the UK experienced by nature of being an EU member state, were prominent themes in the British debate on EU membership. The Leave campaign capitalised on these public concerns, instrumentalizing them to achieve their political objective of leaving the EU. In concurrence with the postfunctionalist school of European integration, this article, argues that English identity-based concerns and regional-national nationalism encouraged then-Prime Minister David Cameron's decision to call the referendum. More importantly, it is argued that the spectre of English nationalism and its related identity-based concerns greatly affected the to outcome of the 2016 referendum on EU membership, leading to a more disjointed UK.

English identity, understood as a regional-national identity within the broader context of British identity and Britishness, is conceptualised through the modernist-constructivist paradigm of nationalism studies theory. Stemming from more general social identity theory, this school of thought argues that national identities are manufactured and sustained through common institutions, narratives, and practices buttressed by the state. These identities are often understood through what they are not, meaning that national identities are as much outwardly comparative and relational terms as they are inward-looking reflections of the nation. Modernist-constructivists believe that national identities are malleable and transient, not fixed and rooted to deep ethnocultural and genealogical lineages. In this view, this article concludes that Brexit has not strengthened British national identity but has served to divide it further, doing so by exacerbating existing regional-national tensions between the four home nations of the UK, primarily through forcing a withdrawal from the EU onto all members of the UK, despite divided regional preferences.

This article will proceed as follows: Section I will outline the theoretical position(s) of this article, namely the modernist-constructivist paradigm of national identity theory and the postfunctionalist theory of European integration, applying them to English identity and Brexit, respectively. Section II will provide a brief synopsis of Britain's relationship to and within institutional, explaining how the UK developed the reputation of the 'awkward partner' and how immigration had become the most salient issue in the anti-EU discourse in the UK. Section III will focus on English regional nationalism within the UK, its relationship to British identity, and its role in Brexit. Section IV will discuss how the UK became a disunited kingdom in the aftermath of Brexit, arguing that Brexit, acting as a vehicle for English regional nationalism, created further internal divisions between the composite nations of the UK. Finally, the last section will summarise the article while offering some concluding remarks with regards to avenues for future research.

Applying Theory: National Identity and Postfunctionalism

This article is situated within the discipline of nationalism studies, specifically the study of national identity as it relates to political processes (such as Brexit). This section will first briefly discuss and theorise social identity through the more generic social identity theory, conceived by Tajfel and Turner (1979).[5] This will be followed by a discussion of national identity as a modern sociopolitical phenomenon, conceptualised by theorists in the modernist-constructivist paradigm of nationalism studies. Two theorists will be consulted from this school of thought. The first is Ernest Gellner (1983).[6] The second is Benedict Anderson (1983).[7] This article also utilises postfunctionalism, a theory of European integration concerned with the politicisation of identity and its impact on European politics within the EU and in non-EU states, as its theoretical lens to understand Brexit. The final part of this section will briefly outline the core tenets of postfunctionalism, in turn elucidating why postfunctionalism is the appropriate theory to adopt for this article in the context of English identity, British identity, and Brexit.

Social identity theory is a sociological theory of group belonging and membership that was developed to explain intergroup relations in human societies, including things such as social stratification and intergroup conflict. Tajfel and Turner (1979) differentiate between *intergroup* versus *interpersonal* behaviours and relationships. The former concerns the relationships between groups of people who share something greater in common, linking them together. People within larger societal groups do not have to be closely bounded to have this shared common interest/attribute serve as a foundation for greater identification with the group – they do not even need to be regularly close to each other in terms of geographical proximity. The latter is concerned with the personal relationships between individual people, such as the relationship between husband and wife. Social identity theory posits that social groups take on their own form of behaviour and identity, homogenising the actors within them to a certain extent.[8] In *intergroup* relations, individual members are inconsequential and only take on meaning by nature of their group membership. While individual group members may be highly individualised in personality, physical attributes, and other characteristics, it is possible, if not probable, that even highly differentiated individuals will be reduced to their group identity in the eyes of an opposing group.

Group identities are also self-referential, meaning one's individual identity – their sense of self – is shaped by the social groups they identify with and belong to. Sometimes, group membership is open and inclusive with few barriers (if any) to entry. If barriers exist, they

can vary from the innocuous to the obtuse and prejudicial. An example of the latter is a group membership that is tied to, if not completely contingent upon, skin colour, language, or religion – which can all feature as aspects of national identity to varying degrees (based on the identity in question). Furthermore, groups that perceive their situation to be illegitimate in the social order are more likely to develop insular, group-centred outlooks; this could be said of the English, the only regional-national community within the UK without a devolved parliament, independent lawmaking capabilities, and formalised celebrations of its national identity (i.e., St. George's Day is not a bank holiday). Tajfel and Turner (1979) were predominantly concerned with social groups at the subnational level as opposed to national identities between different nations at the inter-national level. Nevertheless, they set the foundation for theories of national identity to which this article will now turn.[9]

The modernist-constructivist paradigm in nationalism studies argues that national identities are artificially constructed through deliberate engineering, usually by the hands of a political, economic and/or social elite, to create and organise people into groups of subjects to be ruled over. Two of the pre-eminent scholars in the modernist-constructivist school are Gellner (1983) and Anderson (1983), each offering complementary insights into the formation of modern nations. As modernist-constructivists, they maintain that nations and their respective national identities are modern creations manufactured through inventions and institutions. Anderson (1983) argued that the invention of the printing press was pivotal for the creation of nations because it enabled the spread of information to an unprecedented degree; this printed material was written in a shared language, creating a sense of community for those able to access and understand the information.[10] For Gellner (1983), only at the later stages of modernity do societies establish popular education and a unified language – the homogenisation of culture, through shared language and educational and cultural institutions, creates the nation.[11] The dissemination and indoctrination of people through common language, printed material, institutions turn individuals into populations.

National identities persist over time through existing institutions, norms, rules, narratives/storytelling, borders, and language. However, these identities are also transient and malleable. National identities can – and are – manipulated for political purposes and appropriated to suit causes; as with all group identities, national identities are subjective, meaning that even if a dominant discourse or understanding of what it means to be of a certain nationality exists, more than one interpretation can (and does) exist. This also allows for the creation of new interpretations of any given national identity.[12] Both social identity theory and the modernist-constructivist paradigm of nationalism studies enable us to conceptualise and explain abstractions such as identity. In the context of this article, British identity is considered the national identity of the UK. Each of the four home nations have a distinct understanding of British identity and their nation's relationship to it. Similarly, the population of each home nation is not homogenous, implying that internal variation will exist in each population with regards to every individual's personal understanding of their home nation identity. However, individuals' conceptions of their home nation identity, including its relationship to the overarching British national identity, will be influenced, and affected by institutions, narratives, and other variables of the home nation, thereby creating a foundational reference point.

British identity, like any national identity, is contested and malleable. In surveying a breadth of literature written on British identity[13], the author was able to identify some of the core attributes of British identity as discerned by various experts in the field. These attributes serve as points of reference for Britons and are often cited – whether positively or negatively – by politicians, the media, and academia as facets of British identity. These attributes are as follows: Britain's parliamentary democracy and unwritten constitution, coupled with British sovereignty; the British Empire and Commonwealth (linked to colonialism and imperialism); British victory in war, specifically the legacies of WWI and WWII; whiteness and Protestantism; and its island geography, including the notion of England, particularly its largest county, Yorkshire, as being 'God's Own Country'. While these traits may resonate with individuals from any of the four home nations, the English are the only home nation that do not have their identity institutionally recognised. Thus, the English are faced with four anxieties: 1) the anxiety of absence: a lack of distinct culture or identity; 2) the anxiety of silence: questions of English nationalism have been silenced through England's incorporation into Britain; 3) the anxiety of anticipation: what would happen to England if the UK dissolved – would England just become what is left of Britain?; and 4) the anxiety of imitation: England's lack of nationalism is a political and cultural handicap within the UK and globally. People know the Scots and Irish as being not English, whereas the English are considered "British" and thus without identity.[14]

The English, Northern Irish, Scottish, and Welsh are all unique nations of people. At the same time, they are constitutive elements of Britishness. The English occupy an exceptional place in British identity in comparison to the other three home nations. This is not to suggest that the three other home nations do not influence and affect British identity. Yet, historically, England was the foremost colonial and imperial power, dominating the other home nations; it was the metropole of British colonialism within the British Isles and in the world.[15] Now, England is the most populous[16] and wealthiest[17] of the home nations. In contemporary political terms, England is the only home nation without devolved political sovereignty, yet it is also home to the UK's capital, London, along with seat of the Prime Minister and Westminster Parliament, the core institutions of British government and policymaking.[18] These attributes make England the predominant home nation in the UK, in part lending to the conflated understanding of Englishness being synonymous with Britishness.[19] Importantly, it must be noted that this conflated understanding does not mean that regional-national differences in the UK are internally overlooked. Differences between the four home nations are recognised through codified laws (i.e., devolution) and manifest in intense sporting rivalries, language, and political choices (i.e., nationalist-separatist political parties). However, because of the aforementioned factors, contemporary English national identity can only be understood through the lens of Britishness – they are inseparable, unlike the other home nations.[20]

The legacy of England's central role in British colonialism, both at home and abroad, coupled with England's contemporary economic dominance, population size, and the political centrality of Westminster Parliament and the British PM, have contributed to the persistence of this misinformed conflation. The conflation between Englishness and Britishness is culturally inaccurate and politically dangerous because it creates, if not enhances, a dynamic of Anglocentrism in an already unstable political union. Nevertheless, this conflation exists. In addition, England national identity and nationalism, unlike in previous political eras, is more tangible and has been mobilised politically, exerting itself onto British politics – an example of this influence being the

imposition of English nationalism onto the Brexit debate and subsequently, onto the outcome of the referendum. It is for these reasons that this article argues that a resurgent English nationalism was not only one of the major catalysts for the Brexit referendum, but that this reawakened political force has weakened (through Brexit), and continues to weaken, British unity. This analysis has set the foundation for a discussion of postfunctionalism, a theory of European integration that argues for a greater focus on the impact of identity and nationalism on EU integration and disintegration, namely, Brexit.

Postfunctionalism is the most recently developed of the three modern grand theories of European integration: neofunctionalism, liberal intergovernmentalism, and postfunctionalism.[21] Postfunctionalism emphasises the disruptive nature of identity in the context of European integration, claiming that identity, specifically national identities, have become increasingly politicised in the domestic politics of EU member states since the signing of the Maastricht Treaty in 1992. It differs from neofunctionalism[22] and liberal intergovernmentalism[23], the two other predominant theories of European integration, because it allows for consideration of factors other than elite-level bargaining and functional spillover – the notion that increased economic integration will eventually lead to political integration (the 'spillover') and further pooling of sovereignty. Postfunctionalism ascertains that current European integration no longer follows an exclusively functionalist logic supported by elite interest and an economic rationale for doing so.[24] In postfunctionalist terms, European integration no longer takes place in the period of 'permissive consensus'; it now occurs in aa period of 'constraining dissensus'.[25]

Identity-based concerns were a focal point of Brexit campaigning, featuring on the Leave and Remain sides of the debate. Many Remainers valued EU membership because it solidified Britain's status as a European country and signified that the UK was part of the community of European states. This Remain identity represented cooperation, progress, and an outward-looking Europeanism/globalism in the face of a perceived enemy: inward-looking nationalism.[26] Britain's European identity, premised on membership of the EU, was an aspect of the Remain movement in the UK, but even then, attachment to Europe was one of the least important reasons for voting Remain, whereas the threat of job loss and economic damage resultant from leaving the EU were considered far more important. It is evident that even pro-EU persons view the EU in utilitarian terms.[27] For some, such as Scottish nationalists, EU membership was also seen as a possible route for independence from the English-dominated UK; the EU offered a safety net if/when Scotland was to vote in favour of leaving the UK.[28] This independentist view was paradoxically pro-European and nationalist-determinist form of identity; it was and continues to be an instrumentalist view as opposed to an outrightly pro-EU position premised on cultural affinity.[29] In comparison to the English, the Scottish feel more European, as evidenced by British-level surveys and voting trends. For example, McCrone (2019) observes that "[p]eople in Scotland are consistently more European than people in England. On every variable in the table[30], they are more strongly European than their counterparts in England". [31]It is unclear whether this identification with Europeanness is entirely instrumental, genuine, or a combination of the two.

Throughout the UK it was the Remain campaign that was attempting to build a cultural narrative for why the UK belonged in the EU, the institutional manifestation of Europe. However, the Remain campaign struggled to do so: they relied heavily on pragmatic economic considerations and the protection of the status quo; their arguments lacked any

strong emotive appeal for the UK to remain in the EU because it was culturally of Europe, sharing the same traditions, myths, narratives, and history. The Remain collective did not adequately engage with the British electorate on an emotional level, the most effective area for galvanising modern voters.[32] Narratives surrounding European identity in Scotland and Northern Ireland featured more prominently in the Brexit discourse in these two nations, yet this culturalist framing was a guise for clandestine political motives, namely Scottish independence and the reunification of Ireland Still, there overarching argument was made for why Britain belonged in the EU because of its shared European history, culture and tradition was incredibly weak, only effectively pitched in instrumentalist terms. The myth of British national identity is one of exceptionalism, founded upon the UK's unwritten constitution, island geography, saviour complex in relation to its European neighbours (including the being invaded in modern warfare), monarchy, and Empire. In subscribing to this myth, these traits differentiate the UK from continental Europe, making the UK unique by culture, history, and tradition.[33]

For Leavers, irrespective of their home nation, there was no consistent cultural argument for British EU membership. English national identity was pitched as especially incompatible with European identity and membership of the EU; the Remain side found it considerably more difficult to make a cultural argument for why the English should favour EU membership in comparison to their movements in Scotland and Northern Ireland. Wales provided a similar challenge to England. Leave campaigners, however, were able to highlight Britain's incompatibilities with Europe, doing so through an Anglocentric lens by evoking memories of England's centrality in the Anglosphere and by arguing that there was no meaningful historical legacy of English (and more generally, British) involvement in the European project.[34] For the English, Brexit was an opportunity to mobilise English nationalism: the collective English voice, unheard in a political union, was now able to channel its frustrations into a political outcome affecting the status quo.

Much of the literature on Brexit, including postfunctionalist theories which argue that the politicisation of British identity-based concerns led to Brexit, do not adequately address the regional-national dynamic of identity concerns within the UK. Specifically, there needs to be greater discussion and analysis of the incompatibility of Englishness with Europeanness, including how this perception was a leading driver behind the vote to leave the EU. This article adopts the position that it was a set of uniquely English identity-based concerns regarding Europeanness, as well as England's position within the UK, that exerted the greatest influence on the outcome of the Brexit referendum. The independent identities of the four home nations are comparatively more enduring and homogenic in outlook than British identity, a more recently constructed political-cultural identity manufactured to create solidarity between separate nationalities within a collective political union. British identity is fractured, contested, and unstable. Vote Leave and Leave.EU, the two predominant forces in the British movement to leave the EU, were British movements, but were overwhelmingly English-focused. Both organisations made many references to England's history, the Anglosphere, and the centrality of England within the UK, during Brexit campaigning, influencing Brexit proceedings.[35] Thus, it is the position of this article that Brexit can and should be viewed as a vehicle of a resurgent, modern vein of English nationalism. Yet, English nationalism needs to be viewed through the prism of the UK. Thus, the following section will detail the UK's relationship to and within institutional Europe.

Britain and Institutional Europe: 'Awkward Partner' and Immigration Concerns

This section will provide a brief overview of Britain's relationship to and within institutional Europe from the signing of the Maastricht Treaty (1992) to the present. This is a necessary undertaking because it is imperative that the convoluted nature of the UK's role within the EU and its institutional predecessors, including the changing dynamic of support for British membership of institutional Europe as time has gone on, be elucidated. The UK has, since ascending to the European Economic Community (EEC) in 1973, been the 'awkward partner' and/or 'reluctant European' in institutional Europe.[36] Although there have been many different governments in office since 1973, the overall position of being an awkward partner has not changed. This is due to a combination of domestic political pressures, party policies and preferences, and exogenous factors such as British diplomatic relations with European states. Initially, the UK was sceptical of the European project but supportive of it insofar as it was viewed to prevent war on the continent. For example, Winston Churchill was greatly supportive of a united Europe but saw the UK as an outside sovereign observer, not a member of the community.[37] The Labour Party and the Conservative Party, the two most significant political parties in British politics, have oscillated from supporting membership of institutional Europe to rejecting it, depending on pragmatic considerations, partisan interests, and normative aspirations. For the sake of relevance, it makes sense to consider the signing of the Maastricht Treaty (1992) as the starting point of this analysis.

The signing of the Maastricht Treaty signified the beginning of the constraining dissensus and the emergence of identity-based concerns in political discourses in EU member states.[38] John Major's decision to sign onto the Maastricht Treaty in 1992 was deeply unpopular; this choice, in tangent with the dire state of the British economy, ultimately led to his personal, as well as his party's, downfall in 1997. The government turnover to Labour in 1997 under the leadership of Tony Blair signified the recalibration of the two main parties' positions on institutional Europe: Labour had become the pro-EEC, later pro-EU, party, although internal divisions existed in their ranks as well. The continual change in government and switching of parties' positions on membership of institutional Europe, coupled with internal party divisions, made the UK's position uncertain to its European colleagues. This continued to be the trend in the 2000s and 2010s, eventually manifesting in the 2016 United Kingdom European Union membership referendum.

As member of the EU, the UK had the most opt-outs on policy of all member states. Its input and contributions toward EU policymaking has been unfavourably described as 'cop-out', due to the UK's lack of involvement and interest.[39] In the era of the constraining dissensus, the identarian and Eurosceptic UK Independence Party (UKIP) made major inroads in European Parliament, negatively affecting the goals of the EU. UKIP capitalised on a broadly Eurosceptic British population but gained the vast majority if its support from England. UKIP appealed to a Eurosceptic, nationalistic voting base which harboured an intense opposition to immigration and resented the EU for its encroachment onto British sovereignty and democracy.[40] Much of the language and framing of these issues was done through an Anglocentric lens with a focus on threats to British (again, read *English*) culture, language, and way of life from foreign influence – the EU and immigrants.[41] Although the preceding paragraphs in this section have only touched the surface of what has and continues to be an extremely complex relationship between the UK and institutional Europe, they have nonetheless illustrated that the UK has maintained a position of uncertainty and awkwardness in its membership of the EEC and later, EU.

The signing of the Maastricht Treaty (1992) not only brought about the permissive dissensus; it greatly increased immigration between EU member states, thereby making immigration a salient issue in European politics, especially in the UK. Shortly after the ratification of the Maastricht Treaty (1993) there were the 2004 and 2007 eastern enlargements, creating a swell of immigration from former Soviet countries to the wealthier Western European states. The UK had a massive spike immigration immediately after these two expansion periods, resulting in 87,000 EU immigrants coming to the UK in 2004 and a further 127,000 in 2007. However, non-EU immigration to the UK greater outweighed the number of EU migrants arriving.[42] Despite non-EU migration to the UK being substantially larger in numbers, EU migration has often been scapegoated in the UK because it is an easily identifiable and politically fruitful target for politicians and individuals who feel they have been forgotten about – the 'left behinds'.[43] Migrants in particular have been scapegoated for social issues in the UK; the underfunded and overburdened National Health Service (NHS) is, for many, in its dire state because there are too many people (read: non-British people) claiming access to it.[44]

EU immigration, unlike immigration from former colonies and the existing British Commonwealth, has traditionally been viewed in a more negative light because it has viewed as emblematic of Britain's decline. To expand, Britain's reluctant bid to join the EEC was symbolic of its inability to fulfill its self-perceived standalone Great Power status. By joining the EEC-turned-EU, the UK had to sign onto the organisation's vast policy mandate. Although the British government negotiated some country-specific opt-outs (i.e., remaining outside the Schengen Area), it was compelled to abide to EU immigration policies, signifying to the British population and government that it could not longer unliterally actualise its preferences. EU membership and the immigration that accompanied it were reminders that Britain was no longer what it once was: a buccaneering island state that had at a time ruled over two-thirds of the globe.[45] This dramatic decline in influence, power, and prestige was hard to stomach, so it became attractive to lay blame for Britain's decline onto others, namely, EU immigrants. Immigrants have been scapegoated for rising crime rates, increased economic hardship, unemployment, and myriad other societal woes that they are unfairly blamed for. EU immigrants are especially vulnerable to this scapegoating because of what their presence represents (Britain's decline), especially in the eyes of nostalgic older generations of formerly proud Britons.[46]

Immigration was a major point of contestation in the debate on EU membership in the UK. Unsurprisingly, it was the Leave campaign that weaponised immigration in a bid to achieve their political goal. Blaming immigration, specifically EU immigration, for British problems proved to be an effective strategy.[47] This strategy appealed most to individuals in British society who held exclusive national identities. Of all the regional-national identities within the UK, English identity was the most exclusive. As of the 2021 England-Wales census, approximately 70% of respondents listed their identity as either 'English only' or 'British only'[48], equating to roughly 42 million people.[49] Other than being outrightly opposed to immigration (regardless of regional-national identity), the second biggest indicator of whether an individual would vote leave in the referendum was if they identified as exclusively English.[50] Ergo, preventing or reducing immigration appealed most to exclusively English identifiers because it was not only considered economically and politically undesirable, but also posed a cultural threat to English identity.[51] Anti-

immigration sentiments and exclusive English identity proved to best predict if an individual would vote leave.

English Nationalism and Brexit

In contrast to the Brexit referendum, the UK's first referendum on institutional Europe (coincidently the UK's first-ever national referendum), the 1975 United Kingdom European Communities membership referendum, was defined by voters' party allegiance. When the UK voted 67% to 33% in favour of remaining, the vote was founded on the economic necessity of British membership to the EEC, given it was public knowledge that the British economy was flagging compared to its European counterparts. In the 1975 referendum, partisan identities were strong indicators of voter choice in the referendum.[52] Although there was regional-national variation in support for membership of the EEC, the four nations of the UK all voted to remain. The winning margins for remaining in the EEC were significantly smaller in Northern Ireland and Scotland than they were in Wales and England, a trend that was reversed by the 2016 Brexit referendum. Arguments for remaining in the EU out of economic necessity were articulated by Remainers, but these pragmatic economic reasons were evidently not as effective in captivating voters as were the more emotive arguments for leaving, namely, reducing immigration and reclaiming sovereignty.[53] In terms of the overall dichotomy between support for, and the rejection of, institutional Europe, the 2016 referendum was significantly narrower; Brexit was decided by a much slenderer margin.[54]

Support for remaining in the EEC was unanimous between the four home nations in 1975, albeit Northern Ireland and Scotland were marginally less supportive of remaining in the EEC than their English and Welsh counterparts. In 2016, a much starker contrast materialised between Northern Ireland and Scotland on the one hand, and England and Wales on the other. In 2016, England (and to a much lesser extent, Wales) determined the outcome of the referendum. Therefore, it might be more appropriate to refer to Britain's vote to leave the EU as 'Enxit' (or 'EWexit'), emphasising the fact that it was England and Wales who voted to leave the EU, not Northern Ireland and Scotland. As outlined in the postfunctionalist literature, national identity and identity-based concerns have become a prominent factor in the politics of European integration.[55] As with many European states, the UK has experienced a growth in support for nationalist parties – what makes the British case unique is the regional-national dynamic of the 2016 Brexit referendum. [56]

Renaming Brexit to the more suitable 'Enxit' is both normatively appropriate and analytically significant, illustrating the disunity of the UK as a political-cultural entity. Normatively, 'Enxit' reflects that it was the English (and to a much lesser extent, the closely aligned Welsh) who determined the Brexit referendum, thereby differentiating them from the pro-EU membership home nations, Scotland, and Northern Ireland. It moves the responsibility (or culpability, depending on one's political position) of leaving the EU onto the English alone as a specific regional nation, not the entirety of the UK. Analytically, in the interest of studying the underlying identity-based factors that contributed to the Brexit referendum result, the term 'Enxit' better reflects the true source of the identity-based arguments that underpinned the anti-EU narrative in the UK: the Anglocentric nature of British identity. As exhibited in the previous section, English identity has been conflated, rightly or wrongly, with British identity. The Anglocentrism of British identity is two-pronged: on the one hand, England is the largest by area, largest by population, and wealthiest of the home nations, leading it to naturally exert a

predominant influence on British identity; on the other hand, England, because of these factors, has not developed a recognisable identity in comparison to the other three home nations because of the dynamics of devolution and its permutations for the harmony and longevity of the political union. Thus, there are two layers of national identity within the UK (or three if you consider the regionalisation of England, i.e., the City of London in comparison to Yorkshire – though this goes beyond the scope of this article).

The Brexit referendum and its accompanying campaigns of Leave and Remain were more than just an expression of dissatisfaction with the UK's position in the EU; they were also an expression of dissatisfaction with the political and cultural status quo within the UK. Furthermore, it must be remembered that even prominent Remainers, such as PM Cameron, were dissatisfied with the UK's status in the EU, promising to renegotiate terms with the EU to gain more concessions for the UK – clearly, British exceptionalism was not confined to the Leave faction of the Brexit debate. While the purpose of PM Cameron's renegotiation of the terms of British membership of the EU was an attempt to appease the far-right anti-EU faction of his own party, he nevertheless entered negotiations with the EU under an aura of entitlement, a longstanding theme of British engagement with the EU.[57] As Schimmelfenning (2018) remarks, the UK came into negotiations, both in the negotiations for renewed terms of British membership and during Brexit negotiations, with a proverbial chip on its shoulder: from the standpoint of EU negotiators "[t]here was little sympathy for British 'negative leadership', 'spoiler' and 'bystander' roles, for its 'pick-and-choose' policies, or for its threat-based negotiation behaviour".[58]

At face value, the debate about Brexit was about whether the UK, acting as a unified political actor, was to remain or leave the EU. However, it became clear during the referendum that normative and practical questions about the future of the UK were also being raised, asking whether this future lay within the EU or outside of it, but also whether the UK would continue to exist given its current state of disharmony.[59] Given England's particular position within the UK, the national consciousness and awareness surrounding Brexit made the debate an ideal platform for making the English voice heard. Thus, Brexit became a vehicle for English nationalism as it was viewed by many English people, otherwise unable to influence the trajectory of their own regional-national future due to their lack of devolution, as a means of voicing their dissatisfaction with the political status quo of the UK.[60]

English nationalist concerns, such as the protection of English culture and 'little England', perceived to be under threat, were a potent force in Brexit proceedings. Any discussion of British identity must also consider the underlying Anglocentrism at its core. With this consideration in mind, it is important to acknowledge that it was not so much that the English had an overwhelming vitriolic hatred for the EU, but that it was that the English, with a lack of a means for expression in British politics, that used the Brexit vote as an act of nationalism, making a point to their home nation counterparts and the EU. Aside from London and the other larger cities in England, regional differences in support for Brexit were small throughout England, illustrating the existence of general feeling throughout the nation.[61] Upon reflection, the most poignant observation regarding the data from the Brexit vote is that individuals in the UK who identified as exclusively English were the most likely to vote Leave in the referendum. Those who felt exclusively English were most likely to vote Leave in the referendum as an act of political objection within the British political system.[62] According to *Future of England Survey (May 2015-March 2016)*

referenced in the work of Henderson et al. (2016), 51% of all English respondents who identified as more English than they were British said that they were going to vote leave in the Brexit referendum. What was even more telling in that 63% of English respondents who identified as exclusively English in participating in the survey said they were going to vote leave. These statistics are illustrative of the relationship between being/feeling English, holding an exclusive type of national identity, and voting leave in the referendum.[63] The English voting the UK out of the EU could be viewed as a reversal of *The West Lothian Question*[64] in the sense that it was now the English who were determining the fates of the Scottish and Northern Irish, not vice versa.

When comparing the four home nations' national identities, exclusive English identity was/is the most hostile form of identity in the UK.[65] Englishness has been coded to be an exclusive ethnic identity whereas Britishness is a more open, inclusive civic identity, illustrating the difference between Britishness as a modern and politically-manufactured identity and Englishness, a more racial, classist, and cultural identity premised on some perceived (or imagined) historical lineage and right.[66] Englishness and English nationalism have become associated with cultural and political conservativism, regression, and at its worst, racism, classism, and xenophobia, whereas Scottishness and Northern Irishness have been framed as more progressive and inclusive.[67] Historically, these differences between the regional-national identities of the UK have been a source of tension, reaching what was thought to be their peak degree of tension when devolution was granted to all but the English. These differences were further exacerbated by the Brexit referendum.

An Oxymoron: The (Dis)United Kingdom

At face value, it was the UK as a unified political union that voted to leave the EU, acting on its own perceived best interests: protecting British sovereignty and democracy; maintaining its relationships to the Commonwealth and 'special relationship' with the USA; controlling immigration and limiting foreign influence; and keeping hold of the pound sterling.[68]As outlined in Section I of this article, all of these interests can in some way be linked to British identity, thereby affirming the observations of the postfunctionalist school of European integration theory which argues that issues of identity have become increasingly salient and politicised in the politics of EU member states. In appearance, it was the British people who voted their country out of the EU, premised on these identity-based concerns. It was the English, not Britons, who generated this outcome. Postfunctionalism is the only theory of European integration able to address the complexity of British identity and its underlying Anglocentrism in the context of Brexit, an event of differentiated disintegration. An English identity crisis, channelled through British identity, had a profound impact on the outcome of Brexit.

The British population has access to the statistics of the demographic and regional breakdown of the Brexit referendum, including copious in-depth reports published by academics, news outlets, and thinktanks[69]; they are aware that it was England's decisive contribution to the Brexit outcome has left the UK out of the EU, despite the desires of the Northern Irish and Scottish to remain a part of the institution. This knowledge pits the home nations against each other. Many prominent Leavers argued, and even went as far to predict, that the UK would be stronger, more prosperous, and more united outside of the EU.[70] In reality, the UK has become economically and politically weaker, damaged its reputation, and become more internally divided. During the referendum campaigning

there were many threats made by Scotland and Northern Ireland for votes on secession if the English vote was to contravene the democratically expressed wishes of the populations of Scotland and Northern Ireland. An example of this can be found in the Scottish National Party's (SNP) 2016 manifesto where it was stated that if the UK voted to leave the EU, against Scotland's wishes, then Scotland would have the grounds to call another referendum on independence.[71] According to Lisa (2017), Brexit laid bare the intense regional divisions (as well as class divisions) that existed in British politics, manifesting them into a perceptible political phenomenon that was the Brexit vote.[72] In the aftermath of the Brexit result, Scottish secessionism was again tabled, coupled with the possibility of reunifying Northern Ireland with Ireland.[73] Although neither of the possibilities have come to fruition (yet), Brexit reunited the debates and stoked the fires of existing secessionist arguments.

The inherent Anglocentrism of British identity was made clearer by the roles UKIP and the Conservative Party occupied in the Brexit debate. UKIP, although self-styling itself as the independence party for all the UK, became an English party, serving as a vehicle for English nationalism.[74] UKIP found its base of political support in England but had negligible support in Northern Ireland and Scotland. The Conservative Party, although itself a party for all the UK, also relied on England for its political support. In fact, the Conservative Party adopted the West Lothian Question all the way back in their 1999 party manifesto, despite being a unionist party.[75] In 2008 the Conservative Party initiated a Democracy Task Force, reporting that the current situation in the UK was detrimental to the longevity of the Union because it was causing a build-up of English grievances. Over time, the Conservative Party became the mainstream party of England.[76] Even before Brexit, both parties pandered to English nationalism while attempting to uphold their image of being representative of British interests, maintaining they were parties of the UK, not England alone.

Given the argument put forward by this article that Brexit was a manifestation and expression of English identity concerns and English nationalism, it is therefore arguable that the Brexit, representative of English nationalism, has also damaged the political and cultural balance of the UK. The argument follows that a more overt and stronger English nationalism makes the UK, as an amalgam of four distinct nations, weaker. The contempt levelled at the English by the Scottish and Northern Irish in the aftermath of Brexit is example of this, demonstrating the disunity of the UK as a political-cultural union. As evidenced by questions about Northern Ireland possibly reuniting with Ireland and a return to discussions of an independent Scotland, Brexit has made British identity more internally fractured.[77] As argued by Gordon (2022), Brexit referendum campaigning further illuminated existing regional-national divisions within the country, but the outcome of the referendum cemented them; it was not possible to account for the preferences of the European-orientated Northern Irish and Scottish populations on the one hand and the nationalist-leaning English and Welsh on the other hand. The internal division between the two pro-EU home nations and their anti-EU counterparts is only one of the many sources of conflict within the UK, yet it is proving to be one of the most damning major sticking points for stronger pan-British unity.[78]

The tension caused by the Brexit referendum and result have made British collective identity weaker both internally and externally. The EU is aware that The Scottish government's official position is that if Scotland were to vote for its independence, the

country would immediately apply to rejoin the EU, thereby disassociating with the UK and reorienting towards the EU. Scotland's desire to align with the EU instead of UK indicates a fracture in British identity.[79] Similarly, Northern Irish officials have touted reunifying Ireland in a pivot towards both Ireland and the EU, of which Ireland is a member but Northern Ireland is not. Seemingly incompatible due to religious and political tensions, new pluralist identities have evolved in both Irelands, creating a sense of confidence that reunification is possible.[80]

Again, the reality that the two Irelands may become one is suggestive that British identity is weakened, given that Northern Ireland loyalists are reevaluating their allegiances post-Brexit. On the other hand, England has compromised devolution and a strong national identity for sake of preserving the balance of the UK. As discussed earlier, England was and continues to be the largest, wealthiest, and most populous nation of the UK – historically, it was the metropole of British imperialism and colonialism, including within the British Isles. If England wanted to maintain the UK, of which it was the central power, it had to acknowledge these historical legacies and accept concessions for the other three home nations. Otherwise, it ran the risk of assuming the role of a coercive bully in the UK, thereby damaging the British political union while causing mass identity confusion.[81]

This relationship lasted for many years, but inevitably, as the 2008 Conservative Party Democracy Task Force had predicted, the English became disillusioned with internal status quo of the UK's political-cultural arrangement. The English did not scapegoat the EU for this; the EU was a part of the problem, especially because the Scottish and Northern Irish populations favoured continued membership. Thus, Brexit became a two-pronged English attack on the internal relationship of the four home nations and the external relationship between the UK and the EU. However, not every English person who voted in the referendum sided with Leave. Many English people, especially in larger urban areas, voted Remain. Young and university-educated English people were also far more likely to vote Remain. It was the 'left-behind', post-industrial and rural communities of England that overwhelmingly supported Leave, as well as older generations more generally. For the former, Brexit was a protest the elite, the wealthy, and unfair deal England has gotten in the UK (i.e., many English people, especially in the North, feel forgotten about by Westminster, whereas Scotland, Northern Ireland, and Wales receive disproportionate amounts of funding from the government.)[82] Older generations of English people, the demographic with the greatest attachment to exclusive English identity, used Brexit as an opportunity to voice their discontent with injustice position the English nation had been forced into vis-à-vis the other home nations, coupled with the perceived inequitable treatment of the English people in terms of government support from Westminster.[83]

A resurgent English nationalism spells trouble for the future of the UK because it is destabilising. The balance that existed prior to Brexit, although already under threat, was workable insofar as the UK had not disbanded into separate countries. The current British political-economic-cultural nexus is fragmented and precarious, partially because of the negative economic and political effects of leaving the EU, but also because its internal balance is now facing disequilibrium. British identity is under threat from competing nationalisms within, evidenced by the current vein of exclusive English nationalism that is moving beyond its role as the lynchpin of Anglocentric British identity; those who identify with this more acute form of English nationalism are communicating their desire for greater English recognition, expression, and even self-determination.[84] If this is

achieved and English nationalism becomes its entirely own entity separate from Britishness, the UK itself could become untenable as its carefully constructed political-cultural matrix will no longer be in the balance. Therefore, a reinvigorated English nationalism has the potential to further weaken British unity and identity.

Conclusion

This article has established that the outcome of the Brexit referendum should be understood as an exercise of English nationalism. Although British identity was evoked by both the Leave and Remain sides of the referendum debate, it is evident that the Leave side had tapped into a vein of resurgent English nationalism that has underpinned British identity. In turn, it was established that British identity is Anglocentric, both out of design and out of necessity. This article first underlined the historical origins of national identity, situating contemporary Englishness and Britishness within nationalism studies theory and within the context of modern British history. Then, the article provided a brief summary of the UK's relationship to and within institutional Europe (the EU and its institutional predecessors). This article then explained Brexit through a postfunctionalist logic, ascertaining that Brexit referendum result came from stems from an English anxiety about their place (or lack thereof) within the political-cultural union of the UK and in Europe, represented by the EU. Brexit was used as a vehicle for the expression of a suppressed English nationalism and national identity.

This article has contributed to the fields of Brexit studies, nationalism studies, and the study of British politics and culture through the following means: in investigating and attempting to offer an explanation of Brexit, this article makes the case that future research on Brexit must recognise the role regional-national identities played in affecting the outcome of the referendum; it has added to the existing literature on English nationalism and national identity as a modern political phenomenon with tangible implications; and it has opened up discussion on the future of British identity in the face of a resurgent English nationalism, bringing to light questions of whether the UK can continue to exist in its present form if English nationalism is to continue to grow in force.

Notes

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[23] For detailed discussion of liberal intergovernmentalism, see: Moravcsik (1998), Kleine & Pollack (2018), Schimmelfennig (2018), and Moravcsik & Schimmelfennig (2019).
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Retracing the 'Return to Europe's fissures: Factors of dilution of a deepened Eastward enlargement in the aftermath of 1989.

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Introduction

In the aftermath of the 1989 turning point, each Central and Eastern European country (CEEC) addressed the newly open future from the perspective of their circumstances, but they all shared a set of deeply interconnected sociopolitical, security-based and economic expectation. From a political viewpoint, there was an accent on the common motivation to rejoin Western democratic institutions and organisations, following a 'Return to Europe' priority. Against this backdrop, the European Community was presented with a preexisting structure and policy to allow accession of new member states applying for membership. Indeed, enlargement policy was an open potentiality and could aid not just in terms of political adaptation but also in the underpinning of economic restructuring. The key concept in this realm would be, however, that of conditionality and the fact that the integration modalities applied to the CEECs would be notoriously more restrictive than in past accession experiences, including those of former authoritarian countries.

This article analyses the factors of dilution of what could have been a deepened integration of the CEECs in the European Community (EC) in post-Cold War Europe, thus deepening double standards and long-term impacts regarding the overall quality of democracy in the continent. It also explores how some fissures prevented such deepened integration of the CEECs in the EC by examining: firstly, centripetal fissures coming from European Union's (EU) inter-institutional and inter-state debates and divisions and, secondly; the centrifugal fissure presented by the overshadowing security pre-eminence linked to American foreign policy priorities in the post-1989 era. Indeed, the conducted focus of the CEECs towards NATO enlargement and towards an overreliance of security aspects had a lasting trace not just in the foreign policy approaches of the enlarged Community but in the displacement of the European integration pillars of peace, solidarity, and cohesion as part of the integration process.

The main sources selected to elucidate the European institutions' evolving positions and actions on these issues following the semantic and structural changes of 1989 come from: the Historical Archives of the European Union (HAEU) in Florence, the Archives of the DG Enlargement of the European Commission in Brussels, and the Historical Archives of the European Parliament (HAEP) in Luxembourg. These sources also include Oral History interviews with key players in the studied processes.

1. Centripetal factors of dilution of a deepened EU's Eastward enlargement

In the post-1989 era Eastward enlargement appeared as a policy-making critical juncture for the EU as well as a geopolitical game-changer in the process of European integration. Indeed, it had to directly address the divisive issue of the 'final frontiers' of this very integration process and thus, its defining identity and the scope of its own future. Also, belonging to a common polity is not just an achievement but a practice and setting the basis for the practice of membership to be designed amid radical historical change was a most challenging task. This section addresses debates and divisions within European Community (EC) institutions with a particular focus on the salient case of the new European Commission foreign policy responsibilities from 1989 and its communication

strategy public perception management trends. Secondly, it delves into inter-member state discussions by paying a special attention to the tensions that Eastward enlargement policy disagreements caused in the dynamics of the French-German relation in the European integration process at this time. In short, this section will examine the centripetal factors of dilution of what could have been a deepened Eastward enlargement more tightly attached to the values, norms, and principles upholding democracy.

1.1 European Community inter-institutional fissures: The impact of a new foreign-policy role for the European Commission

The frictions caused by the unprecedented central foreign policy role[1] of the European Commission in the early nineties, which included innovative responsibilities such as: assuming the coordination of aid to the CEECs (PHARE, etc.); ensuring a trouble-free reunification of Germany and its automatic EC integration, as well as negotiation the Community's accession agreements with the Central and Eastern European countries (CEECs). Although the Commission, as the guardian of the treaties, would be committed to the expansion of the community organisation to the successfully socialised Central and Eastern European countries,[2] their approach was initially respected as it was seen as consistent with rationalist expectations such as institutional projections and self-preservation. Indeed, Eastern Enlargement appeared as a welcome opportunity to expand the tasks and resources of the Commission[3].

In this sense, the supranational boost given to the Commission in verifying compliance with the requirements of conditionality through a series of new instruments (regular reports, monitoring, screening, etc.) would also imply following more closely the internal evolution of applicant states, which was, indeed, a contentious process. The Commission's monitoring role was subsequently explained by considering the growing heterogeneity of candidate countries profiles signing the Europe Agreements in the nineties, especially when the option of the so-called 'Big Bang' enlargement institutionally became a winning option. This choice was influenced by the need for a positive reversal image to the role of the European Union (EU) during war in the Balkans[4]. It was also deeply related to the willingness to stabilise the EU's relations with Russia during the delicate troop-removal operations in the Baltic States[5] and, later, amid the deep Russian economic crisis of 1998,[6] contemporary to the Kosovo conflict.

Another site of inter-institutional contestation was also the increasing primacy of communicative legitimacy held by the Commission in this process. Indeed, this central communication-strategy role increasingly became a divisive element and a cause of frictions in the key realm of perceptions management in policymaking. Plus, this responsibility was progressively linked to an ever further amplification of the gap between citizens and institutions caused by a heavily criticised 'democratic *déficit*'[7] reverberating through interwoven communication strategies.

In addition, the dilution of what could have been a deepened Eastward enlargement was increasingly fractured by the fissure caused by the prominent 'actual accession' vs. 'mere association' dilemma taking part at the heart of the European Commission regarding the fundamental directions of EU enlargement policy. The compelling power of this cleavage was especially salient in the period from 1989-1993, that is up to the implementation of the Maastricht Treaty and the launch of the Copenhagen criteria.

Against this backdrop, Helen Sjursen also pointed out that the EU had to promise that the CEECs could eventually become member states, because this would provide them with a reward for continuing with reforms even as those reforms caused hardship. But, in any case, "the sense of duty and responsibility of Western Europe towards the other half of Europe was always underlined."[8] However, this approach would soon be in a stark contrast with how EU accession via the enlargement process was starting to be perceived in the CEECs, namely, as a 'permanent waiting room'. Indeed, from 1994 onwards the expression 'future accession' then reinforced a sense of postponed promises, linked to the disappointment of being placed in a perpetual antechamber channelled by the domestically legitimating tool of EU conditionality. As a result, "the disappointment with the real results of democratisation and marketization rose considerably"[9] within the "scenario for disenchantment"[10] increasingly present in the CEECs. Also, the length of the process opened a contentious arena for inter-institutional discussions heavily influencing a disregard for an Eastward deepened enlargement.

Competition for EU entry and the ensuing strategies were another characteristic of the Eastward enlargement deepening dissipation challenges. In this respect EU membership would come to be seen as a crucial factor for economic prosperity but "it was perceived as having promised the most and having delivered the least."[11] Even though the EU's enlargement policy was presented by the EU as the most successful foreign policy instrument for the consolidation of the stability of the changing borders of the Union in the post-Cold war era, its implementation modalities led to the much criticized 'enlargement fatigue'. This move can be explained by the structural overload caused by the unresolved tensions of the accession procedures. Indeed, these lacked the necessary elements of commitment to break the potentiality of cyclically returning to instrumental post-enlargement peripheries prone to re-emerge in times of crises.[12]

One relevant issue of contention in the realm of inter-institutional discussions regarding the consequences of enlargement focused on the possible futures of the free movement of persons for new EU member states citizens. In this respect, it is important to remark on the European Parliament (EP) critiques concerning the 1996 Intergovernmental Conference. The EP then demanded that the democratization of Community acts be required. Such a request was closely linked to the solicitation for more transparency and efficiency in the Union, which were also essential objectives of the revision of the Maastricht Treaty. The EP requests were also very present in the debate on the four freedoms, in which they upheld that the free movement of persons includes the freedom of establishment, as well as the right to work or study in a member state other than the person's country of origin. Plus, several European Court of Justice (ECJ) sentences[13] concerning the free movement of persons also expressed a dedicated attention to these issues considering interplays with the unfolding Eastward enlargement negotiations.

Moving forward, the absence of a great strategy of future-oriented integration[14] plagued inter-institutional discussions throughout the Eastward enlargement process. This had a direct impact on a growing sense of purposelessness of painstaking transitional sacrifices and investments, as detailed by Karen Henderson.[15] This trend was also related to the Commission's technocratic approach applied to the European integration principles 'substance' from 2001 onwards.

As a result, the intrinsic value, and the purpose of the integration process itself seemed to blur through the progressive erasure of the diplomatic conciliating and reunifying endeavours of the decade of the nineties. As a matter of fact, a new wave of task focused technocrats substituted the previous generation of Commission officials with long-term ties and former diplomatic positions in the CEECs.[16] Looking at these inter-institutional discussions on enlargement in hindsight, it is relevant to note that neither the Council, nor the Commission nor the EP have had an institutional blockage due to enlargement. What can be observed is more of a process of 'deepened integration fatigue', which has transversal consequences on a series of policies, among which enlargement policy.[17] Meanwhile, this stalemate ripples into the working pillars upholding a certain future for a quality of democracy in contemporary Europe.

1.2. Inter-member state fissures: The weight of the French-German relation

In the case of the Eastward enlargement process, these deepened integration dilution trends were most prominently expressed through the tension straining the crucial European integration French-German relation. France was deeply sceptical since the French government feared that Eastward enlargement would weaken the existing 'core' of the EC and would thus undermine the traditional French policy of 'controlling' Germany within European integration dynamics. Initially, further deepening of the Community was viewed by France as particularly necessary following German unification and the geopolitical changes of 1989. A deeper integration of Germany within the EU was thus a key objective of the Maastricht Treaty, with the French government attaching geopolitical important to a European Monetary Union (EMU).

However, France believed that enlargement would only increase German power and influence within the EC; not only would it add to the Community a group of countries bordering Germany, and over whom Germany was bound to exercise considerable economic and political influence, but it would also leave Germany at the geopolitical centre of the EC, while France would be pushed to its margins. For these reasons, the French government continued to oppose Eastward enlargement. In a June 12, 1991, radio address President Francois Mitterrand declared that it would be "tens and tens of years before Eastern European countries could join the EC."

As an alternative to enlargement France proposed several other multilateral solutions to the challenge of stabilising Central and Eastern Europe. Most notable in this regard was Mitterrand's proposal for a 'European Confederation', a loose grouping of states that would serve as the basis for 'pan-European' consultation and cooperation. The European Confederation idea was first suggested by Mitterrand on December 31, 1989, and it was discussed in detail in June 1991. In the end, however, the Confederation idea failed because it was opposed by the CEECs, which saw it as an attempt to forestall their accession to the EU. The 'European Confederation' idea was also rejected by Germany, again because it was designed as a substitute for full membership. For the same reason, the Kohl government opposed the April 1991 plan of the European Commissioner Frans Andriessen for 'affiliate membership', which would give the CEECs a voice in EC institutions but no voting rights.

At the same time, the European Commission was extracting conclusions from the German reunification experience on how to guarantee an absorption capacity while maintaining the dynamics of this key relationship running. As expressed by the Eastward enlargement

negotiations director at the Commission, it was considered that "we could only integrate post-communist countries which had a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. This is the great historical lesson of German reunification."[18] This perspective had a significant influence in supporting a step-by-step CEECs' integration that was made explicit by the so-called *French-German paper*, which was also presented during the European Council in 1994. Such document implies a diminishing of the hope for an acceleration of enlargement negotiations in favour of a long-term strategy, in which the member states, in this case France and Germany, could examine enlargement before succumbing to an imitation of the EU documents' idealist rhetoric.

French proposals for a Pact on Stability in Europe, the so-called *Balladur Plan*,[19] were the subject of a Joint Action under the then nascent Common Foreign and Security Policy (CFSP). The Brussels European Council of 29 October 1993 had decided that a Stability Pact to resolve the problem of minorities and to strengthen the inviolability of frontiers would be a staple component of a joint action to promote stability and peace in Europe *inter alia* through "the reinforcement of the democratic process and of regional cooperation in Central and Eastern Europe." The main elements of the Pact initiative were the following: The Pact was an initiative of 'preventive diplomacy' in which the EU would play an active and catalytic role. Intended to promote good neighbourly relations and to encourage countries to consolidate frontiers and settle problems of national minorities. Russian attempts to turn the Pact into a 12+9 initiative were significant in that they constituted a way of recognising that the Baltic States fell within the EU's sphere of influence, rather than in Russian's 'near abroad'. However, uncertainty over Russia's intentions towards participation in Baltic roundtable continued throughout the Eastward enlargement process.[20]

The discussions held during the 28 November 1994 General Affairs Council (GAC) consisting of the Ministers of Foreign Affairs of the Member States of the European Union revealed fundamental differences between member states regarding future policy with the CEECs in the background of the EU's relations with other world regions. Agreement on the pre-accession strategy for Eastward enlargement was only achieved once there was consensus concerning future relations with the countries of the Mediterranean basin. On the other hand, negotiations for the signature of an association agreement with Slovenia did not start due to the bilateral conflict that persisted with Italy. The Union would have to wait for the conclusion of the 1996 Inter-Governmental Conference (IGC) to decide whether it would undertake the reform of some of its policies (Common Agricultural Policy, Structural Funds…) that would become unavoidable in the light of enlargement towards the East.[21] At that point, a new priority entered a discussion that would contribute to the dilution of a deepened integration for the CEECs: the need of establishing a balance between Eastward enlargement and the EU policies regarding the Mediterranean region.

The Commission then expressed that the EU was engaged in a delicate balancing act establishing its external relations priorities among the different world regions. Although the southern countries were going along with the plans to bring in Central and Eastern Europe, the division that existed was underlined when the EU ministers agreed on their 'pre-accession strategy paper' effectively without putting any money in it. The southern states made it clear that a Mediterranean programme had to be in place before an

expected five-year amount of around 7,072 billion ECUS for development in Central and Eastern Europe could be agreed upon. The discussion seemed simply to have been delayed for another occasion when concrete figures will have to be allocated for all those countries included in the so-called '*rubrique quatre',* that is, the CEECs, the Mediterranean, ACP, Latin America and Asia without excessive favour or prejudice to one of them. The Commission represented by Mr. Marín and Mr. Van der Broek then insisted that including the financial engagements of both their strategies for Central and Eastern Europe and the Mediterranean basin.[22]

In turn, the German push for Eastward enlargement provoked a counter-reaction among other member states (principally France and other Mediterranean countries), which feared that enlargement would increase the relative German power and influence in the Union, while also shifting EU resources and attention towards the CEECs and away from the unstable and potentially volatile southern rim of the Mediterranean. At the same time, by generating new tensions between Germany and France, the German government's push for Eastward enlargement complicated the EU's internal politics and created additional constraints on German European policy. As a result of these dynamics, effort to 'rebalance' the EU through greater policy attention to its Southern 'near abroad' became a divisive priority, which had a long-term impact in the dilution of a deepened integration for the East of the continent.

2. Centrifugal factors of dilution: American agendas for post-Cold War Europe

A fundamental factor in the dilution of a deepened integration of the CEECs in the EU, still lingering today in the form of manifold sociopolitical and economic asymmetries, comes from the weight of American agendas for post-1989 Europe and their overreliance on security aspects to the detriment of sustainable policy making based on solidarity commitments, socioeconomic cohesion, and a shared quality of interdependent democracies. This overreliance on security aspects was channelled through NATO as a as a way of swapping the CEECs' spheres of influence Westwards, thus constituting a critical juncture also for transatlantic relations early in post-1989 transitions and a trigger in the generation of fissures of a full CEECs 'Europeanisation'.

Right at the beginning of the transition, as Haas remarked, American leaders' belief that the Cold War was ending corresponded most closely with Soviet domestic-ideological and institutional changes. Indeed, as soon as America's most important leaders believed both that Gorbachev was dedicated to core tenets of liberal ideology, and that these values would likely be protected by liberal institutions.[23] This approach marked the timing of U.S. decision makers' assessments of the nature of evolving post-Soviet threats with changes in domestic power, foreign policies, ideology, and institutions.

From a more practical perspective, ass Lundestad maintained, strategic planning guided American policy but there was also a degree of improvisation and experimentation that was needed in a newly unfolding context in the post-Cold War period. Thus, American diplomats' first steps in relation to radical change in the continent comprised a careful alignment of experts, and negotiators with policymakers in the foreign policy realm.[24] However, a crucial factor in these centrifugal lines of dilution of a EU deepened enlargement fir the CEECs was, as Bitterlich highlighted, the fact that neither the EU nor the Western world as a whole have been following the compass opened in the transition in the nineties with the aim of overcoming definitely the period of the Cold War.[25] And,

indeed, the consequences of this indecisiveness are severely impacting the asymmetries and conflicts of our present.

2.1 The Long-term Shaping Power of Transatlantic Security Agendas, 1989-1993

In order to better understand this trend, it is relevant to turn to Nye and Keohane's analysis on how difficult it was to talk about a bipolar world division in the decade of the nineties given the momentous changes given the fact that the Soviet threat to West European and American interests collapsed equally rapidly, "to be replaced by less focused fears of economic and political disruption in Eastern Europe, leading to flows of refugees or immigrants to the West."[26] Against this backdrop, the United States sought to prevent a loss of influence by using international institutions to maintain a congenial political-economic order in Europe. Institutions that had been successfully tended to create interests that supported them: even if NATO and the GATT could not have been formed *ex novo* under the conditions of the nineties, they were able to exist under those new conditions. In this respect, the Soviet Union sought to hide its retreat from Europe by using the rhetoric of international institutions. Since the beginning of the decade of the nineties NATO asserted itself as a pivotal element and remained "central to the American strategy for remaining the most influential state in the world."[27]

Also, in the aftermath of 1989 the United States (US) highlighted the priority of NATO as a focal point for the transition of the CEECs, which was integrated with a mild support to the European Community's attempts to strengthen the Western European Union (WEU) and a predilection to resource to the Conference on Security and Cooperation in Europe (CSCE) as a Human Rights enforcement body. In this context, Lawrence Eagleburger, the then US Deputy Secretary of State, testified before the Senate Foreign Relations Committee that NATO was still seen as the appropriate forum for security discussions: "Some argue the growing clout of Europe warrants a reassessment of the US role in Europe. We could not disagree more strongly. Regardless of how big the EC gets, or what issues European governments devolve to common decision-making, the need for a strong American voice in Western affairs will not be diminished."[28]

This position echoed President Bush's seemingly conceding statement from July 1989 on how a reinforced and ever closer Europe holds a positive value for the US[29] and connects with Nye and Keohane's views on how the speed of the fall of the Soviet Union in 1989 caught almost everyone by surprise, including the Bush administration. Indeed, while there was a degree of uncertainty and division, the most impressive feature of its response was its relative coherence, consistent with the definition of US interests during the Cold War. After a somewhat slow reaction to the new realities in Eastern Europe and their effects on NATO in 1989, the administration considered it responded quickly after the revolutions in the fall of that year.[30]

While there had been moderate efforts earlier, after 1989, the CEECs became a significant arena in which American policy could operate. In this context, the Bush administration pointed out that it would not undertake a NATO enlargement towards Poland, Hungary, and Czechoslovakia, "much less to other former communist countries of the region."[31]. However, the US had to face the problem of how to contribute to international stability in Eastern Europe, a stability that was seen as resting in the long run-on progress towards prosperous democratic, market-oriented societies in these countries, but in the short time requiring international conflict resolution mechanisms to replace the defunct Soviet

Union. Hence, despite some French reservations, the US led NATO to accept the presence of Eastern European and former Soviet *liaison* teams and observers at NATO headquarters and a few committee meetings, increasing NATO's political role. This North Atlantic Cooperation Council symbolised a NATO interest in East European security.

The US came aboard the Paris Joint Declaration in 1990, aligning with the vision of a more significant part to play for the Conference on Security and Co-operation in Europe (CSCE) in the CEECS as a way of binding post-communist countries into a more encompassing security structure. A means for this end was the strategy of utilising the CSCE as an organism for elections' supervision and democracy promotion. A reflection of this concept could be observed in the dual consideration of NATO by James Baker, the then US Secretary of State who referred to the CSCE as 'the conscience of the European continent'. Meanwhile, he regarded NATO as the guarantee of the new peace.[32] Indeed, American perspectives of a changing Europe at this time could be summed up as a focus on institutionalising Western security and preventing instability in the East from unravelling stability in the West.[33] Most compellingly, this mindset would end up prevailing in the priority of promoting NATO enlargement before a EC enlargement was even part of the conversation from the American side.

In the eyes of American leaders at the end of the Cold War, the best prospect for avoiding future conflict was by adapting existing institutions to the post-Cold War setting. Since the US wanted the Europeans to share more of the burden for promoting security in Europe, a greater European role was not seen as being inconsistent with the role of NATO and that would favour the later accession of the CEECs into NATO. The attractiveness of the use of existing institutions as the guarantee of the safeguard of American interests in Europe was also based on the idea that institutions reduced the transaction costs of bargaining, provided opportunities for linking issues, inform governments about their alternatives and mitigate fears of uncoordinated or exploitive strategies by stabilising expectation about future state behaviour.[34]

Conversely, the multilateral strategy in the CEECs consisted of joining every Western institution and leaving every Eastern equivalent framework, which also symbolised the political closure of the communist era. This was consistent with a grand strategy of breaking all links with the former Soviet Union while balancing against continued uncertainty. In sum, this approach promised to facilitate the domestic restructuring the new elites of the CEECs favoured by providing sustainable resources and assistance.

However, the clearest initial challenge for any negotiation between the CEECs and the West was the evident 'power differential'[35] between both sets of players. This impression was emphasised by how the CEECs were motivated to search for stable forms of affiliation with Western Europe while seeking stable assets to counteract mounting economic difficulties. Those adjustment problems included not only the uncharted task of forging market economies out of planned systems but also a series of contextual challenges including persisting foreign debt, deep macroeconomic asymmetries, and the aspiration to diversify economic linkages in a post-communist setting. These economic difficulties further weakened the CEECs' bargaining power, where they had to succumb to the irreversible European Union (EU) conditionality when the negotiation processes began.

At the beginning of the political and economic transition, there was a widespread conviction, bordering on the euphoric, that the shift from planned economies dominated by communist parties would be relatively smooth, at least in Hungary, Poland, and Czechoslovakia. This expectation proved to be based on a profound *naiveté* across the CEECs, as also shown by the widespread belief in the imminence of EC membership. That is why, apart from obvious security priorities, the CEECs very soon sought to enter NATO, a symbol of their return to Western society. At the beginning of the transition NATO governments were reluctant to an Eastward enlargement of NATO. For instance, the Belgian Foreign Minister Mark Eyskens stated that "we are not closing the door, but we say that their security has to be put in the context of a formula… which should not lead to unnecessary provocation or misunderstanding with the Soviet Union."[36]

Indeed, NATO officials expressed a preference for the consolidation of a solid European backbone as part of the alliance within a 'creative parallelism'[37] mindset. They also insisted on the supplementary nature of a new security infrastructure while halting the discussion on the need to have NATO replaced.[38] They also claimed that NATO was adapting well to the changes in Europe and that it had an important role to play in maintaining peace and stability on a still unsettled continent. In any case, after recounting at a gathering of the NATO Assembly the numerous problems plaguing Eastern Europe and the USSR, NATO leaders expressed how they considered that the organisation was the only collective security and defence structure that could secure stability and protect members against threats and risks to their security and territory.[39]

As Vaclav Havel would point out in early 1991, NATO was seen as "the only functioning democratic security structure,"[40] something that would resonate in Lech Walesa's consideration about how it was "a really needed alliance given that the Soviet bloc has left the East European countries security-orphan."[41] These concurrent approaches would conduce to a merging of US, EC and East European angles and would facilitate the move towards NATO enlargement, culminating in what Richard Weitz considered "the first step of the CEECs' 'Return to Europe.'"[42] In the eyes of American leaders at the end of the Cold War, the best prospect for avoiding future conflict was adapting existing institutions to the post-Cold War setting. Since the US wanted the Europeans to share more of the burden for promoting security in Europe, the trend was pushed forwards, thus accentuation a deepened integration dilution from an external direction.

Conclusions

This failure to generate a lasting sense of civic belonging to a transnational polity willing to cooperate under the umbrella of the quality of democracy, the rule of law and socioeconomic cohesion degraded these very aims without acknowledging the 'roads not taken'. At present, we are striving to recover the actionable foundational principles of an integration process that currently acts on a principle-co-option-automatic-pilot to drive a many times totally opposite long-term agenda.

For this reason, historical analysis can contribute to shed light on the neglected complexity of post-communist modes of fragmentation, also beyond the CEECs, as it was clear in the cases of the Balkans, of Cyprus and of the EU's relation with Turkey, not to mention that of the overall Community's relations with post-Soviet Russia. Eluding the complexity of a fragmenting post-Cold War world also includes an early abandonment of the EU accession option for Ukraine since the early stages of the process, when

enlargement by expanding by concentric circles in the post-communist European space was conceived as a still open possibility. In short, the fear to fully put into words bold and frontal common paths towards the future manifested the risks that tangential negotiations wished to avoid.

In conclusion, in so far as EU enlargement policy focused on responding to the open questions related to the re-articulation of the geopolitical, social, and mental references inherited by the Cold War and its uncertain aftermath, it is understandable that the same formula would be very difficult to apply to any reality beyond this framework (e.g. new and very divergent challenges with other post-communist countries, as those in the Western Balkans and members of the EU's 'Eastern Partnership'). Indeed, once the 'Return to Europe' agenda is exhausted, there would be a need for a new meaningful and compelling driving force for the EU's external dimension and for the definition of its role in the global arena.

Notes

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BOOK REVIEWS

Simmons, Erica S. 2016. *Meaningful Resistance: Market Reforms and the Roots of Social Protest in Latin America*. Publisher: Cambridge University Press. New York, 2016

Andy Buschmann

Since the 1990s, political process theory has dominated social movement studies. Political process scholars emphasise the role of political opportunity structures in mobilisation while assuming grievances as being constant and, therefore, a necessary but not sufficient condition for social mobilisation.[1] *Meaningful Resistance* revisits grievances as a necessary and sufficient condition for social mobilisation.

Simmons puts forth the idea that certain subsistence goods are imbued with cultural meaning and, when threatened, create 'ideational grievances' that can galvanise mobilisation. Ideational grievances are different from material ones because they stem from threats to meaning-laden substance goods that are not simply commodities but produce what Simmons calls imagined and quotidian communities. Imagined communities are, in the spirit of Benedict Anderson, historically rooted collective identities that are reinforced by cultural practices and rituals.[2] Quotidian communities, on the other hand, are communities built by routine face-to-face interactions among people. Meaningful resistance, in turn, emerges from threats to communities that are both imagined and quotidian in nature.

Simmons builds and applies her theory based on two case studies: the water wars in 2000 in Cochabamba, Bolivia, and the *tortillazo* protests in 2006-07 in Mexico City. In Cochabamba, Bolivia's third-largest city, the privatisation of water provoked a nine-month cross-class and cross-ethnic movement beginning in January 2000, leading the government to retract the reforms quickly. In Mexico City, a similar movement emerged against rising corn prices. In both cases, the threats to imagined and quotidian communities were neoliberal market reforms. Different from where market reforms only pose a threat to material livelihoods, in Simmon's cases, they also imperilled the very meaning of community, creating ideational grievances that triggered mobilisation in ways material grievances alone could not.

In *Meaningful Resistance*, Simmons seeks to apply what she has elsewhere called 'ethnographic sensibility.'[3] Put simply, ethnographic sensibility requires researchers to (1) recognise the limitations of case control to prevent 'putting very different social and political practices into similar categories'[4] and (2) pay explicit attention to symbols, language, rituals, and the like that are embedded in primary material. While closer

attention to meaning and more self-awareness of the limitations of one's research are certainly noble aspirations, Simmons's book demonstrates how demanding it is to maintain such ethnographic standards when, at the same time, working within a positivist framework. While ethnographic researchers accept that there is no objective truth but only subjective realities, which the researchers themselves engage in creating, positivist researchers believe in objectivity and seek to make general (causal) claims that apply to a larger universe of cases.
Most of my following criticisms can be traced back to the tension between ethnographic and positivist research traditions. Such tension becomes especially apparent in Simmons's data, consisting mainly of non-systematic interviews, YouTube videos, and scholarly and non-scholarly writings, which Simmons, who was not present during either of the movements, collected in hindsight.

From a positivist perspective, it is nearly impossible to eliminate systematic selection bias in non-randomised data samples. While scholars pursuing discourse analysis face similar issues, they typically do not attempt to engage in causal inference as Simmons does. In this case, the reader must trust that Simmons's ethnographic sensibility has fully captured the objectively true meaning and, even more importantly, the course of events. Assuming otherwise would weaken Simmons's argument in its critical aspects. The following should further illustrate the problem.

Simmons argues that existing social movement theories cannot explain why protests in Bolivia and Mexico drew participants from various social classes and ethnic backgrounds. In other words, she questions why even individuals who did not experience particularly negative material effects of market reforms joined the protests, especially considering that some had lived through previous reforms that did not prompt mobilisation. For Simmons, the reason lies in the 'indiscriminate nature of the threat'[5] posed by the marketisation of meaning-laden subsistence goods: water is Bolivian; corn is Mexican. Threats to water or corn, respectively, are perceived as threats to the identity that imagined and quotidian communities provide.

Following this logic, Simmons conceptualises a direct effect of meaning-imbued grievances at the individual level that does not need to be initially framed or politicised by a social movement organisation (SMO) to trigger mobilisation, as would be the case with an intermediate and group-based variable. In Bolivia, for instance, Simmons asserts, 'The meanings water took on in Cochabamba … were not a product of any frame deployed by savvy social movement organizers… Water was … "of the people" long before leaders such as Oscar Olivera described it as such.'[6] In other words, in the cases analysed, the threat to identity was sufficient for mobilisation and most likely would have occurred even if political entrepreneurs or SMOs had not later framed the protests as a threat to identity. Consequently, SMOs, political entrepreneurs, and political frames play only a minor role in shaping the constituency of meaningful resistance.

This claim would be significantly weakened by biased data selection. For the argument to remain robust and make a theoretical contribution to the existing collective identity theory,[7] Simmons would need to demonstrate – as she attempts to do – that individuals from various societal groups of the communities created by subsistence goods participated in the protests from the very beginning and did not join only after the protests were framed in ways that appealed to them. Even with her selection of what is

most likely positive evidence (e.g., all the interviews conducted after the protests), Simmons cannot make a compelling case here and acknowledges, 'The relationship between the grievance and the frame can never be fully disentangled.'[8] However, this is not entirely accurate; with representative data (e.g., protest surveys collected during mobilisation), it should be possible to disentangle grievances and frames. Nevertheless, Simmons does not sufficiently discuss how a systematic selection bias in her evidence could potentially undermine her arguments and contribution.

With the potential selection bias in mind, the course of events presented in Chapters 3 and 4 does not definitively dismiss the possible counterargument that materialistic demands initially mobilised poor residents – or those most affected by the price increases – and were only later framed ideationally to appeal to society at large. From existing social movement scholarship, we know that protests often begin with materialistic claims and only later evolve to encompass more idealised objectives to broaden the social base of the protests. Therefore, many readers may remain unconvinced that the data collection process is sufficient for accurately reconstructing the sequence of events as they unfolded. This stems from the inherent limitations of retrospectively selected cases.

On another note, at the end of Chapter 3, Simmons discusses alternative explanations for the water wars. Surprisingly, she does not consider traditionalism as a moderating variable. For instance, both of her cases fall on the very bottom of the traditionalism vs. secularism axis in the Inglehart-Welzel Cultural Map (based on the World Value Survey wave 6).[9] It is difficult to imagine similar grievances in more secular societies.

Simmons explicitly mentions that her theory explains the cases under consideration but may not apply to others. Whether or not this is satisfying is a decision left to the reader. However, in her conclusion, when discussing where else her theory may have inferential leverage, Simmons mentions gun rights in America. This is a surprising suggestion, which inevitably raises some of the questions that readers may have had throughout the book: Why do only subsistence goods matter? Is there not a difference in the hierarchy of needs between water and corn, on one hand, and guns, on the other? Additionally, how likely is it that gun rights reforms would spark a cross-societal mobilisation in favour of guns? All these questions reinforce my initial reservation that Simmons's theory does not differ significantly from collective identity theory, especially when accounting for the potential selection bias in her data or when applied to cases other than those explored in the book. This remains a problem despite Simmons's assertion of making probabilistic arguments – e.g., 'I am identifying a particular set of relationships that sometimes work together to help produce political resistance. They will not do so everywhere and always.'[10]

To conclude, *Meaningful Resistance* is a powerful attempt to cross epistemological boundaries between ethnography and comparative social sciences. At the same time, by re-visiting the role ideational grievances have had in mobilising social movements that have received little scholarly attention, Simmons provides important theoretical and empirical insight. At the same time, however, *Meaningful Resistance* shows how difficult it is to serve vastly different academic traditions and do justice to both. For trying and, in many parts, succeeding, Simmons deserves our gratitude.

Notes

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[9] Ronald Inglehart and Christian Welzel, "Changing Mass Priorities: The Link between Modernization and Democracy," Perspectives on Politics 8, no. 2 (2010): 551-567.
[10] Simmons, Meaningful Resistance, 4.

Yermolenko, Volodymyr, Pomerantsev, Peter, Shelest, Hanna, Shyyan, Haska, Hrytsak, Yaroslav, Plokhy, Serhii, Andrukhovych, Yuri, and Kurkov, Andriy. Ukraine in History and Stories. Publisher: Ibidem Verlag. Berlin, 2020.

Luíza Mutter Quinderé Fraga

Ukraine in Histories and Stories: Essays by Ukrainian Intellectuals is a 275 pages-long book edited by Volodymyr Yermolenko. The piece is divided into Preface, Introduction and eight other sections, each one composed of two essays or interviews written by Ukrainian intellectuals about different aspects of Ukraine: Histories, Identities, Archetypes, Stories, Motherlands, Pains, Relations, and Stereotypes. The piece's purpose is to present the country to someone who knows nothing about it. Consequently, the writing style is uncomplicated, and many remissions are made to explain the Ukrainian words and events mentioned. Therefore, despite the authors' renown, the book is generally very comprehensible even for those readers who do not know Ukraine deeply.

The Preface, written by writer and journalist Peter Pomerantsev, already gives the reader a good hint of what will be further elaborated in the essays and interviews: the complexity and uniqueness of Ukraine. These characteristics are usually misunderstood or unknown by those who analyze the country from the outside, which, according to the author, would also explain the piece's importance – namely, to present Ukraine with the voice of national intellectuals who understand the country's dynamics. Further, the journalist, novelist, and screenwriter Andriy Kulakov, in his introduction 'Tabula Rasa, or How to find a Ukrainian Terra Incognita,' compares the book to an invitation to travel around Ukraine. The author recognizes that the country is not well known by the international community and even by Ukrainians themselves – what justifies defining it as a terra incognita – and proposes that the reader see the piece as just the beginning of discovering the country. Because of that, he acknowledges that some aspects of Ukraine will not be approached or elaborated in-depth and that the experiences of the readers and authors can influence the depiction of the country. Therefore, the intention is not to create a static image of Ukraine but to present different versions of it so that the reader can create their own representation.

The division in essays and interviews facilitates the reading – in general, the texts are no longer than 20 pages and can be read at once – and makes the book itself very diverse. Some texts give a broad perspective of the subject, while others approach just one aspect at a close. Some writers give an objective perspective, others present their personal experiences, and others yet mix both approaches in the same work. In general, the essays succeed in presenting Ukraine in an easy way to the unfamiliar reader. However, sometimes, despite the brief contextualization made by the editor, the information is presented in a way that is difficult to fully understand without previous knowledge of Ukrainian history and literature. This can be seen especially in the interviews that were originally given in other contexts and only later published in the book. Further, the division of the sections into topics is not always clear since several chapters approach many of the same subjects. Nevertheless, a sense of cohesion is still achieved within the piece because all texts have at least one of the overarching goals of the book: introducing

Ukraine, busting myths about the country, and proposing changes so that it can create a new national identity.

The first objective – presenting the country – is usually not limited to the intellectuals' perception of one specific subject but offers an informed explanation of what made Ukraine what it is now. The historian Yaroslav Hrytsak, in the essay 'Ukraine: A Brief but Global History of Ukrainian Bread,' gives a panorama of Ukrainian history from preliterate to contemporary times bringing to light what would be the country's most important historical element: its black soil. By relating historical events to land or land disputes the author can demonstrate what seems to be the main historical characteristic of Ukraine – its domination by other countries – and how the past still influences the country's society, culture, identity, and geopolitical position. Nevertheless, more than only broad and overarching depictions, some essays present the particularities of Ukrainian culture, such as the writer, singer, journalist, and screenwriter Irena Karpa's 'Ukraine as a Movie,' which is a proper guidebook for the country, where one can find tips regarding places to go, foods to eat, and movies to watch.

Deconstructing general ideas about Ukraine is the main purpose of the section 'Stereotypes,' where the essays list and objectively refute myths about the country. However, texts from other sections also fulfil such a role by depicting Ukraine differently from how people usually imagine it. In 'You Know It Better than Me,' the writer and translator Haska Shyyan gives not a rural picture of Ukraine but a vibrant and urban one by telling stories set in three different cities where she lived, each one with its particularities. Even though these stories are short and thus give only a limited depiction of the towns, they offer diverse and candid portraits of Ukrainian daily life.

Another topic that is explored in many essays is the Soviet regime, whose pessimistic tone can provide some of the readers with a new perspective on the subject. Andriy Kurkuv, the writer of 'Ukrainians. From a Historical Matrix to the Present Day,' tries to demystify the idea that all former Soviet countries are similar or share the same culture and mentality inherited by the Soviet Union. He argues that Russians and Ukrainians have always had dissimilar mentalities due to the countries' different political organizations and, despite the attempts to extinguish cultural differences, the Soviet regime never truly eradicated Ukrainian particularities. This places Ukraine in a complex situation: the country is distinct from Russia but the influence of the URSS still prevents Ukraine from creating its own identity. The philosopher and translator Vahktang Kebuladze ('Gaining a Motherland') and Irena Karpa ('Ukraine as a Movie') further the book's analysis of the topic by presenting personal testimonies regarding the Soviet regime. While the former presents his personal history and feelings towards this regime, the latter talks about her family history – from her father's side, which had its conflicts with the government, to her mother's family, which supported the regime. Both texts depict the Ukraine of that time as a country ruled by fear and lacking freedom, where people could not be themselves.

After reflecting on the Ukrainian past and present, some authors propose actions to create a new future. The writer and translator Andrij Bondar, in A Split Heart of Incompleteness,' sets the ambitious task of constructing/remembering – or at least starting to – a Ukrainian identity. He shifts from a stereotypical view of Ukraine that focuses on what the country lacks due to its domination throughout history to highlight different things that Ukraine does have, from cultural and political elements to

aspirations for the future. 'Majority as a Minority,' written by the writer and lawyer Larysa Denysenko, discusses the oppression suffered by Ukraine throughout history and defends that Ukrainians have always been a minority. Now that the country has its independence, she alerts to the necessity of talking about trauma and listening to others to avoid Ukrainians becoming the bullies and to finally create an equal environment.

Even though most of the authors of the book have an apparently optimistic perception of the possibility of creating an independent Ukraine, they also recognize that this task is not by itself easy and is constantly threatened by Russia, be it because of the war, the language, or the country's geopolitical position. For example, the writer Yuri Andrukhovych's 'Ukrainian Culture and Literature' and Vahktang Kebuladzein's 'Gaining a Motherland' defend that Ukrainian bilingualism, one of the country's particularities, is being lost due to the increase of Russian speakers. Hanna Shelest, the editor-in-chief at *UA: Ukraine Analytica* and a member of the board at the Foreign Policy Council 'Ukrainian Prism,' in 'Insecure Insecurity of Ukraine,' defends that Ukrainians should stand up for themselves and confront Russia even though the international community says that they do not have the military power to do so.

In conclusion, *Ukraine in Histories and Stories: Essays by Ukrainian Intellectuals* blends official historical analysis and personal stories, with the writers' shared perspectives on various subjects providing cohesion to the book. By assembling these seemingly fragmented essays, this work successfully maps and presents Ukraine, its characteristics, traumas, and hopes. As such it serves as an excellent starting point for those who do not know much about the country but are willing to discover it. This reading is simple and dynamic, and, even though it does not go deep on some subjects, it surely gives the reader a general understanding of the country and the basis for a deeper study of Ukraine.

Zala, Benjamin. *National Perspectives on a Multipolar Order: Interrogating the Global Power Transition*. Publisher: Manchester University Press. Manchester, 2021

Patrick Gill-Tiney

Intending to demonstrate the ways multipolarity contributes to the foreign policymaking of major powers, the volume *National Perspectives on a Multipolar Order*, edited by Benjamin Zala, argues for a focus on national narratives to improve our understanding. Seven case study chapters written by academics cover China (Nicholas Khoo and Zhang Qingmin), India (Ian Hall), Brazil (Luis L. Schenoni), Russia (Elena Chebankova), the USA (James Johnson), Japan (H.D.P. Envall), and Britain (David Blagden). Significant diversity exists not only in how multipolarity is understood across cases but also in the roles it plays in policymaking. Whilst it is less surprising to observe diversity between policymaker assessments of multipolarity since there is often a significant blurring of objective analysis of the distribution of power with state aims, there is also a huge variation in academic understandings. Therefore, a lack of conceptual clarity in the book is startling and somewhat concerning. Overall, this volume is timely and valuable given the rise of China and India, Russian revanchism, and debates about American decline.

That there is debate over the utility and relevance of multipolarity is itself striking. In the aftermath of the Cold War, unipolarity – systemic dominance by the United States – appeared to be assured for the foreseeable future. This seemed more certain given the strength of the Western liberal order, the power of America's allies in Europe and Japan, and the absence of clear ideological challengers. Yet, just over thirty years later, unipolarity appears to have been rather fleeting. This is the background that sets the scene for the book. In essence, the analysis provided across each of the seven case studies addresses the perception of American decline relative to others, especially China. More immediately, the August 2023 announcement that the BRICS group will expand from five to eleven members came with the clear purpose of seeking to institutionalise a move toward multipolarity. In this context, the objective of the book is to examine to what extent the language of multipolarity is used in national narratives and what form it takes.

Multipolarity – meaning that the international system includes at least three states of comparable power that is also significantly greater than that of other states – is a contested term. The book engages with this debate in three distinct ways. Firstly, it is structured around national narratives rather than taking a system-level approach. Secondly, it demonstrates that what power means differs according to the actors in these narratives. Finally, it highlights how these narratives play different roles in policymaking, with some emphasising the aim of achieving multipolarity, some viewing it as an established reality, and others expressing deep scepticism. The diversity recorded across the seven case studies is a strength of the book since it empirically details this contestation. Reaching conclusions about each of these disputed areas is challenging, given the diversity revealed, but the book shows that national narratives undoubtedly matter, that what constitutes power varies immensely depending on the context, and that multipolarity plays important roles in policymaking for some, but far from all, states.

The language of polarity is closely associated with realism, an approach to international relations that assumes that the units (states) are functionally alike and are differentiated only by relative power, which is invariably associated with military capabilities. In this theoretical approach, national narratives are irrelevant; what matters is the systemic distribution of military capabilities between states. The major theoretical contribution the volume makes is to articulate why meso-level approaches, that is, those that emphasise domestic institutions and ideas, to major power politics are so valuable. System-level approaches assume static and objective understandings of polarity across cases. For neorealists, the balance of power is knowable and known, and makes a fundamental contribution to foreign policy, particularly in the security domain. In contrast, the volume demonstrates very clearly that polarity is not understood even to comprise the same components, let alone agreement to exist between national assessments, whether the analyst is an academic or policymaker.

For example, a clear division exists over contemporary system polarity, with conclusions that it remains unipolar (that is, the system is dominated by a single state) contrasting with those perceiving bipolarity (domination by two) or multipolarity. Further, despite the language of polarity originating in realism and thereby emphasising military capabilities, the volume shows that social factors are frequently highlighted, including the importance of status, the value of culture, and the utility of language. For a realist, this conceptual confusion is puzzling but has a simple answer: many are misusing the language of polarity. This is a reasonable conclusion; should the aim be to provide an objective assessment of polarity; this would be a plausible path to take. But, if policymakers are not making objective assessments or are doing so with very different components, then the realist causal chain is severely weakened. Rather, policymaker perceptions, rooted in national narratives, are crucial determinants of state behaviour.

The contribution that the volume makes is, however, slightly diminished by two factors: firstly, the sharpness of the responses and, secondly, the grouping and labelling of the cases. Zala's introduction explains that each of the seven contributors was asked to address five interrelated questions: How prominent is multipolarity in public discourse? How developed are scholarly and practitioner debates about multipolarity? Is multipolarity used as an objective description of the distribution of power or as a normative aspiration? In this discourse, is it clear which states are poles and which are not? Has the discourse led to changes in policy?[1] However, the rigour with which responses are given differs markedly. Although this is defended by the editor, who states that 'the individual chapters approach these questions from different angles,'[2] the result is unevenness between chapters. Those on India by Hall, Brazil by Schenoni, and Britain by Blagden more directly and fully address these questions than the others. Though the rest remain informative, they read as looser or partial answers to these questions since they do not stick to the five-part framework laid out, which complicates the comparisons that the reader might wish to make between cases.

Furthermore, the seven analysed countries are grouped according to whether they are 'rising challengers' or 'established incumbents.'[3] This language is misleading on two accounts. Firstly, it implies that the volume is seeking to make such a distinction in terms of the national narratives that surround multipolarity, but this is only vaguely articulated. The volume is much less about distinctions like rising vs. incumbent or revisionist vs. status quo preferences but rather about domestic narratives, which may or may not

utilise such language. Secondly, these labels are poorly chosen, given the cases subsequently included. Despite Russia being a 'challenger,' it is not a rising power in any meaningful sense since its share of global military or economic capabilities is, at best, static and is arguably declining. Schenoni's chapter, meanwhile, makes it clear that Brazil is not even a rising power, let alone a challenger, making its inclusion under this label puzzling.[4] Whilst China and India are both rising powers, they are rising from different positions: China is an accepted major power with a permanent seat on the UN Security Council; India is rising from below this threshold. This hampers the conclusions a reader may draw since one must assume that the cases have been grouped in this way for a purpose, but it is not a purpose that is adequately explained or defended.

In conclusion, the book's topic is timely, and its chapters are useful. Further, the many ways in which polarity is understood and the stark divergence shown in many domestic contexts between academic and policymaker debates and language usage are informative. This also makes for a curious conclusion: the volume demonstrates that polarity lacks meaning, at least in any cross-national and intersubjective sense. Policymakers across the seven cases clearly utilise this language but do so in diverse ways, which results in them effectively meaning different things. However, the lack of significant academic consensus and the pervasive problem of conceptual overlap, particularly with power, impedes academic research in this area.

Notes

[1] Benjamin Zala, National Perspectives on a Multipolar Order: Interrogating the Global Power Transition (Manchester: University Press, 2021), 5-6.
[2] Ibid., 6.
[3] Ibid., 8.
[4]Ibid., 66.

Grey, Chris. *Brexit Unfolded: How No One Got What They Wanted (And Why They Were Never Going To)*. Publisher: Biteback Publishing. London, 2021

Isabela Karibjanian

Chris Grey's *Brexit Unfolded: How No One Got What They Wanted (And Why They Were Never Going To)* ambitiously aims to 'make sense' of how Brexit occurred by analysing the competing accounts, messy timeline, and flurry of activity both domestically and internationally following the 2016 referendum by the United Kingdom to leave the European Union. Grey succeeds in this aim, crafting an immensely readable, cogent account of the political, cultural, and international chaos of the years following the Brexit referendum that does not shy away from critiquing actors on all sides of the debate.

Given the intensified polarisation in the UK resulting from the Brexit vote, the author notes that there is often fundamental disagreement on the basic facts of what happened, why it happened, and who can be trusted to tell the story of Brexit. His book intends to present the bigger picture of the event, without claiming to serve as a definitive history of its continuously evolving impact. The piece is based on Grey's well-received weekly blog, which unpacked and analysed the events of the Brexit process as they transpired. His analytical approach draws from his background in organisational studies.

The book proceeds chronologically through six chapters, along with an introduction and conclusion, tracing the events of Brexit through its main political phases. Grey begins with the outcome of the 2016 referendum and deftly weaves together analyses of the myths, narratives, politics, negotiations, and proposals comprising the United Kingdom's exit from the European Union, concluding with a new era of the Brexit process, with the signing of the EU-UK Trade and Cooperation Agreement that entered into force in 2021.

Grey's narrative is a story of meaning-making, meaning-muddling, and meaning-altering. His telling of the process frames it not just as an ongoing contestation of what Brexit is, how it should be achieved, and what it would mean for the United Kingdom politically and economically, but also, existentially, as what Britain is and what it will become. Consequently, narratives and framing play a much greater role in Grey's analysis than the formal negotiations between the UK and EU. In the author's view, a core factor in shaping the process was a lack of definition, let alone a common definition, of what Brexit would entail. In many ways, the battle to frame the choice to leave the EU took precedence for the UK over any substantive technical conversations.

During the run-up to the referendum, Grey notes, the Leave campaign ran on a message of vagueness; Brexit meant nothing would change, yet everything would change. A fluid definition of what exiting the European Union meant allowed conceptualisations of Brexit to harden on either side of the vote. He further underscores that disagreement over what Brexit meant and how it would be operationalised contributed to the rise of hardline "Brexit Ultras," and a never-ending quest to appease them, even though they would never have been satisfied. He writes, 'The Brexit they believed in remained something which could only exist as a utopian theory – any attempt to operationalise it proved elusive in the face of practical realities, but rather than recognise that they called the

operationalization a "betrayal" and retreated to the sidelines, where they could cling on to the utopian theory' (143). Even when Brexiters held the highest positions of political power in the United Kingdom, they maintained an appeal to this self-victimhood and a purity doctrine that could never be satisfied (246). Demonstrating this, Grey notes that when the final agreement was achieved in 2021, 'there was little sign of triumph or delight' (243).

Grey documents how leavers successfully campaigned on emotions, appeals to grievances, imperial imaginaries, and a hard-to-define sense of sovereignty. These, he notes, were unable to be translated into the process of governance and the highly technocratic task of extracting the United Kingdom from the EU. In his words, those on the Leave side of the debate were 'uninterested in and incapable of governing' (259). But confusion did not belong only to the Brexiters; Grey writes that there was a 'nearly universal confusion in the UK between the exit part and the future terms part of that process,' with little to no understanding of the consequences of these negotiations (152). 'Taking back control' may have been a catchy slogan, but when it came time to enact policy, many Brexiter officials 'refused to accept these consequences' (83).

Coupled with this inability to define what Brexit was and how it would materialise, another battle of narratives transpired – one of truth versus myth. As Grey notes, 'falsehoods, many of them mentioned in this book, were not just occasional features of the Brexit process; they permeated it' (279). Baseless claims made in the referendum campaign translated into falsehoods communicated by elected leaders regarding the impact of Brexit on the United Kingdom. Grey notes that Brexiters misled the public regarding how a magic bullet free-trade agreement would continue all the economic benefits of EU membership, that the problem of the Irish border did not exist or was solvable by as-of-yet not invented technology, and how the principle of state sovereignty works (249). 'These promises had all been fantasies and the attempt to turn those fantasies into policy was now leading to a national crisis' (129), he writes. These falsehoods escalated domestic culture wars and political debates, often derailing any progress made to reach an agreement with the EU.

The conflicts over the meaning of Brexit, its implementation, and truth, in general, all culminated in the contestation of the meaning of British governance and the United Kingdom as a whole. Grey describes how the vitriolic language used by either side of the Brexit debate, including some Brexiters labelling those who were not hardline enough as 'enemies of the people,' fed into a changing meaning of governance and the UK parliamentary tradition (90). He writes that the infusion of politics and polarisation into roles typically held by career civil service created a culture of suspicion and instability; in his words, 'the British government was no longer operating according to the normal rules of diplomacy' (180). Once a model parliamentary system, during the Brexit negotiations, 'the UK polity as a whole was acquiring a reputation internationally for dishonesty' (180). Grey outlines several parliamentary and political manoeuvres that fundamentally shifted the nature of British politics. As he analyses the use of prorogation by Boris Johnson's government, he writes that it created a 'near-revolutionary situation in which Brexit mattered to them more than parliamentary democracy (or any other institution) and, in consequence, Brexit had become not just about leaving the EU but about the very nature of the British constitution' (175). The process created a political

culture bent on defining a true British people – those loyal to the cause of a hard and complete Brexit – and, as a result, redefining the United Kingdom (273).

Grey presents his analysis of Brexit as one for the public, not primarily for academic audiences; his choice of publicly available sources and less formal tone reflects this. Using an almost conversational storytelling style, Grey successfully brings together discussions of technical trade agreements, rebukes of self-mythologising falsehoods from across the political spectrum, and macro-level analyses of the British political context. Throughout the book, the author carefully contextualises, evaluates, and puts into conversation Brexit narratives and talking points of differing political factions. He does not shy away from rebuking falsehoods or misunderstandings communicated from groups across the political spectrum. Grey starkly illustrates and comments on the absurdities, duplicities, redundancies, and self-inflicted wounds carried out by British political leaders throughout the Brexit process, presenting them as just such. His clear-eyed analysis shows that Brexit was doomed from the start due to competing meanings and narratives about just what Brexit meant and what membership in the European Union had meant for the country in the past.

Grey's choice to position his book not as an academic text, but as one for readers from all backgrounds, serves him well. Because of the growing distrust of experts, facts, and academics during the Brexit process (save for those from hyper-partisan think tanks or research groups), positioning this analysis as a non-academic work shows Grey's acute awareness of how the landscape for expert opinions has shifted. Grey makes his positionality exceptionally clear at the start of his book and goes to great lengths to treat all sides of the debate with equal scepticism. Even so, given the hardening of battle lines across the British political spectrum, it remains unclear whether a so-called Brexit Ultra would make it far in this book. Nevertheless, his is an especially useful historical text, colourfully detailing the debates, claims, and emotions that ran through the Brexit process. It is an important resource for scholars, students, and laypersons to consult as Britain emerges from Brexit and must cope with the reality in which it has found itself.

Plokhy, Serhii. *The Frontline: Essays on Ukraine's past and Present*. Publisher: Harvard Series in Ukranian Studies. Cambridge, 2021.

William Mitchell Reid

Serhii Plokhy is the Mykhailo Hrushevsky professor of Ukrainian history at Harvard University and the director of the Harvard Ukrainian Institute. His book, *The Frontline*, is a collection of essays split into four sections. 'Cossack Stock' focuses on the historical mythologies of the Ukrainian nation from the sixteenth century onwards. 'The Red Century' and 'Farewell to the Empire' cover the Soviet and immediate post-Soviet periods in Ukraine, with a particular focus on the Holodomor famine and Chernobyl disaster, acting as companions to Plokhy's books *The Last Empire* (2015) and *Chernobyl* (2018). Finally, 'European Horizons' frames recent critical events, such as the Euromaidan, through a series of historical interactions between Ukraine and its neighbours.

This review focuses on the three themes that connect the essays of *The Frontline* – namely, the voices of ordinary Ukrainians, geography, and visibility, and Plokhy's dispassionate style. Finally, I briefly cover the few shortcomings of the book before outlining what is, in my view, its main achievement: the advancement of a 'new national history' for Ukraine.

Plokhy tells the history of Ukraine through the stories of everyday Ukrainians. For instance, in the essay 'The Call of Blood', which explores the ethnic justifications made by the Soviet government for aggression against Poland in 1939, Plokhy moves beyond propaganda and diplomacy by exploring popular reactions to government policy during the Second World War. He uses NKVD (People's Commissariat for Internal Affairs) reports which detail the varied responses of the public, from students at Kyiv University to peasants in the Sumy region. In doing so, the essay successfully transcends a binary view of 'resistance or compliance' amongst Soviet Ukrainians that persists in some histories of the Soviet Union and studies of contemporary authoritarianism.

By Plokhy's own admission, these reports might seem unreliable, but he justifies his choice by evidencing the regime's investment in the accurate reporting of public opinion. The reports that quote students' reactions, which range from sarcastic to prophetic, are particularly successful in restoring agency to these Ukrainians. The essay thus demonstrates how to de-centre the study of Soviet history away from the elites of Moscow and St. Petersburg.

'Mapping the Great Famine' is another good example of how to reframe historical analyses by shifting the focus from distant and overarching perspectives to more fine-grained and personal ones. Here, Plokhy uses new data on the Holodomor developed by the Harvard Ukrainian Research Institute's *Digital Map of Ukraine Project* to uncover why certain regions of Ukraine suffered more than others during the Great Famine of 1932-1933. The chapter is introduced by the diary entries of Oleksandra Radchenko, a teacher from the Kharkiv area who wonders about the fate of other regions during the famine. Radchenko was not one of the estimated 3.9 million to die in the famine, but her diary was later confiscated, and she spent ten years in a gulag as punishment. By skillfully weaving the words of those who experienced the Holodomor firsthand into his analysis, Plokhy shows how historical data can restore victim voices.

Through this first-hand lens, Plokhy illuminates the human effects of the famine and its geographic dimensions. Regional differences in famine outcomes are important; some historians, such as Stephen G. Wheatcroft, have used them to suggest that there was no consistent national dimension to the famine and that it was therefore not a genocide against Ukrainians.[1] Plokhy acknowledges that the division between boreal and steppe areas was an important determinant of Moscow's approach to agricultural policy in Ukraine and identifies demographic, economic, environmental, and political indicators of the famine that vary across administrative units.

However, he disagrees with conclusions like Wheatcroft's, which he describes as unsubstantiated. Additionally, in the essay 'Killing by Hunger', he seems sympathetic with Anne Applebaum's argument that although the famine does not fit the United Nations' 1948 definition of genocide, it conforms to that made by Raphael Lemkin, the Jewish-Polish lawyer who created the concept.[2] However, as the essay is a preliminary interpretation of new data, Plokhy does not arrive at a definitive conclusion. Herein perhaps lies the weakness of the essay collection genre: thirty pages are not sufficient to properly unpack the genocide question.

'Mapping the Great Famine' is one of several essays that uses geography as an analytical tool. Since Russia's 2022 full-scale invasion, many have become familiar with the geography of Ukraine, a phenomenon not without important political consequences. In 'Cossack Stock', focusing on the origins of Ukrainian national mythologies, the seventeenth century Radvila map shows early Cossack settlements as well as an area called 'Vkraina' on the right bank of the Dnieper River. According to Plokhy, this appearance of Ukraine and Cossackdom on European maps coincides with the emergence of the Ukrainian Cossacks as a significant military, political, and cultural force. The use of cartographical evidence for understanding early Ukrainian national identity contributes to the wider incorporation of geography into the study of the history of Central and Eastern Europe, an approach which Timothy Snyder argues has been neglected.[3]

In 'Goodbye Lenin!', Plokhy again uses the *Digital Map of Ukraine Project,* this time to visualise correlations between different indicators of historical memory, such as the number of Lenin statues demolished in a certain *oblast*' during the Euromaidan. He argues that the central region of Ukraine has emerged as a mediator between East and West, not just on electoral issues but on the politics of cultural and historical memory.

One issue with the use of maps in *The Frontline* is the absence of accompanying explanatory datasets, which would be necessary to further explore the interrelationships between the indicators. However, it is important to remember that in the case of Ukraine, geography is more than an analytical tool: visibility on a map means security, particularly as Vladimir Putin publicly characterises Ukraine as a fabricated political entity. This idea was expressed by Ukrainian novelist Oksana Zabuzhko, who last year said that 'being recognised by the rest of the world is the only guarantee that we will exist…. The world protects, defends and cares for the existence and survival of those cultures, countries, nations that it already knows.' [4]The maps of *The Frontline* are a reminder that, in the face of Russian aggression, visibility is vital for the survival of Ukrainian culture and history.

The essays in *The Frontline* that cover Russia's aggressions against Ukraine are remarkably dispassionate. As Plokhy has explained elsewhere, 'Being a good historian requires me to control my emotions, otherwise, I would not be doing my job according to the standard of the field and I would not fight back as effectively as I could'.[5] In fact, at times Plokhy seems cautiously optimistic about Russia's future and the consequences for its neighbours. In 'The Russian Question', he surveys the Russian national idea, arguing that it has been inadequate in providing the basis for a modern nation-state.

The hopeful conclusion that the solution for Russia might be the development of a democratic society, living in harmony with its neighbours and playing a positive role in the modern world is admirable considering the injustices dealt against Ukraine that he documents across his work. In 'The Battle For Eastern Europe', which explains current Russian foreign policy through a comparison with the US-Russia relationship of the Cold War, Plokhy concludes that Putin does not wish to control its 'near abroad' as Soviet leaders did. However, as these essays were written and published before the full-scale invasion, one wonders whether Plokhy would reaffirm these sentiments now.

There are a few shortcomings to *The Frontline* – namely, the previously mentioned lack of accompanying data for maps and limited analysis provided by the essay collection genre. Another one is the missed opportunity to discuss the teaching of Ukrainian history in more depth. In 'Quo Vadis Ukrainian History?', Plokhy summarises the historiography of what is now Ukraine, starting in the fifth century BC. While this chronology is illuminating, the focus on the modern period principally covers debates in academic journals and conferences. As a student, it would be instructive to hear Plokhy's view of Ukrainian history as it is taught. In the UK at least, there are still relatively few options for the study of Central and Eastern Europe or Central Asia that are not Russia-focused.

These issues do not, however, detract significantly from the quality of *The Frontline*. The crowning achievement of the book is the evidencing of a 'new national history' that reconciles divisions in Ukrainian society engendered by diverse historical experiences, a concept that is outlined in the introduction. This history goes beyond ethnonational paradigms and incorporates global, transnational, multiethnic, and regional approaches. For example, in 'The Quest for Europe', Plokhy argues that Ukraine's search for EU membership is not purely rooted in geopolitical and economic concerns but has important and deep historical and cultural dimensions as well. Ukraine's European identity is intimately tied-up with debates over where Europe 'ends', which can be traced to medieval and even Greco-Roman geography.

In the eighteenth century, the Kyiv Mohyla Academy promoted the Russian Empire's European calling; in the nineteenth, the intellectual Mykhailo Drahomanov argued that Ukrainian identity was more consistent with the freedom and liberties associated with Europe than the absolutism and autocracy of Russia. By embracing the complexity and diversity of these historical facets, *The Frontline* demonstrates that it is necessary to move beyond the twentieth century when explaining Ukrainian national identity and the Russo-Ukraine war. Overall, the book's multi-faceted nature and chronological breadth make it a crucial reading for students of Ukraine, as an overview of the dynamics of modern Ukrainian history, an introduction to wider questions of historical memory, and inspiration for narrower avenues of research.

Notes

[1] Stephen G. Wheatcroft, 'The Turn Away from Economic Explanations for Soviet Famines', *Contemporary European History* 27 (2018): 465-69.
[2] Anne Applebaum, Red Famine: Stalin's War on Ukraine (New York: Doubleday, 2017).
[3] YaleCourses, 'Timothy Snyder: The Making of Modern Ukraine. Class 1: Ukrainian Questions Posed by Russian Invasion', YouTube Video, 46:04, 03 September 2022, <https://www.youtube.com/watch?v=bJczLlwp-d8&list=PLh9mgdi4rNewfxO7LhBoz_1Mx1MaO6sw_&index=2&t=1826s> [Accessed 06/07/2023 2023].
[4] 'Safety and Self-Discovery. Account Of the Visit of Oksana Zabuzhko', (2022) <https://www.uni.lodz.pl/en/news/details/safety-and-self-discovery-account-of-the-visit-of-oksana-zabuzhko> [Accessed 07/06 2023].
[5] Charlotte Higgins, 'Ukrainian Historian Serhii Plokhy: "This May Not Be the Last Chapter of the Russian Empire, but It's an Important One"', (London (UK): Guardian News & Media Limited, 2023).