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Risk and Opportunity

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Letter from the Editor

Dear Readers,

The '23/'24 editorial team chose "Risk and Opportunity" as the theme for the 27th volume of the *SAIS Europe Journal of Global Affairs*. Tensions in global affairs have increased over the past few years, with significant changes in geopolitical relations and major policy changes, ranging from the war in Ukraine, China's increasing multilateral engagement, EU regulations on climate and sustainability, the Israel-Hamas conflict and subsequent student protests, and emerging technology and AI. These dynamics are best understood from a multidisciplinary approach to understand the complexities and interconnectedness of international politics, security, climate and sustainability, development, and human rights.

This year's journal provides a comprehensive exploration of the challenges, uncertainties, and potential rewards inherent in the dynamic landscape of global affairs. By focusing on risk and opportunity, the works encapsulated in this year's volume challenges us to reflect on the world's most pressing issues and to critically analyze global affairs from the lens of navigating risks and embracing opportunities.

The journal was originally conceived and initiated by SAIS students to publish student scholarship, and continues to be a forum for thought-provoking, analytical, and creative exploration of affairs between nations, international and regional bodies, organizations, and individuals. These works are complemented by contributions from alumni, professors, academics, and non-academic professionals. This annual publication showcases the rigorous academic dialogue fostered by professors and students at SAIS and moreover how the conversation continues post-graduation and in global affairs at-large.

Congratulations to the authors whose time and dedication to their research and scholarship is realized through this publication. We are excited that this year's journal contains diverse and inclusive student voices accompanied by alumni and professionals. And a heartfelt thank you to the editorial board for their hard work and commitment to the production of this year's journal.

On behalf of the SEJGA editorial team, I am pleased to present the 27th volume of the flagship SAIS Europe academic journal on global affairs.

Idalis Moscoso
Editor-in-Chief
SAIS Europe Journal of Global Affairs
Johns Hopkins University SAIS Europe

*Dietro ogni problema c'è un'opportunità.
(Behind every problem there is an opportunity.)*

Galileo Galilei

Letter from the Rector

Dear All,

It is a great honor to write the foreword to the 2024 volume of the *SAIS Europe Journal of Global Affairs*. As the new Rector of the Johns Hopkins University School of Advanced International Studies here in Bologna, Italy, I am delighted to discover this academic journal led by graduate students, which pursues thoughtful and discerning conversations regarding global affairs.

Pioneered by students in 1997, to showcase student scholarship, the Journal has expanded throughout its life to include writing from current students, alumni, professors, and practitioners. As a student-initiated and run publication, the journal showcases the academic and personal passions of SAIS-Europe students, as they pursue greater knowledge on development, security, human rights, economics, and geopolitics.

The theme of this year's volume is apropos of world events. Titled "Risk and Opportunity," the 27th volume continues the journal's custom of encouraging students and scholars from various fields and regions of study to assess the risks and opportunities of global affairs. This volume offers a diverse range of scholarly works that provide intellectually curious, thought-provoking, and relevant analysis. Congratulations to all the authors for their contributions, and special thanks to everyone who submitted their work for consideration.

On behalf of SAIS-Europe, I would like to extend our thanks and appreciation to the editorial team and staff of the *SAIS Europe Journal of Global Affairs*. In addition to their studies, they dedicated their time to the Journal, ensuring the honored tradition of an annual publication. Special thanks to the editorial team: Idalis Moscoso, Editor-in-Chief; Jack Halsey, Business Manager; Jonathan van de Gronden, Content Editor; John Steinmeyer, Commissioning Editor; Scarlet Li, Podcast Manager; and Caroline Carrothers, Marketing Manager.

Renaud Dehousse
Inaugural Rector
Johns Hopkins University SAIS Europe

Why Balancing AI Proliferation and Regulation is Challenging but Necessary

Benedicta Kwarteng & Anita Jing-Shin Lin

Benedicta (Benie) Kwarteng is a Master in International Relations student at Johns Hopkins University SAIS, focusing on Technology and Innovation with a regional specialization in Asia. Benie is deeply engaged in exploring the intersections of international development, security, and technology policy. Prior to pursuing her master's degree, she worked as a research fellow at the Congressional Research Services within the Foreign Affairs, Defense, and Trade Division. Her research interests include the informal economy, US-China-Taiwan relations, US foreign policy, and emerging technologies.

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In the wake of a rapid and evolving AI Revolution, the debate involving harnessing its potential while preventing its dangers is central to understanding the future of this new technology. As AI proliferation continues to invade every sector from healthcare, finance, education, to national security, unprecedented opportunities and challenges also follow. There is an intricate balance between fostering AI's boundless potential and mitigating its risks through regulation.¹ The article explores the tightrope policymakers and industry leaders must walk to ensure that the advancement of AI serves to enhance, rather than undermine, our societal, economic, and ethical frameworks.

Artificial Intelligence (AI) is a type of computer engineering, which uses software and machines to perform tasks typically requiring human intelligence.² Particularly, Generative Pre-trained Transformers (GPTs) such as OpenAI's ChatGPT, Google's Bard, and Meta AI, specializes in understanding and generating human-like texts, images, audios, and videos.

The challenge of balancing AI proliferation and regulation is multifaceted, involving technological, ethical, legal, and geopolitical considerations. Complex issues relating to privacy, security, and international competition, coupled with opportunities for technological breakthroughs present a case for why a balanced approach is not only challenging but necessary. Finding the right balance between AI proliferation and regulation is essential for harnessing AI's potential while minimizing risks and negative consequences.

Why Balance AI Proliferation and Regulation

Promote Innovation

Over-regulation can stifle innovation and progress in AI development, while under-regulation can lead to unethical or harmful applications. The complex state-market dynamic is

¹ Keith Jin Deng Chan, Gleb Papyshv, and Masaru Yarime, "Balancing the Tradeoff between Regulation and Innovation for Artificial Intelligence: An Analysis of Top-down Command and Control and Bottom-up Self-Regulatory Approaches," *SSRN* (2022).

² Laurie A. Harris, *Overview of Artificial Intelligence*, CRS Report No. IF10608 (Washington, DC: Congressional Research Service, October 24, 2017).

best exemplified by China's state endeavor to develop its own version of OpenAI, the largest AI company, in its perceived tech race with the United States. Beijing is actively responding to the technology breakthrough brought by ChatGPT by streamlining the legal procedures for domestic big tech companies, such as Baidu, Tencent, Alibaba, Huawei, and Xiaomi, to develop and launch their chatbots. For example, Beijing approved fourteen new Large Language Models (LLMs) for public use within one week in January 2024.³ At the same time, in July 2023, China's Cyberspace Administration issued one of the world's first legal regulations on generative AI, the "Temporary Measures on the Regulation of Generative AI Services,"⁴ in which a "negative list" was given to the private sector to specify what they should steer clear of. Even though the need for Chinese AI systems to conform to China's "socialist core values" is considered a hindrance to innovation, GPT-powered chatbots still flourish in the Chinese market, as seen in the cases of Baidu's Ernie Bot and Tencent's Minimax.⁵

Ensure Safety and Accountability

Over-regulation can hinder the deployment of beneficial AI solutions. However, regulation helps ensure AI systems are safe, transparent, and accountable, particularly when a rising amount of misinformation and cybercrime involving AI, such as deepfake, become prevalent to the point of impacting elections and stock markets.⁶ Leading in regulating data privacy and transparency, Europe published the world's first regulation on artificial intelligence in June 2023.⁷ The risk level classification of AI systems proposed in the EU AI Act helps shed light on some of the safety concerns of unregulated AI proliferation. For example, facial recognition is listed in the categories identified as an "unacceptable risk" that is subject to prohibition, consistent with the bloc's policy preference of individual privacy protection. AI applications in critical infrastructure, law enforcement, and border control management among others, on the other hand, are categorized as having "high risk" due to national security and accountability concerns.

Address Ethical Concerns

Regulations must address ethical issues in AI technology like bias, privacy, and autonomy, as the data models are known to scale existing racism and sexism due to the research and data gaps in training the algorithms.⁸ Efforts to have transparent AI models have extended beyond ethical considerations to address algorithmic biases, highlighting the ethical implications of biased algorithms and the need for inclusive AI design. The nature of AI models is very dependent on big data—large, diverse sets of information that grow at an ever-increasing rate. Using this data, the models can produce classification that can imitate independent decision-making. However, "classification tends to reinforce inequalities, such as inequalities arising from facial recognitions used in public safety, which in turn discriminate against black people" due to unfairness in the algorithm design.⁹ Technologies are in the hands of the profit-driven private

³ Tom Carter, "China is Building its Own AI at a Rapid Pace," *Business Insider*, January 30, 2024.

⁴ "Temporary Measures on the Regulations of Generative AI Services," Office of the Central Cyberspace Commission of the People's Republic of China, July 10, 2023.

⁵ Wendy Chang and Rebecca Arcesati, "China Outpaces Europe in Regulating Generative AI – on CCP Terms," Mercator Institute for China Studies, May 2, 2023. Note that the launch of the Ernie Bot was underwhelming and the development of Chinese generative AI technology in general is widely considered to be still having a long way to go to catch up with its U.S competitors.

⁶ In May 2023, a fake AI photo of an explosion near the Pentagon went viral on social media and briefly pushed US stocks lower. Davey Alba, "How Fake AI Photo of a Pentagon Blast Went Viral and Briefly Spooked Stocks," *Bloomberg*, May 22, 2023.

⁷ "EU AI Act: First Regulation on Artificial Intelligence," European Parliament, June 8, 2023.

⁸ Zachary Small, "Black Artists Say A.I. Shows Bias, With Algorithms Erasing Their History," *New York Times*, July 4, 2023.

⁹ Fernando Filgueiras, "Artificial Intelligence Policy Regimes: Comparing Politics and Policy to National Strategies for Artificial Intelligence," *Global Perspectives* 3, no. 1 (2022): 32362.

sector. Therefore, it is important for the public sector to bridge the missing gaps between economically profitable and socially beneficial contents.

Rapid Development of the Technology

AI advances rapidly, making it hard for lawmakers to stay informed about the technology and for the lawmaking process to keep pace with the technological advancement. In the United States, the private sector controls and leads the innovation of technologies and the lawmakers chase after it. On the other hand, the Chinese government is proactively leading the development while concurrently putting guardrails. China's state power in controlling the private sector and the flow of information guarantee that the AI technology will not grow out of "control." At the same time, many of the policy purposes of the Chinese government emphasize on maintaining social and political stability which is ultimately aiming at strengthening the power of the Party and could show inconsistencies during implementation.¹⁰ The common saying "the US innovates, China imitates, and Europe regulates"¹¹ reflects the different approaches taken by the regions. While this is seen as a strategic move of comparative advantage, it also shows how difficult it is to lead in innovation and regulation at the same time. Rapid evolution of AI means a country needs to prioritize if it wants to be an innovator or a regulator.

Global Consistency and Cooperation

AI is a global phenomenon, requiring international cooperation and consistency in regulations, which is difficult to achieve due to problems of attribution on a globalized technology and geopolitics. While the issue of attribution requires further brainstorming from policymakers, the first step of overcoming geopolitical division in the realm of AI regulation might not be entirely unfeasible. To date, the EU, the US, and China have all issued their strategies on AI regulations. Despite differences in detailed regulations and purposes, many areas of concern are overlapping in the minds of all three countries' policymakers. This might provide a space for cooperation.

AI technology is not only transforming societies and economies but also challenging the old political paradigm that sets the states and markets against each other.¹² Modern technologies have revolutionized the way states and non-state actors interact with each other in that both sides become increasingly interwoven, thus harder for any side to create a one-sided influence. It paves the way for the new generation of policymakers to come up with creative ways to regulate AI that are not only about giving sticks. There is space for both the state and the private sector to benefit from a balanced approach to proliferation and innovation.

How to Balance AI Proliferation and Regulation

Develop Adaptive Regulatory Frameworks

Regulations should be flexible enough to adapt to new developments in AI technology while ensuring ethical principles are upheld. It is crucial to establish regulatory bodies or committees comprising experts from various fields such as technology, ethics, law, and sociology. Such bodies can continuously monitor advancements in AI and assess their implications on society, updating regulations accordingly. Additionally, employing tools like sandbox

¹⁰ For example, even though in the Measures, "respecting intellectual property" is explicitly written out, it is believed by many experts that the state is unlikely to "take an aggressive stance in investigating firms for AI-related infringements" on copyrights due to its bigger goal of fostering technological breakthroughs. Zeyi Yang, "Four Things to Know about China's New AI Rules in 2024," *MIT Technology Review*, January 17, 2024.

¹¹ Greg Ip, "Europe Regulates Its Way to Last Place," *Wall Street Journal*, January 31, 2024.

¹² Here it refers to Susan Strange's concept of "market-authority nexus." Susan Strange, *States and Markets* (London: Bloomsbury Academic, 2015).

environments,¹³ which was introduced in the EU's AI Act, can allow regulators to test new AI applications in controlled settings before deployment, ensuring compliance with evolving standards.¹⁴

Promote International Collaboration

Establishing international norms and agreements on AI ethics, privacy, and security can help manage global risks. The need for multilateral forums and agreements focused on AI governance is critical as the technology continues to evolve. Collaborative efforts can include information sharing, joint research initiatives, and the establishment of common standards to address cross-border challenges related to AI. Last year, the UK held the first global summit on AI safety. Fostering these exchanges which brings together AI researchers and policymakers can promote understanding and alignment of diverse perspectives on AI ethics and regulation.¹⁵ Moreover, international conferences held by the Chinese Association for Artificial Intelligence (CAII) called for more cooperation between researchers, practitioners, scientists, students, and engineers in AI and its affiliated disciplines.¹⁶ Similar efforts from international organizations such as UNESCO could garner more coalitions for further cooperation.

Foster Public-Private Partnerships

Collaboration between governments, industry, and academia can facilitate the development of AI technologies that are both innovative and socially responsible. Creating structured mechanisms for collaboration among stakeholders, for instance, governments can offer incentives such as tax breaks or research grants to encourage companies to prioritize ethical considerations in AI development. Additionally, establishing joint research centers or consortiums where industry experts, government officials, and academics work together can facilitate knowledge sharing and accelerate the development of ethical AI solutions. The Biden-Harris administration announced the first-ever consortium dedicated to AI safety controlled by the National Institute of Standards and Technology (NIST).¹⁷ Efforts like these are vital to ensure regulation does not stifle innovation.

Encourage Ethical AI Development

Frameworks and guidelines for ethical AI development, including considerations of fairness, transparency, and accountability, can guide responsible innovation. It is essential to integrate ethical considerations into the entire AI lifecycle effectively. This includes incorporating ethics training into computer science and engineering curricula, promoting interdisciplinary research that combines technical expertise with ethical frameworks, and incentivizing companies to adopt ethical AI principles through certification programs or procurement preferences.¹⁸ Moreover, establishing mechanisms for independent auditing and certification of AI systems can provide assurance to stakeholders regarding their ethical compliance.

¹³ Lukas Adomavičius and Florina Pop, "Sandboxes for Responsible Artificial Intelligence," European Institute of Public Administration, June 30, 2022.

¹⁴ "EU AI Act," European Parliament.

¹⁵ UK Government, "AI Safety Summit 2023," AI Safety Summit, accessed February 25, 2024.

¹⁶ "2023 - International Conference on Artificial Intelligence," CICAII, accessed February 25, 2024.

¹⁷ "Biden-Harris Administration Announces First-Ever Consortium Dedicated to AI Safety," U.S. Department of Commerce, accessed February 8, 2024.

¹⁸ Reid Blackman, "A Practical Guide to Building Ethical AI," *Harvard Business Review*, October 15, 2020.

Invest in AI Literacy and Workforce Development

Preparing the workforce for the AI-driven economy and promoting public understanding of AI can help mitigate economic and social impacts. For example, integrating AI literacy modules into school curricula can equip future generations with the necessary knowledge to interact responsibly with AI technologies. At the start of the year 2024, Congress held a hearing titled ‘Toward an AI-Ready Workforce’ aimed at designing comprehensive education for an AI workforce.¹⁹ Moreover, providing upskilling and reskilling opportunities can help existing workers adapt to the changing demands of the AI-driven economy. Additionally, public awareness campaigns can demystify AI technologies, dispel misconceptions, and foster informed discussions about their societal implications.²⁰

Conclusion

The rapid advancement of AI presents a transformative shift in various sectors, accompanied by unparalleled opportunities and challenges. As AI continues to permeate every aspect of society, the imperative to strike a balance between fostering innovation and mitigating risks through regulation becomes increasingly evident. The multifaceted challenge of balancing AI proliferation and regulation encompasses technological, ethical, legal, and geopolitical considerations. From promoting innovation to ensuring safety and accountability, addressing ethical concerns, and keeping pace with rapid technological development, a nuanced approach is essential. Moreover, fostering global consistency and cooperation in AI regulation is imperative given its global nature. International collaboration, adaptive regulatory frameworks, public-private partnerships, and investments in AI literacy and workforce development emerge as key strategies to navigate this complex landscape effectively. Ultimately, a balanced approach to AI proliferation and regulation is not only necessary but also challenging in harnessing the full potential of AI while safeguarding societal, economic, and ethical frameworks. Through concerted efforts across governments, industries, academia, and civil society, we can harness the potential of AI to drive positive societal impact while addressing challenges and safeguarding against potential risks.

¹⁹ *Toward an AI-Ready Workforce*, United States House Committee Hearing on Oversight and Accountability No. 118-85 (Washington DC: U.S. Government Publishing Office, 2024).

²⁰ Reggie Townsend, “AI Investments We Shouldn’t Overlook,” *InformationWeek*, December 28, 2023.

IMPOSING POWER ON THE IVORY TOWER: Tactics of State Takeover at New College of Florida and Boğaziçi University

Jacob Wentz

Jacob Wentz is a Master in International Relations student at the Johns Hopkins University SAIS with a focus area in Governance, Politics, and Society. His research delves into democratic backsliding, the emergence of populist and nationalist movements, and the dynamics of social media in political processes, with a regional emphasis on Europe and Eurasia. Prior to his studies, Jacob served as a Fulbright fellow in Brussels.

Universities, as crucibles of critical thought and collective action, frequently emerge as battlegrounds of state-society struggles. This paper delves into the tactics state actors use to exert control over higher education institutions. Focusing on interventions at New College of Florida and Boğaziçi University, it unveils how states implement counter-mobilization strategies to limit the potential of these institutions as arenas for dissent and critical engagement. First, the paper examines the role of universities as incubators for collective action, thereby establishing a rationale for why these institutions become targets for intervention. Subsequently, it dissects three specific techniques employed by state actors in the capture of these institutions: *restructuring* organizational frameworks, *forcefully restricting* physical spaces of dissent, and *reshaping* narratives surrounding interventions. The conclusion underscores the challenges faced by academic institutions under the shadow of state interference and urges further research into how university communities respond to such impositions.

New College of Florida and Boğaziçi University present compelling cases for analysis within the context of government intervention in higher education. As public institutions, they are both subject to government policies, though these are influenced by their distinct political and cultural contexts. Boğaziçi operates under Turkey's competitive authoritarian regime within a predominantly Islamic cultural setting, while New College exists in the democratic and culturally Christian milieu of the United States. Remarkably, both have experienced substantial compromise to their autonomy, labeled in each instance as government “takeovers.” These interventions have led to changes in administrative autonomy, curriculum, and campus culture and reveal notable similarities in the strategies state actors employ to constrict opportunities for dissent. Such observations not only enrich our understanding of the specific cases of New College and Boğaziçi University, but also demonstrate recurring patterns in state counter-mobilization tactics within the academic sphere. This paper thus contributes to a wider discourse on state-university relations, illustrating a broader trend of government encroachment in academia that transcends traditional divides of regime types and cultural contexts.

Linking Universities to Collective Action

This section draws upon Tarrow's concept of contentious politics, which views such actions as “coordinated, collective claims on authorities, made through public performances,” as well as previous work linking universities to collective action.²¹ It explores four fundamental

²¹ Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics* (Cambridge: Cambridge University Press, 2007); Sirianne Dahlum and Tore Wig, “Chaos on Campus: Universities and Mass Political Protest,” *Comparative Political Studies* 54, no. 1 (2021): 3-32.

processes by which universities contribute to this paradigm: facilitating individual transformation, cultivating interpersonal networks, lowering personal costs for participation, and harnessing physical spaces for mobilization. Each aspect plays a crucial role in molding universities into breeding grounds for social and political activism, aligning with Tarrow's framework where collective claims transform into public performances of protest.

Facilitating Individual Transformation

Awareness of contention is a crucial first step for individual involvement in social movements. This often necessitates that, on a micro-level, individual changes of beliefs, values, or behaviors occur. Universities, as environments where diverse ideas come together, are well-positioned to facilitate cognitive liberation, the process by which individuals come to recognize the inadequacies or injustices in their current social or political situation and believe that change is possible through collective action.²² The effective integration of diverse perspectives into academic curricula and the broader learning environment are foundational ways that these spaces enable such transformations. While significant, the mere presence of altered views or preferences is insufficient to fully explain why individuals engage in protest activities.²³ The development of collective action typically requires a network through which these new ideas and motivations can be channeled and amplified.

Cultivating Interpersonal Networks

Universities serve as vital breeding grounds for the formation and expansion of interpersonal networks that can fuel social movements due to their diverse student bodies and the organizations they host. Interpersonal networks refer to the social connections and relationships between individuals that play a crucial role in the formation, development, and sustainability of social movements. These networks are not just casual social links; they are often the channels through which ideas, resources, and motivations for collective action are exchanged and reinforced.²⁴ By providing both diversity of thought and established organizational frameworks—for example, through clubs, activities, social events, common living arrangements, and student-run newspapers—universities are well suited to overcome Kuran's concept of the information problem, where individuals hide their true preferences due to societal or political pressures.²⁵ This phenomenon is common in autocratic regimes like Turkey, where fear of repression leads to widespread preference falsification, but can also occur in less oppressive contexts like Florida due to cultural norms and the desire to conform. Moreover, the presence of shared identities is a significant factor in mobilizing individuals for protests and other forms of collective action.²⁶ Universities create and reinforce shared identities such as that of being a student, or even more specifically, a student at that particular university.

Lowering Personal Costs

At universities like Boğaziçi and New College, the concept of opportunity costs—which includes not only the time spent away from studies, work, or leisure, but also potential risks to academic standing, future career prospects, and personal relationships—influences student

²² Doug McAdam, *Political Process and the Development of Black Insurgency, 1930-1970* (Chicago: The University of Chicago Press, 1982).

²³ Mark Irving Lichbach, "Contending Theories of Contentious Politics and the Structure Action Problem of Social Order," *Annual Review of Political Science* 1 (1998): 401-424.

²⁴ Mario Diani, "The Concept of Social Movement," *The Sociological Review* 40, no. 1 (1992): 1-25.

²⁵ Timur Kuran, *Private Truths, Public Lies: The Social Consequences of Preference Falsification* (Cambridge: Harvard University Press, 1995).

²⁶ Francesca Polletta and James M. Jasper, "Collective Identity and Social Movements," *Annual Review of Sociology* 27 (2001): 283-305.

participation in protests. Students, often not fully employed and with less rigid schedules, face lower immediate time-related costs for activism. However, they must also consider the longer-term implications such as delayed academic progress, missed professional opportunities, or strained social connections. Despite these varied potential costs, the relative flexibility of university life provides a more conducive environment for engaging in protests and collective action, as the overall opportunity costs tend to be more manageable compared to those in more structured, non-academic settings.

Harnessing Physical Space

Universities, with their physical campuses, create pivotal “focal points” that reduce coordination problems for collective action. Focal points, which include specific locations, help explain how coordination occurs without direct communication, as people converge on these points based on shared perceptions or understandings.²⁷ At Boğaziçi University, locations on campus such as the entry gates, main square, and areas near the rector’s office served as focal points for student gatherings and activism in response to government intervention. The barricade in front of the university entry became a significant site of interaction between protesters and police, explored further in the next section, marking a visible boundary of the protest activities. Such identifiable and accessible common areas facilitate gatherings, acting as natural hubs for student interaction, planning, and activism. The direct, face-to-face communication enabled by these spaces is crucial for mobilizing groups efficiently, which highlights the significance of physical proximity in promoting protest participation.²⁸ Additionally, the symbolic power of certain campus locations, known for historical or emotional significance, can galvanize collective action, adding a deeper motivational layer to student activism.

Capturing Higher Education: State Counter-Mobilization Tactics

The potent capacity for universities to nurture collective action renders them prime targets for state interventions. Recognizing the influential role of higher education in shaping societal narratives and political attitudes, state actors deploy a range of tactics to stifle and redirect this potential. These interventions, from restructuring organizational frameworks to controlling physical and discursive spaces, represent a strategic response aimed at diluting the universities’ capacity for fostering dissent and shaping public opinion. This section delves into the nuanced ways in which states exert control over universities, countering their role as incubators of collective action.

Restructuring Organizational Frameworks

In January 2021, Turkish President Erdoğan appointed Melih Bulu as rector of Boğaziçi University without consulting the faculty, an action against the university’s democratic principles which historically promoted the election, rather than the appointment, of administrative positions. Two years later, almost to the day, a similar intervention happened in the United States. Florida Governor DeSantis appointed six members, including notable conservative activists, to New College of Florida’s Board of Trustees. This newly formed board promptly removed the university president and replaced her with Richard Corcoran, a former Education Commissioner

²⁷ Thomas Schelling, *The Strategy of Conflict* (Cambridge: Harvard University Press, 1980).

²⁸ David A. David, Louis A. Zurcher, and Sheldon Ekland-Olson, “Social Networks and Social Movements: A Microstructural Approach to Differential Recruitment,” *American Sociological Review* 45, no. 5 (1980): 787–801.

and Florida House speaker. Both changes circumvented the traditional role of faculty in their universities' hiring processes, placing the institutions under government influence.

Such intervention illustrates the deployment of cronyism within higher education. Cronyism, as discussed by Kang, refers to favoritism shown to close associates in political appointments.²⁹ By applying these practices, state actors strategically appoint loyalists to influential positions within universities, which shifts the universities' governance from a focus on academic independence and democratic processes to one aligning with specific political ideologies. This trend, reflective of a broader pattern of political patronage in both Florida and Turkey, poses significant risks not only to the traditional autonomy of public academic institutions but also to their role as centers for critical inquiry and diverse intellectual discourse.³⁰

Importantly, the appointment of cronies to the heads of universities enables actors to reclaim the structural power needed to enact sweeping institutional reforms in line with their political agendas. At Boğaziçi University, this intervention was evidenced by the swift abolition of progressive entities like the Office for the Prevention of Sexual Harassment and the LGBTQI+ Studies Club, and the peremptory establishment of new schools of Law and Communication. Changes at New College of Florida, including the dissolution of the Office for Diversity, Equity, and Inclusion and the Gender Studies program, replaced by departments more aligned with conservative ideologies reflect a similar top-down approach. As Gerschewski observed, the manipulation of curriculum and extracurricular activities can transform universities from incubators of political awareness and dissent into vehicles for promoting obedience, loyalty, and support to the regime.³¹

In addition to creating politically aligned institutions, ruling actors manipulate existing organizational structures, ranging from administrative bodies to student organizations, to constrict avenues of dissent. New College's faculty union, for example, historically allowed grievances raised against the administration to be brought to an external arbitrator. Recent legislative changes have shifted this decision-making power to the college president, who now makes the final determinations on grievances. These examples illustrate a strategy of minimizing political opportunity structures, which refer to the extent to which a political system is open to influence from social movements and dissenting groups.³² In doing so, they reflect a recurring pattern within the cyclical dynamics of social protest, where ruling actors reconfigure institutional frameworks to stifle challenges to their authority. By altering the grievance process and centralizing decision-making, the administration at New College has closed off a critical avenue for faculty to challenge administrative decisions, strategically silencing internal dissent.

Forcefully Restricting Physical Spaces of Dissent

The restriction of physical space for organization emerges as an additional tactic to constrict political opportunities for opposition. By controlling these spaces, the state limits the ability of dissenting groups to gather, plan, and execute their activities. Crucially, state actors have access to public resources, such as law enforcement, that they can mobilize to manage or suppress social movements. As McCarthy and Zald note, the efficient and strategic use of resources can significantly enhance the trajectory of social movements.³³ This theory is equally applicable to

²⁹ David C. Kang, "Transaction Costs and Crony Capitalism in East Asia," *Comparative Politics* 35, no. 4 (2003): 439–58.

³⁰ Jackie Llanos, "Secret Searches, Political Patronage Could Lead to Failed Presidents at FL's Universities," *Florida Phoenix*, July 19, 2023.

³¹ Johannes Gerschewski, "The Three Pillars of Stability: Legitimation, Repression, and Co-Optation in Autocratic Regimes," *Democratization* 20, no. 1 (2013): 13–38.

³² Donatella della Porta, "Research on Social Movements and Political Violence," *Qualitative Sociology* 31, no. 3 (2008): 221–230.

³³ John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," *American Journal of Sociology* 82, no. 6 (1977): 1212–1241.

state actors, especially in terms of how they deploy resources to manage, control, or suppress social movements. States often have greater access to financial and legal resources compared to grassroots social movements, but they must balance the extent to which they deploy such resources. Excessive use of force or public finances, for example, can lead to what Josua refers to as the “backfire problem,” the potential loss of legitimacy spurred by negative responses to this deployment.³⁴

At Boğaziçi University, spaces were restricted through extreme police intervention. The government's initial takeover attempt involved surrounding the campus with police that prevented students from entering and exiting the campus. By deploying police forces, the state attempted to preemptively control dissent to the appointment of a new rector. When students rallied in the university's main square against what they perceived as an imposition on their academic freedom and autonomy, police responded with force, using tear gas and water cannons to disperse the demonstrators. Numerous students were detained, with allegations of ill-treatment, torture, and threats reported during these detentions.

As Kudelia points out, the threat or application of violence by the state raises the cost of participation in dissenting activities, as individuals weigh the increased risks against the potential benefits of their involvement.³⁵ This strategy incites fear among potential protestors, deterring them from engaging in collective action due to the heightened risk of repression. This action reflects the broader strategy of dismantling the participatory infrastructure needed for collective action, which is crucial for the sustenance and growth of university social movements.

The police's violent response can be partly explained by the dynamic and reciprocal adaptation between protestors and law enforcement. Each side's actions and tactics escalate in response to the other, leading to a cycle where initial peaceful protests might turn violent as a reaction to perceived aggression from the other side.³⁶ A more precise explanation of this scenario, however, is rooted in Turkey's normalization of excessive force as a legitimate law enforcement behavior. Despite being a hallmark of authoritarian regimes, autocrats do not solely govern through outright aggressive coercion. Instead, they often employ advanced methods of legitimation and “authoritarian upgrading,” which involve sophisticated strategies to justify their rule.³⁷ When authoritarian governments exert force upon their citizens, it is common for officials to frame these acts to the public as necessary and justified, creating a culture wherein such violence is viewed as an acceptable and legitimate aspect of governance.

Reshaping Narratives

In the arena of higher education, states often resort to manipulating narratives as a strategic approach to justify repression and undermine dissent. As Josua argues, justifying repression involves framing state interventions in a manner that appears rational and necessary to the public.³⁸ The concept of framing involves constructing a particular narrative or perspective around an event or policy, guiding the audience's interpretation in a way that supports the state's objectives.³⁹ Moreover, framing helps legitimize crackdown actions that might otherwise be viewed as oppressive or authoritarian.⁴⁰

³⁴ Maria Josua, “The Legitimation of Repression in Autocracies,” *Oxford Research Encyclopedia of Politics* (2021).

³⁵ Serhiy Kudelia, “When Numbers Are Not Enough: The Strategic Use of Violence in Ukraine's 2014 Revolution,” *Comparative Politics* 50, no. 4 (2018): 501–21.

³⁶ della Porta, Donatella and Sidney Tarrow. “Interactive Diffusion: The Coevolution of Police and Protest Behavior with an Application to Transnational Contention.” *Comparative Political Studies* 45, no. 1 (2012): 119–152.

³⁷ Steven Heydemann, “Upgrading Authoritarianism in the Arab World,” The Brookings Institution, October 15, 2007.

³⁸ Josua, “Legitimation of Repression in Autocracies.”

³⁹ Robert Entman, “Framing: Toward Clarification of a Fractured Paradigm,” *Journal of Communication* 43, no. 4 (1993): 51–58.

⁴⁰ Volha Charnysh, Paulette Lloyd, and Beth Simmons, “Frames and Consensus Formation in International Relations: The Case of Trafficking in Persons,” *European Journal of International Relations* 21, no. 2 (2015): 323–351.

In Turkey, President Erdoğan's communication around controlling universities ties into a broader populist narrative contrasting “Black Turks,” the supposedly pious, common people, with “White Turks,” the secular, Western elite.⁴¹ Such framing serves to justify Erdoğan's control over universities, painting them as bastions of the Westernized elite that need to be reformed in line with his vision of national identity: Framing is not merely about disseminating information but about shaping the collective consciousness. As Snow and Benford discuss, frames are used to produce and maintain alignment within groups. In Erdoğan's case, framing serves to align the public's understanding of national identity with his political agenda, turning educational institutions into arenas for ideological dissemination and control.⁴² This process is crucial in authoritarian regimes, where control over narratives and public opinion is a key instrument of power.

In Florida, Governor DeSantis's communication around sweeping educational reforms serves a dual purpose in the justification process. By framing the reform as a fight against “wokeness” and championing parental rights, DeSantis taps into broader cultural and political themes resonant with his base. This strategy aligns with the goals of political communication, as outlined by Geddes and Zaller, to create support and mobilize the regime base.⁴³ While ostensibly aimed at combating what DeSantis describes as “ideological conformity” and “political activism” in higher education, this narrative also strategically positions him for broader political ambitions, particularly his 2024 presidential run. DeSantis's presidential ambitions can be viewed as a catalyst, an action that escalates social movements—in this case, a countermovement—by changing the political environment. Through this lens, the framing of Florida's educational reform becomes manufactured to help build a national profile that aligns with the sentiments of a significant voter demographic and to position DeSantis not just as a governor acting on state education policies, but as a national figure taking a stand on issues central to current political discourse. Such reforms can thereby be seen not just in the context of state politics but as a component of a larger strategy in DeSantis's political trajectory, indicative of how political figures can use state-level policies, and the discursive tools around them, as springboards for national ambitions and legitimation across different scales.

In both cases, the process of justifying state interventions in universities is closely intertwined with the rhetorical vilification of opposition groups. Naming, a mechanism in which state actors use derogatory and belittling terms against dissenters, is extensively employed to demobilize and discredit opposition.⁴⁴ Notably, both counter-mobilization movements depict university students as violent: while students at New College are portrayed as “intolerant,” “aggressive,” and “militant,” those at Boğaziçi are histrionically described as “terrorists.”⁴⁵ This tactic of naming effectively casts protestors and their respective universities as hostile “others,” fostering societal polarization between an in-group of good government supporters and an out-group of bad opposition agitators. In Turkey, this mechanism goes a step further, serving to criminalize the actions of protestors and further justify the harsh measures used against them.

⁴¹ Michael Ferguson, “White Turks, Black Turks and Negroes: The Politics of Polarization,” in *The Making of a Protest Movement in Turkey: #occupygezi*, edited by Umut Özkırımlı (London: Palgrave Pivot, 2014), 77-88.

⁴² David Snow and Robert Benford, “Ideology, Frame Resonance and Participant Mobilization,” *International Social Movement Research* 1, no. 1 (1988): 197-217.

⁴³ Barbara Geddes and John Zaller, “Sources of Popular Support for Authoritarian Regimes,” *American Journal of Political Science* 33, no. 2 (1989): 319-47.

⁴⁴ Lisel Hintz, “Adding Insult to Injury: Vilification as Counter-Mobilization in Turkey's Gezi Protests,” *Project on Middle East Political Science Paper Series* 20, no. 1 (2016): 56-60.

⁴⁵ Christopher Rufo, “The Fight for New College,” Christopher F. Rufo, YouTube video; “Erdogan Compares Turkish Student Protesters to ‘Terrorists’,” *Al Jazeera*, February 4, 2021.

Criminalizing dissent exacerbates the climate of fear and compliance and raises the costs of participating in protest. In this strategic reshaping of narratives, state actors demonstrate the potent power of discourse in legitimizing control and silencing opposition within the academic sphere.

Conclusion

The exploration of state interventions in universities like New College of Florida and Boğaziçi University uncovers a troubling global pattern: the instrumentalization of higher education as a theater for political struggle and ideological dominance. This paper has dissected how state actors, through varied tactics, attempt to stifle the mobilizing potential of universities and mold them into conduits for their own agendas. Such analysis opens the door to diverging avenues for research about the dynamics of resistance to state intervention within these universities—a counter-counter-mobilization, so to speak. Investigating the strategies employed by students, faculty, and alumni to counteract state interventions would provide a richer understanding of the interplay between power and dissent in academic settings. Moreover, the role of digital platforms and social media in these struggles warrants closer scrutiny. In an era where information warfare and digital mobilization play pivotal roles, understanding how these tools are used by both state actors and university communities to advance their narratives and strategies becomes increasingly important. The future of higher education as a space for free thought, dissent, and innovation depends not only on recognizing these threats but also on actively seeking ways to fortify these vital institutions against the overreach of state power.

NAVIGATING RISK: China's Aircraft Carrier Strategy

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The rise of China as a global power has been accompanied by significant advancements in its military capabilities, particularly in the realm of naval warfare. One of the key manifestations of this progress is China's investment in aircraft carriers (ACs), symbolizing its ambition to assert itself as a formidable maritime force in the Asia-Pacific region and beyond. In the wake of China's recent launch of the *Fujian*—its third AC and the first designed domestically—this article provides an analysis of the motivations behind the People's Republic of China's (PRC) quest for naval capacity and its projected impact on US strategy in the Indo-Pacific.⁴⁶ This paper delves into the implications of China's AC development by examining the strategic motivations behind this endeavor, its impact on regional security dynamics, and the challenges and opportunities it presents for China and other key players in the international arena.

Strategic Context

ACs stand as potent symbols of military power. China's growing investment in carriers underscore its increasing influence, which challenges the US's longstanding presence in the region. Operationally, ACs represent a strategic military asset serving as floating airbases and allowing further projection of air power across vast distances as they allow for naval superiority and air supremacy. Once operational, the *Fujian*, the People's Liberation Army Navy's (PLAN) latest AC, will surpass the capacities of China's previous carriers—*Liaoning* and *Shandong*—in terms of size and technology.⁴⁷

Contrary to common belief, the PRC is not developing ACs to signal its status as a great power.⁴⁸ Instead, in response to the historical shocks of Tiananmen Square (1989), the Gulf War (1990-1991), and the Soviet collapse (1991), previous Chinese administrations—from Deng Xiaoping to Hu Jintao—adopted an approach known as “Tao Guang Yang Hui,” which consisted of a *blunting* strategy to counter perceived American threats.⁴⁹ Militarily, this focused on sea denial rather than sea control. Politically, the PRC joined and stalled regional institutions to limit American influence. Economically, it sought to reduce its vulnerability to US leverage through initiatives like Permanent Normal Trading Relations (PNTR) and WTO membership.

In 2009, Xi Jinping's rise to power reflected a strategic shift towards a *building* strategy.⁵⁰ This led to the rapid launch of the PRC's carrier program, which had been intentionally delayed

⁴⁶ Kathrine Hille, “China's Newest Aircraft Carrier Prepares to Take to the Seas,” *Financial Times*, September 14, 2023; Alex Hollings, “China Wants to Dominate the Seas—And Just Built a Terrifying New Aircraft Carrier,” *Popular Mechanics*, December 14, 2023.

⁴⁷ Hille, “China's Newest Aircraft Carrier Prepares to Take to the Seas;” Hollings, “China Wants to Dominate the Seas.”

⁴⁸ Rush Doshi, *The Long Game: China's Grand Strategy to Displace American Order* (New York: Oxford University Press, 2021).

⁴⁹ Doshi, *The Long Game*.

⁵⁰ Doshi, *The Long Game*.

under the *blunting* strategy that prioritized regional contingencies and sought to avoid alarming the US and its neighbors. China's quiet preparations during this intentional delay ensured a running start when strategic conditions were favorable. Seeing an opportunity in what they perceived as a US decline after the 2008 global financial crisis, the PRC began openly pursuing the foundations for regional hegemony—shifting from sea denial to sea control—and aligned its new carrier competencies with its strategic objective to enforce maritime sovereignty and ensure regional intervention capacity. Conflicts with neighbors were given priority, as well as pursuing amphibious landings and patrol sea lines of communications (SLOCs).⁵¹ This decision reflected a calculated departure from previous constraints and a move towards building a larger carrier-based navy.

While PLAN's current competencies are restricted to the regional level, it has *blue-water* potential. Assumptions that the PRC will not adopt a complex network of far-flung bases and global capabilities akin to the US might overlook the possibility of China engaging in operations beyond the Indo-Pacific without replicating America's extensive global footprint. Historically, major powers like the US did not duplicate the British network of coaling stations and continental-sized colonies. Similarly, China might forge its own hybrid path, diverging from the American reliance on allies and numerous overseas bases.

In sum, if China's primary motivation were to showcase great power status rather than pursue strategic objectives, the People's Liberation Army (PLA) could have opted for a minimally functional display carrier and retrofitted it for military use—like in the cases of Brazil and Thailand—during periods of legitimacy crises, as observed after the events of Tiananmen Square.⁵² Instead, the PRC decided to abstain from such actions, even rejecting the acquisition of the *Liaoning* due to associated political risks. The situation has evolved in the last few years, with recent indications suggesting China's pursuit of nuclear-powered carriers. To bolster extra-regional operations, the PRC has increased investments in underway replenishment ships, air-to-air refueling capability, ship tenders, and expanded satellite communications in critical preparation for a global reach.

Position of the US

The PRC's launch of its third AC in June 2022 underscores its challenge to the longstanding maritime dominance that the US has maintained in the Indo-Pacific for the last decades. This shift in naval capabilities poses a strategic concern for the US, as it jeopardizes its historical superiority in the region. Yet, while an improvement over its predecessors, the *Fujian* falls short of direct competition with the US due to its lack of nuclear propulsion and its smaller scale.⁵³ Unlike the nuclear-powered super-carriers of the *Ford* and *Nimitz* Classes, the *Fujian* relies on support ships for extended range. Moreover, although the *Fujian* comes with advanced catapults—namely, electromagnetic aircraft launch systems (EMALS)—that align with US technology,⁵⁴ tests this past November have shown markedly decreased effectiveness compared to America's nuclear carriers.⁵⁵ Aside from technological differences between American and Chinese carriers, the PLA also faces another issue: a lack of qualified pilots. Despite its investment in ACs, the PLA is encountering problems finding pilots who can use the aircrafts, further limiting

⁵¹ Doshi, *The Long Game*.

⁵² James J. Wirtz, Jeffrey E. Kline, and James A. Russell, *The U.S. Navy and the Rise of Great Power Competition: Looking Beyond the Western Pacific* (New York: Routledge, 2024).

⁵³ Brad Lendon, "Never Mind China's New Aircraft Carrier, these are the Ships the US Should Worry About," *CNN*, June 26, 2022.

⁵⁴ Alex Luck, "Chinese Aircraft Carrier Fujian Commences Catapult Testing," *Naval News*, November 26, 2023.

⁵⁵ "Carrier USS Ford's Electromagnetic Systems Still Need Work," *The Maritime Executive*, February 6, 2023.

their ambitions. This point is of crucial importance as it obstructs the *Fujian*'s mission to offset US air superiority and equip the PLA with greater operational freedom.⁵⁶

While China's carrier strategy may not imply a direct challenge to current US naval capabilities, it does put pressure on America's regional allies, deviating them from the US-centered security architecture. The PRC is working towards the construction of a post-American fleet and emphasizing the importance of foreign bases—such as in Cambodia and the Solomon Islands—for surveillance and rapid deployment.

Positions of Regional Actors

In the ongoing debate surrounding the efficacy of ACs, maritime experts posit that these vessels exhibit optimal effectiveness when utilized against nations that lack a robust naval force. This perspective implies that both the US and the PRC are unlikely to deploy their carriers against each other. Rather, the PLAN is developing these assets to exert influence over neighboring nations with comparatively weaker military capabilities, especially in regional disputes in the South or East China Sea. Particularly concerning is the PLA concept of “using the enemy to train the troops,” *nadi lianbing*. Initially applied in undersea warfare and later adopted as a doctrine in November 2020, *nadi lianbing* involves leveraging military encounters, particularly along China's maritime periphery, for valuable training opportunities.⁵⁷

In the dynamic landscape of the Indo-Pacific, US regional allies find themselves at a crossroads, navigating the delicate balance between relying on US security assurances and fostering economic ties with China. Overall, the PRC's development of ACs represents a significant shift in the regional balance of power—challenging the traditional dominance of the US in maritime affairs—as well as a threat to US allies' military capabilities. Thus, regional actors must recalibrate their strategic calculations in response to China's investment in ACs.

Strategic Overview

There are several trends and strategies that the US has pursued to address the challenges posed by Chinese investment in ACs.

Naval Modernization and Technological Advancements

The US Navy enjoys the largest fleet of ACs in the world by a significant margin: of the 25 ACs in service across the world, 11 belong to the US. By comparison, the PRC has only three—counting the *Fujian*, which is still being finalized. In addition to its numerical superiority, the US boasts a quality advantage. It has invested in the modernization of its ACs, developing advanced technologies to maintain a qualitative edge.⁵⁸ Technological superiority—including next-generation carriers such as the USS *Gerald Ford*—has long been the cornerstone of US military policy.

However, there are several drawbacks to this policy. The cost of American ACs is extremely high. The USS *Ford* amounted to \$13 billion and its commissioned successors—the *Kennedy* and the *Enterprise*, to be completed in 2025 and 2028 respectively—will cost \$9 billion each. Despite this tremendous investment in ACs—which is questioned by several naval strategy experts—

⁵⁶ Lendon, “Never Mind China's New Aircraft Carrier.”

⁵⁷ Ryan D. Martinson and Conor Kennedy, “Using the Enemy to Train the Troops—Beijing's New Approach to Prepare its Navy for War,” The Jamestown Foundation, March 25, 2022; Christopher Woody, “China's Risky Maneuvers Around the US Military are part of a Long-Running Plan to Use ‘the Enemy to Train the Troops’,” *Business Insider*, December 15, 2023.

⁵⁸ John F. Schank et al., “Modernizing the U.S. Aircraft Carrier Fleet: Accelerating CVN 21 Production Versus Mid-Life Refueling,” RAND Corporation, 2005.

American carriers are still vulnerable to cutting-edge Chinese technology. In line with its longstanding sea control strategy, the PLA is bolstering its anti-access/area denial (A2/AD) capabilities, seeking to target the enemy's AC competencies.⁵⁹ This includes a diverse arsenal of cruise and ballistic missiles, such as the YJ-21 and IRBM DF-26, with the second being able to hit as far as the second island chain (SIC). The PLA has also invested in drones and satellites for its anti-AC strategy.⁶⁰ Drones play a vital role in modern naval warfare, as evidenced by the Bayraktar drone that helped sink the Russian flagship *Moskva* in April 2022. Satellites, crucial for tracking ACs, are another focus of China's substantial investment in optical reconnaissance and synthetic aperture radar (SAR) technology, with satellites like Yaogun proving essential for EUINT.

US policies respond to China's growing A2/AD capabilities by investing in a multifaceted approach through the enhancement of long-range precision strike power; reinforcement of the submarine fleet; and deployment of advanced anti-ship missiles, exemplified by the RIM-162 ESSM, designed explicitly to counter supersonic anti-ship threats. These efforts aim to penetrate China's A2/AD network—arguably more concerning than its AC development—and ensure US ability to control sea and air power, especially beyond the first island chain (FIC).⁶¹

The evolving strategic landscape has triggered an arms race between the US and China, escalating tensions. The PLA's power-projection potential, primarily through the PLAN and the PLA Air Force (PLAAF), reinforces China's existing A2/AD capabilities.⁶² Current assessments suggest that US forces can maintain sea control between the FIC and SIC but would face formidable challenges within the FIC. China's claim regarding the efficacy of its DF-26 IRBMs to target US and allied bases in Guam—approximately 2,000 miles away—adds complexity to the strategic calculus. Even more concerning are Chinese DF-41s, which could hit as far as the US mainland.

Another downside of American strategy is the lengthy development timelines that lag behind China's expeditious military advancements in the last decade. The PRC plans to build as many as six ACs by the 2030s—which would match the current number of American carriers in the Indo-Pacific—and is set to build nuclear-powered carriers, despite delays due to financial and technical constraints. This marks a significant departure from the *Liaoning*, China's first carrier built from a Ukrainian-made hull acquired in 1999, and the *Shandong*, a copy of that ship manufactured in China, with older ski-jump ramps.⁶³ The *Liaoning* and the *Shandong* can be viewed as significant milestones for the nation, but their capabilities are limited. Analysts often characterize the *Liaoning* as a training carrier that helped the PLAN get into AC operating mode—working up a cadre of operators and generating a group of officers' familiar with the issues. The *Shandong* was an experiment in gearing up the shipbuilding industry to supply the PLAN with similar ships, thus working as a “proof of concept” rather than a serious threat to the US Navy.⁶⁴ Once the *Fujian* is in service, the PLAN will be experimenting with carrier operations at scale and pace.⁶⁵

⁵⁹ Jon Lake, “China's Stealthy Area Denial,” *Asian Military Review*, March 14, 2023; Sam J. Tangredi, “Anti-Access Strategies in the Pacific: The United States and China,” *The US Army War College Quarterly: Parameters* 49, no. 1 (2019); M. G. Yevtodyeva, “Development of the Chinese A2/AD System in the Context of US–China Relations,” *Herald of the Russian Academy of Sciences* 92, no. 6 (2022): S534–S542.

⁶⁰ Lake, “China's Stealthy Area Denial;” Tangredi, “Anti-Access Strategies in the Pacific.”

⁶¹ Lake, “China's Stealthy Area Denial;” Tangredi, “Anti-Access Strategies in the Pacific;” Yevtodyeva, “Development of the Chinese A2/AD System in the Context of US–China Relations.”

⁶² Yevtodyeva, “Development of the Chinese A2/AD System in the Context of US–China Relations.”

⁶³ Liu Xuanzun, “China's Aircraft Carrier Shandong Makes New Breakthroughs in Latest Drills,” *Global Times*, July 30, 2023.

⁶⁴ Greg Torode, Eduardo Baptista, and Tim Kelly, “China's Aircraft Carriers Play ‘Theatrical’ Role but Pose Little Threat Yet,” Reuters, May 5, 2023; Xuanzun, “China's Aircraft Carrier Shandong Makes New Breakthroughs in Latest Drills.”

⁶⁵ Hille, “China's Newest Aircraft Carrier Prepares to Take to the Seas;” Hollings, “China Wants to Dominate the Seas.”

China's plans to invest in nuclear-powered AC in the near future represent a clear commitment to rival US maritime power and the security of American allies in the Indo-Pacific. However, the fact remains that the PRC is still catching up, having had nearly a 90-year lag in carrier development compared to the US. The speculation surrounding a nuclear-powered carrier is tempered by uncertainties regarding China's capability to build and deploy such a vessel. Another critical aspect to consider is the absence of combat experience for Chinese ACs. Unlike the US, China has never utilized its carriers in combat operations. Yet, without directly challenging the US, the PLAN's pursuit of ACs presents a significant concern for neighboring nations. This is because ACs are most effective when deployed against countries with comparatively weaker military capabilities.

Diplomacy, Strategic Alliances, and Partnerships

Strengthening alliances with regional partners—particularly with Japan, South Korea, and Australia—has shaped the US approach in the Indo-Pacific for decades, fostering a collaborative effort to address regional security challenges. Under US leadership, NATO countries—including the UK, Italy, and Romania—have actively intervened in the region, demonstrating their commitment to a defense cooperation framework. Notably, these NATO countries have proclaimed plans to dispatch troops, ships, and aircraft to visit Japan and South Korea.

Cooperative military exercises and information sharing have enhanced regional security efforts. In a collaborative exercise in June 2023, two US ACs—the USS *Nimitz* and USS *Ronald Reagan*—along with their carrier strike groups (CSG), seamlessly operated alongside Japan Maritime Self-Defense Forces (JMSDF) helicopter carrier *JS Izumo*. This joint maneuver also included surface units from Canada and France, creating a multinational maritime presence in the Philippine Sea. Such cooperative endeavors strengthen military interoperability and serve as a tangible demonstration of the commitment of these nations to fostering stability and security in the Indo-Pacific.

Diplomatic efforts have been devoted to addressing regional concerns, promoting stability, and discouraging aggressive behavior through the comprehensive Indo-Pacific Strategy outlined by the current administration. Firstly, the US has engaged in extensive dialogues and partnerships with regional organizations and forums. Second, the US has worked to strengthen alliances, such as the five regional treaty alliances with Australia, Japan, South Korea, the Philippines, and Thailand. Additionally, the US has intensified relationships with leading regional partners, including India, Indonesia, Malaysia, Mongolia, New Zealand, Singapore, Taiwan, Vietnam, and the Pacific Islands.

However, several deficiencies exist in current regional alliances and partnerships. Balancing diverse interests and priorities among alliance members, as well as ensuring a coordinated response and consensus on military strategies, has proved challenging. The US must balance its focus on the Indo-Pacific with other global priorities, considering challenges and obligations in the Middle East, Europe, and beyond.

Forward Deployment and Presence

The US has maintained a visible and persistent presence of ACs in the region—currently, a total of six—to deter the PRC from aggression and reassure American allies. This strategic deployment is primarily overseen by the US 7th Fleet. The fleet plays a pivotal role in supporting a free and open Indo-Pacific, providing joint command in natural disaster or military operations, and operational command of all US naval forces in the region. Notably, 18 of the 50–60 ships typically assigned to the 7th Fleet operate from US facilities in Japan and Guam, representing the

core of American forward presence in the Indo-Pacific. These forward-deployed units, which are seventeen steaming days closer to locations in the region than their counterparts based in the continental US, offer a critical advantage in crisis response capacities.

American AC presence in the Indo-Pacific sends a clear message to the PLA as the US deterrence strategy has been characterized by strategic port visits and freedom of navigation operations (FONOPs). In June 2023, the USS *Ronald Reagan*, part of the 7th Fleet and based in Japan since 2015, pulled into Danang port in Vietnam to celebrate the 10th anniversary of the US-Vietnam partnership. In November 2023, USS *Hopper* asserted navigational rights and freedoms in the South China Sea near the Paracel Islands. In December 2023, AC USS *Carl Vinson*, flagship of CSG 1—embarked with carrier air wing (CVW) 2, cruiser USS *Princeton*, and destroyers USS *Kidd* and USS *Sterett*—arrived in Singapore for a scheduled port visit. By challenging the restrictions on innocent passage imposed by the PRC, these FONOPs upheld the lawful use of the sea as recognized in international law. The PLA responded with an increase in hostile activities, posing a risk to the national security of US allies.

Conclusion

China's strategic investment in ACs represents a significant shift in the regional balance of power, challenging the traditional dominance of the US in maritime affairs and posing a threat to the military capabilities of US allies in the Asia-Pacific region. The development of China's carrier program reflects a calculated departure from previous constraints and a move towards building a larger carrier-based navy, with the aim of enforcing maritime sovereignty and enhancing regional intervention capacity.

As China continues to bolster its naval capabilities and expand its reach, regional actors must recalibrate their strategic calculations to adapt to this evolving security landscape. The implications of China's AC development extend beyond military considerations, influencing diplomatic relations, economic ties, and the overall stability of the Indo-Pacific region. It is imperative for policymakers and analysts to monitor China's naval advancements and their impact on regional security dynamics to effectively navigate the complex geopolitical challenges posed by China's growing influence in the maritime domain.

WAR AND DEMOCRACY: Examining Ukraine's Judiciary Under Martial Law

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Autocratic and democratic scholars observe a powerful pattern: democratically elected leaders often use states of emergency—like wars, natural disasters, and civil unrest—to consolidate considerable power. When the emergencies end, in many cases, so does the country's democracy.⁶⁶ Russia's full-scale invasion of Ukraine in February 2022 unleashed terror and destruction not seen in Europe since WWII. The invasion prompted Ukrainian President Volodymyr Zelensky to immediately declare martial law on February 24. While the law is designed with restricted timelines, the government has extended it ten times to date and will likely continue to extend if the present security environment remains.⁶⁷ As a democracy fighting an existential defensive war, Ukraine since 2022 provides an interesting contemporary case study to examine wartime democratic development following the imposition of martial law. The established dynamic between wars, martial law, and democracy raises an important question: how has Ukrainian democracy developed in the context of Russia's full-scale invasion? To answer this, one must first establish a definition of democracy to frame the analysis of this paper.

According to Mark Warren, democracy means “inclusive, collective will formation and decision making” seeking to effectively transform citizen preferences “into policies and outcomes, while ensuring political rights and liberties via constraints of the will of the people.”⁶⁸ Normatively, democracy “must be related to the concrete functioning of political institutions ... as expressed in the rule of law.”⁶⁹ To comprehensively analyze Ukrainian democratic development since 2022, one would need to evaluate many indicators from the quality of government institutions to the protection of civil liberties. That would be outside of the scope of this paper. Instead, this paper will focus on perhaps the single most important indicator of democratic development: rule of law.

While changes in media consolidation, government transparency, and freedom of expression and movement in Ukraine should not be overlooked, Ukraine's judiciary remains integral to establishing genuine rule of law and contributing to a healthy democracy. Rule of law is so fundamental to ensuring quality democracy that diplomats discussing EU accession negotiations refer to it as the first item to open and the last to close, demonstrating its role in the EU's democratic standards for prospective members.⁷⁰ Investigating how Ukraine's judicial

⁶⁶ Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (London: Penguin, 2018).

⁶⁷ Dinara Khalilova, “Parliament Approves 90-Day Extension of Martial Law, Mobilization,” *The Kyiv Independent*, February 6, 2024.

⁶⁸ Mark E. Warren, “A Problem-Based Approach to Democratic Theory,” *American Political Science Review* 111, no. 1 (2017): 39–53.

⁶⁹ Ferdinand Müller-Rommel and Brigitte Geißel, “Introduction: Perspectives on Democracy,” *Politische Vierteljahresschrift* 61, no. 2 (2020): 1–11.

⁷⁰ George P. Kent, personal communication to author, 2023.

sector has changed since Russia's full-scale invasion will reveal how the war has affected a pillar of Ukraine's democratic development, and, by extension, the quality of its democracy. Using government reports, non-governmental organization assessments, media articles, and law analyses, I find that despite Russia's ongoing invasion, Ukraine's judiciary has continued to function under extreme duress and even advance key judicial reforms, demonstrating both democratic resilience and development.

First, the paper provides background information on the state of Ukraine's judiciary before 2022. This is followed by an investigation into how the war has affected the practical functioning of courts in Ukraine. Finally, I consider the impact of the war on judicial reform efforts seeking to build quality rule of law closing with a general assessment of Ukraine's democracy given wartime developments in the judicial sector.

Ukraine's Judiciary: A Brief History

Since Ukraine's independence in 1991, the country's judiciary has struggled to foster rule of law. The courts have been rife with corruption, as judges frequently serve the interests of oligarchs and politicians. Reforms following the 2014 Revolution of Dignity moved the country in the right direction, especially with the creation of the High Anti-Corruption Court (HACC), which successfully empowered professionals with integrity to prosecute high level complex corruption cases. Judicial bodies like the High Council of Judges (HCJ) and the High Qualifications Commission of Judges (HQCJ) resisted reform for years, making them the primary target of Zelensky's 2021 judicial reform push.

In addition, both the Constitutional Court of Ukraine (CCU) and the Kyiv District Administrative Court (KDAC) presented a barrier to good faith improvements in rule of law. CCU rulings against anti-corruption measures prompted a constitutional crisis, and the head of the constitutional court was credibly prosecuted for high corruption in mid 2022.⁷¹ The head of the KDAC, Pavlo Vovk, and other judges of the court faced charges of "usurpation of power, obstruction of justice, organized crime and abuse of authority." They represented the rot at the core of Ukrainian judicial institutions and have long escaped accountability. Parliament (the Rada) introduced a draft law in 2020 to liquidate the court, but it did not make the agenda until December 2022.

Before 2022, Ukraine's judiciary had made improvements towards better rule of law. Overall, however, the judiciary remained the country's greatest challenge toward quality democracy and European integration. Russia's full-scale invasion of Ukraine in 2022 would shake the judiciary at its foundation while reinvigorating previously stalled democratic reforms.

Administering Justice Under Martial Law

Ukraine's judiciary has continued to administer justice through the courts despite Russia's invasion and the imposition of martial law, demonstrating unprecedented democratic resilience. Russian aggression has killed at least eighteen judiciary staff and damaged or destroyed over 114 courts and sixty-four prosecutors' office buildings. More than 173 buildings remain in temporarily occupied territories, and total damages amount to over EUR 69 million.⁷² As a result, many case

⁷¹ "Judicial Reform in Ukraine: A Short Overview," DEJURE Foundation, March 2023; Mykhailo Zhernakov and Nestor Barchuk, "Ukraine's President Zelenskyy Must Prove He Is Serious about Judicial Reform," *Atlantic Council*, October 11, 2021; "Ukrainian President Fires Constitutional Court Head as Crisis over Anti-Graft Reform Deepens," Radio Free Europe/Radio Liberty, March 28, 2021; Oleg Sukhov, "Zelensky Signs Law to Liquidate Ukraine's Most Notorious Court," *The Kyiv Independent*, December 13, 2022.

⁷² European Commission, "Ukraine 2023 Report," November 8, 2023.

files have been lost. Russian air strikes, air raid alerts, and power outages frequently interrupt court proceedings and the large-scale displacement of millions of Ukrainians, both internal and international, has affected the ability of courts to consider cases.⁷³ Despite these security challenges, and a dramatic wartime reduction of funding, Ukrainian courts maintained a 100% clearance rate or even higher in 2022. Clearance rates varied depending on case type, with administrative cases boasting a high 111.7% clearance rate. The Constitutional Court maintained the lowest clearance rate of 68%.⁷⁴ Under unprecedented security constraints, Ukraine's courts, where able, continue to function, take cases, and administer justice according to the laws and constitution of Ukraine.

Russia's full-scale invasion has changed the scale and nature of cases facing the judiciary, challenging the effective administration of justice. More than 80,000 cases related to Russian war crimes, crimes against humanity, and other war related offenses like looting and property damage were opened, shifting the work priorities and stressing the capacity of Ukraine's criminal justice system.⁷⁵ Administering this kind of justice at scale would challenge the judiciary sectors of most developed democracies, let alone developing ones. Nevertheless, Ukraine's judiciary has moved to process these cases. The judiciary has removed Russia's sovereign immunity in its courts, clearing the way to process legal actions against Russian persons, as well as state and private entities.⁷⁶ As of November 2023, Ukrainian courts have indicted 267 and convicted sixty-three people for war crimes. Additionally, there are 2,944 open cases regarding child victims of war crimes such as forced deportation, military recruitment, killings, and sexual violence. Both the War Crimes Department and the Office of the Prosecutor General have developed new tools to process the rapid influx of cases more efficiently.⁷⁷ Identifying this challenge, international partners have made the effective prosecution of Russian war crimes in Ukraine a key priority of judicial assistance.⁷⁸ Ukraine has made administrative and legal moves to process war crimes cases and deliver justice to its citizens.

However, Ukraine lacks concrete enforcement and compensation measures in cases where the criminals sit at the highest levels of the Russian government. To this end, Ukraine has used international cooperation to advance the legitimacy of its war crimes trials and provide a possible mechanism for victim compensation. Ukraine appealed to the International Criminal Court (ICC) to investigate Russian crimes, culminating in the ICC issuing arrest warrants for President Vladimir Putin and Maria Lvova-Belova for the forced deportation of Ukrainian children.⁷⁹ To sustain the processing of war crimes, Ukraine should work with international partners to update its domestic legal framework for international criminal accountability to improve wartime administration of justice.

Martial law has affected Ukraine's judiciary functions on security matters but has otherwise preserved the legitimacy and authority of the courts. Ukraine's 2022 Martial Law established temporary military administrations which have special powers relating to "defense, public safety, and order."⁸⁰ It also provides for certain limitations of rights and freedoms

⁷³ "Supreme Court Judge Talks about the Administration of Justice in Ukraine during Martial Law at the Judicial Council of Singapore Meeting," Supreme Court of Ukraine, October 16, 2023.

⁷⁴ European Commission, "Ukraine 2023 Report."

⁷⁵ European Commission, "Ukraine 2023 Report."

⁷⁶ Yevhen Synelnykov, "The Administration of Justice under Martial Law," live presentation, October 16, 2023.

⁷⁷ European Commission, "Ukraine 2023 Report."

⁷⁸ Margaryta Khvostova, Yuliia Kyrychenko, and Michael Meyer-Resende, "Ukraine's Democratic Institutions during the War: A Check-Up," Центр політико правових реформ, March 2023.

⁷⁹ "Ukrainian Civil Society Calls on Ukraine to Ratify the Rome Statute—Coalition for the International Criminal Court," Coalition for the ICC, May 5, 2023.

⁸⁰ "On the Legal Regime of Martial Law," Verkhovna Rada of Ukraine, 2015; "Martial Law," Ukraine Invest, accessed January 11, 2024.

normally afforded to citizens and legal entities.⁸¹ In practice, people are subject to frequent document checks and digital monitoring; able bodied men are generally prohibited from leaving the country; and the military can temporarily requisition property to facilitate security operations.⁸² Overall, the European Commission assessed that these restrictions are limited in scope and proportional to Ukraine's real security needs.⁸³ While these restrictions may change how the judiciary rules on cases relating to national security compared to before 2022, the courts remain the sole legitimate institution through which to enforce rule of law and settle civil and criminal disputes.⁸⁴

Importantly, Ukrainian civilian courts remain the only institution that administers justice in the country, demonstrating continuity of rule of law under the martial law regime. In cases where they cannot administer justice due to physical proximity to the line of contact or Russian occupation, judicial authorities have shifted the territorial jurisdiction of cases to ensure that citizens continue to have access to judicial services.⁸⁵ As Ukraine liberates territory, normal jurisdiction is restored. To effectively administer justice for citizens who have been displaced by the war or are unable to attend court due to safety concerns, Ukraine has introduced online legal procedures. While this adaptation allows the courts to continue functioning in compliance with the country's legal principles, independent assessments determined that the existing support infrastructure requires desperate modernization.⁸⁶ The 2022 Martial Law also does not unilaterally postpone or accelerate court deadlines, allowing the state to continue administering justice under the constitution.⁸⁷ This demonstrates that the judiciary has tried to maintain, and even improve, access to justice despite the martial law regime. These efforts, and apparent institutional continuity under martial law, suggest surprising democratic resilience in the justice sector.

Ukraine's judiciary faced unprecedented challenges because of Russia's 2022 invasion, from the destruction of courthouses and the murder of judicial workers to the sheer scale of Russian war crimes. Despite this, Ukrainian courts continued to administer justice to its citizens and develop new tools and procedures to fill capability gaps, demonstrating democratic resilience. While the overall quality of rule of law in Ukraine before 2022 did not meet the standards of civil society or international partners, Russia's 2022 invasion and Ukraine's subsequent martial law did not reduce the legitimate authority of the courts in territories not under Russian occupation, indicating continuity in the country's most important democratic institution.

Reform Reinvigorated

Ukraine has revived judicial reform initiatives following Russia's 2022 invasion, demonstrating positive democratic development under wartime conditions. Ukraine reformed the HCJ and the HQCJ, which have prevented quality rule of law in the country for decades.⁸⁸ Two separate selection committees composed of three national and three international experts began reviewing the integrity of existing HCJ and HQCJ members as well as selecting new members to fill vacancies.⁸⁹ In February 2022, ten members of the HCJ resigned. Of the five that

⁸¹ Olha Chernovol, "Explainer: The Impact of Martial Law on Ukrainian Corruption-Prevention Measures," *Jurist*, October 14, 2022.

⁸² "Martial Law," *Ukraine Invest*.

⁸³ European Commission, "Ukraine 2023 Report."

⁸⁴ Synelnykov, "The Administration of Justice under Martial Law."

⁸⁵ Synelnykov, "The Administration of Justice under Martial Law;" Valentyn Gvozdyi and Sergiy Oberkovych, "Claims and Recoveries during Martial Law in Ukraine," *European Business Association*, June 30, 2024.

⁸⁶ European Commission, "Ukraine 2023 Report."

⁸⁷ European Commission, "Ukraine 2023 Report."

⁸⁸ "Judicial Reform in Ukraine: A Short Overview," *DEJURE Foundation*.

⁸⁹ European Commission, "Ukraine 2023 Report."

remained, three passed the committee's integrity checks, one failed, and the other, the head of the Supreme Court of Ukraine, was charged with high corruption for allegedly receiving a \$2.5 million bribe to influence supreme court decisions in favor of a particular oligarch. The Rada also added "anti-corruption crusader" Roman Maselko and respected law professor Mykola Moroz to the HCJ.⁹⁰ Another committee selected sixteen new members for the HQCJ following a thorough integrity check. The EU rated the selection processes of both governing institutions as thorough and merit-based. However, civil society watchdogs raised concerns over the integrity of several candidates who passed selection screenings, particularly for the HCJ.⁹¹

While the reforms of these institutions were initiated before the 2022 invasion, Ukraine fulfilled them after Russia's 2022 invasion. This had been on the agenda of civil society and international partners since 2014, demonstrating concrete democratic development under full-scale war and martial law. One cannot make a direct causal claim that the war was the sole factor motivating the successful implementation of the reforms, but the war-motivated political will of the government to rapidly pursue an EU trajectory in good faith certainly contributed to these positive developments. The government's increased engagement with international partners, the Venice Commission, and domestic judicial and anti-corruption civil society groups since February 2022 has led to progress.

Additionally, Ukraine advanced in reforming its troublesome Constitutional Court. Upon granting Ukraine candidate status in June 2022, the European Commission insisted that Ukraine continue Constitutional Court reforms to retain its standing.⁹² In response, the Rada adopted a law on the selection process for new constitutional court judges in December 2022, but the law controversially did not give independent international experts a role in selecting new judges. After months of close engagement with the Venice Commission, international organizations, and civil society organizations, the Rada amended the law in July 2023 to match the Venice Commission's recommendations. This law, and the subsequent implementation efforts, directly informed the European Commission's decision to recommend opening accession negotiations with Ukraine. While the law met the Venice Commission's standards, and the Ukrainian government and international stakeholders formed the vetting committee, it excluded civil society participation, lowering public trust in the reform.⁹³ The selection of Constitutional Court candidates is ongoing; however, Ukraine made undoubtable progress in close cooperation with international partners to reform the institution that impeded many post-2014 anti-corruption reforms. The intense engagement between the Ukrainian government and international partners like the EU, upon which Ukraine's macro-financial and defense existence rely, has been key in motivating judicial reform advancement. Observers must continue to track this issue closely to ensure further improvements to Ukrainian rule of law.

Ukraine finally dismantled the Kyiv District Administrative Court on December 13, 2022, almost two years after the first draft law to dismantle the court was introduced in the Rada in early 2021.⁹⁴ The court's members have been sanctioned by foreign governments, embroiled in corruption scandals, and charged with attempted seizure of power. The liquidation of the court stalled in the judicial committee of the Rada but was finally included on the agenda following Russia's full-scale invasion and subsequent revival of Ukraine's justice reforms. The law is not perfect, however. It liquidated the court without outlining disciplinary actions against former

⁹⁰ Oleg Sukhov, "Parliament Appoints Anti-Corruption Crusader to Top Judicial Body amid Botched Reform," *The Kyiv Independent*, August 15, 2022; "Judicial Reform in Ukraine: A Short Overview," DEJURE Foundation.

⁹¹ "Judicial Reform in Ukraine: A Short Overview," DEJURE Foundation.

⁹² Freedom House, "Ukraine: Freedom in the World 2023 Country Report," 2023.

⁹³ "Judicial Reform in Ukraine: A Short Overview," DEJURE Foundation.

⁹⁴ "Judicial Reform in Ukraine: A Short Overview," DEJURE Foundation.

members, allowing low-integrity professionals to remain in the judiciary. Additionally, the Kyiv regional court absorbed the caseload of the KDAC, though it does not have the capacity to adequately process its new workload.⁹⁵ Thus, the HCJ and HJCJ must establish a quality framework to form a new district court staffed with thoroughly vetted professionals to administer good faith justice. Despite the remaining work on the KDAC, the fact that the controversial court was finally liquidated presents a big win for judicial reform stakeholders and Ukraine's rule of law.

Under the context of war and martial law, Ukraine advanced key judicial reforms with close cooperation with the EU and other international partners. Reforms that had halted before the full-scale war were finally realized or set back on track. Wartime pressures and extreme levels of cooperation with western partners significantly influenced the positive trajectory of reforms. Despite, or perhaps because of, the existential nature of Russia's 2022 invasion, Ukraine has improved its most important democratic institution, and by extension, its democracy.

Conclusion

Contrary to observed relationships between wars, martial law, and democracy, Ukraine's judiciary endured under extreme duress, demonstrating democratic resilience, and advanced key judicial reforms, indicating democratic development. Ukraine's courts continued to administer justice to its citizens and develop new tools and procedures to fill capability gaps. Ukraine's martial law did not reduce the legitimate authority of the courts in territories not under Russian occupation, signifying continuity in the country's most important democratic institution. Ukraine made rapid progress to transform its judiciary to better reflect the democratic principles it is fighting for, responding to domestic and international political pressures in the context of an existential war where the government's survival depends on continued support from the Ukrainian people and international partners. While we must continue to monitor Ukraine's judicial system along with other democratic indicators, such as the quality of government institutions and the protection of civil liberties, it seems that Ukrainian rule of law has improved rather than suffered because of Russia's 2022 full-scale invasion and Ukraine's subsequent martial law.

⁹⁵ European Commission, "Ukraine 2023 Report."

THE TRANS-PACIFIC NARCOTICS PIPELINE: Analyzing the Interconnectedness of Organized Crime in the Indo-Pacific and the Subsequent Destabilization of Pacific Periphery Nations

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The synthetic drug pipeline took off a decade ago,⁹⁶ leading to the worst drug epidemic in US history and increasing operations in East Asian and Oceanic markets. This silent killer — with a potency fifty times stronger than heroin — has infiltrated communities worldwide. In conjunction with a slew of social factors leading to drug abuse, the simplicity and accessibility of fentanyl has led it to contribute to more than 70% of total overdose deaths in the US. Manufacturing of fentanyl in bulk does not occur domestically in the States. Rather, it is brought about by a greater, more salient trend of an increasingly globalized and interconnected web of non-state actors embedded in illicit markets across the Pacific.

Organized crime refers to syndicates operating in ‘dark networks’, or interdependent entities that use informal, and sometimes formal, spaces to engage in illegal activities.⁹⁷ Organized crime, including corruption, is estimated to consume 15-20% of global GDP every year⁹⁸—the most lucrative form of which is narcotics trafficking. The onslaught of increasingly interlinked organized criminal groups has contributed to record rates of synthetic drugs infiltrating markets across the Pacific, contributing to severe human, economic, and political insecurity.

The Narcotics Pipeline

With heightened globalization, an expansive network of Chinese and Mexican organized criminal groups (OCGs) has emerged in recent decades. These transnational criminal organizations (TCOs) originally began operating independently, working within their geographic region to assert dominance and control illegal markets. However, with the high profit margins of fentanyl and methamphetamine, TCOs in China have worked in collaboration with Mexican cartels to facilitate narcotics trafficking across the Pacific.

Supply Chain: Part I

In China, synthetic precursors are manufactured in bulk. They are made in disguised production sites typically located within preexisting businesses, such as pharmaceutical, natural mineral, or pesticide-production companies. They may be produced parallel to legal substances, allowing for quick cleanup should law enforcement (LE) suspect illicit activity. Sellers are often embedded in legal companies, making it difficult to decipher who is a criminal and who is an

⁹⁶ Sean O'Connor, “Fentanyl: China’s Deadly Export to the United States,” U.S. China Economic and Security Review Commission, February 1, 2017.

⁹⁷ Anthea McCarthy-Jones, “Brokering Transnational Networks: Emerging Connections Between Organised Crime Groups in the Pacific and Indian Oceans,” *Journal of the Indian Ocean Region* 14, no.3 (2018): 343-353.

⁹⁸ Misha Glenny, *McMafia: Seriously Organised Crime* (London: Vintage Books, 2008), 8.

unknowing employee.⁹⁹ Precursor drugs can be made in small spaces with relatively elementary equipment and overhead, as well as little manpower, leading them to be easily hidden from public perception.¹⁰⁰ Chinese vendors typically sell from the interior cities of mainland China. Here, the monitoring of shipments and exports is laxer, reducing the likelihood of seizure.¹⁰¹ The largest exporters include Shijiazhuang, Wuhan, Xi'an, Changchun, as well as Shanghai and Beijing. Shijiazhuang, a former natural minerals industrial powerhouse, accounts for 41% of the ninety-two alleged fentanyl and fentanyl-analog providers in China, according to C4ADS, a nonprofit specializing in illicit networks.¹⁰² From these locations, precursor chemicals are created and dispersed globally.

Supply Chain: Part II

From China, vendors ship drugs through major carriers, often with tracking numbers attached so buyers can follow their purchases.¹⁰³ In both seaports and airports, materials are smuggled in, with the help of corrupt or coerced customs officials. Major Mexican cartels hold an iron fist over entry points from East Asia, specifically the ports of Lázaro Cárdenas in Michoacán and Manzanillo in Colima,¹⁰⁴ providing them uninhibited access to imports from China.

Supply Chain: Part III

After receiving the precursor ingredients from China, Mexican cartels employ chemists. These 'cooks' work out of underground laboratories in cartel-run regions of Mexico.¹⁰⁵ One cook can produce more than 100,000 pills per day, equivalent to a street value of hundreds of thousands USD. A kilogram costing 800 USD of precursor bought from China can make approximately 415,000 pills – a profit margin unmatched by any other drug.¹⁰⁶ These pills are then smuggled physically or shipped online into the US.¹⁰⁷ Similar techniques to those outlined in this section have been used to disperse drugs throughout Southeast Asia, with many criminal groups trafficking drugs through Thailand, Myanmar, and Laos. These routes have aided in spreading the drug epidemic throughout the Indo-Pacific and beyond.

Major TCO Actors

Transnational criminal groups are inherently more efficient than government institutions. They are typically less organized and more agile than above-ground bureaucracies which must follow specific protocols, policies, and laws. The Sinaloa Cartel and Jalisco Cartel (CJNG) are the two largest syndicates in Mexico. They have historically trafficked drugs from Latin America to the US, such as marijuana and heroin; but the last decade has shown a considerable shift toward more potent substances like fentanyl and meth due to the strikingly high profit margins of these new drugs. In China, The Company – known also as Sam Gor – is a criminal syndicate comprising five triads: the 14K, Wo Shing Wo, Sun Yee On, Big Circle Gang, and the Bamboo Union. It is headed by drug kingpin Tse Chi Lop, a Canadian-national from China who has created one of the

⁹⁹ Emily Feng, "We Are Shipping to the U.S.: Inside China's Online Synthetic Drug Networks," *NPR*, November 17, 2020.

¹⁰⁰ Feng, "We Are Shipping to the U.S."

¹⁰¹ Feng, "We Are Shipping to the U.S."

¹⁰² Feng, "We Are Shipping to the U.S."

¹⁰³ Feng, "We Are Shipping to the U.S."

¹⁰⁴ Vanda Felbab-Brown, "China and Synthetic Drugs Control: Fentanyl, Methamphetamines, and Precursors," The Brookings Institution, March 2022.

¹⁰⁵ Jamie Smyth et al., "The Global Network behind the Fentanyl Crisis," *Financial Times*, November 8, 2023.

¹⁰⁶ Smyth et al., "The Global Network behind the Fentanyl Crisis."

¹⁰⁷ Felbab-Brown, "China and Synthetic Drugs Control."

most ruthless criminal campaigns in East Asia.¹⁰⁸ The Company is responsible for 40-70% of the wholesale meth market in East Asia and the Pacific, and its profits equate to upwards of eight to 18 billion USD yearly.¹⁰⁹ However, individual operators have gained momentum in the market, using contacts from mainland China. In 2017, a Chinese national living in Massachusetts was caught by the US Drug Enforcement Agency (DEA) for running a drug-smuggling warehouse with large imports from China.¹¹⁰ Zhenli Ye Gon is a Chinese-national who lived in Mexico and owned a pharmaceutical company. He facilitated the import of meth precursors into Mexico, under the guise of pharmaceutical materials, and proceeded to sell them to cartels.¹¹¹ He was arrested by the DEA in 2007 but represents an emerging population of individuals who are aiding and abetting the procurement of necessary supply chain materials. Mr. Zhenli is an example of another critical step in linking organized crime groups across the Pacific: brokers. Brokers act as a conduit between the seller and buyer. The expansion and diversification of TCOs can be attributed to the emergence and success rates of brokers.¹¹² Additionally, brokers can be used by OCGs to settle disagreements, stabilize business deals, and carry out the higher mission of the organization even when internal turbulence brews. The lifespan of an illicit network lies with the broker's ability to source, regulate, and provide relevant insights and intelligence.¹¹³ Brokers are particularly important in facilitating links between criminal groups and money launderers, leading to economic, political, and human insecurity.

Security Destabilization in the Pacific Periphery

According to the UN Office on Drugs and Crime (UNODC), human security refers to, “the personal security of individuals, understood as safety against threats of crime, violence, war and abuse.”¹¹⁴ Globalizing criminal groups have facilitated the narcotics pipeline, threatening human security and subsequently permeating economies, infiltrating law enforcement, and controlling political power across the Pacific.

In the US, the influx of synthetically produced, easy-to-access drugs has led to the worst drug epidemic in history. In 2020, forty US states reported spikes in opioid-related deaths.¹¹⁵ Two years later, almost 77,000 people died of fentanyl, more than double the rates in 2019.¹¹⁶ In 2022, the DEA seized more than 50 million fentanyl-laced counterfeit pills that were sold as prescription opioids, an increase of 100% over 2021.¹¹⁷ Economically concerning, the US Congress Joint Economic Committee reported that in 2020, the opioid epidemic cost the US seven percent of its national GDP, or approximately 1.5 trillion USD.¹¹⁸ This was a 37% increase from 2017.¹¹⁹ This cost comes from the burden to fight fentanyl-trafficking, price of healthcare treatment, lost

¹⁰⁸ Tom Allard, “The Hunt for Asia’s El Chapo.” *Reuters*, October 14, 2019.

¹⁰⁹ Felbab-Brown, “China and Synthetic Drugs Control.”

¹¹⁰ Feng, “We Are Shipping to the U.S.”

¹¹¹ “Mexican Fugitive and Co-Conspirator Arrested on U.S. Drug, Money Laundering Charges,” Drug Enforcement Agency, July 24, 2007.

¹¹² McCarthy-Jones, “Brokering Transnational Networks.”

¹¹³ Anthea McCarthy-Jones, Caroline Doyle, and Mark Turner, “From Hierarchies to Networks: The Organizational Evolution of the International Drug Trade,” *International Journal of Law, Crime and Justice* 63 (2020).

¹¹⁴ “Trafficking in Persons & Smuggling of Migrants Module 4 Key Issues: Human Security,” UN Office on Drugs and Crime (UNODC), accessed January 2, 2024.

¹¹⁵ Feng, “We Are Shipping to the U.S.”

¹¹⁶ “Are Fentanyl Overdose Deaths Rising in the US?” USAFacts, September 27, 2023.

¹¹⁷ Claire Klobucista and Mariel Ferragamo, “Fentanyl and the U.S. Opioid Epidemic,” Council on Foreign Relations, December 22, 2023.

¹¹⁸ Klobucista and Ferragamo, “Fentanyl and the U.S. Opioid Epidemic.”

¹¹⁹ “JEC Analysis Finds Opioid Epidemic Cost U.S. Nearly \$1.5 Trillion in 2020.” Office of U.S. Representative Don Beyer, September 28, 2022.

workforce productivity, and cost of lives lost and affected. The staggering high rate of lost GDP is an indication that the narcotics pipeline permeates further than just human security, also inhibiting economic growth.

In Mexico, drug cartels control large parts of the country. Their massive wealth allows them to bribe government officials to achieve goals, leading to high rates of corruption and instability.¹²⁰ There are an estimated 175,000 members of Mexican cartels, making them the fifth largest employer in Mexico and providing immense influence and intelligence into every region of the country.¹²¹ Their brutality and lack of respect for human life has led cartels to need to recruit an average of 360 members a week to make up for those lost to arrest or murder.¹²² The presence of such embedded cartels severely hinders Mexico's legitimacy in the global realm and its internal capability to establish a rule of law.

Rising levels of wealth coupled with falling prices for drugs in Southeast (SE) Asia has expanded the illicit narcotics market. The influx of drugs through the SE Asia corridor has harmed public health, putting a strain on the physical and mental health sector.¹²³ The exploitation of markets in SE Asia has also been heightened by China's Belt and Road Initiative (BRI) investments. The BRI has expanded internet access, leading to dark web abuses, and has improved transportation infrastructure between China and many parts of SE Asia, leading to more efficient cross-border trafficking. In East and SE Asia, 2021 was a record-high year for meth seizures, with 172 tonnes of meth and over one billion meth tablets seized by LE, more than seven times the rates a decade prior.¹²⁴

There has been hesitancy by LE to be aggressive toward OCGs because of largely corrupt pockets within SE Asia, where retaliatory criminal monopolies exist.¹²⁵ The Golden Triangle — the volatile area at the intersection of Myanmar, Thailand, and Laos where organized crime has run rampant for decades — continues to breed instability, creating cyclical crime. At the same time, the lucrative returns in the drug market make it a territorial trade. The increased operations of Mexican TCOs in the region is likely to create future tension and conflict with competing Chinese and East Asian OCGs, leading to violence or supply chain disturbance.¹²⁶

In recent years, OCGs have further expanded to capitalize on markets in Australia, New Zealand, and Oceania.¹²⁷ Many Mexican cartels began seeking buyers in these regions after production of fentanyl and meth exceeded US demand.¹²⁸ In 2019, both Australia and New Zealand had a record-breaking number of seizures of Mexican-produced meth. The New Zealand National Drug Intelligence Bureau said that the majority of Mexican-produced meth coming into New Zealand is first trafficked through the US and shipped from there.¹²⁹ The recent surge observed in drug trafficking to these new regions has caused concern amongst LE and policymakers.

¹²⁰ "Mexico's Long War: Drugs, Crime, and the Cartels." Council on Foreign Relations, September 7, 2022.

¹²¹ Patrick J. McDonnell, "How Many People Work for the Mexican Drug Cartels? Researchers Have an Answer," *Los Angeles Times*, September 21, 2023.

¹²² McDonnell, "How Many People Work for the Mexican Drug Cartels?"

¹²³ Chao Wang and Nicholas Lassi, "Incentivizing Narcotics Control Through China's Belt and Road Initiative in South and Southeast Asia," *Journal of Developing Societies* 39, no. 3 (2023): 259-288.

¹²⁴ Wang and Lassi, "Incentivizing Narcotics Control Through China's Belt and Road Initiative in South and Southeast Asia."

¹²⁵ Wang and Lassi, "Incentivizing Narcotics Control Through China's Belt and Road Initiative in South and Southeast Asia."

¹²⁶ Felbab-Brown, "China and Synthetic Drugs Control."

¹²⁷ McCarthy-Jones, Doyle, and Turner, "From Hierarchies to Networks."

¹²⁸ McCarthy-Jones, Doyle, and Turner, "From Hierarchies to Networks."

¹²⁹ McCarthy-Jones, Doyle, and Turner, "From Hierarchies to Networks."

Resulting Turbulence in the US-China Relationship

With an already precarious political relationship between the US and China, the trafficking of opioid precursors from China does not bode well for bilateral policy. In October 2023, the US sanctioned 25 Chinese companies and individuals involved in the production of fentanyl precursors.¹³⁰ This came on top of previous comments by Mexican President López Obrador that China needed to halt the supply of precursors.

In response, the Chinese Foreign Ministry reported, "We firmly oppose the United States' sanction and prosecution against Chinese entities and individuals, and the severe infringement of the lawful rights and interests of the relevant enterprises and persons".¹³¹ China has for years rejected the notion that it is responsible for the opioid epidemic, blaming the US for using it as a scapegoat to divert attention from American internal issues — including inadequate government controls, the greediness of big pharma, a lack of anti-drug education in school, and the US' past with drug abuse and legalization of cannabis.¹³² Beijing has asserted that it has put in place some of the strongest anti-illicit controls worldwide, restating its "zero tolerance" policy toward trafficking and fentanyl abuse.¹³³

Some progress was made in November 2023, when President Biden and President Xi met to discuss the sanctions against precursors. The two reportedly agreed to resume collaboration to crack down on the narcotics supply chain.¹³⁴ However, many experts remain unconvinced of any change, especially with so many independent sellers already evading export laws. For the US-China relationship, this issue will continue to be contentious.

Policy Implementation

Moving forward, the Pacific periphery nations face complex obstacles to reduce the effectiveness of OCGs and curb the drug pipeline. This section highlights three solutions to mitigate the crisis.

Solution 1: Australia and ASEAN should bolster their partnership to curb illicit drug flows in SE Asia. Australia was the first country to become a dialogue partner of the Association of Southeast Asian Nations (ASEAN) in 1974. Since then, their relations have flourished. In 2018, they created the ASEAN-Australia Counter Trafficking initiative (ASEAN-ACT) to preserve security in the region. However, this 10-year program (2018-2028), funded by 80 million AUD from the Australian government, focuses primarily on the trafficking of persons.¹³⁵ It would be advantageous for this initiative to be expanded and bolstered financially in order to incorporate a parallel sector for drug trafficking. By increasing collaboration, intelligence sharing, and LE strategy, efforts to disturb supply chains and intercept TCO operations could be focussed and optimized.

Solution 2: Another solution is to expand and enhance the crypto expertise of the DEA. As more OCGs move online to sell narcotics and launder money, it is essential to have experts in LE who can decipher and analyze fintech threats. According to Elliptic, a London-based crypto research

¹³⁰ Christy Cooney, "US Sanctions Chinese Firms in Crackdown on Fentanyl Supply Chain," *BBC News*, October 4, 2023.

¹³¹ Cooney, "US Sanctions Chinese Firms in Crackdown on Fentanyl Supply Chain."

¹³² Felbab-Brown, "China and Synthetic Drugs Control."

¹³³ Felbab-Brown, "China and Synthetic Drugs Control."

¹³⁴ David Ovalle and John Hudson, "China Vows to Crack down on Fentanyl Chemicals. The Impact Is Unclear," *The Washington Post*, November 19, 2023.

¹³⁵ "ASEAN–Australia Counter Trafficking," Australian Government Department of Foreign Affairs and Trade, January 26, 2023.

institute, cryptocurrency use by fentanyl traffickers surged 450% from 2022 to 2023.¹³⁶ Currently, the DEA does have agents who study crypto markets and report on the blockchain. Though specific data on the DEA could not be found, a poll with nearly 300 members of LE conducted by TRM Labs estimated that 40% of the cases investigated at their agencies involved crypto, with an expectation that that will rise. Yet, 60% reported that they did not have sufficient technology to deal with high-level crypto threats. Ninety percent of those polled said their companies gave some form of crypto training, but 99% of respondents reported needing more. This presents an imperative issue for national security and one which would need to be dealt with to better counteract the money-fueled illicit enterprise of drug trafficking.

Solution 3: Third, China should lead an anti-trafficking initiative itself. Due to its BRI influence in the region, China can put pressure on SE Asia nations to crack down on drug trafficking, as well as put stricter regulations on internal Chinese exports. Additionally, the PRC could leverage its Health Silk Road (division of BRI), on the basis of the drug epidemic being a human security threat, to better train and fund LE training.¹³⁷ For this to happen, the US-China relationship must be improved, and a consensus agreed upon as to China's role in the narcotics pipeline. It is naive to assume any one action would completely halt the increasing impact of OCGs and the drug pipeline; but implementation of a series of multi-dimensional approaches could meaningfully lessen the far-reaching effects of the current crisis.

Conclusion

The past decade has seen a significant uptick in fentanyl and meth being trafficked across the Pacific Ocean, effectively eroding human, economic, and political security. The Trans-Pacific narcotics pipeline will remain salient for the foreseeable future due to heightening globalization, persisting financial profits to OCGs, increasingly creative trafficking techniques, and continuing government inaction. In order to adequately address this issue, examinations of changes in methods and patterns of bad actors should be prioritized by impacted countries. With advancing technologies and new forms of digital finance, dark web drug trafficking is likely to become more frequent and difficult to detect. Trans-Pacific countries should prepare for the future of organized crime and drug trafficking to curb the devastating impacts it will have on human, economic, and political security.

¹³⁶ "Chinese Businesses Fueling the Fentanyl Epidemic Receive Tens of Millions in Crypto Payments," Elliptic Research, May 23, 2023.

¹³⁷ Wang and Lassi, "Incentivizing Narcotics Control Through China's Belt and Road Initiative in South and Southeast Asia."

EVERYONE DISLIKED THAT: Russian Threats and the Global Nuclear Order

Jack Kennedy

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The run-up to and first eight months of Russia's 2022 full-scale invasion of Ukraine were characterised by near-constant nuclear sabre-rattling from Moscow. Though attempts at nuclear-armed coercion go back to the earliest days of the atomic age,¹³⁸ President Vladimir Putin's gambit ignited in the West possibly the most serious public concern about general nuclear conflict since the end of the Cold War. As these tensions have now somewhat eased,¹³⁹ it may be time to ask: what will the lasting effects of Russian threats prove to be on the global nuclear order? What new risks do we face and how can states act to address them?

The most intense period of Russian escalatory rhetoric lasted approximately nine months, beginning about a month before the invasion and stepping up significantly once fighting had begun. Emanating both from Russian officials and from state-run media, the threat-making was closely tied to a broader Kremlin narrative; one which characterises the war not as an act of unprovoked, expansionist aggression on the part of Russia, but as a "proxy war" the US and NATO are waging against Russia.¹⁴⁰

In keeping with this theme, the Kremlin's threat-making initially focused on NATO countries, promising nuclear attack if they directly intervened or increased their aid to Ukraine past varying limits. From September 2022, Russia shifted to making more direct threats of nuclear use inside Ukrainian borders in response to actions the Kremlin claimed Ukraine was planning (i.e., use of chemical weapons or a dirty bomb, attacks on nuclear power plants, etc.) or in the event of a Ukrainian breakthrough.^{141 142}

Finally, in late October 2022, after more than a month of especially high tensions, Putin appeared to back down. The President denied Russia had ever been considering use of nuclear weapons and the Kremlin's rhetoric on the subject has been more muted since.¹⁴³ Assessing the success of Putin's attempted nuclear coercion is difficult because so much depends on what the Russian president hoped to achieve. That can only be known by Kremlin insiders and may not have been clearly defined.

¹³⁸ Todd S. Sechser and Matthew Fuhrmann, *Nuclear Weapons and Coercive Diplomacy* (Cambridge: Cambridge University Press, 2017).

¹³⁹ Max Seddon, "Why Vladimir Putin Toned Down His Nuclear Rhetoric," *Financial Times*, November 1, 2023.

¹⁴⁰ Geraint Hughes, "Is the War in Ukraine a Proxy Conflict?" Kings College London, October 12, 2022.

¹⁴¹ Liviu Horovitz and Martha Stolze, "Nuclear Rhetoric and Escalation Management in Russia's War Against Ukraine: A Chronology," *Stiftung Wissenschaft und Politik*, August 2023.

¹⁴² Anna Clara Arndt, Liviu Horovitz and Michal Onderco, "Russia's Failed Nuclear Coercion Against Ukraine," *The Washington Quarterly* 46, no. 3 (2023): 167-184.

¹⁴³ Seddon, "Why Vladimir Putin Toned Down His Nuclear Rhetoric."

Ukraine

The threats directed at Kyiv are easiest to assess.¹⁴⁴ If the aim was to convince Ukraine to accept some kind of settlement or simply limit its battlefield ambitions, Moscow's attempt failed. The Kyiv government continues to be vocal in its desire to see the country returned to its 1991 borders,¹⁴⁵ and despite setbacks, continues to plan with a view to eventual achievement of that goal.¹⁴⁶ Moscow's pledge to use unlimited force to defend its annexed Ukrainian territory failed to deter Kyiv at all.

It remains unclear precisely what Russia hoped to achieve by accusing Ukraine of planning to use a dirty bomb or mount some other chemical/radiological attack. Some analysts theorize it was meant as justification for a potential escalation in the war, possibly including nuclear use.¹⁴⁷ If this was the intent, it was also a failure. Putin felt the need to explicitly take the nuclear option off the table just a few weeks later, likely due to pressure from friendly countries, especially China.¹⁴⁸ ¹⁴⁹ Russia has not meaningfully escalated the war with Ukraine, despite the obvious motivation to do so as it suffers mounting losses without any real progress towards its war goals.¹⁵⁰

NATO

Russian threats towards NATO have produced more complex results. Many have simply been unnecessary. NATO has refrained from becoming directly militarily involved in the conflict or imposing a no-fly zone over Ukraine, but there is no indication any such actions were ever being considered.

What Western countries have been doing is providing critical political, material and intelligence support for the Ukrainian war effort. This aid is the target of Russia's coercive diplomacy, but precisely how much Putin and his advisers hoped to achieve by the use of nuclear threats is unclear. At times they have demanded a total end to NATO support, and at others they have cautioned against increases in or new kinds of support, setting a variety of supposed red lines.¹⁵¹ ¹⁵²

Despite this, the quantity and sophistication of NATO's support has increased significantly since February 2022, doing so precisely during the period when Russia was issuing its most stringent threats.¹⁵³ Stated Russian red lines have been crossed, provoking no meaningful response.¹⁵⁴ On the other hand, NATO has exhibited caution in the face of the Kremlin's bellicosity and would have been able to ramp-up aid more quickly and act more freely absent fears of escalation.¹⁵⁵ Measures such as the shipment of tanks and fighter jets to Ukraine were delayed somewhat for exactly this reason.

¹⁴⁴ Arndt, Horovitz and Onderco, "Russia's Failed Nuclear Coercion Against Ukrain."

¹⁴⁵ Stephen Sestanovich, "Ukraine's Counteroffensive: Will it Retake Crimea?" Council on Foreign Relations, April 19, 2023.

¹⁴⁶ Roman Goncharenko, "Ukraine's Counteroffensive: Goals, Opportunities, Risks" *Deutsche Welle*, May 1, 2023.

¹⁴⁷ Annabelle Timsit and Rachel Pannett, "Western Countries Reject Russian Claims about Dirty Bomb in Ukraine," *The Washington Post*, October 24, 2022.

¹⁴⁸ Stuart Lau, "China's Xi Warns Putin Not to use Nuclear Arms in Ukraine," *Politico*, November 4, 2022.

¹⁴⁹ Arndt, Horovitz and Onderco, "Russia's Failed Nuclear Coercion Against Ukraine," 167-184.

¹⁵⁰ Jonathan Landay, "U.S. Intelligence Assesses Ukraine War has Cost Russia 315,000 Casualties - Source," *Reuters*, December 13, 2023.

¹⁵¹ Charles Maynes, "Russia Sharpens Warnings as the U.S. and Europe Send More Weapons to Ukraine," *NPR*, April 29, 2022.

¹⁵² Vladimir Isachenkov, "Russia's Foreign Minister Rejects a US Proposal to Resume Talks on Nuclear Arms Control," *Associated Press*, January 18, 2024.

¹⁵³ Janice Gross Stein, "Escalation Management in Ukraine: 'Learning by Doing' in Response to the 'Threat that Leaves Something to Chance'," *Texas National Security Review* 6, no. 3 (2023): 29-50.

¹⁵⁴ Connor Echols, "Russian Hawks Push Putin to Escalate as US Crosses More 'Red Lines'," *Responsible Statecraft*, September 12, 2023.

¹⁵⁵ Stein, "Escalation Management in Ukraine," 29-50.

Russia's sabre-rattling has kept Ukraine's allies on edge and shaped their behaviour in a manner that benefited Russia, but to a limited extent. Moscow managed to, at best, buy itself time. It is difficult to say for sure, but it seems highly likely that Putin had loftier goals in mind which were not fulfilled.

Implications for the Global Nuclear Order

A holistic assessment of the fallout from Russian brinksmanship must consider more than merely the extent to which Moscow's strategy succeeded. Explicit nuclear threats are an enormous step for a leader to take, and such an emphatic and sustained campaign of attempted coercion will have reverberations for years to come.

Arms Control & Strategic Stability

The most obvious consequence thusfar is the near-total collapse of the arms control regime between the US and Russia, who between them possess about 90% of the world's nuclear weapons.¹⁵⁶ This unravelling began earlier; President Donald Trump withdrew the US from the Intermediate Nuclear Forces (INF) treaty in 2018, and the process can even be traced as far back as the Bush administration's abrogation of the Anti-Ballistic Missile treaty.¹⁵⁷ Russia's invasion was arguably the final nail in the coffin, in particular with the country's February 2023 suspension of New START – the last of the US-Russian arms control treaties. This was not explicitly linked to Russia's nuclear threat-making but is enmeshed in the Kremlin strategy to make Ukraine the central issue in all its dealings with the West and is another example of the Russian nuclear arsenal as a diplomatic weapon. Furthermore, if Russia strives to sow uncertainty and leave open the possibility of nuclear use, blocking US inspectors' access to its nuclear bases clearly serves that goal.

While Moscow has said it will continue to comply with the limits on deployed warheads set out in NEW Start, and US intelligence seems to corroborate this,¹⁵⁸ the suspension has significant practical and symbolic effects. Symbolically, the treaty is not only the last remaining plank of the strategic arms limitation regime between the two countries, but it is also the largest and most important, setting limits on the total sizes and structures of the two strategic arsenals.¹⁵⁹ Its suspension signals a dire future for arms control more generally. It seems highly unlikely now that a return to the INF treaty can be negotiated, let alone an extension of New START beyond its expiration in February 2026.

In practical terms, the end of mutual inspections and deployment data sharing between the nuclear superpowers will significantly degrade trust and overall strategic stability between them.¹⁶⁰ The risk of miscalculation or misinterpretation of signals or accidental conflict in a crisis is heightened when each side has less certainty.

¹⁵⁶ Hans M. Kristensen et al., "Nuclear Notebook," Bulletin of the Atomic Scientists, 2024.

¹⁵⁷ Adérito Vicente, "The Future of the Nuclear Nonproliferation and Disarmament Regime," *Springer Nature Switzerland* (2023): 153.

¹⁵⁸ Libby Flatoff and Shizuka Kuramitsu, "New START to Expire in Two Years as Russia Refuses Talks," Arms Control Association, February 2024.

¹⁵⁹ Avi Kirpekar, "Whither New START: Implications of Russia's Suspension of the Last Remaining U.S.-Russia Arms Control Treaty," Arms Control Association, March 16, 2023.

¹⁶⁰ Steven Pifer, "The US and Russia must Re-Assess their Strategic Relations in a World without New START," Bulletin of the Atomic Scientists, June 13, 2023.

The Nuclear Taboo

Russia's campaign of threats has a complex, bi-directional relationship with the "Nuclear Taboo" – the strong international norm against the use of nuclear weapons.¹⁶¹ In one sense, Putin's failure to achieve his probable aims and his eventual climbdown can be seen as a consequence of and victory for the taboo, and one which is likely to reinforce it. Putin backed down after the Chinese government issued an unusually strong statement condemning the notion of using nuclear weapons in the war in Ukraine.¹⁶² As ever, the exact reasons behind and influences on Russian decision-making are difficult to determine from the outside. But given Russia's increasing dependence on China for diplomatic and economic support,¹⁶³ and the short time between the Chinese government breaking its silence and Moscow's climbdown, it seems highly likely that China's intervention was a key factor.¹⁶⁴ ¹⁶⁵ In private, this is an explanation supported by Chinese officials.¹⁶⁶ Also important were condemnations from India¹⁶⁷ and a majority of the G20 nations.¹⁶⁸ This is an example of the taboo working; Putin was swayed primarily not by threats of forceful retaliation, but by an incentive not to harm Russia's standing among countries which he desires friendly relations. The longer the taboo continues to hold, especially after instances in which it clearly acted as a restraint, the more embedded it becomes as a norm governing international states' actions.¹⁶⁹

On the other hand, while Moscow was forced to climb down from its threats, it suffered no serious adverse consequences. The West did not punish Russia in any substantive way, likely because it was already using all the available political and economic tools in response to the war writ large. China, India, and various other nations with close or fair ties to Russia did issue warnings, but there is no indication of lasting damage to these relationships. India's cancellation of its annual summit with Russia was the most serious reaction, but Indian officials explicitly said the countries' bilateral relationship remained strong, nonetheless.¹⁷⁰

Thus, though the gambit failed to produce any significant results, its costs were comparatively low for Moscow. Insofar as it sowed some uncertainty in the West for a time and slowed the ramp-up of aid to Ukraine, it is possible to interpret it as having been worth attempting. When other leaders of nuclear-armed states consider whether to attempt such coercive diplomacy, they may recall this lack of negative consequences and conclude that campaigns of nuclear threats are worth attempting; that Putin's problem was merely a failure to establish sufficient credibility, perhaps because he did not actually move or stand up any nuclear forces. In this way, though the taboo against nuclear use held fast and may have been strengthened, the norm against nuclear threat-making appears to have been weakened. That latter norm does clearly exist, since Russia was convinced to stop by a broad coalition of states, but the fact remains that it was flagrantly violated for almost a year with no repercussions to the violator.

¹⁶¹ Nina Tannenwald, *The Nuclear Taboo: The United States and the Non-use of Nuclear Weapons since 1945* (Cambridge: Cambridge University Press, 2007).

¹⁶² Lau, "China's Xi Warns Putin Not to use Nuclear Arms in Ukraine."

¹⁶³ Joe McDonald, "Russia's Reliance on China Rises Amid Ukraine Sanctions," *Associated Press*, March 21, 2023.

¹⁶⁴ Una Aleksandra Bērziņa-Čerenkova, "The China Nuclear Taboo and Russia's War in Ukraine," *Istituto Affari Internazionali* 23, no. 16 (2023).

¹⁶⁵ Arndt, Horovitz and Onderco, "Russia's Failed Nuclear Coercion Against Ukraine," 167-184.

¹⁶⁶ Max Seddon, "Xi Jinping Warned Vladimir Putin Against Nuclear Attack in Ukraine," *Financial Times*, July 5, 2023.

¹⁶⁷ Sudhi Ranjan Sen, "Modi to Skip Annual Summit with Putin Over Ukraine Nuke Threats," *Bloomberg*, December 9, 2022.

¹⁶⁸ Ananda Teresia and Stanley Widiyanto, "Most G20 Leaders Condemn Russia's War in Ukraine at Summit, some Take Different View," *Reuters*, November 16, 2022.

¹⁶⁹ Tannenwald, *The Nuclear Taboo*, 361-392.

¹⁷⁰ Ranjan Sen, "Modi to Skip Annual Summit with Putin Over Ukraine Nuke Threats."

This strengthening and weakening of two different levels of norms governing nuclear weapons in international relations mirrors the Stability-Instability Paradox, a phenomenon in which nuclear weapons may encourage low-level conflict as states believe their adversaries will act to prevent dangerous escalation.¹⁷¹ Nuclear first use has been rendered less likely, but nuclear sabre-rattling has been encouraged.

Conclusion

There is little doubt that February 24, 2022, marked a turning point in post-Cold War geopolitics. Things will never go back to the way they were before the Russian invasion of Ukraine, and the nuclear realm is no exception. Though Moscow's attempt at nuclear blackmail was largely unsuccessful, its legacy is a global landscape with heightened strategic uncertainty and less clear norms governing nuclear weapons. The Bulletin of the Atomic Scientists' decision in January 2024 to keep its "Doomsday Clock" at 90 seconds to midnight, where it was moved at the beginning of 2023, is reflective of the risks posed by this new state of affairs.¹⁷²

On the other hand, it is significant that China and other Russian-aligned states intervened diplomatically at the moment of greatest tension. Beijing recognised that it would be worse off in a world with more nuclear brinkmanship, and this overrode its evident desire to see the West kept off-balance and distracted by Russia. A range of states who otherwise struggle to see eye-to-eye on almost any issue were able to act in concert, not because other disagreements or rivalries ceased to exist, or as part of negotiated cooperation; but out of clear, shared interest. Careful leadership from the right states could leverage this unlikely coalition to address rising nuclear risks.¹⁷³ Whether by rebuilding the global arms control regime on a multilateral basis or reinforcing behavioural norms restraining nuclear blackmail through joint statements or other declaratory measures, there is a rare window of opportunity to make the world safer from nuclear blackmail and the risk of nuclear war. We should seize it.

¹⁷¹ Robert Rauchhaus, "Evaluating the Nuclear Peace Hypothesis: A Quantitative Approach," *The Journal of Conflict Resolution* 53, no. 2 (2009): 258-277.

¹⁷² John Mecklin, "It is Still 90 Seconds to Midnight," *Bulletin of the Atomic Scientists*, January 23, 2024.

¹⁷³ Lau, "China's Xi Warns Putin Not to use Nuclear Arms in Ukraine."

THE ESTABLISHMENT OF THE AFRICAN MEDICINES AGENCY: A Reflection of African Regional Integration Efforts

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The 2014 Ebola outbreak and the COVID-19 pandemic have exposed the enormous dependence of Africa on imports of medical products. Currently, only 1% of vaccines and 2% of medicines administered in Africa are produced on the continent.¹⁷⁴ This dependence on vaccine imports and the resulting delay in COVID-19 vaccine delivery shifted the perception of the medicines sector. Local manufacturing is no longer perceived as a marginal issue of mere economic integration but is now considered a central question of security and autonomy.¹⁷⁵

To increase health coverage and local manufacturing, several strategies emphasize the importance of establishing the African Medicines Agency (AMA) as a continental regulator for medicines.¹⁷⁶ In March 2021, the CEO of the International Alliance of Patients' Organizations, Kawaldip Sehmi, "explained that AMA is essential for a Pan-African vision of health in the future [...]. COVID-19 has reset the terms of our social contract, that is why we need this agency."¹⁷⁷ Accordingly, the establishment of the AMA is one of the fastest integration processes in the history of the African Union.¹⁷⁸

The establishment process of the AMA reflects the current drivers and roadblocks of regional integration in Africa, especially in terms of the role of regional hegemony and external donor support. This paper provides background information on the AMA, outlines the framework for regional integration, analyzes the role of regional hegemony and external donors for the establishment of the AMA, and concludes with a critical discussion of the findings. To shed light on the complexities of the agency's establishment process, this paper applies concepts from the analysis of regional integration to the case of the AMA. Specifically, a synthesis report titled "The political economy of regional integration in Africa" by Vanheukelom, Byiers, Bilal and Woolfrey will serve as a framework.¹⁷⁹

¹⁷⁴ Aisling Irwin, "How COVID Spurred Africa to Plot a Vaccines Revolution," *Nature*, April 21, 2021; Bakani Mark Ncube, Admire Dube, and Kim Ward, "Establishment of the African Medicines Agency: Progress, Challenges and Regulatory Readiness," *Journal of Pharmaceutical Policy and Practice* 14, no. 29 (2021); "Health Care: From Commitments to Action," *Africa Renewal*, November 25, 2016.

¹⁷⁵ Ole Wæver, "Securitization and Desecuritization," in *On Security*, edited by Ronnie Lipschutz (New York: Columbia University Press, 1995), 46-87.

¹⁷⁶ Vijay Kumar Chattu et al., "Politics of Disease Control in Africa and the Critical Role of Global Health Diplomacy: A Systematic Review," *Health Promotion Perspectives* 11, no. 1 (2021): 20-31.

¹⁷⁷ Fight the Fakes Alliance, "Why the African Medicines Agency? Why Now?" March 11, 2021.

¹⁷⁸ Josephine Chinele, "East Africa Shows Solid Support for African Medicines Agency Treaty," *Health Policy Watch*, August 16, 2023.

¹⁷⁹ Bruce Byiers, Jan Vanheukelom, San Bilal, and Sean Woolfrey, "The Political Economy of Regional Integration in Africa: What Drives and Constrains Regional Organisations?" ECDPM, January 14, 2016.

The African Medicines Agency

The limited capacity of African medicine regulators inhibits access to medicines on the continent and curbs the economic potential of the pharmaceutical sector. For a medical product to reach a patient, a bottleneck is the product's approval by the responsible regulatory agency. In Africa, 54 of the 55 countries have their own National Medicines Regulatory Authority. However, approximately 15% of them have the legal mandate to perform all relevant regulatory functions,¹⁸⁰ and only five have substantial regulatory capacity.¹⁸¹ Accordingly, the Pharmaceutical Manufacturing Plan for Africa emphasizes that “fragmented and weak regulatory systems”¹⁸² present a key challenge to production in Africa, thus constraining the growth of the pharmaceutical sector. The African Health Strategy 2016-2030 further highlights that “the regulation of medical products and technologies at the continental level should be prioritized to support availability of quality products.”¹⁸³

Significant steps have been taken to improve the medicine regulatory system in Africa. In 2009, the African Medicines Regulatory Harmonisation Initiative (AMRH) was launched, aiming to harmonize medicine regulation within Regional Economic Communities (RECs) and thus attract more manufacturers to enter the (sub-)regional pharmaceutical markets.¹⁸⁴ The initiative has since been implemented in five out of eight RECs.¹⁸⁵ In 2016, the African Union (AU) Heads of State and Government endorsed the AU Model Law on Medical Products Regulation, developed by AMRH to further embed harmonization in national legislation.¹⁸⁶ Both efforts were meant to serve as a basis for the establishment of the AMA.¹⁸⁷

The AMA is an AU agency with the objective of ensuring that “African People have Access to essential Medical Products and Technologies.”¹⁸⁸ Building on the AMRH and AU Model Law, the AMA Treaty was adopted in 2019 and entered into force in 2021.¹⁸⁹ As the continental regulatory agency for medical products, the AMA is tasked with a) coordinating the sub-regional and national regulatory systems, b) assessing selected medical products and conducting the regulatory oversight, and c) facilitating harmonization and cooperation among regulatory agencies in Africa.¹⁹⁰ As of January 2024, twenty-six countries have signed and ratified the treaty, nine have only signed it, and twenty countries have done neither.¹⁹¹ Rwanda has been designated as the AMA's host country, but the governing board and director general have yet to be appointed, thus the implementation of the AMA has been stalled.¹⁹²

¹⁸⁰ Ncube, Dube, and Ward, “Establishment of the African Medicines Agency.”

¹⁸¹ WHO, “List of National Regulatory Authorities (NRAs) Operating at Maturity Level 3 (ML3) and Maturity Level 4 (ML4),” October 30, 2023.

¹⁸² Janet Byaruhanga, “The Pharmaceutical Manufacturing Plan for Africa,” African Union Development Agency-New Partnership for Africa's Development, August 24, 2020.

¹⁸³ African Union, “Africa Health Strategy 2016 – 2030,” April 1, 2021.

¹⁸⁴ Live Storehagen Danise, Walter Denis Odoch, and Christine Årdal, “Industrial Perceptions of Medicines Regulatory Harmonization in the East African Community,” PLOS ONE 14, no. 6 (2019).

¹⁸⁵ African Union Development Agency-New Partnership for Africa's Development, “AMRH Home.”

¹⁸⁶ Bakani Mark Ncube, Admire Dube, and Kim Ward, “The Domestication of the African Union Model Law on Medical Products Regulation: Perceived Benefits, Enabling Factors, and Challenges,” *Frontiers in Medicine* 10 (2023).

¹⁸⁷ Ncube, Dube, and Ward, “Establishment of the African Medicines Agency.”

¹⁸⁸ African Union Development Agency-New Partnership for Africa's Development, “African Medicines Agency.”

¹⁸⁹ Ncube, Dube, and Ward, “Establishment of the African Medicines Agency.”

¹⁹⁰ AUDA-NEPAD, “African Medicines Agency”

¹⁹¹ AUDA-NEPAD, “AMRH Home.”

¹⁹² David Mukanga, “Stay Tuned: African Medicines Agency Appointing Governing Board and Director General in 2023,” DIA Global Forum, May 2023.

Regional integration in Africa

The establishment of the African Medicines Agency can be seen as a case of regional integration. This paper considers regional integration as a process through which neighboring countries increase their cooperation on specific policy efforts. In line with the distinction of formal and informal integration,¹⁹³ this paper focuses purely on the formal and institutionalized aspects of regional integration.

In their synthesis report, Byiers et al.¹⁹⁴ focuses on the gap between African regional integration policies and their implementation. Based on studies of six regional organizations, the AU, and five sub-regional organizations, the authors explore the role of structural, institutional, actor-related, sectoral, and external factors. Among their ten central findings, the following two serve as a framework for analyzing the drivers and roadblocks to the establishment of the AMA:

- 1) Regional integration is shaped by the interests of regional hegemons. When regional policy efforts align with the hegemon's interests, hegemons often take the lead and provide substantial support. However, if a hegemon's interests do not align, they might exploit their power to undermine integration efforts or instrumentalize them for their own benefit.
- 2) Most regional organizations in Africa heavily depend on external donor support. While this funding can facilitate regional integration efforts, it can also have the opposite effect if poorly managed. This may lead to "empty signaling of reforms by regional organizations, agenda inflation, reduced ownership, and missed opportunities to strengthen institutional functions that are pivotal for the governance of regional organizations."¹⁹⁵

Regional Hegemons

Regional hegemons strongly shape the integration process towards a functional AMA, as illustrated by the process of signing and ratifying the AMA Treaty. This process is fundamental as ratification required fifteen countries signature of the AMA Treaty for it to enter into force. The AMA Treaty reached this threshold in October 2021, more than two years after the treaty had been finalized. AMRH and AMA proponents still advocate for more countries to sign and ratify as every additional country increases the agency's available resources and relevance. Countries are expected to benefit from joining the agency as it improves their ability to assess complex products, inspect manufacturing plants abroad, and conduct other more difficult or costly regulatory functions.¹⁹⁶ Nevertheless, many countries have not signed the treaty because they fear losing autonomy and funding sources through centralizing their assessments.¹⁹⁷ Increasing attention paid to the AMA also politicized the process, so that overarching issues in domestic politics – rather than purely technocratic reasoning – continue to impact countries' decision to sign and ratify.¹⁹⁸ The importance of this process is further underlined by the fact that *Health Policy Watch*, a global news outlet on health policy, has a designated AMA countdown tracking the progress made in each country (see graph).¹⁹⁹

¹⁹³ Bruce Byiers, Jan Vanheukelom, and Christian Kingombe, "A Five Lenses Framework for Analysing the Political Economy in Regional Integration," ECDPM, May 19, 2015.

¹⁹⁴ Byiers, Vanheukelom, Bilal, and Woolfrey, "The Political Economy of Regional Integration in Africa."

¹⁹⁵ Byiers, Vanheukelom, Bilal, and Woolfrey, "The Political Economy of Regional Integration in Africa," vi.

¹⁹⁶ Ncube, Dube, and Ward, "Establishment of the African Medicines Agency."

¹⁹⁷ Ncube, Dube, and Ward, "Establishment of the African Medicines Agency."

¹⁹⁸ Ncube, Dube, and Ward, "The Domestication of the African Union Model Law on Medical Products Regulation."

¹⁹⁹ Health Policy Watch, "African Medicines Agency Countdown."

In the context of African medicine regulation, regional hegemons are defined by their economic power and their regulatory expertise. As in most sectors, the economic size of a country strongly determines its political and economic role within the region. This is reflected in the discourse among health policy makers and experts, who emphasize that “Kenya’s signing and ratification is a huge milestone in the journey to regulatory harmonisation being that this is one of the biggest economies in [the] region.”²⁰⁰ Malawi health officials explicitly mentioned that Kenya’s move was decisive in their decision to sign the treaty.²⁰¹ On the flip side, an industry representative called the AMA “a big mess” because Nigeria, Ethiopia, and South Africa had not yet ratified the treaty.²⁰² The late ratification in these economically powerful countries poses the risk of confusing manufacturers and consequently delaying vaccine manufacturing on the continent, according to a Nigerian health equity advocate.²⁰³ In line with findings by Byiers et al.,²⁰⁴ the economically powerful countries therefore have both: the potential to drive integration as is the case with Kenya, and the capacity to undermine integration efforts as South Africa and Nigeria do.

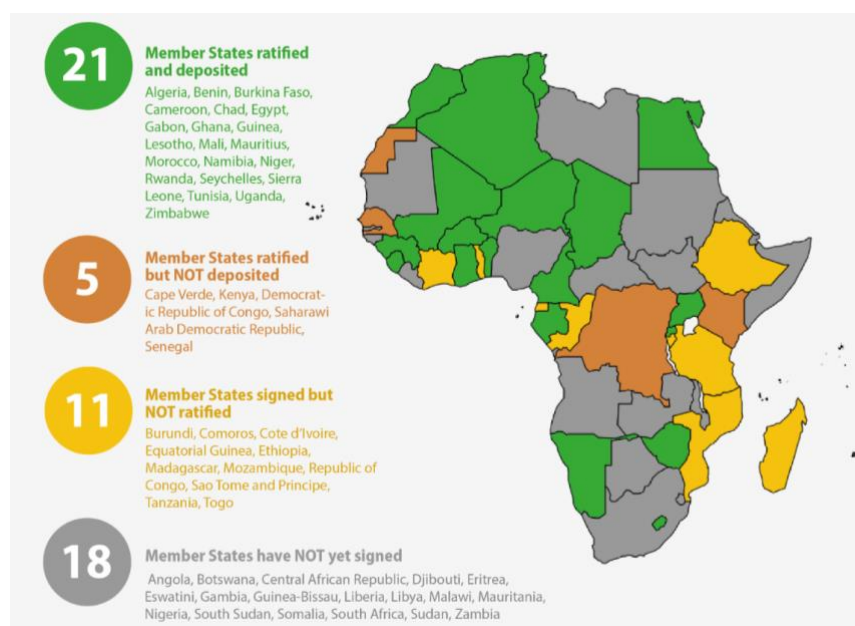


Figure 1: AMA Countdown by Health Policy Watch, as of 4 January 2024 ²⁰⁵

Arguably, a second factor determining hegemony in medicine regulation is the expertise and capacity of a country’s regulatory agency. Of the fifty-four regulatory agencies in Africa, only the authorities in Egypt, Ghana, Nigeria, South Africa, and Tanzania have been classified through WHO benchmarking as having significant regulatory capacity (maturity level 3 out of 4).²⁰⁶ The regional harmonization initiatives in the RECs and the AMA all build on these mature agencies to serve as experts and peer-teachers to less mature agencies. Typical pathways for this are work

²⁰⁰ Chinele, “East Africa Shows Solid Support for African Medicines Agency Treaty - Health Policy Watch.”

²⁰¹ Josephine Chinele, “Following Kenya, Malawi Appears Ready to Ratify the African Medicines Agency Treaty,” Health Policy Watch, May 1, 2023.

²⁰² Kerry Cullinan, “African Union Signs Agreement with Rwanda to Host the African Medicines Agency,” Health Policy Watch, June 13, 2023.

²⁰³ Paul Adepoju, “South Africa’s Cabinet Approves African Medicines Agency Treaty,” Health Policy Watch, October 11, 2022.

²⁰⁴ Byiers, Vanheukelom, Bilal, and Woolfrey, “The Political Economy of Regional Integration in Africa.”

²⁰⁵ Health Policy Watch, “African Medicines Agency Multimedia,” November 5, 2021.

²⁰⁶ WHO, “List of National Regulatory Authorities.”

sharing, assessing products collaboratively in multi-national teams, or practicing regulatory reliance – a process by which regulators do not have to assess each product themselves but invoke the assessment of other agencies.²⁰⁷

Although this conceptualization of hegemony does not align with Byiers et al.²⁰⁸ in the narrow sense, expanding the definition to include hegemony based on regulatory expertise adds more nuance to the analysis of the AMA's establishment. Among the five regulatory hegemonies, only Egypt and Ghana have ratified the AMA treaty so far; Tanzania only signed the treaty while Nigeria and South Africa have done neither.²⁰⁹ The resulting lack of participation by three of the five most mature agencies on the continent challenges the salience of the AMA as a relevant and functional agency. Thus, their regulatory expertise indeed puts these five countries in the position of regional (sector-specific) hegemony in the establishment of the AMA.

Donor Support

The AMA – and AMRH as its predecessor – strongly rely on external donor support. The Business Plan of the AMA foresees that AMA relies on diverse funding sources by combining a) direct contributions from member states as per the financial rules (yet to be developed by Governing Board and State Parties), b) direct contributions from partners, c) revenue generated through service fees (similar to the European Medicines Agency), d) and innovative financing mechanisms like Social Impact Bonds and an Endowment Fund.²¹⁰ While these provisions highlight the desire among African policymakers to reduce dependence on donor funding and ensure autonomy and sustainability, the specific targets for 2022 suggest that such independence will not be attained soon. Formulated in 2015, the business plan set out that member state contributions should cover 100% of the operating budget by 2022. Partner contributions should account for 75% of the program budget, with the innovative funding mechanisms covering the remaining 25%.²¹¹ These diversification efforts underscore the political attempt to avoid total donor dependency on the operational side and limit it for the entire program. Due to a lack of accessible data on the financial sources of the AMRH and AMA to date, however, these target values cannot be evaluated against de facto developments. Thus, an implementation gap – the key roadblock to regional integration according to Byiers et al.²¹² – might still occur.

Another mechanism adopted to streamline and control donor engagement in support of regulatory integration in Africa is the AMRH Partnership Platform. Initiated in 2018 by the AMRH Steering Committee, the platform aims to coordinate different stakeholders wishing to contribute to the AMRH and AMA. As of January 2024, more than 40 partners constitute the Partnership Platform, with the Bill & Melinda Gates Foundation and Swissmedic taking the lead. The remaining partners provide financial and/or technical support based on identified needs by various AMRH committees.²¹³

The rationale for the partnership platform is twofold. First, the platform is meant to facilitate the coordination of the partners to reduce duplicative efforts and improve the efficient

²⁰⁷ Adepoju, "South Africa's Cabinet Approves African Medicines Agency Treaty."

²⁰⁸ Byiers, Vanheukelom, Bilal, and Woolfrey, "The Political Economy of Regional Integration in Africa."

²⁰⁹ AUDA-NEPAD, "AMRH Home."

²¹⁰ African Union Development Agency-New Partnership for Africa's Development, "African Medicines Agency - Business Plan," February 10, 2016.

²¹¹ AUDA-NEPAD, "African Medicines Agency - Business Plan."

²¹² Byiers, Vanheukelom, Bilal, and Woolfrey, "The Political Economy of Regional Integration in Africa."

²¹³ African Union Development Agency-New Partnership for Africa's Development, "AMRH Annual Report: 2020," 2020.

use of resources.²¹⁴ Given the sheer number of stakeholders in the field and the scarcity of resources, this is crucial in streamlining the integration efforts. Second, and potentially more important, the Partnership Platform is an attempt by African policymakers to stay in the driver's seat of the AMA's establishment, despite the many – and partially competing – donor interests.²¹⁵ By actively managing the partners through the platform, the AMRH secretariat and national experts set the agenda, priorities, and objectives. As such, the AMRH Partnership Platform can be interpreted as a response to the donor-related challenges which Byiers et al.²¹⁶ outline, principally the fragmentation and management of aid, as well as external agenda distortions.

Conclusion

The establishment of the African Medicines Agency reflects the drivers and roadblocks of regional integration in Africa, especially in terms of the role of regional hegemon and external donor support. Building on Byiers et al., this paper found that firstly, regional hegemon – in economic and regulatory terms – indeed shape the integration process. While Kenya's ratification of the AMA treaty led Malawi to quickly follow suit, the delays from South Africa, Nigeria, Ethiopia, and Tanzania are associated with hesitation in other countries as well as confusion among manufacturers. Secondly, the AMA's business plan and the AMRH Partnership Platform represent attempts by African policy makers to manage donor support and thus limit negative repercussions, such as aid fragmentation and agenda distortions. However, due to the early stage of the AMA establishment and the sensitivity of the issue, no information seems to be publicly available to analyze the implementation and success of these measures. Applying the findings from Byiers et al. to the African Medicines Agency therefore yields substantial insights on the drivers and roadblocks to the agency's establishment.

Due to the limited scope of this paper, further analysis should be directed towards the remaining issues. Most importantly, analyzing the impacts of external funding has been restricted by the lack of data on the finances of AMRH and AMA. While this limits the relevance of section 5 (donor support), it also questions the transparency of the AMA. Close attention should be paid to the funding sources of the AMA in the future, as they reflect member state commitments and donor influences. Further, Byiers et al. point to the relevance of elites' interests for the positioning of their countries, which is particularly important in the case of regional hegemon. Future research should be dedicated to analyzing how different scenarios of local pharmaceutical manufacturing could impact the domestic elites and their support for the AMA. Another relevant aspect which went untouched is the role of individual personalities and leadership in shaping the course of the AMA. From her experience in working with the European and African Medicines Agencies, the author is aware that the establishment of the AMA thus far has been shaped by a few decisive individuals. Conducting research – perhaps through qualitative interviews and observations – on their roles would contribute greatly to understanding the AMA's establishment.

²¹⁴ African Union Development Agency-New Partnership for Africa's Development, "AMRH Partnership Platform," accessed January 4, 2024.

²¹⁵ African Union Development Agency-New Partnership for Africa's Development, "AMRH Partnership Platform - A Game Changer in the Medicines Regulatory Space," August 3, 2018.

²¹⁶ Byiers, Vanheukelom, Bilal, and Woolfrey, "The Political Economy of Regional Integration in Africa."

NATURE FINANCE: An Opportunity to Drive Economic Resilience and Climate Action

Simone Weichenrieder

Simone Weichenrieder is a SAIS Alumna from DC and Bologna with a background in international economics and development finance. She works at the nexus of climate and nature finance and is passionate about integrating investments in nature into economic perspectives and financial decision-making. With experience at the Asian Development Bank and as a Member of the IUCN World Commission for Protected Areas on Sustainable Finance, Simone is dedicated to advancing innovative financing for nature-based solutions.

In her address at Davos 2024, UNEP Executive Director Inger Anderson succinctly captured the essence of humanity's relationship with nature: "Nature does everything. From cities to products, we've built the world on Earth's finite resources." These words resonate in an era defined by escalating environmental crises and urgent calls for action. Against the backdrop of biodiversity loss and accelerating climate change, the imperative to rethink our approach to nature and finance has never been more pressing.

With its intricate web of ecosystems and biodiversity, nature not only sustains life on Earth but also underpins global economies and societies. However, the exploitation of nature's resources and the degradation of ecosystems have led to significant environmental degradation and mounting socio-economic risks. As we confront the intertwined challenges of nature loss and climate change, there is a growing recognition of the need for innovative financial approaches that prioritize nature conservation and restoration.

This paper explores the emerging field of nature finance, delving into its conceptual foundations, current trends, and potential for transformative action. By examining the intersection of finance, climate change, and biodiversity, this paper aims to shed light on the opportunities and barriers to mobilizing resources for nature conservation and restoration. This paper seeks to provide insights into how the power of finance to safeguard nature can be harnessed and how a more sustainable future can be built.

Understanding Nature Finance

This paper chooses nature finance as the term of use when answering how nature can be financed with results-based instruments. Nature finance refers to “public or private expenditure that contributes or intends to contribute to the conservation, sustainable use and restoration of nature.”²¹⁷ “Nature” is used with a diverse subset of characteristics and definitions. Terminologies involve the broad term of nature finance or investment in natural assets, biodiversity, ecosystem, or conservation finance, including or excluding a focus on ecosystem services and nature-based solutions. To understand the term for its use regarding results-based finance instruments, the following section conceptualizes “nature” concerning natural capital, natural assets, ecosystems, biodiversity, ecosystem services, and nature-based solutions.

²¹⁷ Edward Perry and Katia Karousakis, *A Comprehensive Overview of Global Biodiversity Finance*, Organisation for Economic Cooperation and Development (Paris: OECD, 2020).

Nature can be defined as the stock of natural capital and its flow of natural services towards its surroundings.²¹⁸ Natural capital is the stock of the earth's renewable and non-renewable resources, including trees, soils, air, water, and all living species.²¹⁹ This stock of resources is categorized into different groups of natural assets (atmospheric assets, freshwater, soil and geomorphology, flora and fauna, salt water, and ocean geomorphology).²²⁰ By the occurrence and interrelation between different natural assets, ecosystems are formed. The term biodiversity represents the natural asset group "flora and fauna".²²¹

From the stock of natural capital, a range of benefits create a flow of value for business and society, the ecosystem services. Ecosystem services are services provided by nature. Nature can, therefore, act as a regulator (e.g. air and water quality), a resource (e.g. food and raw materials), a support (e.g. soil formation and pollination) and a cultural space (e.g. recreation and spiritual meaning). In response to societal challenges, nature-based solutions (NbS) are developed to increase the stock of natural capital by creating or enhancing the condition of natural asset groups (e.g., ecosystems and biodiversity). In turn, the healthy state of the natural capital increases the flow of ecosystem services and the value that helps to meet societal challenges.²²² Nature Climate Solutions (NCS) describe nature-based solutions to climate change.

The Role of Nature Finance in Addressing Environmental Challenges

The imperative for investing in nature becomes increasingly evident as we face the consequences of inaction on climate change, biodiversity loss, and land degradation. Despite the urgent need for a 45% reduction in greenhouse gas emissions this decade, emissions soared to record highs in 2021, risking significantly warmer temperatures by 2070 and mass socio-economic disruptions.²²³ Accelerated biodiversity loss, with a staggering 69% decline in wildlife populations since 1970, threatens critical ecosystem services essential for food security and economic stability.²²⁴ Furthermore, unsustainable land-use practices have degraded up to 40% of the planet's surface, risking half of global GDP and impacting over a billion people, particularly marginalized communities.²²⁵

Choosing a path toward environmental preservation and sustainable economic growth is imperative. Global commitments to reverse biodiversity loss, combat land degradation, and reduce emissions are crucial for shaping a sustainable future. While initiatives like the Paris Agreement have stimulated investments in low-carbon and nature-based solutions, additional action is essential. Governments and businesses setting net-zero goals offer hope for limiting climate change to the 1.5 C threshold by the century's end.²²⁶

²¹⁸ Thomas Fatheuer, Lili Fuhr, and Barbara Unmüßig, "Inside the Green Economy – Promises and Pitfalls in 9 Theses," *Heinrich Böll Stiftung*, 2016.

²¹⁹ Scott Mesley, Carolin Leeshaa, and Georgie Aley, *Demystifying Natural Capital and Biodiversity* (Australia: KPMG, 2020).

²²⁰ Zoe Whitton, *Nature Finance Focus: Tracking Global Trends in Nature Investment* (Pollination Group, 2023).

²²¹ Andrew Deutz et al., *Financing Nature: Closing the Global Biodiversity Financing Gap* (Paulson Institute, The Nature Conservancy, and Cornell Atkins Center for Sustainability, 2020).

²²² *IUCN Global Standard for Nature-based Solutions. A User-Friendly Framework for the Verification, Design and Scaling Up of NbS* (Gland: IUCN, 2020).

²²³ World Meteorological Organization, "WMO Annual Report Highlights the Continuous Advance of Climate Change," April 21, 2023.

²²⁴ *WWF-UK Annual Report + Financial Statements 2021-22* (World Wide Fund for Nature, 2022).

²²⁵ "Chronic Land Degradation: UN Offers Stark Warnings and Practical Remedies in Global Land Outlook 2," UN Convention to Combat Desertification, April 26, 2022.

²²⁶ *State of Finance for Nature: The Big Nature Turnaround – Repurposing \$7 Trillion to Combat Nature Loss* (Nairobi: UN Environment Programme, 2023).

Investing in nature offers multifaceted benefits. Increased conservation efforts could reduce species extinction rates from 37% to 25% by 2100, while biodiversity conservation could yield up to US\$454 billion annually from protected areas and related activities.²²⁷ Sustainable land management, with potential economic benefits of up to US\$75.6 trillion annually, can significantly improve food production and enhance ecosystem resilience. Restoring natural ecosystems by providing essential resources like clean water, biomass fuel, and forest products offers economic opportunities and promotes biodiversity and carbon storage, supporting sustainable livelihoods.²²⁸

Increasing investment in nature can play a significant role in achieving biodiversity and climate targets. Land use and biodiversity modeling suggest that successfully implementing the Rio Conventions could restore global biodiversity levels to the 1970s.²²⁹ The Biodiversity Intactness Index (BII) illustrates the historical and projected trends in biodiversity intactness.²³⁰ In a scenario aligned with the Rio Conventions, net deforestation would cease, and reforestation efforts would expand significantly by 2030, resulting in the removal of 7.7 GtCO₂e per year in greenhouse gas emissions.²³¹ Additionally, increasing evidence shows that nature-based solutions can significantly impact climate mitigation.²³²

Current Trends and Barriers

The global nature funding gap, estimated at \$542 billion annually, is a substantial obstacle to addressing nature and biodiversity loss. Current investments in nature lie at \$200 billion per year and need to triple by 2030 and quadruple by 2050 to reach climate, biodiversity, and land degradation targets. Overall, public finance is the primary source of finance flows towards nature at 82%, with 71% of this directed to biodiversity and landscape protection, sustainable agriculture, forestry, and fishing. Private finance accounts for only 18% of total finance flowing to nature, with more than half being channeled through biodiversity credits and offsets, and sustainable supply chains.²³³

The primary obstacle to financing the increased uptake of nature lies in the fact that most of nature's benefits currently lack financial market value despite their critical role in supporting our collective well-being and prosperity.²³⁴ Within the policy discourse surrounding nature, there is a notable absence of consideration for the inherent challenge posed by its classification as a "public good."²³⁵ This classification inherently reduces the incentive for private-sector investment. This discrepancy not only explains the current status quo but also offers guidance for expanding the utilization of nature. However, to encourage greater private sector involvement, it is imperative to establish conditions conducive to investment. This would enable a broader range of funding and financing mechanisms.²³⁶ Given the right circumstances, nature presents an

²²⁷ Forest Isbell et al., "Expert Perspectives on Global Biodiversity Loss and Its Drivers and Impacts on People," *Frontier in Ecology and the Environment* 21, no. 2 (2022): 94-103; Anthony Waldron et al., *Protecting 30% of the Planet for Nature: Costs, Benefits and Economic Implications* (Conservation Research Institute, 2020).

²²⁸ *Reaping Economic and Environmental Benefits from Sustainable Land Management* (Bonn: Economic Land Degradation Initiative, 2015).

²²⁹ *State of Finance for Nature* (Nairobi: UN Environment Programme, 2023).

²³⁰ *IPR Forecast Policy Scenario and Nature* (London: Inevitable Policy Response, 2023).

²³¹ Shiyu Deng et al., "Can Nature Help Limit Warming Below 1.5°C?" *Global Change Biology* 29, no. 2 (2022): 289-291.

²³² *Emissions Gap Report 2023: Broken Record – Temperatures hit new highs, yet world fails to cut emissions (again)* (Nairobi: UN Environment Programme, 2023).

²³³ *Emissions Gap Report 2023*.

²³⁴ *Emissions Gap Report 2023*.

²³⁵ *Emissions Gap Report 2023*.

²³⁶ *Making Nature Markets Work: Shaping a Global Nature Economy in the 21st Century* (Geneva: NatureFinance, 2023).

opportunity for global public and private sector investment, offering revenue sources that can enhance resilience and reduce costs.²³⁷

Opportunities for Investing in Nature

Enabling a Nature-Positive Policy Environment and Frameworks

Governments also play a crucial role in encouraging and mandating businesses and financial institutions to assess, report, and disclose their nature-related risks, impacts, dependencies, and opportunities. While businesses and financial institutions are increasingly reporting on these factors voluntarily, they are unlikely to be adequate without regulatory intervention. Some countries have started enshrining biodiversity, restoration, and climate targets into law, integrating them into National Biodiversity Strategies and Action Plans (NBSAPs) and Nationally Determined Contributions (NDCs).²³⁸ For instance, the European Commission's Nature Restoration Law mandates assessing restoration finance needs and gaps and devising solutions to bridge these within a specified timeframe.²³⁹

Regulatory frameworks and incentive mechanisms are essential for governments to influence private sector behavior positively. Measures such as requiring due diligence, providing tax incentives for sustainable practices, and promoting adherence to mitigation hierarchies and biodiversity offsetting can help shift unsustainable supply chains towards more nature-positive alternatives.²⁴⁰ These frameworks serve as vital tools amidst mounting pressure for reform driven by global initiatives such as COPs and impending regulatory actions. For instance, the recently launched Taskforce on Nature-related Financial Disclosures (TNFD) provides practitioners with comprehensive guidance on assessing risks, dependencies, impacts, and opportunities.²⁴¹ However, the effectiveness of these frameworks relies on ensuring that disclosing entities receive tangible benefits over non-disclosers, such as reduced capital costs and enhanced compliance.

Moreover, the convergence of global standards, exemplified by the Sustainability Standards (S1 and S2) developed by the International Sustainability Standards Board (ISSB), indicates a promising step towards aligning reporting frameworks. As initiatives like the Task Force on Climate-related Financial Disclosures (TCFD) are absorbed into the ISSB framework in 2024, integrating nature-related standards seems inevitable.²⁴² This alignment can foster a level playing field for businesses on environmental, social, and governance (ESG) metrics, encouraging private sector action to meet biodiversity and climate targets.

Additionally, commitments to reduce biodiversity and climate impacts are crucial for finance and business sectors. Tools like the Science-based Targets Network (SBTN) and frameworks like Business for Nature's Assess, Commit, Transform, and Disclose (ACT-D) provide valuable support for companies in assessing, committing to, and disclosing their impacts on nature.²⁴³ Similarly, guidance documents like the Principles for Responsible Banking Nature

²³⁷ *Investing in Nature-based Solutions: State-of-play and way forward for public and private financial measures in Europe* (Frankfurt: European Investment Bank, 2023).

²³⁸ Haseeb Bakhtary, Franziska Haupt, and Jana Elbrecht, *NDCs – A force for nature? Nature in enhanced NDCs* (London: WWF-UK, 2021).

²³⁹ "Nature Restoration Law one step closer to becoming reality but with loopholes," WWF, November 9, 2023.

²⁴⁰ *Innovative Finance for Nature and People: Opportunities and Challenges for Biodiversity-Positive Carbon Credits and Nature Certificates* (Global Environment Facility, 2023).

²⁴¹ *Getting started with adoption of the TNFD recommendations* (Taskforce on Nature-related Financial Disclosures, 2023).

²⁴² "ISSB congratulates Task Force on Nature-related Financial Disclosures on finalised recommendations," The International Sustainability Standards Board, September 19, 2023.

²⁴³ *Emissions Gap Report 2023*.

Target-Setting Guidance by the UNEP Finance Initiative offer practical frameworks for banks to address nature loss and align with global biodiversity goals.²⁴⁴

Decreasing Detrimental Financial Flows on Nature

To ensure sustainability funding, there is a critical need to realign public subsidies away from climate- and nature-negative incentives and towards nature-based solutions and positive climate and nature initiatives. Despite international agreements to reform subsidy regimes, progress has been hampered by political and social barriers.²⁴⁵ Successful reforms should prioritize protecting vulnerable groups, ensuring public acceptance, allowing time for adjustment, and transparently allocating repurposed revenue.

Prioritizing and redirecting public subsidies away from activities that negatively impact the climate and instead allocating them towards nature-based solutions (NbS) and climate-positive initiatives is a crucial step for governments.²⁴⁶ Internationally agreed targets, such as target 18 in the Global Biodiversity Framework (GBF), aim to reform harmful subsidy regimes by eliminating, phasing out, or reforming incentives detrimental to biodiversity, amounting to at least US\$500 billion annually.²⁴⁷

Increasing Domestic Expenditure and Facilitating Private Sector Involvement

Moreover, increasing domestic expenditure on nature initiatives, particularly those providing public goods, is essential. Governments contribute 82% of nature finance, primarily through direct spending.²⁴⁸ Government policies are instrumental in creating an environment that enables private-sector investment in nature. Governments can direct private finance towards nature and climate-positive investments through regulation and incentives. Incentives such as subsidies for regenerative agriculture can spur private investment, while regulations mandating biodiversity offsetting drive private sector engagement in conservation efforts.

For example, the EU and the UK enforce sustainable supply chains through due diligence laws, targeting illegal conversion and deforestation in global supply chains. Companies are prohibited from using commodities like soy, palm oil, and cocoa if they originate from illegally converted or occupied forests. The Brazilian Forestry Code also mandates agroforestry practices, requiring farmland to maintain a minimum of 20 to 80 percent natural vegetation.²⁴⁹

Moreover, blended finance instruments, including concessional loans and grants, can reduce risks for private entities, facilitating their involvement in nature-related projects. Some governments support the development of high-integrity nature markets and implement mandatory compliance measures for the private sector.²⁵⁰ Successful subsidy reform efforts should prioritize measures that protect vulnerable populations, address gender inequalities, garner public acceptance, provide sufficient time for adjustment, and ensure transparency in the allocation of repurposed funds.²⁵¹

²⁴⁴ UNEP Global Biodiversity Framework, *PRB Nature Target Setting* (UN Environment Programme Finance Initiative, 2023).

²⁴⁵ David Meyers et al., *Conservation Finance: A Framework*, Conservation Finance Alliance (2020).

²⁴⁶ Meyers et al., *Conservation Finance*.

²⁴⁷ *Emissions Gap Report 2023*.

²⁴⁸ *Emissions Gap Report 2023*.

²⁴⁹ *Emissions Gap Report 2023*.

²⁵⁰ Meyers et al., *Conservation Finance*.

²⁵¹ *Emissions Gap Report 2023*.

Conclusion

The intersection of finance, climate change, and biodiversity presents challenges and opportunities for global sustainability. The intricate web of nature underpins our world, providing essential services and resources while serving as a critical ally in the fight against climate change.

The urgency of addressing nature loss and climate change cannot be overstated, particularly given their far-reaching implications for ecosystems, economies, and societies worldwide. With over half of the world's GDP heavily reliant on nature, investing in its protection and restoration is an environmental and economic necessity. Understanding the concept of nature finance is crucial in navigating this complex landscape. By conceptualizing nature as natural capital, ecosystems, biodiversity, and ecosystem services, we can develop targeted strategies for financing nature conservation and restoration. Public and private sector collaboration is essential, with governments playing a central role in enabling policy frameworks and incentivizing private sector engagement.

Despite the challenges, there are promising opportunities for investing in nature, from sustainable land management practices to developing nature-based markets and blended finance instruments. By aligning financial flows with nature conservation and climate resilience goals, we can unlock the full potential of nature as a solution to global environmental challenges. Investing in nature is not just about protecting ecosystems but safeguarding our future prosperity and well-being. A more resilient and sustainable world for future generations can be built by mobilizing resources and scaling up investments in nature.

The Rationale for an Independent UN Military Culture

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Since the UN's founding, over 1 million peacekeepers have been deployed in more than seventy operations, eleven of which are ongoing. While these forces operate under the UN banner, they do not constitute a United Nations military. Peacekeepers and police units are seconded to missions ad hoc by UN member states and remain employed by their respective national governments for the duration of their deployment. Over the years, as peace operations have become more frequent and complex, the UN has attempted to standardize operational procedures and rules of engagement, clarify the chain of command, and assert its operational authority. However, much remains in the hands of the member states, from training, pay scales, uniforms, rotation timelines, and a degree of sovereignty over aspects like force structure, promotion, and discipline. Additionally, many peacekeeper contributing countries impose limitations—known as national caveats—on how their troops are used by UN commanders.²⁵²

The fact that many elements remain under national control, especially training, means that units come to UN missions with their own military cultures in tow. The values, beliefs, and perceptions to which they have already been socialized, as well as the domestic political structures in which their respective military cultures are embedded, play a critical role in how they interpret and act on the broadly defined UN peacekeeping mandates.²⁵³ Diversity can be beneficial, but because integration is low and mandates leave room for interpretation, UN peace operations often suffer from a range of internal issues. These include communication and coordination problems, low levels of cohesion, inconsistencies in the perceived purpose of the mission, divergent adherence to orders or respect for the institutional chain of command, and variations in use of force. These issues compound the external challenges present in the field and hinder mission implementation.

Drawing on literature at the nexus of international relations, psychology, peace studies, and military sociology, this paper demonstrates how the UN's cohesion and inconsistency issues stem from differences in deeply ingrained domestic military cultures, which inform decision-making from the highest levels to individual soldiers. This paper argues that for peace operations to reach their full potential, the UN must have its *own* military culture. Policy options for fostering an independent UN military culture are then considered, up to and including the creation of a UN standing army with troops recruited, commanded, and trained by the UN and loyal to the institution itself.

²⁵² "UN Peacekeeping is Hamstrung by National Rules for Its Troops," *The Economist*, March 21, 2021.

²⁵³ Chiara Ruffa, *Military Cultures in Peace and Stability Operations: Afghanistan and Lebanon* (Philadelphia: University of Pennsylvania Press, 2018): 4.

UN Peacekeeping: Structure, Tasks, & Use of Force

Each UN peace operation is authorized by a UN Security Council (UNSC) resolution, which sets the mission mandate, size, and tasks to perform. The budget and resources are approved by the UN General Assembly and member states voluntarily contribute military and police personnel.²⁵⁴ UNSC resolutions are drafted via an intensely political process, shaped by inherent member state eagerness to cooperate but reluctance to overcommit. Politicians from contributing states have an incentive to downplay the risks and full scale of operational needs to their home constituencies, often leading to suboptimal mandates, insufficient resource allocations, or both—a phenomenon known as “organizational hypocrisy.”²⁵⁵

Military forces seconded to the UN are deployed with the consent of the main parties to the conflict and are expected to remain impartial and avoid use of force, except in self-defense or defense of the mandate.²⁵⁶ UN peacekeepers are under the operational authority of the UNSC. However, other actors, like the UN Secretary-General, the Special Representative of the Secretary-General (SRSG), the force commander, UN Secretariat officials, and national contingents headed by contingent commanders play important roles in managing the operation and interpreting UN guidelines on the use of force. This is important because mandates, especially pertaining to use of force, are often vague. For example, mandates for UNPROFOR in Bosnia and UNOSOM II in Somalia called for “all measures necessary” and “all necessary means,” respectively.²⁵⁷ In both missions, SRSGs, force commanders, and often, individual units decided how, when, and how much force was ‘necessary’ to respond to a given situation. Section V will further analyze how these dynamics played out in Somalia.

While the primary tasks of UN peacekeepers are monitoring, supervising, and verifying compliance with ceasefires and withdrawals, today’s forces are charged with an array of activities that extend far beyond keeping the peace. These activities include supporting economic development and institutional transformation, facilitating political processes, protecting civilians, overseeing disarmament, demobilization, and reintegration (DDR) programs, and assisting in humanitarian aid provision. As peace operations have become more complex, organizational hypocrisy has become more problematic. By effectively ensuring missions are understaffed, underfunded, and undersupplied from the start, operations are increasingly prone to variable interpretation, incoherence, and operational micromanagement by troop-contributing states.

In Theory and Practice

To understand why domestic military culture guides field behavior, it is important to understand fundamentals of psychology. Our choices and actions are heavily influenced by context and framing, which is underpinned by cultural values and self-perception. This is especially true in crisis scenarios where tensions or threat-perceptions are high and there is pressure to make decisions quickly. Rational calculations frequently give way to reactionary or emotionally charged responses, calibrated based on learned norms, identities, and the desire to

²⁵⁴ “Technical Updates to the COE Manual,” UN Department of Operational Support (2023): 3.

²⁵⁵ Wolfgang Seibel et al., “Coordination, Learning, and Leadership: Challenges of Peace Operations,” in *The Management of UN Peacekeeping: Coordination, Learning, and Leadership in Peace Operations* (London: Lynne Rienner Publishers, 2017): 11-35.

²⁵⁶ In rare cases where chronic volatility hampers peace efforts, the UNSC has authorized offensive use of force by peacekeeping units. For example, in 2013 the UNSC authorized the deployment of the UN Force Intervention Brigade, a specialized formation of MONUSCO, to conduct targeted offensive operations, with or without the Congolese national army, against armed groups jeopardizing peace efforts in the eastern DRC.

²⁵⁷ Trevor Findlay, *The Use of Force in UN Peace Operations* (Stockholm: SIPRI, 2002): 7-8.

maximize or minimize emotions.²⁵⁸ The result is path dependency, the tendency to continue down a path one is already on, using methods and mental shortcuts one already knows.²⁵⁹

For UN peace operations, path dependency and dogmatism, the tendency to fit new information into existing opinions, are obstacles to cohesion and standardization. As Mai, Klimecki, and Döring point out, UN personnel surveyed in Liberia not only tried to apply old solutions to new problems but were resistant to learning new knowledge and adapting behavior accordingly.²⁶⁰ This suggests that creating an independent UN military culture necessitates intensive and integrated training.

Unlike civilian peacekeepers, who receive integrated pre-deployment training, troop-contributing states are expected to provide certification that their forces have sufficiently completed UN standardized training prior to deployment, including operation basic skills, conduct and discipline, and human rights screening. Yet, integrated training almost always occurs in-mission.²⁶¹ UN guidance specifies that training should ensure that personnel are interoperable with other UN forces and entities once deployed, such as language skills and familiarization with the use of interpreters. However, such training is not conducted alongside foreign units and focus remains on combat tasks and 'hard skills.'²⁶² In the absence of collective pre-deployment training exercises and time dedicated to cross-cultural bonding or competency-building activities, national military cultures and doctrines prevail in the field. Thus, it is difficult to generate a single, strong organizational identity.²⁶³

Scholars in this field generally recognize culture as an important part of cohesion and an essential element of functional militaries. Siebold argues that highly functional militaries maximize cohesion along two lines. First is primary group bonding, which includes horizontal (peer-to-peer) bonding based on the cultivation of social comradeship and shared commitment to a common goal, and vertical (leader-follower) bonding based on demonstrated competence, reliability, and loyalty. Second is secondary group bonding, which refers to the trust personnel have in their organization or institution.²⁶⁴ Cohesion is higher when patriotism is strong, leadership is perceived as competent, and soldiers trust one another. Unlike Siebold, King argues that culture and cohesion do not emerge as byproducts of bonding, but are actively cultivated through formal training rituals, rites of passage, collective movements, symbols, practices (like assigning nicknames), and simple orders that leave no room for interpretation.²⁶⁵ A shared military culture and identity builds cohesion and encourages obedience, which in turn, may enhance performance by promoting cooperative and coordinated behavior.

²⁵⁸ Robin Markwica, "Introduction," in *Emotional Choices: How the Logic of Affect shapes Coercive Diplomacy* (Oxford: Oxford University Press, 2018): 1-35.

²⁵⁹ Ted Hopf, "The Logic of Habit in International Relations," *European Journal of International Relations* 16, no. 4 (2010): 539-561.

²⁶⁰ Melanie Mai, Rüdiger Klimecki, and Sebastian Döring, "Learning and Identity in the Field," in *The Management of UN Peacekeeping: Coordination, Learning & Leadership in Peace Operations* (London: Lynne Rienner Publishers, 2017): 204.

²⁶¹ "Training," Conduct in UN Field Missions, United Nations.

²⁶² "United Nations Infantry Battalion Manual (UNIBAM), second edition" UN Department of Peace Operations, January 2020, 78-81.

²⁶³ Mai et al., "Learning and Identity in the Field," 204.

²⁶⁴ Guy L. Siebold, "The Essence of Military Group Cohesion," *Armed Forces & Society* 33, no. 2 (2007): 286-295.

²⁶⁵ Anthony King, "The Word of Command: Communication and Cohesion in the Military," *Armed Forces & Society* 32, no. 4 (2006): 493-512.

Empirical Example: UNOSOM II

According to Bell, soldiers and commanders face “the combatant’s trilemma,” whereby they must balance civilian protection against other imperatives like force protection and obtaining and maintaining a military advantage.²⁶⁶ The combatant’s trilemma should be less relevant in peacekeeping missions, since impartiality is paramount and there is no military advantage to gain. However, in Somalia, peacekeepers found themselves caught in the crossfire and forced to choose which side of the triangle to prioritize. The choice units made reflected the highly fragmented military cultures of the participating nations.

From the beginning, UNOSOM II, which took over from the US-led, UN-sanctioned Unified Task Force (UNITAF) in March 1993, was plagued by a hostile operating environment and an overly ambitious mandate. Somalia’s clan warfare and high levels of gun ownership made it dangerous for peacekeepers, whose presence was not universally accepted as legitimate. The security situation exacerbated organizational dysfunction and exposed major weaknesses in UN command and control. The major issue was the wildly inconsistent Rules of Engagement (ROE) adopted by the various contingents.

On one end of the spectrum were the Canadians, whose preoccupation with force protection motivated them to adopt aggressive ROE. The US contingent, guided by the doctrinal preferences of then-Chairman of the Joint Chiefs of Staff General Colin Powell, insisted on a clear, finite mission, the use of overwhelming, efficient force, and ROE with room to maneuver.²⁶⁷ Unlike other national contingents, US support forces remained separate from the UN command and control structure. Per Findlay, this was a big mistake: “By keeping the QRF and Rangers under its own command, the USA was able to unilaterally militarize the operation and propel the UN towards [its main political goal].”²⁶⁸

On the other end of the spectrum was the Italian contingent, the former colonial power in Somalia whose military culture is based on being ‘good humanitarian soldiers.’²⁶⁹ At odds with US and Canadian methods, Italian commander General Loi pushed for a softer, negotiated approach and insisted on clearing instructions with Rome. The French contingent and others followed Italy’s lead, defecting from the UN chain of command and rendering UN operational control all but meaningless. Secretary-General Boutros-Ghali accused the Italians of pursuing ‘their own agenda at the expense of the UN effort.’²⁷⁰

Like the Italians, the Indian, Pakistani, and Saudi contingents favored a gentler approach and ran UN commands up the domestic flagpole before acting. While their timidity had more to do with technical deficiencies and battlefield inexperience than self-perceptions as good Samaritans, these contingents (especially the Pakistanis) were hamstrung by excessively restrictive ROE.²⁷¹ Unable to justifiably deploy force, and unwilling to work together (Indian and Pakistani troops refused to serve under each other’s control), they were a drag on mission resources, and often had to rely on stronger partners for support or coverage.

²⁶⁶ Andrew Bell, “Combatant Socialization and Norms of Restraint: Examining Officer Training at US Military Academy and ROTC,” *Journal of Peace Research* 59, no. 2 (2022): 180-196.

²⁶⁷ Colin Powell, *My American Journey* (New York: Ballantine Books, 1995).

²⁶⁸ Findlay, *The Use of Force in UN Peace Operations*, 213.

²⁶⁹ Ruffa, *Military Cultures in Peace and Stability Operations*, 9.

²⁷⁰ Findlay, *The Use of Force in UN Peace Operations*, 214.

²⁷¹ Findlay, *The Use of Force in UN Peace Operations*, 213.

Policy Recommendations to Foster a UN Military Culture

1. Boost standardization, while accounting for differences in military culture

The UN should work toward greater cohesion by building on ongoing comprehensive standardization efforts, such as the 2017 Santos Cruz report on improving the security of UN peacekeepers.²⁷² Such efforts could include a more robust training program with a focus on combating implicit bias and conducting a study on the various value systems and perceptions underpinning the military cultures of its peacekeeping leadership and major troop-contributing nations. While funding for UN peacekeeping comes mostly from wealthier members (US, China, Japan, and EU states), uniformed troops are overwhelmingly contributed by developing states (Bangladesh, Rwanda, Ethiopia, Nepal, and India). Therefore, field decision-making in peace operations is more likely to reflect the military culture, doctrine, and political considerations of Bangladesh or Rwanda than of Germany or Japan. A thorough understanding of these cultures may help predict peacekeeping behavior and ensure the force composition is best suited to the mandate of the mission.

2. Institutionalization of the SRSG and force commander roles

For each mission, the Secretary-General appoints a head of mission, SRSG, to lead the civilian component and a force commander to lead the military component. The SRSG may come from within the UN system or from a member state. The force commander is chosen from the military hierarchy of a member state, typically one contributing troops to the operation.²⁷³ The SRSG and force commander have a high degree of operational autonomy. For these reasons, the SRSG and force commander roles should be institutionalized. SRSGs should come from within the UN system or have spent their careers in multilateral organizations. Force commanders should be thoroughly vetted and, ideally, would have spent their careers in peacekeeping or in coalition settings.

3. Establishment of a Rapid Reaction Force (RRF)

The UN has considered creating a “rapid reaction force” since its failure to prevent genocide in Rwanda in the mid-1990s. As envisioned by Secretary-General Boutros-Ghali, an RRF would have many of the same characteristics as an autonomous UN force—training (including joint exercises), equipment, and procedures.²⁷⁴ However, personnel would be stationed in their home countries and national governments would retain sovereignty over their troops. Troops participating in an RRF would be regularly exposed to the standards and symbols of the UN and an RRF would require robust institutional management to ensure uniform compliance. As such, an RRF would inevitably generate elements of military culture, with a degree of loyalty to the UN itself. However, national considerations remain present as troops selected for an RRF would likely be experienced and already socialized by their domestic militaries. Additionally, while joint operations and common standards are helpful, they are no substitute for a fully integrated force.

²⁷² Alexandra Novosseloff, “Improving the Military Effectiveness and Proficiency of Peacekeeping Operations: A New Goal for A4P?” International Forum for the Challenges of Peace Operations, February 2019.

²⁷³ Findlay, *The Use of Force in UN Peace Operations*, 7-8.

²⁷⁴ Nina M. Serafino, *A U.N. Rapid Reaction Force? A Discussion of the Issues and Considerations for U.S. Policymakers* (Washington, DC: Congressional Research Service, Library of Congress, 1995).

4. Creation of a permanent, autonomous UN force

To achieve a UN military culture and avoid fragmentation along national lines, the UN would need a permanent and autonomous force. A UN standing army would require a paradigm shift: patriotism toward the nation would be replaced by loyalty to the UN as an institution and the principles on which it stands. The UN would need training facilities, independent of national armed forces, that are coordinated by UN personnel and paid for with institutional resources. The UN would then need to replicate states behavior to generate military cohesion and culture, as described by King and Siebold.

Conclusion

Existing arguments for the creation of an autonomous UN force often focus on the material and measurable benefits. By bypassing the cumbersome political process for authorizing and mustering troops for peace operations, an autonomous force could get involved earlier, curb spillover conflict, prevent excess bloodshed, and, ultimately, improve global security. As this paper has demonstrated, an autonomous force would also develop a shared culture over time, mitigating the inconsistencies and incoherence that have categorized many peacekeeping missions of the past. However, this UN autonomous force has failed to materialize due to outstanding questions about responsibility for funding, staffing, direction, and accountability, as well as concerns of transforming the UN from a forum of states to a state-like actor itself.

OPPORTUNITIES FOR ECONOMIC POLICY: Aging within Global Labor Markets

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Global labor markets must contend with numerous challenges today such as nascent skill deficits, extreme fluctuations in the business cycle, and automation by intelligent technologies. Yet, these issues are all eclipsed in magnitude and precedence by an aging workforce, generally defined as an increase in the share of working, retirement-eligible employees.²⁷⁵ An aging workforce is indicative of a healthy society sustained by increased life expectancy, but it also carries significant risks without adequate preparation for the resulting shift in labor demographics, or investment to accommodate this growing segment of the economy. These risks include reduced labor force participation, decreased productivity, excess capacity, increased fiscal imbalances, as well as lower economic growth.²⁷⁶

Despite these risks, an aging workforce also provides new opportunities for global labor markets when supported by prudent economic policy. Employment enables elderly workers to maintain financial security, with positive outcomes for physical, cognitive, and emotional health. An aging workforce also preserves critical human capital for firms, allowing them to remain productive, while exploring new avenues for innovation.²⁷⁷ Finally, an aging workforce drives economic growth by underpinning the “silver economy”, an ecosystem of goods and services designed to satisfy the preferences of elderly individuals.²⁷⁸ These opportunities can be realized when economic policy encourages global labor markets to commence preparations for the demographic and economic shifts from an aging workforce.

This essay will examine aging within global labor markets from the perspective of policymakers seeking to minimize its risks and maximize its opportunities. We will first explore the drivers behind an aging labor market as well as the risks of inaction. Next, we offer policy recommendations which enable global labor markets to capitalize on the opportunities from this phenomenon. This essay will assist developed and developing economies alike by addressing a preeminent issue within global labor markets today.

²⁷⁵ Bruno de Sousa Lopes, "The Journey Between the Final Stage of Career and the Adaptation to Retirement," in *Examining the Aging Workforce and Its Impact on Economic and Social Development* (Hershey: IGI Global, 2023), 129-160.

²⁷⁶ Ronald J. Burke, Cary L. Cooper, and John Field, "The Aging Workforce: Individual, Organizational and Societal Opportunities and Challenges," *The SAGE Handbook of Aging, Work and Society* (2013): 1-20.

²⁷⁷ Susan M. Collins and Robert P. Casey, "America's Aging Workforce: Opportunities and Challenges," report from the Special Committee on Aging United States Senate (2017).

²⁷⁸ N. Renuga Nagarajan and Andrew Sixsmith, "Policy Initiatives to Address the Challenges of an Older Population in the Workforce," *Ageing International* 48, no. 1 (2023): 41-77.

An Aging Workforce

An aging global workforce is the direct consequence of an aging population. By 2050, the number of people aged 50 and older is expected to expand nearly 70 percent from 1.9 billion to 3.2 billion.²⁷⁹ This expansion will reach its zenith in the next decade, with 2.3 billion people reaching at least 50 years of age by 2030.²⁸⁰ Between 2020 to 2050, the share of people aged 50 and older is projected to rise from 24 percent to 33 percent, more than double the growth rate of this population from 1970 to 2020.²⁸¹ These datapoints reflect two seismic, concurrent, demographic trends: 1) an increase in life expectancy, which is expected to average 80 years of age by 2050,²⁸² as well as 2) a decrease in fertility, which has fallen by more than 50 percent since the 1970s²⁸³ as shown in Figure 1 below.

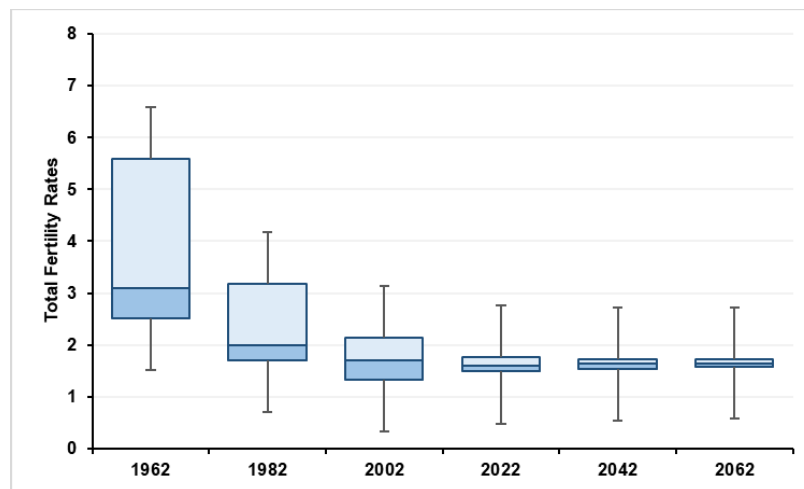


Figure 2: Historical and Projected Median Global Fertility Rates (source: OECD, author's calculations)

With fewer young entrants to the labor force, employers have become increasingly dependent on the institutional knowledge and experience of older workers to maintain productivity. Older workers have increased capacity to oblige given innovations in healthcare which have bolstered their life expectancy, as well as the changing nature of work which has shifted in favor of less strenuous physical activity and more flexibility.²⁸⁴ Conversely, some older workers have been forced to stay in the workforce given deterioration in their financial security driven by the Great Recession and COVID-19 pandemic, as well as an evolution in retirement policies which reward additional time in the labor force and do not focus on defined benefits, such as 401(k) plans.²⁸⁵ These factors have enabled the acceleration of an aging labor force. As per Figure 2 below, the number of older workers per every 100 employees is expected to double over the next 60 years.

²⁷⁹ AARP, Global Longevity Economy Outlook, 2023.

²⁸⁰ AARP, Global Longevity Economy Outlook, 2023.

²⁸¹ AARP, Global Longevity Economy Outlook, 2023.

²⁸² L. P. Fried, JE-L. Wong, and V. Dzau, "A Global Roadmap to Seize the Opportunities of Healthy Longevity," *Nature Aging* 2, no. 12 (2022): 1080-1083.

²⁸³ Brink Lindsey, "The Global Fertility Collapse," Niskanen Center, last modified February 27, 2023.

²⁸⁴ National Academies of Sciences, Engineering, and Medicine, *Understanding the Aging Workforce: Defining a Research Agenda* (Washington, DC: The National Academies Press, 2022).

²⁸⁵ National Academies of Sciences, Engineering, and Medicine, *Future Directions for the Demography of Aging: Proceedings of a Workshop* (Washington, DC: National Academies Press, 2018).

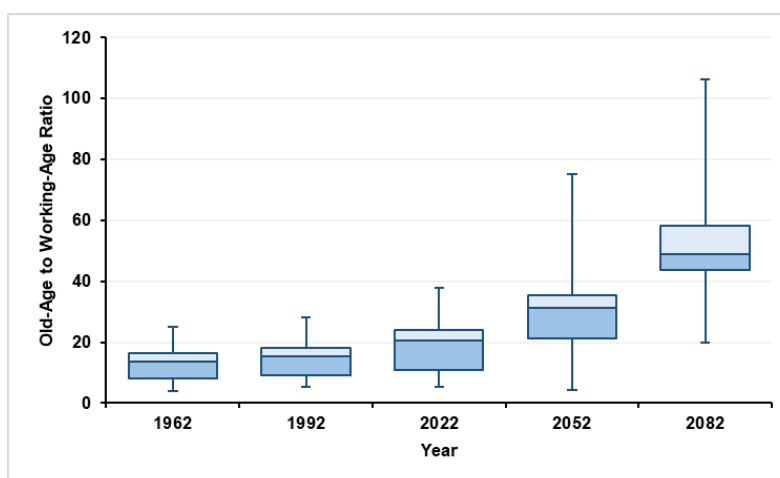


Figure 3: Historical and Projected Median Global Old-Age to Working-Age Ratio (source: OECD, author's calculations)

Risks from an Aging Workforce

Risks from an aging workforce arise from neglect and obstinacy toward the challenges associated with this phenomenon. Inadequate accommodation may push older workers out of the formal labor force, eroding productivity while raising excess capacity as firms produce less output than their potential. Lower labor force participation can also aggravate fiscal imbalances as national authorities cannot raise enough capital to care for their inactive population, which can also reduce economic growth.²⁸⁶ A recent study by the American Staffing Association identified several likely key push factors that discouraged participation for older generations in the US labor market. When asked, older adults were more likely to agree that they are hesitant to search for a new position due to their age, that their age puts them at a disadvantage when searching for a new position, and that their age limits their career opportunities.²⁸⁷ As the proportion of older to prime age workers grows the world over, these the sentiments of older generations regarding ageism should be taken all the more seriously to ensure they are not neglected by society and that they become active participants in the labor market.

These risks can be mitigated through action on the emergent challenges to older workers. One prominent challenge is age discrimination, generally defined as the differential treatment of older workers through hiring, firing, promotion, and layoff decisions, in addition to inferior assignments, benefits, and training opportunities. As per Figure 3 below, age discrimination increases in prevalence as life expectancy increases.²⁸⁸ This issue is particularly salient within many upper-middle income and lower-middle income countries with weak discrimination laws.²⁸⁹ Academic research has consistently determined age discrimination undermines the

²⁸⁶ Lilah Rinsky-Halivni et al., "Aging Workforce with Reduced Work Capacity: From Organizational Challenges to Successful Accommodations Sustaining Productivity and Well-Being," *Social Science & Medicine* 312 (2022): 115369.

²⁸⁷ *ASA Workforce Monitor*, American Staffing Association, 2023.

²⁸⁸ Alana Officer et al., "Ageism, Healthy Life Expectancy and Population Ageing: How are They Related?" *International Journal of Environmental Research and Public Health* 17, no. 9 (2020): 3159.

²⁸⁹ Gerald L. Neuman and Abadir M. Ibrahim, "When is Age Discrimination a Human Rights Violation?" *Harvard Human Rights Journal* 36 (2023).

ability of older workers to transition between jobs or even reenter the workforce, while costing billions,²⁹⁰ if not trillions, in lost economic output every year.²⁹¹

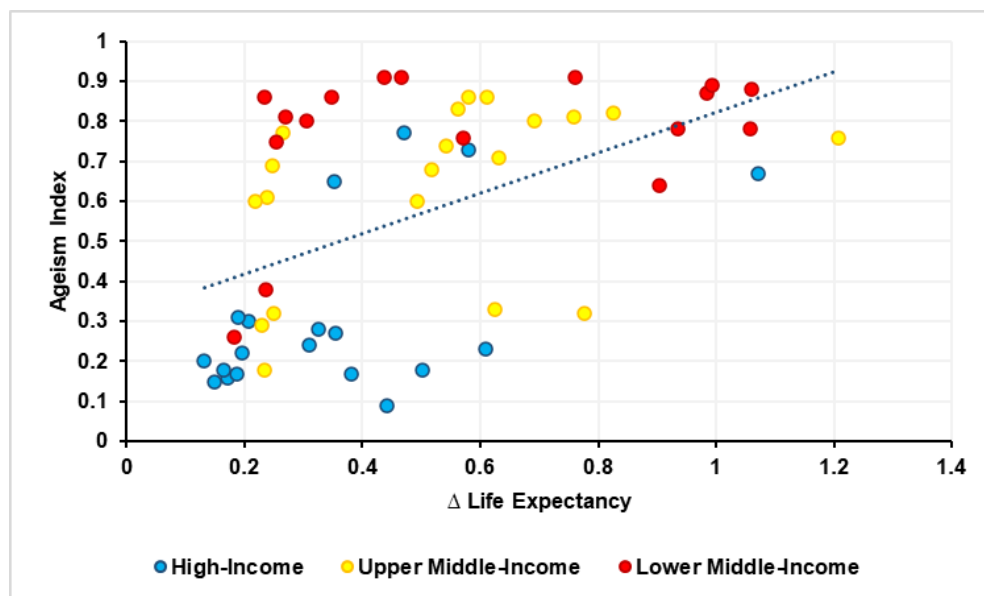


Figure 4: Relationship between Life Expectancy and Age Discrimination (source: Officer et. al., author's calculations)

Another significant challenge is the global pensions timebomb, defined as a growing imbalance between public retirement obligations, and the allocated finances to fund them. As per Figure 4 below, the shortfall in pension finances, or retirement savings gap, in eight of the largest global economies estimated to host half of all workers over 50 years old is expected to total \$400 trillion by 2050.²⁹² Lower fertility and rising life expectancies are not the only drivers of this emerging crisis. Nearly 50 percent of the retirement-age population does not receive a pension, while average contributions are significantly lower than the 10 to 15 percent target.²⁹³ Furthermore, pension assets have had to navigate increased volatility within global financial markets, while the popularity of defined contribution plans has foisted significant responsibility for their management onto lay individuals despite low levels of financial literacy worldwide.²⁹⁴ In addition, popular anxiety during periods of inflation – whether real or perceived – could threaten workers' willingness to save. Considering how older adults in the U.S. are statistically more likely to self-report that their paycheck is inadequately keeping up with inflation; those who would be typically closer to retirement age feel that perhaps a dollar saved does not go as far as it once did, lowering incentives to save for the demographic who most need to.²⁹⁵ Altogether these factors complicate the ability for global pensions to maintain their long-term sustainability.

²⁹⁰ *Global Report on Ageism* (Geneva: World Health Organization, 2021).

²⁹¹ Iryna M. Zharovska et al., "Age Discrimination in Modern Global Society," *Linguistics and Culture Review* 5, no. S3 (2021): 525-538.

²⁹² World Economic Forum, "We'll Live to 100 – How Can We Afford It?" 2017.

²⁹³ World Economic Forum, "We'll Live to 100 – How Can We Afford It?" 2017.

²⁹⁴ World Economic Forum, "We'll Live to 100 – How Can We Afford It?" 2017.

²⁹⁵ *ASA Workforce Monitor*, American Staffing Association.

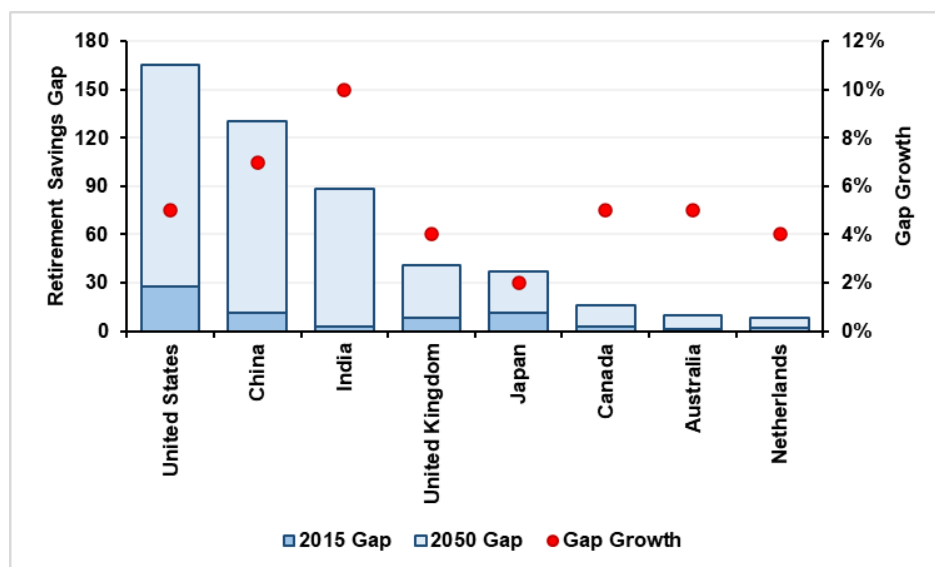


Figure 5: Global Retirement Savings Gap (source: WEF)

A third challenge is ensuring the productive utilization of increased life expectancy among workers through improved health outcomes. This requires delaying the onset of both physical and cognitive disabilities, as well as improving functional capacities as they deteriorate with age.²⁹⁶ In addition to expanding systemic capacity to address issues facing the current workforce, it would also necessitate a fundamental shift in strategy that focuses on prevention rather than treatment, thereby targeting younger generations to intercept potential health risks before they worsen.²⁹⁷ These recommendations are echoed throughout much of the academic research examining deficiencies in the response of global healthcare systems to COVID-19, a crisis that acutely affected the health and finances of older workers.²⁹⁸

Opportunities for Economic Policy

Aging within global labor markets is a process which has manifested over decades. As shown by Figure 5 below, older workers have steadily constituted a larger share of the workforce in most regional labor markets since 2002. In Europe and Asia, regions which host some of the largest global economies, older workers currently comprise almost 20 percent of the total workforce. Prudent economic policy can assist countries with adapting to these trends and capitalizing on their benefits.

²⁹⁶ Michael Lokshin, "The Challenges and Promises of Productive Aging," The Brookings Institution, September 7, 2023.

²⁹⁷ Kevin T. Foley and Clare C. Luz, "Retooling the Health Care Workforce for an Aging America: A Current Perspective," *The Gerontologist* 61, no. 4 (2021): 487-496.

²⁹⁸ Gopi Shah Goda et al., "The Impact of Covid-19 on Older Workers' Employment and Social Security Spillovers," *Journal of Population Economics* 36, no. 2 (2023): 813-846.

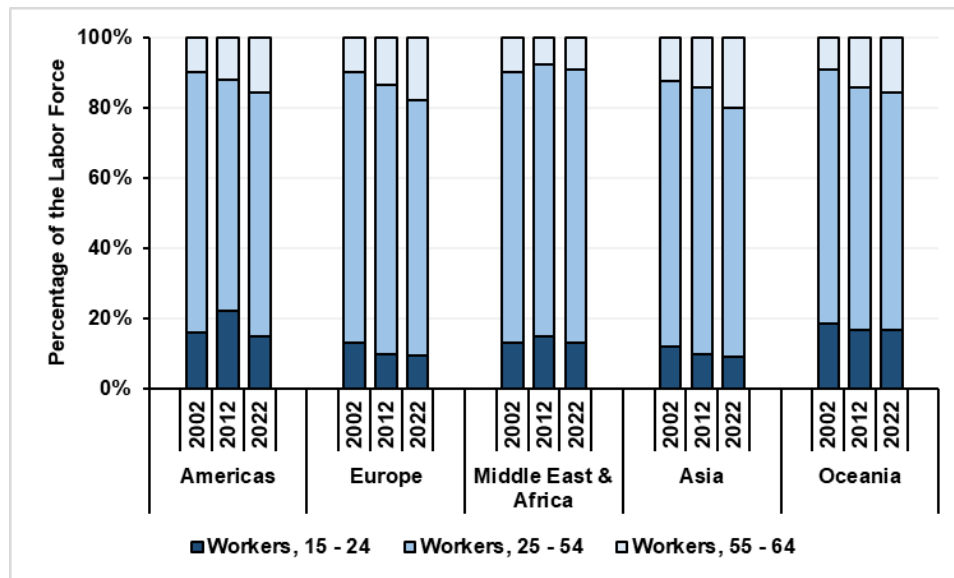


Figure 6: Composition of Regional Workforces by Age (source: OECD, author's calculations)

First, countries must vigorously discourage age discrimination within private labor markets, which can be achieved through economic incentives as well as financial penalties. For example, the “Corporate Value People” program in Germany subsidizes up to 80 percent consultancy costs for small and medium-sized enterprises seeking services to develop age-inclusive management practices.²⁹⁹ Conversely, the Age Discrimination in Employment Act (ADEA) in the United States has been amended on several occasions to expand potential offenses and increase damages awarded to successful plaintiffs.³⁰⁰ Although financial penalties have exhibited more efficacy in reducing age discrimination, they also carry an increased risk of negative externalities as firms alter their behavior to meet legal requirements but retain the same biases intended to be ameliorated.³⁰¹ International cooperation is also essential to preserve gains from action by individual countries. Equality Directive 2000 instituted by the European Union, enabled over 20 member nations to embed protections for older workers in existing national labor laws,³⁰² and serves as a template for recent efforts by the United Nations to develop a global policy framework against age discrimination.³⁰³

Next, countries must reconfigure their pension systems in a manner that ensures their long-term adequacy and sustainability. Direct reforms usually consist of reducing the generosity of benefits through modifying calculation formulas such as the inflation indexation component, amending valorization rules which govern adjustments to past earnings, and elongating the rate at which pension benefits accrue.³⁰⁴ Indirect reforms usually include containing the total amount of eligible recipients by changing parameters of the pension system, such as Brazil’s decision to raise the retirement age for men and women from 56 and 53 to 65 and 62 respectively,³⁰⁵ as well

²⁹⁹ *AGE Barometer 2023: Empowering older people in the labour market for sustainable and quality working lives*, (Brussels: AGE Platform Europe, 2023).

³⁰⁰ Samuel Issacharoff and Erica Worth Harris, “Is Age Discrimination Really Age Discrimination: The ADEA’s Unnatural Solution,” *New York University Law Review* 72 (1997): 780.

³⁰¹ Sally A. Seller, “Discrimination, Labour Markets and the Labour Market Prospects of Older Workers: What Can a Legal Case Teach Us?” *Work, Employment and Society* 21, no. 3 (2007): 417-437.

³⁰² Joanna N. Lahey, “International Comparison of Age Discrimination Laws,” *Research on Aging* 32, no. 6 (2010): 679-697.

³⁰³ Karen J. Carrillo “U.N. Discusses Increasing Protections for Elders During International #OlderPersonsDay,” *New York Amsterdam News*, last modified October 10, 2023.

³⁰⁴ David Amaglobeli, Era Dabla-Norris, and Vitor Gaspar, “Older but not Poorer,” *Finance & Development* 57, no. 1 (2020).

³⁰⁵ Amaglobeli, Dabla-Norris, and Gaspar, “Older but not Poorer.”

as creating public options that compete against private, more expensive alternatives, such as Sweden's implementation of AP7, a low-cost fund offered by the Swedish premium pension system.³⁰⁶ These reforms may not be applicable to countries such as China and South Korea, where private savings rates are high while social security systems offer low coverage as well as generosity.³⁰⁷ In such cases, a sedulous expansion of eligibility and benefits afforded through their pension systems could channel private saving proclivities toward reducing inequality and old-age poverty.³⁰⁸

Third, countries must employ a whole-health approach towards national healthcare. This includes further research into age-specific drivers of disease and disability, as well as preventative medicine which focuses on nurturing healthy habits within younger generations. The latter would encompass promotion of proper dieting and physical activity, which could be incentivized through public education initiatives as well as financial subsidies.³⁰⁹ These efforts could be tailored by socioeconomic characteristics that would allow efforts to focus on the most at-risk populations including individuals with preexisting conditions and those living at or below the poverty line.³¹⁰ Older workers should also receive specialized patient education that focuses on preserving their health status and minimizing complications, which would enable them to limit unnecessary interactions with the healthcare system.³¹¹ A whole-health approach to healthcare must also focus on reducing environmental comorbidities such as excessive pollution, poor sanitation, in addition to food and water insecurity through optimized urban planning.³¹² Such efforts would supplement patient care by improving physical welfare and reducing preventable public health expenditures.

Additionally, countries should increase investment within upskilling and reskilling opportunities for older workers. These programs allow firms to preserve human capital, which is important for sustaining workforce productivity as well as economic growth, and especially relevant given a steady shift within the global economy towards knowledge-intensive services. They can also assist older workers with retaining their cognitive abilities, which have been shown to decline with age at a similar pace as physical strength and overall health.³¹³ As shown by Figure 6 below, older workers are less likely to participate in job-related training, suggesting significant room for improvement. Subsidizing firm-sponsored training is an inefficient solution because they foster deadweight loss and substitution effects which benefit firms but not always older workers.³¹⁴ In lieu of direct financial incentives, dissemination of information regarding skill gaps facing older workers as well as the benefits of upskilling and reskilling programs from national authorities could sufficiently inspire innovation within private markets. This would allow individual firms to develop programs that are unique to their industry, workforce, and long-term needs.³¹⁵

³⁰⁶ Arno Baurin and Jean Hindriks, "Intergenerational Consequences of Gradual Pension Reforms," *European Journal of Political Economy* 78 (2023): 102336.

³⁰⁷ Yuanyuan Deng et al., "Delay the Pension Age or Adjust the Pension Benefit? Implications for Labor Supply and Individual Welfare in China," *Journal of Economic Behavior & Organization* 212 (2023): 1192-1215.

³⁰⁸ Joelle H. Fong and Thomas R. Klassen, "Aging Asia and Implications for Social Security Programs," *The Oxford Handbook of Governance and Public Management for Social Policy* 126, no. 303.9 (2023): 207.

³⁰⁹ Mitin Nachu, Edward Christopher Dee, and Nishwant Swami, "Equitable Expansion of Preventive Health to Address the Disease and Economic Effect of Ageing Demographics," *The Lancet Healthy Longevity* 4, no. 4 (2023): e131.

³¹⁰ Mikyong Byun, Eunjung Kim, and Heuijune Ahn, "Factors Contributing to Poor Self-Rated Health in Older Adults with Lower Income," *Healthcare* 9, no. 11 (2021): 1515.

³¹¹ Sally Morton, "Addressing the Health Needs of an Aging America: New Opportunities for Evidence-Based Policy Solution," Health Policy Institute at University of Pittsburgh, 2015.

³¹² Carlotta Balestra and Davide Dottori, "Aging Society, Health and the Environment," *Journal of Population Economics* 25 (2012): 1045-1076.

³¹³ Christopher Hetzog et al., "Enrichment Effects on Adult Cognitive Development: Can the Functional Capacity of Older Adults be Preserved and Enhanced?" *Psychological Science in the Public Interest* 9, no. 1 (2008): 1-65.

³¹⁴ Matteo Picchio, "Is Training Effective for Older Workers?" IZA World of Labor, July 1, 2021.

³¹⁵ Ramona Diana Leon, "Employees' Reskilling and Upskilling for Industry 5.0: Selecting the Best Professional Development Programmes," *Technology in Society* 75 (2023): 102393.

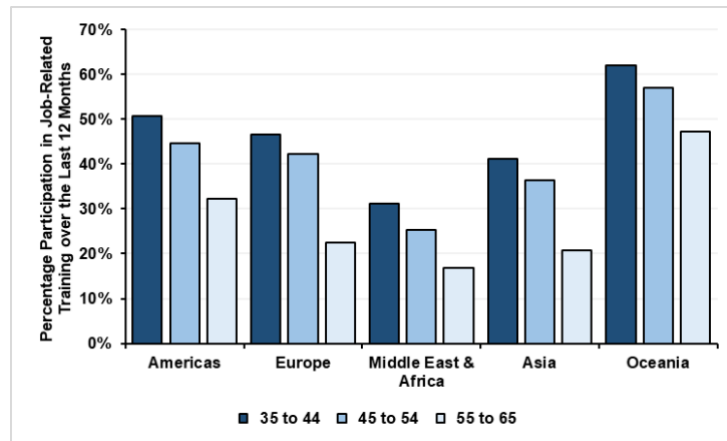


Figure 7: Participation in Job-Related Training over the Last 12 Months by Age Group (source: OECD, author's calculations)

Finally, countries should harness the potential of their silver economy, generally understood to be economic activity supporting products and services which meet the needs of older individuals. As shown by Figure 7 below, consumers over 50 years of age already account for the majority of spending in half of all major product and service categories.³¹⁶ Alongside their capacity as consumers, older individuals often have greater income, fewer commitments, as well as more experience, making them ideal entrepreneurs or financiers for new products or services inside and outside the silver economy.³¹⁷ Countries and firms should encourage older individuals to employ these skillsets via flexible employment arrangements that allow them to remain as active contributors to the economy at-large. Furthermore, since older individuals are more dependent upon maintaining a sense of community through connection with peers, investments within technology as well as social engagement platforms will be critical for developing the silver economy via support for their mental and cognitive health. Countries should also be prepared for the associated learning curves which will likely arise as older individuals take time to adapt to such technological advancements.

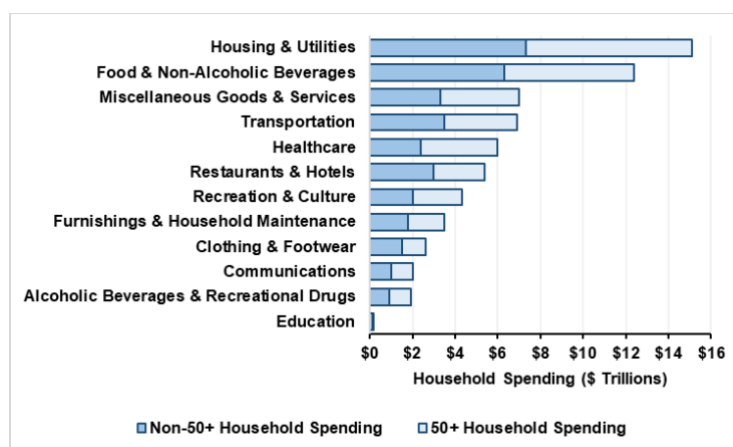


Figure 8: Share of Consumption by Older Consumers (source: AARP, Economic Intelligence Unit)

³¹⁶ AARP, "Global Longevity Economy Outlook 2023."

³¹⁷ Peter Varnai et al., *The Silver Economy: Final Report* (United Kingdom: Technopolis Group and Oxford Economics, 2018).

Conclusion

Aging within global labor markets will become a preeminent challenge for multiple generations of employees, employers, consumers, and policymakers. An aging labor market is not the consequence of a healthy society but a natural response to its excellence which requires the same innovation and adaptation which first engendered such achievement. The risks of inaction are matched only by the opportunities from action – where failure to address budding challenges from an aging workforce can diminish productivity and economic growth, while incremental adjustments can support them. These efforts will require collaboration between private markets, national authorities, and international organizations given the sheer complexity of the issues facing older workers and the magnitude of their implications for society.

In this essay, we reviewed several economic policies which could encourage global labor markets to commence preparations for the demographic and economic shifts from an aging workforce, including regulations that reduce age discrimination, reforms to national pension systems, a whole-health approach to national healthcare, increased investment within upskilling and reskilling programs, as well as realizing the full potential of the silver economy. If enacted, these policies could enable the international economy at-large to realize over \$118 trillion in economic growth, including \$53 trillion in labor income supported by 1.5 billion jobs.³¹⁸ Most importantly, adapting to an aging workforce would preserve a healthy economy for generations to come, marking another milestone in humanity's storied history of adaptation and progress.

³¹⁸ AARP, Global Longevity Economy Outlook, (2023).



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