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SEGURANÇA ONTOLÓGICA, IDENTIDADE E MUDANÇA: UM ATIVO CONSTRUTIVISTA

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Resumo

Na derradeira década do passado século, o construtivismo afirmou-se como teoria das Relações Internacionais. A incapacidade das teorias ditas mainstream para explicar a mudança, algo que ficou particularmente evidente com o fim da Guerra Fria, abriu espaço para uma teoria que concebe a realidade como sendo socialmente construída e que privilegia a compreensão dos fenómenos políticos em detrimento da sua previsão. Por via de uma abordagem metodológica qualitativa ancorada no interpretativismo, este artigo procura compreender a relevância dos conceitos de identidade e de segurança ontológica para explicar a mudança. Depois de elencar os pressupostos fundacionais do construtivismo como teoria da Relações Internacionais, como a constituição mútua entre agentes e estruturas, são abordadas as diferentes correntes, a saber, a convencional e a crítica, sublinhando-se, assim, o pluralismo por que se pauta esta teoria. Tal pluralismo fica também evidente nas diferentes abordagens à dinâmica entre segurança ontológica e identidade, preponderante para confirmar a promessa que o construtivismo trouxe no final do século XX, isto é, explicar a mudança. Esta dinâmica reafirma o entendimento de que a explicação da mudança representa um ativo do construtivismo como teoria das Relações Internacionais, tendo contribuído significativamente para a sua afirmação.

Palavras-chave

Teoria das Relações Internacionais, Construtivismo, Identidade, Mudança, Segurança Ontológica.

Abstract

In the last decade of the last century, constructivism asserted itself as a theory of International Relations. The inability of the so-called mainstream theories to explain change, something that became particularly evident with the end of the Cold War, opened up space for a theory that conceives of reality as being socially constructed and that favours the understanding of political phenomena over their prediction. Using a qualitative methodological approach anchored in interpretivism, this article seeks to understand the relevance of the concepts of identity and ontological security in explaining change. After listing the foundational assumptions of constructivism as a theory of International Relations, such as the mutual constitution between agents and structures, the different currents are discussed, namely the



conventional and the critical, thus emphasizing the pluralism of this theory. This pluralism is also evident in the different approaches to the dynamic between ontological security and identity, which is crucial to confirming the promise that constructivism brought at the end of the 20th century, i.e. explaining change. This dynamic reaffirms the understanding that the explanation of change represents an asset of constructivism as a theory of International Relations, and has contributed significantly to its affirmation.

Keywords

International Relations Theory, Constructivism, Identity, Change, Ontological Security.

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SEGURANÇA ONTOLÓGICA, IDENTIDADE E MUDANÇA: UM ATIVO CONSTRUTIVISTA

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Introdução

Finda a Guerra Fria, o construtivismo assumiu-se como alternativa às teorias das Relações Internacionais ditas mainstream. Com a desintegração da URSS, ficou patente a incapacidade do Neorealismo e do Institucionalismo Neoliberal para explicar a mudança no sistema internacional, tendo-se debatido, a título de exemplo, sobre qual seria o propósito da OTAN na nova conjuntura (Flockhart, 2016a). A afirmação desta teoria social nas Relações Internacionais trouxe consigo, entre outros, um pressuposto fundamental: a construção social da realidade. Numa primeira fase da sua afirmação, a abordagem construtivista começou por atribuir importância adicional à forma como a sociedade internacional podia desenvolver “identidades comuns, normas e perspetivas com vista à criação de uma ordem internacional estável” (Barnett, 2020: p. 195).

Apesar do abalo sofrido pelas teorias até então dominantes, o construtivismo não deixou de ser estereotipado (Hopf, 1998), com os críticos a apontarem, por exemplo, o seu alegado cariz pós-moderno e a sua incapacidade para apresentar uma alternativa concreta de investigação (Hopf, 1998). Efetivamente, para estas críticas contribuiu igualmente o facto de o construtivismo não ser composto por apenas um posicionamento epistemológico (Ferreira, 2014), ficando o pluralismo desta abordagem teórica também evidente na divisão, sublinhada por Ted Hopf, entre “construtivismo crítico” e “construtivismo convencional”. Neste artigo, permanecerei neutro em relação à dicotomia “dominador-dominado”, afastando-me de qualquer agenda emancipatória e aproximando-me da corrente convencional. Ainda assim, o pluralismo desta perspetiva teórica transparecerá ao longo deste artigo, o mesmo é dizer que as considerações de autores mais próximos da corrente crítica serão tidas em conta, nomeadamente no que à dinâmica entre segurança ontológica e identidade diz respeito.

Na sua configuração convencional, o construtivismo é “agnóstico em relação à mudança” (Hopf, 1998: p. 180). Não obstante, e tal como sublinha Marcos Farias Ferreira (2007), este agnosticismo não significa excluir a possibilidade da mudança. A este respeito, Emanuel Adler (2020: p. 123) afirma mesmo que “se o construtivismo é sobre alguma coisa, é sobre mudança”. Neste contexto, a identidade assume igualmente um papel relevante, importando, contudo, sublinhar que, depois de uma exploração intensiva das



dimensões culturais e identitárias na década de 1930, tais dimensões foram secundarizadas até à afirmação do construtivismo ter contribuído para a recuperação das mesmas no final do passado século (Amante, 2014).

Na ótica construtivista, a mudança é possível devido a outro pressuposto fundamental: a constituição mútua entre agentes e estruturas. A mudança não ocorre exclusivamente devido a fatores materiais, mas também ideacionais (Flockhart, 2016b). Assim, a identidade deixou de ser um conceito que surge algures no espaço e no tempo, passando a ser concebida como em constante construção, pois, tal como sublinha Alexander Wendt (1999: p. 336), as mudanças estruturais ocorrem quando os agentes “redefinem quem são e o que querem”.

Apesar de se esperar que o construtivismo pudesse explicar aquilo que as teorias ditas mainstream não conseguiam, constatou-se, décadas volvidas, que “a compreensão da mudança foi bastante limitada” (Flockhart, 2016b: p. 21), e foi neste contexto que a consideração do conceito de segurança ontológica veio abrir novas perspetivas. Neste campo, note-se que, numa fase inicial, as abordagens à segurança ontológica tenderam a limitar-se à preocupação com a preservação da identidade (Browning e Joenniemi, 2016), como veremos mais à frente.

Tendo em conta que a mais recente consideração da segurança ontológica acalentava a possibilidade de o construtivismo corresponder às expectativas criadas em relação à explicação da mudança, rapidamente as diferenças e similitudes entre os conceitos de identidade e de segurança ontológica se tornaram alvo de intenso debate. O objeto de estudo deste artigo prende-se assim com esta dinâmica entre segurança ontológica, identidade e mudança, traduzindo-se na formulação da seguinte pergunta de partida: “como se insere a dinâmica entre segurança ontológica e identidade no processo de mudança?”. Destarte, o objetivo geral deste artigo passa por compreender a relevância dos conceitos de identidade e de segurança ontológica para o processo de mudança, tal como a relevância deste mesmo processo para o construtivismo enquanto teoria das Relações Internacionais.

No que respeita aos objetivos específicos, passarão por, em primeiro lugar, compreender os elementos fundacionais do construtivismo e apontar diferenças entre a corrente convencional e a corrente crítica; em segundo lugar, analisar a dinâmica entre segurança ontológica e identidade; por último, procurarei analisar a importância da segurança ontológica e da identidade no processo de mudança, tal como a sua relevância para o construtivismo enquanto teoria. Entendo que a formulação de hipóteses não se adequa ao objeto de estudo, que será abordado por via de uma metodologia qualitativa ancorada no interpretativismo.

Relativamente à estrutura deste artigo, importa começar por sublinhar que as definições conceptuais pertinentes serão incluídas nos capítulos correspondentes. Em segundo lugar, e ainda que ao longo do artigo a exposição das diferentes abordagens – em relação às correntes e à dinâmica entre segurança ontológica e identidade, por exemplo – nos permita aferir alguns dos trabalhos mais relevantes em cada domínio, a revisão da literatura surgirá, numa versão sucinta, na secção seguinte. No primeiro capítulo dedicado ao desenvolvimento do objeto de estudo, irei aprofundar a abordagem metodológica, seguindo-se, no segundo, uma abordagem aos princípios fundamentais do



construtivismo e uma diferenciação entre a corrente convencional e a corrente crítica. No terceiro capítulo, debruçar-me-ei sobre os conceitos de identidade e de segurança ontológica, ficando o capítulo final reservado à relevância de tais conceitos no processo de mudança e deste mesmo processo para a afirmação do construtivismo.

Considerações pluralistas

Apesar de neste artigo não ser possível fazer uma revisão da literatura exaustiva de uma teoria tão pluralista, importa sublinhar não só alguns trabalhos fundacionais, mas também alguns dos desenvolvimentos relacionados com os conceitos de identidade e de segurança ontológica. No que respeita aos trabalhos fundacionais que marcaram a afirmação desta teoria social nas Relações Internacionais, não há como não destacar os dois seguintes: *Social Theory of International Politics* (1999), de Alexander Wendt, e *World of Our Making: Rules and rule in social theory and international relations* (1989), da autoria de Nicholas Onuf. O artigo de Alexander Wendt, publicado em 1992 e intitulado *Anarchy is what states make of it: the social construction of power politics*, foi igualmente um marco nesta afirmação, sendo o seu título talvez a expressão mais comumente associada às perspetivas construtivistas.

Relativamente à consideração da noção de identidade, nota para a obra editada por Yosef Lapid e Friedrich Kratochwil, intitulada *The return of culture and identity in IR theory* e publicada em 1996, sendo que o trabalho editado por Peter Katzenstein nesse mesmo ano, intitulado *The Culture of National Security: Norms and Identity in World Politics*, assume igualmente especial relevância, nomeadamente devido à inclusão das visões de diversos autores caros ao construtivismo, como Alexander Wendt e Martha Finnemore, e pelo debruçar sobre estudos de caso, com destaque para a dimensão identitária em torno da OTAN.

O conceito de segurança ontológica, por seu turno, emergiu a larga distância das Relações Internacionais, tendo sido desenvolvido pelo psiquiatra britânico Ronald David Laing. Na sua obra *The Divided Self: An Existential Study in Sanity and Madness*, publicada em 1965, Laing definiu, pela primeira vez, a segurança ontológica, ao afirmar que um indivíduo ontologicamente seguro é aquele que tem "consciência da sua presença no mundo como uma pessoa real, viva, inteira e, num sentido temporal, uma pessoa contínua" (Laing, 1965, p. 39). Volvidas cerca de três décadas, Anthony Giddens (1991), na sua obra *Modernity and Self-Identity: Self and Society in the Late Modern Age*, viria a contribuir para impulsionar o conceito no debate académico, algo que se viria a refletir mais tarde no campo das Relações Internacionais, nomeadamente na obra de Brent Steele (2008), *Ontological Security in International Relations Self-identity and the IR state*.

Ainda neste contexto, nota para o pluralismo patente na conceção da segurança ontológica, que é, por um lado, abordada fundamentalmente como uma questão de preservação identitária, sendo Brent Steele e Jennifer Mitzen dois dos proponentes desta visão. Por outro lado, há quem entenda que a identidade e a segurança ontológica, ainda que dialoguem, não se confundem, enfatizando-se a adaptabilidade como forma de reforçar a segurança ontológica, visão advogada por Christopher Browning e Pertti Jorenniemi, como veremos adiante.



Enquadramento metodológico

Uma abordagem qualitativa ancorada no interpretativismo é a que mais se adequa ao objeto de estudo, que tem a pesquisa bibliográfica como técnica de recolha de dados. Maioritariamente usada em investigações científicas caracterizadas pela rejeição da lógica da inferência causal e pela priorização do entendimento do significado dos fenómenos políticos (Lamont e Boduszynski, 2020), entendo por metodologia qualitativa, tal como Christopher Lamont e Mieczyslaw Boduszynski (2011: p. 98-99), “as ferramentas, técnicas e estratégias que nos ajudam a recolher, interpretar e analisar dados não numéricos”.

Para responder à pergunta de partida, recorrerei ao interpretativismo, não só através de uma interpretação literal, mas também da “chamada interpretação moral, não excluindo a alegórica e a interpretação mística” (Maltez, 2011: p. 275), pois, como notou Carl Gustav Jung (2019: p. 310), “o mito é o nível intermédio, inevitável e indispensável, entre o inconsciente e o conhecimento consciente”. Neste contexto, e tal como Anthony Giddens (2007: p.168), entendo que os “seres humanos transformam socialmente a natureza e, ao humanizá-la, transformam-se a si mesmos,” sendo que, ainda que não produzamos a realidade natural, que se constitui independentemente da existência humana, os seres humanos “criam a história e, portanto, vivem na história, fazendo-o porque a produção e a reprodução da sociedade não são programadas biologicamente.”

Segundo Rhodes (2017: p. 18), “os proponentes de uma abordagem interpretativa repudiam o relativismo. Definem objetividade como a avaliação comparativa de histórias rivais por via de critérios razoáveis”. Adicionalmente, e tal como José Adelino Maltez (2002, p. 17), não irei enveredar “pelos muitos ismos de uma pós-modernidade que, de tanto desconstrutivismo, acaba por cair nas teias de ideologismos também eles construtivistas e dogmáticos”, reconhecendo, à imagem do autor, que “não há ciência livre de valores (Wertfreiheit)” (Maltez, 2002: p. 17).

Assim, o meu objetivo passa por realizar apenas o que é possível, isto é, recorrer ao interpretativismo esperando ter “a sensibilidade e o entendimento necessários para poder compreender as leituras pelas quais podemos explicar a realidade em questão” (Rhodes, 2017: p. 46), ou seja, o objeto de estudo. Pois, tal como José Adelino Maltez sublinha ao secundar o perspectivismo de José Ortega y Gasset, o ser-humano “apenas pode olhar o mundo através da sua época, das suas circunstâncias e do seu discurso científico” (Maltez, 2002: p. 21).

Construtivismo: pressupostos fundacionais e correntes

No seguimento dos pressupostos mencionados na introdução, e antes de discorrer sobre as diferentes correntes, é mister definir o terreno comum que sustenta esta teoria. Além de conceber a realidade como sendo socialmente construída e de assumir a constituição mútua entre agentes e estruturas, deve notar-se aquilo que, segundo John Ruggie (1998: p. 856), e apesar das diferentes correntes, une o construtivismo, isto é, o facto de ser “sobre a consciência humana e o seu papel na arena internacional”, não contestando, contudo, “que o comportamento humano é condicionado em todos os níveis de agregação social”.



Segundo Alexander Wendt (1992: p. 396-397), um dos princípios fundamentais do construtivismo é o facto de as pessoas “agirem em relação aos objetos, nos quais se incluem outros atores, com base nos significados que tais objetos têm para elas”, sendo que os atores “adquirem identidades por via da sua participação em significados coletivos”. Esta teoria enfatiza assim, como nota Raquel Patrício (2019: p. 366), “o reflexivismo do indivíduo e a sociabilidade”. Neste contexto, é igualmente fundamental focar a distinção entre factos materiais e sociais. Ao contrário de, a título de exemplo, uma árvore, que existe independentemente de um consenso social, os factos sociais, como os conceitos de soberania ou de direitos humanos, dependem de um entendimento coletivo (Barnett, 2020: p. 196).

Como aponta Michael Barnett (2020: p. 196), a importância atribuída às regras é também digna de registo, sendo que as mesmas se dividem entre reguladoras e constitutivas. Se as primeiras regulam atividades já existentes, como, por exemplo, o regime jurídico português relativo à responsabilidade por danos ambientais, as segundas possibilitam a existência das primeiras. Note-se que, se a preservação do ambiente não fosse considerada pela República Portuguesa, não existiria qualquer noção de dano ambiental versada na legislação. O exemplo – marcadamente atual – da questão ambiental ilustra a mutabilidade das regras. Organizações Não-Governamentais e ativistas avulsos – e até as ditas comunidades epistémicas – influenciam por diversos canais as entidades estatais com vista a alterar a legislação e, não raras vezes, moldam os interesses e as identidades dos Estados. Esta ação é um exemplo de “agencialidade”, à qual o Estado pode aderir se tal adesão incrementar a legitimidade (ou perceção da mesma) da liderança política a nível interno e/ou do Estado a nível externo.

Chegado a este ponto, cabe-me avançar com uma definição da teoria aqui exposta, sendo que a definição avançada por Michael Barnett (2020) é por mim subscrita devido à sua completude inteligível:

(...) abordagem à política internacional que se foca na centralidade das ideias e da consciência humana; que enfatiza uma visão holística e idealista das estruturas; e que tem em conta a forma como as estruturas constroem as identidades e os interesses dos agentes, como a sua interação é organizada e limitada por estruturas, e como essa interação serve para reproduzir ou transformar tais estruturas (p. 196).

Ao contrário da corrente convencional, que não assume um papel ativo na modificação das relações sociais, a corrente crítica, que se aproxima do pós-estruturalismo e das teorias críticas propriamente ditas, concebe todas as relações sociais como relações de poder (Hopf, 1998). Efetivamente, concebe que a dominação e a hierarquização estão presentes em todas as relações sociais (Hopf, 1998), assumindo, por exemplo no que respeita à identidade, um compromisso com a desconstrução da sua origem, entendendo que a sua criação se relaciona com uma “forma de alienação” (Hopf, 1998: p. 184). Adicionalmente, tal corrente é proponente de uma crença num efetivo papel na mudança ou na emancipação dos agentes em relação às estruturas, pressuposto ausente na corrente convencional.



De facto, a abordagem crítica aproxima-se do pós-estruturalismo, que, como é sabido, assume um compromisso que não pode ser conciliado com o construtivismo (Onuf, 2013), isto é, um compromisso com uma desconstrução constante. Quem observa as relações sociais através desta lente, recusa, ao contrário do que se verifica na corrente convencional, qualquer fundação (Onuf, 2013). Definido um terreno comum e feita uma breve distinção entre correntes, abordarei de seguida dois conceitos que têm tanto de caros ao construtivismo como de complexos, a saber, o de identidade e o de segurança ontológica. Trata-se de dois conceitos fundamentais para esta teoria corresponder às expectativas que estão na génese da sua afirmação, o mesmo é dizer a explicação da mudança.

Entre a identidade e a segurança ontológica

Conforme já foi referido, o construtivismo atribui um papel central à identidade. Neste artigo, subscrevo a definição de identidade avançada por Trine Flockhart (2016a: p. 87), concebendo-a como “o entendimento dos agentes de si mesmos, do seu lugar no mundo social e da sua relação com os outros”. Na ótica construtivista, os agentes consideram a sua identidade na tomada de decisão, mesmo que as ações resultantes desse processo possam ter consequências (Flockhart, 2016a), sendo que a identidade – tal como a tomada de decisão nela baseada – pode ser alterada por via da “identificação evolutiva de valores, recursos, interesses, objetivos, capacidades, fatores de poder e de influência” (Santos, 2012: p. 141).

Num outro, mas igualmente ilustrativo, registo sobre a mutabilidade em torno da noção de identidade, Alexander Wendt (1998: p. 388) sublinha que as identidades coletivas variam em função “da temática, da época, do local e variam também em função de serem bilaterais, regionais ou globais”. O conceito de identidade não tardou a constituir uma tensa relação com o conceito de segurança ontológica, do qual Anthony Giddens (1991) foi impulsionador na sua obra *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Para uns, a segurança ontológica resume-se à preservação de identidade. Para outros, os dois conceitos, ainda que dialoguem, não se confundem.

A primeira abordagem concebe a segurança ontológica, isto é, a “experienciação de si mesmo como um todo” (Mitzen, 2006: p. 342), como uma questão de preservação identitária, sendo Jennifer Mitzen e Brent Steele dois dos principais proponentes desta visão. Além disso, estes dois autores foram dois dos principais responsáveis pela aplicação do conceito de segurança ontológica, que anteriormente estava quase exclusivamente reservada à sociologia e à psicologia, às Relações Internacionais. Vista por esta lente, a incerteza ameaça a segurança identitária, com as rotinas a serem fundamentais para reduzir essa mesma incerteza. Assegurando a rotina, evita-se que o agente não consiga perseguir os seus fins, algo que se verificará no caso de o agente não ter um ambiente cognitivo estável (Mitzen, 2006).

A confluência da noção de preservação identitária com a de segurança ontológica fica evidente na abordagem de Mitzen (2006: p. 342), pois, como sublinha a autora, “um relacionamento prejudicial ou autodestrutivo pode fornecer segurança ontológica, o que significa que os Estados podem ficar presos ao conflito. Ou seja, os Estados podem realmente preferir um conflito contínuo e previsível à condição inquietante de profunda



incerteza quanto ao outro e em relação à própria identidade”. Brent Steele (2008: p. 2), por seu lado, alinha-se com Mitzen ao entender que, se os Estados evitassem ações morais, como as humanitárias – que, não raras vezes, vão contra o modelo de ator racional –, veriam a sua identidade ser “radicalmente perturbada, sendo que tal perturbação é tão importante para os Estados quanto as ameaças à sua integridade física”.

Como exemplo, Steele aponta o caso da União Europeia. Apesar de ser um caso de integração identitária aparente, trata-se, na ótica do autor, de uma via para os Estados solidificarem a visão que têm de si mesmos e, dessa forma, reforçarem a sua segurança ontológica (Steele, 2008: p. 148-149). Seguindo esta linha de raciocínio, podemos considerar o exemplo português. A queda do Estado Novo significou, tal como sublinhou António Quadros (1976: p. 11), a passagem de “uma fronteira do tempo português”, tendo os portugueses ficado “desamparados da estrutura a que se habituaram”. O que se seguiu foi a procura de um novo desígnio, com o projeto europeu a ser a prioridade da política externa portuguesa até aos nossos dias. Desta forma, Portugal iniciou um processo de recuperação gradual da segurança ontológica que se havia tornado periclitante em 1974.

Numa abordagem distinta da de Mitzen e de Steele, Christopher Browning e Pertti Joenniemi (2016) entendem que a preservação identitária tem recolhido a aplicação quase total do conceito de segurança ontológica e que isso constitui uma abordagem redutora, pois um processo de mudança não deve ser necessariamente visto como potencialmente perigoso e prejudicial. Adicionalmente, consideram que a identidade não está no centro do conceito de segurança ontológica, pois o conceito de identidade deve ser separado da noção do “Eu”. Para Browning e Joenniemi (2016: p. 2), a segurança ontológica vai para lá da estabilidade e da preservação identitária, estando umbilicalmente ligada à adaptabilidade, entendendo-se por adaptabilidade a disponibilidade para encetar um processo de mudança e a capacidade para a concretizar.

As visões de Mitzen e Steele confluem, segundo Browning e Joenniemi (2016: p. 6), no seu “foco principal em como as construções de identidade motivam a ação do Estado de diferentes maneiras, com isso limitando amplamente a análise da segurança ontológica para casos em que identidades singulares se tornaram manifestas, em grande parte hegemónicas e, portanto, também rígidas e restritivas por natureza”. Suplementarmente, apontam a consideração da securitização da identidade e o seu papel impulsionador com vista a alcançar a segurança ontológica (Browning e Joenniemi, 2016: p. 15), sendo que a ausência de tal securitização significa instabilidade ontológica, como um erro.

A este respeito, Stuart Croft (2012) aponta o exemplo da categoria “britânicos islâmicos”. Esta recentemente concebida categorização permitiu o reforço da segurança ontológica de quem a concebeu, uma vez que “na construção de uma identidade única reside a possibilidade de processos de conceção do outro” (Croft, 2012: p. 232). Segundo a mesma autora, os indivíduos têm como referência estruturas coletivas com vista à formação da sua identidade individual. Assim, a conceção do outro, mesmo que por via de uma categorização de teor negativo, permite a distinção entre quem concebe e quem integra o grupo concebido, reforçando a segurança ontológica dos primeiros.



Ainda neste contexto, e no entender de Bahar Rumelili (2013: p. 19), a dessecuritização “só é possível porque a segurança ontológica é distinta e não redutível à segurança física”, sendo que a “dessecuritização sustentável envolve essencialmente um processo duplo em que a remoção de preocupações físicas tem de ser associada a uma reconfiguração das relações entre o Eu e o Outro que reinstitui a segurança ontológica”, naquela que é uma aproximação à importância da adaptabilidade defendida por Browning e Joenniemi. À imagem de Stuart Croft, Rumelili (2013: p. 19) sugere uma maior interação entre os trabalhos dedicados às relações entre o “Eu” e o “Outro” e a aplicação do conceito de segurança ontológica às Relações Internacionais.

Mudança: elementos explicativos

O facto de um dos pressupostos fundamentais do construtivismo ser a construção social da realidade deu a esta teoria instrumentos ímpares para explicar as mudanças que ocorrem no sistema internacional (Michael Barnett 2020: p. 204). Na visão de Rey Koslowski e Friedrich Kratochwil (1994), uma mudança ocorre no sistema internacional assim que uma das suas normas constitutivas se altera. De acordo com os mesmos autores, os “Estados são instituições cuja existência e as características dependem da reprodução de conjuntos particulares de práticas”. Neste contexto, “um conjunto de práticas normativamente constituídas pelas quais um grupo de indivíduos forma um tipo específico de associação política” (Koslowski e Kratochwil, 1994: p. 223).

Compreender a forma como a identidade e os interesses dos Estados se alteram é preponderante, sendo o exemplo dado por Michael Barnett (2020) digno de nota. O autor sublinha que, depois de séculos de aceitação generalizada do princípio de não-ingerência definido na Paz de Vestefália, a responsabilidade de proteger (R2P) tornou-se parte da agenda dos Estados nas últimas décadas. A soberania passou a estar condicionada à forma como os Estados tratam as suas populações, sendo este um exemplo de como as ordens mundiais “são criadas e mantidas não apenas por grandes preferências de poder, mas também por via da compreensão do que constitui uma ordem internacional legítima” (Michael Barnett 2020: p. 201).

Num outro registo, Martha Finnemore e Kathryn Sikkink (1998) sublinham que as questões normativas são relevantes para a compreensão dos fenómenos políticos, algo que já se verifica há cerca de dois milénios. No entender das mesmas autoras, existe um consenso em torno da definição de norma, que se entende como “um padrão de comportamento apropriado para atores com uma determinada identidade” (Finnemore e Sikkink, 1998: p. 891), sendo fundamental abordar as diferentes etapas que precedem a aceitação generalizada de uma norma.

Numa primeira fase, ocorre aquilo que Finnemore e Sikkink (1998) denominam de emergência de uma norma, que se caracteriza pela persuasão exercida por, a título de exemplo, Organizações Não-Governamentais. Nesta fase, as razões para tal exercício persuasivo prendem-se maioritariamente com a empatia, o altruísmo e uma visão idealizada em relação a uma determinada questão. Segue-se a angariação de apoio, isto é, a tentativa por parte dos Estados – ou organizações internacionais – de obter o aval de outros Estados, sendo este processo comumente motivado pela necessidade de conformidade (ou até do dito politicamente correto), por uma tentativa de aumentar a



legitimidade internacional e por uma oportunidade para os titulares de cargos políticos aumentarem a autoestima (Finnemore e Sikkink, 1998: p. 895). Ocorre, por fim, a terceira fase, isto é, a aceitação generalizada de uma norma, que passa a ser tida como garantida. Este processo é denominado como o “ciclo de vida” das normas, particularmente ilustrativo quanto ao possível início de um processo de mudança.

A noção de isomorfismo institucional sublinhada por Michael Barnett (2020), o mesmo é dizer que as instituições que partilham o mesmo contexto caminham rumo à assemelhação, é igualmente digna de registo. O autor entende que a difusão de normas ocorre por via da coerção, dando a força do capitalismo como exemplo, e da competição estratégica, ou seja, a adoção de “ideias e organizações” (Barnett, 2020: p. 202) semelhantes às vigentes noutros Estados. Esta assemelhação pode ocorrer por uma vontade integradora, como acontece no caso dos Estados que pretendem aderir à União Europeia e que necessitam de cumprir os “critérios de Copenhaga”, por uma posição simbólica ou até como forma de enfrentarem a incerteza (Barnett, 2020). Segue-se a socialização. Esta pode ocorrer por imitação, quando um Estado entende replicar a resposta dada por outro a um desafio comum, por influência social, quando um Estado quer ser detentor de um determinado estatuto, e por persuasão, quando um Estado é convencido por outro (Barnett, 2020).

Tendo estes elementos em consideração, é altura de introduzir a dinâmica entre os conceitos de segurança ontológica e identidade, evidenciando, dessa forma, que tal dinâmica veio alargar o leque de instrumentos que o construtivismo possui para explicar a mudança. Ainda que seja difícil medir as emoções a nível coletivo (Steele, 2008), na visão de Trine Flockhart (2016b), a ação, que aqui se entende como ação com vista à mudança, só ocorre quando a segurança ontológica é suficientemente sólida a ponto de permitir a existência da estabilidade emocional necessária para encetar ações distintas das rotineiras. Assim, para reforçar a segurança ontológica, a autora enfatiza a importância de uma narrativa estável no que respeita à conceção identitária e de uma estratégia para combinar a rotina e a ação, ou seja, a manutenção de “um ambiente cognitivo estável por meio da rotina e, simultaneamente, ser capaz de realizar ações produtoras”, sendo o resultado destas ações “um sentido de integridade individual e orgulho” (Flockhart, 2016b: p. 18). Esta visão assume uma marcada confluência entre o conceito de identidade e o conceito de segurança ontológica, não sendo, como apontei no capítulo anterior, uma abordagem consensual.

Um outro exemplo de avanço na explicação da mudança proveniente da literatura científica respeitante à dinâmica ente segurança ontológica e identidade é o conceito de vergonha, concebido por Anthony Giddens (1991: p. 65) como a “ansiedade sobre a adequação da narrativa por meio da qual o indivíduo sustenta uma biografia coerente”. Brent Steele (2008) debruçou-se sobre a importância do sentimento de vergonha, apontando como uma das suas causas os remorsos em relação a acontecimentos históricos, o que pode culminar em pedidos de desculpa por parte dos titulares de cargos políticos. Os vários pedidos de desculpa já registados por parte dos outrora Estados



colonizadores às antigas colónias são um exemplo disso mesmo¹, naquela que está longe de ser uma tomada de posição consensual².

As abordagens acima expostas evidenciam, desde logo, o que o construtivismo veio aportar à explicação da mudança numa conjuntura pautada por mais (e mais rápidas) transformações e por um alargar do leque de agentes com reais possibilidades para a dita agencialidade. Ainda que os processos descritos beneficiem, não raras vezes, de uma análise racional pautada pela relação custo-benefício, a perspetiva construtivista trouxe novos instrumentos para as perspetivas teóricas das Relações Internacionais. Neste sentido, a segurança ontológica e a identidade contribuíram para uma solidificação do construtivismo como teoria capaz de explicar as mudanças que as teorias mainstream não conseguiam explicar.

Conclusão

Neste artigo propus-me a analisar a dinâmica entre os conceitos de segurança ontológica e identidade, tal como a sua relevância para explicar a mudança. Se a afirmação do construtivismo nas Relações Internacionais se deve, em boa medida, àquilo que aporta com vista à explicação da mudança numa era em que a mesma ocorre freneticamente, parte do ceticismo de que é alvo deve-se ao seu pluralismo. As diferentes correntes assumem pressupostos que refletem os diferentes objetivos. O tipo de explicação por que se pauta a corrente convencional difere da agenda emancipatória em que se sustenta a corrente crítica, sendo esta uma escolha que não está isenta de valores.

Tendo em conta que a previsão é um empreendimento de alto risco nas ciências sociais – que o digam os proponentes das teorias mainstream –, as críticas das quais o construtivismo é alvo, nomeadamente a de que não tem uma abordagem una, rapidamente se tornam num reconhecimento da sua pertinência enquanto perspetiva teórica. Ao contrário do que se verifica noutras teorias, pautadas por pressupostos mecanicistas, as perspetivas construtivistas, ao assumir a construção social da realidade e a constituição mútua entre agentes e estruturas, lançaram uma sólida base para poderem compreender distintos fenómenos políticos em distintas circunstâncias. A complexidade do social – do indivíduo ao sistémico – pode assim encontrar correspondência numa perspetiva teórica que não exclui novos instrumentos, como é o caso da dinâmica entre segurança ontológica e identidade, com vista a compreender fenómenos e desafios igualmente novos.

Apesar de a extensão deste artigo não permitir uma profundidade adicional, ficou clara a importância da dinâmica entre segurança ontológica e identidade, que contribui para cumprir a expectativa em torno de uma teoria que trouxe a explicação da mudança como

¹ O 15º Presidente da Assembleia da República Portuguesa, Augusto Santos Silva, afirmou, em dezembro de 2022, que o massacre de Wiriamu (1972, Moçambique) é um acontecimento que envergonha Portugal, devendo existir um pedido de desculpas pelos atos perpetrados. A este respeito, consultar <https://observador.pt/2022/12/16/santos-silva-assinala-50-anos-do-massacre-de-wiriamu-e-afirma-que-importa-pedir-perdao/>.

² O Presidente da República Francesa, Emmanuel Macron, afirmou, em janeiro de 2023, que não tem intenções de pedir perdão à Argélia pela colonização. A este respeito, consultar <https://www.politico.eu/article/emmanuel-macron-france-will-not-ask-algeria-for-forgiveness-over-colonisation/>.



um dos seus cartões de visita. Estes dois conceitos e a pluralidade na abordagem à dinâmica entre os mesmos assumiram-se como um ativo do construtivismo, sendo o pluralismo desta teoria uma via para a compreensão – sem perda de relevância ou de credibilidade científica – de novos fenómenos políticos. Por fim, sugere-se o aprofundamento da exploração desta dinâmica, nomeadamente por via de estudos de caso, com particular atenção para o contexto das mudanças de regimes políticos.

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DE-SECURITIZATION OF THE IMMIGRATION POLICY IN PORTUGAL: SEPARATION BETWEEN MIGRATION MANAGEMENT AND INTERNAL SECURITY

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Abstract

The extinction of the Foreigners and Borders Service (Serviço de Estrangeiros e Fronteiras - SEF) on 29 October 2023 and the subsequent transfer of its responsibilities for managing immigration and asylum procedures to the newly established Agency for Integration, Migration, and Asylum (Agência para a Integração, Migrações e Asilo - AIMA), marked a significant shift in Portugal's migration policy. This institutional reform represents the culmination of a process aimed at de-securitising the state's approach to international migration by distinctly separating migration management from internal security considerations. From October 2023 onwards, the management of migratory flows is no longer a police function, with the documentation of immigrants being entrusted to a purely administrative agency. To comprehend the implications of this reform, it is essential to examine both the evolution of Portuguese immigration policy and the unique characteristics of SEF. The first section of this article explores the general evolution of immigration policy in Portugal, characterised by the country's transformation in the 1990s into a significant destination for diverse migratory flows. The second section provides an overview of the now-defunct Immigration and Borders Service. Finally, the article discusses the rationale behind its dissolution and the replacement of its functions in immigration and asylum management by an administrative (non-police) agency that has also inherited the integration and anti-discrimination responsibilities of the High Commission for Migration.

Keywords

Immigration and Borders Service; Agency for Integration, Migration and Asylum; de-securitization of migration policy.



Resumo

A extinção do Serviço de Estrangeiros e Fronteiras (SEF), em 29 de outubro de 2023, e a subsequente transferência das suas responsabilidades em matéria de gestão da imigração e dos procedimentos de asilo para a recém-criada Agência para a Integração, Migrações e Asilo (AIMA), marcaram uma mudança significativa na política de imigração portuguesa. Esta reforma institucional representa o culminar de um processo que tem como objetivo a dessecuritização da abordagem do Estado em relação às migrações internacionais, separando claramente a sua gestão de considerações de segurança interna. A partir de outubro de 2023, a gestão dos fluxos migratórios deixou de ser uma função policial, tendo a documentação dos imigrantes sido confiada a um organismo puramente administrativo. Para compreender as implicações desta reforma, é essencial examinar tanto a evolução da política de imigração portuguesa como as características únicas do SEF. A primeira secção deste artigo explora a evolução geral da política de imigração em Portugal, caracterizada pela transformação do país num destino significativo de diversos fluxos migratórios. A segunda secção apresenta uma visão geral do extinto Serviço de Estrangeiros e Fronteiras. Por último, o artigo discute a lógica subjacente à sua dissolução e à substituição das suas funções de gestão da imigração e do asilo por uma agência administrativa (não policial) que herdou igualmente as responsabilidades de integração e de luta contra a discriminação do Alto Comissariado para as Migrações.

Palavras-chave

Serviço de Estrangeiros e Fronteiras; Agência para a Integração, Migrações e o Asilo; dessecuritização da política de migração.

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DE-SECURITIZATION OF THE IMMIGRATION POLICY IN PORTUGAL: SEPARATION BETWEEN MIGRATION MANAGEMENT AND INTERNAL SECURITY

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Introduction

The dissolution of the Foreigners and Borders Service (Serviço de Estrangeiros e Fronteiras - SEF) on 29 October 2023, and the transfer of its responsibilities for managing immigration and asylum procedures to a newly created administrative body, the Agency for Integration, Migration, and Asylum (Agência para a Integração, Migrações e Asilo – AIMA), represent a landmark change in Portugal’s migration policy.

Understanding the scope of this reform requires an appreciation of the unique characteristics of the Portuguese migration management system in place until October 2023, which involved two public entities: the SEF and the High Commission for Migration.

The Foreigners and Borders Service (SEF) combined a range of competencies related to border control, immigration, and asylum — functions that, in other countries, are typically divided among various police and administrative agencies. SEF’s role in managing documentation for immigrants and asylum seekers has now been transferred to AIMA. Its border control and policing responsibilities have been distributed among other police forces, including the Public Security Police (responsible for air border control), the National Republican Guard (responsible for maritime border control), and the Judicial Police (responsible for investigating migration-related migration-related crimes such as smuggling, recruitment of irregular foreign labour, marriage of convenience as well as human trafficking).

The High Commission for Migration, a public administrative entity, was responsible for defining and evaluating public policies on migration, promoting the attraction of immigrants (despite not having competencies in visa issuance or residence permits), and supporting their integration and social inclusion. It also combated discrimination and fostered intercultural and religious dialogue (article 3 of Decree-Law No. 31/2014, of 27 February, repealed by Decree-Law no. 41/2023, of 2 June). Curiously, it was also responsible for the inclusion of the Roma community, even though they are predominantly Portuguese citizens, not immigrants. The High Commission for Migration was also abolished in October 2023, with its responsibilities absorbed by AIMA.



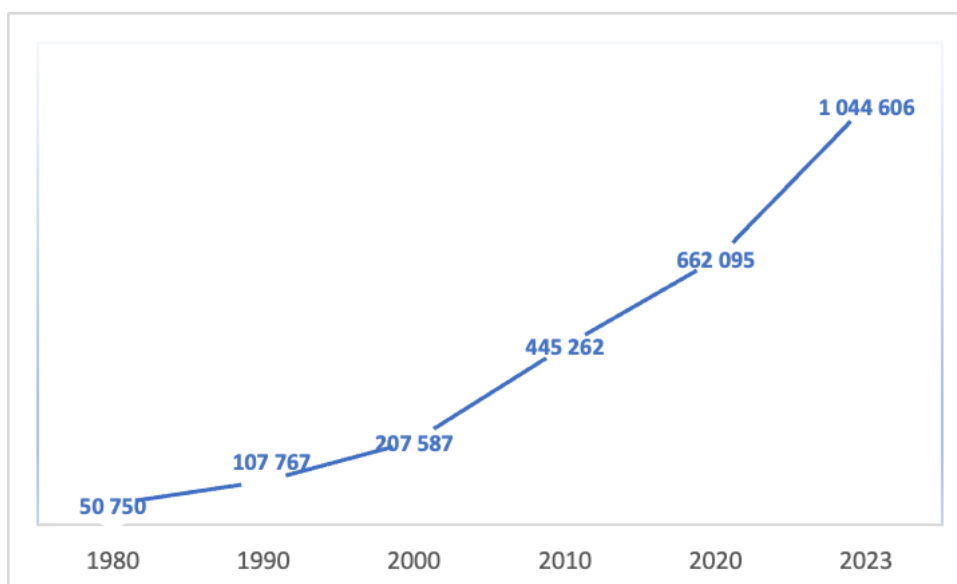
To fully understand this reform, it is necessary to consider both the evolution of Portuguese immigration policy and the unique role that SEF played in this context. The first part of this article reviews the general evolution of immigration policy in Portugal, which was significantly influenced by the country's transformation in the 1990s into a destination for diverse and growing migratory flows. The second part provides a brief overview of the now-defunct Foreigners and Borders Service. Finally, the article examines the factors that led to its dissolution and the establishment of a new administrative agency focused on immigration and asylum management, as well as integration and anti-discrimination policies, previously overseen by the High Commission for Migration.

1. Portuguese Immigration Policy: An Overview

Portugal, traditionally a country of emigration, has in recent decades transformed into a significant destination for immigration, attracting a growing number of immigrants from increasingly distant and diverse origins.

Until the 1974 Revolution, which established democracy in Portugal, the dictatorial regime's primary focus was on controlling emigration. The state imposed strict regulations to prevent the departure of young men needed for the colonial war, and to forestall potential anti-regime movements abroad (Galvanese, 2020). It was only after 1975 that a substantial number of immigrants, primarily from Portugal's former African colonies, began arriving, with immigration accelerating significantly in the 1980s (Pires & Pinho, 2007).

Evolution of Legal Immigrant Numbers in Portugal (1980-2023)



(Source: SEF, 2023; AIMA, 2024)



In 1980, Portugal had only 50,000 immigrants, mostly from Portuguese-speaking countries. By the end of 2023, this number had surged to 1.04 million immigrants with residence permits (AIMA, 2024), constituting around 10% of the population. Additionally, there are about 400,000 immigrants undergoing regularisation processes managed by AIMA, which succeeded SEF in its administrative role regarding immigration and asylum (Decree-Law No. 41/2023 of 2 June).

Over recent decades, the immigration landscape in Portugal has not only grown quantitatively but also evolved structurally. While Brazil remains the primary country of origin for migratory flows to Portugal, the number of immigrants from distant countries such as India, Nepal, and Bangladesh has increased exponentially in recent years (SEF, 2023).

Unlike other European countries, international migration in Portugal has not been a significant topic of political debate until recently. However, the increasing diversity of migratory flows has introduced greater ethnic, religious, and cultural diversity, which, unfortunately, has fuelled the far-right narrative portraying immigration as a threat to national identity. On the other hand, the securitisation of international migration, coupled with media coverage of irregular migration flows and associated humanitarian tragedies—especially in the Mediterranean, the world’s deadliest border—has contributed to a perception of invasion and security threats. Such negative perceptions, largely driven by the far-right, can lead to restrictive regulatory frameworks that end up causing more dramatic and inhumane flows of irregular immigration (Sousa, 2019).

Until 4 June 2024, when Decree-Law No. 37-A/2024 of 3 June came into effect, which made the 15th amendment to the Immigration Law (Law No. 23/2007 of 4 July), Portugal had a permanent mechanism for regularising immigrant workers who entered without the appropriate visa but were engaged in professional activities. This mechanism prevented immigrant workers from being trapped in irregularity, which would have heightened their vulnerability, increased exploitation, and hindered integration. However, the current centre-right government (PSD/CDS) repealed this scheme, arguing that it was too lenient and reflected a so-called ‘open-door’ policy that failed to control migratory flows from the outset. In particular, the government considered regularisation to be a powerful pull factor for irregular immigration, such as entry under visa exemptions for short stays or with short-stay visas that do not qualify for residence, resulting in hundreds of thousands of pending cases. Consequently, from 4 June 2024 onwards, any immigrant worker entering without a residence visa would be unable to regularise their residence status.

It is important to acknowledge the practical difficulties associated with the regularisation regime due to the significant increase in applications for residence permits by immigrant workers. However, these challenges largely stem from insufficient human resources in the responsible government departments, inadequate investment in digital solutions, and the inability of Portugal’s consular network to keep pace with the realities of migration. In any case, a restrictive immigration law will not prevent Portugal from being a destination for migratory flows; it will merely render them irregular. This is a lesson taught by the evolution of Portuguese immigration law, which has consistently demonstrated the inefficacy of restrictive measures in managing immigration effectively.



1.1 Immigration Laws in Portugal: From 1980 to 2007

Before the 1980s, the regulation of the entry, residence, and expulsion of immigrants was fragmented across various laws enacted in the 1960s and 1970s.

In 1981, Decree-Law No. 264-B/81 of 3 September consolidated immigration legislation into a single framework, representing the first comprehensive immigration law in democratic Portugal. Under this law, immigrants were generally required to possess a consular visa to establish residence in national territory (Article 11). Furthermore, engaging in professional activities required a prior work visa issued by the Foreigners Service (Article 16), an autonomous entity within the Public Security Police that was the precursor to the SEF, established in 1986 (Decree-Law No. 440/86 of 31 December). Legalising residence within Portugal was only allowed under exceptional circumstances (Article 15). This legislation, aimed at curbing the influx of immigrants and the creation of a specialised police force for this purpose, reflects a reactive immigration policy in response to the growing immigrant population during the 1980s (Pires & Pinho, 2007).

Despite the emphasis on legal immigration from the source, an increasing number of foreigners continued to reside and work illegally in Portugal. As a result, the first extraordinary regularisation process for immigrant workers took place in 1992 (Decree-Law No. 212/92 of 12 October), enabling the legalisation of approximately 16,000 individuals (Sousa, 2000; Malheiros & Baganha, 2001).

Portugal's accession to the Schengen Agreements required a new legal framework for migration, particularly in terms of combating irregular immigration. Consequently, in 1993, the centre-right Social Democratic Party government enacted a new Immigration Law (Decree-Law No. 59/93 of 3 March). According to Baganha (2005), this law aimed at a policy of "zero immigration," being highly restrictive and selective concerning entry, effectively curbing migratory flows (except for family reunification purposes) and preventing irregular settlement on national territory (Baganha, 2005: p. 32).

The law required immigrant workers to enter the country with a work visa issued by Portuguese consulates, following a favourable opinion from the General Labour Inspectorate (Article 26). This visa allowed a stay of up to 90 days, extendable for a maximum of 60 days (Article 18). To obtain a residence permit, immigrants needed a residence visa (Article 19), provided that their purpose for residence was deemed viable and they had means of subsistence and adequate housing conditions (Article 28). Only in exceptional cases of recognised national interest could a residence permit be granted to those who had not entered the country with a residence visa (Article 64). The Decree-Law also reinforced the legal framework for combatting irregular immigration by introducing sanctions for carriers transporting individuals denied entry (Article 101) and criminalising immigrant smuggling (Article 93). However, this stringent legal framework did not prevent irregular immigration, as many immigrants continued to enter with short-term visas or under visa waiver arrangements and remain in the country illegally (Baganha, 2005).

The implementation of the Schengen Agreement in March 1995, which abolished border controls with other member states, allowed immigrants from Eastern European countries to enter Portugal on short-term visas issued by other states, subsequently remaining



illegally. This, combined with the demand for labour and what Góis and Marques describe as the “integration of the Portuguese market into the expansion plan of global migration industries” (Góis & Marques, 2018: p. 130), led to a structural shift in immigration patterns in the 1990s. Besides a significant increase in immigration, there was a diversification of origins, with a notable rise in immigrants from Eastern Europe and Brazil, rather than predominantly from Portuguese-speaking African countries (Malheiros & Baganha, 2001; Baganha, 2005; Góis & Marques, 2018).

As Góis and Marques (2018) note, since Portugal no longer controlled the issuance of Schengen visas by other countries, nor the entry of immigrants under visa waiver regimes, migration management policy began to be influenced by market forces. Consequently, a new pool of irregular immigrant workers emerged, prompting a second extraordinary regularisation process in 1996, regulated by Law No. 17/96 of 24 May. This process granted residence permits to approximately 30,000 immigrant workers (Sousa, 2000; Malheiros & Baganha, 2001). It was also a sign that the management of immigration from the outset, through the issuing of work visas by Portuguese consulates, was inadequate, as it did not prevent the entry of more immigrants to meet labour needs (Góis, 2022).

In this context, the Socialist Party, which came into power in 1995, implemented several changes to the immigration policy, incorporating programme objectives aimed at enhancing the social and economic integration of immigrants into its government agenda. In 1996, it established the High Commissioner for Immigration and Ethnic Minorities (Pires & Pinho, 2007), which was later succeeded by the High Commission for Migration. This institution was abolished in 2023, with its responsibilities being transferred to the newly created Agency for Integration, Migration, and Asylum (AIMA).

In 1998, a third immigration law was introduced: Decree-Law No. 244/98 of 8 August. This law continued to prioritise the regulation of migratory flows at their source (Góis, 2022), establishing a complex system of consular visas based on the purpose of the applicant’s stay (Article 27). Immigrant workers were required to obtain a work visa, valid for one year, with different categories depending on the nature of the professional activity (Articles 36 and 37). Alternatively, they could apply for a residence visa to undertake professional activities. These visas could only be granted with the approval of the Institute for Labour Development and Inspection (or, in the case of the Autonomous Regions, the relevant regional secretariat). The admission of immigrant workers was restricted to a maximum period of two years (Article 42) and was limited to job vacancies that could not be filled by EU citizens or immigrants legally residing in Portugal (Article 41). Although it was not formally a quota system, it effectively operated as one.

Overall, this law was restrictive and bureaucratic, leading to a new wave of irregular immigration, predominantly from Eastern Europe, to meet the labour demands in various sectors of the economy, such as construction and tourism (Baganha, 2005). Even the exceptional regime for the regularisation of immigrants in the national interest (Article 88) failed to curb the rise in the number of irregular migrant workers. Baganha argued that this regime made “Portugal a more attractive country for labour trafficking networks” (Baganha, 2005, p. 33). A new influx of migrants from Eastern Europe, particularly from Ukraine, Russia, and Moldova, further contributed to the increase in irregular migrant



workers. By the end of 2000, there were 41,401 pending applications for residence permits under the exceptional regime outlined in Article 88 of Decree-Law No. 244/98 at the Foreigners and Borders Service (Baganha, 2005).

In response to the potential need for another extraordinary regularisation process, Decree-Law No. 4/2001, of 10 January, significantly revised the legal framework for labour immigration. On the one hand, it introduced work visas within an annual quota system for job opportunities in specific sectors, based on a report approved by the government following consultation with the Institute for Employment and Vocational Training and after considering the views of employers' associations and trade unions (Article 36). On the other hand, it established the "stay permit," a type of residence permit that allowed irregular immigrant workers to regularise their status provided they had an employment contract, supported by information from the General Labour Inspectorate (Article 55). The stay permit was valid for one year and could be extended up to a maximum of five years (Article 55(5)). This mechanism of permanent regularisation effectively linked the control of migratory flows to the regulation of the labour market, as the administrative regularisation of immigrants was contingent upon the regulation of their employment relationship (Pires & Pinho, 2007).

Baganha argued that this regime validated "the functioning of the market a posteriori, tacitly acknowledging the complete ineffectiveness of existing regulatory mechanisms," and that the maximum validity of the stay permit implied that labour needs were seen as temporary and circumstantial (Baganha, 2005, p. 35). In Góis's view, the labour market's demand for cheap labour influenced immigration policy, shifting it from a restrictive approach to "a semi-open door based on the cyclical needs of the labour market" (Góis, 2022, p. 94).

Between 2001 and 2003, a total of 183,655 immigrants were regularised under this scheme (SEF, 2004). This included not only immigrants from Portuguese-speaking countries such as Brazil (37,920) and Angola (8,533), but also a significant number from Eastern Europe, particularly Ukraine (64,595), Moldova (12,632), Romania (10,926), and Russia (7,047).

In 2003, the newly elected centre-right government (PSD/CDS) concluded that this flexible regime for the permanent regularisation of immigrant workers had contributed to a substantial increase in irregular immigration. Consequently, the government introduced significant amendments to the 1998 Immigration Law through Decree-Law No. 34/2003 of 25 February. The main changes were as follows: First, the stay permit regime was abolished (Article 20), without prejudice to pending applications (Article 18) and the renewal of permits already granted (Article 19). New immigrants were required to obtain the appropriate visa from a Portuguese consulate. Additionally, the revised Article 36 of the 1998 Immigration Law established a system of mandatory annual quotas for the admission of immigrant workers. Finally, the right to family reunification was restricted to immigrants who had held a residence permit for at least one year (new wording of Article 56).

However, the system of compulsory quotas for the admission of immigrant workers introduced in 2003 proved to be a failure. It was highly bureaucratic and did not reflect the realities of migration. In 2004, only around 10% of the labour needs identified in the



mandatory annual quota were met through the admission of regular immigrant workers (Baganha, 2005). Consequently, labour shortages continued to be filled through irregular immigration.

Main Immigration Laws in Portugal

| Year | Law |
|----------------------------------|---|
| Decree-Law no. 264-B/81 | Immigration Law |
| Decree-Law 440/86 | Creation of the Foreigners and Borders Service (SEF) |
| Decree-Law no. 212/92 | 1st process of extraordinary regularisation of immigrant workers |
| Decree-Law no. 59/93, of 3 March | Immigration Law |
| Law 17/96 | 2nd process of extraordinary regularisation of immigrant workers |
| Decree-Law no. 244/98 | Immigration Law |
| Decree-Law no. 4/2001 | "Stay Permit" – permanent regularisation of immigrant workers |
| Decree-Law 34/2003 | Immigration Law |
| Regulatory Decree no. 6/2004 | Regularisation of immigrant workers |
| Law no. 23/2007, of 4 July | Immigration Law |
| Law 28/2019 | Regularisation of irregular immigrant workers |
| Law 73/2021 | Restructuration of the Portuguese border control system |
| Decree-Law 41/2023 | Creation of the Agency for Integration, Migration and Asylum (AIMA) |
| Decree-Law 37-A/2024 | Repeal the regularisation of irregular immigrant workers |

Due to the inadequacies of this system, additional extraordinary regularisation processes took place in 2003. Firstly, under the Luso-Brazilian Agreement of 2003 (approved by Decree No. 40/2003 of 19 September), the residence status of approximately 30,000 Brazilian workers was regularised. Secondly, a regulatory measure (Article 71 of Regulatory Decree No. 6/2004, of 26 April) was adopted, which regularised the stay of over 50,000 immigrant workers (Baganha, 2005) whose status had been normalised with the Social Security and Tax Authorities. This further confirmed the structural shift in immigration to Portugal: it was no longer predominantly from Portuguese-speaking countries but increasingly from more distant regions with no historical ties to Portugal, including both European countries such as Ukraine, Romania, and Moldova, and non-European countries such as Pakistan and India (Baganha, 2005).

1.2. The 2007 Immigration Law: A Brief Characterisation

In 2007, Portugal adopted the current Immigration Law (Law No. 23/2007 of 4 July), which has since undergone 15 amendments, the latest introduced by Decree-Law No. 37-A/2024 of 3 June.

Until 2020, the issuance of residence visas for immigrants wishing to work in Portugal was subject to a non-binding quota of work opportunities (Article 59). However, the 2007 legislation recognised the challenges of enforcing a regulated migratory pathway from



the outset due to various factors, such as the inadequacy of the Portuguese consular network to address migratory flows, excessive bureaucracy, and the difficulty of reconciling supply and demand for labour remotely. To address these challenges, the law established a mechanism for the permanent regularisation of immigrant workers (Article 88(2)). It also extended this possibility to other categories of immigrants, such as self-employed individuals, students, family members of immigrants, or those with specific humanitarian needs (e.g., immigrant children or particularly vulnerable individuals, such as victims of labour exploitation). Additionally, the law aligned more closely with human rights principles by expanding the right to family reunification, enhancing procedural guarantees (Articles 98 et seq.), and setting legal limits on entry refusals and expulsions to protect immigrants' rights to private and family life—particularly those with minor children residing in Portugal, over whom they exercise parental responsibility, or those considered *de facto* Portuguese, having been born and lived in Portugal since before the age of 10 (Articles 36 and 135) (Sousa, 2023).

The non-binding quota system for the admission of immigrant workers failed to regulate labour immigration from the outset. Consequently, from 2020 onwards, it was successively suspended by the State Budget Laws of 2020, 2021, and 2022. In 2022, the quota system was repealed by Law No. 18/2022 of 25 August, which also introduced a work-seeking visa (Article 57-A) allowing foreigners to enter and legally reside for up to six months to seek employment. Upon securing a job, they could then obtain a residence permit. Furthermore, the so-called "expression of interest" regime (Article 88(2) of the Immigration Law), initially conceived as an exceptional mechanism, was made more flexible. It allowed for the permanent regularisation of immigrant workers who entered without the appropriate visa, or without any visa, provided they had a work contract and social security registration. Initially, this mechanism required that the immigrant had entered and remained legally in the country. However, Law No. 59/2017 of 31 July expanded this to include those who only had a job offer and had entered legally, even without a regular stay. As of 2019, the regime was extended to workers who had entered Portugal irregularly, provided their social security situation had been regularised for at least 12 months (new Article 88(6) introduced by Law No. 28/2019 of 29 March).

This flexible regularisation regime has faced criticism from those who believe it creates a "pull factor" for irregular immigration and encourages labour exploitation (Gil, 2022). Using this argument, the current centre-right government (PSD/CDS) adopted Decree-Law No. 37-A/2024 of 3 June, which abolished this regime.

It is understandable that, for those seeking better living conditions, the possibility of regularisation in Portugal is a decisive factor in their migratory project and their choice of destination. However, this regime only benefited immigrants already integrated into the labour market, preventing them from remaining in an irregular and vulnerable situation. It was also a humane and fair approach, as a state that accepts social security contributions from an immigrant cannot keep them in a clandestine status, which only exacerbates their vulnerability to exploitation. The abolition of this permanent regularisation mechanism will not halt immigration; it will only make it irregular. This is especially worrying given Portugal's structural labour shortages across various sectors, both skilled and unskilled, which are heavily reliant on immigrant workers.



It was in the context of a Portugal open to immigration that the Socialist Party, which governed from 2015 to 2024, promoted the dissolution of the Foreigners and Borders Service (SEF). Its responsibilities for immigrant documentation and asylum were transferred to a purely administrative agency, AIMA, which also assumed responsibilities in the field of integration. To fully understand the scale of this institutional reform in Portuguese immigration policy, it is essential to first comprehend what SEF was, as will be explored in the following section.

2. The Foreigners and Borders Service (SEF): A Unique Border, Immigration and Asylum Police Force

2.1. Immigration Management Before SEF

The precursor to SEF can be traced back to the political police of the dictatorship that ruled Portugal from 1933 until the Revolution of 25 April 1974, which established democracy and the rule of law. During Salazar's dictatorship, the primary concern was not immigration but emigration. The regime focused on controlling the emigration of Portuguese citizens, fearing the loss of young men needed for the colonial wars and the potential for organised opposition movements abroad (Galvanese, 2020). The State Surveillance and Defence Police, established by Decree-Law No. 22.992 of 29 August 1933, was tasked with preventing and repressing crimes of a political and social nature (Article 3), as well as controlling borders, detaining Portuguese citizens attempting to emigrate without proper documentation, preventing the entry of undocumented or undesirable foreigners, and maintaining records of foreign nationals (Article 4). In 1945, it was replaced by the International and State Defence Police (PIDE), under the Ministry of the Interior (Decree-Law No. 35.046 of 22 October 1945), which maintained its role in controlling emigration, border security, and the residence of foreign nationals.

In 1969, the General Directorate of Security (DGS) succeeded PIDE, maintaining its status as a political police force with authority over emigration, immigration, and border control (Article 3 of Decree-Law No. 49.401 of 24 November 1969, and Article 13 of Decree-Law No. 368/72 of 30 September). This included overseeing the entry, stay, and activities of foreigners in Portugal, issuing opinions on visa applications, granting residence permits, supervising the employment of irregular immigrants, and controlling land, sea, and air borders by its Foreigners and Borders Service Directorate (Article 43 of Decree-Law No. 368/72 of 30 September).

Following the 1974 Revolution, the DGS was abolished (Decree-Law No. 171/74 of 25 April), and its immigration and border control functions were temporarily transferred to the Judicial Police and the Tax Guard, respectively. In May 1974, Decree-Law No. 215/74 of 22 May granted the Public Security Police (PSP) powers over immigration matters, including overseeing the entry and stay of foreigners, issuing opinions on visas, granting residence permits, and supervising the employment of immigrant workers (Article 1). Border control, including the authority to refuse entry to undocumented, suspicious, or undesirable foreigners, was assigned to the Fiscal Guard (Article 2 of Decree-Law No. 215/74 of 22 May). Later that year, the Foreigners Service Directorate was established



within the PSP (Decree-Law No. 651/74 of 22 November). In 1976, this department was separated from the PSP and placed under the direct authority of the Minister of Internal Affairs (Decree-Law No. 494-A/76 of 23 June 1976), leading to the creation of the Foreigners Service, the direct predecessor of SEF, tasked with overseeing the entry, stay, and activities of foreigners in Portugal, granting residence permits, and issuing opinions on consular visas.

2.2. The Foreigners and Borders Service (SEF)

Established in 1986 under the supervision of the Minister of Home Affairs (Decree-Law No. 440/86 of 31 December), the Foreigners and Borders Service (SEF) was a specialised police force responsible for implementing immigration policy. Its duties included documenting immigrants (granting residence permits and work visas), processing asylum applications, deporting foreigners, and controlling air, sea, and land borders.

SEF was both a security service and a criminal investigation body, amassing a significant range of competencies that, in many countries, are typically distributed among multiple agencies. According to Article 2 of its Organic Law (Decree-Law No. 252/2000 of 16 October, as last amended by Decree-Law No. 240/2012 of 6 November), SEF's main competencies were:

- Border Control: Conducting document checks at border posts and refusing entry to foreigners who did not meet legal entry requirements.
- Immigration Administration: Issuing opinions on consular visa applications, granting and renewing residence permits, and providing opinions on naturalisation applications.
- Immigration Policing: Imposing fines for breaches of immigration law, overseeing expulsion or readmission procedures for irregular immigrants, and investigating crimes under immigration law (e.g., smuggling of irregular migrants, recruitment of irregular workers, marriages of convenience, and human trafficking).
- Asylum Administration: Assessing the admissibility of asylum applications and examining asylum cases.
- Management of Schengen and Visa Information Systems: Managing the national sections of the Schengen Information System – SIS (although only alerts on foreigners for the purposes of non-admission or return fall within its remit) and the Visa Information System -VIS (although this primarily serves not SEF but the consulates).

In addition to these administrative and policing responsibilities, SEF was also tasked with issuing passports to Portuguese citizens—a function typically associated with civil registry services under the Ministry of Justice.

The concentration of administrative functions for documenting immigrants and processing asylum applications (which are inherently different from immigration in political and legal terms), border control, and criminal investigation of immigration-related offences, resulted in the practical application of immigration and asylum legislation being influenced by a security-centric approach.



The bureaucratic and security-oriented way in which SEF managed an immigration policy that was supposed to be open and humanist and the high level of dissatisfaction among immigrants, who experienced a series of difficulties and delays in their documentation, led to a process of de-securitisation, culminating in the decision to dismantle SEF and remove immigration and asylum management from the realm of internal security.

3. The Dissolution of SEF and the Creation of the Agency for Integration, Migration and Asylum (AIMA): Corollary of a humanist immigration policy that does not see immigration as a police matter

In 2019, the Socialist Party included in its electoral programme a commitment to establish more flexible immigration regimes, including the creation of a mobility framework for citizens of the Community of Portuguese-Speaking Countries (CPLP). The party also advocated for a change in the way public administration interacted with immigrants, emphasising that “those who immigrate or wish to immigrate cannot be seen a priori as suspects... they must be seen as individuals seeking better life opportunities and who can make a valuable contribution to demographic sustainability and economic development” (Partido Socialista, 2019, p. 144).

This vision was driven by widespread dissatisfaction with the uncoordinated, bureaucratic, and excessively slow way SEF processed residence permit applications. Thousands of immigrants faced prolonged delays, which often resulted in significant hardships, such as the denial of the right to family reunification, restrictions on social and economic rights, and limited mobility. Immigrants risked being denied re-entry or subjected to repatriation decisions if they left the country without proper documentation.

In this context, the Socialist Party called for a humanist and less bureaucratic approach to immigration by public services, advocating for a clear organisational separation “between police functions and the administrative functions of authorising and documenting immigrants” (Partido Socialista, 2019, p. 145). While this did not necessarily imply the dissolution of SEF, it suggested a thorough reform of the service, particularly given that the party’s electoral programme included plans to expand its network of mediators to support foreign citizens.

However, it was the case of Ihor Homeniuk that catalysed the decision to abolish SEF. On 10 March 2020, Ihor Homeniuk, a Ukrainian citizen, was denied entry at Lisbon Airport because he lacked a residence permit or visa allowing him to work. Detained at the Temporary Detention Centre at the airport, he died on 12 March after being assaulted by SEF inspectors who were later convicted. This incident, which became public on 29 March 2020, shocked the nation and provoked strong reactions from the state and civil society. In response, the government reformed the Temporary Detention Centres at airports, compensated Homeniuk’s widow, and signed a protocol with the Portuguese Bar Association to guarantee free legal assistance to all foreigners denied entry. The most significant consequence, however, was the adoption of Law No. 73/2021 of 12 November, which restructured Portugal’s border control system. This law mandated the dissolution of SEF and the transfer of its police and border control responsibilities to other law enforcement agencies, with its administrative functions being assigned to a new agency



dedicated to the administrative management of immigration and asylum. Despite the complexity of the reform, an initial implementation deadline of 60 days was set, later postponed twice, finally coming into effect on 29 October 2023 with the creation of the Agency for Integration, Migration, and Asylum (AIMA) by the Decree-Law No. 41/2023.

AIMA assumed SEF's administrative responsibilities in the areas of immigration and asylum, which include issuing opinions on visa applications, granting and renewing residence permits, managing international protection requests, and making decisions on returns, among others. Additionally, AIMA inherited the responsibilities of the High Commission for Migration (ACM) related to the reception and integration of migrants, combating racism and discrimination, integrating ethnic groups (particularly the Roma community, despite their predominantly Portuguese nationality), and promoting intercultural and inter-religious dialogue—issues relevant to both Portuguese and foreign citizens.

SEF's authority over air border control was transferred to the Public Security Police (PSP), which also manages airport security, while control over land and sea borders was handed to the National Republican Guard (GNR), a military security force already responsible for maritime border surveillance. These security forces are now also responsible for enforcing return decisions for irregular immigration (as mandated by AIMA), executing judicial expulsion orders, and managing detention centres for irregular immigrants awaiting repatriation. Competence in investigating migration-related crimes, including human trafficking, was concentrated within the Judicial Police.

The responsibility for issuing passports to Portuguese citizens, previously handled by SEF, was transferred to the Institute of Registries and Notaries, which logically should have been responsible for this function, as the issuance of passports is more appropriately managed by civil registry services rather than an immigration service. It also began to receive applications for renewal of residence permits.

Within the Internal Security System, a new Borders and Foreigners Coordination Unit was established (Article 34 of Decree-Law No. 41/2023). This unit assumed SEF's responsibilities for security checks on foreign nationals (issuing opinions prior to the granting of visas and residence permits) and managing information systems used in border control, such as the Schengen Information System (SIS), the European Travel Information and Authorisation System (ETIAS), the Visa Information System (VIS), the Entry/Exit System (SES), and the Advanced Passenger Information System (APIS).

Overall, the reform, which came into effect on 29 October 2023, has been met with strong opposition from all right-wing parties (PSD, CDS-PP), the far-right (Chega), and even the Portuguese Communist Party. While the Communist Party supported the creation of a new administrative service for immigration and asylum functions, it opposed the abolition of SEF as a specialised police force for border control.

Some academic and civil society voices have also criticised the reform. The Observatory on Immigration, Borders, and Asylum (Instituto Superior de Ciências Sociais e Políticas, University of Lisbon) expressed a very negative view, arguing that the reform "contradicts the approach adopted by the European Union, characterised by a comprehensive vision of migration associated with integrated management." This



position draws an analogy with the European Commission's Directorate General for Migration and Home Affairs, although the comparison is misplaced, as DG-HOME has no role in implementing immigration, asylum, or border control laws. Gil (2024) also criticised SEF's abolition, arguing that "the existence of a specialised police force for immigration control" is beneficial. The Portuguese Bar Association similarly opposed the abolition of SEF, highlighting its value as a specialised immigration and border control police force.

In my view, this reform was inevitable in the context of a humanist immigration policy. Concentrating immigration and asylum policy implementation, as well as border control, within a specialised police force, resulted in the entire area being unduly influenced by security concerns—contrary to the fundamental principle that immigration policy should not view immigrants as a threat, but as human beings seeking to pursue a life project in our country. As Pires (2020) argues, this concentration of functions was toxic because it reinforced the perception that immigration is a security issue when it is not and should not be. Additionally, it institutionalised the view that immigration is a threat, which fosters xenophobia. Therefore, administrative tasks related to immigration and asylum should be entrusted to a public administrative service, not a police force. Immigration is a complex but inevitable and profoundly human phenomenon.

In the early days of AIMA's operation, the agency has faced challenges, particularly due to the 400,000 pending regularisation cases inherited from SEF, without the capacity to provide a prompt response. This has led to an increase in complaints from immigrants who continue to experience delays in regularisation or residence permit renewal processes, leaving them in a precarious legal situation. We can only hope that the government will provide AIMA with the necessary human and technological resources to improve its service, as the documentation of immigrants is a fundamental prerequisite for their integration into host society.

So far, the new centre-right government has not been influenced by the far-right Chega party, which seeks to reverse this reform and restore SEF. However, by abolishing the permanent regularisation regime for immigrant workers and signalling its intention to only admit immigrants who secure a consular residence visa with a pre-existing work contract, the government has adopted a restrictive immigration policy. Considering Portugal's ageing population and the fact that critical sectors of its economy, such as tourism and agriculture, heavily rely on immigrant labour, this measure will likely fail to stop migratory flows as intended. Instead, it will likely lead to more irregular migration, inconsistent with the humanist values that have guided Portugal's immigration policy in recent years.

Conclusions

The abolition of the Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras) and the creation of a new, purely administrative entity (the Agency for Integration, Migration, and Asylum – AIMA) to manage immigration, asylum, integration, and intercultural dialogue represent a milestone in Portugal's migration policy, which has been characterised by a humanist openness to international migration.



This reform, promoted by the Socialist Party, which governed Portugal between November 2015 and April 2024, reflects its humanist perspective on migration, emphasising the regularisation and integration of immigrants. The permanent regularisation scheme for immigrant workers, in place until 4 June 2024, exemplifies this policy, encouraging regular immigration and the integration of those seeking new opportunities in Portugal.

The establishment of AIMA, a non-police administrative agency outside the internal security system, is the culmination of this humanist policy and a process of de-securitisation of migration. It signifies a fundamental shift in the state's approach to immigrants, viewing them not as security threats but as individuals seeking better living conditions in Portugal. In short, it marks a policy that sees immigration not as a security issue but as a positive factor for the country's development.

We can only hope that the current government, formed by the centre-right PSD and CDS parties, which opposed this reform, will not reverse it. The repeal of the permanent regularisation scheme for immigrant workers is a worrying sign of a shift towards a more restrictive, security-focused immigration policy. Such a policy is unlikely to control migratory flows effectively and will likely increase irregular migration, placing immigrants in vulnerable situations and hindering their integration. However, the government's announcement of additional investment in AIMA to enhance its human and technological resources, enabling it to respond more effectively to the thousands of pending regularisation cases, is a positive step. We must wait and see.

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A DESSECURITIZAÇÃO DA POLÍTICA DE IMIGRAÇÃO EM PORTUGAL: SEPARAÇÃO ENTRE GESTÃO DAS MIGRAÇÕES E SEGURANÇA INTERNA

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Resumo

A extinção do Serviço de Estrangeiros e Fronteiras (SEF), em 29 de outubro de 2023, e a subsequente transferência das suas responsabilidades em matéria de gestão da imigração e dos procedimentos de asilo para a recém-criada Agência para a Integração, Migrações e Asilo (AIMA), marcaram uma mudança significativa na política de imigração portuguesa. Esta reforma institucional representa o culminar de um processo que tem como objetivo a dessecuritização da abordagem do Estado em relação às migrações internacionais, separando claramente a sua gestão de considerações de segurança interna. A partir de outubro de 2023, a gestão dos fluxos migratórios deixou de ser uma função policial, tendo a documentação dos imigrantes sido confiada a um organismo puramente administrativo. Para compreender as implicações desta reforma, é essencial examinar tanto a evolução da política de imigração portuguesa como as características únicas do SEF. A primeira secção deste artigo explora a evolução geral da política de imigração em Portugal, caracterizada pela transformação do país num destino significativo de diversos fluxos migratórios. A segunda secção apresenta uma visão geral do extinto Serviço de Estrangeiros e Fronteiras. Por último, o artigo discute a lógica subjacente à sua dissolução e à substituição das suas funções de gestão da imigração e do asilo por uma agência administrativa (não policial) que herdou igualmente as responsabilidades de integração e de luta contra a discriminação do Alto Comissariado para as Migrações.

Palavras-chave

Serviço de Estrangeiros e Fronteiras; Agência para a Integração, Migrações e o Asilo; dessecuritização da política de migração.



Abstract

The extinction of the Foreigners and Borders Service (Serviço de Estrangeiros e Fronteiras - SEF) on 29 October 2023 and the subsequent transfer of its responsibilities for managing immigration and asylum procedures to the newly established Agency for Integration, Migration, and Asylum (Agência para a Integração, Migrações e Asilo – AIMA), marked a significant shift in Portugal's migration policy. This institutional reform represents the culmination of a process aimed at de-securitising the state's approach to international migration by distinctly separating migration management from internal security considerations. From October 2023 onwards, the management of migratory flows is no longer a police function, with the documentation of immigrants being entrusted to a purely administrative agency. To comprehend the implications of this reform, it is essential to examine both the evolution of Portuguese immigration policy and the unique characteristics of SEF. The first section of this article explores the general evolution of immigration policy in Portugal, characterised by the country's transformation in the 1990s into a significant destination for diverse migratory flows. The second section provides an overview of the now-defunct Immigration and Borders Service. Finally, the article discusses the rationale behind its dissolution and the replacement of its functions in immigration and asylum management by an administrative (non-police) agency that has also inherited the integration and anti-discrimination responsibilities of the High Commission for Migration.

Keywords

Immigration and Borders Service; Agency for Integration, Migration and Asylum; de-securitization of migration policy.

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A DESSECURITIZAÇÃO DA POLÍTICA DE IMIGRAÇÃO EM PORTUGAL: SEPARAÇÃO ENTRE GESTÃO DAS MIGRAÇÕES E SEGURANÇA INTERNA

CONSTANÇA URBANO DE SOUSA

Introdução

A extinção do Serviço de Estrangeiros e Fronteiras (SEF), a 29 de outubro de 2023, e a transferência das suas responsabilidades em matéria de gestão dos procedimentos de imigração e asilo para um organismo administrativo recém-criado, a Agência para a Integração, Migrações e Asilo (AIMA), representam uma mudança marcante na política migratória portuguesa.

A compreensão do alcance desta reforma exige uma apreciação das características únicas do sistema português de gestão das migrações em vigor até outubro de 2023, que envolvia duas entidades públicas: o SEF e o Alto Comissariado para as Migrações.

O Serviço de Estrangeiros e Fronteiras (SEF) reunia um conjunto de competências relacionadas com o controlo das fronteiras, a imigração e o asilo - funções que, noutros países, estão tipicamente divididas entre vários organismos policiais e administrativos. O papel do SEF na gestão da documentação dos imigrantes e requerentes de asilo foi agora transferido para a AIMA. As suas responsabilidades de controlo de fronteiras e de policiamento foram distribuídas por outras forças policiais, nomeadamente a Polícia de Segurança Pública (responsável pelo controlo das fronteiras aéreas), a Guarda Nacional Republicana (responsável pelo controlo das fronteiras marítimas) e a Polícia Judiciária (responsável pela investigação de crimes relacionados com a migração, como o auxílio à imigração irregular, angariação de mão de obra estrangeira em situação irregular, o casamento de conveniência e o tráfico de seres humanos).

O Alto Comissariado para as Migrações, entidade pública administrativa, era responsável pela definição e avaliação das políticas públicas em matéria de migrações, promovendo a atração de imigrantes (apesar de não ter competências na emissão de vistos ou autorizações de residência) e apoiando a sua integração e inclusão social. Também combatia a discriminação e fomentava o diálogo intercultural e religioso (artigo 3.º do Decreto-Lei n.º 31/2014, de 27 de fevereiro, revogado pelo Decreto-Lei n.º 41/2023, de 2 de junho). Curiosamente, era também responsável pela inclusão da comunidade cigana, apesar de ser maioritariamente composta por cidadãos portugueses e não imigrantes. O Alto Comissariado para as Migrações foi também extinto, em outubro de 2023, tendo as suas competências sido absorvidas pela AIMA.



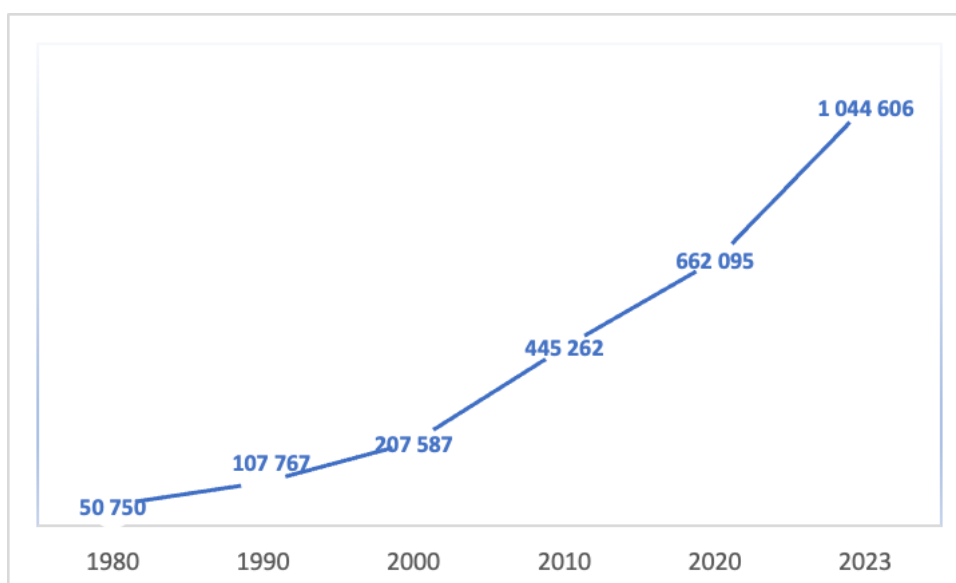
Para compreender plenamente esta reforma, é necessário considerar tanto a evolução da política de imigração portuguesa como o papel único que o SEF desempenhou neste contexto. A primeira parte do presente artigo analisa a evolução geral da política de imigração em Portugal, que foi significativamente influenciada pela transformação do país, na década de 1990, num destino de fluxos migratórios diversificados e crescentes. A segunda parte apresenta uma breve panorâmica do extinto Serviço de Estrangeiros e Fronteiras. Por último, o artigo analisa os fatores que levaram à sua dissolução e à criação de uma nova agência administrativa centrada na gestão da imigração e do asilo, bem como nas políticas de integração e antidiscriminação, anteriormente supervisionadas pelo Alto Comissariado para as Migrações.

1. A política de imigração portuguesa: Uma visão geral

Portugal, tradicionalmente um país de emigração, transformou-se nas últimas décadas num importante destino de imigração, atraindo um número crescente de imigrantes de origens cada vez mais distantes e diversificadas.

Até à Revolução de 1974, que instaurou a democracia em Portugal, a principal preocupação do regime ditatorial era o controlo da emigração. O Estado impôs uma regulação rigorosa para evitar a partida de jovens necessários para a guerra colonial e para prevenir a formação, no estrangeiro, de potenciais movimentos antirregime (Galvanese, 2020). Foi só a partir de 1975 que começou a chegar um número substancial de imigrantes, sobretudo das antigas colónias africanas de Portugal, tendo a imigração acelerado significativamente a partir da década de 1980 (Pires & Pinho, 2007).

Evolução do número de imigrantes legais em Portugal (1980-2023)



(Source: SEF, 2023; AIMA, 2024)



Em 1980, Portugal tinha apenas 50.000 imigrantes, maioritariamente oriundos de países lusófonos. No final de 2023, este número tinha aumentado para mais de um milhão de imigrantes com autorização de residência (AIMA, 2024), constituindo cerca de 10% da população residente. Adicionalmente, existem cerca de 400 mil imigrantes em processo de regularização gerido pela AIMA, que sucedeu ao SEF na função administrativa em matéria de imigração e asilo (Decreto-Lei n.º 41/2023, de 2 de junho).

Nas últimas décadas, o panorama da imigração em Portugal não só se alterou quantitativamente como também evoluiu estruturalmente. Embora o Brasil continue a ser o principal país de origem dos fluxos migratórios para Portugal, o número de imigrantes de países distantes como a Índia, o Nepal e o Bangladesh aumentou exponencialmente nos últimos anos (SEF, 2023).

Ao contrário de outros países europeus, em Portugal a migração internacional não foi, até há pouco tempo, um tema significativo de debate político. No entanto, a crescente diversidade dos fluxos migratórios introduziu uma maior diversidade étnica, religiosa e cultural, o que, infelizmente, tem alimentado a narrativa de extrema-direita que retrata a imigração como uma ameaça à identidade nacional. Por outro lado, a securitização da migração internacional, associada à cobertura mediática dos fluxos migratórios irregulares e das tragédias humanitárias - especialmente no Mediterrâneo, a fronteira mais mortífera do mundo - contribuiu para uma perceção de invasão e de ameaça à segurança. Estas perceções negativas, em grande parte impulsionadas pela extrema-direita, podem levar a quadros regulamentares restritivos que acabam por causar fluxos mais dramáticos e desumanos de imigração irregular (Sousa, 2019).

Até 4 de junho de 2024, data da entrada em vigor do Decreto-Lei n.º 37-A/2024, de 3 de junho, que procedeu à 15.ª alteração à Lei da Imigração (Lei n.º 23/2007, de 4 de julho), Portugal dispunha de um mecanismo permanente de regularização dos trabalhadores imigrantes que entraram sem o visto adequado, mas que exerciam uma atividade profissional. Este mecanismo evitou que os trabalhadores imigrantes ficassem presos na irregularidade, o que teria aumentado a sua vulnerabilidade e exploração, bem como dificultado a integração. No entanto, o atual governo de centro-direita (PSD/CDS) revogou este regime, argumentando que era demasiado permissivo e refletia a chamada política de "portas abertas", que não consegue controlar os fluxos migratórios desde a origem. Em particular, o Governo considerou que a possibilidade de regularização era um poderoso fator de atração para a imigração irregular, materializado na entrada ao abrigo do regime de isenção de vistos para estadias de curta duração ou de vistos de curta duração que não permitem a concessão de autorização de residência, resultando em centenas de milhares de processos pendentes. Por conseguinte, a partir de 4 de junho de 2024, qualquer trabalhador imigrante que entre sem um visto de residência não poderá regularizar o seu estatuto de residência.

É importante reconhecer as dificuldades práticas associadas ao regime de regularização devido ao aumento significativo dos pedidos de autorização de residência por parte dos trabalhadores imigrantes. No entanto, estes desafios resultam, em grande medida, da insuficiência de recursos humanos nos departamentos governamentais responsáveis, do insuficiente investimento em soluções digitais e da incapacidade da rede consular portuguesa para acompanhar a realidade das migrações. Em todo o caso, uma lei de



imigração restritiva não impedirá que Portugal seja um destino de fluxos migratórios, apenas os tornará irregulares. É o que nos ensina a evolução da legislação portuguesa em matéria de imigração, que tem demonstrado, consistentemente, a ineficácia de medidas restritivas na gestão efetiva da imigração.

1.1 Leis de Imigração em Portugal: de 1980 a 2007

Antes da década de 1980, a regulamentação da entrada, residência e expulsão de imigrantes encontrava-se fragmentada em várias leis promulgadas nas décadas de 1960 e 1970.

Em 1981, o Decreto-Lei n.º 264-B/81, de 3 de setembro, consolidou a legislação sobre imigração num quadro único, representando a primeira lei de imigração abrangente no Portugal democrático. De acordo com esta lei, os imigrantes eram geralmente obrigados a possuir um visto consular para estabelecer residência em território nacional (artigo 11.º). Além disso, o exercício de atividades profissionais exigia um visto de trabalho prévio emitido pelo Serviço de Estrangeiros (artigo 16.º), uma entidade autónoma da Polícia de Segurança Pública que foi o antecessor direto do SEF, criado em 1986 (Decreto-Lei n.º 440/86, de 31 de dezembro). A legalização da residência em Portugal só era permitida em circunstâncias excecionais (artigo 15.º). Esta legislação, que visava conter o afluxo de imigrantes e a criação de uma força policial especializada para o efeito, reflete uma política de imigração reativa em resposta ao aumento da população imigrante durante a década de 1980 (Pires & Pinho, 2007).

Apesar da ênfase na imigração legal desde a origem, um número crescente de estrangeiros continuou a residir e a trabalhar ilegalmente em Portugal. Em consequência, o primeiro processo de regularização extraordinária de trabalhadores imigrantes teve lugar em 1992 (Decreto-Lei n.º 212/92, de 12 de outubro), permitindo a legalização de cerca de 16.000 indivíduos (Sousa, 2000; Malheiros & Baganha, 2001).

A adesão de Portugal aos Acordos de Schengen exigiu um novo enquadramento legal das migrações, nomeadamente no que respeita ao combate à imigração irregular. Consequentemente, em 1993, o governo de centro-direita do Partido Social Democrata adotou uma nova Lei da Imigração (Decreto-Lei n.º 59/93, de 3 de março). De acordo com Baganha (2005), esta lei visava "uma política de "imigração zero", tão restritiva e selectiva nas entradas que, na prática, estancasse o fluxo migratório (excepto para efeitos de reunificação familiar) e impedisse a fixação de ilegais em território nacional" (Baganha, 2005: p. 32).

Esta lei obrigava os trabalhadores imigrantes a entrar no país com um visto de trabalho emitido pelos consulados portugueses, após parecer favorável da Inspeção Geral do Trabalho (artigo 26.º). Este visto permitia uma permanência até 90 dias, prorrogável por um máximo de 60 dias (artigo 18.º). Para obter uma autorização de residência, o imigrante necessitava de um visto de residência (artigo 19.º), desde que o seu objetivo de residência fosse considerado viável e dispusesse de meios de subsistência e de condições de habitação adequadas (artigo 28.º). Só em casos excecionais de reconhecido interesse nacional poderia ser concedida autorização de residência a quem não tivesse entrado no país com visto de residência (artigo 64.º). O Decreto-Lei reforçou, ainda, o



quadro legal de combate à imigração irregular, introduzindo sanções para as empresas que transportassem indivíduos a quem seja recusada a entrada (artigo 101.º) e criminalizando o auxílio à imigração irregular (artigo 93.º). No entanto, este quadro legal rigoroso não impediu a imigração irregular, uma vez que muitos imigrantes continuaram a entrar com vistos de curta duração ou ao abrigo de acordos de isenção de vistos e a permanecer no país ilegalmente (Baganha, 2005).

A implementação do Acordo de Schengen em março de 1995, que aboliu os controlos fronteiriços com outros Estados Parte, permitiu que imigrantes de países da Europa de Leste entrassem em Portugal com vistos de curta duração emitidos por outros estados, permanecendo posteriormente em situação irregular. Este facto, aliado à procura de mão de obra e ao que Góis e Marques descrevem como a “integração do mercado português no plano de expansão das indústrias migratórias globais” (Góis & Marques, 2018: p. 131), levou a uma mudança estrutural nos padrões de imigração na década de 1990. Para além de um aumento significativo da imigração, verificou-se uma diversificação das origens, com um aumento notável dos imigrantes da Europa de Leste e do Brasil, em vez de predominantemente dos países africanos de língua portuguesa (Malheiros & Baganha, 2001; Baganha, 2005; Góis & Marques, 2018).

Como referem Góis e Marques (2018), uma vez que Portugal deixou de controlar a emissão de vistos Schengen por outros países, bem como a entrada de imigrantes ao abrigo de regimes de isenção de vistos, a política de gestão das migrações começou a ser influenciada pelas forças do mercado. Consequentemente, surgiu uma nova vaga de trabalhadores imigrantes em situação irregular, o que motivou um segundo processo de regularização extraordinária em 1996, regulado pela Lei n.º 17/96, de 24 de maio. Este processo permitiu conceder autorizações de residência a cerca de 30.000 trabalhadores imigrantes (Sousa, 2000; Malheiros & Baganha, 2001). Foi também um sinal de que a gestão da imigração desde a origem, através da emissão de vistos de trabalho pelos consulados portugueses, era inadequada, pois não impedia a entrada de mais imigrantes para satisfazer as necessidades de mão de obra (Góis, 2022).

Neste contexto, o Partido Socialista, que chegou ao poder em 1995, implementou várias alterações à política de imigração, incorporando na sua agenda governativa objetivos programáticos que visavam melhorar a integração social e económica dos imigrantes. Em 1996, criou o Alto Comissariado para a Imigração e Minorias Étnicas (Pires & Pinho, 2007), ao qual sucedeu o Alto Comissariado para as Migrações. Esta instituição foi extinta em 2023, tendo as suas responsabilidades sido transferidas para a recém-criada Agência para a Integração, Migrações e Asilo (AIMA).

Em 1998, foi adotada uma terceira lei da imigração: o Decreto-Lei n.º 244/98, de 8 de agosto. Esta lei continuou a privilegiar a regulação dos fluxos migratórios desde a origem (Góis, 2022), estabelecendo um complexo sistema de vistos consulares em função do objetivo da estada do requerente (artigo 27.º). Os trabalhadores imigrantes estavam obrigados a obter um visto de trabalho, válido por um ano, com diferentes categorias consoante a natureza da atividade profissional (artigos 36.º e 37.º). Em alternativa, podiam solicitar um visto de residência para o exercício de atividades profissionais. Estes vistos só podiam ser concedidos com a aprovação do Instituto de Desenvolvimento e Inspeção do Trabalho (ou, no caso das Regiões Autónomas, da respetiva secretaria



regional). A admissão de trabalhadores imigrantes estava limitada a um período máximo de dois anos (artigo 42.º) e estava subordinada às vagas de emprego que não pudessem ser preenchidas por cidadãos da UE ou imigrantes a residir legalmente em Portugal (artigo 41.º). Embora não se tratasse formalmente de um sistema de quotas, funcionava efetivamente como tal.

De um modo geral, esta lei era restritiva e burocrática, não impedindo a uma nova vaga de imigração irregular, predominantemente da Europa de Leste, para satisfazer a procura de mão de obra em vários sectores da economia, como a construção e o turismo (Baganha, 2005). Mesmo o regime excecional para a regularização de imigrantes no interesse nacional (artigo 88.º) não conseguiu travar o aumento do número de trabalhadores migrantes em situação irregular. Baganha considerava que este regime tornou “Portugal um país mais atrativo para as redes de tráfico de mão-de-obra” (Baganha, 2005, p. 33). Um novo afluxo de migrantes da Europa de Leste, particularmente da Ucrânia, Rússia e Moldávia, contribuiu ainda mais para o aumento do número de trabalhadores migrantes em situação irregular. No final de 2000, no Serviço de Estrangeiros e Fronteiras havia 41.401 pedidos pendentes de autorização de residência ao abrigo do regime excecional previsto no artigo 88.º do Decreto-Lei n.º 244/98 (Baganha, 2005).

Em resposta à eventual necessidade de um novo processo de regularização extraordinária, o Decreto-Lei n.º 4/2001, de 10 de janeiro, procedeu a uma revisão significativa do quadro legal da imigração laboral. Por um lado, incluiu o visto de trabalho num sistema de oportunidades de emprego em sectores específicos, com base num relatório aprovado pelo Governo, ouvido o Instituto do Emprego e Formação Profissional e após parecer das associações patronais e sindicais (artigo 36.º). Por outro lado, criou a “autorização de permanência”, uma espécie de autorização de residência que permitia aos trabalhadores imigrantes em situação irregular regularizar o seu estatuto desde que tivessem um contrato de trabalho com informação da Inspeção Geral do Trabalho (artigo 55.º). A autorização de permanência era válida por um ano e podia ser prorrogada até um máximo de cinco anos (artigo 55.º, n.º 4). Este mecanismo de regularização permanente associava efetivamente o controlo dos fluxos migratórios à regulação do mercado de trabalho, uma vez que a regularização administrativa dos imigrantes estava dependente da regularidade da sua relação laboral (Pires & Pinho, 2007).

Para Baganha este regime validava “a posteriori o funcionamento do mercado, reconhecendo tacitamente a total inoperância dos mecanismos de regulação existentes”, sendo que a validade máxima da autorização de permanência implicava que as necessidades de mão de obra eram vistas como temporárias e circunstanciais (Baganha, 2005, p. 35). Na opinião de Góis, a procura de mão de obra barata por parte do mercado de trabalho influenciou a política de imigração, passando de uma abordagem restritiva para “uma política de porta semiaberta baseada nas necessidades conjunturais do mercado de trabalho” (Góis, 2022, p. 94).

Entre 2001 e 2003, um total de 183.655 imigrantes foram regularizados ao abrigo deste regime (SEF, 2004). Foram abrangidos não só imigrantes de países lusófonos como o Brasil (37.920) e Angola (8.533), mas também um número significativo de imigrantes



da Europa de Leste, particularmente da Ucrânia (64.595), Moldávia (12.632), Roménia (10.926) e Rússia (7.047).

Em 2003, o recém-eleito governo de centro-direita (PSD/CDS) concluiu que este regime flexível de regularização permanente de trabalhadores imigrantes tinha contribuído para um aumento substancial da imigração irregular. Consequentemente, introduziu alterações significativas à Lei da Imigração de 1998, através do Decreto-Lei n.º 34/2003, de 25 de fevereiro. As principais alterações foram as seguintes: Em primeiro lugar, foi abolido o regime de autorização de permanência (artigo 20.º), sem prejuízo dos pedidos pendentes (artigo 18.º) e da renovação das autorizações já concedidas (artigo 19.º). Os novos imigrantes passaram a ter de obter o visto adequado junto de um consulado português. Além disso, o artigo 36.º revisto da Lei da Imigração de 1998 estabeleceu um sistema de quotas anuais obrigatórias para a admissão de trabalhadores imigrantes. Por último, o direito ao reagrupamento familiar foi restringido aos imigrantes titulares de uma autorização de residência há pelo menos um ano (nova redação do artigo 56.º).

O sistema de quotas obrigatórias para a admissão de trabalhadores imigrantes introduzido em 2003 revelou-se um fracasso. Era altamente burocrático e não refletia a realidade da migração. Em 2004, apenas cerca de 10% das necessidades de mão de obra identificadas na quota anual obrigatória foram satisfeitas através da admissão de trabalhadores imigrantes regulares (Baganha, 2005). Consequentemente, a escassez de mão de obra continuou a ser colmatada através da imigração irregular.

Principais leis de imigração em Portugal

| Ano | Lei |
|---------------------------------|--|
| Decreto-Lei n.º 264-B/81 | Lei de Imigração |
| Decreto-Lei n.º 440/86 | Criação do Serviço de Estrangeiros e Fronteiras (SEF) |
| Decreto-Lei n.º 212/92 | 1.º processo extraordinário de regularização de trabalhadores imigrantes em situação irregular |
| Decreto-Lei n.º 59/93 | Lei de Imigração |
| Lei n.º 17/96 | 2.º processo extraordinário de regularização de trabalhadores imigrantes em situação irregular |
| Decreto-Lei n.º. 244/98 | Lei de Imigração |
| Decreto-Lei n.º 4/2001 | "Autorização de permanência" – regularização permanente de trabalhadores imigrantes |
| Decreto-Lei n.º 34/2003 | Lei de Imigração |
| Decreto Regulamentar n.º 6/2004 | Regularização de trabalhadores imigrantes |
| Lei n.º 23/2007 | Lei de Imigração |
| Lei n.º 28/2019 | Regularização de trabalhadores imigrantes em situação irregular |
| Lei n.º 73/2021 | Reestruturação do sistema português de controlo de fronteiras |
| Decreto-Lei n.º 41/2023 | Criação da Agência para a Integração, Migrações e Asilo (AIMA) |
| Decreto-Lei n.º 37-A/2024 | Revogação do regime de regularização de trabalhadores imigrantes em situação irregular |
| Decreto-Lei n.º 264-B/81 | Lei de Imigração |



Devido às insuficiências deste sistema, em 2003 tiveram lugar processos adicionais de regularização extraordinária. Em primeiro lugar, ao abrigo do Acordo Luso-Brasileiro de 2003 (aprovado pelo Decreto n.º 40/2003, de 19 de setembro) foi regularizada a residência de cerca de 30.000 trabalhadores brasileiros. Em segundo lugar, foi adotada uma medida regulamentar (artigo 71.º do Decreto Regulamentar n.º 6/2004, de 26 de abril), que regularizou a permanência de mais de 50.000 trabalhadores imigrantes (Baganha, 2005), cuja situação se encontrava regularizada junto da Segurança Social e da Administração Fiscal. Este processo de regularização veio confirmar a mudança estrutural da imigração em Portugal: já não era predominantemente de países lusófonos, mas cada vez mais oriunda de regiões distantes e sem laços históricos com Portugal, incluindo tanto países europeus como a Ucrânia, a Roménia e a Moldávia, como países não europeus como o Paquistão e a Índia (Baganha, 2005).

1.2. A Lei de Imigração de 2007: Uma breve caracterização

Em 2007, foi adotada a atual Lei da Imigração portuguesa (Lei n.º 23/2007, de 4 de julho), que sofreu, desde então, 15 alterações, a última introduzida pelo Decreto-Lei n.º 37-A/2024, de 3 de junho.

Até 2020, a emissão de vistos de residência para imigrantes que pretendessem trabalhar em Portugal estava sujeita a uma quota não vinculativa de oportunidades de trabalho (artigo 59.º). No entanto, a legislação de 2007 reconheceu os desafios de aplicar um percurso migratório regulamentado desde a origem devido a vários fatores, como a inadequação da rede consular portuguesa para lidar com os fluxos migratórios, a burocracia excessiva e a dificuldade de conciliar a oferta e a procura de trabalho à distância. Para responder a estes desafios, a lei estabeleceu um mecanismo de regularização permanente de trabalhadores imigrantes (artigo 88.º, n.º 2). Também alargou esta possibilidade a outras categorias de imigrantes, tais como trabalhadores independentes, estudantes, familiares de imigrantes ou pessoas com necessidades humanitárias específicas (por exemplo, crianças imigrantes ou indivíduos particularmente vulneráveis, como vítimas de exploração laboral). Além disso, a lei aproximou-se mais dos direitos humanos ao alargar o direito ao reagrupamento familiar e reforçar as suas garantias processuais (artigos 98.º e seguintes) e ao estabelecer limites legais à recusa de entrada e à expulsão para proteger o direito dos imigrantes à vida privada e familiar - em particular os que têm filhos menores a residir em Portugal, sobre os quais exercem o poder parental, ou os que são considerados portugueses de facto, pois nasceram ou viveram em Portugal desde idade inferior a 10 anos (artigos 36.º e 135.º) (Sousa, 2023).

O sistema de quotas não vinculativo para a admissão de trabalhadores imigrantes falhou em regular a imigração laboral desde a origem. Consequentemente, a partir de 2020, foi sucessivamente suspenso pelas Leis do Orçamento de Estado de 2020, 2021 e 2022. Em 2022, este sistema foi revogado pela Lei n.º 18/2022 de 25 de agosto, que também introduziu o visto de procura de trabalho (Artigo 57.º-A), permitindo que estrangeiros entrem e residam legalmente até seis meses para procurar emprego. Após conseguir um trabalho, poderiam então obter uma autorização de residência.



O chamado regime de "manifestação de interesse" (Artigo 88.º, n.º 2 da Lei da Imigração), inicialmente concebido como um mecanismo excepcional, foi sendo flexibilizado. Este permitia a regularização permanente de trabalhadores imigrantes que tivessem entrado sem o visto adequado, ou ao abrigo de uma isenção de visto, desde que tivessem um contrato de trabalho e inscrição na segurança social. Inicialmente, este mecanismo exigia que o imigrante tivesse entrado e permanecido legalmente no país. No entanto, a Lei n.º 59/2017 de 31 de julho alargou este regime a quem apenas tivesse uma oferta de emprego e tivesse entrado legalmente, mesmo sem permanência regular. A partir de 2019, o regime foi estendido a trabalhadores que tivessem entrado em Portugal de forma irregular, desde que a sua situação na segurança social estivesse regularizada há, pelo menos, 12 meses (novo Artigo 88.º, n.º 6 introduzido pela Lei n.º 28/2019 de 29 de março).

Este regime flexível de regularização foi criticado por aqueles que o consideram um "fator de atração" para a imigração irregular e incentivo à exploração laboral (Gil, 2022). Com base neste argumento, o atual governo de centro-direita (PSD/CDS) adotou o Decreto-Lei n.º 37-A/2024 de 3 de junho, que o revogou.

É compreensível que, para quem procura melhores condições de vida, a possibilidade de regularização em Portugal seja um fator decisivo no seu projeto migratório e na escolha do destino. No entanto, este regime de regularização apenas beneficiava os imigrantes já integrados no mercado de trabalho, impedindo-os de permanecer numa situação irregular e vulnerável. Representava, também, uma abordagem humana e justa, uma vez que um Estado que aceita contribuições para a segurança social de um imigrante não pode mantê-lo numa condição clandestina, o que apenas exacerba a sua vulnerabilidade à exploração. A revogação deste mecanismo de regularização permanente não travará a imigração; apenas a tornará irregular. Isto é especialmente preocupante, dado o défice estrutural de mão de obra em vários setores de atividade em Portugal, tanto qualificados como não qualificados, que dependem fortemente de trabalhadores imigrantes.

Foi num contexto de um Portugal aberto à imigração que o Partido Socialista, que governou de 2015 a 2024, promoveu a extinção do Serviço de Estrangeiros e Fronteiras (SEF). As suas competências na área da documentação de imigrantes e asilo foram transferidas para uma agência puramente administrativa, a AIMA, que também assumiu responsabilidades no domínio da integração. Para compreender plenamente a escala desta reforma institucional da política de imigração portuguesa, é essencial primeiro entender o que era o SEF, o que será explorado na secção seguinte.

2. O Serviço de Estrangeiros e Fronteiras (SEF): Uma força policial única de fronteiras, imigração e asilo

2.1. Gestão da imigração antes do SEF

As origens do SEF remontam à polícia política da ditadura que governou Portugal de 1933 até à Revolução de 25 de Abril de 1974, que estabeleceu a democracia e o Estado de direito. Durante a ditadura de Salazar, a principal preocupação não era a imigração, mas



sim a emigração. O regime focava-se em controlar a emigração dos cidadãos portugueses, temendo a perda de jovens necessários para as guerras coloniais e a possibilidade de movimentos de oposição organizados no estrangeiro (Galvanese, 2020). A Polícia de Vigilância e Defesa do Estado, criada pelo Decreto-Lei n.º 22.992 de 29 de agosto de 1933, era responsável por prevenir e reprimir crimes de natureza política e social (Artigo 3.º), bem como controlar as fronteiras, deter cidadãos portugueses que tentassem emigrar sem a devida documentação, impedir a entrada de estrangeiros indocumentados ou indesejáveis e manter registos de cidadãos estrangeiros (Artigo 4.º). Em 1945, foi substituída pela Polícia Internacional e de Defesa do Estado (PIDE), sob a tutela do Ministério do Interior (Decreto-Lei n.º 35.046 de 22 de outubro de 1945), mantendo o seu papel no controlo da emigração, segurança de fronteiras e residência de cidadãos estrangeiros.

Em 1969, a Direção-Geral de Segurança (DGS) sucedeu à PIDE, mantendo o seu estatuto de polícia política com autoridade sobre emigração, imigração e controlo de fronteiras (Artigo 3.º do Decreto-Lei n.º 49.401 de 24 de novembro de 1969 e Artigo 13.º do Decreto-Lei n.º 368/72 de 30 de setembro). Isso incluía controlar a entrada, permanência e atividades de estrangeiros em Portugal, emitir pareceres sobre pedidos de visto, conceder autorizações de residência, supervisionar o emprego de imigrantes irregulares e controlar as fronteiras terrestres, marítimas e aéreas através da sua Direção do Serviço de Estrangeiros e Fronteiras (Artigo 43.º do Decreto-Lei n.º 368/72 de 30 de setembro).

Após a Revolução de 1974, a DGS foi extinta (Decreto-Lei n.º 171/74 de 25 de abril) e as suas funções de controlo de imigração e fronteiras foram temporariamente transferidas para a Polícia Judiciária e a Guarda Fiscal, respetivamente. Em maio de 1974, o Decreto-Lei n.º 215/74, de 22 de maio, concedeu à Polícia de Segurança Pública (PSP) poderes em matéria de imigração, incluindo controlar a entrada e permanência de estrangeiros, emitir pareceres sobre vistos, conceder autorizações de residência e supervisionar o emprego de trabalhadores imigrantes (Artigo 1.º). O controlo das fronteiras, incluindo a autoridade para recusar a entrada de estrangeiros indocumentados, suspeitos ou indesejados, foi atribuído à Guarda Fiscal (Artigo 2.º do Decreto-Lei n.º 215/74 de 22 de maio). Ainda nesse ano, foi criada a Direção do Serviço de Estrangeiros no seio da PSP (Decreto-Lei n.º 651/74 de 22 de novembro). Em 1976, este departamento foi separado da PSP e colocado sob a autoridade direta do Ministro da Administração Interna (Decreto-Lei n.º 494-A/76 de 23 de junho de 1976), originando a criação do Serviço de Estrangeiros, o antecessor direto do SEF, encarregue de controlar a entrada, permanência e atividades de estrangeiros em Portugal, conceder autorizações de residência e emitir pareceres sobre vistos consulares.

2.2. O Serviço de Estrangeiros e Fronteiras (SEF)

Criado em 1986 sob a tutela do Ministro da Administração Interna (Decreto-Lei n.º 440/86 de 31 de dezembro), o Serviço de Estrangeiros e Fronteiras (SEF) era uma força policial especializada responsável pela implementação da política de imigração. As suas funções incluíam documentar imigrantes (conceder autorizações de residência e vistos



de trabalho), processar pedidos de asilo, deportar estrangeiros e controlar as fronteiras aéreas, marítimas e terrestres.

O SEF era simultaneamente um serviço de segurança e um órgão de investigação criminal, acumulando um conjunto significativo de competências que, em muitos países, estão tipicamente distribuídas por várias agências. De acordo com o artigo 2.º da sua Lei Orgânica (Decreto-Lei n.º 252/2000 de 16 de outubro, na sua redação mais recente dada pelo Decreto-Lei n.º 240/2012 de 6 de novembro), as principais competências do SEF eram:

- Controlo de fronteiras: Realizar verificações de documentos nos postos fronteiriços e recusar a entrada a estrangeiros que não cumprissem os requisitos legais de entrada.
- Gestão da imigração: Emitir pareceres sobre pedidos de vistos consulares, conceder e renovar autorizações de residência e emitir pareceres sobre pedidos de naturalização.
- Policiamento da imigração: Imposição de coimas por infrações à lei de imigração, condução de procedimentos de expulsão ou readmissão de imigrantes irregulares e investigação de crimes previstos na legislação de imigração (por exemplo, auxílio à imigração ilegal, angariação de mão de obra estrangeira em situação irregular, casamentos de conveniência e tráfico de seres humanos).
- Gestão do asilo: Avaliar a admissibilidade dos pedidos de asilo e instruir procedimentos de asilo.

Gestão dos Sistemas de Informação Schengen e de Vistos: Gerir as secções nacionais do Sistema de Informação Schengen – SIS (embora apenas os alertas sobre estrangeiros para efeitos de não admissão ou retorno estivessem sob a sua competência) e do Sistema de Informação de Vistos - VIS (embora este sirva primariamente os consulados).

Além destas responsabilidades administrativas e policiais, o SEF também tinha a tarefa de emitir passaportes a cidadãos portugueses — uma função normalmente associada aos serviços de registo civil sob a alçada do Ministério da Justiça.

A concentração de funções administrativas para a documentação de imigrantes e o processamento de pedidos de asilo (que é intrinsecamente diferente da imigração em termos políticos e legais), controlo de fronteiras e investigação criminal de delitos relacionados com a imigração resultou numa aplicação prática da legislação de imigração e asilo influenciada por uma abordagem centrada na segurança.

A forma burocrática e securitária com que o SEF geria uma política de imigração que deveria ser aberta e humanista, bem como o elevado nível de insatisfação entre os imigrantes, que enfrentavam uma série de dificuldades e atrasos na sua documentação, levaram a um processo de dessecuritização, culminando na decisão de dismantlar o SEF e retirar a gestão da imigração e do asilo do âmbito da segurança interna.



3. A extinção do SEF e a criação da Agência para a Integração, Migração e Asilo (AIMA): Corolário de uma política de imigração humanista que não vê a imigração como uma questão policial

Em 2019, o Partido Socialista incluiu no seu programa eleitoral um compromisso para estabelecer regimes de imigração mais flexíveis, incluindo a criação de um quadro de mobilidade para os cidadãos da Comunidade dos Países de Língua Portuguesa (CPLP). O partido também defendeu uma mudança na forma como a administração pública interagia com os imigrantes, salientando que "quem imigra ou pretende imigrar não pode ser visto, a priori, como um suspeito. (...) deve ser encarado como alguém em busca de melhores oportunidades de vida e que, (...) pode dar um contributo útil para a sustentabilidade demográfica e o desenvolvimento económico (...)." (Partido Socialista, 2019, p. 145).

Esta visão foi impulsionada pela insatisfação generalizada com a forma descoordenada, burocrática e excessivamente lenta com que o SEF processava os pedidos de autorização de residência. Milhares de imigrantes enfrentavam atrasos prolongados, que muitas vezes resultavam em dificuldades significativas, como a negação do direito à reunificação familiar, restrições aos direitos sociais e económicos e mobilidade limitada. Os imigrantes corriam o risco de ser impedidos de reentrar no país ou de serem sujeitos a decisões de repatriamento se estivessem sem a devida documentação.

Neste contexto, o Partido Socialista apelou a uma mudança da forma como os serviços públicos se relacionam com os imigrantes, através da adoção de uma abordagem humanista e menos burocrática, e defendeu uma clara separação organizacional "entre as funções policiais e as funções administrativas de autorização e documentação de imigrantes" (Partido Socialista, 2019, p. 145). Esta separação não implicava necessariamente a dissolução do SEF, mas uma reforma profunda do serviço, especialmente tendo em conta que o programa eleitoral do partido incluía planos para expandir a sua rede de mediadores para apoiar os cidadãos estrangeiros.

Foi, no entanto, o caso de Ihor Homeniuk que catalisou a decisão de extinguir o SEF. A 10 de março de 2020, Ihor Homeniuk, um cidadão ucraniano, foi impedido de entrar no Aeroporto de Lisboa por não ter uma autorização de residência ou visto que lhe permitisse trabalhar. Detido no Centro de Instalação Temporária do aeroporto, morreu a 12 de março após ter sido agredido por inspetores do SEF, que foram posteriormente condenados. Este crime, que se tornou público a 29 de março de 2020, chocou a nação e provocou fortes reações por parte do Estado e da sociedade civil. Em resposta, o governo reformou os Centros de Instalação Temporária nos aeroportos, indemnizou a viúva de Homeniuk e assinou um protocolo com a Ordem dos Advogados para garantir assistência jurídica gratuita a todos os estrangeiros a quem fosse negada a entrada. A consequência mais significativa foi a adoção da Lei n.º 73/2021, de 12 de novembro, que reestruturou o sistema de controlo fronteiriço em Portugal. Esta lei determinou a extinção do SEF e a transferência das suas funções policiais e de controlo de fronteiras para outras forças de segurança, enquanto as suas funções administrativas seriam atribuídas a uma nova agência dedicada à gestão administrativa da imigração e do asilo. Apesar da complexidade da reforma, foi estabelecido um prazo inicial de 60 dias para a sua implementação, que foi posteriormente adiado duas vezes, entrando finalmente em vigor



a 29 de outubro de 2023 com a criação da Agência para a Integração, Migrações e Asilo (AIMA) pelo Decreto-Lei n.º 41/2023.

A AIMA assumiu as responsabilidades administrativas do SEF nas áreas de imigração e asilo, que incluem emitir pareceres sobre pedidos de visto, conceder e renovar autorizações de residência, gerir pedidos de proteção internacional e tomar decisões sobre retorno, entre outras. Adicionalmente, a AIMA herdou as responsabilidades do Alto Comissariado para as Migrações (ACM) relacionadas com o acolhimento e integração de migrantes, o combate ao racismo e à discriminação, a integração de grupos étnicos (particularmente a comunidade cigana, apesar de os seus membros terem, em grande parte, nacionalidade portuguesa) e a promoção do diálogo intercultural e inter-religioso – questões relevantes tanto para cidadãos portugueses como estrangeiros.

A autoridade do SEF sobre o controlo das fronteiras aéreas foi transferida para a Polícia de Segurança Pública (PSP), que também gere a segurança dos aeroportos, enquanto o controlo das fronteiras terrestres e marítimas foi entregue à Guarda Nacional Republicana (GNR), uma força de segurança militarizada já responsável pela vigilância das fronteiras marítimas. Estas forças de segurança são agora também responsáveis pela execução de decisões de afastamento de imigrantes em situação irregular (conforme determinado pela AIMA), pela execução de decisões de expulsão judicial e pela gestão de centros de detenção para imigrantes irregulares que aguardam repatriamento. A competência para investigar crimes relacionados com a migração, incluindo o tráfico de seres humanos, foi concentrada na Polícia Judiciária.

A responsabilidade pela emissão de passaportes a cidadãos portugueses, anteriormente a cargo do SEF, foi transferida para o Instituto dos Registos e Notariado, que, logicamente, deveria ser o responsável por essa função, uma vez que a emissão de passaportes é mais adequadamente gerida pelos serviços de registo civil, e não por um serviço de imigração. Também começou a receber pedidos de renovação de autorizações de residência.

No Sistema de Segurança Interna, foi criada uma Unidade de Coordenação de Fronteiras e Estrangeiros (Artigo 34.º do Decreto-Lei n.º 41/2023). Esta unidade assumiu as responsabilidades do SEF no que diz respeito a verificações de segurança sobre cidadãos estrangeiros (emitindo pareceres prévios à concessão de vistos e autorizações de residência) e à gestão dos sistemas de informação utilizados no controlo de fronteiras, como o Sistema de Informação de Schengen (SIS), o Sistema Europeu de Informação e Autorização de Viagem (ETIAS), o Sistema de Informação de Vistos (VIS), o Sistema de Entrada/Saída (SES) e o Sistema de Informação Antecipada sobre Passageiros (APIS).

Em geral, esta reforma, que entrou em vigor a 29 de outubro de 2023, enfrentou forte oposição de todos os partidos de direita (PSD, CDS-PP), da extrema-direita (Chega) e até do Partido Comunista Português. Embora o Partido Comunista apoiasse a criação de um novo serviço administrativo para as funções de gestão de imigração e asilo, opôs-se à extinção do SEF como uma força policial especializada no controlo de fronteiras.

Algumas vozes na academia também criticaram a reforma. O Observatório de Imigração, Fronteiras e Asilo (Instituto Superior de Ciências Sociais e Políticas, Universidade de Lisboa) expressou uma posição muito negativa, argumentando que a reforma contraria



a abordagem adotada pela União Europeia de uma gestão integrada das migrações. Em particular, estabeleceu uma analogia com a Direcção-Geral da Migração e dos Assuntos Internos da Comissão Europeia, embora esta comparação seja descabida, uma vez que a DG HOME não tem qualquer papel na aplicação da legislação relativa à imigração, asilo ou controlo de fronteiras. Gil (2024) também criticou a extinção do SEF, argumentando que “a existência de uma entidade especialista policial em matéria de imigração” é benéfica. A Ordem dos Advogados apôs-se, igualmente, à extinção do SEF, salientando o seu valor enquanto polícia especializada no controlo da imigração e das fronteiras.

Em minha opinião, esta reforma era inevitável no contexto de uma política de imigração humanista. Concentrar a execução da política de imigração e asilo e o controlo de fronteiras numa polícia especializada, levava a que toda a área fosse indevidamente influenciada por preocupações securitárias – contrariando o princípio fundamental de que a política de imigração não deve encarar os imigrantes como uma ameaça, mas sim como seres humanos que procuram realizar um projeto de vida no nosso país. Como Pires (2020) argumenta, esta concentração de funções foi tóxica porque reforçou a perceção de que a imigração é uma questão de segurança, quando não é nem deve ser. Além disso, institucionalizou a visão de que a imigração é uma ameaça, o que fomenta a xenofobia. Por conseguinte, as tarefas administrativas relacionadas com a imigração e asilo devem ser confiadas a um serviço público administrativo e não a uma força policial. A imigração é um fenómeno complexo, mas inevitável e profundamente humano.

Nos primeiros tempos de funcionamento, a AIMA tem enfrentado desafios, nomeadamente devido aos cerca de 400 mil processos de regularização pendentes herdados do SEF, sem capacidade para dar uma resposta célere. Tal tem conduzido a um aumento das queixas dos imigrantes que continuam a sofrer atrasos nos processos de regularização ou de renovação de autorizações de residência, deixando-os numa situação jurídica precária. Resta-nos esperar que o governo dote a AIMA dos recursos humanos e tecnológicos necessários para melhorar o seu serviço, uma vez que a documentação dos imigrantes é um pré-requisito fundamental para a sua integração na sociedade de acolhimento.

Até à data, o novo governo de centro-direita não foi influenciado pelo partido de extrema-direita, o Chega, que gostaria de reverter esta reforma e restabelecer o SEF. No entanto, ao revogar o regime de regularização permanente de trabalhadores imigrantes e ao sinalizar a sua intenção de apenas admitir imigrantes que obtenham um visto de residência consular e um contrato de trabalho, o governo adotou uma política de imigração restritiva. Tendo em consideração o envelhecimento da população portuguesa e o facto de setores críticos da economia, como o turismo e a agricultura, dependerem fortemente de mão de obra imigrante, é provável que esta medida não consiga travar os fluxos migratórios como pretendido. Em vez disso, pode conduzir a um aumento da imigração irregular, o que é incompatível com os valores humanistas que têm orientado a política de imigração de Portugal nos últimos anos.



Conclusões

A extinção do Serviço de Estrangeiros e Fronteiras e a criação de uma nova entidade de carácter puramente administrativo (a Agência para a Integração, Migrações e Asilo – AIMA) para gerir a imigração, o asilo, a integração e o diálogo intercultural representam um marco na política migratória portuguesa, que se tem caracterizado por uma abertura humanista às migrações internacionais. Esta reforma, promovida pelo Partido Socialista, que governou Portugal entre novembro de 2015 e abril de 2024, reflete a sua perspetiva humanista sobre as migrações, dando ênfase à regularização e integração dos imigrantes. O regime de regularização permanente de trabalhadores imigrantes, em vigor até 4 de junho de 2024, exemplifica esta política, incentivando a imigração regular e a integração daqueles que procuram novas oportunidades em Portugal. A criação da AIMA, uma agência administrativa não policial fora do sistema de segurança interna, é o culminar desta política humanista e de um processo de dessecuritização das migrações. Significa uma mudança fundamental na relação do Estado com os imigrantes, encarando-os não como ameaça à segurança, mas como indivíduos que procuram melhores condições de vida em Portugal. Em suma, marca uma política que vê a imigração não como uma questão de segurança, mas como um fator positivo para o desenvolvimento do país.

Resta esperar que o atual governo, formado pelos partidos de centro-direita PSD e CDS, que se opuseram a esta reforma, não a revertam. A revogação do regime de regularização permanente de trabalhadores imigrantes é um sinal preocupante de uma mudança para uma política de imigração mais restritiva e centrada na segurança. É pouco provável que esta política consiga controlar eficazmente os fluxos migratórios e até pode conduzir a um aumento da imigração irregular, colocando os imigrantes em situação vulnerável e dificultando a sua integração. No entanto, o anúncio do governo de um investimento adicional na AIMA para reforçar os seus recursos humanos e tecnológicos, permitindo-lhe responder mais eficazmente aos milhares de processos de regularização pendentes, é um passo positivo. É preciso esperar para ver.

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REVISITING THE SECULAR STAGNATION HYPOTHESIS IN THE LIGHT OF THE COMPLEXITY PARADIGM

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Abstract

After the disruptions brought, also to the macroeconomic scenario, by phenomena such as the COVID-19 pandemic and the invasion of Ukraine, it is likely that the theme of secular stagnation of economic growth, taken up again in 2013 after Alvin Hansen's original contribution, will once again occupy a central place in geo-economic research and analysis, not least because of its empirical validation. The dominant paradigm, at least since the beginning of the 20th century, not only in the so-called exact sciences, but also in other areas of the social sciences such as economics, has been characterised by determinism, almost unlimited trust in linear models, their conclusions, and their near infallibility. The lack of precision of these models has been evident, particularly in what is supposed to be their great strength, that is, their predictive capacity. Events such as the financial crisis of 2007/2008, the European sovereign debt crisis, the significant increase in the contribution of emerging markets to the global wealth, have shown how these linear models are limited and, also for this reason, are likely to be viewed with some skepticism by decision-makers. Given this conceptual framework, we intend to revisit the secular stagnation thesis, in its fundamental theoretical foundations, but also in the empirical evidence with the most recent data and, in addition, to look at an alternative vision to the mainstream. This vision is embodied by complexity theory, with its conviction that phenomena don't necessarily behave in a linear model, so it's difficult to identify one that covers all the characteristics under study, imbalance is the usual characteristic of systems and, finally, disorder, not order, is typically the situation in systems. Seeing these approaches as a complement to, rather than a break with, the mainstream, we ultimately tried to remain faithful to the founding principles of science, starting with openness to change, to new working methods, to new paradigms.

Keywords

Secular Stagnation, Economic Policy, Complexity, Linear Models.



Resumo

Após as disrupções trazidas, também ao cenário macroeconómico, por fenómenos como a pandemia do COVID 19 e a invasão da Ucrânia, é provável que o tema da estagnação secular do crescimento económico, retomado em 2013 depois do contributo original de Alvin Hansen, venha novamente a ocupar, até pela sua verificação empírica, um lugar central na investigação e na análise geoeconómica. O paradigma dominante, pelo menos desde o início do século XX, não apenas nas ciências dita exatas, nas também noutras áreas das ciências sociais, como a economia, tem sido caracterizado pelo determinismo, pela confiança quase ilimitada nos modelos lineares, nas suas conclusões e na sua quase infalibilidade. Tem sido evidente a falta de precisão destes modelos, nomeadamente naquilo que supostamente seria a sua grande força, ou seja, a capacidade preditiva. Acontecimentos como a crise financeira de 2007/2008, a crise das dívidas soberanas europeias que se lhe seguiu, o aumento significativo do contributo dos mercados emergentes para a riqueza global, têm mostrado como estes modelos lineares são limitados na sua capacidade de análise e, também por isso, suscetíveis de virem a ser olhados com algum ceticismo pelos decisores. Perante este quadro concetual, pretendemos visitar a tese de estagnação secular, nos seus alicerces teóricos fundamentais, mas também na evidência empírica com os dados mais recentes e, para além disso, olhar para uma visão alternativa à do mainstream. Essa visão é encarnada pela teoria da complexidade, com a sua convicção de que os fenómenos não têm necessariamente um comportamento linear, pelo que é difícil identificar um modelo que cubra todas as características em estudo, o desequilíbrio é a característica habitual dos sistemas e, por fim, a desordem, e não a ordem, é tipicamente a situação dos sistemas. Vendo nestas abordagens um complemento, e não uma rutura com o mainstream, tentámos afinal mantermo-nos fiéis aos princípios fundadores da ciência, desde logo a abertura à mudança, a novos métodos de trabalho, a novos paradigmas.

Palavras-chave

Estagnação Secular, Política Económica, Complexidade, Modelos Lineares.

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REVISITING THE SECULAR STAGNATION HYPOTHESIS IN THE LIGHT OF THE COMPLEXITY PARADIGM

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Introduction

The break-up of the Bretton-Woods International Monetary System, the currency crises of the 1990s, the financial crisis of 2007/2008, the Great Recession of 2009, and the economic and inflationary crisis following the COVID-19 pandemic, all these events should perhaps prompt a rethink of the paradigms that have guided society and the economy since the Second World War.

These episodes may be one-off movements of another phenomenon, more structural and worrying, of stagnating economic growth in a significant part of the world economy, specifically in the group of countries that the International Monetary Fund calls 'Advanced Economies'.

In this article we try to point out the importance of the initial work on the subject by Alvin Hansen (in the 1930s) and, not ignoring the role that the Keynesians and the American neo-Marxist school played in keeping the subject 'alive' throughout the second half of the 20th century, that of economists such as Lawrence Summers in reviving the subject at the end of the first decade of the 21st century.

Having defined our problem, namely the hypothesis of the materialisation of secular stagnation in economic growth, the argument of this article is that traditional linear models are not sufficient to explain the phenomenon and even less so to list the policies needed to combat it.

A complex reality needs to be explained using models that can recognise this complexity and, therefore, consider all the factors which influence this reality.

We looked for these factors in complexity theory, presenting its assumptions and their application to the phenomenon under study, starting with the fundamental starting assumptions that the normal situation of social phenomena is imbalance, self-organisation, which suggests the spontaneous emergence of new global patterns from local interactions of subunits and, finally, disorder, rather than order, as the typical system' situation.

Perhaps for all these reasons, the technological advances of recent decades, particularly with the digitisation and robotisation of large segments of our economic activity, have not been enough to provide us with robust and lasting economic growth.



In this article, after a brief presentation of the contributions of Alvin Hansen and Lawrence Summers, we revisit, albeit briefly and in a very general way, linear models, and the theory of complexity, to end with a vision, in the light of the theory of complexity, of the phenomenon of stagnation in world economic growth.

The stagnation of world economic growth: the role of Alvin Hansen

The shadow of what would become the most dramatic and intense economic phenomenon in centuries (the Great Depression of 1929-30) was still hanging over American society and the economy when one of the most eminent economists in the United States, Alvin Hansen, gave the speech that would launch the concept of secular stagnation of economic growth¹.

It was March 1939, and, at one point, Hansen said about the situation at the time: "This is the essence of secular stagnation, sick recoveries which die in their infancy and depressions which feed on themselves and leave a hard and seemingly immovable core of unemployment" (Hansen, 1939: 4).

While acknowledging the complexity of the period that the United States would be going through, after times of growth and expansion (westwards) that characterised much of the 19th century, which is clear when he says

"We are passing, so to speak, over a divide which separates the great era of growth and expansion of the nineteenth century from an era which no man, unwilling to embark on pure conjecture, can as yet characterize with clarity or precision" (ibid.: 1).

Hansen points to three factors that would have been at the origin of the strong investment flows in the first decades of American economic history, thus guaranteeing abnormally high levels of gross domestic product growth, compared to the rest of the world, and which would appear to be running out, or at least decreasing in intensity: population growth, inventions and the discovery and development of new territories and resources (*ibid.*: 3).

Let's start with demographics

The thirties brought a slowdown in population growth to about half of what had been recorded in the previous decade (in which the US population would have increased by about sixteen million people) and forecasts pointed to less than a third in the forties (*ibid.*: 2). The apparent stagnation of the population implied *"serious structural maladjustments which can be avoided or mitigated only if the economic policies, appropriate to the changed situation, are applied"* (*ibid.*: 2).

¹ The speech by what many called the "American Keynes" was entitled "Economic Progress and Declining Population Growth".



At a glance, the economy's fundamental problem emerged: underemployment, that is, the inability to achieve full employment (*ibid.*: 4). Hansen suggested that the main factor in the genesis of underemployment was weak population growth, insofar as, by conditioning the increase in demand, it created the potential danger of economic stagnation and effective underemployment of capital and labour.

Hansen goes further, stating that

"it is accepted by all schools of current economic thought that full employment and the maximum currently attainable income level cannot be reached in the modern free enterprise economy without a volume of investment expenditures adequate to fill the gap between consumption expenditures and that level of income which could be achieved were all the factors employed (...) Thus we may postulate a consensus on the thesis that in the absence of a positive program designed to stimulate consumption, full employment of the productive resources is essentially a function of the vigor of investment activity. Less agreement can be claimed for the role played by the rate of interest on the volume of investment. Yet few there are who believe that in a period of investment stagnation an abundance of loanable funds at low rates of interest is alone adequate to produce a vigorous flow of real investment (...) I venture to assert that the role of the rate of interest as a determinant of investment has occupied a place larger than it deserves in our thinking. If this be granted, we are forced to regard the factors which underlie economic progress as the dominant determinants of investment and employment" (*ibid.*:5).

And here comes the second theme, inventions. Hansen states that

"considering the economy as a whole there is no good evidence that the advance of technique has resulted in recent decades, certainly not in any significant measure, in any deepening of capital. Apparently, once the machine technique has been developed in any field, further mechanization is likely to result in an increase in output at least proportional to and often in excess of the net additions to real capita. Tough the deepening process is all the while going on in certain areas, elsewhere capital-saving inventions are reducing the ratio of capital to output" (*ibid.*:7).

Perhaps this inability of "*further mechanization*" to prove itself as a creator of added value might be an indication that Hansen also saw the possibility that, like the economy, technology could also work in very long cycles of successive expansion and contraction.

The discovery of new territories and resources is perhaps the most immediate reason given by Hansen to justify the stagnation of economic growth. In fact, in the last decade of the 19th century, following the progress of the railway, the westward expansion of the USA was completed. To quote Hansen,

"it is not possible, I think, to make even an approximate estimate of the proportion of the new capital created in the nineteenth century which was a



direct consequence of the opening up of new territory (...) What proportion of new capital formation in the United States went each year into the western frontier we do not know, but it must have been very considerable. Apparently about one-fourth of the total capital accumulations of England were invested abroad by 1914, and one-seventh of those of France. These figures, while only suggestive, point unmistakably to the conclusion that the opening of new territory and the growth of population were together responsible for a very large fraction - possibly somewhere near one-half-of the total volume of new capital formation in the nineteenth century" (ibid.:9).

In conclusion, even knowing how Hansen devalued monetary factors, also because of the emphasis he placed on demography, it is curious that this great economist considered that the Great Depression was particularly significant namely because it had at its genesis broad monetary and technological shocks acting simultaneously.

Ironically, the topic was practically abandoned in the following decades, perhaps because many of the measures suggested by Hansen to combat the phenomenon of secular stagnation were part of the New Deal prescription, perhaps also because World War II changed everything or quite simply because the long prosperity experienced in the post-war period made the topic launched by Hansen very unappealing, even to science.²

The stagnation of world economic growth: the contribution of Lawrence Summers

The long silence mentioned previously was interrupted by Lawrence Summers in 2014, when he recalled Hansen and pointed to the liquidity trap and the imbalance between savings and investment as the deepest causes of the secular stagnation that, according to him, was very probably returning to the United States.

Summers defines several aspects that characterise the process: the difficulty of economic policy in achieving multiple objectives, that is, good use of productive capacity and financial stability, which in turn is closely related to the fall in the equilibrium real interest rate and the need for different approaches in economic policies (Summers, 2014: 65-66).

He points to the profound change that the financial crisis of 2007-2008 brought to macroeconomics, given that it went from a time when monetary policy aimed to reduce the (small) amplitude of fluctuations in relation to the trend, to a scenario in which the ambition is precisely to have to face the problem of minimising fluctuations around a satisfactory trend (*ibid*).

He argues that although the response of economic policy in 2008 was much greater than during the 1929-30 crisis, the projection of per capita GDP growth is in all respects identical to that observed between 1929 and 1941 (Summers, 2016: 93 and 96). Our

² In fact, the subject was not abandoned altogether thanks to the contributions of the American neo-Marxist school, in the wake of Alexander Hamilton's legacy, personified by academics such as Paul Sweezy and Paul Baran.



interpretation: a non-conventional super-aggressive monetary policy, at least in the 21st century, has had results far below what is expected and what the monetary authorities and governments would certainly like.

Summers (2014: 66) concludes that the crises have led to the destruction of jobs that have not been replaced, with the biggest explanation for the downward trend in potential gross domestic product being the reduction in capital investment, followed by the contribution of labour and, to a lesser extent, the behaviour of productivity.

What about the causes of this anemic economic growth? Summers says that structural changes in the economy have led to profound changes in the natural balance between savings and investment, causing a fall in the equilibrium real interest rate associated with full employment (*ibid.*, 69). Later, the main question is what causes savings to rise and investment to fall, creating this downward pressure, this tendency towards stagnation (2016: 100).

The increase in savings is associated with changes in income distribution and profit sharing (more inequality would imply higher savings), the accumulation of reserves or capital flows and deleveraging and preparation for retirement, in a context where longer life expectancy would generate more resistance to indebtedness³ (*ibid.*: 100 and 102). The fall in the propensity to invest (*ibid.*: 102 and 103) is the result of lower population and/or technology growth, less massification of the economy and, finally, lower prices for capital goods.

Rachel and Summers (2019: 46) go even further and conclude that the private sector of the economy is likely to be captured by an equilibrium of underemployment and low inflation if real interest rates cannot fall well below zero per cent.

Summers is one of a large group of academics who emphasise the prevalence of demand-side factors as the main determinants of the phenomenon of secular stagnation.

Other authors consider that secular stagnation is mainly the result of supply-side factors. For example, Gordon and Crafts say that stagnation is evidence of a sharp decline in long-term potential growth, while Rogoff, with his so-called "debt supercycle" hypothesis, links the stagnation of economic growth to the long period of indebtedness of economic agents, which would have come to an end and given way to a progressive process of financial deleveraging.

Revisiting linear models and complexity theory

The search for phenomena that show standardised behaviour, with characteristics of regularity and repetition that allow for a better explanation, is probably one of the most universal characteristics of the various fields of science. In these characteristics, scientists find solid bases for prediction, something that in modern times, due to the

³ Summers points out that household deleveraging and early repayment of debts are forms of saving (*ibid.*, 102).



strong media pressure, makes this prediction of phenomena or certain variables a core objective for the comfort of public opinion⁴.

The social sciences, and in particular economics and international relations, are no exception and have been intensifying the continuous search for models based on strong quantitative robustness that are supposedly (more) suitable for explaining social phenomena.

To be fair, the importance of modelling is intrinsic to the very emergence of economics, if we accept, as the author of these lines does, that this moment occurred with the classics, namely Adam Smith and David Ricardo, and with the model of comparative advantages, which through the endowments of productive factors explained under what conditions countries could have a mutual interest in engaging in exchange, in international trade, benefiting from the situation of autarky⁵.

In fact, the geopolitical importance of these men's work is notable, particularly as they helped to foster commercial cooperation to the detriment of mercantilism's main objective, that is, the accumulation of precious metals, which often fostered conflict to the detriment of international cooperation.

The neoclassicals, in their attempt to explain the mechanisms underlying international trade, created mathematical general equilibrium models and demonstrated, for example, how an increase in the relative price of a good leads to an increase in the real income of the factor most used in the production of that good and, conversely, to a decrease in the real income of the other factor⁶. This also highlights the attempt to predict the evolution of one variable according to the observed behaviour of another variable/factor.

And John M. Keynes revolutionised macroeconomics in the 20th century with his General Theory, by introducing the concepts and practices of the science in which he was originally trained, mathematics. The multitude of admirers he garnered from a very young age and who also contributed with their own research to Keynesianism emerging as one of the main currents/schools of economics in the 20th century were not unrelated to the novelty that Keynes brought to academia: the massive use of highly advanced mathematics, which demonstrated that it was possible to try to explain social phenomena using the tools of the exact sciences.

Keynes won the admiration of young economics students largely because of the fascination aroused by his mentor's new linear approaches.

These formulations of the attempt to explain the economic problem are based, among other things, on two fundamental principles: on the one hand, that equilibrium is by nature the point towards which economic systems and phenomena must converge and, on the other, that these can be explained by linear models.

⁴ Just to cite recent examples, take the pressure on the Hawaiian authorities for supposedly not being able to predict the intensity of the fires that caused hundreds of victims in August 2023 or, on another level, the permanent tension, and millions of dollars of "incentive" for scientists to be able to find regularities in the behaviour of the SARS-COV 2 virus and thus quickly find a vaccine for the disease.

⁵ The model, which was very sophisticated for its time (early 19th century), was important in moving away from the mercantilist doctrine, which was dominant at the time, but also because it made it possible to anticipate what the pattern of productive specialisation of the countries involved in trade should be.

⁶ A mandatory reference for the Heckscher and Ohlin model and, above all, for the Stolper-Samuelson theorem.



An exemplary example of the first principle is the balance between supply and demand⁷, one of the foundations of economic theory and a central element in explaining the essential economic problem: how markets work, how the price of goods and the income of economic agents are determined.

Some argue that equilibrium is more central to the economic and business sciences than to many other sciences, which in fact helps to differentiate economics:

"A characteristic feature that distinguishes economics from other scientific fields is that, for us, the equations of equilibrium constitute the center of our discipline. Other sciences, such as physics or even ecology, put comparatively more emphasis on determination of dynamic laws of change...Certainly there are intuitive dynamic principles...the difficulty is in transforming these informal principles into precise dynamic laws" (Mas-Colell et al, 1995: 620).

Dynamic principles can easily be found in the law of supply and demand, namely when it is postulated that the price increases (decreases) if demand is higher (lower) than supply⁸. However, although it is widely believed that it is difficult to transform "informal principles" into "dynamic laws", the truth is that economists' belief in equilibrium models is "almost blind", both in macroeconomics and microeconomics.

The second principle benefited from the intrinsic "beauty" of linear equations (usually easily understood by non-literate people and, above all, difficult to refute) and also from the ease with which linear models can be identified and represented.

Mathematics and its derivatives became a powerful tool for economists, due to their linear behaviour, for strengthening analysis and, not least, for transmitting to economic agents their powerful ability to predict economic phenomena⁹.

Also very important was economists' realisation of the growing importance of their work, not only for companies and families, but also for political decision-making. In other words, economists quickly realised the importance of putting budgetary, fiscal, monetary and exchange rate policy instruments at the service of political decision-makers in order to influence the economic cycle.

Ironically, one of the main reasons for the success of linear models among economists (the simplicity of their formulation and their results) was, in the opposite direction, also a factor in the success of these approaches among politicians: for them, the mathematical foundation, based on formulations that are often hermetic and incomprehensible, becomes, due to the inability to refute them, a kind of "sacred cow"... which further contributes to the conviction of generations of economists that they are the owners of an (almost) absolute truth.

⁷ Or the IS/LM curves that reflect the relationship between interest rates and income.

⁸ In the IS/LM curves, "dynamic principles" can be identified, for example, when explaining the consequences for IS when the interest rate increases (shift to the right), that is, an increase in income/production.

⁹ There is some similarity in phenomena of a very different nature, or rather, a number of these phenomena are explained using very similar models. One example is the central equation of the Black-Scholes model for the price of options, which is very similar (or at least highly correlated) to the heat flow equation in physics.



Keynes himself recognised that systems are rarely in equilibrium, but rather tend to gravitate around the point of equilibrium without reaching it, at least as a steady state¹⁰, and so the attempt to express the behaviour of these systems through linear equations and models is often doomed to failure.

In this context, the oil crisis of the 1970s probably represented the first "jolt" to the self-esteem of economists in terms of their belief in the merits and predictive capacity of their models. Suddenly, a group of countries considered, in the nomenclature of the time, to be underdeveloped, had the ability to band together in the Organisation of Petroleum Exporting Countries and, in a coordinated manner, substantially increase oil prices, causing disruption in the markets of the so-called "developed" countries and, directly or indirectly, generating enormous volatility in these markets and a general increase in inflation.

The currency crises of the 1990s, first in Asia in 1997, then in Russia (1998) and Brazil (1999) were moments that further shook the general belief in the predictive capacity of economic science through its linear models. These moments, however, were just the tip of the iceberg for what was to follow, specifically the financial crisis of 2007/2008, the European sovereign debt crisis between 2009 and 2014 and, finally, the *quantitative easing* and non-conventional monetary policies.

We'll come back to this point later. For now, let's focus on the fundamental structuring aspects of complexity theory.

Determinism as the main characteristic of the dominant paradigm in science, at least between the 18th century and the first half of the 20th century (in what some authors call The Newtonian Paradigm - for example Mateo et al. 2002) began to be questioned at the beginning of the 20th century, in quantum physics, when Nobel Prize winner Heisenberg postulated what became known as the uncertainty principle: *"the more precise the determination of the position of a particle, the less precise the prediction of its momentum from the initial conditions"*.

We don't dare identify a single, universal definition for complexity theory or even for the idea of complex systems. However, recognising that systems are adaptive and complex, and can hardly be analysed by linear models alone, would have been the first important step in the development of this area of science.

Rosser (1999) says that "It is not surprising that there is no consensual definition of a term as complex as 'complexity'." He goes on to say that

"a dynamical system is complex if it endogenously does not tend asymptotically to a fixed point, a limit cycle, or an explosion. Such systems can exhibit discontinuous behaviour and can be described by sets of nonlinear differential or differential equations, possible with stochastic elements".

Mason (2001) identifies three fields for complexity, namely "algorithmic complexity", in which complexity is associated with the difficulty of describing the characteristics of the system, "deterministic complexity", in which the relationship between "two or three key

¹⁰ Defined in the physics sense of something that doesn't change over time.



variables can create systems that are quite stable and prone to sudden discontinuities"¹¹ and, finally, "aggregate complexity", related to the way in which individual elements work in defining the behaviour of complex systems.

Schneider and Somers (2006) state that there are "three interrelated constitutive elements of CT - non-linear dynamics, chaos theory and adaptation and evolution", the last of which challenges the dominant Darwinian version that the evolution of species is dependent on natural selection, suggesting instead that "although selection is important, species play a role in their evolution and adaptation to external changes". The corollary for systems in general, and not just living organisms, is that the capacity of systems to evolve is differentiated and that, in some cases, "small forces can result in disturbances in systems".

Walby (2007) and Olmedo (2010) say, respectively, that "complexity theory is a body of work that addresses fundamental questions about the nature of systems and their changes" and "complexity science seeks to study, describe and explain the behaviour of complex adaptive systems".

Despite this multiplicity of views, it is possible to find some common ideas between the authors cited, namely the belief in the non-linear behaviour of many phenomena, which implies the enormous difficulty in identifying a model that covers all the characteristics under study (the whole is not just the sum of the parts), disequilibrium as the usual state of systems and self-organisation (which suggests the spontaneous emergence of new global patterns from local interactions of subunits) and disorder rather than order as the typical "situation" of systems - identified, for example, in Lartey (2020) or David Ng (2013).

There are many recent economic phenomena that seem to incorporate a large part of the defining characteristics of the complexity paradigm in their behaviour.

The first, and obvious, but perhaps not the most important or impactful, is the fragility of macroeconomic forecasts, materialised in very frequent errors on the most varied dimensions¹². How is it possible to understand this fragility in the century of supercomputers and artificial intelligence, unless it is simply a corollary of all the characteristics that shape and justify complexity theory?

In this sense, it is not surprising that the ECB (2022) recognised that "recent Eurosystem and ECB staff projections have substantially underestimated the increase in inflation, largely due to exceptional developments such as unprecedented energy price dynamics and supply bottlenecks". The IMF (2023) stated that "ex post, the errors in the underlying inflation forecasts for 2021 are potentially explained by four factors: a stronger-than-expected output recovery; demand-induced pressure on supply chains; a temporary shift in demand from services to goods; and a historically tight labour market. Ex ante the pandemic fiscal stimulus appears to be a significant indicator of subsequent mistakes for advanced economies." The latter explanation is still based on exactly the same linear

¹¹ Deterministic complexity has more than just a coincidence of points in common with chaos theory.

¹² This fragility of forecasts is not exclusive to macroeconomics, or even to economics. Two examples, among many: on the eve of the bankruptcy of the US bank Lehman Brothers, which triggered the crisis of 2007/2008, one of the main rating agencies reiterated its top-quality rating (AAA) for the bank; in the week of the invasion of Ukraine by Russia, experts were unanimous in admitting that Ukraine would not last more than a month.



models as decades ago and is incapable of incorporating the possibility that price behaviour is simply a non-linear phenomenon, capable of being conditioned, and conditioning, a set of other variables, in a context of general market disorder.

Linked to the issue of inflation is another interesting dimension, that of monetary policy.¹³ We have spent most of the 21st century worrying about the absence of economic growth and almost no inflation. Monetary policy in Europe, but also in North America and a large part of Asia, exhausted its traditional mechanisms when interest rates pushed us into the "liquidity trap" and, as a last resort, resorted to unconventional monetary policies, shattering the convictions of most economists, not only because we started to live with negative interest rates but also because of the massive purchase programs by central banks of public debt on the secondary market.

When many were doubting the effectiveness of the "atomic bomb of monetary policy", precisely those unconventional policies that stubbornly failed to show results, here comes the COVID-19 pandemic and the invasion of Ukraine and ... suddenly, inflation too!

But perhaps the most important sign of the complexity of economic phenomena is the behaviour of gross domestic product (GDP) and the resurgence of the secular stagnation thesis, to which we will return in a moment.

The stagnation of world economic growth in the light of complexity theory

As we mentioned earlier, in recent decades and especially in the so-called advanced economies, there has been a reduced GDP's growth, especially given the long post-World War II trend.

The behaviour of GDP was so unsatisfactory that it led to the revival of an approach that had been almost forgotten since the Great Depression, the Secular Stagnation, and renowned economists such as Lawrence Summers and Paul Krugman, among many others, resurrecting the topic in 2013/2014, convinced that it was a threat, especially in some advanced economies, namely the US and European economies.

Let's look at the empirical evidence, focusing only on the size of the wealth generated (GDP) and the utilisation of productive capacity¹⁴.

Table 1 presents information on the average annual growth rate of gross domestic product observed in a group of countries/economic zones, as well as forecasts of this growth until 2029.

¹³ The authorities' main, and in some cases only, monetary policy objective is to stabilize the general price level.

¹⁴ Strictly speaking, secular stagnation can be empirically proven by three strands of analysis/dimensions. The first dimension corresponds to the wealth generated by a country or economic zone, in the case of the euro area, and can be measured by gross domestic product (GDP) or the rate of capacity utilization, in this case as an advanced indicator of what might happen. The second dimension, which is more financial, is related to the balance of full employment and the possible need for interest rates in real terms (nominal rate minus inflation) to be very low (or even negative) to ensure fundamental equality between savings and investment. The third dimension has to do with demographics, or if we like the demographic transition that is affecting the advanced economies.



Table 1. Gross Domestic Product (constant prices) – annual average growth rate, percentage

| | 1980-1989 | 1990-1999 | 2000-2009 | 2010-2019 | 2020-2027 |
|---------------------------|-----------|-----------|-----------|-----------|-----------|
| World | 3,2 | 3,1 | 3,8 | 3,7 | 2,9 |
| Advanced Economies | 3,1 | 2,8 | 1,8 | 2,1 | 1,6 |
| European Union | 2,1 | 2,1 | 1,7 | 1,7 | 1,4 |
| Eurozone | - | 2,0 | 1,4 | 1,4 | 1,1 |
| Emerging Markets | 3,3 | 3,7 | 6,0 | 5,0 | 3,8 |
| USA | 3,1 | 3,2 | 1,9 | 2,4 | 2,1 |
| China | 9,8 | 10,0 | 10,3 | 7,7 | 4,2 |
| Japan | 4,3 | 1,5 | 0,5 | 1,2 | 0,6 |
| Germany | 1,9 | 2,2 | 0,8 | 2,0 | 0,6 |

Source: International Monetary Fund, *World Economic Outlook*, April 2024, data worked up by the author. Data from 2024 onwards is from IMF forecasts.

Two conclusions seem clear to us in this very long horizon of information: economic growth in the world as a whole remains relatively high, taking into account long-term historical patterns, and in a narrow range between 3% and 4% and, secondly, there is an undeniable and progressive slowdown in the pace of growth in the advanced economies, which are now growing at around 1.5% rather than the 3% they averaged in the last two decades of the 20th century.

A more detailed analysis will find equally interesting micro-trends, for example the recent behaviour of China's GDP, which now seems to be showing signs of a sharp slowdown in its growth.

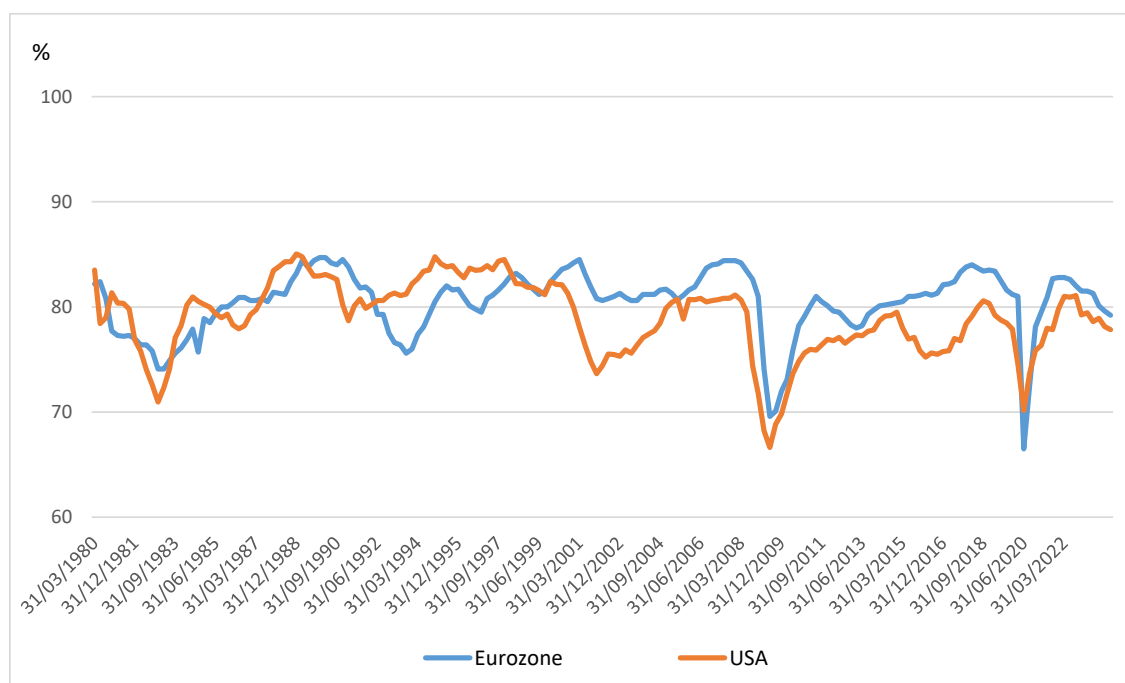
However, compared to 1999, when the GDPs of the USA, the Euro Area and China accounted for around 29%, 22% and 3% of the world total respectively, by 2023 these weights were 26%, 15% and 17%. We don't need to say much more about who the winners and losers have been in this new century, just add that in the same years, the advanced economies have gone from 80% to 59% of world GDP and, symmetrically, the emerging markets from 20% to 41%.¹⁵

Let's now look at the evolution of capacity utilisation in the US and the euro area, as shown in the figure below.

¹⁵ As a curiosity, although in nominal terms the world's largest GDP is still prominently the US, in purchasing power parity since 2016 the world's largest economy has been China and the gap between it and the US has been widening.



Figure 1: Capacity utilisation rate - USA and euro area, percentage



Source: FED St. Louis e ECB

The information shows that capacity utilisation remains at low levels and, since 2021, has even been on a downward trajectory in both economies and is now below 80%, reflecting excess installed capacity. The under-utilisation of productive capacity makes significant increases in investment unlikely in the coming years, so supply is not expected to make a significant contribution to any acceleration in economic growth.

Given this less than encouraging situation for the advanced economies and, especially, for the euro area and the US, what conclusions can be drawn about the scenarios/forecasts for the near future?

One perspective is, in the light of the current mainstream, to resort to the usual answers: the centre of the world is changing, the emerging markets and, in particular, the Asian economies are more competitive and are also taking advantage of the effects of increased globalisation following the fall of the Berlin Wall, the advanced economies, on the other hand, have structural problems and need reforms that are slow to be implemented, demographics are also contributing to the slowdown in economic growth in the "richer" economies, the poor industrialisation process in the West is beginning to show its effects, among many other explanations.

The author has used these and other explanations several times. He won't refute them now.

However, it may be worth considering whether all these imbalances, which are also beginning to be felt in some emerging economies (the significant slowdown in economic growth in China is a good example) are not a sign that we must assume the non-linear



behaviour of multiple phenomena, so it will be difficult to find a valid model capable of covering all the characteristics of this phenomenon, in this case the secular stagnation of economic growth.

On the other hand, the last few decades have also reinforced that the situation of disequilibrium will be the predominant characteristic of systems, rather than equilibrium, as well as self-organisation, which suggests the spontaneous emergence of new global patterns from local interactions of subunits and, finally, disorder, rather than order, as the typical situation of systems.

Accepting these characteristics of the systems does not mean giving up the fight for what seems to us to be the fundamental structuring element of economic policy: its anti-cyclical nature, being able to help ensure that cycles of expansion above potential are not perpetuated, otherwise they will inevitably result in high levels of inflation and being prepared to combat cycles of economic contraction with effective measures.

Nor do they make it necessary to disregard most of the essential fundamentals of economic science.

They only advise us to have the intellectual humility to accept new formulations, to look closely at phenomena without prejudice and, above all, without fear of change.

Conclusions

The 21st century has seen a revival in academia of the hypothesis of secular stagnation in economic growth, which was launched by Alvin Hansen in 1930.

In these lines, we have tried to demonstrate, firstly, the common features of the initial approach and the more contemporary currents, namely those which, like Summers, who was the one who revived the subject in 2013, are based above all on demand-side factors.

These common approaches can be found both in the assumption that there is a risk of this secular stagnation materialising in the more advanced economies, notably the US, and also in the identification of many of its causes, namely demographics and technological cycles.

We have tried to show the empirical evidence of this stagnation in economic growth, limiting ourselves only, due to the nature of this publication, to the issue of gross domestic product, thus leaving aside financial and demographic issues.

In this context, we have opened, or tried to open, the door to new approaches to the phenomenon, also because we are convinced that the traditional responses of economic policy have proved ineffective, in this as in other phenomena in economic systems: the mainstream of economics is in danger of being emptied of what it is supposed to do, which is to help make the best decisions so that the wealth and satisfaction of economic agents can be maximised.

These decisions are based on linear models, the search for balance and the conviction of an order that doesn't seem to characterise current phenomena, as crises follow one another without us being able to predict them in time to avoid or minimise their impact,



economic growth in advanced economies remains anemic and inflation, which was supposed to be far from the medium and long-term horizon, has suddenly emerged with high intensity.

All this calls for a humble and flexible outlook, attentive to new approaches, new ways of looking at economic phenomena.

Complexity theory will certainly not be the answer to all of science's challenges. It can, and should, be seen as a complementary approach to the mainstream and one that can therefore enhance the models used in economics.

By presenting the thoughts of some of the authors of complexity theory in this article, by trying to look at secular stagnation from another perspective, we have perhaps remained faithful to the revolutionary or, if you prefer, liberal origins of economic science, in the sense that it is characterised by openness to changes in working methods, to new paradigms, to the intelligence to evolve by taking on new ways of looking at reality.

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REVISITANDO A HIPÓTESE DA ESTAGNAÇÃO SECULAR À LUZ DO PARADIGMA DA COMPLEXIDADE

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Resumo

Após as disrupções trazidas, também ao cenário macroeconómico, por fenómenos como a pandemia do COVID 19 e a invasão da Ucrânia, é provável que o tema da estagnação secular do crescimento económico, retomado em 2013 depois do contributo original de Alvin Hansen, venha novamente a ocupar, até pela sua verificação empírica, um lugar central na investigação e na análise geoeconómica. O paradigma dominante, pelo menos desde o início do século XX, não apenas nas ciências dita exatas, nas também noutras áreas das ciências sociais, como a economia, tem sido caracterizado pelo determinismo, pela confiança quase ilimitada nos modelos lineares, nas suas conclusões e na sua quase infalibilidade. Tem sido evidente a falta de precisão destes modelos, nomeadamente naquilo que supostamente seria a sua grande força, ou seja, a capacidade preditiva. Acontecimentos como a crise financeira de 2007/2008, a crise das dívidas soberanas europeias que se lhe seguiu, o aumento significativo do contributo dos mercados emergentes para a riqueza global, têm mostrado como estes modelos lineares são limitados na sua capacidade de análise e, também por isso, suscetíveis de virem a ser olhados com algum ceticismo pelos decisores. Perante este quadro conceitual, pretendemos visitar a tese de estagnação secular, nos seus alicerces teóricos fundamentais, mas também na evidência empírica com os dados mais recentes e, para além disso, olhar para uma visão alternativa à do mainstream. Essa visão é encarnada pela teoria da complexidade, com a sua convicção de que os fenómenos não têm necessariamente um comportamento linear, pelo que é difícil identificar um modelo que cubra todas as características em estudo, o desequilíbrio é a característica habitual dos sistemas e, por fim, a desordem, e não a ordem, é tipicamente a situação dos sistemas. Vendo nestas abordagens um complemento, e não uma rutura com o mainstream, tentámos afinal mantermo-nos fiéis aos princípios fundadores da ciência, desde logo a abertura à mudança, a novos métodos de trabalho, a novos paradigmas.

Palavras-chave

Estagnação Secular, Política Económica, Complexidade, Modelos Lineares.



Abstract

After the disruptions brought, also to the macroeconomic scenario, by phenomena such as the COVID-19 pandemic and the invasion of Ukraine, it is likely that the theme of secular stagnation of economic growth, taken up again in 2013 after Alvin Hansen's original contribution, will once again occupy a central place in geo-economic research and analysis, not least because of its empirical validation. The dominant paradigm, at least since the beginning of the 20th century, not only in the so-called exact sciences, but also in other areas of the social sciences such as economics, has been characterised by determinism, almost unlimited trust in linear models, their conclusions, and their near infallibility. The lack of precision of these models has been evident, particularly in what is supposed to be their great strength, that is, their predictive capacity. Events such as the financial crisis of 2007/2008, the European sovereign debt crisis, the significant increase in the contribution of emerging markets to the global wealth, have shown how these linear models are limited and, also for this reason, are likely to be viewed with some skepticism by decision-makers. Given this conceptual framework, we intend to revisit the secular stagnation thesis, in its fundamental theoretical foundations, but also in the empirical evidence with the most recent data and, in addition, to look at an alternative vision to the mainstream. This vision is embodied by complexity theory, with its conviction that phenomena don't necessarily behave in a linear model, so it's difficult to identify one that covers all the characteristics under study, imbalance is the usual characteristic of systems and, finally, disorder, not order, is typically the situation in systems. Seeing these approaches as a complement to, rather than a break with, the mainstream, we ultimately tried to remain faithful to the founding principles of science, starting with openness to change, to new working methods, to new paradigms.

Keywords

Secular Stagnation, Economic Policy, Complexity, Linear Models.

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REVISITANDO A HIPÓTESE DA ESTAGNAÇÃO SECULAR À LUZ DO PARADIGMA DA COMPLEXIDADE

HENRIQUE MORAIS

Introdução

O desmembramento do Sistema Monetário Internacional de Bretton-Woods, as crises cambiais dos anos noventa do século XX, a crise financeira de 2007/2008, a Grande Recessão de 2009, a crise económica e inflacionista na sequência da pandemia do COVID-19, são acontecimentos talvez devam aconselhar a reequação dos paradigmas que norteiam a sociedade e a Economia desde a Segunda Guerra Mundial.

Estes episódios poderão ser movimentos pontuais de um outro fenómeno, mais estrutural e preocupante, de estagnação do crescimento económico numa parte significativa da economia mundial, concretamente no grupo dos países que o Fundo Monetário Internacional designa de "Economias Avançadas".

Procuramos neste artigo indicar a importância dos trabalhos iniciais sobre o tema, de Alvin Hansen (nos anos 30 do século XX) e, não ignorando o papel que os keynesianos e a escola neomarxista norte-americana tiveram em manter o tema "vivo" ao longo da segunda metade do século XX, o de economistas como Lawrence Summers no ressuscitar do tema, já no final da primeira década do século XXI.

Definido o nosso problema, nomeadamente a hipótese da materialização da estagnação secular do crescimento económico, o argumento deste artigo é que os modelos lineares tradicionais não se revelam suficientes para explicar o fenómeno e menos ainda para elencar as políticas necessárias para o combater.

Uma realidade complexa deve ser explicada com modelos que possam reconhecer essa complexidade e, portanto, equacionar em toda a dimensão os fatores que condicionam essa mesma realidade.

Procurámos esses fatores na teoria da complexidade, apresentando os seus pressupostos e a sua aplicação ao fenómeno em estudo, desde logo pelas hipóteses de partida fundamental de que a situação normal dos fenómenos sociais é o desequilíbrio, a auto-organização, que sugere o aparecimento espontâneo de novos padrões globais a partir de interações locais das subunidades e, por último, a desordem, em vez da ordem, como situação típica dos sistemas.



Talvez por tudo isto, os avanços tecnológicos das últimas décadas, nomeadamente com a digitalização e a robotização de amplos segmentos da nossa atividade económica, não foram suficientes para nos proporcionar um crescimento económico robusto e duradouro.

Neste artigo, após uma apresentação sumária dos contributos de Alvin Hansen e de Lawrence Summers, revisitamos, ainda que sumariamente e de forma muito geral, os modelos lineares e a teoria da complexidade, para terminarmos com uma visão, à luz da teoria da complexidade, sobre o fenómeno da estagnação do crescimento económico mundial.

A estagnação do crescimento económico mundial: o papel de Alvin Hansen

Pairava ainda sobre a sociedade e economia norte-americanas a sombra daquele que viria a ser o mais dramático e intenso fenómeno económico em séculos (a Grande Depressão de 1929-30) quando um dos mais eminentes economistas dos Estados Unidos, Alvin Hansen, proferiu o discurso que lançaria o conceito de estagnação secular do crescimento económico¹.

Estávamos em março de 1939 e, a dado passo, Hansen afirma a propósito da situação vivida na época:

"Esta é a essência da estagnação secular, recuperações ténues que morrem na sua infância e depressões que se alimentam de si mesmas e criam um núcleo duro e aparentemente inamovível de desemprego" (Hansen, 1939: 4).

Embora reconhecendo a complexidade do período pelo qual os Estados Unidos estaria a passar, após tempos de crescimento e de expansão (para o Oeste) que caracterizaram grande parte do século XIX, o que fica claro quando afirma

"Estamos a passar, por assim dizer, por um fosso que separa a grande era de crescimento e expansão do século XIX de uma era que ninguém, não querendo embarcar em puras conjeturas, pode ainda caracterizar com clareza ou precisão" (*ibid.*: 1).

Hansen aponta três fatores que teriam estado na origem dos fortes fluxos de investimento nas primeiras décadas da história económica norte-americana, garantindo assim níveis de crescimento do produto interno bruto anormalmente elevados, face aos padrões do resto do mundo, e que aparentemente se estariam a esgotar, ou ao menos a diminuir de intensidade: o crescimento da população, as invenções e a descoberta e desenvolvimento de novos territórios e recursos (*ibid.*: 3).

¹ O discurso daquele que muitos apelidavam de "Keynes norte-americano" intitulou-se "*Economic Progress and Declining Population Growth*".



Começemos pela demografia.

A década de trinta trouxe uma desaceleração do crescimento populacional para cerca de metade do que se havia registado na década anterior (em que a população norte-americana teria aumentado cerca de dezasseis milhões de pessoas) e as previsões apontavam para menos de um terço na década de quarenta (*ibid.*: 2). Na aparente estagnação da população estariam implícitos

"sérios desajustamentos estruturais que podem ser evitados ou mitigados apenas se as políticas económicas apropriadas para uma situação em mudança forem aplicadas" (ibid.: 2).

Num ápice, emergia o problema fundamental da economia, o subemprego, isto é a incapacidade de atingir o pleno-emprego (*ibid.*: 4). Hansen sugeriu que o principal fator na génese do subemprego era o fraco crescimento populacional, na medida em que, condicionando o acréscimo da procura, criava o perigo potencial da estagnação económica e um efetivo subemprego do capital e do trabalho.

Hansen vai mais longe, afirmando que

"penso que seja aceite por todas as escolas do pensamento económico atual que o pleno emprego e o nível máximo de rendimento não podem ser atingidos na economia moderna de livre iniciativa sem um volume de investimento adequado para preencher o gap entre as despesas de consumo e o nível de rendimento que poderia ser alcançado quando todos os fatores estão empregues (...). Assim, podemos postular um consenso sobre a tese de que, na ausência de um programa positivo destinado a estimular o consumo, o pleno emprego dos recursos produtivos é essencialmente uma função do vigor do investimento. Menos consensual é o papel desempenhado pela taxa de juro no volume de investimento. No entanto, poucos são os que acreditam que num período de estagnação do investimento, uma abundância de fundos a baixas taxas de juro é, por si só, suficiente para produzir um fluxo vigoroso de investimento real (...) atrevo-me a dizer que o papel da taxa de juro como fator determinante do investimento tem ocupado um lugar maior do que merece no nosso pensamento. Se isso for admitido, somos obrigados a considerar que os fatores que estão na base do progresso económico são os determinantes principais do investimento e do emprego" (ibid.:5).

E aqui entra o segundo tema, as invenções. Hansen afirma que

"considerando a economia como um todo não há evidência de que o avanço da técnica tenha resultado, nas últimas décadas, em qualquer incremento do capital. Aparentemente, uma vez que a técnica da máquina tenha sido desenvolvida, é provável que a mecanização adicional resulte num aumento da produção menos proporcional e muitas vezes superior aos acréscimos líquidos ao capital real. Embora o processo de aprofundamento esteja em



curso em certas áreas, nas restantes as invenções poupadoras de capital estão a reduzir o rácio entre o capital e a produção” (ibid.:7).

Talvez essa incapacidade da “*mecanização adicional*” em se revelar criadora de valor acrescido seja um indício de que Hansen vislumbrava também a possibilidade de, à semelhança da economia, também a tecnologia poder funcionar em ciclos muito longos, de expansão e contração sucessivas.

A descoberta de novos territórios e recursos é talvez a mais imediata razão apontada por Hansen para justificar a estagnação do crescimento económico. Na verdade, na última década do século XIX, acompanhando os progressos da linha férrea, a expansão para o Oeste dos EUA estava concluída. Ora, citando Hansen,

“Não é possível fazer sequer uma estimativa aproximada da proporção do novo capital criado no século XIX que foi uma consequência direta da abertura de novos territórios (...) Que proporção de capital novo nos Estados Unidos foi todos os anos para a fronteira ocidental não sabemos, mas deve ter sido muito considerável. Aparentemente, cerca de um quarto da acumulação total de capital da Inglaterra foi investido no estrangeiro em 1914, e um sétimo no caso de França. Estes números, embora apenas sugestivos, apontam inequivocamente para a conclusão de que a abertura de novos territórios e o crescimento da população foram, em conjunto, responsáveis por uma fração muito grande - possivelmente perto de metade - do volume total da nova formação de capital no século XIX” (ibid.:9).

Em conclusão, mesmo sabendo como Hansen desvalorizou os fatores monetários, também pelo relevo que deu à demografia, não deixa de ser curioso que este grande economista tenha considerado que a Grande Depressão foi particularmente expressiva na medida em que teve na sua génese amplos choques monetários e tecnológicos a atuar em simultâneo.

Ironicamente, o tema foi praticamente abandonado nas décadas seguintes, talvez porque boa parte das medidas sugeridas por Hansen para combater o fenómeno da estagnação secular fizeram parte do receituário do *New Deal*, quiçá também porque a IIª Guerra Mundial tudo mudou ou muito simplesmente porque a prosperidade longa vivida no pós-Guerra tornava muito pouco apelativo, mesmo para a ciência, o tema lançado por Hansen².

A estagnação do crescimento económico mundial: o contributo de Lawrence Summers

O longo silêncio mencionado foi interrompido por Lawrence Summers, em 2014, quando este relembra Hansen e indica a armadilha da liquidez e o desequilíbrio entre a poupança

² Na verdade, o tema não foi abandonado de todo graças aos contributos da escola neomarxista norte-americana, na senda do legado de Alexander Hamilton, personificada em académicos como Paul Sweezy ou Paul Baran.



e o investimento como as causas mais profundas da estagnação secular que, segundo ele, estaria muito provavelmente de volta aos Estados Unidos.

Summers define várias vertentes que caracterizam o processo: a dificuldade da política económica em atingir múltiplos objetivos, isto é, uma boa utilização da capacidade produtiva e a estabilidade financeira, o que, por sua vez, está muito relacionado com a descida da taxa de juro real de equilíbrio e com a necessidade de diferentes abordagens nas políticas económicas (Summers, 2014: 65-66).

Aponta uma profunda alteração que a crise financeira de 2007-2008 trouxe à macroeconomia, na medida em que se passou de um tempo em que a política monetária pretendia reduzir a (pequena) amplitude das flutuações face à tendência, para um cenário em que se ambiciona justamente ter de enfrentar o problema da minimização das flutuações em torno de uma tendência satisfatória (*ibid.*).

Defende que apesar da resposta da política económica em 2008 ter sido muito maior do que aquando da crise de 1929-30, a projeção do crescimento do PIB *per capita* é em tudo idêntica ao observado entre 1929 e 1941 (Summers, 2016: 93 e 96). Interpretação nossa: uma política monetária superagressiva, pelo menos no século XXI, não convencional, teve resultados muito abaixo do esperado e do que certamente desejaríamos as autoridades monetárias e os governos.

Conclui Summers (2014: 66), as crises levaram a destruição de emprego que não tem sido repostado, sendo a maior explicação para a tendência de descida do produto interno bruto potencial a redução do investimento de capital, seguida pelo contributo do trabalho e, em menor escala, pelo comportamento da produtividade.

E quanto às causas deste fenómeno de anemia do crescimento económico? Summers afirma que as alterações estruturais da economia levaram a mudanças profundas no equilíbrio natural entre a poupança e o investimento, causando uma queda na taxa de juro real de equilíbrio associada ao pleno emprego (*ibid.*, 69). Mais tarde, a interrogação principal é o que causa o aumento da poupança e a descida do investimento, criando esta pressão descendente, esta tendência para a estagnação (2016: 100).

O aumento da poupança é associado às alterações na distribuição do rendimento e na repartição dos lucros (mais desigualdade implicaria uma maior poupança), à acumulação de reservas ou fluxos de capitais e à desalavancagem e preparação para a reforma, num contexto em que uma maior expectativa de vida geraria mais resistência ao endividamento³ (*ibid.*: 100 e 102). A descida da propensão a investir (*ibid.*: 102 e 103) resulta do menor crescimento da população e/ou da tecnologia, da menor massificação da economia e, finalmente, de descida dos preços dos bens de capital.

Rachel e Summers (2019: 46) vão ainda mais longe e concluem que o setor privado da economia é propenso a ser capturado por um equilíbrio de subemprego e baixa inflação se as taxas de juro reais não puderem descer bem abaixo de zero por cento.

Summers integra um vasto grupo de académicos que relevam a prevalência dos fatores do lado da procura como determinantes principais do fenómeno da estagnação secular.

³ Summers faz notar que a desalavancagem das famílias e o pagamento antecipado das dívidas são formas de poupança (*ibid.*, 102).



Outros autores consideram que a estagnação secular é principalmente o resultado de fatores relacionados com a oferta. Por exemplo, Gordon e Crafts dizem que a estagnação é uma evidência na medida em que se observa uma forte diminuição do crescimento potencial de longo prazo, enquanto Rogoff, com a sua hipótese do chamado “superciclo da dívida”, relaciona a estagnação do crescimento económico ao longo período de endividamento dos agentes económicos que teria chegado ao seu final e daria lugar a um processo progressivo de desalavancagem financeira.

Revisitando os modelos lineares e a teoria da complexidade

A busca de fenómenos que apresentem um comportamento padronizado, com características de regularidade e repetição que permitem justamente uma melhor explicação, é provavelmente uma das características mais universal aos vários campos da ciência. Nessas características os cientistas encontram bases sólidas de previsão, algo que nos tempos modernos, pela forte pressão mediática, faz dessa previsão dos fenómenos ou de determinadas variáveis um objetivo nuclear para o conforto da opinião pública⁴

As ciências sociais, e nomeadamente a economia e as relações internacionais, não são exceção e têm vindo a intensificar a busca contínua por modelos assentes numa forte robustez quantitativa que supostamente são (mais) ajustados para explicar os fenómenos sociais.

Para sermos justos, a importância da modelização é aliás intrínseca ao próprio surgimento da economia, se aceitarmos, como o autor destas linhas, que esse momento ocorreu com os clássicos, nomeadamente Adam Smith e David Ricardo, e com o modelo das vantagens comparativas, que através das dotações de fatores produtivos explicava em que condições os países poderiam ter interesse mútuo em se envolverem na troca, no comércio internacional, beneficiando face à situação de autarcia⁵.

Aliás, é notória a importância geopolítica do trabalho destes homens, nomeadamente ao contribuírem para fomentar a cooperação comercial em detrimento do objetivo principal do mercantilismo, isto é, a acumulação de metais preciosos, não raramente fomentadora da conflitualidade em detrimento da cooperação internacional.

Os neoclássicos, na sua tentativa de explicar os mecanismos subjacentes ao comércio internacional, criaram modelos matemáticos de equilíbrio geral, e demonstraram, por exemplo, como o aumento do preço relativo de um bem conduz ao incremento do rendimento real do fator mais utilizado na produção desse bem e, inversamente, a uma diminuição do rendimento real do outro fator⁶. Também aqui se destaca a tentativa de

⁴ Só para citar exemplos recentes, veja-se a pressão sobre as autoridades do Havai por supostamente não terem sido capazes de prever a intensidade dos fogos que provocaram centenas de vítimas em agosto de 2023 ou, noutra patamar, a tensão permanente e os milhões de dólares de “incentivo” para que os cientistas fossem capazes de encontrar regularidade no comportamento do vírus SARS-COV 2 e, deste modo, encontrarem rapidamente uma vacina para o COVID-19.

⁵ O modelo, muito sofisticado para o seu tempo (início do século XIX) foi relevante para afastar a doutrina mercantilista, dominante à época, mas também porque permitia antecipar qual deveria ser o padrão de especialização produtiva dos países envolvidos na troca comercial.

⁶ Uma referência obrigatória para o modelo de Heckscher e Ohlin e, sobretudo, para o teorema de Stolper-Samuelson.



prever a evolução de uma variável em função do comportamento observado de outra variável/fator.

E John M. Keynes revoluciona a macroeconomia no século XX, com a sua Teoria Geral, ao introduzir os conceitos e as práticas da ciência em que se formou originalmente, a matemática. A multidão de admiradores que granjeou desde muito jovem e que contribuíram também, com a sua própria investigação, para que o keynesianismo tivesse emergido como uma das principais correntes/escolas de economia no século XX, não será alheia à novidade que Keynes traz à academia: a utilização massiva de uma matemática muito evoluída, que demonstrava ser possível tentar explicar fenómenos sociais com recurso a instrumentos de ciências exatas.

Keynes conseguiu a admiração de jovens estudantes de economia em larga medida pelo fascínio suscitado pelas novas abordagens lineares do seu mentor.

Estas formulações da tentativa de explicar o problema económico, baseiam-se, entre outros, em dois princípios fundamentais: por um lado, que o equilíbrio é por natureza o ponto para o qual devem convergir os sistemas e os fenómenos económicos e, por outro, que estes podem ser explicados por modelos lineares.

Ilustra de forma exemplar o primeiro princípio o equilíbrio entre a oferta e a procura⁷, um dos alicerces da teoria económica, elemento central para a explicação do problema económico essencial: como funcionam os mercados, como é determinado o preço dos bens e o rendimento dos agentes económicos.

Alguns defendem que o equilíbrio é mais central para as ciências económicas e empresariais do que para muitas outras ciências, o que aliás contribui para diferenciar a economia:

"Um traço característico que distingue a economia de outros domínios científicos é o facto de, para nós, as equações de equilíbrio constituírem o centro da nossa disciplina. Outras ciências, como a física ou mesmo a ecologia, colocam comparativamente mais ênfase na determinação de leis dinâmicas de mudança... Certamente que existem princípios dinâmicos intuitivos... a dificuldade está em transformar estes princípios informais em leis dinâmicas precisas" (Mas-Colell et al, 1995: 620).

Facilmente se encontram princípios dinâmicos na lei da oferta e da procura, nomeadamente quando se postula que o preço aumenta (diminui) se a procura for superior (inferior) à oferta⁸. Ora, embora seja generalizada a convicção de que é difícil transformar os "princípios informais" em "leis dinâmicas", a verdade é que a crença dos economistas nos modelos de equilíbrio é "quase cega", tanto a nível da macroeconomia, como da microeconomia.

⁷ Ou as curvas IS/LM que traduzem a relação entre as taxas de juro e o rendimento.

⁸ Nas curvas IS/LM podem-se identificar "dynamic principles", por exemplo, quando se explicita as consequências na IS quando a taxa de juro aumenta (deslocamento para a direita), i.e., um aumento do rendimento / produção.



O segundo princípio beneficiou da “beleza” intrínseca das equações lineares (por norma facilmente compreendidas pelos não-leigos e, sobretudo, dificilmente refutáveis) e também pela facilidade de identificação e representação dos modelos lineares.

A matemática e seus derivados passou a ser para os economistas um instrumento poderoso, pelo seu comportamento linear, de fortalecimento da análise e, não menos importante, de transmissão aos agentes económicos da sua poderosa capacidade de previsão dos fenómenos económicos⁹.

Muito importante foi também a perceção dos economistas quanto à importância crescente da sua atividade, não apenas para empresas e famílias, mas também para a decisão política. Ou seja, os economistas rapidamente perceberam a importância de colocar os instrumentos de política orçamental, fiscal, monetária e cambial ao serviço dos decisores políticos para influenciar o ciclo económico.

Ironicamente, uma das razões principais do sucesso dos modelos lineares entre os economistas (a simplicidade da sua formulação e dos seus resultados) terá sido, em sentido oposto, também fator de sucesso destas abordagens entre os políticos: para estes, a fundamentação matemática, alicerçada em formulações muitas vezes herméticas e incompreensíveis, torna-se, por incapacidade de as refutar, uma espécie de “vaca sagrada”... o que ainda mais contribui para a convicção de gerações de economistas de serem os donos de uma verdade (quase) absoluta.

O próprio Keynes reconheceu que os sistemas raramente estão em equilíbrio, antes tendem a gravitar em torno do ponto de equilíbrio sem o atingirem, pelo menos enquanto estado estacionário¹⁰ e, por isso, a tentativa de expressar o comportamento desses sistemas por equações e modelos lineares está, muitas vezes, condenada ao fracasso.

Neste contexto, a crise do petróleo dos anos 70 terá representado provavelmente o primeiro “abanão” na autoestima dos economistas, no que diz respeito à sua convicção dos méritos e da capacidade preditiva dos seus modelos. De repente, um grupo de países, considerados, na nomenclatura da época, como subdesenvolvidos têm a capacidade de se agrupar na Organização dos Países Exportadores de Petróleo e, de forma coordenada, aumentar substancialmente os preços do barril de petróleo, provocar disrupção nos mercados dos países ditos “desenvolvidos” e, de forma direta ou indireta, gerar uma enorme volatilidade nesses mercados e um aumento da inflação generalizado.

As crises cambiais dos anos noventa do século XX, primeiro na Ásia, em 1997, depois na Rússia (1998) e no Brasil (1999) foram momentos que abalaram mais ainda a crença geral na capacidade preditiva da ciência económica através dos seus modelos lineares. Estes momentos foram, todavia, apenas a ponta do icebergue para o que viria a seguir, concretamente a crise financeira de 2007/2008, a crise das dívidas soberanas europeias entre 2009 e 2014 e, finalmente, o *quantitative easing* e as políticas monetárias não convencionais.

⁹ Existe alguma semelhança em fenómenos de natureza muito diferente, ou melhor, um conjunto desses fenómenos é explicado pelo recurso a modelos muito semelhantes. Um exemplo é a equação central do modelo Black-Scholes para o preço das opções, muito idêntica (ou pelo menos com elevada correlação) à *heat flow equation* da física.

¹⁰ Definido da aceção da física de algo que não se altera com o tempo.



Voltaremos a este ponto adiante. Por agora concentremo-nos nos aspetos estruturantes fundamentais da teoria da complexidade.

O determinismo enquanto característica principal do paradigma dominante na ciência, pelo menos entre o século XVIII e a primeira metade do século XX (no que alguns autores chamam *The Newtonian Paradigm* – por exemplo Mateo et al. 2002) começou a ser questionado no início do século XX, na física quântica, quando o prémio Nobel Heisenberg postulou o que ficou conhecido como o princípio da incerteza: *"quanto mais precisa for a determinação da posição de uma partícula, menos precisa será a previsão do seu momento a partir das condições iniciais"*.

Não nos atrevemos a identificar uma definição única e universal para a teoria da complexidade ou mesmo para a ideia de sistemas complexos. Todavia, reconhecer que os sistemas são adaptativos e complexos, dificilmente suscetíveis de ser analisados somente por modelos lineares terá sido o primeiro importante passo para o desenvolvimento desta área da ciência.

Rosser (1999) diz que

"Não é de surpreender que não exista uma definição consensual de um termo tão complexo como "complexidade", afirmando ainda que "um sistema dinâmico é complexo se, endogenamente, não tender assintoticamente para um ponto fixo, um ciclo limite ou uma explosão. Estes sistemas podem apresentar um comportamento descontínuo e podem ser descritos por conjuntos de equações diferenciais ou diferenciais não lineares, eventualmente com elementos estocásticos".

Mason (2001) identifica três campos para a complexidade, nomeadamente a *"algorithmic complexity"*, em que a complexidade está associada à dificuldade de descrever as características do sistema, a *"deterministic complexity"*, em que a relação entre *"duas ou três variáveis-chave pode criar sistemas bastante estáveis e propensos a descontinuidades súbitas"*¹¹ e, finalmente, a *"aggregate complexity"*, relacionada com a forma com os elementos individuais funcionam na definição do comportamento de sistemas complexos.

Schneider e Somers (2006) afirmam existir *"três elementos constitutivos inter-relacionados da TC - dinâmica não linear, teoria do caos e adaptação e evolução"*, no último dos quais se contesta a versão Darwiniana dominante de que a evolução das espécies está dependente da seleção natural, sugerindo antes que *"embora a seleção seja importante, as espécies desempenham um papel na sua evolução e adaptação às mudanças externas"*. O corolário para a generalidade dos sistemas, e não apenas para os organismos vivos, é que a capacidade de evolução dos sistemas é diferenciada e que, nalguns casos, *"pequenas forças podem resultar em perturbações nos sistemas"*.

¹¹ A complexidade determinística tem mais do que apenas uma coincidência de pontos em comum com a teoria do caos.



Walby (2007) e Olmedo (2010) dizem, respetivamente que

"A teoria da complexidade é um conjunto de trabalhos que aborda questões fundamentais sobre a natureza dos sistemas e as suas alterações" e "A ciência da complexidade procura estudar, descrever e explicar o comportamento de sistemas adaptativos complexos".

Apesar desta multiplicidade de visões é possível encontrar alguns denominadores comuns aos autores citados, nomeadamente a crença no comportamento não linear de muitos fenómenos, o que implica a enorme dificuldade em identificar um modelo que cubra todas as características em estudo (o todo não é apenas a soma das partes), o desequilíbrio como estado habitual dos sistemas e a auto-organização (que sugere o aparecimento espontâneo de novos padrões globais a partir de interações locais das subunidades) e a desordem, em vez da ordem, como a "situação" típica dos sistemas – identificadas, por exemplo, em Lartey (2020) ou David Ng (2013).

Existe uma panóplia de fenómenos económicos recentes que parecem incorporar, no seu comportamento, grande parte das características definidoras do paradigma da complexidade.

O primeiro, e muito óbvio, mas talvez não o mais importante ou impactante, é a fragilidade das previsões macroeconómicas, materializada em erros muito frequentes sobre as mais variadas dimensões.¹² Como é possível entender essa fragilidade no século dos supercomputadores e da inteligência artificial, a não ser como sendo somente o corolário de todas as características que dão corpo e justificam a teoria da complexidade?

Neste sentido, não surpreende que o BCE (2022) tenha reconhecido que

"as projeções recentes dos especialistas do Eurosistema e do BCE subestimaram substancialmente o aumento da inflação, em grande parte devido a desenvolvimentos excecionais, tais como uma dinâmica sem precedentes dos preços da energia e estrangulamentos no abastecimento".

O FMI (2023) afirmou que

"ex post, os erros das previsões da inflação subjacente para 2021 são potencialmente explicados por quatro fatores: uma recuperação do produto mais forte do que o previsto; pressão induzida pela procura nas cadeias de abastecimento; uma mudança temporária na procura de serviços para bens; e um mercado de trabalho historicamente restritivo. Ex ante o estímulo orçamental da COVID-19 parece ser um indicador significativo dos erros subsequentes para as economias avançadas".

¹² Esta fragilidade das previsões não é aliás um exclusivo da macroeconomia, nem sequer da economia. Dois exemplos, entre muitos: em vésperas da falência do banco norte-americano Lehman Brothers, detonador próximo da crise de 2007/2008, uma das principais agências de *rating* reiterou a classificação de máxima qualidade (AAA) a esse banco; na semana da invasão da Ucrânia para Rússia os especialistas eram unânimes em admitir que a Ucrânia não resistiria mais do que um mês.



Esta última explicação continua a basear-se exatamente nos mesmos modelos lineares de há décadas, sendo incapaz de incorporar a possibilidade de o comportamento dos preços ser simplesmente um fenómeno não-linear, passível de ser condicionado, e condicionar, um conjunto de outras variáveis, num contexto de desordem geral dos mercados.

Associado à questão da inflação surge uma outra dimensão interessante, a da política monetária¹³. Passámos a maior parte do século XXI preocupados com a ausência de crescimento económico e com a (quase) inexistência de inflação. A política monetária, na Europa, mas também na América do Norte e em grande parte da Ásia, esgotou os seus mecanismos tradicionais quando as taxas de juro nos empurraram para a “armadilha da liquidez” e, em último recurso, lançou mão de políticas monetárias não convencionais, baralhando as convicções de grande parte dos economistas, não apenas pelo facto de termos passado a conviver com taxas de juro negativas mas também com os programas de compra massiva, pelos bancos contrais, de dívida pública em mercado secundário.

Ora, quando muitos já duvidavam da eficácia da “bomba atómica da política monetária”, justamente essas políticas não convencionais que teimavam em não mostrar resultados, pelo menos evidentes e/ou imediatos, eis que surge a pandemia do COVID-19 e a invasão da Ucrânia e...de repente, também a inflação!

Mas o mais importante sinal da complexidade do fenómeno económico talvez seja o comportamento do produto interno bruto (PIB) e o ressurgimento da tese da estagnação secular, às quais vamos regressar de seguida.

A estagnação do crescimento económico mundial à luz da teoria da complexidade

Conforme referimos anteriormente, nas últimas décadas e principalmente nas chamadas economias avançadas, registou-se um crescimento do PIB muito reduzido, sobretudo tendo em conta a tendência longa do pós- IIª Guerra Mundial.

O comportamento do PIB foi de tal forma insatisfatório que fez reerguer uma abordagem praticamente esquecida desde a Grande Depressão, a Estagnação Secular, com economista conceituados como Lawrence Summers e Paul Krugman, entre muitos outros, a ressuscitarem, em 2013/2014, o tema, convictos de que seria uma ameaça, sobretudo nalgumas economias avançadas, nomeadamente nos EUA e nas economias europeias.

Vamos à evidência empírica, centrando-nos apenas na dimensão da riqueza gerada (PIB) e da utilização da capacidade produtiva¹⁴.

¹³ Não esquecer que o principal, nalguns casos único, objetivo de política monetária das autoridades é a estabilização do nível geral de preços.

¹⁴ Em rigor, a estagnação secular pode ser comprovada empiricamente por três vertentes de análise/dimensões. A primeira dimensão corresponde à riqueza gerada por um país ou zona económica, caso da área do euro, podendo ser medida pelo produto interno bruto (PIB) ou pela taxa de utilização da capacidade produtiva, neste caso enquanto indicador avançado daquilo que poderá vir a ocorrer. A segunda dimensão, mais financeira, está relacionada com o equilíbrio de pleno emprego e a eventual necessidade de as taxas de juro, em termos reais (taxa nominal deduzida da inflação) se situarem a níveis muito baixos (ou mesmo negativos) para que seja assegurada a igualdade fundamental entre a poupança e o



O quadro 1 apresenta informação sobre a taxa de crescimento média anual do produto interno bruto observada num conjunto de países/zonas económicas, bem como as previsões desse crescimento até 2029.

Duas constatações nos parecem evidentes neste muito longo horizonte de informação: o crescimento económico do mundo, como um todo, permanece relativamente elevado, tendo em conta os padrões históricos de longo prazo, e num intervalo estreito entre 3% e 4% e, em segundo lugar, existe um indistigável e progressivo abrandamento do ritmo de crescimento nas economias avançadas que estão agora a crescer próximo de 1,5% e não dos 3% que evidenciavam, em média, nas duas últimas décadas do século XX.

Quadro 1. Produto Interno Bruto (preços constantes) – taxa de crescimento média anual, em percentagem

| | 1980-1989 | 1990-1999 | 2000-2009 | 2010-2019 | 2020-2029 |
|----------------------------|-----------|-----------|-----------|-----------|-----------|
| Mundo | 3,2 | 3,1 | 3,8 | 3,7 | 2,9 |
| Economias Avançadas | 3,1 | 2,8 | 1,8 | 2,1 | 1,6 |
| União Europeia | 2,1 | 2,1 | 1,7 | 1,7 | 1,4 |
| Área do euro | - | 2,0 | 1,4 | 1,4 | 1,1 |
| Mercados Emergentes | 3,3 | 3,7 | 6,0 | 5,0 | 3,8 |
| EUA | 3,1 | 3,2 | 1,9 | 2,4 | 2,1 |
| China | 9,8 | 10,0 | 10,3 | 7,7 | 4,2 |
| Japão | 4,3 | 1,5 | 0,5 | 1,2 | 0,6 |
| Alemanha | 1,9 | 2,2 | 0,8 | 2,0 | 0,6 |

Fonte: Fundo Monetário Internacional, *World Economic Outlook*, abril 2024, dados trabalhados pelo autor. Os dados a partir de 2024 são de previsões do FMI.

Uma análise mais pormenorizada irá encontrar micro tendências igualmente interessantes, por exemplo, o comportamento mais recente do PIB chinês, que parece dar agora sinais de forte abrandamento do respetivo crescimento.

Todavia, por comparação com o ano de 1999, em que os PIB dos EUA, da Área do Euro e da China representavam, respetivamente, cerca de 29%, 22% e 3% do total mundial, verificou-se que esses pesos passaram, em 2023, para 26%, 15% e 17%. Não será preciso dizer muito mais sobre quem foram os ganhadores e os perdedores neste novo século, apenas acrescentar que, nos mesmos anos, as economias avançadas passaram de 80% para 59% do PIB mundial e, simetricamente, os mercados emergentes de 20% para 41%.¹⁵

investimento. A terceira dimensão tem a ver com a demografia, ou se quisermos a transição demográfica que está a atingir as economias avançadas.

¹⁵ A título de curiosidade, embora em termos nominais o maior PIB mundial ainda seja destacadamente o norte-americano, em paridade de poder de compra desde 2016 que a maior economia do mundo é a China e a diferença desse PIB para os EUA tem vindo a aumentar.



Observemos agora a evolução da utilização da capacidade produtiva nos EUA e na área do euro, conforme figura seguinte.

Figura 1. Taxa de utilização da capacidade produtiva – EUA e Área do euro, em percentagem



Fonte: FED St. Louis e BCE

Analisando a informação é patente a manutenção da utilização da capacidade produtiva em níveis baixos e, desde 2021, a apresentar mesmo uma trajetória descendente em ambas as economias e a situar-se agora abaixo de 80%, refletindo o excesso de capacidade instalada. O subaproveitamento da capacidade produtiva torna improvável acréscimos significativos do investimento nos próximos anos, pelo que não é de esperar que a oferta venha a dar um contributo expressivo para qualquer aceleração do crescimento económico.

Perante esta situação nada animadora para as economias avançadas e, em particular, para a área do euro e os EUA, que conclusões tirar quanto aos cenários/previsões para o futuro próximo?

Uma perspetiva será, à luz do *mainstream* atual, recorreremos às respostas habituais: o centro do mundo está a mudar, os mercados emergentes e, em particular, as economias asiáticas estão mais competitivas e também a aproveitar os efeitos da globalização acrescida após a queda do muro de Berlim, as economias avançadas, por outro lado, têm problemas estruturais e necessitam de reformas que tardam em implementar, a demografia contribui adicionalmente para a desaceleração do crescimento económico nas economias mais "ricas", a desindustrialização do Ocidente começa a fazer sentir os seus efeitos, entre muitas outras explicações.



Várias vezes o autor destas linhas se socorreu destas e de outras explicações. Não vai agora refutá-las.

Todavia, talvez valha a pena ponderar se todos estes desequilíbrios, que aliás começam a sentir-se também nalgumas economias emergentes (o abrandamento significativo do crescimento económico na China é disso exemplo) não serão o sinal de que devemos assumir o comportamento não linear de múltiplos fenómenos, pelo que será difícil encontrar um modelo válido capaz de abranger todas as características desse fenómeno, no caso, a estagnação secular do crescimento económico.

Por outro lado, as últimas décadas reforçam também que a situação de desequilíbrio será a característica predominante, ao invés do equilíbrio, dos sistemas, bem como a auto-organização, que sugere o aparecimento espontâneo de novos padrões globais a partir de interações locais das subunidades e, por último, mas não menos importante, a desordem, em vez da ordem, como situação típica dos sistemas.

Aceitar estas características dos sistemas não significa, de todo, desistir de lutar por aquele que nos parece ser o elemento estruturante fundamental da política económica: o seu carácter anti cíclico, ser capaz de contribuir para que os ciclos de expansão acima do potencial não se perpetuem, sob pena de inevitavelmente redundarem em elevados níveis de inflação, estar ainda preparada para combater, com medidas efetivas, os ciclos de contração da economia.

Também não tornam necessário que se releguem a maioria dos fundamentos essenciais da ciência económica.

Apenas aconselham a que se tenha a humildade intelectual de aceitar novas formulações, de olhar atentamente para os fenómenos sem preconceitos e, sobretudo, sem receio da mudança.

Conclusões

O século XXI viu renascer na academia a hipótese de estagnação secular do crescimento económico que havia sido lançada por Alvin Hansen em 1930.

Nestas linhas, procurámos demonstrar, primeiro, os traços comuns à abordagem inicial e às correntes mais contemporâneas, nomeadamente aquelas que, como em Summers, que aliás foi o académico que ressuscitou o tema, em 2013, se baseiam sobretudo nos fatores do lado da procura.

Esses denominadores comuns encontram-se tanto na assunção de que existe um risco de materialização dessa estagnação secular nas economias mais avançadas, notavelmente os EUA, como ainda na identificação de boa parte das suas causas, nomeadamente a demografia e os ciclos tecnológicos.

Tentámos mostrar a evidência empírica dessa estagnação do crescimento económico, limitando-nos apenas, atendendo à natureza desta publicação, à questão do produto interno bruto, deixando de lado, portanto, as questões financeiras e demográficas.

Neste contexto, abrimos, ou tentámos abrir, a porta a novas abordagens para o fenómeno, também porque estamos convictos que as respostas tradicionais da política



económica se têm revelado ineficazes, neste como noutros fenómenos dos sistemas económicos: o *mainstream* da economia corre o risco de algum esvaziamento no que dele se espera, ou seja, ajudar à tomada das melhores decisões para que se possa maximizar a riqueza e a satisfação dos agentes económicos.

Essas decisões, baseiam-se em modelos lineares, na busca do equilíbrio e na convicção de uma ordem que não parece ser caracterizadora dos fenómenos na atualidade, na medida que que as crises se sucedem sem que sejamos capazes de as prever a tempo de as evitar ou minimizar os seus impactos, o crescimento económico nas economias avançadas continua anémico e a inflação, que se supunha afastada do horizonte de médio e prazo, de repente, e com uma enorme intensidade, emergiu.

Tudo isto convoca-nos para um olhar humilde e flexível, atento a novas abordagens, novas formas de encarar os fenómenos económicos.

A teoria da complexidade não será certamente a resposta para todos os desafios da ciência. Pode, e deve, ser encarada como uma abordagem complementar ao *mainstream* e que, por isso, pode valorizar os modelos utilizados na economia.

Ao expor neste artigo o pensamento de alguns dos autores da teoria da complexidade, ao pretender olhar para a estagnação secular sobre outro prisma, talvez nos tenhamos mantido fiéis à origem, revolucionária ou, se for preferível, liberal, da ciência económica, no sentido em que esta se caracteriza pela abertura à mudança de métodos de trabalho, a novos paradigmas, à inteligência de se evoluir assumindo novas formas de olhar para a realidade.

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ESTRATÉGIA EUROPEIA EM BUSCA DE UMA "CONSCIÊNCIA PLANETÁRIA": UMA CIDADANIA ECOLÓGICA PARA ALÉM DA ARITMÉTICA VERDE?

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Resumo

Este artigo examina a estratégia ambiental europeia e, em especial, a natureza de uma cidadania ecológica europeia. Argumenta-se que a estratégia ambiental europeia, apesar da sua importância, baseia-se sobretudo num modelo de gestão da natureza, atribuindo ao cidadão um papel central nesta gestão. O atual quadro jurídico-político não demonstra um novo paradigma de "consciência planetária" capaz de garantir uma verdadeira mudança. O argumento está estruturado em quatro partes: em primeiro lugar, examinam-se os conceitos do Antropoceno, Capitaloceno e o paradigma da Aritmética Verde, dando ênfase ao quadro da estratégia ambiental europeia e o papel do cidadão europeu na mesma. Seguidamente, observam-se os esforços, e pressupostos subjacentes, para "salvar o planeta" a nível internacional e europeu em busca de evidências de uma "consciência planetária". Na terceira parte, utiliza-se a leitura particular do quadro jurídico-político europeu, em especial do Pacto Ecológico Europeu, efetuando uma análise crítica do papel do cidadão como força matriz desta mudança. Por fim, sintetizamos as principais conclusões e refletimos sobre a resposta da UE ao desafio climático, à luz das tendências identificadas e da urgência de encontrar um novo paradigma apto para a verdadeira mudança de pensamento. Este artigo contribui teoricamente ao interpretar a estratégia europeia, e em particular a cidadania ecológica europeia através do modelo de Aritmética Verde, e de gestão neoliberal. Igualmente, contribui empiricamente ao destacar a forma como a cidadania europeia é entendida nos termos do Pacto Ecológico Europeu..

Palavras-chave

Pacto Ecológico Europeu (PEE), Cidadania ecológica europeia, consciência planetária, aritmética verde, gestão neoliberal.



Abstract

This article examines the European environmental strategy and, in particular, the nature of a European ecological citizenship. It argues that the European environmental strategy, despite its importance, is mainly based on a model of nature management, giving citizens a central role in this management. The current legal-political framework does not demonstrate a new paradigm of 'planetary consciousness' capable of guaranteeing real change. The argument is structured in four parts: firstly, the concepts of the Anthropocene, Capitalocene and the Green Arithmetic paradigm are examined, emphasising the framework of the European environmental strategy and the role of the European citizen in it. It then looks at the efforts, and underlying assumptions, to 'save the planet' at international and European level in search of evidence of a 'planetary consciousness'. The third part uses a particular reading of the European legal-political framework, especially the European Green Deal, to critically analyse the role of the citizen as the driving force behind this change. Finally, we summarise the main conclusions and reflect on the EU's response to the climate challenge, in the light of the trends identified and the urgency of finding a new paradigm suitable for a real change in thinking. This article makes a theoretical contribution by interpreting the European strategy, and in particular European ecological citizenship through the Green Arithmetic model, and neoliberal management. It also makes an empirical contribution by highlighting how European citizenship is understood under the terms of the European Green Deal.

Keywords

European Ecological Pact (EEP), European ecological citizenship, planetary consciousness, green arithmetic, neoliberal management.

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ESTRATÉGIA EUROPEIA EM BUSCA DE UMA "CONSCIÊNCIA PLANETÁRIA": UMA CIDADANIA ECOLÓGICA PARA ALÉM DA ARITMÉTICA VERDE?¹

EVANTHIA BALLA

Introdução – Como o cidadão pensa a Natureza?

"A forma de pensar que utilizamos para encontrar soluções para os problemas mais graves da nossa era globalizada é, ela própria, um dos problemas mais graves que temos de enfrentar" (Morin & Ceruti, 2013: posiç. 1219).

Numa era marcada pela globalização e por avanços tecnológicos velozes, o impacto das alterações climáticas afigura-se com um dos principais desafios políticos. A deterioração ambiental global coloca uma série de desafios tanto ao nosso conhecimento como às nossas respostas. Neste contexto, tem havido um debate frutuoso sobre o início das condições que deram origem ao problema. Paul Crutzen de forma célebre afirmou que transitámos do período geológico do Holoceno, a mais recente era glacial, ocorrida há cerca de 12 mil anos, para o Antropoceno, uma nova era da história da Terra dominada pela pegada humana. Diversas alternativas ao conceito geológico do Antropoceno têm sido propostas relativas ao pensamento de crise ecológica, particularmente nas ciências sociais, como o Capitaloceno. Este conceito considera o capitalismo como forma de organizar a natureza; ou seja, como uma ecologia global, onde poder, capital e natureza estão interligados. Nesta perspetiva, a história foi moldada como soma das interações entre humanos e a natureza, com base numa aritmética verde, que acabou por distorcer o próprio planeta.

As respostas políticas às alterações climáticas têm vindo a intensificar-se ao longo do tempo, tanto a nível nacional, como europeu e internacional. No entanto, estas respostas não demonstram uma verdadeira conscientização sobre as origens do problema, falhando em reconhecer plenamente a influência que o ser humano e as instituições exercem sobre o ambiente.

¹ Este estudo foi realizado no Centro de Investigação em Ciência Política (UIDB/ CPO/00758/2020) da Universidade de Évora e apoiado pela Fundação para a Ciência e Tecnologia (FCT) e pelo Ministério da Educação e Ciência através de fundos nacionais.



De acordo com a análise de Crutzen (2021) sobre o Antropoceno, compreende-se que uma das grandes obrigações futuras da humanidade será de estabelecer uma estratégia ponderada para garantir a sustentabilidade dos ecossistemas face à inevitável interferência humana. Assim, a aplicação dos conhecimentos adquiridos «na noosfera², agora mais conhecida como sociedade do conhecimento ou da informação» deverá ser “sensata” (Crutzen, 2021, p. 27). Com efeito, o modo de pensar afigura-se como o fator determinante da própria mudança.

O conceito da “noosfera” não é novo. Teilhard de Chardin (1961) na sua obra *Hymn of the Universe* já destacava a importância do desenvolvimento de uma “consciência planetária”. O autor (1961, p. 89) referia que “[s]e os homens da Terra, em toda a Terra, se quiserem amar uns aos outros, não basta que reconheçam uns nos outros os elementos de um algo único; devem também, desenvolver uma “consciência planetária”, tomar consciência do facto de que, sem perda das suas identidades individuais, se estão a tornar num alguém único”. De Chardin defende que a harmonia do planeta é o resultado da amálgama de várias existências. Assim, o homem, os animais, mas também a própria natureza, devem formar um só na teia da vida.

Crutzen (2021) sustenta, portanto, que não houve esta coexistência harmoniosa, mas que a pegada humana ao longo dos três últimos séculos transformou a Terra de maneiras profundas e duradouras. Crutzen sublinha que “[c]erca de 30 a 50% da superfície terrestre do planeta é explorada por seres humanos. As florestas tropicais desaparecem a um ritmo acelerado, libertando dióxido de carbono e aumentando fortemente a extinção de espécies” (2021, p.24).

Vários académicos analisaram as causas e os efeitos desta transformação. Moore (2016) aponta para o pensamento dualista dominante, daquilo que ele chama, de “Aritmética Verde”, ou seja, da ideia de que Humanidade (ou Sociedade) e Natureza, ou mesmo Capitalismo e Natureza, somam-se. Moore argumenta que as formas de organização humana são elas próprias criadoras de ambientes. As instituições humanas, como as classes, os impérios e os mercados, são criadoras de ambientes na teia da vida, e elas próprias são influenciadas por estas mudanças. Assim, o capitalismo como “forma de organizar a natureza como um todo”³ — o já referido Capitaloceno —, tornou-se um produto, mas também um produtor na teia da vida. Deste ponto de vista, o capitalismo metamorfoseou-se num sistema global, a *world-ecology*, em que a natureza serve (ou deve servir) os objetivos do sistema: de alta produtividade a preços baixos (2016, pp.:78-165). Assim, permanecendo e agindo dentro do mesmo sistema dificilmente iremos conseguir responder ao desafio das alterações climáticas com êxito. Moore (2016, p. 1) defende que “[o] tipo de pensamento que criou a atual turbulência global dificilmente nos ajudará a resolvê-la”.

² Isto é a esfera do raciocínio lógico. Termo derivado das palavras gregas “Nouç” (raciocínio lógico e mental) e “σφαίρα” (esfera). Em 1924, Teilhard de Chardin e E. Le Roy cunharam o termo “noösphere”, distinguindo o papel crescente que o poder do pensamento humano e das suas vocações tecnológicas têm desempenhado na construção do futuro e do seu ambiente.

³ E não apenas como sistema social e económico.



De certo ponto, o Capitaloceno apresenta-se como conceito crítico ao do Antropoceno, alternativo na sua explicação quanto às catástrofes naturais (Federau, 2023, p. 641), perspetivando a mudança do paradigma atual.

Na mesma linha de pensamento crítico ao Antropoceno, e em conformidade com Moore, San Román e Molinero-Gerbeau (2023) argumentam que o conceito de Antropoceno pode ser compreendido de duas formas distintas: como "Antropoceno Geológico", uma perspetiva das ciências naturais que alude aos impactos mensuráveis das comunidades humanas no planeta, segundo a escola de Stoermer e Crutzen⁴; e como "Antropoceno Popular", uma perspetiva das ciências humanas e sociais que se refere à forma de pensar sobre as origens e a evolução da crise ecológica. Ao contrário do Crutzen, que mede as mudanças ambientais impulsionadas pelas ações humanas, San Román e Molinero-Gerbeau sustentam que é fundamental considerar as implicações culturais, sociais e éticas importantes que conduziram a estas mudanças. Para os autores não foi o *άνθρωπος* (-antropos/ o homem) que nos conduziu a um novo período geológico, mas a cultura ocidental. Mais precisamente, os autores (2023, p. 39) defendem que "[o] próprio capitalismo é uma estrutura material construída sobre os fundamentos ideológicos do pensamento ocidental, cuja abordagem da predação da natureza precede o dualismo cartesiano"⁵. Braidotti e Casper-Hehne (2023) também defendem que o conceito de Antropoceno é um produto dos humanos ocidentais, pois baseia-se numa visão do mundo ocidental, e em particular Europeia, que separa a "natureza da cultura, os corpos das mentes, os humanos dos não-humanos e organiza todas as diferenças hierarquicamente" (2023, p. 667). Igualmente, as autoras também sublinham que enquanto a maioria das emissões globais são produzidas pelos países mais ricos, o impacto recai nos ombros dos mais pobres países do Sul Global (*ibid*, p. 668)⁶.

Quanto à governança da era do Antropoceno, afigura-se com uma governança neoliberal. O termo "neoliberalismo" não significa o mesmo que o "capitalismo": na realidade, surge da "intensificação e a aceleração das possíveis consequências do capitalismo" (Hétier, 2023, p. 671). A nossa estratégia jurídico-política para responder aos desafios climáticos tem vindo a assumir a forma de uma gestão neoliberal, baseada numa racionalidade de custo-benefício e de técnicas de mercado difundidos em todos os domínios da sociedade (Lawrence, 2017, pp. 7, 12)⁷. Neste modelo neoliberal de governança a sociedade torna-se numa "sociedade empresarial" (Foucault, 2008, p. 147), e nela o "homo oeconomicus, é o empresário de si mesmo, sendo para si o seu próprio capital, sendo para si o seu próprio produtor, sendo para si a fonte dos [seus] ganhos" (2008, p. 226). No mesmo

⁴ Em 2000, Paul J. Crutzen e Eugene F. Stoermer publicaram um artigo intitulado "The 'Anthropocene'" na revista *Global Change Newsletter*, disponível na íntegra no livro "Paul J. Crutzen and the Anthropocene: A New Epoch in Earth's History" (2021). O termo ganhou mais popularidade após o ensaio frequentemente citado de Crutzen (2002).

⁵ Referência à "humanização" segundo os seus critérios ocidentais já encontramos na obra de Teilhard de Chardin. Segundo ao autor [h]oje, para permanecer humanos ou para se tornarem mais plenamente humanos, todos os povos, de uma ponta à outra da Terra, são inexoravelmente levados a formular as esperanças e os problemas do mundo nos próprios termos concebidos pelo Ocidente (1961, 110)

⁶ Nestes termos, para as autoras é fundamental avaliar os aspetos discriminatórios do legado humanista, pelo que são necessários os estudos interculturais, pós-coloniais e des-coloniais, teorias feministas e de género e do pensamento ecológico para garantir que não continuam no Antropoceno.

⁷ Igualmente, Moore argumenta que as possibilidades de aquisição de recursos naturais baratos têm sido limitadas desde os anos 70 enquanto uma nova tendência foi lançada, por vezes designada por neoliberalismo, que se caracteriza pelo reforço do domínio do mercado (2016, p.: 92)



teor, Jopke (2021, p. 15) sublinha que a racionalidade neoliberal esbate a fronteira entre os setores público e privado, mas também invade a esfera privada.

Neste contexto, como é que a União Europeia está a moldar o seu discurso e a sua *praxis* para lidar com os desafios climáticos? Sendo líder na luta contra o desafio das alterações climáticas, apresenta um novo pensamento que se transforma em prática num novo paradigma de uma "consciência planetária"?

Hajer (1995), na sua obra "Politics of the Environmental discourse", enfatiza certas características no discurso político da "modernização ecológica" do final dos anos '70, que permitem abordar a crise ambiental como uma situação "gerível". Nomeadamente, o autor destaca que neste discurso os custos e benefícios da poluição podem ser calculados; uma organização ambientalmente correta da sociedade é possível com a participação de todos. Por conseguinte, a proteção do ambiente torna-se, em grande medida, uma questão de gestão (1995, p. 26). Do mesmo modo, a autora Molek-Kozakowska (2023) tem enfatizando que o discurso europeu, em particular o Pacto Ecológico Europeu, adota um discurso neoliberal de "sustentabilidade"; e normaliza-a como condição entre as ordens de discurso ambiental e económica, sem condicionantes (2023, p.p.: 182–199). A ênfase principal coloca-se na necessidade da transformação económica e na gestão para a atenuação das consequências climáticas no mercado livre (Molek-Kozakowska, 2023; Hetiér; 2023)⁸.

Igualmente, a estratégia ambiental europeia para o clima destaca o papel do cidadão na luta contra as alterações climáticas, promovendo assim uma cidadania ecológica⁹. Porém, vários teóricos apontam para as complexidades do modelo normativo de uma cidadania ecológica (Vihersalo, 2016; Machin & Tanb 2022; Bourban, 2023; para a cidadania ambiental vide também Dobson and Bell). Para Vihersalo (2017), o cidadão europeu define-se como ator economicamente racional, que fará os ajustamentos ao seu comportamento para proteger o ambiente, como é a redução do consumo de energia, ou o consumo de produtos amigos do ambiente, beneficiando-se a si mesmo. Vihersalo identifica a ausência de uma relação moral profunda entre cidadão e ambiente na campanha climática da UE, pois apesar de haver algumas referências à proteção do ambiente, não se trata de uma profunda ligação ética com o ambiente. Trata-se de um objetivo duplo que consiste tanto na atenuação das alterações climáticas como na "modernização ecológica", que por sua vez levará a um maior crescimento económico (Vihersalo 2017, p. 358).

⁸ Fiel a lógica neoliberal, oferece -se a possibilidade de uma reforma liderada pelo capitalismo rearmado tecnologicamente aceitando de modo acrítico as estruturas e instituições existentes (vide "Workers and Trade Unions for Climate Solidarity. Takling Climate Change in a neoliberal world" de Hampton, Paul, 2015. Routledge: New York.

⁹ A literatura académica e o próprio discurso da União Europeia têm utilizado vários termos ao abordarem à problemática das alterações climáticas e em particular a estratégica europeia e o conceito de uma nova cidadania: "ambiental"; "climática"; "ecológica"; "verde" (vide Vihersalo, 2017). Para os objetivos do presente artigo que avalia o Pacto Ecológico Europeu, consideramos mais adequado o termo cidadania "ecológica" europeia. Ao enfatizar a importância das questões ética e de justiça na pegada ecológica do homem, como a criação de um espaço de cidadania, aproximamo-nos à "cidadania ecológica" de Dobson (2003). Igualmente, quanto à estratégia da União Europeia, adotamos o termo "estratégia ambiental", termo este que a Comissão Europeia utiliza na sua página oficial: https://environment.ec.europa.eu/strategyq_en.



No quadro jurídico-político ambiental europeu, o cidadão assume parte da responsabilidade da gestão do ambiente. Nomeadamente, o Pacto Ecológico Europeu adotado em 2019 colocou o cidadão ecológico europeu no centro da estratégia ambiental como 'força matriz'. Esta cidadania ecológica *em génesis* manifesta-se através de quatro componentes: "direitos", "deveres", "virtudes" e "práticas", de acordo com Machin e Tanb (2022, p. 13). Contudo, como anotam os autores, as práticas de cidadania facilitam ações importantes, mas também podem resultar em assimetrias entre os europeus. De facto, as virtudes e práticas ambientais, parecem dirigir-se a um único "bem comum", que pode prejudicar o reconhecimento da própria diversidade social e política da Europa. Por outro lado, os direitos e deveres ambientais estão distribuídos de forma desigual entre as esferas pública e privada (Heyen *et al*, 2020; Heyen, 2022). A título de exemplo, existe uma divisão laboral desigual entre a esfera pública e privada, que pesa significativamente mais as mulheres, que deve ser tida em consideração e integrada na própria definição de cidadania ambiental (MacGregor, 2006b), mudando o atual paradigma.

A seguir analisar-se-á a estratégia ambiental europeia, em particular o Pacto Ecológico Europeu, à luz de uma análise crítica da natureza da cidadania ecológica europeia.

Estratégias climáticas e pressupostos subjacentes

Tsoukalis (2023, p. 61) defende que "[a]s alterações climáticas são o produto do maior fracasso de mercado alguma vez registado"¹⁰.

Um importante esforço internacional realizado nos últimos anos visa sensibilizar os atores políticos e os cidadãos para a necessidade de colocar as alterações climáticas no topo da agenda política internacional e para a necessidade de proteger as populações vulneráveis que são particularmente afetadas pelas alterações climáticas. Nomeadamente, o Painel Intergovernamental sobre as Alterações Climáticas (Intergovernmental Panel on Climate Change (IPCC)) das Nações Unidas, criado em 1988 para avaliar o estado de conhecimento científico e socioeconómico e as estratégias de resposta quanto às alterações climáticas, tem alertado repetidamente sobre os crescentes riscos do aquecimento global e a urgência de reduzir as emissões de gases com efeito de estufa e de limitar as alterações climáticas a 1,5 °C (relatórios PIAC 2018, e relatório atualizado de 2021)¹¹. O IPCC tem também alertado para o facto de que as pessoas e os sistemas mais vulneráveis serem desproporcionalmente afetados e os extremos climáticos terem levado a impactos irreversíveis. De acordo com o último relatório do IPCC, entre 2010 e 2020, a mortalidade humana por catástrofes naturais, tais como inundações, secas e tempestades foi 15 vezes maior em regiões altamente vulneráveis, em comparação com regiões com muita baixa vulnerabilidade (2023, p. 51)¹².

A União Europeia tem vindo a liderar o caminho da transição climática, tanto a nível europeu como em termos de esforços internacionais. Tsoukalis, na sua recente obra

¹⁰ Que nos faz lembrar a afirmação de Nicholas Stern "as alterações climáticas são o resultado do maior fracasso de mercado que o mundo já viu (2007).

¹¹ IPCC (2018), Global Warming of 1.5 °C. <https://www.ipcc.ch/sr15> ; and IPCC (2021). The Physical Science Basis, https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM_final.pdf

¹² IPCC (2023). Climate Change 2023: Synthesis Report. doi: 10.59327/IPCC/AR6-978929169164



Europe's Coming of Age, quis resumir estes esforços escrevendo que a UE tem colocado consideráveis esforços "na tentativa de salvar a sua alma - e o planeta Terra com ela" (Tsoukalis, 2023, p. 142).

Desde a Conferência das Nações Unidas sobre o Ambiente e o Desenvolvimento, realizada no Rio de Janeiro em 1992, até ao Acordo de Paris, em 2015, a UE empenhou-se em desenvolver um quadro jurídico-político de estratégia climática abrangente, e tem atingindo resultados notáveis. De facto, em 2020 as emissões de gases com efeito de estufa (GEE) da UE diminuíram 31% comparativamente aos níveis de 1990, excedendo os objetivos do Protocolo de Quioto de reduzir as emissões em 20% até 2020. Vale salientar que este êxito deve se em grande parte à criação em 2005 do primeiro grande mercado de carbono do mundo ao adotar o seu regime de comércio europeu de licenças de emissão (CELE), definindo um limite para as emissões de gases com efeito de estufa (GEE) em atividades que representam cerca de 45% das emissões de GEE em toda a União Europeia. Todavia, também se deve à desindustrialização gradual da Europa ao longo das últimas décadas que tem sido um dos fator-chave para a redução das suas emissões. As empresas europeias têm vindo a transferir a produção para o resto do mundo, onde prevalecem normas ambientais menos exigentes. No entanto, isso significa que enquanto as emissões de gases com efeito de estufa diminuem na Europa, as emissões globais continuam a aumentar a um ritmo alarmante, agravando as condições de vida das populações mais vulneráveis.

Por outro lado, as estratégias de luta contra as alterações climáticas, nomeadamente a transição para uma economia verde, suscitam sérias preocupações quanto aos custos excessivos que podem implicar, bem como quanto ao seu impacto nas sociedades e nas pessoas mais vulneráveis. Tsoukalis (2023) nota que a revolta dos «*gilets jaunes*» em França em 2018 foi resposta às decisões e políticas fiscais do governo francês, sobretudo contra um novo imposto no preço da gasolina com base em preocupações ambientais. Os manifestantes maioritariamente dos subúrbios e do campo, que dependiam da gasolina barata para suas deslocações, foram afetados de forma desigual por esta decisão e sentiram-se fortemente afetados pelas políticas fiscais do governo francês (2023, pp. 140-142).

Neste quadro, vale também ressaltar os riscos das vozes negacionistas que desvalorizam os impactos das alterações climáticas a nível global, disseminando um discurso populista-nativista, sobretudo através das redes sociais. Discursos esses que têm estado na base de estratégias e políticas unilateralistas que ferem esforços de acordos multilaterais. Donald Trump, decidiu retirar os Estados Unidos da América do Acordo de Paris em 2017, e Jair Bolsonaro foi acusado de encorajar a deflorestação e a exploração da Amazônia durante a sua presidência, encarando as críticas internacionais como sendo ataques à soberania Brasileira (Maisonave, 2018). Tal regresso ao discurso da primazia do Estado-nação, por vezes nativista, contradiz o carácter transnacional do clima e a importância do multilateralismo para a sua salvaguarda¹³.

Similarmente, nas últimas décadas, as questões socioculturais e as políticas de identidade têm dominado o discurso político nos países ocidentais, mais do que as

¹³ Quanto ao "nativismo", adotamos a definição de Mudde, que considera o "nativismo" como conceito que engloba "nacionalismo" e "xenofobia" (2019, p: 27).



alterações climáticas (Mudde, 2019, p: 165). Enquanto a direita radical era vista como o partido que mais abordava as questões da imigração e da criminalidade, os partidos tradicionais do centro-direita e do centro-esquerda também têm dado especial ênfase às questões socioculturais e de segurança nos últimos anos, por vezes em detrimento das questões socioeconómicas. Neste contexto, as alterações climáticas parecem estar na linha da frente dos discursos políticos principalmente, se não exclusivamente, dos partidos verdes.

Apesar de a União Europeia ter desempenhado um papel importante na Conferência das Nações Unidas sobre Alterações Climáticas (COP26), incentivando os seus parceiros a intensificarem as ações para reduzir as emissões, os compromissos-chave da Conferência não demonstraram mudanças estruturais ou éticas significativas. As metas de "atingir objetivos mais ambiciosos para reduzir as emissões de gases com efeito de estufa até 2030", "debater medidas de adaptação aos inevitáveis impactos das alterações climáticas" e "aumentar o financiamento da ação climática, especialmente para os países em desenvolvimento"¹⁴ são essenciais, mas permanecem restritas a uma lógica de aritmética verde, que soma a Humanidade e a Natureza ou mesmo o Capitalismo e a Natureza, mas sem um compromisso de profundas transformações.

As alterações climáticas, obrigam-nos assim a repensar os efeitos do próprio modelo político dominante, os riscos da desigualdade e da injustiça socioeconómica, como também os riscos de um regresso à uma retórica nativista nacionalista do passado.

É, portanto, crucial decifrar como o tipo de pensamento de Aritmética Verde - que, como Moore assinala, cria a atual turbulência global - e a gestão neoliberal se revelam no discurso e na estratégia europeia. Neste contexto, iremos analisar o Pacto Ecológico Europeu.

A estratégia climática europeia e o Pacto Ecológico Europeu (PEE)

O Pacto Ecológico Europeu estabelece o compromisso ambicioso da União Europeia de alcançar uma redução das emissões líquidas de gases com efeito de estufa de, pelo menos, 55% até 2030, e a neutralidade climática até 2050, desenhando um roteiro para esta transição, e colocando o cidadão no centro da transformação como "força matriz" (Viherala, 2017; Machin e Tanb, 2022). O Pacto Ecológico se afirma, no próprio texto da Comissão, como um elemento fundamental da estratégia da Comissão para implementar a Agenda 2030 e alcançar os Objetivos de Desenvolvimento Sustentável das Nações Unidas¹⁵.

Neste Pacto, há uma série de propostas agregadoras que ambicionam uma mobilização e envolvimento para a mudança a todos os níveis, dando ênfase à economia, e às sociedades, como também às regiões vulneráveis dentro e fora da UE, com o objetivo de transformar a União "numa sociedade equitativa e próspera, dotada de uma economia moderna", eficiente na utilização dos recursos e competitiva (Comissão Europeia, 2019,

¹⁴ Vide página do Conselho Europeu: <https://www.consilium.europa.eu/en/policies/climate-change/paris-agreement/cop26/>

¹⁵ <https://sustainabledevelopment.un.org/post2015/transformingourworld>.



p.: 22). A Comissão aponta também para um novo pacto agregador, que reúna vários atores a todos os níveis: cidadãos, a sociedade civil, a indústria, autoridades, e os órgãos da UE (*ibid*, p. 2).

Contudo, não obstante a importância das propostas e do envolvimento agregador de vários atores neste pacto, o percurso da União Europeia para atingir os seus objetivos não evidencia mudanças profundas institucionais e de valores. O documento demonstra a passagem de uma racionalidade governamental clássica, baseada em noções como «direito(s)» (com apenas três referências no texto da Comissão), «esferas» e «jurisdição» (sem nenhuma referência no texto), para uma governamentalidade neoliberal baseada em conceitos alternativos, de «mercados», «partes interessadas» e «eficiência» (Lawrence, 2017).

Com efeito, no quadro do Pacto Ecológico Europeu os objetivos de uma estratégia ambiental europeia de sucesso passam em grande parte por ações de gestão "eficientes" e "eficazes". A título de exemplo, o documento refere que "[p]ara enfrentar este duplo desafio - eficiência energética e acessibilidade dos preços - a UE e os Estados-Membros devem promover uma «onda de renovação» de edifícios públicos e privados" (2019, p. 11). As ambições da Comissão também passam por "estabelecer as condições para uma transição eficaz e justa, proporcionar estabilidade para os investidores e assegurar a irreversibilidade dessa transição" (*ibid*, p.p.: 5, 21). No discurso sobre a eficácia somam-se os objetivos de "uma tarifação rodoviária eficaz na UE" (*ibid*, p. 12), "uma florestação eficaz" (*ibid*, p. 21); e, em termos de política externa, ao "[...]estabelecer um exemplo credível, acompanhado de diplomacia, da política comercial, do apoio ao desenvolvimento e de outras políticas externas, a UE pode ser um defensor eficaz" (*ibid*, p. 23). A Comissão também anota que as reduções das emissões têm efeitos secundários positivos na economia da UE, através do aumento da competitividade das empresas europeias que desenvolvem tecnologias respeitadoras do clima, através da poupança de custos decorrentes de um menor consumo de energia e através da diversificação das fontes de energia, que torna as economias europeias menos vulneráveis ao aumento dos preços do petróleo. Efetivamente, trata-se de decisões e ações político-institucionais que, numa lógica de aritmética verde, somam três objetivos principais: o reforço da economia; a estabilidade dos preços, e a eficiência energética. Quanto às relações da UE com o resto do mundo, a UE colocará a tônica nas ações "eficazes" realizadas pela vizinhança. O que antes definia o sucesso das empresas torna-se agora um objetivo político e determina o sucesso não só das políticas nacionais, mas também da governança europeia. No PEE, destaca-se, de facto, um estilo distinto de raciocínio que molda a estratégia em termos primordialmente económicos, numa lógica de gestão neoliberal, ampliando o campo da atividade empresarial, através de meios eles próprios informalizados e mercantilizados, e distribuindo tarefas governamentais para uma maior variedade de atores (*vide* Lawrence, 2017, e também Brown, 2015, p: 17).

Igualmente, o PEE refere que a UE deve "melhorar a sua capacidade de monitorizar, comunicar, prevenir e corrigir a poluição do ar, da água, do solo e dos produtos de consumo" (*ibid*, p. 16). Estas propostas revelam sobretudo ações de gestão, onde a própria natureza divide-se, e o ar, a água e o solo somam-se aos produtos de consumo, como elementos que a UE deve gerir para enfrentar as catástrofes naturais, novamente na mesma lógica de aritmética verde. Os problemas subjacentes à crise climática, tais



como a apropriação da natureza, a produção exacerbada, e o desperdício generalizado permanecem na periferia do debate político a nível europeu.

Com efeito, o documento está sobretudo centrado acerca de um objetivo principal: "Transformar a Economia da UE para um futuro sustentável" (Figura 1, p. 4). A natureza é vista como algo mais a acrescentar à economia do planeta. Igualmente, enquanto a(s) palavra(s) "economia(s)" repetem-se trinta vezes no documento, há apenas três referências à palavra "natureza", e estas são ligadas ao raciocínio económico. Nomeadamente, no PEE consta que "[o] trabalho em prol da adaptação às alterações climáticas deve continuar a influenciar os investimentos públicos e privados, incluindo em soluções baseadas na natureza" (Comissão, 2019, p. 6). "A Comissão ponderará a elaboração de um plano de recuperação da natureza e estudará a forma de financiar os Estados-Membros para os ajudar a alcançar este objetivo" (*ibid*, p. 15). Ademais, a natureza é vista como um "doente" que precisa de recuperar. Esta recuperação também passa por um financiamento das ações dos vários atores – para que a economia não fique afetada enquanto a natureza "recupere".

Por outro lado, as soluções são aqui apresentadas através de uma linguagem de humanização/ 'antropocenação' da própria natureza, inclusivamente mares e oceanos que devem ficar, à semelhança dos homens, mais "saudáveis" e "resistentes". Refere-se que "[e]m termos mais gerais, soluções duradouras para as alterações climáticas exigem que se preste uma maior atenção a soluções baseadas na natureza, incluindo mares e oceanos saudáveis e resistentes" (*ibid*, p. 16).

Quanto ao objetivo de uma transição justa, a introdução de um mecanismo para prestar apoio aos mais vulneráveis membros da sociedade durante a transição, o mesmo estará ligado à promoção de atividades principalmente económicas, inclusive "programas de requalificação, emprego em novos setores económicos ou habitação energeticamente eficiente" (*ibid*, p. 19). Na realidade, a transição para novos empregos será mais desafiante para as pessoas idosas e para as pessoas com menos qualificações. Também, as comunidades nas zonas onde os setores das indústrias dos combustíveis fósseis em declínio estão concentrados irão ficar particularmente afetadas. No entanto, a compensação pela perda de empregos para pessoas que não conseguirão aproveitar as oportunidades nos novos mercados de emprego de inovação verde não são abordados de forma clara pela Comissão. (Machin & Tanb, 2022, p. 12). Além disso, o texto da Comissão não apresenta referências que indiquem uma consciência de que o compromisso dos Estados-Membros pode variar devido a diversos fatores, como as disparidades económicas e o nível de conscientização dos cidadãos em diferentes países.¹⁶

¹⁶ De acordo com inquérito realizado pelo Banco Europeu de Investimento (<https://www.eib.org/en/press/all/2024-251-finns-rank-first-in-european-union-in-terms-of-climate-change-knowledge-eib-survey-finds>): a Finlândia é seguida pelo Luxemburgo (7,19/10) e pela Suécia (6,96/10) num teste de conhecimentos sobre as causas e consequências das alterações climáticas e as soluções para as combater. Assim, os finlandeses ocupam o primeiro lugar na UE27 (pontuação de 7,22/10), o que os coloca muito acima da média da UE de 6,37/10.



Poderá então a criação de um cidadão ecológico europeu ser considerada o início de uma nova viragem política de "consciência planetária"? Como é entendida esta cidadania ecológica europeia no documento da Comissão?

Na realidade, como já foi referido anteriormente, a UE reflete um ativismo pioneiro no âmbito das alterações climáticas e com sucessos significativos registados. O Pacto aparenta abrir oportunidades para aprofundar a cidadania europeia através da participação ativa dos cidadãos na luta contra as alterações climáticas. Na realidade, quanto às ações políticas e sociais, a Comissão prevê que o PEE assentará no conjunto de diálogos em curso da Comissão com os cidadãos, e de assembleias de cidadãos, em toda a UE, bem como no papel dos comités de diálogo social. Enquanto à participação política do cidadão ecológico, o PPE prevê "deveres públicos" e exige que os cidadãos participem ativamente nos debates políticos (Machin e Tan, 2022). Mais precisamente, este debates decorrerão no contexto de eventos nos Estados Membros numa espécie de diálogos entre a Comissão e os cidadãos. Salienta-se também a importância da existência de espaços tanto reais como virtuais que sirvam como fóruns onde as pessoas possam partilhar ideias e trabalhar em conjunto para com a luta contra as alterações climáticas (Comissão Europeia, 2019, p.: 26). Igualmente, reconhece-se que "[p]ara que o Pacto Ecológico tenha sucesso e conduza a mudanças duradouras, as instituições da UE terão de estar em sintonia com as preocupações dos cidadãos sobre o emprego, o aquecimento das suas casas e o dinheiro para as suas necessidades" (*ibid*, p. 26).

Por outro lado, quanto à educação ambiental, a Comissão refere-se à atitudes (não pensamentos) em relação às alterações climáticas. Neste sentido, prevê-se apoio à educação e à formação para preparar estudantes, professores e instituições, incluindo o fornecimento de "materiais de apoio e a facilitação do intercâmbio de boas práticas em redes comunitárias de programas de formação de professores" (Comissão, 2019, p. 22). Não obstante a relevância destas ações, não há qualquer referência à consciencialização através de uma educação ambiental.

De facto, são inovações importantes e mobilizadoras que parecem abrir espaço para canais de comunicação e conseqüente aproximação aos líderes europeus. No entanto, na prática, trata-se de interações espontâneas que podem ou não vincular os órgãos europeus. Pois, as dimensões normativas e éticas da própria mudança não estão abordadas de forma clara. Na retórica europeia, como argumenta Vihersalo (2017), a própria cidadania ecológica está ilustrada primordialmente através de escolhas comportamentais e de consumo opcionais, mas sem referências a mudanças ideacionais e/ou estruturais. O papel do cidadão ecológico é realçado e reforçado na esfera privada, mais através das responsabilidades autónomas, do que através da ação e cooperação coletivas. Este cidadão é encorajado a fazer ajustamentos "razoáveis" pensando primordialmente nos seus benefícios (Vihersalo, 2017; Hailwood 2007). De facto, quanto ao PEE, a Comissão indica que "[o] Pacto Ecológico Europeu irá criar o contexto de reformas fiscais abrangentes [...] transferindo a carga fiscal do trabalho para a poluição, tendo simultaneamente em conta considerações de ordem social" (2019, p.: 20). São estas reformas fiscais que poderão contribuir para uma sociedade mais equitativa, contemplando propostas importantes que destacam a importância para com uma transição social e mais justa. Nota-se, contudo, que a forma como o indivíduo responde aos dilemas sociais e aos conflitos de interesses permanece pouco explorada no texto.



Para Dryzek (1996, pp. 12, 33), tratando-se de comportamentos de indivíduos movidos por uma "racionalidade estratégica", de "egoístas racionais", não se assemelha a um cidadão ambientalista, mas sim ao *homo economicus*.

Dobson (2014) defende que o método de envolver as pessoas e mudar comportamentos não é possível com estratégias de incentivos e desincentivos fiscais, mas através da deliberação. A mudança só é possível se a sociedade civil se mobilizar, colaborar e exercer influência sobre o governo e a economia. Os processos discursivos e elaborativos são cruciais para a mudança de comportamento (Dobson, 2014, p. 139). A cidadania ambiental, por outro lado, tem como objetivo reconhecer e dar prioridade à capacidade dos indivíduos de se envolverem em comportamentos éticos e eticamente conscientes. Dobson argumenta que se não considerarmos a sustentabilidade de uma perspetiva normativa e ética, a nossa abordagem é incorreta e nos guiará em erro. Para Bell (2005), o próprio liberalismo para ser coerente deve olhar para o ambiente como algo mais do que uma mera propriedade; é o nosso "meio de sobrevivência" e o "fornecedor das nossas necessidades básicas". Uma visão do ambiente apenas como propriedade é (na melhor das hipóteses) incorreta (Bell, 2005, p. 180). Assim, dar prioridade aos incentivos económico-financeiros colocando em segundo lugar a educação moral, ética e de cultura política para com a proteção ambiental e reforço da cidadania ecológica não pode verdadeiramente guiar a uma mudança de paradigma e a uma verdadeira cidadania ecológica.

Brown (2015) tem argumentado que os juízos morais transmitidos linguisticamente permitem aos seres humanos ordenar e governar as suas associações de acordo com deliberações sobre o bem (2015, posiç.: 1230). É evidente que tais juízos são escassos no Pacto. Efetivamente a linguagem empresarial é dominante, enquanto a palavra "Antropoceno" e a expressão "cidadania ecológica", estão ausentes. Viherselo (2017, 362) sustenta que na campanha da Comissão sobre as alterações climáticas não encontramos referência às virtudes da cidadania de justiça ou de cuidado com os outros distantes, que apelariam à solidariedade ou a um sentido de justiça e como forma de incitar as pessoas a minimizarem a sua pegada de carbono. Além disso, a relação das pessoas com a natureza está ausente, assim como a relação ética do cidadão ecológico com a comunidade global ou com o ambiente global, centrando – se na vida do indivíduo e na gestão ambiental. Do mesmo modo, o PEE carece de reflexões morais e propostas de mudanças institucionais.

A título de exemplo, não há outro espaço no PEE em que as reflexões morais estejam tão manifestamente ausentes como na parte intitulada "Do prado ao prato" (2019, p.: 13). A representação de um animal em transição do seu habitat natural para o prato do consumidor em preços acessíveis realça uma perspetiva centrada no ser humano, em vez de apresentar novas abordagens para a conceção de sistemas diferentes de respeito e justiça pelos animais e pelo próprio ecossistema. Observa-se também de novo uma lógica de gestão que coloca no centro a natureza barata (Moore, 2016); pois, "[a] estratégia «do prado ao prato» procurará estimular o consumo sustentável de alimentos e promover alimentos saudáveis a preços acessíveis para todos" (2019, 14).

Com efeito, o PEE não sugere que o cidadão seja visto como um agente de "consciência planetária"; mas mais como um cidadão ecológico liberal (Dobson, 2003, Bell, 2005) que



têm o direito de fazer escolhas individuais. Por outro lado, dentro do que Lawrence explica, o lado político da ação deste cidadão fica atrofiado em relação ao seu papel como gestor que toma o destino da natureza nas suas próprias mãos. Lawrence (2017) defende que “[à] medida que caminhamos para um mundo em que o comportamento individual e coletivo é governado por uma gestão especializada eficiente, as instituições mais antigas, como a democracia popular e a igualdade, tornam-se obsoletas. Ou seja, a política é explorada para servir objetivos económicos e a política é subsumida” (Lawrence, 2017, p. 12, e Brown, 2015, citada em Lawrence, p. 12).

Sob este prisma, o PEE não evidencia uma tentativa de construção de uma identidade comum de um cidadão ecológico com base num pensamento moral e ético de pertença ao planeta como um todo, e não como soma de vários elementos: economia, sociedade, natureza, cidadão, numa lógica de aritmética verde. Ao mesmo tempo não aborda questões cruciais de injustiça social, dentro e forma da União, pelo contrário as revela (Tindall, Davies & Maubouès, 2003) citado em MacGregory, 2006b)¹⁷. Como já foi referido, um elemento-chave da cidadania ecológica é o envolvimento ativo dos indivíduos no discurso público em torno da sustentabilidade. Todavia, este envolvimento ativo nos assuntos públicos depende intrinsecamente da existência de tempo livre. Consequentemente, não é adequada para quem tem várias responsabilidades e obrigações múltiplas paralelas, tanto no trabalho produtivo como no reprodutivo, como são maioritariamente as mulheres. Com efeito, o envolvimento das mulheres no ativismo ambiental público é dificultado pelo peso desproporcionado das responsabilidades de prestação de cuidados e pela adoção de práticas domésticas respeitadoras do ambiente.

O PEE visa envolver as pessoas através da sensibilização e de compromissos climáticos, assegurando que todas as partes interessadas tenham um papel proactivo na conceção e implementação de soluções. Apela a um novo contrato social baseado na preocupação e trabalho partilhados para “salvamos” o nosso planeta. Todavia, a participação do cidadão neste esforço está bem enquadrada no âmbito de uma gestão ambiental, e sem evidências e ambições para uma profunda mudança inspirada por uma consciência planetária. Neste quadro, a promoção de justiça social e redução da desigualdade e o fim dos danos ambientais permanecerão tarefas desafiantes.

Reflexões Finais

A UE reflete um ativismo pioneiro no âmbito das alterações climáticas e com sucessos significativos registados. Porém a cidadania ecológica europeia revela uma lógica dominante do mercado, utilitarista que se limita aos comportamentos que olham para a natureza como matéria-prima e em termos monetários.

Assim, embora o PEE abra a possibilidade construtiva de os cidadãos participarem na governação ambiental, as limitações do atual regime de cidadania europeia tornam improvável uma mudança do paradigma atual. A manutenção da tendência atual para a crescente gestão de todos os aspetos da sociedade humana parece uma base

¹⁷ O estudo oferece provas empíricas de que o envolvimento das mulheres no ativismo ambiental público é dificultado pelo peso desproporcionado das responsabilidades de prestação de cuidados e pela adoção de práticas domésticas respeitadoras do ambiente.



profundamente insuficiente para a resposta política verdadeiramente revolucionária ao atual paradigma do Antropoceno. Se esta lógica da supremacia e anarquia do mercado nos trouxe até aqui, continuando a pensar dentro da mesma lógica, e prática de governança neoliberal discutida por Lawrence, dificilmente sairemos do problema. De facto, sem criticar o pensamento dominante do Capitalocene e continuando a pensar dentro do quadro de uma aritmética de ações dificilmente iremos enfrentar verdadeiramente o desafio que criamos. Assim, a estratégia da União, e a promoção de uma cidadania ecológica europeia dificilmente poderão ser consideradas viragem de paradigma ecológico, desde que não impliquem uma mudança de pensamento e permanecendo ancoradas na lógica do mercantilista do passado. Estão, portanto, longe da mudança efetiva que a ênfase no discurso e *praxis* da "consciência planetária" pressupõe.

O PEE visa "Transformar A Economia da UE Para Um Futuro Sustentável". Todavia, como dizia Teilhard de Chardin (1961, p. 111), realizar uma melhoria económica das condições de vida humanas, não é uma qualquer questão de bem-estar «é unicamente uma sede de ser maior que, por necessidade psicológica pode salvar o mundo pensante do *taedium vitae*».

Sob este prisma, a luta contra as alterações climáticas e estratégias ecológicas é sobretudo uma questão de espírito e vontade de mudança do ser humano. Um objetivo que os próprios meios técnico-económicos também devem servir. Não insinuamos que a economia e o mercado não são fatores importantes da mudança, contudo, não devem ser os governantes da mudança onde os cidadãos e a própria natureza servem os seus propósitos.

O inimigo não é extraterrestre, está dentro de nós próprios: não apenas nos nossos egocentrismos e etnocentrismos, mas na nossa própria maneira de pensar. Precisamos de transformar a ideologia que estabeleceu o homem como o único sujeito num mundo de objetos, a ideologia que concebe o homem como uma unidade isolada, uma mónada fechada dentro do universo, contra a qual o Romantismo reagiu apenas poeticamente e contra a qual o cientismo reage apenas reduzindo o homem a uma coisa (Morin & Ceruti, 2013, posição: 1356)¹⁸.

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¹⁸ As traduções das citações das obras originais para a língua portuguesa são realizadas pela própria autora.



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THE ACCORDS BEFORE ABRAHAM'S

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Abstract

By September 2020 the world was surprised with the White House's announcement regarding the normalization treaties between Israel and two Gulf Monarchies, Bahrain and the United Arab Emirates. It is imperative, nonetheless, to not consider the Abraham Accords as a normalization moment isolated from the framework of the relations between Israel and the Arab and Muslim states. It is important to remember the past peace treaties with Israel, namely the 1979 Peace Treaty with Egypt and the 1994 Peace Treaty with Jordan. Given that these agreements already existed, the innovation of the Abraham Accords in terms of international and regional relations is questionable. Therefore, the research question that will guide this paper is as follows: How is the 2020 Abraham Accords considered innovative as compared to the Peace Treaties celebrated between Israel and Egypt in 1979 and with Jordan in 1994? The main goal of this investigative work is to understand the differences between the Abraham Accords and the cited Peace Treaties at the sociohistorical level and the impact on International Relations according to the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. The main argument of this paper is that it is understood that the Abraham Accords are of a different nature from the 1979 Peace Treaty between Egypt and Israel and from the 1994 Peace Treaty between Israel and Jordan as the sociohistorical, geopolitical and geostrategic contexts were essentially distinct, as it is perceived by applying the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. Therefore, the impact on the regional and international relations of each treaty was distinctively different. To achieve these goals this study will follow this methodology: firstly, it is considered a positivist study. Also, since there will be a validation of the theoretical frameworks used, this study is deductive. It will agglomerate in itself two types of investigations, descriptive and explicative. It is mainly a comparative study, as the 1979 and 1994 Peace Treaties with Israel will be compared with the Abraham Accords. This study will also use the processual and diachronic historical method to analyze the before and after of both Peace Treaties and the Accords. All data will be submitted through discourse analysis. One of the main conclusions of this article is that both the 1979 and the 1994 Peace Treaties were celebrated after having lost the war against Israel, which brought on the need for peace with the Jewish state in order to recover financially. Therefore, these Peace Treaties were seen as an alliance, specifically, a positive balancing with Israel. On the other hand, the Abraham Accords did not happen in the context of war, as the United Arab Emirates and



Bahrain never fought Israel, but in the context of perceiving a common threat, Iran. Consequently, they allied with Israel on a positive both hard and soft balancing alliance.

Keywords

Abraham Accords, Peace Treaties, Middle East, Israel, Jordan, Egypt.

Resumo

Em setembro de 2020 o mundo ficou surpreso ao ser anunciado na Casa Branca um tratado de normalização de relações entre duas monarquias do Golfo Pérsico, mais especificamente entre o Bahrain e os Emirados Árabes Unidos, e o Estado de Israel. Ainda mais surpresa ficou a humanidade ao compreender o silêncio que emanou dos restantes países professantes do Islamismo. Todavia, não se deve considerar os Acordos de Abraão como um momento de normalização isolado no panorama das relações entre Israel e os estados árabes e muçulmanos. É de se lembrar que ocorreram tratados de paz com Israel no passado, sendo de se nomear o Tratado de Paz com o Egito em 1979 e o Tratado de Paz com a Jordânia em 1994. Tendo em conta que estes acordos já existiam, coloca-se em causa a inovação dos próprios Acordos de Abraão em termos de Relações Internacionais e regionais. Portanto, a questão de partida que guiará este artigo é a seguinte: Como é que os Acordos de Abraão de 2020 são considerados inovadores em comparação com os Tratados de Paz celebrados entre Israel e o Egito em 1979 e com a Jordânia em 1994? O objetivo principal deste artigo científico será distinguir as diferenças a vários níveis, nomeadamente ao nível socio-histórico e em termos de impacto nas Relações Internacionais, entre os Acordos de Abraão e os Tratados de Paz anteriormente celebrados entre Israel e, em primeiro lugar, o Egito, e de seguida, a Jordânia. O principal argumento deste artigo é que os Acordos de Abraão são de uma natureza diferente do Tratado de Paz entre o Egito e Israel de 1979 e o Tratado de Paz entre Israel e a Jordânia de 1994, dado que os contextos sociohistóricos, geopolíticos e geoestratégicos eram essencialmente distintos, como é percecionado ao se aplicar a Teoria da Balança da Ameaça e a Teoria da Aliança, ambas de Stephen Walt. Assim, o impacto de cada tratado nas relações regionais e internacionais era distintivamente diferente. Para atingir estes objetivos, este estudo seguirá esta metodologia: primeiramente, é considerado um estudo positivista. De igual forma, dado que vai ocorrer validação por quadros teóricos utilizados, é um estudo dedutivo. Aglomerará em si dois tipos de investigações, descritiva e explicativa. É maioritariamente um estudo comparativo, dado que os Tratados de Paz de 1979 e 1994 vão ser comparados com os Acordos de Abraão. Este estudo utilizará o método histórico processual diacrónico para analisar o antes e depois dos Tratados de Paz e dos Acordos. Todos os dados vão ser submetidos a análise de discurso. Uma das principais conclusões deste artigo é que os Tratados de Paz de 1979 e 1994 foram celebrados após terem perdido guerras contra Israel, o que conduziu a uma necessidade de paz com o estado judaico de forma a haver recuperação financeira. Consequentemente, estes Tratados de Paz foram vistos como uma aliança, nomeadamente, um positive balancing com Israel. Por outro lado, os Acordos de Abraão não surgiram de um contexto de guerra, tendo em vista que os Emirados Árabes Unidos e o Bahrain nunca lutaram Israel, mas num contexto de perceção de uma ameaça comum, o Irão. Consequentemente, a aliança com Israel foi tanto um hard e soft balancing.

Palavras-chave

Acordos de Abraão, Tratados de Paz, Israel, Jordânia, Egito, Médio Oriente.



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THE ACCORDS BEFORE ABRAHAM'S

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Introduction

By September 2020 the world was surprised with the White House's announcement of the normalization treaties between Israel and two Gulf Monarchies, Bahrain and the United Arab Emirates. There was further surprise considering the silence that came from the Muslim countries (Perper, 2020).

Throughout the decades, one considers the following statement as a fact: there is an eternal tension between Arab and/or Muslim countries and the only Jewish State in the world, Israel. As a matter of fact, right after the birth of the State of Israel, on May 14th 1948, there was a war waged against it, led by the neighbouring Arab States and financed by other Muslim countries, such as Saudi Arabia (Labelle, 2011). However, when the Islamic Republic of Iran was established in 1979, there was a change in the balance of power in the Middle East. The Sunni Arab States began to perceive it as a threat, not as a country who professes a different religion, but a country with the same religion, but from a different sect, the Shi'ite. Moreover, the States from the rich Persian Gulf began to understand that ancient Persia, who had a new identity, aspired for itself something they also claimed to be theirs, especially Saudi Arabia, the hegemony in the region (Miller, 2020).

Other external events happened that prompted changes in the relations in this region. At the beginning of the second millennium, the Obama administration began to place more importance on the Asian axis than to the Middle East. Moreover, this administration delivered the Joint Comprehensive Plan of Action, most known as the JCPOA or the Iran Deal. This deal would allow the Islamic Republic to produce more uranium for nuclear purposes (IRNA, 2015). These two policies would prompt two others from another administration. Trump's administration would recognize Jerusalem as Israel's capital (U.S. Embassy in Israel, 2020) and would later on mediate the Abraham Accords.

It is imperative, nonetheless, to not consider the Abraham Accords as a normalization moment, isolated from the framework of the relations between Israel and the Arab and Muslim states. It is important to remember the past peace treaties with Israel, namely the 1979 Peace Treaty with Egypt and the 1994 Peace Treaty with Jordan. Given that these agreements already existed, the innovation of the Abraham Accords in terms of international and regional relations is questionable.



Therefore, the research question that will guide this paper is the following: How is the 2020 Abraham Accords innovative as compared to the Peace Treaties celebrated between Israel and Egypt in 1979 and with Jordan in 1994? The main goal of this investigative work is to understand the differences between the Abraham Accords and the cited Peace Treaties at the sociohistorical level and the impact on the International Relations according to the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. To achieve this goal, firstly we will characterize the historical context of Egypt in 1979 and of Jordan in 1994. Then, we will compare the Abraham Accords with the Peace Treaties historically, according to the Theories cited above. Afterwards, we will make a geostrategic and geopolitical description of Egypt in 1979, of Jordan in 1994, and of the Middle East in 2020 separately, and then we will make the comparison. Finally, we will assess the repercussions of each treaty on the international and regional levels according to Walt's theories.

The main argument of this paper is that it is understood that the Abraham Accords are of a different nature than the 1979 Peace Treaty between Egypt and Israel and the 1994 Peace Treaty between Israel and Jordan as their sociohistorical, geopolitical and geostrategic contexts were essentially distinct, as it is perceived by applying the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. Therefore, the impact on the regional and international relations of each treaty were distinctively different.

For the purpose of the organization of this paper, following the introduction, there will be a chapter dedicated to literature review and another dedicated to the theoretical framework. Then, there will be a chapter explaining the methodology this paper will follow. Subsequently, there will be three chapters, each one addressing one of the goals cited above. Finally, the conclusion will summarize the answer given to the research question.

Literature review

Since the Abraham Accords are a recent event, the literature about them is untimely and little elaborated. However, it is possible to recognize three major aspects of this event of the 21st century.

Firstly, we will explore the ideological aspect, which analyses the role of ideas in the proceedings of these very distinct countries involved in the Accords. There are two perspectives related to this aspect. The first sees the Abraham Accords revealing that the normalization with Israel and the Palestinian issue can be two different issues, both politically and emotionally (Stephens *in* Sorkin, 2021). Therefore, the ideological rejection of Israel as deliberated by 1967 Khartoum Declaration has ended. For Israel, however, there is no more Palestinian veto for the peace deliberations. However, this perspective doesn't consider the fact that the Arab countries who signed the Abraham Accords have no influence on the Palestinian people. Hence, this perspective doesn't consider the cultural geopolitical factor. Still, as far as the ideological aspect, one can study the Abraham Accords from a Pan-Arabist perspective (Segell, 2021). This perspective's major goals are cooperation, unity and solidarity among Arab and African States, and with Israel. According to this perspective, Bahrain, Sudan and Morocco were



led by the United Arab Emirates (UAE) to start top-down Accords amongst leaders. However, as there is no apparent popular support for the ideological movement, there will be no internal and regional evolution towards a positive change. Nevertheless, the fact that this perspective sees the Accords as driven by elites, it ignores the historical, geopolitical and geostrategic context, as the economy and the role of society aren't taken into consideration.

A second aspect in the literature can be called liberal, which in itself can be divided in two perspectives. One literally approaches the Abraham Accords considering the human factor, by studying it has been driven by the populations (Frish *in* Sorkin, 2021). According to this approach, the population is tired of asking for pan Arab and pan Islamic unity and wishes for better economic opportunities, for better welfare, a good education, innovation, rule of law and equality. However, this aspect ignores the political and systemic context of the region. On the other hand, there is the approach of the economic liberalism (Egel, Efron & Robinson, 2021; Kram & Makovsky, 2021; Segell 2021). This approach sees the economic relation between Israel and the UAE as the powerful foundation for the Abraham Accords. According to the authors who defend this position, these Accords will allow for the economies to connect with each other and eventually reach other Muslim and Arab countries. This expansion will create a more integrated Middle East, enabling environmental, economic and social challenges to be addressed. Nevertheless, if one were to truly witness the emergence of a new regional economic structure, more countries would be willing to sign up for normalization with Israel.

Finally, there are two realistic approaches to this event. The first one relates the coexistence of a pragmatic side with an ideological one during the creation of the Abraham Accords. According to the authors (Krieg, 2020; Abdullah, 2021), the pragmatic side is based on the national interests of the signatory countries, which consist on the wish for consolidation of power, preservation of economic and military stability, as well as for scientific and technological developments to preserve safety. The ideological side, however, desires peace, regional stability and a changing in mentalities. Nonetheless, by analysing what was revealed, one understands that there is, in fact, just one side, the pragmatic one, as the ideological derives from it. In reality, when power is consolidated and developments are made, these will create regional peace and stability, making changes in mentality possible. The final perspective is characterized as neorealistic, as it considers the Accords the result of a geopolitical change in the Middle East (Norlen & Sinai, 2020). It states that, besides each signatory country gaining strategic depth with the Accords, a resistance axis was also created (Guney & Korkmaz *in* Kihlberg, 2021). Consequently, the biggest consequence of the Abraham Accords, according to this perspective, was the formation of alliances in the Middle East. However, this approach ends up being a study of the consequences of the Abraham Accords and not the study of the causes that led up to them.

Main concepts and theoretical framework

There are concepts that, for the purpose of uniformly understanding this paper, will be conceptually delineated.



Firstly, it is of extreme importance to say that we will follow the definition of power as given by Joseph Nye (1990). According to this academic, power consists in the capacity of affecting the other in order to achieve the desired goals. This author also distinguishes between two types of power. Hard power, the first distinction the author draws, which consists in the ability to carry their goals forward through coercive actions or threats. Historically, hard power is measured by criteria of population and/or territory sizes, geography, natural resources, military force and economic strength. On the other hand, there is soft power, which is defined by the ability of shaping others' preferences through culture, political values and institutions or moral authority. However, the International Relations reality reveals the need to use both soft and hard power together. Therefore, the ability to strategically combine these powers is called smart power. Supporters of smart power articulate the advantages of hard power, such as the military power, combining them by investing in alliances and institutions. This way, the key players are capable of achieving maximum results legitimately.

It is also essential to define the term "geopolitics". In Flint's vision, geopolitics isn't just a question of countries competing with each other. It is the possibility of competing for a territory through means other than the states' practices. Consequently, we will follow the definition of contemporary geopolitics which is identifying "the sources, practices, and representations that allow for the control of territory and the extraction of resources" (Flint, 2006, p.16).

As for the concept of "geostrategy", to Foucher it means the application of geographical reason to drive a war and/or create a national defense framework (Foucher, 2000, p.165). As geopolitics simplifies realities to a circumscribed reality, geostrategy applies practices to those locations through a military operation lens. It considers the assessment of external threats and the balance of power according to the interests of the state and the nation in a spatial, physical and human configuration.

Finally, as for the concept of Middle East, we will follow Tibi's definition (1989, p.73, *in* Ozalp, 2011, pp. 10-11 e 18). The reason for this choice is that the author not only considers the structural relations and the processes of mutual interaction, but also the linguistic, ethnic, socioeconomical and cultural frameworks. Tibi, after thinking about these factors, delineates the Middle East in three subregions: *Mashriq*, Eastern Arabia, *Maghreb*, North Africa, and *Khaleej*, the Gulf region.

Regarding the theoretical framework, we will consider four key points. Firstly, the region will be characterized according to International Relations Realism framework which has the following propositions (Kauppi & Viotti, 2020, pp. 21-24). For the realist, the state is the key player in studying the anarchic international system. As we can observe in the Middle East there isn't a state strong enough to create a central government. It is also considered that the state is a unitarian player, the government being the agent of foreign policy. The state is also considered a rational player, which means it drives the foreign policy by assessing the goals, the alternatives, the benefits and the costs. Finally, for the realists, the key interest is national and international security, thus examining potential uses of force and conflicts. As we have understood through the literature review, the Abraham Accords should be studied considering the calculus of costs and benefits to protect the national security of the signing states.



Realism turns into Neorealism or Structural Realism when the main focus is the international system. Neorealists define the system considering the polarities, which are caused by the number of international powers and the effects they cause (Kauppi & Viotti, 2020, pp. 34-35). According to those effects, there can be balances or alliances. Neorealists can be distinguished between defensive or offensive. The latter, led by Mearsheimer, think that anarchy creates the desire to expand the relative power capacity as a way of being safe (Kauppi & Viotti, 2020, p.46). On another hand, the former, led by Waltz, defend that the states desire for survival and safety, are keen on maintaining the status quo (Kauppi & Viotti, 2020, pp. 45, 46). It is within the Defensive Neorealism framework that the two Stephen Walt's theories were created, which will be the main theoretical framework for this paper (Walt, 1985 & 1989).

Walt's main premise of his Theory of Balance of Threat is that the states react to an external threat by creating alliances. A threat, to this author, is not only being a superior power, but a perceptive one. A state is considered superior and a perceptive threat when it has more aggregate power (bigger in terms of population size and more innovative technologically and industrially), is geographically close, has strong military forces and aggressive intensions. This state becomes the reason to create an alliance between states who wish to keep the status quo.

There are two kinds of alliances that can be created when a threat is perceived according to the Theory of the Alliances of Walt. The first one is to create bandwagoning, which is the alliance of the threatened states to the threatening power who is disrupting the status quo. The external policy of this kind of alliance is described as belligerent and offensive. The main purpose is to create effective military establishments and to resort to force in international disputes. The second type of alliance formation as described by Walt is balancing. This type of strategy consists in the states allying to the preserver of the status quo and opposing to the threat. The states create and aggregate power internally or through external policy. There can be four different types of balancing. Negative balancing is when the main goal is to balance against the threatening state; positive balancing is when the main goal of the strategy is to develop the capabilities of the states involved on the alliance (Morgenthau & Thompson, 1950, *in* Bock & Henneberg, 2013, p. 8). However, the balancing can also be defined as soft or hard depending on whether the capabilities developed are military or not (He & Nexon, 2009, *in* Bock & Henneberg, 2013, pp. 8-9). The external policy of a balancing alliance is safer and more defensive. Their main goal is self-preservation, as they wish to survive whereas the strongest state wishes to expand its influence.

In order to describe the threat and the states in case study, it is considered essential to make a geopolitical and geostrategic analysis considering Guido Fischer's factors (Arnaut Moreira, 2020, p. 4). This academic considers that power must be assessed according to three types of factors. The first type are the political factors, which include, the position and the borders of the country, its territorial and populational size, demographics and culture that influences the state. The next factor is the economical, which takes into consideration soil fertility, natural resources, industrial organization, technological innovation, development of trade and financial strength. Lastly, there is the psychological factor, which considers economical flexibility, capacity to intervene, the preservation and adaptation of the population.



Though a geopolitical and geostrategic analysis of the threatening countries, it will be possible to strengthen the study according to the Theory of Balance of Threat by Stephen Walt. By characterizing the countries, we will study using these factors, it will be possible to assess their evolution and distinguish what kind of alliance was created according to the Theory of Alliances by Walt.

Methodology

As it was revealed in the literature review, many studies about the Abraham Accords were accomplished by considering either what where their causes or their effects. This paper has a holistic and systemic approach, as it will study both. Therefore, it is a positivistic study (Boduszynski & Lamont, 2020, p. 61). Also, as there will be a validation of the theoretical frameworks that will be used, this study is deductive (Pires, 2022, p.23).

However, it will contain in itself two types of investigations (Boduszynski & Lamont, 2020, p.57). Firstly, it will be a descriptive investigation, as there will be an historical, geopolitical and geostrategic description of the quoted countries and of the region. Secondly, this will be an explanatory investigation, since it will identify casual mechanisms through which we can understand the impact of the Abraham Accords on the regional system of the Middle East.

It is mainly a comparative study, as the 1979 and 1994 Peace Treaties with Israel will be compared with the Abraham Accords. Therefore, the method of various different systems will be used, since all the Muslim states have something in common: peace with Israel (Boduszynski & Lamont, 2020, pp. 91-92).

This study will also use the processual and diachronic historical method to study the before and after of the Peace Treaties and the Accords. To achieve the historical description, the process tracing method will be used (Beach, 2020).

As we will try to understand and interpret motivations and behaviours, this is a qualitative study (Boduszynski & Lamont, 2020, pp. 98-101) where written data will be intensively studied. All data will be submitted through discourse analysis. Given that the study takes into account international politics, the segment of discourse analysis that focuses on politics will be used (Wilson, 2015, p. 779).

Historical context

A treaty and an accord are responses to historical context. This historical context has characteristics unique to itself and which will influence the appearance of the treaty and/or the accord and its writing. Therefore, the context itself will differentiate the treaties and the accords.



The Israeli-Arab Wars

As it is understandable, to have a Peace Treaty one must have a war. However, as it was mentioned in the introduction, the Israeli-Arab Wars were extensive. Therefore, for synthetization purposes, only two conflicts are studied (Encyclopaedia Britannica, 2022).

The first conflict of interest for the present paper is called "Six-Day War". It was a conflict between Israeli, Egyptian, Syrian and Jordan forces. Its name is derived from the fact that it was a war that took place in six days, between June 5th and 10th 1967. At the beginning of the year, Syria had intensified its bombings on Israeli locations from the Golan Heights. When the Israeli air force shot down six Syrian jets, Egyptian President Nasser mobilized his forces to the Sinai Peninsula border. Nasser also signed a mutual defence pact with Jordan. Israel understood these actions as threats and answered them with a sudden air strike. In six days, Israel took control of the Golan Heights, the Gaza Strip, the Sinai Peninsula, the West Bank and all of Jerusalem. The second conflict understood to be of interest to this paper happened during Yom-Kippur (Encyclopaedia Britannica, 2023). This is the most holy of the Jewish holidays, as it is a 25-hour fasting holiday to cleanse the people from their sins. In the 1973 Yom Kippur, which happened on October 6th, Israel was invaded by Egyptian forces from the Suez Channel and by Syrian Forces from the Golan Heights. The foreign forces knew it was a fasting holiday and believed Israel wouldn't be prepared for such an invasion. However, the Israeli forces managed to fend off the invaders who retreated to their territories.

Israel and the Gulf Monarchies

As for the Abraham Accords, its context immediately reveals why they aren't called Peace Treaties. As a matter of fact, there was never a direct war between Israel and the signatory Gulf Monarchies. There was also never war between the United Arab Emirates and Bahrain, the first signatory States. The threatening behaviour of the Gulf Monarchies we are studying, to Israel was mainly economical, as these states were part of the boycott movement against the Jewish State (Ahren, 2020). It was because of the Iranian threat that relations between Israel and the above-mentioned States began. In February 2005, King Hamad bin Isa Al-Khalifa, of Bahrain, stated to the American Ambassador at Manama that there were contacts between Bahrain and the Mossad (The Guardian, 2011). Just as with the UAE (Traub et al., 2023), the relations developed differently. Between 2010 and 2018, the Gulf Monarchy tried a soft power foreign policy. That meant that their emphasis was on foreign investment, human development and climate change. However, regional events, such as the Arab Spring and the JCPOA, caused the Emirates to start involving themselves in alliances. Nonetheless, the UAE began to reflect on the importance of peace existing between the Abrahamic religions and they also increased Israeli imports in homeland security.

By 2019, everything changed. The UAE decreased the number of men in Yemen and lifted up sanctions against Qatar. Their main goal would be now to turn the Middle East into a cultural and economic global centre, developing new technology, science, renewable energies and artificial intelligence. Therefore, their relations with Israel increased and the Abraham Accords started to be further developed.



What do these historical contexts reveal about the Abraham Accords?

By applying the Theory of Balance of Threat to the historical contexts above-mentioned we are able to understand the important distinction between the Peace Treaties and the Abraham Accords. From what was mentioned regarding the Peace Treaties, we can understand that the Arab States understood Israel to be a revisionist state. They recognized the threat to be the fact that Israel was a non-Muslim country who occupied a Palestinian territory. Also, as Israel won all the four wars against the Arab states, both Egypt and Jordan understood the Jewish State to be more developed than them (Middle East Policy Council, n.d.).

On the other hand, neither Bahrain nor the UAE were threatened by Israel. As a matter of fact, Israel is geographically distant from the Persian Gulf. For them, the main threat is the revisionist state of Iran. Iran not only is not a Monarchy, but it is Shi'a, a different sect from UAE and Bahrain (Al-Ketbi, 2018; Vohra, 2022). Iran wants to export its revolution to the Gulf Monarchies to liberate the Shi'a who are oppressed, from their oppressors the Sunnis, who cooperate with the "Great Satan", the United States of America (USA).

When we understand the historical context of the Theory of Balance of Threat, we are also able to understand what was the positioning from each context from the Theory of Alliance. From the Peace Treaties, we can perceive that for Jordan, who felt unprotected from Israel, Egypt represented the status quo. Therefore, they formed an alliance. They wanted a balance of power against Israel (negative balancing). As for UAE and Bahrain, they see Israel as the powerful and innovative state representing the status quo. Therefore, they made a balance alliance to develop their capabilities against Iran (positive balancing).

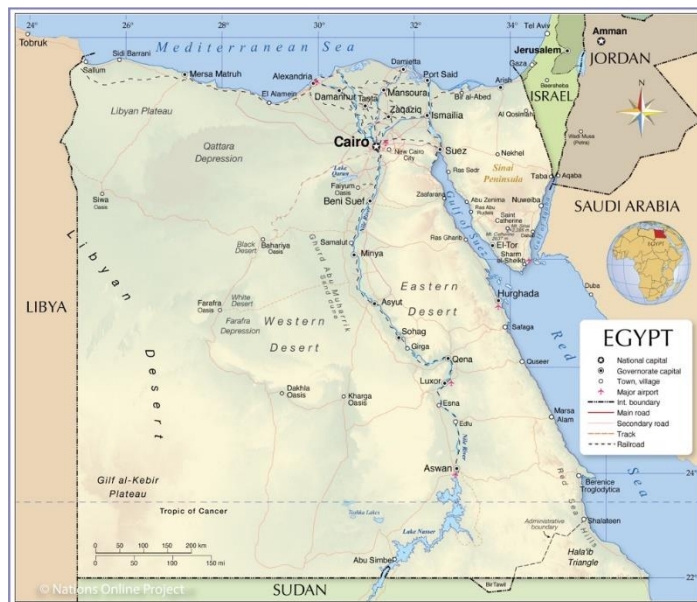
Geopolitical and geostrategic descriptions

As it was said in the Introduction and in the Theoretical Framework, we believe that through a geopolitical and geostrategic analysis we can better understand the strengths and the weaknesses of each state that we are studying in this paper. This rationale is explained by the fact that for a state to involve itself in an alliance, it must understand that the most powerful state could offer some protection or some innovation that it could not have by itself. Therefore, in this chapter, we are going to analyse through Guido Fischer's geopolitical and geostrategic factors, Egypt and Jordan, by the time they signed each peace treaty, and UAE, Bahrain and Israel, by 2020.



Egypt, 1979

Map 1, "Egypt"



Source: <https://www.nationsonline.org/maps/Egypt-Map-L.jpg>

Table 1. "Guido Fischer's Factors for Geopolitical and Geostrategic Analysis of Egypt, 1979"

| Political | | | | | |
|-----------------------|---------------------------------|-------------------------|-------------------------------------|------------------------|---|
| Position | Dimension | Population | Organization | Culture | Borders |
| North Africa | 996 603 km ² | 37 71 milhões | Tribal Arab, Berbers, Nubians | Arab Islamic Tribal | Lybia Sudan Israel Mediterranean Sea Red Sea |
| Economical | | | | | |
| Soil Fertility | Natural Wealth | Industrial Organization | Tech Level | Commerce | Finances |
| Nile River | Natural Gas Oil Minerals | Oil Distribution | n.d. | Oil Transports | Socialist |
| Psychological | | | | | |
| Flexibility | Intervention | | Preservation | Adaptation | |
| Islamism Socialism | Oil Gas Regional position | | Civilizational | Islam | |

Sources: Baker, Goldschmidt, Holt, Hopwood, Little & Smith, 2022; Bruton, 1983; EI-Sherif, 1997; World Bank, 1974

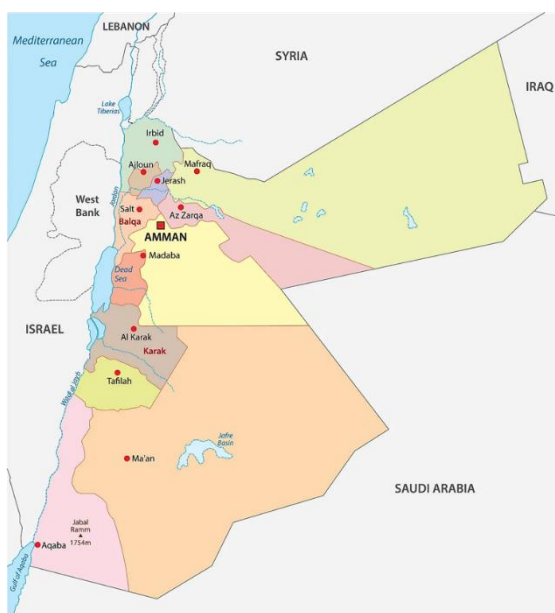


The first Arab state that normalized its relations with Israel was Egypt, in 1979. As it is understood from the historical context, Egypt, as one of the losers from the frequent Israeli-Arab Wars, was in a fragile position. The ancient land of the Pharaohs is a country with strong natural wealth, such as natural gas, oil and precious metals. Also, its soil is fertile, especially near the Nile River. However, by 1979 its economy didn't reflect any of these assets. The riches were invested in defence, which had a very high due to the conflicts against Israel.

Another weakness was its regime. Up to 1970 Egypt was ruled by President Nasser, who followed a socialist strand applied to the Arab countries. The name of this movement was Pan-Arabism and it advocated the political, cultural and socioeconomic unity of Arabs across the different states that emerged after decolonisation. It was also an ideological movement taking the form principally of a secular and socialist system. It was similarly inherently anticolonial and anti-imperial. This political movement, however, caused the Egyptian economy to become stagnant, as there was no income from foreign investments.

Jordan, 1994

Map 2, "Jordan".



Source: <https://www.worldatlas.com/upload/e8/2f/72/regions-of-jordan-map.png>



Table 2. "Guido Fischer's Factors for Geopolitical and Geostrategic Analysis of Jordan, 1994"

| Political | | | | | |
|-----------------------|-------------------------|--------------------------------|---------------------|--------------------------------|---|
| Position | Dimension | Population | Organization | Culture | Borders |
| Middle East | 89 318 km ² | 4 41 milhões | Tribal Arab | Arab Islamic Palestinian | Syria Iraq Israel Saudi Arabia |
| Economical | | | | | |
| Soil Fertility | Natural Wealth | Industrial Organization | Tech Level | Commerce | Finances |
| Arid Rocky | Natural Gas Minerals | Textile Mineral | n.d. | Tourism | Foreign Investment Remittances |
| Psychological | | | | | |
| Flexibility | | Intervention | | Preservation | Adaptation |
| Westernized | | Small | | Monarchy Modernization | Modernization |

Sources: Bickerton, Irvine & Jaber, 2022; Ramachandran, 2004

The second country which normalized its relationship with Israel by 1994, was Jordan. Its geopolitical and geostrategic context was different, as its weaknesses were threefold. The first relates to the issue of population. Jordan had received Palestinian refugees since the Independence War against Israel. Therefore, there was a strong populational pressure from the refugees, as they feared terrorist attacks from radicals.

Another was territorial. As it was understood from the historical context, the wars with Israel led to the latter occupying Jordanian territories. Therefore, there was a decrease in the amount of fertile land available for Jordanian cultivation.

These territorial fragilities had an impact on the economy, as there was a loss of fertile land. On the other hand, the Arab countries were under an oil embargo, which had a financial impact on their economies. For this reason, foreign investment from the Arab countries also decreased.



United Arab Emirates, 2020

Map 3, "United Arab Emirates".



Source: <https://www.worldatlas.com/upload/af/06/8b/ae-01.jpg>

Table 3. "Guido Fischer's Factors for Geopolitical and Geostrategic Analysis of the UAE, 2020"

| Political | | | | | |
|-----------------------------------|------------------------|---|--|--------------------------------------|--------------------------------------|
| Position | Dimension | Population | Organization | Culture | Borders |
| Arabian Peninsula Middle East | 71 024 km ² | 9 272 000 | Tribal Arab Federation Emirates | Arab Islamic Persian Tribal | Persian Gulf Saudi Arabia Oman |
| Economical | | | | | |
| Soil Fertility | Natural Wealth | Industrial Organization | Tech Level | Commerce | Finances |
| Desert Mountains Oasis | Oil Natural Gas | Oil Construction | Tech Parks | Tourism | Financial hub |
| Psychological | | | | | |
| Flexibility | | Intervention | | Preservation | Adaptation |
| Tourism Diversification Oil | | Commercial and financial hub Bank institutions | | Islamism Tribal | High |

Sources: Crystal. & Peterson, 2022

The United Arab Emirates are located in the Middle East *shatterbelt* (Cohen, 2015, pp. 375, 376). This region is characterized by having multiple ethnicities, races and religions within the same state as well as in-between states. Therefore, there is a dynamic fragmentation process, which facilitates the alteration between alliances.

In the UAE's case, even though the major ethnicity is Arab, there is a diversity of tribes inside each emirate. Also, besides the majority of the population being Sunnite, there is a Shi'a minority (*Office of International Religious Freedom*, 2018, p.2).



This region lays in the juxtaposition of three continents and is at the entrance of the Arabian Peninsula through the Persian Gulf. However, its ports aren't deep, which eases commercial trade. Besides, its low topography allows for easy land trade routes from the Gulf to the Levant. This is way the coastal cities of the UAE have always been defined by the existence of multiple races and ethnicities, from Persians, to Arabs, to Indians, to Europeans. Therefore, even though it is a small country, the UAE imports foreign workforce, the majority being Indian and Pakistani.

Something which is unique to the Middle East is UAE's political system. The different emirates decided to preserve their tribal and historical identities and create a federation. This practical decision reflects the trade-off that exists in the UAE. Even though it has a strong Islamic identity, it is more westernized than other states in the region. History helped create the coexistence of a strong ability to adapt while still preserving one's own identity within the UAE.

However, the *shatterbelt* is also characterized by the existence of natural wealth and scarcity of essential natural resources. As a consequence, there is a strong chance of conflict due to competition between regional and external powers. Therefore, the fact that the UAE is in an unstable region, its instability could affect its political system. Two ideologies have appeared to use this instability as a means to achieve their purpose.

Iran has tried to expand and become the Hegemon in the region through its unification under one Islamic Caliphate. However, for the Caliphate to succeed, Shi'a Islamism must be predominant. Therefore, the Islamic Republic has encouraged the Shi'a minorities to revolt against their Sunni governors. The UAE has a Shi'a minority both in Dubai and in Sharjah, and for this reason it fears Iranian influence will cause instability.

The second movement which uses the Middle Eastern instability in its favour is the Muslim Brotherhood. This Islamist group is eager for the return to the Koran and to the Hadith. Therefore, it tries to Islamise society (Laub, 2019). It's already influencing Qatar, which is a neighbour of the UAE. Hence, the UAE fears the infiltration of the Muslim Brotherhood ideals in its territory.



Bahrain, 2020

Map 4, "Bahrain"



Source: <https://www.mapsland.com/asia/bahrain/detailed-political-map-of-bahrain-with-relief>

Table 4. "Guido Fischer's Factors for Geopolitical and Geostrategic Analysis of Bahrain, 2020"

| Political | | | | | |
|---------------------|---------------------|-------------------------|--------------|----------------------|-------------------------|
| Position | Dimension | Population | Organization | Culture | Borders |
| Persian Gulf | 778 km ² | 2 059 | Tribal Arab | Arab Islamic Persian | Iran Saudi Arabia Qatar |
| Economical | | | | | |
| Soil Fertility | Natural Wealth | Industrial Organization | Tech Level | Commerce | Finances |
| Southern Western | Oil Natural Gas | Refinery Commerce | Tech Parks | Refinery Commerce | Financial hub |
| Psychological | | | | | |
| Flexibility | | Intervention | | Preservation | Adaptation |
| Diversification Oil | | Commercial Refinery | | Islamism Tribal | High |

Sources: Smith. & Crystal, 2023.

Bahrain has been specially studied as being a stage for the Saudi-Iranian rivalry. However, this rivalry has a reason for existing. As a matter of fact, Bahrain has geopolitical and geostrategic importance, particularly in three aspects.

Firstly, even though it is a small island with only 778 square kilometres (Crystal & Smith, 2023), Bahrain's strategic location is of major importance. It is located west of the Persian Gulf, having Saudi Arabia on both its west and southern border, Qatar on the east and



Iran in the north. Because of this location, the USA headquarters for the Centre Command of Naval Forces is located in this island (Myrvold, 2022). In addition, because of its location and common history, Iran also claims this island as its fourteenth province.

Secondly, Bahrain is located on a rich oil region. Actually, this was the first emirate where oil was first found in 1932 (Crystal & Smith, 2023). However, even though Bahrain isn't a prolific oil producer nor a member of the Organization of the Petroleum Exporting Countries (OPEC), it has one of the biggest oil refineries in the world, the *BAPCO Sitrah Refinery*. This company produces a sixth of the crude in the world (Nuruzzaman, 2013).

Finally, Bahrain is a mostly Shi'a country but ruled by the Sunni minority. As Borges (2019) cited, by 1717 the Safavid empire had its control seized from Bahrain and, by 1783, the al-Khalifa, a Sunni Arab family from Najd, came into power. Therefore, there is a strong sectarian divide in Bahrain. This was evident in the events of the 2011 Arab Spring, when the Shi'a majority wanted political reforms to end discrimination (Peterson, 2022). However, Saudi Arabia doesn't want change for it fears for its political and economic interests (Nuruzzaman, 2013).

Israel, 2020 Map 5, "Israel".



Source: <http://www.guiageo.com/asia/imagens/mapa-israel.jpg>



Table 5. "Guido Fischer's Factors for Geopolitical and Geostrategic Analysis of Israel, 2020"

| Political | | | | | |
|------------------------|--------------------------------|--------------------------------|---------------------|--|---|
| Position | Dimension | Population | Organization | Culture | Borders |
| Middle East | 21 937 Km ² | 8 424 904 | Urban | Jew Arab Zionism Westernized | Egypt Gaza Strip Jordan Lebanon Syria |
| Economical | | | | | |
| Soil Fertility | Natural Wealth | Industrial Organization | Tech Level | Commerce | Finances |
| Coastal Plan | Natural Gas Minerals Oil | Tech Chemical Diamonds | Tech Parks | Natural gas Diamonds Tech Chemicals | High |
| Psychological | | | | | |
| Flexibility | | Intervention | | Preservation | Adaptation |
| Tech and Investigation | | USA | | Zionism | Zionism |

Sources: Elath, Ochsenwald, Sicherman. & Stone (2019)

Finally, we will study the country which changed the Middle East. Israel is a surprising state with four characteristics that are relevant to our analysis. Two of them are related to its weaknesses, while the other two are considered strengths.

Firstly, Israel is a small state, spanning 470 kilometres. It is surrounded by states that were hostile when the Jewish State was born: it shares the northern border with Lebanon, with whom it has fragile relations, the north-eastern borders with Syria, with whom it has hostile relations, east and southeast with Jordan, with whom it has a peace treaty, just as with Egypt, on the south (Central Intelligence Agency, n.d.; Elath, Ochsenwald, Sicherman & Stone, n.d.).

Secondly, its population is over 8 500 000 inhabitants (Central Intelligence Agency, n.d.). However, the majority of its population are non-Jews: 1.2 million are Muslim, 123 thousand are Christians and 122 thousand are Druze (Israel Ministry of Foreign Affairs, n.d.). In addition, the country is increasingly westernized, which means that the Jewish identity is now social, rather than religious. Therefore, the Jewish State doesn't know what this identity means (Schweid, 1998).

However, there are two other characteristics which are the main reason for the normalization treaties. Israel has a strong economy, growing 3 percent a year. The main strength of Israeli's economy is its technological sector. Besides producing fertilizers, pharmaceutical drugs and having a thriving diamond industry, Israel is known for its IT sector for defence and for medical equipment (Bahar & Eckstein, 2019; Bruno & Chenery, 1962; Central Intelligence Agency, n.d.; Elath, Ochsenwald, Sicherman & Stone, n.d.; OECD Observer, 2011).



The final characteristic, which also is a strength, is its dissuasion power. It is important to say that Israel has an *animut* policy; this means that Israel doesn't reveal if it possesses nuclear power (Ferrero, 2019; Israeli, 2015). However, Israel also has conventional weaponry power. Its weapons are technologically advanced and military service is mandatory for both sexes (Wenkert, 2019).

What do these geopolitical and geostrategic descriptions reveal about the Abraham Accords?

By applying the Theory of Balance of Threat, we understand that, by 1979 and 1994, Israel was more developed than Jordan and Egypt. Even though Egypt has a larger territory, more population and is geographically close, its economy wasn't innovative and its defence was weak. Jordan was in the same position as Egypt. Therefore, their intentions, even though aggressive, weren't as threatening as at the beginning of Israel's independence.

At the same time, even though Egypt was seen as a state representing the status quo, it understood Israel wasn't revisionist. Although its ideology was different, Israel didn't mean to be a threat to the Arab states. In both cases, it was understood that it was more detrimental to remain in a state of war against Israel or even being hostile, than to normalize the relations. Therefore, through an alliance with Israel, the status quo was preserved and Egypt's and Jordan's reaped the beneficial consequences. The result of the alliance was a positive balancing.

As with the UAE and Bahrain, the situation was different than with Egypt and Jordan. The Gulf monarchies aren't geographically near Israel. Therefore, even though Bahrain is smaller and less populated than Israel, it never felt threatened by it. Also, Israel was never intentionally threatening to these Monarchies. Consequently, it is understood that, for the UAE and Bahrain to create an alliance, which is both positive and negative (as their capabilities improved but can also be used against a threat), the threat must come from another state.

By applying the Theory of Balance of Threat, we perceive Iran as the major threat to both Gulf Monarchies. Iran not only is bigger and more populated than both Monarchies, it is also geographically close and has strong military power. Its intentions are clear, since it claims Bahrain as its 14th province and wants to spread its ideology.

One, then, must understand that, through an alliance with Israel, the UAE and Bahrain can defend themselves against Iran, benefiting from Israel's defence and innovative technology, especially cybersecurity.

The Impact on International Relations

As this is a positivist study that searches for connexions both a priori and a posteriori, as such it is reasonable to consider the importance of understanding what happened after the celebration of each accord. Also, we understand innovation by the impact it causes. Therefore, in the final chapter of this article, we are going to analyse the impact that each treaty had not only on the relations in the Middle East, but also internationally.



The Peace Treaties of 1979 and 1994

The main goal of both Peace Treaties was to create peace between the above-mentioned Arab states and Israel. However, the text of the Peace Treaty commemorated between Israel and Egypt is different from the Peace Treaty celebrated between the Jewish state and Jordan. As it is the text that marks the future implications of each treaty, it is important to analyse it.

Firstly, the element which guides the Peace Treaty between Israel and Egypt is "respect" (Murphy, 1979). The content of this treaty is filled with concerns about safety. Subsequently, it seeks to create an international force tasked to monitor the safety system assigned to the Sinai. It is understandable that this treaty is more safety oriented, as both countries were engaged in extreme fighting, one trying to annihilate the other. Peace was being created after years of intense war. Just as with the Peace Treaty between Jordan and Israel (Satloff, 1995), it emphasizes the terms "partnership" and "cooperation". The reason for these concepts being consistent is that the historical context, as we have studied before, was different. Jordan and Israel didn't fight each other for over 28 years. Consequently, both had a better understanding of each other's needs and what each understood to be a threat to the creation of lukewarm peace, without the need for peacekeepers.

Another important aspect about the Peace Treaty with Egypt is that it predicted security based on reciprocity (Murphy, 1979). This means that each country recognized the national interest of the other and balanced it with their own national interests. As with Jordan, cooperation was the main concept of its peace treaty (Satloff, 1995). It is understandable that the treaty wasn't only technical, as it established formal diplomatic relations, but also a road map to develop the political, economic, social, cultural and human interactions.

With these distinctions, we can recognize that these treaties had a twofold impact. The first was the impact of Arab states beginning to establish peace with Israel. No Arab and/or Muslim state had established peace with Israel until Egypt. This event even caused Egypt to be expelled from the Arab League up until 1989 (Masters & Sergie, 2023). Consequently, this peace treaty was a breakthrough on the relations between Arabs and Jews.

Secondly, these peace treaties helped understand the type of peace one can have with another country. Even though the Egypt and Israel Peace Treaty was a victory, they only agreed on promoting friendly relations and abstaining from creating hostile propaganda. No mechanism was created to promote cooperation. On the other hand, the Jordan and Israel Peace Treaty outlined the means to promote cooperation and highlighted the role of governments to shape the way citizens talk and think about peace. What's more, a special joint commission was developed to examine if the mechanisms were established and if a public forum was created.

The Abraham Accords of 2020

One major impact of the Abraham Accords in the Middle East was the fact that it revealed that pragmatic issues in the Middle East can be resolved without considering ideology. In



this case, normalization of relations with Israel were established without considering ethnicity, religion and other past events that have prevented the pacification in the Middle East.

Another important topic of these Accords is that they were celebrated without American intervention. Even though the Abraham Accords were mediated by the USA, the first initiative came from the states that celebrated them. The Abraham Accords wasn't forced upon by the extra-regional order, but were the culmination of several interactions over the last decades.

It is also important to remember that the Abraham Accords might have been the start of a new regional order. According to Kram and Makovsky (2021), as with Segell (2021), this new order will be characterized not only by the deepening of the relations between the signatory countries, but also by the enlargement of the accords to other Muslim and Arab countries. Therefore, the Middle East will be more intertwined, even economically. Such event would allow the rise of a true economic cooperation which could acknowledge the resolution of environmental and social challenges. As a matter of fact, after the Accords the Abraham Fund was created, and it exists for investments in infrastructure and energy programs. The Abraham Accords always predicted a better development of the region, as it is cited that the signatories "support science, art, medicine, and commerce to inspire humankind, maximize human potential and bring nations closer together" (U.S. Department of State, 2020). This is also noticed with the creation of the "Joint Statement on Women, Peace and Diplomacy" (Berman, 2021), which desires to show the value of integrating women in the peace process as well as tries to increase female influence in human rights issues, sustainable development, security and peace matters.

Finally, according to Norlen and Sinai (2020), the Abraham Accords are changing the security geopolitics in the Middle East. Israel, with these Accords, was placed in the Persian Gulf, near Saudi Arabia. The normalization process with Bahrain allows Jerusalem to be near Riyadh, as there is a relationship of dependency between the Saudi Monarchy and the al-Khalifa Monarchy.

What do these impacts reveal about the Abraham Accords?

With this exegesis of the 1979 and 1994 Peace Treaties and the 2020 Abraham Accords, we recognize that the latter aren't just the celebration of the normalization of the relations between Israel, the UAE and Bahrain. Also, these accords are not just the establishment of diplomatic relations. They are something much bigger.

With the above-mentioned treaties, we can understand that the treaties celebrated with Israel since 1979 have been instrumental in improving the peace established. By applying the Theory of Alliances by Stephen Walt, we can better understand how the relations with Israel have been changing. The Peace Treaty celebrated between Israel and Egypt is a positive balancing, as it aims to develop their relationship, even if relations haven't deepened. Just as the Peace Treaty celebrated between the Jewish state and Jordan, it is a positive soft balancing. The relations have not only improved, but the national capabilities have also developed with the alliance established.



However, the Abraham Accords are not a Peace Treaty. Peace was not established because there was never war between Israel and the Gulf Monarchies. Relations were established because they didn't exist in the first place: cooperation was sought. However, even though military capabilities are improving with the alliance established between the signatory states, there is no pressure applied against the revisionary state. This means that the balancing established is not negative, but positive and hard. However, because cooperation is more than military, this balance is also called soft. As seen above, cooperation is happening between Israel, UAE and Bahrain on an economic level, with the Abraham Found, and on the social level, with the "Joint Statement on Women, Peace and Diplomacy". Environmental cooperation is also happening, as at least Israel and the UAE are creating deals to develop renewable energies (Bell, 2021).

Conclusion

At the end of this paper, one turns back to the research question. How is the 2020 Abraham Accords considered innovative as compared with the Peace Treaties celebrated between Israel and Egypt in 1979 and with Jordan in 1994?

As a matter of fact, the Abraham Accords is of a different nature than of the 1979 Peace Treaty between Egypt and Israel and of the 1994 Peace Treaty between Israel and Jordan as the sociohistorical, geopolitical and geostrategic contexts were essentially distinct, as it is perceived by applying the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. Therefore, the impact on the regional and international relations of each treaty was very distinct. This argument will now be dissected to better validate this.

One of the main conclusions of this article is that both the 1979 and the 1994 Peace Treaties were celebrated after having lost the war against Israel, which brought on the need for peace with the Jewish state in order to recover financially. Therefore, these Peace Treaties were seen as an alliance, specifically, a positive balancing with Israel. On the other hand, the Abraham Accords did not happen in the context of war, as the United Arab Emirates and Bahrain never fought Israel, but through perceiving a common threat, Iran, which is a revisionist state. Consequently, they allied positively with Israel, both soft and hard. As far as its repercussions, the Abraham Accords aren't peace treaties, but the establishment of cooperation on military, economic, social and environmental levels. Therefore, a new Middle East order might be arising.

This paper might be seen as innovative as it uses both the Theory of Balance of Threat and the Theory of Alliances from Stephen Walt in order to understand an event, together with geopolitical and geostrategic analysis. Also, the normalization process between Israel and Arab states was studied aside from ideological terms, being pragmatic and realistic. Finally, it is a holistic approach to the Abraham Accords and the Peace Treaties of 1979 and 1994, by studying the historical and the geopolitical and geostrategic contexts, as their effects.

For further contributions, it would be interesting to compare the Abraham Accords to the Saudi-Iranian Rapprochement, and the latter to an Israel and Arab state Peace Treaty to understand if the rapprochement between Saudi Arabia and Iran is innovative and plausible.



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ACORDOS PRÉ-ABRAÃO

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Resumo

Em setembro de 2020 o mundo ficou surpreso ao ser anunciado na Casa Branca um tratado de normalização de relações entre duas monarquias do Golfo Pérsico, mais especificamente entre o Bahrain e os Emirados Árabes Unidos, e o Estado de Israel. Ainda mais surpresa ficou a humanidade ao compreender o silêncio que emanou dos restantes países professantes do Islamismo. Todavia, não se deve considerar os Acordos de Abraão como um momento de normalização isolado no panorama das relações entre Israel e os estados árabes e muçulmanos. É de se lembrar que ocorreram tratados de paz com Israel no passado, sendo de se nomear o Tratado de Paz com o Egito em 1979 e o Tratado de Paz com a Jordânia em 1994. Tendo em conta que estes acordos já existiam, coloca-se em causa a inovação dos próprios Acordos de Abraão em termos de Relações Internacionais e regionais. Portanto, a questão de partida que guiará este artigo é a seguinte: Como é que os Acordos de Abraão de 2020 são considerados inovadores em comparação com os Tratados de Paz celebrados entre Israel e o Egito em 1979 e com a Jordânia em 1994? O objetivo principal deste artigo científico será distinguir as diferenças a vários níveis, nomeadamente ao nível socio-histórico e em termos de impacto nas Relações Internacionais, entre os Acordos de Abraão e os Tratados de Paz anteriormente celebrados entre Israel e, em primeiro lugar, o Egito, e de seguida, a Jordânia. O principal argumento deste artigo é que os Acordos de Abraão são de uma natureza diferente do Tratado de Paz entre o Egito e Israel de 1979 e o Tratado de Paz entre Israel e a Jordânia de 1994, dado que os contextos sociohistóricos, geopolíticos e geoestratégicos eram essencialmente distintos, como é percecionado ao se aplicar a Teoria da Balança da Ameaça e a Teoria da Aliança, ambas de Stephen Walt. Assim, o impacto de cada tratado nas relações regionais e internacionais era distintivamente diferente. Para atingir estes objetivos, este estudo seguirá esta metodologia: primeiramente, é considerado um estudo positivista. De igual forma, dado que vai ocorrer validação por quadros teóricos utilizados, é um estudo dedutivo. Aglomerará em si dois tipos de investigações, descritiva e explicativa. É maioritariamente um estudo comparativo, dado que os Tratados de Paz de 1979 e 1994 vão ser comparados com os Acordos de Abraão. Este estudo utilizará o método histórico processual diacrónico para analisar o antes e depois dos Tratados de Paz e dos Acordos. Todos os dados vão ser submetidos a análise de discurso. Uma das principais conclusões deste artigo é que os Tratados de Paz de 1979 e 1994 foram celebrados após terem perdido guerras contra Israel, o que conduziu a uma necessidade de paz com o estado judaico de forma a haver recuperação financeira. Consequentemente, estes Tratados de Pa foram vistos como uma aliança, nomeadamente, um positive balancing com Israel. Por outro lado, os Acordos de



Abraão não sugeriu de um contexto de guerra, tendo em vista que os Emirados Árabes Unidos e o Bahrain nunca lutaram Israel, mas num contexto de perceção de uma ameaça comum, o Irão. Consequentemente, a aliança com Israel foi tanto um hard e soft balancing.

Palavras-chave

Acordos de Abraão, Tratados de Paz, Israel, Jordânia, Egito, Médio Oriente.

Abstract

By September 2020 the world was surprised with the White House's announcement regarding the normalization treaties between Israel and two Gulf Monarchies, Bahrain and the United Arab Emirates. It is imperative, nonetheless, to not consider the Abraham Accords as a normalization moment isolated from the framework of the relations between Israel and the Arab and Muslim states. It is important to remember the past peace treaties with Israel, namely the 1979 Peace Treaty with Egypt and the 1994 Peace Treaty with Jordan. Given that these agreements already existed, the innovation of the Abraham Accords in terms of international and regional relations is questionable. Therefore, the research question that will guide this paper is as follows: How is the 2020 Abraham Accords considered innovative as compared to the Peace Treaties celebrated between Israel and Egypt in 1979 and with Jordan in 1994? The main goal of this investigative work is to understand the differences between the Abraham Accords and the cited Peace Treaties at the sociohistorical level and the impact on International Relations according to the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. The main argument of this paper is that it is understood that the Abraham Accords are of a different nature from the 1979 Peace Treaty between Egypt and Israel and from the 1994 Peace Treaty between Israel and Jordan as the sociohistorical, geopolitical and geostrategic contexts were essentially distinct, as it is perceived by applying the Theory of the Balance of Threat and the Theory of the Alliance, both by Stephen Walt. Therefore, the impact on the regional and international relations of each treaty was distinctively different. To achieve these goals this study will follow this methodology: firstly, it is considered a positivist study. Also, since there will be a validation of the theoretical frameworks used, this study is deductive. It will agglomerate in itself two types of investigations, descriptive and explicative. It is mainly a comparative study, as the 1979 and 1994 Peace Treaties with Israel will be compared with the Abraham Accords. This study will also use the processual and diachronic historical method to analyze the before and after of both Peace Treaties and the Accords. All data will be submitted through discourse analysis. One of the main conclusions of this article is that both the 1979 and the 1994 Peace Treaties were celebrated after having lost the war against Israel, which brought on the need for peace with the Jewish state in order to recover financially. Therefore, these Peace Treaties were seen as an alliance, specifically, a positive balancing with Israel. On the other hand, the Abraham Accords did not happen in the context of war, as the United Arab Emirates and Bahrain never fought Israel, but in the context of perceiving a common threat, Iran. Consequently, they allied with Israel on a positive both hard and soft balancing alliance.

Keywords

Abraham Accords, Peace Treaties, Middle East, Israel, Jordan, Egypt.



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ACORDOS PRÉ-ABRAÃO

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Introdução

Em setembro de 2020 o mundo ficou surpreso ao ser anunciado na Casa Branca um tratado de normalização de relações entre duas monarquias do Golfo Pérsico, mais especificamente o Bahrain e os Emirados Árabes Unidos, e o Estado de Israel. Ainda mais surpresa ficou a humanidade ao compreender o silêncio que emanou dos restantes países professantes do Islamismo (Perper, 2020).

Na realidade, ao longo das décadas, algo é considerado como certo: existe uma tensão eterna entre os países árabes e/ou islâmicos para com o único Estado Judeu do mundo, Israel. Salienta-se que após o nascimento deste Estado, a 14 de maio de 1948, ocorreu uma guerra contra este, sendo a mesma liderada pelos Estados árabes vizinhos e financiada pelos restantes, como a Arábia Saudita (Labelle, 2011). No entanto, desde a implementação da República Islâmica do Irão em 1979 que ocorreu uma alteração na própria balança do poder no Médio Oriente. Na realidade, Estados árabes que professam o Islamismo da variante sunita começaram a perceber uma ameaça que não se caracterizava por ser de uma religião oposta, mas sim da mesma religião, porém numa variante distinta, a xiita. Além do mais, os Estados do rico Golfo Pérsico entenderam que a Pérsia revestida de uma nova identidade desejava algo que eles reclamavam para si, em especial a Arábia Saudita: a hegemonia da região (Miller, 2020).

Vários acontecimentos externos ocorreram que determinaram alterações de relações nesta região do mundo. No início deste segundo milénio, a administração Obama deixou de conceder importância ao Médio Oriente, procurando antes o pivot asiático. Além do mais, procurou o Plano de Ação Conjunto Global, mais conhecido como Acordo Nuclear com o Irão, que permitiria à República Islâmica começar a produzir urânio para fins nucleares (IRNA, 2015). Pode referir-se que foram exatamente estas duas políticas que motivaram as seguintes prosseguidas pela administração de Trump: o reconhecimento de Jerusalém como a capital de Israel (U.S. Embassy in Israel, 2020) e, finalmente, os Acordos de Abraão.

Todavia, não se deve considerar os Acordos de Abraão como um momento de normalização isolado no panorama das relações entre Israel e os estados árabes e muçulmanos. É de se lembrar que ocorreram tratados de paz com Israel no passado, sendo de se nomear o Tratado de Paz com o Egito em 1979 e o Tratado de Paz com a



Jordânia em 1994. Tendo em conta que estes acordos já existiam, coloca-se em causa a inovação dos próprios Acordos de Abraão em termos de Relações Internacionais e regionais.

Portanto, a questão de partida que guiará este artigo é a seguinte: Como é que os Acordos de Abraão de 2020 são considerados inovadores em comparação com os Tratados de Paz celebrados entre Israel e o Egito em 1979 e com a Jordânia em 1994? O objetivo principal deste artigo científico será distinguir as diferenças a vários níveis, nomeadamente ao nível sociohistórico e em termos de impacto nas Relações Internacionais de acordo com a Teoria da Balança da Ameaça e a Teoria da Aliança, ambas de Stephen Walt. Todavia, primeiramente, caracterizar-se-á historicamente o Egito em 1979 e a Jordânia em 1994. De seguida, comparar-se-á os Acordos de Abraão com os Tratados de Paz de forma histórica, utilizando as supracitadas teorias. Seguidamente, descrever-se-á geopoliticamente e goestrategicamente o Egito em 1979, a Jordânia em 1994 e o Médio Oriente em 2020, separadamente, realizando, depois, a comparação. Finalmente, estudar-se-á as repercussões de cada tratado aos níveis internacional e regional, de acordo com as teorias de Walt

Pode-se aferir que o argumento principal deste artigo científico consiste na compreensão de que os Acordos de Abraão são de natureza distinta dos Tratados de Paz celebrados entre Israel e, em primeiro lugar, o Egito, em 1979, e de seguida, a Jordânia em 1994, por se considerar que os contextos sociohistóricos, geopolíticos e geoestratégicos são essencialmente distintos, como se percebe ao se aplicar a Teoria da Balança da Ameaça e a Teoria da Aliança, ambas de Stephen Walt. Consequentemente, entende-se que o impacto nas Relações Internacionais entre ambos é distinto.

No que concerne à organização deste artigo, após a introdução, há um capítulo dedicado à revisão da literatura e outro dedicado ao enquadramento histórico. Seguidamente, há um capítulo em que se explica a metodologia que este artigo seguirá. Subsequentemente, existem três capítulos, cada um dedicado a um dos objetivos citados. Finalmente, na conclusão conceder-se-á uma resposta à pergunta de partida.

Revisão da Literatura

Dado que os Acordos de Abraão são um acontecimento recente, a literatura relativa aos mesmos ainda é precoce e pouco elaborada. Todavia, pode-se selecionar, da literatura conhecida até ao momento de escrita, três grandes escolas de abordagem a este acontecimento do século XX.

Numa primeira instância, encontramos uma abordagem ideológica. Podem salientar-se duas perspetivas de utilizar esta abordagem. Por um lado, observa-se os Acordos de Abraão como a revelação de que os assuntos de normalização com Israel e o assunto palestino podem ser separados politicamente e emocionalmente (Stephens *in* Sorokin, 2021). Assim, a rejeição de Israel como deliberado na Declaração de Cartum de 1967 terminou. Para Israel, tal significa que o veto palestino para deliberações de paz deixou de ter efeito. Contudo, esta perspetiva não tem em consideração o facto de os países signatários dos denominados Acordos de Abraão não serem países que tenham a influência do povo palestino. Assim, esta perspetiva não considera o fator geopolítico cultural. Ainda na abordagem ideológica, observam-se os mesmos numa perspetiva Pan-



Arabista de Nasser (Segell, 2021). Esta perspetiva tem como objetivos principais a cooperação, a unidade e a solidariedade entre os estados Árabes, Africanos e, finalmente, Israel. De acordo com esta perspetiva, o Bahrain, o Sudão e Marrocos foram liderados pelos Emirados Árabes Unidos (EAU) a realizar os Acordos em processos *top-down* realizados entre líderes. Contudo, aparentemente não existe nenhum tipo de apoio popular para o movimento ideológico, não havendo evoluções internas e regionais para uma mudança positiva. No entanto, o facto de a perspetiva abordar os Acordos como motivados por elites ignora o contexto histórico, geopolítico e geoestratégico dos mesmos, não tendo em consideração a economia *à priori* aos Acordos, bem como o papel da sociedade.

O segundo tipo de abordagem existente na literatura pode denominar-se como sendo liberal. Mais uma vez, pode-se dividir a mesma em duas perspetivas distintas. Uma forma de abordar liberalmente os Acordos de Abraão é tendo em consideração os fatores humanos. Na realidade, esta abordagem observa os Acordos como sendo motivados pelas próprias populações (Frish *in* Sorkin, 2021). De acordo com esta perspetiva, a população está cansada de pedir por unidades pan-Árabe e pan-Islâmica e deseja por melhores oportunidades económicas, melhor segurança social, melhor educação, mais inovação, mais estado de direito e maior igualdade. Todavia, esta perspetiva acaba por ser o extremo da apresentada como anteriormente, dado que, desta vez, ignora o contexto político e sistémico da região. Por outro lado, observamos uma abordagem de liberalismo económico (Egel, Efron & Robinson, 2021; Kram & Makovsky, 2021; Segell 2021). Nesta abordagem, refere-se que a relação económica bilateral entre Israel e os Emirados Árabes Unidos é, na realidade, o fundamento poderoso para os Acordos de Abraão. Os autores que defendem esta posição referem que estes Acordos permitem maior interligação entre as economias e eventualmente entre países árabes e muçulmanos. Esta expansão criaria um Médio Oriente mais integrado, permitindo que desafios ambientais, económicos e sociais sejam referidos. Contudo, considera-se que, se os interesses económicos ditassem os Acordos, mais países estariam dispostos a assinar a normalização dos seus relacionamentos com Israel.

Finalmente observam-se duas abordagens realistas. A primeira refere que existe a coexistência de pilar pragmático com um pilar ideológico na criação dos Acordos de Abraão. De acordo com os autores (Krieg, 2020; Abdullah, 2021), o pilar pragmático é baseado nos interesses nacionais dos países signatários, que consiste em maior consolidação de poder, preservação das estabilidades económica e militar, bem como desenvolvimentos tecnológicos e científicos para preservar a segurança. O pilar ideológico, por sua vez, baseia-se no desejo por paz, por estabilidade regional e por uma alteração de mentalidades. Todavia, entende-se que, na realidade, existe somente um pilar, o pragmático. Analisando-se bem o exposto, compreende-se que o pilar ideológico é consequente do pragmático. Na realidade, quando o poder é consolidado e desenvolvimentos são efetuados, estes criam paz e estabilidade regionais, tornando as mudanças em termos de mentalidade possíveis. A perspetiva final é caracterizada como neorealista, dado que considera que os Acordos são o resultado de uma mudança no Médio Oriente (Norlen & Sinai, 2020). Refere-se que, além de cada país signatário ganhar profundidade estratégica com os Acordos, um eixo de resistência foi criado (Guney & Korkmaz *in* Kihlberg, 2021). Consequentemente, a maior consequência dos Acordos de Abraão, de acordo com esta perspetiva, foi a formação de alianças no Médio Oriente,



todavia, esta abordagem acaba por ser um estudo das consequências dos Acordos de Abraão e não um estudo das causas que conduziram aos mesmos.

Principais conceitos e enquadramento teórico

Existem termos que, para efeitos de unanimidade na compreensão do alcance deste artigo científico, serão necessariamente delimitados concetualmente.

Primeiramente, é de extrema importância referir que, para efeitos desta dissertação seguir-se-á a definição de poder de Joseph Nye (1990). De acordo com este académico, poder consiste na capacidade de afetar um outro de forma a atingir os objetivos desejados. Este autor também distingue entre dois tipos de poder. *Hard power*, a primeira distinção que o autor realiza, consiste na capacidade de levar avante os seus objetivos através de ações coercivas ou ameaças. Historicamente, o *hard power* é mensurado por critérios como tamanho populacional e/ou territorial, geografia, recursos naturais, força militar e força económica. Por outro lado, existe o *soft power*, que é definido por ser a capacidade de moldar as preferências dos outros através da cultura, valores políticos e instituições ou autoridade moral. Contudo, a realidade das Relações Internacionais revela a necessidade de usar o *soft* como o *hard power* conjuntamente. Assim, esta capacidade de combinar estes dois tipos de poder é chamada de *smart power*. Os apoiantes de *smart power* articulam as vantagens do *hard power*, como o poder militar, ao investir em alianças e instituições. Desta forma, os principais poderes são capazes de atingir resultados máximos de forma legítima.

É essencial também definir o termo "geopolítica". Na visão de Flint, geopolítica não é só a questão de país competirem entre si. É a possibilidade de se competir por um território por meios além das práticas de outros estados. Consequentemente, seguir-se-á a definição da geopolítica contemporânea que consiste em identificar "the sources, practices, and representations that allow for the control of territory and the extraction of resources" (Flint, 2006, p.16).

Relativamente ao termo "geoestratégia", para Foucher, significa a aplicação da razão geográfica à condução da guerra e/ou à criação de um esquema de defesa nacional (Foucher, 2000, p.165). Por a geopolítica simplificar realidades numa perspetiva localizada, a geoestratégia surge numa perspetiva de aplicar práticas a lugares analisados numa perspetiva de operação militar. Considera a avaliação das ameaças externas e a balança do poder de acordo com os interesses do Estado e as configurações espacial, física e humana da nação.

Finalmente, temos o conceito de Médio Oriente, em que se utilizará a definição de Tibi (1989). A razão para esta escolha é que o autor não só tem em consideração as relações estruturais e os processos de interação mútuos em formas específicas, como também leva em consideração um quadro de fatores linguísticos, étnicos, socioeconómicos e culturais. Refletindo nestes aspetos, Tibi delimita o Médio Oriente em três sub-regiões: o Oriente Árabe (*Mashreq*), o Norte de África (Magrebe) e a Região do Golfo (*Khaleej*).

Quanto ao quadro teórico, este será estudado tendo em consideração quatro grandes pontos. Primeiramente, considerar-se-á como caracterizar a região utilizando o quadro do Realismo nas Relações Internacionais (Kauppi & Viotti, 2020, pp. 21-24) que tem as



seguintes proposições. Primeiramente, para o realista, os estados são os atores chave de análise num sistema internacional de estados anárquico, ou seja, sem um governo central legítimo. Como se observa no Médio Oriente, não existe nenhum estado forte o suficiente para criar um governo central. Igualmente considera-se que os estados são atores unitários, sendo os seus governos os agentes de política externa. Também se considera que os estados são atores racionais, ou seja, a política externa é conduzida de forma racional, sempre colocando em consideração os objetivos, as alternativas, os benefícios e os custos. Finalmente, para os realistas, o interesse máximo que conduz a política externa é a segurança nacional e/ou internacional, examinando-se, portanto, potenciais usos de força e conflitos. Como se observa no Estado da Arte, os Acordos de Abraão devem ser estudados considerando um cálculo de custos e benefícios para proteger a segurança nacional dos Estados signatários.

O Realismo desdobra-se em Neorrealismo (ou Realismo Estruturalista) quando se coloca uma maior ênfase no sistema internacional. Os neorrealistas definem o sistema tendo em conta as várias distribuições de poder e de capacidades entre os estados, podendo-se discernir polaridades de acordo com o número de potências e os diferentes efeitos que estas trazem (Kauppi & Viotti, 2020, pp. 34-35), podendo haver ou equilíbrios ou alianças. Os neorrealistas podem distinguir-se entre defensivos e ofensivos. Estes últimos, liderados por Mearsheimer (Kauppi & Viotti, 2020, p.46), defendem que a anarquia leva ao desejo de expandir as capacidades de poder relativas, vendo-a como única forma de se manterem seguros. Por sua vez, os primeiros, encabeçados por Waltz (Kauppi & Viotti, 2020, pp. 45, 46), referem que os estados anseiam, acima de tudo, sobreviver e procurar a sua segurança, havendo, conseqüentemente, uma manutenção do status quo. É dentro do Neorrealismo Defensivo que se encontram as duas teorias de Stephen Walt (1985 & 1989) que serão o quadro teórico principal deste artigo.

Walt refere que é através das alianças que os Estados reagem perante uma ameaça externa. De acordo com a teoria da balança da ameaça deste autor, os Estados reagem não só contra um poder superior, mas contra ameaças percecionáveis. Estados com mais poder agregado (sendo estas capacidades medidas em termos de total de população e maior inovação tecnológica e industrial), com maior proximidade geográfica, com forças militares ofensivas e intenções agressivas (Estados que se assemelham agressivos levam mais facilmente os outros a balançar contra eles) são razão de uma coligação de Estados que desejam manter o *status quo*.

Perante a ameaça, Stephen Walt distingue entre duas estratégias para a formação de alianças. A primeira estratégia consiste em "*bandwagoning*"¹. Esta consiste no alinhamento de um Estado ameaçado com o Estado ameaçador e revisionista, que coloca em causa do *status quo*. Esta política externa é mais beligerante e ofensiva. O objetivo principal é criar estabelecimentos militares eficazes e resolver à força para resolver disputas internacionais. A segunda estratégia de formação de alianças distinguida por Walt é a de *balancing*. Esta aliança consiste na realização de um alinhamento entre os diversos Estados que desejam preservar o *status quo* com a principal potência que o representa de forma a oporem-se à principal fonte de perigo. Podem existir quatro tipos diferentes de *balancing*. *Balancing* negativo ocorre quando o objetivo principal é exercer

¹ Consiste no termo inglês para referir à adesão a algo. Todavia, por o termo perder a sua exatidão na tradução ao português, decidi continuar a usar a palavra em inglês.



oposição ao Estado revisionista; *balacing* positivo é quando o objetivo principal é melhorar as capacidades dos próprios Estados do *status quo* (Morgenthau & Thompson, 1950, in Bock & Henneberg, 2013, p. 8). Contudo, o *balancing* também pode ser definitivo como *soft* ou *hard* dependendo se as capacidades desenvolvidas são militares ou não (He & Nexon, 2009, in Bock & Henneberg, 2013, pp. 8-9). A política externa desta estratégia é mais segura e defensiva. O objetivo principal é a autopreservação, por ansiarem sobrevivência enquanto o Estado mais forte expande a sua influência.

Para se poder mensurar o poder de acordo com estas distinções, realizar-se-á uma análise geopolítica e geoestratégica do Médio Oriente através dos fatores Guido Fischer. Estes são de três tipos. O primeiro tipo de fator é os fatores políticos, que consiste na posição, nas fronteiras, na dimensão territorial e populacional, na sua organização e cultura do Estado. De seguida há o económico, que trata da fertilidade do solo, da riqueza natural, da organização industrial, do nível tecnológico, do desenvolvimento do comércio, bem como a sua força financeira. O último fator consiste no psicológico, que se debruça na capacidade de flexibilidade económica, na capacidade de intervenção, no sentido de preservação e de adaptação da população.

Através de análises geopolíticas e geoestratégicas de cada um dos Estados ameaçados, será possível enriquecer este estudo utilizando a Teoria da Balança da Ameaça de Stephen Walt. Ao caracterizar os países, estudar-se-ão os fatores sendo possível estudar a sua evolução e distinguir o tipo de aliança que foi criado, de acordo com a Teoria da Aliança de Walt.

Metodologia

Como foi enunciado na revisão da literatura, muitos estudos foram efetuados sobre os Acordos de Abraão considerando as suas causas ou os seus efeitos. Este artigo tem uma abordagem holística e sistémica, pelo que estudará ambos. Assim é um estudo positivista (Boduszynski & Lamont, 2020, p. 61). De igual forma, procurar-se-á a validação de quadros teóricos que vão ser usados, sendo um estudo dedutivo (Pires, 2022, p.23).

Contudo, este estudo contém em si dois tipos de investigação (Boduszynski & Lamont, 2020, p.57). Primeiramente, uma investigação descritiva, dado que ocorrerão descrições históricas, geopolíticas e geoestratégicas dos países citados e da região. Em segundo lugar, será uma investigação explanatória, dado que identificará os mecanismos causais através dos quais se pode compreender o impacto dos Acordos de Abraão no Sistema regional do Médio Oriente.

Este é um estudo principalmente comparativo, dado que os Tratados de Paz de 1979 e 1994 com Israel serão comparados com os Acordos de Abraão. Além do mais, o método de *most different systems* vai ser utilizado, dado que os Estados muçulmanos têm todos algo em comum: paz com Israel (Boduszynski & Lamont, 2020, pp. 91-92).

Este estudo utilizará o método histórico diacrónico e processual para estudar o antes e depois dos Tratados de Paz e dos Acordos. Para atingir a descrição histórica, recorrer-se-á ao *process tracing* (Beach, 2020).

Dado que se procurarão compreender e interpretar motivações e comportamentos, este estudo é qualitativo (Boduszynski & Lamont, 2020, pp. 98-101) em que dados escritos



serão intensamente estudados. Todos os dados serão submetidos a análise de discurso. Dado que o estudo tem em consideração política internacional, recorrer-se-á a um segmento de análise de discurso que tem como foco a política (Wilson, 2015, p. 779).

As it was revealed in the literature review, many studies about the Abraham Accords were accomplished by considering either what where their causes or their effects. This paper has a holistic and systemic approach, as it will study both. Therefore, it is a positivistic study (Boduszynski & Lamont, 2020, p. 61). Also, as there will be a validation of the theoretical frameworks that will be used, this study is deductive (Pires, 2022, p.23).

However, it will contain in itself two types of investigations (Boduszynski & Lamont, 2020, p.57). Firstly, it will be a descriptive investigation, as there will be an historical, geopolitical and geostrategic description of the quoted countries and of the region. Secondly, this will be an explanatory investigation, since it will identify casual mechanisms through which we can understand the impact of the Abraham Accords on the regional system of the Middle East.

It is mainly a comparative study, as the 1979 and 1994 Peace Treaties with Israel will be compared with the Abraham Accords. Therefore, the method of various different systems will be used, since all the Muslim states have something in common: peace with Israel (Boduszynski & Lamont, 2020, pp. 91-92).

This study will also use the processual and diachronic historical method to study the before and after of the Peace Treaties and the Accords. To achieve the historical description, the process tracing method will be used (Beach, 2020).

As we will try to understand and interpret motivations and behaviours, this is a qualitative study (Boduszynski & Lamont, 2020, pp. 98-101) where written data will be intensively studied. All data will be submitted through discourse analysis. Given that the study takes into account international politics, the segment of discourse analysis that focuses on politics will be used (Wilson, 2015, p. 779).

Contexto histórico

Um tratado e um acordo são respostas a contexto histórico. O contexto histórico tem características únicas a si mesmo e que influenciam a aparência do tratado ou do acordo e sua escrita. Assim, o contexto em si mesmo diferenciará os tratados e os acordos.

Guerras Israelo-Árabes

Para se entender os supracitados Tratados de Paz é necessário compreender que paz vieram instituir (Encyclopaedia Britannica, 2022). Contudo, como foi mencionado na introdução, as guerras Israelo-Árabes foram extensas. Assim, para efeitos de sintetização destacam-se somente dois conflitos.

O primeiro conflito de interesse para o presente artigo é a chamada Guerra dos Seis Dias. Este foi um conflito entre forças israelitas e forças egípcias, sírias e jordanas. O seu



nome derivou ao facto da guerra ter ocorrido em seis dias, entre 5 e 10 de junho de 1967.

No início do citado ano, a Síria havia intensificado os seus bombardeamentos a localidades israelitas através dos Montes Golã. Quando a força aérea israelita abateu seis jatos sírios, o Presidente egípcio Nasser mobilizou as forças para a fronteira da Península do Sinai. Nasser também assinou um pacto de defesa mútua com a Jordânia. Israel entendeu estas ações como ameaças e respondeu com um ataque aéreo súbito. Em seis dias, Israel tomou controlo desses montes, da Faixa de Gaza, da Península do Sinai, da Cisjordânia como de toda Jerusalém.

O segundo conflito de interesse para este artigo ocorreu no Yom Kippur (Encyclopaedia Britannica, 2023). Este é o feriado judeu de maior importância, dado que é um jejum de 25 horas limpar o povo dos seus pecados. No Yom Kippur de 1973, a 6 de outubro do citado ano, Israel foi invadido por forças egípcias através do Canal do Suez e por forças sírias através dos Montes Golã. As forças estrangeiras sabiam que era um feriado de jejum e acreditavam que Israel não estaria preparado para uma invasão. Contudo, as forças israelitas conseguiram fazer com que os invasores recuassem para os seus territórios.

Israel e as Monarquias do Golfo

Quanto aos Acordos de Abraão, o seu contexto imediatamente revela porque não são denominados Tratados de Paz. Na realidade, nunca houve uma guerra direta entre Israel e uma das Monarquias signatárias do Golfo. De igual forma, nunca houve nenhuma guerra entre os Emirados Árabes Unidos e o Bahrain, os primeiros Estados Signatários. O comportamento ameaçador das Monarquias do Golfo em estudo para Israel era maioritariamente económico, dado que estes Estados eram parte do movimento de boicote contra o Estado Judeu (Ahren, 2020).

Foi por causa da ameaça iraniana que as relações entre Israel e os estados supramencionados desenvolveram-se. Em fevereiro de 2005, o Rei Hamad bin Isa Al-Lhalifa, do Bahrain, mencionou ao Embaixador Americano em Manama que haviam contactos entre o Bahrain e a Mossad (The Guardianm 2011). Quanto às relações com os Emirados Árabes Unidos, estas desenvolveram-se de forma diferente (Traub et al., 2023). Entre 2010 e 2018, os Emirados procuravam manter uma política de ênfase no *soft power*. Assim, a sua ênfase estava investimento direto estrangeiro, no desenvolvimento humano e nas alterações climáticas. Contudo, eventos regionais, como a Primavera Árabe e a assinatura do Acordo Conjunto com o Irão, levaram a federação a procurar lutar contra o terrorismo e a envolver-se em alianças para acalmar as tensões regionais. Todavia, os Emirados Árabes Unidos já refletiam sobre a importância de haver paz entre as religiões abraâmicas e aumentaram as importações israelitas de produtos de segurança interna.

Em 2019, tudo mudou. Os EAU diminuíram o número de destacamentos no Iémen e levantaram as sanções contra o Catar. Esta federação colocou a sua ênfase em tornar o Médio Oriente um centro cultural e económico global, com desenvolvimento de nova tecnologia, ciência, energias renováveis e inteligência artificial, mas também como



estabilidade e paz. Assim, as relações com Israel aumentaram e os Acordos de Abraão foram desenvolvidos.

O que é que estes contextos históricos revelam sobre os Acordos de Abraão?

Ao aplicar a Teoria da Balança da Ameaça a estes supramencionados contextos históricos compreende-se uma distinção importante entre os Tratados de Paz e os Acordos de Abraão. Pelo que se mencionou relativamente aos Tratados de Paz, compreende-se que os Estados Árabes observavam Israel como um estado revisionista. Eles reconheciam a ameaça no facto de Israel ser um país não-Muçulmano que ocupou território palestino. De igual forma, como Israel ganhou todas as quatro guerras contra os Estados Árabes, tanto o Egito como a Jordânia entenderam que o Estado Judeu era mais desenvolvido que eles (Middle East Policy Council, n.d.).

Por outro lado, tanto o Bahrain como os EAU não foram ameaçados por Israel. Na realidade, Israel está geograficamente distante do Golfo Persa. Para estes estados, a maior ameaça é o estado revisionista do Irão. Irão não só não é uma monarquia, como é xiita, uma variante diferente dos EAU e do Bahrain (Al-Ketbi, 2018; Vohra, 2022). O Irão quer exportar a sua revolução às monarquias do Golfo para libertar os xiitas oprimidos dos seus opressores, os sunitas, que cooperam com o "Grande Satanás", os Estados Unidos da América (EUA).

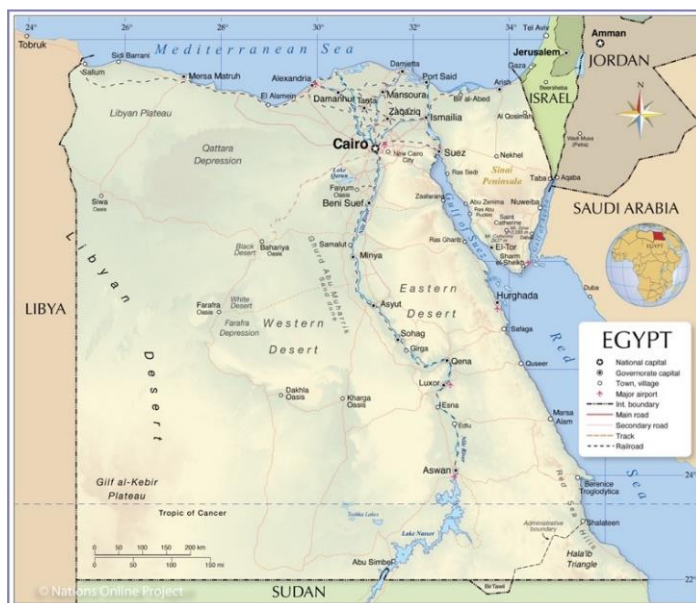
Quando compreendemos o contexto histórico com a Teoria da Balança da Ameaça, conseguimos compreender como é que cada contexto se posicionou com a Teoria da Aliança. De cada Tratado de Paz, consegue-se compreender que para a Jordânia, que se sentia desprotegida de Israel, o Egito representava o *status quo*. Assim, eles formaram uma aliança. Eles desejavam balançar o poder contra Israel (*balancing* negativo). Quanto aos EAU e ao Bahrain, eles viam Israel como um estado poderoso e inovador que representava o *status quo*. Assim, eles realizaram uma aliança de balanço para melhorar as suas capacidades contra o Irão (*balancing* positivo).

Descrições geopolíticas e geoestratégicas

Como foi referido na Introdução e no Enquadramento Teórico, acreditamos que através de análises geopolíticas e geoestratégicas consegue-se perceber melhor as forças e as fragilidades de cada estado sob estudo neste artigo. Esta perspetiva é explicada pelo facto que, quando um Estado se envolve numa aliança, este tem de compreender que o estado mais forte pode oferecer proteção ou alguma inovação que o primeiro não conseguiria ter por si próprio. Desta forma, neste capítulo analisar-se-á o Egito e a Jordânia, na altura em que assinaram os seus tratados de paz, e os EAU, Bahrain e Israel em 2020, através dos fatores geopolíticos e geoestratégicos de Guido Fischer.



Egito, 1979
Mapa 1, "Egito".



Fonte: Nations Online Project, n.d.

Tabela 1. "Fatores de Guido Fischer para análise geopolítica e geoestratégica do Egito, 1974"

| Políticos | | | | | |
|-------------------------|-------------------------------------|--------------------------|-------------------------------------|-----------------------------|--|
| Posição | Dimensões | População | Organização | Cultura | Fronteiras |
| Norte de África | 996 603 km ² | 37 71 milhões | Tribal Árabe Berbere Núbia | Árabe Islâmica Tribal | Líbia Sudão Israel Mar Mediterrâneo Mar Vermelho |
| Económicos | | | | | |
| Fertilidade do solo | Riqueza natural | Organização industrial | Nível tecnológico | Desenvolvimento comercial | Força financeira |
| Rio Nilo | Gás natural Petróleo | Petróleo Distribuição | n.d. | Petróleo Transportes | Regime mais socialista |
| Psicológicos | | | | | |
| Flexibilidade económica | Capacidade de intervenção | | Sentido de preservação | | Adaptação |
| Socialismo Islâmico | Petróleo Gás Posição regional | | Civilizacional | | Islão |

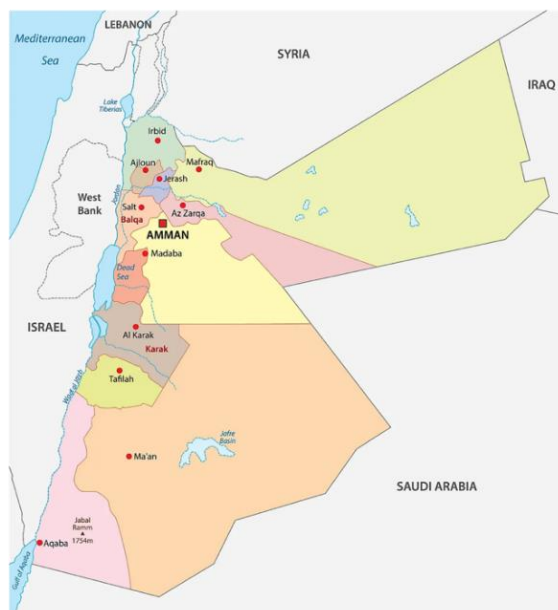
Fontes: Baker, Goldschmidt, Holt, Hopwood, Little & Smith, 2022; Bruton, 1983; EI-Sherif, 1997; World Bank, 1974.



O primeiro Estado Árabe que normalizou as relações com Israel foi o Egito, em 1979. Como se compreende pelo contexto histórico, o Egito, um dos perdedores das frequentes guerras israelo-árabes, estava numa posição frágil. A antiga terra dos Faraós é um país com fortes recursos naturais, como gás natural, petróleo e minérios. Além do mais, o solo é fértil, em especial perto do rio Nilo. Contudo, em 1979 a sua economia não revelava esses benefícios. As riquezas eram investidas no orçamento da defesa, extremamente elevado devido aos conflitos com Israel.

Outra grande fragilidade encontrava-se no seu regime. Até 1970 o Egito era governado pelo Presidente Nasser, de uma vertente socialista aplicada aos países árabes. O nome deste movimento era Pan-Arabismo, que advogava a unidade política, cultural e socioeconómica dos Árabes entre os diferentes estados que emergiram da descolonização. Era também um movimento ideológico que tomava principalmente a forma de um sistema secular e socialista. Além do mais, era inerentemente anticolonial e anti-imperialista. Este movimento político, na realidade, causou a estagnação da economia egípcia, dado não haver receitas dos investimentos estrangeiros.

Jordânia, 1994 **Mapa 2, "Jordânia".**



Fonte: WorldAtlas, 2021a



Tabela 2. "Fatores de Guido Fischer para análise geopolítica e geoestratégica da Jordânia, 1994"

| Políticos | | | | | |
|--------------------------------|-------------------------|----------------------------------|--------------------------|-----------------------------------|---|
| Posição | Dimensões | População | Organização | Cultura | Fronteiras |
| Médio Oriente | 89 318 km ² | 4 41 milhões | Tribal Árabe | Árabe Islâmica Palestiniana | Síria Iraque Arábia Saudita Israel |
| Económicos | | | | | |
| Fertilidade do solo | Riqueza natural | Organização industrial | Nível tecnológico | Desenvolvimento comercial | Força financeira |
| Solo árido e rochoso | Minérios Gás natural | Têxtil Mineral | n.d. | Turismo | Investimento estrangeiro Remessas |
| Psicológicos | | | | | |
| Flexibilidade económica | | Capacidade de intervenção | | Sentido de preservação | Adaptação |
| Occidentalizado | | Diminuta | | Monárquico Modernização | Modernização |

Fonte: Bickerton, Irvine & Jaber, 2022; Ramachandran, 2004.

O segundo país que normalizou a sua relação com Israel em 1994 foi a Jordânia. O seu contexto geopolítico e geoestratégico era ligeiramente distinto, dado que estava fragilizado a três níveis. Primeiramente, pode-se referir a fragilidade ao nível populacional. A Jordânia tem sido albergue de refugiados palestinos desde a Guerra da Independência de Israel. Por consequência, existia uma forte pressão populacional derivada destes, como temor de atentados terroristas por parte de radicais.

Outra fragilidade residia ao nível territorial. Como foi compreendido com o contexto histórico, as guerras com Israel levaram a este último ocupar territórios da Jordânia. Assim, houve diminuição da profundidade estratégica como retirada de terras férteis para cultivo jordano.

Além destas fragilidades territoriais com impacto na economia, adiciona-se a fragilidade económica advinda do embargo petrolífero. Este teve impacto no investimento estrangeiro vindo de países árabes, cujas receitas sofreram uma quebra com este acontecimento.



Emirados Árabes Unidos, 2020
Mapa 3, “Emirados Árabes Unidos”.



Fonte: WorldAtlas, 2022

Tabela 3. “Fatores de Guido Fischer para análise geopolítica e geoestratégica dos Emirados Árabes Unidos, 2022”

| Políticos | | | | | |
|--|--|------------------------|---------------------------------|--------------------------------------|--------------------------------------|
| Posição | Dimensões | População | Organização | Cultura | Fronteiras |
| Península Arábica Médio Oriente Ásia | 71 024 km ² | 9 272 000 | Federação Emirados Tribal Árabe | Árabe Persa Islâmica Tribal | Golfo Persa Arábia Saudita Omã |
| Económicos | | | | | |
| Fertilidade do solo | Riqueza natural | Organização industrial | Nível tecnológico | Desenvolvimento comercial | Força financeira |
| Desértico Oásis Montanhas | Petróleo Gás natural | Petróleo Construção | Parques tecnológicos | Turismo | Hub financeiro e comercial |
| Psicológicos | | | | | |
| Flexibilidade económica | Capacidade de intervenção | | Sentido de preservação | | Adaptação |
| Turismo Petróleo Diversificação | Hub comercial e financeiro Instituições Bancárias | | Tribal Islamismo | | Elevada |

Fonte: Crystal & Peterson, 2022.

Os Emirados Árabes Unidos encontram-se no *shatterbelt* do Médio Oriente (Cohen, 2015, pp.375, 376). Esta região define-se por haver uma multiplicidade de etnias, raças e regiões dentro do mesmo estado ou entre diversos estados. Consequentemente, o processo de fragmentação é dinâmico, facilitando a alteração das alianças.



No caso dos EAU, apesar da maior etnia ser a Árabe, existe uma grande diversidade de tribos dentro de cada emirado. Além do mais, apesar da maioria da população ser sunita, existe uma minoria xiita (Office of International Religious Freedom, 2018, p.2).

A região encontra-se na justaposição de três continentes e está na entrada da Península Arábica pelo Golfo Persa. Além do mais, os seus portos são pouco profundos, facilitando as trocas comerciais. Ademais, o baixo relevo permite a fácil existência de rotas comerciais terrestres do Golfo ao Levante. Consequentemente, as cidades costeiras dos EAU sempre se caracterizaram por ser um fluxo de raças e etnias, desde persas, a árabes, a indianos, a europeus. Assim, apesar de ser um país pequeno, os EAU importam mão de obra, sendo a maioria Indiana ou Paquistanesa.

Algo único do Médio Oriente é o sistema político dos EAU. Os diferentes emirados decidiram preservar as suas identidades tribais e históricas e criar uma federação. Esta decisão prática reflete o *trade-off* existente nos EAU. Apesar do país ter uma forte identidade muçulmana, é mais ocidentalizado que outros países na região. A História ajudou a criar dentro dos EAU a coexistência entre uma forte capacidade de adaptação e a preservação da própria identidade.

Contudo, o *shatterbelt* também é caracterizado pela existência de riquezas naturais e escassez de recursos naturais essenciais. Consequentemente, também existe uma forte possibilidade para o conflito como para a competição entre potências regionais e externas. Assim, e dado que os EAU estão nesta região instável, a instabilidade pode afetar o seu sistema político. Duas ideologias têm surgido de forma a usar a instabilidade para os seus propósitos.

O Irão tem procurado expandir-se e tornar-se o Hégemon na região através da unificação da mesma num Califado Islâmico. Contudo, para que o Califado possa surgir, o islamismo xiita deveria ser o predominante. Assim, a República Islâmica move as minorias xiitas a se revoltarem contra os seus governantes sunitas. Tendo os EAU uma minoria xiita em Dubai e *Sharjah*, receia a instabilidade da influência iraniana.

Outro movimento que usa a instabilidade no Médio Oriente em seu favor é a Irmandade Muçulmana. Este grupo islamita deseja o retorno ao Corão e à Hadith. O seu objetivo é islamizar a sociedade (Laub, 2019). Este grupo já tem influência no vizinho Catar. Assim, os EAU receiam a permeabilização dos ideais para o seu território.



Bahrain, 2020
Mapa 4, "Bahrain".



Fonte: <https://www.mapsland.com/asia/bahrain/detailed-political-map-of-bahrain-with-relief>

Tabela 4. "Fatores de Guido Fischer para análise geopolítica e geoestratégica do Bahrain, 2020"

| Políticos | | | | | |
|----------------------------|---------------------------|------------------------|------------------------|----------------------------|---------------------------------|
| Posição | Dimensões | População | Organização | Cultura | Fronteiras |
| Golfo Persa | 778 km ² | 2 059 | Tribal Árabe | Árabe Persa Islâmica | Irão Arábia Saudita Catar |
| Económicos | | | | | |
| Fertilidade do solo | Riqueza natural | Organização industrial | Nível tecnológico | Desenvolvimento comercial | Força financeira |
| Sul Ocidente | Petróleo Gás natural | Refinaria Comércio | Parques tecnológicos | Refinaria Comércio | Hub financeiro |
| Psicológicos | | | | | |
| Flexibilidade económica | Capacidade de intervenção | | Sentido de preservação | | Adaptação |
| Petróleo Diversificação | Refinaria Comércio | | Tribal Islamismo | | Elevada |

Fonte: Crystal & Peterson, 2022.

O Bahrain tem sido especialmente estudado por ser o palco da rivalidade saudita-iraniana. Contudo, esta rivalidade tem uma razão de existir. Na realidade, o Bahrain tem importância geopolítica e geoestratégica, particularmente em três aspetos.

Primeiramente, apesar do Bahrain ser uma ilha de somente setecentos e setenta e oito quilómetros quadrados (Crystal & Smith, 2023), a sua localização estratégica é de importância extrema. Situa-se no ocidente do Golfo Persa, tendo a Arábia Saudita a ocidente e sul, o Qatar a oriente e o Irão a norte. Devido a esta localização vital, os Estados Unidos da América um quartel-general do Comando Central das Forças Navais



presente nesta ilha (Myrvold, 2022). No entanto, também devido à sua localização o Irão reclama esta ilha como a sua décima quarta província (Borges, 2019).

Em segundo lugar, o Bahrain encontra-se numa região rica em termos petrolíferos. Na realidade, foi neste emirado que se encontrou pela primeira vez petróleo em 1932 (Crystal & Smith, 2023). No entanto, apesar de não ser um produtor de petróleo significativo nem ser membro da OPEC, contém uma das maiores refinarias do mundo, a *BAPCO Sitrah Refinery*. Um sexto do crude é processado no Bahrain, sendo o resto na Arábia Saudita (Nuruzzaman, 2013).

Finalmente, o Bahrain é um país maioritariamente xiita, mas governado por uma minoria sunita. Como Borges (2019) referiu no seu trabalho de conclusão de curso, em 1717 houve desmantelamento do controlo safávida (antigo império persa) e, em 1783, os al-Khalifa, família árabe sunita do Najd, dominaram os territórios do Bahrain. Consequentemente, existe uma forte divisão sectária no Bahrain, de uma pequena minoria governar a maioria estatal. Tal foi bastante verificado na Primavera Árabe de 2011, a maioria xiita deseja reformas políticas de forma a se terminar a discriminação (Peterson, 2022). Contudo, a Arábia Saudita não deseja tal reformulação por receio dos seus interesses económicos e políticos (Nuruzzaman, 2013).

Israel, 2020 Mapa 5, "Israel".



Fonte: <http://www.guiageo.com/asia/imagens/mapa-israel.jpg>



Tabela 5. "Fatores de Guido Fischer para análise geopolítica e geoestratégica de Israel, 2020"

| Políticos | | | | | |
|--------------------------------|-------------------------------------|-------------------------------------|--------------------------|--|---|
| Posição | Dimensões | População | Organização | Cultura | Fronteiras |
| Médio Oriente | 21 937 km ² | 8 424 904 | Urbana | Judia Árabe Sionista Occidental | Egito Faixa de Gaza Jordânia Líbano Síria |
| Económicos | | | | | |
| Fertilidade do solo | Riqueza natural | Organização industrial | Nível tecnológico | Desenvolvimento comercial | Força financeira |
| Planície costeira | Petróleo Gás natural Minerais | Tecnologia Químicos Diamantes | Parques tecnológicos | Gás natural Tecnologia Químicos Diamantes | Alta |
| Psicológicos | | | | | |
| Flexibilidade económica | | Capacidade de intervenção | | Sentido de preservação | Adaptação |
| Tecnologia Investigação | | EUA | | Sionismo | Sionismo |

Fontes: Elath, Ochsenwald, Sicherman. & Stone (2019)

Finalmente, vamos estudar o país que mudou o Médio Oriente. Israel é um estado surpreendente com quatro características que são relevantes para a análise. Duas dessas características estão relacionadas com as suas fraquezas, enquanto as outras duas são consideradas forças.

Primeiramente, Israel é um pequeno estado, que ocupa 470 quilómetros. Está rodeado por estado que foram hostis para o Estado Judeu desde que nasceu: partilha a fronteira norte com o Líbano, com quem tem relações frágeis, as fronteiras nordestes com a Síria, com quem tem relações hostis, a este e sudeste com a Jordânia, com quem tem tratado de paz, como com o Egito, a sul (Central Intelligence Agency, n.d.; Elath, Ochsenwald, Sicherman & Stone, n.d.).

Em segundo lugar, a sua população era de mais de 8 500 000 habitantes (Central Intelligence Agency, n.d.). Contudo, a maioria desta população era não judia: 1.2 milhões eram Muslim, 123 mil eram cristãos e 122 mil eram Druze (Israel Ministry of Foreign Affairs, n.d.). Além do mais, este país é crescentemente ocidentalizado, o que significa que a identidade judia é agora uma conceção social, em vez de religiosa. Desta forma, o Estado Judeu não sabe o que é que a sua identidade significa (Schweid, 1998).

No entanto, existem duas outras características que são as razões principais para os tratados de normalização. Israel tem uma economia forte, que cresce a 3 por cento ao ano. A principal força da economia israelita é o setor tecnológico. Além de produzir fertilizantes, fármacos e ter uma indústria prolífera de diamantes, Israel é conhecido pelo seu setor de TIC para defesa e equipamento médico (Bahar & Eckstein, 2019; Bruno & Chenery, 1962; Central Intelligence Agency, n.d.; Elath, Ochsenwald, Sicherman & Stone, n.d.; OECD Observer, 2011).



A última característica, que também é uma força, é o seu poder de dissuasão. É importante referir que Israel tem uma política de *animut*; tal significa que Israel não revela se possui armamento nuclear (Ferrero, 2019; Israeli, 2015). Contudo, Israel tem forte armamento convencional. As suas armas são tecnologicamente avançadas e o serviço militar é obrigatório para ambos os sexos (Wenkert, 2019).

O que é que estas descrições geopolíticas e geoestratégicas revelam sobre os Acordos de Abraão?

Ao aplicar a Teoria da Balança da Ameaça, compreende-se que, em 1979 e em 1994, Israel era mais desenvolvido que o Egito e a Jordânia. Apesar do Egito ter maior território, mais população e estar mais próximo geograficamente, a sua economia não era inovadora e a sua defesa era fraca. A Jordânia estava na mesma posição que o Egito. Assim, as suas intenções, apesar de agressivas, não eram tão ameaçadoras como no início da independência israelita.

Ao mesmo tempo, apesar do Egito ter sido percecionado como um estado que representava o *status quo*, compreendeu-se que Israel não era revisionista. Apesar da sua ter sido distinta, Israel não representava uma ameaça para os estados Árabes. Em ambos os casos, era compreensível que era mais nocivo permanecer em estado de guerra contra Israel ou até ser hostil do que normalizar as relações. Assim, apesar da aliança com Israel, o *status quo* foi preservado e o Egito e a Jordânia colheram benefícios. O resultado desta aliança foi o *balancing* positivo.

No caso dos EAU e do Bahrain, a situação deste era distinta da do Egito e da Jordânia. As monarquias do Golfo não eram geograficamente perto de Israel. Além do mais, apesar do Bahrain ser mais pequeno e menos populado que Israel, nunca se sentiu ameaçado por este. Acrescenta-se que Israel nunca foi intencionalmente ameaçador para estes Estados. Consequentemente, percebe-se que, para os EAU e Bahrain criaram uma aliança, que é tanto negativa como positiva (dado que as suas capacidades são melhoradas, mas também podem ser usadas contra uma ameaça), a ameaça deve vir de outro Estado.

Ao se aplicar a Teoria da Balança da Ameaça, entende-se que o Irão é a maior ameaça a ambas as monarquias do Golfo. O Irão não só é maior e mais populado que ambas as monarquias, como é geograficamente mais próximo e tem um poder militar maior. As suas intenções são claras, dado que reclama o Bahrain como a sua décima quarta província e deseja espalhar a sua ideologia.

Pode-se compreender, assim, que através de uma aliança com Israel, os EAU e o Bahrain podem se defender contra o Irão, beneficiar da defesa israelita e da sua tecnologia inovadora, em especial na cibersegurança.

O Impacto nas Relações Internacionais

Como este é um estudo positivista que pesquisa as ligações entre eventos *a priori* e *a posteriori*, é razoável considerar a importância do que aconteceu após a celebração de cada acordo. De facto, compreende-se inovações ao estudar o impacto que causam. Por



consequente, neste capítulo final deste artigo, analisar-se-á o impacto de cada tratado não só nas relações no Médio Oriente como internacionalmente.

Os Tratados de Paz de 1979 e de 1994

O principal objetivo de ambos os Tratados de Paz era criar paz entre os supracitados Estados Árabes e Israel. Contudo, o texto do Tratado de Paz comemorado entre Israel e o Egito é distinto do Tratado de Paz celebrado entre o Estado Judeu e a Jordânia. Dado que é o texto que marca as implicações futuras de cada tratado, é importante analisá-lo.

Primeiramente, o elemento que guia o Tratado de Paz entre Israel e o Egito é “respeito” (Murphy, 1979). O conteúdo desse tratado é repleto de preocupações quanto à segurança. Subsequentemente, procura criar uma força internacional cuja tarefa é monitorizar o sistema de segurança do Sinai. É compreensível que este tratado seja mais orientado para a segurança, dado que ambos os países estavam envolvidos em combate, procurando aniquilar-se. A paz estava a ser criada após anos de guerra intensiva. Tal como o Tratado de Paz entre a Jordânia e Israel (Satloff, 1995), há ênfase nos termos “parceria” e “cooperação”. A razão para estes conceitos serem consistentes é que o contexto histórico, como estudado anteriormente, era distinto. A Jordânia e Israel não estavam em combate por mais de 28 anos. Consequentemente, ambos tinham uma melhor compreensão das necessidades de cada um e o que cada um compreendia ser uma ameaça para se poder criar uma paz morna, sem a necessidade de *peacekeepers*.

Outro aspeto importante quanto ao Tratado de Paz com o Egito é que este previa segurança baseada em reciprocidade (Murphy, 1979). Isto significava que cada país reconhecia o interesse nacional do outro e equilibrava-o com os seus interesses nacionais próprios. Quanto ao Tratado de Paz com a Jordânia, a cooperação era o principal conceito deste Tratado de Paz (Satloff, 1995). É compreensível, desta forma, que o tratado não era somente técnico, dado que estabelecia relações diplomáticas formais, mas também um mapa para o desenvolvimento de interações políticas, económicas, sociais, culturais e humanas.

Com estas distinções, reconhece-se que estes tratados tiveram dois impactos. Em primeiro lugar, o impacto de Estados Árabes começarem a estabelecer paz com Israel. Nenhum Estado Árabe e /ou muçulmano havia estabelecido paz com Israel antes do Egito. Este evento inclusivamente causou o Egito ser expulso da Liga Árabe até 1989 (Masters & Sergie, 2023). Consequentemente, este Tratado de Paz foi o ponto de lançamento de relações entre Árabes e Judeus.

Em segundo lugar, estes tratados de paz ajudaram a compreender que tipo de paz é que um estado pode ter com outro país. Apesar do Tratado de Paz israelo-egípcio ter sido uma vitória, somente houve a concordância da promoção de relações amigáveis e a abstenção da criação de propaganda hostil. Nenhum mecanismo fora criado para promover cooperação. Por sua vez, o Tratado de Paz israelo-jordano delineou meios de promover cooperação e destacou o papel dos governos na adaptação da forma como os cidadãos falam e pensam em paz. Além do mais, uma comissão especial conjunta foi criada para examinar se os mecanismos haviam sido estabelecidos e se um fórum público tinha sido criado.



Os Acordos de Abraão de 2020

Um grande impacto dos Acordos de Abraão no Médio Oriente foi o facto de terem revelado que assuntos pragmáticos no Médio Oriente podem ser resolvidos sem haver consideração por ideologias. Neste caso, a normalização das relações com Israel foi estabelecida sem se considerar etnia, religião ou outros eventos passados que podiam ter prevenido a pacificação no Médio Oriente.

Outro tópico importante destes Acordos é o facto de terem sido celebrados sem intervenção Americana. Apesar dos Acordos de Abraão terem sido medidos pelos EUA, a primeira iniciativa veio dos Estados que os celebraram. Os Acordos de Abraão não foram forçados por uma ordem extrarregional, mas foram a culminação de diversas interações ao longo das décadas passadas.

Também é importante lembrar que os Acordos de Abraão podem ser o início de uma nova ordem regional. De acordo com Kram e Makovsky (2021), bem como com Segell (2021), esta nova ordem será caracterizada não só pelo aprofundamento das relações entre os Estados signatários, como também pelo alargamento dos acordos a outros países árabes e muçulmanos. Desta forma, o Médio Oriente será mais interligado, inclusivamente economicamente. Tal evento permitiria a ascensão de uma verdadeira cooperação económica que poderia facilitar a resolução de desafios ambientais e sociais. De facto, o Fundo dos Acordos de Abraão foi criado e existe para investimento em programas de infraestrutura e energia. Os Acordos de Abraão sempre previram um melhor desenvolvimento da região, como é citado que os assinantes “apoiam a ciência, a arte, a medicina e o comércio para inspirar a humanidade, maximizar o potencial humano e aproximar cada vez mais as nações” U.S. Department of State, 2020)². Também é de se notar a criação do “Joint Statement on Women, Peace and Diplomacy” (Berman, 2021), que deseja revelar o valor de integrar mulheres em processos de paz, como deseja aumentar a influência feminina em assuntos de direitos humanos, desenvolvimento sustentável, segurança e assuntos da paz.

Finalmente, de acordo com Norlen e Sinai (2020), os Acordos de Abraão estão a mudar a geopolítica da segurança no Médio Oriente. Israel, com estes Acordos, foi colocado no Golfo Persa, próximo da Arábia Saudita. O processo de normalização com o Bahrain permite Jerusalém estar perto de Riade, dada a existência de um relacionamento de dependência entre a Monarquia Saudita e a Monarquia al-Khalifa.

O que é que estes impactos revelam sobre os Acordos de Abraão?

Com esta exegese dos Tratados de Paz de 1979 e 1994 e dos Acordos de Abraão de 2020, reconhece-se que os últimos não são somente uma celebração da normalização das relações entre Israel, os EAU e o Bahrain. de igual forma, estes acordos não são somente o estabelecimento de relações diplomáticas. Eles são algo maior.

Com os supracitados tratados, entende-se que estes, celebrados desde 1979, têm sido instrumentais para melhorar a paz estabelecida. Ao aplicar a Teoria das Alianças de Stephen Walt, compreende-se como as relações com Israel têm sido moldadas. O Tratado

² Tradução própria.



de Paz celebrado entre Israel e o Egito era um *balancing* positivo, dado que tinha como objetivo melhor o relacionamento, mesmo que as relações não tenham sido aprofundadas. Quanto ao Tratado de Paz celebrado entre o Estado Judeu e a Jordânia, este era um *balancing soft* e positivo. As relações não só foram melhoradas, como as capacidades nacionais foram desenvolvidas com o estabelecimento desta aliança.

Contudo, os Acordos de Abraão não são um Tratado de Paz. A paz não foi estabelecida pois nunca ocorrera guerra entre Israel e as Monarquias do Golfo. As relações foram estabelecidas porque elas nunca existiram: a cooperação foi procurada. Contudo, apesar das capacidades militares estarem a ser melhoradas com a aliança estabelecida entre os estados signatários, não há pressão a ser aplicada contra um estado revisionista. Desta forma, o *balancing* que foi estabelecido não é negativo, mas positivo e *hard*. Todavia, dado que a cooperação ocorre em campos além do militar, o *balancing* também é *soft*. Como foi referido anteriormente, a cooperação entre Israel, os EAU e Bahrain também ocorre ao nível económico, com o Fundo de Abraão, e a nível social, com o "Joint Statement on Women, Peace and Diplomacy". A cooperação ambiental também está a existir, dado que pelo menos Israel e os EAU estão a criar acordos para desenvolver energia renováveis (Bell, 2021).

Conclusão

No final deste artigo, retomasse a pergunta de partida. Como é que os Acordos de Abraão de 2020 são considerados inovadores em comparação com os Tratados de Paz celebrados entre Israel e o Egito em 1979 e a Jordânia em 1994?

Na realidade, os Acordos de Abraão de uma natureza distinta do Tratado de Paz de 1979 entre o Egito e Israel e o Tratado de Paz de 1994 entre Israel e a Jordânia dado que os contextos sociohistóricos, geopolíticos e geoestratégicos são essencialmente distintos, como é perceptível ao se aplicar a Teoria da Balança da Ameaça e a Teoria da Aliança, ambas de Stephen Walt. Consequentemente, o impacto nas relações regionais e internacionais de cada tratado é muito distinto. Este argumento vai ser agora analisado para melhor validação.

Uma das principais conclusões deste artigo é que tanto o Tratado de Paz de 1979 como o de 1994 foram celebrados após terem perdido a guerra contra Israel, o que conduziu a uma necessidade de paz com o Estado Judeu de forma a haver recuperação financeira. Por conseguinte, estes Tratados de Paz foram vistos como alianças, especificamente *balancing* positivos com Israel. Por outro lado, os Acordos de Abraão não ocorreram em contexto de guerra, dado que os EAU e o Bahrain nunca lutaram com Israel, mas percecionam uma ameaça comum, o Irão, que é um estado revisionista. Consequentemente, aliaram de forma positiva com Israel, tanto *soft* como *hard*. Quanto a repercussões, os Acordos de Abraão não são tratados de paz, mas o estabelecimento de cooperação a níveis militar, económico, social e ambiental. Por conseguinte, uma nova ordem no Médio Oriente pode estar a surgir.

Este artigo pode ser visto como inovador dado que usa tanto a Teoria da Balança da Ameaça como a Teoria da Aliança de Stephen Walt de forma a compreender um evento, conjuntamente com análises geopolíticas e geoestratégicas. De igual forma, o processo de normalização entre Israel e estados árabes foi estudado sem considerar as ideologias,



realizando uma análise pragmática e realista. Finalmente, a abordagem tomada para os Acordos de Abraão e os Tratados de Paz de 1979 e 1994 foi holística, estudando os contextos históricos, geopolíticos e geoestratégicos e os seus efeitos.

Para futuras contribuições, seria interessante comparar os Acordos de Abraão com a reaproximação iraniana-saudita, e este último com um Tratado de Paz Israelo-Árabe, de forma a compreender se esta reaproximação era a Arábia Saudita e o Irão é inovadora e plausível.

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HUMAN SECURITY: A PRECONDITION FOR PEACE, DIGNITY AND DEVELOPMENT

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Abstract

Whereas the traditional conception of security has been considered as state ability to protect territorial integrity and sovereignty from external military threats, the human security gives priority to individuals, their basic needs, sustainable development and human dignity. The concept of human security, broadly defined, is presented for the first time in the 1994 in the Human Development Report of the United Nations Development Program (UNDP) affirming that human security is “freedom from fear and freedom from want”. Promoters of human security do rightly argue that intra-state conflicts, terrorism, organized crime, poverty, hunger, environmental degradation and disease, due to their wide-ranging impact, do kill far more people than wars. Moreover, such chronic threats are often related to each other and undermine the human well-being. The purpose of this research paper is to argue that traditional security which is focused on priority of state activities do remains relevant and



indispensable for the wider concept of state security but it is not automatically associated with security of individuals, their human rights and welfare. Therefore, a balance pursuit of state-centric security and people-centric approach to security is critical for each other mutual's reinforcement and peaceful coexistence in the current international order.

Keywords

Security, Human, Concept, State, Well-Being, National, International.

Resumo

Enquanto a concepção tradicional de segurança tem sido considerada como a capacidade do Estado de proteger a integridade territorial e a soberania contra ameaças militares externas, a segurança humana dá prioridade aos indivíduos, às suas necessidades básicas, ao desenvolvimento sustentável e à dignidade humana. O conceito de segurança humana, definido em sentido lato, é apresentado pela primeira vez em 1994 no Relatório sobre o Desenvolvimento Humano do Programa das Nações Unidas para o Desenvolvimento (PNUD), que afirma que a segurança humana é "a ausência de medo e a ausência de carência". Os promotores da segurança humana argumentam, com razão, que os conflitos intra-estatais, o terrorismo, o crime organizado, a pobreza, a fome, a degradação ambiental e as doenças, devido ao seu vasto impacto, matam muito mais pessoas do que as guerras. Além disso, estas ameaças crônicas estão frequentemente relacionadas entre si e prejudicam o bem-estar humano. O objetivo deste trabalho de investigação é argumentar que a segurança tradicional, centrada na prioridade das actividades do Estado, continua a ser relevante e indispensável para o conceito mais amplo de segurança do Estado, mas não está automaticamente associada à segurança dos indivíduos, dos seus direitos humanos e do seu bem-estar. Por conseguinte, a procura de um equilíbrio entre a segurança centrada no Estado e a abordagem da segurança centrada nas pessoas é fundamental para o reforço mútuo e a coexistência pacífica na atual ordem internacional.

Palavras-chave

Segurança, Humana, Conceito, Estado, Bem-Estar, Nacional, Internacional.

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HUMAN SECURITY: A PRECONDITION FOR PEACE, DIGNITY AND DEVELOPMENT

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Introduction

Since the end of the Cold War, the international order has gone through a major transformation. If the collective security founded on the territorial integrity and sovereignty of States has been the reference for peace and security, the human security has emerged as alternative approach and credible policy framework for understanding and facing with new non-military global threats that confronts states as well as individuals.

However, since the security is being faced with contemporary threats and conflicts and their complexity related issues, it's becoming increasingly crucial to rethink the response which needs to be given to the new security concerns. The nature of the threats raised on many fronts, have been among the main reasons of suggesting a shift from traditional state security concept to the human beings as the primary reference of security. Affirming and enhancing this concept as a dynamic and ongoing process indeed requires coordinated actions at both the national and international levels. It emphasizes the importance of addressing not only the new threats but also promoting good governance, rule of law as well as fostering cooperation among nations, and ensuring that policies and strategies are inclusive and responsive to the human needs.

The end of bipolarity has created an opportunity and necessity for a new approach of national and international security agenda, in which the realist paradigm of national security centered exclusively on territorial integrity and sovereignty of nation-states, worn out throughout this war, has been seriously challenged by human security concept as a new framework for national, regional and international peace and security (Collins, 2022:129).

Human security is, by definition, a reactive discipline (Alkire 2003:2), based on the idea that people are often more likely to be affected by everyday events such as health, environmental and economic problems than global cataclysmic events (UNDP, 1994). Although, the implementation of human security concept is based on the framework provided by the UNDP Human Progress report of 1994, its origin, as a fundamental value, was theorized earlier. Decades ago, the American President, Franklin D. Roosevelt in



1941, in his address to the American Congress, gave his idea for a democratic world which would guarantee four (4) freedoms:

"In the future [that we are trying to secure], we look forward to a world based on four fundamental human freedoms. The first is freedom of expression - everywhere in the world, the second is freedom of belief, everywhere in the world, the third is freedom from want, with economic understanding which will secure to every nation a healthy peacetime life for its inhabitants - everywhere in the world. The fourth is freedom from fear, a global reduction of weapons to eliminate acts of physical aggression - everywhere in the world" (Roosevelt, 1941).

During the Cold War Order, the fear of mutual destruction through nuclear power conditioned different aspects of security issues only through freedom from fear and protection from external military threats. But, the main question of this article is: can we still consider *freedom from fear* the only reference to guarantee the fundamental human rights and prosperous society, how the concept of human security has evolved over the past three decades to address emerging global threats, and what are the current limitations and challenges in applying this concept to contemporary security concerns?

Implications of Human Security

For more than three centuries, the national security has been defined as a right and obligation of sovereign states to protect their territorial integrity and political independence from external military threats. According to this idea, the right to security and liberty of individuals has been assimilated to the national security, and the state based on force and control should be in the constant competition to ensure it (Fjäder, 2014:115).

The emergence of the concept of human security, introduced for the first time in the Human Development Report of the United Nations Development Program (UNDP) of 1994, has produced numerous security policy debates among politicians as well as academics but it is not yet coherent and still remains unclear if this concept is a real challenge for traditional security based on the primacy of states and their military capacities to protect the security of the Nation-State (Tadjbakhsh, 2005:7). However, in the post-Cold War era, human security as an approach, has seriously influenced national and international politics as well as evolution of international relations and should be used as a conceptual framework at the heart of international order (Oberleitner, 2002:9).

The end of the Cold War between East and West has increased security for many states that has suffered consequences of this rivalry and hostility in a bipolar world. However, this period witnessed the resurgence of new civil wars and increasing prevalence of fragile or failed states as well as resurgence of non-military threats such as organized crime, poverty, nationalism, terrorism, spread disease and environmental degradation (Fjäder, 2014:117).

According to Barry Buzan, the state is at the same time a complex autonomous organizational structure as well as an instrument of policy. In this sense, even with



emergence of new threats and security challenges, the nation-state should be still considered as provider of security before being the subject or referent of security. Nevertheless, he had adopted a clear definition of security as "*survival or liberation from threats*" and had built his problematic from it (Buzan, 1991:432).

The definition of human security concept (as introduced in the Human Development Report of UNDP) was particularly ambitious, and associated with seven distinct elements: economic security, food security, health security, environmental security, personal security, collective security and political security, which defined it as the security of people through protection from the various threats arising from human activities (UNDP, 1994:24-25). The report also states that "*It will be a time for all nations to recognize that it is far cheaper and far more humane to act early and to act upstream than to pick up the pieces downstream, to address the root causes of human insecurity rather than its tragic consequences*" (UNDP 1994:24-25). Human security is an essential element of the global development policy agenda. Two ideas guided it: first, the protection of people is strategic for both national and international security; and second, the conditions for safe human development are not limited to the traditional issues of security in the context of inter-state relations, but such conditions do include all the political, economic and social dimensions that make possible to be protected from fear and to live in peace and dignity.

In liberal democracies, state welfares normally reflect the welfares of citizens as well as military capacities to ensure national security, political stable system, promoting of rule of law and sustainable economic development. However, state interests are not always in compliance with the interests of citizens, but rather the interests of political elites within the state (Adeyeri & Ogunniyi, 2016:142). In this context, national security is frequently used as a pretext to maintain regimes and their political ideologies. For example, under the banner of "rule of law and economic development" governments of many countries, such as Russian, Turkish, Chinese..., have consolidated the power through dictatorial rule, a strategy that is well-known as dictatorial or authoritarian development (Scheppele, 2018: 551; Albertus & Menaldo, 2018:20).

Structural realism stands out as an aggressive view of security. Through increasing military spending, each state tries to extend its domination and increase its sphere of influence. Although the realist principle has many main points, the defense measure that actively increases global or regional tensions remains the balance of power. States always debate whether to use force to break the balance of power (revisionist states) or to protect the status quo (status quo states). Due to state goals, realist neighboring states constantly increase their military budgets to anticipate each other's actions. Although on the surface it looks like survival politics, it is often the center of rising tensions (Cooley, Nexon & Ward 2019). But, does changing the reference point of security from a state-centric to an anthro-po-centric one help reduce and prevent conflicts? The contemporary conflicts, in the most cases are connected with serious violations of humanitarian and human rights law. Human security requires mutually solutions, seeking to forge alliances for understanding and addressing these interdependent threats. The interconnectedness of cross-border nature of threats means ultimately additional problems of spillover effects from one to another country. Human security, based on its core vision, also recognizes



the interlinkages between peace, sustainable development, human rights and other fields, which are all relevant in countries affected by violence or conflict (HSU, 2016:6).

The breakdown of the balance of power post-Cold War proves that the war casualties decreased over the time, based on statistics that prove the decline of political violence at the global level. During the wars of the 1950s, about 700,000 people were killed, in contrast to 2002, where this figure was only 20,000 people. At the same time, the number of coup d'état (including attempts) has been massively reduced. For example, 1963 saw 25 coups, the most since the end of World War II, compared to 2004, which saw 10 failed attempts. The number of massacres and genocides against civilians fell by 80% and international crises (considered the harbingers of war) saw enormous declines alongside declines in arms trafficking, defense budgets and military personnel. In parallel, with the decrease in wars, the number of refugees plummeted (Collins, 2022:144).

In addition to reduction of war casualties and external military encroachments, human security also highlighted that people are largely threatened by asymmetric threats rather than by large-scale wars. At the same time, human security through the UNDP report branched out the focus point for security and created an image of comprehensive security where national security is formed by an inseparable binomial between military and humanitarian security. Although the military aspect is a determining factor of security, "needs for global human security require a positive relationship between all states, leading to a new era for development through cooperation." (UNDP, 1994:4). This concept has also been used to address issues of conflict and violence. In many conflicts, civilians are the most exposed and affected. Human security pursues to offer protection and support to these individuals by working with communities to identify and manage sources of conflicts and how to peacefully resolve them. This approach aims to encourage dialogue and reconciliation, rather than force and violence (Miller, 2005:24).

Reinforcing the idea that human security is an indispensable discipline in the 21st century, the relationship between conflict and development in Africa must be analyzed. Not coincidentally, most modern conflicts take place in poorer countries (Collins, 2022:131) and the "Westphalian" analytical scheme fails to analyze them because in contemporary conflicts do not fit the idea of conflicts between diverse communities or an oppressive regime. Consequently, through the UNDP report which underlines economic security as a fundamental right (UNDP, 1994:61), the combination of poverty, destroyed GDP, poor infrastructure, abundance of weapons, etc., make civil conflict inevitable (Collins, 2022:131).

Decades of inter-ethnic and religious violence have undermined the process of creating state authority which must face the presence of local governments, which are usually more trusted than the central government. People-centered human security concept that embraces holistic framework, emphasize interlinkages of violent conflicts and human development as well as various actors placing the human being at the center of the security concerns. While conceptual ambiguities among policy-makers, academicians and security analysts in the human security field, still existent, the promoters of this issue, maintain that its wide-ranging and holistic approach indicate its highest value in a world affected by crises and inequalities. According to the UNHCR, "At the end of 2022, 108.4 million people worldwide were forcibly displaced as a result of persecution, conflict,



violence, human rights violations and events seriously disturbing public order. This represents an increase of 19 million people compared to the end of 2021 – more than the populations of Ecuador, the Netherlands or Somalia. It is also the largest ever increase between years according to UNHCR’s statistics on forced displacement” (UNHCR, 2023).

To conclude, although the balance of power is a pillar of the view of realism, often, this leads to unnecessary tensions. These tensions can only be avoided through cooperation for resources and fundamental democratic values and interrelation between states to include human security as a security discipline, alongside the military one. Despite a comprehensive consensus on the basis of this concept, this matter still remains an open question and there is no widely accepted definition of human security and its concern. The approach of human security has been recognized for many years, mainly as a reaction to new security challenges also known as unconventional threats such as pandemics, poverty, hunger, environmental degradation as well as violation of fundamental rights and freedoms, affecting individuals and peoples regardless of their gender, race, ethnicity, religion or nationality (Alkire, 2003:3). Human security tries to address these challenges through collaborative and cohesive approach by bringing together various sectors and actors to confront and overcome the most common causes of human insecurity.

Three decades after it was introduced, the concept of human security seems sufficiently flexible in the security policy debate, because it involves too many variables that are not necessarily interconnected (Tadjbakhsh, 2005:2). The actors involved in security issues are therefore numerous: regional and international organizations, non-governmental organizations and civil society have been permanently involved in some security issues such as global epidemics, disarmament, the fight against land mines and mass mobilization in favor of human rights. But, the notion of human security in an increasingly globalized world also refers to the idea of deprivation, pollution, poverty, access to water resources as well as to safeguarding of the vital core of all human lives (Tabyshalieva 2006:7-8).

The lack of education, as we know, represents a long-term threat to human security, since out-of-school children’s risk being disadvantaged later in their work, even as parents or as citizens who can act on their environment. According to Oscar A. Gomez and Des Gasper

“Human security is a flexible approach and can be tailored to different contexts and topics, according to the specific context. No matter which topic is addressed, a guiding principle of the human security approach is that it requires understanding the particular threats experienced by particular groups of people, as well as the participation of those people in the analysis process” (Gomez & Gasper, 2013:2).

Threats to human security do exist and as such it deserves more attention. Therefore, in both, national and international level, the strategies that prioritize the shared responsibility of protecting populations should be the main concern for states as well as for international organizations.



New Approach or transformation of National Security

The post-Cold War era imposed changes in the security discourse and the international community began to accept the importance to defend not only states but also individuals and the community, thus approaching security in a new way (Gasper, 2010:4). For the first time, the protection of people, especially their welfare, safety and well-being, previously considered as the sovereign responsibility of nation-states, potentially became an important issue of the national, regional and international politics. The development of non-traditional security approaches has been presented and recognized not only in academia but also in foreign and security policy-making communities as well as in the various countries and within international community (Ballin, Dijstelbloem & Goede, 2020; Oberleitner, 2005), In order to create a system where national security is based on civil and military aspects, the term national security must first be defined. How do we define National Security?

Walter Lippmann perceives national security as: "*A nation has security only when it does not need to sacrifice its legitimate interests to avoid war and is able, in case of challenge, to maintain them through war*" (Lippmann, 1943). While, according to Arnold Wolfers "*National security objectively means the absence of threats to acquired values and subjectively, the absence of fear that such values will be attacked*" (Wolfers, 1952) or, "[National and international security] may be understood as a shared freedom from fear and want, and the freedom to live in dignity. It implies social and ecological health rather than the absence of risk... [and is] a common right (Ammerdown Group, 2016).

Expanding national security in seven (7) more fields, the UNDP report highlights the need of focus in economic, health, environmental, personal, social, political and food security (UNDP 1994:24-25), which, while holistic, are directly related to freedom from need with the reference point of the individual, as opposed to the narrow need for freedom from fear with a state-centric point of reference, that have previously hindered multi-party international cooperation. National security by being focused on humanity as its central point, excluding military security as a core of its definition and making well-being the most important issue, it consequently creates conditions where the basic human needs are more important to the state than traditional security.

Sustainable peace cannot be achieved as long as the state cannot develop the human aspect without military security. But, on the other hand, the state cannot be stable in case of being exposed to humanitarian and economic crises, despite the absence of an external threat (Stewart, 2004:12). The predominance of the military idea of security has proven that the social welfare is among the main challenges and through this, it has developed the basic conditions for existence where human needs and rights are just as important for a state as the conventional military security. Therefore, when the state may not be the only point of reference for security, new opportunities such as cooperation through regional and international organizations with civil society and Non-Governmental Organizations (NGOs) becomes much more accessible.

Human security is intentionally based on individuals and their communities and is intentionally non-discriminatory (Alkire 2003:8), since human security consider people as the main asset within a state and focuses on strengthening basic people's well-being



to increase pressure on state (and sub-national elites) towards democratization as well as more concentrated on bottom-up international assistance and strengthening it.

With the diminishing of wars between states and the rise of transnational threats such as organized crime, terrorism and environmental problems, national security will need a redefinition to remain relevant in the future, which can be only achieved through the creation of a national security framework consisting of elements of human security in combination with conventional state security (Tadjbakhsh, 2005:18). So, the lack of military security consequently causes a lack of human security due to the so-called "security binomial". National Security will evolve, and its definitions will still change (as they did in the past). Analyzing national security by using a wider definition involving human security in its core does make sense, specifically if taking into consideration the 21st century security perspective.

Taking into account the existence of transnational threats such as: climate change; international terrorism, organized crime and global pandemics; and the lessons learned from interstate wars, the national security requires a redefinition in order to be relevant in a changing international order (Lizak, Zajączkowski & Kołodziejczak, 2021:7). Incorporating human security into a National Security matrix creates a definition (and a new prism of analysis) that gives us a new perspective on 21st century security problems focused on well-being and individuals within the states. Human security does not substitute traditional national security but transforms it by integrating it into a wider, more comprehensive security framework. It complements state-centric security by addressing underlying issues that can impact state stability (Tadjbakhsh & Chenoy, 2007:10).

By integrating human security, national security strategies can become more effective. For example, addressing economic inequalities and human rights abuses can help prevent conflicts and promote a more stable environment (Trobbiani, 2013:3-4). It represents both a new approach and a transformation of traditional national security. As a new approach, it redefines the dimensions of security to include individual well-being and non-traditional threats. As a transformation, by integrating them into national and international security frameworks, it creates a more comprehensive and effective strategy for addressing both state and individual vulnerabilities. Such dual functions, helps ensure that security efforts are more inclusive, proactive, and sustainable, ultimately contributing to a more stable and secure environment.

Human Security in International Politics: Evolution and Limits

For 45 years after the World War II, the greatest powers in the world had cohabited and applied national and international security based on a balance of state forces to guarantee the sovereignty and territorial integrity of states. According to this prevailing realist view, the state was the referent point of national security in a very Hobbesian way, "*the security of the state means the security of people*" (Theviet, 2008:7-8). The international order, designed after World War II was established to ensure states and people, institutions and values within borders as well as unity and harmony among nations (Evans, Jones & David, 2010:3). However, these principles of the regional and



international security established decades ago have changed rapidly by the changing nature of conflicts and threats as well as by the effects of globalization.

This new international order has maintained collective security by legitimating the right of states to use force only in self-defense in accordance with Article 51 of the UN Charter (UN Charter 1945). In order to prevent conflicts, the United Nations Charter's framers hoped that war would soon be a thing of the past and would no longer be an acceptable method of settling international disputes. But the current international security system is facing with various types of security threats and certainly the International Community should provide new preventive measures and effective political and military responses to successfully prevent and counter global threats (Sakamoto, 2023:2). The persistent rivalry of Nations for more power and influence can cause consequences and serious implications for national and international security in a rapidly changing World. After the World War II, many efforts have been undertaken, particularly in the area of fundamental freedoms and human rights for all. In fact, Articles 55 and 56 of the Charter of the United Nations do implicitly affirm the obligation of Member States to undertake collectively and individually measures to promote "*universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion*" (UN Charter 1945).

The end of the Cold War did not bring peace for everyone and the state remains even in this period dominant actor in International Politics. However, it was a time to review the traditional security based on military state-centric approach and to concentrate resources to a wide scope of threats faced by individuals with a particular attention on a human development and human rights (Kerr, Tow & Hanson, 2008:90). The credence that force remains the only component of national interests and actions is no longer a plausible approach to international politics. The last three decades have also shown more strongly than ever before the need to address the problems of millions of human beings who suffer from increasing political, economic, environmental, social, health, personal and cultural insecurity. However, there are many relationships between traditional security approaches and human security concept, such as conflict prevention because both of them cannot be accomplished in the context of armed conflict (Alkire, 2003:6).

The international system has been changed and reformed radically as a result of the disintegration of the Soviet Union and the liberation of Eastern Europe from communism. Thus, this event was seen as the victory of one system over the other and therefore the triumph of liberal democracy. But this new context also resulted with increasing of intrastate conflicts of the Third World and its constant crises (Koslowski, 1994; Yilmaz, 2008: 44). The post-Cold War era witnessed the emergence of new dynamics and actors as well as new security threats and challenges having more influence on international relations - and not only international organizations capable of acting on their environment, but also numerous transnational forces which are expressed with force in multinational corporations and non-governmental organizations (Tadjbakhsh, 2005:6). Thus, Barry Buzan, notes, with the notion of "societal security", that the evolution of the international context no longer allow to consider State as the main or best guarantor of security, sometimes on the contrary has become the main threat to the own population (McSweeney, 1996:81). According to Gerd Oberleitner "*In today's world of rising non-traditional, non-conventional and trans-national threats, the protection of borders and*



the preservation of territorial integrity cannot be the ultimate goal of security. In focusing on people rather than on States, human security tries to challenge traditional concepts of security and thus also established concepts of international law such as States' rights, national sovereignty and territorial independence" (Oberleitner, 2002).

The relevance and perspective of human security as a multi-sectorial approach that includes all the dimensions of human rights and human development is important for analyzing current international relations, the influence of international organizations, and especially that of the United Nations. And, in this regard, it's worth mentioning that the Security Council is inevitably the necessary tool to understand the implementation of this new concept within a rapidly changing world marked by episodes of violence and insecurity. It is true that this concept was introduced by UNDP Report in mid-90's, but it was traced in the early 40s, when reporting to his government on the results of the San Francisco conference, the Secretary of State, Edward R. Stettinius, already mentioned the need for a wide vision of international peace and collective security: *"The battle of peace has to be fought on two fronts. The first is the security front where victory spells freedom from fear. The second is the economic and social front where victory means freedom from want. Only victory on both fronts can assure the world of an enduring peace"* (Macfarlane, 2004). Moreover, the principles, values and norms of human dignity and human well-being were established in Preamble of UN Charter as well as in the Universal Declaration of Human Rights:

"To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom" (UN Charter 1945).

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people" (UN UDHR, 1948).

Furthermore, human security as a new concept was successfully introduced in international politics through the International Commission on Intervention and State Sovereignty (ICISS) highlighted in its 2001 report entitled *The Responsibility to Protect*:

"The current debate about intervention for human protection purposes also takes place in a historical, political and legal context of evolving international standards of conduct for states and individuals, including the development of



new and stronger norms and mechanisms for the protection of human rights. Human rights have now become a mainstream part of international law, and respect for human rights a central subject and responsibility of international relations” (ICISS, 2001:6).

The report also underlines that sovereign state’s primary responsibility is protection of integral territoriality and sovereignty from external threats as well as to protect their own citizens: based on basic needs and human dignity:

“This Commission certainly accepts that issues of sovereignty and intervention are not just matters affecting the rights or prerogatives of states, but that they deeply affect and involve individual human beings in fundamental ways. One of the virtues of expressing the key issue in this debate as “the responsibility to protect” is that it focuses attention where it should be most concentrated, on the human needs of those seeking protection or assistance” (ICISS, 2001:15).

The international community witnessed severe humanitarian crises in the late 20th century, notably Rwanda (1994), Srebrenica (1995) and Kosovo (1998). These events highlighted the failure of the international community to act decisively to prevent or stop mass atrocities, despite having the capability to do so (Evans, 2006:706). Failures of conflict prevention in these cases raised questions about the effectiveness and morality of the principle of non-intervention in internal affairs of states, especially when it came to preventing human rights violations. The debates around these crises led to a growing recognition that state sovereignty should not be an obstacle to addressing severe abuses of human rights, moreover, States has obligation to respect and ensure their observance as stated in the UN Charter and in the Universal Declaration of Human Rights (Gerhards, Antoine & Ollroge, 2024:155-156).

Academics and policymakers began advocating for a new approach that would reconcile state sovereignty with the need for international humanitarian intervention. Similar to how territorial integrity and sovereignty of nation-states are protected by international law, the rights of individuals are protected by a variety of documents and above all the Universal Declaration of Human Rights from 1948. However, according to Jacob Dolinger *“the Declaration has no force of law as it is a mere declaration with no effect over the horrors suffered by many peoples since its adoption by the UN. Therefore, it is not correct to incorporate it in the realm of International Law”* (Dolinger, 2016:156). The International Commission on Intervention and State Sovereignty (ICISS) report outlined the concept of Responsibility to Protect (R2P), emphasizing that sovereignty is not just a right but a responsibility (Payandeh, 2010:474-475). It proposed that when states fail to protect their populations from grave harm, the international community has a responsibility to intervene (ICISS, 2001). The concept gained significant traction at the 2005 World Summit held at the United Nations. World leaders unanimously endorsed R2P as part of the summit's outcome document, recognizing that the international community has a duty to protect populations from ethnic cleansing, war crimes, genocide and crimes against humanity (Lau, 2023:35-36). R2P has been referenced in several UN Security



Council resolutions, including those related to Libya (2011) and Syria (2012). However, its application has been inconsistent and controversial, often affected by political considerations and the geopolitical interests of powerful states (Jarvis, 2022:245). The implementation of R2P remains a subject of debate. Critics argue that it can be used to justify interventions that serve the interests of powerful states, while proponents stress its importance in addressing severe human rights violations and promoting international moral and legal standards (Paris, 2014:572-573).

Kosovo, Libya and Syria are three cases with different understanding of R2P: The case of Kosovo is often cited in discussions about the Responsibility to Protect (R2P), a principle that proclaims the international community's obligation to prevent and take actions by force to mass atrocities when states fail to fulfill this duty. The primary justification for NATO's intervention was the need to protect civilians from systematic violence. The situation in Kosovo met the criteria for R2P, given the scale of atrocities and the failure of the international community's diplomatic efforts to prevent humanitarian catastrophe (Newman & Visoka, 2024:632). Although R2P as a formal principle was not yet fully articulated at the time of the Kosovo intervention, the intervention was later viewed as a predecessor to the R2P doctrine, which formally emerged from the 2005 World Summit. The Kosovo intervention highlighted the need for a stronger and more consistent application of the R2P principle. The 2005 World Summit formally endorsed R2P, defining it as the international community's obligation to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity, and to take collective action when states fail to protect their populations (Evans, 2006: 714-715). The case of Kosovo is a significant example in the context of R2P, illustrating the complications of international intervention in response to mass atrocity crimes. While the intervention was inspired by the need to protect civilians from severe human rights violations, it also raised important legal and ethical questions. (Payandeh, 2010:470; Newman & Visoka, 2024:632). The lessons from Kosovo contributed to the development and refinement of the R2P doctrine, which now provides a more structured framework for addressing similar humanitarian crises while seeking to balance respect for state sovereignty with the imperative to protect human lives.

The case of Libya is a prominent example in the application of R2P doctrine. The 2011 intervention in Libya provides a complex and controversial illustration of how R2P can be operationalized, and it has been a significant case study in the evolution and interpretation of the doctrine. By adopting UNSC Resolution 1973: On March 17, 2011, which authorized member states to take "all necessary measures" to protect civilians under threat of attack in Libya (UNSC, 2011), International Community allowed the use of force to protect civilians, marking a formal authorization of the R2P principle by UN (Gerhards, Antoine & Ollroge, 2024:159). Following the UNSC resolution, NATO led a coalition of countries in a military intervention that included air strikes and other measures aimed at enforcing the no-fly zone and protecting civilians. It was the first major implementation of R2P (Ogunnowo & Chidozie, 2020:5). Unlike the Kosovo intervention, the Libyan case had explicit UNSC authorization, providing a clear legal basis for international action under R2P (Gerhards, Antoine & Ollroge, 2024:159). The Libyan intervention was a significant test case for R2P, demonstrating the challenges of implementing such a doctrine. It was the first time that the UN Security Council authorized coercive military actions against a state for the purpose of human protection



(Brockmeier, Stuenkel & Tourinho, 2016:113). While it achieved its immediate goal of protecting civilians from Libyan regime, the following instability highlighted the difficulties in managing post-conflict scenarios and ensuring long-term stability (Paris, 2014:570). The Libya intervention emphasized the need for a comprehensive approach to R2P that includes not only immediate protection but also strategies for post-conflict stabilization and reconstruction. It encouraged discussions about the limits of R2P, the risks of military interventions, and the importance of having clear, attainable objectives. However, the subsequent fallout, including instability and conflict in Libya, raised significant questions about the principle emphasized the importance of prevention and reconstruction rather than military intervention (Paris, 2014:570).

The case of Syria has been also a significant example of R2P in action, with many challenges and criticisms. The conflict involved various international actors, including two permanent members of the UN Security Council, United States and Russia. This geopolitical complexity made it difficult to build a unified international response, because the UN Security Council (UNSC) was often paralyzed by the threat of Russia and China to veto for any coercive measures (Williams, Worboys & Ulbirck, 2012:475). Due to this deadlock of the UN, on March 19, 2011, a coalition of states, led by the United States, began NATO military intervention in Syria. The perception of selective intervention affects the credibility and sparked debates of R2P, because effective application of R2P requires a unified international response, which was hindered by regional alliances and international rivalries in the Syrian conflict (Ogunnowo & Chidozie, 2020:5). The Syrian case remains a profound and ongoing challenge for the international community in its efforts to respect the principles of R2P and protect populations from severe human rights violations and mass atrocity crimes.

The European Union (EU) and NATO both play key roles in the implementation of human security, in different but complementary ways, both institutions recognized importance of human security. The EU has incorporated human security into its strategic documents, such as the European Security Strategy (2003), Global Strategy for the European Union's Foreign and Security Policy (2016) as well as EU Security Union Strategy (2020), emphasizing the operationalization of human security for 21st century conflicts and institutions. The intersection of these efforts provides a broader understanding that security encompasses more than just state-centric concerns and includes well-being of individuals. However, critics argue that the EU has been focused only on relatively low intensity missions and EU's human security agenda can sometimes prioritize regional stability and geopolitical interests over the immediate needs of affected populations (Rieker & Riddervold, 2021:461-462). This focus on external diplomacy and security concerns may overshadow direct humanitarian needs (Bailes, 2008:120). On the other hand, NATO's approach to human security is different, of course NATO's core mission is collective defense, but it increasingly incorporates elements of human security into its operations (Atkinson, 2021:9; NATO, 2023). The Alliance's operations in recent decades (Kosovo, Lybia and Syria) have included a focus on protecting civilians and addressing humanitarian concerns, which aligns with R2P objectives. NATO's operations are often constrained by the mandates provided by the UN Security Council or member states' national interests. This can limit the scope of interventions related to R2P and complicate efforts to address human security comprehensively (Carati, 2017:293-294). However, NATO has increasingly integrated human security and protection considerations into its



strategic framework. The ongoing conflict in Ukraine and other global crises have highlighted the need for the Alliance to address human security concerns more explicitly.

It is well known that human security promotes a holistic view of international issues, encouraging policies that address root causes of conflict and instability rather than merely responding to symptoms. This influences diplomatic strategies, aid allocation, and conflict resolution efforts. By focusing on early warning signs and preventative measures, human security advocates for proactive engagement rather than reactive responses to crises (Alkire, 2003:3). This approach shapes international policies and the roles of states and organizations in managing global security challenges. Human security's multi-sectorial approach is highly relevant in contemporary international relations and the work of international organizations. By addressing the full spectrum of human needs and rights, it shapes how global challenges are understood and managed. The UN, as a key player in international governance, has integrated human security principles into its policies and initiatives, reflecting a commitment to addressing both the immediate and underlying causes of global issues (Gazizullin, 2016:4). A resolution (A/RES/66/290) adopted by the United Nations General Assembly in September 2012 has, for the first time in UN history, officially recognized human security as an approach to "*assist Member States in identifying and addressing widespread and cross-cutting challenges to the survival, livelihood and dignity of their people*" (UNGA, 2012). This comprehensive perspective continues to influence how the international community responds to crises, develops policies, and works towards sustainable and inclusive solutions. However, critics argue that while the concept of human security is broadly endorsed, there are significant gaps between policy frameworks and actual implementation. By prioritizing everything, efforts to address human security might be undermined by a lack of coordination or insufficient resources (Johns, 2014:3).

Conclusion

The national security (state-centric) as traditionally defined is still relevant because the security among states remains a necessary condition for the security of people. However, such a concept of security focused only on political sovereignty and territorial integrity cannot in itself guarantee the security of its people. The concept of human security by drawing attention of institutions on human beings may assist us to evaluate the effectiveness of our security policies; it also highlights the importance of preventive actions to reduce vulnerability and to reinforce remedial action, where prevention fails.

The last three decades also show more than ever before the need to address the problems of millions of human beings who suffer from increasing political, economic, environmental, social, health, personal and cultural insecurity. However, there are many relationships between traditional security approaches and human security concept, such as conflict prevention because both of them cannot be accomplished in the context of armed conflict.

The development of the concept of human security is directly connected to the lack of democracy and human rights as well as a result of profound redefinition of national and international security approach shifting the attention from state centered security to the values of humanity and community's interests. The traditional paradigms used until the



end of the Cold War to understand and analyze international relations, find themselves obsolete and unable to meet the basic needs and security concerns of individuals and to address new threats and realities in the age of globalization.

Indeed, the problem of security arises in a new way. In the past, security was considered to be threatened from the outside: ensuring state security was mainly about protecting the state against any external attack; the security of individuals flowed directly from the security of their state which protected them from any external threat. Many threats to individuals today come from the state itself. The human security concept has profoundly reversed the way in which national and international politics has been established and conducted during the Cold War era. Incorporating Human Security into a National Security matrix creates a definition (and a new prism of analysis) that gives us a new perspective on 21st century security problems. Such a concept reduces and prevents conflicts, creates conditions for peace, sustainable development and promotes fundamental freedoms and well-being for all. In this context, the human security concept is an indispensable instrument facing to existing and emerging multiple forms of human insecurity in today`s rapidly changing world.

In conclusion, human security emphasizes the protection of individuals and communities against a broad range of threats that affect their daily-life in many ways. The concept remains very important because it recognizes that security cannot be attained by focusing exclusively on the territorial integrity and political sovereignty of the state and the military solutions, but rather by taking a more cohesive and wide-ranging approach that addresses the main causes of insecurity. The focus on people, their fundamental freedoms and human rights, their needs, safety and well-being are preconditions for human dignity and development as well as for a more equal, peaceful and prosperous world. However, while human security offers a comprehensive approach to addressing global security challenges, its effectiveness is sometimes hindered by issues related to its scope, implementation, and political dynamics. Addressing these criticisms requires refining the concept to ensure clarity, coherence, and practical application, while balancing state sovereignty and responsibility to protect populations as well as individual and collective needs within a framework that `humanize` national sovereignty and addresses broader security concerns.

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ASIA-EUROPE ENGAGEMENTS IN SCIENCE, INNOVATION AND EDUCATION EXCHANGE: THE LIMITS OF KNOWLEDGE IN DIPLOMACY

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Abstract

As an interpretative lens for understanding Asia-Europe knowledge exchange in higher education, science and innovation, this paper contests the 'knowledge diplomacy' framework. First, knowledge diplomacy is a 'floating signifier' that homogenises the distinct differences between science diplomacy, education diplomacy and innovation diplomacy. Second, the term depoliticizes diplomacy in its attempt subtract politics from knowledge relations in world affairs. Third, the KD framework is overly normative as it portrays positive and benign outcomes of exchange to the neglect of the conflict, competition, and confrontations that exist within and between Higher Education Institutions and scientific communities.

Keywords

Asia-Europe Meeting, Higher Education, Science Diplomacy, Statecraft, Think Tank, Track-Two Diplomacy.

Resumo

Como lente interpretativa para compreender o intercâmbio de conhecimentos entre a Ásia e a Europa no domínio do ensino superior, da ciência e da inovação, este artigo contesta o quadro da "diplomacia do conhecimento". Em primeiro lugar, a diplomacia do conhecimento é um "significante flutuante" que homogeneiza as diferenças distintas entre a diplomacia científica, a diplomacia educativa e a diplomacia da inovação. Em segundo lugar, o termo despolitiza a diplomacia na sua tentativa de subtrair a política das relações de conhecimento nos assuntos mundiais. Em terceiro lugar, o quadro de KD é excessivamente normativo, uma vez que retrata resultados positivos e benignos do intercâmbio, negligenciando o conflito, a competição e os confrontos que existem dentro e entre as Instituições de Ensino Superior e as comunidades científicas.

Palavras-chave

Encontro Ásia-Europa, Ensino Superior, diplomacia científica, política de Estado, think tank, diplomacia "track-two".



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ASIA-EUROPE ENGAGEMENTS IN SCIENCE, INNOVATION AND EDUCATION EXCHANGE: THE LIMITS OF KNOWLEDGE IN DIPLOMACY

DIANE STONE

1. Introduction

The notion of 'knowledge diplomacy' is the latest addition to millennial reinterpretations of inter-state relations: ideas of 'cultural', 'diaspora', 'education', 'museum', 'sport' and 'university' diplomacy, amongst other variants. Accordingly, it is worth asking what is 'new' about it, who benefits from the use of the term 'knowledge diplomacy' and what purposes this term serves. The first argument of this paper is that 'knowledge diplomacy' is a homogenizing term that neutralizes significant differences of style and substance in its 'umbrella-like' inclusion of all things knowledge related. It is a 'floating signifier'. The second argument is that the term depoliticizes diplomatic conduct in the realm of international 'knowledge' exchange. Finally, the term is overly normative, presumptive of positive and peaceful outcomes (Woo, 2023: 692) overlooking the way knowledge diplomacy – no matter how benign the intentions and motivations of its proponents – can be instrumentalised and put to work in aid of state interests.

Diplomacy, as a concept in the scholarly field as well as practice of governance, has been undergoing considerable shifts this century. Public service has been internationalised. Some civil servants are increasingly being asked to interact with their counterparts overseas and this activity is no longer monopolised by Ministries of Foreign Affairs (MFAs). Quasi diplomatic activity is also undertaken by some large international non-governmental organisations (NGOs. eg. Médecins Sans Frontières), think tanks and scholars (in security dialogues like the Munich Security Conference), international foundations (like the Gates Foundation) or diaspora communities as well as via certain private individuals, for example, 'good will ambassadors' for the UN, or networks of scientists. These actors cannot be classified as 'diplomats' in the traditional sense of the word. Nor do they act with the same power or authority. They have been called 'new diplomats' (Kelley, 2010). But both analytically and in policy terms, there is a trend of hybridity in how 'old' and 'new' forms of diplomacy coexist and reinforce one another (Leira, 2018).

One such evolution has been the recent rise of the so-called 'knowledge diplomacy' (Knight, 2021). However, there are other cognate terms: 'university diplomacy' or 'education diplomacy' as well as 'science diplomacy'. For decades, there has been a rich



and diverse ecology of educational exchange, research collaborations and scientific partnerships between Asia and Europe. This paper re-examines some of these linkages through the lens of the so-called 'new diplomacy' (Kelley, 2010; Leira, 2018; Higgott & Terkovich, 2021). The new diplomacy emphasises the often-innovative role of non-state actors in diplomacy but does not forget or diminish power dynamics. This school of thinking is more firmly grounded in disciplines like International Relations (IR) and International Law, as well as Peace, Security or Global Studies. The recent idea of 'knowledge diplomacy' – or KD – is derived from Higher Education studies.

This paper is based on a review of the concept of KD which first emerged in its current format from 2018. Diplomacy conducted through science, technology and innovation, or via education exchange is extensive. Accordingly, the focus is narrowed a little through a focus on some *illustrative* relations in Asia-Europe contexts – an approach which cannot be comprehensive due to word constraints. The paper is structured as follows: First it discusses the idea of 'knowledge diplomacy' and older cognate terms like 'new diplomacy' and 'science diplomacy'. Second, it addresses some current Asia Europe initiatives in this field. Third, some limitations of the knowledge diplomacy (KD) framework when cast against concepts like science and/or Higher Education Institution (HEI) diplomacy are outlined. Examples of Asia-Europe 'knowledge engagements' criss-cross these sections.

2. Knowledge Diplomacy

In the past 30 years, with the advent of the telecommunications revolution and ease of transportation, the realm of diplomacy has opened to so-called 'new diplomats'. They are individuals, organizations and networks based outside traditional diplomatic institutions such as MFAs or international agencies. Ever since the joint report of the Royal Society and the American Academy for the Advancement of Science (AAAS) on science diplomacy (Royal Society, 2010), variations on the theme that these two institutions advocated have emerged with studies and investigations into think tank diplomacy (Bayanova, 2023), education diplomacy (Piros & Koops, 2020), academic, university or higher education informal diplomacy (Perez-Garcia & Nierga, 2021) alongside more general studies and perspectives that highlight the role of 'knowledge actors' in either public diplomacy or cultural diplomacy.

'Knowledge diplomacy' has been defined as: "the role that international higher education, research, and innovation play in building and strengthening international relations and, vice versa, the role that international relations play in facilitating and improving IHERI" (Knight, 2020: 38) in a two-way process. The core characteristics of the knowledge diplomacy approach are stated as "collaboration, reciprocity, and mutuality" and are premised on the notion that HEIs can strengthen relations between countries.

This paper argues that 'knowledge diplomacy' is an expansive and somewhat state-centric frame for understanding world affairs that veils earlier analytical work on different varieties of diplomacy informed by knowledge actors. The KD framework envelopes what had earlier been identified as science diplomacy and education diplomacy as distinct and separate processes. Science diplomacy – such as elaborated by the Royal Society (2010) in the UK and AAAS – was focused on scientific endeavour and research. These two



scholarly associations (amongst others) considered science diplomacy to be distinct from educational exchange involved in international teaching and training programs. These were seen as more akin to 'public diplomacy' or 'cultural diplomacy'. Likewise, the KD framework subsumes 'innovation diplomacy' which has also been treated in earlier literature (eg. Leijten, 2017) as involving different actors and interests from business or corporate research and development facilities.

Consequently, a very diverse range of organizational actors are herded under the more recent label of 'knowledge diplomacy' (eg. Hernandez, 2021: 91). Universities and colleges, scientific laboratories, professional associations, as well as consultancy firms, think tanks, the analytic units inside government (at city, local and national levels), the research departments of NGOs and trade unions are all potential knowledge diplomats. Similarly, certain international organizations – like the Intergovernmental Panel on Climate Change (IPCC) or the World Intellectual Property Organization (WIPO) – could also be identified as platforms for, or engaged in, knowledge (for climate or innovation) diplomacy (Hernandez, 2021).

Likewise, there is a galaxy of different types of experts and knowledgeable individuals are subsumed under the 'knowledge diplomacy' umbrella. These can range from youthful groups of students, alumna, faculty on exchange programs through to Nobel prize winners. Finally, in terms of policy focus, knowledge diplomacy can intersect global issues that range from climate change, food security, migration, epidemics, refugees and migration, poverty reduction, and water security. The concept just about covers everything.

The KD term lacks analytical purchase. It can mean all things to all interests. Too many different types of individual and organizational actors are lumped in together. The phrase becomes a 'floating signifier' – that is, a concept or symbol that is sufficiently loose and malleable to mean many things to many people, yet specific enough to galvanize action in a particular policy context. A signifier absorbs rather than emits meaning.

The content specific knowledge and professional expertise/experience connected to specific policy sectors is lost under the KD umbrella. By contrast, a phrase like 'water diplomacy' or 'health diplomacy' at the very least, signals the types of knowledge and expertise likely to be deployed. Hence, the preferred term of this paper is for the better-established term *science diplomacy* (to best accommodate research and scientific enterprise) or for HEI diplomacy (to accommodate diplomatic affairs related to student mobility or university exchanges) recognising that there is a significant array of 'grey areas' between the terms.

Nevertheless, it is worthwhile to ask who benefits from the use of the term 'knowledge diplomacy' or to ask what purposes this term serves. The current fashion for the term can be traced back to the 2019 study commissioned by the British Council that culminated in the report *Knowledge Diplomacy* (British Council & Knight, 2019). The KD framework and the Report were subsequently rolled out at the Council's *Going Global* annual education conferences. Prior to this report, the term was understood in a much more limited sense as associated to intellectual property (Ryan, 1998).



The British Council – like many public sector organizations facing a tight public fisc – presumably needed to reinvent itself. The 2010 report on Science Diplomacy launched by the Royal Society and AAAS attracted world-wide attention and has achieved considerable traction as a policy narrative. The Knowledge Diplomacy report appears to emulate that earlier process. For the Council, the ‘knowledge diplomacy’ framework represented a way for the Council to enliven its image, refresh one branch of activities and re-establish its utility for the UK public sector.

For the UK government, the ‘knowledge diplomacy’ framework becomes a new tool to represent itself among international constituencies. In a post-Brexit context, the KD framework dovetails with the official government narrative of ‘Global Britain’ and UK aspirations of international leadership, outside the European Union, in areas of innovation, global services, R&D (research and development) and education.

For HEIs in general, the discourse potentially represents a new way to articulate their societal and economic relevance to both the public at large and their governments. This is especially the case for those UK universities that have been at the forefront positing ‘knowledge diplomacy’ as a route towards policy impact and relevance in world affairs (University of London Institute in Paris, 2020-22). Adding another layer of professional imagery of the role HEIs as potential diplomats, is perhaps to be expected when HEIs of many countries need to justify their utility to society and economy. HEIs might even be said to have an institutional self-interest in knowledge diplomacy. This is witnessed in the various blog discussions (IIAS-The Blog, 2022), seminar series and research programs (University of London Institute in Paris, 2020-22), or other KD initiatives undertaken by HEIs or researchers and staff in them. Such initiatives provide intellectual space for reflection on the role of the university in contemporary world affairs.

From an IR and a policy sciences perspective (with its extensive work on evidence-based policy), the knowledge diplomacy framework raises some troubling questions. Knowledge diplomacy is poised as an alternative to ‘soft power’. Following Nye, the latter is presented as tactics of “attraction and persuasion” by states (instead of hard power tactics of dominance and control) for the promotion and self-interest of the state (Šime, 2023). Rather than the pursuit of state “supremacy”, knowledge diplomacy is represented as “based on values of reciprocity, mutuality, understanding and compromise”: that is, KD is not “framed in a ‘power paradigm’ like soft power” (British Council & Knight, 2019: 6-7).

Many would agree that international scientific endeavours are indeed based on cooperation while educational processes are based on mutuality and understanding. But this is where KD starts to ‘float’; the fungibility of the language and lexicon of diplomacy contributes to the conceptual stretching of its traditional meanings beyond being the activity of state appointed consuls and diplomats, ambassadors and ‘high representatives’ of MFAs and international organisations. For instance, the concept of “policy ambassadors” – developed in public policy studies of the circulation of governance models and the international diffusion of policy models – is another concept which emphasizes communication and international exchange that can be undertaken by government officials as well as non-state actors (Porto D’Oliveira, 2021). Likewise, there is often use of phrases like ‘student ambassador’ or ‘open science ambassador’ in



exchange programs. The ease of appropriating the language of diplomacy, however, does not translate into either diplomatic interaction or positive outcomes in world affairs.

To conclude this section, there is a need to put the politics back in and draw back on the conceptual over-stretching in the KD framework for understanding the role of HEIs or scientists in international relations or world affairs. Knowledge diplomacy is both a homogenising and a depoliticising term. It homogenises the distinct differences contained in older terms such as science diplomacy. Similarly, sector specific understandings of diplomacy recognise the different actors in each that lead to different institutional vectors and policy processes that clearly distinguish sport diplomacy from museum diplomacy or yet again, from vaccine diplomacy.

'Knowledge diplomacy' also papers over the conflict, competition, and confrontations that exist within and between HEIs and scientific communities. That is, conflicts not only in the competitive trade in educational services but also in other areas like the 'talent wars', the league tables, and the jockeying for prestige in university rankings. There are also some hot debates surrounding power structures in scholarship such as raised in the context of decolonising the curriculum. Finally, it must not be forgotten that HEIs, individual students and scholars, or exchange programmes can occasionally become diplomatic problems: the most notable example in recent memory being the case of *Lex CEU* in Hungary.

3. 'Knowledge' Innovations in Asia-Europe Diplomacies

International educational exchange between Europe and Asia is extensive at both the level of policy as well as in the unilateral initiatives of HEIs, donors, research-oriented NGOs, and scientific associations. In other words, the range of 'diplomacy-related' interactions should not be viewed in a limited sense of only diplomatic training and scholarship.

For sure, there are several universities and diplomatic academies in Europe and Asia that have sought to attract both aspirant and early career diplomats into their degree programs. In Europe, there are well known bodies, like the Clingendael Institute in the Netherlands and the Maria Therese Academy in Vienna, that provide diplomatic training. Likewise, the College of Europe at the regional level. These bodies usually function with close affiliation to the state even if historically some have private origins. In Asia, traditionally diplomatic academies are closely connected to the MFA and the training of young diplomats is closely guarded within the state.

The growth in numbers and types of 'new diplomat' alongside the broadening of the diplomatic agenda to a wider range of contemporary issues with new digital modalities and relative ease of communications has created a market niche for training programs that are delivered to an international market (not just a constituency of national trainees). These services come from not only MFAs and select educational establishments but also many NGOs and the educational and learning units of international organizations. These diplomatic institutes and academies occupy "an interstitial field"— they have one foot in education, and the other in diplomatic practice



and international relations. That is, these are bodies that transgress the convenient distinctions between state and non-state actors (Kuus, 2022).

The Asia-Europe Foundation is but one key policy instrument in relations between the two regions. It acts as the civil society outreach arm, or interface, of the Asia-Europe Meeting (ASEM – which is an informal “political dialogue forum” between the governments of the two regions). Over the years ASEF has fostered educational exchange projects. For example, with the support of the Swiss Government, and the DiploFoundation (which is a more-or-less independent NGO supported by the Swiss and Maltese Governments), the ASEF runs an annual training event on ‘public diplomacy’ for diplomatic officials in the region. Designed and managed by Diplo, but delivered along with other experts, the ASEF Public Diplomacy Training encourages peer to peer learning among junior and mid-career diplomats and civil servants. One objective was to increase foreign and domestic publics’ awareness of the ASEM process and ASEF. There have been other ‘one-off’ activities like the Cultural Diplomacy Lab in 2023.

Education is one of the core areas of activity of ASEF. A flagship project is the ASEF Regional Conference on Higher Education (ARC). Another interstitial area concerns the overlap of education with the Sustainable Development Goals where ARC has produced a report mapping national policies and university practices for ASEM. In yet another interstitial manifestation, ASEF is institutionally hinged to ASEM through the ASEF Regional Conference on Higher Education (ARC). The ARC is the Official Dialogue Partner of the ASEAN Education Ministers Meeting. This has included proposals for capacity training, benchmarking reports and reporting on the network of university and student leaders across 51 Asian and European countries. The Asia-Europe Institute (AEI) at the University of Malaya was also established under the official auspices of ASEM.

In a layered governance architecture, the official intergovernmental ASEM Education Process (AEP) was formed in 2008 and holds meetings biennially where Ministers of Education convene. They discuss the two pillars of activity in creating an ASEM Education Area. One is political involving ministerial commitments. The other is broader involving various education ‘stakeholders’.¹ In sum, through ASEF a great deal of educational exchange takes place not only transregionally but interstitially with the Foundation, ASEF, as a hinge or link between the governmental and non-governmental.

On the innovation side, collaborative inter-regional science and technology activities are well developed through the **ASEAN-EU Dialogue on Science and Technology**. The Enhanced Regional EU-ASEAN Dialogue Instrument (E-READI) programme supports the implementation of the EU-ASEAN Dialogue on Green Technology (GreenTech) and Innovation Mapping. Under EREADI, a series of webinars were organised to promote

¹ The most active stakeholder in the AEP is the **Asia-Europe Foundation (ASEF)**, the only permanent institution of ASEM. **Other stakeholders currently involved** (2024) in the ASEM Education Process are: ASEAN University Network (AUN) , ASEM LLL Hub Secretariat (University College Cork), ASEM-DUO Secretariat, Erasmus Student Network (ESN), European Centre for the Development of Vocational Training (CEDEFOP), European External Action Service (EEAS), European Students’ Union (ESU), European Training Foundation (ETF), European University Association (EUA), International Association of Universities (IAU), Southeast Asian Ministers of Education Organization Regional Centre specialising in higher education and development (SEAMEO RIHED), UNESCO, and UNESCO Institute for Lifelong Learning (UIL). <https://asem-education.org/about/asem-education-process/>



technology cooperation and transfer, research collaboration and science, technology and innovation (STI) capacity building between the two regions.²

Also significant are programs like Horizon Europe, as well as previous framework programs where the EU takes a 'global approach' to research and innovation. Bilaterally, there are also numerous ongoing dialogues and other agreements with Asian countries such as China, Japan, South Korea and India, amongst others.

Whether ASEF can be re-labelled and categorised as a knowledge diplomacy initiative is debateable. On the one hand, it is difficult to disentangle some of the intricate (financial) connections between ASEF and ASEM. On the other hand, many of the participants in the various projects and events, regard themselves foremost as scholars, students, or scientists, who are engaged primarily in scientific collaboration or educational exchange. Such positioning has often been predicated upon academic independence, or at least distance and autonomy, from governmental and private donors. In ASEF (as well as more generally) scholars and scientists may well exhibit a reluctance to being enrolled in exercises of diplomacy, even 'watered down' ideas of KD.

The EU and governments in both Europe and Asia use "public-centric" tools – for example, educational exchanges, collaborative research programs, innovation networks, scholarships – most of which remain "state-based". In other words, this is an understanding of diplomacy that is a one-way process from governments to publics. Likewise, the European External Action Service (EEAS) adopted the idea of 'science diplomacy' primarily in the guise of it being a tool of public diplomacy. The reverse – of publics informing MFAs or diplomats – is rarely the case.

The desire or capacity, of MFAs or international organizations to incorporate advice, evidence, data, and research cannot be assumed. Public servants and diplomats are not 'empty cyphers' into which knowledge is easily poured. Instead, the EU steers or controls these educational or science activities through their funding mechanisms or by imposing other conditions. This means that it may strangle (what Bajenova 2023 refers to as) "true interactivity and representativeness that would allow for wider publics to become fully active... participants" in public diplomacy.

The science, innovation and education field is rich with examples of the interfaces between diplomacy and knowledge creation, but diplomacy plays out through other kinds of knowledge organizations such as think tanks, dialogue processes and international philanthropic bodies. The Shangri-La Dialogue (SLD) and the Munich Security Conference are Asian and European examples respectively of regional dialogue processes on defence and security with a heavy think tank and academic or expert presence. Founded by the UK's International Institute for Strategic Studies, SLD is categorised as "track-one-and-a-half diplomacy" (Longhini & Zimmerman, 2021). And while academic experts on security and think tankers are fixtures at these events, their influence is substantially diluted by the primary presence of government and military officials who control the agenda.

² Regional EU-ASEAN Dialogue Instrument; <https://euinasean.eu/cooperation/education-research-and-capacity-building/>



In civil society among certain NGOs, including their associations and networks, are state-to-non-state as well as non-state to non-state knowledge exchanges. For example, the EU-India Think Tanks Twinning Initiative (TTTI) was launched in 2015 as a public diplomacy initiation of the EU (Winand, 2021). Similarly, since 1997, a scholarly body, the European Alliance for Asian Studies has been a co-operative platform of European institutions specializing in the study of Asia which aims “to build high-quality border-transcending research, teaching and public services, including scholarly networks within Europe and beyond”. But an aspiration to be of ‘public service’ is a far cry from having diplomacy ambitions.

Traditionally, large-scale philanthropy has been very important to international knowledge exchange. For example, German political foundations have been very active in Asia (Ismail & Abadi, 2017). According to *The Economist*, there are 896 billionaires in Asia, more than any other part of the world (America has 746), with a combined \$3.4trn in assets in 2023. Disaggregated information on philanthropic engagements between Europe and Asia is very difficult to access as the vast amount of giving is directed to national communities rather than international challenges. Nevertheless, initiatives like the peer exchanges promoted by the China-Europe Philanthropic Leadership Platform promote what they call “global leadership” in this sector with the objective to “Enhance cooperation between Chinese and European foundations”.³

Likewise, the EurAsia Foundation (from Asia) is an internationally minded body. Its vision statement uses similar language to that of the British Council. The Foundation advocates the “importance of diverse values” and building “awareness through mutual understanding and exchange with people from around the world” albeit “while maintaining its neutral stance as a private organization ... away from influences by nations or organizations” (EurAsia Foundation, n.d.). Within the KD framework, the EurAsia Foundation could conceivably be re-branded as a ‘knowledge diplomat’. Politically, however, it is not likely to be accepted by the Foundation given the traditional political and cultural attitudes towards diplomacy being the purview of the state throughout Asia.

The above examples are merely illustrative of the diversity of connections between Europe and Asia and in no sense comprehensive. The range of both state-initiated or guided public diplomacy on STI and education in Asia-Europe engagements is deep and diverse but is also complemented by the unilateral initiatives of HEIs, their associations or that of scientific and other bodies. Whether such initiatives deserve the title of ‘knowledge diplomacy’ is disputed in the next section by drawing attention to some unwarranted assumptions within the KD framework as well as identifying some other analytical lens through which to view Asian-European knowledge engagements.

³ <https://philea.eu/how-we-can-help/peer-learning/peer-exchange-programmes/philanthropic-leadership-platform-china-europe-plp/>



4. Educational exchange versus state instrumentalism: two sides of the same coin?

While the educational features of public and cultural diplomacy in fostering peace and security have indeed gained recognition and salience in some scholarly and public policy quarters, its impact is under researched and often over-hyped. This section will raise just two considerations: (i) Competition and statecraft; (ii) power and influence. Undoubtedly, there are numerous benefits arising from scientific cooperation, joint initiatives on innovation or educational exchange but there are also costs to consider and motives to mention.

Competition and Statecraft

Student mobility has long been seen as a mode of educational and cultural exchange (Asada, 2019). It is also, for many countries a lucrative trade in services. The personal pathways of student mobility do not represent knowledge diplomacy. Instead, such movements need to be strategically networked into specific policy ambitions of more powerful actors for such mobility to have the potential for diplomacy. That is, the size and direction of flows of students can be crafted into a tool of soft power.

Erasmus Mundus is one of the most successful educational programs of the European Union. This program provides scholarships to bring graduate students from outside the EU to study in a MA or MSc degree co-delivered by a consortium of (mostly) European universities (Batory & Lindstrom, 2011; Gerards, Schunz, & Damro, 2022). While not designed as a tool for diplomacy, nevertheless the program has 'soft power' outcomes. That is, in projecting European norms and standards and promoting the European Education Area as well as leading to a new external engagement initiative with EU alumni (Ferreira-Pereira & Mourato Pinto, 2021).

A significant avenue of innovation is via university alliance-building through the Belt and Road Initiative of the People's Republic of China. Rather than seeing the BRI simply as a large infrastructure project, it also has cultural and educational exchange ambitions (Woo, 2023). While there are developmental objectives that promote "connectivity of Asian, European and African continents" (Chou and Demiroyl, 2023: 4), nevertheless there are also geopolitical interests of China that are served by BRI. While BRI has led to several university alliances along the Silk Road, it is also a platform for China to develop or demonstrate its knowledge leadership and/or proffer and instil its alternative vision of world affairs. BRI is about "helping China move from the periphery to the center of the global soft power sphere" and to be "understood as an alternative economic and political model to Western liberal democracies" (Woo, 2023: 689). Although HEIs may proclaim their autonomy or scholarly independence of Chinese Government interests, they cannot subtract themselves, or the KD concept, from their geo-political context, as even Chinese scholars question (Liu *et al*, 2024).

Finally, the notion that educational exchange, knowledge co-production and internationalisation of research leads to peaceful or at least benign outcomes is questionable. While a cosmopolitan perspective underpins 'knowledge diplomacy', cosmopolitan outcomes may well be illusory. Indeed, one NGO – the Scholars at Risk



network – might beg to differ given its mission to protect exiled and politically threatened scholars and to promote academic freedom. Instead, it is necessary to consider how discord can be sown through educational exchange when considering the highly competitive trade of education services, or the race for talent in recruitment of scientists, the censorship and harassment of foreign scholars in certain countries or other issues of academic freedom. For instance, Confucius Institutes throughout Europe have attracted negative attention with accusations from host governments that a few individual members in institutes are engaged in spying, or that the Institute is pressuring locally based Chinese international students (European Parliament, 2019, O’Neill, 2021).

Another factor is the way states regulate foreign funding and/or presence of international foundations and grant programs. This is currently the case in India where amendments to the Foreign Contribution (Regulation) Act (FRCA) represents a securitized approach to foreign funding with heavy impact on NGOs and think tanks. For instance, the respected Delhi -based Centre for Policy Research had its FRCA license revoked because it was receiving “foreign contributions for ‘undesirable purposes’”.⁴ India is not unique: laws and regulations regarding ‘foreign agents’ are seen elsewhere around the world.

Knowledge Power and Policy Influence

There is a danger of inflating what are essentially international cultural and educational exchange initiatives into peace projects. That is, ‘knowledge diplomacy’ is currently a fashionable phrase in policy making around transnational education. But some caution is needed in ascribing substantive impact on world affairs. And this also entails unpacking the distinctive varieties of diplomacy to reveal the very different potentialities for influence, and with whom, that these diplomacies *might* exert.

Of more utility is the concept of ‘knowledge power’. In their study of Europe, Young and Ravinet, 2022: 2) advocated *knowledge power* as the “capacity to act in global affairs that allows an actor to affect both relationships and contexts of global governance by mobilizing knowledge.” This perspective allows us firstly to escape the homogenizing and de-politicising effect of the ‘knowledge diplomacy’ framework as horizontal cooperation among equal partners, by reinstating hierarchies of inequities in capacity and resources between countries or among cross-national research teams. Resistances emerge – for instance, protests in Budapest against Fudan University campus which is linked to the BRI (Woo, 2023: 693). It also allows refocusing attention to conflicts over knowledge production and epistemic authority in a post-factual era (Hernandez 2021: 89). Criticisms of “extractive research” or the perpetuation of western epistemologies in north-south science collaborations long mounted by scholars of post coloniality (eg. Nisar, 2023) are now hard to ignore but absent in the KD framework.

Notwithstanding well-established bodies like AEI in Malaysia or the EU Centre at Seoul University amongst many others, it was evident in the (English language) web-search for this paper that there is a more diverse ecology of European based institutes and think tanks of Asian studies than the converse. That is, Asia based institutes of European

⁴ *India News*, January 17th, 2024: <https://www.ndtv.com/india-news/think-tank-cpr-got-foreign-funding-for-undesirable-purposes-sources-4880420>



studies. As the EurAsia Foundation (n.d.) also notes: “it goes without saying that studies to date have tended to view Asia from a Western perspective”. But this claim needs further empirical validation.

Secondly, Young and Ravinet put an emphasis on *global governance* where the word ‘governance’ is much more precise and substantive than *KD relations*. A key element in the KD framework is its role “in *strengthening positive and productive relations* between and among countries” (my emphasis, Knight, 2020: 39). Internationalised knowledge relationships are cut off from the governance of other countries or international organizations or multilateral deliberations and summitry. KD floats in a parallel universe to global governance and international relations as understood by IR scholars (Kuus, 2023, Leira, 2018; Higgott & Tercovich, 2021).

Another KD “principle” is that of “reciprocity” and “mutuality” in collaborations that lead to “both collective and context-specific benefits accrued for actors and countries” (Knight, 2020: 39). Such benefits could just as easily be cast as ‘(global) public goods’. Public goods theory is the traditional theoretical context in which public support and government funding to science and education is considered (Marginson, 2011). In other words, transnational educational and international scientific cooperation contribute to the production or delivery of regional or global public goods more so than diplomacy.

The ‘Track 2 diplomacy’ or the ‘informal diplomacy’ of think tanks and HEIs noted above is clearly a field of policy deliberation where some influence may be found. Yet, there is now a sizeable literature on Track 2 (T2) diplomacy which notes that this is a relatively rare or specialised mode of operation (Longhini & Zimmerman, 2021). Very few HEIs are involved in this type of activity. Moreover, it is generally a process where HEIs, or experts from universities, are invited into the process by MFAs or some other authoritative actor like an International Organization. The initiative and the invitation come from government in more of a top-down process where the process is controlled by official actors. Accordingly, within the T2 or informal diplomacy theoretical lens of analysis, knowledge diplomacy would be treated rather more prosaically as Track 3, that is, simple people-to-people international exchange.

University global engagements like contribution to the SDGs need not be labelled as diplomacy. Instead, it is feasible to discuss HEI activities with more common-place and routine phrases like ‘external engagement’, or to describe university initiatives as ‘policy entrepreneurship’ rather than as diplomacy (Gerards, Schunz, & Damro, 2022: 1242). The dilemma for diplomacy is that the term become subject to “semantic inflation”.

When the Royal Society (2010) examined cases of ‘science diplomacy’, it was careful to use precise terms and distinguish between the different modalities of this phenomenon (EEAS, 2022). Sometimes seen as the ‘progressive front’, the first type, “Diplomacy for Science” entails diplomatic action to facilitate international scientific collaboration. For example when the EU and ASEAN negotiate R&D agreements and exchange programmes. Or when governments establish scholarship schemes for foreign students and scholars. This is regular and relatively non-controversial form of assistance to cross-national scientific or educational endeavours.



The second type – “**Science for Diplomacy**” – is the use of science as a soft power to advance diplomatic objectives such as building bridges between nations and creating good will on which diplomatic relations can be built. This is a modality where states and IOs tend to be in the driving seat but sometimes HEIs can take the lead. Like the former, this mode of science diplomacy is oriented towards publics and/or scientific communities.

These two types of science diplomacy are essentially the same as that outlined in the KD definition on page 2 of this paper (see also Knight, 2022). They align with the ‘motives’ attributed within to KD where KD advocates HEIs and other research and innovation bodies to pull away from the “power paradigm” (Liu *et al*, 2024). When power is subtracted diplomacy becomes a ‘floating signifier’ and what was once understood as simply ‘international education exchange’ or ‘scientific collaboration’, becomes diplomacy.

However, the Royal Society’s third modality – “Science in Diplomacy” – occurs when science (or scientists) provide direct support to diplomatic processes by using their scientific advice and evidence to support decision- making. This is certainly less public and less frequent than the other modalities. And this latter form is where political competition may emerge with the desire of policy makers to keep ‘science on tap’ rather than ‘science on top’. That is, power is central to understanding diplomacy. Notwithstanding the “idealistic and normative” nature of education and science, it can be exploited and replaced with “realist and power competition” notions by some countries and political actors (Gultekin, 2021).

5. Conclusion

A cautionary perspective on the use of the word ‘diplomacy’ in the context of Asian and European knowledge relations has been the focus of this paper. This is not to deny the wealth of practice and partnership that already exists. Yet, the notion of knowledge diplomacy is not a ‘new route’ for Asia-Europe engagement. It is already a highway of formal intergovernmental relations with many sets of well-trod institutional pathways of exchange and mutuality. Notable from Europe are the research collaborations through Horizon Europe and previous framework programmes as well as the support to science diplomacy given by EEAS and many European or Asian governments. From Asia, the Belt and Road Initiative is an economic and political project of the Chinese state to serve Chinese national interests, But BRI is concurrently, a conduit for information, technology, and other forms of knowledge exchange.

In sum, the knowledge diplomacy framework functions virtue of being a floating signifier. Its encompassing definition that covers higher education, research, technology, and innovation intersects too many domains. The agency and mixed motivations of specific actors and institutions is de-emphasised. Knowledge is disconnected from interests.

Additionally, the KD approach is normatively naïve in its notion that HEIs and other knowledge actors play a role in building and strengthening international relations. KD operates with apolitical assumptions that overlook both the scholarly and political debates over the instrumentalization of knowledge exchange, the threats to academic freedoms and the “sharp power of knowledge” (Gultekin, 2021). KD also de-politicises and hollows-



out the traditional idea of diplomacy which has historically been grounded in the power of the sovereign state. Power is often seen in interstitial settings (Kuus, 2023). Consequently, trying to mark clear boundaries between what is 'knowledge diplomacy' and what is not, defeats an understanding of the power dynamics in play between governance and knowledge.

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ADHERENCE TO THE PRINCIPLE OF INVIOABILITY OF BORDERS AS A BASIS INTERNATIONAL LAW AND ORDER: IN THE CONTEXT OF THE RUSSIAN-UKRAINIAN ARMED CONFLICT

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Abstract

The article is devoted to the theoretical and legal analysis of the principle of inviolability of borders as an important aspect of modern international relations, clarifying the role of this principle in ensuring the sustainability of international law and order, especially in the context of Russian aggression against Ukraine, as well as determining the main directions of activity of international organizations to support the Ukrainian people in their struggle for the liberation of their own territories captured by the Russian Federation. An analysis of the main stages of institutionalization of the principle of inviolability of borders has been carried out, the prerequisites for its formation and peculiarities of development in the system of modern international law have been determined, its international legal consolidation and normative content have been disclosed. It is stated that the inalienable and conscientious implementation of the principle of inviolability of borders by all subjects of international law is recognized as an objective necessity, since in the conditions of modern international relations, state borders play an essential role in determining the boundaries of sovereignty, territorial integrity and independence of each state. It is noted that since the proclamation of independence, the Ukrainian state has faced an unsettled problem of contractual and legal registration of state borders with numerous European countries and former Soviet republics, which also declared their independence. It is stated that the most difficult was the settlement of issues related to the definition and contractual and legal registration of borders with the Russian Federation, especially in the context of its destructive position in Crimean peninsula issues. Considerable attention is paid to the violation of the principle of inviolability of borders in the context of the armed conflict between Ukraine and the Russian Federation. It is proved that Russia's gross violation of the principle of inviolability of borders has become one of the main security problems on the European continent. This was due to the aggressive actions of the Russian Federation, including the annexation of the Crimea, Luhansk, Donetsk, Kherson and Zaporizhzhya regions, as well as disregard for all the requirements arising from this principle. It is noted that such a violation of the principles of international law has caused a significant resonance in the world and has important consequences for security and stability in the region. The article analyzes the activities of international organizations (UN, Council of Europe, European Union, Organization for Security and Co-operation in Europe) as a response



to the violation by the Russian Federation of the principle of inviolability of borders by committing unprovoked armed aggression against Ukraine with subsequent annexation of Ukrainian territories. The normative legal documents adopted by these international organizations aimed at supporting the territorial integrity of Ukraine within its internationally recognized borders are considered in detail.

Keywords

Principle of Inviolability of Borders, State Border, Russian Aggression, Territorial Integrity, Annexation, Occupation, UN, Council of Europe, EU, OSCE.

Resumo

O artigo é dedicado à análise teórica e jurídica do princípio da inviolabilidade das fronteiras como um aspeto importante das relações internacionais modernas, esclarecendo o papel deste princípio na garantia da sustentabilidade do direito e da ordem internacional, especialmente no contexto da agressão russa contra a Ucrânia, bem como determinando as principais direcções de actividade das organizações internacionais para apoiar o povo ucraniano na sua luta pela libertação dos seus próprios territórios capturados pela Federação Russa. Foi efectuada uma análise das principais etapas da institucionalização do princípio da inviolabilidade das fronteiras, foram determinados os pré-requisitos para a sua formação e as peculiaridades do seu desenvolvimento no sistema do direito internacional moderno, foi divulgada a sua consolidação jurídica internacional e o seu conteúdo normativo. Afirma-se que a aplicação inalienável e consciente do princípio da inviolabilidade das fronteiras por todos os sujeitos do direito internacional é reconhecida como uma necessidade objetiva, uma vez que, nas condições das relações internacionais modernas, as fronteiras estatais desempenham um papel essencial na determinação dos limites da soberania, da integridade territorial e da independência de cada Estado. É de notar que, desde a proclamação da independência, o Estado ucraniano tem enfrentado um problema incerto de registo contratual e legal das fronteiras estatais com numerosos países europeus e antigas repúblicas soviéticas, que também declararam a sua independência. Afirma-se que o mais difícil foi a resolução das questões relacionadas com a definição e o registo contratual e legal das fronteiras com a Federação da Rússia, especialmente no contexto da sua posição destrutiva nas questões da península da Crimeia. É dada uma atenção considerável à violação do princípio da inviolabilidade das fronteiras no contexto do conflito armado entre a Ucrânia e a Federação da Rússia. Está provado que a violação grosseira pela Rússia do princípio da inviolabilidade das fronteiras se tornou um dos principais problemas de segurança no continente europeu. Tal deveu-se às acções agressivas da Federação Russa, incluindo a anexação da Crimeia, das regiões de Luhansk, Donetsk, Kherson e Zaporizhzhya, bem como ao desrespeito de todos os requisitos decorrentes deste princípio. Note-se que tal violação dos princípios do direito internacional causou uma ressonância significativa no mundo e tem consequências importantes para a segurança e a estabilidade na região. O artigo analisa as actividades das organizações internacionais (ONU, Conselho da Europa, União Europeia, Organização para a Segurança e a Cooperação na Europa) em resposta à violação pela Federação Russa do princípio da inviolabilidade das fronteiras, ao cometer uma agressão armada não provocada contra a Ucrânia com a subsequente anexação de territórios ucranianos. Os documentos jurídicos normativos adoptados por estas organizações internacionais destinados a apoiar a integridade territorial da Ucrânia dentro das suas fronteiras internacionalmente reconhecidas são analisados em pormenor.



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Palavras-chave

Princípio da Inviolabilidade das Fronteiras, Fronteira Estatal, Agressão Russa, Integridade Territorial, Anexação, Ocupação, ONU, Conselho da Europa, UE, OSCE.

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ADHERENCE TO THE PRINCIPLE OF INVIOABILITY OF BORDERS AS A BASIS INTERNATIONAL LAW AND ORDER: IN THE CONTEXT OF THE RUSSIAN-UKRAINIAN ARMED CONFLICT

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Introduction

Modern challenges in ensuring international peace and security claim the international community to study the main factors of conflicts in order to determine the legal mechanisms for their avoidance or resolution. The escalation of the conflict situation and the acquisition of an armed conflict has become an integral part of modern international relations. The emergence of such tensions may be caused by the differences in the political interests of states, their desire to gain a dominant political or economic role in their region, ethnic and religious differences, as well as differences of opinion in the regulation of state borders, which may be the result of territorial conflicts.

Within the modern paradigm of interstate relations, state borders perform an important function of determining the boundaries of sovereignty, territorial integrity and independence of each state. Therefore, the regulation of processes related to the conclusion of contractual agreements on state borders is a key priority in global foreign policy relations. This need for the subjects of international law to faithfully fulfill their obligations enshrined in the basic principles of this legal field is an objective requirement. In this context, great importance is attached to the principle of inviolability of borders, which is recognized as a universal norm of international law.

The chosen topic of this scientific research fully concerns Ukraine as a full-fledged subject of international relations. In the context of Russian aggression, the issue of state borders for Ukraine becomes decisive not only for the implementation of international legal personality, economic and political independence, but also for the restoration of its sovereignty and territorial integrity within internationally recognised borders. One of the strategic tasks of Ukraine in this direction is strengthening and protection national security by properly ensuring the implementation of the principle of inviolability of borders.

The purpose of the article is a comprehensive analysis of the principle of inviolability of borders, with a focus on its genesis and evolution, as well as a study of its interrelation with the principles of territorial integrity on the example of the treaty relations between



Ukraine and the Russian Federation. Particular attention is paid to the study of the impact of the Russian-Ukrainian armed conflict on the violation of internationally recognized borders, as well as the development of a theoretical and legal model for the restoration of Ukraine's territorial integrity within the international legal order.

Methodology

To achieve the goal of the article a set of general scientific and special methods were used. These methods are widely applied in modern legal science: *historical method* — in determining the prerequisites for the formation and development of the principle of inviolability of borders, as well as clarifying the chronological sequence of the process of contractual and legal regulation of border issues between Ukraine and the Russian Federation; *method of objectivity* — for establishing the reliability and completeness of the information used in the process of writing the article; *comparative method* — for identifying doctrinal approaches in the interpretation of the normative content of the principle of inviolability of borders and its interdependence with the principle of territorial integrity; *interpretation method* — for studying national and international legal acts, resolutions and decisions of international organizations in the field of application and observance of the principle of inviolability of borders; *systematic method* — for determining the obligations of states arising from the normative content of the principle of inviolability of borders; *conflictological method* — in the study of the nature of the Russian-Ukrainian armed conflict and its impact on border violations in modern international relations; *method of generalization* — for outlining the general model of behavior of the international community in order to restore the territorial integrity of Ukraine within its internationally recognized borders.

1. International legal consolidation and normative content of the principle of inviolability of the border

It is worth noting that in the modern science of international law the study of issues related to the principle of inviolability of borders remains very relevant (Elden, 2006). This state of affairs is generally reflected in the definition of dogmatic theoretical constructions of international law in relation to the formation of this principle, which do not fully reveal its essence and content. Thus, in the theory of international law, two dominant concepts of institutionalization of the principle of inviolability of borders can be distinguished. The first concept mainly considers the history of the emergence and stages of the development of the principle of inviolability of borders from the standpoint of the exclusive role of the Warsaw Pact member states in 1955 in the emergence of this principle¹. The second concept focuses on the period of the collapse of the feudal system

¹ The Warsaw Pact, officially the Treaty of Friendship, Co-operation and Mutual Assistance (also known as Warsaw Treaty Organization), was a collective defense agreement signed in May 1955 during the Cold War between the Soviet Union and seven other Soviet satellite states in Central and Eastern Europe (People's Socialist Republic of Albania, People's Republic of Bulgaria, Czechoslovak Socialist Republic, East Germany, Hungarian People's Republic, Polish People's Republic, Socialist Republic of Romania). The Warsaw Pact was formed in response to West Germany joining the North Atlantic Treaty Organization (NATO).



of international relations or the period of signing the Peace of Westphalia in 1648². The Peace of Westphalia received special significance with the consolidation of the principle "uti possidetis, ita possideatis" (as you possess, so may you possess), that is, the preservation of the existing state of affairs in relation to state territories, which can be considered a prototype of the principle of inviolability of borders (Ratner, 1996: 593).

The World War II was an extremely painful lesson for the entire world community, especially for the states of the European region responsible for the deaths of tens of millions of people. Recognition of the principle of inviolability of borders, formed as a result of war and post-war development, was to be fundamental in ensuring peace and security in Europe (Orakhelashvili, 2006: 319).

The borders of the states of Europe after the end of World War II were fixed by the Potsdam Agreement of 1945³ (concluded by the USSR, the USA and Great Britain to establish new borders of Germany with the Soviet Union and Poland), the Paris Peace Treaties of the Allies with the satellites of Nazi Germany of 1947⁴ (defined borders between Italy and Yugoslavia, Hungary and Slovakia, Romania and Hungary, the USSR and Romania, Bulgaria and Romania, France and Italy, the USSR and Finland), as well as some bilateral treaties. However, the Tehran Conference of 1943⁵ and the Yalta Conference of 1945⁶ played an important role where the leaders of the Allies (Joseph Stalin, Winston Churchill, and Franklin Roosevelt) agreed on issues of post-war borders and the new world order as a whole.

However, further developments in the region showed that these agreements failed to fully ensure the stability and security of state borders, fixed after the victory over fascist Germany. First of all, the reason for this was the Cold War, which actually began in 1946, and the division of Europe between the enemy blocs.

Despite the continuation of the Cold War, the European states declared their desire to ensure sustainable peace. Thus, in 1966, Declaration of the Political Consultative

² The Peace of Westphalia of 1648 is a system of peace treaties concluded in two cities of the German historical region of Westphalia Münster and Osnabrück between the participants in the Thirty Years War of 1618–1648. The Peace of Westphalia was a unique phenomenon for its time and still remains the one that initiated the formation of modern international law, formulated its basic principles (sovereign equality of states, non-interference in internal affairs, inviolability of borders, etc.), which remain decisive in the modern system of international relations.

³ *Foreign relations of the United States: diplomatic papers, the conference of Berlin (the Potsdam Conference), 1945, volume II.* Office of the Historian.
<https://history.state.gov/historicaldocuments/frus1945Berlinv02/d1382>.

⁴ *Paris Peace Treaties, 1947.* United Nations Treaty Collection.
<https://treaties.un.org/doc/publication/unts/volume%2049/v49.pdf>.

⁵ The Tehran Conference was held from 28 November to 1 December, 1943 in Tehran, the capital of Iran. It was the first meeting of the "Big Three"— Chairman of the Council of People's Commissars of the USSR Joseph Stalin, U.S. President Franklin D. Roosevelt and British Prime Minister Winston Churchill. It was the first conference of the "Big Three" during the World War II. The Conference aimed to develop an ultimate strategy of struggle against the Third Reich and its allies. The main issue was the opening of a second front in Western Europe. The international importance of the Tehran Conference, despite some contradictions between its participants, was enormous. Its decisions included not only accelerating the end of the war in Europe, but also the prospects for the development of European countries in peacetime. The Conference of the "Big Three" confirmed the strength and unity of the anti-Hitler coalition, marked a new stage in its activities.

⁶ The Yalta Conference – a diplomatic meeting of the leaders of the United States (Franklin D. Roosevelt), Great Britain (Winston Churchill) and the USSR (Joseph Stalin) on 4–11 February, 1945, which was held in the former Royal Palace in Livadia (near the city of Yalta in Crimea), to solve the problems associated with the end of World War II, as well as the post-war system.



Committee of the Warsaw Pact on the strengthening of peace and security in Europe was adopted⁷. It contained progressive provisions, although they had an obvious, at that time, political basis. The participating states stated that, given the tense situation in Europe, namely the danger of a military confrontation (between NATO and the Warsaw Treaty Organization), they called on all European states to develop good neighborly relations on the basis of the principles of peaceful coexistence, to help ease tensions by the abolition of the military organisations — NATO and the Warsaw Treaty Organization. As priority measures, it was proposed to agree, along with the liquidation of military bases in Europe, the recognition of the inviolability of existing borders, as the basis for a lasting peace in Europe.

The completion of the process of forming the principle of inviolability of borders was its consolidation on a multilateral basis in the Conference on Security and Co-operation in Europe (Helsinki Final Act) of 1975⁸, which was to play a key role in the system of relations between the member states of the CSCE (since 1995 renamed the Organization for Security and Cooperation in Europe — OSCE).

Helsinki Final Act contains the following obligation, 'The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State' (Principle III)⁹. The participating States agreed that, 'their frontiers can be changed, in accordance with international law' (Principle I)¹⁰. Recognition of borders is considered a waiver of any territorial claims of European countries (Principle III)¹¹.

Helsinki Final Act became an expression of the main political and legal results of the World War II and formalized post-war territorial and political realities in Europe at the international legal level. This was reflected and enshrined in the normative content of the principle of inviolability of borders as a fundamental principle of international law. The participating States were aware that the borders in Europe established in the post-war period did not always coincide with the borders of the settlement of peoples, but agreed that only the inviolability of borders could guarantee peace and security and, conversely, the violation of the borders of any of the States is an extremely dangerous phenomenon for everyone else.

It should be noted that the relevant provisions are contained in the UN Charter¹² and Declaration of Principles of International Law of 1970¹³. These acts enshrined such

⁷ *Declaration of the Political Consultative Committee of the Warsaw Pact on the strengthening of peace and security in Europe (Bucharest, 5 July 1966)*. CVCE.eu by UNI.lu. https://www.cvce.eu/en/obj/declaration_of_the_political_consultative_committee_of_the_warsaw_pact_on_the_strengthening_of_peace_and_security_in_europe_bucharest_5_july_1966-en-c48a3aab-0873-43f1-a928-981e23063f23.html.

⁸ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

⁹ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

¹⁰ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

¹¹ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

¹² *United Nations Charter (full text)*. United Nations. <https://www.un.org/en/about-us/un-charter/full-text>.

¹³ *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, New York, 24 October 1970*. Audiovisual Library of International Law. <https://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>.



fundamental principles of international law as the principle of non-use of force or threat of force and the principle of territorial integrity of states.

The UN Charter obliges to refrain in their international relations from the threat or use of force against the territorial integrity (Article 2, Part 4)¹⁴. The Declaration of Principles of International Law contains the main elements of the principle of territorial integrity, without pointing to the principle itself:

- (a) the duty of the State to refrain from any actions aimed at violating the national unity and territorial integrity of any state or country;
- (b) the territory of the State shall not be the object of military occupation resulting from the use of force in controvention of the provisions of the UN Charter;
- (c) the territory of a State shall not be the object of acquisition by another State as a result of the threat or use of force;
- (d) territorial acquisitions obtained through force or threat of its use shall not be recognized as legal¹⁵.

The Declaration of Principles of International Law indirectly points to the inviolability of borders in the context of the principle of non-use of force or threat of force, 'every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States'¹⁶. Accordingly, the prohibition is limited to the violation of borders by the use of force or the threat of force. States are not required to mutually recognize borders and renounce territorial claims. Rather, such claims are allowed when it comes to non-forceful resolution of disputes.

However, it is not only about the use of force, but about the prohibition of any territorial or borders claims, initiation, incitement, support of revanchist ideas and movements, any other attempts to revise frontiers and violations of international agreements on existing borders in Europe.

Every State has the duty to refrain from the use of force or threatening it to violate not only borders, but also lines of demarcation (meaning temporary or preliminary borders, including armistice lines). It applies to lines having a legal basis, that is, those that are established and comply with interstate agreements or that the state is obliged to observe on other grounds.

In this regard, the Vienna Convention on the Law of Treaties of 1969 provides that, 'a fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty: (a) if the treaty establishes a boundary' (Article 62, Part 2)¹⁷. In the Vienna Convention on the Succession of States to Treaties of 1978

¹⁴ *United Nations Charter (full text)*. United Nations. <https://www.un.org/en/about-us/un-charter/full-text>.

¹⁵ *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, New York, 24 October 1970. Audiovisual Library of International Law. <https://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>.

¹⁶ *Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations*, New York, 24 October 1970. Audiovisual Library of International Law. <https://legal.un.org/avl/ha/dpilfrscun/dpilfrscun.html>.

¹⁷ *Vienna Convention on the Law of Treaties*, 1969. United Nations. Office of Legal Affairs. https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf.



determined that, 'a succession of States does not as such affect: (a) a boundary established by a treaty' (Article 11)¹⁸.

The content of the principle of inviolability of borders is that the states are obliged to comply with the existing border regime, it is not allowed to arbitrarily move the border line on the ground and to illegally cross them. At the same time, states have the right to control the crossing of the border by people and vehicles.

Illegal entry, exit, crossing the border, flow of goods, values are punishable, depending on the criminal or administrative internal law of the state. If the state border is violated by a foreign warship or border detachment, measures can be taken to stop the violation or a protest can be declared to a foreign state.

The relations regarding the establishment and protection of borders, their *delimitation* (determining the location and direction of borders), *demarcation* (drawing a border on the ground using border signs), *rectification* (clarification, changing the border line on the ground) are regulated within the framework of the principle of inviolability of borders (Voitsikhovskyy, 2020: 44). The establishment of state borders, the procedure for determining the border on the ground, its regime, the settlement of border incidents, conflicts and mutual assistance, the mode of economic activity in border zones, the use of border rivers — all this is contained in border interstate agreements. Such agreements are accompanied by protocols describing the border, maps with border lines (Voitsikhovskyy, 2020: 44).

Understanding the principle of the inviolability of borders is impossible without disclosing its ties with other principles provided for in the Helsinki Final Act of the Conference on Security and Co-operation in Europe of 1975¹⁹. All of those principles are interconnected. However, the principle of inviolability of borders is characterized by direct interdependence with a number of others. Thus, the principle of sovereign equality of states in the form in which it is formulated cannot be respected without ensuring the inviolability of borders, 'The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence' (Principle I)²⁰. The right of each state to legal equality, territorial integrity, freedom and political independence implies mandatory respect for the sanctity of its territory and, accordingly, the inviolability and stability of its borders. Thus, the principle of inviolability of borders ensures compliance with the state's right to territorial integrity inherent in sovereignty.

On the other hand, the principle of sovereign equality serves to strengthen the principle of inviolability of borders. Legal equality in respect of the sanctity and integrity of the territory means equal rights in respect of the inviolability and stability of the borders of all states. All borders of the states of the European region, the United States and Canada,

¹⁸ *Vienna Convention on Succession of States in respect of Treaties, 1978*. United Nations. Office of Legal Affairs. https://legal.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf.

¹⁹ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.

²⁰ *Helsinki Final Act*. OSCE. <https://www.osce.org/helsinki-final-act>.



that is all the participating States of the Helsinki Final Act, should be equally respected by other States.

The principle of inviolability of borders is most closely related to the principle of territorial integrity, as well as to the principle of non-use of force or threat of force. The very wording *their frontiers can be changed, in accordance with international law, by peaceful means and by agreement* provides for the prohibition of the use of force or the threat of force. At the same time, this provision cannot be interpreted as limiting the content or scope of the principle of inviolability of borders. Many international treaties on borders contain provisions on their changes and the line of passage of borders in a certain area, etc. It is important that these changes take place in strict accordance with the principle of sovereign equality and they are an expression of the will of the state.

The analysis of the legal literature on the issues of observance of the principle of inviolability of borders has shown that the question under study can be considered in relation to the principle of state sovereignty, which is also fundamental in the system of modern international law and interstate relations. The sovereignty of a state implies its inalienable right to pursue domestic and foreign policy within its territorial borders without outside interference, including both independence in decision-making and responsibility for compliance with international obligations and norms. The principle of inviolability of borders complements this concept by providing a legal basis for the protection of territorial integrity. It obliges states to recognise existing internationally recognised borders and refrain from violating them. It is an important condition for maintaining global stability and international law and order (Besson, 2024; Ezenwajiaku, 2017: 20–22; Kubalskiy, 2017).

The interrelation between state sovereignty and the inviolability of borders is that a violation of the territorial integrity of a state through aggression or attempted annexation directly undermines its sovereignty. A violation of the rights to independence and self-determination of one state occurs when another state attempts to change the borders of the first one. The inviolability of borders thus serves to protect the sovereignty of each state, ensuring that its territory and political independence are recognised and respected by other countries. In the global context, this contributes to the maintenance of peace and stability, as it prohibits interference by one state in the sovereign affairs of another (Elden, 2006).

2. Demarcation of borders between Ukraine and the Russian Federation in the context of the collapse of the Soviet Union as a manifestation of the principle of inviolability of borders

The collapse of the Soviet Union and, as a result, the emergence of new independent states in the post-Soviet area led to a change in the structure of the geopolitical space of the world (Czyz, 2021; Leandro, 2023). The newly created Ukrainian state with extreme acuteness faced the problem of resolving the issue of contractual and legal registration of a common state border with the former Soviet republics, which also declared their independence. Based on these geopolitical changes, Ukraine formed the following strategic tasks:



1. The first strategic task was aimed at resolving issues of contractual and legal registration of joint sections of the state border with European countries in a bilateral format, that is, the registration of Ukrainian-Polish, Ukrainian-Romanian, Ukrainian-Slovak and Ukrainian-Hungarian borders.

External borders had to remain as they were inherited from the Soviet Union. Neglecting this principle would lead to a violation of the system of international security and good neighborliness. At the same time, to clarify the territorial western borders of the Ukrainian SSR, *demarcation* was carried out (holding the state border on the ground with its designation by special border signs in accordance with international treaties). The independent Ukraine was carried out *redemarcation* (checking the previously demarcated border with the restoration and repair (replacement) of previous border signs) (Voitsikhovskyi, 2020: 150–151).

2. The second strategic task of ensuring the process of contractual and legal registration of the state border of Ukraine was aimed at the juridical determination of the state border line through *delimitation* (contractual determination of the state border line using large-scale maps) (Voitsikhovskyi, 2020: 44, 150). The delimitation concerned the joint sections of the state border with the newly created states (former Soviet republics): the Russian Federation, the Republic of Belarus and the Republic of Moldova (Derkach, 2013).

The will of the Ukrainian side established the continuity of the state of Ukraine, its territorial succession in the Declaration on State Sovereignty of Ukraine of 1990²¹. This document in Chapter I "Self-Determination of the Ukrainian Nation" enshrined the existence of Ukraine as a sovereign national state within its existing borders, namely, 'the Ukrainian SSR shall develop within the existing borders based on the exercise by the Ukrainian nation of its inalienable right to self-determination'²².

According to Article 2 of the Constitution of Ukraine, 'The territory of Ukraine within its present border is indivisible and inviolable'²³. To ensure the inviolability of borders, neighboring states conclude agreements on the mutual border regime. Ukraine has an agreement with almost all such countries on the mutual border regime and on the development of peaceful cooperation on the borders.

The first interstate document that determined the future relations of the now independent states — Ukraine and the Russian Federation — was the Treaty between the Ukrainian Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic of

²¹ *Declaration of State Sovereignty of Ukraine*. (1990, July 16). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text>.

²² *Declaration of State Sovereignty of Ukraine*. (1990, July 16). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/55-12?lang=en#Text>.

²³ *Constitution of Ukraine*. (1996, June 28). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/254κ/96-bp?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/254κ/96-bp?lang=en#Text>.



November 19, 1990²⁴. Article 6 of the Treaty provides, 'the Parties recognize each other in the borders existing within the USSR'²⁵.

This trend was further developed in the Law of Ukraine "On Succession of Ukraine" of 1991²⁶. In accordance with Article 5 of this Law, 'The state border of the Soviet Union, delimiting the territory of Ukraine from other states, and the border between the Ukrainian SSR and the Belorussian SSR, the RSFSR, the Republic of Moldova as of 16 July 1990, shall be the state border of Ukraine'²⁷.

In the Agreement establishing the Commonwealth of Independent States of 1991²⁸ the guarantees of the CIS member states for the fulfillment of international obligations arising from treaties and agreements of the former USSR were determined, as well as a provision on mutual recognition and respect for the territorial integrity of the member states of the Commonwealth, the inviolability of their borders (Article 5). At the same time, this Agreement was ratified by the Resolution of the Verkhovna Rada of Ukraine "On Ratification of the Agreement establishing the Commonwealth of Independent States" with certain reservations, namely, 'In accordance with Article 5 of the Agreement, the High Contracting Parties recognize and respect the territorial integrity of each other and the inviolability of the state borders existing between them. They guarantee on a reciprocal basis the openness of the state borders existing between them for unhindered contacts of their citizens and the transfer of information within the framework of the Commonwealth, and with this aim they will develop an appropriate legal framework in the near future'²⁹.

It should be noted that the first legislative acts of Ukraine on state borders were:

- The Law of Ukraine "On State Boundary of Ukraine" of 1991. This act normatively defined the concept of the state border of Ukraine as, 'the line and vertical surface passing along this line, which determine the borders of the territory of Ukraine — land, water, subsoil and air of the new space' (Article 1)³⁰;
- Law of Ukraine "On Boundary Troops of Ukraine" of 1991 (was declared invalid on the basis of the Law of Ukraine "On the State Frontier Service of Ukraine" of 2003)³¹. This act determined the main tasks for the border department of Ukraine,

²⁴ *Dohovir mizh Ukrainskoïu Radianskoïu Sotsialistychnoïu Respublikoïu i Rosiïskoïu Radianskoïu Federatyvnoïu Sotsialistychnoïu Respublikoïu*. (1990, November 19). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text.

²⁵ *Dohovir mizh Ukrainskoïu Radianskoïu Sotsialistychnoïu Respublikoïu i Rosiïskoïu Radianskoïu Federatyvnoïu Sotsialistychnoïu Respublikoïu*. (1990, November 19). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text) Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_011?lang=en#Text.

²⁶ *On Succession of Ukraine*. (1991, September 12). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text>.

²⁷ *On Succession of Ukraine*. (1991, September 12). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1543-12?lang=en#Text>.

²⁸ *Uhoda pro stvorennia Spivdruzhnosti Nezaleznykh Derzhav*. (1991, December 8). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/997_077?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/997_077?lang=en#Text.

²⁹ *Pro ratyfikatsiiu Uhody pro stvorennia Spivdruzhnosti Nezaleznykh Derzhav*. (1991, December 10). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1958-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1958-12?lang=en#Text>.

³⁰ *On State Boundary of Ukraine*. (1991, November 4). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1777-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1777-12?lang=en#Text>.

³¹ *On the State Frontier Service of Ukraine*. (2003, April 3). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/661-15?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/661-15?lang=en#Text>.



‘ensuring the inviolability of the state border of Ukraine on land, sea, rivers, lakes and other reservoirs of Ukraine, as well as protecting the exclusive (maritime) economic zone of Ukraine’ (Article 1)³².

The mentioned legal acts defined the conceptual priorities of the state, which aimed to ensure the sovereignty and territorial integrity of Ukraine on the basis of established principles of international law: the principle of territorial integrity, the principle of inviolability of borders, the principle of sovereign equality of states, the principle of equal rights and self-determination of peoples, the principle of peaceful solving of international disputes, the principle of non-interference in internal affairs, the principle of non-use of force or threat of force, the principle of cooperation, the principle of fair implementation of international obligations (Voitsikhovskiy, 2020: 26–52).

With the adoption of basic legal acts on state borders, which determined the main priorities and national interests of Ukraine in the field of state border security, there was an urgent need to conduct a negotiation process with neighboring countries on issues of contractual and legal registration of the state border.

The most problematic was the issue of determining the borders with the Russian Federation, given the destructive position of the Russian government.

The length of the common section of the Ukrainian-Russian state border is 2295.04 km. The length of the land part of the Ukrainian-Russian border is 1974.04 km and it is the largest in comparison with other neighboring states. The length of the sea section is 321 km (Derkach, 2013).

The statement of the Verkhovna Rada of Ukraine regarding the conclusion by Ukraine of the Agreement establishing the Commonwealth of Independent States of 1991 contains the provision, ‘The border between Ukraine, on the one hand, and Russia and Belarus, on the other, is the state border of Ukraine, which is inviolable. The line of its passage is determined by the Treaty between Ukraine and Russia of 1990 and remains unchanged regardless of whether Ukraine is a party to the Agreement or not’ (Paragraph 6)³³.

Memorandum on cooperation in the protection of state borders of Ukraine, the Republic of Belarus, the Russian Federation of 1994³⁴ essentially showed the interest of the parties ‘in ensuring a stable position on their state borders... inviolability and openness of state borders’ and also showed the readiness of the parties for a constructive dialogue on the legal design of state borders. As it became clear later, only Belarus and Moldova expressed such readiness. By that time, Russia’s position on resolving the Crimean issue was already contrary to the Ukrainian one.

Speculation about the Crimea as a whole is not only an interference in the internal affairs of Ukraine, but also contradicts the provisions of the Memorandum on security assurances

³² *Pro prykordonni viiska Ukrainy*. (1991, November 4). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/1779-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/1779-12?lang=en#Text>.

³³ *Zaiava Verkhovnoi Rady Ukrainy z pryvodu ukladennia Ukrainoiu Uhody pro spivdruzhnist nezaleznykh derzhav*. (1991, December 20). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/2003-12?lang=en#Text). Legislaton of Ukraine. <https://zakon.rada.gov.ua/laws/show/2003-12?lang=en#Text>.

³⁴ *Memorandum pro spivrobotnytstvo v okhoroni derzhavnykh kordoniv Ukrainy, Respubliki Bilorus, Rosiiskoi Federatsii*. (1994, April 15). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/998_001?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/998_001?lang=en#Text.



in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons (Budapest Memorandum) of 1994, according to which, 'the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of Ukraine' (Paragraph 1)³⁵.

For a long time, the Russian Federation did not recognize the administrative and territorial borders between the former UkrSSR and the RSFSR. It was only in 1996 that some progress in this process began, when the Protocol on joint border and customs control at checkpoints across the state border between Ukraine and the Russian Federation of 1996 was signed³⁶.

Since then, the following bilateral documents had been approved between Ukraine and Russia, certifying the contractual and legal registration of the common state border:

- Treaty of Friendship, Cooperation and Partnership between Ukraine and the Russian Federation of 1997, which determines that, 'the High Contracting Parties, in accordance with the provisions of the UN Charter and the obligations under the Final Act of the Conference on Security and Co-operation in Europe, respect each other's territorial integrity and confirm the inviolability of the borders existing between them' (Article 2). Also 'the High Contracting Parties build relations with each other on the basis of the principles of mutual respect for sovereign equality, territorial integrity, inviolability of borders, peaceful settlement of disputes, non-use of force or threat of force'(Article 3)³⁷;
- Agreement between Ukraine and the Russian Federation on the Ukrainian-Russian State Border of 2003, which completed the delimitation of the land section of the Ukrainian-Russian state border³⁸;
- Agreement between Ukraine and the Russian Federation on Cooperation in the Use of the Sea of Azov and the Kerch Strait of 2003, which stipulates that, 'The Sea of Azov and the Kerch Strait are historically internal waters of Ukraine and the Russian Federation. The Sea of Azov is delimited by the state border line in accordance with the agreement between the Parties. Settlement of issues related to the waters of the Kerch Strait is carried out by agreement between the Parties' (Article 1)³⁹;

³⁵ *Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons*. (1994, December 5). UN Treaty Collection. <https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280401fbb>.

³⁶ *Protokol pro spilnyi prykordonnyi ta mytnyi kontrol v punktakh propusku cherez derzhavnyi kordon mizh Ukrainoiu i Rosiiskoiu Federatsiieiu*. (1996, January 29). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_202?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_202?lang=en#Text.

³⁷ *Dohovir pro druzhbu, spivrobitnytstvo i partnerstvo mizh Ukrainoiu i Rosiiskoiu Federatsiieiu*. (1997, May 31). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_006?lang=en#Text). [Legislaton of Ukraine](https://zakon.rada.gov.ua/laws/show/643_006?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_006?lang=en#Text.

³⁸ *Dohovir mizh Ukrainoiu i Rosiiskoiu Federatsiieiu pro ukrainsko-rosiiskyy derzhavnyi kordon*. (2003, January 28). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_157?lang=en#Text). [Legislaton of Ukraine](https://zakon.rada.gov.ua/laws/show/643_157?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_157?lang=en#Text.

³⁹ *Dohovir mizh Ukrainoiu ta Rosiiskoiu Federatsiieiu pro spivrobitnytstvo u vykorystanni Azovskoho moria i Kerchenskoj protoky*. (2003, December 24). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_205?lang=en#Text). [Legislaton of Ukraine](https://zakon.rada.gov.ua/laws/show/643_205?lang=en#Text). https://zakon.rada.gov.ua/laws/show/643_205?lang=en#Text.



- Agreement between Ukraine and the Russian Federation on the Demarcation of the Ukrainian-Russian State Border of 2010, which determines that, 'the Parties will demarcate the Ukrainian-Russian state border established by the Agreement between Ukraine and the Russian Federation on the Ukrainian-Russian State Border of January 28, 2003' (Article 1), as well as 'to designate the Ukrainian-Russian state border on the ground and prepare demarcation documents, the Parties form the Joint Ukrainian-Russian Demarcation Commission' (Article 2)⁴⁰;
- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on Measures to Ensure the Safety of Navigation in the Sea of Azov and the Kerch Strait of 2012, which provides that, 'nothing in this Agreement affects the issue of delimitation of maritime spaces between Ukraine and the Russian Federation and does not harm their positions in this regard' (Article 6)⁴¹.

The only issue that remains unresolved today is the issue of delimitation of the offshore section of the Ukrainian-Russian state border and the delimitation of the continental shelf and the exclusive (maritime) economic zones of Ukraine and Russia in the Black Sea. Thus, the Russian Federation remains the only neighboring state of Ukraine, with which the necessary international agreements and agreements on delimitation of the common border in the Azov-Kerch water area have not yet been concluded (Derkach, 2013).

3. Violation of the principle of inviolability of borders in the context of the armed conflict between Ukraine and the Russian Federation

The collapse of the Soviet Union necessitated the establishment of borders between the former republics. This process took place in accordance with the rule of 'uti possidetis', the modern understanding of which was fixed in determining the boundaries of the new independent states during the mass decolonization after World War II.

It should be noted that the independence of Ukraine served as a catalyst for the emergence and further development of anti-Ukrainian sentiments in Russian politics, and subsequently anti-Ukrainian sentiments among certain segments of the population of the Russian Federation (public figures, scientists, political scientists, representatives of culture and media, etc.).

Russia's political elite began to develop the idea that Ukraine should not remain independent and should be annexed⁴² by the Russian Federation, because supposedly Ukraine as a state has no geopolitical significance (Cavandoli, Wilson, 2022).

⁴⁰ *Uhoda mizh Ukrainoiu i Rosiiskoiu Federatsiieiu pro demarkatsiiu ukrainsko-rosiiskoho derzhavnogo kordonu.* (2010, May 17). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_365?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_365?lang=en#Text.

⁴¹ *Uhoda mizh Kabinetom Ministriv Ukrainy ta Uriadom Rosiiskoi Federatsii pro zakhody shchodo zabezpechennia bezpeky moreplavstva v Azovskomu mori ta Kerchenskii prototsi.* (2012, March 20). [Verkhovna Rada of Ukraine](https://zakon.rada.gov.ua/laws/show/643_409?lang=en#Text). Legislaton of Ukraine. https://zakon.rada.gov.ua/laws/show/643_409?lang=en#Text.

⁴² Forcible acquisition by the state of all or part of the territory of another state or nation unilaterally. According to modern international law, annexation is one of the types of aggression and entails international legal responsibility.



In view of this, the foreign policy strategy of the Russian authorities was aimed at expanding influence on Ukraine, which grew into the form of a hybrid warfare⁴³. Such a war is primarily aimed at information support of the separatist movement in the East of Ukraine, weakening the control of the central government, creating security and economic problems, etc. (Mumford, Carlucci, 2022).

One of the tools of the hybrid warfare was the armed aggression of the Russian Federation against Ukraine, aimed at violating the territorial integrity and state borders by conquering Ukrainian territories (Malyarenko, Kormych, 2023: 2).

The implementation of Russia's aggressive plan against Ukraine can be traced in the following successive stages:

- 1) Russian armed invasion of Crimea in February–March 2014 (with the subsequent annexation of the peninsula by Russia on February 20, 2014);
- 2) the war in the East of Ukraine (Donbas) since April 2014, which began with the creation of the so-called Donetsk People's Republic and Lugansk People's Republic;
- 3) Russia's large-scale armed invasion of Ukraine on February 24, 2022, which began after Russia recognized the puppet formations of the DPR and LPR, and subsequently their accession.

Since 2014, the Russian Federation has grossly violated all the basic principles of international law, numerous international obligations, as well as the obligations of "erga omnes"⁴⁴. Among the most dangerous is the neglect of the principle of inviolability of borders. So called "joining" of the Crimean peninsula was the first act of annexation committed in the region not only after the consolidation of the principle of inviolability of the borders of the states of the continent as an imperative norm of international law, but in general after the end of the World War II, which began in a similar way.

Having annexed the Autonomous Republic of Crimea, and subsequently parts of Donetsk, Luhansk, Kherson and Zaporizhzhya regions, the Russian Federation neglects all obligations arising from the principle of inviolability of borders: (a) to recognize the inviolability of borders of all European states; (b) to renounce any territorial claims or actions aimed at the occupation of part or all of the territory of any state; (c) to abandon any encroachment on existing borders; (d) to change their borders only with the mutual consent of the states concerned and in accordance with the provisions of international law.

Russia violates the prohibition established by this principle of any territorial claims, claims on borders, initiation, incitement, support of separatist ideas and movements, any other attempts to revise borders and violations of international agreements on existing borders

⁴³ The kind of escalation of conflicts inherent in the 21st century, combining the use of state and non-state, traditional and non-traditional strategies, resources, means, methods of subversive activities, mechanisms of cyber warfare in order to achieve certain political goals.

⁴⁴ The international legal concept of obligations "erga omnes" arose in connection with the need to ensure the common interests of mankind, which form the basis of its existence, and therefore require special mechanisms of protection. The content of the concept boils down to the fact that obligations to the international community as a whole are universal and every state is interested in ensuring them.



in Europe (Mahmutovic, 2023). Russian actions return to the times of pressure and, aimed at reviving revanchist ideas about territories and borders, similar to diktat those that led to the outbreak of World War II. It contains the signs of all acts that are directly prohibited by the principle of inviolability of borders (Ellison et al., 2023).

The violation by the Russian Federation of the principle of inviolability of borders is beyond doubt and has been confirmed by the world community in a number of documents of many influential international organizations and institutions.

Given the subject matter of this study and the current international legal context, the question of Ukraine's actions in case of seizure of part of the territory of the Kursk region of the Russian Federation should be considered through the prism of Article 51 of the UN Charter, which grants the right to self-defence⁴⁵. This document, which is the basis of the modern system of international law, establishes that any state has the 'the inherent right of individual or collective self-defence if an armed attack occurs'. This right exists until the UN Security Council takes the necessary measures to maintain international peace and security (Reyes Parra, 2021).

The application of this rule justifies Ukraine's actions in a situation where it conducts defensive operations in the Kursk region in the context of self-defence against Russian aggression. The armed conflict, which began with the Russian Federation's attack on Ukraine in 2014 and its subsequent full-scale invasion in 2022, is a clear violation of the fundamental principles of international law, in particular the inviolability of borders, the territorial integrity of Ukraine, and the non-use or threat of force. In response to this attack, Ukraine is exercising its right to self-defence under Article 51 of the UN Charter.

It is important to note that Ukraine's actions are not aimed at violating Russia's sovereignty or illegally annexing its territory. The seizure of part of the Kursk region by the Ukrainian defence forces is not a desire for permanent control over this territory, but a tactical necessity as part of a self-defence operation. In this regard, President of Ukraine Volodymyr Zelenskyi said that Ukraine does not intend to occupy the Kursk region of Russia, and the operation of the Armed Forces of Ukraine in the region only prevents Russians from creating a buffer zone on Ukrainian territory. Ukraine's actions are aimed at neutralising the threat posed by the aggressor and minimising the damage it causes to its sovereignty and territorial integrity (Horova , 2024).

From the standpoint of international law, the right to self-defence, in accordance with Article 51 of the UN Charter, provides that a state may respond to an armed attack by all necessary means, including temporary military presence on the aggressor's territory, if necessary to protect against further attacks. It is important to emphasise that any defensive actions should be proportionate and aimed at restoring peace and stability, and not at violating the sovereignty of another state (Kovalenko, Gusiev, 2024; O'Meara, 2024).

In view of the above, Ukraine, in exercising its right to self-defence, does not violate the principle of inviolability of borders, territorial integrity and state sovereignty of the

⁴⁵ *United Nations Charter (full text)*. United Nations. <https://www.un.org/en/about-us/un-charter/full-text>.



Russian Federation. Its actions are a response to aggression and are aimed at protecting its sovereignty and territorial integrity, not aggression or expansion.

4. The international community's reaction to Russia's aggression against Ukraine as a response to the violation of the principle of inviolability of borders

Highlighting the efforts of international organizations to condemn Russia's violation of the principle of inviolability of borders and to take measures to stop the unprovoked Russian aggression against Ukraine, we should start with the activities of the United Nations in this context, since it is the most influential universal international organization.

The first UN document adopted immediately after Russia's occupation of the Autonomous Republic of Crimea was the UN General Assembly Resolution A/RES/68/262 "Territorial Integrity of Ukraine" (March 27, 2014)⁴⁶. This document became the basis of further international legal acts expressing concern about the armed aggression of the Russian Federation against Ukraine, especially its violation of the principles of inviolability of borders and territorial integrity. By this resolution, UN Member States condemned the Russian armed invasion of Crimea and its occupation, called upon all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine, including any attempts to modify Ukraine's borders through the threat or use of force or other unlawful means; called upon all States, international organizations and specialized agencies not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol on the basis of the referendum held in the Autonomous Republic of Crimea and the city of Sevastopol on 16 March 2014 on the entry of Crimea into Russia as a subject of the Russian Federation, and to refrain from any action or dealing that might be interpreted as recognizing any such altered status⁴⁷.

Its Resolution A/RES/71/205 "The human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)" (December 19, 2016) the General Assembly, "...Reaffirming the responsibility of States to respect international law, including the principle that all States shall refrain from the threat or use of force against the territorial integrity or political independence of any State and from acting in any other manner inconsistent with the purposes of the United Nations... Recalling its resolution 68/262 of 27 March 2014 on the territorial integrity of Ukraine, in which it affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders... Condemning the temporary occupation of part of the territory of Ukraine – the Autonomous Republic of Crimea and

⁴⁶ *Territorial integrity of Ukraine: UN General Assembly Resolution A/RES/68/262 dated 27/03/2014.* <https://www.un.org/en/ga/68/resolutions.shtml>.

⁴⁷ *Territorial integrity of Ukraine: UN General Assembly Resolution A/RES/68/262 dated 27/03/2014.* Resolutions of the 68th Session – UN General Assembly. United Nations. <https://www.un.org/en/ga/68/resolutions.shtml>.



the city of Sevastopol (hereinafter "Crimea") – by the Russian Federation, and reaffirming the non-recognition of its annexation⁴⁸.

Unfortunately, we must state that the war unleashed by Russia against Ukraine once again showed the inability of the UN not only to prevent new conflicts, but also to stop existing ones. The work of the organization, created at one time to maintain peace and security, is paralyzed by a state that abuses its veto in the UN Security Council and tries to influence member states in making decisions in UN bodies regarding Russian aggression against Ukraine (Peters, 2023). Thus, the political involvement of the UN is limited only to the adoption of resolutions by the General Assembly and the Security Council (on violation of the inviolability of borders, territorial integrity, international humanitarian law, etc.).

An example of the UN's limited ability by the right of veto of the Russian Federation in the UN Security Council to take more decisive actions to establish peace in Ukraine is the veto on February 25, 2022. The Russian Federation used the right of veto on the draft resolution condemning the act of Russian aggression, immediate ceasefire and bringing Russia to justice. However, in response to this brazen behavior of Russia, on February 27, 2022 UN Security Council adopted the Resolution 2623 (2022) on calling an emergency special session of the General Assembly on this issue. The result of the extraordinary special session of the General Assembly was the adoption of resolutions that, among other things, contained statements of commitment of Member States to support the sovereignty, independence, unity and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters, namely: Resolution A/RES/ES-11/1 "Aggression against Ukraine" on March 2, 2022⁴⁹, Resolution A/RES/ES-11/2 "Humanitarian consequences of aggression against Ukraine" on March 24, 2022⁵⁰, Resolution A/RES/ES-11/3 "Suspension of the rights of the Russian Federation's membership in the Human Rights Council" on April 7, 2022⁵¹, Resolution A/RES/ES-11/5 "Furtherance of remedy and reparation for aggression against Ukraine" on November 14, 2022⁵², Resolution A/RES/ES-11/6 "Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine" on February 23, 2023⁵³.

⁴⁸ *Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine): UN General Assembly Resolution A/RES/71/205 dated 19/12/2016.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F71%2F205&Language=E&DeviceType=Desktop&LangRequested=False>.

⁴⁹ *Aggression against Ukraine: UN General Assembly Resolution ES-11/1 dated 02/03/2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F1&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵⁰ *Humanitarian consequences of the aggression against Ukraine: UN General Assembly Resolution ES-11/2 dated 24/03/2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F2&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵¹ *Suspension of the rights of membership of the Russian Federation in the Human Rights Council: UN General Assembly Resolution ES-11/3 dated 07.04.2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F3&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵² *Furtherance of remedy and reparation for aggression against Ukraine: UN General Assembly Resolution ES-11/5 dated 14.11.2022.* United Nations. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2FES-11%2F5&Language=E&DeviceType=Desktop&LangRequested=False>.

⁵³ *Principles of the Charter of the United Nations underlying a comprehensive, just and lasting peace in Ukraine: UN General Assembly Resolution ES-11/6 dated 23.02.2023.* United Nations. <https://documents.un.org/doc/undoc/gen/n23/063/07/pdf/n2306307.pdf?token=uCHVYSsKUOK1dyDwDT&fe=true>.



As a significant diplomatic reaction to Russia's invasion of Ukraine since 2014 was the approval of an equally influential regional international organization – The Council of Europe – a number of documents in which member states expressed categorical condemnation of Russian aggression against Ukraine as a gross violation of international law, certified their unwavering support for the sovereignty, independence and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters (Andžāns, 2023: 147). Among them should be noted the Decision of the Committee of Ministers of the Council of Europe "Situation in Ukraine" on March 20, 2014⁵⁴, Parliamentary Assembly of the Council of Europe (PACE) Resolution 1988 (2014) "Recent developments in Ukraine: threats to the functioning of democratic institutions" on April 9, 2014⁵⁵, PACE Resolution 1990 (2014) "Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation" on April 10, 2014⁵⁶, PACE Resolution 2259 (2019) "The escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security" on January 24, 2019⁵⁷, Decision of the Committee of Ministers of the Council of Europe CM/Del/Dec(2019)129/2 "A shared responsibility for democratic security in Europe" on May 17, 2019⁵⁸, PACE Opinion 300 (2022) "Consequences of the Russian Federation's aggression against Ukraine" on March 15, 2022⁵⁹, PACE Resolution 2463 (2022) "Further escalation in the Russian Federation's aggression against Ukraine" on October 13, 2022⁶⁰, PACE Resolution 2482 (2023) "Legal and human rights aspects of the Russian Federation's aggression against Ukraine" on January 26, 2023⁶¹, PACE Resolution 2506 (2023) "Political consequences of the Russian Federation's war of aggression against Ukraine" on June 22, 2023⁶², PACE Resolution

⁵⁴ **Situation in Ukraine:** Decision of the Committee of Ministers of the Council of Europe dated 2/03/2014. Committee of Ministers of the Council of Europe. https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c615f.

⁵⁵ *Recent developments in Ukraine: threats to the functioning of democratic institutions: Resolution 1988 (2014) of the Parliamentary Assembly of the Council of Europe dated 09/04/2014.* Parliamentary Assembly. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=20873&lang=en>.

⁵⁶ *Reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation: Resolution 1990 (2014) of the Parliamentary Assembly of the Council of Europe dated 10/04/2014.* Parliamentary Assembly. <http://assembly.coe.int/nw/xml/xref/xref-xml2html-en.asp?fileid=20882>.

⁵⁷ *The escalation of tensions around the Sea of Azov and the Kerch Strait and threats to European security: Resolution 2259 (2019) of the Parliamentary Assembly of the Council of Europe dated 24/01/2019.* Parliamentary Assembly. <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=25419>.

⁵⁸ **A shared responsibility for democratic security in Europe: Decision of the Committee of Ministers of the Council of Europe CM/Del/Dec(2019)129/2 dated 17/05/2019.** Committee of Ministers. <https://rm.coe.int/090000168094787e>.

⁵⁹ *Consequences of the Russian Federation's aggression against Ukraine: Opinion 300 of the Parliamentary Assembly of the Council of Europe dated 15/03/2022.* Parliamentary Assembly. <https://pace.coe.int/en/files/29885/html>.

⁶⁰ *Further escalation in the Russian Federation's aggression against Ukraine: Resolution 2463 (2022) of the Parliamentary Assembly of the Council of Europe dated 13/10/2022.* Parliamentary Assembly. <https://pace.coe.int/en/files/31390/html>.

⁶¹ *Legal and human rights aspects of the Russian Federation's aggression against Ukraine: Resolution 2482 (2023) of the Parliamentary Assembly of the Council of Europe dated 26/01/2023.* Parliamentary Assembly. <https://pace.coe.int/en/files/31620/html>.

⁶² *Political consequences of the Russian Federation's war of aggression against Ukraine: Resolution 2506 (2023) of the Parliamentary Assembly of the Council of Europe dated 22/06/2023.* Parliamentary Assembly. <https://pace.coe.int/en/files/32994/html>.



2516 (2023) "Ensuring a just peace in Ukraine and lasting security in Europe" on October 12, 2023⁶³, etc.

Since 2014 in response to the acts of aggression of the Russian Federation against Ukraine official representatives of the bodies and institutions of the European Union have systematically expressed absolute solidarity with the Ukrainian people, demonstrating their commitment to the principles of independence and sovereignty, as well as the principles of territorial integrity and inviolability of borders.

In response to Russian aggression against Ukraine, the illegal annexation of the Autonomous Republic of Crimea and Donetsk, Luhansk, Kherson and Zaporizhzhia regions, as well as human rights violations in these territories, since March 2014 the European Union has been gradually introducing sanctions against the Russian Federation (Bilkova, 2023). These measures are aimed at weakening Russia's economic base, separating it from critical technologies and markets in order to significantly limit its ability to conduct an aggressive war against Ukraine⁶⁴.

The commitment not to recognize the annexation of the Crimean peninsula was first approved at a meeting of the European Council on March 2014. Since then, the European Council has repeatedly confirmed this position in its documents, namely: the Conclusions of the European Council of the EU EUCO 11/15 on March 20, 2015⁶⁵, the Conclusions of the European Council of the EU EUCO 7/1/14 on March 21, 2014⁶⁶, the Conclusions of the European Council of the EU 789/18 on December 14, 2018⁶⁷, the Joint press release following the 7th Association Council meeting between the EU and Ukraine on February 11, 2021⁶⁸, etc.

In the conclusions of the European Council on Ukraine dated October 31, 2023⁶⁹ and December 14, 2023⁷⁰ the European Union strongly condemns Russia's aggressive war against Ukraine, which is a gross violation of the UN Charter, and reaffirms its unwavering support for Ukraine's independence, sovereignty and territorial integrity within its

⁶³ *Ensuring a just peace in Ukraine and lasting security in Europe: Resolution 2516 (2023) of the Parliamentary Assembly of the Council of Europe dated 12/10/2023.* Parliamentary Assembly. <https://pace.coe.int/en/files/33142/html>.

⁶⁴ *EU restrictive measures against Russia over Ukraine (since 2014).* European Council. Council of the European Union. <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/#sanctions>.

⁶⁵ *European Council meeting (19 and 20 March 2015) – Conclusions EUCO 11/15.* European Council. European Council. Council of the European Union. <https://www.consilium.europa.eu/media/21888/european-council-conclusions-19-20-march-2015-en.pdf>.

⁶⁶ *European Council 20/21 March 2014 Conclusions EUCO 7/1/14.* European Council. Council of the European Union. https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/141749.pdf.

⁶⁷ *European Council conclusions, 13–14 December 2018.* European Council. Council of the European Union. <https://www.consilium.europa.eu/en/press/press-releases/2018/12/14/european-council-conclusions-13-14-december-2018/pdf>.

⁶⁸ *Joint press release following the 7th Association Council meeting between the EU and Ukraine.* (2021, February 11). European Council. Council of the European Union. <https://www.consilium.europa.eu/en/press/press-releases/2021/02/11/joint-press-statement-following-the-7th-association-council-meeting-between-the-eu-and-ukraine/>.

⁶⁹ *European Council meeting: Conclusions on Ukraine.* (2023, October 31). Delegation of the European Union to Ukraine. https://www.eeas.europa.eu/delegations/ukraine/european-council-meeting-conclusions-ukraine_en?s=232.

⁷⁰ *European Council conclusions on Ukraine, enlargement and reforms.* (2023, December 14). European Council. Council of the European Union. <https://www.consilium.europa.eu/en/press/press-releases/2023/12/14/european-council-conclusions-on-ukraine-enlargement-and-reforms/>.



internationally recognized borders and the inalienable right to self-defense against Russian aggression. At the same time, the European Council recalls its previous conclusions and the EU unwavering commitment to continue to provide strong political, financial, economic, humanitarian, military and diplomatic support to Ukraine and its people as long as necessary.

Additionally, we should note the decisions of the Organization for Security and Cooperation in Europe (OSCE) in which it approved the support of the territorial integrity of Ukraine within its internationally recognized borders. Particular attention should be paid to the Resolution of the OSCE Parliamentary Assembly "Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation" on July 1, 2014⁷¹, in which the participating States reaffirmed their commitment to the principles of the OSCE, in particular the principles of the inviolability of borders and territorial integrity of states. At the same time, the OSCE Parliamentary Assembly declared, 'unequivocal support for the sovereignty, political independence, unity and territorial integrity of Ukraine as defined by the country's Constitution and within its internationally recognized borders'⁷². It was noted to the Russian Federation as a participating State of the OSCE that it was obliged to respect the Principles guiding relations between participating States as contained in the Helsinki Final Act.

Condemning the aggressive war of the Russian Federation against Ukraine as a clear, gross and unjustified violation of the Helsinki Principles, the OSCE Parliamentary Assembly adopted a Resolution "The destabilizing military build-up by the Russian Federation near Ukraine, in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, the Black sea and the sea of Azov" on July 6, 2021⁷³, Resolution "The Russian Federation's war of aggression against Ukraine and its people, and its threat to security across the OSCE region" on July 6, 2022⁷⁴, Resolution "OSCE and OSCE Parliamentary Assembly credibility in the face of continued Russian aggression against Ukraine" on July 4, 2023⁷⁵, as well as the Resolution "Clarifying the consequences

⁷¹ Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation from. In *Baku declaration and resolutions adopted by the OSCE Parliamentary assembly at the twenty-third annual session* (Baku, 28 June to 2 July 2014). OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>.

⁷² Clear, gross and uncorrected violations of Helsinki principles by the Russian Federation from. In *Baku declaration and resolutions adopted by the OSCE Parliamentary assembly at the twenty-third annual session* (Baku, 28 June to 2 July 2014). OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>.

⁷³ *The destabilizing military build-up by the Russian Federation near Ukraine, in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, the Black sea and the sea of Azov*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2021-remote-session/urgency-items/4235-the-destabilizing-military-build-up-by-the-russian-federation-near-ukraine-in-the-temporarily-occupied-autonomous-republic-of-crimea-and-the-city-of-sevastopol-ukraine-the-black-sea-and-the-sea-of-azov/file>.

⁷⁴ The Russian Federation's war of aggression against Ukraine and its people, and its threat to security across the OSCE region. In *Birmingham Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-ninth Annual Session Birmingham, 2-6 July 2022*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2022-birmingham/4409-birmingham-declaration-eng/file>.

⁷⁵ OSCE and OSCE Parliamentary assembly credibility in the face of continued Russian aggression against Ukraine. In *Vancouver Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Thirtieth Annual Session Vancouver, 30 June - 4 July 2023*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2023-vancouver/declaration-29/4744-vancouver-declaration-eng/file>.



of the Russian Federation's aggression against Ukraine in terms of adherence to OSCE principles" on July 4, 2023⁷⁶. In these documents the participating States once again expressed unequivocal support for the independence, sovereignty and territorial integrity of Ukraine, and also demanded that Russia withdraw its armed forces from all territories of Ukraine.

At the present stage, we can confidently say that the international community recognizes the facts of violation by the Russian Federation of the basic principles and obligations provided by the Organization for Security and Co-operation in Europe in connection with large-scale armed aggression against Ukraine, illegal annexation of Ukrainian territories (Autonomous Republic of Crimea, Donetsk, Lugansk, Kherson and Zaporizhzhya regions) and the use of OSCE tools for activities within the Organization to counter Russian aggression is one of the priorities of Ukraine in the OSCE.

Conclusions

Summarizing, it should be noted that the formation of certain aspects of the normative content of the principle of inviolability of borders preceded its recognition as a structurally completed basic principle of international law. The institutionalization of this principle changes and adopts in accordance with the challenges arising at a particular historical stage in the development of international relations. Today the principle of inviolability of borders, given the codification with the participation of international organizations representing the main legal systems of the world, is a universal principle of modern international law.

As noted, Europe went through an extremely difficult and long path, during which there were numerous wars for territory, which led to significant human tragedies, before the principle of the inviolability of borders, along with the principle of territorial integrity, established themselves as the basis of peace and security on the continent. Despite the great efforts of states and international organizations aimed at establishing and strengthening these principles, the aggressive actions of the Russian Federation against Ukraine threaten not only the future of Europe, but the whole world.

Russia's aggression returns the world to the time of forceful seizure of territories on the basis of revanchist ideas and can become an example for other states to commit acts of aggression, relying solely on their own ideas about the belonging of certain territories of any sovereign state. This can lead to serious armed conflicts and the destruction of the existing system of international law and order, based on the recognition of such international legal principles as the inviolability of borders, territorial integrity and state sovereignty.

Thus, Russian aggression poses significant challenges for the international community. The events that began in 2014, in particular the annexation of Crimea, Donetsk, Luhansk,

⁷⁶ Clarifying the consequences of the Russian Federation's aggression against Ukraine in terms of adherence to OSCE principles. In *Vancouver Declaration and Resolutions Adopted by the OSCE Parliamentary Assembly at the Thirtieth Annual Session Vancouver, 30 June - 4 July 2023*. OSCE PA. <https://www.oscepa.org/en/documents/annual-sessions/2023-vancouver/declaration-29/4744-vancouver-declaration-eng/file>.



Kherson and Zaporizhzhya regions, indicate that the problem of ensuring international peace and security is critical for the international community. In this context, it is extremely important to preserve the inviolability of state borders.

Taking into account the danger of Russian aggression against Ukraine and the imposition of sanctions against the aggressor state, the provision of powerful political, financial, economic, humanitarian, military and diplomatic support to Ukraine testify to the resolute desire of the international community to protect the principles of international law that are under threat. Historical experience shows that joint actions of states and international organizations should be intensified as much as possible, since the policy of appeasing the aggressor can only lead to the continuation of illegal actions and further escalation.

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SPOILS OF THE PAST: MEMORY DIPLOMACY IN THE RUSSO-UKRAINIAN CONFLICT

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Abstract

In the context of the Russo-Ukrainian conflict, this article draws from the conceptual framework of memory diplomacy to explore how memory has been employed in Russian and Ukrainian diplomacy since 2022 and what international goals its use aims to achieve. Previous research has continuously shown how memory is instrumentalised in domestic politics, but its employment to achieve international goals has only recently become an object of study. Nevertheless, memory diplomacy offers a valuable addition for interpreting the diplomatic practices of both Ukraine and Russia when viewed through the constructivist framework of International Relations. This research is based on a content discourse analysis of speeches and official statements from both countries, with regard to interpretations of the past, since 2022. It concludes that conflicting memories are built and employed by both parties to serve their international goals.

Keywords

Russia, Ukraine, Memory Diplomacy, Memory Studies, Diplomacy, War.



Resumo

No contexto do conflito russo-ucraniano, este artigo baseia-se no quadro concetual da diplomacia da memória para explorar a forma como a memória tem sido utilizada na diplomacia russa e ucraniana desde 2022 e quais os objetivos internacionais que a sua utilização pretende alcançar. A investigação anterior tem mostrado continuamente como a memória é instrumentalizada na política interna, mas o seu emprego para atingir objetivos internacionais só recentemente se tornou um objeto de estudo. No entanto, a diplomacia da memória oferece um complemento valioso para a interpretação das práticas diplomáticas da Ucrânia e da Rússia, quando analisadas através do quadro construtivista das Relações Internacionais. Esta investigação baseia-se numa análise de conteúdo discursiva de discursos e declarações oficiais de ambos os países, no que respeita a interpretações do passado, desde 2022. Conclui-se que memórias conflituosas são construídas e utilizadas por ambas as partes para servir os seus objetivos internacionais.

Palavras-chave

Rússia, Ucrânia, Diplomacia da Memória, Estudos sobre a Memória, Diplomacia, Guerra.

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SPOILS OF THE PAST: MEMORY DIPLOMACY IN THE RUSSO-UKRAINIAN CONFLICT

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Introduction

2014 saw armed conflict re-entering the European continent through the Crimean Peninsula. Since 2022, the escalation of the conflict between Russia and Ukraine has left politicians, scholars, and civil society concerned about the dimensions of the war and the seemingly irreconcilable views of the parties involved. Despite the media coverage of and academic attention received by the conflict, the employment of memory in the diplomatic discourse issued by each side has yet to be analysed. The role of memory is usually overlooked in International Relations scholarship (Wang, 2015). When considered, the use of memory is typically studied in domestic contexts – especially its role in upholding identity and political legitimacy (Hobsbawm & Terence, 1983). However, it has been shown that countries also employ constructed memories to achieve their foreign policy goals, which are reflected in official texts, speeches, and diplomatic documents (Bachleitner, 2018). Indeed, Singh (2023) argues that the state “needs constructing” (p.45) to legitimise its actions and its identity not only towards their domestic public, but also in relation to other countries. In turn, collective memories are crucial in the construction of the state’s self and collective identities (Bachleitner, 2021).

This paper aims to explore how memory has been employed in Russian and Ukrainian diplomatic practices and what international goals its use aims to achieve, through a content discourse analysis of speeches and official statements from both countries issued since 2022. Following analysis, these will be interpreted and discussed to draw conclusions using the framework of constructivism.

The research begins with an overview of existing literature on memory diplomacy, serving as a basis for the subsequent analysis and discussion. The next section reviews previous research on the history of both countries and the historical narratives present in their official national memories. The paper then proceeds to examine political statements and public speeches delivered by key political actors, firstly from Russia and then from



Ukraine. Finally, it will dissect and interpret these diplomatic acts and compare them. The role of the narratives found in the conflict's development will be discussed, as well as the possible international goals and outcomes for the parties involved, using the constructivist framework as a backdrop. The findings will be further summarised in the final section.

Memory Diplomacy

Scholars have recently begun to explore how memory influences and is actively employed in a state's foreign policy (Wang, 2015; Bachleitner, 2018; Clarke & Duber, 2018; McGlynn & Đureinović, 2022; Klymenko & Siddi, 2022).

States' use of collective memory is always selective because it "...manipulat[es] certain bits of the national past, suppressing others, elevating still others in an entirely functional way" (Said, 2000, p. 179). In the same way that states (re)construct an official national memory to pursue domestic goals, they also do so to achieve their foreign policy goals, often with a different memory from that which prevails at the domestic level (Bachleitner, 2018, p. 4). This constructed memory is then exported to the international stage by diplomatic actors (Bachleitner, 2018, p. 4) who, according to Kathrin Bachleitner (2018), aim to signal either innocence or guilt to an international audience. States can employ memory in their diplomatic relations to various audiences, depending on their international goals. They can, for instance, attempt to form memory alliances with allied states, with states with whom they want to ally, or even sympathetic audiences in external states with antagonistic governments (Clarke & Duber, 2018; McGlynn & Đureinović, 2022). Their target audience can also be states with opposing versions of the past, in order to legitimise their own (Klymenko & Siddi, 2022). Finally, to establish a monopoly of memory and marginalise different experiences, states can export their memory to a general global audience (Chang, 2022; Nguyen, 2017).

This strategic employment of memory for international goals, directed at an international public, has been called "diplomacy with memory" or "memory diplomacy". McGlynn and Đureinović (2022) have described memory diplomacy as aiming to identify and create commonalities between a state's memory and that of other states, to form memory alliances. However, other researchers have also explored how states have used memory in their diplomatic discourse which directly contrasts with other states' memory of the same event when this helps them advance their international aims (Bachleitner, 2018; Clarke & Duber, 2018; Chang, 2022; Nguyen, 2017). Nevertheless, to analyse the use of memory diplomacy, one must always consider why and for what international goals the past is constructed and reconstructed. According to Kathrin Bachleitner (2018), one must find evidence that a selected version of memory is forged into a diplomatic strategy through looking at a country's diplomatic practices.

Researchers have contributed to the increasing knowledge on the concept of memory diplomacy as well as to the understanding of countries' diplomatic practices by exploring specific cases and countries where memory diplomacy was employed. McGlynn and Đureinović (2022) have explored how Russia exports its memory of World War II in Serbia, culminating in the formation of a memory alliance between the two countries; Bachleitner (2018) has examined how Germany constructed and exported its official



memory of guilt for its participation in World War II to achieve Western integration, in contrast to how Austria forged an official memory of innocence to achieve independence, later reconstructing it to achieve European integration; Clarke and Duber (2018) have analysed how the current Polish government has used memory to validate its vision of European history and defy that of its European partners; Nguyen (2017) has demonstrated how the United States created a monopoly of memory by exporting its narrative of the Vietnam War; and Chang (2022) has shown how China's discourse regarding its role in World War II has changed from victimhood to victory through sacrifice, to highlight its important role in founding and constructing the current world order and its responsibility in defeating aggression in the Pacific and Europe.

In her book *Collective Memory in International Relations*, Bachleitner (2021) lays out that memory can be used as a strategy when it is forged internationally for a specific goal through memory diplomacy. Moreover, memory can also become part of a state's identity when it is stable, as it reaches and spreads through domestic audiences, and continues to do so over time (Bachleitner, 2021). Memory is first employed as strategy and then becomes identity and guides state behaviour in passive ways. Memory diplomacy, as the strategic employment of memory to achieve international goals is, according to Bachleitner (2021) and in line with constructivist scholarship, a discursive international interaction which in turn constitutes and reconstitutes state identity and state behaviour (Wendt, 1999). In international conflicts, such as the one between Russia and Ukraine, it is important to pay attention to "conflicts of identities manifested in political narratives" (Faizullaev & Cornut, 2017, p.583).

Contextualising Memory Politics in Russia and Ukraine

Researchers have also discussed how historical narratives are being constructed and reconstructed to fit into both Russia and Ukraine's domestic and foreign policy agendas (Fedor et al., 2017; Klymenko, 2022; Zhurzhenko, 2022; McGlynn & Đureinović, 2022). In both countries, the memory of World War II is a recurrent theme in their official national memories and narratives, given the trauma and suffering stemming from this event (Fedor et al., 2017). According to Fedor et al. (2017), these narratives are central in building these countries' post-Soviet identity. However, they have also served as an "ideological justification for Russian aggression against [...] Ukraine" (Fedor et al., 2017, p. 5) and as a justification for Ukraine's pursuit of a pro-EU foreign policy agenda (Klymenko, 2022).

Memory politics and historical narratives between Ukraine and Russia are rooted in the complex, interwoven history of the two countries. In 1991, the Supreme Soviet of the Ukrainian Soviet Socialist Republic issued the Act of Declaration of Independence of Ukraine from the Soviet Union (Magocsi, 2010). This act came after centuries of repression of Ukrainian identity by Moscow, of which the most well-known is the 1932-1933 Holodomor, or Ukrainian famine, (Rozenas, Schutte & Zhukov, 2017; Shapoval & Olynyk, 2008), and resulting from an enduring struggle for Ukrainian sovereignty and self-determination (Magocsi, 2002). This declaration did not, however, end the shared history that, since the 9th century, has connected Kyiv and Russia.



Since their independence from the USSR in 1991, the new states of Ukraine and Russia have struggled to navigate the international system, especially when it comes to their relation with each other and the so-called West, seen at times as a strategic partner and at others as a threat (D'Anieri, 2019; Siddi, 2022). During this period, Ukraine has ventured into a process of integration into Europe, interpreted by many as an effort by Kyiv to exit the orbit of an increasingly aggressive, authoritarian, and unstable Moscow under Vladimir Putin (D'Anieri, 2019).

Later in 2014, in response to the Maidan Revolution, Russia annexed the peninsula of Crimea and supported an armed insurgency in the Ukrainian Donbas region, thus sparking the Russo-Ukrainian War. Peace negotiations started in the wake of this war, resulting in the Minsk Agreements, which were not successfully implemented (Åtland, 2020; Wittke, 2019), and were later discarded by Putin in 2022, at the time of the full-scale Russian invasion of Ukraine.

During World War II, the USSR played a key role in the allied victory in Europe. Fedor et al. (2017) mention that in Russia the memory of World War II and the country's role as a victor against fascism has been employed domestically to achieve post-Soviet-Russian national consolidation and identity. This narrative has also been exported to achieve Russia's goal of becoming a great power, and "weaponised" to provoke pro-Russian sentiments in Ukraine¹. This is in line with what Grigas (2016) suggests is the ultimate goal of Russia under Vladimir Putin: the reimperialization of the former Soviet space. This 'reimperialization', as Grigas (2016, p.10) puts it, follows a revisionist trajectory which encompasses a stage of "aggressive use of propaganda (...) to promote a political cause or point of view" (p. 44), more precisely the cause of the "urgent" need for "protection" of Russian compatriots (p. 27).

The author also shows that, in particular, the propagandistic historical view promoted by the Kremlin has steadily been converting fascism into a political tool to frame and antagonise the opposition, namely the Ukrainian government. Indeed, according to Grigas (2016), the defeat of fascism during the Second World War serves as one of the pillars of the Russian identity. Simultaneously, Fedor et al. (2017) describe how any attempts to depart from the Soviet narrative of the war are considered 'fascist' by Russia.

Zhurshenko (2015) discusses how Ukraine, nevertheless, deals with conflicting views of its past, where in some regions the memory of World War II has raised ideological conflicts and is subject to populist manipulations. This happens as Ukraine, like Russia, not only seeks a post-Soviet national identity, but also faces the "geopolitical choice between Russia and the West" (Fedor et al., 2017, p. 17). Klymenko (2022) argues that since 2014, with its deep changes in foreign policy agenda, Ukraine has also changed its official historical narratives, as it looks to distance itself from Russia and align itself with Europe and the West. Ukraine has thus distanced itself from several Soviet and Russian symbols and acts of remembrance (Fedor et al., 2017), while trying to portray similar historical experiences to Europeans (Klymenko, 2022). This distancing from Soviet and Russian history and memory is also in line with what Faizullaev and Cornut (2017) found by analysing the annexation of Crimea through a constructivist lens. Faizullaev & Cornut

¹ As pointed out by some scholars (Ferragamo, 2023; McGlynn, 2023), Russia has also been using memory diplomacy to pursue its interests in the African continent – championing Russia as an anti-imperialist and anti-colonialist power – with the aid of Wagner Group's influence in the region.



(2017) study the phenomenon through narrative practices, concluding that both Russian and Ukrainian political representatives acted as “narrative practitioners” (p.599) strategically employing “competing narratives” (p.598) to create their own conceptions of the past, present and future, and legitimise contentious political actions.

It is therefore interesting to explore how, while at war with each other, Russia and Ukraine seem to continuously export their own memories of past events to other nations, not only powering the “memory war” between each other, but also advancing their competing narratives internationally and constructing their own understanding of social reality.

Methodology

This research is based on a content discourse analysis of diplomatic acts, using an interpretative approach framed by the constructivist theory of International Relations. These are meant to facilitate a discussion about the employment of memory in Russia and Ukraine since 2022. The diplomatic acts considered for analysis were those delivered between 2022 and 2024. To find recurrent themes, opposing narratives and key ideas, ten documents – speeches and official statements – were analysed for each party. When collecting data for this purpose, certain key words were used to select the statements and speeches, primarily in the websites of the Ministry of Foreign Affairs and governments of both countries. The key words used were “Nazi”, “World War II”, “Ukraine”, “Russia”, and “nationalism”, which were chosen based on the literature reviewed on the history and official national memories of the target countries. The speeches were also considered when delivered in contexts related to the remembrance of historical moments related to World War II and when deemed relevant due to their diplomatic importance to the countries’ foreign policy agenda.

Russia: Content Analysis

The historical narratives stressed by the Ministry of Foreign Affairs of the Russian Federation have been consistent in the period of time considered in this paper. Russia presents itself as a “country-civilization” in a distinct position with “a historically unique mission aimed at maintaining global balance of power and building a multipolar international system” (Ministry of Foreign Affairs of the Russian Federation, 2023). This position is then justified by Russia’s efforts during World War II and, accordingly, by its contribution to the development of the current international system (MFARF, 2023).

Russian policymakers propagate the idea that Russia, as the successor of the Soviet Union, is largely responsible for the allied victory during World War II and for helping to build the new world order, by assisting the process of decolonisation in Africa, Asia, and Latin America. Simultaneously, this narrative portrays Russia as a victim of the “falsification of history” carried out by the West (MFARF, 2023). Such ideas are clearly expressed in “The Concept of the Foreign Policy of the Russian Federation” (MFARF, 2023) but are also conveyed by the frequent stances of the Foreign Affairs Ministry on what it considers to be fake information in Western media aimed at demeaning the nation’s image and its part in the victory against Nazi Germany.



In a briefing in April 2022, the Foreign Ministry Spokeswoman Maria Zakharova addressed the “cancel culture” to which Russia was falling victim, as the West attempted to “cancel the Red Army’s contribution to defeating Nazism” (Zakharova, 2022). In this speech, Zakharova accuses Germany and later Ukraine of erasing Russian culture and history, especially during World War II, drawing a parallel between this erasure and the “Nazi campaign in Germany to destroy undesirable books”, describing the former as acts of “xenophobia, Nazism, and extremism” and “a new cultural genocide” (Zakharova, 2022).

Continuously portraying itself as responsible for resisting and defeating the Nazis after being a victim of their offensives, Russia condemns many Ukrainian expressions of patriotism linking them to a Nazi past (MFARF, 2022a). In June 2022, the Embassy of the Russian Federation addressed a letter to the Republic of Malta condemning the use of “the old notorious slogan of radical Ukrainian nationalists” – a reference to ‘Slava Ukraini’ (“Glory to Ukraine”), followed by ‘Herojam slava’ (“Glory to the heroes”). This slogan, as the Russian Embassy claims throughout the letter, is inherited from Stepan Bandera, “a leader and ideologist of a radical Ukrainian nationalists’ movement, which collaborated with Nazi Germany and carried out inhumane ethnic cleansing in Ukraine during World War 2” (MFARF, 2022a). The letter goes on to highlight that the spread of this slogan is not the fault of Maltese citizens, who “honorably preserve the memory of World War 2”, but that of a lack of education on the claimed values behind the expressions (MFARF, 2022a).

The topic of Ukrainian nationalism has received significant attention from the Kremlin, who convey narratives that directly oppose those of Kyiv. While being interviewed for the production of the film “Nazism on trial”, Foreign Minister Sergey Lavrov (2022b) alludes to close “family ties” between Russia and Ukraine, and to Russia’s wish to have peaceful relations with what it saw as a “good neighbour”. Yet, Lavrov (2022b) blames the USA for propagating anti-Russia sentiments in Ukrainian leaders, culminating in a situation in which, according to him, “neo-Nazi ideology is made part of Ukrainian life in every possible way”. The association of neo-Nazism and Russophobia with Ukrainian nationalism is therefore regarded as an external imposition, unnatural to the Ukrainians, seen as historical friends of the Russians.

Indeed, at the 2024 St. Petersburg International Economic Forum, the Foreign Ministry Spokeswoman stresses the idea that the Ukrainian regime employs “radical nationalists” with the goal of erasing Russian language and culture (Zakharova, 2024). Zakharova (2024) expands on the Ukrainian bill on the English language, which made it an official language of international communication, contrasting it with the perceived prosecution of “Russian and other minority languages”, describing these linguistic policies as “typical of colonies” and comparing them to those of Nazi Germany.

Simultaneously, Russia seeks to summarise, expose, and condemn what it considers to be a growth in “the scale and frequency of neo-Nazi acts in Ukraine” in a document issued by the Russian Ministry of Foreign Affairs and shared by the official social media accounts of the Permanent Mission of Russia to the EU (MFARF, 2022b). In this document, titled “The Truth Behind Events in Ukraine and Donbass” (MFARF, 2022b), Russia accuses Ukraine of committing multiple Human Rights violations towards the people of Donbass, warning of a “genocide in Donbass”. This choice of words seems to fit coherently with



the many accusations of a supposed “glorification of Nazism” carried out by the government and the many neo-Nazi groups in schools, memorials, and statues (MFARF, 2022b). Moreover, this document claims that Ukrainian leaders, namely Volodymyr Zelenskyy, actively try to diminish the role of Soviet troops in defeating Nazism, “in order to destroy the historic memory of the Ukrainian people concerning the events of the Great Patriotic War”, by changing the names of villages, towns and cities that paid homage to war heroes, and by taking down “2,500 Soviet-era monuments” (MFARF, 2022b).

In important speeches and interviews, the narratives conveyed are the same: Russia liberated (or played a major part in liberating) Europe from Nazism and sees itself once again now confronted and threatened by the growth of neo-Nazi ideology in Ukraine, as well as by a common Western offense to Russia and Russian citizens (Lavrov, 2022a; Lavrov, 2023; Putin, 2022; Putin, 2023). In his famous speech on the Victory Day, Putin (2022) accuses the West of refusing to negotiate with Russia for a peace arrangement, blames Western countries for the “cynical falsifications of World War II history” and for the growing Russophobia, while also acknowledging that there are allies in the West, such as the “US veterans who wanted to come to the parade in Moscow” and “were actually forbidden to do so”. Similarly, in the Gala concert for 80th anniversary of defeating German Nazi forces in Battle of Stalingrad, Putin states that “again and again”, Russia must repel the aggressions of the West, that the security of his country is “once again” threatened, and “once again” by “German Leopard tanks with crosses on them” that prepare to fight Russia “at the hands of the followers of Hitler and Bandera” (Putin, 2023).

Portraying Russia as a cyclical victim of the West and as bearing the mission of fighting Nazism, Sergey Lavrov (2022a) states that “the West left us [Russia] no choice” but to conduct its special military operation in Ukraine, whose regime is always referenced as “neo-Nazi”. Lavrov (2022a) adds that the conflict is nothing but a strategy of the United States and its allies, which are “ready to sacrifice Ukraine for the sake of their geopolitical goals”. Further recalling the memory of World War II, Lavrov (2023) compares the collective Western offensive against Russia to Hitler’s effort to defeat the Soviet Union, going as far as naming the Western “war against Russia” a strategy to find the “Final Solution” for Russia, further comparing it to Hitler’s.

Ukraine: Content Analysis

Since 2022, Ukraine's foreign policy narratives have remained consistent. Upon examination, a clear trend emerges of speeches and statements delivered by Ukrainian political representatives; they are actively promoting historical narratives that reinforce Ukraine’s current shift toward Europe, while deliberately distancing itself from Russia.

Dmytro Kuleba (2024), the current Ukrainian Minister of Foreign Affairs, reinforces this narrative by contending that it is Russia’s goal to crush Ukraine’s identity and “dissolve the Ukrainian nation within the Russian imperial melting pot” - portraying Ukraine as a colonised nation falling victim to Russian imperialism. Despite this, the minister emphasises that Ukraine has “always belonged historically, politically, and culturally” to Europe, and that it fights even today to “break free from the Russian influence” (Kuleba,



2024). This struggle against Russia is depicted as a path to ultimately return to “the European cradle”, where Ukraine continues to belong as a “European nation” (Kuleba, 2024).

Based on the narratives of Ukrainian political leadership, Europe and Russia are perceived as distinct political, cultural, and religious entities. When deciding between the European and the Russian “civilisations”, Ukrainian political leaders frequently present Ukraine as sharing similarities with the former while diverging from the latter. In his speeches, Volodymyr Zelenskyy depicts Ukraine as sharing common values and principles, such as “freedom” and “equality”, with its European partners, arguing that the war is “not only against Ukrainians” but “against the values that unite us [Europe and Ukraine]” (President of Ukraine, 2022a). The President of Ukraine (2023) believes that the “crimes and injustices” resulting from Russian aggression are not only directed towards Ukraine, but also “against the civilised system of the world”. As such, the fight against Russia’s “aggression and terror” should be carried out with the collective power of the “common heritage of nations” (President of Ukraine, 2023).

The idea that Ukrainians share historical experiences similar to Europeans promoted by the Ukrainian political leadership is most evident in its references to events of World War II. President Zelenskyy frequently underlines the significant contribution made by Ukrainians in defeating Nazism, asserting, for instance, that “Ukrainians, along with other peoples of the anti-Hitler coalition, liberated European land from Nazi invaders” (President of Ukraine, 2022d).

Ukraine draws a comparison between Russian “armed aggression” and the ongoing war, and the atrocities committed during World War II, contending that “Russian racism is the reincarnation of German Nazism” since both ideologies employ “imperial chauvinism” and claim superiority over other nations (Ministry of Foreign Affairs of Ukraine, 2022). Additionally, Ukraine points out that in Russia “pacifist slogans are banned, and the cult of armed forces and war is cultivated” (MFAU, 2022).

President Zelenskyy (2022f) highlights the repetition of History by stating that “Evil, which seemed to have been finally defeated and burned to the ground in 1945, is reborn from the ashes 80 years later”. Although the form of “evil” might have changed, “the essence has remained unchanged”, with “a new guise, with new slogans, but with the same goal” (President of Ukraine, 2022f).

Due to the repeated violations of international law by the Russian Federation (MFAU, 2022), “memories of a terrible war become a terrible reality” (President of Ukraine, 2022f). Therefore, the only viable solution to this conflict is to provide “maximum aid to Ukraine, which is fighting against the Russian Empire” (Podolyak, 2022). Mykhailo Podolyak, advisor to the head of the Office of the Ukrainian President and representative at Russian-Ukrainian peace negotiations, argues that only when Russia is defeated will there be a chance for “stable peace, peaceful life, and fewer criminal activities by Nazi and far-right groups financed by Russia in Europe” (Podolyak, 2022).

Zelenskyy has given numerous speeches around the globe since the onset of the Russo-Ukrainian conflict, tailoring them to suit the national audience, drawing parallels with events that hold significance in the host country’s national memories and consistently reminding audiences of the risk of history repeating itself.



Presenting his speech in the Knesset in Israel, Zelenskyy mentioned that the Babyn Yar site, where “100,000 Holocaust victims are buried”, had recently been bombed by the Russian military forces. He also stresses the similarities between Russia’s rhetoric and that of the Nazis, specifically to the reference to the “final solution” to the Jewish and “Ukrainian issue”. Mentioning the establishment of the Nazi party on the 24th of February 1920, Zelenskyy points out that, 102 years later and on the same day, “a criminal order was issued to launch a full-scale Russian invasion of Ukraine”, resulting in the displacement of millions of exiles to “neighbouring countries” such as “Poland, Slovakia, Romania, Germany, Czech Republic, and the Baltic States” (President of Ukraine, 2022c).

When addressing the Bundestag, Zelenskyy reiterated that the Babyn Yar site had been targeted by Russian missiles. The President also argued that the ongoing war was creating a “new wall that divides Europe” between “freedom and slavery”, similar to the situation in Germany before the fall of the Berlin Wall (President of Ukraine, 2022b).

Ukraine’s narrative is deeply connected to the broader struggles for independence in Central, Eastern, and South-Eastern European countries in the early twentieth century. This is evident in Ukraine’s representatives’ speeches addressing nations that were previously in the Moscow orbit, highlighting the countries’ shared struggle against Russia, seen as the common enemy. For instance, President Zelenskyy emphasised Lithuania and Ukraine’s “common historical past”, noting that Lithuanians “like no other, understand how the occupiers can destroy freedom” (President of Ukraine, 2022e).

Interpreting Memory Discourses and their Outcomes

As previously mentioned, Russian history, as recalled (or revised) by the Russian state’s diplomatic apparatus and political elites, presents a number of elements fundamental to understanding its international efforts. Indeed, the narrative put forward by the Russian state and its representatives posits the certainty of a special role for this nation to play in history (MFARF, 2023). This becomes clear whenever Russia is portrayed as a civilisation in its own right (MFARF, 2023). Moreover, analogous to China (Chang, 2022), Russia declares itself, in the framework of Bachleitner’s (2018) analysis, not only as a victim of World War II, but as a victor and thus saviour of other nations (MFARF, 2023).

The constant recalling of Nazism, genetically linking Ukrainian nationalism to it (MFARF, 2022a), along with the accusations of “Russophobic” actions carried out by Ukrainian political or military apparatuses (MFARF, 2022a; Zakharova, 2022), can be interpreted in different manners. By pointing out this link, Russia could be aiming to weaken the legitimacy of Ukrainian nationalism, or the perception of Ukraine as a nation-state altogether. This strategy is complemented by the discourse regarding the common ancestry shared by Ukrainians and Russians (Lavrov, 2022b).

In an international context, this narrative seeks to establish a memory alliance between the Russian state and certain sectors of the population within other states. This would be the case especially if the possibility of growth of Russian nationalism among the territories formerly under the USSR were to be considered, namely in Ukraine, where remembrance of the war has been weaponised (Fedor et al., 2017). This is coherent with one of Russia’s main international goals, which is to maintain the Russian sphere of influence in Eurasia



– or, as Grigas (2016) puts it, to achieve the ‘reimperialization’ of the former Soviet space – said to be fundamental to the nation’s security and international projection (MFARF, 2023). Moreover, the link between Ukrainian nationalism and Nazism could be useful to gather support or avoid international condemnation for Russian military action in Ukraine among certain political ideologies, even in countries whose governments are antagonistic to Russia. If so, this strategy has been successful in threatening political stability within some countries, as well as in creating some opposition against the will to aid Ukraine in the war (Keeley, 2023).

There is also a clear effort by Russia to establish memory alliances with other states, as shown by McGlynn and Đureinović (2022) in the case of Belarus. Indeed, Belarus has continuously aligned with Russia’s view that Ukraine lodges neo-Nazis, supported by the West, who must be fought, while also celebrating and remembering the Soviet role in fighting Nazis in the past (The Belarussian Telegraph Agency, 2024; MFARB, 2024). These efforts are related to the Primakov Doctrine, which advocates the Russian state’s need to avoid following the USA and its allies, and to pursue its own interests as an independent centre of power (MFARF, 2023). To do so, it would be important for Russia to align itself with countries that also wish to oppose ‘Western dominance’, in order to resist its domination over Eurasia (MFARF, 2023)².

Indeed, by pointing out the belligerence of NATO and the threat it poses to the Russian people (Lavrov, 2022), and by comparing the Western military efforts to the Nazi advance over Eastern Europe (Lavrov, 2023), Russia is able to gather support (or, at least, avoid the active condemnation and disapproval) of countries not aligned with the Western powers, namely China and India (Tellis, 2022; Chestnut Greitens, 2022).

Ukraine constructs and puts forward a historical narrative contrary to that of Russia. It presents a nation struggling for freedom from the oppression of an empire (Kuleba 2024; Podolyak, 2022; Klymenko, 2022). This is clearly a narrative with which liberal ideology, predominant in the West, can sympathise, based on the principle of self-determination (White House, 2023). However, this is not all there is to understand from the Ukrainian conception of history. Indeed, it could be ascertained that the Ukrainian discourse is tied to the nation’s historical and strategical context. The elements particular to the Ukrainian narrative can be said to be constructed in such a way as to reinforce the legitimacy of Ukraine as a sovereign state, with a destiny and an identity disassociated from those of Russia (Klymenko, 2022), as well as to counter the Russian arguments supporting the military invasion of Ukraine.

To understand the narrative put forward by the Ukrainian diplomatic apparatus, it is convenient to place it in opposition to that of Russia. The emphasis given to the legitimisation of the Ukrainian state is clearly tied to the efforts by its enemies to delegitimise it. Indeed, Zelenskyy’s (2022a) remark regarding the similarities between Ukrainian and European values and principles of “freedom” and “equality” can be perceived as one of many efforts to link Ukraine historically and culturally to the European “civilisation”, rather than the Russian one. It is safe to say, therefore, that Ukraine could be trying to form memory alliances with the West, particularly European states, with the

² This doctrine, implicitly conveyed in the Russian discourse, is in line with narratives promoted by other countries, namely North Korea and China, on the role of NATO and the West in the conflict (MFADPRK, 2022, 2023; MFAPRC, 2024).



prospective of joining their institutions and organisations (Klymenko, 2022). When looking into speeches and diplomatic acts of remembrance by European and other Western countries, the alignment of narratives becomes evident³. For instance, on May 9, in 2023, Ursula von der Leyen travelled to Kyiv to celebrate Europe Day with Zelenskyy, where the President of the European Commission praised Ukraine for fighting for Europe's ideals (European Commission, 2023). This was the first time Ukraine celebrated Europe Day on May 9, instead of the previous commemoration of a holiday shared with Russia – Victory Day.

Nonetheless, the Ukrainian narrative is not solely focused on portraying the Ukrainians as like any other European people, but as one of a particular kind – as a people formerly under Soviet (albeit Russian) rule, struggling to exit the “Moscow orbit” (Klymenko, 2022). This condition is shared with many other Eastern European nations, not only those that were part of the USSR, but also those that used to be part of the Warsaw Pact, such as Poland, Romania, and Bulgaria (Klymenko, 2022). By strategically recalling the struggle of countries like Lithuania against Russia (President of Ukraine, 2022e), Ukraine can gather support for its cause in these countries.

When Kuleba (2024) defends that Ukraine has “always belonged historically, politically, and culturally” to Europe and has always struggled against Russian influence, it also signals that Russia is a source of suffering for Ukrainians, who are fighting for their statehood, in line with what Klymenko (2022) asserts. Essentially, Russia is viewed and portrayed by Ukraine as a colonial power, while Ukraine is the colonised nation, denied of its individual statehood and rightful place as an “European nation” (Kuleba 2024).

Even so, the element that most obviously shows just how much the Russian narrative, by opposition, determines the Ukrainian one is the inclusion of references to Nazism in Ukrainian discourse. By pointing out the contribution of Ukrainians in the war against Nazism (Zelenskyy, 2022d), Ukraine seeks to construct a counternarrative to Russia's, enabling Ukrainian nationhood to be legitimised internationally. On the other hand, Ukrainian officials often establish analogies between Hitler's Germany and Putin's Russia, mainly with regard to their racism and cult of war (Ministry of Foreign Affairs of Ukraine, 2022). This is most crucial considering that the trauma of World War II is still latent in Europe, and that the European Union was created to prevent such a tragedy ever befalling the continent again. As such, through this narrative, Ukraine pinpoints Europe's responsibility to help Ukraine in the war.

With this analysis, some light is shed on the possible international goals Russia and Ukraine might be looking to achieve with the strategic use of memory in their diplomatic acts. Additionally, from a constructivist point of view, one also realises that the narratives employed by both countries are mutually constructing their own (conflicting) identities.

Constructivist scholars emphasise the importance of narratives and discursive interaction – diplomacy – between states to explain the construction of state identity and changes in state behaviour (Faizullaev & Cornut, 2017; DeBardeleben, 2012; Taufik, 2017). As discussed previously, the use of World War II references in speeches by Russia's political

³ When looking at the speech by President Biden on the first anniversary of Russia's “brutal and unprovoked invasion” of Ukraine, one notices, for instance, how Ukraine is seen as a fighter for democracy, sovereignty, Europe and “America”.



representatives reinforces the country's identity as an exceptional great power – especially considering that the nation's role in this War is often mentioned in parallel with its current fight against a supposed Nazi Ukraine and West (MFARF, 2022a, 2023; Zakharova, 2022). This also serves the purpose of portraying Russia as an empire – by drawing parallels with the Soviet Union. In turn, Ukraine – just as it has since 2014 (Klymenko, 2022; Fedor et al., 2017) - constructs its identity as a sovereign European state by distancing itself from Russia and its acts of remembrance and by highlighting the values it shares with the West (President of Ukraine, 2022a; European Commission, 2023). Ukraine's narrative of its role in World War II – emphasised by Zelenskyy (2022d) – also supports this notion by stressing its contribution to fighting Nazism.

As observed, the social interactions between Russia and Ukraine, reflected in their discourses, are constructing their identities by opposition. Memory, here, while employed strategically in the countries' diplomatic acts, becomes a key determinant in the countries' self-image (Bachleitner, 2021) and therefore conditions the material course of the conflict by shaping state behaviour (Wendt, 1999). Like Faizullaev & Cornut (2017) have concluded for the case of the Russian invasion of Crimea, both Russian and Ukrainian political representatives are currently (since 2022) acting as 'narrative practitioners' strategically employing 'competing narratives.' Indeed, the accusations of Nazism by both parties, as well as each country's role in World War II are used to either legitimise their existence (in the case of Ukraine) or their actions (in the case of Russia). Both Russia's invasion of and persistent war in Ukraine and Ukraine's continued resistance, as well as its convergence with Western countries – shown, for instance, by the steps taken to join the EU and NATO –, are material consequences of the narratives constructed and the meanings given to them. As Faizullaev & Cornut (2017) argue, the "verbal oppositon" between Russia, Ukraine and the West appears to be a defining aspect of a conflict itself centred around the opposing meanings and interpretations given to specific events.

Conclusion

This study has investigated the use of memory in Russian and Ukrainian diplomacy since 2022, to ascertain how memory has been employed in the countries' diplomatic practices and what international goals its use aims to achieve. From the content discourse analysis conducted, it concludes that, by presenting itself as historically responsible for fighting Nazism and building a multipolar world, Russia may be seeking to legitimise its presence in Ukraine, portraying it as having a neo-Nazi regime, supported by a newly belligerent West. The signalling of these memories and the parallels drawn between World War II and the present war with Ukraine could be aimed at powers which are not aligned with the West – such as China and India –, other countries that were once in the Soviet space, and sympathetic groups within antagonistic Western states.

Ukraine's memory diplomacy focuses on its own link with Europe (and the West) to legitimise its nationhood and its struggle to free itself from the Russian sphere of influence. The Ukrainian discourse underlines Ukraine's own contribution to the allied victory and the similarities between the events of World War II and the current Russo-Ukrainian conflict, which could be a means to push the West (and especially Europe) to



aid Ukraine, appealing to liberal ideology and the values of self-determination, assumingly held by this target audience.

Therefore, the narratives put forward by these two states in their diplomatic practices are not only each other's opposite; they seem to be constructed in response to each other. Each country seeks to undermine the other's legitimacy and portrays its behaviour in the war as defensive by drawing parallels between the current war and its struggle in World War II. Moreover, the strategic employment of memory in their social interactions constructs their own identities by opposition and influences their behaviours in the international system, specifically the course of the present conflict.

This article contributes to the literature on Russian and Ukrainian use of memory within diplomacy, focusing on the period of conflict between the two, since 2022. Nonetheless, a more comprehensive analysis, including more documents and acts of remembrance, and an additional quantitative approach could provide further understanding of how significant memory diplomacy has been during the conflict. It is also useful to explore the outcomes of this diplomatic strategy and how it has affected the development of the conflict. Moreover, an analysis of speeches and diplomatic acts by other countries deemed relevant might unveil narratives similar to the ones advanced by Russia and Ukraine, as well as demonstrate the formation of memory alliances, hypothesised during the previous section. Further research on the concept of memory diplomacy as a diplomatic tool will allow for a better understanding of its dynamics and significance in International Relations.

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ASYMMETRIC DEPENDENCE AND BARGAINING POWER IN SINO-RUSSIAN ENERGY RELATIONS

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Abstract

Considered from the realist perspective, strategic energy resources, which are among the elements of power, make cooperation possible for liberals. The concept of interdependence brings together two extreme theoretical approaches that locate strategic energy resources in different places. According to Keohane and Nye, the relations based on strategic energy resources should be considered within the scope of interdependence. In the context of the interdependence approach, Keohane and Nye explain this situation within the framework of sensitivity, vulnerability, and bargaining power. At this point, the concept of bargaining power is particularly important because the interdependence relationship based on energy has the potential to be manipulated at any time. Undoubtedly, the asymmetries between the parties are the basis of the manipulation. This also brings bargaining power to the fore. In the light of all these, the study analyses the effects of asymmetric interdependence in energy relations on bargaining power in the example of the Sino-Russian relations.

Keywords

Asymmetric Dependence, Russia, China, Energy Relations, Bargaining Power.

Resumo

Considerados na perspetiva realista, os recursos energéticos estratégicos, que se encontram entre os elementos de poder, tornam a cooperação possível para os liberais. O conceito de interdependência reúne duas abordagens teóricas extremas que situam os recursos estratégicos energéticos em lugares diferentes. Segundo Keohane e Nye, as relações baseadas nos recursos energéticos estratégicos devem ser consideradas no âmbito da interdependência. No contexto da abordagem da interdependência, Keohane e Nye explicam esta situação no quadro da sensibilidade, da vulnerabilidade e do poder de negociação. Neste ponto, o conceito de poder de negociação é particularmente importante porque a relação de interdependência baseada na energia tem o potencial de ser manipulada a qualquer momento. Sem dúvida, as assimetrias entre as partes são a base da manipulação. Este facto coloca igualmente em evidência o poder de negociação. À luz de tudo isto, o estudo analisa os efeitos



da interdependência assimétrica nas relações energéticas sobre o poder de negociação no exemplo das relações sino-russas.

Palavras-chave

Dependência Assimétrica, Rússia, China, Relações Energéticas, Poder de Negociação.

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ASYMMETRIC DEPENDENCE AND BARGAINING POWER IN SINO-RUSSIAN ENERGY RELATIONS¹

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Introduction

Although it is shaped within the framework of interdependence, the value attributed to the concept of power is still undisputed. It is possible to explain the effects of strategic energy resources under the conditions of interdependency in two concepts. First, energy relations directly reflect the modern form of interdependency. Second, strategic energy sources are tied to modern and traditional forms of power. In short, strategic energy sources are directly related to power's hard and soft dimensions, something like economic and bargaining power in energy diplomacy. It is possible to observe this in the asymmetries in relationship in recent periods when hard power began to be considered in the background, and other elements of power began to come to the fore. This concept of asymmetry in relationships, which can be characterized as an element of power, is that one party needs the gains in relationships more than the other. Particularly, we often observe that asymmetries turn into power elements in energy interdependence. It is the bargaining power in energy diplomacy expressed by the transformation of asymmetries into power elements within the scope of energy interdependence. Hence, energy diplomacy and bargaining power become significantly important in international relations. However, it should be discussed which side benefits from the bargaining power provided by strategic energy resources. In this context, the common belief in the literature is that the bargaining power favours actors like Russia, which possess strategic energy resource reserves. The primary objective of this study, which contests the prevailing belief, is to examine the impact of shifts in the dynamics of energy diplomacy on the bargaining power of the involved parties, specifically within the context of Sino-Russian energy relations.

The study employs a qualitative case analysis approach. To this end, both primary and secondary data have been collected using documentary research methods. Initially, a comprehensive catalogue search was conducted, primarily in university libraries, in alignment with the subject, objectives, and aims of the research. Relevant academic

¹ This study is derived from the Anil Çağlar ERKAN's PhD thesis titled "Asymmetric Dependency and Bargaining Power: New Balances in China-Russia Energy Relations".



materials, including scientific books and peer-reviewed articles in academic databases are accessed. Additionally, key resources, such as significant academic books, available either in libraries or through publishers are also examined. Data were also sourced from like organizations specializing in energy research and think-tanks. Furthermore, relevant developments were closely monitored through state institutions' websites and news agencies, as well as through written and visual media of academic relevance to the subject matter.

The study is organized around two central research questions. The first question: "How has asymmetric interdependence in energy relations between China and Russia been shaped, and which party has benefited from this interdependence?" In addressing this question, the study explores the asymmetry in energy relations and its implications for both parties. The second research question is: "How have tensions with Europe influenced Russia's bargaining power in its energy relations with China?". This question focuses on assessing the impact of strained with Europe (also Western countries) on Russia's bargaining power on China.

The study's main hypothesis posits that "The asymmetric interdependence in energy relations between Beijing and Moscow strengthens Russia's bargaining power. However, rising tensions between Europe and Russia, coupled with China's efforts to diversify its energy sources, are progressively undermining Russia's bargaining power in this relationship." Within the framework of this hypothesis, the study seeks to analyse the influence of energy dependence on the bargaining positions of both parties, while also explores how external factors -such as further Russia's deteriorating relations with Europe especially by Annexation of Crimea- alter the bargaining power dynamics between China and Russia.

Considering all of these, our paper examines interdependency and modern types of strategic energy sources. In the first part of the study, the adequacy of the concept of interdependence in explaining the characteristics of today's energy relations is discussed, and the bargaining power created by asymmetries is emphasized. Then, the effects of bargaining power arising from asymmetries in the interdependence are analysed using the example of Sino-Russian energy relations.

Energy Interdependence and Bargaining Power

The theory of interdependence formulated by Robert O. Keohane and Joseph S. Nye is expressed in many platforms that the concept of interdependence reflects the characteristics of today's interstate energy relations (Binhack and Tichy, 2012: 54). Jeffrey D. Wilson (2021: 1) states that "Interdependence explains the characteristic features of today's modern energy systems" because energy resources are both the most basic input of modern economies and wealth that is commodified for the states that have reserves (Goure, 1995: 123). Energy interdependence is directly related to the dimensions of vulnerability and sensitivity. Vulnerability can be defined simply as the acute reaction costs or liabilities that arise when a sudden event in a country affects other stakeholders (Crescenzi, 2005: 28). It is possible to associate the sensitivity dimension with immediate costs and short-term effects since the affected country does not have time to react to an effective policy change. Relevantly, the sensitivity of importers can



be measured by the higher costs of foreign oil and the total amount or rate of oil they import (Keohane and Nye, 2012: 10). However, focusing solely on the sensitivity aspect of energy interdependence obscures a comprehensive understanding of key issues arising from shifts in the political framework, as for instance the significance of oil is not limited to the proportion of imported needs. The burden and costs of strategic moves to be made with alternatives to imported energy are also important. In this context, the sensitivity and vulnerability dimensions of energy interdependence need to be analysed together.

Sensitivity and vulnerability are extremely important in determining which side benefits from the asymmetries in energy relations because, in this way, the party that holds the power to manipulate energy relations is determined. Indeed, Keohane and Nye (2012: 10) state that asymmetric interdependence can be a source of power that provides the potential to influence others. Asymmetry at the core of the policy of interdependence, which is the basis of interdependence, has a remarkable structure, especially in political issues such as foreign policy and security policy (Neuss, 2009: 115; Nye and Welch, 2018: 418). Interdependence can create an asymmetry between states and this, in turn, serves as a source of power. Herewith, the actor in the gaining position in the asymmetrical relationship, for example, an energy exporter, will directly impact the preferences of the dependent actors. In the light of all these, it is possible to state that asymmetric interdependence appears both as a structural dynamic that shapes the balance of power in the long term and as a phenomenon that can be instrumentalized in the short term (Demiryol, 2018: 1439). However, the power that asymmetries create should not be perceived directly as hard power. The power that emerges here is the bargaining power in energy diplomacy.

The degree of importance of the relationship for one of the parties in the conditions of interdependency reveals the bargaining power of the other party because the highest degrees of vulnerability and sensitivity mean having a weakness as bargaining power in energy diplomacy. Hence, bargaining power differs according to the sensitivity and vulnerability of the parties to the relationship according to the conditions of interdependency. In this context, it can be said that the power which emerges because of the asymmetries in the relations between the two parties in the conditions of interdependency is on a political basis, and the size of this effect can be observed most clearly in the bargaining power (Wagner, 1988: 461).

Interdependence and Changing Balances in Sino-Russian Energy Relations

It is possible to consider the transformation of China-Russia energy relations into an asymmetrical one in three periods within the scope of sensitivity and fragility elements. The first of these periods was the years when the balances were in favour of Russia, the second period was the years when the balance was established, and China emerged as an element of sensitivity. The last period was when the balances started to be asymmetrical in favour of China.



Moscow's Supremacy in Bilateral Energy Relations (1999-2008)

About Russia's relative superiority over China, until the beginning of the 2000s, with the amount of oil in energy trade, Akçadağ Alagöz (2019: 58) underlines that Russia was more advantageous than that of the West and China in energy relations for a while, when Yukos started to sell 500 thousand tons of oil annually by the railroad. However, Russia became even more advantageous with the signing of a 5-year oil delivery contract between Rosneft and CNPC in 2004 for 48.4 million tons of oil to be transported by rail (Shadrina, 2016: 29). So much so that, China, which paid \$14 per barrel for around 500 thousand tons of oil annually in the late 1990s, started to import 292 thousand barrels of oil per day at \$72 in 2007. So, this factor put Russia in a more advantageous position over China which was experiencing external dependence at those years (Lubina, 2017: 289).

In March 2006, the parties signed a series of cooperative agreements covering joint projects in the fields of energy. Among these the most important were the agreement signed with Gazprom for the natural gas pipeline, as well as a protocol between Transneft and CNPC on the construction of the oil pipeline (Jakobson et al., 2011: 29). However, initiatives for projects, which were formalized with the preliminary protocol and memorandum of understanding signed at that time, were subject to delays due to several reasons. The delays were caused by Russian part. Russia attributed the delay of the oil pipeline project to the concerns that there may be price disputes regarding natural gas appear as one of the important factors. Considered in the context of Russia's pricing policy, the ongoing negotiations between the parties regarding the purchase of natural gas stalled because in 2007, the CNPC offered Gazprom a figure well below 60 percent of the unit price of gas sold to Europe. So much so that the figure suggested by the CNPC for the natural gas that Gazprom sold to Europe at 13-14 dollars per unit in 2007 was \$5.28, and such a demand was undoubtedly not accepted by Moscow (Downs, 2010: 156). It is evident that Russia's dominance during this period granted it significant bargaining power in the field of energy diplomacy.

Sensitivity and Its Impact on Bilateral Energy Relations (2008-2013)

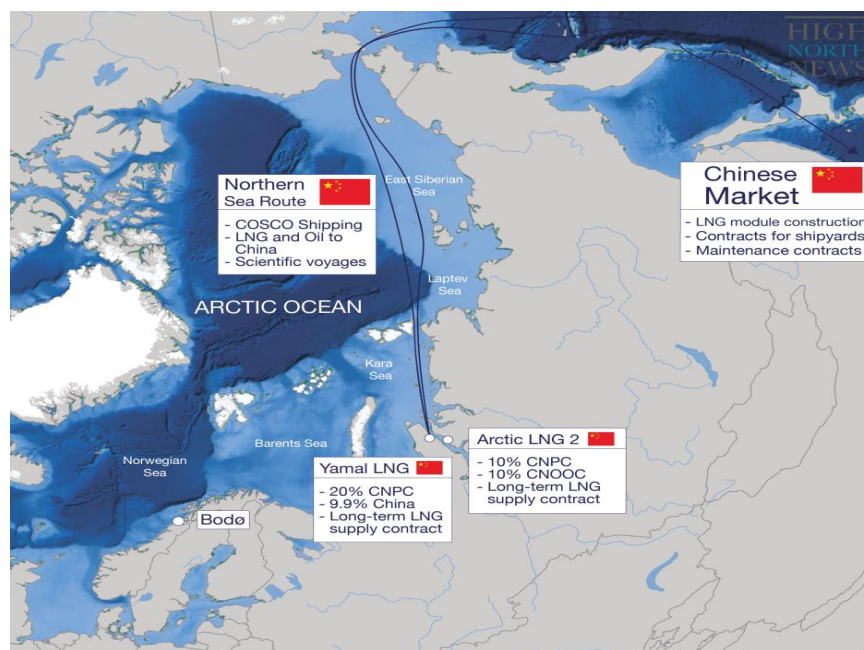
During this period, Russia's sensitivities increased, and bilateral relations were affected. In this direction, 2008 was an important turning point in bilateral relations. From this year Russia started to see the Asian market as an opportunity and included in its energy strategy to direct 20-25 percent of its total energy exports to this region until 2030. This was largely due to Russia's emergence from military conflict and the fact that it had suffered great losses from the economic crisis. These losses for Russia are as serious as the lack of capital required for a pipeline project to the east (Røseth, 2017: 36). So much so that the problem in those years was serious enough to limit Russia's capabilities. The solution to the problem came with the signing of the oil loan agreement in February 2009, which was one of the most important tools of China's energy security policies. With the signed agreement, Rosneft and Transneft, which received \$25 billion loan from the China Development Bank, committed to exporting 15 million tons of oil to China annually for 20 years, starting in 2011, starting pipeline works, and cooperating with CNPC on the development of oil fields. This development is extremely important in terms of the



balance between the parties. So much so that, from this date on, China's bargaining power in bilateral relations began to increase compared to previous periods.

Another indicator that China's bargaining power begun to increase is the developments in the field of natural gas. In this regard, Russia's increasing sensitivity since 2008 has paved the way for the inclusion of natural gas in bilateral relations. However, this issue, which had a lower level of cooperation in energy relations compared to oil, was not a new phenomenon. It is known that the negotiating about natural gas projects since the mid-1990s. At that time, a series of feasibility studies ranging from Chayanda field to Shenyang and another from Kovykta deposits to Heilongjiang province to the Korean Peninsula are the indicators of this. By 2006, CNPC and Gazprom even reached an agreement on the Altai Pipeline and the Eastern Line Projects from Sakhalin to the north. However, the projects remained on paper until 2011 (Jakobson et al., 2011: 34). In this context, we can say that Russia is more effective in bargaining power over China in terms of natural gas compared to oil. The main reason for this is that Russia's influence in the European natural gas market continued in those years. In contrast, there were some developments that show China's bargaining power started to increase, albeit partially just like initiatives towards the Russian LNG sector agreements were signed between Novatek and CNPC for Yamal-LNG in this context. Within the scope of this agreement, 20 percent of the Yamal-LNG was transferred to CNPC, and the parties agreed to deliver 3 million tons of LNG (Kaczmarek, 2016: 6).

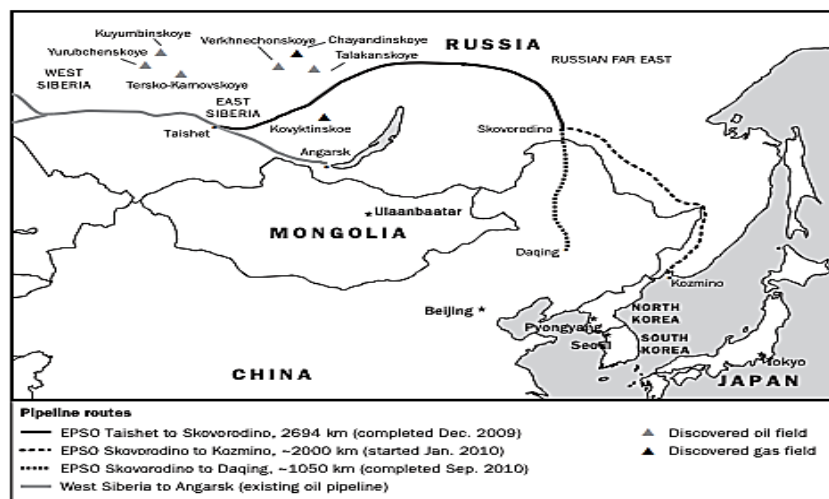
Figure 1. Select Chinese Investments in the Arctic and Other Economic Involvements



Source: (Humpert, 2023).



Figure 2. ESPO Pipeline



Source: (Jakobson *et al.*, 2011: 29).

The eruption of Russian-Western tension in 2014, which had serious consequences in the following years, has significantly affected the course of bilateral relations. So much so that, although there had been progress, such as Gazprom and CNPC shelving the Altai Project at the beginning of 2012 to focus on the eastern route, the stalled negotiations were concluded just two years later during Putin's visit to Shanghai. So, Gazprom and CNPC agreed on the construction of the natural gas pipeline, which they call the "Power of Siberia" (POS), and signed the contract text of a mega project worth 400 billion, covering 30 years, for the transfer of 38 billion cubic meters of natural gas per year (Kaczmarek, 2016: 6).

POS agreement which had very important effects constituted another milestone in bilateral energy relations. For example, anymore China created an opportunity to diversify its import portfolio and transportation routes, while at the same time, it found the opportunity to reduce the tensions with Moscow due to the natural gas imported from Central Asia. However, the validity of the same positive effect for Russia is questionable. Briefly the balance sheet was slightly more complicated for Moscow. Firstly, the combination of the external dynamics and the physical structure of the project complicated the issue for Moscow. The complexity in question will be more understandable when the international sanctions that negatively affect Russia's sensitivities and the vulnerabilities caused by the eastern line are directed only towards China, unlike ESPO. However, the first impression is that China-Russia energy relations will become asymmetrical in the new period as Beijing desires because Russia, which compensates for the sensitivity caused by its dependence on energy exports to the West with the Chinese alternative, is highly likely to reveal vulnerabilities directly in the possible future situations. Overland and Kubayeva's (2018: 96) statements, "After Crimea, Russia had to face international sanctions and a drop in oil price. The combination of low oil prices and commissions has undoubtedly left Russia economically and politically vulnerable. However, it is inevitable that Russia, whose vulnerability has become more



evident, will potentially become dependent on China, its largest non-Western trade partner”, support this idea.

Bilateral Energy Relations in The Light of Sanctions (2014-2020)

Sanctions are an important turning point in Sino-Russian energy relations and herald a new era. The main feature of this new era, from that day on, is China’s changing position in energy relations with Russia. To put it more clearly, the Chinese card is no longer a choice among Moscow’s options to reduce its sensitivities, but it has become one of the only or limited moves it has left. Briefly, the Ukrainian Crisis has deprived Russian policymakers of approachable alternatives outside Beijing. In this context, Russia’s China policy has been no longer a compromise with an important neighbour, such as the development of interdependence, because Beijing is no longer a choice between options; instead, it is Moscow’s only viable option. In short, Russia, which has significantly exceeded the point of controlling and changing the new dynamic, has accepted to become more dependent on China over time, as it does not see any other reliable alternative on this path (Charap et al., 2017: 26). In this context, it is possible to state that the Beijing-Moscow rapprochement is the beginning of the period of increasing dependence on China and asymmetric energy relations rather than success. The fact that Russia, which is very vulnerable to strategic shocks such as large price fluctuations due to its excessive dependence on energy exports, faced the decline in world oil prices since June 2014 with the sanctions has been decisive in the direction of the course in this new period (Skalamera, 2019: 76).

After the POS agreement signed between the parties in 2014 and the memorandum about the Altai Project, important developments have occurred. For instance, the fall in global oil prices, the collapse in the Ruble, the slowdown in China’s economy, and the sanctions that continue to squeeze Russia are among the most important developments. In addition to these external geopolitical and economic factors, the changes in the internal dynamics of both countries made the implementation of the mentioned agreements and the healthy execution of the activities a more complex and difficult process (Oh, 2016: 1-2). The decrease in China’s economic growth trend rate is also an important factor in this context. Such an environment, declarations of four of China’s leading banks that they complied with the sanctions of the West, Moscow faced with the threat of vulnerability (Akçadağ Alagöz, 2019: 67-68).

Expecting the support from China in its challenge to the West, Russia relied on new Beijing-backed loans and investments to reduce the influence of Western financial markets. However, with the statements made by Chinese banks, Moscow’s hopes turned into disappointment. Namely, Russia was left alone with the danger of vulnerability. The fact that Beijing preferred to wait until favourable conditions were presented in the face of the fall in global oil prices and Moscow’s situation with the severe restriction of the access of Russian enterprises to the West’s credit finance is one of the indicators of the danger of vulnerability. The first of these favourable conditions is the purchase of Russian natural gas at lower prices. After the fall in Russian natural gas prices in 2015, China’s announcement that it would give a loan to Gazprom confirms the statements regarding the favourable conditions Beijing expected to be presented. In other words, Beijing’s



response to the decline in Russian natural gas prices in 2015 was in the form of a 2.2-billion-dollar loan to Gazprom by the Bank of China in March 2016 (Malle, 2017: 140). Despite the negative picture in investments, China's natural gas imports from Russia reached 237 million cubic meters in 2017, increasing by 14 percent compared to the previous year (Akçadağ Alagöz, 2019: 68).

Asymmetric Dependency and Bargaining Power in Bilateral Energy Relations

Russia's bargaining power in energy diplomacy seriously changed in sanctions period. The strengthening of the perception of asymmetry in relations explains the fact that Russia, whose options have decreased after the sanctions, has made concessions at the bargaining table and that the energy diplomacy activities have progressed rapidly in the last few years (Yılmaz and Daksueva, 2017: 14). Despite the risk of losing the natural gas market until the Ukraine crisis in 2014, Moscow, which ignored Beijing's cooperation demands for a long time, accelerated the negotiations after the sanctions and concluded the price agreement in a way that would make concessions to China (Xu and Reisinger, 2019: 8). Related to this, Skalamera (2014: 27) states that "Western sanctions against Russia in the gas deal have increased both China's negotiating position and the possibility of a deal, as Moscow is increasingly desperate for alternatives to gas markets outside of Europe".

Price Debate and Beijing's Bargaining Power

The price dispute, which caused the interruption of energy relations between the parties, was due to the differences in the approaches of the parties. Moscow insisted on the fact that prices must be the same as the European market and for Beijing. In response, China suggests that related to coal-related prices, but Russia did not offer this, and this caused the negotiations to stall (Liu and Xu, 2021: 5). The stagnation period continued until 2006. Afterward, there were shifts in relations, but they did not last in the long term and did not come to fruition since Russia demanded 300 dollars per 1000 cubic meters of natural gas in 2007, and China insisted on only 180 dollars. In 2010, Russia did not change the prices demanded, and China's insistence on paying only 200 dollars led to the elimination of obstacles in the negotiations. Although significant progress was made in the relations between the parties in 2011, only the numbers changed in the context of natural gas, but the result was still the same. So much so that after the Presidential Summit between Medvedev-Jintao in June 2011, China revised its offer to 235-250 dollars, but Gazprom also increased its demand to 350 dollars (Liu and Hu, 2021: 5). Since the difference between the parties in 2011 was more than 100 dollars per 1000 cubic meters, as Russia offered 280 dollars to Russia's \$380 demand two years later, it is possible to state that by 2013 they were still far from each other for reconciliation (Liu and Hu, 2021: 5). However, the protests that started on 21 November 2013 turned into a global crisis in 2014 and brought along some developments. Undoubtedly, China's ability to seize its bargaining power in the long-running negotiations with Russia is one of the most important developments. In a way, this means that the "energy superpower",



which adopted the foreign energy policy understanding at that time, lost to Beijing the bargaining power it had held in energy diplomacy for a long time.

With the sanctions, the loss of influence on Russia's energy diplomacy became more evident. For example, 20-21 May 2014 events. So much so that the spokesperson of CNPC at that time, one of the parties that came together in the negotiations on natural gas projects stated on May 20, 2014, that "it still seems very difficult to agree to these conditions." Yet, on 21 May 2014, at 04:00, less than twenty-four hours later, the contract was signed. It is possible to interpret the signing of the contract as the fact that China has begun to gain an advantage over Russia, although the details were not fully disclosed. In addition, the consensus estimates regarding the prices, which were initially described as trade secrets, and the data obtained in the following period support the fact that China has started to gain the advantage. So much so that the natural gas procured from the POS would be among the cheapest supply options in the northeast market. In this respect, according to January 2020 data, the customs declaration price for POS gas was 1.44 Yuan/m³. It is obvious that the declared price in question is lower than that of in Turkmenistan (1.72 Yuan), Uzbekistan (1.54 Yuan), Kazakhstan (1.47 Yuan), and Myanmar (2.37 Yuan) (Liu and Hu, 2021: 7).

Route Issue and Altai Pipeline Project

It is an extremely limited approach to consider the agreement signed in May 2014, only in the context of solving the price problem. In this context, it is necessary to mention other arguments supporting the loss of influence on Moscow's energy diplomacy against Beijing because the agreement in May 2014 included the determination of the first transmission pipeline route that would provide the natural gas flow between the parties and solve the price problem. Therefore, another important obstacle faced by the negotiations between China and Russia was the differences of opinion on the route of the pipeline. So much so that it was mentioned many times in the negotiations that Russia preferred the western route and China the eastern route (Shadrina, 2014: 65). However, insisting on the western route, Moscow agreed to prioritize the eastern route during the Ukraine Crisis. Therefore, the POS planned for the eastern route was put into practice instead of the Altai Project planned for the western route. Briefly, the parties, who were willing to build two lines at first, turned into differences of opinion after a while, especially after China's economic rise and Russia's power in energy diplomacy based on energy resources, and this situation continued until 21 May 2014.



Figure 3. Proposed Route of Power of Siberia-2.



Source (Jayaprakash, 2024).

Since it was no longer possible for Russia to maintain its past stance, the pressures it tried to apply were no longer having the expected effect on Beijing. So much so that the CNPC, which met with Gazprom at the beginning of 2012, firmly rejected the Altai project in the negotiations, giving clues about the sustainability, impact, and subsequent developments in Russia's attitude (Kaczmarek, 2016: 6). Also, subsequent developments, such as Putin's visit to Shanghai in May 2014 and the decision to shelve the western line, were also indicators of that. However, the loss of influence on Russia's energy diplomacy against China was not limited to shelving the project or cancelling it according to some experts. First, it is possible to say that it was not possible to cancel such an important project by Russia. However, it is worth emphasizing that no significant progress was made. So much so that when considered as the Altai Pipeline, the most important step taken recently regarding the project was signing a memorandum of understanding regarding the project in 2015. What makes the memorandum of understanding signed in 2015 important is beyond the developments related to the project. As it is known, this project, which is very important for Russia, is still being revised in the light of China's different demands and comes to the fore from time to time. Even at the point reached as of 2020, Russia has revised its western route as "POS 2". As can be seen at this stage, Russia continues to make concessions against China. For example, within the scope of POS 2, Russia attempted to pave the way for a new western route through the Altai mountains, which it had previously postponed by citing environmental factors within the scope of sending natural gas from the northeast of China to the Beijing-Tianjin-Hebei metropolitan area in the north and the Yangtze delta in the east. Nowadays since Beijing has multiple sources to buy natural gas, it has become a buyer's market, which is why the negotiations are largely asymmetrical. President Putin's visit to Beijing in May this year and Chinese Prime Minister Li Qiang's visit to Moscow in August have not yielded any agreements on POS 2 (Jayaprakash, 2024). Since 2023, the



development of the POS 2 has advanced but remains in the design phase. Deputy Prime Minister Alexander Novak stated that the final route is near completion, with construction expected to begin in 2024 and operations projected to start by 2030 (World Pipelines, 2023; OSW Centre for Eastern Studies, 2023). Nevertheless, despite Russia's eagerness to strengthen energy ties with China, there are significant uncertainties regarding the project. Some factors, coupled with China's cautious approach to energy partnerships, suggest that finalizing agreements on the Power of Siberia 2 pipeline will possibly take time (OSW Centre for Eastern Studies, 2023).

Conclusion

One of the closest examples where the effect of the power created by the asymmetries in the energy interdependence on the negotiations in energy diplomacy is observed is the China-Russia relations. What makes the China-Russia energy relations important is the asymmetries and the changes in the balance in the interdependence relationship. In connection with this, it is possible to state that although China-Russia energy relations have been shaped within the framework of interdependence in the historical process, significant changes have occurred in the direction of the balance. These changes become more understandable when the interactions between the parties are considered in three periods. For example, it is seen that there was an advantageous situation in favour of Russia in the first period of relations, which began in the 1900s. While this situation continued until the first eight years of the 21st century, it is witnessed that the interactions between the parties entered a period of relative equilibrium, especially after 2009, and that China began to take place among the options as an alternative for Russia. However, this balance-relative equilibrium situation in energy relations did not last long and since 2013, the relationship of interdependence has entered the process of transforming into an asymmetrical state in favour of China. The development that started such an important transformation process in relations is the echo of the Ukrainian crisis in the international arena. The reactions of the international public, especially the Western states, against Russia are undoubtedly the result of the repercussions. In this process, the sanctions imposed by the Western states have special importance because beyond the reactions of the international public, the process that started the structural change and transformation of the China-Russia energy relations is the sanctions put into practice. Therefore, this move of Moscow, while confronting us as a loss of bargaining power in energy diplomacy, heralds a new process in which Russia-China energy relations have become asymmetrical in favour of Beijing.

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LOCAL GOVERNANCE REFORMS IN POST-SOVIET AZERBAIJAN: A COMPREHENSIVE ANALYSIS OF STRUCTURAL CHANGES AND REFORM INITIATIVES

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Abstract

This study explores the evolving landscape of local governance in the Republic of Azerbaijan since gaining independence from the Soviet Union. This study underscores the geopolitical importance of the Caucasus and Central Asia, examining the transformation of administrative frameworks within the region, with a particular focus on Azerbaijan's distinct trajectory toward national sovereignty. The central aim of the research is to propose an effective model for local governance in Azerbaijan, distinct from Soviet-era approaches, and aligned with contemporary global standards. Through a comprehensive literature review, the study evaluates the existing local governance structure, implements reforms, and identifies areas requiring regulation and improvement. This study provides an in-depth analysis of local governance and reform challenges in Azerbaijan, focusing on the legal framework and practical implementation issues. The research delves into the constitutional provisions and practical aspects related to local governance, shedding light on the dynamics between municipalities and the central government. The examination covers the historical context, constitutional developments, and the impact of the Soviet legacy on Azerbaijan's local governance. Therefore, the study reveals discrepancies between the constitutional framework and the actual practices, hindering the effective functioning of local governance. The findings of this study not only contribute to the understanding of Azerbaijan's governance structure



but also offer recommendations for enhancing the socio-economic progress of local administrations, emphasizing efficiency, accountability, transparency, and other crucial goals. The study adopts a broad historical perspective while focusing on recent developments in the field of local governance, ensuring a comprehensive analysis of the subject matter.

Keywords

Azerbaijan, Post-Soviet era, Political reform, Local governance, Democratization processes.

Resumo

Este estudo explora a evolução do panorama da governação local na República do Azerbaijão desde a sua independência da União Soviética. Este estudo sublinha a importância geopolítica do Cáucaso e da Ásia Central, examinando a transformação dos quadros administrativos na região, com especial destaque para a trajetória distinta do Azerbaijão rumo à soberania nacional. O objetivo central da investigação é propor um modelo eficaz de governação local no Azerbaijão, distinto das abordagens da era soviética e alinhado com as normas globais contemporâneas. Através de uma análise exaustiva da literatura, o estudo avalia a estrutura de governação local existente, implementa reformas e identifica áreas que requerem regulamentação e melhorias. Este estudo fornece uma análise aprofundada da governação local e dos desafios da reforma no Azerbaijão, centrando-se no quadro jurídico e nas questões práticas de implementação. A investigação analisa as disposições constitucionais e os aspectos práticos relacionados com a governação local, lançando luz sobre a dinâmica entre os municípios e o governo central. A análise abrange o contexto histórico, a evolução constitucional e o impacto do legado soviético na governação local do Azerbaijão. Por conseguinte, o estudo revela discrepâncias entre o quadro constitucional e as práticas actuais, que impedem o funcionamento eficaz da governação local. As conclusões deste estudo não só contribuem para a compreensão da estrutura de governação do Azerbaijão, como também oferecem recomendações para melhorar o progresso socioeconómico das administrações locais, dando ênfase à eficiência, à responsabilidade, à transparência e a outros objectivos cruciais. O estudo adopta uma perspectiva histórica alargada, ao mesmo tempo que se centra nos desenvolvimentos recentes no domínio da governação local, assegurando uma análise abrangente do tema.

Palavras-chave

Azerbaijão, Era pós-soviética, Reforma política, Governação local, Processos de democratização.

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Introduction

Geographically, the regions of the Caucasus and Central Asia have garnered attention since the end of the Cold War, both due to their geopolitical significance and natural resources. Consequently, the development and systemic changes of the states in the region are closely monitored by other global powers (Hasanoğlu, 2008). The transformations in the administrative and systemic structures of the states in the region occur by adapting to new conditions and their own societal dynamics, often taking developed world states as examples (Hasanoğlu, 2019). According to Hasanoğlu (2008), Azerbaijan, holding a significant position in the region, adopted a new political approach based on national sovereignty after gaining independence, departing from the Soviet Union's public administration principles.

The Republic of Azerbaijan, upon gaining independence, prepared a new constitution with the aim of restructuring the fundamental framework and operation of the state (Elma, 2007). In the adopted structure emphasizing the separation of powers, the President holds a significant position, while the legislative body and independent judiciary have important powers and responsibilities (Hasanoğlu, 2008). Over time, constitutional amendments have been made to address changing needs. The agenda of the Republic of Azerbaijan has prominently featured the consideration of new regulations encompassing local governance and the subsequent reform initiatives envisioned since independence. According to Hasanoğlu (2008), Azerbaijan lacked historical experience in the field of local governance, and to this day, the administrative structure is generally centralized, with insufficient progress noted. However, efforts to strengthen local governance have been increasing each day in line with global developments in local administrations (Aslanov, 2007). Throughout the period from the establishment of the Republic of Azerbaijan to the present, numerous reform efforts have been undertaken concerning local governance. While some reform proposals have been formulated and implemented, others have faded from the agenda without materializing into drafts (Rehimli, 2020).



In this study, an examination will be conducted on how the changes and transformations in the governance structure of the Republic of Azerbaijan are reflected in reform efforts. In this context, the process of restructuring the state, which occurred with the new Constitution after Azerbaijan's independence, will be discussed initially. To provide a clearer understanding of the local governance structure, the Azerbaijani Constitution, including the section on local governance, will be explored through a literature review. The article will evaluate the current structure of local governance, the reforms implemented in this field, and areas that need regulation and improvement.

The primary objective of this study is to propose an effective model for local governance in Azerbaijan that aims at the socio-economic progress of local administration, departing from the approaches inherited from Soviet Russia, renewing itself in local governance, ensuring efficiency in service, accountability through oversight, transparency, and other such goals. The article will investigate whether Azerbaijan, after breaking away from the Soviet system that defined the local governance structure of the Azerbaijan Republic throughout the 20th century, has established a unique local system and will explore the current direction of the country's governance structure and the ongoing process of change.

Furthermore, an assessment will be made regarding the changes and transformations in the local governance of the Republic of Azerbaijan following its independence, providing insights into the reforms that have been implemented. The study employed a qualitative research method, utilizing a literature review as the method for collecting findings. Both primary and secondary sources were utilized during this process. In the literature review related to the subject, there was no specific historical limitation imposed; however, efforts were made to draw upon studies and approaches from as recent a timeframe as possible.

1. Local Governance Structure in Azerbaijan Before the Dissolution of the USSR

In the late 18th century, the struggles initiated by the Safavids against the Russians paved the way for the dominance of feudal principalities in Azerbaijani territories. Towards the end of the 18th century, uprisings initiated by peasants, primarily in the Tsarist Empire, and the pressures from the nobility compelled the Tsar to implement reforms in local self-governance (Hasanoğlu, 2019). "With the land reform, the country was divided into 50 Guberniyas (Provinces) with a population ranging from 300,000 to 400,000, and these were further divided into Uyezds (Districts) with settlement areas having populations around 20,000 to 30,000. Guberniyas and Uyezds, local administrative units responsible for the military, financial, and administrative affairs of the region and considered as the absolute representatives of Tsarism in the region, were governed by appointed officials." (Hasanoğlu, 2008). This centralized structure introduced in 1775 underwent some changes in 1785 under the pressure of the nobility (the "Nobility Charter"). In northern Azerbaijan, recognized as part of the Russian Empire, four Guberniyas were established, and General Governors (Governors) appointed by the Tsar presided over local administrations (Yıkıcı & Bilgili, 2022).



Azerbaijan remained under the dominion of Tsarist Russia for many years and experienced only a brief period of independence from 1918 to 1920 until it declared full independence in 1991 (Rehimli, 2020). During the two years of independence, the government faced numerous challenges both in terms of local administrations and economic-political issues. Joining the Russian Federative Socialist Republic on September 20, 1920, Azerbaijan went through a period until 1922 where intellectuals were forced to migrate to foreign countries, and efforts were made to reduce the influence of Azerbaijanis in the region. Azerbaijan's first experience of independence was short-lived due to the Russian occupation (Hasanoğlu, 2019).

From this historical portrait, it is evident that the state, first under the rule of Tsarist Russia, had a brief period of independence and then became a Republic within the Soviet Union. "The organization of the state in the USSR Constitution was based on local Soviets (councils) determined by a delegate system from bottom to top. Village councils were directly elected by the people, and their delegates constituted the rural district (volost) councils at the second level; district council delegates, along with city council delegates, formed the regional (guberniya) councils. The geographical divisions and names were inherited from Tsarist Russia." (Hasanoğlu, 2019).

Until 1985, the Soviet Union was often referred to as the "Prison of Nations." Following Mikhail Gorbachev's initiation of reforms aimed at democratizing the regime, national uprisings began to emerge within the Soviet Union. As a result of these uprisings, the Republic of Azerbaijan was re-established in 1991 (Elma, 2007). However, when evaluating the country's democratic future based on these events, the outlook may not be particularly optimistic.

The ability to govern oneself competently, a crucial aspect of becoming a democratic country, has not been evident in Azerbaijan's political history up until these years (Hasanoğlu, 2008). Therefore, implementing reforms related to local governance in Azerbaijan to create a democratic society is a challenging task. Years of being under occupation and the lack of a leadership cadre with a background in democratic education have been challenging for Azerbaijan in establishing a democratic order and adopting innovative approaches to local governance services (Rehimli, 2020).

1.1 Local Governance Structure and Constitutional Developments in The Republic of Azerbaijan after Independence

After gaining independence in 1991, Azerbaijan began developing various reforms to both align with modern society and implement a local governance system specific to their country (Rehimli, 2020). The goal of these reforms was for Azerbaijan to have equal rights with other countries globally and progress as a democratic nation. The legal basis for these reforms was the Azerbaijan Constitution (Rehimli, 2020).

Following Azerbaijan's independence, the first constitution came into effect in 1995 under the decision of Heydar Aliyev, who presided over the era. This constitution was prepared by the State Commission. It designates the people as the sole source of state sovereignty, exercised through elected representatives in the parliament (Yıkıcı & Bilgili, 2022). No one, except the representatives chosen by the people, is granted the right to



speak and appeal on behalf of the people, as specified in Article 6 of the Constitution (Hasanoğlu, 2008).

The Constitution states that Azerbaijan is a unitary, legal, secular, and democratic republic. The only limitation on state sovereignty is the obligations arising from international agreements. As previously mentioned, state sovereignty in Azerbaijan is based on the principle of separation of powers outlined in the constitution (Huseynova, 2019). According to this principle, each power operates independently within its domain while maintaining relationships with other branches (Hekimoğlu, 2020).

In Azerbaijan, the legislative authority belongs to the National Assembly of the Republic of Azerbaijan, while the executive authority is vested in the President (Hasanoğlu, 2019). The judicial authority is held by the independent courts of the Republic of Azerbaijan. The President, as the head of the state, is described as the Commander-in-Chief of the armed forces, the guardian of unity among the people, the representative of the state in domestic and foreign affairs, and a guarantee of the state's independence and territorial integrity according to Article 8 of the constitution (Elma, 2007).

The Azerbaijan Constitution extensively covers all titles encompassing fundamental rights and freedoms (right to life, right to work, etc.) (Aslanov, 2007). However, there is a contradiction with this principle in Article 8, paragraph 4 of the Constitution. According to this paragraph, it is stated that the President of Azerbaijan ensures the independence of the country's judiciary (Hasanoğlu, 2019). In all democratic and free countries, it is essential for the judiciary to be independent in carrying out its activities. However, the provision in the Azerbaijan Constitution that designates the President, who is the head of the executive branch, as the guarantor of judicial independence is not considered consistent with the concept of the "rule of law" (Hasanoğlu, 2019).

In a general evaluation, although the Constitution of the Republic of Azerbaijan exhibits features of a presidential system, it can be stated that it is not exactly the same as the U.S. presidential system due to its unique characteristics, emphasizing a strong executive principle (Khalafova, 2019). Among the reasons for this situation, the dominance of a single-party rule for many years, as seen in former Soviet Republics, and the absence of a traditional parliamentary system can be highlighted (Khalafova, 2019).

The Republic of Azerbaijan, with a unitary structure, also possesses a region named Nakhchivan with autonomous status. Nakhchivan was defined as an autonomous region by the Moscow-Kars Treaty in 1921. According to the treaty, any changes in this status are subject to the approval of guaranteeing states such as Turkey and Russia. Following Stalin's cession of Zangezur to Armenia in 1924, the territories of Nakhchivan were bordered by Azerbaijan. The governance of the Nakhchivan Autonomous Republic was safeguarded by the Constitution of the Republic of Azerbaijan in 1995, and the Constitution of the Nakhchivan Autonomous Republic was ratified through a referendum held in the same year, entering into force (Khalafova, 2019).

Azerbaijan has taken significant steps in local governance following the attainment of independence, similar to developments in the constitution and central administration (Amirov & Dani, 2006). As mentioned earlier, Azerbaijan, lacking experience in local governance systems, generally exhibits a form of governance where the central



administration holds prominence (Rehimli, 2020). The Republic of Azerbaijan, framed by unitary, legal, democratic, and secular principles, considers the development and implementation of a local democratic governance system as a crucial and necessary condition, representing a significant stage in democracy within its borders and administrative system (Khalafova, 2019). In accordance with the constitution, local services in Azerbaijan are delivered by two main entities: the 'local executive authorities,' functioning as extensions of the central government, and the municipalities, which are tasked with providing local services (Amirov & Dani, 2006).

2. Local Governments in the History of Azerbaijan

In the context of the history of Azerbaijan, local governments refer to decision-making bodies whose powers and responsibilities regarding the provision of local and common public services related to the geographic areas where the local population lives, such as cities, villages, and municipalities, are constitutionally and legally defined. These bodies are autonomous legal entities with administrative and financial autonomy in matters chosen by the local population (Hasanoğlu, 2019). Local governments recognized as an integral and essential part of public administration in all countries worldwide, complement the state as a primary element. Observing their expanding scope and increasing significance in today's world, it is evident that local governments play a crucial role (Pustu, 2016). The level of development of democracy in a country is directly related to how effective and powerful local governments are. Local governments are considered indispensable for the efficient and effective sharing and implementation of local services with the public, contributing to the formation of a culture of democracy and participation (Yıkıcı & Bilgili, 2022).

A comprehensive understanding of Azerbaijan's local governance system and the implemented reforms requires an examination of the country's unique circumstances and a review of the historical development of local governance units (Alçiçek, 2019). When delving into the history of local governments during this period, it becomes evident that their existence was under threat both in Tsarist Russia and during the Soviet era. However, after gaining independence following the separation from the Soviet Union, there was a noticeable decrease in the influence of the Russia-centric local governance structure, accompanied by an increase in European-centric approaches (Rehimli, 2020). This shift has been a crucial step in ensuring the autonomy of local governments. The restructuring, empowerment, and initiation of reform efforts for local governments in the Republic of Azerbaijan became feasible in the post-Soviet era. During the Soviet era, the structure of local governments was characterized by a coexistence of central and local elements. It is noteworthy that local councils existed during this period (Huseynova, 2019).

After gaining independence, the foundations of Azerbaijan's state structure primarily rely on the 1995 Constitution (Elma, 2007). The fourth part of the 1995 Constitution addresses the legal status of local governments. Despite numerous legislative amendments related to the 1995 Constitution, local elections in the Republic of Azerbaijan were only conducted in 1999. Local governments were assigned a crucial role in preparing and implementing the local tax system (Alçiçek, 2019). The initial local



elections took place in 1999, resulting in the establishment of 2735 municipalities as local governance units in Azerbaijan. However, through a regulation approved in 2009, some municipalities were merged, reducing the total number to 1772 (Yıkıcı & Salman, 2021).

Azerbaijan's administrative and political restructuring process began during the Elchibey era and was completed during the Haydar Aliyev era. The existing structure has been maintained in the Ilham Aliyev era as well (Elma, 2007). During Haydar Aliyev's tenure, executive powers, presidential authority, and executive control (governorate system) were strengthened, while national and local assemblies remained relatively weak in the face of executive authority (Rahimli, 2009). Furthermore, it is observed that political, administrative, and economic cadres are exclusively composed of members of the ruling party (Elma, 2007). After gaining independence in Azerbaijan, the reforms in the public administration system evolved from limited regulations in 1991 and 1992 to a more detailed structure following the enactment of the 1995 Constitution (Hasanoğlu, 2019).

Azerbaijan Republic municipalities are considered administratively and financially autonomous with strong financial resources according to legal regulations. However, in practice, these units are under the control of the central government, indicating a contrary situation. As a result, municipalities do not act independently of bureaucracy. Moreover, only a small portion of the taxes and revenue sources specified in the legal regulations for municipalities can be obtained. Therefore, one of the most significant problems that Azerbaijani municipalities need to address is the inadequacy of financial resources (Elma, 2007). Municipal council members are elected for a term of 5 years, and the election is based on the principle of direct election law rather than a majority voting system, with secret balloting. The number of members is determined based on the population of the locality where the municipality is located (Rehimli, 2020).

Municipalities, whose fundamental purpose is the effective provision of local services, have responsibilities such as adopting the municipal charter, establishing permanent and temporary commissions, determining and recognizing members' powers, setting local taxes, approving local social defence and development programs, and deciding on the loss of powers of council members in cases envisaged by the law (Hekimoğlu, 2020). Additionally, the preparation and implementation of the local budget, along with the approval of reports related to it, are under the responsibility of the municipal council (Rehimli, 2020). Municipal councils also undertake tasks such as establishing commissions to oversee the activities of institutions affiliated with the municipality in accordance with the powers granted by the municipal charter. According to Rehimli (2020), these commissions must operate in accordance with the municipal charter and the regulations prepared regarding the commissions.

Additionally, these commissions bear responsibility towards the municipality for their activities and periodically report to the council about their work. The distribution of duties and responsibilities between local executive authority and municipalities is considered a crucial issue in local governance. The reason for this is derived from the effectiveness of local executive authority in municipalities (Alçiçek, 2019). In the allocation of responsibilities related to public services, matters such as public order, population, health, communication, meteorology, public transportation, agriculture, energy, education, social policies and services, as well as cultural and artistic services, are left to



the central government and its regional organizations. On the other hand, services related to housing and settlement, road construction, parks, cemeteries, green areas, and similar issues are delegated to municipalities (Yıkıcı & Salman, 2021).

Furthermore, municipalities have the authority to collect regional taxes, considering their constitutional basis. Therefore, municipalities have been granted the power to determine regional taxes. In Azerbaijan, efforts to strengthen local governments for both regional and local development are made with the aim of improving conditions (Alçıçek, 2019). However, services provided through central administration and executive authority lead to inequalities due to the lack of strength in local governments. Strengthening the financial structure of these entities will enhance the quality of services, resulting in a more favourable outcome (Yıkıcı & Salman, 2021).

In local administrations, local governorates, which provide services to the rural structure, are considered representatives of the central government in the rural areas (Aslanov, 2007). Among the responsibilities of local governorates are improving the opportunities of the regional population, safeguarding the rights and legal interests of citizens, ensuring socio-cultural development, and giving importance to the opinions of the people (Alçıçek, 2019). In Azerbaijan, local governorate units are referred to as "executive authority" or "icra hakimiyeti" in Azerbaijani. Although "executive authority" is a clear expression, according to Alçıçek (2019), the term "local governorates" is used because it carries a more comprehensive meaning.

2.1 Local Governments in the Azerbaijan Constitution

The first constitution in the Republic of Azerbaijan was adopted during the initial period of independence in 1920. The first constitution during the Soviet era was prepared in 1921. In 1922, due to the formation of the "Transcaucasian Federation" between Azerbaijan, Georgia, and Armenia, the 1921 Constitution was initially applied to the Transcaucasian Soviet Socialist Republic in 1922 and later, in 1924, it was reorganized according to the Soviet Constitution (Ünal, 2019). With the adoption of Stalin's Constitution in the Soviet Union in 1936, the constitution was revisited in 1937, and Azerbaijan became fully one of the republics subordinate to the USSR (Elma, 2007). The Soviet Constitution of 1977, organized in 1978, was also adopted in Azerbaijan. In 1990, when the Soviets made amendments to the 1978 Constitution, these changes were transferred to the Azerbaijani Constitution as well (Amirov & Dani, 2006).

After gaining independence in 1991, Azerbaijan embarked on comprehensive reforms to align itself with modern society (Hekimoğlu, 2020). The primary objective of these reforms was to ensure that the country had the same conditions as other countries in the international arena (Hasanoğlu, 2008). The constitution, which is the fundamental characteristics and powers of the state, with no other legal norm above it and serving as the basis for other legal norms, was the legal foundation for the implemented reforms. Following Azerbaijan's independence, a new constitution was prepared by the State Commission led by then-President Heydar Aliyev, and it was adopted through a referendum on November 12, 1995 (Rehimli, 2020). According to the 1995 Constitution, the sole source of state sovereignty is the Azerbaijani people. The people exercise their



sovereignty right through representative democracy. Apart from authorized representatives, namely members of parliament, no one else has the right to represent the people or speak on behalf of the people (Yıkıcı & Salman, 2021). The Constitution's Article 6 stipulates that any organization or social group that does not reflect the people cannot have a say in sovereignty. According to the Constitution, Azerbaijan is a democratic, unitary, and legal republic (Amirov & Dani, 2006). State sovereignty can only be limited by obligations arising from international treaties. The separation of powers principle, expressed in Article 7 of the Constitution, is the basis for state sovereignty. According to this principle, each power is independent within its jurisdiction but is also in relation to other powers (Huseynova, 2019). Legislative authority belongs to the National Assembly of the Republic of Azerbaijan, executive authority to the President, and judicial authority to the independent courts of Azerbaijan. As per Article 8 of the Constitution, the President is considered a guarantee for the territorial integrity and independence of the state, serving as the head of the armed forces, and representing the state in both domestic and foreign affairs. The Constitution provides detailed provisions for all rights (Amirov & Dani, 2006).

After the dissolution of the Soviet Union, laws related to local governments in countries departing from the socialist system were prepared in compliance with the 'European Charter of Local Self-Government.' This situation is also evident in the Azerbaijani Constitution (Aslanov, 2007). Examining the provisions related to local governments in the Constitution of the Republic of Azerbaijan, we find that the fourth section of the constitution establishes the principles regarding this matter (Elma, 2007). Furthermore, Article 142 of the constitution designates local government institutions as municipalities elected in cities and towns. The method of election and the status of municipalities are specified by law. A single-tiered governance system has been adopted by granting municipal status to villages and towns, following the model applied in France (Rahimli, 2009). The Constitution outlines who should collect the governing bodies and in what manner. Additionally, the status of municipalities, as well as the duties and responsibilities of municipal members, is specified in the constitution (Yıkıcı & Salman, 2021). In the relevant article, the approval of the municipal parliament and the election process for the mayor are regulated. Explanations regarding the provision of regional taxes and salaries are also detailed in the same article (Elma, 2007). These mentioned articles have ensured the constitutional protection of local governments (Huseynova, 2019).

The concept of local governance in Azerbaijan is protected by the law enacted in 1999, known as the 'Law on the Status of Municipalities.' In the general principles section of the law, information about the concept of local governance is provided, elucidating the intended meaning of this concept. According to the local governance understanding outlined in the law, citizens are granted the right to independently resolve all issues of local importance within the framework of laws (Rahimli, 2009). The mentioned right, as stated in the law, is implemented by municipalities elected freely, secretly, and personally through a general, direct, and equal election method. According to the law, a municipality is defined as a form of local governance within the legally specified territorial boundaries. Municipalities have their own property, budget, and elected bodies. Municipalities



independently address issues of local importance authorized by the constitution and the law (Uygun, 2015).

Municipalities are established and continue their activities based on the principle of equality. The organs of the municipal legal personality are the locally elected governance bodies established by the members elected from the municipality, adhering to the Constitution of the Republic of Azerbaijan, the Law on Municipal Elections, the Law on the Status of Municipalities, and their own bylaws (Rahimli, 2009). Municipalities are not part of the state sovereignty organ system. 'State organs and authorized individuals of the state are not allowed to implement local governance. Following this decision, municipal members are not allowed to serve in legislative, executive, and judicial bodies' (Rahimli, 2009). According to the constitution, the decision-making body of the municipality is the municipal council, while the executive body is the municipal executive apparatus. The executive apparatus includes branches and departments to implement various services, programs, and economic groups. The mayor appoints the heads of these branches and departments. The legal status of officials serving in municipal executive apparatuses is regulated by the 'Law of the Republic of Azerbaijan on Municipal Service' (Huseynova, 2019). According to Article 2 of the law, 'Civil service is a professional activity in these organs carried out through appointment to perform the duties of local governance bodies and for which compensation is received for their services' (Amirov & Dani, 2006). While the salaries of officials are covered by the municipal budget, council members are not considered in the official status, as specified by the law.

Additionally, benefiting from the experiences and laws related to local governance in developed countries, various draft laws were prepared using the developments in municipal administration and local governance. Some of the enacted laws include the 'Law on the Status of Municipalities,' 'Law on Local Referendum,' 'Law on the Status of Council Members,' 'Law on Separation,' 'Law on Municipal Staff,' 'Law on the Basics of Municipal Finance,' 'Law on the Rules of Municipal Elections,' 'Law on the Granting of Real Estate to Municipal Property,' 'Law on Joint Activities, Mergers, and Separations of Municipalities' (Elma, 2007). In addition to these laws, significant regulations regarding municipalities were made in Azerbaijan with other laws enacted in 2001 and 2003. While preparing these law proposals and establishing the local governance system, the experiences and laws related to local governance from many countries within the Council of Europe, such as Turkey, Italy, Portugal, France, Germany, and the Russian Federation, as well as the local governance legislation of member countries of the Commonwealth of Independent States, were utilized (Rahimli, 2009).

A review of the legal sources related to local governance in Azerbaijan reveals decisions on the country's local governance structure, municipalities, their elections, and activities within the 1995 constitution (Elma, 2007). Legal regulations are generally prepared in accordance with the Council of Europe's Charter of Local Self-Government (Elma, 2007). This charter was approved by the country's parliament in 2001. While the Azerbaijani constitution grants limited autonomy to the local governance, in practice, both the constitution and laws perceive municipalities as civil society organizations outside the hierarchy of the centre (Rahimli, 2009). The constitution endowed municipalities with decision-making authority in matters related to freedom of action and execution (Abdullayev, 1998). However, in practice, a strong and centralized state structure has



been established in Azerbaijan, particularly in the capital Baku, with an extensive central government apparatus, imposing strict control over local governance (Yıkıcı & Salman, 2021). Therefore, it is not accurate to characterize the current local governance structure in Azerbaijan as conforming to a liberal model. While both constitutional and legal foundations of local governance suggest an autonomous structure, in practice, local institutions operate in the shadow of central authorities. Hence, despite the mention of autonomous local governance in Azerbaijani legislation, the practical implementation reveals a more passive local governance approach closely tied to the central government.

A general assessment of the Azerbaijani Constitution and legislation related to local governance reveals a century-long history of constitutional developments. This historical experience, shaped by various events such as occupation and upheavals, has gradually formed the institutions and rules of the current Azerbaijani constitution (Uygun, 2015). Therefore, to interpret Azerbaijan's existing local governance structure with a multidimensional perspective, one must first understand the constitutional developments of the state (Khalafova, 2019). Throughout Azerbaijan's history, four constitutions were enacted in the periods between the existence of the first independent People's Republic based on national sovereignty, the end of occupation, entry into the Soviet Union again, and finally gaining full independence (Hasanoğlu, 2008). The primary goal and common feature in making these constitutions were to implement changes in the Soviet Constitution in Azerbaijan and to maintain the traditional existence of legislative, executive, and judicial organs in protecting fundamental rights and freedoms (Uygun, 2015). This preserved institutional memory and protected fundamental principles and values, facilitating the rapid and easy establishment of the principles, structures, and institutions related to a democratic rule of law when drafting a new constitution.

3. Strengthening and Reform Initiatives in Local Governance in the Republic of Azerbaijan

In Azerbaijan, local governments are defined as public legal entities with administrative and financial autonomy, providing services to the public in a specific geographic area, and having decision-making bodies elected by the people as specified in the law (Khalafova, 2019). In unitary and federal states, the effectiveness of local governments is parallel to the democratic understanding, and it is possible to state that the effectiveness of local governments is often proportional to economic progress. In summary, there is a correlation between local governments, economic advancement, and local democratization (Mollaer, 2004). These aspects play a crucial role in ensuring and strengthening the country's integrity through local governments. When examining the pre-independence period in Azerbaijan, we observe that it was initially under the dominion of Tsarist Russia and later under the Soviet Union (Hasanoğlu, 2019). As a result of this domination, Azerbaijan carries traces of the Soviet era in its governance structure, cultures, and particularly in its lower administrative organizations. Under Tsarist Russia's dominion, although there were variations in the governance structure during certain periods, the provincial system and military governors dominated the administrative system. During the Soviet Union era, the district system and executive committees were significant formations in the administrative structure. Looking at the



administrative systems of other developed countries, it is evident that in many nations, local governments take on much more responsibility than central governments in implementing public services, leading to greater efficiency in public services (Mollaer, 2004).

On September 30, 1991, the Republic of Azerbaijan, after gaining independence, took significant steps towards implementing reforms in local governments and central administration, aligning itself with developments in Western countries. However, due to a lack of continuity in the reforms, the desired results were not fully achieved (Abdullayev, 1998). The Republic of Azerbaijan is administratively divided into "rayons," which can be translated as "districts" and correspond to the provincial units of the central administration in Turkey. Today, the administrative system and boundaries of these rayons largely date back to the Soviet era (Alçiçek, 2019). During the Soviet era, as a requirement of socialist system thinking, councils in the rayons, consisting of representatives of peasants and workers, formed the basic organs of governance. Before Azerbaijan gained independence, on June 1, 1991, the "Executive Authority" office, serving the same function, was established. Executive authorities (governors), appointed by the president, could appoint assistants to help them in their duties (Huseynova, 2019). In the peripheral units of the central administration, which are subordinate to executive authorities, various sub-administrations provide services for youth, sports, education, law, economy, health, agriculture, finance, police, transportation, and social and humanitarian aid (Şataf, 2020). The appointment of officials in these administrative units is made individually or collectively by the executive judge, who represents the capital organization of the central administration or the representative of the central administration in the peripheral organization, in a manner that may lead to authority confusion.

The explanations regarding executive authorities are provided in Article 124 of the constitution. According to this article, executive authorities consist of two organs: the President and the Council (Hasanoğlu, 2019). According to the relevant article, executive powers in cities and districts are granted to the President, while the advisory authority for discussing and solving the social, cultural, and economic problems of cities and districts is delegated to the Council (Elma, 2007). Executive judges are accountable to the President and are required to report to the Cabinet of Ministers and the President at least once a year. The Council, which meets twice a month, is presided over by the chief judge. In meetings where the judge is absent, this duty is assigned to the deputy executive judges (Alçiçek, 2019). The appointment and dismissal authority of executive judges, as well as the responsibility to determine their powers, are vested in the President. The governorships, which are part of the peripheral structure of the central administration and financed from the central budget, have been active as the fundamental units of local governance until the establishment of municipalities (Hasanoğlu, 2019). Their functioning as local governance units has not imposed any limitation on the existence of executive authorities. According to Hasanoğlu (2019), executive authorities represent the central government in cities, districts, and towns, and the appointments of executive authority presidents are directly made by the head of state (Yıkıcı & Salman, 2021). Executive authorities in Azerbaijan, possessing significant power and organized nationwide, serve as representatives of state authority and provide various



services at the local level (Avaner, 2017). In the mentioned local services, activities such as preserving environmental health, implementing measures to increase employment, implementing social and economic policies, enforcing urban planning policies, promoting agricultural activities, developing sports and tourism activities, maintaining general security and legal order, and fostering collaboration between religious institutions and civil society organizations are noteworthy (Hasanoğlu, 2008)

The 1995 Constitution of Azerbaijan established the legal framework for local governments. The Constitution specifically aimed to completely end the influence of the local Soviets and to create new legislation for local governance. Along with these decisions, it was stipulated that municipal elections should be held within two years, but these elections were delayed and could only be conducted in 1999. The official reason for the delay was cited as a lack of experience and the public not being ready for the new order; however, experts argue that the main reason for the delay was the unwillingness of local authorities to delegate their powers.

As a result, municipal elections were conducted on December 12, 1999, and municipalities began operating as local governance units in January 2000. According to the 1995 Constitution, local governance institutions are municipalities established through elections in provinces, villages, and towns. This implies that local governance units are constitutionally guaranteed and organized as a single level.

In Azerbaijan, it is observed that local services are provided through two different structures: executive authorities and municipalities. Executive authorities, being older in terms of establishment date and more powerful in terms of financial resources, are contrasted with municipalities. However, the constitutional regulations have fallen short of ensuring the effective operation of municipalities. The intensity of central control has hindered the progress of municipalities in terms of management.

The absence of specifications regarding the territorial divisions of municipalities and executive authorities in the constitution has hindered the emergence of an equal governance model. The concentration of all powers and responsibilities in executive authorities has led to unfair competition and inefficiency at the local level. These issues have resulted in municipalities becoming ineffective state institutions, and their tasks overlapping with those of executive authorities. Additionally, their lack of sufficient budgetary resources has prevented municipalities from carrying out necessary activities.

While Azerbaijan's administrative system has been significantly influenced by the Soviet era, it has undergone numerous changes and reforms over time, reaching its present form of governance. Currently, Azerbaijan has 90 administrative units, including an Autonomous Republic (Nakhchivan Autonomous Republic), 11 major cities, 78 rural districts of provincial and district size, 63 district centres, 14 city districts, 268 towns, 4248 villages, and 1726 municipalities.

Azerbaijan currently faces significant challenges in the full development of many institutions, organizations, and organizational stages. These institutions have numerous legal, organizational, and operational problems (Uygun, 2015). In addition to institutional issues, municipalities also face financial constraints and lack of experience, which limit their capacity to provide local public services and hinder the implementation of local



governance reforms (Avaner, 2017). Therefore, there is still a serious institutionalization problem related to local governance in the country. Expecting these institutions, which are currently insufficient even in fulfilling municipal services, to contribute to the institutionalization of the country's democracy is not feasible (Şataf, 2020). Azerbaijan has not yet achieved fully democratic and participatory local governance. Consequently, the current situation does not allow local institutions to be successful in the country. As the population of municipalities increases, their budgets should also grow, requiring more efficient involvement at the local level and support from the government (Hekimoğlu, 2020). Despite reforms and strengthening efforts, the changes have not provided any significant contributions to municipal units, which are local government entities. The ongoing problems over the years have not addressed key features of local governance, such as efficiency, effectiveness, and democratization, in municipal reforms (Abdullayev, 1998). Contemporary issues related to efficiency, autonomy, effectiveness, and democratization persist in municipalities today. In the restructuring and reform efforts of local governments, several aspects need to be anticipated. Looking at these aspects, it is crucial to move away from the old management mindset and rigid centralization in order to introduce a contemporary approach at the local level (Khalafova, 2019).

To meet the service and democratic expectations of the local community, a strong and democratic understanding of local governance should be adopted. In this context, it is important to make existing legal channels of participation functional and for Azerbaijan's democracy to embrace a culture of participatory citizenship, allowing local institutions to be open to the participation and scrutiny of the public (Yıkıcı & Salman, 2021). The autonomy granted to local governments constitutionally should also be applicable in practice. Additionally, sharing responsibilities and authority between the central and local governments will facilitate the transfer of tasks and responsibilities originating from the central administration to local governments within the budget framework (Şataf, 2020).

To effectively oversee the activities of mayors, municipal councils need to be fully established as a local representative body (Mollaer, 2004). The direct election of mayors by the public is crucial for their easy accountability to the public (Amirov & Dani, 2006). The central government's control over the neighbourhood management system, as practised during the Soviet era, should be abolished, and representative institutions with functions similar to neighbourhood muhtarlığı in Turkey should be restructured. Neighbourhood councils should also be strengthened (Abdullayev, 1998).

With these recommendations, the aim is to restructure local governance in the country, make reform efforts more efficient, establish a strong, effective, and democratic understanding of local governance, and transform local governments into a full-fledged institution of participation and representation (Yıkıcı & Salman, 2021). Effecting meaningful reforms in local governance is not possible in systems where the public is not sufficiently active and participatory, and where shortcomings are overlooked (Şataf, 2020).



Conclusion

In light of these evaluations, if we were to assess the local governance and empowerment efforts in Azerbaijan in the context of relations between municipalities and the central government, it can be said that Azerbaijan embarked on a significant reform process after the dissolution of the Soviet Union and its transition to an independent country. Firstly, the local governance units were constitutionally secured through laws in the 1995 Constitution of the Republic of Azerbaijan. In providing this assurance, a casuistic approach was preferred over a framework constitution. In this regard, the constitutional principles necessary for local governance were identified and enshrined in laws. From this perspective, Azerbaijan's local governance structure exhibits similarities with the Northern, Central, Eastern European, and French models. However, in the utilization of powers and responsibilities by local governance units, and in their limitations imposed by government decisions beyond legislation, there is also a resemblance to the French model.

Azerbaijan's constitution establishes municipalities as financially and administratively autonomous entities, separate from the central government structure. However, in practice, the situation is quite the opposite due to various reasons such as insufficient financial resources, failure to achieve decentralization, lack of experience, the absence of a deep-rooted local governance culture due to the dominance of the Soviet Union, deficiencies in democratic governance elements, the inability to fully establish local governance awareness among the public, a lack of public trust, and technical inadequacies.

Considering that the primary purpose of local governments is to identify and meet common local needs, the current structure falls far short of fulfilling these needs. Therefore, when undertaking reform initiatives in local governance, it is crucial to address these issues first. Subsequently, more effective and efficient measures should be implemented. Today, the Republic of Azerbaijan needs to find solutions to the aforementioned problems to break free from the traces of Soviet dominance and establish a democratic, independent local governance system. As Azerbaijan has a centralized tradition, significant efforts are required to transform societal consciousness entirely, establish democracy, and improve urban infrastructure and living conditions.

In conclusion, the Azeri constitution aimed to democratize institutions and eradicate remnants of the previous administrative culture following the dissolution of the Soviet Union. Despite constitutional guarantees for local governance, challenges persist in the form of insufficient financial resources, decentralization obstacles, lack of experience, and the absence of a robust local governance culture. The local government structures in Azerbaijan exhibit similarities with the models in Northern, Central, and Eastern Europe, as well as the French model. However, issues such as limited financial resources and government interventions beyond legal constraints resemble the French model. Addressing the shortcomings, the research underscores the necessity of resolving financial, administrative, and cultural challenges to pave the way for successful local governance reforms. Establishing a more democratic and autonomous local governance system is crucial for overcoming the influence of the centralized tradition and achieving



improvements in urban infrastructure and living conditions. Thus, Azerbaijan needs robust, democratic, and autonomous empowerment initiatives.

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A CRISE NO NAGORNO-KARABAKH: UM JOGO GEOPOLÍTICO COMPLEXO

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Resumo

A viragem no conflito do Nagorno-Karabakh entre a Arménia e o Azerbaijão, em setembro de 2023, permitiu desvendar o cruzamento de diversos interesses estratégicos de potências regionais e não-regionais no Cáucaso do Sul. A vitória militar e política do Azerbaijão deve, contudo, ser enquadrada num jogo de alianças mais amplo e complexo envolvendo grandes potências, como os EUA, a Rússia, Israel e a União Europeia, e potências regionais, nomeadamente a Turquia e o Irão. O artigo tem por objetivo elucidar as mudanças do contexto geopolítico que levaram à vitória do Azerbaijão em setembro de 2023. Ao longo do artigo, demonstra-se que a inversão relativamente a 1994 se processa devido a mudanças nos apoios de ambos os lados. Por um lado, a Arménia perdeu o garante da sua segurança: a Rússia, confrontando-se com a necessidade de procurar apoio no Ocidente e no Irão. Por outro lado, o Azerbaijão reforçou o apoio fundamental dos seus dois aliados: a Turquia e Israel.

Palavras-chave

Nagorno-Karabakh, Arménia, Azerbaijão, Cáucaso do Sul, Geopolítica.

Abstract

The shift in the Nagorno-Karabakh conflict between Armenia and Azerbaijan in September 2023 has exposed the convergence of diverse strategic interests of both regional and extra-regional powers in the South Caucasus. However, Azerbaijan's military and political success



must be understood within the context of a broader and more complex structure of alliances, involving great powers, such as the United States (U.S), Russia, Israel and the European Union (EU), as well as regional actors, including Türkiye and Iran. This article aims to shed light on the geopolitical shifts that led to Azerbaijan's victory in September 2023. Throughout the article, it is demonstrated that the reversal compared to 1994 can be attributed to shifts in the external support for both sides. On one hand, Armenia lost its main security guarantor, namely Russia, prompting it to seek alternative support from the West and Iran. On the other, Azerbaijan consolidated essential backing from its key allies, Türkiye and Israel.

Keywords

Nagorno-Karabakh, Armenia, Azerbaijan, South Caucasus, Geopolitics.

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A CRISE NO NAGORNO-KARABAKH: UM JOGO GEOPOLÍTICO COMPLEXO¹

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Introdução

A Arménia independente de 1991 herdou, em pleno curso de ação, o conflito do Nagorno-Karabakh. A sua génese remonta a 1988 quando os arménios, inspirados pela nova política de “glasnost” da decadente URSS, começavam a reclamar aqueles territórios, parte integrante do Azerbaijão, mas povoados por uma maioria étnica arménia. Na guerra entre o Azerbaijão e a Arménia que terminou em 1994, Erevan obteve o controlo do Nagorno-Karabakh, que tinha proclamado a sua independência em 1991, e ocupou 20% do território azeri (Gunter, 2022).

Através do Protocolo de Bischeque (1994), apoiado pela Rússia, os cerca de 150 mil habitantes da região passaram a ser liderados por um autoproclamado governo que dependia fortemente da Arménia em termos económicos, militares e políticos (Center for Preventive Action, 2023). Desde 1995 o processo de mediação internacional foi liderado pela OSCE, através do Grupo de Minsk, em particular pelos respetivos copresidentes (Estados Unidos da América (EUA), Rússia e França) sem que tivesse sido possível alcançar um acordo de paz.

Este conflito, na região do Cáucaso do Sul conheceu uma viragem em setembro de 2023. Num contexto de escalada que se intensificava desde 2022, o Azerbaijão lançou uma ofensiva, a 19 de setembro 2023, que culminou na recuperação do território perdido em 1994 a favor da Arménia.

Face aos ganhos militares recentemente conseguidos pelo Azerbaijão no terreno, Baku decretou a dissolução da República separatista do Nagorno-Karabakh a partir 1 de janeiro de 2024. Este artigo tem por objetivo analisar esta vitória militar e política na perspetiva do jogo de alianças complexo. Estas alianças referem-se, por um lado, às potências que apoiaram – embora de forma diferenciada o Azerbaijão, nomeadamente Israel e a Turquia, e aquelas que apoiam a Arménia, ou seja, o Irão e a Rússia, por um lado, e a França e os EUA, por outro.

¹ Expressamos o nosso agradecimento à Letícia de Jesus pelo seu apoio durante o desenvolvimento deste artigo.



Apesar da inversão do resultado da guerra de 1994 a favor do Azerbaijão quanto ao controlo do enclave, Baku atuou em contexto de guerra russo-ucraniana com o apoio de armamento turco e israelita, detetando uma oportunidade face a um certo alheamento da Rússia. Moscovo encontrava-se comprometida pelo artigo 4.º do Tratado de Segurança Coletiva (Collective Security Treaty Organization, 1992) a defender a Arménia em caso de escalada militar, sendo, por isso, o seu principal garante de segurança. No entanto, o lançamento de operações militares pelo Azerbaijão, tanto em 2022 como em setembro de 2023, não obteve reação por parte da liderança russa que não garantiu o seu apoio militar à Arménia como se verificou até 2020.

A nossa análise tem por objetivo elucidar as mudanças do contexto geopolítico que levaram à vitória do Azerbaijão em setembro de 2023. Ao longo do artigo, demonstra-se que a inversão relativamente a 1994 se processa devido a mudanças nos apoios de ambos os contendores. Por um lado, a Arménia perdeu o garante da sua segurança, a Rússia, confrontando-se com a necessidade de procurar apoio no Ocidente e reforçar relações de boa vizinhança com o Irão. Por outro lado, o Azerbaijão reforçou o apoio fundamental dos seus dois aliados, a Turquia e Israel.

Para além do mapeamento do complexo jogo geopolítico regional que explica os desenvolvimentos do conflito do Nagorno-Karabakh, a nossa análise revela (a) que se trata de uma "proxy war" entre, por um lado, Israel e a Turquia e, por outro, o Irão, numa região estratégica para ambos os lados e (b) que existe um desafio estratégico na abertura do chamado "corredor de Zangezur" (de ligação Azerbaijão-Naquichevão) que conta com o apoio do Azerbaijão e da Turquia, a que se opõem a Arménia e o Irão.

1. A perda do apoio russo

Após o colapso da União Soviética, em 1991, a Arménia procurou aprofundar a sua relação com a Federação Russa que é o seu principal parceiro comercial. As três outras fontes de ligação estrutural à Rússia são a participação financeira de Moscovo nos sectores estratégicos da economia arménia; as remessas dos emigrantes arménios que representam 1/5 do PIB; e a comunidade arménia na Rússia (cerca de 3 milhões) de igual dimensão à população do próprio país (Broers, 2019).

Contrariamente ao que se verificou com outras ex-repúblicas socialistas soviéticas, a influência russa na Arménia foi aumentando gradualmente. Aderiu ao Tratado de Segurança Coletiva (Collective Security Treaty Organization, 1992) através do qual a Rússia se tornou o seu garante da segurança e permitiu a permanência de militares russos no seu território (Atasuntsev, 2023), numa base aérea no norte da Arménia, em Gyumri. Para além da cooperação militar, a adesão da Arménia à União Económica Euroasiática (UEE) veio reforçar de forma mais significativa o relacionamento mútuo também no campo económico/energético.

Apesar da dependência da Arménia em relação à Rússia para a preservação da sua segurança, Moscovo foi evidenciando, ao longo dos últimos anos, algum alheamento face à situação tensa que se vivia em torno da questão do Nagorno-Karabakh ao mesmo tempo que era o principal fornecedor de armamento a ambas as partes (Stockholm International Peace Research Institute - SIPRI). Além de não ter saído em defesa da



Arménia em 2022 e em setembro de 2023, Moscovo reduziu as exportações de armamento militar para o país, as quais perfaziam um total de 94% das importações arménias entre 2011 e 2020 (Droin et al., 2023). Essa situação tornou-se ainda mais evidente com o início da ofensiva russa na Ucrânia em fevereiro de 2022.² O Embaixador russo em Erevan deu a entender, a esse respeito, que as empresas russas de defesa terão atrasado a satisfação de contratos devido à guerra na Ucrânia, mas que as questões pendentes seriam solucionadas através do diálogo técnico.

A situação deteriorou-se particularmente a partir do momento em que mais de 100 mil arménios se viram obrigados a abandonar o Nagorno-Karabakh, em consequência da intervenção militar do Azerbaijão de setembro 2023. Alguns dos dirigentes do enclave foram detidos face à passividade dos 2 mil efetivos militares russos ali estacionados. Na sequência desses acontecimentos o primeiro-ministro arménio, Nikol Pashinyan, considerou que as garantias de segurança previstas no Tratado de Segurança Coletiva foram ineficazes e que os instrumentos da parceria estratégica com a Rússia não foram suficientes para salvaguardar a segurança externa da Arménia.

Em resposta a um sentimento de traição que ecoa na liderança arménia, operou-se um afastamento de Erevan em relação a Moscovo através da ratificação do Estatuto de Roma pela Arménia (Reuters, 2023). Tal decisão foi classificada pelo Kremlin como “ato hostil” e “decisão incorreta do ponto de vista do relacionamento bilateral” (Euronews, 2023). Apesar de, quer a Arménia quer o Azerbaijão, terem programas de cooperação com a NATO (Individual Partnership Action Plan) a recente aproximação de Erevan à Aliança suscitou uma reação violenta do Kremlin que classificou essa aproximação como podendo acarretar consequências “perturbadoras” para Erevan (Zakharova, 2024).

Moscovo considera que o conflito se encontra agora sanado em termos gerais, faltando dar passos práticos com vista à negociação de um Tratado de Paz, demarcação de fronteiras e abertura de vias de comunicação que viabilizem o transporte de mercadorias sem obstáculos. Paralelamente, a Rússia, enquanto critica qualquer mediação que envolva países ocidentais, tenta também preservar a sua imagem de garante de segurança na região face a uma visível perda de influência a favor das principais potências do Grande Médio Oriente (Avdaliani, 2024).

2. Mapeando um jogo de alianças complexo

O Nagorno-Karabakh encontra-se na encruzilhada de um jogo de alianças complexas que têm influenciado de forma significativa os resultados no terreno. De seguida exploramos cada um dos eixos de apoio que tem alimentado o conflito e que compõe um jogo de alianças “estranhas”, em torno dos dois polos azeri e arménio, porque envolvem países eles próprios em competição estratégica a nível sistémico e regional.

² A Índia, tradicional aliado da Rússia, tem sido um dos fornecedores de armamento à Arménia após o Azerbaijão ter sido apoiado pelo Paquistão na guerra de 2020.



2.1. Eixo Turquia-Azerbaijão

A realocização do foco da Rússia na sua frente de combate na Ucrânia, abriu o caminho para Ancara aproveitar o vácuo de poder e confirmar as suas aspirações de liderança regional do sul do Cáucaso. A vitória de Baku com forte apoio da Turquia também pode, por conseguinte, ser encarada como uma vitória de Ancara na região. A forte aliança entre a Turquia e o Azerbaijão encontra-se plasmada na "Declaração de Shusha", de 15 de Junho de 2021 (Azertac, 2021) que cobre diversas áreas, incluindo as indústrias de defesa, cooperação e assistência mútua no campo militar. Aborda igualmente a desejada concretização do "corredor de Zangezur", de ligação entre o Azerbaijão e o exclave de Naquichevão que conferiria ainda maior vulnerabilidade à Arménia na condição de "landlocked country".

A proximidade turca ao Azerbaijão baseia-se em três vertentes: (a) na partilha de laços históricos, culturais e linguísticos turcomanos, que se encontra plasmada no mote "one nation, two States" (Yavuz, 2022); (b) na possibilidade de estabelecer o corredor de Zangezur que ligaria a Turquia aos restantes países turcomanos e fortificaria a sua liderança regional (Pierini, 2023); (c) no apoio militar da Turquia ao Azerbaijão. Em 2020, o apoio turco através dos drones Bayraktar TB-2 e de outros equipamentos militares foi decisivo para a recuperação de territórios por Baku (Droin et al., 2023).

A referida "Declaração de Susha" saiu reforçada, em fevereiro de 2022, quando, dois dias antes da invasão russa da Ucrânia, a Turquia celebrou uma aliança estratégica com a Rússia designada "Declaration of Allied Interaction". Semelhante à declaração concretizada com o Azerbaijão em 2020, esta cobre um largo espetro de áreas de cooperação, incluindo a militar e da energia, que possibilitará o escoamento do gás russo, via Azerbaijão, para os mercados europeus. Existe um interesse estratégico turco ligado a um mega corredor energético (gás-petróleo) que ligaria o sul asiático à Europa, via Cáucaso, e mais concretamente o Mar Cáspio ao Mar Negro. A via mais curta e rápida para a Turquia seria uma ligação direta através de território arménio que possibilitaria também a unificação de toda a zona de influência turca até à Ásia Central.

2.2. Eixo Israel-Azerbaijão

Para além de laços históricos e culturais (a última comunidade judia no Cáucaso reside no Azerbaijão), Telavive e Baku mantêm uma relação de estreita cooperação desde 1992, na sequência do reconhecimento da independência do Azerbaijão em 1991 e do subsequente estabelecimento de relações diplomáticas.

A par do apoio militar prestado pela Turquia, Israel também desempenhou um papel fundamental nas guerras de 2020 e 2023, ainda que nem sempre de modo explícito, através da exportação de tecnologia de ponta na frente militar. No total, 70% das importações azeris relacionadas com equipamento militar provieram de Israel (Droin et al., 2023; Kogan, 2023), país ao qual tem sido garantido acesso a bases aéreas no Azerbaijão. De acordo com o SIPRI (2023), o Azerbaijão foi o segundo maior cliente de armamento israelita no período 2018-2022. Telavive e Baku têm vindo a desenvolver uma forte aliança política, militar e económica que se traduz, por exemplo, no facto de 40% do petróleo importado por Israel ser proveniente do Azerbaijão (Broers, 2019). Por



outro lado, o apoio de Israel ao Azerbaijão deve ser também entendido num contexto de rivalidade com o Irão, que apoia a Arménia com armas e energia. A parceria estratégica entre Israel, a Turquia e o Azerbaijão é entendida como um fator de contenção da política externa agressiva iraniana (Muradov e Guliyev, 2023). Os Acordos de Abraão que permitiram o estabelecimento de relações diplomáticas entre Israel e os Emiratos Árabes Unidos, a recente reaproximação entre Israel e a Turquia (cujo contributo Baku identificou como um dos seus principais objetivos de política externa), e as relações tensas Azerbaijão-Irão (competidores na área energética) conferiram uma nova dimensão às relações entre Israel e o Azerbaijão. Essa aproximação foi materializada com a abertura da Embaixada do Azerbaijão em Telavive, em Novembro de 2022, depois de quase 30 anos em que apenas Israel manteve a sua Embaixada em Baku.

A ofensiva israelita sobre Gaza que se seguiu ao ataque do Hamas a 7 de outubro de 2023 poderá ter efeitos sobre a sua relação com o Azerbaijão. Neste momento, Baku encontra-se numa posição delicada, procurando manter um equilíbrio entre o relacionamento com Israel, seu parceiro estratégico, e os países do mundo islâmico, especialmente a Turquia, sem alienar qualquer dos seus apoios. Nesse sentido, a evolução da guerra entre Israel e o Hamas e as implicações que daí decorrerem poderão implicar algum reajustamento, ainda que formal, no alinhamento entre Baku e Telavive.

2.3 Eixo Irão-Arménia

O Irão que tradicionalmente apoia a Arménia, apesar das diferenças religiosas e ideológicas e sem pôr em causa esse apoio, tem procurado manter um low-profile no contencioso que opõe a Arménia ao Azerbaijão, à medida que o Azerbaijão se foi tornando económica e militarmente uma potência regional de média dimensão.

Depois da implosão da URSS, a Arménia e o Irão têm vindo a desenvolver um relacionamento estratégico de proximidade que inclui o fornecimento de armas à Arménia, sendo Teerão o seu terceiro parceiro comercial e único fornecedor de energia (Broers, 2019) No plano regional, Teerão tem reafirmado que não tolera alterações de fronteiras, defende a integridade territorial da Arménia e opõe-se à construção do corredor de Zangezur, tendo aberto um consulado em Kapan, em 2022, na província arménia de Syunik, por onde o Azerbaijão e a Turquia defendem que deverá passar o referido corredor. Entre as diversas razões que explicam o apoio do Irão à Arménia encontram-se as disputas territoriais entre o Irão e o Azerbaijão, o critério de repartição dos recursos naturais do Mar Cáspio, o intenso relacionamento entre o Azerbaijão e Israel considerado o arqui-inimigo do Irão na região do Médio Oriente, assim como a intenção de contrabalançar as relações entre a Turquia e o Azerbaijão que estiveram na origem de algumas crises entre Baku e Teerão (Yalinkilicli, 2020).

Outro dos motivos que explica a proximidade entre o Irão e a Arménia é a existência de uma comunidade de origem azeri com cerca de 20 milhões de pessoas (16% da população do Irão e três vezes a população do Azerbaijão) radicada sobretudo no norte do Irão (Broers, 2019). A liderança iraniana receia possíveis reivindicações de autonomia pelos iranianos de origem azeri, que poderiam destabilizar o país internamente (Droin et al., 2023).



Por conseguinte, as relações com a Arménia têm sido aproveitadas como medida defensiva perante uma ameaça de possíveis sublevações nacionalistas. Segundo Yalinkilicli (2020), "(...) in Azerbaijani political memory and foreign policy, the idea of Greater Azerbaijan has always been an important factor". Ao mesmo tempo, o Irão tem sido confrontado com um risco de marginalização do seu território caso a construção do corredor de Zangezur se venha a consumir. Para além de perder a sua influência geo-económica, uma vez que o Azerbaijão deixaria de estar dependente de Teerão para aceder ao exclave azeri de Naquichevão e à Turquia para se ligar à Ásia Central (Azizi e Isachenko, 2023), o Irão perderia a sua conexão territorial com a Arménia. Pelo seu lado, à Arménia tem interesse em manter esse apoio porque considera que nem a Rússia nem o Ocidente terão pressionado suficientemente o Azerbaijão a desistir da intervenção militar no Nagorno-Karabakh que levou à evacuação da quase totalidade dos habitantes daquele território.

O Irão protagonizou um papel de mediador quando promoveu, a 23 de outubro de 2023, uma reunião internacional para abordar a questão do Nagorno-Karabakh na qual participaram os ministros dos Negócios Estrangeiros do Azerbaijão, Arménia, Geórgia Turquia, Rússia e Irão. O objetivo foi criar uma aliança para promover as relações económicas e a resolução de conflitos sem interferência ocidental, mas a Geórgia desvinculou-se da iniciativa devido ao contencioso que mantém com a Rússia.

Na perspetiva do ministro dos Negócios Estrangeiros iraniano tratou-se de uma "oportunidade histórica uma vez que a "guerra no Cáucaso do Sul terminou", sendo agora tempo de "paz e cooperação" (Islamic Republic News Agency, 2023). Acrescentou que a presença de outsiders na região não ajudará a resolver problemas complicando ainda mais a situação, numa referência implícita aos EUA e à UE, cujo envolvimento na busca da paz vem provocando a ira da Rússia (Islamic Republic News Agency, 2023).

O Irão, na tentativa de se converter num verdadeiro mediador regional, capaz de se relacionar com ambas as partes, lança novos projetos transfronteiriços com o Azerbaijão: construção de pontes sobre o rio Arax que faz fronteira entre os dois países; um caminho de ferro e uma autoestrada ao longo da margem sul do rio Arax, vistos como vias adicionais ao corredor de transporte Norte-Sul. Esses mesmos novos projetos constituiriam uma alternativa, no caso do corredor de Zangezur não se vir a concretizar ou funcionariam como redundância no complexo sistema de comunicações da região.

Enquanto o Irão e o Ocidente se encontram em campos opostos na maioria dos conflitos do Grande Médio Oriente, a região de Syunik, no sul da Arménia, é provavelmente o único local no mundo onde esses interesses coincidem, nomeadamente na oposição a uma eventual penetração no território arménio através da construção do corredor de Zangezur.

2.4 Relacionamento da Arménia com o Ocidente

Paralelamente à sua inserção regional e aos condicionalismos daí decorrentes, Erevan foi desenvolvendo o seu relacionamento a Ocidente. Com a UE esse relacionamento foi evoluindo, sempre condicionado pelo eixo Erevan-Moscovo, mas culminou a 1 de Março 2021 com a assinatura do "EU-Armenia Comprehensive and Enhanced Partnership



Agreement". Num esforço de mediação para a normalização do relacionamento entre a Arménia e o Azerbaijão, os líderes europeus declararam, em Outubro de 2023, o apoio incondicional à integridade territorial da Arménia e apelaram a que as vias de comunicação regionais respeitassem a soberania e a jurisdição dos dois países, assim como os princípios da igualdade e reciprocidade. A UE expandiu em 50% a missão de monitores instalada na Arménia com vista a contribuir para a estabilidade das fronteiras internacionais do país (Consilium, 2023).

De notar que a UE desenvolve paralelamente com o Azerbaijão um relacionamento baseado no "EU-Azerbaijan Partnership and Cooperation Agreement" e que Baku é um importante parceiro da UE no campo da energia oriunda do Cáspio, com destino ao mercado comunitário, sobretudo depois da invasão da Ucrânia pela Rússia e das subsequentes sanções. A UE tem toda a vantagem em contribuir para a construção de uma situação de estabilidade no Cáucaso do Sul uma vez que se trata de um corredor energético crucial, na sequência da aplicação de sanções à Rússia, havendo igualmente que assegurar condições propícias ao comércio e investimento.

Os ministros dos Negócios Estrangeiros do G7 também manifestaram preocupação com as consequências humanitárias para os arménios obrigados a abandonar o Nagorno-Karabakh e apelaram a um processo de paz baseado nos princípios da "não-violência; respeito pela soberania; inviolabilidade das fronteiras; e integridade territorial" (U.S. Department of State, 2023).

O relacionamento com os EUA, formalizado após a independência da Arménia em 1992, remonta ao ano de 1919 quando a então administração norte-americana disponibilizou apoios aos arménios atingidos pelas consequências do genocídio.³ Washington vê na cooperação com Erevan, apoiada pela importante comunidade arménia nos EUA, uma forma de controlar a influência quer russa quer iraniana na região. Com esse objetivo disponibiliza um vasto programa de assistência económica e de promoção da democracia paralelamente com a realização de exercícios militares conjuntos (U.S. Department of State, 2022).

A França destaca-se no apoio fornecido. Foram assinados vários contratos para fornecimento de armamento (radares GM200 do grupo Thales e mísseis anti-aéreos Mistral) e encontra-se previsto o envio de militares franceses para dar formação em Erevan. Os ministros dos Negócios Estrangeiros francês e arménio apelidaram esta nova fase como "intimité stratégique" e anunciaram o envio de um Adido Militar francês (Vincent e Vincent, 2023). Baku sustenta que esta cooperação desqualifica a França como mediador internacional e responsabiliza Paris pela eclosão de novos combates .

3. O "corredor de Zangezur": um desafio estratégico eurasiático

A designação "Zangezur" refere-se ao corredor de transporte que supostamente ligaria a região azeri do Naquichevão ao território do Azerbaijão através da região Siyunik no sul da Arménia. As autoridades do Azerbaijão baseiam a sua argumentação a favor da abertura desse corredor no "Acordo de Cessar Fogo" que pôs fim à guerra do Nagorno-Karabakh de 2020 o qual refere: "todas as ligações económicas e de transporte serão

³ Extermínio sistemático de arménios pelo governo otomano, em abril de 1915 (Neves e Pereira, 2018)



desbloqueadas. A República da Arménia deve garantir a segurança dessas conexões entre as regiões ocidentais da República do Azerbaijão e a República Autónoma do Naquichevão e o Serviço de Fronteiras da Federação Russa supervisionará as conexões de transporte” (Commonspace.eu, 2020).

Adicionalmente o presidente do Azerbaijão tem defendido que o corredor de Zangezur seria implementado “quer a Arménia queira ou não” e que faria parte do “Middle Corridor”, um conceito apoiado pela Rússia na sequência da invasão da Ucrânia, que se baseia no redesenho das rotas de comunicação que ligam a China à Europa via Ásia Central, Mar Cáspio, Azerbaijão e Turquia, com ligações à Rússia e ao Irão, mas deixando a Arménia isolada (Azertac, 2022).

Por seu lado, as autoridades arménias enfatizam que o acordo de 2020 não contém as palavras “corredor” ou “Zangezur” e que diz apenas respeito ao desbloqueio das comunicações regionais. Contestam a interpretação que o Azerbaijão faz do acordo de 2020 a qual viola a sua soberania, uma vez que o corredor seria construído em território arménio. Em contraposição, oferecem uma solução a que chamam “Crossroads for Peace Initiative” que facilitaria uma conectividade regional alargada mediante a abertura de fronteiras e de vias de comunicação da era soviética com respeito pela lei internacional e pela soberania dos dois países.

Tal solução implicaria a celebração de um Tratado de Paz Arménia-Azerbaijão e asseguraria dividendos económicos imediatos para os países do sul do Cáucaso. Por outro lado, limitaria significativamente o controlo do Kremlin sobre a região e poderia complementar o projecto “Indian-Middle East-Europe Economic Corridor (IMEC) que é a réplica de Washington e da Índia à “Belt and Road Initiative” chinesa e à qual aderiram, em 2023, a Arábia Saudita, os Emiratos Árabes Unidos, a UE, a França, a Alemanha e a Itália.

A proposta arménia é apoiada pela UE e pelos EUA, mediante a defesa intransigente da soberania territorial da Arménia, enquanto o projeto do Azerbaijão colhe a simpatia da Rússia e da Turquia. O Irão, por seu lado, apesar de se opor à construção do corredor de Zangezur que lhe cortaria o acesso direto à Arménia., tenta potenciar todas as rotas disponíveis que ajudem a aprofundar as suas ligações comerciais e militares com a Rússia. Teerão procura ainda evitar que o “corredor” seja uma via de expansão da Turquia na região uma vez que asseguraria um contacto direto com os países turcomanos da Ásia Central. No entanto, a situação de certa dependência em relação a Ancara, devido às sanções a que o Irão está sujeito, e a aparente acomodação da Rússia aos interesses da Turquia impõem fortes limitações a uma oposição às ambições regionais de Ancara.

Depois da integração do Nagorno-Karabakh no Azerbaijão, a solução que vier a ser tomada relativamente ao modo de assegurar a continuidade territorial entre o Azerbaijão e o exclave azeri de Naquichevão será causa e efeito dos equilíbrios regionais que venham a ser encontrados.

Conclusão

O aparente desfecho do conflito no Nagorno-Karabakh através da sua reintegração no território azeri antecipa profundas mudanças e riscos geopolíticos no Cáucaso do Sul. A



aproximação de Israel e da Turquia ao Azerbaijão constitui-se como uma ameaça para Teerão, uma vez que a vitória de Baku na recente guerra pode significar uma perda de conexão territorial com a Arménia, se o Azerbaijão consumir o objetivo de estabelecer o corredor de Zangezur. No entanto, a ameaça surge também associada à possibilidade de reivindicações de autonomia pelos iranianos de origem azeri que se traduz num potencial de destabilização do Irão internamente (Droin et al., 2023). A inviolabilidade da região de Syunik, no sul da Arménia, constituirá um teste à ordem global baseada em regras e qualquer das soluções que venha a ser encontrada para a ligação do Azerbaijão ao exclave de Naquichevão não deixará de ter consequências que determinarão o jogo de forças na Eurasia durante décadas. Se o corredor de Zangezur vier a ser concretizado isso representará uma profunda alteração na geoestratégia do continente eurasiático, consolidando-se assim o peso da Rússia e da Turquia na região

Garantir a integridade territorial da Arménia é a forma de assegurar a interconetividade da região segundo os padrões ocidentais. No entanto, para que isso aconteça é necessário começar pela delimitação de fronteiras (em curso). As duas partes têm interpretações diferentes: enquanto o Azerbaijão parte do princípio de que não existem atualmente mapas nem delimitação de fronteiras, as autoridades arménias argumentam que face à Declaração de Alma Ata de 1991 (Alma-Ata Declaration, 1991) ambas as Repúblicas se tornaram independentes e que as então fronteiras administrativas soviéticas devem prevalecer.

A condescendência silenciosa de Moscovo, em Setembro de 2023, durante a ocupação do Nagorno-Karabakh fez com que a Rússia deixasse de ser um aliado. Mas a Arménia deverá encontrar o modo de manter uma relação construtiva com Moscovo, dada a sua enorme dependência nas áreas dos transportes e energia. Erevan deverá tentar buscar apoios no Ocidente ao mesmo tempo que fará aberturas em relação ao Irão num ambiente em que a Rússia perdeu influência a nível regional e onde se nota uma nova ordem multilateral regional com fortes ligações ao Grande Médio Oriente (Broers, 2019).

Por outro lado, será necessário resolver a situação conflituosa Arménia - Azerbaijão e normalizar as relações com a Turquia que apoia a construção, logo que possível, de um corredor "sem interrupções" através do território da Arménia. A Rússia, por seu lado, ao defender a necessidade de delimitação de fronteiras está tacitamente a atribuir-se a si própria o direito de participar em futuras negociações.

Assiste-se assim a uma alteração da balança de poder na região que se pode caracterizar do seguinte modo: a) Arménia com uma soberania mais fragilizada; b) Rússia, o hegemón regional desde o séc. XIX, sem capacidade/vontade para apoiar a Arménia enquanto sua aliada militar; c) potências ocidentais divididas entre a cooperação económica com o Azerbaijão e o apoio político à Arménia; d) Turquia em ascensão com pretensões a afirmar-se como hub energético regional, canalizando o gás proveniente do Azerbaijão, do Irão e da Rússia, o que lhe dará protagonismo no sul do Cáucaso e na Ásia Central e) Irão consolida o seu relacionamento com Rússia e Arménia e tenta afirmar-se como potência regional; f) Israel vê no seu envolvimento com o Azerbaijão um modo de tentar conter regionalmente o Irão. São estas as principais condicionantes geopolíticas que estiveram na origem, em setembro de 2023, da inversão da situação prevalecente no Nagorno-Karabakh, desde 1994, e que não poderão deixar de ser



tomadas em consideração na definição de uma nova política externa diversificada da Arménia sem repetir o erro de contar essencialmente com um aliado.

Todo o contexto geopolítico do Cáucaso do Sul deve, também, ser enquadrado num jogo geopolítico mais global, que tornando mais difícil a tomada de medidas suscetíveis de estabilizar a situação na região. As potências com interesses na região - Rússia, Turquia, Irão, EUA e Israel - encontram-se em competição quer nos conflitos na Ucrânia e no Médio Oriente, quer ao nível da ordem internacional. O conflito no Nagorno-Karabakh desenrolou-se num ambiente de alianças fluídas: potências cujos interesses se tendem a alinhar no Cáucaso do Sul, opõem-se noutros contextos, como é o caso da Turquia, do Azerbaijão e de Israel nas guerras que se desenrolam no Médio Oriente. Apesar do lema "one nation, two States", as relações entre Ancara e Baku têm passado por momentos conturbados no contexto da guerra em Gaza. As contínuas exportações de petróleo do Azerbaijão para Israel têm criado alguma tensão nas relações com a Turquia, que tem utilizado uma retórica de clara oposição a Israel.

As alianças que se formam no sistema internacional tendem a ser contingenciais e, nesse sentido, baseiam-se em ameaças que existem no momento, mas também em rivalidades que se adaptam ao contexto. A forte interdependência que existe atualmente nos domínios económico, energético, dos direitos humanos, entre vários outros, propicia o surgimento destas alianças. Esta situação reflete-se no Cáucaso do Sul, através da competição entre o Ocidente, nomeadamente os EUA e a UE, e as potências que se opõem à hegemonia norte-americana no sistema internacional, como a Rússia, a Turquia e o Irão. No contexto do conflito no Nagorno-Karabakh, não existe uma aliança entre estes últimos Estados. Contudo, todos eles têm tido vozes ativas na contestação da ordem internacional que surgiu após a Segunda Guerra Mundial, na qual o Ocidente adotou uma posição liderante.

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INDIA'S APPROACH TOWARDS ADJUDICATION BEFORE THE INTERNATIONAL COURT OF JUSTICE AND INTERNATIONAL CRIMINAL COURT: IN SEARCH OF UNIFORMITY

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Abstract

India's status as a significant world power has strengthened in the last few decades as a member state to various international treaties and conventions. However, its practice of instrumentalisation and withdrawal through the reservations imposed to the compulsory jurisdiction of the International Court of Justice and the resistance to becoming a party to the Rome Statute to join the International Criminal Court has been the subject of discussion. In this paper, the authors discuss India's approach to implementing the decisions arising from international disputes before the International Court of Justice by reflecting upon the history of its membership in the International Court of Justice and various bilateral and multilateral disputes to which India has been a party. Based on the specific cases, different arguments have been made to decipher the rationale behind the approach undertaken by India and the scholarly views on whether there is a need for change in its approach to establishing transparency about compliance with international law.



Keywords

India, International Criminal Court, International Court of Justice, India and International Law.

Resumo

O estatuto da Índia como potência mundial significativa reforçou-se nas últimas décadas enquanto Estado membro de vários tratados e convenções internacionais. No entanto, a sua prática de instrumentalização e retirada através das reservas impostas à jurisdição obrigatória do Tribunal Internacional de Justiça e a resistência em tornar-se parte do Estatuto de Roma para aderir ao Tribunal Penal Internacional têm sido objeto de discussão. Neste documento, os autores discutem a abordagem da Índia à aplicação das decisões decorrentes de litígios internacionais perante o Tribunal Internacional de Justiça, reflectindo sobre a história da sua adesão ao Tribunal Internacional de Justiça e sobre vários litígios bilaterais e multilaterais em que a Índia foi parte. Com base nos casos específicos, foram apresentados diferentes argumentos para decifrar a lógica subjacente à abordagem adoptada pela Índia e os pontos de vista dos académicos sobre a necessidade de mudar a sua abordagem para estabelecer a transparência em relação ao cumprimento do direito internacional.

Palavras-chave

Índia, Tribunal Penal Internacional, Tribunal Internacional de Justiça, Índia e Direito Internacional.

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Introduction

The states adopt the formal methods of international dispute settlement as a last resort after attempting all possible options for resolving the disputes through negotiations and consultations (Hegde, 2016) without the need for third-party intervention. However, the international community has attempted to bring about a mechanism through which the State's prior consent is obtained for certain kinds of disputes through Article 36 of the International Court of Justice (ICJ) statute, under which certain types of disputes relating to treaty interpretation; any fundamental questions concerning international law; violation of international obligation and the reparation to be made based on a prior declaration by the states (Stanimir, 2006: 29-38). In the larger interest, the states are expected to comply with the rules of international law to the maximum extent possible. This position was recognized in the Nicaragua case, where it was held that a rule may be considered customary in nature without the need for compliance by the member states in its entirety (ICJ, 1986). In this light, India's approach to implementation of the decisions arising from international disputes will be analysed by reflecting upon the history of its membership of the ICJ, the disputes to which it has been a party, and its approach to the ICJ and International Criminal Court (ICC). Based on the prior sections, the article considers the scholarly views on whether there is a need for change in its policy and the possible way forward.

Historically, India became part of the League of Nations before attaining independence as British India, as it was called back then. It accepted the jurisdiction of the Permanent Court of International Justice (PCIJ) on 19th September 1929 (Karamanian, 2007: 538-544).

Surprisingly, India's legal personality was independent of Britain under the Interpretation Act of 1889 (Kemal, 1986). The reasons for granting membership to India not as a colony but independently in PCIJ of the time were to increase the voting strength of Britain as well as to reward the contribution of colonial India to the British and its allies during the First World War (Chimni, 2010). It was in 1955, after India's independence, a need to relook at these reservations was felt when Portugal submitted a case before the ICJ



regarding the issue of the Right of Passage over the territory of Daman and the enclaved territories of Dadra and Nagar Haveli. During the proceedings, India raised objections against Portugal approaching the ICJ.

The basis of the objection was that Portugal did not negotiate with India before placing the dispute before the ICJ, which was a requirement under the 1940 Declaration (ICJ, 1957).

However, this argument was not taken seriously and was rejected by the ICJ. Consequently, India had a serious look at the reservations placed under Article 36 (2) of the PCIJ statute, which was recently modified on 27th September 2019, accepting without any special agreement the jurisdiction of the ICJ under Article 36 paragraph 2 of the ICJ Statute.

The earlier declaration was signed by India on 15 September 1974 and deposited on 18 September 1974 which replaced the previous declaration made by the Government of India on 14 September 1959 (Patel, 2016).

In the context of this background, it can be seen that the first experience of India at the ICJ made it realise to protect itself before the World Court or the ICJ that has contributed to the development of numerous areas of international law such as the law of treaties, the law of international organizations, the law of human rights, through its case laws. However, at the same time as will be seen through this article that India continued to be a party to the ICJ but resisted joining the ICC which also provides a forum for rule-of-law-friendly state like India to raise its voice at the universal level to manifest their commitment to the ideal of the rule of law.

Such an ambiguous approach has a lot to do with India's experiences at the international level over issues that have arisen from the municipal context that need to be further investigated.

Municipal Law, Kashmir, and International Law

To understand the approach of India towards ICJ and ICC, the understanding of the municipal law assumes significance. Under Article 51 of the Indian Constitution, a direct reference has been made to encourage the use of international law and foster respect for international law regarding treaty obligations and peaceful relations with other nations. Article 51 seeks to encourage the Indian State to make all possible endeavours to adhere to and respect international law. This non-binding obligation under Article 51 is read along with Articles 246 and 253 of the Constitution (Lavanya, 2017), which deals with demarcating the powers of the Union and the State governments for implementing international law in the form of any treaty, agreement, or convention. The soft approach to Article 51 is also attributed to India's complex engagements with its neighbours on issues such as Kashmir, which is heavily debated and continues to be a blot when India's engagement at the international level is concerned, and which has resulted in diversion from other urgent challenges that India has faced since 1947 (Stunkel, 2013).

It was in January 1948 that India submitted the Kashmir issue to the UNSC, and highlighted that military intervention by India was carried out at the request of the ruler



of the State who executed the Instrument of Accession. The United Nations Commission for India and Pakistan (UNCIP) was established with reference to the Kashmir dispute between India and Pakistan between June 1948 and until March 1950. At the same time, the UNSC Resolution 47 was adopted in 1948 and recommended to both parties solutions that required action on the part of both. To illustrate, Pakistan was asked to withdraw their nationals from the disputed territory, and simultaneously India was asked to proportionally reduce their forces and to appoint a plebiscite administrator (Ahmed *et al*, 2021).

In the aftermath of the war between India and Pakistan in 1965, the commitment undertaken regarding the plebiscite was done away with. The UN proposals regarding the plebiscite were not mentioned under the Tashkent Agreement that ended the 1965 atrocities (Paranjpe, 1985).

Similarly, the Simla Agreement, signed after the 1971 India-Pakistan War on 2 July 1972, ended the conflict and confrontation and ensured that the parties reached a mutual agreement only through bilateral talks (Jan & Ahmed, 2022 : 546-575). In this background, India has been forced to take a cautious approach before committing to any binding settlement of international disputes which has led to India playing a restricted role in the development of International law despite being one of the founding members of ICJ as the proactive engagement with international judicial mechanisms like ICJ has never been a priority for the government . Thus, there is no formal structure to monitor the implementation of the ICJ judgements. In this regard, further analysis of the relationship between the ICJ and India will be carried out in the next section.

India and the International Court of Justice

It was in 1940 that India accepted the compulsory jurisdiction of the PCIJ. Despite being a founding member of the ICJ, the literature on the relationship between India and ICJ is scarce, which can be explained through the limited participation of India before the ICJ as an applicant or a respondent (Patel 2016). The primary reason for such a gap is the importance India has attached to settling international disputes bilaterally rather than through international dispute settlement mechanisms. However, in the disputes between India and Pakistan, there exist disputes where India approached the ICJ in 1971 and as recently as 2017 in the Kulbhushan Jadhav case. In the 1971 Appeal Relating to the Jurisdiction of the ICAO Council between India and Pakistan (ICJ, 1972), India filed an appeal against the decision of the International Civil Aviation Organization (ICAO) regarding the rejection of its preliminary observations concerning Pakistan's involvement in the hijacking of an Indian civilian aircraft. The ICJ rejected the Pakistani objections to its jurisdiction and the Indian appeal and upheld the Council decision.

Similarly, to the dispute between India and Pakistan in 1971, India brought the Jadhav case before the ICJ (ICJ, 2019). On May 8, 2017, the Government of India brought forth the proceedings in the ICJ against the Islamic Republic of Pakistan for allegedly violating the Vienna Convention on Consular Relations (hereinafter VCCR). This case dealt with Mr.



Kulbhushan Sudhir Jadhav, an Indian national, who was sentenced to death by a Pakistani military court (Rao, 2016). The issue under consideration was that Pakistan denied Jadhav access to the Indian consular post during his arrest throughout the trial. In response, Pakistan raised the defence under Article 36 of the VCCR regarding its non-applicability for persons conducting subversive activities. On 17th July 2019, the ICJ ruled in favour of India and held its application admissible. The Court held that persons suspected of causing a threat to national security are not excluded from the protection offered under Article 36 of the VCCR.

In contrast to the proactive attitude of India in bringing the ICAO dispute and the Kulbhushan Jadhav case before the ICJ, the general trend of India's reluctance to bring the disputes to ICJ and at most times, India has been compelled to appear before the ICJ to defend the case brought by the other member states such as the Indus Water Treaty dispute, Bengal maritime arbitration, The Atlantique case, and the Enrica Lexie case. In this light, the cases listed need an analysis to understand the manner in which these disputes were dealt with by India.

The foremost dispute was the Indus Water Treaty case, where Pakistan initiated the dispute settlement process after forty-five years in 2005 since 1951 (Hegde, 2005). Initially, India opposed the objections raised by Pakistan on the Baglihar Project. Subsequently, it came on board with the appointment of a neutral expert as opposed to its stand on a negotiated settlement of all differences under Article VIII of the Indus Water Treaty at the Permanent Indus Commissioners (PIC) level (Hegde, 2016). Pakistan again invoked Article IX of the Indus Water Treaty, which deals with the Settlement of Differences and Disputes in 2010, to resolve specific issues concerning the Kishenganga Hydropower Project. India insisted on a negotiated settlement of these issues at the level of the Permanent Indus Commission and opposed the creation of the Court of Arbitration (Desai and Sidhu, 2014). The Court dismissed India's objections and in its award, the Court of Arbitration observed that Pakistan retains the right to receive a minimum water flow from India.

Despite the Indus Water Treaty cases not being in favour of India, the next case in line i.e. Bengal Maritime Arbitration dispute favoured India. This case was brought by Bangladesh against India under the UN Convention on the Law of the Sea (UNCLOS) to identify the land boundary terminus between the two states and delimit each state's territorial sea, EEZ, and continental shelf under Article 287 of the UNCLOS (PCA, 2014). India did not oppose the tribunal exercising its jurisdiction to identify the location of the land boundary terminus.

However, there was a dispute regarding the issue of a grey area where a dissenting opinion was given by Dr. P.S. Rao on the matter of law and policy regarding the creation of such an area (Kaldunski, 2015). The Court of Arbitration in the Bangladesh/India case stated that its grey area overlapped in part with the grey area determined by ITLOS in the Bangladesh/Myanmar case, thus creating a 'double grey area' that may violate the sovereign rights of the three different countries, i.e., India, Bangladesh, and Myanmar. This case is one of the few cases where India not only accepted the jurisdiction but also went ahead with the physical examination of the dispute to determine the terminus of



the land boundary. As a result, India benefited and Bangladesh relinquished its claim to a continental shelf extending beyond 200 nautical miles.

Similarly, the *Atlantique* case between Pakistan and India was in favour of India. This case came up before the ICJ on 21st September 1999 through an application instituting proceedings against India by Pakistan, that raised a dispute relating to the destruction of a Pakistani aircraft on 10th August 1999 (Mani, 2000). Pakistan pleaded with the ICJ to adjudge and declare that the acts of India constituted breaches of obligations under article 2(4) of the UN Charter which deals with the non-use of force. The ICJ held that Pakistan's application failed to take into consideration the reservations made by India to ICJ's jurisdiction relating to disputes with a Commonwealth country, whereby the ICJ would not have jurisdiction. Thus, the ICJ held that it had no jurisdiction to entertain the dispute.

Finally, the most recent case is the *Enrica Lexie* Case, where India was a party to international adjudication (PCA, 2015). On May 21, 2020, a Tribunal was established under the United Nations Convention on the Law of the Sea that adjudicated the 2012 *Enrica Lexie* incident, which involved the death of two Indian fishermen at the hands of Italian Marines. Italy had pleaded for refraining from making or enforcing any judicial or administrative measures against the two marines, and to take all measures necessary to immediately ensure the safety of the marines. As per the award, the marines were granted immunity as state officials and a right of relief at the hands of India was pronounced in the form of compensation for the loss of life, physical harm, damage to property, and moral harm suffered due to the incident.

Overall, whenever India has been brought independently as a party before the ICJ, the judgment has been in its favour; the situation is slightly different when it has been indicted as a party before the ICJ through its membership of a treaty with other members.

India as Party to a Treaty

India's position on cases before the ICJ either as a party to the international instrument upon whose violation the case has been brought before the ICJ or as a party who themselves has violated the provisions of a multilateral treaty. The first case that falls into this category is the *Chagos Archipelago* case (ICJ, 2019). This case originated on 22 June 2017, when the United Nations General Assembly (UNGA) passed a resolution requesting the ICJ to discuss the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. The issues that were dealt with revolved around the decolonisation of Mauritius in 1968 and the consequences under international law of the UK's continued administration of the Chagos Archipelago.

The Indian perspective on the issue, revolved around the Mauritian Government's formal position of Chagos being illegally excised from Mauritian Territory and their repeated claim over sovereignty vis a vis the Chagos. India also relied upon the understanding reached between Mauritius and the UK in 1965, regarding the return of the Chagos when not needed for defense purposes (Colson and Vohrer, 2015) and upon the fact that the United Nations through General Assembly resolution 1514 dealing with the Declaration on the Granting of Independence to Colonial Countries and Peoples, had made it clear



that any partial attempt to violate the national unity and territorial integrity amounts to an unauthorised act.

However, India changes its position when it is a party to a multilateral treaty and being adjudicated before the ICJ. One such case was the Marshall Islands case (ICJ, 2016) where the Republic of Marshall Islands filed applications in the ICJ against the nuclear-armed states, including India, for violating their nuclear disarmament obligations under the Nuclear Non-Proliferation Treaty, 1968, and customary international law. The issue under contention was that the nuclear states, including India, had not kept their obligations under the Nuclear Non-Proliferation Treaty regarding ceasing the nuclear arms race at an early date (Bhatt, 2019).

India asserted that there exists no valid legal dispute, and the ICJ lacks jurisdiction to adjudicate the case.

India raised its reservations concerning the multilateral treaty according to which the disputes concerning the interpretation or application of the treaty could be subject only to the jurisdiction of the ICJ if all the parties before the Court or Government of India expressly agreed to the jurisdiction of the ICJ (ICJ, 2016). Further, India also referred to the fact that the Republic of the Marshall Islands (RMI) accepted the Court's compulsory jurisdiction on 24 April 2013, one day before the 12 months set out in its reservation, which must also lead to the rejection of the RMI's application. Consequently, the ICJ held it did not have jurisdiction under Article 36 para 2 of the Statute to deal with this case (ICJ, 2016).

The ICC and India

With the rise of the new millennium, the entry of the Rome Statute on July 1, 2002, brought about a significant change in international dispute mechanisms (Bharadwaj, 2003). Although, the ICC does require the sacrifice of sovereignty by a member state if it refuses or fails to use its national mechanisms against those who commit crimes against humanity, Genocide, War crimes, or Crime of Aggression. With the existence of the principle of complementarity, the importance of national courts over the ICC is established. Through this principle, the ICC ensures that their respect and trust towards national judicial systems remain intact (Ramanathan, 2005). This has been made possible by restricting its jurisdiction to the most severe crimes of concern to the international community (Rosenne, 1999).

Regarding the Indian perspective toward the ICC, during the negotiations for adopting the Rome Statute, it always favoured having an international court to investigate, prosecute, and sentence the individual committing heinous crimes. In contrast to its stand, India declined to vote in favour of the Rome Statute in 1998, citing the variance between what was envisaged and how it subsequently developed and came into being (Hall and Jeferry, 2021). On issues like the ICC's mandate of exercising inherent jurisdiction, over armed conflicts not of international character further distanced India which was accompanied by the exclusion of international terrorism from the crimes covered by the ICC (Banerjee, 2011).



In practice, India's reluctance to accept the inherent jurisdiction of the ICC is linked with how an international court will carry out prosecution, and criminal proceedings in the Indian system.

On the other hand, the concern regarding the inclusion of armed conflict not of an international character is linked to the conflicts that persist in Kashmir. There are apprehensions that if India ratifies and becomes a member state, the ICC will attempt to embarrass India on the Kashmir issue by making a case out of the violence (Lahiri, 2010).

An often talked about issue in India that does not find a place in the Rome Statute is terrorism, possibly due to the absence of an internationally acceptable definition of terrorism. It is believed by many countries that terrorism is an individually driven project that private individuals carry out in an isolated and not widespread or systematic manner (Golder and George, 2004). This stand of the ICC was apparent in the First Review Conference in Kampala, Uganda, in 2011, where India continued to protest the lack of ICC's jurisdiction over the crime of terrorism. In addition, India's insistence on including the first use of mass weapons, especially nuclear weapons, went unheeded through a 'no action' procedural resolution.

Lastly, the issues that have prevented India from becoming a part of the ICC are the power of the UNSC to refer the case to the ICC and the powers vested with the Prosecutor to initiate proceeding on their motion, i.e., proprio motu. As per the Indian perspective, the Vienna Convention on the Law of Treaties 1969 was violated by compelling the States to accede or be bound by treaty provisions without their consent. On the contrary, however, there is the presence of the complementarity principle under Article 17 of the Rome Statute that states that only in cases of a total collapse or a substantial collapse of the national judicial system, the ICC will exercise jurisdiction.

Coming back to the case of Proprio motu, which refers to powers vested with the Prosecutor to initiate proceedings on their motion, under Article 15(3) of the Rome Statute. India's objection in this regard is that the sovereign authority of the states on the one hand must be safeguarded and the role of a prosecutor on the other hand should not interfere by initiating investigations suo moto and trigger the jurisdiction of the court (Olasolo, 2003). These objections do not hold ground as under the Rome Statute, as the authorisation from the Pre-Trial Chamber is required to initiate any sort of investigation by the Prosecutor. The above discussion on India's position on ICC reflects the continuation of colonial selectivity in a post-colonial context.

Scholarly Views on India's Attitude Towards the International Law and Adjudication

In light of India's attitude towards the ICJ and the ICC and the overall significance of the ICC and ICJ, it is vital to understand from a scholarly point of view regarding the attitude of India as a member state before both these bodies. This analysis relates itself to the development of international law as modern international law as it has shaped the policy and orientation of countries like India, which gained independence from the British empire and excluded several countries under the garb of the standard of 'civilization' that



was put forth as a criterion to justify the exclusion of the peoples of Africa and Asia (Anghie, 2005) from the ambit of international law.

At the same time, some scholars in India have pointed out the need for more institutions and procedures to adjudicate international disputes (Anand, 2004), some of which include the ad hoc nature of arbitration courts and the ineffective utilisation of the Permanent Court of Arbitration. For example, Professor R. P. Anand points out that in the Canal Water dispute of 1950, due to the inefficiency of the international dispute mechanism, India had advocated for a tribunal consisting of judges from both countries and allowing arbitration or referring the matter to the ICJ in case no amicable solution is reached (Anand, 1961). This case dealt with the disruption caused to the irrigation system of Punjab province post-partition as on 1 April 1948, India stopped the water flow to put pressure on Pakistan.

Most recently, in November 2021, international law practitioners and scholars were concerned about India's inability to utilise its inherent strengths in creating international jurisprudence and play an essential role in International law-making. Being the largest democracy in the world, it has instead played a limited role in framing international law-making in the past few decades. The scholars and practitioners of International law have petitioned the Ministry of External Affairs, Government of India (MEA) for more transparency in international law with an aim to ensure more significant documentation of the State practice regarding policy interventions and treaty decisions (Agarwalla, 2021). It is particularly important as most international forums including the ICJ and ICC heavily rely upon customary international law as a source of authority while adjudicating disputes, resulting from general state practice accepted as law by the states contributing to the universalisation of international law. The petition notes that the lack of state practice from India and the Global South has led to increased reliance on scholarship and norms set in the Global North devoid of the context and geographical relevance for the region, leading to international law continuing to remain euro-centric with marginal participation of the states from the Global South. The MEA was requested to curate the state practice that allows scholars and international law practitioners to understand its decision-making systems and processes, allowing them to study its impact on laws domestically and internationally through public consultations and deliberations.

As India's approach to international law development has been primarily reactive since its independence, as it mainly adopts defensive positions to negotiate many proposals and initiatives originating from other nations without clearly spelling out its interests. Many scholars and commentators have started questioning India's reluctance to engage with international law because there was a need for pluralistic, community-led bottom-up approaches rather than formalistic ones involving not only academic experts but also government officials, law practitioners, and members of civil society organisations (Sukumar, 2018).

In this context, the scholars have pointed out the relevance of Third World Approach to International Law (TWAIL) for India to strengthen its voice at the international forums like the ICJ and ICC. Historically, TWAIL emerged as a response to the decolonization and end of direct European colonial rule over non-Europeans. (Mutua, 2000) It developed as an approach to dismantle the prevailing norms that benefit the powerful few to offer



a life of dignity for the poor, deprived, oppression and subjugated in the Third World. (Chimni, 2007) Generally, the TWAIL movement works towards the reconstruction of international law by developing an alternative legal framework that would form the basis of an equal and fair world. (Okafor, 2005). TWAIL as a school of thought highlights the thought process of TWAIL scholars about the existing state of international law and what it should aim to achieve by putting forth the concerns of the Third World including India. Through TWAIL, India must put forth the views on international bodies like the ICJ and by joining the ICC to shed light on the asymmetries and post-colonial continuities of international law resulting in subordination and subjugation of the States of the so-called Global South by international law and international organisations.

By putting forth a TWAIL perspective, India can offer fresh perspectives in the realm of international law, with an aim to reform and reshape international law before the ICJ and by joining the ICC, the safeguarding of the ideals of self-determination, sovereign equality, justice and human rights could be further strengthened.

Conclusion

As a member state of various international instruments, India's status as a major world power has gained strength in the last couple of decades, possessing rich democratic political traditions, military strength, nuclear weapons capabilities, and potential for growth in the coming decades. However, its practice of instrumentalisation and withdrawal, highlighted in this article through the reservations imposed by India to the compulsory jurisdiction of the ICJ and the resistance to becoming a party to the Rome Statute, must be relooked at by acknowledging and accepting the international dispute settlement mechanisms. At the same time, the government needs to make its workings in international law at the domestic level more transparent.

Further, India as a member state must remember that most such pronouncements involving India have been in its favour, such as the Bengal Maritime Arbitration or the Jadhav case between India and Pakistan. Being a developing country, as India moves into the elite club of the developed countries, it needs to keep in mind that its domestic requirements are more aligned with the developing countries, and in such a situation, the way it has approached its International dispute settlement by adopting a dual approach of representing the interests of developing countries that was the contention in the Chagos case along with its self-interest and ambition seen through the case of Marshall Islands case, there is a need to bring clarity in its approach. Considering the colonial past of various nations and repeated undermining of the role of ICC and limited interaction with the ICJ by India, the objective and role of international dispute settlement mechanism in general has been undermined.

In the future, India needs to utilise the available international dispute resolution mechanisms including the ICJ and ICC and extend the ambit to other mechanisms under international law to reflect India's commitment to maintaining international peace and security. It is only by bridging this gap and by making the institutions less eurocentric that we can strengthen the universal international law and dispute resolution frameworks, where India must play its role in achieving the said aim.



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O QUE PORTUGAL PRETENDE NO SAHEL: SEGURANÇA OU NOTORIEDADE?

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Outras áreas de interesse envolvem o estudo de complexos securitários e relações de interdependência securitária entre atores e agentes internacionais, tendo já desenvolvido obra no assunto.

Resumo

O terrorismo transnacional no Sahel tem levado, desde 2012, a um aumento nas migrações de refugiados para o Norte de África e Europa e com isto o perigo da radicalização dentro destes dois espaços tem aumentado de forma acentuada. Para a UE, isto representa um grande perigo à estabilidade regional que deve ser suprimido rapidamente e, para tal, a comunidade europeia tem procurado intervir na região de modo a combater o extremismo e a violência. Já Portugal, que não tem sido diretamente afetado por esta crise, tem sido bastante participativo nas iniciativas regionais e procurado garantir junto da OTAN e da ONU, a elaboração e manutenção de um plano de resolução do conflito no Sahel de forma a garantir uma pacificação da região. Porém, sem um plano estratégico definido para a região e sem qualquer consequência direta desta mesma instabilidade em território nacional, surge a dúvida sobre quais as motivações portuguesas. Neste sentido, a presente investigação incide sobre a análise das razões para a intervenção portuguesa no Sahel, procurando perceber as preocupações de Portugal na região para a segurança nacional, regional e inter-regional, e para o seu posicionamento internacional de forma a melhor perceber as motivações por detrás dos atos.

Palavras-chave

Sahel, Segurança, Notoriedade, Portugal, Relações África-UE.

Abstract

Since 2012, transnational terrorism in the Sahel has led to an increase in refugee migration to North Africa and Europe, and the danger of radicalisation within these two areas has increased sharply. For the EU, this represents a great danger to regional stability that must be quickly suppressed, and, to this end, the European community has sought to intervene in the region in order to combat extremism and violence. Portugal, which has not been directly affected by this crisis, has been highly engaged in regional initiatives and has sought to ensure that NATO and the UN develop and maintain a plan for resolving the conflict in the Sahel in



order to ensure peace in the region. However, without a defined strategic plan for the region and without any direct consequence of this same instability on national territory, the question arises as to what the Portuguese motivations are. In this sense, this research focuses on analysing the reasons for the Portuguese intervention in the Sahel, seeking to understand Portugal's concerns in the region for national, regional, and interregional security, and for its international positioning in order to better understand the motivations behind the acts.

Keywords

Sahel, Security, Notoriety, Portugal, Africa-EU relation.

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O QUE PORTUGAL PRETENDE NO SAHEL: SEGURANÇA OU NOTORIEDADE?

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Introdução

Primeiramente, antes de iniciar a discussão sobre a temática proposta, vale aqui salientar que o debate sobre a questão de Portugal no Sahel, na academia portuguesa e internacional, é bastante reduzido e, deste modo, acaba por dificultar um maior debate de ideias. Neste sentido, metodologicamente este artigo seguirá um raciocínio dedutivo, baseado em informação maioritariamente qualitativa e principalmente adquirida nos meios de comunicação tradicionais e em documentação primária proveniente dos órgãos de governo portugueses, instituições internacionais e outras fontes de relevo, de forma a contribuir para a discussão académica na questão da intervenção portuguesa no Sahel e de que forma esta impacta a política externa portuguesa.

Em termos de estrutura, na introdução será dada uma pequena noção geral de conceitos teóricos necessários à perceção do que significa a segurança e defesa num mundo globalizado e ainda será apresentada a região do Sahel para um melhor entendimento da base do problema, abrindo a discussão para o caso português. Na segunda parte serão abordadas as bases da questão do Sahel e significância para a Europa, procurando entender de que forma a região entra na estratégia de segurança europeia. Na terceira parte, serão abordadas as linhas guia da estratégia portuguesa para o mundo de modo a melhor perceber a situação portuguesa, procurando perceber, à luz das iniciativas em que se insere, qual o papel que Portugal desempenha enquanto estado-membro da UE na região, quais os meios e por que formas Portugal procura a cooperação regional e a pacificação do Sahel nas organizações em que se encontra extra-UE, e qual, ou quais, os objetivos portugueses para o Sahel. Neste sentido, esta última parte tratará de investigar de que formas a intervenção regional portuguesa permite o atingir dos grandes objetivos da política externa portuguesa, na qual se insere a política de defesa nacional. Por fim, será feita uma análise conclusiva de modo a melhor perceber de que formas esta região acaba por estar presente na estratégia portuguesa para o mundo, procurando delinear os argumentos de uma possível justificação para as ações portuguesas.

Num mundo globalizado, os conceitos de defesa e segurança estão inerentemente conectados. As ameaças à integridade de um Estado podem provir de diversas esferas que não só a militar e, desta forma, os Estados procuram garantir a estabilidade e segurança no seu espaço regional, através da cooperação regional e inter-regional com outros Estados, como meio de garantir a segurança nacional (Ammerdown Group, 2016,



p. 3; Paleri, 2008, pp. 52–54). Buzan e Waever (2003, pp. 40–50) permitem-nos perceber de forma mais clara este internacionalizar da defesa através da Teoria dos Complexos Securitários Regionais (TCSR), na qual argumentam que os Estados, enquanto atores regionais, necessitam que exista estabilidade no complexo securitário regional (CSR) em que se inserem, no caso português Europa e Norte de África, de forma a garantirem a redução de perigos e ameaças à sua segurança nacional, o que pode ser denominado por interdependência securitária. Para Labarre (2007, pp. 86–87), esta interdependência securitária é fomentada pela institucionalização do sistema internacional e, neste sentido, o autor afirma que os Estados procurarão agir em torno da cooperação regional sempre que possa ser catastrófico não o fazer. Esta primeira parte de argumentação teórica prende-se com o foco securitário na ação dos Estados, onde um Estado procurará agir de forma a evitar constrangimentos à segurança regional de modo a garantir a segurança nacional. Por outro lado, Labarre (2007, p. 86) também afirma que o contrário pode acontecer, ou seja, que os Estados acabam por procurar perseguir os seus interesses no sistema internacional sempre que não seja catastrófico fazê-lo. Esta última parte é aquilo que no presente ensaio se entende como a busca por notoriedade e crescimento internacional nos diversos campos que acompanham a política externa dos Estados, como a defesa, a segurança e a diplomacia.

Ademais, do ponto de vista analítico, estas ideias de segurança e notoriedade não são mutuamente exclusivas. Um Estado pode ter numa região interesses securitários e ao mesmo tempo procurar usufruir destes em busca de notoriedade no sistema internacional. Porém, com esta tipologia de análise o que aqui se procura perceber é até que ponto um objetivo se pode sobrepor ao outro, sobretudo porque notoriedade e segurança não acontecem ao mesmo nível. O caso francês na região pode ser um modelo plausível para esta situação, com os redobrados esforços na região a não se transmitirem diretamente em notoriedade internacional devido, sobretudo, à falta de apoio regional de alguns membros do G5 do Sahel, o que diminuiu a credibilidade francesa em questões de segurança em África (Erforth & Tull, 2022; France 24 Staff, 2022). O caso português também representa exatamente este dilema entre segurança e notoriedade, sendo isto visível, por um lado, no facto de Portugal cooperar no âmbito da segurança europeia com as iniciativas da UE e da ONU na região e, por outro lado, no facto de Portugal colocar foco sobre o tema, na OTAN e na ONU, de modo a garantir uma posição mais proeminente no sistema internacional ao mesmo tempo que procura uma maior notoriedade global que se transmite na procura de um papel de coprodutor de segurança regional.

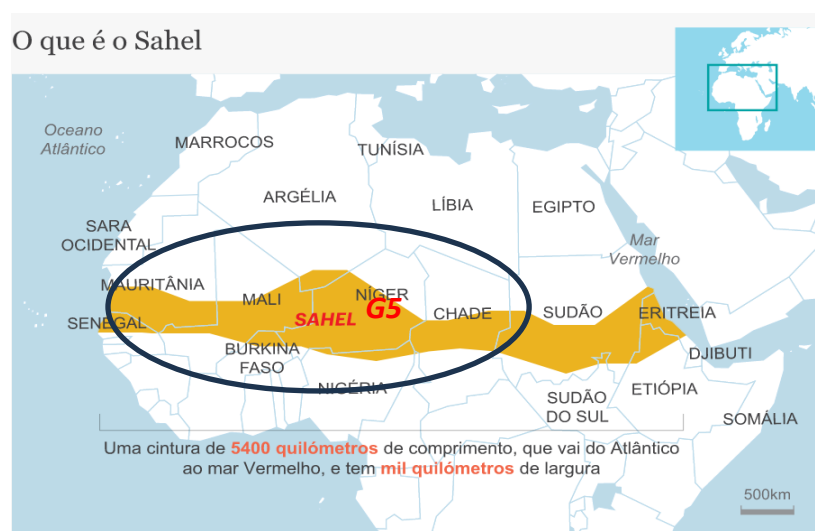
Ora tendo em conta o debatido, deve ser dada atenção ao facto da questão do Sahel ser transnacional e afetar diretamente o espaço europeu, tendo-se tornado, por esta razão, uma preocupação europeia e portuguesa na questão da segurança regional. Localizada no sul do Saara enquanto zona limítrofe do Norte de África, esta região estende-se por uma faixa terrestre horizontal entre o Mar Vermelho e o Atlântico com cerca de 5.400 quilómetros (Km) (Pires, 2022). O Sahel é composto por diferentes Estados (Fig.1), nomeadamente a Burkina Faso, os Camarões, o Chade, a Eritreia, o Gâmbia, a Guiné, o Máli, a Mauritânia, o Níger, a Nigéria, o Senegal e o Sudão, e, especialmente na última década, tem sido uma região onde imperam conflitos interétnicos e a propagação de violência por grupos jihadistas.



Esta propagação jihadista e conflitualidade interétnica tem preocupado a Europa nos anos recentes, sobretudo devido ao aumento das migrações de refugiados e da propagação de ideias extremistas para os Estados mediterrânicos do norte de África, criando instabilidade no Mediterrâneo (Pye, 2021, pp. 10–14). Em 2014, como forma de tentar travar o fenómeno assistido, cinco Estados francófonos na região, os quais Burkina Faso, Chade, Mali, Mauritânia e Níger, formaram o G5 do Sahel, uma organização que teve um forte apoio europeu, sobretudo francês, e que pretendia ser o alicerce da cooperação securitária regional, mas que demonstrou ao longo do tempo dificuldades em conseguir lidar totalmente com a situação, muito devido ao facto de geograficamente ser uma organização que corresponde à zona mais afetada por esta violência (Plank & Bergmann, 2021, pp. 383–385). Na presente década, Portugal tem procurado começar a criar laços fortes com este grupo, tendo inclusivamente participado, em 2021, no âmbito da presidência portuguesa do Conselho UE, numa conferência entre estes Estados, e procurado sublinhar junto da OTAN e dos seus parceiros europeus a importância da estabilidade Africana para a Europa e a necessidade de garantir maior segurança no flanco sul (Carreiras, 2023; RP - XXII Governo, 2021; RP - XXIII Governo, 2023).

Ademais, apesar dos problemas desta região afetarem diretamente o CSR português, Portugal não é afetado diretamente por estas questões securitárias, visto a questão saheliana não implicar nenhum efeito direto à segurança nacional portuguesa. Logo, é possível colocar-se a hipótese sobre a intervenção portuguesa se encontrar ligada a uma estratégia de crescimento internacional relacionada à cooperação regional em África e à inserção na discussão securitária na ONU por pertença ao Conselho de Segurança. Outra opção viável para a intervenção portuguesa pode prender-se com a diplomacia económica e o crescimento português em África, sobretudo na expansão para mercados fora dos tradicionais Magrebe e Comunidade de Países de Língua Portuguesa (CPLP). Ambas as opções serão exploradas na terceira parte do presente ensaio.

Figura 1- Região do Sahel representada a amarelo



Fonte: Público



Tendo em conta o exposto, surge então a questão da necessidade de perceber qual será o interesse português na região. Por conseguinte, o presente ensaio incide sobre a análise das razões para a intervenção portuguesa no Sahel, procurando perceber as preocupações e ações portuguesas na região para a segurança regional e inter-regional. Vale ainda mencionar que a presente investigação procurará incidir, sobretudo, sobre as relações com o G5 do Sahel de modo a melhor perceber as motivações portuguesas na e para a região.

2. O que tem o Sahel e o que significa para o espaço europeu?

A região do Sahel, na última década, tem assistido a um aumento progressivo do terrorismo e violência que advém maioritariamente do aumento da instabilidade política, das tensões regionais, da falha na aplicação de medidas de contraterrorismo eficazes e da complexa realidade económica e social de pobreza na maioria da população, sobretudo nos jovens («Global Terrorist Index - 2023», 2023, p. 60; Raleigh et al., 2021, pp. 123–126). De acordo com Green (2023), Pichon e Betant-Ramusen (2021, pp. 4–5), a última razão mencionada pode ser explicada pela questão climática, principalmente pelas mudanças extremas de temperatura que levam a ciclos de colheitas mais imprevisíveis, à desertificação de certas áreas e à diminuição da terra arável, o que afeta diretamente a economia dos Estados da região, que são maioritariamente Estados com agricultura de subsistência, e, por conseguinte, gera um maior empobrecimento da população que é muitas vezes aproveitado pela classe política destes Estados para ganho próprio, criando maior desconfiança no sistema político.

Apesar do epicentro da instabilidade política da região, em grande parte pelos motivos referidos, se ter dado no Mali, em 2012, através de uma rebelião provocada pelo descontentamento dos Tuaregue, rapidamente o problema securitário se alastrou a outras partes da região e, desde 2015, tem existido um aumento da violência, sobretudo provocado pelo aproveitamento de grupos extremistas islâmicos da conflitualidade interétnica regional, que tem levado a uma forte instabilidade política (Pichon & Betant-Rasmussen, 2021, p. 2; Pye, 2021, p. 2). Além da instabilidade política e do descontentamento dos jovens, estes grupos extremistas acabam também por beneficiar, por um lado, da falha destes mesmos Estados em garantir medidas de contraterrorismo viáveis, quer seja pela falta de funcionalidade, quer seja pela aplicação de estratégias que violam muitas vezes a dignidade humana e os direitos humanos, e, por outro lado, do empobrecimento da população, garantindo uma maior facilidade de recrutamento, sobretudo entre os jovens, de novos membros para aumentar a rede de operações («Global Terrorist Index - 2023», 2023, p. 64; Green, 2023).

Ora, do ponto de vista da UE toda esta situação em conjunto com a intensificação da violência no Sahel acaba por ser alarmante, algo visível na noção da Célula de Aconselhamento e Coordenação Regional (CACR) da UE para o Sahel, fundada pela UE em 2019 para apoiar a resolução da crise do Sahel, de que num mundo globalizado as crises regionais no sul do Saara acabam por se tornar problemas securitários para a Europa tornando-se, neste caso, a cooperação entre o G5 do Sahel e a UE essencial (CUE, 2019; EU RACC Sahel, 2022). Por conseguinte, é possível perceber que existe um nível elevado de atividade europeia no sentido de estabilizar a região, sobretudo devido a



quatro motivos que se prendem com a questão das migrações de refugiados, com a propagação do terrorismo transnacional, com a garantia de continuidade de desenvolvimento de projetos europeus regionais pré-conflito e com a comercialização de recursos energéticos essenciais à produção e energia, como o Urânio, que são abundantes em certos poderes regionais, como o Níger. Neste sentido, cabe agora analisar brevemente cada motivo para melhor compreensão da significância da questão do Sahel para o espaço europeu.

Primeiramente, na questão das migrações de refugiados, temos que o Sahel se localiza diretamente abaixo de zonas sensíveis de migração de refugiados para o Mediterrâneo, como a Argélia e a Líbia, países pertencentes ao Magrebe. Por norma, os dois Estados anteriormente mencionados são aqueles onde existe um maior número de migrantes provenientes do Sahel, sobretudo devido à maior facilidade de passagem na fronteira com o Mali e o Níger, os dois Estados mais afetados pela crise do Sahel, e à ação das redes de tráfico no Mediterrâneo nas costas argelianas e libanesas (Bøås, 2021, pp. 55–57; Pye, 2021, p. 2). Aliás, mesmo apesar de, nos últimos três anos, a Argélia e a Líbia terem fortalecido o controlo fronteiriço, este controlo não tem sido muito bem sucedido, com milhares de migrantes a recorrerem a passaportes ilegais para conseguir contornar a situação, mantendo o problema da crise de refugiados e continuando a gerar preocupação no espaço europeu (AFP, 2023; Gasperini, 2023; NPR, 2022).

Segundamente, porque, como já abordado, a disseminação de grupos jihadistas constitui por si só um perigo à segurança e estabilidade europeias pela localização próxima desta região com o Magrebe e o Mediterrâneo. Neste sentido, a junção desta disseminação jihadista à propagação de ideias fundamentalistas islâmicas no Sahel, tem permitido uma amplificação da violência regional, sobretudo pela expansão de grupos como a Al-Qaeda e o Estado Islâmico (EI) que patrocinam agregados jihadistas locais, como por exemplo o *Jama'at Nasr al-Islam wal Muslimin* (JNIM) e o *Islamic State Sahel Province* (IS Sahel) (Lederer, 2023; Nsaibia, 2021; Pye, 2021, pp. 2–6; Raafat, 2021, pp. 6–8). Ademais, em acrescento, estes grupos utilizam-se ainda da conflitualidade interétnica que define a base da questão do Sahel para alastrarem as suas redes de operações às portas do espaço europeu (Lederer, 2023; Nsaibia, 2021; Pye, 2021, pp. 2–6).

Terceiramente, porque, anteriormente a 2012, a UE era um dos grandes intervenientes na região com projetos de desenvolvimento regional nas áreas do clima, segurança, energia e comércio, sobretudo devido à estratégia de aproximação Europa-África entre a UE e a União Africana (UA) (European Commission, 2010; Pye, 2021, pp. 2–3). Porém, a conflitualidade no Sahel alterou a realidade até então vivida de cooperação e desenvolvimento nas mais diversas áreas, obrigando ao redirecionar de fundos para a resolução da instabilidade saheliana de modo a garantir, principalmente, que os projetos desenvolvidos e em curso não seriam afetados. Isto foi visível quando, em 2012, a questão da insurgência Tuaregue no Mali se começou a expandir para os países vizinhos na região do Sahel, e a UE, de modo a proteger os seus interesses e a diminuir um foco de violência às portas da Europa, acabou por se tornar, quase que de forma inevitável, o principal interveniente na mediação de conflitos a nível regional, criando e cooperando em iniciativas que permitissem estabilizar a região e garantir a continuação da execução dos projetos em curso e de novos projetos nas áreas já estabelecidas de cooperação (Pye, 2021, pp. 2–3; Venturi, 2017, pp. 6–12).



Por fim, existe a questão energética que é de extrema importância para o espaço europeu. A região do Sahel é uma das maiores reservas de urânio e gás natural no mundo e, no contexto regional do G5 do Sahel, o Níger é um dos Estados mais importantes, sendo o sétimo maior produtor de urânio no mundo (Arredondas, 2023). Aliás, para a UE, o Níger é, a par do Cazaquistão, um dos dois maiores exportadores de urânio, sendo responsável por cerca de 24% do urânio importado no espaço europeu, o que demonstra o quão importante é esta região para a UE, sobretudo para os poderes nucleares como a França, que, por si só, tem o Níger como segundo maior exportador logo atrás do Cazaquistão (Arredondas, 2023; Maad, 2023; Melchior et al., 2022). Além do mencionado, e tendo em conta que o conflito russo-ucraniano levou a que a UE começasse a ponderar alterar mercados, um Sahel pacificado poderia significar uma fonte mais segura, viável e barata, do que a custosa alternativa norte-americana do gás liquefeito, que é muito mais custosa (Al Jazeera Staff, 2023; Reis, 2021, pp. 14–15; Schwikowski, 2022). Aliás, um Sahel pacificado também permitiria que alternativas energéticas como o *Trans-Sahara Gas Pipeline* (TSGP), que tenham como objetivo conectar as regiões do Sahel, Magrebe e Europa, pudessem voltar a ser debatidas no âmbito da segurança energética, beneficiando assim as partes envolvidas e fortalecendo os laços UE-UA (Al Jazeera Staff, 2023; Schwikowski, 2022).

Tendo em conta as quatro grandes áreas de significância do Sahel para a Europa, torna-se óbvio o porquê desta região ser fulcral para o espaço europeu, quer na defesa da sua fronteira sul, quer na proteção interna contra migrações em larga escala que permite a penetração de grupos fundamentalistas islâmicos, quer na procura de alternativas de mercado energético mais viáveis e menos custosas e morosas. Contudo, neste contexto, nem todas as vertentes de preocupação europeia são do interesse nacional português, algo que será abordado no capítulo que se segue, pelo que se torna fulcral perceber as razões que levam Portugal a agir na região do Sahel, sobretudo naquela que é a sua ação extra-UE.

3. Portugal no Sahel: Quais as motivações?

Enquanto estado-membro da UE, Portugal também age de acordo a resolver as questões fulcrais anteriormente mencionadas, visto que, partindo do princípio europeu de comunidade e cooperação, a segurança europeia em todas as áreas encontra-se profundamente ligada à segurança nacional. Aliás, esta proximidade entre a segurança europeia e a segurança nacional está patente tanto no Conceito Estratégico de Defesa Nacional (CEDN), de 2013, como na proposta de revisão do CEDN (RCEDN), feita em 2023. Neste sentido, pode observar-se esta proximidade entre os conceitos europeu e português de segurança e defesa quando lê-mos o CEDN, observando-se continuidade no RCEDN, quer, por um lado, na menção da perceção do terrorismo e da criminalidade transnacional organizada, onde se pode incluir o tráfico humano e de produtos ilícitos, como ameaças à segurança nacional e europeia, quer, por outro lado, na noção de que Portugal se encontra profundamente comprometido com a Política Comum de Segurança e Defesa (PCSD) da UE (Conselho de Revisão do CEDN, 2023, pp. 7–9 e 11; Ministério da Defesa, 2023b, p. 15 e 30).



Uma das prioridades europeias são as relações Europa-África, sobretudo entre a UE e a UA, como já descrito, e, neste aspeto, o CEDN e o RCEDN, apesar de terem raras menções ao Sahel, demonstram uma estratégia portuguesa muito similar de aproximação e crescimento no continente africano, sobretudo entre os países africanos da CPLP, sendo reforçado em ambos os programas o valor que o espaço africano representa na estratégia internacional portuguesa (Conselho de Revisão do CEDN, 2023, pp. 12–13; Ministério da Defesa, 2023b, pp. 13–14 e 21). Aliás, nesta especificidade saheliana, no RCEDN é transmitida a noção da importância securitária na questão europeia e não na questão nacional, estando descrito que “O Sahel é uma linha de defesa da Europa contra a instrumentalização dos fluxos migratórios”, o que transmite a ideia de que a questão do Sahel não é um perigo direto à segurança portuguesa nem é um interesse securitário nacional ao nível individual do Estado, mas sim um interesse securitário europeu que, por conseguinte, afeta o CSR português (Conselho de Revisão do CEDN, 2023, p. 13).

Neste sentido, quando observamos especificamente o CEDN, podemos perceber que, quanto à estratégia nacional portuguesa e as suas bases podem-se destacar alguns pontos que são fulcrais naquilo que é a política de defesa nacional, uma das principais forças contribuidoras para a política externa portuguesa, e que irão ser analisados de forma mais aprofundada seguidamente, sendo estes: a defesa internacional do papel português, a consolidação das relações externas de defesa e a consolidação de Portugal como coprodutor de segurança internacional (Ministério da Defesa, 2023b, pp. 30–39). Como será visível de seguida, os dois últimos pontos são muito mais meios para a obtenção do estipulado no primeiro ponto do que objetivos individuais em si.

Primeiramente, quanto à defesa internacional do papel de Portugal no mundo, o CEDN centra o seu foco sobretudo na consolidação do papel português na área da defesa e segurança no palco internacional, nomeadamente através da manutenção do estatuto português: na UE, através do empenho no cumprimento e apoio à PCSD; na OTAN, através de uma maior cooperação ao nível bilateral com os EUA e do reforço da importância estratégica da aliança transatlântica no sistema internacional; no espaço lusófono, que é a CPLP, através do reforço dos laços económicos, políticos e securitários, com os membros integrantes; na região do Magrebe, através da participação em iniciativas regionais como a Iniciativa 5+5; na participação mais ativa e empenhada em missões de paz e segurança internacional; e, por fim, na mobilização mais eficaz da diplomacia portuguesa, nomeadamente na área económica, de modo a garantir uma maior projeção global do país (Ministério da Defesa, 2023b, pp. 30–31).

Segundamente, no que convém à consolidação das relações externas de defesa, o CEDN centra a sua estratégia na OTAN e na UE, sendo este objetivo muito ligado ao anterior, sobretudo na afirmação da necessidade de ter uma participação mais ativa e empenhada em missões de paz e segurança internacional (Ministério da Defesa, 2023b, p. 31). Neste sentido, este ponto está mais virado para aquela que é a componente da defesa, sobretudo evidenciando: a necessidade de Portugal garantir uma maior participação nas missões militares na ONU, OTAN e UE, defendendo ainda a importância de garantir uma maior cooperação entre a OTAN e a UE, promovendo o desenvolvimento da PCSD; o alargamento das relações bilaterais e multilaterais de segurança e defesa com os Estados



da CPLP; e o reforço da presença nas iniciativas regionais em que se insere (Ministério da Defesa, 2023b, p. 31).

Ora, resultante daquilo que são os dois grandes objetivos mencionados anteriormente, vale ainda mencionar, antes de partir ao debate da temática, o interesse português em garantir um papel ativo como coprodutor de segurança internacional. Para tal, Portugal tem objetivos muito bem delineados e que passam pela participação nas já mencionadas missões militares internacionais para a defesa da paz e segurança nas organizações em que se insere, como a ONU, a OTAN e a UE, e no estabelecimento de parcerias estratégicas de segurança com os países da CPLP, sendo aqui importante referir a cooperação nos campos da criminalidade transnacional organizada e da segurança marítima (Ministério da Defesa, 2023b, p. 35).

Antes de passar ao debate prático, vale salientar que estes pontos ainda estão patentes no RCEDN, ou seja, na discussão do novo CEDN. Neste sentido, o RCEDN resume estes pontos na necessidade de reforçar a posição internacional de Portugal no mundo através da contribuição ativa no quadro bilateral e multilateral para a estabilidade internacional, sobretudo dentro da ONU, da OTAN e da UE, na necessidade de afirmar Portugal enquanto produtor de segurança e no reforço da cooperação ao nível da defesa (Conselho de Revisão do CEDN, 2023, p. 19). Ora, isto permite-nos perceber com um certo grau de atualidade aquele que é o debate em torno dos interesses estratégicos portugueses para o Sahel.

Por conseguinte, tendo em conta as linhas guia do CEDN e a revisão do RCEDN, que representam parte das linhas guia da política externa portuguesa, torna-se então importante analisar os possíveis motivos para o interesse que Portugal tem vindo a demonstrar na região nos últimos anos. Neste sentido, e percebendo os pontos do CEDN acima descritos, de seguida será exposta a ação portuguesa no Sahel e a forma como Portugal desenrola a sua estratégia para esta região. Esta análise permitirá entender se a principal finalidade portuguesa se prende maioritariamente com a busca por segurança regional, ou pela busca por notoriedade e um papel mais preponderante na comunidade internacional.

Começando pela esfera da política externa, através de uma análise às relações portuguesas com os membros do G5 do Sahel, é possível perceber que no campo da diplomacia política estas existem sem qualquer embaixador português residente no território (Ministério da Defesa, 2023c; Ministério dos Negócios Estrangeiros, 2023b). Ademais, a isto acrescenta-se o facto de no campo da cooperação bilateral na área da defesa, apenas existir um acordo de cooperação com a Mauritânia, mais uma vez sem adido de defesa presente devido à não existência de embaixada no local (Ministério da Defesa, 2023c; Ministério dos Negócios Estrangeiros, 2023b). Ora, por si só, o facto de não existir embaixadas no local evidencia que não existem relações diplomáticas de alto nível entre Portugal e os países constituintes do G5 do Sahel, o que parece demonstrar que para Portugal esta região não nutre um relevo significativo, tendo pouco ou nenhum valor estratégico reconhecido.

Por conseguinte, além das relações estabelecidas bilateralmente, que, excluindo a Mauritânia, acabam por não ter o aspeto da cooperação defensiva bilateral, nesta região, Portugal integra alguns dos grandes projetos multilaterais no âmbito das organizações



internacionais em que se insere. Entre a ONU e a UE, Portugal participa num total de cinco missões internacionais para a paz e segurança regionais e a análise desta intervenção nas mesmas pode ajudar na melhor perceção daqueles que podem ser os interesses securitários regionais e qual a possível estratégia que Portugal poderá ter na região. Antes de evidenciar quais são estas missões em que Portugal se insere, vale salientar ainda que os dados foram retirados do documento sobre o envolvimento de militares portugueses no exterior, publicado pela Direção-Geral de Política de Defesa Nacional (DGPDN) em março de 2023 (Ministério da Defesa, 2023d).

Por um lado, no campo da UE, Portugal está presente: no G5 do Sahel, com a Coligação para o Sahel e a *Groupes d'Action Rapides – Surveillance et Intervention au Sahel* (GAR-SI SAHEL); no Mali, com o *European Union Training Mission Mali* (EUTMM); e no Níger e Mali, com a *European Union Capacity Building Mission* (EUCAP) (Ministério da Administração Interna, 2021; Ministério da Defesa, 2023a, 2023d, p. 14; RP - XXII Governo, 2021). Além das missões mencionadas no âmbito da UE, Portugal esteve também envolvido na *Task Force Takuba* (TFT), missão no Mali liderada pela França, um dos Estados europeus mais proativos na região, que teve fim em março de 2022 após um período de tensão entre Paris e Bamako impulsionado pela oposição da população maliana face à presença de forças estrangeiras, principalmente francesas, devido maioritariamente ao passado colonial entre os dois poderes (France 24 Staff, 2022; Ministério da Defesa, 2023d, p. 21; Público Staff & Europa Press, 2022). Enquanto que, por outro lado, no campo da cooperação com a ONU, Portugal está presente apenas no Mali, com a *Multidimensional Integrated Stabilization Mission in Mali* (MINUSMA) (Ministério da Defesa, 2023a, 2023d, p. 4; RP - XXII Governo, 2021).

Figura 2 - Quadro simplificado das missões de defesa e segurança no G5 do Sahel tal como se encontra descrito no documento do Envolvimento de Militares Portugueses no Exterior publicado pelo DGPDN em março de 2023

| | BILATERAL | UE | OTAN | ONU |
|--------------|--------------------------------------|--------------------------------|------|---------|
| BURKINA FASO | | GAR-SI SAHEL | | |
| CHADE | | GAR-SI SAHEL | | |
| MAURITÂNIA | Acordo de Cooperação na Defesa | GAR-SI SAHEL | | |
| MALI | | GAR-SI SAHEL EUTMM EUCAP | | MINUSMA |
| NIGER | | GAR-SI SAHEL EUCAP | | |

Design: Autor / Fonte de dados: DGPDN



Ora, tendo em atenção as missões de defesa e segurança das quais Portugal faz parte no âmbito da cooperação no Sahel, e fazendo uma análise das mesmas, é possível perceber que fora das missões onde se integra na UE e na ONU, o interesse securitário português na região fica resumido a um acordo de defesa com a Mauritânia. Ademais, na tabela acima colocada percebe-se rapidamente que o interesse português e insere na cooperação para a segurança do próprio CSR. Esta ação portuguesa de cooperação internacional com fraca cooperação bilateral demonstra que Portugal não procura reforçar, pelo menos em termos individuais, a sua participação em iniciativas de segurança e defesa no Sahel por não deter interesses políticos na região. Neste sentido, esta dualidade na participação portuguesa parece estar ligada ao objetivo de Portugal de garantir um papel enquanto produtor para a segurança internacional, sobretudo através do reforço da cooperação ao nível da segurança e defesa nas áreas de interesse estratégico, como o é África, o que representa assim a existência de um interesse mais ligado à procura por notoriedade internacional do que à questão da segurança por si só.

Aliás, esta luta por notoriedade internacional pode ser justificada, por exemplo, pela necessidade portuguesa de garantir reconhecimento internacional como produtor nas áreas da segurança e defesa de modo a conseguir o almejado assento rotativo no Conselho de Segurança da ONU no biénio de 2027-2028 (ONU News, 2022; RP - XXIII Governo, 2022). Por conseguinte, torna-se lógico assumir que um dos grandes interesses estratégicos portugueses no Sahel não passa pela questão securitária regional, mas sim pela necessidade de demonstrar proatividade em questões securitárias nas regiões onde incide o seu foco estratégico de modo a conseguir garantir um maior papel internacional.

A verdade é que, desde 2021, altura em que o governo português assumiu a Presidência do Conselho da UE por seis meses, Portugal tem procurado participar na discussão da questão do Sahel de forma mais ativa na comunidade internacional. Ora, se inicialmente esta maior participação na discussão do tema era justificada pela presidência portuguesa na UE, tendo estado Portugal formalmente responsável pelos assuntos europeus, entre os quais as questões securitárias, por outro lado, a manutenção do foco nesta questão pós-2021, ao nível individual, demonstra uma perceção de relativa importância deste conflito. Este maior foco e atividade, contudo, não veio acrescido de maior proatividade, algo visível no facto do foco português desde então ter sido o de evidenciar a crise securitária no Sahel, com centro em discursos sempre gerais e concentrados na questão da segurança europeia, sem nunca ir além da menção geral da necessidade de promover a segurança regional saheliana para a segurança europeia e de combater o terrorismo e a criminalidade transnacional, demonstrando desta forma a pretensão de funcionar enquanto um promotor de segurança, estabilização e paz, nas organizações em que se insere (Agência Lusa, 2021, 2023a; Carreiras, 2023; Lecha et al., 2022, p. 5; RP - XXIII Governo, 2023; UNOCT, 2023).

A afirmação feita anteriormente pode ser vista no caso já mencionado da candidatura portuguesa ao Conselho de Segurança da ONU e ainda nos recentes discursos portugueses na OTAN. Aliás, na especificidade do caso da OTAN, apesar da aliança transatlântica não ter nenhuma missão diretamente ligada à região mais afetada do Sahel, sendo o mais próximo as missões que tem junto da UA e da Somália, Portugal tem procurado evidenciar junto dos seus aliados a necessidade de criar missões de estabilidade regional e de maior cooperação securitária com o flanco sul, algo que



inclusivamente foi mencionado pelo lado português nas recentes cimeiras da OTAN em Madrid, em 2022, e em Vilnius, em 2023, e que foi levado positivamente por parte dos restantes membros da aliança (Calle & Matos, 2022; Lecha et al., 2022, p. 5; NATO, 2023; RP - XXIII Governo, 2023).

Por conseguinte, foi possível perceber até ao momento que Portugal não tem interesses securitários, pelo menos ao nível individual, na região, muito devido ao facto da questão saheliana não ter efeitos diretos na segurança portuguesa. Porém, se por um lado a participação regional nas missões europeias se pode justificar pelo comprometimento para com a PCSD e a agenda europeia, por outro lado, o foco dado à questão no contexto da ONU e, sobretudo, da OTAN, demonstra o almejar por uma posição relevante em questões de cooperação e segurança. Neste sentido, pode ser argumentado que politicamente Portugal estará sobretudo a procurar no Sahel uma alavanca ao seu estatuto internacional, quer na ONU, quer na OTAN, garantindo assim o cumprimento de um dos objetivos estabelecidos no CEDN de fomento da defesa internacional do papel de Portugal no mundo e da consolidação das relações externas de defesa e segurança internacionais por via do reforço da presença e posição portuguesas nas instituições em que se insere.

Ora, se na vertente securitária pura, no campo dos interesses políticos, parece não existir interesse português acentuado, é também importante perceber se de alguma forma existe algum interesse português na questão económica ao nível regional, analisando aqui a questão da diplomacia económica como uma possível justificação para a demonstração de interesse securitário. Como já mencionado anteriormente na análise ao CEDN, Portugal tem, sem surpresas, um grande foco em África, como uma das zonas estratégicas de expansão de influência, e na expansão da economia portuguesa no espaço internacional. Por conseguinte, sendo o Magrebe e a região centro e sul africana zonas de relevo económico-político para Portugal, muito devido à CPLP, surge a questão sobre se o Sahel, localizado diretamente abaixo da Magrebe, também ocupa o mesmo valor estratégico.

Neste sentido, Pires (2020) vê a intervenção de Portugal no Sahel como sendo justificada pelo objetivo da diplomacia económica, afirmando a ação regional portuguesa como meio de penetrar um mercado menos tradicional para obter mais parceiros regionais e alternativas aos mercados tradicionais. Para tal, o autor afirma que a integração nas iniciativas descritas anteriormente, no âmbito da ONU e da UE, acaba por servir um propósito de reconhecimento de possíveis mercados de atuação, reconhecendo um possível aproveitamento português da situação regional para estabelecer a sua posição como parceiro regional. Porém, apesar desta ideia ter nexos quando pensada a longo prazo, a verdade é que no curto e médio prazo esta situação não parece muito plausível, muito devido a toda a instabilidade regional, sem tendências de melhoramento, e às fracas e ínfimas relações comerciais entre Portugal e os membros do G5 do Sahel. Para melhor entendimento do argumento das relações comerciais entre Portugal e os membros do G5 do Sahel serem quase que insignificantes, será utilizada uma análise comparativa à balança comercial entre os Estados de forma a entender o peso da região na economia portuguesa.



Figura 3 - Quadro resumo dos valores apresentados durante o debate sobre a estratégia económica. Note-se que na questão da Importação Energética o valor proposto foi retirado diretamente do valor das importações

| | Exportações (1000EUR) | % | Importações (1000EUR) | % | Importação Energética (1000EUR) | % |
|--------------------------|--------------------------|---------------|--------------------------|----------------|---------------------------------------|----------------|
| Burkina Faso | 12 146 | 0,20% | 5 063 | 0,11% | | |
| Chade | 155 | 0,003% | | | | |
| Mauritânia | 12 648 | 0,21% | 10 598 | 0,22% | | |
| Mali | 17 363 | 0,29% | 3 228 | 0,07% | | |
| Niger | 1 474 | 0,03% | 18 | 0,0004% | 16 | 0,0004% |
| G5 Sahel | 43 786 | 0,73% | 18 907 | 0,4% | 16 | 0,0004% |
| Angola (CPLP) | 1 423 848 | 23,73% | 623 533 | 12,99% | 593 568 | 15,23% |
| Nigéria | 30 790 | 0,51% | 1 940 292 | 40,42% | 1 931 247 | 49,55% |
| Somatório | 1 498 424 | 24,97% | 2 582 732 | 53,81% | 2 524 831 | 64,78% |
| Total África | 6 000 000 | 100% | 4 800 000 | 100% | 3 897 960 | 100% |

Design: Autor / Fonte: GEE

Analisando a balança comercial portuguesa em África no último ano, percebe-se logo à partida a importância que o continente detém por representar o segundo maior valor extra-UE, com cerca de 5,2% das exportações portuguesas, ou 6 mil milhões de euros, sendo que, dentro do continente africano, a região da África Subsariana, onde se localizam os países da CPLP e o G5 do Sahel, acaba por ser ainda mais relevante (Agência Lusa, 2023b; Ministério dos Negócios Estrangeiros, 2023a; *Portugal Exports By Country*, 2023). Porém, para o total das exportações portuguesas em África, os membros do G5 do Sahel representaram, em 2023, cerca 0,73%, ou cerca de 43,8 milhões de euros, o que acaba por, no contexto geral, ser um valor quase que irrisório, sobretudo quando comparado com os membros da CPLP, como é o caso de Angola que sozinha representa cerca de 23,7% ou 1,4 mil milhões de euros (GEE, 2023a, 2023b, 2023c, 2023d, 2023e, 2023f).

Colocando agora atenção na análise das importações, como meio de perceber se existe algum interesse na região, vale mencionar primeiramente que Portugal apenas importa 4,6% de África, cerca de 4,8 mil milhões de euros, sendo desta forma o mercado a que Portugal menos recorre para suprimir as suas necessidades (*Portugal Imports By Country*, 2023). Ademais, dentro do bolo africano, dos 4,8 mil milhões de euros apenas cerca de 0,4%, ou cerca de 19 milhões de euros, são correspondentes ao G5 do Sahel (GEE, 2023b, 2023c, 2023d, 2023e, 2023f). Ademais, grande parte deste bolo africano está ligado ao comércio com a Nigéria, com cerca de 40% ou 1,9 mil milhões de euros,



e, mais uma vez, os países membros da CPLP, entre os quais se destaca novamente o caso de Angola, com cerca de 13% ou 623 milhões de euros (GEE, 2023a, 2023g).

Todavia, vale aqui mencionar uma questão estratégica interessante no caso da Nigéria que pode ajudar a perspetivar de outra a forma a questão do Sahel para Portugal, visto 99,5% das importações portuguesas ser referente à importação de combustíveis fósseis (GEE, 2023g). Quando se aborda a questão estratégica económica, a verdade é que os recursos estratégicos mais interessantes são os recursos energéticos, nomeadamente os combustíveis fósseis, que interferem diretamente com a defesa e segurança dos Estados, visto a necessidade de supressão das necessidades energéticas internas dos Estados impactar diretamente a segurança dos mesmos (Campos & Fernandes, 2017, pp. 31–35). Sobre esta questão, é necessário também compreender que Portugal é um Estado dependente de importação por não ter reservas naturais de gás e petróleo e, neste sentido, a securitização das rotas de abastecimento, assim como o desenvolvimento de novos projetos sustentáveis, torna-se fulcral.

Apesar de Portugal também importar energia fóssil de outros países da CPLP em África, sobretudo de Angola, a verdade é que o caso da Nigéria permite pensar num possível interesse estratégico português na região que estaria sobretudo ligado com o sucesso do projeto do TSGP, isto porque o gasoduto permitiria a conexão na Argélia, outro dos grandes exportadores africanos de combustíveis fósseis para Portugal, com o Gasoduto Magrebe-Europa (Baptista, 2022). Porém, para o TSGP ser uma alternativa viável que permitisse conectar a Nigéria à Argélia, então Portugal necessitaria que a situação do Sahel fosse normalizada, sobretudo a questão do Níger que é o intermediário programado para o projeto, justificando assim um possível interesse securitário na região.

Ora, tendo esta visão geral da balança comercial portuguesa, é possível perceber que Portugal tem valores muito baixos com cada um dos países do G5 do Sahel, sobretudo quando a análise é feita no bolo africano, o que transmite a ideia de que no contexto exclusivo desta região Portugal não observa estes mercados como essenciais ou interessantes do ponto de vista económico e estratégico, pelo menos ao nível individual. Contudo, nesta questão do TSGP, pode existir aqui um interesse regional português na estabilização da região, visto a rota terrestre, neste caso, ser mais viável por permitir a diminuição dos custos e do tempo de transporte.

Tendo em atenção estes dados, economicamente é perceptível que, para Portugal, a região do Sahel não representa um grande peso ao nível económico no imediato e, certamente, não será de grande interesse a curto e médio prazo para a economia portuguesa, sendo muito mais benéfica, para já, a aposta nos mercados tradicionais. Aliás, como dito anteriormente, o único interesse viável seria o investimento na segurança regional para permitir o sucesso do TSGP, porém mesmo esta possibilidade é dúbia visto o pouco interesse que Portugal parece ter de forma prática na região. Aliás, mesmo este interesse no TSGP pode ser considerado a curto e médio prazo um interesse inviável, sobretudo com o recente aumento das tensões no Níger após o recente golpe de Estado, que envolveu, inclusive, forças externas como o Grupo Wagner, ameaçar o desenvolvimento do projeto (Armstrong, 2023; Gonçalves, 2023; Nwogu, 2023).

Neste sentido, e tendo a noção da instabilidade vivida, continua a ser verdade que Portugal pode estar a jogar aqui um jogo a longo prazo na região para se tornar um dos



principais parceiros regionais. Contudo, este não deixa de ser um jogo perigoso visto que deverá sempre ser tida em conta que esta é uma zona instável, sem fim à vista para a conflitualidade e que pede um certo grau de sapiência e paciência aos atores externos para manusear a sua presença na região. Por conseguinte, diplomacia económica não parece, pelo menos a curto e médio prazo, ser uma prioridade, podendo sim vir a tornar-se um objetivo secundário a longo prazo na política externa portuguesa para o Sahel.

A participação por parte de Portugal no Sahel, sem que exista uma estratégia explícita para a atuação e resolução dos problemas na região, demonstra que o objetivo português pode passar, como já abordado anteriormente, por reforçar a credibilidade internacional enquanto produtor de segurança, tornando-se um interlocutor para os assuntos securitários em África. Ademais, ao participar das missões internacionais em que se insere, Portugal coloca-se simultaneamente como um dos principais Estados na defesa da fronteira sul da Europa, garantindo o apoio à pacificação de uma região que afeta diretamente os interesses securitários da UE. Por fim, e em forma de pequena adição, no âmbito da diplomacia económica, um Sahel pacificado poderia dar a Portugal um papel de promotor do desenvolvimento regional que beneficiaria os seus interesses em África. Estes benefícios seriam visíveis, sobretudo, na garantia de formas mais viáveis, seguras e menos custosas, de abastecimento energético, no desenvolvimento da região da África Subariana e no desbloquear de projetos entre o Sahel e a CPLP. Com isto, mais uma vez, mesmo ao nível económico o objetivo principal português parece ser o de ganho de notoriedade e não o da garantia de segurança.

Conclusão

No Sahel, a expansão armada e violenta de grupos terroristas que se aproveitam de conflitos interétnicos tem sido a matriz de causa da instabilidade regional, criando uma série de problemas securitários fortemente ligados às migrações forçadas de refugiados, ao tráfico humano e de drogas transnacional e à disponibilidade de recursos energéticos.

A UE tem intercedido no Sahel desde o começo do conflito, como meio de garantir a estabilização da região, e, por conseguinte, Portugal, enquanto membro da comunidade europeia, tem também participado de modo a proteger as fronteiras do seu espaço comum. Aliás, a participação portuguesa, no quadro da Presidência do Conselho da UE, na Cimeira de Chefes de Estado do G5 do Sahel, acaba por ser demonstrativa do comprometimento português para com a segurança da Europa e do objetivo português de atingir um papel como ator de relevo na discussão da segurança em África. Neste sentido, é possível observar que a região do Sahel é uma questão securitária europeia, sobretudo na manutenção da paz e segurança na fronteira sul, afetando direta ou indiretamente todos os membros da UE, e que, em consequência, Portugal acaba também por ter um motivo securitário na região, mesmo que este não justifique a ação individual portuguesa, nas organizações em que se insere extra-UE, na chamada de atenção para o Sahel.

Esta procura extra-UE visa garantir a estabilidade na região através de iniciativas ligadas à ONU e à promoção dentro da OTAN da necessidade de intervir localmente e de forma cooperativa com os Estados afetados para suprimir a insegurança regional. Porém, quer pelos motivos já mencionados, quer pela posição geográfica portuguesa no Atlântico e



fora do espectro securitário do Mediterrâneo, a situação do Sahel tem um efeito muito reduzido ou nulo na segurança nacional portuguesa, o que leva à colocação da questão sobre quais os reais motivos portugueses para a intervenção.

Ademais, com a análise proposta anteriormente ao nível ao económico, foi também possível perceber que Portugal pode ter alguns interesses securitários ao nível regional. A construção e sucesso do TSGP poderia significar que Portugal passaria a importar energia fóssil mais barata e de um mercado fora daquele que é o mercado de dependência europeu russo-americano. Ademais, além do interesse em ser observado como um ator importante em questões de segurança em África, Portugal poderia beneficiar, com a pacificação do Sahel, de novos meios de conectar as suas redes de abastecimento de combustíveis fósseis através de corredores económicos próprios entre membros da CPLP, o G5 do Sahel e o Magrebe. Porém, a inação portuguesa ao nível individual na região, em conjunto com a instabilidade vivida e que não demonstra sinais de abrandamento, torna perceptível que, apesar de existirem interesses económicos que justificam o possível interesse securitário português na região, o objetivo económico na região do Sahel é secundário e um jogo a longo prazo e, por conseguinte, não parece existir, para já, um interesse securitário forte na região a este nível que justifique uma ação mais robusta securitariamente.

No debate entre notoriedade e/ou segurança, pode entender-se que, no que respeita aos interesses portugueses na região, é possível perceber que estes se prendem com uma necessidade de notoriedade internacional, a nível diplomático, securitário e económico, que está definida no CEDN como parte da política externa e de defesa portuguesa. Por conseguinte, o grande objetivo português parece ser o de atingir um posicionamento de grande produtor e promotor de segurança para África, algo que pode garantir ao lado português o lugar tão desejado no Conselho de Segurança da ONU no biénio de 2027-2028, uma posição mais proeminente na OTAN e um lugar mais credível na discussão da estratégia europeia para o mundo dentro da UE, objetivos que de outra forma seriam difíceis de atingir.

Apesar do papel debatido poder justificar o interesse português como parcialmente securitário, vale salientar que bilateralmente, ao contrário da França e da Alemanha, Estados que ativamente procuram participar na questão do Sahel pelos interesses securitários que nutrem na região, Portugal não tem ações de segurança direta na região e, por este motivo, a questão de Portugal não se prende tanto com a segurança regional, mas sim com a necessidade de estar mais envolvido nas questões de segurança africana de modo a ser visto como um Estado de peso no debate das mesmas internacionalmente. Aliás, a mais se acrescenta que esta busca por notoriedade também se pode ligar ao vetor económico no futuro, sobretudo caso o TSGP se torne uma realidade e, por conseguinte, Portugal opte por apostar no desenvolvimento de corredores económicos entre a CPLP e o Magrebe, passando sempre pelo Sahel.

Ora, tendo debatido o tema e retiradas as conclusões sobre o abordado, é possível perceber que Portugal intervém no Sahel principalmente no âmbito da busca por notoriedade e do fomento da sua posição no sistema internacional. Esta presença portuguesa tem assim sempre o objetivo patente de beneficiar os interesses portugueses já mencionados. Neste sentido, pode assim justificar-se a ação portuguesa maioritariamente pela busca por notoriedade dentro do campo da segurança e



cooperação em África, torna-se importante em trabalhos futuros analisar o futuro português e a forma como esta estratégia se vai desenrolar na próxima década, dando desta forma um novo olhar sobre como Portugal se poderá tornar um Estado relevante na tomada de decisão internacional em África.

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GUINEA-BISSAU: AVOIDING THE REPUTATION OF BEING A FAILED STATE

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Abstract

This paper poses and answers the following research question: How may Guinea-Bissau overcome its permanent governance instability and avoid becoming a “failed state”? This question is particularly important, not only in the context of circumventing being exposed to the economic interests of external actors, but also, to understand the state domestic weaknesses. Guinea-Bissau is a partially archipelagic small state, with an interesting portfolio of natural resources, investment opportunities, and business prospects. The country has suffered decades of institutional instability and social fragility, resulting being rated as “failed-state”. Indeed, O’ Regan &Thompson (2013, p. 3) refer Guinea-Bissau as “(...) the first narco-state in Africa”. There are a number of perspectives to categorize a state as failed-state, but we are focused on the institutional approach and in a possible lack of state authority. As such, we assume that “states fail because they do not possess the political, economic and social capabilities to survive as states” (Hill, 2005; Gros, 1996, p. 456; Jackson, 2000, p. 296; Rotberg, 2004, p. 2; Zartman,1995, p. 5). Once the ideological cradle of colonial self-determination, Guinea-Bissau fought valiantly to gain independence (1963–1974), unilaterally proclaiming it on 24 September 1973 (Té, 2015, p. 30). Regrettably, after gaining recognition as a sovereign state, Guinea-Bissau has witnessed four effective coup d’états, 16 different



attempts of coups d'état, one civil war, several parliamentary dissolutions, assassinations of politicians, interference of the militaries in executive functions and frequent change of political executives. Several reasons have contributed to this instability: (1) The interests of neighboring countries as well as an intense international influence; (2) The condition of being a post-colonial state, which is reflected in a number of factors such as poor literacy, health care and security (BTI, 2024); (3) The internal ethnic-religious clashes and the 1980 events, which lead qualified Cabo Verdean personnel to leave the country (Duarte Silva, 2006); (4) The meagre political control of the armed forces associated to a widespread corruption (BTI, 2024); (5) The short minded political culture within a semi-presidential system; (8) and the last but certainly not the least, the under-resourced and sloppy surveillance of borders (US Department of State, 2022, p. 5). All these factors jeopardized its economy, drained its resources, and exposed society to narco-trafficking. A struggle between the President Umaro Sissoco Embaló and the parliament regarding the amendment of the Constitution (among other issues), has further reignited political instability. Apart from the direct competition posed by Senegal, Guinea-Bissau has potential to become a reference economy in the region, and an entry door for the market of the Economic Community of West African States (ECOWAS) and the West African Monetary and Economic Union (WAEMU). However, hardly this will ever happen, without political stability and an urgent need of reform of the defense and security sectors. A transformation not only in its structures but, above all, in mentalities, based on the role of the military in a representative democracy - a semi-presidential political system. This research does not adopt any explicit theory (Creswell & Creswell, 2018, p. 64). Instead, it employs a descriptive-inductive qualitative methodology based on selected themes to evaluate how Guinea-Bissau can avoid becoming a failed state. The critical discussion of these themes, has been supplemented with interviews with Guinea-Bissau's opinion leaders and representatives of its diaspora, as well as former Portuguese colonial agents. The authors wish to acknowledge that, to mitigate the insufficiency of official and academic qualitative data, we conducted a number of interviews and we used triangulated media sources. The relevant interview transcripts, were freely translated into English language. Finally, this research excludes the last two years (2022-2024) of current political leadership, under the President Embaló. During this period of time President Embaló dissolved the parliament twice, scheduled legislative elections for November 2024 and at the time we write, the presidential election has not been called yet. Therefore, the authors consider important the completion of this sequence of facts, to analyze his political action.

Keywords

Guinea-Bissau, Failed State, Political Instability, Development, Ethnic-groups, Narco-trafficking.

Resumo

Este artigo coloca e responde à seguinte questão de investigação: Como poderá a Guiné-Bissau ultrapassar a sua permanente instabilidade governativa e evitar tornar-se num "Estado falhado"? Esta questão é particularmente importante, não só no contexto de evitar a exposição aos interesses económicos de actores externos, mas também, para compreender as fraquezas internas do Estado. A Guiné-Bissau é um pequeno Estado parcialmente arquipelágico, com um interessante portefólio de recursos naturais, oportunidades de investimento e perspetivas de negócio. O país sofreu décadas de instabilidade institucional e fragilidade social, o que o associa à ideia de "Estado falhado". Com efeito, O' Regan & Thompson (2013, p. 3) referem-se à Guiné-Bissau como "(...) o primeiro narco-Estado em África". Existem diversas perspetivas para categorizar um Estado como um Estado falhado. Todavia, neste artigo adaptámos uma abordagem institucional para avaliar da possível falta de autoridade no



exercício das funções públicas. Como tal, assumimos que “os Estados falham porque não possuem as capacidades políticas, económicas e sociais para sobreviver como Estados” (Hill, 2005; Gros, 1996, p. 456; Jackson, 2000, p. 296; Rotberg, 2004, p. 2; Zartman, 1995, p. 5). Outrora berço ideológico da autodeterminação, a Guiné-Bissau lutou corajosamente para conquistar a independência (1963-1974), proclamando-a unilateralmente a 24 de setembro de 1973 (Té, 2015, p. 30). Lamentavelmente, depois de obter o reconhecimento como Estado soberano, a Guiné-Bissau assistiu a quatro golpes de Estado, 16 tentativas de golpe de Estado, uma guerra civil, diversas dissoluções do parlamento, assassinatos de políticos, interferência dos militares nas funções executivas e mudanças frequentes de executivos políticos. Várias razões contribuíram para esta instabilidade: (1) Os interesses dos países vizinhos, bem como uma intensa influência internacional; (2) A condição de ser um Estado pós-colonial, que se reflecte numa série de factores como a fraca literacia, débeis cuidados de saúde e insegurança (BTI, 2024); (3) Os confrontos étnico-religiosos internos e os acontecimentos de 1980, que levaram cidadãos qualificados de origem cabo-verdiana a abandonar o país (Duarte Silva, 2006); (4) O escasso controlo político das forças armadas associado a uma corrupção generalizada (BTI, 2024); (5) A cultura política de curto prazo dentro de um sistema semipresidencialista; (8) e, por último, mas certamente não menos importante, a fraca vigilância das fronteiras (U.S. Department of State, 2022, p. 5). Todos estes factores comprometeram a sua economia, esgotaram os seus recursos e expõem a sociedade ao tráfico de droga. O conflito institucional entre o Presidente Umaro Sissoco Embaló e o parlamento relativamente à alteração da Constituição (entre outras questões) reacendeu ainda mais a instabilidade política. Apesar da concorrência directa colocada pelo Senegal, a Guiné-Bissau tem potencial para se tornar uma economia de referência na região e uma porta de entrada para o mercado da Comunidade Económica dos Estados da África Ocidental (CEDEAO) e da União Monetária e Económica da África Ocidental (UEMOA). No entanto, dificilmente tal acontecerá, sem estabilidade política e sem a reforma dos sectores da defesa e da segurança. Uma transformação não só nas suas estruturas, mas, sobretudo, nas mentalidades, assente no papel dos militares numa democracia representativa – um sistema político semipresidencialista. Esta investigação adopta uma metodologia qualitativa descritiva-indutiva (Creswell & Creswell, 2018, p. 64) e baseia-se na análise de um conjunto de temas seleccionados, para avaliar como a Guiné-Bissau poderá evitar ser um estado falido? Os autores desejam reconhecer que, para mitigar a insuficiência de dados qualitativos oficiais e académicos, realizaram uma série de entrevistas e utilizaram fontes mediáticas devidamente trianguladas. A discussão crítica destes temas foi complementada com entrevistas a líderes de opinião da Guiné-Bissau e a representantes da sua diáspora, bem como a antigos agentes coloniais portugueses. As transcrições das entrevistas relevantes foram traduzidas livremente para a língua inglesa. Por último, esta investigação exclui os últimos dois anos (2022-2024) da actual liderança política, sob o Presidente Embaló. Durante este período, o Presidente Embaló dissolveu o parlamento por duas vezes, marcou eleições legislativas para novembro de 2024 e, à data em que escrevemos, as eleições presidenciais ainda não foram convocadas. Por isso, os autores consideram importante aguardar pelo desenvolvimento desta sequência de factos, antes de analisar os últimos dois anos da sua acção política.

Palavras-chave

Guiné-Bissau, Estado Falhado, Instabilidade Política, Desenvolvimento, Grupos Étnicos, Narcotráfico.



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GUINEA-BISSAU: AVOIDING THE REPUTATION OF BEING A FAILED STATE

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1. Introduction

Guinea-Bissau is internationally perceived as a country with high political-military instability, a “failed-state”, and a “narco-state” (Clarke, 2017). However, there is more to this African country than meets the eye. Guinea-Bissau is a partially archipelagic small state, covered by lush vegetation, located in the westernmost part of the African continent, halfway between the Equator and the Tropic of Cancer. The country is heavily irrigated by rivers and marshy areas, with more than 80 islands and islets, forming the “Bijagós Archipelago”.

In 1956, Amílcar Cabral led the founding of the PAIGC (African Party for the Independence of Guinea and Cabo Verde [Partido Africano para a Independência da Guiné e Cabo Verde]). He first tried to negotiate a gradual path towards independence, with obvious negative results (Sanca & Cói, 2017). In August 1959, sailors and dockworkers at the seaport of Bissau went on strike, demanding better wages and better living conditions (Sanca & Cói, 2017). The protestors decided to demonstrate at the harbour, but the police demobilized it using firearms. Allegedly, 50 demonstrators were killed, and more than 100 were wounded (Duarte Silva, 2006 and DW, 2014). The so-called Pidjiguiti massacre, has been perceived as the trigger cause for the PAIGC to abandon their campaign of nonviolent resistance (Roque, 2018). Not having been successful in the dialogue with the colonial authorities, Amílcar Cabral led his party to a liberation armed struggle. In 1963, two years after the beginning of the combats in Angola and the loss of the Portuguese colonies in India, the PAIGC fighters began their armed struggle, against the colonial regime. Out of the so-called by the colonial regime “three overseas theatres of operations” (Angola, Guinea-Bissau, and Mozambique), Guinea-Bissau was considered the fiercest combat zone, with heavy casualties on both sides. Interviewing Rodrigues (Interview, 2021b), it became clear that, in the early 1970s, after 11 years of fighting, the Portuguese military were feeling that the war outcome, would not favour them. The colonial military only had control of the urban areas, and they lost air supremacy, due to PAIGC use of soviet made surface-to-air missiles. Meanwhile, Cabral managed to engage in diplomatic venues, gaining international recognition – He met with Pope Paulo VI on July 1970, soon after his participation in the international conference



on solidarity with the Peoples of the Portuguese Colonies (*Solidariedade com os Povos das Colónias Portuguesas*), which took place in Rome in June 1970 and gathered 177 organizations from 64 states. PAIGC participated in some United Nations (UN) events, as a representative of the Guinea-Bissau opposition, and managed to invite a UN envoy, to territories under PAIGC control, conveying the idea that Portugal, no longer had the right to represent the people of Guinea-Bissau (GB).

In 1973, Cabral decided to make a smart move: the unilateral declaration of independence. As a result of his diplomatic efforts, that symbolic act, gained immediate recognition from several states friendly to the Bissau-Guinean cause. However, months before making that declaration, Amílcar Cabral was assassinated in Conakry (RTP, 2017) "tragically killed by his own men, as part of a coup against Cape Verdean leadership of PAIGC" (Tomás, 2012). Despite his death, the struggle for self-determination continued, and on 24 September 1973, the new PAIGC leadership, declared unilaterally the independence. In the following months, the independent GB was recognized by several countries (Andrade, 1974), most of whom from the African states aligned with Moscow and by the United Nations General Assembly (UNGA, 1973). Meanwhile, the fight against Portuguese forces continued, without showing any signs of subsiding. In April 1974, the Portuguese Army staged a coup d'état in Lisbon, overthrowing the dictatorship regime, opening the way to democracy. Soon after that, the new regime decided to recognize the right to self-determination to all so-called "overseas provinces". Guinea-Bissau was the first to be recognized as a sovereign state, on 10 September 1974. This recognition of independence, was followed by most UN member states, and on 17 September 1974, the United Nations Security Council (UNSC RES 356, August 12, 1974), recognized the UN membership to Republic of Guinea-Bissau. Relations between Portugal and GB have ever since become cordial, and there is a significant diaspora of Bissau-Guineans living in Portugal.

During its first 17 years of independence, GB was run by an autocratic, Soviet-inspired, single-party regime. As its name suggests, the PAIGC's political project foresaw that Guinea-Bissau and Cabo Verde, initially constituted as separate states, would tend towards unification. Although existing as two sovereign states, they were to be governed by the same political party (fact that apparently, was not consensual within the PAIGC). This idealistic concept lasted until 1980. On 14 November 1980, a coup d'état in GB overthrew the first President Luís Cabral (Teixeira, 2010), suspended the constitution, instituting the Council of the Revolution, formed by military and civilians. This coup d'état marked the end of the project of unification of the two countries. Nevertheless, Cabo Verde and Guinea-Bissau after 1981 (when the PAICV - Partido Africano da Independência de Cabo Verde - was born), both states have always maintained good diplomatic relations. After the fall of the Berlin Wall, as most of the states supported by the Soviet Union, GB entered a deep economic crisis. To overcome this crisis, the government resorted to soliciting the World Bank and the International Monetary Fund (IMF) financing. However, this option implied adherence to the neoliberal development model, which, in turn, resulted in the reform of the political regime and facilitated a multi-party system.

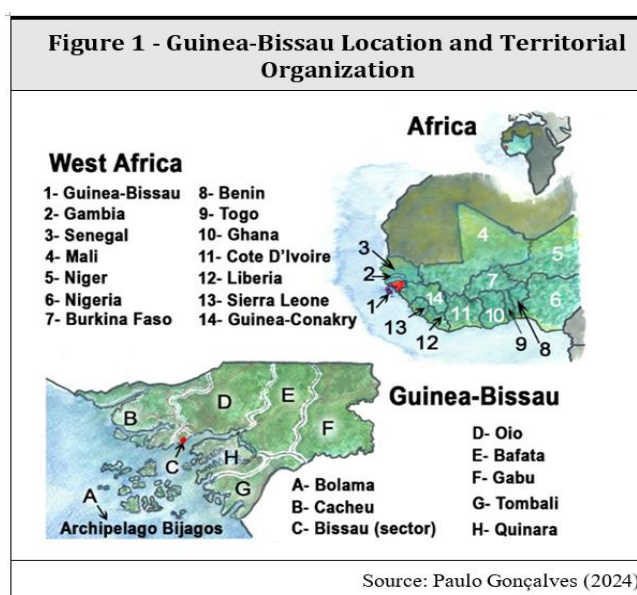
In 1998–1999 there was another coup d'état (Teixeira, 2010), followed by a bloody civil war that ousted President Nino Vieira (who had carried out the 1980 coup d'état). In



2003, a new military coup deposed of President Kumba Ialá, this time without bloodshed. Nino Vieira again assumed power (in the 2005 presidential election as an independent candidate), but he was assassinated in 2009. In 2010, there was a military revolt, which after negotiations, was terminated. In 2011, there was a failed attempt at a coup d'état, and in 2012, halfway through a presidential election, there was a new coup d'état that deposed of the incumbent President Raimundo Pereira, after President Bacai Sanhá died (...) in Paris (Infante, 2016). Since the 1991 presidential election, which opened the country to a multi-party system, only a single Head of State (HoS) has fulfilled a complete term, without being assassinated, or deposed of in a military coup.

2. The Notion of National Space

Guinea-Bissau is located on the west coast of Africa, with an area of 36,125 km², of which 22% are alluvial river areas, with numerous islands along a very jagged coast. The country has a maximum length of 300 km and its widest width is about 250 km. The territory is almost flat, with abundant hydrophilic forests, flat swampy regions, mangroves under the influence of large tides, and the inflow of marine waters can go beyond 100 km inside mainland. GB borders Senegal (North), Guinea-Conakry (South & East), and the Atlantic Ocean (West). Administratively speaking, the territory is divided into two distinct parts: a continental part, and an insular part - the Bijagós, which is separated from the mainland by the channels of Geba, Pedro Álvares, Bolama, and Canhabaque. In 1996, UNESCO classified the Bijagós as a World Biosphere Ecological Reserve (UN Food and Agriculture Organization, 2015). Only 17 out of the 80+ Bijagós islands are populated. Guinea-Bissau is a unitary state, comprising eight regions (Figure 1): Bafatá, Biombo, Bolama/Bijagós, Tombali, Cacheu, Gabu, Oio, Quinara, and the autonomous sector of Bissau.





Guinea-Bissau has 280 km of coastline, with a smooth continental shelf, where the shallow waters are habitat to large quantities of fish. In total, the GB exclusive economic zone (EEZ) has 150,000 km², of which 45,000 km² are continental shelf (CCIPGB, 2016). The climate is tropical, composed mainly of two seasons: The rainy season (May to October) and the dry season (November to April). Heavy rain falls between July and September (Hikersbay, 2022), offering nine straight months of potential good weather for tourism. A national network of several protected areas, covering approximately 470,000 hectares, has already been established (IBAPGB, 2008). Two thirds of the protected areas are marine and estuarine spaces, containing regulated fishing zones. These areas play a central role in the reproduction and regeneration of fish, shrimp, and mollusk stocks, ensuring sustainability to these resources.

3. Population, Ethnicity and Politics

According to United Nations Population Fund (UNPF, 2024) the GB population is close to 2 million inhabitants. The average life male expectancy is 60 years, and female was 64 (UNPF, 2024). The GB population is characterized by having different African ethnicities (ANEME Report, 2018). Although no ethnic group has the majority, the Balantas constitute the most representative minority, with 27% of the population. They are followed by the Fulas (23%), the Mandingas (12%), Manjacos (around 11%), the Papeis (10%), and the remaining 17% composed of smaller ethnic groups such: Felupes, Baiotes, Mancanhas or Brames, Biafares, Nalus, and Bijagós.

In recent history, there has been no internal conflicts purely based on ethnic issues. Ethnic multiplicity has, in fact, been a source of national pride and anti-colonial sentiment, as the harmonious integration between Bissau-Guinean groups is considered unusual (Teixeira, 2020). However, with deteriorating economic situation and growing levels of corruption and nepotism, allegations of ethnic differentiation among the population have emerged (Baldé, 2021a). The proliferation of political parties, often with regional implementation, where there is an ethnic hegemony, opens the field to interpretations of possible ethnic-based partisanship. This relatively new GB ethno-religious differentiation, is starting to get noticed in, for example, the selection of political leaders, members of the parliament (MP), and state offices. In GB, religion and ethnicity, plays an important role in the political arena. In addition, there is a stark contrast between the legitimacy of state authority and traditional local authorities. Local religious leaders have higher precedence than secular state officials. To complicate things further, population is made up of various ethnic groups representing different religious orientations. The Fulas, Mandingas and Biafares are Muslims, others are animists and Christians. The Animist religion is practiced by 44.9%, Islamic (Sunni) represents 41.9%, Christians are 11.9%, and others (including atheists) are around 1.3% of the population (ANEME Report, 2018). It is the indigenous Animist religious system that has the greatest influence on the country's political culture, with practices that allow state officials to legitimize their authority and overcome the impasse of ethnic heterogeneity, compensating for loose relations between government and citizens. The manipulation of religious (animistic) symbolism, by certain leaders with political ambitions, is characteristic of the so-called "Africanization of Power", something that operates between superstition and the transcendental, and empowers authoritarian organizations. The



official language is Portuguese, but according to Atlas Mundial de Dados (2021), only about 27.1% is fluent. Nevertheless, Portuguese language is used in legal documents, public ceremonies, media, and in local schools. Creole is the lingua franca used by 90.4% of the population (local primary school lectures are taught in Portuguese and Creole, except in the Portuguese and French schools).

With a recent history of coups d'état, attempted coups d'état, assassinations, a civil war and a haughty attitude of the military towards the political rulers, Guinea-Bissau is not progressing as it should be, in terms of human development. In addition, Guinea-Bissau has been characterized as a "failed-state," with nuances of a narco-trafficking-state (King, 2022; Chabal & Toby, 2016). These disparage qualifications are substantiated by international organizations reports. In fact, the United Nations Office of Drugs and Crime has characterized Guinea-Bissau as a "landfall" of most cocaine entering Africa from South America, in transit to Europe (UNODC, 2008), and according to the non-governmental organization Transparency International (2023), Guinea-Bissau is considered a "highly corrupted" country, ranking 158 out of 180. Considering that a failed state is defined by the general inability to perform sovereign functions through the three branches of state, delivering responses to fundamental needs of citizens, including basic services and public security, we may say that although GB has serious problems regarding social stability, corruption and poverty, it does not mean that its government has completely lost the ability to cope with basic citizens demands.

In the 1990s, with the opening to a multi-party system and private initiative, private schools began to appear. Due to better salaries and the prestige of private institutions, the best qualified teachers began to abandon the public education system and move to private education. The ongoing economic crisis, led to major cuts in the state budget, dedicated to the education sector. Parents had bear more expenses with education, and school dropouts began to grow significantly (Alves & Rêses, 2021). As a general rule, the level of computer skills of students is less than basic, because access to computer equipment is scarce and the internet network works poorly. All of this, has two negative consequences: on the one hand, in situations of movement restriction or confinement due to pandemics or natural disasters, teaching stops completely, as there is no possibility of taking classes online; on the other hand, as the higher technical education system is deficient and students have to do study abroad, they face extra difficulty because they start from a much lower level of knowledge comparatively to the students in the host nation. In interviews conducted with teachers (2021), there were many criticisms to the current educational system – Salaries, promotions, lack of infrastructures are among the main criticisms. According to members of the teachers' body, access to the education sector requires a partisan posture, because both teachers and support staff, are selected by their political party card, rather than on their merit or curriculum. Likewise, career movement depends more on party position than on profession credits.

In 2017, the UN Mission to Guinea-Bissau (UNIOGBIS, 2020 a) reported that GB had reached a literacy rate of 49.9% among adults, which meant that, if this pace continued, it had reached a total literacy rate of 70% by 2020. To this end, the United Nations Children's Fund worked in partnership with the Ministry of Education and other partners (2016–2020). However, although being a commendable effort, just being able to read



and write, and approximately 44% of children aged 6 to 11 years were out of the education system.

4. Geo-economic Perspectives

Due to its geographical location, the waters of Guinea-Bissau are particularly rich in fish and seafood (shrimp, crab and oysters) in abundance and diversity. The reason for such a wealth of marine life is essentially due to three interrelated factors. First, continental shelf provides large tracts of shallow seabed that are permanently irrigated with sediment brought in by the country's many freshwater courses. Secondly, the GB oceanic waters are covered by very specific currents that, in conjunction with the offshore winds, produce a phenomenon called "upwelling", which generates rising sea currents that bring nutrients deposited on deeper seabed to the surface. Thirdly, the GB coastal areas have the second highest concentration of mangroves in West Africa, and the 12th worldwide (Dias, 2019). Mangroves are plant formations that develop in transition zones between marine and terrestrial environments, where there is great biodiversity. About 90% of marine organisms spend part of their life in this ecosystem, with 80% of the world's fish catches dependent on mangroves (IUFUCN, 2021). It should also be noted that, according to Nieto & Mélin (2017), GB has large concentrations of phytoplankton on the continental shelf - the most extensive in the entire Gulf of Guinea. Given that phytoplankton is the food base for all marine life, it is not surprising that the GB coastline has very considerable fishery resources.

| | | |
|---------------------|--------------------------|--|
| 1 | Artisanal fishing zone | Inland waters and territorial sea |
| 2 | Industrial fishing zones | Beyond 12 miles from coastline baseline |
| 3 | | Joint Exploration Zone (JEZ), with irregular bottoms, up to 200 meters deep, where there are abundant fishing resources are located. |
| Source: ANEME, 2018 | | |

Given the high biodiversity of its waters, the extensive area of its continental shelf favourable to fishing activity, as well as the various international agreements in force, the EEZ is frequented by a significant number of industrial fishing vessels. Taken into consideration the type of fishing activity exercised, three fishing zones have been defined in Guinea-Bissau's waters (Table 1). However, although geographical and climatological conditions enhance the replenishment of fish and crustacean stocks, there are serious problems regarding illegal fishing by both industrials and artisanal fleets (Sanca, 2021). In 2020, the Undersecretary of State for Fisheries, Jeremias Intchama, told a newspaper (DN, 2020) that "the annual share of fisheries was 4% of GB GDP and it created direct employment for 6,134 individuals, and indirect for 26,000 people". Paradoxically, due to the predominance of an agricultural tradition in Guinea-Bissau, and because there has never been an industrial high seas fishing fleet, the population eats mainly fruits, rice and river fish.



According to Intchama (2020) "(...) foreign industrial fishing vessels are generally obliged, either through fishing agreements or the legal chartering regime, to disembark and sell part of their catch in national markets" (DN, 2020). This option seeks to solve the food shortage problem. However, post-capture activities are very restricted, and almost all industrial fishing vessels disembark their catch in Dakar (Senegal), Abidjan (Cote d'Ivoire), or Las Palmas (Spain). The fish will then travel from those seaports towards Africa and Europe. The reasons for this situation are related not only to the small size of the Bissau-Guinean market, but also to the fact that there are poor infrastructure and services such as: the absence of an internationally recognized quality certification system, excessive bureaucracy, little port capacity, lack of large refrigerated warehouses and qualified personnel, and poor road connectivity. In addition to the fishery agreement with Senegal, GB has fisheries partnership agreements with the European Union and the People's Republic of China.

The fishery agreement with the EU (renewed in 2024) has a financial contribution "(...) estimated at €85 million over the 5 years, consisting of €17 million per year, of which €4.5 million will be dedicated to promoting Guinea-Bissau's sustainable fisheries management, control and surveillance capacities, and supporting local fishing communities" (European Commission, 2024). The agreement with China provides for several investments, including the construction of a fish processing and conservation unit. The agreement protocol also includes the construction of a warehouse for the sale of artisanal fishing materials, the installation of three ice factories and the expansion and modernization of the artisanal fishing port of Alto Bandim (DN, 2020), which has been concluded in 2023. The fishery agreement with Senegal, was signed under the ECOWAS framework, and provides for the sharing of resources between neighbouring countries. Ship-owners from both countries can carry out activities in the territorial waters of both states. However, this agreement resulted in an "invasion" of Senegalese artisanal fishermen into GB waters and ports, but the reverse did not happen. This occurs not only because GB does not have the same potential as Senegal, but, above all, because the terms of the agreement were not disclosed to GB fishermen. Once again, the GB population criticizes their government for protecting their "northern neighbours" (DN, 2020). As regards monitoring the activities of ships at sea, Guinea-Bissau uses a vessel monitoring system via satellite, bought with the money earmarked for institutional support under previous fishing agreements (DGNRSMS, 2021). Although it is a very precise system, it only works on the basis of the "good faith" of the crews of registered ships, because it requires on-board identification equipment to be switched on (NAFO, 2021). If the crew disconnects it, the ship disappears from the system. With regard to aquaculture, a potentially interesting area of activity within the mangroves zone and its nutrient-rich waters, there is only reference to a success story, funded by FAO, not on the coastline, but in the village of Pitche. A group of young people, managed to carry out a project, where they extract about 22.5 tons of fish annually (FAO, 2021a). Aquaculture is an area of profitable activity, which is being untapped by the local riverside population.

Food security depends on subsistence agriculture. However, access to land has not been a peaceful issue, as only 30% - 40% is farmland, with easy access to abundant water. In 2018, the Director-general of Agriculture (Carlos Amarante) explained that, subsistence agriculture occupies 33% of the 1,200,000 hectares of arable land and, with the increase of the production and export of cashew nuts, disputes over the land are more frequent



(Expresso das Ilhas, 2018). After the independence, all the land was nationalized. This brought up, land disputes among the rural community. In order to solve the situation, in 1998, a "Land Law" was promulgated, aiming to regulate the use of land, and to provide access to property to the most vulnerable. However, the 1998 civil war, and all the instability that followed, prevented its application. In an attempted to apply the "Land Law", in 2018, the EU made an investment of three million euros, in a four-year project, which would be conducted by the FAO, seeking food stability (DN, 2018).

The main agricultural product in Guinea-Bissau is cashew nuts. The country usually exports around 200,000 tonnes of cashew nuts annually, but due to the COVID 19 pandemic, the production dropped to 160,000 in 2020 (BBC News, 2021). Still, the cashew nuts represent 90% of exports, mostly to India, Brazil, Germany, China and Vietnam. Small-scale farmers try to gain their living subsistence not only with the cashew nuts, but also with the wine and other alcoholic beverages they manage to extract out of the cashew apples. Mamadou Djamanca (Cashew Exporters Association of Bissau-Guineans) asserted that, "(...) while cashew products remain popular, Guinea-Bissau's export challenges, over the coming times, will be crucial for farmers and distributors" (BBC News, 2021). As for a population that live along the coastline, it is the mangrove forests that act as a fundamental resource for their respective subsistence. In addition, to fish farming, mangroves are also used for agricultural purposes, namely in the cultivation of mangrove rice, and salt extraction. The country seems to have the necessary agriculture resources for its population, but, in 2021, FAO made an alert that GB needed food assistance for almost 10% of the population (FAO, 2021b). Over 45% of the cereal required is covered by imports. Rice accounts for about 80% of the imports, followed by wheat (15%). Imports in the 2020-2021, were forecasted to be above-average level, which normally was 155.000 tons (FAO, 2021b).

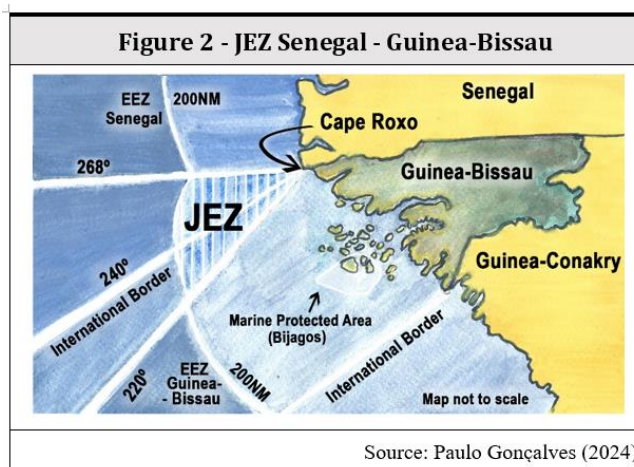
The beauty of Guinea-Bissau islands, forests, the exuberant biodiversity, and the cultural and ethnographic diversity, provide a set of outstanding opportunities in the area of tourism. Paradoxically to its instability, GB has been investing in the conservation of its biodiversity and its ecosystems. The creation of a National System of Protected Areas is proof of this. As a result, the tourism sector has potential for a sustainable economic growth and employment. Culinary, ethnic-cultural events, hunting and sport fishing, spa tourism and ecotourism are, among others, factors that contribute to further enrich the tourist experience. Furthermore, regardless of their internal problems and disputes, the GB population is traditionally sympathetic to foreign visitors. The Bijagós is the ex-libris of tourism, being considered one of the most beautiful places on the African continent, where the weather permits touristic activities approximately 10 months per year. However, here too, the results of the country's instability can be seen, because the tourism sector it is almost unexplored. Bissau and the Bijagós Archipelago have a few hotel-type accommodations, but they are limited in number, size, and service quality. The maritime connections, as well as the road network, are insufficient; there's a lack of medical care facilities; and the internet connectivity is scarce. In 2019, GB participated for the first time in an international fair dedicated to tourism, in Paris. In a media interview the Secretary of State for Tourism (Catarina Taborda) said: "At the moment, we only have 3,000 tourists annually, but we have the ambition to significantly increase that number significantly in the next three years: one million, two million tourists annually. It is very ambitious, but we will work to achieve this goal." (RFI, 2019a).



According to Edmundson (2014), there are two main minerals to be explored: Phosphate and Bauxite. In 1978, the UNDP was the first international organization to investigate the phosphate deposits. However, there was no exploration, simply because there was no mining infrastructure. Later in 1997, the Canadian Champion Resources Inc. made another study and reached the conclusion that GB was rich in phosphate rock - close to 100 million tons of high-quality clay bounded ore, with 30.1% raw phosphate rock (approximately 40 years' worth of mining), plus an additional 400 million tons of lower quality calcium bounded rock (up to 200 years of mining potential). The Canadians stated to explore the mineral but, in 1998, the civil war started and everything was put to a stop. Since then, several other initiatives were taken, but the instability inhibited any solid enterprise. Although phosphate mining could be very interesting for local employment and revenues, it can have dire consequences to the environment, if not handled properly. Phosphate mining and processing requires a substantial amount of water. The resulting clays and sands cannot be discharged untreated, or risks polluting the local rivers (e.g., Cacheu) and the sea, inducing enormous negative impact on the ecosystem and fisheries.

When we think about mineral resources, we cannot ignore that it is estimated that a good percentage of the world-known resources of bauxite and other rare earth elements. Bauxite reserves are estimated at 17 million tons (Da Cruz, 2020). In the Boé area, there are five deposits of bauxite. Bauxite can be refined into aluminium, attracting a much higher price, but at a much greater cost. The Dutch discovered it in the 1950s, but it was the Soviets that made a proper study. Beyond the security and stability risks, the problem in exploring the bauxite in Boé, is that there are no proper roads and to the closest seaport (Buba) is poorly developed. Despite these set-backs, both Angola and the United Arab Emirates, have indicated the possibility of investments in the transportation system, as well as the mining infrastructure. In 2007, a commercial company from Angola had been licensed for bauxite exploration, but with limited results due to the instability. In 2024, President Umaro Embaló's visit to Russia might suggest a potential pivot towards collaborating with Russia for ongoing bauxite exploration.

Agricultural land is by far the greatest source of natural wealth (Edmundson, 2013, p. 1). The second largest component resides in the forests of Guinea-Bissau (...) Fisheries represent the third largest element of natural wealth (Edmundson, 2013, p. 2). The fourth largest component of natural wealth are the Protected Areas (PA) and the biodiversity they contain (...) Finally, minerals could provide Guinea-Bissau with an important revenue stream (...) (Edmundson, 2013, p. 3). "Although sustained studies have not yet been carried out on the potential of the seabed in the GB EEZ, it is well known that there are concentrations of important strategic mineral in the seabed of the Gulf of Guinea" (Abubakar, 2016). Minerals such as cobalt crusts, the poly-metallic nodules (containing nickel, cobalt, copper, and manganese), polymetallic sulphides (containing zinc, silver, copper, and gold), as well as monazite sand (containing significant amounts of uranium), deposits of diamond, gold and phosphorus have been mentioned in different studies of different places in the Atlantic Ocean. Should those minerals exist in Guinea-Bissau's seabed, its mining could be significantly easier than in other latitudes, because the depths of the seabed are lower due to the extensive continental shelf.



The entire Gulf of Guinea is an area of great potential for oil exploration, constituting the second largest concentration of hydrocarbons in the world (CEIRI News, 2019). The GB territory marks precisely the northern limit of the Gulf of Guinea, therefore, it is not surprising that there is interest of large oil companies in exploring the seabed. The maritime border between GB and Senegal was agreed in April 1960, between the French and Portuguese governments (Figure 2). This delimitation was established following a line at azimuth 240 degrees, taken in the coastal zone of the land border between the two territories. To the South of 240 degrees, it is Guinea-Bissau's waters, and to the North of 240 degrees it is Senegalese waters. In 1993, Guinea-Bissau and Senegal signed an agreement to establish a Joint Exploration Zone (JEZ), with approximately 25,000 km², aiming for a joint exploitation of fishery and offshore hydrocarbon resources. The JEZ is defined by azimuths 220 degrees (which is inside Guinea-Bissau's waters) all the way up to azimuth 268 degrees (which is inside Senegalese waters). For this purpose, GB has given 46% of its maritime territory and Senegal 54%. The 1993 agreement provided that fish dividends would be split in equal parts (50%-50%), but for hydrocarbons the sharing is 15% GB and 85% for Senegal. Although there were reasons for this disparity, according to several interviews (Baldé, 2021; Senha, 2021; Gomes, 2021 a, c), the GB population never understood, neither did they agreed, why Bissau's authorities had signed such an agreement. In recent years, several studies and evaluative drilling were carried out in the JEZ, made by different international companies. However, commercial oil exploration has never taken place. In addition, the possibility of having oil in Guinea-Bissau's seabed is not restricted to the JEZ.

In that regard, in August 2019, the GB government announced the granting of rights to carry out prospecting for the China National Offshore Oil Corporation. In statements to the media, the Minister of Natural Resources Issufo Baldé said that he "expected the Chinese to extract 30 to 60 thousand barrels of oil per day" (RFI, 2019b). In addition to Chinese research, there were also oil companies operating in Bissau-Guinean waters from Angola, Dubai, the Netherlands, the United Kingdom, and Norway. In November 2021, the Secretary-General of Guinea-Bissau Agency for Management and Cooperation with Senegal (Inussa Baldé) announced that the newly appointed President Embaló, who was



known to have good relations with the Senegalese Head of State (HoS), would be renegotiating the agreement, in order to have least 30% for Guinea-Bissau and 70% for Senegal (CM/Lusa, 27 Nov 2021). However, in December 2021, the mentioned agreement between the two HoS was severely contested by Prime Minister (HoG) Nuno Gomes Nabiam. Addressing the media, HoG Nabiam explained that "(...) this type of agreements is a government's responsibility, with ratification from the National Assembly and promulgation from the president - not the other way around as it seems to have happened (...) the oil to be explored happens to be on the Guinea-Bissau's part of the JEZ, hence the difference in revenue, if renegotiated, should also be the other way around, with the highest bid for GB, not for Senegal" (DW, 2021).

On 14 December 2021, the National Assembly (NA) voted against the oil-sharing agreement signed between the Presidents, Umaro Embaló (GB), and Macky Sall (Senegal). In January 2022, the NA speaker (Cipriano Cassamá) sent an official letter to his Senegalese counterpart, with a copy of the deliberation approved by the majority of the MP, in which they declared the aforementioned agreement "null and without effect" (DW, 2022). On 20 January 2022, the HoS stated that "(...) he did not sign any oil exploration agreement, rather a cooperation agreement with Senegal, and that the parliament did not have the authority to declare the agreement void" (MSN/Lusa, 2022). When President Embaló explained the situation to journalists, he referred to the HoG and parliament with harsh words, denouncing any potential political instability caused (MSN/Lusa, 2022).

5. Key Infrastructure

Approximately 44% of the population lives in urban areas. Approximately, one-fifth lives in Bissau and along the Atlantic coast, and the remaining in rural regions distributed between small and often isolated communities (Index Mundi, 2021). The length of the national road network is 3,455 km, of which 965 km are paved and 2,490 km are unpaved roads. Weather conditions, namely the deterioration associated with the rainy season, require permanent investment in the maintenance. As the territory is mostly crossed by rivers, the transport of goods out of the main access roads relies on the frequent use of unsophisticated boats, which makes the entire transport process difficult. The road infrastructure needs large investments to support the desired development. In this sense, in 2018, China signed a contract with the government of GB, for the construction of an important road in the coastal area providing access to Bissau. This project has a non-reimbursable budget of USD 30 million, and it will be a Chinese donation to Guinea-Bissau (E-Global, 2018).

In addition, the land connectivity between GB and the neighbouring countries need a clear improvement, especially considering the international market. Thus, given that Guinea-Bissau's privileged trade partner is Senegal, the two countries started a project, financed by the ADB, to improve the road between Dakar and Bissau. This project is being carried out within the framework of ECOWAS. This new road between Farim and Dungal, will have the characteristics of the agrarian development corridors ("agro-corridors"), in the context of African Spatial development initiatives. In an interview (1 April 2022) to the Guinean-Bissau diaspora online channel, the Minister Fidelis Forbs said



that when his government took office, 83% of the road system of the country was destroyed, and he had the vision to invert that data by 2024, having 83% of the country's road system renewed. Forbs continued saying that in two years (2020–2022), he managed to rebuild 800 km of roads, and President Embaló, is negotiating with the international and banking community, to get loans at a very low rate (1%), to a push up on the public works. The government vision for his legislature, is to initiate the process to build of a new international airport; renew the construction of the road system; and to build a circular highway around Bissau (Forbs, 2022). Indeed, the only operational airport, with the capacity to receive international flights, is the Bissau Osvaldo Vieira Airport. Its modest terminal and its reduced capacity for handling several commercial aircraft simultaneously limits operations, and GB does not have a national airliner. International connections are carried out by airlines operating from Portugal, Morocco, Cabo Verde, and Senegal.

The Bissau seaport is the largest commercial docking, accounting for 85% of exports and over 90% of imports. Artisanal fishing boats unload their cargoes, in small anchorages, along the estuaries of the various rivers. In November 2021, President Embaló, following his "aggressive and proactive diplomacy", announced the launch of the feasibility study, for the construction of the commercial and mining seaport, on the Grande Buba River. According to President Embaló, this will be the biggest project of civil engineering in the country. The plan envisages a pier 18 meters deep and will allow for the outflow of bauxite from Boé and the simultaneous docking of three ships weighing up to 70 thousand tons (DW/LUSA, 2021). In 2019, the African Development Bank (ADB) had already financed an initial project study, but it never went ahead due to political instability.

The poor coverage of railway is a land transport weakness all over Africa. In terms of international intervention and donors, China is the main driver of rail networks on the African continent. Aware of this deficiency and the potential that the railway has, the African Union (AU) inscribed in its strategic plan (Agenda 2063), that there should be investment in a high-speed rail network to unite all African capitals by 2063. In addition, there is an idea to build a short railway between Buba and Boé to explore mining. However, no steps have been taken in this direction. Currently (2024), Guinea-Bissau does not have a single railroad.

5.1. Telecommunications and Energy

Guinea-Bissau telecommunication are essentially based on mobile telephone network. The mobile network is 3G +/4G in urban areas and the service provider "Orange Bissau" has announced plans to complete the coverage of the rural areas with 2G/3G (APO Group, 2021). In addition, the landline works poorly, since the 1987–2012 instability period (LCA, 2021). Guinea-Bissau possesses a single National TV station, which receives the TV signal from Portugal. There is also the national radio station and several other private and local community stations. Less than 4% of the population uses the internet (CIA, 2021), which has a low coverage, a slow speed and is subjected to frequent cuts (fact that has been verified during our online interviews (2021 c).

A U.S. report mention that Guinea-Bissau is among the 11 countries that have the less consumption of electricity in the World (CIA, 2021). According to a United Nations'



Environment Program (UNEP, 2015) report, only 60% of the population have access to electricity. Fuelwood supplies about 90% of the domestic energy. Guinea-Bissau is heavily dependent of foreigner electricity, and all of the national production is based in fossil fuel (coal and oil). The GB relies strongly on fossil fuels, it has plans to shift into renewable energies, but needs an investment of USD 700 million (UN News, 2018). Wave energy production seems promising, due to the tidal amplitude of 3.4 meters, recorded on the banks of some rivers (UNEP, 2015). The Chinese company Sinohydro began the construction of the first large scale solar plant, with the purpose of selling power to national utility Electricity of Guinea-Bissau. As a matter of fact, one of the greatest potentials is on hydroelectric power, since most of the country does not have the necessary supply of electricity (IEEFA, 2020).

6. Economic Activities

The United Nations Development Program - Human Development Report, ranks Guinea-Bissau in 179 out of 193 countries (UNDP/HDR 2024). This means that GB is the 15th last place, belonging to the group considered as having a "low human development." Previously, in January 2016, the Organisation for Economic Cooperation and Development (OECD) assessed investment risks in the most problematic countries, using a scale from 0 to 7, where 0 equals minimum risk and 7 equals maximum investment risk. In that OECD assessment, GB was classified with a score of 7. Therefore, the investment scenario is indeed unattractive from risk viewpoint. Fortunately, this has not stop investors, especially in the case of a country with "low human development" and interesting natural resources, where all kinds of investment hold the prospective of a high profit. Guinea-Bissau's economy is based on the exploitation of natural resources. In addition to international aid, there are loans, diaspora remittances, fishing licenses and the exports of cashew nuts.

Following the majority of African countries, GB informal economy dominates the nation's workforce, with more than 90% of informal labour employment (ILO, 2020). Although GB is considered to be the fourth world producer of cashew nuts, generating 18% of GDP, 90% of revenues exports and 33% of households' income (Terra Ranka, 2015) and enjoys a great wealth of marine resources, the country has a small participation in the context of geo-economics of Sub-Saharan Africa.

In 2015, the United Nations Food and Agriculture Organization (FAO) agency presented a document entitled: Guinea-Bissau 2025 - Strategic and Operational Plan 2015–2020 "Terra Ranka". This document, foresaw a diversified economy based on the four growth drivers: agriculture and agro-industry, fishing, tourism, and mining. Once again, due to political instability, most of the steps needed for its success were not taken, but the goals designed in this strategy were absolutely appropriate (UNEP, 2015a).

One of the programmes inserted in the 2025 strategy, was the creation of Special Economic Zones (SEZ) (program 38). Guinea-Bissau is a member of the African Continental Free Trade Agreement (AfCFTA), which attempts to eliminate the border tariffs between African nations. In order to deal not only with this promising pan-African trade, but also worldwide, the country's strategic thinking envisions to implement SEZ, especially in Bissau, which has a seaport facility and it benefits from the Chinese Belt and



Road Initiative. These are integrated economic platforms designed to accelerate private investment, through the incentive of a tax-free zone, offering land, facilities and services with special protection to entrepreneurs (Terra Ranka, 2015). The SEZ program is slowly but steadily being implemented, and it also foresees a Special Tourism Zone, to be established in the Bijagós Archipelago, aiming at projecting this paradisiac tourism destination worldwide.

Foreigner investments are also being made in innovative sectors responding to a fragile, but growing stabilization. Guinea-Bissau is a member of the Organization for the Harmonization of Business Law in Africa, which legal regime reflects in an additional guarantee for foreign investors. Recently, GB became particularly attractive for those interested and investing in solar plants and generation of electricity. Although some investors perceived GB as unsafe, the reality shows that the current political situation, has a limited negative impact on foreign investment.

In 2022, GB state budget was approximately USD 435 million: USD 320 million were state-generated income and USD 115 million deficit, which would have to be covered by loans and/or donations. More than half of the state budget (56.8%) was committed to payment of salaries to public servants, goods and services, interest and transfers, 29% to investment expenses and 14.2% to public treasury charges (ANGOP, 2022). In 2021, GB external debt represented 79% of the GDP, which depicts a considerable amount of non-returnable international stakeholders' donations, in order to maintain investments, without impacting on state liability (DW, 2020a). In December 2023, the IMF released a report, analyzing the external and overall debt, estimating a debt increase up to 80.4% of GDP, with both the risk of external debt distress and the overall risk of debt distress remaining high (IMF/AD, 2023). Among other factors, such as the State-Owned Enterprises (with a particular focus on the electricity and water supply enterprises), the report highlights external debt service-to-exports ratios, being impacted by the falling prices of cashew. Nonetheless, although the dire economic and financial situation, the report assesses that the country's public debt is "sustainable, contingent on the authorities' commitment to sound policies, in the context of an engagement with the IMF and other development partners" (IMF/AD, 2023). The authors of the report estimate that "Guinea-Bissau's commitment to the fiscal consolidation towards the WAEMU deficit convergence criteria, and the consistent support provided by regional institutions, will help managing its debt (...) Should the convergence criteria be followed, the report estimates a debt of 70% of GDP by 2026 and 65.7% by 2028" (IMF/AD, 2023). Furthermore, they also assessed that GB debt sustainability, depends on sound macroeconomic policies, but there will always be risks that authorities cannot control, such as:

- Disappointing cashew exports due to lower prices or climate events,
- High global food and oil prices,
- The effects of a protracted political security crisis in Europe and the Middle East,
- Climate change-related natural disasters.



If these risks materialize, social tensions could increase, triggering political instability that may constrain the fiscal adjustment and increase debt vulnerabilities.

7. Domestic Politics

There is an old saying "If the tongue and the teeth sometimes enter into conflict, imagine different people discussing the same issue!". Teeth and tongue belong to the same mouth and there is no question about living peacefully together, it is the "working together" that, sometimes, becomes a problem. Likewise, in the multi-ethnic Guinea-Bissau there is no problem regarding different religions or cultural backgrounds; but when politics enters the game, things change. After the implementation of the multi-party system (1991), the new political parties pressured the government to carry out state reforms, decentralize power, and privatize public companies. Paradoxically, with the instability, the informal economy proliferated and the state became the country's main employer. Guinea-Bissau's population entered a system of nepotism in the selection of civil servants, where membership of a political party mattered more than a candidate's own credentials. In the last 30 years, Guinea-Bissau has had more than 50 political parties and civic movements, in the context of a population less than two million (DW, 2021b). The problem with having such multiplicity of political parties, is that it raises the suspicion that they do not differentiate between political concepts or doctrines, but rather between personal objectives of their leaders, turning political struggle into ethnic-tribal confrontation. The most representative political parties are PAIGC, Madem G15 (Movement for Democratic Alternation Group of 15 [Movimento para Alternância Democrática, Grupo dos 15] and PRS - Party for Social Renewal [Partido da Renovação Social]. During this research, a group of young GB university students, was questioned about their opinion on their national public administration. The words they used were: "disorganization," "nepotism," "slowness," and "corruption" (Interviews, 2021, c). It became clear that public sector lacks definition of objectives, strategic management and progress indicators. The problem is, regarding the good intentions and the planning processes, the entire structure is partisan and hostage to the ruling party. The frequent government changes, block the normal functioning of public services.

The GB political system is semi-presidential, and therefore, the President is the Head of State, but the highest government body, works under the Prime Minister (HoG) leadership. The President appoints the HoG, after consultation with party leaders represented at the National Assembly. Therefore, the parliamentary majority should present a name to the HoS and that name should appointed HoG. The new HoG would then form a government according to the parliamentary majority. However, the constitutional law has several gaps leaving room for different interpretations of the HoS powers. That fact has given the way to a stronger presidential role, with the HoS steering the government, the foreigner policy and promoting frequent changes of the HoG.

President Embaló (Madem G15) was appointed HoS on 27 February 2020, and as such, he appointed HoG Nuno Nabiam. However, by the end of 2021, the relationship between the HoS and the HoG soured (NMM/Lusa, 2022). Throughout 2021, the situation remained volatile, mostly due to the lack of a developed civil society, with a clear understanding of democratic institutions, and a nationwide consensus on the role of the



military. Meanwhile, President Embaló reformed the armed forces. Although no details of this reform plan have been made public, the President seems to be quite engaged in it, to the point of not authorizing the retirement request of the Joint Chief of General Staff General Biagué Na Ntan. Addressing the media in a ceremony to the falling heroes, the President explained that "(...) General Na Ntan could not retire now, because he is a stabilizing element in the armed forces reform" (Observador & Lusa, 2022a). In the same media opportunity, President Embaló stated that "(...) there was an ongoing process of recruitment of new military personnel, and the goal was to modernize the armed forces, to allow the contribution to international peacekeeping missions" (Observador & Lusa, 2022a). The political control of the armed forces is a paramount condition for a representative democracy to flourish. President Embaló, himself a General, is aware of it and the decision to postpone General Ntan's retirement, seems to be a measure to achieve that control. General Ntan is respected among the ranks and has expressed his loyalty to President Embaló. On the 1 February, 2022 there was an attempt of a coup d'état, which has failed, because the army answered to the political power and not to insurgents. Speaking to the country, the President Embaló conveyed gratitude to the army for preventing a coup d'état, which he said to be an "attack on democracy" (Expresso das Ilhas, 2022).

Guinea-Bissau's National Assembly is a unicameral parliament. It has 102 parliamentary seats, 100 are directly elected through party-list proportional representation, and two are representing citizens living abroad (one for Africa, one for Europe). All MP serve four-year terms. The elections held in 2019 provided the following composition (Observador & Lusa, 2022b): PAIGC (35.2% - 47 seats); Madem G-15 (21.1% - 27 seats); PRS (21.1% - 21 seats); others (22.6% - 7 seats) (13% are female MP). Although PAIGC managed a relative majority, it has lost the absolute majority. Furthermore, a coalition of parties (Madem G15, PRS and APU-PDGB) obtained the majority seats (27 + 21 + 5 (APU/PDGB (United People's Assembly/Democratic Party of Guinea-Bissau))). The two other small parties obtained a single seat each – the PND (Social Renewal Party) and the UpM (Union for Change). Hence, the coalition formed the new government by presenting to President José Mário Vaz (the predecessor of President Embaló), the name of the politician to be appointed as HoG. Later that year, this same political alliance sponsored the presidential run of President Embaló, which downplayed even further the traditional hegemony of PAIGC. However, this new alliance seems to have weaknesses, and there were rumours that PAIGC was negotiating with PRS an agreement, which could block the government.

Throughout the year 2020, relations between the President and the National Assembly became less cordial. President Embaló started to have a direct involvement in the governance, resembling a full presidential style regime. President Embaló, arguing that Guinea-Bissau has to turn its political paradigm, into a more proactive diplomacy, entered into international agreements, without the knowledge or participation of the government.

The need to amend the constitution arose in the wake of the Conakry Agreement (2016), between major GB political forces and mediated by ECOWAS. Bissau's inactivity in this constitutional review, has led ECOWAS to put pressure on the authorities. This pressure, at times, resulted in an internal perception of interference in domestic affairs. Nevertheless, two different proposals to amend the constitution, were put forward: one

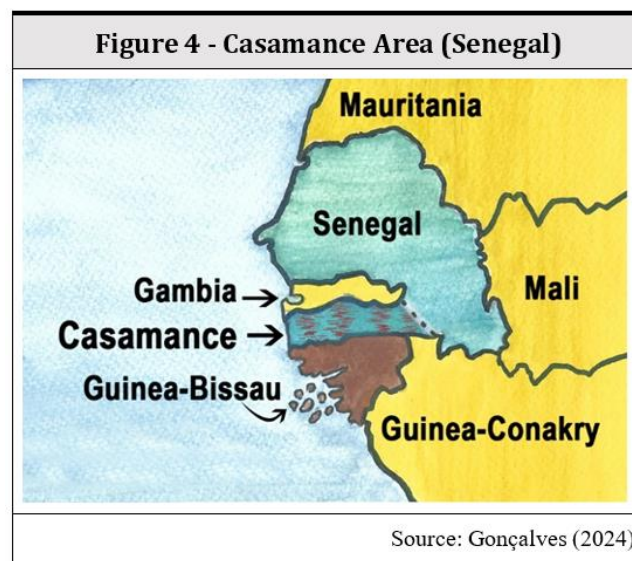


drafted and discussed by the NA, the other by the President. The proposal debated at the NA looked for the reinforcement of semi-presidential system, and outlined the powers of the sovereign bodies, with particular detail the HoS and the HoG. Something that was not clear in the Constitution as of 1996. The proposal of President Embaló, on the contrary, reinforced the powers of the HoS, who would preside over the Council of Ministers, the Superior Council of Defense and the Superior Council of National Security (Observador & Lusa, 2022c).

8. Geopolitics

Although geographically Guinea-Bissau is located in the Northern Hemisphere, in geopolitical terms it is considered to be a South Atlantic state, being part of the Zone of Peace and Cooperation in the South Atlantic (ZOPACAS) proposed by Brazil and implemented by the UNGA Resolution 41/11 (1986) (Figure 3). Although geopolitically important, Brazil is the ZOPACAS driving force, without any visible major support from other regional power. However, with the foreseen withdrawal of Brazil from other peacekeeping operations around the world, it is feasible to think that ZOPACAS will be revitalized in the near future.

Guinea-Bissau has extremely porous land borders, with the same tribe on either side of the political border. Sometimes, the population has difficulty in recognizing where the international border is. Both sea and land borders are not adequately surveyed due to lack of assets. Guinea-Bissau does not have a direct foreign military threat. However, there are known transnational organized groups that conduct illegal activities, crime, and drug trafficking. The local population has been complaining about animal theft, vandalism of fishery resources, illegal removal of cashew nuts, illegal cutting of trees, even land disputes, all having to do with foreigners.





In this vein, there is a particular situation, involving foreign military forces inside Guinea-Bissau, with potential to drag the country into a proxy war. Independence guerrillas from Senegal regularly cross the northern border into Guinea-Bissau, setting military bases without the consent of Bissau's authorities. The problem stems from Casamance region located between the Gambia and Guinea-Bissau. Casamance (Figure 4) was once also a Portuguese colony, but later became a French possession through an agreement between those two European colonial powers. During Guinea-Bissau's war of independence, the PAIGC guerrillas frequently resorted to Casamance to establish second line bases (RTP, 2018). These PAIGC sites beyond the northern border, were used for logistic support and refuge against attacks from the Portuguese forces. Nevertheless, the colonial forces regularly launched military operations across the border into Casamance to eliminate the PAIGC bases. Several of these cross-border operations had consent from Dakar. In 1974, with the GB independence, Casamance was pacified, but it maintained a strong community of Bissau-Guineans. In 1982, Casamance was again, on the local news, due to the emergence of the separatist Movement of Democratic Forces of Casamance (MFDC). As tensions increased between the government of Dakar and the MFDC representatives, a military has be put in place and, in 1990, the armed conflict resumed. Comparatively to colonial times, the situation reversed, with MFDC guerrillas, seeking refuge into Guinea-Bissau, after attacking the positions of the Dakar forces. The presence of the MFDC, as well as the trafficking of drugs, wood, and arms, justified several incursions by Senegalese forces into Bissau-Guinean territory. Over the decades, the Casamance conflict has seen periods of ceasefire and resurgence of fighting, but it has never been resolved and the occasional presence of Senegalese forces in Guinea-Bissau, has been an additional reason for political instability (E-Global, 2021).

During 2020, the conflict of Casamance was dormant. However, with the election of President Embaló, a close ally of President Sall of Senegal, a series of cooperation initiatives began, which included the resolution of the Casamance conflict. In 26 January 2021, a combined operation between the military forces of Senegal and Guinea-Bissau began, with the aim of putting an end to the MFDC presence in Guinea-Bissau. Senegalese forces entered Guinea-Bissau from the north, supported by artillery and aviation, and Guinea-Bissau forces closed the southern flank. The success of this operation was limited, and although greatly weakened, reportedly there were still MFDC positions in Guinea-Bissau (McGregor, 2021). Guinea-Bissau opposition parties, accused President Embaló of authorizing Senegalese forces to enter, without informing the NA (NMM, 2021). The GB population did not appreciate the presence of foreign military, and the opposition parties capitalized on the subject, remembering that one of the motives for the 2012 coup d'état, was the fact of having the Angolan army stationed in Bissau. Once again, the close relations between the two presidents generated, a feeling of distrust, due to the alleged abusive and illegal exploitation of the northern neighbour in relation to Bissau-Guinean resources.

8.1. Deforestation

Guinea-Bissau has a strong stock of highly valuable rosewood, teak, and other hardwoods, which have become scarce worldwide, resulting in the price escalation. This has led to the devastation of forests, especially the regions of Bafatá and Oio (2012 -



2014), to a point that Oio has been left without primary forests. In 2015, the NA passed legislation that outlawed the felling of trees for 5 years. During that time, deforestation eased significantly, but felling for domestic consumption and illegal logging continued. In 2018, the Director-General for Forests and Fauna Mamadu Camará, announced that the government had started to export 1,500 containers of seized illegal wood, which had been left strewn across the country (Ambiente Magazine, 2018). At the end of that five-year ban period, the government reauthorized the felling of trees. In October 2020, Nelvina Barreto (former Minister of Agriculture and Forestry and environmental activist), suggested that the government is contributing to exacerbating the effects of climate change, causing the rainfall regime to change over time, temperatures to rise, and the fresh water levels to drop and become inaccessible. She added that logging decimates more than 625 m³ of forest each year, reducing it by 30% in the Tombali region and shrinking 57% of the savannah coverage in the Bafatá region, as well as 19% of the mangrove forests in Oio and Gabú (DW, 2020b). In addition to exploiting forests, deforestation is also the result of domestic consumption of firewood as an energy source. The yearly consumption of wood for energy is about 1.29% of the available biomass resource, which is about 48.3 million m³, translating into a deforestation rate of 30,000 to 60,000 ha/year (UNEP, 2015b).

8.2. Narco-trafficking

“There is a growing risk of some West African States being captured by foreign and local criminal networks colluding with senior officials, or even collapsing. While the situation is most acute in Guinea-Bissau today, it could also develop somewhere else in the region tomorrow unless resolute steps are taken quickly” (UNODC, 2008, p. 5). Due to the vulnerability of its economic and social structures, GB became open to the actions of South American drug cartels, and the country started to be used as a launch pad to take narcotics into Europe. The origins and destinations of narcotics may not be the responsibility of Guinea-Bissau, but there are consequences of this traffic in local society that cannot be ignored. The latest incident took place in September 2024, when an airplane was sized at Bissau airport with 2.6 ton of cocaine on board (Africa Lusófona, 2024). Drug trafficking brings with it, organized crime, such as the trafficking of arms and people, and, above all, it poisons the society as easy money. Criminal activity is no longer a “common crime”, but takes on a higher level of complexity and violence. The highest spheres of decision-making are absorbed in the web of drug traffickers, and often national decisions are made in accordance with their interests. “The Office has warned that the illegal drug trade in the region is threatening stability and development. Guinea-Bissau, one of the hardest hit countries, risks becoming a “narco-State”. In response to the situation, UNODC is providing technical assistance to strengthen institutions and the rule of law and is mobilizing additional international support for Guinea Bissau and the region” (UNODC, 2008, p. 2). For example, in August 2021, the U.S. Department of State Narcotics Rewards Program, offered five million dollars reward, for the arrest of the former head of the Armed Forces (General António Indjai), considered “one of the most destabilizing figures”. General Indjai was Armed Forces Chief of Staff from 2010 to 2014, being one of the leaders of both the 1 April 2010 military uprising and the 2012 coup d’état. He is no longer a military leader, but he was operating freely in West Africa



(Observador & Lusa, 2021a). Even if Bissau-Guineans wanted to fight drug trafficking, they do not have the means to do it. Indeed, drug trafficking is not a problem unique to GB, nor should it be fought in isolation by the small African country. After entering the African continent, the traffickers' network makes "the product" travel overland towards North, to the Mediterranean Sea, towards Europe. It is assessed that over 75% of the "product" manages to reach European shores. On 10 November 2021, the executive secretary of the Observatory for the Fight Against Drugs and Drug Addiction (Abílio Aleluia Có Júnior), declared that drug trafficking had increased in Guinea-Bissau, with the involvement of state agents. In his own words:

"We've always drawn attention to the increase in drug trafficking in Guinea-Bissau, so it doesn't surprise us at all. In fact, it is a sad and shameful situation for the country and with each passing day we are seeing the involvement of politicians, the military, defence and security agents, and businessmen in drug trafficking (...)" (Voice of America, 2021).

The narco-trafficking has also contaminated the armed forces, with high-ranking officers being identified as relevant elements in the drugs' cartels, and low army ranks facilitating and providing security to drug shipments (VoA, 2021). President Embaló has called the fight against drugs cartels one of his administration's major goals. In fact, he has expressed that, as a result of his anti-drugs engagement, the failed attempt of the coup d'état that occurred on 1 February 2022, might have been promoted by the drug cartels, in order to remove him from power (DN, 2022).

8.3. Global Warming

As a country where a simple high tide can make the sea water penetrate about 100 km through the inland rivers, it is easy to see that Guinea-Bissau is strongly threatened by the average rise in sea water, due to global warming. In a number of interviews, it was clear to draw the conclusion that although the seriousness of global warming is acknowledged, climate issues are not yet on the agenda. However, without realizing it, GB has a relevant role to play in the fight against global warming. The extensive mangroves coastal forests, are one of the most effective ways of capturing and fixing carbon, which is why the Guinea-Bissau flora, is extremely important for the global decarbonization. Likewise, the presence of large amounts of phytoplankton in the Atlantic Ocean that bathes the Guinea-Bissau continental shelf is, another extremely effective way of capturing carbon. The more carbon the phytoplankton absorbs; the more phytoplankton reproduces. Since phytoplankton is the essential basis for feeding fish stocks, the captured carbon enters the food chain in a health way.

8.4. Illegal or Unreported Fishing

In a speech to a Community of Portuguese-speaking Countries (CPLP), group of experts in fishing matters, stated that "illegal, non-declared, and non-reglementary fishing is one of the biggest problems facing Guinea-Bissau" (Sanca, 2021). This abusive and unlawful



activity is not only impoverishing the economy, but above all is extinguishing resources, destroying the sea bed, and the mangrove forests. The illegal and excessive fishing that is taking place, inhibits the protection seasons and could deplete irreversibly fish stocks. It should also be noted that trawl fishing is particularly harmful, as it destroys the seabed, brings to the surface species that are returned to the sea dead. Likewise, Senegal's artisanal fleet, fishes indiscriminately in GB territorial waters, without any license and, to make matters worse, destroy considerable amounts of mangroves in order to collect wood to smoke fish. In this way, they contribute to further aggravate the problem by destroying the refuge of species in their juvenile state.

8.5. International Organizations

The United Nations had a mission in Bissau (UNIOGBIS) for 20 years. By decision of the UN Security Council, this mission ended in 2020, due to lack of visible results. According to a report (S/2018/1086), UNIOGBIS faced insurmountable challenges to its mandate due to the "engines of instability". The GB fragility breads from structural problems: "a political class deeply divided; the growing political influence of a shadow economy based on drug trafficking; the absence of the state, particularly in rural areas, and its ineffectiveness when present; human rights violations and widespread impunity; resignation to poverty and lack of access to basic services." Furthermore, it was mentioned that GB did not have the institutional and physical infrastructure, nor the human resources with the necessary training, to absorb the technical and financial support provided by the international community. It concluded that the long presence of "(...) UNIOGBIS may have contributed to a lesser sense of ownership of the political process among the leaders and of their responsibility to advance the country" (UNIOGBIS, 2020 b).

The post-electoral crisis that broke out in early 2020, confirmed all the points of the UNIOGBIS report. The crisis in the system was aggravated by the COVID-19 pandemic, which had a strong impact on the way UNIOGBIS had planned its redeployment, as well as, on the transfer of mission to other UN funds, agencies and programs, assuring that the UN support would be continued. Furthermore, before withdrawal, UNIOGBIS encouraged ECOWAS, the AU, the CPLP and the European Union (the "Group of Five") to promote aid to Guinea-Bissau (Global Initiative, 2021).

Guinea-Bissau joined the African Union in 1973 and the ultimate goal of AU, is the complete economic integration of all African countries into an African Economic Community. From the 1990s onwards, with the opening to multi-party system, Guinea-Bissau entered a situation of latent internal conflict, with successive coups d'état, a civil war and permanent political instability. Thus, AU placed the country under close surveillance and, when the 2012 coup d'état took place, the Guinea-Bissau's AU membership was suspended, and sanctions were applied.

The democratic elections of 2014 came to mark the return to normality, and the AU reinstated Guinea-Bissau membership. Guinea-Bissau is a founding member of ECOWAS (1975). Following the 2012 coup d'état in Guinea-Bissau, and the withdrawal of the Angolan forces, which were in Bissau under a bilateral military cooperation agreement, ECOWAS deployed a peacekeeping force to GB. The ECOWAS peacekeeping mission was



named ECOMIB. Initially, this international force had an 800-strong military apparatus, with the task to ensure the security of the local sovereign bodies. Later on, the force reduced its contingent to 500 soldiers and police agents. ECOMIB had military personnel from Nigeria, Côte D'Ivoire, Togo, Senegal, and Burkina Faso as well as the police contingent from Nigeria. The peacekeeping force had an initial mandate of six months, agreed with the host nation. However, in 2017 the force was still in Guinea-Bissau, and not much improvement could be seen regarding the violence and instability. The locals claimed that the foreigner military had been "contaminated" by the drug dealers, and were trafficking themselves. Furthermore, the foreigner forces had too much Senegalese military, bringing bad memories of the neighbouring country's participation in Guinea-Bissau's 1998-1999 civil war, questioning the force's neutrality. In addition, ECOMIB compounds were too far away from Bissau, where the violence resided, thus leaving the population unprotected. In September 2017, ECOMIB redeployed to their sending nations, and no other international force substituted it (Global Security, 2017).

In October 2016, ECOWAS made yet another important contribution for the pacification and stability of Guinea-Bissau, by promoting and mediating a reconciliation meeting, in Conakry, with all Bissau-Guinean stakeholders. The result of this meeting was a written agreement between all parties, which became known as the Conakry Agreement. The Agreement provided for the formation of a consensual government comprising all parties represented in the National Assembly, the appointment of the HoG by consensus and far-reaching institutional reforms. In terms of institutional reforms, the UN supported the drafting of a new electoral law, the revision of the constitution law and a law on political parties. However, in the two years following the agreement, none of the provisions revised therein were implemented. Therefore, ECOWAS decided to intervene and applied sanctions on 19 individuals, accused of promoting instability, and political obstructionists. The Chairperson of the UN Commission and the UNSG fully endorsed the decisions of ECOWAS. They reiterate their endorsement of the centrality of the Conakry Agreement as a roadmap for Guinea-Bissau's future (UNSG, 2018). The UE, the EU and the U.S. had imposed sanctions imposed over some military personnel, because of their actions in the 2012 coup d'état. In 2021 several of the sanctioned persons saw their bank accounts frozen by the UN, and the new President Embaló told media representatives he was going to try negotiate with the UN the lifting of such sanctions (Observador & Lusa, 2021b).

In March 2018, the AU promoted the signing of an international agreement among the African States for the creation of an African Free Trade Area (AfCTA). A year later, GB signed the AfCTA Agreement (The instrument of ratification was deposited on 27 September 2022). The main objective of the AfCTA is to create a single market, in which the free movement of people and goods and a future system of a single currency for all signatory countries is established. Another relevant international forum in which Guinea-Bissau has an "equal in-between pairs" seat, is the CPLP. One area of particular emphasis is the cooperation in the defence sector, where GB can profit from the military and security capabilities of its CPLP partners. Especially in the surveillance of the waters under Bissau's jurisdiction. Guinea-Bissau military personnel has been participating regularly in CPLP "Felino" exercises since 2000. In September 2021, the GB HoS expressed the wish to take the (rotate) two years' presidency of CPLP, after São Tomé and Príncipe, which will end in 2025 (Observador & Lusa, 2021c).



8.6. Bilateral Relations

In 2012, the Groupe de Recherche et de Realization, sponsored by ECOWAS, mapped the Bissau-Guinean diaspora (RADBG, n.d.). Annually, GB diaspora sends home about USD 47 million, representing 3.1% of national GDP. The results of that research beyond Guinea-Bissau's region were not surprising: most Bissau-Guineans living abroad reside in Europe, with Portugal leading the list. According to the Portuguese Border and Emigration Service (SEF), in 2019, there were approximately 19,000 Bissau-Guinean nationals, which represents 1% of Guinea-Bissau's population (Sangreman et. al., n.d.). Therefore, the bilateral relationship between Portugal and Guinea-Bissau is particularly solid. Portugal operates as a bridge to EU funds for African countries, and as a negotiator/facilitator for EU fishing interests in GB waters.

The Soviet Union had a major role in the independence process of Guinea-Bissau. After its independence, the Soviet support continued. However, after the dissolution of the Soviet Union, the Russian support, although effective, became residual. Nowadays, Russia is still an option for GB students wishing to carry on with their superior studies. In October 2021, relations between the two countries entered a new chapter. The Russian Foreign Ministry released a statement announcing the agreement between Russia and Guinea-Bissau regarding visa waiver for diplomatic and service passports, as well as a new technical-military agreement. Quoting Minister Sergey Lavrov "The natural next step must be to intensify trade, economic and investment cooperation in order to bring it to the level of good and credible political dialogue" (Observador & Lusa, 2021d). Russian-Guinea Bissau relations continued to develop after 2021.

The most relevant of Guinea-Bissau's bilateral partner laying "beyond the horizon" seems to be China. Not only do Chinese presence and support to Guinea-Bissau go back to its days fighting for independence, but they also continue until today, with commerce and diplomatic engagement. China is the only country that has an embassy in every African country, which includes Guinea-Bissau. The fishery sector is of particular interest to China, having entered into fishing agreements with Guinea Bissau. China is also a major importer of legal timber from Guinea-Bissau. The forests of Guinea-Bissau, if explored with sustainable methods, can provide good quantities of rosewood, which is coveted for shipbuilding and used in traditional Chinese *hongmu* furniture. Beyond the financial compensation of such commercial exchanges, China has also constructed several facilities in Guinea-Bissau, aiming to provide wellbeing to the population. However, a recent development seems to have brought this bilateral relation to a higher level. In 22 November 2021, Guinea-Bissau joined the Chinese Belt and Road Initiative (B&RI). The MoU was signed by the Chinese Ambassador to Guinea-Bissau, Guo Ce, and the Minister of Foreign Affairs, Suzi Carla Barbosa. The admission to B&RI will open the Guinea-Bissau to new Chinese investments, such as a Chinese commitment to build a USD 184 million bio-mass plant, and has undergone several redevelopment projects, including USD 48 million to renovate the antiquated telecommunications system, highway construction, deep-water fisheries and fishery land support facilities, potentially oil exploration and, capitalizing on a future SEZ in Bissau, the installation of more Chinese enterprises (Devonshire-Ellis, 2021). In 2024, Guinea-Bissau signed a strategic partnership with China during the FOCAC, which took place in Beijing.



Casamance became part of Senegal after a border agreement in 1888 transferred control from Portugal to France. Upon Senegal's independence in 1960, Casamance was integrated into the new nation. The Movement of Democratic Forces of Casamance (MFDC) created in 1982 and its armed wing "Atika" created in 1995, are leading a conflict that has significantly disrupted tourism in the region, affecting its economic stability. Despite the 2004 peace agreement with the Senegalese government and the 2014 unilateral ceasefire, some factions have continued to engage in sporadic violence. Therefore, Senegal is not interested to have a "failed-State" at its doorstep, where drug and arms dealers' rule, and where Casamance separatist movements can find refuge.

Furthermore, Guinea-Bissau's offshore oil and inland resources, are also interesting businesses for the Senegalese enterprises. Therefore, it is in the best interest of Senegal to have a stable and developed Guinea-Bissau, and that can be seen in recent bilateral partnerships. Angola and South Africa saw their cooperation with Guinea-Bissau interrupted with the 2012 coup d'état. However, there are signs that they are interested in returning, which clearly demonstrates the country potential. This is seen a good indicator of the relevancy that Guinea-Bissau natural resources have in the geoeconomics of sub-Saharan region.

9. General Assessment and SWOT Analysis

Guinea-Bissau is a developing state, with a great wealth in natural resources, where instability and illegal activities flourish. From 1973 to 2024, Guinea-Bissau has had 30 governments, 20 prime ministers (5 of them appointed more than once), 12 presidents, and countless government officials. For example, within the duration of the IX legislature (2014–2018), four HoG were appointed (Teixeira & Tamilton, 2020) and during the X Legislature (2018–2023), there were three different prime ministers. The genesis of the country's instability lies within poor governance, which in turn results in a scarcity of financial resources, capable of providing the population with an acceptable living standards. In the absence of immediately available resources in the public sector, and its authorities defying the rule of law, the population engages in an unrestrained struggle for resources access, engaging in all types of informal and illegal economy. This situation, favours nepotism, increasingly based on the differentiation of ethnicities. This contradicts the successful process of building a unitary state that began with the struggle against the colonizing power, and persisted until the civil war of 1998–1999. The complex process of tribalization mixed with political nepotism, is both motivation and consequence of corruption. Successive coups d'état, that have taken place over the past five decades, have weakened the process of state building and the implementation of a liberal democracy based on the rule of law.

At the international level, efforts have been made to support the country and to avoid the categorization of a "failed state," with state building and conflict prevention measures, but these measures appear not to have contributed to the democratization, with the necessary consequences for the economy, and the gradual disinterest of international stakeholders. Thus, Guinea-Bissau is at the bottom of the world scale in terms of human development. In the last report to the UNSC, the UNIOGBIS head wrote: "There is great fatigue on the part of donors with the cycle of conflict and political



stagnation in Guinea-Bissau” (Global Initiative, 2021). However, the “failed-state” and “narco-state” labels may be simplistic, not having considering the true potential of the country. If the authorities, together with the international entities responsible for fighting narco-trafficking, manage to stop the incoming flow, the involvement in narcotics will also stop.

Should one make a strength, weaknesses, opportunities, and threats (SWOT) analysis, it becomes manifest that, although the negative factors occupy more labels (W, T), the positive aspects (S, O) are far more powerful and sustainable (Table 2). The GB human capital is low and the level of poverty high. The lack of human resources, jeopardizes the good governance, opening the society to all kind of “other solutions” such as corruption, nepotism, and illegal activities. These disrupting actions are significantly increased by the misunderstanding of democratic values by both military apparatus and the posture of the ruling authorities. All these homemade damaging effects are exploited and encouraged by narco-dealers, using GB as a transit platform. In material terms, the GB needs almost everything, much of which will be obtained externally, in the form of both donations and investments. Not only investments benefit stakeholders, they also are the engine for development and for the well-being of the population.

| Table 2 – GB SWOT Matrix | |
|--|---|
| <p>Strengths (S) – Location, climate, natural resources, fauna and flora, biodiversity, multi-ethnicity, young population, tourism, vicinity relations, international organizations membership, tidal energy, mangrove forests, water resources, ZOPACAS membership, diaspora, and existing national plans.</p> | <p>Weakness (W) – HDI, poverty, nepotism, literacy, energy, transportation network, bureaucracy, power transitions, low private investment, donors’ dependency, poor infrastructure, small airport, poor seaports, ethnic conflicts, definition of the political system.</p> |
| <p>Opportunities (O) – Fisheries, tourism, mining, cashew, access to inner Africa, regional seaports, oil exploration, fishing agreements, China cooperation, EU cooperation, Senegal cooperation, SEZ, JEZ, and AcFTZ.</p> | <p>Threats (W) – Narco-trafficking, democratic control of armed forces, depletion of resources, fishing agreements, Casamance conflict, inter-ethnic conflicts, weak borders control.</p> |
| <p>Source: Authors</p> | |

These putative developing projects, may generate a spinning effect of attracting the diaspora and encouraging the return of highly qualified individuals, as well as their financial savings, that could boost and create small and medium-sized companies. The tourism sector must be further explored, as it offers great potential, especially in the Bijagós, taking advantage of the possibility of establishing a SEZ for tourism. Furthermore, the setting up of a SEZ in Bissau capable of attracting important international investments depends on three factors; (1) political stability and fight against corruption; (2) qualification of human social capital; and (3) ability to attract international businesses.

Improving the cashew industry, as GB main export, and not only from the quality viewpoint, but also all derived products. This would require setting up processing plants, employing more manpower, and augmenting export of that product. If logging is legalized



and sustainability practice can be ensured, there is a significant market awaiting Bissau-Guinean lumber: China is potentially an important importer of its rosewood. Furthermore, should proper investments in the road and seaports systems be made, the country could start exploiting the minerals in its subsoil.

Offshore oil exploration may prove to be an excellent contribution to the economic balance. However, it should be done with the three permanent concerns: It must not be a source of oceanic pollution; it must be done taken into consideration that the World will rely less and less on fossil fuels; and it must avoid absolutely dependency of oil industries. The privileged conditions for the breeding and capture of fish, mollusks, and shrimp are very unique, and the immediate answer for the country to prosper. Further, the ocean floor, is likely to have mineral resources with low exploration costs due to the shallow depth of its extensive continental shelf. Investments in seaports, borders surveillance, systems and services to support and provide maintenance to industrial fishing and merchant operates in the waters under Guinea-Bissau's jurisdiction, have been wasted opportunities.

10. Conclusion

Guinea-Bissau is a post-colonial state that fought an armed struggle for its independence, against Portugal. After independence, Guinea-Bissau was ruled as a single party system (1973–1991), which might have framed the culture of the senior elites, prompting adjustment difficulties to a multiparty system. Civil dissatisfaction, due to poor live conditions, and a military apparatus with a political bearing, lead to frequent cases of instability. Guinea-Bissau is labeled internationally, as being one of the poorest countries in the world, with very high levels of corruption and strong drug trafficking involvement. However, the GB has a considerable amount of natural resources, which, together with an outstanding bio-diversity, cultural variety, and unexplored paradisiac locations, could raise the country branding, to the level of a pleasant destination, with good standard of living. To conclude, we are recalling the main research question: How can Guinea-Bissau overcome its permanent governance instability, and avoid becoming a "failed state"?

Although the instability's activities are normally attributed to the defense sector, which seems to have difficulties in complying with the role of the military in a representative democracy, and the weak governance that fail to act according to the law, the real reason for the instability is poverty. The population suffering is best represented by the local saying: "the greater the famine, the greater the protest in the streets." Most of the reasons for Guinea-Bissau's governmental services' malfunctioning are common to other African countries - weak structures and institutions. This happens, because Guinea-Bissau has adopted a political system, incorporating the Western model of structuring the state, without taken into consideration their own culture and way of living. This provoked that the new born country had incompatibilities between different layers of its society, adding an extra motive of instability. Furthermore, this weak governance has been surreptitiously aggravated by transnational malicious actors interested in maintaining instability, in order to use GB as a drug trafficking platform. However, the SWOT analyses clearly demonstrates that the country's weaknesses are, in fact the reverse engine for its opportunities, and it can become a beacon of progress in the region.



Therefore, Guinea-Bissau might have reached the tipping point of its political evolution. It is worth noting that GB is a republic with a democratic semi-presidential regime. However, President Embaló has shown tendency to assume a presidential style of governance, leading foreigner affairs negotiations, presiding over the council of ministers, and exercising tight control over the higher echelons of the armed forces. Although internal criticism of the politically educated people has arisen (VDG, 2021), fearing for the independence of the state institutions, the fact is that the popular support that elected President Embaló with 53.55% of the votes does not seem to have decreased (DW, 2020c). Furthermore, interviewing high-ranking officials, it becomes clear that the presidential initiatives have indeed opened further financial and foreigner diplomat support. This “presidential style” overtakes the role of the HoG, questioning the type of regime (semi-Presidential or Presidential) the country needs.

Guinea-Bissau needs firm, transparent, and consistent political leadership that follows democratic values, exercises fair political tutelage over its armed forces, demands loyalty from the military ranks, but acts in accordance the law and culture values, while striving for the well-being of the population. International investments in Guinea-Bissau’s structures (the so-called State Building) are only relevant if national values (Nation Building) have previously been enshrined. Apparently, in the case of GB, the order of factors has been changed. The constitutional amendment due to take place, will have to clarify the role of the HoS. Only after achieving the political stability, Guinea-Bissau, manage to establish the conditions to engage in a serious campaign against narco-traffic and corruption. Any initiative to project Guinea-Bissau’s economy towards an auspicious future, will require the establishment of partnership agreements, with national and foreigner entities, such as the ECOWAS, UE, AU, China, and private funds, in order to develop win-win projects. These projects can have a development spinning factor, through the planned EEZ, set to be implemented in Bissau and Bijagós.

Only after the stabilization of Guinea-Bissau can the traditional geopolitical question - What has this country to offer to the world? - be answered; and the country has potential for the answer to be: sustainable provision of blue economy resources, a stable and growing economy good for investment connecting Senegal, Guinea and Mali, and a paradisiac leisure and touristic destination.

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ANALYZING THE CHANGING DYNAMICS OF PUBLIC OPINION IN NIGERIA'S DEMOCRATIC SOCIETY

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Abstract

This study explores the evolving public opinion in Nigeria's democratic society, highlighting its significance in shaping policy decisions and democratic governance. Nigeria's transition to democracy, marked by the end of military rule in 1999 and the introduction of the Fourth Republic, provides a crucial context for understanding the country's democratic development. Public opinion plays a vital role in democratic governance, as it reflects citizens' preferences, values, and concerns. Ignoring public opinion can have severe consequences, as evident in the #EndSARS movement. This research examines the interplay between democratic governance and public opinion, considering factors like technology, public discourse, and socio-economic developments. Using a qualitative approach and secondary data sources, the study reveals significant changes in public opinion driven by societal, economic, and political shifts. To foster an informed and inclusive public opinion, the study recommends enhancing civic education, ensuring access to objective information, and promoting candid communication. By exploring the dynamics of public opinion in Nigeria's democratic society, this research contributes to a deeper understanding of democratic governance and its implications for policy-making.

Keywords

Public Opinion, Democratic Government, #EndSARS Movement, Nigeria.

Resumo

Este estudo explora a evolução da opinião pública na sociedade democrática da Nigéria, salientando a sua importância na definição das decisões políticas e na governação democrática. A transição da Nigéria para a democracia, marcada pelo fim do regime militar em 1999 e pela introdução da Quarta República, constitui um contexto crucial para



compreender o desenvolvimento democrático do país. A opinião pública desempenha um papel vital na governação democrática, uma vez que reflete as preferências, os valores e as preocupações dos cidadãos. Ignorar a opinião pública pode ter consequências graves, como é evidente no movimento #EndSARS. Esta investigação examina a interação entre a governação democrática e a opinião pública, tendo em conta fatores como a tecnologia, o discurso público e a evolução socioeconómica. Recorrendo a uma abordagem qualitativa e a fontes de dados secundárias, o estudo revela mudanças significativas na opinião pública, impulsionadas por alterações sociais, económicas e políticas. Para fomentar uma opinião pública informada e inclusiva, o estudo recomenda o reforço da educação cívica, a garantia de acesso a informações objetivas e a promoção de uma comunicação franca. Ao explorar a dinâmica da opinião pública na sociedade democrática da Nigéria, este estudo contribui para uma compreensão mais profunda da governação democrática e das suas implicações para a elaboração de políticas.

Palavras-chave

Opinião pública, governo democrático, movimento #EndSARS, Nigéria.

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ANALYZING THE CHANGING DYNAMICS OF PUBLIC OPINION IN NIGERIA'S DEMOCRATIC SOCIETY

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Introduction

Nigeria is a large and diversified nation in West Africa that has gone through several governmental transitions over the years. Because public opinion is so important to democratic governance in the country, academics, researchers, and policymakers have been interested in studying it. The formation, measurement, and consequences for democratic processes of public opinion in Nigeria have all been the subject of numerous scholarly investigations, research papers, and reports. Public opinion, which expresses people's views, preferences, and values, is vital in forming the nation's democracy. For a considerable time, public opinion has been considered an essential component of any democratic society, serving as a catalyst for social change, policy shaping, and government accountability. But there seems to be a growing belief in Nigeria's democratic system that the voice of the people is becoming less important. This is consistent with the argument made by Wlezien and Soroka (2016) that public policies ought to reflect the goals and desires of the majority, but that this has not always been the case in Nigeria.

Because there is typically little citizen participation into the policy-making process, the "public policies" that come out of the Nigerian process are solely meant to further and protect the class interests of the few elites that control the country (Aliyu, Ikedinma, & Alabi, 2018). They further state that public opinion and public policy are related; however, people are not always aware that their opinions are used to shape public policy. A bad political culture, unemployment, education, and poverty are only a few of the factors that affect how people use and shape their attitudes about public policy.

Moreover, an opinion often results from a process that occurs in the human mind, and only humans are endowed by nature with the mental faculties necessary for the formation of opinions. Therefore, Lowi, Ginsberg, and Shepsle (2004) and Ayeni-Akeke (2008) agree that the entirety of a group's political orientations, views, values, and attitudes



regarding current topics, players, and events in their political environment can be considered public opinion. Effective public opinion-based policy-making is one of the main forces behind good governance in government. The collective beliefs and viewpoints of the general public regarding a range of issues are referred to as public opinion.

In the same vein, Aliyu, Ikedinma, and Alabi (2018) describe public opinion as the culmination of the diverse viewpoints, attitudes, and beliefs that a sizable segment of a community has expressed regarding a given subject. To effectively address citizens' concerns and make informed decisions, policymakers, politicians, and researchers must have a thorough understanding of public opinion. A number of factors, including political parties, the media, socioeconomic circumstances, religion, ethnicity, and education, all have an impact on the formation of public opinion in Nigeria. The perspectives of individuals and groups within society are shaped by the interaction of these factors.

However, since returning to civilian rule in 1999, Nigeria's democracy has undergone substantial changes. The rise of social media platforms and technological advancements has increased the voice of public opinion. More people are able to freely express their opinion, which encourages activism, advocacy, and political involvement. Providing a means of regularly connecting public opinion is one of the main purposes of representative democracy (Aliyu, Ikedinma, & Alabi, 2018).

A Brief Overview of Nigeria's Journey towards Democracy

On October 1, 1960, Nigeria declared its independence from British colonial rule, ushering in a democratic era. But Nigeria's early years were marked by a number of difficulties in creating a democratic society that was both inclusive and stable.

1960–1966: Transition from Colonial Rule to the First Republic

Nigeria was freed from British colonial rule on October 1, 1960. Nigeria adopted a federal system of government with a parliamentary structure during this time. The nation was led by Sir Abubakar Tafawa Balewa, the prime minister. The transition to independence marked a significant milestone in Nigeria's democratic journey. However, the inability of the federal government to address regional and ethnic tensions led to political unrest and ultimately, a military coup. This transition highlighted the challenges of managing diversity and the need for inclusive governance. The failure of the First Republic set a precedent for military interventions in politics, undermining democratic institutions and the rule of law.

1966-1979: Military Government and Civil War

Nigeria's first civil war, which started in 1967 and ended in 1970, was caused by a sequence of events that began with the military takeover in 1966. When the Eastern Region, led by Lt. Colonel Chukwuemeka Odumegwu Ojukwu, proclaimed secession and established the Republic of Biafra, hostilities broke out. General Yakubu Gowon led the federal government's efforts to bring about peace and end the conflict, which led to



Biafra's defeat and Nigeria's reunification. Gowon was overthrown in a nonviolent coup headed by Brigadier General Murtala Ramat Mohammed, who vowed to bring democracy back and hand the nation back to civilian governance. In fact, in 1979, following the drafting of a new constitution and elections, Alhaji Shehu Shagari became the president of the first civilian government in thirteen years.

The military coup and subsequent civil war had devastating consequences for Nigeria's democratic trajectory. The conflict resulted in significant human suffering, economic devastation, and a prolonged period of military rule. The civil war and military rule led to a culture of impunity, weakened institutions, and a legacy of ethnic and regional tensions that continue to affect Nigeria's politics today.

1979-1999: The Second and Third Republics

There was a transition in the Nigeria government from military rule to democratic governance in 1979. This period saw the rise and fall of various political parties and leaders, as well as the implementation of different political structures. The first democratic government was established in 1979, following the end of a military regime led by General Olusegun Obasanjo. This marked the beginning of the Second Republic, which saw the emergence of the National Party of Nigeria (NPN) and the Unity Party of Nigeria (UPN) as the dominant political parties. Therefore, the return to democratic rule in 1979 marked a significant milestone in Nigeria's democratic journey. However, the short-lived nature of the Second Republic due to another military coup in 1983 highlighted the fragility of democratic institutions. The failure of the Second Republic reinforced the need for stronger institutions and effective governance to sustain democratic rule. This event was followed by several years of military rule and political instability until the establishment of the Third Republic in 1992/1993.

During the Third Republic, Nigeria experienced a surge in political activism and the formation of two-party system, including the Social Democratic Party (SDP) and the National Republican Convention (NRC). However, the Third Republic was aborted because the military head of state did not allow it to see the light of day. According to Akinwale (2022), Tinubu bemoaned the fact that the Ibrahim Babangida transition had, in turn, transformed the entire political elite into test subjects for political experimentation, adding that the Third Republic was never supposed to endure. Moreover, public opinion had little bearing on the military head of state between 1993 and 1998. In 1998, Gen. Abdulsalam Abubakar demonstrated his commitment to democratic governance by demonstrating his willingness to listen to the yearning and opinion of Nigerians. The Fourth Republic was founded in 1999 as a result of this endeavour, with the election of President Olusegun Obasanjo, a former military ruler who became a civilian politician. This marked a significant milestone in Nigeria's journey towards democratic governance and led to the emergence of several political parties, including the All Progressives Congress (APC) and the People's Democratic Party (PDP).

The emergence of a two-party system and increased political activism during the Third Republic marked a positive development. However, the military's refusal to hand over power and the eventual abortion of the Third Republic highlighted the challenges of



military disengagement from politics. The administrations of newly formed democracies, like Nigeria, "struggle to maintain constitutional rule and electoral processes that are threatened by conflicts, military coups, or aspiring dictators waiting in the wings" (Lewis, 2006). These countries face an urgent risk to their survival. The Third Republic's failure underscored the need for a genuine commitment to democratic governance and the importance of civilian oversight of the military.

1999-2023: The Fourth Republic and Beyond

The establishment of the Fourth Republic marked a significant turning point in Nigeria's democratic journey. The election of President Olusegun Obasanjo and the emergence of multiple political parties signaled a new era of democratic governance. Additionally, efforts have been made by the government and civil society organisations to support good governance and fortify democratic institutions. But there have been difficulties along the way for Nigeria's democratic transition, such as conflicts between ethnic and religious groups, electoral violence, and corruption. Concerns have also been raised concerning the need for more diverse representation in government and the consolidation of power. However, Fourth Republic has seen significant progress in democratic consolidation, including the conduct of regular elections, the strengthening of institutions, and increased political participation.

In general, Nigeria's government transitions have been marked by a mix of progress and regression. According to Oke (2010), official government practices in Nigeria have been taken over by the military, to the extent that citizens now face hopelessness instead of optimism, security instead of safety, premature death instead of long life and high life expectancy, illusion instead of expectation, deficits instead of dividends, militarisation instead of civility, dictatorship instead of rule of law, political selection instead of election, and other issues. Consequently, it appears that Nigeria's political system is doomed.

The long-term impacts of these changes include: fragility of democratic institutions, need for stronger institutions and effective governance, importance of civilian oversight of the military, challenges of military disengagement from politics, and progress in democratic consolidation, but persistence of challenges. To further consolidate democratic gains, Nigeria needs to address these challenges and work towards strengthening institutions and promoting good governance, encouraging political participation and representation, addressing ethnic and religious conflicts, promoting electoral integrity and reducing violence, and consolidating power and promoting accountability.

The Analysis of Public Opinion in Nigeria's Democratic Society

Public opinion in Nigeria's democratic society has undergone significant changes throughout the nation's transition, evolving through distinct stages.

For instance, the first stage, which is known as the post-colonial era, was characterized by nationalist movements and calls for independence, shaping public opinion and influencing the rise of political parties and the fight for self-governance (Oyelaran-Oyeyinka, 2015).



However, during the military rule era, public opinion was severely restricted and suppressed, hindering its ability to influence decision-making due to the suppression of dissenting voices and political opposition (Mozaffar & Kiewiet, 2003). Despite this, popular opinion persisted and contributed to the case for the ultimate return to democratic rule.

The transition to democracy in 1999 marked a significant turning point, as public opinion underwent a sea change with the move from military rule to democracy. Nigerians could now engage in elections and freely express their opinions (Ate, 2015).

In the subsequent democratic consolidation era, public sentiment was increasingly shaped by media coverage, civil society organizations, and public opinion polls. The development of democratic institutions and procedures also enabled public opinion to significantly influence election results, policy discussions, and elected officials' accountability (Ekeanyanwu, 2021). Social media platforms and online discussions further amplified public opinion.

Throughout these stages, Nigeria's changing public opinion landscape reflects the hopes, worries, and demands of its people, serving as a vital tool for developing a participatory democracy, impacting governance, and directing the democratic transition of the country.

As described above, public opinion in Nigeria has evolved significantly throughout the country's transition from colonial rule to democracy. From the nationalist movements of the post-colonial era to the suppressed voices of the military rule era, public opinion has played a crucial role in shaping Nigeria's political landscape. The transition to democracy in 1999 marked a turning point, allowing Nigerians to freely express their opinions and participate in the democratic process. Today, public opinion continues to be shaped by media coverage, civil society organizations, public opinion polls, and social media platforms, influencing election results, policy discussions, and elected officials' accountability. As Nigeria continues to navigate its democratic journey, it is essential to recognize the power of public opinion in driving participatory democracy, good governance, and democratic consolidation. By listening to the hopes, worries, and demands of its people, Nigeria can build a more responsive and accountable government, ensuring a brighter future for all citizens.

Relevance of the Public Opinion in Democratic Governments

The following are some of the crucial roles played by public opinion in democratic governments. It is important to note that the democratic representation is based on public opinion. Voters' opinions and preferences are supposed to be reflected in and represented by elected officials. The decisions made by policymakers and those in positions of authority are influenced by public opinion. In a representative democracy, the will of the people is manifested in the actions of elected representatives; this is based on public opinion. By guaranteeing that decisions and policies reflect the needs and preferences of the people, it gives the government legitimacy (Nwolise, 2019).

One way to keep governments accountable is through public opinion. Public opinion can be expressed through a variety of means, including protests, demonstrations, and media



outlets, when it is unhappy with the actions or policies of elected officials. By keeping checks and balances in place, this feedback helps guarantee that the government continues to be accountable to and responsive to the people it serves. According to Lawson and Merolla (2017), the general public keeps elected officials responsible for their actions by serving as a continual check on the government. Politicians are influenced by it because they are driven to take public opinion into account in order to stay in power and win reelection.

In a democratic government, public opinion shapes policy decisions. When making decisions on matters like the economy, foreign policy, healthcare, and education, elected officials frequently take the opinions of the general public into account. To create and carry out policies that reflect popular preferences, policymakers consider the attitudes, worries, and goals of the general public. Policymakers use public opinion as a guide to create effective policies and make well-informed decisions. It is easier to make sure that policies are suited to the needs and preferences of the public when public opinion is understood (Stimson, Mackuen, & Erikson, 1995). Public opinion is a crucial component of the policy-making process. When creating laws, rules, and public policies, policymakers take the opinions of the people into account. When it comes to tackling societal issues like infrastructure, security, healthcare, education, and economic development, decision-makers are guided by public opinion.

However, by expressing common values and encouraging group action, public opinion can strengthen social cohesion. It makes it easier to pinpoint shared social objectives and encourages conversation about matters that impact the entire neighbourhood. Public opinion fosters conversation, consensus-building, and dialogue by giving a voice to a range of viewpoints. This promotes social cohesion. It increases a sense of shared values and enables citizens to participate in the democratic process (Nwolise, 2019).

Finally, democratic governments are stable and legitimate if people's opinion is count. The public views the government as having greater legitimacy when the majority of citizens approve of its decisions, policies, and actions. On the other hand, a broad dissatisfaction with the public can result in disturbances, demonstrations, or even a decline in trust in the capacity of the government to govern. In general, public opinion is a key component of democratic governance since it directs policy, holds governments responsible, and promotes stability and social cohesiveness.

Factors Affecting the Relevance of Public Opinion in Nigeria

There are several factors that can affect the relevance of public opinion in Nigeria. These factors include political, economic, social, and technological changes, as well as the level of civic engagement and the quality of information available to citizens. Here are some details on these factors:

Political factor has significance impact on peoples' opinion in as much there is change in politics and developments. For instance, Nigeria's political landscape underwent a dramatic change in 1999 when it went from military rule to democracy, with the public's view increasingly influencing the formulation of public policy (Ogundiya, 2016). Furthermore, the degree of responsiveness to public opinion can be impacted by changes



in political leadership and governance (Osondu, 2015). Political developments like election outcomes and accountability in governance have influenced public opinion in the country. According to Jinadu, Oyediran, and Suberu (1991), political parties and their campaigns function as forums for the expression and formation of public opinion. Political parties frequently express the hopes and complaints of the populace, influencing public opinion on a range of topics. Citizens have the opportunity to voice their opinions through voting patterns, protests, and other political engagement activities during elections and campaign processes.

The significance of public opinion can also be impacted by economic factors. Nigeria has experienced a number of economic difficulties, such as poverty, unemployment, and inflation. Public opinion on matters like social welfare, government spending, and economic policies can be influenced by these economic conditions (Ijewereme, 2019). For example, the nation's 2016 economic recession resulted in a generalised discontent with how the government was managing the economy. According to Osaghae and Suberu (2005), Nigeria is confronted with a number of socioeconomic issues, such as inequality, unemployment, and poverty, all of which have a significant impact on the opinions of the populace about public policy, governance, and economic growth. The public's trust or lack thereof in government institutions and officials is frequently shaped by these variables.

Public opinion can be impacted by social transformations like cultural and demographic shifts. For example, the increasing number of young people in Nigeria has changed political preferences and prompted calls for greater youth participation and representation (Odinkalu et al., 2020). Public opinion on social issues like gender equality and human rights can also be influenced by cultural norms and beliefs within the community (Salawu & Okunade, 2017). Nigeria is a diversified nation with more than 250 ethnic groups and numerous regional identities. Because of these groups' varied political, cultural, and socioeconomic interests, public opinion in Nigeria is influenced by these identities, with discussions concerning power dynamics, resource distribution, and ethnic representation frequently taking center stage (Ogunbodede, 2015).

The emergence of social media is a major factor that has influenced public opinion in Nigeria in the area of technological advancements. A National Bureau of Statistics (2020) report states that there were 123.5 million internet users in Nigeria in October 2019, up from 98.39 million in December 2017. Social media platforms such as Facebook, Instagram, and Twitter have given citizens a platform to voice their opinions on political and social issues. According to Edozie and Ogbuagu (2021), the emergence of digitization and the internet has led to a significant expansion and diversification of Nigeria's media landscape. He goes on to say that while traditional media channels like radio, television, and newspapers still have a big impact, social media platforms are becoming more and more important because they give people a place to voice and share their thoughts.

Additionally, social media has given voice to groups that were previously marginalised, such as youth, women, and those living in rural areas. These technological advancements, especially the growing use of social media, are transforming public opinion. Social media platforms have developed into powerful forums where people can discuss politics, rally support, and voice their opinions (Adegoke, 2018). Notwithstanding,



there exist certain obstacles to the influence of social media on public opinion, such as the dissemination of false information and the manipulation of public opinion (Ekwueme, Adegoke & Ogunyemi, 2021). Thomas-Kuye and Adeyemi (2021) draw the conclusion from their research that people's views and opinions are shaped and influenced by mass media. The vast majority of people rely on the powerful mass media for their information. Because of this, most people believe anything they read or hear in the media to be true, even if they don't do any additional research. People's opinions about events are greatly influenced and shaped by the media because it is a medium for disseminating information to the public.

The importance of public opinion can also be influenced by the degree of civic engagement and citizen participation in public affairs. Policy decisions are more likely to be significantly influenced by a highly engaged and active citizenry (Arowosegbe, 2016). On the other hand, low civic engagement can impede the democratic process and reduce the influence of public opinion.

Public Opinion versus Democratic Government

A democratic society cannot function properly without a close relationship between democratic government and public opinion. These are how they interact:

Public opinion serves as a reflection of the views of the people. In the words of Almond (2013), "public opinion is the aggregate of individual attitudes or beliefs about government, policies, and political issues". Democratic decision-making is based on the representation of the various viewpoints and preferences held by the populace through public opinion.

The public opinion tends to influence policy-making. According to Jacobs and Shapiro (2017), "public opinion influences the policy-making process and shapes the political agenda." When formulating policies, elected officials take public opinion into account because disregarding it can cost them credibility and support.

The role play by public opinion as a check on government actions cannot be underestimated: Fiorina (2014) notes that public opinion serves as a check on government actions, holding leaders accountable for their decisions. Opposition to government actions by the public can result in protests, mobilisations, or electoral consequences, which put pressure on the government to change course or respond to the public's concerns.

The role of democratic governments in influencing public opinion: according to Nelson, Oxley, and Clawson (1997), "democratic governments engage in public deliberation, dialogue, and information dissemination to shape and influence public opinion." In order to influence public opinion, governments must frame issues, disseminate information, and encourage discussion.



Democracy Indicators

Several authors have connected democracy to a wide range of indicators, including gender equality, civil liberties and fundamental rights, government accountability, separation of powers, and electoral competitiveness and participation. For example, popular views and opinions on democracy, governance, and other social concerns in Africa are measured through the survey-based Afrobarometer research project. Courts and Security are its indicators. Civil freedoms and political rights are also measured by Freedom House. Every year, Freedom in the World is a thorough assessment that evaluates civil liberties and political rights in various nations, taking into account elements like free expression and the rule of law. The degree of liberal democracy is also gauged by the Economist Intelligence Unit (2020) with its Liberal Democracy Index. The Varieties of Democracy (V-Dem) project created this instrument with the intention of gauging the degree of liberal democracy in various nations throughout the globe. The index uses a variety of factors, including judicial independence, freedom of expression, and association and association freedom, to assess how much each nation adheres to these liberal democratic ideals. V-Dem's conception of democracy is based on the electoral principle. It alludes to the fundamental principle that governments should be answerable to the people by holding regular elections with wide voter turnout. Additionally, this score takes into account the freedom of expression, independent media, free elections, and the ability of civil and political communities to function (Moller & Skaaning, 2021). El Salvador, Nigeria, and Tunisia were among the nations that became electoral autocracies in 2021 (V-Dem, 2022).

However, the research undertaken by Moller and Skaaning (2021) showed that there are just a few disaggregate indicators on democratic electoral features that are utilised to differentiate between a number of distinct regime types arranged in a systematic scale. Furthermore, according to Moller and Skaaning (2021), V-Dem, Freedom House, and Democracy Index are mostly based on expert evaluations that are augmented by information from surveys of public opinion, such the World Values Survey.

It is easier to conduct business in a way that respects human rights in a democracy because civil society organisations are active and can raise awareness of issues, employees are more accustomed to speaking out without fear of reprisal, and governments contribute to creating an environment that is supportive of human rights. Companies find it more difficult to uphold human rights in practice in less democratic nations (V-Dem 2024 Democracy Report).

Furthermore, in sustaining Nigerian democracy, civil liberties and fundamental rights index are very important. The civil liberties and fundamental rights indicator is concerned with the acknowledgement and defence of fundamental rights and civil liberties, such as the freedom of assembly, association, press, speech, and expression. V-Dem, Freedom House, and Democracy Index assess how safe it is for people to protest, voice their thoughts, and get equal protection under the law. The Nigerian government has been noted for its inflexibility in ignoring the cries of its citizens, even when they are clearly expressing what they want. This flagrant contempt for the aspirations of the populace could lead to social upheaval and disorder, which would endanger the stability of the country. According to Kaufmann and Kraay (2023), development cannot occur without



effective government. It is unfortunate that the government's indifference to the opinions of the people and its disrespect for their rights frequently undermine Nigeria's democratic system, which is based on the ideas of fundamental human rights and civil liberties. In general, Ezeibe (2021) believed that the African political system denies people democratic freedoms, rights, and values and blocks off political space.

Incidence of #EndSARS and the Nigerian Government

The #EndSARS movement was sparked by numerous claims of extrajudicial killings, extortion, corruption, and police brutality linked to the SARS unit (The Guardian Nigeria, 2020). A viral video of SARS officers attacking civilians led to widespread outrage and demands for systemic police reform and the disbandment of the unit (Amnesty International, 2020).

Nigeria has a history of socio-political movements, including the "Bring Back Our Girls" campaign and the #EndSARS protests, which highlight citizen engagement and demands for government accountability (Aina, 2021). The #EndSARS movement brought attention to structural problems in Nigerian law enforcement, such as police brutality, corruption, and a lack of accountability, and demanded better national governance procedures and more extensive governance reforms.

Protests against the Special Anti-Robbery Squad (SARS), a branch of the police known for its brutality and human rights abuses, marked the start of the movement in 2018 (Thomas-Kuye & Adeyemi, 2021). Government reforms to SARS failed to address the purported injustice and human rights breaches. Ploch (2011) pointed out that there have been allegations of grave violations of human rights against the Nigerian security forces, especially the police, and that the government has not taken much action to address the problems of corruption and impunity in the Nigerian police force.

In October 2020, social media users shared accounts of SARS officials shooting an unprovoked boy in Delta State, leading to widespread outrage and protests (Thomas-Kuye & Adeyemi, 2021). The Nigerian government swiftly announced the disbandment of SARS, but this was not enough to placate the demonstrators, who had seen similar promises before.

The government's response to the protests was criticized, particularly after the Lekki Toll Gate incident on October 20, 2020, where nonviolent protestors were met with force (Reuters, 2020). The creation of the Special Weapons and Tactics (SWAT) unit was seen as a rebranding of SARS, and calls for comprehensive police reforms and better governance continue (Premium Times Nigeria, 2020).

It could be drawn from the above analysis that the #EndSARS movement has brought to the forefront the deep-seated issues of police brutality, corruption, and lack of accountability in Nigeria's law enforcement. Despite the government's disbandment of SARS, the persistence of these problems highlights the need for comprehensive and systemic reforms. The movement has demonstrated the power of citizen engagement and demands for government accountability, echoing the calls for change in Nigeria's socio-political landscape. To truly address the grievances of the #EndSARS movement,



the Nigerian government must go beyond superficial measures and commit to meaningful reforms, including police reform, improved governance, and protection of human rights. Only then can the country begin to build trust between law enforcement and the citizens they are sworn to protect, and create a more just and equitable society for all.

According to Rotberg (2007), the Nigerian government must supply sufficient levels of the essential political goods-security, rule of law, political freedom, economic opportunity, access to infrastructure, health care, education, and empowered civil society-in both sufficient quality and quantity in order to achieve effective governance.

Implications of Neglecting Public Opinion in Governance

Neglecting or ignoring public opinion in governance can have significant implications for the legitimacy and effectiveness of democratic systems. Therefore, ignoring public opinion has the following implications:

The general public opinion is an important source of feedback that the government uses to justify its actions. The legitimacy of governmental decisions and policies is undermined when public opinion is ignored, creating a rift between the ruling class and the ruled. As a result, there may be a decline in public confidence and in democratic institutions (Ujhelyi, 2016). In the views of Hibbing and Theiss-Morse (2002), "responsiveness to the opinions of citizens depends on the democratic legitimacy of governance." He further states that, when governments ignore public opinion, citizens feel disconnected from the decision-making process, leading to a perceived lack of representation. Also, when government actions are not in line with the needs and preferences of the people, it can lead to a policy disconnect (Page & Shapiro, 1992).

Unsatisfactory policies that do not reflect public opinion can cause social unrest, polarisation, and discontent. Similarly, Wlezien (2020) observes that ignoring public opinion results in a lack of understanding of the needs, goals, and demands of the populace. Consequently, laws and policies might not deal with the real problems that people face. Ignoring public opinion can have a detrimental effect on how effective policies are implemented, which can cause discontent, social unrest, and even protests. Ignoring public opinion can cause citizens to become more aloof and less inclined to engage in democratic processes" (Dalton, 2017). People are less likely to participate in political activities like voting, volunteering, or attending civic institutions when they believe their opinions are being disregarded. The foundation of democratic governance and the political participation culture is public opinion. Ignoring public opinion can impede the growth of democratic values and practices, deter citizen participation, and threaten the development of a vibrant democratic system (Dahl, 1971).

According to the Edelman Trust Barometer (2020), "neglecting public opinion erodes trust in government, making it harder for governments to implement policies and enact meaningful change." Effective governance, cooperation, and regulatory compliance all depend on public trust in the government. A reduction in trust can be attributed to disobeying public opinion. A democratic society's diversity is reflected in public opinion. Ignoring public opinion can cause societal divisions to widen because some voices and groups may feel excluded from and marginalised within decision-making processes.



According to Norris (2011), this may intensify social unrest, obstruct social cohesiveness, and jeopardise initiatives for inclusive governance.

Norris (2011) further noted that the UK government's failure to respond to public concerns about EU membership led to a crisis of trust and the eventual Brexit referendum. In France, the government's neglect of public opinion on economic and social issues led to widespread protests and a crisis of trust in institutions (The Guardian, 2020). The failure of governments in the Middle East to respond to public demands for reform led to widespread unrest and regime changes (Teti & Gervasio, 2012). It could be seen from the above analysis that the failure of government to listen to people's yearning may result into chaos in the society. Therefore, bridging the gap between policies and public opinion is therefore essential because of the implications it can cause on Nigerian governance.

In order to bridge the gap between policies and public opinion, Fung (2006) suggested that the mechanisms should be established for citizen participation, such as town hall meetings, citizen juries, and online engagement platforms. Similarly, Wlezien (2020) maintained that the regularly solicit feedback from citizens through surveys, focus groups, and social media is very essential. Norris (2011) also states that the involvement of diverse stakeholders in decision-making processes to ensure representation and responsiveness to public opinion will help in addressing the gap between policies and public opinion. According to Dahl (1971) transparency in decision-making processes should be ensured and officials should be hold accountable for responding to public opinion.

Materials and Methods

The study adopts a qualitative method for data collection. Qualitative research can be used to gather in-depth insights into a problem or generate new ideas for research. It is commonly used in humanities and social sciences. In this study, documentary method of data generation was used, and data was obtained from books, journal articles, conference papers, online materials, official documents, newspapers periodicals, and democracy indicators. The documentary method of data collection results in deep understanding of new ideas, and provides an opportunity to have in-depth study on public opinion and other related issues. The documentary study helps to discover knowledge gap (s) in the literature. This study also make use of a comprehensive approach in understanding democratic dynamics and public opinion in Nigeria, integrating data from the V-Dem dataset, Afrobarometer surveys, Freedom House reports, the Democracy Index, and the World Bank's Governance Indicators. The study however, synthesizes insights from scholarly literature, including journal articles, books, book chapters, online news sources, and democracy indicators, to provide a nuanced understanding of Nigeria's democratic landscape. Data collected were subjected to content analysis.



Conclusion

It can be concluded from the study that the changing of public opinion in Nigeria's democratic society has undergone significant changes since the country's transition to democracy in 1999. The study's conclusions demonstrate how public opinion is dynamic and always changing, greatly impacted by a wide range of variables, including political developments, economic hardships, and changes in society. Social media and online platforms are two examples of the traditional and modern mechanisms that influence public opinion in Nigeria. It is clear that public opinion has a significant impact on how policies are decided upon, elections are conducted, and the nation is generally run.

Recommendations

Several suggestions were made in light of the findings to promote an informed and inclusive public opinion in Nigeria:

The Nigerian government should establish regular forums for citizens, civil society organizations, and legislators to engage in constructive discussions on key issues, complemented by outreach programmes to engage marginalized communities and ensure their voices are heard. Online forums and social media groups should be created to facilitate inclusive discussions and reach a broader audience.

To promote unbiased reporting, the government should support independent journalism by providing funding and resources to independent journalists and media outlets. Transparency should be ensured through freedom of information laws and regular press briefings. Furthermore, the government should ensure representation of marginalized groups in decision-making processes through quotas or affirmative action and create a social media monitoring team to address hate speech, disinformation, and sentiment manipulation.

Public awareness campaigns should be launched to educate citizens on the risks of disinformation and hate speech, and regulatory frameworks should be developed to address these issues on social media. Regular surveys, participation tracking metrics, and impact assessments should be conducted to evaluate the effectiveness of inclusive dialogues, civic education programmes, media literacy programmes, and fact-checking initiatives. The government should solicit feedback from stakeholders to identify areas for improvement and adapt strategies accordingly.

Additionally, comprehensive civic education curricula should be developed and integrated into schools, focusing on critical thinking, media literacy, and participatory citizenship. Teachers should receive training and resources to effectively deliver civic education programmes, and community-based programmes for adult civic education should be established, targeting marginalized groups and underserved communities.

Finally, the government should partner with civil society organizations to support civic education initiatives and leverage resources.



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THE MARITIME LIABILITY OF STATES

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Abstract

This article covers the maritime liability of states, focusing on their roles and responsibilities as the flag state, the coastal state and the port state. It emphasises the need for closer cooperation between coastal and port states and the International Maritime Organization (I.M.O.) to address third-party competencies concerning the flag state. The text also elaborates on the obligations of flag states and agreements with recognised organisations (R.O.), including the mandatory need to comply with international standards for maritime safety, navigation safety, marine environment protection, and crew living and working conditions. It further highlights the crucial role of flag states in establishing and maintaining an effective control system over their ships to ensure compliance with all international standards and regulations. In conclusion, the research calls for strict enforcement of flag state obligations to ensure maritime safety, prevent pollution from ships and maintain proper shipboard living conditions.

Keywords

Coastal State, Flag State, Maritime Liability, Maritime Safety, Paris MoU, Port State, Recognised Organisations (R.O.), Triple I Code, United Nations Convention on the Law of the Sea (UNCLOS).



Resumo

Este artigo aborda a responsabilidade marítima dos Estados, centrando-se nas suas funções e responsabilidades enquanto Estado de bandeira, Estado costeiro e Estado do porto. Salienta a necessidade de uma cooperação mais estreita entre os Estados costeiros e dos portos e a Organização Marítima Internacional (O.M.I.) para abordar as competências de terceiros relativas ao Estado de bandeira. O texto também desenvolve as obrigações dos Estados de bandeira e os acordos com organizações reconhecidas (O.R.), incluindo a necessidade obrigatória de cumprir as normas internacionais de segurança marítima, segurança da navegação, proteção do ambiente marinho e condições de vida e de trabalho da tripulação. Salienta ainda o papel crucial dos Estados de bandeira na criação e manutenção de um sistema de controlo eficaz dos seus navios para garantir o cumprimento de todas as normas e regulamentos internacionais. Em conclusão, o estudo apela à aplicação rigorosa das obrigações do Estado de bandeira para garantir a segurança marítima, prevenir a poluição causada pelos navios e o reforço das condições adequadas de vida a bordo.

Palavras-chave

Estado costeiro, Estado de bandeira, Responsabilidade marítima, Segurança marítima, Memorando de Entendimento de Paris, Estado do porto, Organizações reconhecidas (O.R.), Código Triplo I, Convenção das Nações Unidas sobre o Direito do Mar (UNCLOS).

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THE MARITIME LIABILITY OF STATES

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1. Introduction¹

According to each state's maritime laws, different authorities have various responsibilities depending on their quality. States can usually take on the duties of either the flag state or the coastal (and port) state.

Since the end of World War II, many of the flag state's powers have been transferred to coastal states, archipelagic states, specialised international agencies of the United Nations, and regional international organisations. These organisations include the International Maritime Organization (I.M.O.), the International Seabed Authority, the European Union, and international organisations on port state control. Compliance with and monitoring maritime safety requirements has led to the limitation of freedom of the seas.

The increased competencies of third parties concerning the flag state require closer cooperation between the coastal states and the I.M.O. It also demands a collection of competencies, mainly in maritime safety, that the I.M.O. and European Union now practice in the national case.

In addition to their supervisory powers, flag states are increasingly delegating powers to classification societies (usually included in the designation "recognised organisations" or R.O.), eroding their powers gradually, which are now exercised under strict regulatory standards.

Coastal states can monitor maritime traffic and intervene in situations previously reserved for flag states, such as exercising innocent passage rights in territorial waters. This right is one of the oldest customary international rules. Legitimising the coastal state's intervention substantially reduces the scope of the right of innocent passage.

This situation also justifies the gradual autonomous legal framework of international laws on maritime safety, which, like the Law of the Sea, should take precedence over the activities arising from the use of maritime space. A ship that does not comply with

¹ The framework and environment of maritime safety are laid down in our book, "The (New) Law of Maritime Safety—the Ship, States, Conventions and their Autonomy," 2nd edition, Almedina, Coimbra, Portugal, October 2023, ISBN 978-989-40-1295-5.



international maritime safety requirements cannot sail, just as it cannot sail if it does not respect the canons of the Law of the Sea.

Therefore, it is important to review the duties of states and R.O.s within this framework to understand the link that should exist between them and the respective international organisations.

2. Flag state obligations and agreements with recognised organisations (R.O.)

2.1. The general obligations arising from international conventions

The current situation highlights the importance of flag states in fulfilling and enforcing their duties. During its seventh session, the United Nations Commission on Sustainable Development (U.N.C.S.T.D.) recommended adopting measures to ensure flag states apply the International Maritime Organization (I.M.O.) conventions and other relevant conventions. This measure guarantees that flag states' ships comply with international and domestic standards.

Flag states are responsible for establishing and maintaining an effective control system over their ships. They must ensure that their vessels comply with international standards relating to maritime safety, navigation safety, marine environment protection, and crew living and working conditions. If all parties comply with their obligations, individual states may enjoy certain advantages by complying with instruments that promote maritime safety, protect the marine environment, and prevent pollution from ships and shipboard living conditions.

Articles 91 and 92 of UNCLOS require states to establish the requirements for attributing their nationality to ships, their registration in their territory, and the right to fly their flag. There must be a "substantial link" between the state and the ship. Article 94 establishes that flag states must effectively exercise their jurisdiction and control over ships flying their flag in administrative, technical, and social matters. They must keep a register of ships, in which the names and characteristics of the ships flying their flag are recorded, except those excluded from generally accepted international regulations due to their small tonnage and size.

Moreover, states must exercise jurisdiction under domestic law over any vessel flying their flag and the master, officers, and crew in administrative, technical, and social matters. Regarding maritime safety, flag states must take necessary measures on their ships to ensure safety at sea. Considering the applicable international instruments, this issue includes the ship's construction, equipment, seaworthiness, composition, working conditions, and crew training.

The measures to be taken by the flag state should include all those necessary to ensure that each ship, before its registration and after that at appropriate intervals, is examined by a duly qualified ship inspector. They should also carry on board the charts, maritime publications, navigational equipment, and instruments appropriate for safe navigation. Each vessel should be assigned to a master and appropriately qualified officers, particularly concerning manoeuvre, navigation, communications and the operation of



machinery. The competency and number of crew members should be appropriate to the vessel's type, size, machinery and equipment. Moreover, the master, officers, and, as appropriate, the crew should be thoroughly familiar with and observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of radio communications.

States can delegate powers to "recognised organisations", such as classification societies, to perform statutory tasks that were originally the state's responsibility. Although the ship's construction and technical regulations must comply with the flag state's laws, ensuring compliance with the ship and crew's regulations during their lifetime under that state's jurisdiction is even more crucial.

Article 93(3)(b) and (4) of UNCLOS, as confirmed and further developed by S.O.L.A.S. and S.T.C.W., emphasise the importance of monitoring compliance with these regulations.

2.2. The flag state's duties

The International Maritime Organization (I.M.O.) has outlined the duties of the flag state in Resolution A.1070 (28), also known as the "Triple I" Code or "Implementation of I.M.O. Instruments Code". This Resolution sets out the responsibilities of the flag state and those of the coastal and port states.

The flag state is responsible for creating policies and regulations to implement the requirements of all conventions and protocols on maritime safety and pollution prevention, to which it is a party. It should also assign corresponding administrative responsibilities to update and review the policies adopted. The flag state should also allocate resources and identify processes to implement a maritime safety and environmental protection program. This program should consist of issuing administrative instructions for enforcing international standards and interpretative instruments, including certificates issued by a classification society and compliance with applicable international instruments through an independent audit and inspection program.

The flag state should train, evaluate, and certify seafarers' competencies and carry out the necessary procedures for withdrawing, suspending, or cancelling certificates and endorsements issued by it to comply with international standards of training, certification, and watchkeeping for seafarers. It should investigate incidents and act on deficient ships following relevant international instruments.

The flag state should ensure that ships entitled to fly its flag are efficiently manned and take appropriate measures. Delegating powers to Recognised Organisations (R.O.s) is another important aspect of the flag state's duties. This issue means that these private entities can act on behalf of the state on ships flying their flag. They are delegated powers for conducting surveys, inspections, and audits, issuing certificates and documents, marking ships, and other statutory work required by I.M.O. or national legislation.

In delegating powers to the R.O., the state must ensure compliance with the application requirements of the international instruments in force. The following requirements must be met:



- a) The state must ensure the R.O. has adequate technical, management, and research resources to complete the assigned tasks. These tasks must be performed to the standards required for recognised R.O.s acting on behalf of the state and following I.M.O. international instruments under Appendix 1 of Resolution A.739 (18).
- b) The delegation of powers must be based on a formal written agreement between the state and the R.O. This agreement should include, at minimum, the requirements required by the I.M.O. under Appendix 2 of Resolution A.739(18). It should be in the format of M.S.C./Circ. 710-MEPC/Circ. 307.
- c) The state must issue specific instructions determining what action to take if a ship does not conform to the maritime safety conditions required to sail. These measures should include conditions that pose a high risk to the marine environment.
- d) The state must provide the R.O. with the appropriate instruments of national laws and regulations implementing the conventions. These instruments should specify for their flagships if those standards are higher than the requirements of the conventions. The R.O. should be required to keep up-to-date records to validate the implementation of the requirements.

The flag state should promote the supervision and monitoring of R.O.s with adequate resources to verify compliance with their international obligations. Through certified and technically qualified inspectors, it should also promote supplementary surveys to ensure that flag vessels comply with the requirements foreseen in the applicable international instruments.

Regarding the enforcement of all obligations, the flag state should take the necessary measures to ensure that ships which fly their flag and the entities and persons under their jurisdiction comply with international standards, which include the following:

- a) Banning flagships from sailing in violation of international standards;
- b) Ensuring the periodic inspection of flag vessels, including the crews, their certification, and their technical knowledge appropriate to the duties and conditions on board;
- c) Ensuring that the crew is capable of responding to emergencies and performing functions vital to maritime safety or the prevention or reduction of pollution;
- d) Providing national legislation for adequate and sufficiently dissuasive sanctions to prevent infringement of the applicable rules;
- e) Approving procedures for following up on reports of violations of international standards by flagships and the holders of certificates issued under their responsibility.

Regarding maritime incidents, the flag state is responsible for conducting investigations, gathering statistical data, and responding to pollution incidents and deficiencies reported by ports or coastal states. The I.M.O. emphasises the importance of qualified inspectors conducting investigations and surveys and investigating ship incidents.



Let us try to list the framework of the obligations of the flag states as follows:

(i) Responsibility in the field of human and material resources²

The flag state must ensure the human and material resources to meet its international obligations, notwithstanding the delegation of powers to the R.O.s. This delegation requires compliance with certain guidelines, particularly those issued by the European Union, and cannot question the Maritime Administration's supervision of these entities.

(ii) Responsibility for the application of the Maritime Safety Conventions (including those relating to training and certification of seafarers and conditions on board)

Flag states must ratify the 1982 United Nations Convention on the Law of the Sea (UNCLOS) as the general regulatory instrument for all maritime activity, including the status of ships, spaces under maritime jurisdiction, the right of navigation and the general powers of states as flag, port or coastal states.

They must then approve and ratify the main conventions on maritime safety, particularly those resulting from the work of the I.M.O. and the I.L.O. These conventions include the six indicated in the "Triple I" Code and the Maritime Labour Convention, 2006 (M.L.C.), concluded in the framework of the I.L.O., in addition to the CLC/FUND92 Conventions.

However, states are also called upon to ratify other I.M.O. conventions, most of which appear in the list of abbreviations at the beginning of this paper.

(iii) Responsibility in the application of the Conventions

Flag states should encourage internal mechanisms to implement international conventions, such as regular inspections of ships and issuing certificates of compliance (S.O.L.A.S.) or crew competency certificates (S.T.C.W.), which must be provided nationally.

(iv) Responsibility for the supervision of inspections

Under I.M.O. Resolution A.1070 (28), flag states should establish appropriate controls over R.O.s carrying out ship inspections on their behalf, with adequate resources. State delegation should be restricted to internationally recognised R.O.s, as provided in Appendices 1 and 2 of Resolution A.739 (18).

(v) Responsibility for implementing the International Safety Management Code (I.S.M. Code)

Flag states must implement the I.S.M. Code requirements for auditing safety management systems (SMS) on flagships and shore-based companies responsible for navigation. Flag states should also establish procedures for issuing and cancelling Safety Management Certificates (S.M.C.) and Company Documents of Compliance (DOC).

(vi) Ensuring Maritime Safety

The flag state is responsible for "safety" and "security," which means that it is responsible for fully applying the international conventions—particularly the seven referred to—

² We will follow, in this point and part, the headings contained in the paragraph "Responsabilidades do Estado de Bandeira" in work prepared by Sardinha, Álvaro on "Registo de navios e Estados de Bandeira", Coleção Mar Fundamental, CMF0042013, Lisbon, September 2013.



including the International Ship and Port Facility Security Code (I.S.P.S.), which incorporates the S.O.L.A.S. Convention, concerning the approval of security plans and the issuing of international certificates for flagged ships.

Another convention that states are also encouraged to ratify is the I.L.O. Seafarers' Identity Documents Convention, ILO 185 of 2003.

(v) Responsibility for implementing the Standards of seafarers' competence

When flag states comply with the necessary administrative measures to implement the current version of the S.T.C.W. Convention (which vides the competence and certification of internationally qualified seafarers), they will be included in the S.T.C.W. "white list" (updated by the IMO MSC). Therefore, they must submit reports every five years, identifying the shortcomings in training and certification systems and the corrective measures taken to standardise them.

On the other hand, under Resolution A.1070 (28), flag states are required to issue certificates and endorsements that accurately reflect sea- farers' competencies under S.T.C.W., and endorsement applies to foreign seafarers on flagged ships, even if they have certificates of competency issued abroad and provided that the foreign certificate and the issuing country comply with S.T.C.W. regulations.

It is, therefore, indispensable that flag states keep records of certificates issued to national seafarers and endorsements to foreign seafarers, giving prompt replies confirming their validity.

(vi) Responsibility for the application of Maritime labour standards

Flag states should apply the Maritime Labour Convention, 2006 (MLC/LLC), particularly by monitoring the application of standards for working conditions, food and catering, medical care, and accommodation on board.

Flag states are also advised to take appropriate measures to approve Ships' Declarations of maritime labour compliance and issue maritime labour certificates.

(vii) Approval of the security manning and seafarers' hours of work

Flag states should approve the various safe manning levels for flagged ships and the issuance of safe manning documents and monitor compliance with the minimum standards on seafarers' hours of rest under the S.T.C.W. and M.L.C. conventions, with the relevant record.

(viii) Responsibility for incident investigation

Under the S.O.L.A.S. and M.A.R.P.O.L. Conventions and I.M.O. Resolution A.849, the flag state is required to conduct investigations into "serious" and "very serious" incidents on its ships and immediately following an accident, to cooperate with other states in the investigation of incidents in which flagged ships may be involved.



The Maritime Incident Investigation Office and the Aeronautical Meteorology Authority (G.A.M.A.) activity deserves particular attention³.

As an investigative body in the maritime transport sector, we investigate incidents quickly and effectively, identify their causes, and publish corresponding reports. Our ultimate goal is to issue maritime safety recommendations that can help reduce maritime accidents. We follow several international instruments to guide our activities, including the S.O.L.A.S. Convention and the Incident Investigation Code (I.A.C.). The I.A.C. requires a flag state safety investigation into every serious incident, including total loss of the ship, death, or serious damage to the environment, to prevent similar incidents in the future.

As part of the "III Maritime Safety Package" or the Erika III Package, the European Union published Directive 2009/18/E.C. of the European Parliament and the Council on 23 April 2009. This directive establishes the principles governing the investigation of incidents in the maritime transport sector. Additionally, Commission Regulation (E.U.) No 1286/2011 of 9 December 2011 provides a common methodology for investigating maritime incidents drawn up under the directive's provisions. This legislation aims to minimise the risk of maritime incidents, increase safety at sea for people, ships, and goods, and reduce the risk of these incidents affecting the marine environment.

Here are some key points that flag states should keep in mind:

- a) Movement of ships between flags: The flag state receiving a flagship transfer must ensure that the ship complies with international standards. The home state should provide all the necessary information, including survey reports confirming that the ship is correctly classed.
- b) Repatriation of seafarers: Normally, it is the employer's responsibility to repatriate seafarers. However, the flag state should ensure subsidiary measures to repatriate the seafarers to their country of residence on flagged ships if the employer becomes insolvent.
- c) I.M.O. Member State Audit Scheme: Flag states should participate in the I.M.O. Member Audit Scheme to improve the implementation of international instruments. Flag states may benefit from technical assistance programs, and publication of their audit reports is encouraged.
- d) Participation in I.M.O. and I.L.O. meetings: Flag states should participate in I.M.O. diplomatic conferences and technological sub-committees, main I.L.O. maritime meetings, and meetings of the Maritime Safety Committee (M.S.C.), Marine Environment Protection Committee (M.E.P.C.), Legal Committee (LEG), and biannual meetings of the I.M.O. General Assembly.
- e) Consultation with shipowners: Flag states must allow shipowners and all flag vessel operators to participate in drafting and amending international and internal maritime safety legislation.

³ G.A.M.A. was established by Decree-Law No. 236/2015 on 14 October, succeeding the Prevention and Investigation of Maritime Incidents Office (G.P.I.A.M.), then created by Law No. 18/2012 of 7 May. That diploma also contains G.A.M.A.'s mission and duties.



- f) Performance of flag states: Assessing flag states through the white, grey, and black lists of the Memoranda of Understanding (MoUs) on Port State Control (P.S.C.) is crucial for the service provision market and the regularity of port state control inspections. The U.S. Coast Guard also follows these assessment lists, publishing its own and considering the published lists of the two main MoUs: Paris and Tokyo. A flag's performance is an important factor for shipowners and associated R.O.s when choosing a flag, along with other issues related to labour and welfare costs and possible tax and parafiscal exemptions the flag state offers. However, the classifications of flag states in the various lists can lead to regular and compulsory inspections with different regularities by the port state, which may result in delays, penalisation for charterers, and affect the flag's reputation.

2.3. Agreements with recognised organisations

The European Union's port state control system was established on 22 November 1994, with the approval of Council Directive 94/57/E.C. The directive laid down common standards and rules for inspecting and surveying organisations responsible for ships and maritime administrations' activities. Decree-law no. 115/96 was implemented into national law on 6 August 1996.

Directive 94/57/E.C. underwent various minor amendments over time and was amended in 2009 by Directive 2009/15/E.C. to strengthen the monitoring of Recognized Organisations (R.O.s)⁴ and revise the penalties for failing to meet minimum criteria. Decree-Law No. 13/2012 implemented the 2009 directive into Portuguese national law on 20 January 2012. This law sets out various measures that the Portuguese state must follow when dealing with organisations responsible for inspecting, surveying, and certifying ships to comply with international sea safety conventions and prevent marine pollution.

Under international conventions, flag states must issue statutory certificates for maritime safety and pollution prevention. These conventions include the International Convention for the Safety of Life at Sea (S.O.L.A.S. 74), the International Convention on Load Lines (L.L. 66), the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), the International Convention on Tonnage Measurement of Ships (TONNAGE 69), and the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (A.F.S.). However, member states must authorise the certification of compliance and delegation of safety and pollution prevention certificates by Recognised Organisations that meet certain criteria under these conventions. Establishing rules to assess these organisations' technical capability and suitability is crucial to ensure their recognition and authorisation.

To strengthen the monitoring of R.O.s and amend certain provisions of Directive, the European Parliament and the Council adopted 94/57/E.C., Directive 2009/15/E.C. on 23 April 2009. The directive consolidated successive amendments into a reformulated text.

⁴ Recognised Organisations (R.O.) comply with the provisions of Regulation (E.C.) No. 391/2009 of the European Parliament and the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations.



Directive 94/57/E.C. provided agreements between member states and R.O.s to be concluded by the respective countries' decisions. Under Directive 2009/15/E.C., the European Commission was responsible for recognising R.O.s, meaning that member states can only conclude agreements with structures recognised by the Commission. However, the primary international maritime safety and marine pollution prevention instruments require flag states to adopt appropriate regulations.

The text describes the responsibilities of Recognized Organizations (R.O.s) for inspecting, surveying, and certifying ships to comply with international conventions on maritime safety and prevention of marine pollution. These organisations are responsible for issuing safety certificates and certificates of crew competence, conducting inspections, approving plans and schemes, conducting tests and trials, and approving stability books, surveys, and audits of ships flying the national flag. The law and agreements with the flag states delegate these responsibilities to R.O.s under certain requirements. However, R.O.s are excluded from immunity from civil liability provided for in Article III/4 of the CLC92 and may be sued extra-contractually. This situation raises the issue of civil liability for classification societies.

The law provides a specific regime that defines R.O.s' responsibilities for the signatory states of each agreement. The Portuguese state must prepare a formal agreement with the organisation acting on its behalf and control the acts and operations carried out by that organisation. Agreements to be concluded with flag states shall include provisions on civil liability whereby the Portuguese state shall be entitled to indemnity or financial compensation in cases where an R.O. is held liable by a court of law or arbitration tribunal for an incident as follows:

- a) For loss or damage to property or personal injury or death, if it is proved in that court of law that the damage was caused by a wilful act or omission or gross negligence of the R.O., its bodies, employees, agents, or others who act on its behalf in any capacity;
- b) For personal injury or death, if it is proved in that court of law that the damage was caused by any negligent or reckless act or omission of the R.O., its employees, agents, or others who act on its behalf in any capacity;
- c) For material damage, if it is proved in that court of law that the damage was caused by any negligent or reckless act or omission of the R.O., its employees, agents, or others who act on its behalf in any capacity.

Where classification societies (the main "recognised organisations") act on behalf of a state, their liability falls under the terms mentioned. It is stated that if there is any liability, it does not follow the rules specified in the C.L.C./Fund⁵.

These rules are designed to make the indemnity process faster and more efficient by involving insurers and P&I.

Another issue that may arise is using an apparent owner (registered) instead of a real owner (e.g. of a company that only owns that vessel) or ensuring the holding company

⁵ On the figure of channelling, see the chapter on "The C.L.C. 92 and Fund 92 Conventions".



is held liable when the owner company is part of a group. This process could result in the withdrawal of legal personality⁶.

The question under consideration here is the liability of classification societies towards injured parties who suffer damage due to a marine spill and sue them directly. Although classification societies may be held liable non-contractually and are not covered by immunity under Article III of the C.L.C., the regime resulting from European and national law only covers liability towards flag states. This measure is to the extent that they act on their behalf under the agreements. The general liability regime applies in all other cases, meaning they are neither immune under the C.L.C. nor benefit from a specific regime.

The shipyards' liability (e.g., due to faulty construction or materials used) and the classification societies' liability should be assessed independently. The former may be limited under the agreement with the respective flag state.

Flag states, namely Portugal under Decree-Law no. 13/2012, demand compensation from classification societies in cases where, acting on their behalf, they cause loss or damage to property, personal injury or death, whether due to intentional act omission or gross negligence, personal injury or death, if such injury or death was caused by negligence, reckless act or omission; and material damage, if the damage was caused by negligence, reckless act or omission.

The use of these subjective elements is in line with the exoneration clauses of the shipowner's liability in the CLC92, i.e., wilful misconduct (including those mentioned above as "willful act, omission or gross negligence" of the statute) and "reckless" acts committed by the agent preclude him from benefiting from the limitation of liability under Article V/2. However, the imputation of liability by the state may also be made based on mere negligence, which is outside the scope of Article V/2 of the CLC92.

It is important to note that the classification society's position is not comparable to that of the shipowner or operator. This assessment relies on the fact that the author of conduct may give rise to extra-contractual civil liability. The shipowner or operator is the one who, in fact, or by law, by themselves or through their representatives, assumes control and direction of the ship.

Although certificates issued by classification societies do not guarantee a vessel's seaworthiness, they confirm that it meets certain maritime safety conditions as international conventions require. It is evident from Article 1(3) and Article 2 of Decree-Law No 13/2012 of 20 January that the conditions above are mentioned as follows:

"The acts and operations to be carried out by recognised organisations include inspections, approval of plans and schemes, conducting tests and

⁶ Under the terms of Article 7, ships have legal personality and capacity in the cases and for the purposes provided for by law. The current C.P.C. stipulates in its Article 12, under the heading "Extension of legal personality", as follows: "The following also have legal personality a) Inheritance in abeyance and similar separate estates whose owner is not determined; b) Associations without legal personality and special committees c) Civil companies d) Commercial companies, until the date of definitive registration of the contract by which they are under the terms of article 5 of the Commercial Companies Code; e) Condominiums resulting from horizontal property, concerning the actions falling within the scope of the powers of the administrator; f) Ships, in the cases provided for in special legislation."



trials, approval of stability books, surveys and audits of ships flying the national flag".

And which are provided for,

"in the following international conventions, together with the protocols and amendments to it, and related codes of mandatory status, in their up-to-date version" (S.O.L.A.S. except chapter XI-2, i.e. the I.S.P.S. Code, the LOAD LINES Conventions, M.A.R.P.O.L. and other conventions and codes that are included in the flag state Agreement); and

"acts and operations as provided for in the following E.U. instruments on maritime safety and the prevention of pollution" (as amended, Directive 97/70/E.C. setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, Directive 98/18/E.C. on safety rules and standards for passenger ships, Regulation (E.C.) No 782/2003 on the prohibition of organotin compounds on ships, and Regulation (E.C.) No 783/2003 on the prohibition of organotin compounds on ships) No 98/18/E.C. on safety rules and standards for passenger ships, Regulation (E.C.) No 782/2003 on the prohibition of organotin compounds on ships and Regulation (E.C.) No 336/2006 on implementing the International Safety Management Code within the Community).

Added to this list is the document provided for in Article 3(c) of the law as mentioned above, which corresponds to the typical document issued by the classification societies – the "Class Certificate" – defined as follows:

"a document issued by a recognised organisation, certifying the fitness of a ship for a particular use following the rules and procedures laid down and made public by that recognised organisation".

In this very substantial collection of powers that classification societies may exercise, some on behalf of the flag state and others on their behalf, it is noted that they all correspond to the verification of maritime safety standards⁷. Moreover, the unseaworthiness may be related to the intervention of those societies.

⁷ We do not agree with the traditional reasoning of the U.S. case law cases "The Great American " and "Amoco Cadiz" (in 26 Great American Insurance Co v Bureau Veritas 338F. Supp. 999 (S.D.N.Y., 1972), Oil Spill by the Amoco Cadiz 1986 A.M.C.,1945), in which the company's liability was excluded on the ground that it was not its task to guarantee the seaworthiness of the means but merely to carry out inspections since, in present times, it can, of course, be held partly responsible for the unseaworthiness. Generally speaking, common case law, including case law in North America, the United Kingdom, Australia and New Zealand, has traditionally been in favour of classification societies not being held liable in the form of contractual liability, either because the shippers must continue to be held contractually liable or because the inspections carried out, the certificates issued and the unseaworthiness condition is not sufficiently close. However, the Erika case has changed this stance, which, even so, and to a lesser extent, had been followed by continental case law. The company concerned was the Italian R.I.N.A. in a French court. The experts concluded that the high level of corrosion of the tanks that caused the accident was beyond what was acceptable for a classification society and that they were out of line with the thickness recorded in 1997



It is important to note that the shipowner's liability under the CLC92 differs from the responsibility of classification societies. While classification societies are not immune from liability under the CLC92, this should not affect the channelling mechanism.

The legal diploma determines the maximum compensation that classification societies can pay for the exercise of flag state powers. According to Joint Order no. 9258/2012, the maximum amounts of compensation are set at €4,000,000 and €2,000,000 in the cases provided for in Article 10(a) (ii) and (iii) of Decree-Law no. 13/2012 of 20 January.

It does not make sense to apply the regime of the CLC92 to classification societies, as their liability is assessed based on different criteria. The L.L.M.C. Convention only covers the limitation of liability of shipowners and assistant owners by Articles 1(1) and (2).

Although there are different international conventions related to the limitation of liability in the maritime sector (such as the Visby Rules, C.L.C., L.L.M.C., H.N.S. and BUNKERS Conventions), none apply to classification societies. The CMI has been working on a convention to limit the liability of classification societies since 1992. It focuses on the terms of agreements between societies and shipowners or between them and flag states but does not provide for limiting liability.

No limitation liability system is contained in a specific legislative instrument for exercising states' powers and powers delegated by states. One possible way of imposing a limitation of liability for such cases might be through tonnage limitations and harmonisation with

and 1998 by R.I.N.A., which should have detected this non-compliance during the 1999 inspection. In 2008, the Paris Criminal Court found, among others, R.I.N.A. liable for the crime of pollution in the form of negligence for renewing the ship's certificate with substandard standards and was sentenced to a fine of €375,000. IOPC FUND also sued R.I.N.A. in civil proceedings to recover the compensation paid to victims of the spill in the Court of Lorient.

In the *Prestige* case, experts assessed that A.B.S. (the classification society) had failed to inspect the two ballast tanks responsible for the initial leak and subsequently for the ship breaking in two. However, A.B.S. insisted that it was unnecessary. The Kingdom of Spain brought an action against A.B.S. in New York Court with a claim for \$1bn based on its negligence in classifying the ship. The court ruled that the proceedings should be conducted under the C.L.C. – to which Spain and the Bahamas, as flag states, were parties – and that. Therefore, this claim should first have proceeded in the Spanish courts. On appeal, Spain invoked the conviction of R.I.N.A. for negligence in the *Erika* accident. The case was referred back to the first instance by the decision of the court of appeal, which found that R.I.N.A. was liable. However, the court found that the negligence (recklessly) of the company had not been proven since it had not been proved that the damage was proximate to the cause invoked since A.B.S. invoked the damage that occurred during the derigging operation in St Petersburg as a possible cause. The court's reluctance to condemn nevertheless resulted in the absence of precedent and an applicable liability limit that would render the activity of the sorters ruinous due to their exposure. In *Joshi, R., A.B.S. handed Prestige victory, and A.B.S. scored Prestige victory. Fairplay, Lloyd's List, 03-08-2010.*

However, Directive 2001/105/E.C. on the liability of classification societies vis-à-vis flag states, with liability limits – which is not unrelated to the successive situations of non-accountability in maritime accidents concerning inspections and certifications that did not correspond to the real state of the materials or equipment – although it does not cover contracts, in their name, of companies such as, for example, those tending to class status – have shed new light on the issue.

Meanwhile, without an express limitation of societies' liability for cases outside the exercise of public powers, given the amounts of compensation involved and the difficulty—because remote—in proving liability, it will be very difficult for any court to consider such imputation to be "fair" since it becomes unreasonable or disproportionate. Moreover, not even insurers consider policies of this nature to apply to classification societies, which always have a subsidiary role in guaranteeing maritime safety.

Nonetheless, it may, here or there, prove decisive in the same light as a vice in the construction of a ship. See the articles by Vaughan, Barbara, *The Liability of Classification Societies*, in <https://comitemaritime.org/wp-content/uploads/2018/05/Vaughan-The-Liability-of-Classification-Societies-UCT-LLM.pdf> and by Young Min, *Limitation of liability of classification societies*, World Maritime University, 2011, in [https://commons.wmu.se/cgi/viewcontent.cgi?article=1296&context=all_dissertations.](https://commons.wmu.se/cgi/viewcontent.cgi?article=1296&context=all_dissertations))



international and national regimes concerning the limitation of classification societies, such as the European Union.

2.4. Flag state obligations in the European Union legal order and the review process

Flag state status is crucial at the European Union level to ensure maritime safety, security, and pollution prevention. Flag states are responsible for ensuring that the ships in their fleet comply with the provisions of UNCLOS and the relevant I.M.O. and I.L.O. conventions.

Directive 2009/21/E.C. was added to the "Third Maritime Safety Package" (or Erika III) in 2005. This directive establishes the legal regime of the flag state in the European Union. It develops the regime provided in the UNCLOS and the I.M.O. conventions and resolutions and regulates the following:

- a) The conditions under which a ship can operate under the flag of a member state.
- b) Follow-up actions should be taken upon becoming aware of the detention of a ship flying the flag of a member state.
- c) The identification and obligation to register the particulars of vessels registered in a member state.
- d) The flag state auditing process, including the quality management system, for flag state-related activities and the assessment of internal requirements.
- e) The procedure for ensuring compliance with the M.L.C. Convention (Directive 2013/54/E.U. establishing the measures to be adopted by states to justify compliance with the Convention).

The European Commission, reinforcing its essential role in ensuring high maritime safety, security, and sustainability standards for maritime transport and coordination between member states, completed an evaluation of Directive 2009/21/E.C.⁸ in 2018.

Over the past ten years, several legislative and regulatory changes have been made at the I.M.O. and E.U. levels. In 2016, the "Triple I" Code became mandatory, and various technological and I.T. advancements have made updating the above directive crucial.

Hence, the directive must be revised, considering the European Council's conclusions⁹ in "An E.U. Waterborne Transport Sector—Future outlook: Towards a carbon-neutral, zero-accidents, automated, and competitive E.U. Waterborne Transport Sector."¹⁰

⁸ https://ec.europa.eu/transport/modes/maritime-transport-fitness-check_en. In this analysis, the European Commission document Ref. Ares (2020) 5376446 – 09/10/2020 ("Inception Impact Assessment") informs the public of the terms of the proposed revision of Directive 2009/21/E.C. and its rationale and objectives.)

⁹ Approved by the Council on 5 June 2020.

¹⁰ Recalling and concluding the previous Council conclusions under the heading "Priorities for the U.E.'s Maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to Ensure Global Connectivity, and Efficient Internal Market and a World-class Maritime Cluster".



In December 2019, the European Commission published a communication presenting "The European Green Deal". The communication emphasised the importance of moving towards a zero-pollution state and an economy living with climate neutrality. This communication meant that sustainable mobility for maritime transport needs to be implemented as one of the international modes of transport.

In addition, new developments and technologies have emerged to support the transformation towards "green" shipping, which does not rely on fossil fuels for energy production. Information and communication technologies are now necessary for adopting intelligent controllers, management and monitoring systems, and high levels of automation, which can increase the efficiency of the transport system.

This increased efficiency will positively impact climate and environmental health. However, achieving these objectives also presents new challenges for member states, flag states, shipowners, and ships. In 2016, the "Triple I" Code came into force, but the applicable E.U. legislation was not aligned with its content. The Commission's evaluation of the directive has also highlighted several problem areas that need to be reviewed to ensure a high quality of ships flying the flag of a Member State uniformly.

The following problems were identified by the Commission at the time, together with the final one on COVID-19:

- a) The member states risk being unable to ensure compliance with their international responsibilities as flag states other than by delegating powers to R.O.s. Namely, they must provide the human and material resources to ensure control over the fleet and the R.O.s acting on their behalf.
- b) A maritime safety and pollution prevention culture must be sufficiently attractive and rewarded. This issue is essential because the directive's current form of flag state assessment (for maritime administrations and their fleet), based on the lists published by the Paris MoU (white, grey and black), is dated (i.e. static) and crude. This situation only partly reflects the existing state of maritime safety and, to a large extent, because it focuses too much on "non-compliance".
- c) At the Union level, the current procedure focuses more on "non-conformities" than a preventive perspective based on risk profiles.
- d) Although flag state audits are now mandatory in the I.M.O. and the E.U., they need to be harmonised to ensure that they are enforceable, uniform and mandatory and that corrective actions are available to other member states to ensure continuous improvement in flag quality.
- e) Flag states should maintain their fleet register and information, which should be converted into an accessible and modern IS/IT database.
- f) Some member states continue to use second and international registers outside the E.U. ("overseas"), which may lead to the non-application of international law, contrary to maritime safety standards.
- g) The COVID-19 pandemic had a substantial consequence on the activities of member states' authorities and a non-harmonised posture in the resumption of activities. This posture is also felt at the level of decarbonisation measures on ships and their



certification. Therefore, the importance of remote inspections of member states during crisis periods should be considered, as should a closer link by this means for decarbonisation measures.

The scope of this initiative to revise Directive 2009/21/E.C. on flag states includes the analysis of Directive 2009/16/E.C. (port state control), directive 2009/18/E.C. (incident investigation) and directive 2002/59/E.C. (V.T.M.I.S. directive on the responsibility of the coastal state for vessel radar monitoring systems), to adopt a harmonised legal system. The idea behind this revision is harmonising directive 2009/21/E.C. with the "Triple I" Code. In addition, specific objectives should be set, such as the following:

- a) Adequate monitoring of R.O.s;
- b) Ensure the implementation of the I.M.O. audit measures, with a view to the high standards of the flags of the member states;
- c) Promote and reward a culture of maritime safety, security and pollution prevention to improve the quality of maritime transport;
- d) Promote a preventive and proactive approach to that culture;
- e) Digitalise ship registers and ensure uniform reporting and sharing;
- f) Harmonise member states' responses in situations of "force majeure";
- g) Support maritime administrations applying E.U. rules and I.M.O. conventions more effectively.

As indicative measures, the following may be elected:

- a) Strengthen the rules, requests and procedures necessary for carrying out inspections ("survey/audit") and controlling the flagged fleet;
- b) Discourage the employment of non-exclusive consultants and inspectors (or similar, i.e. generally working for private companies) by maritime administrations;
- c) Apply modern techniques to assess the performance of flag states and fleets ("risk approach");
- d) Use the systems and services of E.M.S.A. (the Union Maritime Information and Exchange System) for risk assessment;
- e) Increase the use of electronic information (e-Certificates/e- Registers/e-Logbooks and other similar documents) and require modernisation of ship records and certificates;
- f) Clarify the scope, clarifying whether the directive applies to second and international registers outside the E.U.;
- g) Improve training and education by sharing the experience and skills of flag state personnel and their inspectors.



2.5. The duties of the coastal state

The duties and rights of the coastal state derive from the provisions of Articles 24 and 25 of UNCLOS¹¹. However, it is Article 56(1)(a) of UNCLOS which specifically grants the coastal state a series of powers of the jurisdiction in its EEZ (which, in general, are not exclusive except for certain countries that are economically dependent on the zone such as Iceland):

- a) The purpose of exploring and exploiting, conserving and managing the living or non-living natural resources of the waters overlying the seabed and its subsoil; and
- b) other activities involve exploiting and using the area for economic purposes, such as producing energy from water, currents, and wind.

In addition to other rights and duties mentioned in UNCLOS, the coastal state has the authority to create and use artificial islands, installations, and structures, conduct scientific research, and safeguard the marine environment. The International Maritime Organization's "Triple I" Code outlines the responsibilities of coastal and port states.

As regards the responsibility of the coastal state, the duties are essentially confined to the following areas of action:

- a) Radio communications services;
- b) Weather services and warnings;
- c) Search and rescue services;
- d) Hydrographic services;
- e) Establishment of navigation corridors;
- f) Mandatory reporting systems for ships;
- g) Vessel traffic services (V.T.S.); and
- h) Navigation aids.

¹¹ Article 24

Coastal State duties

1. The coastal state shall not hamper the innocent passage of foreign ships through the territorial sea except under this Convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal state shall not:

Impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage or discriminate in form or fact against any state's ships carrying cargo to, from or on behalf of any state.

2. The coastal state shall give appropriate publicity to any danger to navigation it knows within its territorial sea.

Article 25

Rights of protection of the coastal state

1. The coastal state may take the necessary steps in its territorial sea to prevent passage, which is not innocent.

2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal state also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject. 3. The coastal state may, without discrimination in form or, in fact, among foreign ships, temporarily suspend the innocent passage of foreign ships in specified areas of its territorial sea if such suspension is essential for protecting its security, including weapons exercises. Such suspension shall take effect only after having been duly published.



It should also be noted that, by S.O.L.A.S. Chapter V Regulation 13, the coastal state is responsible for a range of matters in the context of maritime signalling, namely providing navigational aids to shipping in a quantity and composition appropriate to the volume of traffic and the risk posed by the waterway ensuring that the navigational aids provided comply with international standards and regulations (issued by IALA – International Association of Lighthouse Authorities) and ensuring a system for the timely dissemination of information on changes in the operation of navigational aids (for example, on their position or transmission characteristics).

3. Port State duties

Port state control is a second line of defence to enforce flag state compliance. Although the responsibilities of P.S.C. and flag states are separate, a legal framework for inspection procedures is necessary to ensure that port states apply the principles of maritime safety and pollution prevention uniformly.

Recently, the European Union reformed its inspection system in line with the Paris MoU. The previous quantitative limit of inspecting 25% of ships annually per member state was replaced by a collective objective based on risk criteria that requires inspecting all ships calling at European Union ports. This change has increased the frequency of inspections, improved quality standards, and helped combat unfair competition from substandard ships. The "Triple I" Code lists port state obligations and is being revised to align with European Union law. The Code's duties are derived from international instruments and relate to surveying and inspecting foreign ships at ports under applicable international conventions and domestic legislation.

If coastal states are willing and committed, port state control can improve maritime safety and prevent pollution. The International Maritime Organization (I.M.O.) should continue to play a major role in encouraging the application and implementation of international conventions, such as the "Triple I Code" and flag state audits that started in 2016.



Meanwhile, the European Union has decided to open the review period for the three basic maritime safety directives simultaneously¹². Directive 2009/16/E.C. was approved together with Directive 2009/15/E.C.¹³.

Later, Directive 2013/38/E.U. amended it, making it mandatory to include the Maritime Labour Convention, 2006 (M.L.C. 2006), the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (A.F.S. 2001), and the International Convention on Civil Liability for Damage Resulting from Pollution caused by Bunker Oil, 2001 (Bunkers Convention, 2001), as part of the requirement for port state control.

¹² They were transposed by Decree-Law no. 61/2012, dated 14 March 2012, that has revoked Decree-Laws no. 195/98 of 10 July, 156/2000 of 22 July, 284/2003 of 8 November, and 58/2007 of 13 March. The laws above were transposed by Decree-Law no. 195/98 of 10 July, which approved the Inspection of Foreign Ships (RINE) regulation, according to its preamble and the terms of Council Directive no. 95/21/E.C. of 19 June 1995, and Commission Directive no. 96/40/E.C. of 25 June 1996, concerning the inspection of ships by the port state. Subsequently, Decree-Law no. 195/98 of 10 July was amended by Decree-Laws no. 156/2000 of 22 July and 284/2003 of 8 November, transposing Council Directive 98/25/E.C. of 27 April 1998, Commission Directive 98/42/E.C. of 19 June 1998, Commission Directives 1999/97/E.C. of 13 December 1999, and 2001/106/E.C. of 19 December 2001, and 2002/84/E.C. of 5 December 2002. Decree-Law no. 58/2007 of 13 March was approved to improve the above transpositions. It introduced changes to the legal framework applicable to the intervention of the competent authorities. It defined a new national regulatory framework that clarified the practices to be followed by the administration in compliance with E.U. regulations.

To increase the safety of ships calling at Community ports and reduce the consequences of incidents caused by them, the European Parliament and the Council adopted Directive 2009/16/E.C. of 23 April 2009. The directive introduced a profound reform of the existing inspection system, replacing the quantitative minimum limit of 25% of ships inspected annually per member state with a collective objective: inspecting all ships calling at European Union ports. The frequency of inspections of high-risk ships was increased to every six months, while the number of inspections of quality ships not presenting a high-risk profile was reduced.

Decree-Law No. 61/2012 reformulated the successive amendments to Directive No. 95/21/E.C. of the Council of 19 June 1995 in a consolidated text, simplifying or amending certain provisions to enhance the effectiveness and quality of port State control.

¹³ The Commission had opened a revision of the three directives concerning the Port State Control Directive (2009/16), Maritime Accident Investigation Directive (2009/18) and Flag State Control Directive (2009/21). Revision of Directive 2009/16 provides a legally binding inspection regime based on the Paris Memorandum of Understanding (Paris MoU). Possible measures envisaged by the Commission are:

Include fishing vessels within the scope of port state control;

Develop a system for the harmonised use and acceptance of electronic statutory certificates throughout the U.E.;

Mandate the use of available electronic information, electronic certificates and other complementary information and certification;

E.M.S.A. develops training programmes for P.S.C.O.s adopting a more pro-active (rather than as now a more reactive) safety, security and pollution prevention approach;

Establish an incentive scheme for well-performing and environmentally friendly ships; Strengthen the rules regarding the banning mechanism so that substandard ships which have been shown repeatedly to not conform with the applicable standards can be banned from U.E. waters no matter their flag;

Regulate conditions and time frame for postponement of inspections;

Examine the impact of green technology, new fuels, and autonomous shipping on P.S.C.

Revision of Maritime Accident Investigation Directive (2009/18). The directive sets out the U.E. regime on investigating accidents in the maritime transport sector.

Main problem: Establishing a permanent accident investigation body with adequate resources and expertise and the ability to respond at short notice is seen as a heavy resource burden and time-consuming task for smaller member states and states with small fleets. As a result, accidents go unreported or are not carried out promptly, expertly, and independently.

Aim: Revision could help better focus on using resources and address shortages in expertise. Revision of Flag State Control Directive (2009/21) – Establishes the U.E. regime on legal compliance with international flag State requirements.

Main problem: U.E. legislation and the I.M.O. rules need to be aligned; this leads to differences in application and the need for harmonisation in M.S.

Aim: The revision aims to align U.E. legislation with I.M.O. rules, increase the use of electronic information (e-Certificates, e-Registers, e-Logbooks and other e-documents) and digitalise M.S. ship registers, and promote a proactive safety, security, and pollution prevention approach.



Once this prior recognition step has been taken (which now falls outside the scope of national powers), the legal framework establishes the obligation to enter into a formal agreement between the state and the organisation acting on its behalf. With this issue, the control of the organisation's acts and operations should be noted. However, the state retains the prerogative to define which act or acts it wishes to see included in the agreements.

Therefore, the acts and tasks to be undertaken by recognised organisations may include inspections, approval of plans and diagrams, conducting tests and trials, approval of stability books, surveys and audits of ships flying the national flag, and the issue of safety certification of ships on behalf of the state.

These European and national provisions align with I.M.O. Assembly Resolution A.739(18), according to which flag states should establish appropriate controls over the "recognised organisations" that carry out ship surveys on their behalf and should adequately resourced to this end.

Another important aspect concerns the performance of flag states, which are considered today to be one of the essential standards for evaluating each state's performance concerning the application of and compliance with international regulations on maritime safety by ships flying their flag.

Indeed, even in the case of a ship-owning company (called a "company" in the provisions) which complies with international standards and is committed to quality and compliance with the required rules, the performance of the flag it chooses may directly affect the "company's" results.

Now, ships flying a flag which, in general, and among all the ships registered under that flag, reach higher average levels of non-compliance during port state inspections are generally subject to stricter control and a greater number of inspections. For compliant companies, this situation of recurrent inspections entails unnecessary delays. It may lead to greater penalties for charterers and a decrease in the international value of companies, even though the ships may be compliant.

The concept of "Port State Control" appears for the first time in the text of the 1914 S.O.L.A.S. Convention, adopted following the sinking of the Titanic. Even in this early version, the control was intended to ensure that a ship sailing to another state's port had a valid certificate and was safe for passengers, crew and cargo to undertake (or continue) the voyage.

The concept has been successively updated and refined. The internationally applicable rules require all ships calling at ports to be checked for compliance with all requirements, thus avoiding a competitive disadvantage for ships flying the flags of states not a party to the Convention. Furthermore, flagging out is discouraged to lower maritime safety standards and living conditions on board.

The "no more favourable treatment" principle¹⁴ is widely recognised and enforced in most I.M.O. international instruments. Port state control has become essential to international

¹⁴ A ship flying the flag of a non-contracting country (of a given international convention) cannot be treated differently from a ship flying the flag of a contracting country. In practice, the ship will have to comply with



compliance with regulatory standards. Even if a specific international convention does not bind the flag state, the ship must comply with the regulations to operate in international traffic.

The port state control regime corrects foreign vessels' non-compliance due to deficient control by their respective flag states. It is a complementary measure to flag state control based on the state's authority over its ports and adjacent maritime and river areas. Flag state control aims to remove ships from ports that significantly breach internationally agreed-upon safety standards.

Port state control became crucial with the progressive increase in ship incidents in the 1970s, which resulted in various catastrophic consequences. On average, 230 ships were lost annually, corresponding to 1 million tonnes. In the second half of the seventies, the average amount of spilt oil per year was higher than 350,000 tonnes, and in 1979, it reached a maximum of close to 630,000 tonnes.

In 1976, I.L.O. Convention No. 147 concerning minimum standards for merchant ships was adopted. The trade union associations, particularly the International Transport Workers Federation (I.T.F.), fought for its application, creating the "Flags of Convenience" figure for flag states that did not apply it. It was a time of significant flagging, from traditional flags to flags that lowered maritime safety standards.

In the 1970s, several I.M.O. conventions, such as S.O.L.A.S., Load Lines, and C.O.L.R.E.G., were already in force. However, many countries either did not follow them or had to regulate them. Eight countries¹⁵ have, therefore, decided to expand the topic of living conditions on board to other areas related to maritime safety. On 2 March 1978, the "Hague Memorandum"¹⁶ was created to cover this material expansion.

On 16 March 1978, just two weeks after the Memorandum was signed, the Amoco Cadiz¹⁷ experienced an accident off the coast of Brittany. This incident resulted in the spillage of 227,000 tonnes of crude oil and 360 kilometres of polluted coastline, making it evident that a more forceful international intervention was necessary.

In December 1980, 14 European countries and representatives of the European Communities, the I.M.O. and the I.L.O., met at a diplomatic conference¹⁸ in Paris. The 2nd Ministerial Conference was also held in Paris in January 1982, and the Memorandum of Understanding (MoU) on Port State Control (P.S.C.) was adopted and signed on 26 January 1982 by the same 14 European State authorities.

the regulations of the Convention, even though it may not have a certificate under that international instrument.)

¹⁵ Belgium, Denmark, France, Federal Germany, the Netherlands, Norway, Sweden and the United Kingdom.

¹⁶ The North Sea Agreement between eight Maritime Authorities on the Maintenance of Standards on Merchant Ships – I.L.O. Conv n° 147, S.O.L.A.S. 60 & 74, and Load Lines 66.

¹⁷ The ship broke up 3.1 miles off the coast due to a rudder malfunction. In 1978, the total hydrocarbon spill reached 400,000 tonnes, more than half the amount resulting from the Amoco Cadiz spill.

¹⁸ Belgium, Denmark, Finland, France, Germany, Federal, Greece, Italy, Ireland, Netherlands, Norway, Portugal, Sweden, Spain and the United Kingdom. It was called the Regional European Conference on Maritime Safety 1980.



The P.S.C. operates based on national legislation (and thus continues for non-EU countries) – based on state jurisdiction over foreign ships in its ports¹⁹. I.M.O. guidelines develop basic principles for port state control²⁰.

The overall objective (mission) of the P.S.C. was to enhance maritime safety, protect the marine environment, and improve working and living conditions on board, thus contributing to the elimination of substandard ships²¹.

The main objectives of the port state control are to ensure the safety of shipping and ports, protect the marine environment of coastal states and prevent substandard ships from operating. It also aims to prevent these ships from gaining a competitive advantage by not complying with international standards for maritime safety and living conditions on board.

The Paris MoU was the first to adopt P.S.C. regionally, which could also be adopted by individual states worldwide. However, since the 1990s, several regional agreements on P.S.C. have been established, totalling nine currently.

The port state control generally inspects foreign ships in national ports to ensure compliance with international conventions and proper management and operation according to applicable rules²².

The European Council adopted Directive 95/21/E.C. on 19 June 1995 to establish a harmonised framework for port state control and avoid distortions of competition.

This directive encouraged member states to apply international standards for ship safety, pollution prevention and shipboard living and working conditions to ships calling at Community ports or sailing in waters under their jurisdiction.

The Community diploma thus embodied the integration of the P.S.C. norms (more specifically, of the Paris MoU) into Community Law. The following year was the turn of Directive 96/40/E.C.

Transposing these directives, Decree-Law no. 195/98 of 10 July approved the Ship Inspection Regulation (RINE) – subsequently amended by Decree-Law no. 156/2000, Decree-Law no. 284/2003, Decree-Law no. 58/2007 and Decree-Law no. 61/2012.

In the meantime, the Community framework has undergone several changes – namely, through Directive 2001/106/E.C., Directive 2009/16/E.C. and Regulation 428/2010/E.C. – together with successive amendments to the Paris MoU²³.

¹⁹ Article 25(2) of UNCLOS develops the relevant I.M.O. and I.L.O. Conventions.

²⁰ I.M.O. then published the following guides: Contents of Minimum Safe Manning Document (I.M.O. Resolution A.481 (XII), Annex 1) and Guidelines for the Application of Principles of Safe Manning (I.M.O. Resolution A.481 (XII), Annex 2), Resolution A.542(13) Procedures for the control of ships and discharges, A.597(15) Amendments to the procedures for the control of ships, M.E.P.C.26(23) Procedures for the control of ships and discharge and A.742(18) Procedures for the control of operational requirements related to the safety of ships and pollution prevention and Resolution A.1052(27) Procedures for port state control, 2011.

²¹ This designation is commonly given to ships that do not comply, in whole or in part, with the requirements of the International Conventions and present a risk to the safety of navigation and the marine environment.

²² The I.M.O. provides the P.S.C. procedures in Resolution A.787 (19) as amended by Resolution A. 1052 (27). Nine regional agreements exist: Paris MoU, Tokyo MoU, Indian Ocean MoU, Mediterranean MoU, Acuerdo Latino, Caribbean MoU, Abuja MoU, Black Sea MoU and Riyadh MoU.

²³ Currently, the legislation applicable to P.S.C. nationally is as follows:



Directive 2009/16/E.C. was implemented into national law through Decree-Law no. 61/2012 of 14 March, which significantly reformed the inspection system. The directive replaced the previous system, where each member state had to inspect at least 25% of the ships annually, with a new collective objective based on risk criteria. This new system means that all ships calling at European Union ports are now subject to inspection.

The frequency of inspections for high-risk ships has increased to every six months. Conversely, the number of inspections for quality ships with a low-risk profile has fallen. The purpose of these changes was to reduce unfair competition. The new rules penalise substandard ships that do not comply with international standards regarding maritime safety, preservation of the marine environment and conditions on board. At the same time, the compliant (i.e. low-risk) ships now benefit from a lighter inspection regime.

Recently, the P.S.C. has been required to verify compliance with the mandatory provisions of the M.L.C. 2006 if the vessel's flag state has ratified the Convention. If the flag state has yet to ratify the Convention, the P.S.C. ensures that such ships are treated favourable to ships flying the flag of a party state to the Convention. The ship shall be subjected to a more detailed inspection in this case.

It is important to note that introducing these rules into E.U. law does not apply to Norway, Russia, or Canada, which are also members²⁴.

Like other regional agreements, the Paris MoU has some limitations. It is a voluntary adherence instrument that lacks a supervision or sanctioning system, meaning each country operates under its legislation.

The Paris MoU is a system of standardised procedures for port state control. It aims to reduce the presence of ships that do not meet applicable standards in maritime safety, maritime security, protection of the marine environment, and living and working conditions on board from the waters under the national jurisdiction of the acceding

a) Decree-Law no. 27/201, of 6 February, proceeds with the 1st amendment to Decree-Law no. 61/2012 of 14 March, transposing into national law Directive 2013/38/E.U. of the European Parliament and of the Council of 12 August 2013, amending Directive 2009/16/E.C. of 23 April 2009, on port state control.

b) Decree-Law No. 61/2012 of 14 March 2012 establishes the common criteria for port state control of foreign vessels calling at national ports and anchorage areas and the procedures for inspection, detention, and information to be observed by the competent national authorities within this framework. It transposes Directive 2009/16/E.C. of the European Parliament and the Council of 23 April 2009 on port State control.

c) Regulation (E.U.) No 1257/2013 of the European Parliament and the Council of 20 November 2013, on ship recycling and amending Regulation (E.C.) No 1013/2006 and Directive 2009/16/E.C.

d) Directive 2013/38/E.U. of the European Parliament and of the Council of 12 August 2013, amending Directive 2009/16/E.C. of 23 April 2009, on port state control.

e) Commission Implementing Regulation (E.U.) No 1205/2012 of 14 December 2012, amending Regulation (E.U.) No 802/2010 as regards company performance.

f) Directive 2009/16/E.C. of the European Parliament and the Council of 23 April 2009 on port state control.

g) Commission Regulation (E.U.) No 802/2010 of 13 September 2010, implementing Article 10/3 and Article 27 of Directive 2009/16/E.C. of the European Parliament and the Council regarding companies' performance.

h) Commission Regulation (E.U.) No 801/2010 of 13 September 2010, implementing Article 10/3 of Directive 2009/16/E.C. of the European Parliament and the Council regarding the criteria for flag states.

i) Commission Regulation (E.U.) No 428/2010 of 20 May 2010, implementing Article 14 of Directive 2009/16/E.C. of the European Parliament and the Council regarding expanded inspections.)

²⁴ The current 27 members of the Paris MoU are Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovenia, Spain, Sweden and the United Kingdom.



countries. The Paris MoU area covers the waters of European coastal states and the North Atlantic basin from North America to Europe.

The Paris MoU publishes an annual report on its activities, including many pieces of information, such as the black, grey, and white lists of flag states and recognised organisations. The Paris MoU Committee approves these lists by analysing the results of the inspections carried out each year. They represent the quality levels of the recognised flags and organisations, highlighting those presenting high risks (black list). These lists analyse the total number of inspections and detentions suffered by merchant ships under P.S.C. procedures.

In the Paris MoU annual report for 2020, out of 70 flags, 39 are on the White List (Portugal is in position 24), 22 are on the grey list, and nine are classified on the black list. The importance of these lists is so high that ships belonging to the grey and black lists can be banned from European Union ports if they meet several requirements.

4. Port state control

During a ship's port state control visit, the P.S.C.O. examines all the documents and certificates. In addition, a general inspection of the ship's various areas is conducted to check if the vessel is in good condition as per the certificates. If no issues are found, the P.S.C.O. issues a "clean" inspection report (Form A) to the ship's master.

However, some deficiencies were found during the inspection. In that case, the inspection report will include the deficiencies (Form B), the actions that must be taken, and the deadline for correcting them.

The ship's details and the inspection result are then entered into the Thetis inspection database. This database is the information system used to carry out the port state control regime in the European Union. It contains data on all the inspections carried out in the European Union and Paris MoU region, including compliance verification with onboard operational requirements, especially if deficiencies are identified.

Several ships are selected daily for port state control inspection throughout the region. The selection process is made after consulting the Thetis system, which is hosted and managed by the European Maritime Safety Agency (E.M.S.A.). This system identifies ships due for inspection according to certain pre-determined selection criteria. The information system also provides the ships and the reports of previous inspections in the Paris MoU region.

Each ship is assigned a Ship Risk Profile (S.R.P.), which determines the priority and frequency of inspections based on generic and historical parameters. Thetis vessels are categorised as either high-risk (H.R.S.), standard risk (S.R.S.), or low-risk (L.R.S.) based on specific criteria, namely:

- a) High-risk ships (H.R.S.) achieve at least five points according to the S.R.P. calculation.
- b) Low-risk ships (L.R.S.) meet all low-risk parameters criteria and have been inspected within the last 36 months.
- c) Standard risk ships (S.R.S.) do not fall under either H.R.S. or L.R.S. categories.



The vessel's risk profile is calculated daily and considers factors such as inspection history over the last 36 months and the performance of the ship-owning company²⁵.

When evaluating a ship's risk profile, one of the criteria considered is the performance of the shipowner responsible for the fleet's I.S.M. code. The evaluation is based on the detention history and deficiencies of the vessels in the fleet, which are classified as very low, low, medium, or high. The calculation is done daily, considering a performance period of 36 months. The shipowner's rating is not dependent on a minimum number of inspections, except for situations where a shipowner has had no inspections in the last 36 months, considered an "average performance"²⁶.

The Paris MoU presents annual lists of flags and recognised organisations along with their respective risk levels. These lists are based on the total number of inspections and detentions for fleets flagged over three years. A fleet must have undergone at least thirty inspections to be included in the list²⁷.

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For the periodic inspection, the selection is made as follows:

- a) High-risk ship: Between 5 and 6 months after the last inspection in the Paris MoU region, the port state may inspect the ship, but after the sixth month, the port state is obliged to do so;
- b) Standard risk ship: Between 10 and 12 months after the last inspection in the Paris MoU region, the port state may inspect the ship, but after the 12th month, it is obliged to do so;
- c) Low-risk ship: Between 24 and 36 months after the last inspection in the Paris MoU region, the port state may inspect the ship, but it is obliged to do so after the 36th month.

The start of the period for the next periodic inspection begins again after any inspection.

Depending on the severity of the occurrence, additional inspections may be required based on dominant or unexpected factors. In the first case, these factors may include a collision or a discharge of harmful substances. In the second case, inspections may be triggered by complaints from the crew or other interested parties, non-compliance with reporting obligations, or outstanding I.S.M. Code deficiencies. Reported cargo problems, particularly those related to hazardous or noxious cargoes, may also warrant inspections.

The selection system is divided into two priorities, namely:

²⁵ For the S.R.P. calculation, see <https://www.parismou.org/inspections-risk/library-faq/ship-risk-profile>.

²⁶ To calculate the performance of the shipowner, see <https://www.parismou.org/inspections-risk/company-performance-calculator>.

²⁷ The annual risk lists are on <https://www.parismou.org/detentions-banning/white-grey-and-black-list>.



- a) Priority I: Ships must be inspected because either the inspection deadline has passed or a dominant or overriding factor exists.
- b) Priority II: Ships may be inspected because they are due for inspection or because the port state considers the unexpected factor warrants inspection.

If no unexpected factors are reported and the ship does not have priority status, member states are not obligated to inspect it. However, the ship will be subjected to Priority I inspection if any dominant factors are found. In case of unexpected factors, the port state may decide to carry out an additional inspection, but it will remain Priority II unless something significant is detected.

The P.S.C.O.'s inspections are classified into three categories: Initial Inspection, More Detailed Inspection, and Expanded Inspection. Additionally, the Paris MoU Committee conducts a Concentrated Inspection Campaign yearly to focus on specific technical or operational areas to be checked in greater detail within a specific timeframe.

The Initial Inspection involves checking the ship's certificates and documents, general condition, hygiene, and compliance with international rules and standards. If any deficiencies are found, they must be rectified within the time specified in the inspection report; otherwise, the ship will be detained if they pose a risk to the safety of navigation, shipboard living and working conditions, or the environment. The P.S.C.O. will issue a detention notice to the master, and the ship's owner/operator will be informed. They have the right to appeal; details can be found on the back of the detention form notice, which may differ in Paris MoU member states.

The More Detailed Inspection is triggered if there are clear grounds for believing that the condition of the ship, its equipment, or its crew does not substantially meet the requirements of an applicable Convention.

The Expanded Inspection examines the overall condition and compliance of the documentation, structure, emergency systems, navigation equipment, life-saving appliances, and pollution prevention. It also covers specific areas where concentrated inspection campaigns have found high deficiencies. These campaigns occur annually over three months and are combined with a regular inspection.

The Paris MoU Committee identifies, on an annual basis, a specific technical or operational area (or areas) to be checked in more detail within a certain timeframe. These actions are developed in a "Concentrated Inspection Campaign".

During an initial inspection, the P.S.C.O. visits the ship to check the certificates and documents, the general condition and hygiene of the ship (including the navigating bridge, accommodation, galley, decks, bow, and cargo holds), and the engine room. The inspection also verifies compliance with international rules and standards and whether deficiencies found by an authority at a previous inspection have been rectified within the specified time frame.

If any deficiencies that pose a risk to the safety of navigation, shipboard living and working conditions, or the environment are found, the ship is detained. The P.S.C.O. issues a detention notice to the master, formally prohibiting the ship from proceeding to



sea. The master and the ship's owner/operator are informed, and the latter has the right to appeal. The Notice of Appeal and details can be found on the back of the detention form notice, and they differ among the Paris MoU member states.

Following an initial inspection, if there are clear grounds to believe that the condition of the ship, its equipment, or its crew does not substantially meet the requirements of an applicable convention, a more detailed inspection is triggered. This inspection entails a detailed examination of all or part of the ship, its equipment, and crew concerning its construction, equipment, crewing, and compliance with onboard operational procedures.

The expanded inspection covers the overall condition and compliance of the documentation, the structure, the water tightness, emergency systems, radio communications, cargo operations, fire safety, alarms, shipboard living and working conditions, navigation equipment, life-saving appliances, dangerous goods, propulsion and auxiliary machinery, and pollution prevention. When clear grounds exist, a more detailed inspection may also be conducted.

Concentrated inspection campaigns are annual inspections conducted over three months (September/November) focusing on areas where P.S.C.O.s have found high deficiencies or new covenant requirements have recently come into force. They are combined with regular inspections²⁸.

Thetis uses a Ship Risk Profile (S.R.P.) to assess each ship's risk level. This assessment determines the priority, interval, and scope of ship inspections. Based on their generic and historical parameters, including their flag, ships are graded as high, normal, or low risk.

The ship's risk profile is calculated daily, considering changes in dynamic parameters like age, the 36-month historical record, and the company's performance standard. The profile is also recalculated after each inspection and when performance tables for the flag state and recognised organisations are updated.

Regarding the importance of inspections, let us recall the July 2012 maritime accident of the M.S.C. Flaminia, which involved a serious fire on board.

5. Conclusion

Nowadays, maritime liability and states' roles and responsibilities as either the flag state or the coastal (and port) state are of the utmost importance.

²⁸ Over the years, the following topics have been the focus of a "Focused Inspection Campaign Concentrated Inspection Campaign" (C.I.C.): emergency procedures and systems (2019), Annex VI to the Convention M.A.R.P.O.L. (2018), Safety of Navigation, including CEDIS (2017), M.L.C. 2006 (2016); Crew familiarisation regarding confined space entry (2015), Hours of Rest (2014), Propulsion and auxiliary machinery (2013), Fire Safety Systems Fire (2012), safety and structural load lines (2011), Stability at Breakdown Tanker (2010), Life-savings: marine rescue launching devices (2009), Safety of Navigation: Solas chapter V (2008), Implementation of the International Safety Management (I.S.M.) Code (2007), MARPOL 73/78 Annex I (2006), Global Maritime Distress Safety (GMDSS) (2005), Work and living situations: working and living conditions (2004), Operational Compliance on Passenger Ships (2003) and International Safety Management (I.S.M.) Code (2002).



We have highlighted the need for closer cooperation between coastal states and the International Maritime Organization (I.M.O.) to address third parties' increased competencies regarding the flag state.

The obligations of flag states and agreements with recognised organisations (R.O.) are also explained in a general way, including the mandatory need to comply with international standards relating to maritime safety, navigation safety, marine environment protection, and crew living and working conditions.

At last, we must emphasise the critical role of flag states in establishing and maintaining an effective control system over their ships to ensure adherence to all international standards and regulations.

Everything has no consequences without requiring strict enforcement of flag state obligations to ensure maritime safety, prevent pollution from ships, and improve shipboard living conditions.

As Don Merrell said (in "*I Chose to Look the Other Way*"),

*I could have saved a life that day,
But I chose to look the other way.
It wasn't that I didn't care,
I had the time, and I was there.*

*But I didn't want to seem a fool,
Or argue over a safety rule.
I knew he'd done the job before,
If I spoke up, he might get sore.*

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MODELO DE TRANSFORMAÇÃO DO PODER AÉREO NACIONAL FACE AO PARADIGMA DA GUERRA AÉREA AUTÓNOMA

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Resumo

O conceito de Guerra Aérea Autónoma é um paradigma emergente, caracterizado pela proliferação de Sistemas Aéreos com Funcionalidades Autónomas (SAFA) com elevados níveis de inteligência artificial, empregues em diversos conceitos de operação disruptivos, com potencial transformacional das funções operacionais do Poder Aéreo (PA), alterando a utilidade deste instrumento militar. A investigação tem como objetivo propor um modelo de transformação do PA nacional que maximize as oportunidades deste paradigma emergente, verificando a sua aplicabilidade nas perspetivas operacional, estrutural e genética. A análise revela o potencial para melhoria do produto operacional nas várias missões operacionais, consubstanciada no alargamento da cobertura persistente dos espaços estratégicos de interesse, em resultado da complementaridade de aeronaves tripuladas e SAFA, assim como em conceitos de operação em equipa, em que os SAFA funcionam como extensão das capacidades tripuladas e mesmo, através do emprego colaborativo de enxames com elevados níveis de autonomia. O modelo apresentado propõe uma Visão e uma Estratégia centrada em três Vetores de Transformação – Educação, Inovação e Operações – alavancando as áreas de maior potencial e valor acrescentado da Força Aérea Portuguesa para aumentar o conhecimento; maximizar competências, colaboração e cooperação; e expandir o produto operacional.

Palavras-chave

Poder Aéreo, Guerra Aérea Autónoma, Sistemas Aéreos com Funcionalidades Autónomas, Transformação, Força Aérea Portuguesa.

Abstract

The concept of Autonomous Air Warfare (AAW) is an emerging paradigm, characterized by the proliferation of Aerial Systems with Autonomous Functionalities (ASAF) with high levels of artificial intelligence, used in various disruptive operating concepts, with transformational potential of Air Power's operational functions, changing the utility of this military instrument. The research aims to propose a model for the transformation of the national Air Power that maximizes the opportunities of this emerging paradigm, verifying its applicability in operational, structural, and genetic perspectives. The analysis reveals the potential for improvement of the operational product in various missions, substantiated by the expansion of persistent coverage of strategic interest areas. This is achieved through the complementarity of manned aircraft and ASAF, as well as in team operation concepts, serving



as an extension of manned capabilities, and even through the collaborative use of swarms with high levels of autonomy. The model presented proposes a Vision and Strategy centered on three Transformation Vectors – Education, Innovation and Operations – leveraging the areas of greatest potential and added value of the Portuguese Air Force to increase knowledge; maximize skills, collaboration and cooperation; and expand the operational product.

Keywords

Air Power, Autonomous Air Warfare, Aerial Systems with Autonomous Functionalities, Transformation, Portuguese Air Force.

Como citar este artigo

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MODELO DE TRANSFORMAÇÃO DO PODER AÉREO NACIONAL FACE AO PARADIGMA DA GUERRA AÉREA AUTÓNOMA

JOÃO PAULO NUNES VICENTE

1. Introdução

No âmbito desta investigação entende-se a Guerra Aérea Autónoma como um paradigma emergente da Guerra Aérea, caracterizado pela proliferação de Sistemas Aéreos com Funcionalidades Autónomas (SAFA) com níveis de Inteligência Artificial (IA) cada vez mais evoluídos, empregues em diversos conceitos de operação disruptivos, com potencial transformacional transversal às funções operacionais do Poder Aéreo (PA), alterando a utilidade deste instrumento militar.

Enquanto as guerras pós-11 de setembro tiveram um efeito detonador para a proliferação de aeronaves operadas remotamente, multifuncionais e dispendiosas (Vicente, 2013: 73), a Guerra na Ucrânia confirmou a tendência para a disseminação acelerada de plataformas baratas, letais e descartáveis. Embora a maioria dos SAFA empregues seja controlada remotamente, o que significa que a decisão de atacar ainda permanece nas mãos de operadores humanos, a Ucrânia validou a importância das funcionalidades autónomas num ambiente aéreo fortemente contestado, proporcionando maiores incentivos para desenvolver e utilizar enxames de sistemas com níveis avançados de autonomia (Hammes, 2023).

Neste sentido, Portugal e as Forças Armadas Portuguesas (FFAA), em particular a Força Aérea Portuguesa (FAP) enquanto principal organização responsável pela geração e emprego do PA nacional, devem analisar as consequências desta alteração de paradigma.

Isto porque inúmeras forças militares aliadas desenvolvem, integram e operam SAFA cada vez mais avançados, obrigando a maior interoperabilidade para operar em coligação com esses parceiros.

Também as ameaças provenientes de adversários estatais e não-estatais irão aumentar em resultado da exploração de capacidades com níveis avançados de autonomia, empregues em modelos operacionais disruptivos.

Ao nível nacional, Portugal demonstra ambição tecnológica e operacional neste domínio, por exemplo, ao possuir uma Estratégia Nacional de IA (INCoDe.2030, 2019), e ao produzir e/ou operar sistemas com níveis variados de funcionalidades autónomas (Gray & Ertan, 2021: 36).



De igual forma, o Ministério da Defesa Nacional (MDN), antecipando as tendências internacionais de transformação dos métodos de combate, reconhece a necessidade de apostar em projetos de Investigação, Desenvolvimento e Inovação (ID&I), com “prioridade muito clara aos sistemas autónomos não tripulados, à robótica e à IA” (Despacho n.º 4101/2018, de 23 de abril: 11678);

Finalmente, a Visão Estratégica 2022-2034 do Chefe do Estado-Maior-General das Forças Armadas (CEMGFA, 2022: 14-16) reconhece o potencial revolucionário dos sistemas não tripulados e da IA, como capazes de alterar o paradigma da Guerra, mas com riscos de segurança acrescidos, referindo a necessidade de atenção redobrada, nos processos de planeamento estratégico e operacional, para a análise das implicações deste fenómeno por forma a prever, mitigar e gerir os riscos associados.

Em termos de análises inseridas no contexto militar e com aplicabilidade ao PA nacional, o enfoque tem sido na definição de uma Estratégia Nacional (Morgado, 2016; Vicente, 2013) ou em propostas de edificação da capacidade de sistemas de aeronaves remotamente pilotadas nas FFAA (Gonçalves, 2017; Páscoa, 2020; Pinto, 2021). Rodriguez (2021) restringiu a análise à compreensão do impacto do uso de sistemas autónomos por forças militares à luz do DIH e Marques (2022) analisou a problemática dos sistemas robóticos, mas delimitada ao Exército Português.

Neste enquadramento, e considerando que a investigação acerca dos níveis crescentes de autonomia nos sistemas aéreos a nível nacional é ainda reduzida, importa prospetivar opções que maximizem a utilidade do PA nacional através da aplicabilidade do paradigma de GAA, contribuindo para informar a definição da estratégia aérea nacional futura, de forma que esta transformação possa ocorrer de forma antecipada e deliberada, ou, por outras palavras, de forma planeada.

Assim, o objeto de estudo desta investigação está delimitado aos espaços estratégicos de interesse nacional de emprego do PA pela FAP. Tratando-se de uma investigação centrada no PA, define-se a FAP como prisma institucional, sem desvalorizar o modelo de operações conjuntas, nem o imperativo de uma abordagem multidomínio das operações militares. De igual forma, circunscreve-se à análise da aplicabilidade do paradigma da GAA, em termos do impacto do desenvolvimento e emprego dos SAFA, para a transformação do PA nacional, nas vertentes operacionais, estruturais e genéticas.

Desta forma, considerando as estratégias de transformação em curso em organizações militares de referência, esta investigação tem como objetivo propor um modelo de transformação do PA nacional que permita a exploração das oportunidades do paradigma emergente de GAA.

Em termos de organização, este estudo é desenvolvido em cinco capítulos. Após a introdução é efetuado um enquadramento teórico e metodológico. Em seguida é analisada a aplicabilidade deste paradigma à realidade nacional, antes de se propor o modelo para a transformação do PA nacional. No último capítulo serão sintetizadas as conclusões da investigação.



2. Enquadramento teórico e metodológico

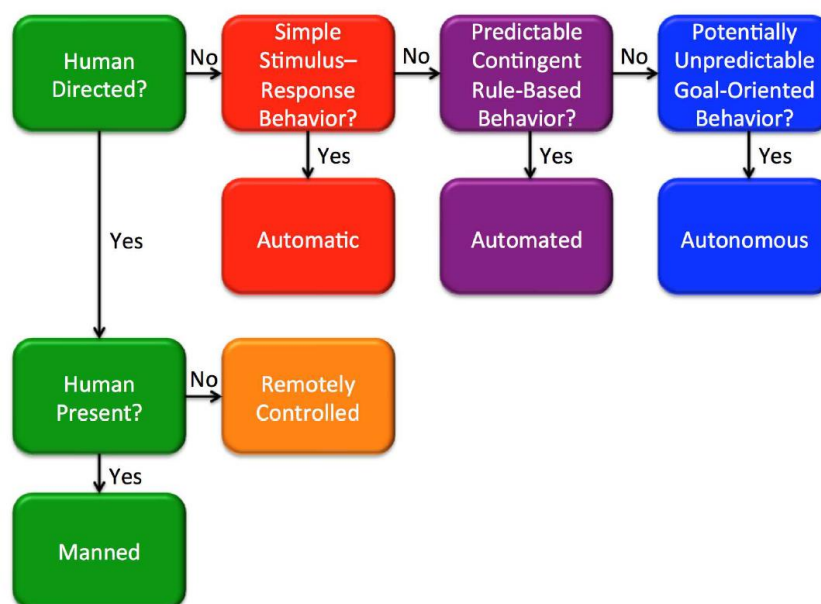
2.1 Autonomia nos Sistemas de Armas

Face à complexidade do conceito de “Autonomia” importa aprofundar a compreensão com recurso ao relacionamento entre os seus atributos e ilustrando-os com exemplos práticos.

Portugal possui nas suas FFAA Sistemas de Armas (SA) com diferentes níveis de funcionalidades autónomas (Gray & Ertan, 2021: 36). No que concerne a domínio aéreo, a Marinha emprega sistemas de defesa aérea de proximidade *Goalkeeper* e *Phalanx* com capacidade para efetuar, de forma automática, sem interferência humana, a busca, deteção, seguimento, priorização e destruição de alvos que, consoante a sua velocidade e direção, sejam ameaça para o navio (Lewis, Blum, & Modirzadeh, 2016: 44). Outros sistemas semiautónomos incluem os mísseis *Sea Sparrow* (que equipam as fragatas) e o míssil ar-ar de longo alcance *AIM-120 Advanced Medium-Range Air-to-Air Missile* (que equipam os F-16). Em termos de mísseis antinavio, destaca-se o míssil *Harpoon* que equipa o P-3C *Cup+* e as fragatas e submarinos nacionais.

No que concerne à categorização, podem observar-se na Figura 1 os vários níveis de autonomia dos sistemas. À medida que as máquinas se tornam mais sofisticadas, adquirem capacidade para concretizar tarefas mais difíceis em ambientes complexos. Contudo, as ações específicas tornam-se também mais imprevisíveis.

Figura 1 – Mapa conceptual dos termos associados com “Autonomia”

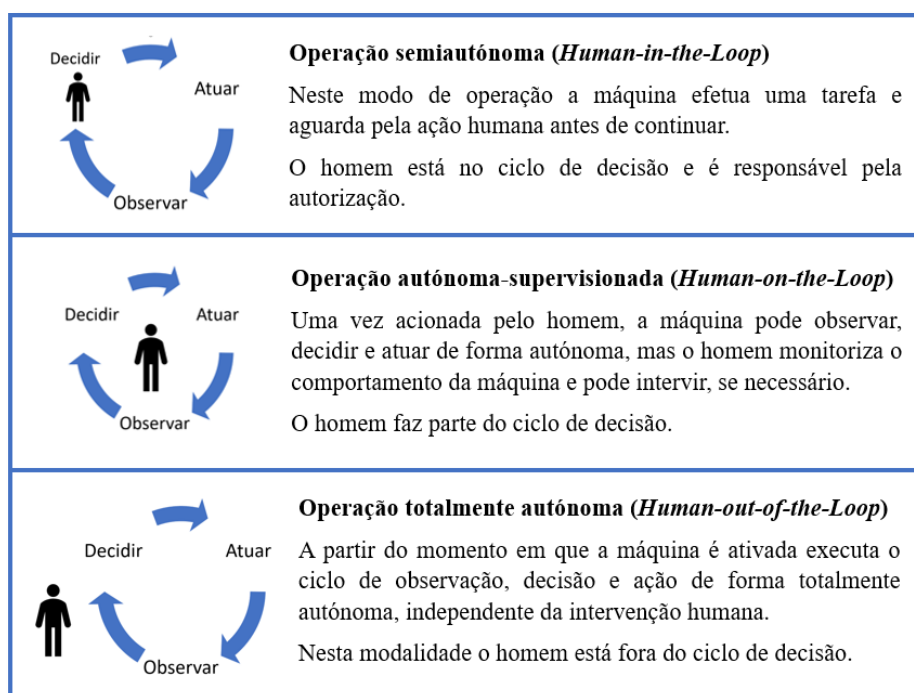


Fonte: Schaub e Kristoffersen (2017: 9).



Por outro lado, a Figura 2 caracteriza a autonomia em termos da **relação Homem-Máquina durante a execução da tarefa**, que se reflete no tipo de operação em modo semiautónomo (*human-in-the-loop* – homem no ciclo de decisão), autónomo-supervisionado (*human-on-the-loop* – homem em ciclo de decisão) e totalmente autónomo (*human-out-of-the-loop* – homem fora do ciclo de decisão).

Figura 2 – Relação Homem-Máquina no Ciclo de Decisão

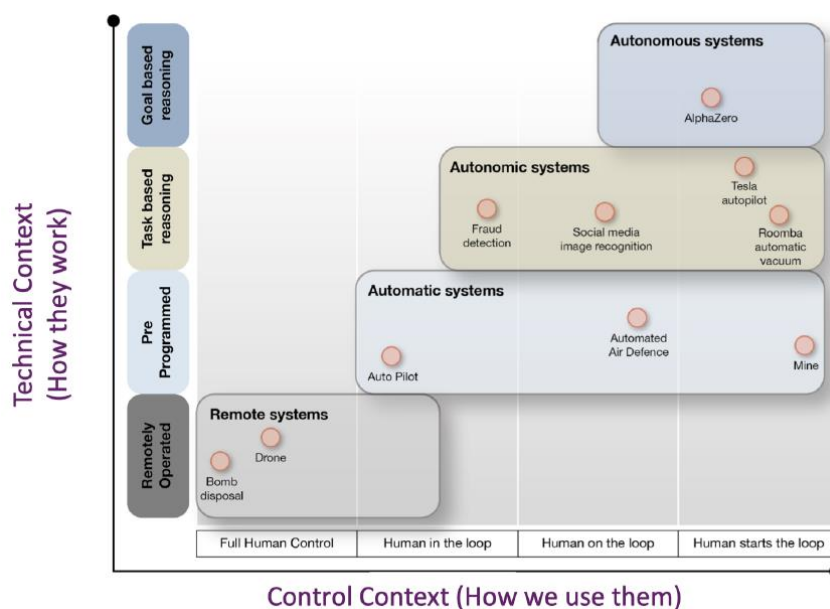


Fonte: Adaptado de Scharre (2018: 36-37).

Finalmente, a Figura 3 agrega os conceitos anteriores e ilustra os níveis de autonomia dos sistemas em termos de contexto técnico (capacidade em termos de inteligência) e de controlo (intervenção humana).



Figura 3 – Modelo de classificação de sistemas autónomos



Fonte: Australian Defence Force (ADF) (2020: 18).

Neste sentido, é possível destacar (ADF, 2020: 17-19):

No contexto técnico, ao nível básico, a máquina é operada remotamente, e é desprovida de funcionalidades independentes (e.g. no caso dos equipamentos de desativação de explosivos ou um sistema aéreo não tripulado). À medida que a sofisticação aumenta, as funcionalidades automáticas permitem a execução de tarefas mais complexas, mas de maneira previsível e baseada em regras ou algoritmos bem definidos (e.g. o piloto automático de uma aeronave, um sistema de defesa aérea ou uma mina, com níveis variados de interferência humana). No nível de operação autónómica, os sistemas realizam as tarefas definidas pelo ser humano por meio de um conjunto de regras predefinidas, respondendo aos estímulos de maneira probabilística (e.g. as aplicações de reconhecimento facial ou o sistema de condução da *Tesla*, possuem funcionalidades de aprendizagem consoante a interação com o Homem e com o ambiente). Por último, os sistemas totalmente autónomos, ainda inexistentes na plenitude das funcionalidades, conseguem desempenhar tarefas mais complexas com base na aprendizagem resultante do processamento interno dos dados que recolhem, com a finalidade de concretizar o objetivo estipulado pelo decisor humano (e.g. os algoritmos *AlphaZero* e *AlphaDogFight* da empresa *DeepMind* capazes de desempenhos comparáveis ao ser humano, mas em ambientes controlados, como em jogos de Xadrez e *Go*, ou mesmo em combate simulado com pilotos de caça).

Quanto ao espectro do controlo humano sobre o sistema, o nível básico permite o controlo total sobre o sistema. À medida que a sofisticação da máquina aumenta, a interferência humana vai-se reduzindo, e no estágio mais evoluído, estabelece apenas os parâmetros da tarefa, dá início ao ciclo e efetua a supervisão da execução, com capacidade de intervenção, por vezes reduzida.



Face a este enquadramento concetual de autonomia, a qualificação de um sistema como autónomo não significa que este desempenhe todas as funções num nível absoluto. Assim, a discussão binária sobre a questão de autonomia é redutora, uma vez que poderá tornar difícil distinguir os sistemas atuais dos futuros, e com isso dificultar os esforços de regulamentação. Nesse sentido, Horowitz (2016) propõe uma aproximação funcional tendo por base as funções específicas e que permita distingui-los como munições, plataformas e sistemas operacionais. Neste contexto, seguindo Scharre & Horowitz (2015), esta investigação foca a análise nas “funcionalidades autónomas” dos sistemas aéreos (SAFA), considerando que a localização geográfica do elemento humano no sistema é uma questão secundária, devendo a discussão focar-se nas funções desempenhadas pelo sistema e no seu grau de autonomia ou dependência do controlo humano (Williams, 2015: 37). De igual forma, não iremos efetuar o debate legal e ético sobre potenciais sistemas letais totalmente autónomos, que de momento, ainda não existem.

2.2 Guerra Aérea Autónoma

Vicente (2023a; 2023b) analisa os efeitos do paradigma emergente de GAA na transformação das organizações militares de referência, nomeadamente as forças aéreas dos Estados Unidos da América (EUA), do Reino Unido e da Austrália, tendo como enfoque o desenvolvimento e introdução operacional de SAFA cada vez mais evoluídos. Tendo por base estes estudos é possível caracterizar os atributos fundamentais deste fenómeno.

Em termos concetuais pode caracterizar-se o paradigma de GAA como a operacionalização de letalidade e sensorização distribuídas, integrando em equipas colaborativas, plataformas tripuladas reforçadas com SAFA de múltiplas categorias e em conceitos de operação variados (e.g. operação isolada, em equipa com aeronaves tripuladas ou em enxames), e que através do emprego desagregado de entidades com funções dedicadas, como sensores, armamento, sistemas de guerra eletrónica e Comando e Controlo (C2), permitem massificar a força e estender em profundidade a capacidade de combate em ambientes contestados.

O nível crescente de autonomia dos SAFA permite a aceleração da tomada de decisão, assim como uma maior ubiquidade dos meios aéreos, em termos de concentração de massa e acesso operacional a ambientes congestionados e contestados, de forma, cada vez mais independente da localização e número dos combatentes humanos. Em termos de custo e risco, nas funções em que superem as capacidades tripuladas, a eficácia militar será o principal motivador para a adoção crescente dos SAFA.

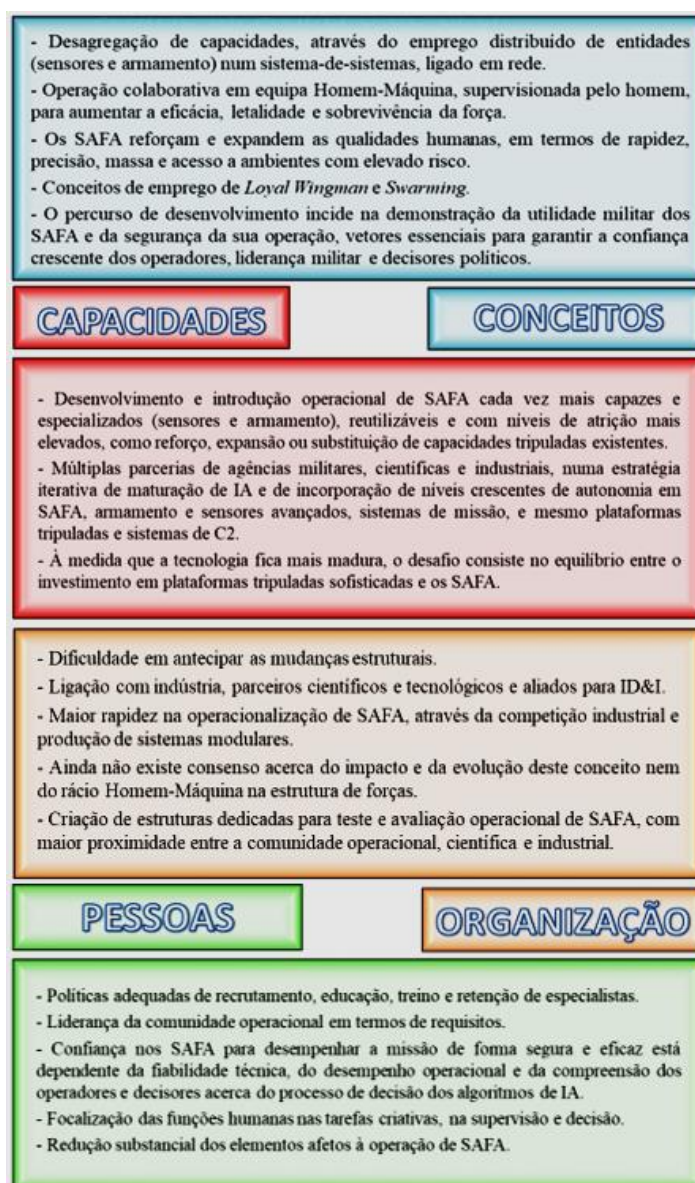
O processo de implementação de SAFA na estrutura de forças depende de uma abordagem adaptada à maturação tecnológica, ao seu desempenho operacional e ganho de capacidade obtido, assim como aos conceitos de operação, incluindo genericamente, três modalidades sequenciais ou simultâneas: (1) Reforço de capacidades através da inserção da tecnologia nas plataformas existentes, ou com a introdução de SAFA automáticos para melhorar as funcionalidades, acrescentar massa em termos de sensores ou armamento, e ganhar maior familiarização com os SAFA; (2) Expansão de capacidades através da operação de SAFA em conjunto com as plataformas tripuladas



existentes, permitindo um aumento incremental das funcionalidades, como por exemplo a penetração em ambientes contestados, evitando o risco de atrição de plataformas tripuladas; (3) Substituição de capacidades por SAFA evoluídos capazes de desempenhar a missão de forma mais eficaz e eficiente que a plataforma tripulada.

Tomando como referência os resultados de estudos sobre a aplicação do paradigma de GAA nas organizações militares de referência é possível sintetizar os indicadores mais relevantes nas dimensões de conceitos, capacidades, organização e pessoas (Figura 4).

Figura 4 – Síntese de indicadores da aplicação da GAA



Fonte: Vicente (2023a;2023b).

Em suma, o paradigma de GAA apresenta vantagens qualitativas e quantitativas, em termos de eficácia operacional, eficiência de efeitos e custo e diminuição de risco humano



face às alternativas tripuladas. Contudo, apresenta desafios, entre outros, de confiança no desempenho operacional e fiabilidade tecnológica dos SAFA, na sua introdução na estrutura de forças, ou na capacidade de recrutar, educar e reter recursos humanos especialistas. Revela também a tendência para a alteração da interferência humana no processo de decisão e controlo de SAFA, mostrando a evolução crescente da IA para emprego de sistemas com funcionalidades mais complexas e em grande quantidade, mas também a necessidade de reter níveis adequados de controlo significativo humano, em particular sobre os sistemas letais.

Face a estes atributos, entende-se a Transformação do PA como o resultado da introdução de uma tecnologia inovadora, sustentada por novas doutrinas, organização e conceitos de operação. Ou seja, traduz os conceitos em capacidades, configurando uma inovação em grande escala. É possível inferir que o sucesso da Transformação implica que as organizações militares fomentem a inovação como competência basilar (Vicente, 2007).

Contudo, importa lembrar Horowitz (2010) quando refere o registo histórico para demonstrar que existe uma grande diferença entre introdução de uma tecnologia no espaço de batalha e a completa integração dessa tecnologia na estratégia nacional sob a forma de capacidade militar. Isto porque, a adoção de uma inovação militar por um estado requer "intensidade financeira" para o seu desenvolvimento ou aquisição e "capital organizacional" para acomodar as alterações em termos de processos (doutrina, recrutamento, treino) ou operações.

2.3 Metodologia

Em termos metodológicos será adotado um raciocínio indutivo que, partindo da observação de factos e de realidades específicas do objeto de estudo, nomeadamente, do processo em curso em organizações militares congéneres para adoção do paradigma da GAA, identifica tendências que permitam informar uma proposta de transformação do PA nacional. A estratégia de investigação qualitativa recorre à análise documental e entrevistas semiestruturadas a 24 especialistas nacionais (Tabela 1) em diversas áreas militares, científicas e industriais, para levantamento dos fatores de aplicabilidade do fenómeno à realidade nacional, nas perspetivas operacional (emprego das capacidades), estrutural (organização das capacidades) e genética (edificação de capacidades).

Finalmente, o desenho de pesquisa de estudo de caso, que tendo por pressuposto a similaridade doutrinária e organizacional entre as organizações militares congéneres (EUA, Reino Unido e Austrália) e a FAP, enquanto responsáveis pela geração e emprego do PA, permite aferir as medidas de otimização em termos de 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.



Tabela 1 – Lista de entrevistados

| #ENT | GUIÃO /ENT# | Entidade | Função |
|------|-------------|----------------------------------|--|
| E1 | EST1 | Profº Drº Bruno Oliveira Martins | Investigador Sénior no <i>Peace Research Institute Oslo</i> (PRIO) |
| E2 | EST2 | Profº Drº Afonso Seixas Nunes | Professor Assistente - <i>School of Law – Saint Louis University</i> Investigador na Área dos Sistemas de Armas Autónomos |
| E3 | EST3 | MGEN Nuno Lemos Pires | Diretor-Geral de Política de Defesa Nacional |
| E4 | EST4 | BGEN Paulo Viegas Nunes | Presidente do Conselho de Administração da Siresp S.A. |
| E5 | EST5 | TCOR Francisco Proença Garcia | Professor Associado com Agregação e <i>Dean for Faculty</i> do Instituto de Estudos Políticos da Universidade Católica |
| E6 | OPS1 | TGEN Alfredo Cruz | Ex-Comandante Aéreo – Investigador do CIDIUM – Poder Aéreo |
| E7 | OPS2 | MGEN José Lourenço da Saúde | Ex-Diretor da Direção de Manutenção de Sistemas de Armas da Força Aérea. Universidade de Évora - Cátedra CEiiA de Ciência e Tecnologia Aeroespacial. |
| E8 | OPS3 | MGEN José Morgado | Assessor do CEMGFA para Inovação e Transformação |
| E9 | OPS4 | COR Fernando Leitão | Especialista em Poder Aéreo |
| E10 | OPS5 | COR Carlos Páscoa | Assessor do CEMGFA para Inovação e Transformação |
| E11 | OPS6 | COR Jorge Gonçalves | Chefe da Divisão de Planeamento do Estado-Maior da Força Aérea |
| E12 | OPS7 | COR Marco Carvalho | Representante Militar da Força Aérea na Delegação de Portugal na NATO em Bruxelas |
| E13 | OPS8 | COR Duarte Freitas | Especialista em Poder Aéreo |
| E14 | OPS9 | TCOR Carlos Batalha | Comando da Logística da Força Aérea |
| E15 | OPS10 | MAJ Luís Silva | Comandante da Esquadra 991 |
| E16 | NOV1 | MGEN Jorge Corte-Real Andrade | Subdiretor Direção-Geral de Recursos de Defesa Nacional |
| E17 | NOV2 | BGEN João Almeida | Diretor Departamento para a Inovação e Transformação do Estado-Maior-General das Forças Armadas |
| E18 | NOV3 | Profº Drº Ricardo Alves | Diretor de Estratégia Empresarial idD Portugal <i>Defence</i> |
| E19 | IND1 | Engº Pedro Petiz | Diretor de Desenvolvimento Estratégico da <i>Tekever</i> |
| E20 | IND2 | Engº Nuno Simões | CEO <i>UAVision</i> |
| E21 | IND3 | Engº José Neves | Presidente AED Cluster Portugal |
| E22 | I&D | TCOR Luís Félix | Diretor do Centro de Investigação da Academia da Força Aérea (CIAFA) |
| E23 | INT1 | Profº Drº João Caetano | <i>Project Officer UAS Programmes - European Defence Agency</i> (EDA) |
| E24 | INT2 | Profº Drº Maria Nunes | <i>Deployable Systems Project Manager – NATO Support and Procurement Agency</i> (NSPA) |

Legenda

Guiões: EST – Estratégia / OPS – Operações / INOV – Inovação / IND – Indústria / I&D – Centro de Investigação da Academia da Força Aérea / INT – Internacional (EDA&NSPA)

Fonte: Autor.

3. Aplicabilidade do paradigma da Guerra Aérea Autónoma ao Poder Aéreo nacional

Os atributos do paradigma de GAA identificados nos processos de transformação das organizações militares congéneres revelaram a relevância militar e o impacto nas funções operacionais do PA. Adicionalmente, permitem constatar a natureza do debate acerca dos desafios e ameaças que constroem o desenvolvimento e integração futura dos SAFA nos sistemas de forças militares.



Neste sentido, importa agora aferir a sua aplicabilidade nacional. Apesar das necessárias diferenças, em termos de ambição, contexto e magnitude da mudança, considera-se que as tendências de transformação irão replicar-se no panorama internacional. Assim, é possível inferir o impacto da GAA em termos da utilidade do PA para concretização dos objetivos políticos, através do emprego dos SAFA como potenciador de capacidade operacional nas várias Missões das Forças Armadas (MIFA) (Conselho Superior de Defesa Nacional, 2014).

A análise é sustentada pelas entrevistas realizadas a especialistas, tem como prisma de observação a FAP e está organizada segundo as perspetivas operacional (emprego das capacidades), estrutural (organização das capacidades) e genética (edificação de capacidades). Este constructo, expresso nas perspetivas de gestão estratégica, facilita também a identificação de medidas de melhoria, otimização e contributos para a transformação do PA nacional.

3.1. Enquadramento estratégico nacional

O Conceito Estratégico de Defesa Nacional (CEDN) vigente mantém a sua atualidade, ao estabelecer as linhas orientadoras e prioridades para o investimento em capacidades essenciais ao cumprimento das MIFA, multiplicadoras de forças, com maior eficiência dos efeitos operacionais, onde se destacam, entre outras, a vigilância e controlo dos espaços de soberania e sob jurisdição nacional, o C2, comunicações e informações efetivas, e o apoio à proteção civil (Governo de Portugal, 2013: 37-38).

No quadro conceptual estratégico-militar, os cenários de emprego das FFAA e as suas missões não sofrerão alterações significativas com a revisão do CEDN, uma vez que não existem novas ameaças, alterando-se, no entanto, a forma como se manifestam, a prioridade como devem ser combatidas e a forma de resposta (N. Pires, entrevista por videoconferência, 05 de janeiro de 2023; F. Garcia, entrevista por videoconferência, 20 de janeiro de 2023). Assim, a disrupção tecnológica resultante da crescente robotização e sanitização da Guerra, impede uma perceção clara acerca da dimensão da ameaça, da aceleração do seu desenvolvimento e acima de tudo, da magnitude da resposta (N. Pires, *op. cit.*).

A elevada superfície de ataque, quer em termos de duplo uso (emprego civil e militar) e uso duplo (multifunção), quer dos efeitos operacionais multidomínio, torna a dimensão ofensiva da GAA mais remuneradora, criando maior complexidade na defesa geográfica alargada de forças, infraestruturas críticas e população (P. Nunes, entrevista por videoconferência, 20 de fevereiro de 2023). Adicionalmente, os agentes não estatais, incluindo indivíduos, recorrendo à armamentização do sistema e à sua utilização de forma criativa e inesperada, podem ter impacto desproporcional em espaços de soberania nacional (A. Nunes, entrevista por videoconferência, 20 de janeiro de 2023; P. Nunes, *op. cit.*).

Desta forma, emergem vulnerabilidades que importa considerar, através de uma resposta holística integrada, proporcional, priorizada e credível, em termos de proteção e contramedidas face a um adversário que utilize estas capacidades (P. Nunes, *op. cit.*; B. Martins, entrevista por videoconferência, 21 de fevereiro de 2023; N. Pires, *op. cit.*).



3.2 Perspetiva Operacional

Confrontados com o dilema de Portugal ser uma pequena Nação, mas com um espaço geoestratégico permanente e conjuntural de responsabilidade alargada, importa priorizar a introdução de capacidades, face ao seu contributo operacional, em cenários com probabilidade de ocorrência elevada, bem como, encontrar o equilíbrio entre recursos limitados e o investimento em tecnologias relativamente imaturas (N. Pires, *op. cit.*). Importa também considerar que, sendo o contexto de inovação de IA maioritariamente civil, irá implicar uma maior interação civil-militar, em que as FFAA têm de cooperar com a indústria e a academia para encontrar as soluções para os problemas operacionais (B. Martins, *op. cit.*).

Apesar do contributo operacional dos SAFA ser transversal às MIFA (com exceção da Ciberdefesa), destaca-se, a curto prazo, o aumento exponencial do conhecimento situacional relevante, com ênfase na vigilância persistente dos Espaços Estratégicos de Interesse Nacional Permanente (EEINP) e Conjuntural, e na resposta a emergências em colaboração com as entidades civis (C. Páscoa, entrevista por *email*, 21 de dezembro de 2022), garantindo um melhor rácio de custo/benefício, em termos do produto operacional e dos recursos humanos empregues no processo de fusão de informação (C. Batalha, entrevista por *email*, 02 de janeiro de 2023).

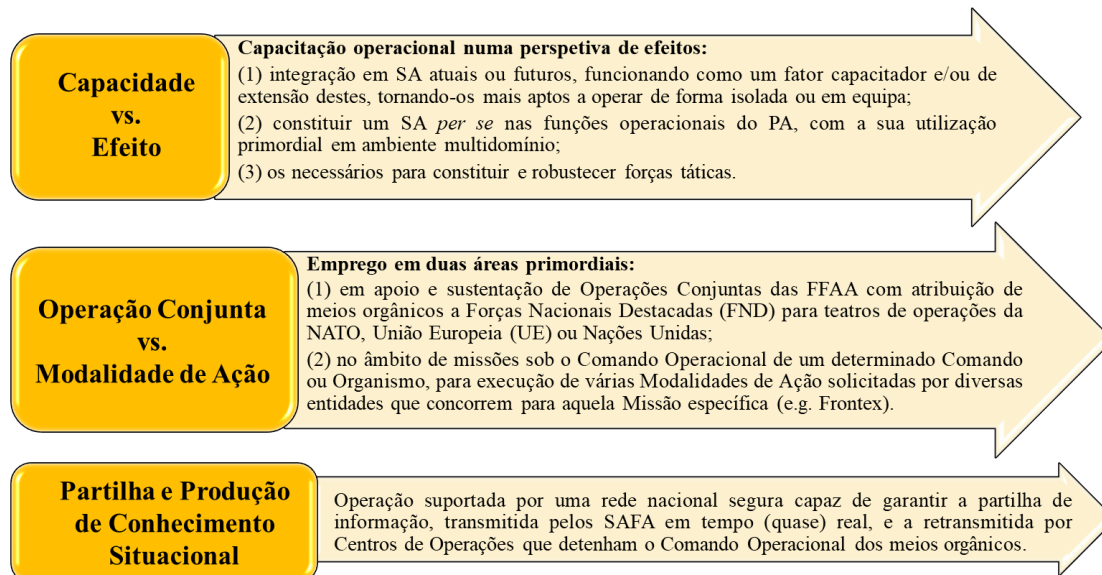
Neste âmbito, as áreas de aplicação são multidimensionais em tarefas de vigilância de grandes áreas e operação em espaços confinados (P. Petiz, entrevista por *email*, 02 de dezembro de 2022), num processo de reforço da sensorização com aptidão para fusão e classificação automática dos dados recolhidos, permitindo uma validação dos alvos e uma adaptabilidade mais rápida e precisa do processo de decisão (N. Simões, entrevista por *email*, 03 de janeiro de 2023).

Assim, para os pequenos países, os SAFA podem funcionar como sistemas de capacitação, promovendo economia de escala (N. Pires, *op. cit.*), como complementaridade numa rede de meios tripulados e não tripulados em áreas onde existam lacunas de persistência e cobertura (F. Garcia, *op. cit.*). Para além disso, o emprego de SAFA deve ser priorizado para operação em ambientes multidomínio, de forma totalmente integrada com as capacidades aéreas nacionais e interoperável com sistemas aliados (D. Freitas, entrevista por *email*, 09 de janeiro de 2023; J. Saúde, entrevista por *email*, 26 de dezembro de 2022).

A operacionalização dos SAFA poderá ser vista em termos da relação entre capacidades, efeitos, modalidade de ação e partilha de informação (Figura 5).



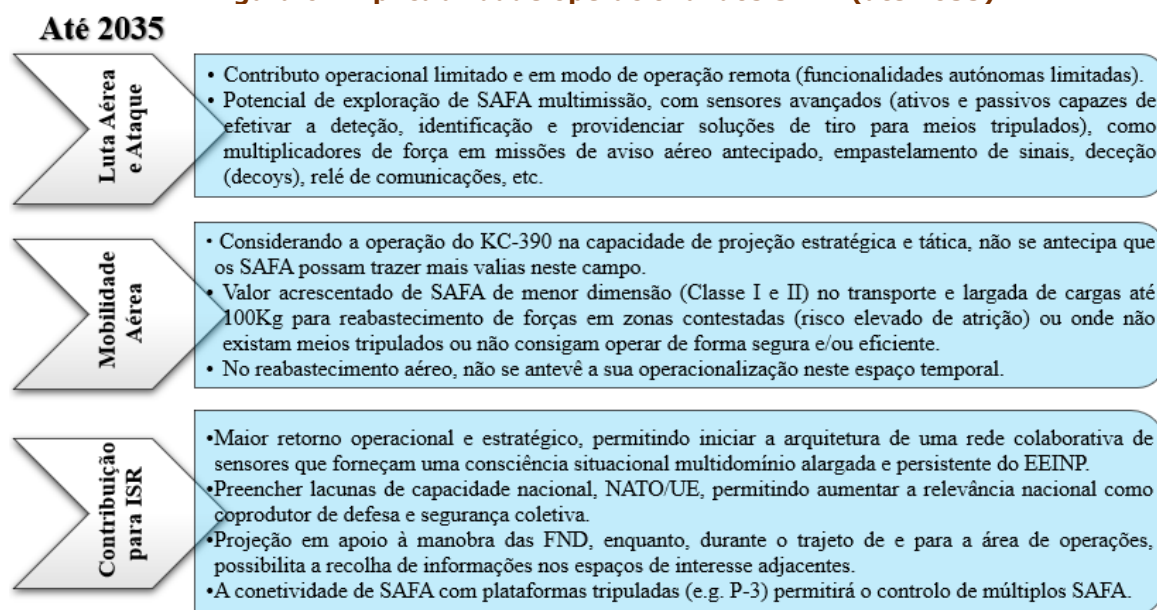
Figura 5 – Dimensões de operacionalização de SAFA



Fonte: Adaptado de M. Carvalho (entrevista por *email*, 19 de fevereiro de 2023).

Considerando as funções operacionais do PA, a maturação tecnológica e evolução do contexto operacional, incluindo o ciclo de vida das capacidades do Sistema de Forças (SF), é possível sintetizar a aplicabilidade dos SAFA em dois horizontes temporais distintos (Figuras 6 e 7).

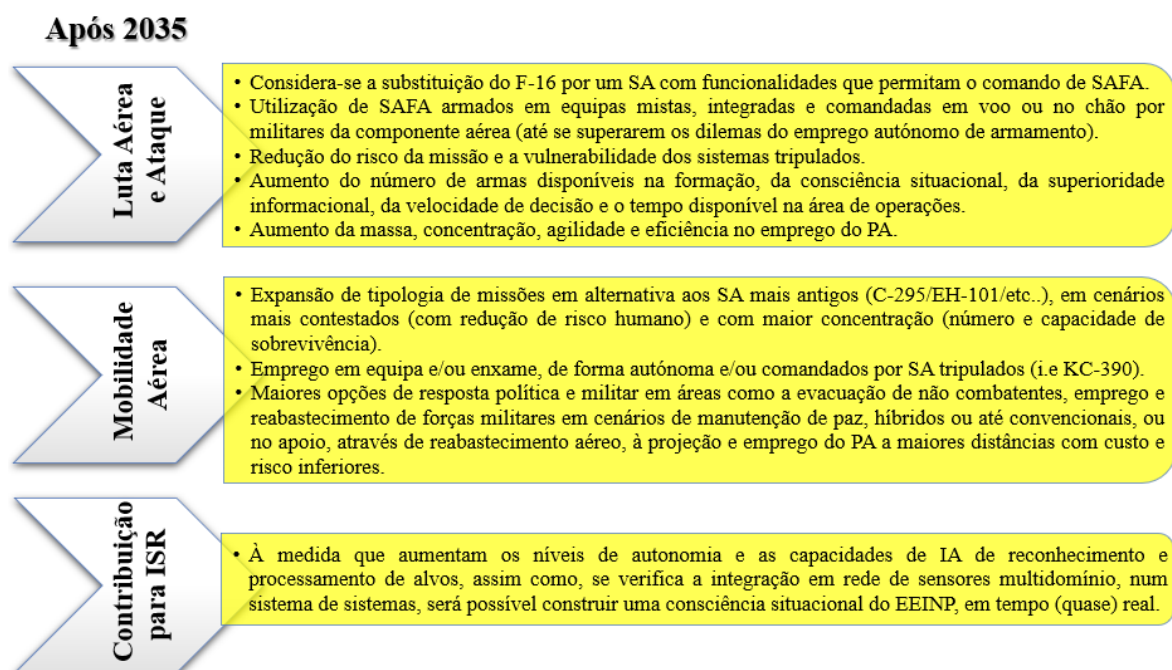
Figura 6 – Aplicabilidade operacional dos SAFA (até 2035)



Fonte: Adaptado de D. Freitas (*op. cit.*).



Figura 7 – Aplicabilidade operacional dos SAFA (após 2035)



Fonte: Adaptado de D. Freitas (*op. cit.*).

Adicionalmente, o cenário conceptual da GAA exprime a delegação progressiva pelo homem do atrito do combate em máquinas, num patamar de desintermediação da Guerra, através de um ponto singular de C2 em que tudo se integra e controla na rede, onde o homem interage com um *display* para gerir os dispositivos que combatem (P. Nunes, *op. cit.*). No entanto, ao contrário das máquinas, as Pessoas, para além do conhecimento teórico, têm o conhecimento prático de saber gerir forças em contexto militar, ou seja, a "experiência da experiência" (A. Nunes, *op. cit.*). Isto é particularmente importante em ambientes de grande fluidez, como a guerra convencional, onde a mente humana ainda é soberana (A. Cruz, entrevista por *email*, 15 de janeiro de 2023).

Finalmente, face à complexidade de dotar as máquinas com razão, e em linha com a discussão internacional e com as posições do governo português nas Nações Unidas (Lewis, 2020: 135-136), verifica-se um amplo consenso dos entrevistados para a necessidade de respeitar o enquadramento legal internacional, assim como implementar mecanismos que garantam um controlo humano significativo sobre a autonomia destes sistemas para emprego da força letal.

3.3. Perspetiva Estrutural

O emprego de SAFA, com níveis de IA cada vez mais elevados e em conceitos de operação inovadores, trará alterações estruturais, em termos da forma como estas capacidades são organizadas e nos recursos humanos que as operam e controlam.



Considerando o interesse de várias entidades no produto operacional dos SAFA, a coordenação e exploração dos seus efeitos deverá ser, tendencialmente, efetuada de forma integrada ao mais alto nível, sob pena de se subdimensionar ou subvalorizar os atributos da capacidade (P. Nunes, *op. cit.*). Por outro lado, a dispersão de entidades do Estado operadoras de SAFA, com diversas cadeias de C2, torna ineficiente a exploração da capacidade e do seu produto operacional, aumentando o risco de segurança (F. Garcia, *op. cit.*). Assim, até que se alcance a maturidade doutrinária das operações multidomínio, a forma mais eficiente de integração de SAFA será num quadro operacional vertical, numa orgânica dependente do Comando Aéreo, maximizando as capacidades de C2 e Fusão de Informação existentes, assim como a integração com os meios tripulados, salientando-se que esta opção:

- Promove a flexibilidade na utilização de recursos materiais e humanos, facilita a criação de sinergias e otimiza as infraestruturas dedicadas ao apoio e operação, desde que garanta a satisfação das necessidades operacionais das entidades beneficiárias e exista financiamento adequado (e.g. partilhado) para operação (F. Leitão, entrevista por *email*, 31 de dezembro de 2022);
- Obriga a um comprometimento comum dos beneficiários, sem o qual trará ineficiência acrescida ao sistema, podendo colocar em risco a sua aquisição/implantação (C. Pascoa, *op. cit.*);
- É essencial para o C2 de SAFA mais sofisticados (Classe II/III), e considerando o volume de informação, necessidades de integração (múltiplas dimensões), gestão do espaço aéreo e custo elevado; mas não se antecipam ganhos de eficiência no C2 centralizado para os SAFA de apoio orgânico à manobra terrestre ou naval (Classe I), com necessidades táticas específicas e localizações mais restritas, com operação a altitudes mais baixas (D. Freitas, *op. cit.*; A. Cruz, *op. cit.*);
- À medida que a tecnologia permita a operação simultânea de múltiplos SAFA por uma única estação de controlo, irá registar-se uma maior eficiência na utilização dos recursos humanos especializados e da pegada logística associada (J. Morgado, entrevista por *email*, 05 de janeiro de 2023).

Ao nível de estruturas operacionais, a FAP edificou em 2021 a Esquadra de Voo 991 (ESQ991) com a missão de ISR, que opera SAFA com capacidades limitadas, tanto ao nível operacional como de funcionalidades autónomas. Contudo, a ESQ991 constitui um exemplo de transformação organizacional (C. Páscoa, *op. cit.*), ainda embrionário, mas que pode estabelecer as bases para a edificação de uma capacidade futura mais robusta de ISR, com sistemas de maiores dimensões e sofisticação (F. Leitão, *op. cit.*). Adicionalmente, a experiência e conhecimento acumulados pela ESQ991 podem contribuir para desenvolver novos conceitos operacionais, capacidades, requisitos e competências de formação (M. Carvalho, *op. cit.*; J. Saúde, *op. cit.*). Com os recursos humanos e materiais adequados, mas sem colocar em causa o cumprimento da missão operacional atribuída (L. Silva, entrevista por *email*, 20 de fevereiro de 2023), pode alavancar iniciativas de ID&I de futuros SAFA (J. Morgado, *op. cit.*), em estreita ligação



com pilotos operacionais (incluindo pilotos de teste nacionais), engenharia e área de manutenção (D. Freitas, *op. cit.*).

Para além da componente de C2 e de operações, que podem acomodar a introdução gradual de SAFA, importa considerar medidas adicionais, descritas na Tabela 2, que contribuem para uma melhor adaptação organizacional à GAA.

No que concerne à vertente das Pessoas, os desafios da complexidade da IA e da autonomia têm implicações quantitativas e qualitativas.

Em termos quantitativos, apesar da melhoria do rácio homem/efeito operacional resultante da introdução de SAFA, irá verificar-se um acréscimo da necessidade de recursos humanos especialistas e dedicados (com um tempo mínimo de permanência) para operação e sustentação da capacidade, incluindo a infraestrutura de C2 e a rede tecnológica que permite a gestão da informação. Perante a incapacidade de recrutar e formar os recursos humanos necessários, poderá recorrer-se à externalização seletiva de vetores de capacidade, incluindo, se necessário, a formação, apoio à operação e sustentação dos SAFA (B. Martins, *op. cit.*). Este impacto irá ser gradualmente mitigado à medida que ferramentas de IA são introduzidas nos diferentes vetores de capacidade (operação, C2 e Fusão de Informação).

Tabela 2 – Medidas de otimização organizacional

| Alterações e Medidas Organizacionais (# Entrevistado) |
|---|
| <ul style="list-style-type: none">❑ Incrementar o investimento ao nível da arquitetura de sistemas de informação e comunicação, C2 e gestão da informação, introduzindo ferramentas de IA (E8/E10/E11/E13/E14).❑ Assegurar conectividade e operação em rede distribuída segura e resiliente, incluindo a ciberdefesa, de todas as entidades e sensores, garantindo um elevado fluxo de informação, através da recolha e armazenamento centralizado e posterior fusão com recurso à IA (E7/E8/E10/E13).❑ Implementar uma metodologia organizacional estruturada para a Inovação e exploração de modelos de cooperação institucional mais eficientes, com a criação ao nível do Estado-Maior da Força Aérea, e integrada na Divisão de Planeamento de uma Repartição para a Inovação e Gestão de Projetos, de forma a: (E10/E11/E13)<ul style="list-style-type: none">➤ Estabelecer um ponto focal de interação estratégica com o ecossistema de Inovação da Defesa, nomeadamente, as Divisões de Inovação dos Ramos, a Divisão de Inovação e Transformação do EMGFA, a Direção-Geral de Recursos de Defesa Nacional (DGRDN), a idD Portugal <i>Defence</i>, os parceiros da BTID e do SCTN, da EDA, da NSPA e da NATO <i>Innovation Network</i>;➤ Estabelecer uma sincronização ao nível estratégico entre os planos de edificação de capacidades militares e a estrutura de acompanhamento de projetos cofinanciados da Força Aérea, permitindo uma exploração mais eficiente dos instrumentos de financiamento disponíveis (LPM, PESCO, FED, NATO <i>Innovation Fund</i>, Plano de Recuperação e Resiliência, Parceria para a Inovação, etc). |

Fonte: Autor

Numa perspetiva qualitativa, a GAA obriga a um forte investimento na educação, treino e retenção do elemento humano, sendo que os SAFA vêm agravar a escassez de



competências especialistas, verificando-se um consenso generalizado dos entrevistados para a necessidade de uma revisão salarial e uma valorização das carreiras, complementadas com medidas seletivas, como indicado na Tabela 3.

Tabela 3 – Investimento no elemento humano

| Investimento na educação, treino e retenção do elemento humano especialista (# Entrevistado) |
|--|
| <ul style="list-style-type: none"><input type="checkbox"/> Introdução de conteúdos de IA e autonomia nos currícula, se necessário em colaboração com a academia e empresas, com formação contínua para criação de uma cultura de conhecimento tecnológico, em particular dos militares envolvidos na programação, planeamento e emprego do PA (E6/E10/E11/E13).<input type="checkbox"/> Definição das competências que devem ser procuradas pelo recrutamento, com ênfase nas valências de computação, ciberdefesa, e sistemas aviónicos (E8/E10/E14).<input type="checkbox"/> Criação de um quadro especial de raiz, com recrutamento e formação inicial dedicada, potenciando a especificidade da função, a motivação e o comprometimento com a missão (E9/E15).<input type="checkbox"/> Educação da liderança para aumentar a compreensão acerca das capacidades e limitações dos SAFA (E15).<input type="checkbox"/> Necessidade de equipas multidimensionais de pilotos, operador, programadores, engenheiros e técnicos (E6).<input type="checkbox"/> Redução de rotatividade dos especialistas (E10).<input type="checkbox"/> Criação de programas de troca de experiências com forças aéreas aliadas (E9).<input type="checkbox"/> O carácter multidomínio dos meios e das operações obriga a uma otimização das competências por via da certificação dos recursos humanos em vários SA (E14).<input type="checkbox"/> Treino em ambiente sintético e inclusão de SAFA em exercícios e em operações reais (E8/E9/E12/E14). |

Fonte: Autor

À semelhança das organizações militares congéneres analisadas, também os entrevistados reconhecem a confiança na tecnologia como o fator primordial para a sua aceitação e introdução com sucesso na FAP.

Enquanto os desafios da transição geracional de sistemas tripulados são eminentemente tecnológicos, no que concerne ao emprego dos SAFA as questões são também de cariz cultural (L. Silva, *op. cit.*). A resistência à introdução de SAFA poderá estar associada à potencial redução de sistemas tripulados e à diminuição da necessidade de pilotos de aeronaves tripuladas (C. Batalha, *op. cit.*). Para além disso, a resistência decorre da falta de confiança resultante das limitações operacionais destes sistemas, quando comparadas com as capacidades dos seus congéneres tripulados (F. Leitão, *op. cit.*). Um fator primordial para promover a aceitação generalizada é a compreensão do valor operacional dos SAFA e a demonstração, frequente e integrada, da operação segura em espaço aéreo partilhado (L. Silva, *op. cit.*), e da garantia que existe um decisor humano com capacidade de intervenção em situações críticas (J. Gonçalves, entrevista por *email*, 12 de janeiro de 2023). Assim, à medida que a evolução tecnológica aumenta, com padrões de desempenho operacional equivalentes às aeronaves tripuladas, também aumentará a confiança da comunidade operacional, potenciando a operação de SAFA mais capazes.



O centro de gravidade da transformação são as Pessoas. Em particular, a função da Liderança é fundamental para estabelecer uma Visão e Estratégia que promovam o comprometimento e ação por parte de todos (C. Páscoa, *op. cit.*), através do estabelecimento de planos de longo prazo, com ações, responsabilidades e metas específicas (M. Carvalho, *op. cit.*), que fomentem a coerência e continuidade dos processos de desenvolvimento e edificação de capacidades (C. Batalha, *op. cit.*). Através da definição do nível de ambição e do estado final desejado é possível garantir o alinhamento organizacional (J. Saúde, *op. cit.*), em particular num paradigma fortemente disruptivo (J. Morgado, *op. cit.*).

3.4 Perspetiva Genética

Em termos de SAFA, a FAP opera 12 sistemas *Ogassa* Ogs 42 produzidos pela empresa portuguesa *UAVision* e adquiridos para efetuar vigilância aérea no âmbito do Dispositivo Especial de Combate a Incêndios Rurais. Este sistema de Classe I (com 40 kg de peso à descolagem), empregue em missões de ISR terrestre, dispõe de baixos níveis de IA, assim como de persistência e alcance reduzidos, sendo operado numa modalidade de controlo remoto (Força Aérea, s.d.). Para além da FAP, também a Marinha e o Exército empregam uma variedade de sistemas, com automatização em certas fases do voo, mas de classes operacionais mais baixas. De igual modo, a ID&I e a produção nacional de SAFA está limitada às tipologias mais baixas (Classe I e II).

No que se refere aos projetos integrados no Plano de Iniciativas Estratégicas para a Inovação nas FFAA (Estado-Maior-General das Forças Armadas, 2022) é possível identificar apenas quatro projetos referentes a tipologias de SAFA, mas com capacidades operacionais limitadas em termos de cobertura, persistência e funcionalidades autónomas.

As orientações ministeriais para a revisão da Lei de Programação Militar (LPM) (Despacho nº 14/2022, de 03 de maio), em linha com as iniciativas da UE e NATO, revelam a grande apetência e urgência política, aceleradas pelo conflito da Ucrânia, para desenvolvimento e aquisição cooperativa de capacidades militares e aproveitamento dos instrumentos financeiros associados, assim como a participação na rede de aceleradores de inovação. Deste modo, uma das grandes linhas políticas é de facto a multilateralização e a participação nacional proporcional ao investimento e à dimensão de Portugal, num fenómeno de centralidade externa que obriga a criar uma centralidade interna para ter sucesso (N. Pires, *op. cit.*).

Contudo, a aquisição direta de capacidades não permite a obtenção de conhecimentos associados à inovação, nem a interlocução com os pares que lidam com a tecnologia de ponta e que possibilite a sua customização às necessidades operacionais (P. Nunes, *op. cit.*). Porém, as parcerias de desenvolvimento devem resultar em capacidades que sejam incorporadas na estrutura de força para emprego operacional (F. Garcia, *op. cit.*). Desta forma, o ponto fulcral desta transformação, não é tanto a tecnologia que cria a autonomia, mas sim a utilização dessa autonomia em proveito operacional (P. Nunes, *op. cit.*).



Portanto, a interação entre as FFAA, a Base Tecnológica e Industrial de Defesa (BTID) e o Sistema Científico e Tecnológico Nacional (SCTN) é fundamental para garantir maior agilidade do processo de ID&I e edificação de SAFA, devendo abranger todo o processo de conceção e desenvolvimento, quer na definição de requisitos, quer no teste de soluções e avaliação operacional, permitindo partilha e geração de conhecimento teórico e experimental (P. Petiz, *op. cit.*), de forma transversal aos níveis de maturidade tecnológica (*Technology Readiness Level* - TRL).

A evolução da interação destas entidades tem sido significativa, faltando, no entanto, massa crítica e efeito de escala, que só podem ser alcançadas em colegialidade com outros Estados (N. Pires, *op. cit.*), possibilitando a produção a custos unitários mais baixos, ganhar competitividade e abranger um mercado internacional mais alargado (R. Alves, entrevista por videoconferência, 22 de dezembro de 2022). Para além disso, o desenvolvimento independente comporta riscos e consome recursos financeiros e humanos substanciais (B. Martins, *op. cit.*), estes últimos críticos no âmbito de sistemas aeronáuticos com exigentes critérios de certificação, desde a conceção até ao teste e experimentação operacional de todos os componentes dos SAFA (J. Neves, entrevista por videoconferência, 20 de dezembro de 2022).

Os projetos e mecanismos internacionais para apoiar o desenvolvimento e aquisição de SAFA são variados, mostrando a importância da articulação da BTID e da Defesa para aproveitar as oportunidades.

No âmbito da *European Defence Agency* (EDA) as oportunidades são imensas, e devem ser maximizadas por Portugal, que dispõe de uma representação adequada na Agência (dez pessoas que trabalham em todas as áreas operacionais) (J. Caetano, entrevista por *email*, 21 de janeiro de 2023). Contudo, subsistem desafios que impedem uma maior capacidade de ID&I e exploração comercial alargada dos produtos resultantes dos projetos colaborativos, nomeadamente (P. Petiz, *op. cit.*):

- O alinhamento das necessidades com os desenvolvimentos e os diferentes horizontes temporais de cada uma dessas realidades;
- Os valores mínimos de aquisições que sustentam o desenvolvimento e futura exploração desses desenvolvimentos;
- A consistência nos projetos e a participação limitada de entidades nacionais nos consórcios mais relevantes;
- A reduzida capacidade nacional de garantir uma cadeia de abastecimento e de liderança de fornecimento de soluções e produtos;
- A falta de recursos humanos especializados.

Para melhor enquadrar as iniciativas parcelares das FFAA, possibilitando maior relevância e sucesso nas candidaturas aos projetos cooperativos internacionais, a nova Estratégia da BTID contempla as áreas tecnológicas de interesse, sistemas e domínios de integração, nos quais se incluem os sistemas autónomos, potenciando a interligação entre a Investigação & Desenvolvimento (TRL 1-6) e Inovação (TRL 7-9) (Resolução do Conselho de Ministros n.º 52/2023, de 05 de junho).



Apesar dos incentivos na LPM 2023-2034 à ID&I e projetos cooperativos (J. Andrade, *op. cit.*), ainda subsistem constrangimentos à participação das FFAA nos ciclos de desenvolvimento tecnológico, como por exemplo, a modalidade de contratação pública “Parceria para a Inovação”, que não se tem revelado suficientemente flexível para incentivar a sua utilização (J. Almeida, entrevista por *email*, 29 de dezembro de 2022). Contudo, esta fragilidade tenderá a perder relevância, à medida que estes instrumentos são codificados pelos documentos estratégicos da Defesa (e.g. na nova Estratégia da BTID) e se vão clarificando e disseminando as orientações que agilizam a sua aplicação (idD, 2021) para financiar projetos de ID&I para aquisição de produtos ou serviços inovadores que não se encontram disponíveis no mercado.

Neste enquadramento, a FAP pode incrementar a colaboração com a BTID, SCTN e entidades estrangeiras, por forma a fomentar maior agilidade na exploração dos processos de ID&I, na aquisição e na incorporação de novas soluções de IA e autonomia que contribuam para a edificação de SAFA operacionalmente relevantes.

Em termos de desenvolvimento futuro de SAFA com capacidades operacionais mais relevantes para o PA, a *Tekever* lidera o consórcio *Aero.next* Portugal no âmbito do Plano de Recuperação e Resiliência, para construção até final de 2025 de um SAFA (ARX) de vigilância marítima de Classe III (com peso à descolagem superior a 600 kg) (Campos, 2023). Enquanto parceira do projeto, a FAP é responsável pela definição de um programa de formação de pilotos (Classe III) das FFAA, assim como o apoio à definição de requisitos e integração de payloads.

Nesse sentido, o projeto ARX reúne as condições ideais para aprofundar a parceria com a FAP, desde a fase de definição de requisitos operacionais, até ao teste e avaliação operacional, culminando com a certificação do SAFA e a validação dos programas de formação de pilotos/operadores. Adicionalmente, permitirá também o desenvolvimento de interfaces de controlo Homem-Máquina para operação simultânea de múltiplos SAFA e de conceitos de emprego em equipa com aeronaves tripuladas, como o P-3/KC-390 ou C-295. Considerando a validação das capacidades operacionais e os instrumentos financeiros disponíveis (LPM, Parceria para Inovação, etc), o ARX poderia constituir-se como uma evolução natural de capacidade da ESQ991 para alargar a cobertura e persistência em ambiente marítimo.

Para além disso, à medida que sobem os níveis de prontidão tecnológica, aumenta também a necessidade de testes para validação dos requisitos de segurança e de fiabilidade. A maturação tecnológica atual ainda não oferece soluções puramente autónomas, tornando-se necessário o treino em espaços dedicados para obter melhor desempenho face à complexidade do ambiente operacional (J. Neves, *op. cit.*). Assim, um fator diferenciador é a acessibilidade a centros de teste e experimentação, que reduzam custos e burocracia, com localização geográfica, infraestruturas e espaço aéreo que satisfaçam os requisitos de testes, e que minimizem as limitações regulatórias das Autoridades Aeronáuticas Nacionais e dos órgãos de controlo aéreo (J. Caetano, *op. cit.*).

De igual forma, o emprego crescente de SAFA faz aumentar as necessidades de formação de operadores, incluindo, para isso, o recurso a projetos cooperativos. Um desses exemplos é o NATO *Flight Training Europe* (NFTE), mediado pela NATO *Support and Procurement Agency* (NSPA), que pretende criar um treino adaptável de pilotos em toda



a Europa, incluindo para SAFA, com base nas estruturas de formação existentes (NATO, 2023). Neste âmbito, a FAP efetua a formação, reconhecida pela Autoridade Aeronáutica Nacional (AAN), dos pilotos-remotos de SAFA (Classe I) das FFAA que integram a ESQ991, estando a desenvolver o regulamento de formação para SAFA Classe III como entregável no projeto *Aero.Next*. Esta capacidade formativa, potenciada pelas condições geográficas e meteorológicas que Portugal oferece, constituem fortes argumentos para captar o interesse internacional do NFTE para formação cooperativa de operadores de SAFA (M. Nunes, entrevista por *email*, 23 de março de 2023).

A Tabela 4 indica algumas medidas que a FAP poderá considerar para otimizar os resultados desse processo colaborativo.

Tabela 4 – Medidas de otimização de ID&I

| Medidas de Otimização de ID&I e Edificação de SAFA (# Entrevistado) |
|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Definir uma Visão integradora dos desígnios estratégicos nacionais, das capacidades tecnológicas nacionais (academia, idD, FFAA, entre outros) e sólidas oportunidades de financiamento (E12/E14).<input type="checkbox"/> Alavancar o potencial e redes de conhecimento do Centro de Investigação da Academia da Força Aérea (CIAFA), assim como, da infraestrutura aeronáutica e conhecimento operacional e tecnológico dos militares da FAP, em cooperação com a BTID e o SCTN, para promover projetos de ID&I com TRL elevado, potenciando a produção e operação de SAFA nacionais, em detrimento da sua aquisição no estrangeiro (E8/E13).<input type="checkbox"/> Centrar as competências especialistas da FAP na definição de requisitos operacionais, apoio a testes e avaliação operacional e certificação de SAFA que preencham lacunas operacionais do PA nacional (E12).<input type="checkbox"/> Criar condições para empresas <i>start-up</i> no domínio aeronáutico cooperarem diretamente com a FAP em projetos concretos de ID&I, rentabilizando as estruturas aeronáuticas e mitigando a carência de pessoal especializado (E8).<input type="checkbox"/> Explorar melhor a rede de Coordenadores Nacionais de Capacidade no âmbito da EDA, para direcionar e priorizar projetos e financiamento de acordo com os interesses nacionais (E14/E23).<input type="checkbox"/> Fomentar a constituição de consórcios com parceiros externos relevantes, para desenvolvimento tecnológico com elevado potencial de industrialização da capacidade e aquisição futura, por forma a maximizar o aproveitamento de instrumentos financeiros nacionais e europeus (E6/E8/E9).<input type="checkbox"/> Promover o desenvolvimento e aquisição de SAFA que satisfaçam as necessidades operacionais de vários beneficiários, aproveitando efeitos de escala negocial e diluindo custos de desenvolvimento, mas também, favorecendo configurações similares, facilitadoras da sua sustentação e interoperabilidade (E14).<input type="checkbox"/> Garantir a assessoria adequada de decisores militares, da tutela e de organizações internacionais, em termos do potencial associado ao emprego de SAFA, assim como, das competências diferenciadoras da FAP (E12).<input type="checkbox"/> Centralizar a exploração de potenciais mecanismos financeiros numa única entidade na FAP, mas acompanhada de financiamento interno ou através da LPM, que lhe permitam apresentar candidaturas e estabelecer parcerias nacionais e internacionais (E9/E10/E11). |

Fonte: Autor

Em síntese, considerando a análise nas perspetivas operacional, estrutural e genética, constata-se o interesse político, operacional, económico e industrial associados ao desenvolvimento e operação de SAFA, nomeadamente, o potencial de ID&I da BTID e a capacidade da FAP para implementação operacional de SAFA, assim como a sua competência na gestão de projetos e no aproveitamento dos mecanismos financeiros



existentes para o desenvolvimento e edificação de capacidades militares em ambiente colaborativo e cooperativo.

Assim, pode afirmar-se que o paradigma da GAA tem aplicabilidade ao PA nacional, que se traduz na melhoria do produto operacional nas várias MIFA, consubstanciado no alargamento da cobertura persistente dos espaços estratégicos de interesse, em resultado da complementaridade de aeronaves tripuladas e SAFA, assim como em conceitos de operação em equipa, em que os SAFA permitem a extensão das capacidades tripuladas e mesmo, através do emprego colaborativo de enxames com elevados níveis de autonomia. Desta forma, maximiza a utilidade do PA nacional em termos de disponibilidade, acessibilidade e aceitabilidade das opções que apresenta aos decisores, por forma a permitir projetar poder militar e influência, no espaço, massa e tempo apropriados, com risco e custos mais reduzidos.

Neste âmbito, a FAP pode funcionar como um catalisador da transformação do PA nacional, constituindo-se como a entidade agregadora das competências e capacidades do ecossistema alargado de parceiros de Inovação. Importa, por isso, que a FAP defina uma Visão integradora e que acelere a implementação de medidas concretas para aproveitar o potencial transformacional do emprego de SAFA, antecipando os desafios e mitigando os riscos identificados com a preeminência futura da GAA.

4. Modelo de transformação do Poder Aéreo nacional

Qualquer processo de transformação não pode ocorrer sem uma Estratégia. E esta não terá sucesso se não resultar de uma Visão que estabeleça o nível de ambição futuro.

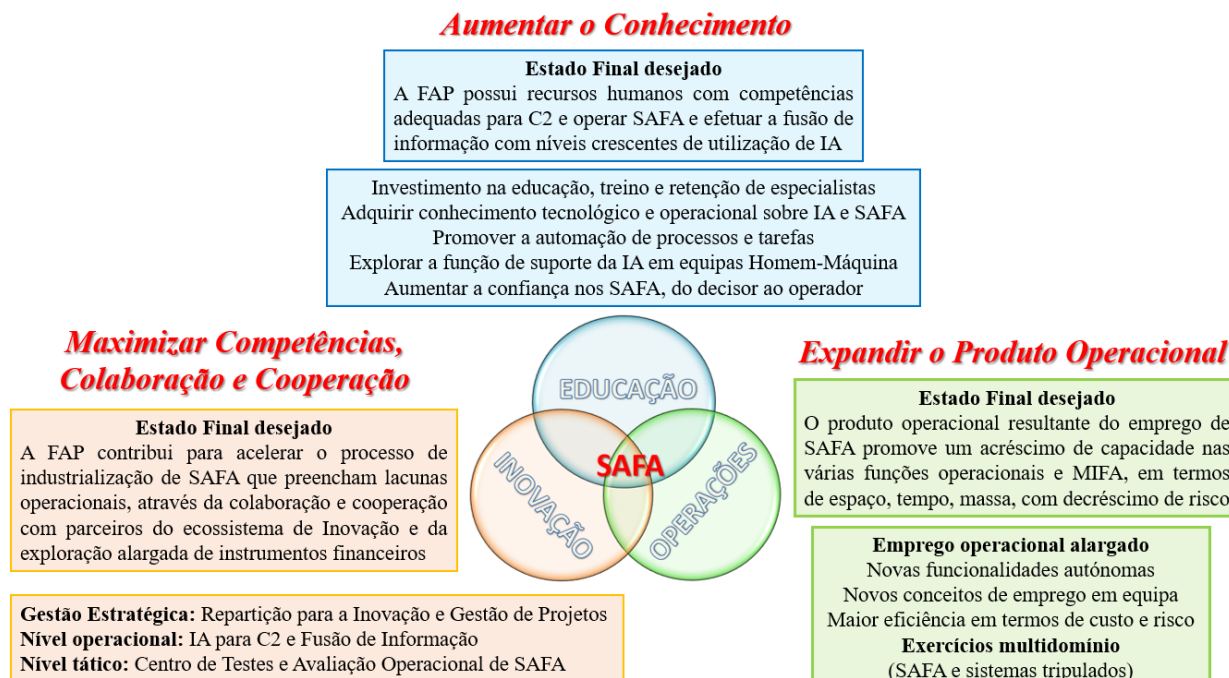
Assim, em termos de enquadramento da transformação face ao paradigma da GAA, e com o pressuposto de aumentar a utilidade do PA nacional, considera-se a seguinte **Visão: Maximizar o conhecimento, competências e capacidades da FAP para gerar vantagem operacional através do emprego de SAFA num espectro alargado de funções operacionais do PA e MIFA.**

A análise realizada permitiu identificar algumas medidas transformacionais, que articuladas de forma integrada sustentam a formulação da Estratégia, sob a forma de três Vetores Estratégicos de Transformação (VET) – Educação, Inovação e Operações – que cobrem as áreas de maior potencial e valor acrescentado face às competências e capacidades da FAP no desenvolvimento e emprego do PA nacional (Figura 8).

Relativamente ao VET/Educação, numa perspetiva de aumentar o conhecimento, devem ser observadas as medidas indicadas na Tabela 3, por forma a potenciar o investimento adequado na educação, treino e retenção de especialistas. Assim, promove-se a compreensão do impacto da integração de IA nas funções militares, adquirindo competências e confiança para melhor explorar o potencial da operação em equipa Homem-Máquina. Este esforço deve refletir-se na adequação de *curricula* dos cursos universitários, técnicos e operacionais que fomentem uma maior especialização nas funções de C2, operação e sustentação de SAFA.



Figura 8 – Vetores Estratégicos de Transformação



Fonte: Autor

No que concerne ao VET/Inovação procura-se maximizar as competências, colaboração e cooperação, em linha com as medidas de otimização da ID&I identificadas na Tabela 4. A FAP deverá apostar no nicho de atividade onde acrescenta maior valor, definindo requisitos e contribuindo para fechar o ciclo de inovação, acelerando o processo de industrialização da tecnologia para a edificação de capacidades que preencham as lacunas operacionais do SF, visando soluções com horizontes de produção mais curtos e que potenciem a captação de instrumentos de financiamento.

Adicionalmente, destacam-se as seguintes medidas:

- Ao nível estratégico, em linha com a Tabela 2, a exploração de modelos de inovação e cooperação institucional mais eficientes, com a criação, no EMFA, da Repartição para a Inovação que centralize o relacionamento estratégico com os parceiros e agilize a coordenação da gestão de projetos de ID&I e edificação de capacidades militares;
- Ao nível operacional, a implementação de ferramentas de IA que permitam efetuar a fusão de informação e acelerar o processo de decisão, através de melhoria de consciência situacional e propostas de modalidades de ação;
- Ao nível tático, a criação de um Centro de Testes e Avaliação Operacional (CTAO) de SAFA da FAP.

O CTAO de SAFA deverá constituir-se como o ponto focal de um ecossistema industrial e académico nacional, em articulação com a rede de Centros de Inovação das FFAA e com



ligação preferencial a entidades como a EDA e NSPA, por forma a desenvolver projetos colaborativos e cooperativos relevantes (Tabela 5).

Tabela 5 – Centro de Testes e Avaliação Operacional de SAFA

| Fatores diferenciadores FAP (#Entrevistado) |
|---|
| <ul style="list-style-type: none"><input type="checkbox"/> Rede de infraestruturas aeronáuticas militares com proximidade à componente operacional (E8/E9/E13).<input type="checkbox"/> Recursos humanos especialistas: competências operacionais, engenharia, teste e avaliação operacional de aeronaves tripuladas e não tripuladas, certificação aeronáutica, manutenção de sistemas de armas (E6/E7/E8/E12/E13).<input type="checkbox"/> A ESQ991, enquanto estrutura dedicada ao emprego operacional de SAFA é também a entidade de Formação de Qualificação Operacional certificada pela AAN (E15).<input type="checkbox"/> Articulação com a AAN e Autoridade Nacional de Aviação Civil (E23).<input type="checkbox"/> Proximidade a espaço aéreo segregado de grandes dimensões, distanciamento de centros populacionais e proximidade ao mar permite alavancar projetos mais complexos (E8/E21/E23/E24).<input type="checkbox"/> Competências de ID&I do CIAFA e ligação ao SCTN (E7/E8/E22/E23). |
| CTAO: Objetivos e Iniciativas (#Entrevistado) |
| <ul style="list-style-type: none"><input type="checkbox"/> Efetuar atividades de Teste e Avaliação Operacional (com prioridade em projetos com TRL elevados) para determinação da eficácia e adequabilidade de SAFA (ou componentes) para uso operacional (E8).<ul style="list-style-type: none">➤ Explorar o nicho de especialização com maior valor acrescentado, preenchendo uma lacuna nacional (e internacional) e usufruindo das infraestruturas e competências operacionais, técnicas e de certificação da FAP e AAN.<input type="checkbox"/> Integrar a rede de centros militares de experimentação operacional no sentido de robustecer um ecossistema de experimentação de sistemas com potencial uso militar/dual (E17).<input type="checkbox"/> Potenciar a interação dos utilizadores finais da Defesa com a BTID e SCTN (E9/E16/E18/E19).<input type="checkbox"/> Aumentar a interação, conhecimento e maturidade do ecossistema de Defesa (E18/E19/E20/E21).<ul style="list-style-type: none">➤ Espaço de teste com maior agilidade administrativa e operacional funciona como acelerador tecnológico.➤ Partilha das tecnologias emergentes e soluções operacionais aumenta o conhecimento.➤ Congregar os vários atores num espaço comum e numa comunidade de interesse para gerar um efeito de clusterização.<input type="checkbox"/> Potenciar a industrialização dos projetos de ID&I em capacidade militar (E10).<ul style="list-style-type: none">➤ Potenciar consórcios para acesso a projetos e financiamentos UE/NATO/Nacional.➤ Fomentar “Parcerias para a Inovação” com a BTID e SCTN.<input type="checkbox"/> Promover a certificação aeronáutica de SAFA nacionais e internacionais (E19).<ul style="list-style-type: none">➤ Registo e validação de voos para facilitar processos de certificação futuros.<input type="checkbox"/> Desenvolver <i>sandboxes</i> sintéticas, com recurso a IA e integradas com simuladores tripulados (e.g., KC-390 e F-16) para desenvolvimento de conceitos de emprego e requisitos para linhas de I&D (E14/E23). |

Fonte: Autor

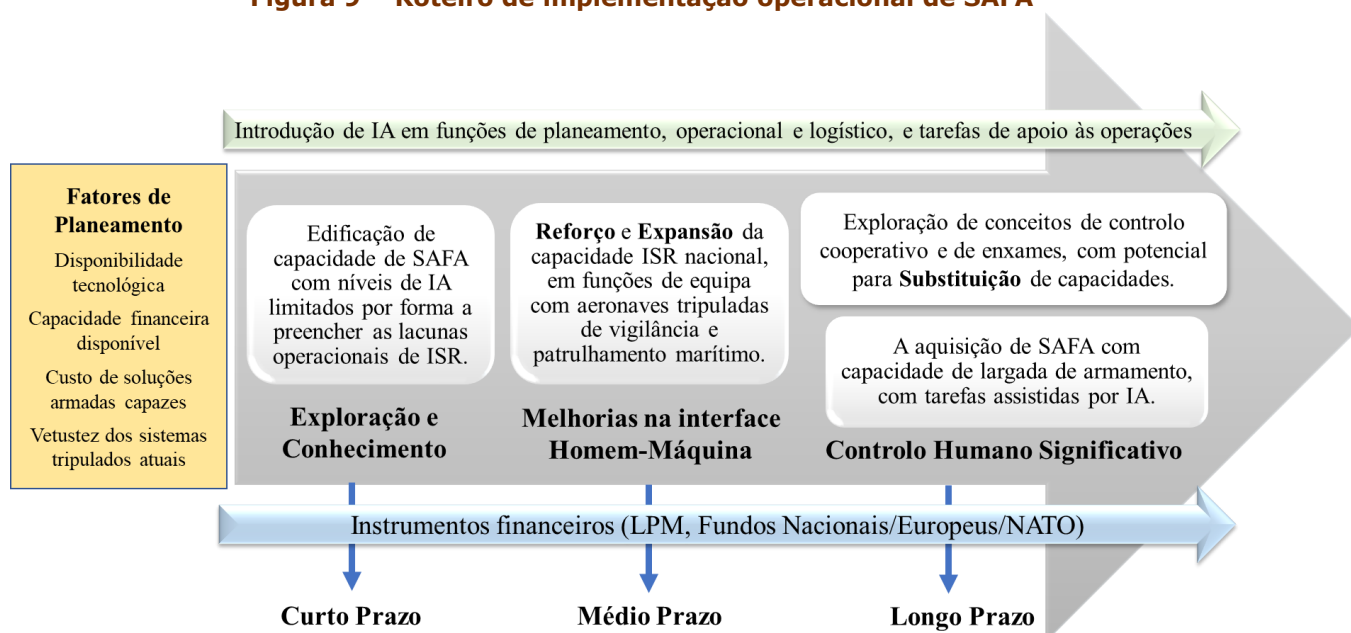
Aproveitando as competências especialistas da FAP, assim como as sinergias da experiência adquirida pela ESQ991, o CTAO deverá especializar-se no teste e avaliação operacional de SAFA com níveis de TRL mais elevados e com atributos operacionais mais relevantes (sensores, cobertura, persistência, funcionalidades autónomas e conceitos de emprego inovadores), que para tal necessitam de infraestruturas aeronáuticas e espaço aéreo dedicados, e uma maior interação com a comunidade operacional. Deverá também constituir-se como uma estrutura de certificação aeronáutica, sob a égide da AAN, e



como centro de formação de operadores de SAFA. Em termos práticos, as potenciais iniciativas a desenvolver no CTAO podem incluir: teste e avaliação operacional de SAFA nacionais (e.g. o SAFA Classe III em desenvolvimento pela *Tekever*) e de consórcios internacionais; a formação de pilotos e elementos de manutenção de SAFA; o teste de tecnologias anti-SAFA; a organização de exercícios; ou a integração no projeto NFTE como centro de formação multinacional.

Em termos do VET/Operações preconiza-se uma expansão do produto operacional, através de uma aproximação evolutiva que permita aumentar a exploração e conhecimento dos SAFA, melhorar a interface Homem-Máquina e assegurar um controlo humano significativo em termos de emprego da força letal, segundo um roteiro de Reforço, Expansão e Substituição de capacidades tripuladas (Figura 9).

Figura 9 – Roteiro de implementação operacional de SAFA



Fonte: Adaptado de C. Batalha (*op. cit.*); M. Carvalho (*op. cit.*); F. Leitão (*op. cit.*); D. Freitas (*op. cit.*).

Assim, a curto/médio prazo é visível o impacto e relevância operacional dos SAFA como Reforço das capacidades existentes, ampliando o produto operacional, em termos de efeitos e persistência, com particular ênfase na função operacional de ISR. Neste sentido, a aplicabilidade dos SAFA é de elevada importância para colmatar lacunas de conhecimento situacional nos espaços estratégicos de interesse, com particular ênfase para a vigilância marítima em modalidades de complementaridade e operação em equipa com aeronaves tripuladas.

De igual forma, a médio/longo prazo, a utilidade do PA nacional poderá ser ampliada com a Expansão do produto operacional das capacidades do SF, e em certos casos, a sua Substituição, resultantes do emprego alargado de SAFA mais evoluídos, com efeitos relevantes de forma transversal à panóplia de funções operacionais do PA.



O esforço terá de ser feito num modelo de maximização de retorno, em três vertentes:

- Na dimensão de controlo, aumentar o rácio de SAFA por operador;
- Em tipologias de operação que aumentem o produto e eficiência operacional (em termos de reforço, aumentando a persistência e cobertura, ou empregando SAFA em alternativa a aeronaves tripuladas);
- Num conceito de operação em equipa aeronave tripulada-SAFA.

Ao nível organizacional, a experiência e aprendizagem adquiridas pela ESQ991 serão fundamentais para reforçar e expandir o emprego de SAFA em áreas de missão de ISR cada vez mais alargadas, aumentando o número de beneficiários, militares e civis, do produto operacional.

Adicionalmente, aproveitando as competências da FAP na organização de exercícios multidomínio nacionais e internacionais, deve ser incrementada a inclusão de SAFA com o intuito de aumentar a experiência e interoperabilidade, validar conceitos de emprego e fomentar a interação com as capacidades tripuladas (Tabela 6).

Tabela 6 – Integração de SAFA em exercícios

| Importância da introdução de SAFA em Exercícios (#Entrevistado) |
|---|
| <input type="checkbox"/> Permite a experimentação/validação das soluções desenvolvidas e conceitos de emprego, potenciando assim a transferência de tecnologia (E22). |
| <input type="checkbox"/> A validação operacional, recolha de evidências e acumulação de experiência de voo contribuem para aumentar a confiança nos SAFA (E19/E20). |
| <input type="checkbox"/> Ao aproximar a comunidade operacional, tecnológica e industrial contribui para aumentar a confiança na segurança e desempenho operacional dos SAFA e explorar conceitos de emprego inovadores (E9/E15). |
| <input type="checkbox"/> Existe interesse por parte da EDA, em termos de introdução de SAFA em exercícios multidomínio existentes, como é o caso dos organizados pela FAP, ou dedicados, a criar (E23). |
| Competências diferenciadoras da FAP (#Entrevistado) |
| <input type="checkbox"/> Experiência adquirida em mais de dez anos de organização de exercícios internacionais multidomínio com aeronaves tripuladas (e.g., <i>Real Thaw</i> , <i>Hot Blade/EDA</i> , <i>European Air Transport Training/EDA</i>) (E13). |
| <input type="checkbox"/> Experiência adquirida com a participação em 2022 e 2023 do SAFA <i>Ogassa</i> da FAP no exercício <i>Real Thaw</i> , <i>Viper Shield</i> e <i>Viper Sword</i> (E15). |
| <input type="checkbox"/> Experiência adquirida na operação de SAFA pela ESQ991 e pela receção de destacamentos de SAFA belgas na Base Aérea Nº 11, em Beja (E8/E23). |
| <input type="checkbox"/> Estreita ligação com a AAN facilita licenças especiais de aeronavegabilidade e autorizações de voo (E8/E23). |
| <input type="checkbox"/> Acesso a espaço aéreo militar e civil e coordenação direta entre Comando Aéreo e Controlo Civil (E23). |

Fonte: Autor

Neste âmbito, deve ser considerado como prioritária a inclusão de SAFA nos exercícios anuais de certificação de forças e nos exercícios sob a égide da EDA, alargando progressivamente a participação em exercícios interagências.



A expansão do emprego de SAFA em operações e exercícios promove o aumento de confiança na segurança e desempenho operacional destes sistemas, fomentando a partilha de conhecimento e criando maior recetividade e necessidade operacional. À medida que aumentam os níveis de confiança e de maturidade tecnológica será possível introduzir SAFA, cada vez mais sofisticados, de forma prioritizada, em modalidades de reforço e expansão das capacidades tripuladas nas diversas funções operacionais do PA.

5. Conclusões

Este ensaio procurou analisar o fenómeno emergente da GAA, caracterizado pela proliferação de SAFA cada vez mais evoluídos, e propor um modelo de transformação do PA nacional, numa perspetiva da FAP e segundo as perspetivas operacional, estrutural e genética.

Na perspetiva operacional verificou-se a importância transversal dos SAFA às funções operacionais do PA e MIFA, como sistemas de capacitação e economia de escala, com ênfase particular, a curto prazo, em áreas onde existam lacunas de vigilância persistente, reforçando os efeitos operacionais dos meios tripulados.

Considerando as funções operacionais do PA, a maturação tecnológica e o ciclo de vida dos SA nacionais, foi possível identificar áreas potenciais de aplicação de SAFA que se alargam a médio e longo prazo para a Mobilidade Aérea, Ataque e Luta Aérea, sendo esta última de maior complexidade face aos requisitos operacionais inerentes. Contudo, grande parte do ganho operacional verifica-se na integração de SAFA e aeronaves tripuladas em conceitos de equipa, permitindo explorar os níveis crescentes de autonomia no aumento de massa, redução do risco e maior eficácia operacional. Ficou também demonstrada a importância de garantir os mecanismos de controlo significativo humano sobre a decisão do uso da força por parte dos SAFA.

Na perspetiva estrutural, foi possível destacar as implicações em termos de C2, organização e nos recursos humanos.

Face à transversalidade de efeitos e o elevado número de entidades que podem beneficiar do produto operacional, importa promover a centralização do C2 dos SAFA numa única estrutura, o Comando Aéreo, pois já se encontra dotado com a infraestrutura em rede e os recursos de fusão de informação que permitem a exploração de maiores sinergias.

Em termos de integração na estrutura de forças, a ESQ991 deve ser o ponto focal para o emprego de SAFA mais sofisticados em conceitos de operação inovadores. Tem também potencial transformacional para funcionar como um catalisador de ID&I, numa parceria alargada com a comunidade operacional e tecnológica da FAP e com o ecossistema de entidades militares e civis, nacionais e estrangeiras.

No que concerne aos recursos humanos, destacaram-se as implicações em termos de recrutamento, educação e retenção de elementos especialistas, num contexto de crescentes capacidades da IA e de competição pela captação dos escassos recursos. Nesse sentido, foram identificadas várias medidas onde é necessário maior investimento, para além da revisão salarial e valorização de carreiras. De igual forma, ficou patente a importância da confiança na tecnologia, em termos de desempenho e segurança, como



fator primordial para promover a aceitação e integração plena dos SAFA na estrutura de forças.

Na perspetiva genética, considerando os constrangimentos financeiros para aquisição direta no mercado e o potencial de inovação associado às tecnologias emergentes, destacou-se o imperativo da interação entre a FAP, a BTID e o SCTN, como condição essencial para uma maior agilidade do processo de ID&I e edificação de SAFA que preencham as lacunas operacionais do SF.

As orientações políticas apontam para um reforço da multilateralização e de desenvolvimento cooperativo de capacidades, aproveitando os instrumentos financeiros disponíveis nacionais e europeus. Por isso, a FAP pode, e deve, constituir-se como um catalisador de Inovação, empenhando as suas competências e capacidades como elementos agregadores e de atração que promovam a colaboração e cooperação. Neste contexto, assumem-se como projetos agregadores mais remuneradores, o teste e avaliação operacional de SAFA nacionais ou internacionais, ou a formação internacional de pilotos-remotos.

Assim, confirmou-se a aplicabilidade do paradigma da GAA para aumentar o produto operacional e a utilidade do PA nacional, em termos da disponibilidade, acessibilidade e aceitabilidade de opções de emprego operacional, no espaço, massa e tempo apropriados, com risco e custos mais reduzidos, e de forma mais eficaz. Para além disso, os SAFA podem também constituir-se como um elemento acelerador e dinamizador do ecossistema de Inovação da Defesa, permitindo a exploração das oportunidades tecnológicas, industriais e económicas associadas.

Finalmente, como corolário da investigação, foi proposto um modelo de transformação do PA nacional, sob a forma de uma Visão e uma Estratégia centrada em três VET – Educação, Inovação e Operações –, para aumentar o conhecimento; maximizar competências, colaboração e cooperação; e expandir o produto operacional.

Tendo como nível de ambição aumentar a utilidade do PA nacional, a Visão pretende maximizar o conhecimento, competências e capacidades da FAP para gerar vantagem operacional através do emprego de SAFA num espetro alargado de funções operacionais do PA e MIFA.

A concretização da Visão é assente em vetores estratégicos com maior potencial e valor acrescentado face às capacidades e competências da FAP de geração e emprego do PA nacional:

- VET/Educação, para garantir recursos humanos com competências adequadas para C2, operar SAFA e efetuar a fusão de informação com níveis crescentes de utilização de IA;
- VET/Inovação, para acelerar o processo de industrialização de SAFA que preencham lacunas operacionais, através da colaboração e cooperação com parceiros do ecossistema de Inovação e da exploração alargada de instrumentos financeiros;
- VET/Operações, para promover um acréscimo de capacidade nas várias funções operacionais e MIFA, em termos de espaço, tempo e massa, com decréscimo de risco e com custo mais eficiente.



Para além das medidas preconizadas na análise em apreço, o sucesso da transformação estará dependente do comprometimento da Liderança Estratégica da FAP para maximizar a tríade de Pessoas–Processos–Tecnologia:

- Pessoas competentes, proativas e assertivas em desempenho de funções estratégicas (nacionais e internacionais), cuja interação com os parceiros do ecossistema de Inovação da Defesa se traduza na execução de projetos colaborativos e cooperativos de ID&I e edificação de SAFA;
- Processos de Inovação e de melhoria contínua devidamente enquadrados por uma Visão e Estratégia coerentes, mobilizadoras e alcançáveis;
- Tecnologia sob a forma de recursos materiais (meios e infraestruturas) e financiamento adequado.

Desta forma, preconiza-se um processo de transformação do PA nacional gradual, faseado e integrado, assente em escolhas equilibradas e risco calculado.

Sendo o primeiro estudo sobre esta temática, contribuiu para demonstrar a aplicabilidade de um paradigma emergente e duradouro da Guerra Aérea ao PA nacional. Desta forma, serve como aviso antecipado acerca das transformações que estão a moldar a geração e emprego do PA futuro, permitindo a Portugal e à FAP aproveitar as oportunidades e melhor se preparar para ultrapassar os desafios. De igual forma, oferece pistas para a definição de uma estratégia de transformação do PA nacional sob a forma de Visão e VET, que importa detalhar e operacionalizar.

Contudo, face ao ritmo acelerado da mudança tecnológica e da transformação das organizações congéneres, assim como do conhecimento nacional reduzido sobre a temática, existem limitações em termos da validação das tendências e das implicações nas vertentes operacionais, estruturais e genéticas, que impedem uma definição precisa da operacionalização deste paradigma emergente.

Nesse sentido, em virtude da complexidade e transversalidade de efeitos da GAA importa promover estudos futuros mais detalhados, sobre as implicações ao nível dos recursos humanos (recrutamento, educação e retenção), conceitos de operação, I&D e edificação de capacidades, permitindo um maior detalhe dos VET propostos por este estudo.

Considerando a magnitude da mudança, expressa na proliferação global de iniciativas de desenvolvimento de SAFA e com renovado interesse operacional decorrente da Guerra da Ucrânia, julga-se que este é o momento singular em que se reúnem o interesse político e os instrumentos financeiros adequados, que podem contribuir para recuperar o atraso substancial do PA nacional face à transformação em curso associada ao paradigma da GAA.

Estamos por isso no tempo certo para agir e sermos consequentes!



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NOTES AND REFLECTIONS

ONE YEAR AFTER 7 OCTOBER, THE MIDDLE EAST IN THE ABYSS

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Twelve months after Hamas killed 1200 citizens in Israel and kidnapped 240 others, Israel's offensive in Gaza continues with nearly 42,000 fatalities (not counting those buried in the rubble). In the name of the right to self-defence, Israel has systematically violated international humanitarian law by subjecting 2.3 million Palestinians to harsh attacks, continuous displacement, destruction of all social and economic infrastructure, restricting access to humanitarian aid, food, water, medical care and medicines. High numbers of humanitarian workers and journalists have also been victims by the Israeli army.

In parallel, different war fronts have intensified between Israel and Hezbollah, a Shiite political party and military organisation in Lebanon; Iran; and a series of armed groups (the 'axis of resistance') in Yemen, Syria and Iraq that carry out limited attacks against Israel, US forces in the region and commercial vessels. Washington has sent 43,000 troops to different countries in the region and mobilised two warships to Israel's shores as a show of support for what prime minister Benjamin Netanyahu calls Israeli "sacred war".

Since last October, Yemeni Houthis have [attacked](#) several commercial vessels passing through the Bab al-Mandab Strait that separates Yemen from Djibouti and Eritrea (in Africa) in the Red Sea. This site is key to the control of almost all shipping between the Indian Ocean and the Mediterranean Sea through the Suez Canal. The Houthis demand



an end to the offensive in Gaza and the entry of humanitarian aid to stop their attacks. The US regularly attacks Houthi positions in retaliation for their attacks on Israel and commercial vessels.

Around 100 Israelis are still being held hostage by Hamas (35 are estimated to have died). Negotiations to free them, mediated by Qatar, Egypt and the US, have failed. According to Israel, Hamas is demanding too much by asking for the release of all Palestinian political prisoners and the full withdrawal of Israeli forces from Gaza. Relatives and parts of Israeli society accuse prime minister Netanyahu of obstructing them to continue the war for his own benefit (he has corruption cases pending in court), even if the hostages die.

Israel has also stepped up its attacks on the United Nations. It is demanding the dismissal of Secretary-General António Guterres and has declared him *persona non grata*. It also wants to close UNRWA, the UN agency for the protection of 5.9 million Palestinian refugees.

The Israeli government has rejected UN General Assembly demands in December 2023 to immediately implement a humanitarian ceasefire and in September 2024 to "put an immediate end to the illegal presence in the Occupied Palestinian Territories". It also denies allegations of systematic violations of international humanitarian law and the International Court of Justice's recommendations to cease the operation in Gaza as it could incur the crime of genocide, and the International Criminal Court's arrest warrants against senior Israeli government officials (and Hamas leaders). Nor has it accepted the indictment of a UN Commission of Inquiry that holds Israel and Hamas responsible for committing war crimes.

Regarding Hamas and other Palestinian armed groups in Gaza involved in the 7 October attack on Israel, Human Rights Watch research [concludes](#) that they violated international humanitarian law through deliberate and indiscriminate attacks on civilians and civilian objects; intentional killing of persons in custody; cruel and other inhumane treatment; crimes related to sexual and gender-based violence; hostage-taking; mutilation and body snatching; use of human shields; and looting and pillaging.

No answers for Gaza's future

Since October 2023 the US has assured Netanyahu that it would continue to supply him with weapons while insisting that he moderate his responses to avoid civil casualties and a regional war. The US delivers about \$3.8 billion annually in arms to Israel. It is followed by Germany and Italy as leading providers. In February 2024 the US Congress approved an additional \$14 billion in military aid, and in August it added another [\\$20 billion](#).

For 12 months Washington, and some European governments, urged Israel to avoid attacks on civilians, not to carry out an offensive in the city of Rafah (where the Israeli military had earlier indicated it would be a 'safe zone'), and to soften its position in negotiations in Qatar. But neither the prime minister nor his far-right cabinet ministers took the advice, convinced that neither Washington, Berlin nor London would cut off arms deliveries.



Israel has not defined what it wants to do in Gaza when the war is over. The latest idea, dubbed the "Generals' plan", is to evacuate all remaining Palestinians in the northern part of the strip, occupy it militarily, and expel some of the 2.3 million Palestinians to Egypt or Jordan, or other countries. At the same time, handing over the management of Gaza to local tribal leaders unaffiliated with Hamas and delivering aid to Israeli-Palestinian mafias. Indeed, a Financial Times [investigation](#) shows that Israel already promotes and protects aid traffickers who sell food at exorbitant prices in Gaza while blocking the entry of UN assistance.

The war against Hamas is expected to continue for a long time, as after a year its militiamen are still holding out. US and EU proposals for the weak Palestinian National Authority, which runs part of the West Bank under Israeli tutelage, to take over Gaza have fizzled out. Likewise, Washington and Brussels' proposal to revive a two-state solution has faded, while not even a ceasefire has been reached. The future perspective is what is already happening in the present: a single state (Israel) that subjects the Palestinian population to a regime like Apartheid. That is, a violent binational state.

Israel's strategic objective is to weaken Iran's capacity and its regional network of armed groups that attack Israel from Gaza, Iraq, Syria and Yemen. In the long term, the aim would be to provoke a crisis and the fall of Iran's government after a series of military defeats that would delegitimise its politico-religious power. Netanyahu would also be using the offensive to push the US to confront Iran in an uncertain war and weaken candidate Kamala Harris chances against Donald Trump.

The Hezbollah factor

Israel's extrajudicial assassinations of Hamas, Hezbollah, and Iranian military leaders, such as the seven Iranian Islamic Revolutionary Guards killed in Syria; Hamas leader Ismail Haniya in Iran; and the recent assassination of Hezbollah's top leader Hassan Nasrallah and several of his senior commanders, can be expected to continue.

Israel, Iran, Hezbollah and Hamas have been exchanging limited attacks for years, sometimes leading to longer and more intense wars, such as Israel-Hezbollah in 2006 and Israel-Hamas in 2008-2009. These clashes were also joined by exchanges between Israel and Houthi armed groups in Yemen and others in Iraq and Syria, supported but not directed by Iran.

Hezbollah emerged as a militia against the Israeli invasion of Lebanon in 1982. By 2000 it was already a powerful organisation which, due to Lebanon's splintering into sectarian identities, enabled it to seize some of the state's power. With Iranian assistance, it developed a powerful conventional arsenal, especially missiles, and strengthened its capacity to operate in the southern Lebanese strip bordering Israel. Iran has relied on this military force as a deterrent and eventual offensive against Israel. If Israel were to launch an all-out war on Iran, Hezbollah would retaliate.

In the past year, 60,000 Israelis living near the Lebanese border have been displaced. Israel's current offensive has caused 346,000 displacements in Lebanon between 8



October 2023 and 29 September 2024, according to the International Organisation for Migration (IOM). Around 2,000 Lebanese have died as a result of the attacks.

The US-Israeli confrontation with Iran

Since the 1979 revolution, Iran has become Israel's main regional strategic enemy. At the same time, Tehran's theocratic Shiite regime competes for regional hegemony with the Sunni Arab monarchies of Saudi Arabia and the United Arab Emirates (UAE). The governments of these countries, allies of the US, have moved progressively closer to Israel. In 2020 the Donald Trump administration launched the Abraham Accords, another attempt to build 'a new Middle East', to forge an alliance between Israel, Arab states and the US. The UAE, Bahrain, Sudan and Morocco began normalising relations with Israel. The Israeli government immediately recognised Morocco's sovereignty over Western Sahara.

From 1979 Iran became an enemy of the US. The revolution that triumphed in that year accused Washington of having interfered in the country's policies since the 1950s to control oil production and of having supported the authoritarian monarchy of the Shah of Iran (1941-1979). In retaliation, 66 US embassy diplomats and US citizens were held hostage in Tehran from November 1979 to January 1981.

Diplomatic relations between the two countries were severed, and the anti-Iranian alliance between the US and Israel was consolidated. Tehran, Washington and successive Israeli administrations were active in Syria, Lebanon, Palestine and Iraq, supporting or fighting governments and armed groups.

Washington's relationship with Iran changed under President Barack Obama. He made it a priority to prevent Iran from having nuclear weapons, and pushed for a complex negotiation on Iran's nuclear programme that culminated in the *Joint Comprehensive Plan of Action* (JCPOA) signed in July 2015 between Iran, the P5+1 (the five permanent members of the UN Security Council - China, France, Russia, the United Kingdom, the United States and the United States - and Germany), and the European Union.

Iran's civilian nuclear programme was placed under international control in exchange for the lifting of Washington and European sanctions on Iran. The deal worked, but in 2018 then-president Donald Trump denounced it and withdrew the US from the deal and imposed new, tougher sanctions on Iran.

The Biden administration tried to reinstate it, but anti-Israeli and Republican pressures, an attempt by US negotiators to link a new version of the deal to Iran not supporting armed anti-Israel groups and demands for guarantees from Iran that in the future another Trump administration or another president would again abrogate the deal, scuttled the negotiations.

The escalation ladder

The delicate balance between Israel, Iran and its allies was upset this year. From 7 October onwards, the Israeli government felt it was possible to change the security



equation, especially towards Iran. As Prime Minister Netanyahu put it in October, one of the goals is to bring down the regime in Iran. The aim is to weaken Iranian capacity and destroy the 'axis of resistance' through the 'decapitation' of its leaders, and a series of military defeats that delegitimise the Teheran's political and religious power.

Israel has carried out these extra-judicial executions of non-state armed organisations for decades without any result in bringing them to an end. Even if temporarily weakened, Hezbollah and Hamas have deep social roots and will continue to exist.

At the same time, Netanyahu is using the offensive to push the US to confront Iran, and to promote various war fronts in the Middle East. This would create an unfavourable climate for Joe Biden's administration, especially as oil prices are already rising. This will have a negative impact on Kamala Harris, the Democratic candidate for president, against Donald Trump, the Republican candidate and Netanyahu ally.

Israel has three pillars for its plan to change the Middle East. First, the military and diplomatic support of the US and most of Europe. Second, its nuclear arsenal. Third, the support of a large section of Israeli society.

Both parties and most US politicians consider the alliance with Israel and the commitment to defend its existence to be a "ironclad" issue, despite possible disagreements. The so-called US-Jewish lobby, influential in business, media and political circles since the 1960s, is key to maintaining economic, military and diplomatic support for Israel.

This situation has changed over the past decade as a [new generation](#) of Jewish-Americans question Israel's policies towards the Palestinians, particularly the occupation of the West Bank, Gaza and East Jerusalem, and US support for Israel. While failing to change the Biden administration's support with arms and diplomacy, this generation has a prominent role to play since October 2023.

Although it has never acknowledged it, Israel possesses at least 80 nuclear weapons. In 2014 the United Nations urged it to renounce them, accede to the Nuclear Non-Proliferation Treaty, and International Atomic Energy Agency verification. Israel did not accept these requirements, reserving the option to use nuclear weapons.

In April and a few days ago, Iran launched ballistic missile and drone strikes on military targets in Israel. Tehran warned the US three days before the attack in April and a few hours earlier in October. The aim, knowing that Israel has the technology to intercept the missiles, is to signal that Iran can use more missiles to saturate its shield, and accelerate plans for nuclear weapons.

For the Iranian government the immediate dilemma is how to respond to Israel. It can launch more missiles without warning by trying to breach Israel's missile defence shield. But it runs the risk that the response could be an attack on its nuclear and oil facilities, as could happen these days. If that were to happen, Iran could destroy oil facilities in the region, leading to sharp increases in the price of crude oil on the international market.

Israel's attack could also be pre-emptive. If Iran does not respond, trying to maintain tension without open war, it would lose credibility as a regional power and among the more radical sectors of the government. But if it does respond and an all-out



confrontation ensues, Israel has more military means, with the support of the US, Britain and some Arab countries, and nuclear weapons.

In the long term, the escalation ladder in this volatile regional scenario is very dangerous. Saudi Arabia and the United Arab Emirates have been pressuring the US for years to transfer civilian and military nuclear technology to contain Iran. Since the Gaza war, Saudi Arabia has indicated that it would establish diplomatic relations with Israel if Washington accepted such a transfer, and if Israel commits to the two-state solution.

Russia and Iran, in parallel, are on the verge of signing a cooperation agreement that includes security issues. Moscow has good relations with Israel and has to take care of them because of the Russian-Jewish community that emigrated from the former USSR in the 1990s. But it also seeks to maintain good relations with Iran, an important regional and military ally in the broader Moscow-Washington confrontation. All three sides find advantages in maintaining alliances. China, for its part, will continue to strengthen its relations with the region and Israel, but without intervening in the security field.

Hamas and Hezbollah's mistake

Hamas considered in 2023 that an October-style strike would be a wake-up call to the international community's lack of interest in Israel's illegal occupation of the occupied West *Bank*, East Jerusalem and Gaza. At the same time, Hezbollah launched limited attacks against Israel on the Lebanese border to get Netanyahu to agree to a ceasefire in Gaza.

But the long-standing balance between Israel, Iran and Hezbollah has unravelled. Hezbollah and Hamas underestimated, as did the US and Iran, the will of Netanyahu's ultra-right-wing government and the Israeli army in going to a multi-front war for which they have been preparing for decades, and in which they have the support of various sectors of their society, from fanatics and settlers to those who reject having a Palestinian state as a neighbour and fear another 7 October.

Israel has on its side, despite criticism, the US and Europe, and Arab governments that hate and fear Hamas and Hezbollah, but they feel obliged to condemn Israeli actions because their societies support the Palestinians.

One year after 7 October and 76 years after the creation of the state of Israel, neither violence nor restraint have served the Palestinians well in gaining a state in part of what was the British Mandate of Palestine. Previous Israeli attempts to "change the Middle East" through assassinations of armed group leaders, invasions of Lebanon, and wars with neighbours have succeeded in making the Palestinian issue disappear.

The killing of civilians in Gaza in the name of the right to self-defence, the killings by Hamas also against civilians in the name of resistance to the occupation, and the escalation towards a regional war will bring security to no one. Resentment over the killings of civilians and leaders of armed organisations ensures revenge by future generations on all sides.



In the meantime, it has become definitively clear that the US and European political influence in the Middle East is totally non-existent.

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NOTAS Y REFLEXIONES

A UN AÑO DEL 7 DE OCTUBRE, ORIENTE MEDIO EN EL ABISMO

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Doce meses después de que Hamas asesinase en Israel a 1200 ciudadanos y secuestrase a otros 240, continúa la ofensiva de Israel en Gaza con cerca de 42.000 víctimas mortales (sin contar las enterradas entre escombros). En nombre del derecho a la autodefensa, Israel ha violado sistemáticamente el Derecho Internacional Humanitario sometiendo a 2.3 millones de palestinos a duros ataques, desplazamientos continuos, destrucción de toda la infraestructura social y económica, restringiendo el acceso a ayuda humanitaria, alimentos, agua, atención médica y medicinas. Un alto número de trabajadores humanitarios y periodistas han sido también víctimas mortales del ejército israelí.

Paralelamente, se han agudizado diferentes frentes de guerra entre Israel y Hezbolá, partido político y organización militar chiita en el Líbano; Irán; y una serie de grupos armados (el "eje de la resistencia") en Yemen, Siria e Irak que realizan ataques limitados contra Israel, contra fuerzas de EE. UU en la región y buques comerciales. Washington ha enviado 43.000 efectivos a diferentes países de la región y movilizado dos buques de guerra a las costas de Israel como muestra de apoyo a la "guerra sagrada" según el primer ministro Benjamin Netanyahu.

Los Hutís yemeníes han [atacado](#) desde octubre pasado diversos buques comerciales que atraviesan el estrecho de Bab al-Mandab Strait que separa Yemen de Yibuti y Eritrea (en África) en el Mar Rojo. Este sitio es clave para el control de casi toda la navegación entre el océano Índico y el mar Mediterráneo a través del canal de Suez. Los Hutís exigen que cese la ofensiva en Gaza y la entrada de ayuda humanitaria para detener sus ataques.



EE. UU ataca regularmente posiciones Hutís como represalia por sus ataques a Israel y buques comerciales.

Alrededor de 100 israelíes son todavía rehenes de Hamas (se estima que 35 han fallecido). Las negociaciones para liberarlos, con la mediación de Qatar, Egipto y EE. UU, han fracasado. Según Israel, Hamas exige demasiado al pedir la liberación de todos los presos políticos palestinos y la retirada total de las fuerzas israelíes de Gaza. Familiares y parte de la sociedad israelí acusan al primer ministro Netanyahu de obstaculizarlas con el fin de continuar la guerra en su beneficio (tiene pendientes con la Justicia causas por corrupción), aunque mueran los rehenes.

Israel ha redoblado, además, los ataques a Naciones Unidas. Exige el cese del secretario general António Guterres y lo ha declarado persona non grata. También quiere cerrar UNRWA, la agencia de la ONU para la protección de 5.9 millones de refugiados palestinos.

El gobierno israelí ha rechazado las demandas de la Asamblea General de la ONU de diciembre de 2023 de implementar de inmediato un cese el fuego humanitario y de septiembre de 2024 para "poner fin de inmediato a la presencia ilegal en los Territorios Ocupados de Palestina". Igualmente, niega las acusaciones de violaciones sistemáticas del Derecho Internacional Humanitario y las recomendaciones del Tribunal Internacional de Justicia para cesar la operación en Gaza ya que podría incurrir en el delito de genocidio, y las ordenes de detenciones contra altos cargos del gobierno israelí (y líderes de Hamas) de la Corte Penal Internacional. Tampoco ha aceptado la acusación de una Comisión de Investigación de la ONU que considera a Israel y Hamas responsables de cometer crímenes de guerra.

Respecto de Hamas y otros grupos armados palestinos en Gaza involucrados en el ataque a Israel el 7 de octubre, una investigación de Human Rights Watch [concluye](#) que violaron el Derecho Internacional Humanitario mediante ataques deliberados e indiscriminados contra civiles y bienes de carácter civil; homicidio intencional de personas bajo custodia; tratos crueles y otros tratos inhumanos; delitos relacionados con la violencia sexual y de género; toma de rehenes; mutilación y despojo (robo) de cadáveres; uso de escudos humanos; y saqueos y pillajes.

Sin respuestas para el futuro de Gaza

Desde octubre de 2023 EE. UU garantizó a Netanyahu que continuaría proveyéndole de armamento a la vez que insistió en que moderara sus respuestas para evitar una guerra generalizada. EE. UU entrega alrededor de 3.800 millones de dólares anuales en armas a Israel. Seguidos por Alemania e Italia. En febrero de 2024 el Congreso estadounidense aprobó una ayuda militar suplementaria de 14.000 millones de dólares, y en agosto sumó otros [20.000 millones](#).

A lo largo de 12 meses Washington, y algunos de los gobiernos europeos, pidieron Israel que evitara ataques sobre civiles, que no llevara a cabo una ofensiva en la ciudad de Rafah (hacia dónde poco antes el ejército israelí indicó que sería una "zona segura"), y que flexibilizara su posición en las negociaciones en Qatar. Pero ni el primer ministro ni los ministros de ultraderecha de su gabinete aceptaron los consejos, con el



convencimiento de que ni Washington, ni Berlín o Londres cortarían el envío de armamentos.

Israel no ha definido que quiere hacer en Gaza cuando acabe la guerra. La última idea, denominada el "plan de los generales", es evacuar a todos los palestinos que quedan en la parte norte de la franja, ocuparla militarmente, y expulsar a una parte de los 2.3 millones de palestinos a Egipto o Jordania, u otros países. A la vez, entregar la gestión de Gaza a líderes tribales locales no afiliados a Hamas y la entrega de ayuda a mafias israelí-palestinas. De hecho, una investigación del Financial Times muestra que Israel ya promociona y protege a traficantes de ayuda que venden alimentos a precios exorbitantes en Gaza al tiempo que bloquea la entrada de la asistencia de la ONU.

Previsiblemente la guerra contra Hamas proseguirá durante un largo tiempo ya que después de un año sus milicianos continúan resistiendo. Las propuestas de EE. UU y la UE de que la débil Autoridad Nacional Palestina, que gestiona parte de Cisjordania bajo tutela israelí, se haga cargo de Gaza ha desaparecido. Igualmente, la propuesta de Washington y Bruselas de revivir una solución de los dos estados se ha desvanecido, mientras ni siquiera se alcanza un alto el fuego. La perspectiva futura es lo que ya ocurre en el presente: un solo estado (Israel) que somete a la población palestina a un régimen similar al Apartheid. O sea, un estado binacional violento.

El objetivo estratégico de Israel es debilitar la capacidad de Irán y su red regional de grupos armados que atacan a Israel desde Gaza, Irak, Siria y Yemen. En el largo plazo se trataría de provocar la crisis y caída del gobierno de Irán tras una serie de derrotas militares que deslegitimaran su poder político-religioso. Netanyahu, además, estaría usando la ofensiva para empujar a EE. UU a enfrentarse a Irán y debilitar a la candidata Kamala Harris frente a Donald Trump.

El factor Hezbolá

Es previsible que continúen los asesinatos extrajudiciales por parte de Israel contra líderes de Hamas, Hezbolá, y mandos militares iraníes, como han sido los siete de la Guardia Islámica Revolucionaria iraní eliminados en Siria; el líder de Hamas Ismail Haniya en Irán; y el reciente asesinato de Hasán Nasralá, jefe máximo de Hezbolá y varios de sus altos mandos.

Israel, Irán, Hezbolá y Hamas han estado durante años intercambiando ataques limitados que, en ocasiones, han desembocado en guerras de mayor intensidad y tiempo, como las de Israel-Hezbolá en 2006 e Israel-Hamas en 2008-2009. A esos enfrentamientos se sumaron también los intercambios entre Israel y los grupos armados Hutís en Yemen y otros en Irak y Siria, apoyados, aunque no dirigidos por Irán.

Hezbolá surgió como una milicia contra la invasión israelí de Líbano en 1982. Hacia el año 2000 ya era una poderosa organización que, debido al fraccionamiento en identidades sectarias de Líbano, le permitió conquistar parte del poder del Estado. Con ayuda iraní desarrolló un poderoso arsenal convencional, especialmente con misiles, y reforzó su capacidad para operar en la franja del Sur del Líbano que es frontera con Israel. Irán ha contado con esa fuerza militar como elemento de disuasión y eventual



ofensiva hacia Israel. Si este país lanzara una guerra total sobre Irán, Hezbolá tomaría represalias.

En el último año 60.000 israelíes que viven cerca de la frontera con Líbano han tenido que desplazarse. Por su parte, la ofensiva actual de Israel ha provocado 346.000 desplazamientos entre el 8 de octubre de 2023 y el 29 de septiembre de 2024, según la Organización Internacional para las Migraciones (OIM). Alrededor de 2000 libaneses han muerto ha causa de los ataques.

El enfrentamiento Israel-EE. UU con Irán

Desde la revolución de 1979 Irán se transformó en el principal enemigo estratégico regional de Israel. A la vez, el régimen teocrático chiita de Teherán compite por la hegemonía regional con las monarquías árabes suníes de Arabia Saudita y los Emiratos Árabes Unidos (EAU). Los gobiernos de estos países, aliados de EE. UU, se han acercado progresivamente a Israel. En 2020 el gobierno de Donald Trump lanzó los Acuerdos de Abraham, otro intento de construir “un nuevo Oriente Medio”, para forjar una alianza entre Israel, estados árabes y EE. UU. Los EAU, Bahreín, Sudán y Marruecos iniciaron la normalización de relaciones con Israel. El gobierno israelí reconoció de inmediato la soberanía de Marruecos sobre el Sahara Occidental.

Desde 1979 Irán se convirtió en un enemigo de EE. UU. La revolución que triunfó en ese año acusó a Washington de haber interferido en las políticas del país desde la década de 1950 para controlar la producción de petróleo y haber apoyado a la monarquía autoritaria del Sah de Irán (1941-1979). Como represalia, mantuvo secuestrados en Teherán desde noviembre de 1979 hasta enero de 1981 a 66 diplomáticos de la embajada estadounidense y ciudadanos de ese país.

Las relaciones diplomáticas entre los dos países se cortaron, y la alianza anti iraní entre EE. UU e Israel se consolidó. Tanto Teherán, como Washington y sucesivas administraciones israelíes actuaron en Siria, Líbano, Palestina e Irak apoyando o combatiendo gobiernos y grupos armados.

La relación de Washington con Irán cambió con la presidencia de Barack Obama. Este consideró una prioridad impedir que Irán contase con armas nucleares, e impulsó una compleja negociación sobre el programa nuclear iraní que culminó en el *Joint Comprehensive Plan of Action* (JCPOA) firmado en julio de 2015 entre Irán, los P5+1 (los cinco miembros permanentes del Consejo de Seguridad de las Naciones Unidas —China, Francia, Rusia, Reino Unido, Estados Unidos— y Alemania), y la Unión Europea.

El programa nuclear civil iraní quedó bajo control internacional a cambio del levantamiento de sanciones de Washington y Europa a Irán. El acuerdo funcionó, pero en 2018 el entonces presidente Donald Trump lo denunció y retiró a EE. UU de este e impuso nuevas y más duras sanciones a Irán.

La Administración Biden intentó reestablecerlo, pero las presiones en contra de Israel y del Partido Republicano, el intento de los negociadores estadounidenses de vincular una nueva versión del acuerdo con que Irán no apoyase a grupos armados anti Israel, y las



exigencias de garantías por parte de Irán de que en el futuro otro gobierno de Trump u otro presidente volviese a abrogar el acuerdo, hicieron fracasar las negociaciones.

La escalada

El delicado equilibrio entre Israel, Irán y sus aliados se rompió en este año. El gobierno israelí consideró a partir del 7 de octubre que era posible cambiar la ecuación de seguridad, especialmente hacia Irán. Como lo expresó en octubre el primer ministro Netanyahu uno de los objetivos es acabar con el régimen en Irán. Se trata de debilitar la capacidad iraní y destruir el "eje de la resistencia" a través de la "decapitación" de líderes de Irán y sus aliados, y una serie de derrotas militares que deslegitimen su poder político-religioso.

Israel ha llevado a cabo estas ejecuciones extra judiciales de organizaciones armadas no estatales durante décadas sin ningún resultado para acabar con ellas. Aunque sean debilitadas temporalmente, Hezbolá y Hamas tienen un profundo arraigo social.

Paralelamente, Netanyahu está usando la ofensiva para empujar a EE. UU a enfrentarse a Irán, y promover varios frentes de guerra en Oriente Medio. Esto generaría un clima desfavorable hacia la Administración de Joe Biden, especialmente porque ya se está elevando el precio del petróleo. Esto impactará negativamente sobre Kamala Harris, candidata demócrata a la presidencia, frente a Donald Trump, candidato republicano y aliado de Netanyahu.

Israel cuenta con tres pilares para su plan de cambiar Oriente Medio. Primero, el apoyo militar y diplomático de EE. UU y de casi toda Europa. Segundo su arsenal nuclear. Tercero, el apoyo de un amplio sector de la sociedad israelí.

Los dos partidos y la mayoría de los políticos de EE. UU consideran que, pese eventuales discrepancias, la alianza con Israel y el compromiso de defender su existencia es una cuestión "blindada". El denominado lobby judío-estadounidense, con influencia en medios empresariales, mediáticos y políticos desde los años 1960, es clave en mantener el apoyo económico, militar y diplomático a ese país.

Esta situación ha variado en la última década debido a que una nueva generación de judíos-estadounidenses cuestionan las políticas de Israel hacia los palestinos, en particular la ocupación de Cisjordania, Gaza y Jerusalén Este, y los apoyos de EE. UU a Israel. Aunque no ha logrado modificar el apoyo con armas y diplomacia de la Administración Biden, esta generación tiene un papel destacado desde octubre de 2023.

Si bien nunca lo ha reconocido, Israel posee como mínimo 80 armas nucleares. En 2014 Naciones Unidas le urgió a renunciar a ellas, adherir al Tratado de No Proliferación Nuclear, y la verificación de la Agencia Internacional de la Energía Atómica. Israel no aceptó estos requerimientos, reservándose la opción de usar el arma nuclear.

En abril y hace pocos días Irán lanzó ataques con misiles balísticos y drones sobre objetivos militares en Israel. Teherán avisó a EE. UU tres días antes de atacar en abril y unas horas previas en octubre. El objetivo, sabiendo que Israel tiene la tecnología para interceptar los misiles, es indicar que Irán puede usar más misiles para saturar su escudo, y acelerar los planes para contar con armas nucleares.



Para el gobierno iraní el dilema inmediato es cómo responder a Israel. Puede lanzar más misiles sin aviso previo tratando de traspasar el escudo antimisiles que tiene ese país. Pero corre el riesgo de que la respuesta sea un ataque sobre sus instalaciones nucleares y petrolíferas, como podría ocurrir en estos días. Si ocurriese, Irán podría destruir instalaciones petrolíferas en la región, generando fuertes aumentos del precio del crudo en el mercado internacional.

El ataque de Israel podría también ser preventivo. Si Irán no responde, tratando de mantener la tensión sin llegar a una guerra abierta, perdería credibilidad como potencia regional y entre los sectores más radicales del gobierno. Pero si responde y se llega a una confrontación total, Israel cuenta con más medios militares, con el apoyo de EE. UU, Gran Bretaña y algunos países árabes, y con armas nucleares.

En el largo plazo el escenario regional es muy peligroso. Arabia Saudita y los Emiratos Árabes Unidos presionan desde hace años a EE. UU para que les transfiera tecnología nuclear civil y militar con el fin de contener a Irán. A partir de la guerra de Gaza, Arabia Saudita ha indicado que establecería relaciones diplomáticas con Israel si Washington acepta esa transferencia, y si Israel se compromete a la solución de los dos Estados.

Rusia e Irán, paralelamente, están a punto de firmar un acuerdo de cooperación que incluye cuestiones de seguridad. Moscú tiene buenas relaciones con Israel, y debe cuidarlas debido a la comunidad ruso-judía que emigró desde la ex URSS en la década de 1990. Pero trata también de mantener buenas relaciones con Irán, un importante aliado regional en el contexto de la confrontación más amplia entre Moscú y Washington. Las tres partes encuentran ventajas en mantener alianzas. China, por su lado, continuará fortaleciendo sus relaciones con la región e Israel, sin intervenir en el campo de la seguridad.

El error de Hamas y Hezbolá

Hamas consideró en 2023 que un golpe de efecto como el de octubre sería un llamado de atención ante la falta de interés de la comunidad internacional hacia la ilegal ocupación israelí de los territorios ocupados de Cisjordania (*West Bank*), Jerusalén Este y Gaza. A la vez, Hezbolá puso en marcha los ataques limitados contra Israel en la frontera con Líbano con el fin de que Netanyahu aceptara un alto el fuego en Gaza.

Pero el equilibrio mantenido durante años entre Israel, Irán y Hezbolá se ha deshecho. Esta organización y Hamas subestimaron, al igual que EE. UU e Irán, el interés del gobierno ultraderechista de Netanyahu y del ejército israelí de ir a una guerra en varios frentes para la que se han preparado durante décadas, y en la que cuentan con el apoyo de varios sectores de su sociedad, desde fanáticos y colonos hasta los que rechazan tener como vecino a un estado palestino y temen otro 7 de octubre.

Israel tiene de su lado, pese a las críticas, a EE. UU y Europa, y a los gobiernos árabes que odian y temen a Hamas y Hezbolá, aunque condenan las acciones israelíes porque sus sociedades apoyan a los palestinos.

Un año después del 7 de octubre y 76 después de la creación del Estado de Israel, ni la violencia ni la moderación les han servido a los palestinos para contar con un Estado en



parte de los que era el Mandato Británico de Palestina. Diversos intentos israelíes anteriores de “cambiar Oriente Medio” a través del asesinato de líderes de grupos armados, invasiones al Líbano, y guerras con los vecinos han logrado que desapareciera la cuestión palestina.

La matanza de civiles en Gaza alegando el derecho a la autodefensa, los asesinatos de Hamas también contra civiles en nombre de la resistencia a la ocupación, y la escalada hacia una guerra regional no dará seguridad a nadie. El resentimiento por las matanzas de civiles y líderes de organizaciones armadas asegura la venganza por parte de las futuras generaciones de todas las partes.

Entre tanto, ha quedado definitivamente en evidencia que la influencia política de EE. UU y Europa es totalmente nula en Oriente Medio.

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NOTES AND REFLECTIONS

THE ROLE 'HAWALA' IN FINANCING TERRORISM AND MONEY LAUNDERING: THE NEXUS BETWEEN INFORMAL MIGRANT REMITTANCES IN EUROPE AND FUNDING OF TERRORIST ORGANISATIONS

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This essay investigates the critical role of financial resources in the execution and persistence of terrorist activities. Emphasizing that terrorism cannot endure without funding, it draws on statements from prominent political figures and highlights the necessity of finances for organizational infrastructure, recruitment, propaganda, and execution of attacks. Following the increased scrutiny post-September 11, 2001, alternative value transfer systems like Hawala have become pivotal for terrorist financing due to their anonymity and lack of regulation. The essay examines how Hawala, a traditional money transfer system, is exploited by terrorist organizations to launder money and finance operations, particularly in Europe and among Somali diasporas. It further analyzes the mechanics of Hawala and its appeal due to secrecy and cost-effectiveness. By focusing on specific examples, such as the Somali Al-Shabaab terrorist organization, the research underscores how diasporas and migrant minorities facilitate these financial flows. This investigation aims to fill gaps in understanding the intersection of Hawala and terrorism financing, proposing new mechanisms for prevention and regulatory improvements.

Introduction

As evident from the statements made by former President George W. Bush and former Secretary of State Colin Powell, money is regarded as vital for the planning and execution of terrorist activities, underscoring the notion that terrorism cannot persist without financial support. Comparable sentiments have been echoed by European leaders. In alignment with his American counterparts, British Chancellor of the Exchequer (later Prime Minister) Gordon Brown affirmed that 'the readily available financial resources are the driving force behind contemporary terrorism' (UK Treasury, 2001).



Admittedly, finances are a fundamental requirement for the execution of all terrorist activities, often characterized as an “energy source” or a “lifeblood” for both terrorists and their organizations. Funds are required for various purposes including the development of organizational infrastructure, recruitment, propaganda, training, planning, executing terrorist attacks (Simonovski and Ünsal, 2018), providing retirement pensions, acquiring weapons, explosives, paying bribes, obtaining communication equipment, transportation, forging documents, and more (Freeman, 2012:3). This underscores the necessity for long-term and reliable sources of funding (Simonovski and Ünsal, 2018). Without financial resources, terrorist groups cannot function effectively as organizations or carry out attacks. Nonetheless, questions persist: How do different terrorist groups acquire funds? What are the potential sources and methods of financial transfer?

Following the September 11, 2001 attacks, there was heightened scrutiny and regulation of both formal banking and non-banking financial sectors. As a result, terrorists turned increasingly to alternative value transfer systems like Hawala, or physical methods such as transporting money, precious stones, or gold. Despite its widespread use, Hawala lacks robust legal oversight, allowing for anonymous cross-border money transfers that can facilitate terrorist financing (Klemar and Cindori, 2017:124).

Despite the widespread use of such money transfer systems by minority ethnic communities in numerous countries (for instance, Sri Lankan immigrants in Canada financing the Tamil Tigers through these channels), as well as within ethnic Muslim immigrant enclaves across Europe, North America, and certain regions of the oil-rich Middle East (Ballard, 2012), there has been limited academic inquiry into comprehending the underlying causes and sources devoted to researching hawala funding system (Klemar and Cindori, 2017:122).

Thus, this essay will fill the gap by seeking to answer the question of how hawala which is regarded as a traditional form of the money transfer system in some Asian, and East Asian societies might be linked with terrorist-sponsoring. First, I examine hawala and the reason for the popularity of this money transfer, and second, in the example of Somalians, I will try to shed light on how diasporas and migrant minorities may facilitate money laundering on European soil.

Literature review. Contextualising the argument

The empirical understanding of the hawala system, a traditional informal money transfer mechanism, is subject to constraints owing to its clandestine nature and the challenges associated with its study. Despite its significance in facilitating international financial flows, comprehensive empirical research on the hawala system remains scarce. However, notable efforts have been made by institutions such as the International Monetary Fund (IMF, 2005), the World Bank (Passas and Maimbo, 2003), and the Financial Action Task Force on Money Laundering (FATF, 2013) to shed light on its workings and implications (UNODC, 2023). These institutions have undertaken various studies and analyses aimed



at elucidating the operational dynamics, regulatory concerns, and potential risks associated with the hawala system.

Although the majority of FATF recommendations divides financial industry: placement, layering, and integration as three stages of money laundering, it does not explain the specific actions of criminals (Treichsel, 1997:14, Graber, 2009:2; Schneider and Windischbauer, 2008:394). In this context, the World Bank emphasizes the importance of distinguishing between money laundering and financing of terrorism due to the divergent paths taken by these funds. When money is utilized for terrorist activities, it typically follows a traceable route from its origin through a terrorist organization to the specific cell executing the attack (World Bank, 2009). FATF underscores the significance of monitoring the "direction and utilization of funds related to terrorism, as this data informs the necessary enhancements or implementations of controls" (FATF, 2019:39), aligning with the concept of monitoring terrorist fund movements. In this regard, the FATF advocates for a "comprehensive assessment" of the various stages constituting terrorist financing.

Nonetheless, criticisms around the researching hawala and money laundry is that the vast majority of the literature currently in publication concentrates either on efforts to estimate the volume of money laundering or on institutions and processes designed to prevent it (Takáts, 2007:4, Bagella et al., 2009:896). And these estimations lack persuasiveness, as accurately assessing the global volume of crime would require the ability to quantify worldwide criminal activities—a formidable challenge given the scarcity of data and the limited understanding of the true scope of organized crime (Van Duyne, 1994:62, Harvey, 2004:339, Walker, 1999:36). While, there is widespread recognition that money laundering remains a significant global issue (Schneider, 2008:309). Consequently, efforts to combat money laundering have thus far fallen short (Maximilian,2022).

In "The Sources of Terrorist Financing: Theory and Typology" Michael Freeman distinguished a detailed analysis of the complex interplay between terrorist financing sources and the strategic considerations of terrorist organizations. Yet, from the first page Freeman provides specific examples of terrorist groups, such as the Shining Path, FARC, ELN, ETA, Pakistani Taliban, and others, and their methods of fundraising. Furthermore, illegal and legal activities as sources of funding for terrorist groups according to Freeman highlights how these activities can provide reliable income, enhance legitimacy or undermine state legitimacy, offer geographical flexibility, and sometimes lead to loss of control or unwanted attention from authorities. Additionally, Freeman identifies the role of popular support, including charitable donations and contributions from diaspora communities, in financing terrorist organizations. He explains how popular support signals legitimacy, provides a relatively easy source of income, but also poses risks such as loss of control or dependence on economic conditions.

Whereas Nikos Passas and Samuel Munzele Maimbo focuses on the relationship between Islamic institutions and terrorism financing in Europe. Which underscores the multifaceted nature of terrorist funding, highlighting both legitimate and illegitimate channels used by extremist groups. Which elucidates how Islamist terrorist organizations



exploit Islamic institutions, such as mosques and cultural centers, as conduits for fundraising and recruitment. Passas and Maimbo finding out the Islamic banking system and its susceptibility to abuse for terrorism financing. Authors explain the structure of Islamic banks, including the pivotal role of Sharia Committees, and highlights the potential diversion of 'Zakat' funds to terrorist groups. The collaboration between Islamic banks and international networks of correspondent and offshore banks further complicates efforts to trace terrorist financing. Finally they underscore the challenges posed by the lack of common legislation in Europe and the political sensitivity surrounding investigations into Islamic banks.

Arguably, in the wake of the September 11, 2001 attacks, there has been a growing acknowledgment, if not consensus, that understanding terrorist financing remains insufficient. Despite significant efforts in what is often referred to as the "financial war against terrorism", many of the assumptions underlying regulatory frameworks are yet to be adequately tested and proven plausible (Witting, 2011). The book authored by Timothy Witting offers a comprehensive examination of the existence of a profound disparity between the expansive regulatory measures implemented to combat terrorist financing and the actual comprehension of the financial and economic dynamics employed by terrorist actors. This discrepancy is highlighted by various experts within the government and the financial sector, who admit to a lack of clarity in identifying the indicators of terrorist financing. These challenges underscore the necessity for a coherent and systematic approach to understanding terrorist financing, one that transcends the conventional focus on uncovering the sources and mechanisms of funding. Moreover Witting challenges orthodoxies surrounding terrorist finance, advocating for a more contextualized understanding that emphasizes the socio-political dimensions of terrorist actors' interactions within local and global political economies and social movements. By reframing terrorist financing as part of broader socio-political dynamics rather than an isolated financial phenomenon, Witting proposes a more nuanced and analytically rigorous framework for researching and responding to terrorist finance.

The same is true for the financing of terrorism. However, it should be noted that majority of literature explains that terrorist financing exists, it does not describe exactly how such criminals operate (Bagella et al., 2009; Graber, 2009; Harvey, 2004; Schneider and Windischbauer, 2008; Takáts, 2007; Trechsel, 1997; Van Duyne, 1994; Walker, 1999). Thus the aim of this research is to further elucidate, step by step, how intelligent criminals use hawala banking to finance terrorist organizations and to use these findings to develop new prevention mechanisms. This research aims to close the gap described above. In particular, it will examine how criminals can use the hawala in Europe to launder money or finance terrorism. This will be achieved by analyzing which concrete steps they would have to take and which resources they would need to be successful.

The Specification Of Hawala

Arguably, before contemplating about hawala system and its role in financing terrorism it worth to define what Hawala means. In doing so, we will refer here to John Cassara and Saeed Al-Hamiz's definition, which define Hawala (Arabic: حوالة – transfer) also known



as "Hundi" (collect) is an informal financial money transfer system (Al-Hamiz, 2005) "without money movement" (Cassara, 2006), that exists and operates outside the "traditional" banking system and financial channels. Hawala does not pay taxes and is outside of economic regulation. The main component of the hawala system is the network of hawala brokers (Bowers, 2009:379). They are responsible for facilitating transfers between countries. Notably, the funds do not physically cross international borders; rather, the sender provides the funds to a hawaladar-service providers in one country and receives a confidential code from to another hawaladar to receive the equivalent amount in local currency. Although, hawala is far from being a recent development. In fact, this informal method of transferring value has roots in antiquity. Its modern iterations are also recognized under different names such as Fei ch'ien in China, Phoe Kuan in Thailand, and the Black Market Peso Exchange in South America (Klemar and Cindori, 2017:121).

Admittedly, the expression may be relatively novel in Western vocabulary, but it enjoys widespread usage in various forms across Africa, Asia and throughout the Middle East. Thus this paper, acting as a mediator, aims to acquaint (or reacquaint) not only with the term "hawala" but also with the distinctive security hurdles posed by this concept—an informal and opaque means of transferring value (Bowers, 2009:379).

The sustained appeal and growing demand for Hawala as an alternative financial mechanism can be attributed to several key characteristics: Firstly, its inherent secrecy plays a pivotal role in its enduring allure. This multifaceted appeal directly addresses the apprehensions of money launderers, providing a shield against disclosure and legal ramifications, while also alleviating concerns among terrorist financiers regarding potential disruptions to their activities (Turner, 2011). Secondly, the widespread dissemination of Hawala across more than 20 Asian and Pacific nations underscores its global presence and accessibility (Klemar and Cindori, 2017:122-123). In Afghanistan, the number of hawaladars is thought to be between 500 and 2,000 (Bolta, 2010) while fund movement direction covers Kabul, Peshawar, Dubai, and London. The total volume of transfers via Hawala is estimated to reach several billion dollars annually. Figures from 2011 (Ratha, 2012) indicate that funds transferred through alternative value transfer systems amounted to \$483 billion, with \$351 billion of this sum allocated to developing countries. Moreover, according to Richardson (2011), approximately 80% of start-up capital for small-scale entrepreneurs was facilitated through Hawala channels. Thirdly, Hawala transactions primarily benefit immigrant workers residing in developed countries. This is because many of them initially place their trust in representatives of the Muslim communities in hosting countries, who, in addition to running small businesses in EU countries, facilitate these illicit transactions. Finally, a significant portion of migrants may be residing in the country illegally or with expired visas. In such circumstances, hawala often becomes the sole method of transferring money without the necessity of confirming their identity.



Hawala and its nexus to terrorism

Terrorism, having become institutionalized and integrated into the realm of the shadow market, has established its own distinct financial and economic enclave. It possesses the capacity for substantial autonomous operations not only within its own national boundaries but also across international borders. The conduct of illicit activities necessitates the presence of financial institutions and substantial amount of finances capable of committing 'expensive' attacks' (Nagy and Somogyi 2023:22). In this instance, hawala networks prove to be highly advantageous for terrorist activities (Gordon, 2009:4). This system guarantees an inexpensive, discreet, and effective method for facilitating frequent money transfers across the globe, making it an attractive option for terrorists (G. Feiler 2007:35).

Prior to the September 11, 2001 attack, Hawala transactions were not prohibited in the United States as long as they adhered to US laws and were reported to the Financial Crimes Enforcement Network (Klemar and Cindori, 2017:123). The push for regulating these systems arose from global apprehension about their potential for facilitating terrorism financing. Western entities such as the UN, FATF, and IMF held deep suspicions toward certain informal value transfer systems (IVTS). These suspicions were further fueled by US narratives regarding the risks associated with IVTS and accusations of their involvement in the events of 9/11. Consequently, the 9/11 Commission Report documented the transfer of Al Qaeda funds through hawala networks in Pakistan and the Middle East before the September 11 attacks (Cooper and Walker, 2006:1125). As Keller (2005) investigated, the financing utilized by al-Qaeda in 1998 for orchestrating terrorist attacks on US embassies in Kenya and Tanzania, revealing hawala's role in facilitating such activities. Given the high risks associated with physically transporting large sums of cash, many terrorist financiers prefer the discreet hawala system, which enables the transfer of billions of euros daily without raising suspicion (Neue Zürcher Zeitung, 2002).

An illustration of Hawala's utilization in support of terrorist activities is exemplified in the transcripts from the trial of Muhammed al-Owahali, an al-Qaeda member serving a life sentence for his involvement in the 1998 U.S. embassy bombing in Nairobi, reveal that funding for the attack was channeled through a hawala office located in the infamous Easleigh district of the city, known for its largely Somali population. Similarly, according to the charges against Faisal Shahzad, the Pakistani American who attempted to detonate a bomb-laden SUV in New York's Times Square in May 2010, hawala transfers were utilized to finance the plot (J. Cassara and Ch. Poncy, 2015:68). Shahzad allegedly received around \$12,000 from his handlers in Pakistan, specifically from the Tehrik-e-Taliban, to execute the attack (CBS News, 2010).

Another the most notable instance involves the exposure of a vast covert hawala network in Spain, comprising 300 hawaladars operating clandestine offices across Spanish cities, notably within 250 butcher shops, grocery stores etc., This network handled the finances of over 150,000 Muslims, many of whom were suspected to be receiving social welfare benefits from the Spanish state, without any legal oversight. Furthermore, the network facilitated the payment of salaries to jihadists in Syria, providing approximately \$800 for



single individuals and \$1,200 for married individuals (Klemar and Cindori, 2017:126). These operations were conducted from concealed and anonymous Hawala stations, categorized as modern Hawala due to the provision of value transfer services from butcher shops, grocery stores, etc. (Ranstorp, 2016).

Multiple studies have shed light on this issue (Nagy and Somogyi 2023:23). Rowald (2014)_et al. highlight that al-Qaeda operates an extensive financial network comprising companies and bank accounts, while also relying on hawala for fund transfers. Arianti (2020) documents cases where the Arakan Rohingya Salvation Army in Myanmar distributed money through hawala. Similarly, the Katibat Imam Al-Bukhari group reportedly obtained funds from its affiliates through hawala channels (Soliev, 2019:17). The Khalistan Liberation Force funded its activities through criminal means in India, receiving financial support from the Sikh diaspora in Canada and the United Kingdom via hawala (Fair, 2004). Furthermore, hawala is also widely used by the Islamic State to avoid being tracked down for official banking transactions (Almohamad, 2021).

In summary, these studies underscore the utilization of hawala by terrorist organizations, elucidate its role in financing terrorism, and highlight the challenges encountered by law enforcement agencies.

Funding terrorism: the case of Somalian Al-Shaab terrorist organisation

Once Osama bin Laden stated that Jihadists aware of the vulnerabilities 'cracks' in the Western financial system. And unofficial payments, far from being mere fissures, represent vast chasms akin to the Grand Canyon. It is evident that beyond their legitimate purpose of transferring wages, they are also exploited by criminal and terrorist groups (Cassara, 2017:4). Islamic charitable organizations are not exception to this list and are heavily involved in funding terrorism.

According to Daniel Glaser (2011), the US Assistant Secretary of State for Terrorism Financing, charities—which are widely publicized and encouraged among immigrants—are being used by terrorists as a means of "raising, moving, and utilizing funds." The charities are better suited to offer logistical cover for the transfer of funds and have evolved into a front for radicalization and brainwashing. Admittedly, there are diverse avenues through which terrorist funds flow. As outlined in this paper, tracing terrorist financing poses challenges, because the role of diaspora and proliferation of Islamic charities in various countries, some of which harbor a strong radical element. These funds are often channeled through the international hawala network (V.Chadha, 2014:40).

One should be noted that Somalia stands as one of the world's economies highly reliant on remittances (Cockyne and Shetret, 2012:2). Within Somalia, xawilaad (hawala) serves as the predominant means for transferring money into, out of, but also recognized as the most cost-effective, straightforward, and secure method for these transactions (Witting, 2011:121). With the absence of traditional banking institutions, the hawala system serves as the sole financial transfer mechanism in Somalia, facilitating family support, investments, and business transactions. Studies conducted by the United Nations Development Programme (UNDP) have revealed that 26 percent of Somalia's



entire population relies entirely on transfers, while up to 66 percent depend on it for at least half of their basic needs (Houssein 2005:89).

However, hawala in Somalia serves not only as an informal money transfer system but also as a means of fostering cross-clan relationships, often involving specific clan members. Bigger xawilad businesses, like Dahabshiil, Amal, and the now-defunct al-Barakaat have strategically expanded their services across clan lines, operating within the framework of Sharia (Islamic law) and xeer (Somali customary law). This cross-clan, pan-Somali approach, rooted in religion and culture, closely mirrors a core ideological belief of al-Shabaab, emphasizing the significance of Islam (Witting 2011:122).

Al-Shabaab, also referred to as the Somalian Youth Mujahedeen Movement, is a Sunni Islamist extremist group with the goal of expelling foreign, particularly Ethiopian, forces from Somalia and implementing Islamic law in the nation. Linked with al-Qa'ida and recognized as a terrorist organization by multiple countries, emerged as a potent and radical faction within the Islamic Courts Union (ICU) movement, which gained substantial support among Somalis in southern and south-central Somalia in early 2006 (WashingtonDC, 2007). The financing of this group partly relies on monetary donations from Somali diaspora communities situated in Europe, North America, Kenya, and the Middle East. In Scandinavia, for instance, individuals connected to Al-Shabaaab reportedly seek contributions from member of Somali communities in Odense, Copenhagen, and Malmö, many of whom hail from the southern Somali regions where al-Shabaab holds influence (Witting 2011:123). Investigators from the European Union claim that this kind of fundraising usually centers on "older, manipulative Islamic extremists" who can persuade people who might be sympathetic to the cause—including attendees of family gatherings, mosques, public gatherings, and charity events—to donate to al-Shabaab. These individuals reportedly do this by presenting stories that affirm that money given to al-Shabaab not only satisfies the Islamic obligation to give zakat (madatory donation), but also that the funds will be used to fight against Ethiopia, the Somali Transitional Federal Government (TFG), and Western states, including the United States (Washington DC, 2010).

In this way, through the UK-based Somali community, Al-Shabaab has managed to secure substantial funding, estimated to be in tens of thousands of pounds, given their population size of around 250,000 (Shay, 2021). While some British Somalis voluntarily contribute to the terrorist organization, a portion of the money sent back to relatives in Somalia is diverted by extremists. Additionally, Muslims often donate to Islamic charities, typically through cash transactions via hawala (Nagy and Somogyi 2023:24). There's a strong likelihood that some of these donations to Islamic charities have inadvertently financed terrorism, unbeknownst to the devout immigrant workers (Patel, 2017).

Conclusion

The analysis of hawala, an informal yet pervasive money transfer system, reveals its role as a conduit for terrorist financing. Despite being traditionally associated with legitimate remittances and cross-border transactions, hawala has increasingly been exploited by



terrorist organizations due to its secrecy and accessibility. Moreover, the examination of specific case studies, such as the Somali diaspora's contribution to funding Al-Shabaab, underscores the global reach and impact of terrorist financing networks. By elucidating these connections, this work contributes to a deeper understanding of how terrorist organizations exploit informal financial systems and diaspora communities to sustain their operations. This study not only identifies gaps in existing research but also proposes avenues for future investigation. By emphasizing the need for nuanced, context-specific approaches to understanding terrorist financing, it advocates for a shift away from conventional frameworks towards more holistic and interdisciplinary methodologies. Due to word limit of this essay, it has some limitations and requires further research on this issue. In essence, this work serves as a critical contribution to the field of counterterrorism by illuminating the evolving dynamics of terrorist financing mechanisms.

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NOTES AND REFLECTIONS

EMPOWERING POLICING: ADVANCING GENDER EQUALITY FOR ACHIEVING SUSTAINABLE DEVELOPMENT GOALS

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United Nations' Sustainable Development Goal 5 emphasizes the eradication of violence, while Goal 16 underscores the need for robust and stable judicial institutions (Department of Economic and Social Affairs, United Nations, 2016). The effectiveness of a nation's police force in attaining these objectives is significantly influenced by its composition and culture. The inclusion of a diverse workforce, especially ensuring equitable female representation at all levels of the policing command structure, stands as a critical factor shaping the culture of a police force. Nonetheless, many law



enforcement agencies persist as traditional, male-dominated hierarchical institutions (Rabe-Hemp, 2017). In India, only 10.5 percent of police officers are women (Chawla, 2022), a figure significantly lower than in countries like England and Wales, where women make up 36.8 (Clark, 2023) percent of the police force. Additionally, the upward mobility of women to top police positions has seen a decline.

This article explores the impact of female representation within police forces on effectively managing domestic and sexually violent crimes, which disproportionately affect women. It will examine barriers to female recruitment and advancement, proposing recommendations to enhance opportunities for women in policing. By doing so, the article aims to enhance women's access to justice, aligning with UN goals.

1. Introduction

A profound examination of the objectives outlined in the 63rd Commission for the Status of Women and the United Nations' sustainable development goals, particularly Goals 5 and 16, reveals a consistent thematic emphasis on "elimination" and "equality" (Department of Economic and Social Affairs, United Nations, 2016). These pivotal terms are intricately linked to the eradication of violence directed towards women and girls and the advocacy for equal opportunities for leadership across all tiers of decision-making within political, economic, and public spheres. The pursuit of transparent and ethically guided policing emerges as a critical component in realizing the ambitions of eliminating violence against women and fostering a stable government. Transparent ethical policing acts as a linchpin in creating an environment where instances of violence are minimized, and trust in governmental institutions is strengthened. This trust is instrumental in achieving the broader goals of the Commission for the Status of Women and the UN's sustainable development objectives, harmonizing the principles of elimination and equality.

The gender landscape within India's police force has experienced a sluggish transformation over the past decade. While there has been some progress, as indicated by the Bureau of Police Research and Development, with the proportion of women in the civil police force rising from 4.9% in 2010 to 12% in 2020 (Radhakrishnan, 2021), this growth still falls significantly short of the government's recommended target of 33%. Moreover, the representation of women in higher ranks remains dismally low, hovering at 8.7% (Chawla, 2022). Pervasive patriarchal biases persist within the force, casting a shadow over the experiences of policewomen who often find themselves marginalized and deemed unsuitable for field assignments (Tripathi, 2020). Additionally, the inadequate provision of fundamental infrastructure, such as separate restroom facilities for women in many police stations, exacerbates the challenges faced by female officers (Bhartiya Stree Shakti, 2017). These systemic shortcomings hinder not only the professional growth and effectiveness of policewomen but also impede the overall advancement of gender equity within law enforcement.

Nevertheless, concerning advancements within the police forces of India, the trajectory of women ascending to the highest ranks exhibited an initial positive trend. However,



this momentum faltered, leading to a failure to attain any semblance of gender parity at the executive officer level (Nayak, 2022). This pattern of restricted and inconsistent progress in women attaining senior and commanding positions is not unique in India; it mirrors similar challenges witnessed in the United States (Guajardo, 2015), as well as in Australia and New Zealand (Prenzler et al., 2010).

2. Methodology

The nature of this research study is descriptive, and the methodology employed in this paper relies on an extensive review of the literature concerning the status of women within the policing culture of the country. The study critically examines the role of women in law enforcement, evaluates existing policies aimed at safeguarding and fostering the continued participation of women in police professions, and assesses the current landscape and challenges they face. The research exclusively utilizes secondary methods, obtaining data from sources such as research papers, publications, websites, and survey reports.

3. Literature Review

While there have been numerous research studies conducted in various areas of gender studies, there is a scarcity of research on women in the police force in India. Critical examinations of the challenges experienced by women in this profession are limited and have not received sufficient attention. The available studies on this subject are few, and a select few are referenced here.

The article "Police Culture and the Integration of Women Officers in India" (Natarajan, 2014) points out that despite increased representation of women in the police force and their broad exposure to a wide range of duties, they are still negatively perceived by their male counterparts. This negative perception seems to have been internalised by women, many of whom reported that they prefer a traditional policing role. The findings suggested the government to re-evaluate the gender integration policies and focus on gender-sensitive allocation of duties. The study by Garima Siwach (Siwach, 2018) advocates the theory of representative bureaucracy which implies better outcomes for a section of society through increased representation of women in public decision-making bodies. According to the Tata Trusts' 2019 report titled "Status of Policing in India," (CSDS, 2017) the representation of women in the Indian police force remains low, standing at 7.28% as of January 1, 2017. The report highlights a lack of gender sensitivity within the force and a failure to address women's specific needs. The underrepresentation of women exacerbates gender stereotypes and biases within both the police force and among women who interact with law enforcement. None of the states have achieved the 33% benchmark set by the Ministry of Home Affairs, with Tamil Nadu boasting the highest representation of women at 12.9% in 2016. Additionally, the report notes shortcomings such as the absence of separate restroom facilities for women and inadequate institutional childcare provisions like crèches within police administrations.



The articles "Women in Police: Employment Status and Challenges" (ANDHAWA & NARANG, 2013) and "Gender Discrimination: Beliefs and Experiences: A Comparative Perspective of Women and Men in the Delhi Police" (Sahgal, 2007) indicates that women in the police force are often relegated to auxiliary roles rather than mainstream policing tasks. They are commonly assigned duties such as telephone operation, typing, escorting women prisoners, or investigating minor offenses involving women and children. These studies highlight the ongoing underrepresentation of women in law enforcement, with women not being deployed on field missions to the same extent as their male counterparts. At the 7th National Conference of Women in Police (NCWP) organized by the Bureau of Police Research and Development (BPR&D) under the Ministry of Home Affairs (MHA), it was revealed that women encounter a glass ceiling in terms of promotion, largely due to the separate cadre system for men and women at subordinate ranks. Only a limited number of positions at the head constable, sub-inspector, and inspector ranks are designated for women officers. The scarcity of women in senior leadership roles within the Indian police force paints a bleak picture of gender parity in law enforcement.

Despite gaining entry into traditionally male-dominated police forces, women continue to face challenges in their quest for equality. They often find themselves relegated to inconsequential positions, assigned unfulfilling tasks, provided with inadequate training, and encounter resistance from their male colleagues.

4. Gender based Crimes

While women may be less prone to general violent crime, they face a disproportionate risk of experiencing domestic and sexual violence. According to data from the National Crime Records Bureau (NCRB), the total number of crimes against women amounted to 4.4 lakh cases, marking a 4% increase from the previous year (NCRB, 2023). On average, 50 cases were reported every hour, totaling 1,220 cases in a single day. The report highlights Delhi as having the highest crime rate against women in the country, with 14,247 cases recorded in 2022, resulting in a rate of 144.4, surpassing the national average of 66.4.

In the realm of criminal justice system, there is a growing acknowledgment of emerging sexual assault offenses, including but not limited to female genital mutilation, modern-day slavery, and forced marriage, all of which exhibit elevated levels of victimization among women. The observed upticks in recorded crime rates related to these specific offenses may stem from advancements in recording procedures, as well as heightened public awareness surrounding these types of crimes. Nevertheless, given the gendered and disproportionate victimization associated with these crimes, the rises in crime rates predominantly reflect an escalation in offenses against women. Consequently, law enforcement agencies must be equipped to mount an effective response to the growing number of female victims and address their specific needs. It is imperative that they apprehend offenders, ensure justice for the victims, and work towards preventing further escalation of violent criminal activities, in line with the objectives outlined in the UN's sustainable development goals.



While the available research is scarce, it suggests that female officers possess specialized skill sets that prove more advantageous in areas such as community relations, support functions, and investigations related to child protection and vice, as opposed to the more conventional domains within law enforcement (Dick & Metcalfe, 2007).

As of January 1, 2021, in India, Chandigarh led with the highest representation of women in its police force, constituting 22.1 percent of the total. Tamil Nadu and Ladakh followed closely, with 19.4 and 18.5 percent of women officers, respectively. Conversely, the lowest percentages of women police officers were observed in Jammu and Kashmir (3.3 percent), Tripura (5.2 percent), and Meghalaya (5.9 percent). In the central police services, women's representation lagged even further behind, accounting for merely 3.4 percent of all members across nine specialized forces. Notably, the Railway Protection Force exhibited the highest representation at 8.9 percent, while the National Security Guard recorded the lowest representation at a mere 0.6 percent. The overall distribution of female staff suggests a notable concentration in states specializing in addressing vulnerability and gender-based violent crimes, such as child protection and domestic and sexual offenses. Conversely, a smaller proportion of female officers are represented in more traditionally masculine areas of policing, including the National Security Guards (0.6 percent) and the National Disaster Response Force (1.4 percent) (Chawla, 2022). While addressing the gendered disparities in policing specializations is crucial, it is equally imperative for police services to harness and deploy their workforce capabilities to address the most significant areas of threat, risk, harm, and need. The persistent rise in reported rates of sexual and domestic violence underscores the urgency for police forces to effectively deploy their resources to prevent and mitigate such violent crimes, aligning with the objectives of UN Sustainable Development Goal 5.

Therefore, the emphasis on increasing female recruitment has never been more critical, given that female officers often excel in roles pertaining to these areas. Additionally, it is paramount to ensure that female officers receive comprehensive training and support to deliver high-quality services to female victims and effectively pursue justice against perpetrators.

5. Robust and resilient police leadership

Studies have demonstrated that diversity and an egalitarian ethos within the executive boards of corporate entities lead to enhanced effectiveness, productivity, and decision-making (Creary et al., 2019). Similarly, such principles hold true for policing. It would be immensely advantageous to transition from the prevailing "groupthink" characterized by predominantly white, male, and autocratic senior officer stereotypes to a senior leadership team that is markedly more diverse and reflective of the communities it serves.

Increased diversity in senior ranks, including greater representation of female leaders, correlates with heightened levels of procedural justice and police legitimacy among citizens. When a police force mirrors society and upholds principles of equality and fairness within its own ranks, it is more likely to extend fairness to its constituents,



thereby fostering social peace and cohesion. This alignment with the fundamental objective of law enforcement—ensuring strong and stable institutions—resonates with UN Sustainable Development Goal 16 (Novich et al., 2018). Although several positive action initiatives have been undertaken in the past decade, the dearth of diversity in the senior echelons of Indian police forces has been acknowledged as a major obstacle to fostering community confidence and creating a police service that genuinely mirrors the communities it serves. Establishing robust and dependable law enforcement institutions that engender trust within communities poses a formidable challenge in the absence of a sustainable framework for diverse senior leadership within police forces.

6. Strategy for Reform

Numerous obstacles to the recruitment, retention, and advancement of female police officers and staff have been identified. The progression of women in law enforcement is heavily influenced by the enduring presence of the 'old boys' club' mentality and the exclusionary machismo culture within the police force. Additionally, factors such as stringent physical fitness requirements and caregiving responsibilities further compound these challenges. Traditionally, policing was viewed as a lifelong career path, typically beginning at a young age and spanning thirty years or more, with officers starting as constables and gradually advancing through the ranks. However, contemporary attitudes towards work have shifted, particularly among the millennial generation. Policing agencies have had to adapt to meet these changing expectations by offering alternative entry and exit points. In response to evolving workforce demographics, policing organizations have diversified career pathways to attract a younger and more diverse workforce. Unlike the traditional trajectory starting as a constable, individuals now have the option to join at different ranks. Moreover, flexible arrangements, such as mid-career breaks and reduced service requirements, may be introduced to accommodate varied lifestyles and career aspirations. Accelerated police programs, featuring fast-track initiatives and direct entry to higher ranks, have emerged as particularly appealing options for women. These programs circumvent the extended timeline typically associated with ascending through traditional ranks and offer greater flexibility and promotional support. Creating a policing environment that values the importance of maintaining a work–life balance is crucial for both the recruitment and retention of female staff. Presently, all police forces have implemented flexible working policies and strategies. These initiatives are designed to keep staff on maternity or carer's leave informed about legal and force-related updates. Furthermore, to facilitate a smoother transition upon their return to the workplace—often a period of heightened anxiety—staged re-entry programs with enhanced support need to be put in place.

Additionally, it's imperative to offer training, mentoring, and guidance tailored specifically for women officers to enhance their skills and confidence within the force. Adequate infrastructure, facilities, and equipment catering to the needs of women in police stations, including separate toilets, changing rooms, and uniforms, are essential for their comfort and professionalism.



Equally important is the creation of a safe and supportive work environment for women, one that is free from harassment, discrimination, and prejudice. Implementing policies and protocols to address any instances of misconduct or bias ensures that all officers can perform their duties effectively and without fear of mistreatment.

7. Suggestion and Conclusion

7.1. Gender based violence

The Sustainable Development Goals, specifically targets 5.2, 5.3, 16.1, and 16.2 as outlined by the United Nations in 2016, primarily focus on eliminating violence, particularly violence against women and children. A crucial aspect of achieving this goal is fostering trust between victims and law enforcement agencies, encouraging victims to report incidents to the police.

To build this trust, it's imperative that police forces are truly representative of the communities they serve, with high levels of gender equality across all ranks and throughout the organization. Prioritizing positive action in the recruitment and retention of officers specializing in gender-based crimes should be a key policy for police forces. This approach ensures that victims feel supported and understood, thereby increasing their willingness to come forward and report instances of violence.

7.2. Strong and stable judicial institutions

Targets 5.5 and 16.7 of the Sustainable Development Goals aim to ensure the full and effective participation of women in political, economic, and public life. In this context, police services should implement diverse and flexible talent management schemes to support the advancement of under-represented groups within the force, facilitating their progression in promotion and career pathways. These schemes should encompass best practices such as mentoring, continuing education, mindfulness initiatives, and the establishment of supportive networks. Furthermore, it is essential for police forces to annually publish their workforce statistics, promoting transparency and accountability.

Decisions regarding senior policing appointments should be conducted through an open and transparent process, overseen by a diverse appointments panel inclusive of community representatives. This process should be made public, allowing for scrutiny and ensuring inclusivity in decision-making.

Under goal 5C, the UN calls for the adoption and reinforcement of policies and legislation to promote gender equality. One proposed measure is the enactment of legislation mandating all police forces to disclose gender pay gap statistics. This would provide visibility into the degree of gender parity across all ranks within police forces, facilitating efforts to address disparities effectively.

Sustainable Development Goal 16 emphasizes the significant impact of corruption on institutions, particularly highlighting the judiciary and police. Target 16.6 specifically aims to establish effective, accountable, and transparent institutions at all levels. To achieve



this, cultivating diverse senior leadership teams within police services is essential. Such teams play a pivotal role in promoting transparent and accountable organizational cultures, serving as a deterrent against the establishment of corruption and autocratic leadership styles.

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NOTES AND REFLECTIONS

THE IMPLICATIONS OF THE COVID-19 PANDEMIC ON INTERNALLY DISPLACED PERSONS IN THE NORTHEAST OF NIGERIA

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Introduction¹

Nigeria has witnessed several COVID-19 variants since the onset of the pandemic in 2019. The first three cases of the latest variant called "Omicron" were confirmed on the 1st of December, 2021 from three passengers arriving from South Africa in Nigeria (PLAC, 2021). The COVID-19 pandemic at the onset started in China, Wuhan, in November 2019 and it spread to other countries in the world. Nigeria confirmed her first outbreak of the Pandemic on the 27th of February, 2020 when an Italian citizen in Lagos tested positive for the virus (UNDP, 2020; Tijjani and Ma, 2020).

Globally, as of January 4th, 2022, around 290, 959, 019 COVID-19 cases have been confirmed by WHO (2022), including 5,446,753 deaths. This has not only affected economic activities across the world but has also led to an increase in the poverty rate and hunger among many others. Nigeria is categorized as one of the 13 high-risk African countries concerning the spread of COVID-19 and Nigeria is also among the vulnerable African nations, given the weak state of the healthcare system (WHO, 2020). In Nigeria, the COVID-19 pandemic threatens to deepen the humanitarian crises in the north-eastern region which has been besieged with the escalation of various forms of insecurities, and the density and conditions of Internally Displaced Persons (IDP) camps and many other factors create a high risk for the rapid spread of the pandemic. Countries, therefore, need to strengthen the resilience of their health system and prevention programs as well as address and eradicate conflict and other forms of violence, and insurgency activities among others which are seen as a setback to attaining sustainable development goals (UN SDG Report, 2020).

It is against this background that this paper seeks to examine how COVID-19 has affected individuals in the North East region bearing in scope also Internally displaced persons and how the pandemic has affected their health and welfare. This is important in a region with enduring humanitarian concerns, to uphold peace, human welfare, well-being, justice, and equality. In doing this, the paper is divided into six sections. The first among them gives an introduction to the work. The second focuses on conceptual clarifications. The third section examines the COVID-19 situation in the Northeast region and conditions of Internally Displaced Persons. The fourth section reviews and integrates secondary data, to analyze the implications and effects of COVID-19 on IDPs in Northeast Nigeria. The fifth section provides measures taken to protect individuals against the COVID-19 pandemic and provides some thoughts on the subject matter, while section six concludes the paper.

¹ Northeast Nigeria comprises of six (6) states which are Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe states.



Conceptual Clarifications: COVID-19 Pandemic and Conflict-Induced Displacement

The COVID-19 Pandemic is a health crisis that has not only caused the death of millions of people across the world but continues to deepen the humanitarian crises in north-eastern Nigeria. Coronavirus disease 2019 (COVID-19) is an illness caused by a novel coronavirus named severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) (WHO, 2019). The health crisis is affecting all countries and all sectors and necessary measures taken to curb the spread of the crises have resulted in massive implications for health, economics, social stability, politics, and geopolitics among many others (Sachs et al, 2020). The situation is more catastrophic and disastrous in conflict-prone zones that are struggling with high humanitarian crises of IDPs, low healthcare infrastructure, and multiple preexisting fragilities. Presently, IDPs in the Northeast are 1.92 million with 1.72 million in need of food security, nutrition, water sanitation hygiene, protection, and health among many others. While slightly under half of the IDPs are in formal camps, the rest are in informal camps or settlements or living in host communities with inadequate conditions and services such as overcrowding, protection risks, poor and fragile shelter, inadequate water sanitation and hygiene facilities, limited basic services, and inadequate health care systems among others (OCHA, 2021; OCHA, 2021).

Analyzing the historical overview of conflicts-induced displacements in Northeast Nigeria can be traced to the nature of the country. Nigeria is a multicultural or heterogeneous nation made up of diverse ethnic (250 ethnic groups) and religious practices (Islam, Christianity, Traditional worshippers among others) and grossly divided along ethnic and religious lines. This diversity and the continuous clamour to entrench Sharia in the North which is one of the fundamental ideological elements of the current Boko Haram sect has triggered several ethno-religious and other forms of conflicts. The most recorded ethno-religious conflicts to have taken place in the North in the past are the Maitatsine riots of the 1980s (1980, 1982, 1984, and 1985). It was reported that the 1980 Maitatsine Kano metropolis riot alone claimed 4,177 lives and the Maitatsine uprising of Bullum-Kuttu in Borno State (October 1982) claimed around four hundred lives and properties worth over three million Naira destroyed and thousands of people displaced. The Gombe Maitatsine conflict of April 1985 took about one hundred lives as well (Bamidele, 2018).

Other underlying factors that trigger conflict are bad governance and corruption, human rights abuses and violations, poverty, and ethnic marginalization, environmental deforestation and degradation, and small arms, and light weapons proliferation, among many others. The recent upsurge in the clash between Fulani herdsmen and farmers has been linked to environmental issues. The scourge of deforestation and desertification that has been associated with the North over the years has pushed the Fulani herdsmen to migrate to the central and further south in search of pasture for their cattle. The failure on the part of the government to provide adequate grazing areas for the Fulani herders along the plateau has over the years given rise to these incessant conflicts between the Fulani herdsmen and the indigenous farming communities along the central region (Ogunkuade, 2020).



Evidence abounds of the involvement of Boko Haram elements in the various skirmishes involving Fulani herdsmen and their hosts in Jos, Plateau State, and other parts of Northcentral Nigeria. The consistent denial by the umbrella Fulani Miyetti Cattle Breeders Association that the members of the group are not responsible for the wanton killings and destruction going on in various areas of conflict is further evidence to suggest that transhumant Fulani from neighboring countries and their connection and exposure to terrorist ideas and organizations are interested in opening a new front of operation for Boko Haram in northern Nigeria (Omitola, 2014). This front is presently controlled by the militias operating in the Northwestern part while Boko Haram continues to hold forth in the Northeastern part of Nigeria

Vulnerable Persons in Northeastern Nigeria: Present Conditions

The presence of ungoverned spaces, porous borders, the practice of sharia law, and high levels of illiteracy, poverty, and unemployment among others have fostered a vulnerable environment for various forms of insecurity such as the Boko-Haram conflict, the Fulani/herders crises, as well as ethnic/religious crises to strive in, thereby exposing individuals in these communities to frequent attacks and insecurities. The mere idea that Northern Nigeria is predominantly Islam and the need to entrench Sharia in the North is one of the fundamental ideological elements of the Boko Haram sect. Many northern states today operate strictly on Sharia law. Christians in these states no longer have freedom of movement and association, and this has further divided Nigeria than rather unifying it. Kaduna states for example prides itself in being divided between Kaduna North and Kaduna South. Kaduna North is predominantly Muslim while Kaduna South is predominantly Christian, all within the same geographical space. The proliferation of small arms and light weapons proliferation and the porous borders of the Lake Chad countries continue to serve as drivers of communal ethno-religious insurgency in Nigeria. Inclusively, the scourge of deforestation and desertification that is associated with the North over the years has pushed the Fulani herdsmen to migrate to the central and further south in search of pasture for their cattle. The failure on the part of the government to provide adequate grazing areas for the Fulani herdsmen along the plateau has over the years given rise to these incessant conflicts between the Fulani herdsmen and the indigenous farming communities (Ogunkuade, 2020).

These identified crises above have truncated upon the peaceful conducive environment where individuals of that region can attain their best self, as the occurrences of the conflict lead to massive displacement of people, and destruction of lives and properties, among others. The Boko-Haram conflict in the northeastern region which has lingered for over a decade since its emergence in 2002, and the Fulani/herders crises, as well as ethnic/religious crises, have impacted over seven (7) million and produced a total number of 2,184,254 IDPs (IOM Displacement Tracking Matrix Round 36 Report, 2021).

Northeastern Nigeria comprises a population of 23 million people across six states, out of these states, Borno, Adamawa, and Yobe represent the conflict intensity areas which make up a population of 13.4 million people, and out of this population, an estimated 53 percent of the population require humanitarian assistance with 1.8 Internally Displaced



persons inclusive of this percent (OCHA, 2019). In the 2022 OCHA humanitarian response plan, a total population of 8.4 million people in the north-east states of Borno, Adamawa, and Yobe (BAY states) will need humanitarian aid in 2022, and out of these, 2.2 million are internally displaced; 1.5 million are returnees who lack essential services and livelihoods, and 3.9 million are members of communities affected by their hosting of Internally Displaced Persons. This figure also includes the majority (an estimated 733,000) of the 1 million people in areas currently inaccessible to international humanitarian actors (Humanitarian Response Plan, 2022).

Around 45% of the IDPs live in camps and camp-like settings; more than half are living in host communities. In addition, almost 90% of the IDPs face extreme or severe intersectoral needs irrespective of where they live, and almost all IDPs living in camps or camp-like settings endure inadequate unhealthy living conditions and services, such as overcrowding, protection risks, poor and fragile shelter, inadequate water-sanitation-and-hygiene (WASH) facilities, limited basic services, a paucity of cooking fuel, and scarce livelihood opportunities, including limited access to land for agriculture (grazing and crop farming). Those in informal camps or settlements generally face worse conditions, with little or no formal services. The circumstances of IDPs living in host communities are more varied, but they rarely fare better than those in camps, and in some cases are worse off: most host communities are very poor and deprived of essential services. The presence of IDPs places a great strain on already meager resources in what is one of the poorest regions of Nigeria. IDPs arriving from areas inaccessible to humanitarian agencies are generally in the worst condition of any people in need in the BAY states, with extremely high rates of acute malnutrition and mortality. The local population as well as returnees that are integrated back into society are also encountering similar issues such as a lack of inadequate healthcare facilities and essential infrastructure, with incomplete or insecure shelters which put them at risk of improvised explosive devices (IED). Many of the local population and returnees have become detached from their previous livelihood and traditional support system as they struggle to obtain basic agricultural inputs and to gain access to a market to sell their products due to the various forms of insecurities in this region country. Almost 3.3 million people live in the 40 LGAs that are classified as having extreme and severe intersectoral needs. Of those in need, 42% are from the host community. This means almost one in two non-displaced households in these LGAs need some form of humanitarian aid to survive. Many of these people face challenges similar to those of IDPs and returnees. Chronic poverty coupled with the impact of conflict compels them to adopt negative coping mechanisms to meet daily needs. People in these locations suffer insecurity as a result of conflict or security operations. Basic services such as schools or hospitals are not functioning as infrastructure has been damaged or destroyed and/or staff has fled (OCHA, 2022; Humanitarian Needs Overview, 2021).

Like IDPs and returnees, people in host communities also face movement restrictions as a result of either insecurity or security-related measures. In this context, farming households are faced with multiple challenges. An average of 24% of households are affected by movement restrictions across the three states. The conflict also hampers access to agricultural land and essential farming inputs: for example, the military and



national counter-terrorism laws regulate and restrict the movement of some non-organic fertilizers (because of their potential use in manufacturing explosives). Many schools have been partially destroyed or rendered inoperable by the conflict and lack of investment in rehabilitation. Also, there are continuous occurrences of the kidnapping of school children (Chibok Girls of 2014 and the Dapchi Girls of 2018) (Humanitarian Response Plan, 2022). At the start of the crisis, 910 schools have been damaged or destroyed while more than 1,500 have been forced to close. 611 teachers have been killed and 19,000 displaced – all these leaving about 900,000 children without access to learning.

Continuous occurrences of the Boko Haram conflict have led to the destruction of health facilities in the Northeastern states of Nigeria. Due to the conflict, two-thirds of health facilities have been damaged, forcing medical personnel to flee and clinics to close. As a result, people are seeking treatment in neighboring Chad, Niger, and Cameroon, placing more strain on the host state's limited health facilities (Omilusi, 2016). In addition, the north-east remains highly endemic for diseases, IDPs living in camp-like settings are mostly at risk of epidemic-prone diseases like cholera, measles, meningitis, and viral hemorrhagic fevers such as Lassa and yellow fevers while malaria continues to be the disease IDPs are more prone as it accounts for over 50 percent cases, especially during the rainy season. Unsafe water, poor hygiene, and sanitation services associated with long-term structural flaws exacerbate the issue further, as does a general deterioration of resilience in the impacted areas. Epidemics are more likely to affect women and children more than others. As of 8 November in Borno and 31 October in Yobe, there have been 4,890 cases of measles reported in the three states of Borno, Adamawa, and Yobe so far in 2020, a 78 percent drop over 2019.

Implications and Effects of COVID-19 on IDPs in Northeast Nigeria

The COVID-19 pandemic remains a major public health concern in the Northeastern states. There is overcrowding in IDP camps, limited capacity and space for testing, insufficient testing kits, and insufficient essential types of equipment in health centers, limited and inaccessible health centers, the inaccessible population in conflict-prone areas. Up to 10% of the host-community population cannot access primary healthcare services, and more than 30% of households report barriers to accessing health services. As a result, many children die from preventable diseases like malaria, acute watery diarrhea, cholera, and measles. A significant proportion of the host-community population (13%) has inadequate access to water for domestic use and almost 25% of host-community members in Borno State do not have access to soap. A large number of households also face significant protection issues, particularly women and girls, many of whom become victims of sexual or gender-based violence (SGBV) (NCDC, 2021).

Also, an approved BAY state COVID-19 preparedness and response plan is absent, leaving a fragmented, uncoordinated response in an already inadequate health system. Adamawa topped the list of states that reportedly had mitigation measures put in place to prevent the spread of COVID-19 disease, Borno came in next at 44 percent, and Yobe was the state with the lowest levels of mitigation measures at 5 percent. Fifty-eight



percent of respondents residing in camp and camp-like settings in Adamawa reported that COVID-19 mitigation measures had been set up in the locality/sites. There has also been significant disruption of vaccination campaigns and other essential health services for children and other vulnerable groups in inaccessible areas (IOM Displacement Tracking Matrix, 2021).

As of 9th May 2021, 2, 870 COVID-19 cases were reported in the BAY states with 79 deaths. In the BAY states, 66 percent of the cases were in Borno and 25 percent from Adamawa. The sparse coverage of COVID-19 testing of IDPs in the BAY states and the low reliability of estimates of morbidity and mortality means the true number of cases is almost certainly much higher than the reported number (NCDC, 2021; OCHA, 2021).

Measures taken

At the outbreak of the COVID-19 pandemic, the Federal government made some efforts to curtail the spread of the pandemic which was stated to the public. These measures include restriction of movements, closure of the border, travel bans to and from high-risk countries with community transmissions of COVID-19, deployment of rapid response teams to all affected states, state-level training, and capacity building of health personnel on; infection, prevention, and control; case management, intensified risk communication, community engagement, heightened surveillance, field epidemiological investigations, rapid identification of suspected cases, isolation, diagnosis, contact tracing, monitoring and follow-up of persons of interests, sanitation of hands, the use of nose mask and maintaining social distance in public (NCDC, 2021). Furthermore, social and religious gatherings were banned temporarily, and schools and businesses were closed.

Inclusively, a national COVID-19 multi-sectoral pandemic response plan was adopted in the northeast region to serve as a blueprint to respond to the crises by bringing together all sectors and partners operating in Nigeria's COVID-19 response. On the 31st of May, 2021, the Operational Humanitarian Country Team (OHCT) in Nigeria released the Joint Support Framework to ensure a coordinated approach to managing the COVID-19 emergency. It also aims to formalize the ongoing multi-sectoral work to address the protracted humanitarian crises and leverage the collaboration for an effective response to the COVID-19 pandemic. It aims to bring together all sectors and partners operating in Nigeria's COVID-19 response from the national governmental authorities, non-governmental organizations, UN agencies, academic and training institutes, donor agencies, and the affected population to tackle the health crises (WHO, 2021).

Furthermore, a network of current testing labs is being expanded for an additional six which will bring the total to 13 labs, including planned capacity in the North-East and the North-West. As this network expands, testing capacity is expected to increase to 5,000 tests per day against the current capacity of approximately 500 tests per day within 24-48 hours (UNDP, 2020). Efforts have also been made to raise awareness about the COVID-19 pandemic through sensitization campaigns on handwashing and the distribution of soap to more than 100,000 IDPs (Tijjani & Ma, 2020). In 2019, the health sector received only 25 percent of its funding requirements, and health centers are



currently equipped with just 52 and 83 beds in ICU and isolation centers, respectively. The Federal Government in a bid to repair the destroyed healthcare facilities in the Northeast drafted out the Rapid Deployment Medical Unit Plan, where 12 compact mobile health units at 3 per state will be deployed to all standard resettlement camps, host communities, and resettlement communities on a rotation basis in Borno, Adamawa, and Yobe. Each unit will be equipped with essential drugs and medical equipment and it will be restocked on a monthly rota basis (PCNI, 2016).

In addition, on the 2nd of March, 2021, Nigeria received nearly 4 million doses of the COVID-19 vaccine, shipped via the COVAX facility in partnership between CEPI, GAVI, UNICEF, and WHO which marked a historic step towards the goal to ensure equitable distribution of COVID-19 vaccines globally (WHO, 2021). As of 26th May 2021, a total number of 1,618,551 vaccine doses have been administered in Nigeria (WHO 2021). For the state of Borno, there are three stages of vaccination, the first is intended for health workers and front-line workers, including those in charge of vehicle refueling stations and the most risk groups of the population, that is, the elderly and people with specific diseases. As of the 15th of April, 2021, 75,000 doses have arrived in Borno state for phase 1 vaccination (INTERSOS, 2021).

Furthermore, collaborative efforts are required to respond to the multifaceted nature of the COVID-19 pandemic and its unprecedented implications on the socio-economic conditions already challenged by the complex development context. In so doing, a unified United Nations strategy to amplify the Nigerian government's response was initiated in March 2020. The overall management of the One UN COVID-19 Response Basket Fund is led and coordinated by the Project Board with representation from the Presidential Task Force; the Federal Ministry of Health, the Nigerian Centre for Disease Control (NCDC), relevant Government departments, fund-contributing donors, and the UN. The Project Board oversees the UN COVID-19 Response Basket Fund supported by a Technical Committee established to review project implementation tools. The Nigeria One UN COVID-19 response reflects the United Nations in Nigeria's support to an inclusive and nationally owned COVID-19 response through a shared vision and a common strategy. Its purpose is to coordinate and align the UN's efforts and leverage partnerships with the government, development partners, foundations, CSOs, and the private sector to increase the availability, accessibility, affordability, adaptability, and acceptability of COVID-19 response interventions in Nigeria. In terms of funding, as of June 2020, the Project Board had allocated US\$ 42,767,450.16 for response interventions to be undertaken by Participating UN Organizations (PUNOs) covering the following areas: Risk Communication and Community Engagement (RCCE); Strengthening State level Operational Capacity in Surveillance, Infection Prevention, and Control; Building Capacity of Healthcare Workers in Case Management and strengthening hospital capacities to respond; and, engagement with Civil Society Organisations to reverse the negative impact of COVID-19 on equal access to essential health services. The EU and United Nations also received delivery of vital supplies to help the fight against the COVID-19 pandemic in Nigeria. The shipment, along with others coming soon, is procured through the One UN COVID-19 Basket Fund with a significant contribution from the EU - and will be valued at more than USD 22 million (UNDP, 2020).



Tremendous progress has also been made by the Nigerian government to ensure individuals in the Northeast are fully vaccinated. In Borno State, a total of 35,196 persons (comprising of males - 22,146 and females - 13,050) have so far been vaccinated with the Moderna 1st dose of which 20,308 persons (males - 12,623 and females - 7,685) have so far received the second dose thus accounting for 57.70% fully vaccinated with Moderna vaccines. In Yobe state, from 23 August to 28 December 2021, a total of 22,517 people had received 1st dose of the Moderna vaccine. Of this number 10,663 were Females and 11,854 were Males. Also 17, 023 people received the 2nd dose of the Moderna vaccine representing 76% of the 1st dose. In Adamawa, during the Mass Vaccination of AstraZeneca, for the 1st phase of AstraZeneca Vaccination, a total of 39,872 came for the 1st dose vaccination and 28,689 came for the second dose vaccination, while during the 2nd phase of AstraZeneca vaccination, a total of 20,793 came for the 1st dose vaccination and 12,446 came for the 2nd dose vaccination, and during the 3rd phase, 47,718 came for the 1st dose vaccination and 4,475 came for the 2nd dose vaccination (Relief Web, 2022).

Given the continuous mutations of the virus, there should be increased testing and vaccination of IDPs which will invariably lead to more cases being identified and more individuals and IDPs in the Northeast being protected from the virus. There should also be continued efforts to expedite the procurement of additional kits, including the 10,000 kits that are provided by the United Nations, which is still ongoing. Measures also should be taken by the Federal Government to step up funding of the healthcare system to address the twin effects of the conflicts in the Northeast and the COVID-19 pandemic.

Conclusion

The paper has examined the implications of the COVID-19 Pandemic on Internally Displaced Persons in the Northeast of Nigeria. The paper argued that the spread of COVID-19 has not only exacerbated existing inequalities but created more inequalities, especially among vulnerable groups such as the IDPs. This is evidenced in the worsening livelihood pattern of IDPs and increasing negative impacts on their socio-economic situation and well-being. The paper observed that while there are increasing efforts on the part of the government to mitigate the impacts of COVID-19 on the Nigerian people through measures such as increased testing and vaccination; the case of the IDPs in the conflict and security zones in the North-East remains of concern. This concern is due to constraints such as military activities, Boko Haram insurgents, and herders attacks which reduced accessibility. The measures taken by the Federal Government have had economic implications The economy is inevitably heading towards a recession and could contract by as much as 3.6 percent.

The paper concluded that government and other humanitarian actors should double their efforts to protect IDPs in the region against the widespread of the virus by increasing the awareness of COVID-19 among IDPs, with widespread testing and vaccination of IDPs.



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CRITICAL REVIEW

JOSEPHINE QUINN (2024). HOW THE WORLD MADE THE WEST: A 4,000-YEAR HISTORY. BLOOMSBURY PUBLISHING. ISBN (HB): 978-1-5266-0518-4.

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In her book *How the World Made the West: A 4,000-Year History*, Josephine Quinn examines 4,000 years of the history of the Euro-Afro-Asiatic region, beginning in the Levant in the 20th century BC and ending with Christopher Columbus's arrival in the Americas in the 15th century AD. Professor of Ancient History at Oxford University, Quinn is a renowned historian who has written other award-winning works such as *In Search of the Phoenicians* (2017).

Quinn's analysis of 4000 years of history results in a book of more than 500 pages, divided into 30 chapters, and makes fascinating reading. Although it has an academic structure and includes bibliographic references, it will appeal to all types of reader on account of the accessible writing style and use of concrete examples.

Based on her analysis of this lengthy period, Quinn arrives at the conclusion that Euro-Afro-Asian history is essentially the sum of the contacts established by humans in this region. In the book, the author exhaustively details these interactions, between Phoenicians, Minoans, Greeks, Romans, Egyptians, Carthaginians, Moors, Franks, and Visigoths, among others. These contacts were of various types, including trade, culture, diplomacy, and war, and it was through such interactions that societies were built and evolved. A particularly instructive example of these dynamics is the alphabet. As Quinn explains, the basis for today's alphabets was created in Egypt by Levantine workers in the 18th or 19th century BC. Because the Egyptian writing system — based on hieroglyphics — was quite complex, these workers invented a new, simpler system in which each letter corresponded to a sound. By doing so, they created the first alphabet in history. Contacts established by sea in the Mediterranean made it possible for this new system to be disseminated and then adapted by other peoples in the region. This gave



rise to the alphabets of Latin, Greek and other languages of antiquity and the present day. The same applies to the numerals we use. Although we now call these "Arabic," they are of Indian origin and were brought to Europe by people from North Africa in the 10th century AD. Several important mathematical inventions such as the number "0" are also of Indian origin. Quinn uses these examples to reveal that the idea of globalization (interaction between the local and the external) is a very ancient one. For the author, this constant dialogue between peoples is what shaped societies and facilitated progress.

Quinn's findings and conceptual conclusions have ramifications for Political Science and International Relations. They are substantiated by extensive research which examines a very wide range of primary and secondary sources. Her main argument is that, if history is based on interactions, this means that the idea it was built on civilizations is wrong. Civilization is generally assumed to refer to a broad group of people with common cultural traits and values, thus forming part of a coherent whole. These traits and values are group-specific and are used to distinguish the group from other groups with different characteristics. However, this specificity, authenticity, and differentiation between groups is something that the author does not encounter in her historical study of the 4000 years in question. The interaction between the various peoples throughout this period meant there was a tendency towards fluidity, co-creation and pollination. Thus, according to Quinn, calling the Phoenicians, Greeks or Persians "civilizations" is incorrect because one cannot identify characteristics in each which are essentially particular and distinctive. Quinn adds that, at the time, these peoples did not regard themselves in this way. They saw themselves as members of villages or cities rather than as part of a "civilization." In fact, the very concept of civilization only emerged in the 18th century.

If civilizations did not exist as such historically, why then do we speak, for example, of "Western civilization"? This is the core of the author's academic and political reading. The idea of the West as a distinct civilization is a construction that only prevailed for political reasons. According to the author, this construction emerged after the campaigns to expel Muslims and Jews from the European continent during the Middle Ages. It became ideology in the eighteenth century based on what she calls "civilizational thinking." According to Quinn, this developed in two phases: singular and plural. In the first phase, civilization is presented as an advanced stage of the development of societies. This concept was introduced in around 1750 by French and British philosophers and forms part of what we now call theories of social evolution. Viewed in this way, civilization is the end point of the linear evolution of societies from more precarious forms of socio-economic organization (nomadism and pastoralism) to more developed forms such as commerce and industry. Quinn confirms this view by quoting John Stuart Mill, a nineteenth-century British philosopher, who states that "In savage life there is no commerce, no manufactures, no agriculture, or next to none: a country rich in the fruits of agriculture, commerce, and manufactures, we call civilized" (page 3).

Civilization, in this singular sense, was theoretically a state to which any human society could aspire with sufficient effort and education, and all human societies could be ranked according to their success on this front. European authors, who were proponents of this vision, presented Europe as the civilizational model to which others could aspire. As a study of this era indicates, this abstract concept of civilization usefully supported Western European imperialism. Mill, who worked for the British East India Company for more than



thirty years, argued that civilized peoples had a duty to help others on their own journey down the same path (page 4). This ideology was captured by Rudyard Kipling in his poem "*The White Man's Burden*" (1899), in which he sought to convince the American president to colonize the Philippines in order to "civilize" it. Modern forms of this conceptualization of a linear evolution can be found in liberal economics and politics theories such as the "modernization theory" developed by Walt Whitman Rostow in his book *The Stages of Economic Growth: A Non-Communist Manifesto* (1991).

The second phase, which Quinn refers to as plural, appeared in the nineteenth century under the influence of the French historian and politician François Guizot. According to him, civilization not only referred to a stage of social evolution, but also to a specific human group from a specific location, with its own particular history and attributes, within which development was an endogenous process. In the light of this definition, there was not only "civilization," but "civilizations," that is, Indian, Greek, Roman, among many others. According to Guizot, these groups could be defined as civilizations because they had particular and essential attributes that distinguished them from one another. Thus, the academic's mission was to identify these attributes, which could imply studying the origin of civilizations, their ancestral roots. Quinn considers that the idea of "Western civilization" was constructed on this basis, and was particularly dear to English philosophers of the Victorian period. They claimed that Western civilization had its roots in Ancient Greece and Rome, namely in attributes such as: the rule of law, democracy, the appeal of science and art. These attributes were disregarded in the Middle Ages and then recuperated, first, during the Renaissance and, second, by the Enlightenment, and then formed the basis of the political and cultural system of the nineteenth-century British Empire. Quinn argues that this conception of "civilization" also made it possible to create hierarchies between civilizations whereby some are viewed as being more apt for development than others, and "Westerners" are presented as superior. Thus, European technological advances of the nineteenth century were retroactively explained in civilizational terms, that is, Europe led because it had endogenous attributes originating in Ancient Greece and Rome that favoured this development. For example, in 1896, Arthur Evans, head of the Ashmolean Museum in Oxford, who oversaw the archaeological excavations of "Minoan" ruins, extolled Crete, calling it "the champion of the European spirit against the yoke of Asia" (page 27).

This view of humanity divided into perfectly demarcated civilizations was recently revived by Samuel Huntington in his book *The Clash of Civilizations* (1999). In this, Huntington argues that, in the post-Cold War period, the wars of the future will not occur between states but between monolithic and homogeneous "civilizations," such as the "Western," the "Islamic," the "African" or the "Sinic" (Chinese).

According to Quinn, any of these conceptions of civilization are incorrect because they are not supported by historical facts. She develops her argument by analysing the case of the West. First, the author argues that there are no "civilizations." The idea that humans organize themselves into broad clusters with specific characteristics that consolidate over time is not a viable one. Nothing occurs spontaneously nor exclusively endogenously. Everything arises as a result of interactions and influences. This means that creating distinctions and specificities is useless. Secondly, and following on from the previous point, the author argues that what might be considered Western in the case of



Greece and Rome was already being practised in other places, or else became established there as a result of influences from elsewhere. Hence the title of the book; the West was not created by Greece or Rome, but by the world. Quinn presents numerous examples of this dynamic. The alphabet and numerals, already mentioned above, are two instances. But there are many more. Legal codes came from Babylon, irrigation from Assyria, the art of navigation from the Phoenicians, and the wheel came from the Central Asian steppes. Religion, in the Greek case, is of Eastern origin. Even in the case of democracy, the author shows how this form of governance first appeared in Assyria around the 11th century BC. There, holders of public office were selected by a public lottery that included all citizens, any of whom could be given this responsibility. This form also eventually became established in Athens.

For all these reasons, an analysis of history based on the idea of civilization is reductive according to Quinn, because it tends to obscure contacts between peoples over the centuries, through which that history was made and evolved. The “West” and other social spaces are places of aggregation and hybridity, with an extensive range of objects and artefacts that negate the notion of an organic, pure or essential culture.

Despite the important contribution made by the book there are some limitations. The lack of a conclusion means that there is no development of the theoretical ideas in the introduction in the light of the empirical data explored in the chapters. The analysis is short, which makes it more difficult to apply to the present day situation and other moments in history. Some questions that remain unanswered are: has the emergence of the modern state and capitalism reduced the space for heterogeneity? Can this interaction-based approach be applied to other groups that we have also called “civilizations,” such as the Chinese, Aztec or Mayan? If so, how? What motivates interactions? Human nature, circumstances, other reasons?

In addition, the conclusions reached by the author are not actually new. Many scholars of post-colonial thought have challenged civilizational thinking. One of the most emblematic examples being Edward Said's book *Orientalism* (2021), in which the American-Palestinian philosopher deconstructs West-East binarism. Other authors pursuing this line of thought have demonstrated how the “non-Western world” has historically been a space of technological, social and political innovation. Examples include *The Silk Roads* (2018) by Peter Frankopan and *The Once and Future World Order* (in press) by Amitav Acharya.

Nevertheless, what makes the author's contribution significant is the scope of her historical survey, which is mostly based on primary sources. This book will make it even more difficult to argue the existence of a pure, distinct Western civilization with direct roots in Ancient Greece and Rome. Quinn's book is also particularly relevant in view of the political moment in which we live. At a time when nativisms and chauvinisms propagated by the far right are gaining momentum all over the world, Quinn's book shows that it is in diversity and the interaction between peoples from different backgrounds that the world advances and that history is made. The people of antiquity understood this and it is up to us to honour that memory.



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RECENSÃO CRÍTICA

JOSEPHINE QUINN (2024). HOW THE WORLD MADE THE WEST: A 4,000-YEAR HISTORY. BLOOMSBURY PUBLISHING. ISBN (HB): 978-1-5266-0518-4.

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No seu livro *How the World Made the West. A 4,000-Year History* (ainda não traduzido para português), Josephine Quinn analisa 4000 anos de história da região euro-afro-asiática, começando no Levante no século XX a.C. e terminando na chegada de Cristóvão Colombo às Américas no século XV d.C. Professora de História Antiga na Universidade de Oxford, na Inglaterra, Quinn é uma reputada historiadora, tendo escrito outras obras galardoadas como, por exemplo, *In Search of the Phoenicians* (2017).

A análise de 4000 anos de história levada a cabo por Quinn resulta num livro de mais de 500 páginas, divididas em 30 capítulos, cuja leitura é fascinante. É um livro que assenta numa estrutura académica, com recurso a várias referências bibliográficas, mas que, pela escrita simples e pelo uso de vários exemplos concretos, se torna apelativo para todos os tipos de leitores.

Ao analisar este longo período, Quinn chega à conclusão de que a história euro-afro-asiática é, essencialmente, o somatório dos contactos que humanos estabeleceram entre si nesta região. No livro, a autora detalha de forma exaustiva estas interações, que incluíram Fenícios, Minoicos, Gregos, Romanos, Egípcios, Cartagineses, Mouros, Francos, Visigodos, entre outros. Estes contactos foram de várias naturezas, incluindo comércio, cultura, diplomacia e guerra. Foi nestas interações que as sociedades se construíram e evoluíram. Um exemplo particularmente instrutivo destas dinâmicas é o alfabeto. Como explica a autora, a base para os alfabetos atuais foi criada no Egito por trabalhadores do Levante no século XVIII ou XIX a.C. Como o sistema de escrita egípcio, baseado em hieróglifos, era bastante complexo, estes trabalhadores inventaram um novo sistema mais simples em que cada letra correspondia a um som. Ao fazê-lo, criaram o primeiro alfabeto da história. Por sua vez, os contactos que se estabeleceram no Mediterrâneo por



via marítima permitiram que este novo sistema fosse difundido e depois ajustado por outros povos da região, dando origem ao latim, ao grego e às restantes línguas da antiguidade e da atualidade. O mesmo se aplica aos números que hoje usamos. De origem indiana, estes números, que hoje chamamos de “árabes”, foram trazidos para a Europa pelos mouros do Norte de África no século X d.C. Algumas invenções matemáticas importantes, como o número “0” também são de origem indiana. Com estes exemplos, Quinn revela que a ideia de glocalização (interação entre o local e o externo) é muito antiga. Para a autora, este diálogo constante entre povos moldou as sociedades e fê-las avançar.

Com base nesta constatação, fundamentada numa pesquisa muito bem desenvolvida, recorrendo a um espólio muito alargado de fontes primárias e secundárias, a autora vai retirar conclusões conceptuais, que têm ramificações para a Ciência Política e para as Relações Internacionais. É aqui, aliás, que se centra o seu principal argumento. Segundo Quinn, se a história é baseada em interações, a ideia de que a história se construiu com base em civilizações é errada. Comumente, civilização é definida como um grupo alargado de pessoas com traços culturais e valores em comum, fazendo, assim, parte de um todo coerente. Estes traços e valores são específicos ao grupo e distinguem-nos de outros grupos com características diferentes. No entanto, esta especificidade, autenticidade, e diferenciação entre grupos é algo que a autora não encontra no estudo histórico que fez dos 4000 anos em análise. Dada a interação entre os vários povos neste período, a tendência foi a fluidez, a co-criação e a polinização. Sendo assim, chamar os Fenícios, os Gregos ou os Persas de “civilizações” é, segundo a autora, incorreto, porque não se identificam características essencialmente particulares e distintivas em cada um deles. Acrescenta Quinn que os próprios na altura não se viam desta forma, como civilizações. As pessoas viam-se como membros de aldeias ou cidades, não como parte de uma “civilização”. Aliás, o próprio conceito de civilização só vai surgir no século XVIII.

Se as civilizações não existiram enquanto tal historicamente, porque é que então falamos, por exemplo, de “civilização ocidental”? É aqui que reside o cerne da leitura académica e política da autora. A ideia do Ocidente, enquanto civilização distinta, é uma construção, que apenas vingou por razões políticas. Segundo a autora, esta construção emergiu depois das campanhas para expulsar muçulmanos e judeus do continente europeu durante a Idade Média, e ganhou forma ideológica no século XVIII com base naquilo que ela designa como “pensamento civilizacional”. Para Quinn, este pensamento desenvolveu-se em duas fases: singular e plural. Na primeira, civilização é apresentada como um estágio avançado de desenvolvimento das sociedades. Este conceito foi introduzido, por volta de 1750, por filósofos franceses e britânicos e insere-se no que atualmente designamos como teorias da evolução social. Vista deste modo, civilização é o ponto final de um trajeto de evolução linear das sociedades desde formas mais precárias de organização socioeconómica (nomadismo e pastorícia) até formas mais desenvolvidas como o comércio e a indústria. A autora confirma esta visão citando John Stuart Mill, filósofo britânico do século XIX, que afirma que “na vida selvagem não há comércio, nem manufaturas, nem agricultura, ou quase nenhuma: a um país rico, fruto da agricultura, do comércio e das manufaturas, chamamos civilizado” (página 3).

A civilização, neste sentido singular, era teoricamente um estado a que qualquer sociedade humana poderia aspirar com esforço e educação suficientes, e todas as



sociedades humanas poderiam ser classificadas de acordo com o seu sucesso nesta frente. Os autores europeus, proponentes desta visão, apresentavam a Europa como o modelo civilizacional a que os outros poderiam aspirar. Como o estudo desta época indica, este conceito abstrato de civilização acabou por constituir um apoio útil para o imperialismo da Europa Ocidental. Mill, que trabalhou para a Companhia Britânica das Índias Orientais durante mais de trinta anos, argumentou que os civilizados tinham o dever de ajudar os outros na sua própria viagem pelo mesmo caminho (página 4). Esta ideologia foi captada de forma clara por Rudyard Kipling no seu poema "*The White Man's Burden*" (1899), no qual procurava convencer o presidente norte-americano a colonizar as Filipinas para a "civilizar". Formas modernas desta conceptualização de evolução linear podem ser encontradas em teorias liberais da economia e da política como a "teoria da modernização" desenvolvida por Walt Whitman Rostow no seu livro *The Stages of Economic Growth: A Non-Communist Manifesto* (1991).

A segunda fase, denominada pela autora de plural, surge no século XIX por influência do historiador e político francês François Guizot. Para este, civilização não era um estágio de evolução social, mas um grupo humano específico de um local específico, com a sua própria história e atributos particulares, no seio do qual o desenvolvimento era um processo endógeno. À luz desta definição, não havia apenas a "civilização", mas as "civilizações", ou seja, a indiana, a grega, a romana, entre tantas outras. Para Guizot, estes grupos podiam ser definidos como civilizações porque tinham atributos particulares e essenciais que as distinguiam umas das outras. Sendo assim, a missão do académico era identificar estes atributos, o que poderia implicar estudar a origem das civilizações, as suas raízes ancestrais. É com base neste pensamento, considera Quinn, que se construiu a ideia da "civilização ocidental". Uma ideia particularmente cara aos filósofos ingleses do período vitoriano. Para estes, a civilização ocidental tinha as suas raízes na Grécia e Roma Antigas, designadamente nos seus atributos como: o Estado de Direito, a democracia, o apelo da ciência e da arte. Estes foram desconsiderados na Idade Média e depois recuperados, primeiro, durante o Renascimento e, segundo, pelo Iluminismo, culminando na formação da coluna vertebral do sistema político e cultural do Império Inglês do século XIX. Também através desta conceção de "civilização", argumenta a autora, é possível criar hierarquias entre civilizações em que umas são apresentadas como mais aptas ao desenvolvimento do que outras, sendo que os "ocidentais" eram apresentados como superiores. Assim, o avanço tecnológico europeu do século XIX era retroativamente explicado em termos civilizacionais, ou seja, a Europa liderava porque tinha atributos endógenos, originários da Grécia e Roma Antigas, que favoreciam este desenvolvimento. Por exemplo, em 1896, Arthur Evans, responsável pelo Museu Ashmolean, em Oxford, que supervisionou as escavações arqueológicas de ruínas "minoicas", exaltou Creta, chamando-lhe "a campeã do espírito europeu contra o jugo da Ásia" (página 27).

Esta visão da humanidade dividida em civilizações perfeitamente demarcadas foi recuperada recentemente por Samuel Huntington no seu livro *O Choque das Civilizações* (1999). Neste, Huntington argumenta que, no pós-Guerra Fria, as guerras do futuro não ocorreriam entre Estados, mas entre "civilizações" monolíticas e homogêneas, como a "ocidental", a "islâmica", a "africana" ou a "sínica" (chinesa).



Para Quinn, qualquer uma das concepções de civilização é incorreta porque não é suportada pelos factos históricos. Ela vai desenvolver o seu argumento, analisando o caso do Ocidente. Em primeiro lugar, a autora argumenta que não há “civilizações”. A ideia de que os humanos se organizam em conjuntos alargados com características específicas que se consolidam ao longo do tempo não procede. Nada é de geração espontânea e exclusivamente endógena. Tudo surge fruto de interações e influências. Por isso, estabelecer distinções e especificidades é inútil. Em segundo lugar, e em decorrência do ponto anterior, a autora argumenta que aquilo que se poderá considerar ocidental no caso da Grécia e Roma, ou já se praticava em outras paragens ou acabou por se estabelecer nestes territórios fruto das influências que receberam de outras paragens. Daqui resulta o título do livro. O Ocidente não foi criado pela Grécia ou por Roma, mas sim pelo mundo. A autora apresenta inúmeros exemplos desta dinâmica. O alfabeto e os números, já mencionados anteriormente, são dois dos casos. Há, contudo, muitos mais. Os códigos legais vieram da Babilónia, a irrigação da Assíria, a arte de navegar dos Fenícios e a roda da estepe centro-asiática. A religião, no caso grego, é de origem oriental. Até na democracia, a autora mostra como esta forma de governação foi experimentada pela primeira vez na Assíria por volta do século XI a.C. Neste território, os detentores de cargos públicos eram selecionados por uma lotaria pública que incluía todos os cidadãos. Qualquer um deles poderia receber esta responsabilidade. Esta forma foi a que se acabou por instalar também em Atenas.

Por tudo isto, analisar a história com base na ideia de civilização é, segundo a autora, empobrecedor, porque impede que se revelem todos estes contatos que se estabeleceram entre os povos ao longo dos séculos. Foi, através destes contatos, que a história se fez e evoluiu. O “Ocidente” tal como os restantes espaços sociais são locais de agregação e hibridismo, cuja extensa gama de objetos e artefactos nega a noção de uma cultura orgânica, pura ou essencial.

Apesar das muitas qualidades do livro, há algumas limitações que são notórias. O livro não tem uma conclusão. Esta parte teria sido importante para desenvolver as ideias teóricas da introdução à luz dos dados empíricos explorados nos restantes capítulos. A análise fica, assim, curta e mais difícil de transportar para a atualidade e para outras paragens. Questões que ficaram por responder são: a emergência do Estado moderno e do capitalismo retirou espaço à heterogeneidade? Esta abordagem baseada em interações pode ser aplicada a outros grupos que acabámos também por chamar de “civilizações” como a chinesa, a asteca ou a maia? Se sim, como? O que motiva as interações? A natureza humana, as circunstâncias, outras razões?

Além disso, as conclusões a que a autora chega não são propriamente novidade. Imensos académicos incluídos na linha de pensamento designada como pós-colonial têm contestado o pensamento civilizacional. Um dos exemplos mais emblemáticos é o livro de Edward Said *Orientalismo* (2021). Neste, o filósofo americano-palestiniano desconstrói o binarismo Ocidente-Oriente. Outros autores desta linha de pensamento têm demonstrado como o “mundo não ocidental” foi historicamente um espaço de inovação tecnológica, social e política. O livro *As Rotas da Seda* (2018) de Peter Frankopan e *The Once and Future World Order* (no prelo) de Amitav Acharya são alguns dos exemplos desta vertente.



De qualquer forma, o contributo da autora mantém-se relevante devido à magnitude do seu levantamento histórico, essencialmente baseado em fontes primárias. Depois deste livro, ficará ainda mais difícil argumentar sobre a existência de uma civilização ocidental pura, distinta e com raízes diretas na Grécia e Roma Antigas. O livro ganha também relevância pelos tempos políticos que se vivem. Numa altura em que os nativismos e chauvinismos propagados pela extrema-direita crescem um pouco por todo o mundo, o livro de Quinn mostra que é na diversidade e na interação entre povos de diferentes proveniências que o mundo avança e que a história se faz. Os povos da antiguidade perceberam isso. Cabe-nos a nós honrar essa memória.

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