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CHINA, RUSSIA, AND THE REINVENTION OF EURASIA

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Abstract

In the post-Cold War era, the transformation of relations between Russia and China is inseparable from the reinvention of Eurasia, which is at the heart of the new alliance between the two major continental powers. The revisionist strategies of Putin's Russia and Xi Jinping's China depend on Sino-Russian convergence. Moscow and Beijing have begun to build an alternative order based on the multilateral organization of the Eurasian space, whose counterpoint is the United States' strategy in the Indo-Pacific. This process paves the way for China's emergence as the leading Eurasian power for the first time in international history.

Keywords

Eurasia, China, Russia, World Order, Belt and Road Initiative

Resumo

No post-Guerra Fria, a transformação das relações entre a Rússia e a China é inseparável da reinvenção da Eurásia, que está no centro da nova aliança entre as duas principais potências continentais. As estratégias revisionistas da Rússia de Putin e da China de Xi Jinping dependem da convergência sino-russa. Moscovo e Pequim começaram a construir uma ordem alternativa a partir da organização multilateral do espaço euroasiático, cujo contraponto é a estratégia dos Estados Unidos no Indo-Pacífico. Esse processo abre caminho à emergência da China como a principal potência euroasiática, pela primeira vez na história internacional.

Palavras-chave

Eurásia, China, Rússia, Ordem mundial, Belt and Road Initiative

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CHINA, RUSSIA, AND THE REINVENTION OF EURASIA

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On May 16th, Ambassador Li Hui, Special Representative for Eurasia, began his diplomatic contacts in Kyiv to discuss the "political resolution of the Ukrainian crisis", as announced by the Ministry of Foreign Affairs in Beijing. After passing through Warsaw, Berlin, Paris and Brussels, his mission ended in Moscow, where Li Hui was Ambassador of the People's Republic of China between 2009 and 2019, a crucial decade for the consolidation of the alliance between the two major continental powers.

China – the new China or the old Middle Kingdom – is not known to have ever appointed a "Special Representative for Eurasian affairs". The organizational structure of the Chinese Ministry of Foreign Affairs does not have any department for Eurasia, although there is a Department for Central Asia and Europe. Nor it is known that Eurasia has become a current term in the Chinese political debate, just as Eurasia as a geopolitical concept is not a typical reference in strategic and international relations studies in China. And yet there is Beijing's special envoy for Eurasia, who has included Russia, Germany, France, Poland and Ukraine in his perimeter: only post-Soviet Russia assumes its Eurasian identity, which is alien to the other four European states visited by the Chinese representative for Eurasian affairs.

This novelty of Chinese diplomacy – a rare thing in itself – has its origins in the reinvention of Eurasia in the evolution of relations between China and Russia since the end of the Cold War. The decomposition of the Soviet Union was the starting point for the reconstruction of Eurasia, the *leitmotiv* of the old pan-Slavic theories that hibernated during the decades of Russian communist rule, even when Stalin and Mao Zedong achieved Eurasian unity with the signing of the Sino-Soviet alliance treaty in 1950.

The end of the Soviet empire was both an ideological catastrophe for the Chinese communist regime and a strategic blessing for China's security equation, which was no longer focused on the Soviet threat and was able to fully implement Deng Xiaoping's program of reforms and international openness. The reformist strategy translated into the "Asianization" of the new China, which ensured the process of accelerated modernization and the resurgence of the old empire as a major international power.

In this sense, the collapse of the Soviet Union meant a shift in China's strategic centre of gravity, which moved from the continental *hinterland* to the coastal regions where most of its industrial economy is concentrated. On the other hand, Russia's decline paved



the way for the normalization of bilateral relations between Moscow and Beijing, with the completion of the process of defining the borders between the two states in 1994 and the formalization of the first version of the "strategic partnership" between China and Russia at the summit bringing together President Jiang Zemin and President Boris Yeltsin two years later. Finally, the breakdown of the Soviet empire meant that the People's Republic of China has now three new contiguous states – Kazakhstan, Kyrgyzstan and Tajikistan, three of the five former Soviet republics in Central Asia, which Beijing recognized in 1992.

China's priority became to complete the talks on territorial demarcation that it began with the Soviet Union. In this context, it resumed the process with the three New Independent States, with which it concluded separate border agreements between 1994 and 1996, extending the territory of the People's Republic of China in Central Asia¹.

China then brought together Russia, Kazakhstan, Kyrgyzstan and Tajikistan in Shanghai to establish a framework for multilateral consultation to ensure political stability in its continental rearward². In 2001, the **Shanghai Five** established the Shanghai Cooperation Organization (SCO), which also included Uzbekistan. The SCO's priorities focus on the security domain, including the neutralization of pan-Islamist movements and Islamic terrorist networks, notably the East Turkestan Independence Movement (ETIM), which organizes the Uyghur opposition in Xinjiang. At the same time, Russia guarantees the security of Kazakhstan, Kyrgyzstan and Tajikistan, which are members of the Collective Security Treaty (CSTO) since 1992.

The SCO is the first multilateral security institution created by China in the post-Cold War era, which confirms a relevant convergence between Beijing and Moscow, both committed to defining a framework of political stability in Central Asia, which has been the regional "separator" between the two great continental powers since the 19th century³, and the first Eurasian institution, formed at a time when Russia wanted to return to Europe and China has become the hegemonic power in East Asia.

This dynamic did not change in the following years. While the United States (US), after 9/11, focused on the "Greater Middle East", including Afghanistan and Central Asia – US troops set up temporary military bases in Kyrgyzstan, Tajikistan and Uzbekistan to support their operations against the **Taliban** – Russia and China maintained their "strategic partnership" and continued to turn their backs, one turned to "Europe from Lisbon to Vladivostok", the other towards maritime Asia.

Everything changed ten years later, when it became clear that China was no longer an emerging regional power, but a **challenger** that can challenge the international preeminence of the USA, called into question by the division of the Western coalition in the Iraq War, the **debacle** of the military occupation of Iraq and the international financial crisis.

¹ China obtained 16.000,00 km² of territory in the redrawing of the borders with the three new Central Asian republics. Jeffrey Mankoff (2023). "The War in Ukraine and Eurasia's New Imperial Moment". Washington Quarterly 45 (2): 138. Jeffrey Mankoff (2022). Empires of Eurasia. How Imperial Legacies Shape International Security. New Haven: Yale University Press. See also Daniel Markey (2020). China's Western Horizon. Beijing and the New Geopolitics of Eurasia. Oxford: Oxford University Press.

² Yuan Jingdong (2010). "China's Role in the Establishment of the Shanghai Cooperation Organization". Journal of Contemporary China 19 (67): 855-869. Alyson Bailes et al (2007). The Shanghai Cooperation Organization. SIPRI Policy Paper 17.

³ David Dallin (1949). The Rise of Russia in Asia. New Haven: Yale University Press.



The responses of Russia and the US to China's "peaceful rise" are symmetrical and opposite. In Moscow, President Vladimir Putin recognised that the centre of gravity of international politics has shifted to Asia and advocated Russia's "**pivot to the East**"⁴ to consolidate the alliance with China and, at the same time, to integrate it into a "Greater Eurasia", which made it a priority to reintegrate the post-Soviet space into the framework of a Eurasian Union, including a Eurasian Economic Union (EEU) that excluded the leading Asian power⁵.

Russia's response to China's resurgence was the reinvention of Eurasia, the center of which has shifted from Moscow to Beijing, as Russian strategists aligned with the Kremlin, including Sergei Karaganov and Timofei Bordachev, recognized⁶. The reference to Eurasia is natural, since this concept has been an integral part of Russian strategic culture since the 19th century and, additionally, this vision evokes the Russian imperial project, without having to align with the radical ideology of the new Russian pan-Slavists, represented by Alexander Dugin⁷.

In Washington, President Barack Obama recognized that the center of gravity of international politics has shifted from the Atlantic to the Pacific and from the "Greater Middle East" to "Greater Asia". In this context, he defended the "**pivot to Asia**" of US strategy to contain the rise of China and, at the same time, to integrate it into the international order, namely in the G20, as a "**responsible stakeholder**". This historic turning point made it a priority to reorganize its alliances and partnerships in the Asia-Pacific with the formation of the new Trans-Pacific Partnership (TPP), which excluded the main Asian power⁸.

The US response to China's resurgence is the reinvention of the Pacific, which was enlarged to become the Indo-Pacific – Prime Minister Shinzo Abe's original formula that united Japan, Australia and India with the leading maritime power to prevent the emergence of a "unipolar Asia"⁹. The transoceanic reference is natural in the strategic culture of the main maritime power, which organized the defeat of the Soviet Union from the transatlantic alliance and the US reproduced this model in the quadrilateral coalition of the Indo-Pacific¹⁰.

⁴ Jeffrey Mankoff. Russia's Asia Pivot. Confrontation or Cooperation? CSIS, February 2nd, 2015. Mikhail Troitskiy (2014). The Sino-Russian Pivot and American Power. MGIMO, Pin Points 40. Ekaterina Kuznetsova, Vladimir Inozemtsev (2013). "Russia's Pacific Destiny". American Interest, October 10th, 2013. Fiona Hill, Bobo Lo. "Putin's Pivot. Why Russia is Looking to the East". Foreign Affairs, July 31st, 2013. Kadri Liik, editor (2014). Russia's Pivot to Eurasia. ECFR.

⁵ Putin defines the EEU as a "supranational association" that should be a pole and a bridge between Europe and Asia-Pacific. Jeffrey Mankoff (2023): 140. See also Vladimir Putin. "A New Integration Project for Eurasia. The Future in the Making." Permanent Mission of the Russian Federation to the European Union, October 3rd, 2011.

⁶ Sergei Karaganov. "From East to West, or Greater Eurasia". Global Affairs, October 25th, 2016. Sergei Karaganov, Timofei Bordachev (2017). The Turn to The East to Greater Eurasia. Valdai Report. Toward the Great Ocean 5.

⁷ Marlene Laruelle (2015). Eurasia, Eurasianism, Eurasia Union. PONARS Eurasia Policy Memo 336. Marlene Laruelle (1999). *L'idéologie eurasiste or comment penser l'empire*. Paris: L'Harmattan.

⁸ Jeffrey Bader (2013). Obama and China's Rise. An Insider's Account. New York: Brookings Institution. Hillary Clinton (2014). Hard Choices. The Memoir. New York: Simon and Schuster. Aaron Friedberg (2022). Getting China Wrong. Cambridge: Polity Press. Andrew Small (2022). No Limits. The Inside Story of China's War with the West. London: Melville House.

⁹ Gudrun Wacker, Felix Heiduk (2020). From Asia-Pacific to Indo-Pacific. Significance, Implementation, and Changes. SWP Research Paper 9.

¹⁰ Rory Medcalf (2020). Indo-Pacific Empire. China, America, and the Contest for the World's Pivotal Region. Manchester: Manchester University Press.



In Beijing, during the process of choosing the new General Secretary of the Communist Party of China, which ended with the appointment of Xi Jinping in September 2012, the strategic debate opposed the supporters of strategic patience, who defended a line of continuity to avoid a premature confrontation with the USA – the fatal mistake of the Soviet Union, according to Deng Xiaoping – and the supporters of strategic voluntarism, who wanted to reveal | China | as a great international power and confront USA hegemony. Two formulas identify the divergent choices – the reformist old guard wanted to "hide China's strength and avoid pretensions to hegemony" (**Tao Guang Yang Hui**), while the revisionist vanguard wanted a dynamic strategy to mobilize China's strength and "achieve results" in international politics (**Fen Fa You Wei**)¹¹.

The defensive line advocated the "March to the West" – a Chinese version of Karl Haushofer's "**Drang nach Osten**" that evoked the dilemmas of Germany's continentalist strategies¹², implicitly in Wang Jisi's version, explicitly in General Liu Yazhou's version. For Wang Jisi, if the US is going to focus on the Asia-Pacific, the only way to avoid direct confrontation between the two great powers is for China to focus on its "**Drang nach Westen**" along an axis that should unite Shanghai and London – the symbols of old and new globalization¹³. For Liu Yazhou, the defence of land borders and stability in Central Asia is more important than the conquest of Taiwan: Xinjiang must be recognised as a central position, decisive both to ensure a secure land connection to the energy resources concentrated in Central Asia and the Persian Gulf, and to link China with South Asia, the Middle East and Turkey¹⁴.

The offensive line advocated the transformation of China into a major maritime power to confront the US in Taiwan and the adjacent seas, and global competition with the hegemonic power entails forming an alternative order to the liberal order. Central Asia is a rearguard with no decisive strategic value as long as the USA and its allies can be excluded from this secondary area: the multilateral concert in the SCO ensures the withdrawal of US troops stationed in Uzbekistan, Tajikistan and Kyrgyzstan and the gradual withdrawal of the North Atlantic Treaty Organisation (NATO) and the US from Afghanistan confirmed this calculation. Yan Xuetong considered that there are only two great international powers – the US and China – and that the inevitability of a new bipolar division requires that the rising power can have its own normative model to create a new world order¹⁵.

In 2013, President Xi Jinping announced the "Land Silk Road" in Nur-Sultan (Astana), Kazakhstan, and the "Maritime Silk Road" in Djakarta, Indonesia¹⁶. The new strategy – the **Belt and Road Initiative** (BRI) in its official name – anticipated the reorganization

¹¹ Yan Xuetong (2014). "From Keeping a Low Profile to Striving for Achievement". Chinese Journal of International Politics 7(2): 153-184.

¹² Michel Korinman (1990). Quand l'Allemagne pensait le Mmnde. Paris: Fayard.

¹³ Wang Jisi. Marching Westwards. The Rebalancing of China's Geostrategy. Beijing: Center of International and Strategic Studies Report, 7 October of 2012.

¹⁴ The text is written shortly after a period of political and social tensions in Urumqi. Lu Yazhou. On Advance Toward the West, August 8, 2010. See also Yun Sun. March West. China's Response to U.S. Rebalancing. Brookings Institution, January 31, 2013. Michael Clarke (2016). "Beijing's March West. Opportunities and Challenges for China's Eurasian Pivot". Orbis 62 (2): 296-313.

¹⁵ Yan Xuetong (2019). Leadership and the Rise of Great Powers. Princeton: Princeton University Press.

¹⁶ The choice of the name refers to a previous initiative of the United States – the New Silk Road Initiative announced in 2011 by Robert Hormats, Under Secretary of State for Economy, Agriculture and Energy, who wanted to build telecommunications networks, roads and railways to ensure Afghanistan's regional integration. Robert Hormats. The United States "New Silk Road" Strategy. U.S. Department of State, September 29th, 2011.



of Eurasia as a space integrated by digital, energy, rail and financial networks of continental connectivity along three land corridors – in the South, in the Centre and in the North – and a sea route that encircles Asia to the Mediterranean¹⁷. For the first time since the beginning of the reform period, the new strategy presents China as an alternative model of political and economic development to the liberal model¹⁸.

The ***Belt and Road Initiative***, the pillar of the Sinocentric "Community of Common Destiny" announced first by Hu Jintao and then by Xi Jinping¹⁹, will be open to all states – except the US, by definition excluded from the Chinese order – and more than 140 states, including Italy and Portugal, will sign bilateral agreements with China within this framework. The new Chinese "Silk Routes" replace the old European "Silk Routes" of Marco Polo and Vasco da Gama and herald the end of the long cycle of Westernization.

The ***Belt and Road Initiative*** is China's response to the strategic shift of the US and Russia. Xi Jinping advocated China's "Eurasian pivot" to consolidate the alliance, or quasi-alliance, with Russia²⁰, needed to counterbalance US hegemony. But Xi Jinping's strategy heralds an offensive turn: China needs a secure ally in the continental rearguard to be able to concentrate its forces on the transition of power and replace the declining hegemonic power, just as it needs to become a maritime power to fight against the US, starting with the Taiwan Straits and the adjacent seas that it wants to integrate into its sovereign territory²¹. In this context, Xi's China needs Putin's Russia more than Putin's Russia needs Xi's China.

International politics is now dominated by the bipolarization between the US, on the one hand, and China and Russia, on the other. In 2014, the annexation of Crimea tested the cohesion of the coalition between the two revisionist continental great powers.

Xi's decision forced Putin to shape the Eurasian Union. In 2013, Moscow decided to create a Eurasian Economic Union, whose credibility demanded the integration of Ukraine. But Kyiv had been preparing to sign an Association Agreement with the European Union, which was incompatible, in its own terms, with membership of the Eurasian Economic Union²². Putin forced President Viktor Yanukovich to choose Moscow, but the break with Brussels provoked an uprising of Ukrainian nationalist currents, which occupied the center of Kyiv during the winter months. The Maidan movement ultimately prevailed against President Yanukovich, who fled to Russia as the Russian military intervention in Crimea began on February 28, 2014²³. Three weeks earlier, on February 6, the eve of

¹⁷ Nadège Rolland (2017). Drivers of the Belt and Road Initiative in National Bureau of Asian Research. China's Eurasian Century? Political and Strategic Implications of the Belt and Road Initiative: 93-120. William Callahan (2016). "China's 'Asia Dream'. The Belt and Road Initiative and the new regional order". Journal of Asian Comparative Politics: 1-18.

¹⁸ Francis Fukuyama. "Exporting the Chinese Model", January 12th, 2016.

¹⁹ The "Community of Common Destiny", presented by Xi Jinping at the Forum of Belt and Road Initiative in 2017, is a modern version of the Tianxia, the Chinese imperial order. His predecessor, Hu Jintao, was the first to use the formula. Jeffrey Mankoff (2022). See also Wang Gungwu. On Tianxia. The China Story, August 6th, 2013.

²⁰ Chen Xiaotong, Marlen Belgibayev (2014). China's Eurasian Pivot. Asan Forum, 1 December of 2014. Bobo Lo (2019). Greater Eurasia. The Emperor's New Clothes or an Idea whose Time Has Come? Paris: IFRI Russia NEI Reports.

²¹ Rush Doshi (2021). The Long Game. China's Grand Strategy to Displace American Order. New York: Oxford University Press.

²² Anders Aslund. Ukraine's Choice. European Association Agreement or Eurasian Union? Peterson Institute for International Economics Policy Brief, September, 2013.

²³ Serhii Plokhly (2017). The Gates of Europe. A History of Ukraine. New York: Basic Books.



the opening of the Winter Olympics in Sochi, Xi met with Putin, but no one, at least publicly, took any notice of the meeting²⁴.

The annexation of Crimea and the armed insurrection of Russian militias in the Donbas, which is at the origin of the "hybrid war" in Eastern Ukraine, confirmed Putin's strategy focused on breaking with the international order and realigning with China. The People's Republic of China did not recognize the annexation of Crimea, nor did it condemn Russia, and in May, the annual summit between Xi and Putin in Shanghai consolidated the revisionist **Entente** and guaranteed China's access to Siberia's strategic hydrocarbon reserves with the construction of a new gas pipeline, the **Power of Siberia**.

In June, Ukraine finally signed the Association Agreement with the European Union that marks the border with the Eurasian Economic Union, founded by Russia, Belarus, Armenia and Kazakhstan – Kyrgyzstan will join later. The tensions between the Eurasian Economic Union and the **Belt and Road Initiative's** partnerships in Central Asia are evident from the outset, which justifies the decision by Xi and Putin to declare the two complementary projects the following year²⁵.

Kazakhstan, where China built the Khurgos dry port, is crucial in the rail connection linking Xian, Moscow and Duisburg in the northern corridor, as well as in the energy connection of the gas pipelines linking Turkmenistan to China in the central corridor of the new "Silk Roads". The southern corridor connects Xinjiang directly to Pakistan – the "China-Pakistan Economic Corridor" – and ends at the port of Gwadar in the Indian Ocean. At this juncture, the division of labour that prevails in post-Soviet Central Asia enhances Russia's decisive position in the security dimension and China's in the economic dimension and guarantees the co-existence of the two great powers in "Central Eurasia".

In the same vein, the Sino-Russian convergence set the framework for successive enlargements of the SCO. In 2017, India entered by the hand of Russia, which wanted to counterbalance China's tendentially hegemonic position in the construction of "Greater Eurasia"; Pakistan entered by the hand of China, to maintain the balance between the two nuclear powers of South Asia; and Iran, aligned with Russia in Syria's civil war and with China to resist US-imposed isolation and international sanctions, completed the accession process as a permanent member in 2022; Afghanistan, Mongolia and Belarus have observer status; and Turkey announced its candidacy for 2024 – it would be the first NATO member state to enter the multilateral institution that shapes the "Greater Eurasia" and is a fundamental pillar of the neo-imperial order that the powers of the Moscow-Beijing-Tehran axis defend as an alternative to the international order of the United Nations²⁶.

²⁴ "Meeting with President of China Xi Jinping", President of Russia, February 6th, 2014. "Xi Jinping Meets with President of Russia, Vladimir Putin", PRC Consulate-General, Toronto, December 6th, 2015. February of 2014.

²⁵ Alexander Gabuev. "Eurasian Silk Road Union. Towards a Russia-China Consensus?" *Diplomat*, June 5th, 2015. Martin Kaczmarek, Witold Rodkiewicz. *Russia's Greater Eurasia and China's New Silk Road: adaptation instead of competition*. OSW Center for Eastern Studies OSW Commentary, July 21st, 2016. See also "Russia, China, agree on integration of Eurasian Economic Union, Silk Road Projects", TASS, May 8th, 2015. "Xi Jinping Holds Talks with President Vladimir Putin of Russia". Ministry of Foreign Affairs of the People's Republic of China, May 8th, 2015.

²⁶ Yuan Jing-dong. "Forging a New Security Order in Eurasia. China, the SCO, and the Impacts on Regional Governance". *Chinese Political Science Review*, June 20th, 2022. See also Andrei Kortunov (2017). *SCO: The Cornerstone Rejected by the Builder of a New Eurasia?* Moscow: Russian Institute of International Affairs. Alexander Lukin (2021). "Sino-Russian Rapprochement and Greater Eurasia. From Geopolitical Pole to International Society?" *Journal of Eurasian Studies* 12(1): 28-45.



In 2022, Russia's invasion of Ukraine and, above all, the prolongation of the Russian-Ukrainian War after the initial failure of the Russian offensive, confirmed the Sino-Russian alliance – the most dangerous geopolitical scenario for the US, in Zbigniew Brzezinski's prediction²⁷ – and transformed the balance between the two main revisionist powers.

As in 2014, the Russian offensive was preceded by a summit between Xi and Putin on the eve of the Winter Olympics, this time in Beijing. But in 2022, no one could ignore the decisive importance of the meeting between the two Presidents on the eve of the invasion of Ukraine. Xi and Putin approved a Joint Declaration that marked Russia's convergence with China on major issues of international politics and described the bilateral relationship, for the first time, as a "friendship without limits"²⁸. The summit meeting on February 4th, 2022 marked the end of the old international order²⁹ and the invasion of Ukraine confirmed the escalation in the power struggle between the major powers and the irreversible split between the "wider West" and the Eastern coalition.

The Russian-Ukrainian War – the coup d'état that was supposed to decapitate the Ukrainian state turned into a protracted war – revealed Russia's vulnerabilities, which justified the perception of both Chinese and US elites about Russian decadence. The alliance between the two continental powers was not questioned – Chinese neutrality is a fraud from the outset and the Eurasian mission of Ambassador Li Hui confirmed the fundamental alignment between Beijing and Moscow. But the revisionist coalition is now led by China, which, for the first time in international history, became the leading continental power in Eurasia³⁰.

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²⁷ Zbigniew Brzezinski (1997, 2002). *The Grand Chessboard*: 55. New York: Basic Books. See also Hal Brands (2022). "The Eurasian Nightmare. Chinese-Russian Convergence and the Future of American Order". *Foreign Affairs*, February 25th, 2022.

²⁸ François Godement. *L'invasion de l'Ukraine. La Chine pèse ses intérêts.* Institut Montaigne, March 15th, 2022.

²⁹ Timofei Bordachev. *Introduction* in Timofei Bordachev et al (2022). *Russia-China Strategic Partnership in the Context of the Crisis in Europe*: 4. Valdai Discussion Club Report.

³⁰ Odd Arne Westad. "The Next Sino-Russian Split?" *Foreign Affairs*, April 5th, 2022. Bobo Lo (2022). *Turning Point? Putin, Xi, and the Russian Invasion of Ukraine.* Lowy Institute. Alexander Gabuev. "China's New Vassal". *Foreign Affairs*, August 8th, 2022. Ryan Haas. *Fatalism is not an option for addressing China-Russia relations.* Brookings Institution, March 17th, 2023.



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A CHINA, A RÚSSIA E A REINVENÇÃO DA EURÁSIA

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Resumo

No post-Guerra Fria, a transformação das relações entre a Rússia e a China é inseparável da reinvenção da Eurásia, que está no centro da nova aliança entre as duas principais potências continentais. As estratégias revisionistas da Rússia de Putin e da China de Xi Jinping dependem da convergência sino-russa. Moscovo e Pequim começaram a construir uma ordem alternativa a partir da organização multilateral do espaço euroasiático, cujo contraponto é a estratégia dos Estados Unidos no Indo-Pacífico. Esse processo abre caminho à emergência da China como a principal potência euroasiática, pela primeira vez na história internacional.

Palavras-chave

Eurásia, China, Rússia, Ordem mundial, Belt and Road Initiative

Abstract

In the post-Cold War, the transformation of relations between Russia and China is inseparable from the reinvention of Eurasia, which is at the centre of the new alliance between the two main continental powers. The revisionist strategies of Putin's Russia and Xi Jinping's China depend on Sino-Russian convergence. Moscow and Beijing have begun to build an alternative order based on the multilateral organisation of the Eurasian space, the counterpoint to which is the US strategy in the Indo-Pacific. This process is paving the way for China to emerge as the leading Eurasian power for the first time in international history.

Keywords

Eurasia, China, Russia, World order, Belt and Road Initiative

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A CHINA, A RÚSSIA E A REINVENÇÃO DA EURÁSIA

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No dia 16 de Maio, o Embaixador Li Hui, Representante especial para a Eurásia, iniciou em Kyiv os seus contactos diplomáticos para discutir a "resolução política da crise ucraniana", nos termos do anúncio feito pelo Ministério dos Negócios Estrangeiros em Pequim. Depois de passar por Varsóvia, Berlim, Paris e Bruxelas, a sua missão terminou em Moscovo, onde Li Hui foi o Embaixador da República Popular da China entre 2009 e 2019, uma década crucial para a consolidação da aliança entre as duas grandes potências continentais.

Não há notícia de que a China - a nova China ou o velho Império do Meio - tenha jamais nomeado um "Representante especial para os assuntos euroasiáticos". A estrutura organizativa do Ministério dos Negócios Estrangeiros chinês não tem nenhum departamento para a Eurásia, embora exista um Departamento da Ásia Central e da Europa. Também não há notícia de que a Eurásia tenha passado a ser um termo corrente no debate político chinês, tal como a Eurásia como conceito geopolítico não é uma referência típica nos estudos de estratégia e de relações internacionais na China. E, todavia, existe um enviado especial de Pequim para a Eurásia, que incluiu no seu perímetro a Rússia, a Alemanha, a França, a Polónia e a Ucrânia: só a Rússia post-soviética assume a sua identidade euro-asiática, que é estranha aos outros quatro Estados europeus visitados pelo representante chinês para os assuntos euroasiáticos.

A novidade da diplomacia chinesa - uma coisa rara em si mesma - tem as suas origens na reinvenção da Eurásia na evolução das relações entre a China e a Rússia desde o fim da Guerra Fria. A decomposição da União Soviética é o ponto de partida para a reconstrução da Eurásia, o **leit-motiv** das velhas teorias pan-eslavistas que hibernaram durante as décadas do regime comunista russo, mesmo quando Stalin e Mao Tsetung decidiram concretizar a unidade euroasiática com a assinatura do tratado de aliança sino-soviético em 1950.

O fim do império soviético foi, ao mesmo tempo, uma catástrofe ideológica para o regime comunista chinês e uma benção estratégica para a equação de segurança da China, que deixou de estar concentrada na ameaça soviética e pôde realizar plenamente o programa de reformas e de abertura internacional de Deng Xiaoping. A estratégia reformista



traduziu-se na "asianização" da nova China, que assegurou o processo de modernização acelerada e a ressurgência do velho império como uma grande potência internacional.

Nesse sentido, a ruína da União Soviética significa, desde logo, uma mudança do centro de gravidade estratégica da China, que se desloca do **hinterland** continental para a faixa costeira, onde se concentra a melhor parte da sua economia industrial. Por outro lado, o declínio da Rússia abre caminho para a normalização das relações bilaterais entre Moscovo e Pequim, com a conclusão do processo de definição das fronteiras entre os dois Estados, em 1994, e a formalização da primeira versão da "parceria estratégica" entre a China e a Rússia, na cimeira que reúne o Presidente Jiang Zemin e o Presidente Boris Yeltsin, dois anos depois. Por último, a decomposição do império soviético significa que a República Popular da China passa a ter três novos Estados contíguos - o Kazaquistão, a Kirguízia e o Tajiquistão, três das cinco ex-Repúblicas soviéticas da Ásia Central, que Pequim reconhece desde 1992.

A prioridade para a China é completar as conversações sobre a demarcação territorial que iniciou ainda com a União Soviética. Nesse quadro, retoma o processo com os três Novos Estados Independentes, com os quais conclui acordos de fronteiras separados entre 1994 e 1996, que alargam o território da República Popular da China na Ásia Central¹.

Acto contínuo, a China reúne a Rússia, o Kazaquistão, o Kirguistão e o Tajiquistão em Shanghai para estabelecer um quadro de concertação multilateral que possa assegurar a estabilidade política na sua rectaguarda continental². Em 2001, os "**Shanghai Five**" instituem a Organização de Cooperação de Shanghai (SCO), que inclui também o Uzbequistão. As prioridades da SCO concentram-se no domínio securitário, incluindo a neutralização dos movimentos pan-islamistas e das redes terroristas islâmicas, nomeadamente o Movimento para a Independência do Turquestão Oriental (ETIM), que organiza a oposição dos Uyghurs no Xinjiang. Paralelamente, a Rússia garante a segurança do Kazaquistão, do Kirguistão e do Tajiquistão, que são membros do Tratado de Segurança Colectiva (CSTO) desde 1992.

A SCO é a primeira instituição multilateral de segurança criada pela China no post-Guerra Fria, que confirma uma convergência relevante entre Pequim e Moscovo, empenhados ambos em definir um quadro de estabilidade política na Ásia Central, que é o "separador" regional entre as duas grandes potências continentais desde o século XIX³. É também, **avant la lettre**, a primeira instituição euro-asiática, formada num momento em que a Rússia quer regressar à Europa e a China se está a tornar a potência hegemónica da Ásia Oriental.

¹ A China obteve 16 mil km² de território na redefinição das fronteiras com as três novas Repúblicas da Ásia Central. Jeffrey Mankoff (2023). "The War in Ukraine and Eurasia's New Imperial Moment". Washington Quarterly 45 (2): 138. Jeffrey Mankoff (2022). Empires of Eurasia. How Imperial Legacies Shape International Security. New Haven: Yale University Press. Ver também Daniel Markey (2020). China's Western Horizon. Beijing and the New Geopolitics of Eurasia. Oxford: Oxford University Press.

² Yuan Jingdong (2010). "China's Role in the Establishment of the Shanghai Cooperation Organization". Journal of Contemporary China 19 (67): 855-869. Alyson Bailes et al (2007). The Shanghai Cooperation Organization. SIPRI Policy Paper 17.

³ David Dallin (1949). The Rise of Russia in Asia. New Haven: Yale University Press.



Essa dinâmica não se vai alterar nos anos seguintes. Enquanto os Estados Unidos, depois do "11 de Setembro", se concentram no "Grande Médio Oriente", incluindo o Afeganistão e a Ásia Central - as tropas norte-americanas instalam bases militares temporárias no Kirguistão, no Tajiquistão e no Uzbequistão para apoiar as suas operações contra os **Talebans** -, a Rússia e a China mantêm a sua "parceria estratégica" e continuam de costas voltadas, uma virada para a "Europa de Lisboa a Vladivostok", a outra para a Ásia marítima.

Tudo muda dez anos depois, quando se torna evidente que a China deixou de ser uma potência regional emergente e passou a ser um **challenger** que pode desafiar a preeminência internacional dos Estados Unidos, posta em causa pela divisão da coligação ocidental na Guerra do Iraque, pela **débâcle** da ocupação militar do Iraque e pela crise financeira internacional.

As respostas da Rússia e dos Estados Unidos à "ascensão pacífica" da China são simétricas e opostas. Em Moscovo, o Presidente Vladimir Putin reconhece que o centro de gravidade da política internacional se deslocou para a Ásia e defende o "**pivot** oriental" da Rússia⁴ para consolidar a aliança com a China e, simultaneamente, para a integrar numa "Grande Eurásia", o que torna prioritário reintegrar o espaço post-soviético no quadro de uma União Euroasiática, incluindo uma União Económica Euroasiática (EEU) que exclui a principal potência asiática⁵.

A resposta da Rússia à ressurgência da China é a reinvenção da Eurásia, cujo centro se deslocou de Moscovo para Pequim, como reconhecem os estrategas russos alinhados com o Kremlin, incluindo Sergei Karaganov e Timofei Bordachev⁶. A referência à Eurásia é natural, uma vez que esse conceito é parte integrante da cultura estratégica russa desde o século XIX e, adicionalmente, essa visão evoca o projecto imperial russo, sem ter de se alinhar com a ideologia radical dos novos pan-eslavistas russos, representada por Alexander Dugin⁷.

Em Washington, o Presidente Barack Obama reconhece que o centro da gravidade da política internacional se deslocou do Atlântico para o Pacífico e do "Grande Médio Oriente" para a "Grande Ásia". Nesse quadro, defende o "**pivot** asiático" da estratégia norte-americana para conter a ascensão da China e, simultaneamente, para a integrar na ordem internacional, nomeadamente no G20, como um "**responsible stakeholder**". Essa viragem histórica torna prioritário reorganizar as suas alianças e as suas parcerias

⁴ Jeffrey Mankoff. Russia's Asia Pivot. Confrontation or Cooperation? CSIS, 2 de Fevereiro de 2015. Mikhail Troitskiy (2014). The Sino-Russian Pivot and American Power. MGIMO, Pin Points 40. Ekaterina Kuznetsova, Vladimir Inozemtsev (2013). "Russia's Pacific Destiny". American Interest, 10 de Outubro de 2013. Fiona Hill, Bobo Lo. "Putin's Pivot. Why Russia is Looking to the East". Foreign Affairs, 31 de Julho de 2013. Kadri Liik, editor (2014). Russia's Pivot to Eurasia. ECFR.

⁵ Putin define a EEU como uma "associação supranacional" que deve ser um pólo internacional e uma ponte entre a Europa e a Ásia-Pacífico. Jeffrey Mankoff (2023): 140. Ver também Vladimir Putin. "A New Integration Project for Eurasia. The Future in the Making." Permanent Mission of the Russian Federation to the European Union, 3 de Outubro de 2011.

⁶ Sergei Karaganov. "From East to West, or Greater Eurasia". Global Affairs, 25 de Outubro de 2016. Sergei Karaganov, Timofei Bordachev (2017). The Turn To The East To Greater Eurasia. Valdai Report. Toward the Great Ocean 5.

⁷ Marlene Laruelle (2015). Eurasia, Eurasianism, Eurasia Union. PONARS Eurasia Policy Memo 336. Marlene Laruelle (1999). *L'idéologie eurasiiste ou comment penser l'empire*. Paris: L'Harmattan.



na Ásia-Pacífico com a formação da nova Parceria do Trans-Pacífico (TPP), que exclui a principal potência asiática⁸.

A resposta dos Estados Unidos à ressurgência da China é a reinvenção do Pacífico, que se alarga para passar a ser o Indo-Pacífico - a fórmula original do Primeiro-Ministro Shinzo Abe que une o Japão, a Austrália e a Índia à principal potência marítima para impedir a emergência de uma "Ásia unipolar"⁹. A referência transoceânica é natural na cultura estratégica da principal potência marítima, que organizou a derrota da União Soviética a partir da aliança transatlântica e os Estados Unidos reproduzem esse modelo na coligação quadrilateral do Indo-Pacífico¹⁰.

Em Pequim, durante o processo de escolha do novo Secretário-Geral do Partido Comunista da China que termina com a nomeação de Xi Jinping em Setembro de 2012, o debate estratégico opõe os partidários da paciência estratégica, que defendem uma linha de continuidade para evitar um confronto prematuro com os Estados Unidos - o erro fatal da União Soviética, segundo Deng Xiaoping -, e os partidários do voluntarismo estratégico, que querem revelar a China como uma grande potência internacional e enfrentar a hegemonia norte-americana. Duas fórmulas identificam as escolhas divergentes - a velha guarda reformista quer "esconder a força da China e evitar pretensões à hegemonia" (*Tao Guang Yang Hui*), enquanto a vanguarda revisionista quer uma estratégia dinâmica para mobilizar a força da China e "alcançar resultados" na política internacional (*Fen Fa You Wei*)¹¹.

A linha defensiva defende a "Marcha para Ocidente"- uma versão chinesa do "*Drang nach Osten*" de Karl Haushofer que evoca os dilemas das estratégias continentalistas da Alemanha¹², implicitamente na versão de Wang Jisi, explicitamente na versão do General Liu Yazhou. Para Wang Jisi, se os Estados Unidos se vão concentrar na Ásia-Pacífico, a única maneira de evitar o confronto directo entre as duas grandes potências é a China concentrar-se no seu "*Drang nach Westen*" ao longo de um eixo que deve unir Shanghai a Londres - os símbolos da velha e da nova globalização¹³. Para Liu Yazhou, a defesa das fronteiras terrestres e da estabilidade na Ásia Central é mais importante do que a conquista de Taiwan: o Xinjiang deve ser reconhecido como uma posição central, decisiva tanto para assegurar uma ligação terrestre segura aos recursos energéticos concentrados na Ásia Central e no Golfo Pérsico, como para ligar a China à Ásia do Sul, ao Médio Oriente e à Turquia¹⁴.

⁸ Jeffrey Bader (2013). *Obama and China's Rise. An Insider's Account*. Nova York: Brookings Institution. Hillary Clinton (2014). *Hard Choices. A Memoir*. Nova York: Simon and Schuster. Aaron Friedberg (2022). *Getting China Wrong*. Cambridge: Polity Press. Andrew Small (2022). *No Limits. The Inside Story of China's War with the West*. Londres: Melville House.

⁹ Gudrun Wacker, Felix Heiduk (2020). *From Asia-Pacific to Indo-Pacific. Significance, Implementation, and Changes*. SWP Research Paper 9.

¹⁰ Rory Medcalf (2020). *Indo-Pacific Empire. China, America, and the Contest for the World's Pivotal Region*. Manchester: Manchester University Press.

¹¹ Yan Xuetong (2014). "From Keeping a Low Profile to Striving for Achievement". *Chinese Journal of International Politics* 7 (2): 153-184.

¹² Michel Korinman (1990). *Quand l'Allemagne pensait le monde*. Paris: Fayard.

¹³ Wang Jisi. *Marching Westwards. The Rebalancing of China's Geostrategy*. Pequim: Center for International and Strategic Studies Report, 7 de Outubro de 2012.

¹⁴ O texto é escrito pouco depois de um período de tensões políticas e sociais em Urumqi. Lu Yazhou. *On Advance Toward the West*, 8 de Agosto de 2010. Ver também Yun Sun. *March West. China's Response to U.S. Rebalancing*. Brookings Institution, 31 de Janeiro de 2013. Michael Clarke (2016). "Beijing's March West. Opportunities and Challenges for China's Eurasian Pivot". *Orbis* 62 (2): 296-313.



A linha ofensiva defende a transformação da China numa grande potência marítima para enfrentar os Estados Unidos em Taiwan e nos mares adjacentes e a competição global com a potência hegemónica implica formar uma ordem alternativa à ordem liberal. A Ásia Central é uma rectaguarda sem valor estratégico decisivo desde que se possam excluir os Estados Unidos e os seus aliados desse espaço secundário: a concertação na SCO assegura a retirada das tropas norte-americanas estacionadas no Uzbequistão, no Tajiquistão e no Kirguizistão e a retirada gradual da Organização do Tratado do Atlântico Norte (NATO) e dos Estados Unidos do Afeganistão confirma esse cálculo. Yan Xuetong considera que só existem duas grandes potências internacionais - os Estados Unidos e a China - e que a inevitabilidade de uma nova divisão bipolar exige que a potência ascendente possa ter um modelo normativo próprio para criar uma nova ordem mundial¹⁵.

Em 2013, o Presidente Xi Jinping anuncia a "Rota da Seda Terrestre" em Nur-Sultan (Astana), no Kazaquistão, e a "Rota da Seda Marítima" em Djakarta, na Indonésia¹⁶. A nova estratégia - a **Belt and Road Initiative** (BRI) na sua denominação oficial, traduzido em português pela **Xinhua** como a iniciativa "Cinturão e Rota" - antecipa a reorganização da Eurásia como um espaço integrado por redes digitais, energéticas, ferroviárias e financeiras de conectividade continental ao longo de três corredores terrestres - no Sul, no centro e no Norte - e de uma rota marítima que circunda a Ásia até ao Mediterrâneo¹⁷. Pela primeira vez desde o início do período das reformas, a nova estratégia apresenta a China como um modelo de desenvolvimento político e económico alternativo ao modelo liberal¹⁸.

A **Belt and Road Initiative**, pilar da "Comunidade de Destino Comum" sinocêntrica anunciada primeiro por Hu Jintao e depois por Xi Jinping¹⁹, vai estar aberta a todos os Estados - excepto os Estados Unidos, por definição excluídos da ordem chinesa - e mais de 140 Estados, incluindo a Itália e Portugal, vão assinar acordos bilaterais com a China nesse quadro. As novas "Rotas da Seda" chinesas substituem as antigas "Rotas da Seda" europeias de Marco Polo e de Vasco da Gama e anunciam o fim do longo ciclo de ocidentalização.

A **Belt and Road Initiative** é a resposta da China à viragem estratégica dos Estados Unidos e da Rússia. Xi Jinping defende o "**pivot** euroasiático" da China para consolidar a aliança, ou a quase-aliança, com a Rússia²⁰, necessária para contrabalançar a hegemonia

¹⁵ Yan Xuetong (2019). *Leadership and the Rise of Great Powers*. Princeton: Princeton University Press.

¹⁶ A escolha do nome remete para uma iniciativa anterior dos Estados Unidos - a New Silk Road Initiative anunciada em 2011 por Robert Hormats, Subsecretário de Estado para a Economia, a Agricultura e a Energia, que queria construir redes de telecomunicações, estradas e caminhos-de-ferro para garantir a integração regional do Afeganistão. Robert Hormats. *The United States "New Silk Road" Strategy*. U.S. Department of State, 29 de Setembro de 2011.

¹⁷ Nadège Rolland (2017). *Drivers of the Belt and Road Initiative in National Bureau of Asian Research*. *China's Eurasian Century? Political and Strategic Implications of the Belt and Road Initiative*: 93-120. William Callahan (2016). "China's 'Asia Dream'. *The Belt and Road Initiative and the new regional order*". *Journal of Asian Comparative Politics*: 1-18.

¹⁸ Francis Fukuyama. "Exporting the Chinese Model", 12 de Janeiro de 2016.

¹⁹ A "Comunidade de Destino Comum", apresentada Xi Jinping no Forum da Belt and Road Initiative em 2017, é uma versão moderna do Tianxia, a ordem imperial chinesa. O seu antecessor, Hu Jintao, foi o primeiro a usar a fórmula. Jeffrey Mankoff (2022). Ver também Wang Gungwu. *On Tianxia*. *The China Story*, 6 de Agosto de 2013.

²⁰ Chen Xiaotong, Marlen Belgibayev (2014). *China's Eurasian Pivot*. *Asian Forum*, 1 de Dezembro de 2014. Bobo Lo (2019). *Greater Eurasia*. *The Emperor's New Clothes or an Idea whose Time Has Come?* Paris: IFRI Russia NEI Reports.



norte-americana. Mas a estratégia de Xi Jinping anuncia uma viragem ofensiva: a China precisa de um aliado seguro na rectaguarda continental para poder concentrar as suas forças na transição de poder e substituir a potência hegemónica em declínio, tal como precisa de se transformar numa potência marítima para lutar contra os Estados Unidos, desde logo nos estreitos da Formosa e nos mares adjacentes que quer integrar no seu espaço de soberania²¹. Nesse contexto, a China de Xi precisa mais da Rússia de Putin do que a Rússia de Putin precisa da China de Xi.

A política internacional passa a ser dominada pela bipolarização entre os Estados Unidos, por um lado, e a China e a Rússia, por outro lado. Em 2014, a anexação da Crimeia vai pôr à prova a coesão da coligação entre as duas grandes potências continentais revisionistas.

A decisão de Xi força Putin a dar forma à União Euroasiática. Em 2013, Moscovo decide criar uma União Económica Euroasiática, cuja credibilidade reclama a integração da Ucrânia. Mas Kyiv prepara-se para assinar um Acordo de Associação com a União Europeia, que é incompatível, nos seus próprios termos, com a adesão à União Económica Euroasiática²². Putin obriga o Presidente Viktor Yanukovich a escolher Moscovo, mas a ruptura com Bruxelas provoca um levantamento das correntes nacionalistas ucranianas, que ocupam o centro de Kyiv durante os meses de Inverno. O movimento Maidan acaba por prevalecer contra o Presidente Yanukovich, que foge para a Rússia quando se vai iniciar a intervenção militar russa na Crimeia, em 28 de Fevereiro de 2014²³. Três semanas antes, no dia 6 de Fevereiro, véspera da abertura dos Jogos Olímpicos de Inverno em Sochi, Xi encontra-se com Putin, mas ninguém dá. pelo menos publicamente, importância a essa reunião²⁴.

A anexação da Crimeia e a insurreição armada das milícias russas no Donbas, que está na origem da "guerra híbrida" na Ucrânia Oriental, confirmam a estratégia de Putin centrada na ruptura com a ordem internacional e no realinhamento com a China. A República Popular da China não reconhece a anexação da Crimeia, nem condena a Rússia e, em Maio, a cimeira anual entre Xi e Putin em Shanghai consolida a **Entente** revisionista e garante o acesso da China às reservas estratégicas de hidrocarbonetos da Sibéria com a construção de um novo gasoduto, o **Power of Siberia**.

Em Junho, a Ucrânia acaba por assinar o Acordo de Associação com a União Europeia que marca a fronteira com a União Económica Euroasiática, fundada pela Rússia, pela Bielorrússia, pela Arménia e pelo Kazaquistão - o Kirguistão vai entrar mais tarde. As tensões entre a União Económica Euroasiática e as parcerias da **Belt and Road Initiative** na Ásia Central são evidentes desde a primeira hora, o que justifica a decisão de Xi e Putin de declarar os dois projectos complementares, logo no ano seguinte²⁵.

²¹ Rush Doshi (2021). *The Long Game. China's Grand Strategy to Displace American Order*. Nova York: Oxford University Press.

²² Anders Aslund. *Ukraine's Choice. European Association Agreement or Eurasian Union?* Peterson Institute for International Economics Policy Brief, Setembro de 2013.

²³ Serhii Plokhy (2017). *The Gates of Europe. A History of Ukraine*. Nova York: Basic Books.

²⁴ "Meeting with President of China Xi Jinping", President of Russia, 6 de Fevereiro de 2014. "Xi Jinping Meets with President of Russia, Vladimir Putin", PRC Consulate-General, Toronto, 6 de Fevereiro de 2014.

²⁵ Alexander Gabuev. "Eurasian Silk Road Union. Towards a Russia-China Consensus?" *Diplomat*, 5 de Junho de 2015. Martin Kaczmarski, Witold Rodkiewicz. *Russia's Greater Eurasia and China's New Silk Road: adaptation instead of competition*. OSW Center for Eastern Studies OSW Commentary, 21 de Julho de 2016. Ver também "Russia, China, agree on integration of Eurasian Economic Union, Silk Road Projects", TASS, 8



O Kazaquistão, onde a China constrói o porto-seco de Khorgos, é crucial na conexão ferroviária que liga Xian, Moscovo e Duisburg no corredor norte, assim como na conexão energética dos gasodutos que ligam o Turquemenistão à China, no corredor central das novas "Rotas da Seda". O corredor sul liga o Xinjiang directamente ao Paquistão - o "Corredor Económico China-Paquistão - e termina no porto de Gwadar, no Indico. Na conjuntura, a divisão do trabalho que prevalece na Ásia Central post-soviética valoriza a posição decisiva da Rússia na dimensão securitária e a da China na dimensão económica e garante a co-existência das duas grandes potências na "Eurásia Central".

No mesmo sentido, a convergência sino-russa define o quadro dos alargamentos sucessivos da SCO. Em 2017, a Índia entra pela mão da Rússia, que quer contrabalançar a posição tendencialmente hegemónica da China na construção da "Grande Eurásia"; o Paquistão entra pela mão da China, para manter a balança entre as duas potências nucleares da Ásia do Sul; e o Irão, alinhado com a Rússia na guerra civil da Síria e com a China para resistir ao isolamento imposto pelos Estados Unidos e às sanções internacionais, completa o processo de adesão como membro permanente em 2022; o Afeganistão, a Mongólia e a Bielorrússia têm o estatuto de observadores; e a Turquia anuncia a sua candidatura para 2024 - seria o primeiro Estado membro da NATO a entrar na instituição multilateral que dá forma à "Grande Eurásia" e é um pilar fundamental da ordem neo-imperial que as potências do eixo Moscovo-Pequim-Teerão defendem como alternativa à ordem internacional das Nações Unidas²⁶.

Em 2022, a invasão da Ucrânia pela Rússia e, sobretudo, o prolongamento da Guerra Russo-Ucraniana depois do fracasso inicial da ofensiva russa, vai confirmar a aliança sino-russa - o cenário geopolítico mais perigoso para os Estados Unidos, na previsão de Zbigniew Brzezinski²⁷ - e transformar a balança entre as duas principais potências revisionistas.

Tal como em 2014, a ofensiva russa é precedida por uma cimeira entre Xi e Putin, na véspera dos Jogos Olímpicos de Inverno, desta vez em Pequim. Mas, em 2022, ninguém pode ignorar a importância decisiva da reunião entre os dois Presidentes nas vésperas da invasão da Ucrânia. Xi e Putin aprovam uma Declaração Conjunta que marca a convergência da Rússia com a China nas principais questões da política internacional e qualifica a relação bilateral, pela primeira vez, como uma "amizade sem limites"²⁸. A reunião cimeira de 4 de Fevereiro de 2022 marca o fim da velha ordem internacional²⁹ e a invasão da Ucrânia confirma a escalada na luta pelo poder entre as principais potências e a divisão irreversível entre o "Ocidente alargado" e a coligação oriental.

de Maio de 2015. "Xi Jinping Holds Talks with President Vladimir Putin of Russia". Ministry of Foreign Affairs of the People's Republic of China, 8 de Maio de 2015.

²⁶ Yuan Jing-dong. "Forging a New Security Order in Eurasia. China, the SCO, and the Impacts on Regional Governance". Chinese Political Science Review, 20 de Junho de 2022. Ver também Andrei Kortunov (2017). SCO: The Cornerstone Rejected by the Builder of a New Eurasia? Moscovo: Russian Institute of International Affairs. Alexander Lukin (2021). "Sino-Russian Rapprochement and Greater Eurasia. From Geopolitical Pole to International Society?" Journal of Eurasian Studies 12 (1): 28-45.

²⁷ Zbigniew Brzezinski (1997, 2002). The Grand Chessboard: 55. Nova York: Basic Books. Ver também Hal Brands (2022). "The Eurasian Nightmare. Chinese-Russian Convergence and the Future of American Order". Foreign Affairs, 25 de Fevereiro de 2022.

²⁸ François Godement. L'invasion de l'Ukraine. La Chine pèse ses intérêts. Institut Montaigne, 15 de Março de 2022.

²⁹ Timofei Bordachev. Introduction in Timofei Bordachev et al (2022). Russia-China Strategic Partnership in the Context of the Crisis in Europe: 4. Valdai Discussion Club Report.



A Guerra Russo-Ucraniana - o golpe-de-mão que devia decapitar o Estado ucraniano transforma-se numa guerra prolongada - vai revelar as vulnerabilidades da Rússia, que justificam a percepção quer das elites chinesas, quer das elites norte-americanas, sobre a decadência russa. A aliança entre as duas potências continentais não é posta em causa - a neutralidade chinesa é uma fraude, desde a primeira hora e a missão euroasiática do Embaixador Li Hui confirma o alinhamento fundamental entre Pequim e Moscovo. Mas a coligação revisionista passa a ser dirigida pela China que, pela primeira vez na história internacional, passa a ser a principal potência continental na Eurásia³⁰.

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³⁰ Odd Arne Westad. "The Next Sino-Russian Split?" *Foreign Affairs*, 5 de Abril de 2022. Bobo Lo (2022). *Turning Point? Putin, Xi, and the Russian Invasion of Ukraine.* Lowy Institute. Alexander Gabuev. "China's New Vassal". *Foreign Affairs*, 8 de Agosto de 2022. Ryan Haas. *Fatalism in not an option for addressing China-Russia relations.* Brookings Institution, 17 de Março de 2023.



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NEW COLD WARS IN THE HIGH NORTH? RUSSIA AND THE PROGRESSIVE MILITARIZATION OF THE ARCTIC

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Abstract

We consider the Arctic Basin as an emerging focal point patent in the political and strategic conjuncture in the global framework. If observed in a "quasi-equidistant azimuthal projection", this basin borders five riparian States, although it includes many others that interact with these five. A formal international organization, the Arctic Council, was created to try to regulate the multiple interests that converge on it. International law has not been sufficient to carry it out, if only because security matters are not part of its purview. On the other hand, the mere fact that it is an area related to a maritime basin, which bears many of the traits of "a lake", raises unexpected difficulties, and is often poorly understood, in terms of the emergence of its centrality. Unlike other "area studies" that we know better, we often tend to have little awareness of its growing importance. In this study, I try to define relational moments in the growing tensions that make this region a crucial region. It should be noted that, in this regional area, cooperation and competition links are growing more and more evident. Of the five riparian states (Denmark-Greenland, Canada, USA-Alaska, Russian Federation, and Norway), four belong to the Atlantic Alliance, as well as the accession of Finland and Sweden (both since their inception full members of an Arctic Council which has no security competences) into the Atlantic Alliance in the High North, which shall tilt the balance by leaving Russia as the sole non-NATO in that region. In the current situation, tensions are becoming more acute due to the convergence of many other states that are aligning with the previous ones. I will argue, as it seems obvious to us, the regional rising tensions and the militarization associated with them, take place in moments and phases linked to intervals of a Russia that regards itself as ever-expanding, and its potential northern surpassing by China. The purpose of this work is to demonstrate that most facets of this temporal iteration in the adversarial tension processes have guided the recent historical evolution regarding the militarization of this basin. Albeit its' variable geometry, clearly, the Wider Arctic Basin justifies its treatment in terms of an Area subject to a geopolitical analysis.

Keywords

Arctic Basin, Russian Federation, Polar Silk Road, expansionism, militarization, tensions.



Resumo

A Bacia do Ártico pode ser hoje considerada como um ponto focal emergente na conjuntura política e estratégica patente no quadro global. Se observado numa “projeção azimutal quási-equidistante”, esta bacia confina com cinco Estados ribeirinhos, embora inclua muitos outros que com estes cinco interagem. Uma organização internacional formal, o Conselho do Ártico, foi criada para tentar regular os múltiplos interesses que sobre ela convergem. O Direito Internacional não tem sido suficiente para a levar a cabo, entre outras razões porque o Conselho não tem competências no âmbito da segurança e defesa. Por outro lado, o mero facto de se tratar de uma área relativa a uma bacia marítima com muitas das características de “um lago”, cria dificuldades inesperadas, e muitas vezes mal conhecidas no que à emergência da sua centralidade diz respeito. Ao contrário de outras regiões do globo, tendemos por isso a ter pouca consciência da sua importância crescente. É de notar que, nesta área regional de geometria variável, crescem ligações de cooperação e competição cada vez mais evidentes. Dos cinco Estados ribeirinhos (Dinamarca-Gronelândia, Canadá, EUA-Alasca, Federação Russa e Noruega), quatro pertencem à Aliança Atlântica, bem como a adesão da Finlândia e da Suécia, à Aliança Atlântica (ambas desde a sua criação membros de pleno direito do Conselho do Ártico), uma entidade sem competências no domínio da segurança. O que poderá desequilibrar o equilíbrio ao deixar a Rússia como o único país dessa região não pertencente à NATO. Na conjuntura atual as tensões agudizam-se por via da convergência de muitos outros Estados que com os anteriores se vão alinhando. Argumentaremos, por nos parecer evidente, que as crescentes tensões e a militarização regional a elas associada têm lugar em momentos e fases ligados a intervalos de uma Rússia que se quer ver como em constante expansão, e a potencial ultrapassagem pela China a norte. A finalidade deste artigo é demonstrar as principais dimensões desta iteração temporal nos processos de tensão aguda que têm pautado a evolução histórica recente no que toca à militarização desta bacia. Embora a sua geometria seja variável, manifestamente a Bacia Alargada do Ártico justifica o seu tratamento como um todo coerente sob o ponto de vista geopolítico.

Palavras-chave

Bacia do Ártico, Federação Russa, Rota Polar da Seda, expansionismo, militarização, tensões.

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NEW COLD WARS IN THE HIGH NORTH? RUSSIA AND THE PROGRESSIVE MILITARIZATION OF THE ARCTIC

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Introduction

The relevance and the topicality of this article are both essentially anchored on the growing importance that the Russian Federation has been attaching to this region of the globe in political, economic, strategic, military, and geopolitical terms. This is likely to lead to conflicts of interest with all the five other states bordering the Arctic Basin plus two who do not – namely Sweden and Finland, given that they are NATO Member-States; Sweden is still waiting for adhesion, but it appears to be well on its way to join the Alliance. On the other hand, the motivation that led us to address this issue is intrinsically related to the growing importance that has been attributed to this entire basin. This goes beyond the riches that its maritime subsoil contains, from hydrocarbons to many others, and also given the marked melting of the polar ice cap, which opens up a new and much shorter trade route – the so-called Northern Maritime Route between the Far East and the entire consuming West, which, although seasonal, almost cuts the distance to be traveled in half, with all the advantages that this offers.

Indeed, most of the questions we raise here are framed by the increasing accessibility that ongoing climate change makes possible and signifies – focusing in particular on the seasonal opening of the Northern Sea Route. This core issue is linked to a sheer politico-geographical reality: the Arctic Basin brings together an unspecified group of Atlantic Alliance member states, all standing in close proximity to the Russian Federation, which depicts the region as a potential stage, or perhaps better an arena, for conflicts of various kinds. Among them, as we shall emphasize, the rise of at least potential tensions between China and Russia, as well as between the former and the North Atlantic states, the so-called West, is apparent

We have strived to scrutinize what follows under the light of a few pivotal objectives: (i) to list the various moments of the increasingly expressive militarization that Russia has been carrying out, (especially in the periods when it has not been involved in military operations in its *near abroad*) and which are reflected above all in the conduct of joint military exercises that are spiraling – and on the consequent responses to these exercises carried out jointly with many other states concerned with the Arctic, both before and



after the announcement in 2022 of the possible accession of Finland and Sweden to the Atlantic Alliance; (ii) to highlight, if not specifically the evolution of the territorial claims that the littoral states have institutionally presented in organizations such as the Arctic Council and at the United Nations within the framework of the Montego Bay Accords (which in themselves would fit into another article), as well as the underlying political-strategic tensions associated with this legal framework; (iii) to highlight the growing difficulties and operational limits being experienced both in the Arctic Council and in the UN, especially those that have come to light since 2022 and as a result of the invasion of Ukraine by the Russian Federation and by the recent NATO's enlargement at its north; (iv) lastly, we try to touch on a few of the more complex and surreptitious issues relating to the position taken by a China whose interest has been both manifest and cautious – engaged, as it is, in a process we believe could result in Beijing's already expressed attempt to create "a Northern Road and Belt"; one which would allow it, if it takes place, more direct access to the North Atlantic – with the foreseeable resistance which the Middle Kingdom may then have to strive. All these points raise further specific questions that we attempt to at least frame.

In order to do this always in most of its manifold contexts as we look at the accelerated processes of militarization of this increasingly ever more vital area of study, without neglecting the importance of hydrocarbons and other natural resources in the region often referred to as the *High North*. We will articulate them with the policies of the different states interested in them, with an eye on their eventual attempts to fashion and transform extant International Organizations, especially the Arctic Council and NATO. We will do so in some detail with regard to their wider frameworks, namely by considering the limitations of this Council and the Atlantic Alliance – since the former, the Council programmatically does not take into account the security dimensions that have been emerging in this area; whilst the latter, NATO, sees them as central. Here goes how the central questions we are asking here unfold: how far do the growing initiatives of the Russian Federation, supported by China, continue focusing on the political, economic, strategic, military, and geopolitical domains; and, also, on whether or not they will churn out a Russian hegemonic position in this part of the world in the short or medium term.

From a theoretical point of view, we cast our perspective within a framework that International Relations theory usually labels as liberal institutionalist. Our theoretical framework is focused on the importance we attach to a few pertinent extant international organizations, both formal and informal, while also considering both international law and the so-called *rule of law*. Our position is thus similar to that of all the Arctic Basin states – with the exception of a Russia which has been asserting itself as a revisionist power, in the context of an expansionist 'offensive realism' that we deem as rather unique up North. Furthermore, we emphasize that our perspective will be mostly restricted to political, politico-diplomatic, and geopolitical issues – without looking too hard to other perhaps relevant dimensions which we believe could be better dissected in articles rather than this one, given the economy of the short text we are now putting forth.



1. Between ambition and reality

In approaching the Arctic and its delimitation, we focus on the maritime basin itself, as well as on its geographical extensions, its accesses and obstacles, and its neighborhoods, both near and far. Given our purpose in this work, however, it is important to begin with one of the frameworks that we consider to be the largest – the institutional one, in this case, the so-called Arctic Council, the most important international organization that has focused on this polar region. And NATO, which has been increasingly important for almost two years now.

From an overall perspective, it can be said that the Russian Federation's 2020-2023 chairmanship of the Arctic Council has had unreasonable ambitions from the very outset¹. As we will be able to comment in detail throughout, Russia's pretensions in the Arctic region have increasingly alerted the West, especially as climate change has opened up, and continues to open up, previously unviable opportunities in the region, both in terms of navigation and the exploitation of its many riches. As might be expected given the expansionist affectations it has displayed throughout its history, Moscow is looking with the necessary caution at what it perceives (or pragmatically claims to read) as a challenge from the United States and NATO to its "natural historical ambitions" in this region². The Russian government's narrative about the "Western invasion" has become much louder and more assertive in recent years. That was due to its military posture and its economic and infrastructural projects, especially given the role taken on by NATO (and to a much

¹ A brief preliminary note. Our general framework underlines and dismantles, step by step, what Moscow has proposed, in an idealized manner and with a supposed foreknowledge in the appropriate drawing up of Russian priorities in the text they entitled *Russian Chairmanship 2021-2023*, published by *The Arctic Institute*. For more realism, see the article published by Nurman Aliyev (2021), "Russia's Arctic Council Chairmanship in 2021-2023", published in Germany by the *Friedrich-Ebert Stiftung* in March of that year. It is also worth looking at the excellent article by Chen Chuan (2023), "China-Russia Arctic Cooperation in the Context of a Divided Arctic", *The Arctic Institute*, in its *Centre for Circumpolar Security Studies*, 4 April. Unfortunately, albeit as might be expected, "pragmatic" opportunism is also emerging on many of the sides aligned with it and, perhaps more interestingly, even from some of the "Allies" of the so-called Wider West who oppose it. This should come as no surprise, as it is the norm in all conflicts. Inverting a Clausewitzian expression, we consider that often "politics is also an extension of war by other means".

² Russian interest in the Arctic is rooted in historically well-known strains that can be traced back to the 16th century with the conquest of Siberia, driven by the uninterrupted search for more resources and safe trade routes. Russia's current stance in the Arctic should be regarded as a component of its wider confrontation with the West, where Europe can be seen as a privileged stage. The Kremlin's disputes in the Arctic and its frightening narratives are leveraged by multiple factors: preparations for an unlikely but potentially catastrophic eventuality of a new generalized war on the European Continent, the need to secure its retaliatory nuclear capabilities (most of which are located around the Kola Peninsula in Severomorsk, the HQs of the Northern Fleet, just below Murmansk, close to the northern border of Norway, in Kirkenes, Finnmark), and the incessant search for more resources to finance the huge expenses involved in the maintenance and development of a war capability that is at least reminiscent of the military power of the former USSR. The clear stance of confrontation and the constant competition with the West does not seem to show any signs of diminishing. Quite the opposite in fact. Of course, the pretensions of great powers and the commercial interests of powerful bureaucratic elites will have to be taken into account. On this last point, we can only emphasize the non-linearity of the positions taken by *all* the parties involved. Since pretensions and interests are not confined to Russia, of course.



lesser extent the European Union) since the Russian Federation invaded Ukraine on 24 February 2022³.

Finland's proposed entry into the Atlantic Alliance in 2023, and Sweden's possible accession to the latter, were perceived by the Kremlin as an added threat to its aims. As expected, both the Russian Foreign Ministry and the Kremlin spokeswoman reacted on 30 November 2022:

"Russia's foreign ministry said on Wednesday that Sweden and Finland joining NATO could accelerate the militarization of the Arctic region. Responding to a question about how the two countries joining the alliance would affect the Arctic Council – an intergovernmental group which promotes cooperation in the Arctic – spokeswoman Maria Zakharova noted that Russia would be the only non-NATO member of the group”.

She added that *“(i)t cannot be ignored that once these countries join the alliance, all member states of the Arctic Council apart from Russia will be members of the North Atlantic bloc,”* as she put it. She stated too that *“(t)his could lead to increased militarisation of the Arctic region but in turn, it would mean a significant increase in tensions over high latitude security risks”*⁴. A point that we shall address in some detail below.

It will certainly be important to know whether Moscow will succeed in achieving her aims. Moscow's naval, nuclear, and even conventional power in north-west Russia is increasingly susceptible to NATO's long-range precision vectors. It is not yet clear whether the development of the Northern Sea Route (NSR) along Russia's northern coast will translate into a crucial shipping route between Europe and Asia. Nor whether the commercial projects that are intrinsically linked to it are in fact bearable, in view of the very high costs and the vast logistical complexity potentially limiting their operation, which is partly conditioned by the extreme weather imperatives faced. There is no doubt that this poses many difficulties, given the limits imposed by limited infrastructure, the increased commercial competition from other countries, uncertainty as concerns the sustained demand for hydrocarbons since the world moves towards green technologies, And also the very possibility of additional Western sanctions⁵.

Indeed, these are all points to which we shall return, as it is to precisely these types of questions that our study aims to provide some answers – ones that we believe are

³ For more historical detail, it is useful to read and analyze the extensive and cautious report provided by Eugene Rumer, *et al.* (2021), *Russia in Arctic. Implications for the United States and NATO*, published by *The Carnegie Endowment for International Peace*.

⁴ Reuters, (Nov. 30, 2022), "Russia says Sweden and Finland joining NATO could accelerate militarisation of Arctic region", *Arctic Today. Business Journal*. For a forward-looking stance that expresses less conjunctural concern, see Bekkevold, Jo Inge and Paul Siguld Hilde (Jul. 28, 2023), "Europe's Northern Flank Is More Stable Than You Think", *Foreign Policy*, which we will discuss below.

⁵ This is without even going into the possibility of reversing the process of the polar ice cap shrinking if the process of decarbonizing the planet accelerates markedly. We will see where it takes us, i.e., if the COPs make progress as regards the mass production of green hydrogen, on the production of electricity from photovoltaic technologies and, perhaps, with the development of increasingly safe nuclear power stations.



plausible, and ones that we support in what concerns many of the decisions taken in various international *fora*.

2. The Arctic Council and the prospects of a gradual robustness offered to the "Peoples of the Arctic"

For formal reasons, we will begin with the role of the Arctic Council, focusing on the Russian Federation's last Presidency of the Council, which lasted from 11 May 2020 to 11 May 2023. The Russian Presidency pledged to continue establishing the Arctic Council as the main instrument for international co-operation in this region, allegedly by improving its efforts. The stated intentions aimed to promote the effectiveness of Working Groups and of areas of expertise, as well as the Secretariat's, and to outline mechanisms for financing the Council's activities. The expectation was of thus fostering the promotion of deliberations and recommendations by stimulating dialogue and greater interaction with the increasingly numerous Observer States. All this in order to provide adequate involvement in the Council's general activities. It should be stressed that this Council, as it stands, does not have *any* competencies in the area of security and defense.

When Norway took over the chairmanship of the Arctic Council on 12 May 2023, she set out to intensify the Arctic Council's collaboration, in general, that is, with its Economic Council, the Arctic Coast Guard Forum and with its' University. Among the priorities of the Russian Presidency a place was held, *ab initio*, for the promotion of international scientific co-operation; in particular with regard to the possibility of conducting a Council scientific expedition that would cover in-depth studies of the Arctic Ocean as a whole. What was at stake was "sustainability", expressed in general terms by a Kremlin that was well aware of the fact that we emphasized, that the Arctic Council had and has no powers whatsoever in terms of security⁶.

In truth, none of this actually peaked in any meaningful sense, given the constraints imposed by the Russian invasion of Ukraine on 24 February 2022. Sustainable progress, in essence aimed at embodying the "development of the Arctic region" – an objective naturally partly guided by the quality of its human capital – quickly fizzled out. The intentions did seem good and sensible. The focus of the Russian Presidency, which lasted from 2020 to 2023, was (or was intended to be) on increasing sustainability, on measures to adjust to climate change, on improving the well-being, health, education, quality of life of the Arctic inhabitants, and the resilience and viability of their communities, including that of the "indigenous peoples"⁷. As well as on guaranteeing socio-

⁶ As is the case with the Antarctic Treaty, and unlike the Black Sea. In fact, the international organization that oversees the Black Sea is the BSEC (*Black Sea Economic Cooperation*), which includes a subsidiary entity called the *International Centre for Black Sea Security* (ICBSS), based in Athens, and created there in order to (i) minimize centrality by placing its headquarters in a state linked to the Black Sea, but not bordering it, and (ii) at the same time guarantee some exemption. The formula did not work: after the Russian invasion of Georgia in August 2008 and its partition, the ICBSS was reduced by Moscow to an entity merely concerned with ecology, regional economy and the creation of roads and railways around it. As concerns the Arctic, in this regard, it is apposite to carefully analyze a report proposed by Michael Paul and Göran Swistek (2022), "Russia in the Arctic. Development Plans, Military Potential, and Conflict Prevention", *SWP, Research Paper 3*, published in Berlin.

⁷ The indigenous peoples of the Arctic include, for example, the Saami who live in the circumpolar areas of Finland, Sweden, Norway and the north-west of the Russian Federation. Added to these are the Nenets,



environmental sustainability and, in turn, as an outcome, generating a greater economic development of the region. The promotion of scientific, educational and cultural exchanges, tourism and contacts between peoples and regions would also be high on its agenda. In the approved document, special attention was paid to "preserving the linguistic and cultural heritage of the indigenous peoples of the Arctic", as well as to "cross-border youth co-operation"⁸.

We shall see if the seeds planted last, given the unpredictability of the war on Ukraine unleashed by Putin's Russia, and taking into account the crumbling of these resulting cooperation plans that were stopped early on.

3. Russia and the invasion of Ukraine: consequences for the United States, NATO – and, less centrally, the EU

Russia's concept of its security requirements and, on the other hand, NATO's commitments to mutual defense and deterrence have resulted in a stalemate and even some very visible tension on the Alliance's northern flank – given that its forces operate in too close a proximity. It should be noted that the Arctic, when viewed from an azimuthal projection, has many of the characteristics of "a lake". It is, in fact, a circular area, flanked by five states and with only two outlets. The image of a "lake" for this basin seems useful for reaching a better understanding of the political and military dynamics here at play. One of them borders the North Atlantic and forms a strait, a *chokepoint*, a bottleneck that has been nicknamed GIUK (an acronym for *Greenland, Iceland, and the United Kingdom*). The other, the Bering Strait, is very narrow, less than one hundred kilometers long, linking the Arctic Sea to the north Pacific. The littoral states are therefore much closer to each other than it at first might seem – seen from above, they stand, so to speak, *all spread across a round and not very large "pond"*. This great proximity between a couple of major powers and a set of very rich ones has rather interestingly led to growing tensions. It is clear that both competition and cooperation are evident up in the High North.

As tempting as it is to view the Arctic through the prism of competition between Great Powers – which would undoubtedly fit in with Russia's quest for recognition as a great power – there is little to suggest that there is anything substantially different about its military posture. Instead, the Kremlin is announcing a return to a new posture that clearly takes us back to the days of a Cold War focused on the old tasks of preserving the sanctuaries of its fleet of ballistic missile submarines and now cruise missiles too; as well as the necessary military operations taking place in the North Atlantic – posed in a preventive posture, accounting for the tragedy of the possible outbreak of a generalized

Khanty, Evenk and Chukchi also in Russia, and the Aleut, Yupik and Inuit (Iñupiat) in Alaska, the Inuit (Inuvialuit) in Canada and the Inuit (Kalaallit) in Greenland. The Inuit were the people who for centuries were nicknamed the Eskimos. In Russia alone, there are 4 million people living on this northern edge of the Federation, one million of whom are indigenous peoples.

⁸ With Russia's invasion of Ukraine and the sanctions that have made many forms of cooperation impossible, little or none of this has been achieved. Existing cooperation has been limited to collaboration centered on search and rescue efforts and on fishing activities in the Basin. We shall see if Norway, now at the helm of the Arctic Council, will be more successful in these areas.



war in Europe, in some ways repeating the precautions it took during the Cold War. But a meaningful balance does not seem very likely: no matter how loud she is, Russia is resuming its northern military missions with far fewer resources and facing a much more complex and sophisticated panoply of rival capabilities than during the Soviet Union.

In truth, Russia's contemporary actions in the Arctic, namely its aggressive rhetorical stance combined with its long-standing territorial claims, have done very little to change the face of its diplomatic position with regard to the other Arctic states, only alienating and antagonizing them in an ever-growing accentuated aggressive posture. Its only partner of choice as relates to its scientific research and economic demands for the Arctic, has increasingly been China. A China that, with Moscow's consent, appears to be keen on asserting itself as "a state close to the Arctic" – a claim and status rejected outright by the United States of America, naturally viewed with strangeness and fear by the other states bordering this glacial ocean⁹.

In an ideal world, in terms of diplomacy – although Russia may not be very receptive to bilateral or multilateral niceties – the United States of America, the European Union and NATO should ideally raise and encourage topics of cooperation where there is a clear convergence of interests. She should, as well, be proposing the implementation of transit rules similar to those that existed during most of the long years of the Cold War, in order to reduce tensions – avoiding or managing crises that may arise or, at the very least, trying to mitigate potential risks of conflict triggered by fortuitous accidents or even simple miscalculations. Thus, ideally, aiming at promoting a much-needed deterrence, through which the US and NATO would gain by making a serious commitment to improve their defense mechanisms in order to deter Russia from conflating its aircraft, military and commercial vessels in and around the Arctic. And to ensure that the Alliance continues to be able to maintain the capacity to carry out its military reinforcement plans for the northern and eastern flanks. Unfortunately, since the invasion of Ukraine, this has not been as effective as it could otherwise have been. None of the sides, the US/NATO and the Russian Federation, is relenting.

It would be good, however, that this was not the case. In seeking not to hand over the Arctic Basin to Russia, the Alliance will have to remain aligned with the obvious objectives of continuing to manage the competition with the Russian Federation through a judicious and strategic combination of joint de-escalation actions. That would entail making a series of adjustments that display a resolute commitment on the one hand and some moderation on the other. That would mean having Washington and the Alliance improving and demonstrating real defense and deterrence capabilities – without, however, taking unnecessary risks in the face of some actions of mere rhetorical defiance on Moscow's part. To this end, a high level of cohesion, interoperability and the capacity for a dialogue that is tenuous at times but always indispensable as parts try to attain a stable balance between the determination to show willingness to use force. And, at the same time, via a constant willingness to negotiate on precise and fair terms, promoting the peaceful coexistence of all stakeholders. Unambiguously and without concessions, of course,

⁹ A point emphasized by Eugene Rumer, Richard Sokolski, Paul Stronski (2021), *ibid*.



which would require clearly conveying to Russia where the interests, objectives and red lines of the Allies – both those of the European Union and, above all, those of NATO.

The Russian Federation would also have to do the same, and we do not think this is by any means a foregone conclusion. It should always be borne in mind that both the US, its Allies and Russia have been in these unusual situations of an apparent quasi-*rapprochement* before. And they somehow managed to survive even when subjected to stout strains¹⁰.

4. Moscow's political and economic angles in the development of the part of the Arctic that it claims as its own

Despite the plans of the Russian government and large corporations to attract foreign investors in order to facilitate the realization of their plans for the economic exploitation of the Arctic, the prospects of success are far from certain. The current climate has not at all favored it since at least 2007. Oil and gas, which have always been the focus of attention of these plans, are being unearthed in large quantities in other regions that are more accessible and less hostile in terms of climatic condition¹¹. Russia's track record in carrying out ambitious programs, even those personally sponsored by Vladimir Putin, is far from a good bet. Large corporations with close ties to the Russian executive, such as Rosatom, Gazprom or Rosneft, can be substantially subsidized by the Kremlin. However, many projects that need direct political leverage remain without available funding, and so much of what had been projected remains unrealized.

Although, as we shall see, the conjuncture is quickly changing. Russia's own ambition to expand its exports of liquefied natural gas (LNG) to Asian markets – even with regard to a China that in recent years has grown closer to Moscow – faces a high degree of uncertainty, a point we shall expand on later below. Thus far, the combination of the high cost of LNG, the cyclical *timings* and challenging conditions of the Northern Route. So the risk of further US sanctions and the tough and inflexible stance of Chinese state negotiators are significant challenges that need to be overcome in order to turn some of Russia's ambition into a concrete reality.

Most of the reasons for this are easy to understand. The size, scale, emptiness and conditions of Russia's Arctic regions do represent a challenge of gigantic dimensions for the goal of developing an entire support infrastructure that could otherwise be the engine

¹⁰ To get an idea of the scale of the tensions that existed before the invasion of Ukraine and the announced accessions of Finland and Sweden to NATO, see the much-cited article/commentary by a University of Calgary professor, Rob Huebert (2019), "A new Cold War in the Arctic?! The old one never ended!", *Arctic Year Book 2019*. Below, we will discuss some of the potential changes that have taken place since these fundamental changes, especially with regard to the Alliance.

¹¹ It should be noted that the melting of ice in the *High North*, as in Antarctica, far exceeds the amount and speed of the rest of the planet. It should also be emphasized that 1/3 of the expected new hydrocarbon deposits will be located in the Arctic. The data was estimated in 2008 by the US Geological Survey (2008), *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle*, USG Department of the Interior, US Geological Survey. According to the USGS prospective survey, *the sum of the mean estimates for each province indicates that 90 billion barrels of oil, 1,669 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids may remain to be found in the Arctic, of which approximately 84 percent is expected to occur in offshore areas*". These numbers still stand.



of a truly flourishing political and economic activity in these inhospitable parts. So far, however, the Northern Maritime Route faces an uncertain future in terms of the role it could play – that of becoming an important transport link between Europe and Asia, idealized by those who love the Russian Arctic. However, the insurance premiums for maritime operations in polar waters are still extremely high. As, indeed, are all the available means for securely breaking the ice¹². But since the unexpected speed of the seasonal melting of the polar ice cap has changed circumstances, so things could change... It should be emphasized that the possibility of crossing the Northern Maritime Route (NMR) has many advantages, especially from a commercial point of view, as it drastically reduces the distances to be traveled in summer. The traditional route through the Suez Canal from the port of Yokuhama in Japan to Rotterdam in the Netherlands is 11,200 nautical miles, while traveling via the Northern Route reduces the trip to a mere 6,500 nautical miles, almost halving the distance to link both¹³. A difference that makes all the difference.

It should be stressed, however, that until the early 2022 invasion of Ukraine, the Russian Federation had to put aside the possibility of raising a second military brigade specially prepared for operations in the Arctic, even though she wanted to do that so as to improve its northern coastal defense. Now, given its current dire economic woes, it is hard to fathom Moscow can still less afford to carry out any such reinforcement, unless a decision is taken to switch into a war economy. Given the ongoing hardships, the Kremlin faces such an enhancement of its northernmost forces will not be easy – given that at the same time, as concerns its Navy, the Northern Fleet in its latest iteration does face other pretty significant limitations. Above all with regard to the number and operability of icebreakers and other ships capable of navigating in waters where significant ice floes abound, and the high demands of its troop transport capacities aerial refueling and the operability of patrol aircraft in this other frontline. In other words, if the new Russian Northern Fleet must be increasingly strengthened in order to be able to carry out the wide range of missions and essential operations it needs, clearly requires major investments to correct the current limitations for its full operability. Given the current circumstances, this will certainly not be easy to achieve, given that Russia is already economically overstretched.

Ultimately, even if Moscow feels it imperative to increase her ability to succeed in dominating and taking control in an Arctic open conflict with NATO, guaranteeing that will be hardly unfeasible. If worse comes to worse, no matter how much the Kremlin feels that a full military sovereignty and control over control of her Arctic is a crucial or even existential, issue, it is unlikely it will be able to guarantee its capacity to fulfil those aspirations.

¹² One example will suffice: in 2020, 331 ships travelled along part of the Route, but only 62 completed the entire journey, carrying only 26 million tons - a figure far below Moscow's stated goal of promoting the transport of 80 million tons by 2024. Eugene Rumer, et al. (2021), *op cit*. For a detailed overview of these issues, it is useful to read the paper presented at the General Officer Promotion Course by then Colonel Eduardo Mendes Ferrão (2013), now a full General, *A abertura da rota do Ártico (Northern Passage). Political, Diplomatic and Commercial Implications*, a work that was then published as a book by the Portuguese Military University Institute.

¹³ A far greater reduction than that offered by the Panama Canal, which only reduces the journey from Rotterdam to Seattle, in the United States, from 9,000 to 7,000 nautical miles if you travel along the other polar pathway, the Northwest Route, which is also now traversable during a part of the year.



5. The first stages of the militarization of the Arctic by the Russian Federation

In what concerns the topic of Russian militarization of the Arctic, we will confine ourselves here to merely describing a series of steps indicative of the early stages of the Putin period. These are stages that are evolved quickly, that are different among them, complex, and in many ways still in gestation. We shall try to draw a brief sketch, while simply endeavoring to lightly, in general terms and obviously following a chronological order.

At first, certainly as a rejoinder to considerations tied to the new and wide-spanning security doctrines embraced by Vladimir Putin after the two Chechen Wars, on 2 August 2007, in an operation dubbed *Arktika 2007*, two mini-submarines deposited a titanium Russian flag in the sediment of the Lomonosov Shelf. A rich shelf which Moscow claimed was an extension of its continental shelf and that therefore, according to the Montego Bay agreements, a part of its own maritime territory. Symbolically, on each of the two bathyscaphes that went to the seabed included in its "crew" a member of the State Duma, the parliament of the Russian Federation. The images of both the two crafts and the titanium Russian flag were made available by the Kremlin to the world and led to understandable widespread criticisms.

A second harsher retort was bound to rise, given that the Kremlin added to its symbolic gesture. Canada's reaction came quickly, with *Operation Nanook* – a military exercise that took place in the state of Nunavut, Canada's largest state, near Greenland, and involved military, air and naval forces, including Ottawa's Coast Guard and part of its Navy, and a nuclear-powered submarine. An exercise that also included land forces, in the latter case involving forces of various kinds, from the regular Army to its *National Guard*, to reservist troops and the *Canadian Rangers*. These 2008 military exercises were the largest in Canada's history. Since then, Canada has repeated these exercises every year, since then with the participation of other states, namely the US and Greenland (Denmark). Canada's polar coast is the second largest in the Arctic "lake", Russia's being the first.

Truly, 2008 was truly an *annus horribilis*. On 8 August of that very year, the Russian Federation invaded Georgia "in response to Georgian attacks on Russian *peacekeepers* stationed in South Ossetia"¹⁴, causing their deaths. A "five-day war" ensued, leading to the occupation and unilateral "declaration of independence" of two Georgian regions, North Ossetia and Abkhazia. Many analysts, both Western and Russian, saw Putin's actions as a response to the North Atlantic Council, which met at a NATO summit in Bucharest, Romania, from 2 to 4 April of the same year – and on 3 April it was stated that, on an unspecified date, both Georgia and Ukraine would join the Atlantic Alliance under an *Open-Door Policy* approved at the time by the Alliance's Heads of State and Government. At the same time lapse an invitation was sent to Albania and Croatia to begin the necessary steps for "rapid" membership of this Organization¹⁵. Through the

¹⁴ Armando Marques Guedes (2009), *A Guerra dos Cinco Dias. The invasion of Georgia by the Russian Federation*, Preface, IESM.

¹⁵ NATO/OTAN (2008), *NATO invites Albania and Croatia to accession talks*, Washington.



MAP (*Membership Action Plan*), the latter two would join the then 26 member states of the defensive security organization, NATO.

The dies had been cast. From then onwards, Canadian-led Arctic exercises, became larger and more multinational, namely including the United States of America and Denmark. Soon after, from the spring of 2009 onward, once the situation had stabilized in Georgia in the face of a notorious inability of NATO and European Union member states to react effectively to the invasion, the Russian Federation began sending troops to the Arctic. This meant rehabilitating old Soviet bases, creating new land, sea and air bases in the region and starting to build ships and icebreakers suited to local climatic conditions. These first and second processes of accelerated Russian militarization largely continued until 2013¹⁶.

After a brief hiatus in 2014, occupied as it was with the invasion and occupation of Donbas and Crimea, the process was restarted in earnest in 2015. The *Vostok 2018*, *Vostok 2019* and *Vostok 2022* exercises stand out for their unusual scale – both in quantitative terms and in terms of co-opting China and Mongolia, which took part, as well as several others. It is also worth mentioning that in the central and eastern Siberian regions, in 2019, a major exercise, entitled "Centre 2019" (in Russian "Tzenter") took place. These "war games" included Russia, China and India held joint anti-terrorism exercises with Pakistan and four Central Asian republics, and they involved 128,000 troops from seven of these eight countries. These games were conducted under Russian auspices from September 16 to September 21, 2019, and then they included 600 aircraft and around 450 field artillery systems¹⁷.

A fourth process of militarization of the *High North* took place, with a series of peaks that would continue until 2020-2021. New troop deployments, new bases in the Arctic Basin and joint military exercises of various kinds in the region. Worth highlighting here is NATO's large-scale joint exercise, *Trident Juncture 2018*, whose host country was Norway. Around 50,000 military personnel from NATO states and partners took part, along with 250 aircraft, 65 ships and 10,000 vehicles of all kinds. The exercise took place in northern Norway, the Baltic and the north Atlantic, from 25 October to 7 November 2018. It involved all forces and, innovatively, included a *cyber* dimension¹⁸.

In the chronological period that followed, largely given the emergence of the pandemic and its virulence, both unexpected events. If they did not put a stop to the process, they

¹⁶ It should be emphasized that all but two of the European Union's member states are members of the Arctic Council: Norway and Canada; and all are members of the Atlantic Alliance. For a prescient reading of the EU's role, I suggest the article by Sandra Balão (2015), "Globalisation, the Geopolitics of the European Union Arctic Strategy and [some of] the New Challenges for the 21st Century". September 2015. The most recent article by Ionela Ciolan (2022), "The EU's geopolitical awakening in the Arctic", published by the European Union, confirmed, not alluding to the paper the Portuguese academic, Sandra Balão, had presented seven years earlier.

¹⁷ In this case, it is useful to consult the work of Mathieu Boulège (2018), "Russia's Vostok Exercises were both Serious Planning and a Show", *Chatam House*. The title of the article spells it all. It remains to be added that 300,000 Russian troops took part, joined by 30,000 Chinese and thousands of infantrymen from Mongolia. Turkey was invited by Moscow to take part, but from Ankara, Erdogan, "*politely*" according to Boulège, declined.

¹⁸ NATO/OTAN (2018), *Trident Juncture 2018. It is happening in the air, on land, at sea and in cyberspace*. The mutual defense alliance's message was loud and clear: under Article 5 of the Washington Treaty, "we will defend our populations and territories", and "we will protect our partners, with whom we will work".



surely least slowed it down. In 2022, when Russia was acting militarily elsewhere, Putin, unlike before, nevertheless made a point of carrying out strong symbolic expressions, which took place, in the first instance, from May 2020 on, as soon as he took over the three-year presidency of the Arctic Council. Followed, in a second phase, by conventional and unconventional shows of force in its *High North* – from Vladivostok to the Kola Peninsula, via the island of Novaya Zemlya where the Kremlin had once (as the USSR) maintained intense military activities. In the last couple of years, this has included the stationing of nuclear submarines in the Arctic¹⁹.

Not surprisingly, in 2022 Norway led equally but larger NATO military exercises, dubbed *Cold Response*, in its north, involving 27 countries, with the stated aim of "*helping Allies and partners practice together so they can be prepared for any situation*"²⁰.

6. Latest steps in Russian militarization of the Arctic

The level of mutual accusations and warnings between the US, NATO and even the EU, on the one hand, and Russia on the other, concerning the threat they pose to each other, seems to have given rise to a "security dilemma" that is difficult to attune and calibrate. We may be facing a kind of spiral that certainly does not exclude risks associated with possible uncontrolled escalations that we must always take them into account, even if we consider them unlikely. Let us hope no catastrophic incidents arise, in an already precarious set of conjunctures.

Focusing on the Atlantic Alliance, we must ensure the intrinsic commitment of NATO members to their own security and Moscow's acrimonious view of its own demands in this polar area, standing ready for a situation of potential conflict along our northernmost flank, now that we can count with Finland and Sweden up north. Threats, mostly veiled, are being made by the Kremlin in these last few months of 2023, namely by Moscow's revocation of its ratification of the *Comprehensive Nuclear-Test-Ban Treaty* (CTBT), signed in 1996. In fact, a week after this revocation, on November 5, 2023, the Russian Federation actually tested and heavily publicized the launch of a strategic cruise missile in the White Sea, released from a submarine stationed to the western coast of its own large island of Novaya Zemlya and from there successfully targeting its own Kamchatka region, 6,000 kilometers away²¹. Pure *posturing*, with some affinities with what North Korea has been doing for years.

¹⁹ Wall, Colin and Njord Wegge (2023), "The Russian Arctic Threat: Consequences of the Ukraine War", *Centre for Strategic and International Studies*, Washington, 25 January.

²⁰ The land, naval and air exercises took place in March and April 2022 and involved around 30,000 military personnel from 27 countries, including Portugal. See NATO/OTAN (Mar. 7, 2022), "Exercise Cold Response 2022–NATO and partner forces face the freeze in Norway".

²¹ Associated Press (Nov. 5, 2023), "Russia says it test-fired an intercontinental ballistic missile from a new nuclear submarine", *Politico*. According to *Politico*, "(t)he Emperor Alexander III is one of the new Borei-class nuclear submarines that carry 16 Bulava missiles each and are intended to serve as the core naval component of the nation's nuclear forces in the coming decades. According to the Defense Ministry, launching a ballistic missile is the final test for the vessel, after which a decision should be made on its induction into the fleet. The Russian navy currently has three Borei-class submarines in service, one more is finishing tests and three others are under construction, the Defense Ministry said". It is hard to consider this without due concern.



Following up on what we signaled above, it should be emphasized that any direct military conflict in the Arctic region would possibly not be limited to the region alone. And that could mean severe impacts on both parties. All the actors engaged there have an obvious interest in preventing a potentially devastating outcome, as a result of escalation whether it is intentional or not. The level of risk is likely to increase as the opposing forces continue to operate in force from their respective areas. Past experience does not bode well for this. As has been the case in recent years, in a much leaner bipolar international order, even when faced with the possibility of escalation, none of the parties showed any willingness to back down or were prepared to make any compromises until the very last moments²².

True, today much seems to have changed. Russia is facing the West in very peculiar circumstances and from a position that we could characterize as one of cyclical weakness. Its economy is stagnating and tending to decline, its population is also shrinking at a rapid pace, and the Federation finds itself increasingly isolated in political and diplomatic terms in Europe and, therefore, also among the states bordering the Arctic. Especially since Vladimir Putin came to power the Kremlin has been rebuilding and somewhat modernizing its military capabilities after a long phase of corruption, neglect and consequent decline. Thus, even Russia's clearly specified national priorities are faced with severe budgetary constraints and numerous technological challenges. Woes that are now accentuated by the Wider West external application of economic, financial, and technological sanctions as a result of the Kremlin's invasion of Ukraine. As we stressed, in the years to come, Russia's posture in the Arctic will most likely be affected by concerns about the Kremlin's real ability to stand up to a surprisingly cohesive West, perhaps especially after the announcement of Finland's entry and Sweden's expected entry, into the Atlantic Alliance²³.

Faced with this position of identified weaknesses and growing regional and global risks, instead of considering the region as the next stage of the competition with the Russian Federation, the United States and the other NATO members could take advantage of this moment of strategic fragility in the Arctic to opt – hopefully – for a dual-track strategy of diplomacy and deterrence. It is always easier to impose conditions on weaker adversaries, whether strategically or otherwise. But being prepared for some kind of surprise, in the form of a Russian threat that may be greater than expected, should always be an integral part of good strategic and operational planning. The reason is clear. Murphy's Law: planning for the adversary's most likely possibility, while always guarding

²² NATO's aim is to preserve the necessary credibility of its commitment to the "defensive mutual defense" clause reflected in its famous Article 5. For the Russian Federation, its "main adversary" has come too close to the borders and areas of influence of the "Motherland", so what it says is at stake is guaranteeing geopolitical and economic security requirements, which it feels are rightfully its. The growing tensions in no way reflect the result of possible misunderstandings. The actions of each of the parties are intentional and reflect nothing more than clearly conflicting interests.

²³ See, for example, the article published last year by Iris Thatcher (Aug. 8, 2022), "Seven to one: The impact of Finnish and Swedish NATO membership on Arctic security", *Institute for the Study of Diplomacy*, in which she wrote that "*their membership will help NATO develop a strategy for the Arctic. Until now, NATO has largely avoided engagement in the far north, despite the rise of Russian and Chinese activity. Some reasons that explain this include the sheer diversity of member state interest in executing a coherent NATO strategy for the Arctic and the absence of an explicit military threat within the region. Norway has brought an Arctic dimension to the alliance (...) suggesting that NATO will shift its focus in the future towards the Arctic*". As we shall show, this is underway, with annual joint military exercises and other developments.



against the most dangerous one, is an integral part of the basic principles of effective political and strategic planning.

However, in this particular case of the Arctic and in the current circumstances, by trying to pursue the pure and hard objective of triumphing in a deliberate ever-harsher competition of Great Powers, Russia, perhaps with some support from China, will most likely be a disrupter of other priority activities – whether for the Wider West, NATO or the US. The Atlantic Alliance must act with restraint, realism and moderation in protecting its core interests in the Arctic. This is already underway. The West's care is seen, for example, in the careful administration and management of its competition with Russia, in order to try to avoid consequences that lead to imbalances and with (sometimes excessive) care about crossing any "red lines", especially since the invasion of Ukraine in 2022.

These points were made early on in an article by Christian Perez, published in the prestigious *Foreign Policy*. According to him, Russia's supremacy of what we call the "Arctic Lake", Russia's acceleration of their militarization processes, and China's actions that could benefit Russia – namely by bringing in the huge investments that the Middle Kingdom has been making in Greenland and Iceland – were generally pointed out as being problematic. We do believe we can, and should, go further. In fact, although the disparities in the correlation of forces between the NATO states in the Arctic and the Russian Federation are large and favorable to NATO, they are becoming less so at this regional level. As Perez emphasized,

"(t)oday, the Arctic is the only region where Russia has military and strategic supremacy, and as the ongoing crisis in Ukraine escalates, it brings with it increased risk for conflict in the Arctic. Since 2014, Russia has built over 475 new structures across its Arctic military strongholds and has conducted extensive military exercises, most recently in January 2022"²⁴.

This military leap was followed by several exercises led by the Russian Federation, that took place in mid-April 2023, namely the *Arctic Rescue Exercise*, in which 13 states took part, with a total of 39 observers, from, for example, China, Iran and Saudi Arabia²⁵. It was trailed by an exercise that the Kremlin called *Secure Arctic 2023*²⁶. It included 16 scenarios and took place in 9 Russian Arctic regions, from Murmansk in the west to Chukotka in eastern Siberia. More than 60,000 military personnel were engaged in training activities, according to information from the *Russian Emergency Ministry* (Emercom). Interestingly, the training exercises ended on 12 May 2023, just two weeks after Russia completed its two-year chairmanship of the Arctic Council. Again, a clear message was sent to us by Moscow.

²⁴ Perez, Christian (2022), "How Russia's Future with NATO will Impact the Arctic. Three critical ways the crisis in Ukraine will determine the region's future", *Foreign Policy*.

²⁵ Atle Staalesen (Apr. 11, 2023), "Russia's big Arctic rescue exercise was attended by observers from Iran and Saudi Arabia", *The Barents Observer*.

²⁶ Thomas Nilsen (Sept. 19, 2023), "Russia kicks off trans-Arctic navy exercise", *The Barents Observer*.



Worse still, Moscow made sure it did not stop there: on 19 September 2023, it launched the Finval-2023 exercises, with operations by its forces and troops (involving 1,800 soldiers, "15 warships, submarines, support vessels, aircraft and coastal units are involved as the Northern Fleet starts an exercise that stretches all along Russia's Arctic, from the Barents Sea in the West to the East Siberian Sea")²⁷. A new message. As we noted, the aforementioned missile launch, which covered the 6,000 kilometers from the White Sea to Kamchatka, took place in the first week of this very November. As stressed above, this amounted to another performative step in the narrative that the Federation is composing in multiple domains – not only in the Arctic but also in all the many theatres in which it is now once again involved. Complementary figures and disparities of this kind do not spell anything good for the future of this enormous area. With this in mind, and given Russia's posture in the Arctic, it seems imperative that the United States, NATO, the members of the Arctic Council and the *Arctic 7* base any plans on realistic analyses and clear assessments of the postures we want to uphold and maintain in the High North.

In fact, for the Kremlin, as seductive as it is to look at the Arctic through the prism of rivalry between the Great Powers – which would undoubtedly fit in with the Russian Federation's current yearnings for renewed recognition as a great power – there is very little to suggest that its military posture 'up there' can actually, once everything is well thought out, continue to prove feasible. We do not think it can. In fact, it signals a return to a variant of the traditional Cold War-era posture focused on long-standing tasks, such as protecting the sanctuaries of its fleet of ballistic and/or cruise missile submarines in operations carried out in the North Atlantic in the event of a war in Europe. There has been a clear change, and it is one that does not benefit Moscow. The Russian military has been happy to resume their missions of old, but now with patent fewer resources and facing a much wider range of adversary capabilities than they did during the Cold War²⁷.

Will the fact that Russia is opening up other fronts, mobilizing allies as unlikely as they are dangerous spell intractable risks? It is surely too early to advance an answer. However, although the rigid stalemate continued after the invasion of Ukraine and what followed from it, perhaps some kind of cooperation between Russia and the other seven Arctic states, especially in more practical areas devoid of harsh political dimensions, could be desirable and may even seem possible. Let us see if that is possible. That includes fronts such as combating climate change, search and rescue operations, and even some co-operative scientific research activities. In an ideal world, such areas of cooperation could and should be opened up, as they translate into issues of common interest, such as navigational safety, environmental protection, safeguarding fish stocks and even simple incident management. Unfortunately, hardly any of that has happened. While it is

²⁷ A side comment seems apposite here. Vladimir Putin clearly failed to grasp, and thus to predict, the outcome of his messianic expansionist dreams. Not wanting to delve into details, it is manifest the Russian President did not expect his Ukrainian 'war of choice' would result in a major series of domestic disasters, not only militarily but also economically and reputationally – veering towards a potential national fragmentation that could be tragic, albeit we repute this as not too likely, particularly after the rather strange 'Wagner Group event', that threatened his rule. Internationally, the now evermore indigent Federation counts with only a handful of supporters, in spite of Putin's attempts at swaping an international order that, ultimately, became more solid.



certain that it would be good for the NATO allies to find potential diplomatic ways to contain the impasse, we should manage things firmly and doing so while taking a firm stance so that rules of conduct emerge that aim to mitigate the risks of crises or incidents, so as not to lead to a potentially disastrous escalation that would hurt us all. Looking back, in the case of the Arctic, our position has been very carefully calibrated. This has been achieved without much fuss on the part of an Enlarged West that has been letting Russia spend resources on its High North that we know Moscow does not really have. So far, this has apparently produced some good results. But our careful management has also raised some risks.

Indeed, some impasse has been created with the abandonment of the eight-state model (the *Arctic 8*) and with the much-welcomed entry of Finland and the expected entry of Sweden into the Atlantic Alliance in the short term. It should be noted however that following Norway's assumption of the Arctic Council on 11 May 2023, the climate for cooperation remains icy²⁸.

7. China's presence on some of the new Arctic stages. A prospective scenario and its potential effects

It is surely worth remembering that for almost three decades the Arctic Council has been held up as a good example of cooperation in the post-Cold War period. The five littoral Member-States, including Russia and the United States, worked together on research into climate change and social development throughout the ecologically sensitive region. Now, almost two years on, the Council members have stopped working with Russia, partly as a result of its invasion of Ukraine and having to deal with Moscow's also reactive stance towards NATO enlargements east and north and what this could mean for the Kremlin. With Norway currently chairing an almost inert Council²⁹, experts will certainly be wondering whether the viability of this polar consultation group is at risk if it is unable to continue multidomain cooperation with a country (the Russian Federation) that effectively controls more than half of the coastline (53%) of the Arctic Ice Ocean³⁰.

²⁸ To quote what Colin Ward and Njord Weggei (2023) prudently wrote at the end of their very rich article on Russia's ambitions and limits in the Arctic: "*it is probably too early to give an accurate and comprehensive estimate of the future Russian warfighting capability in the Arctic, given the impact of the Ukraine war. It would be prudent, however, given what is known and what is coming to light, to revisit assumptions that guided prewar analysis, campaign modelling, and wargaming concerning the region. Indeed, U.S. military doctrine is explicit that assumptions should be constantly reconsidered in light of new information, and NATO doctrine echoes this. As NATO's new Supreme Allied Commander Europe starts crafting the alliance's new regional defence plans, there is an opportunity to consider some of these preliminary findings in High North scenarios. In the meantime, the old saying, sometimes attributed to Winston Churchill, that 'Russia is never as strong as she looks; Russia is never as weak as she looks', it might be a prudent approach for the West with respect to its security and defence planning in the Arctic*".

²⁹ Many authors and organizations have had doubts about the future of the Council. See, for example, Brett Simpson (May 31, 2023), "The Rise and Sudden Fall of the Arctic Council", *Foreign Policy*, who quickly argued that "(w)ith Russia no longer involved, it's hard to see what Arctic politics can still accomplish".

³⁰ Until the invasion of Ukraine by Russia on 24 February 2022, the increase in geopolitical tensions did not prevent the Arctic states from collaborating under the auspices of the Arctic Council. With the war in Ukraine continuing, the future of co-operation in this politico-geographical area seems to be jeopardized. On March 3, 2022, the *Arctic 7* issued a joint statement announcing the suspension of cooperation with Russia in this forum. Russia seems not to have taken much notice of the isolation to which it has been condemned by the other seven Arctic countries, concentrating on its own internal Arctic affairs, seeking to co-operate with



An Arctic Council that remains inoperative risks spawning harmful consequences for the ecological environment of our north polar region, and for its 4 million inhabitants who are struggling with the effects of the disappearance of sea ice and the growing interest of non-Arctic countries in the mineral resources that still exist in an inhospitable region. Summing up, the work of the wider Council, the so-called *Arctic 8*, has produced some binding agreements in the past, mostly related to environmental protection and preservation. As we mentioned, it was also a forum that provided a voice for the indigenous peoples of the region. However, it has never been a forum for security issues, since it has no jurisdictional competencies in this area, nor is it plausible that it now shall. As an outcome of the interruption of cooperation with Moscow, around a third of the Council's 130 projects have stalled. Worse still, new projects cannot continue and those that remain cannot be renewed. The scientific communities working on both sides. (the Western and the Russian) have simply stopped sharing new knowledge about climate change, for example. Or on cooperation for possible search and rescue missions or even ecological disasters, such as oil spills. All, in good truth, has been discontinued.

The fact that the Russian Federation finds itself excluded and isolated by the other seven Arctic states (the *Arctic 7*) forces her to look, often desperately, for non-Western partners, in order to successfully accomplish her plans in the region. Moscow has tended to turn to Beijing. But the Russian and Chinese differences of perspective are striking, something Moscow does not seem to want to recognize: in Russia's wishful eyes China appears to be a privileged partner above all because of the volume of investment it could mobilize. For China, collaboration with Russia in *any* field appears to be seen as both an opportunity and a challenge. Xi Jin Ping will have to manage this issue very carefully to avoid seeing China equally ostracized by all the other states (to repeat, the *Arctic 7*) of this inland "quasi-lagoon". The fall is already happening, as Beijing has loudly responded positively to Moscow's invitation to deepen a strong bilateral cooperation in the Arctic. Surely that sounded good. Beijing thus not only strengthened its energy cooperation with Russia but it has also opened the door for deeper forms of cooperation in new areas, such as navigation on the Northern Maritime Route. It is well worth highlighting here a geopolitical decision by China that goes back a long way, namely the creation, drawn up in 2017 and formalized in 2018, of what Beijing decided in a *White Paper* to call the *Polar Silk Road*³¹.

As one might expect, the academic, the diplomatic, and political worlds quickly reacted. The following year, in February 2019, Maud Descamps, in a European Union publication,

China and inviting it to participate in Russian Arctic development projects, something we shall return to here. Hilde-Gunn Bye (8 March 2022), "Russian Invasion of Ukraine. Joint Declaration from Arctic States: Pausing Arctic Council Meetings", *High North News*. As we repeatedly emphasized, the situation is today hardly straightforward.

³¹ Xinhua (Jan. 21, 2018), "China publishes Arctic policy, eyeing vision of Polar Silk Road", *Xinhuanet, Beijing*. According to the official Xinhua article, "Chinese Vice Foreign Minister Kong Xuanyou shows a white paper on China's Arctic policy during a press conference in Beijing, capital of China, Jan. 26, 2018. China published a white paper on its Arctic policy Friday, pledging cooperative governance and elaborating a vision of "Polar Silk Road". The document states at the outset that "China, as a responsible major country, is ready to cooperate with all relevant parties to seize the historic opportunity in the development of the Arctic, to address the challenges brought by the changes in the region", according to the *White Paper* promulgated by its State Council Information Office. To read the original text of the *White Paper*, see the English translation, published by *The State Council of the People's Republic of China*.



put up an article, in *Focus Asia. Perspective and Analysis*, entitled "The Ice Silk Road: is China a 'Near Arctic State'?", which "explores the economic and political impact surrounding potential new trade routes that could open-up in the Arctic region given the rapid pace of melting polar ice-caps". It is a generic and also a rich paper, which provides an analysis according to which what is actually at stake are "the measures taken by China to ascertain greater access to the region and reap the financial benefits of this new frontier". Maud Descamps' text was critical and realistic, when she noted, for example, that

"Beijing is gearing up to further its presence in the Arctic by promoting the Transpolar Sea Route, a passage that would make use over the shorter route past the Arctic circle for commercial and civilian purposes. However, most of the Chinese vessels which to date are able to operate in high north, all of which are ice breakers, belong to the People's Liberation Army navy (PLA-N) while there is only one ship operated under the aegis of the Polar Research Institute of China (PRIC)".

The author concluded that "(t)he further development of channels between Europe and Asia via the Arctic is an open question that is linked to geopolitics, sovereignty, sustainability and reciprocity"³².

From this lucid and careful standpoint, it seems to become almost inevitable that many other decisions would follow, both in Europe and North America. Little by little, the tone has changed in a West in which there have been some (few) dissonances within the framework of growing cohesion. One of many examples came in February 2023, when three American authors, James McBride, Noah Berman and Andrew Chatzky, published a more in-depth article in *Foreign Affairs*, entitled "China's Massive Belt and Road Initiative"³³. In their well thought-through article the authors advanced as a central argument that "China's colossal infrastructure investments may usher in a new era of trade and growth for economies in Asia and beyond. But skeptics worry that China is laying a debt trap for borrowing governments". The focal point of their criticism were China's methodic policies of indebtedness. Without focusing specifically on the *Polar Silk Road*, the three authors lucidly emphasised that

"(a)s Russia's relationship with the West has deteriorated, however, President Vladimir Putin has pledged to link his Eurasian vision with the BRI. Some experts are sceptical of such an alliance, which they argue would be economically asymmetrical. Russia's economy and its total trade volume are

³² Descamps' text was critical and realistic, noting, for example, that "Beijing is gearing up to further its presence in the Arctic by promoting the Transpolar Sea Route, a passage that would make use over the shorter route past the Arctic circle for commercial and civilian purposes. However, most of the Chinese vessels which to date are able to operate in high north, all of which are ice breakers, belong to the People's Liberation Army navy (PLA-N) while there is only one ship operated under the aegis of the Polar Research Institute of China (PRIC)". The author concludes by arguing that "(t)he further development of channels between Europe and Asia via the Arctic is an open question that is linked to geopolitics, sovereignty, sustainability and reciprocity".

³³ McBride, James, Noah Berman and Andrew, Chatzky (Feb. 2, 2023) "China's Massive Belt and Road Initiative", *Foreign Affairs*, Council on Foreign Relations, Washington.



both roughly one-eighth the size of China's – a gulf that the BRI could widen in the coming years". What's more, they called for a robust European intervention, raising the following question: "An Opportunity for the EU to Pitch In?".

That is not all, when it comes to the potentially deeper collusion in a Russia-China connection that is still not entirely clear, either for Europe or for North America. Nor, we believe, will it be for China and Russia. As regards the suspension of the Arctic Council, China has also publicly stated that it would not recognize the Arctic Council without Russia³⁴. A classic – as taking advantage of the ongoing confrontation between Russia and the other seven Arctic countries, within the larger framework of *Arctic 8*, China senses and seizes the opportunity to more easily set in motion new cooperation projects at a much easier bilateral level. And there with various focuses and apparently, at least for now, many without major obstacles, albeit with some convenient opacity, as is typical of the always complex relationships between "allies". For Beijing, deepening Arctic cooperation with Russia favors its own interests as concerns its economy, energy security and political influence in the region. Perhaps the question, on the one hand, is the following; how long can last the good times of Sino-Russian cooperation, promoted by short-term external conflicts? On the other hand, the deepening of China-Russia cooperation is taking place against the backdrop of an ever-greater division of the other actors' designs with a potentially ever-greater agency in the Arctic, whether it is as co-operation or as competition.

The deeper China's cooperation with Russia, the more probable that that will become a matter likely to engender misunderstandings and surveillance from the remaining Arctic countries. And this reading, in turn, will most surely lead to the creation of a climate of mistrust towards Beijing by other regional or global states and even trigger tensions and even confrontations between China and the Arctic 7 states.

In the current situation, the recent rapprochement between China, or the China-Russia pair, with states like Iran or North Korea, to give just two examples, could have

³⁴ On this issue, see another article by A. Staalesen, (2022) "Chinese shippers shun Russian Arctic waters", *The Barents Observer*, 22 August. Since 2022, China and the Chinese state shipping company COSCO have refused to use the Northern Route, although they continue to operate in other Russian regions. Since 22 August 2022, the Russian state-owned Rosatom, which grants permits for the Route, has seen 869 ships pass through, all of them Russian. China's COSCO has not made any requests to use the Northern Route since the invasion of Ukraine. According to "*Russian Arctic expert Mikhail Grigoriev says international shipping companies now carefully steer clear of Russia*". "*The feeling among international shippers and traders is that everything that goes through Russia now is like acid*," wrote Mr Grigoriev. According to Elizabeth Buchanan, in an article published on March 18, 2022, the British renowned *Royal United Services Institute* (RUSI) stated that the conflict could jeopardize "*the existing rules-based Arctic order*". See also, for a reading more focused on a generic perspective of the potential impact of the ongoing conflict, the *Royal United Services Institute* article, this one by Elizabeth Buchanan (Mar. 11, 2022), entitled "Ukraine War and the Future of the Arctic", RUSI. The most recent and already cited article by Colin Wall and Njord Wegge (Jan. 25, 2023), the former American and the latter a Norwegian professor at the *Norwegian Military Academy*. The positions they take and map out in detail hold very interesting *nuances*, particularly Russia's military evolution in the Arctic, both logistical and operational coming as they do from almost a year after Putin's attack on Ukraine.



consequences and provoke reactions the extent of which we cannot yet foresee or ascertain very clearly.

8. What are the future dynamics emerging in this region?

The impact of Russia's war in Ukraine has clearly damaged peaceful coexistence and cooperation in the Arctic region. The member states of the *Arctic 7* group refused to cooperate with the Russian Federation, openly and understandably confronting and marginalizing the Kremlin. In order to overcome this situation, Russia, lacking the means to act alone, found itself – and continues to find itself – needing to look at China as its partner of choice for pursuing her projects in this large area of the *High North*. Although China has generally been cautious, the Russian Federation's eagerness to co-operate with Beijing in this region seems to be generating a possible opportunity for (re)approchement between the two states.

But only partially and not always favorably for Moscow. It should be noted, for example, that Beijing needs to continue being extremely vigilant and cautious about the possibility of deepening any Chinese cooperation projects with Russia. The reason for this is simple to equate. Both the conjuncture and the correlation of forces between these two states are today very different from what they were in the past. In what specifically concerns the High North, these *rapprochements*, however good they may seem to Moscow, could negatively and irreversibly affect China's relations with the other states (the *Arctic 7*) linked to this new regional conjuncture, especially after their reaction to Russia's invasion of Ukraine.

A couple of examples demonstrate this fully, we believe. It is an indisputable fact that since end February 2022 and until the 11th of May 2023, Russia did not allow ships from states in the Wider West to pass through the Northern Route. The Kremlin did, however, authorize the passage of Chinese ships, some of them commercial VLCCs (*Very Large Container Carriers*), along with a growing number of ice-brakers built by Moscow, and other military and/or *dual use* vessels. But, surely out of prudence and possibly to at least some surprise in Moscow, China decided not to do so, at least until 2023, when transit resumed³⁵.

What is more, as we have pointed out, Russia has organized large-scale joint military exercises on the Northern Sea Route, such as the famous *Vostok (East) 2018, 2019 and 2022* joint Russian military exercises; or the 2023 also joint exercise which took place in

³⁵ Malte Humpert (Oct. 9, 2023), "Chinese Container Ship Completes First Round Trip Voyage Across Arctic", *High North News*. As Humpert wrote, "(a) Chinese container ship has completed a three-months round trip voyage from the Baltic Sea to China and back. It is the first step in establishing regular, albeit small-scale, container liner service utilising Russia's Northern Sea Route." The first commercial ship to pass through the Route was a Danish Maersk vessel, in 2018. In this case, as the author notes, not only did the ship do the round tour, with a return trip, but also, "the NewNew Polar Bear's roundtrip voyage is the first of its kind establishing regular service, rather than experimental or ad-hoc container ship voyages such as Maersk's 2018 voyage with the *Venta Maersk* (...) A NewNew Shipping Line entered the Arctic with five container vessels this summer with service along the full route between China and St. Petersburg. The ships are the 2,741 TEU *Xin Xin Hai 1*, the 2,741 TEU *Xin Tian 1* and the 3,534-TEU *NewNew Star*. These three container ships made their way to St Petersburg, thus entering the Baltic via the Danish Sea; the remaining two stayed in Arkhangelsk, near the Kola Peninsula.



the Sea of Japan rather than the Arctic. In of these, there Russia has been keen on demonstrations of new equipment, some sharing of technology took place, and some interoperability between the participating forces has been warranted. Most crucially, despite the delays caused, on the one hand by the pandemic and on the other by Moscow's focus on Ukraine, commercial and military cooperation with China has not completely stalled. However, Russia is now facing a complex, difficult and unparalleled situation in its Arctic, and not only in the Arctic Basin in general.

The Kremlin is currently subject to multiple sanctions imposed by the United States and by the other NATO states, by the European Union ones, and also by a dozen or so others that have joined these. At the same time, all of these countries' support for Ukraine is putting a general increasing amount of pressure on Russia, both internally and externally. At the same time, all official links and contacts between the *Arctic 7* and Russia were swiftly canceled after Russia's invasion of Ukraine. For example, all the Member-States of the "Nordic Council of Ministers" quickly announced the cessation of pretty much any sort of regional co-operation between the Nordic countries and the Russian Federation. Greenland stopped exchanging fishing quotas with Russia; Norway followed the European Council and joined the sanctions of restrictive measures against Russia, as planned, Moscow ceased to chair the Arctic Council *on* the planned date of 11 May 2023³⁶.

What is the larger picture and what will be the final outcome? We cannot rule out the prospect of China wanting to repeat step by step, complementing what it is doing in south-eastern Eurasia – along the former 'soft belly' of the USSR. In other words, in the Central Asian arc – a new *One Road, One Belt*, which will allow it privileged access to the Indian Ocean and the South Atlantic, where it already has a *pied à terre* from Myanmar to Sri Lanka, from Djibouti to Tanzania, South Africa and Angola, to name but a few. It should also be noted that on the other side of the Atlantic Basin, partners ranging from Brazil to a huge number of states on both the east and west coasts of South America, not forgetting the many more states in the Caribbean did so too.

Nevertheless, crucially, this time, China, after a lull, has carefully restarted links with Russia in what concerns the High North. What we could perhaps call a *Northern One Road, One Belt* in order to enter, and to regularly access, via by this route, a prosperous North Atlantic, in which stand face to face the two largest economic blocs on the planet: the European Union (plus the United Kingdom), as well as the northern part of the New World – namely Canada, the United States of America, and an increasingly prosperous Mexico. What will come of this is still unknown, but we can speculate about a prospect that we think is at least credible. As we noted above, the hypothesis of this Northern Route is not new, having been called a *Polar Silk Road* by Beijing in the 2018 *White Paper* published in Beijing, to which we referred above. In the West, the expression "*Polar Silk*

³⁶ Edvardsen, Astri (May 12, 2023), "Russia: "The Risk of Weakening the Arctic Council Should Not Be Underestimated"", *High North News* Only Norway took part in the handover; the other Council states spoke *online*, digitally with the Russians and Norwegians present in the Russian city of Salekhard. The impact was immediate. As Russian Ambassador Nicolay Korshunov steadfastly stated, "*The future of the council and cooperation within this format under Norwegian chairmanship appears uncertain*".



Road" has been used, at least since 2021, in a literal translation from the original Mandarin³⁷.

In an interesting summary, after writing about the cooperation China has with Moscow and the common interests that the two states share, the aforementioned Anu Sharma formulated the following series of considerations, which we make our own:

*"through various economic and commercial commitments, China has taken constructive diplomatic steps to cultivate relations with the Arctic Council that will facilitate Chinese interests. China has entered into joint ventures with Russian gas companies, in addition to building an embassy in Iceland and financing the Kouvola-Xi'an train in Finland. China has also warmed relations with Norway and Greenland through various investments. This inflow of investments will, in turn, help Greenland to lessen its reliance on Denmark. Moreover, all this has helped China to increase its foothold in Arctic nations"*³⁸.

Studies like these have gained a particular academic weight, given the lucidity with which they unveil the correlation of forces between China and Russia. It is worth emphasizing this by quoting the words of a Chinese academic from Peking University, Chuan Chen, in a recent article he published in April 2023 in the journal of *The Arctic Institute*, based in Washington DC. Words that we also make our own. In a well-founded and scathing view, Chuan lucidly stated the following in his article:

"China should ensure that its collaboration with Russia does not harm its relationship with other Arctic states. At present, Russia is excluded and isolated by the seven other Arctic states (Arctic 7) in the Arctic, and Russia's Arctic strategy has also been hindered. To realise its Arctic plans, Russia desperately needs non-Western partners to jointly develop the Arctic. Therefore, Russia sees China as a suitable option. For China, collaboration with Russia is both an opportunity and a challenge, and China needs to handle it carefully to avoid being ostracised by other countries in the Arctic".

In other words, Beijing wants to ensure good ties with the *Arctic 7*, even if it has to do so without Moscow³⁹.

Which is hardly surprising, if we pause and ponder for a moment. China and Russia are, in fact, two very different states. Although China considers itself "a quasi-Arctic state", the truth is that it quite clearly is not. It does not take long to fathom and comprehend that the Russian Federation and China have very divergent interests, commitments,

³⁷ The academic study published by the US military's *Air University* (AU) a couple of years ago, created for the academic support of the relatively new *Air and Space Forces* that the US decided to establish as a fourth branch of its Armed Forces, will do for everyone: Anu Sharma (Oct. 25, 2021), "China's Polar Silk Road: Implications for the Arctic Region", *Journal of Indo-Pacific Affairs*. Sharma is an Indian academic and journalist from Jaipur now working with the United States from New Delhi.

³⁸ *Idem, op. cit.*

³⁹ Chuan Chen (Apr. 4, 2023), "China-Russia Arctic Cooperation in the Context of a Divided Arctic", *The Arctic Institute*, Centre for Circumpolar Security Studies, Washington DC.



visions of the future, stakes and types of alliances, histories, economies and demographics that are quite different from each other, as well as quite dissimilar concepts of sovereignty and political and geopolitical projects. In terms of their generic capacities and their respective cultural broths. It is therefore difficult to glimpse the "eternal friendship and alliance" that they profess to have for each other. It is plain to see, once we combine the two readings quoted and which we share in the broadest sense, it would be difficult to discern more clearly the Middle Kingdom's tacit appetite for articulation/penetration in the North Atlantic via the route provided by Moscow, literally "flanking" a Russia under pressure as a result of the sanctions imposed on it by the West in response to the invasion of Ukraine.

If the economic situation continues as it is, the Kremlin will never have access to the North Atlantic markets that China is trying to penetrate. But if, and only if, the states in North America and Europe (the latter, for the time being, less averse to collaborating with China) consent it. One hypothesis, however, seems at least partly predictable: we are facing a new reality where, as in the case of the southern *One Road, One Belt*, Moscow will only be able to participate as a second fiddle in the northern *Polar Silk Road*.

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NOVAS COLD WARS NO HIGH NORTH? A RÚSSIA E A PROGRESSIVA MILITARIZAÇÃO DO ÁRTICO

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Resumo

A Bacia do Ártico pode ser hoje considerada como um ponto focal emergente na conjuntura política e estratégica patente no quadro global. Se observado numa "projeção azimutal quási-equidistante", esta bacia confina com cinco Estados ribeirinhos, embora inclua muitos outros que com estes cinco interagem. Uma organização internacional formal, o Conselho do Ártico, foi criada para tentar regular os múltiplos interesses que sobre ela convergem. O Direito Internacional não tem sido suficiente para a levar a cabo, entre outras razões porque o Conselho não tem competências no âmbito da segurança e defesa. Por outro lado, o mero facto de se tratar de uma área relativa a uma bacia marítima com muitas das características de "um lago", cria dificuldades inesperadas, e muitas vezes mal conhecidas no que à emergência da sua centralidade diz respeito. Ao contrário de outras regiões do globo, tendemos por isso a ter pouca consciência da sua importância crescente. É de notar que, nesta área regional de geometria variável, crescem ligações de cooperação e competição cada vez mais evidentes. Dos cinco Estados ribeirinhos (Dinamarca-Gronelândia, Canadá, EUA-Alasca, Federação Russa e Noruega), quatro pertencem à Aliança Atlântica, bem como a adesão da Finlândia e da Suécia, à Aliança Atlântica (ambas desde a sua criação membros de pleno direito do Conselho do Ártico), uma entidade sem competências no domínio da segurança. O que poderá desequilibrar o equilíbrio ao deixar a Rússia como o único país dessa região não pertencente à NATO. Na conjuntura atual as tensões agudizam-se por via da convergência de muitos outros Estados que com os anteriores se vão alinhando. Argumentaremos, por nos parecer evidente, que as crescentes tensões e a militarização regional a elas associada têm lugar em momentos e fases ligados a intervalos de uma Rússia que se quer ver como em constante expansão, e a potencial ultrapassagem pela China a norte. A finalidade deste artigo é demonstrar as principais dimensões desta iteração temporal nos processos de tensão aguda que têm pautado a evolução histórica recente no que toca à militarização desta bacia. Embora a sua geometria seja variável, manifestamente a Bacia Alargada do Ártico justifica o seu tratamento como um todo coerente sob o ponto de vista geopolítico.



Palavras-chave

Bacia do Ártico, Federação Russa, Rota Polar da Seda, expansionismo, militarização, tensões.

Abstract

We consider the Arctic Basin as an emerging focal point patent in the political and strategic conjuncture in the global framework. If observed in a "quasi-equidistant azimuthal projection", this basin borders five riparian States, although it includes many others that interact with these five. A formal international organization, the Arctic Council, was created to try to regulate the multiple interests that converge on it. International law has not been sufficient to carry it out, if only because security matters are not part of its purview. On the other hand, the mere fact that it is an area related to a maritime basin, which bears many of the traits of "a lake", raises unexpected difficulties, and is often poorly understood, in terms of the emergence of its centrality. Unlike other "area studies" that we know better, we often tend to have little awareness of its growing importance. In this study, I try to define relational moments in the growing tensions that make this region a crucial region. It should be noted that, in this regional area, cooperation and competition links are growing more and more evident. Of the five riparian states (Denmark-Greenland, Canada, USA-Alaska, Russian Federation, and Norway), four belong to the Atlantic Alliance, as well as the accession of Finland and Sweden (both since their inception full members of an Arctic Council which has no security competences) into the Atlantic Alliance in the High North, which shall tilt the balance by leaving Russia as the sole non-NATO in that region. In the current situation, tensions are becoming more acute due to the convergence of many other states that are aligning with the previous ones. I will argue, as it seems obvious to us, the regional rising tensions and the militarization associated with them, take place in moments and phases linked to intervals of a Russia that regards itself as ever-expanding, and its potential northern surpassing by China. The purpose of this work is to demonstrate that most facets of this temporal iteration in the adversarial tension processes have guided the recent historical evolution regarding the militarization of this basin. Albeit its' variable geometry, clearly, the Wider Arctic Basin justifies its treatment in terms of an Area subject to a geopolitical analysis.

Keywords

Arctic Basin, Russian Federation, Polar Silk Road, expansionism, militarization, tensions.

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NOVAS COLD WARS NO HIGH NORTH? A RÚSSIA E A PROGRESSIVA MILITARIZAÇÃO DO ÁRTICO

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Introdução

A relevância e atualidade deste artigo estão essencialmente ancoradas na importância crescente que a Federação Russa tem vindo a atribuir a esta região do globo, em termos políticos, económicos, estratégicos, militares e geopolíticos. O que é suscetível de fomentar conflitos de interesses com todos os outros Estados ribeirinhos do Ártico, dado que todos eles são Estados-membros da NATO. Por outro lado, a motivação que nos levou a tratar esta temática, relaciona-se intrinsecamente com a importância crescente que vem sendo atribuída a toda esta bacia. Não apenas pelas riquezas que o seu subsolo marítimo encerra, dos hidrocarbonetos a muitas outras, mas também pelo degelo acentuado da calota polar que abre uma nova rota comercial muitíssimo mais curta (a chamada Rota Marítima do Norte, que, apesar de sazonal quase parte ao meio o a distância a percorrer, com todas as vantagens daí advenientes) entre o Extremo Oriente e todo o Ocidente consumidor.

Enquadramos as questões suscitadas no presente artigo na crescente acessibilidade que as mudanças climáticas em curso tornam possível e significam – colocando a nossa atenção, em especial, na abertura sazonal da Rota Marítima do Norte. Esta questão central está associada a uma constatação político-geográfica: a Bacia do Ártico coloca frente a frente e em grande proximidade face à Federação Russa, um grupo não-despiciendo de Estados-membros da Aliança Atlântica, o que torna a região num palco, ou talvez melhor arena, potencial de conflitos de vários tipos. Entre eles, como iremos sublinhar, se não um conflito, pelo menos potenciais tensões entre a China e a Rússia, bem como entre a primeira e os Estados do Atlântico Norte, o chamado Ocidente.

Procurámos produzir este trabalho à luz dos seguintes objetivos: (i) elencar os vários momentos da militarização cada vez mais expressiva que a Rússia tem vindo a levar a cabo, (sobretudo nos períodos em que não se encontrou envolvida em operações militares no seu *near abroad*) e que se traduzem sobretudo na condução de exercícios militares conjuntos a crescer em espiral e nas consequentes respostas a estes exercícios postas em prática pelos muitos outros Estados ligados ao Ártico, antes e depois do



anúncio, em 2022, de uma eventual adesão da Finlândia e da Suécia à Aliança Atlântica; (ii) colocar em evidência se não especificamente a evolução das reivindicações territoriais que os Estados ribeirinhos têm institucionalmente apresentado em organizações como o Conselho do Ártico e nas Nações Unidas, no âmbito dos Acordos de Montego Bay, que por si mesmas caberiam num outro artigo, mas pelo menos as tensões subjacentes político-estratégicas associadas a este quadro jurídico; (iii) destacar as crescentes dificuldades e limites operacionais, que se fazem sentir tanto no Conselho do Ártico como na ONU, sobretudo aquelas que vieram a lume a partir de 2022 e em consequência da Invasão da Ucrânia pela Federação Russa e do alargamento da NATO a Norte; (iv) ainda e por último, analisar as questões mais complexas e sub-reptícias relativas às tomadas de posição de uma China cujo interesse tem sido manifesto e cauteloso – empenhada, como está, num processo que consideramos poder redundar numa tentativa já expressa por Pequim da criação de “uma Rota e Faixa do Norte”, o que lhe permitirá, caso tenha lugar, um acesso mais direto ao Atlântico Norte – com as previsíveis resistências que nisso o Império do Meio se poderá ver na contingência de ter de encarar. Todos estes pontos suscitam questões mais específicas que aqui começamos a equacionar.

Para tanto, afloramos, sempre em contexto, os processos acelerados de militarização desta cada vez mais central área de estudo, sem descurar a importância dos hidrocarbonetos e de outros recursos naturais existentes na região muitas vezes apelidada de *High North*. Articulando-os com as políticas dos diferentes Estados neles interessados e, de olhos postos nas tentativas de criação de Organizações Internacionais, sobretudo o Conselho do Ártico e a NATO. Iremos fazê-lo nalgum pormenor quanto aos seus enquadramentos maiores, designadamente equacionando as limitações deste mesmo Conselho e dessa Aliança Atlântica – visto o primeiro, o Conselho, programaticamente não contemplar as dimensões securitárias que têm vindo a emergir nesta área, e o segundo, a NATO, as ter como centrais, o que acontece em ambos os casos. Assim se desdobra a questão central que aqui colocamos: o equacionar e enunciar até que ponto as iniciativas crescentes da Federação Russa, apoiada pela China, terão continuidade aos níveis político, económico, estratégico, militar e geopolítico e produzirão, ou não, uma posição hegemónica russa nesta região do globo no curto ou médio prazo.

Do ponto de vista teórico enquadrámos a nossa perspectiva numa moldura que nas Relações Internacionais é normalmente identificada como liberal institucionalista. Na metodologia aqui implicitamente utilizada, este enquadramento teórico é expresso na importância que aqui atribuímos às organizações internacionais, tanto formais como informais, bem como ao Direito Internacional e à chamada *rule of law*. O nosso posicionamento é assim semelhante ao de todos os Estados da Bacia Ártica, exceto o caso da Rússia, que se tem vindo a afirmar como uma potência revisionista, num quando de um ‘realismo ofensivo’ expansionista, deveras *sui generis*. Há que ressaltar, no entanto, que a nossa perspetivação será sobretudo política, político-diplomática, e geopolítica – sem deixar de aflorar, aqui e ali, outras dimensões que poderão ser melhor dissecadas noutros artigos que não este, dada a economia do texto que por ora apresentamos.



1. Ente a ambição e a realidade

Ao abordar o Ártico e como delimitação, colocamos o ponto fulcral na bacia marítima em si mesma, bem como as suas extensões geográficas, os seus acessos e entraves, e as vizinhanças tanto próximas como distantes. Dada a nossa finalidade neste trabalho, importa, porém, começar por um dos quadros que consideramos neste artigo como maior – o institucional, neste caso o chamado Conselho do Ártico, a organização internacional mais importante que se tem debruçado sobre esta região polar. E a NATO, que cada vez mais importante tem sido desde há quase dois anos.

Numa visão de conjunto pode-se afirmar que a Presidência da Federação Russa do Conselho do Ártico (2020-2023) teve, desde o seu início, ambições desmesuradas¹. Como poderemos verificar em pormenor ao longo deste trabalho, as pretensões da Rússia na região do Ártico alertaram cada vez mais o Ocidente, sobretudo porque as mudanças climáticas abriram e continuam a abrir caminho a oportunidades antes inviáveis na região, quer em termos de navegação, quer de exploração das suas castas riquezas. Tal como seria de esperar dadas as pretensões expansionistas que ao longo da sua História tem manifestado, Moscovo olha com a necessária cautela o que percebe (ou com intencionalidade pragmática alega ler) como um desafio dos Estados Unidos e da NATO às suas naturais ambições históricas quanto a esta região². A narrativa do governo da Federação Russa acerca da “invasão ocidental” tornou-se, nos últimos anos, bastante mais sonora e assertiva devido à sua postura militar e aos seus projetos económicos e infraestruturais, sobretudo dado o papel assumido pela NATO (e, numa escala muito

¹ Uma breve nota prévia. O nosso quadro genérico sublinha e desmonta, passo a passo, o proposto por Moscovo, de um modo idealizado e numa suposta presciência, o levamento de prioridades russas no texto intitulado *Russian Chairmanship 2021-2023*, publicado pelo *The Arctic Institute*. Para um maior realismo ver sobre este mesmo tema, o artigo de Nurman Aliyev (2021), “Russia’s Arctic Council Chairmanship in 2021-2023”, publicado na Alemanha, pela *Friedrich-Ebert Stiftung*, em março desse ano. Vale também a pena ver o excelente artigo de Chen Chuan (2023), “China-Russia Arctic Cooperation in the Context of a Divided Arctic”, *The Arctic Institute*, no seu *Center for Circumpolar Security Studies*, 4 de abril. Infelizmente, mas como seria de esperar, oportunismos “pragmáticos emergem também em muitas das partes alinhadas com ela e, porventura mais interessante, mesmo de alguns dos “Aliados” do chamado Ocidente Alargado que se lhe opõe devem, aliás, também ser tidas em devida conta. O que não será surpresa, visto ser de regra em todos os conflitos. Invertendo uma expressão Clausewitziana, consideramos que “a política também é uma extensão da guerra por outros meios”.

² O interesse russo no Ártico radica em estirpes historicamente bem conhecidas que podemos referenciar desde o século XVI com a conquista da Sibéria, impelida pela procura ininterrupta por mais recursos e rotas comerciais seguras. A postura russa atual no Ártico deve ser vista como uma componente do seu confronto mais alargado com o Ocidente, onde a Europa pode ser considerada como um palco privilegiado. Os diferendos do Kremlin no Ártico e as suas narrativas assustadoras são alavancadas por múltiplos fatores: os preparativos para uma pouco provável, mas potencialmente catastrófica eventualidade de uma nova guerra generalizada no Continente Europeu, a necessidade de assegurar as suas capacidades nucleares de retaliação (a maior parte das quais se encontra localizada em torno da Península de Kola, em Severomorsk, os HQ da Esquadra do Norte, logo abaixo de Murmansk, perto da fronteira norte da Noruega, em Kirkenes, Finnmark), e a busca incessante de mais recursos para financiar as vultuosas despesas provocadas pela manutenção e desenvolvimento de uma capacidade bélica que faça, pelo menos, lembrar o poderio militar da antiga URSS. A clara postura de confronto e constante competição com o Ocidente não parece significar quaisquer sinais de estar a diminuir, muito antes pelo contrário. Evidentemente que as pretensões de grandes potências e os interesses comerciais das poderosas elites burocráticas terão de ser tidas em conta. Quanto a este último ponto, não podemos deixar de sublinhar a não-linearidade das posturas assumidas por todas as partes envolvidas; essas pretensões e interesses não se cingem à Rússia, evidentemente.



menor a União Europeia) desde a invasão da Ucrânia pela Federação Russa, a partir de 24 de Fevereiro de 2022³.

A proposta de entrada, em 2023, da Finlândia na Aliança Atlântica e a eventual adesão da Suécia a esta última foram sentidas pelo Kremlin como uma ameaça acrescida aos seus propósitos. Como seria de esperar, tanto o Ministério dos Negócios Estrangeiros russo como a porta-voz do Kremlin, reagiram, logo a 30 de Novembro de 2022:

“Russia’s foreign ministry said on Wednesday that Sweden and Finland joining NATO could accelerate the militarization of the Arctic region. Responding to a question about how the two countries joining the alliance would affect the Arctic Council — an intergovernmental group which promotes cooperation in the Arctic — spokeswoman Maria Zakharova noted that Russia would be the only non-NATO member of the group.”

E, asseverou que *“(i)t cannot be ignored that once these countries join the alliance, all member states of the Arctic Council apart from Russia will be members of the North Atlantic bloc,”* declarou. E, acrescentou que *“(t)his could lead to increased militarization of the Arctic region but in turn, it would mean a significant increase in tensions over high latitude security risks”⁴*; um ponto que adiante iremos abordar nalgum pormenor.

Importante será certamente saber se Moscovo logrará bons resultados na consecução das suas pretensões. O poderio naval, nuclear e mesmo convencional que Moscovo tem no noroeste da Rússia encontra-se progressivamente mais suscetível aos vetores de precisão de longo alcance da NATO. Não é ainda claro se o desenvolvimento da Rota do Mar do Norte (NSR) ao longo da costa norte da Rússia se traduzirá numa rota crucial de navegação entre a Europa e a Ásia e se os projetos comerciais que lhe estão intrinsecamente ligados são, de facto, suportáveis perante os elevadíssimos custos e a vasta complexidade logística relacionada com a respetiva operação condicionada por imperativos climatéricos extremos. O que suscita muitas dificuldades, sem sombra de dúvida, dados os limites impostos por infraestruturas limitadas, um aumento da concorrência comercial provinda de outros países, uma procura incerta por hidrocarbonetos à medida que o mundo muda para tecnologias verdes e a possibilidade de sanções ocidentais adicionais⁵. Tudo pontos a que iremos regressar, pois é a estas interrogações que o presente estudo pretende, de alguma forma, dar algumas respostas

³ Para maior pormenor histórico é útil a leitura e análise do extenso e cauteloso relatório de Eugene Rumer, *et al.* (2021), *Russia in Arctic. Implications for the United States and NATO*, publicado pelo *The Carnegie Endowment for International Peace*.

⁴ Reuters, (Nov. 30, 2022), “Russia says Sweden and Finland joining NATO could accelerate militarization of Arctic region”, *Arctic Today. Business Journal*. Para uma postura prospetiva que manifesta uma menor preocupação conjuntural, ver Bekkevold, Jo Inge e Paul Siguld Hilde (Jul. 28, 2023), “Europe’s Northern Flank Is More Stable Than You Think”, *Foreign Policy*, que abordaremos abaixo.

⁵ Isto sem entrar aqui, sequer, na possibilidade da reversão do processo da diminuição da calota polar caso o processo de descarbonização do planeta entre num processo acentuadamente acelerado. Veremos onde nos leva, caso os COPs avancem na produção em massa de hidrogénio verde, na produção de energia elétrica a partir das tecnologias fotovoltaicas e, porventura, no desenvolvimento de centrais nucleares cada vez mais seguras.



– que cremos serem plausíveis e apoiam muitas das decisões tomadas, em vários *fora*, a nível internacional.

2. O Conselho do Ártico e os prospetos de um robustecimento gradual dos “Povos do Ártico”

Por razões formais, começamos pelo Conselho do Ártico, colocando a tónica na última Presidência deste pela Federação Russa, que durou de 11 maio de 2020 a 11 de maio de 2023. A Presidência Russa comprometeu-se a prosseguir o estabelecimento do Conselho do Ártico como o principal instrumento para a cooperação internacional nesta região, aperfeiçoando o seu esforço. As intenções então declaradas eram as de promover a eficácia dos seus Grupos de Trabalho, áreas de *expertise* bem como o Secretariado e traçando mecanismos destinados ao financiamento das atividades do Conselho, fomentando a promoção de deliberações e recomendações pela via de estímulos ao diálogo e a uma maior interação com os cada vez mais numerosos Estados-Observadores. Tudo isto, por forma a proporcionar um envolvimento adequado nas atividades genéricas do Conselho. É de sublinhar que este Conselho não tem quaisquer competências na área da segurança e defesa.

A Noruega, ao assumir a presidência do Conselho do Ártico em 12 de maio de 2023 propôs-se a intensificar a colaboração do Conselho do Ártico em geral com o seu Conselho Económico, com o Fórum da Guarda Costeira do Ártico e a respetiva Universidade. Entre as prioridades da presidência russa destacava-se, *ab initio*, a promoção da cooperação científica internacional, em particular no que dizia respeito à possibilidade de conduzir uma expedição científica do Conselho que abarcasse estudos em profundidade do respetivo oceano. O que estava em causa era “a sustentabilidade”, expressa em termos genéricos por um Kremlin consciente do facto de, como sublinhámos, o Conselho do Ártico não ter quaisquer competências ao nível securitário⁶.

Nada disto em boa verdade teve, porém, lugar dados os constrangimentos impostos de permeio com a invasão russa da Ucrânia a 24 de fevereiro de 2022. O progresso sustentável, no fundo, visava consubstanciar o “desenvolvimento da região do Ártico” – um objetivo naturalmente em parte gizado pela qualidade do seu capital humano. As intenções pareciam boas e sensatas. O enfoque da Presidência Russa, que se estendeu de 2020 a 2023, residiu (ou pretendeu fazê-lo) num aumento da sustentabilidade, medidas de ajuste às alterações climáticas, aperfeiçoamento do bem-estar, saúde, educação, qualidade de vida dos habitantes do Ártico, resiliência e viabilidade das suas

⁶ Tal como é o caso no estipulado no Tratado da Antártida, e ao contrário do que é o caso do Mar Negro. Com efeito, neste último, a organização internacional que o enquadra é o BSEC (*Black Sea Economic Cooperation*), que inclui, como sua parcela uma entidade subsidiária intitulada de *International Centre for Black Sea Security* (ICBSS), sedeadada em Atenas, por forma a (i) assegurar alguma minimização de centralidade, colocando a sede num Estado ligado ao Mar negro, mas não dele ribeirinho, e (ii) em simultâneo, garantindo-lhe alguma isenção. A fórmula não resultou: depois da invasão russa da Geórgia e a partição desta, o ICBSS reduzindo-se a uma entidade meramente preocupada com ecologia, economia regional, e a criação de estradas e caminhos-de-ferro que o circundassem. A este propósito julga-se importante a análise de um relatório proposto por Michael Paul and Göran Swistek (2022), “Russia in the Arctic. Development Plans, Military Potential, and Conflict Prevention”, *SWP, Research Paper 3*, Berlim.



comunidades, incluindo a dos “povos indígenas”⁷, bem como garantir a sustentabilidade socio ambiental e nela um maior desenvolvimento económico da região.

A promoção de intercâmbios científicos, educacionais e culturais, de turismo e a relativa aos contactos entre povos e regiões também estariam no topo da sua agenda. No documento aprovado, uma atenção especial disse-se, colocava especial cuidado “na preservação do património linguístico e cultural dos povos indígenas do Ártico”, bem como na “cooperação juvenil além-fronteiras”⁸. Iremos ver se isto dura, dada a imprevisibilidade da guerra desencadeada pela Rússia de Putin, e tendo em linha de conta o esmorecimento destes planos de cooperação daí resultantes.

Tudo isto se viu alterado com a invasão intempestiva da Ucrânia pela Rússia.

3. A Rússia e a invasão da Ucrânia: consequências para os Estados Unidos da América, para a NATO – e, menos centralmente, para a UE

O conceito russo no tocante aos seus requisitos de segurança e, por outro lado, os compromissos de defesa mútua e dissuasão da NATO resultaram num impasse e até em alguma crispação bem visíveis no flanco norte da Aliança – dado que as suas forças operam numa proximidade muitas vezes demasiado visível. É de notar que o Ártico, quando visto numa projeção azimutal, tem muitas das características de “um lago”. Trata-se, com efeito, de uma área circular, ladeada por cinco Estados e com apenas duas saídas.

A imagem de “um lago” para esta bacia parece-nos útil para melhor compreendermos as dinâmicas políticas e militares que aqui estão em causa. Uma delas confina com o Atlântico Norte e configura um estreito, que forma um *chokepoint*, um estrangulamento que tem sido apelidado de GIUK (um acrónimo para *Groenland, Iceland e United Kingdom*). A outra é estreitíssima, com menos de cem quilómetros que liga o Mar Ártico ao norte do Pacífico: o Estreito de Bering. Os Estados litorais estão, assim, muito mais próximos uns dos outros do que possa parecer – estão, por assim dizer, *accross a round and not very large “pond”*. Uma proximidade entre potências de peso que tem vindo a levar a tensões crescentes.

Por mais tentador que seja ver o Ártico através do prisma da competição entre Grandes Potências – o que sem dúvida se encaixaria na busca da Rússia por reconhecimento como uma grande potência – pouco sugere que na sua postura militar exista algo de substancialmente distinto. Em vez disso, o Kremlin anuncia o regresso a uma nova postura que nos conduz claramente para os tempos de uma Guerra Fria focada em

⁷ Os povos indígenas do Ártico incluem, por exemplo, os Saami que vivem em áreas circumpolares da Finlândia, Suécia, Noruega e nas do Noroeste da Federação Russa. Acrescem a estes os Nenets, Khanty, Evenk e Chukchi também na Rússia, e os Aleut, Yupik e Inuit (Iñupiat) no Alasca, os Inuit (Inuvialuit) no Canadá e os Inuit (Kalaallit) na Groenlândia. Os Inuit eram os povos que, durante séculos foram apelidados de Esquimós. Só na Rússia, são 4 milhões de pessoas que vivem neste rebordo nortenho da Federação, um milhão dos quais populações indígenas.

⁸ Com a invasão da Ucrânia pela Rússia e as sanções que tornaram impossível muitas das formas de cooperação, nada ou pouco disto tem sido cumprido. A cooperação existente tem-se limitado à colaboração centrada em esforços de busca e salvamento e nas atividades pesqueiras na Bacia. Veremos se a Noruega, agora na Direção do Conselho do Ártico, terá mais sucesso nestes domínios.



antigas tarefas de preservar os santuários da sua frota de submarinos de mísseis balísticos e agora de cruzeiro também, bem como as necessárias operações militares a ter lugar no Atlântico Norte – numa postura preventiva, a contabilizar a tragédia da eventual eclosão de uma guerra generalizada na Europa, de algum modo repetindo as precauções que teve durante a Guerra Fria. Mas não parece provável: a Rússia está a retomar esse tipo de missões com muito menos recursos e a debater-se com uma panóplia muito mais complexa e sofisticada de capacidades rivais do que durante o tempo da União Soviética.

Em boa verdade, as ações contemporâneas da Rússia no Ártico, designadamente a sua postura retórica agressiva aliada às suas reivindicações territoriais de longa data, contribuíram muito pouco para mudar a face da sua posição diplomática no que respeita aos outros Estados do Ártico, apenas os alienando e antagonizando de forma crescente e acentuada. O seu único parceiro de eleição nas suas pesquisas e demandas pelo Ártico tem sido cada vez mais a China que, com a anuência de Moscovo, faz questão em se afirmar como “um Estado próximo do Ártico” – uma alegação e um estatuto liminarmente recusados pelos Estados Unidos da América e naturalmente encarados com estranheza e receio pelos outros Estados ribeirinhos deste oceano glacial⁹.

Num mundo ideal, em matéria de diplomacia – muito embora a Rússia possa não se mostrar muito recetiva – os Estados Unidos da América, a União Europeia e a NATO deveriam idealmente suscitar e incentivar tópicos de cooperação onde exista clara convergência de interesses. Bem como propor a implementação de regras de trânsito similares às que existiram durante a Guerra Fria no intuito de reduzir as tensões – evitando ou gerindo crises que possam surgir ou, no mínimo tentando mitigar potenciais riscos de conflito espoletados por acidentes fortuitos ou mesmo simples erros de cálculo. Assim, no sentido de promover a tão necessária dissuasão, os EUA e a NATO ganhariam, empenhando-se seriamente em aperfeiçoar os respetivos mecanismos de defesa no intuito de demover a Rússia de conflitar com as suas aeronaves, navios militares e comerciais no interior e à volta do Ártico e para assegurar que a Aliança continue a ser capaz de manter a capacidade de levar a bom termo os seus planos militares de reforço para os flancos norte e oriental. O que, em boa verdade, desde a invasão da Ucrânia não tem infelizmente acontecido com a desejada eficácia.

Seria bom, porém, que tal não fosse o caso. Ao pretender não entregar a Bacia Ártica à Rússia, a Aliança terá de permanecer alinhada com os objetivos óbvios de continuar a gerir a competição com a Federação Russa através de uma combinação criteriosa e estratégica de atuações. O que implicará que sejam produzidos uma série de ajustes que exibam um cometimento resoluto, por um lado e alguma moderação por outro. Assim, melhorando e demonstrando as suas reais capacidades de defesa e dissuasão – sem, no entanto, correr riscos desnecessários face a algumas ações de mero desafio retórico por parte de Moscovo. Para tanto, é indispensável um alto nível de coesão, interoperabilidade e capacidade de um diálogo por ora ténue, tentando conseguir um equilíbrio estável entre a determinação de se mostrar disponível para o emprego da força; e, em paralelo, uma disposição constante, para que se consiga negociar nos termos precisos e justos

⁹ Um ponto sublinhado por Eugene Rumer, Richard Sokolski, Paul Stronski (2021), *ibidem*.



promovendo a coexistência pacífica de todos os *stakeholders*. Sem ambiguidades e sem concessões, é certo, o que exigirá que se transmita claramente à Rússia onde estão os interesses, objetivos e linhas vermelhas dos Aliados – tanto os da União Europeia quanto, sobretudo, os da NATO.

Também a Federação Russa terá de o fazer, o que não nos parece ser líquido. Há que ter sempre presente que tanto os Aliados como a Rússia já estiveram antes nestas inusitadas situações de uma aparente quase-rutura, e sujeitos a fortes tensões¹⁰.

4. Ângulos político-económicos de Moscovo no desenvolvimento da parcela do Ártico que alega caber-lhe

Pese embora os planos do Governo e das grandes corporações da Rússia no intuito de chamar investidores estrangeiros de forma a facilitar a concretização dos seus desígnios quanto à exploração económica do Ártico, as perspetivas de sucesso estão longe de se poderem vir a confirmar. A conjuntura presente não o favorece, desde pelo menos 2007. Petróleo e gás, desde sempre o foco das atenções nesses planos, são descobertos em grandes quantidades noutras regiões mais acessíveis e menos hostis em matéria de condições climáticas¹¹. O historial da Rússia no cumprir programas ambiciosos, mesmo aqueles que são pessoalmente patrocinados por Vladimir Putin, está muito longe de ser uma boa aposta. Grandes corporações com ligações estreitas ao Executivo russo, como a Rosatom, a Gazprom ou a Rosneft, podem ser substancialmente subsidiadas pelo Kremlin. No entanto, muitos projetos que precisam de alavancagem política direta continuam sem financiamento disponível e, por isso, aquilo que foi projetado continua por se materializar.

Embora, como iremos ver, estando como está em mudança a situação conjuntural, a própria ambição da Rússia de vir a expandir as suas exportações de gás natural liquefeito (GNL) para os mercados asiáticos – mesmo no que diz respeito a uma China que nos últimos anos está mais próxima de Moscovo – enfrentam um elevado grau de incerteza, um ponto a que iremos adiante expandir neste artigo. Com efeito, a combinação do alto custo do GNL, os *timings* conjunturais e as condições desafiadoras da Rota do Norte, o risco de mais sanções dos EUA e a posição dura e pouco flexível dos negociadores estatais chineses constituem desafios significativos que precisam de ser superados para

¹⁰ Para ter uma ideia de escala das tensões existentes antes da invasão da Ucrânia e das anunciadas acessões da Finlândia e da Suécia à NATO, ver, por todos, o muitíssimo citado artigo/comentário de um Professor da Universidade de Calgary, Rob Huebert (2019), "A new Cold War in the Arctic?! The old one never ended!", *Arctic Year Book 2019*. Adiante, abordaremos aqui algumas das alterações potenciais que têm tido lugar depois destas alterações de fundo, sobretudo no que à Aliança diz respeito.

¹¹ De notar que o degelo no *High North*, tal como na Antártida, ultrapassa em muito, em quantidade e rapidez, a do resto do planeta. É, ainda e também de sublinhar que 1/3 das novas jazidas previstas de hidrocarbonetos estarão localizados no Ártico. Os dados foram estimados, em 2008, pelo US Geological Survey (2008), *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle*, USG Department of the Interior, US Geological Survey. Segundo o levantamento prospetivo do USGS, *the sum of the mean estimates for each province indicates that 90 billion barrels of oil, 1,669 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids may remain to be found in the Arctic, of which approximately 84 percent is expected to occur in offshore areas*.



transformar alguma da ambição russa numa realidade concreta, como iremos pôr em evidência.

A maioria das razões para tal são fáceis de entender. O tamanho, a escala, o vazio e as condições das regiões árticas da Rússia, representam um desafio de dimensões gigantescas para o objetivo de desenvolver toda uma infraestrutura de apoio que possa ser o motor de uma verdadeira e florescente atividade político-económica nestas inóspitas paragens. Até aqui, a Rota Marítima do Norte enfrenta um futuro incerto quanto ao papel que pode vir a usufruir – o de se transmutar numa importante ligação de transporte entre a Europa e a Ásia, idealizada pelos apaixonados do Ártico russo. Mas, os prémios de seguros das operações marítimas em águas polares são altíssimos, assim como todo o apoio para quebrar o gelo¹². Todavia, a velocidade inesperada do degelo sazonal da calota polar tem vindo a alterar as circunstâncias. É de sublinhar que a utilização do Rota Marítima do Norte (RMN ou NMR) apresenta bastantes vantagens de um ponto de vista sobretudo comercial, ao reduzir drasticamente as distâncias a percorrer no verão. O percurso tradicional, pelo Canal do Suez, do porto de Yokohama, no Japão, até a Roterdão, na Holanda é de 11.200 milhas náuticas¹³. Uma diferença que faz toda a diferença.

Até à invasão da Ucrânia, a Federação Russa pôs de lado a possibilidade de levantar uma segunda Brigada especialmente preparada para operações no Ártico e para aperfeiçoar a sua defesa costeira – ao invés do antes declarado. Concomitantemente, a Frota do Norte defronta outras limitações significativas, sobretudo no que diz respeito ao número e à operacionalidade dos quebra-gelos e outros navios com capacidade para navegar em águas aonde abundam blocos de gelo significativos, à capacidade de transporte de tropas, ao reabastecimento aéreo e à operacionalidade de aeronaves de patrulha. A nova Frota russa do Norte, embora cada vez mais reforçada, para ser capaz de conduzir a ampla gama de missões e as operações imprescindíveis de que precisa, necessita claramente de vultuosos investimentos para corrigir as atuais limitações à sua operacionalidade plena. O que não será decerto fácil de ser realizado, tendo em vista que a Rússia já está economicamente sobrecarregada, parece-nos adequado constatar que a capacidade de Moscovo para lograr dominar e assumir o controlo de um conflito aberto com a NATO, no Ártico, a sua capacidade de o continuar a conseguir fazer é uma questão essencial.

Para melhor calibrar os ingredientes causados por estes e outros constrangimentos, convém fornecer os dados empíricos de que dispomos no que a estas tensões diz

¹² Um exemplo bastará: em 2020, 331 navios viajaram ao longo de uma parte da Rota, mas somente 62 completaram toda a viagem, transportando apenas 26 milhões de toneladas – um número muito abaixo da meta, declarada por Moscovo, de promover o transporte de 80 milhões de toneladas até 2024. Eugene Rumer, et al. (2021), *op cit.*. Para uma visão de pormenor quanto a este tipo de questões, é útil a leitura do trabalho apresentado no Curso de Promoção a Oficial General pelo então Coronel Eduardo Mendes Ferrão (2013), intitulado *A abertura da rota do Ártico (Northern Passage). Implicações Políticas, Diplomáticas e Comerciais*. Um trabalho depressa publicado como livro pelo IESM.

¹³ Enquanto que, pela RMN, o trajeto a percorrer encurta para quase metade, por exigir apenas um percurso de 6.500 milhas náuticas. Um encurtamento bastante maior do que o oferecido pelo Canal do Panamá, que apenas reduz o percurso de Roterdão a Seattle, nos Estados Unidos, de 9.000 a 7.000 milhas náuticas caso se percorra a Rota do Noroeste, também agora transitável numa parte do ano.



respeito, visto serem estes os elementos que lhe dão corpo e, por isso, nos permitem compreendê-los melhor.

5. As primeiras fases da militarização do Ártico pela Federação Russa

Relativamente a este tópico da militarização russa do Ártico, cingimo-nos aqui apenas a uma série de passos indicativos das fases iniciais do período Putin, diferentes umas das outras, complexas e em muitos sentidos, ainda em gestação. Fá-lo-emos seguindo a ordem cronológica do que tem ocorrido.

Num primeiro momento, decerto precedido por considerações de fundo das novas Doutrinas abraçadas por Vladimir Putin depois das duas Guerras da Chechénia, a 2 de agosto de 2007, numa operação apelidada de *Arktika 2007*, dois minissubmarinos depositaram, enterrando a haste de uma bandeira russa de titânio no sedimento da Plataforma Lomonosov que Moscovo alegou ser uma extensão da sua plataforma continental e, por isso, território marítimo seu. Em cada um dos dois batiscafos estava um membro da Duma, o Parlamento da Federação Russa. A imagem, disponibilizada pelo Kremlin, correu mundo e levou a críticas generalizadas. Um segundo momento estava para vir. A reação do Canadá veio depressa, com a realização de uma *Operation Nanook*, que teve lugar no estado de Nunavut, o maior estado canadiano, perto da Gronelândia, e envolveu forças militares, aéreas e navais – incluindo a Guarda Costeira e parte da sua Marinha de Guerra, incluindo um submarino – e terrestres (neste último caso envolvendo forças de vários tipos, do Exército regular à sua *National Guard*, a tropas reservistas e aos *Canadian Rangers*).

A partir de 2008, o mesmo Canadá tem anualmente repetido estes exercícios, desde então com a participação de outros Estados, designadamente os EUA e a Gronelândia (Dinamarca).

A 8 de agosto do ano seguinte, nesse ano de 2008, a Federação Russa invadiu a Geórgia “em resposta a ataques georgianos a *peacekeepers* russos colocados na Ossétia do Sul”¹⁴, causando a sua morte. Seguiu-se uma guerra que durou cinco dias, que levou à ocupação e à “declaração unilateral de independência” de duas regiões da Geórgia, a Ossétia do Norte e a Abecásia. Muitos foram os analistas, tanto ocidentais como russos, que viram na atuação de Putin uma resposta ao Conselho do Atlântico Norte, reunido numa Cimeira da NATO, que teve lugar em Bucareste, na Roménia, de 2 a 4 de abril desse mesmo ano – tendo, no dia 3 de abril, sido afirmado que, em data não especificada, tanto a Geórgia como a Ucrânia entrariam na Aliança Atlântica ao abrigo de uma *Open-Door Policy* então aprovada pelos Chefes de Estado e de Governo da Aliança; em paralelo, foi endereçado um convite à Albânia e à Croácia para iniciar as *démarches* necessárias para uma “rápida” adesão a esta Organização¹⁵. As duas últimas iriam juntar-se, pela via do MAP (*Membership Action Plan*), aos então 26 Estados-membros desta organização defensiva de segurança. Os dados estavam lançados. Como foi antes referido, os exercícios liderados pelo Canadá no Ártico tornaram-se maiores e multinacionais,

¹⁴ Para uma descrição bastante pormenorizada, servirá por todos o livro de Armando Marques Guedes (2009), *A Guerra dos Cinco Dias. A invasão da Geórgia pela Federação Russa*, Prefácio, IESM.

¹⁵ NATO/OTAN (2008), *NATO invites Albania and Croatia to accession talks*, Washington.



incluindo os Estados Unidos da América e a Dinamarca. Logo depois, a partir da Primavera de 2009, uma vez a situação estabilizada na Geórgia face a uma incapacidade notória dos Estados-membros da NATO e dos da União Europeia em reagir de forma eficaz, a Federação Russa começou a enviar tropas para o Ártico, reabilitando antigas bases soviéticas, criando novas bases terrestres, marítimas e aéreas na região e começando a construir navios e quebra-gelos adequados às condições climáticas locais. Um processo de militarização acelerada que se manteve até 2013¹⁶.

Depois de um breve hiato em 2014, ocupada como estava com a invasão e ocupação do Donbass e da Crimeia, o processo foi reiniciado em força a partir de 2015. Destacam-se, aqui, os Exercícios *Vostok 2018* e *Vostok 2019* e *Vostok 2022*, pela escala inusitada que tiveram – tanto em termos quantitativos, como na cooptação da China e da Mongólia, que neles participaram, bem como, de seguida vários outros. Ainda digno de referência, nesta região siberiana, em 2019 o grande exercício “Center 2019”, em russo “Tzenter”, que envolveu 128,000 militares de sete países. Foi conduzido sob os auspícios da Rússia de 16 a 21 de setembro de 2019 e contou, ainda, com a presença de 600 aeronaves e cerca de 450 sistemas de artilharia de campanha¹⁷.

Um quarto processo de militarização do *High North* teve lugar, com uma série de picos que se iria prolongar até 2020-2021. Novos envios de tropas, novas bases na Bacia Ártica e exercícios militares conjuntos de vários tipos na região. Vale a pena aqui destacar o exercício conjunto de grande envergadura, *Trident Juncture 2018*, da NATO, que teve como *host country* a Noruega. Nele participaram cerca de 50.000 militares, de Estados NATO e parceiros, com 250 aeronaves, 65 navios e 10.000 veículos de todos os tipos. O exercício teve lugar no norte da Noruega, no Báltico e no norte do Atlântico, de 25 de outubro a 7 de Novembro de 2018. Envolveu todas as forças e, inovando, incluiu a dimensão *cyber*¹⁸.

No período que cronologicamente se seguiu, a pandemia, dada o seu surgimento e a sua virulência, ambos acontecimentos inesperados, se não estancou o processo, pelo menos desacelerou-o. Em 2022, ao invés do que antes tinha tido lugar quando a Rússia estava a atuar militarmente noutras paragens, Putin fez questão de levar a cabo expressões simbólicas fortes, que coincidiram, em primeira instância, a partir de maio de 2020, logo que assumiu a Presidência de três anos do Conselho do Ártico e, numa segunda fase, em demonstrações de força, convencionais e não-convencionais, no seu *High North* – de

¹⁶ Sublinhe-se que nesse leque de membros do Conselho do Ártico estão todos menos dois dos Estados-membros da União Europeia: a Noruega e o Canadá; e que todos são membros da Aliança Atlântica. Para uma leitura presciente do papel da UE, sugiro o artigo de Sandra Balão (2015), “Globalization, the Geopolitics of the European Union Arctic Strategy and [some of] the New Challenges for the 21st Century”. Setembro de 2015. O artigo mais recente de Ionela Ciolan (2022), “The EU’s geopolitical awakening in the Arctic”, publicado pela União Europeia, confirma aquilo que a autora portuguesa esquisara sete anos antes sem, no entanto, nele a referir.

¹⁷ Para este caso, é útil a consulta do trabalho de Mathieu Boulège (2018), “Russia’s Vostok Exercises were both Serious Planning and a Show”, *Chatam House*. O título do artigo diz tudo. Resta acrescentar que 300.000 militares russos participaram, a quem se juntaram 30.000 chineses e milhares de membros da infantaria da Mongólia. A Turquia foi convidada por Moscovo a participar, mas, a partir de Ankara, Erdogan, “politely” segundo Boulège, declinou participar.

¹⁸ NATO/OTAN (2018), *Trident Juncture 2018. It is happening in the air, on land, at sea and in cyberspace*. Os recados da Aliança de defesa mútua foram dados, alto e em bom som: ao abrigo do Artigo 5 do Tratado de Washington, “defenderemos as nossas populações e territórios”, e “protegeremos os nossos parceiros, com os quais iremos trabalhar”.



Vladivostok à Península de Kola, passando pela ilha de Novaya Zemlya onde, outrora, (enquanto URSS), o Kremlin tinha mantido intensas atividades militares. O que, no último par de anos, tem incluído o estacionamento no Ártico de submarinos nucleares¹⁹.

Não surpreenderá que a Noruega, em 2022, tenha liderado exercícios militares NATO, apelidados de *Cold Response*, a norte, com o fito de "*helping Allies and partners practice together so they can be prepared for any situation*"²⁰.

6. Passos mais recentes na militarização russa do Ártico

O nível das acusações e avisos recíprocos entre os EUA, a NATO e até a UE, por um lado e a Rússia por outro, sobre a ameaça que mutuamente representam entre si, parece suscitar um "dilema de segurança" difícil de encarar e de prever. Podemos, por isso, estar perante uma espécie de espiral que certamente não é isenta de riscos associados a possíveis escaladas descontroladas. Esperemos que não haja desaires, que poderiam ser catastróficos. Mas há que tê-los sempre em consideração, embora os consideremos improváveis.

Focando-nos na Aliança Atlântica: o compromisso intrínseco dos membros da NATO com a sua própria segurança e a perspetiva acintosa de Moscovo sobre as suas próprias exigências neste mesmo domínio configuram, porventura, uma situação de potencial conflito ao longo do seu flanco norte. O que tem sido posto na mesa pelo Kremlin, nos últimos meses deste ano de 2023, designadamente ao revogar a sua ratificação do *Comprehensive Nuclear-Test-Ban Treaty* (CTBT) celebrado em 1996. Com efeito, uma semana depois de desta revogação, no dia 5 de Novembro de 2023, a Federação Russa testou um míssil de cruzeiro estratégico no Mar Branco, a partir de submarino estacionado perto da ilha de Novaya Zemlya, a oeste, cujo alvo, na região de Kamchatka, a 6.000 quilómetros de distância, foi atingido com sucesso²¹. Puro *posturing*, com algumas afinidades com o que a Coreia do Norte tem feito, tornamos a constatar.

É de sublinhar que um qualquer conflito militar direto na Região do Ártico possivelmente não se limitaria apenas à região e poderia assumir características severas para ambas as partes. Todos os atores aí empenhados têm um interesse óbvio em precaver um desfecho potencialmente devastador, seja como consequência de uma escalada, intencional ou não. O nível de risco provavelmente aumentará à medida que as forças opostas prosseguirem a operar nas respetivas áreas em que estejam. A experiência do passado não nos oferece bons augúrios: tal como nos últimos anos tem sido o caso, numa ordem

¹⁹ Wall, Colin and Njord Wegge (2023), "The Russian Arctic Threat: Consequences of the Ukraine War", *Centre for Strategic and International Studies*, Washington, 25 de janeiro.

²⁰ Os exercícios, terrestres, navais e aéreos, tiveram lugar em março e abril de 2022, e envolveram cerca de 30.000 militares de 27 Estados, incluindo portugueses. Ver NATO/OTAN (2022), "Exercise Cold Response 2022 – NATO and partner forces face the freeze in Norway", 7 de março.

²¹ Associated Press (Nov. 5, 2023), "Russia says it test-fired an intercontinental ballistic missile from a new nuclear submarine", *Politico*. De acordo com o *Politico*, "(t)he *Imperator Alexander III* is one of the new *Borei-class nuclear submarines that carry 16 Bulava missiles each and are intended to serve as the core naval component of the nation's nuclear forces in the coming decades. According to the Defense Ministry, launching a ballistic missile is the final test for the vessel, after which a decision should be made on its induction into the fleet. The Russian navy currently has three Borei-class submarines in service, one more is finishing tests and three others are under construction, the Defense Ministry said*". É difícil ver isto sem as devidas preocupações.



internacional bipolar bastante mais escorregadia, mesmo perante a possibilidade de uma escalada, nenhuma das partes evidenciou vontade de recuar ou se disponibilizou em fazer qualquer tipo de cedências até aos últimos momentos²².

Hoje, tudo parece ter sido alterado. A Rússia está a enfrentar o Ocidente em circunstâncias muito peculiares e numa situação que poderemos caracterizar como sendo de fraqueza conjuntural. A sua economia encontra-se estagnada e com tendência para decrescer, a sua população está igualmente a diminuir a um ritmo rápido e a Federação vê-se cada vez mais isolada em termos políticos e diplomáticos na Europa e por conseguinte também entre os Estados ribeirinhos do Ártico. O Kremlin tem vindo, sobretudo após a chegada ao poder de Vladimir Putin, a reconstruir e de algum modo a modernizar as suas capacidades militares após uma longa fase de corrupção, desleixo e conseqüente declínio. Assim, mesmo a claramente especificada prioridade nacional da Rússia depara-se com fortes restrições orçamentais e inúmeros desafios tecnológicos, agora acentuados pela aplicação externa de sanções económicas, financeiras e tecnológicas, como consequência da invasão da Ucrânia. Nos anos vindouros, a postura da Rússia no Ártico será muito provavelmente afetada por preocupações sobre a sua real capacidade de fazer face a um Ocidente surpreendentemente coeso, porventura sobretudo depois do anúncio da entrada da Finlândia e da esperada entrada da Suécia na Aliança Atlântica²³.

Face a esta posição de fraquezas identificadas e de riscos regionais e globais crescentes, em vez de considerar a região como o próximo palco de competição com a Federação Russa, os Estados Unidos e os outros membros da NATO poderão aproveitar, no Ártico, este momento de fragilidade estratégica para poder assim eventualmente, optar – esperemo-lo – por uma estratégia de dupla via, a diplomática e a da dissuasão. É sempre mais fácil impor condições a adversários em situação de debilidade, seja ela estratégica ou outra. Estarmos preparados para um qualquer tipo de surpresa consubstanciada numa ameaça russa eventualmente maior do que o previsto, deverá ser sempre parte integrante de um bom planeamento estratégico e operacional. O porquê é claro. A Lei de Murphy: planear para a possibilidade mais provável do adversário, acautelando, sempre, a mais perigosa, faz parte integrante dos princípios básicos de um planeamento político-estratégico eficaz.

²² Do lado da NATO trata-se de preservar a necessária credibilidade do seu compromisso relativo à cláusula de “defesa mútua defensiva” espelhada no seu famoso Artigo 5º. Para a Federação Russa, o seu “principal adversário” aproximou-se em demasia das fronteiras e áreas de influência da “Pátria-Mãe”, logo aquilo que diz estar em causa é a de garantir exigências de segurança, geopolíticas e económicas, que sente serem suas por direito. As tensões crescentes não refletem de modo algum o resultado de eventuais mal-entendidos. As ações de cada uma das partes são intencionais e mais não exprimem do que o reflexo de interesses claramente conflitantes.

²³ O que desde há já algum tempo tem sido sublinhado. ‘Ver, por exemplo, o artigo publicado no ano passado por Iris Thatcher (Aug. 8, 2022), “Seven to one: The impact of Finnish and Swedish NATO membership on Arctic security”, *Institute for the Study of Diplomacy*, no qual ela escreveu que “their membership will help NATO develop a strategy for the Arctic. Until now, NATO has largely avoided engagement in the far north, despite the rise of Russian and Chinese activity. Some reasons that explain this include the sheer diversity of member state interest in executing a coherent NATO strategy for the Arctic and the absence of an explicit military threat within the region. Norway has brought an Arctic dimension to the alliance (...) suggesting that NATO will shift its focus in the future toward the Arctic”. O que está em curso, com exercícios militares conjuntos anuais, e outros desenvolvimentos.



Porém, neste caso particular do Ártico e nas atuais condições conjunturais, ao tentar perseguir o objetivo puro e duro de triunfar numa competição de Grandes Potências, a Rússia, porventura com algum apoio da China, será muito provavelmente um perturbador de outras atividades prioritárias – quer para o Ocidente Alargado, quer para a NATO, ou para os EUA. A Aliança Atlântica deverá agir com comedimento, realismo e moderação na proteção dos seus interesses centrais no Ártico. E tal está em curso. Os cuidados do Ocidente veem-se, por exemplo, na administração e gestão criteriosa da sua competição com a Rússia, por forma a tentar evitar consequências que conduzam a desequilíbrios e com cuidados (por vezes excessivos) quanto à ultrapassagem de quaisquer “linhas vermelhas”, sobretudo desde a invasão da Ucrânia em 2022.

Pontos estes que cedo foram bem indicados num artigo de Christian Perez, publicado na conceituada *Foreign Policy*. No artigo, foram apontadas como genericamente problemáticas a supremacia Rússia do que apelidamos de o “lago Ártico”, a aceleração russa dos processos de uma militarização, e a atuação da China que podem beneficiar a Rússia – designadamente ao trazer enormes investimentos que o Império do Meio tem vindo a fazer na Gronelândia e na Islândia. Mas podemos ir mais longe. De facto, embora as disparidades na correlação de forças entre os Estados NATO no Ártico e a Federação Russa sejam grandes e favoráveis à NATO, são-no cada vez menos a este nível regional. Como Perez sublinhou,

“(t)oday, the Arctic is the only region where Russia has military and strategic supremacy, and as the ongoing crisis in Ukraine escalates, it brings with it increased risk for conflict in the Arctic. Since 2014, Russia has built over 475 new structures across its Arctic military strongholds and has conducted extensive military exercises, most recently in January 2022”²⁴.

O que, efetivamente teve lugar. Seguiram-se-lhe vários exercícios liderados pela Federação Russa, que tiveram lugar em meados de Abril de 2023, designadamente o *Arctic Rescue Exercise*, no qual participaram, 13 Estados, num total de 39 observadores, originários, por exemplo, da China, do Irão e da Arábia Saudita²⁵. Logo de seguida teve lugar um exercício que o Kremlin apelidou de *Secure Arctic 2023*²⁶, que incluiu 16 cenários e teve lugar em 9 regiões árticas russas, de Murmansk, a oeste, a Chukotka, no leste da Sibéria. Mais de 60.000 militares se empenharam em atividades de treino, de acordo com as informações do *Russian Emergency Ministry* (Emercom). Os exercícios de treino terminaram em 12 de Maio de 2023, apenas duas semanas depois de a Rússia ter completado a sua presidência de dois anos do Conselho do Ártico. Um recado claro.

Pior, Moscovo fez questão de não se ficar por aí: a 19 de Setembro de 2023, pôs em andamento os exercícios Finval-2023, com operações das suas forças e tropas (envolvendo 1.800 militares, “15 warships, submarines, support vessels, aircraft and

²⁴ Perez, Christian (2022), “How Russia’s Future with NATO will Impact the Arctic. Three critical ways the crisis in Ukraine will determine the region’s future”, *Foreign Policy*.

²⁵ Atle Staalesen (Apr. 11, 2023), “Russia’s big Arctic rescue exercise was attended by observers from Iran and Saudi Arabia”, *The Barents Observer*.

²⁶ Thomas Nilsen (Sept. 19, 2023), “Russia kicks off trans-Arctic navy exercise”, *The Barents Observer*.



*coastal units are involved as the Northern Fleet starts an exercise that stretches all along Russia's Arctic, from the Barents Sea in the West to the East Siberian Sea")*²⁷. Um novo recado. O já referido lançamento de um míssil na primeira semana de Novembro, que percorreu os 6.000 mil quilómetros do Mar Branco a Kamchatka, a que atrás aludimos, foi um outro passo performativo da narrativa que o Federação está a compor em múltiplos âmbitos, não só no Ártico, mas também um pouco por todos os teatros em que se envolvido. Números e disparidades complementares deste tipo não soletram nada de bom para o futuro desta grande área. Tendo isto em vista, e dada a postura da Rússia no Ártico, afigura-se crucial que os Estados Unidos, a NATO, os membros do Conselho do Ártico e os *Arctic 7*, assentem os seus planos numa análise e avaliação realistas das posturas que aí queiram manter.

De facto, para o Kremlin, por mais sedutor que lhe seja observar o Ártico pelo prisma da rivalidade entre as Grandes Potências – o que sem dúvida se enquadraria nos atuais anseios da Federação Russa por um renovado reconhecimento como uma grande potência – muito pouco há que sugira que a sua postura militar no Ártico possa, de facto, uma vez tudo bem ponderado, continuar a mostrar-se exequível. Não nos parece que o seja. De facto, assinala o regresso a uma variante da postura tradicional da era de uma Guerra Fria focada em velhas tarefas de longa duração, como a de proteger os santuários da sua frota de submarinos de mísseis balísticos e/ou de cruzeiro, em operações levadas a cabo no Atlântico Norte no caso de uma guerra na Europa. Houve uma clara alteração de circunstâncias. Os militares russos têm-se comprazido num retomar dessas missões, desta feita com menos recursos e defrontando uma panóplia muito maior de capacidades adversárias do que aquela a que faziam face nos tempos idos da Guerra Fria.

Fará diferença, para uma Rússia a abrir outras frentes em simultâneo, mobilizando aliados tão improváveis como perigosos? Parece-nos ser cedo demais para uma resposta. Todavia, embora o rígido impasse tenha prosseguido depois da invasão da Ucrânia e o que daí adveio, algum tipo de cooperação entre a Rússia e os outros sete Estados do Ártico, sobretudo nos domínios mais práticos e desprovidos de influência política, seria desejável e pode parecer mesmo possível. A ver vamos se tal será possível. Incluem-se, aqui, frentes como o combate às mudanças climáticas, as operações de busca e salvamento e mesmo algumas das atividades cooperativas de pesquisa científica. Num mundo ideal, tais campos de cooperação poderiam e deveriam ser abertos em tudo o que se traduza em questões de interesse comum, como a segurança da navegação, proteção ambiental, salvaguarda dos mananciais pesqueiros e mesmo a simples gestão de incidentes. Mas disso, porém, aconteceu. Certo é que seria essencial que os aliados da NATO encontrassem vias diplomáticas potenciais para gerir o impasse. E fazendo-o, assumindo tomadas de posição firmes, de modo a que venham a emergir regras de conduta que visem mitigar os riscos de crises ou incidentes, de modo a não originar uma escalada potencialmente desastrosa para todos. No caso do Ártico, a situação tem sido muito cuidadosa, sem grandes alaridos do lado de um Ocidente Alargado que tem vindo a deixar a Rússia gastar no seu *High North* meios que Moscovo em boa verdade não tem. O que até agora tem aparentemente produzido alguns bons frutos, mas também riscos.



Com efeito, algum impasse foi criado com o abandono do modelo dos oito Estados (os *Arctic 8*) e com a tão bem-vinda entrada da Finlândia e a esperada entrada da Suécia, a curto prazo, na Aliança Atlântica. Mas há a referir que após a assunção pela Noruega do Conselho do Ártico a partir 11 de maio de 2023, o clima de cooperação continua gélido²⁸.

7. A presença da China em alguns dos novos palcos Árticos. Um cenário prospetivo e os seus potenciais efeitos

Será bom recordar que, durante quase três décadas, o Conselho do Ártico foi apontado como um bom exemplo de cooperação no período pós-Guerra Fria. Os cinco Estados-membros ribeirinhos, incluindo a Rússia e os Estados Unidos, trabalharam em conjunto em pesquisas sobre as mudanças climáticas e o desenvolvimento social em toda a região ecologicamente sensível. Agora, volvidos quase dois anos, os membros do Conselho deixaram de trabalhar com a Rússia, em parte em consequência da invasão da Ucrânia e com a sua postura também reativa com o alargamento da NATO a norte e o que isso pode significar para o Kremlin. Atualmente com a Noruega a presidir a um Conselho quase inerte²⁹, os especialistas irão decerto interrogar-se sobre se a viabilidade deste grupo de concertação polar se encontra em risco, caso não seja capaz de prosseguir com a cooperação multidomínio com o país (Federação Russa) que controla efetivamente mais de metade da costa (53%) do Oceano Glacial Ártico³⁰.

Um Conselho Ártico que se mantenha inoperante terá consequências nefastas para o meio ambiente ecológico desta região e para os seus 4 milhões de habitantes, que se debatem com os efeitos produzidos pelo desaparecimento do gelo marinho e o crescente interesse de países não árticos nos recursos minerais, ainda por explorar, existentes nesta inóspita região. Abrindo o leque: o trabalho do Conselho mais alargado, o chamado *Arctic 8* – formado pelos oito Estados Árticos da Rússia ao Canadá, Dinamarca, Islândia, Noruega, Finlândia, Suécia e Estados Unidos – produziu acordos de caráter vinculativo

²⁸ Citando o que Colin Ward e Njord Weggei (2023), prudentemente escreveram no final do seu muito rico artigo virado para as ambições e limites das ambições da Rússia no Ártico: “*it is probably too early to give an accurate and comprehensive estimate of the future Russian warfighting capability in the Arctic, given the impact of the Ukraine war. It would be prudent, however, given what is known and what is coming to light, to revisit assumptions that guided prewar analysis, campaign modeling, and wargaming concerning the region. Indeed, U.S. military doctrine is explicit that assumptions should be constantly reconsidered in light of new information, and NATO doctrine echoes this. As NATO’s new Supreme Allied Commander Europe starts crafting the alliance’s new regional defense plans, there is an opportunity to consider some of these preliminary findings in High North scenarios. In the meantime, the old saying, sometimes attributed to Winston Churchill, that ‘Russia is never as strong as she looks; Russia is never as weak as she looks’, it might be a prudent approach for the West with respect to its security and defense planning in the Arctic.*”

²⁹ Muitos foram os autores e as entidades que tiveram dúvidas quanto ao futuro do Conselho. Ver, por todos, Brett Simpson (May 31, 2023), “The Rise and Sudden Fall of the Arctic Council”, *Foreign Policy*, que depressa argumentou que “(w)ith Russia no longer involved, it’s hard to see what Arctic politics can still accomplish”.

³⁰ Até ao momento da invasão da Ucrânia pela Rússia em 24 de fevereiro de 2022, o aumento das tensões geopolíticas não foi impeditivo da colaboração dos Estados do Ártico sob os auspícios do respetivo Conselho. Com o prosseguir da guerra na Ucrânia, o futuro da cooperação nesta área político-geográfica parece estar comprometido. Em 3 de março de 2022, o *Arctic 7* emitiu uma declaração conjunta, a dar a conhecer a suspensão da cooperação com a Rússia neste fórum. A Rússia parece não ter dado muita importância ao isolamento a que foi votada pelos outros sete países no Ártico, concentrando-se nos seus próprios assuntos internos do Ártico, procurou cooperar com a China e convidou-a a participar dos projetos russos de desenvolvimento do Ártico. Hilde-Gunn Bye (8 de março, 2022), “Russian Invasion of Ukraine: Joint Declaration from Arctic States: Pausing Arctic Council Meetings”, *High North News*. Como sublinhámos, a situação não é hoje tão linear.



no passado no tocante à proteção e preservação ambiental. Como referido, constituiu também um fórum que proporcionava voz aos povos indígenas da região.

Mas não é palco das questões de segurança, dado não ter competências jurisdicionais nesse plano, nem é plausível que na conjuntura presente as venha a ter. Com a interrupção da cooperação com Moscovo, cerca de um terço dos 130 projetos deste Conselho têm ficado estagnados. Pior ainda: novos projetos não poderão prosseguir e os que subsistem não têm condições de ser renovados. As comunidades científicas de ambos os lados, o ocidental e o russo, deixaram simplesmente de compartilhar novo conhecimento acerca das mudanças climáticas, por exemplo, e a cooperação para possíveis missões de busca e salvamento ou desastres ecológicos, como sejam os derramamentos de ramos de petróleo, foram descontinuados.

O facto de a Federação Russa se ver excluída e isolada pelos outros sete Estados árticos (os *Arctic 7*), compele-a, para conseguir realizar com sucesso os seus ambiciosos planos na região, a procurar, quantas vezes desesperadamente, parceiros não Ocidentais. Aqui as diferenças de perspectiva russas e chinesas são marcadas, numa aparente alteração de circunstâncias: aos olhos da Rússia a China afigura-se como um parceiro privilegiado sobretudo pelo volume de investimento que poderá mobilizar. Para a China, a colaboração com a Rússia neste campo é vista tanto como uma oportunidade quanto um desafio. Xi Jin Ping terá de gerir esta questão com muito cuidado para evitar ver a China igualmente condenada ao ostracismo por todos os restantes Estados (repetindo, os *Arctic 7*) deste “quase-lago” interior. O que já está, com efeito, a ter lugar: Pequim respondeu positivamente ao convite de Moscovo de aprofundar a cooperação no Ártico. O que não apenas fortaleceu a sua cooperação energética com a Rússia, mas ainda abriu a porta ao aprofundamento da cooperação em novas áreas, como a navegação na Rota Marítima do Norte. Cabe pôr aqui em evidência uma decisão geopolítica chinesa que vinha de trás, designadamente a criação, gizada em 2017 e formalizada em 2018, daquilo que num *White Paper*, Pequim decidiu apelidar de *Polar Silk Road*³¹.

Como seria de esperar, os mundos académicos e políticos depressa reagiram. No ano seguinte, em Fevereiro de 2019, Maud Descamps, numa publicação da União Europeia, colocou em cima da mesa um artigo, no *Focus Asia. Perspective and Analysis*, com o título “The Ice Silk Road: is China a ‘Near Arctic State?’”, que “explores the economic and political impact surrounding potential new trade routes that could open-up in the Arctic region given the rapid pace of melting polar ice-caps”. Um artigo genérico e rico, que disponibiliza uma análise, segundo a qual aquilo que está em causa são “the measures taken by China to ascertain greater access to the region and reap the financial benefits

³¹ Xinhua (Jan. 21, 2018), “China publishes Arctic policy, eyeing vision of Polar Silk Road”, *Xinhuanet, Beijing*. Segundo o artigo oficial da Xinhua, o “Chinese Vice Foreign Minister Kong Xuanyou shows a white paper on China’s Arctic policy during a press conference in Beijing, capital of China, Jan. 26, 2018. China published a white paper on its Arctic policy Friday, pledging cooperative governance and elaborating a vision of “Polar Silk Road”. O documento declara, logo à partida, que a “China, as a responsible major country, is ready to cooperate with all relevant parties to seize the historic opportunity in the development of the Arctic, to address the challenges brought by the changes in the region”, segundo o *White Paper* promulgado pelo seu *State Council Information Office*. Para ler o texto original do *White Paper*, ver a tradução inglesa, publicada pela *The State Council of the People’s Republic of China*.



of this new frontier". O texto de Maud Descamps foi crítico e realista, por ter constatado, por exemplo, que

"Beijing is gearing up to further its presence in the Arctic by promoting the Transpolar Sea Route, a passage that would make use over the shorter route past the Arctic circle for commercial and civilian purposes. However, most of the Chinese vessels which to date are able to operate in high north, all of which are ice breakers, belong to the People's Liberation Army navy (PLA-N) while there is only one ship operated under the aegis of the Polar Research Institute of China (PRIC)".

A autora concluiu que "(t)he further development of channels between Europe and Asia via the Arctic is an open question that is linked to geopolitics, sovereignty, sustainability and reciprocity"³².

Tornou-se quase inevitável que muitas outras decisões se lhe seguissem, tanto na Europa como na América do Norte. Pouco a pouco, o tom tem mudado, num Ocidente no qual se têm vindo a registar algumas (poucas), dissonâncias no quadro de um crescente coesão. Um de entre muitos exemplos surgiu em Fevereiro de 2023, três autores norte-americanos, James McBride, Noah Berman e Andrew, Chatzky, publicaram na *Foreign Affairs*, um artigo de maior fundo, a que deram o título de "China's Massive Belt and Road Initiative"³³. Neste muito bem gizado artigo, os autores preconizaram como argumento central que "China's colossal infrastructure investments may usher in a new era of trade and growth for economies in Asia and beyond. But skeptics worry that China is laying a debt trap for borrowing governments". O ponto focal da crítica foi relativo à política de endividamento que a China tem prosseguido. Sem focar especificamente a *Polar Silk Road*, os três autores sublinharam com lucidez que

"(a)s Russia's relationship with the West has deteriorated, however, President Vladimir Putin has pledged to link his Eurasian vision with the BRI. Some experts are skeptical of such an alliance, which they argue would be economically asymmetrical. Russia's economy and its total trade volume are both roughly one-eighth the size of China's — a gulf that the BRI could widen in the coming years".

Mais, apelaram para uma intervenção robusta da Europa, trazendo à baila a questão seguinte: "An Opportunity for the EU to Pitch In?".

³² O texto de Descamps foi crítico e realista, ao constatar, por exemplo, que "Beijing is gearing up to further its presence in the Arctic by promoting the Transpolar Sea Route, a passage that would make use over the shorter route past the Arctic circle for commercial and civilian purposes. However, most of the Chinese vessels which to date are able to operate in high north, all of which are ice breakers, belong to the People's Liberation Army navy (PLA-N) while there is only one ship operated under the aegis of the Polar Research Institute of China (PRIC)". E a autora conclui, argumentando que "(t)he further development of channels between Europe and Asia via the Arctic is an open question that is linked to geopolitics, sovereignty, sustainability and reciprocity".

³³ McBride, James, Noah Berman e Andrew, Chatzky (Feb. 2, 2023) "China's Massive Belt and Road Initiative", *Foreign Affairs*, Council on Foreign Relations, Washington.



Não é tudo, no que toca ao conluio potencialmente mais aprofundado numa ligação Rússia-China que ainda não é inteiramente clara, nem para a Europa nem para a América do Norte. Nem, diríamos o será para a China e a Rússia. No que diz respeito à suspensão do Conselho do Ártico, a China também declarou publicamente que não reconheceria o Conselho do Ártico sem a Rússia³⁴. Tirando partido do confronto em curso entre a Rússia e os outros sete países do Ártico, no quadro maior *do Arctic 8*, a China presente e aproveita a oportunidade para colocar em marcha com mais facilidade novos projetos de cooperação no plano bilateral, e aí com vários focos e aparentemente, pelo menos para já, sem grandes empecilhos, embora com alguma opacidade, como é típico dos relacionamentos complexos entre “aliados”.

Para Pequim, o aprofundamento da cooperação ártica com a Rússia favorece os seus próprios interesses em matéria de economia, segurança energética e influência política nesta região. Porventura, a questão por um lado é a seguinte: quanto tempo pode durar o bom momento da cooperação sino-russa promovida por conflitos externos de curto prazo? Por outro lado, o aprofundamento da cooperação China-Rússia está a ocorrer no pano de fundo de uma divisão cada vez maior dos desígnios dos outros atores com uma agência potencialmente cada vez maior no Ártico, seja ela de cooperação ou de competição.

Quanto mais aprofundada a cooperação da China com a Rússia for, maior a probabilidade de causar mal-entendidos e vigilância de outros países do Ártico, o que pode levar à criação de um clima de desconfiança relativamente a Pequim por outros Estados regionais ou globais e até desencadear tensões e mesmo confrontos entre esta e outros Estados nela com interesses.

Na conjuntura presente em movimento, as recentes aproximações entre a China, ou o par China-Rússia, com Estados como o Irão ou a Coreia do Norte, para só dar dois exemplos, podem vir a ter consequências e suscitar reações que por enquanto não logramos vislumbrar com grande clareza.

³⁴ Quanto a esta questão, ver um outro artigo de A. Staalesen, (2022) “Chinese shippers shun Russian Arctic waters”, *The Barents Observer*, 22 de agosto. Desde 2022, a China, e a companhia marítima estatal chinesa COSCO tem recusado utilizar a Rota do Norte, embora continue a operar noutras regiões russas. Desde 22 de agosto de 2022, a Rosatom estatal russa que concede autorizações para a Rota, 869 navios a passaram, todos eles russos. A COSCO chinesa não fez nenhum pedido de utilização da Rota do Norte desde a invasão da Ucrânia. Segundo “*Russian Arctic expert Mikhail Grigoriev says international shipping companies now carefully steer clear of Russia*”. “*The feeling among international shippers and traders is that everything that goes through Russia now is like acid*”, escreveu então M. Grigoriev. Segundo Elizabeth Buchanan, num artigo publicado o conceituado *Royal United Services Institute* (RUSI) britânico, num artigo intitulado “*The Ukraine War and the Future of the Arctic*”, publicado a 18 de março de 2022, declarou aquilo que parece estar em curso: que o conflito podia vir a pôr em causa “*the existing rules-based Arctic order*”. Ver também, para uma leitura mais focada numa perspetiva genérica do potencial impacto do conflito em curso, também do *Royal United Services Institute* um outro artigo, este de Elizabeth Buchanan (Mar. 11, 2022), intitulado “*Ukraine War and the Future of the Arctic*”, RUSI. O artigo mais recente e já citado de Colin Wall e Njord Wegge (Jan. 25, 2023), o primeiro norte-americano e o segundo um professor norueguês da *Norwegian Military Academy*, as posições que assumem e mapeiam em pormenor, com interessantes *nuances*, quase um ano depois do ataque à Ucrânia a evolução militar da Rússia no Ártico, tanto logística quanto operacional.



8. Esmiuçando tanto quanto possível, quais serão as futuras dinâmicas emergentes nesta região?

O impacto da guerra da Rússia na Ucrânia lesou claramente a convivência pacífica e a cooperação na região do Ártico. Os Estados-membros do grupo *Arctic 7* recusaram-se a colaborar com a Federação Russa, confrontando-a e marginalizando-a. Com a finalidade de ultrapassar esta situação, a Rússia e sem meios para atuar isolada, viu-se – e continua a estar – na contingência de ter de encarar a China como o seu parceiro de eleição para a prossecução dos seus projetos nesta grande área do *High North*. Embora a China tenha sido por via de regra cautelosa, o ânimo da Federação Russa por uma cooperação com Pequim nesta região parece estar a gerar, para ambos, uma possível oportunidade de uma (re)aproximação entre estes dois Estados.

Mas apenas parcial e nem sempre favorável para Moscovo, sublinhe-se em todo o caso e por exemplo, que Pequim precisa de permanecer muitíssimo atenta e cautelosa quanto à hipótese de um aprofundamento de quaisquer projetos de cooperação chinesa com a Rússia. A razão para tal é simples de equacionar: tanto a conjuntura como a correlação de forças entre estes dois Estados consubstanciam, hoje, dinâmicas muitíssimo diferentes daquilo que foram no passado. No caso concreto do *High North*, estas reaproximações, por muito boas que possam parecer para Moscovo, podem afetar, de maneira negativa e irreversível, as suas relações com os outros Estados (os *Arctic 7*) ligados a esta nova conjuntura regional sobretudo após a invasão da Ucrânia pela Rússia.

Um par de exemplos demonstra-o à saciedade. É um facto incontestável que a Rússia, até dia 11 de maio de 2023, não permitiu a passagem pela Rota do Norte por navios de Estados do Ocidente Alargado. O Kremlin autorizou, no entanto, a passagem de navios chineses, alguns deles VLCCs (*Very Large Container Carriers*) comerciais, de par com um número crescente de quebra-gelos construídos por Moscovo, e outros navios militares e/ou *dual use* – mas, decerto por prudência, a China decidiu não o fazer, pelo menos até 2023, data em que recomeçou o trânsito³⁵.

Mais, como sublinhámos, a Rússia organizou, na Rota Marítima do Norte, exercícios militares conjuntos de grande dimensão, designadamente os célebres Exercícios Militares russos conjuntos *Vostok* (Oriente) 2018, 2019 e 2022, ou no de 2023, que teve lugar no Mar do Japão e não no Ártico, tem havido demonstrações de novos equipamentos, algumas partilhas de tecnologia, e tem sido assegurada alguma interoperabilidade entre as forças participantes. Apesar dos atrasos causados, por um lado por via da pandemia

³⁵ Malte Humpert (Oct. 9, 2023), "Chinese Container Ship Completes First Round Trip Voyage Across Arctic", *High North News*. Como escreveu Humpert, "(a) Chinese container ship has completed a three-months round trip voyage from the Baltic Sea to China and back. It is the first step in establishing regular, albeit small-scale, container liner service utilizing Russia's Northern Sea Route". O primeiro navio comercial a passar a rota foi um navio da Maersk dinamarquesa, em 2018. Neste caso, como nota o autor, não só o navio fez a round tour, com ida e regresso, mas também, "the NewNew Polar Bear's roundtrip voyage is the first of its kind establishing regular service, rather than experimental or ad-hoc container ship voyages such as Maersk's 2018 voyage with the *Venta Maersk* (...) A NewNew Shipping Line entered the Arctic with five container vessels this summer with service along the full route between China and St. Petersburg. The ships are the 2,741 TEU *Xin Xin Hai 1*, the 2,741 TEU *Xin Tian 1* and the 3,534-TEU *NewNew Star*. Estes três porta-contentores rumaram até S. Petersburgo, entrando por isso no Báltico pelo Mar da Dinamarca; os dois restantes ficaram em Arkhangelsk, perto da Península de Kola.



e por outro, dada a atenção que Moscovo quis manter na Ucrânia, a cooperação tanto comercial como militar com a China não estagnou completamente. Todavia, a Rússia enfrenta agora, no Ártico, uma situação complexa, difícil, e sem paralelo. Atualmente, o Kremlin está a ser objeto de múltiplas sanções impostas pelos Estados Unidos e pelos outros Estados da NATO, da União Europeia, e por uma dúzia de outros que se lhes juntaram. Concomitantemente todo o apoio destes países à Ucrânia provoca na Rússia uma pressão crescente quer interna, quer externamente. Ao mesmo tempo, todas as ligações e contactos oficiais entre o *Arctic 7* e a Rússia depressa foram cancelados. A título de exemplo, o "Conselho de Ministros Nórdico" comunicou a cessação da cooperação regional entre os países nórdicos e a Federação Russa. A Gronelândia interrompeu o intercâmbio de cotas de pesca com a Rússia; a Noruega seguiu o Conselho Europeu e aderiu às sanções de medidas restritivas contra a Rússia, tal como previsto, Moscovo deixou de presidir ao *Arctic Council* na data prevista de 11 de maio de 2023³⁶.

Qual o quadro maior e qual será o desenlace final? Não será de descontinuar a hipótese prospetiva da China estar a querer passo a passo, repetir, complementado o que está a levar a cabo no sudeste da Eurásia – ao longo da antiga *soft belly* da URSS. Ou seja, no arco centro-asiático – uma nova *One Road, One Belt*, que lhe permitirá acessos privilegiados aos Oceanos Índico e ao Atlântico Sul, onde tem já um *pied à terre* de Myanmar ao Sri Lanka, do Djibouti à Tanzânia, à África do Sul e Angola, para de novo só citarmos alguns exemplos. E, do outro lado da Bacia Atlântica, parceiros que vão do Brasil a uma enorme porção de Estados tanto os da costa leste da América do Sul como os da costa oeste, sem esquecer os muito mais numerosos Estados existentes nas Caraíbas. Mas desta feita, se assim for, a China está a fazê-lo com a Rússia, a norte. O que talvez possamos apelidar de uma *Northern One Road, One Belt* de modo a entrar, por essas vias, num próspero Atlântico Norte, no qual estão os dois maiores blocos económicos do planeta: a União Europeia (e o Reino Unido), bem como a parcela norte do Novo Mundo, designadamente o Canadá, os Estados Unidos da América, e um México cada vez mais próspero. O que resultará daqui é ainda uma incógnita, mas podemos especular com uma prospetiva que julgamos pelo menos credível. Como acima notámos, a hipótese desta Rota Norte não é nova, tendo sido designada por Pequim uma *Rota Polar da Seda* no *White Paper* de 2018, publicado em Pequim, a que atrás fizemos a devida alusão. No Ocidente, tem sido utilizada, pelo menos desde 2021, numa tradução literal do Mandarim original, a expressão "*Polar Silk Road*"³⁷.

Numa súpula interessante, depois de escrever sobre a cooperação que tem com Moscovo e os interesses comuns que os dois Estados partilham, a já referida Anu Sharma formulou a seguinte série de ponderações, que fazemos nossas:

³⁶ Edvardsen, Astri (May 12, 2023), "Russia: "The Risk of Weakening the Arctic Council Should Not Be Underestimated", *High North News* Apenas a Noruega participou na passagem de testemunho; os outros Estados do Conselho, falaram *online*, por via digital com os russos e noruegueses presentes na cidade russa de Salekhard. O impacto foi imediato. Como declarou o Embaixador russo, Nicolay Korshunov, "*The future of the council and cooperation within this format under Norwegian chairship appear uncertain*".

³⁷ Servirá, por todos, o estudo académico publicado pela *Air University* (AU) militar norte-americana há um par de anos, criada para apoio académico às relativamente recentes *Air and Space Forces* que os EUA decidiram instituir como um quarto ramo das suas Forças Armadas: Anu Sharma (Oct. 25, 2021), "China's Polar Silk Road: Implications for the Arctic Region", *Journal of Indo-Pacific Affairs*. Sharma é uma académica e jornalista indiana, de Jaipur agora a trabalhar com os Estados Unidos a partir de Nova Deli.



“through various economic and commercial commitments, China has taken constructive diplomatic steps to cultivate relations with the Arctic Council that will facilitate Chinese interests. China has entered into joint ventures with Russian gas companies, in addition to building an embassy in Iceland and financing the Kouvola–Xi’an train in Finland. China has also warmed relations with Norway and Greenland through various investments. This inflow of investments will, in turn, help Greenland to lessen its reliance on Denmark. Moreover, all this has helped China to increase its foothold in Arctic nations”³⁸.

Estudos como estes têm obtido peso académico específico, dada a lucidez com que desvendam a correlação de forças patente entre a China e a Rússia. Vale, a pena para o sublinhar, citar aqui as palavras de um académico chinês da Universidade de Pequim, Chuan Chen, num artigo recente que publicou em Abril de 2023, no *The Arctic Institute*, sediado em Washington DC. Palavras essas que também fazemos nossas. Numa visão bem fundamentada e mordaz, Chuan afirmou, com lucidez, num seu artigo, o seguinte:

“China should ensure that its collaboration with Russia does not harm its relationship with other Arctic states. At present, Russia is excluded and isolated by the seven other Arctic states (Arctic 7) in the Arctic, and Russia’s Arctic strategy has also been hindered. To realize its Arctic plans, Russia desperately needs non-Western partners to jointly develop the Arctic. Therefore, Russia sees China as a suitable option. For China, collaboration with Russia is both an opportunity and a challenge, and China needs to handle it carefully to avoid being ostracized by other countries in the Arctic”.

Ou seja, Pequim quer assegurar uma boa ligação com os *Arctic 7*, mesmo que para tal o tenha de fazer sem Moscovo³⁹.

O que pouco nos surpreende: a China e a Rússia são, em boa verdade, dois Estados muito diferentes um do outro. Embora a China se considere “um Estado quase-Ártico”, a verdade é que não o é. Não custa muito a compreender que a Federação Russa e a China têm interesses divergentes, empenhamentos, visões de futuro, apostas e tipos de alianças, Histórias, economias e demografias, assaz distintas uma da outra, bem como conceitos de soberania e projetos políticos e geopolíticos bastante dissemelhantes. Em termos das suas capacidades genéricas e dos seus respetivos caldos de culturas, é assim difícil entrever a “amizade e aliança eternas” que professam ter uma pela outra. Ao agregar estas duas leituras, na qual em sentido lato nos revemos, seria difícil expor as coisas de forma mais clara quanto à tácita apetência do Império do Meio no que diz respeito uma sua articulação/penetração no Atlântico Norte pela via disponibilizada por

³⁸ Idem, *op. cit.*

³⁹ Chuan Chen (Apr. 4, 2023), “China-Russia Arctic Cooperation in the Context of a Divided Arctic”, *The Arctic Institute, Center for Circumpolar Security Studies*.



Moscovo, literalmente “ladeando” por uma Rússia sob pressões resultantes das sanções que lhe foram impostas pelo Ocidente em resposta à invasão da Ucrânia.

Caso o enquadramento conjuntural continue como está, o Kremlin nunca terá acesso aos mercados norte-atlânticos que a China se propõe penetrar. Mas se e só se, os Estados na América do Norte e os Europeus (estes últimos por enquanto menos avessos a colaborar com a China) o consintam. Uma hipótese, porém, nos parece pelo menos em parte previsível: estamos perante uma nova realidade, onde, tal como no caso da *Southern One Road, One Belt*, Moscovo não logrará apresentar-se senão como um segundo violino.

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UKRAINE EFFECT: ARE WE GROPING FOR A NEW WORLD ORDER?

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Abstract

Russia's invasion of Ukraine has upended the contemporary world order - and with it the global energy, manufacture, supply, and financial systems in deep distress. In many ways the war recaps the appalling horrors of the two world wars. The conflict between Moscow and Kiev is unfolding against the backdrop of other correspondingly significant crises and cataclysms, for instance the continuing coronavirus pandemic, worsened tensions namely in the U.S. - China relations, U.S. withdrawal from Afghanistan, uncertainty in the Sahel Region, the unending civil war in Yemen, increased nuclear polarization in North Korea, and lead to a new pattern of European rearmament. The cost of war is having geopolitical and economic ramifications on the rest of the world. The Russian aggression in Ukraine is manifestation of the struggle for a new world order. Russia and China are openly challenging the Pax Americana, far beyond the visible economic realm. The recent Global Security Initiative (GSI) put forward by the Chinese President, in the April 2022 at BOAO forum, the narratives associated to Shangri-La 2022 defense talks, the Global Development Initiative proposed at the UN General Assembly 2021 and the Global Think Tank Network for Democracy Studies, underlined this evidence. As asserted by Kuo, the GSI is "Blueprint for integrating China's security priorities and practices (...) Using the U.N. aegis, Beijing is promoting China as a primus inter pares dispute arbiter, architect of new regional security frameworks, and trainer of security professionals and police forces in developing countries" (Kuo, 2023). But the question how the next world order will look like remains open. The Russian war in Ukraine has fast-tracked a shift in the world order forcing a renewed balance of power. There's an extensive assessment that the "Ukraine effect" could be as sweeping in restructuring global relations as significant as the chain of events following the breakdown of the Soviet Union in 1989 expect that this time the power shift might be away from Washington hegemony. Since President Vladimir Putin attack on Ukraine on 24 February 2022, there is proliferation of research and academic papers about the future shape of world order. Therefore, these developments beg questions: Is the idea of an "end" to history is fallacy? Are there no key difficulties within liberal policies that can fuel struggle and contradictions? Is Ukraine a wake-up call for Western Liberal order? Do liberal democracies need to pay cognizance to rapidly emerging new international order which is less weighed down by old ideological loyalties but is more realist and transactional and driven by national interests? How can we comprehend China-Russia open diplomatic alignment? This paper provides an analytical discussion on New-Cold War developments and the emerging world order in the backdrop of ongoing struggles and power rebalancing. In this regard, the manuscript addresses some of the main features of the new international power configurations system, apparent drifts, and new threats in international relations.

Keywords

Ukraine War, New World Order, Liberal Order, Post-Cold War Era, U.S., China, India, Russia.

Resumo

A invasão da Ucrânia pela Rússia veio perturbar a ordem mundial contemporânea e, com ela, os sistemas energéticos, de produção, de abastecimento e financeiros mundiais estão em profunda crise. Em muitos aspectos, a guerra recapitula os horrores terríveis das duas guerras mundiais. O conflito entre Moscovo e Kiev está a desenrolar-se no contexto de outras crises e cataclismos correspondentemente significativos, por exemplo, a continuação da pandemia do coronavírus, o agravamento das tensões, nomeadamente nas relações entre os EUA e a China, a retirada dos EUA do Afeganistão, a incerteza na região do Sahel, a interminável guerra civil no Iémen, o aumento da polarização nuclear na Coreia do Norte e um novo padrão de rearmamento europeu. O custo da guerra está a ter ramificações geopolíticas e económicas no resto do mundo. A agressão russa na Ucrânia é uma manifestação da luta por uma nova ordem mundial. A Rússia e a China estão a desafiar abertamente a Pax Americana, muito para além do domínio económico visível. A recente Iniciativa de Segurança Global (GSI) apresentada pelo Presidente chinês, em abril de 2022, no fórum BOAO, as narrativas



associadas às conversações de defesa de Shangri-La 2022, a Iniciativa de Desenvolvimento Global proposta na Assembleia Geral das Nações Unidas de 2021 e a Rede Mundial de Grupos de Reflexão para Estudos sobre a Democracia, sublinharam esta evidência. Como afirma Kuo, a GSI é "um plano para integrar as prioridades e práticas de segurança da China (...) Usando a égide da ONU, Pequim está a promover a China como árbitro de disputas primus inter pares, arquiteto de novos quadros de segurança regional e formador de profissionais de segurança e forças policiais nos países em desenvolvimento" (Kuo, 2023). Mas a questão de saber como será a próxima ordem mundial continua em aberto. A guerra russa na Ucrânia acelerou uma mudança na ordem mundial, obrigando a um novo equilíbrio de poder. Há uma avaliação alargada de que o "efeito Ucrânia" pode ser tão abrangente na reestruturação das relações mundiais como a cadeia de acontecimentos que se seguiu ao colapso da União Soviética em 1989, com a expectativa de que, desta vez, a mudança de poder possa estar longe da hegemonia de Washington. Desde o ataque do Presidente Vladimir Putin à Ucrânia, em 24 de fevereiro de 2022, proliferaram as investigações e os trabalhos académicos sobre a futura configuração da ordem mundial. Por conseguinte, estes desenvolvimentos levantam questões: Será que a ideia de um "fim" da história é uma falácia? Não haverá dificuldades fundamentais nas políticas liberais que possam alimentar a luta e as contradições? Será a Ucrânia um sinal de alarme para a ordem liberal ocidental? As democracias liberais devem ter em conta a rápida emergência de uma nova ordem internacional, menos condicionada pelas velhas lealdades ideológicas, mais realista e transacional e orientada por interesses nacionais? Como podemos compreender o alinhamento diplomático aberto entre a China e a Rússia? Este artigo apresenta uma discussão analítica sobre os desenvolvimentos da Nova Guerra Fria e a ordem mundial emergente no contexto dos conflitos em curso e do reequilíbrio de poderes. A este respeito, o artigo aborda algumas das principais características do novo sistema de configuração do poder internacional, as aparentes derivas e as novas ameaças nas relações internacionais.

Palavras chave

Conflito armado na Ucrânia, Nova Ordem Mundial, Ordem Liberal, Era Pós-Guerra Fria, EUA, China, Índia, Rússia.

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UKRAINE EFFECT: ARE WE GROPING FOR A NEW WORLD ORDER?¹

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Introduction

The Russian-Ukraine conflict is one of the most unrelenting crisis of current times. It has political, geo strategic, economic and social implications globally. There is a fundamental concern that the continuing Russia-Ukraine is threatening the world order. The crisis has subsequently been argued as presenting the risk of escalating into a Cold War, which could put the normal world order to a severe imminent threat (Guchua et al., 2022). NATO has condemned Russia's war on Ukraine in the strongest possible terms, and calls it "the biggest security threat in a generation" (NATO, 2022). With this emerging concern, there is a strong relevance to examine the topic and understand it in the context of global political debate. Russia's attack of Ukraine, stunned the world. The brazen attack was the start of the largest land war in Europe since World War II and has led to enormous dislocation of the Ukrainian residents, loss of life, and the decimation of Ukrainian cities and infrastructure. It has redrawn geopolitical energy supply lines; reinforced coalitions among Western countries and expanded rifts with China; put the use of nuclear weapons on the table for the first time in decades; and taught us the significance of collective global leadership in moments of crisis.

Current drifts and recent strategic credentials point toward an additional ramping up of geopolitical rivalry, growing economic protectionism and fragmentation, and a slackening of the structures of the intercontinental order. This research paper seeks to provide a multidimensional view of the Russia-Ukraine war by evaluating its primary triggers and probing the efforts to address the war from an international perspective. In this vein, this manuscript reflects on questions such as: What is the future of international order? Is global governance undergoing an alteration, reflecting the deep shifts in power that have occurred over the past decade, especially the rise of China and the growing impact of the Global South? Furthermore, it provides an analytical discussion on New-Cold War

¹ Disclaimer: This paper represents the opinions of the authors, and is the product of academic research. It is not meant to represent the position of the organizations that the authors may be associated with, nor the official position of any sovereign state. Any errors are the fault of the authors.



developments and the emerging world order in the backdrop of ongoing struggles and power rebalancing. In this regard, the authors address some of the key structures of the new global power arrangements system, ostensible drifts, and new threats in international relations. Thus, the prime purpose of the study is to examine the diverse, but coordinated roles that various states in helping settle the Russia-Ukraine war, as an opportunity to power rebalancing.

Ukraine War and Divergent Responses

Russia's invasion of Ukraine has been labelled as a turning point in contemporary history, a crossroads analogous to the 9/11 attacks in the U.S. in 2001, the fall of the Berlin Wall in 1989, and even the shooting of John F. Kennedy in 1963. German Chancellor Olaf Scholz has proclaimed, "we are at a *Zeitenwende* - a turning point" (Micklethwait and Wooldridge, 24 March 2022). Global institutions are being tried and tested once again and hard-edged chauvinism has reappeared as a force equally democracies and authoritarian states. From the European standpoint, the U.S. seems to be relinquishing its international leadership responsibility. In the meantime, Moscow is exploiting every chance to pit European partners against one another. The intensification of partisanship, rise in populism, increased use of disruptive technologies and the Covid-19 pandemic has only strengthened the multipolarity and has led to fragmented the diffusion of power, both geographically and in its resolutions.

Ukraine a nation at the intersection of Asia and Europe has become a catalyst and trigger for radical upheaval and perhaps the crucible of a new world order. On day one of Russian Invasion Ukrainian President Volodymyr Zelenskyy referred to the war as "dawn of New Iron Curtain" (REUTERS/Umit Bektas, February 23, 2022), this resonated with the U.S. and West who have framed the conflict in ideological footings that an autocratic Russia is waging a brutal and unprovoked war against Ukraine, as the country desired to adopt the Western liberal model. This tactical narrative has been less effective in marshalling the like-minded democracies and is arithmetically tricky. Biden's call to make Putin "pariah on the international stage" failed to mobilize the "democratic cooperative network" (Grieco & Jourdain, 14 June 2022). The Russia-Ukraine conflict is illustration of number of new self-assured players that are playing significant role in shaping the global system. According to Colarossi, Anatoly Antonov justified his nation's "special military operation," the term the Kremlin uses to avoid calling the invasion a war, by saying it is meant to halt the West's expanding dominance worldwide (Colarossi, 18 April 2022). Anatoly Antonov further added that "We don't want the United States or other NATO countries to use this territory against the Russian Federation" (Colarossi, 18 April 2022). But the affair has begun much before. Russia sent shockwaves throughout the world by annexing Crimea on 18 March 2014.

The same unacceptable political and military occupation, together with military presence, often disguise as peacekeepers, has been repeated in Transnistria (Moldovia), Abkhazia, South Ossetia, and Artsakh as part of the revitalization of the former soviet empire. Apparently, the only visible consequence of this unprovoked and illegal occupation of Crimea was the Russia expulsion of the G8. However, the occupation of Crimea has



ignited the roots of a complex confrontation that has reverberated to this day, serving as a precursor to the ongoing conflict in Eastern Ukraine and setting in motion a prolonged standoff between Russia and the West, which “we are still dealing with the ripple effects of these events years later” (Chausovsky, 10 March 2021).

The 2022 invasion of Ukraine extended the arc that commenced in 2014. Russia’s wild attack on Ukraine is hastening the global tectonic shift. The Western alliance on the other hand have straightforward ethical and strategic reasons for supporting Ukraine war. Their position is Ukraine is the prey of Russian aggression and this is challenge to the democratic world. West has to collectively defend the rules-based global liberal order from Russian President Vladimir Putin and therefore isolate the Russian Federation: Sanctions, G8, WEF and Arctic Council, stand as clear examples or forums that excluded Russia – a clear set back in terms of advancing multilateralism. These drivers have been the salient feature of official Russian national security documents for the past three decades.

The war against Ukraine, launched by the Kremlin in response to the West’s refusal to accept it demands to fundamentally revise the post-Cold War security arrangements, has put an end to the few remaining hopes of managing the tense relationship through such channels as the NATO–Russia Council, the Normandy format to resolve the stalemate in eastern Ukraine, and the U.S.-Russia Strategic Stability Dialogue (Rumer & Sokolsky, 2022).

Nevertheless, the moral fervour manifest in the Western retort to Russia’s war on Ukraine has been conspicuously vague. “Russia’s ally, Belarus which is a member of the Moscow-led Collective Security Treaty Organisation and the Eurasian Economic Union, is a reflection of Russia’s own institutional connectivity, has allowed Russian forces and weaponry to be stationed on its territory. Belarus has directly and openly backed the Russian Federation. China has taken a stance of “active neutrality”, with Chinese authorities blaming the U.S. and the NATO for bringing “Russia-Ukraine rifts to a critical point” and accusing Washington of using the conflict to attempt to “contain Russia and China” (Chausovsky, 21 April 2022). Another significant player in the Russia-Ukraine conflict is Turkey, who wants to be a key mediator in the conflict and wishes to capitalize the opportunity to brand its NATO allies as well as to preserve the existing ties with Russia. Even though Turkey is a member of the NATO, it also has deep financial and energy connection with Russia and has declined to participate in Western led sanctions. At the same time, Turkey has supplied Ukraine with crucial weaponries such as TB-2 drones and has assisted Kyiv diplomatically. Turkey has been committed to facilitate the implementation of different stages of the agreement to export cereals from Ukraine and from Russia (REUTERS, September 5, 2023). This fact has provided Turkey influence with Ukrainians and the Russians equally, exemplifying the ever more multifaceted web of power relations in current multipolar age.

Other central global players like India, Mexico, Brazil, South Africa, Israel and Indonesia have continued their stance of being non-committal and acted to protect their national strategic interests. States such as India, Angola and Mozambique, decided to abstain



voting in UN resolutions intended to punish Russia thereby exhibiting strategic ambivalence. India values long and deep military and economic ties with Russia, and has taken benefit of reduced bills to buy more Russian oil which it has doubled from 2021. Resolution adopted by the General Assembly on 24 March 2022 - ES-11/2. Humanitarian consequences of the aggression against Ukraine (A/RES/ES-11/2) was favoured by 140 countries in the 193-member assembly. Four states - Syria, Belarus, North Korea, and Eritrea - joined Russia in voting against, while 38 abstained and 10 were absent" (UN, 2 March 2022).

The OPEC countries similarly continued with their agreement with Russia rather than conform with U.S. demand to increase oil production so as to relieve inflationary pressure. Other nations like China have declined to overtly reprimand Russia. The reflexively pro-Russian régimes like Belarus and Syria, with their large financial and military dependency on Moscow provides reasonable explanation for being supportive of Russia's stance towards Ukraine. In September 2023, the North Korea's leader Kim Jung Un visited to Russia, raising the world's attention for the possibility of military support to President Vladimir Putin (Bubalo, 2023) as associating the country to the circle of Russia effective supporters. In Middle East states, particularly those flush with cash, apply their agency and discretion in defining the depth and scope of Russian impact in the region than is recognized. Some countries are taking nonaligned posture to probably effort as mediators to bring peace in the region.

On the diplomatic front, Middle Eastern states that have engaged with Russia, including America's Arab security partners, have deferred on joining the Western-led condemnation of Russia's aggression and refused to join efforts to isolate Russia economically. In many cases, again, this is more of a form of local signalling, especially by the Gulf monarchies, to convey discontent with America's supposed inattentiveness to their security needs rather than a full-throated embrace of Russia (Wehrey, 19 May 2022).

Saudi Arabia despite close military alliance with the U.S. has rejected Washington's demand to supply more oil to help ease inflation caused by price surge, ensued due to the Western sanctions on Russia, whose production fell by a million barrels a day since its attack on Ukraine. The shared outlook of some of these countries is that they consider the Ukraine war as a regional conflict where it's not in their nation interest to get openly involved. This is antithetical to U.S. and European Union position who consider this as a serious risk to global balance of power, stability and outright violation of International the law and norms underpinning the global order after World War II.

In Africa, the President of the Republic of Guinea-Bissau Umaro Sissoco Embaló visited Russia in July 2023, anticipating the 50th anniversary of establishment of diplomatic relations. No public statements about Ukraine conflict had been released, but the visit has been seen as an expression of political solidarity. In South Africa, Cyril Ramaphosa President expressed that Washington's persistent push of NATO expansion contributed to revving up a catastrophe in Europe, which ultimately led to belligerent stance by Russia. These countries are in the making of emerging multivalent global order a reality.



Nearly half of the world is following “another narrative” which is divergent from the U.S. consensus. For many of these states belonging to Global South, Washington has been hypocritical given the West past of abandoning these same moralities when suitable. For example, NATO’s unilateral involvement in Kosovo in 1999, commenced without a UN Security Council Resolution, and the 2003 Iraq war to attempt regime change started on the incorrect information that Saddam Hussein had weapons of mass destruction and add to this 2011 intervention in Libya, which also went outside the terms and conditions of the S/RES/1973 passed on 17 March 2011 imposed a number of restrictions on Muammar al-Qaddafi regime, and more recently U.S. withdrawal from Afghanistan after 20 year and leaving behind political anarchy and citizens in disarray has led questioning of the decision by U.S. and West. These diverse attitude challenges the Washington’s efforts to consign Russia as pariah state status misses the mark of unanimous response. The moralizing lectures have fallen on deaf ears in Global South who have on occasion countered irritably to the arm twisting from West. They have indeed, undermined the legitimacy of all United Nations System, specially the UNSC as the governing body of the international security order.

These advances highlight serious dysfunctionality in U.S. outmoded alliances with Arab autocracies and a rising global movement of multipolarity well-defined by the pre-eminence of self-interest instead of shared moral standards and guidelines. There is also some indication that the Arab community is apprehensive of Washington's aims and strategies in this region – particularly its past history of military intrusions and dual values on human-rights violations. Realistic political positions and need to safeguard the benefits they derive from their association with Moscow is playing out in open. “Russia’s new position was best labelled as sub-imperialist: a regional power that generally plays by the rules of Euro-Atlantic capitalism, yet is able to dictate its own terms of integration into the global economy. Another useful term for this strategy is “sovereign globalisation” (Matveev, 14 April 2022) Chausovsky puts it bluntly: “(...) the Russia-Ukraine conflict has revealed the complexity of the power architecture of the world. While the U.S. was once in a dominant position in the global order, it now faces more competition from the likes of Russia and China, while presumed allies like Turkey, India and even certain EU states like Hungary have carved out their own independent roles vis-à-vis the conflict” (Chausovsky, 21 April 2022).

Understanding Post-Cold War Reality

Kamel asserts that "It does not seem far-fetched to claim that future generations will consider the ongoing Russo-Ukrainian War as one of the meaningful moments in the shift of the balance of power from West to East" (Kamel, 2022). The Russia-Ukraine conflict, is deeply altering the world structures and spaces of influence. It is actually provoking a new divide. Indeed, Zhang Weiwei, director of the China Institute of Fudan University, termed Russia aims at radical restructuring of the world order. He assumes that besides “looking to realize the “demilitarization and de-Nazification” of Ukraine, Moscow has a reflective determination by launching military action against Ukraine: Russia desires to overthrow the post-Cold War unipolar world order led by U.S. hegemony, foster the



formation of a novel multi-polar order in which Russia will be a key player” (Ning, 15 May 2022).

NATO may appear united but the crack in the overall stand against Ukraine is visible and the 31 member-states, a U.S.-led alliance, is facing disparagement for not doing enough to support Kyiv. Furthermore, the conflict has invigorated an argument that NATO’s eastward expansion was an error that perpetuated to the current crisis. Huge internally displaced and refugee outflows and an associated humanitarian emergency is overwhelming the capacity of EU governments and relief activities to deal with. “More than 14 million people have fled their homes since Russia’s invasion of Ukraine, the United Nations (UN) says. Indeed, almost seven million left for neighbouring countries, while eight million people are displaced inside Ukraine itself” (BBC News, 2 June 2022).

With the collapse of erstwhile USSR and the end of the Cold War in the early 1990s the world shifted away from bipolar division and this had a double influence on international relations. On 7 December 1988, Mikhail Gorbachev had declared, in the address at the United Nations, that USSR will no longer interfere in the matters of its Eastern European satellite states. Those states could follow liberal democratic systems, which Frank (1988, p. 2575) asserted as “steps in the right direction”. Until the end of the Cold War, the conservative understanding in the world was that ethnicity and nationalism were outmoded notions and mostly resolved complications. On both sides of the Cold War, the tendency appeared to show that the world was moving toward internationality rather than xenophobia or chauvinism. As an outcome of the danger of nuclear warfare, excessive importance was placed on democracy and human rights, financial interdependency, and steady acceptance of universal philosophies, it became trendy to speak of the demise of ethnic and nationalist movements. This marked the prescribed start of the end of the Cold War.

USSR military and ideological retreat from Eastern Europe and the Third World countries brought about democratization of in many nations which were hitherto ruled by Marxist totalitarianisms, and led to noteworthy advancement in resolution of numerous Third World skirmishes that had developed during protracted Cold War since 1940’s. The decrease in East West tension, led to in a substantial waning in inter-state conflicts, many of which ensued due to the ideological power bloc rivalry. Glasnost has liquidated a regime founded on misapprehension and falsehoods. Practically nobody in the Eastern bloc now trusts USSR-led socialism can contest with the Western liberal ideas and capitalism in terms of financial performance and liberties. Marxism dominance and promises of classless and stateless society as a means of understanding and directing society stood discredited.

Conversely, it has been imprudent to assume that the world really moved to neo liberal order and that there was Washington consensus. Fukuyama (1989) argued that with the breakdown of the Soviet Union, the last political substitute to liberalism has been rejected. Fascism was discredited after the World War II, the Communism had collapsed and in China, political and economic reforms seemed to be moving in the course of a more integrated global economy. The world looked as the Hegelian imagination - progressive history as the process of conflict between ideas has reached its ultimate goal by establishing liberal institutions - representative government, free markets, and



consumerist culture globally. There was “Common Marketization and New World Order” and the world has achieved homeostasis. “It seemed as if there would be a global convergence around a set of universal values — freedom, equality, personal dignity, pluralism, human rights. Fukuyama predicted greater geopolitical stability in the world” (Brooks, 8 April, 2022). Fukuyama (1989), summarised it “What we may be witnessing is not just the end of the Cold War, or the passing of a particular period of post-war history, but the end of history as such (...) That is, the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government.” The “endist” proposition guaranteed that U.S. faces no grave threats to its hegemony and that it will continue to be the foremost authority in a global neo liberal order. Currently, it is said that Fukuyama was perhaps hasty to assume the future, all too certain that he could envisage the progression of political progress in advance. Perhaps Fukuyama ignored any discrepancies to the set pattern of dominant Western liberalism. However, as the Berlin wall collapsed and the Cold War ended, Hirst (1989) published *Endism* where he attacked Fukuyama prognosis with deeper and nuanced foresight.

The breakdown of the “Soviet Empire” has been followed by the rise and return of many grave struggles and wars in several parts of the world. Some of these new battles are happening within the former Soviet Union, for example the conflict between Armenia and Azerbaijan over Nagorno-Karabakh, and the hostility in Chechnya. However, some wars also emerged or deepened in numerous states outside of it and several Third World armed conflicts, in which the superpowers were not intensely involved during the Cold War have continued after it. Moreover, in 1989, Fukuyama ignored that China was still an unyielding state in spite of extensive market reforms and the expectations that Russia would come under liberal democracy fold after the Cold War persist as authoritarian regime (Fukuyama, 2016).

Ethnopolitical conflicts aside, there have been other threats to international order that are, indeed, beyond the full control of major powers, even the U.S., the victor of the Cold War. The most notable ones include religious militancy, terrorism, North-South conflict, and severe competition over scarce resources. The post-Cold War period also saw the revival of North-South economic antagonism. “The very notion of an “end” to history is pernicious (...) Democracy is deeply compromised. The record of liberalism after 1945 needs serious critical attention. Western Europe, the U.S. and Japan all offer ample evidence of the failings of liberal political institutions” (Hirst, 2019). Liberal capitalist economy is not the predictable concomitant and bulwark of liberal democracy. Unfettered financial system can equally pose substantial danger to political democracy, when it allows exceptionally unequal influence of advantaged economic and corporate actors. Growing economic globalization in the post-Cold War era does not appear to be breaking the historical stratifications between the North and South.

The phenomenon of the economic dependence of the developing countries on the multinational companies from the industrialized countries is named today neokolonialismus, what refers to the economic exploitation of these countries, which resembles the conditions in the colonial age in various regards. With global problems like the climate change, a further dimension of injustice is



added: Whereas the problems are caused over proportionality in the North, the consequences of the desertification or extreme weather conditions occur over proportionally in the South. This extends to the threat to the existence of numerous small island states, which will no longer exist if the sea level continues to rise any further (Seligson; Passe-Smith, 2003).

The unregulated free market does not guarantee economic equality as it aggravates unrestrained concentration of economic activity in the hands of few (Hirst, 2019). The consequence has been growing wealth dissimilarity and class antipathy. The rise of right-wing populist espousal of ultra-nationalism has been undermining for the European Union led to Brexit as well. The rise of religious fundamentalism in recent years within the Christian, Jewish, and Muslim traditions has been widely noted. One is inclined to say that the revival of religion in some way attests to a broad unhappiness with the impersonality and spiritual vacuity of liberal consumerist societies. The other major "contradiction" potentially unresolvable by liberalism is the one posed by nationalism and other forms of racial and ethnic consciousness. But it is not clear that nationalism represents an irreconcilable contradiction in the heart of liberalism. In the first place, nationalism is not one single phenomenon but several, ranging from mild cultural nostalgia to the highly organized and elaborately articulated doctrine of National Socialism. Only systematic nationalisms of the latter sort can qualify as a formal ideology on the level of liberalism or communism (Fukuyama, 2014).

The simple existence of a rising China "with Chinese characteristics", created an alternative pole of ideological attraction, and as such constituted a threat to liberalism. As depicted by Table 1, China's contribution to global GDP is estimate to soon reach 1/5 of the total sum, surpassing the U.S.. China now is global economic power that echoes its own benefits and methods, rather than merely following the lead of prevailing organizations. China definitely will be strategic winner, if Ukraine becomes a protracted trial of strength between Russia and the West.

Table 1 – China's GDP and Share Global GDP							
Year	1990	2000	2010	2015	2020	2022	2028
GDP	360,86B	1,21T	6,09T	11,06T	14,69T	17,96T	>21T
Share Global GDP	4%	7,24%	13,62%	15,97%	18,14%	18,84%	19,72%

Source: World Bank and Statistica (2023)

Even if "America will continue to be the world's leading military power. But China's growing anti-access/area denial (ACAD) capabilities cuts U.S. edge at least in the East Asian region" (Acharya, 2019). China is challenging the U.S. visions on regionalism and globalism by its very strategically laid out projects such as the Belt and Road Initiative and the Global Development Initiative (GDI). These are directly tied to enhancing China's own interests and priorities. The Belt and Road Initiative is trying to getaway of the U.S monopoly and the immediate aim of the several ports, corridors and railway lines is to



avert the interruption of Chinese supply routes. If China gets ahead in tying Europe closer through extensive Belt and Road Initiative, this will be big leap for China and Russia towards their aim of neutralising U.S. domination in Eurasia. In the same line of reasoning, the GDI, builds on the B&RI, and consolidates the international development cooperation agenda and seeks to place China as the key development partner for the Global South.

The Trump Administration and its "make America great again", left a legacy of demise in the global leadership, pushing the European leadership to be uncertain about the long-lasting transatlantic relationship. China has smartly explored this weak link, advancing new levels of cooperation at bilateral and multilateral levels, namely at Shanghai Cooperation Organization (SCO), at BRICS+, at Asia-Pacific Economic Cooperation (APEC), at Regional Comprehensive Economic Partnership (RCEP), at ASEAN +, in Africa, in South America, and in the Middle East. Russia and China now share a mutual rival in the United States, that has global competences and existence that they perceive as challenging their national and security interests in their sphere of influence. In particular, with Putin's invasion of Ukraine, he is aiming to finish the work on important mission of demolition underhandedly reinforced by numerous world leaders, especially Chinese President Xi Jinping. Together, these leaders want to disrupt what they perceive as U.S. hegemony over the global structure and challenge the belief that the world is bound by a shared set of morals embodied in transnational laws and maintained by organizations such as the United Nations. China and Russia made explicit observations about a "new world order", suggesting that the Ukraine fight and the sanctioning of Russia is going to have farther-reaching significances than hitherto assumed. Xi Jinping's line of thinking was reflected when China's foreign ministry spokesman Wang Wenbin told that "China-Russia cooperation has no limits, and that our striving for peace has no limits, our upholding of security has no limits, our opposition towards hegemony has no limits". Moscow and Beijing will continue efforts to "advance global multipolarity and the democratization of international relations" (Ellis, 30 March, 2022).

The new post-cold war world order they are trying to establish is dominated by opposing alternative models of global governance and each political unit seeking to influence its own geopolitical space. Putin basically plans that a larger Russia encompassing part of Ukraine will be one completion of his 2020 declaration that "Russia is not just a country. It's really a separate civilization" (Moscow Times, 2020). "This struggle should be viewed in civilizational, not just geopolitical terms (...)" declared Charles Kupchan, a former senior U.S. official and now scholar at Georgetown University. "It is at once and the same time sui generis, particular to Putin and Russia, but also is part of a broader increase in ethnonationalism and its role in global politics, as well as the backlash to globalization" (Hirsh, Foreign Policy, 10 April 2022). With his attack on Ukraine, which President Putin believes is an inextricable part of Russia, he is resonating what President Xi has also sought to do when he called for the reconstruction of Chinese philosophy and civilization "the utmost vision for the Chinese nation in contemporary history" (Hirsh, 10 April 2022). Zhang (2012) asserted that "China is today the only nation in the world which has combined the world's lengthiest continuous civilization with a huge modern state".



China resents the degree to which the West imposed its presumably collective principles on the global system in the post-war period, which has favoured U.S. hegemony. Simultaneously, the U.S. reads China's pledge to forging a multipolar order based on diverse ideals and determined by different standards more beneficial to non-Western countries as China aims to be a foremost global authority in the process. These two viewpoints on the imminent global order drives larger disagreement and generates the atmospherics of a "new Cold War," even if the U.S. and China state they want to evade it. Global pressure and antagonism from Western powers draws these two nations closer "Trade between China and Russia exceeded \$107.7 billion in 2020 and experts estimate this may be more than \$130 billion considering the rising price of bulk commodities this year" (Xin & Wenwen, 24 May 2021). Both countries believe that U.S. defence plans, for instance missile defences positioned in Europe and the Asia-Pacific as a risk to their safety and an effort by the U.S. to deny them the capacity to put off or strike back against it in the incident of war. Russia's close partnership with China has removed the prospect of a military conflict between two of them to the margins, while the worsening bond with the U.S. has raised the awareness of danger from its treaty ally Japan. According to Arbatov (2021) there are tangible consequences of China's nuclear build-up; if China continues with stated strategies to enlarge its nuclear arsenal to level of the U.S. and Russia, this will lead to a three-way arms race and the tactical nuclear equilibrium that presently exists will be "radically destabilized" as an outcome.

By way of example Lora Saalman cites several Chinese experts' speculations on strategic stability between the U.S. and China. They note that its key difference from the U.S.-Russia strategic relations lies in the fact that it is not based on approximate nuclear missile parity. In this context they argue that China should build sufficient "comprehensive power", including economic, political and military might, to be on par with the other two nations and thus prevent them from dominating in any strategic talks (Arbatov, Alexei; Dvorkin, Vladimir; Oznobishchev, Sergey, 2012, p. 29).

Russia's continuing the war in Ukraine and intensifying strains with the West means Moscow has no substitute to the "no limits" policies with China, which leaves it no room to jeopardize even the slightest worsening of relationship with Beijing. Moreover, the multilateral global scheme, namely in the UN, IMF, World Bank, WTO, is disintegrating and some even believe is not truly representative of current global powers and influence and are getting replaced by institutions such as the G20, which brings together countries from both the North and the South, on a more equitable footing than the UN Security Council or the IMF. Micklethwait and Wooldridge (24 March 2022) wrote, "geopolitics is definitively moving against globalization - toward a world dominated by two or three great trading blocs." This broader context, and especially the invasion of Ukraine, "is burying most of the basic assumptions that have underlain business thinking about the world for the past 40 years." We are entering a more composite patchwork of bilateral, regional and plurilateral structures and coalitions. "The country composition of the G20 reveals that it consists of a set of 10 highly aligned Western countries composed of the G7 plus Australia, South Korea, and the European Union and a set of six non-Western



countries that make up the BRICS group composed of Brazil, Russia, India, China, South Africa, and Mexico” (Bradford, 4 May 2022). Even parallel institutes such as BRICS+, ASEAN, QUAD others are evolving partnerships between regional governments.

The 2023 BRICS summit advanced the 2017 China proposal to start the BRICS expansion process. The BRICS + (Brazil, Russia, India, China, South Africa, Saudi Arabia, Iran, Ethiopia, Egypt, Argentina and the United Arab Emirates), are not only a “new global economic paradigm in the making” (Gouvea & Guiterres, 2023), but also, they represent an antagonist alignment vis-à-vis the U.S. centred leadership. Particularly interesting is the case of Brazil. In April 2023, when president Lula from Brazil travelled to China, the agenda was driven by economics, and among the dozens of accords expected to be finalized during the visit is one regarding the joint Brazilian-Chinese construction of CBERS-6 satellites, a model that “has improved technology that allows for efficient monitoring of biomes such as the Amazon Rainforest even on cloudy days” (Arias, 2023). President Lula also attended the former Brazilian President Dilma Rousseff’s inauguration in Shanghai as head of BRICS’s New Development Bank, and carefully implied the need to diversify the international currencies to conduct international payments. In relation the Ukraine War, the narrative of the Brazilian President clearly shows intentional vagueness and ambiguity as he claimed U.S. was “stimulating the fighting” (when he was in China on 10 April 2023), as he suggested Ukraine should cede Crimea (in early April) and as he condemned the “violation of Ukraine’s territorial integrity” (after the visit of Serguei Lavrov to Brazil on 17 April 2023) (Associated Press, 2023). It appears that Brazil, as a regional power, is seeking a share within the process of building a new global order.

In addition, the OECD has predicted “that by 2060, the GDP of the developing world, including China and India, would surpass that of advanced OECD and non-OECD countries: 57.7 percent to 42.3 percent” (OECD, 2012). In 2020 Joe Biden wrote that the United States needs to “get tough with China” (Planet Money, 2020). Beijing “is playing the long game”, he argued, “by extending its global reach, promoting its own political model, and investing in the technologies of the future. Washington understands that it is competing with Beijing to determine not only whose economy and military are more dominant but also whose principles of governance are more worthy of global leadership.” (Sher, 2022). Washington denial to come to Ukraine support with unswerving military backing is particularly disturbing. China is keenly observing the power play and positioning of west. U.S. reaffirmed backing for NATO, promoting the QUAD, investing in AUKUS, reinforcing trilateral security collaboration with Japan and South Korea and renewed arrangement with the Philippines indicates the U.S. return to multilateralism against Beijing's assertiveness to have closer allies and partners in the region.

Thus, the inquiry about whether the Russia-Ukraine battle declines or consolidates Washington’s position in the international arena remains an open one and is perhaps too early to respond. Partially, this will be contingent on the way in which the war pans out in reality. But essentially, the response will also hinge on whether the U.S., Russia, China or others competing for global supremacy and part will form the connectivity flows in tactically effective ways and that will incorporate the probable idea of the imminent of



the global order. What is apparent is that the multiplex nature of the international global order is here to stay, and the power architecture will be determined by this dynamic and composite struggle over tactical connectivity. On the top of all uncertainty, there is the result of the coming U.S. presidential election in 2024.

Concluding Observations

Recalling that the prime purpose of the study is to examine the diverse, but coordinated roles that various states in helping settle the Russia-Ukraine war, as an opportunity to power rebalancing, there is a looming reality: we are building blocks, instead of multipolarities. Geo-economics influence and Western hostility are the foundations of the new invisible walls.

Indeed, the world is very different from the post-World War II, where the U.S. arose as the world's foremost power, neither we are seeing typical characteristics of multipolar world. Amitav Acharya calls this a "multiplex world combines multiplicity and complexity (...) It's a world of multiple actors in global affairs that are nonetheless bound by complex forms of interdependence" (Acharya, 2014). We are building blocks instead of promoting globalization and multilateralism. "Geopolitics is conclusively moving against long-standing global order toward a world dominated by two or three dominant trading blocs: an Asian one with China at its core and maybe Russia as its energy supplier; an American-led bloc; and possibly a third centred on the European Union, with the Europeans largely allied to the U.S. but anxious about it also. Other powers will equivocate between these two or three great blocs, much as they did during the Cold War" (Micklethwait; Wooldridge 24 March 2022).

Kissinger (2014) argues that, "The contemporary quest for world order will require a coherent strategy to establish a concept of order within the various regions and to relate these regional orders to one another (...) New World Order is phase of histrionic transformation in the global politics. It is essentially associated to the idea of global governance predominantly in the characteristic of a cooperative effort to recognize, diagnose, and tackle international challenges that a nation or state cannot handle on its own". Fundamentally, "new-world-order" defined as definite epoch of global uncertainty where noteworthy fluctuations in geopolitics occurred due to armed war or financial disaster, lead to a restructuring of the global socio-political system. Contemporary global politics is fragmented, wavering by crosscurrents, inconsistencies, and multivalent forcefields, not singular ideas. Internal political pressures engendered by social divisions drive internal political supremacy over addressing global existential requirements. "Fierce independence, assertion of uniqueness, and willpower for autonomy characterize indigenous expression and spill over into the global public square creating greater diversity and cross-cutting tensions. These countervailing forcefields now ripple through global forums and international institutions, issues, and challenges, and define the new global order. The tensions between the West and the non-Western world are central, significant, and involve many countries" (Bradford, 4 May 2022).

The hurried retreat of U.S. from Afghanistan, the historic divisions within the European Union intensified by the Ukraine – Russia conflict, offered Russia and indirectly China the prospect to fashion the new form of the new world order. The new formulation is



dependent on the concept of a multi polar world order, hostile to the idea of western democratic liberal order, which has become weaponized due to the U.S. dollar reserve system, trade wars and systematic sanctions. The Ukraine conflict fast-tracked the formation of strategies of the new world order by announcing Russia as a key player in the multipolar conflict, which has destabilized the security structure of Europe. "I think the war in Ukraine and the desperate steps taken by The West to curtail Russia, is really a story of the formation of a new world order. This is not just about Ukraine. It is not just about Russia. These are mere actors in the bigger stage of shifting global politics. This story is geopolitics at its best. I believe we are seeing a new world order playing out in front of our eyes" (Heerden, 12 May 2022).

The Ukraine conflict is much more than just re-establishing Russia's power on its previous colony. It is more about a tactical repositioning by Russia to take up global status. The ongoing conflict in Ukraine make it apparent that Russia and China are aligning themselves to fill the strategic vacuum due the waning global role of the U.S. The global balance of power is shifting quickly as global and regional powers try to secure their place in the newest world order after decades of global U.S. dominance. As Roy states "After the conflict playing out in Ukraine, it would be a bi-polar world, with a tri-polar tendency. There would be conflicts galore and shadow boxing matches" (Roy, 24 February 2022).

To succeed in a multivalent global order is to take cognizance of growing intricacies, paradoxes, and contrariness as certainties; delink subjects from one another to avert a particular difference from disrupting other functional relationships; decentralise international negotiating avenues from one another; plan varied ways to work on subjects that are noticeably diverse; reassure varying groups of country representatives to lead on diverse issues; foster plurilateral groups by rotating their arrangement from issue to issue; embrace diversity; sidestep blocs; offer innovation; emphasis on substance; and dial back on polemics. This new era of intricacy, inconsistency, and polyvalent forcefields calls for new methods which are categorized by better candidness to multiplicity, transformation, and eclecticism and driven more by real-world specifics, functional understandings, knowledge-based policymaking, and an intense sense of global necessities to address systemic challenges and existential threats. In a multivalent world, these methods would be more operative and valuable than using international forums to try to advance morals, political predilections, and polemic alterations. In a complex world, we must avoid building blocks, but to strive to create global, multi-level and multipolar structures, in which multipolarities are perceived as forces for stability.

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INTERPRETING INDONESIAN NETIZEN RESPONSE TOWARDS PUTIN'S MASCULINITIES IN THE RUSSIAN INVASION FROM A GENDER PERSPECTIVE

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Abstract

Since Putin executed his invasion of Ukraine on February 24, 2022, it has generated various responses in the real world and on social media. Among the most active users worldwide, Indonesian netizens contribute significantly to social media debates. It is intriguing since the past pattern indicates that Indonesian social media seldom generate a massive response to international affairs issues, especially those unrelated to Indonesia. However, in the case of Putin's Invasion, the Indonesian netizens behaved out of pattern by reproducing extensive narratives to support Russia's invasion by glorifying Putin's masculine side. In this paper, we trace how the narrative glorifying Putin's masculinities is constructed within Indonesian netizens' responses by interpreting Twitter data right after the first Russian attack from February 2022 to March 2022. Further, we also explain under what conditions the narratives emerge. We found that the narrative created two different patterns: the first pattern radiated romanticizing Putin's machoism aspect and, at the same time, feminizing the Indonesian government. We then argue that the supporting narratives are linked with how Indonesian gender relations are imbued with hegemonic masculinity products of the past Indonesian colonialism that shaped the praise for the hegemonic masculinity point of view.

Keywords

Russia, Ukraine, Indonesia Netizen, Putin, Masculinity.

Resumo

Desde que Putin executou a sua invasão da Ucrânia, em 24 de fevereiro de 2022, gerou várias reações no mundo real e nas redes sociais. Entre os utilizadores mais ativos a nível mundial, os internautas indonésios contribuem significativamente para os debates nas redes sociais. É intrigante, uma vez que o padrão anterior indica que as redes sociais indonésias raramente geram uma resposta maciça a questões sobre assuntos internacionais, especialmente as que não estão relacionadas com a Indonésia. No entanto, no caso da invasão de Putin, os internautas indonésios comportaram-se fora do padrão, reproduzindo narrativas extensas para apoiar a invasão da Rússia, glorificando o lado masculino de Putin. Neste artigo, traçamos a narrativa que glorifica a masculinidade de Putin e como é construída nas respostas dos internautas indonésios, interpretando os dados do Twitter logo após o primeiro ataque russo de fevereiro de 2022 a março de 2022. Além disso, também explicamos em que condições as narrativas emergem. Descobrimos que a narrativa criou dois padrões diferentes: o primeiro



irradiava a romantização do aspeto machista de Putin e, ao mesmo tempo, a feminização do governo indonésio. Em seguida, argumentamos que as narrativas de apoio estão ligadas à forma como as relações de género indonésias estão imbuídas de produtos de masculinidade hegemónica do passado colonialismo indonésio que moldaram o elogio do ponto de vista da masculinidade hegemónica.

Palavras chave

Rússia, Ucrânia, internauta indonésio, Putin, Masculinidade.

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INTERPRETING INDONESIAN NETIZEN RESPONSE TOWARDS PUTIN'S MASCULINITIES IN THE RUSSIAN INVASION FROM A GENDER PERSPECTIVE

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Introduction

The relationship between public response toward other countries' foreign policy has never been studied comprehensively. At the same time, it might provide a luminous pathway to understanding the curve of public opinion and reshaping foreign policy, primarily how they are related in the social media sphere. We delve into the matter by scrutinizing how Indonesian netizens responded to the Russian invasion. It is an intriguing event due to the fact that international affairs seldom generate broad responses among the Indonesian public, except for the Palestine issues (Nasution, 2018). The "insensitivity" towards foreign affairs is presumably related to the domestically focused foreign policy instead of outward-looking (Rosyidin, 2017). However, it indicates that momentous international affairs can affect others, even in an "insensitive" to foreign affairs society like Indonesia, if the narratives hit a societal nerve. In this case, it is Putin's masculine traits in Russia's invasion of Ukraine. In addition, Indonesia also prepared to conduct a G20 meeting, which Russia and Ukraine are scheduled to attend. Hence, it was important for the Indonesian government to participate to defuse the tension by first knowing where the public stands. With both aspects going on, we consider Indonesia a perfect example to exercise the relations between public opinion in international affairs and the masculinities projection of another state.

Vladimir Putin's masculinity has been widely discussed since Russia's attack on Ukraine occurred in early 2022. It also sparks debates on how the individual leader has affected foreign policy decision-making. On one side, scholarly arguments were built around the personal ambition to unite all Russian speakers, especially to counter injustice motives over Russia in the post-Cold War era (Hunter, 2022). On the other hand, a more material approach to the conflict emerged and constructed an argument regarding The West and Russia rivalry. Here, we contribute to the dialectic by analyzing Putin's agency in the decision-making structure.



From this point of view, Putin's masculinity has been his trademark since he stepped into office. Putin's regime has increasingly relied on very conventional gender and sexual norms by "remasculinize" his image and using a masculine persona to increase Russia's image in the post-Cold War era (Sperling et al., 2022). Some of his articulation is to dissimulate authoritarianism as masculine and democracy as feminine. Russian media also adopted the strict black-and-white enunciation of gender nuance in portraying Ukraine's first pro-democracy revolution in 2004 and Putin's response to Georgia Rose's revolution in 2003. Further, some academics refer to Putin's behavior as "hyper-masculine performances, "resembling an action consciously taken to produce a specific public performance. He often articulates the notion of masculinity by posing shirtless while riding horses, petting tigers, firing big guns, and doing martial arts for the cameras, which have become an inherent part of his brand (Grouard, 2022).

By far, his articulation of masculinity is often portrayed as a power play. A "hegemonic project" deeply rooted in gender dominance by overusing masculine symbols can be linked to the Russian image as a strong country (Wood, 2016). The common association of leadership masculinities finds a strong presence in wartime. The relationship between masculinities and war is either causal or constitutive (Hutchings 2008). On one account, masculinity remains a crucial ingredient in a war. On another account, the social practice of war manifests a constitutive redefinition of men's masculinities (Goldstein, 2001). In short, scholars often constitute masculinities as enabling precondition to war and vice versa (Elshtain, 1995; Barrett, 2001; Enloe, 2014). The above notion has become a predominant narrative in a patriarchal cultural realm. Hence, Putin's action to attack Ukraine works best within the image of a masculine image, which he cast persistently. The most recent is the war against Ukraine.

While it consistently manifested in Putin's everyday political masculinities, it also provoked various responses in the real world and social media, especially Twitter. Digital analysis by Evello (2022) suggested that many Indonesian netizens responded to the Russian attack on Ukraine in late February 2022. The survey also concluded that Putin's popularity spiked shortly after he launched the first attack. Our preliminary digital observation found that Indonesian netizens frequently intonated discussions about Putin's physics and courage in the war. The pattern is repeatedly shown in Vietnam. The most salient pro-Russia narratives in Vietnam's cyberspace revolve around justifying Russia's Invasion of Ukraine, echoing anti-America and anti-imperialist worldviews, and lionizing Russia while demonizing Ukraine (Ha and Luong, 2022).

Ha and Luong (2022) later argued that Pro-Russia narratives in Vietnam's cyberspace are the result of cross-pollination between sentimental attachment since the Soviet era, psychological bias towards Russia embedded in Vietnam's education and propaganda system, and the overriding imperative to preserve the Vietnamese state's political and ideological interests. We also found the same pattern happening in Indonesia. Nevertheless, when we delve into the data details, we find a denoting amount of masculine tone usage to express the pro-Russian narrative. We depart from this notion to further investigate the linkage between Putin's masculinities and the pro-Russian narrative voiced by Indonesian netizens. Here, we employ gender lenses to grasp how masculinity plays a significant role. We argue that the pro-Russian response developed by



Indonesia Netizen was a product of a hegemonic masculinities point of view. The sphere where the narrative emerges favors dominant masculinities over the other gender expression. We then traced the system of thinking to the Indonesian colonial era, in which the colonialists instilled unconscious gender ideology.

This research collected Twitter data to understand the netizen's response to the Russian invasion. Twitter has been chosen because of its ability to explain narratives from users' tweets (Sadler, 2017). Compared to other picture and video-based social media, Twitter offers data about actors' interactions and their narratives. Moreover, Twitter also fulfills a high range of data scalability and is classified as first-party data (acquired from the user's tweet directly). It helps reveal new patterns of insight into society, politics, and how information is distributed (Chen, 2018). This research uses Mixed-Method Social Network Analysis (SNA), which combines Social Network Analysis with a Qualitative approach to understand connections between actors and their narratives. This method is used because of the nature of data, called relational data. Relational data involves a connection between entities (William & Shepherd, 2017).

Regarding Twitter data, relational data can be processed to connect narratives between Twitter accounts (Pramono, 2023). In this case, the form of relational data is a Twitter conversation among Indonesia's netizens as a primary source and a literature review as a secondary source for data interpretation. Twitter data is collected after Russia employs its military forces in Ukraine. To be precise, the data collection process is operated from the end of February 2022 to March 31, 2022. After that, data interpretation is operated to give another perspective from existing theories and concepts about gender. From these keywords, we crawled 6280 Twitter content. To ensure the data relevance in Putin's masculinity context, we cleansed the data by erasing data that does not contain Putin's masculinity context and choosing data that only discusses the masculinity context. After the cleaning part was done, we got 642 Twitter interaction data that will be processed for Network Analysis and Data Interpretation.

The Genealogy of Indonesia Gender Relations

The linkage between colonialism and gender construction lies beneath the notion of "exotic" and masculine adventure (Enloe, 2014). As it also serves as an underlying characteristic of masculinities. To become masculine by colonial standards, a man must subdue and abuse colonized women. Moreover, vice versa, the male colonized must protect and hinder abuse towards his women to maintain his masculinity (Alloula, 1986). In this sense, women are seen as subduable objects, which they are attributed to domestic references such as a worker, sex symbols, and nurturers, which have been verified as crucial to the entire colonial undertaking (Enloe, 2014). Taking the perspective of masculinity, one might abruptly say that the majority of masculinity of the oppressed was sustained by the female's ability to position themselves in the face of colonial rule.

In this sense, the colonial system plays a determining factor in constructing how gender relations happened. There are two contrasting relations between colonization and masculinities dominating different cultural realms. The eastern realm, where most



colonization occurred, tends to have a more dominating sense of masculinity (Connell, 2005). As Connell (2005) later scrutinized, those colonial masculinities gravitate around dominating those who lack masculine characteristics, such as female and colonized subjects. It contrasts with the Western realm, where the colonizer primarily resides, where the masculine manifested in distinguishing males and others through personal expression. It then manifested in the Dutch colonialization around the 1600-1945s, which constructed Indonesian gender relations.

The Dutch colonial government actively shaped gender relations by juxtaposing the native chief and the Dutch administration by differentiating the clothes (Gouda, 2007). The Dutch administration applies a European-style uniform resembling the army and covering the entire body. In contrast, the native chief was forced to wear traditional clothes. Apart from the differentiation, The Dutch colonial administration threw propaganda by regularly disseminating a comparative picture of both, along with a degrading message on how effeminate the native chief was compared to the Dutch officer. The propaganda aims to belittle the native leader and appraise the Dutch officer as the ideal type of masculinity to read between the lines. Thus, it is safe to argue that the Dutch colonial era played a significant role in formatting gender roles in Indonesia, where the masculine were deemed superior to the feminine (Prianti, 2019).

The stratified gender relations between masculine and feminine later settled for the next hundreds of years. Although it was a byproduct of colonialism, the modern era after independence in 1945 cannot seem to decolonize the incommensurate gender relations fully (Chi & Pabyantara, 2022). The predominant narrative of superior masculinities endures the age of the first two Indonesian presidents, Sukarno and Suharto. In the Sukarno era, the newly independent society praised the alpha male leader and his image as a wealthy polygamy practitioner icon (Van Wichelsen, 2009). He successfully glints as a Javanese alpha male leader with an elegant approach toward women. In the Soekarno era, there were two significant points of view on how women interact with masculinities. One entwined the masculine persona, which Sukarno delivered as the highest nation leader; the other was opposing.

The 1965 coup by the Indonesian Communist Party marked the abrupt transition from Soekarno to Soeharto. Soeharto, who ruled for 32 years, successfully imposed a hegemonic masculinity logic where the men perpetuated gender inequality and later took advantage of unjust relations (Connell, 1987). The regime adopted the *bapakism* ideology, which originated from *Bapak* means father in Indonesian. It is a doctrine that stipulates colonial masculinity at the center of social and political interaction. *Bapak* is enacted as a man who serves as a family leader, business leader, town leader, and nation-state leader. The God-righteous quality of *Bapak* is God-given wisdom, self-control, and mastery of emotion (Nilan, 2009). He articulates the masculinities by governing his gestures closely with a calm, smiley, and passive attitude. He perceived masculinity as the glory of *Akal*, rationality, and self-control over emotions (Peletz, 1995). His long regime period officiated the perspective of masculinities and helped shape the socialization of superior masculinities nationwide.



The superior masculinities prevailed until arguably the recent era. A leader in Indonesia is still associated with masculine traits, such as the glorification of *Akal*, as it was in the Soeharto era. Therefore, dominant masculinities' social value still serves as a concealed paradigm in Indonesia nowadays. It then provides a structure where the narratives can be translated into tweet posts. In the next session, we presented a series of data regarding two predominant narratives of netizens' response to the Russian invasion. We believe that the pro-Russia narrative is a product of the long history of gender and colonialism affiliation in Indonesia.

The Posture of Netizen Response

For acquiring contextual data about Putin's masculinity from the Twitter conversation, we employ some keywords for data acquisition, as follows:

Table 1. Data Acquisition Keywords

Keywords (In Indonesia)	Keywords (English Translation)	Context
Putin Tegas	Putin Assertiveness	Putin is a man and a firm leader in leading his troops and firm in making every decision in his policy.
Putin Kuat	Putin Strong	Putin was a man and a strong leader in forming his troops and strong enough to make his opponents look weak.
Putin Maskulin	Putin Masculine	Putin is a masculine man, and all the points of view that shape his figure from a gender perspective.
Putin Suami	Putin Husband	Putin is a man who is dashing and able to protect his wife. (people make an analogy that Russia seems to be the husband of Ukraine)
Putin Keren	Putin Cool	Putin is a man who looks fantastic with all the sophistication of his resources and technology.
Putin Cerdas	Putin Intelligence	Putin is intelligent in formulating strategies and considering the next steps for his opponent's response.
Putin Sesama Jenis (pernikahan)	Putin LGBT	Putin's policy towards LGBT
Putin Islam	Putin Islam	Everything related to the keyword Islam or all statements that relate it to the context of Islam (from a religious point of view).
Putin Palestina	Putin Palestine	Everything related to the keyword Palestine or all statements relating to the context of Palestine (from a religious point of view).
Putin Maco	Putin Macho	Putin is a physically fit and strong man (looking at the physical context of Putin).
Putin Seksi	Putin Sexy	Putin is a physically fit and strong man (looking at the physical context of Putin).



Putin Beruang	Putin Bear	Putin is a person whose strength exceeds the bear (the strongest animal symbol in Russia).
Putin Telanjang Dada	Putin Topless (Flexing Chest)	Putin is physically fit and strong (looking at the physical context of Putin and their response to his Picture topless riding a horse in Serbia).
Putin Kekar	Putin Hefty	Putin is a physically fit and strong man (looking at the physical context of Putin).
Putin Keker	Putin Hefty (Javanese)	Putin is a physically fit and strong man (looking at the physical context of Putin).
Putin Bugar	Putin Fitness	Putin is a physically fit and strong man (looking at the physical context of Putin).
Putin Nyali	Putin Courage	Putin was a man with great courage in facing all challenges and enemies in front of his eyes without fear
Putin Laki laki	Putin Man	Putin is a masculine man, and all the points of view shape his figure from a gender perspective.
Putin ukhuwah	Putin's Islamic Spirit	Putin is an actor that has an Islamic spirit
Putin umat	Putin Ummat (Indonesian)	Putin as an actor that supports Islam in global conflict
Putin ummat	Putin Ummat	Putin as an actor that supports Islam in global conflict
Putin Chechnya	Putin Cechen (Indonesian)	Tweets related to Putin and all information related to the Chechen war
Putin Chechen	Putin Cechen (English)	Putin and all information about his position and relevance in the war over the Cech in the past.

Source: Processed by author

We use two algorithms to explore how many interaction clusters are created from the network and what is an influential narration in the network: modularity class and weighted degree or degree centrality. The modularity class algorithm finds cluster interaction created by actor interaction in the network. Modularity measures the density of links inside communities compared to links between communities (Blondel et al., 2008). Degree Centrality counts the number of relationships or relationships owned by actors with other actors. The actor with the most relationships or having the highest degree will become the center of a network and greatly influence the network (Umadevi, 2013). Based on these two algorithms, two insights are found that explain Contra-West and Pro-Islam narratives among actors' interaction in the network.

Insight of Two Narratives: Contra-West and Pro-Islam

Here is the resume of insight from the network. Population means the number of actors in each modularity. As mentioned above, the Weighted Degree algorithm decides which narration is dominant in each cluster.



Table 2. List of Narratives

Population	Narration
36.44%	Putin's Courage and Intelligence Against the Status Quo (West)
8.24%	Association of Putin as a pro-Islam actor & compares Ukraine and Palestine
6.12%	Support for Putin with Islamic Narrative
5.32%	Siding with Muslims & courage against the Westol;
3.99%	Counter attitude towards Putin with Islamic narrative
3.46%	Putin's rivalry with the West
3.46%	The debate about Putin in the Ukraine war from an Islamic perspective
3.19%	NATO's incompetence against Putin
3.19%	Putin's Courage in the Economy
3.19%	Support for Putin with Islamic Narrative
1.33%	Putin's firmness and courage against NATO and the US
1.06%	Comparing Putin's actions in Ukraine with Israel's actions in Palestine
1.06%	Insinuating Putin from the family side

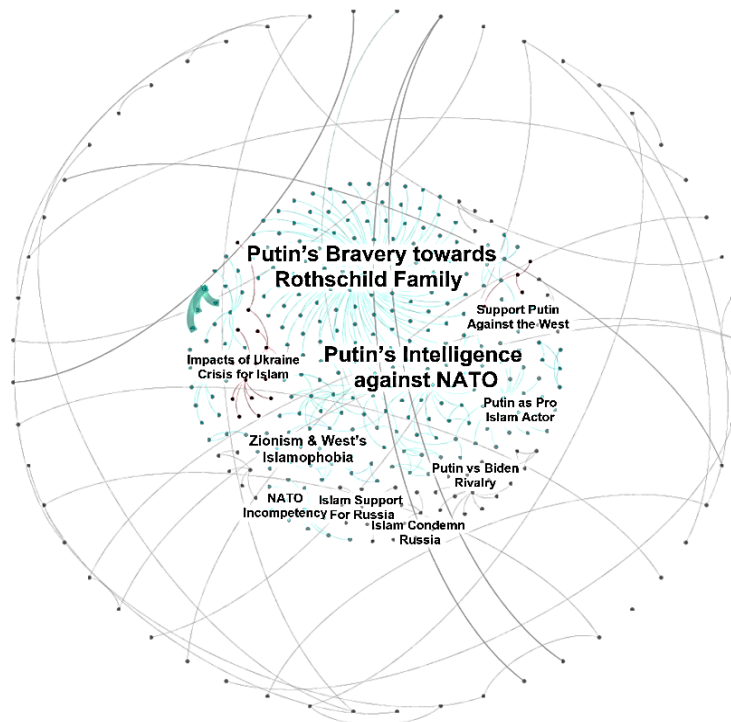
Source: Processed by author

The table above shows netizens' responses to Putin's masculinity are divided into two contexts. Islamic context as much as 27.39%, and Putin's bravery toward the West as much as 49.74%.

The picture below is the data visualization using Gephi Software and Frunchman Reingold Layout to drill down the data. The visualization depicts the distribution of narratives in the network. Color differentiation shows the actor's attitude or sentiment toward Putin. The blue color represents supportiveness and admiration towards Putin. The red color represents the contrary. In the beginning, we got the data about the actors' activities. Then, we transformed the actors with the narratives they were discussing and put them in the visualization. The label appearing in visualization is based on the influential narration in each cluster. The bigger label means the narrative is influential in the network.



Picture 1. Social Network Analysis



Source: Processed by the author using Gephi software

Based on the picture, Putin's bravery toward the Rothschild family and his intelligence against NATO are dominant narratives in the network. Few narratives have a supporting context for Putin, such as Putin's association as a pro-Islam person, Islamophobia in the West, and NATO's incompetency in competing with Putin. However, this network also contains a contrary context for Putin. The community of this narrative is not as massive as the positive narrative. The network criticizes the impact of the Ukraine crisis on Ukraine's Muslims. Also, there is a debate in the Islamic context about the Muslims that support Russia in the competition with the West and Putin as a war criminal from the Muslim perspective.

In the case of Putin's courage against the Status Quo (West), an actor with the username @Yo2thok becomes the most influential actor who brings this information to his network. Several tweets from this user can be categorized as positive commendation on Putin's assertiveness in defending Russian foreign policy and offensive geopolitical strategy on Donbas/ East Ukraine, tactical movement in minimizing NATO's with EU and US-backed pressure, and positive sentiment on Russia's ability defending the less-powerful country in Eastern Europe hemisphere. Moreover, a correlation between Putin's tactical movement and @Yo2thok tweet is found with the association of Putin's image with acts of courage compared with the conservative Muslim situation in Indonesia.



Russian President, Vladimir Putin suggests the youth generation read Al-Qur'an, Bible, and Torah. He believes those scriptures can give the world direction to become better. Do you agree? It is different from the Wakanda state (refer to Indonesia), where the Islamic community is not solid because of radical and intolerant propaganda.¹

The tweet above implies that the Indonesian government tends to be permissive regarding radicalism. The user above juxtaposes Putin's arguably courageous behavior to counter Islamic radicalism and Indonesia's permissive traits to radicalism. Moreover, it then constructs an implicit feminization by framing that the Indonesian government cannot match Putin's strong response to radicalism. Another response from @Mentimoen framed that Putin better supports the Islamic cause in Palestine than the Indonesian government. Below, the tweet also constructs two sides of the rope by coupling the US and Russia dispute.

This war (Russia-Ukraine War) actually is a war between Russia and the US, also Putin vs. Biden. Zelensky and Ukraine citizens are just the US's proxy. The US empowers allies to donate weapons for Ukraine citizens, but the ending is the Ukraine citizen's sacrificing.

The content interprets the Russia and Ukraine war as a proxy of Russia and US competition. The actor thinks that the US has utilized Ukraine for its interest. Moreover, the actor believes the US supports their alliances (Ukraine and Israel) by managing public opinion. Information fabrication is operated to support the US agenda in global politics. @Mentimoen also implies a similarity between the Israel-Palestine war and the Russia-Ukraine in each tweet. The equalizing is in the proxy war context between the US and Russia. He also equates Israel's war strategy against Hamas with Russia's strategy in the Invasion of Ukraine. He stated that Russia imitates Israel's war strategy.

The content above frames the similarity of the Russia-Ukraine war with the Israel-Palestine war, emphasizing the Islamic-related narrative. On the other hand, a counter-narrative initiated by @Hasmibaktiar condemns Putin's attack on Ukraine by implying that it is a war between the West and Russia in essence.

(Responding to a Muslim theology's video) Ukraine preacher urges Muslim people, specifically in Syria, not to be involved in a crime with Putin in killing Ukraine people. Ukraine's Muslims are an unspreadable element among Ukraine citizens. Sadaqat, yaa Sheik (prayer), religious person for sure will reject killing.

The narrative tends to see Muslim people who have become victims of this war of the West versus Russia. Both parties have done inappropriate actions toward Muslim people

¹ The tweets quoted here are originally in Indonesian. We translated them to English using expression as close as to the original text.



in the world. He also persisted that Palestinians has undergone similar attack for decades and framed the West as a scapegoat instead.

In the case of Siding with Muslims and courage against the West, an actor with the username @mohtahid becomes the most influential actor who brings this information to his network.

Putin is braver against the West and their allies alone. Besides, our uncle (refer to Jokowi) has no bravery against the cooking oil mafia. Putin and Jokowi are not equal.

@mohtahid's narration compares Indonesia's government movement, which was considered not brave enough compared to Putin's decision-making and public policy. Putin is considered a brave man because of his courage to confront the West. Besides, as mentioned, Indonesia is still uncertain about its domestic problems, such as the cooking oil mafia problem.

The Romanticism of Putin's Masculinity

In this section, we examine the predominant narrative of how the netizen delivers the message of Putin's courage to challenge the West in warfare. The notion was dominant in our dataset by 49,79% and 27,39%. Below, we find the details quite intriguing since it is divided into two: the articulation of Putin's bravery towards the West and how it is related to the Islamic political context. To present an interpretation of the notion, we employ a gender perspective to catch a glimpse of how masculinities are projected and perceived.

The details show 36,44% of tweets or modules related to Putin's bravery in challenging the Western status quo's power in Ukraine. Here, the West manifested in Rothschild and NATO. Thus, the first nodes stipulate Putin's bravery as a sign of masculinity prior to his dauntless to rock Rothschild and NATO, as we can notice from the @yo2thok below.

The US & the West hate Putin. Are there any world leaders that are brave against Rothschild?

Subsequently, approximately 8,24% of the dataset is associated with Putin as a pro-Islam leader, and 5,32% of tweets praise Putin's support for the Islamic agenda. There is a remnant of netizens' perception of the pro-Islamic agenda as a masculine gesture, as we can explore from the tweet from @kangprabuhuru below.

Even Putin really respects Muslims, but in our country (Indonesia), fellow Muslims say they are radical.

A similar nuance appears in the actor with no network influence. On the same pattern, @ZainalAbdiAlam4 asserts that Putin is eligible to be a lifetime Indonesian president.



Not only do you deserve to be elected three for Indonesia, but you also have worthy of become president for a lifetime... It is all because of your love for Muslims.

The first sentence mocked Joko Widodo's rumor of being nominated for President three times in a row, which is deemed against the current constitution. Nevertheless, Putin's perception as a pro-Islam leader still appears in this tweet. Even this actor hopes that Putin can lead Indonesia for a lifetime. Based on this tweet, there is a romanticism of Putin's persona as a masculine person who strives to protect Islam.

The mentioned data reveal how Indonesia's netizens perceive Putin's masculinity projection. Following gender and colonialism relations, we interpret the information cyclically. While Indonesia's netizens praised Putin for his bravery in waging war on Ukraine, the country they perceived as the West puppet, at the same time, they demonized the West for their masculinities articulation resembling domination. On one side, the 36,44% nodes of Putin's Courage and Intelligence Against the Status Quo illuminate the trace of deeming the West as colonial. The netizen firmly recognized the status quo, which refers to how the West presence in Ukraine was recognized as a form of colonialism. Thus, the narrative will follow. It is the nature of the colonial government always to try to dominate, abuse, and subdue the rest. The netizen then projected Rothschild and NATO's involvement in serving the Western colonial agenda toward Ukraine.

In addition, the second layer serves as the hub to connect the interpretation of colonialism and masculinities. In this sense, as Alloula (1986) scrutinized, groups of societies that underwent a series of colonization, like Indonesia, would like to perceive masculinities from the oppressed point of view. To maintain masculinity is to reject the domination of outsiders who came to conquer and take away freedom and independence. It also equips us with the cyclical point of view to comprehend the systematic thinking from where the predominant narrative emerges. Combining both serves as a basis for understanding the admiration narrative toward Putin. It links to Indonesian netizens' expectations of ideal types of leaders based on their masculinity. The full descriptions articulated around the colonial style of machismo, where masculinity positioned feminine actors as subordinates (Connell 2005). Thus, it depicts Putin as an ideal leader by projecting traditional masculinity values imposed by Indonesia's long-standing colonialism stage while simultaneously demonizing the West as colonial.

The number perfectly fits Indonesia's hegemonic masculinity trajectory: the colonial superior uniformed chief, the alpha male, and the bapakism ideology. Thus, we conclude that the supporting narrative of Putin's bravery is derived from the imposed gender role, where society is compelled to glorify masculinity.

The Lowy Institute survey supports the finding. The Indonesian public tends to put more faith in the Indonesian Military Forces than the Ministry of Foreign Affairs to defend Indonesia's strategic interests. The symbolism of the uniformed military plays a significant role in influencing public opinion in which they symbolize masculine traits



(Bland 2021). Hence, we apprehend that Indonesians choose to believe in a military approach rather than diplomatic actors the way the colonial system used to be.

Feminization of the Indonesia Government

The third most extensive network revolves around the neutrality of the Indonesian government conversations. The narrative goes along with the Indonesian public statement to remain neutral in responding to this case (Antara News, 2022). The neutrality sparks criticism from the second node, where most accounts incorporate a consistent conventional Islamic narrative. Number-wise, 5,32% of the population perceived Putin's action as being in line with the Islamic agenda while continuing to criticize the Indonesian government for being neutral. Joko Widodo administration often takes a hit of criticism from Islamic pressure groups such as the 212 movement. The patterns continue to raise criticism of Indonesia's neutral traits in responding to the 2022 Russia invasion (JPNN, 2022).

The critics' formulation indicates that there has been a feminization of the Indonesian government in the face of Russia. We find a trace of mocking while comparing Joko Widodo and Putin's intelligence in response to Russia's Invasion of Ukraine. The conversation deemed Putin brilliant, then put Joko Widodo at the end of another rope. A network of ten tweets using hashtags #RakyatDijeratPutinDiperalat (people are being ensnared, Putin is the scapegoat) are included. They praised Putin's appreciation gesture to Muslims and compared it with Joko Widodo's regime, which condescends them as radicals, and all are categorized in "Putin Islam" keywords. On that note, we interpret the feminizing process as praising Putin's machoism and belittling Joko Widodo's neutrality in responding to the Ukraine issue.

The belittlement had occurred long before the 2022 Russian invasion. In the 2019 Indonesia general election, the opposition raised political concerns that Indonesia needed a more assertive and decisive leader, followed by Putin's masculine depictions (Toriq, 2018). The same political representative also stated that Putin was an abbreviation of *Prabowo Untuk Indonesia* (Prabowo for Indonesia) to burst a campaign supporting Prabowo Subianto, Joko Widodo's arch-rival in the 2019 presidential election (Dalimunthe, 2018). During the invasion, the opposition also played Putin's masculinity card to formulate a political attack on the administration (Andini, 2022). Depart from that trajectory, we correlate that the support toward the feminization of the Indonesian government narrative derived from a long opposition argument. Thus, in this case, it transformed into social media articulations projecting real-world political occurrences.

Following that, the second narrative on this network revolves around urging the Indonesian government to take sides with Russia for masculine reasons such as intelligence, strong leadership, and strong military power. In this sense, the network set Indonesia on the feminine side, which needs a strong actor to define its values. Furthermore, it goes hand in hand with colonial gender roles where masculinity resembles domination (Elmhirst, 2007). At the same time, one might find The Lowy Institute survey once again illuminating. The survey provided numbers of Indonesia's most inspiring,



confident world leaders besides Joko Widodo. Saudi Arabia's Prince Mohammed bin Salman Al Saud, United Arab Emirates Sheikh Mohamed bin Zayed Al Nahyan, Japan's Prime Minister Fumio Kishida, Singapore's Prime Minister Lee Hsien Loong, US President Joe Biden, Russia President Vladimir Putin, and Prince of the Emirate of Abu Dhabi (Bland 2021). The survey was conducted before the Russian invasion. Thus, we find its relevance in understanding the setting and context where the source of the narrative lies.

The data above strengthens our interpretation of social media networks in which the predominant public favors leaders who represent absolute monarchs rather than democratic values. The survey also includes Putin in the fourth position, from which we affirm that number-wise, Indonesians are indeed awestruck by the symbolization of a robust, effective, and assertive political leader. It matches with the social media finding where there is a meaningful conversation about the Indonesian government's insufficiency to respond to the Russian invasion firmly. Even before the invasion, Putin was already a popular leader among Indonesians, and the invasion confirmed the claim (BBC News Indonesia, 2022). Employing a gender and colonialism perspective, we observe the tendency to position Indonesia's response as feminine towards Russia's Invasion along this line. Russia is seen as the superior masculine, while Indonesia is deemed as the feminine.

The example of Russia's superior narratives and Indonesia's feminization appeared in the actor with the username @mohtahid. In the last part, @mohtahid also becomes the most influential actor who brings these narratives to his network.

Putin is braver against the West and their allies alone. Besides, our uncle (refer to Jokowi) has no bravery against the cooking oil mafia. Putin and Jokowi are not equal.

@mohtahid's narration contains a comparison of how Indonesia and Russia behave in handling a problem. With his bravery in fighting with the West alone, Putin is seen as a masculine and superior person. In the same tweet, Jokowi, Indonesia's President, is deemed not brave enough to handle the cooking oil mafia as a part of domestic issues. Here, we capture how the tweet domesticated Joko Widodo compared to Putin, who is considered brave enough to wage war against another state, while Jokowi was considered to have failed in dealing with the cooking oil issue (CNBC Indonesia, 2022).

Another example of Indonesia's feminization narratives comes from @Denis_Hakkan. He criticizes one of Indonesia's political parties, advising the Indonesian government not to invite Putin to the G20 Summit. @Denis_Hakkan also expresses that Indonesia is just a follower in global politics because they do not dare to take a stand. The critique typical of the Indonesian government is always related to domestic issues. @Dennis_Hakkan connects his critique with Parlemt's advice to the executive. Meanwhile, @Mustopa54537 spoke in the same tone:

Uncle Putin will lead all Indonesia region !! Only the fool makes noise about electing the current President for the third time!!



Indonesia is trying to discuss the possibility of extending the Jokowi Presidency in the third period. @Mustopa54537 illustrated that extending the Presidency in the third period is good if Putin becomes Indonesia's President. He also implied that there are no intelligent people in Indonesia. This statement tries to perceive Putin as intelligent compared to the Indonesian government, which is only concerned with domestic issues like the extension of the Presidency period. At this time, Joko Widodo was accused of the intention to prolong his reign for the third time, which was considered against the constitution (Yahya & Maullana, 2022). We found a trace of unjust comparison between Putin's bravery to wage war against another country and Joko Widodo's failure to handle domestic issues. A consistent juxtaposition of Putin's presumably bravery and Joko Widodo's act of uncertainty in the Russian invasion indicates a presence of feminization in the Indonesian government by situating Joko Widodo as a leader who is occupied with domestic affairs.

Conclusion

Right after the first attack launched in February 2022, the Indonesian netizen's response on Twitter was massive. Beneath that pile of responses, we decipher two dominant narratives the Indonesian netizens actively articulated. The first is praising Putin's machoism, and the second is feminizing the Indonesian government by mocking President Joko Widodo's administration. We conclude that both narratives emerged from a patriarchal point of view dating back to colonization, which shaped the Indonesian glorification of masculinities resembling domination. The long trajectory of hegemonic masculinity imposed by the colonial regime prevailed until the contemporary era of Indonesia. It then served as a basis for how society perceived gender relations, resulting in the dominant narrative that employs dominant masculinities to support Russia's invasion of Ukraine by focusing on Putin's masculinities. Nevertheless, we believe this argument might ignite an open discussion on how gender's perspective deciphers the foreign community's response toward particular foreign policy, primarily how the noise in social media reflects on what is happening in the societal sphere following specific foreign affairs.

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ARTIFICIAL INTELLIGENCE IN DRONES AND ROBOTS FOR WAR PURPOSES: A BIOLEGAL PROBLEM

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Abstract

The ever-increasing use of drones as war weapons is not a concern that is simply left to the news; it is a problem that involves the entire humanity, especially as an aspect that needs to be studied rigorously from biolaw. Among the nuances that this issue entails, the use of artificial intelligence is perhaps the one that, nowadays, receives the most attention, due to the idea of providing a significant level of autonomy in the selection of targets, and the same moving ability that they can reach. to have. This article aims to contribute to this debate, by reviewing artificial intelligence from a bioethical approach, in relation to the persistence of the responsibility that a human being has as a drone operator in a war context.

Keywords

Artificial Intelligence, Drones, War, Legal Responsibility, Bioethics.

Resumo

O uso cada vez maior de drones como armas de guerra não é uma preocupação que fica apenas nos noticiários; é um problema que envolve toda a humanidade, especialmente como um aspecto que precisa ser estudado com rigor pelo biodireito. Dentre as nuances que essa questão comporta, o uso da inteligência artificial talvez seja a que, atualmente, recebe maior atenção, devido à ideia de proporcionar um nível significativo de autonomia na seleção dos alvos, e a mesma capacidade de movimentação que eles podem alcançar. Este artigo pretende contribuir para este debate, revendo a inteligência artificial a partir de uma abordagem bioética, em relação à persistência da responsabilidade que um ser humano tem enquanto operador de um drone em contexto de guerra.

Palavras chave

Inteligência artificial, drones, guerra, responsabilidade jurídica, bioética.

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ARTIFICIAL INTELLIGENCE IN DRONES AND ROBOTS FOR WAR PURPOSES: A BIOLEGAL PROBLEM¹

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Introduction

Over the past few years, the insertion of drones in everyday life has become more and more frequent and, in the same way, there is also a growing concern about the limits and restrictions that these could have, in light of the immense possibilities of, one day, achieving a level of automation ostensibly uncontrollable.

Although the help that can be obtained through these devices is undeniable, it is no less true that, in war scenarios, their lethality has a significant potential that could exceed expectations, especially when artificial intelligence and robotics have shown great progress that makes us to ask ourselves whether a clear and precise legal framework, in which the human factor is not disregarded in its operation, is necessary.

1. Artificial intelligence as a bioethical category

In the book *Life 3.0*, the author Max Tegmark explains that life's development has gone through three stages, in which he highlights the conjunction of factors that have allowed life to design itself. These phases have been distinguished as:

Table 1 – Three stages by Max Tegmark

STAGE	FACTORS
Life 1.0 (biological stage)	Evolution of its <i>hardware</i> and <i>software</i>
Life 2.0 (cultural stage)	Evolution of its <i>hardware</i> , with the ability to design a great part of its <i>software</i>
Life (technological stage)	Full ability to design its <i>hardware</i> and <i>software</i>

Source: Mark Tegmark (2017: 35)

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On the first level, life is incapable of redesigning itself. The author takes bacteria as an example, since its scenario of existence lies in mechanical, predisposed activities, where there is a non-existent initiative. There, programming and formal configuration are given by evolution and not by design.

The second phase points out that configuration is given by evolution, but programming refers to some type of design. The author, in this regard, understands software as the set of algorithms and knowledge used to process the information provided by the senses, and make decisions, from the ability to recognize faces, to activities such as walking, reading, writing, singing or telling jokes (2017: 32).

This is the result of the learning process that is incorporated into the brain, allowing the creation of an interconnected relationship with the environment itself; thus, the influence of social relations contributes to programming design. Therefore, Life 2.0 has the capacity to design its own software, being superior to Life 1.0, through learning from the moment one is born. From that categorization, the second stage, that was the one which involved the evolution of human beings on Earth, has allowed them to be much more intelligent compared other beings, becoming more flexible and having higher levels of adaptation (Tegmark, 2017: 33- 3. 4).

The third level, Life 3.0, involves artificial intelligence in an unavoidable and significant way, as well as the effects of adjusting to new ways of conceiving the interaction between human beings and his environment, in different contexts. Beyond the fears of this technological advance, it is a new step in which there will be possibilities of redesigning the software and achieving an unusual form of transcendence.

Ian Morris, Professor of History at Stanford University, argues that human development is linked to four components: energy capture (calories per person, obtained through the environment for food, home and business, industry, agriculture, and transportation), organization (the size of the largest city), war capacity (number of troops, power, speed of weapons, logistic capabilities and information technology), sophistication of the tools available to share and process information and scope of their use (Brynjolfsson and MacAfee, 2014: 21).

In his work *The Measure of Civilization* (2013), Morris carried out a research, in order to explain why the West ended up leading the exercise of power, regarding the rest of the world. To do this, he supports his arguments in the aforementioned components, highlighting that there is an accordance between energy consumption and war capacity, a situation that continues to this day.

This argument is interesting, since in this century the scope of these approaches seems to be manifested with special profusion, in the face of the constant risk of seeing ourselves, as humanity, doomed to wars that exceed any yesteryear expectation.

Paul Scharre, in the book *Army of None*, argues that the emergence of artificial intelligence will transform military confrontations in the same way as the industrial revolution, at the beginning of the 20th century, transformed the concept of war with the creation of weapons with a greater lethal capacity, such as such as tanks, planes and machine guns, and inserting unprecedented levels of devastation. In this way, once,



mechanization originated machines that exceeded human potential; today, although AI has provided artifacts to improve logistics, cyber defense and robots for medical evacuation, resupply or surveillance, it is the question of automation that makes a dent in the possibility that one day it will not be human beings who choose targets and pull triggers (2018: 11-12).

In this sense, when speaking about artificial intelligence, according to the Spanish Ministry of Defense it is necessary to consider that it is related to areas of great complexity, whose importance is consolidated in front of the panorama of new trades, occupations and professions, among which stand out machine learning, intelligent robotics, natural language processing, intelligent perception, neuromorphic computing, among others, which represent an undeniable challenge for science, and the ethical and legal situations that can emanate from them (2018: 41).

In the book *Our Final Invention: Artificial Intelligence and the End of the Human Era* (2014), the writer James Barrat exposes the main fears that society harbors, in both present and future, around the notorious technological advance of the so-called "intelligence explosion" that have the creations arising from this scenario can have. It exposes that the power and sophistication of AI increases daily; it is enough to see that there is something of it in every computer, smartphone, car, or in powerful programs such as Watson and others derived from organizations such as Cycorp, Google, Novamente, Numenta, Self-Aware Systems, Vicarious Systems and DARPA (acronym for the Defense Advanced Research Projects Agency); it is also in "cognitive architectures", whose creators hope that they will reach human-level intelligence, and some believe that it will happen in little more than a decade (Barrat, 2014: 24).

Lasse Rouhiainen in *Artificial Intelligence: 101 Things You Must Know Today About Our Future* (2018), expresses the need to delve deeper into debates and educational proposals on this topic, in order to seek effective benefits from AI, as well as fully understand the transformations that it will bring in all fields.

Faced with this, it raises three fundamental issues on which it is urgent to dive into:

1. Re-education of millions of people who will be unemployed due to AI, robots and automation. 2. The ethical and moral use of AI and robotics technologies, so that they promote the general well-being of human beings, and not the other way around. 3. Work on the prevention of possible technological addictions, and other disorders generated by the excessive use of AI and technology, such as anxiety, loneliness, etc. (2018:11).

For this reason, he defines AI as "the ability of machines to use algorithms, learn from data and use what they have learned in decision-making just as a human being would" (Rouhiainen, 2018: 14), and it is clear that it can be used in many of the tasks performed by individuals.

Therefore, nowadays, the best research scenarios for the development of AI are the following:



recognition of static images, classification and labeling, improvements in the performance of commercial algorithmic strategy, efficient and scalable processing of patient data, predictive maintenance, content distribution on social networks, protection against cybersecurity threats (Rouhiainen, 2018: 14-16).

From this point of view, it is unavoidable to include AI applied to military purposes, which is conceived as “the sum of three elements. Information processing (logical), warfare and weaponry platforms (physical), and continuous threat and situational awareness (human)” (IEEE, 2017: 84).

Faced with this scenario, law needs to be linked to the debate in order to accurately identify aspects such as liability for damages, the role of artifacts with a certain level of autonomy, the conceptualization of guilt in the actions of a robot, the different causal relationships, among others, and also detail the situations arising from the robotics industry, for example, how to manage the immunity of manufacturers, the predictability of behavior, the details in the design of artifacts, the possible risks that may affect to the consumer (Tirado, Oliveros, Laverde, 2021: 34).

2. The estimation of drones as weapons of war

Christopher Coker, professor at the London School of Economics and Political Science, stated that drones, as artifacts integrated into the dynamics of contemporary wars, offer new problems and challenges for ethics, politics and law. In a conversation held at Chatham House, London, in 2013, he highlighted five points that supported the insertion of said technology into the panorama of war:

- a) Drones, without necessarily being robots yet, once they acquire autonomy, they will achieve that condition and, consequently, will accentuate the complexity in the management of situations of war.
- b) They are the result of the reduction of the human space of war, which is increasingly becoming more cerebral:

To be a warrior in the 21st century is to essentially be somebody behind a screen, whether it's a cyber screen, a cyber warrior or what the Americans call cubicle warriors – drone pilots, analytical warriors, people whose job is to process data. People who have three particular attributes which are now required of warfare in the 21st century, compared with, say, a hundred years ago: mental agility, communication skills and multitasking. A particular generation – and most drone pilots in the United States are between the ages of 19 and 21, precisely the generation that is very good at these particular things. But a generation that has difficulty coping with stress, a generation that does get traumatized by what they see on their screens, and a generation that may not be able to cope with stress as much as the ideal age for coping with stress on a battlefield, which is still around 23 (Coker, 2013: 3).



- c) War increasingly resembles a video game. With this, among drone operators, arises the tendency to dissociate their sensitivity and not be sufficiently aware of the effects of their behaviour and the damage they may be causing. This is a problem of empathy.
- d) Can drone pilots be considered real warriors? Because their function, so impersonal and distant, differs ostensibly from the idea of the soldier on the battlefield. Therein lie ethical and moral issues, not only from the individuality of the operator but also from the institutional context, from the perception of those who consider military work from traditional perspectives.
- e) War diminishes its operational paraphernalia. Real heroic personalities tend to fade away. Today conflicts are remote controlled.

In the book *Warrior Geeks: How 21st Century Technology is Changing the Way We Fight and Think About War* (2013), Coker analyses the technological dependence and the critical scope of these points. He argues that the new profile of the soldier who face the war is not far from that of hackers, who will ultimately have in their hands the fate of devastating attacks which they cannot fully understand, driven by the great advance of cyber technologies.

Likewise, in his book *The Warrior Ethos: Military Culture and the War on Terror* (2007) highlighted the progressive instrumentalization of war and how both, the behaviours and thoughts of soldiers, are subject to greater follow-up and monitoring, putting their agency role in crisis and a kind of disenchantment with the military profession. (Larraín, 2018).

Thus, the leading role that drones are obtaining in the new war tensions was already anticipated in popular culture narratives. For example, John Updike, in the novel *Toward the End of Time* (1997), shows a future marked by a war between the USA and China, carried out by combatants who do not understand the real world and whose role is immersed in the abstraction of computer graphics. Similarly, Don DeLillo, in the tale *Human Moments in World War III* (1982), narrates the task of a drone pilot who attacks anything that is a threat to the planet. An individual who does not even need to put on a uniform and who carries out his task without knowing the magnitude of what he is doing. (Coker, 2013: 6-7).

From another perspective, the film *Eye in the Sky* (Gavin Hood, 2015), offers a clear example of the dilemmas that military drone operators must face under the tenor of a mission ordered by higher spheres.

In the narrative, the plot places the viewer in the perspective of those who decide in political, legal and military terms, to generate a lethal attack with a remotely piloted drone in foreign territory. Added to the operation, is the bioethical dilemma related to determining the percentage of the critical hit in the area, the estimation of damage by an expert using the ISTAR procedure, and the consequent steps until the effective shot against the adversary is calculated. The events take place in Kenya where a team constituted by American, British and Kenyan personnel contribute to the elimination of a



terrorist group in which there are two foreign subjects who, once detected, are preparing a large-scale attack (GIASP, 2016).

The matter is not so easy to handle, from the legal point of view: note that there are people of different nationalities, therefore, their own State is the one that has the competence to judge them. There is also a transcript linked to violating the principle of non-intervention, since the mission goes from being a simple detection task leading to a capture, to a task of elimination.

There is a whole chain of command, from the management of the British Prime Minister (Jeremy Northam), his subordinates Lieutenant General Frank Benson (Alan Rickman), Colonel Katherine Powell and drone operator Steve Watts (Aaron Paul). The situation is very clear until a little girl is located next to the target of attack. At that moment, an ethical dilemma shines: neutralize the enemy at the cost of imminent collateral damage or let them go and later attack at least 80 civilians in a place of mass gathering.

The dilemma lies in acting and assuming responsibility for the incidents. Make the right military decision or win a media war? The film deals with a theme of throbbing topicality, as they ponder about how many times have similar events happened. If, from the outset, a difficult situation is shown for a power that is fully dependent on human will, how willing will be the institutions to leave such a decision to an artifact with programmed autonomy?

Human Rights Watch, in the 2014 report on lethal autonomous weapons systems (LAWS), indicated that the use of weapons outside the war scene has not been addressed as it should be and, therefore, the potential use of these artifacts in local situations that affect public order, such as the fight against crime, riots and public demonstrations, are still understood under the aegis of a significant risk to the civilian population, since beyond the legitimate or illegitimate purposes, the violation of the right to life, physical integrity, the condition of the victims, etc., could insult human dignity (Del Valle, 2016: 232-233).

Thus, the implications of the use of drones, become a prospective dilemma due to the accumulation of doubts produced by formulating hypotheses about their operation in war scenarios. The same report emphasizes that there is legality in the act of killing as long as three conditions are met: that it is essential to protect the life of individuals, that the absence of other means or resources is evident, and that there is proportionality between force and threat. to conjure. Therefore, these variables are linked to particular situations, as well as to the corresponding and necessary qualitative evaluation of the case. In this aspect, the concern about the risk of an unprogrammed attack system to deal with each situation and, consequently, carry out arbitrary assassinations derived from unforeseen circumstances shines forth (Del Valle, 2016: 233).

Because on the battlefield, situations are not always very clear; sometimes drone attacks occur in places where there is no military presence and the estimated number of victims depend on subjective assessments provided by the press or local leaders distinguished by a certain tendency to hyperbolize or underestimate the circumstances. Hence, the veracity of the events is subject to unreliable data, as has been questioned, for example, in the publication in July 2016 of the records on civilian victims regarding the use of drones in the Middle East by the United States (Rushby, 2017: 25).



Therefore, given the plurality of asymmetric confrontations, it is necessary to evaluate each context based on variables such as origin, quantity, legal nature of the parties in dispute, duration and intensity levels, in order to analyze the relevance, legality and morality of the use of unmanned aerial vehicles that show lethality and precision. Consequently, specify: the need to resort to drones, the proportionality of the use of weapons, discrimination between combatants and non-combatants, which government unit – civilian or military – will make the decision to identify legal responsibility and establish the neatness of the process for making the respective decision (Haluani, 2014).

The foregoing does not stop involving great difficulties; for example, identifying possible terrorists is not an easy thing; personal and behavioral patterns, such as nationality, ethnicity, place of residence, family patterns, attitudes, places of travel, allow having a particular profile, but not a definitive degree of certainty, which leads to "plausible suspicions" (Zenko, 2012). In addition to the above, it is very difficult to specify the number of victims distinguished between defined targets and collateral damage, which generates indignation and resentment among the affected population (Haluani, 2014).

3. The persistence of the human factor as a bioethical category for the use of drones in war

Paul Scharre comments the subject studied has motivated us to think that granting autonomy to an armed robot is giving free rein to dystopian nightmares; especially, those weapons which search for the target, detect it and attack it, it is not equivalent to messing around with games. Avoiding human intervention in this process is risking too much. But it does not underestimate the relevance of applying this technology to avoid civilian casualties in war, for example, by making use of facial recognition, the detection of non-combatants, although the fact that the machines cannot make context interpretations still remains as a major obstacle (2018: 12).

That is an approach in which many academics converge; technology allows the development of automated weapons, with which the problem increases its dimension by not knowing if the armed forces will cross that line (Sánchez, 2018). Scharre, among his experiences, highlights the research around swarm warfare, to cite an example. Unlike Predator drones, which are controlled individually by humans, swarm drones are controlled *en masse* (2018: 16) and according to programming, it is already possible that in minor aspects they can detect peer adversaries and eliminate them without a command order.

States are interested in automating their systems; at least thirty countries make use of supervised autonomous armed systems and have been adapted to ships, defense bases, etc. For example, Lockheed Martin's Aegis anti-missile system has an intelligent brain that interfaces with a ship's radars to attack targets. It claims that more than ninety countries use drones to patrol the skies, and at least sixteen have weapons, such as Egypt, Turkey, Saudi Arabia, United Arab Emirates, Israel, United Kingdom or China (Sánchez, 2018).



So, it is inevitable to ask ourselves what could happen if the human controller is dispensed with, and the weapon is left to act on its own. There is already a drone with this tendency, manufactured by *Israel Aerospace Industries* (Sánchez, 2018), the *Harop*, which is an unmanned aircraft in which the platform itself acts as ammunition, although it only carries limited quantities (less than 10 kg. or 5 pounds) of explosives on its nose. It acts as a kind of suicide plane, rocket or cruise missile, but differs from it in its ability to hover over a target, which then attacks by self-destructing (Kreps, 2016: 9). This device has the capacity to be in the air for two and a half hours, can detect radar systems within a radius of 500 kilometers and even select the target to destroy (Sánchez, 2018).

On the other hand, the *Defense Advanced Research Projects Agency* – DARPA, based in Arlington (Virginia, United States), has two programs: FLA (Fast Lightweight Autonomy), which develops algorithms designed to give drones autonomy of flight through rooms and corridors without there being any type of communication with the operator, and CODE (Collaborative Operations in Denied Environment), a system designed to generate collaboration between unmanned aircraft under the supervision and control of a single person. So far, the DARPA projects do not consider developing weapons with full autonomy or that can be reprogrammed to make decisions on their own; they are in favor of the fact that they should be directed by human beings permanently (Sánchez, 2018).

Now, there is already a certain talk about a "mosaic war" as DARPA's response to the increase in military artillery by China; "Like Lego blocks that almost universally fit together, Mosaic forces can be integrated in ways that create packages [or structures] that can effectively target an adversary's system with enough overlap to be successful," says one study. from the Mitchell Institute (pdf), published in September" (The Epoch Times, 2020).

From his point of view, James Barrat explores the possibility that control of the future could be lost by mankind as it will be the machines that determine outcomes in terms of developing unexpected behaviors as levels of that unpredictable and powerful force of the universe, which is intelligence, increase. that we cannot even reach and put into our survival (2014: 19). And it is that robots are machines with abilities to perceive their environment and recognize changes in it, process this information and make decisions in response, as well as act on it without constant human direction. (Grossman, 2018: 4).

Therefore, it is undeniable that the center of the debate lies in lethal autonomy. I.e., in the possibility that at some point can be granted to the machines in terms of surpassing the volitional sphere without the need of human monitoring or control. Some scientific figures, such as Stephen Hawking, Elon Musk and Steve Wozniak have expressed their disagreement on this issue, indicating that it could trigger a global AI arms race (Scharre, 2018: 13).

Following Max Tegmark again, it is necessary to create artificial intelligence that is always beneficial, one aimed at maintaining the human factor as the basis of activities in an attempt to improve and not worsen the situation of individuals, because robots have a great disadvantage. By removing the human being from the vehicle, they lose the most advanced cognitive processor on the planet: the human brain (2017: 33).



The activity of the human being should not be eluded –because this could denote attempts to exonerate responsibility; *contrario sensu*, advances must be managed to avoid real harm, both by legal and by technological means. New inventions must be civilized and tamed in their details, but only with a deep commitment, giving precedence to first-hand experience and constant vigilance (Kelly, 2016: 5), since these are objects that do not need or require to assume by themselves entire suppressive roles or substitutions of a determined subject.

The French philosopher Grégoire Chamayou in his book *A Theory of the Drone* (2016), identifies the problems that the distancing of the human factor can bring about granting high levels of autonomy to drones. He points out that the most representative advantage of LAWS is to demonstrate power by reducing vulnerability. For this reason, removing the human body from the task of piloting and leaving it out of reach fulfills that ancient desire, conceived since the creation of ballistic weapons, in terms of allowing it to extend its path and finish off the enemy from considerable distances;

"However, the specificity of the drone allows it to act in another segment of distance. Thousands of kilometers now stand between the trigger, on which the finger is placed, and the barrel, from which the bullet is going to come out. To the range distance -between the weapon and its target- is added that of the telecommand - between the teleoperator and his weapon" (2016: 18).

In this sense, the strategic purpose of reducing own damage is also fulfilled, since the capacity for destruction is unidirectional; Whoever uses this type of weapon no longer runs the risk of dying by killing, the unilateral prevails, the war is no longer sustained by fighting but by massacres. From this, the drone can well be understood under the idea of an "unidentified violent object", which forces us to rethink basic notions of a geographical and ontological nature such as area or place, of an ethical order when speaking of virtue and courage and, likewise, the concepts of war and conflict, in the strategic, legal and political sense (Chamayou, 2016: 19).

For this reason, evading the principles of responsibility and reciprocity in the context of a conflict questions the military function of States, focused on rights such as honor, making the drone a coward's weapon. Of course, that has not prevented this transmutation of values from being defended, but it is one of the aspects most studied in military ethics (Chamayou, 2016: 23), which is not an ideal ethic insofar as it poses rights and duties in a context where some part is missing from those that are basic (Rivera, 2017), that is, someone attacks, intimidates, threatens or attacks and, with it, alters the proportions of balance in terms of coexistence.

Professors Kristin Bergtora Sandvik and Bruno Oliveira Martins, in the article *Revisitando el espacio aéreo latinoamericano: una exploración de los drones como sujetos de regulación*, indicate this task must be done based on the identification of public uses, interests and concerns, the analysis of regulatory approaches, the way in which in which specific tasks are assigned and the study of airspace to establish its parameterization possibilities. In this order, knowledge of the context is indispensable for its local use (2018: 77).



But the discussion advances mostly in areas of legal theory. A war without risks through the use of drones is, at the same time, a risk for the Law itself, since it introduces a kind of legalization of selective assassination, with which IHL is subverted, to the point of converting, paraphrasing Archbishop Silvano M. Tomasi², technological instruments are scapegoats for the sins of those who handle them, because they are neither good nor bad, but the way they are used is the determining factor of their value (Chamayou, 2016: 29- 30), especially when its critical aspect shines in the impossibility of responding to moral dilemmas about life and death and attending to everything that concerns the concept of humanity (Rossini and Gerbino, 2016: 28).

In that order of ideas, the Argentine professor Adriana Margarita Porcelli (2021), argues that the debate is served and the law must anticipate events before lamenting their consequences, because it is human dignity that is at stake. Any test in this regard that does not guarantee it, must be preventively prohibited, as happened with the creation of blinding laser weapons.

Under this categorical affirmation, there are several tasks: participatory conjunction of the States, industry, AI programmers, international organizations and academic and scientific institutions, to formalize an ethical instrument that guides the use of AI and robotics towards bioethical principles, with highlighting restrictions and prohibitions, giving prominence to significant human control (Porcelli, 2021).

It is urgent to emphasize the responsibility of high government and military officials, representatives at the political and social level, so as not to fall into a trivialization of violence that, consequently, ignores IHRL and turns people into expendable pieces in the game of the war (Oliveros, 2021: 28).

Conclusions

Artificial intelligence has consolidated perspectives and achievements that have gradually given rise to a new industrial revolution, contributing to the modification of the environment and its different power factors.

The combinations of these objectives has allowed the development of robotics to reach levels of assumption and interpretation of the current world that once were just ideas provided by science fiction.

Among many of these obtained purposes, the implementation of drones stands out for the fulfillment of activities and tasks that denoted great human efforts and delay in time. However, the difficulty lies in their use for war purposes.

In this aspect, bioethics scrutinizes in detail the ins and outs that may question the responsibility of those who operate drones in war situations. The film *Eye in the Sky* (2017) is a good example of the dilemmas involved in the use of this technology.

² Permanent Representative of the Holy See to the United Nations and other international organizations in Geneva, who presented these ideas on the occasion of the annual meeting of the States Parties to the Convention on the Prohibition and Limitation of the Use of Certain Conventional Weapons that can Produce Traumatic Effects excessive or indiscriminate.



The international academic community agrees that facing up to this problem is an urgent task, under penalty of avoiding what has been achieved in areas such as IHRL and IHL. To prevent the threats warned of in dystopian narratives from materializing, the human factor should never be replaced by programming derived from the indiscriminate use of AI and robotics.

Although the concern about the autonomy of these creations remains, the principle of international morality needs to inspire nations and States to structure a normative manual with clear bioethical guidelines that seek to avoid the outrage of war and the advent of equal or worse disasters than those caused by the world wars.

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A GUERRA AÉREA AUTÓNOMA E A TRANSFORMAÇÃO DO PODER AÉREO

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Resumo

O paradigma da Guerra Aérea Autónoma (GAA) revela uma profunda transformação resultante da exploração da inteligência artificial e de Sistemas Aéreos com Funcionalidades Autónomas (SAFA), num modelo de colaboração em combate entre o homem e a máquina, afetando as funções operacionais do Poder Aéreo e a sua utilidade política.

O objetivo desta investigação é analisar os modelos operacionais emergentes de GAA por forma a identificar tendências e implicações para a transformação do Poder Aéreo. A análise destes modelos operacionais será feita nas dimensões que traduzem a aptidão de uma Força Aérea para gerar e empregar o Poder Aéreo, nomeadamente, os conceitos de emprego, as capacidades para operacionalizar os conceitos, a organização que estabelece o referencial para o uso da força e as pessoas que o tornam possível.

A análise revelou vantagens qualitativas e quantitativas na aptidão de uma força para gerar e empregar o Poder Aéreo, em termos de eficácia operacional e eficiência de custo e risco, mas também alguns desafios tecnológicos, organizacionais e humanos. O paradigma emergente da GAA potencia o aumento da utilidade do Poder Aéreo, melhorando a disponibilidade, acessibilidade e aceitabilidade do emprego operacional, resultantes da utilização isolada de SAFA ou em combinação com aeronaves tripuladas em conceitos de operação em equipa, ou da colaboração entre múltiplos SAFA com elevados níveis de autonomia. Confirma também a tendência de afastamento gradual do homem do ciclo de decisão e da operação de SAFA individuais, para funções de supervisão de múltiplos sistemas, auxiliado por inteligência artificial, mas ambicionando reter um controlo significativo sobre a decisão de emprego de força letal.

Palavras-chave

Poder Aéreo; Guerra Aérea Autónoma; Sistemas Aéreos com Funcionalidades Autónomas; Inteligência Artificial; Transformação

Abstract

The Autonomous Air Warfare (AAW) paradigm reveals a profound transformation resulting from the exploration of artificial intelligence and Aerial Systems with Autonomous Functionalities (ASAF), in a model of collaboration in combat between man and machine, affecting the operational functions of Air Power and its political utility.

The aim of this research is to analyse emerging AAW operational models to identify trends and implications for the transformation of Air Power. These operational models will be analysed in terms of the dimensions that reflect an Air Force's ability to generate and employ Air Power, namely the concepts of employment, the capabilities to operationalise the concepts, the organisation that sets the benchmark for the use of force, and the people who make it possible.



The analysis revealed qualitative and quantitative advantages in a force's ability to generate and employ Air Power, in terms of operational effectiveness and cost and risk efficiency, but also some technological, organisational and human challenges. The emerging AAW paradigm enhances the utility of Air Power, improving the availability, accessibility, and acceptability of operational employment, resulting from the isolated use of ASAF, or in combination with manned aircraft in teaming operational concepts, or from collaboration between multiple ASAF with high levels of autonomy. It also confirms the trend towards the gradual removal of man from the decision cycle and from the operation of individual ASAF, towards functions of supervision of multiple systems, aided by artificial intelligence, but with the ambition of retaining significant control over the decision to use lethal force.

Keywords

Air Power, Autonomous Air Warfare, Aerial Systems with Autonomous Functionalities, Artificial Intelligence, Transformation

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A GUERRA AÉREA AUTÓNOMA E A TRANSFORMAÇÃO DO PODER AÉREO

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Introdução

“Victory smiles upon those who anticipate the changes in the character of war, not upon those who wait to adapt themselves after the changes occur.”

Giulio Douhet (1921)

A transformação do Poder Aéreo no último século, no sentido de incorporar as evoluções tecnológicas e as lições aprendidas dos conflitos militares, tem mantido inalterada a natureza das suas funções operacionais, enquanto vem modificando substancialmente o método como são executadas, as capacidades que são empregues, assim como a magnitude e precisão dos efeitos obtidos (Melville, 2014: 10-14).

Os imperativos estratégicos para a transformação atual do Poder Aéreo resultam da identificação, por parte dos Estados Unidos da América (EUA), de lacunas de capacidades para lidar com a crescente complexidade do ambiente operacional, nomeadamente em cenários de combate de larga escala (United States Air Force [USAF], 2022). Isto porque, a elevada complexidade e custo das aeronaves tripuladas modernas, assim como os longos prazos de desenvolvimento, impedem a acumulação de massa a custos acessíveis, necessária para alcançar superioridade aérea em ambientes contestados.

Assim, à semelhança da superioridade militar obtida com base nas duas estratégias de compensação anteriores, assentes na tecnologia nuclear nos anos 50, e nas tecnologias de bombardeamento de precisão nos anos 70, os EUA iniciaram uma 3ª estratégia de compensação focada na exploração da inteligência artificial e de sistemas autónomos, num modelo de colaboração em combate entre o homem e a máquina (Department of Defense [DoD], 2016).

Desta forma, a mudança acelerada do ambiente operacional resultante da emergência de tecnologias disruptivas, como a autonomia nos sistemas de armas (North Atlantic Treaty Organization [NATO], 2020), impõe alterações no pensamento estratégico em termos de formulação e aplicação da estratégia militar. A própria NATO, no seu Plano de Implementação da Autonomia (2022), ao fomentar o desenvolvimento e emprego



responsáveis dos sistemas autónomos em apoio das tarefas principais da Aliança, incentiva os aliados a serem capazes de empregar de forma coletiva “sistemas-de-sistemas” interoperáveis e gerir de forma eficaz diferentes níveis de autonomia.

Apesar dos sistemas de armas com funcionalidades autónomas existirem há mais de 80 anos (Work, 2021: 5-7), os avanços na área da inteligência artificial introduzem novas capacidades que incentivam o desenvolvimento e emprego destes sistemas em diversos ambientes operacionais, por forças armadas ou atores não-estatais (Russell, 2022).

Estamos perante uma nova transformação tecnológica e operacional que resulta do potencial combinatório de aeronaves tripuladas de combate, armamento e sensores avançados, com plataformas aéreas não tripuladas com níveis crescentes de autonomia (Birkey, Deptula, & Stutzriem, 2018), mais concretamente, Sistemas Aéreos com Funcionalidades Autónomas (SAFA). O seu emprego, com custos mais acessíveis e num espetro alargado de funções operacionais, permite ampliar os efeitos operacionais e estratégicos do Poder Aéreo, abrindo portas à emergência de um novo paradigma de Guerra Aérea, em última análise, Autónoma.

Este artigo expõe algumas das tendências potenciadoras da emergência de um novo paradigma de Guerra Aérea em resultado da convergência da aceleração tecnológica exponencial, dos imperativos estratégicos dos Estados e dos incentivos operacionais de diversos atores para o emprego de SAFA.

Esta mudança no carácter da Guerra acrescenta inúmeros dilemas para quem decide e emprega o Poder Aéreo, requerendo uma avaliação das transformações no emprego das forças, em particular no que concerne à interferência humana, e na forma como as organizações militares se organizam, treinam e adquirem equipamentos, para explorar os modelos operacionais emergentes (Kainikara, 2018: 19).

Face aos pressupostos em apreço, importa refletir, ao nível estratégico-militar e operacional, sobre o ambiente operacional futuro, analisando a aceleração dos níveis crescentes de autonomia nos sistemas de armas aéreos e as suas implicações nos processos de transformação em curso nas organizações militares de referência.

Assim, o objetivo desta investigação é analisar os modelos operacionais emergentes de Guerra Aérea Autónoma (GAA) por forma a identificar tendências e implicações da transformação do Poder Aéreo com potencial para alterar a utilidade deste instrumento do Poder Militar.

Partindo da observação das realidades específicas de Forças Aéreas de referência em termos de desenvolvimento, geração e emprego do Poder Aéreo, é possível identificar tendências que no futuro irão ser replicadas e influenciar a transformação de organizações militares congéneres. Numa perspetiva de estudo de caso das realidades nos EUA, Reino Unido e Austrália, a recolha de evidências da aplicação do paradigma da GAA será feita nas dimensões que traduzem a aptidão de uma Força Aérea para gerar e empregar o Poder Aéreo, nomeadamente, os conceitos de emprego, as capacidades para operacionalizar os conceitos, a organização que estabelece o referencial para o uso da força e as pessoas que o tornam possível (Kainikara, 2019: 10-11).



Em termos de organização, após a introdução é efetuado um enquadramento conceptual, seguido da análise da aplicação do paradigma da GAA por organizações militares que lideram a transformação do Poder Aéreo. Por fim, serão apresentadas as conclusões da investigação.

1. Enquadramento Concetual

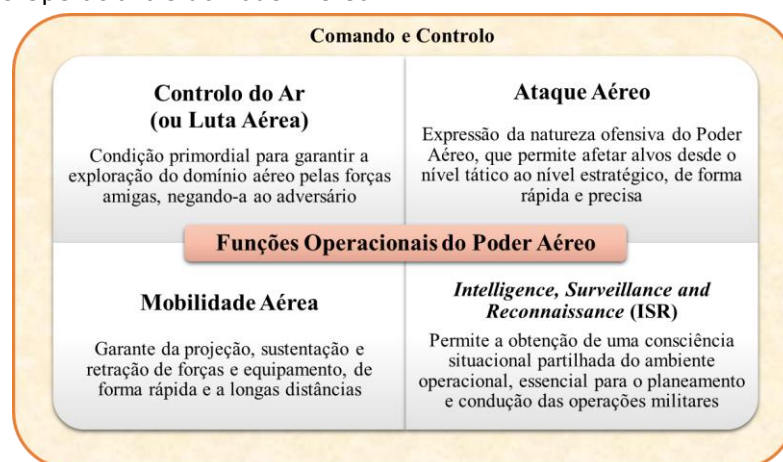
1.1 Poder Aéreo

A análise da doutrina de Forças Aéreas de referência e da estratégia do Poder Aéreo da NATO ajuda a compreender os aspetos fundamentais deste conceito, nomeadamente os atributos, as funções operacionais, a definição e a utilidade enquanto instrumento militar. Apesar das variações contextuais é possível encontrar pontos comuns que importa realçar.

A concetualização do Poder Aéreo ao longo da sua evolução mostra que a sua natureza e o seu carácter são distintos de outros instrumentos do poder militar (Vicente, 2013). A essência e a especificidade deste instrumento derivam da exploração do contexto geofísico onde se desenvolve, através dos atributos de Altura, Velocidade e Alcance, que permitem o acesso sem restrições físicas a qualquer ponto do globo, com rapidez e precisão para projetar força, controlar e condicionar o acesso ao espaço aéreo e de superfície, recolher informação e/ou influenciar comportamentos através de efeitos letais, se necessário (NATO, 2018).

A interação entre os atributos do Poder Aéreo permite obter efeitos através de quatro funções operacionais que, para serem efetivas, têm de ser integradas e sincronizadas, numa perspetiva conjunta de operações multidomínio, através de uma arquitetura de Comando e Controlo (C2) robusta e em rede (Figura 1).

Figura 1 – Funções Operacionais do Poder Aéreo



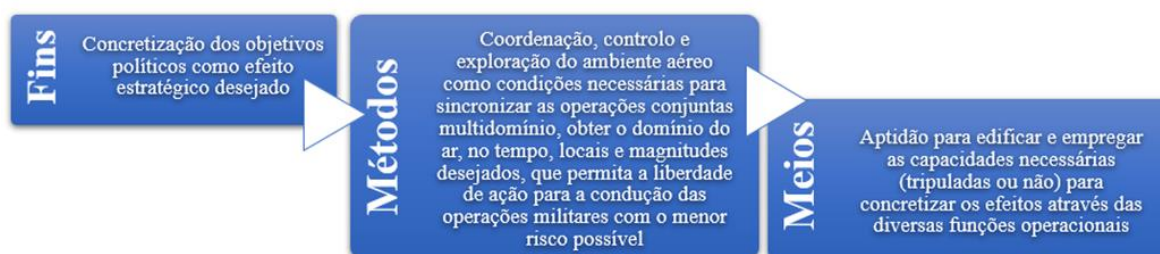
Fonte: Adaptado de USAF (2021), *Royal Australian Air Force (RAAF)* (2022), *Ministry of Defence (MoD)* (2022a) e NATO (2018).



Apesar da geração de Poder Aéreo provir de várias componentes militares, as Forças Aéreas têm como responsabilidade, competências e capacidades, garantir a aplicação transversal das funções operacionais em todo o espectro de conflito (Gray, 2012: 277-278).

Assim, a definição de Poder Aéreo adotada é a da NATO (2018), designadamente, a “aptidão para coordenar, controlar e explorar o domínio aéreo na prossecução dos objetivos da Aliança”. Esta definição, que considera o contributo das componentes militares, assenta numa formulação estratégica em termos de Fins, Métodos e Meios (Figura 2).

Figura 2 – Formulação estratégica do Poder Aéreo



Fonte: Adaptado de Vicente (2019: 798).

Considerando o constructo em apreço, é possível identificar a utilidade do Poder Aéreo face ao contributo para alcançar os objetivos políticos (Clodfelter, 1989: 215), estando diretamente relacionada com a disponibilidade, acessibilidade e aceitabilidade das opções que apresenta aos decisores, por forma a permitir projetar poder militar e influência, no espaço e tempo apropriados, para alcançar os efeitos desejados de forma transversal ao espectro das operações (Blount, 2017: 112-113).

1.2 Guerra Aérea Autônoma

O conceito de GAA não é definido explicitamente na literatura. Assim, para efeitos desta investigação, entende-se GAA como um paradigma emergente, caracterizado pela operacionalização de sensorização e letalidade distribuídas, tendo por base a proliferação de SAFA cada vez mais evoluídos, empregues sob supervisão humana, de forma isolada, em equipas colaborativas com aeronaves tripuladas, ou em grupos alargados de máquinas, com potencial para afetar qualitativamente e quantitativamente as funções operacionais do Poder Aéreo, e com isso, alterar a utilidade deste instrumento militar.

Neste âmbito, os SAFA assumem-se como o centro de gravidade de onde emana o potencial para transformação do Poder Aéreo. Enquanto sistema inclui os componentes de plataforma aérea (sem piloto a bordo), a carga útil, o elemento humano de controlo e decisão, a rede de comunicações e todo o equipamento e pessoal necessário para controlar a plataforma (NATO, 2010: 3). Contudo, o potencial diferenciador deste conceito reside na aptidão destes sistemas para executarem tarefas complexas com



níveis elevados de autonomia, afastando o homem da operação das plataformas para uma função de decisão.

A qualificação dos SAFA pode ser efetuada através da análise dos seus elementos essenciais, nomeadamente, autonomia, intervenção e controlo humano, capacidade adaptativa e propósito de uso (Taddeo & Blanchard, 2022: 10).

A autonomia, enquanto expressão do grau de aptidão de uma máquina para executar uma tarefa de forma independente, deve ser vista como um conceito tridimensional, assente em três variáveis funcionais (Scharre, 2018: 34-40):

- O tipo de tarefa realizada, em termos de importância, complexidade e risco;
- A relação Homem-Máquina durante a execução da tarefa;
- A sofisticação da máquina, expressa em operação automática, automatizada ou autónoma.

Assim, é mais adequado pensar num espectro de autonomia e em termos de “autonomia de certas funcionalidades nos sistemas de armas” em detrimento da designação de “sistema totalmente autónomo” (Scharre & Horowitz, 2015). É precisamente este enfoque em sistemas aéreos com “funcionalidades autónomas” (SAFA) que fornece uma perspectiva mais inclusiva na análise da autonomia e da intervenção humana no processo de tomada de decisão.

Nesta perspectiva, de intervenção e controlo humano, mantém-se inalterada a competência humana de Comando (na determinação dos objetivos e tarefas a cumprir pelas forças), enquanto a função de Controlo (na forma de executar as tarefas) poderá transferir-se gradualmente para as máquinas, de acordo com a complexidade do sistema, missão e ambiente operacional (Australian Defence Force [ADF], 2020: 29). No entanto, autonomia e controlo humano não são mutuamente exclusivos, porque, apesar da intervenção humana ser cada vez mais limitada à medida que os níveis de autonomia aumentam, deverão garantir-se as medidas necessárias de aprovação humana para o uso da força letal pelos SAFA (Taddeo & Blanchard, 2022: 11).

A capacidade adaptativa resultante de avanços de inteligência artificial exprime o nível de sofisticação do sistema em termos de execução de tarefas de forma cada vez mais autónoma. Isto permite a exploração de novos conceitos de operação resultantes da agregação de sensores num sistema-de-sistemas, em equipas colaborativas Homem-Máquina (*Loyal Wingman*) ou em grupos cooperativos de “enxames” de SAFA (*Swarming*), incluindo capacidades letais (Hoehn, Sayler, & DeVine, 2022: 13-19).

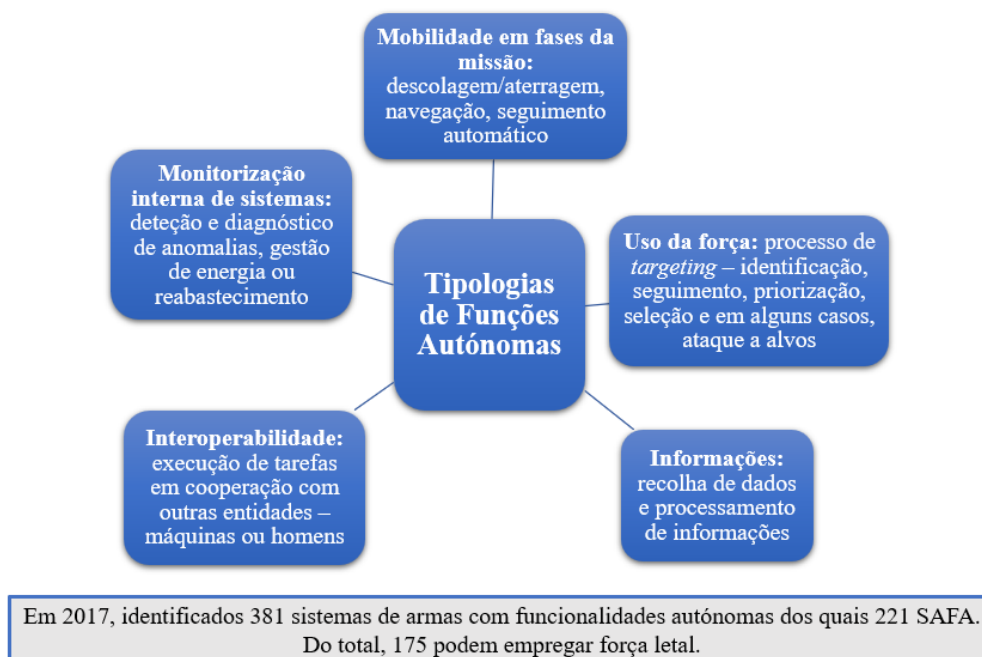
O desenvolvimento do conceito de equipa Homem-Máquina assenta em três elementos: o Homem, a Máquina, e a interação e natureza da relação Homem-Máquina (Chahal & Konaev, 2021). Neste contexto de equipa, o Homem tem de compreender a sua função e o sistema de inteligência artificial, e como interagir com ele e com os outros parceiros humanos (Puscas, 2022: 19). Assim, a evolução deste conceito foca-se numa maior eficiência da interação entre o combatente, os sistemas tripulados e os SAFA, sendo expectável (DoD, 2017: 32):



- Inicialmente, a introdução de maior automação e controlo de múltiplas plataformas por operador;
- A curto prazo, a introdução de sistemas com sensores e carga útil mais diversificada que reduzam o número de missões tripuladas;
- A médio/longo prazo, consoante os avanços da inteligência artificial e a crescente confiança do operador na máquina, aumentar a integração em cenários e com forças multidomínio.

Considerando o propósito de uso, em 2020, mais de 102 países operavam SAFA (Gettinger, 2020), identificando-se na Figura 3 as tipologias de funções autónomas em fase de desenvolvimento.

Figura 3 – Tipologias de funções autónomas



Fonte: Adaptado de Boulanin e Verbruggen (2017: 19-35).

No que concerne ao emprego operacional, o uso massivo no Afeganistão e Iraque incidiu em sistemas controlados remotamente em missões de ISR¹, ataque e relé de comunicações, sendo que a expansão futura irá abranger todas as funções operacionais do Poder Aéreo (Hoehn et al., 2022).

¹ Atividades de Informações, Vigilância e Reconhecimento que visam obter uma maior consciência do espaço de batalha através da recolha, processamento, exploração e disseminação de informações precisas e atuais (AJP-3.3, 2016: 1-15-1-16).



A utilidade operacional dos SAFA, quando comparada com a opção tripulada, decorre dos seus atributos morfológicos (aeronave sem tripulação a bordo) e funcionalidades autónomas, sendo particularmente relevantes em atividades “*dull, dirty, dangerous, demanding, different*” (Alkire, Kallimani, Wilson, & Moore, 2010: 25-26). Para além de eliminarem o risco físico para o piloto, mitigam os desafios operacionais resultantes das limitações humanas, ao nível fisiológico (duração e esforço) e cognitivo (fusão de informação e tomada de decisão), promovendo maior eficiência económica no ciclo de vida útil da capacidade (Hoehn & Kerr, 2022: 2). Isto inclui também uma diminuição dos recursos humanos necessários para a operação de SAFA mais avançados, possibilitando uma tipologia de supervisão humana de múltiplas plataformas, com consequentes poupanças na formação e treino operacional (Boulanin & Verbruggen, 2017: 63).

Assim, a crescente autonomia possibilitará uma maior consciência situacional do espaço de batalha, resultante da vigilância persistente autónoma, fusão de informação e apoio à decisão, permitindo uma resposta mais rápida, se necessário com força letal, através de maior eficiência do processo de *targeting* (Laird, 2021: 12). Para além disso, exprime uma maior aceitabilidade para atirção material face ao custo e risco envolvidos, bem como um aumento de flexibilidade e rapidez de atualização das plataformas, fruto da redução de complexidade dos processos de engenharia, logísticos e de sustentação ao longo do ciclo de vida (Laird, 2021: 14).

Nesse sentido, e considerando a redução de população disponível para o serviço militar, a motivação para o emprego crescente de SAFA estará dependente da eficácia militar, custo e risco, comparativamente com as capacidades tripuladas (Noyes, 2019: 33-34).

Apesar da utilidade dos SAFA resultante dos atributos em apreço, a sua operacionalização apresenta vários desafios que importa analisar.

A proliferação destes sistemas entre atores com menores constrangimentos éticos e legais, contribui para uma corrida aos armamentos e um alargamento da conflitualidade (Torossian et al., 2021: 23-25). Isto porque, apesar do desenvolvimento, aquisição e operação de SAFA avançados requererem atualmente um investimento substancial, à medida que a disseminação tecnológica progride, também se reduzem os custos de edificação, alargando a base de utilizadores.

Uma análise de emprego de sistemas aéreos não tripulados por parte de atores não-estatais identificou 440 casos de ataques letais entre 2016 e 2020, a sua grande maioria no Médio Oriente e África (Haugstvedt & Jacobsen, 2020). Do Hezbollah no Líbano, aos Houtis no Iémen, o Estado Islâmico no Iraque e Síria, ou os cartéis de droga no México, a utilização destes sistemas é recorrente, bastando apenas incorporar o *software* disponível *on-line* em plataformas comerciais ou fabricadas localmente. Desta forma, níveis crescentes de autonomia e letalidade conferem novas capacidades aéreas a atores não-estatais. Enquanto os sistemas mais sofisticados, pelo seu custo, complexidade tecnológica e logística, estão reservados a Estados, verifica-se uma democratização do emprego de sistemas civis “militarizados”, incorporando níveis crescentes de inteligência artificial, facilmente transformados para uso da força letal.

As lições e conhecimento adquiridos durante o conflito da Ucrânia, com o emprego de milhares de sistemas aéreos, de forma distribuída e integrados em rede, ameaça



acentuar a magnitude deste desafio acelerando a democratização da letalidade da Guerra Aérea. Isto porque, a proliferação de plataformas baratas e descartáveis, com armamento letal, permite uma capacidade de ataque de precisão a baixo custo, que apesar da elevada atrição, pode ser facilmente reposta em resultado da sua acessibilidade comercial. Contudo, à medida que são introduzidas plataformas com níveis mais elevados de inteligência artificial, integradas num sistema-de-sistemas, é possível confirmar as tendências transformadoras que irão afetar o emprego futuro de forças.

Na vertente defensiva, a proliferação da ameaça obriga a considerar contramedidas para (ADF, 2020: 44-50): disrupção da forma como o sistema percebe o ambiente (e.g. empasteladores, lasers, micro-ondas, etc); interferência nos seus elementos de controlo (e.g. operações ciber ou de guerra eletrónica); alteração da qualidade dos dados necessários para execução de funcionalidades autónomas (e.g. manipulação ou alteração de dados); e destruição física da plataforma.

Em termos de C2, verificam-se desafios adicionais associados ao conceito de emprego, nomeadamente (Wassmuth & Blair, 2018):

- No conceito de *Loyal Wingman* os desafios são mais reduzidos, uma vez que esta modalidade tem atributos similares às operações tradicionais entre aeronaves tripuladas, em que o piloto comandante tem conhecimento e confiança nas capacidades do parceiro, efetua a comunicação e estabelece as táticas adequadas de apoio mútuo;
- No contexto de *Swarming*, o homem deixa de ter controlo direto sobre as ações individuais dos elementos do enxame, e a sua ação de comando é efetuada sobre o grupo, selecionando algoritmos que regem o comportamento e as capacidades da entidade coletiva.

Os desafios em apreço aumentam quando se debate a legalidade de emprego de SAFA letais.² Ao fim de uma década de discussão nas Nações Unidas, apenas foi possível concordar em 11 princípios orientadores relativos ao desenvolvimento e emprego destes sistemas (United Nations, 2019). Contudo, 70 países, liderados pelos EUA, incluindo Portugal, reconhecem a necessidade de um enquadramento normativo e operacional que regule os SAFA letais (United Nations, 2022). Assim, a moldura legal que vier a ser acordada terá de contemplar um determinado nível de controlo humano que permita antecipar, administrar e monitorizar a operação, desempenho e efeitos dos SAFA letais (Boulanin, Bruun, & Goussac, 2021).

Existem diferentes perspetivas sobre os mecanismos para operacionalizar um princípio de controlo humano significativo (Ekelhof, 2019; Eklund, 2020; Kwik, 2022), onde se destacam os parâmetros (Boulanin, Davison, Goussac, & Carlsson, 2020: 36-37): de uso do sistema de armas (medidas de restrição de ataque); o ambiente onde é empregue

² Para uma análise mais detalhada ver Vicente, J. (2023). The Dilemma of Human Interference in War: The Coming Revolution of Autonomous Air Warfare.



(limitando a áreas onde não estejam civis presentes); e a interação Homem-Máquina (permitindo ao homem a intervenção direta na ação do sistema).

Esta amplitude do controlo humano sobre os SAFA deve ser vista mediante as perspetivas sistémicas do ciclo de vida (da fase de desenho, produção, teste, operação e abate), da complexidade funcional (por forma a identificar os componentes com funções autónomas), e do ciclo de decisão (com enfoque primordial na fase de “decisão” de emprego de armamento) (Chavannes & Arkhipov-Goyal, 2021: 64-68).

Uma vez que a intervenção humana no processo de tomada de decisão de uma missão (por exemplo no ciclo de *targeting*) ocorre de forma distribuída pela cadeia de comando, dos níveis táticos ao nível estratégico e mesmo político, também a definição dos parâmetros de controlo humano significativo deve ser feita ao nível da organização militar, e não exclusivamente em referência à relação entre o homem (operador) e o sistema de armas (autónomo) (Ekelhof & Paoli, 2021).

2. Aplicação do paradigma da Guerra Aérea Autónoma

O processo de transformação em curso é liderado pelos EUA e em particular pela USAF, enquanto líderes das iniciativas de Investigação, Desenvolvimento e Inovação (ID&I), industrialização e operação de SAFA numa panóplia alargada de capacidades e tipologias de emprego. Adicionalmente, este processo está também em curso, numa magnitude mais reduzida, no Reino Unido e Austrália.

Esta análise será feita nas dimensões de conceitos de emprego, capacidades, organização e pessoas.

2.1 Estados Unidos da América

O imperativo político para a transformação resulta da identificação de uma lacuna de capacidades derivada da complexidade e custo elevado das aeronaves tripuladas, que impedem a sua produção e emprego em quantidades suficientes para alcançar o domínio tático aéreo em determinados ambientes operacionais futuros, em particular na zona do Pacífico num conflito com a China (USAF, 2022).

Esta lacuna será mitigada através da iniciativa *Next Generation Air Dominance* que inclui uma nova aeronave tripulada de combate de 6ª geração, armamento e sensores avançados, e um conjunto de SAFA, a desenvolver sob a égide do programa “Aeronave de Combate Colaborativa”, formando um sistema-de-sistemas e operando num conceito em equipa que permite a massificação de plataformas a custos acessíveis (Trevithick, 2023). A modularidade permite o ajustamento de capacidades consoante o tipo de missão, contribuindo para uma redução de custos de produção em resultado da maior especialização tática dos SAFA (Losey, 2022). Adicionalmente, os SAFA poderão ser empregues de forma colaborativa, controlados a partir de múltiplas aeronaves tripuladas ou estações de superfície. Contudo, em termos de prioridade, a USAF pretende adquirir uma frota inicial de 1.000 SAFA, primariamente para operar em equipa com 300 F-35 e com 200 aeronaves de 6ª geração (Trevithick, 2023).



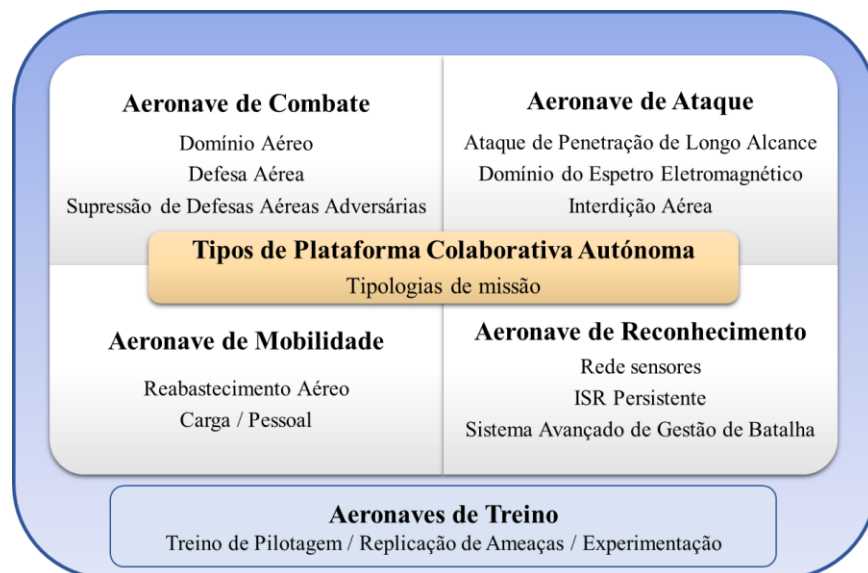
Em termos de conceito de emprego, este ecossistema diverso, distribuído e disruptivo, de sensores, armamento e equipamentos de guerra eletrônica dedicados, integrados em equipas tripuladas e de SAFA especializados, contribui para uma maior flexibilidade e agilidade de resposta aos cenários de emprego do Poder Aéreo (Trevithick & Rogoway, 2022). Desta forma, a especialização de funções, a massificação de força e a penetração em profundidade em ambientes contestados, permitem saturar os adversários com maior complexidade, imprevisibilidade e quantidade (USAF, 2019: 8).

As vantagens de conectar vários SAFA em equipa com uma aeronave tripulada num conceito de *Loyal Wingman* são óbvias, em termos de alocação de tarefas nas diversas fases da missão (Hoehn et al., 2022, p. 14), aumentando a (Patti, s.d.: 26):

- Consciência situacional do piloto resultante da sensorização distribuída;
- Capacidade letal e da resistência à interferência eletromagnética adversária;
- Sobrevivência da aeronave tripulada, permitindo uma maior assunção de risco na operação em ambientes com ameaças.

Em termos de tipologia de operações aéreas, o emprego de SAFA em equipa com aeronaves tripuladas tem utilidade transversal às funções operacionais do Poder Aéreo, conforme Figura 4.

Figura 4 – Ecossistema de Plataformas Colaborativas Autônomas



Fonte: Adaptado de Lee e Gunzinger (2022: 9).

Para além do foco nas funções de combate e ISR, a aplicabilidade destas capacidades estende-se a diversas tipologias de missões, como ações de decepção, funcionando como chamarizes para ajudar a identificar e saturar defesas antiaéreas adversárias, contribuindo para aumentar a sobrevivência das plataformas tripuladas (Nurkin, 2020).



Adicionalmente, têm potencial de aplicação na Mobilidade Aérea e nas suas tipologias táticas de transporte aéreo (carga, apoio médico, busca e salvamento) e reabastecimento aéreo (Hetherington, 2022). Podem também ser empregues em apoio ao treino das tripulações, em funções de aeronaves adversárias, permitindo uma redução de custos e uma maior eficiência na gestão das aeronaves tripuladas.

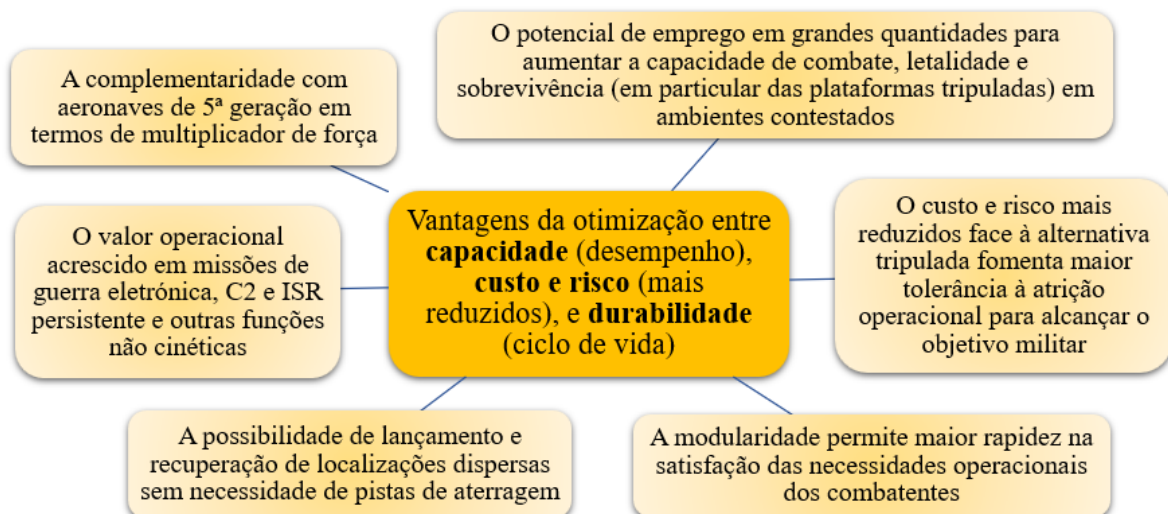
Outro conceito em desenvolvimento na USAF envolve a gestão humana de “enxames” de SAFA (*Swarming*) com elevada consciência do ambiente externo e do estado dos elementos da equipa, capazes de operar numa rede colaborativa de Máquina-Máquina (USAF, 2016: 43). Este conceito tem inúmeras aplicações operacionais em tarefas de ISR, vigilância e proteção de infraestruturas, deteção de alvos e ataque distribuído, saturação de defesas adversárias, proteção da força ou contramedidas face a enxames adversários (Ekelhof & Paoli, 2020: 49).

Figura 5 – Espectro de capacidades



Fonte: Gunzinger e Autenried (2020: 12).

Figura 6 – Vantagens de SAFA reutilizáveis



Fonte: Adaptado de Gunzinger e Autenried (2020: 28-29).



Em termos de edificação de capacidades, a tendência que serve de referência ao desenvolvimento e operacionalização dos diversos projetos assenta em SAFA reutilizáveis (Figura 5), com vantagens como indicado na Figura 6.

A experimentação em curso funciona como mecanismo de redução de risco, permitindo acelerar o desenvolvimento das capacidades e a integração de SAFA semiautónomos de combate com as aeronaves tripuladas de 5ª geração, assim como melhorar a compreensão dos desafios e requisitos organizacionais resultantes da sua inserção nas Esquadras de Combate, em termos de planeamento de missão, táticas e técnicas de operação, programas de manutenção e estruturas de força (Insinna, 2022).

Dessa forma, ao nível dos fatores organizacionais, a introdução operacional de SAFA estará dependente da forma gradual como o conceito de equipa Homem-Máquina for integrado na estrutura de força (DoD, 2017: 21):

- A curto prazo, a evolução ocorrerá na melhoria da segurança e eficiência operacional, nomeadamente, na separação de tráfego aéreo de modo a evitar colisões;
- Posteriormente, o foco será no apoio operacional em diversos cenários, como o acompanhamento em formação de aeronaves tripuladas;
- No futuro, a condução de operações integradas Homem-Máquina em ambientes contestados, através de “enxames” de SAFA heterogéneos, capazes de apoiar forças no terreno através de ISR ou ataque.

Apesar dos avanços registados, ainda não existem certezas acerca das alterações organizacionais ao nível das esquadras de voo, nem do perfil formativo das pessoas que as integram, sendo cruciais as competências especialistas nas áreas de computação e tratamento de informação (Trevithick, 2022).

Em termos dos fatores humanos, as capacidades disponibilizadas irão permitir o exercício de C2 humano sobre o SAFA, desde a atribuição pelo piloto de ordens de execução específicas, até à possibilidade de delegação de tarefas dedicadas, executadas com base em funcionalidades autónomas (Altman, 2022). Necessariamente, isto obrigará também a uma evolução das funcionalidades autónomas das aeronaves tripuladas, em áreas como a fusão de informação, proteção da aeronave e uma interface Homem-Máquina mais eficiente. Desta forma, será possível ultrapassar os constrangimentos da modalidade tradicional de pilotagem por controlo remoto, libertando o homem das tarefas táticas específicas para se concentrar na imagem tática alargada, enquanto gestor de sistemas (Rogoway, 2020).

Assim, à medida que os níveis de autonomia aumentam, verifica-se uma redução do esforço imposto ao elemento humano para controlar, dirigir ou atribuir tarefas ao SAFA (Penney & Olsen, 2022: 12). Neste sentido, o modelo colaborativo Homem-Máquina assenta num conceito de autonomia flexível que permite explorar o espetro de controlo humano face à tipologia de missão, às condições do ambiente operacional e aos níveis de sofisticação do SAFA (Endsley, 2015: iv-v).



No que concerne à operacionalização de “enxames” de SAFA, verifica-se uma maior complexidade do envolvimento humano no processo de controlo e decisão, uma vez que (Ekelhof & Paoli, 2020: 3):

- O controlo direto sobre um número elevado de plataformas torna-se impossível ou contraprodutivo em termos operacionais, obrigando a confiar nos algoritmos responsáveis pela gestão do “enxame” (voo em formação, navegação, distribuição de tarefas, identificação de alvos etc);
- Em adição à interação Homem-Máquina verifica-se uma colaboração Máquina-Máquina entre os elementos do “enxame” que dificulta a definição das regras individuais e de comportamentos desejados.

Assim, a conversão do conceito em capacidade operacional implica primordialmente um desempenho efetivo e a confiança dos pilotos que irão operar de forma colaborativa com os SAFA, e dos decisores responsáveis pelo emprego de força letal. Isto requer a compreensão das dinâmicas da equipa Homem-Máquina, por forma a orientar o desenvolvimento tecnológico, nomeadamente, no desempenho e confiabilidade dos SAFA, às modalidades de controlo humano em ambientes contestados e na gestão da carga de trabalho resultante das operações em equipa (Penney, 2022: 35-37).

Por enquanto, verifica-se um desfasamento de perceções entre operadores (pilotos) e engenheiros, acerca dos níveis de autonomia necessários para atingir os comportamentos desejados e os requisitos de desempenho operacional para a rápida implementação de sistemas efetivos (Penney & Olsen, 2022: 2). Logo, a evolução futura será ditada pela comunidade operacional, com base na melhoria da ligação entre efeitos operacionais e as soluções tecnológicas para os alcançar, requerendo orientação estratégica que garanta maior coerência nos esforços de desenvolvimento (Penney & Olsen, 2022: 4).

Por outro lado, o desenvolvimento de sistemas autónomos letais depende também da regulamentação legal e ética vigente. No caso dos EUA, a regulamentação não proíbe o uso de sistemas autónomos, mas obriga à sua aprovação por um painel de alto nível, tendo por base uma análise rigorosa dos requisitos técnicos, em termos de verificação, validação, teste e avaliação operacional do *software* e *hardware* (DoD, 2023). Para além disso, estipula o cumprimento dos princípios éticos definidos na Política de Inteligência Artificial do DoD (2022), bem como, garante a necessidade de mecanismos adequados de controlo humano no processo de decisão de força letal, incluindo sistemas cinéticos e não-cinéticos e munições guiadas, capazes de selecionar e atacar alvos de forma independente (DoD, 2023).

Considerando o estado atual da inteligência artificial, que ainda não permite adaptações a mudanças drásticas nas tarefas ou ambiente, ou as contramedidas que interferem no desempenho das máquinas, a que acresce a tendência humana de confiar em demasia na tecnologia (*bias* de automação), pode-se incorrer num elevado potencial de erro, com danos colaterais e fratricídio, ou agravamento da conflitualidade (Gray & Ertan, 2021: 11-12). Contudo, as ameaças e lacunas de capacidades com que os EUA se confrontam



podem motivar a assunção de maiores riscos para operacionalizar rapidamente SAFA, em detrimento de soluções totalmente fiáveis, mas mais morosas (Lee & Gunzinger, 2022: 23).

2.2 Reino Unido

A *Royal Air Force* (RAF) considera imperativo o desenvolvimento de um sistema-de-sistemas distribuído, integrando capacidades tripuladas, armamento e sensores sofisticados, e SAFA, para alcançar, a custos sustentáveis, os níveis de letalidade e sobrevivência necessários para operar no ambiente operacional futuro (Bronk, 2021: 5).

Este imperativo assenta no programa *Future Combat Air System*, com horizonte 2035, que congrega um ecossistema de aeronaves tripuladas (aeronave de 6ª geração *Tempest* capaz de operar em modo não tripulado) e SAFA de diversas categorias (RAF, s.d.). Tal como nos EUA, o desenvolvimento de tecnologias e conceitos ocorre no âmbito de um ecossistema alargado de aceleradores, laboratórios tecnológicos e Esquadras de voo dedicadas ao teste, avaliação, verificação e validação das soluções, congregando um conjunto de parcerias entre entidades militares, indústria e academia (Payne, 2022: 31).

Na visão futurista e ambiciosa do Chefe da RAF, o processo de transformação envolve a demonstração de conceitos e a exploração de novos modelos escaláveis de SAFA, recorrendo à manufatura aditiva ou sistemas comerciais modificados com sensores especializados, culminando na entrega de uma capacidade operacional capaz de operar de forma colaborativa com aeronaves tripuladas (incluindo F-35 ou *Typhoon* já existentes no inventário) ou em modalidades de *Swarming* (Wigston, 2022).

A aposta no *Swarming* levou a RAF a edificar uma Esquadra de Teste e Avaliação dedicada à experimentação de SAFA, tendo já realizado voos com 20 plataformas em operação colaborativa (Payne, 2022: 17). Os resultados revelam o potencial para confundir e saturar as defesas aéreas adversárias, indicando uma capacidade operacional útil e relevante para ser empregue em combate (Wigston, 2022).

Na dimensão das capacidades, é possível deduzir que (MoD, 2018: 54-55):

- É crucial explorar os desenvolvimentos tecnológicos no setor comercial através de parcerias entre a Defesa e a Indústria;
- Os avanços tecnológicos das funcionalidades autónomas (e.g. precisão, navegação, reconhecimento de imagem, armamento) tornam mais acessível a exploração de sistemas comerciais, permitindo o alargamento de utilizadores de capacidades operacionais, até ao momento, restritas apenas a Forças Aéreas avançadas;
- A massificação de SAFA de baixo custo, tecnologicamente avançados, levará a uma alteração da estratégia aérea ocidental de superioridade qualitativa com base nos atributos da plataforma tripulada, para uma valorização dos atributos da força, em modalidade de emprego em equipa Homem-Máquina.



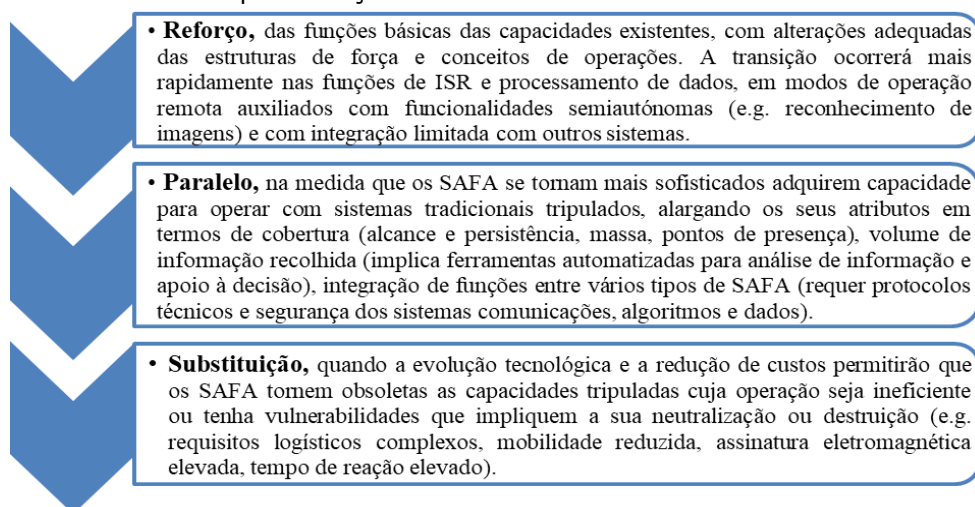
No que concerne aos aspetos organizacionais, apesar da introdução massiva de SAFA e de níveis de automação crescente em diversas tarefas, ainda não são claras as implicações estruturais práticas, quer seja em termos de organização tática (e.g. comando em combate) ou estratégica (e.g. impacto na organização por componentes) (Payne, 2022: 31-32).

Em termos das pessoas, a introdução de maior autonomia nos SA tem como requisito subjacente o controlo humano sobre os SAFA, respeitando os princípios legais e éticos basilares (MoD, 2022b). Apesar da RAF operar sistemas ofensivos capazes de identificar e atacar alvos previamente programados, ainda não dispõe de sistemas que integrem as funções de reconhecimento e ataque de forma completamente autónoma (Payne, 2022: 15). Nesse sentido, ao nível político, reafirma-se a intenção de não desenvolver sistemas aéreos armados totalmente autónomos, definindo-se que a sua operação será sempre efetuada sob controlo humano, como garantia de supervisão, autoridade e responsabilização (MoD, 2022a: 12).

A evolução futura das capacidades dos SAFA será condicionada, não só pela tecnologia, mas antes de tudo, pela confiança neles depositada por quem os emprega, em particular, da forma como respondem ao comando humano, cada vez mais abstrato à medida que os níveis de inteligência artificial aumentam, obrigando a mecanismos que assegurem a segurança do funcionamento, incluindo no domínio eletromagnético, a eficácia operacional e a responsabilização humana (MoD, 2018: 54).

O investimento imediato na educação terá reflexos a longo prazo. Neste contexto, são necessárias novas competências humanas, em termos de análise de dados e engenharia digital, que deverão ser adquiridas de forma rápida e ágil, a par com uma nova forma de treinar as pessoas, com recurso a meios virtuais e sintéticos (Mehta, 2021). Contudo, a especialização técnica implica maior dificuldade de recrutamento e retenção face à concorrência do mercado civil (Macfarlane & Christie, 2022: 3).

Figura 7 – Processo de implementação de SAFA no Reino Unido



Fonte: Adaptado de MoD (2018: 12-13).



Face aos pressupostos em apreço, e tendo a ambição de alcançar, em 2040, um rácio de SAFA/plataformas tripuladas de 80/20 (Bronk, 2021: 9), é possível antecipar três fases de implementação operacional de SAFA (Figura 7).

2.3 Austrália

A RAAF não tem doutrina específica publicada referente aos SAFA, optando por integrar os sistemas autónomos no âmbito da estratégia de transformação holística para uma Força Aérea de 5ª geração, assente no reforço da inteligência humana com inteligência artificial (RAAF, 2019).

Adicionalmente, grande parte das vantagens e preocupações identificadas são transversais às organizações congêneres estudadas, revelando assim, a relevância da aplicação do paradigma de GAA, mesmo para um Estado com recursos e ambições mais reduzidas.

Em termos de conceitos e capacidades, a perspetiva do Chefe da RAAF (Laird, 2021: 19-20) permite compreender a natureza da transformação em curso, em que o potencial da GAA será operacionalizado através de um processo de inovação e novas formas de pensar:

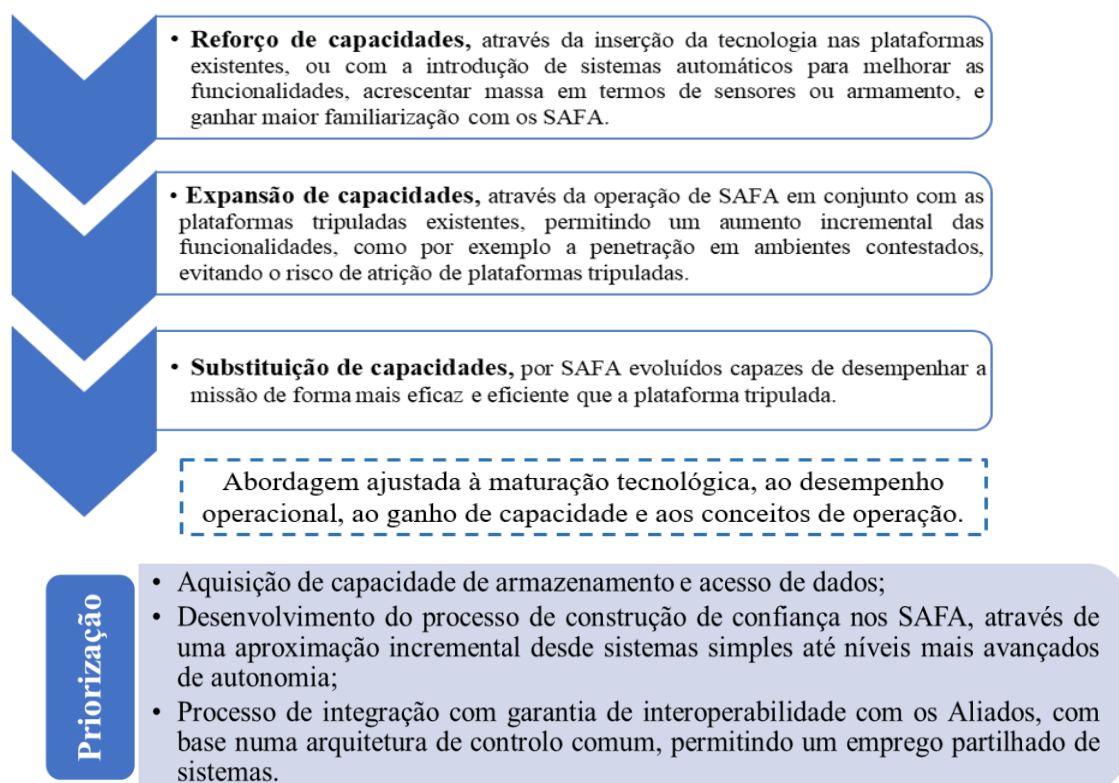
- Os sistemas autónomos irão permitir uma vantagem militar significativa em termos de decisões mais rápidas, eficiência de alocação de recursos e novas formas de criar efeitos militares, onde a convergência de inteligência artificial e a modalidade de operação em equipa Homem-Máquina terão um impacto fundamental no Poder Aéreo do futuro;
- O objetivo é fornecer uma vantagem de capacidade através da integração de plataformas existentes tripuladas de combate, C2 e ISR, com SAFA de diversas tipologias, experimentando conceitos de emprego inovadores, que irão alterar a forma como o risco do emprego do Poder Aéreo é calculado;
- Neste paradigma de GAA, o produto operacional das capacidades aéreas deve ser visto, não de forma individual ou isolada, mas numa perspetiva multidomínio integrada num sistema-de-sistemas, em que a ligação em rede de sensores distribuídos permite a fusão de informação em conhecimento, a velocidades até aqui inalcançáveis;
- Alguns dos sistemas de armas em operação (F-35 e P-8) e em aquisição (SAFA MQ-4C *Triton* com entregas para 2024) estão preparados para operarem em rede numa modalidade de equipa Homem-Máquina;
- Estão em curso esforços de integração de sistemas tripulados novos e existentes com SAFA, com diferentes níveis de controlo humano, sendo o protótipo MQ-28A *Ghost Bat*, desenvolvido em parceria da indústria australiana com a *Boeing* no âmbito do projeto *Loyal Wingman*, um exemplo central na estratégia de transformação, com aplicabilidade nas funções operacionais de Luta Aérea, Ataque e ISR. Este projeto serve como embrião para o desenvolvimento dos algoritmos de inteligência artificial que vão modelar as funcionalidades autónomas dos conceitos de operações futuros;



- Os SAFA são o vetor mais visível do processo de transformação da RAAF, que reflete a necessidade de introdução da automação e inteligência artificial nos processos organizacionais e operacionais, com ênfase nas tarefas humanas previsíveis, repetitivas e pouco criativas. Contudo, não se trata de substituir pessoas por máquinas, mas expandir as funções operacionais, através da sinergia da operação Homem-Máquina, em que o elemento humano, o recurso mais escasso nas organizações militares do futuro, irá focar-se nas tarefas mais remuneradoras, que exijam criatividade.

Na dimensão organizacional, a doutrina conjunta (ADF, 2020) reflete os princípios orientadores para o desenvolvimento e integração dos sistemas autônomos na estrutura da Defesa, nomeadamente, através dos requisitos de capacidade essenciais para enquadrar o processo de transformação. Nesse sentido, será crucial determinar um equilíbrio entre quantidade e qualidade no sistema de forças, garantindo que a maior tolerância à atrição de sistemas de baixo custo é balanceada com a aquisição de sistemas tripulados sofisticados (ADF, 2020: 39).

Figura 8 – Processo de Implementação de SAFA na Austrália



Fonte: Adaptado de ADF (2020: 54-56).



Ao nível das pessoas, em linha com as congéneres, também a Austrália destaca a confiança no desempenho dos SAFA como um atributo essencial para a exploração plena das suas capacidades, e enquanto processo contínuo, deve ser testado, validado e treinado num conjunto alargado de cenários simulados e reais, por forma a criar uma compreensão detalhada do funcionamento, em termos de potencialidades e vulnerabilidades (ADF, 2020: 32). De igual forma, ao nível ético, é também reafirmado o requisito do controlo humano significativo sobre o uso da força letal, confirmando a objeção a que uma máquina possa tirar uma vida humana por decisão independente (ADF, 2020: 24-25).

Em termos de implementação de SAFA no sistema de forças e a priorização de esforços, estes podem incluir três modalidades sequenciais ou simultâneas conforme indicado na Figura 8.

Em suma, o debate australiano acerca dos sistemas autónomos foca-se, entre outros fatores (Troath, 2023: 15):

- Na função determinante da interação entre a Defesa, Academia e a Indústria para o desenvolvimento das capacidades;
- Na centralidade da modalidade de controlo humano;
- Na ênfase da confiança na autonomia;
- Na necessidade de um enquadramento ético para o desenvolvimento e operação;
- No requisito de interoperabilidade com parceiros e aliados;
- No desejo de reduzir o risco para os militares;
- No requisito para o desenvolvimento de sistemas baratos, pequenos e de uso especializado.

Conclusões

O homem continuará a ser o centro de gravidade da Guerra Aérea futura, onde a natureza permanece constante, mas cujo carácter será inexoravelmente alterado em resultado da proliferação de sistemas aéreos com funcionalidades cada vez mais autónomas.

A contextualização do paradigma da GAA, sob a perspetiva da utilidade operacional e desafios associados ao emprego generalizado de SAFA cada vez mais evoluídos, permite identificar a sua relevância militar e o impacto nas funções operacionais, e como tal, na formulação estratégica do Poder Aéreo. Ao mesmo tempo, revela a natureza do debate acerca dos constrangimentos para o desenvolvimento e integração futura dos SAFA nos sistemas de forças militares. Este processo de transformação irá continuar a decorrer à medida que novas funcionalidades são validadas operacionalmente, à semelhança do processo iterativo, centrado na comunidade operacional, que tem sustentado o desenvolvimento do Poder Aéreo ao longo da sua história.

Considerando a imprevisibilidade do ambiente operacional futuro, e tal como os conflitos do Afeganistão e Iraque tiveram efeito detonador para a emergência e proliferação inicial



de sistemas aéreos operados remotamente, também a renovada perspectiva de conflitualidade entre grandes potências permite antecipar a mitigação de alguns dos obstáculos e acelerar o desenvolvimento e introdução de sistemas mais complexos e novos modelos operacionais.

O caso do conflito da Ucrânia parece confirmar a tendência de democratização do Poder Aéreo, assente no emprego massivo de sistemas aéreos de baixo custo e descartáveis, maioritariamente adaptados de plataformas civis, capazes de ataques de precisão a alvos de elevado valor. De forma complementar, as potências internacionais desenvolvem SAFA cada vez mais sofisticados e com elevados níveis de autonomia, com o objetivo de colmatar a lacuna atual de operação em ambientes contestados.

O processo de formulação de Estratégia tenta articular, de forma equilibrada, os meios e os fins, procurando submeter opções de resposta que sejam politicamente aceitáveis e exequíveis em termos de risco e recursos. De igual forma, a Estratégia deve servir de ponte para ligar o emprego da força militar com os objetivos políticos e efeitos desejados.

Os conceitos de operação apresentados, assentes em avanços tecnológicos exponenciais da inteligência artificial abrem novas aplicações operacionais que permitem redefinir a Estratégia Aérea. Neste novo modelo operacional será possível orquestrar um ecossistema diverso, distribuído e disruptivo de plataformas tripuladas e sistemas com elevada autonomia, empregues em equipas colaborativas Homem-Máquina e Máquina-Máquina. Desta forma, é possível estratificar o emprego das capacidades aéreas, num espetro de ambientes permissivos a contestados, numa panóplia alargada de missões, de acordo com os efeitos desejados, o nível de ameaça existente e o risco de atrição, potenciando a sobrevivência dos meios tripulados.

Ao remover do cálculo estratégico e do impacto político o risco associado à atrição humana torna-se mais aceitável o emprego do instrumento militar, não como último recurso, mas como modalidade preferencial. Assim, ao limitar os custos apenas ao vetor material, a Guerra poderá tornar-se politicamente mais aceitável e frequente.

A análise da aplicação do paradigma da GAA pelos EUA, Reino Unido e Austrália revelou vantagens qualitativas e quantitativas na aptidão de uma força para gerar e empregar o Poder Aéreo, em termos de eficácia operacional e eficiência de custo e risco, mas também alguns desafios tecnológicos, organizacionais e humanos. As tendências analisadas servem como aviso antecipado acerca das transformações que estão a moldar a geração e emprego do Poder Aéreo futuro, permitindo a identificação das oportunidades, assim como de medidas de mitigação dos desafios.

Neste sentido, a transformação em curso, resultante da proliferação de SAFA evoluídos, tem reflexos nas dimensões de conceitos de emprego, capacidades, organização e pessoas.

Os conceitos de emprego colaborativos, de forma transversal às funções do Poder Aéreo, com reforço das interfaces Homem-Máquina, potenciam uma consciência situacional acrescida resultante da sensorização desagregada e distribuída em rede, assim como um aumento de sobrevivência e da defesa em profundidade, afastando e preservando o piloto dos rigores da frente de combate.



O enfoque na cooperação de ID&I entre entidades militares e civis, e na experimentação e validação operacional de tarefas cada vez mais complexas, procurando alcançar elevados níveis de segurança e de desempenho operacional, irão traduzir-se em maior confiança dos utilizadores, decisores e público.

A integração gradual nas estruturas de forças, em tipologias de missões onde existam ganhos operacionais, económicos e humanos, será feita numa perspetiva de reforço e expansão das capacidades tripuladas existentes ou mesmo, de substituição futura de capacidades.

O sucesso da transformação está dependente da capacidade de recrutar, educar e reter recursos humanos com elevadas competências técnicas, operacionais e de liderança, permitindo uma melhor compreensão das potencialidades, limitações e desafios associados às novas capacidades militares.

Em resultado dos benefícios e dos desafios que envolvem a implementação do paradigma de GAA, antecipa-se um processo de mudança incremental, operacional, organizacional e cultural, com introdução gradual de SAFA sujeitos a um controlo humano significativo, até que as capacidades adaptativas sejam adequadas e confiáveis para lidar com ambientes dinâmicos e incertos. Desta forma, à medida que a tecnologia progride, a confiança aumente e a necessidade operacional cresça, irá acentuar-se a tendência de afastamento do homem do ciclo de decisão e do controlo direto sobre SAFA individuais, para uma função de operação em equipa Homem-Máquina, e gradualmente, de supervisão do enxame através de uma maior abstração do comando.

Conclui-se, reconhecendo que o paradigma emergente da GAA potencia o aumento da utilidade do Poder Aéreo, melhorando a disponibilidade, acessibilidade e aceitabilidade do emprego operacional, resultantes da utilização isolada de SAFA, da combinação com aeronaves tripuladas em conceitos de operação em equipa, ou da colaboração entre múltiplas plataformas com elevados níveis de autonomia.

À medida que se desenvolve este ecossistema diverso, distribuído e disruptivo, governado por complexos algoritmos de inteligência artificial, importa continuar a garantir, enquanto imperativos ético e legal, o controlo humano significativo durante o processo de decisão de uso da força letal.

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SECURITY CHALLENGES IN THE GULF OF GUINEA: THE CASE OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING

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Abstract

Fishery resources account for almost one sixth of the total volume of animal protein consumed by people and provide livelihoods for some 820 million people worldwide. However, global fisheries are at risk due to increasing global demand for fish, declining ocean health and continued illegal, unreported and unregulated fishing.

According to the United Nations, more than 90 per cent of fish stocks remain fully exploited, overexploited or even depleted. The reasons are a combination of legal exploitation and illegal, unreported and unregulated fishing – which accounts for about 20 per cent of global fish catches. More than 40 per cent of the cases between 2010 and 2022 were recorded in West African maritime areas, notably in the Gulf of Guinea.

This article analyses illegal, unreported, and unregulated fishing in the Gulf of Guinea. The findings highlight that this illegal activity is currently the greatest threat to the human security of coastal communities and to the maritime security of the whole region. Furthermore, without good order at sea, it will not be possible to take concrete measures to address the problem.

Keywords

Fishery resources; illegal, unreported and unregulated fishing; Gulf of Guinea; maritime security; human security

Resumo

Os recursos haliêuticos são responsáveis por perto de um sexto do volume total de proteína animal consumido pelas populações e proporcionam meios de subsistência a cerca de 820 milhões de pessoas em todo o mundo. Todavia, a pesca global está em risco devido ao aumento da procura mundial de peixe, ao declínio da saúde dos oceanos e à continuação da pesca ilegal, não declarada e não regulamentada.

De acordo com a Organização das Nações Unidas, mais de 90 por cento das reservas de peixe permanecem totalmente exploradas, sobre exploradas ou mesmo esgotadas. As razões apontadas são uma combinação de exploração legal a par da pesca ilegal, não declarada e não regulamentada – que representa cerca de 20 por cento das capturas globais de peixe. Mais de 40 por cento dos casos ocorridos entre 2010-2022 foram registados nos espaços marítimos da África Ocidental, nomeadamente no Golfo da Guiné.

O presente artigo analisa a pesca ilegal, não declarada e não regulamentada no Golfo da Guiné. As conclusões evidenciam que esta atividade ilícita é, no presente, a maior ameaça à segurança humana das populações costeiras e à segurança marítima de toda a região, e recomendam a implementação de uma boa ordem no mar que permita a adoção de medidas concretas para lhe fazer face.

Palavras chave

Recursos haliêuticos; Pesca ilegal, não declarada e não regulamentada; Golfo da Guiné; segurança marítima; segurança humana.



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SECURITY CHALLENGES IN THE GULF OF GUINEA: THE CASE OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING

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1. Introduction

According to a report published by the US National Intelligence Council in September 2016, at that time, illegal, unreported and unregulated fishing (IUU) had replaced piracy as the main global threat to maritime security due to its cascading negative effect across different sectors. First, it jeopardises the food and economic security of coastal communities because the industrial fishing fleets involved in these illicit activities disrupt the economic model of coastal fisheries (many of which are still artisanal) and escalate local and regional tensions. Second, IUU fishing facilitates conflicts between countries, especially those that depend on it as a vital source of income. On the other hand, it undermines government institutions (and even the rule of law) in the areas under the jurisdiction of the affected countries, not only because it is profitable for criminals but also because it is often accompanied by other transnational crimes that take place at sea – such as trafficking in drugs, arms or human beings. Finally, IUU fishing increases the risk of piracy and / or armed robbery at sea (as seafarers who use the sea legitimately are left with no other means of subsistence) (US National Intelligence Council, 2016).

The global importance of IUU fishing and its impact on the security of the communities and waters of coastal states where it is most prevalent – and especially the countries of the Gulf of Guinea (GoG)¹ – are the starting point for this study, which will begin by describing the phenomenon.

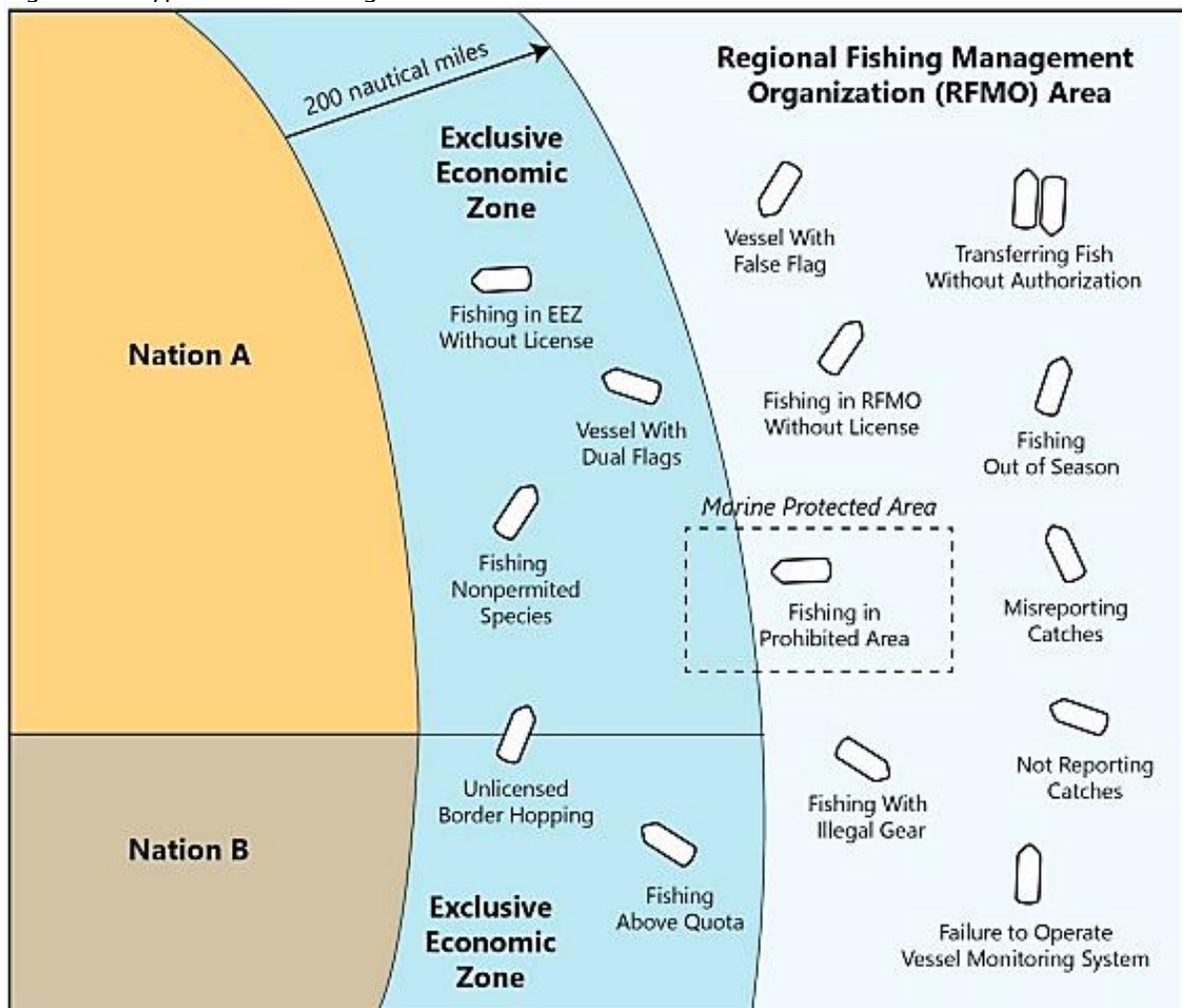
The US National Intelligence Council report mentioned above and a report published in 2016 by the African Union Inter-African Bureau for Animal Resources (AUIBAR) define illegal fishing as fishing activities carried out by national or foreign vessels in the jurisdiction of a state – without that state's permission, or in violation of its laws and regulations –, as well as to other activities of vessels flying the flag of countries that belong to a regional fisheries management organization, but whose operations do not comply with the conservation and management rules that have been adopted by that

¹ Given that there is no international consensus on the geographical limits of the GoG, the definition provided by the European Union (EU) will be used in the study (Council of the European Union, 2014, p. 1). The GoG includes 17 continental coastal states, from Senegal (in the north) to Angola (in the south), as well as two island states Cape Verde and São Tomé and Príncipe.



organization, and to which those states are bound. Unreported fishing is defined as activities that have not been reported, or that have been deliberately misreported, to the relevant authority. Finally, unregulated fishing refers to activities carried out in areas where conservation or management measures have not been defined – for example, outside the boundaries of a country’s exclusive economic zone (EEZ) –, as long as those areas are not under the jurisdiction of Regional Fisheries Management Organizations (RFMOs)² (US National Intelligence Council, 2016), (AUIBAR, 2016). Figure 1 shows the most common types of IUU fishing, both in the EEZs of coastal States and in RFMO areas.

Figure 1 – Types of IUU fishing



Source: (US National Intelligence Council, 2016)

² International organizations that regulate fishing in international waters, whose members are countries or associations of countries – such as the EU – with fishing interests in the areas regulated by those organizations. Non-coastal countries operating distant-water fleets can also be contracting parties of these organizations, which can be divided into those that regulate migratory species (such as tuna) and those that regulate other pelagic and / or demersal fish (DGRM, 2023).



At the beginning of the 21st century, Philip Steinberg highlighted the importance of the sea for humanity. Steinberg stated that “it is difficult to overstate the role of the ocean in the rise of the modern world-system” and that “the sea remains a crucial domain for the resources and processes that sustain contemporary life” (Steinberg, 2001, p. 8). Some years later, in 2009, Geoffrey Till pointed out the need to maintain good order at sea, adding that three of the main attributes of the sea which contribute to human development³ were at least as important in the present as they had been in the past, and that each faced risks and threats to good order at sea, jeopardising their continued contribution to human development. As Till put it, “The importance of this ‘good order’, and the corresponding threats of disorder, are such that navies around the world are focusing much more on their role in helping to preserve it” (Till, 2009, p. 286).

However, at this time, good order at sea is (very) far from guaranteed. Poor governance and deficient application of the law make crime a high-profit activity, especially in certain maritime spaces. Elei Igbogi (2019, p. 30) states that “life in the maritime region has become synonymous with lawlessness”, and that this is often due to governments’ lack of motivation to intervene at sea – and consequently, to a lack of effective surveillance. States can take measures to address the spike in criminal activity at sea, but they lack funds, resources (both material and human) and even experience (in the case of the GoG), and the results have generally been less than satisfactory.

While this background provides an explanation for the emergence (and consistently high levels) of IUU fishing, it is difficult to measure its impact with accuracy. Still, the estimated global loss of revenue from this type of fishing is approximately 23.5 billion dollars a year, which corresponds to about 26 million tonnes of fish – approximately a quarter of the global catch. There are considerable profits to be made and a fairly low risk of legal repercussions, as most African States do not have the necessary capabilities to intervene. This means that the incentive to fish illegally in the waters off the west coast of Africa is indeed high (Igbogi, 2019, p. 30), (Daniels, Kohonen, Gutman, & Thiam, 2022, p. 6).

This article discusses the concepts of maritime security and human security and how they relate to each other; it analyses the phenomenon of IUU fishing in the GoG, which threatens the human security of coastal communities and the maritime security of the whole region; finally, it highlights that, to tackle the challenges in these countries’ coastal waters, good order must be maintained in those spaces.

This study adopts an interpretive epistemological perspective and an inductive qualitative research strategy. Written literature sources were used as the main method of data collection.

³ The resources it contains, its usefulness as a means of transportation and its importance as a means of exchanging information (Till, 2009, p. 286).



2. Maritime security and human security

This chapter introduces the two key concepts of the study – maritime security and human security – both of which are threatened by IUU fishing, and analyses the relationships between them.

2.1 Maritime security

The concept of maritime security emerged after the end of the Cold War. It was the result of the widening of the security agenda and of a new framework for security studies that examined the specific nature of security dynamics in five sectors: the traditional political and military sectors, but also the economic, environmental and societal sectors (Buzan, Wæver, & Wilde, 1998, p. 1). Two separate views in security studies emerged from this “widening”: the new view that argued that the concept should be broadened⁴; and the traditionalist view, in which security was mainly military and state-centred. And while the referent object of the “narrow” or traditionalist view was still the state, the same cannot be said about the “wider” view of those who argued that the concept should be extended to new types of non-military threats. These threats included several referent objects, such as financial markets and resources (in the economic sector), collective identity (in the societal sector) and the biosphere (in the environmental sector) (Buzan, Wæver, & Wilde, 1998).

Even though there is no clear and universal definition of maritime security⁵, the term highlights the new challenges in the maritime domain and points to how the problems they entail should be addressed. The report of the United Nations Secretary-General submitted to the 63rd Session of the General Assembly mentions two conceptions of maritime security: one (more narrow) which refers to protection against direct threats to the territorial integrity of states, and includes security from crimes at sea – such as piracy, armed robbery against ships and maritime terrorism; and a broader conception in which intentional and illegal damage to the marine environment are also seen as threats to countries’ interests – this includes the damage caused by illegal dumping of waste and depletion of natural resources, and especially IUU fishing (UNSG, 2008).

Christian Bueger (2015, p. 161) proposes a holistic definition based on a matrix with four dimensions – marine environment, economic development, national security and human security – and four concepts – marine safety, seapower, blue economy and resilience –,

⁴ Some proponents of this theory include the main scholars of the Copenhagen School – Ole Wæver, Barry Buzan and Jaap de Wilde – as well as Mohammed Ayoob (however, Ayoob concedes that not all issues have the same impact over time and in specific countries, and his definition of security excludes aspects like environmental degradation, pollution or migration), and Michael Klare and Daniel Thomas, who argue that the concept of security should be expanded because geographical borders are becoming less significant (as States are unable to address global problems such as ecological threats, rights abuses, negative demographic trends or economic crises) (Padrtova, 2020, p. 31).

⁵ A report of the United Nations Secretary-General on the Oceans and the Law of the Sea published on 10 March 2008 states that the definition of maritime security “may differ [...] depending on the context and the users” (UNSG, 2008).



as well as a set of risks and threats. Bueger argues that maritime security can be interpreted through the relations between each of these concepts.

2.2 Human security

The term human security was first mentioned in the 1994 Human Development Report of the United Nations Development Programme (UNDP). The report explains that, for years, the concept of security had been interpreted narrowly – as the security of a territory from external aggression or as the protection of national interests abroad. Until that moment, security focused on states rather than people. But for many people, security meant protection against other types of threats, from disease to hunger, unemployment, several types of crime, social conflict, political repression and even environmental hazards (UNDP, 1994, p. 22).

Since then, and especially in the 21st century, several authors have examined the concept of human security. For Mary Kaldor, Mary Martin and Sabine Selchow (2007, p. 273), it refers to the security of people and communities and includes a wide range of threats to human security – from genocide and slavery to natural disasters and massive violations of the right to food, health and housing.

For Sakiko Fukuda-Parr and Carol Messineo (2012, pp. 2-3), the concept implies that the main goal of national and international security policy is the security of human lives, that is, the primacy of human life is the main referent object. It focused on the individual, and as such should cover all aspects of human rights, including the duty to meet basic human needs and the demands of political and social freedom.

Bueger (2015, p. 161) argues that human security was proposed as an alternative to the conceptualisation of security as national security, and that it focused on the needs of people rather than states.

For Daniel Marcos and Nuno Severiano Teixeira (2019, p. 12), the concerns about human security that emerged after the Cold War ended meant that the state no longer had a natural privilege over individuals – from that moment, people were at the centre of security concerns. The authors add that human security may involve military means, but usually refers to non-conventional responses, and that this stems from the idea that prevention is the best way to counter threats, and that states should cooperate with multilateral, non-governmental and regional organizations to prevent those threats (Marcos & Teixeira, 2019, p. 19).

Ifesinachi Okafor-Yarwood (2020, pp. 118-119) highlights that human and national security issues are interconnected with maritime security issues, but also that individual security should not be achieved by simply ignoring the security of the state. In fact, the state and its institutions are decisive in ensuring the security of the maritime domain.

2.3 The interconnectedness of maritime security and human security

Maritime security and human security are relatively new terms. They emerged within the conceptual framework of International Relations, after the widening of the security



agenda in the post-Cold War era. But even though they were coined at the end of the 20th century, their use only became widespread in the 21st century.

Accompanying the different views about these two concepts was the idea that some threats to human security in the maritime domain are also threats to maritime security. Fisheries are a vital source of food and employment, particularly in less-developed countries, and IUU fishing is a serious problem that affects several aspects of human security – from the security of seafarers who use the sea for legitimate purposes to the vulnerability of coastal communities, in addition to a wide range of threats in the maritime domain.

Christian Bueger and Timothy Edmunds (2017, pp. 1299-1300) analysed the four core dimensions of maritime security proposed by Bueger in 2015⁶. One of those dimensions addresses issues that relate to human security, more specifically, the insecurity experienced by local residents and communities. Fisheries are vital for the livelihoods of millions of coastal residents, who are also the most vulnerable to the impacts of climate change or maritime pollution. However, in addition to the security of coastal residents and communities, human insecurity drives people to criminal activities such as piracy or various types of trafficking, which become sources of employment in economically deprived regions (or regions in collapse) (Bueger & Edmunds, 2017, p. 1300).

Ifesinachi Okafor-Yarwood argues that, in the context of maritime security issues, there must be robust and efficient state institutions capable of ensuring that marine resources are exploited in a sustainable manner, and that the human security needs of coastal communities are met (Okafor-Yarwood, 2020).

The above analysis shows that a region's maritime security and the human security of coastal communities are interconnected (an insecure maritime environment facilitates the emergence of criminal activities that threaten the security of all those who use the sea legitimately), and that robust security bureaucracies (with suitable capabilities, experience and procedures) are vital to achieve (and maintain) good order at sea.

3. Illegal, unreported and unregulated fishing in the Gulf of Guinea

This chapter analyses the consequences of IUU fishing on the GoG and examines its impact as a threat to the security of coastal communities and the region's maritime security.

3.1 The impact of IUU fishing on the GoG

For Denys Reva and David Willima (2021), IUU fishing in West African waters (and especially in the GoG region) poses a challenge at three levels.

First, IUU fishing hinders the management of fish stocks. To achieve a sustainable fishing sector, countries must be able to manage the growth and depletion of fish stocks, impose safety and operational rules, define time periods during which fishing is permitted, as

⁶ Marine environment, economic development, national security and human security.



well as areas reserved for conservation. Illegal fishing hinders blue economy initiatives in Africa and costs coastal nations billions in revenue. Mauritania, Senegal, Gambia, Guinea-Bissau, Guinea and Sierra Leone alone lose 2.3 billion dollars per year to illegal fishing (Reva & Willima, 2021).

The second level is the damage IUU fishing causes to food security in coastal communities. This is the case of Nigeria, the GoG's dominant regional power⁷. The country's waters are home to several fish species on which the food and economic security of a large part of the population depend. In fact, local fisheries (most of which are artisanal) are responsible for 80 per cent of catches and for the livelihoods of about 24 million Nigerians. But they are also facing several threats. One such threat is environmental pollution, mainly from the oil industry. Pollution damages the marine environment, depletes fish stocks and reduces catches. But the greatest threat is illegal fishing⁸. In 2021, the Nigerian House of Representatives reported that the country had lost 70 million dollars in revenue to illegal fishing. This includes the loss of licence fees and tax revenue. However, other sources estimate that the cost of illegal fishing in Nigeria is much higher (between 600 and 800 million dollars per year⁹). Despite the different estimates, all sources agree that the revenues Nigeria has lost to illegal fishing are high and that the numbers only paint a superficial picture of the real cost of this practice, which does not occur in isolation¹⁰ (Okafor-Yarwood & Bhagwandas, 2021).

On the third level, illegal fishing erodes people's trust in law enforcement and creates a climate of lawlessness and neglect. This type of environment becomes a hotbed for organized crime, and, combined with the loss of income and jobs, it can fuel local violence and encourage other types of crime (Reva & Willima, 2021). Some authors note that illegal fishing is a threat to the way of life of coastal residents because the lack of government support to combat the phenomenon and protect the livelihoods of fishing communities – which is often the case in the Niger Delta region – drives people into poverty, making them vulnerable to criminal networks (Okafor-Yarwood & Bhagwandas, 2021).

3.2 IUU fishing as a threat to human and maritime security in the GoG

Fish has a vital role in the human security of the GoG's coastal communities because it is an important source of protein – often the only animal protein available to millions of

⁷ Nigeria has the largest population in Africa (estimated at 225 million in 2022). Geographically, it is one of the largest countries in the GoG region – 923,768 km². It is also one of the largest economies in West Africa, with about 135,000 personnel in the three branches of its military, which has been considerably modernised, having received military equipment from several countries over the last decade – mainly from China, Russia and the US. The country is also developing its national defence industry, which includes new small arms, armoured vehicles and small-scale naval production (CIA, 2023).

⁸ Vessels flying the flags of China, EU Member States (MS) and Belize are some of the worst offenders in terms of illegal exploitation of resources in the waters under Nigeria's jurisdiction (Okafor-Yarwood & Bhagwandas, 2021).

⁹ The discrepancy shows how difficult it is to ascertain the true cost of this criminal activity (Okafor-Yarwood & Bhagwandas, 2021).

¹⁰ Fishing-related crimes include a wide range of illegal activities, including customs fraud, trafficking in humans and drugs, and even piracy. Illegal fishing and the crimes mentioned above are also threats to human rights (Okafor-Yarwood & Bhagwandas, 2021).



the region's inhabitants. The fisheries sector is a source of direct and indirect employment for about nine million people across West Africa – 40 per cent of the population lives in coastal areas – and the fish trade is a vital source of revenue for several countries in the region (Okafor-Yarwood & Belhabib, 2019). The steady rise in the global demand for fish has led to the expansion of countries' fishing fleets, which in turn has led to a sharp increase in the number of fishing vessels, from about 585,000 in 1970 to 4.6 million in 2016¹¹ (Okafor-Yarwood, 2020, p. 121).

Almost half of the vessels reported for IUU fishing activities between 2010 and 2022 were detected in Africa's waters¹², costing the region up to 11.49 billion dollars per year. The most affected countries are located in the west coast of Africa, where 40 per cent of global IUU fishing takes place. It has cost the region up to 9.4 billion dollars in losses from illicit financial flows, which corresponds to the combined annual GDP of Guinea-Bissau, Sierra Leone and Liberia (Daniels, Kohonen, Gutman, & Thiam, 2022), (Skrdlik, 2022), preventing the region's countries from fully exploiting their marine resources (Bladen, 2022).

In Senegal – one of the most affected countries – the catches in the artisanal fishing sector dropped by 8.7 per cent in 2018 compared to the previous year due to IUU fishing. According to the Food and Agriculture Organization of the United Nations (FAO), about 90 per cent of fish stocks are depleted (or at the risk of collapsing) (Skrdlik, 2022), (Nwoye, 2020). However, in early 2020 (a period marked by the pandemic), 52 foreign vessels applied for fishing licences from the Senegalese government. Naturally, this angered the Senegalese fishing community, including artisanal fishers, industrial shipowners and various civil society organizations. The Ministry of Fisheries was forced to make a public announcement stating that it had refused the applications, but local media published evidence that the government secretly issued a licence to the Chinese vessel *Fu Yuan Yu 9889* on 17 April 2020, and that the vessel's operator, Univers Peche, was negotiating licences for nine other vessels (Nwoye, 2020).

In Ghana, stocks of small pelagic fish have declined by almost 80 per cent over the last two decades. One species – the *sardinella aurita* – is now overfished. In 2021, the Environmental Justice Foundation in Ghana announced that without robust government intervention, the country's fish stocks are likely to collapse in less than ten years (ADF, 2022).

IUU fishing in the GoG has been on the rise since the beginning of the 21st century. The phenomenon prevents the sustainable management of living resources, which in turn increases the food insecurity of coastal communities – jeopardising human security – and facilitates their involvement in criminal activities at sea (such as piracy or armed robbery against ships). Therefore, it poses a serious threat to the region's maritime security.

¹¹ And in fact, several states – including China, Japan and Russia – and even political entities – such as the EU – have been turning to the GoG region to meet the increasing demand for fish (Okafor-Yarwood, 2020, p. 122).

¹² The Financial Transparency Coalition – a global network of organizations that track illicit financial flows – stated that almost a quarter of the vessels involved in IUU fishing (of those who provided information on their ownership) belonged to ten companies (eight Chinese, one Spanish and one Colombian) (Skrdlik, 2022).



4. The need to maintain good order in the seas off the Gulf of Guinea

This chapter identifies the main factors that facilitate IUU fishing – and prevent the sustainable use of the GoG’s living resources – and analyses some of the measures taken to combat the phenomenon.

4.1 The (un)sustainable use of fisheries resources in the GoG

Several factors facilitate the involvement of vessels in IUU fishing, especially in the GoG: nations lack capabilities to monitor their waters¹³; vessels frequently change their flags and names; there are few negative consequences due to corruption and / or difficulty enforcing regulations; vessels belong to multi-level corporate structures that often allow the true owners to remain anonymous; countries outside the GoG grant subsidies to their distant-water fleets¹⁴ (which include cheaper fuel and lower insurance rates); fishing operators use ethically questionable practices; and the fact that the increasingly high levels of IUU fishing in the GoG are part of a much more complex global problem – many of the oceans’ living resources are being squandered by fishing vessels from some of the richest nations in Europe and Asia. It is worth noting that the waters off the west coast of Africa are among the few fishing grounds that are still relatively fertile (Merem, et al., 2019, p. 11).

The signatories of the United Nations Convention on the Law of the Sea (UNCLOS), which has been ratified by EU countries as well as by GoG countries that have agreements with the EU¹⁵, have agreed to ensure the sustainable use of ocean resources. On the other hand, some reports indicate that fishing vessels from EU MS (even those who have proper licences) sometimes engage in abusive practices that result in the over-exploitation of living resources, endangering these areas’ marine environment, and in a loss of revenue for local fishers (Okafor-Yarwood & Belhabib, 2019, p. 2).

Africa’s coastal waters have long attracted industrial fishing fleets from countries all over the world. As resources have dwindled, their vessels have begun operating at shorter distances from land, as well as illegally crossing into areas reserved for small fishing communities. Protecting those areas from industrial fishing is necessary to regulate catches, but it is also vital for artisanal fishers. Collisions with industrial vessels kill more than 250 artisanal fisherfolk every year in West Africa alone (Riskas, 2020). According to data from a 2019 study (Belhabib, et al., 2019), between 2012 and 2016, industrial fishing vessels operating in African waters spent almost 6 per cent of their total fishing

¹³ Only a few GoG countries have the capacity to effectively enforce the law in their seas (one of them is Nigeria). Foreign vessels act with (almost) total impunity, even when they are operating under formally established agreements with countries in the region (Merem, et al., 2019).

¹⁴ It has been estimated that the wealthiest nations grant subsidies of up to 27 billion dollars per year to vessels that end up depleting stocks of living resources through illegal fishing because this funding allows them to operate in remote areas for long stretches of time and catch larger quantities of fish (Merem, et al., 2019, p. 11).

¹⁵ Sustainable Fisheries Partnership Agreements (SFPAs) are international agreements between the EU and third countries, which provide the EU access to those countries’ EEZs and authorise fishing vessels from MS to sustainably fish for surplus stocks in a legally regulated environment (Milt, 2022).



hours operating illegally in areas reserved for artisanal fishing. Vessels flying African flags – especially from Ghana – were the worst offenders, followed by vessels from South Korea, EU MS and China. But the large number of vessels from Ghana is likely misleading, as a large part of Ghana’s national fleet is owned and / or operated by Chinese companies (Riskas, 2020).

Furthermore, it is becoming increasingly clear that African countries are charging less than they should for fishing licences, (wrongly) believing that they are getting a good deal. The increase in industrial fishing in the region – largely by European, Chinese and Russian vessels – has created even more insecurity in the waters off the west coast of Africa and the decline of coastal communities (Munshi, 2020).

4.2 Measures taken to combat IUU fishing in the GoG

Ifesinachi Okafor-Yarwood (2020, pp. 116-117) warns that “If we lose command of the sea, it is not invasion we must fear but starvation”, and that maritime security involves not only the protection of coastal communities but also the security of seafarers, as well as the sustainable exploitation of ocean resources. The lack of a sustainable fisheries management strategy for the GoG has led to the illegal exploitation of living resources by vessels from Russia and several Asian States (including China), and even some EU MS (Merem, et al., 2019).

To address the problem and support regional efforts to combat IUU fishing, in November 2021, two international non-profit organizations, Global Fishing Watch and Trygg Mat Tracking, launched a pilot project with Côte d’Ivoire, Ghana, Senegal and the Fisheries Committee for the West Central Gulf of Guinea (FCWC)¹⁶. The project provides satellite tracking data, analyses and training to the relevant authorities, who use it to assess the operations of fishing vessels and the risk of non-compliance with the law (Bladen, 2022). Liberia, Côte d’Ivoire, Ghana, Togo, Benin and Nigeria (with the support of the FCWC) launched the Regional Monitoring, Control and Surveillance Centre (RMCS) to monitor fishing and fishing-related activities in the GoG. The initiative was funded by the EU’s Improved Regional Fisheries Governance in Western Africa project (PESCAO¹⁷).

After establishing a new partnership agreement with Global Fishing Watch in May 2022, which aimed to improve the monitoring, control and surveillance of fishing activities in its waters, Benin signed an agreement with Ghana and Togo that involved the participation in joint initiatives to curb IUU fishing in the GoG (Bladen, 2022). Benin and Togo completed their first joint patrol operation in mid-December 2022. The operation was funded by the PESCAO programme, but Ghana only signed the agreement at the end of the month. In addition to maritime patrols, the three countries agreed to exchange information with the RMCS in Ghana (ADF, 2022). However, as most GoG countries lack

¹⁶ An intergovernmental organization that facilitates cooperation in fisheries management between GoG countries.

¹⁷ The PESCAO project was adopted by a European Commission Decision of 28 April 2017. It had a projected duration of five years (2018-2022) and 15 million euros in funding. It aimed to implement a set of measures to improve fisheries governance in West Africa, one of which was to develop a fisheries policy that included the creation of a regional coordination body to combat IUU fishing, as well as improving the management of living resources (EFCA, 2023).



the capabilities to monitor their waters, there is no way of knowing which vessels are operating illegally, even if they have proper authorisations (by using banned gear, fishing in prohibited areas or exceeding the quotas defined in the agreements).

The fact that most GoG states lack adequate maritime surveillance capabilities must be addressed and measures should be taken to tackle the problem (with the support of third states and international organizations, including the EU). Therefore, maintaining good order at sea in the GoG is vital because it is the only way to implement a sustainable fisheries management strategy. The measures that have been taken so far are a good start, but are clearly insufficient, and it will require the participation of other states and regional and international organizations, increased naval capabilities and more assertive action to protect the human security of coastal communities and the region's maritime security.

5. Conclusions

This article has analysed the impact of IUU fishing on the human security of the inhabitants of the GoG and its influence on the maritime security of that vast area of the sea. Furthermore, it examined the need to maintain good order in those maritime spaces as a way of addressing the considerable challenges facing the region.

Using inductive reasoning (which involves observing specific facts and drawing associations between them), it was possible to determine that, at this time, IUU fishing in the GoG is the most serious threat to the security of the region's seafarers who use the region's living resources legally, as well as to the communities for whom fish is an essential source of protein.

IUU fishing in the GoG jeopardises the sustainable management of the region's living resources and represents a considerable loss in revenue for coastal countries because there are fewer fish for their vessels to catch, less revenue from fishing licences, and less taxes collected from legal fishing activities. On the other hand, IUU fishing – and especially the climate of impunity in the GoG region due to the (almost total) lack of maritime surveillance capabilities – encourages the idea that crime can, in fact, pay. This sense of injustice, and even lawlessness – especially in areas like the Niger Delta – may lead people to believe that their only alternative is to be involved in activities linked to transnational organized crime (such as piracy and armed robbery against ships), or to join the ranks of those who regularly attempt to travel to the European continent (often in disorganized movements).

Maintaining good order at sea (across the GoG) is vital because it will allow African states and third countries from other continents (particularly Asia, and especially Europe) to join forces – even if they have signed fishing agreements with each other – to combat IUU fishing (most of which is carried out by vessels from non-GoG countries, precisely from Asia and Europe). If states (and the regional organizations to which they belong) do not create a code of conduct to guide their operations (and reduce the impact of IUU fishing), many of the GoG's fish stocks will eventually collapse (as of now, some have already been depleted). If this were to happen, it would have unpredictable consequences



for the human security of the communities who need those resources and for the fisherfolk who will lose their only source of income, which will significantly increase the region's maritime insecurity.

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OS DESAFIOS DA SEGURANÇA NO GOLFO DA GUINÉ: O CASO DA PESCA ILEGAL, NÃO DECLARADA E NÃO REGULAMENTADA

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Resumo

Os recursos haliêuticos são responsáveis por perto de um sexto do volume total de proteína animal consumido pelas populações e proporcionam meios de subsistência a cerca de 820 milhões de pessoas em todo o mundo. Todavia, a pesca global está em risco devido ao aumento da procura mundial de peixe, ao declínio da saúde dos oceanos e à continuação da pesca ilegal, não declarada e não regulamentada.

De acordo com a Organização das Nações Unidas, mais de 90 por cento das reservas de peixe permanecem totalmente exploradas, sobre exploradas ou mesmo esgotadas. As razões apontadas são uma combinação de exploração legal a par da pesca ilegal, não declarada e não regulamentada – que representa cerca de 20 por cento das capturas globais de peixe. Mais de 40 por cento dos casos ocorridos entre 2010-2022 foram registados nos espaços marítimos da África Ocidental, nomeadamente no Golfo da Guiné.

O presente artigo analisa a pesca ilegal, não declarada e não regulamentada no Golfo da Guiné. As conclusões evidenciam que esta atividade ilícita é, no presente, a maior ameaça à segurança humana das populações costeiras e à segurança marítima de toda a região, e recomendam a implementação de uma boa ordem no mar que permita a adoção de medidas concretas para lhe fazer face.

Palavras-chave

Recursos haliêuticos; Pesca ilegal, não declarada e não regulamentada; Golfo da Guiné; segurança marítima; segurança humana

Abstract

Fishery resources account for almost one sixth of the total volume of animal protein consumed by people and provide livelihoods for some 820 million people worldwide. However, global fisheries are at risk due to increasing global demand for fish, declining ocean health and continued illegal, unreported and unregulated fishing.

According to the United Nations, more than 90 per cent of fish stocks remain fully exploited, overexploited or even depleted. The reasons are a combination of legal exploitation and illegal, unreported and unregulated fishing – which accounts for about 20 per cent of global fish catches. More than 40 per cent of the cases between 2010 and 2022 were recorded in West African maritime areas, notably in the Gulf of Guinea.



This article analyses illegal, unreported, and unregulated fishing in the Gulf of Guinea. The findings highlight that this illegal activity is currently the greatest threat to the human security of coastal communities and to the maritime security of the whole region. Furthermore, without good order at sea, it will not be possible to take concrete measures to address the problem.

Keywords

Fishery resources; illegal, unreported and unregulated fishing; Gulf of Guinea; maritime security; human security.

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OS DESAFIOS DA SEGURANÇA NO GOLFO DA GUINÉ: O CASO DA PESCA ILEGAL, NÃO DECLARADA E NÃO REGULAMENTADA

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1. Introdução

De acordo com um relatório do *National Intelligence Council* dos EUA, de setembro de 2016, a pesca ilegal, não declarada e não regulamentada (IUU)¹ havia já ultrapassado, nessa data, a pirataria como ameaça global à segurança marítima, uma vez que aquele fenómeno tinha um efeito negativo (em cascata) em diferentes domínios. Desde logo, podia pôr em causa a segurança alimentar e a perda de meios de subsistência das populações ribeirinhas, dado que as grandes frotas de pesca industrial envolvidas naquelas atividades ilícitas facilmente perturbavam o modelo económico da pesca costeira (que em muitos espaços marítimos era ainda artesanal), provocando tensões acrescidas, tanto a nível local como regional. Depois, porque a pesca IUU é potencialmente um facilitador do aumento de rivalidades entre países, especialmente dos que dependem da pesca e a consideram uma importante fonte de rendimento. Por outro lado, aquele tipo de práticas tem o efeito de minar as instituições governamentais (e o próprio Estado de direito) nos espaços de jurisdição dos países onde ocorre, uma vez que proporciona aos criminosos ganhos significativos e é frequentemente misturada com outros crimes transnacionais que ocorrem no mar – como os tráficos de droga, de armas ou de pessoas. Por fim, a pesca IUU pode mesmo, no limite, contribuir para o incremento do risco de pirataria e/ou assalto armado no mar (por ausência de meios de subsistência alternativos dos marítimos que utilizam o mar de forma lícita) (US National Intelligence Council, 2016).

A relevância da pesca IUU em termos globais e o seu impacto nas populações e na segurança marítima dos Estados costeiros onde mais se manifesta, em particular os que estão geograficamente localizados no Golfo da Guiné (GdG)², são o ponto de partida para

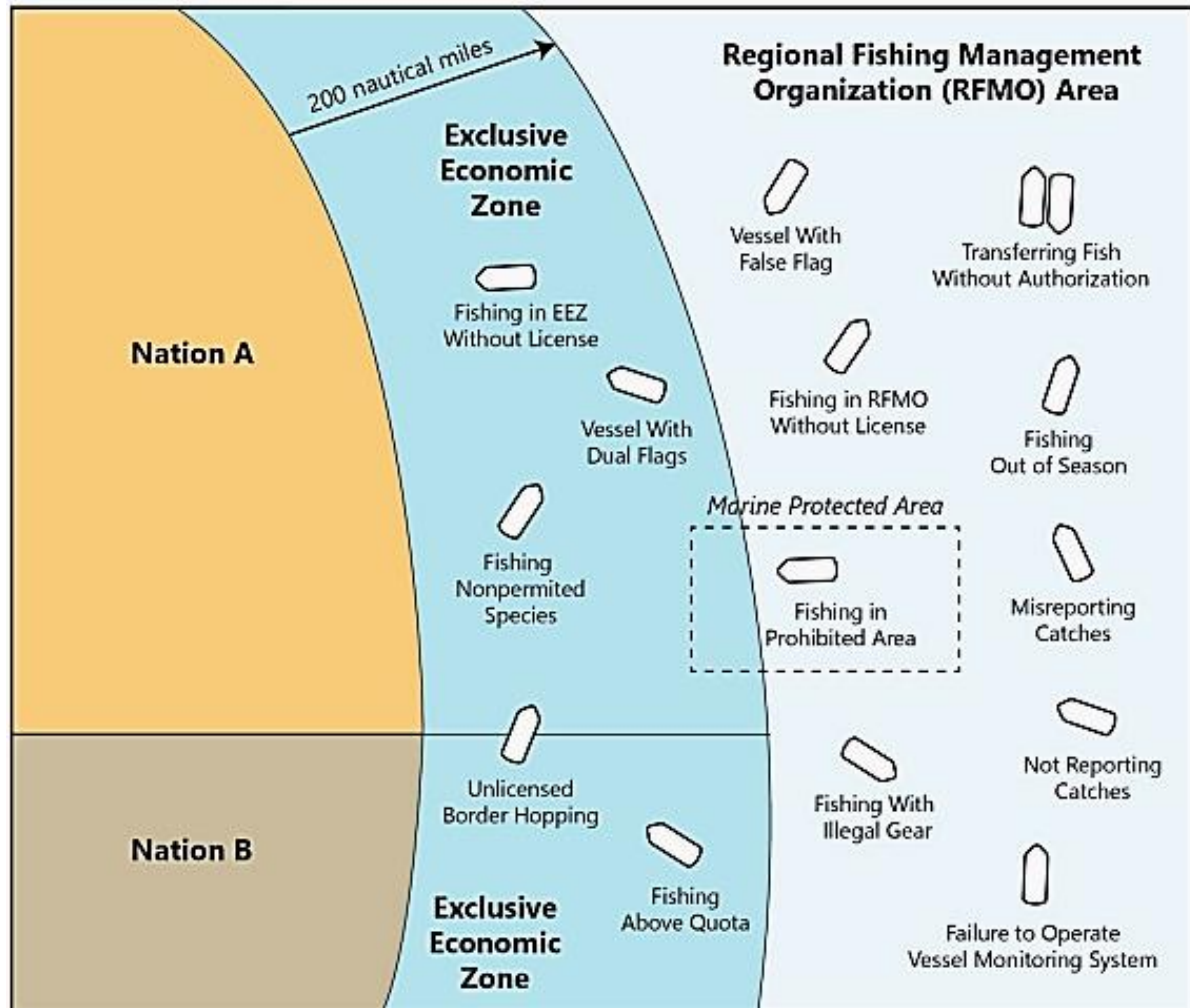
¹ Acrónimo que significa *illegal, unreported and unregulated*.

² Atento o facto de não haver um consenso internacional acerca da extensão geográfica do GdG, no presente estudo optou-se por seguir a definição adotada pela União Europeia (UE) (Council of the European Union, 2014, p. 1). Neste sentido, o GdG inclui os 17 Estados continentais costeiros desde o Senegal, a Norte, até Angola, a Sul, e os dois Estados insulares de Cabo Verde e de São Tomé e Príncipe.



o presente estudo. Nestas circunstâncias, importa começar por caracterizar este fenómeno.

Figura 1 – Formas de pesca IUU



Fonte: (US National Intelligence Council, 2016)

Assim, e tendo como referência o relatório antes referido do *National Intelligence Council* dos EUA e um outro do *Interafrican Bureau for Animal Resources*, da União Africana (AUIBAR), ainda de 2016, a pesca ilegal refere-se a atividades realizadas por embarcações nacionais ou estrangeiras em águas sob jurisdição de um Estado – sem a permissão desse Estado, ou em contravenção das suas leis e regulamentos – e a atividades conduzidas por navios que arvoram o pavilhão de Estados partes numa organização regional de gestão das pescas, mas que operam em transgressão das medidas de conservação e gestão adotadas por essa organização e às quais os Estados estão vinculados. Já a pesca não declarada está relacionada com atividades que não são reveladas ou que são deliberadamente manifestadas de forma incorreta às autoridades



competentes. Por fim, a pesca não regulamentada diz respeito a atividades realizadas em áreas onde não há medidas de conservação ou gestão aplicáveis, tais como fora dos limites da zona económica exclusiva (ZEE) de qualquer país e desde que não estejam sob jurisdição das *Regional Fisheries Management Organizations* (RFMO)³ (US National Intelligence Council, 2016), (AUIBAR, 2016). A Figura 1 mostra as formas usuais de pesca IUU, tanto nas ZEE dos Estados costeiros como nos espaços marítimos das RFMO.

Se recuarmos ao início deste século, Philip Steinberg acentuou a preponderância que o mar tinha vindo a assumir ao longo dos séculos para a humanidade, ao referir ser “difícil exagerar o papel dos oceanos na ascensão do sistema mundial moderno” e que “o mar continuava a ser um domínio crucial para os recursos que sustentavam a vida contemporânea” (Steinberg, 2001, p. 8). Alguns anos depois, Geoffrey Till veio afirmar a necessidade de existir uma boa ordem no mar. Referindo-se a três dos principais atributos que considerou que o mar tinha tido ao longo dos séculos para a humanidade⁴, Till argumentou, em 2009, que cada um deles era, nessa data, pelo menos tão importante como sempre tinha sido no passado, e que cada um enfrentava, *per se*, uma série de riscos e ameaças que podiam colocar em causa essa boa ordem da qual dependia a sua contribuição contínua para o desenvolvimento humano. Considerou, ainda, Till, que a manutenção de uma boa ordem no mar era de tal forma relevante que “a generalidade das marinhas tem optado por focar-se nas ações tendentes a garantir a sua preservação” (Till, 2009, p. 286).

Todavia, essa boa ordem no mar encontra-se atualmente (muito) longe de estar garantida. A má governação e a insuficiente aplicação da lei apontam mesmo para uma situação em que o crime parece compensar, sobretudo em determinados espaços marítimos. Referiu Elei Igbogi (2019, p. 30), a este propósito, que “a vida nos mares se tornou sinónimo de anarquia” e que isso muito ficou a dever-se ao facto de diversos governos serem amiúde confrontados com a falta de motivação interna para intervir no mar – o que se traduz, na prática, na ausência de vigilância adequada. Mas ainda que possa ser desenvolvido um esforço de aplicação de medidas por parte dos Estados para fazer face à crescente atividade criminosa no domínio marítimo, a escassez de fundos, de recursos (materiais e humanos) e até, em alguns casos, de experiência (como acontece no GdG), tem gerado, globalmente, resultados muito aquém do esperado.

Feito este enquadramento inicial que ajuda a explicar o surgimento (e manutenção em níveis elevados) da pesca IUU, importa referir que o seu impacto é, porém, difícil de medir com rigor. Ainda assim, a perda económica global estimada deste tipo de pesca é da ordem dos 23,5 mil milhões de dólares por ano, correspondendo a cerca de 26 milhões de toneladas de peixe – aproximadamente um quarto da captura mundial. Com a obtenção de avultados lucros e a perspetiva de um risco bastante reduzido relativamente

³ São organizações internacionais a quem foi confiada a missão de regular a atividade pesqueira em águas internacionais. Estas organizações são compostas por países, ou associações de países – como é o caso da UE – com interesses de pesca nas áreas reguladas por essas RFMO. Países não costeiros, que operam com frotas longínquas, podem ser, de igual modo, partes contratantes de tais organizações, que de um ponto de vista pragmático são suscetíveis de ser divididas entre as que regulam as espécies migratórias (como, por exemplo, o atum) e as que regulam outras espécies pelágicas e/ou demersais (DGRM, 2023).

⁴ Pelos recursos que contém, pela utilidade como meio de transporte e pela importância como meio de troca de informações (Till, 2009, p. 286).



a potenciais repercussões legais – devido à falta de capacidade da generalidade dos Estados africanos para intervir – o incentivo para pescar ilegalmente nas águas da costa ocidental de África é francamente elevado (Igbogi, 2019, p. 30), (Daniels, Kohonen, Gutman, & Thiam, 2022, p. 6).

Este artigo aborda os conceitos de segurança marítima e de segurança humana e o modo como se relacionam entre si; analisa o fenómeno da pesca IUU no GdG e de que forma se constitui como uma ameaça significativa à segurança humana das populações ribeirinhas e, por consequência, à segurança marítima de toda a região; e, por fim, evidencia a necessidade de ser edificada uma boa ordem nos espaços marítimos envolventes, como meio de mitigação dos desafios aí existentes.

Em termos metodológicos, seguiu-se um quadro epistemológico interpretativista, um raciocínio do tipo indutivo e uma estratégia de investigação qualitativa. Utilizou-se como método preferencial de coleta de dados fontes documentais escritas.

2. Segurança marítima e segurança humana

Este capítulo destina-se a caracterizar os dois conceitos estruturantes deste estudo que podem ser colocados em causa pela pesca IUU – a segurança marítima e a segurança humana – e a forma como se interligam.

2.1 Segurança marítima

Segurança marítima é um termo que foi cunhado no pós Guerra-Fria e resultou da abertura da agenda de segurança então ocorrida, que trouxe apenas uma nova estrutura de análise dos estudos de segurança que examinava o carácter distintivo das dinâmicas de segurança em cinco setores diferentes: os usuais político e militar, aos quais foram adicionados o económico, o ambiental e o societal (Buzan, Wæver, & Wilde, 1998, p. 1). A ampliação da agenda de segurança teve como consequência a existência de duas visões distintas sobre os estudos de segurança: uma nova, personificada pela corrente que defendia o alargamento do conceito⁵; e a tradicionalista, eminentemente militar e centrada no Estado. E se o objeto de referência da visão “estreita” – tradicionalista – continuava a ser o Estado, o mesmo não acontecia com a visão “ampla” – daqueles que defendiam o alargamento do conceito a novas fontes de ameaças não-militares – que passou a incluir um leque diversificado de objetos de referência, entre outros, o comércio e recursos financeiros (no setor económico), a identidade coletiva (no setor societal) e a biosfera (no setor ambiental) (Buzan, Wæver, & Wilde, 1998).

⁵ Entre os proponentes desta visão encontram-se os principais teóricos da Escola de Copenhaga – Ole Wæver, Barry Buzan e Jaap de Wilde –, bem como Mohammed Ayoob (que admitiu, porém, que nem todas as questões tinham a mesma influência ao longo do tempo e entre países específicos, pelo que evitou incluir aspetos como a degradação ambiental, a poluição ou a migração numa definição de segurança), e Michael Klare e Daniel Thomas que, em sentido oposto, argumentaram que o conceito de segurança devia ser alargado devido ao declínio do significado de fronteiras geográficas (uma vez que os Estados não eram capazes de responder a problemas globais, como as ameaças ecológicas, os abusos de direitos, as tendências demográficas negativas ou crises económicas, entre outros) (Padrtova, 2020, p. 31).



Ainda que o termo segurança marítima não tenha uma definição clara e consensualmente aceite⁶, chama a atenção para os novos desafios no domínio marítimo e para a forma como devem ser abordadas as inúmeras questões que lhe estão associadas. O relatório do Secretário-geral das Nações Unidas apresentado na 63ª Sessão da Assembleia Geral refere, em concreto, que existiam duas visões distintas sobre segurança marítima: uma delas, mais restrita, envolvia a proteção contra ameaças diretas à integridade territorial dos Estados e incluía a segurança contra crimes cometidos no mar – como a pirataria, o assalto armado contra navios e o terrorismo marítimo; e uma outra, mais alargada, englobava os danos intencionais e ilegais causados ao meio ambiente marinho – incluindo o despejo ilegítimo de resíduos e a depredação de recursos naturais, em particular a pesca IUU, no leque de ameaças aos interesses dos Estados (UNSG, 2008).

Christian Bueger (2015, p. 161) optou por uma definição holística, ao edificar uma matriz com quatro dimensões – ambiente marinho, desenvolvimento económico, segurança nacional e segurança humana – e quatro conceitos – segurança marinha, *seapower*, economia azul e resiliência –, e ainda vários riscos e ameaças, defendendo que a segurança marítima podia ser interpretada através das relações que era possível estabelecer entre todos eles.

2.2 Segurança humana

A publicação do *Human Development Report*, em 1994, pelo *United Nations Development Programme* (UNDP), esteve na origem da criação do termo segurança humana. Refere aquele relatório que o conceito de segurança foi interpretado, durante anos a fio, de uma forma muito restrita – como a segurança do território de agressões externas ou como a proteção de interesses nacionais no exterior. Nesse sentido, a segurança esteve sempre muito mais relacionada com os Estados do que com as pessoas. E o facto é que, para muitas populações, a segurança simbolizava a proteção contra outro tipo de ameaças, que variavam entre as doenças, a fome, o desemprego, os crimes diversos, os conflitos sociais, a repressão política e até os riscos ambientais (UNDP, 1994, p. 22).

Depois disso, e em particular já no século XXI, diversos académicos abordaram o conceito de segurança humana. Foi o caso, por exemplo, de Mary Kaldor, Mary Martin e Sabine Selchow (2007, p. 273), que consideraram que o conceito se referia à segurança dos indivíduos e das comunidades, e que as ameaças à segurança humana ocorriam num espectro alargado – desde o genocídio e a escravatura até catástrofes naturais, e a violações maciças do direito à alimentação, saúde e habitação.

Sakiko Fukuda-Parr e Carol Messineo (2012, pp. 2-3) sublinharam que o conceito identificava a segurança de vidas humanas como objetivo da política de segurança nacional e internacional. A ideia central era a primazia da vida humana como objeto de referência. Ao focar-se no indivíduo, devia incluir todos os aspetos dos direitos humanos,

⁶ O relatório do Secretário-geral das Nações Unidas de 10 de março de 2008, sobre os Oceanos e o Direito do Mar, referia que a definição do termo segurança marítima “variava em função do contexto e dos diferentes utilizadores” (UNSG, 2008).



entre eles a obrigação de atender às necessidades básicas das populações e às exigências de liberdade política e social.

Bueger (2015, p. 161), defendeu que a segurança humana surgiu como alternativa ao entendimento da segurança em termos de segurança nacional, assumindo-se como um conceito tendente a centrar as atenções de segurança nas necessidades das pessoas e não dos Estados.

Daniel Marcos e Nuno Severiano Teixeira (2019, p. 12) consideraram que a emergência de preocupações sobre a segurança humana no pós-Guerra Fria marcou o fim do privilégio natural do Estado sobre os indivíduos – os seres humanos passaram a estar no centro das preocupações de segurança. Referiram, de igual modo, que a segurança humana implicava, por vezes, uma capacidade militar, mas que, maioritariamente, dizia respeito a respostas não-convencionais. Baseava-se na crença de que a prevenção era a melhor solução para combater possíveis ameaças e que os Estados deviam trabalhar em conjunto com organizações multilaterais, não governamentais e regionais, para prevenir tais ameaças (Marcos & Teixeira, 2019, p. 19).

Ifesinachi Okafor-Yarwood (2020, pp. 118-119) realçou a estreita ligação entre as questões da segurança humana e da segurança nacional e os assuntos da segurança marítima, defendendo, contudo, que não se devia promulgar a segurança do indivíduo ignorando simplesmente a segurança do Estado. Ao invés, o Estado (e as suas instituições) eram decisivas para a garantia da utilização segura do domínio marítimo.

2.3 A ligação entre a segurança marítima e a segurança humana

Tanto a segurança marítima quanto a segurança humana são termos relativamente recentes, tendo emergido no edifício conceptual da disciplina de Relações Internacionais com a abertura da agenda de segurança verificada no pós-Guerra Fria. Ambos foram cunhados no final do século passado, embora tenham vindo a assumir maior preponderância apenas no decorrer do presente século.

Em linha com as diferentes visões destes dois conceitos, emerge a convicção de que algumas das ameaças à segurança humana veiculadas no domínio marítimo são, de igual modo, ameaças à segurança marítima. Considerando que a pesca é uma fonte vital de alimento e de emprego, nomeadamente nos países menos desenvolvidos, a pesca IUU assume-se como uma questão muito relevante que afeta a segurança humana nas suas múltiplas componentes – variando desde a segurança de todos os que exercem atividades legais no mar, até à vulnerabilidade das populações ribeirinhas às ameaças que se desenvolvem no domínio marítimo de uma forma mais ampla.

Christian Bueger e Timothy Edmunds (2017, pp. 1299-1300) retomaram a análise das quatro dimensões centrais da segurança marítima definidas por Bueger em 2015⁷. Uma delas aborda as questões relativas à segurança humana, entendidas no contexto das inseguranças vividas pelos indivíduos e comunidades locais. A pesca garante os meios

⁷ Ambiente marinho, desenvolvimento económico, segurança nacional e segurança humana.



de subsistência de milhões de pessoas que vivem em regiões costeiras, que são, em simultâneo, as mais vulneráveis aos impactos adversos das alterações climáticas ou da poluição marinha. Porém, as preocupações não dizem apenas respeito à segurança de indivíduos e comunidades ribeirinhas, mas, outrossim, ao papel da insegurança humana no surgimento de atividades criminosas, como a pirataria ou os tráficos diversos, enquanto fontes alternativas de emprego em regiões de significativa privação (ou rutura) económica (Bueger & Edmunds, 2017, p. 1300).

Ifesinachi Okafor-Yarwood tem o entendimento que no contexto das questões da segurança marítima, a existência de instituições estatais (robustas e eficientes na sua ação) serão capazes de garantir o uso sustentável dos recursos marinhos e, dessa forma, satisfazer as necessidades de segurança humana das comunidades ribeirinhas (Okafor-Yarwood, 2020).

Fica evidente, do que antecede, que há uma relação direta entre a segurança marítima das regiões e a segurança humana das populações ribeirinhas (uma vez que um ambiente marítimo inseguro potencia o aparecimento de atividades criminosas que põem em causa a segurança de todos os que usam o mar de forma legítima), e que é fundamental a existência de burocracias de segurança suficientemente robustas (com meios adequados, bons conhecimentos adquiridos e práticas consolidadas) que permitam alcançar (e manter) uma boa ordem nos espaços marítimos.

3. A pesca ilegal, não declarada e não regulamentada no Golfo da Guiné

Este capítulo analisa o impacto da pesca IUU no GdG e de que modo este fenómeno se constitui como ameaça à segurança humana das populações costeiras e à segurança marítima daquela região.

3.1 O impacto da pesca IUU no GdG

A pesca IUU ao largo da costa ocidental de África (e em particular na região do GdG) pode ser vista, segundo Denys Reva e David Willima (2021), como um desafio a três níveis distintos.

No primeiro nível, a pesca IUU compromete a gestão dos recursos vivos. Para alcançar um setor de pesca sustentável, os países devem ser capazes de gerir o crescimento e o esgotamento das reservas de peixe, impor regras (de segurança e de operação), definir períodos para o desenvolvimento das usuais atividades de pesca e delimitar áreas de captura e de conservação das espécies. A pesca ilegal mina as iniciativas emergentes da economia azul em todo o continente africano, custando aos Estados costeiros milhares de milhões em receitas perdidas. A título de exemplo, só a Mauritânia, Senegal, Gâmbia, Guiné-Bissau, Guiné e Serra Leoa perdem anualmente 2,3 mil milhões de dólares para a pesca ilegal (Reva & Willima, 2021).

O segundo nível diz respeito ao prejuízo que a pesca IUU acarreta para a segurança alimentar nas comunidades costeiras. Se tomarmos agora como exemplo o caso da



Nigéria – a potência regional do GdG⁸ –, as suas águas contêm diversas espécies de peixe que contribuem para a segurança alimentar e económica de uma fatia substancial da sua população. De facto, a pesca local (que é sobretudo artesanal) é responsável pela captura de 80 por cento do peixe e é o garante da subsistência de cerca de 24 milhões de nigerianos. Mas também enfrenta ameaças. Uma delas é a poluição ambiental, principalmente proveniente da indústria petrolífera. A poluição degrada o ambiente marítimo, destrói as reservas de peixe e reduz as capturas. Mas a grande ameaça é a pesca ilegal⁹. A este respeito, a Câmara dos Representantes da Nigéria observou, em 2021, que o país perdia 70 milhões de dólares devido à pesca ilegítima – incluindo a diminuição de taxas provenientes de licenças e menores receitas de impostos. Outras fontes calculam, todavia, que o custo da pesca ilegal na Nigéria é francamente mais elevado, variando entre os 600 e os 800 milhões de dólares por ano¹⁰. Apesar das diferentes estimativas, as fontes concordam que as perdas económicas causadas pela pesca ilegal na Nigéria são elevadas e que apenas mostram um quadro superficial dos verdadeiros custos imputados a essa prática, que não ocorre de forma isolada¹¹ (Okafor-Yarwood & Bhagwandas, 2021).

No terceiro nível, a pesca ilegal corrói a confiança das comunidades na aplicação da lei, criando um sentimento de desrespeito e negligência. Este é um ambiente em que o crime organizado prospera, o que a par da perda de meios de subsistência das populações pode alimentar a violência a nível local e levar a outros tipos de crimes (Reva & Willima, 2021). Referem alguns autores, a este propósito, que a pesca ilegal mina o modo de vida das populações ribeirinhas, já que a falta de apoio governamental para combater a pesca ilegal e proteger os meios de subsistência das comunidades piscatórias – como amiúde acontece na região do Delta do Níger – empurra as pessoas para a pobreza, o que as torna extremamente vulneráveis a redes criminosas (Okafor-Yarwood & Bhagwandas, 2021).

3.2 A pesca IUU como ameaça à segurança humana e à segurança marítima na região do GdG

O peixe desempenha um papel vital na segurança humana das comunidades ribeirinhas do GdG, uma vez que é uma relevante fonte de proteína – sendo que é mesmo a única

⁸ A Nigéria é o país mais populoso de África, com uma população estimada, no final de 2022, de 225 milhões de pessoas. Em termos geográficos, é um dos países que possui maior área na região do GdG – com 923.768 Km². Tem uma das maiores economias da África Ocidental, conta com um efetivo militar de cerca de 135.000 militares – dos três ramos – e implementou um considerável programa de modernização das suas forças, tendo nos últimos anos recebido equipamento militar de vários países – sendo a China, a Rússia e os EUA os seus principais fornecedores – e está, outrossim, a desenvolver a sua própria indústria de defesa, que inclui novas armas ligeiras, veículos blindados e produção naval em pequena escala (CIA, 2023).

⁹ Navios com bandeira da China, de Estados-membros (EM) da UE e do Belize estão entre os mais prevaricadores no que diz respeito à exploração ilegal de recursos nos espaços marítimos de jurisdição da Nigéria (Okafor-Yarwood & Bhagwandas, 2021).

¹⁰ A discrepância entre os valores apresentados reflete as dificuldades em calcular os custos reais desta atividade criminosa (Okafor-Yarwood & Bhagwandas, 2021).

¹¹ Os crimes relacionados com a pesca evidenciam uma plêiade de ilegalidades, designadamente, fraude aduaneira, tráfico de seres humanos e de droga e até pirataria. A pesca ilegal e os crimes supra elencados constituem, também, ameaças aos direitos humanos (Okafor-Yarwood & Bhagwandas, 2021).



proteína animal disponível para milhões de indivíduos daquela região. Mas o setor das pescas é, outrossim, a origem de emprego direto e indireto para cerca de nove milhões de pessoas em toda a África Ocidental – onde 40 por cento da população vive em zonas costeiras –, sendo que para vários países da região o comércio de peixe é vital para a obtenção de receitas (Okafor-Yarwood & Belhabib, 2019). Como a procura global de recursos haliêuticos tem tido uma taxa de crescimento contínua, a expansão das frotas pesqueiras mundiais levou ao forte incremento do número de navios de pesca nas últimas décadas, passando de cerca de 585.000, em 1970, para 4,6 milhões, em 2016¹² (Okafor-Yarwood, 2020, p. 121).

Quase metade das embarcações referenciadas como tendo estado envolvidas em atividades de pesca IUU, entre 2010 e 2022, foram detetadas nos espaços marítimos de África¹³, levando a perdas nesta região de até 11,49 mil milhões de dólares anuais. No continente africano, a região mais afetada é a costa ocidental – onde ocorreu 40% da pesca global IUU –, com uma perda de até 9,4 mil milhões de dólares em fluxos financeiros ilícitos, o equivalente ao PIB anual da Guiné-Bissau, da Serra Leoa e da Libéria em conjunto (Daniels, Kohonen, Gutman, & Thiam, 2022), (Skrdlik, 2022), o que ameaça a capacidade dos países da região para maximizar a utilização dos seus recursos marinhos (Bladen, 2022).

No Senegal – comumente identificado como um dos países mais duramente atingidos pela pesca IUU –, o número de capturas no setor da pesca artesanal diminuiu 8,7 por cento em 2018 em comparação com o ano anterior e cerca de 90 por cento das reservas de peixe estão esgotadas (ou mesmo em risco de colapsarem), de acordo com a Organização das Nações Unidas para a Alimentação e Agricultura (FAO)¹⁴ (Skrdlik, 2022), (Nwoye, 2020). No entanto, no início de 2020 (muito marcado pela pandemia), 52 navios estrangeiros solicitaram licenças de pesca ao governo senegalês, o que causou evidente incómodo na comunidade da pesca senegalesa, incluindo pescadores artesanais, armadores industriais e várias organizações da sociedade civil. O Ministério das Pescas viu-se mesmo forçado a anunciar publicamente a sua rejeição aos pedidos em causa, mas alguns meios de comunicação locais revelaram evidências de que o governo emitiu secretamente uma licença para o navio chinês Fu Yuan Yu 9889, a 17 de abril de 2020, e que o operador do navio, a Univers Peche, prosseguiu os contactos para a obtenção de licenças para mais nove navios (Nwoye, 2020).

Em relação ao Gana, as pequenas populações de peixes pelágicos diminuíram perto de 80 por cento nas últimas duas décadas. Uma espécie em concreto – a *sardinella aurita* – já se encontra mesmo integralmente colapsada. Referiu a Fundação para a Justiça

¹² E o facto é que para satisfazerem as necessidades crescentes de peixe, diversos Estados – como a China, o Japão e a Rússia – e até entidades políticas – como a UE – têm vindo a olhar cada vez com mais insistência para a região do GdG (Okafor-Yarwood, 2020, p. 122).

¹³ A Coligação para a Transparência Financeira – uma rede global de organizações que trabalham sobre fluxos financeiros ilícitos – salientou que quase um quarto das embarcações envolvidas na pesca IUU, para as quais havia informação sobre a respetiva propriedade, pertenciam a dez empresas, oito das quais eram chinesas, uma espanhola e uma colombiana (Skrdlik, 2022).

¹⁴ Acrónimo que significa *Food and Agriculture Organization*.



Ambiental do Gana, em 2021, que sem uma intervenção governamental robusta o colapso total da pesca do país era provável ocorrer em menos de dez anos (ADF, 2022).

Nestas circunstâncias, podemos afirmar que a pesca IUU, no GdG, tem vindo a agravar-se ao longo do século XXI, e que aquele fenómeno se assume como um forte óbice à gestão sustentável dos recursos vivos, o que se traduz no incremento da insegurança alimentar das populações ribeirinhas – pondo em causa a sua segurança humana – e que pode, no limite, potenciar a sua adesão a atividades criminosas no domínio marítimo (como a pirataria ou o assalto armado no mar contra navios, entre outras) – apresentando-se, por conseguinte, como uma ameaça muito relevante à segurança marítima de toda a região.

4. A necessidade de uma boa ordem nos espaços marítimos do Golfo da Guiné

Este capítulo identifica os principais fatores que favorecem a pesca IUU – e põem em causa o acesso aos recursos vivos do GdG de forma sustentável –, e analisa algumas das medidas de mitigação daquele fenómeno.

4.1 O uso (in)sustentável dos recursos haliêuticos no GdG

Têm vindo a ser identificados diversos fatores que facilitam o envolvimento de embarcações em ações de pesca IUU, em particular no GdG, e que incluem, entre outros: a falta de capacidade dos países para exercerem o controlo das suas águas¹⁵; a mudança frequente de pavilhão e de nomes dos navios; a evasão a sanções devido a corrupção e/ou fiscalização ineficaz; a existência de estruturas empresariais com vários níveis que permitem que os verdadeiros proprietários desses navios permaneçam, muitas vezes, anónimos; a atribuição de subsídios por países exteriores ao GdG a meios das suas frotas de pesca longínqua¹⁶ (incluindo combustível mais barato e seguros a preços reduzidos); o uso de práticas eticamente questionáveis por operadores de pesca; e a crescente incidência de pesca IUU no GdG ser parte de um problema global (bem) mais complexo, que está relacionado o facto de muitos dos recursos vivos dos oceanos estarem a ser fortemente delapidados por embarcações de pesca de algumas das nações mais ricas da Europa e da Ásia – sendo relevante salientar que as águas da costa ocidental de África estão entre as poucas que ainda são relativamente férteis a nível mundial (Merem, et al., 2019, p. 11).

¹⁵ Apenas alguns dos Estados do GdG possuem capacidade para conduzir ações de fiscalização das suas águas de forma minimamente satisfatória (entre os quais a Nigéria). Nestas circunstâncias, as embarcações estrangeiras operam com (quase) total impunidade, independentemente de atuarem ao abrigo de acordos formalmente estabelecidos com países da região (Merem, et al., 2019).

¹⁶ Há relatos de que os apoios das nações mais ricas podem ascender, no conjunto, a cerca de 27 mil milhões de dólares anuais a embarcações que acabam por esgotar as reservas de recursos vivos através de ações de pesca ilegal, já que com esse nível de subsídios podem manter-se em operação em zonas longínquas durante períodos prolongados de tempo e capturar maiores quantidades de peixe (Merem, et al., 2019, p. 11).



Importa ter presente que o uso sustentável dos recursos dos oceanos vincula os signatários da Convenção das Nações Unidas sobre o Direito do Mar (CNUDM) – que foi ratificada tanto por Estados pertencentes à UE quanto por Estados do GdG (com os quais a UE tem acordos estabelecidos¹⁷). Por outro lado, existem evidências de que algumas embarcações de pesca oriundas de EM da UE, ainda que estejam devidamente licenciadas, adotam comportamentos por vezes abusivos que conduzem à sobre-exploração dos recursos vivos, com isso comprometendo o ambiente marinho desses espaços e contribuindo para um menor rendimento dos pescadores locais (Okafor-Yarwood & Belhabib, 2019, p. 2).

Há muito que as águas costeiras de África são atrativas para as frotas de pesca industrial de países de todo o mundo. E à medida que os recursos têm vindo a diminuir, as embarcações daquelas frotas passaram a operar a menores distâncias de terra e a atravessar ilegalmente para zonas reservadas às comunidades piscatórias em pequena escala. Manter as embarcações de pesca industrial fora de tais espaços é importante para regular as capturas, mas é, outrossim, uma questão verdadeiramente essencial para os pescadores artesanais, já que todos os anos as colisões com navios industriais matam mais de 250 pescadores desta arte, só na África Ocidental (Riskas, 2020). De acordo com dados de um estudo de 2019 (Belhabib, et al., 2019), entre 2012 e 2016, os navios de pesca industrial a operar em águas africanas passaram quase 6 por cento do tempo a pescar ilegalmente em zonas artesanais protegidas. As embarcações que arvoravam bandeiras africanas – especialmente do Gana – eram os maiores infratores, seguidos pelos navios da Coreia do Sul, de EM da UE e da China. Mas o elevado número de navios do Gana era, provavelmente, enganador, uma vez que grande parte da frota nacional do Gana pertencia e/ou era operada por empresas chinesas (Riskas, 2020).

Existe, de igual modo, a ideia (que tem vindo a ganhar consistência) de que os países africanos estão a vender licenças a preços muito mais baratos do que deveriam, ainda que, porventura, pensem que conseguiram bons negócios, quando o que acontece é exatamente o oposto. E o resultado do aumento da pesca industrial na região – tanto por embarcações europeias, como chinesas, russas e de outras proveniências – tem-se traduzido numa maior insegurança nas águas da costa ocidental de África e no declínio das suas comunidades costeiras (Munshi, 2020).

4.2 Medidas de mitigação da pesca IUU no GdG

Refere Ifesinachi Okafor-Yarwood (2020, pp. 116-117) que “se perdermos o comando do mar, não é uma invasão que devemos temer, mas sim a fome” e que, no contexto da segurança marítima, a proteção das comunidades costeiras traz apenas a necessidade de garantir a segurança dos marítimos, bem como a exploração sustentável dos recursos

¹⁷ Conhecidos por *Sustainable Fisheries Partnership Agreements* (SFPA), que são acordos internacionais celebrados pela UE com países terceiros para obter acesso às suas ZEE, a fim de permitir que meios das frotas de pesca dos seus EM capturem, de forma sustentável, as unidades populacionais excedentárias das capturas permitidas, num ambiente legalmente regulamentado (Milt, 2022).



dos oceanos. E o facto é que a inexistência de uma estratégia de gestão da pesca sustentável no GdG tem resultado na obtenção abusiva de recursos vivos por embarcações provenientes da Rússia, de vários Estados da Ásia (incluindo da China) e até de EM da UE (Merem, et al., 2019).

É neste enquadramento que, em apoio aos esforços regionais de combate à pesca IUU, a *Global Fishing Watch* e a *Trygg Mat Tracking* (ambas organizações internacionais sem fins lucrativos) lançaram, em novembro de 2021, um projeto-piloto com a Costa do Marfim, o Gana, o Senegal e o *Fisheries Committee for the West Central Gulf of Guinea* (FCWC)¹⁸ destinado a fornecer às autoridades dados de localização por satélite, análises e formação necessária para avaliar as operações dos navios de pesca e o risco de incumprimento das disposições legais estabelecidas (Bladen, 2022). Libéria, Costa do Marfim, Gana, Togo, Benim e Nigéria, com o apoio da FCWC, lançaram, ainda, o *Regional Monitoring, Control and Surveillance Center* (RMCS) para monitorizar a pesca e atividades com ela relacionadas no GdG – financiado pela UE através do projeto *Improved Regional Fisheries Governance in Western Africa* (PESCAO¹⁹).

O Benim – que estabeleceu, em maio de 2022, um novo acordo de parceria com a *Global Fishing Watch* visando reforçar o acompanhamento, controlo e vigilância das atividades de pesca dentro das suas águas –, assinou com o Gana e o Togo um acordo para desenvolverem atividades conjuntas tendentes a contribuir para a redução da pesca IUU no GdG (Bladen, 2022). Neste âmbito, Benim e Togo completaram a sua primeira operação conjunta de patrulha em meados de dezembro de 2022. Foi financiada pelo programa PESCAO, sendo que o Gana apenas assinou o acordo no final daquele mês. Para além das patrulhas marítimas, os três países comprometeram-se a partilhar informações com o RMCS, no Gana (ADF, 2022). Todavia, a manifesta incapacidade da maioria dos países do GdG de realizarem iniciativas de fiscalização dos seus espaços marítimos leva a que não seja simplesmente possível averiguar que embarcações possam estar, em cada momento, em infração, ainda que se encontrem autorizadas a pescar (uma vez que podem fazê-lo com artes proibidas, ou em áreas interditas, ou, finalmente, excedendo as quotas definidas nos acordos formalizados).

A falta de adequada capacidade de fiscalização dos espaços marítimos por parte da generalidade dos Estados da região do GdG assume grande preponderância e recomenda a criação de medidas concretas (com o apoio de Estados e organizações internacionais, como a UE) que permitam fazer face aquele fenómeno. A implementação de uma boa ordem no mar, no GdG, é, por conseguinte, fundamental, já que só assim será possível definir uma estratégia de gestão da pesca sustentável. As medidas de mitigação que têm vindo a ser implementadas são um bom princípio, mas manifestamente insuficientes, sendo desejável a adesão de mais Estados, organizações regionais e internacionais, com a presença de um maior número de meios navais e ações mais assertivas, única forma

¹⁸ Organização intergovernamental que promove a cooperação na gestão das pescas entre os países do GdG.

¹⁹ O projeto PESCAO foi adotado por decisão da Comissão Europeia de 28 de abril de 2017, tinha um horizonte temporal de cinco anos (2018-2022) e um envelope financeiro de 15 milhões de euros. Visava melhorar a governação das pescas na África Ocidental através de diferentes medidas, como o desenvolvimento de uma política de pescas que incluísse a criação de uma coordenação regional contra a pesca IUU e a melhoria da gestão dos recursos vivos (EFCA, 2023).



de garantir a segurança humana das populações ribeirinhas e a segurança marítima de toda a região.

5. Conclusões

Neste artigo analisou-se o impacto da pesca IUU na segurança humana das populações do GdG e de que forma isso pode influenciar a segurança marítima daquela vasta região, e a necessidade de criar uma boa ordem naqueles espaços marítimos como forma de mitigação dos substanciais desafios existentes.

Utilizando um raciocínio indutivo (baseado na observação de factos particulares e da sua posterior associação), foi exequível formular a teoria de que a pesca IUU no GdG é, no presente, a maior das ameaças à segurança dos marítimos da região que pretendem capturar, de forma legítima, os recursos vivos aí existentes, e das populações que, em terra, estão inteiramente necessitadas das proteínas que o peixe disponibiliza.

A IUU no GdG põe em causa a gestão sustentável dos recursos vivos aí existentes e contribui para a perda acentuada de receitas dos países costeiros por haver menores quantidades de peixe para as suas embarcações capturarem, por existirem quebras ao nível das receitas provenientes de licenças de pesca e até mesmo por menor cobrança de impostos resultantes da atividade da pesca lícita. Por outro lado, a pesca IUU – sobretudo pelo clima de impunidade que se vive na região do GdG pela ausência (quase total) de adequada fiscalização dos espaços marítimos – traz apenas a ideia de que o crime poderá, de facto, compensar. O sentimento de injustiça, e até mesmo de ausência do Estado de direito – sobretudo em determinadas zonas específicas, como é o caso do Delta do Níger –, pode levar a que, na ausência de adequados meios de subsistência, algumas populações tenham predisposição acrescida para enveredar por atividades alternativas no quadro do crime organizado transnacional (como por exemplo a pirataria e o assalto armado no mar contra navios), ou se sintam tentadas a engrossar o número dos que regularmente optam por se deslocar – em movimentos muitas vezes desordenados – para o continente europeu.

Nestas circunstâncias, é essencial a criação de uma boa ordem no mar (em todo o GdG) que permita reunir Estados africanos e de outros continentes (em particular da Ásia e, sobretudo, da Europa) – mesmo que tenham acordos de pesca firmados entre si – com o intuito combater a pesca IUU (a maior parte da qual vem sendo praticada por embarcações de pesca de países exteriores ao GdG, precisamente dos continentes asiático e europeu). Se não houver vontade de todos os Estados (e das organizações regionais a que alguns pertencem) de criar um código de conduta que oriente a sua atuação (de forma a mitigar os efeitos da pesca IUU), o GdG, que já tem algumas reservas de peixe esgotadas, pode mesmo vir a confrontar-se com o risco de muitas outras colapsarem, num período relativamente curto de tempo, o que, a acontecer, terá consequências imprevisíveis na segurança humana das populações que delas estão absolutamente necessitadas e dos pescadores que ficarão sem qualquer fonte de rendimento, o que muito contribuirá para vincar a insegurança marítima daquela região.



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INTELLIGENCE SYSTEM AND NATIONAL SECURITY IN NIGERIA: THE CHALLENGES OF DATA GATHERING

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Abstract

Nigeria today faces a variety of security risks that are threatening to undermine its status as an independent republic. These include armed robbery, urban violence, smuggling of weapons, kidnapping, trafficking in people, and disputes between communities and religions. A strong intelligence system that can readily gather and analyse data to precisely predict the movement of criminals and other unwanted elements inside society might alleviate all these concerns. However, it appears that the government, security, and intelligence agencies are caught off guard by the on-going attacks by militants, herders, and incidents of ethnic-religious strife. These unexpected attacks might not be unrelated to incorrect and insufficient information provided about these acts. The study employs qualitative methodologies and draws on secondary sources like newspapers, the internet, and published academic works. The paper's findings show, among other things, that a number of intricate and interconnected problems can be blamed for the Nigerian intelligence system's lack of efficacy. These problems, which include an apparent lack of data, under-use of the data that is already available, and improper data, are made worse by inconsistencies in data management and sharing across the numerous security agencies operating in the nation. The article concludes that it is important for the various security apparatuses to be data-driven and exchange intelligence with one another in order to promote early response to any threat to the security of citizens' lives and property.

Keywords

Intelligence System, National Security, National Identity System, Data Gathering and Cyber-security.



Resumo

Atualmente, a Nigéria enfrenta uma série de riscos de segurança que ameaçam minar o seu estatuto de república independente. Estes incluem assaltos à mão armada, violência urbana, contrabando de armas, raptos, tráfico de pessoas e disputas entre comunidades e religiões. Um sistema de informações forte, capaz de recolher e analisar prontamente dados para prever com precisão o movimento de criminosos e outros elementos indesejáveis na sociedade, poderia aliviar todas estas preocupações. No entanto, parece que o governo, a segurança e as agências de informação são apanhados desprevenidos pelos ataques em curso de militantes, pastores e incidentes de conflitos étnico-religiosos. Estes ataques inesperados podem não ser alheios à informação incorrecta e insuficiente fornecida sobre estes actos. O estudo utiliza metodologias qualitativas e recorre a fontes secundárias como os jornais, a Internet e trabalhos académicos publicados. As conclusões do estudo mostram, entre outras coisas, que uma série de problemas intrincados e interligados podem ser responsabilizados pela falta de eficácia do sistema de informações nigeriano. Estes problemas, que incluem uma aparente falta de dados, subutilização dos dados que já estão disponíveis, e dados impróprios, são agravados por inconsistências na gestão e partilha de dados entre as numerosas agências de segurança que operam no país. O artigo conclui que é importante que os vários aparelhos de segurança sejam orientados por dados e troquem informações entre si para promover uma resposta rápida a qualquer ameaça à segurança das vidas e bens dos cidadãos.

Palavras chave

Sistema de Informações, Segurança Nacional, Sistema Nacional de Identidade, Recolha de Dados e Cibersegurança.

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Introduction

The Boko Haram insurgency in the north of the country, Delta militants, Fulani herdsmen invaders, kidnappers, and reviving Niger-Delta Avenger provide possibly the greatest security threat and challenge to the Nigerian state since the conclusion of the country's civil war in the early 1970s. Boko Haram and other security threats have prompted a significant mobilisation of the country's defence and intelligence services, a tightening of border posts, stringent searches, and the repatriation of illegal immigrants. However, despite the presence and tactics of the defence and intelligence communities, the terrorists' on-going violent acts have continued to occur often, resulting in significant bloodshed and property loss. The type of bombing appears to raise the stakes in comparison to earlier attacks and lean towards the risky territory for retaliation. A large population exodus occurs from the damaged areas, which tends to give the terrorist a new sense of hegemony and spatial control. As a result, many who appear to be overwhelmed by insecurity have said that Nigeria is on the verge of a new civil war. Boko Haram and other security issues have made the country more vulnerable to humanitarian disasters as a result of the large number of refugees and internally displaced people. The large population in the camp for internally displaced people paints a picture of a fragile nation. These difficulties show that Nigeria's intelligence agencies and systems have a long way to go before they can provide quality services, especially in terms of preventing terrorist attacks and the activities of extremists like Fulani herdsmen invasion and kidnapping. They also show that they need to be more practical and creative in their approaches to the many problems this issue poses for Nigeria's public safety and security. One might speculate that some of the apparent government, security, and intelligence



agencies' unawareness or surprise regarding militant, herdsman, and ethnic-religious conflicts in the nation could be at least partially attributed to Nigeria's intelligence agencies' lack of knowledge, resources, and data.

Alemeka (2005), and Permot-Leplay (2020), agree that the issue with the security, law enforcement, and intelligence organisations is not a lack of valid and reliable data or poor data management. It is a widespread issue that affects all of the nation's political and economic institutions. For instance, because Nigeria lacks valid and reliable data on the size and makeup of its population, we must make do with estimates or data from other crucial areas, such as employment and unemployment rates, foreign and domestic debts, petroleum output, export, and import theft (bunkering), foreign trade, poverty rates, etc. This explains why nothing in Nigeria seems to be going according to plan. Simply put, planning is characterized by educated guesses and ignorance of pertinent socioeconomic and political parameters for policy formulation, implementation, monitoring, and evaluation, which is why things rarely go as planned. This paper adopts qualitative methodologies and draws its data from secondary sources like newspapers, the internet, and published academic works.

Conceptual Clarification: Data and Intelligence Gathering

Understanding intelligence is not a simple concept. It is challenging and susceptible to misunderstandings. Between academics and practitioners, as well as frequently within each group, certain issues are still up for discussion. Intelligence is seen as an interesting and, to some, even rather exciting subject to study, but this excitement can frequently result in enthusiastic, and occasionally partisan, attention to current issues in intelligence without sufficient grounding in the more fundamental and significant aspects of a national intelligence program. According to Marrin (2004), some people may find these definitions overtly pedantic, but others may well prefer the well-known "duck" definition given the newness of intelligence as a subject of study and the definitional and theoretical dispute that is still going on. In a similar spirit, Warner (2011) said that there is no universally recognised definition of intelligence and that any attempt to do so would only lead to more questions than it would resolve.

According to Iheriohanma and Emenyonu (2018), acquiring, analysing, and utilising effective information and intelligence regarding the security situation in Nigeria is vital. Every country's ability to effectively pursue and carry out its security needs depends critically on a number of factors, including a citizenry that is motivated to be security conscious and provide the information required, intelligence gathering, the presence of the necessary security tools and equipment, the will of the government in place, and security institutions that are able to analyse and make use of the information that is already available. This points to the lack of information and intelligence gathering and analysis, lack of relevant modern ICT security equipment and personnel, sharing intelligence information, and collaborative efforts among these agencies.

Data, information, and intelligence have significant effects on national security, and each is equally vital in enabling better strategy and decision-making. According to Liew (2007), Zins (2007), and Gutierrez (2018), data is a recorded truth from a particular point in



time in its most basic form. Symbols and signal readings are recorded, collected, and saved as data. The components of communication-text or verbal, numbers, diagrams, photos, and video-are always included in the symbols. Sensor or sensory readings of light, sound, smell, taste, and touch are examples of signals. Data is simply a representation of fundamental meaning stored as symbols. According to Liew (2007), the primary goal of data is to record activities or situations in an effort to capture the truth or the actual occurrence. It captures a moment in time. That occurrence could be a discussion, a deal, or an interaction. Data is a collection of results from those events that are quantifiably documented and then used to analyse security conditions. They are unquestionably expressions of fact.

According to Hoppe, Seising, Nurnberger, and Wenzel (2011), data is provided through straightforward sign and symbol sequences. In a similar spirit, Bierly, Kessler, and Christensen (2000) observe that, data are representations whose meanings depend on the representation system, including symbols and language utilised. Information is a straightforward method of combining data. When you incorporate data from an event into a story, you will have information rather than just data. The context of the data is what enables you to provide simple answers. Information is created as a result of the responses to those questions. It ultimately comes down to transforming data points into information that alerts you to security concerns. Intelligence goes a step farther and makes decisions based on the data.

Intelligence involves the capacity to perceive the environment, form judgments, and manage behaviour. Higher levels of intelligence may include the capacity for object and event recognition, information presentation using a world model, and future planning reasoning. Advanced forms of intelligence have the ability to see, comprehend, make sensible decisions, and act successfully in a wide range of situations in order to live, thrive, and reproduce in a challenging and frequently hostile environment (Albus, 1991; Kekela, & Jana, 2019; McCall, Bowers, & Westaway, 2019).

However, intelligence is the timely and accurate dissemination of information, and accurate knowledge before a crisis occurs is a vital asset. Such proactive intelligence enables the close monitoring of developing events and the proactive formulation of adaptive tactics based on current observations in the field of intelligence and early warning. Giambastiani and Jones (2004) note that intelligence failure occurs when intelligence agencies provide inaccurate or misleading information or when actionable intelligence is not obtained on time. Intelligence collection, analysis, dissemination, and sharing will be critical in reducing the decision time between recognizing a security risk and executing the desired course of action. The frequency and scope of crimes are evolving along with the rest of the world. The procedure of obtaining intelligence must constantly be improved due to the shifting patterns of crimes. The five steps of the intelligence cycle, which has also historically been used to describe the intelligence process, include planning and direction, collecting, processing, analysis, and dissemination.

Intelligence systems are information networks that provide useful intelligence for national security. They are built on data, information, and intelligence, involving people, processes, and technologies. The intelligence doctrine, which includes concepts like



intelligence cycle, target cycle, and opioid cycle, serves as a rulebook and reference for understanding intelligence, developing intelligence capabilities, and utilising intelligence systems within national security (Smith, 2020; National Counterintelligence and Security Centre, 2018). It helps stakeholders make informed decisions and ensures that citizens are better informed about national security matters.

According to Lowenthal (2000), intelligence is comprised of three interconnected phenomena that, if not explicitly stated, will be unclear. The first thing to understand is that intelligence is a process. "Intelligence can be thought of as how certain types of information are required and requested, collected, analysed, and disseminated, as well as to how certain types of covert action are conceived and conducted," says John C. Allen. "Intelligence can be viewed as the outcome of these processes, that is, as the analyses and intelligence operations themselves," says the second point. The third factor is the structure: "The units that perform intelligence's many functions can be conceived as intelligence. In reaction to an external threat, in order to safeguard their essential interests and the welfare of their citizens, governments seek intelligence (Johnson, 2013). The aforementioned intelligence allows for early detection of a security issue and prompt action to avert the scenario. Sims (2013) asserts that obtaining more information than your adversary can happen in sports, commerce, and politics but that this is still the basis of intelligence.

Warner (2017) emphasises the secretive character of intelligence, claiming that intelligence is impossible without secrets and that a lack of secrecy jeopardises the sought-after competitive advantages. This is true because a state's use of intellect can determine its fate. The heart and soul of the intelligence process, the intelligence output is what gives intelligence its added value. The goal of intelligence is to enable the right decision to be made and the right action to be taken at the appropriate time and location. This is accomplished by planning, identifying potential decisions (actions) to be taken along some course of a planned operation, and then identifying those bits of clarifying, validating, or triggering information that can be collected and reported in both a timely and relevant manner. Klir (1992) notes that the capacity of a person or a system to convert knowledge into actions is referred to as intelligence. Natural intelligence, artificial intelligence, machine intelligence, and computational intelligence are examples of intelligence paradigms. The emergence of cognitive robots, cognitive computers, intelligent systems, and software agents suggests that machines and artificial systems are also capable of inventing or implementing intelligence.

Intelligence: Towards a Theoretical Analysis

Since the 1950s, intelligence has been studied academically, according to Phythian (2009). Scholars have pushed for a theory of intelligence almost from the beginning. Nothing has been developed. Although some authors refer to certain parts of their works as "theory of intelligence," no one has, to our knowledge, put out any conceptions that can be put to the test. The contribution that each theory of intelligence makes to the field of intelligence studies should be stated. But in order to achieve this, it is also necessary to investigate the method through which knowledge is created, collected, and applied.



Any theory's foundation is provided by the process; hence studying methodology comes before studying theory.

State-centric intelligence studies have historically developed in close alignment with international relations, with realism being the IR school that has most obviously impacted intelligence studies. Similar to this, the essential assumption at the core of intelligence analysis has been realism. In order to understand the conflict that the practice of intelligence can cause in liberal democratic nations, Phythian (2008) lays forth the on-going importance of this. Hamilton Bean and Gunilla Eriksson contend that different strategies, such as discourse analysis, should be utilised to reveal the underlying presuppositions in intelligence communications. As a result, analysts should aim for fairness and clarity rather than the unattainable ideal of objectivity.

According to Phythian (2008), the assumption that states have a reasonable offensive capability, are unsure of the intentions of other states, and are rational actors is captured by structural realism. This assumption underlies the notion of the "great powers" and is based on the assumptions of an anarchic world system. States aim to lessen uncertainty through intelligence, and their efforts to remain viable are marked by secrecy.

Sims (2013) criticises structural realism and advocates "adaptive realism," but a more comprehensive theoretical challenge to realism is made by some who contend that the concept of "human security" should take the place of the national security as the driving factor. The interconnectedness of nations and the reality that governments will improve their security and stability by collaboration with others that support (collective) sovereignty, despite it has a significant impact on reducing national autonomy, provide mounting evidence for this (Beck, 2005). However, Beck further warns against the "methodological nationalism" that has been dubbed "zombie science" and that fails to acknowledge or advance the degree to which transnational variables "determine" relations within and between states.

Nigerian Intelligence System: An Historical Perspective

The history of intelligence in Nigeria dates back to the colonial era, when the police's intelligence branch mainly served as a source of criminal analysis for the force. Their primary concern was keeping dossiers and records about those who were deemed to be criminals, associated with criminals, or individuals who were deemed to pose a threat to public safety, public order, or colonialism. They also offered analysis of the nation's crime patterns and trends. Particularly during colonial rule, police intelligence units typically compiled dossiers and kept a close eye on political activists and nationalist-politicians. After the E-Branch was eliminated from the Nigerian Police Force, and the Nigerian Security Organisation (NSO) was founded in 1976, the Police Management established the Criminal Intelligence Bureau (CIB) to carry out the duties formerly handled by the E-Branch.

The National Security Agencies Decree No. 19, 1986, issued by Ibrahim Gbadamosi Babangida during his administration, as well as the National Security Agencies Act, Cap. N.74 of the Laws of the Federation 2004, and the Police Acts and Regulations Laws of



the Federation, 2004, are what gave rise to Nigeria's intelligent system. State Security Services and the Defence Intelligence Agency were also established by these laws. The statutory responsibility for maintaining internal security and public order falls to the Nigerian police. Along with the police, The Directorate of State Security Service (DSS), which is in charge of domestic intelligence, the National Intelligence Agencies (NIA), which is in charge of foreign intelligence and counterintelligence operations, and the Defence Intelligence Agency (DIA), which is in charge of military intelligence, are all members of Nigeria's intelligence community.

The violent actions of Boko Haram, herdsmen, robbers, and other sources of instability have prompted responses from all of the aforementioned organisations. The worst possibility of detecting crime and insurgency operations, much alone averting bombing assaults, is provided by Nigerian intelligence systems. With sister agencies that can assist in identifying and monitoring insurgencies as well as providing early warning signals and quick responses to thwart their intentions, our intelligence system has failed to successfully exchange information and intelligence assessments. Lack of confidence among intelligence agencies could be primary problem in combating the Boko Haram threat. At the highest level of the agencies, there is excessive rivalry, mistrust, and personal glory seeking among the sister organizations. However, it can be assumed that a lack of cooperation among the security services is what led to their failure.

Intelligence and National Security in Nigeria

National security has been defined as a nation-capacity state's to, among other things, maintain its territorial integrity and physical integrity, maintain reasonable economic relations with the rest of the world, maintain its nature, institutions, and system of government from the outside, and control its borders. According to Peter, Marrin, and Phythian (2009), maintaining states' and societies' distinct identities and functional integrity is a crucial component of national security.

Akintoye and Ayi (2015), and Lemu (2017) agree that Nigeria's intelligence and security systems have improved significantly since its independence in 1960. The State Security Service, the primary agency, protects national security interests and collects information. Other security bodies include the Nigerian Armed Forces, the Nigerian Police Force, and the Immigration Service. The Nigerian Intelligence Agency (NIA) provides strategic analysis and assessments. The government has invested in modernising intelligence gathering and analysis capabilities by establishing a National Security Database (NSDB), a national surveillance network, and a Regional Security System (RSS). Advanced technologies like aerial and satellite imagery are used for intelligence gathering. The government also has intelligence training centres and has adopted an open-source intelligence system (OSINT) for security, defence, and political purposes (Ogunkoya, Olagunju, & Adewumi, 2016; Oladun, & Ola, 2018). These measures aim to ensure the country's safety and security.

Human security includes the necessity to defend fundamental human rights, which include as their main threats, killings, executions, genocides, and fatalities as a result of war or conflicts. These contemporary risks to human security are global in scope and



interconnected, necessitating an international and integrated response approach. The fact that Nigeria's various security agencies have fallen short when it comes to intelligence is reflected in the increase of terrorism, militancy, kidnappings, and armed robberies, to name a few. These security services' shortcomings in the areas of intelligence collecting and sharing such intelligence reports with other pertinent security agencies for proper implementation, despite the significant annual budgets allotted to them are substantially to blame. The politicisation of the security system and corruption are two significant factors that work against the success of Nigeria's security system.

The safety and security topology now significantly more advanced than it was in the previous two decades, according to Odinkalu (2005). The environment, shoddy infrastructure, and health and safety supervision procedures are under enormous stress as a result of population increase, industrial advancements, and sophisticated criminality. The range of needs for safety and security as a result includes issues like industrial and civil safety economic, communications and general infrastructural security, various types of accidents and related rescue operations, environmental security, identity security, and more advanced intelligence mechanisms that prioritise crisis prevention over post-hoc detection and response.

Nigeria's attempt to address the issue of threats to her internal security as a result of the prevalent state of insecurity in some sections of the country has presented intriguing problems for the country's intelligence community. Because of the on-going intelligence failures and resulting state of uncertainty, intelligence's effectiveness had been questioned. The competing problems of a lack of real-time intelligence and a lack of analytical ability related to information gathering and management made this necessary.

To ensure individual safety and property protection, Nigeria is home to numerous law enforcement, intelligence, and security organisations. However, due to a number of internal and external constraints, the level of efficacy and efficiency of these agencies is unsatisfactory (Peters, 2020; Akinsulure-Smith, 2020; Alemika, 2005; Alemika & Chukwuma, 2001). One of these reasons is the lack of adequate and trustworthy data and information that all of these organisations practically work on (Alemika, 2005). The police have struggled to attain high clearance rates, successful prosecution, and high conviction rates due to a lack of trustworthy data and statistics. The prosecution division, courts, and jail facilities are backed up due to a shortage of trustworthy criminal intelligence analysis. Statistics on the prison population in Nigeria during the previous 15 years reveal that a large portion of offenders were being held in custody pending trial. Overall, the nation's ability to prevent and regulate crime has been hampered by the lack of trustworthy and legitimate information management systems inside each of the criminal justice and security institutions. Additionally, it has reduced the effectiveness of defences put in place to protect the nation's security and safety.

Maintaining a sufficient security presence is one of the most crucial tasks in counterinsurgency (COIN), according to Oyewole (2014), in order to protect the lives and property of the affected population and reinstate law and order in society. As a result, both the size and quality of security presence have an impact on the situation in Nigeria's COIN theatre, notably the operators' capacity to receive timely and pertinent information and mobilise for an immediate response. The local air force and the complementary air



powers have impacted the security situations with the level of their presence or absence in the sky for intelligence, surveillance, and reconnaissance; firepower; and transportation in the theatre, even though the roles of the ground operatives have dominated public attention.

According to Oshita, Alumona, and Onuha (2019), the administration of internal security in Nigeria during the past two decades has been defined by the emergence of numerous security concerns. Although continuous herdsmen-farmers confrontations, militancy in the Niger Delta, Boko Haram insurgency, and other security issues including kidnapping, urban gang violence, human trafficking, arms smuggling, cybercrime, and illegal migration, among others, have a tendency to be overshadowed. The substantial loss of life and property in Nigeria is a result of the security crises' endurance and the institutions' formal and informal incapacity to contain them. They also pointed out that the Nigerian government's management of internal security issues tended to take a reactive, forceful, and repressive strategy rather than a proactive, preventive, and inclusive one.

In modern global environment, studies had shown that security is a core goal of state. Many states gather intelligence as part of their efforts to protect their borders, but some states prioritise doing so more than others, thus they devote greater resources to the effort (Jubril, 2017). It is impossible to overstate how useless intelligence is, that is why Moses is said to have sent spies into Canaan to investigate the possibility of Israelites settling there. The availability of information and communication technology, which has increased the speed and methods of gathering correct data and the precision of turning raw data into final intelligence, as well as the state's desire for intelligence, have, however, made these factors less important.

Nigerian intelligence agencies included have access to data from the National Identity Database System, which was developed and is being used, for its own objectives. This is why the National Identity Management Commission (MIMC) was established, with its three main responsibilities being to build, run, and manage the National Identity Management System (NIMS) with a focus on:

1. Establishing and maintaining a National Identity Database;
2. Providing eligible citizens and legal residents with Unique National Identification Numbers;
3. Issuing a Smart ID Card to every person who has registered;
4. Harmonizing and integrating Identity Databases in Government Agencies to achieve resource optimization;
5. Providing a secure method for accessing the National Identity Database so that a person can unquestionably assert their identity (Person Identification Verification Services (PIVS) Infrastructure);
6. Collaborating with private and/or public sector institutions to deliver on the National Identity Management System (NIMS)



Terrorism, Banditry and Kidnapping: National Identity System and Intelligence Operations in Nigeria

A national identity system can help prevent terrorism, banditry, and kidnapping by giving residents a safe and trustworthy way to identify themselves. It will be harder for criminals to use phony identities if this system helps to verify that people are accurately identified and vetted. Law enforcement organizations can effectively follow and apprehend criminals engaged in these activities by connecting different kinds of identification, such as biometric data, to a centralized database. Guardian (August, 2021) reports that despite the fact that many Nigerians had to stand in line for days in the hot heat to register during the pandemic, the impact on the National Identity System security concerns in Nigeria remains minimal. Attacks by criminals on the public are still common today. Even with the NIN-SIM identity system in place, terrorists, kidnappers, bandits, and other criminal elements of society continue to operate with impunity. This Federal Government's security regulations have frequently been circumvented in the bandit-prone North East. According to reports, citizens of the states of Katsina, Zamfara, and Kaduna gave security personnel the bandits' phone numbers after recounting their experiences inside kidnappers' lairs. However, they bemoaned the fact that nothing was done to capture the crooks, messing up the Federal Government's directions on registering telephone subscribers and connecting SIM to NIN (Guardian, August 2021).

Ayamba (2018) looks at the difficulty Nigeria's identity management environment faces due to the lack of consistency among identity databases. The situation of chaotic identity management exists in Nigeria, where each institution that collects identity-related data handles its own and there is no efficient synergy to coordinate the disparate identity management silos. The study's conclusion is that in order to avoid identity crises, ensure interoperability, and reap the full benefits of identity management, it is necessary to unify identity-related data from public entities that collect such data.

The application of information and communication technologies for the development of public service delivery has become increasingly essential to any nation (Oyeniran, Oyeniran, & Oyeniyi 2019). These factors include population growth, the expansion of complex government services, and the urgency for effective public service delivery to the citizens. This is the era of electronic governance and administration, when advances in ICT are fuelled by a combination of hardware and software technologies to generate ease, accuracy, precision, efficiency, and effectiveness in the management of the public's human and material resources.

To find and follow potential threats, intelligence agencies collect and analyse information from a variety of sources. This may entail keeping an eye out for suspicious activity, breaking into criminal organisations, and exchanging intelligence with the appropriate law enforcement organisations. Effective intelligence operations, according to Oatley (2017), can aid in spotting high-risk regions, preventing attacks, dismantling criminal networks, and freeing hostages. In order to address these security issues, cooperation between law enforcement, intelligence, and other relevant parties is crucial. Combating terrorism, banditry, and kidnapping can be more effective if intelligence is shared and operations are coordinated.



Challenges of Intelligence Agencies: Data and Cyber-security in Nigeria

Mabogunje (2018), Udubuisi, Ikwuagwu, and Igboanusi (2016), as well as others have underlined the critical role that intelligence services play in preserving national security and safeguarding a nation's interests, including in Nigeria. To identify and stop threats to national security and guarantee the protection of its population, these agencies acquire and analyse information. In today's increasingly linked world, data security and cyber-security concerns are of the utmost importance. Nigeria is vulnerable to different cyber threats such as hacking, data breaches, and cyber-attacks. The security and privacy of people, businesses, and governmental entities may be jeopardised by these issues.

Nigeria has taken action to strengthen its cyber-security capabilities in order to address these problems. To monitor cyber-security measures, the nation has formed organisations like the National Information Technology Development Agency (NITDA) and the National Cyber-security Agency (NITDA). To avoid and address cyber threats, these organisations collaborate with other parties, including law enforcement organisations (Umaru, 2018). Any nation's intelligence services must contend with a number of difficulties, and Nigeria is no exception. Common difficulties include a lack of funding, inadequate technology and training, political meddling, and the dynamic nature of international security threats. Corruption, a lack of coordination and communication between authorities, and the demand for more robust international cooperation are possible additional difficulties in the Nigerian setting.

The increasing use of technology without appropriate security safeguards is a significant problem. Critical industries including banking, healthcare, and government systems become vulnerable as a result. Individuals and businesses become victims of cyber-attacks due to a lack of awareness and education about these threats, which can cause data breaches, financial loss, and the interruption of vital services.

Nadarajah and Param (2020) note that another issue is the rise of clever cybercriminals who prey on poor cyber-security systems and legal vulnerabilities. Cybercrime is on the rise in part because there are not enough regulations in place and they are not being enforced. Additionally, a labour gap caused by a shortage of qualified cyber-security specialists makes it challenging to recognize and effectively respond to cyber threats. Education and awareness are crucial in addressing these issues. At all educational levels, funding for cyber-security education and training programmes is essential. This involves increasing knowledge of cyber threats, safe online conduct, and the value of data protection among students, instructors, and the general public (Epstein, 2015; Moritz & Rheign, 2016). However, it is crucial to improve cooperation between public sector organizations, businesses, and international partners. Nigeria can create more effective cyber-security plans and technologies to successfully combat cyber threats through exchanging knowledge, resources, and skills.

Data security and cyber-security should be prioritised by people, corporations, and organisations in addition to government initiatives. This can be accomplished by taking steps like performing routine software upgrades, using secure passwords, using firewalls and antivirus software, and keeping up with emerging dangers. Protecting against cyber



threats can be greatly aided by putting cyber-security best practices into practice and encouraging a culture of knowledge and vigilance.

In general, maintaining a safe and secure digital environment in Nigeria requires the cooperation of intelligence agencies, data security, and cyber-security. Nigerians can work together to strengthen her defence against cyber-attacks by adopting proactive measures both at the governmental and personal levels.

Obstacles to Effective National Intelligence Service Delivery

Effective national and organisational intelligence service delivery faces a number of challenges. Among the challenges are: lack of cooperation and competition among intelligence agencies: In a nation like Nigeria, where there are several security and intelligence agencies as well as layers of government authorities, this issue is exacerbated. When one agency wants to stand out and claim the spotlight, there is always a lack of cooperation; Officers are instructed on knowledge necessary for gathering intelligence: To produce timely, pertinent, and accurate intelligence, Wirtz (2009) emphasises that training police officers in many functional areas, particularly patrol and border officers, is essential. According to Wirtz, many police and security officers frequently lack awareness of the relevance of the information they get or the events they observe for efficient intelligence generation. This is because they have not received enough and pertinent training. Due to a lack of proper terrorism intelligence training, officers or detectives may be hiding crucial information from them or may not know how to convey it.

The federal government should establish cooperative intelligence among the security agencies as a proactive response to the problem of information sharing vertically among sister security agencies and local vigilante, and encourage horizontally between peer agencies operating in the country, in recognition of this weakness; The plurality or proliferation of police and security organizations are frequently obstacles to effective flow. Docobo (2005) points out that the majority of local law enforcement officials have never worked in the intelligence field and may not be fully aware of what information to look for as being suggestive of terrorist activities or that may be valuable in a broader intelligence context. Without adequate training, coordination, and use of intellect, a typical patrol officer or detective would not be able to identify these indications because they are not always evident but rather subtle. According to Ratcliffe and Walden (2015), having local police and having local politicians manage them politically in America is seen as the "basis for improved accountability and community connection." He countered, though, by saying that "it is a technical and cultural impediment to collaboration and knowledge." As a result, they note that in the United States of America, where there are numerous federal law enforcement agencies and roughly 18,000 state and local agencies, it was evident in the immediate wake of 9/11 that crucial information was not thoroughly assessed or shared with those who required it.

The following summarises the factors that prevent Nigeria from providing competent national intelligence services:



1. Limited finance and resources: The efficiency of intelligence services can be severely hampered by inadequate budget and resources. For the purpose of obtaining cutting-edge technology, educating employees, and gathering important intelligence, adequate expenditure is essential.
2. Lack of coordination: Information sharing and coordination issues between various intelligence organisations might result in inefficiencies. To provide a thorough and cohesive approach to intelligence gathering and analysis, agencies must work together and in concert.
3. Corruption and politicisation: The honesty and efficiency of intelligence services' work can be jeopardized by corruption within those organizations. Additionally, political meddling in intelligence affairs can erode the impartiality and objectivity necessary for precise analysis and decision-making.
4. Lack of knowledge and experience: Having access to knowledgeable and qualified intelligence workers is essential for providing effective services. A lack of skilled personnel and inadequate training opportunities might be quite difficult.
5. Technological constraints: Inadequate data management methods and out-dated technologies might make it difficult to obtain and analyse intelligence. The adoption of cutting-edge technological tools and infrastructure is crucial for enhancing productivity and accuracy.
6. Nigeria faces a variety of security issues, including terrorism, organized crime, and insurgency. The capacities of intelligence organisations may be strained, and resources may be diverted from other areas, due to these complicated security challenges.
7. Public perception and trust: Effective service delivery of intelligence services depends on public trust. Transparency, accountability, and obedience to the law are necessary for establishing and sustaining confidence.

Conclusion

From the findings of the study, it seems intelligence agencies in Nigeria are powerless to address the security situation in the nation as a result of Boko Haram's recent wave of bombings across the entire nation, Movement Emancipation of the Niger-Delta (MEND), Fulani herdsmen attacks, various cultist attacks in Rivers and Lagos states, and on-going kidnapping in the country. However, a number of intricate and interconnected problems might be blamed for the Nigerian intelligence system's inefficiency. Concern over various security systems' corruption, the state of the economy, the intricacy of the border, and some political elites' backing for the uprising.

Collaboration between intelligence agencies, law enforcement agencies, and other key parties is necessary for the efficient operation of security agencies in Nigeria in order to address these security concerns. Combating terrorism, banditry, and kidnapping will be more effective if intelligence activities are shared and coordinated. The article concludes that, it is important for the various security apparatuses to be data-driven and exchange



intelligence with one another in order to promote early response to any threat to the security of citizens' lives and property.

Recommendations

Based on the conclusion of the study, various devices must exchange intelligence with one another. The intelligence establishment should muster the courage to name political leaders who are helping Boko Haram in order to coordinate their response cooperatively and implement proper and effective border management. A combined intelligence center should be established at the federal police headquarters, with branches at the police headquarters in each of the states, as far as the Federal Government of Nigeria is concerned. The Ministry of Cooperation and Integration in Africa, the Office of the National Security Adviser, and the other country's armed forces and security agencies may all be immediately connected to the joint centre. At least two specially trained individuals from each of the nation's security agencies would make up the personnel of the joint centre. The government should ensure that the joint intelligence centre will receive the tools and instruction required for it to properly tackle the problem of arms proliferation.

The study's suggestions are summed up as follows:

- Improve Information Sharing and Collaboration: Encourage cooperation and communication among the many government organisations engaged in intelligence collecting. This includes organisations in charge of law enforcement, intelligence, defence, and security. Creating platforms and protocols for data sharing can assist organize and streamline information for better decision-making.
- Invest in infrastructure and technology: By making investments in cutting-edge technology solutions, Nigeria's data collection infrastructure would be upgraded and modernized. Creating secure networks, data storage, and processing capabilities are all part of this. Artificial intelligence and data analytics techniques can be used to accelerate analysis and find patterns in massive datasets.
- Strengthen Cyber-security Measures: It is essential to safeguard data from online dangers as more data is gathered and shared. To stop hacker attacks, data breaches, and unauthorized access, strengthen the cyber-security infrastructure. Establish secure communication routes for transferring critical information, conduct routine security audits, and train staff on cyber-security best practices.
- Create policies for thorough data collection: To ensure compliance with privacy regulations and safeguard individual rights, establish precise norms and methods for data collection, storage, preservation, and destruction. In order to ensure that those working on intelligence gathering understand the significance of data ethics and privacy, more training should be given to them.
- Enhance Human Resources and Training: Invest in initiatives that will help professionals who gather intelligence develop their skills. Giving them knowledge of cutting-edge data analysis methods, information security protocols, and emerging



technology is part of this. Effective data collection depends on finding and keeping qualified workers in the intelligence sector.

- Encourage global cooperation: Encourage alliances and collaborations with other countries and organisations to take advantage of their knowledge and expertise in intelligence collecting. This entails taking part in global discussions, sharing best practices, and drawing on outside sources of intelligence to support domestic initiatives.

In summary, implementing these suggestions will assist Nigeria in overcoming the difficulties entailed in data collection for intelligence systems and national security. Nigeria can boost its intelligence capabilities and guarantee the safety and security of its inhabitants by investing in technology, boosting cyber-security, creating comprehensive policies, enhancing human resources, and promoting international cooperation.

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INDIA'S ARCTIC POLICY: DETERRENT AGAINST CHINA'S BELT AND ROAD INITIATIVE?

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Abstract

This study aims to analyse India's Arctic policy, along with its historical background, and discusses whether it has a deterrent structure against Chinese policies in the Arctic. Typically, innovation programs are instrumental methods for countries to develop their economies. However, driven by apprehensions that China's Belt and Road Initiative (BRI) project may potentially impact the autonomy of other nations in the region, India has assumed a supporting role within the Arctic context in relation to China. In the international arena, it has become evident that other countries can be alternative allies against China's foreign policies. In this study, employing qualitative research methods, an in-depth examination of the historical background of India's Arctic policy has been conducted, encompassing a comprehensive literature review. Subsequently, using a comparative analysis method, these policies have been evaluated by juxtaposing various facets of the policies with analogous policies pursued by other nations. Finally, a comprehensive regional and international data analysis has been executed to assess the ramifications and potential outcomes of China's Belt and Road Initiative (BRI) within the region. This approach has facilitated a nuanced comprehension of India's role in the Arctic and the rationale underpinning India's stance vis-à-vis the policies pursued by China.

Keywords

Arctic, India, China, Belt and Road Initiative (BRI), Make in India

Resumo

O presente estudo tem por objetivo analisar a política da Índia para o Ártico, bem como os seus antecedentes históricos, e discutir se esta tem uma estrutura de dissuasão contra as políticas chinesas no Ártico. Normalmente, os programas de inovação são métodos instrumentais para os países desenvolverem as suas economias. No entanto, devido a receios de que o projeto chinês da Iniciativa Uma Faixa, Uma Rota (BRI) possa ter um impacto potencial na autonomia de outras nações da região, a Índia assumiu um papel de apoio no contexto do Ártico em relação à China. Na arena internacional, tornou-se evidente que outros



países podem ser aliados alternativos contra as políticas externas da China. Neste estudo, que utiliza métodos de investigação qualitativos, foi efectuada uma análise aprofundada dos antecedentes históricos da política indiana para o Ártico, incluindo uma revisão exaustiva da literatura. Posteriormente, utilizando um método de análise comparativa, estas políticas foram avaliadas através da justaposição de várias facetas com políticas análogas adoptadas por outras nações. Por último, foi efectuada uma análise exaustiva de dados regionais e internacionais para avaliar as ramificações e os potenciais resultados da Iniciativa Uma Faixa, Uma Rota (BRI) da China na região. Esta abordagem facilitou uma compreensão matizada do papel da Índia no Ártico e a lógica subjacente à posição da Índia face às políticas seguidas pela China.

Palavras chave

Ártico, Índia, China, Iniciativa "Uma Faixa, Uma Rota" (BRI), "Make in India."

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Introduction

The Arctic is increasingly valuable in the world due to its strategic and economic importance, natural resources, scientific research opportunities, new sea routes, and environmental security. Recently, there has been a considerable increase in the number of countries interested in developments and activities in the Arctic. This concern does not only cover the eight countries with sovereign territories within the Arctic Circle; many countries that are observers of the Arctic Council, which are not directly connected to the Arctic but seek commercial opportunities in this region, are also trying to increase their activities in the Arctic.

The changes brought about by climate change in the Arctic allow for more oil, gas, and other natural resources to be discovered and more opportunities for commercial shipping, fishing, and tourism. However, these changes can also negatively affect the Arctic and remote regions. While the eight Arctic states closely control activities in this region today, observer states (Germany, Netherlands, Poland, United Kingdom, France, Spain, China, India, Italy, Japan, South Korea, Singapore, and Switzerland) outside the Arctic Council have established their presence in the region through their observatories since 2019. These states have launched regional research stations, evaluated its resources, and identified new research areas in politics, law, and diplomacy with states. They have also worked to develop trade and economic relations by making the Northern Sea Route suitable for transportation.

Countries outside the Arctic, such as India and China, which have commercial and strategic interests, are in contact with this region for fear of being excluded from the management of the unused resources of the Arctic. India's interest in the Arctic began when it recognized rising sea levels as a global problem due to melting Arctic glaciers. Likewise, China commenced transferring the BRI route towards the North Sea, aiming to expand its innovation program network and hinterland more swiftly and securely. The climate change of the monsoon has created severe food insecurity in India, while rising sea levels have flooded the subcontinent's vast coastal roads, putting many natural



structures at risk. Although India's scientific purpose was initially for research, with the increase in commercial opportunities, the region has become an area where India should engage in commercial relationships. The belief that not being included in the Arctic would harm India's global interests has also been questioned recently due to the contradictory and controversial views of Indian scholars. It is crucial to explain and clarify India's interest in the Arctic with a holistic perspective in line with emerging engagements, to see the limitations of India's interest in the region, and to understand its rivalry with China in the Arctic.

Since December 2020, the government of India, with input from academics and stakeholders, has taken a step towards making India's Arctic Policy an official government target. Likewise, China had a White Book (The State Council Information Office of the People's Republic of China, 2018) prepared for this region in previous periods. In this context, India and China are competitive in economic cooperation, transportation and connectivity, international cooperation, and national capacity building. Since India's initiatives are not yet fully clarified, they can be considered a working draft. However, within the scope of China's 2030 vision (The World Bank, 2013), it has included the Arctic in all its long-term plans and programs, including the Polar Silk Road (PSR) in the Belt and Road Initiative (BRI) and regional initiatives, supporting this position.

With this understanding, this article analyses India's initiatives in the Arctic, the historical origins of the policies followed, and whether the ground movements of the government's foreign policy regarding the Arctic can rival China's Arctic policy, both at the regional and global level. On the one hand, the initiatives of both countries are evaluated in the context of the interests of their innovation programs. On the other hand, the traces of global competition in the Arctic are discussed. Before these inferences, in the first part, the historical ties of India with the Arctic region and the logical grounds for these ties are discussed. The fact that the references made while searching for historical roots with the region of India are based on Tilak (1903) comes from the desire to prove that the relations between the Arctic and South Asia are not a new phenomenon but have a historical basis. In the second part, what kind of effort India has made to improve its relations with the region, how it has tried to use scientific research as a soft power policy, and how its commercial and economic ties with this region are discussed on an analytical basis. The last part discusses the possible future global opportunities expected in the Arctic and what kind of foreign policy China follows to take advantage of these opportunities. It has been debated whether India can be seen as a competitor in balancing the expansionist foreign policy of China in the Arctic. To be a part of the commercial opportunities that will emerge in a conjuncture where the Arctic's growth and life are more possible, the article discusses what kind of opportunities India can have under the Make in India program and how it can evaluate these opportunities from the regional context to the global level. It is crucial to analyse the international competitive areas of both states.

Exploring India's strategy for securing its interests and opportunities in the Arctic, measuring its ability to seize opportunities for regional cooperation, and understanding how it is coping with difficulties are all critical in demonstrating India's capabilities in foreign policy. This research will directly address the deficiencies in understanding India's



Arctic policy and analysing the state policy. Analysing the existing forms of cooperation in the region will also contribute to understanding the causes and origins of confusion and disagreement in the literature.

1. Historical Background

India's first bilateral relations with the Arctic began when India, as part of the British Empire, signed the Svalbard Agreement in 1920 (Agarwala, 2021, p. 14). This agreement, which entered into force in 1925, was the first agreement in which all signatories allowed the same rightful use of all resources in the Arctic. However, according to this treaty, the utilization of various resources and acquired products was solely by the administrations established within the framework of the Svalbard draft. This agreement also allowed for the militarization of the region. In this case, when another state intervened, it unveiled the vulnerable and exploitable aspects of the area. Due to this situation, India, like other states that are party to the agreement, stayed away from the Arctic region for a long time. For this reason, India continued all of its scientific activities related to the poles at the South Pole, Antarctica.

India first sent its research team to Antarctica in 1981 to study physical and environmental changes. The exclusive economic zone problems of that period led India to work at the South Pole at that time. Therefore, India began its studies on the poles in Antarctica for scientific studies at the Dakshin Gangotri in 1983, then with the Maitri in 1989, and the Bharati research station in 2012 (Agarwala, 2021, p. 14). The expeditions to Antarctica were based on scientific, economic, strategic, and political prospects. During this period, India's expeditions were designed to take advantage in case it became a possible mining and trade centre; to conduct scientific research to examine climate changes; to determine the effects of Antarctica on monsoons; and to take precautions in case of a possible climate change (Chaturvedi, 1986, p. 360). As a nation on the rise in the political arena, these efforts have provided India with essential access to international forums when required. This strategic evolution has enabled India to establish and underscore its influential standing, particularly in remote diplomatic ventures.

Although Antarctica did not receive much attention until the beginning of the 2000s and was valued as a study area afterward, there was no development in the Arctic for India during this period. After 2007, the decreasing snow and glaciers in the Arctic began to be measured, and the plans to connect the poles and the rest of the world globally increased in importance. As a result of the discoveries made after partnership studies in the political field, the growing India had much-needed access to international forums (A. Sinha et al., 2007, p. 880).

Until the mid-2000s, Antarctica was studied and visited historically by scientists from various countries, while the North Pole did not receive sufficient attention until 2007. As a result of the efforts initiated in 2007 as the "4th International Polar Year", the shrinking snow and ice cover in the polar regions brought with it the global connection between the poles and the rest of the world, the resilience of local lands to environmental and social change, and the efforts to explore the depths of the poles (Kruptik, 2011, p. 525). With a knowledge base of scientific achievements in Antarctica, Indian scientists camped



in a research village on the island of Spitsbergen in 2007 (Khare, 2008, p. 442). Then, in 2008, India established a research station called Himadri in Ny-Alesund to work on ice science and marine research (Agarwala, 2021). The main focus of the work at that time was to examine the relationship between the Arctic climate and the Indian monsoon, primarily by analysing the rates of change in climate change and the size of glaciers. Unlike today's commercial and strategic partnerships, the relations of that period were generally focused on obtaining scientific data. However, this scientific focus also helped India become a full Ny-Alesund Science Managers Committee (NySMAC) member (Khare, 2008).

While the Antarctic Treaty of 1959 helped recognize Antarctica as a region for science and cooperation, it should only be used for peaceful purposes and not become the scene or object of international conflict. Studies and interests in the Arctic have been equally important. Most regions surrounding the Arctic are under member states' control. However, with the possibility of opening new and shorter sea routes through the region, the Arctic Sea has gradually become a hotbed of international conflict. In addition, the Arctic's natural resources, such as oil, gas, and minerals, have made it a conflict zone, leading to increased militarization (Chaturvedi, 2014, p. 75).

India's growing scientific participation and financial assistance in Arctic research led to its election to the International "Arctic Science Committee" Commissioner in 2012. For India, these studies were not isolated developments but are part of its global economic interests, which form the main focus of its approach to the Arctic. Today, India's global vision of the Arctic is scientific in orientation. This situation is akin to an autobiography; it is an inextricably complex situation where India must write its policies from its perspective, adopt a foreign policy understanding, and have it accepted by the world. As a result, no state can claim that its foreign policy is purely selfless. Every state claims its foreign policy is the most humane and logical understanding. However, India's choices regarding Arctic policy should be viewed as political self-interest and a rational choice between scientific idealism and the reality of economic and strategic issues. India's Arctic Policy can gain greater significance by asserting influence in a borderless region. This can be achieved by adopting a reasoned foreign policy approach through multilateral competition, dispersing regional issues rather than consolidating them within a single area.

The theses and claims defended in this text form the basis of India's existence in the Arctic region. Some researchers claim that India's interest in the Arctic dates back to pre-colonial times (Zaikov & Bhagwat, 2022, p. 265), (Kumar, 2019, p. 115), (Saran, 2013). Recent references to India's historical ties with the Arctic prove this claim. In particular, during the SAGA-3 Conference held in Delhi, Bal Gangadhar's work was referenced, which traced the origins of India's ties with the Arctic region back to the early 20th century (*Science & Geopolitics of Arctic-Antarctic-Himalaya*, 2015). Tilak (1903), one of the crucial figures in India's freedom struggle, explained how India viewed the Arctic in his work and emphasized why Indian history and culture are essential for the Arctic. Tilak claimed that the Aryans lived in the Arctic historically and later migrated to Europe and the Indian subcontinent (Tilak, 1903). It is a fact that Tilak tried to establish a connection between the Arctic region and India by spreading this idea. Another



prominent issue discussed at the SAGA-3 Conference held in Delhi is the thesis that India, which signed the Spitsbergen Agreement in 1920 during British rule, is not foreign to the Arctic. At this conference, Gupta and Sinha (U. K. Sinha & Gupta, 2015) stated that India had adopted a non-colonial foreign policy understanding based on racial unity for its Arctic Policy. Similarly, Chaturvedi (2014), at the same conference, referred to the Arctic roots of India and Tilak's book, saying that the people of the region had a place in Indian history and that this historical structure was connected with the distant regions in the north of the Eurasian continent (*Science & Geopolitics of Arctic-Antarctic-Himalaya*, 2015).

Despite all these historical root-seeking searches, India's current presence and involvement in the Arctic are reasonably recent, about 15 years. India's participation in developments in the Arctic is not very active, as it is far from the region and has little influence. However, as Tilak (1903) states, it is interesting to relate to contemporary Indian foreign policy priorities. When India cannot find a ground for a close relationship in foreign policy, it often turns to historical materialism. The main reason behind Tilak's Vedic presence and means of establishing racial unity for India to connect with the region stems from the fact that India had almost no political relations with the region except for the past 15 years (Sinha, 2020). Linking contemporary foreign policy issues with India's cultural and civilizational heritage has also emerged frequently in recent discussions and discourses, especially regarding the Indian foreign policy of the Bharatiya Janata Party (BJP) government led by Narendra Modi. The Modi government, which seeks historical background from its relations, follows the same path in its Arctic Policy and tries to claim rights by finding a link from historical roots to be effective (Government of India, 2022).

The BJP government employed this historical bond-building strategy in 2014 to improve its relations with Israel, even before the energy security talks with Central Asian countries. Therefore, the reference to Tilak (1903) can also be seen as an attempt to establish a historical link to gain power and claim rights. The fact that there is no other source related to this racial unity and connection except Tilak's book, which is written in a language far from scientific reality, and that only inferences can be drawn from Tilak's ideas support this argument (Tilak, 1903). However, this viewpoint contradicts India's foreign policy interests in certain aspects. Gokhale argues that the reference to the imaginary lines of China's BRI project and the BJP government's foreign policy perception regarding free movement undermine India's interest in pursuing this historical link (Gokhale, 2021). Nonetheless, creating an official Arctic Policy of India demonstrates that India has officially adopted a regional foreign policy understanding and has a roadmap for future actions.

2. India's Search for Historical Links to the Arctic: Informal Links to Official Politics

India does not have a culture of institutionalized doctrinal approaches, often called official papers (Sinha & Gupta, 2015, p. 112). This is because its infrastructure only works in specific sectors and produces policy outputs. As a result, official foreign policy outputs on any issue are usually improvised and have the nature of a roadmap, but their outcomes



do not consistently achieve their intended purposes. For this reason, India's political decisions are strongly influenced by the political elite and bureaucracy.

There has been no official document on India's national security nor severe public pressure to create one. The report completed in 2022 on the Arctic is a publication, not a roadmap, and is produced for propaganda. Despite low interest in public and policy circles, India needs to play an active role in the Arctic Council and engage actively in diplomacy for regional politics. This involves more than just organizing irregular briefings, papers, and conferences. To be effective in developing other regions, quickly setting the country's economy, and using the Indian diaspora effectively, the government has established new units in various ministries to work in these areas and follow an effective way in foreign policy.

However, vital interrelated perspectives can be used as policy tools. For example, it is essential to search for economic opportunities in maritime routes, develop natural resources, and create a policy tool in which the financial interests of the regional states will be observed. Similarly, it is essential to establish a coordination unit between the Ministry of Earth Sciences (MoES) and the Ministry of External Affairs (MoEA), as well as a cooperation and coordination unit to develop cross-border science and technological cooperation, to establish an effective instrumental structure in policies related to the Arctic. An Arctic policy that ignores security developments in the Arctic and emphasizes scientific developments refers to India's soft power capacity. However, a foreign policy that includes the creation of an intelligent power capacity may result in India's maximum benefit in the long run.

There were several disagreements before the publication of an official Arctic Policy document outlining what foreign policy instruments India should implement regarding the Arctic. Parmar claimed that India did not have the resources to make a significant initiative in the Arctic and suggested that India could participate in the Arctic with observer status and be involved in resource management through working groups (Parmar, 2020, p. 6). Similarly, Saran (2013) advocated cooperation with the Arctic Council and sustainable resource cooperation with regional countries (*Policy Watch*, 2021). Kumar aimed to make India a centre of competition by establishing various cooperations with states with good relations and with states in the region that do not have the power to provide capacity, technology, financial support, and incentives to protect the ecosystem in the Arctic (Kumar, 2019, p. 116). These ideas of Kumar might be a reasonable proposition in a large-scale global political order. Notably, participating in scientific activities in the Arctic and trying to cooperate with countries in the region may strengthen India's regional role in the Himalayas and bring positive political attitudes towards improving cooperation with scientific workouts.

India's Arctic engagement has been essential to its bilateral relations with Norway over the past decade, particularly in trade, investment, and technology transfer in maritime, hydroelectric, and ocean mining sectors. Since its establishment, Norway has been India's leading partner in the Arctic. Norway's partnership with India has spread across many areas rather than being a strategic alliance specific to the Arctic (Kumar, 2019, p. 123). For example, the fishing project that started in Kerala continues in many sectors with joint efforts, and the same spiral of relationships is reflected in scientific research in



the Arctic. Additionally, both countries have explicitly supported each other globally since the 1950s.

In March 2022, India published its Arctic Policy, aiming to develop cooperation with the resource-rich and rapidly transforming the Arctic. Titled "India's Arctic Policy: Building a Partnership for Sustainable Development," the policy is built on six key areas: Science, Climate and Environmental Protection, Economic and Human Development, Transportation and Connectivity, Governance and International Cooperation, and National Capacity Building (Government of India, 2022). The most striking aspect of this policy is its goal to combat climate change and protect the environment in a region warming three times faster than the rest of the world. The Minister of Earth Sciences, Jitendra Singh, made this policy public. However, it is worth noting that the Ministry of Earth Sciences, not the Ministry of Foreign Affairs, announced the policy, indicating that relevant units and ministries have not yet cooperated on this concerning India's foreign policy. This suggests the view that the policy was created without explicit collaboration.

The Arctic, rich in mineral and oil resources, has recently gained strategic importance for many states due to its numerous shipping routes. However, according to a report by the Manohar Institute, the adverse effects of climate change affect the availability of mineral and hydrocarbon resources and transform global shipping routes (Bisen, 2022, p. 6). In this regard, India has included plans to improve its science and research capabilities and deploy space technology to align its research with the priorities of the Arctic. India has been examining climate changes in the Arctic since 2012, including determining the melting route of glaciers, making it one of the few countries with comprehensive information for calculating and researching new global shipping routes ('The Indian Express, 2022). India aims to use this information to analyse better the effects of melting glaciers on international shipping routes, energy security, and mineral wealth exploitation. With this roadmap, India also aims to establish the infrastructure to effectively engage with China on a significant scale through new trade routes. Moreover, India seeks to examine the connections and relations between the polar regions and the Himalayas and has shared the outline of the studies required to increase its national capacity by forming the basis of essential infrastructure works.

Countries like India and China have established closer relations and alliances with states in the current Arctic. India opened Himadri (Ministry of Earth Sciences of India, 2008), the only regional research station, in 2008, demonstrating substantial efforts to promote scientific research and various projects and investments. However, despite establishing the Norwegian Programme for Research Cooperation with India (INDNOR) (Ministry of Foreign Affairs, 2018) to promote bilateral research and cooperation with Norway, India does not have sufficient infrastructure and equipment to be more effective. India plans to increase its scientific research activities in the Arctic by purchasing a Pole Research Tool. The National Centre for Polar and Oceanic Research (NCPOR) has collaborated with the Fesco transportation group (AK&M, 2020) to develop a regional transportation network and provide icebreaker vehicles. Initially, the NCPOR started working in Antarctica. With new contracts, India aims to increase its scientific research output in the region and carry out many cooperation activities with the countries in the Arctic (Zaikov & Bhagwat, 2022, p. 263).



India's official Arctic Policy, published in March 2022, demonstrates its commitment to combating climate change and protecting the environment in the rapidly transforming Arctic region. However, India seems to prioritize environmental and scientific potential more among the observer states, with some reservations about engagement and borders to support these factors. This could be due to the importance of agriculture in the Indian economy's dependency on monsoons and the country's long coastline with a high population, which makes climatic changes in this region a development that will threaten the coastal states the most, including India.

In the field of economy, particularly in energy, India attempts to establish a strong relationship with the region through its ties with Russia. Since the start of the Ukraine war, India has been purchasing the cheapest energy from Russia, making their relationship in the energy sector stable and longstanding. India has signed agreements with Russia's leading oil and gas companies to continue their relationship in the Arctic, which includes cooperation in joint production and offshore exploration. India's Oil and Natural Gas Corporation (ONGC) has a significant stake in Russia's Vankor oil field. Moreover, India is the co-executive director of many Arctic observer countries' projects and has adopted a foreign policy approach to pursue its strategic partnership in the context of American sanctions with these agreements and partnerships.

Diversifying energy imports always requires compatibility with a strong state and taking a stand in conflicts. This approach enabled India to avoid the Countering America's Adversaries Through Sanctions Act (CAATSA) sanctions without harm. The diplomatic steps taken to obtain the maximum benefit from the region's energy resources and natural mines also necessitate continuing this understanding. Mineral resources such as gold, nickel, copper, granite, and uranium in the Arctic region are crucial for producing high-tech products, including nuclear energy and mobile phones, the primary source of raw materials India needs to advance its Make in India Initiative. Increasing cooperation and alliance efforts with the region may also be constructive in this respect for the future of the Make in India program.

Observing the Arctic has become crucial for India to have a say in the region. Typically, the most effective way to propose a project or work in the Arctic is through an Arctic or permanent participating member. India's funding and support are limited, and any opinion, statement, or document presented by India in the Arctic Council meetings requires approval. India's lack of veto power in the United Nations is similar to the power wielded by states with veto power, such as Russia. India may need the support of one or more conditions to make any progress in the Arctic, which would mean entering into a limited relationship with the region. However, commercial competition with Russia and Sino-Russian cooperation makes it difficult for India to have a say in the council. While Norway could potentially support India, its tense relationship with Russia and China makes Norway hesitant to keep any initiatives favouring India.

Nevertheless, the council is responsible for broader regulations governing maritime routes and resources. Enjoying these general rights and influences alongside other Asian observers can prevent the division of the Arctic's resources and decision-making. Furthermore, this obstruction is not limited to the region's states but includes countries with few commercial relations.



The only thing clear in this scenario is that India, like other Asian observers, requires energy, new markets, and resources. However, China's increasing efficiency makes it a more significant commercial threat and a more considerable danger to itself. Consequently, China aims to establish global partnerships to control the Arctic, as demonstrated by its Belt and Road Initiative (BRI) project. India's dream of establishing hegemony in the region by adopting a similar stance could damage its relations with Arctic states, resulting in distrust of indigenous rights and weakening India's global position. A more realistic approach for India would be to avoid openly partnering with the region to resolve territorial disputes and focus on inclusion in a legal framework.

Regardless of the circumstances, India must continue to create a favourable environment for itself. As the Arctic's commercial potential grows, there is general agreement that India will not be able to reap as many gains and benefits as China, Japan, and South Korea (Zaikov & Bhagwat, 2022, p. 270). This strengthens the argument that India should focus on energizing science and environmental issues. Additionally, developed countries tend to impose various sanctions on developing countries to take responsibility for reducing their carbon emissions. Given that India is engaged in similar activities, a more radical stance towards Arctic resource exploration and extraction activities may not be wise. Despite the lack of significant economic gains, India can still reap some benefits in real terms. Today, India's goal continues to follow the sustainable development path shared by most Arctic actors. Efforts to increase India's influence in the region should take a more holistic and inclusive stance by presenting environmental arguments against the materialist approach. The growing Chinese presence and influence could encourage other states to attract global attention to the Arctic. It is of great importance that this attitude turns into radical steps to prevent the Arctic targets that China will address within the scope of the BRI project, offset the concerns India has regarding the BRI, and mitigate any unfavourable consequences that might arise.

3. Quests to Stabilize China in the Arctic: Can India's Arctic Policy Restrain China?

China's engagement in the Arctic is driven by long-term economic opportunities and the desire to establish a platform for scientific research. The Arctic's shorter and more reliable shipping route, easy access to natural resources, and climate change considerations have prompted China to become involved (Lim, 2021, p. 40). Following an extended diplomatic initiative, China's inclusion in the Arctic Council as an observer in 2013 could be considered a late decision, given its potential contribution to the Arctic's international decisions. The primary reason for granting observer status to China and five other states at the cabinet meeting in Kiruna was to strengthen the position of the Arctic Council and ensure its credibility and legitimacy (Ingimundarson, 2014, p. 190). As a non-Arctic actor, China's participation in the council as an observer provides an ideal way for China to gain authorized access to the governance and decision-making process of the Arctic. Although observer states are often perceived as weak due to the lack of voting rights in the Arctic Council's decision-making process, China's observer status is expected to provide significant benefits and influence on the Arctic Council without setting its future agendas for the Arctic (Chen, 2012, p. 366).



Furthermore, China regards the Arctic Council as a critical policy forum for addressing Arctic-related issues. In its efforts to join the Arctic Council, China adopted a rigid and stable foreign policy approach, despite facing complex diplomatic challenges (Pursiainen et al., 2021, p. 36). China applied to join the council four times from 2006 to 2013 and was initially held in an ad-hoc status because it did not meet several admission procedures observed within the council. Many of these procedures continue to form the basis for significant challenges regarding China's interests in the Arctic today.

The fact that significant issues regarding China's interest in the Arctic have increased in recent times necessitates a comparative analysis of China's Arctic ambitions and a discussion of the interests of Arctic states in the literary discourse (Andersson, 2021, p. 13). The existing literature contains numerous ideas about China's Arctic ambitions. China's White Paper on the Arctic has not changed this literature and its views; on the contrary, it further divides the existing literature into idealists and pragmatists alike. However, it is helpful to place those who interpret China's Arctic policy in the literature by generalizing the literature as collaborative and pragmatists who interpret China's Arctic policy as deductive and use these policies in the right place.

In the White Paper, China is an essential stakeholder in the Arctic. Chinese Deputy Foreign Minister Kong Xuanyou stated at a press conference on the publication of the White Paper that China adopted two basic policies as an Arctic stakeholder (The State Council Information Office of the People's Republic of China, 2018). Xuanyou explained that the first policy is China's borders, and the other is not ignoring China. He added that the behaviour of Chinese organizations and individuals in the Arctic respects international law and relevant laws and that China also accepts that it is a country outside this region. However, he stated that no regional security and order could be established without China (The State Council Information Office of the People's Republic of China, 2018). Nevertheless, these statements do not necessarily reflect China's participation as an observer state or its absolute acceptance of the Arctic Council's stake and interests in the Arctic. Like other observer states in the Arctic Council, China is involved in managing global environmental issues, taking advantage of the economic potential of the Arctic, and protecting its commercial interests (Hossain et al., 2019, p. 4).

The natural conditions and climate changes in the Arctic directly impact China's climate system and ecological environment (Chater, 2016, p. 176). Therefore, China closely monitors interregional and global issues in the Arctic. These issues are crucial for the existence and well-being of all countries and peoples. Although the effects of climate change can harm China's economic growth, they can also jeopardize the political stability of the Chinese Communist Party, which relies on robust economic growth as the basis of its strength (Lim, 2021, p. 44). Moreover, China's broad interest in utilizing the Arctic's energy potential is well-known and depends on abundant energy resources. As the world's largest energy consumer, China needs a continuous energy source to sustain its economic growth. The Arctic's untapped energy resources will help China diversify its resources and supply (Liu, 2017, p. 62).

Additionally, China views the shipping sector as a vital part of the Arctic's economic future and the North Sea route as the golden route for shipping to the region. This route is the shortest shipping route connecting Europe and North America. Since 2016, the most



noteworthy advancement that China has witnessed in global politics is the development of its trade routes within the framework of the BRI. China has mobilized all its energy for the security of these routes and has created a separate security strategy for each region where the route passes. Within the context of selling its production products to the world, BRI finds itself with a rival having an alternative policy on the North Sea route.

The security of China's foreign trade currently passes through the Straits of Malacca and the Suez Strait, where traffic capacity is at its peak (Gavrilov & Kripakova, 2017, p. 74). In this context, China, which aims to expand the BRI to the poles, plans to carry out its transportation services, especially between the eastern coasts of North America, through this region. This new route is expected to be 40% shorter than the Suez and Panama Canal routes (Chen, 2012, p. 360). The North Sea route also provides a shorter route to reach countries in the north-eastern region of China. In this respect, the North Sea route gives China a policy imperative to dominate a new alternative route. This imperative also shows that China's Arctic interests extend beyond its geographical boundaries as it emerges as a global power (Lim, 2021, p. 51). The White Paper on China's Arctic Policy was published at a time when these concerns arose.

Chinese culture generally does not summarize policies in writing unless it is necessary or in its interest to do so. Unlike the great Western powers, China has only published official and translated White Papers on urgent and important policy issues in recent years (Brady, 2017, p. 121). Therefore, the publication of the White Paper demonstrates that the Arctic is important to Chinese policymakers. Based on its preface, China's White Paper aims to dispel the negative perception of China's Arctic interests in the international community and serve as a guiding document for coordination between government agencies. In this respect, this document, which is entirely different from the paper published by India, is vital for all state institutions to work effectively. Given that at least 17 government agencies are involved in China's Arctic affairs, China's policymaking and execution processes are broad and complex. Since there is no specialized agency or unit to carry out China's Arctic Policy, authority has been left to a few government agencies on different subjects. This will require proper coordination to overcome bureaucracy and achieve a common goal (Brady, 2017, p. 141).

Since China needs to have a deeper understanding of the Arctic to ensure its participation in the region, it is apparent that the goals emphasized by China are an inseparable part of its interest-based foreign policy tool. It is a known fact that every state tries to justify its policies based on a justified basis to subsidize its interests and put them on an objective basis. In this respect, China's relationship with the Arctic does not appear to be a challenge to the structure of the international community; on the contrary, China aims to promote equality with other great powers as it rises without disturbing the global balance of power. On the other hand, this foreign policy tool is perceived as part of the Polar Silk Vision.

China sees it as a new alternative route to its grand strategy of connecting the Arctic to the BRI. Given the BRI's idea of ensuring economic security by guaranteeing China's trade routes through improved connectivity and trade flow between Asia, Europe, and Africa, it also requires China to synchronize its development actions and plans for maritime cooperation in advancing the BRI. In this context, China announced this vision



to the world public opinion with a document published in 2017, which included a vision and plan that expanded its economic corridors to Central Asia, the Balkans, Russia, Europe, and North America. In this regard, China calls the White Paper the first official policy document that sets out the Polar Silk Road (PSR) Vision regarding the development of Arctic shipping routes (Loh, 2021, p. 175). According to this document, China recognizes cultural and inferential problems in the relations of the Arctic states with a state that is not in this region. Nevertheless, it is argued that the BRI project could succeed even in the absence of China (Ang, 2019). In this context, China's admission to the Arctic Council as an observer aims to increase its political and economic influence in the region to ensure that China's interests are equally considered and respected.

China's diplomacy with Arctic states demonstrates that the Northern Silk Road, with the characteristics of the Belt and Road Initiative's overarching grand strategy, is an indispensable target. The diplomatic jargon that Chinese officials use when describing BRI principles infers that China aims to facilitate global trade and economic integration in the context of the BRI and Silk Road vision (Clarke, 2017, p. 75). As the Polar Silk Road (PSR) enables China to diversify its sea routes and reduce travel time and fuel costs, it further increases its interest, considering the importance of opening Arctic shipping routes to revive China's export-based economy. Since 2016, the state-owned China Ocean Shipping Company (COSCO) has sent freighters to the Arctic. Deals for powerful icebreaking ships that can break through glaciers instantly following current routes show China's commercial and economic interests.

China's PSR vision began before the White Paper announced various cooperation initiatives with Arctic states. For example, China and Russia started jointly producing liquefied natural gas on Yamal Island. China's national oil company was involved in the project through the China Silk Road Fund. In addition, China financially supported the LNG project in the Gyan Peninsula. China has also invested in natural resources and minerals in both Yamal Island and various regions. China is currently jointly conducting technology and data operations on PSR with Finland and Norway, which also economically supports their railway projects.

All these steps show China's efforts to intensify its relations and investments in Arctic states, reflecting its strategic priority in the region. However, Chinese investments in infrastructure projects throughout the PSR naturally raise concerns about the future of Arctic security. Chinese construction companies' interest in expanding three airports in the Arctic has met severe opposition in Denmark. Similarly, Chinese investment in the deep-water port in Sweden was withdrawn due to concerns about the environmental impact and national security risks associated with the project (Lim, 2021, p. 53). Moreover, Chinese investments in the Arctic have been criticized for their lack of transparency and disclosure. Allegedly, these investments are often financed by the state, and the nature of these investments, misrepresentations, distortions, and differences in value reported to foreign media, along with the environment that has been blurred to avoid possible competition and to provide manoeuvring for China, naturally disturb other states in the global environment (Yin et al., 2020, p. 390).

Although no Chinese investment in the Arctic has defaulted, the possibility of Chinese intervention in the region, if there is potential debt in the future, raises' questions. Given



the cyclical concern that China may seize control of strategic assets of indebted countries when they fail to pay their debt, including taking over management of infrastructure investments as part of the Belt and Road Initiative (BRI) project, China's interest in financing the Arctic raises concerns about the sustainability and fragility of their investments. While China's White Paper attempts to alleviate these concerns, the absence of a constructive dialogue with the Arctic states highlights the need for close relationships with other states to balance China.

In this respect, Arctic states may consider preventing the deterrence of China's BRI project and viewing India as a competitor and balancing factor for China. India, like China, is an out-of-regional state and the only state in the world that competes with China regarding population. Needing external resources to develop its economy, India has faced a serious need for help within the scope of the Make in India Initiative program in the last five years. India, which obtains almost 40% of its energy needs from Russia and imports nearly 50% of its natural resource needs for its economy, aims to reduce foreign dependency and prevent its foreign policy moves from causing an economic crisis by diversifying its financial dependencies and attracting more investments to its country (Pema, 2022).

In this context, India is establishing connections with the Arctic region, driven by the belief that it can compete with China across various domains. India is concerned about the possibility of China's increased influence in the regional landscape, which it perceives as a significant threat. To illustrate, India has become a member of the Quad Alliance to counter the challenges posed by China's Belt and Road Initiative (BRI) in the Indo-Pacific region. Additionally, India actively supports initiatives like Aukus in the Asia-Pacific to curb China's expansionist ambitions. India has announced the Sagarmala Project (Aras & Kandemir, 2023, p.161), an alternative road route to China's BRI project, conveying that it is an alternative production centre to Europe and North America. In the same way, India can be a balancing factor, not an all-out competitor to China, as an alternative to China in the Arctic.

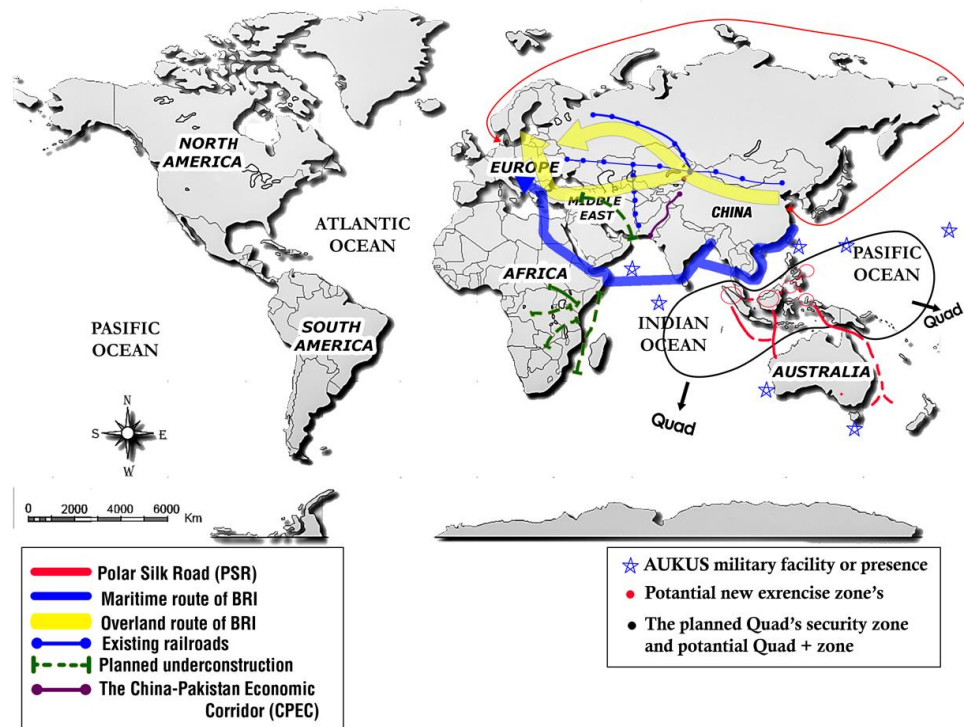
Compared to China's backyard policy in the Arctic, India's primary goal is to engage with regional states on a win-win model and access resources. India already has a scientific and economic alliance with Norway and imports some energy resources extracted by Russian companies. India also entered a bilateral dialogue with Finland and Sweden and is on the way to becoming an alternative for the regional states by increasing its effectiveness. Given the potential challenges China poses to India across diverse sectors and border regions under the Belt and Road Initiative (BRI), it is crucial to have alternative policies in every area where China is present. This will enable India to deter China within its security context, and it is also vital to benefit from the deterrence of global integration in case of any possible conflict or crisis in the global context.

China has close relations with Pakistan and Sri Lanka in South Asia under the BRI framework. With the Gwadar Port and Railway Project financed in Pakistan's BRI context, China broke India's previous influence over the Oman Sea, creating an alternative route. Similarly, China has funded a trade corridor from the Gulf of Oman to Turkey and competed with India for a joint road route project between Greece and Egypt in the



Mediterranean. These events may bring significant economic competition between India and China.

Map 1 - BRI network and potential competition areas



Source: Authors' development

India is investing and entering economic cooperation with relevant countries in these regions, while China makes these countries indispensable by investing in the relevant areas. India aims to encourage other states to support and cooperate economically, whereas China's concerns are economically binding and cooperative. The Sino-Indian rivalry in the Arctic can also be interpreted in this way. China invests in relevant strategic ports and projects and is directly involved in extracting, operating, and purchasing natural resources. Meanwhile, India attracts investments in its own country by entering joint economic cooperation with Arctic states and stabilizes as a potential customer for natural resources and energy.

Conclusion

This study addressed the central research question: Can India's Arctic policy effectively compete with China's Arctic policy on regional and global fronts? India's Arctic policy is a compelling case study highlighting how scientific advancements can significantly influence diplomatic strategies, particularly concerning the intricate relationship between India's monsoons and the melting Arctic glaciers. In response to mounting concerns



about the adverse effects of melting Arctic glaciers on India's critical agriculture industry – essential for its burgeoning population and economy – India established the Himadri research station in the Arctic. Subsequently, this research station has become a vital tool for India's soft power diplomacy efforts.

India's effort to strengthen its international presence by leveraging its position on the Arctic Council and its current activities in the region allows it to adopt a more holistic governance stance and use available opportunities to counterbalance China. This approach benefits India and China: India seeks access to energy and natural resources to develop its industry, while China benefits from having a partner in the region to balance its expansionist policies. The situation is akin to a free market of politics, in which the regional and global balance of power is constantly shifting.

India's role as a balancing factor in the region is reflected in its efforts to form alliances to counter China's expansionist policies. For example, India has organized workshops on the Sagarmala project, which aims to become an international concept within India's Make in India program to balance China's Belt and Road Initiative. India is also part of formations such as Quad and Aukus, which aim to address regional security issues through various alliances.

India's Arctic policy has evolved strategically in response to scientific and economic considerations, with the overarching objective of effectively positioning itself against China in the Arctic region. This analysis affirms that reasoned and strategic foundations underpin India's Arctic policy and directly address the central research question posed at the outset of this study. While the COVID-19 pandemic has brought India to the forefront as an alternative to China for establishing commercial hegemony, it is noteworthy that China continues to invest in economic corridors in the Indo-Pacific, including extensions to Pakistan's Gwadar Port, to mitigate potential security risks. The mutual benefits arising from such alliances can vary significantly in each region. In the Arctic context, India perceives China as a balancing ally, leading to mutual benefits for both nations rather than viewing China solely as a deterrent. This approach enables India to remain a formidable regional ally, capitalizing on the resources and financial flows emanating from the Arctic.

In summary, India's Arctic policy has evolved as a strategic response to scientific and economic considerations, aiming to position itself effectively against China in the Arctic region. The analysis supports the argument that India's Arctic policy has a reasoned and strategic foundation and directly addresses the research question posed at the beginning of this study. India's Arctic policy is a testament to the intricate interplay between science, diplomacy, and global strategy. It showcases how a nation's scientific endeavours can shape its foreign policy, particularly in a rapidly changing Arctic environment. India is working diligently to establish itself as a significant player on regional and global fronts through its active engagement in the Arctic region and its efforts to forge alliances. This evolving policy serves its immediate interests and reflects its broader aspirations of maintaining a balanced and influential presence in an increasingly crucial geopolitical arena. As the Arctic continues to experience unprecedented changes, India's strategic positioning in the region will undoubtedly have



far-reaching implications for its relationship with China and its role in shaping the future of the Arctic itself.

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POLÍTICA EXTERNA DO CANADÁ PARA A NOVA ROTA ÁRTICA AMEAÇAS E OPORTUNIDADES NA ESTRATÉGIA MARÍTIMA

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Resumo

A distância é um véu de ignorância e mesmo quando se consegue lidar com os pendores de pontos de observações específicos, continuamos a não ver removida qualquer fricção causada por diferenças socioculturais singulares. Sendo uma das últimas regiões inexploradas do mundo, o Ártico revela dinâmicas únicas, evidenciando dilemas complexos e escolhas que frequentemente envolvem mais do que uma dimensão a que os Estados devem prestar atenção para tomar decisões, escolher lados, definir políticas, entrar em conflitos ou apoiar ou não determinados aliados.

A análise agora apresentada, atende às questões levantadas pelo unilateralismo jurídico canadiano, face às potencialidades geoestratégicas da nova rota marítima. Facto que tem muito a revelar para a correta compreensão da política externa canadiana, mas que também muito nos diz sobre o contexto geopolítico de mesoescala, nomeadamente sobre a necessidade de uma política securitária, conjunta e coesa, para contenção do maior ator regional - *Rússia*.

Palavras-chave

Segurança Marítima, Passagem do Noroeste, Política externa Canadiana, Geopolítica do Ártico

Abstract

Distance is a veil of ignorance, and even when the prejudices of specific viewpoints can be overcome, the friction caused by unique sociocultural differences is still not eliminated. The Arctic, one of the world's last unexplored regions, reveals a unique dynamic, highlighting complex dilemmas and choices that often have more than one dimension for states to consider when making decisions, choosing sides, setting policy, entering the conflict, or supporting or not supporting certain allies.

The analysis presented here addresses the issues raised by Canadian legal unilateralism, given the geostrategic potential of the new sea route. This a fact that has much to reveal for the correct understanding of Canadian foreign policy, but it also tells us much about the mesoscale geopolitical context, namely the need for a common and coherent security policy to contain the largest regional actor – Russia.

Keywords

Maritime Security, Northwest Passage, Canada foreign affairs, Arctic issues.



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POLÍTICA EXTERNA DO CANADÁ PARA A NOVA ROTA ÁRTICA AMEAÇAS E OPORTUNIDADES NA ESTRATÉGIA MARÍTIMA

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1. Introdução

As grandes *Paces* conhecidas ao longo da História, são fruto das crises que as galvanizaram. Sem exceção, são também o produto de uma conquista militar e de uma pressão sociopolítica contínua, que tornou hegemónica a potência dominante. Foi assim com Roma, na *Pax Romana*, tem sido assim com os USA, naquilo que é hoje conhecido como *Pax Americana* ou Ocidental que, durante cerca de sete décadas refreou os ânimos em territórios que estão atualmente em plena ebulição.

Contrariamente à previsão de Francis Fukuyama, a conflitualidade, ainda que mínima, provocada por uma sucessão de pequenas paleoguerras demonstrou que não chegamos ao Fim da História.¹ O *status quo* criado com a implosão do Pacto de Varsóvia, ao invés de estabilizar as relações dos sujeitos de direito, *maxime*, Estados e Organizações Internacionais, trouxe uma dispersão dos espaços geográficos, tornando o mundo policêntrico no que respeita à geografia da instabilidade.

O Ártico, é por natureza um oceano semifechado, aqueles que o dominam referem frequentemente que as suas plataformas continentais ocupam proporcionalmente mais espaço do que em qualquer outro oceano, e que por isso poderá ser difícil chegar a acordos de soberania. As suas capacidades enquanto hidrovía alternativa às grandes rotas comerciais, apresentam também potenciais pontos de desequilíbrios de poder - *vantagens económicas*, para todos os Estados árticos, mas em particular para a Rússia e Canadá, Estados costeiros respetivamente das rotas marítimas Nordeste e Noroeste.²

Neste contexto, a análise agora apresentada, respeitando aos novos equilíbrios de poder dos Estados árticos, procura detalhar a posição canadiana enquanto Estado costeiro, pivô da disputa pelos recursos económicos e estratégicos da região. Como ponto de partida analisou-se a Demopolítica e a Geoeconomia da região, as estratégias em confronto e os conflitos existentes, concluindo que a polaridade dos Estados árticos é o centro da região que envolve as suas margens, tornando-se mais uma zona de união do que uma zona

¹ Para mais sobre o Fim da História, ver Francis Fukuyama, *O Fim da História e o Último Homem*. Em sentido oposto, ver Samuel P. Huntington, *O Choque das Civilizações e a Mudança na Ordem Mundial*;

² Sobral Domingues *Et al.*, *A importância do Ártico na segurança internacional*, p. 19.



de separação. No entanto, a progressividade das alterações climáticas e o degelo que separa os Estados ribeirinhos, esse sim, é verdadeiramente fraturante.

2. Análise geopolítica

2.1. Geografia física «os desertos polares do extremo norte»

Encastrado no extremo norte dos continentes americano, europeu e asiático, o oceano Ártico é por natureza um oceano semifechado. Apesar de ser o oceano mais pequeno do mundo, com cerca de 14 milhões de quilómetros quadrados, a sua área é quase tão grande como a Rússia continental ou cerca de uma vez e meia o território continental dos Estados Unidos da América (USA).³

Uma das suas características mais salientes e com maior valor geoestratégico do ponto de vista da geografia física reside na sua posição. É, em potencial, uma ponte entre dois grandes oceanos, ligando-se ao oceano Pacífico, por via do estreito de Bering, e ao oceano Atlântico, a leste através dos mares da Gronelândia e da Noruega e a oeste por via dos vários canais, que através do arquipélago Ártico, chegam à baía de Baffin e ao mar do Labrador.

Embora o degelo polar seja hoje um facto inquestionável, projetando grandes transformações na região, a sua configuração física continua a ser a de uma região tipicamente congelada, conferindo-lhe um protagonismo geoestratégico multidimensional.⁴

Com uma geografia cada vez mais fragmentada, principalmente devido ao gelo marinho sazonal que bordeja as suas costas e derrete por completo no fim da estação quente, é esperado que a região seja palco do *Novo Grande Jogo*.⁵ As alterações climáticas, colocam a descoberto costas marítimas imensamente recortadas, com pequenas penínsulas, istmos prolongados, enseadas, baías e grandes golfos, proporcionando potenciais portos de mar, canais estreitos e consequentes *choke points* entre espaços agora navegáveis.⁶ Do lado oeste, multiplicam-se ilhas e arquipélagos, alguns separados do continente por estreitos canais e cujas soberanias e/ou estatutos jurídicos são disputadas ou objeto de conflitualidade.⁷

A morfologia ártica, heterogénea, confere mais vantagens ao lago leste dando à Rússia mais portos de águas profundas e uma rota com menos gelo.⁸ No entanto, a oeste, o Ártico canadense oferece três rotas alternativas: uma para o porto de Churchill e outras comunidades na baía de Hudson, via estreito de Hudson; uma segunda rota para o mar de Beauford via estreito de Bering ou rio Mackenzie que conecta o porto de Tuktoyaktuk; e uma terceira rota, através do arquipélago Ártico, conhecida como a rota do Noroeste,

³ Tim Marshal, *Prisioneiros da Geografia*, p. 224.

⁴ Kathrin Stephen, *Canada in the Arctic - Arctic Shipping: Routes, Forecasts, and Politics*, em www.thearcticinstitute.org

⁵ Tim Marshal, *Op. Cit.*, p. 224.

⁶ Kathrin Stephen, *Ibid.*

⁷ ITLOS, *Dispute concerning delimitation of the maritime boundary between bangladesh and myanmar in the bay of bengal: ITLOS/PV.11/12/Rev.1*, p. 16.

⁸ Malte Humpert, *Canada Needs More Escorts for Plan to Boost Arctic Ships*, www.thearcticinstitute.org.



que se estende da baía de Bafin, através do estreito de Lancaster até ao mar de Beauford.⁹

Conforme os casos em análise, o fator posição é um trunfo estratégico, ou um *handicap*. A oeste existem mais zonas de passagem que a leste, o que é obviamente uma vantagem, no entanto também impõe servidões que atraem cobiças. O Ártico canadiano, pela sua posição, tornou-se um espaço geoestratégico não só por apresentar uma hidrografia benéfica para o desenvolvimento da região, interligando os *Grandes Lagos* com a costa, mas sobretudo por tornar viável uma rota com potencial para manter os *equilíbrios de poder* regionais.¹⁰ No seu conjunto, o Ártico é uma zona *pivô* que assume uma importância crescente na conjuntura mundial.

2.2. Geografia humana «Homens do gelo»

Nas *grandes latitudes*, a densidade populacional continua a ser condicionada pelo ambiente hostil das condições climáticas adversas. O Ártico é por natureza uma região remota e inóspita, mas provavelmente mais na sua região meridional que oriental. Como refere Malte Humpert, a Rússia investiu em infraestruturas árticas desde a segunda grande guerra e ao longo da era soviética.¹¹ Por sua vez, a construção da nação canadiana nem sempre se concentrou na sua região setentrional. A população que reside nos três territórios árticos - *Yukon, Territórios do Noroeste e Nunavut*, constituída por esquimós, índios e mineiros, é de apenas 130.000 habitantes, representando 0,3 % da população total do Canadá.¹²

Atualmente e de acordo com a Estratégia do Norte do Canadá, o governo prossegue a promoção e afirmação de políticas de *segurança humana*.¹³ O que também significa dizer, que o Canadá está firmemente comprometido com o *novo* paradigma de segurança internacional, e que pretende equilibrar os seus interesses exclusivos com os interesses inclusivos dos outros *árticos*, procurando garantir a resiliência das comunidades locais e povos indígenas.¹⁴ Por outro lado, as questões de soberania do ártico são interpretadas pelo Canadá como interesses exclusivos vitais, posição que aliás assume desde o incidente com o quebra-gelo *USCGC Polar Sea* em 1985 e que se traduziu na presença militar continuada na região, atualmente através da operação NANOOK.¹⁵

Posições realistas podem parecer um anacronismo nesta época global, mas como referiu o Primeiro-ministro Justin Trudeau, a complexidade do desenvolvimento ártico exige um duplo comprometimento. Tal como é necessário continuar a garantir a resiliência das

⁹ Kathrin Stephen, *Ibid.*

¹⁰ Para mais sobre equilíbrios de poder, consultar Kenneth N Waltz, *Ordens anárquicas e balanças de poder*, p. 143 e ss.

¹¹ Malte Humpert, *Ibid.*

¹² Andreas Østhagen, *Canada and the Arctic: An Ambiguous Relationship*, em www.thearcticinstitute.org.

¹³ Canadian Gov., *Canada's Northern Strategy: Our North, Our Heritage*. p. 13. Para mais sobre segurança humana, consultar Barry Buzan e Lane Hansen, *The Evolution of International Security Studies*, p. 202 e ss.

¹⁴ Gregor Sharp, *Trudeau and Canada's Arctic Priorities: More of the same*, em www.thearcticinstitute.org.

¹⁵ A operação NANOOK, pretende melhorar a coordenação com os governos indígenas, federais e territoriais, respondendo eficazmente às questões de segurança e defesa do Norte. Cf. Canadian GOV, *Operation NANOOK*.



populações, é também necessário um profundo comprometimento na defesa da soberania canadense e manutenção da segurança regional.¹⁶

2.3. Geografia política «As fraquezas dos Estados fortes»

Não é possível ignorar o facto de que uma das últimas grandes regiões intactas do mundo se encontra em mutação. A crescente acessibilidade está a provocar um endurecimento na postura dos Estados árticos e as respostas dependerão necessariamente da natureza da razão em causa.¹⁷ Nesta medida, os interesses considerados vitais, portanto prioridades estratégicas, são um bom indicador sobre o qual se pode extrair a geografia política do Ártico.

Atualmente, existem pelo menos nove disputas de soberania sobre o território, todas juridicamente complexas e com potencial para empurrar as soluções político-jurídicas para os seus limites.¹⁸ Dada a importância dos recursos existentes, bem como as potencialidades da rota Noroeste o Canadá e os países vizinhos cujas relações diplomáticas são simultaneamente amigáveis e delicadas, disputam as cordilheiras submarinas de Lomonosov e Mendeleev (Canadá vs Rússia e Dinamarca), a posse da Ilha de Hans (Canadá vs Dinamarca/Gronelândia), a fronteira exata no Mar de Beuford e o regime jurídico da zona arqueológica canadense (Canadá vs USA).¹⁹

A soberania é uma palavra de ordem que tem estado constantemente nas agendas de política externa. Stephen Harper, antigo primeiro-ministro do Canadá, é creditado como o responsável por recolocar efetivamente as questões de segurança no topo da agenda política, com citações como "use-o ou perca-o".²⁰ Por um lado, as reivindicações de soberania têm motivos económico-sociais, procurando maximizar os recursos estratégicos dirigindo políticas de extração sustentáveis. Trata-se de resto, de uma postura alinhada com dois dos pilares da Estratégia Integrada para o *Grande Norte do Canadá – promoção do desenvolvimento económico-social e proteção ambiental*.²¹ Por outro lado, também significa que o Canadá está atento às potencialidades da rota do Noroeste, pretendendo garantir a sua hegemonia no controlo da região.²²

O Canadá dirige no Ártico uma política externa forte, mas no essencial não procura alterar o *status quo* da região por via de ações *realistas*. Pelo contrário, tem procurado fortalecer a sua posição, trazendo à discussão preocupações de segurança ambiental e humana, concretamente através do estabelecimento de um regime de navegação internacionalmente reconhecido para o Ártico canadense.²³

¹⁶ Justin Trudeau, *Prime Minister Justin Trudeau speaks with Northwest Territories Premier Caroline Cochrane, Nunavut Premier P.J. Akeeagok, and Yukon Premier Sandy Silver*, em <https://pm.gc.ca/>.

¹⁷ Sobral Domingues *Et al.*, *A importância do Ártico na segurança internacional*, p. 19.

¹⁸ Tim Marchal, *Op. Cit.*, p. 230.

¹⁹ Kathrin Stephen, *Canada in the Arctic - Arctic Oil and Gas: Reserves, Activities, and Disputes*, em www.thearcticinstitute.org.

²⁰ Andreas Østhagen, *Ibid.*

²¹ Canadian Gov., *Canada's Northern Strategy: Our North, Our Heritage, Our Future*, p. 24.

²² Canadian Gov., *Op. Cit.*, p. 10.

²³ O *Arctic Waters Pollution Prevention Act* de 1970, que impôs unilateralmente rigorosos requisitos de segurança ambiental, está na origem do atual artigo 234.º da UNCLOS, que agora permite que os Estados



Todas estas reivindicações decorrem de desejos e receios. Nomeadamente, decorrem do desejo de controlar as rotas marítimas, do desejo de reclamar recursos estratégicos e não menos importante, do receio de que outros ganhem vantagem nos aspetos identificados.²⁴ No entanto, o exercício da política externa canadiana, estruturado do modo exposto, revela numa primeira análise que as ameaças são na verdade poucas e distantes entre si. As disputas entre o Canadá e a Dinamarca/Gronelândia têm demonstrado um potencial limitado para se tornarem mais do que divergências diplomáticas. O regime jurídico da zona arquipelágica é uma questão em que os USA e Canadá concordaram em discordar, não indiciando um processo de securitização.²⁵ Além disso, Rússia, Dinamarca e Canadá concordaram em respeitar o direito internacional costumeiro, nos resultados das negociações da extensão da plataforma continental.²⁶

Ainda assim, o degelo está a alterar a geografia da região e a exacerbar ambições extrativistas. Até há pouco tempo, as riquezas árticas eram teóricas, hoje são prováveis e em alguns casos são já inegáveis.²⁷ Mais do que nunca, os Estados árticos têm agora de tomar decisões quanto à governança do espaço marítimo, procurando um delicado equilíbrio entre a extração de recursos, a segurança ambiental e a sustentabilidade das populações autóctones. A sede por posições exclusivas na disputa de recursos estratégicos sugere que a corrida é inevitável, havendo na doutrina quem apelide a geopolítica do Ártico como o *Novo Grande Jogo*.²⁸ Vamos certamente ver um incremento da navegação marítima no *extremo norte* e conquanto os Estados interpretem os recursos árticos numa lógica vital ou essencial, por isso exclusiva, haverá motivos para não eliminar a possibilidade das tensões escalarem.²⁹

2.4. Geografia económica «Riquezas escondidas»

A economia ártica praticamente reduzida ao setor primário, é o reflexo direto da infraestrutura ou da falta dela.³⁰ De acordo com o *World Data*, é certo que o Canadá está na lista das 10 maiores economias do mundo, no entanto, a sua geografia económica difere substancialmente das regiões subárticas para as regiões árticas. Em termos de infraestruturas, o último porto de águas profundas fica em Iqaluit, no interior do istmo

costeiros promulguem leis e regulamentos para a prevenção, redução e controle da poluição marinha por embarcações em áreas cobertas de gelo dentro dos limites da sua zona económica exclusiva. Cf. Andreas Østhagen, *Ibid.*

²⁴ Tim Marshal, *Op. Cit.*, p. 234.

²⁵ Andreas Østhagen, *Ibid.*

²⁶ *Ibid.*

²⁷ Tim Marshal, *Op. Cit.*, p. 234.

²⁸ *Ibid.*

²⁹ O conceito de interesse nacional traduz-se no reflexo das aspirações e necessidades básicas de uma comunidade. Para tal, utiliza o poder, isto é, a capacidade de produzir os efeitos desejados, no sentido de conduzir uma política externa dissuasora e previsível. No que se refere aos interesses vitais ou essenciais de um Estado, também designados de interesse nacional, a sua violação constitui-se frequentemente um *casus belli*. Este tipo de interesses, são frequentemente conectados a interesses de sobrevivência do próprio Estado, sendo suscetíveis de incluir a proteção da identidade física, política, cultural. Para mais sobre interesse nacional, ver Rui Januário e Luís da Costa Diogo, *Manual de Direito Internacional: Os direitos fundamentais do indivíduo, o Estado e o direito humanitário*, p. 513.

³⁰ Alexandra Middleton e Bjørn Rønning, *Geopolitics of Subsea Cables in the Arctic*, em www.thearcticinstitute.org.



de Katannilik, junto ao mar do Labrador. Os centros de busca e salvamento canadianos mais próximos, são também eles todos subárticos (Halifax, Nova Escócia e Ontário) e os serviços de quebra-gelo só estão ativos nos meses de verão, durante a temporada em que a rota do Noroeste é praticável.³¹

Por oposição, a Rússia evidencia amplas vantagens sobre o Canadá. A rota marítima do Norte tem mais infraestruturas de apoio, mais navios quebra-gelo e um serviço de busca e salvamento dedicado, permitindo manter a rota navegável durante todo o ano. Ainda que as rotas do Ártico sejam limitadas, em termos de distâncias são mais curtas do que as rotas equivalentes que passam no Suez ou Panamá.³² Por essa razão veremos com certeza um aumento do comércio marítimo da região, mas para já, a falta de infraestruturas na rota do Noroeste pode significar uma perda de competitividade para o Canadá.³³

De acordo com um relatório do governo canadiano, as rotas que mais se beneficiarão com a crescente acessibilidade ártica, são as rotas que levam à baía de Hudson e ao mar de Beauford, pois o regime de gelo que apresentam é bastante diferente do gelo do extremo norte e portanto, serão alvo de um provável incremento da navegação comercial.³⁴ É esperado que a temporada de navegação seja crescente, encorajando o transporte marítimo através do porto de Churchill na baía de Hudson e no mar de Beaufort. Temporadas de navegação maiores, encorajarão de igual forma o desenvolvimento de atividades de extração de hidrocarbonetos offshore, bem como o transporte de petróleo e gás através do estreito de Bering.³⁵

Há no entanto um risco acrescido, importante de se salientar. Embora os processos de alteração climática confirmem melhores condições de navegabilidade, também alteram a natureza e a gravidade de muitos outros riscos de segurança marítima.³⁶ Por paradoxal que pareça, a crescente navegabilidade das rotas árticas, pode fazer aumentar no curto e médio prazo a necessidade de serviços de escolta no gelo, diminuindo consequentemente as aparentes vantagens competitivas por via de custos indiretos. Trata-se de um fenómeno que de resto, não se reduz apenas a serviços quebra-gelo. O Aumento da taxa de navegação exigirá de igual forma, cartas náuticas atualizadas, melhores previsões meteo-oceanográficas, recursos de busca e salvamento, serviços de controlo e fiscalização e portos para abastecimento e carregamento de cargas.³⁷

Em termos de recursos estratégicos, o Oceano Ártico contém não só algumas das maiores reservas inexploradas de petróleo e gás natural do mundo, mas também importantes reservas de metais e pedras preciosas. Assim como as rotas de navegação estão diretamente condicionadas às infraestruturas disponíveis, a exploração de recursos também está condicionada pelos problemas estruturais da região. Nessa medida, as

³¹ Andreas Østhagen, *Ibid.*

³² *Ibid.*

³³ *Ibid.*

³⁴ Canadian Gov., *From Impacts to adaptation: Canada in Changing Climate 2007*, p. 60.

³⁵ Kathrin Stephen, *Canada in the Arctic - Arctic Shipping: Routes, Forecasts, and Politics*, em www.thearcticinstitute.org.

³⁶ *Ibid.*

³⁷ *Ibid.*



atividades de extração representam um risco considerável para os ecossistemas e comunidades autóctones. Acidentes de poluição marinha, associados às deficientes infraestruturas árticas, podem causar sérios problemas de segurança ambiental e alimentar.³⁸

Embora as estimativas de gás natural não sejam esmagadoras para o Canadá, as prospeções de reservas petrolíferas são suficientemente grandes para manter o interesse na exploração.³⁹ Garantir o acesso a estes e outros recursos, significa a obtenção de vantagens financeiras e estratégicas, explicando porque é que o Canadá procura garantir o reconhecimento da extensão da sua plataforma continental, declarando essa pretensão de soberania como uma das suas prioridades de política externa desde 2010.⁴⁰

3. Análise geoestratégica «Novo Grande Jogo»

Conquanto nos seja possível apelidar a caracterização polemológica da região Ártica de *Novo Grande Jogo*, concorda-se com Tim Marshal quando refere existirem diferenças significativas entre a geopolítica ártica e a *luta por África* no século XIX.⁴¹ O panorama físico, humano, político e económico, com incidência direta na polemologia ártica é dominado por preocupações que derivaram de um nicho regional, orbitando agora numa mistura única de local, regional e global. A política de defesa do Canadá - "*Strong, Secure and Engaged*" (2017), descrevendo a forma como o governo projeta a abordagem securitária na sua região norte, indicia que o Ártico poderá em breve assumir-se como uma nova *zona-pivô* no cenário geopolítico internacional.⁴²

Na região, a Rússia continua a ser o maior ator, expandindo os vetores económico e militar, isolando-se na corrida à *colonização ártica*. Em função do degelo polar, à medida que aumentam os potenciais ganhos estratégicos, aumentam de igual forma as ambições soberanas sobrepostas e a necessidade de se expandir para proteger os recursos reclamados.⁴³ O Canadá, embora se tenha distanciado publicamente das políticas Russas na Síria e Ucrânia, partilha no ártico de uma visão de plena soberania nos pontos de passagem da respetiva rota.⁴⁴ À semelhança do que defendia Mackinder, em o *pivô geográfico da história*, quem controlar a passagem controlará a rota, controlando concomitantemente uma das últimas regiões inexploradas do mundo.

Desta forma, ganhar relevância ártica, reduzindo o impacto da geografia física e das servidões de passagem que lhe são exigidas, significa para o Canadá a manutenção de um delicado equilíbrio entre o maior ator regional, cujas reivindicações exclusivas em relação à respetiva rota são semelhantes, e os restantes árticos, todos membros ou potenciais membros da OTAN que em comum, interpretam o Ártico não só numa lógica

³⁸ Ekaterina Borshchevskaia, *Pollution in the Arctic: Oil and Gas Extraction on the Continental Shelf as a Major Contributor*, em www.thearcticinstitute.org.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Tim Marshal, *Op. Cit.*, p. 234.

⁴² Canadian GOV, *Strong Secure Engaged – Canada's Defence Policy*, p. 50 e ss.

⁴³ Lillian Hussong e Pavel Devyatkin, *The Arctic: The New Cold War?*, em www.thearcticinstitute.org.

⁴⁴ Pamela Goldsmith-Jones, a Secretária Parlamentar do Ministro das Relações Exteriores afirma que, "*não faz sentido para os cientistas canadenses e russos não trabalharem juntos.*" Cf. Gregor Sharp, *Ibid.*



de interesse inclusivo, mas sobretudo numa lógica de contenção da sua maior ameaça – a Rússia.

A influência geográfica russa na política externa do Canadá revela uma tendência ambígua. Por um lado, promovendo um discurso inclusivo, na defesa da resiliência das populações e na segurança ambiental, o Canadá mantém o *status quo* da região. Por outro, prossegue o desiderato de um norte *seguro, protegido e bem defendido*, através de um ambicioso programa de construção naval e de atualização tecnológica, que lhe conferirá singularidade no peso político do vetor militar.⁴⁵ O governo canadiano acredita que a manutenção da soberania do Norte do Canadá é diretamente condicionada pela forte presença na região, mantendo a capacidade de proteger e patrulhar terra, mar e céu. É precisamente no cruzamento destas questões militares com questões jurídico-políticas que, cremos que se extraem algumas das conclusões mais importantes. O vetor militar canadiano no extremo norte, mais do que uma contenção de primeira linha a uma eventual ameaça externa, atua como agente dissuasor da sua política externa, na promoção do unilateralismo jurídico da rota do Noroeste – *declaração de soberania sobre a rota do Noroeste*.

Referindo-se não só à tendência para agir unilateralmente face aos desafios e problemas regionais e globais, mas também para o exercício de direitos soberanos na proteção de interesses vitais, a questão do unilateralismo jurídico tem ganho cada vez mais expressão nas relações internacionais. O Estabelecimento do *Northern Canada Vessel Traffic Services Zone Regulations* (NORDREG) implementado a cobro da exceção do Ártico, ou seja, com base no artigo 234.º da UNCLOS, ilustra eloquentemente uma das mais recentes posições de força no Ártico. Apesar do sistema ser consistente com o Direito Internacional, visando em primeiro plano proteger os interesses inclusivos da comunidade internacional como um todo – *segurança ambiental*, numa análise de mesoescala podemos observar que o quadro envolve considerações políticas, estratégicas e económicas.⁴⁶

Acompanhando a tendência do unilateralismo jurídico canadiano, a Rússia promulgou recentemente uma proposta de lei relativa ao regime de navegação na rota marítima do Norte, incompatível no entanto com a imunidade soberana do artigo 236.º da UNCLOS, que isenta navios de Estado do cumprimento dos condicionamentos impostos pela exceção do Ártico. Ou seja, a exigência de piloto a bordo, pedido de passagem, com antecedência mínima de 90 dias, conjugada com a possibilidade de suspender a passagem a navios de guerra por motivos de segurança interna, revelam que a proposta de lei russa está em total desacordo com o artigo 37.º da UNCLOS, sendo uma clara *territorialização* do Ártico à margem do direito internacional.⁴⁷

Estamos acostumados a olhar para o Ártico numa perspetiva socioeconómica, mas as rotas árticas podem ser militarizadas. Como se referiu, quem controlar os estreitos

⁴⁵ Canadian GOV, *Arctic and Northern Policy Framework*, em www.thearcticinstitute.org.

⁴⁶ Andreas Raspotnik, *Positive Unilateralism in the Canadian Arctic? Canada's NORDREG System*, em www.thearcticinstitute.org.

⁴⁷ Cornell Overfield, *Wrangling Warships: Russia's Proposed Law on Northern Sea Route Navigation*, em <https://www.lawfareblog.com/>.



controlará a rota e concomitantemente controlará a região.⁴⁸ Por isso, em relação ao paradigma *ação-reação* do direito internacional, Jan Solski explica-nos que outros Estados, principalmente os *árticos*, devem preparar-se para reagir ou arriscar a aquiescência.⁴⁹

O Ártico é realmente um caso de estudo *sui generis* para os estudos de segurança. Os discursos políticos indicam uma estrutura de segurança dominada por um paradigma construtivista, desenhando a segurança essencialmente por via da dimensão económica, ambiental e societal, mas as ações tendem a revelar posições realistas, com potencial risco de corridas armamentistas e dilemas de segurança.

A região viu um aumento da militarização russa, em quantidade de meios estacionados e no desenvolvimento de bases, incluindo a reativação de cerca de 50 bases da época soviética. Em resposta, os USA e seus aliados aumentaram a presença militar, deslocando submarinos nucleares e navios de superfície para o Ártico, hospedando os seus próprios exercícios navais.⁵⁰

Se por um lado a UNCLOS impede os árticos de uma *corrida ao Pólo*, a Rússia depende do espaço, tanto para continuar a expandir a sua indústria de petróleo e gás natural, quanto para abrigar a sua Frota do Norte, nomeadamente a frota estratégica de submarinos nucleares.⁵¹ Sobre os delicados equilíbrios de poder, Andreas Østhagem refere que planeamento e dissuasão é o que vai garantir que o Ártico não se torne um novo teatro de operações. É improvável que as tensões escalem para um conflito armado, mas o dilema de segurança e concomitante corrida armamentista, certamente levarão a uma maior pressão geopolítica.⁵²

Ao mesmo tempo que se espera um aumento dos conflitos de segurança de baixa intensidade, que vão desde a resposta a emergências até a infrações de pesca, não podemos descurar outro tipo de preocupações. Se guerra na Ucrânia arrastar um membro da OTAN, o conflito vai, muito provavelmente evoluir para uma frente ártica. Muito em parte, devido à presença da frota estratégica de submarinos nucleares russos na Península de Kola.⁵³

A invasão russa à Ucrânia, em 2022, não mudou em nada o incerto panorama geoestratégico do Ártico. O que muda é a precessão e avaliação das ações russas pelos *árticos*.

É sempre arriscado e difícil prever o futuro, mas da leitura polemológica até agora analisada, é provável, que a rota do Noroeste seja uma vítima inesperada da guerra da Ucrânia.⁵⁴ Nos próximos, tempos talvez vejamos o Canadá numa posição conjunta contra o unilateralismo jurídico russo, dando ao mesmo tempo um passo a trás, em relação à

⁴⁸ *Ibid.*

⁴⁹ Jan Jakub Solski, *Ibid.*

⁵⁰ Lillian Hussong e Pavel Devyatkin, *Ibid.*

⁵¹ Andreas Østhagen, *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Jan Jakub Solski, *In the Fog of War: Russia Raises Stakes on the Russian Arctic Straits*, em www.thearcticinstitute.org.



soberania da rota do Noroeste, reconhecendo a passagem como um estreito internacional.

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ENTREPRENEURSHIP DEVELOPMENT- IS FINANCIAL LITERACY MATTER? A LITERATURE REVIEW

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Abstract

This paper investigates the role of financial literacy in entrepreneurship development. A comprehensive review of 79 articles reveals that financial literacy positively influences entrepreneurs' financial behavior. Proficiency in financial concepts enables better decision-making, essential for activities like cost tracking, revenue management, and investment assessment. The paper also offers recommendations for future research and suggests enhancing entrepreneurs' knowledge and financial literacy through school education as a means to foster entrepreneurship.

Keywords

Entrepreneurship, financial literacy, small and medium enterprises, financial behavior

Resumo

Este artigo analisa o papel da literacia financeira no desenvolvimento do espírito empresarial. Uma análise exaustiva de 79 artigos revela que a literacia financeira influencia positivamente o comportamento financeiro dos empresários. A proficiência em conceitos financeiros permite uma melhor tomada de decisões, essencial para actividades como o controlo de custos, a gestão de receitas e a avaliação de investimentos. O documento apresenta ainda recomendações para investigação futura e sugere o reforço dos conhecimentos e da literacia financeira dos empresários através do ensino escolar como forma de promover o empreendedorismo.

Palavras chave

Empreendedorismo, literacia financeira, pequenas e médias empresas, comportamento financeiro.

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ENTREPRENEURSHIP DEVELOPMENT- IS FINANCIAL LITERACY MATTER? A LITERATURE REVIEW

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1. Introduction

The significance of entrepreneurship has seen rapid growth in recent years, garnering attention from both scholars and society at large. Entrepreneurship and small to medium-sized enterprises play pivotal roles in economic development, particularly in developing countries (Okello et al., 2017). Some researchers argue that limited access to financial services, particularly from financial institutions, hinders the potential of small businesses and entrepreneurship (Schiffer et al., 2001; Beck and Demirguc-Kunt, 2006; Balarezo and Nielsen, 2017). A key contributing factor to this limitation is the low level of financial literacy among entrepreneurial stakeholders. Several studies emphasize the importance of enhancing financial literacy through business education as a means for SMEs in developing countries to acquire the necessary financial and business skills for growth (Bruhn et al., 2010; Balarezo et al., 2017; Ye et al., 2019).

Financial literacy is often considered vital for business success and growth, yet its exact relationship with entrepreneurial activity remains somewhat unclear. This article addresses the question of whether financial literacy the reason why business ventures grow?

To tackle this question, we conducted an extensive literature review. We searched more than 24,000 journals for articles related to entrepreneurship and financial literacy using the Web of Science database. We systematically analyzed each article, employing a framework based on financial development theory. This review encompasses 79 articles that delve into the relationship between entrepreneurship and financial literacy, examining how financial theory informs this connection. While these 79 articles offer valuable insights, they leave certain aspects of the relationship between entrepreneurship and financial literacy underexplored, necessitating a more comprehensive understanding of the topic. To address this gap, we augment the insights from our initial review by examining top journals in various key disciplines, such as finance, management, sociology, and economics. This multidisciplinary approach enables



us to develop a research agenda that draws on both the finance scholars' perspective and the literature on entrepreneurial development from related fields.

In summary, our literature review indicates that financial literacy can indeed foster entrepreneurship. Entrepreneurial activities and SMEs generate substantial competitiveness not only locally but also on international and global scales (Rachapaettayakom et al., 2020). Consequently, entrepreneurs must cultivate financial literacy to comprehend and execute effective financing strategies. Financially literate entrepreneurs tend to make more informed financial decisions and commit fewer management errors compared to their less financially literate counterparts. Moreover, financial literacy can enhance individuals' ability to make informed financial choices, ultimately improving small businesses' access to and utilization of financial services (Okello et al., 2016).

This paper contributes significantly to the literature by providing deeper insights into the intersection of financial literacy and entrepreneurship and highlighting how financial theory influences the relationship between entrepreneurship and economic inequality. We encourage finance scholars to incorporate these insights into future research to enhance their understanding of this relationship and its associated boundary conditions. Additionally, the practical implications of our findings suggest that improving individuals' financial literacy is likely to enhance the success of entrepreneurial activities.

2. Definition of the Domain

2.1 Entrepreneurship

The concept of entrepreneurship has evolved over time, with various definitions and perspectives from scholars. Richard Cantillon initially defined an entrepreneur as someone who purchases a product at a fixed price and sells it at an unspecified price, emphasizing risk-taking and decision-making in resource allocation (Casson, 1993). In the 19th century, economists like Jean-Baptiste Say, John Stuart Mill, and Alfred Marshall further developed the notion of entrepreneurship. Jean-Baptiste Say considered entrepreneurs as creators of economic value by transferring resources from low-productivity areas to high-productivity ones, emphasizing their expertise in cost and price analysis (Say, 1803).

Subsequently, the concept of entrepreneurship evolved to combine Jean-Baptiste Say's "resource" component with John Stuart Mill's "management" component, highlighting management as the primary coordinator of the production factors—land, labor, and capital (Marshall, 1890). In the 20th century, Schumpeter introduced the idea of entrepreneurs as innovators, defining them as individuals who develop untested technologies. This definition underscores innovation in terms of introducing new products, innovative production processes, opening new markets, discovering new resources, and establishing new industry organizations. It posits that wealth is created when such innovations lead to new needs (Schumpeter, 1934).

Over time, entrepreneurship has attracted the attention of researchers from diverse fields, resulting in various definitions. While these definitions may differ slightly, they share common concepts such as "demand and supply," "value and wealth creation,"



"innovation," "resource management," "organizational capability," "risk tolerance," and "funds." Recognizing this interdisciplinary nature, comprehensive definitions of entrepreneurship include all types, such as economic, social, public, organizational, and collaborative entrepreneurship, spanning micro, small, medium, start-up, and new ventures (Oseifuah, 2010; Otieno et al., 2011).

2.2 Financial Literacy

Financial literacy, a term first championed by the Jump\$tart Coalition for Personal Financial Literacy in 1997 in the United States, pertains to an individual's ability to employ knowledge and skills to effectively manage their financial resources, ensuring lifelong financial security (Lusardi & Mitchell, 2011). Various definitions of financial literacy abound:

- Financial literacy encompasses knowledge and understanding of financial concepts, the confidence to use this knowledge, and responsible behavior in making informed financial decisions (OECD, 2005).
- It represents a combination of awareness, knowledge, skills, attitudes, and behaviors necessary for sound financial decision-making and achieving financial well-being (Abubakar, 2015).
- Financial literacy includes skills such as budgeting, bill payment, shopping, debt management, consumer issue handling, and comparison shopping, emphasizing practical application (Reich & Berman, 2015).
- It denotes the application of knowledge and skills to effectively manage one's financial resources, leading to economic well-being. This encompasses understanding one's financial situation, engaging in financial behaviors like saving, budgeting, planning, and making informed financial decisions (Kapoor, 2014; Singla & Mallik, 2021).

Financial literacy is instrumental in numerous aspects of personal finance, including understanding financial market products, returns, risks, personal financial planning, investment in capital markets, banking services, insurance, savings, deposits, pension fund benefits, and financial institutions (Cressy, 2002; Riwayati, 2017; Okello et al., 2017; Goodell, 2020).

In summary, financial literacy comprises the knowledge, skills, attitudes, and behaviors that empower individuals to make informed financial decisions, with far-reaching positive consequences for individuals, families, and society as a whole. Various studies have developed knowledge scales to measure financial literacy, encompassing skills related to savings, debt, insurance, investments, and financial self-assessment (Mien & Thao, 2015; Perry & Morris, 2005).



3. Methodology

This paper's objective is to explore the nexus between financial literacy and entrepreneurship through the lens of financial theory and lay the groundwork for future research. Our approach involves a comprehensive literature review on entrepreneurship and financial literacy.

3.1. Identification of Articles

We conducted a search across the extensive collection of over 24,000 journals available on the Web of Science. We examined titles, keywords, and abstracts for terms such as "financial literacy" and related terms including "opportunistic entrepreneurship," "essential entrepreneurship," "formal entrepreneurship," "informal entrepreneurship," "entrepreneurship development," and more. Our search initially yielded 446 articles. These articles were then carefully scrutinized for inclusion, with a focus on those that provided substantial analysis of entrepreneurship and financial literacy. This meticulous review led to the inclusion of 79 articles in our analysis. Articles that only briefly mentioned entrepreneurship or financial literacy without substantial exploration of these topics were excluded.

Subsequently, we conducted an in-depth analysis of these 79 articles, coding various characteristics of each article, including the applied theories, research methodologies, research questions, dependent and independent variables, and contributions. To facilitate a deeper understanding of the central themes in the literature, we organized the articles in multiple ways, such as by level of analysis or by the specific topics investigated.

4. Research Findings: Distribution of 79 Research Articles by Publication Year

Table 1 presents an insightful analysis of the distribution of 79 research articles, comprising scholarly papers, reports, and various studies, without imposing any temporal constraints on the investigation. Notably, the distribution of these articles across different publication years reveals intriguing trends and patterns.

In 2020, there was a notable surge in research activity, with 8 articles published, indicating a considerable emphasis on the subject matter during that specific year. Following closely behind, in 2017, there were 7 articles, reflecting a sustained interest in the subject. The years 2011, 2014, and 2015 all contributed 6 articles each, suggesting a consistent scholarly focus over this period.

Furthermore, 2016 and 2013 both saw the publication of 5 articles, reinforcing the enduring significance of the topic. In 2019 and 2021, 4 articles were published in each of these years, indicating ongoing research engagement. The years 2009 and 2010 contributed 3 articles each, signifying a continued interest in the subject during those periods.

Additionally, there were 2 articles published in the years 1996, 2003, 2009, and 2010, suggesting a sustained and enduring academic inquiry into the subject matter.



In summation, the notable prominence of articles published in 2020 underscores the heightened relevance and significance of the subject within the academic discourse during that particular year.

Table 1: Distribution of Research Articles by Publication Year

year of publication	Number Of papers	year of publication	Number Of papers	year of publication	Number Of papers
1890	1	2004	1	2014	6
1934	1	2005	1	2015	6
1993	1	2006	1	2016	5
1995	1	2008	1	2017	7
1996	2	2009	3	2018	2
1998	1	2010	3	2019	4
2001	1	2011	6	2020	8
2002	1	2012	2	2021	4
2003	2	2013	5	2022	2

Source: Authors

We systematically analyzed a corpus of 79 articles collected with the influence of financial literacy on the progression of entrepreneurship. Our approach involved categorizing these articles based on the journals in which they were published to gauge the extent to which they addressed this critical subject matter.

To facilitate our analysis, we categorized these articles based on the journals in which they found their academic home. This categorization allowed us to discern which journals demonstrated a more pronounced dedication to addressing this pivotal subject. Our findings unveiled intriguing trends: a substantial portion of the articles, precisely 47, were single representatives from various journals, while 3 journals exhibited a heightened commitment by featuring two articles each. Notably, the Journal of Pension Economics & Finance emerged as a standout, contributing a noteworthy total of 3 articles to the discourse.

From this comprehensive review, it becomes evident that the Journal of Pension Economics & Finance has played a pivotal role in emphasizing the significance of the financial literacy-entrepreneurship nexus within the scholarly arena.

In addition to these research articles, our investigation also unearthed 23 additional references, offered in the form of books and reports, further enriching the available resources and insights on this pertinent subject.

Moving forward, we extended our analysis to evaluate the indexing status of these journals in prominent databases, including Scopus and JCR (Journal Citation Reports). Impressively, 17 of the reviewed journals boasted indexing in both Scopus and JCR databases, a testament to their academic impact. Furthermore, 15 journals enjoyed exclusive indexing in Scopus, while 2 journals secured their place in the JCR database.

For a more comprehensive breakdown of our findings in Table 2, which provides an in-depth summary of the distribution of research articles across these journals.



Table 2: Distribution of Research Articles by Journal and Indexing Status

Journals	Index	NO. of papers	Journals	Index	NO. of papers
<i>American Economic Review</i>	Scopus	1	<i>Journal of Banking & finance</i>	Scopus-JCR	1
<i>American Based Research Journal</i>	Scopus	1	<i>Journal of social sciences</i>	Scopus	1
<i>Amazonia Investiga</i>	JCR	1	<i>Journal of Entrepreneurship in Emerging Economies</i>	Scopus	1
<i>African Journal of Business Managemnt</i>	-	1	<i>Journal of African Business</i>	Scopus	1
<i>African Journal of Economic and Management Studies</i>	Scopus	1	<i>Journal of Small Business and Enterprise Development</i>	Scopus-JCR	1
<i>Asia Pacific Management Review</i>	Scopus-JCR	1	<i>Journal of Social Service Research</i>	Scopus-JCR	1
<i>Business & Applied Sciences</i>	-	1	<i>Journal of Small Business Management</i>	Scopus-JCR	1
<i>Conference on Measurement, Promotion, and Impact of Access to Financial Services</i>	-	1	<i>Journal of Entrepreneurship Education</i>	-	1
<i>Finance research letters</i>	Scopus	1	<i>Journal of Financial economics</i>	Scopus-JCR	1
<i>Economic Literature</i>	Scopus-JCR	1	<i>Journal of Innovation and Entrepreneurship</i>	Scopus	1
<i>Frontiers in Psychology</i>	Scopus-JCR	1	<i>Journal of Small Business and Entrepreneurship</i>	Scopus	1
<i>Financial counseling and planning</i>	Scopus-JCR	1	<i>Journal of Enterprising Communities: People and Places in the Global Economy</i>	Scopus-JCR	1
<i>Finansal Arařtırmalar ve alıřmalar Dergisi</i>	-	1	<i>Journal of Pension Economics & Finance</i>	Scopus-JCR	3
<i>Global Business Review</i>	Scopus-JCR	1	<i>Malaysian E Commerce Journal (MECJ)</i>	-	1
<i>International Journal of Research Studies in Management</i>	-	1	<i>Marketing and Management of Innovations</i>	JCR	1
<i>International Journal of Academic Research in Business and Social Sciences</i>	-	2	<i>Numeracy</i>		2
<i>In 2nd International Conference on Economics & Banking</i>	-	1	<i>Proceedings of the Second Asia-Pacific Conference on Global Business, Economics, Finance and Social Sciences (AP15Vietnam Conference)</i>	-	1
<i>In Proceedings of the 2nd advances in business research international conference</i>	-	1	<i>Quarterly Journal of Finance</i>	Scopus	1
<i>International Journal of Libraries and Information Studies</i>	Scopus-JCR	1	<i>Review of International Business and Strategy</i>	Scopus-JCR	2
<i>. International Small Business Journal</i>	Scopus-JCR	1	<i>Sustainability</i>	Scopus-JCR	1
<i>International journal of economics, commerce and management,</i>	-	1	<i>The Economic Journal</i>	Scopus-JCR	1
<i>International Journal of Economics and Financial Issues</i>	-	1	<i>The Journal of Consumer Affairs</i>	Scopus	1
<i>International Journal of Business and Management</i>	-	1	<i>The Journal of Risk Finance</i>	Scopus	1



<i>International Journal of Education and Research</i>	-	1	<i>Venture Capital</i>	Scopus-JCR	1
<i>Iranian Journal of Management Studies</i>	Scopus	1	<i>World Journal of Entrepreneurship, Management and Sustainable Development</i>	Scopus	1
<i>Journal of clinical and experimental dentistry</i>	Scopus	1	-	-	-

Source: Authors

4.1. Global Insights on Financial Literacy

Financial literacy is tightly interwoven with household wealth and financial stability (Cole, 2009). A substantial body of evidence underscores that individuals with strong financial knowledge tend to make more astute financial decisions, leading to increased savings and investments while reducing reliance on borrowing. This, in turn, bolsters the overall financial health of households. People who comprehend financial concepts such as basic accounting, inflation, and risk diversification are more inclined to plan for their retirement (Lusardi & Mitchell, 2017; Klapper, & Panos, 2011). Importantly, these rational financial decisions hold significant implications for a country's economic growth and long-term stability (Bongomin et al., 2017; Gusti et al., 2021). Greater long-term savings and investment contribute substantial capital to the economy, reducing reliance on external debt.

Conversely, multiple studies have illuminated the severe economic repercussions of financial illiteracy. A lack of financial awareness and the consequent financial behaviors can lead to unfavorable financial outcomes. Inadequate comprehension of key economic concepts and skills prompts individuals to make suboptimal financial decisions (Hastings & Mitchell, 2020). A notable subset of individuals with low financial literacy avoids the stock market (Van Rooij et al., 2011), exhibits poor borrowing habits, saves less, and accumulates reduced wealth due to inadequate retirement planning. Lusardi et al. (2009) delved into the connection between financial literacy and excessive indebtedness, concluding that those with lower financial literacy are more inclined to accumulate debt and engage in costly financial transactions. The suboptimal financial behavior of employees can lead to heightened psychological stress, ultimately impacting employee productivity, with employers bearing the associated costs (Garman et al., 1996). This highlights that the consequences of financial illiteracy extend beyond individuals to encompass society and the nation as a whole.

An international project assessing financial literacy in eight countries found that, regardless of a country's level of financial development, financial literacy remained low worldwide (Lusardi & Mitchell, 2011). The survey instrument comprised three questions covering topics such as counting, inflation, and risk diversification. Moreover, the study revealed variations in financial literacy among different population subgroups. Financial literacy exhibited a U-shaped pattern across age groups, with younger and older cohorts displaying lower levels of financial literacy. Women with lower education levels demonstrated diminished financial literacy. Geographical, racial, regional, and religious factors also significantly influenced financial literacy. Furthermore, individuals with a



strong grasp of fundamental financial concepts were more likely to engage in comprehensive retirement planning (Lusardi & Mitchell, 2011).

The OECD International Network conducted a study on financial education in 14 countries across four continents, measuring financial literacy across three dimensions: financial knowledge, financial behavior, and financial attitude. Results indicated a widespread lack of financial literacy among large segments of the population in all countries studied. Women generally displayed lower economic literacy compared to men. A positive correlation existed between income levels and financial literacy. Highly educated individuals exhibited high levels of financial literacy, sound financial behavior, and positive attitudes. The study also highlighted that individuals with greater financial knowledge were more likely to exhibit prudent financial behaviors, emphasizing the strong link between financial attitudes and actions (Atkinson & Messy, 2012; Sebstad & Cohen, 2003; Sherraden, 2010).

The MasterCard Financial Literacy Assessment, conducted between July and August 2014 across 16 countries in the Asia Pacific region among 8,087 respondents aged 18 to 64, assessed knowledge in three main sections: basic money management, financial planning, and investing. The results revealed a slight decline in financial planning knowledge across the region compared to the previous survey. In the realm of investment, the Asia-Pacific region fared poorly across all components of the Financial Literacy Index. Developed markets, led by Taiwan, New Zealand, and Hong Kong, and exhibited superior financial literacy, with consumers in higher income brackets or those employed in certain professions displaying higher levels of financial literacy (Ahmad et al., 2016).

Another study, conducted on behalf of the Asian Development Bank Institute, highlighted lower financial literacy scores in Asian countries. Given the profound impact of financial literacy on a nation's economic development, researchers stressed the need for heightened policy efforts at the national level to channel savings into various financial instruments that promote economic growth (Yoshino et al., 2015). Interestingly, financial illiteracy is not limited to less developed countries; it is also prevalent in developed nations. An analysis of a national sample of Americans based on debt knowledge, financial experience, and debt level judgments revealed significant gaps in debt literacy, with higher rates among women, the elderly, certain ethnic groups, and individuals with lower incomes and wealth. The study unveiled a direct relationship between debt literacy and excessive debt, with financially literate individuals bearing a lower debt burden. Additionally, those with limited financial knowledge entered into expensive transactions, incurring higher costs and interest rates. The study estimated that lack of debt knowledge accounted for a substantial portion of the costs and expenses incurred by the less financially educated (Lusardi et al., 2017).

Another study focusing on the financial capabilities of working women in the United States drew data from the National Financial Ability Study, assessing the financial behaviors of working women across various career stages and family situations. The findings indicated that women generally possessed lower financial literacy compared to men. The study unveiled trends of substantial long-term debts, reliance on high-cost credit card loans, and insufficient financial planning among working women. Furthermore, higher



education, greater income, and marriage exhibited positive effects on the financial behaviors of respondents (Grifoni and Messy, 2012). To address these unique financial challenges faced by women, researchers advocated for tailored financial education programs, personalized services, and debt counseling (Scheresberg et al., 2014).

In a similar vein, a survey assessing the financial literacy of individual investors in the United Arab Emirates analyzed the impact of age, gender, employment status, work activity, income, and education level on financial literacy levels and investment decision factors. The study revealed low levels of financial literacy among UAE investors, with significant disparities based on income, education, gender, and workplace activity. Women displayed lower financial literacy levels than men. Surprisingly, age did not appear to influence financial literacy levels among respondents. The study identified religion as the most influential factor affecting investment decisions (Al-Tamimi & Anood Bin Kalli, 2009).

Financial literacy, undeniably, exerts a positive influence on financial behavior. It empowers individuals to make informed decisions regarding their financial well-being, ultimately driving savings, asset accumulation, and debt reduction. Findings from the National Financial Skills Study on Investor Education affirm the strong link between financial literacy and household financial behavior. Moreover, financial literacy tends to enhance responsible credit card usage. Women with lower financial literacy exhibit greater involvement in costly credit card transactions than their less-educated male counterparts. However, no gender disparities were observed in the credit card behavior of financially literate individuals (Mottola, 2013). This research underscores the critical importance of financial literacy in facilitating sound decision-making and averting financial pitfalls. Families lacking financial skills and knowledge are more susceptible to making irresponsible financial choices.

4.2. Financial Literacy and Its Significance in Entrepreneurship

As outlined in the previous sections, the possession of financial literacy emerges as a paramount factor, significantly impacting financial decision-making, particularly for entrepreneurs and business owners. Within this context, this section delves into the extensive body of literature and research dedicated to elucidating the pivotal relationship between financial literacy and entrepreneurship.

Numerous business surveys have consistently pinpointed access to finance and adept financial management as the foremost determinants of survival and growth for Small and Medium-sized Enterprises (SMEs). Insights gleaned from these studies underscore that, particularly in developing economies, access to financial resources empowers SMEs to make strategic investments, expand their operations, and embrace cutting-edge technologies. Consequently, access to financial resources not only secures their competitiveness but also fosters innovation, macroeconomic flexibility, and GDP growth (Beck and Demirguc-Kunt, 2006; Calcagno et al., 2020; Saptono, 2018; Purnomo, 2019).

Financial literacy emerges as a critical factor facilitating engagement with financial affairs effectively. Reduced levels of financial literacy can inhibit individuals from navigating intricate financial products, such as insurance, as they may be apprehensive about



investing in instruments they do not fully comprehend (Cole & Fernando, 2008). In this regard, research indicates that bolstering financial literacy through the acquisition of business skills plays a pivotal role in fueling SME growth and represents a key determinant of productivity. Financial literacy is defined as "the ability to obtain, understand, and assess tax-related information and make decisions and choices with an understanding of the potential financial consequences," making it indispensable for SME growth (Njoroge, 2013; Nielsen, 2017; Ahmad et al., 2019).

Furthermore, findings from analogous studies consistently demonstrate that individuals equipped with financial literacy skills tend to make fewer management errors in financial decision-making compared to their less financially literate counterparts. This underscores that adept financial management is fundamental to the survival and effective functioning of SMEs. Financial literacy empowers SME owners by enabling them to evaluate financial products judiciously and make informed decisions. Moreover, it enhances the risk management capabilities of SME owners (Njoroge and Gathungu, 2013; Alshebami et al., 2020). Financial literacy equips SME proprietors with the skills necessary to navigate challenging financial periods by employing risk mitigation strategies, such as building savings, diversifying assets, and avoiding excessive debt.

A United Nations report emphasizes that financial literacy, defined as the ability to apply knowledge and skills to manage financial resources, plays a pivotal role in the financial success of SMEs in developing economies. This acumen is particularly crucial as a tool in the fight against poverty. Empirical evidence underscores that SMEs led by financially literate entrepreneur's exhibit a significantly higher likelihood of success than their uneducated counterparts. Financial literacy empowers managers and owners of SMEs in developing economies to make informed financial decisions and select suitable financial products from the financial system with confidence (Siekei, 2012; Riepe et al., 2020; Munyuki & Jonah, 2021).

Indeed, various studies present compelling evidence regarding the robust association between financial literacy and entrepreneurial success. Researchers posit that financial literacy empowers SME managers in developing economies with strategic financial knowledge, skills, and the ability to make prudent financial decisions (Lusardi et al., 2009; Moore, 2003; Ali et al., 2018). These studies reveal that financial literacy exerts a positive impact on the performance of SMEs, fostering savings and effective risk management through insurance contracts. Similarly, investigations into Kenyan microenterprises highlight the substantial positive influence of financial literacy training on their performance. Consequently, financial literacy fosters SME expansion, amplifying their profitability, productivity, and competitive edge (Nunoo et al., 2015; Simeyo, 2011; Eniola & Entebang, 2016).

A prevalent cause of failure for numerous small and medium-sized enterprises in developing countries can be traced to insufficient financial literacy and financial acumen, which undermine entrepreneurial activities. Financial literacy is, in fact, regarded as one of the pivotal managerial competencies for the establishment and growth of SMEs (Timmons et al., 2004; Aren & Aydemir, 2014). Furthermore, some experts assert that alongside the provision of small loans, imparting basic business skills through training assumes great importance in enhancing the ability of SME managers to utilize these loans



optimally. It also imparts knowledge on the effective use of financial products and services, reducing vulnerability to exploitative financial institutions and fraudulent practices (Webster & Fidler, 1996; Atandi et al., 2017). This contention is substantiated by the findings of Mutege and Phelister (2015) and Bruhn and Zia (2011), which highlight that financial literacy contributes to crucial decision-making processes such as timely bill payments and prudent debt management, ultimately enhancing the creditworthiness of SMEs. This, in turn, supports livelihoods, fosters economic growth, strengthens financial systems, and mitigates risk. Financial literacy aids SME proprietors in developing economies in acquiring the financial knowledge and skills essential for business planning, initiating savings plans, and making strategic investment choices (Mutege and Phelister, 2015; Chepngetich, 2016). Therefore, the judicious application of financial literacy and skills empowers SME owners in developing economies to fulfill their financial obligations through comprehensive planning, resource allocation, and value extraction.

USAID defines an economically literate SME owner/manager as someone who possesses knowledge of the most suitable financing and financial management options for their business at different stages of development. Such individuals are well-informed about where to procure the most appropriate products, people, and services and confidently engage with the suppliers of these offerings. Consumer financial literacy predominantly revolves around individuals and their capability to manage their personal financial decisions. In contrast, financial literacy for SMEs centers on individuals' ability to translate financial literacy concepts into pragmatic business needs (Lusardi & Mitchell, 2009; Jiyane & Zawada; 2013; Liu et al., 2021). Therefore, the intersection of consumption behavior and financial literacy can be observed through studies by Lusardi & Wallace (2013) and Dahmen & Rodríguez (2014), which assert that regardless of permanent income, individuals typically allocate the same amount for expenditures. The number of divisions depends on variables such as interest rates, job-related uncertainty, wealth-to-income ratio, and family size. This underscores that financial literacy plays a pivotal role in summarily guiding business conduct (Lusardi & Wallace, 2013; Egbo et al., 2020; Eniola & Entebang, 2017).

Riwayati (2017) investigates the mediating role of financial literacy in the relationship between financing channels and SME growth in developing economies. The study posits that financial literacy plays a positive and significant mediating role in the association between access to finance and SME growth in developing economies. Furthermore, both financial literacy and access to finance independently exert a substantial and positive influence on firm growth in developing economies. In a similar vein, a study titled "Managing innovation in financial education in selected OECD countries" assesses the financial literacy levels of 15-year-old students across some OECD countries, utilizing data from PISA 2015 measurements. This study underscores the criticism directed at education quality and job skills for inadequately addressing the demands of the labor market. Financial literacy and skills, the study contends, bolster individuals' performance in financial markets and personal finance (Mihalcova et al., 2020). Moreover, research endeavors seeking to discern the impact of socioeconomic and demographic variables on financial literacy and its consequences for the utilization of financial services have yielded valuable insights (Jana et al., 2019). The study identifies occupation, income, and education as the primary explanatory variables for financial literacy, while income and



place of residence emerge as the most prominent positive determinants. These findings hold profound implications for policymakers, guiding their efforts to enhance financial literacy and foster financial inclusion (Jana et al., 2019).

Yet another study, focusing on analyzing the financial literacy of business owners or managers and its influence on access to finance and the development of Micro, Small, and Medium-sized Enterprises (MSMEs) in West Java, Indonesia, affirms that financial literacy yields a positive impact on access to finance and MSME growth. Concurrently, access to finance exerts a positive influence on MSME growth (Susan, 2020). Meanwhile, research by Oseifuah (2010) and Hossain et al. (2020) reveals that young entrepreneurs possess above-average financial literacy, which significantly contributes to their entrepreneurial skills. Additionally, a study leveraging survey data from 201 SMEs in Ghana concludes that financial literacy engenders a positive correlation with enhanced access to financial relationships and firm growth (Adomako, 2016). Lastly, Fatoki (2014) investigates the levels of financial literacy among small business owners in South Africa, assessing financial literacy in various domains such as financial planning, analysis and control, bookkeeping, comprehension of financial resources, familiarity with business terminology, financial and information skills, technology utilization, and risk management. Data collection is facilitated through questionnaires, with subsequent analysis employing descriptive statistics. The results underscore that small business owners typically exhibit lower levels of financial literacy.

The amalgamation of research findings presented herein underscores the substantial costs incurred due to the lack of financial skills and knowledge among diverse groups of individuals, with a particular emphasis on entrepreneurs. Perhaps the most significant ramification of inadequate financial literacy on entrepreneurs is their limited comprehension of the myriad financial resources available for financing endeavors and, more crucially, their inability to harness these resources optimally.

5. Conclusion

In our study, we examined the profound impact of financial literacy on entrepreneurial activity and the broader economic landscape. Our findings illuminate several critical aspects:

- **Prevalence of Financial Illiteracy:** Across the globe, financial illiteracy is alarmingly prevalent. This deficit in financial knowledge affects people's ability to make sound financial decisions at both personal and professional levels. Entrepreneurs, who shoulder the responsibility of business finances, are not exempt from this challenge.
- **Entrepreneurship as an Economic Catalyst:** We emphasized the pivotal role of entrepreneurs in fueling economic growth and development. Access to financial resources is a linchpin for entrepreneurial endeavors. Given its centrality, financial literacy assumes great importance in the entrepreneurial journey, facilitating informed decisions and efficient resource management.
- **Positive Outcomes of Financial Literacy:** Our analysis underscores that financial literacy yields positive outcomes, particularly within the entrepreneurial context. Entrepreneurs equipped with financial literacy possess the acumen to manage their



ventures' financial facets effectively. They can adeptly assess investment opportunities, gauge financial risks, and optimize resource allocation—all vital for a thriving entrepreneurial ecosystem.

Recommendations

Building on our findings, we propose the following recommendations to foster financial literacy and its benefits:

1. **Engagement in Financial Literacy Programs:** We advocate for SME owners' active participation in financial literacy programs offered by Entrepreneurship Skills Development Organizations. These programs serve as valuable platforms for SME proprietors to acquire the requisite financial knowledge and skills. Such education equips them to navigate the intricacies of financial management, enabling them to secure financing and make informed, prudent decisions.
2. **Incorporate Financial Management in Business Planning:** When designing business plans, it is imperative to integrate a financial management training component. This empowers aspiring entrepreneurs with the competencies essential for managing their enterprises' financial aspects proficiently. Understanding budgeting, cash flow analysis, and financial forecasting becomes pivotal for the success of their ventures.
3. **Early Introduction to Financial Literacy:** Recognizing that financial literacy transcends entrepreneurship and is a universal life skill, we propose the introduction of financial literacy education from an early age. By instilling financial literacy concepts during childhood, individuals develop a strong foundation for making sound financial choices throughout their lives, be it as consumers or entrepreneurs.

In essence, our study underscores that financial literacy is a linchpin for entrepreneurship and broader economic development. By enhancing financial literacy among entrepreneurs and instilling financial education early in life, societies can foster prudent financial behavior, enable entrepreneurs to make informed decisions, and contribute to sustained economic growth. This holistic approach benefits not only entrepreneurs but also their businesses, communities, and the overall prosperity of nations.

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A (IR)RELEVÂNCIA DE PORTUGAL PARA OS REQUERENTES E BENEFICIÁRIOS DE PROTEÇÃO INTERNACIONAL

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Resumo

Inúmeras normas e instituições foram implementadas para fazer face aos repetidos aumentos desregulados de deslocados forçados. Apesar do tema da gestão das pessoas refugiadas se ter tornado mais debatido, nos últimos anos, em todo o mundo, Portugal não tem sentido uma elevada pressão dos fluxos migratórios, tornando-se, para muitos, um caso paradigmático. Enquanto Estado-Membro da UE, mas também membro de várias organizações internacionais, Portugal tem diversas obrigações perante aqueles que procuram proteção – requerentes e beneficiários de proteção internacional. Contudo, embora tenha existido um esforço em acolher e integrar um maior número de pessoas, o território nacional ainda parece ser pouco atrativo para quem procura um destino seguro e estável para dar um novo rumo à sua vida.

Palavras-chave

Atratividade; Portugal; proteção internacional; requerentes de asilo; refugiados

Abstract

Several norms and institutions have been developed and implemented to cope with the repeated unregulated increases of «forced displaced persons». Although the issue of managing «refugee» persons has become more debated in recent years around the world, Portugal has not experienced high pressure from migration flows, making it, for many, a paradigmatic case. As an EU Member State, but also a member of several international organizations, Portugal has obligations towards those seeking protection – applicants and beneficiaries of international protection. However, although there has been an effort to welcome and integrate a greater number of people, the national territory is still seems to be unattractive to those seeking a safe and stable destination to give a new direction to their lives.

Keywords

Attractiveness; Portugal; international protection; asylum seekers; refugees.

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A (IR)RELEVÂNCIA DE PORTUGAL PARA OS REQUERENTES E BENEFICIÁRIOS DE PROTEÇÃO INTERNACIONAL

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Introdução

As migrações, sobretudo nos últimos anos, sofreram alterações, não só quanto às suas origens, mas também quanto à sua complexidade. Os fenómenos migratórios ocorrem muito mais frequentemente, provocando a deslocação de milhões de pessoas em todo o mundo. Dentro destes destacam-se os deslocados forçados¹ que englobam os deslocados internos, os requerentes de asilo e os refugiados, sendo que, em 2022, estavam nessa situação 108,4 milhões de pessoas (UNHCR, 2023a), prevendo-se um aumento em 2023 para 117,2 milhões, valor que tem vindo a crescer ano após ano (UNHCR, 2023b).

Em Portugal, entre 2010 e 2022, foram registados, não só poucos pedidos de proteção internacional (EUROSTAT, 2023a), (EUROSTAT, 2023b), como de beneficiários dessa proteção (UNHCR, s.d.a), colocando o país próximo do fim da lista entre os vários Estados-Membros da UE. Quer isto dizer que Portugal, em comparação com outros países da UE parece não ser tão atrativo para requerentes e beneficiários de proteção internacional. E, embora existam outros países que apresentem valores absolutos e relativos de pedidos de proteção internacional e de beneficiários inferiores aos de Portugal, a verdade é que, numa altura em que se abordam questões como a partilha equitativa de responsabilidades e o respeito pelo princípio da solidariedade, verifica-se um longo caminho a percorrer para que estes se tornem, na prática, elementos fundamentais do quotidiano dos estados.

Assim sendo, tentar-se-á, neste artigo, não só perceber as razões da provável falta de atratividade de Portugal para os requerentes e beneficiários de proteção internacional, como também compreender o impacto crescente que as populações deslocadas têm, sobretudo, para países envelhecidos como Portugal.

1. Breve enquadramento e evolução histórica dos requerentes e beneficiários de proteção internacional

Na sequência de múltiplos fenómenos de perseguição, que ocorrem desde que há memória (seja a pessoas ou grupos), a gestão das pessoas refugiadas e de requerentes

¹ Pessoas que foram obrigadas a abandonar o seu país de origem devido a perseguições, conflitos, desrespeito pelos seus direitos humanos, catástrofes naturais ou outros (European Parliament, 2020).



de proteção² tornou-se uma questão internacional de maior relevância, sobretudo em território europeu, durante a formação do sistema estatal moderno no século XVII (Betts, Loescher, & Milner, 2012). Desde então, os acontecimentos relacionados com refugiados passaram a ser analisados e tratados por cada Nação, através de acordos e instrumentos *ad hoc* (Barnett, 2002).

Nos séculos seguintes, ocorreram vários conflitos internos e externos aos próprios estados – nomeadamente as Revoluções Americana e Francesa – que geraram a necessidade de alterar os ideais já existentes. Todavia, foi no século XX – marcado por dois conflitos mundiais – que se sentiu a maior urgência em implementar mudanças no tratamento e reconhecimento destas pessoas, devido aos significativos fluxos de refugiados e requerentes de asilo que se registaram. Assim, como resultado da I Guerra Mundial foi criado o Alto Comissariado para os Refugiados (ACR), adotada a Convenção Relativa ao Estatuto Internacional dos Refugiados, em 1933, e mais tarde, em 1939, a Convenção sobre o Estatuto dos Refugiados vindos da Alemanha. Posteriormente, como consequência da II Guerra Mundial, conflito que se estima ter originado 60 milhões de refugiados (Loescher, 2021), foi criada a Administração das Nações Unidas para o Auxílio e Restabelecimento (ANUAR), substituída, em 1946, pela Organização Internacional de Refugiados (OIR) que, depois, deu origem ao atual Alto-Comissariado das Nações Unidas para os Refugiados (ACNUR) – organização que assegura, internacionalmente, a proteção dos direitos dos refugiados e dos requerentes de asilo e viabiliza soluções para os problemas que surjam quanto às pessoas deslocadas.

Para além da criação das instituições, existiu, também, uma evolução quanto aos instrumentos legislativos, nomeadamente através da Carta das Nações Unidas (CNU) e da Declaração Universal dos Direitos Humanos (DUDH), que lançaram as bases jurídicas para a proteção dos refugiados (Strungari, 2023). Contudo, uma vez que estes consagraram os direitos reconhecidos a todas as pessoas, num âmbito geral, sentiu-se necessidade de serem produzidos instrumentos jurídicos aplicados especificamente a requerentes e beneficiários de proteção internacional³, tendo sido consagrada a Convenção relativa ao Estatuto dos Refugiados – Convenção de Genebra, doravante –, em 1951, e o Protocolo de Nova Iorque adicional à convenção, – Protocolo de Nova Iorque, daqui em diante – em 1967. Mais tarde, em 2016, foi adotada a Declaração de Nova Iorque relativa a Refugiados e Migrantes que levou à implementação, em 2018, de

² O termo refugiado definido e consagrado na Convenção de Genebra de 1951 sofreu alterações ao longo dos anos, não só quanto à definição existente em cada época, mas também quanto aos direitos e deveres inerentes. No âmbito do Direito Internacional, considera-se refugiado a “pessoa que, devido a um receio bem fundamentado de perseguição em virtude da sua raça, religião, nacionalidade, pertença a um determinado grupo social ou das suas opiniões políticas, se encontre fora do país de que tem nacionalidade e não possa ou, em virtude da fundado receio, não queira pedir proteção daquele país; ou que, se não tiver uma nacionalidade e estiver fora do país de residência habitual após aqueles acontecimentos, não possa ou, em virtude do referido receio, a ele não queira voltar” (IOM, 2019, p. 171). Já requerente de asilo corresponde “ao indivíduo que procura proteção internacional. Em países com procedimentos individualizados, um requerente de asilo é alguém cujo pedido ainda não tenha sido decidido pelo país no qual o submeteu. Nem todo o requerente de asilo será reconhecido como refugiado, mas cada refugiado reconhecido é inicialmente um requerente de asilo” (IOM, 2019, p. 14).

³ Segundo o Regulamento (UE) n.º 604/2013 – Regulamento «Dublin III» – o beneficiário de proteção internacional é um nacional de um país terceiro ou um apátrida ao qual foi concedida proteção internacional na aceção do artigo 2.º, alínea a), da Diretiva 2011/95/UE – Diretiva «Qualificação». Assim, segundo a leitura conjunta do mencionado Regulamento com a Diretiva verificamos que o beneficiário de proteção internacional contempla o estatuto de refugiado e o estatuto de proteção subsidiária. Neste artigo, quando nos referimos a beneficiários de proteção internacional referimo-nos meramente ao estatuto de refugiado, ficando assim excluído o estatuto de proteção subsidiária.



dois Pactos: o Pacto Global para os Refugiados e o Pacto Global para a Migração Segura, Ordenada e Regular.

Ao mesmo tempo que se iam dando os primeiros passos a nível internacional, também na Europa existiu uma necessidade de atribuir uma proteção semelhante aos beneficiários e requerentes de proteção internacional⁴ através da criação de mecanismos efetivos. Nesse sentido, em 1990, foi aprovada a criação da Convenção de Dublin, numa altura em que existiu um aumento do número de pedidos de proteção internacional na sequência da Guerra Fria, do desmantelamento de regimes de cariz opressivo e do constante desrespeito pelos direitos humanos (Strungari, 2023). Mais tarde, em 1999, o Conselho Europeu reuniu em Tampere com o objetivo de ser implementada uma política comum da UE em matéria de asilo e migração, o que mais tarde, através das várias ações, permitiu a criação do Sistema Europeu Comum de Asilo (SECA). Enquanto numa primeira fase⁵ de desenvolvimento do sistema pretendia-se conceber uma legislação de base, classificada de «normas mínimas», numa segunda⁶ visou-se alcançar a harmonização de conteúdos e respetivos procedimentos (Cierco, 2010). Atualmente encontra-se em vigor a terceira fase, iniciada em 2016 (Léonard & Kaunert, 2019), sendo esta caracterizada pela reestruturação do SECA devido à gestão difícil e insuficiente da «crise migratória» que ocorreu, sobretudo, a partir de 2015 (Hatton, 2020).

Portugal, por sua vez, enquanto membro da ONU, desde 1955, ratificou a Convenção de Genebra de 1951, em 1960, e o Protocolo de Nova Iorque de 1967, em 1976, tendo esta última acontecido no mesmo ano em que Portugal consagrou na Constituição da República Portuguesa – no artigo 33º –, pela primeira vez, o direito de asilo.

Para além de membro da ONU, Portugal realizou o seu pedido de adesão à UE, em 1977, tendo feito várias alterações legislativas para que a sua admissão fosse possível, em 1986. Exemplo disso foi a adoção, em 1980, da primeira Lei do Asilo – Lei n.º 38/80, de 1 de agosto – que foi modificada e complementada em 1993, 1998, 2006, 2008, 2014, 2022 e 2023. Estas alterações permitiram, tanto um alargamento na consagração dos direitos e dos deveres dos requerentes e beneficiários de proteção internacional, bem como alterações procedimentais. Deve, ainda, destacar-se que as modificações legislativas ocorreram, essencialmente, em razão da necessidade de implementar medidas e transpor as diretivas europeias na sequência das oscilações dos fluxos migratórios a nível internacional e europeu. Assim, apesar das várias modificações à Lei do Asilo, pode-se constatar que não existe uma ligação direta entre as alterações implementadas com o número de pedidos de proteção internacional registados internamente, mas sim com o fluxo observado em território externo e com as indicações expressas pelas organizações internacionais, das quais Portugal faz parte (Strungari, 2023).

⁴ Na Convenção de Dublin designados de requerentes de asilo.

⁵ A primeira fase possibilitou a criação de vários atos legislativos: Regulamento (CE) n.º 2725/2000 - «EURODAC»; Regulamento (CE) n.º 343/2003 - Regulamento «Dublin II»; Diretiva 2003/CE - Diretiva «Acolhimento»; Diretiva 2011/83/CE - Diretiva «Qualificação»; Diretiva 2005/85/CE - Diretiva «Procedimentos».

⁶ Da segunda fase foi possível a reforçar o SECA, através da uniformização das normas e procedimentos, que permitiu a melhoria de vários atos legislativos: Regulamento (UE) n.º 603/2013 - «EURODAC»; Regulamento (UE) n.º 604/2013 - Regulamento «Dublin III»; Diretiva 2013/33/UE - Diretiva «Acolhimento»; Diretiva 2011/95/UE - Diretiva «Qualificação»; Diretiva 2013/32/UE - Diretiva «Procedimentos».



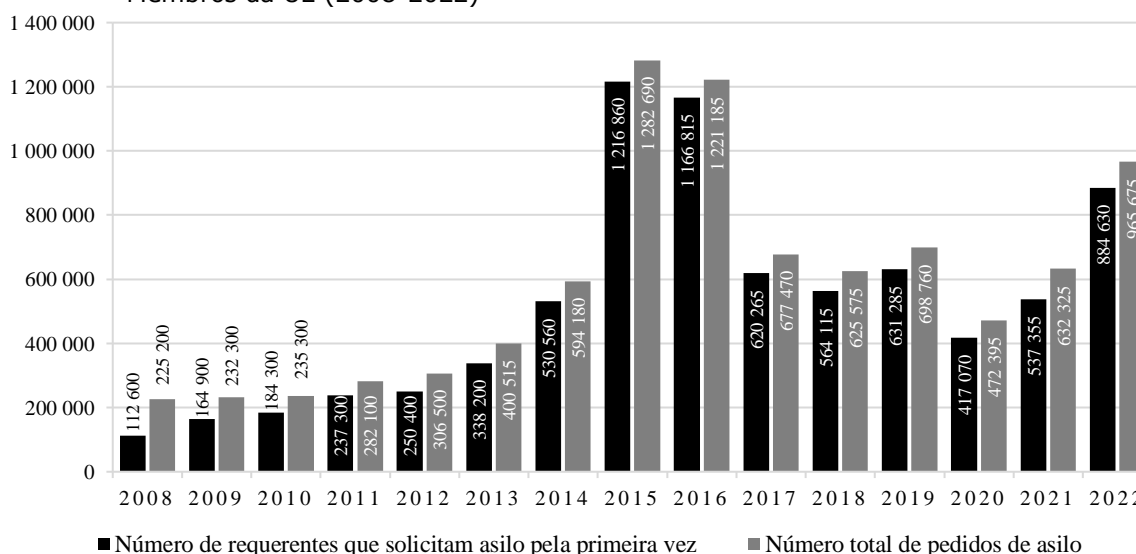
1.1. Fluxos migratórios na Europa e em Portugal

Vivemos tempos imprevisíveis onde a tensão geopolítica, a digitalização e as alterações climáticas se desenrolam muito rapidamente, provocando deslocações forçadas, sendo a Europa um dos principais destinos para quem procura paz e estabilidade.

Desde o início do presente século, o número de requerentes e de beneficiários de proteção internacional difere entre os vários Estados-Membros da UE, tendo, ao longo dos anos, existido oscilações significativas.

Analisar estas variações e a relevância do número de pedidos de asilo recebidos e de refugiados acolhidos nos países da UE é um trabalho preponderante para se estudar o papel de cada Estado-Membro no processo de acolhimento. É importante quantificar esses valores, não só em termos absolutos, mas também em termos relativos, tendo em conta a população total ou o PIB *per capita* de cada Estado.

Figura 1 – Número de pedidos de asilo realizados por nacionais de Países Terceiros nos Estados-Membros da UE (2008-2022)



Fonte: Elaboração própria através dos dados disponibilizados pelo (EUROSTAT, 2023a).

Os Estados-Membros da UE têm registado, sobretudo desde 2010, um aumento do número de pedidos de requerentes de asilo. Estes atingiram valores recorde entre 2015 e 2016, com 1 322 850 e 1 260 930 solicitações em território europeu, respetivamente (Fig.1). E, embora, os pedidos tenham decrescido após os anos mencionados, não voltaram a ser alcançados os valores pré-2015, exceto em 2020 devido às restrições impostas pela pandemia COVID-19. Em 2021 e 2022, salientou-se um novo incremento, sendo que neste último ano foram requeridas 884 630 solicitações (EUROSTAT, 2023a), valores mais próximos aos atingidos aquando da crise migratória⁷. Pelos dados

⁷ A UE considera que os ucranianos que se deslocaram por causa do atual conflito são abarcados pelo regime de proteção temporária, embora possam existir situações específicas em que os cidadãos ucranianos possam pedir proteção ao abrigo do sistema Dublin.



disponibilizados relativos aos dois primeiros trimestres de 2023, contabilizaram-se 474 130 pedidos, valor superior ao registado no mesmo período de 2015 (391 670), ano em que se alcançou o recorde de solicitações (EUROSTAT, 2023b).

Figura 2 – Impacto do número de pedidos de asilo recebidos nos Estados-Membros da UE entre 2012 e 2022

	Pedidos de asilo recebidos entre 2012-2022	% de Pedidos de asilo face à população total	PIB <i>per capita</i> médio 2012-2022
Alemanha	2 481 830	0,27%	34 770,00€
França	1 000 815	0,14%	31 970,00€
Itália	669 245	0,10%	26 367,27€
Espanha	507 770	0,10%	23 433,64€
Suécia	447 670	0,42%	43 034,55€
Grécia	372 735	0,32%	17 201,82€
Áustria	357 050	0,45%	36 793,64€
Reino Unido	285 610	0,05%	31 745€
Hungria	266 820	0,27%	12 071,82€
Países Baixos	236 495	0,13%	40 414,55€
Bélgica	271 405	0,17%	34 854,55€
Bulgária	100 785	0,13%	6 140,91€
Chipre	75 860	0,78%	23 250,00€
Polónia	72 415	0,02%	11 913,64€
Dinamarca	71 715	0,12%	47 369,09€
Finlândia	64 145	0,11%	35 958, 18€
Roménia	44 660	0,02%	8 294,55€
Irlanda	37 925	0,07%	54 271,82€
Eslovénia	25 560	0,11%	19 283,64€
Croácia	23 550	0,06%	11 805,45€
Malta	21 150	0,41%	20 826,36€
Luxemburgo	20 255	0,31%	83 675,45€
República Checa	11 575	0,01%	16 962,73€
Portugal	11 025	0,01%	17 364,55€
Lituânia	8 485	0,03%	12 743,64€
Estónia	4 120	0,03%	14 300,91€
Letónia	3 395	0,02%	11 518,18€
Eslováquia	3 055	0,005%	14 867,27€
Total	7 443 120	4,65%	743 203,18€

Fonte: Elaboração própria através dos dados disponibilizados pelo (EUROSTAT, 2023a), (EUROSTAT, 2023c), (EUROSTAT, 2023d).

Observando em termos absolutos, de forma mais pormenorizada, a posição de cada Estado-Membro da UE no que respeita às solicitações de proteção internacional pela

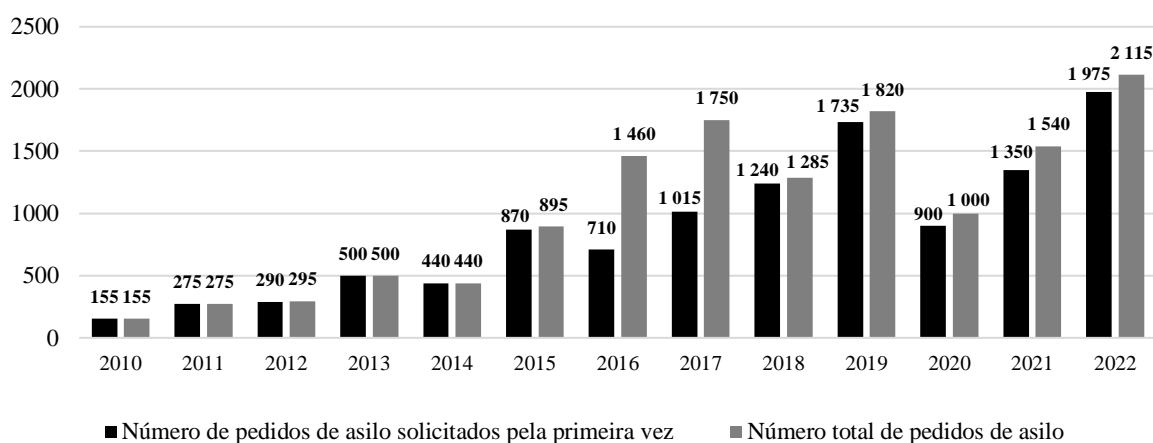


primeira vez⁸, os dez países que receberam mais pedidos, entre 2012 e 2022, são: Alemanha, França, Itália, Espanha, Suécia, Grécia, Áustria, Reino Unido⁹, Hungria e Países Baixos. Já os Estados-Membros da UE com um menor número de pedidos de asilo, no mesmo período, são: Eslovénia, Croácia, Malta, Luxemburgo, República Checa, **Portugal**, Lituânia, Estónia, Letónia e Eslováquia (Fig.2).

Porém, se atendermos à relevância do número de pedidos de asilo face a população de cada Estado-Membro observa-se que do Top 10 apresentado anteriormente apenas a Alemanha, a Suécia, a Grécia, a Áustria e a Hungria se destacam. Verifica-se ainda que o Chipre, por seu lado, não estando no Top 10 referido, regista a maior percentagem quanto aos pedidos de asilo face à população total. Outros países, como é o caso de Portugal, acabam por receber poucos pedidos em termos absolutos e relativos.

Quando comparado outro fator, como o PIB *per capita*, percebe-se que não existe uma correlação, entre esse valor e a percentagem de pedidos de asilo realizados num Estado-Membro face à população à sua total. A Irlanda, por exemplo, sendo um dos países, nos últimos anos, com um dos PIB *per capita* médio mais elevados da zona euro, em termos relativos, não recebeu um número considerável de pedidos. Chipre, por outro lado, registou um PIB *per capita* médio bastante inferior ao da Irlanda, mas, em termos relativos, recebeu consideravelmente mais pedidos de asilo. Analisando o caso de Portugal, apesar de em termos de PIB *per capita* médio ocupar a 17ª posição, quando observada a proporção de pedidos face à população total, o país encontra-se no 27º lugar, apenas à frente da Eslováquia.

Figura 3 – Número de pedidos de asilo realizados por nacionais de Países Terceiros em Portugal (2010-2022)¹⁰



Fonte: Elaboração própria através dos dados disponibilizados pelo (EUROSTAT, 2023a) e (EUROSTAT, 2023b).

⁸ Das quais se excluem as solicitações subsequentes.

⁹ Até 2019.

¹⁰ Verifica-se que os dados apresentados pelo EUROSTAT não correspondem, na maioria das vezes, aos dados disponibilizados pelas instituições nacionais. Ainda assim, por uma questão de coerência, seguiram-se os dados publicitados pelo EUROSTAT.



Portugal, apesar de não ter recebido muitos pedidos, quando comparado com outros Estados-Membros, tem assistido a um crescimento gradual entre 2010 e 2022 (Fig.3), com um decréscimo em 2020 devido às restrições impostas à circulação para fazer face à pandemia COVID-19. Apesar disso, em 2021 e 2022, observou-se um aumento dos pedidos registados em Portugal, alcançando-se, neste último ano, valores nunca antes atingidos.

Quanto ao número de refugiados acolhidos na UE, segundo dados disponibilizados pelo ACNUR, entre 2012 e 2022¹¹, de acordo com a Fig.4, em termos absolutos, os dez Estados-Membros que mais refugiados contabilizaram dentro das respetivas fronteiras foram: Alemanha, França, Suécia, Itália, Áustria, Países Baixos, Polónia, Reino Unido¹², Espanha e Grécia. Já aqueles que receberam um menor número de refugiados são: Malta (20ª posição), Hungria (21ª), Lituânia (22ª), **Portugal** (23ª), Letónia (24ª), Estónia (25ª), Luxemburgo (26ª), Croácia (27ª) e Eslovénia (28ª). Se atendermos à relação entre o número de beneficiários de proteção internacional face à população total verificamos que os países que acolhem um número maior de refugiados acabam por não notar essa representatividade significativa na sua população, com exceção da Suécia, Áustria e Alemanha. Por outro lado, Chipre e Malta não se destacam por um número considerável de refugiados acolhidos, quando comparados com outros Estados-Membros, contudo, se for analisado em termos relativos, estas pessoas têm uma maior expressão nesses países. Portugal, a título de exemplo, é dos países da UE que, no período analisado, acolheu um menor número de refugiados e é, também, um dos três países em que estes, em termos percentuais, têm menos peso.

Figura 4 – Impacto do número de refugiado acolhidos nos Estados-Membros da UE entre 2012 e 2022

	Refugiados acolhidos entre 2012-2022	% de Refugiados acolhidos face à população total 2012-2022
Alemanha	9 702 411	1,07%
França	3 937 765	0,53%
Suécia	2 258 365	2,04%
Itália	1 615 126	0,25%
Áustria	1 256 561	1,30%
Países Baixos	1 133 485	0,60%
Polónia	1 090 003	0,26%
Reino Unido	1 076 688	0,29%
Espanha	674 013	0,13%
Grécia	625 204	0,53%
Bélgica	554 900	0,44%
República Checa	463 075	0,40%
Dinamarca	353 792	0,56%

¹¹ O ACNUR englobou, em 2022, os deslocados de guerra ucranianos no conceito de refugiados.

¹² Embora contabilizado apenas até 2019.



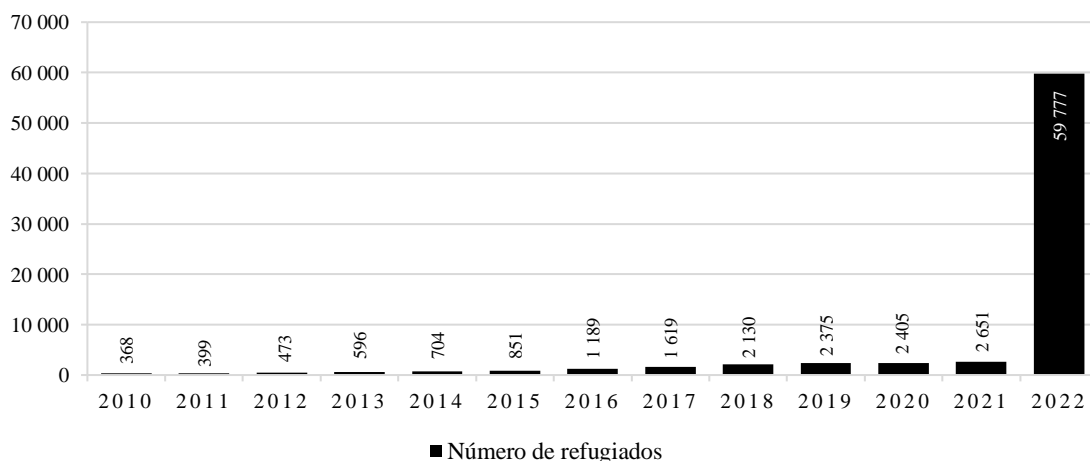
Bulgária	331 691	0,43%
Finlândia	247 626	0,41%
Irlanda	150 023	0,28%
Roménia	135 949	0,06%
Chipre	120 823	1,25%
Eslováquia	105 358	0,18%
Malta	94 328	1,83%
Hungria	82 753	0,08%
Lituânia	81 702	0,26%
Portugal	74 770	0,07%
Letónia	43 342	0,21%
Estónia	43 111	0,29%
Luxemburgo	37 937	0,56%
Croácia	27 767	0,06%
Eslovénia	13 825	0,06%
Total	26 332 193	14,44%

Fonte: Elaboração própria através dos dados disponibilizados pelo (UNHCR, s.d.b).

Assim sendo, quando analisada a proporção de refugiados face à população total de cada Estado-Membro, observa-se que não existe um critério justo de distribuição dos refugiados pelos Estados-Membros, uma vez que existem diferenças significativas entre cada Estado (exemplo: Chipre - 1,25% e Portugal - 0,07%).

Atendendo especificamente ao acolhimento de refugiados em Portugal, percebe-se que este não tem tido um destaque significativo (Fig.5), apesar de em 2022 terem-se atingido valores ímpares, uma vez que foram contabilizados os deslocados de guerra da Ucrânia pelo ACNUR. Ainda assim, desde 2010, o número de refugiados tem vindo sempre a aumentar ligeiramente.

Figura 5 – Evolução do número de refugiados em Portugal (2010-2022)



Fonte: Elaboração própria através dos dados disponibilizados pelo (UNHCR, s.d.a).



Analisados todos estes dados, verifica-se a existência de grandes disparidades não só no número de pedidos de proteção internacional espontâneos recebidos pelos Estados-Membros, como também no que toca ao número de refugiados acolhidos por parte dos governos europeus.

Para além disso, pode constatar-se que, apesar de Portugal não ser o país com o registo mais baixo de pedidos de proteção internacional espontâneos realizados e de refugiados acolhidos, na verdade, ocupa uma das últimas posições quando comparado com outros países da UE que têm tido um papel de maior relevo quanto à proteção de pessoas deslocadas. Ainda assim, apesar da evolução positiva, Portugal parece demonstrar que não é, nem tem sido um país com uma efetiva tradição de procura por parte de refugiados e requerentes de asilo.

1.2. Evolução dos mecanismos europeus de proteção internacional em Portugal: reinstalação e recolocação

Embora exista uma instituição internacional (ACNUR) e instrumentos jurídicos – internacionais e regionais – para garantir a proteção de requerentes de asilo e refugiados, os Estados – incluindo Portugal – ainda são os atores essenciais, tanto para a formulação de políticas migratórias, como para garantir o respetivo acolhimento e integração, através da implementação daquelas que, tal como é consagrado no artigo 76.º da Lei do Asilo (Lei n.º 27/2008, de 30 de junho), visam a integração de requerentes e beneficiários de proteção internacional na sociedade portuguesa.

Nesse sentido, se por um lado, quanto aos pedidos de proteção internacional, como já analisado, Portugal tem registado uma procura bastante reduzida, sobretudo, quando comparado com outros Estados-Membros da UE, por outro, é essencial observar o compromisso assumido por Portugal nos mecanismos europeus de proteção internacional – como a reinstalação¹³ e a recolocação¹⁴.

O mecanismo de reinstalação, criado pela Lei n.º 73/93, de 29 de setembro, não estabeleceu nenhum compromisso a assumir por Portugal até 2006. Contudo, daí em diante, existiu o dever de cumprir a quota anual mínima de 30 pessoas. Através da Fig.6 verifica-se que essa nem sempre foi cumprida, nomeadamente em 2007, 2008, 2012, 2013, 2014 e, somente, foi ultrapassada em 2010. Em 2015, Portugal comprometeu-se a reinstalar 191 pessoas, tendo esse compromisso ficado aquém das expectativas. Em 2016 e 2017, através do Acordo UE/Turquia 1x1, foram reinstaladas 142 pessoas de 200, o que corresponde a 71% de execução. Em 2018/2019, através da Reinstalação UE 50.000 que vigoraria apenas naqueles dois anos pretendia-se reinstalar 1 010 pessoas. Todavia, decidiu-se avançar parte das transferências para 2020 e 2021, pelo que no total foram reinstaladas (2018: 33; 2019: 376; 2020: 216; 2021: 299) 924 pessoas (Oliveira, 2022), refletindo-se numa taxa de execução de 91,5%. Deve ressaltar-se que, embora

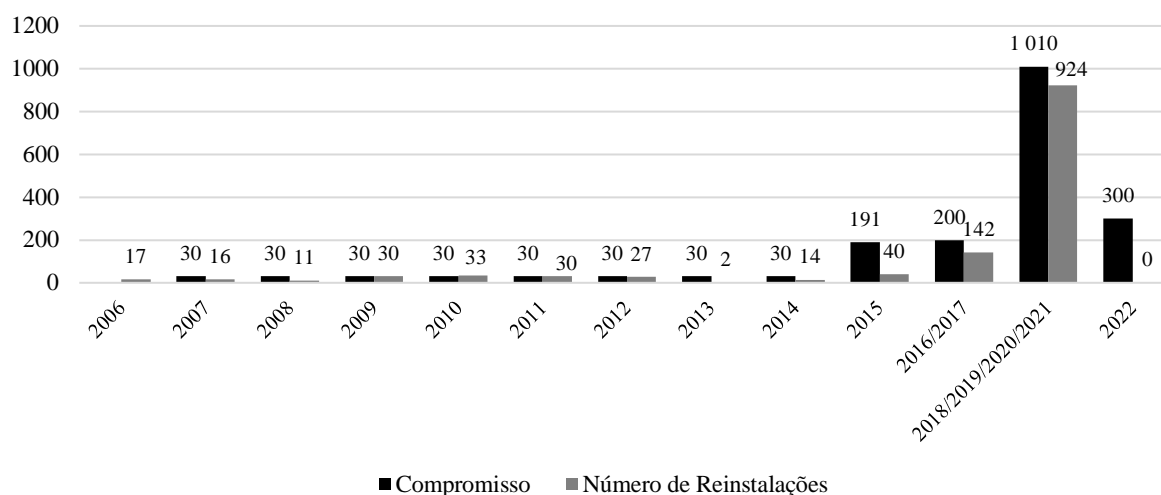
¹³ Corresponde à transferência de refugiados numa situação de vulnerabilidade que careçam de proteção internacional, a pedido do ACNUR de um primeiro país de asilo fora da UE, para um Estado-Membro que o aceite acolher (ACM, s.d.).

¹⁴ Relaciona-se com o movimento de beneficiários de proteção internacional com estatuto definido (atendendo à Diretiva «Qualificação») do Estado-Membro da UE que lhes concedeu proteção internacional para outro onde lhes seja concedida proteção semelhante. Para além disso, ficam abrangidas as pessoas que tenham já solicitado proteção internacional num Estado-Membro da UE, responsável pela análise do seu pedido, para outro Estado-Membro, onde os seus pedidos serão posteriormente analisados (IOM, 2019).



bastante elevado o cumprimento, o objetivo inicial foi prolongado no tempo, o que obviamente leva a uma execução mais aprimorada. Já em 2022, ao abrigo do Programa Nacional de Reinstalação 2022 não foi possível proceder a qualquer reinstalação (Oliveira, 2023).

Figura 6 – Compromisso assumido por Portugal nos mecanismos de reinstalação



Fonte: Elaboração própria através dos dados disponibilizados em (Oliveira, 2023).

A recolocação¹⁵, por sua vez, traduz-se num “sistema de distribuição temporária de pessoas com necessidade evidente de proteção internacional, de modo a garantir uma participação equitativa e equilibrada de todos os Estados-Membros neste esforço comum” (Comissão Europeia, 2015). Este mecanismo não está previsto na Lei do Asilo, no entanto, foi uma tentativa de manifestação da solidariedade de cada Estado-Membro da UE, a fim de garantirem uma partilha das respetivas responsabilidades devido ao aumento significativo dos fluxos migratórios.

Neste âmbito, foi prevista pela Comissão Europeia, uma chave de repartição relativamente à capacidade por parte dos Estados de absorver e integrar refugiados que se baseou: 1) na dimensão da população (40%); 2) no PIB total (40 %); 3) no número médio de pedidos de asilo espontâneos e o número de refugiados reinstalados por 1 milhão de habitantes no período de 2010-2014 (10 %); e 4) na taxa de desemprego (10%) (Comissão Europeia, 2015). Atendendo aos fatores mencionados, entre 2015 e 2018, Portugal comprometeu-se a recolocar ao abrigo do Programa de Emergência para Recolocação 1 642 pessoas, valor que aumentou para 2 951 no final de 2016 (Oliveira, 2022) (**Fig.7**). Todavia, do compromisso assumido foram apenas recolocadas 1 550 pessoas, o que revela uma taxa de execução de 52,5%, valor que ficou aquém das

¹⁵ No contexto europeu, o termo refere-se à transferência de refugiados ou beneficiários de proteção subsidiária atendendo à Diretiva 2011/95/UE (Diretiva «Qualificação»), do Estado-Membro da UE, que lhes concedeu proteção internacional, para outro Estado-Membro da UE, onde lhes será concedida proteção semelhante; ou 2) de pessoas que tenham requerido proteção internacional de um Estado-Membro da UE, responsável pela análise do seu pedido, para outro Estado-Membro da UE, onde os seus pedidos de proteção internacional serão examinados (IOM, 2019).



expetativas. Em 2018, Portugal disponibilizou-se a participar, sem qualquer compromisso formal, na recolocação de migrantes entrados nos países europeus da linha da frente das rotas do Mediterrâneo, através da recolocação *ad hoc* de barcos humanitários, numa tentativa de fortificar a solidariedade e a cooperação com as autoridades maltesas e italianas, tendo sido recolocadas em Portugal, até 2022, 298 pessoas (Oliveira, 2022).

Figura 7 – Número de pessoas recolocadas em Portugal, ao abrigo do mecanismo de recolocação 2015/2018 e da recolocação *ad hoc* de barcos humanitários (2015 e 2021)¹⁶



Fonte: Elaboração própria através dos dados disponibilizados em (Oliveira, 2023).

Em termos absolutos, ao abrigo do mecanismo de reinstalação e de recolocação, Portugal ocupou, em 2021, a 11^a (EUROSTAT, 2023e) e a 6^a posição, em 2022, (Oliveira, 2023), respetivamente, entre os Estados-Membros da UE que mais acolhe. No entanto, em ambos os mecanismos, Portugal tende a assumir compromissos que, a posteriori, não consegue cumprir. Portanto, da análise realizada verifica-se que, quando comparado com outros países da UE, Portugal, embora não pareça ser um país tão atrativo, também não é um dos Estados que recebe menos pessoas através dos mecanismos supra.

2. Portugal: as razões da falta de atratividade

As migrações alteraram-se significativamente, não sendo estas iguais àquilo que eram no século passado. Hoje, devido ao acesso generalizado a informação e à elevada mobilidade, os requerentes de asilo têm em consideração outros «fatores de atração», aquando da hora de optarem por um país, ainda que a sua chegada ao destino possa não se concretizar. Por vezes, estas travessias são impossíveis devido à inexistência de viagens e rotas seguras e legais.

Existem autores que defendem que a seleção do país de destino vai depender da urgência da decisão de partir – urgente ou antecipatória (Havinga & Böcker, 1999) –, podendo, ainda assim, esta decisão mudar ao longo do percurso (Townsend & Oomen, 2015) devido a eventos, encontros e oportunidades fortuitas (Gladkova & Mazzucato, 1988).

¹⁶ Neste ponto optou-se por seguir os dados administrativos nacionais, em vez dos disponibilizados pelo EUROSTAT.



Todavia, independentemente disso, tanto os requerentes, como os (já) beneficiários de proteção internacional irão «optar» – dentro de um leque restrito das suas capacidades de escolha – pelos Estados que lhes ofereçam mais benefícios. Tendo isto em vista e analisados os valores de pedidos de asilo realizado e de refugiados acolhidos na última década em Portugal, cabe responder à pergunta: *quais são os fatores que levam à aparente falta de atratividade de Portugal por parte dos requerentes e beneficiários de proteção internacional?*

A. Localização geográfica

Em regra geral, as deslocações ocorrem para países vizinhos ou da mesma região (Strungari, 2023), por forma a serem aproveitados os laços históricos e culturais que dominam. Para além disso, não se deve esquecer que as deslocações forçadas envolvem elevados custos, pelo que a estabilização num país próximo reduz os custos de transição e adaptação (Neumayer, 2004).

Portugal está situado no extremo sudoeste da Europa e faz fronteira terrestre apenas com Espanha, pelo que, embora algumas das mais importantes e ocupadas rotas marítimas internacionais convirjam em Portugal, na prática, as condições de navegabilidade da costa atlântica e a intensidade das marés não atraem fluxos migratórios irregulares significativos (Ferreira, 2016), uma vez que os custos de deslocação são altos.

B. Condições económicas-financeiras pouco atrativas

Os Estados-Membros, no âmbito da UE, são os competentes para decidirem sobre as matérias relativas ao acolhimento e à integração de nacionais de países terceiros (artigo 79.º, nº 4 do Tratado sobre o Funcionamento da União Europeia).

Contudo, embora se possa considerar que os requerentes de proteção internacional têm conhecimento quanto às políticas de asilo existentes nos países de destino, a literatura desenvolvida sugere que estes não se focam nesses fatores (Robinson & Segrott, 2002). No entanto, este é um ponto que deve ser analisado, pois, apesar das políticas de acolhimento e integração não serem o cerne aquando da escolha, são primordiais após a chegada de requerentes ou beneficiários de proteção internacional. Quanto a Portugal, sobretudo desde 2015, adotou-se uma política nacional de solidariedade ativa baseada nos princípios: institucional, descentralizado, em consórcio, integrado e autónomo (ACM, 2017). Apesar dos benefícios deste tipo de política, na prática, existe um modelo demasiado difuso, levando a uma dispersão das instituições nas suas responsabilidades, sem o estabelecimento claro quanto às obrigações de cada uma, o que leva, por um lado, a que os deveres não sejam assumidos pelas entidades competentes e, por outro, à sobrecarga das entidades da sociedade civil (Padilla & França, 2020).

As políticas implementadas em matérias de acolhimento e integração não são um dos fatores em análise pelas pessoas que procuram asilo, pois, muitas vezes, são desconhecidas (Crawley & Hagen-Zanker, 2019). Interessa-lhes, por outro lado, saber as condições económico-financeiras, sociais, políticas, entre outras do país de destino, porque são essas que terão efeitos significativos imediatos nas suas vidas.



No caso nacional, a frequente instabilidade económico-financeira deteriora a perceção criada pelos requerentes de asilo e pelos próprios refugiados. Para além disso, tanto para quem necessita de proteção internacional, como para os nacionais, existem problemas constantes no acesso ao emprego (Jornal de Notícias, 2021), à habitação (RTP, 2023a), à aprendizagem da língua (Sousa & et al., 2021) o que, na verdade, são importantes condições para a estabilidade das pessoas.

A aprendizagem da língua, na maioria das vezes, é o maior entrave, porque sem o seu conhecimento haverá uma maior dificuldade na procura e na inserção no mercado de trabalho. O seu domínio permitirá aos requerentes e beneficiários de proteção internacional serem mais produtivos no mercado de trabalho, dado conseguirem obter emprego, criar relações laborais mais facilmente e serão mais autónomas, tornando a sua integração mais simples (Chiswick & Miller, 2015). Apesar do benefício da aprendizagem da língua, na prática, existe uma distinção entre os requerentes de asilo espontâneos e os requerentes de asilo e refugiados que chegam ao abrigo dos programas de reinstalação ou recolocação. Os primeiros encontram dificuldades várias: (1) o Conselho Português para os Refugiados (CPR) assegura o ensino, porém, mais tarde não existe qualquer garantia da continuação da aprendizagem; (2) os requerentes de asilo estão dispersos no território nacional, o que poderá tornar mais difícil o acesso aos programas e iniciativas linguísticas (OECD, 2019). Já para os segundos, que são acompanhados pelo ACM e pela respetiva entidade de acolhimento (OECD, 2019), não existe qualquer monitorização da qualidade das aulas nas entidades de acolhimento, pois os cursos ministrados são não formais, o que leva à ausência de certificação (OECD, 2019).

Por outro lado, os refugiados e requerentes de asilo enfrentam sérios desafios para garantirem o acesso ao emprego (Carreirinho, 2022), nomeadamente: fracos conhecimentos linguísticos e dificuldades de comunicação; competências profissionais desalinhasdas com as necessidades dos empregadores; dificuldades na obtenção do reconhecimento de diplomas (particularmente relevantes para as profissões regulamentadas); ausência ou dificuldade em obter os números de identificação de segurança social (NISS) ou de identificação fiscal (NIF); relutância dos empregadores em contratar requerentes de asilo (nomeadamente por falta de conhecimento sobre o seu estatuto jurídico); conhecimento limitado sobre o mercado de trabalho e normas culturais (Carreirinho, 2022).

Por último, o acesso à habitação tem sido igualmente uma dificuldade (Carreirinho, 2022) devido aos preços elevados e às exigências contratuais (incluindo depósitos elevados, a necessidade de fiadores e de comprovativos de rendimentos), o que dificulta, não só a capacidade dos requerentes de asilo e dos refugiados acederem diretamente ao mercado, como a das organizações da linha da frente para aumentarem a capacidade de acolhimento. Consequentemente, os requerentes de asilo e os refugiados têm muitas vezes de recorrer a opções de habitação sobrelotadas ou de qualidade inferior quando acedem ao mercado habitacional privado (Carreirinho, 2022).

De facto, existem fatores que parecem ser importantes para as pessoas deslocadas de forma forçada, nomeadamente o acesso ao mercado de trabalho, o contexto social e económico (Crawley & Hagen-Zanker, 2019). Indo um pouco mais longe, os fatores que determinam a «escolha» do destino dos requerentes e beneficiários de proteção não



podem ser separados dos fatores que levaram as pessoas a deixar os seus países de origem (Crowley & Hagen-Zanker, 2019). Sabendo o quão doloroso poderá ser um processo migratório, muitas das vezes existe uma justaposição de fatores que levam à saída do respetivo país para um outro¹⁷.

Para além dos fatores destacados terem algum peso no momento da escolha, os requerentes e beneficiários de proteção internacional, atualmente, comunicam, à semelhança de todos nós, de uma forma global através das novas tecnologias de informação e comunicação, pelo que existem preferências relativamente a certos países em detrimento de outros, o que leva a que Portugal, quando comparado com outros Estados-Membros da UE se torne possivelmente menos atrativo.

C. A falta de comunidades prévias em Portugal

Portugal tem laços com as ex-colónias e uma comunidade significativa no seu território¹⁸, no entanto, na prática, isso não se traduz numa procura considerável de proteção internacional por parte dos nacionais desses países. Na verdade, tal até poderia suceder porque quase todos os países das ex-colónias portuguesas ocupam lugares de destaque no *Fragile States Index*, encontrando-se numa situação de «aviso» ou «alerta» devido à sua exposição vulnerável ao colapso ou conflito (Haken, 2022).

Figura 8 – Taxa dos movimentos secundários de saída ao abrigo dos mecanismos de recolocação e reinstalação até 2022

	Entradas	Saídas	Movimentos secundários de saída
Recolocação			
Programa de emergência para recolocação (2015-2018)	1 550	1 013	65,4%
Ad hoc barcos humanitários de Malta e Itália (desde 2018)	296	65	22%
Recolocação Menores não acompanhados a partir da Grécia (desde 2020)	380	95	25%
Acordo Bilateral Administrativo com a Grécia (desde 2019)	100	37	37%
Reinstalação			
Acordo UE/Turquia 1x1 (junho 2016 a dezembro 2017)	142	63	44,4%
Reinstalação UE50.000 (dezembro 2018 a dezembro 2019, que se prolongou até 2022)	930	195	21%
Admissão humanitária Afeganistão			
Admissão humanitária de cidadãos do Afeganistão (desde agosto de 2021)	908	328	36%

Fonte: Elaboração própria através dos dados disponibilizados em (Oliveira, 2023).

¹⁷ “Por exemplo, a preferência pela Alemanha em detrimento da Suécia, ou vice-versa, envolveu muitas vezes a justaposição de oportunidades de emprego com oportunidades de apoio social, revelando uma visão algo polarizada de ambos os países, mais enraizada em estereótipos do que no conhecimento das políticas e muitas vezes baseada em perceções do contexto económico, social ou político mais amplo, em vez de políticas de migração específicas” (Crowley & Hagen-Zanker, 2019, p. 30).

¹⁸ Segundo o PORDATA, em Portugal, existem comunidades mais significativas de nacionais provenientes do Brasil, Angola, Cabo Verde, Guiné-Bissau, São Tomé e Príncipe, China e Índia (PORDATA, 2022).



Para além desta falta de procura por parte dos nacionais das ex-colónias, sobretudo no que toca aos pedidos de proteção internacional espontâneos, também se verifica que após a chegada de pessoas, ao abrigo dos mecanismos de recolocação e reinstalação, existem movimentos secundários de saída consideráveis (Fig.8).

Entre 2015 e 2018, foram recolocadas 1 550 pessoas, provenientes da Síria (833 pessoas), da Eritreia (340 pessoas) e do Iraque (338 pessoas). Contudo, verifica-se que existiu, neste caso, uma taxa superior a 65% no que toca aos movimentos secundários de saída. Também se observa uma taxa superior a 44% quanto aos movimentos secundários derivado do Acordo UE/Turquia, tendo sido recolocados, neste âmbito, apenas refugiados ou requerentes de asilo provenientes da Síria. Os sírios parecem ser, assim, aqueles que mais têm abandonado o país, sobretudo devido à escassez de comunidades prévias em Portugal (OECD, 2019). Na Europa existe um outro motivo que se prende essencialmente com a vida económica destes refugiados em território europeu, sendo esta caracterizada por um paradoxo: muitos são altamente instruídos (38% têm formação universitária) e o desemprego é muito elevado (82%) (Betts & et al, 2017). Em Portugal, não parece existir qualquer informação que confirme esta tendência europeia, embora seja provável que muitos dos refugiados sírios sejam igualmente qualificados.

D. As barreiras culturais, religiosas e linguísticas

Os requerentes de asilo e refugiados preferem deslocar-se para países cuja língua e cultura sejam semelhantes, porque nesses haverá um menor impacto na transição e adaptação, como já verificado (Neumayer, 2004). Portanto, optar por países onde essa diferença não seja tão profunda fará com que os choques culturais sejam menos significativos.

Para além disso, também é provável que exista, por parte dos requerentes e beneficiários de proteção internacional, a perceção de que quanto maior forem as diferenças, sobretudo culturais, maior poderá ser o sentimento de rejeição por parte da comunidade de acolhimento.

3. Efeitos da adoção de medidas mais atrativas para os requerentes e beneficiários de proteção internacional

Analisando o retrato da evolução demográfica no continente europeu, estima-se que, entre 2023 e 2100, apesar de se prever um ligeiro aumento populacional em alguns países, existirá uma quebra populacional de 21% (passando de 742 272 653 pessoas para 586 515 447) (United Nations, 2022a). Enquanto outros continentes veem a sua população aumentar, o velho continente europeu, testemunhará uma significativa redução da sua população e ao respetivo envelhecimento. Contudo, prevê-se a nível mundial, segundo as Nações Unidas, um aumento populacional de 28,6% até 2100, destacando-se o crescimento do número de pessoas em África e na Ásia, sendo que mais de metade deste acréscimo da população global até 2050 se concentrará em oito países: República Democrática do Congo, Egito, Etiópia, Índia, Nigéria, Paquistão, Filipinas e República Unida da Tanzânia (United Nations, 2022b).



A tendência regressiva na Europa é, também, expectável em Portugal, onde é estimado que, até 2050, haja um decréscimo de 9,6% e até 2100 uma queda populacional de 32,8%, prevendo-se que existiam em Portugal, neste último cenário, 6 685 463 milhões de pessoas (United Nations, 2022a).

Para contrariar o envelhecimento e a provável diminuição da população, Portugal deve tirar o melhor e maior benefício do acolhimento e integração dos requerentes de asilo e refugiados. Contudo, é necessário minimizar o impacto dos fatores acima descritos aquando da «escolha» do país de destino. Apesar de não ser possível alterar a localização geográfica de Portugal, os outros fatores são passíveis de desconstruir, adaptar e reconstruir. Portanto, deve existir um maior foco nestes para que Portugal se possa tornar mais atrativo, prevendo-se um processo *win-win*.

Em primeiro lugar, a implementação das políticas de integração baseia-se numa forte cooperação da sociedade civil que resultou na transferência da responsabilidade do Estado para estas organizações, pelo que este, tendo um papel de gestor e coordenador, desresponsabiliza-se das falhas na implementação e da qualidade das ações e respostas oferecidas (Padilla, França, & Vieira, 2022). Para além disso, a existência de Planos de Integração destinados apenas aos (i)migrantes, em sentido amplo, leva a que a sua aplicação não seja tão eficaz e compatível com as necessidades e características dos requerentes e beneficiários de proteção internacional. Assim, de forma a evitar a continuação desta situação – tão dispersa – deve existir uma reestruturação no modo de atuação do Estado, privilegiando a adoção de políticas de integração mais simplistas, uniformes e que respondam às necessidades reais, garantindo as melhores condições de integração e bem-estar para estas pessoas.

Em segundo lugar, deve existir um maior incentivo às empresas e organizações que carecem de mão de obra. Por exemplo, em 2021, foram registados em Portugal, segundo o Serviço de Estrangeiros e Fronteiras (SEF), 1 537¹⁹ pedidos de proteção internacional, sendo que mais de metade das solicitações foram realizadas por homens (624) e mulheres (241) entre os 18 e os 39 anos (Serviço de Estrangeiros e Fronteiras, 2021), estando estes em evidente idade para ingressarem no mercado de trabalho em Portugal. Por isso, deve apostar-se no recrutamento de requerentes de asilo e refugiados, de modo que estes consigam aprender e dominar mais facilmente a língua portuguesa e garantir um trabalho regular. Estes dois fatores (aprendizagem da língua e o trabalho regular) – entre muitos outros – são bastante relevantes no seu processo de integração e só indo ao cerne da problemática do acolhimento é que será possível atribuir as ferramentas necessárias para que estes tenham uma vida mais autónoma. Nesse sentido, devido às sérias preocupações por parte das autoridades nacionais relativamente ao controlo e regularização do trabalho precário destacou-se, neste ano (até junho 2023), a realização de ações de fiscalização em Odemira para a deteção de situações irregulares relacionadas com exploração de trabalhadores migrantes (RTP, 2023b) e a operação de combate à exploração laboral e a redes criminosas de captura ilegal e tráfico de bivalves (RTP, 2023c), no Montijo e Alcochete.

Em terceiro lugar, Portugal é reconhecido pelo Alto-Comissário das Nações Unidas para os Refugiados – Filippo Grandi – por ser um «verdadeiro campeão» na defesa dos

¹⁹ Embora de acordo com o EUROSTAT tenham sido 1 540. Uma vez mais existem divergências entre os dados administrativos nacionais e os europeus.



refugiados (Governo da República Portuguesa, 2021). Porém, aquando da análise dos movimentos de saída, verificam-se taxas de abandono significativas, o que acaba por invalidar, na prática, a constatação realizada por Filippo Grandi. Para além disso, deve-se deixar de olhar para os requerentes de asilo e refugiados como um «fardo» nos países de destino, porque a partir do momento em que essa visão for alterada haverá uma maior capacidade por parte do Estado em colocar as pessoas no centro das suas decisões políticas.

Em quarto lugar, e não menos importante, deve existir uma contínua aposta na promoção da tolerância, solidariedade, da justiça social e outros valores essenciais, não só da comunidade de acolhimento, como dos próprios requerentes de asilo e refugiados. As mudanças a nível social levam o seu tempo, pelo que estes fatores devem ser projetados a longo prazo. Os que chegam e chegarão a território nacional vão sentir as diferenças culturais, linguísticas e religiosas, mas estas podem ser mitigadas através de diversas ações e iniciativas²⁰, evitando que partidos extremistas incitem à discriminação e ao racismo ou até à prática de hostilidades em relação a requerentes de asilo e refugiados

Conclusão

Portugal, embora some poucos pedidos de proteção internacional espontâneos, tem se destacado pela sua solidariedade, sobretudo através do mecanismo de reinstalação e recolocação, ocupando a 11^a e 6^a posição, respetivamente entre os países da UE que mais beneficiários destes mecanismos acolhem. No entanto, apesar da sua positiva atitude verificaram-se elevadas taxas de abandono, especialmente por parte dos recolocados, sobretudo ao abrigo do Programa de emergência para recolocação (2015-2018) (65,4%). Portanto, dever-se-ia ter percebido os motivos das saídas para que tal não se sucedesse repetidamente.

A falta de atratividade de Portugal, enquanto país de acolhimento e integração, é explicada através de vários motivos: a localização geográfica, as condições económico-financeiras pouco atrativas, a falta de comunidades prévias em Portugal e a existência de barreiras culturais, religiosas e linguísticas. Estes fatores são complexos e interrelacionam-se, sendo difícil a sua análise de forma individual.

É evidente que as condições de atratividade têm um impacto significativo para os requerentes e beneficiários de proteção internacional, porque os influenciam no momento da «escolha» do país de destino, *quando* e *se* possível. Portanto, deve existir vontade política para serem alterados alguns procedimentos e práticas adotadas, privilegiando-se um planeamento a médio e longo prazos, até porque Portugal, à semelhança do continente europeu, vai perder parte da sua população até 2050, mas sobretudo até 2100.

Apesar de ser, por diversas vezes, considerada errónea a análise do papel dos requerentes de asilo e refugiados apenas numa perspetiva económica, este pode ser um dos vários pontos de raciocínio aliado à relevância que a presença destas pessoas podem ter para o país a nível social e cultural. Para além do papel dos beneficiários de proteção

²⁰ Promovidas entre a sociedade de acolhimento e os requerentes e beneficiários de proteção internacional que fomentem a inclusão e a partilha, por exemplo, através de atividades culturais a nível local, bem como da partilha de tradições religiosas.



internacional no repovoamento de um país envelhecido, a presença de várias nacionalidades em comunhão num mesmo território permite a promoção do multiculturalismo, da tolerância e do respeito. No fim, há uma dupla aprendizagem e crescimento, tanto por parte da comunidade de acolhimento, como dos próprios requerentes e beneficiários de proteção internacional.

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NA IMPOSSIBILIDADE DO ESTADO SOCIAL. REGIMES DE BEM-ESTAR NA AMÉRICA LATINA: UMA RESENHA

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Resumo

Este artigo pretende perscrutar a aplicabilidade do conceito de "regime de bem-estar social" na América Latina. Enquanto conceito tido, primeiro, como operacional no caso dos países ocidentais, encontra no subcontinente uma aplicabilidade específica, tendo em consideração o formato da relação entre o Estado, o mercado e as famílias. Desta forma, pretende-se avaliar a bibliografia que aplica este conceito ao caso latino-americano, contrastando-a com a generalização do conceito de Estado Social, mas também especificando as suas diferenças relevantes com a literatura sobre os regimes de bem-estar no "sul". Finalmente, discute-se, a par da desigualdade estrutural, a importância dos eixos "informalidade-formalidade" do mercado de trabalho e "produtivismo-protecionismo" na definição dos diversos regimes de bem-estar social latino-americanos.

Palavras-chave

América Latina, regimes de bem-estar social, informalidade-formalidade, produtivismo-protecionismo.

Abstract

Latin America. As an operational concept applied in the Western countries, it finds a specific applicability in the subcontinent, taking into account the format of several welfare mixes. In this way, it is intended to evaluate the bibliography that applies this concept to the Latin American case, contrasting it with the generalization of the concept of Social State, but also specifying its relevant differences with the literature on welfare regimes in the "south". Finally, it is considered that both structural inequalities, and the axes "informality-formality" and "productivism-protectionism" are relevant in the definition of the various Latin American welfare regimes.

Keywords

Latin America, welfare regimes, informal-formal, productivism-protectionism.

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NA IMPOSSIBILIDADE DO ESTADO SOCIAL. REGIMES DE BEM-ESTAR NA AMÉRICA LATINA: UMA RESENHA¹

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1. Introdução

O otimismo que perpassou a análise sobre o papel das novas forças políticas na América Latina conheceu, a partir da década de 2000, um debate renovado sobre as políticas sociais do subcontinente. Este interesse é marcado por décadas de desigualdade entre perspectivas ideológicas, políticas e teóricas sobre o seu desenvolvimento pós-colonial (Malamud, 2009)?

O estudo do desenvolvimento latino-americano ganhou novas reflexões e debates com a introdução das dimensões políticas, económicas e sociais do bem-estar social a partir dos anos 1990 (Abel e Lewis, 2002; Barrientos, 2004; Cortés, 2012; Draibe e Riesco, 2007; Filgueira, 1998, 2004; Franzoni, 2005, 2007; Huber e Stephens, 2005; Mesa-Lago, 1994, 2014; Segura-Ubiergo, 2007). Neste caso, passou a abundar o debate teórico sobre a aplicabilidade do Estado social, dos regimes de bem-estar social e a sua aplicabilidade através de políticas públicas. Em paralelo, ressurgiu o debate sobre a capacidade do Estado e do Mercado em produzir sistemas de redistribuição, em paralelo com a desigualdade estrutural e o mercado de trabalho informal (Filgueira, 1998, 2004).

Ademais, o desenvolvimento latino-americano é um dos temas paradigmáticos que definem a identidade da região, quer na forma de modelos regionais de desenvolvimento e inserção internacional, ou ainda na forma de projetos político-ideológicos muito diversos (Cervo, 2008; Munck, 2008; Patrício, 2012). Esta matriz identitária encontra não só uma distinção com outras regiões do mundo, mas também as assinaláveis assimetrias provocadas pela estrutura da economia política internacional (Cervo, 2008; Patrício, 2012).

Além do mais, quase todos os Estados da região apresentam serviços de proteção social, educação e saúde de baixa qualidade. Paralelamente, as políticas públicas de bem-estar apresentam dinâmicas, tipologias e níveis diferenciados, tendo em conta a estrutura económica, a política laboral, a estratificação ou variáveis políticas (Filgueira, 2004;

¹ Artigo baseado, em parte, na Tese de Doutoramento do autor.



Huber e Bogliaccini, 2010; Huber e Stephens, 2001). Neste plano mantém-se a “divergência” e a “fragmentação” (Malamud, 2009), elementos relevantes na definição identitária do subcontinente.

Neste sentido, no presente artigo procuramos encetar uma síntese das teses do bem-estar social aplicáveis aos casos latino-americanos, colocando em evidência o conflito entre Estado e Mercado, entre políticas de caráter protecionista e de caráter produtivista, e entre modelos de desenvolvimento.

2. Regimes sulistas de bem-estar social

É no século XX que as questões sociais passaram a depender da capacidade dos Estados, na sua relação com o Mercado, em atuar perante os problemas colocados pela industrialização, por via da regulação. Conforme Göran Therborn (2012), o século XX é o século das classes trabalhadoras, na medida em que passou a constituir-se como força política inserida nas relações de poder estabelecidas pelo Estado. É neste contexto que a garantia de direitos sociais surge como meio de participação na sociedade, ou seja, a tal “cidadania social” de T. H. Marshall exercida através do acesso a uma parcela do bem-estar económico. Dito de outra forma, os direitos sociais passam a ser garantidos por meio dos direitos de cidadania, enquanto resultado de um processo de decomodificação entre os indivíduos, o Estado e o Mercado (Esping-Anderson, 1990). Como resume Stephens (2012: 514), “os direitos sociais de cidadania deverão incluir o direito ao trabalho satisfatório e ao desenvolvimento pessoal, e não apenas uma parcela de bem-estar económico e de segurança”.

Neste caso, os Estados passaram a assumir o objetivo de melhoria da condição humana através da realização da liberdade individual e de um padrão de vida (Caeiro, 2015: 195). Aqui, o Estado social assume um papel relevante no esquema regulatório enquanto processo político, ideológico e administrativo que enforma a maneira como o Estado aloca e define benefícios sociais, bem como os arranjos institucionais utilizados para financiar e redistribuir (Baldock, 2007). Além disso, o Estado Social não se limita a regular as relações sociais no seio do mercado de trabalho, mas assegura também a devida decomodificação, ou seja, a capacidade de prover respostas, serviços e apoios sociais para situações de desemprego, reforma ou doença (Baldock, 2007; Caeiro, 2015).

Na análise da “emergência dos Estados sociais” denota-se que estes não são fruto de um “desenvolvimento progressivo”, mas sim da conjugação de fatores históricos, políticos, económicos e sociais que variam de caso para caso e no tempo (Esping-Anderson, 1990; Kunhle e Sander, 2012). É neste sentido que ainda na década de 1980, Titmuss apresenta um quadro comparativo dos modelos de políticas sociais dos EUA, da Grã-Bretanha e de outros países europeus, concluindo da existência de três modelos distintos de políticas sociais: o modelo residual que se caracteriza pelo eixo mercado-família, fatores essenciais na manutenção da rede de apoio social, associados a um modelo liberal que suporta a menor intervenção do Estado (Caeiro, 2015); o modelo industrial que apresenta uma visão minimamente “meritocrática” uma vez que premeia trabalhadores e empresas na base da produtividade; e, finalmente, o modelo institucional-redistributivo que compreende a institucionalização pública do conceito de bem-estar social, incluindo



um conjunto de políticas e instrumentos que salvaguardam as necessidades sociais dos cidadãos (Baldock, 2007; Caeiro, 2015).

Nesta senda, Esping-Andersen debruça-se sobre a “substância teórica dos Estados sociais” (Esping-Andersen, 1990: 19), tendo em consideração que os mesmos “apresentam diferentes formas e tamanhos e variam substancialmente tanto na sua orientação política como nos seus objetivos redistributivos” (Arts e Gelissen, 2012: 569). Para Esping-Andersen, os Estados sociais compreendem um arranjo institucional (legal e organizacional) entre o Estado e o mercado, que perfazem um determinado regime de bem-estar social (Esping-Andersen, 1990: 2); estes regimes organizam-se em torno de uma estratificação específica, originando-se a partir de estruturas, instituições e forças sociopolíticas, contribuindo para “diferentes trajetórias de desenvolvimento”, sendo estas, social-democrata, liberal ou conservadora, mediante o seu grau de decomodificação e os compromissos estabelecidos entre Estado, Mercado e Família.

No entanto, a noção de Esping-Andersen de regimes de bem-estar social baseados em Estados fortes com mercados de trabalho formais, onde a população é protegida por um complexo institucional e organizacional, não se aplica na maioria dos países asiáticos, africanos e latino-americanos. Como consideram Arts e Gelissen (2002), o Estado social não pode deixar de ser visto sobre a trajetória das sociedades capitalistas, industriais e democráticas, definidas por históricos direitos de cidadania, e onde o Estado retém o seu papel regulador, resultante de processos complexos de engenharia política e social. Para o caso em concreto, o Estado Social deverá ser visto como,

um regime de política social que compreende uma grande variedade de programas, com cobertura universal (ou perto disso), com regras universais, com benefícios que permitem manter as pessoas fora do nível de pobreza e que encontra uma base financeira sólida no sistema tributário (Huber e Stephens, 2005: 2).

Neste caso, como considerar o Estado Social em sociedades onde o Estado encontra-se muita das vezes incapacitado de atuar (O'Donnell, 2001), o mercado de trabalho é na sua larga medida informal e onde a garantia de algum bem-estar social é suportado pelas famílias ou pela comunidade (Gough, 2004; Gough e Wood, 2004)?

Neste contexto, surgiu a necessidade de criar um esquema teórico para incluir devidamente os esquemas sociais dos regimes “sulistas” de bem-estar social. Por um lado, Rudra (2007) distingue os modelos de tipo protecionista dos de tipo produtivista; enquanto os primeiros prosseguem formas de proteção dos cidadãos face ao mercado através de políticas públicas que promovem a decomodificação de forma corporativista, ou seja, protegendo certos setores laborais ou grupos sociais historicamente ligados ao Estado ou interconectados à relação Estado-Mercado; já os segundos tentam promover o acesso dos cidadãos ao mercado, priorizando certos setores da força de trabalho, inseridos na estratégia internacional dos Estados e que apresentam produtividade.

Por outro lado, Gough (2004) distingue os regimes de tipo informal seguro dos regimes inseguros. Nos primeiros, é garantido aos cidadãos uma certa medida de bem-estar



através da rede comunitária e familiar, estabelecendo-se relações assimétricas e informalmente hierárquicas, num sistema onde é difícil estabelecer a institucionalização própria dos Estados de bem-estar social; os segundos não apresentam qualquer forma de direitos sociais, vivendo da instabilidade criada quer por atores internacionais, quer por elites locais. É neste sentido, e que em contraste com o conceito de regime de bem-estar social, Gough (2013) apresenta o conceito mais abrangente de “regime de política social”, incluindo-se as políticas públicas de saúde, educação e/ou demais programas sociais. Gough (2013) apresenta ainda um enquadramento teórico dos regimes de política social com maior ou menor informalidade, uma vez que considera que informalidade do mercado de trabalho e as formas comunitárias e familiares de apoio social têm um peso relevante nestas sociedades. Se, por um lado, o mercado informal gera menos receita para o Estado, resultando numa menor capacidade de redistribuição; por outro, o emprego informal é inconstante e dependente da flutuação dos mercados internacionais, o que não permite a universalização da decomodificação em situações de desemprego ou doença. Neste sentido, o emprego informal, o menor acesso à saúde em caso de doença e baixa médica e os menores níveis de contribuição para sistemas de previdência social, geram incerteza nos indivíduos e nas famílias, bem como diminui a capacidade de redistribuição e decomodificação do Estado. Esta perspectiva permite uma avaliação da pobreza, da exclusão social e do investimento social, em paralelo com as medidas de incentivo à educação, à saúde e aos programas de transferência de renda (Abel e Lewis, 2002; Barrientos, 2009; Huber e Bogliaccini, 2002; Lavinás, 2013).

3. Bem-estar social na América Latina

Como considera O'Donnell (2001), a América Latina é um subcontinente que enfrenta o problema soberano do desenvolvimento, com profundas segmentações regionais provocadas pela desigualdade, gerando-se entraves no acesso aos direitos cívicos, políticos e sociais, conquanto a democratização não alcançou a população material e legalmente pobre. As sociedades latino-americanas são compostas por bolsas de pobreza e vulnerabilidade, às quais se juntam o iminente mercado informal de trabalho e a volatilidade do cenário macroeconómico (Blank, 2012; Cepal, 2004; Filgueira, 1998, 2005).

O antigo modelo de substituição de importações latino-americano implantado entre as décadas de 1930 e 1940 permitiu firmar um contrato social entre as diversas forças sociais e políticas (Patrício, 2012). Com o eclodir das crises das dívidas soberanas, os processos de redemocratização da segunda metade da década de 1980 iniciaram processos de abertura das economias através de estratégias monetaristas (Ffrench-Davis, 2005; Munck, 2008; Patrício, 2012). No entanto, este modelo acabaria por resultar no aprofundamento da desigualdade, na geração de bolsas de pobreza e nas elevadas taxas de desemprego formal apenas compensado pelo trabalho informal, gerando-se alterações profundas no esquema capital-trabalho (Abel e Lewis, 2002; Ffrench-Davis, 2005; Huber e Stephens, 2012; Patrício, 2012; Munck, 2008, 2013).

Grosso modo, diversos autores têm-se focado na classificação dos tipos de regime de bem-estar latino-americanos, seja pela discussão das suas tipologias ao longo de



décadas (Filgueira, 1998, 2004; Mesa-Lago, 1994), seja pela discussão do conceito de Estado Social (Blank, 2012; Segura-Ubiergo, 2007), ou ainda da análise da informalidade do mercado de trabalho e da relevância da estrutura familiar (Cecchini et al., 2014; Franzoni, 2005; Gough, 2004, 2013; Rudra, 2007; Valle, 2008, 2010). Mais profusamente, tem-se adotado o conceito de “regime” aos casos latino-americanos nomeadamente na relação entre Estado, Mercado e Família, analisando-se o papel que cada um ocupa no esquema de bem-estar (Barrientos, 2004, 2009; Filgueira, 1998, 2005; Franzoni, 2005; Gough, 2004, 2013; Draïbe e Riesco, 2007; Segura-Ubiergo, 2007).

É nesta senda que Gough e Wood (2004) distinguem três tipos de regime: o Estado de bem-estar - conforme identificados por Esping-Andersen -, o informal-seguro e o inseguro. Os dois últimos são caracterizados por uma natureza informal pautada por formas diferentes de capitalismo, uma continuada intermitência nas políticas públicas, maior peso das relações informais de poder e formas difusas e particularistas de exclusão, em sociedades onde continuam a proliferar instituições políticas “frágeis”, regimes democráticos intermitentes e conflitos armados. No entanto, esta análise do caráter “sulista” peca pela incapacidade de um olhar mais específico relativo à América Latina, uma vez que somos confrontados com uma realidade que integra países como o Uruguai ou a Argentina, El Salvador, Honduras ou Nicarágua. Não é por acaso que Gough (2013) acabará por considerar que alguns dos regimes de bem-estar latino-americanos poderão designar-se por proto-Estados Sociais, a par de regimes informais ou inseguros.

Outra linha de análise poderá considerar a comparação com os regimes de bem-estar asiáticos. Este caminho assenta na análise entre a informalidade, a relevância da família e os aspetos “produtivistas” (Valle, 2008). Por “produtivismo” considera-se que o sistema de bem-estar é uma extensão da política económica (Franzoni, 2005, 2007), ou seja, a política social encontra-se focada na capacitação do capital humano por via do sistema educativo e não pela proteção social, privilegiando-se a competitividade. Esta comparação entre modelos paradigmáticas como os de Hong Kong, Taiwan ou Singapura assinala uma linha de interpretação que se apresentaria como solução à continuada informalidade do mercado de trabalho, sendo a política de emergência social da década de 1980 um claro sinal de mudança na tríade Estado-Mercado-Família (Filgueira, 2005; Lavinias, 2013; Valle, 2008, 2010). No entanto, apesar dos processos de liberalização do Mercado, este “modelo asiático” não pode ser transportado para o cenário latino-americano, onde o “produtivismo” não encontra um mercado de trabalho formal, um Estado capaz de reforçar os fatores produtivos da sociedade e onde a política económica não é orientada para a capacitação do capital humano.

É neste contexto que Mesa-Lago (1994) e Filgueira (1998) procuram cotejar a especificidade dos regimes latino-americanos através de uma leitura histórica. Por seu lado, Mesa-Lago (1994) classifica os países de acordo com a antiguidade dos seus sistemas de proteção, entre os pioneiros da década de 1920 (Argentina, Brasil, Chile, Cuba e Uruguai), intermédios entre as décadas de 1930 e 1940 (Costa-Rica, Panamá, México, Perú, Colômbia, Bolívia, Equador, Paraguai e Venezuela) e tardios entre os anos 1950 e 1960 (Guatemala, El Salvador, Nicarágua e Honduras). Enquanto os pioneiros caracterizam-se por ter uma cobertura universal ou quase universal de proteção social,



com certos setores protegidos de forma estratificada, os países tardios apresentam uma pequena percentagem de população coberta e um limitado número de serviços sociais. Já os intermédios, caracterizam-se, ora pela estratificação na cobertura e acesso a serviços, ora por uma maior cobertura de caráter universal e não estratificada. A estratificação é uma característica dos sistemas de proteção social latino-americanos, caracterizados pelo corporativismo do período desenvolvimentista que reforçou a proteção de certos setores profissionais, a meio do processo de urbanização que inicialmente não incluiu os *blue-collar workers* (Mesa-Lago, 1994).

Por outro lado, Fernando Filgueira (1998) enfatiza não só o processo histórico de estratificação do gasto público social, mas também em que setores é aplicado esse gasto público, adaptando a tese de Esping-Andersen através de uma análise institucional dos regimes de bem-estar, definindo-se através de três fases históricas distintas: a inserção liberal (1920-1950), o desenvolvimentismo (1950-1970) e a inserção pelo Consenso de Washington. Durante o período desenvolvimentista, Filgueira considera três regimes: universal-estratificado (Argentina, Chile, Uruguai e Costa-Rica) com uma extensa, mas estratificada proteção social; excludente (El Salvador e Nicarágua) em Estados com pouca capacidade de intervenção e poucos recursos; e o dual (Brasil e México), que combina bem-estar social de tipo estratificado nas zonas urbanas e de tipo excludente nas zonas rurais. No entanto, estes regimes tenderam a assemelhar-se por via do processo de liberalização dos mercados a partir das sucessivas crises das décadas de 1970 e 1980, a par da crescente informalidade do mercado de trabalho. Estes acabariam por ter efeitos nas formas de proteção social, levando Filgueira (1998) a considerar que o regime universal-estratificado passaria a dividir-se entre aqueles mais orientados para o Estado, como são o caso do Uruguai e da Costa-Rica, dos casos da Argentina e do Chile que escolheriam a via do mercado.

Nesta linha de raciocínio, Barrientos (2004) considera que até à década de 1980, a América Latina apresentava traços similares com os regimes de tipo conservador conforme classificados por Esping-Andersen, com enfoque na proteção social do mercado formal. No entanto, entre as décadas de 1980 e 2000 assistiu-se à crescente importância do eixo Mercado-Família, por via da maior dependência dos trabalhadores informais. Neste sentido, a América Latina passou a ter um predomínio liberal das formas de regime de bem-estar, a par da falta de políticas públicas consistentes (Barrientos, 2004, 2009). O Mercado já disfuncional, deteriorou as suas competências na garantia de bem-estar, a par do recuo do Estado na universalização de serviços, com a continuidade da estratificação na proteção laboral e o aumento da informalidade laboral (Barrientos, 2004, 2009).

Por seu turno, Franzoni (2005) toma como dimensões o acesso ao rendimento e ao mercado de trabalho, a participação relativa das famílias, as políticas públicas e o mercado, o desempenho dos regimes e as condições sociodemográficas e socioeconómicas, concluindo pela existência de quatro tipos de regimes: produtivista-informal, protecionista-informal, informal assistencial e altamente informal. Se os regimes de tipo produtivista-informal (Argentina e Chile) caracterizam-se por um menor grau de informalidade do mercado de trabalho, nos de tipo protecionista-informal (Brasil, Panamá e Uruguai) subsiste uma maior proporção de população ativa coberta por



esquemas de segurança social, a par de educação tendencialmente universal. No caso da distribuição de renda observa-se maior desigualdade nos regimes de tipo estadual-focado e “muito heterogéneo” nos de tipo estadual-estratificado. Enquanto nos primeiros subsiste uma maior dependência do mercado (comodificação), especialmente entre a fatia mais pobre da população, no segundo grupo (México, Brasil, Uruguai e Costa-Rica) continua a existir o predomínio de certos setores protegidos na sua relação com o Mercado, relegando para segundo plano as políticas públicas de combate à pobreza. Já no grupo de países do regime informal-familiar (Venezuela), assistimos ao predomínio do trabalho doméstico feminino não assalariado, a par da proteção estratificada de certos setores e classes profissionais. Para Juliana Franzoni (2005), os regimes de bem-estar latino-americanos são definidos por uma lógica “trajetória dependente”, ou seja, onde é provável que mesmo com o processo institucional das décadas de 1980 e 1990, é expectável a continuidade de certas dinâmicas na tríade Estado-Mercado-Família.

Numa segunda classificação, Franzoni (2007) reconsidera os conglomerados de países, classificando os regimes de estatal-productivistas (Argentina e Chile), estatal-protetionistas (Brasil, Costa-Rica, México e Uruguai), familiares (Colômbia e Venezuela) e altamente familiares (Bolívia). Os dois primeiros distinguem-se pelo grau de mercantilização e no peso da família na obtenção de bem-estar. Já o terceiro grupo de países apresenta, cumulativamente, menor grau de mercantilização da força de trabalho, e menor decomodificação, com a relevância das relações familiares para a obtenção de esquemas informais de bem-estar.

Paralelamente, outros autores têm vindo a questionar-se sobre a aplicabilidade do conceito de Estado Social ou de Estado de Bem-Estar Social na América Latina, tendo em conta a diversificação dos tipos de regime, bem como o peso do mercado de trabalho informal e das brechas e vulnerabilidades verificadas, mas também pela proliferação de novas políticas públicas a partir dos anos 2000. É o que se questionam Draíbe Riesco (2007) quando tentam compreender se algum dos “sistemas de política social” na América Latina terá atingido a configuração institucional do que se compreende por Estado Social. É neste contexto que Draíbe e Riesco (2007) consideram importante destacar fatores como a urbanização, a demografia e o desenvolvimento humano, como essenciais na análise, quer das alterações introduzidas nas décadas de 1980 e 1990, quer de uma discussão sobre o “neodesenvolvimentismo” latino-americano que parece surgir nos anos 2000. A “mudança neoliberal” e o suposto ressurgimento do modelo desenvolvimentista precisam de um enquadramento metodológico e teórico que forneçam a possibilidade de considerar-se um “Estado social em desenvolvimento” na América Latina (Draíbe e Riesco, 2007).

Noutro prisma, Huber e Stephens (2005) preferem “testar” a existência de um possível Estado social latino-americano sob o ponto de vista do “sucesso” da política pública, traduzido no combate à pobreza e desigualdade, no esforço de políticas sociais robustas e na alocação progressiva de benefícios sociais. Para Huber e Stephens (2005) não existe nenhum regime de política social na América Latina que contemple todos estes critérios, com exceção do Uruguai. Os sistemas latino-americanos apresentam uma enorme proporção de pobres e quase todos providenciam serviços de saúde e educação de baixa qualidade, a par de esquemas de proteção social exclusivos (Huber e Stephens, 2005).



O debate sobre as formas de capitalismo na América Latina tem vindo a analisar os efeitos das políticas de reestruturação económica e do processo de democratização na transformação dos esquemas de bem-estar. As décadas de 1980 e 1990 serviram não só para a reestruturação dos sistemas de pensão, saúde e educação, como também para estabelecer o imperativo da estabilidade macroeconómica. Apesar do surgimento de novos programas e políticas sociais e do aumento médio do gasto social por país, manter-se-iam os problemas com a eficácia e financiamento dos sistemas de pensão e o carácter exclusivista e estratificado dos sistemas de proteção social (Mesa-Lago, 2012). O imperativo da estabilidade macroeconómica, em paralelo com o período de crescimento económico da região, colocou uma vez mais no centro das atenções o debate sobre a política económica dos regimes de bem-estar social (Haggard e Kaufman, 2009; Segura-Ubiergo, 2007).

Neste contexto, Haggard e Kaufman (2009), consideram que a política económica e as coligações de poder apresentam realinhamentos ao longo dos períodos destacados por Fernando Filgueira (1998). Os autores sublinham a incorporação das classes trabalhadoras urbanas e das organizações de camponeses no aparato das políticas sociais na primeira metade do século XX, entre 1950 e 1980 e, finalmente, entre 1980 e 2005. Para isso analisam o realinhamento político das diversas coligações de poder que estabeleceriam diferentes regimes de bem-estar. Para tal, salientam a relevância da performance económica, das estratégias de desenvolvimento, dos tipos de regime, do processo de democratização, dos interesses dos grupos organizados e das coligações. Os autores compreendem que os aspetos macroeconómicos e as estratégias de desenvolvimento têm um papel relevante na expansão ou contração de políticas sociais. Neste sentido, as diferentes estratégias de desenvolvimento traduzem diferentes esquemas de política social, seja sob o ponto de vista do reforço de certas classes, seja pela aposta diferenciada em setores como a educação. Finalmente, a competição eleitoral e o processo de democratização produzem efeitos nas políticas sociais. A competição eleitoral e a consolidação democrática são impactantes no expansionismo de políticas e serviços sociais, visto que para Haggard e Kaufman (2009), os efeitos dos regimes políticos são intercedidos por instituições próprias de cada regime e por pressões económicas colocadas em diferentes períodos.

Também Segura-Ubiergo (2007) apresenta uma análise dos efeitos da economia política no desenho de políticas sociais, tendo em conta o desenvolvimento económico e o grau de abertura ao comércio internacional. Historicamente, é especialmente relevante o facto de a América Latina ter expandido o seu quadro de bem-estar social durante o desenvolvimentismo, um período protecionista, promovendo-se de certos setores sociais e profissionais face aos efeitos da abertura ao comércio internacional. Este facto promoveria a superproteção de determinados setores, claramente mais bem organizados que os trabalhadores independentes, informais ou rurais. O desenvolvimentismo estabeleceria uma bolsa de eleitorado com acesso a proteção social e a esquemas de segurança social, ou seja, consolidou a estratificação dos serviços. Segura-Ubiergo (2007) alarga ainda o quadro teórico para incluir a democratização, os movimentos de trabalhadores e os partidos como fatores relevantes na análise.



Neste enquadramento, o autor considera que existem diferentes caminhos possíveis de desenvolvimento: um primeiro grupo (Argentina, Brasil, Chile, Uruguai e Costa-Rica) onde é possível encontrar traços da existência de um Estado social, apresentando gastos sociais consideráveis; e um segundo grupo de países (Bolívia, El Salvador, Equador, Guatemala, México, Paraguai, Peru, República Dominicana e Venezuela), onde não é possível falar-se da existência de Estado social. Servindo-se de uma análise qualitativa comparada, apresenta dois caminhos possíveis: um primeiro que configura o desenvolvimento económico e o protecionismo, em conjugação com a democratização (Brasil) os partidos de esquerda (Argentina), ou ambos (Chile e Uruguai). Um segundo que conjuga a abertura comercial, a democratização e os partidos de esquerda (Costa-Rica). Para o grupo de países sem Estado social, Segura-Ubierno (2007) considera que estes se podem dividir em dois grupos: o conjunto de países com baixo desenvolvimento económico e industrialização, relativamente abertos ao comércio internacional, com pouca ou nenhuma experiência democrática e fraca relação entre partidos e movimentos de trabalhadores (El Salvador, Equador, Guatemala, Paraguai e República Dominicana); e os casos da Bolívia e do Peru com baixos níveis de desenvolvimento económico e fraca experiência democrática.

4. Para um quadro do bem-estar social na América Latina

Para Carlos Blank (2012) continua a não existir uma teoria do Estado social na América Latina, uma vez que assistimos a sociedades “fortemente afetadas pela pobreza, pelo mal-estar material e pela vulnerabilidade e volatilidade socioeconómica”, o que coloca sérios problemas conceptuais (Blank, 2012). Para mais, Blank (2012) assume que a aplicação do conceito de Estado de Bem-Estar depreende um nível de desenvolvimento ainda não alcançado na América Latina, tornando “imprecisa e confusa” a aplicação destes conceitos ou ainda de um possível Estado social em desenvolvimento como apontam Draibe e Riesco (2007) ou Segura-Ubierno (2007). Neste contexto, como podemos caracterizar o esquema de bem-estar social na América Latina?

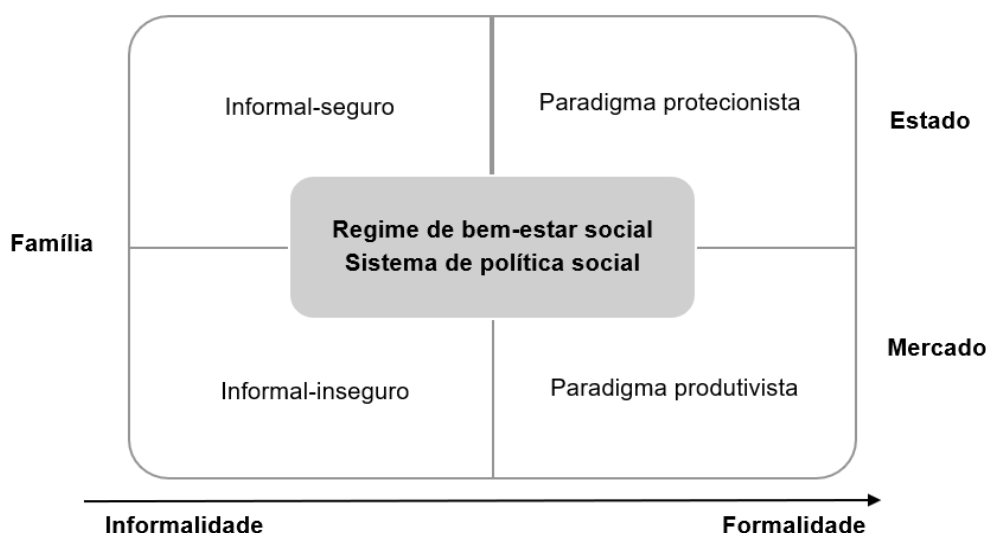
Primeiro, pelo eixo informalidade-formalidade. A maior informalidade no mercado de trabalho representará um regime com maior insegurança e mais dependente das relações familiares e comunitárias, onde os fenómenos clientelares, o desemprego feminino e os conflitos sociais assumem um papel relevante na definição da sua arquitetura (Gough, 2004; Gough, 2013; Gough e Wood, 2004; Rudra, 2005). Estes regimes serão também aqueles onde o mercado e o Estado – mas principalmente este último – foram mais tardiamente incorporados num esquema formal de proteção e incentivo de certos setores profissionais (Mesa-Lago, 1994, 2012), tornando-se excludentes pela incapacidade estrutural de redistribuição (Filgueira, 1998, 2004), mas também familiares ou altamente familiares (Franzoni, 2005, 2007). Neste grupo podemos incluir como exemplos os casos da Nicarágua, de El Salvador, da Venezuela ou ainda da Bolívia (até à década de 2000), que se situam entre os regimes informal-seguro e informal-inseguro (Gough, 2004; Gough, 2013; Gough e Wood, 2004).

Ainda neste eixo, a maior formalidade no mercado de trabalho classificará os regimes ora de estatal-protecionistas ora de estatal-produtivistas (focados) (Franzoni, 2005,



2007). No entanto, em ambos, a estratificação, por via da maior proteção de certos setores e grupos profissionais, produz maior dependência do mercado – especialmente os setores dependentes da inserção internacional – ou do Estado. A presença de maior estratificação reproduz a desigualdade na distribuição de rendimento (estatal-productivista) ou uma maior heterogeneidade de salários (estatal-protecionista) (Franzoni, 2005, 2007). Estes casos são também aqueles onde o Estado iniciou mais cedo políticas de caráter social (Mesa-Lago, 1994, 2012) e onde o conflito se estabelece entre a assunção de políticas de caráter produtivista ou protecionista, com o Chile a assumir-se como paradigmático do primeiro e o Uruguai do segundo (Filgueira, 1998, 2004).

Figura 1 - Bem-estar social na América Latina nos eixos informalidade-formalidade e produtivismo-protecionismo



Fonte: Autor

É no eixo protecionista-productivista que se movem os casos latino-americanos a partir da década de 2000 com a ascensão de políticas de caráter protecionista, nomeadamente na Argentina, no Brasil, na Bolívia e na Venezuela, em contraponto às políticas de caráter produtivista encetadas nas décadas de 1980 e 1990. No entanto, a par deste eixo, tem crescido também a informalidade no mercado de trabalho, o que compromete a capacidade de se aplicar os conceitos de Estado Social ou de Estado de bem-estar social na América Latina (Filgueira, 1998, 2005; Gough, 2004; Cortés, 2008; Valle, 2008, 2010).

Segundo, a matriz de desigualdade define as relações de poder, o aparato estadual e o formato das políticas, sob o ponto de vista do seu fracasso ou sucesso (CEPAL, 2016). A desigualdade é um fenómeno que atravessa toda a história da América Latina e é um



fator definidor de momentos de rutura. Paralelamente ao papel do Estado na definição política das relações entre público e privado e das relações com o mercado (Abel e Lewis, 2002), consideramos que a matriz de desigualdade tem um peso fundamental na definição de esquemas de bem-estar. O mesmo aplica-se à definição das relações de poder entre grupos sociais, classes profissionais, partidos e governos (Huber e Bogliaccinni, 2012). Ou seja, é expectável que a par da rutura produzida por processos sociais como a industrialização e a urbanização (Abel e Lewis, 2002), de processos macroeconómicos como a alteração dos modelos de desenvolvimento (Cervo, 2008; Haggard e Kaufman, 1995; Patrício, 2012) e de processos políticos como a democratização e os novos alinhamentos políticos (Pribble, 2013; Segura-Ubierno, 2007), subsista o elemento desigualdade como definidor de uma continuidade entre esquemas latino-americanos de bem-estar social.

Paralelamente, assiste-se à continuidade do elemento agroexportador e da dependência da flutuação dos preços das *commodities* no mercado internacional (French-Davis, 2005; Munck, 2008; Patrício, 2012). Para Whitehead (2006) é esta mesma diversidade agroexportadora que coloca entraves ao desenvolvimento de estratégias, inclusive de integração económica e comercial, que permita estabelecer os demais modelos de desenvolvimento com carácter transformador da matriz de desigualdade. Tal como resume Raquel Patrício (2012: 35), “assiste-se à emergência de diversas contradições económicas e estruturais que se integram na dinâmica da interação global comercial e económica, ironicamente alimentadas pela quantidade e diversidade de recursos naturais”.

5. Conclusão

A caracterização dos esquemas de bem-estar social na América Latina apresenta um desafio de análise teórica que tem sido longamente debatido na literatura. Seja a partir da experiência histórica dos Estados Sociais e dos regimes de bem-estar social, seja da análise institucional da tríade Estado-Mercado-Família, seja dos modelos de desenvolvimento “múltiplos e fragmentados” com experiências e resultados também estes diversos, é claro que o estudo dos esquemas de bem-estar latino-americanos não podem deixar de incluir os fatores históricos e estruturais como a desigualdade, a estratificação das políticas, a capacidade institucional de redistribuição e o crescente mercado informal.

Neste sentido, devemos ter sempre presente que os regimes de bem-estar social latino-americanos resultam de reações institucionais, sociais e políticas à problemática colocada pelos sucessivos modelos de desenvolvimento e, mais especificamente, ao que é preconizado pela exploração dos recursos naturais ou dos setores agroexportadores na sua relação intrínseca com o Estado (protecionista de certos setores) e com o Mercado, ou, ainda mais especificamente, pela relação entre o primeiro e este último; ou seja, os regimes ou esquemas de bem-estar e de proteção social emergiram em reação institucional seja contra a visão política baseada no Estado, seja contra o mercado. É esta reação aos modelos de desenvolvimento e de inserção internacional, a par da matriz de desigualdade, que define os regimes de bem-estar social na América Latina.



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PROBLEMS AND CONFLICTS RELATED TO MEASURES TO ENSURE THE RIGHT TO A FAIR TRIAL IN ACCORDANCE WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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Abstract

Notwithstanding the law governing the dispute, everyone has the right to a fair and impartial trial, as stated in the first paragraph of Article 6 of the European Convention on Human Rights. This provision emphasises an impartial trial within a reasonable time without taking into account the civil, administrative, criminal nature of the case. Because the court's decision is announced publicly, the press and the public may not be allowed into the courtroom in order not to harm the interests of justice. This process is implemented in the interests of a democratic society, namely public order, national security and morality. The purpose of the article is an analysis of problems and conflicts in the field of criminal and constitutional law related to measures to ensure the right to a fair trial in the light of the European Convention on Human Rights, including the analyses of the cases in the ECtHR related to Article 6 of the European Convention on Human Rights and the consideration of the problems faced by the two sides of the lawsuit. The main research methods are analysis and synthesis, comparative and formal legal methods, using of which ensured an analysis of the legal framework of national and international law, doctrinal approaches and practise of the ECtHR in the context of the problems, conflicts and counteractions encountered in ensuring the right to a fair trial. The conclusions point to conflicts in such cases, and provide theoretical advice on how to improve them.

Keywords

Fair trial, European Court of Human Rights, protection of human rights, human freedom

Resumo

Independentemente da lei que rege o litígio, todas as pessoas têm direito a um julgamento justo e imparcial, tal como previsto no primeiro parágrafo do artigo 6º da Convenção Europeia dos Direitos do Homem. Esta disposição sublinha a necessidade de um julgamento imparcial num prazo razoável, sem ter em conta a natureza civil, administrativa ou penal do processo. Uma vez que a decisão do tribunal é anunciada publicamente, a imprensa e o público não podem ser autorizados a entrar na sala de audiências, a fim de não prejudicar os interesses da justiça. Este processo é implementado no interesse de uma sociedade democrática, nomeadamente a ordem pública, a segurança nacional e a moralidade. O objetivo do artigo é analisar os problemas e conflitos no domínio do direito penal e constitucional relacionados com as medidas destinadas a garantir o direito a um processo equitativo à luz da Convenção Europeia dos Direitos do Homem, incluindo a análise dos processos no TEDH relacionados com o artigo 6. Os principais métodos de investigação são a análise e a síntese, os métodos jurídicos comparativos e formais, que permitiram analisar o quadro jurídico do direito nacional e internacional, as abordagens doutrinárias e a prática do TEDH no contexto dos problemas, conflitos e contra-acções encontrados na garantia do direito a um processo equitativo. As conclusões apontam para os conflitos existentes nestes casos e fornecem conselhos teóricos sobre a forma de os melhorar.

Palavras chave

Julgamento justo, Tribunal Europeu dos Direitos do Homem, proteção dos direitos humanos, liberdade humana.

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PROBLEMS AND CONFLICTS RELATED TO MEASURES TO ENSURE THE RIGHT TO A FAIR TRIAL IN ACCORDANCE WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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Introduction

The main guideline for the development of the domestic legal system is proclaimed that the highest priority is the human person, his rights and freedoms, which are embodied in Art. 3 of the Constitution of Ukraine. Thus, Art. 59 of the Constitution enshrined the right to legal aid for every citizen of Ukraine, both free and paid. This right is proclaimed in paragraphs. "C" Article 6. Convention for the Protection of Human Rights and Fundamental Freedoms, which was adopted by the Council of Europe on April 11, 1950 and ratified by the Law of Ukraine No. 475/97VR of July 17, 1997, and recognised as the right to legal aid, is guarantee¹.

Despite the fact that every day we hear from all sources of telecommunications and Internet resources about the overthrow of judicial reform, at the same time, there is a decriminalisation of articles that directly hold judges accountable for wrongful sentencing².

Thus, on June 11, 2020, case No. 7-r /2020 which was initiated at the request of 55 people's deputies of Ukraine, on the constitutionality of Article 375 of the Criminal Code

¹ M. G. Haustova. "Implementation of European legal standards in the legal system of Ukraine". *Legal scientific electronic journal* no. 6 (2016): 34-36. http://lsej.org.ua/6_2016/8.pdf (accessed March 22, 2023).

² European Convention on Human Rights, 1950.



of Ukraine, was decided by the Decision of the Constitutional Court of Ukraine that it does not comply with the Constitution of Ukraine.

The reason for the exclusion was the position that Ukraine is a democratic state where the main requirement for legislation is that the norms (laws) must meet the principles and criteria set out in the Constitution of Ukraine, namely the principle of the rule of law. While the wording of Art. 375 of the Criminal Code came to us from Soviet times, where the word (combination of words) "knowingly unjust" is taken from Art. 176 of the Criminal Code of the UCPC of 1960, in the norm of which the responsibility was specified, if for selfish motives or other personal interests the judges passed a "knowingly unjust" sentence, decision, ruling, or resolution. In the opinion of the Constitutional Court, these features are inherent in the policy of the Soviet Union and, accordingly, the Constitution of the Soviet Union, while completely contradicting the Constitution of Ukraine and not reflecting the system of principles and values enshrined in the current Constitution.

Examining the historical context of the legal practise of the Soviet Union, it can be argued that Art. 375 of the Criminal Code of Ukraine is a failed imitation.

Arguing the recognition of Art. 375 of the Criminal Code of Ukraine, the Constitutional Court of Ukraine proceeds from the fact that in Art. 375 of the Criminal Code quite a large number of evaluative concepts do not establish criteria, which the legislator understands as "unjust". Accordingly, it is not clear which "knowingly unjust" actions can be considered as such: a decision, ruling, sentence, or ruling of a judge (judges), which may lead to an ambiguous understanding of the composition of the criminal offence for which the qualification is committed.

At the same time, the Constitutional Court emphasises that in case of disagreement with this decision of the Court, investigators, prosecutors, or any other person may consider it "unjust" in terms of subjective perception, while the disposition of Art. 375 of the Criminal Code of Ukraine allows the possibility of such abuse by the bodies of pre-trial investigation, as a result of which a judge may be prosecuted only for the fact that he issued a court decision³.

Materials and Methods

Arguing their decision, the judges of the Constitutional Court point out that they do not decide anything at all; they only pass a sentence on the basis of the work of the pre-trial investigation bodies⁴. And they - what? Nothing! They only make decisions without leaving their offices. Everyone has to bring their evidence, and they can only state, based on their subjective reasoning, "no", for example, "insufficient evidence", "poor vision", "hard of hearing", and so on. And for this, they can not be attracted! Because they can't float to anything at all. And in some thoughts quoted, for example, O. Hamilton noted

³ Decision of the Constitutional Court of Ukraine. Case No. 1-305 / 2019 (7162/19), 2019.

⁴ Constitutional Court of Ukraine. A separate opinion of the judge of the Constitutional Court of Ukraine Horodovenko V.V. concerning the Decision of the Constitutional Court of Ukraine in the case on the constitutional petition of 55 people's deputies of Ukraine on compliance of the Constitution of Ukraine (constitutionality) with Article 375 of the Criminal Code of Ukraine. (2020).



that "the executive not only distributes benefits and honours in society, but also holds a sword over him. The legislature not only manages the treasury but also establishes rules that govern the rights and responsibilities of every citizen. The judiciary does not dispose of either the sword or the treasury. It affects neither the strength nor the wealth of society and cannot make any effective decisions. It would be correct to say that it has neither strength nor will, but only prudence"⁵, in addition, the author supports the position that "this branch is undoubtedly the weakest of the three departments of power, that its encroachment on the powers of either of the other two branches will never succeed, while it needs all possible caution to protect them from encroachment".⁶ In our opinion, the judiciary is not only the most corrupt, but also one that no one can influence at all. They work for themselves and no elections or re-elections that affect both the legislature and the executive affect the court at all. They have the right, "in their subjective judgement" - to determine many decisions that relate not only to certain powers, as in the executive and legislative branches, but anything. For example, to determine the legality of dismissal and restore the rights of the individual, to determine the legality of the occupation of land, and so on.

The Judges further emphasise that the pre-trial investigation bodies threaten the Judges in making a decision, so the Judges consider that Art. 375 of the Criminal Code of Ukraine should be decriminalised⁷, but the Constitution of Ukraine provides for immunity for judges in Art. 126 of the Constitution of Ukraine in case of their administration of justice by criminal prosecution. In addition, the inviolability and independence of judges are guaranteed by the Constitution of Ukraine and the laws of Ukraine; any influence and pressure on judges is prohibited; decisions made by judges cannot be brought to justice, the only exception is the commission of a criminal offence or disciplinary offence⁸.

At the same time, it should be borne in mind that, although the independence of judges is an integral part of their status, it cannot be absolute. In cases where a judge, in the course of his or her professional activities, makes a knowingly unjust sentence, decision, ruling, thereby encroaching not only on the basis of justice but also on the rights and legitimate interests of the victim concerned, he or she should obviously be prosecuted. criminal liability. This is a generally accepted position. Now let's look at the statistics on the prosecution of judges. So, statistics show that in 2017, 48 criminal offences were registered under Art. 375 of the Criminal Code of Ukraine; in 2018 - 1139, in 2019 - 87; in 2010 - 109; for 8 months in 2021 - 4. At the same time in 2017, no suspicion was reported in any case and accordingly sent to court with an indictment transferred - 0. At the end of the reporting period, a decision was not made in 48 criminal proceedings, closing criminal proceedings - 17. In 2018, suspicion of 0 criminal proceedings was reported, 0 was transferred to the court with an indictment, and at the end of the reporting period, a decision was not made in 1138 criminal proceedings; 314 criminal proceedings were closed.

⁵ A. Hamilton et al. *Commentary on the Constitution of the United States*. (Kyiv: Sfera, 2002).

⁶ A. Hamilton et al. *Commentary on the Constitution of the United States*. (Kyiv: Sfera, 2002).

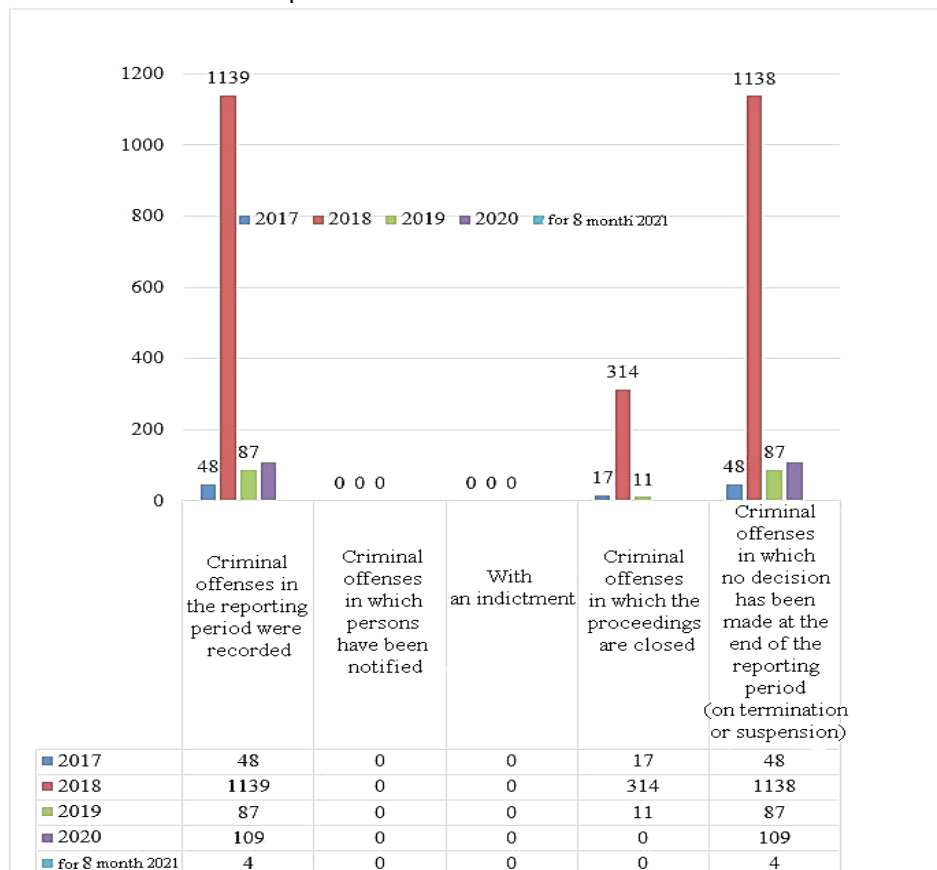
⁷ Decision of the Constitutional court of Ukraine. Case No. 1-305 / 2019 (7162/19), 2019.

⁸ Constitution of Ukraine, 1996.



In 2019, suspicion of 0 criminal proceedings was reported, 0 was transferred to the court with an indictment, and at the end of the reporting period, no decision was made in 87 criminal proceedings, of which 11 were closed. In 2020, suspicion of zero criminal proceedings was reported. At the end of the reporting period, no decision had been made in 109 criminal proceedings. In the first eight months of 2021, 0 criminal proceedings were reported, 0 were transferred to the court with an indictment, and at the end of the reporting period, no decision was made in 4 criminal proceedings (General Prosecutor of Ukraine, 2021) (Fig. 1). From the given statistical data, it is seen that a large enough surge occurred in relation to violations of criminal liability under Art. 375 of the Criminal Code of Ukraine for 2018, which was difficult to say, but in our opinion, there is the beginning of the State Bureau of Investigation, which deals with the involvement of judges for wrongful sentences and in accordance with Art. 375 of the Criminal Code of Ukraine. So, in order to prevent the flow of criminal prosecution, the judges of the Constitutional Court decided to declare this article unconstitutional. Why do we draw such a conclusion? And because the current Code was adopted in 2001, it is 20 years old, and for 20 years the judges of the Constitutional Court did not notice the unconstitutional provisions of this article, while after the surge in 2018, they immediately noticed the discrepancy.

Figure 1. Data on criminal prosecution under Art. 375 of the Criminal Code of Ukraine



Source: Authors



This research was carried out using a number of methods generally accepted by legal science. The main research method was the normative method, which was used to clarify the essence and forms of ensuring the right to a fair trial. Using the comparative method, the features of ensuring the right to a fair trial in Ukraine and abroad are highlighted. The use of methods of analysis and synthesis and the formal legal method provided a thorough analysis of the legal framework of international and national law, various doctrinal approaches, and significant practice of the ECtHR in the context of ensuring the right to a fair trial and the problems that arise in the course of such ensuring.

Results

From this, it can be concluded that it is precisely this pressure that the Judges of the Constitutional Court testify about, that they are allegedly afraid of pressure, and that this pressure is unacceptable to the Judges. Thus, the judges almost say that these pagan prosecutors, investigators, and others are putting pressure on the government precisely by threatening to use Art. 375 of the Criminal Code of Ukraine. But how does it actually happen? Is the threat of instituting proceedings under any article applicable to an innocent person under pressure? In any case, if a person is innocent, no pressure is terrible for him. However, if these prosecutors and pre-trial investigation bodies are pagans, can threaten both life and health, right? What is this threat that does not exist? Amazingly. But this is not the end of the decision of the Constitutional Court on the unconstitutionality of Art. 375 of the Criminal Code. It refers to the prosecutor's office and pre-trial investigation bodies, but the decision, sentence and ruling, as well as other procedural actions of the court belong not only to cases involving the prosecutor; there are cases without the participation of the prosecutor in civil and administrative disputes.

Who can put pressure on judges, midwives and defendants? Accordingly, this cannot serve as a sufficient argument for the decriminalisation of this criminal offence. After all, the higher the objective harmfulness of the socially dangerous act, the lower its prevalence may be (for example, the lack of data for several years on the existence of convictions that have entered into force against persons who committed espionage (Article 114 of the Criminal Code) does not indicate the need to exclude the specified composition of the criminal offence from the Criminal Code). In addition, the fact that for several years no judge has been prosecuted under Art. 375 of the Criminal Code may indicate the latency of the offence, the insufficient professional level of authorised law enforcement agencies, the shortcomings of the legislative description of the characteristics of the specified composition of the criminal offence, and so on.

You will probably have a question. And why did we study the end of 2020 and 2021 in relation to this article, if it is no longer defined as constitutional? This is where the fun begins. The Law of Ukraine on Criminal Liability is adopted by the Verkhovna Rada of Ukraine, and in accordance with the provisions of Part 6 of Art. 3 of the Criminal Code of Ukraine, any amendments to the Criminal Code of Ukraine may be made only if they are made by the law amending this Code and/or the criminal procedure legislation of Ukraine,



and/or the legislation of Ukraine on administrative offences.⁹ According to these provisions, articles cannot be considered decriminalised until they are published by laws amending the Criminal Code of Ukraine, and accordingly, the articles are currently in force, but with the indication that they are declared unconstitutional. For example, our article 375 of the Criminal Code of Ukraine reads:

- Article 375. Ruling by a judge (judges) of a knowingly unjust sentence, decision, ruling or resolution
 - (Article 375 was declared unconstitutional) (according to the Decision of the Constitutional Court No. 7-r/2020 of 11 June, 2020)
1. A judge's (or judges) knowingly unjust sentence, decision, ruling, or resolution shall be punishable by imprisonment for a term of up to five years or imprisonment for a term of two to five years.
 2. The same acts that caused grave consequences or were committed for selfish motives, in other personal interests, or in order to interfere with the lawful professional activity of a journalist shall be punishable by imprisonment for a term of five to eight years (Article 375, as amended by Law No. 421-VIII of May 14, 2015).

There are a sufficient number of such articles in the Criminal Code. The axis, for example, excludes the article as Art. 368¹ which expired on the basis of Law No. 2808-VI of December 21, 2010 and instead uses Art. 368-2. Illegal enrichment, which, like the previous one, was declared unconstitutional, nevertheless exists and is valid.

Article 368². Illegal enrichment

(Article 368² has been declared unconstitutional (is unconstitutional), according to the Decision of the Constitutional Court No. 1-r/2019 from 02/26/2019)

1. Acquisition by a person authorised to perform the functions of the state or local self-government of ownership of assets in a significant amount, the legality of the grounds for acquisition of which is not confirmed by evidence, as well as the transfer of such assets to any other person shall be punishable by imprisonment for a term up to two years with deprivation of the right to hold certain positions or engage in certain activities for a term up to three years with confiscation of property.
2. The same acts committed by an official holding a responsible position shall be punishable by imprisonment for a term of two to five years with deprivation of the right to hold certain positions or engage in certain activities for up to three years with confiscation of property.

⁹ Verkhovna Rada of Ukraine. Law №619-IX of 2020, "About the modification of some legislative acts of Ukraine concerning the improvement of procedure of modification". <https://zakon.rada.gov.ua/laws/show/619-20#n9> (accessed March 22, 2023).



3. The acts provided for in part one of this Article, committed by an official who holds a particularly responsible position, shall be punishable by imprisonment for a term of five to ten years with deprivation of the right to hold certain positions or engage in certain activities for up to three years with confiscation of property.

Note. 1. The persons authorised to perform the functions of the state or local self-government are the persons specified in paragraph 1 of part one of Article 3 of the Law of Ukraine "On Prevention of Corruption".

4. Assets in a significant amount in this article mean cash or other property, as well as income from them, if their size (value) exceeds one thousand non-taxable minimum incomes.
5. The transfer of assets in this article means the conclusion of any transactions on the basis of which the right of ownership or right of use of assets arises, as well as the provision of cash or other property to another person for the conclusion of such transactions¹⁰.

In practice, this may lead to the fact that, although the courts may not hear cases, public authorities (prosecutors) have the right to enter information into the Unified Register of Pre-trial Investigations under this article and refer the case to the Court on such charges. fact is unconstitutional, but de jure it exists in the Criminal Code of Ukraine and will not be able to interfere with the relevant. In such cases, conflicts (contradictions) arise, which create legal uncertainty.

What is the problem? The problem is that the pre-trial investigation does not want to investigate criminal offences that are considered unconstitutional, because first, the prosecutor's office, knowing that they are not defined as unconstitutional by the Constitutional Court, does not want to sign them. And secondly, even if the case is brought before the Court, no judge will consider it because it is not collegial with the judges, who are more respectful and have a different position. There is no conflict of norms and inconsistencies between the judiciary and the legislature, where everyone tries to prove to others their more respectable significance. And the law, the rule of law, the bodies of pre-trial investigation, and accordingly, people (citizens of Ukraine) suffer, and what can the ECtHR tell us about this?

Answering the questions, we can refer to the case law of the European Court of Human Rights, so in the case of "Eloev v. Ukraine" of November 6, 2008, the European Court of Human Rights in its decision drew attention to the fact that identifying legislative gaps (conflicts) may lead to situations of non-compliance with the principle of legal certainty in cases where there is no clarity of the formulated provisions as one of the main elements

¹⁰ Verkhovna Rada of Ukraine. Law N^o770-VIII of 2015, "About the modification of the Criminal Code of Ukraine concerning the improvement of the institute of special confiscation for the purpose of eliminating corruption risks at its application". <https://zakon.rada.gov.ua/laws/show/770-19#Text> (accessed March 22, 2023).



of the rule of law¹¹. It follows that legislative gaps (conflicts) may lead to non-compliance with the principle of legal certainty as one of the main elements of the rule of law, while the Ukrainian authorities create such conflicts with their own understanding that contradictions arise. But why? To prove its significance? However, the country suffers, and the people suffer. Returning to the case of *Yeloyev v. Ukraine*, the application of a measure of restraint in the form of detention at the stage of judicial investigation, which is elected for an indefinite period, does not meet the criterion of "predictability of law" for the purposes of paragraph 1 of Art. 5 of the Convention. A very large number of complaints concern the very practise that arises regarding existing conflicts in the law regarding the detention of persons for an unlimited and unpredictable period. However, the ECtHR often reminds that such detention in case of unforeseen legislation is in itself contrary to the principle of legal certainty, which is implemented by the Convention and is one of the elements of the rule of law.¹²

So, if there are so many appeals to the ECtHR regarding illegal detention, and, accordingly, detention orders are challenged by the ECtHR, then what kind of pressure will be put from the prosecutor's office, if the recognition of illegality takes place at the level of the ECtHR! The judges of the Constitutional Court do not mention this.¹³

However, in Article 91 of the Law of Ukraine "On the Constitutional Court of Ukraine" and in Article 152 of the Constitution of Ukraine, the Court exercises all its powers for the purpose of effective constitutional review, taking into account all the circumstances of the case. In its opinion, the Constitutional Court found that the existence of the criminal liability of a judge for a "knowingly unjust" decision creates grounds for the emergence of risks related to the fact that it is allegedly possible to influence the judge by coercion and coercion due to the assessment concepts at the disposal of Art. 375 of the Criminal Code of Ukraine. The Recommendation, with reference to Article 6 of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms, adds that the aim is to ensure the independence of the judiciary, which guarantees everyone the right to a fair trial by law and without any influence from outsiders"¹⁴. Here, the judges emphasise that they are being resisted by the pre-trial investigation, but they do not see their guilt in passing an unjust sentence, ruling, or ruling.

The Venice Commission or the European Commission at the 86th plenary session "For Democracy through Law" noted that legal certainty is one of the essential elements in the rule of law¹⁵. According to legal certainty, the requirement is as follows: clarity and

¹¹ European Court of Human Rights. The case of *Yeloyev v. Ukraine* (2008). Application no. 17283/02 of 2008. https://zakon.rada.gov.ua/laws/show/974_433#Text (accessed March 22, 2023).

¹² European Court of Human Rights. Case of *Kawka v. Poland*. (2001). Application no. 25874/94 of 2001. https://www.stradalex.com/en/si_src_publ_jur_int/document/echr_25874-94_001-46067 (accessed March 22, 2023).
European Court of Human Rights. Case of *Baranowski v. Poland*. (2000). Application no. 28358/95 of 2000. https://www.stradalex.com/nl/si_src_publ_jur_int/document/echr_28358-95_001-4020 (accessed March 22, 2023).

¹³ Josef Abrahám et al., "Energy security issues in contemporary Europe". *Journal of Security and Sustainability Issues* 7, no. 3 (2018): 387-398. [https://doi.org/10.9770/jssi.2018.7.3\(1\)](https://doi.org/10.9770/jssi.2018.7.3(1))

¹⁴ "Guide to article 6. The right to a fair trial (civil part)". European Court of Human Rights. (2013). https://www.echr.coe.int/Documents/Guide_Art_6_UKR.pdf (accessed March 22, 2023).

¹⁵ "Item 41 European commission "For democracy through law". Venice commission. (2011). [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)003rev-ukr](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)003rev-ukr) (accessed March 22, 2023).



accuracy, which are aimed at ensuring legal norms in which legal relations are predictable¹⁶.

The Committee of Ministers of the Council of Europe in its decision of September 23–25, 2019 noted its uncertainty about the threat to judicial independence in cases under Article 375 of the Code of Abuse of Prosecutors of Criminal Investigations, the oversight procedure for the implementation of the European Court of Human Rights in the Ukraine case "Alexander Volkov v. Ukraine".

One of the main tasks of the criminal law policy of the state of Ukraine is to counteract and prevent criminal offences committed by judges in the field of justice, which is committed to facilitating the administration of justice, based on justice, legality, and assistance in making reasonable and lawful judgements in Ukraine. Mechanisms for ensuring the principles of the rule of law under the provisions of the Constitution of Ukraine.

In connection with the recognition of Article 375 of the Criminal Code as unconstitutional, the judge was supposed to "decriminalise" a deliberately unjust decision, but as mentioned earlier, this was not blown away due to the fact that a law was passed according to which any changes could take place. In the Criminal Code only in cases of amendments to the Laws of Ukraine concerning pre-trial investigation of certain categories of criminal offences¹⁷.

For example, the case of "Gelenidze v. Georgia", which is relevant to the exclusion of Art. 375 of the Criminal Code of Ukraine from the criminal legislation of Ukraine. In this case, the judge was prosecuted under an article similar to Art. 375 of the Criminal Code of Ukraine. But during the trial, she was decriminalised in Georgia. At that time, the prosecutor's office decided to reclassify this article to another, which did not concern the special subject "Judge", but the general one as an abuse of office. The court granted the prosecutor's request and prosecuted the judge, with both the appellate court and the Supreme Court upholding the decision.

In this connection, the applicant applied to the ECtHR for a violation of Art. 6 of the Convention. Thus, the ECtHR satisfied the petition of the plaintiff, having defined a violation of Art. 6. However, the applicant's complaint under Article 6 of the Convention was twofold: first, the prosecutor's application and the subsequent decision of the appellate court to change the legal classification of the offence for which she had been convicted were arbitrary; second, the applicant was not given sufficient time to prepare his defence on the new charges.

As for the reasoning for the reclassification of the said decision, the government noted that Art. 336 of the Criminal Code of Georgia is a *lex specialis* to Article 332 of the Criminal Code of Georgia. In its objections, the government stated that no retraining had

¹⁶ "Item 46 European commission "For democracy through law". Venice commission. (2011). [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)003rev-ukr](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)003rev-ukr) (accessed March 22, 2023).

¹⁷ Verkhovna Rada of Ukraine. Law №2617-VIII of 2019, "About the modification of some legislative acts of Ukraine concerning the simplification of pre-judicial investigation of separate categories of criminal offences". <https://zakon.rada.gov.ua/laws/show/2617-19#n42> (accessed March 22, 2023).



taken place and that the amount of the original charge had been exceeded. However, the judges of the ECtHR did not agree with this argument. The basis of the statement was the assertion, however, that the bill on decriminalisation, which was prepared and adopted by the legislator, contradicts the law. Paragraph 18 of this decision stated that the purpose of the proposed changes is to decriminalise the rule (exclusion) for the adoption of an illegal decision or court decision, which was clearly stated in the explanatory note to this bill. However, referring to the case in which paragraph 6 of this decision stated that the only charge against the applicant was the adoption of an illegal court decision in the prosecutor's decision of October 26, 2005 transferring the case to court. Other references that would relate to the *lex specialis* nature of Art. 336 and Art. 332 of the Criminal Code of Georgia were not made, and accordingly, the charges. It can be concluded from the above that the investigation into the applicant concerned exclusively an offence related to the adoption of an illegal court decision. The same conclusions can be drawn with regard to the subsequent proceedings against the applicant in absentia. The regulatory part of the relevant ECtHR decision stated that the issue of the possibility of criminalising the applicant for abuse of office as an alternative rule was not considered or raised at all¹⁸. In the Court of Appeal, the court replaced one article with another in view of the above, after which the applicant lodged a complaint. The appellate court reclassified without taking into account the differences between these norms under Georgian law¹⁹. The composition of the criminal offence under Art. 336 of the Criminal Code of Georgia consisted in the adoption of an illegal court decision or decision without any motive that was illegal and improper (improper motive), but was a mandatory element of a criminal offence of abuse of office under Article 332 of the Criminal Code of Georgia²⁰.

We believe that it is true that in this direction of the Court of Appeal's arguments regarding the provisions of the ECtHR, which were particularly impressive, as Art. 3 of the Criminal Code of Ukraine clearly provided for the retrospective application of the decriminalized rule of the law of Ukraine on criminal liability. According to Art. 28 of the CPC of Ukraine, which provides for the immediate and mandatory termination of proceedings if there is a decriminalization of a socially dangerous act, the only exception is when the accused wants to continue the trial. But even in this case, the law of Ukraine stipulates that even if he is found guilty, the court must release the person from serving the sentence. It did not end there, and the Supreme Court upheld the decision of the Court of Appeal, excluding the above provisions from its grounds and failing to consider their application to the specific circumstances of the applicant's case, which was both procedural and essentially unfair. However, the ECtHR found that both the procedure and the manner in which the applicant was charged were in breach of the principle of equality of arms and arbitrary.²¹ The Supreme Court did not correct the arbitrary decision of the appellate court. Therefore, the ECtHR concluded that paragraph 1 and subsequent

¹⁸ European Court of Human Rights. Case of Anđelković v. Serbia. (2013). Application no. 1401/08 of 2013. http://www.zastupnik.gov.rs/uploads/Andjelkovic_1401-08_eng.pdf (accessed March 22, 2023).

¹⁹ Criminal Code of Georgia, 1999, Article 332/336.

²⁰ Criminal Code of Georgia, 1999, Article 332/336.

²¹ European Court of Human Rights. Case of Anđelković v. Serbia. (2013). Application no. 1401/08 of 2013. http://www.zastupnik.gov.rs/uploads/Andjelkovic_1401-08_eng.pdf (accessed March 22, 2023).



paragraphs had been violated. "A" and "b" paragraph 3 of Art. 6 of the Convention apply in this case.

According to this provision, the ECtHR has noted in advance that this will not be the case in Ukraine and that the prosecutor's office will not be able to reclassify Art. 375 of the Criminal Code as Art. 364 of the Criminal Code of Ukraine. However, our legislation, namely the Criminal Code, is formulated somewhat differently than in Georgia. For example, Art. 364 of the Criminal Code of Ukraine is formulated as a material composition in contrast to Art. 375 of the Criminal Code, which is a formal composition. What it means and the fact that in violation of Art. 364 of the Criminal Code necessary consequences have been caused significant damage to the rights protected by law, where under the damage according to Note 3 is recognized the amount that is 100 times or more than the tax-free minimum income. For 2021, one NMDG is UAH 1,147, and accordingly, 114700 is the amount that must be determined as a consequence of the commission of Art. 364 of the Criminal Code of Ukraine. How to determine the damage caused and how difficult it is to prove it when a judge (judges) makes a knowingly unjust sentence, decision, ruling or resolution? In our opinion, it is almost impossible.

Let us turn to the analysis of the criminal legislation of some foreign states, regarding the similar composition of the criminal offence available in their national legislation. The Criminal Code of Spain provides for several types of criminal offences relating to judges, as follows: Art. 446 of the Criminal Code of Spain: "Issuance of an illegal sentence or decision"; Art. 447 of the Criminal Code of Spain: "Passing a clearly illegal sentence or decision due to gross negligence or ignorance"; Art. 448 of the Criminal Code of Spain: "Refusal to make a sentence or decision without a legitimate reason or under the pretext of alleged ambiguity, inadequacy of the law or a gap in the law"; Art. 449 of the Criminal Code of Spain: "Malicious delay of justice to achieve any illegal goal."

Criminal liability is also established in the French Criminal Code: malicious refusal to administer justice after receiving the relevant procedural appeal (Article 434-7-1). Paragraph 339 of the German Penal Code establishes liability for an unfair decision, sentence or ruling, meaning a refusal to hear a case or decisions rendered in favor of or to the detriment of a procedural party by judges or other officials or arbitrators. In the Criminal Code of Serbia In the Criminal Code of Serbia, Art. 243 of the Criminal Code of Serbia defines criminal liability for intentional acts committed by judges in the performance of their functions. The Criminal Code of Bulgaria (Articles 294), the Criminal Code of Denmark (§ 146, § 148), the Penitentiary Code of Estonia (Part 4 of Article 311), and the Criminal Code of Latvia (Articles 291-293).

In our opinion, based on the above considerations, it is possible that criminal liability for the decision of judges making knowingly unjust decisions can not be considered only "unsuccessful borrowing" from the Soviet Union because the modern law of Ukraine on criminal liability exists in other countries and has similar criminal structures of offences. In addition, it should be noted that there is no criminal liability, judges are not subject to criminal liability for their decisions, rulings and resolutions in countries such as Ireland, Great Britain and Cyprus. In some countries, judges are liable for wrongful decisions only



if they have committed corruption offences, namely Italy, Liechtenstein, Norway, Portugal, Romania, Slovenia, Hungary, Croatia and Sweden.

Discussion

In 2018, amendments to Art. 375 of the Criminal Code of Ukraine, namely before it was declared unconstitutional according to the decision of the Constitutional Court No.7-r/2020 of November 6, 2020, namely in the Draft Law of Ukraine of February 28, 2018 No. 8077, it was proposed to amend Part 1 of Art. 375 of the Criminal Code in the following wording: "for intentional adoption by a judge or investigating judge of a knowingly illegal or unreasonable sentence, decision, ruling or court order made for selfish or other personal reasons, or if it caused significant damage to legally protected rights, freedoms and interests of citizens; state or public interests, or the interests of legal entities".²² The proposals were made as a result of the recommendations of the Council of Europe's Group of States against Corruption (GRECO) in 2017, following the Fourth Evaluation Round on the Prevention of Corruption among MPs, Judges and Prosecutors. unjust sentence, decision, ruling or resolution "and / or at least other security"²³.

Already in 2020, GRECO, evaluating the implementation of the recommendations provided to Ukraine based on the results of the Fourth Evaluation Round, stated that there was no progress in the implementation of this recommendation. The discrepancy of Art. 6 of the Convention on law and a fair trial are not fulfilled not only in the example given in Art. 375 of the Criminal Code of Ukraine. They are not fulfilled in others, so we offer a number of inconsistencies.

In our criminal law there are special rules that are designed to protect public relations that protect justice, for example in Art. 374 of the Criminal Code "Violation of the right to protection", and Art. 397 of the Criminal Code "Interference in the activities of a lawyer or a representative of a person." On the one hand, a socially dangerous act as part of a criminal offence, which exists in Part 1 of Art. 374 of the Criminal Code "inadmissibility or failure to provide timely defence counsel, as well as other gross violations of the rights of the suspect, accused to defense", in addition, this article clearly states the conduct of officials, namely investigators, prosecutors and judges, but this article`s liability only exists in cases concerning the right to defence in criminal proceedings. The literal interpretation of the Law of Ukraine on Criminal Liability shows that the violation of the right to legal aid does not apply to civil proceedings and is therefore not covered by this article. The conclusion is based on the fact that in Art. 374 of the Criminal Code of Ukraine, the actions of a participant in the process such as a defender, are not mentioned. A defender is not listed among the participants in civil proceedings, but in Art. 374 of the

²² "On amendments to some legislative acts of Ukraine regarding the improvement of certain norms for the purpose of inevitability of punishment of persons who have committed corruption crimes". Draft law of Ukraine. (2018). <https://ips.ligazakon.net/document/JH68D00A> (accessed March 22, 2023).

²³ "On amendments to some legislative acts of Ukraine regarding the improvement of certain norms for the purpose of inevitability of punishment of persons who have committed corruption crimes". Explanatory note. (2018). <https://ips.ligazakon.net/document/JH68D00A> (accessed March 22, 2023).



Criminal Code of Ukraine, the victims are "suspect", "accused" and "defendant", who are participants in the criminal procedure legislation but are not defined in the civil procedure legislation.

To assist Art. 374 of the Criminal Code of Ukraine, various forms of obstruction may be brought to the attention of Art. 397 of the Criminal Code of Ukraine by the defence counsel or the person providing assistance in committing these actions. Again, defining the conduct of an official recognised by the Court as a violation of a socially dangerous act described in Art. 397 of the Criminal Code could cover the considered behaviour of the official recognised by the Court as a violation of item 1 of Art. 6 of the Convention. However, this article of the Criminal Code is intended to protect not just any defender and representative, but a specific defender and representative. When the issue of obtaining assistance in refusing the applicant arose, it was generally impossible to obtain legal aid in a civil case. In this example, the court found a violation of the right of access to justice; it does not matter the guilt of the person because any person has the right to protection. The ECtHR does not deal with the selection of guilty persons for violating the Constitution, but only characterises the existence of problems with the correct criminal-legal qualification of an act committed by a person. The Court of Justice of the European Court of Human Rights is not a court of higher instance in relation to the judicial system of a state party to the Convention²⁴.

Accordingly, the ECtHR cannot amend or revoke a judgement of a court of a country that has ratified the Convention, and the court does not give instructions to the legislator of a member state, but only determines the inconsistency of the decision of the Convention. Accordingly, it does not exercise control over the participating countries (Borisov, 2004). The ECtHR's recommendations are a test of decades of the Court's principles and guidelines. However, I would like to note that such a policy does not work in those countries where corruption prevails, and, accordingly, social needs and state policy are not aimed at meeting European human rights standards. As an example, a large number of ECtHR decisions recognising violations of life imprisonment rights, such as *Kuznetsov v. Ukraine* and *Aliyev v. Ukraine*, can be cited. Thus, there are a large number of decisions of the court concerning persons serving life sentences, in which the ECtHR has recognised the violation of the rights of these persons by the court in most cases; this applies to Art. 3 and 8 of the Convention, but as noted above, the court cannot decide on the prosecution of perpetrators, but can only determine the fact of violations.²⁵ However, at the same time, it can be argued that Art. 375 of the Criminal Code of Ukraine, if there are such a large number of appeals to the ECtHR regarding violations of Art. 6 of the Convention and just here there is no pressure from the pre-trial investigation, which draws the attention of the Constitutional Court of Ukraine.

From this, it can be concluded that the statement of the fact that certain (judges, officials) committed criminal offences against those persons whose complaints the Court considered the relevant cases. However, the impossibility in the decision of the Court to

²⁴ M. Inshyn et al., "Transformation of labor legislation in the digital economy". *InterEULawEast* 8, no. 1 (2021): 39-56. doi:10.22598/iele.2021.8.1.3

²⁵ European Court of Human Rights. Case of *Aliiev v. Ukraine*. (2003). Application no. 41220/98 of 2003. https://zakon.rada.gov.ua/laws/show/980_202#Text (accessed March 22, 2023).



make an instruction on the need to prosecute the person who committed the identified violations makes it impossible to apply Art. 375 of the Criminal Code of Ukraine to judges who commit such acts. In this case, the ECtHR court pays the person for the violation of the court, the state suffers damages, and the courts do not feel any consequences. As regards persons in respect of whom they have been found guilty of life imprisonment, although they have received certain monetary compensation, their detention continues under the same conditions, and they do not have the right to seek redress from the Court on the same matter. There are exceptions, but this should be the rule, so in the case of *Naumenko v. Ukraine*, a report was submitted to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in respect of disciplinary sanctions and punishments applied in accordance with convicts' complaints regarding ill-treatment²⁶.

From the documents that are publicly available, it is impossible to trace the involvement of at least one person in such acts. In the published case law of Ukraine in the Unified State Register there were no cases of initiation of cases against officials who committed criminal offences against convicts serving sentences in penitentiary institutions of different types of detention (closed and open). In view of this, it is argued that persons found by the ECtHR guilty of torture and inhuman treatment in our country are not even considered to be prosecuted, and information is not entered into the Unified Register of criminal proceedings. Accordingly, it appears that they remain unpunished²⁷.

However, I would like to draw attention to the fact that this is happening not only in Ukraine. For example in the case of *Labita v. Italy*, which found a violation of several articles of the Convention, but also did not specify whether to prosecute those responsible. and made decisions²⁸. In the case of *Ertak v. Turkey*, it was established that the death of Mehmet Ertak was in connection with the actions of officials during his imprisonment, and the court found that the Government had violated Art. 2 of the Convention. However, the ECtHR did not recognise the possible prosecution of officials responsible for the death and, consequently, did not conduct an effective and sufficient investigation into the circumstances of Mehmet Ertak's disappearance and death.²⁹ There are exceptions, for example, in *Berktoy v. Turkey*, the ECtHR pointed out that a Turkish court acquitted officers without any justification for the lack of causation between the fall of Devrim Berktoy and the actions of the accused³⁰.

The largest number of appeals from Ukraine concerns complaints concerning the non-execution of court decisions, namely the presence of violations in such cases of Art. 6 or

²⁶ European Court of Human Rights. Case of *Naumenko v. Ukraine*. (2004). Application no. 41984/98 of 2004. https://zakon.rada.gov.ua/laws/show/980_353#Text (accessed March 22, 2023).

²⁷ M. Inshyn, and O. Moskalenko. "Ensuring freedom of labor in Ukraine in the context of labor emigration". *Baltic Journal of Law and Politics* 11, no. 2 (2018): 1-31. doi:10.2478/bjlp-2018-0009

²⁸ European Court of Human Rights. Case of *Labita v. Italy*. (2000). Application no. 26772/95 of 2000. https://zakon.rada.gov.ua/laws/show/980_009#Text (accessed March 22, 2023).

²⁹ European Court of Human Rights. Case of *Ismail Ertak v. Turkey*. (2000). Application no. 20764/92 of 2000. http://search.ligazakon.ua/l_doc2.nsf/link1/SO2357.html (accessed March 22, 2023).

³⁰ European Court of Human Rights. Case of *Berktoy v. Turkey*. (2001). Application no. 22493/93 of 2001. http://search.ligazakon.ua/l_doc2.nsf/link1/SO2494.html (accessed March 22, 2023).



Art. 13 of the Convention, which testifies to the crisis situation in Ukraine with respect for human rights and fundamental freedoms in this area of relations.

Conclusion

Proclaimed rights in Art. 6 of the Convention on the Right to a Fair Trial are designed to protect human rights in the first place. However, in our country, it is proposed to protect not the defenceless people, who stand against the background of the law, which is proclaimed in law and real, when Ukraine ranks 3rd in the world in the number of appeals to the ECtHR. And despite the fact that the Convention is designed to protect the most vulnerable in society, in practice, according to the decisions of the Constitutional Court, those people are judges. The register of court decisions shows that with the enactment of the Criminal Code in 2001, 15 convictions were handed down for criminal liability under Article 375. "Judgement (s) of a judge (judges) knowingly unjust sentence, decision or ruling". 15 sentences in 20 years. All this is happening along with the fact that almost 95% of the people do not trust and consider the courts to be the most corrupt branch of government. However, the Constitutional Court came to the conclusion that this article contradicts the Constitution of Ukraine and allows for pressure on the Court.

It is determined that the Constitutional Court has no right to decriminalise articles in the Criminal Code, but only the right to declare them unconstitutional, but their existence in law continues to exist, only with a sign of unconstitutionality. In the near future, it will be necessary to wait for the judges of the Constitutional Court to appeal to the European Court of Human Rights with a complaint about the non-execution of the Judgement. However, the analysis of statistical data shows that at the same time, the existence of Art. 375 of the Criminal Code meets the needs of all branches of government. Yes, no case is initiated at the stage of pre-trial investigation due to its unconstitutionality, but the authorities allegedly did not decriminalise it, and it remains in the law of Ukraine on criminal liability.

It is determined that some countries have articles for which judges can be prosecuted, while others do not have general liability, but can be prosecuted if a criminal offence is found to be corrupt. Recognition of Art. 375 of the Criminal Code of Ukraine as unconstitutional in practise will lead to the fact that the courts will not consider cases because Art. 375 of the Criminal Code is declared unconstitutional and cannot be de facto applied, while de jure it is not excluded and the pre-trial investigation bodies and the prosecutor's office may enter information into the Unified Register of pre-trial investigations under this article and refer the case to the Court. This creates legal uncertainty.

We have concluded that the decision of the European Court of Human Rights in the case "Gelenidze v. Georgia" to the exclusion of Art. 375 of the Criminal Code of Ukraine, because Art. 364 of the Criminal Code of Ukraine is formulated as a material composition in contrast to Art. 375 of the Criminal Code, which is a formal composition, what it means, and the fact that in violation of Art. 364 of the Criminal Code necessary consequences have occurred that have caused significant damage to the rights protected by law. Where



under the damage according to Note 3 is recognised the amount that is 100 times or more than the tax-free minimum income. For 2021, one NMDG is UAH 1,147, and accordingly, 114700 is the amount that must be determined as a consequence of the commission of Art. 364 of the Criminal Code of Ukraine. How to determine the damage caused and how difficult it is to prove it when a judge (judges) makes a knowingly unjust sentence, decision, ruling or resolution? In our opinion, it is almost impossible.

In addition, the ECtHR, in determining the violation of Art. 6 of the Convention "Right to a Fair Trial", in which is the dominant quantitative component, on the appeals of Ukrainians to the ECtHR, has no right to influence national law to prosecute those guilty of wrongdoing, as a result of which judges remain unpunished and not prosecuted. responsibility. Which, in our opinion, is a gap that needs to be addressed by amending national legislation. And if there is a violation of Art. 6 of the Convention in relation to a certain person, in parallel, conduct a pre-trial investigation against the judges who made such a decision. In case of proving the illegality of the decision, rulings and resolutions to impose fines on judges and deduct the amounts imposed on the state as a result of the violation of Art. 6 of the Convention by this judge.

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UM MODELO DE COOPERAÇÃO AVANT LA LETTRE PARA UMA EUROPA UNIDA. AS PREMISSAS E A EVOLUÇÃO DA PEQUENA ENTENTE (1933)

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Prepara uma tese sobre a evolução da ideia europeia até ao momento da criação da Comunidade Europeia, na década dos '50. É diplomata, com mais de vinte anos de experiência, principalmente na área dos assuntos europeus

Resumo

O fim da Primeira Guerra Mundial determinou mudanças estruturais no mapa da Europa, resultantes da desintegração dos Grandes Impérios, girando em torno do modelo liberal e da visão wilsoniana resumida nos «14 pontos». O novo modelo de construção da paz gerou, além de benefícios claros, vários desafios, vividos de forma mais aguda pela Roménia e pelos Estados da Europa Central e Oriental, principalmente motivados pela preservação do seu *status quo*. A criação e evolução da Pequena Entente de uma estrutura predominantemente defensiva para uma organização com características federativas proporcionam uma perspetiva original. Prenuncia, como possível modelo e fonte de inspiração, a construção das Comunidades Europeias na década de 1950. De particular relevância, pelo potencial de exemplaridade, são a arquitetura institucional, os princípios de organização e o funcionamento em regime de rotatividade e consenso, estabelecidos através do Pacto de Organização da Pequena Entente (1933).

Palavras-chave

Europa, mudanças estruturais. Pequena Entente, características federativas, integração, modelo potencial

Abstract

The end of the First World War determined structural changes on the map of Europe, resulting from the disintegration of the Great Empires, revolving around the liberal model and the Wilsonian vision summarized in the "14 points". The new model for building peace generated, besides clear benefits, several challenges, more acutely experienced by Romania and the states in Central and Eastern Europe, mainly driven to preserve the *status quo*. The creation and evolution of the Little Entente from a predominantly defensive structure towards an organization with federative characteristics provide an original perspective. It foreshadows, as a possible role model and source of inspiration, the construction of the European Communities in the 1950s. A particular relevance, for the exemplarity potential, are the institutional architecture, the organization principles and the functioning on the basis of rotation and consensus, established through the Organization Pact of Little Entente (1933).

Keywords

Europe, structural changes, Little Entente, federative characteristics, integration, potential model

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UM MODELO DE COOPERAÇÃO AVANT LA LETTRE PARA UMA EUROPA UNIDA. AS PREMISSAS E A EVOLUÇÃO DA PEQUENA ENTENTE (1933)

MIRCEA ILIESCU

Introdução, objetivos e metodologia

A Pequena Entente¹ foi uma aliança formada em 1920 e 1921 pela Checoslováquia, Roménia e o Reino dos Servos, Croatas e Eslovenos (a partir de 1929, Jugoslávia), contra o revisionismo húngaro, que reivindicava o norte da Croácia e da Voivodina (integrado no Reino dos Servos, Croatas e Eslovenos), a Eslováquia e a Ruténia (cedidas à Checoslováquia) e a Transilvânia e a parte oriental do Banat (reconhecidos como partes da Roménia) e para impedir a restauração da monarquia dos Habsburgos.

A Pequena Entente foi iniciada por Edvard Beneš, ministro dos Negócios Estrangeiros da Checoslováquia. Seu homólogo romeno, Take Ionescu, visava, em 1920, uma aliança ainda mais extensa. A Pequena Entente foi originalmente uma organização defensiva regional e surgiu com a assinatura de três convenções bilaterais: entre a Checoslováquia e o Reino dos Servos, Croatas e Eslovenos (14 de agosto de 1920), a Roménia e a Checoslováquia (23 de abril de 1921) e Roménia e o Reino dos Servos, Croatas e Eslovenos (7 de junho de 1921).

Quanto aos objetivos, o presente trabalho debruça-se sobre a evolução estrutural e organizacional da Pequena Entente, que levou, na década dos '30, à mudança do seu paradigma: de um modelo de segurança defensivo para um modelo federativo, o que nos permitiu esboçar um paralelismo entre o seu Pacto de Organização e o Pacto da Sociedade das Nações, apresentado por Aristide Briand.

Um outro objetivo que possa ser considerado original é a apresentação de um paralelismo entre a Pequena Entente e a posterior estruturação e funcionamento da CEE e da União Europeia. Postulámos a Pequena Entente de 1933 como um possível modelo de cooperação *avant la lettre* da Europa Unida.

Quanto à metodologia, trata-se de uma revisão das fontes bibliográficas, a maioria do Leste europeu, proporcionando uma visão sintética da organização e do funcionamento

¹ A frase «Pequena Entente» foi usada ironicamente pela primeira vez num artigo do jornal húngaro *Pesti Hirlap* (21.1.1920), com referência aos planos de colaboração entre a Roménia, a Checoslováquia e Jugoslávia. Porém, o seu uso foi oficialmente adotado (Nanu, 1993: 81, nota 87).



da aliança (que desaparece em 1938, após os acordos de Munique). Sempre que possível, revelamos uma documentação nova, resultante da pesquisa bibliográfica em vários arquivos.

A Europa Central e Oriental após o Tratados de Versalhes

A Primeira Guerra Mundial teve um profundo impacto político, social e económico, conduzindo à reconfiguração das relações interestatais na Europa, ao passar do rígido sistema de «concerto» para outro paradigma organizacional, muito mais aberto e inclusivo. A Europa do fim da guerra em nada se parecia com a de julho de 1914, os quatro anos de conflito implicando profundas mudanças na sua configuração e na fisionomia do mundo (René Rémond, 2002: 31). Como salientou Zara Steiner, a guerra «pôs em marcha novas ideias e movimentos cujos tremores se fizeram sentir por toda a Europa e fora dela. Mesmo onde as velhas elites permaneceram no poder, elas enfrentaram um ambiente fundamentalmente alterado, tanto nos seus países como no exterior, que exigia um arsenal mais amplo de respostas. Embora muitos dos modos tradicionais de diplomacia permanecessem em vigor, novas técnicas e instituições eram necessárias para lidar com a vasta expansão do mapa e da agenda internacional. O próprio conceito de um “sistema europeu de relações internacionais” foi destruído pelas revoluções russas e pela participação americana na guerra» (Steiner, 2005: 1).

A configuração geopolítica do nosso continente passou por câmbios estruturais, e o recém-criado mosaico político-territorial, na Europa Central e Oriental, tornou-se sobrecarregado por interesses, fricções e dossiers sensíveis, desde a necessidade de harmonização administrativa, às disputas fronteiriças e à questão das minorias. Apesar da complexidade dos assuntos que tiveram de administrar, a Roménia e restantes Estados emergidos do Império Habsburgo mostraram-se animados por um objetivo primordial: manter o *status quo* do final da guerra, garantido pelos tratados, para impedir a restauração do império dos Habsburgos (Scurtu, 2003: 436).

A Sociedade das Nações e a questão do revisionismo

A experiência da grande conflagração e os desafios da construção da paz criaram as premissas favoráveis para uma nova dinâmica de relações na Europa e no mundo e para um novo quadro alargado de debate – a Sociedade das Nações, que constituiu uma nova forma de organização dos Estados, uma verdadeira «institucionalização» das relações internacionais. O sistema de Genebra marcou uma rutura com o sistema «ossificado» do século XIX, baseado na diplomacia secreta, através da transição para a nova ordem liberal com negociações abertas (Kennedy, 1987: 841-863). A versão final do Pacto (Estatutos) da Sociedade das Nações, adotada por unanimidade em 28 de abril de 1919, foi, portanto, lançada sob os auspícios favoráveis à cooperação e às negociações entre os Estados, como fundamentos para uma paz duradoura.

As inovações da arquitetura institucional do fórum de Genebra – principalmente a existência de estruturas de representação permanentes – podem ser consideradas uma



referência viável para o desenvolvimento de alianças de menor dimensão na Europa Central e do Sudeste. Por outro lado, diminuía-se a capacidade da Sociedade das Nações de agir, caso a ordem estabelecida em Versalhes fosse posta em causa. O disposto no artigo 16.º do Pacto refere-se à possibilidade de avançar com sanções económicas, que seriam obrigatórias e aplicadas automaticamente contra qualquer Estado agressor. No entanto, as sanções militares permaneceram opcionais (Gerbert, 2012: 258). Parte-se, *ab initio*, de uma deficiência estrutural, cujos efeitos se fariam sentir de forma aguda na década dos '30 – a falta do «braço armado».

O problema da insuficiência das garantias de segurança, tendência recorrente na evolução do projeto europeu, inclusive após a constituição das Comunidades Europeias na década dos '50, resultou de um cúmulo de fatores e compromissos político-históricos nas relações entre os «Grandes» e os «Pequenos». Nestas condições, a Roménia e outros Estados da Europa Central e do Sudeste viram-se obrigados a construir um sistema de alianças para compensar a falta de garantias de segurança – principalmente das Grandes Potências – e ativá-lo quando um dos vizinhos revisionistas – Hungria, Rússia Soviética (desde 30 de dezembro de 1922, URSS) ou Bulgária – teria tentado mudar o *status quo* territorial, ignorando os tratados de paz e alterando as fronteiras (Constantiniu, 2010, p. 342-343).

A Roménia e a imperativa aliança regional

As ideias de cooperação aprofundada promovidas pela Roménia após a Primeira Guerra Mundial, longe de permanecerem na esfera do idealismo ou desiderato estéreis, manifestaram-se através de uma ação programática, inserida e numa lógica política sem as variações habitualmente criticadas na política dos Estados da Europa Central e Oriental.

O governo romeno, mas particularmente o ministro dos Negócios Estrangeiros, Take Ionescu, estiveram envolvidos na construção de uma aliança que deveria ter incluído os Estados vitoriosos da região, do Mar Báltico ao Mar Egeu: Polónia, Checoslováquia, Roménia, Jugoslávia e Grécia. Assim, antes da Conferência de Aix-les-Bains (1920), Take Ionescu declarou à imprensa estrangeira que a aliança iria formar “um bloco de oitenta milhões de habitantes e dez milhões de soldados²”. O projeto apresentado por Take Ionescu visava criar um “cordão sanitário” contra um possível ataque da Rússia bolchevique, que se tinha tornado um potencial agressor, mas visava igualmente isolar a Hungria e a Bulgária revisionistas.

Usufruindo das oportunidades de cooperação a todos os níveis – internacional, regional, bilateral –, a presença em Genebra e, sobretudo, o ativismo na construção de uma rede de alianças bilaterais ou regionais, representaram uma terceira via na política externa da Roménia no período entre guerras.

Evidentemente, a *ultima ratio* destas etapas permanecia a tutela dos grandes interesses nacionais, o que não excluía a experimentação de diversas formas de cooperação, por

² *Journal des débats politiques et littéraires*, ano 132, n.º 254, 14.9.1920, p. 1.



vezes até inéditas, que rompiam a clássica esfera defensiva, através da intervenção em vários domínios, desde a economia aos transportes, agricultura, comunicações, diálogo interuniversitário e intercâmbios de estudantes.

Acreditamos que o processo de transformação da Pequena Entente de uma aliança defensiva numa estrutura cooperativa, com poderes federativos, é emblemático da política de alianças promovida, após a Primeira Guerra Mundial, pela Roménia e os seus aliados interessados na preservação do *status quo*. É difícil decantar os recursos político-estratégicos: capacidade, sentido de oportunidade histórica ou reflexo imposto pela evolução do quadro regional e europeu estável, por um período limitado, na década dos '20, mas cada vez mais volátil após a Grande Depressão que eclodiu em 1929.

As ideias de cooperação reforçada promovidas pela Roménia, longe de ficarem na esfera do idealismo estéril ou do desiderato geral, manifestaram-se através de uma ação programática, implementada com cuidado, numa lógica política sem as variações habitualmente censurados na política dos Estados da Europa Central e do Sudeste. Estas ideias são subseqüentes ao primeiro desígnio, o cultivo do interesse nacional – não através de visões autárquicas, mas valorizando a mais-valia da cooperação e integração – e simbolicamente circunscritas pela fórmula metafórica «espiritualização das fronteiras», lançada pelo político romeno Nicolae Titulescu³. A «espiritualização das fronteiras», longe de postular o desaparecimento das fronteiras ou a transferência total da soberania, enfatizava a mais-valia da integração, da cooperação como patamar superior de valorização dos interesses nacionais, através da harmonização das ações políticas e da cooperação gradual com parceiros nas mais diversas áreas.

O dinamismo da Pequena Entente, desde o momento da sua criação até a sua plena maturidade, na década dos '30, reflete a superação relativamente rápida do limiar defensivo e a abertura sempre crescente em prol de uma cooperação reforçada.

Os atos fundadores da Pequena Entente – a *Convenção de Aliança entre a República Checoslovaca e o Reino dos Sérvios, Croatas e Eslovenos* (14 de agosto de 1920)⁴, a *Convenção de Aliança Defensiva entre o Reino da Roménia e a República Checoslovaca* (23 de abril de 1921)⁵ e a *Convenção de Aliança Defensiva entre o Reino da Roménia e o Reino dos Sérvios, Croatas e Eslovenos* (7 de junho de 1921)⁶ – refletiam, predominantemente, mas não de forma exclusiva, o primeiro nível da cooperação – o defensivo.

Na avaliação da França, a aliança dos três Estados foi-se fortalecendo à medida que esses garantissem os «interesses especiais» uns dos outros. O aspeto mais importante do ponto de vista dos interesses franceses consistia no facto de que uma aliança assinada

³ Nicolae Titulescu (1882-1941), foi ministro dos Negócios Estrangeiros em vários gabinetes (1927-1928, 1933-1934, 1934-1936). Envolvido desde a criação da Sociedade das Nações, foi muito ativo nos debates do fórum de Genebra, exercendo sucessivamente o cargo de Presidente em 1930 e 1931.

⁴ Arhiva Ministerului Afacerilor Externe al României (a seguir AMAER), Fundo 71/1920-1944, Dossiers Especiais, Checoslováquia C1, dossier 16, *Tratado de aliança com a Roménia, 1920-1929*, fs. 7-9.

⁵ *Monitorul Oficial*, n.º 53, 11 de junho de 1921.

⁶ *Monitorul Oficial*, n.º 77, 10 de julho de 1921.



por Pasič, Beneš e Titulescu «não pode funcionar contra nós»⁷. O denominador comum das três convenções era a posição antirrevisionista. Enquanto as duas primeiras convenções visavam combater um único Estado com potencial revisionista – a Hungria –, a terceira convenção, a romeno-jugoslava, era a mais complexa. Referia-se a dois Estados potencialmente agressores que já mostravam insatisfação com as disposições dos tratados de paz. Outra diferença notável relacionava-se com os documentos anexos⁸: três atas e dois protocolos, que incluíam disposições destinadas a regular um amplo leque de problemas, desde a delimitação de fronteiras, ao estatuto das minorias, uma série de questões relativas ao comércio, transporte ferroviário, correios, à criação de escolas e igrejas para as comunidades étnicas.

A Pequena Entente: integração e novas ameaças

As disposições das convenções criaram um campo de atuação mais amplo noutros domínios, que poderiam ser abordados de outra forma, uma vez resolvidas as divergências bilaterais. A regulação do comércio, do transporte ferroviário ou dos correios poderia permitir o desenvolvimento de políticas regionais, assumindo-se como modelo possível de replicação, ainda que em maior escala, na Europa.

O período 1922-1926 diz respeito basicamente à consolidação da segurança regional⁹. As decisões adotadas nas conferências da Pequena Entente decorreram da premente necessidade dos três aliados em fortalecer o quadro da estabilidade regional.

O ano de 1927 foi um marco no desenvolvimento da Pequena Entente, ao testar a capacidade de integração das economias dos três Estados. A conferência do Conselho Permanente, realizada em Jáchymov, entre 13 e 15 de maio de 1927, ocorreu num contexto marcado pelo *Anschluss*, a política agressiva dos italianos contra o Reino dos Sérvios, Croatas e Eslovenos e a apatia britânica em relação ao Centro e Sudeste europeu (Campus, 1977: 97-98). Um aspeto de particular relevância abordado foi a possibilidade de consolidar efetivamente a Pequena Entente através de um plano económico comum. Os especialistas dos três Estados deveriam propor formas eficazes e realistas de cooperação mutuamente benéfica, incluindo a expansão da cooperação entre todos os Estados do Danúbio (Vanku, 1986: 42-43). A decisão dos três aliados de aprofundar a cooperação com base na dimensão económica resulta de uma evolução orgânica da Pequena Entente, no espírito das convenções fundadoras, que, como já mostrámos, continham, *in nuce*, a base da integração das suas políticas.

A conferência de Bucareste de 20 a 22 de junho de 1928 visou a possibilidade de estender a colaboração económica à Hungria, Áustria e, possivelmente, à Polónia, por meio de

⁷ Cf. Clément-Simon, ministro da França em Belgrado para Briand, ministro dos Negócios Estrangeiros, 10 de junho de 1921, in Ministère des Affaires Étrangères, Commission de Publication des Documents Diplomatiques Français, *Documents Diplomatiques Français* (a seguir *DDF*), tomo I, 16 de janeiro -30 de junho de 1921, pp. 744-746, doc. 465.

⁸ *Ibidem*.

⁹ No respetivo intervalo, a Pequena Entente organizou conferências em Marienbad (25 de agosto de 1922), Praga (27 a 28 de agosto de 1922), Sinaia (28 de julho de 1923), Belgrado (10 a 12 de janeiro de 1924), Praga (11 de julho de 1924), Bucareste (9 a 10 de maio de 1925), Timisoara (11 de fevereiro de 1926).



incentivos alfandegários com efeitos benéficos gerais (Vanku, 1986: 43). Com base nisso, a Conferência para Problemas Económicos que teve lugar em Bucareste, em 20 de fevereiro de 1929, abrangeu uma série de assuntos, desde as formas de estimular a cooperação económica, a agricultura, até à universidade, através de intercâmbios de professores e alunos, transporte e outros¹⁰. A cooperação deveria cumprir as resoluções da Conferência Internacional de Genebra e basear-se em princípios bastante avançados, como: a livre circulação, a igualdade de tratamento entre o Estado e as empresas privadas, as condições de trabalho, etc.¹¹

As propostas concretas de integrar a cooperação dos três Estados num amplo leque temático e a abertura à cooperação com a Hungria e a Áustria, por meio de uma série de facilidades, principalmente económicas, trouxeram benefícios diretos mútuos, decorrentes dos esforços de harmonização das políticas agrícola ou industrial. O efeito indireto, igualmente importante, consistiu no reforço potencial da estabilidade regional, diminuindo o revisionismo húngaro ou o perigo do *Anschluss*, através da capitalização política das alavancas e das vantagens económicas.

Por ocasião da conferência da Pequena Entente em Štrbské Pleso (25 a 27 de junho de 1930), o ministro dos Negócios Estrangeiros da Roménia, George G. Mironescu, enfatizou que, na opinião comum dos três, os efeitos da crise económica na Europa poderiam ser atenuados por medidas como o agrupamento de diferentes países em uniões regionais, «ou seja, a criação da Pequena Entente Económica, com tendência a estender o entendimento económico também a outros Estados¹²». Na mesma ocasião, foi debatido e aprovado um projeto de acordo sobre os Estatutos da Pequena Entente, que consagrou as regras aplicadas até então em vários aspetos, como a organização de conferências anuais em cada Estado-Membro. Segundo o ministro Mironescu, isso representava o primeiro «acordo político comum entre os três Estados, que estão vinculados por tratados separados. Desta vez o tratado é comum e dá um carácter mais completo e sólido à aliança tripartite!¹³».

As decisões adotadas em Jáchymov, Bucareste e Štrbské Pleso marcaram, portanto, um ponto de virada na transformação da Pequena Entente e o primeiro passo da aliança, que se encontrava num processo de transição, em direção a uma nova fórmula conceitual e de ação a nível europeu.

Em 11 de dezembro de 1932, como resultado da atitude condescendente da França e, sobretudo, da Grã-Bretanha e de outras potências, a Alemanha tornou-se beneficiária da declaração dos «Cinco Grandes», que estabeleceu a *Gleichberichtigung* (Chiper, 2000: 49).

Para a Roménia e os seus aliados esta decisão representou um forte inconveniente. A cooperação entre as cinco Grandes Potências e a resolução aprovada foram consideradas pelos Pequenos Aliados um sinal acerca da provável criação de um novo diretório na Europa (Mičić, 2020: 48). As preocupações não eram infundadas, sendo a possibilidade

¹⁰ AMAER, *Fundo Pequena Entente*, anos 1920-1935, vol.1, fs. 107-108.

¹¹ *Idem*, vol. 10, telegrama circular n.º 31394, Bucareste, 7 de junho de 1936, assinada por N. Titulescu.

¹² *Ibidem*, ano de 1930, vol. 8, f. 129.

¹³ *Ibidem*, f. 130.



de constituição de um diretório europeu, com a participação dos Grandes, mencionada por Mussolini, em outubro de 1932, num discurso proferido em Turim (Brighi, 2013: 69; Carmi, 1972: 208).

A Conferência de Belgrado e o processo da reestruturação da Pequena Entente

A renomeação de Nicolae Titulescu à frente do Ministério dos Negócios Estrangeiros, em outubro de 1932, permitiu uma atuação mais dinâmica e efetiva da diplomacia romena e da Pequena Entente (Chiper, 2000: 48). Titulescu enfatizou que seu primeiro objetivo após assumir a pasta ministerial era fortalecer os laços da Pequena Entente para que, se algum membro fosse atacado por um de seus vizinhos, o atacante se tornasse, *ipso jure*, inimigo de toda a Pequena Entente (Titulescu, 1994: 71).

Por ocasião da Conferência da Pequena Entente, de 18 a 19 de dezembro de 1932, organizada em Belgrado, Jevtić, Beneš e Titulescu descobriram que o estabelecimento de um diretório das Grandes Potências colocaria em perigo a Pequena Entente, alimentando tendências revisionistas alemãs, húngaras e búlgaras (Mičić, 2020: 48). A Europa Central e do Sudeste enfrentava um possível abandono francês num momento em que a Alemanha estava a rearmar-se, e Mussolini, por sua vez, agitava os Balcãs (Steiner, 2005: 793). No comunicado final da Conferência da Pequena Entente, foi enfatizada a necessidade de uma atuação cada vez mais estreita em questões políticas e económicas e a decisão dos três de adaptar a organização às exigências do momento, complementando os Estatutos¹⁴.

A criação e o funcionamento do Conselho da Pequena Entente e do seu Secretariado Permanente, a partir do modelo existente na Sociedade das Nações, representavam inovações institucionais e conferiam uma outra faceta à aliança (Campus, 1997: 114-115; Vanku, 1979: 80). Ao contrário da fórmula organizacional discutida em Štrbské Pleso, o quadro jurídico-institucional acordado em Belgrado previa uma política externa única e a consolidação da Pequena Entente para que esta seguisse uma política externa independente das Grandes Potências, incluindo a França (Mičić, 2020: 48).

A evolução da situação internacional, que já havia evidenciado uma série de deficiências no sistema de organização da paz, e as limitações do fórum de Genebra, especialmente face à invasão da Manchúria pelo Japão, em setembro de 1931, às tendências agressivas da política alemã, às manifestações fascistas da Itália, ao revisionismo da Hungria, bem como ao espectro do diretório dos Quatro Grandes, que não augurava nada de bom para os Estados da Europa Central e do Leste, determinaram a decisão dos Pequenos Aliados de basear a sua arquitetura político-institucional sobre novos alicerces da Pequena Entente.

No espírito de plena solidariedade, na Conferência de Belgrado, decidiu-se a reestruturação da Pequena Entente – de uma aliança predominantemente defensiva para

¹⁴ D.D.F., 1932-1939, 1.ª Série (1932-1935), vol. II, 15 de novembro de 1932 – 17 de março de 1933, pp. 296-297, doc. 128 (*Naggiar para Paul-Boncour*, 22 de dezembro 1932).



uma organização *sui generis*: uma entidade regional com poderes federais, munida de instrumentos institucionais e legais, capaz de atuar como um novo ator no palco europeu e internacional.

A reação da Pequena Entente traduziu-se tanto numa política reativa, antirrevisionista, como numa constante abordagem preventiva. Assim, o novo quadro institucional e de atuação foi garantir um comportamento previsível e unitário dos três e a eliminação de potenciais desavenças nas relações entre si ou no diálogo de cada um com terceiros.

Com a instauração da ditadura nazista em 30 de janeiro de 1933, o quadro geopolítico tornou-se mais imprevisível. A política externa da Alemanha perseguiu ativamente a realização do programa anunciado em *Mein Kampf*, tendo como principais objetivos a recuperação da força militar, a anexação à Alemanha de outros territórios habitados por alemães, a conquista de um «espaço vital», o mais amplo possível, especialmente na Europa Oriental, bem como o estabelecimento de uma área de controle e domínio económico – *Wirtschaftsraum* (Chiper, 2000: 49).

Nas condições em que as potências revisionistas «testavam» a ordem jurídica estabelecida em Versalhes, baseada numa arquitetura político-jurídica construída no pós-guerra, a Roménia encontrava-se praticamente na confluência de pressões em todos os seus flancos. Para mitigar possíveis sobressaltos e riscos decorrentes das deficiências do seu sistema de alianças e das novas tendências do revisionismo e expansionismo alemão, da vontade da Itália de se afirmar como polo de poder concorrente da França e do perigo soviético, a Roménia viu-se obrigada a desenvolver, juntamente com os seus aliados, soluções criativas, na linha do Estado de direito e dos interesses fundamentais, no reforço da segurança nacional, na promoção da paz duradoura e na luta contra o revisionismo.

Salto para um paradigma federativo: o Pacto para a Organização da Pequena Entente

Em 16 de fevereiro de 1933, os ministros dos Negócios Estrangeiros dos três países, Nicolae Titulescu, Edvard Beneš e Bogoliub Jevtić, assinaram o Pacto para a Organização da Pequena Entente (Titulescu, 1967: 471-473). Através da nova fórmula, a aliança contribuiu para os esforços de paz e segurança na Europa, respondendo a «uma dupla ameaça: o revisionismo dos antigos adversários e a duplicidade dos presentes» (Chiper, 2000: 52).

A ameaça de um entendimento das Grandes Potências – em apenas um mês Mussolini lançaria o Pacto das Quatro Grandes Potências – foi sentido de forma aguda e contribuiu para a decisão dos Pequenos Aliados de se reorganizarem para enfrentar um possível acordo que iria contradizer a atitude antirrevisionista dos pequenos países. Com referência ao aprofundamento da cooperação dos Pequenos Aliados, ao assinar o Pacto de Organização, no contexto da potencial da ameaça do Diretório dos Quatro, Titulescu declarava mais tarde: «Em fevereiro de 1933, Beneš, Jevtić e eu, que sabia



perfeitamente o que iria acontecer em março de 1933, decidimos assinar o pacto que você conhece¹⁵».

A componente defensiva manteve-se no núcleo constitutivo, mas foi enquadrada numa perspetiva muito mais ampla de ação político-diplomática, que viria a ser desenvolvida pela integração progressiva das políticas dos três.

A realização de uma arquitetura institucional inovadora, baseada na observância das regras e princípios de igualdade, rotatividade e unanimidade garantia o enquadramento político e institucional da Pequena Entente, como organização regional de aspeto federativo.

No preâmbulo do Pacto de Organização¹⁶, foram mencionados os principais objetivos da organização: salvaguarda da paz «em todas as circunstâncias», intensificação das relações económicas com todos os Estados e, em particular, com os da Europa Central, estabilização política da Europa Central, manutenção da *status quo*, respeitando os interesses comuns daquele espaço. Os três decidiram dar às relações de amizade e aliança «uma base orgânica estável», «unificando completamente a sua política geral», formando «uma unidade internacional superior», aberta a outros Estados nas condições estabelecidas em cada caso individualmente.

Notamos a importância dada, desde os primeiros parágrafos do Pacto de Organização, aos esforços de unificação da política geral, elemento que refletiu a decisão política dos três países em conferir à aliança um perfil com fortes traços federativos. A intensificação da cooperação económica com todos os Estados, com especial destaque para os da Europa Central, circunscreveu-se quer ao interesse comum de reforço do papel da organização, inclusive enquanto «unidade internacional superior», quer à abordagem tática de utilização da alavanca económica para tensionar o ambiente regional e uma possível mitigação das pressões revisionistas, particularmente da Hungria.

Os três primeiros artigos do pacto foram dedicados à criação do Conselho Permanente, integrado pelos ministros dos Negócios Estrangeiros dos três países ou por delegados especialmente designados para esse fim, constituído como órgão dirigente da política comum do grupo de três Estados (art.º 1.º). Foi estabelecido o *princípio da rotatividade*, segundo o qual o Conselho deveria reunir-se obrigatoriamente pelo menos três vezes ao ano, tendo as reuniões lugar em cada um dos três Estados, alternadamente, e mais uma em Genebra (art.º 2.º).

Seria nomeado presidente do Conselho Permanente o ministro dos Negócios Estrangeiros do Estado onde se deveria realizar a reunião anual obrigatória, cabendo a esse ministro estabelecer a data, o local, a agenda e preparar as decisões a ser adotadas. O presidente permanecia no cargo até a primeira reunião obrigatória do ano seguinte (art.º 3.º).

¹⁵ Serviciul Arhive Naționale Istorice Centrale (SANIC), Fundo MPN, informações, dossier 474, f. 4, apud Chiper, 2000: 54.

¹⁶ AMAER, *Fundo Acordos e Convecções. Pequena Entente*, 8, dossier 1/1933.



A *igualdade absoluta e de facto* dos três Estados representava o princípio básico no debate de todos os assuntos e no processo decisório, seja nas relações entre si, seja no que diz respeito a relações com terceiros (art.º 4.º).

Também foi estabelecido o *princípio da representatividade*, podendo o Conselho Permanente decidir que, em determinado assunto, a representação ou a defesa do ponto de vista dos Estados aliados seja confiada a um único delegado ou à delegação de um único Estado (art.º 5.º).

A nova estrutura institucional da aliança replicava, em certa medida, a da Sociedade das Nações, com o reforço da dimensão igualitária. Como mostrámos anteriormente, o Conselho da Sociedade das Nações era no início composto por representantes das Grandes Potências, sendo posteriormente ampliado, em 1922 e 1926, a fim de compensar os desequilíbrios de representação dos Estados «pequenos e médios».

Todos estes elementos relativos à organização das reuniões do Conselho Permanente apresentam inúmeras semelhanças com o atual princípio de rotatividade da Presidência do Conselho da União Europeia¹⁷.

A falta de um parlamento foi compensada pelo princípio da adoção de decisões por unanimidade, suscetível de evitar possíveis «deslizes» no âmbito da Pequena Entente. Os três aliados estabeleceram a *regra da unanimidade*, segundo a qual qualquer tratado ou ato unilateral que tivesse mudado a situação política de um dos Estados-Membros com um terceiro, bem como qualquer acordo económico com importantes consequências políticas, exigiam o consentimento unânime do Conselho da aliança.

Previa-se também a progressiva unificação dos tratados políticos de cada um dos três com terceiros Estados (art.º 6.º) – outro elemento que indicava a propensão dos Aliados para uma organização de tipo federal. A nova regra, baseada no direito de veto nas decisões políticas, deu garantias adicionais especialmente à Roménia. Segundo Titulescu, a Roménia encontrava-se na posição de ficar isolada no caso de um ataque da Rússia soviética, já que a Checoslováquia e a Jugoslávia tentavam constantemente livrar-se da responsabilidade de uma possível intervenção. Na conceção de Titulescu, o direito de veto não deveria de forma alguma levar a uma oposição permanente, mas sim permitir uma resposta positiva, que dê «o direito de apresentar condições que levem em conta os interesses da Roménia para garantir a manutenção e destino do Pequena Entente como importante entidade internacional (Titulescu, 1994: 71)».

Verifica-se que o núcleo de princípios fundamentais para o funcionamento das Comunidades Europeias e, atualmente, para a atividade da União Europeia, tem um modelo equivalente e precursor nas disposições do Pacto de Organização da Pequena Entente.

¹⁷ A Presidência do Conselho da União Europeia é atualmente exercida rotativamente, por cada Estado-Membro da UE, por um período de seis meses. Pelo Tratado que instituiu a Comunidade Europeia do Carvão e do Aço (1951), a rotação passou a ser prevista para intervalos de três meses, mas já no Tratado da Comunidade Europeia da Energia Atómica (1957) e no Tratado da Comunidade Económica Europeia (1957) a duração passou a ser de 6 meses. Esta periodização foi mantida no Tratado de Bruxelas («Tratado de Fusão», 8 de abril de 1965) e nos tratados posteriores até o presente.



Por exemplo, o Conselho Permanente, órgão dirigente da Pequena Entente, constituído pelos ministros dos Negócios Estrangeiros, tem correspondente nas várias formações ministeriais do Conselho da UE, que se reúnem regularmente para debater temas de interesse em áreas específicas: relações exteriores, agricultura, transportes, energia, ambiente, etc. O princípio da igualdade e representatividade encontra-se transversalmente na atividade de todas as atuais instituições europeias. Outro princípio, o da rotatividade, é respeitado no exercício da Presidência do Conselho da União Europeia, que é exercida por cada Estado-Membro da União Europeia por um período de seis meses, com base num calendário.

Uma componente inovadora: o Conselho Económico

Ao fortalecer a componente económica, a Pequena Entente ampliou o seu objetivo e agregou novos valores ao processo transformador. Assim, para efeitos da coordenação progressiva dos interesses económicos nas relações entre si ou com terceiros, foi criado o Conselho Económico da Pequena Entente, composto por especialistas e peritos, como órgão consultivo auxiliar do Conselho Permanente na sua política geral (art.º 7.º).

A decisão de aprofundar a cooperação económica adquiriu um carácter formal por meio da criação do Conselho Económico, fórmula institucional inovadora. As tarefas do novo órgão foram posteriormente estabelecidas na reunião do Conselho Permanente em Praga, de 29 de maio a 1.º de junho de 1933.

A organização e atuação do Conselho Económico ilustram, no plano técnico – impressionante pela abrangência de temas –, a funcionalidade da Pequena Entente como órgão potencialmente federativo.

O Conselho era composto por três seções nacionais, cada uma com cinco membros, e o trabalho deveria ser desenvolvido tendo em conta aspetos gerais: política comercial, questões agrícolas, financeiras, crédito, questões bancárias. O Conselho Económico previa nos seus estatutos a colaboração dos três Estados em todas as áreas da economia e devia informar o Conselho Permanente sobre as decisões tomadas e a atividade desenvolvida, que incluía direitos aduaneiros, regime preferencial, regime de pagamentos e quotas, a elaboração de planos de colaboração, tendo em conta os interesses de cada um dos aliados. As tarefas do Conselho Económico incluíam também o estabelecimento de relações entre institutos agrícolas, a introdução do sistema de colaboração e a celebração de acordos na indústria e no domínio dos investimentos, a criação de câmaras mistas de comércio, a unificação e regulamentação do transporte ferroviário, uma colaboração mais estreita no domínio da navegação no Danúbio, no tráfego aéreo e nas ligações correios-telégrafo-telefone, a uniformização de algumas regulamentações, especialmente de direito comercial, a simplificação das tarifas aduaneiras, a abolição de vistos e passaportes (Vanku, 1979: 93-94) – os princípios fundamentais da livre circulação, que asseguraram a fundação das Comunidades Europeias e da União Europeia atual. A primeira reunião do Conselho Económico foi realizada entre 9 e 11 de janeiro de 1934, em Praga, no âmbito de cinco comissões: troca de mercadorias, transportes, navegação no Danúbio, conexões correios-telégrafo-



telefone, assuntos financeiros, colaboração entre bancos emissores. Foram adotadas medidas para fortalecer as relações económicas, com aumento de 50% nas exportações jugoslavas e romenas para a Checoslováquia, em relação a 1932, e o estabelecimento do limite mínimo de importações checoslovacas da Roménia e da Jugoslávia em 250 milhões de coroas e 275 milhões de coroas, respetivamente. O Conselho Económico adotou também a decisão da reunião trimestral das três delegações (Vanku, 1979: 94-95).

O Pacto da Organização da Pequena Entente vs. o Memorandum de Briand

Notamos a colocação sob o «guarda-chuva» da organização, de acordo com o artigo 10.º, da política comum do Conselho Permanente, inspirada nos princípios gerais incluídos nos principais tratados adotados a nível internacional, como o Pacto da Sociedade das Nações, o Pacto de Paris (Pacto Kellogg-Briand), o Ato Geral de Arbitragem (Genebra, 1928), convenções de desarmamento: os Tratados de Locarno.

Numa abordagem paralela, entre o Pacto da Organização da Pequena Entente e o Pacto da Sociedade das Nações existem pontos comuns, mas também uma série de aspetos divergentes.

A Pequena Entente tinha princípios claros, baseados na plena equidade no processo decisório, na regra da rotatividade nas reuniões do Conselho Permanente e na possibilidade de delegar uma representação com base na decisão assumida entre sócios iguais e aliados. O Pacto da Sociedade das Nações continha disposições com alto grau de generalidade, destinadas a acomodar dois tipos de interesses: os dos grandes atores e os dos pequenos e médios Estados. Por exemplo, o Pacto previa a reunião do Conselho quantas vezes as circunstâncias exigissem, pelo menos uma vez ao ano, na sede da Sociedade ou em qualquer outro local que fosse designado – sem especificar a forma de designação. A possibilidade de delegar a sua representação designando um membro, nomeado em conjunto, não se encontrava nas relações internas e não era necessária nas relações externas, dada a posição única da Liga como organização internacional¹⁸ e a ausência de codificação da representação diplomática de outras entidades que não fossem Estados.

Identificámos uma série de equivalências entre o «Memorando sobre a Organização de um Regime de União Federal Europeia», apresentado por Aristide Briand (redigido por Alexis Léger), em 5 de setembro de 1929, por ocasião da décima Assembleia Geral da Sociedade das Nações e o Pacto para a Organização da Pequena Entente.

O ideal de organização federal da Europa como fator essencial da paz e a colocação da futura federação sob a égide da Sociedade das Nações representaram o quadro ideológico e de ação tanto para a Pequena Entente, como para a organização federal delineada

¹⁸ A União Internacional de Telecomunicações, originalmente chamada de União Internacional de Telégrafos, fundada em 1865, é a primeira organização internacional. Fundada por tratado, a UIT tinha um secretariado permanente e membros em todo o mundo.



pelas propostas de Briand. Além disso, ambos os projetos garantiam o equilíbrio entre o carácter soberano dos Estados-Membros e a participação no âmbito federal.

Os órgãos necessários para o funcionamento da União Federal Europeia, segundo Briand, eram a Conferência Europeia, o Comité Político Permanente e um Secretariado.

A Conferência Europeia constituía o órgão supremo, composto por representantes de todos os governos dos países europeus, membros da Sociedade das Nações. Este órgão reuniria em sessões ordinárias e extraordinárias, sendo presidido, rotativamente, pelos Estados-Membros. A Conferência era um fórum de debate político, de evidente carácter generalista, mas ainda sem capacidades de integração da ação política. Como mostrámos anteriormente, a condição *sine qua non* da tomada de decisão, na Pequena Entente, estava relacionada com a necessidade de abordagens consensuais.

O Conselho Permanente da Pequena Entente e o Comité Político Permanente da União Federal Europeia representavam os órgãos executivos dessas organizações. A presidência devia ser exercida, em ambos os casos, por rotação. Entre as duas estruturas havia uma grande diferença no plano de ação. Enquanto o Conselho Permanente da Pequena Entente estava apetrechado para exercer a sua atividade segundo os princípios da rotatividade, igualdade e representação, para implementar as políticas estabelecidas pelos três aliados e funcionava já como órgão executivo, o Comité Político Permanente da União Federal Europeia assegurava, pelo menos em primeira instância, uma plataforma deliberativa para a constituição da futura União Federal e o programa de cooperação, sendo desprovida de capacidade executiva. Os serviços de secretariado das duas organizações operavam com base em princípios relativamente semelhantes.

A estrutura e o campo de atuação da Pequena Entente resultavam da experiência direta do aprofundamento gradual da cooperação entre os participantes, e o Pacto Organizador transpunha, juridicamente, a possibilidade de ampliar essa cooperação na esfera económica e em outros domínios. As propostas de Briand partiam da premissa oposta, de subordinar o económico ao político, sendo mantidas num registo mais geral. Assim, a Conferência Europeia devia debater uma gama muito ampla de questões como: cartéis industriais, problemas trabalhistas, créditos para as regiões menos desenvolvidas, cooperação no campo parlamentar, intelectual, social, etc.

Outras iniciativas de organização federal, a nível europeu, como o projeto *Pan Europe* (1923) do conde Richard von Coudehove-Kalergi, ou, a nível regional, a Confederação Danubiana, de Tardieu (1931), não continham previsões institucionais específicas. Por exemplo, o movimento pan-europeu não se baseava numa estrutura organizativa centralizada, sendo apoiado, através da revista mensal *Panuropa* (1924-1938), em comités pan-europeus estabelecidos nas capitais europeias e em congressos organizados em diferentes capitais. O iniciador do movimento, Coudehove-Kalergi, propunha uma série de ideias, utópicas naquela época, mas que, em parte, viriam a concretizar-se noutra etapa da construção europeia: um convénio entre os dirigentes europeus para a unificação dos tratados entre as nações, seguido por arbitragens vinculativos entre os Estados, a eliminação das fronteiras internas, a criação de uma união aduaneira e de uma moeda única, intercâmbios intereuropeus de professores, alunos e crianças. Na ausência de um quadro institucional e decisório integrado e de mudanças que



permitted the integration in a confederal structure, these ideas could only remain in the project phase.

O Pacto de Organização da Pequena Entente e as reações internacionais

The Pact of Organization of the Little Entente generated antagonistic reactions among the European states, of rejection or explicit support.

In the first category, among the adversaries, it positioned itself Germany, for which the plans of the Little Entente were an obstacle, especially in its new organization. In this context, the German press, together with the Italian, Hungarian and Bulgarian, initiated a campaign against the alliance. As a consequence, Nicolae Petrescu-Comnen had, on 22 February 1933, an audience with the German Minister of Foreign Affairs, in which he presented, with specific adaptations, the position of the Romanian government. The diplomatic initiative aimed to neutralize the reactions of the Nazi government and prevent the development of collaboration between German revisionism and the revisionism of other countries (Chiper, 2000: 54).

One month later, an episode occurred, surprising in the context of the concerns of Titulescu regarding the orientations of German policy aimed at revisionism and the diplomatic action of Romania and the Little Entente in the first half of 1933, in response to the project of the Pact of the Four Great Powers. On 18 March 1933, Nicolae Titulescu entrusted the leader of the National Socialist Party, Ștefan Tătăărăscu, to transmit a message strictly confidential to Hitler. The message, transmitted by Friedrich Weber, correspondent of the official Nazi newspaper *Völkischer Beobachter* in Bucharest, showed that the official rapprochement of Romania was desirable and necessary, the Polish problem did not constitute an obstacle in this sense and that, due to the lack of clarity in the Romanian-German relations, a separation of Romania from France was not possible. Titulescu also proposed a meeting, not diplomatic, with the new German Chancellor and was waiting for the response, confidentially, in Geneva. As for Weber, the initiative of Titulescu was the result of the audience with King Carol II, an occasion in which the king had understood the importance that he attributed to the strengthening of relations with Germany, for the German Ministry of Foreign Affairs the initiative was a political maneuver to neutralize German reactions to the external policy of Romania and it did not deserve too much importance. The analysis of Berlin, according to which the initiative was a political maneuver, was correct. Hitler agreed to a meeting in Munich, but Titulescu showed himself indecisive, and the meeting never took place (Chiper, 2000: 52-54).

From the point of view of Italy, the clauses of the Pact of Organization of the Little Entente, which would have limited the action of the three states in the international scenario, offered «the appearance of greater cohesion of the bloc». The differences between the three «persisted naturally» and «probably for economic reasons the inefficiency of the group will be demonstrated». On the other hand, the Italian minister in Bucharest, in political questions such as disarmament, equality of rights or the revision of treaties, a



capacidade de coesão do grupo não devia ser subestimada, «mas devemos considerá-la como hostil às orientações da nossa política internacional»¹⁹.

Da Budapeste, Vasile Grigorcea, ministro plenipotenciário da Roménia, informava em 23 de fevereiro de 1933 que a imprensa húngara dirigia uma campanha «violenta» contra a Pequena Entente, considerada «um perigo iminente para a paz da Europa», sendo a transformação dessa aliança considerada, nos círculos do Ministério das Negócio Estrangeiros, «o enterro definitivo dos planos franceses para a realização de uma Confederação económica do Danúbio»²⁰.

A França foi naturalmente incluída no grupo de Estados favoráveis à Pequena Entente na sua nova forma de organização. O jornal *Le Temps* mostrou que «A Pequena Entente caminha para uma ampla política de solidariedade europeia. Ela está a caminhar rapidamente para uma organização económica e aduaneira dos Estados da Europa Central e através desta atividade serve à paz geral, que poderá constituir o ponto de vista de uma União Europeia, da forma como Briand tinha projetado» (Ciorănescu, 1996: 136). Leon Noël, o ministro francês em Praga, mostrou que o Pacto de Organização da Pequena Entente deu origem a «comentários contraditórios e às vezes excessivos, num sentido ou outro». Resta saber, enfatizava o diplomata francês, até que ponto os líderes da Pequena Entente poderão tirar «as conclusões mais amplas e positivas, por exemplo, reconhecer *de jure* o governo soviético em troca de certas garantias e sob certas condições»? Segundo Noël, «A Pequena Entente não se transforma *ipso facto* numa verdadeira *Staatenbund*», e o Pacto «aparece como um desenvolvimento lógico, facilitado pelas circunstâncias, da política traçada desde o início, mas sobretudo depois de 1930, pela Pequena Entente. Fortalece sérias possibilidades de desenvolvimento; o futuro dirá se os estadistas conseguirão aproveitar os vindouros acontecimentos para valorizar tudo o que o pacto contém no seu núcleo»²¹.

A legação em Varsóvia informava que a criação da Pequena Entente havia, na primeira fase, causado «um mouvement d'humeur», mas os polacos começavam a olhar com mais confiança para a situação originada pelo novo pacto que, embora não oferecesse «qualquer satisfação» do ponto de vista do «amor próprio» da Polónia era, no entanto, considerado «uma garantia adicional na questão do revisionismo»²². Em 26 de fevereiro de 1933, a Pequena Entente, na sua nova organização, foi acolhida pela Grécia, que se declarou disposta a participar ao lado da Pequena Entente no caso de um conflito que envolvesse também a Bulgária.

Num discurso proferido no Parlamento romeno em 16 de março de 1933, um mês após a assinatura do Pacto da Pequena Entente, Nicolae Titulescu declarava: «A situação internacional é uma das mais preocupantes. Acontecimentos recentes provam isso

¹⁹ Ministero Degli Affari Esteri e Della Cooperazione Internazionale, *I Documenti Diplomatici Italiani* (a seguir *D.D.I.*), sétima série 1922-1935, 1 de janeiro – 15 de julho 1933, vol. XIII, Roma, Istituto Poligrafico dello Stato, 1989, p. 105 (Doc. 101, *Ministro em Bucareste, Sola, para Mussolini*).

²⁰ AMAER., *Fundo Pequena Entente*, ano 1933, vol. 10, p. 39.

²¹ *D.D.F., 1932-1939*, 1.ª série (1932-1935), vol. II, 15 de novembro de 1932-17 de março 1933, Paris, Imprimerie Nationale, 1966, pp. 679-682 (Doc. 334, Léon Noël, *ministro da França em Praga, para Paul-Boncour, ministro dos Negócios Estrangeiros*, 22 de fevereiro de 1933).

²² AMAER., *Fundo Pequena Entente*, ano 1933, vol. 10, p. 42.



amplamente. Novos acontecimentos são ainda possíveis e só podem ser uma surpresa para quem não acompanhou de perto e não conhece a evolução da política externa e interna dos vários Estados europeus [...] Quando a paz é ameaçada, não se deve responder com a guerra, mas sim com a organização da paz. Essa é a gênese simples e completa do Pacto de Organização da Pequena Entente» (Titulescu, 1994: 477).

A evolução da Pequena Entente desde a sua constituição, o conteúdo e a visão sobre o desenvolvimento europeu conferidos à organização pela assinatura do Pacto de Organização contradizem a narrativa reducionista, a propagada de vários autores como Magda Ádám, que considera que a Pequena Entente não deve ser considerada «um bloco regional com caráter operacional perante os Estados fascistas», e que o Pacto de Organização não produziu grandes mudanças em termos de natureza da organização ou militar e política em relação aos tratados iniciais da década dos '20 (Ádám, 1975: 7-8).

O Pacto de Organização representou um verdadeiro tratado de recolocação da Pequena Entente em novas bases, como estrutura federativa regional *sui generis*, ato notável pela sua brevidade e clareza, mas sobretudo devido às suas formas singulares de organização e tomada de decisões.

A assinatura do Pacto de Organização foi possível graças à visão e vontade política demonstradas por Nicolae Titulescu e os seus homólogos jugoslavo e checoslovaco. O pacto resultou, porém, de um processo cumulativo de amadurecimento – não só ao nível político, mas também nas camadas sociais mais profundas dos três países – norteado pela igualdade, soberania e integridade territorial, à luz dos «14 pontos wilsonianos» e das disposições dos Tratados de Paz de Paris.

Conclusões

Num contexto europeu e internacional tenso, a reconfiguração da Pequena Entente na década dos '30, enquanto organização regional com poderes federativos constituiu uma mudança de paradigma, uma exceção à regra dos tratados clássicos e um marco para o desenvolvimento de fórmulas de cooperação em maior escala.

O núcleo de princípios, valores e a arquitetura institucional da Pequena Entente, a sua filosofia de integrar a cooperação por etapas, passando da união económica para a união política, que, claro, incluía também a dimensão da prevenção de conflitos, representa um possível modelo precursor para o avanço do projeto europeu após a Segunda Guerra Mundial, que culminou, na década dos '50, com a criação das Comunidades Europeias.

Através de abordagens construtivas e equilibradas, que evitavam as tentações de assumir modelos utópicos ou de se fechar num rígido realismo, a Roménia tem consolidado, durante quase duas décadas, uma voz distinta na reflexão sobre o desenvolvimento da ideia europeia.



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SEEN BUT OVERLOOKED? THE EMERGENCE OF REGIONAL LEADERSHIP IN POLYCENTRIC CLIMATE GOVERNANCE AFTER PARIS

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Abstract

As the Paris Agreement formalized a climate regime transition towards a more polycentric approach, non-state agents have been perceived as influential actors in global climate governance. Observing the implementation of climate targets by regional governments in federal or decentralized systems, the dynamics of climate leadership are also being defined by these actors. While recent literature recognized the emergence of such dynamics in increasingly polycentric structures, the consideration of regional action in the domain of climate leadership demonstrates a shortage of conceptual and empirical studies. Reviewing the existent references on polycentric governance, but also climate leadership, this paper is guided by two goals: (i) to problematize and acknowledge the literature gap on the phenomenon of regional leadership in global climate governance; and (ii) justify the relevance and need of developing such study.

Keywords

Paris Agreement, Polycentric Governance, Regional Climate Leadership.

Resumo

O Acordo de Paris formalizou uma transição do regime climático para uma abordagem mais policêntrica que reconhece os agentes não estatais como atores influentes na governação climática global. Tendo em conta a implementação de metas climáticas por governos regionais em sistemas federais ou descentralizados, as dinâmicas da liderança climática também estão a ser definidas por estes atores. Embora a literatura reconheça o surgimento de dinâmicas de liderança alternativas em estruturas cada vez mais policêntricas, poucos estudos analisam a ação regional no domínio do clima quer através de estudos conceptuais ou empíricos. Revendo as referências existentes sobre governação policêntrica, mas também sobre liderança climática, este artigo é guiado por dois objetivos: (i) problematizar e reconhecer a lacuna na



literatura sobre o fenómeno da liderança regional na governação climática global; e (ii) justificar a relevância e necessidade do desenvolvimento deste mesmo estudo.

Palavras chave

Acordo de Paris; Governação Policêntrica; Liderança Climática Regional

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Introduction

Global climate governance is currently a fast-changing domain denoting dispersed and multilevel patterns of initiatives by a wide range of actors (Jordan *et al.*, 2015). Described by Ostrom (2010) as the emergence of a polycentric environment, recent developments within the international climate regime (Falkner *et al.*, 2010; Hickman, 2015; Jordan *et al.*, 2018) confirm the trends of greater polycentricity by acknowledging the role of non-state actors, namely regional governments. Although recent literature in the field acknowledges such premise (Bulkeley, 2014; Liefferink and Wurzel, 2017; Jordan *et al.*, 2018), little research has addressed the role of regional climate leadership in a polycentric context.

According to the 2022 Intergovernmental Panel on Climate Change (IPCC), there is an urgency for climate action to take place at multiple governmental levels and calls for efforts far beyond current international, supranational, national, and sub-national commitments. Considering the failure of monocentric (*i.e.*, action by the state as a unitary power) solutions up to the Kyoto Protocol, the Paris Agreement has acknowledged the need for a more polycentric (*i.e.*, state and non-state action in a multilevel context) climate regime. It has done so by encouraging climate efforts of non-state actors or, in other words, Paris has recognized the agency of independent units *beyond the state* (supranational, regional, local, public, and private) in the effective long-term response to climate change (Hale, 2016). In this framework, and observing the increased activity of climate agency by regional governments in federal contexts towards the implementation of climate goals, we notice the emergence of regional climate leadership in polycentric governance. In other words, a functional need has opened an opportunity for regional actors within federal political systems, to position themselves as agents who influence the course of global climate governance, thus acting *beyond the state*.

In what the literature is concerned, there has been a general acknowledgment of non-state actors as important entities in the governance of climate change, while noting a contextual opportunity for these to perform climate leadership *beyond the state* (Jordan



et al., 2015; Jordan *et al.*, 2018; Dorsch and Flachsland, 2017; Liefferink and Wurzel, 2017; Wurzel *et al.*, 2019). Being recent and still evolving domains, research on polycentric climate governance (Jordan *et al.*, 2018) and general climate leadership (Liefferink and Wurzel, 2017) literature have been dedicated to the development of theoretical and conceptual knowledge while empirical observations have briefly considered the role of local governments (*i.e.*, the lower level of administration within a given state such as municipalities or cities.) as well as private entities (*i.e.*, individuals or collectivities who are not state-controlled or affiliated such as civil society, NGOs, and companies). Although contributions in describing and explaining the structural intricacies of an emerging climate governance reality have been significant, this paper acknowledges that the current state of the art is still lacking a conceptual framework that effectively captures regional climate leadership in both theoretical and empirical terms.

In sum, this paper is guided by two objectives: first, the identification of a literature gap concerning regional climate action and, more specifically the phenomenon of regional climate leadership; second, justify the relevance of proceeding with such study concerning both conceptual and empirical analysis. The remainder of this article is divided into four different parts: to start with, we contextualize and locate a favorable context for the emergence of regional climate leadership; in second place, a literature review on climate leadership within polycentric governance is presented to identify a gap; in second place, we demonstrate the importance of considering the role of regional actors in climate leadership within a polycentric context while also presenting its conceptual framing; in the following section we briefly analyze empirical evidence from Québec and California on the emergence of the phenomenon; finally, we close the article with a summary of our major arguments and point future research paths.

1. The climate regime: An opportunity for leadership *beyond* the state

As noticed in the literature (Stripple and Stephan, 2013; Bulkeley *et al.*, 2014; Jacobs, 2019), shifts are taking place in the governance of climate affairs as part of broader changes in the international system. Within this context, the Paris Agreement is deemed to have formalized important developments in the climate regime when considering its institutionalization of governance *beyond the state* (Jordan *et al.*, 2015; Dorsch and Flachsland, 2017; Pattberg and Widerberg, 2017; Jordan *et al.*, 2018).

Established in 1992, the United Nations Framework Convention on Climate Change (UNFCCC), sets the global framework that deals with the global climate system and, particularly, with the mitigation of global climate change. In other words, the UNFCCC represents the international climate regime which, in Krasner's (1982: 185) words, consists of *principles, norms, rules, and decision-making procedures around which actor expectations converge* in the domain of climate. While the UNFCCC sets the broad principles and norms of the climate regime, specifications on its rules and procedures have been defined in its foundational agreements: the Kyoto Protocol (1997), and second, the Paris Agreement (2015) which, emerged to replace the guidelines previously established in the 1990s. As Paris abandoned Kyoto's monocentric approach (*i.e.*, action controlled by a single unitary power (Aligica and Tarko, 2012: 244), the rules and



procedures of climate governance have adopted polycentric guidelines (i.e., multilevel patterns of governing (Ostrom, 2010a) therefore, unfolding a paradigm transition in climate politics (Jordan et al., 2018: 135).

Paris Agreement, article 7th, (2015) acknowledges the broadening universe of international affairs as complex and fragmented by noting that climate change is a global challenge faced by all with local, subnational, national, regional, and international dimensions and that it is a key component of and makes a contribution to the long-term global response to climate change (United Nations, 2015: 9). Essentially, Paris formalizes a transition from a regulatory, state-centered approach to a more fragmented environment (Hale, 2016: 12), or, in other words, a shift from a monocentric to a polycentric governance approach (Jordan et al., 2018) in terms of regime rules and decision-making procedures.

The central condition of polycentricity notes that political authority is dispersed among separate units in a fragmented governance context with overlapping jurisdictions, but which do not stand in a hierarchical relationship to each other (Skelcher, 2005: 89). In such environment where several entities have their independent agency recognized (Ostrom, 2010a: 552), we first hold that polycentricity offers a considerable opportunity for the involved units to be influential actors in climate governance (Wurzel *et al.*, 2019). Second, besides opening an opportunity for an independent agency of entities, polycentric governance also generates dynamics that amplify the action and impact of the relatively autonomous units who wish to perform self-governance in this context: as units maintain relations among themselves (Jordan et al., 2018: 147), *they take each other into account in competitive relationships, enter into various contractual and cooperative undertakings or have recourse to central mechanisms to resolve conflicts* (Ostrom *et al.*, 1961: 831); they build a polycentric system that enhances *innovation, learning, adaptation, trustworthiness, levels of cooperation of participants, and the achievement of more effective, equitable, and sustainable outcomes at multiple scales* (Ostrom, 2010: 552).

In this context of paradigm transition in the climate regime, we apprehend that regional governments may take advantage of an opportunity to become more autonomous in the implementation of global climate targets beyond the nation-state by performing climate leadership. This paper considers the noticeable role of regional governments in this transformational process toward polycentric governance in the climate arena (Bulkeley *et al.*, 2014: 55).

2. Leadership in polycentric climate governance: a literature review

Acknowledging the literature calls to understand an emerging reality in the domain of climate change as part of broader shifts in global politics (Hoffmann, 2011 and 2013; Bulkeley *et al.*, 2013; Falkner, 2016), our research relies on the existing literature of polycentricity and climate leadership to identify and understand a new phenomenon entitled regional climate leadership.



As the arena of climate change started reflecting larger trends in global politics (Hale and Held, 2011), subnational governments (regional and local), non-governmental organizations, business, individual, and non-state actors, in general, are recognized to be taking responsibility and adopting new approaches in the governance of climate change (Bulkeley *et al.*, 2014). Considering this fact, the literature has also reflected a shift from state-centered classical approaches (Barret, 2005; Hare *et al.*, 2010) towards an academic debate that considers new forms of climate governance by looking at vertical and horizontal dynamics through which is taking place (Dorsch and Flachsland, 2017). With the intent of bridging a wide set of proliferating concepts to describe an emerging reality of complex dynamics (regime complex, fragmented governance, transnational climate governance), Elinor Ostrom (2010) dedicated her last work to climate change and suggested the rescue of the term polycentricity¹ as an analytical approach to understand an emerging structure of climate governance and what efforts can be improved to face this threat (Dorsch and Flachsland, 2017: 47).

Given that there was potential to generate co-benefits through climate actions occurring at multiple scales (Ostrom, 2010b; Ostrom 2012), Ostrom notices the emergence of spontaneous, dispersed, and multilevel governing dynamics from bottom-up sources, below and alongside the UNFCCC. In her work, Ostrom (2010) described '*polycentric systems as multiple governing authorities at different scales (...) each unit exercises considerable independence to make norms and rules within a specific domain*' (Ostrom, 2010: 552). Ostrom's conception of polycentric systems, reveals a broader framework by precisely considering the relationship between the various levels, units, and domains (Jordan *et al.*, 2018: 5) that do not necessarily replace each other. Considering Paris' encouragement of new forms of governing such as annual events and technical expert meetings, enrollment of non-state and subnational actors in emission commitments, and then the introduction of the Nationally Determined Contributions (NDCs) by states, the UNFCCC is being observed by recent scholarship as increasingly reflecting polycentric governance. Interestingly, Liefferink and Wurzel (2017) notice that polycentric conditions offer great potential for climate leadership opportunities to a large universe of actors. In addition, Wurzel *et al.* (2019) and Wurzel *et al.* (2021) also note the relevance of MLG and polycentric framework lenses to understand how different actors employ leadership and for what purposes.

In the specific domain of climate leadership in polycentric contexts, the work of Liefferink and Wurzel (2017) and Wurzel *et al.* (2019) made significant contributions: (1) clarification of concepts (leaders, pioneers, laggards, and followers); (2) delimitating and reorganizing a set of analytical distinctions (positioning of leaders and pioneers according to their internal and external environmental ambitions). Liefferink and Wurzel (2017) suggest a two-level matrix to qualify states' environmental policies and therefore, identify leadership (Table 1). They distinguish actors according to their internal 'face' – the environmental ambitions of domestic policies – and their external 'face' – the

¹ Having been mentioned in 1961 by Vincent Ostrom in the context of metropolitan governance, he used the term 'polycentric systems' to identify a system of public services (or goods) that may be provided by different agencies that are self-organized by a variety of actors in urban American environments (Jordan *et al.*, 2018: 4).



environmental ambitions displayed in their foreign policy: (a) Laggards have low internal and external policy intentions; (b) pioneers are ahead of the pack (first-movers) regarding their domestic policies, but do not have a direct intention to influence followers in international dimension although they do it unintentionally by setting an example; (c) symbolic leaders are demonstrative in the international sphere, but are not consequential in their domestic policies; (d) pushers take the lead domestically by setting the highest climate standards regardless of any conditioners, and intentionally lobby other actors to follow their example. Within this frame of reference, the phenomenon of climate leadership includes the behavior of pushers and pioneers, actors who are either first movers or who set the highest policy ambitions while influencing the course of climate governance internally and externally in an indirect (pioneers) or direct way (pushers).

Table 1. Ambitions and Positions of Environmental Actors

External 'face'	Internal 'face'	
	Low internal environmental ambitions	High internal environmental ambitions
Low external environmental ambitions	(a) Laggard	(b) Pioneer
High external environmental ambitions	(c) Symbolic leader	(d) Pusher

Source: Lieferink and Wurzel, 2017.

The grounding framework of climate leadership conceived by Lieferink and Wurzel (2017) is an important starting point for looking at the internal and external angles of the phenomenon. However, when considering its application to regional leadership in climate governance, we acknowledge that its conception in terms of internal and external ambitions (i.e., followers' attraction or not) still leaves much to be said on how these specific actors express their climate leadership. Briefly, an important political dimension is missing concerning how regional federal actors take advantage of Paris to fulfill climate leadership.

Despite the importance of recent literature developments, both in the domain of polycentric governance and climate leadership, little research has been dedicated to a deeper conceptual development of climate leadership under polycentric conditions and, in what concerns the role of regional governments, particularly within federal systems, no study has been pursued. As such, our contribution is to acknowledge the literature gap while noticing the relevance of studying an emerging phenomenon that has not been contemplated yet.

3. Regional climate leadership as politics of self-governance

3.1. Regional climate leadership as the 'capacity' to lead



As polycentricity explains how a regime shift slowly takes place, it also acknowledges that a considerable number of entities in the international system are exposed to the opportunity to influence a specific issue field like climate change (Jordan *et al.*, 2018: 136). As the role of federal regions has not been studied through such a prism, nor applied, more specifically, by the framework of climate leadership, the subtle emergence of a phenomenon has been seen but overlooked by these fields: regional climate leadership.

To begin with, the regional level of analysis is of considerable importance for the successful implementation of climate targets. The term 'region' refers to the *territorial unit immediately below the sovereign state* (Kuznetsov, 2015: 22), more precisely, entities *situated between the local and national levels with a capacity for authoritative decision-making* (Hooghe *et al.*, 2010: 4). Although climate goals and ambitions are defined and discussed at the international level, their implementation falls within the scope of action of each state and, within each state, of their respective subnational entities. To this end, the specific level of governance that has a central role to play in climate change policies is regional, particularly federated regions where there is the autonomy of action in a set of legislative/administrative powers of climate-related selected sectors/policies. Their closer proximity to citizens, their greater flexibility than national governments, and the fact that they are responsible for many of the policy areas involved in climate policies (energy, transport, industry, housing, environment) explain the importance of regional governments in the implementation of climate policy (Cittadino *et al.* 2022). For example, the regional governments of California and Quebec have been highly active during the last decades in evidencing their potential for coordinated efforts at all levels of governance by developing their climate policies while, many times, acting at the forefront of national policy targets (Chaloux, 2016; Leffel, 2018; Chaloux *et al.* 2022).

According to Galarraga *et al.* (2011), there are important reasons to consider regional governments as vital actors for the effective implementation of global climate targets. To start with, regional bodies are often the main implementing level for global agreements on climate change policies considering their range of responsibilities particularly in decentralized states where several policy domains such as environmental policy, transport, and industrial policies, fall under the scope of regional action. In such federal contexts, many national governments may not guarantee that their commitments are successfully achieved without considering their regional units. Additionally, regional governments are close enough to people to better tailor actions to their needs. Regions should be able to identify priorities and difficulties and thus implement policies more clearly, while still being strategic enough to establish links between all the different policy areas that need to be coordinated for climate change policy. Finally, it is also worth noting that regions are better placed to guarantee the effective implementation of policies. As the impacts of climate change will vary from place to place, the combination of institutions and legal and political tools available to public decision-makers are unique from region to region, meaning that each region is aware of its proper strategy.



Secondly, climate leadership performed by regions in federal or decentralized governments is framed beyond climate action *per se*. In other words, climate leadership reflects broader debates of structural and system-wide fragmentation taking place at the global level through contention, competition, and collaboration governance dynamics (Risse, 1995; Nye, 2019; Kim, 2020). Understanding their relevance in the policy process of achieving global targets, but also recognizing the space given to non-party stakeholders in the Paris Agreement (Chaloux, 2022), a set of regional federal governments have made their case as actors of local implementation but also as actors of global-reaching influence (Giudicelli, 2022). Interestingly, the polycentric context brought by Paris opens a two-fold stage for regional federal governments: (1) the recognition to internally act *beyond* a mere relay for national efforts, and, therefore, design and implement their territorial policies aligned with specific contexts and according to their legislative capacities (*Ibidem*); (2) but also the recognition of action across traditional national boundaries by encouraging the external engagement in climate governance dynamics (Paquin, 2020). As federated regions have relevant competencies, both at the national and international levels, there is an opportunity to lead through self-governance. In other words, the performance of self-governance represents (1) the chance for a federal region to act autonomously in the implementation of its climate regulation which may surpass (set higher standards/ambitions) or anticipate (fill regulatory voids) federal climate policies and, (2) the possibility of regional governments to engage internationally, without the interference of the state government and influence course of global climate governance.

3.2. Regional Climate Leadership Beyond the State: a Reviewed Typology

The notion of climate leadership as *agents of change* presented by Liefferink and Wurzel (2017) is insufficient to describe the above-described context. As dynamics endorsed by regional actors require a broader framework of analysis, we consider the conception presented by Andresen and Agrawala (2002) which regards a relation between actors within a group (leaders and followers) where one or a few individuals may (1) use power to induce a group to adopt a particular line of policy and, therefore, (2) shape the collective behavioral pattern of the group. In this line of thought, we understand climate leadership as the capacity of an actor to, unintentionally or intentionally, change climate behavioral patterns by gathering followers², thus influencing global climate governance (Andresen and Agrawala, 2022) through external and/or internal action (Liefferink and Wurzel 2017). To transpose such conception into the realm of regional climate leadership *beyond the state*, this work considers the analytical framework of internal and external action provided by Liefferink and Wurzel (2017) (see Table 1 above).

To start with, we notice the positioning of climate actors according to their internal and external ambitions: laggard, pioneer, symbolic leader, and pusher. The two-level matrix provided by Liefferink and Wurzel (2017) allows the identification of the climate

² Followers are actors who emulate the activities of pioneers/pushers (leaders). Followers emerge in response to a perceived superiority and legitimacy of leaders that result in the adoption of the same or a substantively similar approach to a particular climate problem (Wurzel *et al.*, 2019).



leadership expression in two ways: (1) it establishes that climate leadership is performed in a two-dimension structure of external and/or internal climate policies that influence global climate governance; (2) it identifies that pioneers and pushers are the ultimate expressions of leadership dynamics, the only policy strategies capable of influencing climate governance (setting of an example of behavioral patterns that may be followed). On the other hand, we also note that regional leadership in climate governance expresses dynamics of self-governance (*i.e.*, autonomy of action) in climate action.

Considering the internal and external performance of self-governance (*i.e.*, autonomy of action) in climate policy as low and high, allows us to identify actors with the actual capacity to change behavioral patterns (*i.e.*, followers attraction) thus influencing global climate governance as set out below in Table 2.

Table 2. Regional climate leadership

External 'face'	Internal 'face'	
	Low internal climate self-governance	High internal climate self-governance
Low external climate self-governance	(a) Laggard	(b) Pioneer
High external climate self-governance	(c) Symbolic leader	(d) Pusher

Source: Author's own based on Lieferink and Wurzel, 2017.

Table 2 distinguishes the following four types of regional climate leadership positions:

- (a) Low internal and low external climate self-governance does not reflect climate leadership. Federal regions do not make use of their legislative capacities to pursue their own internal climate regulation or external climate engagement to attract followers. Such actors are classified as **laggards** and do not influence climate governance.
- (b) High internal and low external self-governance classify **a pioneer position**. A pioneer federal region makes internal use of its legislative capacities to pursue its own internal climate regulation, being even able to anticipate or surpass federal climate ambitions, yet it shows no direct interest in attracting followers via international engagement. A pioneer may, nevertheless, express climate leadership considering that it may attract followers by unintentionally setting an internal exemplary behavior and, therefore, also influence global climate governance.
- (c) Low internal and high external climate self-governance determines a **symbolic leader**. Although the federal region may use its legislative capacities through the external performance of climate diplomacy, the same is not performed internally. Considering that there is no domestic commitment in terms of setting its own climate



regulation, symbolic leaders are not perceived as legitimate actors by potential followers and are, therefore, unable to change behavioral patterns in global climate governance (influence).

- (d) A combination of high internal and high external self-governance turns a federal region into a **pusher**. In this case, a federal government uses its legislative capacities to pursue its own internal climate regulation, by namely being able to anticipate or surpass federal climate ambitions, but also to actively mobilize international partners³ (followers) externally. A pusher reflects a climate leader that intentionally influences global climate governance.

Altogether, we perceive that pioneers and pushers are the ultimate expressions of regional climate leadership dynamics. Both pioneers and pushers make use of their legislative capacities as federal governments to be influent actors (gather followers) in climate governance, through external and/or internal action (in the latter, either intentionally or unintentionally): internally, there is the affirmation of its own climate regulation, which sometimes may be considered to surpass and/or anticipate national action; externally, there is an unintentional (pioneers) or intentionally (pushers) attraction of followers that result in influence over the behavioral patterns of other actors concerning climate change. In this context, regional climate leadership is the capacity of regional federal governments to gather followers, thus influencing climate global governance through the internal and external performance of self-governance.

Overall, regional climate leadership establishes a parallel between the polycentric context inaugurated by Paris and climate leadership. Such resemblance sets a leverage position for regional federated governments who might foresee an opportunity to influence climate governance. The adoption of such strategy consists of the capacity to influence climate governance (i.e., leadership) in two dimensions: (1) domestically, by adopting its own climate ambitions (2) internationally, by actively enrolling in climate diplomacy activities that mobilize other actors to pursue the same climate ambitions. Although such phenomenon has remained overlooked by the literature, empirical evidence suggests that it is already taking place whereas some federated states have been acting as autonomous actors within the global climate regime structured around the Paris Agreement (Chaloux *et al.*, 2022).

4. Evidence of regional climate leadership: the cases of California and Québec

Although subnational governments have been active climate players for several decades, only recently their important role has been recognized with the adoption of a more polycentric climate regime under Paris. The U.S. state of California and the Canadian

³ Internationally, regional federal actors use their action capacities by actively enrolling in subnational diplomacy and transnational networks. By informally collaborating with other sub-national, national, and non-state entities, they work towards the achievement of innovative climate policy solutions and acknowledge-sharing to be applied domestically (Leffel, 2018; Chaloux, 2022).



province of Québec are among the leading federated units that have evidenced ambitious climate efforts in line with the Paris Agreement (*Ibidem*). Having stood out for their independent agency in the implementation of global climate standards, their prominent role at the domestic and international levels suggests that a phenomenon of regional climate leadership is in the making.

After long years of unrecognized efforts, California and Québec are currently acknowledged by experts and actors in the field as actual climate leaders considering the ambitious implementation of climate measures and policies (Chaloux *et al.*, 2015; Eatmon, 2009; Leffel, 2018; Setzer, 2015). With or without the national support of the respective national governments, there has been a direct commitment from both cases to the implementation of policies that support the premises of the Paris Agreement, namely emission reductions and reporting established in Articles 4.1, 4.2., 4.4., 4.9, 4.19. Regardless of not being signatory parties: both have independently established their greenhouse gases (GHG) emission reduction targets, deployed a set of policy mechanisms and tools to tackle climate mitigation and adaption, and even joined several bilateral and multilateral climate agreements with international partners (Chaloux, 2022). Having proactively demonstrated a willingness to be regarded as full-fledged actors in the global climate regime inaugurated by Paris, California, and Québec are worth analyzing cases that suggest the emergence of regional climate leadership.

Despite very limited international competencies⁴ (dependent on Congress approval) but considerable climate regulation jurisdictional capacities⁵, California, has gained a reputation for applying the continent's most ambitious emission targets but, especially, for trying to carry America's climate commitments on the eve of Trump's withdrawal (surpassing). Simultaneously, California is also well-known for actively engaging in subnational diplomacy and transnational networks. Using its jurisdictional capacities on climate-related policy, California has internally established its equivalent to the Nationally Determined Contributions (NDC) concerning the 2030 emissions targets defined by the Paris Agreement. Overall, the federal region has set an economy-wide GHG emission reduction target for 2030 at 40% below 1990 levels and, as a member of the Under2 Coalition, it is also committed to the goal of reducing 80%-95% of emissions below 1990 levels by 2050. Similar to the NDC's scheme applied to Paris' signatory parties, California has equally set, with *Assembly Bill 32*, the obligation of updating their GHG emission reduction targets every five years. Internationally, California has also signed informal agreements (*e.g.*, memorandums of understanding) to perform its external action via subnational climate diplomacy and transnational networks: along with Québec, California

⁴ According to the American Constitution states are expressly forbidden from negotiating formal treaties yet, it grants limited access to international activity and often only with the consent of Congress reflecting the legitimate interest of local communities. To avoid a delicate overstep of their legal bounds, state-level officials celebrate informal arrangements such as cooperation agreements or memorandums of agreement; international loan agreements; protocols of intent (or memorandums of understanding); exchange of letters or notes; political declarations and statements. Importantly, although there is no formal ministry of international affairs or relations in California, there is a Senate Office of International Relations as well as the Governor's International Affairs and Trade Development Representative.

⁵ The Clean Air Act gives California special authority to enact stricter air pollution standards in comparison to federal policy. However, EPA (Environmental Protection Agency) must approve a waiver before California's rules may go into effect.



has founded a renowned cap-and-trade system that may deal with 80% of their overall emissions both have joined; co-created, or signed notorious initiatives namely, the Western Climate Initiative⁶ (a collaboration set to create a cap and trade system in North America); Regions4⁷ (initially known as the Climate Group, a network led by non-central governments focused on Sustainable Development); the Under2 Coalition⁸ (a global pledge aiming to achieve net-zero emissions in 2050); and the Regions Adapt⁹ (three multilateral organizations that collaborate, and share best practices and intelligence on the development of climate policies).

Considering its almost unlimited jurisdiction internationally¹⁰ but also in climate policy, Québec, made use of its regulatory capacities to remarkably implemented one of the first carbon levies in North America but also to actively engage in international activities involving the achievement of Paris' targets. Similar to California, Québec has also set its domestic equivalent to the 2030 NDC targets by fixing an economy-wide GHG emission reduction target of 37,5% under the 1990 level by 2030 and the aim of reaching net-zero emissions by 2050. Just like California, in 2020, Québec approved *Bill 44*¹¹ which requires the update of a climate action plan and respective targets every five years. Interestingly, Québec has equally mobilized its external action capacities to join the same climate-networked initiatives as California, including the cap-and-trade system of which Québec is a co-founder.

As past efforts became acknowledged, California and Québec multiplied the number of mechanisms, policies, and action plans to position themselves as active players in the global climate regime since the Paris Agreement was signed. Having done so as an individual stand and as an expression of its self-governance capacities, the case of Québec and California confirm that the landscape of global climate governance is growing by filling federal leadership voids, aiding national governments, and adding essential and needed capacity from the bottom-up (Lefel, 2018). In the end, we notice possible empirical evidence that denotes the possible presence of regional climate leadership in the cases of California and Québec.

Conclusion

Based on the Paris Agreement's recognition of needed action *beyond* the nation-state for effective long-term resolutions in climate change, this paper identifies the opportunity for a wide set of actors to become influential actors in global climate governance (climate

⁶ More information is available at: <https://wci-inc.org/>, accessed in may 2023.

⁷ More information is available at: <https://regions4.org/>, accessed in may 2023.

⁸ More information is available at: <https://www.theclimategroup.org/under2-coalition>, access in may 2023.

⁹ More information is available at: <https://climateinitiativesplatform.org/index.php/RegionsAdapt>, access in may 2023.

¹⁰ Although Québec may not formally sign international treaties, the province may sign agreements and memorandums of understanding. International Relations of Quebec are under the supervision of the Ministry of International Relations and La Francophonie, being part of the Government of Quebec, which constitutes a secondary jurisdiction of Canada. Equally relevant, all international treaties concluded by Canada that involve Quebec's matters of competence require the approval of Quebec's National Assembly.

¹¹ *Bill 44* is officially entitled *An Act mainly to ensure effective governance of the fight against climate change and to promote electrification*.



leadership). With this acknowledgment, our discussion has sought to do a brief literature review on climate leadership and polycentric climate governance to acknowledge a gap and notice how the role of regions, especially regions in federal or decentralized political systems, has not been yet considered under this framework.

We have started by contextualizing the post-Paris context where a gradual paradigm transition in the arena of climate politics is taking place. Briefly, a transition from monocentric to polycentric climate approaches is taking place as part of broader transformations in the international climate regime led by the UNFCCC. A first but smooth step of this transition was witnessed in 2015 by the time the Paris Agreement formally invited non-party stakeholders (*i.e.*, civil society, the private sector, regions, and cities) to the global effort of effectively addressing climate change considering that the commitment endorsed by the parties was insufficient to deal with the challenge. Regarding this fact, our analysis suggests that up-to-date literature on climate leadership in polycentric policy contexts has overlooked empirical the role of federal regions in the post-Paris period. Although there is already some conceptual development on what it means to be a climate leader and how polycentric governance offers significant potential for the occurrence of such a phenomenon, a reframing of the model was required to consider regional federal action according to its legislative capacities. An empirical application of such a framework to federal regions would lack accuracy in its analysis as it would leave out considerable details of the phenomenon that are essential for its explanation: self-governance.

Overall, this paper also identifies a lack of literature consideration for regional actors in Paris' polycentric context. Although these are frequently implicit in the several references to subnational levels of climate action and their importance in achieving international goals, they are often overlooked. Calling attention to this fact, we notice the emergence of regional climate leadership by relying on empirical signs in the cases of California and Québec. As federal units start setting their role as leading authorities of climate policy implementation but also as actors with global-reaching influence in the climate regime inaugurated by Paris, the phenomenon occurs at the internal and external dimensions when the necessary competencies are gathered: (1) admission for the autonomous implementation of (climate) territorial policies that are independent of the central state; (2) admission for action across state boundaries and active engagement in climate governance dynamics. Ultimately, regional climate leadership expresses the capacity of regional federal governments to influence climate governance through the performance of self-governance in the internal and external domains.

To conclude, we consider that our paper brings awareness to an important research gap while establishing grounds for a wide set of future research options both theoretical and empirical. Although scholars have suggested that the success of global climate governance depends, at least, on the integration of non-state entities, particularly local actors (Hsu, Weinfurter, and Xu, 2017), no study has addressed the phenomenon of regional climate leadership *beyond* the state. We consider that it is of interest to have a deeper understanding of regional climate leadership under polycentric conditions. Further enlightenment could be brought through the empirical application of regional climate



leadership to specific case studies to figure out why there is a search for influence in climate governance.

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PODEREMOS FALAR DE RESILIÊNCIA ONTOLÓGICA? DO RELATÓRIO BRUNDTLAND À RETÓRICA DA SUSTENTABILIDADE: UMA ANÁLISE CONCEPTUAL E SISTÉMICA NO CONTEXTO DA CRISE CLIMÁTICA

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Resumo

O artigo analisa sob uma perspetiva sistémica a dicotomia sustentabilidade/resiliência, explorando as argumentações que fundamentam a retórica em torno do desenvolvimento sustentável, procurando simultaneamente enquadrar as alternativas que melhor se poderão aplicar à gestão da problemática relação entre a sociedade e a natureza. À medida que cresce a perceção de que os atuais modelos de governação são inadequados para dar as respostas necessárias para se fazer face aos desafios globais, a transposição do conceito de resiliência para o domínio da ontologia social, poderá contribuir para a alteração do atual paradigma, reforçando o nexa da agência e das perceções, através do conceito de resiliência ontológica.

Palavras-chave

Sustentabilidade; Resiliência; Sistemas socio-ecológicos; Alterações climáticas; Resiliência ontológica

Abstract

The article analyzes the sustainability/resilience dichotomy from a systemic perspective, exploring the arguments that underlie the rhetoric around sustainable development, simultaneously seeking to frame the alternatives that can best be applied to the management of the problematic relationship between society and nature. Based on the growing perception that current governance models are inadequate to provide the necessary answers to face global challenges, the transposition of the concept of resilience to the domain of social ontology, may contribute to the paradigm shift, reinforcing the nexus of agency and perceptions, through the concept of ontological resilience.

Keywords

Sustainability. Resilience. Socio-ecological systems. Climate change. Ontological resilience

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PODEREMOS FALAR DE RESILIÊNCIA ONTOLÓGICA? DO RELATÓRIO BRUNDTLAND À RETÓRICA DA SUSTENTABILIDADE: UMA ANÁLISE CONCEPTUAL E SISTÉMICA NO CONTEXTO DA CRISE CLIMÁTICA

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"O tratamento do processo de todas as relações internacionais, não é pensável se não for um processo de humanização, onde nos construímos reciprocamente e tentar não nos destruímos uns aos outros, agora em grande escala..."

Luís Moita, 2019¹

Introdução

Se por um lado as questões relacionadas com as alterações climáticas apresentam-se como predicados globais, face a necessidade de se manter o aquecimento médio do planeta abaixo dos 2°C em relação aos níveis pré-industriais, por outro, a ação política dos atores internacionais parece não corresponder com a urgência necessária (Ferreira, 2020: 14), resultando daí uma maior pressão sobre as sociedades, principalmente para as mais vulneráveis. Perante a ocorrência cada vez mais frequente de eventos catastróficos, e imprevisíveis, o conceito de resiliência tem vindo a crescer de importância, destacado por muitos autores como um conceito útil para se compreender, gerir e governar, sistemas complexos de pessoas e natureza (Walker *et al.*, 2006; Walker e Salt, 2012; Folke *et. al* 2010). Já as considerações em torno do conceito de sustentabilidade refletem-se nas palavras de António Guterres: *"As the world faces cascading and interlinked global crises and conflicts, the aspirations set out in the 2030 Agenda for Sustainable Development are in jeopardy"* (United Nations, 2022: 2).

A revisão da literatura sugere a existência de uma tendência de pensamento que indicia uma certa descredibilização do conceito de sustentabilidade, fruto do hiato entre a retórica e a ação, principalmente no contexto das políticas e processos direcionados à crise climática e ao desenvolvimento (Wals e Jicking, 2002: 222; Ferreira, 2020: 13;

¹ Luís Moita, "Última lição: Sobre o conceito de Relação". Ato de Jubilação na Universidade Autónoma de Lisboa (UAL), 11 julho 2019. Gravação em áudio disponível em <https://ualmedia.pt/podcast/luis-moita-a-ultima-licao/>.



Ruggerio, 2021: 4). Neste sentido, justifica-se aprofundar o conhecimento em torno dos conceitos de sustentabilidade e resiliência, procurando responder a duas questões aparentemente simplistas, mas essencialmente cruciais: em que medida será a sustentabilidade um elemento de retórica? Poderemos falar de resiliência ontológica? O argumento central deste artigo sugere que apesar da retórica do discurso em torno da sustentabilidade, a dicotomia sustentabilidade/resiliência reflete uma relação casualística e complexa, na qual se enfatizam os processos fundamentais para se reforçar as capacidades das comunidades em resistir aos choques de origem natural ou humana, e, eficazmente transformar as suas estruturas adaptativas, o que se poderá traduzir na redução das suas vulnerabilidades, aumentando as condições para o desenvolvimento e assegurando a sustentabilidade das futuras gerações. Parte-se do princípio, que o sucesso destas dinâmicas se encontra dependente da alteração do atual paradigma das Relações Internacionais (RI), caracterizado do ponto de vista ontológico, pela fragmentação, num sistema em que o humanismo e as relações sociedade/natureza se encontram subjugados às relações de poder, ao determinismo anárquico, e dependentes do dilema representado pela subjetividade da ação dos agentes. Isto implica um processo de transformação na perceção que o ser humano tem da sua própria essência e do mundo que o rodeia, face aos fatores de *stress*, o que nos remete para a definição de resiliência ontológica.

O objetivo desta pesquisa é contribuir para a alteração do atual paradigma, dentro de um espírito de modéstia e longe de potenciais presunções, procurando transpor o conceito de resiliência, para o campo ontológico da disciplina das RI. Para tal, começa por visitar a literatura em torno do conceito de sustentabilidade, explorando as diferentes perspetivas que fundamentam a ideia de retórica. Analisa a abrangência do conceito de resiliência, no âmbito da sua aplicação à teoria dos sistemas socio-ecológicos. Projeta o enquadramento teórico da disciplina das RI e do construtivismo no campo da ontologia social. Por fim, recorre aos conceitos de resiliência evolutiva e segurança ontológica, para fundamentar a proposta do conceito de resiliência ontológica. O método de abordagem utilizado é o dedutivo, assente numa epistemologia interpretativa com recurso a consulta bibliográfica e documental, levando em consideração a sua relevância qualitativa para a fundamentação do tema.

A sustentabilidade e a retórica

Embora o termo sustentabilidade seja de cariz abstrato, significando semanticamente a capacidade de manutenção a longo prazo, já o conceito tem sido geralmente retratado na cultura ocidental como a correlação entre as dimensões social, económica e ambiental (Herremans e Reid, 2010: 17) e, recorrentemente associado, quer no meio académico, como no científico, ao conceito de desenvolvimento sustentável (DS)². Podendo representar diferentes significados - científicos, políticos, ou mesmo simbólicos - usados indistintamente por uma mesma pessoa ou grupo, a sua base de conhecimento ou de

² O conceito de sustentabilidade é utilizado nesta pesquisa a partir do referencial de desenvolvimento sustentável (DS).



valor, é questionável, com potencialidade para reduzir o conceito de sustentabilidade para um mero instrumento de retórica. No entanto, o debate em seu torno tem o potencial, ou a força, para reunir diferentes grupos da sociedade na busca de uma linguagem comum em termos da discussão dos problemas ambientais (Wals e Jicking, 2002: 222).

O Relatório Brundtland, publicado pela Comissão Mundial sobre o Ambiente e o Desenvolvimento em 1987, definiu o conceito de DS como “desenvolvimento que atende as necessidades das gerações atuais sem comprometer a capacidade das gerações futuras em atender as suas próprias necessidades” (WCED, 1987), tornando-se uma referência para a pesquisa científica do ambiente, adquirindo o carácter paradigmático para as matérias em torno do desenvolvimento. Foi com natural otimismo que o conceito se refletiu na realização da Conferência das Nações Unidas para o Ambiente e Desenvolvimento do Rio em 1992 (CNUAD), num contexto internacional marcado pelo final da Guerra-Fria, destacando-se a forte vertente do multilateralismo e de vários processos de democratização um pouco por todo o mundo. A adoção da Agenda 21³, parecia ter despertado as nações para a profilaxia do planeta, procurando reconciliar as questões em torno do desenvolvimento económico com a proteção ambiental. Cinco anos mais tarde, na Conferência de revisão realizada em Nova Iorque (Rio +5), as conclusões da CNUAD defraudavam as expectativas geradas anteriormente, apontando o fenómeno da globalização como fonte para o aumento das desigualdades, da pobreza e da degradação do meio ambiente, tanto através do aumento da emissão dos Gases de Efeito de Estufa (GEE) como também de resíduos sólidos poluentes⁴. O ponto 4 da resolução S/19-2 da Assembleia Geral das Nações Unidas sintetizava o contexto: “*We acknowledge that a number of positive results have been achieved, but we are deeply concerned that the overall trends with respect to sustainable development are worse today than they were in 1992*” (United Nations, 1997).

Em setembro de 2000, no seguimento da Declaração do Milênio, a Assembleia Geral das Nações Unidas apresentou os Objetivos de Desenvolvimento do Milênio (ODM), no qual se estabeleceram oito compromissos globais a serem atingidos até 2015: erradicar a pobreza extrema e a fome; atingir o ensino básico universal; promover a igualdade de género e empoderar as mulheres; reduzir a mortalidade infantil; melhorar a saúde materna; combater o VIH/SIDA, a malária e outras doenças; garantir sustentabilidade ambiental e desenvolver uma parceria global para o desenvolvimento. Apesar dos resultados positivos identificados no relatório final dos ODM⁵, poder-se-á considerar que

³ Disponível em: <https://www.un.org/en/conferences/environment/rio1992>. [Consultado em 22.ago.23].

⁴ Consultar Resolução Adotada pela Assembleia Geral das Nações Unidas em 28 junho 1997. Disponível em: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N97/774/73/PDF/N9777473.pdf?OpenElement>. [Consultado em 22.ago.23].

⁵ Alguns dos resultados positivos apontados no relatório final dos ODM indicam: redução do número de pessoas a viver com menos 1,25 USD/dia, para 14% em 2015; redução do número de pessoas em situação de pobreza extrema de 1,9 mil milhões em 1990 para 830 milhões em 2015; diminuição da subnutrição das populações dos países em desenvolvimento de 23,3% em 1990 para 12,9 % em 2014-2016; o acesso ao ensino primário nas regiões em desenvolvimento atingiu 91% em 2015, acima dos 83 % verificados em 2000; diminuição da taxa global de mortalidade de menores de cinco anos em mais de metade, passando de 90 a 43 mortes por 1.000 nascidos vivos entre 1990 e 2015; redução do rácio de mortalidade materna em 45%; redução global das incidências de malária em cerca de 37% ; a ajuda oficial ao desenvolvimento



o alcance geral ficou aquém das expectativas. Por exemplo, em 2012 cerca de 15,5% da população mundial continuava a sofrer de fome, e a taxa de mortalidade infantil, principalmente em África, ficara aquém da meta para a redução de 2/3 até 2015; em 2012 cerca de 80% da população residente no sudoeste asiático e na África subsariana, continuava a viver sob condições de pobreza extrema; quanto à ajuda ao desenvolvimento, registou-se uma queda acentuada em 2012, a primeira vez no período de uma década (Fehling *et al*, 2013: 1110). O Secretário-Geral das Nações Unidas em exercício na altura, Ban Ki-Moon, apesar de ter reconhecido os esforços e a significância de alguns dos resultados alcançados, relacionou a ausência de progressos mais abrangentes dos ODM, com a identificação de falhas nos compromissos previamente assumidos, na inadequação dos recursos utilizados, na falta de foco e de responsabilidade, apontando também a insuficiência do interesse no desenvolvimento sustentável por parte da maioria dos Estados Membros (United Nations, 2010, *apud* Fehling *et al*, 2013: 1110). Para David Hulme⁶ (2010: 16), foram dois os argumentos que limitaram o alcance dos ODM: primeiramente, a ideia na base dos ODM, o desenvolvimento humano, nunca fora totalmente institucionalizada, ou seja, nunca tivera a força suficiente para uma mobilização social massiva em favor da erradicação global da pobreza, ou para constituir uma elite comunitária epistémica com a capacidade necessária para controlar a agenda política. Por outro lado, identificou lacunas na apropriação da aplicação de políticas ligadas ao desenvolvimento, que sendo operacionalizadas por Estratégias de Redução da Pobreza (ERP) a nível estatal, encontram-se sob a supervisão de entidades como Fundo Monetário Internacional (FMI) ou o Banco Mundial (BM). O autor sugere que as ERP deveriam ser alvo de um processo de apropriação pelos países em vias de desenvolvimento, deixando simultaneamente em aberto a crítica: "(...) *the IMF and World Bank need to introduce internal 'Arrogance Reduction Strategies' to transform their control-oriented cultures*". A ideia de exclusividade da condução das políticas dirigidas aos ODM, fica bem patente no facto de apenas 22% dos parlamentos nacionais os terem discutido formalmente a nível mundial, o que indicava a proeminente falta de envolvimento por parte dos países em desenvolvimento e dos respetivos círculos eleitorais da sociedade civil, nos processos constituintes (Kabeer, 2005; Waage *et al*. 2010, *apud* Fehling *et al*. 2013: 1110).

Embora a evolução e as lições aprendidas em torno dos resultados dos ODM se tenham refletido, do ponto de vista normativo, na adoção da Agenda 2030⁷ pela Assembleia Geral das Nações Unidas em 2015 - apresentando-se até aos dias de hoje como a referência global para o desenvolvimento e também nas constituições e direitos nacionais de muitos Estados - diferentes escolas de pensamento têm identificado contradições conceptuais em torno do DS, devido a insustentabilidade de processos económicos, que se encontram infinitamente alicerçados ao paradigma do crescimento, num planeta em

dos países desenvolvidos aumentou 66 % em termos reais entre 2000 e 2014, atingindo 135,2 mil milhões de dólares (United Nations, 2015).

⁶ Professor e especialista em estudos sobre o desenvolvimento da Universidade de Manchester.

⁷ No seu núcleo encontram-se 17 objetivos para o desenvolvimento sustentável (ODS) e 167 linhas de atuação com vista a acabar com a pobreza, proteger o planeta e assegurar a paz e a prosperidade. A extensão da sua abrangência incorpora diversos campos temáticos, passando pela área dos negócios, produção agrícola, indústria ou desenvolvimento urbano, tornando-se na fundação conceptual de abordagens teóricas como a economia verde ou a economia circular (Ruggerio, 2021: 1).



que os recursos são essencialmente limitados (Ruggerio, 2021: 2). A tendência verificada no progresso dos ODS tem vindo a confirmar esta constatação. Segundo o *Sustainable Development Index* – o sistema de monitorização da aplicação dos ODS – o progresso global dos ODS entre o período de 2015 e 2019 foi de apenas 0,5%, ou seja, ainda bastante longe das metas definidas para 2030, com a agravante de não se terem registado qualquer tipo de progressos durante os anos de 2021 e 2022⁸. A manchete do comunicado de imprensa do Relatório de Desenvolvimento Sustentável de 2023, é bastante elucidativo: “*World at Risk of Losing a Decade of Progress on the UN Sustainable Development Goals*”⁹.

A ideia de que a fundamentação epistemológica do referencial teórico do DS baseia-se no paradoxo não resolvido da sustentabilidade, no qual poderão coabitar, práticas e ideologias ambientais contraditórias (Jaraaben, 2006 :188), tem levado alguns autores a considerar as dimensões social, ambiental e económica como insuficientes para se compreender toda a extensão do conceito de DS, e que o discurso em torno do desenvolvimento e da sustentabilidade se tem revelado infrutífero (Vogt e Weber, 2019: 1-5). É disso exemplo a manchete do *The New York Times*, de 02 de novembro de 2012, “*Forget sustainability, its about resilience*”, referente ao artigo de opinião publicado por Andrew Zolli, em que afirma: “Onde a sustentabilidade visa reequilibrar o mundo, a resiliência procura formas de gerir o mundo desequilibrado” (Zolli, 2012a). Esta afirmação poder-se-ia considerar simplista, ou até mesmo especulativa, uma vez que tende a desconsiderar a importante evolução agregada ao conceito de DS até aos dias de hoje, embora possam existir alguns argumentos que a fundamentem. A retórica em torno do conceito de sustentabilidade, reside no hiato existente entre aquilo que são as intenções, os discursos e a ação dos agentes, consubstanciados em compromissos políticos comumente identificados como necessários, mas indubitavelmente caracterizados como insuficientes ou incoerentes. Por exemplo, o Acordo de Paris¹⁰ não estabeleceu metas concretas para a redução dos GEE, nem qualquer regime jurídico que penalize os incumpridores, para além de excluírem-se do acordo setores de atividade económica altamente nocivos para o ambiente, como são os da aviação civil ou o dos transportes marítimos (Ferreira, 2020: 13-16). Por outro lado, a constatação de que os atuais mecanismos de financiamento ao combate às alterações climáticas focam-se essencialmente nos processos de mitigação, e menos na adaptação - com prejuízo claro para os países em desenvolvimento - não apenas nos remete para o tema em torno da justiça climática¹¹, como também estabelece a ponte para o conceito de resiliência.

⁸ Disponível em: <https://ods.pt/>. [Consultado em 23.ago.23].

⁹ Disponível em: <https://www.sdqindex.org/news/press-release-sustainable-development-report-2023/>. [Consultado em 24.ago.23].

¹⁰ “O Acordo de Paris é um tratado internacional juridicamente vinculativo sobre alterações climáticas. Foi adotado por 196 Partes na Conferência das Nações Unidas sobre Alterações Climáticas (COP21) em Paris, França, em 12 de dezembro de 2015. Entrou em vigor em 4 de novembro de 2016. O seu objetivo global é manter o aumento da temperatura média global abaixo de 2°C acima dos níveis pré-industriais e prosseguir esforços para limitar o aumento da temperatura a 1,5°C acima dos níveis pré-industriais” (UNFCCC, 2023).

¹¹ “O reconhecimento de que a crise climática perpetua sistemas económicos, sociais e políticos desiguais e que é necessário implementar respostas eficazes e coerentes com essas desigualdades constituem o objetivo da justiça climática” (Ferreira, 2020: 27).



Apesar dos países de baixo rendimento representarem apenas 6% das emissões globais de GEE, são os que mais sofrem com os impactos das alterações climáticas – principalmente os continentes africano e asiático – primeiramente pela sua posição de vulnerabilidade face as catástrofes naturais – secas, inundações, stress hídrico, desertificação dos solos – e também pela natureza das suas economias: se por um lado não dispõem dos mecanismos materiais e financeiros necessários para absorver e adaptar a esses choques, por outro, o facto de dependerem das colheitas agrícolas, de recursos florestais e outros recursos naturais, origina pressões de natureza social e política, levando a situações de desigualdade, aumento da pobreza, subida do preço dos alimentos, conflitos violentos e ao aumento dos fluxos migratórios, com todas as consequências humanitárias, económicas e políticas daí resultantes – por exemplo, conforme se tem vindo a constatar com os impactos da crise migratória do Mediterrâneo no seio da União Europeia.

A ideia de que o conceito de DS se encontra essencialmente alicerçado à forma do discurso retórico, tem levado alguns académicos a procurar por alternativas teóricas, que melhor permitam “compreender, gerir e governar, sistemas complexos de pessoas e natureza”¹² (Walker *et al.* 2006: 2), e neste âmbito, a teoria dos sistemas socio-ecológicos¹³ – enquadrada no campo teórico dos sistemas complexos¹⁴ – poderá estabelecer as pontes necessárias para se abordar, através de uma perspetiva sistémica, a relação entre a sociedade e a natureza.

Resiliência: do conceito à ontologia

A aplicação do conceito de resiliência aos sistemas socio-ecológicos, está na origem de uma tendência de pensamento focada no debate em como a sociedade poderá reforçar a sua capacidade de prevenir e adaptar às perturbações ambientais, concebendo a sustentabilidade como a resiliência dos sistemas socio-ecológicos¹⁵ (Ruggerio, 2021: 5). O conceito, tem vindo a ser assimilado por diferentes organizações, destacando-se no âmbito do desenvolvimento, a Organização para a Cooperação e o Desenvolvimento Económico (OCDE), que o tem aplicado à diferentes perspetivas em torno da dicotomia resiliência/desenvolvimento. Conceitos como sistemas resilientes, construção da resiliência ou resiliência institucional, têm vindo a ser trabalhados, no sentido de se

¹² No artigo original (Walker *et al.*, 2006, p.2) esta argumentação é aplicada ao conceito de resiliência.

¹³ Definidos como “sistemas ecológicos fortemente influenciados pelas atividades humanas em que se regista uma não menos forte dependência dos sistemas sociais em relação aos recursos e aos serviços providenciados pelos ecossistemas” (Farrall, 2012: 50).

¹⁴ “Sistema complexo” é definido como um grupo ou organização, composta por múltiplas partes interativas (Mitchell e Newman, 2001:1). Num sistema complexo, as redes de interação podem-se alterar e reorganizar como consequência de mudanças do estado dos elementos que a constituem. “A teoria tem como objetivo compreender as dinâmicas sistémicas resultantes dos processos de interação e eventualmente controlar e projetar propriedades sistémicas em campos como a economia, o sistema financeiro, processos sociais, cidades, clima e ecologia” (Thurner, Hanel, e Klimek, 2018: 5).

¹⁵ A *Resilience Alliance* define resiliência dos sistemas socio-ecológicos como: “a capacidade de um sistema socio-ecológico absorver ou resistir a perturbações e outros agentes de stress de tal forma que o sistema permaneça dentro do mesmo regime, essencialmente mantendo a sua estrutura e funções. Descreve o grau em que o sistema é capaz de se auto-organizar, aprender e adaptar”. Disponível em: <http://www.resalliance.org/3871.php>. [Consultado em 03.jun.23].



perceber o papel crítico que o desenvolvimento internacional poderá desempenhar em torno das interações que envolvem a construção de capacidades das comunidades, instituições, sistemas económicos, sociais e ambientais, face aos desafios globais (Amaro, 2023: 26). Neste sentido, sistema resiliente, implica a capacidade de um sistema se preparar, mitigar e prevenir, face aos impactos negativos, a fim de preservar e restaurar as suas estruturas e funções básicas essenciais, proporcionando condições ajustáveis dos seus componentes, de forma a assegurar a continuidade dessa mesmas estruturas e funções, através de um processo de transformação que está na origem do estabelecimento de um sistema essencialmente novo (OECD, 2021: 164).

Este processo de construção, incorpora do ponto de vista sistémico a combinação estratégica e integrada das capacidades absorptivas, adaptativas e transformativas, para melhor alinhar as ações de gestão de riscos, com os objetivos de desenvolvimento de longo prazo. Considerando-se a resiliência como uma propriedade sistémica, a sua conceptualização tem extravasado todo o campo científico, refletindo-se como um paradigma multidimensional, sustentado por uma dinâmica de processos interrelacionados, face à um denominador comum: as perceções em torno dos desafios representados pela interação humana e o planeta, onde se destacam os impactos das alterações climáticas, pandemias, desigualdades, fluxos migratórios, conflitos violentos, crises económicas e financeiras, entre outras.

Ontologia social e construtivismo nas RI

As ciências humanas dispõem de diversos meios para estudar a realidade social, sendo a filosofia a primeira disciplina a pesquisar os assuntos em torno da ética, política e moral, ou seja, os três maiores campos que distintamente lidam com a realidade social (Andina, 2016: 11). A ontologia como um dos ramos da filosofia, é a ciência do que é, dos tipos de estruturas dos objetos, propriedades, eventos, processos e das relações em cada área da realidade, procurando providenciar uma solução e classificação exaustiva das entidades em todas as dimensões do ser (Smith, 2012: 155). A disciplina das RI, a semelhança de outras disciplinas do campo das ciências sociais, assenta em pressupostos meta-teóricos que consistem na maneira pela qual as teorias são desenvolvidas, oferecendo diferentes e complexas perspetivas em torno dos fenómenos em estudo (Fernandes, 2011: 17-18). Em termos da terminologia filosófica, o posicionamento teórico diz respeito a suposições particulares assentes na ontologia, epistemologia e metodologia, o que pressupõe diferentes formas de se perceber a realidade: ontologicamente na forma como se percebem os diferentes domínios dos objetos, epistemologicamente na aceitação ou rejeição de reivindicações particulares do conhecimento, e metodologicamente na escolha de métodos particulares de estudo (Kurki e Wight, 2013: 14-15). Partindo das abordagens construtivistas das RI, os indivíduos ou Estados, enquanto entidades sociais, não podem ser separados do contexto dos significados normativos que moldam a sua identidade ou do vasto recurso de possibilidades proporcionadas pela sua agência, o que nos transporta para o domínio da ontologia social (Fierk, 2013: 190). Uma das tarefas da ontologia social é precisamente identificar as causas por trás do conflito entre o livre arbítrio e a responsabilidade ética



e moral do ser humano enquanto entidade isolada ou animal social (Andina, 2016: 2), e neste sentido, a complexidade do mundo e dos desafios que na atualidade se nos deparam, transportam-nos para a segunda imagem. A perceção de que todos fazemos parte de sistemas interligados de pessoas e natureza (sistemas socio-ecológicos), que são essencialmente complexos e adaptativos, remete-nos para o conceito de resiliência como a solução para a sustentabilidade destes sistemas (Walker e Salt, 2012: 10).

Poderemos falar de “resiliência ontológica”?

A conceção de um novo paradigma, no qual os cientistas percecionam o mundo como “caótico, complexo, incerto e imprevisível”, tem transportado o conceito de resiliência para o campo ontológico das teorias dos sistemas socio-ecológicos, cunhado por Davoudi *et. al* (2012: 302) como “resiliência evolutiva”. Este conceito assenta no reconhecimento de que a aparente perceção de estabilidade em nosso redor - seja na natureza ou na sociedade - poderá mudar repentinamente para se tornar algo radicalmente novo, com características que são profundamente diferentes do estado original, desafiando a matriz equilibrística advogada pelo conceito de resiliência socio-ecológica. Ambos partilham a ideia que caracteriza a resiliência como uma propriedade dinâmica, capaz de traduzir a evolução, transformação, aprendizagem e interação entre o mundo natural e social (Amaro, 2023: 24; Davoudi, 2012: 301-303; Walker *et al.* 2006). Neste sentido, poder-se-á considerar a resiliência como uma propriedade inata à condição humana? Para responder a esta questão teremos de sair do nível sistémico, e visitar a definição da *American Psychological Association*¹⁶ (2012), que identifica resiliência como o processo de adaptação perante adversidades, traumas, tragédias, ameaças e outras fontes significativas de *stress*, podendo também envolver um crescimento pessoal profundo. Uma vez, que os processos implicam interação social (Adler, 1999: 206), teremos de descartar a hipótese. Dedutivamente, poderemos considerar que quanto maior for a capacidade de resiliência, maiores as chances de adaptação perante fatores de *stress*, o que também implica o aumento das probabilidades de sobrevivência. Neste sentido, “o crescimento pessoal profundo” subentende uma evolução da condição básica de sobrevivência, para a perceção ontológica do ser em relação ao mundo que o rodeia, aplicando-se o mesmo para níveis de organização mais complexos.

Poderemos então falar de resiliência ontológica? Não se trata de uma constatação vaga, uma vez que já existem estudos desenvolvidos no campo teórico das RI, que nos poderão ajudar a fundamentar esta proposta. Uma dessas referências reside no conceito de segurança ontológica, definido originalmente por Laing (1969) e Giddens (1991) como “a necessidade do individuo se experimentar a si mesmo como uma entidade completa e contínua no tempo, a fim de percecionar algum senso de agência” (Mitzen, 2006: 342). O conceito foi posteriormente desenvolvido por Jennifer Mitzen (2006), argumentando que tal como os indivíduos têm a necessidade em se sentir seguros da sua identidade, face as incertezas - o papel da agência faz mais sentido num contexto de previsibilidade

¹⁶ Disponível em <https://www.apa.org/topics/resilience>. [Consultado em 02.jul.23].



– também os Estados procuram essa sensação de segurança ontológica, alimentando o dilema de potencial conflito com a segurança física. Isto implica que por vezes os Estados preferem a certeza proporcionada pelo conflito latente, em detrimento das incertezas que possam derivar da interação com os outros ou da sua própria identidade (Mitzen, 2006: 342). Da mesma forma que os indivíduos percecionam a segurança como uma necessidade, também têm vindo a percecionar a resiliência como um meio para se poder satisfazer essa necessidade, pois a própria noção de segurança é um elemento subjetivo, perante o contexto de incerteza e de imprevisibilidade que domina a atualidade. Neste sentido, e incorporando a matriz do conceito dos sistemas resilientes¹⁷, sugere-se como conceito de resiliência ontológica, a capacidade das pessoas ou instituições, em absorver, adaptar, e transformar, perante situações extremas resultantes de choques, a partir da mudança da perceção que têm do mundo e de si mesmos. Estas capacidades conferem do ponto de vista sistémico, as respostas necessárias para se fazer face às imprevisibilidades ou alterações de estado, visando a continuidade funcional dos elementos ou processos, que constituem a estrutura essencial para os seus padrões de vida (Reser e Swim, 2011: 5).

O conceito de resiliência ontológica, não apenas enfatiza o papel da agência, como também sugere uma reflexão profunda sobre a própria essência do ser, na sua relação com a natureza. A sua aplicação prática, pode ser constatada pelo crescente envolvimento de organizações da sociedade civil no estudo do conceito de resiliência. Tal como a *Resilience Alliance*¹⁸, também o *Stockholm Resilience Center*¹⁹, congrega uma rede integrada de especialistas dedicada ao estudo da resiliência, a fim de se compreender a complexa dinâmica entre as pessoas e o planeta na era do Antropoceno²⁰, em resultado da perceção que têm da realidade.

A analogia mais recorrente, para o conceito de resiliência ontológica, tem como referência o termo *resilience thinking*²¹ (Chandler, 2014: 53; Walker e Salt, 2012: 8). Alguns dos pontos chave do *resilience thinking* apontam para falhas estruturais em termos das abordagens tradicionalmente aplicadas à gestão de recursos naturais sustentáveis, criticadas por se focarem essencialmente nas condições de vantagens e expectativas em torno do crescimento económico, alimentando perturbações significativas no sistema socio-ecológico como um todo, ao optarem por otimizar alguns dos componentes do

¹⁷ Tal como referido nas páginas 6-7, “a capacidade de um sistema se preparar, mitigar e prevenir, face aos impactos negativos, a fim de preservar e restaurar as suas estruturas e funções básicas essenciais, proporcionando condições ajustáveis dos seus componentes, de forma a assegurar a continuidade dessa mesmas estruturas e funções, através de um processo de transformação que está na origem do estabelecimento de um sistema essencialmente novo” (OECD, 2021: 164).

¹⁸ “A *Resilience Alliance* foi fundada em 1999 como uma organização registada (...), porém muitos de seus membros originais já vinham desenvolvendo e testando a teoria da resiliência desde a década de 1970. A comunidade evoluiu para uma forte rede de estudiosos da resiliência e com a criação formal de uma organização em 1999, a RA iniciou um caminho de rápido crescimento no número de pessoas envolvidas, resultados e atividades relacionadas à ciência da resiliência”. Disponível em linha em: <https://www.resalliance.org/background>. [Consultado em 26.jul.23].

¹⁹ Disponível em: <https://www.stockholmresilience.org/>. [Consultado em 26.jul.23].

²⁰ O tempo é dividido pelos geólogos de acordo com mudanças marcantes no estado da Terra. As recentes alterações ambientais globais sugerem que a Terra poderá ter entrado em uma nova época geológica dominada pelo homem, o Antropoceno (Lewis, e Maslin, 2015: 171).

²¹ O termo é deixado na língua original por ser abrangente na literatura evitando-se desta forma redundâncias em seu torno.



sistema, isolando outros (Walker e Salt, 2012: 2). Neste sentido, poder-se-á considerar que o conceito de resiliência ontológica, enquanto analogia do *resilience thinking*, encontra-se intrinsecamente associado às questões relacionadas com a agência e governação (Flockhart, 2020: 218), apresentando-se como uma alternativa para colmatar algumas das falhas estruturais identificadas no modelo neoliberal de governação (Chandler, 2014: 97)²².

Considerações finais

A revisão da literatura sugere a conceção de um novo paradigma, no qual emerge o debate em torno da dicotomia sustentabilidade/resiliência. A perceção de que os atuais modelos de governação se caracterizam como desadequados para lidar com os desafios globais, não apenas alimenta a fundamentação em torno do conceito de resiliência ontológica, como também alerta a sociedade para a necessidade de mudança. Se a sustentabilidade é um elemento de retórica? A resposta poderá ser encontrada na forma como se revelar a agência dos atores num futuro próximo, o que implica a projecção de dois cenários: a sustentabilidade como paradigma dominante ou a prevalência do atual paradigma. Se o primeiro reflete o predicado socio-ecológico e a realização do legado humanista, o segundo alimenta a ideia de que o conceito de resiliência ontológica se encontra subordinado ao conceito de segurança ontológica, o que poderá condicionar o papel de todos aqueles que procuram por respostas para melhor gerir as questões afetas à relação entre a sociedade e a natureza.

Num momento em que experienciamos a entrada no Antropoceno, não existem garantias para além das constantes de mudança e de imprevisibilidade. Ainda mal compreendemos os significados da nossa evolução tecnológica, e da dimensão disruptiva a ela associada. A eminente cumplicidade entre as correntes de pensamento ocidental e a aplicação da teoria na política internacional, deixa pouco espaço para a autocrítica, para a reflexão, um padrão que tende a construir uma realidade identitária exacerbada em termos ontológicos, na qual se perdem oportunidades para a prossecução de uma agenda que sirva os interesses da humanidade como um todo. Neste sentido, não apenas poderemos falar de resiliência ontológica, como também deveremos falar dela, promovê-la, pois não se vislumbram alternativas, senão nos campos em que a utopia e a razão superem o paradigma das relações de poder e dos interesses subjacentes. O planeta natural e social será o que a humanidade fizer da sua agência - uma analogia ao pensamento de Wendt (1992) - e a contínua materialização do segundo cenário anteriormente sugerido, não apenas poderá comprometer a sustentabilidade das gerações futuras, como também já se manifesta de forma nociva para as atuais gerações. Independentemente dos espaços físicos que ocupem, das suas culturas e identidades, do desenvolvimento das suas capacidades socioeconómicas e financeiras, ou do seu poderio político-militar, os fenómenos climatéricos em curso transcendem o imaginário de qualquer construção

²² "Where neoliberalism failed to properly work through the consequences of postmodernity for governance, resilience-thinking claims to have the solution to the apparent conundrum of governing without assumptions of Cartesian certainty or Newtonian necessity" (Chandler, 2014: 97).



social até hoje concebida, sugerindo uma mudança radical na forma como se têm percecionado e abordado os desafios globais.

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THE ROLE OF WATER DIPLOMACY AS A CHANGING CONCEPT IN REGIONAL COOPERATION: A THEORETICAL FRAMEWORK

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Abstract

Today, there is a disagreement among the actors since the demand for water resources has gained more momentum. Sharing water resources, regional actors want to have control over water which has a wide range of functions either electricity generation or agricultural activities. Therefore, the willingness of actors to actively use and manage water fuels disagreements at the regional level and hinders cooperation. Herein water diplomacy tools are used to prevent the occurrence of disputes related to water resources or to transform the existing conflict into regional cooperation. Water diplomacy promotes the establishment of trust bonds between actors, as well as constitutes the step of cooperation by encouraging the start of problems between actors through dialogue. In this study, the question of what the role of water diplomacy and tools in is establishing and maintaining the cooperation structure in regional water disputes constitutes the basis to be. At the regional level in the conflict over water resources, the role of water diplomacy in the development and sustainability of cooperation is discussed in this study.

Keywords

Cooperation, Regional cooperation, Diplomacy, Water, Water Diplomacy

Resumo

Atualmente, existe um desacordo entre os atores, uma vez que a procura de recursos hídricos ganhou maior relevo. Partilhando os recursos hídricos, os atores regionais querem ter controlo sobre a água, que tem uma vasta gama de funções, quer se trate de produção de eletricidade ou de actividades agrícolas. A vontade dos intervenientes de utilizar e gerir ativamente a água alimenta as divergências a nível regional e dificulta a cooperação. Neste contexto, os instrumentos da diplomacia da água são utilizados para evitar a ocorrência de litígios relacionados com os recursos hídricos ou para transformar o conflito existente em cooperação regional. A diplomacia da água promove o estabelecimento de laços de confiança entre os actores, bem como constitui o passo da cooperação ao encorajar o início de problemas entre os actores através do diálogo. Neste estudo, a questão de saber qual é o papel da diplomacia da água e dos seus instrumentos no estabelecimento e manutenção da estrutura de cooperação nos conflitos regionais sobre a água constitui a base. A nível regional, no conflito sobre os recursos hídricos, o papel da diplomacia da água no desenvolvimento e na sustentabilidade da cooperação é discutido neste estudo..

Palavras chave

Cooperação, Cooperação regional, Diplomacia, Água, Diplomacia da água.

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THE ROLE OF WATER DIPLOMACY AS A CHANGING CONCEPT IN REGIONAL COOPERATION: A THEORETICAL FRAMEWORK

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Introduction

According to Earnest B. Haas, regional cooperation has been defined as “the process by which political actors are persuaded to shift their commitment, prospects and political activities to a new larger center owned or demanded by their institutions” (Singh, 2010: 52). This situation takes into the states together on various issues in the region and enables them to act jointly by making collective decisions as well. States especially developing and underdeveloped states tend to cooperate with other states in the region to become independent and stronger in the international arena. As Joseph Nye stated, the cooperation process must be defined by mutual obligations and common interests between states by virtue of a competitive system (Singh, 2010:53).

Although the origin of the concept of regional cooperation in the international arena dates to the end of World War II, it has become a trend with the new wave of regionalism since the mid-1980s. To survive in the competitive environment of the system, actors have tended to establish bonds with their close circles to be stronger and more independent. There is a tendency to establish cooperation structures within the region not only in military and security dimensions but also in many areas such as economic, environmental, and water. Moreover, with the increase in the number of actors with the new wave of regionalism, the cooperation has been carried to a wider dimension. Before 1980, only states were active in the formation of cooperation, but with the new regionalism, non-state actors played an important role in the formation of cooperation mechanisms.

Water diplomacy, on the other hand, is an important way that brings together actors around cooperation in the efficient use and management of resources. Recently, it has been observed that the dependence on water resources has increased even more, both globally and in terms of demographics. For this reason, actors want to hold water resources and have efficiency in their management. This situation causes disagreement and sometimes conflict over water resources. To Arun Elhance, *water is one of the most complicated, urgent, and contentious issues that developing countries and the international community will have to face and resolve in the next century* (Kehl, 2023: 39). At this point, water diplomacy is a mechanism used to deal with the conflict between the actors without getting too deep. It tried to establish a bond of trust between the



parties by using water diplomacy tools. To build trust, consensus is sought by using dialogue and negotiation, and then the sustainability of the cooperation is ensured by bringing the parties together around common mechanisms. The main purpose of water diplomacy is to turn the existing conflict between the parties into cooperation. Therefore, water diplomacy has a supporting role in the existence and continuation of cooperation within the region by bringing together the actors under these mechanisms.

Countries benefit greatly from cooperation when they share common resources such as rivers, fisheries, hydroelectric power, rail links, or the environment. For example, Egypt and Sudan, which are riparians of the Nile, made a bilateral agreement in 1959 and blocked the production of more irrigation water or hydroelectric energy because they did not include the states in the upper basin in the process. On the other hand, although the international community provided financial assistance and helped India and Pakistan to share the waters of the Indus River Basin, the ongoing tension between the two countries prevented the states from developing additional benefits from water (Schiff and Winter, 2002: 1-5). As can be seen in both examples, common resources could not be beneficial due to the partial emphasis of countries on cooperation. If countries can lead to a wide range of cooperation within the region instead of conflict, they can make their interests more sustainable. As Aaron Wolf et al. (2005: 81) has stated "Water is not managed for one purpose: all water management serves multiple purposes and pace between competing interests".

The basis to be questioned within the scope of this study; the aim of this study is to examine the contribution of water diplomacy and mechanism to cooperation in water resources disputes at the regional level. In this context, the extent of the effectiveness of water diplomacy in the formation and maintenance of regional cooperation has been considered as the basis. The desired result in the study is also based on this.

Methodology

Within the framework of this study, it is tried to gain a new perspective on the relationship between water diplomacy and the concept of regional cooperation. Especially with the reports gathered from Web of Science and different databases, it is applied with descriptive method. In the study, which consists of two parts, the scope of regional cooperation and water diplomacy was examined. In this context, it is aimed to facilitate the understanding of regional cooperation and water diplomacy in terms of international relations. In the first chapter, the place, development, and areas of the concept of regional cooperation in international relations have been tried to be discussed. The scope, tools, and activities in establishing regional cooperation regarding the water diplomacy framework are detailed in the second part.

1.1.Regional Cooperation Definition

Today, the interdependence of states in the same region is gradually increasing. Therefore, states generally prefer regional cooperation by virtue of conflicts and problems prevent the maintenance of the interest. Moreover, the concept of cooperation is



becoming widespread as comprehensive regional organizations, sectoral regional organizations, regional networks, and partnership structures increase within the same region. Thence, the concept of regional cooperation turns into a global dimension.

The concept of regional cooperation refers to the establishment of political and institutional systems by organizing the same states through mutual cooperation and dialogue, as well as finding and strengthening the common interests of the states in a certain geographical region. The first step toward regionalism was taken for the European Free Trade Area and for the trade of goods in Latin America and Africa (ESCAP, 2021: 27). Concept started to develop in Europe after World War II. The old regionalism covers the post-World War II period and is a system in which only states are involved. Classical regional cooperation in the 1950s and 1960s is tailored to national interests due to being created and administered by governments. In addition, because of exists in a bipolar area, the regional cooperation created was also established within the framework of this logic (Singh, 2010: 51).

The concept of regionalism gained a new dimension after the 1980s. The new concept of regionalism is not limited to formal interstate regional initiatives and organizations only. With the involvement as well state, non-state actors in cooperation at the regional level, the concept has taken the form of a wide spectrum in terms of actors. Therefore, multiple state and non-state actors take action in both formal and informal networks operating at different levels of the international system (Singh, 2010: 51). As shown in Table 1, there are some differences between the old regionalism and the new regionalism. One of these differences is that the new regionalism has a structure that includes a multi-level management system together with globalization, according to the old concept of regionalism.

Table 1 - Old Regionalism and New Regionalism

Old Regionalism	New Regionalism
Influenced by the logic of the Cold War, often imposed from outside by superpowers	Influenced by the logic of the Cold War, developing in regions
Introverted and protective	Extrovert, linked to globalization
Specific and narrow objectives (predominantly trade and security)	Comprehensive and multidimensional objectives (economics, politics, security, culture)
Not open to all for membership	Inclusive and open membership
European phenomenon, modeled on European communities	A worldwide and heterogeneous phenomenon
State centered and state sovereignty, especially within regional intergovernmental organizations	Involving state, <u>market</u> and civil society actors in many institutional ways

Source: Hettne ve Söderbaum, 2006: 183



The second difference is that while the old regionalism was a one-dimensional structure (covering only trade and security issues), the new regionalism has a multidimensional structure (including economics, policy, security, culture, and environment). For this reason, meanwhile, the European Union (EU) was considered the most important and effective structure in the old regionalism period, the expansion of the concept of cooperation in the new regionalism period paved the way for the emergence of new structures such as the Association of Southeast Asian Nations (ASEAN), the North American Free Trade Agreement (NAFTA), and the South American Countries Common Market (MERCOSUR). The last differences are that whereas the old regionalism focuses on state-centered and regional-level problems, the new regionalism, on the other hand, focuses not only on regional problems but also on solving global problems and includes both state and non-state actors in this process (Hettne and Söderbaum, 2006: 181-182).

Especially for developing countries, regional cooperation is used as a tool. These countries alone lack marketing power in the international system in terms of their agricultural products or energy resources. In addition, they tend to cooperate more within the region due to could not hold the power in their hands to resolve both regional and international problems (Rahman, 2012: 5). The main purpose of regional cooperation is to solve the problems between the states of the same region in mutual trust and understanding and to accelerate economic growth, social progress, and cultural development (Martin and Sohail, 2005: 43). It is aimed to increase the mutual dependence of state within the region. With increasing interdependence, the state tries to solve it by communicating before the problems that arise in the region for their interest turn into conflicts (Khan and Haider, 2004: 1-5).

1.2. Regional Cooperation Methods

Regional cooperation in more than one field emerges due to geographically formed according to the common needs and problems of each region. The established cooperation structure generally emerges in areas where it is considered important for the sovereignty and national interests of the regional states. For this reason, there are many types of cooperation in many different fields today. In this section, regional economic cooperation, regional security cooperation, regional environmental cooperation, and finally regional water cooperation types are mentioned as they are related to the study.

Regional economic cooperation directs some states in the region to increase their cooperation activities on issues such as mutual trade agreements, trade tariffs, technology, investment, joint ventures, customs agreements, and monetary policies. While establishing the economic cooperation mechanism between the states, should be established in a way that will provide mutual equality and benefit between the member states (Asian Development Bank, 2013: 4). *The regional security cooperation* mechanism aims to reduce the tension and conflicts, and this situation helps to eliminate the problem of miscommunication between member states and at the same time helps to easily establish common interests and goals (Hettne and Söderbaum, 2014: 181). NATO and ASEAN exemplify this model. The security community, which is the latest model, is a state community where members of the community will not fight each other physically



and based on a solution without physical conflict in case of conflict (Bailes and Cottey, 2006: 200-201). *Regional cooperation on the environment* takes different forms from region to region and varies depending on the degree of political cohesion in a region, the available energy resources, the strength of the economic ties between the participating countries, their institutional and technical capacities, their political will, and available financial resources (Moreno et al., 2014: 1086). Unexpected natural disasters occur, access to clean water resources is decreasing and at the same time, the amount of product obtained from agriculture is decreasing. For this reason, states implement policies to reduce these problems that cause climate change and constitute a potential platform (Balgiser et al., 2012: 5-6).

Today, water is seen as a source of both conflict and cooperation due to its effects in many areas such as hydrological, economic, domestic, and foreign policy, agriculture, and energy. Therefore, obtaining and using water resources is of vital importance for states, and for this reason, some conflicts arise both within the state and between states when it comes to the management and sharing of water between states. The intensity of disputes may increase depending on the number or function of water resources in the region.

Water disputes between states can occur for many reasons. One of the reasons occurs when the riparian states feel constrained by other riparian states in achieving their national interests and goals from the use of water resources. The second reason is the existence of riparian countries with competing and incompatible demands on the sharing and cooperation of water resources. A third reason occurs when water resources or water systems are used by a nation, state, or non-state actor for a political purpose, and this prevents cooperation between riparian states. The fourth state is that conflict occurs when the inability of riparian states to use water resources equally or because of the political, military, and economically powerful states wanting to benefit more from water resources (Chen and Trias, 2020). The fifth reason is related to the outbreak of military conflict in the process of recapturing these resources by the states due to the control of the water resources by terrorist organizations. The last reason is that conflict may escalate by virtue of a result of the use of water resources as leverage by a country during the conflict between riparian states (Phillips et al., 2006: 19-20).

The intensity of conflicts over water resources or systems may vary from state to state or between states. The intensity of conflict over water resources is shaped by the attitude and behavior of the contracting countries. For this reason, while some disagreements may remain in discourse, others may tend to escalate into conflict as they cannot turn into cooperation (Petersen-Perlman et al., 2017:2).

As seen in Table 2, the intensity of conflict over water resources or systems varies. Some conflicts do not turn into military conflicts by virtue of being approached moderately by actors. But, in some cases, the situation may go the opposite way. In this situation, it usually continues until one side gains more power and so no attempt is made to establish a cooperation structure. Therefore, the intensity of cooperation and conflict regarding water resources differs in each region and in this context, different effects occur regionally.



Table 2 - Conflict Intensity Scale

	Scale	Example of Event
Conflict ↑	-7	Formal declaration of war.
	-6	Extensive war-like acts causing deaths, dislocation or high strategic costs.
	-5	Small-scale military hostilities.
	-4	Political-military hostile actions.
	-3	Diplomatic-economic hostile actions.
	-2	Strong verbal expressions displaying hostility in interaction,
	-1	Mild verbal expressions displaying discord in interaction.
↓ Cooperation	0	Neutral or non-significant acts for the inter-nation situation.
	1	Minor official exchanges, talks or policy expressions; mild verbal support.
	2	Official verbal support of goals, values, or regime.
	3	Officially sanctioned cultural or scientific support (non-strategic).
	4	Non-military economic, technological or industrial agreements.
	5	Military, economic or strategic support.
	6	Major strategic alliances (e.g. an International Agreement).
	7	Voluntary unification into one nation.

Source: Philips et.al. 2006: 17

Generally, non-state actors such as international organizations, international law, and regional organizations can also play an active role in the formation of cooperation in disputes over water resources or systems. In addition, modern international water law proceeds with the principle that riparian states have an equal right to receive an equal share in the waters and to develop their existing resources to promote regional peace and security and promote fundamental freedoms for all (McMahon, 2017: 32).

From the past to the present, it has been observed that there have been conflicts about water resources in many regions. Disputes arise over water resources for many reasons which are the development levels of each region (Kehl, 2023: 59). Therefore, the way and stage of creating a cooperation structure may also vary by virtue of the problems vary (Peterse-Perlman et al., 2017:1). It should also be noted that not every cooperation attempt can result in a positive outcome. Some problems may remain unresolved. The reason for the emergence of the disagreements, the process after the disagreements, and the examples of the mentioned disagreements are given in.

As shown in Table 3, many case studies have occurred. Water resources create conflict in different situations in each and this conflict occurs within the state or between riparian states. When water was used as a political tool between Turkey, Syria, and Iraq in the 1990s, in 1958 it is seen that there was a disagreement between Egypt and Sudan due to the aim of having more say over water resources. At the same time, when looking at



the impact of the conflict, the results vary in each. As can be seen, the intensity of the disagreements can differ between states and have different effects.

Table 3 - Classification Criteria for Conflicts Over Water

Base of Conflict	Suggested Criteria	Examples
Development Disputes Where water resources or water systems are a source of contention and dispute in the context of economic and social development.	Conflicting interests are neither fought over militarily, nor resolved peacefully.	Ethiopia-Somalia 1963; Bangladesh 1999; Pakistan 2001; Turkey-Syria-Iraq 1990
Control of Water Resources Where water supplies or access to water are not the root of the tensions.	A changed outcome in physical or effective control of the resources following the end of the conflict.	Egypt-Sudan 1958; Israel-Syria 1958; Brazil-Paraguay 1979
Water as a Political Tool Where water resources, or water systems themselves, are used by a nation, State, or non-State actor for a political goal.	Coercion- the use of an advantageous hydraulic (or security) position to advance interests in non-water domains.	Iraq-Syria 1974; Turkey-Syria-Iraq 1990; Malaysia-Singapore 1997
Water as a Military Target Where water resources or systems are targets of military actions by nations or States.	The deliberate destruction of wells, reservoirs, treatment, or distribution facilities.	Israel-Syria 1967; Israel-Jordan 1969; South Africa-Angola 1988;
Water as a Military Tool	The use of flooding, moats, poisoning.	Ethiopia-Somalia 1948; Israel-Lebanon 1982

Source: Philips et.al., 2006: 18-19

2. Over Water Diplomacy

One of the scarce resources, water is essential to sustaining all aspects of society from culture to economy. Therefore, it is not a question of managing water for only one purpose; water management is multidimensional and essential to sustaining interests. In addition, surface and ground waters that cross international borders pose challenges to regional stability. Because hydrological needs are usually shaped by political considerations (Wolf, 2006: 3).

The recent climate change, the increase in environmental problems, the growth of economics, the increasing population, and the increasing water insecurity caused by unsustainable consumption habits are increasing the pressures on the common water



resources in the world (Michel et al., 2019). It is also claimed that the pressure on water resources will continue to increase soon. Because global population estimates predict that the world will reach 9.7 billion people by increasing 2.2 billion by 2050 (Klimes et al., 2019) and this means that the need for water will increase in the future. In addition, factors such as pollution and drought caused by climate change cause a decrease or unused water resources. Therefore, it prevents adequate access to water resources and creates disagreement among actors regarding the use and management of water resources. In this regard, water diplomacy helps to resolve the conflict between the actors by using diplomacy techniques. Water diplomacy, which is an important type of diplomacy in resolving disputes over water resources discussed in detail in this section.

2.1. What is Water Diplomacy?

Diplomacy is the structure that carries out the process of dialogue that is non-confrontational or necessary for the parties to manage conflicts positively (Hefny, 2011: 18). It has an important role in the dialogue process apart from official diplomats, as well as the ability of civil society, academia, or non-state actors to connect and build trust between the parties (Huntjenc and Man, 2007: 3). Water diplomacy is a process to eliminate the conflict situation by encouraging states to participate in a diplomatic process in disputes related to water resources (Scheimer, 2017-2018: 2). It also aims to introduce reasonable, sustainable, and peaceful methods in water management by creating or promoting collaboration among riverside stakeholders. Stated in other words, water diplomacy is an approach that contributes to the ways various stakeholders find solutions for the management of common freshwater resources (Michel et al., 2019).

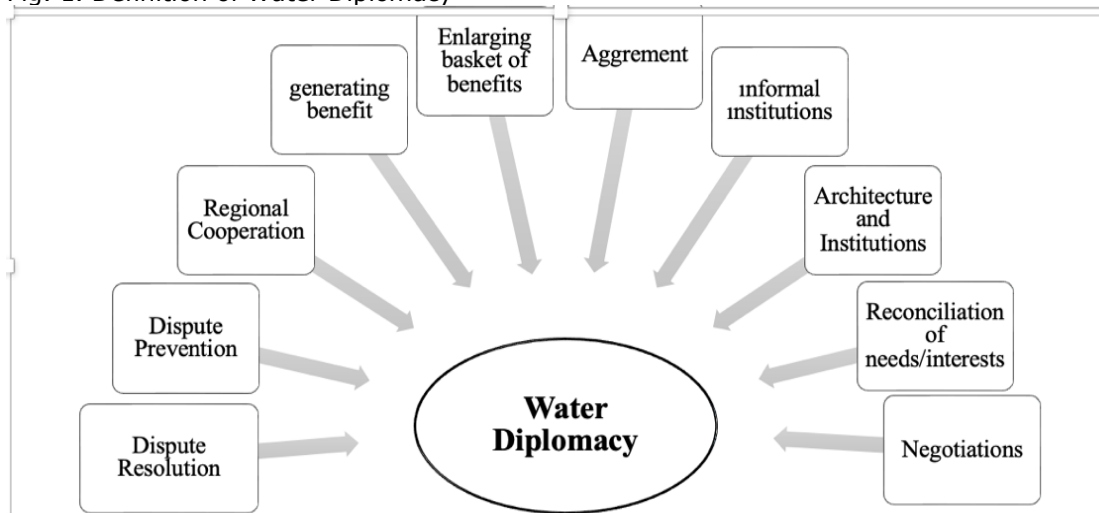
Generally, although water dispute or conflict is caused by access to water between countries or groups, in some cases water can be used as a threatening element in disputes in areas such as politics or economy (Huntjenc and Man, 2017: 4). In this case, it can create a disagreement between the actors over water resources. In addition, water diplomacy uses different diplomacy techniques for each water source because the causes of disputes over water resources vary from one region to another. Methods also may vary due to vary for many reasons related to water resources management. The purpose of water diplomacy is to encourage cooperation between actors without increasing the intensity of conflict and to help create an environment of permanent stability and peace in the region (Pohl et al., 2014: 14).

Water diplomacy uses several diplomacy techniques to resolve disputes between actors regarding water resources. The techniques used are shown in Figure 1. Not all diplomacy techniques in the figure can be applied in disputes related to water resources. Techniques are selected by the nature of the conflict and the region.

Negotiations usually take place between states or groups and in these negotiations, needs or interests are tried to be reconciled. In these negotiations, the parties involved in the conflict are included in thinking about a problem, and different perspectives are tried to be understood (Murthy and Mendikulova, 2017: 416).



Fig. 1. Definition of Water Diplomacy



Source: Schmeier, 2017-2018: 3

The parties are encouraged to take a decision, even if the negotiations are controversial. In this way, different perspectives are brought together during the negotiation, and it is aimed to produce a general solution. In addition, it is not only state institutions that are used to reach an agreement between the parties. At the same time, assistance is also received from non-state actors (De Stefano et al., 2017: 36-37). The aim here is to consider the benefits for each actor, to contribute to the national interests of the parties, and most importantly to prevent the conflict in the long term to maintain regional cooperation. These purposes constitute the basic structure of water diplomacy in general and different processes and methods are applied in each freshwater resource dispute.

There are some challenges faced by water diplomacy in water disputes or conflicts. The first of these is the difficulty encountered in establishing a relationship of trust between rival parties. In such cases, water diplomacy aims to communicate through negotiations, dialogues, or informal talks before establishing a cooperative structure between riparian states. Being able to organize multi-sector and multi-level interactions is the second challenge (Huntjens and Man, 2017: 5). Water; by virtue of its effects on food, energy, and the environment, disputes require the participation of parties from more than one sector and these situations give rise to different views. The other is the challenge of the ability to manage a growing multi-actor policy environment (Kehl, 2023: 55). In water disputes, alongside state-affiliated institutions in water disputes, many participants such as the media, academics, and society can be involved in the problems. The ability to deal with uncertainty is a fourth challenge area and emerges due to many reasons such as the unpredictability of developments, insufficient information, and the existence of conflicting opinions about reasonable solutions. The fifth challenge concerns sustainable finance. Financial support is required to create a suitable environment for cooperation on water resources, to develop water capacity, and to participate in the participation of the parties. Sustainability is another type of challenge. It is tried to create a permanent



peaceful environment between the parties to resolve the conflicts and prevent their reoccurrence (Huntjens and Man, 2017: 6-10).

2.2. Water Diplomacy Processes

Water diplomacy processes start with water disputes. Water disputes between states or groups are the initial stage. At this stage, one or more of the tools of negotiation, diplomatic pressure, mediation, arbitration, and friendly initiative (goodwill) are used according to the intensity of the attitudes and behaviors of the parties (Molnar et al., 2017: 21). The aim here is to direct the parties to the solution (second stage) in the water dispute. At this stage, efforts are made to ensure that the parties trust each other and create a common structure.

After trust is built between the parties, it is tried to prevent the water dispute from turning into a conflict permanently. Making use of international water agreements is aimed to direct the parties to the peace process by encouraging the establishment of a river basin organization or a regional agreement. By establishing many cooperation mechanisms between the parties in the conflict, the ground is created for them to cooperate with each other on water resources. Finally, by creating joint planning mechanisms, joint monitoring, and notification of planned measures (in short, joint water management), efforts are being made effort a structure where the parties can manage water resources mutually (Grench-Madin et al., 2018: 100). With the water resources management mechanism, each party can closely monitor water resources. In this way, it is desired to foresee and eliminate the conflicts in advance or to prevent them from reoccurring later (Schemier, 2017-2018: 4-5).

2.3. Multi-Stakeholder Platform/Dialogue in Water Diplomacy

Water diplomacy is seen as a high-level interaction and dialogue between nation-states and is defined according to various types because of varies in terms of the actors involved and its purpose (Michel et al., 2019). In addition, multi-stakeholder platforms/dialogues provide democratic governance that can help further exploration and evaluation of future options and more open negotiation of viable strategies and agreements (Dore, 2007: 197). Multi-stakeholder platform in water diplomacy's form is divided as 1. Road Diplomacy, 1.5. Road Diplomacy, 2nd Road Diplomacy, and finally 3rd Road Diplomacy (Barua, 2018: 62).

One of the multi-stakeholder platform/dialogue types in Path 1 Diplomacy (official/traditional diplomacy). They are dialogues with a country-centered perspective, mostly between politicians and officials, including senior military personnel (Barua, 2018: 61). In the solution of transboundary water problems, official diplomacy alone is not sufficient to establish e cooperation structure among sovereign states due to difficulties associated with the equal distribution and management of water resources. Further official diplomacy is capable of wielding political power to influence the direction of negotiation and results. However, conflict resolution approaches may lose their function due to the distribution of power among the coastline countries (Wolf et al., 2003: 8).



The second type is Path 1.5 Diplomacy (Semi-official Diplomacy). State and civil society express interactive forms. It emerges with the organization of complementary/parallel forums aimed at increasing the effectiveness of states (Dore, 2003: 6). Forums usually emerge where there is a lack of communication emerges (Barua, 2018: 61). This is based on negotiation and discursive processes in which actors are given the opportunity to engage in active discussion to learn about their common interests (Dore, 2003: 7).

The other type is Path 2 Diplomacy (Informal Diplomacy). Path 2 Diplomacy is defined as an informal discussion between government and non-governmental stakeholders facilitated by a neutral third actor. It tries to involve leaders of academic, religious (Susskind and Islam, 2012: 4), non-state actors (Kittikhoun and Schmeier, 2019: 3) and other civil society actors who have influential power, rather than representatives of the government, in the dialogue. It is also more interested in re-establishing the relationship between the parties, rather than negotiating disagreements between the parties (Barua, 2018: 61-62).

The last type is Path 3 Diplomacy (Informal Diplomacy). It is a type of interpersonal diplomacy undertaken by individuals and private groups that involves promoting interaction and understanding between opposing views, raising awareness, and supporting these views. It tries to bring communities together through dialogues or mutual relations for the development of riverside local governments. There are informal dialogue and problem-solving activities aimed at promoting new thinking and building relationships to guide the formal process. Most of these activities are support or extensions of state diplomacy (Barua, 2018: 61-62).

Conclusion

It is one of the important points put forward in this study that diplomacy and its tools play a key role in terms of bringing the states together under one roof for cooperation in the region. Diplomacy and tools create channels of communication in a dispute over a common resource, encouraging the discussion of issues between state parties. In this process, which starts with dialogue and negotiation, trust is built between the actors, and undertakes a supportive task for riparian states to come together through cooperation mechanisms. States with common water have a competitive stance due to the aim of being effective and managing the resource. Therefore, water diplomacy comes into play at this point because this situation disrupts the balance of peace and stability in the region. By resolving the dispute, sustainable regional stability and peace environment is established. In this context, water diplomacy is one of the diplomacy tools used in case of agreement or conflict regarding water resources. It directs the parties to cooperate to resolve disputes over common water resources and bring stability and peace to the region again. Greater Mekong Subregion is a structure established to transform the cooperation between the state parties in a dispute related to the Mekong River Basin. This institution played an encouraging role in creating an environment of cooperation by gathering the states of the region under one roof with water diplomacy and tools and building trust.

Although the concept of regional cooperation was primarily in European Countries after the Second World War, it became more popular with the new wave of regionalism after



the 1980s. The concept was originally seen in providing regional integration, but in the new period, it has emerged more widely, especially in developing and partially undeveloped countries. Most states in different regions in the international system are in different socio-economic positions and many of them do not have the ability to take part in the system. It comes together with other states in the region through cooperation mechanisms in other fields such as trade, environment, and energy to take part in this system and maintain its existence. The actors in question tend more towards cooperation structures within the region due to not having effective power on a global basis. At the regional level, areas of cooperation may vary by states involved in institutions they deem necessary to pursue their national interests. Actors are involved in various cooperation such as the Mekong River Commission (water resource management) or ASEAN (security-based cooperation structures). Actors also turn to such institutional structures for the efficient use and management of common resources, as well as profit. The fact that disagreements over common resources will adversely affect the parties makes actors inclined towards cooperation.

In a nutshell, water diplomacy is an important tool to develop good neighborly relations in politically sensitive areas, as well as improving technical water cooperation. Disputes over water resources affect states in many ways, including economic development, culture, and political stability, and can lead to conflicts within or between states. It promotes the creation of good relations in many areas such as cooperation on water, food security, economic stability, enhanced regional security, and integration of active trade relations, and at the same time emerges as one of the diplomacy tools aiming at the sustainability of peace, security, and prosperity in the region. For this reason, it is observed that water diplomacy has an important role in connecting these areas and building trust between riparian countries sharing the same river. Water diplomacy, which is a constantly evolving and dynamic process, takes place in complex political, economic, social, and environmental contexts and shapes actors not only in water fields but also in many other fields. Therefore, water diplomacy not only provides cooperation on the water within the region but also encourages actors to establish relations in many fields such as culture and economy.

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NOTES AND REFLECTIONS

LEGAL FRAMEWORK OF NON-FUNGIBLE TOKENS LEGAL REPERCUSSIONS & CHALLENGES AHEAD

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Introduction

Non-fungible tokens (NFTs) are often regarded as the cryptocurrency of the future. The ownership and value of an original digital asset like a picture, video, or audio file may be established with the use of a digital asset called a Non-Fungible Token (NFT). Blockchain technology and smart contracts are used to issue them on these assets, creating one-of-a-kind digital signatures and guaranteeing their safety. As a result of their speculative nature, sudden price drops or rises, and susceptibility to cyber security attacks, they are very risky investments. NFTs aim to alleviate the burden of proof-of-ownership verification.

Due to the ease with which digital material may be duplicated and circulated, the value of the original work has decreased as a consequence of the proliferation of copied and redistributed versions. NFTs are an effort to institutionalize decentralization, ownership tracking, and value storage, and to publicize the legitimate owner's right to the original work in the case of a copy. Its stated purpose is to function as a verifiable evidence of ownership and to bestow "*digital bragging rights*" onto the inventor by way of a record of such possession. Moreover, Proponents of NFT argue that the tokenization of assets will fundamentally alter the ways in which digital (and eventually physical) assets are bought, sold, and utilized in other transactions.

Hence, the practice of tokenizing actual goods is not new in the eyes of the law. Bills of lading, deeds of title, and security certificates are all examples of documents that may be used to represent assets and the rights and interests in them. Tokens is a suitable term for them. The challenges of securely transferring assets inspired the development of tokenization. The law, which had evolved in tandem with market norms, offered the



critical conceptual foundation for addressing rights and responsibilities concerns brought about by these novel types of property.

Blockchain and Cryptocurrency

In certain circumstances, the transfer of tokens constitutes a full transfer of ownership of the asset representing which the tokens are exchanged. Any participant who follows the rules may add data to the distributed ledger known as a blockchain. A block may include a new transaction or record. Each time a block is mined, a new one is generated. (or minting). When a transaction is finalized, it is "closed" in a block. Each subsequent block is connected to the one before it. Each block in the chain is encrypted using a "hash," a mathematical representation that incorporates data from the previous block in the chain. Each time an input is modified, a new hash is generated, making each one of them truly one-of-a-kind. Therefore, the "hash" will change if even a single link in the chain is altered¹.

The "hash" is updated and the new transaction is broadcast to the network every time a new one is processed. As a result, a sham transaction is very difficult to pull off. This makes the token unchangeable and non-transferable. Digital assets pertinent to NFT may be archived either on-chain or off-chain therefore the token stores the digital asset's hash on the blockchain². When digital assets are kept off-chain, they are kept on a separate server and are only accessible via the token's associated URL. Metadata for NFTs are kept in digital wallets on the blockchain and Each NFT wallet consists of two keys: a public key that functions like an address or account number to provide a destination and authorizes the key holder to access the data within a wallet, and a private key that authenticates the key holder and grants access to the data within a wallet. This system relies on public-key cryptography to validate authenticity³.

Legality surrounding the Conundrum of NFT and Cryptocurrency

Despite claims to the contrary on a number of websites (e.g., "having a Token is the same as owning a physical artwork"), there is frequently no correlation between Token ownership and any actual asset. The token does not correspond to its fundamental asset. Legal or copyright proprietorship of the associated digital or physical asset is unrelated to token possession. Clearly, the Terms of Service for NFT marketplaces stipulate that no ownership information is disclosed upon the purchase or sale of NFTs or Collectibles.

Despite the fact that cryptocurrencies have existed since the beginning of the previous decade, the primary debate over their legality began after a June 2018 RBI Circular prohibited banks from engaging in cryptocurrency transactions. Internet and Mobile Association of India v. Reserve Bank of India⁴ was lodged with the Supreme Court to

¹ Prashant Kataria, "Non-Fungible Tokens in India Buyer should consider – Legal Implications", *King Stubb and Kasiva*, Jun. 01, 2022.

² Vaibhav Pareek and Jaideep Reddy, "Cryptocurrency and Blockchain" *Nishith Desai and Associates*, Jul. 15, 2022.

³ Ibid.

⁴ Internet and Mobile Association of India v. R.B.I, (2020 SCC online SC 275).



contest this Central Bank decision. Article 19(1)(f) of the Indian Constitution stipulates that the freedom to engage in commerce is a fundamental right.

Even if reasonable restrictions could be imposed on this right, it was determined that the actions taken to regulate cryptocurrencies were not proportional to the dangers posed. This indicates that the Court did not consider bitcoin trading to be subject to the trading restriction. Since NFTs are exchanged for cryptocurrencies, the legitimacy of cryptocurrencies must be maintained for NFTs to be legitimate.

The court ruled that cryptocurrencies do not satisfy the definition of currency and that it would be a reach to state that they are not money in "*some special circumstance*." Furthermore, The court rejected the respondent's argument that cryptocurrencies should be treated as commodities. Currently, it is uncertain whether NFTs are commodities, currencies, or securities. Since they cannot be exchanged for currency, it is fair to state that they are not money. It is unclear whether these items constitute commodities or security.

Even though there is an element of trading involved, NFTs may still be owned and traded. Land is similar to currency in that it is frequently held but also traded for profit. Immediately after this ruling, the Indian government decided to convene a committee of cryptocurrency industry experts to draft regulations for the Indian cryptocurrency industry.

Recent panel updates indicate that the Indian government is contemplating launching a cryptocurrency governed by the Reserve Bank of India, rather than allowing international cryptocurrencies to operate within the country. (RBI). If this were the case, Bitcoin and other similar cryptocurrencies would not be able to be purchased or sold, severely limiting their utility. In conclusion, the legal status of cryptocurrencies in India is unclear to us. It is undetermined what the future position of the government will be despite the fact that it is being traded and taxes are being deducted. Also unknown is the precise status of NFTs in India.

Contemporary Perspective in Purview as well as Catering to United States

WazirX, a new online market for NFTs in India, debuted not too long ago and has been performing admirably so far. The Indian government, the Reserve Bank of India (RBI), and the Securities and Exchange Board of India will determine the NFTs' credibility⁵. (SEBI). The classification of non-fungible tokens (NFTs) in the United States⁶ depends on a variety of factors, including whether they are sold as collections or as investments with the assurance of returns. In the first scenario, NFTs may be classified as commodities under Section 1(a)(9) of the Commodities Exchange Act (CEA), which defines commodities as "*all services, rights, and interests (except motion picture box office receipts, or any index, measure, value, or data related to such receipts) in which contracts for future delivery are presently or will be dealt in.*"

⁵ Hemant Kashyap, "WazirX Shatters NFT Marketplace Amid Ongoing Crypto Winter", *Inc 42*, Feb. 22, 2023.

⁶ Robert J, "The regulatory considerations of NFTs in the United States", *Coin telegraph*, Mar. 17, 2023.



In *Securities and Exchange Commission v. Howey Co.*⁷, the Supreme Court of the United States ruled that a security must meet all four of the following criteria: *"The test is whether the scheme involves an investment of money in a common enterprise with profits derived solely from the efforts of others."* This criterion is based on the efforts of others.

In 2019, the Securities and Exchange Commission (SEC) released a framework analysing the impact of *Howey*⁸ and related case law on digital assets. Keeping in mind that the stated test is fact-based, this framework illustrates how the SEC may determine that the test's tenets have been met. Specifically, it concludes that the test is frequently satisfied when purchasers have a reasonable expectation of profiting from the labour of others, given that the first two components (an investment of money and a joint business) occur frequently.

If NFTs are offered with the expectation that the consumer will profit from the labour of others, they may be marketed as securities. Using NFTs as *"deeds"* for digital artwork is improbable at present. Complicating matters further is the possibility that purchasing an NFT would grant you additional rights in addition to the license we discussed previously. In accordance with the *Howey* test, a non-fungible token may resemble a security if the issuer possesses perpetual rights to a royalty as part of the underlying smart contract or as part of the transaction. On the other hand, the criteria is unlikely to be met if the value of an NFT fluctuates primarily due to market forces and not due to the efforts of others.

Conclusions reached as a result of the *Howey* case⁹, particularly those concerning Gary Plastic Packaging Corp. In addition, as stated in *re: Merrill Lynch, Pierce, Fenner & Smith Inc.*¹⁰, a non-security asset may be deemed a security if its marketing enables investors to earn a profit and the profit is generated through the efforts of third parties. Fungibility occurs when one f-NFT (shard: a fraction of an existing NFT) of a particular digital asset can be exchanged for another f-NFT of the same digital asset, as is the case with the increasingly widespread practice of permitting fractional ownership of NFTs on exchanges such as NIFTEX and NFTX. In this scenario, a group of modest investors have merged their funds to purchase an NFT of which they each own a portion.

On some exchanges, proprietors may divide NFTs and exchange the resulting parts separately. Investors anticipate a profit from the market trade of these fragments. Market transactions involving f-NFTs pose the question of whether they are securities under the *Howey* test established by the Supreme Court of the United States. If an f-NFT is offered to the public with the expectation of profit, if the issuer provides services that increase the value of the f-NFT, or if the issuer exerts control over the secondary market, then the f-NFT may be considered a security under the *Howey* test. Investors did not invent the f-NFT or the work for which it verifies ownership.

Therefore, f-NFTs sold on markets may be deemed securities, whereas complete NFTs acquired through auctions or other means are more comparable to real estate (collectibles). This is demonstrably true with regard to f-NFT trading, which suggests the possible application of SEC (Securities and Exchange Commission) regulations. Indeed,

⁷ *Securities and Exchange Commission v. W J Howey Co*, 1946 SCC OnLine US SC 95.

⁸ *Ibid.*

⁹ *Id.* At. 7.

¹⁰ *Merrill Lynch Pierce Fenner Smith Inc v. M McCollum*, 1985 SCC OnLine US SC 6.



SEC Commissioner Hester Pierce advised those involved in the creation and promotion of f-NFTs to proceed with caution so as not to inadvertently create a security. Moreover, a case (*Jeeun Friel v. Dapper Labs Inc*¹¹) is currently pending before the Supreme Court of the State of New York; its verdict is anticipated (at the time of writing) and may shed further light on the US position.

It becomes imperative to see the United States' approach which very is useful for considering how India may address NFTs, but it is not exhaustive. It is unlikely that the US mode of operation would align with the structural characteristics of the Indian legal and regulatory environment if it were to be implemented in its entirety in India. This is owing in no small part to the fact that India lacks an entity with the same level of authority and mandate as the SEC. Further, the American approach appears to be based on a case-by-case evaluation of the facts, which is not conducive to a robust and generalizable regulatory framework, which India requires in order to manage and utilize NFTs and related innovations in cryptographic assets. Numerous American investors have pointed out the vagueness of the US strategy, further diminishing its utility. This uncertainty is exacerbated by the fact that US institutions are uncertain as to whether or not *Howey* will apply to non-profit organizations.

Analysing the Indian Legal Conundrum vis a vis Cryptocurrency and NFT

In *Paramount Bio-Tech Industries Ltd. v. Union of India*¹², the Allahabad High Court determined that the *Howey* test would be applicable in India; however, *Howey* does not provide sufficient infrastructure for a framework on NFTs to be considered a starting point. Therefore, the American approach cannot be adapted to India's circumstances. Due to the novelty of NFTs and cryptocurrencies, as well as certain ambiguities associated with them, such as the negative environmental impact caused by massive energy consumption, and the skepticism of its validity or the fear among experts that it will be another bubble, there have been numerous difficulties in determining its legal aspects. Petitioners argued before the Supreme Court that the RBI lacked the authority to prohibit virtual currency transactions because virtual currencies are not legal tender. In *The Internet and Mobile Association of India v. R.B.I.*¹³, the Supreme Court invalidated the RBI's circular on virtual currencies and implementation recommendations.

In India, cryptocurrencies are now lawful, though they are not recognized as legal tender. Similarly, the purchase of NFTs is neither prohibited nor regulated by law in India. The majority of non-financial transactions (NFTs) occur in countries other than India, with all such international trade complying with the Foreign Exchange Management Act of 1999¹⁴. Currently, there is no general prohibition on NFTs, which could hinder their circulation in India. The NFTs could be regarded as intangible assets; however, laws are applied to intangible assets based on where they are located, and since NFTs are based on blockchain, which are global ledgers, determining jurisdiction in the event of disputes becomes difficult. The government has not commented on the legitimacy of non-fiat currencies, but its previous stance on cryptocurrencies casts doubt on the practice. Late

¹¹ *Jeeun Friel v. Dapper Labs Inc*, 21 Civ. 5837 (VM).

¹² *Paramount Bio-Tech Industries Ltd. v. Union of India*, [2004] 49 SCL 77.

¹³ *Id.* At. 4.

¹⁴ Million Dollar Meme: Non-Fungible Tokens and their Regulation, 2022 SCC OnLine Blog OpEd 5.



in January 2019, the Indian government enacted a law (the "Bill") prohibiting the use of private digital currency and regulating public or official digital currency within the country.

"No person shall mine, generate, hold, sell, deal in, issue, transfer, dispose of, or use Cryptocurrency in the territory of India" It is likely that NFT meets this criterion, as it is a crypto token that represents both value representations and a value store. Being transparent and non-fungible increases the likelihood that NFT will be exempt from the prohibition or punishment. Section 3(3) of the bill adds, *"Nothing in this Act shall apply to the use of Distributed Ledger Technology for creating a network for delivery of any financial or other services or for creating value, without involving any use of cryptocurrency, in any form, for making or receiving payment."* This paragraph outlines the exception to the law, allowing the use of ledger technology to establish a system for the transfer of financial or other services or the creation of value without involving the use of cryptocurrency in any form for making or receiving. However, this Bill is not wholly transparent.

Recently, however, government sentiment has become negative. India's finance minister, Nirmala Sitharaman, has stated unequivocally that cryptocurrencies and associated technologies will not be criminalized. She stated in her interview that there is a limited amount of time for people to experiment with blockchain and cryptocurrencies. Government officials have acknowledged inadequate bitcoin regulation. The new law will clarify the government's position on cryptocurrencies.

The question then becomes how future legislation prohibiting crypto transactions may impact NFT. Because the definition identifies it as a cryptocurrency, there is a possibility of restriction. Given the limited quantity of Indian NFT investors, it would be imprudent to ban the token. Since these tokens are frequently referred to as *"cryptocurrency,"* the government's stance on cryptocurrencies may have repercussions for NFT. As NFTs are more of an asset than a currency, a transition in perspective is necessary. There is one significant argument against considering NFTs to be currencies. This object is not interchangeable. In contrast to cryptocurrencies, non-fungible tokens do not pose an imminent risk of becoming an unregulated currency, nor are they used as a medium of exchange when representing unique objects.

NFT vs. Copyright – A Quest for a Further Rethink

NFTs seek to aid digital creators in securing adequate royalties via a digital platform across the globe. NFTs can currently only be traded on cryptocurrency exchanges. Non-fungible tokens differ from bitcoin in that they cannot be exchanged for an identical token. The only location where NFTs exist is as a token on the blockchain, which represents a completely distinct and unique rendition of an artistic work. This token represents a singular reproduction of the artwork, but ownership of the underlying digital token is not guaranteed.

To clarify, NFT is merely an abbreviation for a cryptographically signed receipt of ownership of an original work and has nothing to do with copyright transfer. An artist who sells an artwork to another individual may also create a unique NFT representing that artwork. However, the purchase of such an artwork does not acquire legal ownership



of the work's copyrights. Unless the artist grants the bearer such rights, the proprietor of an NFT artwork on the blockchain does not obtain the copyright on the tangible artwork or the right to receive royalties from the physical artwork. Practically anyone with access to the blockchain system can create a non-transferable version of an existing work. This has prompted significant concerns regarding copyright infringement.

Section 51 of the Copyright Act of 1957 specifies situations in which a copyright is determined to be infringed. Statutory remedies are available under the law and are considered in the event of any infringement. If an NFT is created or minted without authorization or a valid license from the legitimate copyright holder, the legitimate copyright holder is entitled to legal recourses, such as damages, accounting, injunction, etc. We have taken another step toward a completely digital society as a result of NFT's creativity.

With the advent of NFTs, it is now possible to possess a genuinely distinct asset, which was previously unthinkable. It has enabled a new generation of innovators, artists, and businesses to abandon the past and establish themselves in the digital age. Despite this, numerous scientists have expressed valid concerns regarding NFTs. There is a great deal of concern about the negative effects of NFTs on the environment, and the regulations surrounding them remain unclear. As the government moves toward a compromise rather than a complete ban, the imminent bill to be introduced during the winter session raises optimistic expectations for the future of bitcoin and non-fiat currencies. Therefore, there is no doubt that NFTs have enormous potential and have created numerous opportunities; however, only time will reveal if they are sustainable or merely another mirage.

Conclusion

Due to the decentralized nature of the blockchain technology on which NFTs are based, all participants to a transaction may remain completely anonymous. While it may be possible to identify these individuals by contacting the marketplace or bitcoin wallet and providing the IP address, this is not guaranteed. As a result, there would be several ways for illegal actors to avoid detection by authorities.

The worldwide market for NFTs reached \$2.5 billion in the first half of 2021, up from \$13.7 million in the first half of 2020. This is despite the fact that NFTs are still a relatively new phenomena. NFTs have the potential to be utilized in money laundering and terror financing applications, hence regulatory monitoring is urgently needed.

One may argue that the rules already in place can be modified to serve this purpose. Intangible assets are considered legal property in India. As a result, the framework may be found in the laws that regulate the purchase and sale of products and the transfer of property. But it's a hurdle that the law hasn't yet acknowledged NFT as property you may own. The NFTs on sale have a tenuous relationship to the underlying asset in their present form. They are more like a collection of contractual rights with respect to it than a token.



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NOTES AND REFLECTIONS

NATO, CLIMATE CHANGE AND SECURITY: THE ARCTIC MISSING IN MADRID STRATEGIC CONCEPT 2022

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Climate change and security are two topics that are advancing in importance and relevance in International Relations studies in the 21st century. Anthropocene activities are confirmed by the Intergovernmental Panel on Climate Change (IPCC) 2014 AR5¹ as the main factor for what we are witnessing in the first quarter of this century. Ecosystems, of which humans are part of, are being destroyed around the world downgrading human living conditions, rising ocean waters and leading to scarcity of resources. In what concerns the Arctic region, it is the first place to suffer from those changes, being considered the bell for the rest of the world. The Arctic is warming four times faster² than the rest of the world and this proven scientific fact challenges security and how it is perceived and understood nowadays. With climate change comes scarcity of resources and competition in a region that has been an example of cooperation and peace as expressed and wished by Gorbachev in 1987 in Murmansk³. The Arctic region is back, and tensions and conflicts too. The security of people, indigenous and non-indigenous, is central. This brings something new to security, labelled as nontraditional security.

¹ IPCC. (2014). AR5. *Climate Change 2014 Synthesis Report Summary for Policymakers*. https://www.ipcc.ch/site/assets/uploads/2018/05/SYR_AR5_FINAL_full_wcover.pdf

² World Economic Forum. (2022). *The Arctic is warming nearly four times faster than the rest of the world. How concerned should we be?* <https://www.weforum.org/agenda/2022/08/arctic-warming-four-times-faster-than-world/>

³ Gorbachev, M. (1987, October 1). Mikhail Gorbachev's Speech in Murmansk at the Ceremonial Meeting on the Occasion of the Presentation of the Order of Lenin and the Gold Star to the City of Murmansk. https://www.barentsinfo.fi/docs/Gorbachev_speech.pdf



In the topic of climate change, the Alliance expects “to take the lead in understanding and adapting to the impact of climate change on security” as mentioned in the report *NATO and Climate Change: A Climatized Perspective on Security* (Rico, 2022, p.1). Shall it be remembered that climate change is considered a threat by the United Nations since 2009 (A/64/350, 2009, p. 6)⁴. Over the 70 years of existence, the Washington Treaty 1949, has been challenged to adapt to new contexts and threats. Though, it seems that the NATO, that came back to life and got out of the “brain-death” (using Emmanuel Macron’s expression in 2019⁵) state with the War in Ukraine that started in 24 February 2022, is still pretty much in sight of traditional security.

After the Second World War, the Washington Treaty 1949 is signed by twelve countries (Belgium, Canada, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom, and the United States) known as North Atlantic Treaty Organization (NATO) with the goal of defending its members against the Soviet Union⁶. A security community, in the lens of Karl Deutsch, created by allies that seemed to have the same values and committed to keep and maintain democracy and the rule of law; what would allow to work in a collective way for defence and security through dialogue and cooperation with a specific objective: to live in peace. The world has been changing since its inception, compelling the organisation to adapt and review constantly its strategies and actions. This fact is considered as the legacy, success and longevity of the Alliance (NATO 2030, 2020, p. 7). As such, the organisation is still the unique and essential transatlantic forum for consultations on issues such as territorial integrity, political independence and security of its members. A relevant note here is that climate change does not care about territory and borders. Only by looking at it as a security issue can actions be taken and the regions more affected, as the Arctic, will be a priority.

In order to better analyse the presence of the Arctic region in the Madrid Strategic Concept 2022 and NATO’s adaptation to climate change, it makes sense to frame this paper within the Green Political Theory which has been evolving since the 1960s. This theory can also be aligned with the Copenhagen school (1985). In that sense, the author John Barry indicates in his chapter, entitled “Green political theory”, (2014) three moments, or waves, in the evolution of the term green political theory: i) the first wave begins in the 1990’s by identifying “ecologism” as an ideology and green political theory as a “distinctive approach”; ii) the second one is the period of the development of other schools of thought (such as feminism, liberalism, critical theory) expanded debates between those schools and green political theory. It is during this wave that Green theory is recognized within International Relations with the transnationalism question of problems caused by climate change, as mentioned by Robyn Eckersley (Ari and Gokpinar, 2019, p. 166); iii) the “third generation” of green theory is the more recent generation, which interdisciplinary is integrated with practical and empirical research of a “range of

⁴ United Nations. (2009). *Climate change and its possible implications: Report of the Secretary-General*. A/64/350. <https://digitallibrary.un.org/record/667264>

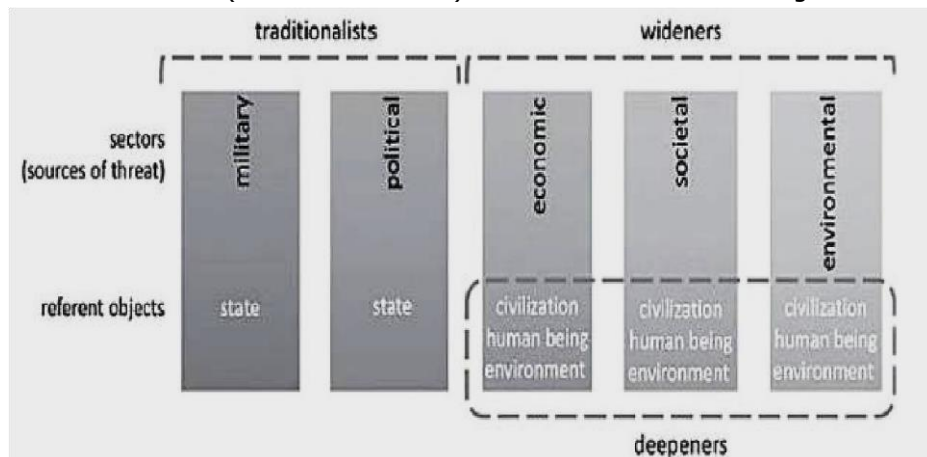
⁵ France 24. (2019, November 28). France's Macron defends 'brain death' criticism after talks with NATO chief. *France 24*. <https://www.france24.com/en/20191128-live-france-s-macron-meets-nato-chief-to-address-brain-death-criticism>

⁶ It is relevant to enhance that “This is only partially true. In fact, the Alliance’s creation was part of a broader effort to serve three purposes: deterring Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent, and encouraging European political integration.” (NATO. (n.d). *A Short History of NATO*. https://www.nato.int/cps/en/natohq/declassified_139339.htm)



disciplines and knowledge outside politics, political science and political theory” (Barry, 2014, p. 4; idem). Scholars have been clarifying the difference between green politics - who consider that the structure can be challenged - and environmentalists – “who accept the framework and pursue the solution within the structures” (Paterson cited by Ari and Gokpinar, 2019, p. 167). Consequently, the concept of security, which is also recent in International Relations, changes its focus, placing the people at the center, as objects (human security – non-traditional security, Padrtova 2020; Shiblee and Rashid, 2021) leading states to provide them protection (Hossain, 2013). Consequently, the traditionalist vision is broken when topics such as economic, military, political, environmental and social are identified as sectors of security according to different sources of threats (Padrtova 2020, p. 31; Hossain, 2017, p. 6; Waisová, 2003, p. 60). Buzan, Wæver and De Wilde ´s vision is the basis for UN´ s definition of human security^{7,8}. Once the object climate change is perceived as a threat, then it becomes a “security issue only by being labelled as one” (Diskaya cited by Hossain, 2017, p. 6). The figure 1 below presents the difference between “traditionalists”, “deepeners” and “wideners” where the objects are connected to a category.

Figure 1 - Five Sectors (sources of threats) and different understandings of security



Source: Padrtova, 2020, p. 30

This confirms the link, nexus between climate change and security⁹ as mentioned by the IPCC, WGII (2022).

The development of the analysis is to be done according to the qualitative methodology which allows an inductive reasoning through observation and analysis of official

⁷ See: United Nations. United Nations Development Programme (1994). *Human Development Report 1994*. https://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf

⁸ See: United Nations. Commission on Human Security. (2003). *Human security now: protecting and empowering people. Commission on Human Security*. <https://digitallibrary.un.org/record/503749>

⁹ The author of the Belfer report presents a different theory called climatization, climatized perspective on security. See: Rico, L.G. (2022). *NATO and Climate Change: A Climatized Perspective on Security*. *Belfer Center for Science and International Affairs*. Harvard Kennedy School. <https://www.belfercenter.org/publication/nato-and-climate-change-climatized-perspective-security> (p. 15)

¹⁰ See: NATO (2022). *Evolution of NATO Strategy 1949-1999*: https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2009_07/20090728_strategic_concept.pdf

¹¹ See: NATO (n.d). *What is NATO’s Strategic Concept?* <https://www.nato.int/strategic-concept/>



documents such as *NATO Climate Change and Security Action Plan (2021)*, *Madrid Strategic Concept 2022*, *Report NATO and Climate Change: A Climatized Perspective on Security (2022)* and The Secretary General's Report *Climate Change & Security Impact Assessment (2022)*. The analysis is complemented with reports of rapporteur such as Jean-Charles Larsonneur (2021).

The development of this issue will be done by dividing the work in two parts: the first part will give a brief overview of Strategic Concepts (SC) that will give the opportunity to compare Lisbon Strategic Concept 2010 and Madrid Strategic Concept 2022 which appear to be opposing. It will be possible to check how the new document addresses climate change and if recommendations were taken into considerations during the elaboration of the new document and if they were able to match with Climate Change and Security Action Plan (2021) so it is not an isolated document. The second part will develop the ups and downs, attention and forgetfulness in the 20th and 21st centuries of the Arctic and how it is perceived within the Alliance. In the conclusion, it will be possible to confirm that: i)- the Arctic is part of NATO, even if it is not expressed, written in the Strategic Concept 2022; ii)- the Alliance still needs to adapt to a new context in a mix of traditional and non-traditional securities linked to the climate change threat.

1. Strategic Concepts¹⁰: evolution

The Strategic Concept (SC) is considered a key document, having a second place after the Washington Treaty 1949. It aims to define the Alliance strategy in a military and political way according to the challenges and threats identified at the moment it is elaborated. The aim of developing this kind of document is to be prepared for the future¹¹. This kind of document also reinforces the commitment to "the principles of individual liberty, democracy, human rights and the rule of law as well as to the purposes and principles of the Charter of the United Nations, with the main priority of assuring and maintaining international peace and security" (Strategic Concept, 2010, p. 6). Meaning that three core tasks must be fulfilled by all members: collective defence, crisis management and cooperative security.

The Strategic Concept is reviewed every decade since the end of Cold War¹⁰. Since its birth, the Strategic Concepts have been prepared in two historic different moments (the Cold War and the post-Cold War). 2022 might be categorised as the beginning of a third moment. From 1949 to 1991, the strategy was mainly categorised by defence and deterrence, without excluding dialogue and détente in the last two decades of the first moment. During this period four Strategic Concepts were released with other complementary such as "Strategic Guidance", "The Most Effective Pattern of NATO Military Strength for the Next Few Years" and "Measures to Implement the Strategic Concept".

In the second period, the Alliance focused on cooperation and security. The 9/11 terrorist attacks in 2001 moved attentions to terrorism. During this post-cold war moment, three

¹⁰ For more information see: NATO. (2022, July 18). Strategic Concepts. https://www.nato.int/cps/en/natohq/topics_56626.htm ¹³ Larsonneur, J-C. (2021, October 9). Security Challenges on the High North. Report. *NATO Parliamentary Assembly*. <https://www.nato-pa.int/download-file?filename=/sites/default/files/2021-10/016%20DSCTC%2021%20E%20rev.%202%20fin%20-%20SECURITY%20HIGH%20NORTH.pdf>



Strategic concepts were presented in 1991, 1999 and 2010 with complementary texts such as MC Directive for Military Implementation of the Alliance's Strategic Concept, MC Guidance for the Military Implementation of the Alliance Strategy and MC Guidance MC 400/3. The Lisbon Strategic Concept turned to be out of context four years after its presentation due to the annexation of Crimea by Russia. Consequently, the idea of peace quickly did not apply to the geopolitical context as 2022 demonstrates. The wish of cooperation with Russia and the absence of China in 2010 is the complete opposite in time being, and are, in June 2022, are considered main threats in the new document.

Nonetheless, the concept of security has been evolving and has a holistic perspective. It looks like some results and recommendation, namely report of Jean-Charles Larssonneur¹³ were taken into consideration as it is possible to find references to climate change by acknowledging that armed forces are also affected (number 19, 2022, p. 6) and human security (number 19, 2022, p. 9) in the Madrid 2022 Strategic concept. But in a very smooth way of expression.

If China and Russia are named and considered as threats, unfortunately, in what concerns the Arctic region and its safety and security Buchanan's observation of "lack of reference to that region in the documents, with only one mention to High North in 2021 Brussels Summit Communiqué" (cited by Bye, 2021) is sustained in the new document released in the 8th Strategic Concept presented in Madrid 2022. Disappointingly, not even the Baltic Sea, included in the recommendation *d*) of NATO 2030 (2020), is mentioned in the SC 2022¹¹, when it is stated that "Maritime security is key to our peace and prosperity" (number 23, Madrid SC, 2022, p. 7). I add that the Arctic Ocean too is not mentioned. Though, the document NATO 2030 (2020) in the Proposal number 7 states that climate change is a defining challenge of our days and has security implications in different regions included the Arctic.

Climate change and environment security, despite its recognition as potential threat had occurred in 1969 as mentioned by Causevic, was not officially added and integrated in the organization agenda until 2010 (2017, pp. 72-73) because it is still perceived at a national level. Amar Causevic, author of the article "Facing an Unpredictable Threat: Is NATO Ideally Placed to Manage Climate Change as a Non-Traditional Threat Multiplier?" also informs that since 2010, much have been done regarding environment security and the different Secretary Generals have discussed this subject in different moments:

- 2010 with the creation of the Emerging Security Challenges Division (ESCD) to focus on the emerging security challenges;
- 2013 the Green Defense for more effectiveness and change in use of energy;
- and in 2014 with the Wales declaration and adoption of Resolution 427 on Climate Change and International Security, at NATO Parliamentary Assembly, to reduce pollution. This recent introduction of environment security in NATO's discussion shows the awareness of linkage between climate change and Arctic within the organisation as a matter of security and of protection of sovereignty, not only at a regional level but also at a global level.

¹¹ See: Madrid 2022 Strategic Concept, number 45, p. 11 (NATO. (2022). NATO 2022 Madrid Strategic Concept. <https://www.nato.int/strategic-concept/>)



Unfortunately, the recommendations below were not considered:

- l. to bolster NATO's situational awareness in the Arctic region, including through greater information sharing, the creation of a working group on the Arctic, and training and exercises, and to maintain a good dialogue with Allies about search and rescue capabilities in the region;*
- m. to fully recognise climate change-related risks as significant threat multipliers in their foreign and security policies, and increase the frequency of military and political consultations on climate change within NATO.* (NATO 2030, 2021, p.3)

The Arctic, for some reason, is not identified and gives the idea that it does not exist for the Alliance. Is the Cold War period a ghost presence within the organisation?

2. The Arctic region¹² within NATO

The Arctic is changing confirming that "What happens in the Arctic does not stay in the Arctic" (2017, Vidar Helgesen¹³). A statement that applies also in security context. The Arctic area and region had a strategic importance during the Cold War, being highly militarized at that time. It was the shortest flight area for US and Soviet bombers. After this period and after the collapse of the USSR, a signal of cooperation approached the Arctic countries following the idea of a peace and cooperative zone expressed by Mikhail Gorbachev in 1987 in Murmansk. Gradually, NATO allies have turned their attention into other regions of the globe. The Arctic was no longer strategic and was forgotten. For the rapporteur Jean-Charles Larssonneur it was "a genuine desire to make the region one of peaceful cooperation" (2021, p. 3). According to Abbie Tingstad during the conference *Conceptualizing the Arctic; a Zone of Peace or a Zone of Conflict?* held on line on 22 november 2022, the author affirmed that "we are not looking at the same Arctic zone, there is a growing conflict"¹⁴.

Though, the 21st century places this region again as an important spot. This time as a victim of the climate change, done by external anthropogenic activities that are making the temperature rising four times more in the Arctic comparing to the rest of the world, as mentioned in the introduction. The changes are visible in numerous different ways in

¹² The eight Arctic states (Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and United States) created the AEPS that became in 1996 the Arctic Council (Ottawa Declaration). The Federation of Russia is the Chair (2021-2023) of the Arctic Council. The Joint Statement of 03rd March suspended all activities with Russia due to the invasion of Ukraine. Additionally, Russia has been excluded from other forums and meetings since the illegal annexation of Crimea in 2014. (Joint Statement. (2022). <https://www.state.gov/joint-statement-on-arctic-council-cooperation-following-russias-invasion-of-ukraine/>).

¹³ NATO. (2017). "What happens in the Arctic, does not stay in the Arctic" - climate change in the Arctic will have global consequences and cannot be ignored. <https://www.nato-pa.int/news/what-happens-arctic-does-not-stay-arctic-climate-change-arcticwill-have-global-consequences>

¹⁴ Geneva Graduate Institute. (2022), November 22). co-hosted by GGC, CIES & MINT. *Conceptualizing the Arctic; a Zone of Peace or a Zone of Conflict?* <https://www.graduateinstitute.ch/communications/events/conceptualizing-arctic-zone-peace-or-zoneconflict>



the region: melting-ice and warmer currents from the Atlantic Ocean (known as Atlantification of the Arctic) that affects melting ice, the rise of sea level and, in its turn, allows navigability that will increase commercial transit (shorter than the Canal Suez, *idem*, p.4) and consequently expand economic opportunities with a ride to natural resources, more fishing and conflicts regarding territorial claims (extension of continental shelf). This interconnected scenario is placing back the Arctic region as a strategic spot, where Russia and China (the latter claiming to be an Arctic country). In this first quarter of the 21st century, both countries have been increasing their investments and research in the area. In what concerns Russia, the country has been remilitarizing, specifically since 2007, with the Arktika expedition as the first voyage to the ocean floor at the North Pole, placing its national flag. The rapporteur JeanCharles Larsonneur highlights the Arctic Strategy 2035 of Russia, released in 2020, where there is a clear emphasis in the "necessity of guaranteeing Russia's sovereignty and territorial integrity" and "the goal of developing the Northern Sea Route (NSR) as a globally competitive national transport corridor" (Klimenko, 2020 as cited in *idem*, p. 11). Confirming the *New Perspectives on Shared Security: NATO'S Next 70 Years* (2019) acknowledgment expressed by the author that "Moscow has built up the military capacity to complicate NATO's ability to operate in the Black, Baltic, and North seas as well as in the North Atlantic and the Arctic" (p. 2). There has been a constant absence in the 70 years of the Alliance of this region on official documents meanwhile many growing exercises in the Arctic, namely Cold Response in Norway, the only country in the world with permanent military headquarters North of the Arctic circle (Brekke, 2022; Coffey and Kochis, 2021) reinforce the military cooperation between NATO and Arctic states. Finland and Sweden, Partners for Peace and Enhanced Partnership in Northern Europe (e-PINE, launched in 2003 by United States¹⁵), closely participate in NATO's exercises. The possibility of full NATO membership is a reality since both applications in May 2022. It is clear that "the Arctic remains a vital strategic region for Euro-Atlantic security" (Charron, 2020). Due to those facts, it is almost incomprehensible the Arctic region not expressly written in the official documents over time. Perhaps with the turning point regarding this region in the United States of America that presented its National Strategy for the Arctic Region in October 2022¹⁶, the texts of official documents might assume, in the future, the Arctic region.

3. Conclusion

Now that, according to Causevic, NATO has "mastered in traditional security" (2017, p. 80), the Alliance needs to accelerate efforts to update climate and Arctic strategies¹⁷ so

¹⁵ In this context, "cooperation takes place in three major areas: cooperative security, healthy societies and vibrant economies" (U.S Department of state. (N.D). Enhanced Partnership in Northern Europe (E-PINE) <https://www.state.gov/enhanced-partnership-innorthern-europe-e-pine/>)

¹⁶ The White House. (2022). National Strategy for the Arctic Region. <https://www.whitehouse.gov/wpcontent/uploads/2022/10/National-Strategy-for-the-Arctic-Region.pdf>

¹⁷ Facing this lack of strategy some scholars have been arguing and recommending different options such as: 1) Arctic Military Code of Conduct (AMCC): the authors of the Briefing Note considered it would be of relevance to define redlines (Depledge, et al. 2019); 2) According to Khorrami and Raspotnik one possibility would be direct contribution from NATO to the Permanent Structured Cooperation (PESCO) developing hybrid partnerships and agreements (2022, p. 5). Both authors highlight also the importance of the Nordic Defence Cooperation (NORDEFECO), a regional security group that include Denmark, Finland, Iceland, Norway and Sweden with the goal of strengthening participants' national defence, exploring common synergies and facilitating efficient common solutions, as mentioned in the NORDEFECO website: <https://www.nordefco.org/Files/nordefco-vision-2025-signed.pdf>



it does not keep failing in “adopting the concept of human security” (Rico, 2022, p. 9). To conclude, NATO should be able to look all the regions its allies, and future ones, are included in so it can properly express its real intention to protect them. If one understands that the Arctic region is also threatened by Russia and China, Finland and Sweden’s applications to NATO speak for themselves and reinforces the presence of the Arctic in the Alliance. If the organisation can make a difference with the period of the Cold War in what concerns the harsh region that is becoming more navigable, then perhaps it will be possible to look at it through a different lens and in connection with climate change. A region that has been there since its creation, with 5 of the 8 Arctic states (Canada, Iceland, Norway, USA (Alaska) and the Kingdom of Denmark (Greenland)) as part of the Alliance. In a short period of time (depending on Turkey) they will be 7 with Finland and Sweden. So, when referring to transatlantic relations (EU and North Americas) and defence, the Arctic is part of it. The oceans, Atlantic and Arctic, are meeting each other. The Arctic Council (non-traditional) and NATO (traditional) shall find a balance to work in a cooperative way in order to assure a safe and secure place for all in that region, so the “security vacuum”, mentioned by NATO’s Secretary General on 25th March of 2022 at Bardufoss Air base in Norway, disappears. Even if not expressed, the Arctic is omnipresent within NATO and climate change is acknowledged as a threat multiplier (*NATO Climate Change and Security Action Plan* (number 1, 2021). The different complementary documents mentioned in this paper seem to have not been crossed and fully taken into consideration while elaborating the new Strategic Concept 2022.

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NOTES AND REFLECTIONS

NOTAS SOBRE A UTILIZAÇÃO DAS CRIPTO MOEDAS NA AMÉRICA LATINA. BREVE RESENHA DO CASO DE EL SALVADOR¹

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Introdução

Esta nota pretende fazer uma abordagem do uso generalista das cripto-moedas na América Latina, com muita maior frequência e quantia do que se utiliza em outras regiões do mundo. O desenvolvimento desta moeda digital é muito recente, mas a falta de regulação e controle gerou certa desconfiança em muitos países, e incluso alguns tem as proibido. A Europa e os Estados Unidos careciam de regulamentação até o ano 2022. Pelo contrário, na região da América Latina existe uma maior circulação, regulamentação e aceitação, por isso é feita uma análise do desenvolvimento do uso e regulamentação das cripto moedas na América Latina, como moeda e como meio de pagamento utilizado para a compra de bens, serviços e ordenados.

Portanto, é necessário olhar o que está a acontecer com o uso das cripto-moedas na América Latina e quais são as possíveis causas da popularidade delas, através da experiência do "El Salvador", que terá sido o primeiro dos países do mundo a estabelecer a cripto moeda BITCOIN como sua moeda de curso legal. Por isso falamos da definição de cripto-moeda e da sua forma de operar, para depois fazer uma muito breve análise do tratamento das cripto moedas nos países mais desenvolvidos, o que nos leva logo a focar a mirada na América Latina como a região do mundo onde houve um maior crescimento na circulação das mesmas e um desenvolvimento avançado na regulamentação. Em seguida, direcionaremos nosso olhar para o caso de El Salvador, como o único país do mundo que reconheceu a cripto moeda como moeda de curso legal. Encerramos a revisão da situação do uso dessa *commodity* como moeda de pagamento de salários, bens e serviços na praia de El Zonte, conhecida como *Bitcoin Beach*, um projeto pioneiro a nível mundial onde a cripto moeda BITCOIN foi introduzida como meio

¹ Este ensaio foi elaborado no âmbito do Curso Avançado sobre o Continente Americano da Universidade Autónoma de Lisboa, 2022.



de pagamento. Concluímos com algumas considerações onde, com base nas características próprias da região, apresentamos nossa opinião sobre o motivo desse rápido crescimento em relação ao resto do mundo.

Atualmente há muito pouca bibliografia sobre esse tema, pois ainda é um fenômeno muito recente, pelo que tivemos que nos basear em pesquisas de artigos publicados na internet e nas regulamentações emitidas nos principais países da América Latina. No entanto, consideramos que é um tema muito interessante e acreditamos que essas experiências na região podem servir como modelo para desenvolver experiências semelhantes em outras regiões do mundo em desenvolvimento.

Notas para uma definição de crypto moedas

A OCDE (2022), num recente estudo sobre a institucionalização dos ativos criptográficos, afirma que não existe uma definição comumente acordada para ativos digitais, e o termo é utilizado pela indústria financeira para abranger crypto ativos, valores de tokenizações ou outros ativos, moedas estáveis, arranjos, moedas digitais do banco central (CBDC) e outros instrumentos baseados em blockchain (como "tokens" não fungíveis - NFT). Também ressalta que as leis federais dos Estados Unidos definem o termo ativo digital como um ativo emitido ou transferido por meio da tecnologia de blockchain ou livro-razão distribuído (Distributed Ledger Technology - DLT), incluindo, entre outros, as chamadas "moedas virtuais", "moedas" e "tokens".²

O Centro Interamericano de Administrações Tributárias (CIAT 2022), assinala-se que a definição de crypto ativos se refere ao uso de tecnologia de contabilidade distribuída com segurança criptográfica e tecnologia similar, de modo que a definição também pode abranger futuras classes de ativos de natureza funcionalmente similar. Essa definição abrange ativos que podem ser mantidos e transferidos de forma descentralizada, sem a intervenção de intermediários financeiros tradicionais.³ De esses crypto-ativos, estamos nos referindo às moedas virtuais ou crypto moedas. Assim, as crypto-moedas, crypto divisas (do inglês cryptocurrency) ou crypto ativos, são transferidos por meio da tecnologia blockchain. São ativos virtuais que são armazenados e transferidos na internet, portanto, requerem uma carteira digital para armazenar o crédito.

Sendo um bem digital, o seu valor muda dependendo do seu uso e de como é comercializado no mercado virtual, e embora as leis dos diferentes países definam essa classe de ativos de diferentes maneiras, o seu comportamento é semelhante aos bens negociados na Bolsa de Valores, estando dentro de um mercado menos regulado e com maior risco, por não serem respaldadas por nenhuma autoridade monetária. Por isso, é chamado de mercado alternativo ou descentralizado para distingui-lo do mercado financeiro tradicional de valores⁴.

A primeira crypto-moeda criada (no ano de 2009) foi a Bitcoin. Posteriormente, surgiram umas outras crypto moedas que tiveram maior ou menor desenvolvimento. As crypto-

² Cf. OECD (2022), Institutionalisation of crypto-assets and DeFi-TradFi interconnectedness, OECD Publishing, Paris, <https://doi.org/10.1787/5d9dddbe-en>

³ Cf. (CIAT 2022) <https://www.ciat.org/nuevas-reglas-para-el-intercambio-de-informacion-con-fines-tributarios-respecto-de-los-criptoactivos/>

⁴ Cf. OECD (2022), Institutionalisation of crypto-assets and DeFi-TradFi interconnectedness, OECD Publishing, Paris, <https://doi.org/10.1787/5d9dddbe-en>



moedas mais comuns são a Bitcoin, que foi a primeira e é a mais comumente usada em operações institucionais; a Ethereum (mais recente e usado em contratos digitais inteligentes e tokens não fungíveis - NFT); e o Tether, que pertence a uma subcategoria chamada stablecoins, que fixa seu valor ancorado em outro valor mais estável e conhecido, como o dólar.

Breve revisão do tratamento legal das crypto moedas

As crypto-moedas têm sido progressivamente utilizadas em todo o mundo e a falta de regulamentação tem preocupado muitos governos. Nos Estados Unidos, foi introduzido no Congresso um projeto de lei federal ainda em discussão chamado "Responsible Financial Innovation Act" para regular as transações com crypto-moedas, concedendo maiores poderes à Commodity Futures Trading Commission como órgão regulador desse mercado descentralizado e fornecendo uma isenção de impostos para transações abaixo de USD 200.00⁵.

Em 21 de setembro de 2021, a China proibiu todo o uso, transação, mineração ou negociação de crypto moedas, com a intenção de evitar fugas de capital. Tornou-se assim o primeiro país a condenar esse mercado digital. Além da China, outros países como a Argélia, o Bangladesh, o Egito, o Iraque, o Marrocos, o Nepal, o Catar e a Tunísia proibiram a atividade com crypto moedas.

Em abril de 2022, a União Europeia promulgou uma lei para proibir transações com crypto moedas de forma anônima. Recentemente, a União Europeia aprovou o regulamento sobre os mercados de crypto ativos (Regulamento MiCA - Markets in Crypto Assets) para regular as transações com crypto moedas com o objetivo de proteger os consumidores e reduzir os diversos riscos envolvidos nessas operações. Entre outras coisas, busca-se que a Autoridade Europeia dos Valores Mobiliários e dos Mercados e a Autoridade Bancária Europeia supervisionem a emissão dos tokens, e que as empresas intermediárias que negociam crypto ativos informem os consumidores sobre os riscos e custos envolvidos. Isso permitirá regulamentar as ofertas públicas de crypto ativos, prevenir a manipulação do mercado, a lavagem de dinheiro, o financiamento do terrorismo e outras atividades criminosas, além de atrair investidores institucionais, o que irá impulsionar ainda mais esse setor.

O maior volume dos lucros nas transações com crypto ativos tem sido nos Estados Unidos (US\$ 47,0 bilhões em ganhos com crypto moedas) em comparação com o resto do mundo. Na América Latina, observa-se um maior desenvolvimento tanto no uso quanto na regulamentação das crypto moedas. A região da América Latina representa 9% das transações globais desses ativos, e, de acordo com a Bloomberg, 8% dos cidadãos da região investiram nelas, sendo a Argentina o país onde mais pessoas adquiriram crypto moedas.

A Venezuela está na liderança do ranking de adoção de crypto ativos na região, sendo o país latino-americano com maior adoção de crypto moedas (ocupa o sétimo lugar entre 154 países). Elas têm sido usadas para pagamento de salários e compra de diversos bens. O segundo país latino-americano, de acordo com o mencionado relatório da

⁵ Cf. <https://www.coindesk.com/policy/2022/06/07/key-us-senators-introduce-bill-outlining-sweeping-plan-for-future-crypto-rules/?s=09>



Chainalysis, é a Colômbia, que ocupa a 11ª posição mundial. Em seguida, aparece o Brasil, na 14ª posição, depois o Peru, na 22ª posição, e a Argentina, na 28ª posição.⁶

Na regulamentação do tópico na América Latina, a Argentina não tem qualquer norma específica e também não tem um órgão central de supervisão. No entanto, existe o Decreto 796/2021, que estabelece pagamento de impostos para as empresas que realizam transações com cripto moedas (carteiras virtuais) com o imposto sobre créditos e débitos bancários. Também há obrigações de informação sobre as transações, de acordo com a Resolução 4164/2019 da Administração Federal de Impostos (AFIP). A lei do Imposto as ganâncias estabelece como renda tributável o resultado da compra e venda de "moedas digitais".

O Brasil está a tratar desde o ano de 2022 o projeto de lei nº 3825, apresentado pelo senador do Partido Social Democrata, Irajá Abreu, que tem como objetivo trazer transparência às operações e evitar a evasão fiscal e a lavagem de dinheiro. O projeto ainda não foi aprovado e prevê que o órgão regulador seja o próprio governo do Brasil.

A Bolívia proibiu no ano de 2014 os cripto ativos por meio da Resolução de Diretoria 044/14 emitida pelo Banco Central da Bolívia (BCB), devido à falta de regulamentação, riscos e casos de fraudes piramidais cometidos no país por plataformas chamadas Bitcoin Cash e Pay Diamond. A proibição permanece em vigor até hoje, sendo o único país da América Latina que proíbe essas transações.

Com relação a Colômbia, a Superintendência Financeira aprovou a Circular Externa 016 de 2021, que regulamenta as cripto moedas. Essa normativa estabelece um mecanismo chamado sandbox, que são espaços controlados onde são realizados testes piloto de novos modelos de negócios ainda não regulamentados. Além disso, foi estabelecida na Resolução 314 a obrigação de relatar transações com cripto moedas à Unidade de Informação e Análise Financeira (UIAF) acima de 150 dólares, com multas para o não cumprimento dessa obrigação.

No Chile existem normas para a proteção dos consumidores e as cripto moedas são consideradas ativos virtuais. Não há uma regulamentação específica, mas há um projeto de lei chamado "Bitcoin", que busca proteger proprietários e intermediários financeiros, bem como as pessoas que interagem no mercado de moedas digitais. Nesse projeto, o Banco Central do Chile é responsável pela regulamentação.

O Banco Central do Equador irá estabelecer a regulamentação dessa atividade com o objetivo de evitar crimes como lavagem de dinheiro e fraudes. O presidente do Banco Central esclareceu que não está previsto que seja uma moeda de curso legal no país.

No México existe uma Lei para Regulamentar as Instituições de Tecnologia Financeira, conhecida como a Lei Fintech que data do ano 2018, a qual obriga a o Banco do México a regular as cripto moedas. Não existe uma regulamentação específica para as cripto moedas. Os provedores de serviços de cripto moedas devem se registrar no Sistema de Administração Tributária e relatar à Unidade de Inteligência Financeira para evitar a lavagem de dinheiro.

⁶ Cf. <https://www.bloomberglinea.com/2022/03/10/ranking-cripto-en-que-paises-de-la-region-hay-mayor-uso-de-divisas-digitaes/>



No Panamá não há regulamentação para crypto moedas. Foram apresentados dois projetos de lei, um chamado Lei Cripto, que estabelece que os crypto ativos seriam um método de pagamento global alternativo para qualquer operação civil ou comercial no Panamá, e o outro chamado Lei 696, que recomenda a regulamentação do Bitcoin, Ether, Tether e diferentes tipos de tokens, como NFT e 7UT.

No Paraguai há um projeto de lei em discussão no Congresso desde 2021 para regulamentar as atividades com crypto moedas. Esse projeto estabelece que as crypto moedas não são moeda de curso legal, estabelece um registro para empresas fornecedoras de ativos virtuais e regula a atividade de mineração de crypto moedas.

No Peru existe um projeto de lei Marco para a Comercialização de Cripto ativos, que propõe a criação de um registro público de fornecedores de serviços cripto e a obrigação de relatar "operações suspeitas" à Unidade de Inteligência Financeira. Esse projeto de lei também não considera as crypto moedas como moeda de curso legal.

No Uruguai, a Câmara de FinTech criou uma Comissão de Cripto moedas no ano 2018. Para o ano de 2021, o Banco Central do Uruguai (BCU) estabeleceu uma regulamentação para serviços envolvendo ativos virtuais.

Na Venezuela existe legislação muito específica. No ano 2018, foi sancionado o Decreto Constituinte de Cripto ativos. Além disso, foi criado o token Petro, a primeira cripto moeda criada por um Estado (das denominadas "moeda digital do Banco Central" ou "CBDC Central Bank Digital Currence"), cujo valor está ancorado no preço do barril de petróleo.

Esse decreto define os órgãos responsáveis pela regulamentação: Superintendência Nacional de Cripto-ativos e Atividades Conexas (SUNACRIP): sua tarefa é regular as atividades relacionadas a cripto ativos no país, bem como gerenciar sistemas de controle, políticas e registro de usuários "Registro Integral de Serviços en Criptoativos (RISEC)", que é um sistema web vinculado à SUNACRIP no qual todos os usuários que realizam atividades relacionadas as cripto moedas são registrados; "Registro Integral de Mineradores (RIM)" que é um aplicativo web vinculado à SUNACRIP no qual são registrados os usuários interessados em obter uma licença para a comercialização de cripto ativos. Além disso, a Lei de Impostos sobre Grandes Transações Financeiras foi reformada em fevereiro de 2022 para estabelecer um imposto de 2% a 20% sobre operações com os cripto ativos. Há também uma Bolsa Descentralizada de Valores da Venezuela (BDVE) que lida com transações de cripto ativos e é permitido pagar impostos com cripto moedas conforme o Código Orgânico Tributário.

O exposto permite ver que a regulamentação das cripto moedas na Latino América é muito ampla e mesmo que não seja uniforme, é muito mais específica do que nos países mais desenvolvidos.

A seguir, está o caso de El Salvador, que tem sido o primeiro país do mundo que estabeleceu a cripto moeda como moeda de curso legal



A cripto moeda como moeda de curso legal. O caso de El Salvador

Em setembro de 2021, El Salvador tornou-se o primeiro país do mundo a adotar o Bitcoin como uma moeda de curso legal. A legislação permite a aquisição de bens e serviços utilizando o Bitcoin.

O Decreto Legislativo Nº 57, conhecido como Lei Bitcoin, regulamenta o Bitcoin como uma moeda oficial sem limites para fazer as transações, e estabeleceu que a taxa de câmbio entre o Bitcoin e o dólar americano ia ser determinada livremente pelo mercado. Os impostos podem ser pagos com Bitcoin, e os agentes econômicos devem aceitar o Bitcoin como forma de pagamento. Em seguida, foram estabelecidas umas outras normas complementares à Lei Bitcoin (Regulamento da Lei Bitcoin, Lei de Criação de Fideicomisso Bitcoin, Normas Técnicas para Facilitar a Participação de Entidades Financeiras no Ecossistema Bitcoin, Diretrizes para Autorização do Funcionamento da Plataforma Tecnológica de Serviços com Bitcoin e dólares e Normas Técnicas Temporárias sobre medidas de Cibersegurança e Identificação de Clientes em Canais Digitais).

O atual Presidente de El Salvador, Nayib Bukele, também inaugurou o primeiro hospital veterinário público financiado com parte dos lucros obtidos com os investimentos que o governo tem feito em Bitcoin. Antes de adotar a cripto moeda como moeda de curso legal no país, El Salvador realizou um projeto denominado "Bitcoin Beach" na praia de El Zonte.

O projeto "Bitcoin Beach" foi patrocinado pelo californiano Michael Peterson no ano de 2019. Peterson ia há mais de 20 anos de férias com a família para a praia de El Zonte para surfar. Em 2016, ele decidiu se mudar dos Estados Unidos para El Salvador e angariou um financista para um projeto de caridade naquela região. O empresário estabeleceu como condicionamento para suportar o projeto que a Bitcoin fosse a única moeda utilizada nas transações. Foi assim que surgiu o Bitcoin Beach, um projeto que tem sido o preâmbulo para a decisão do governo de estabelecer o Bitcoin como moeda de curso legal.

A Praia El Zonte, está localizada cerca de 30 km a sudoeste da capital de El Salvador. Nessa localidade, é possível pagar contas de água, eletricidade e televisão a cabo com Bitcoins, comprar refeições, bebidas, pagar o hotel, as compras e até mesmo o corte de cabelo. Além disso, existe um aplicativo de carteira virtual com o mesmo nome e até mesmo uma caixa eletrônica multibanco de bitcoin. Dois anos depois da criação do projeto, ainda existem 22 programas comunitários em andamento (como coleta de lixo e atividades de nadadores salvadores) e algumas centenas de pessoas recebem os seus salários em Bitcoin.⁷

Conclusões

A utilização das cripto moedas na América Latina parece estar relacionado com a desvalorização e volatilidade das moedas locais, além das dificuldades de acesso a moedas estrangeiras como o dólar americano ou outras divisas. Isso pode explicar o amplo desenvolvimento normativo em comparação com o resto do mundo e o volume de

⁷ Cf. Wilfredo Peña 'On Bitcoin Beach', turistas e residentes celebram a adoção de criptomoeda por El Salvador Reuters <https://www.reuters.com/technology/bitcoin-beach-tourists-residents-hail-el-salvadors-adoption-cryptocurrency-2021-09-07/>



transações realizadas com cripto moedas na região, por vezes mesmo mais alto que o PIB do país.

Não há uma regulamentação unificada na América Latina, mas sim cada país optou por estabelecer suas próprias normas, o que é um fenômeno comum e uma característica da região. Na verdade, os acordos de integração existentes, como o Mercosul, a Comunidade Andina de Nações, o Caricom, etc., não estabeleceram normas comunitárias para regular o assunto ou mecanismos de controlo.

Alguns países possuem um maior desenvolvimento normativo, como é o caso da Venezuela e do El Salvador, que possuem sistemas normativos muito avançados em relação com os outros países. A utilização das cripto-moedas na América Latina tem sido como meio para fazer pagamentos, ou como dinheiro digital, o qual é uma diferença notável frente aos países mais desenvolvidos, que as utilizam como inversão especulativa.

El Salvador chama a atenção por ser o primeiro país do mundo a estabelecer uma cripto moeda como moeda de curso legal. O projeto Bitcoin Beach é uma iniciativa que beneficiou uma população com problemas de pobreza e que encontrou nesse mecanismo uma maneira de melhorar seu nível de vida.

A crise econômica gerada pela pandemia da COVID-19, que afetou severamente a região, também pode ter impulsionado esse crescimento, pois muitas pessoas começaram a prestar serviços desde a casa (teletrabalho, nômadas digitais) para outros países e concordaram em receber o pagamento em cripto moedas para se protegerem da desvalorização, do risco cambial ou mesmo para ter acesso as divisas, (sobre tudo para os casos da Venezuela e da Argentina, que tem fortes restrições para o mercado cambial), muitas vezes por não terem acesso a contas em moedas estrangeiras, como o dólar.

A iniciativa da praia El Zonte, em El Salvador, pode ser um modelo a ser seguido pelos outros países da região para melhorar o nível de vida da população afetadas pela pobreza.

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RECENSÃO CRÍTICA

Aguirre, Mariano (2023). *Guerra Fria 2.0*. Barcelona: Icaria. ISBN 978-84-19200-76-1

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Mestranda em Relações Internacionais, na Universidade Autónoma de Lisboa (Portugal). Licenciada em Relações Internacionais, na referida Universidade. Traduziu o livro *Guerra Fria 2.0*, de Mariano Aguirre. Assessora de Admissões na Fundação Universitária Ibero – Americana e Universidad Europea del Atlántico, em Lisboa.

No seu livro *Guerra Fria 2.0*, Mariano Aguirre, analisa os acontecimentos mais relevantes dos dias de hoje e até que ponto estes são ou não comparáveis aos tempos da Guerra Fria, dominados pelo confronto capitalismo vs comunismo. Além de destacar os principais atores no sistema internacional, as diferenças substanciais no alinhamento destes e o que representam atualmente estes poderes num mundo multipolar, marcado pela crise da democracia, a ascensão de movimentos extremistas, o impacto das alterações climáticas, o uso das novas tecnologias e a inteligência artificial, onde os interesses de cada um suplantam o bem – estar de todos.

Este será o mote para a análise do autor, recorrendo a diferentes e credíveis fontes bibliográficas, o que nos leva a questionar o que nos espera o futuro, evidenciado um presente pródigo em acontecimentos reveladores de um mundo em ebulição.

A nível estrutural, o livro está dividido em catorze partes, os agradecimentos, a introdução, dez capítulos, um índice onomástico e um último capítulo sobre o Autor. O prefácio é do Dr. Luís Tomé, Diretor do Departamento de Relações Internacionais e do OBSERVARE, da Universidade Autónoma de Lisboa.

Na Introdução, Aguirre defende o porquê do título deste livro, *Guerra Fria 2.0*, e o que os debates em Espanha e na América Latina suscitaram, na possibilidade de este ter ou não um ponto de interrogação. Contudo, o objetivo, segundo o autor, não é debater se existe uma nova Guerra Fria, mas sim destacar que alguns dos aspetos mais importantes dos anos 1947 – 48 até 1989 – 1991 podem repetir – se, como a corrida aos armamentos, a incerteza quanto a acontecimentos políticos, económicos e sociais e o adjetivo “fria” “entre uma realidade de tensões em múltiplos domínios, incluindo o da segurança militar, mas em que se mantém um *equilíbrio* delicado”. E como exemplos atuais, o conflito na Ucrânia e a disputa da soberania pela Ilha de Taiwan, assim como os EUA, a China e a Rússia podem atuar no chamado Sul Global.



No primeiro capítulo, *Da Guerra Fria à Globalização*, o autor analisa o período bipolar da Guerra Fria, entre os EUA e a URSS, sendo que de acordo com Odd Arne Westad, o confronto entre o capitalismo e o comunismo teve o seu início no final do séc. XIX, e para Jürgen Osterhammel, nesta fase estivemos perante grandes transformações nos mais variados âmbitos (científico, tecnológico, político e bélico). E tudo isto determinou o que é hoje o mundo atual.

Existindo um reforço da capacidade nuclear não só por parte dos EUA e da URSS, mas também da França, da China e da Grã – Bretanha, com acordos que se formaram nesta fase e que no presente além de terem sido abandonados, a letalidade e a sofisticação das armas nucleares são substancialmente superiores e que o perigo da sua utilização é mais visível.

Apesar dos dois modelos económicos referidos acima e que dominaram o período da Guerra Fria, neste contexto de globalização estamos perante uma dependência e competição mais evidente entre as potências atuais, ao nível económico, comercial e tecnológico, como é o caso da deslocalização das fábricas europeias para Pequim.

Além disso, novas formas de propaganda através das redes sociais, a proliferação de *fake news* ou mesmo métodos sofisticados, com a utilização de algoritmos, o que lhes permite alterar resultados eleitorais, como sucedeu com as eleições nos EUA. A tais fenómenos Aguirre denomina como a opacidade das novas tecnologias.

O segundo capítulo, *Um Só Sistema Mundial*, está centrado nos desafios que o confronto entre os EUA e a República Popular da China enfrentam atualmente, distinto do período da Guerra Fria entre os EUA e a URSS.

Sendo que a ideologia deu lugar a um sistema económico neoliberal, onde todos os Estados se inserem, o que impactou os sistemas democráticos, provocando uma maior desigualdade, segundo Organizações Internacionais, como as Nações Unidas.

O comunismo embora já não seja uma ideologia dominante no espectro político, a ascensão da extrema – direita veio colocar à tona algo do passado, como o intensificar do terrorismo, a criminalidade organizada, existindo um bode expiatório nos migrantes, muçulmanos, asiáticos, latinos, como se quisessem tomar o lugar da “população branca”.

O confronto bipolar da Guerra Fria, transformou – se num confronto entre várias potências: os EUA, a China, a URSS e a Índia e potências regionais, como a Turquia e os denominados países do sul que pretendem ter um papel importante no panorama internacional, alterando a ordem multilateral vigente. O autor acrescenta a relevância do diálogo entre as partes para diminuir tensões, assim como responder a novos desafios, por exemplo, a ascensão da Inteligência Artificial.

No terceiro capítulo, *Multipolaridade e Poderes Emergentes*, o autor distingue a ordem mundial que nos regia durante a Guerra Fria (bipolaridade) e a que se reflete nos dias de hoje (multipolaridade), onde diversos atores exercem a sua influência e nem sempre conseguem superar a capacidade dos demais. Os países chamados de emergentes, o grupo dos BRICS (Brasil, Rússia, Índia, China e África do Sul), abrange 46% da população do planeta, o que corresponde a 24% do produto interno bruto (PIB). Tal como o seu poder no mundo é cada vez mais evidente, apresentando – se como a “voz do mundo emergente e em desenvolvimento”, apesar de ainda manter uma posição inferior ao G7,



devido à paridade das moedas transacionadas. (O'Neill, 2023). Amitaya Acharya menciona que a inexistência de uma potência dominante associa-se a uma crescente interdependência.

Esta questão dos países emergentes, como refere Aguirre, pode levar – nos a erros conceptuais no que aos “países do sul” diz respeito, visto que falamos da China e da Rússia, que aproveitam a sua posição geográfica, mas são potências em ascensão, com níveis distintos de desenvolvimento face à Índia, Brasil e Turquia. E outras potências com influência regional, como é o caso de Israel, que segundo os ditames oficiais, a criação do seu Estado é o resultado do interesse britânico em que estes tivessem o seu próprio território, da história do sionismo e do Holocausto. Estes países não apresentam uma alteração na ordem económica e liberal face à existente, apenas pretendem que a sua voz seja mais ativa nas tomadas de decisão, nos mais variados âmbitos.

A Índia, considerada a maior democracia do mundo, bastante desenvolvida a nível tecnológico, com tremendas debilidades nos campos social e económico, possui armas nucleares e oscila o seu apoio de acordo com os seus interesses (na redistribuição de poder, apoia Moscovo e Pequim e na sua política externa de não – alinhamento, está próxima da Rússia e dos Estados Unidos) e faz parte do *Quadrilateral Security Dialogue*, com os EUA, o Japão e a Austrália, com o objetivo de controlar a influência da RPC na Ásia – Pacífico.

O autor no quarto capítulo, *As Grandes Potências e o Sul Global*, debruça – se na questão da Guerra da Ucrânia e o quanto esta veio desviar as atenções de outras regiões não menos importantes. Não quer dizer com isto que a invasão da Rússia na Ucrânia não tenha criado um forte impacto na Europa e que a mesma não seja legítima. Contudo, levou a um aumento dos preços e a um desequilíbrio financeiro, com forte impacto nos países já por si afectados, que corresponde a 24% da população mundial, cerca de 60 países, e destes, 73% vivem em pobreza extrema.

No momento actual, falamos de formas distintas de guerra. Durante os anos 1991 – 2010 existiam menos guerras, mas com a “Primavera Árabe” e o surgimento do Estado Islâmico, estamos perante um aumento no investimento de orçamentos militares e atores não – estatais, tal como o crime organizado, milícias e grupos de guerrilha.

Tudo isto aliado ao declínio dos Estados Unidos, enquanto grande potência, a ascensão da China e a própria invasão da Rússia na Ucrânia, assim como o uso das armas nucleares como um recurso cada vez mais provável, vem demonstrar que os conflitos vieram para ficar e quiçá mais mortíferos e destrutivos. Nesta linha de pensamento, a fragilidade dos estados, desde a sua liderança à existência de grupos terroristas, fronteiras cada vez mais porosas, desde logo mais suscetíveis a que as grandes redes internacionais operem nos seus países e controlem os sectores económico e financeiro, provocando uma maior dependência entre os países do sul em relação aos do norte, afetados por níveis distintos de pobreza, desigualdade, violência, divisões internas e o impacto das alterações climáticas Segundo o autor, muitos destes problemas são o resultado do passado colonial, imperial e posteriormente da Guerra Fria e das alianças que se criaram até então.

O quinto capítulo, *Os Estados Unidos, Crise Interna e de Liderança*, reforça a percepção que temos deste país, enquanto potência hegemónica (algo que manteve desde a Guerra



Fria), e epicentro da ordem liberal internacional do após a II Guerra Mundial. No entanto, encontra – se em declínio por fatores internos¹, que se repercutem no seu poder no mundo. Tudo isto aliado ao negócio de armas que assola o país, sendo que a sua população é de 238 milhões de habitantes e estima – se que existam 390 milhões de armas, que são detonadores para o que alguns analistas consideram razões para uma possível guerra civil.

A verdade é que o cansaço da sociedade americana pelo fracasso na participação em guerras duradouras, como é o caso do Iraque e do Afeganistão, e os gastos económicos nas guerras, leva a que os EUA percam algum prestígio ao nível interno e externo.

Aguirre frisa que Joe Biden e o seu secretário – de – Estado, Antony Blinken, aplicam uma política pragmática, onde os interesses económicos e políticos a nível interno suplantam a defesa da democracia e dos direitos humanos no exterior.

Contudo, existem diferenças face à anterior administração no que às OI diz respeito, Trump retirou os EUA do Acordo de Paris, da OMS, com críticas constantes às Nações Unidas, enquanto Biden no seu discurso na 77.^a Assembleia Geral das Nações Unidas, reiterou o apoio a esta Organização Internacional, inclusive, defendeu a reestruturação do CSNU.

O sexto capítulo, *A China, a Caminho da Consolidação de uma Grande Potência*, o autor reforça a relação entre os Estados Unidos e a China e a importância de ambos quererem evitar uma nova Guerra Fria, após o encontro realizado em setembro de 2022. Foram discutidos temas sensíveis, como a questão comercial (o facto das cadeias de produção se deslocarem para a China), os exercícios realizados pela China no Pacífico, entre outros pontos de igual importância, não colocando de lado a Guerra na Ucrânia e o não uso das armas nucleares, bem como a sua ameaça, optando por estarem em sintonia em áreas tão sensíveis como as alterações climáticas, a segurança alimentar e a “estabilidade económica”.

O seu progresso levará a que, segundo alguns autores, ultrapasse os EUA ao nível comercial, tendo a indústria no campo de energias solares, dos veículos eléctricos e na inteligência artificial o seu expoente máximo, como líder em oito empresas de tecnologia, das vinte que existem no mundo.

Os seus cidadãos, apesar do controlo que existe por parte do regime chinês, preferem viver num país desenvolvido do ponto de vista económico, que lhes proporcione o acesso ao consumo, do que viverem na imprevisibilidade. Sendo que se depara com problemas sociais que poderão ter consequências no futuro, como a baixa natalidade, uma alta taxa de desemprego na população jovem, graves problemas de seca e de poluição e as questões de Taiwan e da província de Xinjiang (várias vezes é acusada de reprimir o povo uigure).

¹ Entre outras possíveis razões: Questões relacionadas com a política interna, desencadeando uma grave crise nos setores democráticos, o que provoca a ascensão dos líderes extremistas, onde grupos organizados operam e fragilizam a democracia e a sociedade no seu todo, numa óptica anti-estado; a falta de competitividade na indústria, provocando a deslocação das empresas para outros países, como a RPC; o aumento da desigualdade e, conseqüentemente, da violência nas ruas. Além também, do que o autor designa como “guerras culturais”, estas associadas à migração, ao modo como a lei do aborto é analisada em cada Estado, o revisionismo histórico da escravidão, entre outras.



No campo do multilateralismo, está cada vez mais presente nas várias organizações internacionais, na participação em Fóruns e organizações de matriz regional. Tendo como um dos seus objetivos principais o seu grande projeto *Belt and Road Initiative*, através do investimento de infraestruturas, sendo fundamental nas suas exportações e projeção de poder a nível internacional.

No sétimo capítulo, *a Rússia, um Gigante Militar com Debilidades*, o autor destaca um ponto que nos parece fundamental: o porquê da obsessão da Rússia pela sua segurança. Esta provém do séc. XVI, devido ao seu extenso território sem fronteiras naturais, da invasão napoleónica no séc. XIX e , posteriormente, as duas invasões por parte da Alemanha no séc. XX. E por isso, nos dias de hoje, a sua constante preocupação pela expansão da NATO junto às suas fronteiras.

O final da URSS, considerado por Putin como o grande desastre geopolítico do séc. XX, aliado ao final de “uma economia centralizada para a privatização e a abertura política”, liderada por Boris Ieltsin, conduziu o país a níveis de corrupção que se manifestam até hoje. Através de empresários e políticos que passaram a controlar 25% do PNB da Rússia e que se transformaram numa elite económica, com investimentos no ocidente nos mais variados setores.

Com o início da Guerra da Ucrânia, foram impostas sanções à Rússia, sendo estas um elemento poderoso para controlar o aumento do stock de armas e munições. O que não retira a Putin considerar o seu país uma grande potência e desafia os Estados Unidos a assumirem que a ordem liberal está acabada e que assumam um mundo multipolar, tal como o ocidente admita que perdeu o poder baseado em regras que já não se aplicam nos dias de hoje.

No oitavo capítulo, *um Mundo de Desafios para a UE*, o autor destaca os principais desafios da UE, sendo que estes centram -se não só nas dificuldades em introduzirem uma política externa de segurança e defesa comuns, que veio a intensificar – se com o conflito da Ucrânia e também na ascensão de governos autoritários, os movimentos de extrema – direita, no controlo da migração, relegando para a Turquia, Marrocos e a Líbia o controlo de todo este processo. Além da proximidade de alguns países com a Rússia, a instabilidade no Médio Oriente que afecta parte do Norte de África e a insegurança vivida na Europa pela entrada de terroristas pertencentes ao Estado Islâmico, exacerbaram as dificuldades europeias.

Outro dos obstáculos passa pelo princípio da unanimidade e que bloqueia a tomada de decisões entre os 27 estados – membros, como a possível entrada de outros países (como ocorre com a Ucrânia e alguns países dos Balcãs) e os custos que tudo isto acarreta.

A relação com os Estados Unidos como garante da segurança europeia devido à NATO e ao papel destes na reconstrução europeia após a II Guerra Mundial, levou à participação dos países no Iraque e na Síria e o resultado foi desastroso. Tal como a possibilidade da chegada ao poder da ala republicana em 2024, com uma tendência autoritária, e que poderá colocar em causa a cooperação internacional e um abandono do multilateralismo.

No penúltimo capítulo, *uma Segurança Diferente*, debatem – se as principais teorias das Relações Internacionais e o modo como estas se enquadram num contexto e desafios distintos. Quanto ao Realismo, no qual os *Estados são egoístas* e o sistema internacional é anárquico, foi a teoria dominante no período da Guerra Fria.



A corrente Liberal ou Kantiana centra – se no quadro da cooperação, tendo a democracia como o elemento perfeito para que esta se possa desenvolver e as organizações internacionais, as ONG ´S e a Sociedade Civil como fundamentais em todo este processo.

As restantes teorias das Relações Internacionais, “a construtivista, a marxista, a pós-estruturalista, a pós-colonial e a de género” embora analisem de igual modo o sistema internacional e possam influenciar as anteriores, o realismo e o liberalismo são as predominantes nesta nova ordem mundial.

A preocupação em torno de uma “segurança comum”, foi “apresentada em 1982 pela Comissão Independente sobre Desarmamento e Questões de Segurança, liderada pelo então primeiro-ministro sueco Olof Palme”, a qual defendia que a segurança era um direito de todos os cidadãos.

No ano de 1992, coincidente com o final da Guerra Fria, foi aprovado um importante documento, *A Agenda para a Paz*, criado pelo à época Secretário – Geral das Nações Unidas, Boutros Boutros – Gali. Este foi o espoletar do papel do Direito Internacional nos mais variados contextos, quer nos casos de genocídio e a relação entre soberania nacional e a intervenção nos países quando estamos perante violações dos Direitos Humanos.

A segurança, no momento presente, depara – se com algumas dificuldades. Desde a falta de investimento em novos modelos de intervenção, como a guerra cibernética, as armas nucleares e a inteligência artificial, até aos interesses instalados nas empresas fabricantes de armas e todos os que fazem parte deste modelo de negócio, assim como quando, por motivos culturais, sociais e políticos, se sintam mais seguros pelas forças de segurança.

E neste âmbito, tal como refere Aguirre, a prevenção de conflitos num sentido múltiplo é uma via por onde começar para que o mundo não nos fuja das mãos.

Para finalizar, o décimo capítulo, *O Futuro*, a autor vaticina um futuro não muito promissor. Tudo isto se deve às desigualdades sociais e económicas cada vez mais acentuadas, apesar de todos os desenvolvimentos económicos e tecnológicos. Centrando – se na crise da democracia, no interesse dos Estados como benefício próprio e não como solução para o bem – comum, a ascensão da extrema - direita, também já referida noutros capítulos, o poder das redes sociais no comportamento e controlo das sociedades e o quanto estas podem desencadear movimentos racistas e xenófobos.

Aliado a tudo isto, a competição entre grandes e emergentes potências, a China, os Estados Unidos, a Rússia, o Irão, a Turquia, a União Europeia, entre outros. Resultando daqui diferentes conflitos consoante a capacidade militar, nuns casos mais associado à guerra cibernética e noutros o terrorismo como controlador do Estado.

Paralelamente, o aumento da pobreza e da crise alimentar, fruto dos conflitos, das alterações climáticas e das consequências sociais e económicas da pandemia COVID-19, associado a um investimento cada vez maior no armamento e despesas militares, assim como a competição pelos recursos energéticos (carvão e petróleo), as tecnologias verdes (World Bank, 2023; Energy investment, 2023). O bem mais precioso que podemos ter, a água potável, será igualmente promotora de uma disputa geopolítica cada vez mais acentuada. (Bremmer. I.; Kupchan, C., 2023).



Reflexão sobre a obra

O autor ao longo da obra apresenta – nos uma posição coerente face a todos os acontecimentos. Embora não queira considerar na totalidade que estamos perante uma nova Guerra Fria, existe uma correlação sucessiva de factos que nos transportam para a década de 90 e a possibilidade de uma Guerra Fria 2.0, com novas alianças e desafios internacionais.

Neste contexto, Monjardino considera todo este processo como a “crise dos trinta anos” (2023: 355) e o de “Grande Convergência” para nos descrever todos os desenvolvimentos dos últimos quarenta anos. Aplicando – os à ciência e tecnologia, à globalização e aos recursos energéticos. (2023: 367-68). E para que compreendamos os acontecimentos nos dias de hoje, é fulcral que avaliemos os factos em 4 regras: a regra de Heródoto: “a geografia, a cultura e a história de um país ou território continuam a ser essenciais na análise política”; a regra de Tucídides-Políbio, na qual “a principal ameaça à sobrevivência de uma democracia liberal é sempre interna”; a regra Stendhal-Tolstoi, sendo “extremamente difícil avaliarmos corretamente o verdadeiro significado dos acontecimentos no momento em que têm lugar”; e a regra Donald Trump-Vladimir Putin, nesta última, “devemos sempre suspeitar quando alguém afirma convictamente: «Isso não faz sentido nenhum»”. (Monjardino, 2023: 15-16).

Mariano Aguirre argumenta com clareza os dados que aplica ao longo dos capítulos, assim como analisa a história passada para compreendermos o presente e o que o futuro nos reserva, sem alarmismos mas com a racionalidade que o realismo das Relações Internacionais nos impõe, tornando a obra mais apelativa e desafiadora para o leitor. Um livro que reflecte o humanismo do autor e fundamental para quem se interessa por todas estas dinâmicas mundiais.

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