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Presentación*

- 1667 En el Tratado de Breda, las Provincias Unidas de los Países Bajos acuerdan entregar la isla de Manhattan al Reino Unido a cambio de la Isla de Rhun, en las Islas Banda, en el territorio de la actual Indonesia. Manhattan se convertirá posteriormente en un símbolo de Estados Unidos como súper potencia.
- 1898 El triunfo de Estados Unidos en la guerra hispano-estadounidense le permite ocupar Cuba, Puerto Rico, Guam, Filipinas y las Islas Marianas del Norte; se consolida así la supremacía de Washington en el océano Pacífico y el mar Caribe.
- 1954 Estados Unidos realiza la prueba nuclear conocida como Castle Bravo en el atolón de Bikini en las Islas Marshall. Con una potencia de 15 megatones, fue la mayor explosión nuclear jamás registrada en el mundo.
- 1973 Se firma en Trinidad y Tobago el Tratado de Chaguaramas para crear la Comunidad del Caribe (Caricom), un organismo que integra a 20 países y territorios –en su mayoría insulares– ubicados en el mar Caribe.
- 1973 Finaliza la expulsión por parte del Reino Unido de los habitantes del archipiélago de Chagos, en el corazón del océano Índico, con el fin de permitir el arriendo y posterior construcción de una base militar estadounidense en la isla de Diego García.
- 1974 Turquía invade el norte de la isla de Chipre y, posteriormente, crea la República Turca del Norte de Chipre, un Estado de facto únicamente reconocido por el gobierno de Ankara.
- 1979 Kiribati obtiene la independencia del Reino Unido y, a pesar de solo contar con 811 km² de área, se convierte en el doceavo país más grande del mundo en extensión de su zona económica exclusiva.
- 1979 Un satélite estadounidense detecta lo que se presume fue una prueba nuclear conjunta entre los gobiernos de Sudáfrica e Israel en el océano Índico sur en las inmediaciones de las islas del Príncipe Eduardo en Sudáfrica.
- 1982 Argentina y el Reino Unido se disputan militarmente los territorios de las islas Malvinas (Falkland), Georgias del Sur y Sándwich del Sur, y las zonas marinas circundantes en el océano Atlántico sur.
- 1988 Inicia la guerra de secesión en Papúa Nueva Guinea en la que la isla de Bougainville pretende crear un Estado independiente. Las hostilidades durarían hasta 1998, con cerca de 20.000 muertos; el conflicto se convertiría en el peor ocurrido en Oceanía desde el fin de la Segunda Guerra Mundial.
- 1995 Eritrea y Yemen entran en un conflicto de dos días por el control del archipiélago de las islas Hanish en el sur del mar Rojo. El conflicto se solucionará tres años después con un fallo de

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la Corte Permanente de Arbitraje de La Haya en los Países Bajos a favor de Yemen.

- 2003 Los gobiernos de Estados Unidos, Reino Unido, España y Portugal se reúnen en las islas Azores (Portugal) para dar un ultimátum de 24 horas a Saddam Hussein en Iraq que lo obligaba a desarmarse. Cuatro días después se daría la invasión a Iraq liderada por Estados Unidos.
- 2003 Doce Estados de Oceanía, liderados por Australia y Nueva Zelanda, envían la Misión Regional de Asistencia para las islas Salomón (RAMSI) con el fin de garantizar el orden público en medio del conflicto armado en el país. La misión duraría hasta 2017.
- 2015 El cabildeo del gobierno de las islas Marshall es determinante en el Acuerdo de París para lograr un límite de 1,5 °C en el aumento de la temperatura global.
- 2018 Fuerzas de los Emiratos Árabes Unidos ocupan militarmente la isla de Socotra en Yemen. El gobierno de Abu Dhabi declararía algunos meses después que la isla se convertiría en parte integral de los Emiratos Árabes Unidos y que sus ciudadanos recibirían la nacionalidad emiratí.

Históricamente, el sistema internacional ha estado enfocado en los centros globales de poder. Así mismo, las teorías que, desde las relaciones internacionales, han intentado explicar el mundo, se han centrado en la influencia de los países más poderosos sobre el resto del planeta y en la forma como estos pueden o no garantizar un orden en el sistema. Aun así, la historia también ha demostrado que ningún gran imperio ha podido consolidarse sin lograr un control no solo de grandes extensiones de mares y océanos, sino también de islas, en algunos casos en regiones extremadamente

remotas, que les permitían un acceso rápido y directo a los recursos ubicados en zonas alejadas de los países más poderosos.

Es impensable, entonces, entender el poder del Imperio Otomano sin referirse a su control sobre los mares Negro, Mediterráneo y Rojo, así como de las islas en el mar Egeo. Tampoco se podría hablar de los imperios portugués y español primero, y francés y británico después, sin su control sobre los grandes océanos del mundo. Es justamente esta dominación de mares y territorios insulares la que permitió acuñar la frase “el imperio donde nunca se pone el sol”, utilizada en primera instancia por el imperio español, pero usada también, en mayor o menor medida, por el portugués, el francés y, de forma más generalizada, por el británico.

Incluso, la consolidación de Estados Unidos como potencia está directamente relacionada con su presencia en el Atlántico, el Pacífico y el Caribe desde principios del siglo XX. Su triunfo en la guerra hispano-estadounidense le permitió controlar territorios insulares tan importantes como Puerto Rico, Filipinas, Guam o Islas Marianas del Norte. En la actualidad, el dominio de Washington sobre los atolones de Johnston, Midway o Palmyra en el océano Pacífico, el arrendamiento del archipiélago de Chagos al Reino Unido para la construcción de una base militar en el corazón del océano Índico o su soberanía sobre Puerto Rico y las Islas Vírgenes estadounidenses en el Caribe le garantizan a Estados Unidos un papel preponderante no solo en el control de los mares y océanos del mundo, sino también un acceso de sus fuerzas militares a cualquier lugar del planeta.

Por otra parte, 47 de los 193 miembros de la Organización de las Naciones Unidas (ONU) –o el 24,3%– son Estados insulares que, dependiendo de su tamaño e importancia, han contribuido en mayor o menor medida con la construcción y el mantenimiento del sistema internacional actual. Las islas están ubicadas en todos los continentes. Desde el Caribe hasta el océano Índico, desde el Mediterráneo hasta el océano Pacífico, los territorios insulares se han convertido en actores cruciales en el sistema internacional actual. Las islas también tienen una naturaleza extremadamente variada; ya sean las de gran extensión como Australia, Madagascar o Groenlandia, o las pequeñas como Barbados, Maldivas o Nauru, todas se enfrentan a vulnerabilidades políticas, sociales, económicas y ambientales específicas. Más aún, en un mundo donde la gobernanza de los océanos está adquiriendo una gran importancia, las islas, y especialmente los pequeños Estados insulares en desarrollo (PEID), han alzado su voz para poner sus necesidades sobre la mesa en los organismos internacionales.

Así, con el fin de abrir espacios a temas relevantes, pero poco estudiados en las relaciones internacionales, la revista *Oasis*, de la Universidad Externado de Colombia, invitó a tres académicos expertos en geopolítica de islas y espacios marinos a acompañarnos en el proceso editorial de nuestra edición número 37. De esta manera, la selección de artículos y la organización de este *dossier* temático contó con la participación de Suzette Haughton (Ph. D.), decana del Departamento de Gobierno de la Universidad de las Indias Occidentales en Kingston, Jamaica; Mayra Vélez Serrano

(Ph. D.), catedrática asociada del Departamento de Ciencia Política de la Universidad de Puerto Rico en San Juan, Puerto Rico; y Nilton Cesar Fernandes Cardoso (Ph. D.), profesor de Diplomacia y Relaciones Internacionales de la Universidad de Cabo Verde en Praia, Cabo Verde.

Este número de la revista *Oasis* empieza con un artículo general titulado “Small islands in international relations scholarship: A dialectic centrality” escrito por Nancy Wright desde Pace University en Nueva York, Estados Unidos. En el texto, la autora discute cómo el conocimiento sobre las islas ha sido históricamente marginado en la disciplina de las Relaciones Internacionales. Argumenta que, si bien en la práctica los territorios insulares mantienen un rol fundamental y constante en la construcción de cultura y política en el orden internacional, la complejidad de estos territorios en términos de autonomía y soberanía ha sido razón para que se excluya a los países insulares del ejercicio dialéctico en las relaciones internacionales. En ese sentido, la autora ofrece al lector una perspectiva diferente al plantear un debate en torno a la errónea subestimación de las islas en el Sistema Internacional, y cómo su oportuno reconocimiento puede ser un gran aporte de la academia frente a las dinámicas que, hasta el momento, han pasado por desapercibidas o incomprendidas.

Después del texto introductorio, los artículos fueron clasificados en cuatro ejes temáticos. El primero de ellos, titulado “Estados insulares y estrategias globales del poder en el océano Índico”, inicia desde África con el texto “Power games and their history in the Indian Ocean: a Mauritian perspective” de Nirmal

Kumar Betchoo quien, desde la Universidad de las Mascareñas en Mauricio, realiza un recorrido histórico del proceso de descolonización de la isla desde 1968 y cómo en la actualidad se ha esforzado por mantener una posición fuerte frente al juego geopolítico de potencias emergentes en la región como India y China. El autor describe los grandes desafíos que enfrenta Mauricio en la actualidad y plantea los retos que los juegos internacionales de poder suponen para el país.

En el lado asiático, Shakthi de Silva, de la Universidad Nacional de Singapur, analiza las repercusiones del crecimiento acelerado de China e India sobre un pequeño Estado insular como Sri Lanka. En su artículo titulado “Tightrope balancing in a time of rising great power competition: An assessment of Sri Lanka’s relations with India and China” evalúa cómo las condiciones económicas y geográficas del país pueden convertirse en elementos limitantes para contener o equilibrar la gran influencia de las economías de China e India y su interés expansionista en la región.

El segundo eje temático titulado “Los dilemas de la autodeterminación y la autonomía en territorios insulares” comienza con el artículo “Reflexiones sobre la política exterior de Taiwán: entre espacios reales e imaginados” de Daniel Lemus-Delgado del Tecnológico de Monterrey en México. Desde la teoría constructivista, el texto plantea un debate en términos geográficos, históricos y de interacciones sociales sobre el papel que ha jugado la configuración de la identidad taiwanesa en el fortalecimiento de sus acciones de política exterior. Aun cuando se cree que es un espacio “imaginado” en términos de narrativas histó-

ricas, Taiwán, según el autor, ha demostrado una gran fortaleza al conseguir sus objetivos de reconocimiento internacional mediante el fortalecimiento de su identidad.

Abandonando Asia, Paulo Vitorino Fontes, de la Universidad de las Azores en Portugal, realiza una aproximación a la geopolítica del océano Atlántico norte con su artículo “Os Açores no sistema das relações internacionais: entre autonomia e integração europeia”. El texto analiza la situación del archipiélago de las Azores frente a las dualidades entre el reconocimiento de autonomía dentro del Estado portugués y el proceso de integración del país —y el archipiélago— a la Unión Europea. Desde su posición geográfica privilegiada, el autor plantea que, en un futuro, las Azores serán fundamentales en términos de intercambio de personas, mercancías y comunicaciones, y, además, jugarán un papel determinante en la configuración de la seguridad trasatlántica.

También en el Atlántico, pero esta vez desde el extremo sur, se plantea la discusión sobre el colonialismo en el sistema internacional del siglo XXI. Luciano Pezzano, de la Universidad Nacional de Córdoba en Argentina, presenta su artículo “Una situación colonial que debe terminar: las islas Malvinas y la obligación de descolonizar”. El texto presenta argumentos para afirmar que la obligación de descolonizar aún está vigente en el mundo de hoy y que, en consecuencia, debe aplicarse para el caso de las islas Malvinas. Pezzano afirma que Reino Unido tiene una deuda pendiente frente a la soberanía sobre las Malvinas, y que la manera más adecuada de saldar esa deuda es a través de un diálogo político con Argentina.

El tercer eje temático se enfoca en las relaciones exteriores de los Estados insulares y se titula “Insularidad y política exterior”. Esta sección inicia con el artículo titulado “The European Union and small island developing States: The geo-political / legal, trade and cooperation dimensions” de Erwan Lannon de la Universidad de Gante en Bélgica, en el que se analiza en qué medida las estrategias de la Unión Europea frente a los pequeños Estados insulares en desarrollo (PEID) puede resultar beneficiosa para su desarrollo. Desde una perspectiva crítica de estas relaciones, el autor explora la ayuda que puede ofrecer la Unión Europea para garantizar el desarrollo de capacidades y promover la cooperación regional entre los PEID en el difícil contexto internacional actual.

Desde la Universidad de las Indias Occidentales en Jamaica, Kavita Johnson presenta el texto “Reorienting foreign policy: Caribbean-Japan relations” en el que analiza el interés de los países del Caribe por establecer vínculos económicos con Estados no occidentales. Debido a los complejos desafíos en términos de desarrollo que ha enfrentado el Caribe durante los últimos años, la autora argumenta que las estrategias de política exterior, en particular con Japón, resultan fundamentales para demostrar ante el sistema internacional su resiliencia e ingenio para lograr una posición destacada en el orden mundial.

El último eje temático titulado “Diversas problemáticas frente a la insularidad y los espacios marinos en el Caribe” hace un acercamiento a las dinámicas políticas, económicas, sociales y legales en una de las áreas de mayor concentración de Estados insulares en el pla-

neta: el mar Caribe. El primer texto, de Aieka Yasheva Smith, de la Universidad de las Indias Occidentales en Jamaica se titula “I have two flags in my heart: Diasporic citizenship of Jamaicans living in Britain”. En él, la autora hace un análisis a profundidad del fenómeno diaspórico que surge desde los PEID en la actualidad. A través de la teoría de la aculturación, el texto utiliza el estudio de caso de los jamaquinos en el Reino Unido para explicar cómo, aun teniendo un incremento considerable en su calidad de vida, a esta población se le dificulta enormemente adquirir un sentido de pertenencia en el nuevo país de residencia.

También desde la Universidad de las Indias Occidentales en Jamaica, Lisa Vasciannie presenta su artículo “Observing Caribbean Elections During the Pandemic: Challenges and Best Practices”, en el que expone cómo la llegada del covid-19 alteró por completo la práctica de observación de elecciones en el Caribe y las medidas que tomaron los gobiernos para frenar la expansión del virus. En este sentido, la autora profundiza en las dinámicas adoptadas por los países caribeños durante los últimos dos años para comprometerse con unas elecciones libres y justas.

En tercer lugar, Jesús Israel Baxin Martínez, de la Universidad Nacional Autónoma de México, nos envía su texto “La insularidad en México: perspectivas geográficas para contribuir a la legislación en materia de islas”, en el que plantea la necesidad de una legislación adecuada y común para los territorios insulares en México que permita mejorar las condiciones legales en las que se encuentran frente a otros territorios del país. Mediante los estudios de caso Cedros, islas del Golfo de California,

islas Marías, Cozumel e Isla Mujeres, el autor hace una propuesta desde la academia para fomentar y mejorar la integración social de las poblaciones isleñas en México.

Por último, Juan José Quintana Aranguren, del Ministerio de Relaciones Exteriores, y Martín Camilo Espinosa Arias, de la Pontificia Universidad Javeriana en Colombia, presentan su artículo “La zona contigua integral del archipiélago de San Andrés y Providencia después del fallo del 21 de abril de 2022”. El texto expone un estudio de carácter jurídico de las decisiones de la Corte Internacional de Justicia sobre los espacios marinos contiguos al archipiélago de San Andrés y Providencia y cómo estas han modificado la geopolítica y el posicionamiento colombiano en el Caribe occidental.

Finalmente, esta edición incluye dos reseñas de libros. La primera, presentada por Pío García, docente investigador de la Universidad Externado de Colombia, sobre el libro *Asia: un continente por descubrir*, editado en 2021 por Tatiana Gélvez y Margarita Vaca. La segunda, realizada por José Luis Perelló Cabrera de la Universidad de La Habana en Cuba sobre el libro *Turismo en el Caribe: pasado, presente y futuro*, escrito en 2022 por Gerardo González Núñez.

Teniendo en cuenta que los análisis sobre islas y espacios marinos han estado históricamente relegados en los estudios internacionales, desde *Oasis* esperamos que este número contribuya con la generación y divulgación del conocimiento sobre estos temas que consideramos cruciales dentro de la disciplina de las Relaciones Internacionales. Quiero agradecer a los autores que desde Mauricio, Singapur,

México, Portugal, Argentina, Bélgica, Jamaica y Colombia hicieron sus invaluable aportes para la realización de este número especial de *Oasis*. Así mismo, un reconocimiento especial al comité de árbitros y al comité editorial que han permitido garantizar la calidad de los textos aquí presentados. Mis agradecimientos también a Hernando Parra, rector de la Universidad Externado de Colombia; Gonzalo Ordóñez, decano de la Facultad de Finanzas, Gobierno y Relaciones Internacionales, y a Patricia Herrera, directora del Centro de Investigaciones y Proyectos Especiales (CIPE) por su apoyo constante a la publicación de la revista *Oasis*. Esta edición tampoco hubiera sido posible sin las contribuciones de Adriana León, asistente editorial del CIPE, María José Díaz Granados M., correctora de estilo, y Gabriela Gutiérrez, asistente editorial de la revista *Oasis*. Mis más sinceros agradecimientos.

Concluyo haciendo un reconocimiento especial a nuestros editores invitados, Suzette Haughton, Mayra Vélez Serrano y Nilton Cesar Fernandes Cardoso quienes, desde Jamaica, Puerto Rico y Cabo Verde, respectivamente, tomaron esta revista como suya y desde el inicio y de manera desinteresada realizaron sus invaluable aportes para garantizar el éxito de nuestra publicación. Ha sido el mayor de los placeres y el mayor de los honores haber trabajado con ustedes. Thank you very much, muchas gracias y muito obrigado por estar, apoyar, ilustrar y compartir sus vastos conocimientos con nosotros.

JERÓNIMO DELGADO-CAICEDO, Ph. D.
Editor

Small islands in international relations scholarship: A dialectic centrality

Nancy Wright*

ABSTRACT

In the field of international relations (IR), islands are rarely considered, except in specific contexts which seldom involve dimensions conventionally considered important. Most islands, whether sovereign, semi-autonomous, or completely non-self-governing, are relegated to the margins of IR scholars. This article challenges the validity of this marginalization by presenting and examining both sovereign and non-sovereign autonomous islands as international actors. These examples illustrate the great paradox of islands, namely that throughout history, islands have functioned as pivotal points rather than as afterthoughts, and, because of that central role, islands embody syntheses of culture and politics that constitute new identities, and in some cases

unique capabilities. A key example is artificial islands, which illustrate a further overlooked complexity by exerting autonomy free of sovereignty. Finally, islands, especially small island countries, both reinforce and challenge standard IR theories by being at once both self-contained and by necessity integrated globally. All of these characteristics constitute a dialectic centrality, in which islands, self-contained yet marginalized, play a central role in international relations. This article brings these islands collectively to the forefront, with a view to illustrating their currently underestimated importance in the discipline of IR as global actors. This article brings these islands collectively to the forefront, with a view to illustrating their currently underestimated importance in the discipline of IR as global actors.

* M. Phil. Adjunct Faculty, Pace University, New York City (USA). [wrightnancy272@gmail.com]; [https://orcid.org/0000-0001-6074-2530]

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Key words: International relations; small sovereign countries; islands; sovereignty; autonomy.

Islas pequeñas en relaciones internacionales: una centralidad dialéctica

RESUMEN

En la erudición de las relaciones internacionales (RI), las islas rara vez se consideran, excepto en contextos específicos, y esos contextos rara vez involucran dimensiones que convencionalmente se consideran importantes. La mayoría de las islas, ya sean soberanas, semiautónomas o completamente no autónomas, están relegadas a los márgenes de la erudición de las RI. Este artículo desafía la validez de esta marginalización al presentar y examinar islas autónomas tanto soberanas como no soberanas como actores internacionales. Estos ejemplos ilustran la gran paradoja de las islas, a saber, que a lo largo de la historia estas han funcionado como puntos centrales en lugar de ideas secundarias y, debido a ese papel central, las islas encarnan la síntesis de la cultura y la política que constituyen nuevas identidades. Las islas artificiales aportan una mayor complejidad pasada por alto al ejercer una autonomía libre de soberanía. Finalmente, las islas, especialmente los países insulares pequeños, refuerzan y desafían las teorías estándar de relaciones internacionales al ser a la vez autónomos y por necesidad integrados en la globalización. Todas estas características constituyen una centralidad dialéctica, en la que las islas, autosuficientes pero marginadas, juegan un papel central en

las relaciones internacionales. Este artículo trae estos territorios colectivamente al frente, con el fin de ilustrar su importancia actualmente subestimada en la disciplina de RI como actores globales.

Palabras clave: relaciones internacionales; pequeños países soberanos; islas; soberanía; autonomía.

INTRODUCTION

Islands are a collective dialectic. They are self-contained; yet they constitute a crossroads for all those arriving at their shores. They are associated with freedom, with water as their only neighbor; yet their inhabitants must be constantly aware of their resource and area limits. Some are quite remote; yet the most isolated connect points of commerce, even in a globalized economy that seems impervious to geography. Moreover, artificial islands defy the same sovereignty they lack by making sovereignty irrelevant for their purposes and the purposes and goals of sovereign states and non-state actors alike. This article challenges the validity of this marginalization in IR scholarship by presenting and examining both sovereign and non-sovereign autonomous islands as international actors. The examples presented herein illustrate the great paradox of islands, namely that throughout history, they have functioned as pivotal points rather than as afterthoughts, and as a result, islands embody syntheses of culture and politics that constitute new identities, and in some cases, unique capabilities.

This article seeks to meet the major challenge of directing more attention from within

IR scholarship towards small sovereign and autonomous islands by presenting a series of examples that underscore the aforementioned collective dialectic phenomenon. Meeting this challenge is congruent with a persistent but still fledgling scholarly endeavor to focus more attention on small sovereign states and autonomous entities in general. This has taken place primarily in the form of single or comparative case studies that focus on the process of legal recognition of small states, individual small state foreign policy and small state participation in regional and international organizations. Early examples include: Duursma's study of the five West European microstates, written in response to the fragmentation that resulted from the dissolution of the Soviet Union and Yugoslavia; Hey's edited volume on small state foreign policy behavior; Eccardt's and Klieger's interdisciplinary books on history, culture and politics in Western Europe's smallest sovereign states; and Ingebritsen, *et al.*'s edited volume, which includes reprints of seminal work by Annette Baker Fox, Peter Katzenstein, and Robert Keohane, as well as a comprehensive overview of the history of scholarship on small sovereign states (Duursma, 1996; Hey, 2003; Eccardt, 2005; Klieger, 2011; Ingebritsen, *et al.*, 2006). More recently, Corbett, Veenendaal, and Ugyen have examined the persistence of both democracy and monarchy in the world's smallest sovereign states (Corbett and Veenendaal, 2018; Corbett, *et al.*, 2017). Comprehensive edited volumes such as Baldacchino and Wivel's *Handbook on the Politics of Small States* (Baldacchino and Wivel, 2020) offer more detailed case studies that recognize the strengths as well as weaknesses of

small sovereign countries. These publications and others offer a positive scenario for further focus on small sovereign states; however, the focus remains fledgling in nature.

This marginalization is especially prevalent with respect to small island states. Conversely, this article presents small island countries as central to IR scholarship and as instruments of a dialectic that challenges the basic assumptions on which much IR scholarship is carried out. This ultimately results in a synthesis that balances the conventional tenets of IR with the realities that characterize the categories of small island countries presented herein.

The following pages present examples of the ways in which islands embody this dialectic. First, comments regarding political and cultural identity as experienced in Africa's Atlantic and Indian Ocean islands are presented, with a particular focus on Cabo Verde and Mauritius. Second is the example of Malta, an island republic whose geostrategic importance in the center of the Mediterranean Sea subjected it to a history of bombardment, but which nevertheless also sustains a legacy of wartime victory and the ability to create a grand strategy of foreign policy through neutrality and norm-setting that defies its size as a microstate. Third is the example of several small South Pacific island countries that illustrate the phenomenon of isolation as favorable in times of global pandemic and related threats to a globalized capitalist economy. Fourth is the example of the artificial island of Sealand, which, through its defiance and rejection of the need for recognition as sovereign under international law, offers an alternative to sovereignty in the international system to those

who need or desire it. Finally, the increasingly controversial practice of citizenship by investment as undertaken by the smallest islands of the Eastern Caribbean is examined, thus ironically challenging the boundaries of sovereignty while simultaneously acting in their capacities as sovereign state. Each of these examples represents an area that is seldom addressed in IR, but also presents an area of potential theoretical expansion and enhancement, or a refutation of the basic constructs of IR theories, a phenomenon equally worthy of study.

AFRICA'S ATLANTIC AND INDIAN OCEAN ISLANDS: CABO VERDE AND MAURITIUS

African islands have served as points of departure for expansive European powers and as entrepôts on maritime commercial routes, notably those of the slave trade:

From Cabo Verde in the Atlantic to Zanzibar and Mauritius in the Indian Ocean, geography and contingency made islands avenues for integrating Africa into wider networks of trade, migration, and empire—sometime against the will of local populations. As centers for exchange and expansion, *these islands historically occupied positions of importance far out of scale to their meager sizes* (emphasis added). (Falola, *et al.*, 2019, pp. 3-4)

Extending 570 km /350 miles west of the Cabo Verde Peninsula off Africa's northwest coast, the archipelago of Cabo Verde encompasses just over 4,000 square kilometers. From the sixteenth into the mid-nineteenth centuries, the islands prospered during the slave trade

under Portuguese colonial control. With the abolition of the transatlantic slave trade, Cabo Verde declined economically and witnessed the emergence of what has become a major and continually growing diaspora that slightly outnumbers its population of just under 550,000. In 1951, Portugal incorporated the islands as an overseas department, and Cabo Verde gained independence 24 years later, in 1975.

Historian Richard Lobban highlights the global importance of Cabo Verde, despite its relative unfamiliarity to many:

The Cape Verde [officially Cabo Verde since the date of publication] islands have been both isolated from yet remarkably connected to the major events of world history. Their remote location, hundreds of miles from the nearest continent, has naturally made them vulnerable to neglect, oversight, and abuse. But the islands were also integrally linked to wider events such as the golden age of Portuguese discovery, the voyages of Columbus and Vasco da Gama, the pirate attacks by Francis Drake, and the provision of coal and fuel for the British empire. Cape Verde was critical in the slave trade, and was visited by such famed US ships as *Old Ironsides*. The islands also hosted the American Africa Squadron used by the US Navy for anti-slave trade patrols, and they figured in Charles Darwin's theory of biological evolution. In the liberation war fought against Portuguese colonial rule in Guinea-Bissau Cabo Verde played a much more significant role than one might expect. Clearly this was due to the strategic location of the archipelago. Sailors, slaves, colonialists, scientists, flyers and others enjoyed the security of the islands and also found their location convenient for long-range travel to the farthest corners of the globe. (Lobban, 2018, p. 12)

Moreover, Cabo Verde's reach extended to revolution beyond its own independence. The Party for the Independence of Guinea and Cabo Verde (PAIGC), formed by Cabo Verdeans and Guineans under the leadership of Amílcar Cabral, signed an agreement with Portugal providing the framework for a transitional government of Portuguese and Cabo Verdeans together. On June 30, 1975, Cabo Verde elected a National Assembly, and five days later became independent. By late 1980, relations between Guinea-Bissau and Cabo Verde had disintegrated following the November coup in the former, until the rapport between the two was eventually restored.

Cabo Verde's commercial importance both regionally and to the United States continued into the early nineteenth century, when the archipelago served as a friendly port of call to a young American republic emerging as a maritime power. U.S. captains also recruited crew members from Cabo Verde when embarking from Providence, Rhode Island, or New Bedford, Massachusetts (Lobban, 2018, p. 35). The use of steam power by major shipping companies in the mid-nineteenth century led to an increase in coal and oil development, further expanding Cabo Verde's deep-water ports (p. 36).

The Cabo Verdean identity that evolved during these centuries of interaction is distinct from African, Portuguese, or Anglo-American cultural heritage, precisely due to the island's relative isolation until the arrival, first of the Portuguese, and later of other Europeans. These outside influences resulted in a cultural identity that reflects both smallness and island designation. In addition, and somewhat para-

doxically, the need to separate, at least partially, from the cultures of their European colonizers has reinforced an identity that is truly Cabo Verdean, rooted in the island and manifested throughout the Cabo Verdean diaspora.

In the center of the Indian Ocean, Mauritius has had a parallel influence. Mauritius has been identified as the geographical and intellectual center of the Indian Ocean since the 1960s. It has become the center of a rich heritage of Indian Ocean studies, as well as the historical gateway to major trade routes between the East Indies and Europe (Haring, 2007; Toussaint, 1966; Wright, 2021). More so than Cabo Verde, Mauritius is also a major port of call for cruise ships, a reality that stands in stark juxtaposition to both its historical role in the slave trade and its present socioeconomic inequalities. As Mauritius was uninhabited prior to the arrival of the Dutch in the late sixteenth century, Mauritians have no pre-colonial history to claim as their own (Hawkins, 2007 and 2008). At the same time, the designation of the island as the "Mauritian Miracle" and the "African Tiger," are both references to seemingly positive responses to substantial foreign investment after the third International Monetary Fund (IMF) restructuring program in 1980 and the World Bank's first structural adjustment loan in 1981 (Hand, 2011).

Like Cabo Verde, the Mauritian Creole people and culture have evolved as the ironic dual outcome of oppression and diversification, the latter ultimately yielding a type of cosmopolitanism. For some, especially Creole intellectuals, this cosmopolitanism character-

izes “the politics of Creole intellectuals who, whether during colonial times or in our current postcolonial times, projected themselves onto the world from their particular position” (Verges, 2001, p. 169).

For others, such as anthropologist Rosabelle Boswell, creolization in Mauritius is the product of distortions by outsiders that Mauritians have internalized, thus resulting in a type of homogenization of Creole identity, with the aim of enhancing participation in Mauritius’ pluralistic society (Boswell, 2006, p. xx).

These various interpretations of Creole identity in Cabo Verde and Mauritius point to the microcosmic nature of these and other islands, a key characteristic that IR generally overlooks. The nature of islands is such that their inhabitants experience the opportunities for reflection that self-containment affords, while nevertheless maintaining a constant awareness of their own limits. Furthermore, the undermining of identity wrought by colonization and the slave trade, as well as by enslavement, lends itself to a determination to create and recognize an identity as a means of survival. Thus, the Creole island identity is both strongly rooted and aware of its outside influences.

Part of the reason for IR’s lack of attention to islands in general and the aforementioned identity element in particular is that, until relatively recently, IR theories were centered on the Westphalian sovereign state. Even liberalism, which directly counters the concept of the state as the primary unit of analysis, reacts to realism in a way that overlooks the nuances of culture. Similarly, while Marxism challenges both realism and liberalism with its focus on

class struggle, its argument for universality again marginalizes cultural differences.

Constructivist and feminist theories, both of which are relatively recent and arguably still in formative stages, focus much more on the role of culture, and thus are valuable approaches to a more complex examination of islands, including small island nations, as historically pivotal and present microcosms of diversity and socioeconomic inequalities that mirror so much of the world.

GRAND STRATEGY BASED ON NEUTRALITY AND NORM SETTING: THE CASE OF MALTA

Situated directly in the center of the Mediterranean Sea, Malta has been at the crossroads of empires for centuries, beginning with the arrival of the Phoenicians in 1,200-1,000 BCE. The Order of the Knights of Malta, who established headquarters on the island from 1530 to 1798, endowed the island with a legacy of medical excellence that, along with its strategic location, brought it to prominence during both world wars (Klieger, 2011, pp. 124-125). In view of its strategic importance, Great Britain administered Malta as a colony from 1813 until its independence in 1964, though home rule was granted in 1921. The island’s prominence in military strategy was matched by its reputation for excellent hospitals, a legacy of The Order of the Knights (p. 127). Further exemplifying its strategic importance, two sieges indelibly mark Malta’s history: the Great Siege in 1565, and the Siege of Malta in World War II. In both cases the purpose was the same: to gain control of the Mediterranean Sea. In 1565, the Ottoman Empire at-

tempted to conquer Malta, then administered by the Knights Hospitaller. The Knights were estimated to reach 500 in number with an additional 6,000 foot soldiers when the Ottoman troops attacked the island between May 18 and September 11, 1565. The Knights' success in repelling the Ottoman forces contributed to a reappraisal of the perceptions of Ottoman invincibility. In World War II, Malta became a base from which Axis supply lines to North Africa could be intercepted by using submarines, surface vessels, in addition to aircraft. In 1941, nearly 7,000 tons of bombs fell on the island, and in September 1943, the Italian navy surrendered (Allen, 2017; Bradford, 1999; Klieger, 2011; Rothman, 2007).

Malta joined the United Nations in 1964 and the Council of Europe in 1965. Originally adopting a pro-Western security approach, as of 1971 it began a transition toward the position of neutrality and non-alignment that characterizes its foreign policy to this day. During the Cold War, Malta relied on its non-alignment status to allow it to maintain an equal distance from both the United States and the Soviet Union (Pace in Baldacchino, 2020).

The fact that Malta has been able to assert its strategic neutrality and non-alignment as a grand strategy as it “maintained and maximized by positioning itself as a regional interlocutor (Mediterranean bridge) and honest broker of international conflict” (Briffa, 2018) points to the efficacy that small states can exert, especially if they can optimize favorable conditions. In fact, their smallness and relatively low profile, except in the case of acute crisis such as civil war or natural disaster, can serve them well when implementing a policy that

is, in the words of Briffa, “pursued through institutional binding, soft power branding and utility maximization” (Briffa, 2018).

Still, the importance of context, and the precarity associated with an unfavorable context, cannot be understated. In the words of Malta expert Roderick Pace, “That Malta’s neutrality has not been seriously challenged may not owe a lot to these risky arrangements [in establishing neutrality and non-alignment], but to good fortune that its neutrality has never been seriously challenged. The main point is that all courses open to small states have their own unintended consequences and there is certainly no completely safe shelter” (Pace in Baldacchino, 2020, p. 144).

For the benefit of IR scholarship, Malta’s experience is valuable, in that it exemplifies different interpretations of power. Powerful sovereign states seek to maximize power in an effort to ensconce and even universalize their global reach, whether militarily, economically, or culturally. Conversely, small sovereign states such as Malta are keenly aware of their limits in this regard. Yet, they are also keenly aware of what they can offer in terms of geostrategic location, a commitment to neutrality, and a willingness to showcase the interests and objectives of their larger counterparts, as long as those counterparts maintain a position of goodwill toward them. Thus, although the grand strategies of small sovereign states are constrained, especially during times of domestic or international turmoil, or other adverse conditions that they are too small and vulnerable to conquer, they can nevertheless transcend some of these obstacles through a stance of neutrality rather than belligerence or aggression (Briffa, 2020).

To date, the field of IR remains dominated by conventional associations of power, including size, economic wealth, and military strength. While these interpretations remain salient, the security experience of sovereign states like Malta shows that they are not exclusive.

In addition to a strategy of neutrality, Malta has effectively navigated its negotiations into European Union membership in a way that has optimized its interests. For example, Malta's approach to gaining EU membership was to use its smallness to justify special treatment (Pace, 2002). Ultimately, it was able to achieve four key outcomes that work to its advantage. First, the EU accepted Maltese as one of its official languages, a substantive refutation of the domestic anti-membership contingent that had campaigned on the premise that Maltese would not be accepted as an official EU language. Second, Malta was permitted to retain permanent legislation limiting the acquisition of secondary residences by foreigners, based on the island's limited land area and high population density. Third, while Maltese citizens have completely unrestricted access across the EU, Malta was able to secure a seven-year transitional arrangement upon accession that allows it to impose safeguards unilaterally on the right of EU citizens to seek employment in Malta. Following the seven years, Malta may approach the EU for a remedy if needed, and restrictions on non-EU nationals may continue. Finally, the EU conceded the administration of a 24-nautical mile conservation zone to Malta in order to help conserve fish stocks. Furthermore, the EU authorized Malta to manage fishing in a designated area beyond the traditional 12-mile zone, which

traditionally has been the exclusive domain of Malta's fishing industry. The EU has also awarded Malta special consideration regarding its agrarian sector, though with the cautionary note that this allowance should not be taken as a precedent (Pace, 2002).

The importance of small island states like Malta to the study of IR rests with their uniqueness and their ability not only to survive but to thrive through adopting different interpretations of power than those normally associated with foreign policy analysis, or with most conventional IR theories. Just as more recent constructivist and feminist theories can prove valuable to understanding the Creole identities of such islands as Cabo Verde and Mauritius, such theories, especially constructivism, can enlighten IR studies in explaining the foreign policy decisions and behavior of such countries as Malta. Unfortunately, again, both smallness and island status have marginalized these countries in IR research and pedagogy. Conversely, increased attention to examples such as Malta can clarify and strengthen these newer theoretical approaches, thus providing a positive response to criticisms that they are not sufficiently refined. Approaching IR in this way underscores the dialectical nature of islands, and also the dialectical relationship between theory and phenomena that theory is designed to explain.

STRENGTH IN ISOLATION: THE SMALLEST ISLANDS OF THE SOUTH PACIFIC AND COVID-19

On September 20, 2020, Koryo Tours posted a blog listing 12 countries that to date had

reported no cases of COVID-19. Of these, all but two were small South Pacific islands: the Solomon Islands, Vanuatu, Samoa, Kiribati, the Federated States of Micronesia, Tonga, Marshall Islands, Palau, Tuvalu, Nauru. Six days earlier, on September 14, 2020, Al-Jazeera had presented a similar list (Prashasti, 2020; von Boom, 2020). Through the height of the pandemic, these small South Pacific island countries harnessed their sovereignty to close borders with little concern about transparency, and to impose restrictions with little resistance from their inhabitants, because they all recognized their extreme vulnerability should even one COVID-19 case emerge. These islands are isolated from each other and much of the rest of the world, but with little in the way of safety valves, either in terms of territory or resources. Although dependent on imports and tourism, the degree to which this is true is far less than for most countries. For example, in its article about countries with no reported cases of COVID-19 as of mid-September 2020, Koryo Tours described the Solomon Islands as “amongst one of the least visited countries in the world,” and Tuvalu, as “often known as one of, if not the, least visited country in the world,” with fewer than 200 tourists annually entering the island. It described Nauru as “a country so small that you can walk around it in one day. Along with Tuvalu, it holds the record for being one of the least visited countries in the world” (Koryogroup, 2020). Territorially, Nauru is the world’s smallest republic and the world’s third smallest country after the theocracy of Vatican City and the principality of Monaco. With a population of 12,704, it is the

world’s second smallest country demographically after Vatican City.

While *isolationism*, especially when practiced by larger countries, is both a very deliberate and much deliberated ideology, *isolation* is normally seen as an unfortunate geographic condition that alienates the isolated from serious IR scholarship. When the geographically isolated do receive IR’s attention, it is usually in response to a perceived or actual crisis. Otherwise, overgeneralization of a given region and a portrayal of its inhabitants as victims are the norm.

For the South Pacific during COVID-19, this portrayal was at least temporarily reversed, as small South Pacific islands turned their vulnerability into resolute endurance through strict and comprehensive lockdowns. Meanwhile, the larger, powerful actors for the most part recorded unprecedented numbers of COVID-19 cases. Furthermore, given territorial and demographic size, as well as high levels of diversity and mobility and more potential for dissent even in countries with strong levels of civic trust, restrictions were either harder to enforce or did not prevent recurrences of the pandemic.

South Pacific islands have dealt with geographic remoteness for centuries, including during colonization. Understanding the role geographic isolation plays constitutes the counterpart to the often-addressed phenomenon of geostrategic location and warrants more research. Another dimension characteristic of many South Pacific islands is a governance for which Westphalian concepts have little relevance. Rather, the demographics of society take precedence over territory, which can

trace its origins to the Westphalian system and has continued to define IR and comparative politics studies.

Marist priest, theologian and scholar Andrew SM Murray has contended that the Aristotelian concept of political society is much more relevant to most South Pacific island nations than the Westphalian template that has formed the cornerstone of IR. As he explains:

In contemporary political and academic discourse, one often hears the terms ‘weak state’ or ‘failed state’. Leaders of Pacific countries are discomfited but also legitimately annoyed when those terms are applied to their own countries. On the one hand, most of these countries are not and probably cannot become the great economic models that are so much a part of the modern world, and that sustain larger and more powerful states. There is often dissatisfaction in such countries with how services are delivered and confusion about what centralized government should achieve for national life. On the other hand, leaders in the Pacific can point out that in their countries people do not for the most part go hungry, or remain unhoused as they might do in Sydney or London or New York. People are connected to their clans and on fertile islands they can easily grow food. Their annoyance is however, justified, because the ‘weak state’ criticism makes the assumption that small states, and Pacific states in particular, should become instances of the Modern European State. (Murray, 2016, p. 1)

While Murray acknowledges the problems with Aristotelian philosophy regarding what constitutes a true democracy, he nevertheless sees the Aristotelian political community, which evolves from the household or family and the village, as a more accurate and com-

prehensible form of political organization than the Modern European State.

This, in turn, presents a major obstacle to IR theory, which for all of the rebuttals and alternatives to realism—and later structural realism—still recognize the Westphalian state as the basic legitimate political unit. Even the liberal world order that upholds the benefits of regional and global integration does so on the basis of sovereign Westphalian states. Marxism and other bodies of critical theory point to class rather than legal or political boundaries as the defining factor of world order; yet the isolation and necessary self-sufficiency of small South Pacific islands causes Marxist and other critical theories also to have limited relevance. Rather, IR needs new theories that reflect systems of governance not based on the Westphalian state.

Particularly applicable to the South Pacific is the *wantok* system, meaning a network of relationships and obligations found especially in Papua New Guinea (PNG) and Melanesia, but in other parts of the South Pacific as well. As Murray notes, “The terms ‘*wantok*’ and ‘*wantok system*’ occur surprisingly infrequently in the academic literature. When they do occur, they are often used in parentheses and with reference to difficulties experienced in Papua New Guinea (PNG), Solomon Islands and Vanuatu, such as failures of development projects or corruption in government. In common speech, however, the terms are ubiquitous and display a wide range of meanings and elicit a wide range of feelings” (Murray, 2016, p. 19). The *wantok* system has found its way into commercial interest and modern technology; *wantok moni* is a method of transferring money

using a mobile phone, and Air Niugini offers “*wantok* fares” (pp. 10-32).

The system is not without problems, especially in the context of rapid change and globalization. Many see it as synonymous with nepotism, and sometimes the outcomes of tradition are harmful. Examples include receiving medicine from a *wantok* instead of a doctor, or cases of domestic violence being excused under the *wantok* system. As Murray explains, “The issue here is change and, in fact, momentous change. A system that worked well for small, closed communities living in tightly defined geographical areas is challenged when it is drawn into a developing political system that embraces many peoples and that has to deal with imported ideas, technologies and economies” (Murray, 2016, p. 21). Therefore, “The political question is, how do you construct a constitution and institutions in a way that recognizes the networks of relationships that are already working in the country?” (p. 25).

The challenge is to understand the philosophical underpinnings of such communities, just as we in the West—and subsequently throughout most of the world for those with access to formal education—have been trained to understand the philosophical underpinnings of Plato, Aristotle, Locke, Rousseau, and Montesquieu. To do so makes the study of IR truly international, both by including traditional systems of government and governance in pedagogy, and recognizing that those systems themselves are international, with distinct features in different countries, just as our North American and European political cultures shape our better-known systems of government and governance.

SOVEREIGNTY AND ITS CHALLENGES: ARTIFICIAL ISLANDS AND CITIZENSHIP BY INVESTMENT

Despite its status as a cornerstone of international relations and foreign policy, sovereignty has never been sacrosanct. Two types of sovereignty dominate the behavior of countries. The first is the provision of international legal sovereignty, which maintains that international recognition should be accorded only to juridically independent sovereign states. Most sovereign states uphold this principle; however, what happens in a case in which such recognition neither matters to a given entity, nor impedes it from conducting what could be considered foreign policy? The next section on the artificial island of Sealand illustrates this phenomenon. The second type of sovereignty is that based on the Westphalian state system established in 1648, which maintains that sovereign states have the right to exclude intervention from entities outside their borders. This principle, as Krasner and others have shown, has been much more provisional since the nineteenth century, and that provisional nature continues today (Krasner, 1999). While there may be numerous interventions that exemplify this trend, the example chosen for this article is that of citizenship by investment (CBI), especially where the practice began, in some of the smallest sovereign states of the Caribbean region. This section follows that on Sealand.

Sealand

As stated in the previous paragraph, the principle of international legal sovereignty, which

states that only juridically independent sovereign states should receive international recognition from other such sovereign states, as well as intergovernmental bodies and other official entities, is generally upheld. For this reason, recognition counts as a sign of legitimacy in the international sphere. In addition, the refusal to recognize one of two or more entities in conflict, *e.g.*, Taiwan and China, can be used as a tool of coercion. What happens, however, when this type of sovereignty is nullified altogether? Artificial islands such as Sealand offer one example of how this may come about, given the unlikelihood of recognizing an artificial island as a sovereign state. This lack of recognition curtails acceptable international activity. The difference in the case of Sealand, however, is that Sealand's self-appointed head of what he named as a principality essentially disavowed such legal recognition as necessary. Moreover, in the case of Sealand, adherence to the principle of international legal sovereignty on the part of other entities does little to curtail Sealand's self-appointed autonomy. The fact that Sealand is out of Great Britain's legal territorial limits has prevented Great Britain and other sovereign entities from halting its activities. As a result, Sealand has functioned as a hub for extra-jurisdictional activities, as well as for other entities lacking international recognition, the outcome of which is a multiplier effect in which sovereignty has no meaning and thus is not needed to underscore legitimacy.

The entirety of Sealand consists of a man-made platform six miles off the coast of Suffolk, England, which was built by the British during World War II. Since its construction, it has served as a center for unregulated broad-

casting, gambling, and the website domain for the Tibetan government in exile. It is often called a "micronation," defined as "an invented country within a territory of an established nation when boundaries typically go unrecognized on the world stage" (Taylor-Lehman, 2020, p. 1). The term "micronation" distinguishes entities such as Sealand from that of a "microstate," which is recognized according to the principle of international legal sovereignty, often including membership in the United Nations and other world bodies. Taylor-Lehman notes, however, that some consider the term "micronation" inadequate to encapsulate Sealand's scope of autonomous activity (p. 1).

British civil engineer Guy Maunsell designed Sealand, along with other platforms known as the Maunsell Sea Forts, during World War II. Its purpose was to guard the nearby port of Harwich from German attack. During the 1960s, pirate broadcasters occupied the Maunsell Sea Forts, which were abandoned after the war. These pirate radio stations were established to avoid expensive licensing fees in the United Kingdom and were able to garner large audiences and profit from advertising (Klieger, 2011, pp. 197-198).

In 1966, Paddy Roy Bates, a pirate broadcaster who had served as a British army major in World War II, removed the staff that had occupied what was then known as Roughs Tower, later Sealand. On August 14, 1967, the United Kingdom passed the Marine Broadcasting Offenses Act, which prohibited broadcasting from such sea platforms. On September 2 of the same year, Bates declared Roughs Tower independent, named it the Principality of Sealand, and appointed himself as its monarch

(Klieger, 2011, p. 198). Despite Bates and his son Michael being summoned to court on weapons charges, since they had fired warning rounds in defiance of the United Kingdom's attempts to remove them, the court ultimately ruled that Sealand lay outside the United Kingdom's territorial jurisdiction.

As for Roy Bates, he stated that the principality was founded on the "principle that any group of people dissatisfied with the oppressive laws and restriction of existing national states may declare independence in any place not claimed to be under the jurisdiction of another sovereign entity" (Sealandgov.org, cited in Klieger, 2011, p. 198). Bates further engaged the old "law of the high seas" to support the basis of Sealand's alleged *de jure* status, and furthermore contended that court action and official negotiations on the subject of Sealand, both in Germany and the United Kingdom, constituted *de facto* recognition (p. 198). The Territorial Sea Act of 1987 extended the United Kingdom's territorial sea boundary from three to 12 nautical miles. Sealand almost immediately followed suit by extending its own territorial waters 12 nautical miles, and further claimed that its sovereignty was established prior to the change in the British law. Therefore, enforcement of the new law by United Kingdom forces would be considered a violation of Sealand territory and an act of war (p. 200).

Beginning in 2000, Sealand became more involved in unregulated broadcasting, including use by the Tibetan government in exile, since the Dalai Lama was prevented from undertaking political activity while in exile in India.

On June 23, 2006, a fire destroyed Sealand's offices and primary power generator; however, by 2007, damages were repaired, and the platform was offered for transfer, on the premise that a principality cannot be sold. To date, the Bates family continues to administer the island as a sovereign principality.

Sealand's narrative is one of self-appointed autonomy through action. As analyst Roy Smith has explained, "Sealand was founded on territory that was in genuinely international waters and has endured since 1967. All the while, the Sealanders have fought to keep those claims alive in ways unmatched by most other micronations" (Smith, 2008, p. 270). The question for IR scholarship is, to what extent is self-asserted autonomy a direct refutation of legal sovereignty, such that the latter loses importance in affirming international legitimacy? If Sealand's only questionable activities are those that may be resolved by confirming its location outside the United Kingdom's legal control, and if the artificial island does not intervene in the affairs of sovereign states, and in fact offers to such entities as the Tibetan government in exile a way to carry out what could be called national activities, should Sealand not receive more substantive attention in IR?

Returning to the scope of the article, Sealand's designation as an island, especially a small island, forms the basis for such proactive autonomy. Sealand does not compete for territory; on the contrary, it stands as an anomalous rejection, at least for its own purposes, of the prerequisites in international law to be declared a sovereign state. Sealand eschews the benefits, such as membership in international organizations that this status would allow,

and furthermore has the capacity to extend its own alternative to governments in exile or any entity that is unable or unwilling to conform to these standards of international law. Yet, as long as it is not found guilty of human rights violations, illicit trafficking, or violence, it is unlikely to be confronted. It maintains control of its own destiny by rejecting the framework within which most sovereign states operate, and thus conducts its affairs apart from, but not necessarily in violation of, most international norms. As *Atlantic* journalist Ian Urbina has expressed it, “Britain once controlled a vast empire over which the sun never set, but it’s been unable to control a rogue micronation barely bigger than the main ballroom in Buckingham Palace” (Atlantic 2018, p. 201).

As IR analysis usually begins with sovereignty as its point of departure, non-sovereign entities have become an afterthought and are assumed dependent on sovereign states—a clear example being overseas departments. Sealand rejects sovereignty for itself, and therefore, the value of sovereignty also becomes marginal and even nonexistent. Self-endowed autonomy thus supersedes sovereignty in importance, and autonomy occurs through action rather than recognition by others.

CITIZENSHIP BY INVESTMENT IN THE SMALL ISLAND COUNTRIES OF THE EAST CARIBBEAN

Citizenship by Investment Programs (CIP or CBI) are a means whereby a sovereign country grants citizenship to a non-citizen in exchange for a significant economic contribution. CBI programs are of three types: financial donation, real estate, and investment. Donations

are typically deposited in the recipient country’s treasury or a national development fund for the purpose of underwriting development projects. The real estate option, which tends to appeal most to individuals, involves the purchase of property that may be sold after a time agreeable to both parties. The investment option normally covers the purchase of a redeemable financial investment as government security. All Caribbean CBI programs are distinguished from those of Europe by the absence of a residency requirement. More than 20 countries engage in CBI; this article focuses only on the five smallest islands of the East Caribbean region, namely, Saint Kitts and Nevis, the first to adopt CBI, Antigua and Barbuda, Dominica, Grenada, and Saint Lucia, the last to adopt CBI.

More research on CBI is definitely warranted. A recent comprehensive, investigative journalistic analysis of CBI by the Caribbean Independent News Agency has concluded that, despite overall economic benefits, transparency and accountability continue to be key areas of concern. Information on the number of applicants for, and recipients of, citizenship and its benefits varies according to individual islands, but is inadequate overall. Questions surrounding the pressure for greater transparency and accountability include: (1) the extent to which names of applicants may be publicized, as well as to whom they should be publicized, without jeopardizing the program; (2) the criteria to distinguish what can be considered public revenue from direct foreign investment; and (3) the terms of mandatory disclosure from audits and the frequency with

which financial reports should be submitted to the countries' legislatures (Gonzalez, 2022).

Despite the lack of sufficient oversight and regular audits, the importance of CBI funds to small Eastern Caribbean islands is undisputed, a reality that leaves the region in a precarious state following the European Union's (EU's) warning that CBI programs should be terminated. To allay the EU's concerns at least partially, as well to manifest a public display of solidarity with Ukraine, Caribbean countries have stopped CBI applications originating from Russia and Belarus. CBI funds comprise as much as 40 percent of some islands' overall revenue; still, the degree and manner in which the citizens of those countries benefit from the revenue remains a subject of concern and controversy. For example, Saint Kitts and Nevis, which pioneered CBI in 1984, has been criticized for containing loopholes in its CBI legislation, which result in only a few cases proving profitable, especially in real estate, where some applicants receive their passports prior to completion of projects (Gonzalez, 2022). Similar concerns have arisen regarding CBI in Antigua and Barbuda, Grenada, and Dominica, all of which depend heavily on CBI funds for infrastructure, including schools, hospitals and in the case of Dominica, a major airport. Allen Chastanet, the former Prime Minister and current Opposition leader of Saint Lucia, the last of the Eastern Caribbean islands to adopt CBI, stated that the deeply embedded nature of CBI in the Caribbean region left Saint Lucia with little choice but to follow suit:

Whether St. Lucia had a CIP or not, it was in the CIP, because we were a part of the

Organization of the Eastern Caribbean States (OECS) union, and we had St. Kitts (and Nevis), we had Antigua (and Barbuda), we had Dominica, we had Grenada, so for many years there were examples of persons coming from China who got citizenship in Dominica and by virtue of being a citizen in Dominica, had free access to our market, so in essence, we were already in the CIP program. When we opened it, what we wanted to do was be different (Gonzales, 2022).

That difference was the introduction of an assessment by an independent auditing firm as part of its reporting process. However, to compensate for a potentially lesser appeal, Saint Lucia lowered its entry cost. Chastanet has further recommended that all of the Caribbean region's CBI programs be placed under the administration of the Organization of Eastern Caribbean States (OECS) as a means of further increasing credibility with the European Union. Saint Lucia also became the first in the region to include a government bond investment option.

SUMMARY AND CONCLUSIONS

The preceding pages have presented several examples of the way in which small island countries, as well as artificial islands, form a dialectic that is valuable—indeed, necessary—to a more complex and comprehensive study of IR. By virtue of their geographical location and resources, including peoples whom colonizers enslaved and traded, African islands such as Cabo Verde and Mauritius are microcosms of conquest and subjugation, but also the birthplaces of multiple identities

and a Creole cosmopolitanism. Thus, they are *antithetical* to the concept of islands as self-contained entities off the coast (literally) and on the sidelines of larger powers. The *synthesis* of this dialectic is a recognition of centers of commerce that have also evolved into centers of culture and cultural exchange. Malta's centrality has evolved somewhat differently, but again, Malta poses an antithesis to conventional concepts of power as rooted in size and military or economic strength. Although Malta's geostrategic importance brought it to the forefront during wartime (including at its own expense), even more noteworthy was its legacy of first-rate hospitals, which ironically were established by an order that eschewed territory and property ownership as more of a hindrance than an asset. Malta thus epitomizes a synthesis of norms and strategic neutrality as the ultimate outcomes of its use as a military base, and those outcomes are the cornerstone of Malta's grand strategy, which fundamentally departs from the premise of most grand strategies that emphasize that an increase of military and/or economic power is necessary to optimize national interest. The small islands of the South Pacific pose yet another antithesis, that of a sovereignty based more on Aristotelian concepts of society than on Westphalian legal demarcation. Functionally, this concept serves these islands particularly well in times of pandemic and accompanying global economic downturns, as they not only benefit from remoteness and isolation, but have independent survival systems in place. This is not to suggest that this arrangement will sustain these islands in the long term, for they are as interconnected to the global economy as their counterparts.

Rather, it presents yet another synthesis, an example of a larger concept of sovereignty than conventionally discussed, and also introduces the concept of geographical isolation as a potential asset, depending on regional and global context. International implies connected; yet at times the disconnected is also salient.

Finally, two challenges to sovereignty are the creation and operation of artificial islands and the practice of citizenship by investment (CBI). The former is an antithesis to conventional IR by essentially dismissing the need for sovereignty as defined by international law. Rather, self-appointed heads of artificial islands such as Sealand establish a type of sovereignty by exercising autonomy. This, of course, can present great risks to international security, but at the same time, in a world in which non-state actors are increasingly proliferate and active, artificial islands can also present an antidote to harmful non-state activity. Similarly, CBI both contributes greatly to small island economies and also circumvents the classic tenets of citizenship that help to maintain international order. Both artificial islands and CBI are based on norms that do not require traditional sovereignty to operate. In this way they are clearly antithetical to current IR, yet their potential synthesis has yet to be realized.

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**ESTADOS INSULARES
Y ESTRATEGIAS GLOBALES
DE PODER EN EL OCÉANO ÍNDICO**

**POWER GAMES AND THEIR HISTORY
IN THE INDIAN OCEAN: A MAURITIAN
PERSPECTIVE**

Nirmal Kumar Betchoo

**TIGHTROPE BALANCING IN A TIME OF
RISING GREAT POWER COMPETITION:
AN ASSESSMENT OF SRI LANKA'S
RELATIONS WITH INDIA AND CHINA**

Shakthi De Silva

Power games and their history in the Indian Ocean: A Mauritian perspective

Nirmal Kumar Betchoo*

ABSTRACT

This paper aims to discuss the situation of Mauritius in the post-colonial geopolitical configuration of the Indian Ocean. The island nation, a former British colony that has been independent since 1968, is today confronted with geopolitical issues that place it within a dilemma. Its recent allegiance with India, through preferential trade partnership, makes claiming sovereignty over the Chagos Archipelago which was part of its territory before independence complicated. There is an ongoing conflict with Great Britain and, indirectly, the United States on this contentious issue. At the same time, Mauritius needs to consider China's influence in the region since it partners with most of the independent na-

tions on matters of economic development. Mauritius itself has established an important trading platform through Chinese assistance. Concurrently, the Mauritian relationship with the United States cannot be compromised as it has been the major trading partner since 1794 with an embassy established in 1968. Hence, trapped between economic ties from all the partners engaged in the Indian Ocean, Mauritius strives to maintain its neutrality, while also being obliged to accept that its location, size and influence might not be enough to contest against past and emerging superpowers. To this end, the power games remain as complex as ever in the Indian Ocean when seen from a Mauritian perspective.

Key words: Geopolitics; Mauritius; Indian Ocean; power game; India; China.

* Doctor of Business Administration DBA (SMC Education Malta). Senior Lecturer. Department of Management. Faculty of Business and Administration. Université des Mascareignes, Republic of Mauritius. [nbetchoo@udm.ac.mu] ; [https://orcid.org/0000-0002-5183-078X].

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La historia de los juegos de poder en el océano Índico: una perspectiva mauriciana

RESUMEN

Este artículo discute la situación de Mauricio en la configuración geopolítica poscolonial del océano Índico. Este Estado insular fue primero una colonia británica y obtuvo su independencia en 1968. En esa época, el archipiélago de Chagos, que hacía parte del territorio de la isla, fue extirpado de Mauricio. Después de la independencia, Mauricio se enfrentó continuamente a la Guerra Fría entre Occidente y la antigua Unión Soviética, al tiempo que pedía la descolonización del archipiélago sobre el cual Mauricio afirma tener soberanía. En el contexto actual, existe una nueva configuración geopolítica que ha visto el surgimiento de países en desarrollo como China e India como nuevas naciones emergentes que buscan ejercer influencia tanto militar como económica en la región. En lo que concierne a China, hay un gran avance con el desarrollo del Cinturón Marítimo de la Seda, mientras India persigue el sueño de mantener el poder en un océano que lleva su nombre. Desde la perspectiva mauriciana, aún queda el objetivo de terminar con la descolonización de Chagos, mientras se enfrenta a la influencia de las nuevas potencias que dominan el contexto geopolítico actual. También existe el problema para Mauricio de mantener lazos políticos con potencias emergentes como China e India, al tiempo que mantiene sus relaciones históricas con Occidente. El nuevo paradigma, en con-

secuencia, establece un argumento complejo en la nueva configuración geopolítica.

Palabras clave: geopolítica; Mauricio; océano Índico; juegos de poder; India; China.

INTRODUCTION

The Indian Ocean, spanning from the Eastern coast of Africa to the shores of Australia and Indonesia, has been under focus regarding power games from the established superpowers, the United States and Russia (ex-USSR), and new, powerful entrants, namely China and India. Geopolitical issues have shifted from the dominance of former powers to the increasing interest of the emerging powers that aim to assert their dominance in the global scene today. China has a keen interest in developing maritime ports and infrastructure to position itself strategically in the region and, more importantly, use this area to expand its maritime Silk Route Initiative. India, on the other hand, considers the Indian Ocean, bearing its patronym, as the ocean where it should extend its influence under the current Narendra Modi regime.

From this standpoint, the power games in play are changing by shifting from the bipolar influence of the United States and Russia to an incipient influence of China and India. In this scenario, Mauritius stands at a crossroads as its population is made up largely of migrants from India and China, and where economic ties are bound by ancestral and historical ties. It has maintained a neutral position as a non-aligned nation but is condemned to maintain economic ties with the United States, its main export market. Concurrently, Mauritius claims

its sovereignty over the Chagos Archipelago located in the middle of the Indian Ocean where it confronts both Great Britain and the USA, with support in this intense debate and conflict coming from India.

This paper aims to explain the current situation from a historical perspective and highlight the geopolitical imbroglio of Mauritius as a small island nation aiming to maintain its integrity as an independent state, while also being capable of exploiting the Indian Ocean as a major economic zone. At the same time, the complex geopolitical moves of China and India which might oppose those of the USA, urge the need for Mauritius to maintain an equilibrium between claiming sovereignty over islands that belonged to it historically

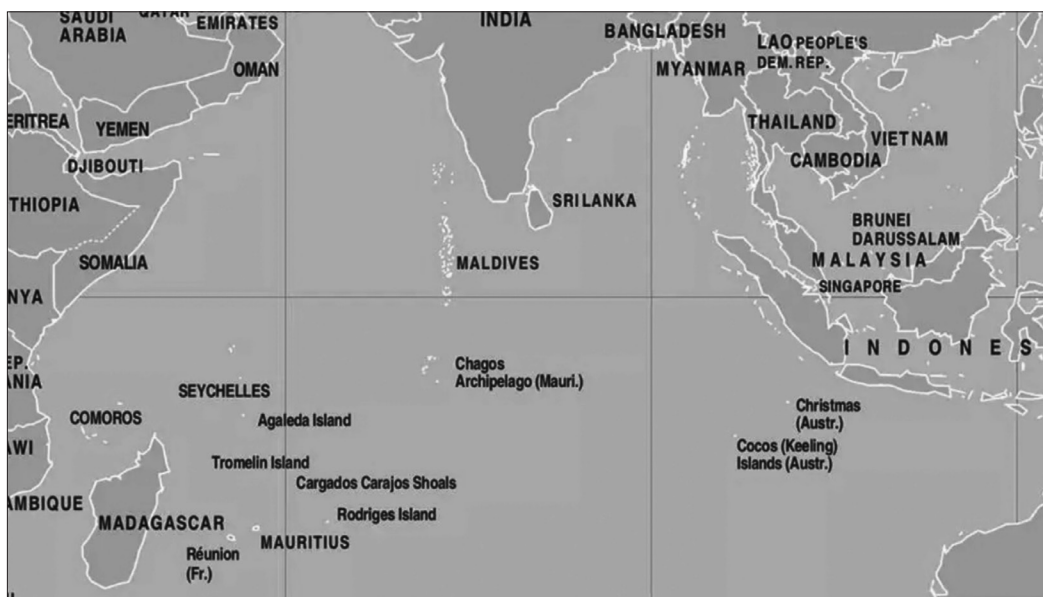
and preserving neutrality in order to reduce political tensions among the nations contending military dominance in the Indian Ocean.

AN OVERVIEW OF THE INDIAN OCEAN

It would first be important to provide readers and prospective researchers with an overview of the Indian Ocean before proceeding with the issue of geopolitics.

The Indian Ocean is the third largest of the world's six ocean divisions and contains 70,560,000 km² or 19.8% of the Earth's surface water. It is bounded by Asia to the north, Africa to the west and Australia to the east. To the south, it is bounded by the Southern Ocean (Meriam-Webster Dictionary, 2022).

Map 1.
Map of the Indian Ocean



Source: Radio France International (2020).

The Indian Ocean has been known by its present name since at least 1515, when the use of the Latin form “*Oceanus Orientalis Indicus*” can be proven, borrowing from the name of India, which projects into it. It was previously known as the Eastern Ocean, a term that was still in use during the mid-18th century (Harper Douglas, 2022).

In general, countries located in the ocean are best described as Indian Ocean islands, while African countries, India, Malaysia, and Australia form part of the Indian Ocean Rim, an association of Indian Ocean member nations. Thus, island nations like Sri Lanka (south of India), Zanzibar (off the east coast of Tanzania), Seychelles (halfway across the Indian Ocean) and countries in the southwestern Indian Ocean such as Madagascar, Mauritius, Rodrigues, Comoros, Mayotte, and Reunion Island, can be understood as the main Indian Ocean populations.

STRUCTURE OF THE PAPER

The objective of this paper is to explain the current geopolitical movements in the Indian Ocean from the Mauritian point of view. First, a brief account of the power games in the region is given by examining the various powers that were interested in conquering this area. Following this, the geopolitical configuration of the Indian Ocean is explained by the predominance of England and France during the last centuries.

The Cold War period was both a pre- and post-colonial issue for Mauritius which claimed the Indian Ocean to be a zone of

peace, free from militarisation and nuclear influence.

The present-day focus of this paper will explore the new paradigm unfolding in the international framework resulting from the growing influence of China and India in the region and their respective strategies of influence and domination. Mauritius, taking a neutral stance, has to adapt to, and bear with, the new configuration to navigate through the complexity of geopolitics in a post-colonial and neoliberal trade context.

EARLIER POWER GAMES IN THE INDIAN OCEAN

The issue of power games in the Indian Ocean is not a novel concept. The historical perspective needs to be briefly described to portray the degree to which colonial powers influenced trade and control over the islands. The times of colonisation date back to the last three centuries and not a single island was spared. That being said, the Indian Ocean has been an arena for new encounters, discoveries and exchanges. The Arabs and Phoenicians are considered to be the first generation of people who moved into the Indian Ocean region. As they moved to different countries propping up the Indian Ocean, they also stopped at islands that had not been discovered before. According to Chateau (2014), Arab trade in the Indian Ocean was mostly peaceful and uncontested during the medieval period, therefore the Arabs did not feel the need to establish military strongholds or a physical presence in Mauritius or other neighbouring islands. The Arabs brought

Islamic culture to neighbouring countries in the eastern and southern part of the Indian Ocean. The Swahili language and Islamic culture were passed on to islands like Comoros and Zanzibar. Beaujard (2015) argues that the rise of Swahili city-state culture has led to an increasing integration of peripheral regions of the African coast into the world-system. New coastal settlements are appearing in the Comoros and Madagascar, linked to the African coast.

The Portuguese and Dutch had to round the Cape of Good Hope in South Africa because no maritime route had been developed between the Mediterranean Sea and the Indian Ocean. At the turn of the 16th century, the arrival of the Portuguese on East African coasts and in the Indian Ocean prefigured the advent of profound changes in existing trans-regional social and commercial networks (Roque, 2017). Such a long and tedious journey might not have met the expansion needs of these two former colonial powers. Szczepanski (2019) points out that Portuguese sailors under Vasco da Gama (c. 1460-1524) rounded the southern tip of Africa and ventured into new seas. Rather than incorporating themselves into the existing business model, as the Portuguese had done, the Dutch sought a total monopoly on lucrative spices like mace and nutmeg.

BRITISH AND FRENCH INFLUENCE IN THE INDIAN OCEAN

Alongside the Portuguese and the Dutch who were interested making advances in the Indian Ocean region, England and France set

out to conquer the world and could not avoid entering the zone. The British had long since conquered some important parts of Asia and Africa and wanted to take advantage of existing trade routes to consolidate their presence in strategic locations. Much of Africa was under British rule, from Egypt and Tanzania to the former Rhodesia (Zimbabwe) and South Africa. The arrival of the British certainly disrupted traditional African culture and ways of life. This deepened the gap between African chiefs and their people, but changed African economies and made them dependent on trade with Britain (National Archives, 2020).

In a similar vein to the British philosophy of conquering countries to adhere to Queen Victoria's desire that *Rule Britannia* would sound to the ends of the earth, the French also went to conquer as many places as they could. According to Cormack (1997), this perception of geography provided scholars with a sense of English superiority and potential hegemony, as well as examples of the heroic exploits of those champions of English expansion who had preceded them.

French influence was also important to the region as they yearned to conquer islands in the same way as the British. Mulayim (2017) comments that the colonies made important contributions to France and while the French have lost many, they did not want to give up their privileges in the context of political, cultural, economic, and military relations. France continued thereafter to maintain exceptional relations, in particular with the countries of sub-Saharan Africa.

INDEPENDENCE AND FREEDOM: WHERE IS THE LINE OF DEMARCATION?

All Indian Ocean islands gained independence after World War II. Madagascar was liberated from French rule while Mauritius and the Seychelles became independent in 1968 and 1976 respectively and became members of the Commonwealth (Indian Ocean.com, 2020).

With regards to cultural imperialism, it is clear that the independence acquired by most countries freed them from colonial domination, although the main languages remain French, in Madagascar and Reunion, while English is the official language in Mauritius and the Seychelles.

Mauritius became a member of the Commonwealth in 1968 and carved its own way as a newly independent nation. From what was then a novel perspective, the country had to witness the Cold War already taking place in the Indian ocean waters,

MAURITIUS WITHIN A COLD WAR CONTEXT IN THE INDIAN OCEAN

World War II is considered the bloodiest war in modern history which claimed the lives of 80 million civilians. Although there was a period of national reconstruction after this major episode, it led to the Cold War that developed between the former Soviet Union and the United States. As the Soviets tightened their grip on Eastern Europe, the United States embarked on a policy of containment to prevent the spread of Soviet and Communist influence into Western European countries (JFK Library, 2022). During this period submarines moved

on the bottoms of the different seas of the world and the Indian Ocean was no exception. Submarines moved across the ocean and became a major concern for the reigning forces, the United States and the former USSR, which developed as two superpowers.

The United States considered this region to be of strategic importance because it could view the former Soviet Union from a good vantage point. The US administration established a naval base at Diego Garcia which is part of the Chagos Archipelago. Diego Garcia is the largest of 55 islands and was separated by the UK from its colonies of Seychelles and Mauritius to create the British Indian Ocean Territory in 1965 (Herzinger, 2021). These groups of islands were exempted when Mauritius gained independence in 1968. Built by the British in 1970, Diego Garcia Air Base was originally designed as part of a Cold War move to counter Soviet aggression in the Indian Ocean (Koontz, 2021). However, it was a compromise where independence was tied to Mauritius and the possibility of establishing a naval base became a reality for the United States which also had its presence in the Pacific region, namely the Mariana Islands.

For the former Soviet Union, this condition posed a major threat as it found its sternest enemy on its doorstep. Leonid Brezhnev developed ties with large developing countries like China and India and wanted the former Soviet Union to maintain its influence in the Indian Ocean by finding allies like Madagascar and the Seychelles. Zwicewicz (2019) states that from the 1950s to the 1990s, events such as the decline of colonialism and the rise of independence, numerous political upheavals,

coups, and the rise of violent conflict on the continent provided many opportunities to the Soviet Union and their influence on the continent through economic and political initiatives.

MAURITIUS AMID INFLUENCES IN THE COLD WAR

The Mauritian position was quite different as it emerged as a new nation after nearly two centuries of British colonialism while still leaning on the side of the western world since it had strong trade ties with Europe and the United States. Battersby (1987) stated that although Mauritius is officially non-aligned, its cultural ties with France, India and Britain remained dominant. It also had trade relations with then apartheid-dominated South Africa, with which it traded tea, its second most important export. Battersby (1987) further pointed out that despite growing international pressure for sanctions against South Africa, Mauritius, which formally opposed apartheid, had no intention of cutting its ties economic with Pretoria.

Madagascar or the Malagasy Republic, although heavily influenced by French imperialism in the near past, was leaning towards the communist system favoured by its president Didier Ratsiraka. He quickly advocated for Leninist “scientific socialism”, in which a strong and armed administration leads the social revolution (Marcus, 2004). The same situation prevailed in the Seychelles where President Albert René led a one-party system during his reign, with most influence coming from the former Soviet Union. After the 1977

military coup, a one-party state was institutionalised under which there were no-choice elections, and civil and political liberties were suppressed (Franda, 1982). In this strategic game, Mauritius has remained the most open to the Western style of democracy which has been favoured by the United States and Western Europe. Réunion Island was a considered another ally of the West, given that it was, and remains, under the control of the French government.

The Indian Ocean islands have all faced some degree of communist influence through the global notoriety of leaders like Fidel Castro, Che Guevara Brezhnev, Marshal Tito, and other notable leaders like Samora Machel, Nelson Mandela, and Joseph Kenyatta among others. These personalities had a real influence on the politicians on the rise at that time. McDevitt (2018) points out that the Soviet Union’s decision to deploy what has become a substantial naval presence in the Indian Ocean was also greatly facilitated by the fact that the region was already plagued by anti-Western and anti-imperialist ideals.

The Cold War led to the militarisation of the Indian Ocean, with submarines being equipped with missiles and sophisticated equipment. Diego Garcia had become an important naval base for the Americans who used this location to help countries in different wars. There was also an imminent nuclear threat in the Indian Ocean. Brewster (2015) pointed out that while the world focused on the dangers that a nuclear-armed Iran could present in the Middle East, potentially more dangerous and unstable nuclear proliferation has been occurring in the Indian Ocean.

The strategic position of the United States in the Indian Ocean had been decisive for the American administration. The nearly four-decade-long war in Afghanistan, including the invasion of Iraq from 2003, depended heavily on Diego Garcia as an important military base to send armaments and supplies to the US military. The iconic WWII B52 aircraft were also used during the US-Iraq conflict. Conde (1991) mentioned that since the start of the Persian Gulf War on January 17th, 1991, B-52s based in the Gulf region and at an American base on the island of Diego Garcia in the Indian Ocean hammered the Iraqi Republican Guard elite troops entrenched in occupied Kuwait.

The Cold War saw submarine movements on the Indian Ocean floor. At the time of their dominance, Russian submarines were located in the Indian Ocean. Friedman (2019) stated that although sea-based attack forces were dwarfed by their land-based counterparts, their existence forced the Soviets to extend their strategic defences over much wider areas. These were also combined with the illegal fishing practiced by the Russians. The Japanese have also benefited from the exploitation of maritime exclusive economic zones shared between Mauritius, the Seychelles and the Maldives. Until recently, the delimitation of these maritime zones allowed the various island nations to have more surveillance and sovereignty in these areas where illegal fishing from foreign countries could be prohibited. Potgieter (2012) states that the Indian Ocean region is known for its complex sub-regional geopolitical and geostrategic associations, while cooperation mainly occurs in the spheres

of economy and trade, rather than security, and is to a large extent hampered by distrust and lack of interaction.

MAURITIAN CLAIM FOR SOVEREIGNTY OVER THE CHAGOS

A significant area of concern regarding the Indian Ocean stems from the various disputes that have existed over the years in the region. From a Mauritian perspective, there are contentious issues regarding Mauritius' role and influence in the region.

The Chagos Archipelago is involved in one of the major disputes Mauritius currently has with its former colonial power, the United Kingdom. In 1965, Britain leased Diego Garcia and other islands of the Chagos Archipelago to the US government for 50 years (Cultural survival, 2020). Since its independence in 1968, the Chagos Archipelago has been appropriated from Mauritius and considered part of the British Indian Ocean Territory (BIOT), an exclusive maritime zone for England. This designation is not approved by the Mauritian government. Mills and Butchard (2021) state that the UN General Assembly passed a resolution which sided with Mauritius and called on the UK to end its administration of BIOT within six months. The inhabitants of Chagos were forced to leave their native islands and were mainly deported to Mauritius with a lower number to the Seychelles. This situation alienated the Chagossians who saw it as a grave injustice for which there has been little compensation given to some 3,000 islanders, with the younger generation shipped off to Crawley, England (Demetriadi, 2017).

The bleak fate of the Chagossians was expressed internationally at the International Court of Arbitration in The Hague, The Netherlands, where a resolution was passed in favour of Mauritian sovereignty over the islands. Bowcott (2019) mentioned that although the majority of the decisions made at the International Court of Justice are only advisory, the unambiguous clarity of the judges' pronouncement deals a humiliating blow to Britain's prestige on the world stage. The issue is still ongoing that the UK is overlooking the verdict.

More territorial issues in the Indian Ocean involving Mauritius relate to the dual use of the Saya de Malha Bank for fishing alongside the Seychelles as this has been a contentious issue in the past. Mauritius and the Seychelles have individual or joint jurisdiction over the waters and the entire seabed of the shelf (Convention for Biological Diversity, 2015). Another concern has been the demarcation of marine territory between Mauritius and the Maldives. Moreover, after a long debate concerning the ownership of the island of Tromelin, a fishing bank on the northeast coast of Madagascar, dual administration with the French is currently in place.

MAURITIAN DESIRE FOR A ZONE OF PEACE IN THE COLD WAR

The question of whether the Indian Ocean will be demilitarised or remain a peaceful arena remains highly debatable at a time when armed conflicts could break out at any time and without prior warning. This is the real case in the current Ukraine-Russia war. Tensions in Asia

across borders are still evident with military conflicts on the Indo-Pakistan border. The same goes for surveillance in the line of control areas of China and India. In Eastern and Southern Africa, tribal tensions often bubble over. These conflict zones apparently need the support of the military powers, either in the form of military assistance or through arms sales, for example, France recently sold several fighter jets to India for a substantial price. Mukhopadhyay (2020) comments that within this power struggle which has successfully manifested itself around the Indian Ocean between the great powers of India-USA and on the other hand China, the other factor in the equation that was successfully added by the United States to mitigate China's assertion was another rising Asian power – Japan.

Islands in the Indian Ocean may also need to be protected against terrorist threats and the exploitation of their maritime exclusive economic zones. The possibility of making the Indian Ocean a zone of peace remains a utopia as the presence of the USA, France and emerging powers such as India and China is increasingly felt. The suggestion of a peaceful zone in the Indian Ocean was first placed on the agenda of the General Assembly in 1971, under an item entitled "Declaration making the Indian Ocean a zone of peace". As a result of this initiative, the General Assembly adopted resolution 2832 (XXVI), whereby the Indian Ocean, within limits to be determined, together with the airspace above and the ocean floor below, has been designated forever as a zone of peace (United Nations, 1983).

Island nations like Mauritius, Madagascar, and the Seychelles are technically demili-

tarised because they don't have armies. They need the support of friendly countries to help them in case of conflict. They are in the middle of a dilemma where they need the cooperation of the United States to enforce democracy in the region and maintain trade relations on which they depend heavily. On the other hand, South-South cooperation is equally important and for this reason, all the islands are reaching out to welcome both China and India. France, meanwhile, occupies Reunion and Mayotte as its overseas departments and exercises surveillance in the South Seas with outlying islands like Kerguelen. Bolaky (2020) comments that South-South trade and investment in productive, non-oil-and-gas sectors of the blue economy driven by the private sector can be mutually beneficial for all parties.

THE CONTEMPORARY GEOPOLITICAL POWER GAME IN THE INDIAN OCEAN

The Cold War ended when the Berlin Wall was dismantled in 1989, allowing Eastern Europe and former pro-Russian nations to join and act as part of an enlarged European Union (Official Gazette, 2004). This condition allowed the United States to command in terms of military sovereignty globally and this was further evidenced by the split of former Soviet Union republics like Azerbaijan, Turkmenistan, Kazakhstan, Georgia, Belarus, etc.

On the other hand, the developing world has begun to progress both economically and politically. Two large countries representing almost a fifth of the world's population have experienced unprecedented growth of around 8 to 10% since the creation of the World Trade

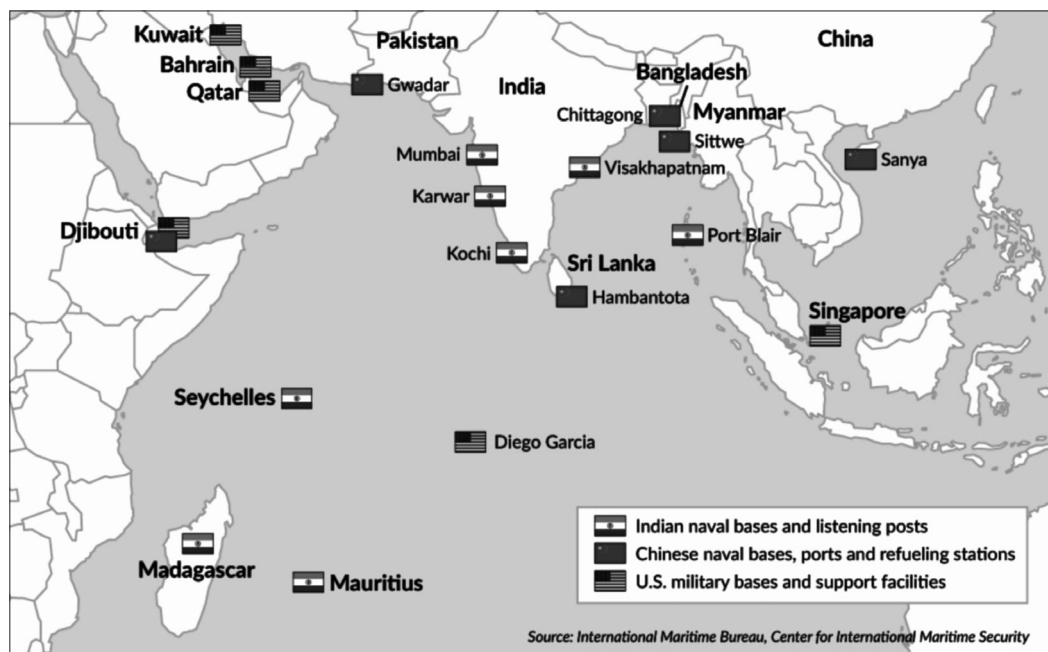
Organisation (WTO). At the time of their accession to the WTO, China and India were still lagging behind because they did not benefit from the opportunities of a much larger and deregulated world market. Bhatt et al (2006) claim, however, that India and China are becoming the economic powerhouses of the Asian region.

There could also be the issue of political leadership moving the two nations forward. Deng Xi Ping's unrivalled fist rule helped China enter the league of powerful nations of the world, followed by the rise of nationalist leader Narendra Modi in India. Far from how previously they had played timid roles of non-aligned nations, both nations aimed to become emerging powers from the new millennium onwards and become fully involved in maintaining their dominance and felt presence in the global league of nations. Chandran (2022) argued that both leaders were assertive and willing to make bold decisions, which previous leaders were either unconfident or afraid to make.

CHINA AND INDIA AS EMERGING POWERS IN THE INDIAN OCEAN

The power game in the Indian Ocean has evolved over the years due to the emergence of China and India on a global level. The two nations have the world's largest population by country, over 2.8 billion combined in 2021 (O'Neill, 2021). Earlier in history, China and India were considered as poor countries with limited room for improvement because they depended on primary and secondary industries. They had a strong labour-intensive ag-

Map 2.
Power games in the Indian Ocean



Source: International Maritime Bureau.

gricultural base and such industry formed the backbone of the respective economies.

Both China and India espoused political ideals based on socialism which involved the commanding role of the state over the people with the ability to look after the common welfare of the citizens. China was named the People's Republic of China under Mao Zedong who ruled the economy with a strong fist and brought about the Cultural Revolution. Philipps (2016) comments that Mao saw his political campaign as a way to reinvigorate the communist revolution by strengthening ideology and eliminating opponents.

China espoused the communist system through which it succeeded in eradicating absolute poverty and bringing a degree of social justice to its citizens. Over the decades, it has forged economic ties with the former Soviet Union and pro-Communist countries.

India is by far the largest democracy in the world with a colonial legacy left by the British. After its independence in 1948, India suffered politically from the partition with Pakistan, which was part of its western state, and similarly with the independence of Bangladesh in the east in 1971.

India faced both political upheaval and famine during the first years of its independence

from the British Raj. The country has maintained its neutral position in global geopolitics as a founding member of the Non-Aligned Countries. The Non-Aligned Movement had become an effective means of promoting India's diplomatic presence and a means of obtaining international economic assistance (Clarias Team, 2022). India has, however, maintained close ties with the former Soviet Union with which it has developed commercial and political ties due to the socialist system it has adopted since its independence.

From this perspective, this paper will individually account for China's and India's interest in the Indian Ocean and how these two nations are now important players in the power game.

CHINA'S INFLUENCE IN THE INDIAN OCEAN

China has always viewed sea lanes as a mode of communication in its international trade endeavours. It was considered the Middle Kingdom in centuries past, while it lost its power when Western nations took over global trade. Florek (2020) said the appellation implied its superior role as the centre of civilisation or even the world.

The Silk Road Initiative is one of the most important strategies developed by China to re-define its influence on a global scale. Initially, it was the region of Central Asia that needed to be the focus of infrastructure projects such as the construction of highways in order to allow China to connect to the West. This is a very ambitious project in which China has developed new collaborations with all the countries of Central and Eastern Europe who

have encouraged it to achieve its communication strategy and its ambition to become the emerging economic power. The Asian giant has also developed a maritime hub in Piraeus, Greece, to strengthen its presence in Europe.

Connecting to the African continent has been difficult as the continent does not have much infrastructural development, although China could help develop highways in several African countries through the Silk Road Initiative. According to Luckock (2016), the 21st Century Maritime Silk Road is a planned maritime route with integrated port and coastal infrastructure projects from the east coast of China to Europe, India, Africa and the Pacific through the South China Sea and the Indian Ocean.

This aspect of China's influence in Africa is made complex because India does not allow it to cross its borders. To counter this problem related to certain political conflicts between the two nations, China has developed military and maritime infrastructures in three strategic places, namely Sri Lanka, Pakistan, and Djibouti (see Map 2). These naval bases allow China to circumvent its entry into India but also to demonstrate its presence in the northern region of the Indian Ocean.

China has extended its arms to many African countries. In the eastern part of Africa bordering the Indian Ocean, China has developed bilateral relations with various nations to expand its Silk Road influence in this region.

THE MAURITIAN POSITION WITH CHINA

Regarding the Indian Ocean islands, Mauritius, the Seychelles and Madagascar maintain

excellent relations with China. Mauritius has an established long-term political relationship with China resulting from bilateral trade cooperation. Since the establishment of diplomatic relations on April 15th, 1972, bilateral relations have gone smoothly. Today, China is Mauritius's second largest trading partner (Rucal, 2017). The aforementioned countries also have a noticeable Chinese diaspora on Reunion and Rodrigues. The Indian Ocean islands benefit from multiculturalism and allow each community to live without borders.

Beyond China's cultural presence in the Indian Ocean, the Chinese government has provided aid to the Indian Ocean islands both financially and economically. In Mauritius, several projects have been developed by China such as the Safe City project and the construction of highways, transport, and telecommunication systems. A major smart city project named Tianli is underway in Mauritius, which is also seen as a hub for China to make inroads into the South African region where it aims to maintain its presence (Rucal, 2017).

The Indian Ocean route is important to the Chinese government as it transports its important goods to Europe traveling through the waters of the South China Sea, crossing the northern Indian Ocean region, and connecting the Mediterranean to the Red Sea. Its presence in Africa makes it more necessary than ever for the transit of large volumes of construction infrastructure needed by African nations. At the same time, the passage through the Indian Ocean affirms the presence of China in the region. Hannah (2019) argues that China has taken a more radical approach. It geostrategically defines South Asia and the Indian Ocean

as an extension of its Maritime Silk Road, the trade and infrastructure corridor linking coastal China to other Asian countries.

Venkatasweran (2020) argues that the Indian Ocean figures prominently in China's strategic thinking. China also aims to actively participate in establishing and safeguarding the international and regional maritime order, which is a clear revelation that it does not accept the prevailing status quo. African nations have expressed that despite political disparities with China regarding its human rights policies, China, at least, is developing infrastructure that previous superpowers have not done before. Hanauer and Morris (2014) state that many African leaders hope that China will interact with them in a way that the United States and other Western governments do not – by engaging economically without patronising preaching about good governance.

INDIA'S INFLUENCE IN THE INDIAN OCEAN

India's history could have explained its earlier influence on geopolitics. Being an extension of the first human civilisation in the Indus region, Mesopotamia and adjoining regions, India is home to Hindu, Buddhist and Islamic culture. Such cultural mixing made India a major empire in the South Asian region before being successively conquered by the Mughals and Great Britain. The Mughals maintained a powerful empire for centuries and established an impressive government and social organisation by Asian standards. However, the intellectual revolution in Western Europe, the new spirit and new discoveries, and the wide dissemination of knowledge enabled England

to conquer India (Majumdar et al, 1984). After being conquered for centuries, India could not achieve the same level of expansion economically compared to China.

The naming of the Indian Ocean is based on the presence of India as the subcontinent protrudes like a peninsula into the Indian Ocean region. Previously, India's influence extended regionally westwards towards the Middle East and the Persian Gulf, and to Malaysia and Thailand in the Far East.

India's independence in 1948 was the first test to see whether the country could survive on its own economically. This in itself has been quite a tumultuous history involving making *peace* with its neighbours by engaging in the Indochina War in 1962, the Indo-Pakistani War in 1965 and 1971, as well as the partition of East Pakistan, renamed Bangladesh in 1971. Internally, India has been affected by famine, community savings, border disputes with Pakistan and China, as well as growing demography which resulted in high levels of lower-class poverty. Pokraka (2019) adds that India became a nuclear power in 1974 and Pakistan developed the same weapon in 1998.

India's desire to dominate the Indian Ocean has been evident since the arrival of the leader of the nationalist Bharatiya Janata party, Narendra Modi. In a bid to show a more powerful India, the Modi government has witnessed India's phenomenal growth over the past decades in a manner more or less similar to China. Infrastructure development, foreign direct investment, and improvement of facilities to reduce poverty have been quite marked in the Indian subcontinent.

India has also considered an expansionist policy in the region but has too often been blocked by border disputes with Pakistan and nations less welcoming of cooperation such as Bangladesh or Burma. The perception that Africa could be a pillar of India's long-term progress has gradually grown and it would be via the namesake ocean that the Great Peninsula now aims to develop. Baruah (2021) states that the Indian Navy claims the entire Indian Ocean as its area of responsibility and prides itself on being the first to respond to it in the event of natural and humanitarian disasters. Narendra Modi, as quoted by Jaisankar (2016), has asserted that India is at the crossroads of the Indian Ocean and the Indian Ocean region is at the top of his political priorities.

The presence of the Americans in Diego Garcia is known to the world, as are their claims to long-term supremacy as a military power in the region. The former USSR was driven out long after the former Soviet republics split into independent states since the 1990s. China is well placed to maintain its presence with military bases in Sri Lanka, Pakistan and Djibouti. India cannot remain stationary at this stage (see Map 2).

THE MAURITIAN PROXIMITY TO INDIA WITHIN INDIAN OCEAN GEOPOLITICS

India has apparently privileged its socio-cultural relations in the Indian Ocean. The population of Mauritius is made up mostly of Indian descendants, while the Seychelles also has a large population of Indian descent. India has maintained excellent economic ties with

Mauritius, and remains its most important investor in terms of foreign direct investment.

India has extended its cooperation with mainland Africa by organising summits to welcome African leaders to join Indian joint ventures. Compared to China, India is lagging behind in terms of dominance in Africa as it does not invest in infrastructure like China is able to do. Chaudhury (2022) asserts that the fundamental trait on which China and India diverge stems from their long-term goals. From the nature of the policies followed, it is evident that China seeks dominance, control, and strategic gains. India, on the other hand, aims for little more than a partnership based on equality, mutual respect, and benefits (Chaudhury, 2022). Nevertheless, India's cooperation in science, medicine, technology, and business opportunities could provide opportunities for the subcontinent to enter Africa.

Mauritius needs to play the equilibrist role here. India is financially helping Mauritius to develop mega-projects such as hospitals, modern transport systems, and cultural centres. At the same time, it receives support from the Mauritian government as India is among the major economies supporting Mauritius in its efforts to claim the Chagos Archipelago.

India's overt presence in Mauritius is reflected in the development of infrastructure for military and surveillance purposes in Madagascar, the Seychelles, and Agalega, a dependency of Mauritius. This latter issue has been the subject of controversy among members of the Mauritian National Assembly expressing their concern over the sovereignty of Mauritius with regard to the Indian military presence in the region. Bashfield (2021) states that India views

the new base as essential to facilitate aerial and surface maritime patrols in the South West Indian Ocean, and as an intelligence outpost.

As shown in Map 2, India is gaining prominence in terms of military and political strategy in the Southern Indian Ocean region, causing other powers like the United States, China, and even France to disapprove of India's presence in the region. On the other hand, the various island nations might consider this to be indicative of South-South cooperation and a "win-win" game, as India remains non-aligned in terms of political affiliation. This is where Mauritius has denied India's military presence, while Mishra (quoted in Al Jazeera) has said Agalega is an intelligence facility allowing India to organise an air and naval presence to increase surveillance in the southwest Indian Ocean and the Mozambique Channel (Al Jazeera, 2022). The proximity of the Mauritian government with India's Prime Minister Narendra Modi and historical bilateral trade relations between India and Mauritius only exacerbate the debate.

GEOSTRATEGIC REPERCUSSIONS FOR MAURITIUS REGARDING INDIA'S MILITARY PRESENCE

India's presence in the Indian Ocean has received greater impetus through the special relations that the Mauritian Prime Minister, Pravind Jugnauth, has with India's PM, Narendra Modi. The use of Agalega as a shipment base has sparked global debate on the proximity between the two nations, as it is perceived to be a step further towards economic cooperation. The United States is weary of such influ-

ence in the same way that it is weary of China. At the domestic level, the name 'Little India' that is sometimes attributed to Mauritius is not unanimously accepted among the Mauritians who are multi-racial and have ancestral origins from Africa, China, and Europe as well.

Virahsawmy (2019) argues that neoliberal and fascist India will try to spread its tentacles to grab the resources found in Africa and is using Mauritius to attain its objectives. Bashfiel (2021) adds that parallels with the Chagossian experience—a people forcibly removed from the Chagos Archipelago in the early 1970s to make way for the joint UK-US military base on Diego Garcia—sound alarms for ethnic Creole Agaléens and their supporters.

In a nutshell, the proximity of Mauritius with India has been exacerbated by a scandal concerning a survey conducted by Indians regarding cable communications and Internet service. This was viewed as 'sniffing for' secrets from Mauritians by local critics. Without a doubt, the situation needs to be remedied.

WHAT MAURITIUS EXPECTS TO GAIN FROM CHINESE COOPERATION

The China-Mauritius Free Trade Agreement came into place in 2019. Covering trade in goods, in services, as well as investment protection matters, such cooperation seeks to achieve the goal of a comprehensive, high-level, and mutually beneficial partnership.

Through the FTA, Mauritius-based businesses are able to access a huge market of 1.4 billion people, providing a welcome boost to enterprises engaged in the export of sugars, rum, black tea, tuna, horticultural products,

processed food, handicrafts, high-end textiles and apparels, cut diamonds, etc. The China-Mauritius FTA, by raising the competitiveness of Mauritian products by using Chinese-sourced components in their value chain, will boost their export potential in other markets (DTOS, 2019). Additionally, the FTA further provides new opportunities for Mauritius to grow its important tourism sector and transform itself into a shopping paradise for visitors from Africa, Asia, and other Indian Ocean islands.

With regards to trade in goods, Mauritius would benefit from immediate duty-free access in the Chinese market to some 7,504 tariff lines. In addition, a Tariff Rate Quota for 50,000 tonnes of sugar will be implemented on a progressive basis over a period of 8 years with an initial quantity of 15,000 tonnes (Economic Development Board, 2020).

WHAT MAURITIUS EXPECTS TO GAIN FROM INDIAN COOPERATION

Regarding economic ties from India, Mauritius has signed off high-impact community development projects (HICDP). The projects under this bilateral agreement relate primarily to socio-economic development, particularly the creation of infrastructure in the education, basic healthcare, and community development sectors. Livelihood activity, skill development, renewable energy, conservation of environmental and cultural heritage, empowerment of women and child welfare, and disaster risk reduction, shall be the primary interests of such projects (NDTV, 2022).

According to Chaudhury (2022), a social housing project has recently been included as one of the five high-profile infrastructure projects identified for implementation under the \$353 million Special Economic Package (SEP) extended to the Government of Mauritius (GOM) in 2016. The Civil Service College would be set up under a memorandum of understanding signed between India and Mauritius through assistance grants of \$4.74 million. An 8 MW Solar PV Farm project at Tamarind Falls, Henrietta was financed under a loan of contract (LOC) of \$500 million in 2017. The project comprises installation of 25,000 Photovoltaic cells to generate approximately 14 GWh of green energy annually, to provide power to approximately 10,000 households (Chaudhury, 2022).

RECOMMENDATIONS

In the current context, Mauritius is expected to nurture its economic and political ties with the new entrants in Indian Ocean geopolitics, namely China and India. These are also countries with which Mauritius has ancestral ties based on immigration from both nations and political ties that date back over 50 years. Mauritius has extended its relations by signing new commercial treaties with both growing powers in the region. There is a free economic zone that has been developed by China while India has greatly aided Mauritius in designing and building new infrastructure. Mauritius has the obligation to keep its excellent relations with these two nations steady.

Secondly, Mauritius cannot shift its interests to solely focus on China and India. Being

a non-aligned and neutral country, Mauritius must continue its cooperation with former powers like Great Britain, France, and the United States. It must, on one hand, maintain its effort for sovereignty over the Chagos while, on the other hand, entertain good relations with its earlier trade partners. This equilibrist role is essential as former allies would not approve of Mauritius approaching China and India to their detriment. It is also clear that Great Britain, France, and the United States still offer Mauritius its greatest share for the exports of its goods and services.

Thirdly, Mauritius has witnessed all forms of conquest and as a result of being independent, stands as an important player in modern geopolitics in the Indian Ocean. As a non-aligned nation within the Commonwealth and regional associations, the island nation must lobby for a nuclear-free and peaceful Indian Ocean zone, an argument which still remains unanswered as the power games in the region shift from a few older powers to a wider club comprising many new players.

CONCLUSION

Power games in the Indian Ocean date from the eighteenth century when early powers such as Portugal, Spain, and the Netherlands set out to conquer the world and stretch their influence as far as they could explore. Travel by sea allowed for expeditions of discovery followed by the colonisation of these new worlds. The Indian Ocean, owing to its sheer enormity, became a power game for the Portuguese and the Dutch who were later joined by the British and the French to fight for the right to colonisa-

tion once-free nations. After the Second World War, the prominence of the United States and Russia changed the geopolitical framework. Nowadays, it is the coming up to two emerging powers namely China and India who are upsetting the status quo.

This paper has attempted to present the issue of modern geopolitics in the Indian Ocean region through a historical perspective. Being strategically located in the world and part of the maritime space that supports Africa, Asia, and Australia, the Indian Ocean has been a major transit point for shipping vessels for regional trade and has always received a high level of attention and concern from various superpowers. Although exclusive economic zones allow an island nation like Mauritius to exercise sovereignty in the region, the impending threat of power games in the Indian Ocean region confirms a new configuration in the history of the seas is likely to prevail.

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Tightrope Balancing in a Time of Rising Great Power Competition: An Assessment of Sri Lanka's Relations with India and China

Shakthi De Silva*

ABSTRACT

China's economic resurgence augurs the possibility of a recalibration in the global balance of power. Many contend that this process is already underway in East Asia – specifically in relation to the South China Sea. In other parts of the world, China's growing footprint is discernible through infrastructure projects, under Beijing's Belt and Road initiative. Does China leverage its economic power to realise its interests by forcing smaller nations to accept conditions and agreements which are not in the latter's interests? This paper examines whether evidence to this effect is visible through a case study of Sri Lanka. The island's geographic

location – astride the Indian Ocean Sea Lanes of Communication – continues to draw the attention of regional and extra-regional powers. Sri Lanka's constraints in size and poor pace of economic development also grants leeway for India (the regional hegemon) and China to leverage bilateral ties in their interest. Is there evidence to suggest that China has utilised port infrastructure to realise its national interests at the expense of Sri Lanka? Or, has Sri Lanka managed to thread a fine line between the two Asian powers: the neighbouring regional hegemon – India; and the resurgent great power – China? Does the truth lie somewhere in between? This article delves into these questions by examining the approaches and stances

* Bachelor of Arts in International Relations. University of Colombo (Sri Lanka), Master of International Affairs, National University of Singapore (Singapur). Visiting Lecturer Bandaranaike Centre for International Studies. [shakthi721994@gmail.com]; [<https://orcid.org/0000-0001-8645-3729>].

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which Sri Lanka has adopted towards both nations, particularly during President Gotabaya Rajapakse's government, from 2019 leading up to the end of 2021. By doing so, it aims to shed light on how Sri Lanka handled bilateral ties with both Asian powers as well as the degree of Sino-Indian competition visible within the island's port infrastructure landscape. It concludes that the decisions reached with regard to port infrastructure projects represent a mixed picture. A key finding is the ability of domestic interest groups to shape Sri Lanka's foreign policy during this period, which has significantly dented the island's ties with other regional allies such as Japan.

Keywords: Sri Lanka; Foreign Policy; Small States; India; China; South Asia.

El equilibrio en la cuerda floja en una época de competencia entre súper potencias emergentes: una evaluación de las relaciones de Sri Lanka con India y China

RESUMEN

El resurgimiento económico de China augura la posibilidad de una recalibración en el equilibrio de poder global. Muchos sostienen que este proceso ya está en marcha en el este de Asia, específicamente en relación con el mar de China Meridional. En otras partes del mundo, la creciente huella de China se puede observar a través de proyectos de infraestructura, bajo

la iniciativa de la franja y la ruta de Beijing. ¿Aprovecha China su poder económico para satisfacer sus intereses al obligar a las naciones más pequeñas a aceptar condiciones y acuerdos que no son de su interés? Este artículo examina si la evidencia es visible a través de un estudio de caso de Sri Lanka. La ubicación geográfica de la isla, justo sobre las vías de comunicación marítimas del océano Índico, continúa atrayendo la atención de los poderes regionales y extrarregionales. Las limitaciones de tamaño de Sri Lanka y el bajo ritmo de desarrollo económico también otorgan un margen de maniobra a India (la hegemonía regional) y China para utilizar los lazos bilaterales para sus intereses. ¿Hay evidencia que sugiera que China ha utilizado la infraestructura portuaria para satisfacer sus intereses nacionales a expensas de Sri Lanka? ¿O Sri Lanka ha logrado trazar una fina línea entre las dos potencias asiáticas: el vecino hegemón, India, y la gran potencia emergente, China? ¿La verdad se encuentra en algún punto intermedio? Este artículo profundiza en estas preguntas al examinar los enfoques y las posturas que Sri Lanka ha adoptado hacia ambas naciones, particularmente durante el gobierno del presidente Gotabaya Rajapakse desde 2019 hasta fines de 2021. Al hacerlo, pretende dar luces sobre cómo Sri Lanka ha manejado los lazos bilaterales con ambas potencias asiáticas, así como el grado de competencia sino-india visible dentro de la infraestructura portuaria de la isla. Concluye que las decisiones tomadas con respecto a los proyectos de infraestructura portuaria representan un panorama mixto. Un hallazgo clave es la capacidad de los grupos de

interés nacionales para dar forma a la política exterior de Sri Lanka durante este periodo, lo que ha afectado significativamente los lazos de la isla con otros aliados regionales como Japón.

Palabras clave: Sri Lanka; política exterior; pequeños Estados; India; China; Asia del sur.

INTRODUCTION

Graham Allison, in his provocative text *'Destined for War'* argues that President Xi's attempt to make China 'great again' involves a return to the predominant position in Asia. In his view, this is a state of being which persisted until the intrusion of Western colonial nations. This aspiration involves reclaiming the 'historic sphere of influence' in its Asian neighbourhood and ensuring that other Asian nations give the *Middle Kingdom* the deference it expects. Indeed, writing as far back as the 1960's, Fairbank's (1969) believed that Beijing (in future) will use its economic and military power to *orchestrate* a harmonious co-existence in its neighbourhood *under its* suzerainty.

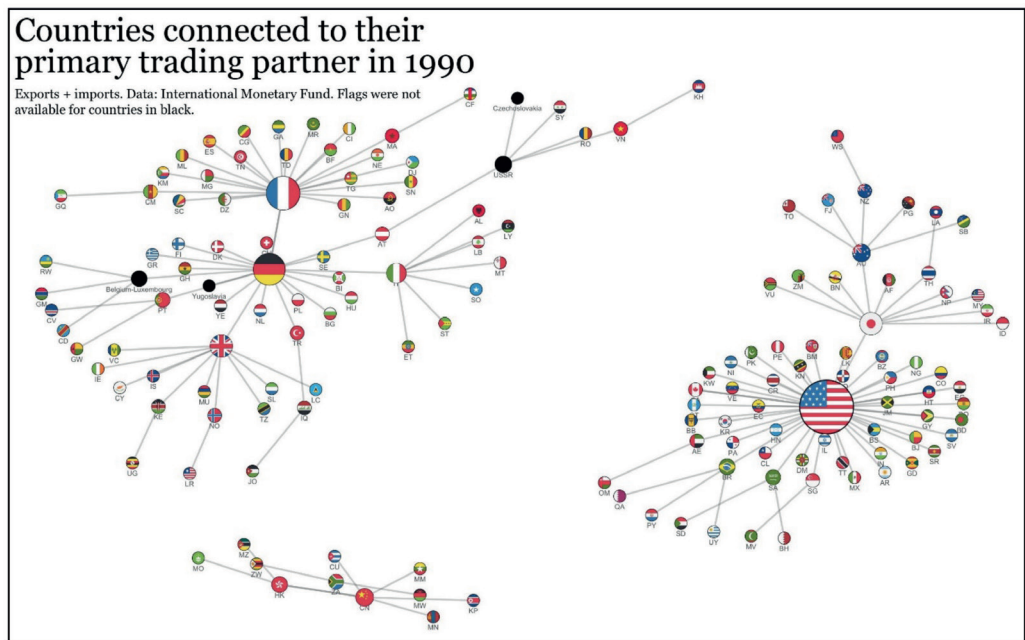
Kissinger's (2014) widely read book *'World Order'* eloquently points out that our international order faces two tendencies challenging its consistency: a shift in the balance of power, and a redefinition of legitimacy based on the values underlying its arrangements and regimes. In the case of China's resurgence since the 1980s, Kissinger reckons that its economic power is rapidly inducing a shift in the international balance of power – beginning from East Asia. Foot and Walter (2011) and Zakaria (2008) appear to delineate a similar position as well. To quote the latter, "rising powers (such

as China and India) appear to be...entering the Western order but doing so on their own terms – thus reshaping the system itself" (Zakaria, 2008, p. 36). In a stimulating book titled *'China's Quest for Global Order: From Peaceful Rise to Harmonious World'*, Dellios and Ferguson (2012) add that China intends to wield its economic power to cultivate a harmonious world order based on *its* role as a legitimate and cultured imperial nation. In that sense, Beijing does not see itself as a revisionist state but instead as simply deploying its economic leverage to reclaim the *dominant power* position in Asia and the world. The Belt and Road Initiative (BRI), China's trillion-dollar transcontinental development program, can be viewed as the centrepiece of this strategy.

Wang Jisi (2012) is believed to have been one of the first to articulate the necessity of developing a grand strategy to assume leadership in Asia. Nevertheless, as claimed by Jisi (2012), attaining the top tier position in the international power hierarchy should not be achieved through the deployment of military force. Instead, Beijing's overriding priorities, as Jacques (2009) also points out, is to ensure sustained economic development and shape the world in accordance with its interests. According to some, Asia is already becoming a Sinocentric world order as evident from the fact that China is the largest trading partner for many Asian nations. This is manifestly evident by appraising images 1 and 2 below.

In that sense, and unlike Western colonial powers, China appears to ascend the international hierarchical order through diplomacy and economic hard power. Gilpin (1981) reminds us that a rising power its "tempted to

Figure 1.
Countries connected to their primary trading partner in 1990



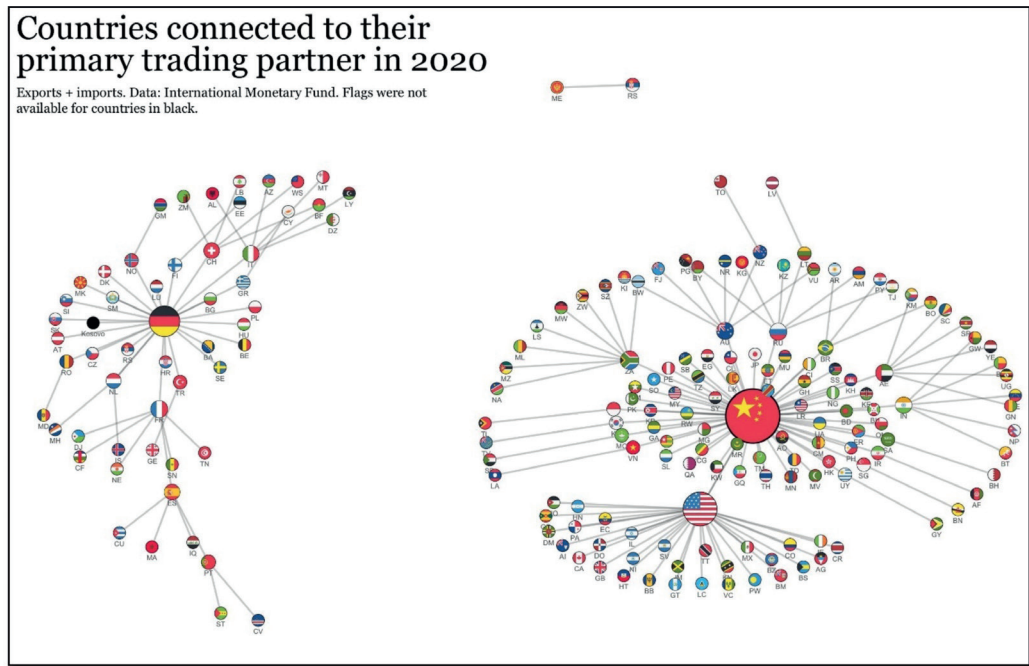
Source: <https://www.visualcapitalist.com/wp-content/uploads/2022/02/trading-partners-1990.html>

try to increase its control over its environment. In order to increase its own security, it will try to expand its political, economic and territorial control...over the international system” (p. 94). Viewed in this light, China’s BRI and other economic strategies may determine the international balance of power in the coming decades (Bremmer, 2012).

Acharya (2014) is of the view that “the only Asian power with a potential for undertaking significant territorial expansion, China, is checked not only by the US but also by Japan and India” (p.19). However, this is not reflective of developments in the South China Sea (SCS) where Beijing has – in contravention to

international law – acquired maritime space contested by other Southeast Asian claimant states. ASEAN’s attempt to condemn China’s action failed as a consequence of Beijing’s ability to utilise its economic leverage to wean Cambodia away from a unified stance. Despite Freedom of Navigation operations by the United States and military exercises by other nations, they have – by and large – been onlookers to Beijing’s maritime expansion and acquisition of territories in the SCS. Moreover, it is also important to bear in mind that “dominant states bolster friendly leaders by providing them resources that these leaders can use domestically” (McCormack, 2019, p. 120)

Figure 2.
Countries connected to their primary trading partner in 2020



Source: <https://www.visualcapitalist.com/wp-content/uploads/2022/02/2020-trading-partners.html>

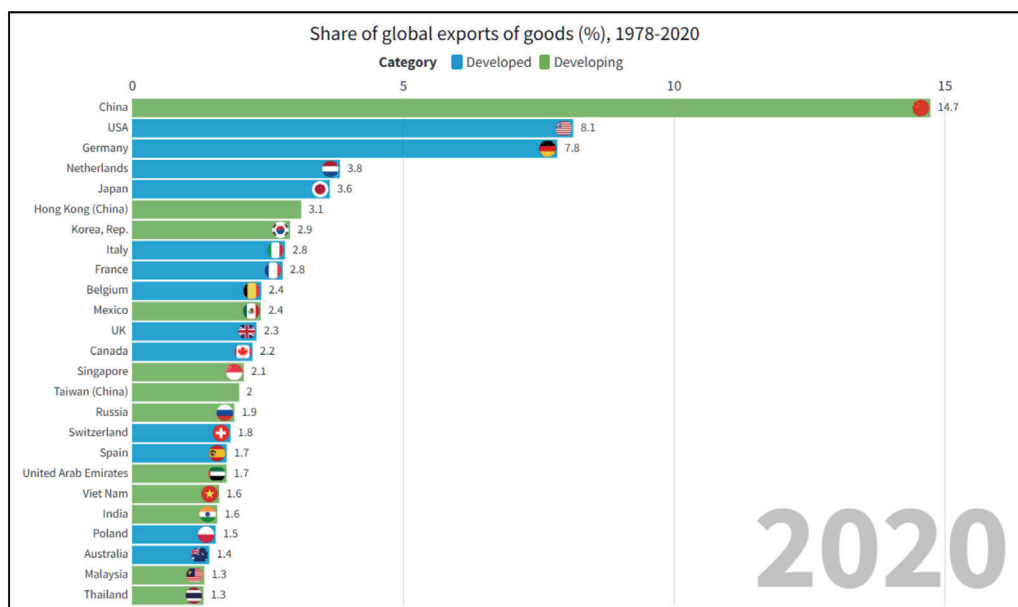
such as loans and economic grants. Evidence points to the Cambodian leader's posture, in the wake of Chinese investments, and is also manifestly evident in the context of Sri Lanka during President Mahinda Rajapakse's tenure (De Silva, 2018a).

Jacques (2009) adds that China's shrewd diplomacy has ensured that New Delhi is constantly on the back foot in South Asia; unable to proactively take measures to inhibit Beijing's growing footprint in the region. Competition between India and China is visible across several domains. China, according to a 2022 world military strength report, ranks in the 3rd

position and is followed by India slotting in as number 4 (Global firepower, 2022).

In terms of global trade, as depicted above, China outranks India by a sizeable margin. As per statistics for 2020, China is the world's largest exporter (2.59 trillion USD) and the world's second largest importer of commodities at 2.05 trillion USD (Trend Economy, 2021). Zeroing in on Sri Lanka – an island in the Indian Ocean – merits a few interesting observations. As per 2020 statistics, China is the leading import source for 2020 with a share of 22% of Sri Lanka's total imports, followed closely by India with a share of

Figure 3.
Share of global exports as a percentage of state contribution in 2020



Source: <https://unctad.org/topic/trade-analysis/chart-10-may-2021>

19.2%. However, in terms of exports from Sri Lanka, China only accounts for 2.35% of total exports from the island whereas India imports 6.11% of Sri Lanka's total commodity exports (Trend Economy, 2021). In other words, maintaining amicable relations with India and China is imperative for the continued growth of Sri Lanka's foreign trade.

Long standing territorial disputes between India and China (including the 1962 border war and more recent clashes in Galwan and Dokhlam) are indicative of the threat perception between the two Asian nations and their tendency to augment tensions beyond the confines of competition towards conflict

(Ogden, 2022). As a result of China's growing footprint in South Asia (Huang, 2018; Khurana, 2008), India is moving closer towards the United States and other Quadrilateral Security Dialogue members (Australia and Japan).

While the impact of China's resurgence on the geopolitical and geoeconomic dynamics of East Asia has been well documented, the way in which it has impacted South Asia is relatively understudied. Consequently, this research examines how Sri Lanka – an Indian Ocean Island with significant trade and political ties with Beijing and New Delhi – manages relations with both parties. This case study is of particular significance because it is not only

a theatre for Indo-China competition, but it also reflects the agency that can be utilised by small states to further national interests when great powers attempt to woo small states towards their orbit through port infrastructure development projects.

The core objective of this paper is to explore how great power competition, between India and China, is manifested by looking into port infrastructure development in Sri Lanka. By doing so, the researcher intends to uncover whether Sri Lanka's attempt at tightrope balancing is protecting and furthering Sri Lanka's core national interests of economic development; and ensuring the protection of sovereignty and autonomy. The next section distinguishes tightrope balancing from other mainstream foreign policy approaches. The paper then discusses why Sri Lanka has garnered the interest of India and China. This is followed by an analytical exposition of how India and China played a significant role in port infrastructure projects between 2019 and 2021. The final sections briefly outline other forms of engagement during this period of time. The conclusion evaluates whether Sri Lanka was tightrope balancing to realise its national interests through port infrastructure projects.

TIGHTROPE BALANCING, BALANCING, BANDWAGONING AND HEDGING

Mainstream International Relations theories outline three distinct foreign policy approaches which states adopt as a consequence of structural conditions: Balancing, Bandwagoning and Hedging (De Silva, 2015). Bandwagoning

is visible when a state initiates an alignment with a more powerful and aggressive state in the hope that the latter would not violate the national interests of the small state (Elman, 1995, p. 177; Walt, 1990, p. 17). Balancing, a foreign policy approach on the opposite spectrum, involves aligning with other states against the more threatening state (Rais, 1993; Schweller, 1994, p. 74). However, both foreign policy approaches envisage the state responding to a risk to its national interests by a threatening great power. Indian and Chinese activities in Sri Lanka can potentially be detrimental to its national interests, as the island also benefits from its bilateral relationship with both parties. Nevertheless, it does not wish to adopt a policy of balancing or bandwagoning in fear of alienating either great power.

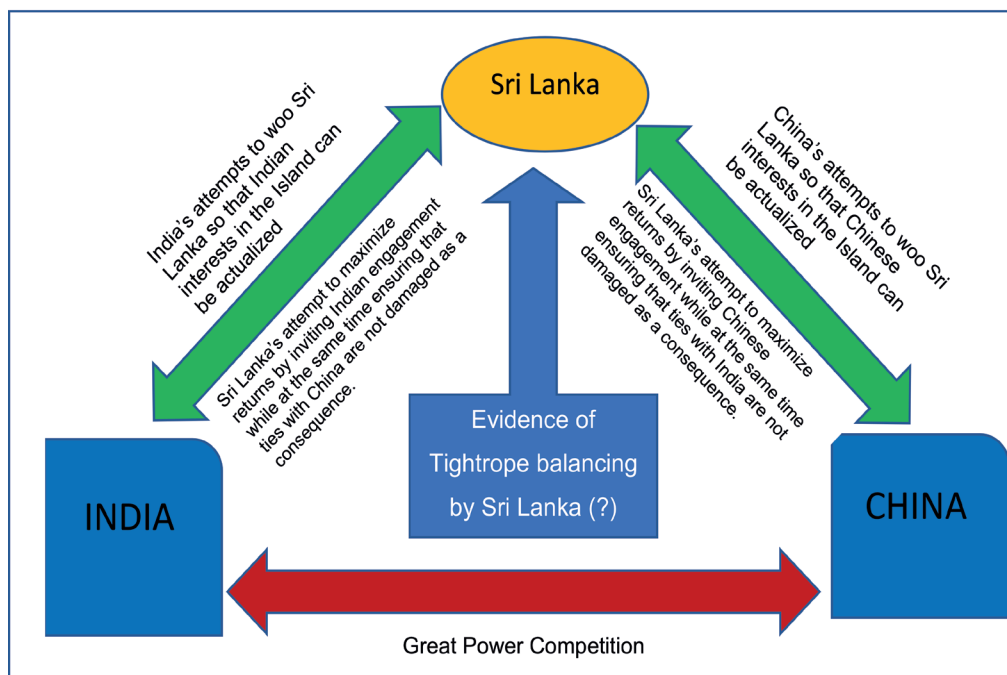
Hedging first emerged as a concept in financial risk management literature. According to De Silva (2020, p. 95) it explains "the risk contingency measure of investing in more than one party to offset potential loss. The idiom 'hedging one's bets' describes the action of protecting one's investment by supporting more than one possible result or both sides in a competition". For example, visualise an investor opting to invest in company A. To offset the possibility that company A's stock value tumbles in the short run s/he might invest a smaller value of money in Company B and/or Company C. In so doing, the investor hedges – ensuring that his returns in the short run will not be zero by diversifying his/her revenue streams. IR scholarship amended this parsimonious definition in several ways.

Hedging, as articulated by International Relations (IR) scholars, is a foreign policy

approach generally adopted by small South-east Asian states (Dar, 2021, p. 255). For the purpose of this article, the author defines it as a risk management strategy which involves maintaining favourable politico-economic ties with the status quo (regional hegemon-India) and rising power (China). At the same time, it involves adopting the contingency measure of enhancing security ties with the status quo power to offset potential threats from the rising great power. Thereby, it preserves its core national interests – i.e., it protects territorial security and autonomy and ensures continued economic development. Sri Lanka does not necessarily fit the parameters of hedging. The

island has not sought to enhance security ties with India or China through a formal military agreement or adopted a contingency measure in the event bilateral ties with India or China sour. Consequently, the established lexicon of International Relations concepts fails to explain Sri Lanka's policy towards India and China. Therefore, this article introduces a novel conceptual category: tightrope balancing. In this paper, tightrope balancing implies that a nation is attempting to have strong ties with two great powers who are engaged in a geopolitical competition. This trilateral relationship and tightrope balancing is depicted visually below:

Figure 4.
Depiction of Tightrope balancing



Source: Author.

SRI LANKA AS A THEATRE OF GEOSTRATEGIC COMPETITION

Sri Lanka, an island positioned just 55 km under India, consists of a total area of 65,610 sq km with a population slightly below 22 million. The island received independence in 1948 and was identified as 'Ceylon' until 1972. For a significant portion of the island's post-independence years, it underwent an internationalised internal armed conflict pitting a separatist terrorist group – the Liberation Tigers of Tamil Eelam (LTTE) – against the Sri Lankan government. The conflict, which spanned almost 3 decades, ended in 2009 with the military defeat of the LTTE. The President at the time, Mahinda Rajapakse, opted to stimulate rapid economic development by initiating infrastructure projects in the island. Corruption, coupled with the commencement of several 'white elephant' infrastructure projects financed by loans from China and other parties, placed a significant debt burden on the island's coffers. Although his administration was replaced in 2015 by a coalition government which pledged to uncover alleged embezzled funds, the new government was hampered by factionalism and internal strife (De Silva, 2018b).

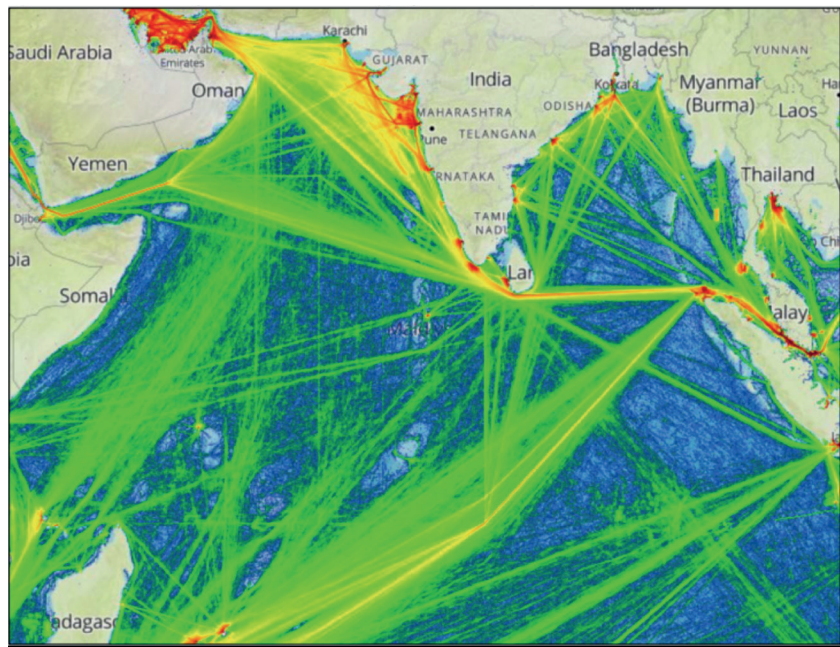
The Coalition government's dysfunction, together with a lax internal security stance, led to a series of ISIS inspired suicide bombings in April 2019. The economic impact from a global Covid-19 induced lockdown negatively affected Sri Lanka's tourism industry. A downturn in the inflow of remittances from Sri Lankan workers abroad also had an effect on its economy. Gotabaya Rajapakse was elected

in 2019 on the promise that his administration would guarantee internal security and engender a revival in Sri Lanka's flailing economy. In contrast to his political pledges, a combination of inertia towards Sri Lanka's burgeoning debt burden, coupled with a string of ill-considered policies (including a hasty move to ban the importation of chemical fertiliser in a country dependent on rice cultivation for domestic consumption), forced his administration to declare bankruptcy in April 2022 (De Silva, 2022). In the face of mounting protests triggered by shortages in fuel and other daily essentials, Prime Minister Mahinda Rajapakse, the brother of President Gotabaya Rajapakse, resigned giving way for Ranil Wickremasinghe to take office.

Sri Lanka historically has maintained close ties with India and China. As the island's ancient ties with China (De Silva, 2019) and India (Bhasin and Hyles, 2001) have already been documented in detail, we begin our analysis by exploring why Sri Lanka is a theatre of choice for geostrategic competition between India and China in the present context. The first, and possibly most important, factor is Sri Lanka's location in the Indian Ocean region (see figures 5 and 6).

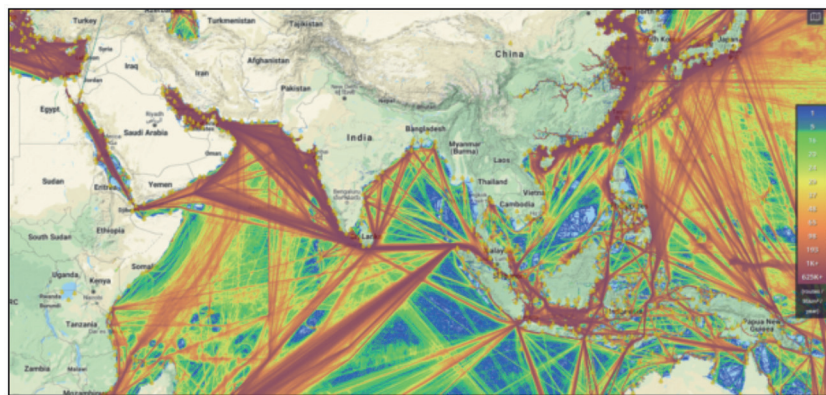
As indicated by images 4 and 5, Sri Lanka's geostrategic position is one of its main assets. More than 80% of the world's oil shipments traverse through the Indian Ocean and Sri Lanka lies at the fulcrum of East-West Maritime trade (Davis & Balls, 2019, p. 1). A significant quantity of China's export and import trade crosses the Indian Ocean, in particular, alongside Sri Lanka's southwest coast. Sri Lanka's location is also of import to India.

Figure 5.
Maritime Sea Lanes of Communication in the Indian Ocean



Source : <https://www.adb.org/sites/default/files/project-documents/50184/50184-001-tacr-en.pdf>

Figure 6.
Maritime Traffic in the Indian Ocean



Source : <https://ciltinternational.org/news/the-strength-of-sri-lankan-shipping/>

To quote Shivshankar Menon (2016, para. 7), a retired Indian diplomat, “More than 90 percent of our [India’s] foreign trade and most of our energy supplies came along the sea-lanes that Sri Lanka sits astride, and we could hardly abandon Sri Lanka to potentially hostile influences. In effect, Sri Lanka is an aircraft carrier parked fourteen miles off the Indian coast.”

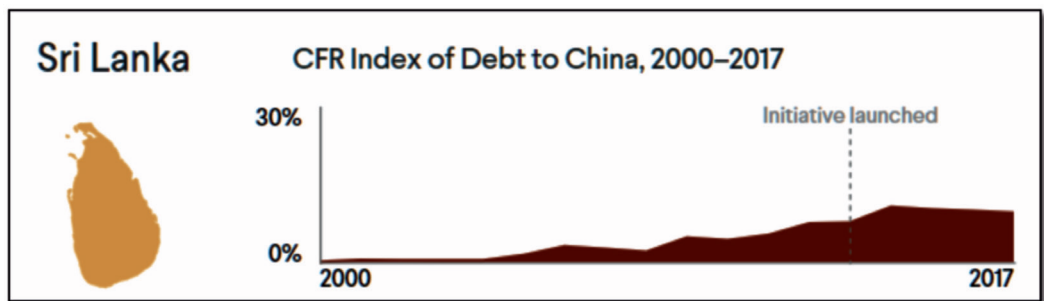
Another factor influencing renewed Indian interest in its southern neighbour is the island’s ties with Beijing. As the diagram below indicates, debt to China has seen a surge since the early 2000s.

Estimations done by the American Enterprise Institute China Global Investment Tracker (2022) put Chinese investments and contracts in Sri Lanka, between 2005 and 2021, at 14.37 billion USD. China has also served as the first-choice lender for several major infrastructure projects including the Hambantota Port project, Colombo-Katunayake Expressway, Mattala International Airport, and the Southern Expressway. As denoted below, Sri Lanka’s mounting debt problem is

a combination of debt to China coupled with considerable domestic debt and commercial borrowings through International Sovereign Bonds (ISB). Moramudali argues that for “the ISBs issued, Sri Lanka has been paying annual interests ranging from 5.13% to 8.75%; while the interest rate for most project loans were 2% (In the case of most loans obtained from [the] World Bank and Japan, the interest rate was below 1%, but both lenders reduced providing such loans to Sri Lanka as the country upgraded to middle income status).” In other words, unsustainable debts through ISB, domestic borrowing and loans from foreign lenders collectively accounted for Sri Lanka’s debt difficulties.

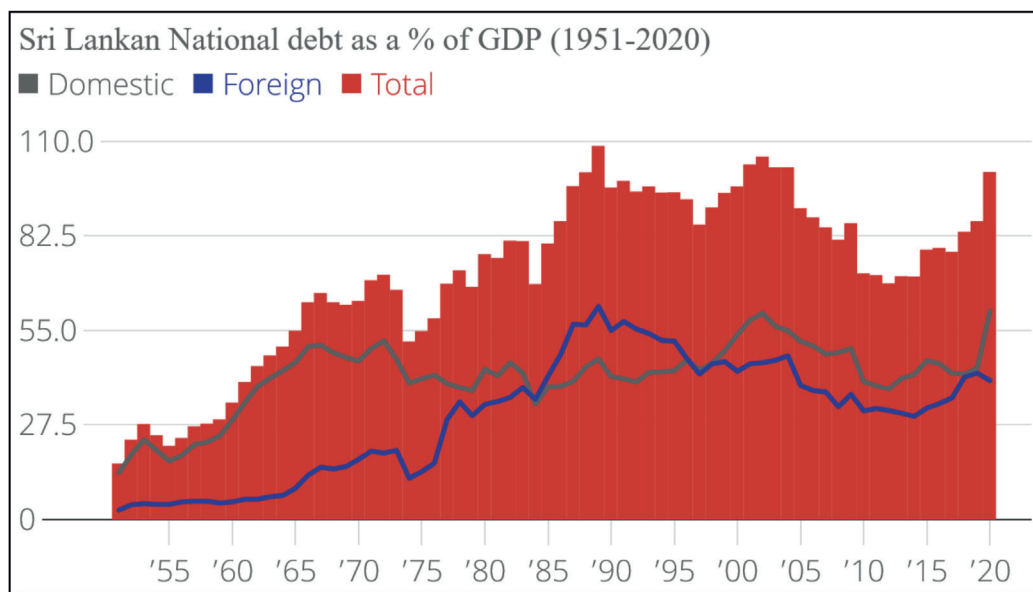
Sri Lanka’s poor pace of economic development, limitations in the island’s ability to acquire concessional financing coupled with corruption and mismanagement contributed to the island’s economic default in April 2022. Sri Lanka’s economic vulnerability provides an attractive ground for both China and India to shape its foreign policy to their preference. In

Figure 7.
Council on Foreign Relations, Index of Sri Lanka’s Debt to China from 2000 to 2017



Source: <https://www.cfr.org/article/belt-and-road-tracker>

Figure 8.
Sri Lankan National Debt as a percentage of GDP (1951-2020)



Source: <https://longform.watchdog.team/observations/the-sri-lankan-foreign-debt-problem>

other words, Sri Lanka's economic crisis and dependence on the goodwill of both nations as it enters debt restructuring, makes the island an ideal theatre for both Asian giants to rope in the island to their specific geopolitical sphere of influence.

Finally, the island has, for a large part since independence, adopted a welcoming approach to China and India. Unlike Bhutan – another South Asian nation – which does not maintain ties with China, Sri Lanka has strong trade and diplomatic relations with New Delhi and Beijing. Nevertheless, there have been low points in both fronts. For instance, some Sri Lankans opposed the influx of India's Peacekeeping forces to disarm the LTTE and

minimise hostilities as well as protested some Chinese development activities owing to the evictions of villagers (BBC, 2017). Even so, relations have generally been stable and warm.

GEOSTRATEGIC COMPETITION IN SRI LANKA

Ports and Foreign Players

Sri Lanka's Hambantota Port located in the southern edge of the island has been, since its inception, the posterchild for China's alleged 'debt-trap diplomacy'. The port was funded chiefly through loans from the Export-Import Bank of China. Construction was carried out by "China Harbour Engineering Company

(CHEC) and another Chinese state-owned firm, Sinohydro Corporation” (Majueran, 2021). The lack of expected revenue from the project placed significant strains on Sri Lanka owing to the interest and loan repayments it needed to make to foreign creditors, particularly through ISB's. The low rate of return from the project, coupled with the high maintenance cost and burgeoning debt, led the Sri Lankan government to initiate talks with China Merchants Ports Holdings Company (CMPort) to lease the port for a period of 99 years.

On July 29, 2017, Sri Lanka's Port Authority (SLPA) and CMPort arrived at a consensus to lease the port for 99 years in reply to an investment of 1.12 billion USD (China Merchants Ports Holdings Company Limited, n.a). Two companies were created subsequent to this: Hambantota International Port Group (HIPG) and Hambantota International Port Services (HIPS). Under the agreement,

CMPort holds onto 85% of the shares of HIPG. 58% of the shares of HIPS is controlled by HIPG with the remaining shares held by Sri Lanka (China Merchants Port Holdings Company Limited, n.a). The 1.12 billion USD paid by CMPort was utilised by Sri Lanka to pay back foreign creditors (Moramudali, 2020).

According to the agreement:

- The CMPort shall pay to SLPA the sum of 973.658 million USD (equivalent to approximately HKD7,594.53 million) for the acquisition of the 85% issued share capital of HIPG (and HIPG shall use a portion of such amount to acquire 58% issued share capital of HIPS) in three tranches.
- Upon the termination of the Concession Agreement at the expiry of the term of 99 years from the Concession Agreement Effective Date, SLPA shall have the obligation to purchase all the shares of HIPG and HIPS held by their shareholders (other than those held by Sri Lanka Ports Authority - SLPA or Government of Sri Lanka - GOSL). The shareholders of HIPG and HIPS are obliged to transfer such shares to SLPA and GOSL at the price of USD1 (China Merchants Port Holdings Company Limited, 2017).
- No commercial vessel can berth at the Hambantota port without the approval of the Harbor Master of SLPA and the Sri Lanka Navy (Hambantota International Port Group, n.a).
- No naval vessel can berth at the Hambantota port without the approval of the Ministry of Defence (MOD), the

Figure 9.
Sri Lanka's Hambantota Port and
Sea Lanes of Communication



Source: <http://www.hipg.lk/>

Ministry of Foreign Affairs and the SLPA (Hambantota International Port Group, n.a).

Concerns voiced over the possibility of the dual use of the Hambantota Port have previously been allayed by Sri Lanka's Prime Minister (Wickremasinghe, 2019). However, they have surfaced repeatedly in Western *and Indian* media, particularly after China's acquisition of a military base in Djibouti. Moreover, observations that China coerced Sri Lanka to hand over the port is also doubtful as the port was first offered for lease to India and was rejected (Colombage, 2020). On this basis, it appears that China did not use its economic leverage to tip Sri Lanka to lease the Hambantota Port. In contrast, the fact

1. that a port which was failing to generate expected revenue is currently not solely maintained by Sri Lankan coffers;
2. the agreement precludes the arrival of any Chinese military vessel without the explicit permission of the Sri Lanka Ports Authority; and
3. that Sri Lanka *offered* the port to CMPort instead of being coerced to do so, seems to suggest that the island may have got the better hand in the negotiation.

Sri Lanka's decision to lease the port, therefore, appears to be reflective of tightrope balancing. Although it did initially raise alarm bells among Indian security circles, despite the length of the lease (99 years), the efforts taken by Sri Lanka to protect its interests, assuage Indian concerns and gain the upper hand in

the deal – i.e., leasing a port which was not gaining any revenue – is emblematic of tightrope balancing.

Sri Lanka's busiest port – the Colombo Port – serves as an example of how major power jockeying to acquire assets can be overturned by domestic interest groups. In 2019, Sri Lanka entered into a Memorandum of Cooperation (MOC) with India and Japan concerning the East Container Terminal of the Colombo Port (The Indian Express, 2021). Colombo port trade unions opposed the deal and claimed that the proposed deal, as per the MOC, would give India's Adani Group the ability to jointly run the ports operations with Japan. Although the President was initially reluctant to overturn the MOC, continued protests by the port workers influenced his administration to overturn what had been agreed by his predecessor's regime. Japan and India voiced their displeasure when Rajapakse reneged on the deal and the latter entered into talks to then operate the West Container Terminal (Business Standard, 2021). The President did not face substantial pressure from trade union workers on this front. He consequently agreed on a 700 million USD Build-Operate-Transfer Agreement whereby India's Adani Group controls a 51% stake in the West Container Terminal (WCT). The remainder is owned by John Keells Company (34%) and the Sri Lanka Ports Authority (15%).

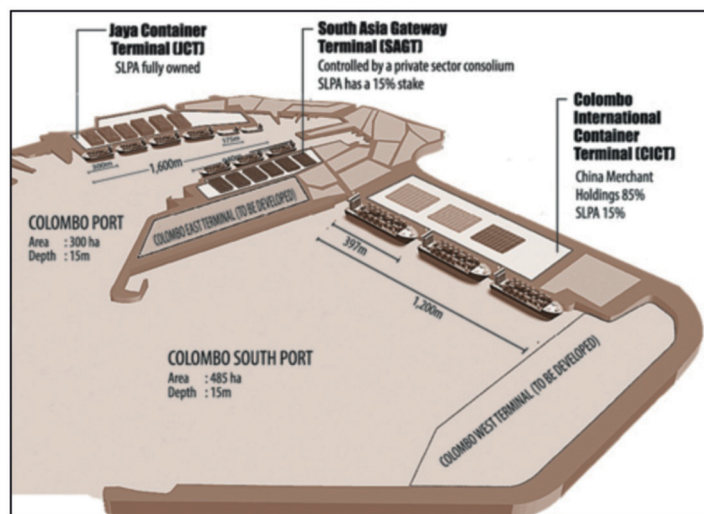
The project to develop the East Container Terminal (ECT) was then clinched by a state-run Chinese firm – The China Harbour Engineering Company. The Port's Trade Union did not oppose this deal on the basis that the Chinese company would be handling

Figure 10.
Colombo Port terminals



Source: <https://iesl.lk/SLen/47/colombo%20fort.php>

Figure 11.
Port Terminal Ownership structure



Source: <https://www.sundayobserver.lk/2018/04/22/supplement/vision-colombo-port>

the engineering, procurement, and construction phases instead of operating the terminal which had been included in the MOC with India and Japan (The Indian Express, 2021). At face value, the decision by the port trade union appears to be justified as the operations of the East Container Terminal has not been passed onto a foreign company. Yet, it is difficult to overlook the possibility that China may have influenced the port trade union to oppose the deal with India and Japan and accept the agreement laid out subsequently by the China Harbour Engineering Company. Conclusive evidence to this effect has not yet surfaced although it is still conjectured by some parties (The Maritime Executive, 2021; Abeyagoonasekera, 2021; Balachandran, 2022).

Furthermore, this issue is of particular salience to India because a Chinese nuclear-powered submarine docked at the Colombo International Container Terminal (CICT) in 2014 (Sunday Times, 2014). CMPorts holds an 85% stake of the terminal. Therefore, the fact that India was not informed of the arrival of the submarine led to fears among Indian policy circles of the possibility that China would intensify such deployments in the Colombo Port (Attanayake, 2021). In sum, the negotiations for the WCT and ECT and acts of reneging on MOC's demonstrate that Sri Lanka is not adequately assessing the short- and long-term implications of entering into agreements with external parties. In addition, evidence points to how the government is considerably influenced by local interest groups.

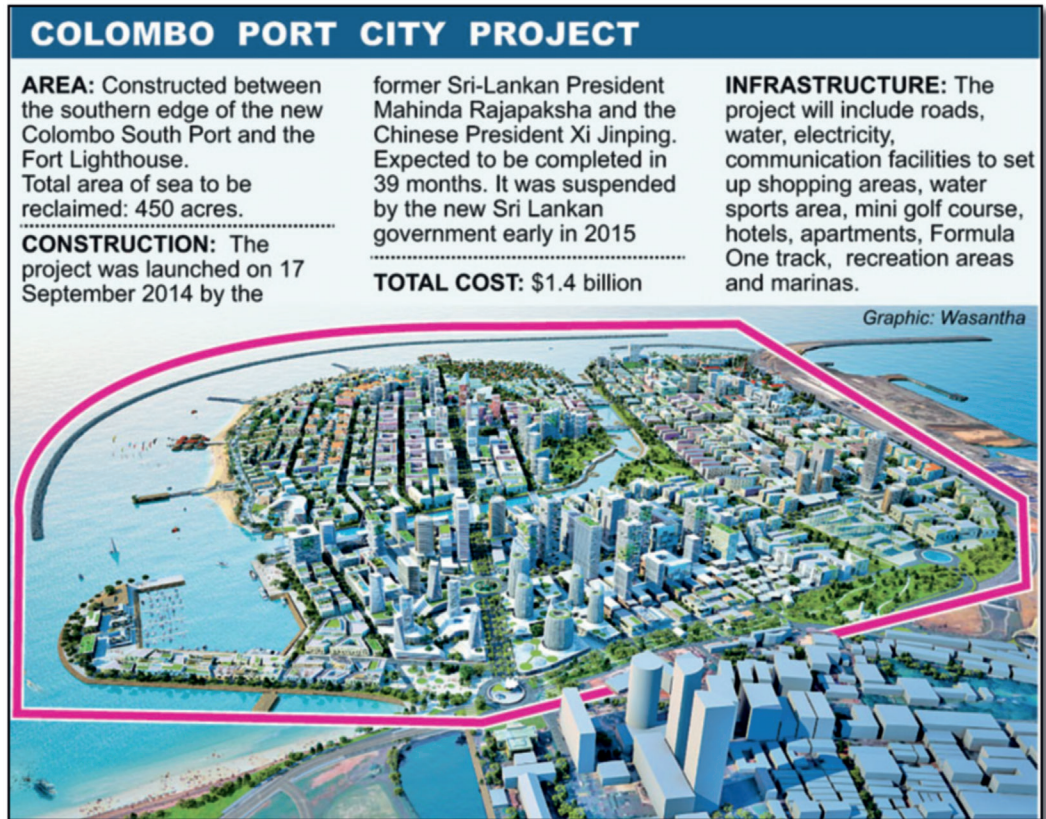
The final agreement (for Adani to develop the WCT and CMPort to develop the ECT) ostensibly looks beneficial for Sri Lanka.

Despite this, it is important to note that the final agreements have not been fully disclosed to the public. In itself, it is difficult to comprehensively judge at this point whether the agreements are in Sri Lanka's national interest or not. What is clear however, is that Japan, a long-time friend of Sri Lanka, was left out of the negotiations when WCT operations were handed over to the Adani Group, which does not bode well for future ties with Tokyo. This is particularly evident from the fact that Japan, one of the primary contributors to Sri Lanka's development through grants and concessional loans in the past, has not provided substantial economic assistance to Sri Lanka after the island defaulted in April 2022 (Kuruwita, 2022).

The Colombo Port City project is another major initiative which has raised concern among foreign security circles. The project, funded by a Chinese company, spans 269 hectares of reclaimed land from the sea. A total of 178 hectares is divided between CHEC Port City Colombo and Sri Lanka. CHEC has been allocated 116 Hectares on a 99-year lease while 62 hectares is controlled by the Sri Lankan Government. Meanwhile, 91 Hectares has been allocated for roads and parks (CHEC Port City Colombo, n.a). Although the former Sirisena government briefly halted the project citing environmental concerns, the possibility that this may negatively affect ties with China influenced the then government to revive the project.

In 2021, the Gotabaya Rajapakse administration established the Colombo Port City Economic Commission which is entrusted with the administration, regulation, and con-

Figure 12.
Graphical illustration of the final layout of the Colombo Port City



Source: <https://www.dailynews.lk/2016/03/16/local/all-systems-go-port-city-project>

trol of, all matters connected with businesses and other operations, in and from the “Area of Authority of the Colombo Port City” (Sri Lanka Parliament, 2021). Although the commission has been entrusted with significant powers over the Colombo Port City, as per the act, the majority of members, including the chairperson of the commission, have to be Sri Lankan. Claims therefore, that the Colombo Port City is a Chinese enclave is therefore,

both overblown and misleading. The Port City project and the Hambantota Port lease decision is, consequently, reflective of tightrope balancing. The decision to first engage with India and Japan concerning the ECT of the Colombo Port, and then abruptly renege on the deal harmed bilateral ties with India and Japan. While attempts to ease India’s displeasure was relatively successful by offering the WCT to India’s Adani Group, ties with Japan were

negatively impacted. Moreover, it dented trust and good faith between Sri Lanka and India which is not reflective of tightrope balancing.

In conclusion, Sri Lanka's diffidence and inability to stick with a decision, even if it was made by the previous administration, negatively impacted ties with two of the island's closest foreign partners. The optics of then handing over the same terminal to a Chinese firm may also not have been viewed in a positive light by Japan or India. Even if the agreements reached with CMPort and India prove to be beneficial in the long run, the fact that Sri Lanka vacillated and gave into pressure from domestic interest groups does not augur well for short term ties with Japan.

Other forms of engagement and assistance

Between 2019 and 2021, Indian and Chinese assistance and engagement with Sri Lanka was primarily in the domains of diplomatic visits and vaccine donations. Consequently, to supplement our analysis of how Sri Lanka managed to tightrope balance by inviting assistance from India and China while attempting to protect its interests and not engender tensions with any one great power, this section examines both domains.

Vaccine donations from China and India significantly contributed to limiting deaths from Covid 19 to a level below 17,000 (as at the end of May 2022) in Sri Lanka. (Health Promotion Bureau, n.a). India donated the first consignment of Covid-19 vaccines in late January 2021 (Ministry of Mass Media, 2021a). This was followed by donations of Sinopharm by China two months later (Ministry

of Mass Media, 2021b). Since then, Sri Lanka has continued to receive donations from New Delhi and Beijing. In addition to the competition between India and China in the domain of vaccine donations, Sri Lanka has also had many visits by Indian and Chinese delegations between 2019 and 2021.

Since his inauguration, President Gotabaya has met with the Minister of Foreign Affairs of the People's Republic of China and Member of the State Council – Wang Yi, Chinese State Councilor, and Defence Minister General – Wei Fenghe, and Yang Jiechi, a Politburo member of the Communist Party of China (CPC). He has also spoken with China's ambassador in Sri Lanka on several occasions. In addition, Xi Jinping has personally wished on his birthday (Presidential Secretariat, 2022). Chinese foreign delegations consider Mahinda Rajapakse their "old friend" and Sri Lanka overtly leaned towards China during Mahinda Rajapakse's tenure (2005-2015).

Immediately after his appointment, Sri Lanka's former Foreign Secretary – Jayanath Colombage – sought to assuage fears of China's naval presence in the Indian Ocean by stating that between "2009 and (August) 2020 more than 525 warships have visited Sri Lanka. Topping the list is India with 110 [...] and way down the list is China with about 40 ships." Colombage went on to declare that "the President has made it very clear, in no uncertain terms, that as far as strategic security considerations go, it is an 'India first' approach. Which means Sri Lanka cannot be, should not be, and will not be a strategic security concern for India" (Ghosh, 2020, para 3). Moreover, President Rajapakse's first overseas visit was

to India. During his tenure he also met with India's National Security Advisor Ajit Doval and the Indian Foreign Minister Jaishankar. Thus, a brief survey of diplomatic visits and vaccine donations showcases how Sri Lanka has engaged in a tightrope balancing act with India and China. To assuage Indian fears that the electoral victory of Gotabaya would augur an inclined foreign policy towards Beijing, as was evident during his brother's presidency from 2005-2015, the President cultivated strong personal rapport with Indian policymakers through his diplomatic visits to New Delhi. To capitalise on Sri Lanka's relationship with Beijing, President Gotabaya utilised diplomatic visits and appointed his brother, Mahinda Rajapakse, as Prime Minister – in the hope of rekindling Sino-Sri Lankan ties which was at its strongest during his tenure. Amicable ties with both nations provide the island with many benefits – the continuation of which is a national interest for Sri Lanka.

Economic crisis assistance is another front where India and China have actively competed in. Acquiring concessional loans from bilateral donors and multilateral agencies became a challenge after the island graduated into middle income status in 1997. This prompted policymakers to borrow from foreign capital markets by issuing International Sovereign Bonds (ISB).

In addition, persistent budget deficits, a reluctance to widen the tax net, and an inability to diversify Sri Lanka's export basket left the island unable to generate sufficient revenue to finance ISB repayments. Consequently, policymakers dipped into Sri Lanka's foreign reserves to meet debt obligations. Compound-

ing these problems was the COVID-19 pandemic, which caused a decrease in remittances from migrant workers and a slowdown in international tourism. The island no longer had sufficient foreign earnings to finance its debt, and by 2022, Sri Lanka's economy was spiralling into default. The result was soaring inflation and regular power outages, coupled with a lack of fuel and basic essentials, which induced many to protest against the president and demand his resignation. (De Silva, 2022a, para 3)

While China has pledged to come to Sri Lanka's assistance amidst the growing economic crisis, it has been India who has responded swiftly with credit lines exceeding 3 billion USD for the cash-strapped nation (Kuruvita, 2022; Shrivastava, 2022). In contrast, China has been relatively slow in extending assistance to the island and briefly opposed Sri Lankan negotiations with the International Monetary Fund to restructure debt (Aneez, 2022).

CONCLUSION

In sum, our analysis of Sri Lanka's engagement with India and China in the domain of port infrastructure exposes how Sri Lanka has attempted to tightrope balance. In the case of the Port City project and the Hambantota Port lease agreement, our assessment showcased the fact that Sri Lanka has sought to protect its national interests by tightrope balancing. The way in which President Gotabaya dealt with the ECT and WCT however had negative implications on Sri Lanka's ties with India and Japan. While India has been somewhat pacified by offering the WCT to India's Adani Group, the optics of handing over the ECT to

a Chinese company, soon after, may have been negatively perceived in Indian policy circles. In addition, Sri Lanka's ties with Japan also took a negative turn, especially in the wake of the collapse of the ECT MOC with Sri Lanka and the sudden cancellation of the Light Rail Transportation project (Wijedasa, 2022). While engagements with India and China in other domains have been relatively strong, we cannot conclude that Sri Lanka has successfully engaged in a tightrope balancing foreign policy. This is especially in light of the changes in the government's stance on the Colombo Port ECT, as a consequence of the protests of interest groups.

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**LOS DILEMAS DE LA
AUTODETERMINACIÓN Y LA
AUTONOMÍA EN TERRITORIOS
INSULARES**

**REFLEXIONES SOBRE LA POLÍTICA
EXTERIOR DE TAIWÁN: ENTRE ESPACIOS
REALES E IMAGINADOS**

Daniel Lemus-Delgado

**OS AÇORES NO SISTEMA DAS RELAÇÕES
INTERNACIONAIS: ENTRE AUTONOMIA E
INTEGRAÇÃO EUROPEIA**

Paulo Vitorino Fontes

**UNA SITUACIÓN COLONIAL QUE DEBE
TERMINAR. LAS ISLAS MALVINAS
Y LA OBLIGACIÓN DE DESCOLONIZAR**

Luciano Pezzano

Reflexiones sobre la política exterior de Taiwán: entre espacios reales e imaginados

Daniel Lemus-Delgado*

RESUMEN

Este artículo analiza la relación entre el contexto geográfico como un espacio físico y la narrativa histórica como un espacio imaginado en la conformación de la identidad nacional taiwanesa. Basado en la propuesta teórica del constructivismo, que enfatiza la importancia de la identidad en la conformación de los intereses de los Estados, se propone que las condiciones geográficas e históricas de Taiwán han desarrollado una identidad nacional distinta y diferenciada de la identidad china. Para ello, se asume una visión que sugiere que

el contexto geográfico no solo genera condiciones materiales, sino también posibilita una serie de interacciones sociales que convierten al territorio también en un espacio “imaginado”, el cual es el resultado de narrativas históricas. Así, los elementos que conforman la identidad taiwanesa inciden en la política exterior de este Estado, particularmente en el caso de la búsqueda del reconocimiento internacional. Como conclusión, se destaca la manera en que el caso de Taiwán evidencia la forma como la identidad influye en la política exterior.

Palabras clave: China; Taiwán; constructivismo; identidad nacional.

* Doctor en Relaciones Internacionales Transpacíficas. Universidad de Colima (México). Profesor Investigador. Escuela de Ciencias Sociales y Gobierno. Tecnológico de Monterrey, Guadalajara, Jalisco (México). [dlemus@tec.mx]; [<https://orcid.org/0000-0003-1002-5319>].

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The Relationship between Real and Imagined Spaces: Reflections on Taiwan's Foreign Policy

ABSTRACT

This article analyses the relationship between the geographical context as a physical space and the historical narrative as an imagined space in the formation of Taiwanese national identity. Based on the theoretical proposal of constructivism, that emphasises the importance of identity in shaping the interests of the States, the article suggests that the geographical and historical conditions have enabled Taiwan to develop a different national identity from that of the Chinese. For this, the assumption is that the geographical context generates material conditions and social interactions, turning the territory into an “imagined” space. This immaterial space is, above all, the result of historical narratives. Thus, the elements that configure the Taiwanese identity affect the foreign policy of this State, particularly in the search for international recognition. The conclusion highlights how the case of Taiwan evidences the manner in which identity influences foreign policy.

Key words: China; Taiwan; constructivism; national identity

INTRODUCCIÓN: LA POLÍTICA EXTERIOR DE TAIWÁN EN TIEMPOS CONVULSOS

La política exterior de Taiwán y su búsqueda el reconocimiento internacional ha estado supeditada al ascenso de China como gran potencia (Kim, 2018). A pesar de que el gobierno comunista establecido en Beijing y el gobierno nacionalista cuya sede se ubicó en Taipei reconocieron el principio de una única China con la intención de algún día alcanzar la reunificación (Chen, 2010), este hecho parece ahora más lejano que nunca¹. El gobierno chino ha incrementado las presiones para que el número de países que reconocen a Taiwán como un Estado independiente sea cada vez menor, como sucede en América Central (Lemus y Cerda, 2021). Desde el triunfo de la presidenta Tsai Ing-wen en 2016, candidata del Partido Democrático Progresista, el número de Estados-nación que ya no reconocen a Taiwán ha ido en aumento². Además, la política exterior China ha abandonado el principio de “mantener un perfil bajo” con la intención de impulsar una política exterior que enfatizaba el desarrollo pacífico impulsado por el líder de las reformas económicas Deng Xiaoping

¹ En 1992 se llevó a cabo una reunión histórica en Hong Kong entre representantes de ambos lados del estrecho de Taiwán, que dio origen al término “Consenso de 1992”. Aunque los gobiernos de Taiwán y de China entienden de manera diferente lo que implica ese término, ambas partes reconocieron que hay una sola “China” y que, por lo tanto, China continental y el conjunto de islas que pertenecen a Taiwán son parte de la misma China. Sin embargo, este consenso no ha sido reconocido plenamente por todos los actores políticos relevantes en Taiwán (Wang *et al.*, 2018).

² Los aliados diplomáticos que perdió Taipei durante el primer mandato de Tsai como presidenta de Taiwán han sido Santo Tomé, Burkina Faso, República Dominicana, Panamá, El Salvador, Islas Salomón y Kiribati.

(Keith, 2017). Al contrario, la dirigencia del Partido Comunista Chino ha adoptado una política exterior más firme, maximizando su influencia (Nien-chung, 2016) y mostrando su creciente poderío en asuntos que se perciben innegociables, como las disputas territoriales en el Mar Meridional de China (Cheng y Paladini, 2014). Entre estos puntos innegociables se encuentra el retorno algún día de Taiwán a China.

Al interior de Taiwán crecen las voces de los ciudadanos que no sienten que el territorio en que habitan sea parte de China y aspiran a tener un Estado-nación con el pleno reconocimiento de la comunidad internacional³. Esta postura es consecuencia de la construcción de una identidad nacional taiwanesa (Zhong, 2016). Al mismo tiempo, la postura ambigua que Estados Unidos ha jugado respecto a Taiwán desde la firma del comunicado conjunto de Shanghai, en 1972⁴, genera un sentimiento de confusión sobre hasta qué punto el gobier-

no estadounidense está dispuesto a apoyar la defensa de Taiwán⁵.

De acuerdo con la alta dirigencia del Partido Comunista, Taiwán es una provincia rebelde (Wei y Lai, 2017). Aunque por iniciativa de Deng Xiaoping, desde 1979 el gobierno chino adoptó la política de reunificación pacífica y desarrolló gradualmente el concepto científico de “un país, dos sistemas”, el gobierno chino ha precisado que hará todo lo posible para lograr la reunificación, incluyendo el uso de la fuerza, si fuera necesario (The Taiwan Affairs Office y The Information Office of the State Council, 2000).

En tiempos caracterizados por la debilidad del orden internacional liberal vulnerable al populismo de extrema derecha, y ante la amenaza de la creciente presencia de regímenes autoritarios (Ikenberry, 2018), es oportuno analizar los factores detrás del comportamiento de los Estados en el escenario internacional. Este hecho es particularmente importante

³ Una encuesta conducida por PEW Research Center en el año 2019 encontró que el 75% de las personas consultadas consideraban que eran solamente taiwanesas, entendiendo ser taiwanés como una identidad diferenciada de la identidad china (Pew Research Center, 2020).

⁴ El 27 de febrero de 1972, los representantes de Estados Unidos y China emitieron un comunicado conjunto como resultado de la culminación de la histórica visita de Nixon y Kissinger a China. El comunicado estableció que ambos países trabajarían por la “normalización” de las relaciones, ampliarían los contactos entre las personas y expandirían las oportunidades comerciales. El comunicado reconoció “que todos los chinos a ambos lados del Estrecho de Taiwán sostienen que solo hay una China y que Taiwán es parte de China”, pero evitó cuidadosamente la cuestión de quién debería gobernar esa “única China”, un problema que se dejó para resolverse en el futuro (Joint Communiqué Between the United States and China, 1972).

⁵ Este hecho se reflejó en la postura ambigua de la senadora Nancy Pelosi, presidenta de la Cámara de Representantes, en el viaje que realizó a la isla en agosto de 2022, al afirmar que esa visita “no contradice de ninguna manera el viejo principio de una sola China, guiado por la Ley de Relaciones de Taiwán de 1979”; sin embargo, al mismo tiempo destacaba que “la visita de nuestra delegación del Congreso debe verse como una declaración inequívoca de

cuando se trata de estudiar el comportamiento de Estados insulares embebidos en contextos cuyos rivales se muestran más poderosos, como el caso de Taiwán. Así, resulta oportuno reflexionar sobre cómo definen los Estados sus intereses y aspiraciones en el contexto internacional. Aún más, en esta manera de definir sus intereses y aspiraciones, ¿cómo se refleja en el rol que desempeña la identidad nacional en las aspiraciones concretas, como la búsqueda del reconocimiento internacional? En otras palabras, ¿por qué, desde la perspectiva de la identidad nacional, es importante el reconocimiento internacional para un Estado que cuenta con una autonomía plena como es el caso de Taiwán?

Evidentemente, el buscar algunas respuestas sustentadas en supuestos teóricos a las interrogantes anteriores no es un asunto banal porque nos permite conocer los alcances, límites y mecanismos desde los cuales operan las decisiones de los Estados que inciden en sus propios ciudadanos y en los de la comunidad internacional. Como afirma Robert Cox (1981), las teorías siempre son escritas para alguien y para algún propósito, y sus propuestas explicativas se traducen en horizontes de acción (Rupert, 2013). En la medida en que sea posible ampliar nuestros horizontes explicativos del actuar de los Estados pequeños e insulares que han recibido una atención mínima en el debate académico, será posible ampliar

nuestras posibilidades de entendimiento de un mundo que se muestra cada vez más complejo.

Este artículo parte de los supuestos teóricos del constructivismo. Específicamente, se asume que en la comprensión de la política exterior la identidad de los Estados es un factor crucial. Por lo tanto, los intereses de los Estados no se definen únicamente de manera fría, racional y calculada, como lo proponen las corrientes teóricas dominantes de las relaciones internacionales (Kaufman, 2013). Al contrario, las estructuras ideacionales son tan importantes como las materiales al momento de definir las aspiraciones de los actores (Jung, 2019). Y al interior de este mundo inmaterial, la identidad es una pieza clave conforme Berenskoetter (2010).

La propuesta de este artículo es que en los Estados insulares existen elementos específicos, condicionados tanto por los aspectos materiales como por contextos históricos y culturales, que permiten desarrollar tipos específicos de identidades. Así, el contexto geográfico influye en la conformación de la identidad de Taiwán. Pero el contexto geográfico no solo genera condiciones materiales, sino también crea una serie de dinámicas que influyen notablemente en la conformación específica de la identidad, convirtiendo al territorio también en un espacio “imaginado”⁶. De este modo, en el caso taiwanés, tanto los espacios “reales” como los “imaginados” han construido

⁶ En cuanto a la visión clásica de la geopolítica se puede tener como punto de partida la propuesta de Parker (1998, p. 3), quien la define como la examinación de supuestos, designaciones y entendimientos geográficos que intervienen en la elaboración de la política mundial. El concepto de espacio imaginado ensancha esta visión tradicional que busca relacionar los aspectos geográficos con la política internacional considerando exclusivamente elementos materiales.

la identidad taiwanesa. La conformación así de una identidad nacional particular tiene un peso importante en la política exterior de Taiwán, particularmente en la búsqueda por el reconocimiento internacional.

Con la intención de analizar la relación entre espacios físicos e imaginados en la construcción de la identidad nacional taiwanesa y el impacto que genera en la búsqueda por el reconocimiento internacional, este artículo está organizado en cinco apartados. En el primero, basado en el enfoque teórico del constructivismo, se discuten supuestos básicos de esta aproximación teórica y se analiza el papel que desempeña la identidad en la conformación de la política exterior de los Estados. Posteriormente, se examinan los elementos detrás de la conformación de una identidad nacional taiwanesa. Más adelante, se analiza cómo el espacio físico y las narrativas particulares sobre su desarrollo histórico han conformado a Taiwán como una isla “real” e “imaginada”. En la siguiente sección se discute el concepto de reconocimiento internacional y su relación con las aspiraciones inmateriales taiwanesas sustentadas en una interpretación particular del mundo que se sustenta en la identidad nacional. Por último, en las conclusiones, se enfatiza cómo, derivado de las características insulares de Taiwán, las estructuras materiales e inmateriales influyen en este aspecto de la política exterior.

CONSTRUCTIVISMO, IDENTIDAD Y POLÍTICA EXTERIOR

El constructivismo ha creado espacio para abordar teóricamente la manera como las iden-

tidades, los intereses y las normas pueden ser variables explicativas en el estudio de la política internacional (Jung, 2019). Como enfoque teórico, el constructivismo sugiere comprender los asuntos internacionales desde una perspectiva más amplia en comparación con las teorías tradicionales positivistas, ya que afirma que las relaciones internacionales existen dentro de un conjunto más amplio de interacciones sociales y políticas. Por lo tanto, la forma en que se presentan estas relaciones determina la manera en que los Estados actúan en el escenario internacional (Kaufman, 2013). De esta forma, el constructivismo propone superar la estrecha visión del realismo que destaca que los Estados actúan en el escenario internacional de manera lógica, calculadora y racional, conforme a sus capacidades de poder (Hobson, 2000).

De acuerdo con los postulados del constructivismo, el mundo social y político no constituye una realidad objetiva que se ubica más allá de la conciencia humana. En consecuencia, es imposible afirmar que existe un aislamiento temporal de los asuntos internacionales y que las razones que los determinan son universales, más allá de sus contextos históricos y sociales. Al contrario, las relaciones entre los Estados existen como producto de una conciencia intersubjetiva; es decir, es una invención humana, no de tipo físico o material, sino intelectual e ideológica. Por lo tanto, el escenario internacional en que cada Estado desempeña un rol específico es un conjunto de ideas y un sistema de normas que ha sido organizado por ciertos individuos, en un momento y lugar determinados (Jackson y Sorensen, 2003).

Conforme a Wendt (1994), el constructivismo se basa en tres afirmaciones elemen-

tales. La primera de ellas es que los Estados son las principales unidades de análisis de las relaciones internacionales. Segundo, las estructuras que definen el sistema, en lugar de ser exclusivamente materiales, también son estructuras intersubjetivas. Por último, tanto las identidades como los intereses de los Estados son contruidos por las estructuras sociales. Consecuentemente, las identidades y los intereses no son exógenamente conformados por el sistema, por la naturaleza o por la política interior; al contrario, los Estados forman ideas y entendimientos del mundo que los rodea, basándose en las estructuras en las que interactúan y posteriormente actúan con base en las percepciones que forman a partir de estas interacciones (Wendt, 1994).

El constructivismo afirma que, en la conformación de los intereses de los Estados, las estructuras materiales y las estructuras normativas –las cuales son constituidas desde el mundo de las ideas– tienen la misma importancia (Reus-Smith, 2005). Así, las estructuras normativas y materiales y el papel de las identidades son fundamentales en la constitución de los intereses y la acción de los Estados (Price y Reus-Smit, 1998). Aún más, los elementos materiales solo adquieren significado para la acción humana a través de una estructura de conocimiento compartido, la cual está socialmente embebida (Addler, 2002). Así, los Estados son “obligados” a actuar no solo por causas materiales, sino también por las estructuras sociales normativas que prevalecen en el contexto internacional (Hobson, 2000). En consecuencia, la manera que el Estado cumple sus metas y se relaciona con otros es, ante todo, una cuestión del orden social (Griffiths

et al., 2008). Así, el estatus internacional de un Estado no solo se basa en su posición material en el sistema internacional, sino que ese estatus también es un resultado de una construcción social. En esta lógica, la importancia de China y Taiwán como actores sociales en la comunidad internacional está supeditada al juicio perceptivo del “yo” –ser taiwanés o chino– frente al “otro”, el extraño, el extranjero (Liao, 2019). En estas interacciones, las identidades son indispensables para garantizar al menos un nivel mínimo de previsibilidad y orden en el sistema internacional (Hopf, 1998).

Un elemento clave del constructivismo es el supuesto de que el comportamiento de los Estados se puede explicar esencialmente como el resultado de las normas. Así, los Estados y otros agentes del escenario internacional buscan garantizar que exista una correspondencia entre su propia conducta y las normas interiorizadas que otorgue legitimidad a sus acciones. Un punto clave es que las normas se derivan de las propias identidades. De este modo, normas e identidades se influyen mutuamente. Las normas, lejos de ser puramente decorativas, ejercen una profunda influencia en el comportamiento de los Estados tanto al facilitar la construcción de las identidades como al conformar sus intereses. Sin embargo, las normas también condicionan y restringen las estrategias y acciones de los Estados en el cumplimiento de estos intereses. Esta posición contrasta con el supuesto racionalista de que el comportamiento de los agentes se rige simplemente por una lógica de las consecuencias (Hopf, 1998).

Ahora bien, el aceptar que las normas sociales son un elemento fundamental que de-

termina el quehacer de los Estados, no impide a los constructivistas sugerir que también las ideas, las creencias y las identidades colectivas son la clave para comprender las dinámicas del escenario internacional y la forma en que los Estados actúan en este contexto (Genest, 2004). Por lo tanto, en el escenario internacional, las identidades afectan las preferencias y las metas de los Estados (Chernoff, 2007). Hopf (1998, p. 175) sugiere que un mundo sin identidades sería un “mundo de caos, un mundo de incertidumbre generalizada e irremediable, un mundo mucho más peligroso que [el mundo de] la anarquía”.

La clave para comprender la relación entre identidad nacional y política exterior, desde los supuestos teóricos del constructivismo, se encuentra en la construcción social de la realidad (Kowert, 1998). Alexander Wendt (1992) propone que los actores del sistema internacional adquieren identidades al participar en significados colectivos. Las identidades, en palabras de Wendt, son los “entendimientos específicos del rol y expectativas acerca del yo, relativamente estables” (1992, p. 397). Luego, se puede afirmar que la identidad nacional es una realidad política y social construida en contextos históricos y sociales específicos, la cual está sujeta a cambios y reconfiguraciones, especialmente bajo la movilización intensiva de las élites en épocas de transición de regímenes o reestructuración mundial (Chu y Lin, 2003).

Las identidades implican un conjunto particular de intereses o preferencias con respecto a las opciones de una acción en particular. Un Estado comprende a otros de acuerdo con la identidad que les atribuye, mientras que al mismo tiempo reproduce su propia

identidad a través de la práctica social cotidiana (Hopf, 1998). Asimismo, los Estados, de manera similar que las personas, pueden tener múltiples identidades (Kaufman, 2013). Así, Taiwán responde a las acciones de otros Estados, como China y Estados Unidos, dependiendo, en parte, de cómo Taiwán se ve a sí mismo, así como las formas en que ve a los demás Estados.

Evidentemente, en la medida en que cambian las circunstancias, las identidades cambian a través el tiempo, dependiendo de las interacciones entre esos Estados y las formas en que se perciben a sí mismos (Kaufman, 2013). Ahora bien, quienes crean y reproducen sus propias identidades no tienen el control de lo que finalmente esa identidad significará para los demás, lo que Hopf (1998) denomina la estructura intersubjetiva como el árbitro final del significado.

Ahora bien, si los intereses son también el producto de la identidad, entonces las acciones que asumen los Estados en el escenario internacional están moldeadas por dichas identidades. Por ejemplo, cuando se afirma que un Estado posee la identidad de una potencia mundial implica que posee un conjunto particular de intereses diferentes a los implícitos en la identidad de una potencia emergente. De este modo, al convertir los intereses en una variable central, el constructivismo explora no solo cómo se desarrollan los intereses particulares, sino sus significados con relación a su identidad (Hopf, 1998).

Por último, las identidades “no son dadas por naturaleza”, sino que se construyen a través de ideas, normas, valores, símbolos, discursos y prácticas, inmersos en contextos culturales es-

pecíficos. Estos contextos culturales son vistos como portadores o expresiones de estructuras de significado a través de las cuales se obtiene y mantiene un sentido de pertenencia (Berenskoetter, 2010). De esta manera, las identidades son marcos que permiten a los individuos y las colectividades situarse en el espacio y el tiempo, funcionando como “dispositivos de orientación” (Hopf 2002).

Desde esta perspectiva, se podría afirmar que la identidad del Estado de Taiwán ha sido conformada en parte por el hecho de ser un territorio insular. La política exterior taiwanesa, que prioriza la búsqueda de reconocimiento internacional, es resultado de una interpretación del mundo construida socialmente. Evidentemente, esta construcción implica una interpretación que es, al mismo tiempo, dinámica y colectiva. Incluso, esta interpretación es el resultado de una interacción permanente entre el Estado y las estructuras materiales e ideacionales en el que se encuentra. Desde el constructivismo, es posible sugerir que en este proceso las identidades juegan un rol definitivo. Específicamente, la construcción de una identidad nacional taiwanesa, distinta y diferenciada de la identidad nacional china, ha sido un proceso construido históricamente que comprende múltiples etapas, pero situado en un espacio físico concreto con características singulares, como se analiza en la siguiente sección.

TAIWÁN Y LA CONSTRUCCIÓN DE UNA IDENTIDAD NACIONAL

Evidentemente, existen distintos tipos de identidades que permiten dar cohesión a una co-

munidad, generar un sentido de pertenencia, conformar un proyecto político y formar un sentido de existencia colectivo (Holtug, 2017). Sin embargo, entre estas identidades, un tipo fundamental para comprender el rol de los Estados en el sistema internacional son las identidades nacionales (Restad, 2020). La piedra angular de este tipo de identidades descansa en el nacionalismo cuyos orígenes intelectuales se remontan al periodo de la Ilustración (Benner, 2013). En la medida en que una versión de sistema internacional se extendió desde Europa Occidental al resto del mundo, impuso códigos compartidos de significados referentes a cómo deberían ser las relaciones entre las unidades políticas en un nuevo contexto internacional que alcanzó una dimensión mundial (Saurin, 2006). Estos códigos se basaron en ideas como soberanía nacional, nacionalismo e identidad nacional (Sutch y Elias, 2007). Así, los Estados utilizarían las fronteras como referentes, basados en ideas como el nacionalismo para decidir el alcance y los límites de su participación política en el escenario internacional (Eskildsen, 2005). En el fondo, la nueva idea que dio una dimensión a los Estados fue la de nación.

Para Benedict Anderson (1991, p. 6), una nación es una comunidad “políticamente imaginada e inherentemente limitada y soberana”. Así, la nación es producto de la imaginación, porque los miembros de ella nunca conocerán a la mayoría de sus compatriotas, sino que en la mente de cada uno vivirá la imagen de su afinidad. La idea de nación está limitada por fronteras finitas pero elásticas, más allá de las cuales se encuentran otras naciones. Las naciones comenzaron a visualizarse como soberanas cuando el concepto de autodeterminación

pasó a primer plano durante un periodo de la historia en el que estas comenzaron a aspirar a la libertad. Por último, la nación se imagina como una comunidad, porque a pesar de la presencia inherente de la desigualdad y la explotación, siempre se considera una camaradería profunda y horizontal entre sus miembros derivada justamente de ese sentimiento de unidad nacional (Anderson, 1991).

Las prácticas culturales son las que generan las ideas sobre el nacionalismo e inspiran a los miembros de una comunidad a ubicar su identidad dentro de una nación en particular (Bloom, 1990). Al mismo tiempo, la identidad nacional no es innata; es, más bien, una realidad política y socialmente construida en contextos históricos y sociales particulares. En otras palabras, la identidad nacional no es fija; al contrario, cambia y se transforma en periodos de transición de régimen al interior de un Estado y en los procesos de transformaciones globales, como resultado de la intensa movilización de las élites (Chu y Lin, 2003). La identidad nacional debe construirse de diferentes maneras, siendo las narrativas nacionales herramientas influyentes y esenciales para dar forma a dicha identidad; por lo tanto, para llegar a ser una nación es necesario contar con una narrativa nacional (Vasu *et al.*, 2013).

Ahora bien, la identidad nacional taiwanesa es el producto de una narrativa histórica particular, antes de ser el producto de una narrativa étnica o cultural (Lemus-Delgado, 2021). En otras palabras, es una interpretación del pasado en la cual las personas fijan sus referentes mentales y establecen fronteras identitarias a través de esta historia que es narrada.

Según Gold (2008), la identidad taiwanesa ha sido eclipsada por China de tres maneras específicas. La primera está relacionada con el contexto geográfico. Por ejemplo, Taiwán, ubicada a cien millas de la costa de China, ha desempeñado un papel clave al ofrecer refugio a miles de inmigrantes chinos. En segundo lugar, la llegada a Taiwán del derrotado régimen del Partido Nacionalista Chino (Kuomintang o KMT), instauró un sistema educativo inspirado en el modelo tradicional chino. El KMT también jugó un papel decisivo en el control de los medios y las producciones culturales, utilizando ambos elementos para mantener fuertes vínculos con las tradiciones de China continental. Además, el mandarín también fue adoptado como idioma oficial, en detrimento de los dialectos taiwaneses. Asimismo, el discurso oficial del gobierno encabezado por el KMT difundió la idea de que Taiwán era el sitio del gobierno legítimo de China y que este gobierno solo estaba esperando el momento adecuado para reconquistar China continental; por lo tanto, Taiwán debería conservar los valores tradicionales de la civilización china. En tercer lugar, está la persistencia del propio gobierno comunista, que se está convirtiendo en una seria amenaza para la isla.

Como lo advierte Wang (2000), en la conceptualización del nacionalismo chino, la palabra “China” es un término que representa una cultura, una nación y un Estado, y ser chino implica no solo pertenecer a un grupo étnico y cultural en particular, sino que también se refiere a la identidad política del Estado chino. Desde la perspectiva del Partido Comunista Chino, Taiwán es una aberración histórica;

es absolutamente imposible imaginarlo como un Estado independiente. Los taiwaneses son vistos como chinos y la isla de Taiwán es una parte integral del territorio chino. Desde esta perspectiva, la reunificación de Taiwán con China continental es vista como un asunto natural e inevitable.

Wong (2001) afirma que la evolución histórica de la identidad taiwanesa tiene cinco periodos críticos, comenzando con la colonización japonesa de la isla y terminando con la democratización de Taiwán. Desde 1895, cuando China firmó el Tratado de Shimonoseki y renunció a Taiwán, esta última nación ha experimentado una transformación masiva, junto con una ruptura cultural y una alienación hacia China. Desde el periodo de ocupación japonesa hasta el momento en que el KMT asumió el gobierno, las personas que vivían en Taiwán sintieron que habían sido abandonadas. Sin embargo, a fines de la década de los cuarenta, la mayoría de los nacionalistas que emigraron de China continental a Taiwán permanecieron mentalmente apegados al continente, considerando a Taiwán como parte de una entidad más orgánica a la que llamaron China. En este periodo, la identificación con China continental se convirtió en la fuente espiritual y moral del movimiento anticolonial taiwanés, así como en la resistencia cultural al gobierno japonés anterior a 1940. Así, aunque Taiwán ha estado separada geográfica y políticamente de China continental desde 1895, los chinos continentales y los nacionalistas taiwaneses identifican Taiwán con China (George Wei, 2012).

De 1945 a 1990, el régimen del KMT consideró que Taiwán, como cualquier otra

provincia, era parte de China y que la identidad nacional china era semejante tanto en China continental como en Taiwán. Se entendía que los isleños, aunque no exclusivamente de la etnia Han, compartían un amplio legado cultural capaz de borrar las diferencias étnicas y que eran chinos en primer lugar y posteriormente taiwaneses (Damm, 2011). Sin embargo, el resentimiento comenzó a crecer entre la población originaria de la isla—entre los que se encuentran los ami, los paiwan y los atayal—en la medida en que no eran chinos continentales por lo que gradualmente quedaron cada vez más marginados en las estructuras gubernamentales (Wachman, 1994).

A fines de la década de los ochenta, Taiwán inició un rápido proceso de democratización. Como parte de este proceso, el renacimiento de una identidad taiwanesa—en oposición a la china—, se convirtió en un elemento cada vez más fundamental. El tema de la identidad comenzó a emerger como el centro de la disputa entre diferentes actores políticos, con la democratización final de Taiwán como meta. Se rompió así el vínculo de legitimidad política que se había basado en la suposición de que el “ilegítimo” Taiwán estaba bajo la protección de la “legítima” China (Deans, 2005). El proceso de transición democrática inició el debate sobre una nueva identidad taiwanesa, que enfatizaba la fusión de los pueblos originales con la cultura Han, así como la necesidad de recuperar el legado cultural japonés que la isla absorbió cuando era una colonia japonesa (Brown, 2004).

Históricamente, la principal diferencia política entre los dos principales partidos taiwaneses ha sido sobre el tipo de relaciones

que se deben mantener con China. El KMT aboga por un mayor acercamiento y una eventual reunificación, mientras que el Partido Democrático Progresista ha presionado por una mayor independencia. Sin embargo, en los últimos años, ambas partes han realizado un acuerdo informal para mantener el *statu quo* y minimizar la cuestión territorial, en reconocimiento de su potencial de división (McAllister, 2016). Independientemente del debate al interior de Taiwán sobre cuál debería ser la política hacia China, es posible que la identidad nacional hoy se base en que es un país democrático, en oposición al sistema político de China continental (Stevens, 2016). A lo largo de su historia, la búsqueda taiwanesa de identidad nacional ha jugado un papel fundamental en la configuración de la política nacional e internacional (Kang *et al.*, 2015). Esta identidad nacional incide en la concepción de la política exterior de Taiwán en busca del reconocimiento internacional a partir de las características insulares del Estado taiwanés; es decir, una isla al mismo tiempo “real” e “imaginada”.

TAIWÁN, UNA ISLA “REAL” E “IMAGINADA”

Si se toma en cuenta que las identidades de los Estados importan al momento de comprender su actuar en el escenario internacional, entonces es necesario reflexionar la manera en que el Estado taiwanés ha fundamentado su propia visión identitaria sobre el rol que debe desem-

peñar. La identidad de Taiwán es producto de la conjunción de elementos materiales e inmateriales que, en una relación mutuamente constitutiva, establece lo que Taiwán debería ser a partir de la conformación de su propia identidad.

En cuanto a los factores materiales que definen Taiwán como Estado, el primer rasgo notable es que es un archipiélago. La isla principal –Taiwán– está localizada a 160 km de la costa de China, a 1126 km al sur de Japón y a 320 km al norte de Filipinas (Connelly, 2014)⁷. Es posible afirmar que la isla tiene una forma oval que mide 386 km de sur a norte y 157 km de oriente a poniente en su punto más ancho, su costa mide 1139 km y la isla tiene un área de 22.339 km² (Connelly, 2014).

Además de la isla propiamente dicha, el Estado comprende 21 islas pequeñas que pertenecen a la isla mayor de Taiwán y 64 islas son parte del grupo de la Isla de Penghu (Pescadores). El área total del territorio taiwanés cubre una extensión de 35.980 kilómetros cuadrados. El archipiélago de las islas de Penghu se encuentra a 40 km al oeste de la isla de Taiwán y tiene un área total de 127 km². Asimismo, bajo el control del gobierno de Taiwán se encuentran Quemoy (Chinmen) y Matsu, dos grupos de islas ubicados estratégicamente cerca de la provincia china continental de Fujian. Quemoy es la mayor de un grupo de seis islas, dos de las cuales están ocupadas por la República Popular China y está situada en la bahía de Xiamen (Amoy), abarcando un

⁷ El nombre con el cual fue conocida la isla en Occidente fue dado por los portugueses, denominándola Formosa.

área total de 176 km². Por otra parte, el grupo Matsu consta de diversas islas como Nankan (la más grande), Peikan, Tungyin, más unos 10 islotes pequeños y está ubicado a 30 de la ciudad portuaria continental de Fuzhou (Min Kuo, 2004).

En la parte oriental de la isla, dos tercios se componen de escarpadas y enormes cadenas montañosas. El pico más alto de la isla es la “montaña de jade”, Yü Shan, con una altura de 3.997 metros. Todos los ríos nacen en las montañas de la parte central de la isla, tienen cursos cortos y corrientes rápidas. El río más largo, Choshui, que drena hacia el oeste, tiene solo 190 km de largo. Mientras que el río Tanshui, que pasa por T’aipei en el norte, es el único río navegable de la isla (Min Kuo, 2004).

Con una población estimada de 23 millones 560 mil habitantes en el año 2020, Taiwán es uno de los países más densamente poblado del planeta, con una densidad de 650 personas por kilómetro cuadrado (República de Taiwán, 2022). El 70% de la población es hokkien, el 14% es hakka, el 14% es chino continental y el 2% pertenece a los grupos aborígenes (Skoggard, 2001). Otra forma de clasificar los grupos étnicos al interior de la isla es su vínculo con el territorio. Así, se pueden establecer tres grandes categorías. En primer lugar, se ubican los aborígenes, aproximadamente un 2% del total de la población. Ellos son los pobladores originarios de la isla. Actualmente, son aproximadamente 14 grupos originarios que conservan sus propias costumbres y tradiciones, y se localizan principalmente en las montañas, en el este de la isla. Los nativos, provenientes de la China continental, principalmente de las provincias de Guandong y Fujian, quienes se

establecieron en la isla durante los siglos XVII al siglo XIX. Por último, se encuentran los migrantes recientes, quienes arribaron a la isla después de la derrota de los nacionalistas en el año de 1949 e impusieron la cultura Han como fuente de legitimidad política (Ying, 2014).

El chino mandarín es el idioma nacional. Los taiwaneses hablan taiyu, un dialecto min del sur o hakka. Hay siete lenguas aborígenes distintas, que se agrupan en tres familias lingüísticas. La mayoría de los taiwaneses y aborígenes hablan tanto un idioma local como el idioma nacional, mientras que los descendientes de los chinos continentales son monolingües, aunque algunos de ellos, que son de segunda generación, hablan un idioma local (Skoggard, 2001).

La población y el territorio son las bases que le permiten operar al gobierno taiwanés; sin embargo, esta población y este territorio solamente adquiere sentido en la medida en que se construya una serie de identidades que, a través de un proceso narrativo, recupere una interpretación del pasado con la intención de mostrar la identidad taiwanesa como única y diferente de la identidad china, a pesar de que la influencia de la civilización china no pueda ser negada.

En la reconstrucción histórica de la isla se establece que, alrededor del año 500 a. C., los primeros grupos de chinos viajaron a Taiwán. Sin embargo, el primer registro histórico data del año 260 d. C. cuando Sun Chuan, primer emperador de Wu de la dinastía de los “Tres Reinos”, envió una expedición a explorar la isla (Manthorpe, 2009). Al parecer, la isla estuvo escasamente poblada por grupos aborígenes hasta 1624. En ese año, los holandeses comenzaron a utilizar Taiwán como puesto comercial

para sus florecientes mercados comerciales de Japón y China (Wills, 2007). Los colonos holandeses administraron la isla hasta 1661 (Wills, 2007). Durante los años de la administración holandesa, muchos chinos comenzaron a emigrar a Taiwán para escapar de la agitación política en el continente.

Posteriormente, la dinastía Qing estableció el control sobre Taiwán y este territorio fue declarado provincia de China en el año de 1886 (Connelly, 2014). Sin embargo, en 1895, después la primera guerra sino-japonesa, por medio de los tratados de Shimonoseki, China cedió el control de Taiwán a los japoneses (Connelly, 2014). A partir de entonces, Taiwán fue una colonia japonesa hasta el año de 1945, cuando el imperio japonés fue derrotado en la Guerra del Pacífico. Bajo la administración japonesa, Taiwán desarrolló redes de transporte y técnicas agrícolas eficientes (Rigger, 2011). Los japoneses crearon un sistema educativo avanzado y una economía de mercado próspera (Lamley, 2007). Tras la derrota del Japón, Taiwán fue administrado por el gobierno nacionalista comandado por el general Chiang Kai-shek (Manthorpe, 2009).

Cuando el gobierno comunista de Mao Zedong tomó el control de China continental en 1949, Chiang Kai-shek y casi 500 mil soldados nacionalistas se vieron obligados a huir a Taiwán; este éxodo de militares pronto fue seguido por otros dos millones de refugiados (Min Kuo, 2004). En 1950, Chiang Kai-shek

anunció que la República de China establecía en Taipei su nueva capital (Rigger, 2011). Estados Unidos continuó con las relaciones diplomáticas con la República China proporcionando cantidades masivas de ayuda militar y financiera. El gobierno nacionalista representó a toda China en las Naciones Unidas, aunque solamente tenía control efectivo de la isla. Sin embargo, Taiwán perdió su membresía en las Naciones Unidas en 1971, cuando la Asamblea General votó para reconocer a la República Popular de China como el único representante legítimo de China (Hsü, 2000). Aún más, Taiwán sufrió un duro golpe cuando Estados Unidos rompió relaciones diplomáticas en 1979 y estableció vínculos diplomáticos con la República Popular China (Hsü, 2000). Sin embargo, los lazos comerciales entre Taiwán y Estados Unidos continuaron siendo fuertes.

Durante muchos años, el gobierno de Taiwán fue un sistema de partido único dominado por el KMT, dirigido por Chiang Kai-shek como presidente de la República hasta su muerte en 1975. Chiang Ching-kuo, su hijo, lo sucedió en el cargo y gobernó Taiwán hasta su muerte en 1988 (Connelly, 2014). La ley marcial, que había estado en vigor durante 38 años, se levantó en julio de 1987 (Rigger, 2011). En marzo de 1989, se legalizaron los partidos políticos de oposición y Taiwán se convirtió en una democracia multipartidista (Connelly, 2014)⁸. Lee Tenghui fue elegido presidente en 1988 y reelegido para un man-

⁸ En diciembre de 1991, los términos de cualquier acuerdo “indefinido” de los diputados expiraron. Esta política había sido adoptada cuando la burocracia del KMT llegó a la isla y los delegados originales para administrar Taiwán ocuparon sus escaños a perpetuidad.

dato de seis años en 1990 (Rigger, 2011). El gobierno de Taiwán también puso fin al estado de guerra formal con la República Popular China en mayo de 1991 (Manthorpe, 2009). En la primera elección directa de Taiwán para presidente en 1996, Lee Tenghui fue reelegido para un mandato de cuatro años por voto popular (Manthorpe, 2009). En marzo de 2000, el candidato del Partido Progresista Democrático, Chen Shui-bian, se convirtió en el primer candidato del partido de oposición en ganar la presidencia y su victoria representó la primera transición de un partido político a otro en la presidencia de la República (Connelly, 2014).

La interpretación de los elementos históricos previamente presentados ha permitido el surgimiento de unos de los cambios culturales y políticos más importantes durante las últimas tres décadas en Taiwán: la tendencia hacia la “indigenización” o “taiwanización” –bentuhua– (Dittmer, 2006). En Taiwán, la indigenización ha funcionado como un tipo de nacionalismo que defiende la legitimidad de una identidad taiwanesa distinta, cuyo carácter y contenido debe ser determinado por el pueblo taiwanés. Como tal, ha contribuido a la formación de constructos sociales interrelacionados como la conciencia de Taiwán, la identidad taiwanesa, la cultura nacional y la conciencia su independencia (Makeham, 2005). Como lo ha evidenciado Chen (2014), la idea de la indigenización en Taiwán se originó durante la década de los noventa, como parte de la construcción de los “ideales de sociedad” que buscaban reconstruir la comunidad local. Así, una “buena sociedad” implicaba, en primer lugar, la constitución del tipo ideal de “sociedad indígena” –bentuhua–, por medio de la cual

las personas esperaban reconstruir la historia y la cultura locales.

IDENTIDAD NACIONAL TAIWANESE Y BÚSQUEDA DEL RECONOCIMIENTO INTERNACIONAL

El mundo que surgió del acuerdo de paz de Westfalia sentó las bases del sistema internacional moderno y convirtió a los Estados soberanos en los principales actores de las relaciones internacionales. El Estado soberano es una realidad geopolítica y un concepto jurídico y, al mismo tiempo, la soberanía es la doctrina política sobre la que se fundamenta el Estado (Sutch y Elias, 2007). Por lo tanto, la soberanía se ha convertido en uno de los conceptos más importantes en el sistema internacional contemporáneo (Kaufman, 2013). La idea de soberanía es hoy la norma básica sobre la que se sustenta la sociedad internacional (Jackson, 2005). Además, la soberanía encarna la idea de autodeterminación e implica que cada Estado es independiente de todos los demás, al menos hipotéticamente hablando (Slomp, 2008). Por lo tanto, los Estados soberanos son iguales bajo el derecho internacional y este principio garantiza la participación equitativa de cada uno en la arena internacional (Griffiths *et al.*, 2008). Sin embargo, el Estado-nación y el concepto de soberanía son constructos sociales y se redefinen a través de diferentes principios y prácticas, incluida la práctica del reconocimiento mutuo que enfatiza la existencia de fronteras concretas y el principio de no violación de esas fronteras (Özlük y Cemrek, 2010). No obstante, para obtener el reconocimiento de otros Estados en el sistema internacional, incluso el Estado

más pequeño y menos poderoso debe satisfacer ciertos criterios básicos como tener un territorio definido, una población permanente y un gobierno capaz de mantener un control efectivo sobre su territorio (Wilkinson, 2007).

Si bien el reconocimiento de un Estado debe ser una decisión soberana, en numerosas ocasiones esta elección está condicionada por factores internos y externos que evidencian la presencia de múltiples intereses detrás de un pronunciamiento de esta naturaleza. De esta manera, cómo, cuándo y por qué algunos Estados respetan la soberanía de otros sugiere que el sistema internacional no es más que una “hipocresía organizada” (Krasner, 2009). Esta hipocresía deriva de los intereses de las grandes potencias (Krasner, 2009). En contraste, la presencia de Estados que no son reconocidos internacionalmente es evidencia de una anomalía en este sistema (Harvey y Stansfield, 2009). Estos Estados no reconocidos existen a la sombra de aquellos que disfrutan de todos los privilegios que otorga el reconocimiento internacional, viviendo en una especie de “limbo” (Caspersen, 2012). Una vez que se otorga el reconocimiento soberano a un Estado es difícil retirarlo y esto es consecuencia del tipo de arreglos que se acuerdan entre Estados

pero que generalmente no se divulgan a fondo (Krasner, 2009).

En el caso de los Estados pequeños, su capacidad para tomar sus propias decisiones independientes sobre asuntos internacionales en parte es proporcional a sus capacidades materiales en un sistema que es anárquico (Brown y Kristen, 2005). La capacidad de estos Estados para tomar decisiones independientes puede conducir, en efecto, a desafíos a su soberanía (Neumann y Gstöhl, 2006). Sin embargo, las relaciones entre Estados ni se originan ni se desarrollan en el vacío; por el contrario, estas interacciones, como lo sugieren los constructivistas, están enmarcadas por estructuras materiales e ideacionales en las que cada Estado juega un papel específico, derivado de un conjunto de ideas y un sistema de normas (Jackson y Sorensen, 2002).

Las narrativas en torno a la evolución histórica de Taiwán han moldeado el pensamiento colectivo de la sociedad taiwanesa y han generado una identidad distinta a la que se tenía al establecimiento del gobierno nacionalista en el año de 1949. De hecho, no existe una única identidad taiwanesa⁹. Por el contrario, se trata de múltiples identidades en competencia unas con otras. El tipo de identidad

⁹ Brevemente, se pueden considerar al menos tres tipos de identidades en pugna. La primera es la “sinización”. Esta identidad, principalmente impuesta durante la dictadura del gobierno nacionalista, impuso los valores y la cultura de la China clásica como la identidad de la isla. La segunda es la identidad de la democratización, que reconoce que el pueblo taiwanés es distinto al chino —a pesar de una serie de valores culturales comunes heredados de la civilización clásica china— justamente por sus valores democráticos. La tercera es la identidad basada en la “nativización”, la cual señala que la identidad de Taiwán es la suma de distintos factores históricos que incluyen lo mismo la herencia de los pueblos originarios de las islas, la herencia colonial japonesa y el pasado contemporáneo de Taiwán (Hughes, 2011).

que debía asumirse en Taiwán reflejó también una pugna política; la narrativa histórica que impulsaban y que buscaban que predominara era conforme a los principios políticos que cada uno de los partidos políticos defendía. El tipo de identidad no es un asunto menor, pues se relaciona directamente con la búsqueda de reconocimiento internacional. Si la identidad taiwanesa es única y diferente a la China, entonces la aspiración inherente será alcanzar el reconocimiento internacional como muestra de que dicha identidad existe y es aceptada por los demás Estados en el contexto internacional. Si, por el contrario, existe una identidad que puede incluir rasgos propios de Taiwán sin desprenderse de la identidad china, entonces existe una lógica en pensar que Taiwán es parte de China, debe renunciar a sus aspiraciones de reconocimiento internacional y encontrar un estatus de semiautonomía que reconozca sus características particulares como consecuencia de su proceso histórico particular, pero siendo en última instancia parte de China.

CONCLUSIONES: LAS IDENTIDADES IMPORTAN

A lo largo del presente artículo se ha esbozado cómo el contexto geográfico, además de generar condiciones materiales desde las cuales los Estados perfilan su acción en el escenario internacional, son el espacio en el que ocurren dinámicas sociales que influyen notablemente en la conformación específica de las identidades. Conforme los constructivistas, las identidades son parte de las estructuras ideacionales. Por esta razón, el territorio insular de Taiwán es un espacio no solo “real”, sino también “ima-

ginado”, en el sentido de que se ha concebido un tipo particular de identidad nacional sobre otras posibilidades de imagen de nación.

Las características distintivas de Taiwán, al ser un territorio insular, generaron las condiciones para un desarrollo histórico particular. En este sentido, a pesar de que la distancia que separa la isla de la China continental no es muy grande, permitió que los grupos originarios de la isla se mantuvieran relativamente estables, sin sufrir invasiones por parte de las dinastías chinas. Este hecho, en parte, se puede explicar también desde la visión sinocéntrica del mundo chino, la cual establecía que lo verdaderamente valioso por conocer se encontraba en China, no fuera de ella; por esta razón, cuando los emperadores chinos patrocinaron grandes expediciones de ultramar fue para que el mundo conociera la civilización china y no para que China se enriqueciera de los territorios que contactara (Menzies, 2013).

Sin embargo, cuando los Estados europeos emprendieron su carrera imperialista, la situación insular de Taiwán la situó como un territorio codiciado, ideal para establecer un puesto de avanzada, principalmente por parte de los holandeses. Este hecho preocupó a la dinastía Qing, que emprendió un programa modernizador para tener un control efectivo sobre la isla. Al mismo tiempo, ante la expansión demográfica de la población del sur de China, nuevamente debido a su cercanía y al relativo control de las autoridades chinas, la isla se convirtió en un territorio propicio para albergar miembros de la diáspora china.

El contexto geográfico de Taiwán fue una de las razones por las cuales Japón, en su ambición imperialista, convirtió a la isla en una

parte de su imperio durante cincuenta años. Estas mismas razones —una cercanía relativa y, al mismo tiempo, una separación natural por la presencia de un estrecho que la apartaba de la parte continental de China— llevaron al ejército derrotado del KMT, sus líderes y sus familias, a refugiarse en Taiwán con la ilusión de algún día reconquistar la China continental.

Todas estas vicisitudes históricas, enmarcadas por un contexto geográfico específico, permitieron que el territorio fuera tierra de forajidos, piratas, aventureros, mandarines, comerciantes, soldados y misioneros, tanto de China como de otros Estados. De esta manera, este espacio físico se convirtió en el crisol de grupos y tradiciones que dio pie a un fenómeno cultural propio. No obstante, esta diversidad no se reflejó inmediatamente en una identidad distinta; la identidad impuesta a la llegada del KMT fue la de la China continental. De hecho, en Taiwán no solo se impuso el idioma mandarín para los asuntos gubernamentales y educativos, sino se conservó el sistema de escritura del chino tradicional.

La identidad nacional, como nos proponen los constructivistas, es un constructo social que emerge a partir de ciertas prácticas sociales, pero también de la difusión de ciertas narrativas históricas que se imponen unas sobre otras. Desde esta perspectiva, la nueva identidad taiwanesa se ha fundamentado en la idea de los valores democráticos de Taiwán frente al modelo autoritario de la China continental. Esta forma de diferenciación tuvo su origen en una disputa sobre el futuro de Taiwán entre los principales partidos políticos del país. Un modelo político democrático distinto al de China continental es una poderosa etiqueta

que cautiva el imaginario de Taiwán como un lugar desarrollado y próspero. Sin embargo, esta idea es, al mismo tiempo, imaginada y construida. Y, como los constructivistas nos sugieren, moldea la política exterior de esta pequeña isla.

Para finalizar, este artículo demuestra que reflexionar sobre el rol de las identidades nacionales en la política exterior de los Estados no es un asunto banal. De hecho, este artículo contribuye a la ampliación de la literatura desde los enfoques constructivistas sobre la manera en que las identidades influyen en la política exterior de los Estados a partir de un caso específico. Así, el caso taiwanés demuestra cómo la búsqueda del reconocimiento internacional —a pesar de que en la práctica Taiwán es un territorio que cuenta con autonomía para decidir sus asuntos internos y tiene su propio modelo político distinto al de China— es un asunto vital, porque las aspiraciones ideacionales son tan importantes como las aspiraciones materiales, tal como lo sugiere el constructivismo.

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Os Açores no sistema das relações internacionais: entre autonomia e integração europeia*

Paulo Vitorino Fontes**

RESUMO

Se por um lado, o Arquipélago dos Açores tem uma longa relação com as Américas, ainda antes de serem constituídos alguns dos seus Estados, como os Estados Unidos e o Canadá, por outro lado, com um ímpeto semelhante, estabeleceu relação com a Europa, a África e outras ilhas do mesmo Oceano Atlântico, destacando-se mais recentemente o percurso de integração europeia que os Açores têm realizado. A partir da revisão bibliográfica dos contributos pertinentes à temática e de uma análise qualitativa e hermenêutica, pretendemos explorar o movimento paralelo de autonomia e integra-

ção que a Região Autónoma dos Açores tem feito desde 1976. Destacaremos a conquista do estatuto de autonomia político-administrativa deste arquipélago que permite desenvolver as suas potencialidades. Projetando o futuro, a par do intenso intercâmbio de pessoas, comunicações e bens que enformam as relações transatlânticas, equacionaremos o papel estratégico que os Açores desempenham e podem desempenhar, tanto como plataforma científica, como nas novas configurações de segurança do Atlântico, num mundo pós-guerra-fria. Concluiremos que a fértil articulação da autonomia com a integração, no atual quadro jurídico-político europeu, possibilita, para além

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** Doutorado (*summa cum laude*) em Teoria Jurídico-Política e Relações Internacionais pela Universidade de Évora (Portugal). Professor Auxiliar de Ciência Política da Universidade dos Açores. Centro de Estudos Humanísticos da Universidade dos Açores (Portugal). [paulo.v.fontes@uac.pt]; [https://orcid.org/0000-0002-1443-6820].

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do desenvolvimento interno, uma nova centralidade da Região na política internacional.

Palavras-chave: Açores; Europa; autonomia; integração; ultraperiferia.

Las Azores en el sistema de las relaciones internacionales: entre autonomía e integración europea

RESUMEN

Si, por un lado, el archipiélago de las Azores tiene una larga relación con América, incluso antes de que se constituyeran algunos de sus Estados, como los Estados Unidos y Canadá, por otro lado, con un impulso similar, ha establecido una relación con Europa, África y otras islas del mismo océano Atlántico, destacándose más recientemente el camino de integración europea que han emprendido las Azores. A partir de la revisión bibliográfica de las contribuciones relevantes al tema, y de un análisis cualitativo y hermenéutico, pretendemos explorar el movimiento paralelo de autonomía e integración que la Región Autónoma de las Azores ha realizado desde 1976. Destacaremos la consecución del estatus de autonomía político-administrativa de este archipiélago que permite el desarrollo de sus potencialidades. Proyectándonos hacia el futuro, junto al intenso intercambio de personas, comunicaciones y mercancías que conforman las relaciones transatlánticas, consideraremos el papel estratégico que desempeñan y pueden desempeñar las Azores, tanto como plataforma científica como en las nuevas configuraciones de la seguridad

atlántica en un mundo posterior a la Guerra Fría. Concluiremos que la fértil articulación de la autonomía con la integración, en el actual marco jurídico-político europeo permite, más allá del desarrollo interno, una nueva centralidad de la región en la política internacional.

Palabras clave: Azores; Europa; autonomía; integración; ultraperiferia.

The Azores in the System of International Relations: Between Autonomy and European Integration

ABSTRACT

The Azores archipelago has had a long relationship with the Americas such as with the United States and Canada, even before some of its states were constituted. On the other hand, with a similar impetus, it has established a relationship with Europe, Africa, and other islands in the same Atlantic Ocean, highlighting more recently the path of European integration that the Azores have undertaken. From a bibliographical review of the relevant contributions to the theme and a qualitative and hermeneutic analysis, we intend to explore the parallel movement of autonomy and integration that the Autonomous Region of the Azores has made since 1976. We will highlight the achievement of the status of political-administrative autonomy of this archipelago that allows the development of its potentialities. Projecting into the future, alongside the intense exchange of people, communications and goods that shape transatlantic relations, we

will consider the strategic role that the Azores play and can play, both as a scientific platform and in the new configurations of Atlantic security in a post-Cold War world. We will conclude that the articulation of autonomy with integration, in the current European legal and political framework, enables, in addition to internal development, a new centrality for the region in international politics.

Key words: Azores; Europe; autonomy; integration; ultraperiphery.

INTRODUÇÃO

Existindo há milhares de anos, não se estranha haver conhecimento das ilhas dos Açores anterior à descoberta portuguesa no dealbar da modernidade. Mas foi o povoamento português a partir de 1432 que trouxe o arquipélago para a história, retirando proveito das ilhas, tanto de forma direta, como indireta, através da cedência de facilidades e até parcelas das ilhas a terceiros, ingleses, norte-americanos e franceses a troco de prestígio internacional, apoio político e diplomático, equipamentos e dinheiro.

Durante cinco séculos de história, estas ilhas foram tratadas segundo a razão instrumental e relegadas para uma condição de heteronomia, na medida em que o valor de cada uma decorria, não dela em si, mas da utilidade que assumia para o governo português. Foi assim desde o apetrechamento das naus de quinhentos das rotas da Índia e das Américas com água fresca e víveres, fornecimento de carvão para os barcos a vapor que atravessavam o Atlântico, estações de apoio à luta antissubmarina, posto de abastecimento para o acesso

dos norte-americanos à Europa, ao norte de África e ao Médio Oriente, estações de amarra de cabos submarinos, estações de monitorização atmosférica e climática, controlo de tráfego aéreo, são algumas das funções históricas desempenhadas pelos Açores ao serviço do nosso país (Matos *et al.*, 2008).

Foi na segunda parte do século XX, no quadro do movimento autonomista emergente, que começou a constituir-se, entre açorianos e açorianas de diversas ilhas, propostas de confraternidade açoriana e de apelos a patamares mínimos de unidade entre os ilhéus. Novas ideias e influências chegavam da Europa e vários açorianos e açorianas contribuíram para esse longo caminho de emancipação política, que só após a Revolução de Abril de 1974 consegue inscrever-se no regime autónómico vigente.

A autonomia político-administrativa da Região Autónoma dos Açores, tal como da Madeira, foi consagrada na Constituição portuguesa, em 1976. Estes Arquipélagos constituem duas Regiões Autónomas da República Portuguesa, dotadas de Estatuto Político-Administrativo e de órgãos de governo próprio: Assembleia Legislativa e Governo Regional. A conquista da autonomia resultou de uma luta política de muitos açorianos e açorianas que tentaram ultrapassar as limitações que a condição insular muitas vezes impunha. O pensamento político moderno e europeu foi-se aqui moldando, muitas vezes de forma pioneira, inspirando também outras ilhas e arquipélagos nos seus processos de emancipação política.

Se por um lado a nossa investigação explora essa História, é essencialmente para o futuro que ela está voltada. Pois, a Região Autónoma

dos Açores, conquista das gerações anteriores, enfrenta novos desafios neste século XXI, num mundo em Pandemia do COVID-19, no seio de uma crise de saúde, ambiental, mas também social e política. Com a integração europeia, os centros de decisão política deslocalizaram-se para as instituições europeias, localizadas essencialmente em Bruxelas, Estrasburgo e Luxemburgo. A participação política é limitada e padece da maleita da abstenção, pelo que importa melhorar o sistema político, tornando-o mais equilibrado e participativo, tanto ao nível de ilha, da Região, de Portugal e da União Europeia.

O nosso trabalho pretende estudar o percurso de integração europeia da Região Autónoma dos Açores na articulação de três conceitos fundamentais – ultraperiferia, autonomia e subsidiariedade –, que se relacionam e condicionam de sobremaneira, tanto a condição insular, como os desafios que estas ilhas enfrentam. Para tal, iremos apresentar inicialmente uma pequena secção dedicada ao (1) estado da arte, para compreender a originalidade e contribuição deste artigo em relação ao que já foi publicado, para depois enquadrar (2) o desafio da integração europeia, a mudança que originou na política externa portuguesa e no arquipélago açoriano. De seguida, iremos reconstituir (3) o percurso inicial do conceito de ultraperiferia, o qual resultou de um processo de luta política organizada pelas ilhas e arquipélagos da Europa, que teve um importante contributo açoriano, culminando na consagração jurídica do Estatuto da Região Ultraperiférica da União Europeia no Tratado de Amesterdão em 1997. Por fim, exploraremos (4) a centralidade da autonomia

e da integração, numa dialética interna versus externa, para fazer face aos desafios, tanto do sistema político regional, como do processo de desenvolvimento e integração europeia.

A nossa investigação recorre ao método qualitativo na sua vertente de análise documental. A metodologia utilizada para analisar diferentes documentos é baseada numa hermenêutica crítica. É essencialmente uma análise de natureza formal, analítica e conceitual. A partir daí, as teorias e categorias dos vários autores são apresentadas a partir de uma interpretação e avaliadas criticamente.

ESTADO DA ARTE

A Europa conhece uma pluralidade de ilhas, cuja única característica de base se prende com a diversidade que as caracteriza e que parece desafiar qualquer exercício de sistematização. Algumas são Estados, outras são capitais de Estados, e outras ainda são adjacentes ao território continental de Estados ao qual, por vezes, até se encontram ligadas por pontes. Outras ainda, encontram-se afastadas dos territórios dos respetivos Estados, aos quais foram associadas ao longo dos séculos, em função dos serviços que se perspectivava lhes poderem prestar. A importância da presente investigação passa pelo facto de centrar a atenção num conjunto específico de ilhas, neste caso o Arquipélago dos Açores, e de situá-lo numa categoria muito específica de ilhas europeias que usufruem de um determinado grau de autonomia jurídico-política e administrativa.

No dealbar da modernidade, os Estados europeus emergiram como grandes potências à escala planetária. Para cumprimento dos

respetivos desideratos políticos, e a partir dos instrumentos de poder ao seu dispor, viriam a reclamar-se de uma cadeia de ilhas e territórios, um pouco por todo o planeta. Muitas vezes considerados espaços menores, ou até mesmo inúteis, estas ilhas terminariam assumindo papéis preciosos na construção dos grandes impérios – português, espanhol, holandês, inglês, francês. E, com o passar do tempo, até mesmo para a consolidação das respetivas propostas de afirmação nacional (Baldachino, 2010; Amaral, 2018).

A adoção da ideia de descolonização e do direito de autodeterminação viria a ditar, a partir da segunda metade do século XIX, a perda das possessões ultramarinas europeias e o recuo dos Estados europeus à dimensão do Velho Continente. Neste processo, porém, perdendo os grandes territórios americanos, asiáticos e africanos que detiveram e que exploraram desde o início da modernidade, os Estados europeus conseguiram fixar e manter uma cadeia de ilhas que se espalham um pouco por todos os mares do planeta – se bem que muitas tenham optado pela independência, nuns casos, integrando territórios continentais adjacentes, noutros, afirmando-se como Estados de pleno direito.

A nossa investigação dedica-se ao Arquipélago dos Açores, incluído num conjunto de ilhas, que apesar de se encontrarem para além do espaço territorial europeu, em muitos casos longe e até muito longe dele, permanecem de algum modo ligadas à Europa e aos seus respetivos Estados, constituindo outras tantas manifestações ou projeções da Europa, e dos seus Estados, um pouco por todo o planeta: do Mar do Norte, ao Atlântico Sul, ao Índico e ao

Pacífico. Relegadas, ao longo de séculos, para uma condição de heteronomia, valendo pela utilidade de que se revestiam para as respetivas metrópoles, estas ilhas viriam, na segunda metade do século 20 e neste século 21, a protagonizar um movimento de emancipação que resultaria num riquíssimo e interessantíssimo caleidoscópio de momentos e de modelos de organização social e política, muitos dos quais, do maior interesse para os respetivos Estados e para o próprio processo de construção europeia.

Procurar-se-á contribuir para a análise e sistematização da realidade insular da Europa e, em particular, do Arquipélago dos Açores: da sua emergência na agenda europeia, na segunda metade do século 20, em particular na sequência da adesão dos Estados ibéricos, de Portugal e de Espanha, em 1986, às Comunidades Europeias, no Conselho da Europa e, por fim, na própria União Europeia; dos papéis que lhes são reservados, ou que poderão cumprir com proveito, no quadro contemporâneo do processo de construção europeia e de globalização. É este trabalho que apresentaremos a seguir, num diálogo entre autores que se dedicam ao estudo das ilhas, articulando e congregando contributos de investigadores portugueses, como Carlos Amaral (2011; 2019), Isabel Valente (2009; 2015) com outros pesquisadores internacionais que se dedicam ao tema, com destaque para Godfrey Baldachino (2018; 2018a) que analisa os desafios e oportunidades de um vasto leque de jurisdições subnacionais, maioritariamente ilhas, e convocando alguns importantes contributos de Jean-Didier Hache (1999), de Patrick Guillaumin (2000) e Pär Olausson (2007), entre outros, que têm estu-

dado a dimensão e especificidade das ilhas e regiões periféricas e ultraperiféricas da Europa.

PORTUGAL, A POLÍTICA EXTERNA E A INTEGRAÇÃO EUROPEIA

Ao explorarmos os movimentos de longa duração que foram definindo regularidades nas opções estratégicas da política externa portuguesa, podemos perceber três modelos de inserção internacional de Portugal que correspondem a três momentos históricos diferentes (Teixeira, 2010).

O primeiro modelo corresponde ao Portugal medieval e estende-se até o século XV. A política externa portuguesa desenvolve-se no quadro da Península Ibérica, entre cinco unidades políticas equilibradas no seu poder e dimensão, eram eles os reinos de Castela, Leão, Navarra, Aragão e Portugal (Teixeira, 2010, p. 51).

O segundo modelo inicia a partir do século XV, dura cinco séculos e termina entre 1974 e 1986, com o processo de democratização e a integração europeia. Corresponde ao modelo clássico de inserção internacional de Portugal. O relativo equilíbrio anterior entre as cinco unidades políticas da Península Ibérica tinha-se alterado, pois passou a existir apenas duas unidades de desigual dimensão – Espanha e Portugal. “A Costa Atlântica e a capacidade de sustentação de relações extrapeninsulares vão possibilitar a construção de um vetor de compensação: o vetor marítimo” (Teixeira, 2010, p. 52).

Portugal afastou-se das questões europeias, como opção estratégica, quase cinco séculos, pois durante este período tentou

afirmar-se como país atlântico e colonial, mantendo um equilíbrio triangular entre Lisboa, Madrid e Londres, presente na posição portuguesa perante a Guerra Civil de Espanha e na neutralidade (colaborante) durante a Segunda Guerra Mundial (Andrade, 1992; Teixeira, 2010).

A partir de abril de 1974, com a democratização de Portugal, altera-se todo o quadro da política externa. A transição para a democracia e a consolidação democrática em ambos os países da Península Ibérica levaram, num curto espaço de tempo de doze anos (1974-1986), à extinção desse modelo histórico que durante cinco séculos perdurou em Portugal. Inicia-se assim esse novo modelo de política externa com Portugal a assumir-se plenamente como país europeu e atlântico.

Após esse breve período de transição para a democracia, em 1976, inicia-se em Portugal o período constitucional, com o Primeiro Governo Constitucional, liderado por Mário Soares e tendo Medeiros Ferreira como ministro dos Negócios Estrangeiros, preocupado em clarificar a política externa portuguesa e em definir unívoca e rigorosamente o posicionamento externo do Estado. Portugal assume, totalmente, a sua condição de país ocidental, simultaneamente europeu e atlântico. Serão estes, portanto, os dois vetores fundamentais e as verdadeiras opções estratégicas do Portugal democrático (Teixeira, 2010, p. 54).

Para Portugal, o vetor atlântico significou a permanência das características históricas da política externa portuguesa e foi fundamental tanto ao nível da orientação externa, como também da estabilização interna do país. O fortalecimento das relações bilaterais com os

Estados Unidos e o maior empenhamento nos compromissos militares com a NATO constituíram a sua tradução mais visível. Por sua vez, a “viragem europeia” é a grande novidade da política externa do regime democrático. Ultrapassadas as resistências antieuropeias, primeiro da opção africana do regime autoritário, depois da tentação terceiro-mundista do período revolucionário, Portugal assume claramente, a partir de 1976, a “opção europeia”. Agora já não numa perspectiva estritamente económica e pragmática, como no período do Estado Novo, mas como opção estratégica e projeto político (Teixeira, 2010, pp. 54-55).

A imperiosa necessidade de Portugal de dotar-se de novo de uma política externa ativa que fosse muito mais do que diplomacia era para Medeiros Ferreira uma preocupação central. Pois, considerava que o maior perigo que espreitava à República Portuguesa era mesmo a sua alienação de vontade na política internacional, no “exato momento em que os mecanismos próprios do sistema financeiro mundial e do funcionamento atual da UE não garantem o crescimento do bem-estar da população portuguesa” (Ferreira, 2010, p. 47), aconselhava que o governo português executasse um plano de iniciativas internacionais que englobasse medidas europeias próprias e interesses estratégicos gerais, que não tivesse medo de tomar a dianteira, tanto ao nível da reforma do sistema das Nações Unidas, como ao nível da construção europeia.

José Medeiros Ferreira toma posse como ministro dos Negócios Estrangeiros a 23 de julho de 1976. Inicia funções num momento determinante da história recente de Portugal em que, como recordará mais tarde, opera-se

“o trânsito entre as instituições revolucionárias e o Estado democrático” (Ferreira, 1981, p. 44), correspondendo-lhe inaugurar a nova etapa da política externa do período constitucional. Move-o o objetivo de ligar Portugal à Europa, económica e estrategicamente, eixo que enformará o novo paradigma das relações de Portugal com o mundo.

Em 1976, Portugal entra para o Conselho da Europa. Em 1977, pede, formalmente, a adesão à Comunidade Europeia. E em 1985, assina o Tratado de Adesão. A partir de 1º de janeiro de 1986, Portugal torna-se membro de pleno direito da Comunidade Europeia.

Foi no Mosteiro dos Jerónimos, num quadro solene e majestático, que Mário Soares, Rui Machete, Jaime Gama e Ernâni Rodrigues Lopes assinaram o tratado que tornou Portugal no décimo primeiro membro das Comunidades. Para trás, ficaram oito anos de negociações difíceis. O futuro continua a ser construído e a história dirá dos benefícios e dos custos da adesão do nosso país à Europa comunitária. Permanece atual a vocação e o desafio de Portugal, bem expresso no discurso do primeiro-ministro português, Mário Soares, na cerimónia de assinatura do tratado que tornou Portugal membro da C.E.E.:

A vocação para o Diálogo Norte-Sul que a Comunidade Europeia já possuía fica, agora, grandemente reforçada com a entrada de Portugal e da Espanha, países com uma história tecida no contacto com povos e civilizações de outros continentes, que tanto contribuíram para a difusão dos valores europeus no mundo e cujos idiomas são hoje falados por cerca de 400 milhões de seres humanos. Portugal, para quem os laços de fraternidade para com os países africanos de

expressão portuguesa e com o Brasil revestem primordial importância, está certo de que, com a sua entrada na C.E.E., contribuirá para criar um novo dinamismo de cooperação da Europa comunitária com a África e a América Latina. Seremos, igualmente, fiéis à nossa vocação atlântica, tendo visto pelo presente tratado reconhecidos os nossos direitos sobre uma vastíssima zona desse oceano que tão intimamente conhecemos há séculos e cujas imensas potencialidades importa, urgentemente, saber aproveitar. (Soares, 1997, p. 161)

A partir daqui, estão reunidas as linhas de orientação estratégica da política externa portuguesa no período democrático, ao acrescentar à opção europeia e ao vetor atlântico, as relações de amizade e cooperação com os novos países africanos de língua oficial portuguesa (PALOP) e com o Brasil. A partir da década de 90, a estes três eixos vem juntar-se um quarto: a participação portuguesa na produção de segurança internacional, com a participação de militares portugueses nas operações de paz da NATO, da União Europeia e das Nações Unidas. As Forças Armadas tornam-se um instrumento da política externa.

Uma nova equação política e estratégica guia agora Portugal, como Teixeira (2010, p. 55) sintetiza:

Hoje, a Europa e o Atlântico não só não são termos contraditórios como são complementares. [...] O binómio Europa-Atlântico mantém-se na equação geopolítica, mas invertem-se as prioridades estratégicas: tradicionalmente, Portugal pensava-se como um país atlântico e colonial e, quando o peso do vetor marítimo era excessivo, procurava compensações continentais. Hoje, pelo contrário, pensa-se como um país europeu e é como membro da União Europeia

que procura valorizar e potenciar a posição atlântica e as relações pós-coloniais.

Percebemos a centralidade que as ilhas assumem, tanto na projeção atlântica de Portugal europeu e, no nosso caso concreto, torna-se pertinente aprofundar o papel fundamental que os Açores desempenham na construção portuguesa da Europa, tanto como ideia, como no contributo que dão por um lado e ao que usufruem, por outro, da comunidade jurídico-política, económica e social que é a Europa. Esse é um longo caminho de luta política que os Açores souberam trilhar, mas que urge hoje continuar, face a novos desafios da política interna e externa desta nova Região Autónoma dos Açores. É aqui que se situa o âmbito da nossa investigação, que pretende de alguma forma ampliar e, se possível, tornar mais incisiva essa linha de investigação e de pensamento açoriano que se vai constituindo na história cultural e política da autonomia insular, no autogoverno e na relação com o outro, principalmente na Europa e com a Europa.

A EUROPA DAS ILHAS: ULTRAPERIFERIA E INTEGRAÇÃO

A importância das ilhas da Europa tem sido medida ao longo da história, não pelo seu carácter intrínseco, mas pelos serviços e bens que podiam prover às suas respetivas metrópoles. Este fator tem conduzido a um desenvolvimento orientado para os outros, em vez de autocentrado nas necessidades locais. Governadas à distância, foram percebidas de modo utilitarista, como meios ao serviço dos interesses nacionais dos Estados que as detinham,

muitas vezes descartadas quando deixavam de ter interesse. Quando em meados do século XX a Europa iniciou o processo de integração, os Estados-membros garantiram que as suas possessões insulares permaneceriam fora do sistema de integração, ficando, porquanto, reservadas à esfera privada dos seus respetivos proprietários (Amaral, 2018).

O processo de integração económica da Europa, iniciado com o Tratado de Roma na década de 50 do século XX, tinha como grande objetivo superar as divisões e os conflitos entre os diversos países europeus, que tinham atingido um auge horrendo com a II Guerra Mundial, e promover o progresso e o bem-estar dos cidadãos e das sociedades num ambiente generalizado de democracia e paz.

Após os primeiros anos de vigência do Mercado Comum, foi evidente que algumas zonas estavam a progredir muito depressa, enquanto outras ficavam para trás. Principalmente nas regiões da periferia dos países-membros da CEE, eram evidentes as dificuldades de arranque de um processo de desenvolvimento económico e social. Daí a necessidade e iniciativa de responsáveis da Bretanha francesa de convocarem uma conferência dos líderes destas regiões, a qual teve lugar em Saint-Malo, em 1973 (Amaral, 2019, p. 259).

A Declaração de Saint-Malo de 1973, como sublinha Mota Amaral (2019, p. 259), contém um apelo solene aos dirigentes europeus para que corrijam, mediante políticas adequadas, a desigualdade de desenvolvimento que se verificava nas regiões periféricas marítimas dos respetivos países, sob pena de vir agravar-se, para sofrimento das suas populações.

A política regional tem as suas origens no Tratado de Roma, em 1957, que institui a Comunidade Económica Europeia. Em 1968, foi criada a Direção-Geral da Política Regional da Comissão Europeia e, em 1975, foi criado o Fundo Europeu de Desenvolvimento Regional. Reconhecendo a importância da política regional, o Tratado sobre o Funcionamento da União Europeia consagra cinco artigos à “coesão económica, social e territorial” (artigos 174 a 178).

A política regional visa reduzir as disparidades económicas, sociais e territoriais entre as regiões da União Europeia, apoiando a criação de empregos, a competitividade, o crescimento económico, a melhoria da qualidade de vida e o desenvolvimento sustentável. A política regional tem sido a resposta europeia às desvantagens das regiões afastadas do centro, onde se concentram as infraestruturas, os órgãos de decisão, os equipamentos, os investimentos e as oportunidades de emprego; e concretiza-se na reunião de recursos financeiros destinados a impulsionar os empreendimentos prioritários, desde logo em termos de infraestruturas e equipamentos coletivos, para lançamento do desenvolvimento nas regiões menos favorecidas.

Neste trabalho, o foco não se coloca tanto na política regional europeia, mas acima de tudo na relação entre os Açores e a Europa, num contexto mais alargado de outras ilhas e arquipélagos do continente europeu. Apoiando o nosso trabalho em vários autores que têm se dedicado às questões insulares, exploramos a tese de que a importância crescente destas ilhas ao nível político no mapa europeu está relacionada com o grau de autonomia política

que detêm em relação aos Estados continentais a que pertencem. Interessa-nos, sobretudo, o processo de autonomia política dos Açores, que até 1976 teve a suas maiores conquistas em relação ao continente português, com especial atenção à relação desta autonomia com o processo de integração europeia.

Como refere Carlos Amaral (2018, p. 25):

as ilhas emergem no mapa da Europa a partir do momento em que conseguem desfrutar de um regime mais ou menos alargado de autonomia política que lhes permite, por um lado, a nível interno, definir e conduzir os seus destinos próprios e, por outro lado, a nível externo, ser ouvidas diretamente pelas próprias instituições europeias.

O processo de emancipação política começou com o papel pioneiro das Ilhas Aland, no rescaldo da Primeira Guerra Mundial, que foram capazes de inspirar um movimento de profunda transformação na Europa, o regionalismo (Amaral, 1998).

Só na década de 1970 é que emergem as questões insulares na agenda europeia, devido essencialmente a dois fatores fundamentais: o alargamento das Comunidades Europeias, como eram designadas na altura, e a posterior adoção da Política Regional Europeia (Amaral, 2018, p. 26).

A Europa dos Seis, de uma forma geral, era um projeto continental, pois só após o primeiro alargamento, com a adesão da Irlanda, Reino Unido e Dinamarca, as Comunidades começaram a assumir a sua dimensão marítima. Para tal, contribuiu o fato de principalmente o Reino Unido e a Dinamarca pos-

suírem ilhas que não eram meras possessões daqueles países, mas gozavam de regimes de autogoverno que demonstraram grandes reservas em relação ao impacto da adesão em termos políticos, económicos e sociais (Amaral 1998, pp. 201-317; Olausson, 2007; Baldacchino, 2010).

As Comunidades Europeias e os Estados-membros, como partes envolvidas nas negociações de adesão, tiveram dificuldade em compreender ou pelo menos de abordar as preocupações destas regiões autónomas insulares. Não houve abertura para o reconhecimento das especificidades das ilhas que fosse além da lógica centrípeta da integração. Daqui resultou que uma variedade de regiões autónomas britânicas e dinamarquesas que gozavam de suficiente autonomia política para rejeitar a integração europeia, o tenham feito. Foi assim com Jersey, Guernsey e a Ilha de Man, no caso da Grã-Bretanha, entre outras ilhas e territórios ultramarinos que permanecem fora da União, a Islândia, que, entretanto, alcançou a soberania plena, a Groenlândia e as Ilhas Faroé, no caso da Dinamarca (Amaral, 2018, pp. 27-28).

Em 1979, dá-se a adesão da Grécia às Comunidades, mas apesar da natureza arquipelágica deste país, não foram reconhecidas as especificidades das regiões insulares nas políticas europeias. Só com a adesão de Portugal e Espanha, em 1986, é que há uma viragem no reconhecimento das questões insulares e a adoção de medidas capazes de integrar efetivamente estas regiões na agenda europeia. Mudança esta que tornou a confirmar-se em 1994, com a adesão da Suécia e da Finlândia. De forma a evitar a repetição do que havia acontecido no primeiro alargamento, a Comis-

são Europeia, empenhada na adesão plena de Portugal, logo no início das negociações quis incluir representantes das duas Regiões Autónomas dos Açores e da Madeira, atendendo aos fortes regimes de autonomia política destes dois arquipélagos (Amaral, 2018, p. 28). Para esse objetivo, os governos regionais dos Açores e da Madeira mantiveram, durante o período das negociações de adesão, um membro ou grupo responsável pela integração europeia que acompanhou, em representação das respetivas regiões, o processo negocial com a Comissão Europeia (Valente, 2015, p. 46).

Percebe-se o que estava aqui em causa, pois os países ibéricos, principalmente com as suas ilhas, conferiam às Comunidades uma grande dimensão insular e oceânica. Por sua vez, também Portugal e Espanha souberam trazer esta dimensão insular para a agenda europeia desde o início das negociações do respetivo Tratado de Adesão. Este trabalho foi facilitado também por três características importantes destas regiões insulares (Amaral, 2018, pp. 28-29).

Em primeiro lugar, estes territórios eram plenamente europeus, mesmo que situados fora do continente, pois Portugal e Espanha já se tinham despojado das suas colónias não europeias.

Em segundo lugar, os arquipélagos portugueses e espanhóis usufruíam de regimes de autonomia política no contexto dos seus respetivos Estados. Cada um desses arquipélagos, apesar de algumas variações, constituía uma Região Autónoma, dotada de instituições políticas próprias: um parlamento, com capacidade para adotar legislação com igual dignidade à adotada pelos órgãos centrais do Estado; um governo com poder para implementar leis, re-

gulamentos administrativos adequados; e possuíam também recursos financeiros necessários para o desenvolvimento da atividade legislativa e governamental. O que poderia possibilitar estes arquipélagos, se assim o entendessem, optar por permanecer fora das Comunidades, tal como o tinham feito anteriormente os seus congéneres britânicos e dinamarqueses.

Em terceiro lugar, estes arquipélagos encontravam-se numa condição de subdesenvolvimento económico evidente, devido à falta de importância e de investimento a que estavam votados no seus Estados, assim como, às suas fragilidades resultantes da condição insular e arquipelágica, onde se inclui a sua pequena dimensão, a dispersão oceânica, a grande distância do continente europeu, a ausência de recursos naturais, os altos custos de produção e distribuição de energia, assim como de transportes e comunicações, tanto com o exterior como no interior dos próprios arquipélagos, e a falta de infraestruturas básicas, em variados domínios, como a saúde e a educação. Pelo que necessitavam de ajuda especial para se aproximarem dos níveis de desenvolvimento atingidos no continente, de forma a se tornarem parceiros plenos e iguais no processo de integração (Amaral, 2018, pp. 29-30).

A Comissão Europeia não quis cometer os erros do primeiro alargamento e mostrou-se empenhada em adotar medidas necessárias para incluir os arquipélagos portugueses e espanhóis na Europa juntamente com os seus Estados, acima de tudo devido à sua importância geoestratégica internacional que detêm desde o início da modernidade (Amaral, 2018, p. 30).

Desta forma, os representantes do Estado português, defendendo também os interesses

mais específicos dos arquipélagos dos Açores e Madeira, conseguiram negociar e introduzir no Tratado de Adesão uma série de derrogações ao *acquis communautaire* e a adoção de várias políticas e medidas, algumas transitórias, como as Políticas Agrícolas e da Pesca, outras permanentes, sobretudo ao nível da política fiscal, com menores taxas de IVA e IRS, bem como tarifas especiais para alguns produtos locais.

Apesar destas regiões terem acompanhado as negociações, apenas podiam pressionar por via interna ou por via externa a decisão que pertencia ao governo português. Verificou-se aqui uma confluência de interesses entre o governo português e os governos regionais dos Açores e da Madeira, pois todos pretendiam que os arquipélagos fossem apoiados no âmbito das políticas dos Fundos de Coesão (Valente, 2015, p. 49).

A preocupação e responsabilização pelo desenvolvimento destes arquipélagos tomou forma na Declaração Comum (1985, p. 479), que acabou por ser anexada ao Tratado de Adesão contendo a recomendação para que “as instituições da Comunidade dediquem especial atenção à realização dos objetivos acima referidos de [...] ultrapassar as desvantagens destas regiões decorrentes da sua situação geográfica afastada do continente europeu, da sua orografia particular, das suas insuficiências de infraestruturas e do seu atraso económico”.

Importa realçar o grande alcance político de, pela primeira vez, terem sido reconhecidos os constrangimentos permanentes e estruturais das ilhas atlânticas que iriam ser utilizados posteriormente na construção e definição do conceito de ultraperiferia (Valente, 2015, pp. 46-47).

Com o objetivo de influenciar os organismos de decisão, assistimos, desde meados da década de 1970, ao desenvolvimento de vários organismos de cooperação inter-regional, quer no quadro do Conselho da Europa, como da União Europeia. Salienta-se entre eles a Conferência, agora Congresso de Autoridades Locais e Regionais do Conselho da Europa.

Estes organismos constituíram, desde a primeira hora, verdadeiros lóbis regionais, onde os seus membros puderam reunir-se, partilhar as suas realidades e desafios e, acima de tudo, adotar declarações e propostas conjuntas que foram apresentadas às suas respetivas instituições nacionais e suas homólogas europeias comuns. No caso concreto da dimensão insular, reveste especial interesse a Comissão das Ilhas, criada em 1980, no âmbito mais amplo da Conferência das Regiões Marítimas Regionais e Periféricas da Europa, datada de 1973 (Hache, 1999, pp. 21-39).

A Região Autónoma dos Açores, criada em 1976, com a Constituição do 25 de Abril, adere à CRPM: Conferência das Regiões Periféricas Marítimas logo em 1979, na Assembleia Geral realizada em novembro, em Santiago de Compostela. Entre as regiões associadas, verificaram-se várias de natureza insular que confluíram na proposta de criação de uma Comissão das Ilhas.

A Comissão das Ilhas teve como primeira tarefa preparar a 1ª Conferência das Ilhas Europeias, que estava a ser organizada, no seguimento de iniciativa açoriana, lançada a partir de 1978, pela Conferência dos Poderes Locais e Regionais do Conselho da Europa. A sua primeira reunião de trabalho ocorreu em

Nuoro, na Sardenha, na primavera de 1980 (Amaral, 2019, p. 259).

Por sua vez, a 1ª Conferência das Ilhas Europeias realizou-se em Tenerife, nas Canárias, em 1981. Os resultados do diálogo interinsular foram julgados de tanto interesse, que logo em 1984 teve lugar a 2ª Conferência, desta vez em Ponta Delgada, nos Açores. Uma 3ª Conferência viria a organizar-se em Mariehamn, nas Ilhas Aland, na Finlândia, em junho de 1991, para avaliar os primeiros 10 anos do seu desencadeamento. João Bosco Mota Amaral, então Presidente do Governo Regional dos Açores, teve a honra de ser, como promotor da iniciativa, o Relator-Geral das três conferências mencionadas.

E como o próprio Mota Amaral (2019, p. 260) refere mais tarde, “a doutrina elaborada nas Conferências das Ilhas Europeias vincou a aspiração do desenvolvimento dos povos insulares como sendo uma questão de direitos humanos a respeitar. Por outro lado, enfatizou-se que o desenvolvimento insular não é possível sem uma verdadeira autonomia política, que garanta poder de decisão e meios financeiros aos órgãos de governo próprio regional. Ou seja, a experiência da autonomia açoriana foi apresentada como fonte de inspiração para o justo processo de emancipação e afirmação dos outros povos insulares europeus.

A CRPM, fortemente imbuída dos valores europeus, é uma associação de regiões e tem por finalidade promover a colaboração entre elas e defender os seus interesses perante outras entidades europeias. Com o objetivo de organizar mais eficazmente o diálogo inter-regional europeu, a CRPM foi uma das

instituições que mais diligenciou para a criação da Assembleia das Regiões da Europa. Também pressionou eficazmente para o reconhecimento da necessidade de uma presença institucional das regiões no seio da União Europeia, o que iria ser assegurado com a criação do Comité das Regiões no Tratado de Maastricht, em 1992, onde é introduzida pela primeira vez o conceito de região como entidade dotada de poder político e reconhece-lhe mecanismos de participação no processo de tomada de decisão (Valente, 2015, p. 44).

Nos dias de hoje, a CRPM mantém a sua individualidade e o seu prestígio é reconhecido. É um parceiro competente e eficaz na construção europeia. Durante vários anos, nas décadas de 80 e 90 do século passado, foi seu presidente o Presidente do Governo da Região Autónoma da Madeira, Alberto João Jardim. Recentemente, foi presidente Vasco Cordeiro, na altura Presidente do Governo Regional dos Açores, mantendo após 2021 um lugar executivo na direção.

No seio da CRPM, existe uma Comissão das Ilhas que continua em frutuosa atividade, realizando reuniões regulares, na qual aborda as questões que sucessivamente ganham atualidade para as regiões insulares que dela fazem parte.

No âmbito da CRPM e da Comissão das Ilhas, foi sendo gerado o conceito de ultraperiferia, formulado pela primeira vez durante a Assembleia Geral realizada em setembro de 1987 na Ilha da Reunião. Daí tal conceito foi expresso no comunicado final do Conselho de Chefes de Estado e de Governo das Comunidades Europeias, em 1988, por sugestão do

então primeiro-ministro de Portugal (Amaral, 2019, p. 260).

A Região Autónoma dos Açores, sob a liderança do seu primeiro presidente, João Bosco Mota Amaral, foi, de facto, uma das principais promotoras deste movimento de reunião e cooperação insular, conseguindo vários resultados dessa cooperação, tanto a nível interno, na sua relação com o governo nacional, como a nível europeu (Amaral, 2018, p. 33). Mota Amaral, com grande interesse na cooperação interinsular, lançou um apelo à união das ilhas, promovendo uma série de conferências organizadas sob os auspícios do Conselho da Europa, que foram fundamentais para o aparecimento em definitivo das ilhas na agenda europeia.

Patrick Guillaumin (2000, p. 108) no texto *La dimension ultrapériphérique de l'Union Européenne*, atribui a Mota Amaral a ideia de ter cunhado o conceito de ultraperiferia numa reunião, em 1987, da Conferência das Regiões Periféricas e Marítimas da Europa para caracterizar os Açores, a Madeira, as Canárias, a Martinica, a Guiana, a Guadalupe e a Reunião. Nesse sentido, Mota Amaral prosseguiu com o seu grito de cooperação insular em todo o mundo através do seu livro “O desafio insular” (Amaral, 1989).

Apesar da dificuldade em congregar diferentes interesses, emergiram três características comuns que uniram este pequeno grupo de ilhas: a sua pequena dimensão, fragilidade e dependência em relação ao exterior, a grande distância dos centros continentais e o subdesenvolvimento socioeconómico (Amaral, 2018, p. 34).

Até então, a grande heterogeneidade das ilhas do continente, sob o domínio dos seus Estados, a par da condição de heteronomia política que lhes eram impostas, havia inviabilizado qualquer tentativa de adoção de políticas específicas insulares comuns. A nova e mais orientada estratégia mostrou ser um sucesso. De tal forma, que o Conselho Europeu reunido em Rhodes, no início de 1988, afirmou “reconhecer os problemas socioeconómicos específicos de certas regiões insulares da Comunidade e, por conseguinte, a solicitar à Comissão que examinasse esses problemas e a submeter, se apropriado, quaisquer propostas que considere úteis, no âmbito das possibilidades financeiras oferecidas pelas políticas comunitárias existentes, tal como foram decididas” (Conclusions of the Presidency of the European Council, ¹⁹⁹⁸, p. ⁸).

Um ano depois, em 1989, o Conselho decide adotar o primeiro programa oficial destinado a dar resposta às necessidades específicas dessas ilhas, surgindo assim o bem conhecido POSEI – Programa de Opções Específicas, adotadas para enfrentar a distância e o isolamento que as caracteriza. Surge assim, primeiro, o POSEIDOM, para as ilhas Martinica, Guadalupe, Reunião e o enclave da Guiana. Logo seguido por outros dois: o POSEIMA, para a Madeira e para os Açores e o POSEICAN, para as Canárias (Amaral, 2018, pp. 35-36).

Estes programas têm sido sucessivamente renovados e permanecem até hoje como um dos mecanismos mais interessantes concebidos para abordar a insularidade através de um modelo de integração regional. A integração destas ilhas, de três Estados-membros

diferentes, permitiu-lhes apresentarem-se às Instituições Europeias como uma unidade, iniciando caminho a uma maior participação direta, regional e insular nos assuntos europeus e na tomada de decisões (Amaral, 2018, p. 36; 2019a, pp. 29-33).

A partir de 1994, por ocasião de uma reunião da Comissão das Ilhas da CRPM, em Pointe-à-Pitre, na Guadalupe, os presidentes dos governos das Regiões Ultraperiféricas decidem passar a reunir-se com regularidade para tratar de assuntos do interesse comum das suas ilhas. Nasce assim a Conferência dos Presidentes das Regiões Ultraperiféricas, que se mantém também viva e em grande e regular atividade, cada vez mais reconhecida como um parceiro fiável e credenciado das entidades europeias, ao mais alto nível.

Neste sentido, como refere Mota Amaral (2019a, p. 29), tornou-se verdadeiramente relevante aquilo que começou como sendo uma iniciativa açoriana com o objetivo, aproveitando a prerrogativa constitucional de participação em negociações internacionais, de juntar apoios para obter a definição de uma política europeia para as ilhas, acabou desencadeando um amplo movimento de afirmação das várias regiões insulares. Este movimento beneficiou os esquecidos das ilhas que deram um grande salto qualitativo em termos de qualidade de vida, ao mesmo tempo que, também a própria Europa reconhece agora a sua dimensão marítima e a projeção do seu poder e interesses pelos oceanos de todo o mundo.

A União Europeia reconheceu o estatuto das Regiões Ultraperiféricas no artigo 349 do Tratado sobre o Funcionamento da União Europeia (TFUE) - Tratado de Lisboa. De acordo

com o artigo 349, as medidas específicas e as derrogações na legislação da UE ajudam as regiões da

Guadalupe, da Guiana Francesa, da Martinica, de Maiote, da Reunião, de Saint-Martin, dos Açores, da Madeira e das Ilhas Canárias a lidar com os grandes desafios que enfrentam devido ao afastamento geográfico, à insularidade, à pequena superfície, ao relevo e clima difíceis e à dependência económica de um pequeno número de produtos, fatores estes cuja persistência e conjugação prejudicam gravemente o seu desenvolvimento, o Conselho, sob proposta da Comissão e após consulta ao Parlamento Europeu, adotará medidas específicas destinadas, em especial, a estabelecer as condições de aplicação dos tratados a essas regiões, incluindo as políticas comuns. (Art.º 349, TFUE)

Para atender às justas pretensões insulares, têm vindo a ser desenvolvidos programas específicos, cuja execução cabe às entidades europeias, nacionais e regionais, respeitando os respetivos níveis de competência, em aplicação do princípio da subsidiariedade. O desafio é exigente, como enuncia Mota Amaral (2019, p. 261): “o envolvimento direto e a responsabilização da União Europeia, envolvendo o Conselho Europeu, a Comissão e o Parlamento, exprime uma aplicação correta do princípio federalista e recebe claro apoio das entidades diretamente representativas dos Povos Insulares, que não consentiriam quaisquer recuos nesta matéria”.

Para além disso, assistimos também ao crescimento de organismos de cooperação regional, principalmente entre regiões dotadas de autonomia política, as denominadas *Regiões Legislativas*, tanto a nível legislativo como

executivo. Neste sentido, o Tratado de Lisboa introduziu mecanismos formais para a associação dos Parlamentos Regionais ao processo legislativo da União Europeia, nos termos dos protocolos relativos à subsidiariedade e à proporcionalidade na atuação da União Europeia (Campos e Campos, 2020).

OS AÇORES, A AUTONOMIA E A INTEGRAÇÃO EUROPEIA

A autonomia é um conceito milenar que tem sobrevivido graças à sua capacidade de corresponder às exigências dos tempos novos que se vão colocando. No dealbar da modernidade, a autonomia ressurge, porque foi capaz de se adaptar e de dar resposta às exigências colocadas pela crise que já se fazia sentir do Estado moderno soberano (Moreira, 2019).

A autonomia da Região Autónoma dos Açores tem um passado e terá um futuro, na medida em que for capaz de responder à realidade e verdade efetiva das coisas, para melhor poder projetar o seu futuro. Nos dias de hoje, confronta-se com realidades completamente distintas daquelas que se verificaram na ocasião da fundação da autonomia açoriana.

À época [...] a autonomia traduziu-se na retirada de um determinado leque de competências do centro para atribuição às regiões, que se queriam como autónomas, de modo a poderem, correspondendo àquele que era um interesse específico e uma identidade específica dessas regiões, ser cada uma delas a tratar por si, e em si, das matérias que enformavam essa sua mesma identidade e esse mesmo interesse específico. (Amaral, 2017, pp. 2-3)

No quadro de uma Europa organizada em Estados soberanos, a autonomia traduzia-se numa sub-soberania ou numa soberania incompleta, segundo a própria doutrina alemã. Sub-soberania, porque se tratava de poder político, diferente de descentralização estritamente administrativa, mas não completa, porque abrange um domínio específico, aquele que enformava a identidade da comunidade que se dizia simultaneamente integrada no todo nacional do seu país, mas diferente desse todo também. Porque estava integrada no seu país, não se justificava a independência, mas era suficientemente diferente para justificar-se a autonomia (Amaral, 2017, p. 3). Foi o que se verificou nas Ilhas Aland, no início do século passado, foi o que se verificou na Dinamarca a seguir, foi o que aconteceu na Espanha, no Reino Unido, na pluralidade dos Estados europeus e foi o que se verificou nos Açores e Madeira.

Neste sentido, o Arquipélago dos Açores é autónomo porque, em primeiro lugar, criou-se o conceito de açorianidade, com Vitorino Nemésio (1932) como primeiro autor, para designar uma identidade específica; identidade específica que corresponderia a um interesse igualmente específico e que, por essa razão, para o cumprimento dessa identidade e desse interesse específico, havia que retirar competências a Lisboa e trazê-las para os Açores (Ferreira, 1995; Amaral, 2018; 2019a).

Mas para se chegar à consagração constitucional do estatuto político das Regiões Autónomas dos Açores e da Madeira, o caminho percorrido não foi linear. Foi mesmo uma história cheia de imprevistos e peripécias com os mesmos atores a desempenharem vários papéis.

Todo este processo, como sublinha Medeiros Ferreira (1995, p. 27), culmina e inscreve-se num novo capítulo da história de Portugal, aberto com o 25 de Abril de 1974, que levou à conjugação do conceito de autonomia com o conceito de região, daí resultando a autonomia política regional, uma nova realidade no ordenamento espacial e político da comunidade portuguesa então em vias de democratização.

Com o desenrolar dos acontecimentos em Portugal continental depois do 25 de Abril, os revolucionários pretenderam apoiar-se no governo de Lisboa e no Movimento das Forças Armadas para operarem nos arquipélagos dos Açores e da Madeira. Os adversários da revolução, pelo contrário, irão provocar a desestabilização nas ilhas, chegando a apoiar-se em forças separatistas, “para alcançarem um duplo objetivo: moderar os ímpetus revolucionários em Lisboa e garantir uma autonomia político-administrativa nos territórios insulares. É esta a essência das relações entre a revolução, o separatismo e a autonomia” (Ferreira, 1995, p. 29).

A autonomia regional consagrada inicialmente na Constituição da República Portuguesa de 1976, após sete sucessivas revisões, acabou por corresponder às expectativas nacionais e internacionais na matéria (Ferreira, 1995, p. 22). A Constituição foi alterada sete vezes, inclusive como consequência da adesão de Portugal à Comunidade Económica Europeia, em 1987, que sucessivamente alargou o âmbito da autonomia e permitiu a participação dos Açores na integração europeia. Pelo que, no seu o artigo 229 sobre os poderes das regiões autónomas, incluiu na sua alínea I) o poder de “participação nas negociações de tratados

e acordos internacionais que diretamente lhes digam respeito, bem como nos benefícios deles decorrentes.” Esta conquista da autonomia açoriana, para além de ser consagrada na Constituição da República Portuguesa, também está inscrita no Estatuto Político-Administrativo da Região Autónoma dos Açores, aprovado na sua versão original resultante da Lei nº 39/80, de 5 de agosto, referia-se à participação do país na filiação em organizações e acordos económicos internacionais diretamente relacionados com a região, bem como a adesão de Portugal à Comunidade Económica Europeia como objeto de interesse para os Açores, tendo em vista a colaboração com o governo central de Portugal.

Este estatuto foi alterado três vezes, através das Leis nº 9/87, de 26/3, Lei nº 61/98, de 26/8, que consagra no Estatuto o direito dos Açores a participar no processo de construção europeia e a integrar as delegações portuguesas na União, que surge após a quarta revisão constitucional operada pela Lei nº 1/1997, de 20/9, artigo 227/1/v/x e Lei 02/2009, de 12/01, que também reforça a relação internacional dos Açores, dedicando o seu Título VI (artigos 121, 122 - construção europeia - 123 e 124) aos Açores (Miranda & Medeiros, 2007; Canotilho & Moreira, 2010). Toda esta evolução jurídico-política reforçou a autonomia da Região Autónoma dos Açores, permitindo assim participar nas relações internacionais que lhe digam respeito, sem estar sujeita às maiorias conjunturais que se estabelecessem no Parlamento nacional (Amaral, 2017, pp. 3-4).

Este primeiro modelo de autonomia, definido há cerca de 40 anos, foi pioneiro e absolutamente inovador à escala europeia, na medida em que alargou o interesse específico

e a competência autonómica ao domínio das Relações Internacionais, no sentido de que o serviço do interesse dos Açores faz-se não só dentro de fronteiras, mas para além delas. Pois, as Relações Internacionais eram entendidas historicamente como integrando o âmago da soberania e, por isso mesmo, eram assunto absolutamente não delegável.

A autonomia açoriana tem-se traduzido em democracia, em desenvolvimento e em qualidade de vida. Mas nos nossos dias, para além das tensões existentes na relação político-administrativa entre a região autónoma e o governo central, alterou-se a circunstância política, principalmente, pelo fato de já não vivermos unicamente numa Europa de Estados soberanos. Com a globalização, por um lado, e a integração europeia, por outro, o poder político foi transferido em grande parte das capitais nacionais para Bruxelas, para as instituições europeias e para o sistema internacional. Já não se trata de retirar poder ao centro, pela razão evidente de que ele já lá não está.

É neste contexto que Amaral (2017, p. 5) tem vindo a defender o imperativo de um modelo alternativo de autonomia, já não assente na separação de poderes e na garantia constitucional, mas na cooperação e na participação. Neste sentido, autonomia significa liberdade. Liberdade será os açorianos e açorianas participarem nas decisões que afetam a sua vida. Ser livre de optar nos Açores, sobre os seus próprios destinos.

Ora, se a globalização e a integração política europeia deslocalizaram as instâncias de poder das capitais nacionais para as instituições europeias e internacionais, a autonomia só pode encontrar tradução concreta, segundo

Carlos Amaral (2017, p. 6), na medida em que os Açores forem capazes de participar, de aceder onde o poder político se encontra sediado, aos âmbitos onde a decisão política é tomada. Esta ideia reflete a posição do autor e, sendo uma posição legítima, poderá sempre ser testada e confrontada com recurso a outros autores, tarefa essa que ultrapassa as possibilidades deste trabalho.

Se por um lado, a capacidade de autonomia e de diferenciação dos Açores no computo de outras regiões reside na capacidade de acesso às entidades supranacionais, onde os seus destinos se jogam com a sua participação ou sem ela. Por outro lado, importa repensar o sistema político da Região e trazer para dentro de portas os mesmos princípios de autonomia e subsidiariedade que, como um todo, os Açores reclamam em relação ao Estado português e o Estado português reclama em relação a Bruxelas, à União Europeia e ao próprio sistema internacional (Amaral, 2019).

Neste sentido, Carlos Amaral propõe repensar o todo que é a Região Autónoma dos Açores como uma federação das suas nove ilhas, reconhecendo e consagrando as identidades múltiplas dos insulanos a nível interno, circunscritas desde sempre em primeiro lugar à unidade de ilha. Dessas identidades múltiplas, deverá corresponder uma respetiva cidadania que deverá ser plural e exige uma representatividade democrática igualmente plural. Nesse sentido, propõe a refundação da autonomia e a reconfiguração da Assembleia Legislativa Regional dos Açores em duas câmaras: uma Câmara de Representantes, capaz de nos representar a todos, de pensar os Açores enquanto comunidade de iguais, e um Senado, capaz

de assegurar a representação de cada uma das nossas ilhas e da diáspora, permitindo a participação de cada uma, enquanto parte individualizada do todo que é a Região Autónoma dos Açores, em que todos os açorianos e açorianas se enraízam (Amaral 2019, p. 284).

Por sua vez, Pedro Faria e Castro (2019, p. 272) também propõe a refundação da autonomia associada ao princípio de subsidiariedade. Numa perspetiva interna, dentro da própria Região, propõe a valorização política das partes, de forma a reforçar a unidade regional e o reconhecimento do direito ao autogoverno. Se à escala europeia e nacional a regra jurídica da subsidiariedade dita que os níveis de poder superior intervenham, “se e na medida em que os objetivos da ação considerada não possam ser suficientemente alcançados” (Tratado da União Europeia, artigo 5º, nº 3). O mesmo princípio da subsidiariedade, apesar de estar salvaguardado no Estatuto Político-Administrativo da Região Autónoma dos Açores, no artigo 10º, ditando que “a Região assume as funções que possa prosseguir de forma mais eficiente e mais adequada do que o Estado” e aprofundado nos artigos 108, 119, 122, 135 do mesmo Estatuto, ao mesmo tempo que foi salvaguardado nos artigos 6º e 7º da Constituição da República portuguesa, ainda tem um longo caminho a percorrer para atender às suas potencialidades e possibilidades, pelo que o objetivo da subsidiariedade deve ser reforçado na prática do sistema político autonómico, para alcançar uma democracia mais participativa e mais representativa.

Outros autores e forças políticas, também preocupados com os problemas do sistema político açoriano, como sejam, a crescente

abstenção, reveladora do desinteresse crescente pela política e a incapacidade dos partidos em acolherem e representarem a diversidade de pretensões políticas, numa sociedade cada vez mais educada e aberta ao futuro, estão a ser envolvidos num trabalho que a Comissão Parlamentar para a Revisão da Autonomia tem vindo a realizar, ainda sem resultados concretos.

Importa alargar a pesquisa e o debate na sociedade açoriana, considerando outras ideias e contributos, face a novos desafios, importa melhorar e inovar. Esse ambicioso projeto ultrapassa a parca economia do nosso artigo, pelo que terá de ficar para futuras investigações. Por agora, não será pouco, se este trabalho também tiver contribuído para captar essa tensão dialética da política açoriana, interna e externa, entre a construção europeia e as tensões do sistema político açoriano.

CONSIDERAÇÕES FINAIS

O Arquipélago dos Açores juntamente com outras ilhas e arquipélagos conferem a dimensão insular à Europa que a projeta nos vários oceanos numa aprendizagem de diálogo com outras culturas. Estas ilhas e regiões ultraperiféricas surgem também como locais únicos de investigação, de inovação e experimentação de novas soluções para os problemas que enfrentamos.

Aqui, analisámos a história da autonomia política e administrativa do arquipélago açoriano que contribuiu, não só para a emancipação política de outras comunidades insulares, como, de uma forma decisiva e organizada, para a luta política destas regiões para o reconhe-

cimento das suas especificidades, que muito condicionam o seu desenvolvimento. O que culminou no estatuto de ultraperiferia consagrado no próprio Tratado da União Europeia.

Passados mais de quarenta anos de regime autonómico, os Açores são uma realidade completamente diferente do que eram em 1976 e um lugar muito melhor graças à dinâmica do seu autogoverno. Encontram-se, porém, em 2022, numa encruzilhada que requer respostas audaciosas para melhorar o que temos e para garantir a continuidade da autonomia política, constitucional e regional como motor do nosso progresso. Os sinais de divórcio dos cidadãos e cidadãs com as suas instituições, traduzidos nas vergonhosas taxas de abstenção nas sucessivas eleições, exigem reformas políticas. Assim haja coragem e capacidade para as empreender.

Nos dias de hoje, novos desafios se levantam no processo de construção europeia. Pelos princípios fundamentais da autonomia e da subsidiariedade, os Estados da União Europeia deixaram de ser os únicos sujeitos de Relações Internacionais, passando a partilhar tal condição com uma panóplia de outras entidades, muito em particular com as suas Regiões Autónomas. Nesse sentido, será fundamental aprofundar o estudo da autonomia açoriana, enquanto instrumento capaz de catapultar os Açores para a ribalta da esfera política, tanto a nível interno, nacional, como a nível externo, europeu e internacional.

Pelo que, permanecemos convictos de que, hoje, como ontem, os destinos dos Açores se jogam, muito para além das nove ilhas do arquipélago, no sistema de relações internacionais e nos serviços que a Região pode prestar. Daí a importância fundamental que para nós

assume o mar e os estudos à sua volta, numa perspectiva interdisciplinar, que inclua as Ciências Sociais e Humanas, pela razão tão evidente que por um lado, é o mar que nos imprime projeção e dimensão às escalas europeia e internacional e, por outro, mais do que separar as ilhas do arquipélago e a região da Europa e das Américas, o mar reúne todas estas entidades, elevando a nossa pluralidade insular à unidade e catapulta os Açores, da ultraperiferia da União Europeia, para o coração da Comunidade Atlântica, Ocidental, em gestação na contemporaneidade.

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Una situación colonial que debe terminar. Las Islas Malvinas y la obligación de descolonizar

Luciano Pezzano*

RESUMEN

La controversia de soberanía sobre las Islas Malvinas es una situación colonial, a la que, de acuerdo con las resoluciones de los órganos de las Naciones Unidas, se le debe poner fin. Esto no es más que la consecuencia de una obligación de descolonizar que existe en el derecho internacional. En efecto, el colonialismo ha sido declarado incompatible con la Carta de las Naciones Unidas, la Declaración sobre la Concesión de la Independencia a los Países y Pueblos Coloniales y la Declaración Universal de Derechos Humanos, por lo que no es de extrañar que en el derecho internacional haya nacido la obligación de descolonizar.

Sin embargo, la preeminencia de la libre determinación en la descolonización ha hecho que la mayoría de los estudios sobre la obligación de descolonizar se hayan realizado en dicho marco y no profundicen sobre la autonomía de esta obligación frente a aquel derecho.

Por esta razón, en este artículo se argumentará que la obligación de descolonizar está vigente, es exigible, autónoma del derecho de libre determinación y subsiste aun en casos de situaciones coloniales en que dicho derecho no resulta aplicable.

Así, se analizarán pormenorizadamente las consecuencias de la caracterización de la cuestión Malvinas como una situación colonial, y, a partir de dicha caracterización, se

* Doctor en Derecho y Ciencias Sociales. Universidad Nacional de Córdoba (Argentina); docente de Derecho Internacional Público. Becario postdoctoral. CIJS-UNC/Conicet (Argentina). [luciano.pezzano@unc.edu.ar]; [https://orcid.org/0000-0002-6794-7915].

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insistirá en que el Reino Unido tiene la obligación de poner fin a la situación colonial sobre las Islas mediante la solución de la controversia de soberanía sobre el territorio a través de negociaciones con la República Argentina.

Palabras clave: Descolonización; Asamblea General de las Naciones Unidas; obligación de descolonizar; libre determinación; Islas Malvinas.

A Colonial Situation that must end: The Malvinas (Falkland) Islands and the Obligation to Decolonise.

ABSTRACT

The sovereignty dispute over the Falkland Islands (Islas Malvinas) is a colonial situation, which, according to the resolutions of United Nations bodies, must be brought to an end. This is the consequence of an obligation to decolonise in international law. Indeed, colonialism had been declared incompatible with the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Universal Declaration of Human Rights, so it was not surprising that an obligation to decolonise arose in international law. However, the pre-eminence of self-determination in decolonisation had meant that most studies on the obligation to decolonise had been carried out within that framework and did not deal with the autonomy of that obligation vis-à-vis that right.

This article will argue that the obligation to decolonise is in force, enforceable and autonomous from the right of self-determination, and subsists even in cases of colonial situations where that right is not applicable. Thus, the consequences of the characterisation of the Malvinas / Falklands question as a colonial situation will be analysed in detail. From this characterisation, it will be emphasised that the United Kingdom has the obligation to put an end to the colonial state of affairs over the Islands, by settling the sovereignty dispute over the territory through negotiations with the Argentine Republic.

Key words: Decolonisation; UN General Assembly; obligation to decolonise; self-determination; Malvinas / Falkland Islands.

INTRODUCCIÓN

En la literatura especializada es habitual encontrar la afirmación de que la controversia de soberanía sobre las Islas Malvinas es una situación colonial a la que, de acuerdo con las resoluciones de los órganos de la Organización de las Naciones Unidas (ONU), se le debe poner fin. ¿Qué significa “poner fin” a una situación colonial? ¿Están los Estados obligados a descolonizar los territorios coloniales?

El colonialismo ha sido declarado incompatible con la Carta de las Naciones Unidas, la Declaración sobre la Concesión de la Independencia a los Países y Pueblos Coloniales (la Declaración) y la Declaración Universal de los Derechos Humanos, por lo que no es de extrañar que en el derecho internacional haya nacido una obligación de descolonizar.

Sin embargo, la preeminencia de la libre determinación en la descolonización ha hecho que la mayoría de los estudios sobre la obligación de descolonizar se hayan realizado en dicho marco y no profundicen sobre la autonomía de esta obligación frente a aquel derecho.

Además, la opinión consultiva de la Corte Internacional de Justicia (CIJ) sobre las “Consecuencias jurídicas de la separación del archipiélago de Chagos de Mauricio en 1965” devolvió actualidad al derecho de la descolonización, las competencias de la Asamblea General de las Naciones Unidas (AG) y las obligaciones de los Estados al respecto. Por otra parte, en 2021 comenzó el Cuarto Decenio Internacional para la Eliminación del Colonialismo y, si bien su objetivo de erradicar el colonialismo para el final de la década no ha sido cumplido, demuestra la actualidad de la cuestión y el compromiso de la ONU al respecto.

Debido a ello, en este artículo se argumentará que la obligación de descolonizar está vigente, surge del derecho de la descolonización desarrollado a partir de la práctica de la ONU y de las competencias de la AG en la materia, es exigible y autónoma del derecho de libre determinación, y subsiste aun en casos de situaciones coloniales en que dicho derecho no resulta aplicable.

Así, se analizarán pormenorizadamente las consecuencias de la caracterización de la cuestión Malvinas como una situación colonial, y, a partir de dicha caracterización, se insistirá en que el Reino Unido tiene la obligación de poner fin a la situación colonial sobre las Islas mediante la solución de la controversia de soberanía sobre el territorio a través de negociaciones con la República Argentina.

LA OBLIGACIÓN DE DESCOLONIZAR EN EL DERECHO INTERNACIONAL

La Carta no hace mención a la descolonización ni al colonialismo. Su Capítulo XI, “Declaración relativa a los territorios no autónomos” enuncia una serie de obligaciones de parte de las potencias administradoras, pero no consagra el derecho de los territorios a la libre determinación ni a la finalización del régimen colonial. No obstante, la literatura considera que es precisamente a partir de la obligación de informar contenida en el artículo 73 inciso e), que la AG ha desarrollado un verdadero derecho de la descolonización y ha reclamado para sí el ejercicio de competencias en la materia (Virally, 1963, pp. 526-530; Fastenrath, 2012, pp. 1832-1834; Kohen, 1997, p. 85).

Estas competencias incluyen: el poder de la AG de insertar cierto territorio en la lista de los territorios no autónomos; el estatus jurídico internacional del territorio y las obligaciones de la potencia administradora que de él se derivan; el poder de la AG de cambiar el estatus jurídico internacional de un territorio luego de su independencia; la obligación de la potencia administradora de proveer a la AG con la información prevista en el artículo 73 de la Carta; el poder de la AG de supervisar el proceso de descolonización y la obligación de la potencia administradora y otros Estados involucrados de no adoptar medidas unilaterales contra tal proceso (Crespi Reghizzi, 2021, p. 65).

La CIJ reconoció los poderes de la AG en materia de descolonización en varias oportunidades. En particular, en su opinión consultiva sobre las *Consecuencias jurídicas de la separación del archipiélago de Chagos de*

Mauricio en 1965 en la que, entre otras cosas, sostuvo: “The modalities necessary for ensuring the completion of the decolonization of Mauritius fall within the remit of the United Nations General Assembly, in the exercise of its functions relating to decolonization” (CIJ, 2019, párr. 179).

Así, la CIJ está reconociendo que la AG tiene los poderes para indicar la forma (las “modalidades”) en que se debe descolonizar un territorio no autónomo. Estas modalidades implicarán, en la mayoría de los casos, el ejercicio del derecho del pueblo del territorio a la libre determinación, de conformidad con lo establecido por la Declaración, aprobada por resolución 1514 (XV) de la AG. Esta fue considerada por la CIJ como un “momento definitorio” en la consolidación de la práctica sobre descolonización, pues le reconoció efecto normativo (CIJ, 2019, párr. 150).

En la Declaración, luego del preámbulo, la AG proclama “solemnemente la necesidad de poner fin rápida e incondicionalmente al colonialismo en todas sus formas y manifestaciones”. El fin del colonialismo es destacado como una *necesidad*, pero ¿implica que ya es una obligación? Creemos que sí, puesto que el párrafo 1 de la Declaración describe al colonialismo en términos claros: “La sujeción de pueblos a una subyugación, dominación y explotación extranjeras constituye una denegación de los derechos humanos fundamentales, es contraria a la Carta de las Naciones Unidas y compromete la causa de la paz y de la cooperación mundiales”. Por lo tanto, el colonialismo

es contrario a la Carta y se le debe poner fin. La mención a los “pueblos”, que no son otros que los “pueblos coloniales” que nombra el propio título de la Declaración, se complementa con el categórico reconocimiento del derecho de libre determinación de los pueblos en el párrafo 2.

A fin de supervisar el cumplimiento de la Declaración, la AG creó el Comité Especial encargado de examinar la aplicación de la Declaración sobre la concesión de la independencia a los países y pueblos coloniales (CE), al que también le confió la misión de examinar la información que las potencias administradoras deben suministrar en virtud del artículo 73, inciso e).

En la resolución 2621 (XXV), la AG declaró “que la continuación del colonialismo en todas sus formas y manifestaciones es un crimen que viola la Carta de las Naciones Unidas, la Declaración sobre la concesión de la independencia a los países y pueblos coloniales y los principios del derecho internacional”. Si bien no fue aprobada por todos los miembros¹, su mayoritario apoyo revela que diez años después de la adopción de la Declaración, gran parte de los Estados creían que el colonialismo no solamente era contrario a la Carta y a los principios del derecho internacional, sino que cabía considerarlo como un crimen. Al observarlo como tal, su continuación es ilícita y debe ponerse fin, en consonancia con lo dispuesto por la Declaración.

En la célebre resolución 2625 (XXV), la AG volvió a declarar que los Estados deben

¹ Se aprobó por 86 votos contra 5 –todas potencias administradoras– y 15 abstenciones.

“poner fin rápidamente al colonialismo”, lo que refuerza el carácter de una obligación en ese sentido. Además, la AG anualmente aprueba una resolución sobre aplicación de la Declaración² en la que insiste en la eliminación del colonialismo en todas sus formas.

En ese sentido, las resoluciones de la AG, en conjunto con la práctica internacional que surge con relación a ellas, han creado el marco en el cual se ha cristalizado un consenso social que impone la descolonización como una obligación en virtud del derecho internacional (Hébié, 2015, p. 531). La CIJ, si bien no ha mencionado expresamente la existencia de dicha obligación, sí ha confirmado parte de su contenido y ha reconocido los poderes de la AG en la materia, a la vez que ha afirmado que sus resoluciones reflejan obligaciones de los Estados en virtud de la Carta y la costumbre internacional (CIJ, 2019).

Cabe, no obstante, que nos preguntemos si existe la posibilidad de que la AG determine una modalidad de cumplimiento de esta obligación que no implique la aplicación de la libre determinación. A este respecto, cabe recordar lo que ha dicho la CIJ en su opinión consultiva sobre el Sahara Occidental:

La validité du principe d'autodétermination, défini comme répondant à la nécessité de respecter la volonté librement exprimée des peuples, n'est pas diminuée par le fait que dans certains cas l'Assemblée générale n'a pas en devoir exiger la consultation des habitants de tel ou tel territoire. Ces exceptions s'ex-

pliquent soit par la considération qu'une certaine population ne constituait pas un "peuple" pouvant prétendre à disposer de lui-même, soit par la conviction qu'une consultation eût été sans nécessité aucune, en raison de circonstances spéciales. (CIJ, 1975, párr. 59)

La CIJ está reconociendo que pueden surgir casos coloniales en los que la AG considere que la población del territorio involucrado no constituya un “pueblo” titular del derecho a la libre determinación y, por lo tanto, este no resulte aplicable para descolonizar el territorio.

Si pensamos en los actuales diecisiete territorios no autónomos, la AG ha reconocido expresamente la existencia de un pueblo titular del derecho de libre determinación en quince de ellos. Sin embargo, en dos de los territorios (Gibraltar y Malvinas), la AG jamás lo ha hecho. Aunque presentan varias diferencias que no los hacen enteramente análogos, sí podemos mencionar que, en ambos, al existir una controversia de soberanía entre dos Estados –España y el Reino Unido, y la Argentina y el Reino Unido, respectivamente– la AG instó a los respectivos Estados a celebrar negociaciones teniendo en cuenta los “intereses” de la “población” de cada territorio. Es decir, no solamente no mencionó que existiera en ninguno de los casos “pueblo” alguno, sino que omitió toda referencia a la libre determinación en sus resoluciones.

La práctica de la AG ha sido constante en reconocer el derecho a la libre determinación de los pueblos coloniales que habitan los

² La última es la resolución 76/85, de 9 de diciembre de 2021.

territorios no autónomos y determinar que la modalidad de descolonización de esos territorios debe ser acorde con el ejercicio de ese derecho, esto es, mediante la libre expresión de la voluntad de tales pueblos. Si nos encontramos frente a casos en los que –también de modo constante– no ha determinado que los territorios se descolonicen mediante el ejercicio de la libre determinación y ha indicado otra modalidad, ha sido porque consideró, como sostuvo la CIJ, que en tales casos la población de esos territorios no constituye un pueblo.

Esta conclusión es conteste con los poderes de la AG en materia de descolonización –incluyendo la existencia o no de un territorio no autónomo y las modalidades que deben cumplirse para su descolonización–; no contradice los términos de la Declaración, toda vez que esta reconoce que el colonialismo puede existir en varias formas y que los titulares del derecho a la libre determinación en tal contexto son los pueblos coloniales –como indica su título y describe su párrafo 1–; y con la interpretación dada por la CIJ respecto del papel de la libre determinación en el contexto de la descolonización.

En definitiva, las resoluciones de la AG y la práctica internacional –según se refleja en la jurisprudencia de la CIJ– muestran que existe una obligación de descolonizar, que forma parte de la obligación de *todos* los Estados –sean o no potencias administradoras– de poner fin al colonialismo. Esa obligación, si bien en la mayoría de los casos se cumplirá mediante la aplicación de la libre determinación de los pueblos, es autónoma de este, y la AG puede indicar otras modalidades para que se proceda a la

descolonización de un territorio si considera que no hay allí un pueblo titular de tal derecho.

LA OBLIGACIÓN DE DESCOLONIZAR LAS ISLAS MALVINAS

Para determinar la existencia de una obligación de descolonizar las Islas Malvinas debemos analizar cuál es el derecho aplicable y qué modalidades ha indicado la AG que deben seguirse para la descolonización del territorio. Para eso, comenzaremos con una reconstrucción del tratamiento que la cuestión ha tenido en la ONU.

La cuestión Malvinas en la AG y el CE

Las Islas Malvinas fueron agregadas como territorio no autónomo bajo administración del Reino Unido en 1946, y después de la aprobación de la Declaración y la constitución del CE, ingresaron dentro de su programa de trabajo, asignadas al Subcomité III, el que consideró la cuestión en 1964 (AG, 1964a).

Las declaraciones de los miembros del Subcomité resultan de particular interés a los fines de la caracterización de la cuestión. Así, la mayoría de los miembros consideró que se trataba de un problema de carácter colonial, pero, al mismo tiempo, el territorio era objeto de un reclamo de soberanía de parte de otro Estado miembro, lo que indicaba el carácter excepcional de la cuestión, que podría no resolverse por la aplicación del principio de libre determinación. Así, el representante del Uruguay observó que había que distinguir

... entre las colonias o posesiones, a las que se aplicaba el principio de la autodeterminación, y los

territorios ocupados de facto, cuya situación debía solucionarse por los procedimientos de arreglo pacífico previstos por la Carta u otros instrumentos internacionales. (AG, 1964a, párr. 54)

En la misma línea, el representante de Italia consideró “que el origen nacional de la población insular y sus variaciones anuales o estacionales suscitaban graves dudas en cuanto a la posibilidad de aplicar estrictamente, en este caso, el principio de la libre determinación” (AG, 1964a, párr. 60). Esta descripción de la población de las Islas es muy importante, porque podría ser un indicio de por qué no se consideró que existiera en el territorio un “pueblo”, titular del derecho de libre determinación. Así, concluyó que se trataba de un “territorio colonial” más que de un “pueblo colonial”. Pensamos que esta diferencia no es artificial y tiene consecuencias jurídicas importantes. Si es un territorio colonial, está sujeto a descolonización en virtud de la Declaración, pero al no existir un “pueblo colonial”, no será de aplicación la libre determinación de los pueblos, por lo que la AG tiene una mayor amplitud respecto de las modalidades que puede indicar para su descolonización. Esto fue subrayado por el representante de Venezuela, que agregó:

En el caso de un territorio despoblado o cuya población original hubiese sido expulsada, la soberanía debía devolverse al Estado que la ejercía y al que le fuera arrebatada por la fuerza. No era a una minoría de colonos o una población importada a quien jurídicamente se podía devolver la soberanía usurpada. (AG, 1964a, párr. 84)

Resulta de interés un comentario final del Reino Unido respecto del proyecto de recomendaciones del Subcomité. Su representante declaró que

... le sorprendía —y lamentaba— el hecho de que tal proyecto no mencionara el principio de la libre determinación, ni siquiera los deseos y aspiraciones del pueblo de las Islas Falkland. Con arreglo a la práctica seguida siempre por el Subcomité y los demás órganos del Comité Especial, las recomendaciones formuladas deberían indicar claramente que el porvenir del Territorio se determinaría según los deseos de sus habitantes. Si se mantuviera esa flagrante omisión se rompería con la tradición del Comité y se crearía un precedente que tal vez éste habría de lamentar luego. (AG, 1964a, párr. 118)

Este comentario ratifica no solamente que las conclusiones y recomendaciones que elevó el Subcomité no contenían ninguna mención a la libre determinación, sino también el hecho de que ninguno de los miembros del Subcomité consideró aplicable el principio ni consideró que la población de las Islas fuera un “pueblo”. Ni siquiera los miembros del bloque afroasiático, el grupo más anticolonialista y defensor de la libre determinación, consideraron que se estuviera frente a un caso de un pueblo colonial. Este hecho debe ser destacado, por cuanto los Estados anticoloniales no habrían tolerado que se hiciera de lado la libre determinación en la descolonización de un territorio donde viviera efectivamente un pueblo.

El Subcomité III aprobó las conclusiones y recomendaciones y las sometió al CE, que no

reabrió el debate sobre el fondo³. El CE aprobó el 13 de noviembre de 1964 las siguientes conclusiones y recomendaciones:

a) El Comité Especial examinó la situación en el Territorio no autónomo de las Islas Falkland (Malvinas) y escuchó las declaraciones del representante de la Potencia administradora, así como las del representante de la Argentina; b) El Comité Especial confirma que las disposiciones de la Declaración sobre la concesión de la independencia a los países y pueblos coloniales son de aplicación al Territorio de las Islas Falkland (Malvinas); c) El Comité Especial toma nota de la existencia de una disputa entre los Gobiernos del Reino Unido de Gran Bretaña e Irlanda del Norte y de la Argentina a propósito de la soberanía de las Islas Falkland (Malvinas); d) El Comité Especial invita a los Gobiernos del Reino Unido y de la Argentina a entablar negociaciones a fin de encontrar una solución pacífica a este problema, teniendo debidamente en cuenta las disposiciones y los objetivos de la Carta de las Naciones Unidas y de la resolución 1514 (XV), de 14 de diciembre de 1960; los intereses de la población de dichas Islas y también las opiniones expresadas en el curso del debate general; e) El Comité Especial invita a los dos Gobiernos arriba mencionados a que informen al Comité Especial o a la Asamblea General del resultado de sus negociaciones. (AG, 1964b, párr. 59)

Pastorino ha realizado un pormenorizado análisis de las conclusiones y recomendaciones del CE, al que nos remitimos (2014, pp. 113-

138), y nos permitiremos algunos comentarios vinculados con el objeto de este artículo. La primera conclusión ratifica la naturaleza de territorio no autónomo de las Islas, en el sentido del Capítulo XI de la Carta. Ello hace que le resulte de aplicación la Declaración, como afirma la segunda conclusión, lo que de inmediato nos propone un interrogante: ¿qué disposiciones de la Declaración se aplican? Como mencionamos, su párrafo 2 es claro al reconocer que “todos los pueblos tienen el derecho de libre determinación”. ¿Significa que el CE está reconociendo la aplicación de la libre determinación a las Islas Malvinas? Pensamos que este es un punto crucial para entender la modalidad de descolonización que los órganos de la ONU adoptaron para este territorio. Al respecto, no debemos olvidar que el objeto y fin de la Declaración, como lo señala el ya citado último párrafo de su preámbulo, es “poner fin rápida e incondicionalmente al colonialismo en todas sus formas y manifestaciones”. Cuando en el territorio no autónomo de que se trate exista un pueblo, este será titular del derecho a la libre determinación reconocido en el párrafo 2 y la descolonización deberá proceder de acuerdo con su voluntad libremente expresada. Pero para que constituya un pueblo titular del derecho de libre determinación, la población del territorio debe ser un “pueblo colonial”, acorde al título de la Declaración, que no es otra cosa que el que está sujeto a la

³ Para un análisis político de las discusiones en el Comité Especial, ver González (2013), capítulos 2 a 4. Aunque algunas de las apreciaciones del autor puedan ser cuestionables, su estudio del proceso está muy documentado en fuentes primarias no consultadas por otros autores.

“subyugación, dominación y explotación extranjera”, según el párrafo 1, lo que el CE no constató que sucediera en las Islas Malvinas.

En nuestra opinión, resulta claro que al momento de interpretar el alcance de la aplicación de la Declaración deben tenerse en cuenta “las opiniones expresadas en el curso del debate”, como indica la recomendación d), y eso incluye la caracterización de las Islas como un “territorio colonial”, la que no fue controvertida por ninguna delegación, y fue apoyada por varias, que explica lo que el representante de Venezuela consideró un “caso particular”. Pensamos que este carácter excepcional del caso viene confirmado por la expresa constatación en la tercera conclusión de que existe una controversia de soberanía sobre el territorio entre la Argentina y el Reino Unido: es esta controversia, con un reclamo argentino fundado en títulos anteriores a la colonización —es decir, a la ocupación ilícita británica— lo que en definitiva termina caracterizando al territorio como colonial y explica su naturaleza particular. De allí que el modo en que el CE recomienda debe procederse es mediante negociaciones entre los Estados, teniendo en cuenta los intereses de la población del territorio.

Pero también pensamos que, tan importante como lo que el CE dice en sus conclusiones y recomendaciones, es lo que *no dice*:

no hace referencia a la libre determinación ni a la voluntad del pueblo del territorio, ni caracteriza a sus habitantes como tal. Esta omisión no puede considerarse inocua, puesto que, como el propio representante británico señala, esa no era la práctica habitual del CE⁴. Necesariamente, esa omisión tiene un significado preciso, máxime cuando así ha sido en la práctica constante del CE y de la AG sobre la cuestión Malvinas por 58 años.

Al año siguiente, la Argentina llevó la cuestión directamente a la AG. Allí se discutió, en su Cuarta Comisión, un proyecto de resolución presentado por quince Estados latinoamericanos. La mayoría de las delegaciones que intervinieron insistieron en que se trataba de un territorio colonial, sujeto a una controversia de soberanía que debía resolverse bilateralmente, y no por aplicación de la libre determinación.

El representante de Liberia lamentó que el proyecto “did not mention the views and aspirations of the Territory’s inhabitants” (AG, 1965a, párr. 54), y propuso una enmienda en la que se mencionara expresamente la necesidad de consultar a la población de las islas. Curiosamente, la respuesta a su posición vino de otro Estado del África Occidental, Senegal, cuyo representante remarcó que: “the population of the Malvinas Islands consisted mainly

⁴ Solamente para aportar un ejemplo de conclusiones y recomendaciones aprobadas por el Comité el *mismo día* que las de las Islas Malvinas y a raíz de un proyecto que nació también en el mismo Subcomité III, con relación a los territorios de Bermudas, Bahamas, Islas Turcas y Caicos, e Islas Caimán, el Comité confirmó: “que las disposiciones de la Declaración sobre la concesión de la independencia a los países y pueblos coloniales se aplican plenamente a los mencionados territorios y deben ser aplicadas en ellos, conforme a la voluntad libremente expresada de su población” (AG 1964b, Capítulo XXIV, párr. 134).

of temporary residents of United Kingdom nationality, and that the draft resolution rightly invited the two interested parties, the United Kingdom and Argentina, to seek a solution acceptable to both of them” (AG, 1965a, párr. 55).

Por su parte, el representante británico mantuvo la posición que había sostenido en el Subcomité respecto de los “deseos” del “pueblo” de las Islas y la aplicación de la libre determinación (AG, 1965a, párr. 90-94).

El representante de Liberia declaró que no podía determinar con certeza si la discusión sobre el proyecto de resolución se centraba en la cuestión de la libre determinación de los habitantes del territorio o sobre la soberanía territorial de un Estado miembro, y no participó en la votación. Aunque se trató de una manifestación aislada y en el plenario de la AG Liberia votó a favor, es importante destacarla como prueba de que la resolución no puede ser utilizada como argumento a favor de la aplicación implícita de la libre determinación a la cuestión.

Puesto a votación en la Cuarta Comisión, el proyecto fue aprobado por 87 votos contra ninguno y 13 abstenciones. Entre las abstenciones, el único Estado que apoyó la posición británica respecto de la libre determinación fue Australia.

Pasado al plenario de la AG, y con excepción del Reino Unido, que insistió en su posición, no hubo mayor debate. Al votarse, el proyecto se transformó en la Resolución 2065 (XX) por 94 votos a favor contra ninguno y 14 abstenciones (Australia, Canadá, Dinamarca, Estados Unidos, Finlandia, Francia, Islandia, Países Bajos, Nueva Zelandia, Noruega, Portu-

gal, el Reino Unido, Sudáfrica y Suecia) (AG, 1965b, párr. 109).

El texto de la resolución es muy conocido, pero aquí recordaremos que, en su preámbulo, la AG actúa teniendo en cuenta los informes del CE

... concernientes a las Islas Malvinas (Falkland Islands) y en particular las conclusiones y recomendaciones aprobadas por el mismo relativas a dicho Territorio, [considerando] “que su resolución 1514 (XV), de 14 de diciembre de 1960, se inspiró en el anhelado propósito de poner fin al colonialismo en todas partes y en todas sus formas, en una de las cuales se encuadra el caso de las Islas Malvinas (Falkland Islands) [y tomando nota] de la existencia de una disputa entre los Gobiernos de la Argentina y del Reino Unido de Gran Bretaña e Irlanda del Norte acerca de la soberanía sobre dichas Islas.

Cada párrafo merece un análisis detenido. En el primero, la AG tiene en cuenta las conclusiones y recomendaciones del CE —de hecho, si las comparamos con el texto de la resolución, la AG las reproduce sustancialmente—, en lo que podemos considerar como una identidad material en la posición de ambos órganos. En el segundo, ratifica que el objetivo de la Declaración es poner fin al colonialismo en todas sus formas, “en una de las cuales” encuadra el caso de las Islas, indicando así que es un caso colonial, pero de una de las distintas formas que el colonialismo puede adoptar: que el caso caiga en el ámbito de la Declaración no implica una aplicación automática de la libre determinación, sino que se trata de una situación colonial a la que se le debe poner fin. El tercer párrafo toma nota de la existencia de la

controversia de soberanía, lo que, de acuerdo con gran número de delegaciones parece ser lo que caracteriza principalmente a esta cuestión colonial y que la diferencia de la mayoría de las otras situaciones. En el primer párrafo dispositivo, la AG invitó

... a los Gobiernos de la Argentina y del Reino Unido de Gran Bretaña e Irlanda del Norte a proseguir sin demora las negociaciones recomendadas por el Comité Especial [...] a fin de encontrar una solución pacífica al problema, teniendo debidamente en cuenta las disposiciones y los objetivos de la Carta de las Naciones Unidas y de la resolución 1514 (XV) de la Asamblea General, así como los intereses de la población.

Aquí la AG es muy clara: quienes deben negociar son la Argentina y el Reino Unido, que son las partes en la controversia de soberanía sobre la que tomó nota, y que deben tener en cuenta la Carta, la Declaración y los “intereses” —no los deseos ni la voluntad— de la “población” del territorio —no “el pueblo”—. Como justificaremos más adelante, la AG está planteando que la modalidad de descolonización de las Islas Malvinas es a través de negociaciones entre dos Estados. Finalmente, mediante el segundo párrafo dispositivo, pidió a ambos Estados que informaran al CE y a la AG sobre el resultado de las negociaciones.

Así, la AG adoptó el mismo criterio que el CE: las Islas Malvinas son una cuestión colonial que, al caer bajo el ámbito de aplicación de

la Declaración, deben ser descolonizadas, y que el proceso de descolonización debe desarrollarse mediante la solución de la controversia de soberanía a través de negociaciones entre dos Estados, la Argentina y el Reino Unido, teniendo en cuenta los intereses de la población. No hay nada en el proceso que llevó a la adopción de la resolución que implique que la AG haya tenido en cuenta la aplicación de la libre determinación al proceso de descolonización de las Malvinas. Por el contrario, la inmensa mayoría de los Estados que se pronunciaron al respecto tanto en el CE como en la AG, descartaron su aplicación y no consideraron que los habitantes de las Islas fueran un “pueblo”. Solo Australia, como vimos, acompañó la posición británica.

La historia que siguió es conocida y ha sido muy estudiada⁵: las partes comenzaron las negociaciones de conformidad con lo indicado por la AG e incluso llegaron a acuerdos en materia de comunicaciones entre las islas y el continente, pero la materia de soberanía —aspecto central de la cuestión que había sido subrayado por la AG— no avanzaba, principalmente por maniobras dilatorias del Reino Unido, quien —en contra de lo que había hecho al comienzo del proceso negociador y de lo que había manifestado la AG—, introdujo la necesidad de respetar los “deseos” del “pueblo” de las Islas, al que le reconoció el derecho de libre determinación. Esto motivó que la Argentina comunicara el estancamiento en las negociaciones a los órganos de la ONU en 1973 (AG, 1973a).

⁵ Ver, *i. a.*, Escudé y Cisneros (2000); Pagliari (2018); Beltramino (1997).

El Reino Unido respondió negando que existiera un estancamiento y expresó:

The United Kingdom Government reiterate their readiness to renew discussions bearing in mind that in accordance with the provisions of the Charter of the United Nations and the principles of resolution 1514 (XV) of the General Assembly it is essential that any solution should recognize the right of the inhabitants of the Falkland Islands to self-determination and should provide for them to express their wishes in this connexion. (AG, 1973b)

Si el Reino Unido estaba aceptando su predisposición a renovar las discusiones con la Argentina, ¿por qué introdujo el pretendido derecho de libre determinación y los “deseos” de los habitantes de las islas, dos cuestiones que no están incluidas en la resolución 2065 (XX)?⁶

Por su parte, el CE aprobó, sin objeción, una resolución en la que, entre otras cosas, recordando la Declaración y la resolución 2065 (XX), gravemente preocupado “por el hecho de que han transcurrido ocho años desde la aprobación de la Resolución 2065 (XX) sin que se hayan producido progresos sustanciales en las negociaciones”, considerando “que la Resolución 2065 (XX) indica que *la manera de poner fin a esta situación colonial es la solución pacífica del conflicto de soberanía entre los Gobiernos de la Argentina y del Reino Unido con respecto a dichas islas*” (énfasis agregado), tomando nota

de la carta de la Argentina y expresando “su reconocimiento por los continuos esfuerzos realizados por el Gobierno de la Argentina, conforme con las pertinentes decisiones de la Asamblea General, para facilitar el proceso de descolonización y promover el bienestar de la población de las islas”, declaró la necesidad de que se aceleren las negociaciones previstas en la resolución 2065 (XX) entre la Argentina y el Reino Unido “para arribar a una solución pacífica de la disputa de soberanía existente entre ambos sobre las Islas Malvinas (Islas Falkland)”, urgió “en consecuencia a los Gobiernos de la Argentina y del Reino Unido para que, sin demora, *prosigan las negociaciones para poner término a la situación colonial*” (énfasis agregado), y les pidió que informaran al Secretario General y a la AG sobre los resultados de la negociaciones (AG, 1973c, pp. 198-199). La resolución del CE provee una interpretación del sentido y alcance de la resolución 2065 (XX) en línea con la que proponemos aquí: reconoce explícitamente que la cuestión de las Islas Malvinas es una situación colonial, lo que está solamente implícito en la mencionada resolución y en las conclusiones de 1964 del CE; como tal, hay que ponerle fin, y el medio para lograr ese objetivo es la solución pacífica del conflicto de soberanía; y la modalidad es la celebración de negociaciones entre la Argentina y el Reino Unido.

⁶ El dato es aún más significativo si tenemos en cuenta que, desde que comenzó el proceso negociador en 1966, el Reino Unido no había introducido la cuestión de la libre determinación ante los órganos de ONU (Consani *et al.*, 2017, p.141).

Al discutirse la cuestión en la Cuarta Comisión, se presentó un proyecto de resolución, cuyos patrocinadores dejaron bien en claro que hay un indisoluble vínculo entre poner fin a la situación colonial en Malvinas y solucionar la controversia de soberanía. El único planteo contrario en la Cuarta Comisión vino del Reino Unido, cuyo representante insistió en introducir la libre determinación, lo que fue replicado por la delegación argentina y no tuvo eco en otras delegaciones (AG, 1973d).

El 5 de diciembre de 1973, el proyecto se aprobó en la Cuarta Comisión por 99 votos contra ninguno y 14 abstenciones —el Reino Unido y otros Estados de Europa Occidental, Estados Unidos, Canadá y Sudáfrica— y se elevó al plenario de la AG. Esta lo aprobó, sin debate, 14 de diciembre de 1973 como resolución 3160 (XXVIII), por 116 votos contra ninguno y las mismas 14 abstenciones de la Cuarta Comisión (AG, 1973e).

El texto de la resolución 3160 (XXVIII) es muy similar al de la resolución del CE. En su preámbulo, la AG recuerda la Declaración y su resolución 2065 (XX), se muestra “gravemente preocupada por el hecho de que han transcurrido ocho años desde la adopción de la resolución 2065 (XX) sin que se hayan producido progresos sustanciales en las negociaciones” y “consciente de que *la Resolución 2065 (XX) indica que la manera de poner fin a esta situación colonial es la solución pacífica del conflicto de soberanía* entre los Gobiernos de la Argentina y el Reino Unido con respecto a dichas Islas” (énfasis agregado), así como expresa su reconocimiento por los esfuerzos de la Argentina para facilitar el proceso de descolonización y promover el bienestar de la

población de las Islas. En la parte dispositiva aprobó el informe del CE y su resolución de 21 de agosto de 1973 declaró “la necesidad de que se aceleren *las negociaciones previstas en la resolución 2065 (XX)* de la Asamblea General entre los Gobiernos de la Argentina y el Reino Unido *para arribar a una solución pacífica de la disputa de soberanía existente entre ambos sobre las Islas Malvinas (Falkland)*” (énfasis agregado), instó “en consecuencia a los Gobiernos de la Argentina y el Reino Unido a que, de acuerdo con las prescripciones de las resoluciones pertinentes de la Asamblea General, prosigan sin demora *las negociaciones para poner término a la situación colonial*” (énfasis agregado); y pidió a ambos gobiernos que informen al Secretario General y a la AG lo antes posible, acerca de los resultados de las negociaciones.

La resolución 3160 (XXVIII) es tal vez la más importante para nuestro análisis, incluso más que la fundacional 2065 (XX), puesto que explicita aspectos de la cuestión que se encuentran implícitos en esta. Sin embargo, no puede entenderse en modo alguno que modifique los términos de esta, sino que los interpreta, en el mismo sentido que el CE, pero que, al venir del propio órgano que la dictó, la transforma en una interpretación auténtica. Así, valen las mismas consideraciones que ya efectuamos: se trata de una situación colonial a la que hay que poner fin, y la manera de ponerle fin es mediante la solución pacífica del conflicto de soberanía. Las negociaciones entre los Estados deben tener por finalidad solucionar la controversia de soberanía, despejando así las dudas que se podrían plantear en virtud de que la parte dispositiva de la resolución 2065 (XX) no explicita el objeto de aquellas. Pero la AG

también deja en claro que las negociaciones también son para poner término a la situación colonial, ratificando nuestra interpretación de que es esta la modalidad determinada por la AG —órgano competente a tal efecto— para la descolonización del territorio de las Islas Malvinas.

La AG instó continuamente en ulteriores resoluciones a la reanudación de las negociaciones entre los Estados, varias veces con mención expresa a las resoluciones 2065 (XX) y 3160 (XXVIII) que son, por tanto, la base del proceso descolonizador del territorio.

Sin embargo, también creemos oportuno comentar aquí la redacción particular de las resoluciones del CE sobre la cuestión Malvinas, las que se han mantenido de manera constante por casi cuarenta años.

Así, el 21 de agosto de 1984, el CE aprobó la resolución A/AC.109/793, en la que, entre otras cosas, recordando la Declaración y las resoluciones de la AG sobre la cuestión de las Islas Malvinas, se manifestó “consciente de que el mantenimiento de situaciones coloniales es incompatible con el ideal de paz universal de las Naciones Unidas”, y reafirmó “la necesidad de que las partes tengan debidamente en cuenta los intereses de la población de dichas islas de conformidad con lo establecido por la Asamblea General”; en este sentido reiteró

... que la manera de poner fin a la especial y particular situación colonial en la cuestión de las Islas Malvinas (Falkland Islands) es la solución pacífica y negociada de la controversia sobre soberanía que existe entre los Gobiernos de la República Argentina y del Reino Unido de Gran Bretaña e Irlanda del Norte. (Énfasis agregado)

Asimismo, instó a la Argentina y al Reino Unido “a que reanuden las negociaciones a fin de encontrar a la mayor brevedad posible una solución pacífica a la disputa de soberanía en la cuestión de las Islas Malvinas (Falkland), de conformidad con lo establecido por las resoluciones de la Asamblea General”. Es probablemente el más explícito pronunciamiento de un órgano de la ONU acerca de la naturaleza de la cuestión y la modalidad para la descolonización del territorio: es una situación colonial “especial y particular”, a la que hay que ponerle fin mediante la solución pacífica y negociada de la controversia sobre soberanía entre los dos Estados, en plena coincidencia con lo que hemos venido sosteniendo hasta aquí.

El CE reiteró estos términos de manera prácticamente idéntica en todas sus resoluciones posteriores sobre la cuestión⁷, lo que señala no solo su firme compromiso con el fin del colonialismo, sino la constancia de la Organización en la interpretación de la forma de descolonizar el territorio.

⁷ Ver resoluciones A/AC.109/842, A/AC.109/885, A/AC.109/930, A/AC.109/972, A/AC.109/1008, A/AC.109/1050, A/AC.109/1087, A/AC.109/1132, A/AC.109/1169, A/AC.109/2003, A/AC.109/2033, A/AC.109/2062, A/AC.109/2096, A/AC.109/2122, A/AC.109/1999/23, A/AC.109/2000/23, A/AC.109/2001/25, A/AC.109/2002/25, A/AC.109/2003/24, y resoluciones de 18 de junio de 2004, 15 de junio de 2005, 15 de junio de 2006, 21 de junio de 2007, 12 de junio de 2008, 18 de junio de 2009, 24 de junio de 2010, 21 de junio de 2011, 14 de junio de 2012, 20 de junio de 2013, 26 de junio de 2014, 25 de junio de 2015, 23 de junio de 2016, 23 de junio de 2017, 21 de junio de 2018, 25 de junio de 2019, 5 de agosto de 2000, 24 de junio de 2021 y 23 de junio de 2022.

Efectuado este necesario repaso por la consideración de la cuestión Malvinas por los órganos competentes de las NU, corresponde que analicemos los aspectos teóricos de la aplicación de la obligación de poner fin al colonialismo en el territorio.

LA OBLIGACIÓN DE DESCOLONIZAR LAS MALVINAS

Las Malvinas como situación colonial

El primer y principal fundamento respecto de la obligación de descolonizar el territorio de las Islas Malvinas es su carácter de situación colonial, reconocido implícitamente en las conclusiones y recomendaciones del CE de 1964 y en la resolución 2065 (XX), al considerarlas dentro del ámbito de aplicación de la Declaración, y de manera explícita en la resolución del CE de 1973 y la resolución 3160 (XXXVIII) de la AG. Como tal, es una situación a la que se le debe poner fin, en los términos de la Declaración.

Pero el CE ha señalado que es una situación colonial “especial y particular”. ¿Qué significa esa caracterización? En nuestra opinión, surge claramente de las resoluciones que el aspecto central reconocido por los órganos de la ONU con competencias en descolonización es que existe sobre el territorio colonial una controversia de soberanía entre dos Estados.

Al mismo tiempo, pensamos que de las resoluciones surge implícitamente la inaplicabilidad del principio de libre determinación, por no existir en el territorio un “pueblo” titular de dicho derecho, configurándose así una situación excepcional de las contempladas por la CIJ. Ambos aspectos llevaron a que la modalidad escogida por la AG para la descolonización del territorio sea la solución pacífica de la controversia de soberanía mediante negociaciones entre los Estados. A continuación analizaremos brevemente estos aspectos.

La inaplicabilidad de la libre determinación

Aunque no es el propósito de este ensayo abordar en profundidad la cuestión de la aplicabilidad a la cuestión Malvinas de la libre determinación de los pueblos, que ha sido abordada ampliamente en la doctrina⁸, nos permitimos señalar algunas precisiones que muestran lo manifiestamente contradictorio de la postura británica al respecto⁹.

En abril de 1982, a poco de comenzar el conflicto del Atlántico Sur, la primera ministra Thatcher declaraba:

The Falklanders' loyalty to Britain is fantastic. If they wish to stay British we must stand by them. Democratic nations believe in the right of self-determination. [...] The people who live there are of British stock. They have been for generations, and

⁸ Ver, *i. a.*, Drnas de Clément (2013); Kohen (2007, p. 893); Pastorino (2014); Pintore (2013); Fino y Pezzano (2013).

⁹ Ver Consani *et al.* (2017, pp. 157-159). Otros autores, en cambio, sostienen que la contradicción es aparente, y que encubre una decidida política británica (Pastorino *et al.*, 2015).

their wishes are the most important thing of all. Democracy is about the wishes of the people. (Dunnett, 1983, p. 415)

Esta manifestación, a cargo de la por entonces jefa de Gobierno, es una de las tantas en que el Reino Unido ha reconocido que la población de las islas es británica, tiene origen británico y desea seguir siendo británica¹⁰. Entonces, de inmediato surge el interrogante: ¿cómo es posible sostener al mismo tiempo que los isleños son un “pueblo” titular del derecho a la libre determinación y que tienen origen británico, es decir, que no son originarios del territorio que ocupan, sino que provienen de la potencia administradora?

Esto no significa que debamos adoptar necesariamente un criterio sociológico o étnico para la definición de “pueblo”, pero tampoco podemos ignorar que la misma AG, en los principios aprobados por su resolución 1541 (XV), incluyó las diferencias étnicas y culturales entre los rasgos que caracterizan a la población de los territorios no autónomos¹¹, diferencias que, en el caso de las Malvinas, como la propia potencia administradora reconoció, no existen. Además, en varias resoluciones reconoció expresamente el derecho de libre

determinación a la población autóctona de los territorios¹², y en el preámbulo de la resolución 2105 (XX), la AG se mostró “preocupada por la política de las Potencias coloniales que ponen en jaque los derechos de los pueblos coloniales al favorecer la afluencia sistemática de inmigrantes extranjeros y al dispersar, deportar y trasladar a los autóctonos”, e hizo un llamamiento “a las Potencias coloniales para que pongan fin a su política, que viola los derechos de los pueblos coloniales con la afluencia sistemática de inmigrantes extranjeros y con la dispersión, deportación y traslado de los autóctonos”¹³.

Esta posición de la AG —sumada a varias de las declaraciones de los Estados que participaron de la aprobación de las resoluciones vinculadas a la cuestión Malvinas— nos hace pensar que el origen de la población puede haber sido uno de los factores tenidos en cuenta para que ni el CE ni la propia AG constataran la existencia de un “pueblo” en el territorio.

Y ese es, más allá de cualquier discusión posible sobre el concepto de “pueblo” en el derecho internacional, y de que sostengamos firmemente la posición de que no existe en el territorio de las Islas Malvinas un “pueblo” que sea titular del derecho de libre determinación,

¹⁰ Y, de hecho, gozan de nacionalidad británica plena desde 1983, en virtud de la *British Nationality (Falkland Islands) Act*. Ver análisis en Pastorino (2014, pp. 161-195).

¹¹ Resolución 1541 (XV), Principio IV.

¹² Resolución 2228 (XXI), sobre la cuestión de la Somalia francesa (Djibouti), y resoluciones 2229 (XXI), 2711 (XXV), 2983 (XXVII) y 3162 (XXVIII) sobre la cuestión del Sahara español (Sahara Occidental).

¹³ Además de reiterar estas consideraciones, en la resolución 2189 (XXI) declaró “que la continuación del dominio colonial constituye un peligro para la paz y la seguridad internacionales”. Similares términos encontramos en las resoluciones 2326 (XXII), 2465 (XXIII), 2548 (XXIV), 2708 (XXV), 2878 (XXVI), 2908 (XXVII), 3163 (XXVIII) y 3328 (XXIX).

el principal argumento por el cual entendemos que el principio no es aplicable para solucionar esta situación colonial: ni la AG ni el CE han reconocido que la libre determinación deba aplicarse para descolonizar el territorio¹⁴, a diferencia de lo que han hecho –salvo con el caso de Gibraltar– con el resto de los territorios no autónomos. Este dato, real y constatable, no puede ser dejado de lado, puesto que, como hemos insistido desde el comienzo, es la AG quien tiene el poder de conducción del proceso de descolonización, como surge de sus resoluciones, interpretando las obligaciones de los Estados en virtud de la Carta, y de la práctica de la Organización, confirmada por la CIJ.

Esta circunstancia ha sido también planteada por otros autores. Quane tiene presente que la ONU no ha reconocido el derecho de libre determinación a los habitantes de Malvinas, incluso cuando el territorio ha sido clasificado como colonia, pero sostiene que las razones de este enfoque no son claras, pero podrían ser explicadas por la existencia del reclamo territorial (1998, pp. 552-553).

Mathy, por su parte, plantea que la población de las islas

... n'est pas un "peuple colonial" auquel la déclaration est applicable parce que: -d'une part, elle est faite dans sa grande majorité, de colons ou descendants de colons, sans liens avec l'Argentine. [...] - d'autre part, la résolution de l'Assemblée générale des Nations Unies relative aux îles Falkland

lorsqu'elle demande l'application de la Déclaration sur l'octroi de l'indépendance aux dites îles s'abstient de le faire au bénéfice du peuple de ces îles, marquant ainsi nettement la situation de fait devant laquelle on se trouve ici: sol colonisé par un peuple de colons et non peuple colonisé. Aux Falkland, la situation n'est coloniale qu'à l'égard du territoire, non de la population. (1974, pp. 202-203)

Estamos más cerca de la argumentación de Mathy que de la de Quane: la libre determinación no se aplica en las Malvinas porque su población no constituye un pueblo, y no porque la controversia de soberanía afecte de alguna manera la aplicación de la libre determinación. Ese razonamiento podría llevar a que el derecho de libre determinación pudiera ser eventualmente dejado de lado en función de otros factores, lo cual conspiraría contra su carácter de norma de *ius cogens*, que aceptamos. Es mucho más razonable pensar que si la AG no aplicó la libre determinación como modo de descolonizar el territorio lo hizo porque no consideró que su población constituyera un pueblo, en línea con lo que la CIJ consideró en su opinión consultiva sobre el Sahara Occidental. Así también lo piensa Hébié, cuando señala que la referencia a los "aspectos étnicos o culturales" en el Principio IV de la resolución 1541 (XV):

... was rather intended to deny to the exported population of metropolitan states the right to decide

¹⁴ En 1985, al momento de votarse la resolución 40/21, el Reino Unido introdujo dos enmiendas relativas al derecho de libre determinación que fueron rechazadas por 60 votos contra 38 y 43 abstenciones, y 57 votos contra 36 y 47 abstenciones, respectivamente (AG, 1985, pp. 40-41).

of the status of a colonial territory under international law. The General Assembly considered as irrelevant the presence of an 'exported' metropolitan population on a colonial territory for the purpose of decolonization. Accordingly, it did not consider that the British population inhabiting Gibraltar and the Falkland/Malvinas islands had the right to decide of the legal status of these territories. Great Britain was thus called to decolonize both territories by returning Gibraltar to Spain and the Falkland/Malvinas islands to Argentina. (2015, pp. 538)

Incluso desde la perspectiva de autores británicos, la aplicación de la libre determinación se ha disputado –por razones diferentes a las aquí planteadas–, al punto de razonar: “it is appreciated that in cases like the Falklands the causes of self-determination and decolonization are not at all the same thing” (Dunnett, 1983, p. 420).

La controversia de soberanía y la modalidad de cumplimiento de la obligación de descolonizar

Según hemos visto, la controversia de soberanía es un elemento importante que permite caracterizar la situación colonial como especial y particular, pero no basta en sí misma para excluir la aplicación de la libre determinación. Esta ha sido definida por la AG, en nuestra opinión, porque no ha constatado la existencia de un “pueblo” que sea su titular. Lo que sí genera

la controversia de soberanía, en cambio, es la adopción de la modalidad de descolonización.

La CIJ dejó claro que la determinación de esa modalidad es competencia de la AG. En el caso de la situación colonial de las Islas Malvinas, que como tal hay que ponerle fin, la doble circunstancia de exclusión de la aplicación de la libre determinación de los pueblos y la existencia de una controversia de soberanía sobre el territorio llevaron a la AG a determinar que la manera de ponerle fin –cumpliendo así con el propósito de la Declaración– es a través de la solución pacífica de dicha controversia, mediante negociaciones entre la Argentina y el Reino Unido. En este aspecto, la AG y el CE han sido muy claros y constantes, y han insistido en que, en las negociaciones, los Estados tengan en cuenta los intereses de la población de las islas.

Dado que ambos Estados, como miembros de las Naciones Unidas están obligados a poner fin al colonialismo, es posible sostener que están obligados a negociar (Pezzano, 2016), como consecuencia de sus deberes en virtud del derecho de la descolonización¹⁵.

CONSIDERACIONES FINALES

En conclusión, existe en el derecho internacional una obligación de poner fin al colonialismo, que para las potencias administradoras se traduce en una obligación de descolonizar. La AG es el órgano competente para indicar la

¹⁵ Para otros argumentos respecto de la existencia de una obligación del Reino Unido de descolonizar las Islas Malvinas, ver Hooghoudt (1990).

modalidad que se debe seguir para la descolonización de los territorios no autónomos. Aunque esa modalidad se cumplirá en la mayoría de los casos mediante el ejercicio del derecho de libre determinación del pueblo del territorio, para que esto suceda, la población del territorio debe constituir un “pueblo” titular de ese derecho, determinación que también cae bajo la competencia de la AG.

En el caso de las Islas Malvinas, y sin haber determinado que su población constituye un pueblo, la AG ha indicado que la forma de poner fin a la situación colonial sobre el territorio es mediante la solución de la controversia de soberanía entre el Reino Unido y la República Argentina, a través de negociaciones entre ambos Estados, teniendo siempre en cuenta los intereses de la población del territorio.

Eso significa que, en virtud de la obligación que pesa sobre todos los Estados de poner fin al colonialismo, la Argentina y el Reino Unido están obligados a negociar para solucionar su controversia de soberanía sobre las Islas Malvinas. El Reino Unido está, por tanto, obligado a descolonizar el territorio.

Podrá con mucha razón argumentarse que la conclusión que antecede no es original, puesto que es la posición histórica que sostiene la República Argentina, acompañada por muchos Estados y con el apoyo doctrinario. Creemos, no obstante, haber aportado una nueva perspectiva, desde la existencia de un derecho de la descolonización que impone obligaciones concretas a los Estados, afirmando así, una vez más, que el derecho internacional brinda sólidos fundamentos a la posición argentina y revelando que, en última instancia, los obs-

táculos y las dificultades para la aplicación plena de estas normas tienen otros orígenes.

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INSULARIDAD Y POLÍTICA EXTERIOR

**THE EUROPEAN UNION AND SMALL
ISLAND DEVELOPING STATES: THE
GEO-POLITICAL/LEGAL, TRADE, AND
COOPERATION DIMENSIONS**

Erwan Lannon

**REORIENTING FOREIGN POLICY:
CARIBBEAN-JAPAN RELATIONS**

Kavita Johnson

The European Union and Small Island Developing States: The Geo-political/legal, Trade, and Cooperation Dimensions

Erwan Lannon*

ABSTRACT

The European Union (EU) intends to become an actor in international ocean governance. With this in mind, it is developing specific and more strategic relations with Small Island Developing States (SIDS). Indeed, the existence of the EU's Outermost Regions and Overseas Countries and Territories also implies, beyond history and culture, a geographical proximity between the EU and most SIDS. The EU strategy for cooperation in the Indo-Pacific would reinforce this trend.

In order to critically assess these relationships, this article focuses on their geopolitical,

trade, and cooperation dimensions, mainly from a geo-legal perspective. The main questions being asked focus on the importance of the SIDS for the EU, and what the EU can offer to assist SIDS in developing their capacities and promote regional cooperation in the challenging current context.

Keywords: European Union (EU); Small Island Developing States (SIDS); Ocean Governance; Atlantic, Indian and Pacific Oceans; Caribbean.

* PhD. Rennes University (France). Profesor de Derecho Europeo en el Instituto Europeo de Derecho de Gante. Universidad de Gante (Bélgica). [erwan.lannon@Ugent.be]; [<https://orcid.org/0000-0002-8589-6728>].

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La Unión Europea y los pequeños Estados insulares en desarrollo: las dimensiones geopolítica / legal, comercial y de cooperación

La Unión Europea (UE), que desea convertirse en un actor de la gobernanza internacional de los océanos, está desarrollando relaciones específicas y más estratégicas con los pequeños Estados insulares en desarrollo (PEID). En efecto, la existencia de regiones ultraperiféricas de la UE y de países y territorios de ultramar situados en el océano Atlántico, incluido el Caribe, el gran océano Índico y en el Pacífico significa también, más allá de la historia y la cultura, una proximidad geográfica entre la UE y la mayoría de los PEID. La estrategia de cooperación de la UE en el Indo-Pacífico reforzará esta tendencia. Para analizar críticamente estas relaciones, esta contribución se centra en las dimensiones geopolíticas, comerciales y de cooperación, ante todo desde una perspectiva geojurídica. Intentamos responder dos preguntas ¿cuál es la importancia de los PEID para la UE? ¿Y qué puede ofrecer la UE para ayudar a los PEID a desarrollar sus capacidades y promover la cooperación regional en el difícil contexto actual?

Palabras clave: Unión Europea; pequeños Estados insulares en desarrollo (PEID); gobernanza de los océanos; océanos Atlántico, Índico y Pacífico; Caribe.

INTRODUCTION

Small Island Developing States (SIDS) face many challenges, including the impacts of

climate change, that particularly affect their maritime activities. However, they do not always have the human and institutional capacities to be able to meet global challenges. Since 1992, the issue of the specificity of SIDS has been considered within the framework of the United Nations Conference on Environment and Development (United Nations, June 1992). The question of the capacities of SIDS to deal with these challenges has been addressed notably within the framework of the SIDS Action Plan 2016-2021, which made it its first priority.

The European Union (EU) intends to become an actor in international ocean governance and is developing specific and more strategic relations with SIDS. The existence of the EU's Outermost Regions (ORs) and Overseas Countries and Territories (OCTs), in three oceans: the Atlantic (including the Caribbean Sea), the Indian, and the Pacific, also implies, beyond history and culture, a geographical proximity between the EU and most SIDS.

In order to critically assess these relationships, this contribution will focus on the geopolitical, trade, and cooperation dimensions, mostly from an EU law perspective. The main questions structuring the article being: i) what is the importance of the SIDS for the EU? and ii) what can the EU offer to assist SIDS in developing their capacities and promote regional cooperation in the challenging current context?

To be clear about the limits of this geo-legal analysis, it should be noted that, given its orientation, this paper is, by definition, EU-centric. It is necessary to adopt this approach to circumscribe what is in fact the result of many

compromises among the 27 EU Member States (at ministerial level in the EU Council and in the European Council for the heads of states or governments), and agreements with the EU supranational institutions (such as the European Parliament and the European Commission). To address these issues, we will first analyse the geopolitical importance of SIDS for the EU and then the aid and trade dimensions of their relationship, in order to identify opportunities for boosting SIDS capacity building and regional cooperation.

THE GEOPOLITICAL IMPORTANCE OF SMALL ISLAND DEVELOPING STATES FOR THE EUROPEAN UNION

The SIDS as EU's Outermost Regions and Overseas Countries and Territories' Neighbours

The EU and its Member States are developing specific relations with the SIDS. The existence of Outermost Regions (ORs) and Overseas Countries and Territories (OCTs) means that almost all SIDS are direct neighbours of the EU in the Atlantic Ocean, the Caribbean, Indian Ocean, and the Pacific. It is therefore logical that the EU launched its first Common Security and Defence Policy (CSDP) naval operations and implemented the first projects of the EU Critical Maritime Routes (CMR) programme along the shores of some of the SIDS, in the Wider Indian Ocean and Gulf of Guinea.

The adoption of the EU's Integrated Maritime Policy in 2007 (European Commission, 10 October 2007) was an important

step in the development of the EU's ambitions in the maritime domain. It was followed, in 2008, by the launching of the first EU CSDP naval operation: EU NAVFOR-ATALANTA, an anti-piracy military operation in the Western Indian Ocean, followed by a number of projects implemented in the framework of the CMR programme. The design, in 2014, of an EU Maritime security strategy, increased the reference to maritime affairs within the framework of the EU's main strategies for foreign affairs, security, and defence. This is important for EU-SIDS cooperation in the long-term.

The first issue to take into consideration is the fact that SIDS are neighbours of the EU's Outermost Regions and Overseas Countries and Territories. Since 2021, there is an official list of SIDS by the UN Office of the High Representative for the Least Developed Countries (LDCs), Landlocked Developed Countries (LLDCs), and Small Islands Developing Countries. As underlined by the 2021 edition of the UNCTAD Development and Globalization report, which was dedicated to SIDS, 'there is no universally agreed definition of what constitutes a SIDS and as a consequence there are a number of SIDS classifications' (UNCTAD, December 2021). Two categories are referred to in the list: the UN members and the 'Non-UN Members/Associate Members of the Regional Commissions', where a number of EU OCTs and ORs can be found.

For this analysis we will concentrate on SIDS that are UN members themselves, as it is more in line with the spirit of this research to focus on the EU's relations with SIDS. The legal existence, keeping in mind the existing disputes (Lannon, 2017; Raoof, March 2014;

Table 1.
List of SIDS

UN Members
1. Antigua and Barbuda; 2. Bahamas; 3. Bahrain; 4. Barbados; 5. Belize; 6. Cabo Verde; 7. Comoros*; 8. Cuba; 9. Dominica; 10. Dominican Republic; 11. Fiji; 12. Grenada; 13. Guinea-Bissau*; 14. Guyana; 15. Haiti*; 16. Jamaica; 17. Kiribati*; 18. Maldives; 19. Marshall Islands; 20. Federated States of Micronesia; 21. Mauritius; 22. Nauru; 23. Palau; 24. Papua New Guinea; 25. Samoa; 26. São Tomé and Príncipe*; 27. Singapore; 28. St. Kitts and Nevis; 29. St. Lucia; 30. St. Vincent and the Grenadines; 31. Seychelles; 32. Solomon Islands*; 33. Suriname; 34. Timor-Leste*; 35. Tonga; 36. Trinidad and Tobago; 37. Tuvalu*; 38. Vanuatu. (*Also Least Developed Country).
Non-UN Members/Associate Members of the Regional Commissions
1. American Samoa; 2. Anguilla; 3. Aruba; 4. Bermuda; 5. British Virgin Islands; 6. Cayman Islands; 7. Commonwealth of Northern Marianas; 8. Cook Islands; 9. Curacao; 10. French Polynesia; 11. Guadeloupe; 12. Guam; 13. Martinique; 14. Montserrat; 15. New Caledonia; 16. Niue; 17. Puerto Rico; 18. Sint Maarten; 19. Turks and Caicos Island; 20. U.S. Virgin Islands.

Source: Office of the UN Representative for the Least Developed Countries, Landlocked Developed countries, and Small Islands Developing Countries, 17 June 2022, List of SIDS, <https://www.un.org/ohrlls/content/list-sids>

BBC, 12 February 2022) and the geographical locations of ORs and OCTs means that most SIDS are relatively close to the EU. However, ORs and OCTs have their own specificities at EU law level.

The Overseas Countries and Territories are not part of the EU Internal Market, unlike the Outermost Regions, but are not considered to be third countries.

The EU Member States agreed, in accordance with Article 198 of the Treaty of the Functioning of the European Union (TFEU), that the EU would associate with ‘non-European countries and territories which have special relations with Denmark, France, the Netherlands, and the United Kingdom’. The Annex II of the TFEU on Overseas countries and Territories provided the official list of the OCTs before Brexit. These include ‘Greenland’ (that withdrew from the EEC in 1985

to become an OCT with special relations with Denmark), ‘New Caledonia and Dependencies, French Polynesia, the French Southern and Antarctic Territories, Wallis and Futuna Islands, Saint Pierre and Miquelon, Saint-Barthélemy, Aruba’, and, until October 2010, the now dissolved ‘Netherlands Antilles: Bonaire, Curaçao, Saba, Sint Eustatius, and Sint Maarten’.

The impact of Brexit is therefore significant at this level, as the non-sovereign UK Overseas Territories (UKOTs) – ‘Anguilla, Cayman Islands, Falkland Islands, South Georgia and the South Sandwich Islands, Montserrat, Pitcairn, Saint Helena and its dependencies, British Antarctic Territory’ (BAT), ‘British Indian Ocean Territory’ (BIOT), ‘Turks and Caicos Islands, British Virgin Islands, Bermuda’ – listed in Annex II of the TFEU, are now linked to a third country,

Map 1.
Overseas Countries and Territories Association of the European Union



Source: European Commission, accessed 1 July 2022, https://ec.europa.eu/international-partnerships/where-we-work/overseas-countries-and-territories_en

the UK. The impact of Brexit is therefore important for the EU at geopolitical and strategic levels, but also in terms of natural resources and for the SIDS themselves. From a legal perspective, the UK withdrew from the EU and became a third country as of 1 February 2020. The withdrawal agreement includes a reference to the 'special arrangements for the association' of the OCTs with the EU (European Union, 31 January 2020, Article 3 § 1 (e)). The Trade and partnership agreement concluded in 2021 between the EU and UK for the Post-Brexit relations (European Un-

ion, 30 April 2021) also includes Article 774 regarding its territorial scope that states, in its fourth paragraph, that the Agreement 'does not apply to the overseas territories that experience special relations' with the UK', referring explicitly to all the above-mentioned UKOTs. There is also a specific declaration on the Chagos archipelago, annexed to the agreement stating that, for the EU, 'the reference to the British Indian Ocean Territory in paragraph 4 of Article 774 of the Agreement is to be interpreted and implemented in full respect of applicable international law'.

An EU Council decision (2021/1764) on the association of the OCTs with the EU, including Greenland, which was adopted in October 2021 and known as the ‘DOAG’ Decision stated, in its preamble, that following Brexit, the overseas association ‘applies to the OCTs listed in Annex II to the Treaty on the Functioning of the European Union (TFEU)’ while ‘excluding the 12 UK OCTs listed in that Annex’ (EU Council, 5 October 2021, 6). The DOAG decision sets out the political-institutional, trade, and financial cooperation framework to ‘support the EU OCTs’ sustainable development, as well as to promote the values and standards of the Union in the wider world’ (EU Council, 5 October 2021, p. 13). The decision in fact ‘unifies the rules for the partnership with all OCTs and includes specific provisions guiding the partnership with Greenland’, while taking into consideration the new state-of-play for the UKOTs (European Commission, 17 December 2021). The impact of Brexit was already important for the UKOTs, according to the first analyses. As underlined by Jessica Byron: ‘Brexit poses a major challenge for the UKOTs’, for whom the EU is ‘a very important trade and development cooperation partner’. In fact, they ‘could not vote in the 2016 Brexit referendum’ and ‘are severely affected by the consequences of such developments on which they were minimally consulted’. It is impossible to detail the impact of Brexit at all different levels; but is clearly important given the number and geographical locations of the islands implicated (Benwell, *et al.*, 2022, pp. 3-12; Byron, 2019; Clegg, 2016).

The objective of the OCTs association, according to Article 198 TFEU, is to promote their ‘economic and social development’. This decrees a need to ‘establish close economic relations between them and the Union as a whole’. It is important to mention that ‘OCT nationals are EU citizens’, and that the association is primarily designed to ‘further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social, and cultural development to which they aspire’. In 2013, the EU Council adopted a decision to modernise the association of the OCTs with the EU (EU Council, 19 December 2013, p. 1). This decision was then replaced by the DOAG Decision (2021/1764) that took Brexit into consideration, but mainly updated the approach of the EU *vis à vis* the OCTs. Even if the OCTs are not considered to be third countries, they do not form part of the EU Internal market. Moreover, the principle according to which the TFEU and secondary legislation ‘do not automatically apply to the OCTs, with the exception of a number of provisions which explicitly provide for the contrary’, was confirmed by the DOAG Decision. Therefore, the OCTs have to comply with the obligations imposed on third countries for trade and in particular: ‘rules of origin, health and plant health standards and safeguard measures’ (EU Council, 5 October 2021, p. 7). What is important, for this contribution, is that the OCT Association is promoting, through the DOAG Decision, regional cooperation and integration with other partners, including Outermost Regions’ and SIDS’ neighbours.

The Outermost Regions have a different legal status compared to the OCTs. As underlined by a 2017 European Commission Communication, the ‘nine outermost regions - Guadeloupe, French Guiana, Martinique, Mayotte’ (which, since, January 2014, ceased to be an OCT and became an OR within the definition provided by Article 349 TFEU) (See European Council, 31 July 2012), ‘Reunion and Saint-Martin (France), the Canary Islands (Spain), the Azores, and Madeira (Portugal)’ – ‘are an extraordinary asset for the European Union’. The ORs ‘enrich the EU economically, culturally and geographically’ and give the latter a ‘strategic access to the seas and provide it with unique natural assets, hosting 80% of

its biodiversity’. As mentioned in the same Communication, the ORs are ‘all islands with the exception of French Guiana’ (European Commission, 24 October 2017, p. 2, note 1). It is clear that the EU, as such, is more and more interested in taking into consideration these assets, especially after Brexit. Also, the link with the OCTs above-mentioned and the growing international competition led the European Commission and its Member States to re-consider the importance of these resources.

Important strategic interests are indeed at stake. The above-mentioned 2017 Communication of the European Commission urged a stronger and renewed strategic partnership with the EU’s outermost regions and proposed

Map 2.
EU Outermost Regions (ORs)



Source: European Commission EU and Outermost region, 18 June 2022 (consulted), https://ec.europa.eu/regional_policy/en/policy/themes/outermost-regions/

a new approach to better consider the interests of the outermost regions. It underlined, at trade level, that the ORs are ‘particularly sensitive with regard to certain trade or fisheries agreements’ (European Commission, 24 October 2017, p. 4). The necessity for the EU to target new ‘investments on priority large-scale projects in the geographical basins’ of the ORs and also the need to ‘facilitate cooperation’ between the ORs and ‘their neighbours’ by a closer alignment of rules of the relevant funding instruments and possible setting-up of joint programmes’ is put forward (European Commission, 24 October 2017, pp. 16-17). The development of cooperation between ORs/OCTs and SIDS is therefore also taken into consideration, even if the word SIDS does not appear as such in the report. Within the 2020 implementation report of the strategic partnership with the ORs, the European Commission proposed increased support for Erasmus+ 2021-2027 (an EU university exchange programme) to aid the outermost regions’ ‘participation in mobility schemes, including with neighbouring countries’. A number of examples are put forward referring to OCTs neighbouring third countries (European Commission, 23 March 2020, p. 8).

SIDS and the EU Common Security and Defence Policy Operations and the Critical Maritime Routes Programme in the Indian Ocean and Gulf of Guinea

The second issue of interest for the SIDS, in this first part, is the EU’s Common Security and Defence Policy (CSDP) operations and the Critical Maritime Routes (CMR) pro-

gramme in the Wider Indian Ocean and in West Africa. The first CSDP naval military operation, launched in 2008 and known as the EU NAVFOR-ATALANTA anti-piracy operation, responded to the rising levels of piracy between the southern Red Sea and the Western Indian Ocean, including the waters surrounding the Seychelles (EU Council, 9 December 2008). In 2010, the EU decided to support the implementation of the Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, also known as the Djibouti Code of Conduct (DCoC). It was adopted in 2009, under the auspices of the International Maritime Organization (IMO), and includes several SIDS (International Maritime Organisation, June 2022). A Critical Maritime Routes (CMR) programme was launched by the EU the same year. The first two projects’ main objectives were to increase maritime security and the safety of critical maritime routes to create regional synergies through the building of the capacities of organizations and personnel responsible for combating acts of piracy in the Western Indian Ocean, notably at the judicial level. The first project, entitled: Enhancing Maritime Security and Safety through Information Sharing and Capacity Building (MARSIC, 2010-2015), promoted the implementation of the DCoC. It focused on capacity-building and training of maritime administration staff, officials, and coast guards notably through the creation of the Djibouti Regional Training Centre and three information sharing centres in Sana’a, Dar-es-Salaam, and Mombasa (Lannon, 2017; European Commission, 2018, p. 32).

The CRIMARIO I project (2015-2019) was built on the MARSIC project and aimed to enhance maritime security and safety, notably Maritime Situational Awareness (European Commission, 2018, p. 32), in the Wider Indian Ocean. The reference to the Wider Indian Ocean is of importance as it establishes a link between East African and South East Asian SIDS. In this regard, a 2020 report confirmed that the EU will also extend its capacity-building effort on maritime security to the Wider Indian Ocean area by launching the regional programme for maritime security in the Red Sea area (European Commission and High representative, 23 October 2020, p. 7). The CRIMARIO II project (2020-2024) will 'reach new partner countries in the eastern Indian Ocean region, including southeast Asia' (European Commission and High representative, 23 October 2020, p. 40). The interest for SIDS to have access to, for example, an 'extensive programme of training in Maritime Data Processing (MDP) analysis, and visualisation to strengthen regional maritime capabilities' is obvious. CRIMARIO II, through 'cross-sectoral, inter-agency, and cross-regional co-operation' and with a 'budget of 7.5 million euros' focuses on two areas of action, namely: i) 'Enhancing information exchange and analysis, and crisis/incident management and ii) 'Strengthening inter-agency maritime surveillance, policing, investigation, and judiciary; and supporting States to improve compliance and adherence with relevant international legal instruments and regional arrangements' (exclusively in South Asian and South East Asian countries, EU Crimario project website, 11 June 2020). Interesting tools such as the

Maritime coordination and communications IORIS (Indo-Pacific Regional Information Sharing) platform, which provides maritime centres 'with a means to plan and coordinate maritime operations, also offering command and control functions for crisis/incident management', are 'used by 19 national and regional maritime agencies from 12 countries and organisations in the Indo-Pacific'. IORIS includes SIDS (Comoros, Maldives, Seychelles), as well as the Regional Maritime Information Fusion Centre (RMIFC, Madagascar), the Regional Centre for Operational Coordination (RCOC, Seychelles), and the EUNAVFOR Atalanta JOC and EUNAVFOR Atalanta FHQ (EU Crimario Website, 22 June 2022). This is another clear confirmation of the growing importance of SIDS for the EU at the geopolitical and also strategic level.

The second project of the CMR programme also implicated several SIDS. Entitled: Law enforcement capacity building in East Africa (CRIMLEA I), it was implemented by Interpol between 2010 and 2014. It tackled training activities including 'law enforcement', and 'maritime crime scene investigation', for example (European Commission, 2018, p. 43). The project involved seven countries, including two island states: Djibouti, Kenya, Mauritius, the Seychelles, Somalia, Tanzania, and Yemen. For CRIMLEA II (2014-2017), also managed by Interpol, they were joined by Madagascar and the Comoros. CRIMLEA II 'sought to reinforce the forensic and investigative capacities' as well as the 'ability to prosecute acts of piracy and other maritime-based organised crime'. The 'overall relevance of the two phases of CRIMLEA' was assessed

to have ‘been significant’ but its ‘relevance’ was ‘under-reported’ mainly because of a lack of ‘visibility’ of the activities (European Commission, 2018, pp. 70-71; EU CRIMLEA, 22 June 2022). It is important to note that the EU concluded agreements related to the conditions and modalities for the transfer of suspected pirates with the Seychelles in 2009 and Mauritius in 2011, as foreseen in the decision that put the Atalanta naval operation in place (European Union and the Republic of Seychelles, 2 December 2009, pp. 37-43; European Union and the Republic of Mauritius, 30 September 2011, pp. 1-2; Bosse-Platière, 2018, pp. 289-302). All these initiatives will be framed by the EU strategy for the Horn of Africa adopted in May 2021. It aims at covering, beyond the ‘eight countries of the Horn’, regional organisations, in the framework of the ‘Wider neighbourhood’ including the ‘Red Sea and the Western Indian Ocean’. This shift might be of interest for SIDS located in the Indian Ocean as it refers not only to ‘maritime security’, but also ‘naval diplomacy’ (EU Council, 10 May 2021, pp. 2, 5).

These projects in the Wider Indian Ocean were complemented in the Gulf of Guinea, a region that has also benefited from an EU specific regional strategy since 2014 (EU Council, 17 March 2014). This Strategy ‘covers 6.000 km coastline from Senegal to Angola, including the island states of Cape Verde and São Tomé and Príncipe’ (EU Council, 17 March 2014, p. 1). It is also an area of increasing concern due to piracy activities (Kamal-Deen, 2015, pp. 93-118; EEAS, 2021; Pichon, & Pietsch, 2020). From 2013 until 2016, a first project: CMR Gulf of Guinea (CRIMGO),

was implemented by the EU. CRIMGO ‘aimed to strengthen the operational capabilities of regional and national maritime organisations in the Gulf of Guinea and to support the implementation’ of the Code of Conduct Concerning the Repression of Piracy, Armed Robbery Against Ships and Illicit Maritime Activity in West and Central Africa (Yaoundé Code of Conduct, 2013). Here also the main objective was to ‘reinforce regional and international initiatives against piracy and armed robbery at sea’ (European Commission, 2018, p. 24). A new project, building on the achievements of CRIMGO to support the implementation of the YCoC – the Gulf of Guinea Inter-regional Network (GoGIN) – was launched in December 2016 and lasted until 2021. Its aim was to improve ‘safety and maritime security in the Gulf of Guinea, notably by supporting the establishment of an effective and technically efficient regional information sharing network’ (European Commission, 2018, p. 24). The main instrument developed by GoGIN to achieve this goal was the Yaoundé Architecture Regional Information Sharing platform (YARIS), designed to improve information sharing and exchanges, and the fight against maritime insecurity. A new GoGIN+ has been put in place in 2022 (European Union, 6 June 2022), but it must be noted that a number of issues were identified, notably ‘the efficiency of its interaction with other actors in the field (other organisations, centres, and projects)’ (European Commission, 2018, p. 51). Finally, a project launched in 2019 and entitled ‘Improving Port Security in West and Central Africa’ (WeCAPS), aims to ‘help partner countries in West and Central Africa

to adequately address increasing vulnerabilities related to port security' (European Union, 29 June 2022). Those two projects involve São Tomé and Príncipe.

The projects of the CMR programme were developed to face piracy but are now broadening their scope to surveillance of other transnational security threats, including different forms of trafficking (humans, drugs, weapons). Natural or man-made disasters can also be taken into consideration and one can easily understand the interest for SIDS to be involved in these networks and to participate to these initiatives.

The Growing Importance Given to Maritime Affairs in EU Global and Regional Strategies

The growing importance given to maritime affairs in the EU's global and regional strategies since 2014 and the design of an EU maritime security strategy (EUMSS) is obvious. The maritime dimension has been included in the two main EU grand strategies for foreign affairs and security-defence, namely: the 2016 EU Global Strategy for Foreign and Security Policy (EUGS) and the 2022 EU Strategic Compass for Security and Defence (EEAS, June 2016; EU Council, 21 March 2022). These are two global strategies based on a common assessment of the main threats the EU is facing. The objective is to reach a consensus among Member States to determine the priorities for EU action. A regional strategy, the 2021 EU Strategy for cooperation in the Indo-Pacific, is of specific interest giving its focus on two oceans.

The 2014 EUMSS focuses on 'each of the European sea and subsea basins, namely the Baltic Sea, the Black Sea, the Mediterranean and the North Sea, as well as the Arctic waters, the Atlantic Ocean and the outermost regions'. This reference to the waters of the ORs is of course key for developing cooperation and relations between the EU and the SIDS. The four principles put forward in the strategy are: the intersectoral approach, functional integrity, respect for rules and principles, and 'maritime multilateralism' (EU Council, 24 June 2014, pp. 4-5). The EU maritime security strategy Action Plan was revised in June 2018 with a strong emphasis on military cooperation (EU Council, 26 June 2018).

The EU Global Strategy (EUGS) for Foreign and Security Policy, an EU foreign and security policy doctrine embryo adopted in June 2016, referred to maritime issues eight times and especially to maritime security, confirming the growing strategic importance given to maritime issues by the EU. The EUGS stated that the EU will 'contribute to global maritime security' and, as a 'global maritime security provider', will 'seek to further universalise and implement the UN Convention on the Law of the Sea' (UNCLOS). What is interesting is that it refers explicitly to the 'dispute settlement mechanisms' of the UNCLOS. Of particular importance for the SIDS is that the EU will 'promote the conservation and sustainable use of marine resources and biological diversity'. Reference is also made to the 'growth of the blue economy by working to fill legal gaps and enhancing ocean knowledge and awareness' (EEAS, June 2016, p. 41).

The legal and capacity-building dimensions are also advanced. This is the same approach that the European Commission and High Representative followed in the November 2016 Joint Communication on: International Ocean Governance: An Agenda for the Future of our Oceans. Among the 14 proposed actions, Action 4 on capacity-building explicitly mentioned SIDS as one of the target areas in this regard. It is about building 'capacities to improve ocean governance, biodiversity conservation and restoration, and sustainable blue economies'. In order to do so, the EU has a 'wide range' of bilateral agreements, including 'Sustainable Fisheries Partnership Agreements, under which it can enhance cooperation on matters relating to business'. Maritime issues such as 'blue growth, marine and coastal management, labour rights and professional qualifications and the impacts of climate change', and also 'support for the implementation of international commitments' is taken into consideration by the EU (European Commission and High Representative, 10 November 2016, p. 8).

The EU Strategic Compass for Security and Defence, adopted by the EU Council in March 2022, is a key point of reference in terms of EU security and defense. Among the challenges identified, it is stressed that the 'return to power politics leads some countries to act in terms of historical rights and zones of influence, rather than adhering to internationally agreed rules and principles'. The reference to China and Russia is implicit but clear. Moreover, the 'high seas, air, outer space and the cyber sphere are increasingly contested domains' (EU Council, 21 March 2022, p. 5).

The reference to high seas is of importance for SIDS. Maritime security is put forward with reference to outermost regions as it is 'important for the EU's security', but also for its 'free trade, transport and energy security'. The evaluation insists on the importance of 'maritime zones, critical sea lanes of communication and several maritime chokepoints as well as seabeds' that, are increasingly contested. Other issues of specific interest for SIDS are also mentioned, such as 'climate change, environmental degradation, [and] competition for natural resources' (EU Council, 21 March 2022, p. 12).

In order to assert their interests, the EU and its Member States will improve the interoperability of naval forces 'through live exercises and by organising European port calls'. Building on its experiences in the Gulf of Guinea and in the North-West of the Indian Ocean, the EU will expand its 'Coordinated Maritime Presences to other areas of maritime interest that impact' its security. The EU will also 'seek to associate relevant partners, where appropriate' (EU Council, 21 March 2022, pp. 15, 19). The two naval operations deployed in 2022 in the Mediterranean (*Irinì*), and off the Somali Coast (*Atalanta*), will also be consolidated and further developed 'as appropriate' as they are 'maritime areas of crucial strategic interest for the EU.' The objective is clear: the EU must be able to secure its 'access to and presence on the high seas' and 'in the air and in outer space'. In order to 'ensure a more assertive' EU 'presence at sea', but also its 'ability to project power', it has been stressed that 'high-end naval platforms, including unmanned platforms for surface and underwater control, are required' (EU Council, 21 March

2022, pp. 15, 27, 32). The China factor is of course not overlooked as the EU will seek to 'promote an open and rules-based regional security architecture, including secure sea lines of communication'. Capacity-building and an EU 'enhanced naval presence' are also put forward. After recalling a series of 'joint naval exercises and port calls, most recently with Japan, the Republic of Korea, Djibouti and India', the EU Council proposed that 'such live exercises' become 'standard practice' (EU Council, 21 March 2022, p. 43).

The 2021 EU Strategy for cooperation in the Indo-Pacific is of peculiar importance for the SIDS located in that Ocean. The main EU priorities were framed, on 19 April 2021, by the EU Council as follows:

- i) Reinforce the EU's 'strategic focus, presence and actions' in the Indo-Pacific, a region of 'prime strategic importance for EU interest' and 'contribute to regional stability, security, prosperity and sustainable development'.
- ii) Adopt a 'long-term focus' that will be based on 'upholding democracy, human rights, the rule of law and respect for international law'.
- iii) Promote a 'rules-based international order' and an 'open and fair environment for trade and investment, reciprocity, the strengthening of resilience, tackling climate change and supporting connectivity' with the EU and 'free and open maritime supply routes in full compliance with international law'.
- iv) 'Develop partnerships in the areas of security and defence, including to address

maritime security, malicious cyber activities, disinformation, emerging technologies, terrorism, and organised crime'.

- v) 'Mitigate the economic and human effects of the COVID-19 pandemic and work towards ensuring an inclusive and sustainable socio-economic recovery'.
- vi) 'Reinforce cooperation with multilateral and regional organisations, as well as with other stakeholders, not least with Small Island Developing States, drawing on the support of the EU's outermost regions as well as overseas countries and territories in that regard'. Note that this last point explicitly refers to the importance of the SIDS-ORs/OCTs relations (EU Council, 16 April 2021, pp. 2-4, 8).

The EU Council then tasked the High Representative and the European Commission with preparing a Joint Communication to detail these broad objectives and priorities. It was adopted in September 2021. We cannot list all the points of interest, but one should stress that a number of SIDS are referred to in the Joint Communication in two types of agreements:

- i) The Pacific Economic and Partnership agreement (referring to: Papua New Guinea, Fiji, Samoa, Solomon Islands, Tonga, Timor-Leste, Kiribati, Tuvalu, and Vanuatu).
- ii) The Sustainable Fisheries Partnership Agreements and its dialogues, and working groups on Illegal, Unreported and Unregulated (IUU) fishing (referring to: Cook Islands, Kiribati, Federated States of Micronesia, Solomon Islands

and Seychelles) (European Commission and High Representative, 16 September 2021, pp. 7-9). Indeed, the trade dimension is of importance and, in the case of SIDS, must be directly linked to aid.

AID AND TRADE: OPPORTUNITIES FOR DEVELOPING SIDS CAPACITY- BUILDING AND REGIONAL COOPERATION

The relationships of the EU with the SIDS are shaped by various overlapping legal frameworks. The most important is the Cotonou Partnership Agreement, covering most SIDS. This is a comprehensive framework association agreement on the basis of which a number of regional preferential trade agreements, known as Economic Partnership Agreements (EPAs), have been concluded (Lannon, 2018). The new post-Cotonou Agreement, has been negotiated with the Organization of African, Caribbean and Pacific States (OACPS) and is currently under ratification. The post-Cotonou agreement is based on increased differentiation between its beneficiaries so that three protocols, including one for the Pacific, will forge a tailor-made approach, which is vital for islands. Beyond the (post-) Cotonou agreement, the EPAs and the Fisheries Partnership Agreements will remain key to SIDS.

Trade for Aid: Opportunities at the Level of (Potential) SIDS-EU Free Trade Areas

The main element of the EPA is the creation of a Free Trade Area (FTA) in a regional framework. An analysis of the different EPAs

concluded so far reveals that they differentiate between partners of the same regional integration with specific derogations and transitional periods for each partner country. What is of interest is that EPAs come with substantial aid for trade. Three (interim) EPAs are of specific importance for the SIDS: the Cariforum EPA, The Eastern and Southern Africa interim EPA (ESA iEPA), and last but not least the Pacific iEPA.

The Cariforum EPA was signed in October 2008 (Cariforum EPA, 30 October 2008). It covers: Antigua and Barbuda, the Bahamas, Barbados, Belize, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, and Trinidad and Tobago. It is important to point out that it was the first EPA concluded with the EU, a fact which is quite remarkable. The EPA entered into provisional application in December 2008. Haiti signed the agreement in 2009, but is 'not yet applying it pending ratification' (European Commission, 24 June 2022).

Apart from the features common to every EPA, it is interesting to note that the European Commission stressed that this peculiar EPA is 'making it easier to export goods and services' between the fourteen countries of the Caribbean Community, or CARICOM, and the Dominican Republic, which together make up CARIFORUM. Similarly, trade relations have become easier among the fifteen CARIFORUM countries and '17 territories in the Caribbean with direct links to EU countries (four French 'outermost regions' and thirteen 'overseas territories' - six British, six Dutch and one French)' (European Commission, 24 June

2022). Here again the impact of Brexit is obvious given the number of UKOTs.

Protocol I of the EPA contains the 'definition of the concept of 'originating products' and methods of administrative cooperation'. It is of keen interest for regional cooperation. Without going into technical details, rules of origin and more particularly the system of cumulation of origin are key elements for fostering regional trade. In this EPA, a specific annex (IX) to Protocol I lists the EU's OCTs, but also 'other ACP States' including African and Asian SIDS (Cape Verde, Kiribati, the Marshall Islands, Palau, Samoa, São Tomé and Príncipe, the Seychelles, the Solomon Islands, Tonga, Tuvalu, Vanuatu, the Cook Islands, Comoros, and the Federated States of Micronesia). Moreover, Article 5 of this protocol, devoted to the 'cumulation with neighbouring developing countries', states that: 'at the request of the Cariforum States, materials originating in a neighbouring developing country listed in Annex VIII', including Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and Venezuela, 'shall be considered as materials originating in a Cariforum State when incorporated into a product obtained there'. This is in line with Article 4 of the Cariforum EPA on 'Regional integration' where the parties recognized that 'regional integration is an integral element of their partnership', as well as a 'powerful instrument to achieve the objectives of this Agreement'. In other words, this is a 'mechanism for enabling these States to achieve greater economic opportunities' and to 'foster their effective integration into the world economy' (paras 1 and 2 of Article 4 of

the Cariforum EPA). It is interesting to recall, in this regard, that overall, the main exports from the Caribbean to the EU consist of fuel and mining products, notably petroleum gas and oils; bananas, sugar and rum; minerals, notably gold, corundum, aluminium oxide and hydroxide, and iron ore products; and fertilisers. On the other hand, the main imports into the Caribbean from the EU are boats and ships, cars, constructions vehicles and engine parts; phone equipment; milk and cream; and spirit drinks (European Commission, 24 June 2022).

With regard to EU exports to the region, EU exports of 'sensitive products will gradually be liberalised over a period of 25 years'. This is important, as according to the European Commission, it 'opens up trade in services and investment' and 'comes with financial support' to help Caribbean governments to implement the EPA and support businesses to use it to export more while attracting 'outside investment' (European Commission, 14 June 2022). This is another example of capacity-building provided by the EU at the level of the implementation of the EPA for the public and private sectors.

The interim Pacific Economic Partnership Agreement (Pacific iEPA, 16 October 2009) is of a different nature. Such interim EPAs were introduced to avoid disrupting trade on the expiry of the preferential trade regime on 31 December 2007, set out in Annex V of the Cotonou Agreement and the World Trade Organisation waiver covering this trade regime. In other words, the EPA negotiations, with the noticeable exception of the Cariforum EPA, were not finalised on time for various rea-

sons, notably because of the reluctance of ACP countries to enter into a trade liberalization process that implies, for example, a loss of fiscal revenues. The interim EPA, is a framework for a future EPA and therefore includes 'all the measures necessary to establish' an FTA in line with multilateral rules, including provisions on 'customs and trade facilitation, technical barriers to trade, sanitary and phytosanitary measures and dispute settlement'. However, both 'development cooperation provisions and institutional provisions are very limited' as the 'major focus of the Interim Partnership Agreement is purely trade in goods' (European Commission, 16 December 2008, p. 2). Nevertheless, the iEPAs provide the beneficiaries with a single harmonised trade regime with the EU and improved market access. According to the European Commission, the EU and Papua New Guinea signed the interim EPA (Pacific iEPA) on 30 July, and Fiji on 11 December 2009 (and started to provisionally apply it from 17 July 2014). Samoa and the Solomon Islands acceded 'on 21 December 2018 and 17 May 2020, respectively'. Moreover, 'Tonga and Timor-Leste informed the EU on 19 July 2018 and 15 October 2020 respectively of their intention to accede to the EPA' (European Commission, February 2022). That means that for the time being, some SIDS stayed away from the process, while the September 2021 Joint Communication on the Indian Ocean adds that the coverage of the Pacific iEPA is 'likely to extend to new members (Tonga, Timor-Leste and possibly Kiribati, Tuvalu and Vanuatu)', and its 'scope is likely to be deepened to services and investment' (European Commission

and High Representative, 16 September 2021, p. 7, note 9).

Beyond this trade dimension, and after the adoption of the 2006 Strategy for a Strengthened Partnership between the EU and the Pacific Island States, relations became more political (European Commission, 29 May 2006; Pajon, 21 April 2022). The 2012 Joint Communication entitled: Towards a renewed EU-Pacific Development Partnership, emphasized the growing geostrategic importance of the Pacific region (European Commission and High Representative, 21 March 2012, p. 1). The European External Action Service (EEAS), the diplomatic service of the EU, stressed that the 'increasing relevance the EU attaches to its relations with the Pacific is mirrored in its participation at the Pacific Island Forum (PIF)', the 'most significant inter-governmental regional organisation in the Pacific, including 14 independent island states' as well as Australia and New Zealand (EEAS, 13 June 2022). That means that, despite the fact that the full EPA is not yet in place and only trade provisions apply, other multilateral platforms can be used for dialogue and multilateral cooperation.

With Eastern and Southern Africa (ESA), a first interim Economic Partnership Agreement (hereinafter ESA iEPA) was signed by Madagascar, Mauritius, the Seychelles, and Zimbabwe in August 2009. The provisions of the iEPA applied from 14 May 2012 onwards. Then, despite an initial reluctance to be part of the FTA (See Lannon, April 2018), the Comoros signed the agreement in July 2017 and 'ratified and started applying it in

February 2019'. In October 2019, given the 'positive results generated' by the iEPA, the EU launched negotiations to 'deepen trade relations with Eastern and Southern Africa countries' in Mauritius. In fact, since 2012, 'exports of goods from the five ESA countries to the EU have increased by almost a quarter' and private European investments have been promoted as well. A number of key sectors were identified for this deepening process such as: 'services, investment, technical barriers to trade, intellectual property rights', as well as 'trade and sustainable development'. One of the aims of the deepening is to 'support regional economic integration' by 'developing regional value chains, and continental integration by furthering the ESA five countries' preparedness for implementing the African Continental Free Trade Area (AfCFTA) under the African Union' (European Commission, 2 October 2019). This is, in our opinion, a clear added value of the EU's multi-layered regional approach.

What is interesting is that, despite some difficulties at the start of the liberalization process, the benefits of the iEPA were sufficient to deepen it, as foreseen in Article 53. Between 2012 and 2018, Madagascan exports to the EU 'have more than doubled', while the Seychelles 'have seen their exports increase by more than one third'. Therefore, in 'February 2019, after ratifying the iEPA, the Comoros started to apply it provisionally, also joining the other four ESA states in the deepening process' (European Commission, 2 October 2019), and this was even before benefitting from the advantages of a fully-fledged EPA in terms of capacity-building and technical aid.

While EU development cooperation is longstanding, particularly with the SIDS that are part of the ACP group of countries, the proliferation of preferential trade agreements is more recent. Two SIDS in the Indian Ocean remained, for a while, outside the network of agreements: the Comoros and the Maldives, but given the positive results, the Comoros joined the liberalization process (see below however, the issue of the fisheries partnership agreement). Also, the EU Council stressed in 2021 that the EU will 'aim at finalising modernised Partnership and Cooperation Agreements (PCAs) with Malaysia and Thailand and negotiating a new PCA with the Maldives' (EU Council, 16 April 2021, p. 4). It remains to be seen if this will be achieved given the current difficult context, but it is a positive sign that the conclusion of such PCAs is considered as being a precondition for signing an FTA.

Opportunities and constraints related to EU's Fisheries Partnership Agreements

In terms of opportunities and constraints related to EU's Fisheries Partnership, one should recall that as of June 2022, the EU has thirteen Sustainable Fisheries Partnership Agreements (SFPAs) in force with third countries:

- 9 tuna agreements: Cape Verde, Ivory Coast, São Tomé and Príncipe, Gabon, the Cook Islands, the Seychelles, Mauritius, Senegal and Gambia;
- 4 mixed agreements: Greenland, Morocco, Mauritania and Guinea-Bissau (European Commission, 25 June 2022).

The tuna agreements, concluded by several SIDS, allow EU vessels to 'fish for different species of large tunas that migrate along from the coasts of Africa and cross the Indian Ocean', whereas the 'multi-species agreements offer fishing opportunities for demersal and pelagic species, tuna, cephalopods and shrimp'. There are also seven so-called 'dormant agreements' with Equatorial Guinea, Kiribati, Liberia, Madagascar, Micronesia, Mozambique and the Solomon Islands. The latter 'stand for countries that have a fisheries partnership agreement which is still in force but there is no implementing protocol in force', the consequence being that EU vessels are 'not allowed to fish in waters under the regime of the dormant agreements' (European Commission, 25 June 2022).

The SFPAs and their implementing protocols have multiple dimensions and are of interest to promote capacity-building and regional cooperation. Taking the example of the Western Indian Ocean, the new SFPA and implementing Protocol with the Seychelles (EU-SEY Protocol) were negotiated at the end of 2019 and applied provisionally on 24 February 2020. This Protocol allows 40 EU tuna purse-seiners and 8 long-liners to fish 'for a duration of 6 years while continuing to support the sustainable development of the fisheries sector'. It also 'foresees an EU annual financial contribution' of €5.3 millions, 'based on a reference tonnage of 50,000 tonnes'. In fact, an important part of this financial contribution (€2.8 millions per year), is 'earmarked to promoting the sustainable management of fisheries' (European Commission, 5 March 2021). The SFPA also contains new provisions

reinforcing the monitoring of the EU fleet's activities, and for the 'first time, EU shipowners' payments' includes a 'specific contribution to a dedicated fund for the Seychelles to use to improve environmental management and observations of the marine ecosystems in its waters' (Holland, 29 October 2019). Also, at the level of regional cooperation, during the first meeting of the SFPA Joint Committee held in March 2021, the 'parties acknowledged how their dialogue in such privileged partnership could be strengthened as to enhance cooperation on regional issues and in particular in the framework of the Indian Ocean Tuna Commission (IOTC)'. These new provisions tackle some of the criticisms made in the past, including the 'limited capacity of developing countries to accurately assess the surplus resources available for foreign fleets', their 'weak monitoring capacity', and the 'lack of reliable, consistent and complete data on actual catches made by the EU fleet' (Popescu, March 2016, p. 18; European Court of Auditors, 2015).

What is striking in the above table is that several SIDS have dormant agreements while the one with the Comoros was denounced due to Illegal, Unreported, and Unregulated (IUU) fishing. In the 2021 Joint Communication on the EU Strategy for Cooperation in the Indo-Pacific, it was emphasised that, through its SFPAs and 'its dialogues and working groups on Illegal, Unreported and Unregulated (IUU) fishing', the EU will support its partners' 'reforms of fisheries management and control systems'. The main objective is to 'improve fisheries compliance', and 'contribute to the conservation and sustainable management of marine biological resources' (European Com-

Table 2.
List of fisheries agreements

Country	Expiry date	Type	Total EU contribution per year	Sectorial support per year
Cape Verde	19.5.2024	Tuna	€750 000	€350,000
Comoros	<i>Protocol expired on 31.12.2016. Agreement denounced</i>			
Cook Islands	13.11.2021	Tuna	€735,000 / €700,000	€350,000
Côte d'Ivoire	31.7.2024	Tuna	€682,000	€352,000 (2yrs) - €407,000
Equatorial Guinea	<i>Protocol expired on 30.6.2001</i>			
Gabon	28.06.2026	Tuna	€2,600,000	€1,000,000
Greenland	21.04.2025	Mixed	€13,590,754	€2,931,000
Guinea-Bissau	14.6.2024	Mixed	€15,600,000	€4,000,000
Kiribati	<i>Protocol expired on 15.9.2015</i>			
Liberia	<i>Protocol expired on 8.12.2020</i>			
Madagascar	<i>Protocol expired on 31.12.2018</i>			
Mauritania	15.11.2026	Mixed	€57,500,000 (access only)	€3,300,000 (for the entire period)
Mauritius	7.12.2021	Tuna	€575,000	€220,000
Micronesia	<i>Protocol expired on 24.2.2010</i>			
Morocco	17.7.2023	Mixed	€208 million over a 4-year period	€17.9 - €20.5 million
Mozambique	<i>Protocol expired on 31.1.2015</i>			
São Tomé and Príncipe	18.12.2024	Tuna	€840,000	€440,000
Senegal	17.11.2024	Tuna + hake	€1,700,000	€900,000

(Continued)

Country	Expiry date	Type	Total EU contribution per year	Sectorial support per year
Seychelles	23.2.2026	Tuna	€5,300,000	€2,800,000
Solomon Islands	<i>Protocol expired on 8.10.2012</i>			
The Gambia	30.7.2025	Tuna + hake	€550,000	€275,000

Source: European Commission, Sustainable fisheries partnership agreements (SFPAs), consulted 25 June 2022, https://ec.europa.eu/oceans-and-fisheries/fisheries/international-agreements/sustainable-fisheries-partnership-agreements-sfpas_en

mission and High Representative, 16 September 2021, p. 9). The Comoros, Saint Vincent and the Grenadines, and Cambodia are listed as ‘non-cooperating third countries’ in fighting IUU fishing in the consolidated version of the Council Implementing Decision of 24 March 2014 (EU Council, 27 March 2014). In the case of the Comoros, the EU Council Decision 2018/757 of 24 May 2018, denouncing the Partnership Agreement - a first - stressed that the latter failed to take the necessary remedial action regarding: the ‘flag of convenience policy pursued by the Comorian authorities’, the ‘illegal fishing activities by the Comorian fleet’, and ‘poor or inexistent monitoring and control capacities’ as well as an outdated ‘legal fisheries framework’ (EU Council, 24 May 2018, p. 13). With regards to Saint Vincent and the Grenadines, it is the ‘failure to adopt an adequate legal framework’; the ‘lack of an adequate and efficient monitoring, control and surveillance system’; and also the ‘lack of a deterrent sanctioning system’ that were notably identified (EU Council, 18 July 2017, p. 42). All these elements are linked to legal and technical capacities.

In its 2020 Report on the implementation of the IUU regulation, the European Commission proposed that ‘any standing bilateral fisheries agreement or fisheries partnership agreement be denounced if a non-EU country fails to meet its obligations to combat IUU fishing’. The Commission also emphasized that ‘while listing a third country as non-cooperating on IUU fishing (giving it a ‘red card’) leads to cessation of the SFPAs in force, the Commission refrains, on its own initiative, from renewing SFPAs protocols with countries which have not tackled shortcomings identified’ (European Commission, 9 December 2020, p. 11). In fact, determining ‘deterrent, proportionate and immediate measures and sanctions to ensure that offenders do not profit from IUU fishing activities’ remains ‘crucial’ (p. 14). Whether this approach is appropriate in the case of SIDS and will be efficient, and mutually beneficial in the long-term, remains to be seen. However, one should not forget the 6 SIDS (out of 15 countries) that complied with international obligations since 2012: Fiji (2014), Kiribati (2020), Papua New Guinea (2015), the Solomon Islands (2017), Tuvalu (2018),

and Vanuatu (2014). The European Commission also referred to technical assistance and capacity development with the 'FAO's Global Capacity Development Programme' and 'capacity-building sessions' provided on demand, often 'together with the European Fisheries Control Agency (EFCA)', as well as to the three main programmes financed under the 11th European Development Fund to combat IUU Fishing (*Ibid.* 8 and 12. See hereinafter).

Development Cooperation Priorities and Opportunities

It is often hard to get a clear and comprehensive overview of the EU's actions, programmes, and projects regarding a particular categorisation like the SIDS, given the different competences of each EU institution, the different roles played by its Member States, and the different EU partners. The EU is also often working in cooperation with international organisations such as the United Nations. As the SIDS are located all over the world, it is not an easy task to analyse the various cooperation frameworks. However, it has become a bit easier as, since 2021, there is a single financial regulation: the Neighbourhood, Development and International Cooperation instrument (NDICI)-Global Europe, that regrouped most of the EU's regional financial regulations. For the first time, one of the main financial resources for development cooperation of ACP countries, the European Development Fund (EDF), was budgeted in this Regulation. This is in fact the second element of convergence, the first being that SIDS are linked to the

EU and its Member States through the same (post-) Cotonou agreement and three main (i) EPAs linked to the former (Boidin, December 2020). However, one should not underestimate the complexity of EU regulations. Without being exhaustive, we will first address the Global Climate Change Alliance Plus initiative designed to increase SIDS' resilience to climate change. Then we will tackle the issue of the development of cooperation between the ORs/OCTs and the SIDS and finally, we will highlight the potential of the NDICI-Global Europe Instrument (2021-2027).

The Global Climate Change Alliance was set up in 2007 based on a communication entitled: Building a global alliance against climate change between the European Union and the poor developing countries most vulnerable to climate change (European Commission, 18 September 2007). The later underlined that the 'least developed countries (LDCs) and small island developing states' will be 'hit earliest and hardest' in terms of climate change effects. Moreover, LDCs and SIDS have the 'fewest resources to prepare for these upheavals and change their way of life'. The Communication proposed establishing a Global Climate Change Alliance (GCCA) between the 'EU and poor developing countries most vulnerable to climate change, including LDCs and SIDS'. The overall objective of the GCCA is to contribute to ensure that LDCs and SIDS 'increase their capacity to adapt to the effects of climate change, with a view to achieving the MDGs' (Millennium Development Goals). In addition, the initiative 'supports the ongoing process within the United Nations Framework Convention on

Climate Change (UNFCCC) and the Kyoto Protocol' (European Commission, 18 September 2007, pp. 2, 4). In 2022, the 'Global Climate Change Alliance Plus (GCCA+)' is considered as a flagship initiative for the EU in the domain. It has 'funded over 80 projects of national, regional and worldwide scope in Africa, Asia, the Caribbean and the Pacific'. This initiative is helping SIDS not only to 'increase their resilience to climate change' but also support them in 'implementing their commitments resulting from the 2015 Paris Agreement on Climate Change' (COP21). To give an idea, EU GCCA funding increased from €317.5 millions for 2007-2014 to €420 millions for 2014-2020 (European Commission, 28 June 2022). These actions, financed under the former Development Cooperation Instrument (integrated, since 2021, in the NDICI), included 'adaptive capacity of human and natural systems to climate-related natural hazards and disasters', 'institutional capacity for enhanced climate resilience', and the promotion of 'effective climate change planning and management capacities'. Specific training and capacity-building are also delivered by the EU GCCA+ Support Facility on request (European Commission, 29 June 2022). The EU developed this kind of approach, in terms of training and technical advice, in the framework of its pre-accession strategy.

In terms of developing cooperation between the ORs/OCTs and the SIDS, the March 2020 European Commission Report on the implementation of the renewed strategic partnership with the EU's outermost regions proposed to increase 'investment in international mobility' as it 'would improve

cooperation with neighbouring countries and support regional integration' (European Commission, 23 March 2020, p. 8). The most interesting element is the point specifically devoted to 'scaling up outermost regions' cooperation with their Neighbourhood and beyond'. It refers to the Commission's proposal for European Territorial Cooperation 2021-27, that is seeking to 'facilitate cooperation between the outermost regions and their neighbours' with 'flexible rules on cooperation aligned with the external funding instrument'. A number of good practices are put forward such as the post-Cotonou agreement negotiating mandate that enshrined the 'need to consider the concerns and situation of the outermost regions'. It is not possible here to detail all the examples put forward, but a few are sufficient to understand the variety of initiatives in play:

- In Madeira, the EU 'cohesion policy funds supported projects to provide healthcare, education, social security and housing to citizens from Venezuela'.
- The 'Macaronesia regions strengthened cooperation with Cape Verde, Mauritania and Senegal through the Hexagone project under their territorial cooperation programme'.
- 'Canary Islands and Martinique drew up internationalisation strategies'.
- Some ORs increased trade relations with neighbouring third countries (Guadeloupe supported businesses in exporting to the USA, while Reunion Island created a service to support start-ups in Mozambique).

- The EU Asylum, Migration and Integration Fund and the Internal Security Fund supported the ‘handling of requests for asylum in French Guiana, the development of the European Border Surveillance system in the Azores and Madeira’, as well as the ‘integration of migrants in society and in the labour market in the Canary Islands’.

One of the aims is to build ‘trust in neighbouring countries’ and develop ‘common practices for sharing resources’ that are considered as being ‘key to exploit the new opportunities for cooperation’. Also of importance is that ‘mobility partnership agreements’ are envisaged to ‘ease regional integration’ (European Commission, 23 March 2020, pp. 9-11). To give an idea of the importance of the financing, between 2014 and 2020, the EU allocated €13.8 billion to the ORs ‘under cohesion policy, agriculture and fisheries’ (European Commission, 27 June 2022).

Another point of interest is that the European Parliament, in a May 2022 Report of its Committee on Regional Development entitled: EU islands and cohesion policy: current situation and future challenges, made a call for a ‘reassessment of the distance criterion (150 km) that is ‘used to classify islands as border regions eligible for financing’ the EU’s Cross-border cooperation (CBC) programmes. This applies in the framework of the territorial co-operation objective of EU’s Cohesion policy and the European Neighbourhood Policy. The report added that ‘if some kind of limit’ had to be adopted, it ‘would be more appropriate, in the case of island regions, for the cross-border

territory condition to be applied at maritime basin level’. The European Parliament also stressed that the geographical disconnection of islands ‘makes the green transition of such territories towards a climate-neutral economy significantly more difficult’ (European Parliament, 13 May 2022, pp. 5, 18).

The 2021/1764 (DOAG) decision on the OCTs association is of course one of the main instruments to be considered. Its Article 84 on: Eligibility for regional financing, refers to the conditions under which the regional allocation may be used for operations and which countries can benefit or can be involved. Reference is made to ‘two or more OCTs regardless of their location’, to ‘the OCTs and the Union as a whole’ as well as to the ‘outermost regions referred to in Article 349 TFEU’. Of interest is the reference to ‘one or more ACP States and/or one or more non-ACP States or territories’ as this includes SIDS. Footnote 25 indicates that ‘the term ‘territories’ means the 12 UKOCTs which were listed in Annex II to the TFEU at the time of the notification received by the European Council on 29 March 2017 of the UK’s withdrawal. In other words, the UKOCTs are also taken into consideration. Article 1 of the first Annex of the decision indicates that out of the €500 million ‘earmarked for the purposes’ of Decision, 2021/1764 for 2021-2027, ‘€76 million shall be allocated to support OCT regional programmes of which €15 million could support intra-regional operations’ (EU Council, 5 October 2021, Article 84, footnote 25 and Article 1 of the Annex I).

In the NDICI-Global Europe Financial Regulation 2021/977 (EU Council and European Parliament, 14 June 2021), the SIDS

are first referred to in the preamble, with the consideration that ‘special attention’ should be given to countries ‘experiencing fragility or conflict’, ‘LDCs, small island developing states, landlocked developing countries and heavily indebted poor countries’ (Point 64). Article 13, devoted to: Programming principles for geographic programmes, states that ‘the countries most in need’, including SIDS, shall be ‘given priority in the resource allocation process’. This justifies a positive discrimination in favour of SIDS. Moreover, Article 35 takes ‘into account the specific operating environment and capacities’ of SIDS ‘which may benefit from more concessional terms’ at the level of certain specific financing operations that should be ‘economically and financially viable’. One must also refer to the European Commission delegated Regulation 2021/1530 of 12 July 2021 supplementing the NDICI Regulation (European Commission, 20 September 2021) as it includes, in its annex, the specific objectives and priority areas of cooperation notably for West and East Africa, the Indian Ocean, Southeast Asia, the Pacific, the Americas and the Caribbean, as well as indicative financial allocations for these sub-regions. The latter can be found in Article 2 and outline the following: (a) West Africa €11.6 billion, (b) East and Central Africa €11.3 billion, and (c) Southern Africa and Indian Ocean €6.1 billion. As mentioned above, the three main programmes financed under the 11th European Development Fund to combat IUU Fishing (€35 million for Pacific ACP states, under the Pacific-European Union Marine Partnership (PEUMP), €15 million for Western Africa, under the ‘regional fisheries governance in

western Africa programme’ (PESCAO); and €28 million for the Indian Ocean region, under the ECOFISH programme) are now budgeted in the NDICI (European Commission, 9 December 2020, p. 12).

In terms of specific objectives and priority areas of cooperation, per sub-region, it would take too long to mention all the elements listed in the Annex, but it is sufficient to refer to the general themes of cooperation introduced for the Caribbean (point XII) to get an idea of the main priorities:

- i) ‘Strengthening climate and disaster resilience, including the green transition’.
- ii) ‘Promoting sustainable growth and jobs’.
- iii) ‘Supporting regional integration, trade and transnational cooperation’ (including ‘a) Supporting economic integration and the implementation of the Economic Partnership Agreement; and (b) Supporting institution building and cultural exchanges, including with the countries and territories of the Wider Caribbean basin’).
- iv) ‘Strengthening governance, peace, security and human development’.
- v) ‘Supporting human rights and gender equality’ (European Commission, 20 September 2021, pp. 28, 42-43).

This should not hide the fact that the NDICI has a strong reaction to crisis dimension and that the issues of migration and border management are among the main EU priorities. The NDICI will remain, until 2027, one of the main instruments to be used for EU-SIDS cooperation, together with the instruments of

the EU association with the OCTs. Other EU internal instruments, notably at the level of the EU Cohesion policy, can be used with ORs and their neighbours but this is not analysed here (Lannon, 2017). One should not forget, as it is linked to capacities, the Erasmus EU programme for education as it includes opportunities for students and academics originating from SIDS in the Caribbean, the Pacific but also in the Asia region that includes the Maldives. The SIDS are considered as 'third countries not associated to the programme' but can take part in certain of its actions, under specific conditions (European Commission, 16 June 2022).

CONCLUSION

The growing interest of the EU in developing more ambitious relations with SIDS, especially since the launching of the 2014 EU Maritime security strategy, is obvious. Even after Brexit, the concept of the neighbours of EU's OCTs and ORs is emerging in EU internal and external initiatives. It is a sign, among others, of the evolution of this special relationship.

Some SIDS have become important actors in international relations. The numerous reactions regarding China's ambitions to develop a strategic relation with the Solomon Islands (The Guardian, 22 April 2022) is an example of this growing importance. With the development of naval military operations in the Mediterranean, the Wider Indian Ocean, and Southeast Asia as well as in West Africa, the EU now expresses itself at a maritime security level. The Critical Maritimes Routes programme has proven to be relevant, despite

certain issues, like the lack of visibility of some of its projects. The growing importance given to maritime affairs and ocean governance in EU strategies confirms that SIDS will be taken into consideration, not only at aid and trade levels, but also from a strategic perspective. We could well refer to a politization of EU-SIDS relations.

There are also more opportunities at aid and trade levels for reinforcing SIDS capacities and promoting regional cooperation. To fully benefit from the opportunities of the FTAs, the conclusion of fully-fledged Pacific and ESA EPAs is needed. At the level of the Fisheries Partnership Agreements, more SIDS could be included into this agreement's network. The capacity-building and development-cooperation side of these agreements, and the reinforced transparency and predictability of the process, are fundamental for fisheries resources management in the long term. The post-Cotonou, more specific African, Pacific and Caribbean regional protocols' and the NDICI should reinforce EU's cooperation consistency. There is however a risk of a dilution of the SIDS in such a broad framework.

At the level of the EU, there are of course many limits regarding its action in favour of SIDS. First, despite a clear will to become a 'seapower', the EU remains limited by its nature and lack sometimes of visibility, efficiency, and consistency. As former colonial powers, some EU Member States are perceived as putting their own interests under the EU umbrella. There is also a clear interest, for the EU, to preserve a privileged access and to protect exclusive economic zones that have important potential in terms of energy resources or minerals

(rare earth). On the other hand, the EU legal order can provide predictability, transparency, and judicial protection, which is not the case of all international actors. This could be food for thought for further research on SIDS.

If the UN system was a pioneer in supporting SIDS to achieve sustainable development, the EU has also emerged as a credible actor. Healthier, cleaner, and safer oceans are at the heart of the European Green Deal, for a climate-neutral EU economy by 2050 and to halt biodiversity loss. This comprehensive approach has been put forward at the One Planet Summit, which brought together 41 states including Barbados, the Comoros, Palau, Papua New Guinea, and the Seychelles in February 2022 (One Planet Summit, 11 February 2022). The initiative, supported by the EU Council and the United Nations, led to the adoption of the '13 Brest Commitments for the Oceans' to 'take action to preserve biodiversity, stop overexploitation of marine resources, fight pollution and mitigate climate change'. Let's hope that the words of Simon Kofe, Tuvalu's Foreign Minister addressing the COP26 standing knee-deep in the ocean, will not be forgotten: 'climate mobility must come to the forefront' (Kofe, 2021) and that the mobility partnership agreements proposed by the European Commission will soon be adopted.

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Reorienting Foreign Policy: Caribbean-Japan Relations*

Kavita Johnson**

ABSTRACT

Since the beginning of the 2000s, Caribbean states have been experiencing several challenges to economic growth and development, such as the loss of preferential market access and reduction in US aid. As a result, they have been trying to reposition themselves in the changing international relations sphere by reorienting their foreign policy strategies. This article posits that Caribbean states have been placing more emphasis on diversifying their relationships with non-Western powers, such as Japan, as an economic adjustment strategy. In particular, the article examines how Caribbean states have been pursuing “unorthodox” foreign policies due to their limited resource base. As a result, they have been creatively using their value-based resources such as votes and quality advocacy in international fora, in

exchange for economic assistance from Japan. In the context of small states in the international system, the article argues that having acknowledged their vulnerabilities due to their smallness, Caribbean states have shown resilience and resourcefulness in crafting these strategies as they seek to reposition themselves.

Key words: Caribbean; Caricom; Japan; Foreign Policy; Small States.

Reorientando la política exterior: las relaciones entre el Caribe y Japón

RESUMEN

Desde principios de la década de 2000, los Estados del Caribe han experimentado varios desafíos frente al crecimiento económico y el

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** Ph.D. Lecturer. Department of Government. The University of the West Indies, Mona (Jamaica). [kavita.johnson02@uwimona.edu.jm]; [https://orcid.org/0000-0001-7141-8082].

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desarrollo como la pérdida del acceso preferencial al mercado y la reducción de la ayuda estadounidense. Como resultado, han intentado reposicionarse en la cambiante esfera de las relaciones internacionales reorientando sus estrategias de política exterior. Este artículo argumenta que los Estados del Caribe han puesto más énfasis en diversificar sus relaciones con potencias no occidentales, como Japón, como una estrategia de ajuste económico. En particular, el artículo examina cómo los Estados caribeños han seguido políticas exteriores “poco ortodoxas” debido a su limitada base de recursos y, como resultado, han estado usando creativamente sus recursos basados en valores, tales como votos y participación de calidad en foros internacionales, a cambio de ayuda económica de Japón. En el contexto de los pequeños Estados en el sistema internacional, el artículo argumenta que habiendo reconocido sus vulnerabilidades debido a su pequeño tamaño, los Estados caribeños han demostrado resiliencia e ingenio en la elaboración de estas estrategias, mientras buscan reposicionarse.

Palabras clave: Caribe; Caricom; Japón; política exterior; Estados pequeños.

INTRODUCTION

Caribbean states have, historically, practiced foreign policy strategies pursuant to the premise that, due to their small size, they are in a disadvantaged position in the international system and, therefore, need special consideration. Their foreign policies have typically been focused on receiving concessions and

economic preferences on account of their smallness and hence, a dependence on external assistance. However, since the 1990s, Caribbean states have experienced challenges to economic growth and development including the loss of preferential market access and a reduction in aid. To cope with these challenges, they have tried to reorient their foreign policy strategies towards strengthening and expanding their relationship with non-Western powers like Japan.

Since the beginning of the 2000s, the Caribbean's growing relations with Japan has been integral to its economic adjustment strategy as the region copes with the changes in the international system. Japan has been providing Caribbean states with economic assistance in the form of grants, loans and technical cooperation. From 2015-2019, Official Development Assistance (ODA) in grants and technical cooperation to the Caribbean Community (Caricom) was approximately US\$123 million (see Table). There has been an increase in the number of high-level visits from Caribbean governments to Japan and vice versa. Japan has even augmented its efforts to strengthen its relations with Caribbean states by pledging to assist them with financial and technical assistance. This is despite the regional countries being graduated to middle-income countries and therefore no longer eligible for concessionary loans on the basis of per capita income. During his tour of Latin America and the Caribbean in July 2014, Japanese Prime Minister Shinzo Abe visited Trinidad and Tobago and held the first Japan-Caricom

Summit Meeting with other Caribbean leaders, indicating the intention to revise this basis and outlined the three pillars of Japan's Caricom foreign policies (MOFA, 2014). The following year, in September 2015, he also visited Jamaica where he pledged support of JMD\$57million in cultural grant funding. He discussed a new technical cooperation project in the field of energy efficiency and renewable energy which would benefit other Caricom countries (Bryan, 2015). Abe's visits to the Caribbean are indicative of the region's importance especially as it was on the heels of China's President XI Jinping visit to the region.

The Caribbean stands thousands of miles from East Asia, yet this distance has not deterred Japan's interest in these small island states. Over the years, Japan has been primarily focused on countries in Southeast Asia, Africa and Latin America. Why is Japan interested in Caricom states? According to Japan's Ministry of Foreign Affairs (MOFA), interest in the region is derived from the existing commonalities and shared fundamental values that they have with Caribbean states, such as democracy, and the market economy. They also have in common vulnerabilities, for example, natural disasters, faced by island states (MOFA, 2012). Additionally, Japan's foreign policy towards CARICOM member states is purported to be geared towards the strengthening of economic relations, supporting the stable development of the region, and advancing cooperation in the international arena (MOFA, 2012). While there are indeed economic motivations, other factors include Japan's aspirations to become a rule shaper and to garner political support.

This article hypothesises that Caribbean states have been placing more emphasis on diversifying their relationships with non-Western powers, such as Japan, as an economic adjustment strategy. The first section provides a background outlining the changes in the international system that have precipitated the need for Caribbean states to refocus their foreign policies. This paper will provide an examination of Caribbean-Japan's relations since the 2000s showing how Caribbean states, due to their limited resource base, have been pursuing "unorthodox" foreign policies strategies, creatively using their value-based resources, such as votes and quality advocacy in international fora, in exchange for economic assistance from Japan. In doing this, the motivations behind Japan's interest in the region will also be highlighted.

Definitions of the Caribbean are many and varied and so it is important at this juncture to note what is meant by "Caribbean" in this article. The most useful definition for this paper is by Payne and Sutton (1993) who define the region as being characterized by a combination of geography and history, closely linked to the US by geography, language and culture, while still being tied to European history and sentiment. This definition is the most practicable as it includes the islands in the Caribbean Sea, as well as Guyana and Belize, which share a similar political and economic history. Therefore, the countries which are included in this analysis are those which have a similar history, culture, political system, identity, and population size and which are also members of the regional organization

representing the Caricom.¹ Whenever the terms “Caribbean”, “Caribbean states” and “Caricom” are used in this article, it is only in reference to these English-speaking independent states.

The academic literature on the Caribbean’s relationship with Japan is limited. Most studies speak of Latin America and the Caribbean as one group with very few references to CARICOM or English-speaking Caribbean states. Lumsden (2016) has documented this relationship in his article in which he provides details on Japan’s relationship with Caribbean States since the mid-2000s. According to Lumsden (2016), Japan’s recovery from its economic downturn in the 1990s has resulted in re-engagement with Caribbean states. He opines that Japan’s “unique, bottom-up approach to investment that Japan brings to the table opens up new possibilities for growth and development in the region” (para. 3). This paper examines the Caribbean’s relationship with Japan, arguing that Caribbean small states have shown resilience and resourcefulness in crafting strategies to reposition themselves in the international system. The paper helps to fill the lacunae in the literature on the Caribbean’s engagement with Japan as well as to add to the existing literature on the foreign policies of Caribbean states. In the context of small states in the international system, the article argues that having acknowledged their vulnerabilities

due to their smallness, Caribbean states have shown resilience and resourcefulness in crafting these strategies as they seek to reposition themselves in the international system.

BACKGROUND

Stemming from their history of colonialism, the economic survival of Caribbean states has been tied to their relationship with Britain for which they have relied on for aid, investments, and special concessions. Caribbean states share a long history of British rule, under which they specialized in the production of sugar and bananas for export primarily to the European markets. Even after decolonization, they remained heavily dependent on their agricultural sectors despite numerous attempts to diversify their economies and the steep competition they faced from producers in Central American countries. Under the Lomé Conventions, for example, Caribbean states used to enjoy preferential treatment and access to the former European Economic Community (EEC) markets for most of their exports, as well as various development aid programs. This one-way preferential system, however, was gradually replaced by two-way free trade agreements which resulted in a loss of preferential market access treatment for Caribbean states. Consequently, they faced some difficulties in readjusting themselves into the current

¹ Caricom comprises Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, and Trinidad and Tobago; as well as Montserrat which will be excluded since it is a British Overseas Territory; and Haiti and Suriname which are not English-speaking countries.

international economic arena compounded by the fact that most of their economies were heavily dependent on the agricultural sector and their products lacked competitiveness in an open market.

At the beginning of the 2000s, the region started to lose its once important strategic value to the US as security concerns changed dramatically to focus on countries in the Middle East, for example. During the Cold War period, the Caribbean region marked an area of great geopolitical importance to the US, who feared “growing leftist” threats to the prevailing pro-Western ideological order in the region at that time. Notably, in an effort to counter and contain this growing threat, the Caribbean Basin Initiative (CBI) was conceived by the US administration in 1983. There was, however, a significant reduction in US aid. During the 1980s, US aid to the region amounted to US\$5.5 billion but by the 1990s it declined to about US\$3 billion, which continued to decline throughout the 1990s to 2000s (Meyer & Sullivan, 2012). This dwindling lack of attention and interest from the US and other traditional trading partners left Caribbean states facing harsher economic realities.

Given the economic predicament that Caribbean countries began to face, they had to find new ways of securing economic assistance. They directed their attention towards developing new partnerships with countries who were willing to fill the void left by traditional

partners and sources of aid. Notably, China’s presence in the region has presented numerous opportunities in areas of investment and infrastructural development. It is estimated that over the last two decades, China has invested an estimated US\$8.25 billion in the Caribbean (Bridglal *et al.*, 2019). China has provided Caribbean states with much needed assistance that their status as middle-income countries makes it difficult for them to access. During the period of 2005-2018, accumulated loans from Chinese banks to Latin America and the Caribbean region were more than US\$140 million and, of that, Trinidad and Tobago and Jamaica accessed US\$4.7 billion (Bridglal *et al.*, 2019). China’s aid comprises mostly concessional loans which predominantly focus on infrastructural development projects.² As will be discussed later, Japan’s aid to the region, though far less than that of China’s, tends to be wider ranging in terms of areas of development such as energy efficiency, poverty reduction, and environmental, among others. Against this backdrop, the Japanese have consistently tried to maintain relations with CARICOM as a reminder that they are formidable partners not to be forgotten under China’s glamour.

Caribbean states have also argued that their classification as middle-income countries, has rendered the region relatively stable and not poor enough in terms of gross domestic product (GDP) per capita, when compared

² Some examples of concessional loans are US \$58 million and US \$41 million to Jamaica; US \$950 million to Trinidad and Tobago; US\$130 million and US \$45 million to Guyana which were directed to infrastructural development projects.

to other developing countries. As a result of this, Caribbean countries have seen a reduction in the allocation of aid which is mostly directed to low-income countries and increased stringent conditions attached to loans from international funding agencies. This has also prevented them from benefitting from international debt relief. Caribbean leaders have argued that “per capita income was the wrong way to measure development” as it obscures the many challenges faced by Caribbean small states (UNGA, 2013, para. 67). Among these challenges are environmental vulnerabilities such as frequent threats from hurricanes which impact infrastructure, tourism, and agriculture.

China’s growing influence in the Caribbean has been perceived as a hegemonic challenge to the US. As a result of this recalibration of power, there are opportunities for countries like Japan to position themselves in order to play a more influential role and to strengthen the relationship with Caribbean countries. This relationship is one which spans areas of investments, trade, ODA and cooperation in international fora. Japan has been trying to play a more active role in world affairs and global governance which aligns with its aspirations for a permanent seat on the United Nations (UN) Security Council. The Caribbean region, therefore, represents an area for mutually beneficial exchange and to garner political support from Caricom’s voting bloc. For Caribbean states, the relationship with Japan is an opportunity to cooperate and receive assistance on a wider range of areas directly related to their vulnerabilities as small states, such as climate change and sustainable

development. Caricom states are cognizant of the political capital they hold as an important bloc of fifteen votes in international bodies.

CARIBBEAN-JAPAN DIPLOMATIC RELATIONS

The 20th anniversary of Japan-Caricom Consultations was commemorated in 2014. The Japanese government designated the year as “Japan-Caricom year” and asserted that this was a demonstration of its commitment to the cooperation and development of its relationship with the Caribbean region. As of 2022, there have been seven (7) Ministerial Conferences and fifteen (15) Japan-Caricom Consultation meetings which inter alia demonstrates Japan’s commitment to deepen its relationship with the Caribbean region in international fora such as the United Nations (UN).

At the first Japan-Caricom Ministerial-Level Conference held in Tokyo, “A New Framework for Japan-Caricom Cooperation for the Twenty-first Century” was adopted on November 8, 2000 (MOFA Japan, 2010). The framework outlined a number of political, economic and social areas of collaboration, placing emphasis on cooperation

1. for the economic and social development of Caricom member states; and
2. for integration into the global economy; active economic interaction and exchanges between member states and Japan.

Following this, the Japan-Caricom Friendship Cooperation Fund was established to strengthen friendly and cooperative relations between Japan and Caricom countries. It is

made up of a contribution from the Government of Japan's fiscal budget as well as donations from the private sector.³ A scheme for the management and operation of the Fund was proposed to the Caricom Secretariat, for which all Caricom member countries were consulted, and the proposal accepted in November 2001. The program has supported development in agriculture, tourism promotion, waste management, export promotion, support to small and medium enterprises, education, and health. Up to 2012, under the program, over US\$500 million in technical assistance and ODA had been disbursed. More recently, during the pandemic, US \$300,000 was donated to the Caribbean Public Health Agency (Carpha) for COVID-19 PCR test collection kits (Embassy of Japan in Trinidad and Tobago, 2021).

During his visit to Latin America in 2004, Japan's former Prime Minister, Junichiro Koizumi proposed a "Vision for a New Japan-Latin America and Caribbean Partnership (the Koizumi Vision)", which called for the creation of a new, future-oriented relationship between Japan and the countries of Latin America and the Caribbean (MOFA, 2004). This address would have marked a key moment in the reactivation of Japan's general foreign policy with developing countries. It would have represented the move to strengthen ties with the developing world, and hence, with Latin America and Caribbean states. The

timing of Koizumi's vision was in line with China's growing ascendancy not only in Asia but in Latin America and the Caribbean. In this vein, the "renewal" of Japan's diplomacy aligns with the need to maintain its regional and global status.

In keeping with the Japan-Caricom framework, a "Partnership for Peace, Development and Prosperity between Japan and the Member States of the Caribbean Community (Caricom)" document was prepared in September 2010. It was asserted to give further direction to future Japan-Caricom relations (MOFA, 2010). Since then, there have been regionally implemented projects in thematic areas of poverty reduction, disaster management, information technology, trade and investment promotion, development of small and medium enterprises, agriculture and fisheries, and tourism and culture. Support was also given for the establishment of the Caribbean Court of Justice (CCJ) and the construction of the headquarters of the Caricom Secretariat in Georgetown, Guyana (Caricom Secretariat, 2002).

The three pillars of Japan's Caricom policies are as follows:

1. Cooperation towards sustainable development, including overcoming the vulnerabilities particular to small island states.
2. Deepening and expanding fraternal bonds of cooperation and friendship.

³ The contribution from the 2001 fiscal budget amounted to US\$100,000.

3. Cooperation in addressing challenges of the international community (MOFA, 2014).

This first pillar is particularly significant because it proposes that Japan, in considering the vulnerabilities particular to small island states that Caricom member states face. It highlights the importance of providing support other than on per-capita income basis. As a result, it (Japan) will conduct field surveys on future cooperation.

Over the last two decades, Japan has cooperated with Caricom in many areas of development including cultural and educational exchanges, financial and technical cooperation, trade and investments, sustainable development and on addressing other issues in international fora. Cultural diplomacy has been an important feature of Japan's foreign policy. The most visible and successful example has been the Japan Exchange Teaching (JET) programme. The JET programme was proposed in the 1980s to improve Japan's global image through the promotion of international exchange and foreign language education. Assistant language teachers from English-speaking countries are invited to Japan to teach English in secondary schools and to further promote cultural exchange. Of the 40 participating countries, six are from the Caribbean. Similarly, the Japanese government has provided fully funded scholarships through MEXT (Ministry of Education, Culture, Sports, Science and Technology) annually to students who wish to study in graduate courses

at Japanese universities as Research Students.⁴ To facilitate further educational cooperation, a Memorandum of Understanding (MoU) was also signed between The University of the West Indies and Sophia University.

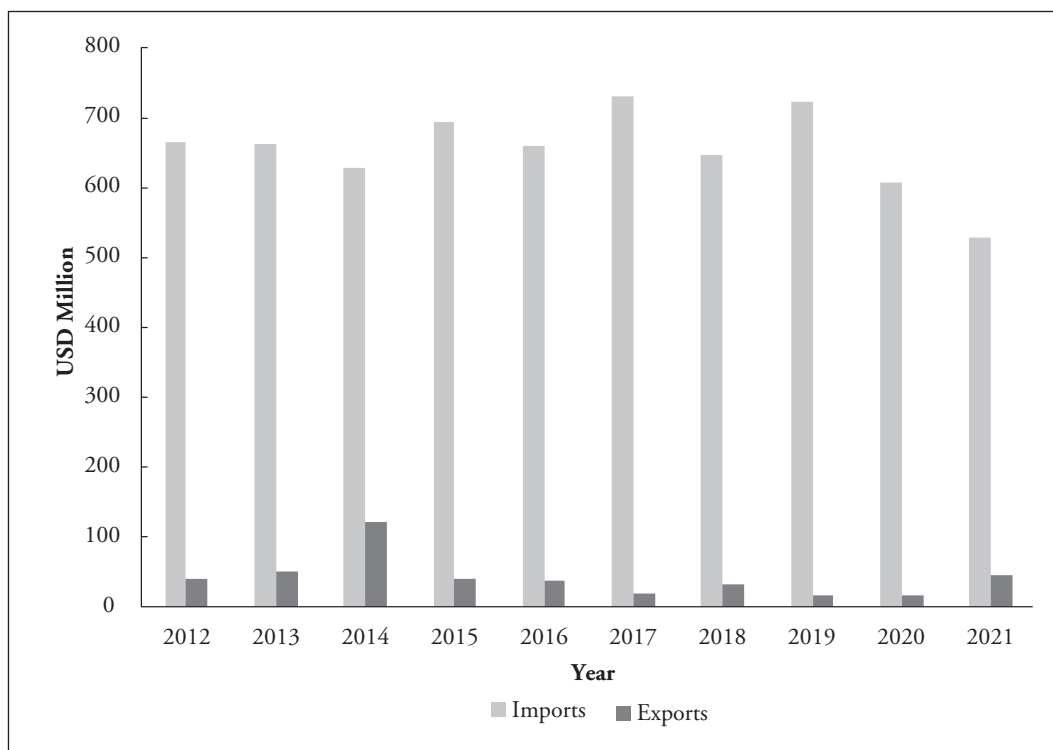
In the area of private sector investments, Marubeni Corporation, a Japanese owned company, became a major shareholder of the Jamaica Public Service (JPS) in 2007 when it purchased 80 percent of the shares. In 2011, it sold shares to Korea East-West Power and so currently retains 40 percent of the shares in the Jamaica's sole electricity provider. In 2020, three Mitsubishi companies (Mitsubishi Gas Chemical, Mitsubishi Corporation, and Mitsubishi Heavy Industries) joined with the National Gas Company of Trinidad and Tobago (NGC) and Massy Holdings (Massy) to launch a methanol and dimethyl ether manufacturing plant for Caribbean Gas Chemical Limited (CGCL). The three Japanese companies hold 70 percent of the shares in the CGCL representing a total investment of one billion US dollars (Mitsubishi Heavy Industries, 2021).

TRADE

There is an overwhelming trade imbalance between Caricom member states and Japan, where the value of imports exceeds the value of exports (see Figure 1). Imports have been consistent since 2012 which largely comprise motor vehicles. Japan offers an extremely large market with a population of approximately 125.8 million, yet Caribbean states are still

⁴ Students are required six months of Japanese language training.

Figure.
Value of Trade with Japan 2010-2021



Source: Compiled by author based on data collected from CARICOM Regional Trading Information System, <http://www.caricomstats.info/tradysyonline>

unable to penetrate the Japanese market. This implies that there is still work to be done on trade strategies. To date, there is no Caricom-Japan free trade agreement in place as with the case of Economic Partnership Agreements shared with the Association of Southeast Asian Nations (ASEAN).

In 2019, the value of goods imported was US\$723 million compared to US\$15million that was exported. Of that US\$15million, Jamaica exported US\$7 million in Blue Moun-

tain coffee for which Japan is the main market and has purchased an average of 85 percent of the island's coffee for the last 10 years (Jackson, 2020). By 2021, the value of exports to Japan increased to US\$45 million, of which 75 per cent is attributed to exports from Trinidad and Tobago. Methanol, valued at USD\$26 million, was exported following the launch of the manufacturing plant at the CGCL due to Japanese investments (Office of the Prime Minister Trinidad and Tobago, 2022).

The CARICOM market is small in comparison to other regions like Latin America. However, it has been growing which shows an economic motivation behind Japan's cooperation in the region. Additionally, the following sections will show that motivations are tied to attracting political support and maintaining global status.

ODA: GRANTS, TECHNICAL COOPERATION, LOANS

ODA is classified into bilateral aid and multilateral aid. Japan's ODA to Caribbean states is largely bilateral and is provided in grant aid, technical cooperation, and loan aid among others including the dispatch of volunteers. The Japan International Cooperation Agency (JICA) is the agency in charge of administering Japan's ODA and supports socioeconomic development in developing countries like the Caribbean, through various types of assistance methods mentioned earlier. JICA offices have been established in three Caricom countries: Belize, Jamaica, and St. Lucia. The Japan Overseas Cooperation Volunteer (JOCV) program, operated by JICA, dispatches volunteers to developing countries to work in various areas of technical and social development as part of Japan's ODA. Under this program, volunteers have been dispatched to the region since as early as the late 1980s.⁵ In February 2022, JOCVs were dispatched to St. Lucia, after all had been recalled worldwide in 2020 due to the COVID-19 pandemic.

In 2020, Japan's ODA to Caricom states was approximately US\$23.93 million in grant aid and technical cooperation, an increase from US\$15.76 million in 2019 (see Table 1). From 2017-2019, grants amounting to US\$435 million were given to projects for the rehabilitation of fishery buildings in Dominica, and the reconstruction of bridges in Cul-De-Sac Basin in St. Lucia. Also, for the introduction of renewable energy and the improvement of the power system in Guyana and the improvement of the emergency communication system in Jamaica. In 2017, Jamaica received an ODA loan of approximately US\$15 million for an "Energy Management and Efficiency" program.

In 2019, the total value of JICA programs to Caricom was JPY2.3 billion (US\$ 16.5 million) which accounted for 10.5% of the portfolio to Central America and the Caribbean.

Bilateral ODA has been used as a critical and important tool in advancing Japan's political interests, such as to cultivate friendly relations with developing countries to garner support in international bodies. In a January 2006 speech, then Minister of MOFA, Taro Aso, declared Japan's ODA as a political policy measure. He asserted that it should be used abundantly in the future for the objectives of enhancing and expanding ties between Japan and countries with the same interests and aspirations as Japan. Tarte (2008) opines that policymakers have sought to use ODA to bolster diplomatic support for Japan's position and, thereby, project its domestic norms as be-

⁵ The first set of volunteers were dispatched to Jamaica in 1989, St. Lucia in 1995 and Belize in 2000.

Table.
ODA Grant Aid and Technical Cooperation 2015-2020

Countries	2015		2016		2017		2018		2019		2020		Total
	Grants	TC	Grants	TC	Grants	TC	Grants	TC	Grants	TC	Grants	TC	
Antigua	1.14	0.37	4.93	0.21	1.78	0.43	1.99	0.2	1.19	0.02	0.09	0	12.37
The Bahamas	0	0.03	1.84	0.06	0	0.02	0	0.1	0	0	0	0	2
Barbados	0	0.02	0	0.04	0.89	0.04	0	0	0	0.04	0	0	1.06
Belize	0.99	0.88	0.99	1.09	0.17	1.25	0	0.9	0	0.92	0.21	0.6	7.95
Dominica	0.37	0.08	2.9	0.01	0	0.16	2.06	0.3	0.06	0.48	0.47	0.2	7.03
Grenada	1.09	0.09	4.25	0.08	0.09	0.12	0.09	0.1	0.07	0.05	1.87	0	7.86
Guyana	0.39	0.7	0.08	0.58		1.13	0.27	1.4	2.7	0.13	9.7	0.2	17.25
Jamaica	1.36	2.21	0.55	2.56	1.21	4.49	1.04	2.1	0.48	1.86	5.69	1.3	24.8
St. Kitts & Nevis	0.97	0.61	1.59	0.08	2.18	0.09	0	0.1	0.16	0.02	1.87	0.1	7.71
St. Lucia	2.53	0.51	4.16	1.42	1.96	2.24	0.28	1.6	1.83	1.68	0.15	1.1	19.39
St. Vincent & the Grenadines	3.2	0.29	3.43	0.32	1.78	0.45	0	0.3	3.7	0.34	0	0.5	14.28
Trinidad & Tobago	0	0.04	0.46	0.02	0.04	0	0.21	0	0	0.03	0	0	0.84
Total	17.87		31.65		20.52		12.79		15.76		23.93		122.5

Source: Compiled by author based on data collected from Annual JICA Reports 2016-2021.

ing in common interests with the interests of developing states.

POLITICAL SUPPORT AND QUALITY ADVOCACY

Over the years, Caribbean states have displayed strong diplomatic power not only in their numbers as a voting bloc but also in the quality of their advocacy. Leaders have an outstanding track record of taking leading and long-serving roles in international fora, which can be observed from as early as the 1970s in the Non-Aligned Movement (NAM) and the New International Economic Order (NIEO). Today,

Caribbean states continue to occupy spaces institutionally by displaying a high level of participation in key international organizations.

According to Maki Kobayashi, director of the Division of the Centre for Latin America and the Caribbean, MOFA, Caribbean representatives have proven to be quite eloquent in their speech and decorum. As a result, they show a higher ability to advocate in English (Kobayashi, 2014). Moreover, Ken Shimamashi, Advisor for Japan-Caricom Friendship Year Committee and former director of the LA Bureau, MOFA asserts that there is a growing importance of Caribbean states in the international community as evidenced in the partici-

pation of nations in the Council for Foreign and Community Relations (Cofcor). Caricom representatives, he opines, play a strong role in international advocacy (Shimanashi, 2014). This is undoubtedly important to Japan's moves to increase cooperation in promoting issues such as Climate Change and reform of the UN Security Council.

IWC Membership and Voting

Whaling is a widely controversial issue which generates mostly negative sentiment in the international community. Japan has consistently maintained a pro-whaling stance, arguing that the act is necessary for scientific research purposes.⁶ Consequently, Japan has faced strong opposition for its stance and has had to contend with strict anti-whaling regulations by the International Whaling Commission (IWC).⁷ In 1986, the IWC implemented a moratorium on commercial whaling, allowing an exception for aboriginal groups and researchers. The anti-whaling bloc within the IWC, consisting of countries such as the UK and the USA, oppose whaling altogether and have condemned

Japan's consistent claim to whaling rights in the name of science.⁸ Despite this strong opposition, the Japanese government continued to focus its efforts on capturing a large number of whales through its scientific research program (Hirata, 2008).

Japan has consistently sponsored proposals aimed directly and indirectly at ending the moratorium. From the 1980s onwards, both the pro and anti-whaling camps within the IWC began to inveigle other countries to join the organization in a bid to seek sympathizers for their cause. The pro-whaling camp led by Japan, for example, began luring countries from the Caribbean and Pacific Islands. Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines are members of the IWC.⁹ Over the years, these countries have been the subject of great criticism for trading their voting power to maintain good relations with Japan, and subsequently, secure economic assistance. Allegations have also been made that IWC membership is funded by Japan (Browne, 2001).

⁶ Japan began scientific whaling research in 1987, carrying out its program in the Antarctic under the Japanese Antarctic Research Program (Jarpa). (Hirata, 2008).

⁷ The IWC is the major international forum on whaling and was established to ensure the proper conservation of whale stocks and, hence, see to the orderly development of the whaling industry. It was established under the International Convention for the Regulation of Whaling which was signed in Washington D.C. on December 2, 1946. See International Whaling Commission, <http://www.iwc.int>.

⁸ The Pro-whaling camp in the IWC is led by Japan, Iceland and Norway.

⁹ Antigua and Barbuda joined in 1982; Dominica and St. Kitts and Nevis in 1992; Grenada became a member in 1993; St. Lucia, and St. Vincent and the Grenadines in 1981. Jamaica was a member 1981-1984. See International Whaling Commission, <http://www.iwc.int>.

In 2006, Japan and the pro-whaling camp succeeded in passing a nonbinding resolution to oppose the moratorium on commercial whaling. The St. Kitts and Nevis Declaration, sponsored by the Caribbean member states, was passed by 33-32 votes and stated that the moratorium on commercial whaling was unnecessary as the IWC's scientific committee identified many species as abundant (Hirata, 2008). All Caribbean member states voted in favor of the resolution. Furthermore, Japan hosted the Conference for the Normalization of the International Whaling Commission in 2007 to promote the anti-moratorium campaign. However, notably, while most anti-whaling members of the IWC did not attend, representatives from the six Caribbean member countries were present.

Following, the passing of the St. Kitts and Nevis Declaration, Caribbean member countries were criticized for selling their votes in the IWC in exchange for loans and grants from Japan. This criticism was not unfounded and derives from the fact that these Caribbean countries stand to benefit from whale watching and not whaling activities. Taking into consideration that tourism is the leading industry in terms of employment, revenues, and source of foreign exchange, there is no clear line of reasoning as to why they would adopt a pro-whaling stance.

Over the years, Japan has sent experts in the field of fisheries to Caribbean states and additionally, instituted a Development Study for the Formulation of a Master Plan for Development and Management of Fisheries and Aquaculture in the Caribbean. This has led to a general perception that the ODA giving loans

and grants to the Caribbean bloc in the IWC is aimed at influencing votes. To further exacerbate the situation, in 2001, a senior official of the Fisheries Agency of Japan, Maseyuku Komatsu, openly expressed that a number of countries had accepted aid in return for backing Japan's efforts to get commercial whaling restarted and described aid as "a major tool" (Sanders, 2009). This was corroborated by the statements of Prime Minister Lester Bird of Antigua and Barbuda pertaining to aid in exchange for voting with Japan on whaling issues at the IWC. According to Bird, "if we are able to support the Japanese and the quid pro quo is that they are going to give us some assistance" (CNN, 2001, para. 9). In 2008, after having voted with Japan in support of ending the moratorium, Dominica announced that going forward, they would be abstaining on the issue. This was also following reports in 2000 by the then Minister of Environment and Fisheries who claimed that Japan secured its vote by threatening to withdraw support for a local fisheries project.

UNSC Reform and other Candidatures

Reference is made to cooperation in international fora, by addressing issues such as environmental and climate change, nuclear disarmament and nonproliferation, and reform of the UN. In this context, Japanese foreign ministers have given particular attention to the need for an early realization of the UN Security Council through expansion in both permanent and non-permanent categories of membership. In the case of Jamaica, Japan's economic assistance is also tied to the recog-

dition of the Caribbean country's diplomatic power and the leading role it assumes on the regional and international level. According to former Prime Minister Simpson-Miller, her visit to Tokyo in 2013 "helped to cement the position of Jamaica in the eyes of Japan as the leader of the Caribbean region" (Office of the Prime Minister Jamaica, 2013). In other international fora, both Japan and Jamaica, have for example, supported each other's bids to be included in Unesco's World Heritage site list.

Koizumi's Vision called for enhanced co-operation in tackling a variety of issues in the international community, including reform of the United Nations and the Security Council. The Japanese government has consistently reiterated the need to realize the reform of the UN Security Council with the expansion of permanent and nonpermanent membership and has made coordinated efforts with Caricom. In speeches, government ministers have voiced their appreciation to Caricom states for the importance which it attaches to reform especially. They also specifically highlighted the directive of Caricom Heads of State and Government in February 2013 which called for "greater urgency in achieving lasting Security Council Reform". They also requested for the initiative of Caricom to reinvigorate the Intergovernmental Negotiation process (Caricom Secretariat, 2013). During Simpson-Miller's visit, along with Prime Minister Abe, she af-

firmed the role and importance of the United Nations in maintaining peace and security and stressed the need for Security Council reform in order to improve its effectiveness, transparency and representativeness. Similarly, at the 6th Meeting of the Council for Foreign and Community Relations (Cofcor) in Trinidad and Tobago, Parliamentary Vice-Minister for Foreign Affairs Minoru Kiuchi had discussions with Caricom Foreign Ministers on how to further advance Japan-Caricom relations, in particular on Security Council reform. In the meeting, the Vice Minister echoed Japan's appreciation for the active efforts of Caricom toward early reform of the Security Council, based on the expansion in both the permanent and non-permanent categories.¹⁰ In 2022, Japan was elected to serve its 12th term as a non-permanent member on the UN Security Council, having last been elected in 2015. At that time, the appointment of Jamaica's Permanent Representative to the UN Ambassador Courtenay Rattray, as chairman of the UN Intergovernmental Negotiations on Security Council reform, had seemingly amplified the importance of Caribbean states to Japan's bid.

In the past, Japan has also asked for the support of Caricom Member States for its candidature at other elections, such as the UN Economic and Social Council (Ecosoc) in 2008, the Human Rights Council in 2008, and the Advisory Committee on Adminis-

¹⁰ See statement by H.E. Mr. Tsuneo Nishida, Permanent Representative of Japan to the United Nation at the Intergovernmental Negotiations on Security Council Reform on June 27, 2013. <http://www.un.emb-japan.go.jp/statements/nishida062713.html>.

trative and Budgetary Questions (Acabq) in November 2007. Support is not one-sided; Caricom, has in the past, similarly sought Japan's support for the candidature of Jamaica for a seat on the Council of the International Maritime Organization in November 2007. They have also received support from Trinidad and Tobago for election to the Council of the International Civil Aviation Authority (ICAO) in 2007, for St. Lucia's candidature for membership to the UN Ecosoc for 2008-2010, and for the candidature of Guyana to the International Criminal Court in 2009.

ASSESSMENT

The reorientation of the Caribbean's foreign policies towards Japan is largely rooted in their need for economic adjustment. Caribbean states have consistently felt that they are dependent on some form of external assistance, whether it is in terms of aid or preferential trade agreements. Due to the perceived vulnerabilities of Caribbean states, they have been forced to find ways of adapting to changes brought on from globalization and trade liberalization. Their resilience is shown in the way in which having acknowledged their vulnerabilities, they have been utilizing their positive attributes to devise ingenious strategies to help them adjust and survive in changing international relations. As discussed previously, they have been using their value-based resources in their foreign policy towards Japan.

Braveboy-Wagner (2018) posits that Caribbean states, in responding to being buffeted by global changes at the economic level in the 1990s, intensified their focus on "eco-

nommic diplomacy as their central strategy". This paper asserts that Caribbean states have maintained that focus on economic survival as a key component of their foreign policy strategies. Caricom governments are eager to diversify and strengthen diplomatic relations with countries that are potential sources of economic assistance and trade in this current economic climate. Japan has stepped up its engagement with the region over the last two decades. Hence, it represents one such source and partner for trade and investments. Japan continues to provide access to less expensive imports, for example, motor vehicles which are more attractive to Caricom states because of their relatively low prices when compared to traditional partners. It has also consistently provided a market for Jamaica's Blue Mountain coffee over the years, for which Jamaica has become dependent, having almost 85 percent of its produce exported there. Interestingly, in discussing the future of Caricom in a changing global environment, Brewster (2012) was of the view that the region needed to stop neglecting the potential opportunities for formalizing economic relations with Japan. He argued that there could be substantial advantages of such relationships and, apart from filling the attention void of Europe and America, it could provide competition for the region.

As presented earlier, there is an overwhelming trade imbalance as Caricom states have not been adequately exploiting their opportunities to export products to Japanese markets. Despite the unimpressive value of exports, there are opportunities for Caricom to consider its supply strategy and a free trade agreement in goods and even services. Products

such as coffee and rum which are considered high quality goods in the region need to be marketed better, so that they can penetrate these markets to a greater extent. There are also prospects for increasing the export of raw materials, such as bauxite and natural gas, but this also depends on how well Caricom states push this agenda.

At the first Japan-Caricom summit, in outlining the three pillars of Japan-Caricom foreign policies, the Japanese Prime Minister indicated the intention to revise the basis for which aid is allocated. Maki Kobayashi-Terada, the director of the Caribbean Division, Latin American and Caribbean Affairs at the Ministry of Foreign Affairs, reiterated this promise following the Prime Minister's trip stating that "we promised that we are going to extend cooperation and we have already increased six-fold compared to the past few years. We are going to work together in order to have meaningful cooperation even though some of the Caribbean countries have a higher standard of living in terms of per capita income" (Jamaica Observer, 2014, para. 3). As mentioned earlier, the classification of Caricom member states as middle-income countries has put them at a disadvantage in receiving assistance. Owing to this classification, Caribbean leaders have actively argued that the allocation of aid should not be considered according to a per capita basis. Therefore, willingness to reconsider this basis shows the importance of the region to Japan. Its interest is consistent with Brautigam's (2009) argument that foreign aid is fundamentally a tool of foreign policy and that all donors give aid for a variety of political, commercial and moral reasons.

Abe's visit to the Caribbean in 2014, just one year after Chinese President Xi Jinping, generated much attention in the media both locally and internationally. In 2015, Abe would have returned to the region, prompting even further discussions regarding Japan's underlying motives. From the Japanese perspective, having shared a "long-standing and time-honoured friendship", the visits were indicative of Japan's intention to maintain its presence in Latin America and the Caribbean. The timing of Abe's visits should not be glossed over, however. Having seen a lull in US dominance in the region and China's growing presence in the region, the visits served as a reminder to Caricom that Japan should not be counted out of the game. Further, Abe did not come to the region empty handed as he presented his partnership framework along with economic support, and the promise to reconsider the basis of aid given to developing countries. This implies that Japan has taken the necessary steps to not only maintain its presence but as a strategy to counter check China's activity in the region. As China's economic and diplomatic presence deepens, Japan, though struggling to match, is determined to stay in the game.

Caribbean states, having acknowledged this and recognizing the value of their bargaining currency have been using it to their advantage. One of the primary arguments of this paper is that Caribbean states use their value-based resources for economic gain. According to Cooper and Shaw (2009, p. 2), "what small states lack in structural clout they can make up through creative agency". As we have seen, Caribbean countries have been using their political clout in exchange for economic as-

sistance. Prasad (2009) argues that small states are more prone to using this strategy given their lack of other natural resources. Most of the Eastern Caribbean countries are not endowed with natural resources. It is, therefore, this lack of natural resources that leads smaller states in the Caribbean to be more creative. As noted before, this creative use of value-based resources includes their votes in bodies like the IWC. Political support is not one-sided as Caribbean states grapple daily with environmental vulnerabilities. They have taken an active role in UN climate change negotiations and have been strident in their calls for help in dealing with the impact on Small Island Developing States. Therefore, support from Japan on these matters is important. Japan has recently declared the aim to be 'Carbon Neutral by 2050' and outlined targets to reduce greenhouse gas emissions by 2030. It has made a commitment to disburse US\$60 billion over a five-year period (2021-2025) to climate change assistance, and US\$3 billion to Green Climate Fund for climate change projects in developing countries. Caribbean states are also cognizant of the fact that Japan can represent their interests in international organizations for which they do not have access, such as the G7 and G20. More recently at the 7th Caricom-Japan ministerial meeting, Caricom representatives reiterated this in their request for support in advancing the work being done under the Financing for Development Initiative to help SIDS. This is particularly important during this post Covid-19 period where Caribbean states are trying to rebuild their economies and livelihoods.

Despite concerns about the trade imbalance and "vote-buying", the relationship

between Caricom and Japan is a mutually beneficial one whereby, Japan, in exchange for political support and global status provides the region with well needed investments, aid and technical cooperation. To maximize the benefits to be gained from this relationship and, moreover, to ensure that it remains mutually beneficial, Caribbean states need to strengthen regional integration efforts and work more actively as Caricom rather than as members of Caricom. There is scope for expansion of trade and opportunities for investments in environmental protection, sustainable development and energy efficiency – all areas for which Japan places emphasis. With China's ascendancy and the US' decline in the region, Japan represents another partner for Caribbean states to deepen their relations and explore new avenues for economic development. Caribbean states are mindful of this and have shown resourcefulness in their relationship with Japan. In this current economic predicament, Caribbean states should not count out potential opportunities for economic growth and development especially those that are presented as sustainable and in response to the vulnerabilities of SIDS.

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IV

**DIVERSAS PROBLEMÁTICAS FRENTE
A LA INSULARIDAD Y LOS ESPACIOS
MARINOS EN EL CARIBE**

**I HAVE TWO FLAGS IN MY HEART:
DIASPORIC CITIZENSHIP OF
JAMAICANS LIVING IN BRITAIN**

Aieka Yasheva Smith

**OBSERVING CARIBBEAN ELECTIONS
DURING THE PANDEMIC: CHALLENGES
AND BEST PRACTICES**

Lisa Vasciannie

**LA INSULARIDAD EN MÉXICO:
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**LA ZONA CONTIGUA INTEGRAL DEL
ARCHIPIÉLAGO DE SAN ANDRÉS Y
PROVIDENCIA DESPUÉS DEL FALLO DEL
21 DE ABRIL DE 2022**

Juan José Quintana Aranguren

Martín Camilo Espinosa Arias

I Have Two Flags in my Heart: Diasporic Citizenship of Jamaicans Living in Britain

Aieka Yasheva Smith*

ABSTRACT

Small Island Developing States (SIDS) and their diasporas have become key actors in the international arena. This study investigates the issue of how to create rights and obligations for Jamaicans living in Britain that are consistent with their citizenship in both host and home societies, despite their different obligations and responsibilities to home and host nations. Additionally, the study seeks to assess the problem of the conflict, or contradiction, between a new form of nationalism – trans-nationalism – and a controversial form of citizenship – diasporic citizenship.

This study is anchored by the theory of acculturation and employs a qualitative methodology based on structured interviews and focus groups. The study finds that while

many Jamaicans have found ways to improve their lives in Britain, they struggle to feel a sense of belonging to that country. Secondly, Jamaicans in Britain are racialised and ‘othered’ through stereotypical perceptions regarding their national identities. They find solace in their Jamaican identity to cope with their marginalisation and exclusion in British society. Their diasporic citizenship is leveraged to challenge exclusion in Britain. The study’s main contribution is providing insights into the migratory phenomenon of Jamaica. Overall, the study suggests that there is a continued existence and resilience of a community with a sense of shared belonging to Jamaica. This is a vital resource that needs to be harnessed and engaged with, given the diaspora’s potential to influence British foreign policy towards Jamaica and its role in Jamaica’s development.

* PhD Government. Lecturer. Department of Government. The University of the West Indies, Mona Campus. (Jamaica). [aieka_smith@yahoo.com or aieka.smith02@uwimona.edu.jm]; [https://orcid.org/0000-0002-0376-7560].

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Key words: Diasporic citizenship; Jamaican diaspora; diaspora diplomacy; acculturation.

Tengo dos banderas en mi corazón: ciudadanía diaspórica de los jamaquinos que viven en Gran Bretaña

RESUMEN

Los pequeños Estados insulares en desarrollo (PEID) y las diásporas se han convertido en actores clave en el ámbito internacional. Este estudio investiga el tema de cómo crear derechos y obligaciones para los jamaquinos que viven en Gran Bretaña, que sean consistentes con su ciudadanía tanto en las sociedades anfitrionas como de origen, a pesar de sus diferentes obligaciones y responsabilidades con las naciones anfitrionas y de origen. Además, el estudio busca captar la problemática —conflicto o contradicción entre una nueva forma de nacionalismo— del transnacionalismo, y una controvertida forma de ciudadanía —la ciudadanía de la diáspora—.

Este estudio está anclado en la teoría de la aculturación y emplea una metodología cualitativa basada en entrevistas estructuradas y grupos focales. El estudio encuentra que, si bien muchos jamaquinos en Gran Bretaña han encontrado formas de mejorar sus vidas, luchan por tener un sentido de pertenencia a ese país. En segundo lugar, los jamaquinos en Gran Bretaña son racializados y catalogados como “el otro” a través de percepciones estereotipadas con respecto a sus identidades

nacionales. Encuentran consuelo en su identidad jamaquina para hacer frente a su marginación y exclusión en la sociedad británica. Su ciudadanía diaspórica se aprovecha para desafiar la exclusión en Gran Bretaña. La principal contribución del estudio es proporcionar información sobre el fenómeno migratorio de Jamaica. En general, el estudio sugiere que hay una existencia y resiliencia continua de una comunidad de pertenencia compartida en Jamaica. Este es un recurso vital que debe aprovecharse y comprometerse, dado el potencial de la diáspora para influir en la política exterior británica hacia Jamaica y su papel en el desarrollo de esta.

Palabras clave: ciudadanía diaspórica; diáspora jamaquina; diplomacia diaspórica; aculturación.

INTRODUCTION

“I am both Jamaican and British but Jamaican first and British second. I am loyal to two places, I have two flags in my heart, and I have a right to participate in these places.” [Sandra, a 55-year-old midwife, who has been living in London for 37 years]

The quote above, from a participant in this present study, suggests that for many Jamaicans in the diaspora, their identities and loyalties are not fixed to one place. Irrespective of where they reside, the nationals of a country are vital resources and foundations of that country. Transnational Caribbean immigrants see themselves “here” and “there” and create multiple sites of loyalty (Plaza, 2006). Drawing on ideas espoused by Cohen (1997), these individuals “remain socially, politically, cultur-

ally and economically part of the nation states from which they migrated” (p. 136). This duality/”in-betweenness” has consequences for how they participate in both their host country and country of origin. A diasporic ethnicity, Gilroy (1993) argues, “operates within the parameters of a double consciousness, active in an individual no longer in her/his country of origin” (p. 126). Hall (1992) describes identity, for diaspora populations as a ‘moveable feast’ which means that it is fluid and continuously altered (p. 277). What is more, individuals who maintain connections to their country of origin “achieve the best of both worlds—culture and identity in the former; money, wealth, and skills in the latter” (Conway, 2003, p. 314).

The Jamaican diaspora is viewed as one of Jamaica’s most valuable resources. This study emphasizes the fact that Jamaicans in Britain have a sense of belonging that is not tied to a single state. They use complex strategies to negotiate citizenship and construct membership in their romanticized homeland and diasporic residence. While they value both Jamaican and British citizenship, many feel alienated from mainstream British society. This stems from their exposure to multiple forms of discrimination, racism, and negative stereotypes, which complicate their struggle to feel welcome in Britain and undermines their ability to enjoy full citizenship rights and equal participation.

Several Jamaicans in Britain wrestle with otherness and identity categories imposed by British people. Despite holding British citizenship, some experience second-class membership in British society. In the absence of formal recognition as full British citizens, some have used rhetoric to perform British

citizenship. The researcher seeks to understand the meanings Jamaicans in Britain attribute to citizenship, and how their experiences fit into the larger debates concerning identity and belonging. Participant narratives reveal how they make meaning of their journeys and how their experiences shape their attachments (to Jamaica and Britain) based on interwoven factors like age, gender, economic status, and length of time lived in Britain.

Like most SIDS, Jamaica has been plagued by factors like poverty and unemployment that push its citizens to seek better opportunities abroad (Thomas-Hope, 1999; Lewis, 2007). This emigration has arguably compromised Jamaica’s development and democracy. It has prompted a need for Jamaica to consider its geopolitical realities as it seeks to deepen its engagement with the diaspora. Similarly, with the contentious debates concerning British deportation flights, Jamaicans in the diaspora casting an absentee vote in Jamaica’s elections, and social integration in a post-Brexit world, it is necessary for members of the Jamaican Diaspora to regularise their immigration status to improve their participation in both Britain and Jamaica. Laguerre (2016) explains that “diasporic citizenship, because it is appropriated by the immigrants, has policy implications for both the sending and the receiving state” (p. 176). Diasporic citizenship is not limited to how Jamaicans in Britain access and experience citizenship rights in Britain, it also concentrates on their ability to exercise citizenship rights in relation to Jamaica.

The discussion in this article is situated in diaspora studies and the International Rela-

tions literature on citizenship and brings these into conversation with the literature on identity. The study is based on five research questions that seek to answer how Jamaicans living in Britain leverage their diasporic citizenship:

1. Do Jamaicans living in Britain feel welcome in Britain?
2. How do Jamaicans living in Britain articulate membership and envisage citizenship?
3. What strategies do Jamaicans in Britain use to claim membership and reinforce belonging to Jamaica and Britain?
4. What can Jamaicans living in Britain expect to get out of a diasporic experience?
5. What are the legal, economic, and psychological (affiliative) dimensions that should justify/give rise to the involvement of the Jamaicans living in Britain in Jamaica's political and civic life?

Caglar (2015) posits that “there are often categories of people who are legal citizens according to the laws of a state yet face various forms of exclusions and the denial of civil rights because they are not considered to be truly part of the nation” (p. 637). It is important to understand how Jamaicans in Britain make sense of citizenship and negotiate their position as British Jamaicans to assert their rights to education, healthcare, or employment.

Belonging to a diaspora means “reformulating one's minoritized position by asserting one's full belonging elsewhere” (Parreñas & Siu 2007, p. 13). The Jamaican Diaspora refers to a “social space created by populations of Jamaican ancestry who have lived periods of

their lives outside the territorial boundaries of the island, but whose identities connect with the people and cultural practices of the island” (Mullings, 2011, p. 25). While there is a growing body of research that looks at citizenship (Nyers, 2007; Linklater, 2007; Gordon, 2014), there is limited research on how British Jamaicans situate themselves within the larger frameworks of citizenship in Jamaica and Britain.

This study finds that some Jamaicans in Britain, as non-citizens, participate as active citizens in British society despite not having legal recognition. Some participants acquire British citizenship but still see themselves as Jamaicans primarily. Additionally, some participants are living illegally in Britain and this status predisposes them to several vulnerabilities, which have meant that they have fewer opportunities to improve their lives, often preventing them from fully developing their human potential. These groups of participants might attempt to acquire legal status and/or British citizenship to access and secure better economic resources, employment opportunities, benefits, and services in Britain. This situation, among others, causes Jamaicans in Britain to develop an interest in immigration, security, political participation, and human rights issues. These actions provoke the questions of identifying with whom, how, and why. Here, such individuals contribute to Jamaica while making use of the economic opportunities in Britain. This flexibility is not just about mere material contributions but navigating the pressures to assimilate.

This paper makes the case that Jamaicans in Britain are better able to contribute to development in both countries when they are

protected and empowered socially, economically, and in terms of their basic human rights, regardless of their immigration status. They must be encouraged to participate in British political life, particularly by gaining the right to vote, while preserving this right in Jamaica. Secondly, traditional concepts of citizenship, especially in the legal dimension, are too rigidly constructed and must be rethought to account for diasporic citizenship.

Çalışkan (2014) maintains that “diasporic citizenship emerges out of the tension between the negotiations of displacement (diaspora) and the politics of accommodation (citizenship)” (p. 37). This highlights how people navigate their multiple attachments to the countries they were born in and those in which they reside, their struggle for rights, and how they reconcile these factors with their citizenship status. The study is anchored by the acculturation theory to explain how immigrants adapt to the host country’s norms, values, and way of life while maintaining deep ties with the home country (Berry, 1992). It provides a useful lens to understand how Jamaicans in Britain have used rhetoric to perform British citizenship. The study is also shaped by the notion of a transnational Caribbean which characterises the region as a cultural area that transcends national borders and extends to where a cultural group has constructed its distinctive identity (see Mains, 2004; Vertovec, 2009). The objective of this paper is not to provide an exhaustive review of how citizenship is acquired. Rather, it seeks to highlight the unsettling aspects of a nationally-bound concept of citizenship to consider how people

use their own means to construct belonging and claim rights across multiple countries.

The concept of transnational citizenship might overlap with dual citizenship - citizenship across (two/more) nations. This study seeks to capture the problem of the conflict, or contradiction, between a new form of nationalism – trans-nationalism – and a controversial form of citizenship – dual (or transnational) citizenship. That is, rights and obligations that are consistent with ‘good citizenship’, and democratic rights of participation in both home and host societies. However, the prevailing international system, based on state-centric structures provides too rigid and inflexible a tension between the obligation to nation-states that limit democratic rights of transnational participation. This is a new and unresolved problem in international relations, specifically, the international relations of democracy. The problem is how to create rights and obligations for the diaspora that are consistent with their citizenship in both host and home societies, despite their different obligations and responsibilities to home and host nations, which can have security implications. Citizenship, in this way, is largely defined by rights across territories.

Diasporic citizenship is based on the idea that people acquire multiple sites of loyalty and attachments to places as they move and live their lives between and across them. They experience a conflict (of laws and sentiments) between nationalism (in relation to the home society), and citizenship (in relation to the host society) that can best be resolved through a new status of diasporic citizenship.

Scholarship on transnationalism and citizenship in IR has generally rested on a conflation of nation, state, and territory. The diaspora discourse is incidentally multidisciplinary and the themes underpinning this study do not fit neatly within the boundaries of IR or Political Science, at least not in the traditional sense.

Secondly, this study provides a lens to understand the Jamaican government and its diaspora, and their influence as transnational actors on each other, as diaspora diplomacy is an understudied dimension of Caribbean IR (Minto-Coy & Chrysostome, 2019; King & Melvin, 1999). Some pervasive features of states like Jamaica are limited economic resources and military power, and the increasing reliance on state diplomacy. The Jamaican Diaspora symbolises a new potential for transnational diplomacy, which represents the power of nationals through their own initiatives and associations abroad (see Buddan, 2005).

Jamaica has a growing number of embassies, consulates, and investors across the globe. However, in comparison to Britain, Jamaica lacks transcendence and institutional reach across borders. The Jamaican diaspora, being strategically located and having access to diverse networks and resources, strengthens the potential for knowledge sharing and can serve as a diplomatic tool to promote Jamaica's interests abroad.

This study pursues an area of research that deals with soft power considerations and contributes to the literature on diasporic citizenship through empirical data garnered from Jamaicans living in Britain, based on

structured interviews and focus groups. The study's main contribution is to provide insight into migratory consequences for Jamaica. The possibilities for diasporic citizenship include strengthening how diasporas participate and engage in the development of their homelands and empowering members to overcome the problems they face in the host country, like marginalisation and discrimination, by negotiating their access to rights and citizenship.

Jamaica, in the contemporary global environment, faces severe adversities and vulnerabilities, which necessitate greater introspection of its foreign policy. Jamaica has a large and vibrant diaspora that has demonstrated an unwavering commitment to improving the country. Some members maintain strong connections to the country and do not feel less Jamaican despite not physically residing there "on the rock". The Jamaican Diaspora has strong interstate and intrastate capabilities; it connects individuals, families, and communities to each other and State to State. It represents a vehicle through which Jamaican nationals abroad can organise to influence the policies of other countries and promote the advancement of fundamental human rights in their homeland and host societies. This article is a timely intervention into the relatively limited discussion in Caribbean Political Science and IR on leveraging diasporic citizenship and the role of the Jamaican diaspora in British foreign policy towards Jamaica. The insights generated by this study could potentially be useful for policymakers interested in better supporting Afro-Caribbean people in Britain.

BACKGROUND

Insufficiently British in Greener Pastures? The Jamaican Diaspora in Britain

Globally, Jamaica is ranked among the countries with the highest levels of skilled migration (Chevannes & Ricketts, 2012). Remittances from the Jamaican Diaspora contribute to over 20% of the country's GDP (World Bank, 2020) and an often-overlooked point is that its members have the capacity to lobby foreign governments and various international organisations (Koinova, 2012). Acquiring a passport from countries like Britain, the United States of America or Canada has meant that there are incentives for people from developing countries to improve their livelihoods and the conditions of their relatives in their countries of origin. It is on such bases that a discussion about home and shifting conceptions of social responsibility, loyalty, accountability, and identity must be interrogated.

Jamaica's diaspora is as large as its resident population (Mullings, 2011). The presence of Jamaicans in Britain dates to 1947 when 100 Jamaicans sailed for Liverpool on the SS Ormonde (Mead, 2009). The Empire Windrush in 1948, carried 492 Caribbean people to London to fill labour gaps and rebuild war-torn Britain (Lowe, 2021). Despite the appearance of a welcoming reception, people from the Commonwealth confronted racialised British immigration policies (Anthias & Yuval-Davis, 2005). The British Nationality Act of 1948 granted Commonwealth migrants full

citizenship rights, but they lacked substantive forms of belonging as they were undermined by hostility and discrimination. Secondly, before passing the 1971 Immigration Act, the British government had granted Commonwealth citizens indefinite right to remain. This regularised their immigration status. Despite the rhetoric advocating for a reduction in the rights of Caribbean people to be afforded permanent settlement in Britain, Jamaican enclaves flourished in places like London.

Britain is one of Jamaica's oldest diaspora populations and an estimated 340,000 Jamaican-born individuals live there (International Organization for Migration (IOM), quoted in Luton, 2007). Interestingly, Jamaicans represent the tenth-largest immigrant group in Britain, although some Jamaicans in Britain experience acute levels of exclusion which take the form of problems like racism, discrimination in housing and employment, violence, and intrusive policing (Paul, 1992; Allahar, 2011; Collins, 2001). These factors erode their ability to feel a part of Britain but strengthen their ties to Jamaica.

Among the Anglophone Caribbean territories, Jamaicans constitute the largest group of West Indians in Britain (Foner, 2009). Although the Jamaican Diaspora is widely spread throughout Britain, it is concentrated in Greater London and the West Midlands. Despite many shared characteristics, variations with respect to class, interests, gender, educational attainment, and age can be identified in this multigenerational diaspora. One could also argue that the Jamaican Diaspora

in Britain is not homogenous or monolithic (Smith, 2018).¹

This article is organised in the following ways. Firstly, the research methodology is explained. Next, an illustrative review of the literature on citizenship is provided, and this is followed by the results and the discussion sections of the study.

METHODS

This section outlines how data was collected for this study. Data for this qualitative study was generated through two focus groups (n=30) and structured interviews (n=50) with Jamaicans living in Britain. This sample (N=80) represents individuals who were all born in Jamaica and are currently living in Britain. These participants were selected from five of the largest British cities (London, Manchester, Birmingham, Leeds, and Glasgow) which have some of the largest concentrations of Jamaicans in Britain. The study was conducted from April 2020-March 2021.

A qualitative approach was deemed more appropriate to offer insight into the varied experiences of Jamaicans living in Britain to better understand their social reality. The selection criteria were based on the objectives of the research and participants' interaction with British culture. Thus, only those individuals who are above 18 years old, who were born

in Jamaica, and have been living in Britain for at least a decade, participated in the study. Participants were also selected based on their expressed interest in the study.

To recruit participants, the researcher sent letters of invitation to representatives of diaspora associations in Britain, and potential study participants were identified. Individuals who expressed a desire to participate in the study were later contacted. A snowballing sampling technique was also used to recruit participants.

Descriptive statistics of the sample are provided below:

Sample: Most participants were between 41-61 years old. Women accounted for 55% of the sample. In terms of length of residence in Britain, the majority (50%) have lived there between ten and 20 years. More than half (56%) possess a British passport and have membership in diaspora organisations (63%). With respect to their employment status, 52% are full-time workers. Some 72% own assets in Jamaica. Secondary education was the highest level of education for the majority (40%). The demographic profile of the participants demonstrates that they are not a homogenous group of individuals. Instead, they have diverse backgrounds with extensive spheres of influence and competencies, sources of knowledge, resources, and skills that can be harnessed in innovative ways to enhance the development of both Britain and Jamaica.

¹ Tribalism is a feature of Jamaica's political culture, and the British-Jamaican Diaspora is not politically homogenous.

Focus groups

Focus groups were employed due to their ability to capture and explore the opinions, perceptions, and beliefs held by Jamaicans in Britain so that meaningful analyses can be drawn (Byers & Wilcox, 1991). Such discussions in this study were treated as conversational pieces which allowed the researcher to delineate patterns from a group setting. Two focus groups were conducted with participants drawn from London and Birmingham. Each focus group consisted of 15 members and lasted two hours, during which participants shared their personal and collective experiences over Facebook and Zoom.

Structured Interviews

Interviewees were asked 15 questions. On average, each interview lasted 1 hour. All interviews were conducted on Zoom. Participants were asked questions like, *“What are the main challenges that you face in Britain?”*, *“Does having a British passport allow you to feel a sense of attachment to Britain?”*, *“As someone born in Jamaica and living abroad, how do you define yourself?”*, and *“Do you trust the British government?”*.

The study was carried out while Jamaica was on the receiving end of intense waves of the COVID-19 pandemic and due to travel restrictions, the online format of data collection impacted the study as there was no physical contact with participants. However, with Facebook and Zoom, it was cheaper and easier to schedule, host, and conduct interviews. Sessions were more interactive, and the researcher

was able to eliminate the prohibitive cost of travelling to Britain at that time.

CODING AND PROCEDURES

Ethical considerations were adhered to so that participants in the study would not be subjected to physical harm. Participants signed an informed consent form and were notified that their participation would be voluntary, their responses would be kept confidential, that they could withdraw from the study without any penalty, and that no material/monetary incentives would be provided for participating in the study. They were given pseudonyms and their responses were recorded and transcribed with their permission. Each participant was informed about the purpose, methods, and intended use of the research.

The data gathered from this study was analysed using the ‘constant comparative method’ (Boeije, 2002). Participant narratives from focus group and individual interviews were transcribed and repeatedly read in an open-ended manner to establish familiarity with key themes. Key phrases/words were selected from transcripts to illustrate participants’ experiences. Recurring phrases were colour-coded, and notes were made in the margins of each transcript. Examples of themes (e.g., struggle to belong) were selected and organised into theoretically-meaningful patterns of convergence and divergence. Participants who reported concerns about living in Britain, like *‘I feel like an outsider,’* or, *‘I don’t feel welcome,’* were coded as *struggle to belong*.

The section below provides a review of the literature on citizenship.

CITIZENSHIP

For SIDS like Jamaica, diaspora engagement can be complementary in terms of lobbying and campaigning to improve the conditions of the homeland, and also organisation to improve the welfare of the immigrant group in the host country. However, the sensitivity of this issue has brought the questions of social responsibility, state responsibility, legitimacy, and loyalty to the fore as, by virtue of not being resident in the homeland, nationals abroad can make decisions that they are unlikely to feel the direct impact of. Acknowledging the stark realities of a harsh global environment and attempting to reimagine the possibilities to overcome some of its vulnerabilities, one could argue that the diaspora is Jamaica's most potent civil society that exists outside of its shores (Smith, 2018).

While there is extensive literature on various aspects of the Jamaican diaspora, diasporic citizenship remains an unstudied aspect of this community. This article makes the case that classical notions of citizenship, especially in the legal dimension, are too rigidly constructed and must be rethought to account for diasporic citizenship. Diasporic citizenship develops from the premise that people have a right to participate in public life and that their lives, identities, and responsibilities transcend and overlap borders, giving them multiple sites of loyalty.

Diasporic citizenship is important because, in particular cases, people choose to live diasporic lives to smooth the progress of their immigrant experiences (Parreñas & Siu, 2007). Here, they create, negotiate, and per-

form a sense of belonging, which is not tied to a single state (Laguerre, 2016).

Citizenship is a contested term. For Somers (2008) it is not merely "the right to have rights", it must be recognised as a right to be included and to participate in the political landscape (p. 25). Citizenship "represents a relationship between the individual and the state, in which the two are bound together by reciprocal rights and obligations" (Heywood, 1994, p. 155). Citizenship refers to membership in a group and a political community. It is also a meaning-making process built on agents and structures like civil society, schools, the economy, family, and households.

The challenge to bounded political communities is that with the contemporary processes of globalisation, more people have multiple sites of loyalty and many immigrants wrestle with negotiating a place in their respective host country while maintaining strong cultural attachments to their country of origin (see Kadioglu, 1998). The concept of citizenship with its emphasis on rights and responsibilities is "too narrowly defined" to exclusively "exist between individuals and a single state" (Frey, 2003, p. 93). The actions of diaspora communities cannot be neatly compartmentalised in one state, which justifies the search for a more broadly defined meaning of citizenship.

Some immigrant groups in Britain have confronted challenges in exercising their rights, while they also experience uneven socio-economic protection and limited social mobility (Li, 2018; Faist, 2000). They struggle to achieve full legal and social citizenship and their experiences of discrimination in areas like

health, education, and employment are often based on race (Fernando, 1993). The denial of basic rights has perpetuated a physical and psychological sense of statelessness, alienation, and estrangement among communities and individuals in the Black Diaspora (see Chakraborty, 2021). Yang (2020) infers that racial conflict stems from the competitive attitude of the working class towards blacks. Furthermore, “this British-style, heavily nationalist approach has led to black immigrants being denied for a long time, nor have they been able to affirm the legitimacy of blacks” (Yang, 2020, p. 690).

Despite acquiring British citizenship, many groups are treated as second-class citizens which affects their subjective well-being and their sense of belonging to Britain (Grosvenor, 1999). Additionally, some immigrants undergo unease between formal citizenship and societal membership. Smith (2018) surmises that Jamaicans in Britain struggle with “multiple feelings of non-belonging in varying degrees” (p. 258).

Afro-Caribbean people in Britain have sought to navigate the racial politics of immigration control and negotiate their identity in a British society that is changing. History is also replete with evidence that people affiliated with the Black diaspora in several countries such as the USA, UK, and Canada have experienced a discursive tradition of being treated as ‘deportable subjects’ (Davies, 2001, p. 949). Paul (1997) observes that post-war notions of British citizenship were rooted in inconsistencies between the official classification of who had the right to enter Britain and the informal presumptions of who could become or count

as British. These binarisms (insider/outsider) potentially marginalise some groups of immigrants and exacerbate their struggle to belong. These varied interpretations represent ‘selfing’ and ‘othering’. For example, to what degree can naturalised and permanent residents in Britain identify as being British? (see Giddens, 1991). Fortier (2021) contends that British citizenship must be assessed in a historical context. With reference to the Windrush scandal, she writes that “racially minoritized subjects ...are perpetually migratised as non-citizens, which in turn racialises British citizenship as white” (p. 6).

For diaspora populations, the struggle for citizenship is not only one that is related to rights and the distribution of resources but also one that is related to the struggle for recognition (Barbalet, 1988). There are varied motivations for acquiring citizenship. Given the “instrumental and sentimental value of citizenship” migrants may have a higher proclivity to naturalize if they can do so while maintaining the citizenship of their country of origin (Vink *et al.*, 2021, p. 754). Some immigrants acquire citizenship in their host country, yet they struggle to feel accepted and gain full membership in that country (Aleinikoff & Klusmeyer, 2001; Bloemraad, 2017).

Some immigrants resist racialisation and are aware of the limits they experience in terms of belonging and citizenship in Britain. Hussain and Bagguley (2005) find that many British-Pakistanis feel excluded on many fronts in Britain, especially due to barriers like race and ethnicity. Thus, claiming a British identity has been challenging and many do not perceive their citizenship identities as strong.

Drawing on the case of Palestinians in Sweden, Lindholm (2021) asserts that attaining Swedish citizenship is valued and viewed as a milestone in the lives of such individuals due to having a desirable passport, the right to vote, and social protection. Vertovec (2009) speaks of a “citizenship of convenience” (p. 92). Ong (1999) observes that migrants acknowledge the costs and benefits of their extra-territorial status and will strategically tap into them to improve their situation.

It can be argued that the idea of citizenship is coincidentally used to define a British identity that equates to being British, which is, to a large extent, conflated with citizenship (Meer, *et al.*, 2010). Delanty (2000) notes that citizenship is no longer wholly concerned with the struggle for social and political equality; rather it has become a major stage for battles over cultural identity and demands for the recognition of group differences. At the very least, the foregoing is the beginning of understanding what is at stake for the performance, and processes, of citizenship in diasporic spaces.

Citizenship, viewed in terms of rights, is too limited. Generally, diaspora communities do not feature comfortably in this national/liberal approach to citizenship. Some members of various diaspora communities find it difficult to consolidate their place in such conditions because citizenship is tied to the state, while the diaspora is not. Diasporas, therefore, enable modes of belonging and identity to be revisited (see Bloemraad, 2006; Rogers & Muir, 2007). This approach directs attention to Anderson’s (1983) seminal work on imagined communities. Many Jamaicans in the diaspora encounter discrimination and racism.

While they live in various locations worldwide and may never meet each other, they are aware of each other’s existence, shared customs, and heritage. Some develop a common sense of identity and see themselves as belonging to an imagined community that transcends geographical boundaries. While certain aspects of Anderson’s (1983) imagined communities embody the Jamaican case, the key element that makes the Jamaican diaspora a community is not the sharp difference between ‘real’ and ‘imagined’. Rather, it is the contrast between affiliation and non-affiliation. That is whether people identify as Jamaicans and all that being Jamaican entails, despite not residing in Jamaica. There are also those who feel strongly British and intensely Jamaican at once and those who support Britain/Jamaica in some specific situations (e.g., sports).

While there is a burgeoning literature on the Jamaican diaspora, little is known about how Jamaicans in Britain negotiate the boundaries of British citizenship and their lived experiences as citizens and non-citizens. Their struggle with British citizenship is evidenced by a myriad of developments, such as immigrant-led protests and the creation of diaspora associations that are mobilised for better representation of their political rights. Undoubtedly, in the absence of formal recognition as full citizens, British Jamaicans have used rhetoric to perform British citizenship. They have struggled for inclusion without discarding their cultural distinctiveness, redefining what it means to be British. Interestingly, because attachment to a nation can no longer reasonably be assumed to be territorially bound, national citizenship with a strict

institutionalization of rights and the insistence that people need to exclusively belong to one country needs to be revised to account for people with multiple sites of loyalty.

Generally, diasporas blur the distinction between seemingly dichotomous categories of the public and private spheres of political participation (see Arendt, 1998). Interestingly, conventional notions of citizenship, more generally, are entrenched in the elaboration of this public/private divide. Diaspora communities perturb this common-sense formulation to show broadly how citizenship practices have changed, are changing, and as a result, how our understandings of what it means to belong to a political body have as well. The results of the study are reported below.

RESULTS

This section of this article reports the data generated from two focus groups (n=30) and structured interviews (n=50) with Jamaicans living in Britain (N=80). The following five themes emerged from the analysis:

Theme 1: The struggle to belong

The findings of this study reveal that most of the study's participants do not feel welcome in Britain. They experience a lack of rootedness in Britain, a country which they indicated, constructs them as *second-class citizens*. All participants encountered racism and discrimination in Britain which complicated their struggle to belong. Their narratives also indicate that a sense of diasporic consciousness developed, and diaspora organisations

were created to help them cope with feelings of out-of-placeness, which made them feel like second-class citizens and misfits in a country that Jamaicans have worked hard to rebuild. Participants also indicated that the Windrush scandal also exacerbated their struggle to belong. A typical response came from Jenny, a 56-year-old teacher who lives in London. She explains:

I feel betrayed by the British government. The Windrush scandal has stripped many of us as Jamaicans of our dignity. I'm not a criminal, I pay taxes and help people daily, yet I'm treated differently. Sometimes people here treat Jamaicans with scorn. We know that we don't belong here; our home is in Jamaica and Heaven. Britain can be a good place in some ways, but the reality is that it just allows us to earn despite the discomfort.

While many participants experienced negative stereotypes, stigmatised otherness, imposed identities, and racism in Britain, they believed that such problems have helped them to deepen their ties to Jamaica. Social media platforms like Facebook and Twitter allowed them to reach out to other Jamaicans in Britain and connect with their networks, families, and friends in Jamaica. While all participants experienced discrimination and racism in various aspects of their daily lives in Britain, they found solace in their *Jamaicaness*. Participants like Annette, who is 54 years old and works at a club, said that despite living in a legal limbo of not being eligible for British citizenship and being homeless with a part-time job, she is able to survive as what she calls a "*cultural citizen*" in Britain because of her attachments to Jamaica.

David, a 44-year-old entrepreneur who lives in Leeds struggles with feeling British despite being naturalised. His views are typical:

There is no escape from racism and discrimination here. It's sickening. I feel minimised in society but I'm an overcomer because I know that I will not be rejected among my fellow Jamaicans in foreign and at Yard... I'm glad I have Facebook so I can link up with my people. Yes, I have a British passport that I paid a lot of money to get, but that passport doesn't make me feel British. The Police still stop and search for nothing...Jamaica is my home. My granny in Jamaica taught me that "if you want good, your nose has to run." So, I'm here making the best of what life has to offer.

Shanie, a dietician, stated that, "I applied for several jobs and most times I felt that I was rejected not because I didn't have the qualifications, but because of my skin colour." This kind of rejection acts as an impediment to the social, political, and economic integration of many participants and makes them "feel insufficiently British" like Barry, 44, who works as a mechanic and is highlighted in this study.

Participants reported that they have a fragile sense of belonging and ownership in British politics and the economy. Hence, they reported that they experienced a subordinated type of membership in all levels of British society. Belonging is reified through organisational membership, social networks, and social groups to facilitate a sense of acceptance. Joining diaspora associations and participating in non-electoral politics, for instance, allowed them to negotiate British politics. Most

participants expressed the view that racism and their love for Jamaica compelled them to contribute to Jamaica where they feel they are more accepted.

Theme 2: Concerns with Legal Status

Participants expressed concerns about their legal status. Many alluded to the favourable options that citizenship provides. They spoke less about their social responsibilities. Most participants viewed the acquisition of British citizenship in purely practical terms which they perceived as a route to enhance their economic and professional prospects. Participants expressed that naturalisation has not offered them a sense of belonging to Britain.

Most participants have a pragmatic view of citizenship. Their experiences concerning life in Britain were coherent. All participants reported that their British citizenship allowed them better access to services, jobs, and ease of travel. Those without British citizenship noted the precarious position that their status had placed them in and deepened their motivations, as Roy, a 51-year-old entertainer, declared, *to* "get their papers straightened out".

Theme 3: Expectations of Diasporic Experiences

With reference to the expectations that can be garnered from their diasporic experiences, participants highlighted that as Jamaican nationals abroad, the Jamaican government has the responsibility to protect them. They believed that the British government should

also exercise such responsibilities to help them to better integrate. Gillian, 39 years old, who works in a café said:

I have lived in Leeds 12 years. I am involved in the political life, sports, and culture of both Britain and Jamaica. I travelled to Jamaica to vote in the last general elections because that is my duty. I feel that with the current Prime Minister in Jamaica, the views of the diaspora and the government are suitably aligned. I participated in the Windrush protests in Parliament Square and I have partnered with an advocacy group based in Kingston, Jamaica to strengthen the call for reparations from enslavement. I believe though, that both Boris Johnson and Andrew Holness can speak up more to protect the interests of Jamaicans in Britain so that Windrush victims can get compensation for the wrongs against them and to halt the deportation of persons to Jamaica with non-criminal convictions. These are things that our diaspora associations must focus on so that we can feel that we are vital members of communities.

Although some Jamaicans living in Britain are treated as outsiders and grapple with multiple feelings of rejection in the country, their exposure to the British political system and experiences and attitudes learned in that country have shaped their expectations of Jamaican politics. Paulette, a 50-year-old doctor, made the following point about membership in diaspora associations to acquire political visibility:

I went to university here and in Jamaica as well. I think there is something of value that I can contribute to both Jamaica and Britain. Jamaica needs a more informed citizenry to hold corrupt politicians accountable. I am exposed to British values and

strong democracy; I can bring change to Jamaica. I am not talking only about voting in elections but organising in our diaspora associations and getting my voice heard.

The findings of the study reveal that some Jamaicans in Britain experience a gap between the rhetoric of citizenship's inclusion and the reality of exclusion. They struggle to achieve not just legal citizenship, but also political citizenship and full social citizenship (for example, in the labour market and housing). Some participants experience various degrees of unbelonging which stems from their encounters with racism, and discrimination. These factors complicate their ability to fit in. Some participants obtain national rights and access to services, but do not feel that they belong to Britain given their experiences of exclusion. Their experience is that of the 'outsider' which is reinforced by Courtney, a 42 year old tattoo artist who laments being "an outsider in a foreign country."

Theme 4: Identity Negotiation

According to the participants in this study, their existence in the diaspora often complicates their understanding and construction of identity. In response to the question "How do you define yourself?" Participants like Queenie said that "As a Rastafarian, I would say I am a West Indian of African heritage, Jamaican by birth but I am British Jamaican by choice. I live between two worlds, culturally and geographically." Some notable themes in negotiating their identities were 'opportunity', and 'neither belonging here nor there.'

Few of the study participants (10%) reported feeling torn between Jamaica and Britain. For them, the process of negotiating their identity takes into consideration how they are perceived in Britain and Jamaica especially when they visit the latter. Verna, a chef, recounts:

I have visited Jamaica 8 times since I have lived here. Some years ago, when I visited Jamaica, I went to the market, and someone asked me: Where are you from? I answered I am from Mandeville; I was born there. The person said -but you look and sound like one of them English people and you have an accent... These kinds of conversations tell me about my identity... For many people in Mandeville, I am English, and they no longer see me as Jamaican. For people in London, I am Jamaican and will never be an English woman.

Erica, a 38-year-old teacher refers to her Jamaican passport as part of her *"identity"*. Some participants use diasporic citizenship to assert membership in both Jamaica and Britain. They articulate membership and envisage citizenship in various ways. One of the most prominent examples of the experiences of negotiating one's identity, claiming membership and, incorporating Jamaican traditions in everyday experiences, was reported by Yanik, a 36-year-old accountant. She explained:

I am thankful that I have a chance to raise my family here. British citizenship means that I have access to better economic opportunities and that I won't be deported. It does not mean that people will see me as British, or I will feel 100 percent British. I will always be a Jamaican despite being a British citizen. I

always see myself firstly as a product of Jamaica and try to preserve my island identity. I contribute to Jamaica because that is where I am from and Britain because that is where I live. I have come to accept that life is hard here for minorities. The good values, work ethic, and manners that were instilled in me from Jamaica helped me to move upward in society. I am proud of who I am. British citizenship gives me a shot at upward mobility and my Jamaican heritage and culture give me the courage to thrive.

Theme 5: Attachment to Jamaica

Some participants reported that they faced several categories of stigma and discrimination, and these negative experiences push them to develop greater levels of attachment to Jamaica. Living outside of Jamaica did not prevent them from feeling Jamaican. Tim, a 36-year-old welder, boldly asserted "Many people treat us like dirt... I don't live in Jamaica, but it is my home. I contribute, celebrate Jamaican holidays, eat Jamaican foods, and support Jamaican athletes. I am Jamaican to the bone."

DISCUSSION

The section above examined how Jamaicans in Britain construct belonging across countries, make sense of citizenship, and negotiate their position as British- Jamaicans asserting, for example, their rights to education, healthcare, or employment. The findings shed light on how these individuals forge a sense of attachment and obligation to both Britain and Jamaica.

The discussion of diasporic citizenship in the British Jamaican context is not limited to how members of this group access and experi-

ence citizenship rights in Britain. It also concentrates on their ability to exercise citizenship rights in relation to Jamaica. British Jamaicans have the right to be consulted, to have some form of representation, and enjoy protection from the Jamaican state. These provisions help them in two ways. Firstly, they help to develop a strong sense of identity and affinity to Jamaica. Secondly, they provide an incentive to be involved in Jamaica and legitimising their role as part of Jamaican society.

With racialised and exclusionary politics, some participants in this study have developed a complex relationship with Britain. They live an insider/outsider existence which is partly explained by alienation and isolation, struggles with belonging, and political loyalties. This finding corresponds to attitudes identified in previous studies (Paul, 1992; Collins, 2001; Yang, 2020).

This study's findings suggest the need for improved coordination of services to make people feel welcome in their communities. Participants are aware of how they are constructed and positioned as outsiders in the discourse on British citizenship. These negative encounters cause them to develop deeper loyalties to Jamaica than to Britain. They also find solace in their Jamaican identity. This corroborates the previous research findings of Smith (2018) and Plaza (2000) who maintain that British Jamaicans have a strong sense of attachment to Jamaica which is the foundation of their identity. For some Jamaicans living in Britain, the distrust of British politicians has shaped their interests and involvement in Jamaica's affairs. A strong sense of attachment to Jamaica and the barriers encountered in Britain fuel their

transnational political behaviour. Consistent with the theory of acculturation, they adopt various aspects of British culture, but continue to see themselves primarily as Jamaicans (Berry, 1992).

Belonging is reified through organisational membership, social networks, and social groups to facilitate a sense of acceptance. Participants in this study expressed the view that they maintain their attachments to Jamaica. This allows them to be engaged in Jamaica's affairs and participate in diaspora activities as a way of deconstructing the reality of their marginalisation in Britain. Their diaspora communities and groups are used as tools to deconstruct stereotypes and racialised encounters, while also allowing the articulation of positive collective and individual memories of Jamaica. Other participants feel that getting involved in the political process through diaspora associations, lobbying, writing in newspaper columns, and online petitions are ways of changing the negative perceptions of Jamaicans in Britain. Such findings are buttressed by the work of Laguerre (2016) who arrives at similar conclusions about Haitians in America.

While some of the participants in this study do not anticipate a permanent return to Jamaica, they are keen to be involved in the decision-making processes in Jamaica and are driven by a passion to see an improvement in the quality of life there. Although they believe that racism, xenophobia, and discrimination, coupled with their knowledge of both Britain and Jamaica, as well as material, and monetary contributions have given them strong motivations to participate in Jamaica's affairs, they

also feel that corruption, high levels of crime, and a lack of good governance undermine their level of involvement in Jamaica's affairs. On a positive note, other participants believe that the posture of the Jamaican government towards the diaspora has influenced their political activities in both Britain and Jamaica.

Many participants in this study do not see themselves as British. They believe that they have a limited capacity to shape the formal political sphere in Britain. With this constraint, they turn to a range of non-electoral behaviours, including attending town hall meetings, signing petitions, writing to their Member of Parliament (MP), and lobbying. Diaspora associations also function as channels through which they negotiate membership in Britain and strengthen a sense of community.

According to the sampled population, most British-Jamaicans, and by extension Afro-Caribbeans are intensely loyal to the British Labour Party (BLP). There has been a drop in voter participation, especially among the British Jamaican population that traditionally provided a strong base of support for the Party. This decline is linked to factors like the BLP's performance since 2010, the Windrush scandal, the anti-immigration rhetoric, and Brexit. Arguably, the problem facing Jamaicans living in Britain is not merely about political discontent or economic dislocation. It is also related to the congruence of Britain's imminent political, social, economic, and identity crises.

The study of diaspora citizenship is linked to political participation. It is traditionally a study of party and political identification, that is, what parties voters identify with and why. This study of transnational political participa-

tion is, by the same logic, interested in what nation voters identify with, and as a subset, what parties and movements citizens identify with as voters or as non-voting participants in that nation. The result is the shift from party to nation primarily, and party secondarily. There is also the shift from voters to citizens primarily and voters secondarily. In the first case, legal citizenship was taken for granted. It was the social and economic status that needed improving and that attracted rural people to urban areas in Britain. In the second case, neither legal or socio-economic citizenship nor status could be taken for granted. These shifts could be hypothesized as reflecting a phenomenon in a similar vein to what took place under modernization, except that it is not the effect of rural to urban migration, but of migration from countries of lower to higher levels of development that is being considered. Both movements broadly reflect a similar social, economic, and political phenomenon. However, the common purpose is the search for a better life (see Thomas-Hope, 1999; Benson & O'Reilly, 2009).

In the traditional expression of modernisation, migrants were incorporated into urban life through political parties and trade unions. Their search for socio-economic improvements and benefits of citizenship were promised through the appeal of the party and the union. Otherwise, rural migrants would be marginalised in urban ghettos or become political functionaries in these places. In the newer transnational expression of modernisation, migrants were incorporated into host societies by pre-existing migrant communities, parties, and unions as well. Thus, most of the

participants in this study supported the BLP because of its perceived commitment to social justice and equality. However, in both cases, a crisis developed.

In the first case, that of trans-regionalism (rural to urban), a crisis of citizenship developed. Not all migrants could, or would, be accommodated and benefit from the rights of citizenship – jobs, education, health, respect, and equality. Class systems developed in the urban areas often leading to inequality and poverty for the marginalised. Crime and violence often accompanied this situation. In the second case, that of transnationalism (less developed to more developed country), a similar crisis resulted. A crisis of citizenship also resulted. Furthermore, the usual class lines are more complicated by race and nationality. This is what is meant by ‘British society facing an ‘identity crisis’, as this crisis is different because it is transnational rather than trans-regional.

Most of the participants in this study hold British citizenship but argued that they experience second-class membership in Britain. Their relegated status stems from their inability to feel accepted and exercise full citizenship rights and inclusive participation. These findings are consistent with previous findings of Hussain & Bagguley (2005). One could argue that there is a gap in connecting formal status and substantive belonging with active citizenship.

Legally, some participants may not be able to qualify as British citizens. Yet, they qualify under other dimensions of what citizenship entails. Socially, they offer services to their communities and are involved in trade unions, voluntary and charitable associations, youth

groups, sports clubs, churches, entertainment, and town hall meetings. They also use diaspora networks and associations to organise their citizenship. Furthermore, as members of local communities, they have assumed most obligations and responsibilities of local citizenship. Economically, they pay taxes on cars and properties, for instance. Yet nationally they are politically disenfranchised and cannot vote on taxes, education, health, or other issues that directly affect them. Moreover, some do not hold a British passport. They belong to the society although with limited rights as homeowners, renters, consumers, families, taxpayers, workers, members of specific groups, and service providers. These findings are consistent with Faist’s (2000) work on ‘dimensions of citizenship’ and ‘realms of membership’.

The study finds that for several participants, a British passport was acquired for pragmatic reasons and the aspiration to obtain benefits. Such findings are corroborated by Lindholm (2021), Vertovec (2009), and Ong (1999). Some participants associated being British with having a passport and having access to social services and welfare benefits. Some felt that although possessing a British passport was a desirable instrument, it played little significance in helping them to develop strong ties of belonging with British society due to the pressures they face. They viewed their Jamaican passports as a source of national pride which also affords them rights, for example, to work without a work permit and vote in Jamaica’s general and local government elections.

Participants were divided on the issue of diaspora absentee voting. They felt that they

should be given an equal chance to participate in national development and that their exposure to British culture and democratic values could help to improve the Jamaican political landscape. However, several participants felt that the current conditions in Jamaica were not ripe for diaspora voting. These concerns are understandable considering Jamaica's political culture of clientelism, and the concern around difficulties in managing Jamaica's governmental elections including fraud. This study makes the case that given the threats and opportunities confronting Jamaica in the international system, diaspora diplomacy should be considered as part of Jamaica's foreign policy strategy. This reality should allow Jamaican nationals in Britain, for instance, to properly organise themselves to influence the decisions that are taken towards Jamaica by British authorities.

Many participants in this study perform their belonging in ways that are not dictated by the legality of citizenship. They construct diasporic citizenship to assert belonging and claim membership in Britain and Jamaica. Their diasporic citizenship is leveraged to challenge exclusion in Britain. The politics of belonging in the Jamaican Diaspora in Britain can be best understood through the notion of diasporic citizenship to highlight the processes linked to the construction and negotiation of identity.

This study highlights that the notion of Britishness is not fully formed among many Jamaicans. This is partially due to exclusion and discrimination. The study contributes to the debate that in IR, our notions of citizenship are tied to a legalistic, institutional, and specific geography and need to be revisited.

Individuals with multiple identities, two flags in their heart or even one flag in their heart with multiple loyalties, who make significant contributions to a community, irrespective of their "legal" status must be accounted for.

LIMITATIONS

With the use of a purposive sampling technique, the findings of this study are not generalizable. Most participants were recruited via diaspora associations. The study's findings might have been different if a broader range of individuals were interviewed. While diaspora associations shape the construction of the identity of members, it should be noted that there are Jamaicans in Britain who are not active members of diaspora associations. However, they use various strategies to preserve their *Jamaicanness* and maintain connections to Jamaica. In terms of directions for future research, this analysis could be deepened by comparing the experiences of Jamaicans in Britain with those in locations like the USA or with other Caribbean groups in Britain. To understand the Jamaican diaspora, one needs to be conscious of country differences and possibly even differences between regions and generations in the same country.

CONCLUSION

Legally, some British-Jamaicans have acquired the formal status of British citizenship, yet they cling to a sense of themselves as citizens of Jamaica. Others have not acquired British citizenship but feel British. People in the latter category create an ambiguous grey area

because they cannot neatly categorise their experiences in law. Their view of citizenship and the basis of inclusive citizenship is mainly based on habitation or occupation rather than on naturalisation. This situation arguably creates a nuanced justification for belonging, protection, and entitlement from the states they identify with. Expanding the definition of citizenship reduces the scope for cheating, unlawful behaviour, the cost to immigration management defending and deporting people, and people's anger at the authorities when they are told that they are illegal aliens.

A more nuanced approach to citizenship in an era of globalisation does not imply that rights and entitlements generated from traditional conceptions have now entirely ceased to function. Rather, it promotes the idea that classical notions of national citizenship, which operate in territorially-bound nation-states, no longer have the same currency in multicultural and ethnically and culturally heterogeneous settings.

Some British Jamaicans as non-citizens of Britain have loyalties and attachments that transcend Britain. Nonetheless, they are calling for the same democratic rights, protection, inclusion, participation, and entitlements as full citizens of Britain. They adopt British attitudes, habits, values, and symbols to cope with their new environment and negotiate the boundaries of belonging. They have social entitlements but, in some cases, they face a lack of solidarity with the white British population. Interestingly, because the kind of citizenship that they enjoy cannot be neatly compartmentalised, the state needs a concept of citizenship that is not exclusively built for the convenience

of the state. Instead, it needs one that is built to address the realities of transnational actors who are part of the state. Here, it is not only important to consider who can be defined as a citizen, it is even more pressing to understand how the system sees and make sense of these groups as misfits. This brings Jamaicans in Britain into the larger public discourse about 'Britishness' and British identity.

Generally, the grey areas in citizenship in which diasporas fall, complicate the overall study of citizenship. In the contemporary era, these grey areas have grown with the experiences of people who negotiate their daily lives and existence across borders. Spatially-bound concepts of citizenship are weak in accounting for the experiences of people with multiple attachments. A diasporic concept will allow members of the diaspora to speak of citizenship from the standpoint of their lived experiences and make practical sense of the legal, political, social, and other categories of citizenship.

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Observing Caribbean Elections During the Pandemic: Challenges and Best Practices

Lisa Vasciannie*

ABSTRACT

This paper examines how the practice of international election observation in the Commonwealth Caribbean was affected by the COVID-19 pandemic. Many countries were faced with the decision on whether to conduct or delay elections during the pandemic. Between March 2020 and June 2022, 10 out of 12 Commonwealth Caribbean countries held elections.¹ All these countries, except for Barbados, have had their elections observed by at least one regional or international organization during the last two decades.² The

closure of borders and the various quarantine requirements had practical implications for maintaining this trend during the pandemic. Most countries that regularly invite international observers did not have their pandemic-held elections observed. This paper considers the reasons for the absence of observers in some elections and explores the adjustments observer groups have had to make during the last two years. The discussion also explores how Caribbean countries were able to indicate their commitment to holding free and fair elections in the absence of observers. For the countries that had observers, the discussion examines

* Ph.D. Senior Lecturer. Department of Government. The University of the West Indies, Mona (Jamaica) [lisa.vasciannie@uwimona.edu.jm]; [https://orcid.org/0000-0002-1486-4315].

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¹ Bahamas, Barbados, Belize, Grenada, Guyana, Jamaica, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines and Trinidad and Tobago all held elections during this period. Antigua and Barbuda and Dominica are not included in the discussion as at the time of writing elections were not yet held.

² CARICOM, The Commonwealth, The European Union, the Carter Center, and the Organization of American States have all observed election in the Caribbean.

how these missions navigated issues of cost, shorter invitation periods, challenges in international travel, the recruitment of suitable observers and local pandemic protocols and conditions.

Keywords: Caribbean; Commonwealth; Elections; Observation; Democracy; Pandemic; Governance.

Observando elecciones en el Caribe durante la pandemia: desafíos y buenas prácticas

RESUMEN

Este artículo examina cómo la práctica de la observación electoral internacional en los países caribeños de la Commonwealth se vio afectada por la pandemia de covid-19. Muchos países se enfrentaron a la decisión de realizar o retrasar elecciones durante esta crisis. Entre marzo de 2020 y junio de 2022, 10 de los 12 países de la Commonwealth en el Caribe celebraron elecciones. Todos estos países, excepto Barbados, han tenido sus elecciones observadas por al menos una organización regional o internacional durante las últimas dos décadas. El cierre de fronteras y los diversos requisitos de cuarentena tuvieron implicaciones prácticas para mantener esta tendencia durante la pandemia. La mayoría de los países que invitan regularmente a observadores internacionales no lo hicieron en esta ocasión. Este artículo considera las razones de la ausencia de observadores en algunas elecciones y explora los ajustes que los grupos de observadores han tenido que hacer durante los últimos dos

años. También explora cómo los países del Caribe pudieron manifestar su compromiso de celebrar elecciones libres y justas en ausencia de observadores. Para los países que tenían observadores, la discusión examina cómo estas misiones se enfrentaron a problemas de costos, periodos de invitación más cortos, desafíos en viajes internacionales, reclutamiento de observadores adecuados y protocolos y limitaciones pandémicas locales.

Palabras clave: Caribe; Commonwealth; elecciones; misiones de observación; democracia; pandemia; gobernanza.

INTRODUCTION AND CONTEXT

With the exception of Barbados, all Commonwealth Caribbean countries have had international observers (Vasciannie, 2018). The closure of borders to international flights and quarantine requirements had practical implications for maintaining this trend. How then, did Caribbean countries fill this gap of instilling voter confidence, deterring fraud and providing international legitimacy regularly provided by international observers? Between 1997 and 2019, there have been over 42 observed elections in the Commonwealth Caribbean - see Table 1. Over half of these (23 observer missions) have been in the last decade.

This paper examines the Caribbean experience for international election observation during the COVID-19 pandemic. It evaluates how Caribbean governments engaged with election observer groups. It questions whether they made efforts to ensure that the practice of observing elections in the region was unin-

Table 1.
Post-Independence Commonwealth Caribbean General Elections by Country,
Share Observed and Date Held

Country	Share	Years (*Observed Elections)
Antigua & Barbuda	4/7	1984, 1989, 1994, 1999*, 2004*, 2009*, 2014,* 2018*
Bahamas	3/10	1977, 1982, 1987, 1992, 1997, 2002, 2007, 2012* 2017* 2021*
Barbados	0/12	1971, 1976, 1981, 1986, 1991, 1994, 1999, 2003, 2008, 2012, 2018, 2022
Belize	5/8	1993, 1997(*registration),1998, 2003 2008*, 2012,* 2015*, 2020*
Dominica	3/9	1980, 1985, 1990, 1995, 2000, 2005, 2009*, 2014,*2019*
Grenada	5/8	1976, 1984*, 1990, 1995, 1999*, 2003*, 2008*, 2013,* 2018* 2022*
Guyana	8/11	1968, 1973, 1980*, 1985, 1992*, 1997*, 2001*, 2006*, 2011*, 2015,* 2020*
Jamaica	5/13	1967, 1972, 1972, 1976, 1980, 1983, 1989, 1993, 1997*, 2002*, 2007*, 2011*, 2016,* 2020
Saint Lucia	4/10	1979, 1982, 1987, 1992, 1997, 2001, 2006*, 2011*, 2016,* 2021**
St. Kitts & Nevis	4/10	1984, 1989, 1993, 1995*, 1998, 2000, 2004*, 2010*, 2015,* 2020
St. Vincent & the Grenadines	4/9	1984, 1989, 1994, 1998, 2001*, 2005*, 2010*, 2015,* 2020
Trinidad & Tobago	4/15	1966, 1971, 1976, 1981, 1986, 1991, 1995, 2000*, 2001, 2002, 2007*, 2008, 2010*, 2015,* 2020

errupted or if they used the pandemic as an opportunity not to have observers.

The discussion identifies which observer groups were invited and which ones eventually observed elections. As the paper will show, CARICOM was the main observer group during the first year of the pandemic while Caribbean and other states acclimatized themselves to new realities. In terms of their evaluation of Caribbean elections, the discussion will also

evaluate the benchmarks observer groups used to assess how the pandemic affected the administration of elections in the Caribbean. Specifically, it will consider if international observers paid attention to COVID-19 mitigation measures and adjustments to logistical aspects of the elections such as registration, campaigning, and voting. It is important to assess whether Caribbean governments suppressed aspects

of civil rights and liberties under the guise of public health management.

Some suggest that election observation is merely a frill or window-dressing in the landscape of Caribbean democracy (Geisler, 1993; Lynge-Munguiera, 2018). This perspective ignores the scale and depth of work and expertise involved in mounting observer missions, and in assessing respective elections. The benefits of deterrence of fraud, instilling voter confidence and providing international legitimacy have been accepted and assessed. Beyond these largely normative and psychologically boosting elements, international observer reports provide a comprehensive evaluation of all phases of an election and often provide specific policy suggestions for improving these.

The discussion on the role of international observers has ensued for some time with the practice developing along the lines of compromise between too opposing views. The core of the debate rests on the issue of sovereignty and the role of international organizations in the affairs of states. At the inception of the practice of election observation in the Caribbean, some countries such as Jamaica were, not receptive, even hostile to the notion of foreigners intruding to make judgements on the veracity of their elections (Gleaner, 1997). International observation of elections has now become a regular feature of elections across the globe, as countries display their acquiescence to key democratic principles.

Regional organizations such as the Caribbean Community (Caricom), the European Union (EU), and the Organization of American States (OAS) have placed the holding of free and fair elections at the foundation of their

principles and mandates. So, for instance, the OAS lists democracy as one of its four pillars, which is necessary to achieve its goals. Article 2 of the OAS Charter cautions that the promotion and consolidation of democracy are to be conducted “with due respect for the principle of non-intervention”. Election observation is wedged between these two ideals—democracy and the respect for sovereignty. Well-developed codes of conduct have established a mutual understanding between countries and observer groups. The primary stipulation is that observation will not take place without the explicit invitation of the country holding an election.

It is crucial to note that the gradual acceptance of election observation through invitations issued mainly by developing countries belies the tensions and asymmetries of power between them and the developed countries who often fund observation missions. The invitation of observers and the acceptance of their *modus operandi* represent the understanding that the willingness to place one's elections under international scrutiny is an indicator of conformity with international democratic norms. Notwithstanding the focus on election observation, this activity is usually just one component or type of an overall package of electoral or democracy assistance that is attached to other types of official development assistance, support, or funding. Developing countries have therefore routinely invited election observers in consideration of the status and tangible benefits associated with receiving positive assessments.

There is consensus that, worldwide, democracy is not at its optimal level (V-Dem, 2022). Speculations abound on the nature of

democracy worldwide and whether there is an erosion of democratic values. Some experts (Economist, 2020) have stated that the international community is experiencing a new low for global democracy. Others (V-Dem, 2022) warn of the erosion of democratic principles and advances attributable to the COVID-19 pandemic. Regionally, for example, Matlosa (2021) laments the decline of democracy and ascendancy of autocratization globally and in Africa. This decline has led to concerns that autocratic leaders and, perhaps, some others may take advantage of the gaps created by the pandemic to overstep and overlook democratic standards and values.

As a very basic gauge of the quality of democratic traditions, Caribbean elections have had a mixed review. Despite some of the well recorded systemic challenges of electoral fraud, violence and ethnic or political tribalism, they have been generally positively assessed and commended for their improvement by successive observer groups in the twenty-first century (Vasciannie, 2018). Within this context, observers are generally guided to evaluate elections based on the laws of the individual country, although they may make recommendations for legislative reform. One such area of relevance to the Caribbean is the issue of the timing of elections. The majority of countries in the region do not have fixed election dates. The discretionary authority accorded to individual leaders leaves room for the manipulation of election dates set at the political advantage of the incumbent—a potential area of concern when some countries held elections while there were rising cases of COVID-19.

INTERNATIONAL OBSERVATION

TRENDS: PRE-PANDEMIC

Observer groups have continually worked towards improving aspects of the process of election observation and making the activity more relevant to contemporary times. In recent years, these improvements have included the broad areas of logistics, professionalism, and inclusivity. In addition to these operational and philosophical dimensions, election observer missions/organizations have also adapted to changes in the international environment or to technological and other developments in the field. In this regard, issues such as the increasing penetration of social media in the campaign space and the digitalization of aspects of the administration of elections have been central.

Since the early 2000s, most organizations involved in democracy assistance and election observation have adhered to a similar set of principles. Paradoxically, at the core, these principles underscore the primacy of sovereignty, transparency, and professionalism. These fundamentals became codified in the United Nations led Declaration of Principles for Election Observation and the Code of Conduct for International Election Observers (2005). This declaration has been widely accepted by over fifty intergovernmental and non-governmental organizations. In particular, it has been consistently used as a guide by the Carter Center, the Commonwealth, the European Union, and the Organization of American States, all actively engaged in election observation missions in the Commonwealth Caribbean.

Aspects of the Declaration of Principles and Code of Conduct for International Observers (2005) have been discussed elsewhere, but a few points are worth highlighting in the context of small states in the international system. According to the guidelines, elections are an expression of the sovereignty, and the authority of governments is derived from the will of the people through genuine and periodic elections. It is therefore paramount that observers respect the sovereignty, laws and human rights of the country holding elections. Further, observers must respect the laws of the country, the authority of the electoral bodies, the government, security agents and electoral representatives. These guidelines are usually extremely poignant given the power asymmetries, colonial history and sometimes racial nuances between the country holding elections and the organization sending the EOM. As the ensuing discussion will show, they became even more relevant and sensitive during the pandemic when Caribbean countries had to balance containing the spread of the virus with individual rights and freedoms.

The Declaration (2005) also speaks of the scope and nature of election observation as a process that requires more than a one day, election-day, focus. Ideally, observers should be present for more than the single day and be granted unimpeded access to all stages of an election and to all stakeholders involved in its administration. Again, the restrictions required during the pandemic posed significant challenges to adhering to these very basic principles of effective and professional observation.

OAS. Individual organizations have developed their own guidelines and manuals for

observation over the years. So, for example, the OAS (2007, p. 6) evaluates the need for so-called “third generation missions” to have a more “systematic methodology” based on the organization’s “extensive experience in election observation” and peer-reviewed feedback. This regional *Procedural Manual for the Organization of Election Observation Missions* reflects the commitment of the Inter-American Democratic Charter’s mandate for observation missions to be conducted in an “objective, impartial and transparent manner” (Article 24, IDC, 2001). This manual is representative of the thrust to professionalize observer missions and apply more rigorous standards of data collection, quick counts, and analysis of information.

The last decade has seen a new wave of guidelines, handbooks, checklists, and standards for election observation. Organizations have been relatively successful at streamlining the logistical and professional aspects of observer missions. Small states such as those in the Caribbean have acquiesced to the regular observation of their elections as a norm or regular feature of the international relations of Caribbean countries. Therefore, the most recent publications have focused on evolving issue areas such gender, equity, inclusion, digitalization, and the role of social media.

The OAS and the Commonwealth both launched special manuals focusing on gender in the elections. After celebrating 50 years of observing elections in Latin American and the Caribbean, the OAS incorporated a gender perspective in the assessment of elections. This was part of a wider project of fostering equity in the methodologies used by the organization to evaluate electoral financing, media obser-

vation, electoral technologies and observing groups in vulnerable situations (Insert FN, OAS, 2013). For its part, the Commonwealth launched the Gender and Elections Checklist (2018) in Bridgetown, Barbados.

This gender mainstreaming by these two main actors involved in international election observation is appropriately guided towards the Caribbean. The UNDP (2015) notes that there has been progress in gender parity in the Latin American and Caribbean region but there is slower pace in the latter (Where are the Women: A Study of Women, Politics, Parliaments, and Equality in CARICOM Countries). Scholars such as Barrow-Giles (2005) attribute this lag to the substantial, mainly cultural, and economic barriers to women's political participation.

Although all Commonwealth Caribbean countries have signed and ratified the main instruments and agreements on women's rights (Cedaw: 1975, Nairobi: 1985, Beijing: 1995), and have had a few female leaders³, the region has a long way to go to achieve gender parity in the area of political participation. With the exception of Guyana, which has a legislated quota system of 1/3, only Grenada and Trinidad and Tobago have above 30 percent women in parliament. (UN Women Caribbean, 2015). While some countries are closing the Global Gender Gap in areas of health and education, there are significant gaps in politi-

cal empowerment for most Commonwealth Caribbean countries.

The Commonwealth and OAS focus on evaluating "the necessary conditions for ensuring that equivalent opportunities exist for men and women in the exercise of their political rights" is consistent with UNSDG Target 5.5 which sets out to ensure "women's full and effective making participation and equal opportunities for leadership at all levels of decision in political, economic and public life" (UNSDGs, 2015, p. 22). It is therefore crucial to assess how Caribbean countries fared in this regard during the pandemic. This paper will also examine how observer teams assessed the status of women's access to polling places, their ability to vote, their representation as candidates, their opportunity to serve as election workers and other areas of political participation.

By 2021 all the main organizations to observe elections in the Commonwealth Caribbean had updated their general guidelines, methodologies, and approaches in response to the evolving challenges and trends in electoral related activities. The discussion on Caribbean elections during the pandemic will focus on some of these key updates.

CARIBBEAN ELECTIONS DURING COVID-19

The COVID-19 pandemic brought a halt to several aspects of daily lives worldwide. In their

³ These include Dame Eugenia Charles -Dominica (July 1980-June 1985), Portia Simpson-Miller -Jamaica (March 2006-September 2007 and January 2012 – March 2016), Kamla Persad-Bissessar -Trinidad and Tobago (May 2010-September 2015) and Mia Mottley -Barbados (2018-present)

efforts to curtail the spread of the virus, governments across the region imposed restrictions on the freedom of movement, and assembly among others. This effort to manage public health safety with individual rights and freedoms was a tight and delicate balancing act. COVID-19 measures included: curfew hours-restriction on movement during specific hours, physical distancing, work from home orders, online school, and mask mandates.

Around the globe, COVID-19 mitigating measures implemented by governments complicated their decisions on whether to hold or postpone elections. Some countries such as South Korea (International IDEA, 2022) proceeded with success creating a blueprint for how to administer elections in a pandemic. The WHO and several other organizations ha-

ve since published guidelines on the best practices for elections during this period (WHO, 2022; Commonwealth, 2022). Elections involve in person, physical and sometimes crowded interactions, that if carried out under normal procedures would inevitably worsen the spread of COVID-19. These guidelines for all phases of the election are therefore not just useful, but critical to the containment of the virus and for ensuring public safety.

When faced with the decision on whether to postpone or hold elections, the majority of Caribbean countries proceeded with the poll. Some, such as Jamaica, the Bahamas and Barbados called elections early, but within the constitutional timeframe (Commonwealth, 2022). The pandemic resulted in the exclusion of traditionally invited observer teams from

Table 2.
Caribbean elections held January 2020-June 2022

Country	Date Held	Observers (pandemic)
Guyana	2 March 2020	Carter, OAS, Commonwealth, Caricom
St. Kitts & Nevis	5 June 2020	Caricom
Trinidad & Tobago	10 August 2020	None
Jamaica	3 September 2020	None
St Vincent & the Grenadines	5 Nov 2020	Caricom
Belize	11 November 2020	Caricom
Saint Lucia	26 July 2021	Commonwealth, Caricom, OAS
The Bahamas	16 September 2021	OAS, Commonwealth, Caricom
Barbados	19 Jan 2022	None
Grenada	23 June 2022	Caricom, OAS

the OAS and Commonwealth in all but three elections—in Guyana, Saint Lucia, and The Bahamas. These also had a regional presence from Caricom, which was also the sole observer team in two elections—St Kitts and Nevis (June 2020) and Belize (November 2020).

CHRONOLOGY OF ELECTIONS:

JANUARY 2020-2022

Ten out of twelve Caribbean countries held elections during the two years of the pandemic. Guyana's elections were conducted just as the pandemic started and before there were any established protocols for travel or voting. None of the other elections held in the remainder of the first year of the pandemic had international observers. Some countries invited observers but as the proceeding discussion will show, the observation missions did not materialize. International teams included the OAS (Guyana, Saint Lucia, Bahamas), the Carter Center (Guyana), the European Union (Guyana) and the Commonwealth (Guyana, Saint Lucia Bahamas). The regional organization, Caricom observed elections in (Guyana, St Kitts and Nevis, Belize, Saint Lucia, and The Bahamas). It was not until September 2021 that the OAS and Commonwealth observed elections in the Bahamas. Hence, the enduring role of the regional organization, Caricom, will be addressed below.

GUYANA-MARCH 2020

The Guyana (2020) elections were contentious before they even started, following a successful no confidence vote in 2018. Guyana's oil

discovery in 2015 has the country poised for significant economic growth. These factors along with Guyana's history of racially acrimonious and generally contentious elections and less than favorable "verdicts" from successive teams of international observers set the stage for a tense and high stakes election. Elections were held on 2 March 2020 with observers from Caricom, the Commonwealth, the European Union, and OAS.

Observer teams highlighted a few areas for improvement in the administration of the election. The OAS noted the polarization and tensions in the electoral authority, GECOM, and recommended a restructuring of the organization (OAS, 2020). There were changes in the location of some polling places that allegedly disproportionately affected the opposition. In general, these and other problems in the election were similar to those identified in 2015. These included improving the flow and speed of voting through a standardized verification of voters while one person votes. Also, they involved introducing more elements of technology and automation such as "a central computerized results receiving centre, the digitization of electoral results, making tabulated results available online—highlighting transparency" (OAS, 2020). GECOM was also urged to revise and modernize campaign financing legislation and undertake a "comprehensive reform of voter registration" (p. 7).

ELECTIONS HELD IN 2020

Five other Caribbean countries held elections for the remainder of 2020—St Kitts Nevis (June), Trinidad and Tobago (August), Jamaica

(September), St Vincent and the Grenadines (November), and Belize (November). None of these countries had international observers although at least two initiated contact with or invited teams. Of the five, only two had observers from Caricom-St Kitts and Nevis and Belize. It is worthy to note that these countries conducted elections during a very uncertain and worrisome time of the pandemic, when the international community was just learning how to manage the spread of the coronavirus. The decision to proceed with elections while managing the pandemic might not have found favor with everyone (FN, Holness rushes) but the alternative of postponing had equally concerning repercussions for political rights (see Commonwealth, 2022).

CARIBBEAN ELECTIONS

2021-JUNE 2022: OVERVIEW

Saint Lucia (July 2021), Bahamas (September 2021), and Grenada (June 2022) conducted elections more than a year after the pandemic and after several other countries had successfully done so; and by the time most of the restrictions on international travel were relaxed. The worldwide effort to have persons vaccinated along with the development of various vaccination mandates and requirements lessened some of the uncertainty of the COVID-19 pandemic. Saint Lucia and The Bahamas had observers from the Commonwealth, the OAS and Caricom. Grenada's elections were observed by Caricom and the OAS. In terms of the timing of elections, Saint Lucia was just within the five-year period, while The Bahamas' snap election was within five months

of when it was due. The scheduling of elections had implications for each country's level of preparedness and efficiency in the conduction of the election.

Barbados holds the curious distinction of the exclusion on all categories of observers in every general election including the most recent in January 2022. There have been no substantive calls from the opposition or civil society to invite observers despite one party holding all the seats. Having just converted to republic status, the Mottley led government called a snap election one year before it was due. For the second consecutive time, the incumbent won all seats in the house in the face of a failed injunction to stop the election. The central controversy concerned approximately 5,000 people who would ostensibly be disenfranchised because of the COVID-19 isolation requirements in place at the time. The relatively low voter turnout of 43 percent, down from 60 percent in 2018 was notable.

By June 2022, the international community had had over two years to adjust to the challenges and patterns of COVID-19. It is therefore not surprising that there was little focus or mention of the pandemic and related protocols for the snap election held in Grenada.

INTERNATIONAL OBSERVER

ASSESSMENTS: KEY AREAS

This section considers the verdict and assessments observer missions made about Caribbean elections. It includes the registration phase; issues of gender and inclusion; an assessment of how COVID-19 measures affected the admin-

istration of elections; and the observer verdicts and overall comments. It includes Guyana as the recount and final announcement of the results occurred during the pandemic.

Registration

An accurate voters' list is an important pillar of a credible election. It is crucial that it is free from political interference and must include all eligible voters. The compilation of the voters' list must be free from political interference and all actors in the political process should have consensus that the list is "equitable, transparent, comprehensive and accurate" (OAS, 2020). The guidelines for voter registration across Commonwealth Caribbean jurisdictions are covered by individual country legislative provisions including constitutions, electoral and representation of the people acts. These set out the rules and procedures for the registration of voters. They stipulate eligibility criteria such as age, citizenship, and permanent address. The acts also provide guidelines on exclusions from registration on the basis of mental health, imprisonment and assumed nationality. Procedures for establishing registration centers; the preparation, verification and publication of voters' list are also outlined in detail.

Over the years, there have been several challenges and irregularities with the voter registration processes and lists in some Commonwealth Caribbean countries. One major and common problem has been the padding of voters' lists with names of deceased, migrants, and non-existent or ineligible overseas voters. In some countries, there has been duplication of names or inaccuracies in spelling or recording of names. There has been improvement in the integrity of lists through house-to-house verification and collaboration with other agencies to verify deaths and update the lists accordingly. These and other measures were not affected in any significant way.

Voter registration during the pandemic generally followed the regular pre-COVID-19 procedures of continuous registration. With updated lists published twice per year in some countries, there were no notable issues about the exclusion of names from the voters' list. So, for instance, in St Kitts and Nevis, the June election was held on a registration list consisting of persons registered as of 31st March of the same year.⁴ For the Belize November 2020 election, all individuals who completed their registration by 11th September 2020 were allowed to vote.⁵ In the case of the Jamaican election, in November 2020, electors whose names were included on the voters' list published in July 2020 were eligible to vote.

⁴ See St Kitts and Nevis Supervisor of Elections Elvin Bailey delivers address in Relation to General Election 2020. <https://nia.gov.kn/41522-2/> (accessed November 2021)

⁵ Government of Belize Press Office, October 2020, <https://www.pressoffice.gov.bz/general-elections-2020/> (accessed February 2022)

Observer groups highlighted some of the weaknesses of this aspect of Caribbean elections. In the case of Guyana, the house-to-house registration exercise to create a new National Register of Registrants (OAS Guyana Report, 2022) was challenged by some because they felt it would result in the unlawful deregistration of individuals on the current voters' list, who were not at home at the time of registration. It was upheld that this process was not unconstitutional, provided only names of deceased or disqualified persons were removed.

The election was eventually held on a list containing 660,988 electors. With a population of approximately 783,000 citizens, the size of the voters' list was an area of concern for many stakeholders. The OAS described the list as "bloated" (p. 7). Despite the concerns over the preparation and lack of accuracy, the EU found the list inclusive (EU, 2020, p. 15). They attributed the inflated list to increased access to birth registration for indigenous communities and a high emigration rate (of persons who registered but no longer live in Guyana). In the final analysis, there was consensus there were enough mechanisms and safeguards in place to prevent voter impersonation (EU, 2020, p. 16).

Recommendations for improvement include the introduction of "an appropriate technological solution to enhance the accuracy, transparency and efficiency" of the system (OAS, p. 18). Guyana should also consider implementing a system that automatically and regularly updates the list with names of persons turning 18. At a more systemic/policy level, the country should consider updating and amending the electoral laws to set an

appropriate legal framework for refining the National Register of Registrants.

Saint Lucia's voters' list generated similar concerns as Guyana's with numbers of 174,270 electors in a population of approximately 184,000. The OAS notes that the registration number is "very high" while the Commonwealth recommended a review of the process that reduces the list to a number that is more consistent with the population. The OAS suggested that the country should consider amending the electors' regulations and deceased elector confirmation procedures to clean up the list and revise the Act to facilitate house-to-house enumeration (OAS Final, p. 8). The Commonwealth noted further that the 2021 list does not reflect the demographic shifts caused by internal migration. The team, therefore, recommended a fresh delimitation exercise for electoral boundaries.

In their assessment of the elections in the Bahamas there was no major concern regarding an inflated list. However, the OAS noted that some stakeholders felt that the implementation of the December 2020 registration list was hasty and excluded several voters. The decision to call a snap election nine (9) months early influenced the effective administration of this election. This was a common critical thread in the evaluation of most aspects of the election. So, for instance, the OAS mission noted "some critical aspects of and issues in the electoral process were only decided in the final days before the election" (OAS Prelim, p. 4).

Barbados (2022) had mechanisms in place to facilitate the registration of eligible voters up to January 4, two weeks before the general election (Barbados Today, 2022). Although this

election had no observers, there were no significant media or social media reports of concern.

In general, the process of continuous registration and the regular publication of voters' lists would have captured the majority of persons who wanted to be included. During the pandemic, some countries such as the Bahamas introduced pop-up registration centers in schools, post offices and other central locations to increase accessibility for citizens.⁶ It is fair to conclude that while there remain areas for improvement⁷, the voter registration process was not significantly affected by the onset of the COVID-19 pandemic as there were complementary mechanisms to verify the identity of electors in place.

The expiration of voter ID cards in Grenada coincided with the declaration of the pandemic. Along with the limited extension to the registration period of just one day, this posed challenges and confusion. That is because while it was announced that voters could present expired ID cards, the uncertainty and lack of standardized procedures in some polling stations caused delays and long lines.

COVID-19 PROTOCOLS AND ARRANGEMENTS

Border restrictions

Guyana conducted elections on the onset of the pandemic and had no COVID-19 related

issues concerning the invitation of observers. The pandemic did, however, cause some organizations to abort their observation missions and repatriate team members. For example, the EU noted that their mission had to be ended "eleven days earlier than planned" (EU, 2020, p. 5). The main critical views of the government of Guyana came from the Carter Center team which was not allowed to reenter Guyana to observe the recount. They noted their disappointment that the government did not approve the organization's request for two previously accredited observers to observe the "ongoing recount". At the same time, the Carter Center was careful to reaffirm its full respect for "Guyana's national sovereignty and efforts to strictly implement its COVID-19 emergency measures as a matter of utmost urgency" (Carter, 2020).

In addition to creating challenges for the recount, there were implications for the processing and reconciliation of cases brought before the courts on the tabulation of election results. EU observers commended the authorities for dealing with these matters in a timely manner despite the absence of legal time limits and the logistical delays encountered because of COVID-19 mitigating measures. The efficiency displayed in this regard, "facilitated further steps to restore the legality of the election process" (EU, 2022).

⁶ See, for example, <https://www.elections.gov.bs/np-registration-centres/> (accessed March 17, 2022)

⁷ See Commonwealth comments on Voters' list in Saint Lucia, that 'there is a need for a review of voter registration so that it reflects more accurately the size of the total population in Saint Lucia.' https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/documents/St%20Lucia%20COG%20report%202021%20Final.pdf?VersionId=kW.tCHL_PxjD04QNjyxwTe3AaeVni57g (accessed March 17, 2022)

As noted above, Caribbean countries holding elections throughout the remainder of 2020 had only regional observers from Caricom (St Kitts and Nevis-June, Trinidad and Tobago-August, Jamaica- September, Belize-November, St Vincent, and the Grenadines-November). Given the travel restrictions, closure of borders and quarantine requirements put in place by several countries, international travel was difficult if impossible. Logistically, therefore, the international observation of elections was impractical.

OBSERVERS ABSENT

Despite the logistical difficulties posed by some COVID-19 measures, there was still an expectation in some countries to have international observers. In some circumstances the decision not to invite or to withdraw an invitation caused contention and distrust among rival political parties. This was the case in St Kitts and Nevis where the OAS was initially invited.⁸ The subsequent withdrawal of this invitation gave rise to allegations that the government opposed to transparency in the electoral process. This was met with denials by the government and the election proceeded without significant controversy.

In other instances, the inability to overcome challenges or to offer solutions or com-

promises to restrictions could have been interpreted as using the pandemic as an excuse to sidestep the presence of observers. So, for example, Trinidad and Tobago engaged in a discussion with the Commonwealth to observe elections in August 2020.⁹ The government expressed its commitment to upholding its elections to international scrutiny, but the observation mission did not materialize because of the additional costs and time associated with quarantine requirements. Similarly, the Jamaican elections were conducted without international observers (Charles, 2020).

It is tempting to suggest that Caribbean countries should simply have lifted restrictions to facilitate international observers. Where countries have a quarantine requirement in place for nationals or returning residents and visitors, it is not recommended that this order be lifted for international observers. While this could offer a practical solution, it makes the government vulnerable to the criticism of granting more rights to foreigners. This is a particularly sensitive issue considering the historical and power dynamics between countries inviting observers on the one hand, and the organizations observing the election on the other.

All major election observation groups proceed on the fundamental principle that they will not observe elections without an

⁸ "St Kitts-Nevis PM revokes OAS/EOM invitation for June 5 elections," *Caribbean News Global*, 29 May 2020. <https://www.caribbeannewsglobal.com/st-kitts-nevis-pm-revokes-oas-eom-invitation-for-june-5-elections/> (Accessed 25 June 2021).

⁹ "Election Observation Missions Requested by the Government of Trinidad and Tobago," *Trinidad and Tobago Government News*, <http://news.gov.tt/content/election-observation-missions-requested-government-trinidad-and-tobago#.Y0tcgOhKg2x> (Accessed 25 June 2021).

invitation. All countries concerned were well within their rights to treat the health and safety of their citizens as priority. Furthermore, the impending closure of borders and uncertain environment presented by COVID-19 warranted the approach of governments to be apprehensive to inviting international observers. This is given the fact that the first cases in the Caribbean were imported from other countries outside of the region. On the other hand, for a government to call elections with the shortest possible or legal notice, and then invite international observers with expectation of adherence to quarantine measures, and with the possibility of organizing such a team in short order, renders the invitation impractical.

OBSERVERS PRESENT

CARICOM were the only observers present for elections in St Kitts and Nevis and Belize. In both cases it was noted that there were no major concerns and that the electoral authorities and poll workers displayed effective management of COVID-19 protocols that ensured the safety of voters and facilitated the smooth administration of the elections. Observers in St Kitts and Nevis noted that “adequate health measures to protect voters against the COVID-19 pandemic were enforced at all the stations visited” (Caricom, St Kitts, and Nevis, 2020). The team in Belize commended the authorities for implementing safe COVID-19 protocols. They noted that poll workers and voters “observed the protocols which included social distancing, the wearing of masks and the application of sanitizing spray upon entry and prior to the voter dipping their finger into

the indelible ink and proceeding to cast their ballot” (Caricom, Belize, 2020). Additionally, “the speed of voting was not impeded by the COVID-19 Election Day protocols” (Caricom, Belize, 2020).

OAS observer group members were compliant with the sanitary measures put in place by the government of St Lucia. Accordingly, they were fully vaccinated and showed negative COVID-19 tests on arrival. While operating in the country, observers used PPE and observed social distancing (OAS, 2021). In reporting on the electorate’s adherence to pandemic measures, Commonwealth observers noted that protocols were not observed during campaigning and party rallies. Additionally, there were no provisions made for persons in quarantine. On the other hand, the team noted that voters and election officials all showed diligent attention to COVID-19 mitigating measures on election day (Commonwealth, 2021). Despite the highlighted areas of weakness, Caribbean countries made a good effort to balance public health standards and the efficient administration of their elections during the pandemic.

VOTER TURNOUT

It is difficult to determine the exact effect that the pandemic had on voter turnout. It is inevitable that some voters such as the elderly and those with comorbidities would be reticent about voting during the pandemic. Furthermore, as many schools transitioned to remote and online learning, it is likely that some women, as primary care providers, would have difficulties participating in the election. Voter turnout declined by between

six and twenty-three percentage points with the sharpest decline for The Bahamas (from 88% to 65%). St Kitts and Nevis, Trinidad and Tobago, and Jamaica experienced declines between 6 and 10 percent. Voter turnout in St Kitts and Nevis was down from 72 percent in 2015 to 58 percent in 2020, while in Belize it increased from 72.7 percent in 2015 to 80 percent. Voter turnout hovered just about 50 and 70 percent in Saint Lucia and Grenada respectively, in the last two elections.¹⁰ Overall, it is not clear what effect the pandemic had on these trends for Caribbean countries and where their elections were observed, the issue was not highlighted as significant.

Overall Verdicts and Recommendations

Traditionally, international observer teams provided succinct verdicts on the “freeness and fairness” of elections. This practice often led to the misrepresentation or manipulation of observer statements to the advantage of one political party or to support individual agendas. More recently, however, teams have tended to provide preliminary statements that precisely avoid using catch phrases that might be misconstrued. Observer groups are generally careful to provide detailed reports on all phases of an election, highlighting commendable areas just as much as those in need of improvement. In addition, they provide a comprehensive list of recommendations for reforming different aspects of an election.

These are sometimes used for future reference to assess the progress a country has made before teams decide whether to accept invitations to observe successive elections. More importantly, it is hoped that countries will use these recommendations to initiate and implement legislative and logistical changes.

For the period 2020-2022, with the exception of Guyana, observer delegations have provided generally positive assessments of Caribbean elections. Where observers were absent, as in the cases of Trinidad and Tobago and St Vincent and the Grenadines, Caricom was keen to send congratulations to the newly elected leader. While all teams, the Commonwealth, OAS, and the EU commended most aspects of all ten elections, it is noteworthy that they highlighted the lack of progress made on the recommendations they provided since the last election.

It is not surprising that the discussion on Guyana is controversial as the 2020 election was contentious before it started. There was consensus among observer organizations that the conduct of the election as well as the count and tabulation of votes were credible, with the exception of Region 4. The EU noted that the voting was peaceful. Caricom noted minor issues but commented on the smooth execution of the poll and described voters as “remarkable, responsible, calm and orderly” (Caricom, 2020). However, observers also expressed deep concerns that “the delay in credibly concluding the electoral process is even more alarming as

¹⁰ Figures compiled from various Caribbean elections database.

the world seeks to contend with the disruptive and devastating impact of the coronavirus pandemic (COVID-19) on economic, social and political life” (Commonwealth, 2020).

Although the delay in the count was the most concerning aspect of the Guyana (2020) election, and while the administration of the election was generally acceptable, the Commonwealth sought to underscore that in 2018 Commonwealth Heads endorsed *Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries* and noted that

Commonwealth election observation has far greater impact and value when recommendations offered by a Commonwealth Observer Group and other observers, are addressed so as to reduce the risk of shortcomings in future elections. Ideally there should be some form of domestic mechanism in place in each member country to review the conduct of an election and to take forward prospective reforms as required. (Commonwealth, 2018, p. 3)

In this context, the 2020 observer mission encouraged Guyana to create such a domestic mechanism to consider electoral and constitutional reforms, including the merits and demerits of the structure of the Guyana Electoral Commission and the electoral system itself. Electoral reform is a continuous process building on what has worked successfully and addressing weaknesses (COG, Guyana, Final Report, 2020).

Similarly, the Commonwealth observer group expressed concern that the 2021 election in The Bahamas showed little evidence of progress on the recommendations made

to the country in previous reports. The team highlighted the “key recommendation” from 2017 to consider the “establishment of an independent election management body...to strengthen adherence to international good practice” (Commonwealth, 2021, p. 50). The OAS, too, noted that “there had been very limited progress in The Bahamas implementing the recommendations of previous missions... particularly in the areas of the political participation of women and campaign finance” (OAS, 2021, p. 8). Although not expressly stated by either observer group, it is clear that more preparation time and greater attention to implementing some of the recommendations from previous reports would have resulted in a more efficiently administered general election. More importantly, however, despite the shortcomings, none of the teams reported any evidence of voting irregularities or fraud.

In reporting on the election in Saint Lucia, the Commonwealth concluded that the “voting, closing and counting process at polling stations observed was peaceful, transparent and offered eligible voters the opportunity to express their will and cast their vote” (C/W final, 2021).

GENDER

Women’s political participation has become a key focus of election observer groups. In most of the Caribbean cases under review, observer teams highlighted and commended the relatively high representation of women as poll workers. In the case of Saint Lucia, the Commonwealth (2021, p. 43) noted the

... overwhelming preponderance of women as electoral official” and acknowledged their contribution as invaluable. As in the situation in many other countries in the region this saturation has not translated to representative politics. Similarly in Grenada, which boasts one of the highest levels of women’s political participation in the Caribbean, the OAS notes the lack of “affirmative measures aimed at improving the gender balance in government and public office.” Generally, this gap for gender parity remains despite the prominence and success of women in other spheres of life in Commonwealth Caribbean countries.

CONCLUSION

The pandemic has persisted, albeit to a lesser extent, and countries have learnt how to mitigate the spread of the virus. As Caribbean countries navigate the associated issues of public health and safety, they have had to refocus on restoring fledgling economies, the effects of climate change, slipping educational performance, transnational crimes, human trafficking, and a range of other socio-economic challenges. It will also be a priority to safeguard the foundations of democratic traditions including maintaining the trust of their citizens on the one hand, and the confidence of the international community, on the other. This paper has shown that Caribbean countries did not fully engage with international and regional election observers for the first few months of the pandemic. However, as the international community learnt more about the virus and how to control its spread, governments have resumed inviting international observers.

Countries deciding to proceed with elections during COVID-19 as well as election

observer groups will benefit from discussing the ways in which the practice and procedures of election observation might be adapted to pandemic conditions. So, for example, it is accepted that observation on its own does not result in free and fair or credible elections. It is reinforced by the collaborative efforts of political parties, EMBS, civil society and other stakeholders. Additionally, the current era of digital technology and social media, detecting and broadcasting information about the conduct of an election is not difficult. Caribbean countries have a record and the experience of over 20 years of recommendations, and technical and professional support from international observer groups. These should be consulted to prevent the erosion of years of progress and to ensure that their democratic processes remain efficient and transparent.

BEST PRACTICE

Caribbean governments and EMBs should be guided by some areas of best practice, patterns and experience with the role and merits of election observation. For one, the presence of Caricom observers has been a recurrent theme in the region. If CARICOM observers have been invited and have accepted the invitation to observe elections, states may rely on their activities. In the long term, it is clear that the optimal situation is for a combination of local, regional, and international observers. If this pandemic persists or there are sharp spikes in the spread of the virus, reliance may be placed on CARICOM.

If it is the case that domestic and Caricom observers play a central role in observing elec-

tions, organizations such as the Carter Center, OAS, the EU, and the Commonwealth may consider assisting with the funding of these missions, as well as sharing expertise. The role of a Caricom team in reassuring the international community of the veracity of the recount in Guyana (2020) is reminiscent of the conciliatory and legitimizing role audit team played in the aftermath of the 1997 election. It is clear that there is room for a more substantive role for Caricom as a guardian of democracy in the region.

In contrast, where there were quarantine requirements, closed borders or insufficient notice that prevented observer teams from accepting an invitation, organizations may consider recruiting foreign nationals or collaborate with domestic observers in the country to mount a small observer team while providing virtual training and logistical support from headquarters. The Commonwealth and the OAS have networks of electoral, gender, youth and other experts that have observed elections in member States. These organizations should utilize this depth of resources.

The advantages of international versus local observers have been thoroughly explored. International election observer groups may consider providing financial, technical, and logistical support to local observer groups. This current environment provides the space for local observers to strengthen their role. One must acknowledge, however, that these groups will face some of the same limitations faced by regional and international observers in an era of COVID-19. There is an opportunity, however, to display innovation in election observation. Some observer groups adapted

their methodologies to the circumstances of the pandemic. In one case, an observer noted that he conducted his work remotely while relying on information from local observers. In the particular case, local observers in Myanmar facilitated the “international observation” of the 2020 election by providing information to the Carter Center observation team. Two members of the OAS team to Grenada operated virtually (OAS, 2022). This hybrid version of locally present and remote international observers combined the value of domestic familiarity with issues with the international dimension of technical electoral expertise, and legitimacy. It avoided the risks of traveling during the pandemic or violating local mitigation measures.

International election observation has well established and proven codes of conduct that have enjoyed acquiescence by organizations and states. The COVID-19 pandemic caused some disruption to the practice that resulted in adjustments to procedural elements. These logistical changes were still consistent with the domestic requirements and legislation in Caribbean countries. However, the fundamental principles of respect for sovereignty, impartiality and transparency remained unwavering pillars of the practice.

This discussion on Caribbean elections during the pandemic has raised a number of broader issues for small, developing states. While some developed countries such as the United States have had token observer missions, it would be disingenuous to suggest that election observation is void of power asymmetries and uncomfortable notions of neo-imperialism through the imposition of democratic

standards. Observation might have developed into a so-called norm of international relations, but its application is primarily, if not solely for developing states. One thing is certain, Caribbean countries will avoid inviting election observers if given the choice. However, as long as inviting observers and receiving positive verdicts provide international legitimacy, the practice will persist in the region.

One must acknowledge, however, the tendency for organizations that conduct observer missions to regularly evaluate their operations and methodologies. The inclusion of new areas of focus such as women's political participation, inclusiveness and the role of social media and technology on issues of equity is notable. At the same time, as the international community generally recalibrates and adjusts to emerging challenges and crises, there will continue to be questions about the relevance of election observation and the sustainability of the broader area of democracy assistance (IFES, 2022). As election observer missions continue to be costly exercises, Caribbean countries must prepare themselves for new developments and new methods of signaling their commitment to democratic traditions through the holding of credible elections.

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La insularidad en México: perspectivas geográficas para contribuir a la legislación en materia de islas

Jesús Israel Baxin Martínez*

RESUMEN

México posee 4.111 islas, cayos y arrecifes frente a sus litorales en los océanos Pacífico y Atlántico. Aunque este territorio insular está considerado en las políticas federales, estatales y municipales, algunas ambigüedades jurídicas y ambientales, así como la falta de integración social de las poblaciones isleñas, han redundado en que la insularidad se acentúe y se viva de manera extrema.

Este artículo brinda un estado general del territorio insular de México y aborda casos emblemáticos (Cedros, islas del golfo de Ca-

lifornia, islas Marías, Cozumel, Isla Mujeres) para indicar hacia dónde podrían apuntar las propuestas para la integración de este territorio y sus poblaciones en cuanto a una legislación común que mejore las condiciones que se desprenden de la insularidad. Además, se señalan casos internacionales de éxito en archipiélagos como Galápagos (Ecuador) y Canarias (España), cuyas experiencias para el manejo de la insularidad en los marcos legales consideran perspectivas geográficas.

Palabras clave: insularidad; islas, México; océano Pacífico; legislación.

* Doctor en Estudios Mesoamericanos, UNAM (México). Profesor de asignatura, Universidad Nacional Autónoma de México (México). [jesusbaxin@filos.unam.mx]; [https://orcid.org/0000-0002-7485-1639].

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Insularity in Mexico: Geographical Perspectives to Contribute to the Legislation on Islands

ABSTRACT

Mexico has 4,111 islands, keys and reefs off its coasts in the Pacific and Atlantic oceans. Even though this insular territory is covered in federal, state, and municipal policies, some legal and environmental ambiguities, and the lack of social integration of the island populations, have resulted in heavily accentuated insularity for its inhabitants.

This article carries out a general survey of the insular territory of Mexico and addresses representative cases (Cedros Island, islands in the Gulf of California, the Mary Islands, Cozumel and Isla Mujeres) to indicate possible goals of proposals for the integration of this territory and its populations in terms of common legislation to improve the conditions arising from insularity. Besides, this article will examine successful international cases in archipelagos such as the Galapagos Islands (Ecuador) and the Canary Islands (Spain), whose legal frameworks for the management of insularity take into account geographical perspectives.

Key words: Insularity; islands, Mexico; Pacific Ocean; legislation.

INTRODUCCIÓN

El territorio insular de México es complejo de abordar en su conjunto, no solo por su dispersión física en los océanos Pacífico y Atlántico (golfo de México y mar Caribe), sino también porque se le ha prestado poca atención en los instrumentos jurídicos, la academia y la investigación. La relevancia de las islas mexicanas se hace evidente por su ubicación estratégica para la ampliación del mar patrimonial¹ y la defensa de la soberanía. Poseen un carácter ambiental único donde se desarrollan endemismos propicios para la investigación científica. Algunas se caracterizan por albergar poblaciones isleñas permanentes y por un desarrollo económico en actividades como pesca, minería o turismo.

La insularidad es una condición que influye en las islas pequeñas, pues sus espacios acotados son limitados en extensión y en recursos, en potencial económico y de población, así como en poder político, por su escala (Royle, 2001), mientras que a nivel ambiental son frágiles sus formas de vida únicas y particulares. El objetivo de este artículo es realizar una revisión sobre la insularidad en México a partir de algunas perspectivas geográficas pertinentes, con la intención de que dicho análisis se pueda integrar en la legislación sobre el territorio insular en favor de su conservación ambiental y de los habitantes que lo han ocupado históricamente.

¹ Incluye al mar territorial, la zona contigua y la zona económica exclusiva (ZEE) a partir de la ejecución de la Convención de las Naciones Unidas sobre Derecho del Mar (CONVEMAR) de 1982, que se adecuó en México en la Ley Federal del Mar de 1986 (Cámara de Diputados, 1986). La presencia en pleno océano de islas como Guadalupe y las del archipiélago Revillagigedo hace que el mar patrimonial de México supere los dos millones de km², por encima de la extensión del territorio continental.

La propuesta de geografía de islas e insularidad de Royle² se ajusta al caso mexicano, sistematizando algunas variables mediante la siguiente hipótesis: el territorio insular de México puede ser analizado desde perspectivas geográficas particulares, donde se consideran fundamentales la distancia (atenuada a través del transporte marítimo y aéreo) que influye en la accesibilidad, la definición política (estatus federal, estatal o municipal), la vulnerabilidad de sus especies (cuyo resguardo depende, en cierta medida, de las Áreas Naturales Protegidas), y en el caso de aquellas que poseen asentamientos, la autosuficiencia económica y el abasto por importaciones de las zonas continentales; asimismo, corresponde considerar la necesidad de regular los flujos turísticos.

La información presentada ha sido recabada mediante la revisión de materiales impresos, cartografía digital y trabajo de campo ejecutado entre 2009 y 2019 en cuatro islas adyacentes a la península de Baja California: Cedros, San Marcos, Carmen y San José, en las cuales se tuvo como eje rector la geografía histórica con el propósito de reconstruir los cambios en sus asentamientos, sin dejar a un lado el análisis del paisaje insular. Para otras islas que no ha sido posible visitar, la información se complementa con fuentes escritas de carácter histórico, materiales bibliográficos y hemerográficos contemporáneos, estadísticas oficiales e instrumentos jurídicos.

En el primer apartado se alude a los problemas cuantitativo (número de islas y su extensión) y jurídico (pertenencia a los distintos niveles de gobierno) como punto de partida para dimensionar aspectos que es necesario ordenar a fin de legislar de manera general sobre este territorio. El segundo apartado plantea la cuestión de la insularidad con dos temas primordiales: el establecimiento de Áreas Naturales Protegidas que incluyen a las islas mexicanas y una selección de cuatro casos emblemáticos en los que se evidencian aspectos clave de la insularidad: Cedros, islas del golfo de California, islas Marías y el binomio Cozumel-Isla Mujeres. El tercer apartado incorpora algunas experiencias internacionales exitosas de legislación en islas (Galápagos, Ecuador y Canarias, España), que pueden ser una pauta para tomar ejemplos de cómo se podría favorecer al territorio y la población isleña de México. Finalmente, se exponen las conclusiones generales, de manera que las experiencias desprendidas del análisis particular de estos espacios puedan ser retomadas por otros investigadores, planificadores del territorio y legisladores interesados en contribuir a esta materia.

DE LOS DATOS CUANTITATIVOS A LAS AMBIGÜIDADES JURÍDICAS DE LAS ISLAS MEXICANAS

En 2014 se saldó una deuda de inventario cuando fue publicado el *Catálogo del territorio*

² Además de Royle, el marco teórico de este artículo recurre a autores fundamentales como Taglioni (2006), MacArthur y Wilson (2001), Patton (1996), Rodríguez-Jácome y Blanco-Romero (2018), quienes dan un sustento al análisis de la insularidad.

insular mexicano, documento que ha esclarecido la cantidad de islas, cayos y arrecifes adyacentes al litoral o que se encuentran en la zona marítima de México. Aún a finales del siglo xx, debido a la información de los catálogos e inventarios parciales realizados por instituciones oficiales o secretarías de Estado, se señalaba que la extensión del territorio insular de México era de 5.127 km², superficie que actualmente se ha modificado por la cifra de 8.025 km² (Garmendia, 2010; Subgrupo del Catálogo de Islas Nacionales, 2014).

La información era inconsistente, por ejemplo, en 1981 la Secretaría de Gobernación (SEGOB) reportó 282 islas, cayos y arrecifes, mientras en el mismo año la Secretaría de Programación y Presupuesto indicaba que había 3.067 elementos insulares a nivel nacional (Vargas, 2011, p. 405). De igual manera, la

Comisión Nacional para el Conocimiento y uso de la Biodiversidad (Conabio) señalaba en 2007 la existencia de 1.365 islas, de las cuales solo 433 contaban con topónimo (Conabio *et al.*, 2007), a diferencia de la última cifra de 1.033 islas con nombre (tabla 1).

A partir del trabajo conjunto del Grupo Técnico para la Delimitación de las Zonas Marítimas Mexicanas que incluye varias secretarías de Estado coordinadas por el Instituto Nacional de Estadística y Geografía (Inegi), el *Catálogo del territorio insular mexicano* puede considerarse como el documento oficial más reciente para determinar un inventario de los elementos insulares por tipología (islas, cayos y arrecifes) en seis regiones marinas. Pero excluye las islas interiores en cuerpos de agua continental como lagos y ríos, solo se consideran algunas de ellas ubicadas en lagunas costeras.

Tabla 1.
Elementos insulares de México por región marina

Región	Elementos insulares			Superficie (km ²)
	Con topónimo	Sin topónimo	Total	
Océano Pacífico Norte	78	420	498	1.336,6
Océano Pacífico Sur	111	301	412	216,7
Golfo de California	367	636	1.003	4.075,8
Golfo de Tehuantepec	54	83	137	61,3
Golfo de México	322	894	1.216	1.718,7
Mar Caribe	101	744	845	616,1
Nacional	1.033	3.078	4.111	8,025,2

Fuente: elaboración propia con base en Subgrupo del Catálogo de Islas Nacionales, 2014.

Un dato interesante de dicho *Catálogo* es el hecho de que únicamente una cuarta parte de los elementos insulares posee un topónimo, mientras que la gran mayoría aparece sin nombre, solo diferenciados por sus respectivas coordenadas geográficas. Cabe señalar que el *Catálogo* no especifica el número de islas habitadas de México, pues las cifras de este rubro también han variado en el tiempo: Inegi indicaba que eran 107 en 1994 (incluyendo las lacustres); Conabio reportó 40 en 2007, en tanto que la Asociación Nacional de Municipios Insulares indicaba que eran 82 islas habitadas en 2015 y la SEGOB señalaba que eran 144 en 2017 (Inegi, 1994; Conabio *et al.*, 2007; Cervantes, 2016; Sistema de Información Legislativa de la Secretaría de Gobernación, 2017b).³

A pesar de la cifra tan elevada de elementos insulares cabe destacar que las islas, los cayos y arrecifes más relevantes por extensión, población y economía son apenas medio centenar (ver mapa). El punto de partida cuantitativo sobre el territorio insular debe complementarse con información cualitativa: qué aspectos lo caracterizan, cuáles islas tienen habitantes permanentes u ocupantes estacionales y qué particularidades jurídicas presentan, con lo

cual se obtiene un panorama más completo del conjunto y sus partes.

Dos artículos de la Constitución Política de los Estados Unidos Mexicanos vigente desde 1917 conciernen a la cuestión insular. El artículo 42 especifica que las islas, los arrecifes y cayos en los mares adyacentes de México forman parte del territorio nacional, incluyendo las islas de Guadalupe y Revillagigedo en el océano Pacífico, que son las más alejadas del territorio continental: Guadalupe (28°58'26"N, 118°18'08"W) se ubica a 265 km de San Quintín (Baja California), mientras que Clarión (18°21'17"N, 114°45'25"W), la más lejana del archipiélago Revillagigedo, se ubica a 970 km de bahía Banderas (Jalisco) y a 700 km de cabo San Lucas (Baja California Sur).⁴

Por su parte, el artículo 48 indica que las islas, los cayos y arrecifes del territorio nacional “dependerán directamente del Gobierno de la Federación, con excepción de aquellas islas sobre las que hasta la fecha hayan ejercido jurisdicción los Estados” (Constitución Política de los Estados Unidos Mexicanos, 1917). La ambigüedad en su práctica se desprende de que solo algunas constituciones estatales reconocen a determinadas islas como parte de su territorio.

³ Ante la falta de actualización en fuentes de carácter académico o científico sobre algunos hechos recientes de las islas de México, en algunos casos se acude a artículos periodísticos que rescatan datos puntuales, como en este caso, sobre el número de islas habitadas.

⁴ Existe la iniciativa con proyecto de decreto para reformar el artículo 42, la propuesta sugiere ampliar la fracción II para señalar la inclusión de los cuerpos insulares de todo el mar territorial y dentro del Golfo de California, y en la fracción III hacer una mención expresa a las islas Coronado, Cedros, San Benito, las Rocas Alijos en el Pacífico y a los cayos Arenas y Arcas, Arrecife Alacranes, islas Cozumel y Mujeres y Banco Chinchorro en el golfo de México y el mar Caribe, además de isla Guadalupe y el archipiélago de Revillagigedo (Sistema de Información Legislativa de la Secretaría de Gobernación, 2017b).

Mapa
Islas mexicanas relevantes por extensión, población o economía



Fuente: elaborado por Claudia López Sanabria con base en CONANP (2022b).

Sobresalen entre estas Baja California Sur y Quintana Roo, que no fueron reconocidas como integrantes de la federación sino hasta 1974, lo cual podría considerarse una contradicción a la acotación “hasta la fecha” en dicho artículo (Vargas, 2011). Si a esto se suma que hay islas relevantes por su población y actividad económica que han adquirido carácter municipal, como Cozumel e Isla Mujeres (ambas en Quintana Roo), se carece de una homologación de la atribución para las islas en los tres órdenes de gobierno: federal, estatal o municipal.

Cabe mencionar que hay casos como Santa Margarita (Baja California Sur) y La Roqueta (Guerrero), cuya administración depende de la Secretaría de Marina (SEMAR) por razones de control militar y de carácter estratégico desde 1950 y 1981 respectivamente (Cabada, 2005). Asimismo, en las islas más alejadas del litoral, como Guadalupe, Socorro y Clarión, también se cuenta con destacamentos de la Armada de México para el resguardo de la soberanía. Es decir, indiscutiblemente son administradas por el nivel federal; sin embargo, en la

mayoría de las demás islas la jurisdicción recae en los municipios o las entidades federativas.

Debido a la necesidad de prestar atención a la importancia del territorio insular, desde 2017 existe una iniciativa de decreto para expedir la “Ley federal para el fomento, protección y desarrollo sustentable del territorio insular”, con el objeto de resaltar su relevancia para la soberanía. Pero además incluirlo como parte del patrimonio cultural e histórico, por la biodiversidad que alberga y sus aportes a la economía, con el fin de que se establezca una regulación más específica que la contenida en los artículos 42 y 48.

La intención de esta iniciativa fue promover mecanismos de coordinación interinstitucional mediante un convenio maestro. Ello implica la creación de un Programa de Desarrollo Insular dirigido por el gobierno federal que fomente el desarrollo socioeconómico en las islas, la mejora regulatoria y de simplificación administrativa entre los tres órdenes de gobierno, así como otras actualizaciones pertinentes (Sistema de Información Legislativa de la Secretaría de Gobernación, 2017a).

En cuanto a la pertenencia territorial y la posible ejecución del Programa proyectado, la preparación, aprobación y publicación de un instrumento jurídico regulatorio de las islas mexicanas no debe perder de vista, como punto de partida, la homologación administrativa para el correcto ordenamiento de estos territorios. Lo anterior debe complementarse con la caracterización ambiental para el correc-

to monitoreo de su conservación, así como las cuestiones socioeconómicas para aquellas islas con asentamientos.

INSULARIDAD, ÁREAS PROTEGIDAS Y CASOS EMBLEMÁTICOS ENTRE LAS ISLAS DE MÉXICO

La insularidad es una condición de las islas de mediana o pequeña extensión, resultado de una serie de variables que parten de la distancia que condiciona la accesibilidad a su territorio. Para las relaciones internacionales, este hecho puede ser atractivo en la comprensión de la dinámica política y socioeconómica de las naciones archipelágicas. También en el caso de los espacios insulares habitados de los países hegemónicamente continentales, puesto que las islas pueden ser centrales, adyacentes o periféricas (Taglioni, 2006) a partir de su estatus político y sus conectividades, lo cual redundaría en las cuestiones económicas (comercio, importaciones, imagen turística, etcétera).

Además de lo anterior, en tanto la insularidad tiene implicaciones ambientales y sociales resulta un tema de interés geográfico. Los factores biológicos que deben considerarse para un análisis de estas son: la situación geográfica que restringe que algunas especies puedan alcanzar las islas (MacArthur y Wilson, 2001), a las cuales pueden acceder únicamente por medios como el vuelo, el nado o el transporte indirecto. De ahí que en muchas islas oceánicas⁵ estén ausentes los mamíferos (con excepción de los murciélagos, que habrían lle-

⁵ Este término hace referencia a las islas alejadas del litoral, en pleno océano.

gado por vuelo). En la regulación del sistema insular cualquier elemento biológico externo (seres humanos y especies exóticas) rompe el equilibrio de las especies establecidas en su entorno. Por consiguiente, una consecuencia que mide la insularidad es la fragilidad del ambiente sobre todo para las especies endémicas (Royle, 2001).

A lo largo de la historia, para los seres humanos, alcanzar una isla alejada del litoral solo había sido posible mediante la navegación accidental o deliberada (Patton, 1996) y, desde el último siglo, por la facilidad que implica el uso de los aviones. Por su parte, las sociedades establecidas en islas afrontan las consecuencias de vivir en condiciones de insularidad, por ejemplo, la dependencia del exterior (en poca o gran medida) para la obtención de alimentos y enseres. Las islas no necesariamente son autosuficientes en recursos alimenticios para su población, por ello se requiere importar agua potable y otros recursos indispensables para satisfacer a los habitantes, y, actualmente, también a los turistas que forman parte de las redes económicas insulares.

En el caso mexicano, la falta de conectividad ha sido atenuada en algunas islas por las aeropistas y aeródromos que facilitan el acceso a su territorio. Casos excepcionales son las islas del Carmen y Aguada (ambas en la laguna de Términos, Campeche), donde los puentes

construidos⁶ permitieron el libre acceso por encima del mar, al igual que en Cancún, originalmente una isla, hoy unida a la península de Yucatán. Sin embargo, para acceder a la mayoría de las islas mexicanas y acercar tanto pasajeros como recursos y enseres diversos, la navegación sigue siendo el medio más común.

A continuación, se dedica un apartado a la regulación que el gobierno mexicano ha brindado a las islas mediante los decretos de Áreas Naturales Protegidas, en tanto el territorio insular posee relevancia ambiental. Después se abordan casos emblemáticos con datos cuantitativos o cualitativos para señalar características ambientales o socioeconómicas de ciertas islas y con ello dimensionar algunas situaciones que requieren ser consideradas para las propuestas de mejoría particular o general de las insularidades en México.

LAS ISLAS MEXICANAS CON CATEGORÍA DE ÁREA NATURAL PROTEGIDA

En 1917, año que coincide con la promulgación de la Constitución mexicana aún vigente, se decretó la primera área natural protegida del país⁷. Desde entonces y hasta 2022, se han decretado 184 Áreas Naturales Protegidas (ANP) con diversas categorías: Reserva de la Biosfera (RB), Parque Nacional (PN), Área de Protección de Flora y Fauna (APFF) o Santuario. Al menos

⁶ El puente Zacatal une a la zona litoral de la Laguna de Términos con la isla del Carmen, en tanto el puente de la Unidad une a la isla del Carmen con isla Aguada, este se construyó en 1982 después de un accidente el 22 de agosto de 1980 que cobró más de 100 vidas.

⁷ Se trata del desierto de los Leones, una zona boscosa ubicada en la Ciudad de México (CONANP, 2017).

16 ANP incluyen al territorio insular del océano Pacífico (tabla 2) y 12 al que se ubica en el golfo de México y el mar Caribe (tabla 3).

Por sus particularidades ecosistémicas y, en algunos casos, en complemento con la riqueza cultural, hasta abril de 2022 más de

Tabla 2.
Islas del océano Pacífico en las Áreas Naturales Protegidas de México

Nombre del ANP	Fecha de decreto	Islas que incluye
RB Isla Guadalupe	25/04/2005	Guadalupe, islote Toro, islote Zapato
RB islas del Pacífico de la península de Baja California	07/12/2016	Coronado, Todos Santos, San Martín, San Jerónimo, San Benito, Cedros, Adelaida, Magdalena, Los Alijos
RB El Vizcaíno	30/11/1988	16 islas e islotes, destacan: Natividad, Asunción, San Roque
RB noroeste y alto golfo de California	10/06/1993	Montague, Gore, Pelicano
APFF islas del golfo de California	Zona de reserva y refugio de aves migratorias y de la fauna silvestre 02/08/1978 Recategorización: 07/06/2000	Alrededor de 900 islas e islotes, destacan: Cerralvo, San José, Santa Cruz, San Francisco, San Marcos, Tortuga, San Ildefonso, San Esteban, Tiburón, Mavirí, Talchichilte
RB ZM bahía de los Ángeles, canales de Ballenas y de Salsipuedes	05/06/2007	27 islas e islotes, destacan: Ángel de la Guarda, Mejía, Coronado (Smith) y La Ventana
PN ZM del archipiélago de San Lorenzo	25/04/2005	San Lorenzo, Las Ánimas, Salsipuedes, Rasa, Partida, Cardonosa
RB Isla San Pedro Mártir	13/06/2002	San Pedro Mártir, Craveri, Cormorán
PN bahía de Loreto	Parque Marino Nacional 19/07/1996 Recategorización: 07/06/2000	Coronados, Carmen, Danzante, Montserrat, Santa Catalina
PN ZM del archipiélago de Espíritu Santo	10/05/2007	La Partida, Espíritu Santo, La Ballena

(Continúa)

Nombre del ANP	Fecha de decreto	Islas que incluye
PN isla Isabel	08/12/1980	Isabel, Cerro Pelón, Las Golondrinas, Mona Mayor, Mona Menor
RB islas Marías	27/11/2000	María Madre, María Magdalena, María Cleofas, San Juanito
PN islas Marietas	25/04/2005	Larga, Redonda
PN Revillagigedo	Reserva de la biosfera 06/06/1994 Recategorización: 27/11/2017	Socorro, San Benedicto, Roca Partida, Clarión
Santuario Islas de la Bahía de Chamela	13/06/2002	La Pajarera, Cocinas, Mamut, Colorada, San Pedro, San Agustín, San Andrés y Negrita, y los islotes Los Anegados, Novillas, Mosca y Submarino
PN Huatulco	24/07/1998	Cacaluta, San Agustín y Blanca

Nota: RB = Reserva de la Biosfera, ZM = Zona Marina, PN = Parque Nacional, APFF = Área de Protección de Flora y Fauna. Fuente: elaboración propia con base en CONANP, 2022.

90.956.124 hectáreas del territorio nacional se habían protegido (CONANP, 2022b). Ello obedece al contexto de la conservación ambiental y la protección del patrimonio en dichos espacios, donde las islas destacan como entornos irrepetibles y frágiles por sus endemismos y por poseer, además del entorno terrestre, la transición litoral y los mares adyacentes como parte de sus propios sistemas complejos.

La mayoría de las islas mexicanas con carácter de ANP cuentan con protección legal avalada por la SEGOB mediante decretos pu-

blicados en el *Diario Oficial de la Federación* (DOF), así como una ejecución de los planes de manejo a cargo de la Secretaría de Medio Ambiente y Recursos Naturales (Semarnat) mediante la Comisión Nacional de Áreas Naturales Protegidas (CONANP). Sin embargo, hay algunas ANP sin un plan de manejo oficial,⁸ como es el caso de la Reserva de la Biosfera islas del Pacífico de la península de Baja California, y también algunas islas no incluidas en alguna ANP como Santa Margarita⁹ (24°30'16"N, 111°50'47"W), administrada por la SEMAR (Cabada, 2005).

⁸ Los planes de manejo son los documentos rectores donde se describen las actividades permitidas y restringidas en polígonos específicos como son las zonas núcleo y de amortiguamiento tanto en tierra como en el océano.

⁹ Esta isla tiene dos asentamientos: Puerto Alcatraz, donde habitan familias de pescadores, y Puerto Cortés, base militar de la Armada de México.

Tabla 3.
Islas del Golfo de México y mar Caribe en las Áreas Naturales Protegidas de México

Nombre del ANP	Fecha de decreto	Islas que incluye
APFF Laguna Madre y Delta del Río Bravo	14/04/2005	Más de 500 islas, destacan: La Mano de León, Las Malvinas, Del Amor, Puntilla Norte, El Carrizal, La Yegua
APFF Sistema Arrecifal Lobos-Tuxpan	05/06/2009	Arrecifes Lobos, Tanjuijo, Pantepec y Tuxpan
PN Sistema Arrecifal Veracruzano	Parque Marino Nacional 24/08/1992 Recategorización 07/06/2000	Verde, Cancuncito, Enmedio, Salmedina, Santiaguillo, Sacrificios, Polo
APFF Laguna de Términos	06/06/1994	Del Carmen, Aguada
PN Arrecife Alacranes	Parque Marino Nacional 06/06/1994 Recategorización 07/06/2000	Desterrada, Muertos, Pérez, Pájaros, Chica
APFF Yum Balam	06/06/1994	Holbox, Pasión, Pájaros
PN Isla Contoy	02/02/1998	Contoy
Santuario Playa de la Isla Contoy	Zona de reserva y sitio de refugio para la protección de tortuga marina 29/10/1986 Recategorización 16/07/2002	Contoy
PN Costa occidental de Isla Mujeres, Punta Cancún y Punta Nizuc	Parque Marino Nacional 19/07/1996 Recategorización 07/06/2000	Isla Mujeres
PN Arrecifes de Cozumel	07/06/2000	Cozumel
APFF Isla de Cozumel	25/09/2012	Cozumel
RB Banco Chinchorro	19/07/1996	Banco Chinchorro

Nota: RB = Reserva de la Biosfera, ZM = Zona Marina, PN = Parque Nacional, APFF = Área de Protección de Flora y Fauna. Fuente: elaboración propia con base en CONANP, 2022.

Con la puesta en funcionamiento de algunos decretos, como el APFF “Islas del Golfo de California”, algunas categorías previas en espacios concretos como Isla Tiburón (decretada como APFF en 1963) o Isla Rasa (Área de Protección de aves marinas en 1964) fueron incluidas en el conjunto regional, primero en 1978 y después en la recategorización del año 2000. Por su parte, en el mar Caribe se cuenta con islas en dos ANP, específicamente Cozumel y Contoy, sin embargo, algunos decretos priorizan las tierras emergidas y los ecosistemas insulares y otros la porción litoral o submarina (arrecifes).

En el caso de la isla Holbox (21°31'23"N, 87°22'43"W), dentro del APFF Yum Balam, la falta de un plan de manejo previo a 2018 (fecha en que se publicó) arriesgó la posibilidad de que se ejecutara un mega proyecto turístico que pretendía despojar a los ejidatarios locales en 2014 (Varillas, 2014). Este ejemplo deja entrever lo indispensable que resulta documentar la evolución y seguimiento que han tenido los cambios en los objetivos de conservación en las islas mexicanas, ante su protección legal o la carencia jurídica.

RADIOGRAFÍA GENERAL DE CASOS EMBLEMÁTICOS

Isla de Cedros

Cedros (28°05'44"N, 115°11'34"W) es la isla más relevante del Pacífico mexicano por exten-

sión (348 km², la cuarta más grande del país), por sus poblamientos históricos y por las actividades económicas de sus habitantes actuales. Se tiene la certeza de que estuvo habitada desde la etapa prehispánica puesto que, a la llegada de la primera expedición novohispana proveniente de Acapulco, comandada por Francisco de Ulloa en 1539-1540,¹⁰ ya había asentamientos en la isla (Montané, 1995).

Los isleños originarios denominaban a su territorio como Huamalguá, “La casa de la niebla” en lengua cochimí (Lazcano y Pericic, 2001). Aunque, de acuerdo con investigaciones arqueológicas, la mayor antigüedad de la huella humana podría datarse en 12.000 años antes del presente (Des Lauriers *et al.*, 2020). En 1733, los habitantes indígenas de Cedros fueron desalojados de la isla para ser evangelizados por misioneros jesuitas en el Desierto Central de Baja California, donde perecerían debido a las epidemias de la época (Mathes, 1979).

A partir de actividades como la minería y la pesca, la isla se repobló, temporalmente de 1890 a 1914, y de manera permanente a partir de 1922 (Núñez y Méndez, 2016; Velázquez, 2007). El recurso clave que ha permitido los asentamientos desde hace milenios es la presencia de agua dulce proveniente de la condensación de neblinas. Entre las actividades productivas del último siglo destaca la extracción de productos marinos, que durante varias décadas fueron procesados en una enlatadora emplazada en la propia isla. Desde 1943 hasta

¹⁰ El objetivo de esta expedición, enviada por Hernán Cortés, era describir la California, que había sido previamente visitada en 1533 y 1535. Isla de Cedros fue el último punto registrado de la travesía de Ulloa por el Pacífico.

el presente, las pesquerías son aprovechadas por la cooperativa Pescadores Nacionales de Abulón, y en la punta sureste también se ubica, desde 1967, una parte de la empresa paraestatal Exportadora de Sal, S.A., cuya sede se encuentra en Guerrero Negro, Baja California Sur (Baxin, 2022).

La insularidad en Cedros se manifiesta en distintos niveles. La fragilidad de sus ecosistemas se ha visto afectada por la cacería de mamíferos marinos (ballenas, focas, nutrias) en el siglo XIX, la disminución severa del venado bura (*Odocoileus hemionus cerrosensis*) desde el siglo XX por cacería y presencia de perros ferales, así como en años recientes el saqueo de una planta nativa, la siempreviva de Cedros (*Dudleya pachyphytum*) (Osorio, 1948; Semarnat, 2018; Profepa, 2020; Baxin, 2022).

En el aspecto social, debido a que la cabecera municipal de Ensenada se ubica a más de 440 km de distancia, la población actual de Cedros (1.853 habitantes en 2020) enfrenta los altos costos del transporte aéreo y, desde la década de los noventa, con la desaparición de la Pesquera Isla de Cedros (que empleaba a varios centenares de isleños), aumentó la emigración y se encarecieron los productos de primera necesidad, como los combustibles, importados del continente. Por otra parte, en las últimas dos décadas se ha desarrollado un turismo incipiente de pesca deportiva, el cual deja una derrama económica únicamente para empresarios, pero no en la comunidad isleña (Baxin, 2022), lo cual evidencia que la falta de regulación gubernamental (política y ambiental) es aprovechada por el sector privado.

Las características enumeradas pueden dar una idea de los problemas ambientales y so-

ciales que se viven en una de las islas habitadas de México. Cedros resguarda un patrimonio natural y cultural significativo, pero su protección aún no se ha regulado a falta de un plan de manejo para el ANP de la que forma parte.

Islas del golfo de California

Entre las 1.003 islas que se ubican en este golfo, se encuentran las dos más extensas de México: Tiburón (1.198 km²) y Ángel de la Guarda (930 km²), así como otras de superficie considerable como San José (180 km²), Carmen (142 km²) y Jacques Cousteau o Cerralvo (135 km²) (Subgrupo del Catálogo de Islas Nacionales, 2014).

Debido a su riqueza subacuática, Cousteau llamó a este golfo (también conocido como mar de Cortés) el “acuario del mundo”, ya que pese a la influencia humana se mantenía casi intacta la vida submarina aún avanzado el siglo XX. En esta fragilidad ambiental radica la prioridad de conservación en tanto los habitantes isleños son pocos, si bien sus condiciones de insularidad son menos acentuadas debido a la distancia relativamente corta hacia los litorales.

Del conjunto de islas en el golfo de California, en la actualidad muy pocas están permanentemente habitadas. Los estudios arqueológicos en Espíritu Santo (24°31'55"N, 110°23'01" W) datan los vestigios en cuevas, concheros y pinturas rupestres con una antigüedad de hasta 11.000 años antes del presente (Fujita, 2002). Hoy esta isla es promovida por operadores que llevan turistas en lanchas desde La Paz, Baja California Sur.

En Espíritu Santo, Cerralvo y San José habitaban indígenas conocidos como pericú

isleños, de los cuales solo quedan registros escritos en algunas fuentes virreinales de la etapa misional jesuita (Clavijero, 1990; Rodríguez-Tomp, 2002). La isla de San José ha albergado pobladores en diferentes momentos: por actividad minera en el siglo XIX, así como por explotación de salinas y pesquerías a lo largo del siglo XX (Jordán, 1995).

La particularidad de San José (25°03'04" N, 110°40'02" W), al igual que en Carmen (25°59'57" N, 111°06'19" W), otra isla poblada a partir de la explotación salinera, resulta de su estatus privado, con títulos de propiedad previos a la promulgación y ejecución de la Constitución mexicana de 1917. Aunque ambas formen parte del plan de manejo del ANP Islas del Golfo de California, este se ejecuta parcialmente y no tienen un carácter definido como federal, estatal o municipal. En Carmen la introducción de borrego cimarrón (*Ovis canadensis weemsi*)¹¹ de manera simultánea a la promoción del turismo cinegético, y en San José la presencia de cabras como especie exótica vulneran en cierta medida los programas de conservación de islas (Baxin, 2015).

Otra isla habitada es San Marcos (27°11' 21" N, 112°04'52" W), concedida desde 1923 a la Compañía Occidental Mexicana, S. A., donde la extracción de yeso ha justificado la presencia de pobladores del sector minero. Si bien las proyecciones indican que para la tercera década del siglo XXI no habrá mineral

redituable tras un siglo de explotación, aún no queda claro si parte del asentamiento se conservará al finalizar la concesión o si los últimos habitantes serán desalojados para respetar el estatus del ANP (Baxin, 2015).

Hasta inicios del siglo XX Tiburón y San Esteban estuvieron habitadas por los indígenas comcaac. Aunque estos se reubicaron en las localidades El Desemboque y Punta Chueca (en la costa de Sonora), no han dejado de visitar las islas como parte de su cosmovisión, ya que conservan campamentos temporales y poseen títulos de propiedad por bienes comunales y, eventualmente, acercan a cazadores de venado bura y borrego cimarrón hasta la Isla Tiburón (Hernández, 2015).

No deben dejarse de lado las actividades pesqueras artesanales, como en el islote El Pardito, donde hay una localidad permanente desde 1923, al sur de la Isla San José (Jordán, 1995). De igual manera en muchas islas a lo largo del golfo, en las bahías de los Ángeles, Concepción, de Loreto y de La Paz, las plataformas insulares son muy relevantes para que los pescadores encuentren especies para su sustento y comercialización.

Islas Marías

El archipiélago de las islas Marías está conformado por María Cleofas, María Madre, María Magdalena y San Juanito, ubicadas a 130 km

¹¹ El borrego cimarrón se introdujo como parte de un programa de repoblamiento de la especie para las sierras de Baja California Sur en 1995 (Jiménez y Hernández, 2010). Al ser exitoso, los dueños de la isla decidieron complementar el programa con la oferta de paquetes turísticos destinados a cazadores de Estados Unidos y Canadá, quienes pueden pagar altas sumas para conseguir la piel y cuernos de ejemplares machos (Baxin, 2015).

de San Blas, Nayarit. De los años 1905 a 1939 María Madre albergó primero una prisión y en las siguientes décadas se convirtió en una Colonia Penal, mientras las otras tres han permanecido deshabitadas.

De acuerdo con los registros demográficos oficiales, en 1925 María Madre (21°38'00"N, 106°32'20"W) albergaba 281 prisioneros y alcanzó su pico poblacional del siglo xx en 1986 con 5.000. Solo eran enviados hasta allí reos con características específicas: tener entre 20 y 50 años de edad; ser de baja peligrosidad y no contar con sentencia de crimen organizado, delitos sexuales o secuestro; con perfil socioeconómico bajo; con salud física y sin discapacidad. Se ingresaba al penal por solicitud expresa, con la posibilidad de ser trasladados con sus familias (Santos *et al.*, 2006); esta última posibilidad se dio a partir de 1939, cuando los reos se convirtieron en “colonos” que podían dedicarse a actividades productivas como la apicultura, la explotación de salinas o la elaboración de artesanías.

La Reserva de la Biosfera fue decretada en el año 2000. Entonces fue necesario compaginar una agenda ambiental simultánea a los programas del Penal Federal, de ahí que se definieran las unidades ambientales y se estableciera un límite demográfico de 3.000 habitantes, incluyendo a los empleados y funcionarios de la Secretaría de Seguridad Pública y la Armada de México (Santos *et al.*, 2006).

En ese contexto destacan dos momentos del uso de las islas Marías por parte del Gobierno federal. El primero corresponde al sexenio 2006-2012 dirigido por Felipe Calderón, en cuya gestión se cambió el estatus de Penal Federal por Complejo Penitenciario y se proyectó el aumento de la población de reos y trabajadores hasta 10.000 personas, justificando esto por el sobrecupo en las cárceles de la zona continental. Así, mediante distintos operativos se reubicaron cientos de reos de los penales de distintas entidades federativas hacia las islas Marías, por ejemplo, en diciembre de 2009 y agosto de 2010 se trasladaron 1.200 reos en cada operativo (Méndez, 2009; Notimex, 2010). Estas decisiones resultaban incompatibles con el plan de manejo del ANP decretado a inicios del siglo xxi.

Un segundo momento comenzó a ejecutarse en el sexenio 2018-2024 por parte de Andrés Manuel López Obrador. En marzo de 2019 se publicó el Decreto para desincorporar el Penal Islas Marías del Sistema Federal Penitenciario de los Centros Federales de Readaptación Social (DOF, 2019). A partir de entonces, además del desalojo de la antigua prisión y la reubicación de los presos con condena, en 2021 se inició su conversión a un centro de educación ambiental y cultural, bajo el nombre Muros de Agua José Revueltas¹² en el antiguo campamento Balleto. A partir de decretos y acuerdos se tiene contemplado un proyecto

¹² Escritor y activista político mexicano, quien estuvo preso en las islas Marías en 1932 y en 1934-1935. La metáfora “Los muros de agua”, que da título a una de sus obras, proviene de esas etapas de encerramiento en la prisión de María Madre.

ecoturístico de bajo impacto ambiental y se han creado la Coordinación Interinstitucional y la Unidad de la Gubernatura del Archipiélago Islas Marías, esta última a cargo de la SEMAR (DOF, 2021; DOF, 2022).

Los cambios más recientes y aquellos que se proyectan dan un giro al único caso de una isla-prisión en el México contemporáneo, el cual ha estado en el imaginario de la población debido a la influencia de la crónica (*Las islas Marías* de Luis Spota, original de 1941), la literatura (*Islas Marías* de Martín Luis Guzmán, publicado en 1959) y el cine (*Las islas Marías* dirigida por Emilio “el Indio” Fernández y protagonizada por Pedro Infante en 1951), soportes que retrataron historias reales y ficticias de la condición carcelaria en medio del mar.

Cozumel e Isla Mujeres

La noción idílica de las islas como paraísos anclados en el tiempo inició con el Romanticismo de principios del siglo XIX. Hasta el presente, no ha dejado de explotarse y transmitirse (Marín, 2003). Tal imagen, centrada en la oferta de sol y playas con aguas cristalinas, ha sido un recurso turístico en dos islas del Caribe mexicano: Cozumel (20°30'13"N, 86°57'27"W) e Isla Mujeres (21°15'23"N, 86°44'45"W) que, debido a su desarrollo económico, tienen en común el hecho de poseer la categoría de municipios del estado de Quintana Roo.

A estas islas anualmente llegan, por vía marítima o aérea, turistas que superan por mucho a la población local: Cozumel contaba con 84.000 habitantes e Isla Mujeres con 13.000 pobladores, según el Censo de Población y Vivienda 2020 (Inegi, 2022). Particularmente a Cozumel arriban cruceros de visitantes que no pernoctan en la isla, pero también transbordadores con pasajeros locales y visitantes que se interconectan desde Playa del Carmen, mientras que el aeropuerto local cuenta con conexiones nacionales (Ciudad de México, Monterrey, Mérida y Cancún) e internacionales (Estados Unidos y Canadá) (tabla 4).

Para el caso de Isla Mujeres, el flujo de pasajeros por transbordador proviene de Cancún, cuya explosión turística y, en particular, la creación y activación de su aeropuerto internacional¹³ ha influido en que esta isla sea más visitada cada año (tabla 5).

Las estadísticas ascendentes de 2000 a 2019 se completan con una reversión en el flujo de pasajeros en ambas islas debido a los efectos de la pandemia por covid-19. Para los cruceros que arriban a Cozumel, en 2020 solo hubo actividad en el primer trimestre y en 2021 se reactivó a partir de junio, en tanto que los arribos aeroportuarios de dicho año han alcanzado los niveles prepandemia. Por tanto, resulta imperativo que los gobiernos municipal, estatal y federal planifiquen otras opciones productivas para diversificar la economía

¹³ El tráfico de pasajeros de este aeropuerto en los años 2018 y 2019 superó los 25 millones de personas (Aeropuertos del Sureste, 2022).

Tabla 4.
Movimiento de pasajeros en Cozumel, 2000-2021

Año	Cruceros		Transbordadores		Vía aeroportuaria	
	Arribos	Pasajeros	Movimientos de entrada	Pasajeros	Origen nacional	Origen internacional
2000	882	1.504.603	1.120	35.985	143.427	456.910
2001	796	1.595.417	1.146	33.893	116.477	448.689
2002	1.171	2.343.135	1.071	32.044	95.681	350.205
2003	1.305	2.708.913	2.199	46.520	91.514	364.317
2004	1.304	2.864.137	2.865	85.660	94.783	489.661
2005	1.124	2.519.179	1.485	84.819	73.469	413.147
2006	989	2.350.834	1.767	100.027	62.014	308.698
2007	1.052	2.488.190	1.914	101.140	73.020	438.023
2008	1.008	2.569.433	1.626	113.535	86.435	439.034
2009	846	2.221.728	1.385	126.131	53.396	382.283
2010	1.035	2.911.146	1.334	125.478	38.888	399.944
2011	1.001	2.871.097	1.433	131.399	63.471	378.221
2012	909	2.744.952	1.397	134.837	91.736	365.533
2013	894	2.751.178	1.406	120.482	82.780	367.091
2014	1.108	3.404.408	1.413	124.852	85.129	429.399
2015	1.079	3.396.072	1.493	132.251	110.097	443.679
2016	1.116	3.637.321	1.779	151.557	140.966	397.126
2017	1.245	4.103.787	1.836	147.294	136.851	404.747
2018	1.296	4.265.525	2.857	193.512	171.328	408.391
2019	1.369	4.569.499	3.191	253.903	189.640	356.783
2020	374	1.131.600	2.197	164.888	69.727	198.563
2021	353	650.117	1.579	177.019	174.348	357.327

Fuente: elaboración propia con base en Administración Portuaria Integral (API) Quintana Roo (2022) y Aeropuertos del Sureste (2022).

de los pobladores en Cozumel e Isla Mujeres, severamente afectados por la crisis del turismo.

Los datos del movimiento de pasajeros en estas dos islas evidencian la necesidad de legislar en favor de los habitantes isleños a partir de una perspectiva geográfica: es posible que, al diferenciar al tipo de usuario que ingresa (extranjero, connacional o lugareño), se pueda aplicar una tarifa diferenciada que beneficie al habitante local, de la misma manera que se ejerce en otras naciones con poblaciones isleñas, como se mostrará en el siguiente apartado.

Tabla 5.
Movimiento de pasajeros por transbordador en Isla Mujeres, 2000-2021

Año	Movimientos de entrada	Pasajeros
2000	1.894	82.373
2001	1.895	81.888
2002	1.822	93.299
2003	1.845	116.629
2004	1.880	117.880
2005	1.876	98.522
2006	2.267	114.089
2007	2.267	109.266
2008	2.191	115.021
2009	1.936	105.960
2010	1.833	107.985

(Continúa)

Año	Movimientos de entrada	Pasajeros
2011	1.922	109.874
2012	2.008	108.952
2013	2.152	88.785
2014	2.098	107.545
2015	2.290	122.190
2016	2.374	143.873
2017	2.430	172.522
2018	3.545	141.598
2019	4.043	228.136
2020	1.057	85.181
2021	1.230	147.950

Fuente: elaboración propia con base en Administración Portuaria Integral (API) Quintana Roo (2022).

EXPERIENCIAS INTERNACIONALES DE LEGISLACIÓN EN MATERIA INSULAR EN BENEFICIO DEL TERRITORIO Y SU POBLACIÓN

A partir de una caracterización general del territorio insular de México y de casos emblemáticos, es pertinente destacar algunos aspectos jurídicos y territoriales que han sido exitosos en otras islas del mundo. Estos parten de perspectivas geográficas, por lo que podrían orientar y dar pautas para la regulación oficial para el caso mexicano.

En octubre de 2021 se realizó el Foro consultivo “Rumbo a una legislación para las islas de México” en el Senado de la República,

espacio donde representantes de diversas secretarías de Estado, algunos ministros o representantes de embajadas de países que han legislado sobre islas (España, Francia, Ecuador, Italia), alcaldes de los gobiernos municipales con islas y directivos de distintos consejos consultivos empresariales se reunieron para señalar el estado actual y potencialidades para regular el tema insular en México. El Foro abordó los casos de Cozumel e Isla Mujeres (Quintana Roo), Carmen (Campeche), Cedros (Baja California), Marías (Nayarit) y las islas del Lago de Pátzcuaro (Michoacán) con datos recientes sobre sus problemáticas particulares (Senado de México, 2021).

Debido a que son múltiples los temas de regulación en materia insular, como la necesidad de fuentes alternas de acceso al agua potable o el abasto a través de las importaciones, únicamente se señalarán dos aspectos ejemplares: el tema de la protección ambiental asociado con el turismo y la cuestión del transporte de pasajeros en favor de las poblaciones isleñas, como se han incorporado en Galápagos (Ecuador) y Canarias (España).

Cabe mencionar que 97% del territorio del archipiélago de Galápagos¹⁴ está protegido para la conservación estricta: tiene las categorías de Parque Nacional (desde 1959) por el Gobierno ecuatoriano y de Patrimonio Natural de la Humanidad por la Unesco (desde 1976); asimismo, una amplia área oceánica de 138.000 km² en sus alrededores integra

una reserva marina. Políticamente Galápagos es una provincia ecuatoriana que alberga más de 25.000 habitantes, los cuales son rebasados más de diez veces por los visitantes anuales, ya que en 2019 los turistas fueron 271.000, de los cuales 33% son de origen nacional y 67% extranjero (Rodríguez y Blanco, 2018; Varea, 2004; Gobierno de la República de Ecuador, 2022b).

Las investigaciones que Charles Darwin realizó en el siglo XIX dieron a Galápagos fama como laboratorio biológico y ese factor, así como la presencia de especies características como las tortugas gigantes, ha contribuido a su demanda turística. Para no alterar estos ecosistemas insulares se cuenta con una serie de filtros de entrada y salida aérea o portuaria con el fin de evitar la introducción o extracción de semillas o especies.

Entre los distintos planes de manejo y programas de conservación de este archipiélago, se plantea la necesidad de devolver al continente los residuos de materias, bienes y servicios previamente importados por turistas y población local. Autores como Rodríguez Jácome y Blanco-Romero (2018) proponen el análisis de un “metabolismo insular” donde se cuantifiquen y controlen de manera más detallada los ingresos de personas, el consumo interno y la salida de residuos en favor de la calidad de vida y el desarrollo territorial.

La Ley Orgánica de Régimen Especial de la Provincia de Galápagos, en vigor desde

¹⁴ Este conjunto insular, también denominado archipiélago de Colón, lo conforman 13 islas superiores a 10 km² y 216 islotes o promontorios rocosos.

1998, señala la planificación, el manejo de los recursos y la coordinación interinstitucional para la distribución y utilización de los ingresos generados por los visitantes (Varea, 2004). La tarifa vigente para un extranjero adulto es de 100 dólares, con excepción de los visitantes provenientes de países del Mercosur, quienes aportan 50 dólares, mientras que el turismo residente en Ecuador cubre una cuota de seis dólares (Gobierno de la República de Ecuador, 2022a).

Por otra parte, esa misma Ley especifica el “derecho al acceso preferente” que implica tarifas diferenciadas de transporte aéreo de al menos 50% para los residentes isleños. Este subsidio es absorbido (al igual que el referente al tema de combustibles) por la recaudación de las actividades turísticas (Rodríguez y Blanco, 2018, p. 129; LOREG, 2015).

La recaudación de divisas por turismo se destina a la conservación de las propias islas. Tal aspecto podría retomarse para islas mexicanas que forman parte de alguna ANP y en las que en menor o mayor grado se practica el turismo, tales como Cozumel, Isla Mujeres, Cedros o Espíritu Santo (así como en el incipiente proyecto de las islas Marías). En la actualidad, para visitar algunas islas mexicanas, ya sea por investigación o por turismo, la CONANP promueve la venta y el uso de brazaletes que avalan la autorización de acceso al territorio insular; sin embargo, no en todos los casos hay una estricta vigilancia sobre la pre-

sencia de los visitantes y también faltan filtros de seguridad de entrada y salida, ya sea por vía aérea o marítima.

El tema del transporte de pasajeros es muy relevante a nivel social, puesto que en las islas una variedad de embarcaciones y aeronaves conectan tanto a la población local como a los visitantes; por ello resulta imperativo buscar antecedentes en casos internacionales que sirvan de modelo para el territorio insular de México.

En otras islas del mundo, como las Canarias (España),¹⁵ existe una subvención para el transporte marítimo y aéreo de pasajeros que permite a los residentes tener tarifas preferenciales para facilitar su movilidad. El incremento en la oferta de frecuencias y de plazas, así como el descenso en las tarifas aéreas para los isleños, ha significado un aumento en la demanda (Ramos, 2015).

Así, los ciudadanos canarios residentes han tenido una subvención de las tarifas de servicios regulares del transporte aéreo de 10% antes de 1998, de 33% a partir de 1998, de 50% de 2007 a 2013 y de 75% desde el 1 de abril de 2013 (Hernández, 2010; *Boletín Oficial del Estado*, 2018; Ministerio de Transportes, Movilidad y Agencia Urbana, 2021). En los transportes marítimos también hay subvenciones en determinadas líneas de *ferries* entre las diferentes islas del archipiélago.

Un beneficio en el transporte de pasajeros como el que se menciona no ha sido aplicado

¹⁵ Estas islas son consideradas Territorio Especial de la Unión Europea en el Atlántico y territorio extrapeninsular de España, junto a las islas Baleares, Ceuta y Melilla. En 2015 Canarias, con 2,1 millones de habitantes, recibió más de 15 millones de turistas (Hernández *et al.*, 2017).

a ninguna población isleña en México, pese a que los aeropuertos y aeródromos en distintas islas llevan décadas en funcionamiento. De ahí la necesidad de considerarlo un tema prioritario en la legislación del tema insular ya que, fuera de las iniciativas de ley antes expuestas, no existe algún instrumento similar.

Para dimensionar los altos costos del transporte aéreo para una población isleña se brinda el ejemplo de Cedros. Considerando los precios de aerolínea y el tipo de cambio del dólar con fecha del 5 de junio de 2022, un boleto de avioneta en viaje sencillo de Cedros a Ensenada tendría un valor de \$2.680 en viaje sencillo (137 dólares estadounidenses) y de Cedros a Guerrero Negro de \$1.250 (64 dólares) en una de las dos líneas aéreas que tienen permisos vigentes (Aéreo Servicios Guerrero, 2022). Así, el viaje redondo de una familia de cuatro integrantes de Cedros a Ensenada requiere una inversión de 82 días de salario mínimo.¹⁶

La intención al exponer tales datos es destacar la necesidad de brindar opciones diferenciadas a los isleños frente a los turistas, ya que estos últimos utilizan el transporte aéreo o marítimo ocasionalmente y no como parte de su cotidianidad para entrar y salir de la isla, a diferencia de los lugareños, quienes requieren cubrir necesidades que no se encuentran en su lugar de residencia, por ejemplo, los servicios de salud especializados. Esta perspectiva geográfica que conjuga distancia, accesibili-

dad y lugar de origen, es solo un ejemplo de los aspectos que es posible regular en México siguiendo pautas internacionales de éxito en favor de las poblaciones isleñas para cubrir un vacío legal que está pendiente para los territorios insulares a inicios de la tercera década del siglo XXI.

CONCLUSIONES

Este artículo tuvo, entre otros objetivos, identificar el estado general de la insularidad en México y analizarlo a partir de algunas perspectivas geográficas para proponer parte de dicho análisis en la legislación y con ello coadyuvar en la mejoría de la conservación ambiental del territorio insular y las condiciones de sus habitantes. Entre las perspectivas geográficas que se consideraron se encuentran la distancia y accesibilidad, la definición política de las islas, la vulnerabilidad de sus ecosistemas, el reconocimiento de los asentamientos y la necesidad de regular los flujos turísticos, en los casos donde aplica.

En la planificación para el territorio insular de México es primordial que no se detengan los esfuerzos gubernamentales para que las propuestas ya existentes (por ejemplo, la iniciativa de “Ley federal para el fomento, protección y desarrollo sustentable del territorio insular”, o los Foros consultivos para la legislación insular) no queden en letra muerta, sino que se fortalezcan mediante un seguimiento y ampliación

¹⁶ El salario mínimo para la Zona Libre de la Frontera de México está valuado en \$260,34 diarios a diferencia del salario mínimo para el resto del país valuado en \$172,81 diarios.

con aportes de la academia, y no solo se limiten a las consideraciones terminológicas de corte legislativo-jurídico.

Si bien el esclarecimiento en la cuantificación de islas en el *Catálogo del territorio insular de México* ha sido un avance relevante, su actualización podría considerar dos aspectos clave: la identificación del carácter federal, estatal o municipal que se ha ejecutado en las islas (o la consideración del carácter privado de algunas), así como su pertenencia o ausencia en los planes de manejo de las Áreas Naturales Protegidas. De esta manera se podrían homologar disposiciones legales que involucren las prioridades de conservación sin excluir de las decisiones a las poblaciones isleñas.

De los casos emblemáticos descritos, la Isla de Cedros destaca por sus asentamientos históricos, en tanto las islas del golfo de California se han priorizado en los instrumentos y las investigaciones de orden ambiental, si bien se exponen casos excepcionales con asentamientos y uso turístico. También en el Pacífico, las islas Marías son relevantes por el cambio de uso territorial: María Madre albergó un establecimiento penal durante más de cien años y, actualmente, se encuentra en transición hacia la conservación ambiental y la implementación del turismo. Por su parte, en el litoral Atlántico destacan dos casos: Cozumel e Isla Mujeres, cuyas economías se han volcado a la recepción de turistas, por lo que es imperativo analizar los flujos de visitantes en estas islas con carácter municipal.

Se expusieron aspectos cuantitativos y de importancia histórica y socioeconómica en relación con el patrimonio natural y cultural de algunas islas clave. De estas experiencias se

pueden rescatar los problemas de la insularidad que más apremian, ya sea por fragilidad ambiental (islas del Golfo de California, islas Marías) o por vulnerabilidad de sus pobladores (Cedros, Cozumel, Isla Mujeres), así como las consideraciones para tomar en cuenta en nuevos instrumentos legales o disposiciones a partir del ordenamiento general de las islas o de casos concretos.

Resulta fundamental, considerando las perspectivas geográficas que parten del análisis de la distancia, las conectividades, la vulnerabilidad de los territorios insulares y sus asentamientos, acudir a los modelos que han sido exitosos en archipiélagos como Galápagos o Canarias, específicamente en aspectos como la regulación del turismo en las islas, el fomento de la conservación ambiental y el transporte de pasajeros.

En el caso de México, tanto para las islas del golfo de California como para las Marías, cuyo turismo no resulta o resultaría masivo, es importante priorizar los programas de conservación, pero estos deben estar apoyados en los ingresos que se recaudan de los visitantes, de manera que se logre un ciclo de inversión y reinversión, como se nota en el caso de Galápagos.

En la Isla de Cedros, a pesar de los aportes económicos de la pesca de alto valor comercial, como la langosta (*Panulirus interruptus*) y el abulón (*Haliotis fulgens*, *H. corrugata*), que le han dado un estatus regional significativo, la población carece de opciones de transporte accesibles. Por lo que, además de la imperiosa necesidad de otorgar subsidios a los isleños (como sucede en Canarias), otra opción para facilitar la movilidad recae en ofrecer alguna

línea de *ferry* o transbordador que pudiera ser constante y segura.

En cuanto a Cozumel e Isla Mujeres falta clarificar cuántos de los pasajeros que ingresan por tierra son residentes, de manera que pueda calcularse el flujo efectivo de turistas tanto para el otorgamiento de subsidios del transporte a isleños (como en el ejemplo canario), como para realizar cálculos más eficientes de un límite de visitantes anuales (que se alojan o solo pasan en crucero) en favor de la conservación de estas islas (modelo de Galápagos).

Resulta importante ofrecer opciones de abasto de mercancías importadas, incluyendo artículos de primera necesidad como alimentos y combustibles, para todas las islas. Ese es uno de los temas pendientes que no se pueden ignorar en la legislación común, ya que históricamente los isleños no han pagado los mismos costos que en la zona continental a pesar de tener el mismo salario, por lo cual también es posible que a las poblaciones isleñas se les considere en el tabulador del salario mínimo de la zona fronteriza.

Finalmente, retomando la propuesta del “metabolismo insular” de Rodríguez Jácome y Blanco-Romero (2018), no debe perderse de vista en los flujos de personas y de productos que ingresan a las islas o salen de ellas, toda una cadena que vulnera al territorio más allá del consumo de sus recursos y la generación de residuos. Aquí radica la importancia de las perspectivas geográficas que los planificadores deben considerar para el territorio insular y la sociedad que reside en las islas mexicanas.

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La zona contigua integral del archipiélago de San Andrés y Providencia después del fallo del 21 de abril de 2022*

Juan José Quintana Aranguren**
Martín Camilo Espinosa Arias***

RESUMEN

El ejercicio de jurisdicción sobre los espacios marinos y submarinos ha sido un aspecto fundamental de la geopolítica y la política exterior de los Estados. Hoy en día, las organizaciones internacionales son actores que pueden reglamentar, mediar o juzgar las diferentes disputas que surjan sobre la interpretación de las nor-

mas internacionales que regulan estos temas. En esta medida, resulta importante estudiar cómo puede afectar una decisión de un tribunal internacional la geopolítica de un Estado con respecto a sus océanos. Teniendo en cuenta lo anterior, el presente artículo busca describir las implicaciones del concepto de Zona Contigua Integral (ZCI) en el derecho internacional y realizar un estudio de caso sobre lo dispuesto

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** Master in Laws-LLM, Universidad de Leiden, The Netherlands. Funcionario de la Carrera Diplomática y Consular de Colombia en el rango de Embajador. Director de Asuntos Políticos Multilaterales del Ministerio de Relaciones Exteriores (Colombia) [jjquintanaa@gmail.com]; [<https://orcid.org/0000-0001-6917-5659>].

*** Especialista en Derecho Internacional de los Derechos Humanos, University for Peace-United Nations Mandated (Costa Rica); politólogo y comunicador, Pontificia Universidad Javeriana, Cali (Colombia). Catedrático de Política Exterior Colombiana, Pontificia Universidad Javeriana, Cali (Colombia); funcionario de la Carrera Diplomática y Consular de Colombia en el rango de primer secretario de Relaciones Exteriores, Bogotá (Colombia). [martin.espinosa@javerianacali.edu.co]; [<https://orcid.org/0000-0003-4406-4607>].

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por la Corte Internacional de Justicia (CIJ) en la sentencia del caso “Supuestas violaciones de derechos soberanos y espacios marítimos en el mar Caribe (Nicaragua vs. Colombia)”, emitida el 21 de abril de 2022.

Palabras clave: geopolítica de espacios marinos; Zona Contigua Integral; zona económica exclusiva; Corte Internacional de Justicia; Caso Colombia vs. Nicaragua.

The Integral Contiguous Zone of the San Andrés and Providencia Archipelago After the Judgment of April 21, 2022

ABSTRACT

The exercise of jurisdiction over marine and submarine spaces has been a fundamental aspect of the geopolitics and the foreign policy of States. Today, international organisations are actors that can regulate, mediate, or judge the different disputes that arise on the interpretation of international norms that regulate these issues. To this extent, it is important to study how a decision by an international court can affect the geopolitics of a State with respect to its oceans. Considering this, this article seeks to describe the implications of the concept of the Integral Contiguous Zone (ZCI) in International Law and to conduct a case study on the provisions of the International Court of Justice (ICJ) in the sentence of the case “Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)”, issued on April 21, 2022.

Key Words: Geopolitics of marine spaces; integral contiguous zone; exclusive economic zone; International Court of Justice; Case of Nicaragua v. Nicaragua.

INTRODUCCIÓN

El ejercicio de jurisdicción sobre los espacios marinos y submarinos ha sido un aspecto fundamental de la geopolítica y la política exterior de los Estados. Hoy en día, las organizaciones internacionales son actores que pueden reglamentar, mediar o juzgar las diferentes disputas que surjan sobre la interpretación de las normas internacionales que regulan estos temas. En esta medida, es importante estudiar cómo puede afectar la decisión de un tribunal internacional la geopolítica de un Estado con respecto a sus océanos. Teniendo en cuenta lo anterior, el presente artículo busca describir las implicaciones del concepto de Zona Contigua Integral (ZCI) en el derecho internacional y realizar un estudio de caso sobre lo dispuesto por la Corte Internacional de Justicia (CIJ) en la sentencia del caso “Supuestas violaciones de derechos soberanos y espacios marítimos en el mar Caribe (Nicaragua vs. Colombia)”, emitida el 21 de abril de 2022.

Con este objetivo en mente, en primer lugar se hará un breve análisis sobre el papel que tienen la CIJ y la Convención del Mar en la geopolítica de los Estados. En segundo lugar, se definirá qué es la zona contigua (ZC) según el derecho internacional. En tercer lugar, se describirá la figura de la ZCI tal como fue postulada por el Estado colombiano. Posteriormente, se explicará el papel que tuvo el concepto de ZCI en la tercera demanda presentada

por Nicaragua contra Colombia en la CIJ y las consideraciones que plantearon ambos Estados al respecto frente a la Corte. A continuación, se examinará la Sentencia del 21 de abril de la CIJ en lo que se refiere a la ZCI, sus implicaciones y las opiniones individuales de los jueces que se refirieron a este tema, a saber, Yusuf, Abraham y McRae. Para concluir, se realizarán unas reflexiones frente al caso.

Como lo expresa Rehman (2022), las fronteras son un fenómeno político creado por el hombre que, en el caso de los límites marítimos, toma una especial connotación ya que no existen límites naturales. En esta medida, el ejercicio de jurisdicción sobre los espacios marinos y submarinos ha sido por largo tiempo un aspecto fundamental de la geopolítica y la política exterior de los Estados.

Cuando no hay acuerdo entre los Estados, las disputas marítimas han encontrado soluciones por medio de arbitrajes y laudos internacionales, así como decisiones de tribunales permanentes como la Corte Internacional de Justicia (CIJ o la Corte) o el Tribunal Internacional del Derecho del Mar. Esto lleva a que se establezca una relación entre derecho internacional y geopolítica ya que los tribunales internacionales, con su jurisprudencia, crean impactos en los sistemas geopolíticos y en los intereses de los actores gubernamentales y no gubernamentales (Skordas, 2022).

En cuanto al derecho sustantivo, los Estados han buscado establecer normativas respecto a los océanos a través de la codificación y el desarrollo progresivo del derecho del mar.

A partir de 1945, la explotación de nuevos recursos marítimos antes inaccesibles producidos por el desarrollo de nuevas tecnologías generó consideraciones económicas que dieron lugar a que, en la Primera Conferencia de las Naciones Unidas sobre el Derecho del Mar (Unclos I), realizada en Ginebra en 1958, se adoptaran cuatro convenciones sobre mar territorial y zona contigua, sobre la plataforma continental, sobre la alta mar y sobre la pesca en alta mar. Sin embargo, estas normas se desactualizaron muy rápidamente y el verdadero hito del desarrollo del moderno derecho del mar ocurrió en el marco de la Tercera Conferencia sobre el tema (Unclos III), que sesionó entre 1973 y 1982 y condujo a la adopción de la Convención de las Naciones Unidas sobre el Derecho del Mar (Convemar), que entró en vigor en 1994 y que ha sido ratificada por más de 160 Estados.

La adopción de la Convemar dio lugar al desarrollo de la noción de “nuevo derecho del mar”, donde se crean figuras jurídicas que generan particularidades en lo que antes habían sido solamente dos figuras dicotómicas contrapuestas: el *Espacio marítimo exclusivo* (o aguas territoriales, bajo soberanía del Estado ribereño) y el *Espacio común* (o alta mar, no sujeta a la soberanía de ningún Estado en particular) (Quintana, 2001). La Convemar recoge y desarrolla los conceptos definidos en las Convenciones de 1958 y precisa que hoy en día existen espacios marítimos adicionales sujetos a la jurisdicción del Estado ribereño, como la zona contigua, la plataforma continental y la zona económica exclusiva¹. Cada

¹ Para unas definiciones prácticas de estos términos se recomienda revisar el *Diccionario de la diplomacia moderna* del Ministerio de Relaciones Exteriores de Colombia (2021).

uno de estos espacios marinos y submarinos brinda unos derechos a los Estados ribereños en materias de seguridad, de explotación económica, de cuidado del medio ambiente y de jurisdicción en temas fiscales, sanitarios, aduaneros y migratorios.

La CIJ ha asumido un papel clave en la geopolítica regional al generar “cambios sustantivos en el discurso y el razonamiento geopolíticos, así como en las representaciones geopolíticas de los litigantes” (Manzano Iturra y Jiménez Cabrera, 2016, p. 189). Solo en el mar Caribe, la Corte ha fallado disputas marítimas entre Nicaragua y Honduras, Nicaragua y Costa Rica y Nicaragua y Colombia, y tiene todavía un caso entre estos dos últimos países que estaba pendiente al momento de elaborar el presente comentario.

La CIJ ha contribuido al desarrollo y evolución del derecho del mar al resolver disputas entre Estados que han fijado límites marítimos, dando lugar a nuevas configuraciones geopolíticas que redistribuyen derechos y competencias. A continuación, se estudiará qué cambios genera en la geopolítica relacionada con ciertas islas colombianas en el Mar Caribe el fallo del Caso 155 de la CIJ, oficialmente denominado “Supuestas violaciones de derechos soberanos y espacios marítimos en el mar Caribe (Nicaragua v. Colombia)”, en el cual la Corte profirió sentencia de fondo el 21 de abril pasado.

EL FALLO DE LA CORTE INTERNACIONAL DE JUSTICIA DEL 21 DE ABRIL DE 2022

El caso entre Nicaragua y Colombia, que culminó con la Sentencia del 21 de abril de 2022, no se refería en forma directa a delimi-

tación marítima, sino a cuestiones atinentes a la responsabilidad internacional del Estado. La Corte se pronunció sobre varias pretensiones de Nicaragua en el sentido de que Colombia había violado ciertos derechos suyos en el mar Caribe y tuvo que decidir también si la propia Nicaragua había incurrido en violaciones en perjuicio de Colombia, planteadas en unas demandas reconvencionales que este país presentó y que la Corte encontró admisibles (CIJ, 2017).

El presente comentario se concentra en una de las pretensiones de Nicaragua, que se relacionaba con la supuesta ilegalidad de una figura diseñada por Colombia y denominada Zona Contigua Integral (ZCI), incorporada en el Decreto 1946 de 2013, modificado por el Decreto 1119 de 2014.

En una decisión cuidadosamente calibrada, la Corte no aceptó el argumento de Nicaragua de que la ZCI colombiana era incompatible con la frontera marítima trazada por ella misma en 2012 y confirmó que todas las islas colombianas en el mar Caribe poseen el derecho a una zona contigua. Encontró también que la ZC de las islas colombianas se puede superponer o traslapar con la zona económica exclusiva de Nicaragua, validando así la esencia del concepto de “integralidad” en el cual se fundamentan los mencionados decretos colombianos.

A favor de Nicaragua, la Corte concluyó que la ZCI incorporada en los decretos colombianos es violatoria del derecho internacional consuetudinario, no solo en la medida en que excede la distancia máxima de 24 millas náuticas medidas desde las líneas de base, sino debido a que consagra unas facultades para el

Estado costero que no están contempladas en las normas vigentes del derecho internacional. La consecuencia jurídica es que Colombia debe introducir cambios a sus decretos para que queden conforme a dichas normas, pero manteniendo la vigencia de la ZCI de sus islas en el mar Caribe.

Legalmente, por lo tanto, la decisión sobre este aspecto concreto de la ZCI puede calificarse de salomónica. Pero en una perspectiva más amplia puede considerarse que el fallo configura una nueva interpretación del espacio geopolítico de Colombia en el mar Caribe, la cual brinda unas garantías positivas para el país en la protección de su población y sus intereses en el mar Caribe Occidental, donde mantiene una importante presencia por cuenta de las islas que conforman el archipiélago de San Andrés y Providencia, reconocido por la CIJ como un territorio sujeto a la soberanía colombiana.

ANTECEDENTES

Debe recordarse que entre 2001 y 2012 Nicaragua y Colombia litigaron ante la CIJ el tema de la soberanía sobre las islas que componen el archipiélago de San Andrés y Providencia, así como la delimitación marítima entre los dos países. En el marco de ese litigio, que culminó con el fallo del 19 de noviembre de 2012, Colombia presentó ante la CIJ el mapa 1, titulado “Proximidad de las islas del archipiélago de San Andrés”.

Lo que se intentaba mostrar o resaltar con este mapa era la unidad esencial del archipiélago de San Andrés, Providencia y Santa Catalina, lo cual Nicaragua debatía en forma abierta ante la Corte. Pero el mapa señala

también un hecho adicional, derivado de la geografía del área, y es que si se trazan los arcos de círculos de 24 millas alrededor de cada una de las islas y cayos más importantes del archipiélago colombiano (San Andrés, Providencia, Santa Catalina, Alburquerque, Este-Sudeste, Roncador, Quitasueño y Serrana, pero no Serranilla ni Bajo Nuevo, en razón de las distancias involucradas) se genera un *continuum*, es decir, un espacio marítimo ininterrumpido y cohesionado.

Ese es el concepto de la Zona Contigua Integral, que figuró en forma prominente en el segundo pleito entre Nicaragua y Colombia, en el curso del cual, como se dijo, la CIJ tuvo que decidir si esa figura, creada por Colombia luego del fallo de 2012, era o no compatible con el derecho internacional.

LA ZONA CONTIGUA EN EL DERECHO INTERNACIONAL

Conviene recordar cuál es la naturaleza precisa de la zona contigua (ZC) en el derecho del mar y, en especial, lo que no es. La ZC es un espacio marítimo adyacente al mar territorial (MT) y que se extiende hasta una distancia de 24 millas náuticas medidas desde las líneas de base, en el cual el Estado costero puede ejercer unas competencias cuidadosamente delineadas con respecto a buques y personas que se encuentren en esa franja de mar.

El régimen aplicable a la ZC figura en el artículo 33 de la Convemar, el cual reproduce prácticamente sin cambios el artículo 24 de la Convención de Ginebra de 1958 sobre el mar territorial y la Zona Contigua. Esta disposición establece:

Mapa 1.
Proximidad de las islas en el archipiélago de San Andrés en réplica
de la República de Colombia del 18 de junio de 2010



Figure R-7.1

Fuente: CIJ (2010, p. 118).

Artículo 33

Zona contigua

1. En una zona contigua a su mar territorial, designada con el nombre de zona contigua, el Estado ribereño podrá tomar las medidas de fiscalización necesarias para:

- a) Prevenir las infracciones de sus leyes y reglamentos aduaneros, fiscales, de inmigración o sanitarios que se cometan en su territorio o en su mar territorial;
- b) Sancionar las infracciones de esas leyes y reglamentos cometidas en su territorio o en su mar territorial.

2. La zona contigua no podrá extenderse más allá de 24 millas marinas contadas desde las líneas de base a partir de las cuales se mide la anchura del mar territorial.

Como se observa, no es una zona de soberanía sobre la cual el Estado costero tenga competencias análogas a las que tiene sobre su territorio, como sí sucede en el MT. Lo único que puede hacer un Estado en la ZC es ejercer actividades de control y cumplimiento de la ley, tanto en materia preventiva como represiva, respecto de conductas que se hayan cometido (jurisdicción represiva) o se vayan a cometer (jurisdicción preventiva) en su territorio o en su MT.

Lo que puede hacer el Estado costero en la ZC representa, por lo tanto, una especie de “persecución en caliente” frente a las infracciones de ciertas leyes del Estado costero que tengan lugar o puedan tener lugar, en sitios donde este ejerce soberanía plena, como son el territorio o el mar territorial de dicho Estado.

Tradicionalmente se consideró que las leyes cuya infracción justificaba el ejercicio de estos poderes policivos se limitaban a aquellas que regulan temas como las aduanas, la

migración, las cuestiones fiscales y las sanitarias. Obsérvese que si una infracción de estas normas es cometida en la propia ZC (es decir, en el espacio marítimo comprendido entre la milla 12, o borde externo del MT, y la milla 24 o límite permisible para la ZC) el Estado costero no tiene jurisdicción y se aplican las reglas normales sobre jurisdicción del Estado del pabellón frente a buques que naveguen en aguas internacionales, como pueden ser las aguas de la zona económica exclusiva (ZEE) o del alta mar (AM). Obsérvese también que en la franja de mar situada entre la milla 12 y la milla 24 el Estado costero no tiene jurisdicción sobre el espacio aéreo ni sobre el lecho y subsuelo del mar. En el primer caso, predomina aquí la libertad de sobrevuelo que impera en la ZEE —en la cual se puede considerar que la ZC está subsumida—, y en el segundo el espacio submarino corresponde a la noción de la plataforma continental (PC), que está bajo en régimen diferente, en el cual no se habla tanto de jurisdicción sino de “derechos soberanos”.

LA ZONA CONTIGUA INTEGRAL DEL ARCHIPIÉLAGO COLOMBIANO

En el pleito judicial entre Nicaragua y Colombia, que culminó con la Sentencia de 2012, la ZC no jugó ningún papel, en buena parte debido a las distancias involucradas.

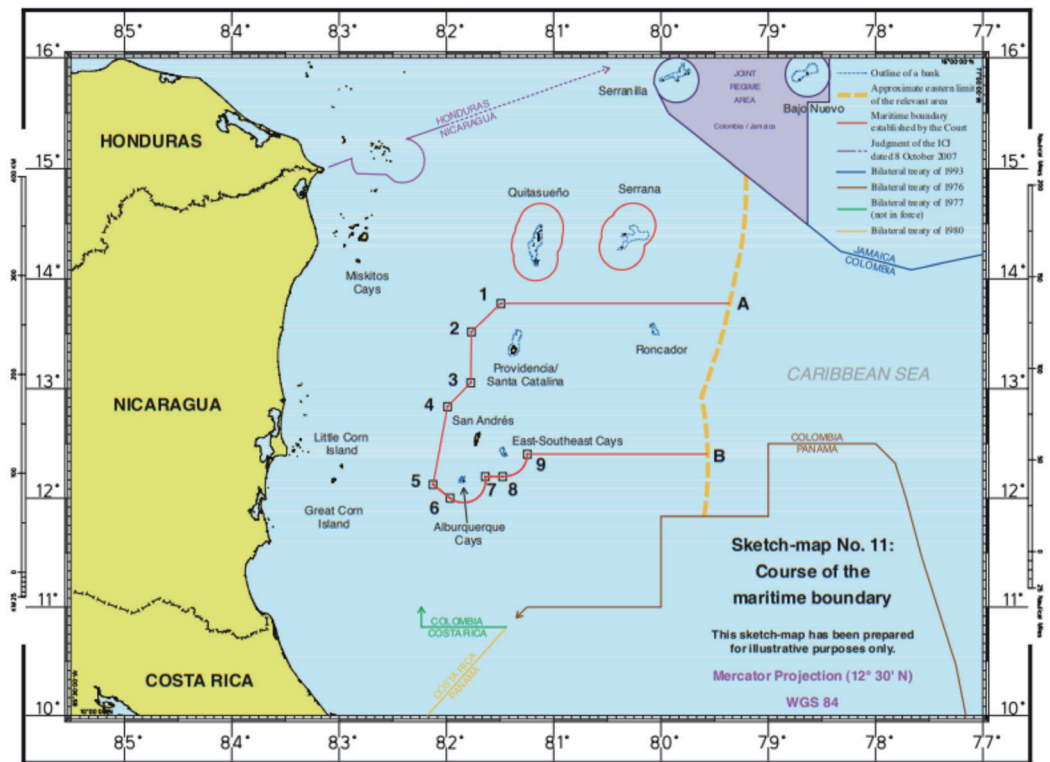
La delimitación marítima que Nicaragua pidió y que la Corte efectuó se refería única y exclusivamente a las ZEE y PC de Nicaragua y Colombia, y no a las respectivas ZC. De esta manera, la frontera marítima trazada por la Corte separa la ZEE y la PC de Nicaragua de los espacios marítimos correspondientes a las

islas colombianas, los cuales son, por efecto de las líneas que fijó la Corte, el MT, la ZEE y la PC en el caso del grupo central de islas (San Andrés, Providencia, Santa Catalina, Alburquerque, Cayos del Este-Sudeste y Roncador) y el MT (en el caso de Quitasueño y Serrana). La situación se comprende mejor si se examina el croquis en el que figuran las líneas trazadas por la Corte (mapa 2).

Inmediatamente proferido el fallo de 2012 surgió la cuestión de si la ZC de las islas colombianas se mantenía en existencia. Colombia asumió que esto era así y que como la Sentencia no se había ocupado en absoluto del tema, la Corte no podía haberla privado de un derecho que le conferían claras normas del derecho internacional consuetudinario.

En forma consecuente con esta postura, cuando en septiembre de 2013 el gobierno de

Mapa 2.
Boceto de mapa no. 11: curso de la frontera marítima en Sentencia
del 19 de noviembre de 2012



Fuente: CIJ (2012, p. 94).

Juan Manuel Santos trazó una estrategia para hacerle frente a la situación derivada del fallo de 2012, se incluyó en ella la proclamación de una zona contigua integral en el archipiélago, la cual quedó plasmada oficialmente en el Decreto 1946 del 9 de septiembre de 2013 (República de Colombia, 2013)². Aunque el Decreto no incluía ningún mapa, ante la Corte, Colombia presentó un mapa como una representación de su ZCI plasmada en el decreto (mapa 3).

Es ilustrativo comparar este mapa con el mapa 1. Como se observa, hay dos diferencias fundamentales entre la ZCI incorporada en el Decreto 1946 de 2013 y la ZCI, por decirlo así, “natural”, conformada por la sumatoria de las zonas contiguas de las islas colombianas. La primera es que en el decreto Colombia no solo trazó los arcos de círculo de 24 millas alrededor de cada isla, sino que además unió los bordes externos de dichos arcos mediante unas líneas geodésicas o líneas rectas. La segunda diferencia es que, de alguna manera, se buscó unir esta ZCI a la ZC de la isla de Serranilla, localizada más al norte y a una distancia claramente superior a las 48 millas náuticas de la isla más cercana a ella, que es Serrana.

El *rationale* de esta configuración se encuentra en el artículo 5, párrafo 2 del Decreto, en los siguientes términos:

Con el objeto de asegurar la debida administración y el manejo ordenado de todo el Archipiélago de San Andrés, Providencia y Santa Catalina, de sus islas,

cayos y demás formaciones y de sus áreas marítimas y recursos, así como de evitar la existencia de figuras o contornos irregulares que dificulten su aplicación práctica, las líneas que señalan los límites exteriores de las zonas contiguas se unirán entre sí por medio de líneas geodésicas. De la misma forma, estas se unirán a la zona contigua de la isla de Serranilla por medio de líneas geodésicas que conservan la dirección del paralelo 14°59'08" N hasta el meridiano 79°56'00" W, y de allí hacia el norte, formando así una Zona Contigua Integral del Departamento Archipiélago de San Andrés, Providencia y Santa Catalina. (República de Colombia, 2013, p. 3)

LA TERCERA DEMANDA DE NICARAGUA

Como reacción inmediata frente a la expedición del Decreto, Nicaragua presentó otra demanda contra Colombia ante la CIJ, aprovechando que, en su opinión, el Pacto de Bogotá, que era el tratado por el cual ambos países habían aceptado la competencia de la Corte, seguía vigente hasta que se cumpliera el plazo de un año desde su denuncia por Colombia, ocurrida en noviembre de 2012, a pocos días de emitida la decisión en el primer litigio. El 26 de noviembre de 2013 Nicaragua presentó esta demanda, dando así origen al litigio que culminó el 21 de abril de 2022 con la expedición de la sentencia objeto del presente artículo.

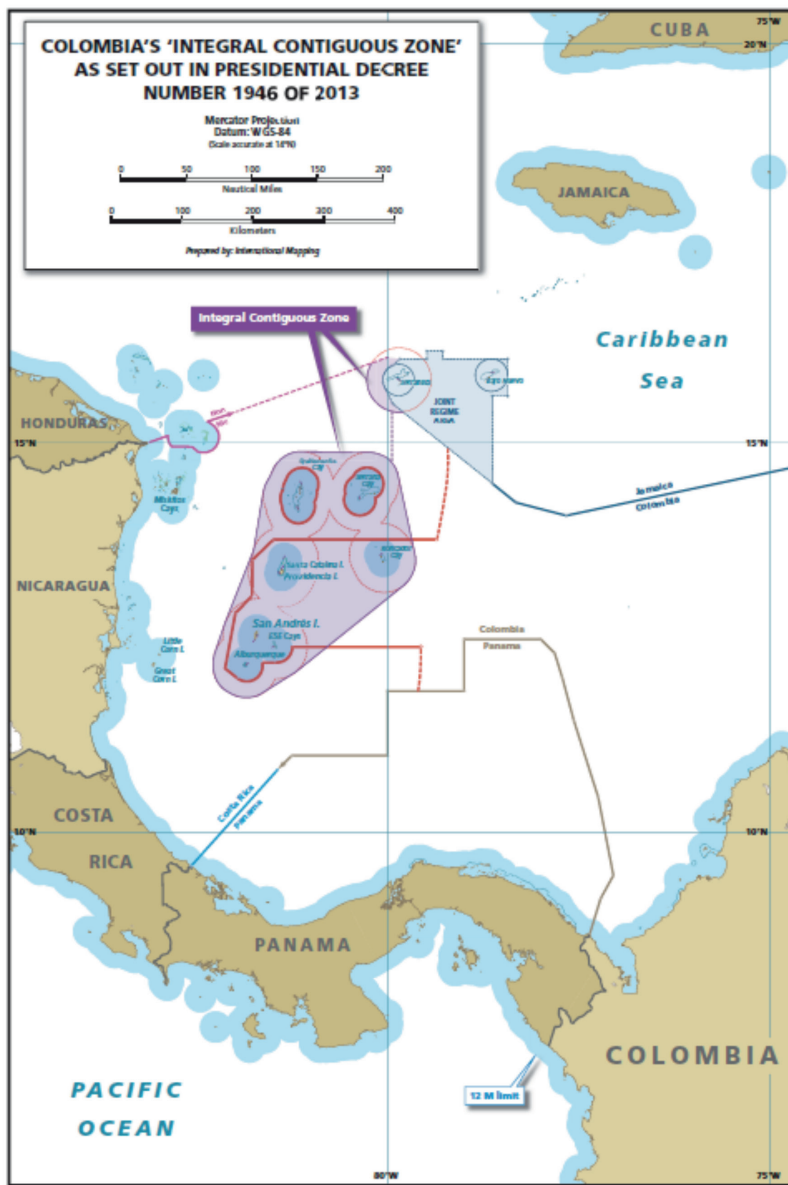
Si bien Nicaragua basó su tercera demanda en la posición de que las islas colombianas no tienen derecho a una ZC debido a que mediante el Fallo de 2012 la Corte trazó una

² Modificado mediante el Decreto 1119 de 2014 (República de Colombia, 2014).

Mapa 3.

Zona integral contigua de Colombia según el Decreto 1946 de 2013

MAP SHOWING COLOMBIA'S "INTEGRAL CONTIGUOUS ZONE" ACCORDING TO COLOMBIA
(Source: Colombia's Counter-Memorial, Figure 5.1, p. 204)



Fuente: CIJ (2022, p. 63).

frontera marítima universal que delimitó todos los espacios marítimos entre los dos países, la verdad es que no articuló esta posición sino hasta el día en que presentó su demanda contra Colombia. En la segunda demanda, presentada el 16 de septiembre del mismo año, Nicaragua se concentró en el tema de la delimitación de su supuesta plataforma continental extendida y no dijo absolutamente nada sobre la ZCI, sobre el Decreto colombiano, ni sobre el alegado incumplimiento por Colombia del fallo de 2012.³ Nicaragua tampoco planteó en su momento protesta alguna frente a Colombia por la expedición del Decreto, lo que significa que la primera ocasión en la que Colombia conoció las reservas que tenía Nicaragua frente al concepto de la ZCI y frente al Decreto fue más adelante, cuando fue notificada de la demanda, el propio 26 de noviembre de 2013.

Con base en esas circunstancias, unas de las excepciones preliminares de falta de competencia que Colombia planteó ante la Corte en este caso se refería a la inexistencia de una controversia entre Nicaragua y Colombia respecto de la legalidad de la ZCI y el Decreto 1946 de 2013. El fundamento de esta excepción era que, según la jurisprudencia constante de la Corte, para que exista una genuina controversia entre dos Estados que pueda llevarse a su conocimiento “debe mostrarse que la pretensión

de una parte es claramente controvertida por la otra” (CIJ, 1962, p. 328) y que “las dos partes mantienen opiniones claramente enfrentadas con respecto a la cuestión del cumplimiento o falta de cumplimiento de ciertas obligaciones internacionales” (p. 74).

Después de todo, no parece compatible con el principio de la buena fe y con el de una buena administración de justicia que un Estado conozca sobre el contenido de las pretensiones de otro Estado únicamente al momento de notificarse de que se ha presentado una demanda en contra suya ante la CIJ: es absurdo pensar que con la propia demanda se puede dar origen a la controversia.

Como en relación con la ZCI Nicaragua nunca presentó una pretensión o protesta a Colombia ni le manifestó formalmente que tenía objeciones sobre la legalidad del Decreto o su compatibilidad con el derecho internacional, Colombia no tuvo en realidad ocasión de formular su oposición frente a la misma y, por lo tanto, se consideraba justificada al sostener que, sobre este punto concreto, al menos, no se había configurado una controversia o disputa que pudiera someterse a la adjudicación internacional. De hecho, como Colombia lo comprobó durante el proceso, la primera protesta formal de Nicaragua le fue planteada a Colombia apenas en septiembre de 2014, casi

³ No cabe duda de que la Sentencia de 2012 no fue recibida positivamente en Colombia y desde el mismo día en que fue proferida han surgido dificultades para su plena implementación en el plano interno. Un sector de la opinión pública en el país está convencido de que, aunque en el marco del sistema internacional la CIJ busca desempeñar un papel ordenador, sus sentencias no siempre logran ese cometido, ya que, en ocasiones, crean o profundizan controversias adicionales. Esto podría haber sucedido con la sentencia de 2012 y sus efectos sobre la ordenación de los espacios marítimos sujetos a jurisdicción estatal en el mar Caribe.

un año después de presentada la Demanda ante la Corte.

Sin embargo, la CIJ desestimó esta objeción y en su sentencia del 17 de marzo de 2016 concluyó sobre este punto:

En las circunstancias específicas del presente caso la evidencia indica con claridad que, en el momento en que se depositó la Demanda, Colombia era consciente de que la expedición del Decreto 1946 y su conducta en las áreas marítimas declaradas como pertenecientes a Nicaragua por la sentencia de 2012 era efectivamente disputada por Nicaragua. Dadas las declaraciones públicas de las Partes [...] Colombia no pudo haber malinterpretado la posición de Nicaragua respecto de dichas diferencias. (CIJ, 2016, pp. 33-34)

LA FASE DE FONDO Y LA SENTENCIA DEL 21 DE ABRIL DE 2022

Al pasar a la fase de fondo, un componente importante del caso que culminó con la Sentencia del 21 de abril de 2022 se refería a la legalidad de la ZCI proclamada por Colombia y del Decreto mediante el cual se estableció esa figura. En su Sentencia, la Corte reseñó en los siguientes términos las posiciones de las partes sobre este aspecto del litigio:

145. ... Nicaragua no niega que Colombia posea titularidad sobre una zona contigua, pero mantiene que tanto la extensión geográfica de la “zona contigua integral”, como el alcance material de los poderes que Colombia pretende ejercer allí exceden los límites permitidos para la zona contigua bajo las reglas del derecho internacional consuetudinario. En opinión de Nicaragua, al establecer la “zona contigua integral”,

Colombia violó los derechos de Nicaragua en su zona económica exclusiva. (CIJ, 2022, p. 52)

156. Nicaragua sostiene que las titularidades de las partes deben limitarse por la frontera marítima establecida por la Corte en su Sentencia de 2012. En opinión de Nicaragua, los derechos de Colombia como tercer Estado en la zona económica exclusiva de Nicaragua están regidos por el Artículo 58 de la Convemar, el cual refleja derecho consuetudinario y no involucra derechos de zona contigua. La delimitación de la zona económica exclusiva incluye la delimitación de la zona contigua, “así sea en forma implícita”. Nicaragua argumenta que el hecho de que la Sentencia de 2012 no haga referencia expresa a la zona contigua no es decisivo.

157. Colombia alega que bajo el derecho internacional ella tiene derecho a establecer una zona contigua alrededor del Archipiélago de San Andrés y que la Sentencia de 2012 no suministra ninguna base jurídica para privarla de ese derecho. Reclama que el ejercicio de “poderes contingentes” por un Estado costero con respecto a “categorías específicas de eventos” dentro de su zona contigua ni niega ni infringe el ejercicio de derechos soberanos por un Estado vecino dentro de una zona económica superpuesta a la zona contigua. El derecho del Estado costero a establecer una zona contigua es independiente de, y compatible con, cualesquiera derechos sobre recursos en una zona económica exclusiva de otro Estado situada en el mismo espacio. (p. 58)

La decisión de la Corte con respecto a estas cuestiones fue claramente a favor de la tesis colombiana, en dos sentidos. Primero, la Corte respaldó en forma explícita la posición de que la delimitación efectuada en 2012 no derogó el derecho de Colombia a establecer una “zona contigua alrededor del Archipiélago de San

Andrés” (160). Segundo, la Corte coincidió con Colombia en cuanto a que, bajo el derecho internacional consuetudinario, la ZC de un país (Colombia) puede coexistir con la ZEE de otro (Nicaragua), incluso si ambos espacios se superponen o traslapan en algún sector del mar (161) (CIJ, 2022, p. 59).

Por lo tanto, no solamente Colombia tiene derecho a la ZC de cada una de sus islas, sino que dicha ZC puede superponerse a la ZEE de Nicaragua sin que esto genere incompatibilidad alguna con el derecho internacional. La zona contigua integral del archipiélago colombiano es, en consecuencia, legal a la luz del derecho internacional. La Corte expone que la ZC tiene como propósito prevenir y castigar conductas que son ilegales para el Estado costero según sus normas nacionales y sus leyes, y la ZEE le da al Estado costero derechos soberanos sobre la explotación de recursos naturales y jurisdicción sobre la protección del medio ambiente. También expone que cada Estado debe tener en cuenta los derechos y deberes del otro Estado (CIJ, 2022, p. 59). No obstante, no señala ni establece procedimientos que se deban llevar a cabo cuando estos derechos sean contradictorios.

En favor de Nicaragua, la Corte llegó a la conclusión de que, en algunos aspectos específicos, el Decreto 1946 se aparta de lo que el derecho internacional consuetudinario

prescribe sobre la ZC y, por lo tanto, Colombia está en la obligación de ajustarlo (párrs. 187 y 194). Se trata, por un lado, de la extensión de la ZCI, la cual no puede superar las 24 millas medidas desde las líneas de base de cada isla. Por el otro lado, de las facultades que el Estado costero puede ejercer en ese espacio marítimo, las cuales se limitan a los asuntos que se mencionan en forma taxativa en el artículo 33 de la Convemar, disposición que para la Corte refleja el derecho consuetudinario⁴.

Existía un desacuerdo porque Colombia había incluido en el artículo 5 del Decreto 1946 asuntos relacionados con la seguridad integral del Estado como la piratería y el tráfico de estupefacientes, así como la preservación del medio ambiente (República de Colombia, 2013). Colombia argumentó que en lo “sanitario” podía ser incluida la protección del ambiente marino. Sin embargo, la Corte falló que el término “sanitario” se incluyó como parte de regulaciones de aduanas y que no existe una base en el derecho o en la práctica de los Estados que pueda permitir darle al término sanitario la interpretación expandida propuesta por Colombia (CIJ, 2022, p. 65). Respecto al tema de “seguridad integral”, la Corte expone que la seguridad no fue incluida como uno de los aspectos sobre los cuales los Estados tenían control en su ZC y que tampoco ha habido un

⁴ Un debate recurrente en el mundo académico es hasta qué medida las disposiciones de la Convemar reflejan el estado del derecho internacional consuetudinario, por estar debidamente soportadas en práctica estatal y la denominada *opinio juris*. Parece haber consenso en que solamente algunos de los más de 300 artículos de ese tratado tienen esa condición, pero no hay total claridad sobre cuáles son estos. En su jurisprudencia, la CIJ y otros tribunales han hecho importantes pronunciamientos en ese sentido con respecto a normas específicas como las referentes al trazado de líneas de base, la extensión del mar territorial, la delimitación de espacios marítimos, el estatus de las islas y, ahora, el régimen de la zona contigua.

desarrollo en el derecho internacional consuetudinario que dé cuenta de ello (pp. 64-65).

Otro aspecto puntual que conviene destacar es que una de las facultades que se mencionan en el Decreto colombiano se refería a prevenir y controlar las infracciones “relacionadas con la preservación del patrimonio cultural” (arts. 5, 3 (a)). Sobre esto, la Corte concluyó que el artículo 303 de la Convención de 1982, referente al patrimonio cultural sumergido que pueda encontrarse dentro de la ZC, también forma parte del derecho internacional consuetudinario y, por lo tanto, a este respecto el Decreto es compatible con dicho derecho. Esto significa que Colombia se puede beneficiar de dicha norma, incluso sin haber ratificado la Convención. Esto es, claramente, un *bonus* para el país, que tiene implicaciones que van más allá de los pleitos por temas marítimos con Nicaragua.

Finalmente, la Corte, en el subparágrafo 6 del *dispositif* encuentra que Colombia debe ajustar, por los medios que considere más adecuados, el Decreto Presidencial 1946 de 2013, modificado por el Decreto 1119 de 2014, de conformidad con el derecho internacional consuetudinario (CIJ, 2022, p. 90).

LAS OPINIONES INDIVIDUALES

Un comentario final es que en aclaraciones o salvamentos de voto añadidos a la sentencia, tres de los jueces se refirieron en forma directa al tema de la ZCI y las implicaciones de la decisión de la Corte al respecto: la opinión separada del juez Yusuf (Somalia) y las opiniones disidentes de los jueces Abraham (Francia) y McRae (juez *ad hoc* designado por Colombia).

El juez Yusuf emitió una opinión separada en lo referente al subparágrafo 6 del *dispositif* ya que señala que este es incoherente con lo que se había afirmado previamente durante la sentencia. Esto debido a que, según Yusuf, lo que no se ajustaba al derecho internacional consuetudinario no era como tal la medida administrativa (el decreto), sino la creación misma de la zona contigua integral y las facultades que en ella ejercía Colombia (Yusuf, 2022).

En su opinión disidente, el juez Abraham también señala estar en desacuerdo con el enfoque que le dio la sentencia a la creación de la zona contigua integral de Colombia, pero por motivos diferentes. El juez Abraham argumenta que la Corte debió haber estudiado si la implementación del Decreto daba lugar a que no fueran respetados los derechos que Nicaragua afirmaba tener, y no si el Decreto ignoraba los derechos que la Corte había otorgado a Nicaragua en su fallo de 2012. Según el juez Abraham, si se hubiese enfocado de la primera manera y no de la segunda, no se habría tenido un enfoque abstracto de la cuestión y las conclusiones hubiesen sido diferentes (2022, p. 5). Igualmente, el este juez expone que no se debió haber estudiado la legalidad del Decreto 1946 a la luz del artículo 33 de la Convemar que da la lista taxativa de lo que puede hacer un Estado en su zona contigua, sino que se debió haber estudiado si el Decreto colombiano era compatible con el artículo 56 de la Convemar que es el que da los derechos, la jurisdicción y los deberes del Estado ribereño en la zona económica exclusiva (Abraham, 2022). En resumen, el juez Abraham afirma que no se debió haber estudiado si el decreto colombiano era compatible con el derecho internacional, sino

si el decreto y la ZC definida en él violaban los derechos de Nicaragua en su ZEE.

Acorde con Abraham (2022), al haber enfocado la sentencia analizando el artículo 56 de la Convemar, se hubiese encontrado que no se podía afirmar que la aplicación del artículo 5 del Decreto 1946 en lo referente a la preservación del medio ambiente marino ocasionaba que Colombia fuese responsable internacionalmente solo por la adopción de disposiciones legislativas nacionales. Según el juez Abraham, para que el decreto ocasionara responsabilidad en sí mismo, su implementación debía llevar irrevocablemente al incumplimiento de una obligación internacional. Si el decreto podía ser interpretado de múltiples maneras o adaptado de forma restrictiva, no generaba responsabilidad internacional de Colombia.

Finalmente, el juez *ad hoc* McRae (2022) también tiene una opinión disidente respecto a las conclusiones de la Corte en torno a la ZCI de Colombia. Por un lado, para el juez McRae es positivo que la Corte haya fallado que Colombia tiene derecho a establecer una ZCI y que esta puede superponerse con la ZEE de Nicaragua.

Sobre la interpretación que hace Colombia del artículo 33 de la Convemar, y sobre la inclusión de temas de control del comercio de drogas en la zona, McRae afirma que estos pueden ser no más que una percepción ampliada de leyes aduaneras y fiscales, para lo cual afirma:

El tráfico de Drogas constituye un asunto de leyes aduaneras de la misma forma como el contrabando de alcohol lo fue, en circunstancias en las cuales la persecución de dicha conducta suministró una de las bases para la creación de la zona contigua. Igualmente, las leyes sanitarias, tanto en 1958 como hoy, se refieren a la salud. No percibir la preservación del medio ambiente como una cuestión que está fundamentalmente ligada a la salud representa ignorar la realidad contemporánea. (McRae, 2022, p. 9)

Así mismo, McRae cita que la Comisión de Derecho Internacional de las Naciones Unidas mencionó en 1956 que no se incluía el tema de seguridad en las competencias de las zonas contiguas, pero que “la aplicación de las normas aduaneras y sanitarias será suficiente en la mayoría de los casos para salvaguardar la seguridad del Estado” (Commentary to the articles concerning the law of the sea, *Yearbook of the International Law Commission*, 1956, vol. II, p. 295, draft art. 66, comment (4), quoted in Judgment, paragraph 152, citado en McRae, 2022, p. 9).

El juez McRae destaca que la Corte debió haber interpretado de manera evolutiva el artículo 33 de la Convemar como lo ha hecho en su misma jurisprudencia en los casos Controversia sobre derechos de navegación y derechos conexos (Costa Rica c. Nicaragua)⁵, y también Caza de Ballenas en la Antártida (Australia c. Japón; intervención de Nueva Zelanda)⁶ (McRae, 2022, p. 10).

⁵ Sentencia, CIJ Informes 2009, pp. 242 y 243, párrs. 64-66.

⁶ Fallo, ICJ Reports 2014, p. 247, párr. 45.

REFLEXIONES FINALES

La CIJ ha contribuido a reconfigurar los espacios geopolíticos de los Estados a través de los fallos que ha dado en materia de diferendos limítrofes. En el caso de los diferendos limítrofes marítimos la Corte ha tenido un papel destacado y emblemático si se tienen en cuenta todos los casos que ha fallado en lo referente al derecho del mar en diferentes regiones del mundo.

La Corte ha estado en constante diálogo con la Convemar y con los órganos creados en su marco, lo que la ha convertido en un actor fundamental para la clarificación de los principios de delimitación marítima y de unificación de sus normas, tanto antes como después de la creación de Convemar y de su entrada en vigencia.

En América Latina, la Corte ha reconfigurado los espacios geopolíticos en el mar Caribe en varios casos en el siglo XXI. El caso entre Nicaragua y Colombia, cuya sentencia fue proferida el 21 de abril de 2022, aunque no se refería en forma directa a la delimitación de espacios marítimos, presentó una nueva oportunidad para la reinterpretación del ejercicio de jurisdicción sobre espacios estratégicos en el mar Caribe.

En este artículo se ha intentado mostrar la forma como este fallo contiene una interpretación novedosa que reconfigura el espacio geopolítico de Colombia en el mar Caribe. El desarrollo que le dio el Estado colombiano al concepto de zona contigua integral en el Decreto 1946 de 2013, modificado por el Decreto 1119 de 2014 (República de Colombia, 2014)

fue acogido en varios aspectos fundamentales en el fallo, lo cual genera una nueva interpretación del derecho internacional consuetudinario aplicable a espacios como la zona contigua y la zona económica exclusiva, y brinda unas garantías positivas para Colombia en la protección de su población y sus intereses en el mar Caribe.

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RESEÑAS

ASIA: UN CONTINENTE POR DESCUBRIR

[Reseña Gélvez, T. y Vaca, M. (2021).

Asia: un continente por descubrir.

Ecoe Ediciones/Galda Verlag. 336 pp.]

Pío García

TURISMO EN EL CARIBE: PASADO, PRESENTE Y FUTURO

[Reseña González Núñez, G. (2022).

Turismo en el Caribe: pasado, presente y futuro. Editorial Akelarre. 216 pp.]

José Luis Perelló Cabrera

Asia: un continente por descubrir

Pío García*

Reseña del libro

Gélvez, T. y Vaca, M. (2021). *Asia: un continente por descubrir*. Ecoe Ediciones/Galda Verlag. 336 pp.

De la mano de Tatiana Gélvez y Margarita Vaca, un grupo de investigadoras se han ofrecido de guías del público latinoamericano en su incursión en la Asia inmensa e ignota. Sus orientaciones están plasmadas en el libro *Asia: un continente por descubrir*. Para facilitar el ejercicio didáctico, cada una tomó un país o región. En sus pautas, Olga Lucía Patiño rompe los mitos sobre India, Valentina Prudnikov expone las fragilidades rusas, Julia Alicia Romero habla de Japón como puntal de la integración regional asiática, Angélica Guerra-Barón expone a Corea de una forma multidisciplinar, María Alejandra Uribe resalta el papel de la educación en el éxito de Singapur, Tatiana Gélvez analiza el auge chino, Raquel León analiza el margen de movimiento de Taiwán, Hong Kong y Macao frente a China; Natalie Gómez y Carol Chan revisan los constructos nacionalistas del Sudeste asiático, Ana María

Figuroa explica la relevancia de Asia Central y Margarita Vaca evalúa las contradicciones en Asia Sur.

Desde la perspectiva política, es apreciable la contribución académica por parte de un grupo de mujeres empoderadas, dispuestas a elevar el análisis y la discusión de los estudios regionales. En este caso de un continente cada vez más presente en nuestra vida diaria a través de todo el consumo de bienes industriales e inmateriales. Asia, con Corea, China, Japón o India a la cabeza, forma parte del paisaje cotidiano, desde los celulares, las confecciones, los implementos deportivos, las bicicletas, las motocicletas y los automóviles. En la economía digital, las telecomunicaciones avanzadas dependen en forma creciente de los proveedores asiáticos. Es el caso de la red 5G o Ruta Digital de la Seda que se construye en Brasil, Argentina, México y otros países latinoamericanos.

* Doctor en Filosofía. Docente-Investigador del Observatorio de Análisis de los Sistemas Internacionales (OASIS), Facultad de Finanzas, Gobierno y Relaciones Internacionales, Universidad Externado de Colombia (Colombia). [pio.garcia@uexternado.edu.co]; [https://orcid.org/0000-0003-1270-5131].

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Y no se diga el impacto del poder blando de las artes marciales, el yoga, el ayurveda o la ola musical y cinematográfica coreana.

En el orden disciplinar y metodológico, las autoras se propusieron dos grandes metas: “rigurosidad académica”, por un lado, y realizar un acercamiento multidimensional. De acuerdo con esta última opción, encontramos aproximaciones diversas a los temas sugeridos. Las hay de corte más social e histórico, como lo son los capítulos sobre Rusia, China y Japón. Las hay de tipo sociológico, como los estudios sobre India y Asia Sur. Para esta subregión, se desglosa el índice de felicidad nacional bruta, un indicador social emblemático de Nepal. Las hay de carácter económico, tales como la industrialización de Singapur, sobre la base de las políticas públicas en educación que elevaron la competitividad del país, o de China, donde la gradual inserción internacional proclamada por Deng Xiaoping rindió plenos éxitos. Asia Central y Corea son examinadas desde enfoques más interdisciplinarios.

El libro está dirigido a todos los públicos, pero las autoras han querido privilegiar a los visitantes y a los empresarios interesados en interactuar con clientes asiáticos. En las advertencias a esos usuarios particulares sobresale el examen valeroso de Olga Lucía Patiño para desmitificar el aura romántica de una *Incredible India*, reforzada por la propaganda oficial, y poner en evidencia, más bien, los remanentes de corrupción, discriminación, violencia e intolerancia, que nadie esperaría encontrar en el país de Gandhi. Angélica Guerra-Barón integra elementos culturales y geopolíticos en su explicación del milagro surcoreano y les llama la atención a los empresarios sobre la necesidad

de conocer “la etiqueta de negocios” propia de ese país. Respecto a la capacidad de agencia o autonomía de Hong Kong, Macao y Taiwán, Raquel I. León de la Rosa halla con objetividad las limitaciones fácticas de esas economías, verdaderos apéndices de China.

Una contribución de este porte a los estudios asiáticos desde América Latina y el Caribe debe ser celebrada. La construcción de un sistema internacional poshegemónico se ha convertido en una tarea tortuosa y de elevado costo social, político y ambiental. Con ciertos aliados asiáticos, el orden internacional regentado o manipulado por el G7 y su brazo armado que es hoy por hoy la OTAN, se empecina en disponer quién puede ascender en la jerarquía económica global, quién puede armarse y quién no, qué Estados deben sobrevivir y cuáles Estados deben ser colapsados. Iraq, Libia, Siria son solo algunos de esos Estados fallidos, porque sus dirigentes cometieron la osadía de desafiar en algún momento el ordenamiento estratégico euroestadounidense, convirtiéndose en parias que deben ser perseguidos. En la lista están, por supuesto, Irán, China y Rusia, con la brutal respuesta de este último, para desgracia del pueblo ucraniano.

En medio de tanta pugna y desolación, Asia sigue su curso de transformación e integración. Están los planes continentales, cuyo heraldo son la Franja y la Ruta, y las valiosas experiencias de concertación, cooperación e integración de naturaleza subregional, donde la Asociación del Sudeste Asiático y la Organización de Asia Central marcan la pauta.

Acerca de las ausencias en el libro, es de señalar la omisión de Asia Occidental, el llamado Medio Oriente, quizás la zona más

crítica de Asia, demostrado por el número de Estados fallidos recientemente. En adición, hay ciertos errores que pueden ser remediados en una deseable reimpresión del libro o en su versión digital: la extensión total de Asia es de 44,5 millones de km² y no 17 millones. La

población alcanza ya los 4,5 mil millones, y no los “4.575 billones de personas” (p. 2), que aun para la contabilidad en idioma inglés sería una monstruosidad. El viaje de Lord Macartney a China fue en 1793, y no en “1972” (p. 167).

Turismo en el Caribe: pasado, presente y futuro

José Luis Perelló Cabrera*

Reseña de libro

González Núñez, G. (2022). *Turismo en el Caribe: pasado, presente y futuro*. Editorial Akelarre. 216 pp.

El libro que se comenta representa una profunda reflexión teórica y de análisis acerca del turismo como práctica social de gran impacto en el Caribe. La obra constituye el resultado de más de quince años de investigación académica de su autor, el doctor Gerardo González, dedicados a la caracterización y el desempeño del turismo internacional en la región caribeña; su intención ha sido condensar y sistematizar analíticamente, desde una perspectiva histórica y económica, el disperso quehacer informativo y estadístico existente sobre el objeto de estudio, en la mayoría de los casos referenciado en informes, libros o estadísticas elaborados por autores e instituciones de fuera de la región.

Como bien reconoce el autor, los contenidos, estructurados en seis capítulos, se enfocan en el análisis del desempeño y las tendencias

de la actividad turística desde una perspectiva regional, sin ignorar que la marcada acción del desarrollo turístico y los impactos de la industria en cada isla han sido diferentes por su alcance y magnitud, debido al paso del tiempo y las incidencias negativas o positivas, dadas por factores internos y externos en cada país.

La reflexión teórica está presente principalmente en el capítulo 1, donde se exponen las consideraciones conceptuales y teóricas principales de la actividad turística que ayudan a entender su naturaleza, alcance, comportamientos e impactos, además de precisar la región objeto del estudio. Como inicio obligado, el autor se adentra en la historia del turismo en el Caribe que permite identificar los antecedentes que moldearon las características y tendencias actuales. A continuación, en el

* Doctor en Ciencias Económicas. Profesor adjunto en el Instituto Internacional de Periodismo José Martí. Profesor-investigador de la Cátedra de Estudios Caribeños "Norman Girvan", Universidad de La Habana, La Habana (Cuba). [jose.perello44@gmail.com]; [<https://orcid.org/0000-0001-5380-3403>].

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capítulo 2 se analiza la evolución del turismo regional a partir de la década de los ochenta.

Existe consenso en que el Caribe es una de las regiones del mundo con mayores potencialidades para el turismo internacional, pero también hay que tener presente que es una de las regiones más vulnerables y donde, relativamente, mayores han sido los impactos; y que, actualmente, se encuentra atravesando una profunda etapa de crisis, a partir de lo cual los retos son demasiado exigentes.

El crecimiento económico de los países del Caribe se ha caracterizado por una alta volatilidad, dada por la dependencia externa y el impacto de choques exógenos, la poca diversificación de los mercados y las afectaciones por los desastres naturales.

Las economías intensivas en servicios han sido las más afectadas por la crisis financiera internacional, tras una recuperación en 2013, pero desacelerándose rápidamente a partir de 2015 con tasas de crecimiento nulo en 2017 y 2018. Estas economías, presentan una alta dependencia del turismo –en particular las más pequeñas– y una baja diversificación de los mercados turísticos, lo que limita su capacidad de gestión de riesgos frente a choques externos.

Esta vulnerabilidad externa de las economías del Caribe se acrecienta, dado el alto grado de concentración de la matriz exportadora de bienes que va en detrimento de la estabilidad del comercio exterior. Bajo esta consideración, se incentiva el modelo de desarrollo liderado por exportaciones (la competitividad externa) que desplaza al de sustitución de importaciones.

A partir del capítulo 3, el autor hace un argumentado análisis que permite entender

cómo el patrón de especialización de las economías de la región afecta el crecimiento de las exportaciones, al tiempo que limita la capacidad para importar; afecta negativamente la productividad de la región y de los países que la componen, toda vez que no se genera un crecimiento productivo ni comercial. Transformar la precaria inserción en la economía internacional es un gran reto de la política comercial de los países del Caribe, las exportaciones se mantienen con escaso valor agregado y con productos con alta volatilidad de precio en el mercado internacional.

Para la región, como se sostiene en el capítulo 4, el turismo se mantiene como la principal fuente de atracción de la inversión extranjera directa (IED), a través de la ampliación de la oferta hotelera de las grandes cadenas transnacionales. En el caso de República Dominicana, por ejemplo, que contrae en 60,5% la IED en las actividades de comercio e industrias, el desarrollo del turismo presenta un fuerte aumento de las entradas de capital extranjero, pasando de 150 millones de dólares promedio anual entre 2010 y 2012 a 780 millones de dólares anuales en los últimos tres años.

Al analizar el desempeño de otro de los principales destinos turísticos caribeños, se refleja que la baja disponibilidad de divisas de la economía cubana constituye una de las principales restricciones estructurales para el crecimiento, determinada por la limitada capacidad exportadora, los bajos niveles de inversión extranjera, las elevadas importaciones y los altos compromisos financieros que genera la deuda.

Las pequeñas economías de mayor dependencia del turismo presentan un bajo

desempeño económico por la contracción del empleo e ingreso de los países desarrollados a partir de la crisis financiera internacional, las perspectivas de riesgo de recesión para los próximos años y las afectaciones provocadas por el impacto de desastres naturales. En el mediano y largo plazo, los límites físicos del espacio podrían estar imponiendo nuevas restricciones al desarrollo del turismo en algunos pequeños Estados insulares del Caribe, en la medida que la explotación turística y los umbrales de las capacidades de carga turística se acercan al nivel potencial.

En la mayoría de los destinos caribeños, el modelo de turismo se ha caracterizado, además, por implementar una ágil estrategia para sustituir y reemplazar mercados, pero no para darles estabilidad, abordando los factores estructurales y estratégicos que afectan dicha estabilidad. Como resultado de los cambios en la demanda y del aumento de la oferta en nuevos destinos turísticos emergentes, el producto turístico del Caribe probablemente enfrentará grandes desafíos en los principales mercados emisores, en un futuro cercano.

Como bien señala el autor en el capítulo 5, la pandemia se controlará, pero dejará huellas y lecciones para el funcionamiento de las vidas de los ciudadanos y, en particular, para el desarrollo de la actividad turística, y alerta sobre la necesidad de que el Caribe se prepare para continuar enfrentándose a eventos recurrentes, como los desastres naturales, que serán cada vez más frecuentes y de mayor magnitud debido al cambio climático.

Los desastres naturales y el cambio climático son contingencias que quebrantan el crecimiento económico y limitan las posibili-

dades de revertir la histórica deuda social. Los riesgos frente al impacto de eventos extremos y del cambio climático para estos Estados insulares del Caribe, debido a la vulnerabilidad biofísica y socioeconómica que los caracteriza, son cada vez mayores.

Un factor de riesgo a la sustentabilidad, que se viene presentando desde hace décadas, es la naturaleza predominantemente costera del turismo y de los desarrollos de grandes *resorts* hoteleros que, invariablemente, ha significado la tala de bosques de manglar, la ocupación de las dunas de arena, el relleno de tierras pantanosas para la construcción e infraestructura recreativa, o la creación de otras perturbaciones de los ecosistemas costeros. Entre estos, el crecimiento del sector hotelero, el turismo de golf y el sector inmobiliario han implicado fuertes demandas de recursos de agua dulce y han contribuido en forma significativa a la generación de basura y desechos en las zonas costeras.

El autor considera que la velocidad que tome la recuperación del turismo en el Caribe dependerá de cómo interactúen factores favorables y desfavorables circunstanciales en el contexto de las condiciones prevalecientes en el desarrollo del turismo regional previo al inicio de la pandemia.

Las estrategias que adopten los países de la región deben tener, como mínimo, cuatro elementos esenciales: políticas económicas destinadas a reducir la vulnerabilidad macroeconómica y facilitar la inversión productiva; estrategias orientadas al desarrollo de la competitividad sistémica; priorizar la agenda ambiental y de adaptación al cambio climático; y

políticas sociales muy activas, especialmente de educación, empleo y seguridad social.

El autor señala acertadamente que resulta preocupante la alta dependencia del turismo como vector asegurador del crecimiento económico que el Caribe ha desarrollado, pues a través de los años dicha dependencia no se ha traducido en una prosperidad acorde con esa realidad. En otras palabras, los niveles de rentabilidad obtenidos en el negocio turístico no se han podido convertir en un resultado similar en términos macroeconómicos.

No obstante, el análisis realizado en este libro sugiere que, a pesar de los factores preocupantes subyacentes, el turismo llegó y se insertó fuertemente en el tejido socioeconómico de los países caribeños, que se mantiene como una estrategia viable para la gran mayoría de ellos y que aún tiene espacio para expandir su desarrollo y eficiencia. Por lo tanto, resulta de vital importancia ponderar los factores que inciden en su desempeño, valorando los impactos positivos y negativos que esta actividad genera para poder lograr un balance entre sus ventajas y desventajas.

Los retos que deberá enfrentar el Caribe en esta nueva época, tanto para su desarrollo turístico como económico en general, en busca de una real sustentabilidad en todos los órdenes dependen, una vez más, del convulso entorno exógeno que, como siempre, ha marcado sus destinos.

Para finalizar el libro, en el capítulo 6 el autor reflexiona ampliamente sobre las tres principales economías que son, a su vez, los principales destinos del Caribe: República Dominicana, Cuba y Puerto Rico, que reciben cerca del 60% de los turistas que arriban

a la región, por lo que el comportamiento del turismo en los tres países determina en gran medida los resultados regionales.

República Dominicana y Cuba son los países cuya oferta turística tiene muchos puntos de contacto. Ambos países descansan en el modelo turístico extensivo, que lleva aparejado crecimiento cada más creciente de la capacidad de alojamiento en hoteles, con un producto turístico de sol y playa, con fuerte presencia del “todo incluido”, visualizados como destinos vacacionales. Además, son los únicos destinos del Caribe insular que han logrado diversificar significativamente los mercados emisores. Los dos países tienen a Canadá y a Europa como mercados emisores preferentes, en donde los sectores de bajos y medianos ingresos constituyen su demanda básica.

El autor reconoce que Puerto Rico se mantenía como la potencia turística indiscutible del Caribe, posición que ocupaba desde principios de los años sesenta a raíz de la salida de Cuba del mercado turístico internacional. Sin embargo, esta posición la perdió ante el mayor dinamismo mostrado por República Dominicana. Si Puerto Rico le da la prioridad debida al turismo dentro de su modelo de desarrollo económico, estaría en condiciones de volver a dinamizar su actividad y apuntar a un umbral de crecimiento que alcance y supere los cuatro millones de turistas anuales, cifra que jamás ha alcanzado.

No hay dudas de que ha habido un desarrollo del sector turístico en los tres países a lo largo de varias décadas, y ese esfuerzo se ha visto coronado con el liderazgo que sostienen en la región caribeña y en el reconocimiento internacional como destinos turísticos apre-

ciados. Pero ese desarrollo no ha podido ocultar problemas estructurales presentes en los respectivos modelos turísticos que amenazan las posibilidades de éxitos futuros en cada uno de ellos.

El libro *Turismo en el Caribe: pasado, presente y futuro* incentiva a la investigación

académica en lo relacionado con el desarrollo turístico y económico en el Caribe, con el reto de adentrarse en estudios más profundos en sectores que son claves para el desarrollo del turismo, reconociendo que este sector, por sí solo, no desarrolla ningún país.

NORMAS PARA AUTORES

El Centro de Investigaciones y Proyectos Especiales (CIPE) de la Facultad de Finanzas, Gobierno y Relaciones Internacionales de la Universidad Externado de Colombia, invita a los académicos, investigadores y especialistas en temas de asuntos internacionales contemporáneos a publicar sus avances de investigación en la revista *OASIS*, adscrita al Observatorio de Análisis de los Sistemas Internacionales. La revista *OASIS* es de circulación nacional e internacional. Esta revista inició con periodicidad anual en 1995 y es semestral a partir del año 2014. Se publica en enero y julio de cada año.

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Jerónimo Delgado-Caicedo
Editor Revista *OASIS*

Calle 12 n° 1-17 este
Centro de Investigaciones y Proyectos
Especiales (CIPE)
Universidad Externado de Colombia
Bogotá D.C., Colombia

[oasis@uexternado.edu.co]
www.uexternado.edu.co/oasis

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Jerónimo Delgado-Caicedo
Editor Revista *OASIS*

Calle 12 n° 1-17 este
Centro de Investigaciones y Proyectos
Especiales (CIPE)
Universidad Externado de Colombia
Bogotá D.C., Colombia

[oasis@uexternado.edu.co]
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