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Francisco José Dacoba Cerviño

Brigadier, Director of the Spanish Institute for Strategic Studies

Presentation of IEEE Journal No. 16

In preparing a new issue of the Spanish Institute of Strategic Studies Journal, we are particularly concerned that the articles should address issues of undoubted interest to Security, in its broadest sense, and at the same time provide novel approaches. And, on this occasion, it is so in an obvious way. Let us see.

The advent of new technologies, of a strongly disruptive nature, opens up a world of possibilities for the progress and well-being of all humanity. But as has always been the case, advances in this field can be used for both beneficial and perverse purposes. Widespread accessibility to mobile terminals and personal computers puts citizens in touch with all kinds of information sources, without geographical limitations. These devices are the gateway to our minds for an infinite amount of data and news, without any filter, which makes us a target for actors who intend to shape our opinions and our will. This has obvious security implications. Wars no longer necessarily have to be fought on a physical battlefield to achieve a material goal. In fact, this will be the exception. Now we are the battlefield. The traditional classification of military domains on land, at sea and in the air is now a long way off. Outer space and cyberspace had recently been added to these. The possibility of mind manipulation now adds a new domain, the cognitive one, in which the possibilities of spreading hoaxes (fake news) and “stories” for the benefit of a certain cause are multiplying.

The article entitled “*Cognitive manipulation in the 21st century*” is aimed at analysing this interesting and worrying issue. It seeks to establish a theoretical framework that will enable the phenomenon to be defined and explained in a comprehensive manner. To this end, it draws on contributions from fields as diverse as military strategy, sociology, psychology, communication and technology itself. This is an activity, cognitive manipulation, that is just taking its first steps, which augurs well for many future debates, some purely technical, others legal, ethical and moral. As the author himself points out, in ten years’ time society will be much more connected than it is today... and then there will be many more tools to manipulate it.

The European Union's role as a global player has been given a strong boost in recent years. The attitude of the previous Trump Administration towards the Union and NATO has made Europeans aware that the old days when the security umbrella provided by the great American ally could be relied upon carelessly are behind them. Although an improvement in transatlantic relations is expected with the arrival of President Biden, there is unanimity in considering that Europe needs to assume a greater role in its own defence and accept greater responsibilities by at least improving its presence in its immediate geographical environment. A very turbulent environment, by the way, in which most active armed conflicts are concentrated, or can lead to them.

The new European Commission wants to be more "geopolitical" and add some more hard power to the Union's traditional soft power. Initiatives such as the activation of Permanent Structured Cooperation (PESCO), with its own financing fund (EDF), are proof of this wish to articulate a genuine and credible Common Security and Defence Policy (CSDP). But the road will not be easy. Not all Member States share the same intentions, nor will third countries, including the United States, make it easy. The article entitled "*The principle of coherence in the European Union's defence industrial policy*" develops it in detail and emphasises precisely the coherence of this industrial policy. The construction of the Europe of Defence is progressing slowly as it ultimately affects the principle of state sovereignty. Starting with the aspects related to the industrial development of capacities and postponing for future times more important aspects is the chosen option, and it seems to be the most intelligent one.

Very close to the present, and in a geographical sense for Spain, is the topic addressed in the article "*The European Border and Coast Guard in the framework of the integrated management of external borders after the migration crisis of 2015: strengths and challenges*". The massive arrival in European territory in 2015 of people fleeing the fighting in Syria was not the first disaster of this kind in the 21st century; the so-called crisis of the cayuco boats in 2006 on the way to the Canary Islands was a precedent. Nor was it the last, as we subsequently saw with the flows from the coasts of North Africa to Italy and Spain and, by 2020, from the western face of that continent back to the Canary Islands. The challenges and strengths are mainly of a legal and political nature. But the impossibility of the Member States of being able, on their own, to manage these types of crisis comprehensively leaves no other option but to collaborate as closely as possible. That is why FRONTEX was born.

We also include two analyses of armed conflicts. All wars cause pain and irreparable damage to the populations that suffer them first-hand, and that is why it is urgent to put an end to them as soon as possible. But there are cases in which the usual perverse dynamic that hinders the end of hostilities is compounded by the curse of being a conflict that is overshadowed, or forgotten, as a result of the relevance of other more pressing scenarios for the international community. The civil war in Yemen has drifted into an entrenched conflict in a very turbulent regional setting, making it secondary to the serious tensions around it. The article "**The Huthi Insurgency in Yemen's Civil War**" describes it very well. There is also not a near or optimal end to the conflict in

Afghanistan in sight. Despite the agreement signed in 2020 between the Taliban and the US, without the Afghan government's signature, there is no prospect of stability in the near future. The conflicting interests of the main actors involved (India and Pakistan on the one hand, along with Iran, Russia, China and the US itself) only add to the uncertainty. The chapter "**The Role of Regional Actors in the Afghan Peace Process**" aims to elucidate these interactions.

The last two articles coincide in analysing the island phenomenon, although from different points of view. In "*Strategic Archipelagos and Tourist Destinations: The Canary Islands, Hawaii and Okinawa*" are analysed in terms of key aspects of security. Based on a geopolitical approach, strategic value is related to the no less important economic value of the tourism industry in these three archipelagos. The relevance, in this case, is provided by the growing tensions between China and the countries bordering the South and East China Seas. This ultimately also means tension with the United States. The second of these articles has the suggestive title of "*Small Island Developing States: between concept and application*". This definition, Small Island Developing States (SIDS), has been coined by the UN to refer to small island countries in need of special consideration in order to promote improvements in the indices that routinely measure the progress and well-being of their people. But this, which seems simple to put forward, entails difficulties when it comes to defining what a state of these characteristics is. Environmental issues, such as rising sea levels, hinder their sustainable development and in some cases jeopardise the very existence of some of these countries in the medium term. In this respect, there is no lack of analysis of the possible, but so far imprecise, geopolitical consequences of this hypothetical disappearance.

We complete this issue with a review of a very interesting book, "*The human factor. Gorbachev, Reagan, and Thatcher, and the end of the Cold War*", whose author, Archie Brown, is a renowned kremlinologist. The strong personalities of the three leaders mentioned above were a determining factor in the end of the Cold War. Reading it today can help us understand a little better the evolution of relations between the Russian Federation and the West.

A compendium, in short, of analyses that are highly aligned with some of the factors on which the reconfiguration of the current international order is being based and with some specific actors in this new global scenario. I hope you enjoy it and I encourage you to wait for the next issue of this journal, by the Spanish Institute of Strategic Studies.

Luis Astorga González

Captain, Diploma in General Staff, Doctorate in International Security from the IUGM (UNED)

E-mail: lastgon@fn.mde.es

Cognitive manipulation in the 21st century

Abstract

This article explores the effects that can be generated in modern societies by cognitive manipulation using advanced tools, the media (including the Internet and social networks) and theories of social behaviour and cognitive perception. It also describes how al-Qaeda and the Islamic state have used these techniques as part of their overall strategies.

Keywords

Communication, manipulation, behaviour, social networks, al-Qaeda, IS, Gramsci

To quote this article:

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Introduction

This is not a recent development, but it is current in international and domestic politics. Cognitive manipulation, the use of disinformation, of hoaxes (fake news) or the importance “of the story” have generated rivers of ink, not only in academic environments, but also in the mass media. The alleged Russian disinformation campaigns in the Ukrainian war, the election of President Trump, Brexit and COVID-19 are some of the episodes that have made all this very fashionable.

However, despite its topicality, it is not easy to find a satisfactory theoretical framework that defines, frames and explains the phenomenon in a holistic way. This is not surprising because we have to dig into very distant disciplines: military strategy, sociology, psychology, communication, cybernetics and even history.

This article originates from a study carried out at the Escuela de Estado Mayor de las Fuerzas Armadas in Madrid, when the Strategy Department identified the need to investigate the strategic effects that can be generated by cognitive manipulation and why, although nothing new, the tools available in the 21st century make it possible to considerably increase these effects when compared with what just two decades ago.

The analysis of the social, strategic and cognitive framework of the information space suggests that it should be considered a new domain of political-military operation. A domain that must operate in synchrony with classic – land, air, sea – and not so classic – cyberspace – spaces. A space that, in the framework of their strategies, has been used by two of the most relevant players that the West has faced in the last two decades: al-Qaeda and the Islamic State.

Social structure: Marxism and structuralism. Antonio Gramsci and Louis Althusser

Humans have been politically organised animals for thousands of years. All social structures, from the simplest tribes to the most complex states, are organised into pyramidal hierarchies: *roughly* speaking, there is always one or more leaders – s – a ruling class – in privileged positions in the social structure and a dominated class that plays a subordinate role. The structure is explained by the impossibility of managing the large number of relationships generated in a society without hierarchies and the simplification and efficiency provided by hierarchical structures¹.

The three great African primates, which share a common ancestor with humans, have very hierarchical structures; and for some five thousand years humans have gen-

¹ TOULOUSE, G. and BOK, J., 1978. “Principe de moindre difficulté et structures hiérarchiques”. *Revue française de sociologie* [online], vol. 19, no. 3, pp. 391-406. ISSN 00352969. DOI 10.2307/3321051. Available at: <http://www.jstor.org/stable/3321051>

erated political structures that have functioned almost entirely in a hierarchical manner. Philosophical and academic discussions between those who claim that hierarchy is part of human nature – what we might call *Hobbesians* – and those who, like Rousseau, claim that its true nature is egalitarian, have not been resolved²; but we must say in favour of the former that there is no known political experience, since history is such, of a society that has functioned without a hierarchical structure. The structure may have many levels or only a few; it may have a wide base and a narrow cusp – the classic pyramid shape– or perhaps look more like a trapezoid. But whether they are tyrannical or democratic, all structures place their members at different levels.

Marxism promised a classless society. For Karl Marx, classes were created by the relationship with means of production: exploiting classes own these means and exploited classes work for the owners. Marx held that equality is an inherent condition of man, which had deteriorated with the introduction of modern modes of production and the alienation they generated in its nature³. So the fracture and conflicts that this class difference produces could only be eliminated by removing ownership of means of production, which would be common. Marx believed it was a final state that would inevitably be reached, because of the internal contradictions of capitalism, which would lead to its destruction in the medium term^{4 5}.

Antonio Gramsci, founder of the Italian Communist Party, reinterpreted Marx by pointing out that the social class at the tip of the pyramid dominated the rest in a cultural way; it was the imposed cultural hegemony that prevented the dominated from rebelling. A change of system required, first of all, a change of cultural patterns, a change of *cultural hegemony*⁶. Gramsci's approach⁷ was Marxist – exploited and ex-

2 BOEHM, C.,1999. "The Question of Egalitarian Society", in *Hierarchy in the Forest*. Harvard University Press (The Evolution of Egalitarian Behavior), pp. 1-15. doi: 10.2307/j.ctvjf9xr4.4

3 LORD, B.,2014. "Spinoza, equality, and hierarchy", *History of Philosophy Quarterly*. [North American Philosophical Publications, University of Illinois Press], 31(1), pp. 59-77. Available at: <http://www.jstor.org/stable/43488087>

4 SPIEGEL, H. W., 1996. *The development of economic thought*. Omega

5 What is certain is that the position in the structure hierarchical scale causes social fracture similar to ownership of production means. In the former Soviet Union, in theory a classless society, a dominant elite was generated with a clear difference between those who were members of the communist party—who occupied the upper echelons of the pyramid and thus enjoyed the advantages of their position—and those who occupied roles at the base of the pyramid. The contradiction did not go unnoticed, but was avoided by suppressing or limiting sociological studies or blaming their results on anti-revolutionary practices. Zaslavsky, V., 1977. "Sociology in the Contemporary Soviet Union". *Social Research* [online], vol. 44, no. 2. pp. 330-353. ISSN 0037783X. Available at: <http://www.jstor.org/stable/40970288>

6 GRAMSCI, A., 1935. *Cahiers de Prison 1-5*. 1996. Paris: Gallimard. ISBN 9780853152804

7 Gramsci's ideas, which emerged in fascist Italy during the period between World Wars, were collected in notebooks written during his long stay in prison, where he died. His notebooks were published after his death.

exploitative in a capitalist model – but his cultural hegemony change model, as a step prior to political change, can be applied in any kind of social conflict: identity nationalisms, anti-globalisation movements, re-Islamisation, etc.

Louis Althusser and French structuralism took up and extended Gramsci's ideas in the 1960s. For Althusser, ideology represents the imaginary relationship of individuals with the real-life situation; ideologies are circulated by agents (the media) who help to build those ideologies – and therefore the relationship and acceptance by people of their existence – without individuals being aware of it⁸. Other structuralist or post-structuralist authors, such as Noam Chomsky, Michel Foucault or Jacques Derrida, developed and nuanced Althusser's ideas on the social construction of reality⁹, also determined by the history and subjective perception of individuals. Derrida said that language does not limit itself to describing the world, but acts upon it. And Noam Chomsky's phrase is well known:

“But... when you can't control people by force... you have to control what people think. And the standard way to do this is to resort to what in more honest days used to be called propaganda, manufacture of consent, creation of necessary illusion... marginalizing the public or reducing them to apathy in some fashion”¹⁰

Under this prism, communication is therefore a means of domination, because it determines our ideology and our vision and acceptance of the world and its hierarchies. Modern media are excellent vehicles for this generation of consensus, of creating the 'necessary illusion' to which Chomsky refers. Is this something new? And if not, what has changed?

Propaganda and manipulating information

The term propaganda has a religious origin. It was coined in the 17th century by Pope Gregory XV when he structured the propagation of the faith (*propaganda fide*) carried out by missionaries. But propaganda and manipulating information began much earlier: with tales, what we call today 'the story'. They began when the narrators or troubadours of the past sang feats and legends orally, legends were first not only heard but also written down more than four thousand years ago – the first written

8 ALTHUSSER, L., 1971. *Aparatos ideológico del Estado (Ideological apparatus of the State)*. Medellín: Editorial La oveja negra.

9 Term coined by Peter Berger and Thomas Luckmann in his work *The social construction of reality*. Berger, P. and Luckmann, T., 1968. *The social construction of reality*. 2003. Buenos Aires: Amorrurtu. ISBN 950-518-009-8.

10 HERMAN, E. s. and CHOMSKY, N., 1988. *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Pantheon Books. ISBN 0-375-71449-9

tale was probably the Epic of Gilgamesh – and that throughout history have been extended, first with the emergence of the printing press and then, in much more recent times, with radio, cinema and television.

In Spain, to look for nearby examples of negative propaganda, we have suffered the black legend, an expression coined by Julián Juderías¹¹. But there are many and very numerous historical examples. The notorious ‘Boston Massacre’, one of the epic episodes of American independence, which inflamed citizens of the then British provinces in America, was actually the death of eight Boston citizens in a mass riot against British troops. News of the ‘massacre’ spread throughout the British colonies in America thanks to leaflets distributed by Samuel Adams, who is suspected of being the instigator of the mutiny, in which the rebels also fired first, without it ever being clear who did it. Another classic example is William Randolph Hearst’s legendary instructions to his correspondent in Cuba during the 1898 Spanish-American conflict: “You furnish the pictures. I’ll furnish the war”. Manipulating information to achieve political or economic objectives has not been invented in the 21st century.

We will analyse the role of the media in detail later on; Thomas Jefferson said “Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle”¹². But there are more methods of communication than the traditional ones that influence public opinion; one of the most important is terrorism.

Terrorism can be defined in many ways. For the Royal Academy of the Spanish language, terrorism is: ‘domination by terror’, or ‘succession of acts of violence to instil terror’. This definition given by Fernando Reinares is more interesting:

“A set of violent actions that generate [...] psychological effects disproportionate to their material consequences and that are intended to condition the attitudes of this social group and guide their behaviour in a certain direction”¹³.

Because Reinares points out two key elements of communication in terrorism: a) generating psychological effects and b) guiding behaviour, something that the definitions of the Royal Academy do not do.

¹¹ Spanish sociologist and historian, 1878-1918. He died of the so-called ‘Spanish flu’, a pandemic that originated in Kansas, but was called Spanish by a *Time Magazine* cover at the time, in what seems like a macabre wink of fate confirming the thesis of Julián Juderías himself.

¹² In a letter to a citizen of Virginia dated 1807. Jefferson, T., 1987. *Autobiografía y otros escritos (Autobiography and other writings)*. 1987. Madrid: Tecnos.

¹³ REINARES, F., 1998. *Terrorismo y Antiterrorismo (Terrorism and Anti-terrorism)*. 1998. Barcelona: PAIDOS. ISBN 9788449306327

As Luis Miguel Sordo points out "terrorism takes advantage of the media and its immediacy"¹⁴. Terrorism is not effective if there is no audience. An audience that has changed over time and with the evolution of communication; for the *hashshashin* (assassins) of Hassan Ibn Sabbah, the old man of the mountain of the 12th century', his audience was the leaders of the region where his hitmen were killing; for ETA, it was Spanish society. And for al-Qaeda, global society. The recipients of the message, of *the story*, change because the political objectives change, but also because different and much wider audiences can be reached: the media today makes it possible to spread the message massively and almost instantaneously to the entire globe.

Twenty years ago practically nobody had heard the term strategic communication; today it is in most of the Security Strategies of Western countries and is considered essential to international Jihad terrorist organisations. The current al-Qaeda leader, al-Zawahiri, pointed out in 2005 in a letter to al-Zarqawi that "more than half of this battle is taking place in the battlefield of the media [...] We are in a media battle in a race for the hearts and minds of our *Ummah*"¹⁵.

Why does information produce effects at strategic level? To create the theoretical framework, it is useful to review, even briefly, the teachings of the great master of modern strategy: Carl Von Clausewitz.

In war, Clausewitz's analysis requires the combined action of three elements: Firstly, the rational, which is usually identified with the government and with the cost-benefit analysis of political objectives; secondly, the creative and random, usually identified with the army and the uncertainties of military campaigns; and thirdly, the passionate element, usually identified with the people¹⁶. Winning a war requires that these elements endure over time with the 'intensity' needed to defeat the enemy. Although there is talk of the end of the Trinitarian wars and the obsolescence of his model in the 21st century, in reality Clausewitz's Trinitarian method can be applied, with slight adjustments, not only to any war, but also to political competition, for which he provides an excellent analysis tool¹⁷.

In the Vietnam War, the United States was defeated because they lost the support of their population¹⁸. The entire campaign in North Vietnam was based on weakening the American voter's popular support for the war, not on attacking the American

14 SORDO ESTELLA, L. M. (2018). "Psicología del terrorismo" (*Psychology of Terrorism*). *Revista Del Instituto Español de Estudios Estratégicos*, (8). Retrieved from <https://revista.ieee.es/article/view/219>

15 STOUT, M. E. *et al.* (2008) *Strategic and Operational Views of Al Qaida and associated movements*. Annapolis: Naval Institute Press

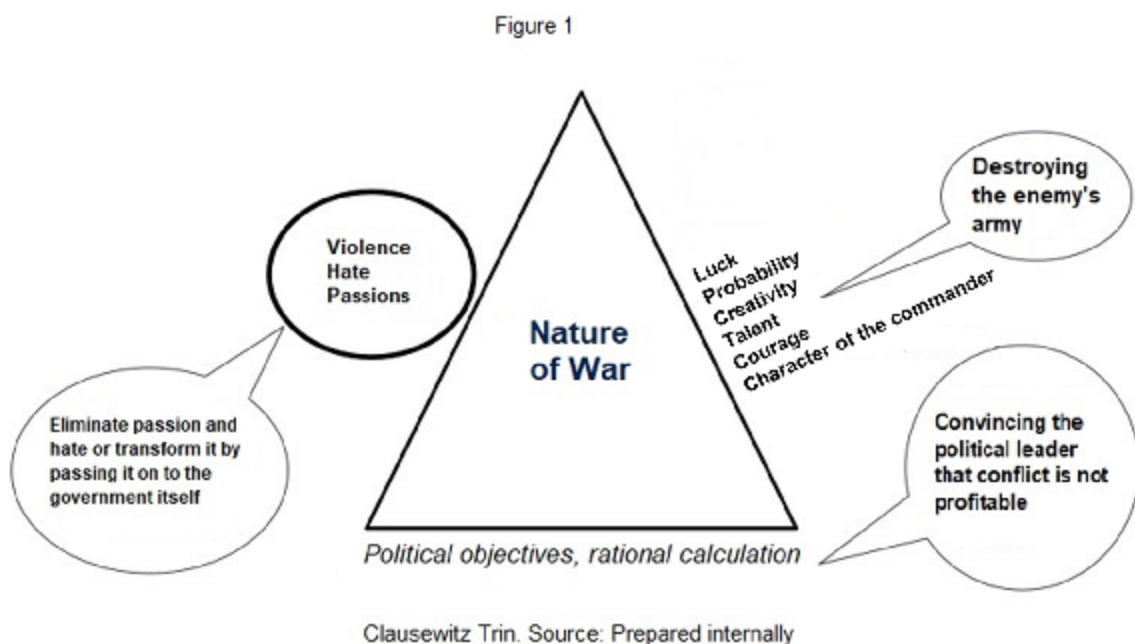
16 CLAUSEWITZ, C. Von (1832) *On War*. 1976.a ed, English. 1976.a. ed. Edited by M. Howard and P. Paret. New Jersey: Princeton University Press.

17 HANDEL, M. I. (1992) *Masters of War: Classical Strategic Thought*. Oxon, OX14 4RN: Frank Cass Publishers.

18 BRODIE, B. (1973) *War and Politics*, p 222. New York: Macmillan Publishing Co., Inc.

Army, which they knew they could not defeat militarily. The famous dialogue that took place in Hanoi between Commander Harry Summers of the US and Colonel Tu of the Vietnamese People's Army, while the two were negotiating the technical details of the Americans' final departure from Vietnam, is highly illustrative. Summers said to Tu, "You know, you never defeated us on the battlefield", to which Tu replied, "That may be so, but it's also irrelevant"¹⁹.

As can be seen in the figure, in order to act on Clausewitz's triad, the enemy government can be convinced that the conflict is no longer profitable, its army can be destroyed or the passions of the enemy population can be acted upon, either by eliminating that passion – necessary for maintaining the conflict – or by transforming it into hatred of its own government.



Cognitive manipulation makes sense in all three elements of the triangle²⁰: convincing the enemy government that war does not compensate or deceiving the military commander of the opposing forces seems in principle simpler and above all less costly than trying to manipulate millions of people. War is a rational political act, so when the effort no longer pays off, it stops²¹. Thus, to return to the example of Indochina, for North Vietnam the conflict meant the death of more than a million of its soldiers; for

19 SPENCER, D. E. (2010) "Reexamining the Relevance of Mao to Post-Modern Insurgency and Terrorism", *American Intelligence Journal*. National Military Intelligence Foundation, 28(1), pp. 146-152. Available at: <http://www.jstor.org.ezproxy.uned.es/stable/44327141>.

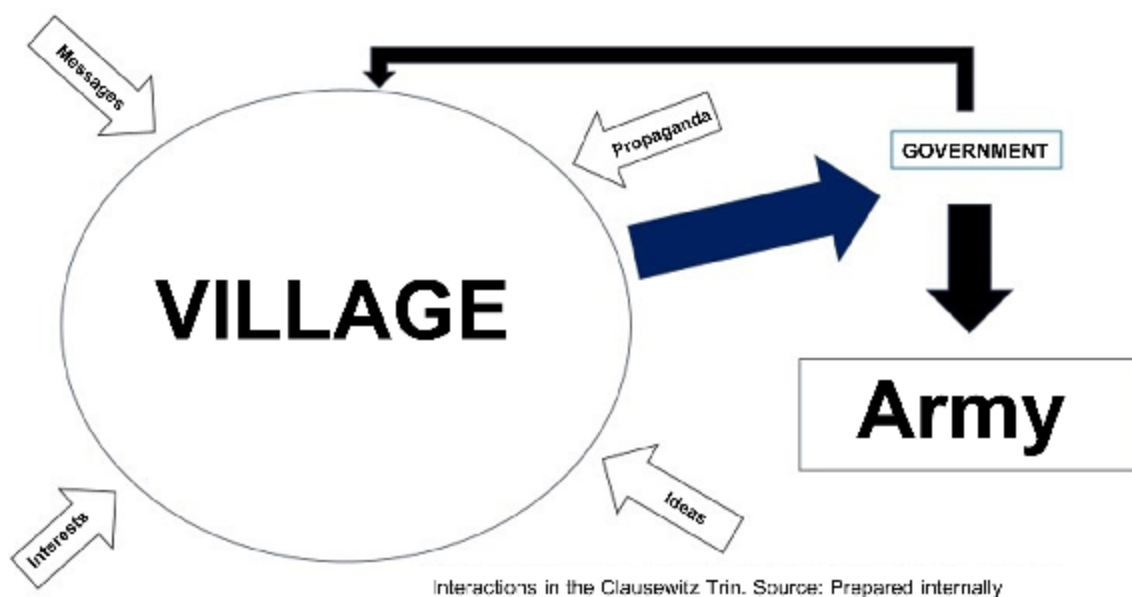
20 This Clausewitz triangle can become a square if we add a side representing the resources that are necessary to sustain a conflict: economic, industrial, technological and human, but the principle remains.

21 This is not always the case because, as Clausewitz points out, there is 'friction'; leaders may not be rational, may not properly assess the situation, or may put their interests ahead of those of the state (Clausewitz, op. cit.)

the USA, a little over fifty thousand. But the stakes for the two sides were different; for the US, it was another piece on the world chessboard – using Brzezinky’s simile – in which the contest between communism and liberalism was played out, whereas for North Vietnam it was to maintain its political system and reunify the country.

The figure shows the relationship between government, people and army in a democracy. Acting on the enemy’s army or government is a direct strategy, which may seem more practicable than manipulating millions of citizens, who are difficult to reach and may be very unreceptive to your messages; as we have just pointed out, it took North Vietnam one million soldiers to change the American people’s opinion of the war. But Vietnam had no choice; it could not beat the US Army or convince its government directly.

Figure 2



Something has changed and changed a lot in recent decades: communication has become instantaneous and nearly four-fifths of humanity carries a personal communication device in their pocket, which keeps them connected in real time. So the people are no longer a group of individuals who are difficult to reach in order to spread a message, a message they passively receive and exchange with their close personal environment. The village is now an extremely complex network, where millions of interactions take place and individuals receive messages not only from traditional media or governments, but from many other elements of the network. The difficulty of acting effectively on that side of the Clausewitz triangle has changed: the network is now much more complex, but it is also easier to access if you have the right tools^{22 23}.

22 SHALLCROSS, N. J. (2017) “Social Media and Information Operations in the 21st Century”, *Journal of Information Warfare*. Peregrine Technical Solutions, 16(1), pp. 1-12. Available at: <https://www.jstor-org.ezproxy.uned.es/stable/26502873>

23 MACNISH, K. and GALLIOTT, J. A. I. (eds.) (2020) *Big Data and Democracy*. Edinburgh University Press. doi: 10.3366/j.ctv1453jcx.

Traditional media and misinformation

If you look at a basic journalism manual you will read that the media's function is to inform, educate and entertain. And that they must “process and transmit information [...] in a regular, timely, accurate and credible manner”²⁴. The media are considered ‘the fourth power’ and play an essential role in modern democracies. Jefferson said in 1787, “were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter”²⁵.

But all journalism manuals also point out the difficulty of objectivity and contamination to which the media are subject, because of the defence of their interests as a company and their affiliation to economic and ideological groups. And, moreover, for certain ideological sectors, the media's story does not correspond to reality. Rather, they create it and define it with their story, following the model of Luis Althusser to which we have referred and from which ideologues and thinkers such as Noam Chomsky, one of the best-known critics of the press in the West, have been influenced.

Traditionally in the West, media codes of ethics make it difficult to lie, because for the vast majority of journalists ‘facts are sacred and opinions are free’. However, the media and journalists

- a) ignore the facts that are not convenient (gatekeeping);
- b) provide a biased point of view, relating the fact to the political or social framework of interest (framing);
- c) highlight favourable news in headlines, even if they are anecdotal and give very little relevance to those that harm the interest group of the medium itself.

Baltasar Gracián said in ‘the art of discretion’:

“Attention when getting information. [...] we exist by faith in others. The ear is the side door of truth but the front door of lies. The truth is generally seen, rarely heard; She seldom comes in elemental purity, especially from afar; there is always some admixture of the moods of those through whom she has passed; the passions tinge her, sometimes favourably, sometimes odiously. She always brings out people's disposition, therefore receive her with caution from him that praises, with more caution from him that

24 MARÍN, C., 1986. *Manual de periodismo (Journalism Handbook)*. MADRID: Grijalbo. ISBN 9786073184151

25 The reader has probably noticed the contradiction: Jefferson wrote this before he became president; as noted, his opinion of the press, twenty years later and in government, was extremely negative. Available at: <https://www.nytimes.com/es/2018/08/16/espanol/opinion/estados-unidos-libertad-de-prensa.html>

blames. Pay attention to the intention of the speaker; you should know beforehand on what footing he comes”²⁶

Gracián warned that we should trust only what our eyes see; and yet, in this century we cannot do so either. The great manipulator of our time is image. That which is presented in the news and documentaries broadcast on television, which can be offered biased, out of context or simply falsified. It is very difficult to resist the power of persuasion presented by an image or video on television. “The truth is generally seen”, stresses Gracián. In the 21ST century this is no longer true either.

The influence of cinema on cognitive manipulation has been little studied; however, culturally its weight is much greater than that of the media. Because it is not necessary to select or edit what is interesting to tell about the truth, the objective narration of the situation; a story is directly elaborated, a tale, in which the film director presents to the public his version of the world, his ‘truth’²⁷. When we see the film *Superman*, we understand that the character who comes from Krypton and flies does not exist; but if we enjoy a film set in the Weimar Republic, we have no doubt that the context shown by that feature film is true. The characters may be fictional, but after that film we ‘know’ what Germany was like between the wars. And what we know for sure is how the director wants us to see this historical period, through a story conceived by him to move us. A story designed to move us, amuse us, scare us... cinema is a factory of emotions²⁸. And as we shall see, emotions play a key role in cognitive manipulation.

The 21ST century is the century of the explosion of alternative media and information channels to the traditional ones: press, radio and television. These new media use the Internet and social networks to distribute their content. Anyone can upload a video to *YouTube*, or comment on Twitter, or *Facebook*, or share a news item on *WhatsApp* or *Telegram*. With competition and the need to respond to the speed demanded by the new situation – practically in real time – traditional media have lost most news quality and verification filters. And they have also lost almost all their legitimacy as a fourth power, as indispensable actors in contemporary democracies²⁹.

26 GRACIÁN, B. (1647) *Oráculo manual y arte de la prudencia (The oracle: A manual of the art of discretion)*. Edition di. Edited by Cervantes Digital. Huesca: Vincencio Juan de Lastanosa. Available at: http://www.cervantesvirtual.com/obra-visor/oraculo-manual-y-arte-de-prudencia--o/html/fedb3724-82b1-11df-acc7-002185ce6064_2.html.

27 DAVIS, G., 2005. “The Ideology of the Visual”. In: M. RAMPLEY (ed.), *Exploring Visual Culture* [online]. S.l.: Edinburgh University Press, Definitions, Concepts, Contexts, pp. 163-178. ISBN 9780748618453. Available at: <http://www.jstor.org/stable/10.3366/j.ctvxcrfsr.17>

28 CARROLL, N., 2003. ‘Film, Emotion, and Genre’. *Engaging the Moving Image* [online]. S.l.: Yale University Press, pp. 59-87. ISBN 9780300091953. Available at: <http://www.jstor.org/stable/j.ctt1nps8x.7>. Gorton, K., 2009. *Theorising Emotion in Film and Television. Media Audiences* [online]. S.l.: Edinburgh University Press, Television, Meaning and Emotion, pp. 72-86. ISBN 9780748624171. Available at: <http://www.jstor.org/stable/10.3366/j.ctt1r26bz.10>.

29 (Dean, 2013) DAVIS, G., 2005. ‘The Ideology of the Visual’. In: M. RAMPLEY (ed.), *Exploring Visual Culture* [online]. S.l.: Edinburgh University Press, Definitions, Concepts, Contexts, pp. 163-178. ISBN 9780748618453. Available at: <http://www.jstor.org/stable/10.3366/j.ctvxcrfsr.17>

For the European Union,³⁰ disinformation is:

- d) invented information with completely false content;
- e) manipulated information, e.g. the distortion of real images;
- f) information from false sources, either non-existent or impersonating a real source;
- g) malicious information, e.g. passing off opinions as facts;
- h) false context: information that is real, but given out of context;
- i) satire and parody, which can be disinformation if it creates doubt as to whether what is said is true.

The Spanish Ambassador for Special Mission for Hybrid Threats and Cybersecurity defines disinformation as:

“the intentional dissemination of non-rigorous information that seeks to undermine public confidence, distort facts, convey a certain way of perceiving reality and exploit vulnerabilities with the aim of destabilising”³¹.

It is a good definition, but incomplete: the objectives of disinformation are multiple. Disrupting is one of the possibilities, but disinformation can be aimed at supporting a political idea, gaining a commercial advantage over a competing company, winning an election, overthrowing a government or winning a war. In short: any objective that depends on public opinion in Western democracies.

Written in the 1950s, Isaac Asimov’s *Foundation Trilogy* described a world in which it was possible to predict long-term social behaviour mathematically. And very shortly before that, in 1948, George Orwell published his novel *1984*, which described a world with an all-seeing, all-hearing ‘Big Brother’. Science fiction...a precursor, as many other times, of what is happening now.

In recent decades human behavioural sciences, statistics and computing have undergone extraordinary development. In addition to this, instant personal data communications are being disseminated around the globe. We are permanently connected to our mobile phones, which tell where we are, what we like, what we are looking for on the internet and what we publish on social networks. The use of this data allows companies to sell us more and better – that is the origin of the collection of such data – but it also allows interest groups to influence the political and social preferences of the population.

30 WARDLE, C., 2017. ‘INFORMATION DISORDER: Toward an interdisciplinary framework for research and policy making’, Council of Europe report.

31 OLMO Y ROMERO, J.A., 2019. “Desinformación: concepto y perspectivas” (Disinformation: concept and perspectives). *ARI. Instituto Elcano* [online], p. 8. Available at:

http://www.realinstitutoelcano.org/wps/portal/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/ari41-2019-olmoromero-desinformacion-concepto-y-perspectivas

The works of Amos Tversky and Daniel Kahneman, for which Kahneman won the Nobel Prize for Economics in 2002, are very interesting in this regard.³² They are included in the bestseller *Thinking Fast and Slow*³³. They describe the functioning of the brain and the two alternative thought systems, the unconscious and the conscious, Systems One and Two, as they are currently known in psychology. System one is fast, intuitive, does not hesitate, operates unconsciously on most of the things we do daily, so in certain matters it is easy to make mistakes. System one allows us to conduct or analyse a social environment at a glance when we arrive at a meeting; system two, to solve a complex mathematical problem or to analyse whether it compensates for a change of job and city. System two is slow, conscious, takes effort to use and is usually more reliable in its analyses than system one.

System one decides very quickly with the information it has. Kahneman calls this 'WYSIATI': what you see is all there is. We react and judge with the information available. If we see a ball crossing in front of our car while driving, we will stop, even if we do not see the child. System one reacts in that case and does not consider if there are children nearby, where the ball has come from and if it is really possible to run over someone. It judges and extrapolates from what it sees; it doesn't think twice before stepping on the brakes. It simplifies problems to what it can handle, using simplified mental models and processes (known as heuristics) to solve complex situations that require quick reaction. This is how it has worked over millions of years of evolution and has saved many of our ancestors from being eaten by a lion or stung by a snake. But if someone deliberately throws a ball in front of our vehicle it will make us stop, even if it is not convenient for us.

How to manipulate people? It seems simpler when it is system one that decides than system two. One is intuitive, two is reflective. Manipulation is more difficult if people reflect. So, if we want a driver to stop his car, even though he is late for his appointment, we can try to reason with him, questioning system two... or throwing a ball in front of his vehicle.

There are more factors in the functioning of the human brain that can be used to manipulate it. The main factor is how emotion affects it. We want to see ourselves as entities capable of feeling emotion, but governed by reason. However, in the last few decades neuropsychologists have proven that we generally make decisions emotionally and then rationalise (justify) those decisions. Reason is subsidiary to emotion and not the other way around³⁴. Emotion makes us act, but not always adequately: fear, anger,

³² Kahneman, a psychologist and mathematician, always recognised the importance of his collaboration with Tversky, who died in 1996, and pointed out that he deserved the Nobel Prize as much or more than he did.

³³ KAHNEMAN, D., 2011. *Thinking, Fast and Slow*. Edition for Kindle. Farrar, Strauss and Giroux. ISBN 9780385676519

³⁴ IZARD, C.E., 2007. 'Basic Emotions, Natural Kinds, Emotion Schemes, and a New Paradigm.' *Perspectives on Psychological Science* [online], vol. 2, no. 3. pp. 260-280. ISSN 17456916, 17456924. Available at: <http://www.jstor.org/stable/40212206>

passion, generate behaviours that are often harmful to the individual. The behaviour of someone who is angry and becomes violent because of something absurd – for example, a traffic dispute – is a good example of how emotion often makes it difficult for the individual to reflect on their situation rationally.

To provoke a reaction or introduce an idea in an individual it is necessary to appeal to their emotions, because emotional shocks are processed only by system one; the situation and consequences of the event that has generated that shock are not analysed rationally³⁵. Ideas and beliefs can be introduced directly or indirectly (but deliberately, as we shall see). Once an individual has been convinced of something, it is very difficult to change their mind, because other elements of the human psyche come into play, related to the two systems (one and two) described above: cognitive biases.

Again it was Kahneman who discovered that people, in certain situations, for different reasons, were systematically making wrong decisions judged from the theory of rational choice³⁶; this led to the development of behavioural psychology and the identification and study of cognitive biases. Biases are related to systems one and two already mentioned and to the heuristics that the brain uses to simplify and to be able to react quickly to complex problems.

There are many cognitive biases, but for the purposes of this paper we are mainly interested in those that facilitate manipulation. Of these, the most relevant are those of anchorage, availability, framing, confirmation and dragging. We will describe them briefly: the anchorage bias ‘binds’ us to the magnitude offered to us as a reference. If we are told that a box of aspirin costs six euros in Spain and we are asked the price of an anti-viral treatment, we will give a price that will be in the range of those six euros. We can think of a few hundred euros in the higher range; but very few people will respond that antivirals cost about thirty thousand euros a month, which is the price range for some treatments, because we have ‘anchored’ ourselves to the price of aspirin. This bias is widely used in designing the sales strategies of virtually all companies.

The availability bias has more facets than that of dragging: what is available in our mind – by closeness in time, familiarity, repetition – seems to us more certain and valid than things we know less about. In the framing bias, the way in which the information is presented determines its assessment; in the confirmation bias, what happens is that we give more value to the data that confirm what we already believe than to those that deny it – however overwhelming the latter may be – and, finally, the dragging bias makes us add, without further reflection, to the opinion of the majority.

Our emotional systems are quite simple, as neuropsychologists point out, and emotions can ultimately be reduced to approaching and rejecting, affiliating and dissoci-

³⁵ Kahneman, *Ibidem*.

³⁶ In short, the premise is that we choose rationally when we do so according to our individual personal preferences; if I value my free time more than a good salary, it is not rational to change jobs to earn more money, but to have less time.

ating behaviour³⁷. This allows us to provoke a response to a stimulus –about which a priori and in isolation no reaction would have been generated – if we associate it with a previous one that we know produces a very intense response, whether positive or negative. This is commonly used in marketing. Also in politics:

“Political manipulations of the emotions become potentially problematic when the emotions evoked by a particular stimulus are deliberately used to induce revulsion or attraction toward a second unrelated stimulus.”³⁸

If, for example, a report of a multiple rape states that the perpetrators are from an ethnic minority group, that ethnic group will immediately be associated with the rape. This association is independent of objective data, which may disprove the fact that there are more cases of rape committed by this ethnic group than by the general population. And even if such data is available, the system will usually ignore it³⁹.

Let us see how the use of emotion works in a war, in this struggle to win over public opinion, in a real example that has been slightly modified without altering its essence to prevent the actors from being recognised. Let us imagine that the aggressor, who we will call the *Troublemaker*, fires rockets from camouflaged launchers in a hospital facility, causing hundreds of deaths on the enemy side, called the *Broken*. It responds with an artillery attack that destroys the *Troublemaker* missiles and also causes casualties among hospital patients, including some children. The *Troublemaker* immediately provides the international press with images of the ruined hospital, photos of the dead and injured, and reports a high number of victims (e.g. 300). The emotional impact of the images (whether true or false) is very high, resulting in immediate rejection by those who watch the news. The information is provided in a totally biased frame (*framing*) – probably unintentionally, because it is not known that the missiles have been launched from the hospital, which invalidates its protection under the Geneva Conventions⁴⁰ – and is broadcast and viral on television and social media, making it the information available on that subject. This leads to associating the guilty party with evil, with the death of innocent people; that is why legitimacy in the conflict is immediately granted to the one who is considered to be attacked, who is, paradoxically, the *Troublemaker*. When the *Broken* explains his side of the story and provides another figure for the number of *Troublemaker's* victims (e.g. seven), the biases of

37 EUSTACE, N., 2014. “Emotion and political change”. In: S.J. MATT and P.N. STEARNS (eds.), *Doing Emotions History*. University of Illinois Press, pp. 163-183. ISBN 9780252038051. Available at: <http://www.jstor.org/stable/10.5406/j.ctt3fh5mi.11>

38 (Eustace, op. cit.).

39 MUÑOZ-ARANGUREN, A. (2011) “La influencia de los sesgos cognitivos en las decisiones jurisdiccionales: el factor humano. Una aproximación” (The influence of cognitive biases on jurisdictional decisions: the human factor. An approach), *InDret, Revista para el Análisis del Derecho*. Available at: <https://core.ac.uk/download/pdf/39072274.pdf>

40 In fact, using a hospital or hospital or Red Cross symbols to camouflage or protect weapons or military operations is a violation of international humanitarian law.

anchorage, availability, confirmation and dragging make it very difficult to change the perception of that event: the first impression on hearing the denial or explanation will be to reject it without any analysis (system one does) and any figure that does not resemble 300 will be considered implausible. On the official news channels, the majority of commentators will have already criticised the attack on the hospital, so that the bias of dragging is in play. Everyone agrees on who is guilty. And thanks to the confirmation bias, any news on this matter, which insists on the evil of those who have attacked the hospital, will weigh much more than the overwhelming evidence that the other party could present that it has only defended itself.

In fact, in the many places where the Western press is not present on the ground, there is no need for such an attack; one only has to invent and graphically document a story of good and bad, *which produces emotion*, so that it goes viral and is reproduced by the international media. Many documented examples of these practices can be found in the Syrian conflict⁴¹, a paradigmatic and recent case of the use of disinformation as a tool of war.

And what happens if ‘the truth’ comes out? Confirmation of manipulation does not normally play against the perpetrator if it is discovered later. This is why hoaxes proliferate (fake news). They are extremely profitable; the media are reluctant to acknowledge that they have been misled – even if they are sure that they have been – when this happens because they have not verified the story they have been endorsed. Denials are also much less widespread than the original stories and fight against the biases of availability, confirmation and dragging that we have already referred to⁴².

The target of an information (manipulation) campaign can be the entire population of a country, but it is also possible to segment it by groups and social movements. This allows the message to be adapted to the beliefs and values of the chosen group and to provoke intense emotional shocks that trigger positive feelings or, on the contrary, feelings of outrage and humiliation. The latter, the negatives, spread (‘viralise’) very easily and lead the selected group to develop a mental framework of injustice and to subsequent confrontation with the established order. The theoretical mechanism is relatively simple: the news – the story, the tale – in addition to provoking emotion, must identify those guilty of the injustice; this will cause the group to feel a sense of rejection of those who have perpetrated it and will produce a change in their behaviour as consumers or as voters⁴³.

41 EDWARDS, D., Cromwell, D. and PILGER, J., 2018. ‘Syria: Propaganda Blitz’ [online]. S.I.: Pluto Press, *How the Corporate Media Distort Reality*, pp. 97-123. ISBN 9780745338118. Available at: <http://www.jstor.org/stable/j.ctv69tg4v.10>

42 VASU, N. *et al.* (2018) “Human Fallibility and Cognitive Predispositions”, *FAKE NEWS: S. Rajaratnam School of International Studies*. Available at: <http://www.jstor.org.ezproxy.uned.es/stable/resrep17648.7>.

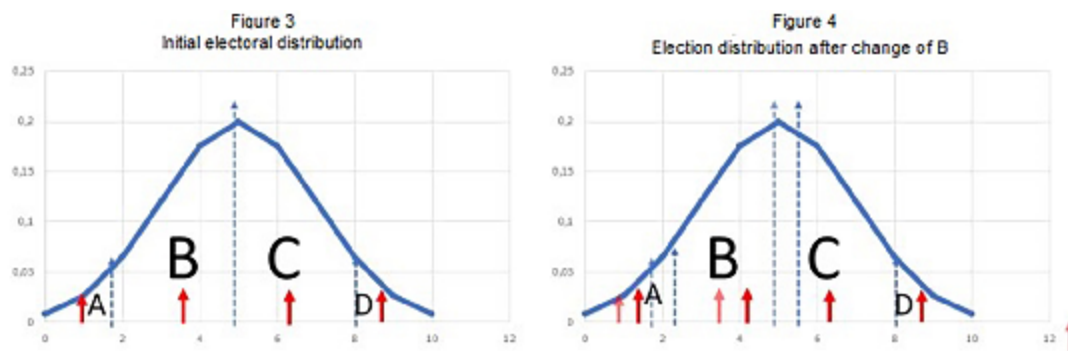
43 YERLIKAYA, T. (2020) “Social Media and Fake News in the Post-Truth Era, Insight Turkey”. SET VAKFI İktisadi İşletmesi, SETA VAKFI, 22(2), pp. 177-196. doi: 10.2307/26918129.

How can we know which population is likely to accept a given message? How is this population identified and how is the desired message disseminated to reach them? How is the message constructed?

This can be done in a very sophisticated way, but simple techniques work too. The key is to have a good story designed to generate emotion and to be processed by system one. The story can be disseminated through own or paid means; if the story is a hoax, it can be disseminated anonymously with the use of bots.

Let's take a case study that shows how it is 'in theory' possible to influence an electoral process. Four parties are competing for votes in a political arc that runs from the extreme left to the extreme right. A is the extreme left party, B the centre left party, C the centre right party and D the extreme right party. The political preferences of voters follow a normal distribution centred around 5, with 0 being the score more to the left and 10 more to the right, as shown in figure 3, in which the blue arrows mark the voting boundaries between parties and the red arrows their declared political positions in the range from zero to ten.

In a classic campaign, political parties compete for voters who are close in ideology. It is not common for a voter who is politically defined as 2 to vote for a party whose average is 6.5. Usually, the change in electoral preference occurs only in contact areas; C can steal voters from B and D, but will hardly do so with A.



Distribution of voters by political groups. The blue arrows indicate the voting borders and the red ones indicate the mean ideological position of each group of voters. Source: self made

If B shifts its position to the centre, as shown in Figure 4, it may steal voters from C, but it will also lose them to A. Until recently, political parties were forced to determine their position and sell it to voters in an attempt to maximise their net electoral gain. What technology now allows is to offer a different position of the same party to different voters without that contradiction having a cost. B does not need to move its position to maximise its number of votes, but to convey one message aimed at capturing voters who are on the BC border and a different one to voters on the AB border, spreading each message through the appropriate channel. It also, paradoxically, allows B to encourage voters from C to move to D, which in proportional representation systems using D'Hondt apportionment can provide B with a significant gain in seats.

To do this, B needs to know the profile of voters in the border areas. How is this done? Using information provided by social networks. The data that *Google* or *Facebook*, for example, store about citizens' tastes, hobbies, purchases, etc., allows them to create profiles that are correlated with their electoral preferences. To illustrate the above with a simple example, it is very unusual for a golf player living in a middle-income neighbourhood to be a voter for A. By combining what they buy, where they live, hobbies, income, etc., with a sample of the voting intentions of the identified profiles, the necessary information will be obtained to determine the political position of each profile, which allows for the elaboration of different emotional stories oriented towards the preferences of each group. These stories are disseminated in the appropriate forums, on social network accounts or even in individual emails.

Segmentation can also be done on a territorial basis; there are electoral districts in which the voting trends provided by surveys indicate that there is little likelihood of altering the distribution of seats and others in which changing a few hundred votes has great influence. Manipulation efforts are focused in these districts.

Do these techniques guarantee that individuals will change their votes? No. The quality of the stories, the technical and human resources available to disseminate them, the accuracy of the profiles and the goodness of the analysis of the electoral map have a significant influence on the success or failure of this type of campaign, which can also be very costly: they require psychologists, sociologists, scriptwriters, statistical experts and companies capable of disseminating and defending their stories on the internet in a convincing and effective manner by combining automatic means (bots) and human means (trolls). What you have to keep in mind is that you cannot know what the behaviour of a particular individual will be, but you can try to infer what the behaviour of the group to which he or she belongs will be. Therefore, and returning again to Clausewitz's triangle, when deciding whether to try to manipulate a government, made up of very few people, or a population, living in a network, one must consider that nowadays it is more likely to succeed when the target is the whole population or segments of it.

If we leave aside the moral assessments about B trying to get D to steal votes from C (or C encouraging votes to pass from B to A) or about political parties having different messages and positions for their different boundaries of potential voters, one can still question the legality of these practices. And the answer is simple: if the data that allow the population to be profiled are obtained legitimately, it is not illegal. The use of hoaxes –which are very effective in dealing with emotional shocks –is legally actionable, but attribution is so complex that it is impossible to do so in practice. If we go back to the moral considerations these practices might merit, we can certainly find grounds for reproach, but the expectations of the voters regarding the fulfilment of electoral promises are so low⁴⁴ that it can also be inferred that the voters, rather than being deceived, seek justifications for allowing themselves to be deceived.

44 KEEFER, P. and VLAICU, R., 2008. "Democracy, Credibility, and Clientelism". *Journal of Law, Economics, & Organization* [online], vol. 24, no. 2. pp. 371-406. ISSN 87566222, 14657341. Available at: <http://www.jstor.org/stable/40058171>

Does cognitive manipulation in social networks respond to a theoretical, but still immature, model that is only beginning to be used? The answer is no. This pattern was used by *Cambridge Analytica* to influence the US presidential election (and those of other countries); they conducted good profiling of voter groups (using *Facebook* information and surveys on voting intention) and launched very accurate and targeted information campaigns in those states where the change of relatively few votes could have a great influence on the final result. There are numerous companies dedicated to these issues, which are not only political but above all commercial and business^{45 46}.

Amendments to the European Union regulation on data protection have been transposed in Spain in Organic Law 3/2018. The law prohibits the indiscriminate use of data and requires the express consent of the user for its transfer, which must be individualised for each activity. Legislation makes it more complex to campaign as accurately as the US presidential election, but it is still viable: there is simply too much data available to prevent profiling and there are more and better tools to process it. The genie cannot be put back in the bottle. In fact, it is easy for any somewhat attentive observer to appreciate in Spain the widespread use of these methods across the political spectrum.

In order to analyse how al-Qaeda and the Islamic State (Daesh⁴⁷) use information, we must first review their long-term strategies. The ultimate goal of global Jihad organisations is to create a caliphate that encompasses the entire *Ummah* and subjects it to the Sharia⁴⁸. For the complex web of political Islam, of which the Jihadist organisations are part, 'Islam is the only and ultimate truth, the only way of life. All sovereignty resides in Allah, who makes the laws that humanity needs'⁴⁹.

The more concrete and realistic objectives of the two organisations have, however, been very different and this has led them to very different information strategies. al-Qaeda has always viewed its struggle in the context of the ideas of Sayyid Qutb, the ideologue of the Muslim Brotherhood, who, like Gramsci, conceived of the need for an avant-garde to spearhead the cultural transformation that would make a change

45 EPSTEIN, R. and ROBERTSON, R. E. (2015) 'The search engine manipulation effect (SEME) and its possible impact on the outcomes of elections', *Proceedings of the National Academy of Sciences of the United States of America*. National Academy of Sciences, 112(33), pp. E4512-E4521. Available at: <https://www-jstor-org.ezproxy.uned.es/stable/26464936>.

46 KORNBLUH, K., GOODMAN, E. P. and WEINER, E. (2020) 'Safeguarding Digital Democracy'. German Marshall Fund of the United States. doi: 10.2307/resrep24545.

47 Dawla al-Islamiya fil Iraq wa al-Sham, Islamic State of Iraq and Levant

48 AL ZAWAHIR, A., 2005. *Letter From Al Zawahiri to Al Zarqawi* [online]. 2005. S.l.: s.n. Available at: https://www.globalsecurity.org/security/library/report/2005/zawahiri-zarqawi-letter_9jul2005.htm.

49 BAKKER, E. and BOER, L., 2007, p 235. *Al-Qaeda's ideology: The evolution of Al-Qaedaism* [online]. S.l.: Clingendael Institute. Ideology, terrorists, and appeal. Available at: <http://www.jstor.org/stable/resrepo5450.6>.

of political hegemony possible⁵⁰, a change that for Gramsci was to Marxism and for Qutb to true Islam. Changing a cultural paradigm takes time and is a long-term project, which needs to gain the sympathy of the community. For this reason, al-Qaeda has always been very careful about the use of terror in Muslim countries⁵¹; and for this reason, its most spectacular and media-hyped actions have been carried out in the West, although its primary audience has been more Ummah Muslims than Western citizens⁵².

The situation was different for the Islamic State, which emerged from al-Qaeda in the context of inter-faith violence between Sunnis and Shiites deliberately provoked by al-Zarqawi⁵³. Their needs were not those of an Islamic vanguard planning a struggle that would last generations, but those of a specific state that needed to be consolidated on the ground. For al-Qaeda, communication was strategic and had long-term results; for ISIS it was soon conditioned by its needs as a State or pseudo-State⁵⁴; it had to produce results on the ground in the short and medium-term, so its orientation was operational or tactical⁵⁵.

al-Qaeda's main means of communication have been its spectacular terrorist actions, which at their most prominent moment earned it enormous popularity in the Sunni Muslim world as a whole⁵⁶. al-Qaeda's strategic model, in addition to the speeches of its leaders, can be found in booklets such as *Knights under the Prophet banner*, *The Management of Savagery* or al-Suri's *Call for Global Islamic Resistance*⁵⁷. al-Qaeda believes that attacks in the West force them to intervene in Arab countries, causing military and political tensions that they cannot withstand in the long term and that

50 HAMMING, T.R., 2019. 'Global Jihadism after the Syria War'. *Perspectives on Terrorism* [online], vol. 13, no. 3. pp. 1-16. ISSN 23343745. Available at: <http://www.jstor.org/stable/26681905>

51 BLANCO CASTRO, J. R. "La competencia entre Al Qaeda y el Estado Islámico" (Competition between al-Qaeda and the Islamic State). *Revista del Instituto Español de Estudios Estratégicos*, number 14. 2019. pp. 43-70.

52 GERGES, F.A., 2016, p 235 "ISIS VERSUS AL QAEDA": *ISIS: A History* [online]. REV-Revi. S.l.: Princeton University Press, pp. 222-259. ISBN 9780691175799. Available at: <http://www.jstor.org/stable/j.ctvc77bfb.13>

53 BARDAJÍ, R.L., 2015. "Las Raíces del Estado Islámico" (The Roots of the Islamic State). *Papeles FAES*, vol. 1, no. 182.

54 GERGES, *Ibid.*, 225

55 In conflicts there are three levels: the political-military (or strategic) level, the operational level (which deals with the major battlefields and the design and conduct of campaigns), and the tactical level (which is where the fighting takes place). It is very difficult to succeed in a conflict without adequate coordination on all three levels.

56 PEW RESEARCH CENTRE, 2011. "Muslim-Western Tensions Persist". *Global Attitudes and Trends* [online]. [Consulted: 19 March 2020]. Available at: <https://www.pewresearch.org/global/2011/07/21/muslim-western-tensions-persist>

57 STOUT, M. E. *et al.* (2008) *Strategic and Operational Views of Al Qaida and associated movements*. Annapolis: Naval Institute Press.

al-Qaeda will succeed in capitalising on⁵⁸. It is a coherent and seemingly realistic model, with a long-term project, but it has not been able to exploit the failures of the West. The Arab Spring was the desired situation for the terrorist organisation –one of the stages envisaged in the *Management of Savagery* –and yet it was Daesh who emerged triumphant from this new scenario, though the same reasons that underpinned its success and spectacular rise were ultimately what made its downfall possible. Among other reasons, because both organisations, on different levels, have ignored the necessary balance between their Clausewitz triad and that of their opponent; there is little point in reinforcing the hatred and passion of my population if at the same time I inflame that of my enemy. My actions should not only be aimed at strengthening the elements of my triad, but at weakening those of my antagonist.

We have described how provoking an emotional shock facilitates cognitive manipulation, as only system one is activated. al-Qaeda produced a huge emotional shock on 9/11. It is considered very positive in the Muslim world, but very negative in the West. The result was that al-Qaeda and Bin Laden himself gained enormous popularity and the ideas of political Islam notably increased their legitimacy in the Muslim world; in contrast, in the West Islam lost almost all its prestige and has become associated with violence and terror⁵⁹.

al-Qaeda has been very concerned that its cause should be understood in the Muslim world and many letters and long speeches from Bin Laden and al-Zawahiri have been aimed in this direction. al-Suri, the most capable strategist of the Jihad, points out in his encyclopaedic treatise *The Call for Global Islamic Resistance* how the Jihad should be addressed to the Muslim audience. His analysis, brilliant in other passages of his work, could not be more clumsy in this respect. Although he makes some references to emotion, his doctrine focuses on calls for rationality and the dissemination of the ‘correct doctrine’ among the *Ummah*⁶⁰.

al-Qaeda has used the Internet and the possibilities of social networks, but late and imperfectly. Its magazine *Inspire*, in English, was only published in 2010 and both the themes used and the way it is presented cannot be considered exactly inspiring compared to the magazines of Daesh, Dabiq and *Rumiyah* (or their equivalent in Arabic, *Naba*)⁶¹

58 LARSON, E. V et al. (2011) “Al Qaeda’s Propaganda”, in Jenkins, B. M. and Godges, J. P. (eds.) *The Long Shadow of 9/11*. RAND Corporation (America’s Response to Terrorism), pp. 71-86. Available at: <http://www.jstor.org/stable/10.7249/mg1107rc.13>.

59 PEW RESEARCH CENTER, 2006. “The Great Divide: How Westerners and Muslims View Each Other” [online]. [Consulted: 21 May 2020]. Available at: <https://www.pewresearch.org/global/2006/06/22/the-great-divide-how-westerners-and-muslims-view-each-other>

60 SURI, A.M., 2008. *A Terrorist’s Call to Global Jihad: Deciphering Abu Musab al-Suri’s Islamic Jihad Manifesto*. Annapolis: Naval Institute Press. ISBN 9781591144625

61 GAMBHIR, H.K., 2014. “Dabiq: The Strategic Messaging of the Islamic State”. *Backgrounder* [online], pp. 1-12. Available at: http://www.understandingwar.org/sites/default/files/Dabiq_Backgrounder_Harleen_Final.pdf

We may generally conclude that al-Qaeda designed its communication strategy following the impact of 9/11 to act on system two; it aimed to convince the *Ummah* population of the justice of its cause and therefore of the need to support it.

The seed of the Islamic state was sown by al-Zarqawi, who deliberately used sectarian violence against the Shiites in Iraq to get them to react and attack the Sunnis, which eventually happened⁶². The message of terror in Iraq was effective from Zarqawi's point of view, but not from the viewpoint of al-Qaeda leadership, which was aware of the organisation's loss of popularity as the *Ummah* populations suffered the consequences of the attacks. A good example of the cost in popularity of al-Zarqawi's practices is shown by the attack he carried out on several hotels in Amman, Jordan, in 2006. The many deaths, almost all Jordanian, caused Bin Laden's popularity in the country to drop from 61 to 20 percent⁶³. Bin Laden never regained his popularity in Jordan.

Intra-religious clashes in Iraq and Syria fostered by al-Zarqawi were the catalyst for the Islamic state, a terrorist organisation that used a very different communication strategy from that of al-Qaeda. Daesh's videos are full of violence, success, adventure. They seek to promote emotion: calling on system one. They wanted to spread terror among their close enemies and attract *foreign fighters*. And they did not care about public opinion in the West or in Muslim countries themselves. Their propaganda was aimed at "recruiting new members, intimidating their opponents and promoting their legitimacy as a state"⁶⁴.

The spread of terror on the Internet and the use of social networks as a means of broadcasting its messages has been well exploited by Daesh. In the conquest of Mosul, not only was the diffusion of the film *The Clanging of the swords 4* key, but also the use of an application, *the Dawn of Glad tiding*, which allowed twitter accounts to be controlled and millions of messages with Daesh's propaganda distributed. In June 2014, millions of Arabs who logged into Twitter for the latest news found videos and photos of hundreds of Iraqi soldiers being executed by Daesh, and messages with Daesh's flag flying in Mosul and the threat 'we are coming'⁶⁵. Iraqi troops fled Mosul virtually

62 KFIR, I., 2015. "Social Identity Group and Human (In)Security: The Case of Islamic State in Iraq and the Levant (ISIL)". *Studies in Conflict & Terrorism*, 38(4), pp. 233-252. Available at: <http://10.0.4.56/1057610X.2014.997510>

63 (Pew Research Centre, 2011) PEW RESEARCH CENTER, 2011. Declining Support for bin Laden and Suicide Bombing |. [online]. [Consulted: 19 March 2020]. Available at: <https://www.pewresearch.org/global/2009/09/10/rejection-of-extremism>

64 Author's translation: "IS online strategists knew that specific audiences, especially within younger demographics, would respond with enthusiasm to specific forms of presentation of religiously couched information" WILLIAMS, L., 2016. "Islamic State propaganda and the mainstream media". Lowy Institute for International Policy. Available at: <http://www.jstor.org/stable/resrep10163>.

65 STERN, J. and BERGER, J.M., 2015, p 165. *ISIS: The State of Terror*. First Edit. New York: HarperCollins. ISBN 978-0-06-239554-2

without fighting; the emotional shock received caused their system one to associate the atrocities of the images with the fate that awaited them if they did not flee.

Daesh also segmented the information offered, targeting specific audiences, especially young people, because it knew that they would 'respond with enthusiasm to specific forms of presentation of religious information'⁶⁶. Daesh needed fighters for territorial expansion; its selective online propaganda attracted tens of thousands of young people. It is estimated that more than twenty thousand *foreign fighters* went to Syria to fight for Daesh⁶⁷. An undoubted operational success, because it needed soldiers; but support for the attacks in Europe and the USA did not bring any benefit at all, gaining mass rejection by Western public opinion. And the cruelty shown in its videos, which did prove useful at operational level, deprived it of support from the Muslim population⁶⁸, which was so important to al-Qaeda.

Daesh became a threat that Western public opinion clearly perceived and wanted to defeat. It generated such consensus against it that it finally lost all its territory and its operational capacity is now practically non-existent. Nor is the number of al-Qaeda members very high, who, with no resources and scant military capability, like Daesh, are committed to al-Suri's method, an autonomous Jihad 3.0 of lone wolves and attacks with means of opportunity: trucks, knives, etc⁶⁹.

Daesh's approach to communication has been much more effective than that of al-Qaeda (if we leave aside the huge impact of the New York bombing), because Daesh correctly identified emotion – not reason – as a lever for manipulating the masses. But like al-Qaeda, Daesh forgot that it had to strengthen not only its Clausewitz triad but also weaken that of the enemy; in the end the intervention of Russia, the United States and other Western nations (such as France) in Syria and Iraq was promoted by Daesh itself thanks to media coverage of its brutality.

Social changes made possible by the instantaneous, real-time connectivity of almost the world's entire population are only beginning. Personal terminals will increasingly be integrated with individuals, through augmented reality devices and probably, in the long term, bionic components. This symbiosis will generate problems and cybersecurity scenarios that we are not yet able to assess. But the domain of communication and the world of ideas and convictions is not cyberspace, although they are sometimes

66 BUNT, G.R., 2018. "E-Jihad and Gen-ISIS. Hashtag Islam" [online]. S.I.: University of North Carolina Press, *How Cyber-Islamic Environments Are Transforming Religious Authority*, pp. 123-140. ISBN 9781469643168. Available at: http://www.jstor.org/stable/10.5149/9781469643182_bunt.11

67 GATES, S. and PODDER, S., 2015. "Social Media, Recruitment, Allegiance and the Islamic State", *Perspectives on Terrorism*. Terrorism Research Institute, 9(4), pp. 107-116. Available at: <http://www.jstor.org/stable/26297419>

68 PEW RESEARCH CENTER, 2015 Most dislike ISIS in Muslim countries |. [online]. [Consulted: 4 January 2017]. Available at: <http://www.pewresearch.org/fact-tank/2015/11/17/in-nations-with-significant-muslim-populations-much-disdain-for-isis/>

69 MORA-TEBAS, J.A., 2016. Analysis. *Instituto Español de Estudios Estratégicos*, pp. 60-75

confused; the Internet, social networks and smartphones are only the means that make cognitive manipulation of the masses possible in a massive and almost instantaneous way. This manipulation, until recently limited to marketing, has now leapt to politics and warfare on a path of no return; it is part of hybrid warfare as another element of the battlefield.

Cognitive manipulation, in order to succeed at strategic level, cannot ignore political constraints. Neither can it act at operational level without synchronising with other military domains. Nor can it finally ignore the need to be coherent at different levels of military leadership: strategic, operational and tactical. al-Qaeda and Daesh are two different examples of the use of communication out of sync with the contexts and political-military actions of their organisations. They might have been more likely to achieve their objectives with a comprehensive approach, balancing available means and modes of use, considering communication as part of the overall strategy.

Cognitive manipulation has an offensive side, but also a defensive side at strategic political level. States must be able to counteract the manipulative actions of their adversaries, something, as we have seen, that is extremely difficult. Complex ethical and legal debates are looming over the danger of providing governments with cognitive defence tools, because those tools would in turn allow them to manipulate their own populations; it would be Orwell's 'Big Brother' made real.

But giving up defence can come at a very high cost: society in ten years' time will be much more connected than it is today. And there will be more tools to manipulate it.

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Magí Castelltort Claramunt

Former Minister of Tourism, Embassy of Spain in Japan

E-mail: magi.castelltort@tourspain.es

Strategic archipelagos and tourist destinations: Canary Islands, Hawaii and Okinawa

Abstract

Strategic archipelagos are usually ultra-peripheral, with high transport and maintenance costs. However, they can also become tourist destinations because of their exoticism, their climate and their complementarity with defence. With the development of West Africa, the Canary Islands could cease to be an outermost territory and recover its historic strategic role, which would force tourist and military clusters to coexist. Analysis of similar cases, such as Hawaii (United States) and Okinawa (Japan), can help to achieve optimum integration for the benefit of the local economy and consolidate a defence culture in the archipelago.

Keywords

Strategic archipelago, public goods, defence culture, Canary Islands.

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Introduction

The strategic importance of island bases is becoming apparent in recent years with various programmes to militarise the islands of the South China Sea. Some authors, such as O'Hanlon¹, even predict that their occupation could trigger world conflicts between major powers. This greater attention to islands also coincides with a renewed development of scientific research into the phenomenon of insularity, far from the traditional negative connotation of isolation, to become a field of study of its own, based on so-called 'islandness'². Traditional models that conceived islands as backward, labour-exporting economies (e.g. Sicily according to Schneider and Schneider³) are being reinterpreted in the light of progress made by specialised models in tourism and finance (Cayman Islands, for example), which have managed to create a post-industrial space that capitalises on its connectivity with the global world⁴.

However, most literature does not incorporate the military factor into its models. The pioneer Churchill Semple⁵ for example, distinguished between nodal islands and marginal islands, based mainly on their role in commercial traffic, without considering their strategic value. More recently, ⁶ when creating an island typology, Warrington and Milne speak of fortress islands such as Malta, Singapore, St. Lucia or Hong Kong, but focus mainly on the migratory flows of their population, not on the economic-military model that motivates these demographic changes. They also include the island 'monoculture' typology to identify those that specialise in a single product, traditionally agricultural, and recently in the service sector. Oberst and McElroy⁷ conceive three models according to the island's economic structure:

1 O'HANLON, M. (2019). *The Senkaku Paradox. Risking Great Power War Over Limited Stakes*. Washington, D.C., Brookings Institution Press

2 This stream of island studies (*Nissology*) began in Okinawa after the first meeting of the International Small Island Studies Association (ISISA) in 1994.

3 SCHNEIDER, P. and SCHNEIDER, J. (1976). *Culture and Political Economy in Western Sicily*. New York, Academic Press

4 Experts distinguish between *insularity* and *islandness*; the first refers to the geographical phenomenon and its economic influence; the second, more to the phenomenon of differentiated identity typical of island societies.

KING, R. (2009). Geography, Islands and Migration in an Era of Global Mobility. *Island Studies Journal*, Vol. 4, No.1.

5 SEMPLE, E.C. (1911). *Influences of the Geographic Environment*. London: Constable.

6 WARRINGTON, E. and MILNE, D. (2007) "Island Governance" in G. Baldacchino (ed.) *A World of Islands: An Island Studies Reader, Charlottetown, Canada and Luqa, Malta* University of Prince Edward Island, Institute of Island Studies and Academic Agenda.

7 OBERST, A. and MCELROY, R. (2007). "Contrasting Socio-Economic and Demographic Profiles of Two, Small Island, Economic Species: MIRAB versus PROFIT/SITE". *Island Studies Journal*, Vol. 2, No. 2.

- a) MIRAB (based on remittances from migrants and public aid),
- b) PROFIT (endogenous development focused on the control of own resources),
- c) SITE (a variant of the previous one based on tourism).

But neither do they incorporate the military factor, even though some cases are analysed as independent states. Rodríguez Martín⁸ talks about the tourist and government clusters in the Canary Islands Region, but does not detail the military component in the latter, perhaps due to a lack of information.

In a context of growing international insecurity and scarcity of public resources such as the current⁹, the economic self-sufficiency of strategic archipelagos will be key to ensuring collective defence since in a conflict, economic force can be as decisive as military force. To this end, strategic archipelagos must have a financial structure that ensures their long-term viability.

This problem is not easy to solve as national defence is an economically public good, so it is optimally financed through taxes, and strategic archipelagos tend to be in deficit because defence activity does not generate income but costs. For this reason, it is important to have a productive, agricultural, financial or tourism sector, for example, that can afford its defensive function.

With the development of West Africa¹⁰, the Canary Islands could cease to be an outermost territory and recover its historic strategic role, which would force its main clusters – tourism and military – to coexist. Hawaii (United States) or Okinawa (Japan) are archipelagos that have combined their defensive function with their tourist attraction and their experiences could serve as a reference for the Canary Islands. These archipelagos have a similar climate, with mild temperatures practically all year round, and have had a similar economic evolution, moving from an eminently agricultural model to one of services centred on tourism. Both are strategic enclaves that have played a very important role in Asia Pacific.

This comparative analysis of archipelagos will also help to avoid the danger of exceptionality pointed out by King¹¹, which is typical of experts who consider their island to be special and unique, without considering common issues that may be treated in a similar way. This study can also contribute to the objective of establishing

8 RODRÍGUEZ MARTÍN, J.A. (2015). “Para entender la economía canaria” (To understand the Canarian economy), in PADRÓN MARRERO, D. and RODRÍGUEZ MARTÍN, J.A. (coords.), *Economía de Canarias. Dinámica, estructura y retos. (Economy of the Canary Islands. Dynamics, structure and challenges)*. Valencia: Tirant lo Blanch.

9 As the Secretary of State for Defence recalled in his parliamentary appearance to defend the ministry's budgets, “at the end of 2018, the defence budget reached a figure similar in current terms to that of 2008, and was 10% lower in constant terms”. With the Covid-19 health crisis, the budgetary situation is expected to worsen.

10 BORIS DIOP, B. (2020). “Après la pandémie, le réveil de l’Afrique?” *Le Monde diplomatique*. July.

11 see note 4.

a defence culture, helping to better understand the social value that the armed forces contribute and the particular problems generated by their funding.

Distinctive features of national defence financing

Before analysing the strategic archipelagos model, it is worth recalling the economic nature of military protection. National defence is a state monopoly for various reasons, but economicall it is a monopoly because of the characteristics of public goods. The military protects all residents of a country and no one can be excluded individually, whether they are independents, pacifists, conscientious objectors, resident aliens or tax evaders. This characteristic of non-excludability makes military activity unprofitable from a business point of view, since no price or fee can be charged for individualised defence services¹². Therefore, there is no individual incentive to voluntarily pay for the protection provided by the armed forces, hence most modern states finance defence through taxes¹³.

This traditional formula, however, has an impact on the private sector as a higher tax burden reduces savings and investment capacity, can generate inflation and detracts from resources that could be used for other social needs¹⁴. This is one of the main reasons why most economists are against a policy of military Keynesianism, in which public defence spending is the main economic engine of a country¹⁵.

Notwithstanding this, there are several models for financing public goods through private income, although these are not free from social distortions either. The most common case is that of the press, which provides an information service (a public good) but is financed by advertising; the difficulty the world's largest newspapers have attracting subscribers is explained by the public nature of the

¹² The underlying idea is that there is no logic in paying for something that can be obtained for free. Historically there have been cases such as mercenaries or warlords, and more recently companies such as *Academi* and *Wagner* to whom military technological services are subcontracted, but these are inefficient armies as they do not protect the whole population. The article by RUBIO DAMIÁN (2020) "Automatización de la guerra: el factor humano" (Automation of war: the human factor), *Ejército* No. 948 April, contains several examples of this type of problem and analyses the risks involved in the privatisation of wars.

¹³ BANK, S.; STARK, K., and THORNDIKE, J. (2008). *War and Taxes*. Washington, DC: The Urban Institute

¹⁴ DUNNE, J.P., SMITH, R. and WILLENBOCKEL, D. (2005). "Models of military expenditure and growth: A critical review". *Defence and Peace Economics*, 16

¹⁵ A recent study even links high military expenditure to a high degree of corruption. D'AGOSTINO, G., DUNNE, J., LORUSSO, M., and PIERONI, L. (2020). "Military Spending, Corruption, Persistence and Long Run Growth". *Defence and Peace Economics*. 1-11. 10.1080/10242694.2020.1751503.

product they sell: information is expensive to produce but cheap to reproduce, so there is little incentive to pay for a subscription unless the speed and the scoops have a high economic value for subscribers (as is the case with the financial press, for example).

An extreme case of private provision of a public good is Alphabet, Google's parent company. Like traditional newspapers and magazines, its information and search services are free for the user as its main source of funding is advertising. According to the company itself, in 2019, 83.9% of its revenues came from advertising, making the technology giant one of the largest advertising agencies on the planet. It gives away information, a public good for which it could hardly charge, in exchange for capturing users who make up a huge global advertising platform from which it obtains private income.

GOOGLE'S ADVERTISING REVENUE

	2017	2018	2019
GOOGLE SEARCH AND OTHERS	69,811	85,296	98,115
YOUTUBE ADS	8,150	11,155	15,149
GOOGLE NETWORK MEMBER PROPERTIES	17,616	20,010	21,547
GOOGLE ADS	95,577	116,461	134,811
GOOGLE'S SHARE OF TOTAL ADVERTISING REVENUE	86.50%	85.40%	83.90%

Source: Alphabet. Annual report 2019. Millions of dollars.

In the case of national defence, given the material impossibility of exclusion, inherent in pure public goods, an alternative similar to that of the press sector is the deployment of a complementary productive sector that generates sufficient income to cover defence expenditure in the territory; in the case of islands it is usually the tourism or financial sector that generates most of their GDP. The key lies in knowing how to complement both sectors to maximise their social benefit.

Economic and social structure of strategic island enclaves

Island economies tend to depend on one main industry as their small size makes specialisation more efficient; in the cases of Hawaii, Okinawa and the Canary Islands, there has been a shift from agriculture practically centred on single-crop farming to a tourism economy. Hawaii was traditionally an archipelago that produced sugar and pineapple; Okinawa, mango and sugar cane; and the Canary Islands, bananas and tomatoes; all three are now established tourist destinations.

The commitment to tourism derives from the island's character, from the need to have routes, especially by air, that facilitate external connectivity; remoteness from consumer markets, which is a logistical disadvantage for its traditional agricultural products, becomes a tourist attraction, as potential visitors consider it exotic. Tourism

therefore simultaneously reduces distances and serves as a platform for the export of local products because it lowers transport costs.

This extreme economic specialisation may, however, seriously condition the deployment of military capabilities. Therefore, the greatest challenge that strategic archipelagos have to overcome reconciling a high degree of economic self-sufficiency and their defensive capacity. These spatial constraints also reinforce specialisation in tourism, as it is a complementary industry to the military since both depend critically on logistics infrastructure (airports and ports, for example) and the security attribute¹⁶. The challenge is knowing how to combine them successfully.

MAIN SOCIO-ECONOMIC VARIABLES (2019)

	HAWAII	OKINAWA	CANARY ISLANDS
POPULATION (MILLIONS)	1,4	1,4	2,1
GDP (€ BILLION)	85,5	40,7	46,7
TOTAL TOURISTS (MILLIONS)	10,4	9,4	13,1
UNEMPLOYMENT RATE	2,7%	2,7%	20,5%

Source: Hawaii Ministry of Finance; Okigin Okinawa Bank¹⁷; INE (2020). Provisional data.

Comparing the archipelagos of Hawaii, Okinawa and the Canary Islands shows that economic and social returns are very different. Hawaii is by far the largest generator of GDP (85.5 billion euros), followed by the Canary Islands (46.7) and Okinawa (40.7). As for the unemployment rate, the Spanish case is the only one with two digits (20.5%), while in the United States and Japan the rate is identical (2.7%); furthermore, it is important to remember that the unemployment rate in the Canary Islands is the fifth highest in Spain (13.78% nationally), in Hawaii it is the lowest in the United States (3.7% nationally) and in Okinawa it is the highest in Japan (2.4% nationally)¹⁸.

These results are surprising when one considers that the Canary Islands are the most populated region (2.1 million inhabitants) and the one which attracts the greatest number of tourists each year (13.1 million); Hawaii, with almost three million fewer tourists and 700,000 fewer inhabitants, generates a GDP which is 83% higher than that of the Canary Islands. Okinawa, with a population and unemployment rate iden-

¹⁶ The security of the tourist destination is, along with the price and quality of the service, one of the aspects most valued by visitors. In the case of the Japanese tourist, for example, CASTELLTORT (2020).

¹⁷ The latest official figure for Okinawa's GDP is 2016, equivalent to 35.6 billion euros. An estimate from local bank Okigin is used in order to compare the three archipelagos in the same year.

¹⁸ The Covid-19 health crisis has substantially altered these figures so it is better to compare with previous data, so that there are no disruptive factors that alter the analysis.

tical to Hawaii, generates a GDP equivalent to 47% of the US archipelago, although it has one million fewer tourists a year.

MAIN TAX REVENUES (FISCAL YEAR 2018)¹⁹

CANARY ISLANDS			HAWAII			OKINAWA		
Tax revenues	Amount (million euros)	Share (%)	Tax revenues	Amount (million euros)	Share (%)	Tax revenues	Amount (million euros)	Share (%)
State revenues SF	5,229	69%	Consumer tax	3,020	43%	Prefectural tax	1,093	18%
State revenues (other)	104	1%	Income tax state section	2,161	31%	Local compensatory subsidy	1,751	29%
Assigned state revenues	608	8%	Accommodation fee	493	7%	Disbursement National Treasury	1,616	26%
European Funds	214	3%	Honolulu I. Consumption Surcharge	250	4%	Local consumer tax	414	7%
FCI	55	1%	Hydrocarbons tax	179	3%	Prefectural bonds	383	6%
CAC revenues	1,409	18%	Other revenues	912	13%	Others	868	14%
TOTAL	7,619	100%	TOTAL	7,015	100%	TOTAL	6,125	100%
GDP (€ billion)	47		GDP (€ billion)	86		GDP (€ billion)	41	
Population	2		Population	1		Population	1	
Fiscal resources per capita	3,628		Fiscal resources per capita	5,011		Fiscal resources per capita	4,375	

Sources: Canary Islands Accounts Board. Canary Island General Account Audit, financial year 2018. Government of Hawaii. General Account Audit, fiscal year 2018. Government of Okinawa. General Account Audit, fiscal year 2018.

An analysis of the main tax revenues also yields a similarly surprising result; the governments of Hawaii (5.010 billion euros) and Okinawa (4.374), obtain more resources per capita than the Canary Islands (3.628), which surely influences their competitive capacity. At the same time, Okinawa and the Canary Islands are mainly financed by contributions from the national system: “Local compensatory subsidy” (28.6%) and “Treasury disbursements” (26.4%), in the former, and “State revenues SF²⁰” (69%),

¹⁹ The fiscal year is different in each case; in Spain it coincides with the calendar year, but in the United States it ends on 30 September 2018 and in Japan on 31 March 2019.

²⁰ Includes taxes assigned, subject and not subject to assessment, personal income tax, corporation tax and social security contributions, transfer tax and stamp duty, gambling, excise duties and SF funds and IGTE clearing

in the latter. Hawaii, on the other hand, seems to be more self-sufficient in terms of its budget, as its main income is the equivalent of VAT (43%). These figures therefore seem to invite a specific analysis of each island model.

Hawaii

The American archipelago is not only a reference tourist destination but also a strategic military enclave in the Pacific area, as it has proved throughout the 20th century. Although until the Great Depression of 1929 it had been an important centre of sugar and pineapple production, recovery from the crisis came from the army, which increased its presence following the Japanese occupation of Manchuria and the subsequent invasion of China (1937). This trend continued during World War II; according to Schmitt,²¹ military strength increased from 28,000 in 1940 to 378,000 in 1944. After a crisis following the end of the global conflagration, the Korean War began a period of economic growth again driven by military deployment, which continued when Hawaii became a federal state in 1959 and ceased to be a “Territory”²². From that date, annual growth until 1973 was 4%, and tourism became the largest industry in the archipelago, thanks in part to the introduction of commercial jet flights from the mainland, a trend that has been consolidated to the present day²³. Between 2009 and 2018, for example, Hawaii’s real GDP increased by 16.9% and tourism-intensive industries by 35.5%, making it the sector that contributed most to economic recovery, even more so than in the previous period (2001-2007), when tourism growth was 23.1%.

Hawaii’s tourism success cannot, however, make one forget the importance of the military contribution to its current economy. According to the Government of Hawaii²⁴, every billion in military spending in 2018 generated 1.7 billion in the local economy, with real estate, manufacturing and health care sectors benefiting the most. According to the US Department of Defense, in financial year 2018, \$7.2 billion were injected into Hawaii, \$4.9 billion in salaries and \$2.3 billion through tenders to local companies, bringing its model quite close to military Keynesianism, where the economic driving factor is defence expenditure.

²¹ SCHMITT, R. C. (1977). *Historical Statistics of Hawaii*. Honolulu: The University Press of Hawaii.

²² At that time, the four main sources of funding for the archipelago were the military, sugar, pineapple and tourism, and Hawaii contributed more tax resources to the federal treasury than several states of the Union. The following are currently legally considered as territories: Puerto Rico, the US Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands and Guam.

²³ The Vietnam War also forced a strong military detachment to be maintained on the islands.

²⁴ Hawaii State Department of Business, Economic Development & Tourism. <http://dbedt.hawaii.gov>. Accessed 12-6-2020

IMPACT OF ONE BILLION DOLLARS OF MILITARY SPENDING ON THE HAWAIIAN ECONOMY (2018)

PRODUCTION SECTOR	PRODUCTION (MILLONES DÓLARES)	WAGE INCOME (MILLIONS OF DOLLARS)	JOBS (NUMBER)
TOTAL	1,702.7	936.6	10,630
FEDERAL GOVERNMENT	820,0	670,1	5.794
REAL ESTATE	158,9	14,2	348
OTHER MANUFACTURES	119,1	7,9	113
HEALTH SERVICES	92,9	47,1	717
MINING AND CONSTRUCTION	62,2	25,2	267
RETAIL TRADE	57,1	19,8	509
PROFESSIONAL SERVICES	50,9	26,9	351
COMMERCIAL SERVICES	47,5	28,0	646
WHOLESALE TRADE	43,7	10,6	127
FINANCE AND INSURANCE	43,4	11,7	211
OTHER SERVICES	34,1	16,5	364
PUBLIC SERVICES	32,7	4,4	29
FOOD & BEVERAGE	28,7	10,6	345
INFORMATION	24,3	6,7	79
TRANSPORT	22,8	7,2	120
LOCAL AND NATIONAL GOVERNMENT	17,6	12,2	152
PROCESSED FOOD	11,8	2,2	52
ACCOMMODATION	11,7	3,7	54
EDUCATIONAL SERVICES	10,9	6,9	152
AGRICULTURE	6,9	2,3	98
CULTURE AND ENTERTAINMENT	5,4	2,3	102

Source: Government of Hawaii (2020)

This important economic role of the armed forces is explained by the strategic nature of the archipelago, a key aspect of its history and one of the reasons why it was granted State of the Union status. Thus, a 1947 Congressional Report expressly states that *‘the strategic location in the mid-Pacific of Hawaii’s modern community of a half million loyal American citizens, with its modern facilities for transportation, communication, and defense, is of immeasurable value to the Nation.’*²⁵ This strategic character

25 H. Rept. 194, 80th Cong., 1st sess.

In another report by the Parliamentary Committee on the granting of statehood to Hawaii, the main arguments were

1. *Confirm and establish US hegemony in the Pacific*
2. *Establishing the first US island state*
3. *Move the domestic borders of the United States 2,200 miles west*
4. *Establish the fact that the areas of the Western and Central Pacific Ocean constitute a defence zone for the United States.*
5. *Circulate a strategic military base even more closely to the Union.*

was not limited simply to the military but also to the political, as Krug, Secretary of the Interior at the time, pointed out: ‘*General MacArthur has expressed his opinion in favour of Hawaii’s statehood on the premise that such a policy would definitely support his efforts to democratize Japan and other areas of the East and help overcome the incursion of undemocratic forms of government*’²⁶. Hawaii’s elevation to the status of State of the Union was therefore strategic, both militarily and politically, seeking greater involvement in the Pacific from an economically consolidated archipelago that was already the United States’ fifth trading partner and a major contributor. Hawaii is currently home to the headquarters of the largest US combat command (USPACOM), the Pacific commands for all the Armed Forces and the Coast Guard, and one of the largest military shipyards, the Pearl Harbor Naval Shipyard, which employs some 4,600 people, making it the leading industrial company in the archipelago.

This strategic commitment to Hawaii has not been free of objections, particularly from US economists and accountants, as there is a clash of technical criteria, sometimes irreconcilable, between military logistics and taxpayers’ savings. The former justifies the existence of a deliberate redundancy and a ‘risk premium’ consisting of bringing forward the costs of a possible adverse scenario, so that the decision is taken not on the basis of immediate but on the basis of hypothetical costs. On the contrary, the taxpayer’s view seeks to minimise annual military expenditure by eliminating those considered unnecessary. A specific example of this type of problem is illustrated by the debate in the 1990s on homeporting battleship USS Missouri in Pearl Harbor to the detriment of Long Beach, California, despite the enormous difference in costs. The annual recurrent costs of moving the battleship and adapting the island’s infrastructure were estimated at that time at \$63.6 million plus \$47.5 million in annual costs, while keeping it in Long Beach placed less of a burden on the US taxpayer: 17 million non-recurring plus 46.3 million per year. The reason for the difference was the expenditure of 59 million for the construction of family homes in Pearl Harbor (between 570 and 700 units), expenditure that was not necessary in Long Beach because decommissioning of the USS New Jersey was foreseen. Despite the significant immediate savings of parking the ship in California, the Navy was working on a different scenario, that of the need for a rapid response in the early stages of a potential conflict in the Asia Pacific²⁷. Due to political pressure and reports against the Government

6. *Send to Congress men of calibre from Hawaii with an intimate knowledge of the areas of the Pacific Ocean at their fingertips.*

7. *Link the wealth of Hawaii, the fifth largest customer in the United States, more firmly to the Nation. 8. Send 16 young Americans from Hawaii to West Point and Annapolis annually, instead of 4.*

9. *Relieve the federal government of the financial burden of the Territory regime*

10. *Fulfil at least one moral obligation owed to the people of the Territory of Hawaii.*

26 Testimony before the House Public Lands Committee, March 1947 In *Statehood for Hawaii: Hearing Before the Subcommittee on Territories and Insular Affairs* United States Senate. 1953.

27 The Covid-19 crisis has once again highlighted the importance of this deliberate redundancy, which is typical of military logistics. “The fact that military logistics operate in uncertain environments, where it is difficult to predict needs and where, in addition, the enemy factor must be taken into

Accountability Office (GAO), the battleship finally ended, a decade later, in Hawaii, although in the naval museum²⁸.

As the previous examples illustrate, Hawaii's economic and social success is inseparable from a political and military commitment that has successfully combined two economic sectors with a high multiplier effect: tourism and defence. Hawaii has the third highest household income in the United States (\$78,084) and the lowest unemployment rate in the country (2.7%) but is also the most expensive state to live in²⁹. Hawaii would therefore be more like a military enclave reconverted into a tourist destination to make it economically sustainable.

This importance of the defensive factor has been further highlighted by the recent Covid-19 crisis. Thanks mainly to the military shipyards, and to the University of Hawaii, which operates the Maui High Performance Computing Center, it has been possible to maintain a certain level of consumption and compensatory economic activity on the islands, despite the drastic fall in tourism.

Okinawa

Okinawa is a Japanese island prefecture in the Pacific Ocean, bordering the South China Sea and the Philippines. Because of its strategic location it was occupied by the United States following World War II until 1972, when it was returned to Japan, although Washington still maintains 90 military facilities for exclusive use. If hostilities were to break out in the region, the US advanced deployment in Okinawa would significantly shorten troop transfer times to the Korean peninsula or the Taiwan Strait. For example, it takes 2 hours to fly to the Korean peninsula from Okinawa, compared to 5 hours from Guam, 11 from Hawaii and 16 from continental United States. Furthermore, the 1,200 km long archipelago is located adjacent to the main Japanese maritime routes, through which almost 99% of the total volume of the world's third

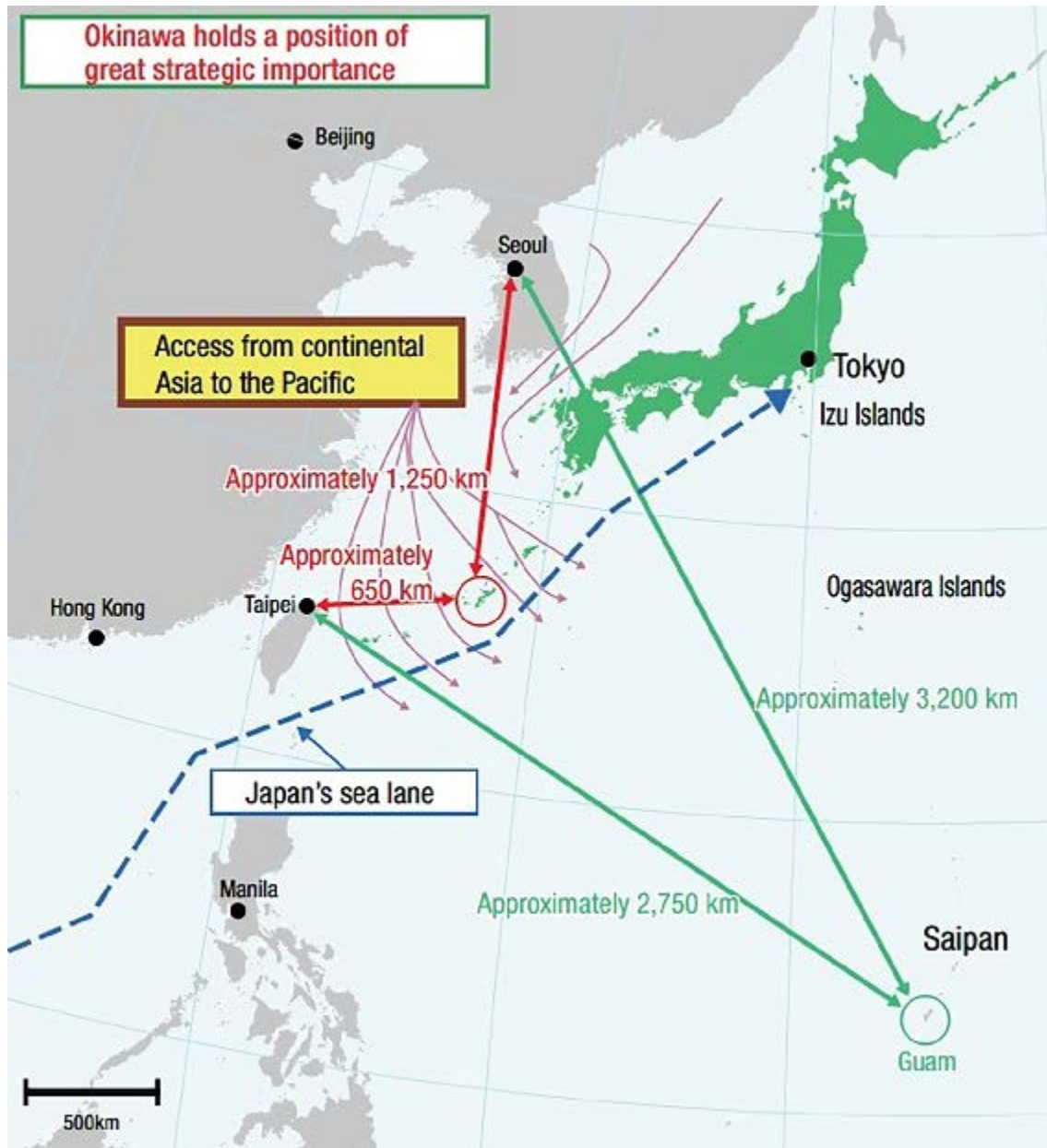
account, means that they must be strengthened by creating deliberate redundancies to ensure that any break in the chain will not prevent them from continuing to fulfil their mission". RUÍZ ARÉVALO (2020) in "Efectos del Coronavirus en el orden mundial" (Effects of Coronavirus in the world order), *Ejército* 949, May.

28 Stiglitz, a Nobel Prize winner in economics and advisor to President Clinton, was one of the greatest opponents of this military logic of advancing expenses. 'Almost all the serious conflagrations that the United States has faced in the past fifty years have lasted months, if not years. If this is the likely pattern in the future, then the need for a full capacity for rapid deployment on a second front may not be a high imperative'. STIGLITZ, J. (2000) *Economics of the Public Sector*.

About the case of U.S.S. Missouri, see at www.gao.gov. *Costs of Homeporting the U.S.S. Missouri in Pearl Harbor versus Long Beach* United States General Accounting Office. September 1990.

29 According to the Missouri Economic Research and Information Center (MERIC), in 2019, the cost of living index was 191.8 in Hawaii, the highest in the Union, and in Mississippi it was 84.7, the lowest.

largest economic power's maritime trade passes³⁰. For this reason, the presence of bases in Okinawa is considered to benefit all residents of Japan, not only the Okinawans, and provides an additional guarantee of stability in the region formed by Japan, Korea, Taiwan and the Philippines, a further illustration of the economically public nature of defence.



Source: Japanese Ministry of Defence. National Defence White Paper 2019.

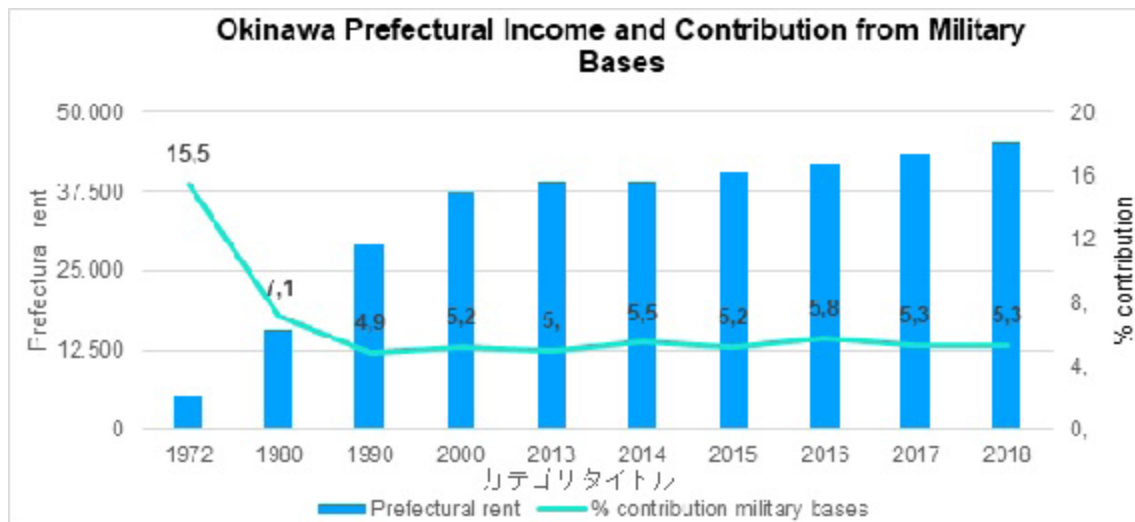
However, this collective benefit generates social costs that fall disproportionately on the island economy and its citizens, since 1% of Japanese territory is home to 70%

³⁰ The importance of maritime trade in a globalised world and its protection is commented in MORENO BARAHONA (2020) "Reflexiones sobre artillería lanzacohetes para las Fuerzas Armadas" (Reflections on rocket launcher artillery for the Armed Forces). *Ejército* No. 947, March.

of US military facilities in the country. In addition, Kadena Air Base, the key military hub, could have immediate civilian use as it is one of Japan's largest airports, with two 4,000-metre runways, which could generate \$10 billion in annual revenue for the region³¹. For this reason Hiromori³² advocates sharing so that in times of peace the infrastructure can be exploited for the benefit of the local economy, allowing commercial flights that would help consolidate tourism and a regional communications hub.

This under-utilisation of facilities is serious for a prefecture that is lagging behind the rest of the country economically. According to the latest official figures available, for financial year 2017, Okinawa's prefectural per capita income (18,083 euros) has been the lowest in Japan for the past 27 years and is 68% of the national average (26,583 euros). According to the Bank of Japan³³, these low figures are due to specialisation in services (84%, the second largest in the country), a labour-intensive sector but with lower productivity than industry, and to a high level of precariousness in employment (46% of employment is not indefinite), the highest in Japan (national average, 38%).

For the time being, unlike the case of Hawaii, military expenditure has not had a traction effect on Okinawa's economy, because its total contribution has declined in recent years as prefectural income has improved; from 15.5% in 1972, when it was returned to Japan, it rose to 5.3% in 2018. This disparate development with respect to Hawaii may be due above all to uncertainty surrounding base continuity, which has minimised military investment by both governments. The continuity of Prime Min-



Source: Government of Okinawa (2020)

³¹ The civil airport of Naha, the prefectural capital, has only one runway but with 150,000 flights a year it is already the fourth domestic airport in number of operations behind Haneda, Kansai and Shinchitose. For comparison purposes, the runways at the Gando base, Gran Canaria, are 3,100 metres long.

³² Cited in JUNKERMAN (2016), "Base Dependency and Okinawa's Prospects: Behind the Myths". *The Asian-Pacific Journal*, 15 November.

³³ BANK OF JAPAN (2018). Okinawa-ken no shotoku suijun wa naze hikui no ka. (Why is Okinawa's income level low?). <https://www3.boj.or.jp/naha/pdf/uchina181005.pdf>

ister Abe, Japan's longest-serving president, has allowed for bilateral relations to be strengthened and dialogue on defence matters improved, as well as a strong injection of financial resources for the local economy (2.1 billion euros per year).

Nor has it helped the bilateral relationship to strengthen the climate in the US Congress, particularly because of budgetary issues. As Admiral Harry Harris, commander of the Pacific Forces, stated at his congressional hearing in February 2018, "*Fiscal uncertainty breeds a significant risk to USPACOM's strategic priorities. (...) One of the principal problems we face in the region is overcoming the perception that the U.S. is a declining power; a fully resourced defense budget, leading into long-term budget stability, will send a strong signal to our allies and partners – and all potential adversaries – that the U.S. is fully committed to preserving a free and open order in the Indo-Pacific.*"³⁴

Okinawa's current situation is therefore the result of the confluence of three axes: the axis of those responsible for defence, formed by the Japanese government and the US Department of Defense; the axis of the local movement against the presence of military bases, led by the prefectural government; and the axis of the defence of the US taxpayer, formed by Congress and the Government Accountability Office (GAO), which are demanding greater transparency in military decisions.

Alignment between Tokyo and the Defense Department is explained by the fact that they are directly responsible for protecting the territory; not for nothing were the costs of the bases in Japan in 2019 (5.3 billion dollars) the second highest of all those the United States has in the world, only behind Germany (8.3 billion) and ahead of Korea (4.4). This axis is key and has been decisive in the recent history of the archipelago³⁵.

As for local opposition to the bases, it does not seem so much a question of anti-Americanism as a demand for autonomy. The island nature of the economy has always created a dependence on the metropolis, whether it be Washington during American rule or Tokyo. Traditional exports of agricultural products such as sugar or pineapple have almost never offset the value of consumer goods imports, which have accounted for almost 80% of the total. The result has been what Hiroshi³⁶ called a

³⁴ U.S. CONGRESS, HOUSE COMMITTEE ON ARMED SERVICES (2018). *The Military Posture and Security Challenges in the Indo-Asia-Pacific Region*, hearings, 115th Cong., 2nd sess. 14 February. H.A.S.C. No. 115-70 (Washington, DC: GPO, 2018). <https://docs.house.gov/meetings/AS/AS00/20180214/106847/HHRG-115-AS00-Wstate-HarrisJRH-20180214.pdf>

³⁵ The controversy generated by the transfer of one of the bases, Futenma, led to the resignation of Prime Minister Hatoyama in June 2010, sending a clear message about the importance of maintaining coherence of action between Washington and Tokyo.

³⁶ HIROSHI, M. (2009). "Okinawa keizai no tokusei wa dōshite tsukurareta ka" (How the particularities of Okinawa's economy were created) in *Okinawa "jiritsu" e no michi o motomete: kichi keizai jichi no shiten kara*, ed. MASAOKI G., MIYAZATO S., ARASAKI M., and ŌSHIRO H. Tokyo, pp. 112-125.

‘sieve economy’ (*zaru keizai*³⁷) in which profits from business activity on the island do not revert to its residents, but are repatriated to the headquarters of large corporations, national or international, in what would be an almost neo-colonial model³⁸. The alternative proposal by local experts such as Kakazu³⁹ has been to create a Free Trade Area between Taiwan, Okinawa and Shanghai, which could also ease tensions surrounding the territorial dispute of the Senkaku Islands, as Okinawa is closer to Taiwan (630 km) and Shanghai (820 km) than to Tokyo (1,600 km).

Finally, the third axis influencing the situation in Okinawa, the US taxpayer’s ombudsman, formed by Congress and the GAO, is under very strong social pressure to reduce Administration costs, with the military being one of the main items. As early as 1989, the GAO objected to the Department of Defense including land ceded free of charge for military bases in Japan as a Japanese contribution because it violated the criteria for NATO cases where only explicit monetary contributions are counted⁴⁰. Congress, on the other hand, refused in 2012, 2013 and 2014 to approve budgets for the transfer of troops from Okinawa to Guam because they were not acceptable. In an attempt to improve the situation, then Premier Shinzo Abe spoke at the US Parliament in 2015, the first time a Japanese leader had visited it. This was very well received by the congressmen, and perhaps made it possible to secure US political support for several of his claims, such as that of the Senkaku Islands⁴¹.

Therefore, Okinawa’s future development will depend critically on how reconciling the regrouping of US military bases with the local economy is resolved. Land is the scarcest productive factor in island economies, so it is crucial to maximise its use; land returned has increased its social contribution (measured in jobs created) by 72, and its economic contribution by 28.

37 The literal translation is ‘bamboo basket economy’.

38 This is undoubtedly one of the major differences with Hawaii, where there is better integration between the local economy and military activity, probably because they are bases on US soil and not in a host country. Of the \$2.4 billion in annual procurement spending, it is estimated that at least 58% is made to companies based in Hawaii. In the case of the Defense Commissary Agency it is 92%, in the case of the Navy it is 62%, in the army 57% and in the Air Force has the lowest percentage at 30%. In the case of Okinawa’s commissaries, for example, they are tendered with those from all the bases in Japan, Korea and Guam, so usually only US companies apply.

39 KAKAZU, H. (2015). “A Growth Triangle (GT) Approach to Asian Regional Economic Integration: A Case Study of Taiwan-Okinawa-Kyushu Growth Triangle”. *IAM e-Magazine*, No. 5.

40 In what would be yet another example of the entente between the Department of Defense and the Japanese government

41 The US Congress has taken a stance in favour of Japan in this territorial dispute with China over the Senkaku Islands, and its budgetary proposals cannot therefore be considered anti-Japanese but merely defensive of its taxpayer. For example, with the Asia-Pacific Maritime Security Initiative Act of 2016 (S. 2865 in the Senate and H.R. 5890 in Congress).

According to John Bolton, former national security adviser to President Trump, “*we have no better ally than Japan*”. BOLTON, J. (2020), *The Room Where It Happened*. New York: Simon & Schuster.

ECONOMIC IMPACT OF RETURNED MILITARY BASE LANDS

Land from former US bases returned						
	Direct economic effect (billion yen per year)			Jobs created		
Old bases	Before	After	Multiplier effect	Before	After	Multiplier effect
Naha Shintoshin	52	1,634	32x	168	15,560	93x
Oroku Kinjo	34	489	14x	159	4,636	29x
Kuuae and Kitamae	3	336	108x	0	3,368	-
Total	89	2,459	28x	327	23,564	72x

Land to be returned						
	Direct economic effect (billions of yen per year)			Jobs created		
Bases	Before	After	Multiplier effect	Before	After	Multiplier effect
Camp Kuuae	40	334	8x	351	3,409	10x
Camp Zukeran	109	1,061	10x	954	7,386	8x
Futenma	120	3,866	32x	1074	34,093	32x
Makiminato	202	2,564	13x	1793	24,928	14x
Naha (military port)	30	1,076	36x	228	10,687	47x
Total	501	8,900	18x	4400	80,503	18x

Source: Government of Okinawa (2020).

Okinawa is also the only Japanese prefecture with endogenous population growth⁴² (Tokyo is growing exogenously, by attracting population from other regions) and recently underwater fibre cables have been installed, forming a communications hub that attracts companies from the sector, which is already the second largest after tourism, with almost 30,000 direct jobs. Okinawa's experience therefore illustrates the complexity of good coordination between the defence policies of two states and the progress policies of local governments, as well as the protection of taxpayers' interests. Also the difficulties of demilitarising strategic enclaves.

Canary Islands

The Canary Islands are the southernmost appendage of the EU and lie some 100 km from the west coast of Africa, giving them great strategic value on sea routes with West Africa and South America. The Canary Islands Region has one of the best port systems in the Atlantic thanks mainly to its two free trade areas, the Canary Islands Special Zone (ZEC) and the Economic and Fiscal Regime (REF), which have fa-

42 A local saying states that the Okinawans will be the last Japanese, referring to the ageing population in the rest of the country. A different situation to that of the Canary Islands and Hawaii. According to the Canary Island Economic and Social Council (2019), "vegetative growth of the population in the Canary Islands, which has historically been positive, has become negative already in 2018, and would continue to be so throughout the period 2019-2032". National Strategy Report on the Demographic Challenge. p. 22. According to Census Hawaii, the archipelago has been losing population since 2016 when it reached 1,424,393 (1,415,872 in 2019).

voured economic progress⁴³. Together with tourism, the port is the archipelago's main axis of globalisation.

In addition to forming part of the EU, for security purposes the Canary Islands are integrated into the Euro-Atlantic region under the terms of the Washington Treaty, Article 6 of which defines the territories to be protected by NATO, including the islands of Member States situated to the north of the Tropic of Cancer⁴⁴.

This legal framework makes the archipelago Europe's outpost in Africa and, although there is still little development of air and maritime connectivity with coastal countries, in the near future it is expected to become a regional logistical node in line with the Community integration policy for the Macaronesia region⁴⁵.

The Canary Islands therefore appear to be destined to become a support base for companies with interests in West Africa thanks to their EU territoriality and military security. According to Ballesteros Martín⁴⁶, the value of security is a key factor if we also take into account proximity to one of the areas of greatest global concern, the Sahel, where Jihadist groups control important territories without sovereign states being able to prevent it, and with which the Canary Islands maintain strong commercial links through ECOWAS, the Economic Community of West African States⁴⁷. According to the same author, the archipelago could be the logistic base for mining investments in Mauritania or Mali, a sector with a turnover of 50 billion dollars, or for Moroccan iron exports. This cluster, the most strategically important, represented

43 The importance of these systems is corroborated by the complex process of integrating the Canary Islands Region into the current European Union, since it did not integrate fully into the former European Economic Community (EEC) along with the rest of Spain for fear of losing the Economic and Fiscal Regime (Protocol two to the Act of Accession of Spain and Portugal). It was not until 1991, after the concept of 'outermost regions' (ORs) had been developed, that the REF was modulated and it was found that excluding the archipelago from the Community's common trade, agriculture and fisheries policies was detrimental to its export sector, both agricultural and industrial. For this reason the Programme of Options Specific to the Remote and Insular Nature of the Canary Islands (POSEICAN) was developed.

Other ORs within the EU are the Azores, Madeira, Guadeloupe, Martinique, Guyana and Réunion.

44 This definition has caused some interpretative problems because the Treaty was signed in 1949 and Hawaii became a state of the Union in 1959, so there is a current of opinion that NATO might not protect the archipelago if it were attacked.

45 Macaronesia ('Fortunate Islands') is the name given to the five North Atlantic archipelagos close to Africa: Azores, Canary Islands, Cape Verde, Madeira and Savage Islands.

46 BALLESTEROS MARTÍN, M.A. (2013). "El valor geoestratégico de las Islas Canarias" (The geostrategic value of the Canary Islands). 6 February. IEES.

47 Ciria Amores considers that "The Sahel, situated between the Sahara desert and the African savannah, is the region with the greatest terrorist boom on the planet, due to the internal crises of the countries that make it up, political corruption, food shortages and illegal trafficking in arms, drugs and people, among other causes" CIRIA AMORES, F.J. (2020). "Sahel: un enclave determinante para la lucha contra el terrorismo" (Sahel: a key enclave in the fight against terrorism), in *Ejército* No. 948, April

35% of GDP, 40.4% of regional employment⁴⁸ and had an estimated multiplier effect of 2.32 on the rest of the economy⁴⁹ before the Covid-19 health crisis, so it is crucial to maintain tourism corridors to ensure economic vitality during the pandemic.

Unfortunately, the development of this intercontinental platform faces a number of problems, perhaps the main one being that the strategic consideration of the Canary Islands does not seem to be accompanied by a long-term plan of action. For years now, China has been committed to the African continent and has deployed a coherent diplomatic policy that seeks to occupy the space left by the EU, and specifically by France, in what Beuret and Michel called *Chinafrique*⁵⁰. China's apparent better management of the pandemic than Europe could even aggravate this situation.

Spain does not seem to be exempt from this Community trend, which has seen the Canary Islands as an outermost region rather than a strategic enclave. Even in the local community itself, a fatalistic discourse seems to dominate, which, according to Padrón Marrero and Godenau⁵¹, has ended up consolidating an island narrative loaded with negative connotations, with a predominance of claims of a compensatory nature rather than commercial freedom and business dynamism.

Recently, however, a change of perspective has been observed; with an adequate presence of the armed forces in the territory⁵², the Canary Islands Region can take on an increasingly important role in the security of Atlantic commercial traffic by bringing stability to the West African coast with the deployment of patrol boats in the Gulf of Guinea, a region where piracy and drug trafficking gangs disrupt the supply of raw materials and energy products. There is also the question of access to the Tropic and The Paps seamounts, with their concentrations of metals that the EU has deemed strategic.

48 IMPACTUR Canarias 2019 Study.

49 RODRÍGUEZ MARTÍN, J.A. (2014). "Economía de la Educación y Educación para la Economía de Canarias" (Economy of Education and Education for the Economy of the Canary Islands). Canary Islands School Council.

50 BEURET, M. and MICHEL, S. (2011). *La Chinafrique*. Paris: Pluriel. This book highlighted the economic boom that Beijing had allowed several African dictatorships to enjoy, which for the first time had been able to reject Western aid.

51 PADRÓN MARRERO, D. and GODENAU, D. (2017). 'La excepcionalidad institucional en la economía de Canarias. ¿Ayudan a las ayudas?' (The institutional exceptionality of the Canary Islands' economy. Do they aid aid?). *Anuario de Estudios Atlánticos*, No. 63.

Both authors further state: "The present of the Canarian economy is marked by the strong influence of national economic power on the business fabric, while in certain activities a discourse has been articulated in which aid and exemptions, as well as, in some cases, certain doses of protection, are presented as the central axis of business viability. This new narrative of insularity (islandness) and ultra-periphery reflects a Canarian society that has become accustomed to asking for aid rather than commercial freedoms."

52 For a specific analysis of military presence on the islands, see GALLEGO COSME, M.J. (2017). "La geopolítica de las bases militares (IX)". (The geopolitics of military bases (IX).) IEES.

Finally, one aspect indirectly highlighted by comparison with the Pacific archipelagos is the mismatch between the economic model and the demographic structure of the Canary Islands, since this is the region with the largest population differential and unemployment rate, as mentioned above. This is undoubtedly one of the factors that explains the problem of low per capita GDP in recent years and scarce budgetary resources per inhabitant. Therefore, in addition to reconciling the tourism and defence clusters, the future challenge will be to adopt a model that generates greater social integration and ensures the financial viability of the enclave⁵³.

Development axes of strategic archipelagos

The comparative analysis between the archipelagos of Hawaii, Okinawa and the Canary Islands reflects three issues that the strategic enclaves, as distinct island types, have to resolve: a) integration of the strategic nature into their own identity; b) type of economic Keynesianism; c) economic-demographic balance.

A) *Own identity and strategic nature*

The aforementioned comparative analysis appears to confirm that neither Hawaii nor Okinawa have sought economic development beyond their strategic nature, but have assumed it as a sign of their own identity and established it as the basis for their progress. Tourism has been the logical response in both cases, as it is an economic sector deployed around a logistics network based on complementary infrastructures in a limited island territory, and which they also aim to supplement with a technological hub.

It is precisely the explicit recognition of its strategic nature that has enabled Hawaii to progress economically, improve its political status and establish itself as the State of the Union with the lowest unemployment rate over the past century.

Okinawa is a similar case although, owing to the sovereign problem of bases, it embraces a pacifist model that reinterprets its strategic location as a gateway to Asia, typical of *post-bellum* Japan, which is constitutionally forbidden to have an army. With an indigenous culture, *chamuru*, a fusion of Chinese, Japanese and US culture, and thanks to its privileged location, “Okinawa seems destined to become Japan’s new frontier in this century, dominated by the Asia-Pacific region”⁵⁴.

⁵³ Although there does not appear to be any specific analysis of the contribution of the Canary Islands’ defence cluster, according to a study on the 2010 financial year, Ministry of Defence activity generated 1.2% of Spain’s GDP and 1.7% of total employment in that year. GARCÍA, J.R.; MURILLO, J.; SURINACH, J. and VAYÁ, E. (2016). “Economic impact of the Ministry of Defence’s budget: Methodological design and results for the Spanish economy”. *Defence and Peace Economics*, March.

⁵⁴ KAKAZU, H. (2017). Okinawa: Japan’s Front-Runner in the Asia Pacific -Thriving Locally in a Globalized World.

B) *Type of economic Keynesianism*

Strategic archipelagos are structurally loss-making since defensive activity generates only costs, so they need compensatory income. The development of complementary private sectors, especially tourism, contributes decisively to the economic viability of the enclave but at the cost of tension between the defensive and civil clusters, which requires good coordination. To this end, the Keynesian model is predominantly adopted in strategic archipelagos, based on strong public leadership of the market economy. Such leadership can be civilian or military, depending on the type of investment being encouraged.

Okinawa, which has opted for a model of civil Keynesianism, which seeks to stimulate entrepreneurial activity through public spending, has improved in terms of per capita income and infrastructure but has not been transformed into a self-sufficient economic entity⁵⁵, partly because of the delay in resolving the US base dispute. However, with a GDP lower than that of the Canary Islands, its unemployment rate is just as low as that of Hawaii (2.7%) due to the inclusive nature of Japanese social policies, which prioritise full employment over economic efficiency⁵⁶.

By contrast, Hawaii's socially inclusive growth, a paradigm of military Keynesianism, is the result of a determined commitment by the US Department of Defense and successive regional governments, which have managed to recognise and convey to society the economic importance of the military bases in their territory and their benefits, in an example of good defence culture. For example, the EU's specific agricultural programme for outermost regions can transfer up to some 268 million per year to the Canary Islands, a significant figure, but 43% less than the amount of pensions paid to retired military personnel in Hawaii in 2018, some 527 million (463 million euros). In addition, Department of Defense public employee salaries paid during financial year 2019 amounted to 4.9 billion dollars (4.3 billion euros), a figure 48% higher than the annual budget of the Regional Ministry of Health of the Canary Islands, which in 2018 was 2.9 billion euros⁵⁷. Therefore, defence-related expenditure in Hawaii

⁵⁵ KAKAZU, H. (2018). "Island Sustainability and Inclusive Development: the Case of Okinawa (Ryukyu) Islands". *Journal of Marine and Island Cultures*.

⁵⁶ This statement should not be interpreted as synonymous with wasteful public spending in Okinawa since, as will be seen, investment is very efficient thanks to high density.

⁵⁷ The Department of Defense is perhaps the largest employer in the United States, with over 2.1 million military service members and 770,000 civilian employees.

The US financial year ends on 30 September for the federal government and most states, including Hawaii.

According to the Canary Island Economic and Social Council, regional administration personnel costs in 2018 amounted to 2,964.81 million euros. CES Annual Report 2019.

injects financial resources into the local economy that far exceed Community aid received by the Canary Islands and autonomous region resources⁵⁸. These high contributions of the Department of Defense to local industry and consumption, coupled with the high multiplier effect of military spending, could explain the large differential between Hawaii's GDP and those of Okinawa and the Canary Islands⁵⁹.

This result makes it difficult to make purely statistical comparisons between the three models, since military Keynesianism complements the tourism multiplier, generating greater wealth, an aspect often forgotten by academics.

C) *Economic-demographic balance*

Economies seek to balance wealth creation with their population size and, very especially, to address population densities in order to make public spending efficient. It is difficult to determine an optimal point econometrically but the difference in population of the Canary Islands compared to Hawaii and Okinawa is surprising, especially when unemployment rates are too. In view of the contribution of the Keynesian model to the economic development of strategic archipelagos, a high unemployment rate detracts from public resources that could be invested in improving island infrastructures and perpetuates specialisation in labour-intensive productive sectors.

Additionally, thanks to their demographic concentration on the main island, Okinawa and Hawaii exceed minimum profitability thresholds and therefore Keynesian policies are effective. In Okinawa, for example, 85% of the population resides on the main island (in Hawaii, 69%), which explains why it ranks 21st in public infrastructure costs out of a total of 47 prefectures in Japan.

This situation differs slightly from that of the Canary Islands, where, according to Rodríguez Martín⁶⁰, there are very small nuclei in the non-capital islands that prevent reaching the profitability threshold for public investment. Although the Canary Islands are the third most densely populated autonomous region, behind Madrid and the Basque Country, and above Catalonia and the Balearic Islands, there are extreme contrasts, from 542 inhabitants/km² in Gran Canaria or 438 in Tenerife to 39 in El

⁵⁸ This contradicts the apparent budgetary independence of the US archipelago according to the mere analysis of its public accounts, which seemed to confirm that a liberal economy in a strategic enclave could be self-sufficient.

⁵⁹ Another explanatory factor could be the huge price differential, which influences GDP calculation. According to the private portal numbeo.com, net monthly wages in Honolulu are 162.45% higher than in Santa Cruz de Tenerife, and the price per square metre of a centrally located flat is 234.43% higher in Honolulu.

⁶⁰ RODRÍGUEZ MARTÍN, J.A. (2014) *Op.cit.*

Hierro⁶¹. It is also the Spanish region with the lowest proportion of social security affiliates (50.2%)⁶².

For its part, ageing population will have a strong impact on the Canary Islands' defence policy, as numerous studies confirm that ageing societies are more pacifist than young societies⁶³. The region's specific problem is its proximity to the Sahel, a politically unstable region which will experience a population explosion which could aggravate its economic hardship and encourage warlike conflicts and heavy migration. Niger (6.95) and Mali (5.92) are among the countries with the highest fertility rate on the planet; in the Canary Islands, the fertility rate in 2018 was 1.03 children per woman. This demographic imbalance between the two regions could create an asymmetry between the population's military priorities, which could leave our strategic archipelago unprotected in the event of conflagrations. For this reason, it is important that public investment seeks complementarity between its commercial and defensive functions, a key cluster being technology.

Therefore, a development model seems to emerge from the above analysis that seeks to combine the defensive cluster, typical of a strategic archipelago, with the tourism and technology clusters. All three depend critically on logistics, but while the tourism sector is labour-intensive, the technology sector is capital-intensive, which reduces the demographic pressure on a limited territory and allows the island's digital divide with the metropolis to be narrowed. This would lead to a hybrid Keynesianism, combining civilian and military aspects, which should be geared more to the development of human resources specialised in technology and the implementation of information networks that reinvigorate the island's private sector, which is too fragile due to the weight of the public sector⁶⁴. The Canary Island model of development, in accordance with its Statute of Autonomy, which provides for the promotion of a platform of peace and solidarity, could take advantage of its institutional framework to gain low transaction costs, to persevere in productive specialisation⁶⁵ and to adopt policies aimed at full employment. A nearby example could be the Cantabrian defence industry cluster

61 National average, 92 inhabitants/km2. Source: Municipal Register, INE.

62 Although the Canary Islands are, along with Madrid, the Balearic Islands and Murcia, the only four Spanish region that cover the pension payments with their own contributions. Data taken from the *Informe sobre la Estrategia Nacional frente al Reto Demográfico* (National Strategy Report on the Demographic Challenge). Report 1/2019. Canary Islands Economic and Social Council.

63 For example, BROOKS, D.J., BROOKS, S.G., GREENHILL, B.D., and HAAS, M.L. (2018). 'The Demographic Transition Theory of War: Why Young Societies Are Conflict Prone and Old Societies Are the Most Peaceful.' *International Security* 43(3).

64 KAKAZU, H. (2018). "Island Sustainability and Inclusive Development: the Case of Okinawa (Ryukyu) Islands". *Journal of Marine and Island Cultures*. According to the author, the high dependence on fiscal expenditure in Okinawa prevents sustainable indigenous development, a thesis similar to that of Godenau and Padrón Marrero (2017), already mentioned, in the case of the Canary Islands.

65 Recommendations by GODENAU, D., and PADRÓN MARRERO, D. (2017). "La Competitividad Territorial de las Economías insulares en un contexto globalizado. El Caso de Canarias" (The Territorial

(CID). The creation of a new hybrid cluster similar to the Cantabrian one, which would strengthen the archipelago's logistics platform and its technological equipment on the basis of business and university collaboration, as Hawaii and Okinawa have done, could not only provide the Canary Islands' economy with a new driving force to complement tourism, but would also help create a culture of defence, which is very necessary in a strategic archipelago whose statute provides for it to become a platform for peace and solidarity.

Conclusion

The Canary Islands Region could go from being outermost to strategic if West Africa's growth is consolidated, and it would therefore be essential to have models for integrating civil and defensive clusters in order to optimise their economic and social returns. This article has analysed cases of archipelagos that have faced this problem. Of the three cases described, Hawaii had the highest GDP and lowest unemployment rate in the pre-Covid period, thanks to the significant presence of the armed forces, in what would be a model close to military Keynesianism. Hawaii's development therefore does not appear to be the result of the free market alone, but of a strategic political and military commitment.

Okinawa, on the contrary, generates the lowest GDP of the triad partly because it is in a transitional stage towards civil Keynesianism, with a growing importance of tourism and an increasingly smaller weight of the defensive cluster. However, it has a low unemployment rate thanks to the prioritisation of full employment policies. Therefore, the renunciation of military Keynesianism, which is characteristic of *post-Bellum* Japan, translates into lower economic growth that is offset by an equitable distribution of regional wealth.

Tourism specialisation has certainly created an economy that is vulnerable to crises like that of the post-Covid-19 period, but the strategic consideration of archipelagos requires compensatory public investment; Hawaii, with its military shipyards and university technology cluster; and Okinawa, with a greater injection of resources into its own telecommunications cluster as bases are managed by the US.

The Canary Islands could adopt a Keynesian model, similar to that of Hawaii or Okinawa, but its strategic location will require authorities to make greater counter-cyclical investment, which should be aimed at consolidating a self-sustaining growth model that improves per capita GDP in the long term. In this context, it would be desirable to set up two projects: the creation of a secure connections hub in the Canary Islands which would serve as a platform for the consolidation of a technological cluster, similar to that of Okinawa and Hawaii, supported by existing initiatives for smart

Competitiveness of Island Economies in a Globalised Context. The case of the Canary Islands). First International Meeting "Intermediate Urban Islands Influence". Santa Cruz de Tenerife.

tourist destinations, EU smart growth and teleworking communities for expatriates; and, within the defence culture programmes, to carry out studies to make visible the economic and social contribution of the Ministry of Defence's activity in the Canary Islands so that all citizens can appreciate its social benefits. This would reinforce the message of the strategic importance of the archipelago and the need for greater involvement of all levels, especially economic and budgetary, which would help to improve the GDP per capita of a region that is key to national defence⁶⁶. Strengthening the Canary Island economy would lead to better protection of our borders.

As a future line of research it would be interesting to analyse how the three archipelagos have dealt with the current tourism crisis caused by the pandemic, as it fully affects their main economic engine, tourism, as well as the effectiveness of the respective recovery plans that the three countries end up adopting to economically protect their strategic enclaves.

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⁶⁶ A recent example could be the *El Ejército de Tierra en la Operación Balmis* (The Army in Operation Balmis) exhibition at the Canarian Parliament.

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Andrés de Castro García

Contracted Professor Doctor. Isabel I University (Spain).

E-mail: andres.decastro@uii.es

Juan Francisco Romero Quesada

Graduated in Law. Isabel I University (Spain).

E-mail: juanfrancisco.romero.quesada@alumnos.uia.es

The European Border and Coast Guard in the framework of the integrated management of external borders after the migration crisis of 2015: strengths and challenges¹².

Abstract

This article reviews the recent history of the management of the European Union's external borders, focusing on the description and analysis of the scenario that emerged from the migration crisis of 2015 in the management of the European Union's external borders. Thus, the role of the European Border and Coastal Agency is described and analysed: Frontex provides a detailed summary of the main applicable legislation and the strengths and challenges it enjoys and faces.

¹ This article does not represent the official position of any of the institutions for which the authors work and their opinions are solely their own and cannot be attributed to any third party or institution.

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Keywords

European Border and Coast Guard, border management, Frontex, European Union

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Introduction

Schuman said that Europe would not be made all at once, but would be reached through concrete achievements that would first achieve de facto solidarity between the Member States that make it up. This article focuses on the process of European construction and focuses on the European Agency for Border and Coastal Guards, which was born with the vocation of supporting the Member States in the management of operational cooperation at the external borders, going through different evolutionary stages in a period of some fifteen years that has led it to become the only European Union agency with the vocation of a force and security corps, with its own uniformed corps of border guards, with executive powers in the development of its mission, as well as with shared responsibilities with the Member States for the integrated management of the European Union's external borders.

The origin and historical development of Frontex has been developed by various authors including Acosta Sánchez, Santos Vara³ and Fernández Rojo

This article analyses the challenges that the Agency has had to face in its evolution, especially in difficulties associated with the initial reluctance of the Member States to cede part of their sovereignty, understanding the management of external borders as a component of this; the lack of a budget commensurate with the tasks it was required to carry out at different times in its short history, having to remedy these through modifications introduced once and the problems had already arisen, when that same extended budget could have been allocated initially to prevent the emergence of certain threats to border protection; the solidarity of the Member States in providing human resources for the implementation of joint operations, pilot projects or rapid interventions at the border did not always reach the levels required by the Agency to provide adequate operational support to another Member State or States; or the fact that the regulatory changes of the Agency have been preceded, except for the last one, by a migratory crisis in the European Union as a consequence of a high number of illegal crossings at the external borders.

The strengths of the Union and its Integrated Border Management system are also analysed. In particular, the European Union stands out as a geopolitical entity, as well as its united political and economic status in the world, which provides its Member States with a legal, economic, political and social umbrella that allows them to advance their development. As regards borders themselves, common management makes it possible to strengthen and reinforce surveillance measures at the external borders, while abolishing internal controls, and reducing the large number of risks and threats from outside the European Union to manageable limits.

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³ SANTOS VARA, J. "La transformación de Frontex en la Agencia Europea de la Guardia de Fronteras y Costas: ¿hacia una centralización en la gestión de las fronteras?" *Revista de Derecho Comunitario Europeo*, 59, 143-186. 2018.

Schengen area and refugee crisis (2015)

In the context of the Syrian civil war (2011–present) and the framework of permanent instability in Afghanistan, together with the situation in Iraq after the arrival of the DESA in 2014, there was an increase in the number of illegal crossings detected on the external borders of the European Union, becoming the prelude to the refugee crisis in Europe in 2015.

The conflict in Syria meant that millions of internally displaced persons were looking for safer areas in the face of increased tensions in the internal armed conflict. In addition, there was an increase in border crossings to countries in the region, in particular Turkey, where a total of just over 1.8 million Syrian refugees were concentrated⁴ and Iraq, where some two hundred and fifty thousand have been living since 2015⁵.

At the beginning of 2015, a series of shipwrecks of boats carrying immigrants with the intention of reaching European Union territory by crossing the Mediterranean Sea were recorded, resulting in 1,850 deaths or missing persons in the first six months of the year⁶.

The aforementioned situation had a direct effect on the measures that had to be adopted at European level to stop the number of boats that, departing from the coasts of Libya or Turkey mainly, tried to reach the coasts of the countries of the European Union, specifically Italy and Greece, while at the same time managing to rescue the immigrants travelling on board these boats.

To this end, the European Agency for the Management of External Borders (Frontex) saw its budget increase by 300%⁷ with reference to the maritime operations it had in place, both in the central area of the Mediterranean Sea and in the Aegean Sea off the coast of Turkey, with a total budget of 143.3 million euros in 2015, compared to that of 2014 which amounted to 93.4 million, representing an increase of just over 53%⁸.

The accumulation of immigrants in Greece, which registered a total of 885,386 illegal border crossings in 2015, and the lack of resources to enable them to remain in that country under minimum living conditions, led to an increase in the number of these immigrants trying to leave Greece by crossing its external border with Northern Mac-

4 United Nations High Commissioner for Refugees. (2015, 9 July). UNHCR: Total number of Syrian refugees exceeds four million for first time. Retrieved 4 April, 2020, from <https://www.unhcr.org/news/press/2015/7/559d67d46/unhcr-total-number-syrian-refugees-exceeds-four-million-first-time.html>

5 <https://data2.unhcr.org/en/situations/syria/location/>5

6 <https://www.unhcr.org/5592bd059.pdf>

7 <https://www.unhcr.org/5592bd059.pdf>

8 Frontex. (nd). Frontex Annual Report 2015. Retrieved 4 April, 2020, from https://frontex.europa.eu/assets/Key_Documents/Annual_report/2015/General_Report_ES.pdf

edonia with the intention of continuing to cross the Western Balkan countries until they reached the external borders of the European Union again, to countries such as Croatia or Hungary, but with the ultimate aim of reaching Germany or Austria, countries in which they found better living conditions for their situation as refugees, with the vast majority intending to apply for asylum at the very moment they arrived in these countries, renouncing to do so in the Member States with an external border or in those they had crossed, despite the fact that they are countries that comply with the European regulations contained in the Dublin III Regulation which obliges asylum seekers to register their procedure in the country of entry, thus preventing the possibility of them choosing the country on the basis of their preferences or their possibilities of receiving a positive administrative response.

The big problem arose when the Western Balkan countries, such as Northern Macedonia, began not only to allow the transit of immigrants leaving Greece through their territory, but even made available means of transport to achieve this objective⁹, which generated a chain effect in all the countries of this region that brought a great migratory pressure at the doors of countries such as Hungary, Austria, the Czech Republic or Germany, which reacted by re-establishing controls at their internal borders to try to block the secondary movements of this flow of immigrants or asylum seekers, putting a palpable pressure on the Schengen area.

The analysis that followed showed that none of the countries affected by this migration crisis had the capacity, on their own, to contain a migratory flow of these characteristics, and that the only solution was a common response at the European level, which led inexorably to the need for a profound reform of Frontex, as one of the stellar measures to avoid the repetition of this type of migration crisis in the future¹⁰.

In the communication issued by the European Commission in May 2015, as a first reaction to the migratory situation that was developing in the European Union, questions were already being addressed regarding the return of illegal immigrants to their countries of origin, the strengthening of cooperation with third countries, the establishment of liaison officers outside the European Union, the reinforcement of Frontex in different areas or the establishment of a European system of border guards; although the most relevant point is represented by the fact that we are already beginning to talk about shared management of European borders, that is, that responsibility is no longer considered to fall solely on the Member State concerned, but on all of them, in addition to Frontex.

“A shared management of the European border: The increase in action in the Mediterranean highlights the reality that the management of exter-

⁹ BERTELSMANN STIFTUNG, *Escaping the escape: Towards solutions to the Humanitarian Migration Crisis*. Berlín, Bertelsmann Stiftung, 2017

¹⁰ DE CASTRO, A. *EUNAVFOR MED: securitization of borders?*. Atenas, Research Institute for European and American Studies (RIEAS): 2015.

nal borders is increasingly a shared responsibility. As well as a European system of border guards, this would cover a new approach to the functions of coast guards in the EU, examining initiatives such as the sharing of confiscated assets, joint exercises and dual use of resources, as well as the possibility of moving towards a European coast guard service”¹¹.

In addition to this, the former President of the European Commission, Jean Paul Juncker, in his State of the Union address went so far as to say: “The Commission said it in May and I said it during my election campaign: Frontex needs to be given a strong push to become a fully operational European Coast and Border Guard system”. All these proposals from the European Commission, as well as other issues that were included in subsequent negotiations, eventually resulted in the adoption of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No. 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No. 2007/2004 and Council Decision 2005/267/EC.

Thus, the name of the new Regulation adopted in 2016 indicates that the Agency will be called the European Agency for Border and Coastal Guards, and the previous name of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union will disappear, although it should be made clear that it will continue to have the same legal personality, and the same abbreviation will continue to be used as for the previous name: Frontex.

The new name of the Agency is one of the changes in its mandate, since it had been indicated for some time that the active participation of national authorities with responsibility for coastal protection, involved in the protection of the EU’s external borders, was missing from Frontex’s activities. It is important to emphasise that a large part of the joint operations, pilot projects and rapid border interventions are carried out in the maritime environment and it therefore makes even more sense for the Agency to have specific coastguard functions. By way of example, the Schengen area is delimited by 42 673 km of maritime borders and 7 721 km of land borders¹², whereas the EU’s external borders are slightly more than 62 000 km long and the land borders are 17 000 km long. We must clarify that the EU’s Border and Coast Guard will be composed not only of the Agency, but also of those authorities in the Member States with responsibilities for border management, including coast guards carrying out tasks related to external border control.

¹¹ European Commission. (2015, 13 May). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a European Migration Agenda. Retrieved 4 April, 2020, from <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2015:0240:FIN:ES:PDF> page 20.

¹² European Commission. (2019). La Europa sin Fronteras. El Espacio Schengen. Retrieved 4 April, 2020, from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/schengen_brochure/schengen_brochure_dr3111126_es.pdf

It will therefore be the Border and Coast Guard that will be responsible for the integrated management of the European Union's borders, which should be understood to include border control in the following areas:

1. Immigration. Regular and irregular.
2. Cross-border crime.
3. Terrorism.
4. Trafficking in human beings or smuggling.
5. Search and rescue operations for persons in distress at sea in the framework of operations implemented and coordinated by the Agency at maritime borders.
6. Risk analysis, both of internal security and of threats that could have an effect on the functioning or security of external borders.
7. Cooperation between Member States, with coordination by the Agency.
8. Cooperation both between the national authorities responsible for protecting the external borders and between these authorities and the institutions, bodies, offices and agencies of the European Union, including the regular exchange of information using existing systems for this purpose, including the European Border Surveillance System (EUROSUR).
9. Cooperation with third countries, focusing on those countries of origin or transit for immigrants arriving in Europe through the different routes.
10. Measures of a technical or operational nature which, within the Schengen area, relate to border control and to combating illegal immigration and cross-border crime.
11. Return of third-country nationals in accordance with the relevant administrative return decision.
12. Use of the most advanced technology in any field that is relevant for better border control.
13. Quality control mechanism, with specific relevance to the Schengen evaluation mechanism, both at national and European level, which help to ensure the correct application of European legislation with regards to border management.
14. And finally, the solidarity mechanisms that exist at European Union level.

The risk analyses carried out until then by the Agency had to be adapted to the new requirements of this Regulation, and had to focus not only on migratory flows, but also on all aspects related to integrated border management. In addition, the Agency will have to carry out assessments of existing vulnerabilities at the external borders of the Member States, evaluating not only their capacity, but also their preparedness to face possible threats at these borders.

The Frontex Risk Analysis Unit was tasked with developing a new methodology for assessing vulnerabilities, which started to be applied in early 2017, by sending Member States a form with a set of questions regarding certain aspects of their capacities in relation to the protection of their external borders, to be answered within a given timeframe and subsequently analysed by the analysts of the Frontex Risk Analysis

Unit, in constant communication with Member States' representatives in order to methodologically refine the data provided and how to interpret it.

This analysis contains the identification of certain vulnerabilities with regards to each Member State, with the Executive Director of the Agency being responsible for making recommendations to the Member States to remedy these vulnerabilities. This methodology includes other tools such as simulated exercises or the assessment of emerging threats. No further details can be provided in this regard, as the methodology as a whole, the results of the analyses or any of the tools implemented are reserved matters, which can only be communicated to the European Parliament, the Council, the European Commission and the Member State concerned at least once a year.

“This made it possible to facilitate the first assessments in April 2017, exactly one year after the problematic concept of vulnerability assessment was outlined. The 28 baseline assessments were carried out in collaboration with the Member States and resulted in 33 recommendations addressed to 21 Member States”¹³.

The new Regulation brought further innovations and changes affecting Frontex, but in particular the Risk Analysis Unit, with regard to the processing of personal data obtained during joint operations, pilot projects and rapid interventions at the borders. It is empowered to collect, process and analyse such data provided that they concern individuals who can reasonably be expected to have been involved in cross-border criminal activities; relating to persons who have crossed the external borders of the European Union illegally, and collected by the Border and Coast Guard in the course of their duties or as part of immigration management support teams; vehicle registration numbers, other vehicle identification numbers, telephone numbers or boat identifiers, provided that such data is related to one of the persons subject to investigation, with the aim of investigating and analysing both the migratory routes and the modus operandi used by the organised groups engaged in illegal immigration, as well as other criminal activities with a cross-border component.

Within the Frontex Risk Analysis Unit, a team called PeDRA (*Processing Personal Data for Risk Analysis*)¹⁴ was established, responsible for the processing, analysis and distribution of personal data obtained in the course of the Agency's activities, with the main characteristics being the confidentiality of its actions, its permanent contact with the Agency's Data Protection Officer, the sending of packages of personal data to the European Police Office (Europol) and the use of the classified European networks for

¹³ Frontex. (2018). Frontex Annual Report 2017. Retrieved 5 April 2020, from https://frontex.europa.eu/assets/Key_Documents/Annual_report/2017/CAAR_2017_adopted_ES.pdf

¹⁴ Frontex. (2016, 22 November, b). News Release. Frontex to begin collecting personal data in Greece on suspected criminals. Retrieved 5 April, 2020, from <https://frontex.europa.eu/media-centre/news-release/frontex-to-begin-collecting-personal-data-in-greece-on-suspected-criminals-gJzx8D>

the transmission of restricted information, through the use of the SIENA application (*Secure Information Exchange Network Application*).

Although Frontex is based in Warsaw there is a need for a representative presence elsewhere, and this is reflected in the new rules in the form of liaison officers to be deployed by the Agency, not only in third countries, but also in the countries of the European Union. The creation of a Network of Liaison Officers, within the structure of Frontex, was soon proposed and arrived, as soon as the first liaison officers were sent to their new destinations. Liaison officers who are posted in one of the countries of the European Union will also have a relevant role with regards to data exchange in the area of the development of vulnerability assessment exercises, facilitating the exchange of data within the framework of these exercises, as well as permanent and fluid contact between the new Vulnerability Assessment Unit and the Member States.

As a clear extension of the Agency's mandate, it is authorised to implement operations in third countries, with the prior signing of a Memorandum of Understanding, brokered and agreed by the European Commission. The first of these operations started on 21 May 2019, on the Albanian-Greek border, with a total of 50 border guards, 16 patrol vehicles and 1 surveillance vehicle equipped with thermal vision, deployed on Albanian territory to support the authorities in border control and the fight against cross-border crime¹⁵.

Among the novelties introduced by this new regulation is the obligation for Member States to contribute, according to a pre-established quota, to the permanent quota of 1,500 border guards and other competent personnel for deployment in rapid border interventions, constituting what is known as the rapid reaction quota, which will be complemented by additional equipment from the European Border and Coast Guard if necessary. The Agency will also manage a set of technical assets, either owned by the Agency itself or co-owned with one of the Member States, which must always be available for possible deployment in Frontex activities, in support of Member States or operations in third countries, this being the case for the above-mentioned operation in Albania, where the patrol vehicles provided are owned by the Agency¹⁶

From 2006 until the entry into force of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008, Frontex cooperated and coordinated return activities to third countries when one or more EU Member States requested it, although it did not have the capacity to organise its own return flights.

The most relevant change with 2008/115/EC was that the Agency has the capacity to carry out its own return interventions, while continuing its coordination and organisational activities in support of Member States. In addition, the Agency should

15 Frontex. (2019, d). *Tu derecho a presentar una queja ante Frontex*. Retrieved 5 April, 2020, from https://frontex.europa.eu/assets/Complaint_mechanism/2020/Complain_Mechanism_Spanish.pdf

16 Frontex (2019, b). News Release. Frontex rolls out its own patrol cars in operations. Retrieved 5 April 2020

establish teams of return monitors, escorts and specialists who will participate in such operations and be included in the European Return Action Teams during this activity.

The area in which the Agency is not involved is the provision of information to Member States for the adoption of return decisions, as these national procedures are harmonised at European level through the provisions of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

All the above led to the establishment, within the structure of Frontex, of the *European Centre for Returns* which not only organises and coordinates return flights but also assists Member States in fully identifying and documenting third-country nationals subject to a return decision, has a database of experts to act as return monitors and IT applications for the management of return activities. It also provides specialised training and coaching to experts from the Member States and facilitates the exchange of information on return issues.

As a sign that respect for fundamental rights in all activities carried out by the Agency is an intrinsic part of integrated border management, the new regulation includes the obligation for the Agency to set up a complaint mechanism¹⁷, in cooperation with the Fundamental Rights Officer, to facilitate the availability of a channel to report any breach of fundamental rights that may have occurred in the framework of one of the operations of the Agency. The official will therefore be responsible for examining these complaints, registering those which they consider admissible and forwarding them to the Executive Director of the Agency, as well as informing the Member States concerned if the complaint concerns one of their members of the teams of border and coastal guards. The fact that a complaint of the above-mentioned nature is presented does not imply, in any way, a limitation for the affected person to initiate any other procedure with the objective of preserving their subjective rights before other instances.

In 2016 we witnessed a further increase in the Agency's budget, which reached a total of 232.2 million euros, of which more than 70% was devoted to the implementation of operational activities in support of the Member States. With regards to the Agency's personnel resources, for the period from 2016 to 2019, the extension to a total of 1 000 employees has been approved, although as of June 2020, the number of employees based at the Agency's headquarters in Warsaw has not yet reached 800. This is largely due to the difficulty of managing a large number of selection processes in a short space of time, in addition to the specific nature of the jobs being called for, which makes it difficult to achieve a high number of candidates who meet the requirements for certain posts.

17 Frontex. (2019, d). *Tu derecho a presentar una queja ante Frontex*. Retrieved 5 April, 2020, from https://frontex.europa.eu/assets/Complaint_mechanism/2020/Compain_Mechanism_Spanish.pdf

The European Border and Coast Guard Agency. First European Agency conferred as a Security Force and Corps

As stated by Fernandez-Rojo¹⁸, the new regulation “confers for the first time executive and coercive powers on the statutory body of the European Border and Coast Guard”.

The conclusions agreed by the European Council on 20 June 2019 adopt the new Strategic Agenda of the European Union for the period 2019-2024, focusing its objectives on four priorities:

1. Protecting citizens and freedoms.
2. The development of a solid and dynamic economic base.
3. Achieving the construction of a climate-neutral Europe, i.e. more ecological, fair and social.
4. Promotion of European interests and values at international level.

Within the first of the objectives set by this agenda, a declaration of intent is made which, in turn, marks the destiny of the new European Agency for Border and Coastal Guards, Frontex, going so far as to say that

“We must guarantee the integrity of our territory. We need to know who is accessing EU territory and we need to decide on that access. Effective control of the external borders is a prerequisite for ensuring security, maintaining public order and ensuring the proper functioning of EU policies, in line with our principles and values”¹⁹.

The European Council continues with the evolution of this idea, providing some main features that we will see have been developed in the new Frontex regulations, while there is total determination with respect to the development of an effective global migratory policy, highlighting the need to continue along the path of cooperation with the countries not only of origin but also of transit of immigrants arriving at the external borders of the European Union, in order to combat irregular immigration and human trafficking, while reinforcing effective returns; all the foregoing complemented by the fight against terrorism and cross-border crime, the adoption of appropriate measures to ensure the proper functioning of the Schengen area or a consensus on the reform of the Dublin Regulation (Regulation (EU) No. 604/2013), among other issues.

18 FERNÁNDEZ-ROJO, D. “Los poderes ejecutivos de la Guardia Europea de Fronteras y Costas: del Reglamento 2016/1624 al Reglamento 2019/1896”. *Revista Catalana de Dret Public* 60, 181-185. 2020. <https://doi.org/10.2436/rcdp.i60.2020.3385>. p. 193.

19 European Council. (20 June 2019). *Conclusiones adoptadas por el Consejo Europeo en la Reunión del Consejo Europeo de 20 de junio de 2019*. Retrieved 2 May 2020, from <https://data.consilium.europa.eu/doc/document/ST-9-2019-INIT/es/pdf> Page 8

The structure of Frontex, established after the entry into force of Regulation (EU) 2016/1624 was not consolidated and the objectives set out in that regulation were not achieved, nor was the Coast Guard factor adequately developed as developed by Juan Santos Vara, which highlights that although elements of SARs have been included and were not developed, security circumstances may make this inevitable.

Following the above, on 13 November 2019 Regulation (EU) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard was approved, repealing Regulations (EU) No. 1052/2013 and (EU) 2016/1624. It is important to note that the approval of this regulation was not a direct consequence of a serious migratory crisis immediately preceding it, but rather a natural evolution of the previous regulation of 2016, and this as a reaction to the main difficulties encountered in its complete implementation, in an agile and effective manner, in a short period of time.

The articles of the new Regulation (EU) 2019/1896²⁰ begin with the reference that the European Border and Coast Guard is created with a clear objective, which is to guarantee an integrated European management of the European Union's external borders (*IBM - Integrated Border Management*). In order to achieve this ambitious objective, this new regulation establishes that this concept should include elements such as border control, in all its extension, from measures for legal crossing, prevention measures, detection of cross-border crime, or identification of vulnerable persons or persons in need of international protection; search and rescue operations (SAR); risk analysis, both as regards internal security and the security of external borders; cooperation and exchange of information between the various authorities in each Member State with responsibility for the protection and control of external borders, in addition to those whose tasks include the return of foreign nationals to their countries of origin; cooperation and exchange of information, within the scope of the Regulation, not only between Member States but also between Member States and the European Border and Coast Guard Agency; cooperation at European Union level between the bodies, agencies and institutions with competence in the areas covered by the Regulation; cooperation with both the countries of origin and the countries of transit of illegal immigrants arriving in the European Union; adoption of measures within the Schengen area aimed at strengthening border control and combating cross-border crime; return of third-country nationals who have been the subject of a return decision; use of the latest technology; ensuring the correct application of Union law with regard to border management, through the use of a quality mechanism, particularly the Schengen evaluation system, the assessment of vulnerabilities or even national mechanisms; all of this complemented by solidarity mechanisms, with a particular impact on those for financing the European Union.

²⁰ Regulation 2019/1896/EU of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations 2013/1052/EU and 2017/1624/EU, OJ L 295, 14.11.2019 (hereinafter the Frontex Regulation), accessible at: <https://eur-lex.europa.eu/legal-content/ES/TXT/?qid=1574327664954&curi=CELEX:32019R1896>

This extensive description of the content of European integrated border management is complemented by the general elements of its implementation, which turn out to be fundamental rights, education, training and research and innovation.

The European Border and Coast Guard Agency had in recent years encountered real obstacles in increasing the number of its staff, the main problems being identified for new recruitment with unattractive conditions, particularly for candidates from EU countries with a higher standard of living, which have made it very difficult to maintain a balance between the nationalities of these employees.

Other relevant factors have been added to the above, such as the speed with which the Agency wanted to increase the number of its employees, which resulted in difficulties for the human resources unit, which did not have enough people to effectively manage all the selective processes that were set in motion in short periods of time, with the consequent delays in the resolutions of these selective processes. These delays meant that some of the candidates, who had been selected with such difficulty, opted to try to get jobs in other European agencies with which there is a strong overlap in candidate profiles, such as Europol or the European Asylum Support Office (EASO).

Another difficult procedure for the Agency is to get Member States themselves to authorise the secondment of Seconded National Experts (SNE) and, if they do so, to ensure that they are retained for a long period of time, as SNEs continue to be paid by their Member State and only receive the corresponding accommodation and subsistence allowance from Frontex.

All the foregoing appears to have motivated the legislator to approve a permanent corps (Standing Corps) of the European Border and Coast Guard that will have a capacity of up to 10,000 operational personnel, and whose staffing will have to be completed in the period from 2020 to 2027.

But this permanent corps of border guards will not only consist of staff directly recruited by the Agency, including temporary agents, contract agents and national experts seconded to Frontex headquarters in Warsaw, but Member States will also be obliged to provide a certain number of experts in three other ways. The first of these is as long-term seconded personnel, up to a maximum of 4 years, as well as experts for short-term deployments, which will not extend beyond a period of 4 months within a calendar year, the third category being that of experts who will be part of the rapid reaction reserve.

Another relevant issue with regards to short-term experts is that all such experts provided by Member States must be identified and registered in the OPERA database, and linked to one or more job profiles, and may also be interviewed to verify their eligibility to participate in Frontex operational deployments.

With regards to long-term secondment experts, the same procedure will continue, i.e. candidates proposed by Member States will have to undergo a selection process consisting of at least one competition phase and one competition phase, in

which they will have to take a theoretical and practical test in addition to a personal interview.

The first selective process for the permanent corps of the European Border and Coast Guard is underway to cover a total of 700 temporary and contract agent positions that should be deployed in the different operational activities of the Agency by January 2021²¹ although the COVID-19 pandemic has altered the timing of the process and there may be some delay in its final incorporation.

In any event, this does not mean that the Agency will directly recruit 10,000 border guards, but rather that this number must be broken down in accordance with the annexes to the regulation, from which we can infer that by 2027, the Member States must be providing a total of up to 1,500 experts on long-term secondment, 5,500 for short-term deployments, in addition to another 1,500 experts who will form part of the rapid reaction reserve, and who must be made available from the outset.

It is expected that these figures may undergo some modification in the coming years, in order to adapt the structure of the Agency to the reality of each moment, and as a result of the review procedure provided for in the regulation, which will take place by 31 December 2023 at the latest.

It has become clear that the new European Border and Coast Guard is conceived as a security force and corps, whose members will carry out their duties wearing the Agency's own uniform, or that of its Member States in cases of long or short-term secondment, but with the addition of a badge identifying them as part of the Frontex deployment. In fact, as of November 2020 there are already officials in training at three academies in two member countries, in uniform and receiving their own border guard training.

In addition, most services in which they wear uniforms will carry their statutory firearms and it is therefore that the new regulation has expressly regulated the use of force and weapons by their statutory personnel, dedicating the entirety of Annex V to it, detailing legal concepts such as the principle of necessity, the principle of proportionality, or the so-called duty of care.

Although Frontex already had a research and innovation unit in its structure, the new regulation provides that it will have the duty to implement those sections of the European Union's Research and Innovation Framework Programme that are linked to border security. The current programme is known as Horizon 2020, and its basic pillars are: "Excellent Science", "Industrial Leadership" and "Challenges to Society". This specific funding instrument will allow the brightest ideas to reach the market faster and to be implemented in cities, hospitals, factories, shops and homes as soon as possible.

The Agency's responsibility will be to manage certain stages of the implementation phase of certain programmes, as well as certain phases of the life cycle of specific

²¹ Frontex. (2019, e). News Release. *We are recruiting Frontex border guards*. Retrieved 3 May 2020, from <https://frontex.europa.eu/media-centre/news-release/we-are-recruiting-frontex-border-guards-qd1BSA>

projects, as approved by the Commission; it will also have to adopt budgetary and operational implementation instruments necessary for managing the programme; in addition, it will provide support in the implementation of programmes, and may carry out its own pilot research projects related to its mandate, and in accordance with this regulation, it must publish detailed information on them. In fact, on Frontex's own website you can find innovation and development projects carried out before the entry into force of this new regulation, although using different funds, either belonging to the Agency or linked to European Union projects, such as the *Copernicus* programme, in which the Agency has been collaborating since 2014.

The Agency will have to ensure that the central unit SEIAV (European Travel Information and Authorisation System), as provided for in Article 7 of Regulation (EU) 2018/1240, is set up and becomes operational; as a novelty, it will also be responsible for operating the False and Authentic Documents Online (FADO) system, which was established under Joint Action 98/700/JHA. With regards to the SEIAV, the Agency plans to have its structure incorporated into Frontex's own, with a total of 250 employees, and a team dedicated to its development and implementation. With regards to the FADO system, Regulation (EU) 2020/493 has just repealed Joint Action 98/700/JHA, stating in Article 3 that it is the Border and Coast Guard Agency that will ensure the proper functioning of the system, its functions being to feed the system with contributions made by the various Member States or other authorised users.

The new regulation also provides that a secure network should be set up for the exchange of information not only between the national authorities of the Member States, but also between the Member States and the Agency, as well as to serve as a tool for operational cooperation between all of them. This new secure network will also be used for the exchange of information with authorities in third countries where Frontex is active, although it will be partially limited in terms of the type of data and the extent to which it can be shared.

This secure network, referred to in the new regulation, will be based on the European Border Surveillance System (EUROSUR), thus repealing Regulation (EU) No. 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing a European Border Surveillance System (Eurosur). The new EUROSUR is established as

“...an integrated framework for the exchange of information and for operational cooperation within the European Border and Coast Guard to improve situational awareness and enhance operational capabilities for the purpose of border management, in particular to detect, prevent and combat illegal immigration and cross-border crime, and to help ensure that the lives of migrants are protected and saved”. (Regulation (EU) 2019/1896, p.29)²².

.....

22 European Union. (13 November 2019). Regulation (EU) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulations (EU) No. 1052/2013 and (EU) 2016/1624 Official Journal of the European Union L 295, 13 November 2019

Although the responsibility for this new secure communication network lies with the Agency, it will be the Commission, in close cooperation with Frontex, that will adopt and provide a practical guide for the proper implementation and management of EUROSUR, whose limited cooperation is highlighted by Acosta in one of his contributions ²³.

In order to have a proper understanding of the situation, the national situation maps will have different levels of information, namely one concerning events related to unauthorised border crossing incidents and cross-border crime; an operational level containing all information related to the operations of the Agency, as contained in the operational plans; an analytical level reflecting the different impact levels assigned to each of the areas of the external borders of the European Union, furthermore containing analytical reports provided not only by Frontex but also by the Member States, as well as any other information that could be of support.

The national situation maps will be the basis for the preparation of the European situation map, to which will be added information gathered by the liaison officers of the Agency, the delegations, operations and missions of the European Union, authorities of third countries in the context of bilateral or multilateral agreements, other bodies and agencies of the European Union, international organisations competent according to this regulation, as well as other sources, such as open sources.

Within the EUROSUR regulation we find the EUROSUR Merger Services, through which the Agency will provide support to the Member States, the Commission, or for itself, by providing relevant information on the situation at the external borders, the pre-frontier area or on third countries.

These services use state-of-the-art technology to make it possible to obtain data relating to ships or other vessels that could be used to facilitate illegal immigration or to commit crimes of a cross-border nature; selective monitoring of ports and coastal areas of third countries considered to be of origin or transit for illegal immigrants arriving in the European Union; monitoring and analysis of designated areas at air, sea or land borders; environmental assessment of maritime areas, as well as at land borders; monitoring of the media, public information and analysis of Internet activities, it seems that here the regulations could be referring to the implementation of an open-source intelligence service; in addition to the analysis of information obtained from large-scale information systems for the detection of routes and *modus operandi* for the facilitation of illegal immigration.

²³ ACOSTA SANCHEZ, M.A. “El sistema europeo de vigilancia de fronteras (EUROSUR): a vueltas con la participación de Reino Unido en Schengen - Sentencia del Tribunal de Justicia de la UE, de 8 de septiembre de 2015, España C. Parlamento y Consejo”. *Revista General de Derecho Europeo* 39 (2016).

Strengths and challenges

In terms of strengths, the current European Borders and Coasts Agency has, since its inception, been the mainstay of the viability of maintaining the Schengen area: the European Union's area of freedom, security and justice. In view of the development of the Agency in a relatively short space of time, taking into account the pace of the European machinery, the continuous strengthening of its mandate and competences in the management of external borders, the clear link between the changes undergone by the Agency and the moments of migratory crisis faced by the European Union, as well as the undeniable fact that the Agency has been the remedy for the maintenance of the Schengen area, with the abolition of internal borders and the strengthening of external borders, it seems that we are in an advantageous position to be able to state that, if it continues to grow and evolve hand in hand with the European institutions, it could even become a solution for the maintenance of the Schengen area as we know it today although, for this, it still has to go through new stages of maturity, perhaps to the point where the European Agency for Border and Coastal Guards is completely self-sufficient. It is evident that in order to arrive at this last paradigm we must speak of the future need for more far-reaching legislative reforms that would even affect the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).

The European Border and Coast Guard Agency, in its continuous evolution, seems to have become aware of the problems of the past, and taking some advantage of the privileged position it currently holds, mainly due to the European Union's Strategic Agenda for the next institutional cycle, it does not maintain a static position waiting for the European Commission to promote future changes in its regulation, but, without even having achieved the objectives set by the most recent regulation, Regulation (EU) 2019/1896, it already seems to be focusing on new challenges or, at least that is what can be extrapolated from the statements of its Executive Director included in the 2019 report, in which we can read the three strategic objectives for the future.

“We need to know so that we can assist Member States at the borders and, on the basis of that knowledge, build capacities to adapt our operational response”.

This sentence, which is *a priori* simple, seems to be a real statement of intent for the future that the Agency wishes to pursue, and we will try to break it down below.

With reference to “knowledge” we can sense that the Agency, although it can be in some sense satisfied with the current mechanisms in place, seeks access with fewer limitations to certain data with regards to the situation at the external borders of the various Member States; in addition to the collection of data and information concerning incidents related to illegal border crossings and cross-border crime, it would be desirable to amend the rules on the collection, management and retention of personal data obtained not only in the course of the Agency's activities, but from any available source, which would enhance the position of the Agency as a law enforcement agency; it is clear that access by the Agency's experts, those who need it for the performance

of their tasks, to databases such as the Schengen Information System II, the national databases of the Member States where they are deployed, the SEIAV database or even international databases such as Interpol, would make the Agency's border guards a real added value for the country where they are deployed.

We appreciate that the word “assist” implies that the Agency should be in a position to provide assistance to the Member States that need it, which implies having full executive capacities that would allow the Agency to provide such assistance even when the Member States have not requested it, i.e. the decision to implement an activity of the Agency could, in the future, not be completely left to the decision of the Member State concerned, but could be proposed on the Agency's own initiative and imposed, if deemed appropriate, by the European Commission, reaching this conclusion not through mere speculation, but because this system was already proposed by the Commission, although amended by the European Parliament in recital 32 of the report on that proposal²⁴, which included that such an initiative of the Agency could be given but that it should have the approval of the Member State concerned.

And if, on the basis of all this new knowledge, the Agency intends to “create” capabilities in order to adapt its operational response, we would like to see the idea of going somewhat beyond the current mandate, with the creation of new capabilities which, since they cannot be addressed individually by each of the Member States owing to their imbalance between cost and efficiency, would make the Agency indispensable to sustaining the integrated European management of the external borders. In this regard, we can think of questions relating to new technologies for the control of external borders, for example, biometric recognition of persons, or the application of artificial intelligence for the handling of large amounts of data generated at European level, among many other advances on which the Agency can work, as it has a European budget for this purpose.

In terms of challenges, during this article we have detailed a large number of legal and operational innovations that will make it possible to ensure better integrated border management processes. However, the correct implementation of all these new developments introduced by the new regulation of the Border and Coast Guard Agency will require an extension of the annual budget of the Agency.

While the budget of the European Union²⁵ increased by 0.6% for 2020, the one approved for Frontex increased by 32.4% compared to 2019, or 101.4 million euros, mainly for the development and implementation of a permanent corps of border guards.

24 European Parliament. (12 February 2019). *Report on the proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Council Joint Action n°98/700/JHA, Regulation (EU) n° 1052/2013 of the European Parliament and of the Council and Regulation (EU) n° 2016/1624 of the European Parliament and of the Council (COM(2018)0631 – C8-0406/2018 – 2018/0330(COD))* Retrieved 10 May, 2020, from https://www.europarl.europa.eu/doceo/document/A-8-2019-0076_EN.html

25 Council of the European Union. (10 July 2019). 2020 EU budget: Council agrees its position Retrieved 3 May 2020, from <https://www.consilium.europa.eu/en/press/press-releases/2019/07/10/2020-eu-budget-council-agrees-its-position/>

Once again, the Member States have agreed to give a major boost to the Agency, which is a clear sign of the importance it has gained in the European Union, becoming a benchmark for the protection of the European Union's external borders, as well as the main guarantor of the continuity and strengthening of the Schengen area.

What is most worrying, and what seems to have driven the various regulations of the Agency, is the fact that in the face of a migratory crisis the reality has become that the Member States, individually, do not have sufficient resources to carry out integrated management of their external borders, which in turn means that the viability of the Schengen area, which must compensate for the risk of abolishing internal borders with control measures at its external borders, is being called into question.

This has been developed by Fernandez-Rojo²⁶ who states that it is “difficult [...] to achieve a balance between the design of an effective integrated strategy for border management and the reluctance of Member States to confer operational powers directly linked to their core sovereignty” in what is perhaps the greatest difficulty for the efficiency of the project.

The way in which the EU institutions have found to alleviate these shortcomings at the external borders is by extending the mandate and responsibilities of the European Border and Coast Guard Agency, enhancing its structures and mechanisms so that it can be in a position to provide those resources that Member States may lack in the face of migratory crisis situations. However, it does not appear that the Agency has yet reached this stage of maturity, although the latest regulations can be considered promising in this respect, taking into account the creation of a permanent corps of border guards, the co-responsibility for integrated European management of external borders, the promotion of cooperation with third countries and international institutions, or the creation of the European Travel Information and Authorisation System (SEIAV) in its structure.

Conclusions

The European Union's border management, through *Integrated Border Management*, is one of the key elements of the Area of Freedom, Security and Justice whereby most attention is devoted to external borders after having removed internal border controls.

This shows high levels of trust, and therefore solidarity, between the countries of the Schengen Area but, at the same time, a need to have an institution like Frontex that can identify and monitor the needs for the correct protection of the external bor-

26 FERNÁNDEZ-ROJO, D. “Los poderes ejecutivos de la Guardia Europea de Fronteras y Costas: del Reglamento 2016/1624 al Reglamento 2019/1896”. *Revista Catalana de Dret Public* 60, 181-185. 2020. <https://doi.org/10.2436/rcdp.i60.2020.3385>. page 193

ders, and even, increasingly, take on responsibilities that were traditionally reserved for the Member States alone.

This article has focused on strengths for the European model, in particular the importance of achieving common objectives through the solidarity efforts of the Member States, since, as has been seen during the management of major migratory crises in the past, none of the Member States has the capacity to carry out such comprehensive management of the external borders individually, requiring assistance that has materialised through Frontex.

As for the challenges, most of them are being met, increasing Frontex's funding and reducing suspicions about the loss of sovereignty -border control being a basic element of it- on the basis of several historical facts, most notably the refugee crisis of 2015.

The new *Standing Corps* will be a firm and decisive step, which will be followed by a number of steps to keep the area of freedom, security and justice in full shape.

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Mario Gallego Cosme

*Doctor in International Security from the General Gutiérrez Mellado University
Institute (IUGM, UNED)*

E-mail: mgallego136@alumno.uned.es

Small island developing States: between concept and implementation

Abstract

The concept of Small Island Developing States (SIDS) serves to categorise a group of States which justify, based on certain geographical and socio-economic characteristics, special consideration by the UN. This is a term that, in principle, seems to explain itself by alluding to the elements that make it up. However, for various reasons, implementation has proved problematic as there are a good number of SIDS which do not satisfactorily meet the requirements of the term to be considered as such. Therefore, based on a review of the elements that justify the *raison d'être* of SIDS, this article invites us to reflect on the current usefulness of this concept.

Keywords

Island States, Islands, UN, SIDS, UN-OHRLLS.

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Introduction

The term Small Island Developing State (SIDS) is used to encompass the group of countries that, according to certain geographical and socio-economic characteristics, present common challenges in the international arena. Obviously, the acronym SIDS is – at least in appearance – sufficiently descriptive to understand that it refers to states that are still in the process of socio-economic development and are also small islands. However, while the criteria that comprise the term SIDS seem to be quite clear, in practice it has not always been easy to determine when these criteria are met.

This article explores the basic aspects that are taken into account to define what Small Island Developing States are. To this end, the text reviews the issues that, in principle, delimit this object of study. As will be seen below, this label is not free from a certain amount of subjectivity as regards its consideration, since the aspects that make up this area are not always clearly delimited.

It is essential to bear in mind that the term Small Island Developing State was coined within the UN in a context of growing concern for issues related to economic development, but it was environmental issues that gave it particular impetus from the 1990s onwards. The first major occasion on which the problems of these territories were expressly mentioned was during the United Nations Conference on the Least Developed Countries, held in Paris in September 1981, where reference was made to ‘island countries’ in a very general way and without highlighting the specific case of the smaller ones¹. This was also the case at the 1990 Paris Conference – the second historic conference on this particular issue –² while at the renowned United Nations Conference on Environment and Development, also known as the 1992 Rio Summit, these countries were specifically referred to as Small Island Developing States³. The next two milestones in the development of this group of States were: the first United Nations Global Conference on the Sustainable Development of Small Island Developing States in Barbados in 1994, and the creation in 2001 of the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing States and Small Island Developing States – better known as UN-OHRLLS –⁴.

1 United Nations. “Report of the United Nations Conference on the Least Developed Countries. Paris, 1-14 September 1981”, New York, 1982. <https://undocs.org/pdf?symbol=en/%20A/CONF.104/22/Rev.I>

2 United Nations. “Report of the Second United Nations Conference on the Least Developed Countries. Paris, 3-14 September 1990”. New York, 1991. <https://undocs.org/es/A/CONF.147/18>

3 United Nations. “Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992. Volume I: Resolutions Adopted by the Conference”. New York, 1993. [https://undocs.org/en/A/CONF.151/26/Rev.1\(Vol.I\)](https://undocs.org/en/A/CONF.151/26/Rev.1(Vol.I))

4 GALLEGO COSME, Mario. “De Barbados a Samoa: Repaso a los principales hitos para los intereses de los Pequeños Estados Insulares en Desarrollo desde 1994 hasta 2014” (From Barbados to Samoa: A review of the main milestones for the interests of Small Island Developing States from 1994 to 2014). *Revista UNISCI*, 2015, No. 38, pp. 169-183. http://dx.doi.org/10.5209/rev_RUNI.2015.n38.49650

This Office is attached to the UN Secretariat and works on specific action plans for each of the three themes to which its name refers, and keeps the lists of States that make up these groups up to date. The section on Least Developed Countries focuses on the 47 States that are considered ‘the poorest and weakest segment of the international community’⁵ based on three criteria for inclusion: low income, high economic vulnerability, and health and education status. For their part, the areas dedicated to SIDS and the Landlocked Developing States delimit their remit towards those States that meet the dual criteria of not being considered developed and, above all, of having island characteristics and/or no sea coast, as appropriate.

Antigua and Barbuda	Dominica	Jamaica	Dominican Rep.	Suriname
Bahamas	Fiji	Kiribati	Samoa	East Timor
Bahrain	Granada	Maldives	São Tomé and P.	Tonga
Barbados	Guinea-Bissau	FS of Micronesia	Saint Kitts-Nevis	Trinidad and T.
Belize	Guyana	Mauritius	Saint Lucia	Tuvalu
Cape Verde	Haiti	Nauru	St. Vincent and G.	Vanuatu
Comoros	Marshall Is.	Palau	Seychelles	
Cuba	Solomon Is.	Papua New G.	Singapore	

Figure 1: Small Island Developing States. Source: UN-OHRLLS⁶.

Of these last two groups mentioned, it should be noted that the 32 countries considered as landlocked developing States are in fact enclaves – even if they hold rights to use ports in third countries or if such access is by waterway, as in the case of Paraguay – while there is a high degree of internal homogeneity as far as level of development is concerned. However, although UN-OHRLLS, due to its multifaceted work on SIDS, is a global reference in this field⁷, from an objective point of view some of the 38 States on its list – shown in figure 1 – would not satisfactorily meet all the criteria for membership of this group.

The main reason that would explain all the inclusions is that, when it began its work, the UN-OHRLLS began to work directly with the list of states that already made up the Alliance of Small Island States (AOSIS), created with the aim of giving voice to ‘small islands and low-lying developing coastal states’ before the UN itself⁸, and which was formally baptised in 1990 in Genoa, during the second Climate Summit. Although we could argue that the list has not been modified since it was established in 2001, we should note that it has had previous changes, even before AOSIS was created.

⁵ UN-OHRLLS, “Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020”. 2011, p. 13. https://issuu.com/unohrlls/docs/istanbul_declaration_and_programme_

⁶ UN-OHRLLS, “List of SIDS” [web]. <https://www.un.org/ohrlls/content/list-sids>

⁷ There are other lists of SIDS, such as those considered by UNCTAD or the Commonwealth, but the reference is the UN-OHRLLS list.

⁸ AOSIS, ‘About us’ [web]. <https://www.aosis.org/about/>

Indeed, the birth of this Alliance was raised as a possibility during the Conference of Small States on Sea Level Rise, held in the Maldives in November 1989⁹, with the participation of some countries such as Malta and Cyprus¹⁰ which are not members.

In the light of the above, we will examine the aspects justifying the current classification of these States as small island developing States below. To this end, we will review the conditions that can be inferred from the term SIDS – such as statehood, insularity, small size and lack of development – and the problems arising from the practical application of these criteria. Finally, in the section dedicated to conclusions, we will reflect on the usefulness of the very concept of SIDS, while at the same time considering a possible reformulation of the term that would effectively make the specificity of what is insular operational in the international sphere.

Statehood

The first criterion that defines SIDS, which is none other than the State, must be held by these countries in order to be considered as part of this group. In fact, this is the only aspect that the 38 members of the list meet, although it is important to note that the UN-OHRLLS also pays attention to the 20 territories listed in figure 2, which are included under the label of *Non-UN Members/Associate Members of the Regional Commission*. In other words, the Office somehow escapes the stato-centrism inherent in the United Nations system by mentioning these island entities in another list, thus recognising that small developing islands should be treated in a particular way regardless of whether they are States or not¹¹. However, as can be seen from this differentiated classification, the scope of this specific group is – for obvious reasons, including all their situations of dependence – very limited, although they have the possibility of participating, as observers, in the regional meetings that serve to prepare the UN Conferences held each decade for SIDS, as well as in their five-year reviews.

At this point we must consider the fundamental reasons for the differentiated treatment of SIDS proper compared to the rest of the small island territories that are not States, since, *a priori*, the latter might appear to be in a worse situation than the former. Nothing could be further from the truth; despite the fact that almost all island dependencies have populations and sizes that are much smaller than those of the vast

⁹ It is worth remembering the famous and dramatic speech given by the President of the Maldives to the UN General Assembly on 17 October 1987, in which he spoke of the real danger of the disappearance of countries like his if the sea level rose further. Two years later, the Maldives hosts the first international conference on the subject.

¹⁰ Male' declaration on global warming and sea level rise, art. 1 (a), 1989. <http://www.islandvulnerability.org/slr1989/declaration.pdf>

¹¹ This is probably a legacy of the work of AOSIS, whose full membership is made up of states – and Niue and the Cook-Islands – while maintaining another list of observers made up of dependent island territories.

majority of SIDS – which affects their vulnerabilities in the face of a greater range of contingencies – it must be borne in mind that they all depend on developed states that assume certain obligations over them.

Anguilla	British Virgin Is.	Guadeloupe	Niue
Aruba	Cayman	Guam	French Polynesia
Bermuda	Cook Is.	Martinique	Puerto Rico
Curaçao	Northern Mariana Is.	Montserrat	Sint Maarten
U.S. Virgin Is.	American Samoa	New Caledonia	Turks and Caicos

Figure 2: Dependent island entities: Source: UN-OHRLLS¹².

All situations cannot be standardised, but the lack of autonomy derived from any of the possible forms of administration, ranging from those considered colonial to those resolved in the form of assimilation into the fundamental structures of metropolises, is usually accompanied by guardianships capable of responding for these territories. On the other hand, in the case of SIDS, they themselves must assume any commitments they may make as subjects of international law, while at the same time they must respond with their own resources to any eventuality that may arise. To a large extent, this approach to the island states by UN-OHRLLS, in a specific manner – segmented from the larger group represented by the rest of the island entities and formations that are not states but which may be subject to attention – is based on the fact that responsibility falls to subjects which, owing to their nature, have scarce capabilities and resources.

As an excerpt from the Declaration emanating from the review of the Third UN Conference on Small Island Developing States, held at the UN General Assembly in October 2019, SIDS continue ‘to be a “special case” for sustainable development [...] as they continue to face the combined challenges arising, in particular, from their geographical remoteness, the small scale of their economies, high costs and the adverse effects of climate change and natural disasters’.¹³ Although attention to issues related to so-called climate change and natural disasters is relatively recent – and would certainly affect the whole planet in one way or another – concern raised about the limited capabilities of certain states by virtue of their small size, in terms of area and/or population, dates back to the decolonisation wave of the 1960s and 1970s.

In a context in which different countries witnessed a good number of emancipations from colonial territories – mostly from the United Kingdom and France – the

¹² *Ibidem*.

¹³ General Assembly. “Draft resolution submitted by the President of the General Assembly: Political declaration of the high-level meeting to review progress made in addressing the priorities of Small Island developing States through the implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway”. 2019. https://www.un.org/ga/search/view_doc.asp?symbol=A/74/L.3

possibility that some new states could be truly viable by virtue of their demographic and geographical characteristics was openly questioned within the UN¹⁴. This discussion did not prevent the independence of many entities from being consummated in that context which, in terms of population and land scarcity – though mainly due to their location in places that are relatively marginal with respect to the planet’s main economic flows – were seen as having less government capacity than the rest of the States.

	Indep.	Area (Km ²)	Population		Indep.	Area (Km ²)	Population
Japan	—	377.915	125.507.472	Tonga	1970	747	106.095
Iceland	—	103.000	350.734	Bahrain	1971	760	1.505.003
United Kingdom	—	243.610	65.761.117	Bahamas	1973	13.880	337.721
Haiti	1804	27.750	11.067.777	Granada	1974	384	113.094
Dominican Republic	1844	48.670	10.499.707	Papua New G.	1975	462.840	7.259.456
Cuba	1898	110.860	11.059.062	Comoros	1975	2.235	846.281
New Zealand	1907	268.838	4.925.477	Cape Verde	1975	4.033	583.255
Ireland	1922	70.273	5.176.569	Saint Tome and P.	1975	964	211.122
Indonesia	1945	1.904.569	267.026.366	Seychelles	1976	455	95.981
Philippines	1946	300.000	109.180.815	Solomon Is.	1978	28.896	685.097
Taiwan	1947	35.980	23.603.049	Tuvalu	1978	26	11.342
Sri Lanka	1948	65.610	22.889.201	Dominica	1978	751	74.243
Madagascar	1960	587.041	26.955.737	Saint Lucia	1979	616	166.487
Cyprus	1960	* 9251	* 1.266.676	St Vincent and G.	1979	389	101.390
Jamaica	1962	10.991	2.808.570	Kiribati	1979	811	111.796
Trinidad and Tobago	1962	5.128	1.208.789	Vanuatu	1980	12.189	298.333
Samoa	1962	2.831	203.774	Antigua and Barbuda	1981	443	98.179
Malta	1964	316	457.267	Northern Cyprus	1983	3.315	≈ 313,000
Singapore	1965	719	6.209.660	Saint Kitts-Nevis	1983	261	53.821
Maldives	1965	298	391.904	Brunei	1984	5.765	464.478
Barbados	1966	430	294.560	FS of Micronesia	1986	702	102.436
Mauritius	1968	2.040	1.379.365	Marshall Is.	1986	181	77.917
Nauru	1968	21	11.000	Palau	1994	459	21.685
Fiji	1970	18.274	935.974	East Timor	2002	14.874	1.383.723

Figure 3: Basic data of all Island states of the world chronologically ordered by date of formation / independence. Prepared internally¹⁵

Figure 3, which lists the 48 island states of the world, allows us to analyse that there is a certain correlation between size – both in terms of surface area and population – and functional seniority in the exercise of statehood. The largest and most populous are also, with few exceptions, those that have been independent states for the longest time and therefore have the most institutional experience in exercising self-governance. In these terms, the UN’s approach to the problems of small islands is justified insofar as, due to their scarce resources, they are often more vulnerable to contingen-

¹⁴ MCINTYRE, W. David. “The Partition of the Gilbert and Ellice Islands”. *Island Studies Journal*, 2012, Vol. 7, no. 1, p. 136. <https://www.islandstudies.ca/sites/islandstudies.ca/files/ISJ-7-1-2012-McIntyre.pdf>

¹⁵ Methodological notes: green indicates populations above 1 million and areas above 10,000 km², and red populations below 100,000 and below 500 km². * Figures for Cyprus are those for the whole island. The table is based on data from the last year available, obtained from CIA Worldfactbook: <https://www.cia.gov/library/publications/resources/the-world-factbook/>

cies arising from their own geographies, while at the same time they face enormous challenges in terms of government, governability and governance. In relation to this last aspect, we must recall the different forms of affiliation that a good number of SIDS have deployed to link up with other states, thus alleviating some of these shortcomings. Indeed, at present, three of them – Palau, Federated States of Micronesia and Marshall Islands¹⁶ – are freely associated with the United States through periodically renewed treaties, and ten others are Commonwealth monarchies sharing a head of state with the United Kingdom¹⁷. To these cases we could add lesser agreements, such as those of Nauru and Samoa, which have delegated responsibility for defensive work to Australia and New Zealand respectively¹⁸, while the latter are jointly responsible for Kiribati's national defence¹⁹.

Insularity

In the field of international law, the basic characteristics that a territory must have in order to be considered as an island are: to be inhabited – and/or to sustain its own economic life – and to be always emerged, completely surrounded by ocean water²⁰. In the specific case of island states, it follows that they should not have any sovereign portion on continental land, and in any case, may consist of one or more islands and/or archipelagos²¹. Intuitively, insularity is understood as the essential variable in considering what should characterise a Small Island Developing State. However, a first approach to the list in figure 1, which shows the countries that the UN-OHRLLS classifies as SIDS, shows us that four of these are not even islands: Belize, Guinea-Bissau, Guyana and Suriname.

Although we could argue that these four states have certain characteristics that are comparable to those of an island, such as a certain population shortage concentrated on the coast or low altitude with respect to sea level, it is no less true that there are other cases which, on the same basis, could also be included such as Kuwait and Qatar, to mention two which, unlike the previous examples, at least have longer coastlines than their land borders.

16 WYETH, Grant. “Why the Compacts of Free Association Matter to Washington”, *The Diplomat*, 9 June 2020 <https://thediplomat.com/2020/06/why-the-compacts-of-free-association-matter-to-washington/>

17 Antigua and Barbuda, Bahamas, Barbados, Grenada, Jamaica, St Vincent and the Grenadines, St Kitts-Nevis, St Lucia, Solomon Islands, and Tuvalu.

18 CIA Worldfactbook.

19 *Ibidem*.

20 United Nations. “United Nations Convention on the Law of the Sea”, 1982, art. 121. https://www.un.org/depts/los/convention_agreements/texts/unclos/convemar_es.pdf

21 *Ibid.* art. 46.

While recognising that there may be similarities between the ways of life of island societies and those of certain continental spaces with an ocean façade, we must bear in mind that islands have specific characteristics that merit unique treatment. This is because, to a large extent, insularity must be understood not only as a merely descriptive geographical characteristic, but also as a conditioning factor that affects other factors that usually occur, precisely and repeatedly, in island areas. These other factors, which are often correlated, are: devastation, territorial fragmentation and, above all, small size.

Devastation is, by definition, the geographical factor that best reflects insularity, since the maritime portion that separates them from other inhabited places always entails confinement and is, in turn, a frequent cause of endemism and high levels of biological diversity²². Casuistry is extensive, as the whole spectrum ranges from islands very close to areas considered to be continental – the paradigmatic case of Singapore – to island states in the middle of ocean masses, mainly in the Pacific or the Indian Ocean. However, what is interesting to note is that the more distant in relative terms, the higher freight costs are also for economies that are heavily dependent on imports, while there is less connectivity to global communication, financial and decision-making flows. In a way, islands located in remote places are configured as one of the clearest peripheries of the planet.

Territorial fragmentation is another common phenomenon in island states, as it is rare for just one island to be home to the entire population of that state. There are notable exceptions to this, such as Nauru or Mauritius, which are made up of a single island, but most of these states have their inhabitants spread over more than one island formation. This population dispersion in formations that may be very distant from each other radically increases Public Administration costs, especially in the creation and maintenance of critical infrastructures such as those related to the generation or distribution of electrical energy²³. The situation is more complex in the case of archipelagos, where the need to provide public services would be compounded by the need to structure the state by means of transport and communications.

Although the size factor will be reviewed in the next section, for the time being it is worth pointing out that scarcity of area in territorial terms is another aspect closely linked to insularity and probably the one that most enhances the negative aspects of production and economy. It is not just a matter of measuring emerged area, but also what this implies in terms of territorial depth of island spaces, which in turn must be analysed in terms of average territory height compared to sea level. In fact, it is in these variables that, in the opinion of the writer, the comparison be-

22 VERON, Simon *et al.* “Distribution and relative age of endemism across islands worldwide”, *Scientific Reports* No. 9, 11693, 2019. DOI: <https://doi.org/10.1038/s41598-019-47951-6>

23 SHUMAIS, Mohamed & MOHAMED, Ibrahim. “Dimensions of energy insecurity on small islands: the case of the Maldives”. *Asian Development Bank Institute*, 2019, No. 1049. <https://www.adb.org/sites/default/files/publication/543261/adbi-wp1049.pdf>

tween island and continental states is most problematic, as the former always suffer from a lack of depth.

The lack of physical space multiplies the costs of opportunity associated with decisions on land and limits the range of resources that can be extracted or exploited. However, the associated lack of depth has wider implications in relation to the scarcity – or absence – of fresh water and possible responses to extreme climatic contingencies. The absence of territorial depth – and of elevation – complicates the generation of streams or any other water flow resulting from rainfall, thus limiting the possibilities of access to this resource. Similarly, this absence poses conditions for actions that could be taken in the face of devastating contingencies, such as hurricanes or rising ocean waters as the most verifiable effect of so-called climate change.

It is true that the four non-island States included in the list of SIDS have certain island characteristics, such as low population, a tendency for large population hubs to be located on the coast or low altitude with respect to sea level, as well as settlement patterns that could be equated, on different scales, with the devastation experienced by many islands. However, the territorial depth of these four examples allows them a potential use of their land that cannot be compared to most island states on the planet.

Size

Size is equally ambiguous, since in the absence of a clear criterion on what should be qualified as small in this area, it is difficult to discern which countries would fall under this heading, particularly since this variable can be understood not only in terms of surface area, but also in terms of population. If small size is considered from the perspective of extension, the inclusion of some of these countries in the list opens the door to questioning the usefulness of this dimension as relevant to the objectives of UN-OHRLLS, since it seems that lack of development is the most important criterion for this entity. Given that size is a critical aspect of understanding the resource scarcity of SIDS, as the Office has stated on numerous occasions, the inclusion of a country such as Papua New Guinea in the list is highly questionable, since, with its 462,840 km², it ranks as the third largest island state in the world second only to Indonesia and Madagascar.

If size is considered from a population perspective, again there are major differences between the 38 members considered to be SIDS. At one end would be the big three of the Caribbean – Cuba, the Dominican Republic and Haiti – each with populations close to 11 million. At the other end of the list are Nauru, Tuvalu and Palau, all of which have less than 25,000 inhabitants.

In general, it can be said that state capabilities are highly related to size, due to the economic aspects mentioned in the previous section and, because of the shortage of trained human resources capable of performing in the most diverse productive sectors, especially in public administration tasks. Likewise, the expected relationship between the education system and productive sectors is, to a large extent, dependent

on demographic factors, especially in the case of small populations with a tendency to emigrate. For contexts considered as critical for society, achieving human resources in sufficient quantity and quality can be a challenge.

Against this background, SIDS have achieved some success through international cooperation. A clear example is the Regional Security System which is, in essence, a shared army for seven Eastern Caribbean states²⁴, although the most significant is in relation to higher education, through international universities with campuses on different islands²⁵. If, in terms of basic education, investing in sustaining a universal quality system can be a challenge for many of these economies, one can imagine that sustaining a modest university system is not even within the reach of many of these SIDS, at least not on an autonomous basis.

As an example of the close link between state capabilities and size, we can again refer to Figure 3 to see how, with few exceptions, the dates of independence or national formation are older the larger the islands are. All island states over 35,000 km² – except Papua New Guinea – had been emancipated before 1950, and these generally have the largest populations. The scheme is repeated in the same way during the second half of the 20th century – although in a more attenuated way, as each decolonisation process had its own times and dynamics – , becoming evident when analysing each oceanic field separately.

In the case of the Pacific, by 1970 Samoa, Tonga and Fiji had become independent, island states that, compared to their area, could be considered medium or large in terms of population and/or size. By 1980, after the emancipation of the Solomon Islands and Vanuatu, the remaining territories to become states were all less than 1,000 km² in area. Exceptions to this pattern were small Nauru and Tuvalu, owing to very particular circumstances: the former being exceptionally rich at the time of independence, while the latter is explained in the context of a fairly rapid decolonisation process achieved by a sudden split in these islands from what used to be the same unit together with Kiribati.

The situation was similar in the Caribbean. In 1958, all the UK's island dependencies in this region were inserted into the short-lived Federation of the West Indies²⁶ as

24 GALLEGOS COSME, Mario. "El Sistema Regional de Seguridad del Caribe oriental" (The Eastern Caribbean Regional Security System), in REQUENA Y DÍEZ DE REVENGA, Miguel (Coord.), *Luces y sombras de la seguridad internacional en los albores del siglo XXI* (Lights and shadows of international security at the dawn of the 21st century), Madrid: Instituto Universitario General Gutiérrez Mellado, 2010, Vol. 2. pp. 103-20. https://iugm.es/wp-content/uploads/2016/07/LUCES_Y_SOMBRAS_II.pdf

25 See University of the South Pacific [<https://www.usp.ac.fj/>] and University of the West Indies [<https://uwi.edu/>], present in 9 and 4 SIDS in Oceania and the Caribbean, respectively, as well as online programmes that would extend that reach.

26 The Federation inherits the pre-existing administrative structure, as it includes virtually all the islands that made up the colonies of Trinidad and Tobago, Jamaica, Barbados, the Leeward Islands and the Windward Islands. In short, the British Virgin Islands was the only territory which, although part of the colonial structure of the time—in this case the Leeward Islands—never became part of the Federation.

a prelude to their possible independence from the whole. London's intention was to achieve a viable decolonisation of all islands by creating a single entity. However, this union lasted until Jamaica and Trinidad and Tobago – the largest colonies – split up in 1962 to achieve separate self-determination, thus breaking the possibility of such a federation as a feasible project. The next two to be emancipated were the colonies with most inhabitants and comparatively better capabilities: Barbados and the Bahamas, in 1966 and 1973 respectively. The decade after Bahamian independence – which never belonged to the Federation – saw the completion of the remaining emancipations recorded to date.

Development

The last defining characteristic of SIDS to be reviewed is development, which is not free from verifiable paradoxes either since in any cursory review of SIDS as a whole, the presence of Bahrain or Singapore – to mention two of the most obvious, although the latter is not a recipient of funds²⁷ – would be striking, mainly because nine on the list are also considered Least Developed Countries²⁸. It is true that the case of Bahrain can be qualified in terms of contrasts that may arise from the comparison between macroeconomic figures with other development variables, but this is a situation that also occurs in other island states that are not on the list, such as Brunei or Cyprus.

Based on the Human Development Index – probably the most recognised of the three criteria traditionally considered for the measuring and considering SIDS, together with the purely monetary criterion and the criterion that accounts for the UN-OHRLLS list of Least Developed Countries²⁹ – it could be argued that most SIDS could be considered, simply, as Small Island States. Figure 4, which shows this indicator, highlights that at least 21 of the SIDS would have sufficient levels of development according to the four possible HDI classifications: very high, high, medium and low. Indeed, if we count the 38 states listed by the UN-OHRLLS – which we must recall includes four non-island states – , 23 of them would have high or very high development quotas, with their average group HDI standing at 0.723 points. Equally noteworthy is the fact that the vast majority of the island states not considered SIDS have values above these, while only two of the four non-island states could be considered moderately developed.

27 BALDACCHINO, Godfrey. "Seizing history: development and non-climate change in Small Island Developing States". *International Journal of Climate Change Strategies and Management*, 2018, Vol. 10, Issue 2, p. 220. <https://www.emerald.com/insight/content/doi/10.1108/IJCCSM-02-2017-0037/full/html>

28 Comoros, Guinea-Bissau, Haiti, Kiribati, São Tomé and Príncipe, Solomon Islands, East Timor, Tuvalu and Vanuatu. UN-OHRLLS, 'List of SIDS' [web]. <https://www.un.org/ohrlls/content/list-sids>

29 HEIN, Philippe. "Small island developing States: origin of the category and definition issues", UNCTAD, *Is a special treatment of small island developing States possible?*, Geneva, 2004, pp. 2-4. https://unctad.org/en/Docs/ldc2004I_en.pdf

Although these figures invite optimism on account of the position of SIDS and their progress over the past three decades – which in 1990 averaged 0.595 points in the HDI³⁰ – it is no less true that they also show this group of states as not so deserving of special consideration. The average HDI for SIDS is similar to the world average of 0.731 and, of course, is well above the 0.528 of the Least Developed Countries group³¹. Given this situation, it is difficult to justify that, in quantitative terms, development should be a variable to be considered when characterising small island states.

It could be argued that there are problems in measuring HDI³², or that HDI may not accurately reflect what it is trying to measure when there are distortions in any of its calculation dimensions as is the case, for example, when natural resources are largely available affecting GDP. However, it is paradoxical to note that, despite all the studies and reports generated about the disadvantages arising from the factors associated with insularity, it is no less true that acceptable levels of a certain degree of relative well-being are found in a large number of island states.

Island States included in the list of SIDS				Island States not considered as SIDS	
Singapore	0.935	Fiji	0.724	Ireland	0.942
Bahrain	0.838	Maldives	0.719	Iceland	0.938
Palau	0.814	Tonga	0.717	United Kingdom	0.920
Barbados	0.813	Samoa	0.707	Japan	0.915
Bahamas	0.805	Marshall Is.	0.698	Malta	0.885
Seychelles	0.801	Cape Verde	0.651	Cyprus	0.873
Trinidad and T.	0.799	East Timor	0.626	Brunei	0.845
Mauritius	0.796	Kiribati	0.623	Sri Lanka	0.780
Cuba	0.778	FS of Micronesia	0.614	Philippines	0.712
Saint Kitts-Nevis	0.777	São Tomé and P.	0.609	Indonesia	0.707
Antigua and Barbuda	0.776	Vanuatu	0.597	Madagascar	0.521
Granada	0.763	Salomón Is.	0.557	Non-island States Considered as SIDS	
Dominican Rep.	0.745	Papúa-Nueva G.	0.543	Surinam	0.724
Saint Lucia	0.745	Comoras	0.538	Belize	0.720
St Vicente y G.	0.728	Haití	0.503	Guyana	0.670
Jamaica	0.726	Nauru	ND	Guinea-Bissau	0.461
Dominica	0.724	Tuvalu	ND		

Figure 4: Human Development Index for the world's island states and non-island states considered SIDS. Prepared internally³³

30 UNDP, "Human Development Index 2019" [web] <http://hdr.undp.org/en/indicators/137506>

31 *Ibidem*.

32 WOLFF, Hendrik *et al.* "Classification, detection and consequences of data error: Evidence from the Human Development Index", *Economic Journal*, 2011, 121 (553). <https://scholarship.sha.cornell.edu/articles/338/>

33 Methodological notes: According to the UNDP, HDI values between 0 and 0.555 are considered low, those between 0.556 and 0.699 are medium, 0.700 to 0.799 are high, and 0.800 to 1 are very high.

This reality has not gone unnoticed in the international community, where there is often some scepticism about the legitimacy of SIDS as a category that deserves special attention³⁴. However, it seems fair to recognise that, while it is true that – compared to their regional environments – the situation of a large number of island states may be acceptable in terms of quality of life, it is the extreme eventualities that best reflect the inherent vulnerabilities of this group.

Conclusions

The review of the attributes that, in principle, characterise Small Island Developing States shows that there are difficulties in objectively categorising the territories that can be considered as such. Although it might seem that, beyond semantic issues, this circumstance does not present major implications, in operational terms this lack of definition is probably the main reason why it is difficult to have a differentiated and specific treatment for this group of States, beyond mere declarations recognising their common challenges³⁵.

This does not mean that SIDS should not be the subject of special consideration, as the island conditions associated with many of them can actually affect their development, even if they have improved over time. Due to questions of scale and response capacity, experience shows that the aspect in which the negative impact of insularity – and the factors associated with this condition – is best appreciated is in emergency situations or in the face of high-impact events, whether climatic or geological. Contingencies such as tsunamis, changes in rainfall patterns or tropical cyclones can be catastrophic in low-lying coastal areas^{36 37}, as seen relatively often in the Caribbean, Pacific and Indian Ocean. The same applies to the rise in ocean waters as a result of global warming, as this is a process that slowly but surely threatens

The table highlights each of these ranges with the colours red, orange, black and green, respectively. Likewise, three groups of States are differentiated according to the UN-OHRLLS list: islands on the SIDS list, islands not listed as SIDS, and non-islands considered as SIDS. Data obtained from: UNDP, “Human Development Index 2019” [web] <http://hdr.undp.org/en/indicators/137506>

³⁴ HEIN, Philippe, *Op. Cit.*,... p. 12.

³⁵ ENCONTRE, Pierre. “SIDS as a category: adopting criteria would enhance credibility”, UNCTAD, *Is a special treatment of small island developing States possible?*, Geneva, 2004, p. 92. https://unctad.org/en/Docs/lcd2004t_en.pdf

³⁶ ZIELINSKI, Sara. “Small Islands May Make Tsunami Danger Worse”, *Smithsonian Magazine*, 4 November 2014 <https://www.smithsonianmag.com/science-nature/small-islands-may-make-tsunami-danger-worse-18095324/>

³⁷ Intergovernmental Panel on Climate Change. *Climate Change 2014: impacts, adaptation, and vulnerability Part A: Global and sectoral aspects*. Cambridge University Press, Cambridge, UK & New York, USA, 2014, pp. 17, 68, 364-6, 1069. https://www.ipcc.ch/site/assets/uploads/2018/02/WGIIAR5-PartA_FINAL.pdf

the very survival of smaller island states and those with less height above sea level. If this phenomenon does not stop, the entire national territory of some SIDS such as the Maldives, Tuvalu or Kiribati could be submerged in a few decades³⁸, although it is foreseeable that these States will reach a point of non-viability much earlier³⁹ since soil loss is occurring gradually but accompanied by other factors that make human settlement difficult⁴⁰, such as the loss of drinking water as a result of saline intrusion into aquifers.

The geopolitical consequences of the possible disappearance of these SIDS are difficult to specify, but it is clear that the most important consequences would be explained by the new drawing of the oceanic borders and the significant migratory movements that would occur. We should bear in mind that, with the Law of the Sea in hand, these extinctions would entail a modification of high sea portions and a reallocation of ocean sovereignty between contiguous States. In the case of the three SIDS mentioned above for this example, this would also involve other powers with adjacent dependencies – particularly the United States, France and the United Kingdom – , but also other states with interests in the region, such as the People’s Republic of China, which has an increasing presence in the Indo-Pacific. The migratory aspect also has various aspects – such as the modalities in which it could be carried out or the hypothetical extension of refugee law to these cases – , but there is one that, in certain circumstances, could be related to the aforementioned distribution of the jurisdictional waters of the extinct states: the question of the specific place where population flows could go. This case is particularly interesting because the transfer of exclusive economic zones could possibly serve as compensation.

In view of the specific nature of SIDS, especially in relation to certain contingencies and the risks that affect them most because of their conditions, it is important to find greater precision in terminology for an effective approach to this group of states, especially as this exercise can produce lessons that can be replicated in other latitudes with similar problems. However, if the term SIDS is justified solely on the basis of parameters based on resource scarcity and geographical constraints, the range of inclusion will be too blurred, and it will be possible to infer from the interpretation of the term that virtually all island states – particularly small ones – are already manifestly incapable of responding to extraordinary events. For this reason, we must find greater rigour in the application of the criteria that establish them as such, agreeing on better defined scales. This would mean including only island states in this group, as well as

38 YAMAMOTO, Lilian & ESTEBAN, Miguel. “Atoll islands and climate change: disappearing States”, *United Nations University*, 2012.

<https://unu.edu/publications/articles/atoll-islands-and-climate-change-disappearing-states.html#info>

39 BERRINGER, Andrea. “Climate change and emigration: comparing ‘sinking islands’ and Jamaica”, *Views in Motion*, No. 1, 2012 <https://dialnet.unirioja.es/descarga/articulo/4422873.pdf>

40 MCSWEENEY, Robert. “Low-lying atolls could become ‘uninhabitable’ earlier than thought”, *Carbon Brief*, March 2018 <https://www.carbonbrief.org/low-lying-atolls-could-become-uninhabitable-earlier-than-thought>

finding an acceptable limit to the small size variable⁴¹, including finding specific ways to measure social economic development in SIDS⁴².

Another alternative could be to completely reformulate the concept, perhaps renouncing the term SIDS itself in order to seek a more restrictive one in its application, so that the essence of what it intends to protect is not undermined. One of the most promising terms in this respect in recent years is that of Large Ocean States⁴³, as it infers aspects such as the devastation and the link of these territories to vast maritime areas. The concept can be even better delimited – explicitly including islands – but, at least, this theoretical conceptual construction highlights certain issues of special concern for societies more closely linked to oceans, such as fishing, climate change and sea level rise, environmental protection or the management of exclusive economic zones⁴⁴.

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⁴¹ *Ibid.* pp. 97-9.

⁴² UNEP, “Emerging issues for Small Island Developing States. Results of the UNEP/UN DESA Foresight Process”, 2014, pp. 7-8. <https://europa.eu/capacity4dev/file/19799/download?token=ENuffnc>

⁴³ CHAN, Nicholas. “Large Ocean States: Sovereignty, Small Islands, and Marine Protected Areas in Global Oceans Governance”, *Global Governance A Review of Multilateralism and International Organizations*, 2018, Vol. 24, Issue 4. DOI: <https://doi.org/10.1163/19426720-02404005>

⁴⁴ JUMEAU, Ronny. “Small Island Developing States, Large Ocean States”, *Expert Group Meeting on Oceans, Seas and Sustainable Development: Implementation and follow-up to Rio+20*, United Nations, 2013. https://sustainabledevelopment.un.org/content/documents/1772Ambassador%20Jumeau_EGM%20Oceans%20FINAL.pdf

Pablo Antonio Gea Congosto

*Jurist and political analyst. Director and Editor of the newspaper 'La Iniciativa'.
PhD student in Contemporary History at the University of Seville.*

E-mail address: pablo_gea@hotmail.com

The Houthi Insurgency in Yemen's Civil War

Abstract

The Houthi insurgency has become one of the largest actors in the conflict that Asola Yemen. What is the Houthi movement, what it wants and how it has managed to move from being an insurgent movement more to being able to become a state within the state and to put in check the Yemeni government is the main purpose of this essay. Through this analysis we study the origins of this conflict, its development, current situation and the role of the external powers, especially in response to the presence of jihadi groups in this context and the cold war between Saudi Arabia and Iran. It analyzes how the tribal nature of its society conditions the becoming of any state agent, since this has constituted a fundamental pillar on which have had to settle both the governments prior to the beginning of the hostilities as the different groups.

Keywords

Huthi, Yemen, Saudi Arabia, Iran, United States, Russia.

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Objectives and methodology

Analysts, politicians, government leaders, journalists and ordinary citizens are all engaged in a lively debate on the conflicts that are currently a source of concern. At the same time, the so-called *Arab Springs* seem to have resulted in multiple civil conflicts that have stalled due to their complexity, cruelty and virulence. In this essay, however, we are not going to devote ourselves to these tabloid headline conflicts, but to another equally interesting and undoubtedly much more ignored conflict.

What particularities exist that warrant a detailed analysis of the Yemeni conflict? Multiple. The main one is the *sui generis* character of the Houthi Movement. It is an insurgency that is organised as a confederation of groups, mostly of Zaydi ideology, a branch of Shi'ism. It has managed to put the government of Yemen in check, destabilising the country, seizing control of territories within the state of vital importance for the control of it, and creating a government endowed with administration and management capacity. Without the scope and aims of ISIS, nor the political-social provisioning of Jihadist terrorism, the metamorphosis and achievements of the houthis are truly unusual, paradigmatic and, therefore, worthy of study. In these pages we will analyse the Yemeni civil war from the point of view of the houthi movement, as well as the real nature of this insurgency. Through the analysis of the available sources, as well as the authoritative research on the subject, we will deal in the first section with the history of Yemen, paying special attention to the unresolved conflicts derived from its traumatic unification. In the second section we will focus on the houthi movement, its origins, ideology and objectives, as well as its funding and the support it enjoys. Then, in the third section, we will analyse the immediate causes of the conflict, the development of military operations and the intervention of regional powers and superpowers in the war, set in the power game taking place in the Middle East. Finally, conclusions will be drawn, not so much regarding the conflict and the movement itself, but about the dynamics of these confrontations and the role played by the interventions of other states.

Yemen: from unification to civil war

Tribal history and nature

When the so-called *Arab Spring* erupted in 2011,¹ few could have foreseen the political and social chaos that would follow. The dreams of a different world that were sketched in the imagination of the population have been disrupted by cruel and protracted civil conflicts that do not seem to have an end in sight, among other aspects, because of the multiplicity of actors involved in them, as well as

¹ See FERREIRO GALGUERA, J., *La Primavera árabe: balance, cinco años después*, 2017.

the pretensions of other powers, in some cases mainly interested in carrying out *proxy wars*².

One of these endless conflicts is the one raging in Yemen. Ruled for thirty-three years by Ali Abdullah Saleh (first as leader of North Yemen from 1978 to 1990, and then elected President after unification with South Yemen), the Republic of Yemen has been subject to social and economic tensions that have historically conditioned its progress as a viable state. It should be borne in mind, to begin with, that the logic behind its existence does not rest on a clear national identity³, but is based on the different relationships of loyalty and interest between tribes⁴. This means that the ruler does not anchor his source of power –let alone his capacity to govern effectively– in what has traditionally been known as *state logic*⁵. On the contrary, Yemen's uniqueness lies in the fact that the government's success is based on its ability to navigate skilfully through the maelstrom of tribal relations. So much so that such a government cannot claim to articulate policies directly as any state would, but must have the consensus, approval and respect for tribal interests, traditions, behaviours and historical footprints. These largely determine national politics, configuring themselves as *states within the State*⁶, guaranteeing the stability of the state on the basis of a golden rule: the most powerful tribes must be represented in the government⁷. The result is as expected: ungovernability, instability, latent or expressed civil conflict at certain junctures, influence peddling, corruption, accumulation of power and inability to evolve towards a true democratic system. These tribes are constituted as very large family groups, endowed with coherence by the perception they have of themselves as descendants of a common ancestor. They are headed by a *Sheikh* or *Shaikh* with

2 These are conflicts in which a third power intervenes on behalf of one of the warring factions or sides in order to obtain an outcome that is in its interests. Pontijas Calderón, J.L., *Tendencias en la guerra por delegación (proxy warfare)*. Spanish Institute for Strategic Studies (IEEE), 2020, pp. 3-5.

3 VELASCO MARTÍNEZ, L., *Identidades colectivas en el horizonte 2050: ¿consenso o disenso? El ejemplo del servicio militar* in *Research Paper 24/2018*. Spanish Institute for Strategic Studies (IEEE), 2018.

4 AGUIRRE, M., *Yemen. Un viaje a la Arabia profunda en tiempos turbulentos*, 2006, pp. 24-5.

5 VEGA FERNÁNDEZ, E (coord.), *Yemen. Situación actual y perspectivas de futuro*, 2010, pp. II y ss.

6 The functioning of the Yemeni State is a complex issue, as the nature of the State has varied throughout the internal conflicts that have plagued the country. Reunification after the 1994 conflict opened the door to a political system which, although purportedly modernising, reproduced the characteristics of the former Yemen Arab Republic (North Yemen): the maintenance of stability by the government required the development of a clientelist network in which alliances designed as permanent were far from being so and influence peddling among friends and relatives of those close to the executive was a constant feature. This was deliberately designed to reflect the fact that tribal and religious identity is of far greater importance to Yemenis than the relatively modern concept of *national identity*. In this way, the dynamic of continuous conflict of belonging has tried to be tackled by the authorities through the distribution of perks among the tribes, turning the President 'into a great sheikh, a republican version of the old imams', in the apt definition provided in Veiga, F, Hamad Zahonero, L and Gutiérrez de Terán, L., *Yemen, La clave olvidada del mundo árabe 1911-2011*, 2014, pp. 169-171.

7 AGUIRRE, M., *op. cit.*, pp. 35-7.

limited authority over their members and are organised as tribal confederations. The *Shaikh* is an honorary position that is elected by the Local Tribal Councils (composed of *qabili* or members of a tribe or family), whose objective is to watch over the social order within the tribe, occupying the leadership and being its representative with the central power. The title and dignity of the *Shaikh* is called *mashaij*, which refers to leaders of great tribes and the territory under their rule. At the top of the scale is the *Shaikh al-Mashaikh*, the supreme leader of a confederation of tribes and in charge of relations between the confederation and the State authorities, as well as with the other confederations and tribal groups⁸. The most important thing to note about all this is that they are governed by a *qabyala* or tribal code of honour, mainly strong in North Yemen⁹. It is here, in this scenario, that we concentrate our analysis. Since the houthi movement is the focus of this study, before going further into its intrinsic nature and the explanation of its social bases, it is necessary to frame the conflict of which they are one of the most relevant protagonists.

A conflict that is impossible to understand in all its dimensions without reviewing Yemen's history, which is intimately linked to a past marked by the domination of the Ottoman Empire and the distribution of spheres of influence in the region during the first post-World War I.¹⁰ The Ottoman Empire's domination allowed the existence of a Zaydi-inspired kingdom in the territory of North Yemen that had full freedom of action after the defeat of the Central Empires in World War I¹¹. This Mutawakili kingdom was constituted as a theocracy that survived until 1962, when it disappeared at the end of a civil war that involved, like the one we are dealing with, an *interposed conflict* or *proxy war* between President Nasser's Egypt and Saudi Arabia. The new republic close to the Egyptian model could not be definitively instituted until the end of the war in 1970¹². And yet, within the territorial space of North Yemen, as well as in

8 VEIGA, F *et al*, *op. cit*, pp. 270-1.

9 AVILÉS FARRÉ, J., *El movimiento Huthi del Yemen. Un actor crucial en un conflicto peligroso en Colección: grupos extremistas de ideología radical y carácter violento*. Spanish Institute for Strategic Studies (IEEE), 2015, pp. 2 et seq.

10 VEIGA, F *et al*, *op. cit*, pp. 25-57.

11 Yemen played an important role in this conflict, its territory constituting a particularly hot front due to the contact position between the Ottoman and British Empires. Early on, the British began particularly complex negotiations to win the loyalty of Imam Yahya, leader of the Zaydi community and ruler of the Mutawakili kingdom. These pretensions were dashed after Sheikh Said's cannonade, which the imam interpreted as an attack on his territory. Consequently, in February 1915 he reaffirmed his allegiance to the Ottomans and facilitated their penetration of the British-held Aden Protectorate. See Rogan, E., *La caída de los otomanos. La Gran Guerra en Oriente Próximo*, 2015, pp. 161-3 and 368-74.

12 The Pan-Arabism of Gamal Abdel Nasser constituted an expression of the pan-Arab secular nationalism born during the interwar period and which opposed, as a progressive tendency, the first pan-Arabism that emerged in the second half of the 19th century, as a reaction to the Ottoman domination. Although the Nasserist approach was far from reaching a definite theoretical-intellectual definition, its main characteristic notes implied the conjunction of nationalist and socialist aspects,

the South, there remained until 1967 a British Protectorate based mainly in the port of Aden¹³. And it was here, after the liquidation of British colonialism¹⁴, where a peculiar Marxist experience was established in the geographical space of the Middle East with the establishment of the People's Republic of South Yemen (PYRS) which, after a turbulent process of internal struggle, ended up becoming the People's Democratic Republic of Yemen (PDRYYS), a single-party state that tried to replicate –as far as possible– the Soviet model, with its successes and shortcomings¹⁵.

However, the socialist state was not spared from the consequences of the experiences of *real socialism*,¹⁶ in a way that would transmute into disintegration, South Yemen found itself in a situation of ruin and economic collapse which, fuelled by infighting within the ruling group (there was even a low-intensity civil war), made reunification imperative for the survival of the political elite¹⁷. Meanwhile, North Yemen, although under a republican regime of a markedly authoritarian nature, had remained in the hands of the Zaydis, thanks in part to the policy of “national reconciliation” advocated by the victors of the civil war, thanks to which important leaders who had fought on the losing side –the royalists– were able to integrate into the administration of the Yemen Arab Republic (YAR). The fundamental wheel on which the internal affairs of the new republic advanced was none other than the growing and increasingly institutionalised influence of the tribes, as one of the most important consequences of the civil war was their economic and arms reinforcement, following

even if this implied keeping a strict vigilance over the local communists of Soviet imprint. The failure of the pan-Arabist project (based on the bonds of ‘historical community’, ‘linguistic community’ and ‘colonial pressure’) in the 1960s pushed Nasserism back to the Egyptian confines, where a dictatorial one-party regime was implemented with the aim of developing a cooperativist ‘Arab socialism’ through the socialisation of the means of production, assuming the Marxist logic of ‘class struggle’. Son of pan-Arab secular nationalism was also the Ba’ath Party, equally nationalist but with a much stronger Marxist matrix than Nasserism. Born in Syria, its initial Nasserist influence was diluted to the point of renouncing pan-Arabism and adopting a localist stance, as opposed to Iraqi Baathism, which did retain its pan-Arabist stamp. See Peñas Mora, J., *El declinar del panarabismo* in *Boletín de Información*, nº 234. Spanish Ministry of Defence, 1994, pp. 61-83.

13 VEIGA, F *et al*, *op. cit*, pp. 85-96.

14 British colonialism in South Yemen has always been a complex reality. It was built on a delicate balance based on a series of treaties with tribes around the port of Aden. A total of nine small states were created with their corresponding governor dependent on the metropolis, giving the British control of more than 23,000 square kilometres on the southern coast of the Arabian Peninsula. Rogan, E., *op. cit*, pp. 160-1.

15 PRIESTLAND, D., *Bandera Roja. Historia política y cultural del comunismo*, 2010, pp. 461 and 533. Erich Honecker, leader of the German Democratic Republic (GDR), would say the following about the Yemeni socialist experiment: *As in Grenada* (alluding to the events that culminated in the US invasion of the island in 1983 as part of ‘Operation Urgent Fury’), *what happened in Yemen shows what leftist infantilism can lead to*.

16 *Ibid*, pp. 489-451.

17 VEIGA, F *et al*, *op. cit*, pp. 110-38.

years of Saudi and Egyptian funding. This new role was so overemphasised that the President of the Republic, Abdulrahman al-Iryani, went so far as to declare that the country did not need political parties as it already had tribes¹⁸. After the civil strife, the tribes experienced a considerable strengthening to the point that they managed to establish themselves as independent forces from the political power that constantly put pressure on it and conditioned its decisions. Before the conflict they already existed as determining agents in the evolution of the country, but as a result of the conflict they burst onto the political scene, revealing themselves to be essential for the development, sustainability and viability of the political system. Thus, no decision could be effectively articulated without the support of the tribes, which rose to become the ruling group of Yemen's destinies¹⁹. The truth is that politics soon became a transmission belt for the interests of the tribes without –and this is important– becoming completely homologous, among other aspects given that it was not uncommon for members of the same tribe to be members of different political formations. Be that as it may, the importance of the tribes in national politics was institutionalised in their participation in the Consultative Council and in the creation of a specific *ad hoc* body,²⁰ the Supreme Council for Tribal Affairs, headed by the President of the Republic and whose members were the tribal leaders –mashajj– elected in the Local Tribal Councils²¹.

It is essential to retain a precision: Yemen does not function exclusively as a federated union of tribes that ‘wage war’ on their own. On the contrary, as just noted, the interests of other political actors can be and often are different from those of the tribes. It is a Muslim-majority country in which the majority of the population belongs to the Sunni minority, while the Shiite tendency is divided into two: the Zaydi and the Ismaili minorities. Zaydism is the Shiite branch closest to Sunni Islam and the most numerous in Yemen, being professed by about 40% of the population. For her, Zayd ben Ali al-Husayni was the fifth legitimate imam, unlike the Shiite duodeciman branch, which opted for her brother Muhammad Bachir. Ismailism, on the other hand, is more distant from Sunnism and is a minority in Yemen, based mainly in Sana'a, the country's capital. It is another branch of Shi'ism that recognises the legitimacy of Ishmael, son of the sixth imam, which is why they are called septimans.

18 *Ibid*, pp. 141-2. He made this statement in relation to the conceptualisation of political parties as an evil in that it was common for them to become vehicles for ‘dangerous’ foreign influences.

19 HAMAD ZAHORENO, L., *El fenómeno tribal en Yemen: sustrato histórico del poder de las tribus in Revista de Estudios Internacionales Mediterráneos*, nº2, 2007, pp. 6-7.

20 It constituted a body that replaced the previous National Assembly with the promulgation of a new Constitution. It was specifically designed to institutionalise the tribes and give them a parliamentary-like representativeness, clearly reminiscent of the Consultative Council of ancient Yemen, in which the tribes maintained a cooperative relationship with the central power, which co-governed together with the tribes themselves, and in which their decisions had to be endorsed by the Consultative Council, itself composed of the tribes. These decisions included a wide range of public issues, such as taxation and land ownership. *Ibid*, pp. 4-5.

21 *Ibid*, pp. 141-2.

Territorially, Sunnis predominate in the south-central part of the country, while Shiites predominate in the north. The tribal logic enjoys greater influence in this area because, in the south, the socialist regime implemented a policy that, although with incomplete results, succeeded in weakening tribal structures. Thus, in the territory of the Yemen Arab Republic, the tribes were consolidated in a way that was impossible in socialist Yemen, where secularisation and centralised planning severely attacked the tribal logic, although it did not succeed in eliminating it.

Yemen's functioning is not only delimited by the above, but is also affected by the way in which the tribes organise themselves. The most important are the Hamdani tribes, mainly Zaydis and grouped into two confederations: the Hasid (which holds the largest share of power and to which Saleh belonged) and the Baskil (the largest). There is also another smaller confederation, the Madhaj, which is predominant in the eastern regions and Hadramaut, while the other two confederations are predominant in the western mountainous areas. A corollary to the high population of the country (28 million, according to World Bank data²²), which makes it the most populated of the Arabian Peninsula (as a sample, see the population of Saudi Arabia, with a much larger territorial area, about 33 million²³). Although it has traditionally lacked raw materials likely to attract the interest of the great powers, it has an enviable strategic position that the United Kingdom identified when it established its protectorate in Aden, Yemen's main commercial hub. From there it was possible to control a very important trade route to India and the east coast of Africa. An important communications hub whose value increased after the opening of the Suez Canal in 1870, which increased traffic through the Red Sea via the Bab el-Mandeb Strait, gateway to the Arabian Sea and the Indian Ocean. It carries 5 percent of the oil transported by sea, as well as between 30 and 40 percent of the world's maritime traffic²⁴.

This is, after all, an area of the planet that has recently taken on even greater strategic importance for the major powers, as the already persistent French military presence in the Horn of Africa has been joined by the Japanese (it should not be forgotten that 90 percent of Japan's exports pass through the Gulf of Aden and the Bab el-Mandeb strait) and the Chinese, who, together with the military forces of other countries such as the USA, Spain and Italy, are stationed in Djibouti with the aim of securing the region against piracy and terrorism. It is no coincidence that Saudi Arabia's military intervention in the conflict in question has not been exempt from securing the Yemeni side of the strait, within the broad framework of the objective of satellitisation that Saudi policy has had with respect to the Kingdom of Saba²⁵.

22 Consult them at: <https://data.worldbank.org/country/yemen-rep>

23 Consult them at: <https://data.worldbank.org/country/saudi-arabia>

24 SARTO FERRERUELA, A., *Yemen: un conflicto sin final* in *Strategy Paper 196. Oriente medio tras el Califato*. Spanish Institute for Strategic Studies (IEEE), 2018, pp. 154-5.

25 *Ibid*, pp. 155-6.

A failed unification

Although the civil war in North Yemen had been lost by the forces that had supported the imamate, Saudi Arabia did not give up on continuing to influence, in whatever way it could, both the domestic and foreign policy of its southern neighbour. To this end, it sponsored the policy of national “reconciliation” referred to above, whereby it placed its internal allies in positions of power of such importance that Riyadh’s control was not diminished. However, its constant interventionism, which even led it to support an unsuccessful attempt to invade the South in 1972, proved extremely destabilising, among other aspects owing to the obsessive opposition of the Saudi kingdom to the unificationist tendencies that, despite everything, hovered over the political agendas of both Yemeni states. Despite the fact that certain attempts at conflict continued to take their toll, as the 1979 conflict showed, the rise of Ali Abdullah Saleh (in power since the death of his predecessor in June 1978) together with the discovery of oil deposits on both sides of the border between the North and the South, paved the way towards unification, of course, the calamitous political-economic situation of the PYRD, which left the southern leader Ali Salim Al-Bid with no other option (understanding that the Soviet Union had abandoned them to drift and that, once the socialist bloc had been liquidated after the fall of the Berlin Wall in November 1989, he could only flee forward)²⁶.

Unification finally took place on 22 May 1990 in a precipitous and hasty manner, which was to be one of the main causes of the bumpy ride of what is now called the Republic of Yemen. One of the greatest fears of South Yemen’s political elites was that what was presented as a union “among equals” would turn out to be an outright takeover. President Saleh’s clientelist policies did not help to overcome southern misgivings. But a new destabilising factor soon appeared: the outbreak of the first Gulf War. At the time, the concomitances between Saddam Hussein’s Iraq and Saleh’s Yemen were more than obvious, since Baghdad was a more comfortable and less interventionist ally for Saleh than Riyadh. It was at that time that Yemen took a seat among the non-permanent members of the UN Security Council, just in time to vote against, to Washington’s stupefaction, the historic Resolution 678 of 29 November 1990 approving military intervention to force Iraq to leave Kuwait by force. The United States, the International Monetary Fund and the World Bank immediately cancelled all aid programmes for Yemen. The stationing of Western troops in Saudi Arabia, custodian of the Holy Places, excited the population of most of the Arab states to the point of generating a political earthquake that put the rulers in trouble, as they could do little in view of the obvious dissociation between them and their respective peoples, most of whom were opposed to the intervention. This was the case in Yemen, propelling Saleh’s closed-mindedness in his risky diplomatic gamble. In September Saudi Arabia expelled, as a punishment, Yemeni migrants who worked there and regularly sent

26 VEIGA, F *et al*, *op. cit.*, pp. 142-50.

remittances home in such large amounts that they constituted one of its main economic resources²⁷.

As it was, Yemen went into recession in 1992, irreparably damaging the weak economic and social foundations of the new political system that was established after unification. It was a supposedly parliamentary and multiparty regime, with a Constitution and a division of powers similar to those established in Western democracies. At least on paper. A judiciary was designed consisting of territorial courts with the Supreme Court of Sana'a as the final instance, adopting the *Shari'a* as the main legal basis. While this city remained the political capital, the role of economic capital was assigned, as it could not be otherwise, to Aden. Similarly, the agreement confirmed Saleh in the role of President and Al-Bid as Vice-President. This precarious balance was soon upset by the consequences for the country of its support for Iraq during the Gulf War: the Yemenis in the North experienced a sharp decline in their living conditions, while those in the South blamed the authorities for their progressive marginalisation, especially as regards economic investment, which was a priority in the North. In April 1993 national elections were held which gave victory to the General People's Congress (GPC) –Saleh's party– and left the Marxists in a humiliating third place, behind Islah, a Sunni Islamist party close to the approaches of the Muslim Brotherhood and the Salafis, and led by Abdullah al-Ahmar, the highest exponent of the Hasid tribal confederation²⁸.

Economic tensions added yet another reason to the list of reasons that important sectors in the south added to justify the foreseeable conflict with the north, and the attacks that followed on important members of the southern political elite were not unrelated to this. Al-Bid and his men began to prepare for the inevitable and found an unexpected supporter: Saudi Arabia. Indeed, Riyadh was not prepared to allow a unified Yemen to jeopardise its aspiration to hold hegemony over the Persian Gulf, although Saleh also found himself with another surprising ally: Qatar, which was already beginning to play with the idea of displacing the Saudis' ascendancy in the area. Although the duration of the conflict was short (27 April to 7 July), its toll in lives was high (between 7,000 and 10,000 dead, mostly southerners²⁹). Its main consequence was the emergence of Saleh as the undisputed leader, with Abd Rabuh Mansur Al-Hadi as his deputy, and the exile of Al-Bid. From this moment on, the President was able to expand the autocratic features of his regime, proceeding to reinforce his clientelist policy by promoting family members and members of his tribe to the top posts in the Government, the Administration and the Army. The great snake charmer presented himself as the only man capable of combining state-government logic with tribal logic, although the dysfunctionality of his management soon became evident.

27 VV.AA., *La Agencia EFE en el Golfo. La guerra en directo*, 1991, pp. 228-32.

28 SARTO FERRERUELA, A., *op. cit.*, pp. 158-61.

29 The cost in lives for the South was around 6,000 combatants and 500 civilians. For the North, the figure stood at over 931, including civilians and combatants. Veiga, F *et al.*, *op. cit.*, p. 169.

The population increase had to contend with insufficient food production and distribution, as well as with the scarcity of water, an extremely precious commodity in that it is a fundamental resource for the production of *khat*, a drug that is terribly addictive among Yemenis and whose widespread consumption contributed to a serious economic problem that involved the depletion of agricultural and water resources that the country lacked, disrupting production in a way that had to be, for better or worse, tackled. It was under these conditions that Yemen faced the beginning of the 20th century³⁰.

The houthi insurgency

Origins, ideology and objectives

To understand the full extent of what the houthi phenomenon is, it is first necessary to consider what *Zaydism* is. This is –as has already been pointed out above– a branch of Shia Islam with a strong following among approximately a third of the Yemeni population and which is the branch of Shia Islam that is closest to Sunni Islam. This branch pivots on the houthi family, and is embedded in the above-mentioned logic of tribal relationship. The organisational framework of this tribal logic consists of a *sheikh* who does not have total or vertical control over the rest of the members of the tribe, which, however, also involves the defence of the territory, the protection of tribal elements, such as the Hashemites (descendants of the prophet Mohammed), as well as the revenge of affronts, whether personal or collective³¹. Of course, with such a code of action, it is not surprising that tradition gives a large role to mediation, with the aim of redirecting hostilities and avoiding the collapse that would be reached if a more than foreseeable vicious circle were to start. However, the State is also bound by this tribal code and must also submit to it. It is thus understandable why it is extremely difficult for Yemen to provide itself with a rational –and rationalised– structure of a modern state, something alien to the traditions and *modus operandi* of the tribes that make up the population within the boundaries of its territory. In practice, there is a situation of quasi-permanent war and conflict between the tribes that makes it extremely difficult to consolidate any stable and coherent form of government³².

How does Zaydism differ from traditional Shi'ism, and what are its similarities to Sunnism? Like the Shiites, the Zaydis assume the spiritual leadership of the descendants of Fatima –the prophet's daughter– and his son-in-law Ali, but unlike them, they do not share the dogma of the twelve imams, prophesying that the last of them will return in the future as messiah. The Zaydis understand that after the first five imams,

³⁰ VEIGA, F *et al*, *op. cit*, pp. 165-74.

³¹ AVILÉS FARRÉ, J., *op. cit.*, pp. 2-3.

³² AGUIRRE, M., *op. cit*, pp. 73-9.

any descendant of Fatima and Ali can be an imam and thus a legitimate spiritual leader of the community. As noted above, once the Ottoman Empire fell, Imam Yahya Muhammad created an independent state of Yemen under a theocratic monarchy, which endured until the Egyptian-backed Republican coup in 1962 and the ensuing civil war³³. This imamate always sought a rapprochement with Sunni Muslims in order to eliminate the differences between the two communities. And given that the Sunnis of Yemen were followers of the open and heterodox *Safi School*, this approach did not involve as many difficulties as in other cases. During the republican period the differences became more and more mitigated. However, the government never fully trusted the Zaydis. In this way, it opened the door to the spread of Salafism in areas of its predominance –mainly North Yemen– provoking in the 1990s a festering of Zaydi identity and of resentment and resentment, capitalised by the Hashemite family of the houthis, which subsequently materialised in the conflicts that gained strength from 2004 onwards. These were in turn fuelled by President Saleh's attempt to gain direct (rather than indirect, as he had been doing) control of Yemeni territory –which, of course, affected the houthis³⁴– in the wake of the post 9/11 situation and the US war against jihadist groups and their local branches³⁵.

Bearing in mind that the houthi family is Hashemite, and that it has championed the Zaydi struggle, logic suggests that the aims and objectives were clear and well-defined. They are not. Hussein al houthi (1956-2004) has been the main leader and driving force behind the houthi movement, a legitimacy he derives from the fact that he is the son of the movement's main ideologue, Bar al Din al houthi. From 2002 onwards, its followers chanted a slogan that was highly revealing of its orientation: “*Death to America, death to Israel, cursed be the Jews, victory to Islam.*”³⁶ Hostility towards the United States and towards Wahhabism are two of the main axes on which the movement pivots, but beyond the borders of these two aspects, the objectives are diluted in an extremely weak coherence. It should be borne in mind above all that the houthis do not represent all the Shia of Yemen or all the Zaydis, although it is true that, like Saleh's family, they owe their power to the formidable clientelist network they have managed to weave, in such a way that the fabric of the movement owes in some respects more to this clientelism and the interpersonal relations between tribal leaders than to ideological and programmatic coherence and immediate objectives to be achieved. The *nature* of the movement is thus strongly atomised. Even though they have publicly denied their links with Iran, this country has been held up on numerous occasions as a model, although it cannot be concluded from this that their aim is the establishment of an Islamic republic along the lines of Iranian Shiism *stricto sensu*,

33 AVILÉS FARRÉ, J., *op. cit.*, pp. 4-5.

34 It is worth remembering that President Saleh himself is a Zaydi who has internalised the government's logic.

35 BERENGUER HERNÁNDEZ, Francisco J., *Yemen, el extremo sur del creciente chii*. Spanish Institute for Strategic Studies (IEEE), 2015, p. 5.

36 AVILÉS FARRÉ, J., *op. cit.*

among other aspects because of the differences that separate the Hajdi doctrine from *classical* Shiism. And to another even more important reason: the remoteness of the tribal spirit from the notion of the nation-state imported from the West³⁷. On the other hand, it is true that, given that part of the houthi success in the offensives carried out and in the expansion of the territory they control or over which they exercise a more or less obvious influence is due to the alliance and support of the military forces loyal to Saleh, it is possible that this “estrangement” from the nation-state could be redirected precisely because the former president’s ultimate aims are based on that vision, perhaps accepting a certain respect for the tribal worldview. In any case, it is not a question that is clear today and, if it is for some sectors of the movement –also taking into account the tactical and strategic flexibility that a conflict of this nature imposes on the actors– it is very possible that this conviction could be modified as a result of the consequences of the military and diplomatic events³⁸.

The message is clear in its apparent simplicity of locating the enemy and dropping all the heavy artillery on him at the propaganda level, as was done during the previous conflict³⁹. Which does not imply that real objectives even exist beyond the primary mystification of tribal or religious defence. It must be said that, despite not being a movement with a global or international vocation, merely localist or, at most, regionalist (depending on the impact of the analysis), they have managed social networks, propaganda, communiqués and even the broadcasting of videos on the networks with notable success. The Internet has become a fundamental platform for disseminating its message, although it has not reached the degree of sophistication and expertise that other groups-mainly Jihadists-have achieved with this instrument. As we have just noted, the natural decentralisation of the movement favoured by the mountainous terrain where it is performed prevents the establishment of clear objectives. The “official” authority is more apparent than real in practice, and the component tribes would not allow this supposed authority to attempt at any given time to limit this autonomy. Even so, the policies implemented by the houthis in the territories they control shed some light on their political objectives, beyond the fight against the government, anti-Americanism, the containment of Saudi appetites⁴⁰, the tough fight against jihadist groups and secessionists in the south, and the uprooting of *Salafism*. As Amnesty International points out, the houthi movement has implemented a policy of persecution of the *enemy* and *dissidents*, in short, of any opposition to it or its policies, by means

37 IGUALADA TOLOSA, C., *Guerra Civil en Yemen: actores y crisis humanitaria*. Spanish Institute for Strategic Studies (IEEE), 2017, pp. 3-5.

38 For a proper overview of the houthi movement, see the BBC documentary *Rise of the Houthis*, available at <https://www.youtube.com/watch?v=Y7HQRyJDTPo&t=760s>

39 AVILÉS FARRÉ, J., *op. cit.*, p. 6.

40 Las milicias huthíes han llegado hasta el punto de realizar incursiones tras la frontera de Arabia Saudí. See PONCE, A., *Yemen: una historia de violencia*. El Orden Mundial en el siglo XXI, 2016, available at: <http://elordenmundial.com/2016/03/18/yemen-una-historia-de-violencia/> (Consulted on: 5 June 2019).

of abductions, detentions, torture, disappearances, censorship, raids, arbitrary restrictions, obstacles to humanitarian aid, etc.⁴¹. Although the government side also does the same, and always bearing in mind the war context, the application of these methods in relation to the nature of the message and ideology that the houthi movement claims to be espousing, does not seem to indicate that their aims are as pure as they claim⁴². Given that, on the one hand, these objectives are confused, chaotic and poorly elaborated and, on the other, the very nature of the movement itself is equally chaotic, heterodox and even contradictory, only this political praxis can give us any clue as to the real aims of the houthis which, in the light of the considerations and facts set out, do not seem to be aimed at creating a democratic system as understood in the West, nor a plural framework of coexistence in a fragile balance with other postulates. The unfolding of events will clear up this uncertainty, either by confirming what has already been said or by forcing a major shift that will force a reconsideration of goals and methods. At present, what is clear is that the policy imposed by the houthis in the territories has been characterised by the implementation of a highly repressive police regime, which has launched successive campaigns against opponents, journalists and human rights activists, including the imprisonment or murder of dissidents, as well as a general climate of repression of the population⁴³.

Financing and support

Far from what one might think, a political, social and religious movement as unique as the houthi does not occupy the role of a mere pawn of some outside power. It is, as we have seen, an autonomous movement that has moved from the stage of *insurgency* itself to consolidate itself as a fully-fledged *state* actor⁴⁴. This means that, by being able to administer a considerable portion of Yemeni territory, the initial insurgency has given itself a government, institutions, legality and administration⁴⁵. And, moreover, armed forces. It is necessary to dwell on this, because applying this concept here must be done with extreme caution. It is not a question of armed forces to the use, since the base of the organisation as militia is what continues prevailing in the combatants. The specificity lies in the alliance (which involves aspects such as organisation, military

41 Amnesty International, *Report 2017/2018. The State of the World's Human Rights*, 2018, available at https://www.amnesty.org/en/documents/poli10/6700/2018/es/?gclid=EAIaIQobChMIiMD-toW56AIVAg9TeCh2BMAbPEAAAYASAAEgISQ_D_BwE

42 In addition to the above, the consequent slogans against corruption, and the defence of national sovereignty.

43 Sarto Ferreruella, A., *op. cit.*, pp.180-2.

44 See García Guido, M., *Los dilemas organizativos de los movimientos insurgentes* in *Revista de Relaciones Internacionales de la UNAM*, nº 115, 2013, pp.147-169.

45 Blécua, R., *Una revolución en la revolución: los Houthi y las nuevas relaciones de poder en Yemen*. Real Instituto Elcano, 2015, pp. 5-7.

strategy and logistics) with that part of the armed forces of the former state of Yemen that are loyal to former president Saleh, which ends up characterising the houthis as a “state” at war with other “states” that are disputing the incarnation –some, and it is not certain that all those who claim to do so are really pursuing this purpose– of the Yemeni state.

Having clarified this point, we can move on to answering the question: Where does the houthi movement get its money and material? Mainly two channels, one internal and one external. The first, of the tribes, clans and related groups, since it has proved to be the most organised and effective entity to guarantee their interests. This is in addition to the deals struck with arms dealers who were already doing business in the country before the outbreak of this latest conflict, and whose opportunities have now multiplied. The second, much more controversial, is the support (financial and material) of Iran. Already in January 2013, the *Jihan 1*, a ship from the Republic of the Ayatollahs, was intercepted, which contained a larger military material than that obtained through internal contacts, such as surface-to-air missiles, Katyusha rockets, as well as explosives and ammunition. All manufactured in Iran. The same Reuters agency, based on Iranian, Yemeni and Western sources, has indicated that the houthis receive financial and military support from this country⁴⁶. The houthis deny Iranian support, although they admit that they receive humanitarian aid from Iran. What is clear is Iran’s evident interest in the area, regardless of the degree of material support it gives to the houthi movement, although the evidence in this respect seems to confirm that these rebels are supported by Tehran. Added to this is the fact that, although the support received from both outside and inside (among whom are many dissatisfied with the corrupt practices of the previous governments, although given the alliance with the pro-Saleh forces this may seem a paradox) is strong, it is not enough to allow the movement to take total control of the country or if anything to impose itself on the government forces and the other groups against which they are fighting. However, its destabilising character is formidable, not because it has been able to put the government on the ropes, but because it has managed to establish itself as an alternative legitimacy to the government and to rival it –through the creation of another government and state structures– for control of the territory⁴⁷.

An international war?

The origin

As we have been anticipating, the conflicts that converged in the open war that began in 2015 had already been evident during the previous years. Essentially there

46 AVILÉS FARRÉ, J., *op. cit.*, pp. 7-8.

47 IGUALADA TOLOSA, C., *op. cit.*, pp. 5-7.

were three, which were different in nature from each other and whose intensity varied over time: 1) the Houthi Conflict, which in turn included two serious rebellions against the government in 2004 and 2009, 2) the tensions in the south led by the Al-Hirak movement, created in 2007 and drifting towards secessionism, 3) the spread of Jihadist terrorism across the country by Al-Qaeda in the Arabian Peninsula (AQAP), a branch founded in 2009, which led to a violent campaign of war on terror and drone attacks by the Yemeni government and the US⁴⁸. Before going into the analysis of the beginnings of the conflict in 2015, it is necessary to take into account the powerful mobilising influence of the religious factor in Yemen and, in general, in the whole Middle East, especially since the momentum it has experienced since the Iranian Revolution of 1979. In particular, Islam in Yemen has been perceived by the population itself as something “genuine”, pure, if you will, far removed from the contamination and distortions operated in other regions more exposed to the West or prey to more sophisticated political formulas. *Shari'a* has always been the cement that has held Yemeni tribes together, acting as a retaining wall for their respective traditions. Because Islam, let us not forget, is not only a religion in Yemen, but represents a conception of the world and its social, economic, legal and political organisation⁴⁹.

Since the end of the civil war in 1994, political Islamism has gained ground partly thanks to the “laxity” of Saleh’s government, especially in the South, which until recently was subject to policies of a markedly secular nature promoted by the socialist regime. This was compounded by tribal repression, which coexisted with religious repression that, among other things, meant a setback in matters relating to equality or the role that women were destined to play in society⁵⁰. And although the change operated more harshly in this territory, the truth is that the spread of Islamism affected all layers of society, although Saleh and his government used it as a battering ram within the gigantic clientelist network that was growing by the minute as discontent became widespread. In this sense, the promotion –if one can call it that– of Islamism by the authorities generated a dangerous boomerang effect by providing the perfect catalyst for the expression of discontent, especially among the youth. We have already seen the religious upheaval that took place in the country in the aftermath of the first Gulf War, which had its parallel during and after the second Gulf War in 2003. Earlier, in 2001, when the US invaded Afghanistan and succeeded in toppling the Taliban regime, as well as killing or capturing key members of the Al-Qaeda leadership, anti-Americanism and the seduction for *Jihad* advocated by Bin Laden through the screens of the popular Qatari-owned *Al Jazeera* television network soared in Yemen. The young men who marched to fight in Afghanistan and later in Iraq enjoyed the sympathy of the majority of the population who, far from perceiving them as terrorists, saw them as

48 MEDINA GUTIÉRREZ, F., *Yemen: un escenario de guerra y crisis humanitaria* in *OASIS*, 27, 9I-III, 2018, p. 94.

49 AGUIRRE, M., *op. cit.*, pp. 37-72, and 162-75.

50 *Ibid.*, pp.211-9.

fighters in defence of Islam, similar to those who marched to fight against the Soviets in the 80s of the 20th century⁵¹.

The emergence of ISIS (Islamic State of Iraq and the Levant) as a result of the Sunni insurgency following the invasion and subsequent occupation of the country by US troops in 2003 added fuel to the fire. Poor post-war and reconstruction planning by the Americans, the British and their allies, together with a policy that ultimately proved unwise for their interests of superimposing the Shia majority in Iraq on the rest of the Sunni population (which had largely nurtured Saddam Hussein's Baathist regime), gave wings to the confluence of two revolutionary forces that together gave rise to the so-called Islamic State: Salafism and secular nationalism⁵². The chaos caused by the occupiers' negligence in refusing to prevent public disorder, coupled with a state of lawlessness as paralyzing as it was deadly, encouraged ex-Baathists demobilised by the US authorities to ally with the most bloodthirsty Sunni extremists and Al-Qaeda members to generate a "resistance" movement against the occupation and effective combat against the invaders, as well as against Shia militias in what was soon to become a bloody civil war. Among the latter, the figure of Abu Musab al-Zarqawi, who has become the emir of the terrorist organisation in Iraq, soon stood out. A rising figure in the face of Bin Laden's isolation, he did not hesitate to ally himself with the former Baath Party colonel⁵³ Samir Abd Mohamed al-Jlifawi who, under the name of Haji Bakr became the strategist of ISIS, capable of uniting in the same movement both Salafists and Sunni outcasts resentful and eager to take revenge on the invaders, together with other former officials of the dictatorship who, although secular and nationalist, joined a new organisation that would spread panic throughout Iraq and Syria, and even beyond, being defining even in countries where it was not physically established at all, as is the case of Yemen⁵⁴.

It was the fruit of a careful work developed by the embryonic organisation of the Islamic State, Al-Qaeda in Iraq (AQI), led by Zarqawi, which turned its leader into a reference of the insurgency in Iraq. AQI joined with five other Sunni insurgent groups in 2006 to form the so-called Mujahideen Sura Council (MSC), which in November of the same year became the Islamic State of Iraq (ISI), led by Abu Omar al-Baghdadi. With little contact with the Sunni population in these early days, it was not until the relocation of its headquarters to Mosul that it became an effective and

⁵¹ *Ibid*, pp. 105-7.

⁵² PRIETO, M.G., and ESPINOSA, J., *La semilla del odio. De la invasión de Irak al surgimiento del Isis*, 2017, pp. 95-114.

⁵³ The Baath Party was born in the 1950s after the creation of the State of Israel. Of revolutionary socialist and pan-Arabist ideology with nationalist overtones, it came to power in Iraq in 1968, leading to the dictatorship of Saddam Hussein in 1979. See VV.AA., *op. cit.*, pp. 34-7. Syria is currently ruled by Bashar al-Asad, son of Hafez al-Asad, who came to power in 1971 after a coup d'état. See BENRAAD, M., *El conflicto sirio. La persistencia de un régimen in Desperta Ferro. Contemporánea. Nº 29*, 2018, pp. 6-10.

⁵⁴ PRIETO, M.G. and ESPINOSA, J., *op. cit.*, pp. 140-2.

capable insurgent force, revitalised in 2012 after storming the prisons and reaping the rewards of years of work by its political cadres there. The members of the now Islamic State developed an effective policy of co-opting, convincing and indoctrination in Iraqi prisons under the US occupation of former members of the Baath and military officers and cadres of the Army that had once served under the banner of Saddam Hussein's regime. They were integrated into the command structures of the new organisation, giving it considerable paramilitary effectiveness. Three main factors led former members of the Iraqi Armed Forces and ex-militants of the Ba'ath Party to join the Salafists within the same structure: 1) the mistakes made by the occupying powers, which were unable or unwilling to control the growing chaos that followed the conclusion of the military operations after the invasion of Iraq and which criminalised the Sunni minority; 2) the demobilisation of the armed and security forces, which relegated many educated cadres to a role of alarming inaction, to which the proscription of the Baath Party must be added; 3) the work carried out by the cadres of the Islamic State, which was able to attract former members of the Baath and the armed and security forces, who thus chose to collaborate with the Salafists, facilitating their transition towards the integration of a new organisation, already in the hands of Abu Bakr al-Baghdadi⁵⁵.

Bin Laden, although Saudi by birth, had Yemeni blood on his father's side, Mohamed Bin Laden, who was born in Hadramut and belonged to the Kinda tribe. Once the terrorist had made enemies with Saudi Arabia, he planned to use Yemen as a centre of operations, although negotiations with the local tribes in 1997 did not bear the desired fruit and he had to remain in Afghanistan. This did not mean that it gave up using Yemen as a theatre of operations, as evidenced by the attack on the *USS Cole* in October 2000 in the port of Aden, the fundamental consequence of which was that the Americans would never again refuel there. But 9/11 changed everything. The wave of antipathy toward the United States coupled with the religious fervour aroused in favour of the Iraqi "resisters" caused no fewer than 2,000 Yemenis to flock to the country to fight in the nascent insurgency. Not only that, but Yemen immediately became a hotbed of Salafist terrorist groups, the most important of which, as has been pointed out, was AQPA, born in 2009. Until 9/11, Saleh's regime had a tacit pact with terrorist groups: it turned a blind eye to their operations against third countries if they refrained from acting against his government. It worked, until alignment with Washington in its "War on Terror" forced it to take much tougher political action⁵⁶.

The arrival of Democrat Obama in the White House imposed a turnaround in US international relations in the region. The evidence that the military interventions in Iraq and Afghanistan had failed and that, as far as the first country was concerned,

⁵⁵ ESCOBAR STEMMANN, J.J., *Irak tras la caída del Daesh in Strategy Paper 196. Oriente medio tras el Califato*. Spanish Institute for Strategic Studies (IEEE), 2018, pp. 74-6.

⁵⁶ VEIGA, F *et al*, *op. cit*, pp.185-98.

had only served to unleash a civil war between Shiites and Sunnis, to generate the embryo of a new terrorist movement and, ultimately, to decapitate a regional power that could act as a counterweight to the Iran of the ayatollahs, motivated that, from now on, direct military interventions were replaced by “indirect” actions carried out by the CIA and other governmental organisations, through the use of drone attacks. Activities that the US government would carry out in Yemeni territory with the support or, if anything, the acquiescence of the Saleh government, whose attitude fluctuated between permissiveness and restriction, especially motivated by the protests of the population and by public scandals such as the one that took place in the wake of the Al-Mayalah Massacre: in December 2009 the Americans dropped cluster bombs on an alleged AQPA-identified target that actually hit a Bedouin camp, killing 41 people and killing only one terrorist. All this contributed to forge a social discontent that, together with the rest of the open fronts, would end up exploding in the face of Yemen’s leader⁵⁷.

This discontent led to the outbreak, on 18 June 2004, of the Houthi Insurgency or First Sada War. Based around Hussein Badredin al-houthii, leader of the Young Believers group, the movement took up Zaydi demands while questioning the authority of Saleh, also a Zaydi but belonging to a family of lesser importance than the Houthi. In essence, the houthis embedded their insurrection in three vectors: the government’s abandonment of the northern mountainous regions (where they operated), their support for Salafism and Sunni Islam, and cooperation with the United States; to which a fourth can be added: the reaction generated by the opening of hostilities in Afghanistan and Iraq in the framework of the US “War on Terrorism”. The government’s response was swift and, although tensions escalated on both sides, once the conflict began it refrained from using regular army troops (although marginal and poorly equipped troops were deployed), instead using mercenaries, fighters from northern tribes sympathetic to the regime and even Sunni Salafist militiamen. What initially began as a conflict of an arguably broadly “tribal” nature, led to open warfare against the Saleh regime by the Houthi Insurgency, prompting Saudi Arabia to intervene with a bombing campaign despite Iran’s warning to refrain⁵⁸.

Despite the ostensible differences, the affinity between the houthis and Tehran shone through from the first moments. From the very beginning the conflict was perceived as a kind of “proxy war” in Saudi Arabia and Iran. The houthi leaders did not hesitate to use continuous references to the Iran of the ayatollahs in their proclamations, and even their fighters –who went so far as to make incursions into Saudi territory and capture prisoners– regularly used the colours of the Iranian national flag. So much so that, once the conflict became ‘embedded’ in the generalised civil war that erupted in 2015 following the Arab Spring of 2011, it seems clear that both Iran and its Lebanese Shi’a ally Hezbollah have supported and are supporting the Huthi

⁵⁷ *Ibid*, pp. 201-3.

⁵⁸ *Ibid*, pp. 203-8.

insurgency with instructions, training of fighters and arms shipments. In this sense, Iran's intervention in this conflict has been less spectacular and less visible than that of Saudi Arabia, but it has nonetheless served to nurture a force with sufficient combat capability to put the (now Al-Hadi) government in considerable difficulty, as well as the US-backed Riyadh-led coalition, which is barely making any headway in a heavily defended territory that makes it extremely difficult for the forces employed to deploy their combat capability.

Apart from the above, the other major conflict that linked to the Arab Spring of 2011 was the one generated by the discontent in the South. After unification, and even more so after the end of the civil war in 1994, the Zaydi tribal power rushed to erase all the bureaucratic, socialist and anti-tribal vestiges that had previously been promoted by the official policy of the communist dictatorship⁵⁹. This was not done without acrimony, and aspects that the population valued positively –such as, for example, equality between men and women and the improvement of the status of the latter– were eliminated in order to implement a model of society with a markedly religious character, with all the consequences. The latter is particularly worrying in Yemen, a country where women are totally subjected to their husbands and where domestic violence –and especially violence against women– is tolerated by the Government as a matter of “family honour” only. So much so that sex is conceived as a *duty* towards the husband that the wife has to fulfil on pain of reprisals, often violent⁶⁰.

Alongside this situation –as far as women were concerned, widespread throughout Yemen, but especially abject in the south because things had been different until recently– the marginalisation that the South's elites experienced, even though some of them had found accommodation under Saleh, resulted in a growing and widening source of discontent, in part due to cuts in government investment in the area and the president's abrasive patronage and cooptation policies. This was compounded by the accumulated resentment and irritation of the demobilised members of the armed forces of the former YPDR. It was with this background that the Al-Hirak movement emerged in 2007 and took the lead in asserting the grievances of the aggrieved south. Although in its initial stages it lacked a secessionist character, in 2009 it experienced a split that led one faction of it to launch an armed struggle in the provinces of Lahig, Abyan and Al-Dali, while the faction that refused to do so had to face its atomisation into various groups with disparate and even contradictory agendas. Saleh's response ranged from the recruitment of Al-Hirak leaders to repression. Not only that, but in a diplomatic manoeuvre of dubious results, he tried to link the southern rebellion to Islamist terrorism, which, in the eyes of the southern population, only succeeded in strengthening the movement and adding new legitimacy to the protest⁶¹.

59 AGUIRRE, M., *op. cit.*, pp. 220-6.

60 *Ibid.*, pp. 146-54.

61 VEIGA, F *et al.*, *op. cit.*, pp. 210-3.

Arab Spring and Civil War

With this background in mind, the seeds of the current conflict can be traced back to the unsuccessful negotiations for constitutional reform between the General People's Congress (GPC) and the Common Encounter (CE)⁶², the governing party and the main opposition party respectively. President Saleh failed to deliver on reform commitments in both 2006 and 2009, leading to the political deadlock that further agitated the already turbulent waters of Yemeni politics. The last straw came in January 2011, when a government initiative was announced to make Saleh president for life. It made sense from his point of view. The country's ungovernability could only be combated by implementing a state logic that would *make positive* the more or less solid relations of the vast clientelist network that the president and his family had created around themselves, greased with an authoritarian logic. The calculations failed, and these clientelistic networks turned out to be weaker than originally assumed. But this weakness was still not enough to dislodge him from power. In recent years things had changed. The strategy of targeting the opposition for further domestication was no longer viable. At the same time, this mechanics was experiencing increasingly evident cracks, hence the urgency to shore up what remained⁶³. The momentum behind the proposals led the president to apparently give in to pressure from the opposition. Both a heterogeneous student movement and the once servile opposition, each in its own way and according to its own agenda and goals, put the government on the ropes. The demonstrations and mobilisations became increasingly violent, in an escalation that the authorities were absolutely incapable of controlling, let alone channelling. The progressive divorce between the student movement and the opposition, added to the particular and not coinciding objectives of the various tribes, the secessionist movement in the South, the houthis in the North and the various jihadist groups present in the country (at the top of which was AQAP) further complicated matters⁶⁴.

The 1994 civil war that pitted the government against the secessionists of the South, supported by the PSY⁶⁵, and the houthi insurrection that led to six armed conflicts with the PSY between 2004 and 2010, still lingered in the collective memory. The result of all this was, as we have seen before, a strong social polarisation and greater resentment between the North and the South. It should never be forgotten that Yemen's fragile national foundations (in reference to the difficult balances achieved by the president, to which reference has already been made) were sustained, in addition to the

62 Coalition "opposing" Saleh, composed mainly of the Islah formation and the Yemeni Socialist Party.

63 HAMAD ZAHORENO, L., *Los movimientos antigubernamentales en Yemen: ¿La revolución frustrada?* in *Relaciones Internacionales*, nº 18, 2011, pp. 115 et seq.

64 SARTO FERRERUELA, A., *op. cit.*, pp. 163-4.

65 Yemen Socialist Party, remnant of the communist dictatorship of the People's Democratic Republic of Yemen, which disappeared in 1990 after unification with the Islamist Yemen Arab Republic.

premises established by Saleh, by a tacit agreement between *Shafis* and *Zaydis*, schools of Sunnism and Shiism respectively, to overcome religious dualism and integrate into a larger entity. Therefore, the increase in social tensions, to which religious tensions had to be added, turned the *Arab Spring* into a veritable time bomb, since the causes of the conflict threaten the very foundations of the State. It was thus clear that this conflict was nothing more than a continuation of the previous ones, but with a new veneer and fuelled both by the interests of the superpowers and by the latent conflict between Saudi Arabia and Iran (and, in a hidden way, by a conflict between the former and Qatar) for hegemony in the Middle East⁶⁶.

The situation was spiralling out of control, and although an international coalition led by Saudi Arabia –always on the lookout for its southern neighbour– and backed by the US proposed negotiating an agreement, Saleh did not give in. It had to be when he survived a bomb blast that nearly ended his life that he decided to go into exile in Saudi Arabia and sign a transition sponsored by the Americans who offered him, in exchange for his stepping down from the presidency, immunity from prosecution for him and his family, although he was allowed to retain the leadership of his party, which soon proved crucial⁶⁷. In February 2012, elections were held in which only one candidate ran, Saleh's vice-president Abd Rabbuh Mansur Hadi, who obviously won. Thus began the second part of the plan, that is, the holding of elections and the drafting of both a Constitution and a new electoral law. Negotiations became so bogged down that by February 2014, when the transition was scheduled to end, no agreement had been reached and Hadi's mandate had to be extended for another year⁶⁸.

In September of the same year, the houthi insurgency resumed the conflict it had maintained with the government since 2004 and occupied the country's capital, Sana'a, an event facilitated by troops loyal to Saleh, who was trying to regain control from his exile in Saudi Arabia. This peculiar "alliance", an example of *realpolitik* on both sides, opposes both the secessionists of the south and the Hadi government and the Jihadists. He was placed under house arrest and the houthis began to create a *de facto* government⁶⁹. It was at this time that an advance was made that brought practically the whole of the west of the country under their control, reaching the city

66 VEIGA, F *et al*, *op. cit.*, pp. 262-3.

67 Centre for Analysis and Prospective. Technical Cabinet of the Civil Guard, *Yemen in Serie Conflictos 2/2015*, 2015, pp. 6 et seq.

68 Hadi designed a government of national concentration together with a federal constitutional project that contemplated the demands for autonomy in the South. Very important for him was the support of General Ali Mohsen al-Ahmar, commander of the 1st Mechanised Division (one of the most important and effective in the country and which had already been used against the houthis before) and who was emerging as Saleh's natural successor, which was spoiled by his displacement in favour of the president's son, the commander of the Republican Guard Ahmed Ali Saleh, sent by Hadi to Dubai as ambassador, providing the Emiratis with an important asset to play with.

69 Centro de estudios internacionales Gilberto Bosques., *Actores y prospectiva del conflicto en Yemen: insurgencia chiita en el norte y movimiento secesionista en el sur*, 2015, pp. 4-6.

of Aden, the main city in the south and an important port that opens the gates to the Gulf of the same name. In the course of this advance they have confronted both government troops and al-Hirak, recently reconverted into the Southern Resistance Movement, which in turn is made up of a series of pro-independence groups that compete in the southern areas with the Jihadists, although at certain junctures they prefer an alliance with them to combat the houthis and the pro-Saleh forces. Jihadism in Yemen is, as has already been analysed, mainly led by AQPA, a group formed by the union in 2009 of the Saudi and Yemeni branches of Al Qaeda⁷⁰, Ansar al Sharia (AAS), a group linked to Al Qaeda with strong support in rural areas⁷¹, and, to a lesser extent, ISIS which, however, is not able to displace AQPA in this scenario⁷². It is in these that, in March 2015, the Saudi-led Coalition launched Operation Decisive Storm⁷³ in government support, after President Hadi managed to escape from his captors and reach Riyadh, the capital of the Saudi monarchy. This campaign has consisted of brutal bombings with no respect for the civilian population and a ground invasion⁷⁴. Despite the support of the US and Sudan, the coalition did not achieve its goal of breaking the houthis, although it did cause them to lose ground and abandon Aden. It is now clear that the government forces are unable to prevail even with the support of the Islah party, which enjoys formidable influence among various Sunni tribes at odds with the houthis⁷⁵.

Despite the foregoing, the battle for Aden was the turning point from which the territorial extension of the houthis came to an end, and they had to go on the defensive at the same time as Egypt and Saudi Arabia began a naval blockade of their territory with the support of the United States. Meanwhile, the first Coalition ground troops appeared in April as it became clear that the aerial bombing campaign, though indiscriminate, was far enough from achieving its objectives to give serious consideration to incorporating troops on the ground into the offensive. After a brief pause, during which diplomatic negotiations were initiated in the framework of Operation Restore Hope, applauded by Iran, the offensive was relaunched, while the naval encirclement was tight-

70 JORDÁN ENAMORADO, J., *El terrorismo global una década después del 11 – S* in *Actores armados no estatales: retos a la seguridad global*. Spanish Institute for Strategic Studies (IEEE), 2011, pp. 145-149.

71 ECHEVERRÍA JESÚS, C., *Ansar al Sharía (AAS) y otros grupos yihadistas salafistas actuando en la cirenaica y su creciente tensión con el Estado Islámico (EI)* in *Grupos militantes de ideología radical y carácter violento. Región: “mena” y Asia central*. Spanish Institute for Strategic Studies (IEEE), 2015.

72 SPANISH INSTITUTE FOR STRATEGIC STUDIES (IEEE), *Strategy Paper 180. Estrategias para derrotar al Dáesh y la reestabilización regional*, 2016, pp. 93-94.

73 The coalition also included Bahrain, Kuwait, Qatar, the United Arab Emirates, Sudan, Morocco, Jordan and Egypt.

74 RIU, A., RUIZ, A., FONT, T., SIMARRO, C., *Arabia Saudí y los bombardeos en el Yemen. La responsabilidad del Estado Español*. Centre Delàs d'estudis per la pau, 2016.

75 On the bombing campaign carried out by the Saudi-led coalition and its effects, see also Mundy, M., *The Strategies of Coalition in the Yemen War: Aerial bombardment and food war in World Peace Foundation*, 2018.

ened and the US and British stepped up their drone strike campaigns against ISIS and AQPA. Once, the advances were slow and meagre in proportion to the means deployed: positions were taken at Bab el-Mandeb and progress was made towards Taiz. Already in 2016, control of Marib, which is important for oil production, was obtained⁷⁶.

All in all, 2017 proved to be a year of extreme importance. Firstly, because of the spread of a cholera epidemic due to the shortage of drinking water, which led to the consumption of contaminated water, with the resulting consequences. In addition, diarrhoea and dengue fever have spread like wildfire, undoubtedly contributed to by the lack of fuel and minimal infrastructure, including lack of electricity, which prevents adequate shelter. The massive coalition bombardments, as well as the maritime blockade, have also hindered the arrival of humanitarian aid, as the destruction caused to buildings (relevant to hospitals) and communication routes blocks its effective distribution⁷⁷. According to Amnesty International, supported by data from the World Health Organization (WHO) more than 500,000 people are suffering from cholera, with a death toll caused by this disease since its detection in 2016 of almost 2,000 people⁷⁸. Secondly, the beginning of the launching by the houthis of ballistic missiles against “military” targets inside Saudi Arabian territory. As we have seen previously, this is not the first time that the houthi insurgency has not hesitated to operate inside Saudi territory. The difference on this occasion lies in the frequency and in the causes: in the face of the loss of its offensive capability and with the aim of combating Riyadh's overwhelming air superiority. This has prompted the Saudis to launch a cataract of protests against Iran, accused of being behind the financing and support of the houthis, managing to attract international attention and acquiring a partial credibility that has not left Tehran in this respect in a good light⁷⁹.

Alongside all this, and of paramount importance when analysing the current state of the Houthi Insurgency and its future prospects, mention should be made of the death of President Saleh in December 2017, following the clash between the houthi forces and his supporters. The reasons for this lie in the increased tensions between the two groups since their unlikely alliance at the beginning of the conflict. Marked by necessity, this alliance has always been uncomfortable for both sides, and has been punctuated by opacity, conflicts and semi-independent diplomatic manoeuvres on the part of each faction⁸⁰. It was one of these operations that ended up blowing up in Saleh's face, and he was unable to successfully complete his latest political ploy. Noting the entrenchment of the conflict and the slow but steady advances of the Coalition, the presence of his son –as it turned out– in the United Arab Emirates offered Saleh the opportunity to play one last card. Knowing that the Emiratis were beginning to

76 SARTO FERRERUELA, A., *op. cit.*, pp. 166-70.

77 MEDINA GUTIÉRREZ, F., *op. cit.*, pp. 106-8.

78 AMNESTY INTERNATIONAL, *op. cit.*, p. 464.

79 SARTO FERRERUELA, A., *op. cit.*, p. 171.

80 MEDINA GUTIÉRREZ, F., *op. cit.*, pp. 99-100.

perceive Hadi as an amortised political figure, of whom they were wary given his proximity to the Islamic Islah party, and that the Saudis also harboured doubts, he decided to take advantage of his son's presence in the Emirati capital to try to bring the coalition closer together. To this end, he announced his intention to negotiate with Riyadh, taking advantage of the failure of the Coalition forces' approach to Sana'a, where the President's position was dominant. The reaction of the Houthis was not long in coming and, after a fierce armed confrontation in the capital, Saleh was eliminated and his supporters defeated. The consequences were not long in coming: the only effective counterweight to Zaydi power in the areas under their control disappeared, reinforcing their power to almost absolute extremes. Despite this, it was a Pyrrhic victory, given that it led to the defection or abandonment of many of the supporters that the Houthi Insurgency maintained precisely because of its alliance with Saleh, making possible an advance of the positions gained by the Coalition to the point of threatening Zabid by the end of 2018⁸¹.

The peace initiatives do not seem to produce tangible results, beyond a series of more or less irregular truces, broken after a short time by one or other of the contenders⁸². Despite this, a detailed plan for a large-scale prisoner exchange was agreed on 16 February 2020, which was particularly significant after the violent battle of Hudayda. Where there has been progress in terms of normalisation of relations is between forces loyal to the Hadi government and the Southern Transitional Council (STC), in a Saudi Arabia-sponsored agreement for the formation of a joint, parity North-South government and the return of the latter to Aden, from where it had been expelled in January 2018 by southern rebels in a virtual Coup d'état⁸³. The Southern Transitional Council was formed as a Southern government independent of both the Houthi insurgency and the UAE-backed government of President Hadi, in what has been interpreted as a confrontation between the Saudis and Emiratis over their different political agendas in Yemen –as will be seen later– which does not hide an obvious UAE interest in the territories of South Yemen, while the British-US “drone war” against AQPA and the remnants of ISIS continues⁸⁴.

Intervention by foreign powers, war in Syria and hegemony in the Middle East

The conflict in Yemen cannot be separated from the formidable influence exerted on it by the major regional powers vying for hegemony in the Middle East (supported

81 SARTO FERRERUELA, A., *op. cit.*, pp. 181-2.

82 *Ibid.*, pp. 189-90.

83 As reported by Amnesty International at: <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

84 MEDINA GUTIÉRREZ, F., *op. cit.*, pp. 102-3.

in turn by the superpowers), nor from the development of other conflicts in the region that are highly defining on the diplomatic chessboard. Alongside the civil war in Iraq and the fight against ISIS, which is now almost completely defeated, the development of the civil war in Syria cannot be disconnected from the war in Yemen, as it has altered and continues to alter the decisions of the intervening foreign powers. Insofar as most of these actors are the same—largely speaking, and to a greater or lesser extent depending on which one—the diplomatic-war map functions as a large network of sensitivities and actions, each of which affects the development of the other conflicts in which they are also immersed. The role played in Yemen, but also in Syria and, by extension, in the struggle for hegemony in the Middle East by Iran, Russia, Turkey, Saudi Arabia, the United Arab Emirates and the United States will be analysed.

Since the beginning of the war in Yemen, Iran's support for the houthi insurgency has gone from covert to little more than overt. The houthis, in the Iranian worldview, are merely another cog in the machinery of patronage of related groups on which Tehran relies to underpin its struggle with the other two regional powers that threaten its status in the Middle East: Ankara and Riyadh. It is obvious that none of these actors has the power or the means to rise as the visible and undisputed leader of the region, something that it is doubtful that the superpowers would tolerate, as became clear after the First Gulf War of 1990 and later with the Invasion of Iraq in 2003, which annulled Saddam Hussein's regime precisely as a regional power capable of standing up to Iran and making Saudi Arabia uneasy⁸⁵. Fully aware of this, Iran has surrounded itself with a number of actors it funds and supports, such as the houthis themselves, Hezbollah in Lebanon, the Palestinian Sunni Hamas or the Shiite militias in Iraq who are engaged in civil war against the Sunni insurgency and ISIS. When it decided to intervene in Syria, its strategic objectives were to prevent the fall of al-Assad from imposing a regime close to or allied with Turkey or Saudi Arabia. Losing this link in the chain would weaken the ayatollahs' republic's presence in Lebanon—and thus its ability to exert pressure on Israel—and, by extension, in the whole of the Mediterranean Levant, a sphere of influence that is indispensable. This has not been unrelated to the projection that Iran has always had of exporting its revolution beyond its borders. Paradoxically, the conflict in Syria is as unrenounceable for Iran as the one in Yemen is for Saudi Arabia. This is evident when it comes to assessing the intensity of its intervention, the leading role of which has fallen to the Islamic Revolutionary Guard, a sort of political police created by Khomeini in 1979 to eliminate opposition to his regime and tie up the Regular Army. Through its own expeditionary corps, the al-Quds special forces, it has played a leading role in the conflict by training the regular Syrian forces and fighting alongside them. Not only that, but they have proceeded to create and train pro-regime militias that have fought alongside Hezbollah, which has become fully involved in the war at the same time as Iran has maintained the flow of arms. This human and economic cost has made it clear that Iran will not accept anything other than the complete victory of

85 PRIETO, M.G. and ESPINOSA, J., *op. cit.*, pp. 63-91.

its Syrian ally, which, in view of the development of the war operations, seems more than likely⁸⁶.

Its interest in Yemen is undoubtedly minor, though patent, as evidenced by the growing support it has provided to the Houthi Insurgency. Such support is not only due to “ideological” proximity, but fits squarely into the scheme just described. What is more, it can be stated that, as this is a secondary theatre of operations for Iran, it is the virulence of the Saudi intervention-intended to contain any expansionist attempt by Iran, be it real or fictitious-that has attracted the latter to Yemen. After all, the Zaydis represent a branch of Shi’ism different from the one endorsed by Tehran, so it is not out of the question that it could cause them problems if, at some point, they were to establish themselves definitively in power in Yemen. Perhaps for this reason –and because of the intensity of the rest of its adventures in the region, at the forefront of which is Syria– Tehran’s actions are kept low profile, especially when compared to those of Riyadh, in an inverse parallelism with respect to the support that the ayatollahs lend to al-Assad. From this point of view, and unlike what is happening with the Syrian conflict, the harsh and overwhelming intervention that Saudi Arabia has carried out in Yemen has generated a significant drain on economic, human and military resources in the face of an uncertain prospect of victory. This has considerably weakened the position of the Riyadh government which, bogged down in the development of military operations, cannot afford to give up the intervention itself, as this would ostensibly weaken its position vis-à-vis Iran. The latter, given the present state of affairs, should only limit itself to providing the houthis with enough support to avoid being crushed by Coalition forces, ensuring the prolongation of a war that drains Saudi resources further and further and increases the divergence of diplomatic agendas between them and the United Arab Emirates⁸⁷.

Russia’s intervention is even lower-profile and has refrained from acting directly on the scene, although it did invite Saleh to set up a military base on Yemeni territory. Russia’s role has not been disconnected from support for its strategic ally in the region, Iran⁸⁸. Despite this, the role Russia is currently playing in the Middle East is much more complex than might be imagined and is closely related to endogenous causes. It should be remembered that, having overcome the turbulence caused by the collapse of the Soviet Union, Russian diplomacy opened up to the Western world and did not object to the political imperatives of Washington and the main European powers. This was only altered following the enlargement of NATO in 1997, which expanded eastwards by incorporating Poland, Hungary and the Czech Republic. Even during Putin’s government, the “War on Terrorism” promoted by the United States was resolutely supported and hardly any objections were raised against the intervention in

86 JORDÁN ENAMORADO, J., *Estrategia e intervención de las potencias extranjeras en el conflicto sirio* in *Desperta Ferro. Contemporánea*. Nº 29, 2018, pp. 44-5

87 SARTO FERRERUELA, A., *op. cit.*, pp. 187-8.

88 *Ibid.*, p. 187.

Iraq in 2003. In this context, Russian diplomacy expected the US (and “Western” diplomacy by extension) not to interfere in the post-Soviet conflicts that emerged in Georgia, Kyrgyzstan and Ukraine. Relations worsened after the Russian intervention in Ukraine in 2014, which enervated NATO members in Eastern Europe, to improve slightly and stabilize after Donald Trump’s accession to the White House. Russia’s support for his candidacy is not unrelated to the Syrian conflict or the power play in the Middle East,⁸⁹ knowing in Moscow that the new president has a marked *isolationist* profile, averse to military interventions on the ground and to adventures in the region.⁹⁰

What are Russia’s objectives in the Middle East? The Russian government’s decision in 2015 to leave what had traditionally been considered its sphere of influence following the demise of the Soviet Union –the post-Soviet space in the Eurasian framework– has materialised, principally, in the military intervention in Syria in support of al-Assad. In what has been yet another display by Russia to take its natural place as the heir power to both the former Russian Empire and the extinct USSR⁹¹. This was not merely a diplomatic or economic action, but a full military deployment by land, air and sea. Unlike what happened in Afghanistan, the human cost has been mitigated by the use of private contractors to carry out certain operations, thus avoiding the discontent of its own population. Two immediate objectives can be glimpsed in this campaign: 1) to obtain diplomatic recognition in the area in the absence of a clear strategy from the United States and the other Western powers (an objective that has subsequently been revalued in contrast to the “emotional and erratic” leadership offered by the current Trump administration), and 2) to test the successes of the new military reform that has been implemented. However, owing to the new role played by Moscow and its firm commitment to the permanence of al-Assad in power, its responsibility in the reconstruction of Syria after the end of the conflict is unavoidable, something that will have to be faced by an economy that does not exactly show the best figures and is based almost exclusively on the export of hydrocarbons and raw materials. Even bearing this in mind, Russia’s main objective in the Middle East is probably none other than to become a major player and arbiter in the important decisions to be taken. The support given to the Syrian regime is just another piece in a regional chessboard, which includes being a buffer to the escalating tensions between Iran and Iraq, as well as playing a calculated risk game with Turkey and its conflict with the Kurds, given Moscow’s repeated overtures to the Kurds on more than one occasion⁹².

89 NIETO, M. I., *Las relaciones Estados Unidos-Rusia en la era Trump* in *Revista UNISCI*, No. 48, 2018, pp. 93-103 and 113-5.

90 TAIBO, C., *Historia de la Unión Soviética. De la revolución bolchevique a Gorbachov*, 2017, pp. 400-5.

91 FERNÁNDEZ RIQUELME, S., *Rusia como imperio. Análisis histórico y doctrinal* in *La Razón Histórica*, nº25, 2014 [128-148], ISSN 1989-2659. Instituto de Política social, pp. 145-8.

92 SUCHKOV, M.A., *La intervención rusa en Siria* in *Desperta Ferro. Contemporánea*. Nº 29, 2018, pp. 52-6.

In Yemen, while Russia initially criticised the Coalition's actions while drawing attention to the humanitarian crisis, it later changed its position. While it is true that it abstained from voting in the UN on resolutions declaring an arms embargo on the Huthi insurgency, it is no less true that in 2017 it accepted Hadi's ambassador after previously rejecting him, possibly because of Moscow's offers to establish a military base on its territory.⁹³ It may be deduced from this that Russia aims, on the one hand, to shore up the position of its ally Iran on the stage without altering its relations with Saudi Arabia, especially as regards the military and oil agreements between the two powers. And, on the other hand, to set itself up as an arbiter to be taken into account in the resolution of the conflict by carving out a profile of an "impartial third party", fundamentally concerned with resolving the humanitarian crisis and drawing attention to the consequences caused by the Coalition's intervention, especially those stemming from the naval blockade and indiscriminate bombing. The consolidation of the contacts and relations opened up following its intervention in the relevant events in the Middle East place Moscow in the position of presenting itself as an "uncontaminated" guarantor of the peace agreements. If this were the case, its influence would not go unnoticed by the rest of the actors, larger or smaller, who would later have to operate successfully in the region⁹⁴.

Another actor vying for hegemony in the Middle East is Turkey. Although it does not have direct intervention in Yemen, its role in the region is far-reaching enough to condition the conduct of the rest of the powers, something to which the Yemeni conflict has been no stranger. Since the integration into the European Union was definitively ruled out, Ankara turned its eyes to the territories of the former Ottoman Empire, with the purpose of recovering its ascendancy over this space⁹⁵. It could not, however, have chosen the right moment for its intervention, as the outbreak of the Arab Spring blew up almost the entire network of power and relations in the region, opening up a window of opportunity that the Turkish regime wanted to take advantage of.

Its particular model of "liberal Islamism" was perceived as a formula that could be transplanted with greater or lesser variations to countries where the revolution was expected to bring about a substantial change in the political model⁹⁶. It should be borne in mind that these "springs" mainly affected republican states of Nasserist import or secular socialist nationalists such as that embodied by the Baath party in Syria, leaving the theocratic monarchies of the Persian Gulf untouched. Those authoritarian

93 MEDINA GUTIÉRREZ, F., *op. cit.*, p. 105.

94 SEREBROV, S., *Yemen Crisis: Causes, Threats and Resolution Scenarios in Russian International Affairs Council*, No. 14, October 2017, 2017, pp. 6-7.

95 JORDÁN ENAMORADO, J., *Estrategia e intervención de las potencias extranjeras en el conflicto sirio in Desperta Ferro. Contemporánea. N° 29*, 2018, p. 48.

96 See ALBENTOSA VIDAL, J.A., *Turquía: autoritarismo, islamismo y 'neo-otomanismo'*. Spanish Institute for Strategic Studies (IEEE), 2017.

republics were not very far from the socialising authoritarian republicanism embodied by Kemalism, which is why the Turkish model could be a feasible replacement for the dictatorships that were now compromised. Despite the support of the United States in this adventure, and the definitive diplomatic alignment of Ankara with NATO (remember, despite being a member, Turkish governments had been very careful about foreign interventions and were concerned about forging a profile of a “friendly third party”), the Turkish intervention in the Libyan Civil War in 2011 did not result in the expected results, hardly tangible, but with a significant loss of credibility within the Arab world, which short-circuited the entire network of contacts supported by that apparently impartial profile built up over so many years. As if that were not enough, it has had to deal diplomatically with Qatar, an important Western ally and a not inconsiderable rival in the political area of the “capitalist Islamism” that Ankara wanted to export⁹⁷. Its diplomatic games took the initiative away from Turkey and relegated it to the background in a strategy, perhaps, not clearly weighed⁹⁸.

In Syria, Turkish President Erdogan's main priority has been to neutralise any attempt to create an independent Kurdish state in the north of the country. If he had initially cherished the possibility of the fall of al-Assad and his replacement by a Sunni Arab regime close to the Muslim Brotherhood –which Turkey supports– the Iranian and Russian intervention in his support soon made him discard this objective. In turn, US support for the Kurdish forces has led the Turks to make a diplomatic shift towards rapprochement with Moscow, once the incident caused by the downing of the Russian plane in 2015 has been overcome. With its acquiescence, Ankara has been able to carry out various operations in Syria against the Kurds (which have more often than not involved ethnic cleansing) and against ISIS, while at the same time maintaining its internal confrontation with the Kurdistan Workers' Party (PKK), which is waging a guerrilla war in Turkish Kurdistan against the government⁹⁹. The pressure, however, that the Turks are exerting in the Middle East has led both Iran and Saudi Arabia to press harder in their respective key conflicts, including Yemen, further increasing Saudi determination for victory in this arena. Although Ankara's immediate objectives have remained limited and the diplomatic gains of its intervention in Syria have yet to be quantified, there can be no doubt that it has made a strong impact on the Middle East theatre, acquiring considerable diplomatic weight which, although not evident in the conflicts in which it does not intervene –such as Yemen– is decisive when it comes to altering the behaviour of other regional powers and even superpowers, in a delicate balance that pivots on three main axes against the backdrop of the Kurdish conflict: the struggle for a sphere of influence, the rapprochement with Moscow and its membership of NATO.

97 Véase FERNÁNDEZ, L., *El desarrollo del islamismo político en Turquía: ¿un modelo de democracia o un obstáculo para la adhesión a la Unión Europea?* In *Revista UNISCI*, N° 9, 2005.

98 VEIGA, F., *El turco. Diez siglos a las puertas de Europa*, 2019, pp. 575-7.

99 JORDÁN ENAMORADO, J., *Estrategia e intervención de las potencias extranjeras en el conflicto sirio* in *Desperta Ferro. Contemporánea*. N° 29, 2018, pp. 48-9.

But Saudi Arabia and the United Arab Emirates have certainly played the most important interventionist role. Their interest in conflict has already been largely unpacked throughout this study. Nevertheless, it is imperative to dwell on it, if only to clarify any obscure points that may have remained, given the capital importance that both actors are playing in Yemen at the moment. The escalation of Saudi intervention has been linked to the rise of Mohamed Bin Salman, heir to the throne and Minister of Defence. His geostrategic vision is to make Saudi Arabia a great power beyond the regional sphere, as a key between Europe, Africa and Asia. As well as promoting itself as an investment power, Riyadh intends to do the same in the military field in order to put a stop to the extension of Iranian influence, which is evident in Lebanon, Syria and Iraq¹⁰⁰. This is within a worldview rooted in Saudi Arabia's self-assumed role as leader and protector of the Sunni world. Consistent with this, the hostility between Wahhabi Salafism and Shi'ism is absolutely manifest. And there is still more: the chronic fear on the part of the Riyadh government of an uprising by the Shia minority concentrated in the east of the country, in the territories with the largest oil reserves and dangerously close to the maritime borders with Tehran. The Saudis have developed a kind of Iranian obsession that has endowed their foreign policy with a momentum it has hitherto lacked, a sign of which was the crude intervention in their satellite Bahrain in 2011 to crush the Shiite revolts that erupted in their territory. Given that the bulk of the intervention in Yemen, which has revealed major shortcomings in terms of military manpower, the action of the Saudis and Emiratis in Syria has been little more than testimonial. Beyond air strikes against ISIS mainly in 2014 and logistical and financial support to the Free Syrian Army and various anti-government rebel groups, these two actors have been able to do little to influence a conflict that, at least since 2015 with the Russian intervention, began to swing in favour of al-Assad. With Sunni rebel groups divided and without a unified coherence in their action, the practical results of this intervention have not had very positive consequences. The most that Riyadh and Abu Dhabi can hope for is to play a supporting role for the rebels at a hypothetical negotiating table, should it come to pass¹⁰¹.

Although in Yemen the initial stages of the war were intended to be an indirect intervention in support rather than the execution of military operations on the ground, the course of the war pointed almost from the outset to an escalation that has not hesitated to be christened a veritable "Saudi Vietnam", although it bears more resemblance to the intervention of Nasserist Egypt precisely in Yemen during the 1962 conflict. However, one of the immediate objectives of the operation –control of the banks of Bad el Mandeb– appears to have been achieved. This is at the cost of an international discredit in humanitarian matters that NGOs operating in Yemen have not failed to point out. As is clear, Bin Salman's rise to power seems to depend on how things go in Yemen and his ability to hold together the Coalition fighting the houth-

¹⁰⁰ SARTO FERRERUELA, A., *op. cit.*, pp. 166-7.

¹⁰¹ JORDÁN ENAMORADO, J., *Estrategia e intervención de las potencias extranjeras en el conflicto sirio* in *Desperta Ferro. Contemporánea*. Nº 29, 2018, p. 48.

is¹⁰². And not everything is easy in their midst. As has been pointed out, the United Arab Emirates, headed by Mohammed Ben Zayen, heir to the kingdom and, like his Saudi counterpart, defence minister, does not share all the objectives of Bin Salman's geostrategic agenda. Its actions are driven by a much greater concern than those of the Saudis regarding jihadism and the need to combat them effectively, although it has actively supported the intervention in Yemen as a member of the Coalition with troops on the ground and bombing raids within the Coalition. The one that has been a major headache for Riyadh is Qatar, which, as has already been discussed, maintains an autonomous diplomatic roadmap, setting itself up as a *cold war* pole *within the cold war* being waged in the Middle East. Like the other members of the Gulf Cooperation Council, it intervened in Yemen as a member of the Coalition despite its good relations with Iran, derived from the common exploitation of the South Pars-North Dome natural gas field. But in 2017, Saudi Arabia and its allies –including the Hadi government– severed relations with Qatar, being expelled from the Coalition and forcing the Islah party to renounce its ties with the Muslim Brotherhood, which is known to be supported by Doha¹⁰³.

As the war in Yemen has intensified, Bin Salman has spared no effort in eliminating domestic opposition to his rise, which has increased as a result of the conflict's entrenchment, the high cost to Saudi coffers and fears of further escalation with Iran. The launching of a missile against Riyadh itself has alarmed important sectors of the country's political elite, weakening to some degree the position of the heir to the throne. In addition, scandals such as the failed forced resignation of Saudi-born Lebanese Prime Minister Saad Hariri and the assassination of opposition journalist Jamal Khashoggi in the Saudi Consulate in Turkey have blown up in the crown prince's face. This has left it no choice but to bet even more heavily on the defeat of the Houthis in Yemen, causing a relaxation in its operations against jihadist terrorism (which is not the case of the UAE) in the face of the irritation of the United States. It may be concluded, in short, that Bin Salman's future is linked, for better or worse, to that of the war in Yemen, on the outcome of which his permanence or not in power will depend to a large extent¹⁰⁴.

The United States has been, by far, the most erratic and inconcrete actor of all those who have come together. Since the failed post-9/11 military interventions in Afghanistan and Iraq, Washington has reduced its willingness to send troops, preferring a model of indirect intervention through funding, troop and militia training and logistical support, which took shape under the Obama Administration. With the unipolarity that took shape in the early post-Cold War years broken,¹⁰⁵ the Americans have had

¹⁰² SARTO FERRERUELA, A., *op. cit.*, pp. 166-8.

¹⁰³ SARTO FERRERUELA, A., *op. cit.*, pp. 174-6.

¹⁰⁴ *Ibid.*, pp. 183-4.

¹⁰⁵ ASTORGA GONZÁLEZ, L.F., *El tablero mundial: en transición hacia el multipolarismo*. Spanish Institute for Strategic Studies (IEEE), 2012.

to come to terms with the fact that the extension of their sphere of influence in this scenario is encountering impetuous actors and is becoming increasingly problematic. Proof of which has been the persistence of the al-Assad regime in Syria thanks to the support of Iran and Russia, despite Washington's initial interest in overthrowing him. The emergence of ISIS reordered its strategic priorities, concentrating from then until today on its elimination¹⁰⁶.

This quasi-exclusive focus on combating jihadist terrorism has seen its particular facet in Yemen for, although the United States has signed a military contract worth \$110 billion with Saudi Arabia and supports the Coalition, its intervention has been limited to the contours of the "Drone War" waged in the country during Saleh's rule and since before full open hostilities began in 2015. The Americans seem to have been preoccupied with waging their war on terrorism through drone strikes and targeted assassinations by the Joint Special Operations Command (JSOC) and the CIA, which –since its inception– has been diverted from its purpose as an intelligence agency to carry out attacks against pre-assigned political-military targets in other states¹⁰⁷. The Persian Gulf monarchies support these operations in exchange for arms and training from Washington, a fact that has generated an arms race in the region between these countries. What is undeniable is that the United States is immersed in a climate of strategic withdrawal in this theatre of operations, whether or not it actually materialises. The acquisition of self-sufficiency in fossil fuels, of which it is an exporter, does not make the option of a progressive abandonment of Washington's military presence in the Middle East far-fetched, while ensuring that it does not renounce this sphere of influence through a military ally-Israel-and a political ally-Saudi Arabia and the oil monarchies of the Persian Gulf-while shifting its diplomatic ambitions towards Southeast Asia, where the world economic axis is progressively shifting. The consequences of this are difficult to quantify, but it is safe to assume that it would open the door for another superpower to make its presence felt in the region, such as China, whose economic ambitions on the scene are clear¹⁰⁸.

Although the European Union as such has been virtually absent from the conflict in Yemen, this has not been the tone for some of the powers that make up or were then part of it, such as France and the United Kingdom. The main hope of most countries regarding the conflicts in the Middle East is that they will end as soon as possible, regardless of the outcome, so that the huge numbers of refugees who have poured over Europe's borders trying to flee the horrors of war can return¹⁰⁹. However, France

106 JORDÁN ENAMORADO, J., *Estrategia e intervención de las potencias extranjeras en el conflicto sirio* in *Desperta Ferro. Contemporánea*. N° 29, 2018, p. 50.

107 VEIGA, F *et al*, *op. cit.*, pp.252-5.

108 FOJÓN, E., *La retirada estadounidense de Siria: una guerra no tan lejana* in *Real Instituto Elcano*, 2019, pp. 5-7.

109 JORDÁN ENAMORADO, J., *Estrategia e intervención de las potencias extranjeras en el conflicto sirio* in *Desperta Ferro. Contemporánea*. N° 29, 2018, p. 50.

aims to become another important player in the region by strengthening political and economic ties with the United Arab Emirates and by making diplomatic moves with Bin Salman to reduce the repercussions of the international scandals in which Riyadh has recently been embroiled¹¹⁰.

Conclusions

Yemen has become a forgotten and heavily internationalised war, generating one of the biggest humanitarian crises facing the world right now. This is not really a new conflict, but rather a continuation of previous conflicts, to the causes of which new ones have been added and which have led to the outbreak of hostilities. What is truly novel is its scope, an assessment that should be made not so much in terms of its impact on the international agenda or that of the major powers, but in relation to the backdrop of the *proxy war* in search of hegemony in the Middle East between Saudi Arabia and Iran, and the phenomenon of an insurgency such as the houthi, which is based on a tribal conception, decentralised and without defined objectives, and is capable of *going* beyond the phase of mere insurgency, gaining support that goes beyond the characteristics that give the movement its identity and generating a minimally coherent state structure that allows it to administer a territory and present itself as an organisational alternative to the government against which it has revolted. All the more so if we consider the fact that this is a group with a relatively minor or modest scope compared to the Jihadist groups, which are well-oiled by their *millennarian* approaches, propaganda and the alliances they may form with their peers. It should not be overlooked that Iran's external support and the alliance with Saleh's pro-Saleh military forces, not to mention the inability of President Hadi's government to manage-and unite-are undoubtedly important elements without which this situation would change considerably. But it is important to note that even under the relentless campaign unleashed by Saudi Arabia and its allies, the houthis have managed to maintain most of the territory conquered during the first offensives, which shows the wisdom of certain tactics employed by the group in the context in which it is forced to operate.

As of today, the conflict continues to stall despite the UN's efforts. The attention of the powers, large and medium-sized, does not hide the fact that this is a secondary scenario compared to Iraq, Syria or Libya, which is why there is no excessive concern to end the war. As Amnesty International noted in its *2017/2018 Report on the State of the World's Human Rights*¹¹¹, the conflict is notable for particular cruelty exercised by all parties involved in the fighting, including the use of child soldiers. As similar conflicts with multiple interests in them are developing, it does not appear that the resolution of this one is close. At least, as long as the interest on the part of other states is not

¹¹⁰ SARTO FERRERUELA, A., *op. cit.*, pp. 185-7.

¹¹¹ Amnesty International, *Report 2017/2018. The State of the World's Human Rights.*, 2018, pp. 463-7.

low enough to let any side prevail over the others sooner or later, nor high enough to hasten the end of military operations. Given the disparate nature of the groups and interests involved, the exhaustion of the main factions that are best organised militarily does not guarantee that the situation prior to the outbreak of hostilities can be restored, let alone safeguarding the territorial integrity of Yemen as a whole within the same pre-war limits.

With an entrenched conflict that does not seem to be able to find a possible conclusion in the short term, it certainly serves to reflect on whether the interventions of foreign powers in matters of this nature, under the announced purpose of stabilising the region, attempting to reduce negative externalities and combating Jihadism, only serve to prolong these struggles indefinitely. Perhaps it would be more advisable to let the internal affairs of each state take their own course, and to concentrate on the fight against jihadist groups and on protecting the civilian population from the effects of military interventions, insurgencies or counter-insurgency operations.

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Alfonso J. Iglesias Velasco

Professor of Public International Law at the Autonomous University of Madrid.

E-mail: alfonso.iglesias@uam.es

Raquel Jorge Ricart

Fulbright Fellow at the Elliott School of International Affairs, George Washington University. Master in Security Policies.

E-mail: raqueljorgericart@hotmail.com

The principle of coherence in the European Union's Defence Industrial Policy

Abstract

Achieving a coordinated defence industrial policy for the European Union Member States is essential to the goal of articulating a genuine Common Security and Defence Policy (CSDP). In recent years an institutional and financial system has been developed to implement this industrial policy under the framework of the Permanent Structured Cooperation on Security and Defence (PESCO) of December 2017. However, this development must preserve the principle of coherence, which has usually been regarded as one of the mainstays of the European Union's efforts in its functional integration process. This doctrinal contribution aims to provide clarity to the efforts made to establish the foundations of a truly European defence industry, as well as new windows of opportunity for the Spanish case.

Keywords

European Union, defence industry, Common Security and Defence Policy, Permanent Structured Cooperation, principle of coherence.

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Introduction

The European Union's (EU) Common Security and Defence Policy has made rapid progress in recent years and cooperation and convergence between national industries, both military and civilian, is crucial in this respect.

This article explains the development experienced by the aforementioned EU Policy, both in the framework of the successive treaties and the bodies and initiatives which have emerged in recent years, and in the context of the articulation of common projects aimed at coordinating the industries of the Member States, with special reference to Spain.

Indeed, the progressive consolidation of a defence industrial policy that serves to guarantee the European Union's operability and coordination between its participating countries has required a long period of time and has required overcoming many obstacles aimed at preserving national sovereignties and their freedom of action. But the evidence that we are now facing global challenges that affect all European partners (terrorism, transnational crime, mass immigration and illegal trafficking in human beings, armed conflicts on the periphery, cyber-attacks, etc.) has finally convinced national leaders of the need to step up industrial cooperation within the common framework of a coherent and effective security and defence policy.

As we shall see, the principle of coherence – in this case, under the framework of defence industrial policy – is configured as an informing and interpreting canon of the policies, actions, legal acts and decision-making processes of the institutions of the European Union and its Member States (Art. 13.1 TEU)¹. Thus, the principle of coherence underpins and articulates the essential harmonisation between Community and national systems in very different areas, such as in the context of the defence industry. In particular, the current Treaty of Lisbon emphasises the need to maintain coherence between the different areas of the EU's external action and between these and its other policies, with the Council and the Commission being mandated to cooperate to ensure such coherence, with the assistance of the High Representative for Foreign Affairs and Security Policy (Art. 21 TEU *in fine*)².

¹ Thus, for example, the High Representative of the Union for Foreign Affairs and Security Policy “shall ensure the consistency of external action” (Art.18.4 TEU).

² Bibliographical contributions have been constant in recent decades: see, for example, MISSIROLI, A (ed.) *Coherence for Security Policy: Debates-Cases-Assessments*, Paris, Institute for Security Studies-UEO, 2001; idem, “European Security Policy: The Challenge of Coherence”. *European Foreign Affairs Review*. 2001, vol. 6, no. 2, pp.177-196; GAUTIER, P. “Horizontal Coherence and the External Competences of the European Union”. *European Law Journal*. 2004, vol. 10, no. 1, pp.23-41; REYNAERT, V. “European Union's Foreign Policy since the Treaty of Lisbon: The Difficult Quest for More Consistency and Coherence”. *The Hague Journal of Diplomacy*. 2012, vol. 7, no. 2, pp.207-226; and GEBHARDT, C. “The Problem of Coherence in the European Union's International Relations” in Ch. HILL, M. SMITH and S. VANHOONACKER (eds.). *International Relations and the European Union*. 3rd ed., Oxford, Oxford University Press, 2017,

The objective of this work is twofold: on the one hand, to certify whether the process has maintained the required level of coherence that was solemnly expressed in the treaties and public declarations of the EU authorities; and, on the other hand, to offer the reader an overview of both the progress made in the Union's industrial defence policy, with its strengths and weaknesses, and the opportunities present for Spanish companies and projects in this sector.

Preliminary considerations on the principle of coherence

Consistency can be considered a structural, systemic and generally applicable principle of the European Union (as a self-imposed rule of behaviour), and as such is enshrined in Article 7 of its Treaty on the Functioning of the European Union (TFEU):

“The Union shall ensure consistency between its different policies and activities, taking all its objectives into account and observing the principle of conferral of powers”.

Although this research work will be limited to studying this principle in the context of the Union's external action, and more specifically its defence industrial policy. It can be said that the aspiration to coherence (referred to as ‘consistency’ in the EU Treaties) is common to the various areas of the European Union's international activity. The logic behind this endeavour is explained by the *ad extra* objective of having the EU speak with an identity of its own in the international community.

But coherence is also a necessity *ad intra* if we take into account the special structural and competence complexity of the EU: although the Treaty of Lisbon formally abolished the three-pillar structure, competences and decision-making processes still differ in the various fields of the Union's external action, and have to be coordinated with its Member States³. In this sense, the methods employed since the Treaty of Lisbon have gone beyond mere intergovernmental coordination, which can be seen both in material areas such as sanctions and crisis management and in structural areas with the consolidation of bodies similar to national foreign

pp.123-142. In particular, the principle of coherence has been particularly discussed in the field of development policy: AGUIAR, P. *Coherencia y Política de Cooperación para el Desarrollo de la Unión Europea*, Cerdanyola del Vallés, Institut Universitari d'Estudis Europeus, 2004; CARBONE, M. “Mission Impossible: the European Union and Policy Coherence for Development”. *European Integration*. 2008, vol. 30, no. 3, pp.323-342; CHICHARRO, A. “Coherencia de Políticas para el Desarrollo en la Unión Europea”. *Iberoamerican Journal of Development Studies*. 2017, vol. 6, no. 1, pp.4-25; AYUSO, A. *El reto de la coherencia de políticas para el desarrollo en la Agenda 2030*, Barcelona, CIDOB, 2018.

³ ENGBRINK, S.D. “The European Union's External Action: Coherence in European Union Foreign Policy despite Separate Legal Orders.” *Legal Issues of Economic Integration*. 2017, vol. 44, no. 1, pp.5-48; and PORTELA, C. and RAUBE, K. “The EU Polity and Foreign Policy Coherence.” *Journal of Contemporary European Research*. 2012, vol. 8, no. 1, pp.3-20.

ministries - the aforementioned High Representative and a European External Action Service⁴.

When defining the term coherence in law, it can be understood as the absence of contradictions -in the negative sense- and also as the need to coordinate actions -in the positive sense- here with the aim of coordinating the EU's external activities to ensure that it expresses itself with a single voice⁵. Thus, the principle of coherence is configured in this framework as:

“Co-ordinated, coherent behaviour based on agreement among the Union and its member states where comparable and compatible methods are used in pursuit of a single objective and result in an uncontradictory (foreign) policy”⁶.

Several authors have also identified three types of coherence that operate at different levels: horizontal, vertical and institutional⁷. On the one hand, horizontal coherence means that the various policies undertaken by the EU -with different objectives- must be consistent with each other, particularly when they have external implications; vertical coherence means that the Member States' national policies must be compatible with those agreed by the EU; and institutional coherence means that the two sets of institutions, bodies and procedures (one Community and one intergovernmental) with which the EU has been managing its external relations must act in a coordinated manner.

Following Nuttall, the debate on the issue of coherence is based on three erroneous assumptions⁸: firstly, coherence is seen as a single concept, when it is the nexus of different problems with solutions that are not always compatible; secondly, coherence

4 *Ibidem*.

5 TIETJE, C. “The Concept of Coherence in the Treaty on European Union and the Common Foreign and Security Policy.” *European Foreign Affairs Review*. 1997, vol. 2, pp.212-217; S. DUKE. *Consistency as an Issue in EU External Activities*, Maastricht, European Institute of Public Administration, 1999, p.3; HERTOOG, L. and STROB, S. “Coherence in EU External Relations: Concepts and Legal Rotting of an Ambiguous Term.” *European Foreign Affairs Review*. 2013, vol. 18, no. 3, pp. 373-388; and ESTRADA CAÑAMARES, M. “Building Coherent EU Responses’: Coherence as a Structural Principle in EU External Relations”, in M. CREMONA (ed.). *Structural Principles in EU External Relations Law*, Oxford, Hart, 2018, pp. 252-253.

6 KRENZLER, H-G. and SCHNEIDER, H., “The Question of Consistency” in E. REGELSBERGER, P. DE SCHOUTHEETE DE TERVARENT and W. WESSELS (eds.). *Foreign Policy of the European Union: From EPC to CFSP and Beyond*, Boulder, Lynne Rienner, 1997, p.134.

7 See NUTTALL, S. “Coherence and Consistency”, in Ch. HILL and M. SMITH (eds.), *International Relations and the European Union*, Oxford, Oxford University Press, 2005, p.92 et seq.; and GAUTIER, P. “Horizontal Coherence and the External Competences of the European Union”. *European Law Journal*. 2004, vol. 10, no. 1, pp.23-41; KRENZLER, H-G. and SCHNEIDER, H., *cit.*, 1997, pp.133-151; and TIETJE, C., *cit.*, 1997, pp.224-233.

8 NUTTALL, S. “Coherence and Consistency” in Ch. HILL and M. SMITH (eds.), *International Relations and the European Union*. Oxford, Oxford University Press, 2005, p.92.

is always seen as a positive value, even though it can be positive to maintain the distinction between two different types of foreign policy, one more similar to classical diplomacy and the other more “structural” and economic-commercial, more specific to the EU; thirdly, foreign policy considerations are often given preference if coherence problems arise, when it may be that giving priority to national approaches can lead to a more democratic solution.

The need for coherence became more acute as the institutional and organisational structure of the European Union grew. The complication is greater because we are dealing with an international organisation (not a state with a closed and unique decision-making process and precise dispute settlement mechanisms). Within the EU, the decision-making process is external, developing and reflecting different perspectives on the governance of the EU itself. This is why the search for coherence in its policies – and particularly in its external action – has become an obsession⁹.

The development of the European Union’s Defence Policy

It is well known that the European Communities emerged as a joint project to overcome previous warfare between neighbouring countries. Despite the abortive initiative of the European Defence Community in 1954, decades later the end of the Cold War and the Balkan War made Europeans aware of the need for progress in security and defence.

Until the Maastricht Treaty of 1992, the conventional background to the Common Foreign and Security Policy (CFSP) was European Political Cooperation (EPC), an intergovernmental cooperation procedure institutionalised by the Single European Act of 1986 -SEA- (Section III, Art. 30)¹⁰, but whose origin dates back to the Conference of Heads of State and Government of December 1969, where foreign ministers

⁹ Up to 16 clauses in the current Treaties refer to the concept of consistency, See ESTRADA CAÑAMARES, M. *cit.*, 2018, p.244 et seq. For example, the European Security Strategy (2003) devoted a whole heading to this need to be more coherent: “The European Union has made progress towards a coherent foreign policy and effective crisis management... But if we are to make a contribution that matches our potential, we must be more active, more coherent and increase our capabilities... The key to the Common Foreign and Security Policy and the European Security and Defence Policy is that together we are stronger... The current challenge is to bring together the various instruments and capabilities: European assistance programmes and the European Development Fund, Member States’ military and civilian capabilities and other instruments... It is essential for the fight against both terrorism and organised crime to improve coordination between external action and policies in the field of Justice and Home Affairs... Greater coherence is needed not only between the Union’s instruments but also in the external actions of each Member State... Coherent policies are also needed at regional level, particularly when dealing with conflicts.”

¹⁰ The Single European Act was signed by all the Community States in February 1986 and entered into force on 1 July 1987 (OJ L 169 of 29 June 1987).

were asked to submit a report on cooperation in foreign policy¹¹, which was presented and approved in Luxembourg in 1970¹². Within the structure of European Political Cooperation, the main body was the meetings of the Ministers of Foreign Affairs, and from there a set of bodies was institutionalised, such as the Political Committee, an EPC Secretariat, and a “Network of European Correspondents” (COREU), made up of officials from the national foreign ministries.

During these years, the concept of coherence in European foreign policy began to develop, appearing officially for the first time at the Paris Summit in December 1974¹³, and was already developed in the Single European Act, which indicated the following:

“The external policies of the European Community and the policies agreed within European Political Cooperation must be consistent.

The Presidency and the Commission, each in accordance with its own powers, will have the particular task of ensuring that such consistency is sought and maintained”¹⁴.

It was the first time that a Community treaty established the obligation of coherence in EU foreign policy (between EU policies and the EPC), and also gave the Presidency and the Commission responsibility for ensuring that it was complied with.

In the Single Act’s European Political Cooperation, the question of security was conceived as a way of contributing to the “development of a European foreign policy

11 “Final Communiqué of the 1969 Hague Conference”, *Bulletin of the European Communities*, 1970, no. 1, pp.12-17.

12 “Report of the Ministers of Foreign Affairs of the Member States on the Problems of Political Unification (Luxembourg Report) 1970”, *Bulletin of the European Communities*, 1970, no. 11, pp.9-15. Years later, the 1973 Copenhagen “Second Report on European Political Cooperation in Foreign Policy” (*Bulletin of the European Communities*, 1973, No. 9, pp.14-21) articulated its structure, defined its common lines and implemented a concerted diplomacy. See MARIÑO MENÉNDEZ, F. “El sistema de Cooperación Política Europea”. *Revista de Instituciones Europeas*. 1980, vol. 7, no. 2, pp.607-631; DE SOLA DOMINGO, M. “La Cooperación Política Europea”. *Anuario del Centro de la UNED*. 1985, vol.2, pp.49-62.

13 The Conference of the Heads of State and Government of the EEC countries -Paris Summit- in its General Declaration of 10 December 1974 stated:

“2. Recognising the need for a global approach to the internal problems posed by the construction of Europe, and to those with which Europe is confronted externally, the Heads of Government consider it appropriate to ensure the development and overall consistency of the Communities’ activities and the work of political cooperation....

3....With a view to ensuring the consistency of Community activities and the continuity of work, the Ministers for Foreign Affairs, meeting within the Council of the Community, will act as promoters and coordinators...

14 Article 30.5 SEA. Its preamble already pointed out the following in one of its paragraphs: “Aware of Europe’s responsibility to seek to adopt an increasingly uniform stance and to act in a coherent (cohesion) and supportive manner, in order to protect more effectively its common interests and its independence...”

identity” (Art. 30.6.a EU), but the coordination of Member States’ positions in this field was limited to the political and economic aspects of security –the other aspects being artificially excluded– and the possibility was assumed that certain Member States would develop closer cooperation “in the framework of the Western European Union (WEU) and the Atlantic Alliance” (Art. 30.6.c SEA)¹⁵.

In practice, the Single Act was in force during a particularly turbulent period of time – the late 1980s and early 1990s. For example, in response to the conflict in the former Yugoslavia, the European Community made many efforts to bring about peace: it offered its good services and mediation to resolve the conflict; it put pressure on the parties to accept ceasefire agreements and the deployment of European Community observers in the region; it opened several international conferences by presenting peace plans for Yugoslavia; it set up an arbitration commission (*the Badinter Commission*) to resolve legal questions on the state organisation of Yugoslavia, international recognition and relations between the former Yugoslav republics; it imposed sanctions on the republics which did not cooperate in a peaceful solution; and it decided that Yugoslavia was being dissolved and therefore recognised Slovenia, Croatia and Bosnia-Herzegovina. The Community also implemented certain Security Council sanctions decisions against third States in various crises¹⁶.

The subsequent Intergovernmental Conference to revise the ECT between December 1990 and December 1991 adopted the Treaty on European Union, signed in Maastricht on 7 February 1992 (TEU or Maastricht Treaty)¹⁷. It was based on three pillars, one Community pillar and two others of intergovernmental cooperation, the Common Foreign and Security Policy (CFSP)¹⁸ and cooperation in the fields of justice and home affairs. The TEU stated that one of the objectives of the European Union was “to assert its identity on the international scene, in particular by implementing a

15 In this regard see CARDONA LLORENS, J. “La dimensión de la seguridad en la Política Exterior y de Seguridad Común de la Unión Europea” in L. MARTÍNEZ VÁZQUEZ DE CASTRO (ed.). *Historia y Derecho. Estudios Jurídicos en homenaje al Profesor Arcadio García Sanz*. Valencia, Tirant lo Blanch, 1995, p.179; LIÑÁN NOGUERAS, D.J. “Una política exterior y de seguridad común para la Unión Europea”. *Revista de Instituciones Europeas*. 1992, vol.19, no. 3, 1992, p.817; AZNAR GÓMEZ, M.J. “¿Es posible una identidad europea de defensa? Recent aspects in regulatory and institutional developments”, *Official Journal of the European Union*. 1998, vol. 2, no. 4, p.621.

16 This is how Regulations (EEC) 2340/1990 and 3155/1990 (embargo against Iraq), 945/1992 (against Libya) or 1432/1992 (against the Federal Republic of Yugoslavia) were adopted. See PÉREZ-PRAT DURBÁN, L. *Cooperación política y Comunidades Europeas en la aplicación de sanciones económicas internacionales*, Madrid, UAM, 1991.

17 See ROBLES CARRILLO, M.A. *La Unión Europea Occidental y la cooperación europea en materia de seguridad y defensa*, Madrid, McGraw-Hill, 1997, pp.92-105; BARBÉ, E. *La seguridad en la nueva Europa*, Madrid, La Catarata, 1995, p.127 et seq.

18 On the CFSP pillar of the Maastricht Treaty, see, inter alia, LIÑÁN NOGUERAS, D.J. *cit.*, 1992, pp.797-825; SÁNCHEZ RODRÍGUEZ, L.I. “La Unión Europea y su política exterior y de seguridad”. *Revista de Instituciones Europeas*. 1993, vol. 20, no. 3, pp.773-796.

common foreign and security policy, in the future including the framing of a common defence policy, which might in time lead to a common defence” (Article B), although defence in the CFSP appeared to be a desire for the future, it was relatively institution-alised in the framework of the WEU (Article J.4.2 TEU) and was separate from the “joint actions” of Article J.3 TEU.

We should bear in mind that the context of the post-Cold War international system obliged the EU to consolidate coherence in its external activities (with the emergence of an EU with a three-pillar structure). Some noteworthy factors were the greater institutional and organisational development in the Union, the necessary assumption of “security” as an area of relevance to the EU with the end of the Cold War, the adoption of a growing number of decisions that did not operate solely within one of the pillars, the necessary coordination of the Member States with organisations common to them such as NATO or the United Nations, the growing regionalisation of external activities and the existence of special links that some of the Member States have with various countries and regions¹⁹.

Owing to their continued interdependence, the TEU jointly regulated the foreign policy and the common security policy, with several generic objectives including the strengthening of the security of the Union and its Member States (Art. J.I.1 and 2 TEU). To a large extent, the CFSP of the TEU codified and improved existing practice, but it did not transform the existing model of cooperation²⁰. In fact, the CFSP is clearly distinct from EU policies and does not have the legal instruments of the latter, such as regulations or directives, but other mechanisms - joint positions and joint actions. However, although the CFSP was an area excluded from Community law and distinct from that of the European Community’s external relations, important and unavoidable connections were nevertheless established between the two, known as “bridges” or “gateways”, both functional -since the implementation of joint positions and actions may require the exercise of EU competences- and organic -with the establishment of a single institutional framework for the whole European Union that guarantees the coherence and continuity of the actions developed in the various pillars (Article C TEU)- and budgetary -since the Community budget covers the administrative expenditure of the CFSP and, in the event of a unanimous decision by the Council, also the operational expenditure (Articles J.II.2 TEU; and 199, paragraph 2, TEC)²¹.

In this respect, particular emphasis was placed on strengthening the principle of coherence in the EU’s external action:

19 S. DUKE, *Consistency as an Issue in EU External Activities*, Maastricht, European Institute of Public Administration, 1999.

20 See, *ad exemplum*, PIÑOL RULL, J.L. And GONZÁLEZ BONDÍA, A. “El lento establecimiento de una política europea de defensa común”. *Anuario Internacional CIDOB* 1994, p.131.

21 REMIRO BROTONS, A. “Política Exterior Común” en *idem* (ed.), *Breve Diccionario del Tratado de Unión Europea*. Madrid, Política Exterior-CERI, 1993, pp.206-207.

“The Union shall in particular ensure the consistency of its external action as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency and shall ensure, each in accordance with its powers, the implementation of such policies”²².

The legal system applicable to the non-EU areas of the European Union -including the CFSP- was public international law, in the absence of a specific legal system for those areas.

The intergovernmental nature of the CFSP is easily seen in the predominance of the principle of unanimity in the adoption of decisions, the lack of participation or effective political control by the European Parliament (Art.J.7 TEU), or the exclusion of judicial control by the Court of Justice of the Communities with respect to the provisions of Section V - (Art. L TEU)²³. Political responsibility for ensuring compliance with the provisions of the CFSP lay exclusively with the Council (Art.J.1.4 TEU).

The Maastricht Treaty establishes various techniques for achieving the objectives of the common foreign and security policy: it provides for systematic cooperation between Member States to develop a common policy by means of mutual information and consultation within the Council (Articles J.1.3 and J.2.1 TEU); the Council may define a common position when it considers it appropriate, and Member States are required to ensure that their national policies conform to the common positions of the European Union and must defend them within international organisations and at international conferences (Articles J.2.2 and 3 TEU); it furthermore provides for the gradual development of joint actions “in areas where Member States have important interests in common” (Article J.1.3 *in fine* TEU), and which involve the implementation of operational actions.

Indeed, a significant novelty of the CFSP is the power of the Council -which is not legally obliged- to adopt, in principle “unanimously”, joint actions on a foreign and security policy issue, ensuring the unity, consistency and effectiveness of the Union’s action (Article J.8.2 TEU). In the latter, qualified majority voting cannot be applied to security issues, which are subject to the general rule of unanimity (Article J.4.3 TEU).

Thus, as opposed to the common position, which is the expression of the EU’s position on a given situation or conflict, thus constituting an example of declaratory

22 Article C, second paragraph, TEU See NEUWAHL, N. “Foreign and Security Policy and the Implementation of the Requirement of “Consistency” under the Treaty on European Union” in P.M. TWOMEY and D. O’KEEFFE (eds.). *Legal Issues of the Maastricht Treaty*, London, Chancery, 1994, pp.227-246; and TIETJE, C. “The Concept of Coherence in the Treaty on European Union and the Common Foreign and Security Policy”. *European Foreign Affairs Review*. 1997, vol. 2, pp.211-233.

23 WESSEL, R.A. *The European Union’s Foreign and Security Policy. A Legal Institutional Perspective*, The Hague, Kluwer, 1999, pp.216-217, which nevertheless grants some limited oversight role to national parliaments and courts. *Ibidem*, pp.230-234.

diplomacy, the decision on a joint action is the supreme instrument of the CFSP. The European Council adopted in June 1992 a report setting out the first set of general guidelines for joint action²⁴, reaffirming the principles of subsidiarity, *acquis communautaire*, consistency and the objectives set out in the TEU itself. Since then, joint actions have been approved, for example on the delivery of humanitarian aid to Bosnia-Herzegovina²⁵, continued support for the Mostar Administration by the EU²⁶, implementation of the peace plan for Bosnia-Herzegovina²⁷, support for the electoral process in that country²⁸, etc.

Institutionally, the Council is the main institution of the CFSP, with responsibility for conducting the Union's foreign policy. The rotating Presidency of the Council represents the European Union in CFSP matters and is responsible for implementing joint actions (Art. J.5.1, 2 and 3 TEU). A Political Committee (COPO) – originating from the EPC of the Single Act – would monitor the situation, contribute to the definition of the CFSP through opinions to the Council, and oversee its implementation (Art.J.8.5 TEU); COREPER (Committee of Permanent Representatives of the Member States) continued as a body preparing the work of the Council²⁹; and the General Secretariat of the Council provided administrative assistance³⁰.

The Commission is also empowered by the Maastricht Treaty -together with the Member States- to submit questions and proposals to the Council on any matter relating to the CFSP, in addition to helping ensure, together with the Council, consistency between the CFSP and the external relations of the European Community, and contributing to the representation of the EU in third countries through its international representations and delegations abroad (Articles J.6, J.8.3 and J.9 TEU). In general, the Commission was on an equal footing with the States in the CFSP.

24 See the “Report to the Lisbon European Council on the probable development of the Common Foreign and Security Policy” of 25 June 1992, approved by the Lisbon European Council of 26-27 June 1992, in Bulletin of the European Communities, 1992, no. 6, point 1.31, pp.19-22.

25 See for example Council Decisions 93/603/CFSP of 8 November 1993 (OJ L 286 of 20 November 1993, pp.1-2), 93/729/CFSP of 20 December 1993 (OJ L 339 of 31 December 1993, p.3), 94/308/CFSP of 16 May 1994 (OJ L 134 of 30 May 1994, p.1) and 95/516/CFSP of 4 December 1995 (OJ L 298 of 11 December 1995, p.3).

26 *Ad exemplum*, Council Decisions 94/790/CFSP of 12 December 1994 (OJ L 326, 17 December 1994, p. 2); 95/23/CFSP of 6 February 1995 (OJ L 33, 13 February 1995, p. 1); 95/552/CFSP of 19 December 1995 (OJ L 313, 27 December 1995, p. 1); Joint Action 96/442/CFSP of 15 July 1996 (OJ L 185, 24 July 1996, pp. 2-4); Joint Action 96/476/CFSP of 26 July 1996 (OJ L 195, 6 August 1996, pp. 1-2).

27 On the basis of Council Decision 95/545/CFSP of 11 December 1995 (OJ L 309 of 21 December 1995, p. 2).

28 Joint Action 96/406/CFSP of 10 June 1996 (OJ L 168 of 6 July 1996, p.1).

29 Article J.II.1 TEU provided for the applicability of Article 151 TEC in the CFSP.

30 According to the Declaration (No. 28) of the CIG'92 on practical arrangements in the field of CFSP, the Secretariat for European Political Cooperation was incorporated into the General Secretariat of the Council as a special autonomous division under the direction of the Secretary-General.

For its part, the European Parliament had limited political control over this inter-governmental pillar: the right to be informed regularly by the Council Presidency and the Commission on the development of the CFSP and to consult it on the main aspects and the basic options; to ask questions or make recommendations to the Council; and to hold a debate on the progress achieved (Art.J.7 TEU)³¹.

Regarding the financing of the CFSP, its administrative expenditure would be charged to the budget of the European Communities – as a manifestation of the principle of institutional unity³² – and for operational expenditure for the implementation of the CFSP, the Council could decide unanimously that it would be charged to the Community budget, or declare that such expenditure would continue to be paid by the Member States in accordance with a scale to be established (Article J.II.2 TEU)³³. In fact, the TEU makes it possible to link the Community structure to the implementation of the CFSP in two specific areas: the budget – as we have seen – and sanctions (Art.228 A TEC).

As for its relations with other relevant organisations, the Maastricht Treaty provided that the CFSP would cover “all questions relating to the security of the European Union” (Article J.4.1 TEU). There were three different material areas in the CFSP in this respect: common security, which is fully integrated into the CFSP; common defence policy; and common defence, the latter two as consecutive projects for the future. In fact, they are three stages of the same process.

Decisions with defence implications do not take the form of joint actions, but the Council of the Union unanimously takes the decisions necessary to define and implement the CFSP, which will be developed and implemented by the Western European Union (WEU). This organisation “is an integral part of the development of the European Union” and the latter asks it to “prepare and implement decisions and actions of the Union which have defence implications” (Article J.4.2 TEU).

The TEU did not go so far as to set out the process for adopting a common security policy. Indeed, the Maastricht Treaty conceives common defence as a non-binding but

31 On parliamentary control of the CFSP see, for example, COSIDÓ GUTIÉRREZ, I. “La Política Exterior y de Seguridad Común: la cuestión nuclear” in CESEDEN. *La Política Exterior y de Seguridad Común (PESC) para Europa en el nuevo marco del Tratado de No Proliferación de Armas Nucleares (TNP)*. Madrid, Ministry of Defence, 1996, pp.24-25.

32 See Article J.II.2 TEU and Article 199 TEC. See ROBLES CARRILLO, M.A. “La financiación de la PESC”. *Revista de Instituciones Europeas*. 1995, vol. 22, no. 1, pp.116 and 119.

33 As the expenditure can be included in the budget of the European Community, it is subject to the Community procedure and therefore to the audit and control of the Court of Auditors, as stated in Articles 188a and 188c of the European Community Treaty. MARTÍN ARRIBAS, J.J. “Consideraciones sobre la Política Exterior y de Seguridad Común de la Unión Europea”, *Gaceta Jurídica*. 1994, B-95, p.24.

desirable objective to be achieved when a common defence policy is defined (Article J.4.1 TEU). The Maastricht Treaty opens up the process of integrating the WEU as a defensive component of the European Union, although not all EU Member States were part of the WEU³⁴.

In addition, this Section V of the TEU contained some security policy precautions, such as

“the policy of the Union shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework” (Article J.4.4 TEU)³⁵.

In addition, these provisions on security and defence

“shall not prevent the development of closer cooperation between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance, provided such cooperation does not run counter to or impede that provided for in this Section”³⁶.

This recognised the heterogeneous nature of any European security system. However, in subsequent practice, the degree of cooperation achieved in the field of multinational forces between different Member States, including Spain, went much further than the general provisions of Article J.4.1 of the Maastricht Treaty.

A novelty of the CFSP was to give the Council the power to adopt common positions by unanimity, binding on all EU Member States. One defect was that the CFSP clauses in the Maastricht Treaty were very complex, ambiguous and imprecise in their

³⁴ Therefore, at the 1992 Intergovernmental Conference in Maastricht, the Member States of both organisations issued two Declarations concerning WEU, and the other European Member States of NATO were also encouraged to acquire the status of associate members of WEU, in order to fulfil the objective of building up WEU in stages as the defence component of the European Union for the development of a genuine European security and defence identity, and as a means of strengthening the European pillar of the Atlantic Alliance. “Declaration by Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, which are members of the Western European Union”, paragraphs 1 and 2; and also the “Declaration by Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom, which are members of the WEU as well as members of the EU on the role of the WEU and its relations with the European Union and the Atlantic Alliance”, paragraphs 1-4

³⁵ This provision implicitly referred to the particular situation of certain Member States -or which were soon to become so- such as Austria, Finland or Sweden with their neutral legal status, the nuanced positions on safety issues of Denmark and Ireland, or the special regime of France and the United Kingdom as nuclear powers.

³⁶ Article J.4.5 TEU.

definitions³⁷, which allowed states to make the most favourable interpretations of their national interests³⁸.

Since the entry into force of the TEU, the Council has clearly developed the normative activity in the field of the CFSP, based on the identification of its material areas in the general guidelines presented by the European Council on several occasions (Brussels European Council of 29 October and 11 December 1993, and Corfu European Council of 25 June 1994³⁹), with Community financing of operational expenditure being the preferred option because of its greater efficiency and speed⁴⁰.

But the implementation of the TEU was not as advanced as desired: it had raised excessive expectations for its considerable inconsistencies and shortcomings, in addition to not providing it with sufficient legal, economic or military means and resources to materialise in practice⁴¹, and it therefore issued many more declarations than decisions⁴². At best, the CFSP was serving to strengthen the coordination of EU Member States' foreign policies. Furthermore, the empirical experience of the armed conflict in the former Yugoslavia demonstrated the ineffectiveness of the EC/EU in managing that crisis despite its unceasing mediation efforts at the successive negotiating conferences, the establishment and deployment of an observer mission in the region (the European Community Monitoring Mission [ECMM]), the development of some assistance initiatives (the European Community Humanitarian Aid Task Force) and temporary territorial management (the European Union Administration in Mostar), or the establishment of EU Member States as the main contributors of personnel to the UN peacekeeping operation in the area (United Nations Protection Force [UNPROFOR]). The relegation of the European Union to a secondary role continued in the Dayton Peace Accords and in the subsequent international military forces deployed in Bosnia and Herzegovina under the direction and control of the Atlantic Alliance (IFOR and SFOR).

37 MARTÍN ARRIBAS, J.J. "Consideraciones sobre la Política Exterior y de Seguridad Común de la Unión Europea". *Gaceta Jurídica*. 1994, B-96, p.10.

38 However, it was still an "advanced system of information, cooperation and consultation between sovereign states on an institutional basis", which was to condition and unify the national foreign policies of the EU Member States. SÁNCHEZ RODRÍGUEZ, L.I. "La Unión Europea y su política exterior y de seguridad". *Revista de Instituciones Europeas*. 1993, vol. 20, no. 3, pp.795-796.

39 See Bulletin of the European Communities, 1993, no. 10, p.8; *idem*, 1993, no. 12, pp.12-13; Bulletin of the EU, 1994, no. 6, pp.16-18.

40 ROBLES CARRILLO, M.A. "La financiación de la PESC". *Revista de Instituciones Europeas*. 1995, vol. 22, no. 1, p.123.

41 For example, see European Parliament Resolution on the progress made in the development of the common foreign and security policy, June 1997 (EP. 260/312).

42 BARBÉ, E. en *idem* (coord.). *Política Exterior Europea*, Barcelona, Ariel, 2000, pp.124-127; LIÑÁN NOGUERAS, D.J. "Flexibilité et Politique Étrangère et de Sécurité Commune de l'Union européenne" in AA.VV., *Mélanges en hommage à Michel Waelbroeck*, Brussels, Bruylant, 1999, pp.1155-1156.

For these reasons the need arose to revise the Treaty on European Union in order to make it more operational and dynamic, and so the 1996 Intergovernmental Conference of the Representatives of the Member States (IGC'96) was convened, resulting in the Treaty of Amsterdam – signed in 1997 and in force in 1999. The scope of the CFSP –Section V of the TEU – is maintained as in Maastricht as an area of intergovernmental cooperation, but the provisions relating to defence are especially reformed, without prejudice to the fact that the CFSP would continue to cover “all questions relating to the security of the Union, including the progressive framing of a common defence policy” (Article 17.1 TEU), which was reiterative.

The purpose of the Treaty of Amsterdam was to achieve significant improvements in the effectiveness, coherence, credibility and visibility of the CFSP⁴³, through the following developments:

1. Better systematisation of the contents of Section V, dedicated to the CFSP.
2. More precise definition and better structuring of CFSP instruments, both of their principles and general guidelines, and the identification of the new instrument of common strategies in “areas where Member States have important interests in common”, “including matters with defence implications” (Articles 12 and 13.1 EU); the adoption of joint actions; the adoption of common positions; and the strengthening of systematic cooperation between Member States⁴⁴. The Council shall recommend common strategies to the European Council and shall implement them, in particular through the adoption of joint actions and common positions (Article 13.3 EU). On the one hand, joint actions “shall address specific situations where operational action by the Union is deemed to be required” and “shall be binding on the Member States in the positions they adopt and in the conduct of their activities” (Art. 14.1 and 3 EU); on the other hand, common positions “shall define the approach of the Union to a particular matter of a geographical or thematic nature” and “Member States shall ensure that their national policies conform to them” (Art. 15 EU),
3. Some progress in the Council decision-making process on the CFSP. Although unanimity was maintained as a general rule (Article 23.1 EU), certain flexibility mechanisms were admitted, such as constructive abstention or qualified majority (except for decisions with military or defence implications, which always required unanimity - although constructive abstention was possible) and procedural issues would be decided by the Council by a simple majority of its members (Article 23.3 EU).

43 REMIRO BROTONS, A. “¿Qué ha significado el Tratado de Ámsterdam para la PESC?”. *Gaceta Jurídica*. 1998, no. 29, pp.80-85; BARBÉ, E. “La Política Exterior y de Seguridad Común en la reforma del Tratado de la Unión Europea”. *Revista Española de Desarrollo y Cooperación*. 1997, no. 1, p.12 et seq.

44 CONDE PÉREZ, E. *Los instrumentos de la política exterior de la Unión Europea*, Madrid, UCM, 2002, pp.65-77; ÁLVAREZ VERDUGO, M. *La política de seguridad y defensa en la Unión Europea*, Madrid, Dykinson, 2003, pp.176-202.

4. Creation of a specific organic and functional structure for the CFSP. The Presidency represents the EU in CFSP matters, is responsible for implementing the decisions adopted and is assisted by the Secretary-General of the Council who, elected unanimously by the Council (Art. 207.2 EC), “shall exercise the functions of High Representative for the common foreign and security policy” (Art. 18 EU), contributing in particular to “the formulation, preparation and implementation of political decisions and, where appropriate, conducting political dialogue with third parties” (Art. 26 EU). This personifies the CFSP in the Secretary General of the Council, in order to give it greater visibility and coherence. The Treaty of Amsterdam recalls the responsibility of the Council and the Commission to ensure the consistency of the EU’s external action as a whole, by cooperating to that end and ensuring that it is carried out (Article 3 EU). With regards to the Commission, the treaty text stresses its full association with the work of the CFSP (Articles 18.4 and 27 EU), and grants it the right of initiative, shared with the Member States (Article 22.1 EU). As for the Council, it may request the Commission to submit appropriate proposals to ensure implementation of a joint action (Art. 14.4 EU); may appoint “a special representative with a mandate in relation to particular policy issues” (Art. 18.5 EU); and may conclude agreements with states and international organisations to implement the CFSP (Art. 24 EU), which may not, however, involve any transfer of competences from the Member States to the European Union⁴⁵, and which shall not be binding on a Member State whose representative in the Council declares the need to conform to its own internal constitutional procedure. The Secretary-General of the Council/High Representative for the CFSP was to head a novel policy planning and early warning unit. On the other hand, the European Parliament still had a secondary role in this area in Amsterdam – as in the Maastricht Treaty – and the provisions of the CFSP were kept outside the judicial control of the Court of Justice⁴⁶.
5. Incorporation into the Treaty of Amsterdam of the tasks set out in the Petersberg Declaration of the WEU Council of June 1992: humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making (Art.17.2 EU). Member States retained their discretion to decide whether or not to participate in such missions.
6. Greater communitarisation – and simplification of procedures – of CFSP funding, since as a general rule not only administrative but also operational expenditure is charged to the budget of the European Communities, except for the above-mentioned *Petersberg* tasks and cases where the Council decides otherwise by unanimity (Art.28.2, 3 and 4 EU)⁴⁷.

45 Cf. Declaration (No. 4) on Articles 24 and 38 of the Treaty on European Union

46 Art.46 EU.

47 The financing of the CFSP was organised by an Interinstitutional Agreement between the European Parliament, the Council and the European Commission, signed on 16 July 1997 (OJ C 286 of 22

7. The Treaty of Amsterdam regulated the European Union's relations with the WEU and with NATO: on the one hand, the WEU provided for a possible merger with the European Union through a selective incorporation of competences and functions which were previously exclusively within the WEU⁴⁸. However, under the Treaty of Amsterdam, both organisations maintained their own political and legal subjectivity with a relationship of enhanced partnership, whereby the WEU provided the European Union with a certain operational capability and contributed to the formulation of a European defence doctrine: the EU was responsible for political direction and responsibility in the fields of security and defence, and the WEU for the preparation, organisation and implementation of military missions.

With regards to NATO, the primacy of the Atlantic Alliance's coverage for those Member States that wish to do so continues to be respected in Amsterdam, since

“the policy of the Union... shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which *see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic Treaty* and be compatible with the common security and defence policy established within that framework”⁴⁹.

Moreover, the Treaty of Amsterdam itself expressly allows for the possible development of enhanced cooperation “between two or more Member States on a bilateral level, in the framework of the WEU and the Atlantic Alliance”, as long as it does not run counter to or impede the cooperation established under the CFSP⁵⁰.

September 1997, pp.80-81), and replaced by a new one of 6 May 1999 (OJ C 172 of 18 June 1999, pp.1-22).

48 According to the Amsterdam Treaty, the WEU remains “an integral part of the development of the Union”, which for its part “shall have recourse to the WEU for the preparation and implementation of decisions and actions of the Union which have defence implications” (Art.17.3, first paragraph, EU), and furthermore “shall provide the Union with access to an operational capacity in particular in the context” of “humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peace-making” (Art.17.1 and 2 EU) -the *Petersberg* operations- in which case “all Member States of the Union shall be entitled to participate fully in these tasks” (including non-Member States of the WEU). And the WEU followed the Union in “defining the defence aspects of the common foreign and security policy”, so the Union will “promote closer institutional relations with the WEU with a view to the possible integration of the WEU into the Union”, should the European Council decide to do so (Art.17.1 EU). See also Protocol (No. 1) on Article 17 of the Treaty on European Union.

49 Article 17.1, third paragraph, EU (emphasis added).

50 Article 17.4 EU. GUTIÉRREZ ESPADA, C. “El Tratado de Ámsterdam (1997) y la defensa de Europa” in J.M. PELÁEZ MARÓN (dir.), *Cuestiones actuales de Derecho Comunitario Europeo*, vol.4, Córdoba, University of Cordoba, 1998, pp.166 and 168.

In short, the European Political Cooperation of the Single Act was declarative, reactive and behavioural – not as a result – decisions were taken by consensus, and a clear separation was established between the Community legal order and the EPC, with a duty to consult only in areas of common interest, with the exception of security. In the Maastricht Treaty, the CFSP is already enforceable through common actions and common positions, with an obligation of result and not only of behaviour, and partly overcomes the disparity between the Community and foreign policy cooperation fields. The Treaty of Amsterdam also limits the unanimity rule, strengthens unity and coherence, and solidifies and expands the effectiveness of the EU⁵¹.

But in practice, the common foreign policy for years produced an abundance of declaratory but little operational practice. The CFSP was not really a truly common policy, but a procedure for trying to create it gradually, with the political will of the Member States remaining the decisive criterion for achieving it. In the field of common security, the Treaty of Amsterdam incorporated as a novelty the defence of the integrity of the Union (Art. 11.1 EU), and therefore matters with defence implications were included in the principles and general guidelines of the CFSP, to be defined by the European Council (Art. 13.1 EU). The experiences of Bosnia-Herzegovina and Kosovo in the 1990s had demonstrated Europe's inability to deploy military forces autonomously, so the EU was gradually being called upon to achieve a common security and defence capability of its own if it was to give real credibility to its foreign policy⁵².

But since 1998 the development of the CFSP has been directed towards the gradual institutionalisation of a European Security and Defence Policy (ESDP)⁵³, and in March 1998 the European Conference of Heads of State and Government was formal-

51 ALDECOA LUZÁRRAGA, F. and CORNAGO PRIETO, N. “El nuevo regionalismo y reestructuración del sistema mundial”. *Revista Española de Derecho Internacional*. 1998, vol. 50, no. 1, pp.92-93.

52 AZNAR GÓMEZ, M.J. “¿Es posible una *identidad europea de defensa*? Aspectos recientes en la evolución normativa e institucional”. *Revista de Derecho Comunitario Europeo*. 1998, vol. 2, no. 4, pp.619-638. The only precedent can be found in the European Defence Community, which was promoted in the 1950s but failed because its founding treaty did not receive French parliamentary approval and this frustrated military convergence in Europe for decades.

53 See for example GONZÁLEZ VEGA, J.A. “Los “Acuerdos de Niza”, la PESC y la arquitectura europea de seguridad y defensa”. *Suplemento BEUR*. 2001, no. 9, p.13 et seq.; JORGE URBINA, J. “Reflexiones en torno a la configuración de una política de seguridad y defensa en el seno de la Unión Europea”. *Revista de Derecho Comunitario Europeo*. 2001, vol. 5, no. 10, pp.439-471; GONZÁLEZ ALONSO, L.N. “La Política Europea de Seguridad y Defensa después de Niza”. *Revista de Derecho Comunitario Europeo*. 2001, vol. 5, no. 9, p.199 et seq.; VILANOVA, P. and FERNÁNDEZ, N. (coord.), *Europa: el debate sobre defensa y seguridad*, Barcelona, University of Barcelona, 2001; ÁLVAREZ VERDUGO, M. *La política de seguridad y defensa en la Unión Europea*, Madrid, Dykinson, 2003; CEBADA ROMERO, A. and PÉREZ GONZÁLEZ, C. *El Alto Representante de la PESC y la nueva Política Europea de Seguridad y Defensa*, Madrid, Dykinson, 2003, p.93 et seq.; GARCÍA PÉREZ, R. *Política de Seguridad y Defensa de la Unión Europea*, Madrid, UNED, 2003, p.59 et seq.

ised, despite the fact that it was a time of national defence budget cuts by the most important European Union states.

A first step was taken by the Franco-British Joint Declaration on European Defence of 4 December 1998, which recognised the need to develop an autonomous military capability in the EU⁵⁴, and coincided with a lesser US willingness to sustain the predominant financial effort for European security.

The Cologne European Council in June 1999 decided to incorporate the common defence dimension of the WEU into the CFSP pillar of the European Union, so that the Council (with the participation of defence ministers where appropriate) would be responsible for the political control and strategic direction of EU operations. The Cologne European Council therefore approved a Declaration in which it set out its intention to obtain the necessary means and capabilities to enable it to assume its security and defence responsibilities and to provide the EU with an operational military capability in the form of a rapid intervention force dedicated to the execution of the *Petersberg* tasks, for which purpose the already constituted European Army Corps (Eurocorps) could be used as a nucleus⁵⁵. Thus, various political and military structures and bodies were designed which the European Union should have at its disposal for the development of the *Petersberg* tasks, which were to be approved and specified by the Helsinki European Council of December 1999⁵⁶.

First, the Helsinki European Council decided to establish three bodies to institutionalise the European Security and Defence Policy: a Political and Security Committee (PSC), based permanently in Brussels and composed of national representatives, which was given decision-making powers to exercise political control and strategic direction of crisis management operations; a Military Committee, composed of national Chiefs of Defence Staff represented by their delegates, to provide military advice to the PSC and operational direction; and a European Military Staff, which would provide military expertise in support of the Common European Security and Defence Policy, including early warning, situation assessment, strategic planning and conduct of EU military operations.

Secondly, at this Helsinki European Council, the “Millennium Declaration” included the decision of the EU Member States to be in a position to deploy military forces in order to integrate a joint European Rapid Reaction Force of up to 50,000 to 60,000 troops, with naval and air support, to be responsible for carrying out the so-

⁵⁴ See its text in the report of the Assembly of the Western European Union, “L’UEO et la défense européenne: au-delà d’Amsterdam”, document 1636 of 15 March 1999, annex, p.30.

⁵⁵ “Declaration on the strengthening of the common European policy on security and defence” of 3 June 1999. See the Presidency Conclusions of the Cologne European Council in Bulletin EU, 1999, no. 6, point I.58, pp.35-36, approving the Presidency report on strengthening a common European security and defence policy (doc.8239/1/99 REV 1).

⁵⁶ See Presidency Conclusions of the Helsinki European Council in EU Bulletin, 1999, no. 12, point I.9, para.25-29, pp.10-11.

called *Petersberg* tasks on European territory⁵⁷. This would not be a permanent military force but a set of military units assigned by each Community state, ready and available to operate when activated through the principle of voluntary cooperation, a modality whereby each country decides at its own discretion its contribution to each specific mission. Such assets and units would also be available for NATO missions⁵⁸.

The EU Council decided in February 2000 to partially implement the institutional structure approved at the Helsinki European Council⁵⁹. Bearing in mind that the ESDP project is not only military in nature, a number of other bodies within the European Union began their work, such as a Committee for Civilian Aspects of Crisis Management⁶⁰; a Situation Centre/Crisis Cell, established by the High Representative for the CFSP⁶¹; or a coordination mechanism in the General Secretariat of the Council, which created a database on civilian police capabilities to obtain and share information⁶².

In order to complete the design of the EU's operational capabilities and enable it to deal with all types of crisis, the Feira (Portugal) European Council of June 2000 set the goal of having up to 5,000 police officers ready to be deployed in 2003 in international operations aimed at conflict prevention and crisis management, recognising as priority areas of action the strengthening of the rule of law, the reinforcement of local administration, and civil protection and rescue of people⁶³.

57 Presidency conclusions at the Helsinki European Council, 10-11 December 1999, in EU-Bulletin, 1999, no. 12, point I.9, para.28, pp.10-11.

58 In fact, obtaining adequate means in these areas obliged the EU to conclude agreements with NATO in order to be able to use its resources. See WEU Council of Ministers, *Audit of Assets and Capabilities for European Crisis Management Operations. Recommendations for Strengthening European Capabilities for Crisis Management Operations*, Luxembourg, 23 November 1999.

59 Thus, see Council Decision 2000/143/CFSP of 14 February 2000 (OJ L 49 of 22 February 2000, p.1) setting up the interim Political and Security Committee; Council Decision 2000/144/CFSP, also of 14 February 2000 (OJ L 49 of 22 February 2000, p.2), setting up the interim military body, composed of representatives of the Chiefs of Defence of the Member States, to provide advice in the military field to the Political and Security Committee and the High Representative for the CFSP; and Council Decision 2000/145/CFSP of 14 February 2000 (OJ L 49 of 22 February 2000, p.3) on national experts in the military field on secondment to the General Secretariat of the Council during the interim period.

60 Council Decision 2000/354/CFSP of 22 May 2000 (OJ L 127 of 27 May 2000, p.1).

61 This unit was conceived at the Helsinki European Council - Presidency conclusions of that European Council, in Bulletin EU, 1999, no. 12, point I.9, para.25, p.10; and the Presidency report on non-military crisis management in the European Union.

62 This coordination mechanism had been approved at the Helsinki European Council in December 1999 (Annex 2 to Annex IV -Section B- of the Presidency Conclusions, in EU Bulletin, 1999, No. 12, p.29).

63 Presidency Conclusions, Feira European Council, Bulletin EU, 2000, no. 6, point I.8, para.11, p.9

In addition to assets and capabilities, a genuine European Security and Defence Policy requires a defined conceptual and doctrinal framework, with a clear determination of the goals pursued and the regulatory principles: thus, in 2003 the European Council adopted the “European Security Strategy” as a strategic concept for adopting a comprehensive vision of Europe’s security and defence that would make it possible to identify the European Union’s strategic objectives and common doctrine⁶⁴ and to better address global threats and challenges through the use of appropriate means and instruments⁶⁵. The concrete proposals for the implementation of this strategic concept concerned effective multilateralism centred on the United Nations, the fight against terrorism, and comprehensive regional strategies for the Middle East and Bosnia-Herzegovina. In order to determine the legal regime applicable to EU operations, its Member States concluded an agreement on the status of military and civilian staff posted to the Union’s institutions and to its headquarters, forces and military and civilian personnel (EU SOFA)⁶⁶, which is very similar to the agreements of the same type concluded by the United Nations with various States in the context of their peacekeeping missions.

It may be that some, but not all, Member States of the European Union contribute to a given operation, together with third States, and in such cases the emergence of specific structures is necessary, such as the establishment in each mission of an *ad hoc* committee for the day-to-day management of the operation. However, the decision to terminate an operation would be taken by the Council of the EU, following consultations with the States participating in that committee.

As the absorption of WEU peacekeeping powers by the European Union -a process concluded in December 2000- was precipitated, the Union established a formal relationship with NATO, with a direct strategic dialogue on high-risk areas between bodies, working groups and officials of both international bodies, and the conclusion of various agreements – known as *Berlin Plus* agreements – to allow access to the EU of Atlantic collective resources and capabilities in operations led by the European Union⁶⁷. On the ground, NATO and the EU have worked together since 2001 to bring the conflict in the former Yugoslav Republic of Macedonia to an end.

64 There were three strategic objectives defined in the 2003 Strategy: to guarantee internal security, to contribute to the establishment of a security environment for Europe, and to promote European defence through institutionalised cooperation with “effective multilateralism”.

65 This European Security Strategy of 2003 followed the parameters of national security or defence strategies, as the relevant bodies of the Member States collaborated in it. See Presidency Conclusions of the Brussels European Council of 12 December 2003, EU Bulletin, 2003, no. 12, paragraph 1.32, paras.83-86; and ORTEGA, M. “Beyond Petersberg: missions for the EU military forces” in N. GNESOTTO (ed.). *EU Security and Defence Policy: the first five years (1999-2004)*, Paris, EU Institute for Security Studies, 2004, pp.82-84.

66 This agreement was signed on 17 November 2003 (OJ C 321, 31 December 2003, pp. 6-16).

67 Framework agreement, based on the Joint Declaration on the European Security and Defence Identity of 16 December 2002; and agreement on information security of March 2003. The Council

The next version of the TEU was the Treaty of Nice of 2000, which made some relevant reforms to the CFSP with respect to the Treaty of Amsterdam⁶⁸:

1. Almost all the references to the WEU in the TEU (Article 17 EU) disappeared as a result of the integration of its peacekeeping and crisis management functions into the EU.
2. It was solemnly stated that international agreements concluded in the field of the CFSP would be binding on the institutions of the Union (Art.24.6 EU Nice). And if the agreement is intended to implement a joint action or a common position, then the Council will decide by qualified majority (Art.24.3 EU Nice).
3. Enhanced cooperation was expressly incorporated into the CFSP, with the aim of defending the values and serving the interests of the Union as a whole (Art.27 A.1 EU Nice)⁶⁹. Such enhanced cooperation should respect the principles, objectives, general guidelines and consistency of the CFSP and shall only relate to the implementation of common actions or common positions, but not to matters having military or defence implications (Art.27b EU Nice)⁷⁰. Member States which intend to establish enhanced cooperation between themselves will address a request to the Council, which will authorise it by qualified majority, and any Member State may participate in enhanced cooperation already established.
4. The Political and Security Committee, established by the Helsinki European Council of December 1999, was incorporated into the Treaty on European Union (Art. 25 EU Nice), bringing to it the functions of the Political Committee and incorporating its own functions of exercising political control and strategic direction of crisis management operations conducted under the authority and responsibility of the Council. In fact, in January 2001 the Politi-

of the EU had approved this agreement and authorised its President to sign it through its Decision 2003/211/CFSP of 24 February 2003 (OJ L 80 of 27 March 2003, pp. 35-38, with the text of the agreement). This agreement replaced a previous interim security agreement between the General Secretariat of the Council of the EU and NATO, formalised by an exchange of letters on 26 July 2000.

68 See for example HERRERO DE LA FUENTE, A.A. “La política exterior y de seguridad común de la Unión Europea tras la “cumbre” de Niza. La política europea de seguridad y defensa”. *Noticias UE*. 2003, no. 218, pp.63-78; GONZÁLEZ ALONSO, L.N. “La Política Europea de Seguridad y Defensa después de Niza”. *Revista de Derecho Comunitario Europeo*. 2001, vol. 5, no. 9, pp.197-238; and JORGE URBINA, J. “Reflexiones en torno a la configuración de una política de seguridad y defensa en el seno de la Unión Europea”. *Revista de Derecho Comunitario Europeo*. vol. 5, no. 10, 2001, pp.439-471.

69 See MANGAS MARTÍN, A. “Las cooperaciones reforzadas en el Tratado de Niza” in MOREIRO GONZÁLEZ, C.J. (coord.), *Tratado de Niza. Análisis, comentarios y texto*, Madrid, Colex, 2002, pp.78-82; MARTÍN and PÉREZ DE NANCLARES, J. “La cláusula de cooperación reforzada a la luz del Tratado de Niza: Crónica de una modificación necesaria”. *Noticias UE*. 2003, no. 218, pp.95-109.

70 On the need to combine coherence, effectiveness and flexibility in the CFSP/ESDP see MISSIROLI, A., “Coherence, Effectiveness and Flexibility for CFSP/ESDP” in E. REIFER, R. RUMMEL and P. SCHMIDT (eds.). *Europas ferne Streitmacht*, Hamburgo, Mittler, 2002, pp.119-148.

cal and Security Committee, the Military Committee and the Military Staff of the European Union would be permanently established⁷¹. And a Declaration on the European Security and Defence Policy, annexed to the Final Act of the Intergovernmental Conference, underlined the EU's objective of making this policy rapidly operational.

As regards practical experience at the beginning of the 21st century, since 2003 the European Union has undertaken various operations under its European/Common Security and Defence Policy, such as in Bosnia-Herzegovina, the Democratic Republic of the Congo, Gaza, Georgia, Guinea-Bissau, Macedonia and off the coast of Somalia⁷². These operations consolidated the role of the Political and Security Committee, which assumed its political control and strategic direction under the responsibility of the Council (Article 25, paragraph 3, EU Nice). With the aim of financing common costs related to EU military operations under the European Security and Defence Policy, the Athena mechanism was created in 2004⁷³.

These missions have been symbolising the progress the EU has made towards achieving a genuine European defence policy, but it should be recognised that they have generally been low-intensity missions, demonstrating limited operational capabilities, as the European Union was not capable of undertaking complex and simultaneous operations owing to its serious shortcomings in strategic air transport or communications, which led it to depend on NATO assets and capabilities, in a strategic partnership.

Furthermore, the EU has not yet proved capable of assuming responsibility for guaranteeing peace and stability in Europe, and has continued to depend on essential US military assistance. Indeed, the total defence budgets of all the European Union Member States are still considerably smaller than those of the United States, which is a clear demonstration that Europe still relies heavily on American military contributions

71 Successive Council Decisions 2001/78/CFSP, 2001/79/CFSP and 2001/80/CFSP established the permanent formations of the Political and Security Committee, the Military Committee and the Military Staff of the European Union (OJ L 27 of 30 January 2001, pp.1-3, 4-6 and 7-11 respectively).

72 GONZÁLEZ ALONSO, L.N. "De las declaraciones a los hechos: las primeras operaciones de gestión de crisis de la Unión Europea". *Revista de Derecho Comunitario Europeo*. 2003, vol. 7, no. 15, 2003, pp.653-682; and GARCÍA PÉREZ, R. "Las misiones PÈSD como instrumento de política exterior de la UE", in *Cursos de Derecho Internacional y Relaciones Internacionales de Vitoria-Gasteiz 2009*, Bilbao, Universidad del País Vasco, 2010, pp.21-71.

73 The Council of the European Union established this Athena mechanism by Council Decision 2004/197/CFSP of 23 February 2004 (OJ L 63, 28 February 2004, pp.68-82). Almost all the EU Member States participate in this mechanism, except Denmark, which decided not to participate in ESDP military affairs. Its legal basis is currently Council Decision (CFSP) 2015/528 of 27 March 2015 (OJ L 84 of 28 March 2015, pp.39-63). With respect to Athena's scope, this mechanism can finance the common costs of EU military operations, as well as costs of a national nature -such as accommodation, fuel, transport, infrastructure and similar costs of national contingents- if the Council so decides, normally at the request of the operation commander. But the practical reality is that most of the costs of the EU's military missions (up to 90 percent) are not considered common expenses to be financed by the Athena mechanism.

for its own security. This European military dependence, which has been dragging on since the Cold War years, has the advantage of being able to count on sufficient security at a reduced price, but with the double disadvantage of not possessing autonomous capacity for action and being subordinate to another power.

Outside the institutional framework of the European Union, a major restructuring of defence-related industries has been taking place in recent decades, and these companies – faced with growing competition from other economic powers – have been demanding a more open and efficient market in order to improve competitiveness. Initially, the main EU Member States reacted with several *ad hoc* agreements⁷⁴.

Finally, on 17 June 2004 the European Council approved the “Headline Goal 2010” –recently adopted by the Council two months before – which established a new target for the development of the European Union’s military capabilities, drawing on the previous “Goal” designed at Helsinki in 1999 – but not attained – the experience of the first EU military operations and the doctrinal input of the “European Security Strategy” of 2003. It also called for action led by the EU Member States with the greatest military and economic capacity, perhaps through a model of structured cooperation⁷⁵. But there was still a major difference in pace between the development of the institutional framework of the EU’s Common Security and Defence Policy and the actual implementation of military and civilian capabilities, which revealed the lack of genuine political will in this field.

Security and Defence Policy since the treaty of Lisbon

The current Treaty of Lisbon, of 2007 and in force since 2009, expressly grants the EU a single international legal personality (Art.47 TEU), which recasts the three previously existing pillars and reduces the conventional instruments to two, the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). Both strengthen foreign policy, as Section V of the TEU is devoted to the Union’s external action-and specifically to the CFSP (Articles 21-46) – and the TFEU devotes Part Five (Articles 205-222) to this area, which includes the former Community policies with external projection – such as the common commercial policy, cooperation with third countries, humanitarian aid, international agreements and relations with other international subjects.

74 Such as the Letter of Intent on the European Defence Industry (and its Framework Agreement), signed by the Defence Ministers of six Member States -Germany, France, Italy, Sweden, the United Kingdom and Spain- on 27 July 2000, to facilitate industrial restructuring and promote the competitiveness of the European defence technological and industrial base; or the Joint Organisation for Cooperation in the field of Armaments (OCCAR) – created by Germany, France, Italy and the United Kingdom – to improve the management of armaments cooperation programmes.

75 FERNÁNDEZ SOLA, N. “El impacto de un eventual Triunvirato sobre la política de defensa de la Unión Europea”. *ARI (Real Instituto Elcano)*. 2004, no. 10, pp.9-12.

On the institutional front, for foreign policy the Treaty of Lisbon creates a specific post, the High Representative for Foreign Affairs and Security Policy, which merges the former posts of Commissioner for External Relations and High Representative for CFSP and which we will examine later.

The Treaty of Lisbon generally encourages the adoption of legislative acts by qualified majority in the Council (and the Council-Parliament codecision procedure becomes the ordinary legislative procedure), but maintains unanimity as the rule for adopting decisions in matters such as foreign relations and defence-including the CFSP in general and the Common Security and Defence Policy (CSDP) in particular. In fact, the powers to define and implement the CFSP are vested in the European Council and the Council acting unanimously (unless the treaties provide otherwise)⁷⁶, and they are implemented by the High Representative and the Member States⁷⁷.

The Treaty of Lisbon does not confer any new powers or functions on the Commission or the European Parliament, whose roles remain secondary⁷⁸. And external action remains an area excluded from the jurisdiction of the Court of Justice, although it has jurisdiction to review the formal legality of acts adopted and the legality review of Council decisions imposing restrictive measures on natural or legal persons⁷⁹.

The CFSP therefore remains an area of intergovernmental cooperation, since it is governed by specific rules and procedures (with the express exclusion of legislative acts)⁸⁰, and the Union's institutions do not act in this area in the same way as they do in Community policies.

In the sphere of the CFSP-CSDP, the Council – in its Foreign Affairs configuration, chaired by the High Representative – is the institution with decision-making and operational management powers, with control over the resources employed; it prepares the Union's external action (including the CFSP and CSDP), taking into account the objectives, general guidelines and strategic lines defined by the European

⁷⁶ Article 26.1 and 2 TEU. It should be recalled that the European Council -formally recognised as an EU institution by the Treaty of Lisbon but without legislative functions (Articles 13 and 15 TEU) - is composed of the heads of state or government of the Member States, its president and the president of the Commission; and the High Representative of the Union for Foreign Affairs and Security Policy participates in its work. The President of the Council shall be responsible for the external representation of the Union in the CFSP, without prejudice to the powers of the High Representative (Article 15.6 TEU).

⁷⁷ According to Article 24.1, 2nd paragraph, of the TEU, the CFSP is defined and implemented by the European Council and the Council "acting unanimously, except where the Treaties provide otherwise", and is executed by the High Representative and the Member States. See also Article 22.1, 2nd paragraph, TEU.

⁷⁸ This is recognised in Declaration No. 14 annexed to the Final Act of the Intergovernmental Conference.

⁷⁹ Article 275, 2nd paragraph, of the Treaty on the Functioning of the European Union.

⁸⁰ Article 24.1, 2nd paragraph, TEU.

Council and the proposals of the High Representative, and ensures that the EU's action is consistent between the different areas of its external action and between these and its other policies, together with the Commission and the High Representative⁸¹.

The Treaty on European Union requires the Council and the High Representative to ensure that the principles of solidarity, loyalty, consistency and common interest are respected by the Member States in the area of the CFSP (including the CSDP), while ensuring the unity, consistency and effectiveness of Union action⁸².

The European Security and Defence Policy is now called the Common Security and Defence Policy (CSDP)⁸³, but the Treaty of Lisbon includes the same wording as above:

“The competence of the Union in the field of the common foreign and security policy shall cover all areas of foreign policy and all questions relating to the security of the Union, including the progressive framing of a common defence policy, which might lead to a common defence”⁸⁴.

And indeed,

“The common security and defence policy shall include the progressive framing of a common policy on the defence of the Union”, which “shall lead to a common defence, when the European Council, acting unanimously, so decides”⁸⁵.

The CSDP thus continues to form part of the Common Foreign and Security Policy (CFSP) -and of the Union's external action- and must operate with the same principles and objectives⁸⁶, within its legal structure and under the authority of the High

81 Articles 16.6, 18.4, 21.3 and 26.2 TEU.

82 Articles 24.3 and 26.2 TEU. In this respect, the Treaty of Lisbon stresses the importance of the EU moving within the international legal framework, and thus “the Union's action on the international scene shall be based ... on respect for the principles of the United Nations Charter and international law”, and to this end “shall promote multilateral solutions to common problems, in particular in the framework of the United Nations” (Art. 21.1 TEU). Furthermore, “the European Union and its Member States shall remain bound by the provisions of the Charter of the United Nations and in particular by the primary responsibility of the Security Council and its Member States for the maintenance of international peace and security”. Declaration No. 13 annexed to the Final Act of the Intergovernmental Conference on the common foreign and security policy.

83 The Treaty of Lisbon devotes specific provisions to regulate the Common Security and Defence Policy in its Articles 42 to 46 TEU, and Protocols Nos. 10 and 11.

84 Article 24.1 TEU, and also Article 2.4 TFEU.

85 Article 42.2 TEU.

86 The principles of the Union's external action are set out in Article 21.1 TEU: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, respect for international law -in particular the principles of the United Nations Charter- and multilateral cooperation, in particular in the

Representative. However, the CSDP adds the gradual objective of the progressive definition of a common defence policy which may lead to a common defence (probably with integrated common or national armed forces) when the European Council has decided unanimously and the Member States adopt a decision to that effect in accordance with their respective constitutional requirements⁸⁷.

The Council and the High Representative are responsible for defining the CSDP. Decisions in this area (including on missions) are taken by the Council acting unanimously on a proposal from the High Representative or on the initiative of a Member State⁸⁸. And the implementation of this policy is the responsibility of the High Representative as a mandate holder and with the supervision of the Council, or certain bodies under its authority⁸⁹.

Indeed, the Treaty of Lisbon confers on the High Representative a central position and functions in the CSDP (and in the CFSP in general⁹⁰). Organically, he is a member of all the relevant institutions in the area of the EU's external action and, of course, its defence and security policy: he is the president of the Foreign Affairs Council (made up of the foreign ministers of the Member States), one of the vice-presidents of the Commission (thus controlling the budget of this EU institution in foreign policy and cooperation), and he participates in the meetings of the European Council, in addition to directing the European External Action Service⁹¹.

framework of the United Nations. And paragraph 2 of the same Article 21 reaffirms the objectives to be achieved in defining and implementing their common policies and actions in international relations, already set out in Article 3.5 TEU for this area: defence of their values and fundamental interests; consolidation and support for democracy, the rule of law, human rights and international law; peacekeeping, conflict prevention and strengthening international security in accordance with the United Nations Charter, the Helsinki Final Act and the Paris Charter; support for sustainable development, including environmental protection and the eradication of poverty; the integration of all countries into the world economy and free international trade; aid in the event of natural or human disasters; and the promotion of an international system based on strong multilateral cooperation and good global governance.

87 Articles 24.1 and 42.2 TEU.

88 Article 42.4 TEU.

89 Articles 18, 24.1 and 26.3 TEU

90 In fact, Article 18.2 TEU expressly states that the High Representative is at the head of the EU's common foreign and security policy.

91 However, in order to avoid any reluctance on the part of certain Member States, Declaration No. 14 annexed to the Final Act of the Intergovernmental Conference on the common foreign and security policy stresses "that the provisions relating to the common foreign and security policy, including those concerning the High Representative of the Union for Foreign Affairs and Security Policy and the European External Action Service, shall not affect the existing legal bases, responsibilities and powers of each Member State with regards to the formulation and conduct of its foreign policy, its national diplomatic service, its relations with third countries and its participation in international organisations, including membership of the United Nations Security Council by a Member State".

⁹²And on a functional level, in addition to the essential mandates of presenting proposals on the CSDP and taking charge of their implementation – for which purpose it coordinates the foreign and defence ministers from the Foreign Affairs Council – he is entrusted with many other functions: mediating if a state has severe difficulties in assuming a European commitment; proposing the special representatives appointed by the Council for matters connected with defence; holding regular consultations with the European Parliament on the main aspects of the CSDP; proposing the method of financing European missions in this field; directing, on behalf of the EU, the dialogue with third states and international organisations in these matters, coordinating the positions of the Member States and negotiating and concluding – if necessary – international treaties on behalf of and following a mandate from the Council; and expressing the European position to them, including the United Nations Security Council

As for the specific organisational structure in the field of the CFSP-CSDP, the Treaty of Lisbon creates or maintains a broad organisational chart: on the one hand, the Political and Security Committee has the general function of monitoring the international situation and contributing to the definition of policy through opinions addressed to the Council, either at the request of the Council or the High Representative or on its own initiative. It also monitors the implementation of agreed policies – without prejudice to the powers of the High Representative – and continues to exercise political control and strategic direction of crisis management operations under the responsibility of the Council and the High Representative⁹³.

For its part, the European Defence Agency -created in 2004 as an intergovernmental agency of the Council of the EU with the task of supporting the Council and the Member States in their efforts to improve the Union's defence capabilities in the field of crisis management and of supporting the European Security and Defence Policy- was refocused to promote permanent cooperation between the Member States in the progressive development of their military capabilities, including scientific and technical research, technological development, arms production and acquisition, etc. To this end, the Agency is responsible for identifying operational requirements, promoting measures to satisfy those requirements, contributing to identifying and implementing measures to strengthen the industrial and technological base of the defence sector, participating in defining a European capabilities and armaments policy, and assisting the Council in evaluating the results achieved. The fulfilment of its functions is based on intergovernmental cooperation, to take advantage of the synergies of the military industries of the participating States (all except Denmark) and, thus, to harmonise the national productive and technological means through a functional distribution of the productive process that makes investments profitable -public and private- and favours

⁹² Article 34.2 TEU: “When the Union has defined a position on a subject which is on the agenda of the United Nations Security Council, those Member States which are members of the Council shall request that the High Representative be invited to present the Union's position.

⁹³ Articles 38 and 43.2 TEU, as already indicated in Article 25 of the Treaty of Nice

the formation of economies of scale⁹⁴. It therefore acts above all as a catalyst for such inter-state cooperation.

Certainly, the European Union's capacity in defence industry policy can find some accommodation in the TFEU, as the legal basis of the EU's industrial policy is found in Article 173 thereof, with the aim of improving the competitiveness of the Union's industry. It is also based on Article 352.1 as a general clause, which applies when "action by the Union within the scope of the policies defined in the Treaties is deemed necessary to attain one of the objectives of the Treaties, but the necessary powers have not been provided for in the Treaties", i.e. to cover a lack of competence⁹⁵. However, it should be noted that there are several restrictive provisions in this area: this Article cannot "serve as a basis for achieving objectives in the field of the common foreign and security policy and any act adopted in accordance with this Article shall respect the limits set out in the second paragraph of Article 40 of the Treaty on European Union"⁹⁶; and "any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material"⁹⁷.

On the other hand, the European External Action Service -provided for in the Treaty of Lisbon and created in 2010⁹⁸- is the EU's main body for its international relations in all Union policies with an external dimension – CSDP included – (although the management of these remains the responsibility of the relevant institutions), and incorporates the main bodies of the EU's defence policy, such as the Political and Security Committee, the Military Committee, the General Staff and the Joint Situation Centre for Intelligence Analysis⁹⁹. The Service is headed by the High Representative and is the first of a multinational nature, comprising officials from various EU institu-

94 Art.45 TUE.

95 LIÑÁN NOGUERAS, D.J. "Ciudadanía europea y crisis: apuntes para una revisión conceptual" in D.J. LIÑÁN NOGUERAS, A. SEGURA SERRANO and C. GARCÍA SEGURA (coords.), *Las crisis políticas y económicas: Nuevos escenarios internacionales*, Madrid, Tecnos, 2014, p.86; and VILCHEZ VIVANCO, M. "La industria de defensa en el marco europeo". *Revista Internacional de Doctrina y Jurisprudencia*. 2018, vol.19, pp.5-6.

96 Article 352.4 TFEU.

97 Article 346.1.b TFEU.

98 Article 27.3 TEU. This service was established by the Council in its Decision 2010/427 of 26 July 2010 on the organisation and functioning of the European External Action Service (OJ 2010 L 201, p.30).

99 As explained above, the Military Staff is responsible for assessing and monitoring situations, issuing early warnings in the military and defence field, strategic planning and supervising the military aspects of the EU's external security and defence missions; it has a civilian and military composition, with experts and representatives of the armed forces/defence ministries of the Member States and officials of the Council of the EU. For its part, the current EU Intelligence and Situation Centre (EU INTCEN) is the information service of the High Representative; its functions relate to the CFSP-CSDP and the national intelligence services of the Member States participating in the CSDP cooperate with it.

tions (European Commission, General Secretariat of the Council) and from national diplomatic services of the Member States.

There are also two other EU entities in this field: firstly, the Institute for Security Studies, an agency from the WEU, with the aim of promoting a common European security and defence culture¹⁰⁰. Second, the Security and Defence College functions as a network of academic institutions in the field of the CSDP in order to pool the national training processes of the Member States and direct them towards progressive convergence.

The Treaty of Lisbon provides for mutual solidarity and collective defence between Member States: on the one hand, the TFEU expressly includes a “solidarity” clause:

“If a Member State is the subject of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall, at the request of their political authorities, assist it”, and “The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, for example to prevent a terrorist threat”¹⁰¹.

On the other hand,

“If a Member State is the subject of armed aggression on its territory, the other Member States shall give it aid and assistance by all the means in their power, in accordance with Article 51 of the Charter of the United Nations... without prejudice to the specific character of the security and defence policy of certain Member States” and recalling that “commitments and cooperation in this area shall continue to be consistent with commitments under the North Atlantic Treaty Organisation, which, for those Member States which are members of it, remains the foundation of their collective defence and the forum for its implementation”¹⁰².

The TEU establishes a novel mechanism, “permanent structured cooperation”, whereby Member States with the highest criteria for military capabilities and which have the most binding commitments to perform the most demanding missions can establish an institutionalised channel for cooperation and coordination within the EU¹⁰³, which is a notable innovation in common European defence. The idea is to open up the possibility for those Member States that expressly wish to do so to set up advanced cooperation with commitments and regulated operations within the Union.

¹⁰⁰ The residual functions of the Western European Union (WEU), an organisation that ceased to exist in 2011, were absorbed by the EU through the European Defence Agency.

¹⁰¹ Article 222.2 and 1 TFEU As indicated in Article 222.3 TFEU, a Council Decision will define the arrangements for implementing this solidarity clause, and if this Decision has defence implications, the Council will act unanimously in accordance with Article 31.1 TEU.

¹⁰² Article 42.7 TEU.

¹⁰³ Articles 42.6 and 46 TEU.

But this permanent structured cooperation will not affect the provisions of Article 43 of the TEU on field missions - established and controlled by the Council.

This was the beginning of a process to remove the traditional resistance of some Member States to intense cooperation in sensitive areas (such as defence). Indeed, quasi-military structures have been established in the EU, such as a kind of permanent headquarters officially called the Military Planning and Conduct Capability (MPCC), led by the Director-General of the General Staff and under the control and strategic guidance of the Political and Security Committee.

Another important area in this field is exports: Council Common Position 2008/944/CFSP of 8 December 2008¹⁰⁴ defines common rules governing the control of exports of military technology and equipment; and Council Decision (CFSP) 2018/101 of 22 January 2018 promotes effective controls on arms exports¹⁰⁵.

In general, the EU export control regime for dual-use items is regulated by Council Regulation (EC) 428/2009/EC of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items¹⁰⁶. This regulation establishes common control standards, a list of these products, and the coordination and cooperation necessary for their consistent application throughout the EU. The Commission has regularly taken care to evaluate the functioning of this system, for example in 2011 with a Green Paper on the EU Dual-Use Export Control System¹⁰⁷.

With regards to the creation of a European defence equipment market, a strategy for the development of a European Defence Technological and Industrial Base (EDTIB) is one of the priority objectives of EU defence industry policy¹⁰⁸. Hence, a voluntary intergovernmental mechanism to ensure competition in defence equipment procurement in the European market was set up in 2008 on the basis of a Code of Conduct on defence procurement of EU Member States participating in the Europe-

104 OJ L 335 of 13 December 2008, pp.99-103. This Common Position replaced the EU Code of Conduct on Arms Exports of 5 June 1998 (text at <http://archivo-es.greenpeace.org/espana/Global/espana/report/other/c-digo-de-conducta-de-la-ue.pdf>).

105 OJ L 17 of 23 January 2018, pp.40-47.

106 OJ L 134 of 29 May 2009, pp.1-269.

107 *Green Paper. The dual-use export control system of the European Union: ensuring security and competitiveness in a changing world* - COM(2011) 393 final of 30 June 2011 And in this respect also see the Communication from the Commission to the Council and the European Parliament, "Review of export control policy: ensuring security and competitiveness in a changing world" COM(2014) 244 final of 24 April 2014.

108 See CESEDEN. *La industria y la tecnología en la Política Europea de Seguridad y Defensa*. Madrid, Ministry of Defence, 2008; and the subsequent contribution by BARTRINA, J.A. and RAMOS, C. "El desarrollo de una base tecnológica e industrial europea de defensa: una perspectiva desde España" in AA.VV. *La industria de defensa en España tras los consejos europeos de diciembre de 2013 y junio de 2015*. Madrid, Escuela Superior de las Fuerzas Armadas, 2015, pp.151-188.

an Defence Agency, adopted on 21 November 2005¹⁰⁹. Another relevant instrument in this respect was the Code of Best Practices in the Supply Chain of 27 April 2005¹¹⁰. But the integration of national markets in this industrial sector requires legal and technical harmonisation of defence equipment, and the portals of the European Defence Standards Information System¹¹¹ and the European Defence Standards Reference System¹¹² were created for this purpose. The Commission also adopted in 2013 an Action Plan to improve the efficiency and competitiveness of the European defence industry, with concrete actions in the various relevant areas¹¹³.

In the field of defence procurement and transfer, the Commission presented in 2004 the Green Paper on defence procurement¹¹⁴, with the aim of maximising the use of resources in this sector and the competitiveness of European industry. The fact is that the public procurement rules¹¹⁵ were not suitable for security and defence matters, and so more transparent provisions were established¹¹⁶, meaning that the common procurement procedure is the negotiated one with a published contract notice and specific rules for the security of sensitive information, security of supply and subcontracting. At the same time, the conditions and procedures for their transfer were simplified and harmonised by creating a uniform and transparent licensing system – of three types¹¹⁷.

109 See www.eda.europa.eu/docs/documents/CoC.pdf [accessed on 28 September 2019].

110 This Code of Best Practice was jointly adopted in April 2006 by the European Defence Agency and the Association of the European Defence, Security and Aerospace Industries. See www.eda.europa.eu/docs/documents/CoBPSC_final [accessed on 28 September 2019]. In November 2005 the European Defence Agency approved the “Intergovernmental Regime on the promotion of transparency and free competition in defence procurement”, which was governed by the principles set out in its two Codes of Conduct.

111 See <https://edsis.eda.europa.eu/>

112 See <http://edstar.eda.europa.eu/> This Reference System replaced the European Handbook for Defence Procurement, created by the European Commission in 2008.

113 Such an Action Plan can be found in the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions “Towards a more competitive and efficient security and defence sector” (COM(2013) 0542) of 24 July 2013, pp.6-19.

114 European Commission Communication COM/2004/0608 of 23 September 2004. And on this Green Paper, the European Parliament adopted its resolution 2005/2030(INI) of 17 November 2005 (OJ C 280 E, 18 November 2006, pp.463-467).

115 Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts.

116 Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security.

117 Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community.

The current framework for European Defence industry cooperation

In 2016 the current European Security Strategy was approved under the title “Global Strategy for the Union’s Foreign and Security Policy”, replacing that of 2003. It activated an accelerated process of strengthening cooperation between Member States in the field of security and defence to promote coordination between them, increased investment and cooperation in the development of defence capabilities¹¹⁸. Thus, some important instruments were created in this direction:

1. In November 2016 the European Commission presented the European Defence Action Plan (EDAP), with the aim of developing defence technologies through the allocation of funds for joint research¹¹⁹. This Action Plan arose because of the challenges posed by increased external competition, a fragmented non-converging European industry, and growing threats to European security. In fact, the segmentation of the industrial sector is very common in this area, and the TFEU allows each Member State to establish the national restrictions on free competition in the production and trade of defence material that it considers necessary for the protection of its essential security interests¹²⁰; however, the TJEU has limited the scope of these restrictions, in that they do not operate, for example, when it comes to civilian and military dual-use material¹²¹.

118 See ROLDÁN BARBERO, J. “La Europa de la Defensa pasa a la ofensiva”. *Revista General de Derecho Europeo*. no. 43, 2017.

119 Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, “European Defence Action Plan”, COM(2016) 950 final, 30 November 2016. This Action Plan is based on several pillars: the European Defence Fund; boosting investment in the defence procurement process; and the single market for defence. See the previous Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions “Towards a more competitive and efficient security and defence sector”. COM(2013) 542 of 24 July 2013 with an action plan to improve the efficiency and competitiveness of the European Defence Industry. See ÁLVAREZ, G. and IGLESIAS, J. “El Plan de Acción Europeo de Defensa, un impulso a la industria de defensa y un medio de integración de la Unión Europea”. *Boletín I.E.E.E.* 8/2018, of 22 January 2018, p.392 and ff.; and LÓPEZ DE, J. “La Agencia Europea de Defensa como plataforma para el progreso de la Política Común de Seguridad y Defensa”. *Análisis GESI (Grupo de Estudios en Seguridad Internacional, Universidad de Granada)*. 15/2018, 20 March 2018, pp.14-15, at <http://www.seguridadinternacional.es/?q=es/content/la-agencia-europea-de-defensa-como-plataforma-para-el-progreso-de-la-pol%C3%ADtica-com%C3%BAn-de> [accessed on 19 September 2019].

120 Article 346.1.b. TFUE.

121 For example, see Judgement of the Court of Justice (Fourth Chamber) of 7 June 2012 (Case C-615/10), ECLI:EU:C:2012:324. In fact, Article 346.1.b. TFUE indicates *in fine*: “these measures must not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.” And on this subject see PARDO GARCÍA-VALDECASAS, J.J. et al., *La Contratación y el Artículo 346 del Tratado de funcionamiento de la*

2. The European Defence Fund, created to provide economic incentives for defence cooperation by co-financing projects from the EU budget; and has two phases, one for research and the other for capabilities, with a European Defence Industrial Development Programme¹²². The purpose is to strengthen European defence as a complement – not an alternative – to NATO.
3. In 2017 the Preparatory Action for Defence Research (PADR) was launched -with a duration of three years- as part of the European Defence Plan and financed by the aforementioned European Fund: its aim is to promote scientific and technological advances in defence and security in the Member States and their industries, similar to how the Horizon 2020 (H2020) projects -the European Commission's civilian research, development and innovation programme – have operated¹²³ – and in 2021 a European Defence Research Programme and a post-H2020 Framework Programme will be launched simultaneously, which will probably continue to include security among its thematic areas or challenges. Certainly, the EU has funded civilian research above all, but some technological areas – such as dual-use materials or information and communication technologies – have had an impact on improving the technological base and competitiveness of the defence industry.

In this process, the competent Ministers of 23 Member States signed a joint notification on Permanent Structured Cooperation on Security and Defence (PESCO) on 13 November 2017 and sent it to the High Representative and the Council (joined by two other Member States on 7 December of that year), with a list of twenty common commitments on defence investment, capability development and operational readiness, and a set of proposals on PESCO principles and regulation¹²⁴.

On 11 December 2017, the Council adopted the decision establishing the above-mentioned PESCO and the list of participants – 25 of the 28 EU member states (all except

Unión Europea. Centro Superior de Estudios de la Defensa Nacional (CESEDEN) Working Paper, 2/2017, at www.ieee.es/Galerias/fichero/docs_trabajo/2017/DIEEET02-2017_Contratacion_Art346_TratadoFuncionamiento_UE.PDF [accessed on 5 September 2019].

¹²² Regulation (EU) 2018/1092 of the European Parliament and of the Council of 18 July 2018 establishing the European Defence Industrial Development Programme, with the objective of supporting the competitiveness and innovation capacity of the EU defence industry, to operate in 2019 and 2020 with a budget of 500 million euros and whose beneficiaries and subcontractors participating in the action are public or private companies established in the Union (OJ L 200 of 7 August 2018, pp.30-43).

¹²³ LÓPEZ DE, J. *cit.*, p.3. The H2020, which has been in operation since 2014, is a multidisciplinary programme for challenges that explicitly or implicitly referred to external security. *Ibidem*, p.12 et seq. The H2020 has a challenge dedicated to “Secure Societies”, aimed at promoting research to preserve the freedom and security of the EU and its citizens.

¹²⁴ See the joint notification in OJ L 331 of 14 December 2017, pp.65-66.

Denmark, Malta and the United Kingdom after Brexit)¹²⁵ – a cooperative structure with the Treaty of Lisbon as its legal basis¹²⁶. Its avowed aim is to deepen defence cooperation between Member States with the capacity and willingness to jointly strengthen defence capabilities in order to offer them to EU military operations and thus reinforce the EU's strategic autonomy while maintaining the national sovereignty of the Member States. The aim is to move towards a military and defence European Union that enhances its international influence, improves the protection of its citizens and optimises the efficiency of expenditure in this field.

The importance of PESCO is that, although membership is voluntary, the commitments made by its participating States are legally binding. However, it is these participants who take decisions on PESCO in the Council, and it is understood that they will do so without prejudice to the preservation of their national sovereignty or to the specific character of the security and defence policy of certain Member States of the Union¹²⁷. Indeed, the military capabilities developed in the framework of PESCO remain under the power and control of the Member States, which may decide to use them for operations of other international organisations in which they also participate, such as NATO or the UN.

PESCO is a permanent framework for advanced cooperation in security and defence and simultaneously involves a structured process as an element for promoting integration in this field, by improving cooperation in investment, developing military capabilities and their operational readiness – reducing the differences between national armaments systems – enhancing operational coordination of their armed forces and increasing industrial competitiveness.

In terms of its structure, PESCO is organised on several levels:

1. On the one hand, the Council of the EU is responsible for its general political direction, decision-making and the system for assessing the degree of fulfilment of the commitments made by its participants. In this area, only the States participating in PESCO have voting rights in the Council and a unanimous vote by all of them is required for a decision to be taken (but decisions on PESCO membership -suspension of the status of participating State

125 Council Decision (CFSP) 2017/2315 of 11 December 2017 establishing permanent structured cooperation and determining the list of participating Member States (OJ L 331, 14 December 2017, pp.57-77). On PESCO, see the brilliant studies by ALDECOA LUZÁRRAGA, F. “La Cooperación Estructurada Permanente: haciendo creíble la Alianza Defensiva de la Unión Europea, sin perder la condición de potencia normativa y diplomática”. *Anuario Español de Derecho Internacional*. vol.34, 2018, pp.1003-1020; and LÓPEZ-JACOISTE DÍAZ, E. “La nueva Cooperación Estructurada Permanente: ¿impulso definitivo para una verdadera Política Común de Seguridad y Defensa en Europa?”. *Anuario Español de Derecho Internacional*. 2018, vol.34, pp.1075-1097.

126 Articles 42.6 and 46 TEU and Protocol No. 10 on permanent structured cooperation.

127 Recognised in Article 42.7 TEU, *in fine*, and also in Declarations 13 and 14 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon.

and entry of new participating States- are taken by qualified majority). The Council has developed the legal regulation of PESCO: in March 2018 it adopted a Recommendation establishing a programme for the implementation of this Permanent Structured Cooperation¹²⁸; and on 25 June 2018 it approved a Decision on common rules of governance for projects, including the duty to submit annually to the Council detailed information on the progress and objectives achieved by each project¹²⁹.

2. At the level of projects developed within the framework of PESCO, each project is managed by the participating Member States with the supervision of the Council. As these projects often have very high costs, they can obtain funding from the European Defence Fund. The PADR and PESCO highlight the need for powerful defence research and technological development projects in order to acquire common capabilities within the EU and provide appropriate means for their operational missions.
3. The PESCO Secretariat is provided jointly by the European Defence Agency and the European External Action Service - including the Military Staff.

With regards to the system for evaluating the implementation of PESCO, this is based on the obligation assumed by each participating State to draw up an annual national implementation plan detailing how it is meeting its binding commitments, which it is to communicate to the other participating States. On this basis, the PESCO Secretariat analyses the national plans sent and the High Representative submits an annual report on PESCO to the Council. In this way, the Council evaluates each year the functioning of PESCO and the fulfilment of the commitments of its participating States, and initiates the process of approving new projects and updating existing ones.

Indeed, the degree of success of PESCO depends on the projects developed within its framework: to be approved, a project is required to provide a high European added value for the EU's operational and capability needs, in accordance with the priorities established by the Member States in the Union's Capability Development Plan and the Annual Coordinated Defence Review (CARD)¹³⁰. Throughout 2018 – in March and November – the Council approved the first 34 projects and the participating states of each, with clear objectives in highly sensitive areas for European security and defence, such as the creation of a centre of competence for missions in training, military disaster relief and improvement of maritime surveillance, joint medical command, rapid cyber-reaction teams and mutual assistance in cybersecurity, European military network on the space environment, common intelligence school, etc.

¹²⁸ Council Recommendation of 6 March 2018 on a programme for the implementation of permanent structured cooperation (PSC) (OJ C 88 of 8 March 2018, pp.1-4).

¹²⁹ Council Decision (CFSP) 2018/909 of 25 June 2018 establishing a common set of governance rules for projects in the framework of permanent structured cooperation (PSC) (OJ L 161 of 26 June 2018, pp.37-41)

¹³⁰ This Annual Coordinated Defence Review (CARD) is conducted by the European Defence Agency through the examination of national defence expenditure plans.

Third States may exceptionally be accepted into PESCO projects, but this possibility is first examined by the States participating in each project with regards to a particular third State which meets the conditions required, and then it is the Council which decides on their admission; if it does so, then the legal basis will be an EU administrative arrangement with the third State for its participation in that PESCO project, to be concluded in accordance with the Union's procedures.

All these recent EU activities are underpinned by a growing awareness among European citizens of the need to share a European defence culture leading to a common defence policy; this should prevent duplication of efforts and resources by the EU and its Member States in dealing with recent security threats¹³¹.

In this regard, the European Defence Agency has sought to take the lead, especially in the acquisition and pooling of industrial capabilities in the defence sector, with initiatives such as “pooling and sharing” between Member States in collaborative research projects, the European Industrial Technology Base (established in 2017), the development of dual-use technologies (civilian and military) or cooperation in projects with other relevant bodies, whether of the EU -such as the European Space Agency – or of the Member States – such as the Strategic Research Agencies¹³².

Indeed, the regulatory act establishing the Agency already empowered it to manage specific projects or programmes of varying scope -categories A and B- with their corresponding specific budgets paid for by the participating States, as well as research and technology (R&T) studies financed directly by the Agency - which therefore retains the intellectual property of its products¹³³. Thus, a Pilot Project, managed by the European Defence Agency with EU funds, was established in 2016 to finance R&T projects for the development of military capabilities and thus strengthen the defence industry, with the active participation of all the actors involved: EU institutions -such as Parliament and the Commission – companies – as project implementers- and national defence ministries - as end users of the results.

In fact, research and development in these areas has an impact on a large number of companies directly or indirectly connected with defence industrial production, which can help to finance it, renew the production process and improve their levels of competitiveness.

Therefore, in recent years the convergence of the EU Member States in security and defence matters has been fostered owing to their interdependence in shared challeng-

¹³¹ Thus, see LÓPEZ DE, J., *cit.*, p.2., which refers to the European Parliament's Eurobarometer; and NANCY, J. *A dos años de las elecciones europeas de 2019. Eurobarómetro especial del Parlamento Europeo*. European Union, April 2017, pp. 25-26 and 35, at www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2017/two-years-until-the-2019-european-elections/analytical-synthesis/es-analytical-synthesis-two-years-until-the-2019-european-elections.pdf [accessed on 28 September 2019].

¹³² LÓPEZ DE, J., *cit.*, pp.9-10.

¹³³ See Articles 19, 20 and 13(3)(ii) of Council Decision (CFSP) 2015/1835 of 12 October 2015.

es, threats and needs, although until now it has been a policy of intergovernmental cooperation, not a common supranational policy. Similarly, the necessary coherence requires that a security and defence policy be based on two closely coordinated pillars: the definition of strategies (clear strategic objectives) and the acquisition of capabilities (above all military), but the EU has not taken much care of this connection¹³⁴.

Similarly, practice has shown the importance of involving purely Community institutions in the effective implementation of the Common Security and Defence Policy: enshrining the principle of “coherence” made the CSDP a cross-cutting policy¹³⁵, whose consolidation required the active contribution of the European Commission in several areas, such as the management of the budget linked to the CSDP, the connection of security and defence with some material Community areas -energy, immigration, economy- and the involvement of the bodies involved in submitting proposals on the CSDP to the Council¹³⁶.

For its part, the European Parliament has held numerous joint meetings with other Union institutions and bodies -such as the Council, the Commission and the European External Action Service – approved periodic resolutions to promote the various aspects of European defence¹³⁷ – and discussed various reports on the importance of combining defence-related policies in research and development projects as a way of reflecting the cross-cutting nature of the CSDP¹³⁸. Already in 2015 Parliament began to allocate budget lines for security and defence research, as well as transferring funds to

134 VERGARA MELERO, J.A. *Capacidades militares y defensa común en el ámbito de la Unión Europea (1999-2014)*, PhD thesis, Universidad de Granada, Granada, 2015, p.II et seq.

135 Joint Communication – from the European Commission and the High Representative – to the European Parliament and the Council “The EU’s integrated approach to external conflicts and crises” of 11 December 2013 (JOIN(2013) 30 final).

136 See MARTÍ SAMPERE, C. “Implicaciones de los fondos y programas de la Comisión para la investigación y desarrollo de las capacidades militares de la UE”. *Analysis by the Real Instituto Elcano*. no. 93, 21/11/2017, in www.realinstitutoelcano.org/wps/portal/rielcano_es/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/zonas_es/defensa+y+seguridad/ari93-2017-martisempere-programmes-commission-research-development-skills-military-eu [accessed on 29 September 2019]; and LÓPEZ DE, J., *cit.* p.6.

137 Thus, in its resolution on the implementation of the CSDP (2012/2138(INI)) of 22 November 2012 (OJ C 419 of 16 December 2015, pp.124-137), the Parliament reiterated the need to consolidate the defence technological and industrial base in order to strengthen European capabilities; in its resolution on the European defence technological and industrial base (2013/2125(INI)) of 21 November 2013 (OJ C 436 of 24 November 2016, pp.26-34), it called for strengthening European industrial cooperation and supporting CSDP missions with research and development on the basis of the Horizon 2020 programme; in its resolutions 2015/2037(INI) of 21 May 2015 (OJ C 353 of 27 September 2016, pp.74-81) and 2015/2272(INI) of 13 April 2016 (OJ C 58 of 15 February 2018, pp.109-118), Parliament called for an effective and ambitious CFSP with a shared vision of European interests; and in its resolution 2016/2052(INI) of 22 November 2016 (OJ C 224 of 27 June 2018, pp.18-28) proposed the urgent creation of a European Defence Union.

138 LÓPEZ DE, J., *cit.*, p.7.

the European Defence Agency for the same purpose. Thus, the financing of the CSDP has become the logical channel for increasing the participation and supervision by the Commission and Parliament.

Effective collaboration in the military industry for capability development would bring major budgetary benefits, investment recovery and job creation. It would also improve R&T capabilities -avoiding duplication of programmes- and strengthen European industry and its level of competitiveness. To this end, real coordination of European and national efforts should be achieved.

However, national policies in the oligopolistic defence industry have usually been protectionist, not only in matters of national sovereignty and preservation of defensive autonomy, but also in resistance to sharing advanced defence technologies; all this has prevented structured European cooperation in this field. Thus, for decades, collaboration between European States in the defence industry has taken shape only in certain specific projects, which have often encountered problems and delays in their implementation, largely because of the requirement imposed by the contributing States to receive a full return on their investment: that each national industry should receive a share of the work and employment equivalent to the value of its economic contribution to that cooperation programme¹³⁹. These traditional misgivings of the Member States to protect their own companies and have defensive independence have hindered the emergence of economies of scale, synergies in logistics and equipment, the operability of EU forces and, in general, the acquisition of military capabilities.

Opportunities and weaknesses of Defence industrial policy

The European Defence Fund in the face of new political and technological challenges

As we have pointed out, the European Union's industrial defence policy is characterised, not as a result but as a process of a whole series of initiatives that began to address the issue in greater depth with the Global Strategy of the European Union¹⁴⁰ of June 2016 and the launch of the European Defence Action Plan (EDAP), all of which are materialised through Permanent Structured Cooperation. The establishment of the Annual Coordinated Defence Review (ADCR), aimed at increasing the transparency of European defence capabilities, has made it possible to improve the detection of shortfalls and to optimise defence investment planning. The Military Planning and Conduct Capability (MPCC) has begun the path towards greater synchronisation in

139 See CALCARA, A. "Cooperation and conflict in the European defence-industrial field: the role of relative gains". *Defence Studies*. 2018, vol.18, no. 4, pp.474-497.

140 See http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf [accessed on 30 September 2019].

defence and faster and more coherent operational implementation. These two frameworks represent an effort to increase the political visibility of defence capabilities and to refine the appropriate analysis of what needs to be improved or maintained in this public policy.

In view of the United States' technological-military revolution through its *Third Offset Strategy*, the resurgence of competition between major powers, hybrid threats and a highly competitive geo-economy, the European Union set itself the goal of achieving greater strategic autonomy. The European Union's defence industrial policy is seen as an essential axis. However, before going into detail on the issue, it is important to note brief differences between the European Union's industrial policy and its defence industrial policy, which are two distinct policies. Firstly, at a regulatory level, the legal basis of the European Union's industrial policy is Article 173 of the TFEU, which seeks to improve the competitiveness of Community industry through the implementation of measures across several sectors. By contrast, defence industrial policy, although based on the same article, has been effectively developed thanks to Article 346.1 of the same Treaty, which has made it possible to make progress towards internal market rules on the acquisition of defence equipment. Article 346.1 states that "any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material". Likewise, defence industrial policy is based on Article 352 of the TFEU, which contemplates those cases in which the EU treaties do not make special mention of the powers of action necessary for this purpose, but which are necessary to achieve some of the Union's objectives. Second, another of the main differences is that defence industrial policy is developed under the auspices of the European Defence Agency, in order to support the policies of the Common Security and Defence Policy, which is part of the Common Foreign and Security Policy. Meanwhile, the EU's general industrial policy covers a whole range of industries which are managed on a decentralised basis by the Directorate-General best suited to the nature of the subject, such as the digital industry, the energy industry, the nuclear industry, and others.

The specificity of defence industrial policy points to the need to complement and consolidate the collaborative efforts of the Member States to develop defence capabilities through a defence industry characterised¹⁴¹ as competitive, based on innovation and marked by efficiency. To this end, the European Defence Fund was launched in June 2017 with an initial amount of 5.5 billion euros¹⁴² with two main objectives: to mitigate the fragmentation of the internal market¹⁴³, and to give a boost to the demand

¹⁴¹ See www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/ITRE/DV/2018/06-18/9-provisional-agreement-edidp-ES.pdf [accessed on 10 September 2019].

¹⁴² See https://europa.eu/rapid/press-release_IP-17-1508_es.htm [accessed 8 September 2019].

¹⁴³ ARTEAGA, F. y SIMÓN, L. "El Fondo Europeo de Defensa y el futuro de la industria española". *Elcano Policy Papers*. Madrid, Real Instituto Elcano, 2019.

of a sector that was in the process of falling. In this way, transaction costs are reduced and greater channels of communication are built between demand – the Member States- and supply – the industries in the sector.

The European Defence Fund is divided into two sections: research – *Preparatory Action for Defence Research* (PADR)- and development and procurement – *European Defence Industrial Development Programme* (EDIDP). It is estimated that increased defence cooperation would lead to a reduction of up to 30% in annual defence spending¹⁴⁴. In fact, the European Union's Multiannual Financial Framework for the period 2021-2027 identifies increased defence and security spending as one of the three priorities in the negotiations on this framework¹⁴⁵, which is still under negotiation. If approved, 4.1 billion euros would be allocated to research and 8.9 billion euros to development and acquisition.

However, when analysing the opportunities and weaknesses of this defence industrial policy, the monitoring, evaluation and verification of executive programmes and funds are important, but insufficient. To this end, it is necessary to take a critical look at the challenges this policy faces on the basis of two additional factors: the high dependence on the European Defence Agency for the correct implementation of programmes and potential risks; and the differences in the defence culture of each Member State and the implications for building a “community strategic culture” that complements the strategic autonomy we have been discussing up until now.

We focus on these two factors because, while many others could be taken into account in the evaluation of defence industrial policy at the Community level, the purpose of this article is to focus on their congruence for the Spanish case. Specifically, through the opportunities to which Spain could avail itself, or those initiatives in which it is already involved and from which new learning can be taken to channel the Spanish defence conglomerate in the framework of the opportunities offered by the European Industrial Defence Policy. That is why we will end this section with a proposal for improvements, all of which are linked to possible opportunities aimed at positioning Spain.

From an agency and accountability perspective

The amount of funding proposed for the Multiannual Financial Framework for the period 2021-2027 is a clear symbol of the impetus of the European Union and its Member States to increase strategic autonomy by channelling better defence capabilities and generating a shared culture of endogenous production. However, once it

144 Report from the Munich Security Conference, 2017, at <https://securityconference.org/en/publications/munich-security-report/munich-security-report-2017/> [accessed on 2 September 2019].

145 See www.consilium.europa.eu/es/policies/eu-budgetary-system/multiannual-financial-framework/mff-negotiations/ [accessed on 9 September 2019].

starts, it will be the organisational and resource capacity of the managing agencies that will determine the degree of effectiveness and success of the implementation of the different programmes, as well as the community agenda of priorities derived from the pandemic originated by the COVID-19.

Since its establishment in 2004, the European Defence Agency has been responsible for promoting collaboration between companies and countries in order to provide greater military capabilities. Since these initiatives were launched, they have become more important, particularly in terms of *coordinating* national defence plans and ensuring *coherence* – as mentioned in the previous section – between the various plans.

In this sense, although its mandate is executive, its knowledge of the subject and the need to respond to a long list of proposals has given it added value in providing advice on decision-making. Understanding this leadership is important because of the impacts it has on what we have wanted to call the “sequential governance of the European Union’s defence industry”. In other words, for strategic autonomy to be possible, each of the requirements must be met step by step in order to guarantee transparency and effective compliance with the programmes. The first phase is therefore the identification of capabilities – through the *Capabilities Development Plan* or CDP-, followed by the search for cooperation opportunities – through the CARD – ending with planning and implementation through development and acquisition – through PESCO and the European Defence Fund.

The European Defence Agency has received several criticisms in recent years: firstly, due to delays in delivery and execution times¹⁴⁶. Secondly, because the maintenance of the Value Added Tax -or VAT- did not encourage cooperation between countries for the development of common programmes. Thirdly, by not taking into account the differences in positioning and size of each of the Member States in the industrial network, both international and European.

However, since 2017 the Agency has taken a step forward and started working to generate investment incentives by improving the return per euro allocated to defence. However, it has not yet succeeded in promoting *fair retour*¹⁴⁷ – a tacit agreement whereby each Member State gives priority to having an optimal individual net financial position vis-à-vis the Community budget. In other words, the Agency is promoting improvements in the *outputs* or results of the process, making it an interesting framework in which to invest; but it is not reducing the structural inequality on which it is initially based, it is not making those countries with a smaller industrial size find incentives to join these projects. It favours minimising costs and maximising profits, making it attractive to investors, but these are the same players who have traditionally

146 FONFRÍA MESA, A. “La Agencia Europea de Defensa y la colaboración industrial en defensa” (68/2015). Instituto Español de Estudios Estratégicos, Ministry of Defence, 2019.

147 RICHTER, S. “Facing the Monster ‘Juste retour’: On the Net Financial Position of Member States vis-à-vis the EU Budget and a Proposal for Reform”. *WIIW Research Report*, 2008, no. 348.

participated, without the incorporation of other new states. Thus, the system is maintained, albeit at a lower cost.

Another criticism received concerns taxation. However, progress has been made, and in 2017 the Agency's Annual Report indicates that, for the first time, VAT exemption was applied to two *ad hoc* projects of the Agency¹⁴⁸. The same exemption policy would apply to four other projects to be completed in 2018. The potential of this incentive is significant and can help those states that do not traditionally invest in defence programmes, at least collaboratively, to do so. The creation of the Financial Mechanism for Co-operation -or FCM- by the European Investment Bank is promoting an inclusive model to reduce the differential of "two-speed Europe", at least in the field of defence industrial policy. However, as it is so recent, it will take several years to evaluate its effectiveness.

On the other hand, PESCO plays an important role in defining responsibilities. It is based on two components: binding commitments from Member States, and specific projects involving the private sector. Both elements require either an operational nature or a capacity. It is here that the European Defence Agency is ceding part of its leadership. For the capabilities dimension, it is the Agency itself that is responsible for managing it. However, the European External Action Service is responsible for the operational aspects of PESCO¹⁴⁹. This allows for a more coherent framework, with top-down coordination, and allows for other, less hierarchical structures to be involved in the future.

From a defence culture perspective

Since the birth of the European Defence Agency, the most important and longest running collaboration programmes have been refuelling in the air, maritime surveillance, the fight against improvised explosive devices, the European air transport fleet, the availability of helicopters for emergencies, and the SESAR project, aimed at reviewing air traffic management.

However, there have been major differences in the participation of Member States in PESCO projects, as indicated in the 2019 Annual Book of the EU Institute for Security Studies¹⁵⁰. We will divide the whole into three groups: firstly, those countries with a low participation rate, which represent the majority of Member States: for

148 See <https://eda.europa.eu/docs/default-source/eda-annual-reports/eda-2017-annual-report-final> [accessed on 25 September 2019].

149 EU Institute for Security Studies. "Permanent Structured Cooperation: What's in a name?". *Chaillot Papers*. EUISS, no. 142, 2017.

150 EUISS. *2019 Yearbook European Security* EU Institute for Security Studies. "Permanent Structured Cooperation: What's in a name?". *Chaillot Papers*. EUISS, No 142, 2017., 2019, at www.iss.europa.eu/content/euiss-yearbook-european-security-2019 [accessed on 5 September 2019].

example, Ireland, Lithuania and Luxembourg with two projects, or Slovenia, Latvia and Finland between three and four. It is striking, however, that one part of the group, despite collaborating in a few projects, leads some of them, such as Slovakia or Austria. A second group would be made up of those countries that participate in a greater number of programmes -between six and eight- but without leading any, such as Greece, Poland or Portugal. Finally, the third group is that of the countries with the greatest number of projects, and coordination within them.

Spain is the leading country in terms of participation in PESCO projects, specifically 16, followed by 14 in Italy and 13 in France. However, this first position in participation does not go hand in hand with leadership in the coordination of such projects. On the contrary, Spain is only leading one of the 16 projects in which it is involved. Meanwhile, Italy and France lead seven. Germany is close by, leading six of the eight totals.

This leads us to briefly consider the difference in the strategic culture of military doctrines, and the clash this entails with respect to the EU's ambition of greater strategic autonomy. These strategic cultures can be divided into three dichotomous variables¹⁵¹: Firstly, differentiating between Atlanticists – such as the United Kingdom or the Netherlands – and Europeanists – such as France and Germany. Secondly, between the multilateralist countries – those states that lead or those with fewer resources that choose to join – and the sovereigntists. Thirdly, between the powers that tend to use their military capabilities with greater force – such as France and the United Kingdom – and those that are more preventive – such as Germany.

These differences lead us to ask whether a “strategic community culture” is possible. We do not refer to strategic autonomy as the availability of defence capabilities in the face of external security challenges, but to a strategic culture understood as the existence of a set of common beliefs, assumptions, attitudes, norms, world views and behavioural patterns¹⁵². In the case of defence industrial policy, the paradox is that a central authority would have capacity without legitimacy, and state institutions would continue to have such legitimacy, but without sufficient capacity¹⁵³. While we do not consider that the net effect of such divergence and difference would be strategic incoherence in defence collaboration plans, as Howorth would say¹⁵⁴, it is true that it can generate rivalries in the final phases of implementation and application of the acquired defence product.

151 PINTADO RODRÍGUEZ, C. *Pooling & Sharing y la industria europea de defensa. Viejas ideas para nuevas soluciones*. Instituto Español de Estudios Estratégicos, Ministry of Defence, 2013, no. 104.

152 DUFFIELD, J.S. “Political Culture and State Behaviour: Why Germany Confounds Neorealism”. *International Organization*. 1999, no. 53, pp.765-803.

153 BIAVA, DRENT, HERD. “Characterizing the European Union's Strategic Culture: An Analytical Framework”. *Journal of Common Market Studies*. UACES, 2011. pp.1-22.

154 HOWORTH, J. “The CESDP and the Forging of a European Security Culture”. *Politique Européenne*. 2002, no. 8, pp.88-108.

It is true that constructivism is right when it states that national strategic cultures have been coming closer together in the understanding and perception of threats, in institutional socialisation and in the way of assuming crisis scenarios¹⁵⁵. However, the resulting defence products come from projects in which not all Member States participate, nor do they participate at the same stage – research, equipment or procurement. The way of deciding the use of each of them will be done to variable geometry.

In addition to this mosaic of diverse strategic cultures within the European Union and its effect on defence industrial policy, possible tensions may arise with respect to NATO in this area. NATO has a much more mature defence planning process than the European Union, both in terms of time and issues. However, what the EU highlights¹⁵⁶ is that it has a strong framework for the defence industry, including both legislation (the directives on the transfer and acquisition of defence equipment) and a political framework (PESCO, CARD), and a European Defence Fund, which supports the development of defence capabilities and research. The development of Community initiatives has raised doubts as to whether the Union is creating tools that can create duplication in military capabilities, but also discriminate against non-EU NATO members and, conversely, against non-NATO EU members. Indeed, despite these frictions, the EU and NATO have moved closer to working together on defence industry issues. For example, in July 2016 they published a Joint Declaration in which they pointed to the need to facilitate a stronger defence industry and stronger research cooperation both within Europe and in the Atlantic. The following declaration of 2018 reiterates the need for coherence, complementarity and interoperability of EU and NATO executive programmes. However, this declaration of 2018 is aimed at cooperation in hybrid threats, military mobility, capability building and hybrid threats, but defence industrial cooperation as such was conspicuous by its absence. Unlike military mobility – which is one of the strengths of NATO-EU cooperation¹⁵⁷ – defence industry cooperation has been more limited¹⁵⁸. The European Defence Technological and Industrial Base Strategy is aimed at supporting European industry and ensuring that NATO and the EU can act autonomously, without overlapping, but still generating confidence. However, there are frictions in terms of economic competitiveness and strategic autonomy, as well as fears on the part of the United States of losing room for manoeuvre on the continent.

155 MEYER, C. “Convergence Towards a European Strategic Culture? A Constructivist Framework for Explaining Changing Norms”. *European Journal of International Relations*. 2005, vol. II, no. 4, pp.523-549.

156 FIOTT, D. “The EU, NATO and the European defence market: do institutional responses to defence globalisation matter?”. *European Security*. 2017, vol. 26, pp.398-414.

157 DRENT, M., KRUIJVER, K., ZANDEE, D. *Military Mobility and the EU-NATO Conundrum. Clingendael Report*, La Haya, Clingendael Institute, 2019, pp.9-12.

158 FIOTT, D. “Defence industry, industrial cooperation and military mobility” in G. LINDSTROM and T. TARDY (ed.). *The EU and NATO: The essential partners*. Paris, European Union Institute for Security Studies, 2019, pp.44-51.

Proposals for improvement

The European Defence Fund, PESCO and the other initiatives have started to work their way since 2017. However, other previous projects are still underway, such as *ad hoc* consortia and *joint ventures*, where two or more parties pool resources to fulfil a specific activity.

The analysis of these previous joint programmes makes it possible to contribute with new recommendations to the improvement of the industry. In particular, the aerospace sector is the only strategic industry at European level that receives strong investment, has decreasing costs, and where the speed of deployment of technological innovations is high¹⁵⁹. However, it is in land defence where collaborative projects are most limited by a lack of sufficient investment. The naval field is in an intermediate scenario, although with duplications, and a large number of SMEs highly dependent on the process of outsourcing tasks, thus generating a high elasticity. It is therefore recommended that investments between the three defence sectors be levelled out as far as possible.

The second recommendation we make is oriented towards the question of the specialisation versus concentration dichotomy. A commitment to specialisation would allow for greater efficiency. As the projects are based on collaboration between several countries, a direct and visible return benefit cannot be expected in each of them, but in the long term it will favour the structuring of a sustained and sustainable model.

Thirdly, distinguishing between strategic equipment -such as weapons, helicopters or maritime surveillance- and non-strategic equipment -such as ammunition, clothing, personnel, recruitment and training – would probably fuel a more inclusive distribution of projects among all Member States, also encompassing those with less industrial positioning or financial investment capacity.

In this sense, these recommendations are articulated as some of the main axes of the improvement, not only of the executive application of the projects contained in the initiatives of the European Defence Fund, CARD and others, but also of the scope and nature itself. Only in this way can the improvement of the operational dimension of PESCO be achieved through concrete measures for the availability, interoperability, flexibility and deployment of defence products.

The Spanish case: windows of opportunity for strengthening the Defence industry

Challenges of the defence industry sector in Spain

The four largest national defence industries in Europe -namely the UK, France, Italy and Germany- cover approximately two thirds of the total defence market in

¹⁵⁹ PINTADO RODRÍGUEZ, C. *Pooling & Sharing y la industria europea de defensa. Viejas ideas para nuevas soluciones* (104/2013). Instituto Español de Estudios Estratégicos, Ministry of Defence, 2013.

the European Union¹⁶⁰. According to the latest Spanish Defence Industry Catalogue for the period 2019-2020, published by the Ministry of Defence¹⁶¹, of the 528 companies registered in the catalogue, 373 have invoiced some product or service over the period 2017, with a total turnover in the defence industry for that year of 6.19 billion euros.

The report states that Spain's Defence Technological and Industrial Base (DTIB) is facing a current scenario marked by budgetary constraints, a high degree of competition between industrial actors in consolidated and emerging countries, and the restructuring of the European market in this area. In this respect, the document warns of the need for the DTIB to adapt to these new ways of proceeding so as not to fall behind in the technological and industrial capacities required. Two methods are useful: the implementation and monitoring of the Industrial Defence Strategy, and "the identification, preservation and promotion of the Industrial Capabilities and Knowledge Areas that affect the essential interests of Defence and Security"¹⁶² of Spain.

Although it is true that the nature of the Spanish defence industrial conglomerate is export – 81% of sales were destined abroad – and this profile has been growing rapidly – 5.03 billion euros in 2017, 2.68 billion more than in 2011 –, there is still a high dependence on small and medium-sized enterprises (SMEs), which represent 83% of the total number of companies dedicated to this sector in our country. On the one hand, it is positive because of the high generation of stable jobs. However, on the other hand, it has several weaknesses.

Firstly, there is a problem of lack of coordination and communication between companies, as well as a lack of influence. The absence of a medium and long-term state agenda based on the construction of a powerful business fabric, organised in consortiums, or with the presence of interest groups in the headquarters of the European Union, is noticeable. No such grouping exists, whether public or governmental or private in nature. The comparative weakness of the Spanish defence industry sector with respect to that of other Member States therefore requires the joining of forces and stronger coordination channels in order to achieve real influence – and presence – in the most innovative projects, as well as better positioning in the high-end phases of the value chains for creating a defence product.

Secondly, there is a lack of leadership, both executive and political. Traditionally, the most consolidated national industrial conglomerates have the figure of an inter-

¹⁶⁰ EUISS (2019): *2019 Yearbook European Security*, at www.iss.europa.eu/content/euiss-yearbook-european-security-2019 [accessed on 15 September 2019].

¹⁶¹ *Catálogo de Industria Española de Defensa 2019-2020*. Madrid, Ministry of Defence, at <https://publicaciones.defensa.gob.es/catalogo-industria-espanola-de-defensa-2019-2020.html>; also see *Criterios básicos para el establecimiento de la política industrial de Defensa*, Cuadernos de Política Industrial de Defensa nº1, Madrid, Ministry of Defence, 2010.

¹⁶² *Catálogo de Industria Española de Defensa 2019-2020*. Madrid, Ministry of Defence, at <https://publicaciones.defensa.gob.es/catalogo-industria-espanola-de-defensa-2019-2020.html>, p.21.

mediary or state representative in international contracts. In Spain this figure is lacking and, when it has been attempted, its relevance in terms of functions and time has been minimal. Furthermore, while European defence is in a “phase of cooperation rather than communitisation”¹⁶³, Spain must continue to expand its political agreements on industrial cooperation with those countries with which it has common geostrategic interests, such as France for the Sahel and Northwest Africa. Achieving this equivalence would enable it to acquire greater influence and leadership in military cooperation agreements, thanks to greater empowerment in the industrial field. On the other hand, a greater presence of Spanish civilians is needed in senior decision-making positions for industrial defence plans at Community level. However, we consider that a greater acquisition of technical skills and a stronger business fabric in Brussels is the *sine qua non* condition for Spain to really acquire greater influence, which can subsequently be strengthened through political figures.

On the other hand, Spanish industry has improved in terms of capacity and product creation. However, its export profile does not allow it to fully exploit what is known as “effective technology transfer”, understood as the development and growth of various sectors of society thanks to the exchange of information on new technologies created, access to research, and the development of technological innovations in an intersectoral manner; the fact that almost all Spanish products are destined for foreign companies does not allow for a transmission of the new creations by other sectors nor does it allow for excellence in innovation in Spain. Hence the need for a strong business conglomerate to build bridges of collaboration and communication.

Opportunities offered by new industrial cooperation initiatives at Community level

As Figure 1 shows, Spain, together with France, is the only country that participates in all the military formations established at Community level. Thus, the good image and high reputation of the Spanish military corps are a launching pad for the development of research and acquisition of industrial defence products. However, they are not enough. That is why we propose the following aspects.

One of the major concerns in this matter is the overlap of cooperation plans at intra-European level with plans framed from the state level. However, although in the short term it may be an arduous process due to the need for multilevel coordination between actors, in addition, from different countries, in the long term the strategic autonomy to which we aspire may be complemented by the strategic culture we discussed in the previous section.

Spain’s deepening of defence industrial planning at Community level is an opportunity for our country’s Defence Technological and Industrial Base. Firstly, because

¹⁶³ ARTEAGA, F. y SIMÓN, L. “El Fondo Europeo de Defensa y el futuro de la industria española”. *Elcano Policy Papers*. Madrid, Real Instituto Elcano, 2019, p.19.

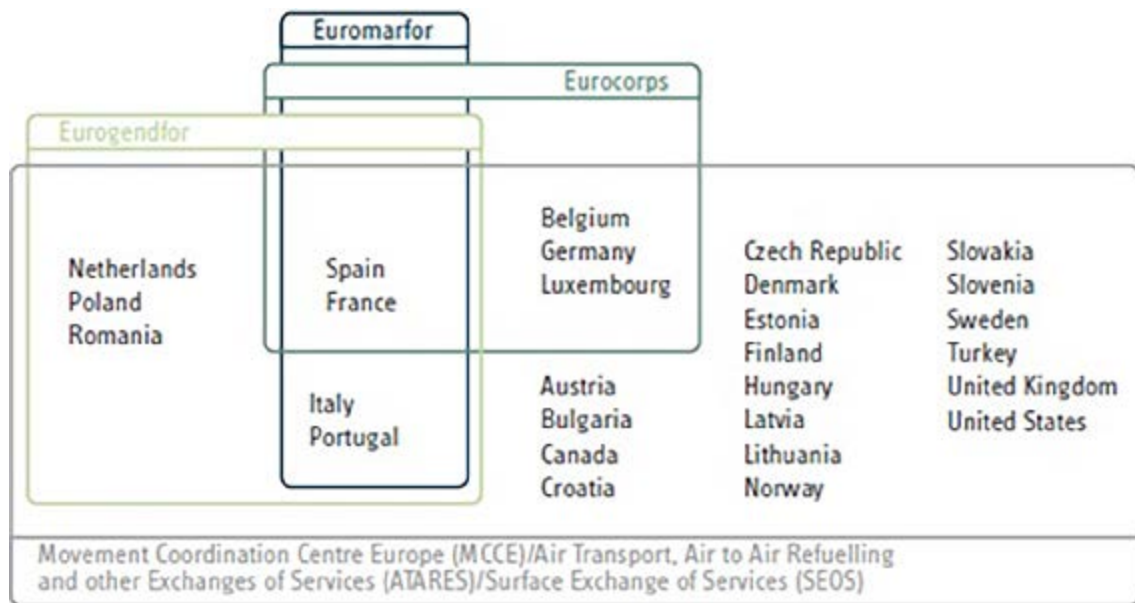


Figure 1: Participation of Member States in military groupings at Community level, 2017
Source: EU Institute for Security Studies: "What is PESCO in a name?" (2017)

the budgetary effort made in both research and development and acquisition programmes is expected to be reflected in returns from the European Defence Fund. However, mere financial participation does not ensure that these are returned in an equitable manner. As some researchers point out¹⁶⁴, Spain would need to provide additional funds for co-financing, since it is the countries that do so that usually end up receiving more benefits in return.

One of the dilemmas still to be resolved is the question of participation in Spanish industrial companies with capital from outside the European Union, and how this could generate imbalances in the EU's ambition for strategic autonomy. It is therefore recommended that Spain should take advantage of the possibilities of co-financing from the European Defence Fund to position itself as a major partner in the cement of the European defence industry. This would also allow it to move from being the leading country in terms of participation in PESCO projects but with a very low rate of coordination of these projects, to being a credible state to which to turn to.

Furthermore, the opening up of the Spanish defence industry to the outside world, not in the traditional form of producer-customer, but through the prism of horizontal cooperation programmes, is not only going to enable it to improve its position at European level, but is also going to become a mechanism for reinforcing and consolidating the internal structures of the State Administration. The requirements for improving the supply chain, new methodologies for research and the harmonisation of standards for the procurement and execution of defence products are some of the pillars that will enable Spain to learn from "good practices" carried out by other consolidated countries in the defence industry. This 'benchmarking' process will also be

¹⁶⁴ ARTEAGA, F. y SIMÓN, L. "El Fondo Europeo de Defensa y el futuro de la industria española". *Elcano Policy Papers*. Madrid, Real Instituto Elcano, 2019, p.21.

fed from a political-strategic perspective, improving the channels of dialogue with high levels of management. It will also offer a new model of intelligent management, based on greater efficiency in the collaboration of the different territorial and departmental levels of public administration.

The involvement of the private sector is also key. As we mentioned earlier, improved financing must be a traction factor for companies, so that they can develop their capacities and become more involved in European projects. Since we have so far devoted an important part of the analysis to the public sector, we will devote the following section to the role that the Spanish private sector is already playing in some of the European defence projects promoted since 2017.

Spanish participation in specific programmes of European industrial cooperation plans

In 2018, the European Defence Fund began to become a reality, materialising specific projects with annual and interannual frameworks for funding by participating Member States. The first three pilot projects completed in 2018 were the SPIDER programme -on innovative systems for warfare in urban areas and access to hostile establishments – EuroSWARM – to test the efficiency of unmanned swarm systems composed of heterogeneous sensors useful for minimising uncertainty in surveillance operations – and TRAWA – for the standardisation of remote manned aircraft systems¹⁶⁵. None of them had Spanish participation in the consortium.

It was in the next phase, with the PADR – the Preparatory Action for Defence Research – that Spain became increasingly involved. Specifically, of the four advocacy programmes proposed, it is involved in three of them¹⁶⁶, although with different degrees of participation: with relevant positions, or leading one of them.

The first programme is called *Ocean2020*¹⁶⁷. Aimed at improving maritime safety, it seeks to build an open “system of systems” architecture that will allow the interoperability of the various maritime operations centres of several armed forces of European Union Member States. To this end, its main objective is the integration of information, so as to have a situational knowledge of a maritime risk scenario in a faster and more effective way. It also aims to improve the interoperability of working standards between the EU and NATO. With a total budget of 35 million euros for the period 2018-2021, Spain is one of the 15 participating countries. After the coordinating company, Leonardo S.p.A., it is the Spanish corporation INDRA that is in second position

¹⁶⁵ Information on the three above-mentioned pilot projects (2018) at www.eda.europa.eu/info-hub/press-centre/latest-news/2018/02/23/pilot-project-euroswarm-and-spider-activities-completed [accessed on 10 September 2019].

¹⁶⁶ See https://europa.eu/rapid/press-release_IP-18-763_en.htm [accessed 10 on September 2019].

¹⁶⁷ Information on the *Ocean2020* programme available at <https://ocean2020.eu/> [accessed on 10 September 2019].

at the head of the project. It focuses particularly on the design and production of maritime operations command systems, the design and production of sensors, and the improvement of communications and safety systems. One of the clients of the project is the Spanish Ministry of Defence.

The second programme is *GOSSRA*¹⁶⁸, geared at the standardisation of electronic devices, voice and data communication, software, human interface devices, sensors and effectors. With a budget of 1.5 million euros for the period 2018-2020, two Spanish companies are participating: *GMV Aerospace and Defence S.A.*, in second position of the project after the German coordinator; and the company *INDRA*, in eighth position of the total of nine participants.

The third programme, *Vestlife*¹⁶⁹, is aimed at developing greater protection for military clothing. The project has a budget of approximately 2.43 million euros for a period of 36 months. Two Spanish companies are participating: *TECNALIA*, oriented towards the development of integral bullet-proof solutions with CBRN (chemical, biological, radiological and nuclear) detection systems, and the company *AITEX*, which is also the coordinator and leader of the project.

The only programme without Spanish participation is *ACAMSII*¹⁷⁰. With a budget of 2.6 million euros for the period 2018-2021, this programme aims to integrate adaptation mechanisms to optimise soldier camouflage systems.

Recently, in September 2019, the industrial coordination of a new joint European defence project has been assigned to the Spanish company *INDRA*¹⁷¹. This designation for the *FCAS* programme – *Future European Combat Air System* – is going to allow a high return of benefits to the Spanish industry in terms of business generation, development of its export capacity, generation of highly qualified jobs, and creation of technologies for civil use. This project will be developed by the Spanish company together with Dassault –France – and Airbus – Germany.

Strategies for channelling EU policies into the Spanish defence industry ecosystem

In the same way that it is intended that there should be more Spain in the European Union, the European Union can translate into advantages and added value within

168 Information on the *GROSSA* project available at https://www.eda.europa.eu/docs/default-source/projects/padr-gossra-projectweb_v2.pdf [accessed on 10 September 2019].

169 Information on the *Vestlife* project available at <http://vestlife-project.eu/> [accessed on 12 September 2019].

170 Information on the *ACAMSII* project available at <https://www.eda.europa.eu/docs/default-source/projects/padr-acamsii-projectweb-final.pdf> [accessed on 12 September 2019].

171 Information available at: <https://www.indracompany.com/en/noticia/indra-nominated-national-industrial-coordinator-fcas-program-future-european-combat-air> [accessed on 12 September 2019].

Spain's own ecosystem. Not all Spanish security and defence companies participate in Community projects, nor is the Spanish business landscape itself homogeneous. Each company has a different nature, size, interests and strategic sectors. Hence the importance of knowing how to channel the lessons learnt from the Community example effectively – in terms of time and results- and efficiently – in terms of savings in transaction costs, and of greater territorial and sectoral structuring of Spanish companies within the state ecosystem.

This is an effort proposed by the Ministry of Trade and Tourism, as well as by the Ministry of Defence. The Spanish ecosystem can be improved from within, by and for its own endogenous enterprises, through various dimensions.

The first step is a general shift from the traditional approach to the cost-effectiveness analysis of procurement to a new approach linked to life cycle cost¹⁷². No doubt there are companies that have already made this change, but it is not yet a trend that is certainly integrated into all companies. Moving to this new life-cycle approach – instead of acquisition – would allow companies to monitor their transparency, control and audit activities in a homogeneous way in all the programmes they carry out, as well as would lead to the cohesion – standardisation – of processes, cost structures and procedures so that any evaluation carried out *ex ante* and *ex post* is done under the same methodology. That is, it aims to move from a performance-based approach to each project implemented, to a risk-based approach (with a common methodology, whatever the project).

The second axis is state coordination of compliance with certain economic intelligence standards within the organisational architecture of each of the security and defence companies. Although Spanish companies are characterised by a high degree of integration of economic intelligence within their structures¹⁷³, a framework of state control is recommended to monitor the degree of success of economic intelligence tasks within companies. This would allow for greater productivity on the part of companies and for savings in costs that have been identified as unnecessary. However, this framework must be articulated with respect for the principle of confidentiality and a guarantee that there is no unfair competition in reporting such matters.

Thirdly, this issue leads to the protection of knowledge created within the Spanish ecosystem, in relation to the International Patent Classification. Taking into account the growing geopolitics of technologies, telecommunications and digital products,

172 ORTÚZAR MATURANA, R., MOLINA MORENO, V. and PASCUAL JIMÉNEZ, R. “Metodología para el análisis económico de activos del sector de la defensa: criterio fundamentado en el parámetro de ciclo de vida”. *Economía Industrial Núm.412: Industria de Defensa*, Madrid, Ministry of Industry, Trade and Tourism, 2019, pp.43-47.

173 COZ FERNÁNDEZ, J.R. and VALIÑO CASTRO, A. “Integración de un modelo de gestión del conocimiento para evaluar el impacto económico en la gestión de programas del sector de la defensa”. *Economía Industrial Núm.412: Industria de Defensa*, Ministry of Industry, Trade and Tourism, 2019, pp.57-65.

and the undeniable development of security and defence products, both technological and thanks to digital techniques, in cyber security, artificial intelligence, 5G, quantum computing, and data management itself, there are certain dual-use technologies that have no place within the traditional classification of patents. Their dual application, both civil and military, makes it difficult to categorise these technologies. On the one hand, the first obstacle is that there is no homogeneous definition of what an “artificial intelligence project” is, as is the case within the Pentagon. A Department of Defence Inspector General audit in 2020 concluded that there is no comprehensive governance framework on artificial intelligence (AI)¹⁷⁴: neither are there technical, operational or programmatic requirements on what the implementation and deployment phases of AI should look like, nor is there clarity on what should be labelled as an AI project. On the other hand, this extends to the International Patent Classification where, according to Silvia Vicente Oliva¹⁷⁵, it is the multinational companies that register the most innovations (in number) in Spain, labelling it in English and with different nomenclatures to those of the Spanish ecosystem. This delays Spanish innovation and hence the need to homogenise definitions and encourage a more interconnected value chain between companies of Spanish origin.

Fourthly, the Spanish ecosystem requires the inclusion of new measures linked to digitisation¹⁷⁶ and Industry 4.0. This is an aspect that has been contemplated in the *General Guidelines of the new Spanish industrial policy 2030*¹⁷⁷. Furthermore, digitisation can enable Spain to achieve the objective set by the European Union of a 20% share of GDP for industrial activities, if this digitisation is approached under a mission-country vision. Such is the importance of digitisation at industrial level, in general, and in security and defence companies, in particular, that the digital transformation is at the top of the priorities of the above-mentioned strategic framework. Defence industries will have to produce “intelligent weapon systems” to provide the armed forces with the material means to ensure their superiority in action in the 4.0 operating environments. This requires a Spanish ecosystem capable of doing so at the various levels of production, development, implementation and deployment. The digital technologies that allow the hybridisation between the traditional physical domains -sea, air, land- and cybernetic, as well as the growing dominance of outer space,

¹⁷⁴ INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENCE. *Audit of Governance and Protection of Department of Defense Artificial Intelligence Data and Technology*. Washington, U.S. Department of Defense, 2020. Retrieved on <https://media.defense.gov/2020/Jul/01/2002347967/-1/-1/1/DODIG-2020-098.PDF>

¹⁷⁵ VICENTE OLIVA, S. “Protección del conocimiento y de tecnología con utilidad de defensa”. *Economía Industrial Núm.412: Industria de Defensa*, Ministry of Industry, Trade and Tourism, 2019, pp.77-88.

¹⁷⁶ MINISTRY OF DEFENCE. *Defence Industry Perspective*. Madrid, Ministry of Defence, 2019, pp.24-30.

¹⁷⁷ MINISTRY OF INDUSTRY, TRADE AND TOURISM. *General Guidelines of the new Spanish Industrial Policy 2030*. Madrid, MINOCTUR, 2019.

include: Internet of Things, blockchain, Artificial Intelligence, cyber security, 5G, Big Data, autonomous systems, robotics, advanced computing, additive manufacturing, and augmented reality. Digitisation goes hand in hand with innovation: an almost indivisible binomial, but not necessarily always intertwined. This means that companies must not only direct their products towards the integration of technologies *per se* within security and defence systems, but that other industries -not necessarily linked to security and defence- can complement the latter by providing added value in innovation. By this we mean biotechnology, new materials, advances in navigation and positioning, or 3D printing. In this sense, the Spanish security and defence industry ecosystem can be revalued if it is accompanied by sectors which, without being linked to the subject, can provide it with added value through complementary or facilitating technologies.

Conclusions

As we have seen, the construction of European defence is being carried out gradually, functionally and at different speeds, as has traditionally been the case in the EU in other areas¹⁷⁸. In this respect, it is necessary to achieve an inclusive Defence Framework Programme, taking into account that investments are long or very long term.

Throughout this process, the principle of coherence must be safeguarded and play a central role, as recognised by the European Union and the Member States through their various agreements, initiatives and documents. That is why it is so important to follow the recommendations made in the text of this article as proposals for improvement: to encourage collaborative projects in the specific area of land defence through a greater and more consistent financial effort; to commit to the coordinated specialisation of national industrial policies, which will yield positive results in the long term and, therefore, to forget about demanding a direct and reciprocal return on each investment; and to facilitate a more inclusive distribution of projects among all Member States, paying special attention to the integration of countries with lower industrial or economic capabilities.

As far as Spain is concerned, the participation of the national defence industry conglomerate in most of the major programmes demonstrates the Spanish drive to jump on the innovation bandwagon. Its aim is to specialise in high-end products in the value chain. Although there are still many challenges to be achieved in terms of European positioning with respect to other countries, the efforts made at a rapid pace in recent years show the vigour of becoming one of the main and leading partners in the

178 ROLDÁN BARBERO, J. "La Europa de la Defensa pasa a la ofensiva". *Revista General de Derecho Europeo*, no. 43, 2017, p. 3; DE CASTRO RUANO, J.L. "Hacia una Unión Europea de la Defensa o cómo hacer de la necesidad virtud". *Anuario Español de Derecho Internacional*. 2018, vol.34, pp.1045-1073; and ALFONSO MEIRIÑO, A. "La globalización de los asuntos de defensa: capacidades militares, mercado e industria". *Cuadernos de Estrategia*. 2015, no. 175, pp.143-186.

sector. To this end, collaboration through technology transfer and the consolidation of greater collaboration networks within our country are two essential measures for carrying this out. All of this also opens up new lines of research for the consideration of civil-military relations as a push factor towards the achievement of the ambition that is beginning in our country.

Therefore, beyond the labels emanating from the Community leadership on “strategic autonomy” or the recent “strategic cooperation” -by means of which it aims to secure new regional partners in security and defence matters-, it is in the principle of coherence that lies both the need and the opportunity for Spain’s positioning on the European stage and the strengthening of the European Union as a geopolitically significant actor.

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Javier Ruiz Arevalo
Army Colonel. Doctorate in Law

E-mail: jmarruiz@hotmail.com

The role of regional actors in the Afghan peace process

Abstract

On February 29th, the United States and the Taliban signed an agreement that, if successful, will end with the signing of a peace agreement between the insurgent group and the Afghan government. For the negotiations that are now beginning to prosper, the support of the regional powers is essential. Predicting the attitude they can adopt as the process progresses requires analysing the initial position of each of them, their interests in Afghanistan, what they can expect from a possible peace agreement and, above all, what they would never accept. In fact, finding a balance between all these interests, which are often opposed, is one of the keys to the ongoing process.

Keywords

Afghanistan Peace Agreement, India-Pakistan Conflict, US Withdrawal from Afghanistan, South-East Asia.

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«To jaw-jaw is always better than to war-war»

Winston Churchill

On 29 February, the US and the Taliban insurgency signed an agreement in principle that, if successful, will lead to the signing of a peace agreement between the Taliban and the Afghan government, thus putting an end to a conflict that has lasted almost two decades. For the negotiations now under way to lead to a desirable scenario, many conditions must be met. One is the support of regional powers; or at least their implicit consent. A possible agreement between the Kabul government and the Taliban is unlikely to lead to a lasting peace without the backing of regional actors who, to a greater or lesser extent, have interests in Afghanistan. Predicting the attitude they might adopt as the process progresses requires an analysis of their individual positions, their interests in Afghanistan, the benefits that a peace agreement might bring them and, above all, what they would not accept under any circumstances. Indeed, finding a balance between all these often conflicting interests is one of the keys to the ongoing process.

This article will analyse the position of the main regional actors, those who have the capacity to derail negotiations or at least hinder or facilitate their progress. These main actors are, in order of proximity: The Central Asian Republics, Pakistan, Iran, China, India and Russia.

Regional actors in the Afghan conflict

Afghanistan is a poor, mountainous, landlocked country with a weak central government and, while difficult to control, has always been too easily destabilised by the depredations and manipulations of larger powers. To secure peace, an agreement among regional actors to promote mutual non-interference in Afghanistan's internal affairs would be necessary.¹

These words perfectly sum up Afghanistan's reality vis-à-vis the regional powers that could affect its future. And they are perfectly valid at the present juncture. The outcome of the ongoing peace talks is, of course, conditional upon the ability of the Afghans themselves to reach an agreement. But also for the interests of their neighbours, who might choose to sacrifice a possible peace scenario if its outcome does not meet their particular expectations. It is therefore necessary to know what the visions of these neighbouring states are and their real capacity to influence the process.

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¹ THIER, J. Alexander *Afghanistan's Rocky Path to Peace*. *Current History*. April 2010. Page 133

The ethno-religious factor

Before beginning to analyse the positions of these actors, it is necessary to analyse an aspect of Afghan reality that has an undeniable bearing on its relations with its neighbours: Afghanistan is a multi-ethnic and multi-confessional country², whose ethno-religious groups have very close ties with its neighbours. Leaving aside small minorities that do not carry enough weight to condition the country's future, we can distinguish four major ethnic groups: Pashtuns, Tajiks, Uzbeks and Hazaras³.

The Pashtuns, the largest group, are Sunni, Pashto-speaking and spread between Afghanistan and Pakistan, separated by the British-imposed *Durand Line*, which is not recognised as a legitimate border by all actors, especially from Afghanistan. In Afghanistan, they mainly inhabit along the southern and eastern provinces bordering Pakistan. The relationship between the Afghan Pashtuns and Pakistan is one of the most relevant factors in the Afghan conflict and explains the influence that Pakistan has always had over the Taliban and the tensions this creates with the government in Kabul⁴.

Secondly, the Tajiks, also Sunni, live mainly in the provinces north of Kabul and speak Farsi, a language that links them culturally to Iran and Tajikistan, with whom they have close ties. Their Persian roots have traditionally allowed them to maintain good relations with Tehran. The central lands of the country, known as Hazarayat, are home to the Hazaras, Shiites of Central Asian origin who have traditionally been a minority protected by Iran because of their religious status and because they have traditionally been a highly disadvantaged minority. The northwestern provinces are inhabited by the Uzbeks, Sunnis who speak a variant of Turkish and have very close relations with Uzbekistan and Turkey.

The ethnic and religious alliances that derive from these ties are a factor that has always conditioned Afghanistan's relations with its neighbours and will continue to do so during the ongoing peace process. But this is not the only link between Afghanistan and its neighbours, as there are also economic, security and geopolitical interests that condition these relations.

Regional interests

Each of Afghanistan's neighbours supports some political group within its borders and justifies its interference on the basis of its own geopolitical, economic or religious interests.

2 Reference is made to the existence of a Sunni majority and a Shia minority.

3 For a more detailed analysis of Afghanistan's ethnic and religious reality and its historical consequences see: RUIZ ARÉVALO, Javier. *Afganistán. Claves para Entender el Pasado. Pistas para Intuir el Futuro*. University of Granada. 2014. Page 133-149. Also: SPANISH INSTITUTE FOR STRATEGIC STUDIES. *Geopolitical analysis of Afghanistan*. Analysis Paper 12/2011.

4 A comprehensive analysis of Pakistan's role: RASHID, Ahmed: *Pakistan on the Brink. The Future of America. Pakistan and Afghanistan*. Viking. 2012.

When analysing the role that these regional actors can play in the peace process, there may be disagreements over the role attributed to each of them, the groups they support or the content of their support. This is because many of these supports, although there is evidence, are publicly denied by those who provide them. Also because they often “play a double game”, simultaneously supporting pro-government and insurgent groups, or because there is a large gap between their official declarations and their actual actions. Even so, there is broad consensus that most of Afghanistan’s neighbours want to see an agreement that will ensure peace and prevent the spread of instability in the region. Moreover, all but India want the US to leave Afghanistan without establishing a permanent military presence. At the same time, neither wants to see a precipitous US withdrawal, which could provoke a new civil war⁵.

Disagreements are numerous and it is likely that some of these neighbours will continue to support rival *proxies* in the future. Even so, it can be expected that regional actors will tend to facilitate peace negotiations, as long as the agreements that are reached do not overstep the red lines that each has set. The need, felt by all regional actors, to curb an escalation of violence on their borders is conducive to this positive attitude, albeit with restrictions. So does the will to ensure its participation in an eventual political settlement, on the understanding that it is easier to defend its interests by acting within the framework of the ongoing negotiations than by acting outside them.

A bilateral conflict of regional scope

A bilateral conflict?

The current phase of the Afghan conflict, which began in 2001, involves many actors, both national and international, state and non-state. However, since its origins, it has tended to be simplified as a bilateral conflict between two actors, the Afghan government, with its US-led allies, and the Taliban insurgency. The June 2018 ceasefire⁶, the peace talks that began shortly thereafter⁷ and the current peace process⁸ all reinforce the idea of a simple two-sided conflict model. The fact is that the thousands of armed clashes that take place every year almost always pit pro-government forces against the Taliban insurgency. Conflicts between these two parties account for more

⁵ GOVERNMENT OF CANADA. *Afghanistan. The precarious struggle for stability. Highlights from an unclassified workshop of the Canadian Security Intelligence Service (CSIS)*. May 2019. Page 48.

⁶ BBC NEWS. *Afghan Taliban agree three-day ceasefire - their first*. 9 June 2018. <https://www.bbc.com/news/world-asia-44423032>. Visited on 02/03/2020

⁷ RUIZ AREVALO, Javier. *Conversaciones de paz sobre Afganistán ¿Una última oportunidad para la paz?* Revista Española de Estudios Internacionales. Vol. 5 Issue 2 (2019). Page 146 et seq.

⁸ RUIZ ARÉVALO, Javier. *El reinicio de las conversaciones de Estados Unidos con los Talibán*. Global Strategy. March 2020. <https://global-strategy.org/el-reinicio-de-las-conversaciones-de-estados-unidos-con-los-taliban/>

than 95 percent of violent incidents in Afghanistan, making other armed groups an insignificant factor in the conflict⁹. The role of secondary actors cannot be ignored, but none of them has sufficient influence to control the war or dictate the terms of an eventual peace agreement, although their cumulative effect could be substantial¹⁰.

In the summer of 2018, the declaration of a cessation of hostilities issued by the Afghan and US governments was ratified by the Taliban, resulting in a three-day cessation of violence in most of the territory¹¹. In the words of President Ashraf Ghani, it was “*a controlled experiment that demonstrates discipline. There is one spokesperson [the Taliban] who we must take seriously*”¹². The fact that the three main actors in this process –the US, the Afghan government and the Taliban– agreed and respected this act of mutual trust can be seen as the first step in the ongoing peace process. The fact that its implementation led to a drastic reduction in violence confirms its absolute prominence in the armed conflict¹³.

Although they are often portrayed as global *Jihadi* actors, aligned with *Al Qaeda* or ISIS, the reality is that the Taliban are essentially domestic actors. Indeed, the Taliban insurgency is more about nationalism than global *jihadism*. Most insurgents fight close to home and for objectives that do not extend beyond Afghanistan. The Taliban govern part of Afghanistan, running services such as education, health, justice and taxation¹⁴. And they do so without any vocation for integration into supposedly supranational caliphates. This reality means that the most relevant regional actors in the conflict do not frame the conflict as part of broader global conflicts, such as radical Islamism’s confrontation with the West and with “lukewarm” Muslim regimes. The international dynamics that most directly condition this conflict are regional. They are cross-border ethno-religious ties, ancestral alliances or clashes between neighbours, and fear of spreading instability that condition the context of conflict. Without denying that actors such as Iran or Russia, as we will see throughout this article, frame their decisions within the conflict that confronts them with the US.

9 GOVERNMENT OF CANADA, 2019: 48

10 Throughout the article, the main actors in the conflict will be listed, without analysing actors considered secondary, such as the Central Asian Republics or Turkey, which, due to their lack of relevance and alignment with Moscow in the first case, or their remoteness and lack of interest in the conflict in the second, will not condition the peace process.

11 INTERNATIONAL CRISIS GROUP. *Building on Afghanistan’s Fleeting Ceasefire*. Asia Report No 298, 19 July 2018

12 NATO Engages Day 2: A Conversation with Mohammad Ashraf Ghani Ahmadzai, German Marshall Fund, 16 July 2018.

13 The Afghan interior ministry put the degree of reduction in violence at 80 percent. GEORGE, S. *A glimpse of peace in Afghanistan*. The Washington Post. 27 Feb 2020. This is difficult to assess, but it shows that the ceasefire was respected by all, with very limited exceptions. RAHIMI, Z. *Soldiers, 9 Civilians Killed Since Start of RIV: Afghan Govt*. Tolo News. 28 Feb 2020.

14 JACKSON, Ashley. *Life Under the Taliban Shadow Government*. ODI, Research reports and studies. June 2018.

A bilateral conflict with a multitude of secondary actors

The way the conflict has escalated in recent years has highlighted the increasing levels of direct assistance from neighbouring countries to the Taliban and other non-state actors. Pakistan, Iran, India and China support various Afghan groups politically, economically or militarily. This support is often intended to protect their own interests inside Afghanistan by supporting those they consider closest to them on ethnic, religious grounds (Taliban, military warlords, militia leaders)¹⁵. The consequence of this situation is that some regional actors provide support, in a calibrated manner, to rival factions on both sides. Or rival factions within the same side. It also explains the changes in the choice of allies that can be observed with some frequency. A clear example of this is Iran, which has at one time or another supported both sides and has adapted its support strategy to the circumstances of the moment.

Figure 1 shows, illustratively but not exhaustively, these lines of support that shape the conflict.

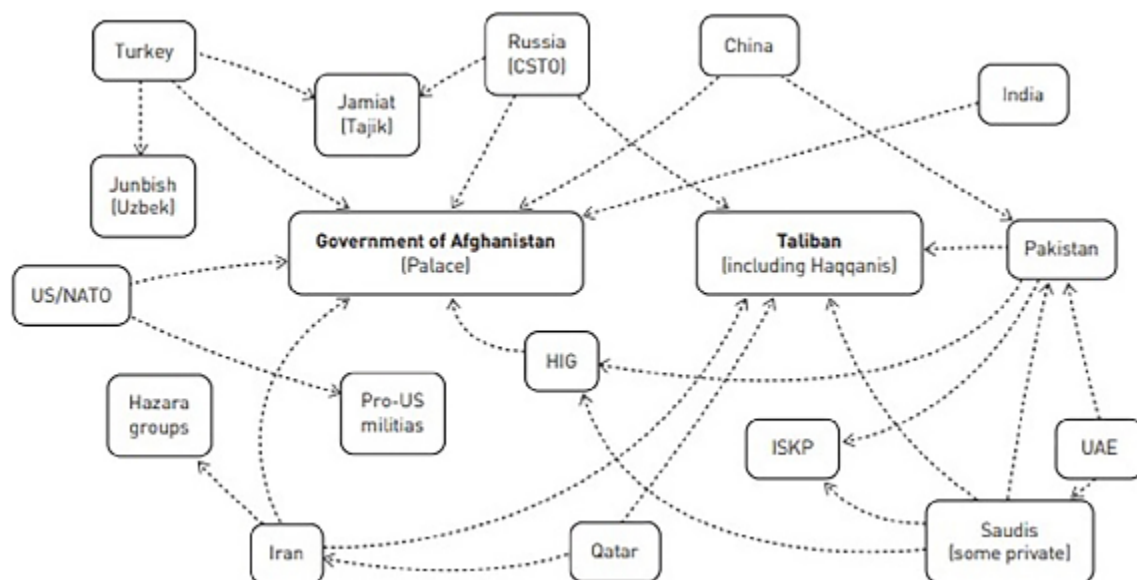


Figure 1. International support for the Afghan conflict.
Adapted from: GOVERNMENT OF CANADA, 2019: 49

In the centre of the image are two text boxes representing the two main actors: the Government of Afghanistan and the Taliban. The text boxes surrounding these two central boxes represent state (grey background) and non-state actors operating in the region (white background). With dashed border, terrorist groups). The connecting arrows show the support flows to each of the central entities, or to other groups:

- Turkey supports the Government of Afghanistan, the Jamiat party, (Tajik mujahideen party founded during the war against the communists by Burha-

¹⁵ *Mapping the Sources of Tension and the Interests of Regional Powers in Afghanistan and Pakistan*. Presentation, Barcelona Centre for International Affairs, December 2012

nuddin Rabbani. He led the opposition to Karzai within the regime) and the Junbish party (majority Uzbek party based in the northwest of the country. It has a rather left-wing and secular character, with many former communists in its ranks. Its founder and historical leader is Abdul Rashid Dostum).

- Russia supports the Government of Afghanistan and the Taliban (including the Haqqanis), as well as the Jamiat.
- China supports the governments of Afghanistan and Pakistan.
- Iran supports the Taliban (including the Haqqanis), the Afghan government and Hazara groups.
- India supports the Afghan government.
- Pakistan supports the Taliban (including the Haqqanis), the HIG (mujahedin group created by Gulbuddin Hekmatyar in 1979 and which has carried out a multitude of terrorist attacks against the Afghan government and its allies) and ISIS (Islamic State, represented by its franchise in the area, the Islamic State in Khorasan).
- UAE supports Pakistan.
- The Saudis (including private donors) support Pakistan, ISIS and the HIG. Donors from Saudi Arabia and other Gulf countries serve as an avenue for fundraising for the Taliban, but also support rival groups such as ISIS and HIG.
- Qatar supports the Taliban (including the Haqqanis) and Iran. It acts as a diplomatic outpost for the Taliban, while supporting Iran's policy in the region against its Sunni rivals: United Arab Emirates (UAE) and Saudi Arabia.
- The HIG supports the Government of Afghanistan and, finally,
- the US and NATO support the Afghan government and pro-US militias.

A simple glance at the figure shows that, although two central poles can be discerned, calling the Afghan conflict bilateral is inaccurate, to say the least. This must be taken into account when assessing progress in the talks between the two main actors. An agreement between the two is not an absolute guarantee of peace if what is agreed does not substantially satisfy either of the actors on the scene.

Conflicting interests

The interests of each of these actors can be analysed on the basis of the same graph, starting at the top right of the figure and moving clockwise. It should be recalled that, in many cases, the actors themselves deny the links that will be discussed below¹⁶.

For Pakistan and India, Afghanistan is one of the theatres of their global confrontation. India is looking to Afghanistan for an ally to threaten Pakistan from its rear.

16 Such is the case of Iran, which denies the support it has been providing to the Taliban, despite evidence to the contrary. Pakistan also denies that it has continued to support the Afghan Taliban despite its commitments to the US.

Pakistan seeks to avoid, at all costs, an Afghan government aligned with its rival, which would make it feel surrounded. Its support policies should be understood in this perspective. To this end, both countries maintain close political, economic and military relations, overt and covert, with various Afghan entities, aimed at consolidating their position and undermining that of their adversary¹⁷. The articulation of the Afghan government as a juxtaposition of rival political groups facilitates this and allows different factions of the government itself to align themselves with one or the other of these two countries. Pakistan, in addition to standing up to India, seeks to preserve its regional influence by supporting the Taliban, while backing various militant groups such as the Islamic State of Khorasan and, previously, Hizb-e Islami Gulbuddin (HIG), to maintain pressure on India and the Afghan government. Pakistan may not seek a Taliban victory, but it does not feel safe with a negotiated end to the conflict either, as greater stability may facilitate India's presence in Afghanistan¹⁸. India, for its part, maintains close relations with the government in Kabul, with which it has been collaborating for years in training civil servants and providing humanitarian aid, despite the fact that it is the country with the largest number of poverty-stricken people in the world¹⁹.

For Iran, nothing that happens in Afghanistan can be alien to it. Firstly, because of the huge number of Afghan refugees on its territory that Iran would like to see return to a stable Afghanistan. The flow of drugs and other illicit trades across their long common border has made drug use a major problem for Iran. Because of the moral bond that links them to Afghan Shiite minorities, particularly the Hazaras, of whom they see themselves as protectors. Fear of a prolonged US military presence or a hostile government in Kabul.

Another relevant aspect is Afghanistan's strategic position. Communications from Central Asia via Afghanistan to Iranian ports are of strategic interest to Iran, especially the port of ChahBahar, which would give the Iranians the opportunity to access free waters without having to cross the Strait of Hormuz²⁰. Moreover, Iran sees the western part of Afghan territory as a natural area of influence. For all these reasons, nothing that happens in its eastern neighbour can be alien to the interests of Iran, which is obliged to combine its needs for regional stability with those derived from its confrontation with the US.

Turkey is promoting itself as a regional power, so both its relations with the Taliban and its ascendancy over Turkic-language populations are aspects to be taken into

17 GOVERNMENT OF CANADA, 2019: 49

18 WALLDAN, Matt and WRIGHT, Matthew. *Who Wants What Mapping the Parties' Interests in the Afghanistan Conflict*. Research Paper. Asia Programme. July 2014. Page 7.

19 THIER, op. cit. Page 134.

20 CASTRO TORRES, José Ignacio. El eterno conflicto afgano: las mismas piezas en diferente posición sobre el tablero. In *Panorama geopolítico de los conflictos 2018*. Spanish Institute for Strategic Studies. Page 164.

account. In Afghanistan it is true to its self-proclaimed role as protector of Turkic peoples, supporting the Uzbeks through strongmen such as Rashid Dostum of the Uzbek-dominated Junbish Party. It also supports, to a lesser extent, the predominantly Tajik Jamiat Party through figures such as Atta Muhammad Noor. For Turkey, the desired end-state would be a stable Afghanistan, without a US military presence and with Uzbeks and Tajiks retaining significant shares of power.

Turkey, together with Qatar, seeks to curb the influence of Saudi Arabia and its Pakistani ally in the Middle East, including Afghanistan. The dialogue with the Taliban, opened years ago by Qatar, may allow the Turks to identify less radical Taliban leaders and support them in reaching an agreement during negotiations. For their part, Turkey's ascendancy over Uzbekistan and Kazakhstan may cause these ex-Soviet republics to change their stance against negotiating with the Taliban and move closer to Russia's current approach²¹.

Russia and other members of the Collective Security Treaty Organisation (CSTO²²) pursue a buffer strategy, supporting the government in Kabul while maintaining relations with other armed groups. Russia's actions in this conflict are also conditioned by its relations with the US and NATO. As relations have cooled, Russia has denied the US support initially provided, such as the use of the Manas Air Base²³ or the Northern Distribution network²⁴, both essential elements in sustaining the allied military effort in Afghanistan. In the same vein, in 2018, Russia established relations with the Taliban and launched a dialogue table between the insurgent group and various Afghan groups, called the Afghan Society Council. The Council included broad representation from opposition groups and actors, such as Karzai, who are highly critical of the US role in Afghanistan. Moscow's contacts with the Taliban have been strongly criticised by Kabul as an obstacle to the US-led peace process supported by the Afghan government. There is also criticism from Kabul of the prominence given by Moscow to opposition leaders in the dialogue with the Taliban, which undermines the authority of the Afghan government²⁵.

21 RAMANI, Samuel (13 March 2018). *Can Turkey position itself as the most effective mediator in Afghanistan?* TRT World. 13 March 2018. <https://www.trtworld.com/opinion/can-turkey-position-itself-as-the-most-effective-mediator-in-afghanistan--15883>

22 An international politico-military organisation promoted mainly by Russia and comprising several European and Central Asian countries : Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan.

23 Located in Kyrgyzstan, its use was ceded to the US in the initial stages of the conflict until, under pressure from Moscow, the Kyrgyz government decided to stop providing this support in 2014.

24 RUIZ ARÉVALO, Javier. *Afganistán y la Red de Distribución Norte. Algo más que un Problema Logístico*. CESEDEN Information Bulletin. Issue 319. August 2011.

25 RAMANI, Samuel. *In the Demise of the Taliban Peace Talks, Russia Is the Winner*. Foreign Policy. 11 September 2019.

China, for its part, maintains good relations with Afghanistan and Pakistan, while stepping up its counter-terrorism effort against the Uighurs with the cooperation of many actors, including the Taliban. Its interests in Afghanistan focus on preventing the spread of Islamist radicalism and exploiting the country's mineral resources. Both require a government that guarantees some stability.

Although the Central Asian Republics, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, do not constitute a major player in the Afghan conflict, they can contribute to strengthening any possible breakthrough in the Afghan peace process. Their main contribution may be to achieve greater regional political integration. Uzbekistan, in particular, could facilitate Afghanistan's further integration into Central Asian diplomatic frameworks. The Tashkent Conference in March 2018 marked the beginning of a substantial change in the republic's foreign policy, which has moved from isolation to regional engagement and has become a credible consensus builder in this field. Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan, individually and collectively, can contribute to the peace process by facilitating Afghanistan's further economic integration, through air and land corridors that would allow it to reach out to new economic partners²⁶.

The role of these republics, modest and conditioned by Moscow's influence, will always be in favour of a solution to the conflict that provides stability on their southern border, guarantees the absence of terrorist groups on Afghan soil and is not harmful to their Tajik and Uzbek "brothers" to the south.

A network of micro-conflicts

A full analysis of the role of the different actors in the contest cannot be limited to the flow of support between them; attention must also be paid to rivalries. Figure 2 reflects the main lines of tension between the actors involved in the conflict in some way. This graph is very illustrative in giving an idea of the complexity of the tensions in Afghanistan that, in some way, feed or accompany the main conflict. But it requires some clarifying remarks stemming from the opacity that, in many cases, surrounds the interactions between actors in this scenario. Thus, the arrows between Pakistan and Afghanistan are depicted in both directions, despite Islamabad's claim that there are no hostilities between the two countries. Indeed, the skirmishes along the Durand line and the harbouring of Taliban leaders in Pakistan are indicative of the existence of such tensions²⁷. No lines are drawn between Iran and HIG because

26 HAMIDZADA, Humayun and PONZIO, Richard. *Central Asia's Growing Role in Building Peace and Regional Connectivity with Afghanistan*. United States Institute for Peace. Special Report, 27 August 2019.

27 AKBARI, Hayat. *Durand Line Border Dispute Remains Point of Contention for Afghanistan-Pakistan Relations*. *Globalsecurityreview*. 24 March 2019.

it is now unclear whether the historical tensions between Gulbuddin Hekmatyar and Tehran have been resolved. Similar is the case with tensions between HIG and Russia²⁸.

These tensions are relevant insofar as a peace agreement whose terms are very favourable to one of the actors will be viewed with suspicion by those who are in conflict with it.

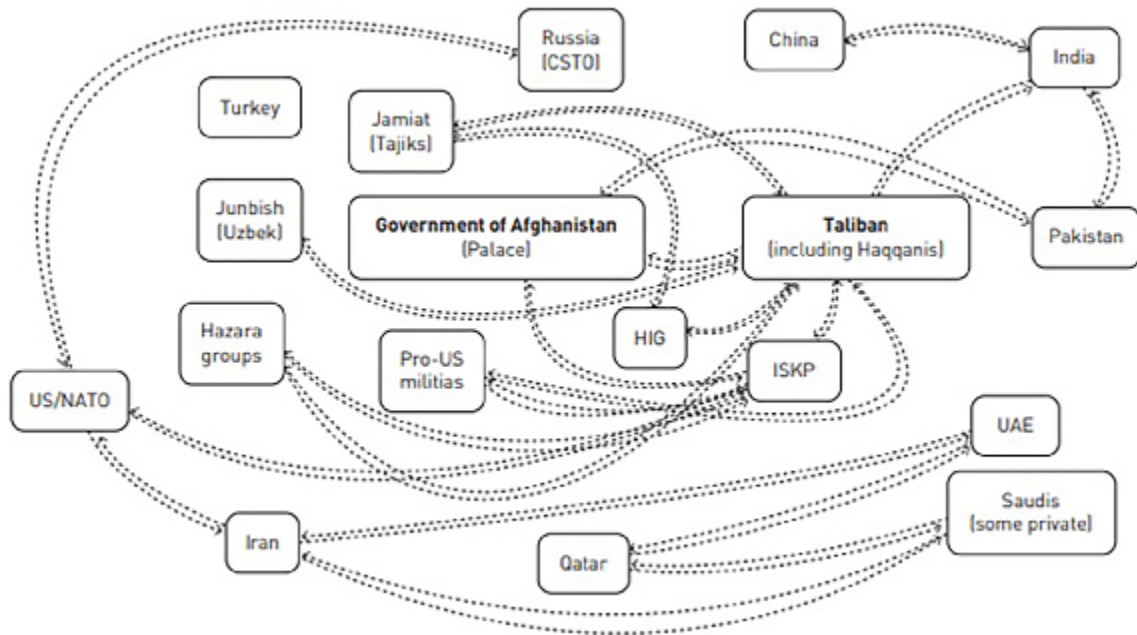


Figure 2. Tensions between the actors involved in the Afghan conflict. Adapted from: GOVERNMENT OF CANADA, 2019: 51

Pakistan: key player

Of all the regional actors, Pakistan has been most heavily involved in the Afghan conflict and is most likely to bring it down.

Pakistan’s ties with the Taliban date back to the 1990s, during the civil war, when Islamabad saw the Pashtun group as a valuable foothold against other Indian-backed groups. And as a good ally in opening trade routes with the newly independent states of Central Asia, securing a friendly government in Kabul. This strategy worked for a while, but became a problem after the 9/11 attacks, when it became clear that al-Qaida had planned the attacks from a safe haven that the Taliban had provided for the terrorist group.

Three days after the 9/11 attacks, Pakistan’s president yielded to US demands to cease support for the Taliban, but issued a warning to his ambassador in Islamabad: His country would assist the United States in its impending war against the Taliban,

²⁸ GOVERNMENT OF CANADA, 2019: 49

who had long been its allies, but hoped that the war would be short and limited in scope and would not create a hostile neighbour for Pakistan²⁹.

The George W. Bush Jr. administration forced Pakistan to make a drastic choice: sever ties with the Taliban and become a reliable partner against global terrorism, or end up becoming a target in that war. President Musharraf and his successors kept part of the deal: working with the CIA and pursuing Al Qaeda in Pakistan, as well as allowing US drone strikes in the country's tribal areas. But Islamabad never completely severed ties with the Taliban movement. The military intelligence agency, the Inter-Services Intelligence Directorate (ISI), spent years covertly supporting them in Afghanistan and protecting their leaders inside Pakistan. So the Pakistani security apparatus cooperated with the US, but was unable to break completely with its former partners and allowed Pakistan to become a sanctuary for the Taliban³⁰. For years Pakistan has served simultaneously as a main supply route for ISAF and as a sanctuary and headquarters for the Afghan insurgents' leadership.

Why has Pakistan maintained this unsustainable balance? The answer to this question is to be found in India. The Pakistani army and its intelligence apparatus feel surrounded by their eternal enemy. Pakistan has lost three or four wars with India (depending on how you count them). India's military and economic superiority, combined with unresolved border issues with India (Kashmir) and Afghanistan (the Durand Line), keeps Pakistan in a perpetual state of alert³¹. Pakistan feels threatened by India's close relationship with the Afghan government and continues to maintain its support for the Taliban to counter this influence, which it sees as hostile. This is the starting point from which he approaches his relations with Afghanistan and the Taliban and also his involvement in the peace process.

For the time being, Pakistan has facilitated direct talks between the US and the Afghan Taliban since they began in 2018.³² Indeed, there is a widespread feeling in Pakistan that the agreement between the two has come to recognise Pakistan's position since the 2001 Bonn conference that there is no military solution to the conflict and

29 MAZZETTI, Mark and KHAN, Ismail. *From the Afghan Peace Deal, a Weak and Pliable Neighbor for Pakistan*. The New York Times. 5 March 2020. <https://www.nytimes.com/2020/03/05/world/asia/afghanistan-pakistan-peace.html>

30 For a detailed analysis of Pakistan's support to the Taliban: RASHID, A. *Taliban. Militant Islam, Oil and Fundamentalism in Central Asia*. Tauris, New York, 2009. RASHID, A. *Descente into Chaos*, Viking, London 2008. TANNER, S. *Afghanistan. A Military History from Alexander The Great to the War Against the Taliban*. Da Capo Press, 2009. LIEVEN, A. *Pakistan, a Hard Country*. Public Affairs, New York. 2011. POZO SERRANO, P. *La guerra Af-Pakistán y el uso de la fuerza en las relaciones internacionales*. University of Navarra Publisher, 2011. RUIZ ARÉVALO, J. *Afganistán. Claves para entender el pasado, pistas para intuir el futuro*. Ed. University of Granada, 2014.

31 THIER. Page 134.

32 HASIM, Asad. *Pakistan warns US of "spoilers" on US-Taliban deal in Afghanistan*. Al Jazeera. 2 March 2020. <https://www.aljazeera.com/news/2020/03/pakistan-warns-spoilers-taliban-deal-afghanistan-200302093650382.html>

that the Taliban movement is a political reality in Afghanistan that must be reckoned with in order to make the country governable. In the words of Husain Haqqani, Pakistan's former ambassador to the United States. "*The Taliban and the Pakistani military that supports them see this as their victory... Pakistan gambled on the Taliban for so long on the assumption that the Americans would eventually leave*"³³. In official Pakistani circles it is argued that today's Taliban are very different from the "*band of fanatics once led by Mullah Mohammed Omar*"³⁴. They are now seen as more pragmatic, because they have understood the importance of gaining political leverage in a deal that can lead to power-sharing. For many they are simply a political party³⁵.

The bottom line is that Pakistan is much more comfortable working with the Taliban than with the current government in Kabul. But they recognise that if they were to seize all power in Afghanistan, the result could be civil war and would encourage the involvement of regional enemies, such as India. The prospect of being embroiled in a long and costly civil war on its western front is sufficiently worrying for Islamabad to view with extreme caution any attempt to rely on the Taliban to maintain its influence in Afghanistan³⁶.

For Pakistan, therefore, the current *status quo*, accompanied by a degree of chaos that allows them to continue to exert their influence, is preferable to either of the two possible extremes: defeat or victory for the Taliban.

Iran's role

The traditional hatred between Iran and the Taliban, stemming mainly from their religious differences, has evaporated over the years, giving way to an alliance that looks set to last, centred on both sides' adherence to the concept of political Islam. While in power in the 1990s, the Taliban received support from Iran's rival, Saudi Arabia. However, the Saudis were unable to maintain this support once their US ally went to war with them. The confrontation between Saudi Arabia and Qatar, where the Taliban have always had their political office, combined with existing ties between Qatar and Iran, facilitated reconciliation. Also contributing to this rapprochement has been Iran's move towards an Islamic theocratic state, which, despite sectarian differences, closely resembles the goal pursued by the Taliban movement, which has always striven to establish a government based on Islamic values in Afghanistan. These good relations are evidenced by the Taliban's continued consultations with the Iranian authorities. Since the start of peace negotiations with the US, its leaders have

33 MAZZETTI and KHAN, *op. cit.*

34 MAZZETTI and KHAN, *op. cit.*

35 MAZZETTI and KHAN, *op. cit.*

36 MAZZETTI and KHAN, *op. cit.*

made numerous visits to Tehran, one of them, significantly, immediately after the temporary collapse of talks with the US in September 2019. These contacts not only reflect Tehran's importance to the Afghan insurgency, but also show the growing complicity between the two sides³⁷.

Since the beginning of the peace process, the US has pressured the Taliban movement to sever its ties with Iran, which it accuses of using its influence over the insurgent group to torpedo it. Earlier, in October 2018, the US imposed sanctions on Iran for providing economic and military support to the Taliban. This alliance was, for the Trump administration, unequivocal proof of the terrorist nature of the regime in Tehran³⁸.

Iran is also important to the insurgent group because of its good relations with almost all Afghan actors, including President Ghani, a Pashtun who is at odds with the Taliban, and Chief Executive Abdullah, an ethnic Tajik, a traditional ally of Iran. More importantly, both Iran and the Taliban face a common threat. Both are engaged in a direct fight against the Islamic State and US forces, with the ultimate goal of annihilating the former and driving the latter out of the region.

While Iran's *spoiler* role has become increasingly pronounced in recent months as Tehran has helped the Taliban consolidate its authority in the western regions of Farah province bordering Iran, there are indications that Iran may be distancing itself from the Taliban. Iran has consistently participated in Moscow-sponsored peace talks and the Shanghai Cooperation Organisation's anti-ISIS initiatives in order to appear as a responsible international actor advocating peace in Afghanistan. In the same vein, it seems that increasingly, his preferred interlocutors are the more moderate among the Taliban, which could indicate a rapprochement with the US position on a dialogue-based end to the conflict³⁹.

For Iran, the best option is a stable Afghanistan free of the Taliban, the radical Sunnis with whom it almost went to war in 1998 and who, among other things, pose a

37 Cfr. HUSSAIN, Kashif. *Why the Taliban Won't Cut Ties with Iran*. The Diplomat. 15 February 2020. <https://thediplomat.com/2020/02/why-the-taliban-wont-cut-ties-with-iran/>. For a more in-depth analysis of Iranian-Taliban relations: APELLÁNIZ VÉLEZ, Alejandro (2017). "¿Es Afganistán una cuestión de estado para Irán?" *Historia Actual Online*, 44 (3), 2017: 7-21. <https://dialnet.unirioja.es/servlet/articulo?codigo=6365856>. BEHRAVESH, Maysam (2020). «What does Iran want in Afghanistan?». Al Jazeera. 04/02/2020. <https://www.aljazeera.com/indepth/opinion/190204092658549.html> CLARK, K. "Taliban Claim Weapons Supplier by Iran" *Daily Telegraph*, 14 September 2008. GOHEL, Sajjam (2010). "Iran's Ambiguous Role in Afghanistan". *Combating Terrorism Centre, March 2010, Volume 3, Issue 3*. 2010. <https://ctc.usma.edu/irans-ambiguous-role-in-afghanistan/>

38 RAMANI, Samuel. *Managed Instability: Iran, the Taliban, and Afghanistan*. The Diplomat. 14 November 2018. <https://thediplomat.com/2018/11/managed-instability-iran-the-taliban-and-afghanistan/>

39 RAMANI, op. cit.

threat to Afghanistan's Shia minority and their Tajik allies⁴⁰. But a stable Afghanistan, within the US orbit, is not a good option for Iran either. Even less so if such an alliance involves the permanent presence of US military or intelligence elements on Afghan soil. At this juncture, it backs the Afghan government while providing limited support to the Taliban insurgency, especially in its fight against ISIS groups operating near its border⁴¹. With this support it achieves a double objective: to keep ISIS, Iran's strategic enemy, out of its territory and to maintain pressure on the US by fostering a state of controlled instability in Afghanistan, supporting the Taliban enough to complicate US military objectives, but without allowing the organisation to expand unchecked⁴².

The United States and its allies

Although they are not regional actors, it is not possible to talk about the Afghan conflict without mentioning, albeit briefly, the US and its allies, primarily NATO. First of all, it should be remembered that they were instrumental in shaping the conflict by deciding at the Bonn Conference to include representatives of many armed factions, but not the Taliban,⁴³. Moreover, international support for the new government led it to believe that it would be able to assert itself militarily, persuading the government of President Karzai (2001-2014) to seek its defeat rather than a settlement. Developments have shown how wrong this approach was.

The reality of the facts is compounded by the Trump administration's radical shift in its approach to the conflict, announced in August 2017, when it released its new strategy for Afghanistan and South Asia: "*From now on, victory will have a clear definition: attacking our enemies, destroying ISIS, defeating Al Qaida, preventing the Taliban from taking over Afghanistan and stopping terrorist attacks on America before they emerge.*"⁴⁴. The aim of this strategy was to break the stalemate in the armed conflict so that the Taliban leadership would come to the conclusion that they cannot achieve victory by military means. This would lead them to agree to a reconciliation process promoted and led by the Afghan authorities⁴⁵. Whether or not as a consequence of the development of this strategy, the fact is that developments have since been aligned with its purpose.

40 NADER Alireza et al. *Iran's Influence in Afghanistan: Implications for the U.S. Drawdown*. Rand Corporation. 2014. Page 5.

41 WALLDAN and WRIGHT, op. cit. p. 7.

42 RAMANI, op. cit.

43 SAJJAD, Ahmed. "The Exclusion of the Taliban from Afghanistan's State-Building and Its Human Security Vulnerabilities", *International Academic Forum Journal of Politics, Economics & Law*, Vol. 4, Issue 1, Spring 2017.

44 CASTRO TORRES, op. cit. Page 158.

45 CASTRO TORRES, op. cit. Page 158.

In addition to fighting the Taliban, the US has been conducting a parallel campaign against terrorism in Afghanistan since 2001. The fight against international terrorism remains the main reason for the US military presence and its main objective in the ongoing peace negotiations. The international community also pursues its own agenda in Afghanistan, related to the promotion of human rights –including women’s rights– and liberal democratic values. This promotion of Western values generates rejection, both inside and outside Afghanistan, among those who do not share Western values and provokes resistance among regional actors opposed to the US. On the other hand, the fact that the US, in addition to supporting the government, continues to support certain militias, provokes tensions that further complicate the situation in the region.

However, in this group of actors, the factor that weighs most heavily today is the need to end their involvement in a conflict that is very costly, both in terms of lives and in economic terms, and which does not produce results that justify such a sacrifice. The United States combines this with the fact that one of President Trump’s election promises was precisely to put an end to “endless wars”. With 2020 being an election year, there will be considerable pressure for immediate progress at any cost. The US and its allies urgently need an intra-Afghan agreement to end the conflict and allow them to end their military presence in Afghanistan without their legacy being the triumphant return of the Taliban or a new civil war. The fear among regional actors is that the need to withdraw militarily will lead them to ratify an agreement that does not meet the necessary guarantees of long-term stability⁴⁶.

Russia and China’s role in Afghanistan

When analysing the role that states in the region can play in the development of peace talks, the case of Russia and China deserves special attention. In principle, they share a fundamental objective for both: containing *jihadist* extremism within Afghanistan’s borders, preventing the emergence of Islamist forces with an ‘internationalist’ agenda. Moscow fears that a Taliban victory could have negative consequences for the stability of Central Asia and Russia’s Muslim-majority regions. Beijing, for its part, is concerned that a Taliban victory could strengthen the Muslim opposition in Xinjiang⁴⁷.

Given this fear, a prolonged US presence supporting the Afghan government is preferable for both sides to the risks of a Taliban government, even though they have reiterated that they are only interested in Afghanistan and will never become a source of tension for neighbouring countries. If anything, as the US prepares to

46 RUIZ ARÉVALO, 2019, op. cit. Page 149-50.

47 RUIZ ARÉVALO, J. *Nadar y guardar la ropa. La estrategia de Rusia y China en Afganistán*. Global Strategy. University of Granada. 2010. <https://global-strategy.org/nadar-y-guardar-la-ropa-la-estrategia-de-rusia-y-china-en-afganistan/>

leave, Moscow and Beijing have established contacts with the insurgent group⁴⁸. Despite their many differences with the US, both Russia and China accepted (and Moscow even supported) the US-led military presence in Afghanistan as a means to further their own objectives⁴⁹. However, since the 2014 start of the withdrawal of US and allied forces from Afghanistan, the Kremlin and Beijing have been preparing for the consequences of a full withdrawal. To this end, they work with the government in Kabul and also cooperate with the Taliban and Pakistan, their main external supporter. The insurgent group is no longer a threat but an ally against more radical movements such as the Islamic State and the East Turkestan Liberation Front, from which they have more to fear⁵⁰.

Russia's vision

Historically, Russia's policy towards Afghanistan has been more active than that of China. The Soviet Union maintained good relations and provided significant assistance to the Afghan monarchy until its fall in 1973 and continued to do so with the regimes that succeeded it. Support for the communist regime of the People's Democratic Party of Afghanistan, faced with an insurgent movement that it was unable to control, eventually led the Soviet Union to engage in a fruitless counter-insurgency campaign that ended in a humiliating withdrawal. After the Soviet withdrawal, the USSR continued to support the communist regime in Kabul until the collapse of the USSR itself in 1991. The regime in Kabul fell a few months later and was replaced first by an Islamic republic dominated by the *mujahideen* who had fought against the Soviet occupation and then by the Taliban.

Until the US-led intervention in 2001, Russia and Iran were the two regional powers providing military support to the internal opposition to the Taliban regime. Russia had its own reasons for doing so: the Taliban allowed the Islamic Movement of Uzbekistan to operate from northern Afghanistan and launch incursions into former Soviet Central Asia in 1999 and 2000. Iran, among other reasons, supported the Shiite minority, which was severely persecuted by the Taliban.

In the aftermath of 9/11, Russia's new president, Vladimir Putin, not only supported the US-led intervention in Afghanistan, he even approved the establishment of a US military presence in the former Soviet republics of Uzbekistan and Kyrgyzstan, consisting of support bases that facilitated the transit of personnel and resources to Afghanistan. However, from 2005 onwards, as relations between the two countries deteriorated for reasons unrelated to the Afghan conflict, President Putin began to call for the withdrawal of US forces from Central Asia, prompting Uzbekistan and

⁴⁸ RUIZ AREVALO, 2020, *op. cit.*

⁴⁹ For an analysis, see RUIZ AREVALO, 2020, *op. cit.*

⁵⁰ GOVERNMENT OF CANADA, 2019, Page 55

Kyrgyzstan to make the same demand. Despite this, Russia continued to support US-led efforts in Afghanistan, especially through the establishment of the Northern Distribution Network, which it offered to the US. This was a support route to avoid the traditional route through Pakistan, which was proving problematic due to Islamabad's unreliable attitude, which was simultaneously hindering the use of this route and aiding the Taliban⁵¹. Over time, the rise of ISIS and its spread to Afghanistan, the drawdown of US and allied forces and the increasing vulnerability of the Kabul government led Moscow to see the Taliban as a preferable alternative to ISIS. ISIS has an internationalist agenda designed to spread *jihad* in Central Asia, while the Taliban's targets are limited to Afghanistan, which makes them less dangerous in Moscow's eyes.

Russia's approach to the Taliban is conditioned by its concern about the presence of the Islamic State (ISIS) in northern Afghanistan: in early July 2018, Taliban forces launched an offensive, possibly with Russian support, to drive ISIS out of the Darzab district near the border with Turkmenistan. On the other hand, Moscow may see relations with the Taliban as a form of deterrence against Washington: in private talks in Moscow in late 2016, Russian officials warned that if the US armed Ukraine, Russia could provide anti-aircraft weapons to Afghan insurgents⁵².

The Soviet experience has allowed Russia to establish contacts with the Taliban, which it does not see as a transnational threat and has therefore accepted them as a valid spokesperson. At the same time, the Russians have moved closer to Pakistan through military sales, while their alliance with Iran gives them special weight in the regional context. Meanwhile, they struggle with the US to exert their influence over the former Soviet republics to the north. Russia's approach could be a replica of the strategy it has developed in Syria, where it has benefited significantly from the erratic attitude of the US. Similarly, participation in talks in which the US is under pressure to deliver results in the short term may enable it to ensure that the outcome is favourable to it and, in the long term, to increase its influence in the region⁵³.

China's vision

Prior to the Soviet intervention in Afghanistan, China had preferential ties with Pakistan. Seeing the USSR as its main opponent, China sided with Pakistan in supporting the Afghan *mujahideen* fighting against the Soviet occupation. When the Taliban came to power, China continued to back Pakistan, its main supporter. In this way, it became an indirect ally of them. But just as Moscow came to see them as a threat because of their support for Islamists in Central Asia, Beijing felt threatened by

⁵¹ RUIZ ARÉVALO, 2011, *op. cit.*

⁵² RUBIN, Barnett. *Is Afghanistan Ready for Peace? How Great Powers Can End the War*. Foreign Affairs, 30 July 2018.

⁵³ CASTRO TORRES, *op. cit.* Page 165.

their support for Islamists in Xinjiang, where there is a growing Muslim movement in opposition to Chinese rule⁵⁴.

Although China was not part of the US-led international coalition since 2001, it seemed to see it as an obstacle to Afghanistan becoming a safe haven for Islamist movements in Xinjiang, and therefore welcomed its presence in Afghanistan. In recent years, China has provided security assistance to the Kabul government and, according to some reports, has even established a small military base on Afghan territory near the Chinese border and is expected to further strengthen its military presence in the region by establishing a naval logistics hub in the new Pakistani port of Gwadar⁵⁵. Finally, like Russia, following the drawdown of US and allied forces, Beijing has established contacts with the Taliban and continued cooperation with Pakistan, which remains China's main partner in the region. In addition, it has increased its military presence in Afghanistan and Tajikistan to ensure that these territories do not serve as bases for ISI or Uighur attacks on its interests in Central Asia.

China's position seems rather pragmatic. Its Silk Belt and Road Strategy⁵⁶ needs Afghanistan's stability to provide continuity of overland communications from Central Asia and inland Chinese provinces to Pakistan. China has therefore offered to mediate talks with the Taliban, and has invested significant amounts of economic and military aid since 2016⁵⁷.

Russia and China face the future of Afghanistan: Swimming and storing clothes

It is possible that as US influence in Afghanistan wanes, Russian and Chinese interests may begin to compete with each other. But based on Russia's and China's behaviour in Central Asia, this seems unlikely at the moment. Both seem content with a division of responsibilities, according to which Russia provides security in the region, while China focuses on economic development, according to its own interests. In Afghanistan, China has greater economic interests than Russia, but both have very modest trade and investment ties: In 2017, Afghanistan imported USD 1.15 billion worth of goods from China, making China Afghanistan's largest supplier, although this amount is derisory to Beijing, as is the USD 3.44 million that Afghanistan exported to China. Russia's economic relationship with Afghanistan is even smaller: in

54 *Why is there tension between China and the US?* BBC News. 26 Sept 2014. <https://www.bbc.com/news/world-asia-china-26414014>

55 FARMER, Ben. *China 'building military base in Afghanistan' as increasingly active army grows in influence abroad*. The Telegraph, 29 August 2018.

56 CHATZKY, A. and McBRIDE, J. *China's Massive Belt and Road Initiative*. Council on Foreign Relations. January 2020. <https://www.cfr.org/backgrounder/chinas-massive-belt-and-road-initiative>

57 CASTRO TORRES, op. cit. Page 163-164.

2017, Afghanistan's imports from Russia amounted to only USD 157 million, while its exports to Russia amounted to just USD 1.15 million⁵⁸.

China's main interest is to ensure that Afghanistan does not become a safe haven for Chinese Islamist groups that could pose a threat to Xinjiang, and it sees Russia's policy in Afghanistan as fulfilling this need, thus supporting Moscow's double game of supporting the Kabul government while working with the Taliban. Moscow, for its part, is convinced that a stalemate in the conflict is not the worst option, but if Taliban forces prevail, it is interested in maintaining good relations with them in order to keep ISIS under control. The US has accused Russia of providing aid to the Taliban, for example, by leaving poorly secured weapons caches after military exercises in Tajikistan, a tactic it has already used to arm rebels in eastern Ukraine. The Russians argue that the ineffectiveness of Afghan security forces leaves them no choice but to liaise with local commanders to protect the borders of Central Asia, which Moscow considers vital to its own security. Moscow claims that these commanders are "warlords", not real Taliban.⁵⁹

For both Russia and China, the Taliban may be the lesser of two evils, and they prefer to maintain cordial relations with them in the face of uncertainty about their future role.

All open scenarios pose risks for Moscow and Beijing. A stalemate in negotiations is not a bad option in principle, but it could benefit ISIS, which would benefit from less attention from its adversaries. The Taliban's rise to power could be positive if they remain committed to confronting ISIS; but they could also return to supporting *jihadist* groups operating in other countries, as they have done in the past, threatening China, the Central Asian Republics and even Russia. Even if they have given assurances that this will not be the case, it is difficult to be sure that the Taliban leadership could prevent the more radical elements of the movement from deciding to support ISIS or similar groups. While for Moscow a "light-hearted" US withdrawal is still an attractive option, as symbolic compensation for its own withdrawal in 1989, prolonged US support for the Afghan government, even without a force presence, is not a bad option. This would hedge the risk of a Taliban victory and would mean continued US economic support for Kabul, which could continue to buy arms and other goods from Russia, something Moscow does not want to subsidise⁶⁰.

While the security situation in Afghanistan has become more precarious, neither Russian nor Chinese interests have suffered much so far. Arguably, Moscow and Beijing benefit from the fact that all contending parties are too weak to prevail, but strong enough to keep their opponents in check. The failure of the US and its allies to defeat Kabul's enemies would mean that the US would be unable to use Afghanistan as a

⁵⁸ GOVERNMENT OF CANADA, 2019: 57-58

⁵⁹ RUBIN, 2018, op. cit.

⁶⁰ GOVERNMENT OF CANADA, 2019: 59

secure base from which to spread Western influence in Central Asia. However, it is this continued US presence that has prevented the insurgents from gaining the upper hand. Both the success and failure of the negotiations pose risks and opportunities, and the strategy of both powers is aimed at preserving their interests in both scenarios.

The weight of the war economy

When assessing the attitude of regional actors towards the Afghan conflict, there is a cross-cutting factor that needs to be taken into account: the economic benefits that the conflict generates for almost all actors involved in it. An effective peace would put an end to the business of those who profit, directly or indirectly, from the business of war.

Leading figures on all sides have profited handsomely from the war: government officials, military, opposition groups, insurgents, governments and security forces in the region have all, to a greater or lesser extent, gained substantially from the conflict. The real concern is that this war economy provides incentives to maintain the *status quo*, potentially creating obstacles to effective progress towards lasting peace. A selfish calculation of the benefits to them of a stalled conflict may incline some actors to hinder negotiations – unless the benefits of a possible agreement clearly outweigh the economic benefits of continued conflict. Businesses associated with the armed conflict represent the largest non-agricultural employer in Afghanistan, either through direct contracts with the security forces or indirectly through the provision of transport, construction, fuel supply, private security and other activities associated with sustaining the military effort⁶¹. This poses a challenge for any future peace process: successful peace negotiations may reduce the size of the war economy, endangering the livelihoods of large parts of the population. On the other hand, the Afghan government and armed forces may feel, not without reason, that a stable Afghanistan will attract less international attention and therefore less economic aid⁶².

On the other hand, opium thrives in areas where conflict makes effective control by the authorities difficult. As with other illicit businesses, such as the arms trade, timber smuggling and illegal mining⁶³. In May 2016, when a drone strike killed then-Taliban leader Akhtar Mansur in Pakistan, disputes arose among senior insurgents over

61 HASIM, *op. cit.*

62 According to official figures, the cost to the US of the military intervention in Afghanistan between 2001 and 2019 was USD 780 billion. The annual cost has been declining significantly from a peak of 115 billion in FY2011 to 40 billion in FY2019. Projected budgets for 2021, calculated before the peace agreement was signed, are even lower. And the COVID 19 crisis will force a drastic downward adjustment. US Department of Defense. *Afghanistan. Cost of war through September 30, 2019*. <https://fas.org/man/eprint/cow/fy2019q4.pdf>

63 GLOBAL WITNESS. *War in the Treasury of the People*. Report. June 2016.

USD 900 million that reportedly disappeared from their bank accounts. The origin of this amount of money is difficult to trace, but can certainly be associated with illicit businesses related to drugs, illegal mining and extortion. On the opposite side, some well-known figures among the Afghan elite are, by all available reports, multi-millionaires⁶⁴. These fortunes are in many cases the result of involvement in the opium industry, which has grown significantly since 2001 and now dominates the world market⁶⁵. They also come from million-dollar contracts signed with the US and other powers, associated with reconstruction and development aid projects and support for their military contingents.

Armed conflict also creates many business opportunities, legal and illegal, in neighbouring countries. However, while this is a factor, it is also true that neighbouring states support the peace process in principle insofar as they see it as a means to end regional instability and allow for the definitive withdrawal of US forces. The positive effects of both factors appear to outweigh the disadvantages arising from the loss of economic benefits from the war economy. But while this is true, one cannot underestimate the weight of certain power groups, which may undermine the process in order to maintain their sources of income.

The Afghan conflict: A complex adaptive system

The ongoing peace talks will be watched by all regional actors concerned about a possible peace agreement detrimental to their interests. But it is precisely this profusion of players, motivations, conditions and possible *spoilers* that makes it difficult to foresee how events will unfold.

This difficulty in forecasting is due to the fact that the Afghan conflict and the regional framework in which it is embedded constitute what in sociology is called a *Complex Adaptive System*, riddled with *wicked problems*⁶⁶. The concept of a *wicked*

64 See BERENQUER, F. *The Blunders in the Western Cross-cutting Policies in Afghanistan: The Opium Economy as a Case of Study*. Instituto Universitario General Gutierrez Mellado, UNED. May 2018. <http://www.unisci.es/wp-content/uploads/2018/05/UNISCIDP47-8BERENQUER..pdf>. WARD, Ch. and BYRD, W. *Afghanistan's Opium Drug Economy*. SASPR Working Paper Series. World Bank, Dec 2004. COYNE, Ch, HALL BLANCO, A. and BURNS, S. *The War on Drugs in Afghanistan: Another Failed Experiment with Interdiction*. *The Independent Review*, Vol. 21, No. 1 (Summer 2016), pp. 95-119. <https://www.jstor.org/stable/43999678?seq=1>

65 UNITED NATIONS OFFICE ON DRUGS AND CRIME. *Afghanistan opium survey 2017*, May 2018.

66 Concepts introduced in the 1970s by Horst Rittel and Melvin Webber as a framework for analysing problems involving multiple stakeholders and conflicting interests. Unlike the definitive answers of the scientific domain (which they described as "tame" problems), wicked problems are societal and organisational planning problems that resist rigid definition and structure. RITTEL, Horst and WEBBER, Melvin. 'Dilemmas in a General Theory of Planning', *Policy Sciences* 4, 1973. pp. 155-169.

problem is used in social planning to describe a problem that is difficult or impossible to solve because it presents incomplete, contradictory and changing constraints that are difficult to recognise. Moreover, in this type of problem, the existence of complex interdependencies between its components means that efforts to solve a partial aspect may generate new, unforeseen problems. This is why the environments in which such problems occur are often defined as Complex Adaptive Systems.

“A Complex Adaptive System consists of a plurality of parts (organisations, processes, technologies, relationships) that interact in different ways with each other and with the outside world, with the particularity that a change or intervention in any part of the system will produce changes, often difficult to predict, in other parts of the system. Its essential characteristic is that it can change its structure and behaviour over time in response to changes in its environment or interactions with other systems. Its analysis requires an examination of the dynamic behaviour of the system as a whole and its relations with the outside world”⁶⁷.

In other words, the decisions taken by each of the actors throughout the negotiation process will alter the overall situation and, precisely for this reason, will provoke changes in the attitude of the other actors. This volatile scenario makes it virtually impossible to make reliable forecasts. We can deduce what the initial attitude of each of the actors will be; what their aspirations and red lines are. But we cannot anticipate what their attitude will be to the new scenarios that will open up and that will continually modify the initial budgets.

It is precisely this reality, intuited by all, that makes the general attitude of all actors be “swimming and storing their clothes”; that is, to maintain an open negotiating position, without ruling out any possibility, trying to find themselves in the best possible position, whoever the winner may be. This strategy helps to understand why a large proportion of regional actors support, directly or indirectly, both sides of the conflict. The aim is not to close off avenues and to be able to decide in favour of one or other option depending on developments.

Conclusions

The main suspicion that has been circulating for years among Afghanistan’s neighbours is that the real purpose of the US presence in Afghanistan is its interest in maintaining permanent military bases in South Asia. A US troop presence similar to that in South Korea, for example, would be unacceptable to Iran, Pakistan, Russia and China. Only India, interested in a long-term US commitment, could accept a permanent

67 RUIZ ARÉVALO, Javier. *Lecciones aprendidas en escenarios complejos ¿Es posible aprender de las operaciones de estabilización?* Spanish Institute for Strategic Studies. Opinion Paper 41/2017. April 2017. Page 8.

military presence⁶⁸. This means that news of a possible US withdrawal is viewed with cautious optimism among most regional actors.

To the extent that they understand that the US negotiating effort is aimed at militarily abandoning the region, these actors may feel that it is not in their interest to hinder the process. A different aspect is the way in which they want the US to leave Afghanistan militarily. An abrupt exit, without guaranteeing a stable Afghanistan, would not be a good solution. Indeed, there is a widespread belief that a precipitous withdrawal could trigger a new civil war that would destabilise the entire region. No one wants any surprises here. For this reason, the signals from the White House during 2019, insofar as they questioned the US commitment to make its withdrawal conditional on certain guarantees of stability, were received with alarm in the region⁶⁹.

Now, for regional powers, the problem is how to deal with Afghanistan's future in a new scenario, already looming, in which the US presence will be much more limited. This situation confronts them with difficult decisions on how to shape the future. They can support peace talks to create a more stable regional environment. They may support Afghan groups seeking to keep the civil war alive, or they will likely try to keep both avenues open and choose one or the other depending on how events unfold.

The main unknown in this scenario is Pakistan, a country that has very important interests at stake and has in its hands the possibility of derailing the process. It is unlikely to abandon its relationship with the Taliban, which it considers a strategic asset. It wants its allies, the Taliban, to succeed and wants to be a key player in the peace process. But it could use its influence to force a political settlement that preserves its vital interests. Its decision will be heavily influenced by its conflict with India. Tensions between India and Pakistan are such a major factor in the Afghan conflict that, in the opinion of many analysts, only an agreement between the two countries could guarantee stability in Afghanistan. And such an agreement does not seem very likely. In our view, the only plausible option at present is to find ways to mitigate Pakistan's concerns about the India-Afghanistan relationship.

In the words of former Pakistani ambassador Husain Haqqani, Pakistan's aim would be to continue to have the Taliban as *proxies* "while trying to contain their wilder instincts"⁷⁰.

The other main players, Iran, Russia and China, face similar problems. Their red lines are threefold: they do not want a permanent US military presence; they do not want a Taliban victory; and they do not want an unstable Afghanistan. But all indications are that they would accept a certain level of instability rather than accept either of the first two conditions.

68 RUBIN, *op. cit.*

69 RUIZ ARÉVALO, 2019, *op. cit.* Page 149-150.

70 MAZZETTI and KHAN, *op. cit.*

In assessing how they are adapting their positions to the evolving negotiations, public statements by regional diplomats will not be revealing of their plans. A more reliable indicator will be where the flow of arms and support of all kinds is heading in the future. Throughout the peace process that began in 2018, the attitude of regional powers has been consistently supportive of the negotiations, allowing for a degree of optimism. It remains to be seen whether these interventions will continue in this constructive spirit in the future. For the time being, regional policy in Afghanistan is at a crossroads and regional actors will continue to adapt their actions to the developments they observe.

The role of actors opposed to any agreement can also not be ignored. Either by defending maximalist positions or by benefiting from the current situation. *Spoilers* could be non-state actors such as ISIS, al-Qaida and the Pakistani Taliban, who do not want to see the conflict end, as well as actors inside Afghanistan who benefit from the war economy.

Each of the neighbouring states will analyse the evolution of the US presence in Afghanistan; the role to be reserved for the Taliban in the state that emerges from a possible agreement; the distribution of power between the different Afghan groups. Depending on this, each will decide whether to push the peace process forward or whether to encourage a stalemate that does not, at least, worsen the current situation. What seems to be ruled out by all is that the end of the conflict, if it comes to pass, will be a military victory for one of the two main actors. Peace can only come from an agreement; if there is no agreement, the conflict will continue.

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Luis Velasco Martínez

Investigator

HISPONA Research Group

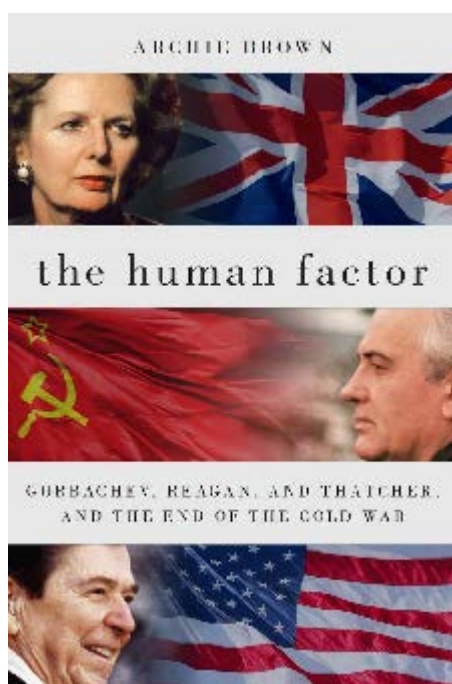
University of Santiago de Compostela

E-mail: luis.velasco@usc.es

Book review

BROWN, ARCHIE: THE HUMAN FACTOR. GORBACHEV, REAGAN, AND THATCHER, AND THE END OF THE COLD WAR. OXFORD, OXFORD UP, 2020,

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St Anthony's College at Oxford University has had a rich tradition in international studies since it was founded at the beginning of the Cold War. The wonderful biography of Raymond Carr,¹ its second dean, published a few years ago by María Jesús González Hernández, allowed us to get to know in detail the ins and outs of that new centre which, in the field of social sciences, specialised in international relations and regional studies, bringing together areas of knowledge which had hitherto been distant within Oxford, such as historiography, political science, economics and law. Since its foundation in 1950, St Anthony's has played an important role in training a new generation of specialists in international relations and regional or *area* studies. Many of the analysts who have nurtured the Foreign Office since the 1960s have been educated at the institution. This centre has not only fed experts and analysts to the main centres of government in Whitehall but has also drawn on them and established strong relationships between its professors and researchers and the centres of decision-making in the United Kingdom. In short, Britain's foreign and defence policy, as well as its post-World War II intelligence community, could not be understood without understanding the role that St Anthony's College and other university centres have played in them.

Similarly, since the 1950s, Kremlinology has been one of the main areas of specialisation of centres such as St Anthony's College. Understanding the strategic thinking of the USSR and the cultural forms that conditioned the behaviour of the subjects and groups that were part of the decision-making process in Moscow became an object of study in itself. A number of brilliant professionals in history, international relations, regional studies, philology, anthropology, psychology and literary and cultural studies devoted themselves to better understanding the functioning of the Soviet Empire, its hierarchies, its armed forces, its internal dynamics and the thinking of its popular strata. Their work served largely to try to anticipate the strategic changes that could take place east of the river Elbe, and to understand and decipher the rationality behind the decisions taken by Moscow and its satellites. Contrary to the usual image of Kremlinology that has become widespread, understanding Russian history, its diversity, the origins of its leaders or the internal ethnic conflicts involved much more work and benefits than analysing the position of each prominent individual in the Party or State during the May Day parades in Red Square.

Among the brilliant generation of Kremlinologists trained at Oxford, Archie Brown has particularly stood out; linked to St Anthony's College since the 1970s, he has been the director of its Slavic studies centre and the vice-director of the institution itself. Trained in the analysis of the Soviet reality, since the wall fell he has specialised in the building of the new Russian Federation and its power mechanisms, for which he has placed particular emphasis on understanding the personal profiles of its leaders in the decision-making process and on building new power networks in *independent* Russia,

¹ González Hernández, María Jesús: *Raymond Carr: the curiosity of the fox. A biography*. Barcelona, Gutenberg Galaxy, 2010.

as well as on the experiences of its elites and the survival of synergies inherited from the previous period.

In the volume he now presents, Brown analyses three key individual actors in the end of the Cold War: Mikhail S. Gorbachev, Ronald Reagan and Margaret Thatcher, approaching many others in a tangential way. George H. Bush, Eduard Shevardnadze and other key names of the time are also addressed in the paper, thus including a generic approach to the teams and cabinets around them. For Brown, the human factor is an irreplaceable key to understanding the *happy ending* of the Cold War. In fact, he puts it in the hands of his biographical profiles that the chain of events that took place in those years ended in a way generally understood as positive. However, this perception of the importance of the human factor, the individual factor in the final analysis, goes against the structural and necessarily complex analysis of the past. While it is true that, at any given time, the choice of a single decision-maker can be decisive, it is no less true that individuals and their perceptions and interpretations of the world are the product of the structures that illuminate them. In this sense, it is essential to understand these structures as a complex multilevel network in which family, academic, work and political spheres, etc., will necessarily be intertwined. The human factor is important, and probably decisive in many aspects, but personal perceptions tend to share certain overall features with other subjects according to their origin, education, experiences and structures in which a certain individual has been trained and seasoned. We could ask ourselves two questions to test the dimension of the human factor: Would it have been possible to avoid the Cold War with other leaders, would the end of the Soviet Empire in 1991 have been impossible with other leaders, and, finally, would current tensions between the West and the Russian Federation also be the result of that human factor?

The complex relations between present-day Russia and the main Western players, and with its former satellite states, cannot be understood without taking into account the causes and ways in which the Soviet Empire was dissolved and its area of influence dismantled. A subject that has already been analysed by other prestigious analysts, such as Serhii Plokhy, over the last few years.² In this vein, a detailed analysis of the way in which the new independent states were structured internally and their relations with each other, and of the impact the dissolution of the Union had on Russian nationalism, is still pending. The latter was revived by the rhetoric of a *Soviet defeat*³ assumed and enhanced from a wide range of Western chanceries. Its revival necessarily meant that some of the old assurances on which relations between the different members of the Union and its former satellites were based were changed. The dissolution of the Soviet Empire brought, to some extent, the revival of a Russian irredentism that re-read its past, its territory, its leaders and its traditions. As part of these new interpretations of itself and its relations with third parties, Russian nationalism did

² Plokhy, Serhii: *The last Empire: the final days of the Soviet Union*. New York, Basic Books, 2014.

³ Also known as *Russian*.

not hesitate to make the demands for an identity that was particularly linked to the cultural legacy of the Orthodox Church or even the tsarist monarchy compatible, while also claiming the successes of the Great Patriotic War,⁴ of the space race or of great leaders of the past who could range from Peter the Great to Joseph Stalin. This identity and political syncretism had already been tried out in other crisis contexts by Russian nationalism, so that during the emergence of the Second World War Soviet propaganda did not hesitate to print posters calling for general mobilisation against the enemy using icons that were easily identifiable by the Russian population but difficult to live with the Soviet regime.⁵

Following Archie Brown's logic, we should look for the origins of the current tensions in the human factor that facilitated the end of the Cold War. Thus, the very dialectic around the defeat-victory axis could be, in itself, one of the many causes of the current situation. We therefore understand that judgements about the human factor must be made, like all analyses, by measuring its causes and consequences in the short, medium and long-term, assuming its ramifications and possible ambivalences. In the end, what could be seen as a victorious outcome in 1990 could also be the origin of the concatenation of events that led to current tensions. History can give us many examples of this, from the Second Punic War to the Treaty of Versailles. In short, we must consider the need to carry out a prosopographical study on a generation of intermediate and young Party and State officials who directly experienced the dissolution of the Union and the complicated 1990s. These *apparatchik* had a promising career ahead of them in the last years of the USSR and had to reinvent themselves and adapt to the new reality in order to continue with their personal and professional aspirations. These events, in short, marked them as a generation and probably proved decisive in understanding their entire subsequent career. In this respect, we understand that the best example is sufficiently obvious to not require specification. The image of the role of the leaders referenced by Brown that the group we are referring to could have would be very different from what we read in the text. Regardless of which of these visions may be more or less realistic, it is clear that the actors' own perceptions are a determining factor in understanding the rationality or predictability behind their actions. Therefore, understanding the zero-sum dynamic in which relations between the West and the post-Soviet space have been pigeonholed, with particular attention to the Russian Federation, probably requires a review and reinterpretation of events, as well as of what they meant for each of the parties. In the end, for some of the actors this might not have been a total defeat, but only a strategic withdrawal.

In our opinion, probably the most transcendental value of Professor Brown's new study is the need to link foresight studies with historiographic analysis. His work is a good example of the need to vindicate the role of historians in understanding the

4 Núñez Seixas, Xosé Manoel: *El frente del Este: Historia y memoria de la guerra germano-soviética (1941-1945)* (*History and memory of the German-Soviet war (1941-1945)*.) Madrid, Alianza, 2018.

5 Calhoun, Gloria: 'Saints Into Soviets: Russian Orthodox Symbolism and Soviet Political Posters'. Thesis, Georgia State University, 2014. https://scholarworks.gsu.edu/history_theses/85

world today and the scenarios of the future that are open to us. Making decisions in the present to move towards the desired future requires a calm reflection on the successes and mistakes of the past.

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