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Preparedness for an Uncertain Future

"The Only Thing We have to Fear is Fear Itself"

by Professor Mark Meirowitz

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"ADVANCING DIVERSITY"

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World News

By Ebru Birinci

The Coronavirus Updates

By mid-June, the number of COVID-19 cases all over the world has passed 8 million, and the pandemic has taken more than 450 thousand lives. Most of the European countries have, sooner or later, contained the pandemic. However, the countries in South America and Africa are undergoing the first stages of the pandemic. In the countries where the pandemic has been restrained in large part, the governments are loosening preventive measurements, although no vaccine has yet been developed.

The Economics

The necessary protection measures to control augmented COVID-19 pandemic are severely impacting economic activity. Unemployment rates have increased, WTI prices in the US fell below zero due to the storage problem of unused oil. The IMF says that the global economic contraction will be around 3% this year if COVID-19 is controlled in the second half of 2020. The Asian Development Bank, on the other hand, has anticipated that the global economy could lose between $5.8 trillion and $8.8 trillion — equivalent to 6.4% to 9.7% of global GDP in a report published on 15 May 2020. There is so much to do.

The African Enigma

The pandemic has arrived in Africa relatively later and still numbers aren't high as in other regions. However, the fragile healthcare systems and underdeveloped economies of most of the African countries are raising the concerns. Most of the central African countries are already receiving emergency financing from the IMF. It is puzzling to see governments, trying to apply some lockdown measures on the one hand and people in streets

protesting against lockdown since it is financially challenging their living as in Senegal on the other hand. Still, the lockdown is not very effective in Africa because the majority of the employees are working unofficially. The pandemic, for sure, will hit the low-income countries of Africa the most, where it is also the hardest to apply social distancing and quarantine rules while people keep working hard to survive the day.

Vaccine update

Medical initiatives are competing to develop COVID-19 vaccines. They have advanced ten candidates into clinical trials and companies have started to produce the vaccines despite the risk of failure according to a paper published in the Lancet. Experts are mostly supporting global coordination for the development of vaccines, which takes 10 years on average. The world is desperate to have a vaccine and when to have it points to the next critical moment for global governance. Donald Trump's attempt to reserve vaccines only for the US is a token of what the policy may look like after the advent of the COVID-19 vaccine. Furthermore, financial, governmental, social, or geographical factors will be decisive for access to the vaccine. Therefore, international organizations, at first WHO, should be hand in hand with all of the governments, especially in underdeveloped regions, to prevent the further rise of global inequality.

Iran Sends Gasoline to Venezuela

Five Iranian vessels, carrying gasoline and equipment to oil-starved Venezuela, arrived at their destination without any international confrontation in May 2020, albeit all the sanctions and pressure on countries. Their akin hostile relations with the US and the sanctions to which they are subject tohave fostered strong and durable Iranian-Venezuelan relations. The Iranian shipment was a critical moment that can provoke a conflict between Iran, Venezuela, and the US, which has recently deployed naval forces in the Caribbean for an anti-drug operation. During the shipment, the Iranian part officially warned that any retaliation from the US would be replied.

Such support of both gasoline and refinery work is vital for Venezuela, which has massive oil reserves yet traumatized oil industry for years. On the other hand, it is a win-win game and Iranian acquisitions should not be overlooked. A senior Pentagon officer Craig Faller has claimed that Iran is seeking to enhance its influence in neighboring countries of the US so that it can counter the US interests. Withdrawal of Russian Rosneft from Venezuela as a consequence of American sanctions in March 2020 provided room for Iran in the Venezuelan energy industry as well, delivering not only economical but also political leverage to her. Moreover, the Iranian action is critical to ameliorating the Iranian regime's deteriorated image both nationally and internationally, beginning with the killing of Qassem Soleimani and the accidental downing of a civilian Ukrainian plane.

Masses say #BlackLivesMatter in the United States

Police violence against African Americans is only a part of an established racism problem in the United States for years and many cases so far have caused protests against fatal use of force by law enforcement, particularly against African American people in the United States, by civil rights movements and other activists. In 2013, the acquittal of George Zimmerman, a white, armed man, after killing of a 17-year-old African-American teen, Trayvon Martin, sparked the protests in the US, when the first time Black Lives Matter movement was founded. One more time, the ongoing protests, swiftly spread across the country, amid black lives matter slogan against police brutality, have been fueled by the killing of George Floyd by a white policeman on May 26.

The ongoing protests may look different than those that took place earlier, however, the immediate stimulus are of the same category-a violent act against an African American citizen by law enforcement. Furthermore, an underlying extreme condition is evident in most of the protests, such as a post or pre-war period or an economic crisis as in the 1960s, 1919 Chicago

riots. For today, it is the pandemic with its various consequences. The inefficient initial measures in the US have ended up with more than a hundred thousand deaths (the highest death toll in the world), the lockdown led up to 14.7 percent unemployment rate and social disorder fears emerged.

Catastrophic consequences have been felt more by the African-Americans together with the Hispanic than white Americans in the US. The data, proving the vulnerability of African-Americans to coronavirus, is startling. In Chicago, as of early April 2020, 72% of people who died of coronavirus were African-Americans, although they consist of only one-third of the city's population. Unemployment rates in April 2020 have been recorded, too, higher for African-American workers (16.7%) than white workers (14.2%) in April 2020. The other underlying factor is the polarization in American society accompanied by the populist discourse of US President Donald Trump. Such discourse renders already constructed social inequality between citizens of the US (in favor of white Americans) more intolerable. Trump is, nonetheless, relying on the silent majority (a term became popular after former US president Nixon used for describing conservative Americans, dissatisfied with the anti-Vietnam War protests' so-called radical character) and emphasizing the devastating effect of the protests. It is important to not underestimate such moments for gaining equality by the African-Americans, nevertheless for a solution of such problem penetrated in the social, economic and political institutions of the country, more commitment from the government is the most vital factor that can deal with racism.

The forces of Khalifa Haftar pull back to the East

Khalifa Haftar, a former Libyan Army general, and his fighters lost the last strongholds, most of which they gained in the operation they started on 4 April in Tripoli to the internationally-recognized Libyan government. In March, the government forces retook the Al-Watiya airbase and Tarhuna city - very significant strategical points for the future of Libyan civil war. The fate of the country, nonetheless, does not depend only on the Libyan foes because the conflict has become very similar to what we call proxy war. Turkey, Italy, and Qatar are supporting the Fayez al-Sarraj government. On the other side, Haftar is accompanied by Russian mercenaries, Egyptian and UAE financial and military support, although Russia has not declared any direct official support for Haftar.

In January 2020, in the Berlin Conference, where world leaders met, Angela Merkel announced that leaders agreed to abide by arms embargo. Although this initiative failed to ensure a cease-fire in the war-torn country or to deter the foreign actors from intervening in the civil war, any peace agreement will be expected to follow it. Just after the capture of important points in Tripoli by the Libyan government and its allies, Egypt's El-Sissi, alongside Haftar and Agila Saleh, the chief of Libya's allied elected parliament, has announced a plan, called the “Cairo Declaration,” suggesting a ceasefire, pullback of foreign militias and handover of their weapons. It is unlikely to apply such a plan for now, although it is appreciated by Russia’s Putin.

It seems that the Tripoli government is determined to capture Sirte, important for access to oilfields, before it sits to the negotiation table. What is important here is to assess how dedicated the foreign actors to the conflict are before one can anticipate the future of the civil war. One of the most assertive ally of the Libyan government is: Turkey. In November 2019, Turkey signed a maritime deal with the Libyan government, which may interrupt the Mediterranean energy plan (between Southern Cyprus, Greece and Israel) that potentially bypassed Turkey as a player in the region. Furthermore, Turkey strives to secure its critical economic interest in Libya. Russia, as the most important actor who is militarily supporting Haftar, is following a pragmatic political course. For its part, it is interested in keeping a dialog with the Sarraj government, and I supporting Agila Saleh and parliament, which is also recognized by the UN. It is important to remember that Russian involvement in the Middle Eastern politics is a part of rebuilding its super power role, which is possible in a Libya where Haftar does not get all he wants and Agila Saleh rises again as another player.

WHO is the new battlefield of American-Chinese war?

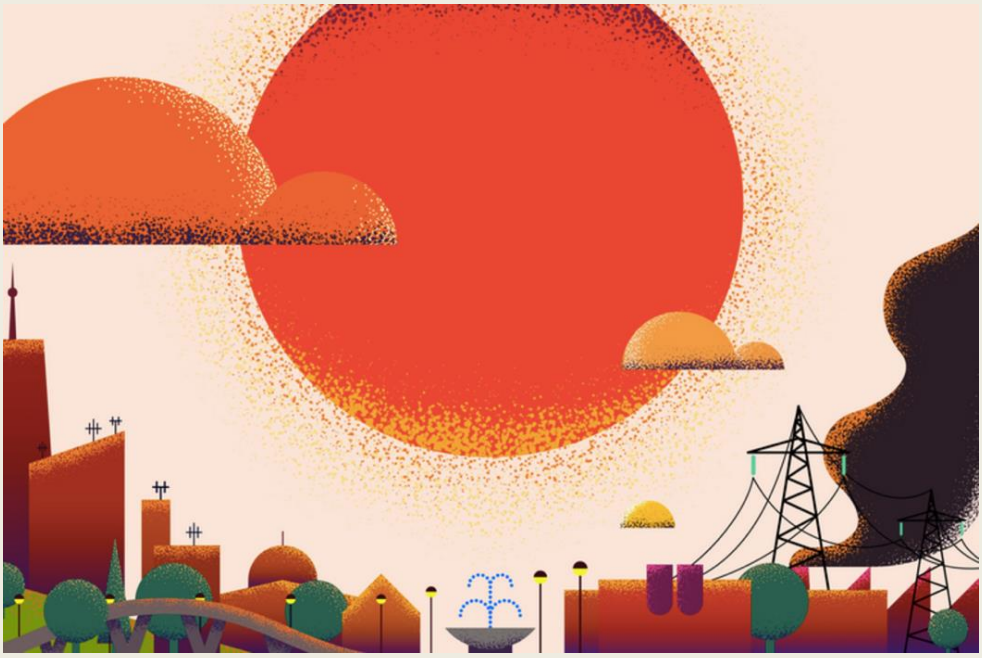
The outbreak of COVID-19 brought about a new battlefield to the American-Chinese war: The World Health Organization. American President Trump recently announced that the US would quit the WHO. Trump and his supporters from the academic and political world have been targeting the close Chinese-WHO ties. Dr. Tedros Adhanom Ghebreyesus, the director-general of WHO, receives his share of critiques. First, he comes in for criticism of his appreciation of Chinese efforts and other governments' insufficient policies in the fight against the virus.

Another subject of disagreement and criticism on the director-general is the status of Taiwan since he has not taken any step on this issue. China opposes Taiwan receiving an observer status, which may be meaningful for recognition of its sovereignty. Moreover, increased Chinese financial support to the WHO budget calls attention that it could contribute to Chinese-WHO bonds. In fact, Chinese contribution ($10,2M) to WHO is much lower than American contribution ($893M), which recently has been reduced almost by half.

Meanwhile, there is a war of words between China and the US. Trump is persistently naming the virus as Chinese, and the Chinese officials are blaming American soldiers for bringing the virus to China. Chinese unwillingness to start the investigation to understand the outbreak of the virus has become another basis for American allegation on Chinese opacity. It is no surprise seeing WHO is subjected to these political discussions in such an international atmosphere of rising nationalism and populism. Since his election for the presidency, Donald Trump has been directing criticism to international organizations of the liberal world order, some of which are WTO, UNESCO, WHO.

It is irrefutable that there are serious problems in these institutions regarding effectiveness, equality, representation that have to be addressed, yet it is not the daily populist-nationalist rhetoric of political leaders that would fix them. In an era of rising nationalism, Trump's isolationist policy and economic war with China are only undermining the values of the liberal world, which Western countries, first the US, has been advocating for years. Beyond all disputes about the Western values, international organizations, like WHO, are supposed to exceed political barriers and disputes to cope with the international humanitarian questions, where they have a critical role, especially in urgent situations.

Climate Changes



The discussions around climate change, challenged by the international disputes, and rejective policies of the governments for the last few years are surpassed by the novel coronavirus. Nevertheless, global warming hasn't stopped since then. According to the scientists from the National Oceanic and Atmospheric Administration, May 2020 has been the warmest May recorded.

Although the slowdown in the industry and reduction of carbon dioxide emissions was promising for the climate change activists and anti-globalist movement, the change will be temporary and minor, if no substantial step is taken. The economic crisis ahead will not let governments come to terms with any notion that could decelerate the economy more. It is important to bear in mind that following the 2008 economic crisis, the emission

increased to record levels after a temporary decline. Most of the presented pandemic-recovery plans for the economy are not taking into account the climate conundrum. Still, there are significant points made, for example, in The Special Report on Sustainable Energy, International Energy Agency has suggested a plan, having energy sector driving force of the economy, as decreasing greenhouse gas emission, boosting global economic growth by an average of 1.1 percentage points a year and creating 9 million new jobs a year. IEA clean energy transition summit on 9 July, where the governments including the US and China, investors and private sector will be represented is critical for the future of our planet.

Crisis Escalates Around the Chinese-Indian Border

The China-India border along the Line of Actual Control (LAC) has been disputed since the first confrontation between the neighboring nuclear powers in 1962. The recent mobility on the disputed Himalayan Chinese-Indian border flared up since early May, being the most serious confrontation since 2017. India's investment in the infrastructure of nearby areas is shown as the start point of the clashes among the Chinese-Indian armies, where they threw stones and got into fights, nonetheless, no gun has been fired yet. On 15 June, the Indian government announced the death of 20 Indian soldiers in the conflict. Both of the sides, facing the challenges of the pandemic are showing willingness to keep the diplomatic channels open and maintain the peace in the region, but the reciprocal accusations are not cleared out. Chinese assertiveness on the issue has been evaluated

as a part of a strategy of expansionism aiming to increase its sphere of influence, making use of the current global situation of obscurity. Indeed, the Aksai Chin region of China near this disputed area is strategically very important for China as it is the only door to Xinjiang and Tibet. On the other hand, the rising tension pushes the Indian Prime Minister Modi to the wall, who has done a lot to keep Indian-Chinese relations stable. An increased tension among these two rising powers would possibly limit their capacities and contribute to the enhancement of an already established western-oriented system.

Netanyahu's Annexation Plan Amidst Criticism

Since he was leading the campaign for parliamentary elections, Benjamin Netanyahu has promised for the annexation of the West Bank settlements, the target date of which is July 1, 2020. Although the annexation of the settlements is what most of the Israeli politicians want, including Gantz, the possible hazardous consequences of such a unilateral step are frightening for the most.

Mahmoud Abbas has announced Palestinian Authority's withdrawal from the agreements signed with Israel, pointing out that Israel is no more implementing them. Moreover, the plan has drawn international criticism, as well. Such move is publicly criticized by Jordan, United Arab Emirates, Egypt and Russia. The countries firmly stand for the UN resolutions and draw attention to the threat posed to two-state solution. Furthermore, the Mideast UN envoy Nickolai Mladenov stated that annexation would

encourage radicalization of all sides and diminish prospects of normalization of ties between Israel and Arab states. In May, the European Union, for its part, has taken a stand against the annexation decision, supposing it would be a violation of international law.
The Palestinian issue has been an overriding issue of international relations with its direct effect on countries of the region along with Israel and Palestine, its centrality for the great power competition since the Cold War. The Trump Administration's policies towards the Israeli-Palestinian problem have at most encouraged Netanyahu to work on the annexation plan. Pro-Israeli policies of the Trump Administration have deepened obscurity as Palestinian Authority rejects mediatorship of the US and favors Russian mediatorship. Russia has gained leverage in the region since its return to the Middle Eastern issues in 2015,; ithas ties both with Israel and Palestine, put an effort in negotiations to unify the Palestinian side. Nevertheless, it is unlikely to see Israeli support to replacement of the US by Russia, especially in the current situation where Israel has the full support of Donald Trump.

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Preparedness for an Uncertain Future

"The Only Thing We Have to Fear is Fear Itself"

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The world seems headed for anarchy. There is no end in sight for the COVID-19 pandemic, China imposed a repressive national security law on Hong Kong,[i] engaged in a bloody clash with India in the Galwan Valley[ii] which could lead to further tensions[iii] and had installed Xi Jinping as leader for life.[iv] Overall there is a perception of a "new world disorder".[v]

We are also facing what one commentator has called a "global political pandemic," namely "a global democracy blight causing political life in many countries to become more polarized and less democratic".[vi] The COVID-19 Pandemic has exacerbated the trend toward "democracy dysfunction"[vii] where "the strength of democratic institutions has declined".[viii]

Amidst the world chaos, probably the most pressing issue facing the United States and the world is how to "frame a strategy toward the inexorably rising China"[ix]. The West appears to be in decline pitted against a rising China. "Graham Allison has warned of a 'Thucydides Trap' invoking the history of the Peloponnesian War which was caused by the rise in power of Athens and the feat it created in Sparta…Thucydides famously attributed the outbreak of the Peloponnesian war to two causes: the rise of a new power–Athens, and the fear that created in an established power–Sparta"[x]. However, Prof. Joseph Nye is of the view that "[m]ost readers focus on the first half of Thucydides assessment, but the second is equally important to strategic planning and more within our control"[xi]. Nye adds that "[m]ost Sinologists properly doubt that U.S. foreign policy can prevent the rise of China's economy, but it we use our contextual intelligence well, we can avoid the exaggerated fears that could provoke a new cold or worse, a hot war".[xii]

The challenge from China is real and formidable. Through the Belt and Road Initiative (BRI), China has expanded its power and influence throughout the world[xiii] and even placed many developing nations into a "debt trap"[xiv] where nations give concessions and control to China[xv]. There may even be an underlying Chinese military strategy related to the BRI whereby China receives rights to strategic ports that expand its power and influence,[xvi] or perhaps China even has a hidden agenda to develop military installations arising out of its BRI initiatives.[xvii] The pandemic has, however, has interfered with China's progress with the BRI.[xviii]

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In the South China Sea (SCS), China has markedly increased its influence and pressure on the various littoral States in the area, claiming that the SCS is in effect "China's Caribbean"[xix] subject to China's control, and even sovereignty. The United States has countered China's influence through the use of Freedom of Navigation Operations (FONOPS) intended to assert the freedom of the high seas[xx]. A highly controversial assertion by China is that military vessels may not traverse what China claims as its exclusive economic zone, which the US argues is contrary to international law.[xxi] It was extremely worrisome that China rejected the ruling of the Permanent Court of Arbitration in China's dispute with the Philippines.[xxii] Further the search for a SCS Code of Conduct by China with the ASEAN nations may continue[xxiii] but there is little room for optimism that China will agree to restrictions on its rights in the SCS.

Related to the COVID-19 Pandemic, China has reacted harshly to efforts to look into the causes of the pandemic, seeking to determine if China was the source of the Pandemic. When Australia called for such an inquiry, a Chinese official stated that Australia was like gum on the bottom of China's shoe[xxiv], and imposed harsh tariffs on imports of Australian beef.[xxv]

Soft Power, Hard Power, Sharp Power

"China has also invested heavily in soft power, the ability to get preferred outcomes through attraction rather than coercion or payment" (which would be examples of hard power). A commentator has observed that while "[c]ultural exchanges and … BRI projects can enhance China's attractiveness,…the BRI is more like a successful marketing program than a true Marshall Plan for the world"[xxvi]. Further, "Chinese soft power faces two major limits. Ongoing territorial conflicts with neighbours such as Japan, India, Vietnam, and the Philippines make it difficult for China to appear attractive while contesting rival claims. And domestic insistence on tight Communist Party control deprives China of the benefits of civil society that European countries or the United States enjoy"[xxvii]. In addition, "[t]he ongoing Covid-19 pandemic is a stark example of China's 'soft' economic diplomacy. Accused to be covering up the issue at first, it has since embarked in so-called 'mask diplomacy' to portray itself as a responsible and helpful international actor. Even in this case, reactions have been mixed. But it is undeniable that the China has been able to provide assistance in various forms because of its economic capabilities. More recently, Xi Jinping promised that, whenever ready, the vaccine would be universally available"[xxviii]. I would add that China's actions at the outset of the COVID-19 crisis, especially withholding vital information on the spread of the disease in China, certainly undermined China's soft power initiatives.

In addition, it has been argued that China has used "sharp power"[xxix] to "'pierce, penetrate, or perforate'" the political and information environments of targeted countries… to degrade the integrity of independent institutions through manipulation, …"[xxx] This, it has been alleged, is accomplished by the use of "'CAMP' Vulnerability, since [i]n

democratic countries, the spheres of culture, academia, media, and publishing (the so-called CAMP sectors)" which ""[u]nfortunately, however, … makes them ripe targets for sharp-power penetration".[xxxi]

Addressing the Challenges that Face the World

The first imperative is to avoid fear of China's rise. America and its allies have many assets and options available to it to counter China's rise. The worst approach would be to express fear, so we need to follow FDR's admonition that the only thing we have to fear is fear itself[xxxii].

The United States and the world have faced, and overcome, formidable challenges, including two World Wars. Following WWII, the world powers created international institutions designed to counter any future aggression. Unfortunately, at present, these institutions, such as the United Nations, have been co-opted by China through deft international diplomacy and strategy. Despite China's ambivalence towards international law, "China's stature is growing along with its contributions—it now pays 12% of the UN budget compared with 1% in 2000. Its diplomats head four of the UN's 15 specialised agencies, and America just one. If other countries do not act, the system will come to reflect China's expansive views of national sovereignty and resistance to intervention, even in the face of gross human-rights violations".[xxxiii] When the World Health Organization was criticized for being under the control of China and too sympathetic to China, President Trump announced that if the issue of inordinate Chinese control was not resolved within 30 days, the US would pull out of the WHO; the US did then pull out[xxxiv]. However, China's reaction was to pledge $2 billion to deal with the COVID-19 crisis[xxxv]. At the World Health Assembly, China acquiesced to the adoption of a resolution launching an inquiry into the causes of the pandemic[xxxvi], an exercise in utter futility. China has a veto in the UN Security Council which prevents the UN from ever taking action against China.

The United States must not withdraw from participation in international institutions as the Trump Administration appears to have been advocating. Instead, the United States must become an active participant in international institutions not so much to pursue multilateral solutions to problems, but rather to prevent such institutions from becoming subservient to China's influence

The United States also has formidable power and advantages to counter China's rising influence: "geography… The United States is surrounded by two oceans and benign neighbours that are likely to remain friendly. China has borders with fourteen countries and has territorial disputes with India, Japan, Vietnam, and the Philippines among others. Energy independence is another American advantage…The recent shale revolution has transformed it from energy importer to energy exporter…Meanwhile, China is becoming ever more dependent on energy imports, and much of the oil it imports is transported through the Indian Ocean and the South China Sea, where the United States and others maintain a significant naval presence"[xxxvii].

The greatest asset the United States has is its dedication to a "rules-based" world order based on freedom and democracy. China's actions in Hong Kong and the recent clash with India in the Galwan Valley are a wakeup call to the world and present a stark contrast to what the United States has and will offer to the world: stability and a liberal international order.

America must use its soft power to convince the nations of the world that working with the United States is the course to follow. America which rescued the world in two World Wars can show the world what American leadership can accomplish when the world is faced with a crisis. The COVID-19 pandemic is such a world crisis.

Further, "[j]ust as the second world war prompted leaders to create institutions to prevent wars, Bill Gates believes the covid-19 crisis will lead them to build institutions to prevent pandemics and, alongside national and regional bodies, to guard against bioterrorism. Co-operation on viruses could serve as a model for collaboration to strengthen resilience in cyberspace. The shock to the system could even be profound enough to prompt a serious go at reforming the UN Security Council before it grows even less representative of the realities of power in the 21st century. Ample groundwork has been done. What is missing is political will.[xxxviii] We may need to create new international institutions or restructure the current international institutions so that they work better in the post-COVID-19 world.

The United States must counter China's BRI by providing aid and assistance to the States in China's debt trap because of the BRI. There is still time to undermine the influence of China's BRI.

The United States and its allies must push back against China's "sharp power" and protect American society and institutions (and those of its allies) from interference by China.

In the SCS, the United States must continue the FONOPS, work with the various littoral States to counter China's influence in the SCS and rebuff China's specious legal arguments to buttress China's claim to hegemony over the SCS (including China's building "islands" in order to create exclusive economic zones (EEZ), or claiming that China is an archipelagic State capable to using the "straight baseline" approach to measuring the EEZ. Perhaps the United States ought to form a regional organization for the States in the SCS under the leadership of the US – together the United States and these littoral States can counter China's influence.

American must maintain, rather than eschew, its alliances, especially with Japan, India and Australia which together can balance Chinese power[xxxix]. It has even been suggested that the US, Japan, Australia and India (also known as the "Quad") might even form an Asian NATO[xl]. This will not require a commitment to internationalism or multilateralism, but rather a practical way to counter China's rising influence.

America has as its greatest asset the soft power impact of the American legacy of democracy. Indeed, it is a fact that "a majority of the countries on

this planet have their own Declarations of Independence"[xli] many of which were inspired by America's own Declaration of Independence. The only caveat is that America should not try to engage in nation building[xlii]. America should lead by example and show the world how American leadership can build a rules-based and stable international order.

To deal with China, the United States needs to be pragmatic. "The U.S.-China relationship is a cooperative rivalry where a successful strategy of 'smart competition,' …, will require equal attention to both aspects of that description. But such a future will require good contextual intelligence, careful management on both sides, and no major miscalculations. That will be a hard test of the skills of our leaders."[xliii]

In terms of asserting American leadership and also preparing for the next pandemic, the United States should establish a National Pandemic Preparedness Centre with a cabinet-level Secretary of Preparedness reporting to the President or National Security Adviser.

The United States also needs to revisit the National Defense Strategy, mobilize defense assets for an uncertain future and continue the policy of support for a strong military.

The United States must be engaged in the world, not distanced or isolated from it. America needs friends and supporters. We need to build a post-COVID-19 world under American leadership, which emphasizes the rule of law and a liberal international order, not the Chinese world order. We need to build a post-COVID world which combines preparedness with American Leadership, not globalization but Trump Doctrine 2.0 which allows the US to remain engaged in world affairs but provides American leadership to other nations, and in international institutions.

Finally, and of vital importance, is the need for the United States and its allies to work hard to deal with the "global political pandemic" which has caused intense polarization in the United States and throughout the world. America's domestic problems are certainly challenging, but "America's problems, worrying as they are, pale in comparison with what countries with weaker institutions, less robust economies, and a shorter experience with democratic experience with democratic governance now face".[xliv] Weak States will be vulnerable to coercion by stronger powers which will lead to international instability and crisis.

America and its allies must not succumb to fear of a rising China, but must instead work together to achieve a peaceful future for the entire world.

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[i] Buckley, C. and Bradsher, K. (2020). Brushing Aside Opponents, Beijing Imposes Security Law on Hong Kong. *The New York Times*. [online] 30 Jun. Available at: https://www.nytimes.com/2020/06/30/world/asia/china-critics-security-law-hong-kong.html [Accessed 5 Jul. 2020].

[ii] Press, T.A. (2020). Satellite Images Show Buildup on Disputed India-China Border. *The New York Times*. [online] 27 Jun. Available at:

https://www.nytimes.com/aponline/2020/06/27/world/asia/ap-as-india-china-border-standoff.html [Accessed 5 Jul. 2020].

[iii] Choudhury, S.R. (2020). *Border clash between India and China was a "turning point" in their relationship, ambassador says*. [online] CNBC. Available at: https://www.cnbc.com/2020/06/24/border-clash-a-turning-point-in-india-china-relations-ambassador-says.html [Accessed 5 Jul. 2020].

[iv] NewsComAu. (2018). *Xi Jinping has become China's leader for life*. [online] Available at: https://www.news.com.au/finance/work/leaders/china-xi-jinping-to-rule-for-life/news-story/f7af66501337bb2471202c46698f99c6 [Accessed 5 Jul. 2020].

[v] The Economist. (n.d.). *The new world disorder*. [online] Available at: https://www.economist.com/leaders/2020/06/18/the-new-world-disorder [Accessed 5 Jul. 2020].

[vi] Mead, W.R. (2020). Opinion | The Global Political Pandemic. *Wall Street Journal*. [online] 29 Jun. Available at: https://www.wsj.com/articles/the-global-political-pandemic-11593469913 [Accessed 5 Jul. 2020].

[vii] Ibid.

[viii] Ibid.

[ix] Nye, J. National Defense University Press. (n.d.). *Perspectives for a China Strategy*. [online] Available at: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2217686/perspectives-for-a-china-strategy/ [Accessed 5 Jul. 2020].

[x] Ibid.

[xi] Ibid.

[xii] Ibid.

[xiii] The Economist. (n.d.). *China wants to put itself back at the centre of the world*. [online] Available at: https://www.economist.com/special-report/2020/02/06/china-wants-to-put-itself-back-at-the-centre-of-the-world.

[xiv] Djibouti's debt-defying stunt: Taking China's money without accepting China's control. (n.d.). *The Globe and Mail*. [online] Available at: https://www.theglobeandmail.com/world/article-djiboutis-debt-defying-stunt-taking-chinas-money-without-accepting/#:~:text=Djibouti%20has%20given%20China%20Merchants%20oversight%20of%20its [Accessed 5 Jul. 2020].

[xv] Limited, B.P.P.C. (n.d.). *Beware of BRI debt trap*. [online] https://www.bangkokpost.com. Available at: https://www.bangkokpost.com/opinion/opinion/1667904/beware-of-bri-debt-trap [Accessed 5 Jul. 2020].

[xvi] thediplomat.com. (n.d.). *Gwadar: Emerging Port City or Chinese Colony?* [online] Available at: https://thediplomat.com/2018/10/gwadar-emerging-port-city-or-chinese-colony/.

[xvii] Wroe, D. (2018). *The great wharf from China, raising eyebrows across the Pacific*. [online] The Sydney Morning Herald. Available at: https://www.smh.com.au/politics/federal/the-great-wharf-from-china-raising-eyebrows-across-the-pacific-20180411-p4z8yu.html.

[xviii] The Economist. (n.d.). *The pandemic is hurting China's Belt and Road Initiative*. [online] Available at: https://www.economist.com/china/2020/06/04/the-pandemic-is-hurting-chinas-belt-and-road-initiative.

[xix] Robert D. Kaplan: 'The South China Sea is to China what the Greater Caribbean was to the United States.' (n.d.). *The Globe and Mail*. [online] Available at: https://www.theglobeandmail.com/opinion/munk-debates/robert-d-kaplan-the-south-china-sea-is-to-china-what-the-greater-caribbean-was-to-the-united-states/article25039063/ [Accessed 5 Jul. 2020].

[xx] U.S.-China Strategic Competition in South and East China Seas: Background and Issues for Congress. (n.d.). [online] Available at: https://crsreports.congress.gov/product/pdf/R/R42784 [Accessed 23 Oct. 2019].

[xxi] Ibid.

[xxii] Pca-cpa.org. (2013). *Cases | PCA-CPA*. [online] Available at: https://pca-cpa.org/en/cases/7/.

[xxiii]VnExpress (n.d.). *China agrees to resume ASEAN talks on South China Sea code of conduct - VnExpress International*. [online] VnExpress International – Latest news, business, travel and analysis from Vietnam. Available at: https://e.vnexpress.net/news/news/china-agrees-to-resume-asean-talks-on-south-china-sea-code-of-conduct-4124416.html.
[xxiv] the Guardian. (2020). *Australia called "gum stuck to China's shoe" by state media in coronavirus investigation stoush*. [online] Available at: https://www.theguardian.com/world/2020/apr/28/australia-called-gum-stuck-to-chinas-shoe-by-state-media-in-coronavirus-investigation-stoush.
[xxv] www.abc.net.au. (2020). *China increases tariffs on Australian beef, milk powder*. [online] Available at: https://www.abc.net.au/news/2020-07-02/china-increases-tariffs-australian-beef-milk-powder/12412612 [Accessed 5 Jul. 2020].
[xxvi] Nye, J. National Defense University Press. (n.d.). *Perspectives for a China Strategy*. [online] Available at: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2217686/perspectives-for-a-china-strategy/ [Accessed 5 Jul. 2020].
[xxvii] Ibid.
[xxviii] E-International Relations. (2020). *The State of China's Soft Power in 2020*. [online] Available at: https://www.e-ir.info/2020/07/03/the-state-of-chinas-soft-power-in-2020/.
[xxix] Journal of Democracy. (2018). *What Is "Sharp Power"? | Journal of Democracy*. [online] Available at: https://www.journalofdemocracy.org/articles/what-is-sharp-power/ [Accessed 17 Sep. 2019].
[xxx] Ibid.
[xxxi] Ibid.
[xxxii] National Archives. (2016). *FDR's First Inaugural Address Declaring "War" on the Great Depression*. [online] Available at: https://www.archives.gov/education/lessons/fdr-inaugural.
[xxxiii] The Economist. (n.d.). *The new world disorder*. [online] Available at: https://www.economist.com/leaders/2020/06/18/the-new-world-disorder [Accessed 5 Jul. 2020].
[xxxiv] Borger, J. and Rourke, A. (2020). Global report: Trump threatens to pull out of WHO over "failed response" to pandemic. *The Guardian*. [online] 19 May. Available at: https://www.theguardian.com/world/2020/may/19/global-report-trump-threatens-to-pull-out-of-who-over-failed-response-to-pandemic [Accessed 5 Jul. 2020].
[xxxv] National Review. (2020). *China Announces $2 Billion Coronavirus Aid Pledge during WHO Meeting*. [online] Available at: https://www.nationalreview.com/news/china-announces-2-billion-coronavirus-aid-pledge-during-who-meeting/ [Accessed 5 Jul. 2020].
[xxxvi] Bagshaw, A.G., Eryk (2020). *China signs on to World Health Assembly inquiry resolution*. [online] The Sydney Morning Herald. Available at: https://www.smh.com.au/politics/federal/coronavirus-inquiry-resolution-adopted-at-world-health-assembly-as-china-signs-on-20200519-p54ukn.html [Accessed 5 Jul. 2020].
[xxxvii] Nye, J. National Defense University Press. (n.d.). *Perspectives for a China Strategy*. [online] Available at: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2217686/perspectives-for-a-china-strategy/ [Accessed 5 Jul. 2020].
[xxxviii] The Economist. (n.d.). *Three future scenarios for the UN*. [online] Available at: https://www.economist.com/special-report/2020/06/20/three-future-scenarios-for-the-un [Accessed 5 Jul. 2020].
[xxxix] Nye, J. National Defense University Press. (n.d.). *Perspectives for a China Strategy*. [online] Available at: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2217686/perspectives-for-a-china-strategy/ [Accessed 5 Jul. 2020].
[xl] Pakistan Defence. (n.d.). *US, Japan, India, Australia ... is Quad the first step to an Asian Nato?* [online] Available at: https://defence.pk/pdf/threads/us-japan-india-australia-is-quad-the-first-step-to-an-asian-nato.639257/ [Accessed 5 Jul. 2020].
[xli] C-SPAN.org. (2018). *Declaration of Independence Global Legacy*. [online] Available at: https://www.c-span.org/video/?462116-2/declaration-independence-global-legacy [Accessed 10 Dec. 2019].
[xlii] www.c-span.org. (n.d.). *Former Defense Secretary Robert Gates on the Role of the Military | C-SPAN.org*. [online] Available at: https://www.c-span.org/video/?473432-1/defense-secretary-robert-gates-discusses-role-military [Accessed 5 Jul. 2020].

[xliii] Nye, J. National Defense University Press. (n.d.). *Perspectives for a China Strategy*. [online] Available at: https://ndupress.ndu.edu/Media/News/News-Article-View/Article/2217686/perspectives-for-a-china-strategy/ [Accessed 5 Jul. 2020].
[xliv] Mead, W.R. (2020). Opinion | The Global Political Pandemic. *Wall Street Journal*. [online] 29 Jun. Available at: https://www.wsj.com/articles/the-global-political-pandemic-11593469913 [Accessed 5 Jul. 2020].

EU LAW vs UK LAW

The Primacy of EU Law over National Law: Great Britain's Response

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Introduction

This essay deals with whether the United Kingdom (UK) has accepted the supremacy of European Union (EU) law. It first establishes the sovereignty of the British Parliament. Then it analyses the UK Act that merged the two sovereign powers (the EU and the UK). Finally, it deals with the UK courts' reaction towards the notion of the primacy of EU law. The timeline covered, incidentally, is six decades: from 1960 to 2020.

This paper is my second one in a row of essays that deal with the primacy of EU law over national law. The first essay – published in February 2020 by *Political Reflection Magazine* and entitled 'The Supremacy of EU Law over National Law: The ECJ's Perspectives' – dealt with how the ECJ established the superiority of EU law over national law. That essay (alongside my article entitled 'Shall the Court Subject Counter-Terrorism Law to Judicial Review: National Security vs Human Rights') also explain why the series of the essays (and the article) are relevant to both Law and International Relations Courses, especially in the current era where the UK is preparing to exit the EU following the 2016 EU Referendum.

The Sovereignty of British Parliament

An Act of Parliament is the highest law in the UK, as 'the British Parliament…is a sovereign law maker' (Loveland, 2003: 21). Parliament became supreme since the Glorious Revolution 1688. The definition of Parliament sovereignty by Professor A V Dicey (who had a great influence on British constitution), which has two limbs (positive and negative), is: Parliament has the right (positive limb) 'to make or unmake any law…and no person or body' has the right to (negative limb) 'override or set aside the legislation of Parliament' (Loveland, 2003: 21). In *Ellen Street Estates Ltd* (1934), which supported its judgment by reference to *Vauxhall Estates Ltd*

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(1932), the court held that if Parliament had not expressly repealed the previous incompatible Act, the Act would have been assumed to have been impliedly repealed by Parliament. No body, including the courts, had the power to interfere or question the legality/validity of an Act of Parliament (*Lee*, 1871; *Pickin*, 1974; *Prebble*, 1995). '[I]f an Act of Parliament has been obtained improperly it is for the legislature to correct it by repealing it; but so long as it exists as law, the courts are bound to obey it' (*Lee*, 1871). The above authorities establish that Parliament was the sovereign law making body, and the rule of 'non- interference' was absolute.

As a result of this notion of Parliament sovereignty, Great Britain faced some initial difficulties when it considered joining the EU: a) it had an unwritten constitution and hence a 'provision for membership could not be made by means of constitutional amendment' (Hartley, 1999: 250); b) its approach to EU law was dualist, which meant that EU law and UK law were two different systems and EU law or any international law only became part of national law when it was incorporated into national law through Parliament; c) the primacy of EU law would not be guaranteed since the Act incorporated EU law would not be immune from a subsequent incompatible Act due to the continuing nature of parliamentary sovereignty. The continuing nature of parliamentary sovereignty, incidentally, meant today's Parliament could not bind tomorrow's Parliament.

However, the European Community Act (ECA) 1972, which incorporated the EEC Treaty (later known as the Treaty of Rome, and in 1993 was changed to the EC Treaty), whereby the UK joined the EU, overcame the first and second problems. It is the third problem – namely, whether the UK joined the EU at the cost of its sovereignty – which is the focus of this paper. To examine this issue, it is necessary to take a look at the ECA 1972 itself, which was (in most parts) repealed by the EU Withdrawal Act 2018.

The ECA 1972

The main sections dealing with the issue of supremacy were: 2(1), 2(2), 2(4) and 3(1). Section 2(1) provided for all directly effective EU law, including the then and future EU treaties and EU legislation to be operated in the UK without further enactment (Hartley, 1999: 252). Section 2(2) empowered the government to implement those EU provisions not directly effective (i.e. directives) either by Order in Council or statutory instruments, which 'must be approved by Parliament' (Hartley, 1999: 252). Section 2(4) provided that all national law, passed or to be passed, be interpreted in a way subject to section 2(1), which facilitated for the direct application of directly effective EU law. Section 3(1) stated that the judiciary should resolve issues relating to EU law in light of the ECJ's case law. If they could not or had queries, they should seek guidance from the ECJ. Section 2(4) suggested that subsequent Acts would also be subject to EU law.

That suggestion or interpretation was argued to be constitutionally

impossible as Parliament neither could bind itself nor its successor. It was against the positive aspect of Diceyan definition, as later Parliament would not 'unmake' the ECA 1972 (Marshall, 1997: 1). Section 3(1) established the ECJ as arbiter or higher authority, which had the power to ask national courts to set aside the incompatible national law.[1] This was claimed to be against the negative limb of Diceyan definition, as nobody was recognised under the UK constitution to set aside or interfere with legislation (Marshall, 1997: 1). However, it was argued that section 2(4) provided for a rule of construction rather than the primacy of EU law (Craig, 2002: 304; *Factortame*, 1991).

While the disputed sections demonstrated that the UK Parliament to a certain extent accepted the primacy of EU law, what the law meant in practice, however, was dependent on the court. The question, therefore, was whether the UK courts accepted the superiority of EU law over national law.

The UK Courts

Initially, the UK courts were reluctant to accept the doctrine of the supremacy of EU law, as Lord Denning said once a statute was passed the courts would disregard EU law (*Bulmer*, 1974; *Felixstowe Dock*, 1976). However, three years later his view changed, stating:

> '[i]n construing our statute, we are entitled to look to the EC Treaty as an aid to its construction; but not only as an aid but as an overriding force. If…our legislation…is inconsistent with Community law…then it is our bounden duty to give priority to Community law' (*Macarthys Ltd*, 1979: 329).

Denning adopted the rule of construction and in doing so he relied on section 2(4). However, it was argued that 'he took a rather broader view of construction than… [was] usually taken in construing international agreements' (Steiner, 2003: 73), giving 'the ECA a …special status' (Loveland, 2003: 385). Denning also made clear that section 2 abolished the doctrine of implied repeal regarding statutes affecting EU issues: an indication his lordship recognised a 'weak manner and form entrenchment of the supremacy of …EU law' (Loveland, 200: 385-6). The principle of 'manner and form' is elaborated below.

Following *Macarthys Ltd*, the House of Lords (HL) (since October 2009 known as the Supreme Court) added in *Garland* (1983) that the rule of construction should be used 'no matter how wide a departure from the prime facia meaning [of the statute] may be needed to achieve consistency' (Hanlon, 2003: 67). However, in *Duke* (1988), approved by *Finnegan* (1990), the HL refused to adopt the rule of construction for three reasons, the third of which was the main one: a) the EU directive concerned was not directly effective; b) the Sex Discrimination Act (SDA) 1972 was unambiguous; and, c) *Von Colson* (1984) did not require the court to adopt

the rule of construction since the SDA1972 had not been passed with the intention to give effect to the directive (Loveland, 2003: 401).[2]

But in *Pickstone* (1989) and *Litster* (1989), the HL was again prepared to accord supremacy to EU law by adopting the rule of construction or a purposive approach. Lord Templeman in *Pickstone*, the *leading judge* in *Duke*, said this time that he could see no difficulty in adopting a purposive approach to achieve 'consistency with the objective of the EC Treaty.' Further, he continued, the UK 'must imply words into domestic legislation to make it consistent with EC law' provided that the Act had been passed with the intention to comply with EU law (Hanlon, 2003: 69). The HL was obliged to adopt purposive approach because of section 2(4) in order to give effect to the 'manifest broad intentions of Parliament' (Lord Keith in *Pickstone*, found at Steiner, 2003: 74).

However, those rulings could not be justified on the basis of section 2(4), as it only provided for directly effective law. The basis for them could be the ruling in *Von Colson*, which stated that national courts should 'create new common law principles to give practical effect to EC directives' (Loveland, 2003: 400). In addition to obeying *Von Colson*, the HL also accepted the ruling in *Marleasing* (1990), in which the ECJ had persuaded the national courts to disregard so far as possible the issue of whether the Act was passed before or after a directive (Steiner, 2003: 76).[3]

The UK courts might have followed *Von Colson* and *Marleasing* so far, they did not, however, follow *Costa* (1964) and *Simmenthal* (1978), which required the immediate enforcement of EU law at the cost of overriding the conflicting domestic law: up to 1990 the 'thinking… [of domestic judges] was still not highly 'Europeanised"(Douglas-Scott, 2002: 276). As an illustration, by 1990 *Costa* had been cited only in four cases (*Blackburn*, 1971; *R v Attorney General, Ex parte ICI, Queen's Bench Division*, 1985; *Sun International*, 1986) by the English courts (O'Neill, 1994: 38). It was not long, nonetheless, before *Costa* and *Simmenthal* cast its magic over the UK courts in *Factortame* (1991).

In *Factortame*, the claimants, Spanish companies, argued before the High Court that the Merchant Shipping Act (MSA) 1988 was in breach of EU law, and, therefore, should not be applied. The High Court referred the issue of compatibility to the ECJ, meanwhile, granting interim relief to suspend the MSA (*Factortame*, 1989: 277). On appeal, the Court of Appeal quashed the interim relief, holding that 'there was no authority in either Community law or English law allowing national courts to interfere…with primary or secondary legislation' (Szyszczak, 1990: 252). Further, to stop the Secretary of State from applying an Act of Parliament was 'a constitutional enormity.' On appeal, in firmly agreeing with the decision of the Court of Appeal, the HL stated that there were two Jurisdictional obstacles to granting the injunction: firstly, there was a presumption that an Act of Parliament was valid unless and until it was held incompatible with EU law; secondly, there was no jurisdiction to grant an injunction against the government –

however, the HL felt obliged, owing to the 'overriding principles of Community law'(Gravells, 1989: 576-8), to make a preliminary reference to the ECJ asking, inter alia, whether EU law empowered the HL to grant an injunction against the government before the ECJ decided on the preliminary reference.[4] The ECJ answered in the affirmative regardless of Lord Bridge's two jurisdictional obstacles stated above. The HL consequently did set aside the MSA.

The courts now (evidently) possessed the power to set aside an Act of Parliament, which they never had before under the British Constitution; a fact that Lord Bridge at first admitted himself. Such power brought a revolution into the British Constitution, as 'the practice of the courts changes, so too does the unwritten constitution' (O'Neill, 1994: 42). Professor Wade called it a technical revolution, occurring '…when a new source of authority was acknowledged by the courts… which was not justified by the existing rules, from which the courts have for whatever reason withdrew their allegiance'(Allen, 1997: 444). It was a demonstration of a change in the rule of recognition: a concept used by professor Hart denoting secondary rules, i.e. statute or custom. The importance of the rule of recognition was the acknowledgement of reference to the writing on inscription as authority, i.e. the previous rule was that earlier Parliament could not bind later Parliament. But now the HL referred to EU law to support its judgment as opposed to the statute. (Though the judges in *Factortame* did not accept this, as is explained below.) The rule of recognition was a political one, and the judges could change it if they were 'confronted with a new situation which so demand[ed]', or where it appeared to them to be 'good legal reasons.' Sovereignty '[was] a freely adjustable commodity', Wade continued, whenever the courts choose, they could impose limitations (Wade, 1996: 573-4).

While Wade argued that the ruling of *Factortame* was revolutionary, other critics perceived it as devolutionary. To discuss this issue, it is important to analyse their contrasting viewpoints.

Revolution or Devolution?

In refusing to call the decision revolutionary, Lord Bridge, one of the ruling Judges in *Factortame* in the HL, stated that they granted the interim relief since it was the duty of national courts under section 2(4) of the ECA 1972, which expressly stated that all national law 'passed or to be passed' should be construed subject to EU law (Weatherill, 1993: 321).

Lord Bridge's reasoning for the judgement could hardly be section 2(4) of the ECA 1972, many argued, however, as the said section was available at the first stage of the case in the HL where he felt that there was no jurisdiction under the English constitution to suspend an Act of Parliament (Gravells, 1989: 576). Why did he not adopt section 2(4) as an authority then? He only suspended the domestic Act when he was ordered by the ECJ. Once ordered, why did his lordship not go on to 'say on what basis

such interim relief was to be ordered?'(Hanlon, 2003: 72) He clearly regarded the ECJ higher than Parliament, and it was 'clear that the national court [was] only under Community law obligations' (Hanlon, 2003: 72). To claim that it was the duty of the UK courts under the ECA 1972 rather than EU law to suspend an Act of Parliament, was, therefore, 'somewhat disingenuous of Lord Bridge'(O'Neill, 1994).

The best authority to be found for the judgement in *Factortame* was *Simmenthal* in which the ECJ had said that in case of a conflict between EU law and a subsequent national law, the national court should apply EU law, and it was 'not necessary for the court to request or await the prior setting aside of such provision by legislative or other constitutional means' (Steiner, 2003: 69). In doing so, Stephen Weatherill argued, the HL 'implicitly accepted the supremacy of…Community law…over…clear provisions of later United Kingdom primary legislation' (1993: 321).

However, John Laws, with whom Trevor Allen agreed (Allen, 1997: 447), rejected the claim that the decision in *Factortame* was revolutionary or its authority was derived from *Simmenthal* (found at Wade, 1996: 569). Section 2(4) established a rule of construction for later statutes so that any such statutes be read in a way to be consistent with EU law. According to Laws, *Factortame* demonstrated devolution of legislative power as opposed to devolution of sovereignty to Europe. For him, EU law was not supreme over domestic law since Parliament had delegated power to the EU and it was in the hand of Parliament to regain it (Wade, 1996: 576). In *Miller* (2017) the Supreme Court relied upon similar reasoning, arguing that the domestic courts' duty to disapply domestic legislation would not apply to Acts that changed the constitutional status of EU institutions or EU law. Put differently, the duty to disapply was not absolute. The European Union Act 2011 likewise stated that EU law was superior over domestic law owing to the continued presence of the ECA 1972.

Laws (and the Supreme Court) seemingly relied on Lord Bridge's argument that Parliament had delegated power to the EU through the ECA 1972. He also agreed with Lord Bridge's claim that section 2(4) had the same effect as if it was incorporated in the MSA (Wade, 1996: 570). If the section had such an effect, then this argument was similar to the principle of 'manner and form',[5] which meant that the MSA was disapplied, because it had not been passed with the manner and form stated by the ECA 1972. It contradicted the Diceyan's definition of parliamentary sovereignty, as it meant that Parliament of 1972 bound the parliament of 1988, which had been impossible previously because of the continuing nature of Parliamentary sovereignty: 'If this [was] not revolutionary, constitutional lawyers…[were] Dutchmen'(Wade, 1996: 568, 570, 573).

Allen claimed that Wade's argument that the outcome of *Factortame* was similar to those of the colonial cases was misconceived. In those cases, Parliament had expressly repealed the earlier legislation but the courts still refused to obey and 'expressly rejected legal continuity in favour of

'autochthony'...[and] signalled their unconditional repudiation of Parliament's sovereignty' (Allen, 1997: 449). Whereas in *Factortame* Parliament had never expressly repealed the ECA 1972 and the judges did not reject legislative competent. Further, in *Factortame* the HL only used the rule of construction and constantly insisted that it was for Parliament to put the incompatible Act right, but in *Harris* (1952), for example, the colonial court declared the later incompatible Act illegal and unconstitutional (Allen, 1997: 450). In reality, the judiciary used the construction view as 'a plausible escape from the constitutional dilemma'; it was to disguise the fact that the courts accepted the primacy of EU law (Wade, 1996: 575).

The next question this essay asks is: who was responsible for the ruling in *Factortame*, that is, for the limitation on Parliament's sovereignty: Parliament itself or the courts?

Who was Responsible?

An Act of Parliament was no longer sovereign owing to the new ties with the EU, which demanded concession of 'sovereignty for obvious political reasons' (Wade, 1996: 574). Lord Bridge, though he refused to call the decision in *Factortame* a political one, admitted the limitation of parliamentary sovereignty by saying 'the supremacy within the European Community of Community law over the national law... was... well established in the jurisprudence of the ECJ long before the United Kingdom joined the Community' (*Factortame*,1991: 658). According to Lord Bridge's reasons for the ruling of *Factortame*, by joining the EU, Parliament had voluntarily accepted the primacy of EU law over national law (Wade, 1996: 572). Therefore, the court was obliged to grant the injunction. Mrs Margaret Thatcher's criticism (the then Prime Minister) that the *Factortame*'s outcome was a surrender of sovereignty from the UK to the Commission was misconceived since Parliament itself ordered the courts to respect this limitation to Parliament's sovereignty through the ECA 1972, in particular sections 2(4) and 3(1) (Loveland, 2003: 407). Lord Bridge's language suggested that he did not use the rule of construction but simply accorded supremacy to EU law, and 'there was nothing in any way novel' in the decision because parliament had accepted a limitation of its sovereignty (Wade, 1996: 572-3).

Lord Bridge's claim that Parliament was aware of the supremacy of EU law was a strong one. Indeed, many academics had predicted that the UK's sovereignty would be affected if it joined the EU (Keenan, 1962: 332). Keenan, writing ten years before the UK joined the EU, anticipated a situation exactly like the one in *Factortame* (Keenan, 1962: 333),[6] but failed to come up with a solution. Parliament likewise failed to offer a solution in the ECA 1972, leaving the issue to the courts to resolve. The courts fitted in 'with this new understanding of parliamentary sovereignty' and changed the balance of power (between Parliament and the courts) in favour of themselves through sections 2(4) and 3(1) (Boyron, 2002: 774,

778).[7] Consequently, one could not only blame the courts but also Parliament.

The courts exercised its new power by 'invalidating' legislation' (Nicol, 1996: 582)[8] in *EOS* (1995). The HL, in deciding the case was confident to the extent that it even did not make a preliminary reference to the ECJ (Nicol, 1996: 584). This new power was partly as a result of the ECJ's rulings, which always maintained that 'invalidation [was] the preserve of national courts' (Nicol, 1996: 580). The HL acted as a 'constitutional' court in *EOS*, as Bernard Jenkin, a MP, who criticised the outcome of the case, said:

> 'When we wanted to join the European Community, it was not explained that we would be setting up our own courts to compete with us…the Law Lords treated Parliament no differently from an errant local authority that has passed some unreasonable bye-laws or an employment scheme run by a private company' (Nicol, 1996: 584).

Indeed, the 'incoming tide [a phrase used by Lord Denning for the force of EU law] of EC reached the Palace of Westminster' (Hood, 2001: 167), and the 'dismantling of parliament sovereignty advanced step-by-step' (Nicol, 1996: 589). Firstly, the judges suspended legislation (*Factortame*, 1991: 70); then 'invalidated' it (*EOS*, 1995); and finally lower courts were given 'constitutional' status in a sense that they could, too, issue a declaration of incompatibility (this argument is elaborated below) (Nicol, 1996: 589). In doing so, they did not have to justify their decision by making a preliminary reference to the ECJ, as the domestic legislation was subordinate to EU law anyway (Nicol, 1996: 589). The courts were equally responsible for these changes, Sophie Boyron argued, and with their newly active role in politics 'a general re-think of …constitutional law… [was] highly desirable' (2002: 774).

However, in *Factortame* the HL claimed that they relied on section 2(4) for their judgment, but in *EOC* (below) the HL used *Factortame* as authority to justify its ruling. The question was whether *Factortame* was a one-off case.

Did Factortame Set a Precedent for Later Cases?

In addition to its effect of the increase on references made by the UK courts to *Simmenthal*, *Factortame* itself was now 'increasingly sited as authority for domestic application of the Simmenthal doctrine', that is, 'national law should be *disapplied* in the face of the contrary authority of Community law' (O' Neill, 1994: 47).[9]

In *EOC*, Lord Keith, the ruling judge in the HL, said *Factortame* did suggest 'that judicial review of legislation was available' (Craig, 2002: 311) and, consequently, the HL declared the domestic legislation incompatible. The HL approved of the *Simmenthal* approach by saying it was for the Divisional Court 'to apply directly effective Community law in preference to

domestic law if the laws conflict' (Nicol, 1996: 583). Evidently, *Simmenthal* enabled the HL to empower all the UK courts to issue declarations of incompatibility to give effect to EU law. Even in one (unreported) case, where the Industrial Tribunal had held that the domestic legislation was contrary to EU law, the HL was reluctant to uphold this until it made a preliminary reference to the ECJ, making many believe that the Tribunal 'boldly strode where the House of Lords feared to tread' (Nicol, 1996: 586).

Thoburn (2003) was another case that approved and followed *Factortame*.[10] The respondents in *Thoburn* made some interesting arguments, which indicated constitutional changes in Great Britain: firstly, the doctrine of parliamentary sovereignty was in abeyance as long as the UK stayed in the EU and, therefore, it was inapplicable to issues regarding EU law; secondly, the ECA 1972 enjoyed a constitutional status since it safeguarded the primacy of EU law and hence it could not be impliedly repealed; thirdly, Britain could not unilaterally withdraw from the EU even if it wanted to (Boyron, 2002: 771). The third argument was rejected by the judge because it precluded the doctrine of express repeal, but he did agree that the ECA 1972 enjoyed a constitutional status (because it determined the relationship between 'two legal orders', Boyron, 2002: 776-7), which could only be expressly repealed.

To argue that a particular statute was constitutional opposed the doctrine of Parliament supremacy since, according to the doctrine, 'all Acts of parliament… [had] equal status and no Act… [was] superior to another whatever its subject matter' (Boyron, 2002: 775). Such a claim, furthermore, would provide Great Britain with a written constitution since it was only possible under a written constitution to label an Act as constitutional (Boyron, 2002: 776).[11]

It is essential to mention, however, that the Divisional Court conceded that EU law was superior to domestic law, but this supremacy was only facilitated by the ECA 1972. Put differently, EU law originated its supremacy from Parliament and it was always open to Parliament to recover that supremacy by its express intervention: but it must be an express repeal as an implied one was already set aside in *Factortame* – even never considered (Boyron, 2002: 775-7). Although a number of academics and judges speculated that the best medicine to cure the notion of parliamentary sovereignty was the doctrine of express repeal, one might wonder whether Parliament was able to pass legislation to expressly repeal the ECA 1972.

The Doctrine of Express Repeal

According to Lords Denning and Bridge, if Parliament passed an Act to expressly repeal the ECA 1972, then it 'should be the duty of our courts to follow' that Act.[12] Craig and De Burca similarly argued that *Factortame* rested on no more than a development of the courts' 'role as interpreter of legislative intent' (Loveland, 2003: 411). If Parliament expressly repealed

the ECA 1972, there would be no reason for the courts to disapply the later Act (Loveland, 2003: 411). However, doubts were cast that even if Parliament included such an express clause, Lord Bridge might not have accepted it (Eekelaar, 1997: 185; Loveland, 2003: 412), owing to the force of Lord Bridge's judgment.

The second difficulty regarding the notion of express repeal was that such an Act would guarantee the UK's withdrawal from the EU. Such an important matter might be determined by a referendum. The referendum might be in favour of continuous membership, as it proved to have been in 1975 in which 67% of the population voted in favour of continuous membership (Loveland, 2003: 413). (However, today we know that a referendum took place in 2016 and, unlike what most scholars had predicted, it decided in favour of leaving the EU, resulting, as stated above, in the European Union (Withdrawal) Act 2018 which expressly repealed the ECA 1972.)

Thirdly, if the government chose to determine the issue through Parliament, it might be able to secure a majority (Loveland, 2003: 413).[13] But from the ECJ's perspective, Member States were not legally competent to unilaterally withdraw from the EU (Loveland, 2003: 411-12).[14] The ECJ would hold such an Act ineffective. In theory it was easily said but in practice it could not be easily done (Allen, 1997: 445).[15]

Conclusion

The UK courts evidently accepted the supremacy of EU directives. They gave precedence to the directives concerned in a number of cases (*Macarthys Ltd*, 1979; *Garland*, 1983; *Pickstone*, 1989; *Webb*, 1995) with one exception (*Duke*, 1988). However, since the *Marleasing* ruling and its acceptance by the UK courts in *Webb*, the *Duke* judgment was arguably weakened (if not repealed). The UK courts accepted the supremacy of the directly effective EU law too (*Factortame*, 1991; *EOC*, 1995; *Sunderland CC*, 2002; *Thoburn*, 2003).

Throughout this essay, it has been seen that neither the courts nor the (pro and against EU) critics suggested that EU law was not supreme. The only conflict between the two contrasting viewpoints[16] remained was that on whose authority the domestic legislation (for example, in *Factortame*) was disapplied. Wade claimed that the authority for the ruling was EU law (Wade, 1996: 572), whereas Lord Bridge argued that it was section 2(4) of the ECA 1972, which provided for the rule of construction. Some critics favoured Lord Bridge's views (Allen, 1997: 443), while others sided with arguments made by Wade (O'Neil, 1994).

For Bridge's followers, it was only the rule of construction that the HL applied in *Factortame*. They disapplied legislation in breach of EU law because Parliament had voluntarily given sovereignty to EU law and ordered the courts to respect this. If Parliament ordered them to the

contrary, they would (as it is their duty)[17] obey the new order. Thus Parliament was still sovereign and it was possible to expressly repeal the ECA 1972 because what Parliament had given could take back. However, Wade and his followers argued that Parliament had not given sovereignty to the EU but it was rather taken by the EU with the assistance of the UK courts. If so, it would prove difficult, though not impossible, for Parliament to regain its lost sovereignty by expressly repealing the ECA 1972.

Whose arguments one favours is dependent on one's perception. However, it can be concluded that while the UK stayed within the EU, its sovereignty as a nation was 'curtailed' (Loveland, 2003: 424). But the 2016 EU referendum enabled the UK to regain its sovereignty – something that is not the case regarding Germany and France, which my next essays will be concentrating on.

Bibliography

Books and Articles:

Allen Trevor (1997) Parliamentary Sovereignty; Law, Politics and Revolution. LQR.

Boyron Sophie (2002) In the name of European law: the metric martyrs case. ELRev.

Campbell David and Young James (2002) The Metric Martyrs and the Entrenchment Jurisprudence of Lord Justice Laws. PL.

Craig Paul and De Burca Grainne (3rd ed) (2002) EC law, Text, Cases and Materials. Oxford.

Dorani Sharifullah (2019) Shall the Court Subject Counter-Terrorism Law to Judicial Review?: National Security VS Human Rights. Political Reflection Magazine, 22 October.

Dorani Sharifullah (2020) The Supremacy of EU Law over National Law: The ECJ's Perspectives. Political Reflection Magazine, January/February 2020.

Douglas-Scott Sionaidh (2002) Costitutional Law of the European Union. Blackstone.

Eekelaar John (1997) The Death of Parliamentary Sovereignty- a comment. LQR.

Hanlon James (3rd ed) (2003) European Community Law. Sweet and Maxwell.

Hartley Trevor (1999) Constitutional Problems of the EU. Bloomsbury 3PL.

Hood Phillip (8th ed) (2001) Constitutional and Administrative law. Oxford.

Gravells Nigel (1989) Disapplying an Act of Parliament pending a preliminary ruling: constitutional enormity or Community law right?. PL.

Keenan P.B (1962) Some Legal Consequences of Britain's Entry into the European Common Market. PL.

Loveland Ian (3rd ed) (2003) Constitutional Law: A Critical Introduction. Butterworths.

Marshall G. [1997] Parliamentary Sovereignty: the new horizons. PL.

Nicol Danny (1996) Disapplying with relish? The Industrial Tribunal and Acts of Parliament. PL.

O'Neill Aidan (1994) Decisions of the European Court of Justice and their Constitutional Implications. London Butterworths.

Steiner Josephine (8th ed) (2003) Textbook on EC Law. Blackstone.

Szyszczak Erika (1990) Sovereignty: Crisis, Compliance, Confusion, Complacency. ELRev.

Weatherill Stephen (1st ed) (1993) EC Law, The essential Guide to the legal workings of The European Community. Blackstone.

Wade HWR (1996) Sovereignty- Revolution or Evolution? LQR Vol 112.

Cases, Treaties and Acts:

Blackburn v Attorney General [1971] 2 ALL ER 1380. Bulmer (HP) Ltd v J Bollinger SA [1974] Ch 401.

C- 106/89 Marleasing SA v La Comercial Internactional de Alimentaccion SA [1990] ECR 1.

C- 32/93 Webb v EMO Air Cargo (UK) Ltd [1992] ECR 1.

Case 6/64, Flaminio Costa v. ENEL [1964] ECR 585.

Case 26/62, NV. Algemene Transport- en Expedities Ondeneming Vand Gend en Loss v Nederlandse Administratie der Belastingen [1936] ECR 1.

Case 106/77, Amministrazione delle Finanze dello Stato v. Simmenthal SpA [1978] ECR 629.

Duke v GEC Reliance [1988] 1 ALL ER 626.

Ellen Street Estates Ltd. v. Ministers of Health [1934] AC 765.

Felixstowe Dock and Rly Co and European Ferries Ltd v British Docks Board (1976) 2 CMLR 655.

Finnegan v Clowney Youth Training Programme [1990] 2 AC 407.

Garland v British Rail Engineering [1983] 2 AC 751.

Harris v Minister of Interior (1952) AC 526.

Lee v Bude and Torrington Junction Rly Co (1871) LR 6 CP 576.

Litster v Forth Dry Dock [1989] 1 ALL ER 1134.

Macarthys Ltd v Smith (1979) 3 ALL ER.

Mediguard Services Ltd v Thame (unreported).

Merchant Shipping Act 1988.

Miller v Secretary of State for Exiting the EU [2017] UKSC 5.

NV Algemene Transport-Expedite Onderneming Van Gend en Loos v Nederlandse Administratie der Belastingen (1963) Case 26/62.

Pickin [1974] BRB AC 765.

Pickstone v Freemans plc [1989] AC 68.

Prebble v Television New Zealand (1995) (access via http://web.lexis-nexis.com/prefesional).

R v Attorney General, Ex parte ICI, Queen's Bench Division, 60 Tax Cases 25 January 1985.

R v Secretary of State for Employment, ex parte Equal Opportunities Commission (1995) 1 AC 1.

R v Secretory of State for Transport ex parte Factortame Ltd [1989] 1 CMLR 277 (QBD).

R v Secretary of State for Transport ex parte Factortame Ltd (No 2) [1991] 1 ALL ER 70.

Sex Discrimination Act 1972.

Sun International v Sun Oil Trading Company and another Queen's Bench Division (unreported judgment of 30 July 1986).

The Colonial Validity Act 1865.

The Employment Protection Act 1978.

The European Community Act 1972.

The European Economic Community Treaty 1957.

The European Union Act 2011.

The European Union Withdrawal Act 2018.

The MSA 1988.

The Statute Westminster 1931.

Thoburn v Sunderland City Council [2002] 1 CMLR 50.

Vauxhall Estates Ltd. V. Liverpool Corpn (1932) 1 KB 733.

14/83 Von Colson v Land Northern - Westfalen [1984] ECR 1891.

Webb v EMO [1995].

[1] Although the ECJ under the preliminary ruling only interpreted the law it did not directly ask the national courts to apply EU law. However, if the national court disregarded the ECJ's ruling and a claim was brought against the national court under Article 226(ex169), then the Member State of that court would be held in breach of its obligations under Article 249(ex 189). Therefore, section 3(1) acknowledged this fact, suggesting that the U.K courts were obliged to obey the ECJ's rulings.

[2] The HL argued that *Von Colson* (1984) only allowed the court to 'distort' domestic statutes passed to give effect to pre-existing EU law. In *Duke* the SDA had not been passed to comply with the directive concerned. Thus one way to

distinguish *Duke* and *Finnegan* from *Garland* and *Macarthys Ltd* was in the latter cases the domestic Acts had been passed to comply with the directives concerned (Loveland, 2003: 401; Steiner, 2003: 76).

[3] Steiner (2003: 76) argued that the HL in *Webb* (1992) distorted the meaning of the statue so that the purposive approach of *Marleasing* was ensured.

[4] A similar question to that of *Simmethal* was asked in *Factortame* and a similar answer was given by the ECJ.

[5] The phrase derived from the Colonial Validity Act 1865. In *Harris* (1952) the colonial court held that the later inconsistent Act was unconstitutional, as it had not been passed according to the section 35 of Westminster Act 1931. Wade compared *Harris* with *Factortame*, claiming that the MSA 1988 was held inapplicable since it had not been passed in accordance with section 2(4) of the ECA 1972 (1996: 571).

[6] He said that parliament could insert a clause stating that the Act incorporating the Treaty could only be repealed expressly. However, he thought it would be ineffective as Parliament could not bind its successor. One could, therefore, assume that Parliament must have known this fact.

[7] The courts benefited in a sense that it established themselves more powerful than before. For example, before 1688 when there was a conflict between the King and Parliament the courts were more powerful than the King and Parliament. It continued until supremacy was established in favour of Parliament by the Glorious Revolution 1688. Similarly, there was now a conflict between Parliament and the EU and the judges were argued to have benefited from this conflict until one was established as a sovereign power (if the EU was not already established).

[8] Nicol claimed that the HL invalidated the legislation concerned (the Employment Protection Act 1978), as there was no difference between invalidation and declaration of incompatibility because the lower courts would be obliged to follow the decision of the HL. Indeed, the ruling of *EOC* was followed by lower courts in a number of cases, i.e. *Mediguard Services Ltd* (1996: 586).

[9] O'Neill reported that by the end of 1993 *Factortame* had been cited on 53 occasions, namely on the question of whether the courts had power to grant an injunction against the Crown in both EU and non-EU cases. *Factortame* established that the courts had such a power in both types of cases (1994:45-6).

[10] The Divisional Court would have followed *Factortame* if the directives concerned were inconsistent with the Weight and Measure Act 1985.

[11] Boyron concluded that as a result of the ECA 1972 the notion of parliamentary sovereignty was modified.

[12] Lord Denning in *Macarthys Ltd* (Loveland, 2003: 386); Lord Bridge made a similar claim in *Factortame* (Allen, 1997: 445); Sir John Laws in *Thoburn* (Boyron, 2002: 777); see also (Wade, 1996: 570).

[13] Loveland gives as an example Mrs Thatcher whose opposing views were one of the main reasons in her failure to win the majority in the election held among the Conservative MPs. Secondly, the form of 1688 Parliament was designed to represent national interests, but today's Parliament operated to promote party interests. Thus, EU law truly represented national interests for which the 1688 Revolution fought (Loveland, 2003: 396, 410).

[14] Loveland used *Van Gend en Loos* for this claim in which the ECJ had held that Member States could not unilaterally withdraw from the EU. However, it was claimed that if Parliament expressly repealed the ECA 1972, the ECJ would not have the power to hold it ineffective since the ECA 1972 was not part of 'European legal order' (Campbell and Young, 2002: 402).

[15] Allen said '[t]he possibility of such express enactment is unrealistic, as inconsistent with membership of Community, as a matter of practical politics….but

may be possible as a matter of legal theory.'

[16] Wade on the one hand, and, Lord Bridge on the other. Those two are chosen for the sake of argument as both have very different views regarding the ruling in *Factortame*.

[17] Lord Denning in *Macarthys Ltd* (Loveland, 2003: 386); Lord Bridge in *Factortame* (Allen, 1997: 445); Sir John Laws in *Thoburn* (Boyron, 2002: 777). This also suggested that the judges still considered themselves as interpreters of the will of Parliament and hence they acted within the scope of their power.

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Interview With Professor Adeeb Khalid

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Question: *Your academic researches and career on Islam in Central Asia well deserve great respect. In the early 1990s, researching Islam in Soviet territories was not something expected to study, especially considering the strict secular stance of communist ideology against religion, Islam. Thus, we wonder that if there is a specific moment that led you to study this subject. If there is, it has to be quite motivations as you have accomplished to make a pile of literature about Islam and nation-building in Central Asia. Could you please share your moment when you decided to establish your academic carrier on this subject?*

Adeeb Khalid is Jane and Raphael Bernstein Professor of Asian Studies and History at Carleton College in Northfield, Minnesota, where he has taught since 1993. He works on Central Asia in the period after the imperial conquests of the 19th century, with thematic interests in religion and cultural change, nationalism, empires and colonialism. He has received fellowships from the Guggenheim Foundation, the Carnegie Corporation, and the John W. Kluge Center at the Library of Congress.

He is the author of The Politics of Muslim Cultural Reform: Jadidism in Central Asia (University of California Press, 1998), Islam after Communism: Religion and Politics in Central Asia (University of California Press, 2007), and Making Uzbekistan: Nation, Empire, and Revolution in the Early USSR (Cornell University Press, 2015). He is currently working on a history of modern Central Asia for a general audience.

Adeeb Khalid:

I started graduate school in 1986. No-one could have imagined then that the USSR would fall apart before I finished my doctorate or that the archives would open up and we would be able to travel to Central Asia and do research there. I had planned on doing my dissertation using published materials that were available outside the USSR. Instead, I was able to work in Moscow and Tashkent and use a trove of materials I had only dreamed about when I started in 1986. However, even before the new possibilities of research appeared, I was dissatisfied with the Sovietological literature (the only kind available then) on Islam and Muslims in Central Asia. It saw Central Asian Muslims simply as victims of both tsars and commissars; it was not grounded in any scholarly understanding of Islam; and it was largely averse to any comparative analysis. I decided to work on Muslim modernism at the turn of the 20th century in Central Asia. Muslim modernism was a worldwide phenomenon, engendered by the new conditions (of military weakness,

European encroachment, and outright colonialism) that Muslim societies experienced in the 19th century. There was a substantial literature on its manifestations in Egypt and South Asia (and many other places), but nothing on the Russian Empire. I wanted to see how that phenomenon developed in Central Asia. This was my doctoral dissertation and my first book on Jadidism.

That project covered only the imperial period. I had intended to continue my research past the revolution of 1917 and it was that project I was working on when 9/11 happened. I began to see all sorts of news stories about the potential of Central Asian (Uzbekistan in particular) becoming the next Afghanistan. These prognostications were based on complete ignorance of Central Asia's modern history and of Islam's career in Soviet conditions. That is when I decided to write about the contemporary period. The result was my book, Islam after Communism. It was the real-world events of 9/11 that took me out my historian's comfort zone of the period between 1865 and 1930 and plunged me into more recent history.

Question: *Due to federal structure of the Soviet Union, allowing people to talk and educate themselves in their own language, and Comintern Meeting with representatives of communist parties from all over the world, there has been a general understanding that the communist Soviet Union actually accelerated nation-building processes of post-Soviet independent states in Central Asia. How do you think Islam has been involved in this nation-building process?*

Adeeb Khalid:

Yes, our understanding of the nationalities policies of the USSR has been turned on its head since the era of glasnost and perestroika. The Soviets did not "invent" nations out of the blue, but they helped crystallize national identities. In Central Asia, national projects had appeared among the Jadids before the revolution of 1917. They sought to "modernize" and "rationalize" Islam. Under Soviet conditions, these national projects shifted considerably. For the Soviets, religion was bad, an opiate of the masses at best. There was no explicit place for Islam in the various national identities of Central Asia that crystallized in the Soviet era. In actual practice, however, Islam continued to be an important part of Central Asian national identities but in a new way: it became a marker of national difference more than a set of moral imperatives. (In some ways, this is analogous to what took place in Turkey during the Kemalist era. As Soner Çağaptay has shown, the Kemalist elite had to be (ethnically) Muslim but not too Muslim (in terms of observance). Especially during the later Soviet period (under Khrushchev and Brezhnev), Islam, or, rather "Muslimness," had become a source of national identity.

Things changed after perestroika allowed the return of religion to the public sphere. The last three decades have been a period of substantial change. Islamic practice has become commonplace again but, I would argue some of the Soviet-era understandings about religion's relationship

to politics remain in place and continue to make Central Asia distinct in the broader Muslim world.

Question: *The Turkish ethnicity in the Russian Empire has always been an issue between the Ottoman and Russian Empires. Following the collapse of the Soviet Union, for the first time in history Turkey put together a solid policy and tried to get connected to the newly independent ethnically Turkish states but failed to do so. However, Turkey has eventually managed to build good relationships with both Russia and the Central Asian states. Do you think that the relationships between Turkey and the Central Asian states are sustainable? And, to what extent the relationships between Turkey and the Central Asian states are conditioned to the relations between Russia and Turkey?*

Adeeb Khalid:

Historically, the project of pan-Turkism has been complicated. Pan-Turkism has been a bogeyman for the Soviets as it was for Tsarist officials (and their British counterparts) before the Russian revolution. Many actors in Turkey were also invested in the idea. Central Asians were always far less interested in the project, and their historical experiences under Soviet rule further distanced them from it. The first Turkish initiatives (under Turgut Özal) to rebuild pan-Turkic connections with the post-Soviet states of Central Asia were not terribly successful. The relations that have resulted have been less comprehensive than many had hoped for in 1990–92 and they vary from country to country. We need to think about these relations in a differentiated manner—Turkey's economic reach is not identical to its cultural reach, and neither of these are directly related to diplomatic connections. The cultural outreach was in great part the work of the Gülen movement, which is now discredited. It had less success in Uzbekistan, the most populous country in Central Asia than anywhere else.

Question: *The 21st century began with islamophobia debates because of Jihadist groups' terror attacks, especially the 9/11. However, some of your researches are about jadidism in Central Asia since the 1990s. How do you think they separate their own religious stance from radical religious groups in their neighbours? We are asking this question with regard to one of your article called "A Secular Islam" in 2003.*

Adeeb Khalid:

Jadidism today is important only as a memory of a past historical phenomenon, one which has more salience for Uzbekistan than for the other countries of Central Asia. It is often misunderstood in current official discourse, which seeks to find a version of Islam that would fit with nation-consolidating projects in each country. The main hope is to come up with a version of Islam that is properly "national," that represents the national character of each Central Asian nation. All others can be denigrated as

"foreign," "extremist," and "radical." On the one hand, this is not unusual—all states seek to define a proper and acceptable version of Islam. (In Turkey, this task is handed over to the Diyanet.) On the other hand, the way this works in practice is peculiarly post-Soviet, for it makes use of Soviet notions of national identity, of Soviet understandings of religion and its ideal relationship to the state, and takes place in a peculiar post-Soviet institutional context. My "Secular Islam" article was written in 2002 (it was published in 2003 and became the basis for my Islam after Communism [2007]). Things have changed quite a bit in the almost two decades that have passed since then. Islam is a more established part of social life in all Central Asian countries; Islamic education is more established and Islamic ritual and practice far more widespread than they were in 2002. Still, I would argue that the Soviet legacy still shapes Central Asians' attitudes toward Islam.

Question: *In the last decade, Russia has been intervening into states which were once part of the Soviet Union, as Georgia and Ukraine, whereas there has no military intervention into the Central Asian states since the end of Soviet Union. What would you say, by this perspective, about that Russia does not feel threatened from the Central Asian states but feel opposite from the states which tried to establish a strategic alliance with the EU or the West in general?*

Adeeb Khalid:

Central Asia exists in a different geopolitical arena than Ukraine or Georgia. Russian interests are differently defined in Central Asia. The biig change was the acquisition of air bases by the US in Uzbekistan and Kyrgyzstan in the aftermath of 9/11. I don't think Central Asia is a big part of Russia's threat scenario. The bigger challenge for Russia in Central Asia is the growing might of China, rather than the US.

Question: *Based on your seminal book of Islam after Communism: Religion and Politics in Central Asia, you have taken us through the historical evolution of Islam's positioning in Central Asia, but you concluded your book with the case of Andijan which you considered as a way expressing discontents in the country but labelled as Jihadist terrorist by the government. Since you penned the book, do you have any idea of yours to change about Islam used as an opposition apparatus in Central Asia?*

Adeeb Khalid:

As I said above, things have changed quite a bit since then. The "Islamization" of society — in terms of the ubiquity of Islamic observance and its general visibility — is much greater now than a decade ago. The Andijan uprising and the response to it were in many ways unique to Uzbekistan. Developments in this regard have been different in the other countries of the region. Still, I would argue that the basic parameters have

not shifted greatly. The states still seek to define "proper" Islam and to persecute "improper" versions of the religion. The era of the post-9/11 Islamic militancy past. Now we are faced with the situation created by the Syrian civil war and intervention in it by numerous outside forces. Today, the main concern of Central Asian states and western observers is the appeal of Daesh-style militancy. Again, the region's states find in this new wave of militancy a convenient excuse for cracking down on their opponents but we are looking at a different set of concerns here than in ***2005***.

Question: *As you know, post-soviet republics have had considerable attention by the West, especially by the US as a precaution aiming to prevent them from allying with Russia again. Do you agree if somebody claims that the West failed in this mission and the Central Asian states are still favouring Russia against the West?*

Adeeb Khalid:

The US attempt to wean Central Asia away from Russia was misguided and largely foolhardy. The Soviet infrastructure (of transport, education, popular culture) was not going to evaporate according to the wishes of the State Department. It is not a matter of the West's failure, but of structural continuities. In any case, the big story is of the rise of China's influence in Central Asia. The Belt and Road Initiative is an expression of China's ambitions. Even if its implementation does not come to fruition fully as planned, it reflects a transformation of economic realities on the ground. Russia will not disappear from Central Asia, but its challenge will come from China, not the West.

Question: *During the invasion of Afghanistan by the Soviets in the cold war atmosphere, the US had used Islam as a countermeasure against communism there and in most of the Muslim countries. When the American-supported jihadist groups or their extensions hit the World Trade Centre in New York, the US took arms against Jihadist groups all over the world. Even a half-century-long history shows that conditions might get reverse and your plans might hurt you, too in the near future. How do you evaluate Russia and America's policies in Central Asia in terms of using or weaponising Islam against each other?*

Adeeb Khalid:

Russia or the Soviet Union never weaponised Islam. It was the US that did that during its proxy war in Afghanistan. This was based on assumptions commonly held during the Cold War, that "Islam" was an antidote to Communism. After the Soviet intervention in Afghanistan in 1979, this idea was pushed with renewed emphasis by Alexandre Bennigsen and his disciples in a number of works. We are still living with the consequences of those decisions. Archival evidence suggests that the Soviets did not see Islam as a danger until after their intervention in Afghanistan. Things

have changed since then and Islam is now seen as a sign of danger in Russia just as much as in "the West." Domestically (in Chechnya and elsewhere), the Russian state pushes the idea of a "traditional" Islam not very different from that of Central Asian states, but it does not use it as a weapon in its foreign policy.

Question: *We know it might have nothing to do with your area of expertise, but there is a popular debate on post-COVID19 world projections. If you do not mind, Could you please share your precious thoughts about it with us?*

Adeeb Khalid:

I really have nothing to say in this. I am still in a state of shock and contemplating the long-term consequences of this pandemic. I have no idea what it holds in store for us.

Question: *Before ending the interview, we would like to take our chance to make you ask a question to yourself. It is because an interview cannot cover all the areas of a life-time academician, like yourself, we would kindly like to ask you if there is an issue that you considered as quite significant, but we miss it to ask. If yes, would you tell us about it?*

Adeeb Khalid:

There really isn't anything I think we missed. I am really a historian, most comfortable in the issues and sources of the first third of the 20th century. I was pulled into the larger sweep of that century by a sense of civic duty—to say something about the misconceptions that are routinely peddled in the public sphere. That is one's responsibility as a scholar and a citizen and I have been happy to do it, but I am much happier working with materials from the decade after the Russian revolution. The hopes and ambitions it launched are absolutely fascinating!

We would like to thank you a lot for your precious time and sincere answers.

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COVID-19 Crisis Deepening in Azerbaijan

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Development of the Crisis

Unexpectedly, the COVID-19 pandemic hit the world severely and most countries were unprepared. Like major powers, small states were also stumbling to take necessary measures. Azerbaijan, located in the South Caucasus, is one of the countries that failed to manage the crisis deepening in the country. Although the country has comparatively more economic resources than the nearby Armenia and Georgia, government corruption has resulted in a poor response to the pandemic in Azerbaijan. Furthermore, in a recent speech, President Ilham Aliyev stated that the disruption caused by the virus would last well into the fall, and education centers would likely remain closed for the rest of 2020 (AZERTAC, 2020).

Initially, Azerbaijan downplayed the virus. However, when Iran was hit by the virus severely, Azerbaijan closed its borders to its neighbor; but later than other states did, when Georgia and Belarus reported that they found the COVID-19 passengers traveling from Azerbaijan. On March 2, the government closed schools and universities and transitioned to distance education. However, education centers were not ready for that. WhatsApp was used more than any other method to keep education going on, and the spring period ended in chaos. In early March, officials banned the Nowruz celebrations, public gatherings, funerals, weddings, and even limited entrance to the capital Baku and Sumgait from the regions of the country.

The Operational Headquarters under the Cabinet of Ministers of the Republic of Azerbaijan, established to control the coronavirus crisis on 16 January 2020, extended the general quarantine regime until August 1 and strict quarantine regime from June 21 to July 4 in big cities and the most impacted regions, like Baku, Sumgait, Absheron, Ganja, Yevlakh, Jalilabad, Lankaran and Masalli. The government enforced a curfew at weekends in the regions that the virus infected the most. Indeed, this is not new for Azerbaijanis. The government in Azerbaijan launched a special quarantine regime in the country from the 24of March until the 20 of April, and from the 5of April citizens were only allowed to go out for a limited amount of time and permission from the security forces was required.

However, the Azerbaijani government mismanaged the crisis. On April 27 the government eased strict quarantine restrictions, on May 4 it repealed permission requirements and on May 18 the government abolished the

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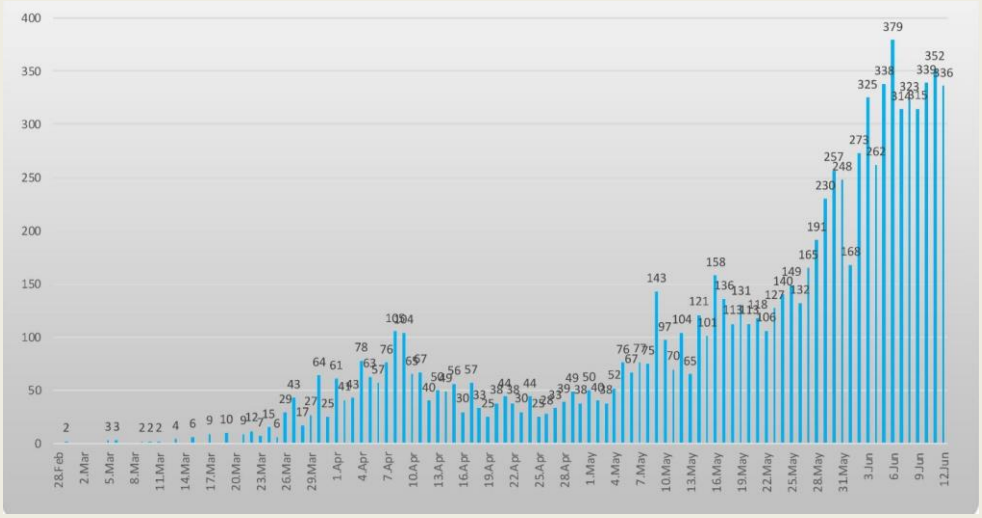
quarantine regime when there were more infected people than in March when the government declared the quarantine regime, and the numbers were increasing as can be seen inhe graph. These mistakes happened due to political, economic, as well as social factors.



Graph 1: COVID 19 Infected people by days and months in Azerbaijan, source https://koronavirusinfo.az/az/page/statistika/azerbaycanda-cari-veziyyet [Accessed 25 June 2020].

Why the Azerbaijani government failed to manage the crisis?

As can be seen in the graph 1, in May, there were more infected persons than in March, which was the month the government declared the quarantine regime. The quarantine regimes throughout the world have negatively impacted the Azerbaijan economy because less travel has resulted in declining oil prices. In addition, the rivalry between Russian andSaudi Arabia over production of oil in early March disproportionately impacted Azerbaijan, given its dependence on oil exports. Crony state capitalism in Azerbaijan does not allow the development of a private business sector and the economy is under the control of the state, which prevents diversification of the economy, and the state becomes vulnerable to fluctuations in oil prices (Khalilzada, 2019). The decrease in remittances flowing from Turkey and Russia is another factor that impacted the economy badly (Mammadov and Mammadli, 2020). Moreover, the government also mishandled social aid of $110 for the unemployed. The process has illustrated that there are more unemployed people in the country than official statistics showed. Corrupt government officials did not distribute the money to people properly, and in some regions, local administrators bribed social aids sent by the government for their own gain. Social package policies for low income individuals and businesses were insufficient. This increased social tension in the society as people demanded

an end to the quarantine regime so that they could return to work and earn money to feed their families.

The second factor that decreased the trust of the people in the government about its policies on the coronavirus and quarantine regime was due to the crackdown of the dissidents. In his address to the nation for the Nowruz holiday, President Ilham Aliyev announced that the government would crack the fifth column that existed in the country, which resulted in suppression and arrest of a member of opposition parties and civil society organizations (Kuchera, 2020). Security forces used indiscriminate violence towards people who just went out from their houses to smoke. The behavior of the government and security forces decreased publictrust in their government and the COVID-19 response. There has been some conjecture on social media that the government declared the quarantine regime not to stop the spread of the virus but to use it as a pretense to arrest thosewho disagreed with government policies.

Other important factors that decreased social trust in the government during the pandemic were the ineffective health system, poorly educated health workers, Insufficient hospitals, and the implementation of the quarantine regime. For instance, the representatives of the Operational Headquarters are not trustworthy. The spokesperson of the headquarters is a former news editor of the state channel who was mocked among people due to his attempts to discredit the West and its standard of living. Moreover, the country's representative of the World Health Organization shares her holiday photos in her social media while instructing people to stay at home. According to the Global Health Index, Azerbaijan is the region's least ready country to face an epidemic, despite its rich natural resources and prosperity in the Caucasus. The State Agency for Mandatory Health Insurance (TƏBİB) is responsible for managing the crisis but the Minister of Health does not appear in daily briefings and does not take responsibility seriously. The government could increase trust by following the example of Turkey, where the health minister has become one of the most popular politicians during the pandemic because of his regular communication with the public

Conclusion

Overall, the loosening of quarantine restrictions at the beginning of May resulted in more deaths from COVID-19 in Azerbaijan. According to the data on June 25, there are close to 15 thousand infected people in Azerbaijan, the daily rise of infected people above five hundred, and 180 people have died from the virus. It seems that the numbers are currently increasing and the government is not controlling the crisis. In a June 20 briefing, the representative of the TƏBİB reported that they did not get the expected results from the weekend curfews, because citizens fled from the cities to the towns due to complete closure (Meydan TV, 2020).

Thus, in order to prevent deterioration of the current situation and change the trend in a positive direction, the government has to reassess its crisis management policies. Instead of suppressing the dissidents, it should find

ways to collaborate with them because opposition parties and civil society NGOs offered policies to manage the crisis. Collaboration with and assignment of individuals that are respected by society in order to increase the reliability of the government's policies might help the current situation to improve. Providing social aid to vulnerable groups in order to address their anger overquarantine policies , which worsened their living standards, and support business sectors —then theycould help to overcome the crisis like most states have done. Most state officials use the pandemic to stealstate resources, which, needless to say, negatively affect crises management. Instead the government has to be transparent and provide citizens with economic needs ; to those who had to quit their jobs due to the quarantine regime. It seems that if the government does not reassess its crisis management strategies, the virus will continue to spread in the country and it could lead to political upheavals.

Bibliography

AZERTAC., 2020. Prezident İlham Əliyevlə "Microsoft" Şirkətinin Vitse-Prezidenti Və Digər Nümayəndələri Arasında Videokonfrans Keçirilib YENİLƏNİB VİDEO. [online] Azertag.az. Available at: https://azertag.az/xeber/Prezident_Ilham_Aliyevle_Microsoft_sirketinin_vitse_prezidenti_ve_diger_numayendeleri_arasinda_videokonfrans_kechirilib__YENILANIB_VIDEO-1513757 [Accessed 25 June 2020].

Khalilzada, J., 2019. Modernization and Social Change in Azerbaijan: Assessing the Transformation of Azerbaijan through the Theories of Modernity. New Middle Eastern Studies, 9(2). pp. 167-188.

Kuchera, J., 2020. Azerbaijan's President Suggests Coronavirus May Require A Crackdown On Opposition. [online] Eurasianet. Available at: <https://eurasianet.org/azerbaijans-president-suggests-coronavirus-may-require-a-crackdown-on-opposition> [Accessed 25 June 2020].

Mammadov, R. and Mammadli, O., 2020. Azerbaijan'S Response To COVID-19 - Gulf State Analytics. [online] Gulf State Analytics. Available at: <https://gulfstateanalytics.com/azerbaijans-response-to-covid-19/> [Accessed 25 June 2020].

Meydan, TV., 2020. Vəkil: Hökumət Əhalidən Üzr Istəməlidir. [online] Meydan.TV. Available at: https://d9mc3ts4czbpr.cloudfront.net/az/article/vekil-hokumet-ehaliden-uzr-istemelidir/?fbclid=IwAR3W1mszq6t6PT2IJnmwFaYRMuURLVUEMJGSW7UPbD4GkbMzZWDhkdizlmk [Accessed 25 June 2020].

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All the President's Tweets: Trump's Twiplomacy amidst the Coronavirus Crisis and the Way Ahead for the American Foreign Policy

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The coronavirus crisis, except for its various implications in the economy, healthcare and various aspects of everyday life, has highlighted the role of social media in political communication and foreign policy. Political leaders have used social media platforms to communicate with their followers sharing news and state policies online.

Twitter, in particular, has changed not only the way news are transmitted but also reformulated diplomatic practices. Diplomats devote considerable time in conducting their statecraft on Twitter which is being characterized as a platform of political discourse that offers politicians the opportunity to establish a network with their counterparts and also a tool for real-time response in crises. The use of Twitter by politicians and diplomats has enacted the term "twiplomacy" having managed to influence the image and reputation of the nation according to the way its representatives announce, promote and comment on political issues.

President Trump during his political campaign back in 2015 made extensive and daily use of Twitter to inform his fanbase on his decisions, post his criticisms towards his counterparts, and threaten them and mostly praise himself.

The coronavirus crisis has been tweeted extensively by the American President; nonetheless in an unsystematic, highly polarized and divisive way, intensifying the crisis while showing no collective initiatives.

Trump as an influencer and his "Twitter foreign policy"

@realDonaldTrump, according to the twiplomacy rankings, is the most followed leader with 81.2 million followers having tweeted 51, 282 times since he signed up in the platform in March 2009. The American President follows only 46 other accounts, mainly those belonging to members of his government and family members. His informal and assertive tone has left many of the world leaders wondering about how to reply to these Twitter

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outbursts and threats. Trump has referred to North-Korean leader Kim Jong Un as “little rocket man” and called the Syrian President Bashar Assad a “gas killing animal”.

Having said that, there have been political figures that did not hesitate to respond directly to the American President, such as the Mexican President in regards to the notorious Trump’s wall along the US-Mexico, border, and the Pakistan's Prime Minister that engaged with him in a twitter spat after the American President announced his decision to stop funding Pakistan because of the country´s alleged support for terrorist groups in Afghanistan.

In addition, the American President has threatened to go to war with Iran, calling the North American Free Trade Agreement (NAFTA) “one of the WORST Trade Deals ever made” and threatened to “devastate Turkey economically if they hit Kurds”. Unsurprisingly some of his proclamations were never fulfilled and somewhat were appeased in his later tweets.

The many faces of Trump’s twitter – The coronavirus crisis

The outbreak of coronavirus in late December 2019 in Wuhan was reported quite often by President Trump who seemed to have been supportive to the Chinese authorities’ efforts to battle the spread of the virus — when the spread of the disease, of course, had not surpassed China´s borders. The American President even praised the government´s efficiency in building hospitals in just a few days.

Nonetheless, as the coronavirus started becoming a worrisome issue in the USA with the number of cases and deaths increasing, the American President on his self-centred tweets glorified his prompt responses in closing early the borders to China and Europe. Later on openly accused China of mishandling the crisis, referring to coronavirus as the “Chinese virus”, Wuhan virus and Plague from China.

Besides, the World Health Organization had been targeted on Trump´s tweets until he announced his decision to stop funding the organization for its cover-up of the coronavirus threat and for being heavily influenced by China.

After Trump announced taking hydroxychloroquine to ward off coronavirus and made suggestions to inject disinfectant into coronavirus patients, many implored the social media platforms to employ a stricter fact policy that also applied to political leaders.

On May 11, Twitter announced that it would be introducing “new labels and warning messages that will provide additional context and information on some Tweets containing disputed or misleading information related to COVID-19”. The platform for the first time on May 27, flagged with a fact-check label Trump´s tweet on Mail-In Ballots.

Trump´s notable use of Twitter has tarnished the United States’ public image as a credible power and global, multilateral leader. However, it also

has revealed that social media have redefined the way US foreign policy is presented, proving that new codes of diplomatic interactions are being constructed.

To that end, this misuse of twiplomacy not only poses unprecedented challenges to traditional diplomatic codes but also raises questions on how politicians should be held accountable for fake news, misinformation and for endangering crisis management responses.

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