

The Interdisciplinary Journal of International Studies



**AALBORG
UNIVERSITY**

Volume 10 Issue 1 (2020)

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Introduction

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The Interdisciplinary Journal of International Studies (IJIS) is a student driven journal that engages a variety of critical questions from the social sciences and humanities. Its contributors are based in the Department of Politics and Society at Aalborg University, Denmark. Bringing together viewpoints from the Master programs of Development and International Relation Studies, European Studies, China Studies and Global Refugee Studies, the global nature of the research topics becomes visible.

Therefore, the topic of the IJIS Volume 10, Issue 1 is *Global Perspectives*. In the call for papers, we asked for contributions that would “enable previous and current students to display the broad, diverse and interdisciplinary nature of Global Studies and Social Sciences at Aalborg University. The purpose of this issue is to show the global interface students have in their academic work within the respective disciplines included in the journal” (CfP, 2018).

The growing importance of a global perspective is evident. What exactly is a global perspective though? We identify it as a comprehensive lens through which you see the world around you. In applying such a lens, one can understand and distinguish the interconnections that exist in the world socially, economically and culturally.

While the articles on this issue have a local focus (Europe, Asia, Africa), they all reflect different global perspectives. We agree with Jonathan Friedman and Kajsa Ekholm Friedman (2013) that “[t]he global [...] is nothing more than the structural properties of the field of interaction of “local” social actors” (Friedman & Friedman, 2013, p. 252). By taking a local setting, the authors show that the above-mentioned interconnection is evident, and a local issue may have effects elsewhere or affect the global community as a whole.

The growing interconnection of the world as a whole has been described with the term globalization. Friedman and Friedman (2013) describe “Globalization as a discourse of hegemonic crisis” (Ibid.),

stressing that it is only the cosmopolitan elites who are profiting from this development. The ‘globalized optimism’ that was dominating discussions around a more globalized world in its early evolution is hard to maintain, as the pitfalls of this development are hard to ignore. The ways in which globalisation is described as “the transgressing of boundaries, the concomitant breakdown of the nation-state and its essentialist assumptions, the increase of mixing and hybridity as differences thrown together in global meeting places” (Ibid., p. 250) are “part of an elite-based imaginary rather than an emergent reality” (Ibid.).

In taking a global perspective, it becomes evident that it is not only capital that is flowing transnationally, or even globally. Anthropologist Arjun Appadurai (1996) detects five dimensions of global cultural flows: “ethnoscapes, mediascapes, technoscapes, finanscapes, ideoscapes” (Appadurai, 1996, p. 296), all of which are constituting so-called ‘imagined worlds’ (Ibid.) Understanding globalization by reflecting on how people, ideas and things flow across borders makes the analysis of the current social landscapes more solid. In conclusion, these different flows and forms of a more globalized world become more evident through the global perspective this volume is providing.

The contribution by Andersen, Feretti, Heimstad & Rødvig zooms in the European area and more specifically on the so-called refugee crisis. The authors criticise the EU-Turkey statement as a response to the refugee crisis. By analysing the concepts of humanitarianism, securitization and externalization they show how the flows of ideas are very much connected to both local and transnational policies. This article concludes that this flow of ideas in terms of humanitarianization and securitization was strategically used by the EU institutions to justify the agreement as an externalization policy.

How the green economy as an ideoscape flowing from the North to the South is a new approach is criticised in the contribution by Andersen, Árnadóttir, Hila, Kaplan & Zormpa. While the green economy is aiming at implementing development approaches in a sustainable manner, at its core these approaches are still reflecting a neoliberal understanding. Here it becomes evident how much the spread and uphold of capitalism is intimately connected to globalization (cf. Friedman & Friedman, 2013). By zooming in on the case study of the Lake Turkana Power project in Kenya, they investigate the emerging green economy as a ‘passive revolution’. As a response to the global issue of climate

change, the authors argue that the traditional development paradigm of the brown economy has shifted to a greener one.

Moreover, the article by Bro, Klomfass, Scharnberg, Stokbro & Svindborg discusses power balances and the struggle for hegemony in International Relations. Although Russia is still one of the most important trade partners and has political and economic influence over Kazakhstan, the article argues that China has increased its presence with the Belt and Road Initiative to such an extent that it fulfils the requirements for hegemony. In that sense the authors argue that the transnational power balances in the entire Central Asian region may shift. The article concludes that there is a high possibility that the rest of Central Asia could follow Kazakhstan's example and cooperate more with China, turning away from Russia.

The contribution by Gardezi, Borello & Sheikh focuses on the Indus Waters Treaty (1960), which provides a legal infrastructure to resolve disputes over water from the river Indus, flowing through India and Pakistan. The river is a very tangible example of a flow that is connecting nationstates - even while at war, the two nations tried to adhere to the Indus Water Treaty, as both of them were and are highly dependent on the water it provides. The article concludes that the Indus Water Treaty can be considered one of the world's strongest and longest-standing treaties, which can be attributed to the 'water-rationality' of both India and Pakistan.

Adding to these valuable contributions, this issue also presents three essays reflecting a global perspective. Johanna Schroedl zooms in on the New Pact on Migration and Asylum from the European Union and how it suggests to deal with interception on the high seas and search and rescue missions, carried out from civil society organizations.

Agata Czarniawska presents an extremely informative overview of the current situation in Poland regarding the topic of abortion and the new national legislation. Human rights violations is a topic of concern in Eastern Europe for many decades now, however Czarniawska brings a very timely consideration. She illustrates how the global pandemic COVID-19 has affected the situation and she reflects on the 'Cultural Clash in the Midst of Pandemic'.

Lastly, Mette Nielsen provides a very personal account of her activism, with which she tries to get the Danish government to take in some of the refugees from the Moria camp on Lesbos, which was destroyed by a fire in September this year. Nielsen visited Lesbos herself in October 2020 and paints a disturbing picture of the situation for the refugees there, who are suffering from Europe's inability to find a sustainable solution for them.

We wish you a pleasant read!

Rieke Schröder and Ariadni Stavroula Zormpa

Journal Editors

Notes on Editors

Rieke Schröder is a master student in Global Refugee Studies at Aalborg University Copenhagen. She is currently doing an internship as a research assistant at the Global Refugee Studies research group. Her primary research focuses on queer feminist issues around migration and displacement. She obtained a bachelor's in Social Work in Osnabrück, Germany and is volunteering with Amnesty International Events Denmark. She receives a scholarship from both the Friedrich-Ebert-Stiftung and the DAAD (German Academic Exchange Service).

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References

Appadurai, A. (1996) Disjuncture and Difference in the Global Cultural Economy. In *Modernity at Large: Cultural Dimensions of Globalization*. (pp. 27-47) Minneapolis, London: University of Minnesota Press.

Call for Papers. (2019) <https://journals.aau.dk/index.php/ijis/announcement/view/143>

Friedman, J. and Friedman, K. E. (2013) Globalization as a discourse of hegemonic crisis: A global systemic analysis. *American Ethnologist*, 40: 244–257. doi:10.1111/amet.12017.

The Reality of Refugee Diplomacy: EU-Turkey Agreement and Political Narratives of Legitimization

Abstract

The EU-Turkey Statement was introduced in March 2016 as a solution to the ongoing Syrian refugee crisis, with the aim of limiting irregular migration to Europe and securing the EU's external borders. As an act of externalization of the European border and migration control, the agreement has been regarded as controversial. This paper attempts to answer how the EU-Turkey Statement has been framed in the political discourse as an attempt to legitimize the externalization of European border and migration management to a 'safe third country'. The research question will be addressed through document and discourse analysis, and with the analytical lenses of humanitarianization, securitization and externalization of the Statement, its evaluations, and the political discourses surrounding it. In summary, the result of this analysis shows that the EU-Turkey Statement has been framed as a humanitarian and security crisis in order to justify a questionable externalization policy.

Keywords: EU-Turkey Statement; Humanitarianization; Securitization; Externalization; International Human Rights and Refugee Law

Authors: Andersen, Maria Kristine Kolding; Ferretti; Victor Andreas; Heimstad, Kristine Fjelde; Rødvig; Mads Andreas Ibberskov

Introduction

As a response to the ongoing Syrian refugee ‘crisis’, the Council of the European Union presented a legally non-binding statement that would later be known as the “EU-Turkey Deal”. The Statement presented an official plan on how to minimize the number of irregular migrants arriving to Europe from Turkey, to limit the deaths at sea, and to break the business model of human smugglers, thereby including elements of both humanitarian and security concerns (Council of the EU, 2016). In order to do so, the agreement enabled the return of irregular migrants to the Turkish mainland and facilitated a cooperation of border control between the EU, Greece, Turkey, and NATO in the Aegean Sea. The means to persuade Turkey to cooperate included a promise of six billion euros in financial support, visa liberalization for Turkish citizens to EU countries, a reopening of the accession talks for Turkey in the EU, and a relocation mechanism for Syrian refugees to be resettled amongst EU Member States (Council of the EU, 2016). The agreement proved to be controversial due to a number of reasons, such as how the negotiation took place, the humanitarian consequences, the diversion of humanitarian funding to security measures, the legality of the Statement, and the ways of implementing it. Additionally, the Statement received critique for outsourcing border and migration control to Turkey (UNHCR, 2016a).

As the 2015 refugee ‘crisis’ dominated the media, the topic became highly politicized and received much public and political attention across Europe (Georgiou & Zaborowski, 2017). The EU-Turkey Statement was in this context presented as the only durable solution, even though it pushed the International Refugee Conventions to the limit and had significant humanitarian consequences (Peers, 2016). Henceforth, the relevance of this research is twofold; firstly, the implemented policies in relation to the agreement have enormous impact on the lives of the people affected, thus making the political justification questionable and the legitimatizing narratives misleading. Secondly, externalization as a concept is not a new phenomenon, but rather a reoccurring policy already used in other geographical context, thus making this analysis complementary to the existing literature. As similar agreements with third countries have already been proposed, e.g. between the EU and Egypt, more knowledge on the implications of these policies is necessary (European Council of Foreign Relations, 2018).

Our hypothesis is that the EU-Turkey Statement has been framed in a certain way in the political discourse in order to justify a policy of externalization. Therefore, we seek to examine the following research question: *How has the EU-Turkey Statement been framed in the political*

discourse, in order to legitimize the externalization of European border and migration control to a third country? In order to analyze the political discourse legitimizing this policy, we must first gain an understanding of the factual implications of it.

The Statement on Paper and in Practice:

In theory, the agreement states that all displaced Syrians intercepted in the Aegean Sea would swiftly be sent back to Turkey, while all new arrivals to the Greek islands would have their asylum case processed by Greek authorities in collaboration with the UNHCR. All those deemed not in need of international protection would be sent back to Turkey, “accordingly to the relevant international laws and the non-refoulement principle” (Council of the EU, 2016), thereby assuming that Turkey is in fact a ‘safe third country’. However, for every Syrian returned to Turkey, another Syrian would on a 1:1 ratio be resettled to an EU Member State, accordingly to the UN Vulnerability Criteria (UNHCR, 2016b)

In practice, the agreement has not come close to its original intentions. Only 2.164 Syrians have been returned since March 2016, and 12.476 have been resettled from Turkey to the EU Member States – a fraction of the approximately 3.6 million displaced Syrians within Turkey (European Commission, 2018a; UNHCR, 2018a). The visa liberalization for Turkish citizens has not been implemented, while limited progress has been made in regards to Turkey’s accession to the European Union (Pierini, 2018). Lastly, only 1.85 billion euros have been paid out to various humanitarian projects in Turkey - a considerable difference from the original six billion promised by the EU (European Commission, 2018a). While the funding is earmarked for humanitarian and development purposes, evidence suggest that parts of it is being spent of border control and security, including the purchase of Turkish-produced heavily armored vehicles, patrol boats, and surveillance equipment (Ekeberg and Hansen, 2018a; 2018b; 2018c). The agreement has been successful in terms of drastically reducing the number of arrivals to the Greek islands; from 856.723 in 2015 to 29.718 in 2017. Furthermore, the total amount of casualties in the Aegean decreased from 799 in 2015 to 54 in 2017 (UNHCR, 2018a).

Although the Statement is presented as a formal agreement between the Council of the European Union and Turkey, the document is nothing but a press release, and henceforth, an informal agreement at best. Due to the fact that the document is not a treaty or legally binding, it is not subject to scrutiny or legal investigation and judgement from the European Court of Justice, or any other international legal institution (De Vrieze, 2018, p. 31-41). Additionally,

because the agreement was made in a press release format, it did not need any approval procedure from the European Parliament or national legislations, thus bringing the democratic legitimacy of these kinds of informal agreements into question (Peers, 2016). The Council of the European Union has thereby successfully sidelined the European Parliament and other relevant institutions in the negotiation and decision-making process of the agreement.

We conducted our analysis by looking at the various sources through the analytical lenses of humanitarianization, securitization, and externalization. This approach is considered appropriate as it is evident that politicians have used narratives based on a combination of humanitarian ideals and security concerns to justify particular policy decisions.

Humanitarianism

For the sake of this paper, humanitarianism will be referenced in relation to the International Committee of the Red Cross' (ICRC) definition; "Humanitarianism aims at the happiness of the human species [...], it is the attitude of humanity towards mankind, on a basis of universality." (International Committee of the Red Cross, 1979, p. 144). This doctrine is seen as anchored within human rights and vows to promote the wellbeing of all humans. While we acknowledge humanitarianism as an ideology, we consider humanitarianization as the practice of making something into a humanitarian issue. In conducting our document and discourse analysis we have identified five main humanitarian arguments; i) avoiding casualties at sea, ii) upholding human rights and international law, iii) improving conditions on the ground iv) end smuggling operations, and v) provide a safe and legal entry for refugees to Europe. Top politicians on both sides of the negotiation table have used these five arguments to legitimize the implementation of the Statement and the following consequences.

As European media outlets showed picture upon picture of drowned migrants, an immediate demand to stop the casualties was necessary. This media attention emphasized the need to avoid migrants drowning in the Aegean Sea as they attempted to reach the Greek islands. Former Rotary President of the Council of the European Union, Mark Rutte, emphasized this by stating that "There is nothing humanitarian in letting people, families, children, step on boats, being tempted by cynical smugglers, and risk their lives," (Pamuk and Baczynska, 2016a). As another example, General Secretary of NATO, Jens Stoltenberg, described the situation as "[...] a big, big humanitarian tragedy where we all have to respond [...]" (NATO, 2016a). President of the European Council, Donald Tusk, also emphasized the need for solving the 'crisis' in a

humanitarian way “[...] all our actions aimed at solving the problem of refugees, the European Union is driven by empathy and the readiness to offer help to those in need, even if the world turns its back and pretends not to see.” (BBC, 2016).

As the European Union is based on liberal values and respect for human rights, the need to uphold international refugee and human rights law should be considered a central element within the European societies. As an example of this, Chancellor Angela Merkel stated that “[...] we must demonstrate whether we can credibly implement what we always preach: our adherence to our values, our humanitarian approach, the protection of human rights.” (The Federal Chancellor, 2016a). On another occasion, she claimed that “Europe’s soul is humanity. And if we want to keep that soul, if Europe and its values wants to succeed in the world, then it must not close itself off.” (BBC, 2018). It may be argued that Merkel’s Christian democratic and liberal values reflect through her statements, in recognition of Europe as the fundamental protector of human rights.

The EU-Turkey Statement also include aspects of the humanitarian discourse, as it declares that “Much progress has been achieved already, including Turkey’s opening of its labour market to Syrians under temporary protection [...]” and that the EU “[...] will further speed up the disbursement of the initially allocated 3 billion euros [...] and ensure funding of further projects [...] notably in the field of health, education, infrastructure, food and other living cost” (Council of the EU, 2016). This goes well in hand with statements of politicians such as Jean-Claude Juncker, Angela Merkel and Donald Tusk who have continuously argued for the importance of humanitarian assistance. Although these are just a few examples of the humanitarian discourse, it provides a clear understanding of the framing of the crisis and the EU-Turkey statement.

Securitization

Securitization is a process where a speaker addresses an issue, such as irregular immigration, and argues why this should be identified as a security threat towards e.g. a certain society's existential identity. It can further be described as a successful non-neutral speech act, which the audience has to accept in order to be defined as such. The acceptance gives several political advantages, such as the legitimization and justification of extraordinary measures, that normally would have been disproportionate and illegal towards the solution of the problem (Betts, 2009, p. 71; Neal, 2009, p. 335).

In terms of security, the discourse began as a humanitarian concern regarding displaced people drowning at sea but changed relatively quickly to a security concern towards who were entering the European Union (Georgiou & Zaborowski, 2017). Ultimately, refugees and migrants on route to Europe became part of a discourse in which they were first considered to be *at risk*, while later being understood to be *a risk* (Pallister-Wilkins, 2015). In relation to this, we identified three main security arguments; i) ‘extraordinary measures’ to solve an ‘extraordinary situation’, ii) protect Europe’s external borders to save Schengen and European unity and iii) counteract the criminal business model of smuggling operations.

First, various politicians have expressed the need to use ‘extraordinary measures’ to solve the ‘extraordinary situation’, while addressing the immediate migration issue. In an interview regarding the Statement, Stoltenberg argued that the involved parties were willing to use the “extraordinary measures [...] necessary to end the human suffering and restore public order [...]”, including to “welcome the establishment of the NATO activity on the Aegean Sea” (BBC, 2016). In order to regain control of the chaotic situation in the Aegean, politicians emphasized the need to act urgently, as Rutte expressed that “[...] we cannot cope with this any longer, so we have to get a grip on it.” (Soffel, 2016). Further, Rutte stated that “I tend to shy away from apocalyptic quotes. But I don’t see how, if we don’t get a deal today or tomorrow, we will get a deal at a later stage.” (Reuters, 2016b). By expressing the urgency in solving the migration issue, the discourse arguably creates a sense of fear of not being able to solve the issue before it is too late. Debatably, Rutte attempts to securitize this issue by convincing the audience that the implementation of the Statement is necessary and the most efficient solution to the pressing matter.

A second securitization discourse is the need to securitize the external borders. Politicians often use this framing to ensure the survival of the Schengen Agreement and hence the free movement of people and goods. As stated by President of the European Commission, Jean-Claude Juncker; “The internal market will not survive the refugee crisis if we do not manage to secure our external borders jointly [...]” (European Commission, 2016). In this quote, it becomes apparent that the EU’s internal market is framed as the referent object at risk, and that the irregular migration is the threat. Tusk elaborates on the importance of securing the external borders by proclaiming that “We are a territorial community, which means that we have a common territory and common external borders. Our duty is to protect them. The migration

crisis has made us aware, with full force, of the need to rebuild effective control of our external borders [...]” (Council of the EU, 2017). This confirms that the EU is framing its ambition to protect its external borders as a method to maintain internal stability.

A third key element of the Statement is to break down the smuggling operations in the Aegean Sea, as a way to protect the external borders of the European Union (Council of the EU, 2016). As the discourse changed from migrants being at risk to later become a risk, or the source of threat, smugglers were portrayed to be the means to provide access to Europe. Stoltenberg acknowledges this connection by saying “Enabled by criminal gangs, the flow of migrants and refugees is putting enormous pressure on the countries affected.” (NATO, 2016b). In relation to the Statement, Merkel argued that “This agreement not only helps the refugees, but it is also an important contribution towards stopping smuggling and human trafficking, so that the external borders can be protected and the reasons for fleeing can be combated.” (The Federal Chancellor, 2016b), thereby clearly mixing the discourses of humanitarianization and securitization. Interestingly, Merkel is implying that the refugees are fleeing due to human trafficking, and not from war and persecution. These quotes frame the Statement as having solved the security issues of human smuggling and Schengen, portraying the deal in a positive light. Yet it is questioned whether the Statement was ideal, as Rutte comments “in all honesty, is the agreement ideal in every respect? No. But was it sorely needed? Absolutely.” (Government of the Netherlands, 2016). In this quote it may be implied that the necessity of the Statement overruled the potential flaws in the agreement.

Externalization

The concept of implementing policies to outsource migration control to an area outside of a country’s sovereignty is called externalization. Consequently, a state’s migration control is no longer necessarily limited to its geographical territory (Gammeltoft-Hansen, 2011, p. 16). According to Martin Lemberg-Pedersen, European externalization can be defined as: “[...] the multifaceted processes whereby EU member states, or the Union as a supranational actor, complement policies to control migration across their territorial borders with initiatives aimed at realizing such control outside their territories.” (Lemberg-Pedersen, 2017, p. 40).

A process closely connected to externalization is that of issue-linkage, which involves negotiation processes between different parties “[...] where issues like asylum policies are linked to other issues, like trade, military, and development policies.” (Lemberg-Pedersen,

2015, p. 143). In this process, a more powerful country may use its power, being political or economic, to export responsibilities to another often less powerful state, who may not always have much to say in the matter (Lemberg-Pedersen 2017, p. 40). This means that weaker states can be pressured or persuaded to accept foreign border control on their territory by more powerful states. Powerful states have the ability to pressure weaker ones into collaboration through the conditionality approach. Conditionality entails offering a reward, such as financial aid or accession negotiations, in return for the political commitment to fulfill certain conditions (Lavenex & Uçarer, 2004, p. 424). By analyzing the discourses surrounding the Statement, it became noticeable that politicians tend to avoid the use of this framing. Arguably, 'conditionality' has strong negative connotations of outsourcing responsibilities, which discourages politicians from mentioning it explicitly.

One of the ways the EU has convinced Turkey to participate in this agreement, is through issue-linkage negotiations. In a leaked document from the negotiation of the Statement, Juncker articulated that the agreement had to be negotiated as a complete package, which included elements such as funding, visa-liberalization, and renewed accession talk to the Union (Pappas, 2016). The fact that the agreement is a combination of migration, foreign, and economic policies shows a clear example of issue-linkage diplomacy. The Statement is explicit about this, and explains how "[...] the European Union has begun disbursing the 3 billion euro of the Facility for Refugees in Turkey for concrete projects and work has advanced on visa liberalization and in the accession talks [...]" (Council of the EU, 2016).

Another way the EU has persuaded Turkey to cooperate is by using the strategy of conditionality. The incentives in this case are the above-mentioned funding, visa-liberalization and renewed accession talk. However, the EU is debatably withholding parts of the negotiated promises, which Recep Tayyip Erdogan, President of Turkey, is emphasizing by stating that "[...] you [the EU] did not fulfill your promises. [...] You never acted honorably, you did not act right." (NDTV, 2016). Due to the political development in Turkey after the agreement, and especially after the attempted coup, the EU has shown unwillingness to continue accession talks and implement visa-liberalization. According to Juncker, Turkey does not meet the EU's requirements regarding the rule of law, justice and fundamental rights (European Commission, 2017).

Although not explicitly mentioned in the Statement, it may be argued that the agreement is an act of externalization. The intent of the Statement is to limit irregular migration, which is expressed in the following way: “Turkey will take any necessary measures to prevent new sea or land routes for illegal migration opening from Turkey to the EU [...]” (Council of the EU, 2016). The quote both states the aim and one of the means of the agreement; limiting of migration is done by stemming routes leading to Europe by giving Turkish authorities the responsibility to prevent migrants reaching the EU’s external borders. Another externalization measure in the agreement is to return irregular migrants to a third country, namely Turkey. According to the Statement, the irregular migrants who reach the Greek islands will be returned to Turkey, which is expressed as such; “[...] Turkey, furthermore, agreed to accept the rapid return of all migrants not in need of international protection crossing from Turkey into Greece and to take back all irregular migrants intercepted in Turkish waters [...]” (Council of the EU, 2016).

Thus, it seems clear that the EU-Turkey Statement is an example of a political externalization measure. This becomes evident as it is directly stated in the Statement that its aim is to limit or manage migration, by transferring migration and border control responsibilities to Turkey.

Discussion

We have argued that the EU-Turkey Statement is in fact an externalization policy of European migration and border control to Turkey, which has been legitimized by framing the agreement in humanitarianization and securitization terms. In order to persuade the audiences about these arguments, it is necessary to interpret Turkey as a safe third country. Therefore, we aim to question this interpretation by examining the refugee reality in Turkey. According to the EU’s Asylum Procedure Directive, a safe third country is defined as:

“A third country that treats a person seeking international protection in accordance with the following principles: (a) life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion; (b) there is no risk of serious harm as defined in Directive 2011/95/EU (Recast Qualification Directive) ; (c) the principle of non-refoulement in accordance with the Geneva Refugee Convention and Protocol is respected; (d) the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and (e) the possibility exists

to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Refugee Convention and Protocol.” (European Commission, 2018b).

These criteria, which derive from various instruments of International Human Right Law and International Refugee Law, all have to be fulfilled in order to categorize a third country as safe. In relation to Turkey, it may be argued that several aspects of this definition are questionable, such as the protection of various human rights, breaches of the non-refoulement principle, and limitations in the ability to request protection. First, it is important to state that although Turkey has ratified the 1951 Geneva Convention Relating to the Status of Refugees and its amendment, the 1967 Protocol, it has maintained the geographical limitation stated in the Convention (UNHCR, 2018b). Consequently, Turkey does not recognize non-Europeans as refugees, but rather provides displaced people in need of international protection with a ‘temporary protective status’. This status provides displaced people in Turkey with “a range of rights, services and assistance for beneficiaries of temporary protection. This includes, among others, access to health, education, social assistance, psychological support and access to the labour market.” (UNHCR, 2018c) However, compared to the refugee status given by the 1951 Convention, temporary protection does not provide the full benefits and is thus less desirable, because Syrians are only granted temporary refuge, thus indicating imminent repatriation.

When discussing whether Turkey is in fact a safe third country, it is necessary to acknowledge the recent reports of human right violations. Since the attempted coup d’état in 2016, Turkey has increasingly been criticized for breaching a range of human rights, such as freedom of movement, freedom of expression, freedom of assembly, freedom from torture and other ill treatment, as well as abuses by armed groups (Amnesty International, 2018). In relation to the Syrians under temporary protective status, Turkey has been accused of not upholding international standards, which is illustrated in a report from Amnesty International on human rights relating to the Statement, claiming that asylum-seekers and refugees struggle to maintain an adequate standard of living (Amnesty International, 2017). Various reports have described how Syrian refugees are being exploited in industries such as agriculture and construction, paid below minimum wage, sometimes only with food and accommodation (Human Rights Watch, 2016; Lemberg-Pedersen, 2018). Additionally, rights included in the temporary protective status, such as to education, security and health care, are not provided to unregistered refugees who crossed the border illegally (Lemberg-Pedersen, 2018).

There have been several claims of forcibly returns of refugees to Syria (Amnesty International, 2017). Gerry Simpson from the Human Rights Watch affirms this claim and links it to refoulement “These are clear-cut unlawful deportations because they are refugees – and sending them back amounts to refoulement,” (The Guardian, 2018). In another report, Human Rights Watch states that “Turkish security forces have routinely intercepted hundreds, and at times thousands, of asylum seekers at the Turkey-Syria border since at least December 2017 and summarily deported them to the war-ravaged Idlib governorate in Syria” (Human Rights Watch, 2018). Clearly, returning refugees to a country where they are at risk of being refouled into a warzone, is a direct breach of the non-refoulement principle. It is therefore highly questionable whether Turkey can be considered a safe third country. Additionally, as Turkey completed the construction of a border wall against Syria in 2017, it has been reported that people attempting to cross the border have been shot or pushed back across it (Vammen & Lucht, 2017). Witnesses have reported that if captured by Turkish border security, they have the options of either be imprisoned indefinitely or sign an asylum waiver and “return voluntarily” to Syria. The Turkish government has framed the construction of the wall as a security measure against terrorist infiltration from Syria, but it is undoubtedly also a mean to prevent further migration to Turkey (Carrié and Asmaa, 2018). It is important to mention that the EU has contributed to the surveillance and security of the wall; according to *Die Spiegel*, the funding provided exceeds 80 million euros (Spiegel, 2018). It may be argued that the border wall is a ripple-effect of the Statement and European externalization policies, as Turkey has found it necessary to limit the influx of refugees, due to the fact that migration to Europe has been contained in Turkey.

According to the above-mentioned examples, we would argue that Turkey cannot in good faith be categorized a ‘safe third country’. Due to extensive breach of human rights, refoulement of people in need of protection, and limitations in the possibility in applying for asylum, it seems evident that the European Union’s interpretation of Turkey as a safe third country does not comply with its own criteria.

Conclusion

As the 2015 Syrian refugee ‘crisis’ stunned European leaders across the continent, top political figures rushed to find a solution that would ensure security and unity within the Union. Regardless of well-known human rights violations, lack of legal protection for non-European refugees, serious economic concerns and the increasingly autocratic Erdogan-regime, the EU chose to interpret Turkey as safe third country - against its own definition. Turkey has been persuaded to cooperate through promises of financial aid, visa liberalization, and renewed accession talks, however, the EU has withheld several of the rewards, arguably due to Turkey’s failure in complying with the conditions set by the EU. As Turkey already has deported hundreds of thousands of Syrians back to the war-torn country, a de facto violation of the non-refoulement principle, Europe has undoubtedly compromised with its core values. The Statement has drastically reduced migration through the Eastern Mediterranean route, thereby containing Syrians in Turkey. Consequently, the number of displaced people within Turkey has increased, causing a ripple effect on the Turkish-Syrian borderscape. As a result, Turkey have conducted multiple military operations in northern Syria, establishing ‘safe zones’ as a way to deport refugees. Additionally, in order to avoid further migration, Turkey constructed a wall on the Turkish-Syrian border, thereby limiting the ability of displaced Syrians to apply for protection.

This article has investigated how the EU-Turkey Statement has been framed in the political discourse, in order to legitimize the externalization of European border and migration control to a ‘safe third country’. The most obvious finding that emerged from this study is how the Statement and the discourses surrounding it have been framed in terms of humanitarianization and securitization, in order to justify the agreement as an externalization policy. While the humanitarian argument represents an extensive part of the discourse, the implementation is lacking compared to the emphasis placed on security. This indicates that there is a high degree of incoherence between the political narrative of the EU as a liberal organization, and the realistic foreign policy strategy adopted towards migration and third countries. It may be concluded that EU’s ‘universal principles’ of human rights and humanitarianism in reality ends somewhere in the Mediterranean Sea.

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References

Amnesty International. (2017, February 14). *Greece: A blueprint for despair. Human Rights impact of the EU-Turkey Deal.* <https://www.amnesty.org/en/documents/eur25/5664/2017/en/>

Amnesty International. (2018). *Turkey 2017/2018.* <https://www.amnesty.org/en/countries/europe-and-central-asia/turkey/report-turkey/>

BBC. (2016, February 11). *Migrant crisis: NATO deploys Aegean people-smuggling patrols.* <https://www.bbc.com/news/world-europe-35549478>

BBC. (2018, July 5). *Migrants: Merkel and Orban clash over Europe's 'humanity.* <https://www.bbc.com/news/world-europe-44728577>

Betts, A. (2009). *Forced Migration and Global Politics.* Chichester: Wiley-Blackwell.

Pierini M. (2018, March 14). The 2018 Turkey Regress Report. *Carnegie Europe.* <https://carnegieeurope.eu/2018/03/14/2018-turkey-regress-report-pub-75794>

Council of the EU. (2016, March 16). EU-Turkey statement. <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>

Council of the EU. (2017). Report by President Donald Tusk to the European Parliament on October European Council meetings and presentation of the Leaders' Agenda. <https://www.consilium.europa.eu/en/press/press-releases/2017/10/24/tusk-report-european-parliament-strasbourg/>

Vammen I. & Lucht H. (2017). Refugees in Turkey struggle as border wall grows higher. *Danish Institute for International Studies* <https://www.diis.dk/en/research/refugees-in-turkey-struggle-as-border-walls-grow-higher>

Ekeberg E., Hansen J. (2018a, March 23). Grænsemur overvåges for EU-millioner. *Danwatch.* <https://danwatch.dk/undersogelse/graensemur-overvaages-for-eu-millioner/>

Ekeberg E., Hansen J. (2018b, March 24). Tyrkiske kystvagter sætter flygtninge I fare med dansk udviklingsbistand. *Danwatch*. <https://danwatch.dk/undersoegelse/tyrkisk-kystvagt-saetter-flygtninge-i-fare-med-dansk-udviklingsbistand/>

Ekeberg E., Hansen J. (2018c, March 23). Tyrkiet for overkill udstyr til grænsekontrol. *Danwatch*. <https://danwatch.dk/undersoegelse/tyrkiet-faar-overkill-udstyr-til-graensekontrol/>

De Vrieze, J., (2016). *The Legal Nature of the EU-Turkey Statement*. Faculty of Law and Criminology, Ghent: Ghent University Press. Thesis.

European Commission. (2016). *14th Norber Schmelzer lecture – Lecture by European Commission President Jean-Claude Juncker, ‘The European Union – a source of stability in a time of crisis’*. http://europa.eu/rapid/press-release_SPEECH-16-583_en.htm

European Commission. (2017). *State of the Union 2017 by Jean-Claude Juncker, President of the European Commission 13 September 2017*. http://www.europarl.europa.eu/cmsdata/128845/state-union-2017-brochure_en.pdf

European Commission. (2018a). *EU-Turkey Statement two years on*. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20180314_eu-turkey-two-years-on_en.pdf

European Commission. (2018b). *Safe Third Country*. https://ec.europa.eu/home-affairs/content/safe-third-country_en

Teevan C. (2018, October 8). More for less? Europe’s new wave of ‘migration deals’. *European Council of Foreign Relations*. https://www.ecfr.eu/article/commentary_more_for_less_europes_new_wave_of_migration_deals

Gammeltoft-Hansen, T. (2011). The refugee and the globalization of migration control. *Access to Asylum: International refugee law and the globalization of migration control* (pp 11-43). Cambridge: Cambridge University Press.

Georgiou, M. & Zaborowski, R., (2017). *Media Coverage of the 'refugee crisis': A Cross-European Perspective*. Council of Europe report DG1 (2017) 03.

Government of the Netherlands. (2016). *Address by Prime Minister Mark Rutte of the Netherlands to the European Parliament in Strasbourg*.
<https://www.government.nl/documents/speeches/2016/07/05/address-by-prime-minister-mark-rutte-of-the-netherlands-to-the-european-parliament-in-strasbourg>

Human Rights Watch. (2016, November 14). *Q&A: Why the EU-Turkey Migration Deal is No Blueprint*.
<https://www.hrw.org/news/2016/11/14/qa-why-eu-turkey-migration-deal-no-blueprint>

Human Rights Watch. (2018, March 22). *Turkey: Mass Deportations of Syrians*.
<https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians>

International Committee of the Red Cross. (1979). *The international Review of the Red Cross 1979*.
http://principlesinpractice.org/uploads/Library/Documents/RedCrossandRedCrescent/irrc_may-jun-1979.pdf

Lavenex, S., & Uçarer, E. M. (2004). The External Dimension of Europeanization: The Case of Immigration Policies. *Cooperation and Conflict*, Vol. 39, No. 4, 417-433.

Lemberg-Pedersen, M. (2015). Between Asylum and Security: Reconfiguration in the EU/Turkish Borderscapes. In: Brambilla, C., Laine, J., Scott, James W., Bocchi, G. *Borderscaping: Imaginations and Practices of Border Making* (pp 141-150). Farnham: Ashgate.

Lemberg-Pedersen, M. (2017). Effective Protection or Effective Combat? EU Border Control and North Africa. In: Gaibazzi, P., Dünwald S., Bellagamba A. *EurAfrican Borders and Migration Management: Political Cultures, Contested Spaces and Ordinary Lives* (pp 29-60). Basingstoke: Palgrave Macmillan.

Lemberg-Pedersen, M. (2018). Security, industry and migration in European border control. In A. Weinar, S. Bonjour, & L. Zhyznomirska (Eds.), *The Routledge Handbook of the Politics of Migration in Europe*. Routledge International Handbooks.

NATO. (2016a). *A Grave New World: Future Global security Challenges*. https://www.nato.int/cps/en/natohq/opinions_129425.htm

NATO. (2016b). *NATO and Europe's refugee and migrant crisis. Opinion piece by NATO Secretary Jens Stoltenberg*. https://www.nato.int/cps/en/natohq/opinions_128645.htm

NDTV. (2016, November 25). *Turkish President Recep Erdogan Threatens To Open EU Borders For Migrants*. <https://www.ndtv.com/world-news/turkish-president-recep-erdogan-threatens-to-open-eu-borders-for-migrants-1630234>

Neal, A. (2009). *Securitization and Risk at the EU Border: The Origins of FRONTEX*. *JCMS* 2009 Volume 47. (2), 333-356.

Pallister-Wilkins, P. (2015). The Humanitarian Politics of European Border Policing: Frontex and Border Police in Evros. *International Political Sociology*. Vol.9, Issue 1, 53-56

Pappas G. (2016, February 11). *Shocking Revelations in Leaked EU-Turkey Negotiations Reveal Erdogan's Threats to Flood Europe with Refugees*. *Pappas Post*. <http://www.pappaspost.com/shocking-revelations-in-leaked-eu-turkey-negotiations-reveal-erdogans-threats-to-flood-europe-with-refugees/>

Peers, S., (2016, March 16). *The draft EU/Turkey deal on migration and refugees: is it legal?* EU Law Analysis. <http://eulawanalysis.blogspot.com/2016/03/the-draft-euturkey-deal-on-migration.html>

Pamuk H., Baczynska G. (2016a, March 18). *EU, Turkey seal deal to return migrants, but is it legal? Or doable?.* *Reuters*. <https://www.reuters.com/article/us-europe-migrants-turkey-davutoglu/eu-turkey-seal-deal-to-return-migrants-but-is-it-legal-or-doable-idUSKCN0WK0QQ>

Reuters. (2016b, March 17). *Highlights: EU leaders debate Turkey migration deal*. Reuters. <https://www.reuters.com/article/us-europe-migrants-eu-highlights/highlights-eu-leaders-debate-turkey-migration-deal-idUSKCN0WJ1ZU>

Spiegel. (2018). *EU Money Helped Fortify Turkey's Border*. <http://www.spiegel.de/international/world/firing-at-refugees-eu-money-helped-fortify-turkey-s-border-a-1199667.html>

The Federal Chancellor. (2016a). *Agreement in the interests of both sides*. <https://www.bundeskanzlerin.de/bkin-en/news/agreement-in-the-interests-of-both-sides-646036>

The Federal Chancellor. (2016b). *Europe will make it*. The North Atlantic Treaty Organization (NATO). https://www.nato.int/cps/en/natohq/opinions_128645.htm

Carrié S. and Asmaa Al O. (2018, October 16). 'It's against the law': Syrian refugees deported from Turkey back to war. *The Guardian*. <https://www.theguardian.com/global-development/2018/oct/16/syrian-refugees-deported-from-turkey-back-to-war>

UNHCR. (2016a). *UNHCR expresses concern over EU-Turkey plan*. Division of International Protection United Nations High Commissioner for Refugees. <https://www.unhcr.org/news/latest/2016/3/56dee1546/unhcr-expresses-concern-eu-turkey-plan.html>

UNHCR. (2016b). *Vulnerability Screening Tool*. Division of International Protection United Nations High Commissioner for Refugees. <https://www.refworld.org/pdfid/57f21f6b4.pdf>

UNHCR. (2018a). *Operational Portal, Refugee Situations*. Division of International Protection United Nations High Commissioner for Refugees. <https://data2.unhcr.org/en/situations/mediterranean/location/5179>

UNHCR. (2018b). *Refugees and Asylum Seekers in Turkey*. Division of International Protection United Nations High Commissioner for Refugees. <https://www.unhcr.org/tr/en/refugees-and-asylum-seekers-in-turkey>

UNHCR. (2018c). *Temporary Protection in Turkey*. Division of International Protection United Nations High Commissioner for Refugees. <https://help.unhcr.org/turkey/information-for-syrians/temporary-protection-in-turkey/>

Soffel J. (2016). 4 EU leaders speak out on the refugee crisis. *World Economic Forum*. <https://www.weforum.org/agenda/2016/01/4-eu-leaders-speak-out-on-the-refugee-crisis/>

Unfolding the Green Economy: The Case of Lake Turkana Wind Power Project

Abstract

This article is concerned with the development of the green economy as a passive revolution, particularly after the financial crisis of 2008-2009. The green economy refers to the emergent market for renewable energies and carbon-neutral growth. By defining the transformation to the green economy through the Gramscian idea of hegemony and passive revolution, this article highlights the strong role of neoliberalism in the green economy and disputes the framing of the green economy as a ‘revolution’ or new wave of development. Furthermore, this article takes the Lake Turkana Wind Power project in Northern Kenya as the exemplary case study and point of departure for the analysis. The article uses this case to show some of the consequences of neoliberalism within the green economy; namely, the absence of social inclusivity. Last but not least, by taking a Gramscian perspective, this article is able to pinpoint the shift from the traditional development paradigm of the brown economy to a greener one and concludes that in the name of *progress*, the neoliberal school of thought is still very much present.

Key words: green economy, ‘passive revolution’, development project, neoliberalism.

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Introduction

With climate change at the forefront of issues facing the global community, there was and is a need to reverse its negative impacts. The international community started a ‘journey’ towards adapting and mitigating those negative impacts mainly by investing in climate-based development projects. The term *green economy* has been highly discussed; however, based on our early research we found that there was little information on the relationship between green development projects and negative social impact in the literature. We found this problematic, because green economy’s definition is to provide benefits in a “low carbon, resource efficient and socially inclusive” development (UNEP, 2020).

New concepts, waves and ultimately paradigms attract debates, scepticism and investigation against other or previous models. The emerging green economy has been a source of discussion and analysis for its various operations and practices. The concept has developed in the past decade as an all-in-one solution to the economic, environmental and social problems that were triggered by the 2008 financial crisis (Neusteurer, 2016). The overall concept of sustainable development essentially confronts these problems by promoting a connection between economic growth, environmental protection, and social inclusion, which is considered as a positive development by policymakers, private actors and academics. The focus of the green economy is to embody this connection by using renewable energies infrastructure as a way to generate a new wave of global investment and spur economic growth that does not compromise the environment or exclude marginalized groups (Wanner, 2015). However, this article argues that sustainable development and the green economy have not succeeded in negating certain consequences of more traditional development paradigms. Taking this a step further, this article contests the idea that sustainable development constitutes a ‘new’ form of development at all; rather, we take sustainable development and the green economy as the next step in a long slew of neoliberalist approaches to development.

Since the 2008 financial crisis, there has been an outpouring of both public and private investment into green initiatives in the Global South (Neusteurer, 2016). At the same time, cases are emerging across the Global South in which green development projects are themselves causing or contributing to displacement of local and indigenous people (Maeda and Horvath, 2016). While development projects have a long history of displacement, it becomes particularly paradoxical when taking into consideration the stated goals of the green economy and sustainable development.

These considerations regarding the general nature of this form of development led us to select the Lake Turkana Wind Power (LTWP) project in northern Kenya as a case study. The project was covered in detail by Danwatch, an independent, analytical research center which produces journalism that clarifies and documents current issues related to companies, investors and state activities in relation to international conventions and national laws (Danwatch, 2018). The case appears to be an ideal case study for analysing the green economy in relation to development-induced displacement and resettlement (DIDR) due to the sheer size of the project, which is the single largest private-public investment in African history. Along the way, this project has led to the resettlement of some 1,800 villagers to make way for the windfarm. This resettlement can be categorized as a case of DIDR, a specific type of displacement, which occurs when individuals are forced or asked to leave their homes due to development projects. Therefore, the LTWP project as a case study casts light on the larger issues that foreign investment within the green economy can create. Simultaneously, the project displayed many of the same pitfalls as other development projects in other sectors of the economy, especially when it came to the displacement and resettlement of 1,800 villagers of the local village of Sarima.

The Lake Turkana Wind Power Project

The sustainable development approach and the green economy have been deeply embraced by the Government of Kenya primarily through the implementation of the Kenya *Vision 2030* plan, which was launched in 2008 by the President Mwai Kibaki. This plan “[...] aims to transform Kenya into a newly industrializing, middle-income country” (Government of Kenya, 2007, p. 1) by 2030 primarily through the expansion of infrastructure. In order to support the plan, the Kenyan government has been attracting foreign investors from the public and private sector targeting different aspects of the three pillars (ibid). With this goal in mind the government has incorporated investor-friendly market conditions into its long-term sustainable development and green economy plans, such as *Vision 2030* and the *2016 Green Economy Strategy and Implementation Plan* (Ministry of Environment and Natural Resources, 2016), which it sees as necessary in reaching its development goals. GESIP aims to create “[...] a globally competitive low carbon development path through promoting economic resilience and resource efficiency, sustainable management of natural resources, development of sustainable infrastructure and providing support for social inclusion” (Ministry of Environment and Natural Resources, 2016, p. 5). External investment has therefore been a major catalyst for development in the country’s more rural counties, especially in the transport and renewable energy sectors (Government of Kenya, 2007).

It is under this scope that we examine the Lake Turkana Wind Power Project. At a total cost of \$680 million USD, the LTWP represents the single largest private investment in Kenyan history. The wind farm, located in the Loiyangalani district of northern Kenya's Marsabit county, covers an area of 150 square kilometres and was initially anticipated to provide affordable, clean energy to 1 million Kenyan households (Danwatch, 2018). The project was expected to be up and running by 2016 but stood idle until December 2018 (Ltwp.co.ke, 2018). However, until December 2018 the project remained inoperable due to an incomplete 400-kilometer transmission line connecting the windmills to the power substation. The LTWP has just began to operate at capacity, 13 years after the start of construction and two years after the initial completion date. Along the way, operations were repeatedly stalled due to legal and financial obstacles. These consist of first, a 2014 court case over claims of illegal acquisition of community lands, second, accusations that the project failed to meet international human rights standards regarding resettlement of local communities, and finally, financial obstacles arising from the Power Purchase Agreement (PPA) between the state-owned electricity distributor, Kenya Power, and the Lake Turkana Wind Power ltd. (Danwatch, 2018). This article is concerned primarily with the second 'obstacle' - the resettlement of 1,800 individuals due to the construction of the wind farm and the related human rights concerns. Rather than focusing on the social problems associated with the resettlement, this research uses this case as an instructive example on the broader issue of DIDR in the specific context of Africa's emerging green economy. Indeed, this case is one of many instances in the past two decades in which local people were displaced, and their human rights obstructed, in the name of green development; that is, renewable energies, biofuels, and nature conservation (Kangave, 2011).

Neoliberalism and Sustainable Development

In the 1990s, capitalist triumphalism saw the neoliberal approach as a sure path for development (Munck, 2016). According to the critical development approach, mainstream development is driven by capitalist ideologies and is seen as economic growth, industrialisation and the establishment of social and political institutions on the model of the United States of America (Tucker, 1999).

During the last years, climate change has been a key issue that drove the development debates. With a quick search, one can notice that a new pattern emerged in which the idea to pursue a more long-term, holistic approach to development, which involved acknowledging primarily environmental but also economic and social factors, was preferred against the traditional model

of producing and consuming. As a result, ‘alternatives for development’ were introduced (Sachs, 1992). Sustainable development criticizes the Western model for separating the environment from socio-economic issues. This relationship was discussed in Brundtland’s report which argued that “[...] the needs of the present [should come] without compromising the ability of future generations to meet their needs” (WCED, 1987, p. 43).

Green Economy as a ‘Passive Revolution’

The emergence of the green economy as a component of sustainable development represents a shift in *approaching* neoliberal development rather than a genuine change in paradigm. Central to the idea of the green economy is the need to transform the carbon-intensive economy to a low-carbon economy (Nhamo, 2011). While a low-carbon or carbon-neutral economy is widely accepted to be better for the environment regarding global warming, this transformation still relies heavily upon the neoliberal approach to natural resources - that is, an approach in which nature is an object to be exploited for human gain (Klein, 2014). Criticism to this argument are plenty (Bridge, 2009; Heynen and Robbins, 2007), arguing that the shift towards neoliberalism that began in the 1970’s has accelerated “[...] the ongoing commodification of natural things, laying bare the structurally driven and environmentally destructive tendencies of capitalism” (Heynen & Robbins, 2007, p. 6).

The material destruction of nature through the capitalist economy, referred to in this article as the ‘brown economy’, is extensively documented (World Resource Institute, 2000, p. vi; Geiser, 2001; Bridge, 2009, p. 1222). However, less discussed is how the very concept of nature as a commodity has led to this reality. This becomes evident in examining the green economy - a section of the economy devoted to capitalising on renewable, non-polluting energy resources such as wind, solar, geothermal, and hydropower. This commodified, extrationalist conception of natural resources is expressly political in the sense that something becomes a natural resource “[...] only through the triumph of one imaginary over others” (Bridge, 2009, p. 1221). In other words, the idea of what constitutes a resource and how it is used is decided by the powerful, often to the dismay of the less powerful (Bridge, 2009). Thus, the category ‘resources’ becomes unstable because the definitions are fluid and subjective rather than stable and universal (Bridge, 2008). Within the green economy, new resources, such as wind, are becoming commodified as technology advances to make those resources economically profitable. Thus, those resources become a new domain for the exercise of power.

The green economy is a distinctly neoliberal approach to addressing issues of environmental degradation and unequal development insofar as it does not conflict with the core value of limitless economic growth inherent to neoliberalism (Wanner, 2015, p. 27). Within the concept of hegemony, the ‘passive revolution’ is one central way in which hegemonic power is upheld insofar as it allows social unrest to occur and create, at least, the image of change. To this extent, ‘passive revolution’ can be understood as a top-down revolution, which is engineered by elites.

In the public sphere, this ‘passive revolution’ of the green economy has taken place through, for example, the inauguration of the UN Sustainable Development Goals (SDGs). Sustainable development, and the green economy itself, all represent a process of co-optation, which is the central mechanism of the ‘passive revolution’. Co-optation in this context refers to “[...] the process by which those who control the spectacular culture, embodied most obviously in the mass media, co-opt all revolutionary ideas by publicizing a neutralized version of them, literally turning oppositional tactics into ideology” (Kurczynski, 2008, p. 295).

The re-emergence of sustainable development, and subsequently the green economy, was part of a reaction to the 2008 global financial crisis. Both the green economy and sustainable development faced challenges in terms of their conceptualisation and definitions (Nhamo, 2011). Wallerstein (2004) notes that “hegemony typically occurs in the wake of a long period of relative breakdown of world order” (Wallerstein, 2004, p. 58); that is, ‘breakdowns’ which “[...] implicate all the major economic loci of the world-system” (ibid). In other words, hegemony is often expressed, manifested, transformed, or prolonged, as a reaction to major crisis (ibid). The 2008 crisis can be seen in this context, as it was so widespread and massive that the validity and functionality of neoliberal economics was intensely questioned (Wanner, 2015; Klein, 2014; Atkisson, 2013). This led some to proclaim the death of free market fundamentalism and the impending “demise of neoliberal globalisation” (Wallerstein, 2008). Critiques of the environmental and social consequences of neoliberalism amounted to calls for limits to growth (Wanner, 2015). In turn, the hegemonic institution recognized that this mounting opposition, as well as the actual fact of environmental degradation, were a threat to the hegemony itself.

In a report titled *Towards Green Growth*, the OECD acknowledges that “[...] the impacts of economic activity on environmental systems are creating imbalances which are putting economic growth and development at risk” (OECD 2011, p. 17). This echoed a statement from the

Brundtland Report, written 25 years earlier, which reads: “We are now forced to concern ourselves with the impacts of ecological stress – degradation of soils, water regimes, atmosphere, and forests – upon our economic prospects” (WCED 1987, p. 5). Both of these statements clearly identify the threat of environmental degradation upon growth, rather than the threat of growth upon the environment.

It is out of this discourse that the green economy emerged: a discourse which blatantly sought to protect economic growth as a priority. Despite this, the green economy idea was readily embraced by many environmentalists and critics of capitalism alike because it was able to simultaneously appease the concerns of these groups while maintaining the deeper status quo (Klein, 2014). In other words, the hegemony was able to reform, represent, and remarket the neoliberal agenda in a manner that co-opted the interests of the less powerful while still protecting itself. At the same time, and in line with Gramsci’s idea of cultural hegemony (Gramsci, 1971), the green economy was embraced by national governments around the world without the need for force. In other words, there is a consensus among the global elite that the green economy is the ‘common vision’ and ‘pathway’ to achieve sustainable development and actively combat climate change (World Bank, 2012; Wanner, 2015). The SDGs, for example, are part of a long history for the UN of setting global goals since the 1960s (Fukuda-Parr, 2016). National governments are motivated by these goals to “[...] adopt policies to improve their ranking without being pressured to do so by some global oversight body or peer group countries” (ibid, p. 120). Thus, we see that the green economy represents a wide societal consensus between national governments and hegemonic institutions.

In the private sphere, the ‘passive revolution’ towards the green economy can be observed. In recent years terms like ‘green’ and ‘sustainable’ have come to embody a profound societal consensus even at the individual level. Calling a product ‘green’ makes it more appealing to the public since consumers in general favour sustainable products and companies (Semerad, 2017). These trends exemplify the Neo-Gramscian concept of hegemony and how it enforces itself through wide societal consensus. Thus, it can be argued that promoting the LTWP project as a ‘green’ project has likely improved its perception in society. The project has indeed been widely acclaimed at the international level, even receiving several awards (AfDB, 2016); this despite the fact that the project has been accused of illegal land acquisition and negligence of human rights regarding the resettlement of Sarima Village. A possible explanation here is that

the societal consensus in which ‘green’ means ‘good’ has obscured from view these problematic consequences of the project. To this extent, Wanner (2015) draws upon Gramsci (1971) in arguing that ‘greening’ the economy redirects attention away from the social and political dimensions of sustainability and problems of international justice. The societal consensus surrounding the meaning of ‘green’ disguises problematic realities of the neoliberal capitalist hegemony, consequently allowing that hegemony to be maintained.

Thus, the green economy can be understood as a completely ‘passive revolution’, operating in both the public and private spheres and on both an international and national level. The question remains, however, of whether or not this ‘passive revolution’ was sufficient in enacting enough reform to confront the problems that gave rise to it. To answer this question, this research turns to the LTWP project as an exemplary case. As has been noted, ‘passive revolution’ does not necessarily exclude genuine change from being made (Gramsci, 1971). The ‘passive revolution’ is not one which is by definition unsuccessful; rather, it is one which is created from the top-down through the process of co-optation. In the case of the green economy, many concrete changes were made to the way development is approached and has resulted in a real change in outcomes in certain cases.

The ‘Passive Revolution’ around the Lake Turkana Wind Project

Zooming in the case study of the LTWP, this section connects the green economy with the ‘passive revolution’ as explained above. In the LTWP case, it can be readily observed that certain measures were taken in order to ensure the social inclusiveness of the project. Multiple social and environmental impact assessments were done, stakeholder consultations were made, an emphasis was put on hiring local people (though, admittedly, on a mostly temporary basis), and a foundation was set up by the LTWP Ltd. to fund social development projects in the local area using profits from carbon credits (Danwatch, 2018; LTWP Ltd, 2018.; World Bank, 2012). Being a renewable energy project, the LTWP can boast minimal negative environmental impacts relative to fuel-oil projects. These arguments are deeply reflective of the fact that the LTWP is a green economy, sustainable development project. However, these measures, intended to negate negative social impacts, were unsuccessful in fully protecting the local people from bearing the burden of development. This fact is most evident in the consequences that befell the resettled village of Sarima, which has suffered increased levels of poverty and unemployment, the arrival of alcoholism and prostitution, an increase in sexually transmitted diseases, increase in plastic pollution of their area, loss of land, loss of cultural heritage, and an

increase in inter-tribal conflict (Danwatch, 2018). All of these are typical consequences of re-settlement and are exactly the types of consequences which sustainable development was intended to mitigate.

Importantly, this situation is upheld by specific mechanisms embedded in the legal framework surrounding investor protection. This can be most clearly seen in the Power Purchase Agreement (PPA) between the LTWP Ltd. and Kenya Power. In this agreement foreign investment is given a high level of protection via mechanisms such as ‘stabilization’, ‘internationalization’, and ‘take-or-pay’ clauses which effectively transfer all of the financial risk of the project to the Kenyan government and thus to the Kenyan taxpayers (Cotula, 2009; Kangave, 2011; Danwatch, 2018).

Conclusion

This article explores the origins of the emerging green economy, understanding it as a response to the 2008 financial crisis and climate change. Furthermore, it discusses the extent of the ‘greener’ and more sustainable projects that have risen in popularity and found their way into the mainstream through the public and private sectors. In the case of the LTWP, development within the green economy actually intensified poverty among a group of the world’s poorest and most vulnerable. The hegemonic culture of neoliberalism has incorporated the Kenyan political elite to believe in and pursue the green economy - the latest expression of that hegemonic culture - as a sure path to development. Despite the emphasis on social inclusion within the discourse surrounding the green economy, the legal frameworks surrounding these types of projects ultimately “treat powerful transnational corporations as the “vulnerable group” that needs protection from hostile Third World countries” (Kangave, 2011, p. 255). To this extent, the law has protected the neoliberal hegemony from attempts at progress. In the case of the LTWP, this resulted in broken promises, human rights negligence, and general denigration of standard of living for the affected communities including loss of land. On the whole, this article concludes that due to the dynamics described in this analysis, the green economy represents a ‘passive revolution’, and in fact a failed one. The progress that has been made under the rhetoric of sustainable development in the green economy has not sufficed in negating or minimizing the negative social impacts. Concluding, the LTWP has thus far failed in terms of social sustainability and has revealed the deep failings of the green economy itself as a mechanism of achieving development for some of the world’s poorest.

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References

Atkisson, A. (2013). A Fresh Start for Sustainable Development. *Development*. 56(1), 52-57.
<https://doi.org/10.1057/dev.2013.2>

African Development Bank [AfDB]. (2016). *African Development Bank Group Annual Report 2016*. Afd.org. https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/AfDB_Annual_Report_2016_EN.pdf

Cotula, L. (2009). Regulatory Takings, Stabilisation Clauses and Sustainable Development. *OECD Investment Policy Perspectives 2008*, OECD Publishing, Paris, 69-91.
<https://doi.org/10.1787/ipp-2008-4-en>

Danwatch, O. (2018). *Om Danwatch – Danwatch*. Danwatch.dk. <https://danwatch.dk/om-danwatch/?cn-reloaded=1>

Fukuda-Parr, S. (2016). From the Millennium Development Goals to the Sustainable Development Goals: shifts in purpose, concept, and politics of global goal setting for development. *Gender & Development*, 24:1, 43-52, DOI: 10.1080/13552074.2016.1145895

Geiser, K. (2001). *Materials Matter: toward a sustainable materials policy*. Cambridge, MA: MIT Press.

Government of Kenya. (2007). *Kenya Vision 2030: A Globally Competitive and Prosperous Kenya*. Nairobi.

Gramsci, A. (1971). *Selections from the Prison Notebooks*, ed. and trans. Quintin Hoare and Geoffrey Nowell-Smith. London: Lawrence and Wishart.

Heynen, N., McCarthy, J., Prudham, S., Robbins, P. (2007). *Neoliberal Environments: False Promises and Unnatural Consequences*. 1st ed. New York: Routledge.

Kangave J. (2011). A Twail Analysis of Foreign Investment and Development-Induced Displacement and Resettlement: Lessons from Uganda's Bujagali Hydroelectric Project. *Ottawa Law Review*, 44(2), 213-260.

Klein, N. (2014). *This Changes Everything*. Simon & Schuster

Kurczynski, K. (2008). *Expression as vandalism: Asger Jorn's "Modifications."* *Res: Anthropology and aesthetics*, 53-54, 293-313.

Ltwp.co.ke. (2018). *Core Values – Lake Turkana Wind Power*. <https://ltwp.co.ke/core-values/>

Maeda, K. and Horvath, E. (2016). Towards Responsible Renewable Energy. With rising allegations of abuse, are 50 wind & hydropower companies' human rights policies fit for purpose? *Business and Human Rights Resource Centre*.

Ministry of Environment and Natural Resources. (2016). *Green Economy Strategy and Implementation Plan 2016 – 2030 A low carbon, resource efficient, equitable and inclusive socio-economic transformation*. Nairobi: Government of Kenya.

Neusteurer, D. (2016). *The Concept of Green Economy and its Role in Hegemonic Neoliberal Capitalism*. *Soc. ekol. Zagreb*, 25(3).

Nhamo, G. (2011). *Green Economy and Climate Mitigation: Topics of Relevance to Africa*. Africa Institute of South Africa, African Book Collective, South Africa.

Sachs, W. (1992). *The Development Dictionary: A Guide to Knowledge as Power*. London and New York. Zed Books.

Semerad, D. (2017). *How To Leverage Sustainability To Increase Business Profitability*. Forbes.com. <https://www.forbes.com/sites/forbesagencycouncil/2017/10/31/how-to-leverage-sustainability-to-increase-business-profitability/#741e07c53440>

Tucker, V. (1999). The Myth of Development: A critique of Eurocentric Discourse. In R. Munck, D. & O'Hearn (Eds.) *Critical development theory: contributions to a new paradigm*. (pp. 1-26) London. Zed Books.

UNEP. (2020). *Green Economy*. United Nations. <https://www.unenvironment.org/regions/asia-and-pacific/regional-initiatives/supporting-resource-efficiency/green-economy>

Wallerstein I. (2004). *World-Systems Analysis: An Introduction*. Durham, NC: Duke University Press.

Wanner T. (2015). The New 'Passive Revolution' of the Green Economy and Growth Discourse: Maintaining the 'Sustainable Development' of Neoliberal Capitalism. *New Political Economy*, 20(1), 21-41.

World Bank. (2012). *Inclusive Green Growth: the Pathway to Sustainable Development* Washington, DC: World Bank. http://siteresources.worldbank.org/EXTSDNET/Resources/Inclusive_Green_Growth_May_2012.pdf

World Commission on Environment and Development [WCED]. (1987). *Our Common Future*. <http://www.un-documents.net/wced-ocf.htm>

A New Hegemon in Russia's Backyard?

Assessing China's Implementation of the Belt and Road Initiative in Kazakhstan.

Abstract

By assessing the implementation of China's BRI in Kazakhstan, this article examines a potential threat posed by the BRI to Russian hegemony in Central Asia. Analysing the implications that the initiative incorporates for the regional power balances and by applying concepts of hegemony found in both neo-Gramscianism and neoliberal institutionalism, the authors argue that a considerable shift in regional hegemony is underway and that, as the BRI grows stronger, it could eventually lead to China gaining the ability of shaping 'forms of state' of Kazakhstan and becoming a hegemon, a development underlined by both theories. In the case of Kazakhstan, arguing along the dimensions of political economic as well as social shifts away from Russia and towards China, the article finds that China has increased its influence through the new institutions and norms provided by the initiative to such a degree that it fulfils the requirements for hegemony, which could possibly trigger a transition in the entire Central Asian region.

Keywords: Belt and Road Initiative, China, Russia, Kazakhstan, hegemony.

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Introduction

Since the dissolution of the Soviet Union, Russia's aspiration to be a hegemon in Central Asia has for years been relatively successful since political economic, and cultural cohesion has tied Central Asian states to Russia (Buranelli, 2018). Today, Russia still plays a large economic and political role in many former Soviet states and in the largest and most economically developed Central Asian state, Kazakhstan (Buranelli, 2018; Kuhrt, 2018). With Kazakhstan's wealth in natural resources, such as oil and gas, its relatively high level of development, and its strategic geographic position in Central Asia, the country is of great interest to Russia (Pepe, 2016). Yet, Kazakhstan has lately started to look towards China and has become one of China's prime partners in Central Asia. This is evident by the fact that China's President, Xi Jinping, first introduced the 'Belt and Road Initiative' (BRI) in 2013 in Kazakhstan's capital (Kassenova, 2017). The former President of Kazakhstan, Nursultan Nazarbayev, perceived the initiative as an opportunity to advance the country's infrastructure and enhance trade relations between the two countries.

As China has experienced rapid economic growth during the last 40 years, the Chinese government increasingly emphasises the importance of global market access (Mayer, 2018). The BRI, which aims at developing this global market access, will cost an estimated 800 billion USD and will mainly be funded by Chinese financial institutions, such as the Asia Infrastructure Investment Bank (AIIB), making it the largest infrastructure and development project ever introduced. By 2017, 22 countries had already signed the BRI *Memorandum of Understanding* and therefore agreed to the establishment of the initiative, and the number of countries participating is increasing constantly (Alon et al., 2018). The BRI aims at creating cooperation on five critical connections: infrastructure construction, unimpeded trade, financial integration, policy coordination, and 'people-to-people bond' (State Council, 2015). The method of establishing said cooperation is to create new transportation routes inspired by the ancient Silk Road, which will consist of two parts, the Silk Road Economic Belt and the 21st Century Maritime Silk Road, going through Asia, Africa, and Europe (Mayer, 2018). The Silk Road Economic Belt includes six land routes, implementing the transportation and logistic framework needed for the BRI (Duval et al., 2017).

For Russia, the initiative with all its possible economic and political implications could be seen as a worrying interference with the country's role as a Central Asian hegemon, as the BRI will pass through Kazakhstan and other Central Asian states, thereby developing the economic and

political environments in the region in a direction beneficial to China (Peyrouse, 2017). To Russia, a Central Asia dominated by China is equally threatening as a Central Asia dominated by the West (Fels, 2018) despite the fact that China has formerly emphasised the importance of a peaceful international environment (Mayer, 2018). This article investigates why the implementation of the Chinese BRI in Kazakhstan could be perceived by Russia as posing a threat to Russian hegemonic power in Central Asia.

Theoretical Framework

Applying Robert W. Cox' theory on neo-Gramscian hegemony enables to present how the BRI and its implementation in Kazakhstan could be seen as a threat to Russian hegemony in the Central Asian region. Hegemony concerns more than simply political and economic power with Cox arguing that social and cultural aspects are crucial (Cox, 1981). Especially the reciprocal triangular relation between the 'social forces', 'forms of state', and 'world orders', which Cox argues for when raising the concept to an international level, provides a comprehensive theoretical framework to analyse the broader correlations that affect and enable hegemony. Hereby 'social forces' are seen as the organisation and processes of production, 'forms of state' are derived from the relation between the state and the society, and the 'world orders' are seen as the configuration of the three forces of material power, ideas and institutions. Taking Russian hegemony over Kazakhstan into account, it is relevant to examine how the BRI might affect the social, economic, and inter-state relations between the countries and whether the initiative can make Kazakhstan follow Chinese interests and thereby threaten Russian hegemony. This is not to say that it is China's goal to threaten Russian hegemony in the area, rather the neo-Gramscian theory is going to be used as a tool to see if this might be perceived as the consequence of the BRI.

Further, to illustrate the ways in which Kazakhstan is changing its political economic orientation from focusing on regional economic and political institutions, shaped and promoted by Russia after the dissolution of the Soviet Union, and instead turning towards a globally-aimed framework promoted by China today, Robert O. Keohane's theory on neoliberal institutionalism is applied. Viewing these political and economic frameworks as international institutions created, moulded, and promoted by the self-interest of different states with different political and economic power levels (Keohane, 1984), the article seeks to analyse how the Chinese BRI can be perceived as posing a threat to Russian hegemony in Central Asia. To this end, the article discusses which consequences Kazakhstan's shift towards a more globally

aimed political economy may have for Central Asian power relations. However, in viewing the BRI as an institution capable of shifting current power relations in Central Asia, the application of neoliberal institutionalism does not propose that the initiative simply poses an economic and political zero-sum game in which a gain for China correlates to a loss for Russia. Rather, even though the initiative is seen as an institution created according to Chinese self-interest, it may create the possibility of Russian economic gains alongside China.

Weakening Cooperation with Russia

After the announcement of the BRI in 2013, Russia immediately proposed the establishment of a new regional trade union, the Eurasian Economic Union (EAEU) (Zank, 2017), which can be seen as a reaction to China's plans. The EAEU was meant to create a large, unified trade zone, implementing common tariffs and regional trade laws in Central Asia with Russia inviting 12 former Soviet Republics to join (Eurasian Economic Commission, 2015). Despite this Russian attempt to create a large economic area, only Kazakhstan and Belarus joined the EAEU as founding members. As Kazakhstan and other Central Asian countries have tied themselves closer to China through the BRI, which could lead to the decline of Russia's economic influence on the former Soviet Republics, the EAEU could be seen as a Russian-led institution attempting to regain Russian hegemonic power over the Central Asian states (Zank, 2017). This attempt seems to be failing, as several EAEU member states have criticised the union, and Kazakhstan in particular has reserved its right to withdraw its membership if the union does not bring about the expected results of opening up to global markets (Peyrouse, 2017).

The official *Foreign Policy Concept for 2014-2020 of the Republic of Kazakhstan* underlines Kazakhstan's ambitions to take part in global markets by setting the goal of '(...) full-scale participation of the country in international and financial institutions (...) ' (Foreign Policy Concept, 2014) while protecting Kazakhstan's self-interests. The continuation of strengthening the bilateral ties to the historically closest partner, Russia, is mentioned as the first regional priority in the document. Furthermore, the participation in the EAEU is mentioned. Furthermore, the document states the deepening of the 'comprehensive strategic partnership with China' as the second regional priority. Despite underlining the importance of dialogue regarding various topics, such as development of energy infrastructure and trade, the document does not mention the BRI by name (Foreign Policy Concept, 2014). Arguably, however, the implications of this policy, which suggests higher importance of keeping ties to Russia than

taking part in the BRI, shifted to a reverse priority. Nazarbayev's pro-China remarks regarding the BRI depict a shift in foreign policy priorities towards the Eastern neighbour, as the former president highlighted the strategic complementarity between the BRI and the Kazakhstani infrastructure programme 'Nurly Zhol'. The eagerness to support the initiative derives from the willingness to consolidate the role of Kazakhstan as the economic bridge between East and West (Indeo, 2018).

As Kazakhstan is increasingly leaning towards China, Russia might feel itself compelled to follow more assertive policies. Yet, following Keohane's neoliberal institutionalism (1984), Russian attempts at asserting dominance over Kazakhstan would generate serious discord in Central Asia, as Russia would impede on China's goal of realising the BRI and improving its international trade. However, China's possibility of being a new hegemon in Central Asia can also be seen as impeding on the Russian goal of maintaining a closely related Central Asia built on Russian ideals. Either way, Russia fighting the BRI with trade sanctions on China, would cause discord in Central Asia, which could potentially lead to a greater loss for Russia, economically and politically. Instead, it would be better for Russia to cooperate with China on the BRI, which is arguably why the initiative has received Russian support (Lee, 2019).

Strengthening Cooperation with China

The main foundation of the current cooperation between China and Kazakhstan is the common agreement regarding the implementation of the BRI. The initiative improves Chinese-Kazakhstani trade relations, which have been established through joint ventures and Chinese foreign direct investments (FDI). These FDIs, which Kazakhstan has benefitted from for decades, and which mainly concern the oil fields of western Kazakhstan (Peyrouse, 2008), foster growth and have since the introduction of the BRI increased rapidly, making Kazakhstan China's largest trade partner in Central Asia. The announcement of the BRI and the signing of the *Joint Declaration on New Stage of Comprehensive Strategic Partnership Between the People's Republic of China and the Republic of Kazakhstan* (hereafter Joint Declaration) in 2015 happened at a crucial point in the Kazakhstani economic development, as Kazakhstan's economic growth had slowed and placed the country in strong need for new trading partners and investors (Indeo, 2018). The Joint Declaration promised cooperation in the development of the energy sector, infrastructural construction, and the linkage of the Kazakhstani 'Nurly Zhol' development programme to the BRI, providing Kazakhstan with billions in FDIs as well as economic and technical support for infrastructure development. This Chinese-Kazakhstani

programme's costs accumulate to approximately 26 billion USD including infrastructural, financial and logistic optimisation (Kassenova, 2017; Joint Declaration, 2015). This is forging a closer alliance and relationship between the two countries.

The 'Nurly Zhol' entails development of Kazakhstan's infrastructure through various initiatives, which all contribute to three specific goals; increasing GDP by 15.7% compared to 2014, creating 395,500 new jobs, and increasing the World Economic Forum ranking of quality of basic infrastructure, and in that way ensure economic growth and necessary anti-crisis measures (Nurly Zhol, 2015). Investing in this programme can help meet China's needs for natural resources, as well as fast transportation to Europe, and make China a powerful geopolitical center of Central Asia. This would allow China to shape rules and regulations, thereby generating gains in terms of power positioning and economy. Cooperating with China is also favourable for Kazakhstan as becoming the link between the East and the West has been part of the Kazakhstani strategy since its independence (Kassenova, 2017). Because of China's rapid economic growth, China serves as an inspiration for Kazakhstan, and the two countries often share opinions in international politics. Clearly then, with its economic growth, increasing market access, and outward investments, China has gained the ability to actively shape institutions. In the case of Kazakhstan, China thus, in Cox's words, partakes in shaping the Kazakhstani form of state, as is evident from the close cooperation taking place between the BRI and the Nurly Zhol, which is significantly altering the internal political situation in Kazakhstan.

From a neoliberal institutionalist viewpoint (Keohane, 1984), as China is the founder of the BRI, as well as the stronger state of this specific cooperation, it will have the largest influence on the creation of an international regime. Furthermore, China plays the main part in shaping rules, decision-making procedures, principles, and norms in the BRI, as well as the policy-coordination according to its own self-interest. Therefore, both theories underline that as the BRI grows stronger, it could eventually lead to China gaining the ability of shaping 'forms of state' of Kazakhstan and becoming a hegemon.

Kazakhstan's Shift in Trade Relations

Since gaining independence, Kazakhstan gradually integrated into international and regional trade organisations and was able to establish bilateral relations and strategic partnerships with various states, in and outside the former Soviet Union, while keeping the strategic economic

ties to the hegemon, Russia. Kazakhstan transitioned from isolation in bilateral relations with Russia to nowadays being successfully integrated in global markets (Pepe, 2016). The establishment of the BRI gave new incentives to Kazakhstan to diversify its multi-vectoral foreign policy and weaken Russia's influential power on its economy. This new institution is claiming an economic area, which Russia has tried to bind closely to itself, weakening Russia's influence and reshaping the Central Asian regional 'world order' in the sense of Cox' theory of hegemony (1983). Especially the construction of transportation routes to Kazakhstan's Caspian Sea ports threatens Russia's hegemony over the Central Asian economy as this will provide transportation infrastructure connecting Europe with China without passing Russian territory (Peyrouse, 2017).

The Joint Declaration between Kazakhstan and China outlines their priorities of development (Joint Declaration, 2015). Particularly, trade and manufacturing will diminish Russia's economic influence and facilitate Kazakhstan's shift towards China through a set of policies. These policies will enhance and diversify the Chinese-Kazakhstani trade by increasing the share of high-tech goods and promote Kazakhstan's rise in global value chains by developing chemical industries, enabling the country to export further developed goods (Kassenova, 2017). This diversification of Kazakhstan's economy and the new incentives given to widen its trade with China, as well as Kazakhstan's position along the BRI transportation routes, could allow Kazakhstan to produce a broader variety of goods and import from additional countries. As Russia's imports from Kazakhstan mainly include crude resources and Russia's exports to Kazakhstan mainly consist of final goods and refined resources, this poses a severe economic threat to Russia. Kazakhstan could possibly import less from Russia, while knowing that Russia will stay dependent on Kazakhstan exporting to Russia (Pepe, 2016).

Since the 1990s, a decrease in the share of exports towards Russia and an increase to other countries indicate a strong trade diversification of Kazakhstan. Because the coordination of the BRI and the Nurlı Zhol facilitates the realisation of Kazakhstan's goals, cooperation with China is arguably in Kazakhstan's self-interest. In 2001, Russia was still the main destination for Kazakhstani goods, while in 2007, China had overtaken Russia, as over 50% more in value was exported to Kazakhstan's Eastern neighbour (UN Comrade, 2019). This diversification in trade partners arose from a variety of incentives given for Kazakhstan in the last decades to loosen its economic ties to Russia. The establishment of new institutions, unions, and

initiatives, such as the BRI, helped the country to open up and profit from global trade (Pepe, 2016) and attract FDIs (Indeo, 2018).

Moving away from Russian Linguistics – Integrating Chinese Culture

Cox (1983) argues that the emulation of a hegemon's culture in peripheral states abroad is one of the pillars on which hegemonic power rests. Today, Kazakhstan has two official languages, Kazakh and Russian. Around 94% of the Kazakhstani population is fluent in Russian, whereas roughly 74% of the population is fluent in Kazakh (Chen, 2018). Furthermore, even well into the 2000s, Russian still remained the working language of the Kazakhstani government and many other official institutions within the state apparatus (Medvedev, 2007).

In 2014, the Kazakhstani government called for development of greater English skills in the Kazakhstani society (Zhuzhumina, 2014) to foster greater integration into global education and financial systems. Linguistic shifts are also bringing Kazakhstan closer to China, as government officials have called on the Kazakhstani population to learn Chinese. As more Chinese companies are established in Kazakhstan, the Chinese language is becoming more attractive, and the number of Kazakhstanis learning Chinese has increased more than fivefold from 2006 to 2016 (Farchy, 2016). Furthermore, in 2017, the Kazakhstani government approved a transition from a Cyrillic script to the Latin alphabet (Illmer et al., 2017). If implemented completely, these linguistic changes will weaken Russia's hegemonic ties considerably.

To Nazarbayev, several Asian countries have provided strong models of modernisation that may prove more beneficial to Kazakhstan than Western models (President of Kazakhstan, 2017), thereby outlining a certain attraction to and complementarity with the Chinese development model. For decades, China has defined various development and modernisation goals with the amendment 'with Chinese characteristics', holding traditional values high while adapting to the modern world (Link, 2015). As cultural hegemony in a neo-Gramscian sense is achieved when the hegemon's interests and beliefs become aspects of future emulation abroad (Cox, 1983), the similarities in China's typical modernisation scheme to the one Nazarbayev has pragmatically promoted imply that China is succeeding in spreading its 'world order' in Central Asia. Nonetheless, this does not prove a simple uncritical acceptance of all Chinese policies.

Still, as part of the BRI, China has actively promoted exchange of culture and knowledge. With what is referred to as ‘people-to-people bond’, the Chinese government is attempting to establish scientific, medical, and cultural ties with the countries cooperating on the BRI (State Council, 2015). The measures implemented regarding cultural ties between China and Kazakhstan show in events such as the 2017 World Expo of Future Energy, a subject which Kazakhstan and China are cooperating on (Gong, 2017). The BRI, furthermore, proposes a framework for new cultural and academic exchanges on a global scale, and increasing academic exchange between Kazakhstan and China can be seen in both countries. Between 2013 and 2017 more than 11,000 students from Kazakhstan studied in China, showing a constant increase (Gong, 2017).

The ambitious implementation of the BRI can lead to Chinese hegemony in Central Asia as its ‘people-to-people bond’ will affect the sphere of ‘social forces’. Moreover, the newly established institutions, such as the AIIB, and sets of norms related to the initiative influence the sphere of ‘world order’. The reciprocal relation between these spheres will further affect the ‘forms of state’ as on an international political level, the BRI with its connection with the ‘Nurly Zhol’ has already influenced Kazakhstani policies, thus entailing all three spheres required for hegemony according to Cox (1983). Yet, this description of how these three international spheres affect each other is not the only way in which the spheres have a reciprocal triangular relation. These changes that the BRI may start in Kazakhstan’s domestic and international affairs, its economy, and its culture would possibly allow China to claim the hegemonic role from Russia. Moreover, the BRI can be understood as an institution in the sense of Keohane (1984), as it provides a new set of norms and rules, which countries taking part in the initiative have to adhere to, thus giving China the possibility to create an international regime, establishing its hegemonic position in Central Asia. To Keohane (1984), a final requirement for becoming a hegemon is the willingness to lead intergovernmental relations, a willingness which China shows by pushing through its BRI. The Action Plan (2015) verifies this willingness by putting a focus on Chinese-initiated intergovernmental cooperation to countries in Asia, Europe and Africa.

Conclusion: China on its Way to Hegemony?

The implementation of the BRI in Kazakhstan can be perceived as a threat to Russian hegemonic power in Central Asia, because, on the one hand, Russia's influence on Kazakhstani culture and political economy declined since the announcement of the initiative, and, on the other hand, China increased its influence through the new institutions and norms provided by the initiative to such a degree that it fulfils the requirements for hegemony, which could possibly trigger a transition in the entire Central Asian region.

Even years after the dissolution of the Soviet Union, Russia still held hegemony over Central Asia. However, since the announcement of the BRI in 2013, Russia's influence on Kazakhstani culture and political economy has been declining despite Russia's attempt of a countermeasure to the BRI through the creation of the EAEU in 2014. With Russia no longer being the biggest importer of Kazakhstani goods, Kazakhstan is broadening its access to the global market, thus becoming less reliant on Russia.

Further, with the BRI, China has increased its influence in Central Asia. Kazakhstan has strengthened its trade with China over the last decades, showing a rising mutual economic interest between the countries, enhanced by the Joint Declaration. The 'Nurly Zhol' has the goals of modernising Kazakhstan's infrastructure in terms of education, logistics, industry, and energy. Pragmatically joining forces with China, thus, gives Kazakhstan the economic and institutional structure to fulfil these goals.

New Kazakhstani policies show that the country is moving closer to China culturally. After the announcement of the BRI, Nazarbayev implemented various policies to strengthen the Kazakhstani identity with methods inspired by Chinese modernisation schemes. The BRI has actively promoted 'people-to-people bond' with educational exchange. Through these exchanges and due to the constantly increasing number of Chinese companies in Kazakhstan, the Chinese language has become more prevalent in Kazakhstani society.

The close cooperation between a new possible hegemon and Central Asia's most developed economy provides the possibility that the rest of Central Asia could follow Kazakhstan's example and cooperate more with China, turning away from Russia in hope of experiencing the same development as Kazakhstan. As China is increasing its influence in a broad variety of fields, both political economic and cultural, it is most likely that the vigorous implementation

of the BRI makes Russia perceive the initiative as a threat to Russian hegemony in Central Asia.

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References

Alon, Il.; Lattmann, Ch.; Zhang, W. (eds.) (2018). *China's Belt and Road Initiative: Changing the Rules of Globalisation*. Cham: Springer International Publishing.

Buranelli, F. C. (2018). Spheres of Influence as Negotiated Hegemony – The Case of Central Asia. In: *Geopolitics*, Vol. 23, No. 2. London: Routledge. pp. 378-403.

Buranelli, F. C.; Kuhrt, Natasha (2018). Russia and the CIS in 2017: Russia in Asia: Succumbing to China's Embrace. In: *Asian Survey*, Vol. 58, No. 1. Berkeley: University of California Press. pp. 55-64.

Chen, D. (2018). The Cost of Changing an Entire Country's Alphabet. In: *BBC News*, 25 April. Retrieved 19.05.2019 from <http://www.bbc.com/capital/story/20180424-the-cost-of-changing-an-entire-countrys-alphabet>

Cox, R. W. (1981). Social Forces, States and World Orders: Beyond International Relations Theory. In: *Millennium: Journal of international Studies*, Vol. 10, No. 2. London: Sage Publications. pp. 126-155.

Cox, R. W. (1983). Gramsci, Hegemony and International Relations: An Essay in Method. In: *Millennium: Journal of International Studies*, Vol. 12, No. 2. London: Sage Publications. pp. 162-175.

Duval, Y.; Ramasamy, B.; Utoktham, Ch.; Yeung, M. (2017). Trade and trade facilitation along the Belt and Road Initiative corridors. In: *ARTNeT Working Paper Series*, No. 172. Bangkok: ESCAP. <https://www.unescap.org/sites/default/files/AWP172.pdf>

Eurasian Economic Commission (2015). EURASIAN ECONOMIC INTEGRATION: FACTS AND FIGURES. http://www.eurasiancommission.org/en/Documents/broshura26_ENGL_2014.pdf

Fels, E. (2018). The Geopolitical Significance of Sino-Russian Cooperation in Central Asia for the Belt and Road Initiative. In: Mayer, Maximilian (ed.). *Rethinking the Silk Road. China's*

Belt and Road Initiative and Emerging Eurasian Relations. Singapore: Springer Nature. pp. 247-266.

Gong, Z. (2017, November 1). Kazakhstan seeks more cultural exchanges with China. *CGTN.com*. https://news.cgtn.com/news/3d517a4d7a677a4d/share_p.html?fbclid=IwAR3uoZVFRR6yRKj3644oYrbYrl3FETZ1B_5KOJNi_5WwMyXi7mfzS3GHS2k

Illmer, A.; Daniyarov, E.; Rakhimov, Z. (2017, October 31). Kazakhstan to Qasaqstan: Why would a country switch its alphabet? *BBC News*. <https://www.bbc.com/news/world-asia-41800186>

Indeo, F. (2018). The Impact of the Belt and Road Initiative on Central Asia: Building New Relations in a Reshaped Geopolitical Scenario. In: Alon, Ilan; Lattmann, Christoph; Zhang, Wenxian (eds.). *China's Belt and Road Initiative: Changing the Rules of Globalisation*. Cham: Springer International Publishing. pp. 135-153.

Joint Declaration on New Stage of Comprehensive Strategic Partnership Between the People's Republic of China and the Republic of Kazakhstan, Signed Aug. 31st, 2015 in Beijing. <https://eng.yidaiyilu.gov.cn/zchj/sbwj/1434.htm>

Kassenova, N. (2017). China's Silk Road and Kazakhstan's Bright Path: Linking Dreams of Prosperity. In: *Asia Policy*, No. 24. Washington D.C.: National Bureau of Asian Research. pp. 110-116.

Keohane, R. O. (1984). *After Hegemony: Cooperation and Discord in the World Political Economy*. New Jersey: Princeton University Press.

Keohane, R. O. (1988). International Institutions: two Approaches. In: *International Studies Quarterly*, Vol. 32, No. 4. Oxford University Press. pp. 379-396.

Lee, Jeong-ho (2019, April 26). China and Russia forge stronger Eurasian economic ties as Vladimir Putin gets behind Xi Jinping's belt and road plan in face of US hostility In: *South China Morning Post*. <https://www.scmp.com/news/china/diplomacy/article/3007883/china-and-russia-forge-stronger-eurasian-economic-ties>

Link, P. (2015). What It Means to Be Chinese. In: *Foreign Affairs*, Vol. 94, Iss. 3. New York: Council on Foreign Relations. pp. 25-31.

Mayer, M. (ed.) (2018). *Rethinking the Silk Road. China's Belt and Road Initiative and Emerging Eurasian Relations*. Singapore: Springer Nature.

Medvedev, R. (2007). The Russian Language Throughout the Commonwealth of Independent States: Toward a Statement of the Problem. In: *Russian Politics and Law*, Vol. 45, No. 3. London: Routledge. pp. 5-30.

Official Site of The President of The Republic of Kazakhstan (2017): Course towards the future: modernization of Kazakhstan's identity. http://www.akorda.kz/en/events/akorda_news/press_conferences/course-towards-the-future-modernization-of-kazakhstans-identity

Pepe, J. M. (2016). *Beyond Energy: Trade and Transport in a Reconnecting Eurasia*. Berlin: Springer VS.

Peyrouse, S. (2008). Chinese Economic Presence in Kazakhstan: China's Resolve and Central Asia's Apprehension. In: *China Perspectives*. French Centre for Research on Contemporary China. pp. 34-49.

Peyrouse, S. (2017). The Evolution of Russia's Views on the Belt and Road Initiative. In: *Asia Policy*, No. 24. Washington D.C.: National Bureau of Asian Research. pp. 96-102.

The Ministry of Foreign Affairs Republic of Kazakhstan (2014). Foreign Policy Concept for 2014 – 2020 Republic of Kazakhstan. <http://mfa.gov.kz/en/content-view/kontseptsiya-vneshnoj-politiki-rk-na-2014-2020-gg>

The Prime Minister of Kazakhstan Official Website [Nurly Zhol] (2015). The state program of infrastructure development "Nurly Zhol" for 2015-2019. https://primeminister.kz/en/page/view/gosudarstvennaya_programma_infrastrukturnogo_razvitiya_nurli_zhol_na_2015_2019_godi

The State Council. The People's Republic of China. Action plan on the Belt and Road Initiative. 30.03.2015. http://english.gov.cn/archive/publications/2015/03/30/content_281475080249035.htm

The United Nations International Trade Statistics Database [UN Comtrade]. <https://comtrade.un.org/data/>

Zank, W. (2017). The Eurasian Economic Union: A Brittle Road Block on China's "One Belt – One Road" - A Liberal Perspective. In: *Journal of China and International Relations*, Vol. 5, No. 1. pp. 67-92.

Zhumzhumina, A. (2014). Nazarbayev calls Kazakhstan to Learn English. In: *Tengrinews* website, 1 December. <https://en.tengrinews.kz/edu/Nazarbayev-calls-Kazakhstan-to-learn-English-24393/>

The Effectiveness of the Indus Waters Treaty 1960: A Case Study of the 1999 Baglihar Hydroelectric Project and 2007 Kishenganga Hydroelectric Plant

Abstract

This article focuses on the Indus Water Treaty, that was agreed on in 1960, in order to resolve water disputes between the state Pakistan and India. Exploring and analysing the Indus water Treaty 1960 (IWF) helps understanding the significancy of the treaty from a Malthusian point of view. Due to both countries growing number of populations, there is the need of sustainable energy sources. The paper further addresses several important historical milestones by diving into the water conflict between Pakistan and India. It presents an insight of the treaty by analysing the treaty through the eclectic method, giving a nuanced view on the conflict resolution, as it allows a more comprehensive understanding of the water sharing in the Indus basin. In order to understand certain elements within the treaty, the paper explores the historical context by elaborating the Pakistani and Indian geopolitics trough historical lenses on the Jammu & Kashmir conflict. In order to understand the necessity and the agreement of the treaty, it is also important to look at biliteral agreements between the Pakistani and Indian governments. The World Banks interfered in the negotiations on the technical and economic distributions between the two states, in order to maintain the Indus Waters, which is why a case study of the 1999 Baglihar Hydroelectric Power Projects and 2007 Kishenganga Hydroelectric Plant is relevant. The Indus water treaty is said to be one of the world's most powerful agreements, which is why it opens up for a lot of questions that allows us to understand its effectivity and reasons for improvements.

Key words: Indus Waters Treaty, Pakistan-India Relations, Hydroelectric power plants, hydroelectricity, hydropolitics, international dispute resolution, World Bank, Indus Water Commission

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Introduction

The Indus river is the largest contiguous irrigation system in the world, and it serves up to 300 million people living in the Indus Basin in Pakistan and India (Adeel & Wirsing, 2017). The water in the basin has been shared between the two countries since partition in 1947 and provides water for domestic, non-consumptive, agricultural and hydropower uses. However, the growing of populations of both countries has led to a rise in the demand for water, which has further complicated an already tense political climate for transboundary water-sharing (Sarfraz, 2013, p. 225).

Since the river originates in India and flows downstream to Pakistan, India is the geographically advantaged upper-riparian state, and Pakistan is thus the disadvantaged, lower-riparian state. This creates space for a potential dispute should Pakistan receive a suboptimal level of water. The geopolitical situation between Pakistan and India at the time of partition, as well as Pakistan's requirement of water downstream from India, prompted the creation of a regulatory framework to administer the sharing of common water supply from the Indus River. This eventually developed into the Indus Waters Treaty (IWT) in 1960, which was mediated by the World Bank and allocated three western tributary rivers of the Indus (Chenab, Indus and Jhelum Rivers) to Pakistan, and the three eastern tributary rivers (Beas, Ravi and Sutlej Rivers) to India (Adeel & Wirsing, 2017, p. 42).

The IWT is considered to be one of the most successful water sharing treaties in the world. In the case of Pakistan and India, it has prevented potential conflict between two powerful neighbouring countries, which have been subject to political tension since partition (Iyer, 2005, p. 3141); Pakistan and India have fought four wars with each other since 1947. Despite its success, the IWT has been subject to dissatisfaction and disputes from Pakistan, due to the development of hydropower projects on Indus River water in India. Pakistan has considered these disputes as violations of the IWT, as India has compromised the level of water supply available to fulfil its growing consumption.

The two most prominent claims of violations have been expressed by Pakistan in the cases of the Balighar Hydroelectric Power Plant (1999) on the Chenab River, and the Kishenganga Hydroelectric Plant (2007) on the Kishenganga River, both in Jammu and Kashmir (Indian Administered Kashmir, hereafter J&K). In these cases, Pakistan followed the method of dispute resolution as

outlined in the IWT. The significance of these cases arose when the elected Permanent Indus Commission (PIC) was unable to resolve the issue. Pakistan resorted to approaching external bodies, such as the World Bank, a Neutral Expert (NE), and the Court of Arbitration (CoA).

These are the only cases in which PIC has been unable to solve the issue, and further methods of dispute resolution underlined in the IWT have been to no avail. Hence, the controversy over Kashmir is relevant to the issue of water sharing between Pakistan and India in this paper for a core geopolitical reason. The Kishenganga River originates in J&K and flows downstream into Azad Kashmir (Pakistan Administred Kashmir, hereafter AK). This article will explore the Kishenganga Hydroelectric Plant (KHEP) - a development on the Kishenganga River in India - as Pakistan has raised it as a violation of the IWT. As India is the upper-riparian state, having control over the irrigation systems in this area has provided India with the ability to allocate river water per its wishes, granting it power and resource advantage over Pakistan. Pakistan has thus been left highly dependent upon canals for irrigation that were controlled by India (Adeel & Wirsing, 2017, p. 42).

This article examines how the IWT has provided a legal infrastructure to resolve disputes in water sharing between India and Pakistan, with a special focus on its impact on Pakistan as the lower-riparian state. Thus, we ask the following research question: How and to what extent has the Indus Waters Treaty been upheld? And how can its effectiveness in resolving the disputed cases of Baghliar Hydroelectric Power Project (1999) and Kishenganga Hydroelectric Power Project (2007) be viewed?

Methodology and Theoretical Framework

In order to explore the research question, this article draws upon the following three theoretical inspirations: neo-mathusaianism (realism), water collaboration (libearlism) and law as a process (constructivism), which allows this discussion to reconcile a theoretical approach with real-life situations. The water in the Indus basin is the empirical phenomenon which serves as the starting point of the analysis in this paper. By applying the three different theories, the paper examines water sharing in the Indus by looking through different lenses to understand how shared water resources have affected the relationship between Pakistan and India in recent history, limited to the scope of this article. This article does not aim to test the different theories but rather uses them as lenses through which it becomes possible to ask questions to the case of shared Indus water and

thereby understand the phenomenon from a variety of perspectives. Furthermore, this article employs an eclectic methodology to the study of bilateral relations between Pakistan and India in the context of IWT for a more comprehensive understanding of the shared Indus water. This approach allows the complexity of a certain phenomenon to be examined, since it is not restricted to one perspective.

Through this investigation, the article contributes to the study of the relationship between law and politics within the framework of international regulations regarding natural resources. Further, it sheds light on the settlement of disputes over natural resources and the involvement of third-parties in the process, through diplomacy and dispute-resolution, and utilizes a case-study based approach.

Understanding the Water Disputes Between India and Pakistan: A Realist and Liberalist Perspective

Before moving to the IWT, a few considerations with regards to the international relations between India and Pakistan will be put forward, starting from the exit of British rule and the partition of Pakistan and India in 1947. This will be illuminated in the context of Malthusianism and Water Rationality in order to understand water management and distribution with respect to their relationship with water requirement.

Realism and liberalism present two opposing approaches for understanding the phenomenon of water sharing. Realism considers the state as the primary actor in the international system and seeks to find the *raison d'état* - (the reasons of the state) presented by Niccoló Machiavelli. In the case of Pakistan and India, the shared material resources have impacted their individual power at the international fora, and therefore remain crucial to their foreign relations. The foreign policies of both Pakistan and India have also been formulated in a manner which historically reflects an almost painful awareness of each others' geographical and political presence. Each has incorporated potential threats from the other, including those to national security stability and the quest for regional dominance (Adeel & Wirsing, 2017, pp. 50-51). In a largely hostile environment, the IWT was created and mediated by an international body - the World Bank - to manage and regulate shared water supplies between the two countries, so each would receive its fair share. In this context, we may understand the precariousness and fragility of upholding the IWT, and where disputes do arise, settling them in the manner outlined in the treaty itself.

The causal link between conflict and scarce natural resources has been recognized as a conjunction between a growing population and a decline in agricultural production. In Thomas Malthus' book *An Essay on the Principle of Population* (1798) he predicts how this decline would not only lead to a decreasing amount of food per capita, but also how it would cause other ills such as disease, poverty and war. This conjunction between growing population and an almost constant amount of natural resources is called the Malthusian squeeze (Møller, 2012, p. 4).

Pakistan and India are experiencing population growth, and to sustain them, both countries require an adequate supply of water. In more recent decades, both countries have seen the utility of the potential of using water to generate electricity. As one of the highest-yielding forms of electricity production is water-based, the countries tend to build hydropower plants on fast-moving rivers. However, issues arise when the production of electricity from a water source of one country negatively impacts the water supply available to another country to meet its own domestic and hydroelectricity production needs. Such has been the case with Pakistan and India in which India has built hydro projects on rivers it shares with Pakistan - such as the Kishenganga in J&K (which becomes the Jhelum river in Pakistan). In this case, these hydro projects have compromised the level of water available downstream to Pakistan in the Jhelum River. Therefore, to meet the demands of both countries, both must adhere to the mutually beneficial IWT.

In contrast to the Realist school, the Liberal school sheds a different light. Water Rationality, which falls under the Liberal school of thought and is presented by Undala Alam (1998), indicates that there is international cooperation even between hostile countries, such as India and Pakistan in the case the IWT (Alam 1998, p. i). According to Alam, the success of the IWT can be found in the liberalist concept of Water Rationality. This concept expects cooperation instead of conflict, because states will always aim to promote long-term water security.

In the case of the Indus River, Pakistan and India's agreement to undergo negotiation through a mediation process, resulting in the IWT, reflects a water-rational approach. However, despite the hitherto success of the Treaty in averting conflict, the outcome of water rationality will not necessarily lead to lasting peace (Adeel, 1998, p. 252). Cooperation in the Indus basin, including in

Kashmir regarding rivers, was specific to water supply only, and does not extend to the overall conflict in Kashmir.

The above has presented two theoretical perspectives from international relations theory in Realism and Liberalism in order to get a nuanced view on water management, over-population, water scarcity and the relationship between conflict and cooperation. These perspectives view water management as either a cause for conflict (Realism) or cooperation (Liberalism). This classical approach through two conflicting theoretical perspectives enables us to begin to understand historical tensions and the birth of the IWT. Although this approach enabled a dual understanding, it is simultaneously limited in scope. It can be further supplemented by additional international relations perspectives using an eclectic method, rather than simply a dual method (Kumar, 2013, p. 4). Therefore, rather than concluding which of the two above approaches is right, this article recognizes the inherent conflict in the IWT as a dispute-resolution tool subject to dissatisfaction and disputes and recognizes the possibility of other theoretical perspectives. As an additional perspective, this article explores law as a process (constructivism) later on.

The Indus Waters Treaty 1960

This section examines how the IWT has provided a framework for water distribution and management in the context of power-politics and diplomacy. It investigates how the treaty was founded, institutionalized and structured, and presents the legal framework surrounding it, both within and outside the scope of the treaty. When examining the external structures around the treaty, this section incorporates the research on law and social change by Sally Moore (1973) This helps illuminating the interaction between law and politics, not as stand-alone entities, but rather as inter-related fields.

The IWT, brokered by the World Bank, is split into 12 articles. Art. IX is most relevant to this paper, as it provides the guidelines for settlement of differences and disputes. Furthermore, Art. VI (for exchange of data) and Art. VII (for future cooperation for water sharing) are also relevant, as they are concerned with long-term water-rational behaviour of both countries. The treaty provides guidelines for cooperation and exchange of data, which is found in Art. VI (“waters of the Rivers shall be exchanged regularly”) and VII (“a common interest in the optimum development [...] and

intention to cooperate"). In addition to Art IX, VI and VII, Annex D and E are relevant to this article, since they outline the provisions for run-of-the-river projects and their specifications, and Annex's F and G, as they provide the guidelines for dispute settlements. All these paragraphs remain central in the cases of the 1999 Baglihar Hydroelectric Project and 2007 Kishenganga Hydroelectric Plant, as they were invoked to solve arising disputes, which the case studies in the following illuminates.

Art. IX outlines three steps to settling a dispute, depending on the severity of the case. The first step is to approach the Permanent Indus Commission (PIC). If the PIC is unable to solve the dispute, then either of the two countries can take the second step, which involves either the Pakistani or Indian Commissioners for Indus Water (CIW) requesting a Neutral Expert (NE) in accordance with IWT Annex F, Part 2. If the dispute is still not resolved, the governments may take the third step and enlist the services of Court of Arbitration (CoA) as outlined in Annex G. The meetings are held annually alternating between the two countries, and may be convened with greater frequency should the need arise.

External Legal Structures to Indus Waters Treaty 1960: A Constructivist perspective

The IWT was signed under the principle of mutual cooperation and reflects a high-level of water-rationality as previously explored. Although there is no overarching legal international body, there are legal instruments in place. One such is the Vienna Convention on the Law of Treaties on Diplomatic Relations (1970), which necessitates its signatories to abide by all treaties into which it has entered. However, whilst Pakistan is signatory and therefore obliged to obey the IWT by this means, India is not and would not face legal consequences in this regard, should it choose to abrogate it.

To understand the relationship between law and politics, a social constructivist stand may be used. In *Law and Social Change*, Sally Moore (1973) problematizes law and how it can be understood as a semi-autonomous field with fluid boundaries which are in a constant negotiation with the surroundings, rather than static universalities (Moore, 1973, p. 743). Following from this stand, India's decision to remain signatory to the IWT becomes more understandable. It may choose to abide by the IWT for several reasons. One was prominent during the Kishenganga dispute in 2016: Should India choose to unilaterally abrogate the IWT, Pakistan would have considered the move of an ,act

of war' (Khan, 2016). Moore's theory has helped understanding how law is neither an autonomous nor self-contained field, but is affected by its surroundings and social actors. This suggests that there are different concepts of violation within law and politics, which affect the international relations agenda.

Hydrotechnology on Common Rivers: A Cause of Dispute

One of the most feasible means of production of electricity to meet the growing demand for both Pakistan and India has been through hydropower. This involves high-technology construction of hydroelectric power plants. One of the main challenges in this regard is not the availability of water, but rather the management of it. The Treaty does not have any provision for the development of power projects on any of the water bodies because at the time it was formulated, such technology was not a possibility. However, recent development of the technology has opened up a new forum on the international front: hydropolitics. Though there is no exact definition for the developing field of hydropolitics, it can be understood through the national and international-level interaction of water management and power politics (Alam, 1998). This is evident in the case of the Indian hydroelectric power plant on the Kishenganga River in J&K. In one sense, it may be considered an exercise of hydro-hegemony, and may be extended to be seen as a bargaining tool for issues such as Kashmir (VoNews, 2017). The discussion revolves around whether or not the stronger riparian state (India) needs to participate in cooperative negotiation in the water sharing policy to avoid diplomatic issues (Kehl, 2011).

Case Study of Indus Waters Treaty 1960 Violation: The 1999 Baglihar Hydroelectric Power Project

The effectiveness of the IWT can be explored through a case study of the 1999 Baglihar Hydroelectric Power Plant (BHEP), as it has been claimed by Pakistan to violate the IWT. Having accounted for three different theoretical lenses to understand the phenomenon of water-sharing, this article now moves on to a case-study of the BHEP dispute. This section investigates how this dispute has played out, and how it has been solved through diplomacy and cooperation as provided by the provisions of dispute resolution in the Treaty. The BHEP was a run-of-the-river power project established in J&K. The project was conceived in 1992, approved in 1996, and construction began in 1999. Since 1999,

Pakistan has raised concerns that the design parameters of the dam have been illegal under IWT provisions.

The IWT's Annex D, Art. 3 allows the establishment of run-of-the-river projects with limited reservoir capacity and flow control for feasible power generation. The capacity and measurements are further specified in Annex E, Art. 3. India had built a number of run-of-the-river projects before 1999, which Pakistan never objected to. However, Pakistan opposed the construction of the 1999 Baglihar dam, claiming that the construction violated the parameters in the IWT Annex D and E. Pakistan was concerned that India could potentially cause harm through storage of water from the river during the dry season, leading to severe drought, or cause immediate extreme flooding into Pakistan (Mohanty & Khan, 2005). Furthermore, after the second part of the construction was completed in 2008, Pakistan claimed that water sharing was drastically reduced, and that India had illegally filled the dam (Dawn.com, 2011). Despite a number of talks between the two Commissioners during the period 1999 – 2004, India and Pakistan did not reach an agreement. Pakistan raised six objections to the World Bank in 2005 to enter negotiations as stated in Art. IV, Para 4 in the IWT. The World Bank classified the Pakistani claim as a 'Difference' under Art. II of the IWT: A classification between the less serious 'Question' and the more serious 'Dispute' (1960 IWT, Art. 9, Para 1). To solve the problem, Pakistan opted for the second option in the IWT to settle disputes and asked the World Bank to appoint a Neutral Expert (NE) in accordance with IWT Art. IX. Raymond Lafitte, Professor at the Federal Institute of Technology, Lausanne, Switzerland, was appointed to solve the issue on May 12, 2005.

The disputes regarding BHEP were settled through expert determinations, meetings between the two CIW's, and dialogue - all mechanisms which were embedded in the legal framework of the IWT. The procedure highlights the complexity of both the construction of a plant such as BHEP and the legal framework surrounding it. Owing to its complexity, the IWT and its Annex have required comprehensive interpretations from NE mediators. However, these interpretations and verdicts do not always comply with the wishes of the parties involved. The NE ruled that India may continue its project, with minor changes to the dam construction. Despite these determinations by the NE, Pakistan still considered the dam to be a violation under the IWT, since it still gave India the power to control the water flow downstream.

Whilst there was no Treaty violation in the resolution of the dispute, Pakistan still claimed the verdict to be unjust. The IWT provided a legal framework for solving the dispute in a diplomatic and peaceful manner, and no violent uprising occurred as an outcome of the verdict. However, the dispute was not resolved after the NE verdict. In fact, further disputes arose in 2008 which can be seen in the form of Treaty violations as India failed again to release the agreed volume of water to Pakistan. This suggests that despite the settlement of the dispute, issues may still arise even after the verdict has been reached.

Case Study of the Indus Waters Treaty 1960 Violation: The 2007 Kishenganga Hydroelectric Plant

The second time Pakistan took a claimed treaty violation beyond the Permanent Indus Commission was in the 2007 Kishenganga Hydroelectric Plant (KHEP) dispute. This section examines how this dispute turned out different than BHEP dispute. Construction of the \$864 million KHEP project began in 2007 and was completed in 2016. The KHEP starts on the Kishenganga River in J&K (Indian-Administered Kashmir) and flows into AK (Pakistan-Administered Kashmir), where it joins the Jhelum River and flows into Pakistan. The KHEP is a run-of-the-river project aimed to divert water from the Kishenganga River (Business Recorder, 2013). The issue arises as building the KHEP results in the diversion of water from the Neelum River, thus compromising the supply of water needed by and otherwise available to Pakistan.

With 80 percent of its irrigated agriculture drawing water from the Indus, Pakistan relies on the river for its food and water security. Despite the KHEP storing a limited amount of water and returning the bulk of it to the Indus river basin, Pakistan continues to claim the KHEP will limit water supply and do measurable harm to its agricultural industry. Furthermore, Pakistan alleges that India may use the western rivers for ‘non-consumptive’ purposes (IWT, Art. III), and may therefore construct ‘run-of-the-river’ projects which alter the course of the river. Pakistan considers KHEP to be a violation on two counts: First, it changes the course of the river, and second, it depletes the amount of water which flows to Pakistan (Iqbal, 2018). The severity of the situation was expressed by the Pakistan Foreign Office: “Pakistan believes that the inauguration of the project without the resolution of the dispute is tantamount to violation of the Indus Waters Treaty (IWT)” (News desk, 2018, n.p.).

This case shows how Pakistan chose a different route for conflict-resolution in the case of KHEP compared to BHEP. Whereas in the case of BHEP, Pakistan first approached the PIC, World Bank and finally, the NE, in the case of KHEP, Pakistan took a different route: first the PIC, and then World Bank and final CoA. It is important to note that the verdict of CoA is binding, and is therefore legally enforceable, as compared to the verdict of the NE, which is not legally binding. Therefore, the fact that the KHEP dispute progressed to the CoA shows the severity of the situation, even compared to the BHEP dispute. This shows a potential loss of confidence in following the first path of dispute resolution: Had Pakistan been satisfied with the process and final verdict in the case of BHEP, they would have continued that pattern.

However, having expressed dissatisfaction with the verdict from involved stakeholders the first time, Pakistan reflected a change in priorities and updated strategies, which also reflected in the progression after consulting the World Bank. An interesting development through this case was the World Bank's withdrawal from the case until both sides progressed mutually, leaving the two at a stalemate. This suggests that there has been a change in the way the IWT is being used as a dispute-resolution tool. This will be further discussed in the following section. It may be too early to predict the outcome of KHEP as it is still an ongoing case awaiting Indian approval for inspection of the time of writing this article (May 2019). Time will soon see the lapse of almost a decade since the opening of the case, though still without resolve.

Effectiveness of the Indus Waters Treaty in Dispute Resolution

The above points suggest the need for a potential transformation of the power dynamics between Pakistan and India in the context of the Indus River, and an active engagement in hydropolitics to reevaluate the effectiveness of the IWT. That is, the resolution route taken by Pakistan has changed since 1999, potentially suggesting Pakistan opted for internationally visible methods of dispute resolution as provided under the IWT. Therefore, it may be said that the IWT is no longer sufficient to resolve disputes regarding regulation of waters, as shown in the development from the BHEP case till the KHEP case. To illuminate this perspective, this last section uses the case-study disputes as means to discuss the effectiveness of the IWT. This section investigates whether the IWT is still upheld in practice, or if it has lost implementation enforcement.

India has expressed that the IWT is outdated - that it has not been 'fair' to India's use. One on side, 80% of the Indus River basin was given to Pakistan under IWT, and on the other, India still maintained control over the basin even with only 20% of the surface area, as it is an upper-riparian state. One problem with the Treaty is its struggle to incorporate the new technological development, climate change and new standards and ways in approach and use of waters with respect to the legal framework from 1960. This suggests that the IWT struggles to solve the problems of today with a legal instrument from the past. A new factor is climate change, which was not mentioned as an issue when the treaty was formulated, as it was not a strong concern in the world at the time. Hence, India claims that the one major contributing factor to the problems with increasing ineffectiveness of the IWT is its failure to incorporate climate change (Qureshi, 2018).

A further reason the treaty may not be as effective any longer is evident from a limitation in the preamble of the IWT, which states "rights and obligations for each in relation to the other concerning the use of these waters" (The International Bank for Reconstruction and Development, 1960 a). By outlining this, the IWT fails to take into account the volume of water flowing from the upper riparian to the lower riparian, and does not make provisions for joint management, or create exit clauses (Iyer 2005). In addition to the new factors, the IWT has been strained by hydropolitics and evolving power dynamics between the two countries. For instance, the Ratle power project on the same river as KHEP, and the Neelum-Jhelum hydro-project in Pakistan added to the tensions. In the former, Pakistan felt it further compromised water flowing downstream, and in the latter, the effectiveness of the IWT was questioned. Concerning power dynamics, several issues contributed to the rising tensions between Pakistan and India, which also weighed on the resolution of the disputes. For instance, at the same time as the KHEP dispute, India had also begun construction of the Zojila pass in J&K (also known as the Srinagar Leh Highway). This was a tunnel expected to reduce travel times in the region from three hours to fifteen minutes. Pakistan has raised concerns on this highlighting that it will allow India to monitor progress on the China-Pakistan Economic Corridor, a framework of regional connectivity aimed to connect Xinjiang in China to Gwadar in Pakistan, providing China access to a warm-water port (Kumar, 2020). These tensions further escalated with India threatening to abrogate the IWT, which Pakistan would consider a hostile act against Pakistan or even an act of war (Khan, 2016).

Conclusion

In conclusion, the Treaty has proved effectiveness time and again, being considered one of the world's strongest and longest-standing treaties, and surviving wars between its two parties - Pakistan and India (1965, 1971), the Kargil conflict 1999, an attack on parliament (2001) and the Mumbai terror attack (2008) (Sinha, Gupta & Behuria, 2012). Much of the survival of the treaty can be attributed to the 'water-rationality' of both states, aimed to secure long-term supply of fresh water. The overarching objective in sharing water, whether regulated by IWT or other means, to retain its original purpose of securing water rights, should remain one of providing water to the people in both countries in an equitable, judicious and sustainable manner. As such, it would mean the prohibition of unilateral withdrawing of water resources from the rivers which are shared or flow from one country into another, or diversion of the flow itself, which would disadvantage the lower riparian state. Such a design for supply is not only beneficial for the people reliant on the water, but also to the socio-political stability of the region (Khan, 2016).

Even though the IWT has been seen as a triumph, it is often argued that it was only a triumph of a lesser evil (Alam, 1998). The IWT made the conflict in the Indus manageable, but has not solved the overall conflict between India and Pakistan, for example regarding Kashmir. Thus, the feasibility of the treaty as an overall tool for dispute-settlement can be questioned. Furthermore, the treaty has been subject to dissatisfaction since its implementation. In the most recent case-study, Pakistan looked to a different body than the treaty Commission to solve the issue, which might suggest that Pakistan must avail the maximum provisions under IWT to resolve any disputes, or work beyond the scope of the Treaty altogether. This article contributes to this discussion on the scope of IWT in dispute resolution by assessing the mechanisms through dispute-resolution methods provided within the Treaty itself, and looked at possibilities beyond it where it no longer suffices. In this nebulous field of hydropolitics and Pakistan-India relations, there is a constant need to reevaluate the extent to which agreements still suffice in resolving disputes over resource-rights.

This article has served merely as one step into the ever-evolving and encompassing intersection of law and politics, in the context of water-sharing between Pakistan and India. In light of this discussion, it is important to ask whether the previously discussed 'water rationality' can continue to serve the needs of water sharing between Pakistan and India, or if there is need for further interaction between water-departments in Pakistan and India to formulate new methods of regulation. A way

forward from the IWT may be the reframing of new lower-upper riparian politics to include water scarcity in its discourse. However, it is important to note that no official move has yet been made to alter or override the IWT, for which reasons ideas put forth in this article are merely possibilities in a vast land of speculative hydro politics.

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References

Adeel, Z and Wirsing, R. G. (2017). Introduction. In Z. Adeel & R. G. Wirsing (Eds.) *Imagining Indus: Overcoming Water Insecurity in the Indus Basin*. Water Security in a New World. Springer International Publishing, 3-20

Alam, U. Z. (1998). *Water rationality: Mediating the Indus Water Treaty*. Durham Thesis, Durham University, Geography Department

Dawn.com. (2011, July 2) 2008: 'Illegal' filling of Baglihar Dam led to water scarcity in Pakistan. *Dawn*. <https://www.dawn.com/news/640990/2008-illegal-filling-of-baglihar-dam-led-to-water-scarcity-in-pakistan>

Business Recorder. (2013, February 24). Kishanganga tribunal. *Business Recorder*. <https://fp.brecorder.com/2013/02/201302241156970/>

Court of Arbitration. (2013 a). *Indus Waters Kishenganga Arbitration*. <https://pcacases.com/web/sendAttach/1683>

Court of Arbitration. (2013 b) *In the Matter of Indus Waters Kishenganga Arbitration, PK-IN 82842 51*. http://www.worldcourts.com/pca/eng/decisions/2013.02.18_Pakistan_v_India.pdf

Iqbal, A. (2018, May 23). Explainer: What is the Kishenganga water dispute. *Dawn*. <https://www.dawn.com/news/1408795>

Iyer, R. R. (2005). Indus Treaty: A Different View, *Economics and Political Weekly*, 40(29), 3140-3144

Kehl, J. R. (2011). Hydropolitical Complexes and Asymmetrical Power: Conflict, Cooperation, and Governance of International River Systems. *Journal of World-Systems Research*, 17(1), 218-235. <https://doi.org/10.5195/jwsr.2011.42>

Khan, I. (2016). India cannot unilaterally revoke or alter Indus Waters Treaty: FO. *Dawn*.
<https://www.dawn.com/news/1288529>

Kumar, C. P. (2013). The Eclectic Method - Theory and Its Application to the Learning of English. *International Journal of Scientific and Research Publications*, 3(6), 1-4

Kumar, R. P. (2020, October 15). Construction of Zojila tunnel starts. To reduce travel time from 3 hrs to 15 mins. *Mint*. <https://www.livemint.com/news/india/construction-of-zojila-tunnel-starts-srinagar-to-leh-in-just-15-minutes-11602749456570.html>

Malthus, T. (1798). *An Essay on the Principle of Population, as it Affects the Future Improvement of Society*. J. Johnson

Moore, S. (1973). Law and Social Change - The Semi Autonomous Social Field as an Appropriate Subject of Study, *Law & Society Review*, 7(4), 719-746

Mohanty, T. R. & Khan, A. H. (2005). Dam of Division: Understanding the Baglihar Dispute. *Economic and Political Weekly*, 40(29) 3155-3158

Møller, B. (2012). Population, Environment, Climate Change and Armed Conflicts In: *Global Refugee Studies, Displacement Debates*, Global Refugee Studies Displacement Debates Bind 2012 Nr. 1, 1-78

Sarfraz, H. (2013). Revisiting the 1960 Indus Water Treaty. *Water International*, 38(2), 2014-216

Sinha, U., Gupta, A., & Behuria, A. (2012). *Will the Indus Water Treaty Survive? Strategic Analysis*, 36(5), 735-752

The International Bank for Reconstruction and Development. (1960 a). *The Indus Waters Treaty 1960*, Government of India & Government of Pakistan

The International Bank for Reconstruction and Development. (1960 b). *Indus Water Treaty Annex.*, Government of India and Government of Pakistan

VoNews. (2017, March 15). India Approves Hydropower Projects on Rivers that Flows into Pakistan. *VoAnews*. <https://www.voanews.com/east-asia-pacific/india-approves-hydropower-projects-rivers-flow-pakistan>

World Bank (n.d.) *About the World Bank*. <https://www.worldbank.org/en/about>

Promising Words from the EU Commission on Sea and Rescue Operations – Yet Real Change Remains Absent

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In the following, I discuss the recent developments of the European Union's (EU) approach towards search and rescue (SAR) operations carried out at its sea borders, especially the ones conducted by vessels from civil society organisations in the Mediterranean.

The strong statement from Ursula von der Leyen, President of the European Commission, that “saving lives at sea is not optional“ (von der Leyen, 2020, m. 1:12) when releasing the New Pact for Migration and Asylum by the European Commission in the end of September 2020, set expectations and hopes high to make up for the mistakes and failings of the last years. The Pact includes a specific document on recommendations for SAR in the Union, which shows that the Commission indeed acknowledges the problems at the sea borders and the urgent need for changes in the current system. The *Commission Recommendation on cooperation among Member States concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities* outlines the principles on which SAR is based and the direction it should develop to (European Commission, 2020).

To understand the importance of this recommendation, it is helpful to look at the development of the last years. In 2013, Italy started the SAR operation *Mare Nostrum*, responding to several shipwrecks in the Mediterranean that year. This operation was able to rescue about 150.000 migrants in 10 months (IOM, 2014). It was succeeded by Frontex's *Triton* operation and the military operation *EU Naval Force Mediterranean Sophia* (EUNAVFOR MED) in 2014 and 2015, that already focused less on rescue but rather on border management and reduction of illegal border crossings (Cusumano, 2018). At the moment, there are three Frontex operations in the Mediterranean, supporting Member States (MSs) in border control and surveillance, identification and registration of migrants and SAR:

- *Themis*, which succeeded *Triton* in 2018 and supports Italy (Frontex b, n.d.)
- *Poseidon*, supporting Greece (Frontex a, n.d.)
- *Indalo*, supporting Spain (Frontex c, n.d.)

Until March 2020, the military operation *Sophia* was still running with an expanded mandate that included the training of Libyan coastguards (European Council, 2020).

Although the recommendation frames these operations as a reinforced effort of the EU and its MSs to rescue people at sea, with over 600.000 saved lives since 2015, the crossing of the Mediterranean to reach Europe is still one of the most dangerous, leading to recorded deaths of 19.749 persons since 2014 (IOM, n.d.).

Always pointing to the allegedly risk of supporting and stimulating smuggling and irregular migration, the operations focus on border management and since 2020 there is prove that Frontex was and is involved in illegal pushbacks of migrants (Cusumano, 2018 & Christides et al., 2020). During a pushback, migrants and their boats are forced to return to non-EU waters, in order to get rid of the responsibility over them.

To counter the hypocrisy of the EU, several civil society organisations (CSOs) stepped in and started operating their own vessels in the Mediterranean to save lives. Organisations like Sea Watch and Open Arms continue to undertake SAR and surveillance missions at the sea and from the air (FRA European Union Agency for Fundamental Rights, 2020). These missions are more and more hindered by MSs, preventing the CSOs from operating or complicating their work. Repeatedly, vessels are not allowed to enter the nearest safe port in Italy or Malta and have been detained by authorities under the pretext of irregularities (Medecins sans frontieres, 2020).

Although the recommendation recognizes the “significant contribution” (European Commission, 2020, p.1) of these organisations and the need to avoid the criminalisation of the CSOs, it is at the same moment relating it to the need of criminal sanctions against smugglers, which again creates a dangerous proximity of humanitarian missions and smuggling, which the CSOs are regularly accused of (European Commission, 2020 & Rackete, 2019). The operations of

CSOs in the Mediterranean are further portrayed as a risk to attract smuggling and human trafficking networks that could take advantage of their rescue operations. In reality, this is more an issue for the EU operations, as has been seen during a meeting in Italy, where a human trafficker attended to discuss the issue of migration from Libya (European Commission, 2020 & Tondo, 2019).

When Carola Rackete, captain of the Sea-Watch 3, addressed the European Parliament in autumn 2019, after she had entered and disembarked rescued migrants at the port of Lampedusa against the directions of the Italian authorities which then opened investigations against her, her speech was rewarded with standing ovations (Rackete, 2019). But despite the growing awareness about these practices performed by the EU and its MSs, the recommendation does not represent a clear move away from criminalisation and prevention of SAR carried out by CSOs, nor points out any solutions or measures for disembarkation and rescue (European Commission, 2020).

Instead, attention is directed to the importance that private vessels need to be “suitably registered and properly equipped [...] so as not to pose a danger to the crew or the persons rescued.” (European Commission, 2020, p. 3). Obviously, the equipment and registration of the vessels is not the problem that makes MSs close their harbours for disembarkation, but rather it is used by them to detain vessels. This can be seen in the case of the Sea-Watch 4, which was detained because of too many life jackets on board and a sewage system not designed for the number of rescued persons (Tagesschau, 2020). The recommendation thereby circumvents questions that need to be answered in order to make SAR operations and the disembarkation of rescued persons a structured and clear responsibility sharing between all MSs. The recommendation emphasises that such a strategic and sustainable approach is indeed needed and that a framework based on cooperation and solidarity between the MSs should be established but misses to introduce concrete measures (European Commission, 2020).

The only specific measure introduced in the recommendation is the establishment of an interdisciplinary Contact Group in which is meant to improve the cooperation and coordination of activities between MSs to implement the recommendation and identify best practices, lessons learned and national rules and practices (Ibid). By law, MSs are allowed to deny access to their harbours even when a vessel is in an emergency situation, because states are only obliged to

help, which they can do by delivering medical support and ensuring supply. That means that the circumstances for civil society vessels asking for a safe harbour to disembark rescued persons will remain difficult, as long as there is no clear agreement between the MSs of the EU on sharing the responsibility for migrants arriving at its borders (Matz-Lück, 2019). The situation at the Mediterranean represents just a symptom of the great inability of the EU and its MSs to equally share responsibility, abolish the Dublin regulation which opposes this and agree on a truly European migration and asylum system that ensures the right for asylum.

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References

- Christides, G., Freudenthal, E., Lüdke, S. & Popp, M. (2020, October 23). *EU Border Agency Frontex Complicit in Illegal Greek Refugee Pushback Campaign*. SPIEGEL International. <https://www.spiegel.de/international/europe/eu-border-agency-frontex-complicit-in-greek-refugee-pushback-campaign-a-4b6cba29-35a3-4d8c-a49f-a12daad450d7>
- Cusumano, E. (2018). Migrant rescue as organized hypocrisy: EU maritime missions offshore Libya between humanitarianism and border control. *Cooperation and Conflict*, 54(1), 3-24. <https://doi.org/10.1177/0010836718780175>
- European Commission. (2020). *Commission Recommendation on cooperation among Member States concerning operations carried out by vessels owned or operated by private entities for the purpose of search and rescue activities*. European Commission.
- European Council. (2020). *Saving lives at sea and targeting criminal networks*. European Council. <https://www.consilium.europa.eu/en/policies/migratory-pressures/sea-criminal-networks/#>
- FRA European Union Agency for Fundamental Rights. (2020). *2020 update - NGO ships involved in search and rescue in the Mediterranean and legal proceedings against them*. FRA. <https://fra.europa.eu/en/publication/2020/2020-update-ngos-sar-activities>
- Frontex. (a). *Main operations: Operation Poseidon (Greece)*. Frontex. <https://frontex.europa.eu/along-eu-borders/main-operations/operation-poseidon-greece/>
- Frontex. (b). *Main operations: Operation Themis (Italy)*. Frontex. <https://frontex.europa.eu/along-eu-borders/main-operations/operation-themis-italy/>
- Frontex. (c). *Main Operations: Operations Minerva, Indalo (Spain)*. Frontex. <https://frontex.europa.eu/along-eu-borders/main-operations/operations-minerva-indalo-spain/>
- IOM. (n.d.) *Missing Migrants: Tracking deaths along migratory routes*. Missing Migrants. <https://missingmigrants.iom.int/region/mediterranean>
- IOM. (2014). *IOM Applauds Italy's Life-Saving Mare Nostrum Operation: "Not a Migrant Pull Factor"*. IOM UN Migration. <https://www.iom.int/news/iom-applauds-italys-life-saving-mare-nostrum-operation-not-migrant-pull-factor>
- Matz-Lück, N. (2019, September 22). *Staaten sind nicht zur Seenotrettung verpflichtet*. Deutschlandfunk. https://www.deutschlandfunk.de/voelkerrechtlerin-matz-lueck-staaten-sind-nicht-zur.694.de.html?dram:article_id=459350
- Medecins sans frontieres. (2020, October 16). *Five things to know about the Mediterranean search and rescue crisis*. MFS. <https://www.msf.org/five-things-know-about-search-and-rescue-crisis>

News Update & Rackete, C. (2019, October 3). *German ship captain Carola Rackete addresses EU Parliament*. [Video] Brussels: <https://www.youtube.com/watch?v=umHwOHB7HrM>

Tagesschau. (2020, September 22). *"Sea-Watch 4" sitzt in Palermo fest*. tagesschau.de. <https://www.tagesschau.de/ausland/sea-watch-palermo-101.html>

Tondo, L. (2019, October 4). *Human trafficker was at meeting in Italy to discuss Libya migration*. The Guardian. <https://www.theguardian.com/world/2019/oct/04/human-trafficker-at-meeting-italy-libya-migration-abd-al-rahman-milad>

EU Debates & von der Leyen, U. (2020, September 20). *New Pact on Migration for a closer link between Asylum and Return*. [Video] Brussels: <https://www.youtube.com/watch?v=lr7T8NsUSkE>

Cultural Clash in the Midst of Pandemic

Essay on protests in Poland

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Introduction

On March 11th, 2020 COVID-19 outbreak was recognized as an international pandemic by WHO. The following day a state of epidemic was introduced in Poland (Golec de Zavala, Bierwiazzonek, Baran, Keenan, & Hase, 2020). Hence, at the cusp of winter, Poland is now in a nation-wide lockdown yet again.¹ Restaurants and pubs are open only for take away, pupils and students are being taught online, gyms and swimming pools are closed, and masks are required in all public places (Gov.pl, 2020). However, with Poland's healthcare system underfunded and understaffed, the death toll is hitting new records and the economy is struggling (Politico, 2020). Last month Poland saw mass protests flooding the streets of villages, towns and cities unseen since the uprising of the 1980s.

The protests are, however, not about the (lack of) government response to the pandemic. Rather, the protests are the culmination of years of growing dissatisfaction with the right-wing Polish government's attempts to fundamentally reshape the country.

Most recently, a ruling from the constitutional court (which has been stacked by the government) strengthening Poland's already draconian abortion laws (Desperak, 2003) to also forbid abortion in case of severe fetal impairment caused thousands of Poles to take to the streets all over the country. Women are fighting for their right to abortion, and the ruling has become the rallying cry for the widespread discontent with the ruling government. International media has dubbed these protests "a fight for democracy" (Al Jazeera, 2020) and "a feminist revolution" (The New Yorker, 2020), that cannot be stopped (France 24, 2020). The recent protests are not the first, but the circumstances surrounding them are special. Since 2015 there

¹ This essay was written in December 2020.

have been many protests in Poland regarding abortion laws, court reform, the transformation of the public broadcaster into a government mouthpiece (Archiwum Osiatyńskiego, n.d.), as well as LGBTQ rights, which just happened in May and June, but none of them became the sustained mass movement we can see today on the streets of many Polish cities and towns.

In the following, I will try to develop a condensed snapshot of Women's Strikes as a social movement in Poland. This will be followed by pointing out some differences between protests in 2016 to 2018, and the current ones.

The Topic of Abortion in Poland

Following the fall of the Soviet bloc, Poland adopted one of the most restrictive abortion laws in Europe in 1993 (Gov.pl, n.d.b). As of November 28th, 2020 abortion in Poland is legal only in three cases: when it is endangering health or life of the woman, when there is a justified suspicion that the pregnancy resulted from a prohibited act like rape or incest, or when there is an indication of a high probability of severe and irreversible fetal impairment or an incurable life-threatening disease. This has largely been attributed to the role of the Catholic Church in the fall of communism in the second half of the 1980s. Agnieszka Graff, Polish feminist and scholar, said in an Interview with the New Yorker (2020): "The Church went along with Europe-ization and democratization [of Poland] in exchange for having its way on the things they feel strongly about. And, of course, the things they feel most strongly about are women's reproductive rights."

Since 2015, this delicate balance between liberal elites and the influential Catholic Church has been falling apart. After eight years of being in opposition, the right-wing political party Law and Justice (Polish: Prawo i Sprawiedliwość; from hereafter PiS) is back in power. While in power, PiS has championed themselves as the spearhead in the fight for a 'Christian Europe' and so-called traditional values, and against what they dubbed 'western gender ideology'. Party leaders mingle with and enjoy the explicit support of the hierarchs of the Catholic Church in Poland.

"In Poland, national identity constructed around the notions of endangered exceptionalism has been linked to the defense of gender hierarchy and heteronormativity rooted in traditional "family values" based on the teachings of the Catholic Church" (Golec de Zavala, et al, 2020, p. 2). This perceived threat to the notion of a traditional Polish family is so foundational that

the definition of a family as a man and a woman was written into the Polish constitution from 1997.² In recent years, this threat has been defined as LGBTQ rights, gender studies, and women's reproductive rights. Hence, supported by Catholic Church and christian organisations, PiS has been seeking to change the abortion laws.

On July 5, 2016 the legislative initiative "Stop Abortion" (Polish: "Stop Aborcji") attempted to add protection of life from conception to the death (Gazeta Wyborcza, 2016). The same night, the Facebook group "Girls For Girls" (Polish: Dziewuchy Dziewuchom) was created, and allowed thousands of women from across the country to organize protests both on the internet and in the public space among themselves (Urzędowska & Suchomska, 2020). About a month later the legislative initiative "Save the Woman" (Polish: "Ratujmy Kobiety") was filled in Sejm (the Polish lower house), which wanted among others unlimited access to abortion until the end of the 12th week (Protest Kobiet, 2016). Sejm controlled by PiS decided to continue the work on the project "Stop Abortion" and immediately discarded "Save the Women". This led to the Black Protest (Polish: Czarny Protest) and the All-Poland Women's Strike (Polish: Ogólnopolski Strajk Kobiet) during which between 98.000 and 200.000 people joined the protests (WP Wiadomości, 2016). Women took days off from work and wore black clothes as a symbol of grief. On the streets we could see slogans like "Dead I will not give birth" (Polish: "Martwa nie urodzę"), "I think, I feel, I decide" (Polish: "Myślę, Czuję, Decyduję"), "We want children out of love and choice, not rape and terror" (Polish: "Dzieci chcemy z miłości i wyboru, a nie gwałtu i terroru"), and "My uterus, my business" (Polish: "Moja macica, moja sprawa") (Archiwum Osiatyńskiego, 2018). Ultimately Sejm rejected both projects.

In 2017, a revamped version of "Save the Women" was submitted to Sejm (OKO.Press, 2017a), but it was rejected again (Rzeczpospolita, 2018). Project "Stop Abortions" (Polish: "Zatrzymaj Aborcje"), this time trying to ban abortion in the case of high severe fetal impairment or an incurable life-threatening disease, was submitted to the Parliament, and accepted for further consideration (Rzeczpospolita, 2018), but did not make to the second reading. On November 27, 2017, a group of MPs, mostly affiliated with PiS, filed a motion with the Constitutional Tribunal for a ruling that the provisions of the 1993 Act authorizing abortion in the event of a high probability of severe and irreversible fetal impairment or an incurable life-threatening

² Paragraph 18 of the Polish Constitution: "Marriage as a union of a man and a woman, family, motherhood and parenthood are under the protection and care of the Republic of Poland". (Gov.pl, n.d.a)

disease are inconsistent with the Polish Constitution (OKO.Press, 2017b; Gov.pl, 2017; RMF 24, 2017).

Three years later, on October 22, 2020 the Constitutional Tribunal gave a positive opinion on the motion, only two judges were against it. This has sparked nation-wide protests in Poland, which have been continuing through the month of November 2020. The protests have caused the implementation of the decision to be delayed, but the protests have not abated. Rather they have become the rallying cry of a variety of anti-PiS sentiments and have pivoted to become an attempt to make the PiS government resign.

Protests During Pandemic

The constitutional tribunal's ruling was the spark that ignited a series of protests for reproductive rights, but soon the "Women's Strike" moved far beyond simply fighting for the right to abortion. Protest organizers made a survey among protesters recognizing thirteen issues important to all protesters concerning, among others: education, women's reproductive rights, health care, climate change, and separation of state and church (Polityka, 2020). They continued to create expert groups to work on the issues.

Current protests are no doubt built on the backbone of years of work of groups of women, who created a huge online community, as well as experiences from previous years from Black Protest and All-Poland Women's Strike (Urzędowska & Suchomska, 2020). However, the rhetoric of protests became much more aggressive and forms of protest more untraditional. The main motto of protest have become the crude, but succinct, "Fuck PiS" (Polish: "Jebać PiS" or "***** ***) and "Get the Fuck Out" (Polish "Wypierdalać!"), and have been heavily criticised by liberal politicians and celebrities for being vulgar and emotional.³ Polish novelist and activist, Olga Tokarczuk, who last year was awarded Literary Nobel Prize, told the New Yorker (2020):

The first time I saw a banner on the screen that read 'Get the fuck out,' I was shocked by the word, so clearly painted in red letters in public space, but I got used to it quickly and decided that this anger couldn't be expressed any better. That when in society communication between two sides breaks down, when people do not hear and understand

³ Check here for photos online from the protests (2020, October 20) [found in OKO.Press] <https://www.facebook.com/oko.press/photos/pcb.2788767098051489/2788763134718552/>

each other, when their words come from entirely different idiolects, then only the curse words remain. It is a radical, instantaneous language that will change as things move to the next stage: negotiation, new order making, and new rules.

What mostly shocked public opinion was protests in churches and in front of residences of Polish Catholic hierarchs. Protests spilled into masses, protesters wrote slogans on walls of churches. It is hard to overstate the importance and inviolable status of the Catholic Church in Polish society and any of these behaviors would be unimaginable during previous protests. The influence of the Church on Polish politics combined with recent pedofiliac scandals and campaign of hate against LGBTQ people fueled by the Church left many (especially young) people angry at the institution. Many people, even some supporters, spoke out criticising this perceived attack on churches.

The schism in Polish society revealed by the protests can be best presented in the governmental statement presented by Vice Minister and de facto leader of Poland, Jarosław Kaczyński. On the 27th of October on the Facebook page of the party PiS Jarosław Kaczyński said:

This is a completely new event in the history of Poland, at least on this scale. A fatal event, because [...] the moral deposit held by the Church is the only moral system that is commonly known in Poland. Its rejection is nihilism. And nihilism is what we see in these demonstrations and in these attacks on the Church, but also in the way of expressing those who demonstrate incredible vulgarity. All this shows the very bad sides of a certain part of our society.

(PiS, 2020)

This part of Jarosław Kaczyński's speech perfectly represents increase of "the desire for national cohesion (i.e., the need to see the nation as of the same mind, tightly knit, and highly similar; Waytz & Young, 2012)" (Golec de Zavala, et al, 2020, p. 2) induced by the outbreak of infectious disease COVID-19. The safety of Poland hinges on its status as a united Catholic country with shared values, traditions and culture. Anyone who stands against those common ideas becomes an enemy. Golec de Zavala, et al, (2020) have demonstrated how the outbreak of a disease has helped activate feelings of threat associated with metaphor of external enemy, which in turn has been identified as among other LGBTQ communities and feminists. This

explains PiS' attacks on LGBTQ community during the summer election, and current attacks on women's rights, as well as the excessive use of force by the police towards protestors.

The police response to the most recent round of protests has been particularly brutal. Even journalists and MPs have become victims of unlawful arrests and pepper spray. The government's response to the protests even included incitement of violence against protestors by public officials (Amnesty International, 2020). Jarosław Kaczyński called PiS supporters to defend the churches:

It is necessary, I repeat it again, to oppose [the nihilism of protestors]. It is the duty of the state, but also our duty, the duty of citizens. In particular, we must defend Polish churches. We must defend them at any cost. I call on all members of Law and Justice and all those who support us to take part in the defense of the Church, in defense of what is being attacked today. [...] Very often, elements of preparation, perhaps even training, are apparent in these attacks. This attack is intended to destroy Poland. It is to lead to the triumph of the forces whose power, in fact, will end the history of the Polish nation, as we have seen it so far.

(PiS, 2020)

The following Sunday groups of nationalists, and football fans organised themselves together with police to protect churches from "leftists" (Gazeta Wyborcza, 2020). However, on that day no one came to attack the churches.

The aggression and incitement of violence of public authorities hidden under the guise of disease prevention was supposed to deter protestors from showing up, but instead led to immense expressions of solidarity. As this is being written at the end of November 2020, Facebook posts with advice on how to deal with the effects of pepper spray, how to dress and prepare for protests, as well as explaining one's rights when withheld by the police are going viral. Every time a person is arrested, loud solidarity manifestations are organized in front of the police stations to show them that they are not alone. Free legal and psychological services are being provided to the victims of police overreach. As one of the slogans of the protests says: "When the state does not protect me, I will defend my sister!" (Polish: "Kiedy państwo mnie nie chroni, mojej siostry będę bronić!").

Conclusion

The recent surge in protests in Poland stems from a sustained and deep-seeded dissatisfaction among a big part of the population with the PiS governance over the last five years. The protests are an attempt to bring women's rights into the spotlight and away from its status as a political bargaining chip in the recent history of Poland. During the last 30 years, women's rights have been left to be dealt with in an undefined future. Meanwhile, there are not enough daycares, perinatal care is insufficient, and now women's lives are being put in danger. Women are angry at the state and at the church. Women are angry, and they are done being told how they should behave. As Polish journalist, Katarzyna Wężyk (2020), wrote in her Facebook manifesto:

Get the fuck out means we hit the wall. It means that this ruling regime, who are in bed with the Church, deserves nothing else. It means that we have been kicked, punched and spat on one time too many. It means that this time too many rights have been taken from us in the name of political games. It means that the consent to torture, the order to give birth to deformed children, the acknowledgment of our suffering and our will as invalid is finally too much. This pussy bites back.

Under her post women write that she hit the nail on the head and expressed the demands and emotions of thousands, if not tens or hundreds of thousands of Polish women.

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References:

- Al Jazeera. (2020, November 27). Poland's abortion protests: A fight for democracy?
<https://www.aljazeera.com/program/upfront/2020/11/27/polands-abortion-protests-a-fight-for-democracy/>
- Amnesty International. (2020, November 20). Poland crackdown on Women's Strike protests continues unabated.
<https://www.amnesty.org/en/latest/news/2020/11/poland-crackdown-on-womens-strike-protests-continues-unabated/>
- Archiwum Osiatyńskiego. (n.d.). Kalendarium oporu społeczeństwa obywatelskiego 2015-2017.
<https://archiwumosiatynskiego.pl/kategoria-osi-czasu/kalendarium-oporu/>
- Archiwum Osiatyńskiego. (2018, October 15). Alfabet Buntu - Czarny Protest.
<https://archiwumosiatynskiego.pl/alfabet-buntu/czarny-protest/>
- Desperak, I. (2003). Antykoncepcja, aborcja i... eutanazja. O upolitycznieniu praw reprodukcyjnych w Polsce. *Acta Universitatis Lodzensis. Folia Sociologica*, 30(22), 187-201. <http://hdl.handle.net/11089/11015>
- France 24. (2020, November 29). Poland's 'revolution that we cannot stop'. <https://www.france24.com/en/live-news/20201129-poland-s-revolution-that-we-cannot-stop>
- Gazeta Wyborcza. (2016, July 02). BĘDZIE AWANTURA O ABORCJĘ. Organizacje pro-life składają obywatelski projekt ustawy całkowicie zakazującej przerywania ciąży.
<https://wyborcza.pl/1,75398,20338735,bedzie-awantura-o-aborcje-organizacje-pro-life-skladaja-obywatelski.html?disableRedirects=true>
- Gazeta Wyborcza. (2020, October 29). Kibole ŁKS-u i Widzewa posłuchali Jarosława Kaczyńskiego. Będą bronić kościołów przed "lewactwem". <https://lodz.wyborcza.pl/lodz/7,35136,26449741,kibice-lks-o-protestach.html>
- Golec de Zavala, A., Bierwiazonek, K., Baran, T., Keenan, O., & Hase, A. (2020). The COVID-19 Pandemic, Authoritarianism and Rejection of Sexual Dissenters in Poland. *Psychology of Sexual Orientation and Gender Diversity*. doi:10.31234/osf.io/jsuyg

Gov.pl. (n.d.a). Konstytucja Rzeczypospolitej Polskiej.

<http://www.sejm.gov.pl/prawo/konst/polski/1.htm#:~:text=18.,Art>.

Gov.pl. (n.d.b). USTAWA z dnia 7 stycznia 1993 r. o planowaniu rodziny, ochronie płodu ludzkiego i warunkach dopuszczalności przerywania ciąży.

<https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19930170078/U/D19930078Lj.pdf>

Gov.pl. (2017, October 27). Sprawa K 13/17. <https://ipo.trybunal.gov.pl/ipo/view/sprawa.xhtml?&sygnatura=K13/17>

Gov.pl. (2020, November 26). Aktualne zasady i ograniczenia - Koronawirus: Informacje i zalecenia - Portal Gov.pl. <https://www.gov.pl/web/koronawirus/aktualne-zasady-i-ograniczenia>

OKO.Press. (2017a, October 23). Projekt liberalizujący ustawę antyaborcyjną już w Sejmie. Komitet zbierał prawie 500 tys. podpisów. <https://oko.press/projekt-liberalizujacy-ustawe-antyaborcyjna-juz-sejmie-komitet-uzbieral-prawie-500-tys-podpisow/>

OKO.Press. (2017b, November 03). Trybunał Konstytucyjny sprawdzi, czy ustawa antyaborcyjna jest zgodna z Konstytucją. W 1997 roku w ten sposób zastrzono przepisy. <https://oko.press/trybunal-konstytucyjny-sprawdzi-ustawa-antyaborcyjna-zgodna-konstytucja-1997-r-sposob-zastrzono-przepisy/>

PiS. (2020, October 27). <https://www.facebook.com/watch/?v=355826965834838>

Politico. (2020, November 22). Poland's blind battle against the coronavirus. <https://www.politico.eu/article/polands-blind-battle-against-the-coronavirus/>

Polityka. (2020, November 01). 13 postulatów Strajku Kobiet. O co walczą? <https://www.polityka.pl/tygodnikpolityka/spoleczenstwo/1977308,1,13-postulatow-strajku-kobiet-o-co-walcza.read>

Protest Kobiet. (2016). 215 tys. podpisów zebranych pod projektem ustawy komitetu "Ratujmy kobiety". <http://web.archive.org/web/20180122045454/http://protestkobiet.pl:80/aktualnosci/265-215-tys-podpisow-zebranych-pod-projektem-ustawy-komitetu-ratujmy-kobiety>

RMF 24. (2017, November 07). TK oceni, czy aborcja ze względu na wady płodu jest zgodna z konstytucją.

<https://www.rmfm24.pl/fakty/polska/news-tk-oceni-czy-aborcja-ze-wzgledu-na-wady-plodu-jest-zgodna-z-konstytucja,nId,2462356>

Rzeczpospolita. (2018, January 11). Sejm o aborcji: "tak" dla Zatrzymaj Aborcję, "nie" dla Ratujmy Kobiety.

<https://www.rp.pl/Zdrowie/301119988-Sejm-o-aborcji-tak-dla-Zatrzymaj-Aborcje-nie-dla-Ratujmy-Kobiety.html>

The New Yorker (2020, November 17). The Abortion Protests in Poland Are Starting to Feel Like a Revolution.

<https://www.newyorker.com/news/our-columnists/the-abortion-protests-in-poland-are-starting-to-feel-like-a-revolution>

Urzędowska, D., & Suchomska, J. (2020). Feministki w Sieci. Nowe Media w Działaniach Przeciwno

Ograniczaniu Praw Kobiet w Polsce. *Dyskurs & Dialog*, 2020/2. doi:DOI 10.5281/zenodo.3946532

Wężyk, K. (2020, October 26). Katarzyna Wężyk - Facebook.

<https://www.facebook.com/catarynka/posts/10220649862429740>

WP Wiadomości. (2016, October 04). "Czarny protest". Manifestacje w wielu miastach w Polsce. Ile osób wzięło

udział w demonstracjach? <https://wiadomosci.wp.pl/czarny-protest-manifestacje-w-wielu-miastach-w-polsce-ile-osob-wzielo-udzial-w-demonstracjach-6043943038128769a>

Denmark is Damaging Children by Leaving them on Lesbos

Author: Mette Nielsen

As part of my activism, I am currently working on getting Denmark to take in some of the children and families who are currently stuck in the humanitarian crisis at the Greek island Lesbos. Following the fire that burnt the infamous Moria camp to the ground back in September 2020, Denmark said no to taking in children and families from Lesbos, despite the fact that eleven other European countries have already taken in vulnerable people from the Greek island (Christiansen, 2020)

Instead of taking in children and families, Denmark chose to send humanitarian aid such as tents, blankets and 44,8 million DKK (DR, 2020). The Minister for Development Cooperation, Rasmus Prehn, states that the aid should have arrived at Lesbos two months after the fire, according to an unknown source in the EU (Prehn, 2020).

I have been to Lesbos several times, latest in October 2020. During this visit I went looking for the Danish tents in the new camp, and did not find a single one. What makes this situation even more absurd is the fact that if the tents were to reach the refugees on Lesbos today (November 2020), they would be useless, because the majority of them are camping tents (Hybel, 2020). The tents would thus not be able to properly shelter the residents through the cold winter on Lesbos. In spite of the large amount of money, which has been sent in order to help the refugee children on Lesbos and on the mainland in Greece, there have been no visible changes to the situation, which remains dire. Children are starving, lacking teeth, and walking around in way too large or too small crocs, which is a type of rubber clog, without any socks – and the winter is closing in. The tents that people are living in on Lesbos are not isolated and are lacking pallets below, which results in rainwater often filling up the tents with water. There are no bathing facilities in the camp and only very few toilets. The conditions are inhumane to say the least.

What happened to all these million DKK from Denmark? I have been asking myself that question many times.

On the basis of this horrible situation, I am currently working to make Denmark take on some of the responsibility for the humanitarian crisis currently taking place on Lesbos. We need to help, especially because Denmark as a member of the EU, have ultimately partaken in creating this humanitarian crisis through the EU politics.

In my voluntary work, I try to convince Danish city councils to vote about whether or not they can take in children from Lesbos. While the city councils cannot decide whether or not Denmark wishes to take in refugees, what they can do is pressure the government to take action by showing their willingness to take refugees from the Greek island (Søndergård, 2020). So far 14 city councils have publicly said that they are ready to take in children and families.

A pressure that I believe we need to maintain, because we have a responsibility. A responsibility to help not just the refugees but the Greek local societies. This is made even more clear, when realizing that a conservative government in Germany chose to take in children from the Greek island (InfoMigrants, 2020), while a Danish supposedly socialist government is completely silent and accepts that children are being damaged for life.

On Lesbos I have met children who stopped talking, and who were close to impossible to get in contact with. I experienced a mother telling me that her five-year-old son had said to her that he did not wish to live anymore. We are damaging these children and if we do not take action soon it is hard to say how long lasting this damage will be. This is both disturbing and heartbreaking.

The Danish government uses human trafficking as the justification for why we should not help the children on Lesbos. The government states that if we take in vulnerable people from Lesbos, we will encourage human trafficking. This justification ground is ultimately false as numerous studies have shown. What does in fact encourage human trafficking and make people choose more dangerous escape routes are factors like border control and making it more difficult for people to flee – which is what we, both the EU and Denmark, are doing right now. But we need to realize that people will not stop fleeing, just because we make it harder for them. We should instead support the European initiative and take in people from Lesbos as well as support the arrangement of refugees under a quota

system. This way, people will be able to avoid risking their lives on dangerous escape routes and thus not make them dependent on human smugglers.

Besides cooperating with the Danish city councils in getting children to Denmark, I have also created a voluntary group, in which we arrange demonstrations in order to direct focus to the children on Lesbos and their situation. Hence, the demonstrations both seek to maintain the focus on the case among the Danish population and to inform the public about the conditions for refugees on Lesbos.

Simultaneously, I try to draw attention towards the situation amongst the Danish media. The case of the Danish humanitarian aid that did not reach Lesbos has especially been given the spotlight, and both Politiken, Berlingske and P1 have particularly put this incident on the agenda.

While the humanitarian crisis on Lesbos can at times feel overwhelming, I think the most crucial thing to understand is, that we can all be the change we want to see in the world. It is important to understand that we can all do something in order to change the refugee and asylum politics which are being pursued today. Every change begins with yourself. Therefore, I would like to encourage you to write to the ministers in the EU and in Denmark. Write to them and encourage them to take in the people, who are currently living in inhumane conditions on Lesbos. Talk to your friends, families and acquaintances about this topic. Enlighten them about the situation. We must dare to talk about this situation, and we must dare to demand action.

Every action is valuable when it comes to making a difference in the world. Together we can change the world.

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References

Hejlskov, H. and Bjørnager, J. A. (2020, October 16): Danmark har sendt 40 ubrugelige campingtelte til humanitær katastrofe på Lesbos. *Berlingske*. <https://www.berlingske.dk/samfund/danmark-har-sendt-40-ubrugelige-campingtelte-til-humanitaer-katastrofe-paa>

Christiansen, R. (2020, September 11): Europæiske lande vil tage imod børn fra Moria-lejren - men ikke Danmark. *DR*. <https://www.dr.dk/nyheder/udland/11-europaeiske-lande-vil-tage-imod-boern-fra-moria-lejren-men-ikke-danmark>

DR (2020, September 12): Danmark sender telte til rædselsfuld situation på Lesbos. *DR*. <https://www.dr.dk/nyheder/indland/danmark-sender-telte-til-raedselsfuld-situation-pa-lesbos>

InfoMigrants (2020, December 4): Refugees, asylum seekers relocated to Germany from Greece. *InfoMigrants*. <https://www.infomigrants.net/en/post/28916/refugees-asylum-seekers-relocated-to-germany-from-greece?fbclid=IwAR0cs-UrxHyqhIYyuFw7ij544rYHrEQntElhDk4cbSMBhHC5KBot83w6ves>

Hybel, K. (2020, September 25): Danmark sendte telte til flygtninge på Lesbos med ekspresfart da Moria-lejren brændte. Nu viser det sig, at de formentlig er uegnede og aldrig er nået frem. *Politiken*. <https://politiken.dk/udland/art7938851/Danmark-sendte-telte-til-flygtninge-paa-Lesbos-med-ekspresfart-da-Moria-lejren-brændte.-Nu-viser-det-sig-at-de-er-uegnede-og-formentlig-aldrig-er-naet-frem>

Søndergård, A. (2020, October 16): Danske kommuner vil tage imod børn fra Moria-lejren. *Politiken*. <https://politiken.dk/indland/art7962409/Danske-kommuner-vil-tage-imod-børn-fra-Moria-lejren>

Prehn, R. (2020, October 30): URU alm. del – svar på spørgsmål 25 fra Sikandar Siddique (UFG) stillet den 26. oktober 2020 til Ministeren for udviklingssamarbejde. *Udenrigsministeriet* <https://www.ft.dk/samling/20201/almdel/uru/spm/25/svar/1706861/2271381.pdf>



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