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Editorial Note

Dear Reader,

We proudly present Volume 32 of Politikon, the flagship academic journal of the International Association for Political Science Students (IAPSS). This issue is special in the sense as it publishes the work of young academics who conduct research within their respective Student Research Committees (SRCs).

The SRCs provide a framework for student research communities created within IAPSS and focusing on particular sub-fields and topics within political science. SRC members have access to several unique opportunities provided by IAPSS and this special issue demonstrates their capacity to develop own individual or joint projects. This special issue is comprised of four selected articles that followed the rigorous standard of double-blind peer review. Their authors include members of the SRCs on International Relations Theory, International Law and Governance, Comparative Politics and Conflict, Security and Crime (previously: Conflict and Security Studies).

In the first article by Gergana Tzvetkova, you will be able to explore the EU participation in the Contact Group on Piracy of the Coast of Somalia as an example of a multilateral initiative. In the second article, Jaseff Raziel Yauri Miranda aims to identify and analyze the relation between surveillance practices and accountability, focusing on the Spanish scenario since its last democratization process. The third article co-authored by Kirstie Lynn Dobbs and JeongWoo Lee examines the question of why do Western powers support ruthless dictatorships in allied countries, but at other times condemn the actions of these same dictatorships in support of democratic revolutionaries? Last but not least, in the fourth article of this issue Dané Smith uses Marshall McLuhan's tetrad of media effects within a social constructivist paradigm, to engage in an intertextual and intervisual analysis of political cartoons in Denmark.

If you also want to publish an article with us, please visit our website for further information: http://www.iapss.org/wp/academics/journals/politikon/call-for-papers/

We look forward to reviewing your work!

Your Editors

The European Union and the Contact Group on Piracy off the Coast of Somalia: A Case of Effective Multilateralism?

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Abstract

The call for solutions to global problems through effective multilateralism has been one of the main messages of the European Union during the past decade. This paper explores EU participation in the Contact Group on Piracy of the Coast of Somalia as an example of a multilateral initiative. First, the paper offers an outline of effective multilateralism and the activities of the Contact Group. It then examines developments related to three markers of effective multilateralism: scope of involvement, the role undertaken by the UN as a consequence of the group's activities and the extent to which the Contact Group facilitated the spread of international rules and norms related to piracy. The analysis showed that the EU is inclined to engage in international attempts at multilateralism but hints that in the future a change in the EU perception of multilateralism is likely.

Keywords

European Union, Effective Multilateralism, Contact Group, Piracy, Somalia

Introduction[1]

Effective multilateralism is connected to a key document of the European Union (EU) – the 2003 European Security Strategy (ESS). The strategy envisioned the creation of an "effective multilateral system" and set as an objective of the EU[2] the "development of a stronger international society, well-functioning international institutions and a rule-based international order" (European Council 2003: 9). At the heart of such an order would be cooperation and partnerships among states, supported and driven by the United Nations (UN) and other international organizations (IOs). Ideally, the web of these partnerships and international fora would increase the possibilities for finding solutions to global problems and threats.

The question we try to answer here is: *How has the EU pursued effective multilateralism through its involvement in the work of the Contact Group on Piracy off the Coast of Somalia (CGPCS)?* The GCPCS was established in the peak of piracy attacks near Somalia. UN Security Council Resolution 1851 (2008:2-3) called for the establishment of "an international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast." Although not formally a UN body, the Contact Group was formed in 2009 under this recommendation.

To study the case of the Contact Group, we rely on an interpretivist approach. We start by defining multilateralism and effective multilateralism. It should be underlined that we do not measure effectiveness, but rather examine how the CGPCS and EU's participation in it fit into a specific understanding of effective multilateralism. This is elaborated on in the section on methodology, case selection and data sources. We argue that EU pursued effective multilateralism through participating in and chairing the Contact Group, which collaborated with the UN and facilitated the dissemination of international norms.

The case of the CGPCS was chosen because the group is regarded as a unique international experiment. Thus, an analysis of its activities could inspire innovative and creative solutions to international issues. It could also be indicative of the ability of the international community to work together. This is identified as a possible direction for future research in our concluding section. The conclusion also touches upon recent changes to the concept of effective multilateralism in the 2016 EU Global Strategy (EUGS).

Literature Review and Definitions

Multilateralism's importance for the EU was reconfirmed by the Treaty of Lisbon. As per Article 21 (Treaty on European Union 2012), the EU "shall promote multilateral solutions to common problems,

[1] A draft version of this paper was presented at the ECPR General Conference which took place 7-10 September 2016 at the Charles University in Prague, Czech Republic, in an Open Section.
[2] Throughout this text, European Union, EU and Europe will be used interchangeably.

in particular in the framework of the United Nations" and "promote an international system based on stronger multilateral cooperation and good global governance". Thus, multilateralism appears to be connected to two key pursuits and principles of the EU. First, it could facilitate peace and security in the world, since conflict between like-minded and collaborating partners is less likely. Second, it could increase adherence to international norms through reliance on UN and other IOs.

Here, a definition of multilateralism is needed. We hold with John G. Ruggie's seminal claim that multilateralism can have both a nominal and a qualitative definition (1992). Therefore, we accept that multilateralism involves the collaboration of three or more actors (both state and non-state), but that it also means "an institutional form which coordinates relations among three or more states on the basis of "generalized" principles of conduct" (Ruggie 1992: 571). This aligns with William Diebold's claim that even more important than the number of actors is the "kind of relationships that are instituted among them" (Ruggie 1995: 566). Both the quantitative and the qualitative dimensions of multilateralism are taken into account in our analysis.

Relying on several scholars' influential works on multilateralism, Koops (2011: 67-68) distinguishes between *traditional multilateralism* as a "long-term organizing principle" and *new multilateralism* as a "short-term threat response". He further concludes that EU's effective multilateralism "seeks to integrate the norms, rules, and institutions of 'traditional multilateralism'…with a more pragmatic, actively interventionist and even more military-geared culture akin to some form of output oriented 'new multilateralism'" (Koops 2011: 81). An important observation could be made here. Due to the appearance of new actors and new threats, it is likely that EU's understanding of (effective) multilateralism is and will be changing.

This leads us to second needed definition – that of effective multilateralism as envisaged by the EU. Based on literature on EU external action, Robert Kissack (2010: 17) identifies "four clusters of research" about what effective multilateralism is. In this paper, we adopt the approach characteristic of the third cluster, namely "looking at different spheres of multilateral activity and assessing EU performance by a set of project-wide measures" (Kissack 2010: 18). This approach is pursued by Katie Verlin Laatikainen and Karen E. Smith, who argue that "(m)ultilateralism is both an institutional form and a policy objective (or principle)" as the term signifies the cooperation among states with and through IOs (2006: 5). The authors also suggest three ways to define EU effectiveness – "EU effectiveness as an international actor," "EU effectiveness at the UN," and "EU contribution to the UN's effectiveness" (Laatikainen and Smith 2006:10). Another observation about EU's effective multilateralism, which we rely on when discussing the CGPCS as an area of multilateral activity, is provided by Jan Wouters, Sijbren de Jong, and Philip De Man (2010). On the grounds of major EU documents, they contend that effective multilateralism is

"primarily as a form of governance that should produce noticeable effects whilst being embedded within strong, negotiated, and enforceable multilateral regimes" (2010: 15).

EU officials have contributed to the conceptualization of effective multilateralism. Some two years after the presentation of the ESS, Javier Solana, then EU High Representative for Common Foreign and Security Policy, praised effective multilateralism as a "highly successful" concept, but admitted that with the intensification of threats, it became "hard sell in practice" (Solana 2005). He also hinted that regional organizations are "natural allies" in the quest for effective multilateralism, although not all of them are worthy of the same level of EU support (Solana 2005).

In a speech about UN cooperation with regional organizations, the former High Representative Catherine Ashton pointed out EU actions that could be placed under the umbrella of effective multilateralism. Ashton (2013) specified that the instruments of the EU's comprehensive approach, Europe's mediator role in international issues and its close work with various partners could be seen as manifestations of effective multilateralism.

As visible from EU documents and cited research, the UN provides an important framework for both the pursuit of effective multilateralism and its analysis. The EU envisions an increased role of the UN in international affairs and making its own voice heard in the UN environment. This is reminiscent of a question asked by Sven Biscop and Edith Drieskens (2006: 118), namely "whether the EU has been successful in translating its support for the UN at the strategic level into policy practice". We are thus interested to see if in the case of CGPCS, the EU has utilized the tools, the resources and the forum of the UN to work towards reducing Somali piracy.

This is connected to a useful distinction by Kissack (2010: 20) between multilateralism as a means and as an end, which do not appear to be mutually exclusive. When an actor pursues multilateralism as an end, it encourages strengthening multilateral institutions and using them whenever possible. When an actor uses multilateralism as means, it works towards "formal and informal norms of behavior", trying to accomplish a concrete goal (Ibid.). Rules' embeddedness is a major component of the Effective Multilateral Order, which Biscop and Renard (2012: 189-190) define as "an inclusive rule-based order, driven by cooperation, reciprocity and shared objectives, rather than by competition and zero-sum politics". The authors then assert that the EU could play a role in the construction of this order – as both a model and a leader – but to do that, it must be strategic, proactive and innovative (Biscop and Renard 2012: 193-194).

Since its creation, the EU has tried to spread and support internationally certain norms. This has resulted in its seminal description as a normative power (Manners 2002). The process of norms conception and promotion has been studied in detail by Martha Finnemore and Kathryn Sikkink (1998). According to

them, there are norm entrepreneurs that may not benefit from a norm's emergence, but they nevertheless support the norm because they "believe in the ideals and values embodied in [it]" (Finnemore and Sikkink 1998: 898). In this sense, the pursuit of multilateralism, as both a means and an end, could be viewed as a way to disseminate norms within a community of actors.

Methodology, Sources and Selected Case

This case study is intended as an interpretive one. It does not seek a quantitative measurement of effectiveness. Instead, it examines how concrete activities of the CGPCS and EU's participation in them fit into the understanding of effective multilateralism discussed above. It does not aim to test a theory but to analyze the translation of an idea (that of effective multilateralism) into specific policies and initiatives. In this sense, we study the EU's contribution to a "multilateral activity" (Kissack 2010: 18) that is the Contact Group.

On the basis of studied literature and definitions provided by key EU documents, we identified three aspects or characteristics of the work of the CGPCS to concentrate upon. We analyze and explore those as markers of effective multilateralism. The first relates to the *scope of involvement* – in terms of participation and input – of international state and non-state actors in the group, including the extent of EU's involvement. This marker is linked to the quantitative dimension of multilateralism. We examine how many and what kind of actors took part in the activities of the Contact Group since its creation. Thus, we recognize that the number of actors supporting an initiative or a norm is important, and could influence their dissemination. The second marker is the *role taken on by the UN* as a consequence of the group's activities. The formulation of this marker is informed by the discussion of the UN as a persistent framework for multilateral initiatives and the EU's positioning of the UN in the core of effective multilateralism in its documents. The third marker involves the ability of the Contact Group to facilitate the *spread of international rules and norms* related to piracy. This is in line with the understanding of the EU as a normative power and the idea of the existence of norm entrepreneurs. It is also linked to Ruggie's and Diebold's understandings of the qualitative dimension of multilateralism.

The analysis is based on examining documentary evidence from the work of the CGPCS. The selection of texts we studied includes plenary session minutes[3], press releases, reports and evaluation documents related to the Contact Group's activities and EU's participation. These texts present the focus of the CGPCS' activities, its approach, as well as some concrete results of its work.

[3] The CGPCS Communiques from 19 plenary sessions were accessed on the website Lessons from Piracy, Section Archive. The summaries of seven meetings of Working Group 2 (5 March 2009, 5-6 May 2009, 26-27 August 2009, 26-27 November 2009, 15 March 2012, 24 April 2012, 10-11 April 2013) were retrieved from the websites of the International Maritime Organization and the Maritime Administration agency within the U.S. Department of Transportation. All these websites are included in the List of References as single entries.

The CGPCS[4] is a close to unique result of international cooperation. Since the intensification of the piracy crisis in Somalia, the UN Security Council has issued a number of Resolutions. The first one, UN Security Council Resolution 1816 (2008: 2-3) calls for States to: i) "increase and coordinate their efforts to deter acts of piracy and armed robbery at sea"; ii) in doing so cooperate with other States, regional organizations, other organizations like the International Maritime Organization (IMO); (iii) to always make sure that their actions are "consistent with applicable international law including international human rights law". The description of the CGPCS that follows is based on documents published by the *Lessons Learned Project* (LLP), which since 2015 has also been the official website of the CGPCS.[5]

Despite being established pursuant to a Security Council Resolution, the Contact Group is not part of the UN system. It was formed to concentrate all counter-piracy efforts near Somalia and encourage cooperation in finding a solution to the problem. It was dedicated to fighting piracy alone and does not deal with other problems in the region. CGPCS is "complementary to the UN-system" and the Security Council (through its Resolutions) ensures its legitimacy. The chairmanship of the CGPCS is voluntary and rotating, as it was taken up by the following countries: Turkey, Singapore, Netherlands (2011); UAE, Spain, India (2012); USA (2012); EU (since 2014 and the first organization to chair the Contact Group); Seychelles (since 2016). The lack of a standing secretariat, bureaucracy and a budget of its own are its distinctive features. Originally, there were five Working Groups, formed as per problematic areas identified by group participants.[6] As of September 2016, two working groups remain – one on capacity building, co-chaired by the UK and Indian Ocean Commission and a second on "Operations" with co-chairs Japan, Seychelles and UAE. A Legal Forum, a successor of former Working Group 2, is co-chaired by Portugal and Mauritius.

The Group regularly meets for plenary sessions, which also have rotating chairs. Until August 2016, there have been 19 plenary sessions. Decisions are taken by consensus but the group discourse talks about recommendations rather than decisions. The discussions and recommendations of the groups thus reach the highest levels of national government but are also taken into account by IOs like the IMO and the UN. For example, the work of the CGPCS is referred to in many UN SC Resolutions on Somalia.

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[4] This section on the paper is based on a previous unpublished paper of the author entitled *New Approaches to Old Challenges: The Case of the Contact Group on Piracy off the Coast of Somalia.* The paper was presented in April 2016 at the ECPR Joint Sessions Scuola Normale Superiore, Scuola Superiore Sant'Anna and University of Pisa, Pisa, Italy. The main documents on the basis of which the description is made are: European Union External Action Service Presentation 2015, Tardy ed. 2014, and Zach, Seyle, and Madsen 2013.

[5] The website of the project is: http://www.lessonsfrompiracy.net/

[6] Working Group 1, chaired by the United Kingdom occupied itself with military cooperation and capacity building. The Denmark-chaired Working Group 2 worked on legal issues, while South Korea chaired Working Group 3 on the cooperation with shipping industry. Egypt chaired Working Group 4 on public diplomacy and advocacy. The last Working Group dealt with disrupting financial flow and piracy networks and is led by Italy.

The group has been described as an example of informal or experimental governance and as an "innovative multi-stakeholder governance model" (EEAS n.d.), a "fluid network structure" (Zach, Seyle and Madsen 2013: 32). Christian Bueger identifies several elements that make the Group stand out from other similar contact groups: 1) there are no formal members, but stakeholders of different backgrounds; 2) the separation of the plenary from the working groups which guaranteed better focus on the separate issues and the birth of "transnational networks of experts"; 3) the extremely narrow and specific mandate of the Group; 4) the more 'relaxed' way of communication during the meetings that created "an experimental and creative atmosphere" (Bueger in Tardy ed. 2014: 80-81). These features, some – more general, others – more specific, make the CGPCS an interesting subject of examination. The success of at least some of its initiatives would turn it into a model for future multilateral formations.

CGPCS – The Findings

The Scope of Involvement

The number of participants in any organization, coalition, etc. cannot be the single, sufficient indicator for their success. At the same time, the number of members is important because it enhances the legitimacy of the organization. An increase in membership could signify that more states adhere to an organization's ideas, rules, and recommendations. The same applies to the Contact Group we study. While it is the final results that matter the most, we cannot disregard the number of actors that committed diplomatic, financial, consultancy and other resources to its work.

Immediately after the formation of CGPCS, two criteria for participation were set. The group welcomed actors that have committed resources or regional states affected by piracy. Later, these criteria were removed and the group is now open to all interested parties. As of 2016, more than 80 participants (60 states and 20 organizations), including regional organizations, private sector, NGOs and even an individual take part in group's activities. It is important to note that the group-related discourse talks about *participants* rather than *members* of the CGPCS. This reflects the more informal character and setting of the group. State and non-state actors are expected to contribute to the extent they consider necessary or is commensurate with their expertise.

We should note two interesting categories of group participants. The first is the group of small regional states like the Seychelles, Djibouti and Mauritius. Within the context of the Contact Group, they are given the chance to assume key roles in counter-piracy efforts. For example, currently[7] the Seychelles chairs the group, while Mauritius co-chairs with Portugal its Legal Forum, which stockpiles information on the legal aspects of piracy and counter-piracy. Portugal is a good example of the second interesting category of countries, namely the one of old maritime powers. Countries like Spain, Portugal, the Netherlands and

[7] As of October 2016.

the UK have the opportunity, as part of the EU and by themselves, to share their experience in fighting pirates. For instance, at the third meeting of Working Group 2 (WG2), Portugal presented a paper on the possibility for establishing a Somali special chamber ("hybrid court") for the prosecution of pirates, while Spain chaired the CGPCS in the past.

Another key point, emphasized by Ulrik Trolle Smed (2015: 7) in the analysis of Denmark's role in the work of WG2, is the early inclusion of "outside expertise", namely academia representatives like Dr. Douglas Guilfoyle and Associate Professor Birgit Feldtmann. Having scholars working alongside policy-makers and diplomats to achieve a solution to a problem could have numerous benefits. Scholars rely on specialized knowledge and, ultimately, add up to the de-politicization of a forum. This is also an opportunity for people from academia to have a voice outside conference halls and be on the field where strategies are negotiated and policies are forged. Undoubtedly, the *Lessons Learned Project*, initiated by a consortium of research institutions, is an important step in this direction.

The LLP is led by the *Counter-Piracy Governance Project* at Cardiff University, the two other Consortium members being the NGO *Oceans Beyond Piracy* and the EU autonomous agency *European Union Institute for Security Studies*. In 2014, the latter organized the Strategy Meeting of the CGPCS in the course of the EU chairmanship. The formal chairperson of the group during that time was Maciej Popowski, Deputy Secretary General of the European External Action Service (EEAS). It is important to stress that assuming the chairmanship is voluntary and does not follow a specific principle (regional, rotating, etc.). The EU was invited to take the presidency by other CGPCS participants. According to EU's official position, chairing of the CGPCS would contribute to fulfilling one of its objectives: "zero ships and zero seafarers in the hands of Somali pirates" (Permanent Delegation of the EU to the UN Office 2013). However, to achieve this, cooperation with the international community and the involvement of the regional states was needed.

After passing the chairmanship on to the Seychelles in 2016, the EU was reported to had accomplished successfully its main goals – the reform of the CGPCS,[8] the "zero-zero" priority and the documentation of the achievements (LLP) (European Commission and HRVP 2016: 6). There are two other points, which are even more important having in mind the topic of this paper. They were made in front of the European Parliament Subcommittee on Security and Defense by Dr. Marcus Houben, Head of the support team of the EU chairmanship of the Contact Group. The first one is that the EU was the first organization to chair the group and it chaired it as 'One EU', which was a working principle from the start of the presidency (Houben 2015: 3). This is a precedent which in the future could result in more and better possibilities for the EU to take on leadership and speak with one voice. The second argument

[8] The decrease of the number of the Working Groups, which was mentioned earlier, the creation of the CGPCS Legal Forum, etc.

made by Dr. Houben, concerns the multilateral nature of the Contact Group. He points out that the CGPCS is "a multi-stakeholder governance model for complex international problems" which "offers a context and environment that fits the EU surprisingly well" (Houben 2015: 6). In essence, the EU is a multilateral environment trying to function and achieve results in another, larger, multilateral environment.

Taking into account the presence of a wide variety of actors, this environment also bears the characteristics of an epistemic community (Adler and Haas, 1992). As Adler and Haas (1992: 389) claimed, "[e]pistemic communities influence policymakers through communicative action […] the negotiations of meanings, understandings, and beliefs are intertwined with the negotiations of actions at every step along the way". In this relation, the documentation and the research functions of the Lessons Learned Consortium are very important, as the Consortium accumulates and disseminates knowledge and expertise related to the work of the CGPCS.

Hence, the extent of involvement of both the EU and other actors allows us to think of the CGPCS as a case of (effective) multilateralism. EU's chairmanship indicates that the EU is eager to get involved in multilateral mechanisms, to set priorities, influence the agenda, and assume the leadership position.

What Role for the UN?

We have identified as a second marker of effective multilateralism the *role taken on by the UN* as a consequence of the Contact Group's activities. Legitimacy is a suitable starting point for this section as well. The specific type of relation between the CGPCS and the UN has an element of legitimacy-bestowal and it works both ways. On one hand, CGPCS is legitimate since it was established on the basis of a UN Security Council Resolution on Somali piracy. On the other hand, the recommendations given by the Contact Group add weight to UN counter-piracy initiatives and activities. The reason is that these recommendations are product of discussions among states with significant stake and experience in the fight against piracy.

In this paper, we center on one particular output of the CGPCS, in which the UN came to play a significant role. This is the opening of an *International Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia*, an idea first conceived in 2009. The recommendation for its establishment resulted from CGPCS discussions and the legal framework for the Trust Fund was developed by the competent WG2. The Trust Fund accepts voluntary contributions from states, businesses and other actors.[9] The recipients of funds are UN agencies (United Nations Office on Drugs and Crime (UNODC),

[9] On the website of the Trust Fund, one can find detailed information about the amount of contributions and the amount already given to finance various projects: http://mptf.undp.org/factsheet/fund/APF00

United Nations Development Program (UNDP), etc.) The respective UN agencies could have an Implementing Partner – national authorities, national, regional, or international organizations and NGOs.

The fund is not run by the CGPCS. In the beginning, it was managed by the UNODC, and after that by the UNDP's Multi-Partner Trust Fund (MPTF) Office. The allocation of the funds for projects is decided by a Board of Directors with rotating membership. As per the most recent CGPCS Communique (September 2016), the following countries as members of the Board for the period 2016-2017: Djibouti, Germany, the Netherlands (shared with Norway), Japan, Kenya, Seychelles, Somalia, United Kingdom, USA and UAE (CGPCS 2016: 7). Overall, the Trust Fund has been described by the CGPCS in its 16th plenary (2014: 6) as "a remarkably efficient mechanism".

Approximately 22 million USD were dedicated so far to support initiatives like capacity-building, transfer of pirates to prisons in Somalia, and issues related to investigation, prosecution and detention. As per the revised Terms of Reference (2012: 2) of the Trust Fund, the collected finances should be used for: 1) expanding the possibilities of States and the private sector to make tangible contributions to combat Somali piracy; 2) payment of expenses associated with prosecution and detention; 3) expedited distribution mechanism to allow for the payment or reimbursement of short-term prosecution related expenses; and 4) support relevant legal capacity-building activities. The Terms of Reference also outlines the composition of the Board of Directors, from which we understand that the countries that enter it have 'substantial contributions' to counter-piracy efforts, as three of them should be from the region.

The UN Department of Political Affairs (acting as a Trust Fund Secretariat) prepares an annual Narrative Report, while the MPTF (as the Administrative Agent of the Trust) is responsible for the financial part. The reports are public, very detailed and present not only general information about Trust Fund activities but also information about the particular projects. According to the latest narrative report, between 21 December 2012 and 31 December 2015 were approved 28 projects, with the following implementing agencies: UNODC – 19, UNDP – 2, FAO – 3, the DOALAS – 1 and IMO – 3 (Trust Fund 2015:10-11). The management of international funds by the MPTF is by no means a new thing. Its multilateral essence is revealed in its very name – 'multi-partner'. We believe that the decision to entrust the handling of funds and the implementation of projects to UN agencies is recognition of UN's trustworthiness. Even if we discard trustworthiness as more of an intangible indicator, we could attribute the delegation of such duties to the UN's significant project management experience and bureaucratic capacity. While a comprehensive study of the Trust Fund could potentially expose some deficiencies, the Fund emerges as a good illustration of a multilateral initiative.[10]

[10] In January 2017 was published a "Strategic Review of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia" prepared by Peter Bauman and Sarah Hanssen from Bauman Global. The report contains a very detailed

This is supported by a statement made by the EU at the UN Security Council on Somali Piracy. The EU representative encourages states to continue their contributions to the Trust Fund and calls UNODC-implemented programs "an example of successful coordination and cooperation between the EU, the UN and regional countries", although recognizing that room for improvement exists (EU Delegation to the UN, n.d.). This observation is in line with EU's positioning of the UN at the core of its conception of a multilateral order.

With respect to the second identified marker, it is difficult to establish a direct link between EU's involvement in the CGPCS and the role of UN agencies as Trust Fund administrators and project beneficiaries. However, the fact that they were assigned with these responsibilities demonstrates that the resources and abilities of the UN are appreciated and utilized by its members and partners.

Norm Spreading

According to the 2015 Annual Report on the Trust Fund (2015: 11), one UNODC project focuses on guaranteeing prison conditions complying with international standards and human rights norms. This is a good starting point for the last proposed marker of multilateralism, namely the *spread of international rules and norms*. We argue that EU participated in the dissemination of certain norms through the CGPCS. In particular, we focus on norms contained in the United Nations Convention on the Law of the Sea (UNCLOS) and human rights standards.

UNCLOS itself is an attempt to regulate internationally sea-related matters. Interestingly enough, the EU is the only non-state actor to have ratified the Convention. This was done despite the fact that its Member-States are also parties to UNCLOS. Thus, the EU is required and expected to abide by the principles of the Convention. They are enshrined in a number of key EU documents on maritime issues – for instance, the EU Maritime Security Strategy. There, the full compliance with UNCLOS, as well as human rights standards, other treaties, etc. is listed as a guiding principle of the strategy and referred to as essential for "rules-based good governance at sea" (Council of the European Union 2014:5). Joining international bodies and international treaties into domestic law is a distinctive form of norm appropriation. Another form of norm spreading is encouraging other actors to embrace the respective norm as well.

An immediate example of how the Contact Group led to the expansion of UNCLOS is related to the criminal prosecution of captured suspected pirates. Here, we cannot present in detail the discussions on finding of a suitable method for prosecution. Suffice it to say, numerous options for prosecution were considered within the CGPCS: international and regional mechanisms, a piracy tribunal, hybrid courts

and informative SWOT Analysis of the Trust Fund. One of the strengths directly related to the Contact Group is that the Trust Fund enables it to "to take action via an effective funding and implementation mechanism" (2017:56).

and special chambers. One of the meetings of WG2 concluded that the most practical and acceptable model "would be a specialized/dedicated piracy chamber established within the existing domestic criminal justice system of one or more States and located in one or more States willing and able to undertake prosecution, including Somalia when this becomes possible" (Working Group 2 2009:4). Subsequently, several states in the region volunteered to try pirates in their domestic courts.

Seychelles was one of these countries and until the end of 2015 the number of pirates tried there was greater than in any other regional state (Malbrook and Uranie 2015). However, the process involved clarifying the legal foundations of counter-piracy trials. A praised output of the work of CGPCS (and WG2 in particular) was a legal toolbox to assist anti-piracy measures. An important element of the toolbox is the *Guidance for the Transfer of Suspected Pirates, Armed Robbers, and Seized Property to Seychelles.*[11] Furthermore, a comprehensive *Manual for Prosecutors* was published on the website of the Legal Forum. It contains extensive information about Somali history, relevant international law and a description of the entire process of capture, trial and transfer of Somali pirates, performed by the Seychelles.

Most importantly for us, in order to prosecute the pirates, the Seychelles had to amend its Penal Code, namely to expand the section on the crime of piracy. The Seychelles incorporated Articles 101 to 107 of UNCLOS,[12] which essentially represents transfer of international legal norms into domestic law. For instance, the Code amendments involved the application of the universal jurisdiction principle. However, the *Manual for Prosecutors* (2015: 40) also reminded that "the application of the Universal Jurisdiction principle to acts of piracy does not mean that the 'normal' rules for maritime law enforcement, the use of force, and international human rights law do not apply".

Human rights standards concern the phenomenon of piracy in two ways. One of them encompasses the rights of suspected pirates, while the second one relates to the poor state of human rights in Somalia, aggravated by poverty, famine and humanitarian crisis. Here we are concerned with the first aspect, namely the rights that captured pirates are entitled to, among which right to free trial, prohibition of torture and cruel and inhumane treatment and capital punishment.

The EU and its Member-States have been consistently vocal on this issue. Compliance with human rights norms during transfer, handling and trials of suspected pirates occupies an important place in transfer

[11] The legal toolbox includes also a similar *Guidance for the Transfer of Suspected Pirates, Armed Robbers, and Seized Property to Kenya.*
[12] These articles contain definition of piracy, pirate ships, procedures for seizure of such ships, etc. The Seychelles are also not the only country to adopt UNCLOS regulations. Due to increase of piracy incidents in West Africa, Gabon has also decided to incorporate these regulations. For more information in this regard: https://www.unodc.org/westandcentralafrica/en/gabon-maritime-crime-legislation.html

agreements concluded between the EU and regional states.[13] As one of the main achievements of the CGPCS, the EU discerns the "functioning judicial and legal chain in the IO region to end the impunity of piracy", based on a "sophisticated web of actions, transfer and repatriation agreements" (EEAS 2014). Discussions within the Contact Group facilitated the conclusion of these agreements.

Furthermore, the studied communiques make it clear that the agenda of CGPCS, and especially WG2, frequently included human rights considerations. For instance, at the 13th plenary (December 2012), the Contact Group "encouraged WG 2 to develop best practices for ensuring the protection of human rights during the detention and prosecution". During the 14th plenary (May 2013), the "CGPCS welcomed the thorough discussions of human rights issues in WG2 and the plans to share best practices in this field, including on how to handle children suspected of piracy". The analysed available summaries of the work of WG2 confirm that the issue of human rights was repeatedly discussed.

These developments demonstrate the CGPCS could be considered a multilateral formation that stimulated the spread of concrete definitions (piracy and universal jurisdiction) and standards (human rights). We believe that with respect to the third marker, the Contact Group clearly emerges as a case of effective multilateralism. It has served as a forum where internationally agreed rules and procedures were discussed, diffused and promoted.

Conclusion

The materials we used for this study are not sufficient to explore in detail EU's input into every activity of the Contact Group. However, this analysis of the nature and activities of the CGPCS allows us to describe it as a productive multilateral instrument. The active participation of the EU indicates its readiness to engage in multilateral solution-seeking initiatives. The environment created by CGPCS was utilized by the EU and other actors to discuss and propose counter-piracy actions. We also see the group as a formation that allows its participants to seek solutions, build alliances, fulfill interests, share experience and spread beliefs.

This paper does not claim to be comprehensive. Rather, we consider this a starting point for a more detailed research into the CGPCS, similar bodies, and state and non-state actors' participation in such bodies. It was our goal to examine how the work of the CGPCS and EU's participation in it fits into EU's vision of effective multilateralism. We consider EU's decision to enter the group and assume the presidency, as well as its input in initiatives that result from or are linked to the group's activities, as evidence for both the multilateral character of the CGPCS and the EU's pursuit of multilateral

[13] As an example, see Art. 3(5), Art. 4(1), Art. 4(8) and Art. 5 of the "Agreement between the EU and the Republic of Mauritius on the conditions of transfer of suspected pirates and associated seized property from the European Union-led naval force to the Republic of Mauritius and on the conditions of suspected pirates after transfer." Link to the Agreement is provided in the List of References.

approaches. The Contact Group fits with the understanding of effective multilateralism supported here, as it actively collaborated with the UN and utilized its capacities, and facilitated the dissemination of international norms.

A major direction for future research concerns the changes that the concept of multilateralism is and will be going through within the EU. The 2016 EUGS has left out the attribute *effective* when talking about multilateralism, but continues to stress its primacy as a guiding principle for EU's external action. However, the strategy also includes civil society representatives as potential partners in multilateral frameworks. It also talks about the "revamping" of external relations, of searching for "like-minded countries and regional groupings" (EUGS 2016:8). In a recent speech to the UN Security Council, the current High Representative Federica Mogherini stated that the EU is "turning this commitment to multilateralism into practice, on a daily basis" (Mogherini 2016). Recounting the work done by the EEAS in "different multilateral formats," she reminded that "(f)ormats can change, and institutions must be reformed" (Ibid.). This might be read as an attempt for greater flexibility of the multilateral approach, which takes into account the specificities of any situation and actors involved.

The increasing scope and altered nature of global threats suggest a difficult path ahead for international cooperation efforts. However, cases like that of the CGPCS raise hopes that the international community is still capable of finding creative, innovative and productive solutions to global problems.

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From Governmental Vigilance to Diffuse Control: Surveillance and Accountability since the Spanish Transition

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Abstract

Considering the inertia of past institutions and practices, this paper questions how the accountability of surveillance has been affected in terms of its quality and mechanisms. To verify this, the first part depicts the background related to intelligence institutions since the Spanish democratic transition in the late 70s. The second part is focused on digital personal data flows in a de-concentrated surveillance assemblage since the 90s. On each part, the accountability mechanisms are analyzed through a historical and political methodology based on the theory of legacy constraints. Structured bibliography related to checks and balances and the analysis of legal measures regarding the protection of privacy are the sources for this study. The conclusion alludes to a posteriori mechanisms of answerability and to uncoordinated efforts of accountability since the first period. It also stresses the importance of answerability promoted by the citizenship to complement and reinforce enforcement dimensions which are affected by the secrecy of surveillance.

Keywords

surveillance, accountability, intelligence services, personal data, democratization process

Introduction

The historical experience of present-day democracies has a significant influence on how citizens react to and cope with surveillance. Throughout the recent past, several repressive regimes have built surveillance networks and institutions with and against their citizens. Haggerty and Samatas (2010) claim that surveillance, as a starting point, seems to be antagonistic to democracy, and ultimately lead to totalitarianism. However, surveillance could be a legitimate element of democratic systems as well. And one of the fundamental differences between dictatorial and democratic systems with regard to surveillance lies in its accountability. Even when state surveillance cannot be overseen and controlled by the citizens, at least in an institutionalized form, the so-called democracies must have an acceptable ground of institutions and mechanisms established for this purpose (although in practice such systems cannot be easily recognized nor controlled).

Thus, this paper aims to identify and analyze the relation between surveillance practices and accountability, focusing on the Spanish scenario since its last democratization process. Furthermore, since the end of the Franco regime, the essential objects for the analysis are the sensitive information gathered from individuals by surveillance institutions, the accountability mechanisms of these institutions, and the limits of accountability itself. In doing so, it is expected to contribute to two fronts: the first is related to political science, and within it, to accountability studies and security politics. The second one is related to historical studies, especially after political violence periods and state authoritarian experiences. We consider that past societies matter and are also complex refusing the common explanation that present time is a priori more complex than previous periods. Therefore, we adopt a historic approach for analyzing the past since it can help us to rewrite and understand today surveillance practices. Nevertheless, we go further as past experiences are added with new keys, paradoxes, and challenges, especially in our informational society.

Theoretical framework and conceptualization

Considering the surveillance practices, the literature underscores a diffuse and decentralized surveillance era where "all aspects of life" seem to be spotted by technological and liquid "assemblages" (Haggerty and Ericson, 2000). Nonetheless, the arrays and interpretations differ on the validity of the classic "Panopticism" as this concept served to understand the origins of the western surveillance. The panoptic concept, originally formulated by Jeremy Bentham and then readapted by Michel Foucault (2014) in "Surveiller et punir", is a sort of imprisonment metaphor used to describe a situation where the overseen are expected to internalize a continuous state of vigilance and self-discipline. Foucault adopted this concept to identify several discipline "areas" where individuals are shaped and are overseen by "watchers". And because of the several areas, gazes and bodies where vigilance can be deployed, Foucault

understood multiple surveillance worlds which are opposed to an "Orwellian Panoptic or to a huge and simple Leviathan" (Caluya, 2010: 623).

Nevertheless, the panoptic metaphor still frightens our mind. Firstly, some authors such as Norris & Armstrong (1999) and McCahill (2001) argue that the current surveillance practices are opposed to the unidirectional and centralized Panopticon. The validity of the Panopticism concept is retained for them but as Majid Yar (2003: 257) underscores, "its applicability is contingent upon the extent to which circumstances reproduce the conditions in which it finds its effectivity (…)". Moreover, "its deployment is analytically justified and subject to empirical limits". As a second interpretation, scholars such as Deleuze (1995), Bauman (1998), Diken and Lausten (2002) argue that the contemporary societies experience the dissolution of institutional boundaries -and with it the dissolution of sites in which panoptic technology previously found its disciplinary function. In that sense, we face a "Post-panopticism" concept. In addition, it is possible to formulate a separation between two historical stages, or between the "disciplinary societies" and the Deleuzian "control societies". Finally, a third interpretation try to conceal both diagnosis by combining the conviction that the Panoptic concept still can perform a valuable understanding, so long as it is "either refined and reformed appropriately in light of changing circumstances, or its status as ideal type rather than empirical generalization is clarified and recalled" (Yar, Majid, 2003: 258).

In light of the above, the theoretical interpretations about surveillance express a phenomenon opposed to a centralized and fixed idea. Since this phenomenon has become decentralized and fragmented, it is possible to adopt a flexible and "long duration" definition for the last decades: surveillance consists in the act of seeing without being seen and in social control –the act of shaping social behavior by watching and controlling (Mathiesen, 1997). We adopt this starting definition paying attention to the fact that surveillance can assume a plethora of institutional forms and social contexts. For that reason, we apply that definition –the act of seeing without being seen, and the act of shaping social behavior by control- to a narrower social aspect: the act of gathering private citizens' information by institutions that are supposed to govern in a democratic context.

As the legacy of previous experiences is a key to understand surveillance practices, "post-dictatorial" scenarios and democratic transitions allow us to apprehend the de-concentration, decentralization and emergence of new surveillance arenas, as argued by most of the scholars. In addition, this article adopts the legacy constraints framework to analyze the accountability efforts to control vigilance. Legacy constraints suggest a theoretical framework stemmed from studies such as critical junctures, path dependence and new institutionalism. The legacy constraints refer to historical discontinuities and small revolutionary changes that are influenced but still reproduce past institutions and practices. For instance, they are related to critical junctures, a period of significant changes occurring in different ways and places

which is hypothesized to produce distinct outcomes if not considered as an explanation (Collier and Collier, 2002). At the same time, this concept is intertwined with other logics, such as the path-dependence theory (David, 2007) which asserts that social outcomes are difficult to modify due to previous policies. In short, legacy constraints emphasize the impact and dependency on previous conditions and practices, either by historical events or political decisions.

Moreover, legacy constraints do not imply that previous politics and values are intrinsically worst than new ones. It implies a political dependency which affects and is reproduced from the past until an unpredictable ending. As the ending time is unknown, the paths opened by the origins are essential. Similarly to the historical institutionalism studies (Pierson and Skocpol, 2002; Immergut 2006; Steimo, 2008), the legacy framework express an institutional inertia that marks the trajectory and development of political arenas. In that sense, previous organizations and legal configurations affect certain issues, especially in the case of security. Yet, no single model of change or the impact of past events can do justice to the multiple levels of causality at work in historical explanations. Instead, general units of analysis (such as institutions, laws and practices) can be used to pose questions and find answers regarding a particular case or phenomenon (Immergut, 2006). Thus, the institutions of surveillance, as well as their practices, represent a background worthy of consideration in order to analyze influences, reactions, cooperation and conflicts related to democratic efforts such as accountability.

The definition of accountability comes from the theory formulated by Andreas Schedler (1999). According to Schedler, accountability is a bi-dimensional concept which consists in answerability and enforcement. Answerability means the act, capacity and prompt response of those actors that are held accountable. It makes the accountable and accounting actors engage in a public debate or in the light of the public interest (Schedler, 1999:15). Enforcement is a call for punishment to the accountant actor after deviations of resources, information or power. It is understood as a stronger mechanism of accountability. Nevertheless, the simple act of requesting information in the light of the public interest and the act of demanding responsible justifications are mechanisms of accountability as well (Schedler, 1999: 17). At the same time, Guillermo O'Donnell (apud. Schedler, 1999) makes a distinction between horizontal and vertical accountability. In short, the former is related to a relation of equals in a chain of power or between institutions, such as the checks and balances and the delegated democracy principle. The latter refers to promote accountability in a locus marked by asymmetries of power, for instance, when superior ranks account lower officials in a hierarchical organization, or when the civil society ask for justifications of legislators or policy makers in a context of a decision.

This article analyzes surveillance institutions and practices in the light of the two dimensions expressed by Schedler and by using the horizontal and vertical relations of O'Donnell. These concepts are basic for further definitions. For instance, as stated by Charles Raab (2013: 46), "surveillance institutions ought to

be accountable to the governed, to those whose information they handle and to others who may be affected by surveillance practices". Moreover, accountability definitions can evolve to external and independent controllers or to internal monitoring and regulators (Gray et al., 1996), either in horizontal or in vertical directions. Meanwhile, answerability can protect privacy and discourage unnecessary purposes with disproportional methods. In post-authoritarian and democratic scenarios, transparency has to do with reviewing and understanding the surveillance systems that surround the citizens. Thus, accountability, from a functional perspective, virtually works the "same way as surveillance does, but the other way around: as surveillance provides a method of control over citizens for surveillers, so does transparency for citizens over their surveillers" (Lyon, David, 2007: 156). To summarize, accountability in surveillance could be worked within the concepts of answerability and as a tool to oversight the use of individuals' information with a satisfactory degree of regulated secrecy and inside legal and democratic principles.

Methodology

Considering surveillance past institutions and practices in the Spanish democratization process which continues to the present day, as hypothesis it is questioned how an accountability project has been affected in terms of its quality and its mechanisms (answerability and enforcement). To verify this, it is necessary to depict the political background related to surveillance institutions and practices. Once these surveillance marks are reconstructed, it will be possible to analyze how the accountability mechanisms were affected in the face of surveillance. Finally, if the vigilance logics still heavily defy those mechanisms, it is necessary to question how the accountability mechanisms can be reconfigured in order to improve it.

To proceed with this, the article has been divided in two periods. The first one begins after the Spanish democratic transition in the late 1970s, which was marked by a governmental and quasi-centralized surveillance system in the hands of intelligence institutions. The second period is initiated after the Cold War and is characterized by the "crisis" of national state forms as central political players and by technological shifts since the 1990s. As institutional boundaries became blurred and were replaced by digital logics, the object of the paper is shifted to personal data. In the latter period, it is possible to include the development of a European level, which among several institutions, has fostered actions to turn surveillance practices more accountable, at least on a legal base.

In the first period, the collection of information can be associated with the end of the Franco regime and its marks on the new security agencies. Consequently, it is of interest to question how accountability and transparency were interpreted in those times in a new democracy. What were the internal and external controls? To answer those questions and avoid anachronisms, the surveillance practices were associated with the nature of the democratization process, the "spirit" of the time and its rhythm, which in Spain

was remarkable known as an arranged process. In this part, the sources were historical and political bibliography translated from Spanish in order to do a qualitative analysis of the intelligence institutions of the period and its democratic control.

In the second period, the gathering of personal information could be linked to shifts in market practices, non-government actors and supra-national institutions since the 1990s. We understand that states still play a key role in the surveillance world but, at the same time, other organizations and "watchers" dispute personal and private information. How is surveillance of personal data shaped and worked in diffuse and multilevel assemblages? What are the types of accountability? In order to answer those questions, judicial sentences, laws and decrees regarding protection of personal data were the main sources as these represent a front to restrain indiscriminate surveillance practices (such as the ones regulating the Spanish Agency of Data Protection and the sentences of the Court of Justice of the European Union, CJEU). Finally, bibliographic analyses related to these productions both at the Spanish and European levels have complemented this part.

A quasi-centralized node of information

After the death of Francisco Franco in 1975, Spain initiated the so-called democratic transition by the popular elections in 1977 and the promulgation of the Constitution in 1978. The transition initiated new endeavors to bring the surveillance institutions that served Franco's regime toward the lights of a new era. By then, the greatest institution in this field was the "Superior Center of Information and Defense" (CESID). This organization was created on July 1977 and replaced the "Third Information Section of the Military Staff" and the "Central Documentation Service" (SECED).

Back in the past, the SECED replaced the "Counter-Subversive Organization" (OCN), which was created in the last years of the Franco's regime to prevent and contain the May 1968 social movement. Researchers such as Francisco Zorzo Ferrer (2005) suggest that at those times neither the police nor military forces were able to control student strikes. Therefore, Colonel José Ignacio San Martín "initiated undercover operations at universities to forestall radicalizations" (Zorzo Ferrer, 2005: 85). These operations aimed scholars, unions and religious groups. Later on, their achievements were institutionalized in the SECED form. In that sense, Díaz Fernández (2005) affirms that good relations between San Martín and his superiors, including the Presidents of the government, promoted the SECED into a new level as they offered new infrastructures, staff and information. In a few years, each Ministry or Executive Office was settled by one or more SECED members whose functions were to supply the "Center" with fresh and valuable information. These methods allowed the new governments to spy on internal opponents and to monitor radicalization of military groups because some of them wanted to abolish the arrangements of the transition (Díaz Fernández, 2005: 207).

Scholars like Peñaranda Algar (2005) suggest that the relative success of the SECED was a result of the political identification among bureaucrats and high policy makers. However, after the failure to prevent a military "coup d'état" in 1981, which included the participation of SECED ex-leaders, including San Martín, the "Central" fall into discredit and was transformed into the "Superior Center of Information and Defense" (CESID). Due to this transformation, the CESID experienced a relatively long period of stability which in terms of organizational procedures consisted in a phase of centralization, followed by a delegation process that concluded with a period of "coordination dilemmas within the information/intelligence community" (Díaz Fernández, 2006: 29). We can deduce those dilemmas as a proof of the decentralization and "blurriness" of borderlines in the surveillance world, which were reported in the theoretical framework. In that sense, the Spanish intelligence community was also affected by scandals that emerged in 1995 due to illegal interception of communications, that is, due to a lack of control and accountability. These episodes culminated with a new reformulation as the CESID was transformed into the "National Center of Intelligence" (CNI), in 2002.

More details about the accountability mechanisms will be exposed further on. Yet, it is acknowledged that the procedures that paved the road to collect personal and private information by CESID (and by its predecessors) were plenty. As we pointed above, in many cases this kind of information was facilitated by officials deployed in the Ministers or Executive Offices. For instance, since the OCN times, a communication channel was established by the "Dirección General de Seguridad" (General Office of Security) and the "Dirección General de Política Interior" (General Office for the Interior Policy), with the latter offering hundreds of personal records collected by police agents in many cities. It is worthy to mention that each of the "Secciones del Estado Mayor" (Military Ministries Offices) and the "Comisaría General de la Polícia" (General Police Department) also owned agencies to collect sensitive information, but their structures were "smaller" than the SECED and the CESID (Peñaranda Algar, 2005: 100-102).

Furthermore, the SECED used a file's system called "Janus" to store hundreds of records from people who played (or might potentially play) a prominent role in the democratic transition -in favor or against it. By including their two "faces", the public and the private, the system recalled the Greek myth of a double-faced figure as it created "complete profiles about politicians or suspects, including their properties and incomes" (Díaz Fernandez, 2005: 207). Besides that, the system relied on two major divisions that continued for decades: the Information and Operations divisions of SECED and CESID. as mentioned above, the divisions were mainly deployed in educational-intellectual, labor and religious arenas. They were also instructed by the "Psychological Actions Office, the Department of Special Affairs and the General Secretariat, which provided valuable information even from open sources" (Zorzo Ferrer, 2005: 90).

Alongside the "Janus" System, the SECID used to collect information by other channels. For example, as it depended on the Defense Office, the "Center" was supported in tasks such as "cryptanalysis and decryption through manual and electronic procedures" (Ruiz Miguel, 2005: 138). To afford those activities, surveillance organizations like SECID obtained special funds from the national budget via the "General State Budget Law". Whereas this Law established a percentage of the resources to each national agency, complementary resources came from the "Reserved Funds", a sort of monetary fund to cover Defense and National Security expenditures. When comparing to other national budgets, the Reserved Fund was classified as official secret regarding its details and goals. Even nowadays, "Any information related to the appropriations or usage of the Funds has a secret classification" (Law 11/1995, May 11th) and can be declassified only by the council who established its closure and through a parliamentary petition.

By those procedures and financial support, the "Center" extended its capacity to different targets and organizations. This expansion enabled different results that not always have been positive for the SECID. Yet, the range of relations or network was so broad that it covered organizations such as:

> The Ministry of the Interior, the Ministry of Information and Tourism, Ministry of Education and Science, Trade Union Organization, Ministry of Labour, General Secretariat, the National Youth Delegation and the National Delegation of Women's Section. The exception was the Ministry of Foreign Affairs, presumably because the information coming from abroad belonged to the High Command Military scopes. (Peñaranda Algar, 2005: 100).

The intelligence node or network, as stated by Antonio Díaz Fernández (2005), was clearly a key player in the Spanish transition. There is no doubt that the biggest organization which implemented surveillance measures to collect personal information was the CESID. Previously, it monitored political radicalizations against the "top-down"' arranged transition. Later on, the CESID was a tool to monitoring terrorist groups such as the Basque ETA – especially during the "dirty war" in the 80s. As the democratization process was being deployed, it was necessary to restrict the CESID practices of espionage on politicians and citizens. At least it was essential to build more controls over the surveillance practices. In that sense, a phrase suggested by an ex-leader of the service, Gutierrez Mellado, is very elusive: "the CESID could not simply wish to bring the militaries to a democratic culture. However, it was easier and convenient for them to obey the orders coming from the new political government" (Díaz Fernández, 2005: 213).

When the service tried to adapt itself to a new democratic regime, it was a result of the political pressure since the 1980s, as Spain aimed to transform its secret services in a broader sense. That is, it was necessary to adopt new informational logics and abandon old doctrines in order to show consonance with the roles

assumed in the North Atlantic Treaty Organization (NATO) and with the European Union (Díaz Rodríguez, 2005: 27; Aba Catoria, 2002: 144). But the renovation of the secret services has been, and not only in Spain, a battlefield with many fronts and situations. The mechanisms that addressed the CESID practices in order to turn it more accountable are analyzed below.

Accountability on the move

The "Superior Center of Information and Defense" (CESID) was under control of the Ministry of Defense and it was also configured as an organ of the State responsible for the management and coordination of the National Defense policy.[14] At the same time, the sources and methods of the institution were classified as official secrets. Therefore, as a starting point, this opacity was a considerable challenge for any kind of external accountability. Ultimately, during the 80s, it cannot be said that the CESID activities were object of any type of control aside from the hierarchical one handled by heads-chiefs and commanders (Aba Catoria, 2002).

Despite the lack of controls, especially in the first democratic governments, some authors such as Antonio Díaz Fernández claim that the activity of SECED was focused on gathering information and developing psychological operations rather than interfere directly with target groups. However, if the "Center" usually had not participated in direct actions, it has provided information which "was useful to other agencies that executed violent actions" (Díaz Fernández, 2005: 209). Moreover, it must be underscored that information collected by surveillance activities was only regulated for cases investigated by police and justice officials. Regarding espionage to gather citizens' information by "unconventional" ways, these practices were only mentioned in internal manuals as "special techniques in intelligence operations" to perform actions by "the requiring procedures or necessary means" (Ruiz Miguel, 2005: 135).

Yet, indirect forms of accountability consisted in declassifying or reveal secret documents. The regulation of this subject is based on the Official Secrets Act of 1968 (amended in 1978) and developed by a regulation of 1969. By those rules, it was possible to classify any issue as a secret by legislative or executive decisions. Thus, on the one hand, a material or document became official secret just by unilateral declarations suited to law. One example of those secrets is the mentioned "Reserved Funds". On the other hand, the Act required the protection of official secrets in any circumstance. It also demands to

[14] CESID functions appear in at least three regulatory measures. The first and more comprehensive is the Minister of Defense Order (135/1982), on which the Centre is demanded to supply "the information needs of the Prime Minister (...) on defense issues" as well of the Defense Minister on military policies. In addition to this order, the Royal Decree 1.883/ 1996 demands a coordinated action of the various organizations that used encoded procedures, as well as establishes the need for cryptographic security. Finally, the Royal Decree 2,632 / 1985, on "internal structure and relations" of CESID, modernizes the normative language (especially in the functions of domestic intelligence), and distributes the functions of CESID between the CEO and the various Intelligence Divisions (External, Interior, Counterintelligence, and Economics and Technology) (Revenga Sánchez, 2001: 63-65).

report civil or military authorities in case of findings. However, since there was not a regulation in cases of disobedience, those obligations were ignored in cases such as the "CESID papers" which revealed systematic violations of communication. By this case, the classified material came into the light "by the hands of unauthorized persons like bankers and journalists" (Ruiz Miguel, 2005: 142). Furthermore, the historian Goberna Falque, in his studies about the intelligence services in Spain, mentions several books that have been written as a result of official leaks or as conclusions of investigative journalism (Goberna Falque, 2005:25-74). These leaks represent the lack of answerability and enforcement dimensions. In addition, they could be deemed as informal ways that claim for an accountability project either through a vertical direction between the citizens and the State.

As the time passed, alternatives types of controls of surveillance activities have emerged. Regarding internal and vertical accountability, the executive branch has virtually been the most effective mechanism but also the worst regulated. The idea of security services as a sort of "technical and independent" organizations inside the Government is rejected by Ruiz Miguel. He infers that the CESID was configured as a dependant organization within the Executive branch, which in turn was responsible for the actions and consequences of the "Center" (Ruiz Miguel, 2005: 143).

More accountability dimensions have been asked by the Parliament. Nonetheless, this kind of control was incomplete as the Congress of Deputies faced restrictions to access and monitor surveillance practices. To overcome these obstacles, resolutions of 1992 have replaced, in a loose manner, a previous one from 1986 which was considered too restrictive. Despite the rules, the legislative control has continued in an inconsistent way. For instance, in 1995, when parliamentary observers tried to monitor the "Reserved Funds", they were supposed to request official secrets every semester. However, the Executive branch abandoned the obligation of semiannual accountability "ignoring the order to turn the government more accountable before parliament Commissions" (Ruiz Miguel, 2005: 145).

Finally, the CESID activities that collected personal information have been part of Judiciary supervision, including the case of Reserved Funds. In 1995, Madrid's magistrates required the disclosure of classified documents from the Ministry of Defense. After that, the Judiciary promoted a better control of surveillance activities (Ruiz Miguel, 2005). In part, this achievement was motivated by scandals after illegal interceptions of communications. Because of these violation, a Provincial Court revoked a previous decision that absolved the CESID' perpetrators and, in 1999, convicted them. This example represents answerability and, most important, enforcement within accountability, by a horizontal direction related to checks and balances.

Meanwhile, the clashes between the Executive and Judiciary branches concerning judicial interpretations were appeased when the Organic Law 4/1997 (the so-called Law of video surveillance) affirmed the

inviolability of the home and defended the secret of communications as parts of the generic guarantee to the right of privacy. Nowadays, any interference with these values must have a judicial authorization.[15] Jurists like Cano Bueso (1997) express that the judicial accountability has worked "satisfactorily". But at the same time, other authors such as Santolaya Machetti (1995) and Ruiz Miguel (2005) claim that a "satisfactory aspect" is questionable and, especially after the transformation of the CESID into the "National Intelligence Centre" (CNI), in 2002. The controls of the CNI are regulated by the Law 11/2002 and the Organic Law 2/2002. The former define the parliamentary commissions who have access to the strategies and budgets of the Agency. The latter define the judicial control over those actions affecting the secrecy of communication and the inviolability of the home. However, aside from juridical interpretations, more studies are needed to assess the accountability stemmed by these laws during the last years.

New surveillance assemblages

In the last decades, other forms of legacy constraints have risen due to surveillance practices. For instance, economic and international dynamics of globalization could be interpreted as critical junctures that affected the role of the States since the end of the last century (Horsman and Marshall, 1994; Weiss, 1998). Furthermore, the term "governance", or the act to establish web-like relations between public and private actors, has become a paradigm of our time. In the Spanish case, we can assure that state practices still matters and are a essential specially for informational and intelligence services. But since the transformation of the politics into an array of multi-level arenas and players –both at local and European levels or public and private spheres- the surveillance institutional borderlines have become blurred and their structures diffuse.

Today, personal information for surveillance purposes has an interest not only to the state protection or to monitoring radicalization and terrorism. It also shapes "normal" aspects of the contemporary life. In that sense, we face "surveillance assemblages that operate by abstracting human bodies from their territorial settings, separating them into a series of discrete flows (…). The surveillance assemblage transforms the purposes of surveillance and the institution of privacy" (Haggerty and Ericsson, 2000: 605). Whereas vigilance has become more fragmented and decentralized, it opened a gate for establishing more horizontal accounting actions between the "watchers" and the "watched" (Haggerty and Ericsson, 2000: 611). Yet this interpretation can be questioned either by technological (Tsoukas, 1997) or

[15] Indeed, article 3 on this law regulates the installation of CCTVs in public areas. Besides that, there must be "an authorization given by a council headed by a magistrate, whose majority composition will not involve members of the Administration into question" (Revenga Sánchez, 2001: 77). But as shown in an empirical study led by Gemma Galdon Clavell, most of the times these authorizations are "automatized" and their real controls are very "loose" (Galdon Clavell et al., 2012: 60).

sociological approaches (Hier, 2003), its comprehension of the flows and "nomadic" aspects of vigilance is really essential.

The endeavors to track someone on the web are not separated from the physical world. Gaining access to those tracks and creating starting points for social control are still essential (although not only) to previous state bureaucracies and spies. Regardless the technological shifts and the interdependence of politics in governance, surveillance tasks are affected by a previous modus operandi (such as, secrecy and dissuasion) and by new security demands, especially on the internet. Therefore, even the digital personal data flows must be carefully considered and protected as they are fundamental parts representing individuals and social interactions in this century.

Personal data protection

Personal data protection was not initially mentioned in the Spanish Constitution but it is a fundamental right recognized by judicial terms. The Justice Law Sentence (STC) 253/1993 (and later regulations such as the Royal Decree 1720/2007) claimed personal data as a genuine fundamental right by its own content, both in negative and positive legal dimensions. Later on, the STCs 290/2000 and 292/2000 expressed the compatibility of personal data with constitutional backgrounds. The STC 254/1993 establishes several administrative points for the definition and implementation of personal data protection. By its Article 3, personal data is defined as the information that could be associated with a physical person. In that sense, it includes all types of data, whatever their format, presentation or evidence (voice, images, videos, fingerprints, genetic data, etc.). Whereas the same Article establishes file systems to store personal data, a controversial point emerges since the data could be mixed or fragmented, annulling the logic of a "sorted and structured information" (alphabetical, numerical, an order of arrival, code number, etc.) of the Article. In addition, the Sentence establishes a public or private organization which is be responsible for storing and protecting the data: the data controller. These organizations are of importance because they can be associated with the rights of data protection (access, rectification, cancellation and opposition). In addition, the data controllers need to establish coordination tasks with providers or intermediaries (data processors), which in turn can ensure access to data flows and work with this information after the consent of users (Articles10-15). Another milestone was the creation of the "Spanish Personal Data Protection Agency" (Agencia Española de Protección de Datos - AEPD) as this is the public authority responsible for implementing administrative sanctions and controlling public and private file systems in the Spanish territory.

In terms of accountability, the Agency (AEPD) is administratively statutory and hierarchically independent, and maintains contact with the Government through the Ministry of Justice. At the same time, its functions are addressed to receive citizen's petitions on data protection and to execute the rights related to this subject (access, rectification, cancellation and opposition). In addition, the Agency was

thought to promote external "answerability" of personal data systems and processors, including those systems stored by the police and security services (Article 22, Organic Law 254/1993). On the other hand, this control is not implemented when personal data issues hinder the fulfillment functions of public authorities, and when "National Defense, Public Safety, criminal and administrative prosecutions could be affected" (Article 23-4, Organic Law 254/1993). As this proceeds, the answers given by the legal framework are hampered in those cases when personal data is confronted with security issues (Guasch and Soler Fuensanta, 2015: 417). Besides that, accountability within the AEPD scope is limited due to its national jurisdiction and administrative range. Thus, other agencies on personal data were created inside the country, such as the Basque and Catalonian Personal Data Agencies, and abroad, as the "European Supervisor", whose tasks include, for example, personal data transfers and safeguarding of data processors lists in the European Union.

At the European level, the Article 8 of the Charter of Fundamental Rights of the European Union (CFREU) recognizes the protection of personal data as an essential right:

> Everyone has the right to protection of personal data, such data must be processed fairly for specified purposes and on the basis of the consent of the person evolved or for some other legitimate basis under provided by law, and everyone has the right to access the data collected relating to him/her and to get it corrected. (…) compliance with these rules shall be subject to control by an independent authority.[16]

Moreover, the European Parliament has produced several legislations on this subject. It is of importance the Directive 95/46/EC about the processing and transferring of personal data. Other milestones were the Directive 2002/58/EC on the protection of privacy and data in electronic communications; the Regulation (EC) 45/2001, which allowed the creation of the "European Data Protection Supervisor" (EDPS) as the authority (consultation and cooperation) responsible that independent institutions and organizations inside the Union perform theirs obligations regarding data protection. The Decision 2008/977 (Council on Justice and Interior Affairs) also regulates the protection of personal data processed in the framework of police and judicial cooperation as well as in the criminal area. This Decision regulates data protection in accordance with the previous "third pillar" of the Union and it is only applied to the police and to judicial data exchanges between the Member States, authorities and systems of the UE (without the inclusion of national data sources). In the "Area of Freedom, Security and Justice" (AFSJ) –which is the front of the EU regarded to security and surveillance practices- the main systems among the Member States to collecting personal data are the Schengen Information System

[16] Charter of Fundamental Rights of the European Union. Official Journal of the European Communities. 12/2000. Accessible at: http://www.europarl.europa.eu/charter/pdf/text_en.pdf, access date 08/02/2016.

(SIS), the Customs Information System (SIA), the Information Visas System (VIS) and the European Police Agency or EUROPOL.

Accountability efforts and their limits

As mentioned above, public and private institutions, both at Spanish and European levels, pursued mechanisms to protect privacy through the protection of personal data. Consequently, it was deemed that information in this scope should not serve for disproportional measures and deregulated goals in the hands of political/economic powers. In that sense, personal data protection is a new form of accountability involving both answerability and enforcement as it defines data rules which restraint surveillance over "all aspects" of our digital lives. Nevertheless, in a time when being exposed and seeing the others disseminate a synoptic metaphor of surveillance (where the few are being seen by the most), it could be easy to perceive our time as a period of more freedom and transparency, especially in democratization contexts. However, this kind of transparency, the one where individuals are seen by multiple audiences (Byung-Chul, 2012), could mislead the comprehension of other surveillance dimensions. That is, one considerable obstacle to accountability in today's democracies comes from that a "transparency world" does not necessarily imply in deep and external controls over the surveillance processors, such as over security forces and private agencies.

Moreover, whether accountability needs to be related to external controls (in horizontal and vertical directions), this project is jeopardized by a sort of generic narratives about responsibility and values that are in vogue instead of a real internalization of those narratives and institutionalized supervisions. This statement can be attested when we appreciate the evolution of the data protection right in the EU. The EU began by recognizing the right to data protection (privacy, dignity) as a general principle of Common Law, and incorporated it to the jurisprudence of the "European Court of Human Rights" (ECHR) as well as of the "Court of Justice of the European Union" (CJEU). That is, to check the "proportionality" and justification of the cases that could interfere with those rights, the jurisprudence is supposed to be a mechanism to supervise and, theoretically, to enforce and turn accountable those activities that process personal data (including surveillance practices). The Jurisprudence also tried to reinforce the roles played by data protection Agencies both at national and European levels. Notwithstanding, accountability efforts depended more in critical junctures (leaks, scandals, disproportional security measures) than in defining specific roles and mechanism for the data protection. Therefore, the protection of personal data within judicial scopes in the EU has been very incipient (Arena Ramiro, 2011).

Other kinds of thresholds to accountability were attested in cases such as the "Österreichischer Rundfunk" in 2003. In this case, the CJEU considered that when a national government tracks personal incomes and bank accounts, it interferes with the protection of personal data. However, the CJEU decided that gathering this data could be justified when it is appropriate for the "good" management of

public resources (Piñar Mañas, 2003: 61-66). Though, the definition of "good" was unclear and unpredictable. Fortunately, since 2012, in cases labeled as "Digital Rights Ireland" the CJEU was persuaded to take legal actions over electronic data retentions provided by the "Criminal Justice Act" (Terrorist Offences) of 2005. In addition, the Court was swayed to decide on the personal data transfers to other countries, like the United States, via private companies like "Facebook". The CJEU considered the Act as invalid and claimed for strengthen the European standards in privacy and personal data protection. According to González Pascual (2014), despite the "Digital Rights Ireland" merits, the delay of this sentence can be explained by the "reluctance of the Courts to cooperate" and by their incipient action in this issue (González Pascual, 2014:953). Finally, other attempt to turn personal data processors more accountable was made in 2014. At this time, "Google Spain" and the AEPD clashed about the so-called "right to be forgotten". As a result, the Agency established that the manager of a web search engine is also responsible for processing personal data even when the content is published via third parties (Silva de la Puerta, 2014). All the same, we must underscore that a set of external controls has been deployed, especially through legal standards and in some cases by enforcement dimensions. Yet, there are many fronts on this field, specifically promoted by the "third dimension" or international direction of accountability. The so-called "privacy by design" and the "General Data Protection Regulation" (GDPR) to be implemented at the European level in 2018 is a paradigmatic change that must be carefully introduced and checked.

The cases above suggest that accountability was performed through juridical "clashes" rather than to an institutionalized effort with permanent controls and external supervisions. Those clashes can be understood as critical junctures that reoriented and promoted accountability mechanisms in spite of the legacy constraints and the lack of an overall framework to protect data and privacy. Thus, personal data protection rights usually are defended "a posteriori" and they are also reduced to an individual context, especially when their lines are pushed back when they face "untouchable" aspects of surveillance practices (such as a certain level of secrecy). Nonetheless, it is worthy to mention that despite the limits of accountability, there are many areas that could be improved in further analysis and studies. And this articles cannot close its lines without mentioning some objects for coming efforts, such as: a) the lack of distinction and the ambiguous definition of "personal data" in the sense that "data" relies on a logic criteria to be stored and on persons although the fragmentation and anonymity on the internet; b) the need to define clearly new categories for international data transfers and data protection, such as in the management of "genetic data"; and c) the need of creating new standards of "transparency", "responsibility" and "accountability" in several legal frameworks. The last point is really essential since there is a relatively weak role of national data protection authorities and a lack of evaluation of data protection in criminal prosecution, police and justice cooperation within the European Union.

Conclusion

Although there are several frameworks and practices about surveillance practices, a clear point arises when it comes to the procedures that collect personal information: the decentralization of this practice from the State's hands. In the Spanish case, which emerged from an authoritarian period, surveillance practices and accountability efforts in this area were analyzed in two periods. While the first period was focused on Spanish institutions of espionage since the late 70s, the second one was related to technological flows of personal data and its control since the advent of the web in the last two decades. In the first period, the accountability efforts are related to the classical "check and balances" or horizontal directions among political branches (Executive, Legislative and Justice). In the last period, a new form of independent institutions and accountability, a sort of ombudsman figures, were created to promote and ensure the rights associated with the protection of personal data (privacy, dignity, access to personal data plus rectification and opposition). The examples of this study depicted the external controls that were deployed over the main internal surveillance institutions and the creation of new fronts to regulate a complex digital information network, as in the case of the "Spanish Agency for Protection of Personal Data" (AEPD).

However, the accountability efforts, either by "classic" or new and independent mechanisms, have been affected in terms of its quality and its mechanisms, especially in the face of past institutions like the SECED and the CESID in the first period. The legacy constraints stemmed from those institutions and their secrecy, as stated by this research and by the bibliography, have jeopardized the accountability mechanisms to a limited scale, especially when it comes to promote stronger supervisions and to foster enforcement dimensions. In the last period of the analysis, non-governmental and private actors have been inserted into an array of informational arenas, either for surveillance purposes or for actions that could be linked to surveillance capabilities. And in order to maintain democratic controls over the old and new/potential actors in this field, constitutional states like Spain have considered mechanisms beyond the governmental and institutional lines. As a result, there were created rules to ensure personal data rights. Nevertheless, those rights have been protected by posteriori measures of answerability and by uncoordinated efforts of enforcement. Therefore, it seems that the gaze must also be turned beyond a concept of personal data embedded in an individual and micro level as this change can help to create further enforcement dimensions in a new and diffuse surveillance.

Moreover, the decentralization of the informational power on the stronger side –the state and other stakeholders– has led to the fragmentation of attentions on the weaker side –the citizens–, as suggested by Raab (2013). As the malleability of power increases, especially by digital trends, it blurs our apprehension of surveillance assemblages and our capacity to demand accountability related to privacy and data. Hence, whenever is possible, it is of importance to oversight the implicit and dynamic

surveillance practices and the opportunities to restraint them. For instance, vertical directions of answerability asked by citizens over their own data and new technological designs can spark enforcement dimensions even in a relation marked by asymmetry of powers. Moreover, they cannot be forsaken at the expense of legal and stronger mechanisms of accountability. In that sense, the Spanish case has shown that from previous "Janus" filing systems to the internet flows of today, accountability must be aware of direct and implicit surveillance practices handled by state and non-governmental actors. For those reasons, accountability mechanisms still must be rethought and replenished in the current surveillance scenarios.

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Puzzling Policy Shifts: Fickle Western Support of Democracy Promotion in Economically Salient Countries

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Abstract

Why do Western powers support ruthless dictatorships in allied countries, but at other times condemn the actions of these same dictatorships in support of democratic revolutionaries? Based on this puzzle, this paper argues that Western support of democratization is dependent upon the economic ties that develop between the two allied states during the dictatorial era, prior to a democratic revolution. In contexts where the Western power has strong historical relations rooted in economic ties, a regime change is likely to be supported to ensure a continuation of the economic benefits previously received. We use the analytical perspective offered by the linkage and leverage thesis offered by Levitsky and Way (2013) and reformulate it to offer an alternative view in which to analyze foreign policy shifts and the breakdown of authoritarian regimes.

Keywords

Authoritarian regime, Democratization, Dictatorship, Economic interdependence, Foreign Policy

Introduction

Western powers act and are largely viewed as democratic norm entrepreneurs. Western democratic countries tend to push for non-democratic countries to democratize in order to promote international cooperation and peace (Kant 1983). However, some of Western powers' strongest allies are authoritarian dictators who have been internationally condemned for violating human rights. This would exemplify the current relationship between the United States and Saudi Arabia or the United States and its past relationship with the Somoza regime in Nicaragua from 1937-1979. Furthermore, Western powers have also been shown to shift their support of authoritarian dictators during moments of intense domestic and international crisis. For example, U.S supported the ruthless Samosa regime in Nicaragua, but shifted their policy stance in 1977 when the U.S. withdrew military aid and supported the revolutionary opposition that promised to instill democratic institutions. Also, the U.S. supported the Ferdinand Marcos regime in the Philippines but shifted their support of the dictator during the 1980s, where the once heavily support U.S. ally was ousted by U.S. supported revolutionary forces who also promised to instill democratic institutions.

Thus, the main question of this paper is "Why do Western powers support an authoritarian dictatorship in an allied country, but at other times condemn the actions of these dictatorships in support of democratization?" Based on this puzzle, this paper argues that Western support of democratization is dependent upon the economic ties that develop between the two allied states during the dictatorial era prior to a democratic revolution. In contexts where the Western power has strong historical relations rooted in economic ties, a regime change is likely to be supported to ensure a continuation of the economic benefits previously received.

The cases of South Korea and Tunisia will be used to exemplify this argument. This paper seeks to demonstrate how certain linkages in bilateral relations not only influence the amount of pressure that can be exerted on a country to democratize as is argued by Levitsky and Way (Levitsky and Way 2013), but that bilateral linkages also influence Western foreign policy shifts. In sum, we take Levitsky and Way's heavily cited linkage and leverage hypothesis that explains the durability of authoritarian regimes, and reverse the causal arrow to show that linkages not only influence democratization, but in revolutionary contexts can shape a new trajectory for Western foreign policy.

We fully recognize that this study suffers from case selection bias. The aim of this paper, however, is for hypothesis-generating. A hypothesis-generating is for contributing to a process of theory-building. It can be conducted with one or more cases and then tested with other methods such as large-N (Levy 2008: 5). Upon this argument, this paper tries to show a causal mechanism between economic interdependence and the foreign policy of the western powers with cases of South Korea and Tunisia. In other words, Tunisia and South Korea serve as appropriate *examples* of how our theory can be applied. This paper can

be further developed by conducting a more systematic study that directly tests the hypotheses by cases that would challenge our assumptions.

Literature Review

Foreign policy analysis has evolved over the past decades to include rational actor models, culture, psychological factors, group theory, organizational theory, bureaucratization, and comparative studies (Carlsnaes 1992; Breuning 1997; East 1973; Menkhaus and Kegley 1988; Ripley 1993; Risse-Kappen 1991; George 1980; Hudson and Vore 1995). However, studies that investigate shifts in foreign policy are sparse. The aforementioned factors have been used to determine how foreign policy decisions are made at a certain point in time, but studies that investigate shifting foreign policy stances especially in regard to democracy promotion, and what accounts for these shifts are largely absent from the foreign policy analysis literature. What begs to be investigated are factors that motivate a country to dramatically shift their stance in a relatively short period of time.

Furthermore, when it comes to the study of democratization, what influences a country to democratize has been heavily studied, but the decision on the part of an external state to either promote democracy or uphold a dictatorship are also severely lacking. However, pulling from both the foreign policy and democratization literature helps us to create a theoretical framework that can be applied to investigate our intriguing puzzle of shifting Western support for authoritarian regimes.

To start, the field of foreign policy analysis is founded upon the assumption that states are going to act in a way that maximizes their power and position in the international system. Robert Gilpin characterizes this behavior in his book *War and Change in World Politics*. "The fundamental nature of international relations has not changed over the millennia. International relations continue to be a recurring struggle for wealth and power among independent actors in a state of anarchy (Gilpin 1981: 7). Regarding foreign policy, states are asking themselves what costs and tradeoffs they are willing to incur to obtain a certain benefit. Thus, any change in foreign policy must mean that there is a change in the utility maximization formula that was implemented in order for the state to pursue a particular foreign policy agenda.

Although Gilpin's rational actor analysis on how change happens in the international system is useful for explaining the onset of war, the essential tenets of his theory have been underutilized in understanding foreign policy shifts that do not result into a War. The "bundle" thesis is useful in this regard. States have a "bundle" of costs, tradeoffs, and benefits that are tied together. Each state pursues the best foreign policy objective that responds to the "bundle" and produces the best possible outcome. When the components of that bundle change, so will the foreign policy of that state.

Second, pulling from the democratization literature, the international determinants of democratization are often viewed as being secondary in importance to explaining this phenomenon. Domestic factors have often been argued as holding more explanatory weight in predicting the onset and outcomes of a

democratization movement or revolution in a country. However, as our world becomes more globalized and interconnected, especially in a post-cold war environment (Friedman 1999), taking a more nuanced and focused approached when analyzing the factors that affect international relations is critical.

Previous studies that examine international determinants of democratization have focused on factors such as foreign aid, a state's position within the world economic system, and international organizations (Pevehouse 2002; Knack 2004; Wright 2009; Ahlquist and Wibbels 2012). These studies take a systemic or structural approach to explaining democratization. What is missing is an agency-centered explanation that is situated within the context of these factors mentioned above. For example, Pevehouse talks about foreign aid and how membership in an IO can exert pressure and motivate a country to democratize but he does not empirically test what motivates an IO to exert this type of pressure. In this context, there is a need for constructing a hypothesis which can explain patterns of behavior of states supporting democratization or not, rather than focusing on just the factors of democratization. Furthermore, not only understanding what these factors are, but also how they change and what effects this change is critical, which is the focus of this paper.

Although Levitsky and Way do not focus on what changes foreign policy, they produce one of the few studies in comparative politics that looks at what enables Western democracy promotion efforts to succeed or fail. Their theory is centered upon linkage and leverage mechanisms. They argue that when an authoritarian country possesses highly linked relations with the democratic West, then democratization is more likely to occur. However, if Western democratic countries are not highly linked with these regimes, then their leverage decreases, and the state can ignore pressures to democratize. Although Levitsky and Way provide a thorough analysis of the international factors that influence the stability or breakdown of an authoritarian regime, the causal flow between the "breakdown" and foreign policy has yet to be thoroughly investigated. For example, what if a Western democratic country and a non-democratic developing country share dense networks, but the Western country opts *not* to exert any "leverage" over this regime to democratize? Could the "ties that bind" as defined by Levitsky and Way be dictating not only the amount of leverage a country possesses, but could also be creating the incentive structure that shapes foreign policy. The ties that bind are inherent within the "bundle" made up of costs, tradeoffs, and benefits as defined by Gilpin.

In this view, the analytical perspective offered by the linkage and leverage thesis could be reformulated to offer an alternative view in which to analyze foreign policy and the breakdown of authoritarian regimes. Instead of focusing just on how the foreign policy of a Western state dictates the breakdown, the breakdown could also dictate the foreign policy of the Western state.

Theoretical Framework

This paper utilizes the theoretical framework of Levitsky and Way (Levitsky and Way 2005; Levitsky and

Way 2013) that emphasizes linkages and leverages inherent within international relations and their effects on democratization. The linkages that they define are comprised of various tenets of a state's foreign policy (such as border flows, support of foreign universities, and trade relations). A country's leverage is dependent upon the vulnerability of the country under question. The more vulnerable a country is (i.e. dependency on aid or on intergovernmental membership), the more leverage Western powers can impose upon a state to democratize.

However, Levitsky and Way argue that leverage alone is unlikely to be enough for international pressure to motivate a regime to democratize. High levels of linkage with a Western power or the Western world must also accompany high leverage for democratization to occur. Thus, in the context of a strong democratic revolutionary opposition, democratization is likely to occur if the state in question is largely dependent on a Western country and if that state has dense ties with the Western power that is promoting democracy.

Linkages are economic, cultural, social, or political ties between Western powers and a country, which is most likely a developing country. There are six different categories of linkage: economic, intergovernmental, technocratic, social, informational, and civil-society. Levitsky and Way's hypothesis is if both leverage and linkage is high, then pressures to democratize are more likely to have an influence on an authoritarian regime. The critical component for the authors are the linkage mechanisms. Leverage is a tool that can be used to exert pressure on a country, but it is the density of the linkages that really drives these efforts.

The linkage and leverage framework is applied to cases where democratization has or has not occurred. However, their framework could be developed even further in order to explain shifts in foreign policy, which is the aim of this paper. This paper argues that economic linkages between two countries determine the likelihood that a Western power will shift its democratization policy stance towards an ally. In this view, the international dimensions of the linkage and leverage framework are also coupled with domestic factors, thus promoting the "eclectic framework" heralded by Teorell (Teorell 2011).

After domestic actors have exerted pressure on their government to democratize, international pressure will follow and even constitute a policy shift depending on the level of linkage that a Western power has with the country in crisis. Due to the argument that "linkage" is the most salient component of this democratization thesis, this paper focuses on shifts in foreign policy and linkage mechanisms as explanatory variables. Our economic hypothesis is compared against three other dimensions inherent within the linkage framework. The hypotheses are as follows:

Hypothesis 1: If a Western power has high technocratic linkages with a country that is undergoing increasing domestic pressures to democratize, then that Western power will shift its support from authoritarian regime to the democratic revolutionaries.

Hypothesis 2: If a Western power has high intergovernmental linkages with a country that is undergoing increasing domestic pressures to democratize, then that Western power will shift their support from the authoritarian regime to the democratic revolutionaries.

Hypothesis 3: If a Western power has high informational linkages with a country that is undergoing increasing domestic pressures to democratize, then that Western power will shift its support from the authoritarian regime to the democratic revolutionaries.

Hypothesis 4: If a Western power has high economic linkages with a country that is undergoing increasing domestic pressures to democratize, then that Western power will shift their support from the authoritarian regime to the democratic revolutionaries.

Conceptualization

The hypotheses above bring forth four different dimensions of Levitsky and Way's linkage theory. The first category is technocratic which is defined as "the share of a country's elite that is educated in the West and/or has professional ties to Western Universities or Western-led multilateral institutions," and the second category is intergovernmental which is defined as "bilateral diplomatic and military ties as well as participation in Western-led alliances, treaties, and international organizations." (Levistky and Way 2013: 43). The third category, informational, is defined as the level of "flows of information across borders via telecommunications, Internet connections, and Western media penetration" (Levistky and Way 2013: 44). The last category is economic linkage that is defined as "flows of trade, investment, and credit" (Levistky and Way 2013: 43).

It is the density of these variables between two countries that dictate the amount of leverage that can be exuded on the developing country to democratize. However, what is being argued here is that these variables can also shift Western authoritarian support away from a regime amid a state crisis. Thus, they can be used not only to determine the propensity for a country to democratize due to external pressure, but can be used to account for Western foreign policy shifts regarding purporting an allied dictator. In this analytical perspective, the unit of analysis is foreign policy shift of the Western power, *not* the rate of democratization which is done by Levitsky and Way. Each case will be analyzed using the different dimensions of international linkage included in the theoretical framework section: technocratic, intergovernmental, informational, and economic.

Methodology

This study utilizes a comparative case study approach using a dissimilar systems research design. France's foreign policy shift in support of the revolutionary regime during the Tunisian revolution in 2011 will be compared against the case of U.S. support of the regime change that took place in Korea in 1987. The cases are similar in the effect that the regimes faced domestic opposition that wanted democratic change, but they are distinct in their historical context, culture, geography, language, and major economic Western

ally. A brief synopsis of the two cases is outlined below.

America played a varying role in the South Korean democratization movement. At first, the U.S. did not intervene on behalf of the democratic rebels in the 1980s when the military regime killed people protesting in Kwangju. However, in 1987, the U.S. did intervene in domestic politics by not allowing the South Korean military regime to announce martial law in order to oppress the citizens who were protesting against the regime. The U.S. had shifted its policy stance to support the people who were pressuring the government to democratize, who ultimately overthrew their regime.

A similar instance can be found in the post-cold war era in the case of France and Tunisia in 2011. France had supported the dictator Zine El Abidine Ben Ali who had ruled the country with an iron fist from 1989-2011. When the initial protests for democratization broke out in December of 2010, France supplied military forces to oppress the protestors. However, after the protests went on and Ben Ali fled the country, France became supportive of any democratization efforts that were to take place after the revolution instead of pushing for a return to the old autocratic status quo.

The South Korean case happened prior to the end of the cold war, and thus represents a time that is characterized by bipolar politics with two world hegemons (the U.S. and the Soviet Union). The Tunisian case takes place in a post-cold war context where globalization has effected the economic and social relations among countries. The post-cold war era also represents a period where power politics are defined not just in military capacity but by the strength of a state's economy. Thus, economic relations during this historical era could have a greater impact on foreign policy, than foreign policy during the cold war era.

South Korea and Tunisia are historically, culturally, and socially very distinct. South Korea has a culture that is rooted in both traditional Chinese and Western influences after 1945. For example, in Korean, the governmental and educational system is US-styled, but traditional cultural artifacts such as the importance of social hierarchy derived from Confucianism still has a place in society. Tunisian culture and society is characterized by facets associated with the Arab identity and is dominated by one religion, Islam. It also receives many cultural and linguistic influences from the southern Mediterranean region of Europe and receives most of its national income from the service industry including tourism.

Limitations of study

A case study is not generalizable by any means. This analysis is purely descriptive and lacks a broader quantitative component that could be applicable across cases. Furthermore, this study suffers from case selection bias in that the two cases analyzed here both endured democratic revolutionary upheavals where an allied Western power shifted in their foreign policy support of the target regime. This study would be strengthened by comparing the two selected cases where allied Western foreign policy shifted against two cases where allied Western foreign policy did not shift. Despite these shortcomings, authors again

emphasize that this paper aims a hypothesis-generating according to Levy (Levy 2008: 5) rather than validating or proving an existing theory as stated in the introduction part. This analysis provides the first step towards analyzing the applicability of economic linkages serving as predictors of foreign policy shifts in the contexts of revolutions.

Korean Case: Change in US policy on Korean democratization in the 1980s

The president of the Korean government, Doo Hwan Chun, was elected into power indirectly after a coup in 1980. Due to the fact that Chun obtained his power outside of using the electoral system, he suffered from a lack of legitimacy in the eyes of the Korean people. In terms of foreign relations, a tie between the government and the US was established around the early 1980s. A main goal of the US government was to liberalize Korea and to influence the authoritarian Korean government against oppressing its political oppositions (Brezinsky 2011: 401). The US had tacitly approved the existence of the non-elected government. However, despite the tie between two governments, several people were killed (Cumings 2005: 389-91) and the government controlled mass media.

For example, in 1987, a student majoring in linguistics at Seoul National University was killed due to severe torture by the Korean government. His death sparked huge demonstrations led by people who wanted a formal explanation from their government that justified this young person's death. The government tried to hide his death because it did not want to lose even more legitimacy in the eyes of its people and the international community. After this event, the strained relationship between the political and civil society spheres of life continued (Cumings 2005: 392).

However, when the political situation of Korea in the late 1980s became even more unstable, the US changed its policy dealing with the Korean government. The U.S. no longer approved of the Chun regime and this foreign policy shift opened up the political opportunity for the democratic opposition to take advantage of a permissive world context. Eventually, the revolutionaries overthrew Chun's government, the fifth republic of Korea. However, what exactly prompted this policy shift on the part of the United States? The following sections outline possible incentives.

Technocratic Linkage

Starting in 1945, when the US occupied the Korean peninsula, pressure to liberalize and democratize were exerted. However, Korean political officials lacked experience operating within democratic principles. Therefore, the U.S. decided that the best approach to spread democratic ideals was to instill it in their educational system. This would fill the gap on the part of the political officials who lacked experience with democracy. In sum, educating elites in a U.S. implemented educational system proved indispensable for advocating the promotion of democracy.

Following the implementation of a U.S. styled educational system, the US tried to spur along modernization efforts. Modernization leads to more economic development and increases the presence

of educational school systems especially at the University level. Thus, to continue educating Korean scholars that would adopt liberal belief systems, the State Department and the Ford Foundation supported many Korean institutions such as Korea University (Brezinsky 2011: 284). To modernize, the U.S. made huge efforts at linking American and Korean technocratic elites especially via the University system. Finally, democracy could be achieved after this economic progress (Brezinsky 2011: 280), which would be spurred along by modernization efforts. Modernizing, economic development and the eventual adopting of liberal democratic beliefs systems via Western educational attainment would ensure that the US could protect their strategic relations with Korea.

However, elite education was not a factor that affected US foreign policy shift on the support of the regime. The U.S. had increased their technocratic ties starting in late 1945. Thus, technocratic ties existed during an era of largely continuous western support. Even though elites such as professors were involved in the huge demonstrations in the late 1980s, it was not a reason that the U.S. changed their foreign policy. Rather, it became a background of the advent of the middle class which is stated in the part of economic linkage. The technocratic ties were merely tools for the US to influence liberalization and democratization in the region but it did not influence support away from the regime. Thus, rendering weak support for hypothesis one.

Intergovernmental Linkage

The intergovernmental linkage between the US and Korea was strong. The US was confronted head on with the democratic movement in Korea especially after a diplomatic leader of the opposition was exiled to the U.S. Democratic movements which were led by Dae-Jung Kim, who was one of the main political figures stated above. When Kim has exiled again to the US in 1983 for 777 days, he established an institute that committed researches on Korean human rights abuses. He also met with many U.S. politicians regarding US support of the democratic movement (Kim 2010: 455-475). Some scholars and a politician, Donald Fraser, signed a plea for Kim's safe return to Korea, which was sent to president Chun (Ministry of Foreign Affairs 1985: 22). Despite this plea on behalf of Kim, the US still supported the authoritarian regime according to declassified diplomatic documents.

The report written by the Korean government states that US officials said that the US wanted to support the Korean government (Ministry of Foreign Affairs 1985: 48) and the US felt that the return of Kim to Korea could potentially destabilize any progress towards political development in Korea (Ministry of Foreign Affairs 1985: 115). Thus, the US regarded their diplomatic relations with Korea as more important than democratization. The US was not willing to jeopardize their strong relationship with the Korean regime and their domestic durability in the wake of a growing democratic opposition in the late 1980s, despite the strong tie that was created between the U.S. and Kim's ideological commitment to democracy. The US remained in staunch support of the Chun regime, whilst interacting with the leader in the democratic movement. In sum, the intergovernmental tie did not break amid negotiations regarding

the return of Kim. Intergovernmental relations did not lessen amid the democratic movement in a manner that would call for a shift in foreign policy.

Informational Linkage

The informational linkage between the U.S. and Korea was road blocked by the government because the Chun government controlled newspapers and TV broadcastings. The media was highly censored. However, the US embassy in Korea published a journal "Current Events and Views" (Stueck 1998: 14) so that Koreans could access the US stance on the Korean democratization movement. Furthermore, the American Forces Korean Network (AFKN) acted as a channel for Koreans to get information from outside of their country. However, the Korean government urged the US government to censor any news related Kim's return broadcasted on AFKN (Ministry of Foreign Affairs 1985: 140) because the Chun government was afraid of the opposition's accessing this information.

It can be said that the US government supported the Korean authoritarian government firmly, even amid growing domestic oppositions. Furthermore, it is evident that the intergovernmental tie affected weak informational linkages to suit the interests of Chun. The strong diplomatic relations between the authoritarian regime and the US continued. Then, what we need to ask is why US foreign policy towards Korea suddenly changed despite the strong intergovernmental tie.

Economic Linkage

In the Korean case study, the economic linkage represents not only traditional bilateral trade relations but was also used as a mechanism in which the US could control Korean trade policy. The main goal of the US was to liberalize the Korean economy despite the tendency for the authoritarian regime to push for more isolated policies (Brezinsky 2011: 402). The U.S. push for Korean liberalization led to the growth of companies owned by the middle class who wanted more of a say in their government. The growing middle class pushed not only economic liberalization but also political liberalization, which prompted the US to shift their foreign policy to authoritarian support.

Chun heavily relied on elites in the economic sector for his support. Therefore, it was easy for the US to push for liberalizing reforms since this US interest coincided with the interests of Chun's loyal elites. Thus, Reagan successfully started to emphasize liberalization of the finance and trade sectors in Korea starting in 1983 (Brezinsky 2011: 408). In addition, the US tried to change the tariff and taxation policies of Korea. Reagan suggested to the Chun that they abolish the income tax on foreign companies who try to withdraw their business from Korea. In light of this successful US-led reform, American insurance companies started to operate their business in Korea (Jeong 2010: 315). Now, the US had effectively integrated Korea into the global free trade system while simultaneously integrating US interests with Korean business elite interests.

However, some domestic problems started to occur. Most of the people in Korea were not able to

decipher whether the US was in support of the Korean democratic movement. Due to the ambiguity of US support of democratic reforms, an anti-Americanism movement started to rise. Some democrats in Korea occupied and even attacked some of US facilities in Korea (Jeong 2010: 312-316). Furthermore, opposition to the authoritarian government led to huge demonstrations in the late 1980s. Koreans rallied around nationalistic sentiments that coupled anti-Americanism and anti-imperialism with sentiments of anti-authoritarianism which withdrew popular support away from the regime. This movement threatened American interests because of their high level of economic integration between US foreign investments and Korean companies and conglomerates. This was a significant issue for American foreign policy because US support of the regime was posing a threat to US economic interests.

Thus, when huge protests and demonstrations occurred in 1987, it was difficult for the US to approve the regime led martial law again in that this approval would exacerbate tensions of Korean economy and stimulate anti-Americanism movement in Korea (Brezinsky 2011: 412-413). This is what prompted the US to shift their support away from the regime and in favor of the democratic opposition. In sum, it was the economic linkages, created by the liberalization of the Korean economy that eventually affected US policy in support of the authoritarian regime to dissolve. In it's a place, the US implemented a new foreign policy that supported the democratic revolutionaries.

Tunisia Case: France's Eventual Support of the Democratic Revolution in 2011

On December 16 2010, a young Tunisia street vendor, Mohammad Bouazizi lit himself on fire to protest police brutality and a corrupt dictatorship heralded by Zine El Abidine Ben Ali. Ben Ali had been Tunisia's dictator for twenty-five years and throughout his tenure he fostered strong economic and political relations with Western countries such as the U.S. and France. France had a particularly close relationship with this small Mediterranean country due to past imperial colonial relations. The French government had supported Ben Ali's autocratic rule despite international outcry at Ben Ali's human rights abuses. Even during the revolution, France supported the regime by providing military assistance to the government to aid them in oppressing the protestors. Michele Alliot-Marie who served as the French foreign minister during this time had offered aid to the Tunisian regime to "assist in putting down the revolution" (*AllAfrica.com* 2011).

In the past, the French government argued that "national security interests and the economic benefits of maintaining close ties with the Ben Ali government outweighed dissatisfaction over its record on human rights and democratization" (Wood 2002, p.101). During the Jasmine revolution in 2011 this mentality appeared to persist. France's President Nicholas Sarkozy argued that France did not offer initial support of the revolution because France was committed to not involving itself in the affairs of other countries (*BBC Monitoring Middle East* 2011b). However, it was later expressed that France eventually shifted its support away from Ben Ali and in favor of the revolution "in order to guarantee the interests that Ben

Ali had guaranteed in the past" (*BBC Monitoring Middle East* 2011a). But what interest specifically influenced this shift?

Furthermore, not only did France end up supporting the democratic transition, but France also shifted its foreign policy about working with the Islamic political party *Ennahda* who formed the majority of the ruling coalition after the revolution.[17] Prior to the revolution, the Tunisian government had inferred that the leader of this political party was affiliated with terrorist organizations. Ben Ali cracked down on Islamic oppositionists, and France was supportive of these endeavors to preserve regional and national security in France.

Like the Korean case discussed above, we argue here that economic linkages that existed prior to the revolution conditioned the decision for the French government to shift its foreign policy stance of supporting dictatorship in Tunisia to supporting a democratic transition with an Islamic political party leading the transition. The historical trajectory of the increasing economic ties between France and Tunisia are outlined below along with the other dimensions of Levitsky and Way's linkage hypothesis.

Technocratic Linkage

The technocratic linkage between elites in France and Tunisia is strong in the sense that many prominent Tunisians received their higher education in France. For example, Ben Ali who remained the dictator for twenty-five years received special training at the Special Inter-Service school in Coëtquidan and the Artillery school in Châlons-sur-Marne (Wood 2002). Furthermore, Tunisia's premier dictator Habib Bourguiba who ruled Tunisia from its independence in 1957 till 1987 was also educated in France. He attended the *Sorbonne* in Paris to study law (Hopwood 1992). What he learned about French politics and society during his academic tenure in Paris influenced his ties to secularism and to instating a French influenced educational system during Tunisia's post-independence era.

Not only are the two most prominent political figures educated in France, but many young Tunisians also sought to study abroad in France to receive their education. The scholarly exportation of French academic knowledge to Tunisia enhanced the technocratic linkage between France and Tunisia and exacerbated their influence and control in the region. However, this linkage was unlikely to be the most salient influential factor that motivated the French government to ultimately side with the revolutionaries. The technocratic linkage can be viewed as more of an indirect linkage on the economic relations between France and Tunisia because Tunisian students would buy French products and would continue to buy French products after they came back to their own country. Therefore, it would not be the technocratic linkage per say, but would be the economic relations as a byproduct of those linkages that would be most affected by a change in regime. Furthermore, strong technocratic linkages between the two countries

[17] Dobbs interview with head of political affairs at the French Embassy in Tunis in 2014.

were always strong, and democratic opposition to Tunisia's leaders had also existed in the past. Therefore, the technocratic linkage does not explain why France decided to shift its policy now because this linkage did not particularly strengthen in the years prior to the revolution.

Informational Linkage

Information linkages between Tunisia and France are incredibly intertwined. The two countries share a common language, French, and many French newspapers often relay news about events and ongoing foreign relations between France and their old colony Tunisia. In fact, information spread from Tunisia to France about the abhorrent human rights abuses that were being reported by international organizations such as Amnesty International, the Arab Commission of Human Rights, Human Rights Watch, and the International Federation of Human Rights Leagues (Human Rights Watch 2008). Upon receiving many of these reports, there was major outcry in French media that condemned their government's support of the Tunisian regime who was being pictured as a tyrannical oppressive leader.

When the Ben Ali regime increased oppressive measures between 1995 and 1998, aimed at squandering any political opposition, the French Press intensely criticized the French government. Thus, the domestic public in France was starting to turn against their government regarding their current foreign policy stance that supported the Tunisian regime. However, despite criticisms inherent within the French media and public outcry, the French government continued their support of the dictator (Wood 2002).

In 2011, informational linkages had a different impact on French support of the dictator. After Ben Ali fled the country on January 14th, Alliot-Marie made the statements about "the savoir-faire…of [French] security forces able to settle security situations of this type" (Marquand 2011). After this statement was mad, Alliot-Marie faced political and public opposition and was pressured to resign from her post of foreign minister. Now that the public and elites had received the information that Ben Ali had fled, they were no longer going to stand for a position that was anti-democratization. Thus, in the case of Tunisia and France, informational linkages seemed to play a role in the foreign policy shift. Although more research needs to be done about French public opinion during the initial uprisings.

Intergovernmental Linkage

There were intergovernmental ties between France and multilateral institutions that could have pushed France towards the decision to shift foreign policy towards supporting the democratic revolutionaries. France's involvement in the EU spurred along many different intergovernmental partnerships between Tunisia and the EU that would eventually lead Tunisia down a path of democratization. For example, in 1995, France encouraged the development of the Euro-Mediterranean Partnership Initiative. This partnership was geared at economic development and regional cooperation between European and North African countries along the Mediterranean. The initiative was also theorized as being a venue in which security issues in the Maghreb region that affected European countries could also be tackled.

However, this partnership suffered many setbacks and it is considered to have failed given that by "the end of 1996, it was clear that the lofty political goals of the EMPI were unattainable and the economic goals unrealistic" (Wood 2002: 97). Thus, France through the guise of the EMPI was unable to have any real intergovernmental influence in Tunisia.

Furthermore, the European parliament passed a resolution in 1996 that expressed that there was a major concern over human rights abuses associated with the Ben Ali regime. Ben Ali was condemned for continuously oppressing political opponents. When the passing of this resolution came up to vote, some of the French delegates voted against this international condemnation. Therefore, historically, intergovernmental ties between France and its membership in multilateral institutions has not been very effective at shifting political elite support away from the dictatorship in Tunisia.

Economic Linkage

It has been argued thus far that technocratic, informational and intergovernmental linkages between France and Tunisia were not enough to shift the foreign policy of France. Wood contends that French foreign policy started to shift subtly due to these forces, but after the attacks on 9/11, France quickly resumed their staunch support of the dictator despite reported human rights abuses. Furthermore, despite domestic and intergovernmental public outcry regarding the human rights abuses, economic relations between France and Tunisia became denser. In the 1990s, trade relations between France and Tunisia expanded. About 27.4% of Tunisian imports came from France and Tunisia exported about 28% of their exports to France (Wood 2002). Tunisia also attracted a lot of French investors numbering about 327 French enterprises were in Tunisia. Furthermore, the French government supported Tunisia financially by giving them about 441 million Francs in aid (Ibid).

The dense economic ties between France and Tunisia spurred along economic growth. France started to develop a growing middle class and only about 6% of the population lived below the poverty line. However, with the growing economic development, Tunisia started to become more modernized and the Tunisia people wanted more than economic development, they wanted more representation. As was outlined in the Korean case study, modernization theory contends that as a country economically develops and becomes more modernized, people start to become more educated and adopt new belief systems and values that are centered upon a more liberal society (Lipset 1959). This liberal ideology is then linked with increasing pressures for the government to liberalize. Furthermore, with the global economic crisis in 2008, Tunisian's value expectations were not suddenly not meeting their capabilities and this led them to revolt in 2010 (Gurr 1970).

It is argued that due to the increase density of Tunisian and French economic relations, not only did the revolution fervor partially originate from these relations that resulted into an increase in modernization, but France was to "tied up" in their economic relations with Tunisia. Being on the "losing side" of the

revolution would have been too costly, economically. Hence, France has been criticized in its late support of the revolution because this lateness in response has been analyzed as being a result of France's narrow interests. Initially, France wanted to squander the revolution in hopes of retaining their economic interests, but eventually they shifted their stance in support of the new revolutionary regime in hopes of salvaging their pre-existing economic relations that existed prior to the revolution.

Conclusion

The goal of this paper was to demonstrate how bilateral linkages can prompt a Western country to shift their foreign policy towards an authoritarian regime. The findings of this paper are the following; (1) economic linkages between Western democratic countries and developing countries play a salient role on the trajectory of foreign policies; (2) other linkages, such as technocratic, informational, and intergovernmental could also explain changes in Western foreign policy democracy promotion (although less salient than economic linkages).

In sum, aligned with the rational actor model, a shift in foreign policy is not just dependent upon domestic influences such as public opinion, but are based on decisions that are inherent within the state's autonomous interests. The examples provided in this paper, France and the United States, show that the foreign policies of the two countries were not directly related to their role as norm entrepreneurs in the global states system. France changed its policy supporting Ben Ali due to its economic interests that resided with Tunisia and the US had similar incentives with Korea. To understand foreign policy shifts regarding democracy promotion in developing and authoritarian countries, analysts need to understand how Western powers and a developing country are intertwined and interdependent using the linkages provided by Levitsky and Way. Western powers will change their direction of foreign policy to align with their interests that are dependent on this world system context.

Future research

To make a more generalizable argument regarding patterns of shifting Western foreign policy support of authoritarian regimes and democratization, this study needs to go beyond discussing cases that exemplify our theoretical framework. Future research needs to directly challenge the assumptions we have made here which can be done by increasing the number of cases that vary in their historical context, types of diplomatic ties, and domestic opposition. Also, the case of Korea could be more accurately analyzed if classified documentations are declassified in the future (in the case of Korea). As Stueck stated for the Korean case "[t]he unavailability of internal documents from the fall of 1986 to June 1987 renders us incapable of determining whether or not American observers anticipated the sentiments of the South Korean middle class" (Stueck 1998: 23). Studies investigating the Korean politics would greatly benefit if those documentations are officially released.

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Branding Rights: The position of political cartoons in the securitisation of population groups in a democracy

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Abstract

Extending on notions of securitisation and how it challenges democracy, this paper uses Marshall McLuhan's tetrad of media effects within a social constructivist paradigm, to engage in an intertextual and intervisual analysis of political cartoons in Denmark. In doing so this paper illustrates how and why particular community groups within democracies can be targeted in 'speech acts' that subsequently pushes them into becoming securitised as possible threat groups within the democracy. The securitisation that takes place in democracies through these identified and analysed 'speech acts' embedded in political images are deconstructive features to promoting democratic rights, and must be understood and addressed at a structural level to instead promote desecuritisation.

Keywords

securitisation; democracy: social construction; political cartoons; democratic rights; plural society

1. Introduction

The structures of democratic governance that guide citizenship rights within the nation state do not align with the international laws and structures that guide human rights. These incongruences between constitutional rights within democratic nation states and the democratically informed normative human rights overseen by the international community, do not allow for the protection of individuals and communities that are positioned as refugees, migrant workers, illegal workers, citizens to failed states or other forms of minority groups. Such minority groups are at risk of being further disenfranchised through the processes of securitisation that are pushed into action by 'speech acts,' and reinforced or objected by elite interest groups, public opinion and political rhetoric. The securitisation of particular population groups within a democratic society therefore risks undermining the principles on which a democratic society is built and governed.

Within the field of security studies, the process of securitisation refers to the emergence of an existential threat as a result of the politicisation of particular threats (Williams 2003, McDonald 2008, Rostbøll 2009 & Mavelli, 2012). Traditional security frameworks placed significant importance on assuring security militarily and ideologically (Buzan *et al,* 1998). However, when considering security agendas solely from a military and ideological point of view, the underpinnings of nation's security agenda becomes understood only partially, and many of the democratic social processes that inform such a security agenda are overlooked (Buzan *et al., 1998*). An understanding of *how* and *why* particular narratives are securitised while others are not requires that both represented and unrepresented narratives in the political cartoon discourse is understood. Through highlighting how particular narratives are pushed forward in democracies by the social processes that underpin them, this analysis seeks to illustrate how fundamental rights are removed from particular communities through the visual securitisation process. Ideally, multiple cases should be investigated to explore how visual securitisation processes influence the democratic rights of particular population groups. Due to the space constraints affiliated with this discussion Denmark and the publication of political cartoons in 2005 will be at the centre of this conceptual investigation on how political cartoons inform the securitisation process. The 2005 Danish cartoon case published in *Jyllands-Posten* was chosen due to the widely accessible resources available on the subject, the praise that Denmark often receives on its democratic governance, and the wide-ranging implications that the cartoon crises had domestically and internationally.

In order to elaborate on how these groups are being securitised at the intersections of institutionalised democratic state apparatuses, this paper will unfold in three parts. Firstly, the paper will expand on the theoretical underpinnings of securitisation and explain why the process of securitisation against targeted groups within a democratic government undermines democratic governance. Secondly, it will engage with an intertextual and inter-visual analysis of political cartoons published in Denmark in order to empirically support how such securitisation is deconstructive to democratic governance. Lastly, the paper

will extend on the notion of establishing a regime of rights that encompasses both citizen rights and human rights under one regime, rather than one national constitutional regime of citizenship and one international regime of human rights, as a form of desecuritisation.

2. Literature Review

Setting out to understand how and why particular socially perceived threats become securitised, whilst others do not, demands an understanding of the different dominant discourses that intersect to allow for securitisation. Literature looking at the processes of securitization beyond the traditional framework has placed emphasis on the role of images in securitisation as they are designed from a particular ideological outlook and projected to a known audience (Williams 2003, McDonald 2008, Rostbøll 2009 & Mavelli, 2012). A seminal work by Hansen (2011b) presents an intervisual and intertextual model that can be used to analyse the social processes that underpin securitisation of a threat beyond the linguistic process. In her analysis she points out the importance of considering the visual itself, its immediate intertextual context and the wider social and political discourses it is framed by. Political cartoons, unlike photographs, or film and video carry with them a narrative that has been informed by a particular historical time and narrative that can be assimilated by the majority of a population (Williams, 2003: 17). Political cartoons therefore become reflective of the narratives that a society pushes forward, ignores, or makes obsolete. Although Hansen's approach allows for a comprehensive understanding of the factors in visual representation that push a perceived threat into a securitised state, the approach does not interact with the narratives of representation that *are not* highlighted in the visuals. In order to comprehensively understand how particular threats are securitised while others are not, and the evolution of such securitisation, the narratives that are emphasised as well as made obsolete must be considered in the socially constructed process.

Marshall McLuhan's tetrad of media effects provides a framework for identifying what wider impact the political cartoon narratives have by respectively regarding represented and unrepresented narratives (Grosswiler, 1996: 4). The tetrad of media effects therefore assists this analysis by integrating represented, and unrepresented narratives into analysing the visual securitisation process of particular population groups.

Hussain Ali's (2007) discussion in 'The Media's Role in a Clash of Misconceptions: The Case of the Danish Muhammad Cartoons' cautions against analysing political cartoons and extracting narratives from them without considering the historical trajectory of ideology that informs the production, interpretation and reproduction of such images. Breaking down the historical representations of religious figures in Western and Eastern media, Hussain highlights how such representations are often flawed by being generated through ideological lenses that are ignorant to the ideologies they are visually portraying. These false representations result in ideological misconceptions being generated among media consumers. As

they are consumed such misconstrued ideological representations become socially articulated into truths, thereby limiting possibilities of cultural conflicts becoming resolved (Hussain, 2007: 120). Hussain's discussion reinforces the need for this analysis to analyse the influences that the chosen political cartoons have had on dominant discourses that cut across society and incorporates multiple voices of representation, such as public opinion, political rhetoric and elite interest groups. Without incorporating the responses of multiple actors involved in the securitisation process, this analysis risks developing a critical and comprehensive discussion. Furthermore, to avoid limiting the analysis with false narratives that do not inform how visual securitisation can undermine democratic rights, this analysis will focus on the period from September 2005 until February 2006. This period was chosen because from the date of publication in September, 2005 it took five months for the visual representations to be pushed into a state of securitisation as responses toward the representations became increasingly violent.

The importance of needing to understand the narratives that are respectively pushed forward and made obsolete is highlighted in discussions of desecuritisation (Aradua, 2004: 389). In democratic environments where particular population groups are being marginalised and under-represented through securitisation, a need emerges for 'speech acts' that desecuritise instead. Extending on Kantian philosophy, Rostbøll (2009) presents the need for autonomy of identity to not be seen as a character ideal, but rather as a right to every member of a community to be respected. Extending on the Danish cartoon controversy, Rostbøll (2009: 630) notes that the question should not be whether freedom of expression should exist or not, but rather, the limitations to the *use* of such expression must be made clear within plural democracies. Extending beyond citizenry and social identity of communities within the nation-state, Isin (2013) asserts that instead of having a conversation about globalising human rights, there needs to be more focus on discussing the emergence of a regime of rights. In discussing a regime of rights, the contestations that divide citizenship rights and human rights are removed. This concept of a regime of rights presents an interesting frame of analysis from which to extend recommendations in response to securitised minorities within plural democratic societies.

3. Methods, Methodology and Limitations

There are two main conceptual frameworks that guide investigations of the securitisation process. One conceptual framework regards the securitisation process as one of exclusion, while the other regards it as a process of routines. The process of exclusion places emphasis on high-points in social and political interactions that push into existence (Bourbeau, 2014: 11). In contrast, securitisation as a process of routines emphasises securitisation as a process of mundane bureaucratic and structural processes that gradually place a target in a securitised state (Bourbeau, 2014: 11). Although they differ, both these conceptual frameworks highlight how securitisation involves for a threat to be socially constructed and pushed into a space that allows for exceptional measures of response to be directed toward the threat (Williams, 2003: 514). This analysis does not advocate for or against either of these conceptual

frameworks. Instead, it seeks to focus on unpacking the different dominant discourses that are embedded within political cartoons and to identify how these discourses informed the securitisation of particular population groups within a democracy.

Political cartoons were chosen as anchors to investigating the discourses that challenge democracies when regarding the process of securitisation for their multi-layered representations. Political cartoons exist as critical narratives that not only document the reality of a historical time, but also reflect sociocultural and political perceptions that inform the represented reality (Sandbrook, 2010: 26). In being representatives of particular internalised perceptions within a society, political cartoons offer insight into what discourses were within the mainstream, and which were marginalised. Understanding which discourses are mainstream, and which are marginalised is essential when unpacking the securitisation of particular population groups in a democracy because the discourses embedded in the cartoons assist in identifying what the agent, the referent object, the target and the audience of the securitisation process is within the phase of securitisation being analysed.

In order to unpack how political cartoons influence securitisation moves that undermine the democratic rights of particular population groups within democratic societies, this analysis addresses the following questions:

i) What securitisation move is pushed forward by the political cartoon, and by what securitisation actor?

ii) How is this securitisation move pushed forward by the relative political, social and economic discourses in the democracy at the time?

iii) Does this securitisation move undermine the democratic rights of particular population groups in the democracy?

A qualitative design is best-suited for studying how and why particular groups are socially constructed as target groups for securitisation. The focus that qualitative research places on interpreting and understanding human action is in line with the aims and objectives of this analysis (Maxwell & Loomis, 2003: 322).

Corresponding with the qualitative design, an interpretivist analysis is used to identify what political cartoons are deserving of analysis in relation to securitisation. The process of securitisation requires that a targeted group of people, place or idea is seen as an existential threat to the security of the nation-state (Williams, 2003: 510). The political cartoon chosen for this analysis was therefore chosen on the basis of whether or not its representations push forward notions of an existential threat through narratives that demonize the other.

According to securitisation theory, the narratives of representation embedded in texts emerge, are distributed and interpreted differently as security threats throughout different historical times (Greenberg, 2002: 182). This presents a limitation to this analysis. In order to minimise this limitation, this analysis will focus on the historical time at which the political cartoon was used to push forward a securitisation move that justified extraordinary measures to be taken against an isolated security threat.

The narratives that are interpreted and analysed are retrieved from documentary evidence, and is therefore limited by the double hermeneutic and by the trustworthiness of the sources (Eriksson & Kovalainen, 2008: 19). The double hermeneutic emphasizes that interpreted information is inherently affected by subjectivities of the interpreter. This analysis attempts to minimise the limitation of the double hermeneutic by using triangulation of intervisual and intertextual sources that inform the representations pushed forward by the political cartoons.

In respect to evaluating what narratives emerge from the political cartoon into a space of securitisation in a democracy, Marshall McLuhan's tetrad approach is adopted. The questions posed under this framework are:

i) **ENHANCES:** What does the political cartoon enhance?

ii) **OBSOLESCES:** What is positioned as less urgent in the political cartoon to be securitised?

iii) **RETRIEVES:** What does the political cartoon retrieve as an urgent target for securitisation?

iv) **REVERSES:** What does the political cartoon turn into when pushed to extremes?

An individuated examination of the relative contributions of public opinion, political rhetoric and elite interest groups (hereafter referred to as dominant discourses) on the securitisation pushed forward by the political cartoons is also done through the tetrad approach. An individuated examination of how these dominant discourses support or reject forms of visual securitisation represented by the political cartoon allows for a better understanding of how citizenship rights are made exclusionary vis-à-vis securitisation processes. This intertextual and intervisual analysis of the dominant discourses that underpin the political cartoon content is informed by the following questions:

i) **ENHANCES:** What does the relative contributions of public opinion, political rhetoric and elite interest groups enhance?

ii) **OBSOLESCES:** What is positioned as less urgent in the relative contributions made by public opinion, political rhetoric and elite interest groups?

iii) **RETRIEVES:** What do the relative contributions of public opinion, political rhetoric and elite interest groups retrieve as a target for securitisation?

iv) **REVERSES:** What do the relative contributions of public opinion, political rhetoric and elite interest groups turn into when pushed to extremes?

Accounting for the social processes that propel the identified securitisation narrative into action, a social constructivist approach is adopted. Social constructivism, by taking into consideration the influence of norms, culture, ideas and identity politics on the formulation of the securitised narrative, enables a breakdown of the contribution of public opinion, political rhetoric and elite interest groups to their emergence (Wendt, 1999: 34). For deliberating on public opinion online comments, public polls and protests in response to the political cartoons are drawn on. Political rhetoric will be underscored by official statements made by the government to the public and any discussion or passing of new policies by the government vis-à-vis the dominant discourses that emerged from the political cartoons. With regard to deliberating upon elite interest groups, the public or private partnerships with *Jyllands-Posten*, and the changes in such partnerships in relation to the political cartoons will be looked at.

4. Securitising Equalities into Inequalities

The securitisation of an object entails an ideology, group of people or nation-state being regarded as an existential threat. Such a threat can be premised on being a cultural threat or an existential security threat. At the crux of a cultural security threat are ideological contentions, whereas at the crux of existential security threats is the well-being of the nation-state and its citizenry (Rostbøll, 2009: 624). Quite often, however, the social processes that underpin securitisation create a nexus where cultural threats may escalate into existential threats, or in the aftermath of settling an existential threat, cultural contentions may emerge. Through unpacking how visual representations position particular population groups into an under-represented state within a democracy, the need to address visual securitisation as a democratic challenge is demonstrated.

4.1. Denmark: Visuals of Exclusion

The Danish society has been highlighted as an ill example for promoting tolerance and full inclusion of minority ethnic groups that are part of Denmark's population (ECRI, 2001, 2006). With 90% of its population being recorded as protestant Christians as of April 2015, and strict policies of immigrant integration, it is evident that structurally Denmark is not a functional secular or multicultural society (Anderson, 2015: 30). This strong sense of homogeneity has been established and maintained structurally within the Danish society politically and socially. Across the 1980's less immigrants in the form of guest workers were received and instead more asylum seekers and refugees entered Denmark (Holtug, 2013: 192). Such a strong cultural homogeneity has presented barriers to minority groups, despite Denmark being a signatory to the Universal Declaration of Human Rights, and the 1951 Refugee Convention.

The publishing of twelve cartoons in the Danish newspaper *Jyllands-Posten* under the title "The Face of Muhammad" sparked international debates on principles of freedom of speech and respect for difference

in secular societies. Following failed diplomatic negotiations between the Danish government, Muslim community groups and a number of Arab nations, the narratives represented by the cartoons moved into a realm of securitisation. By February 2006 the controversy sparked by the cartoons reached a high level intensity and entered into a state of securitisation as Danish embassies were attacked by protestors in Lebanon, Syria, Iran and Indonesia. Given that this analysis looks at the narratives that push a part of a population group into a securitised state, the analysis of the Danish cartoon controversy will focus particularly on the dominant discourses that enabled for the political cartoons to be pushed into a space of securitisation between September 2005 and February 2006.

4.1.1. The Dominant Discourse in "The Face of Muhammad"

Printed on 30 September 2005, the political cartoons gave way to controversial discussions at the intersection of 'freedom of expression,' by rejecting self-imposed limits on expression on the one hand, and respect of difference within a democratic society on the other (Rostbøll, 2009: 626).

Analysing the intertextual and intervisual narrative representations of all twelve cartoons goes beyond the space constraints of this discussion. The narratives embedded in the particular cartoon of Muhammad wearing a bomb in his turban will be at the centre of investigation given that it has been the selected cartoon between the twelve to be republished several times, and became the most recognised and debated representation. This visual homogenization of the twelve cartoons under this particular cartoon positions it at the forefront of the securitisation discourse as it is socially isolated from the rest and used to justify different forms of public opinion.

As a religious figure, Muhummad is drawn in the political cartoon with wild eyes, a dishevelled beard and moustache, and a harsh, unapproachable facial expression. The black turban on Muhammad's head wraps around a lit bomb that is inscribed with Arabic calligraphy. The calligraphy is the *shahadah* (testimony of faith) which translates to English as "there is no god but God and Muhammad is the messenger of God." The positioning of the *shahadah* as an inscription on a bomb carried by such a prominent figure in Islam represents not only Muhammad as violent, but also Islam as a religion. Accompanying the political cartoon is an editorial note by Flemming Rose which emphasises the principles of free speech and criticises self-censorship within democratic societies:

> "The modern, secular society is rejected by some Muslims. They demand a special position, insisting on special consideration of their own religious feelings. It is incompatible with contemporary democracy and freedom of speech, where you must be ready to put up with insults, mockery and ridicule. It is certainly not always attractive and nice to look at, and it does not mean that religious feelings should be made fun of at any price, but that is of minor importance in the present context… we are on our way to a slippery slope where no one can tell how the self-censorship will end." (Rose cited in Weaver, 2010: 5).

In his editorial note Rose emphasises that 'some Muslims' reject the principles of the modern, secular society. It was later made clear, in an opinion article written by Rose (2006), that this stated reference was directed at the actions fundamental Muslims who had instilled a sense of fear in the Danish society that resulted in self-censorship among news commentators. The positioning of Muhammad and the testimony of faith within frame of fundamentalism, however, does not allow for a distinction to be made between different interpretations and practices of Islam. Instead, the visual securitisation of all Muslims as radical Islamists who must be feared as a threat is enhanced. Figure 4.1 highlights the narratives that underpin the publication.

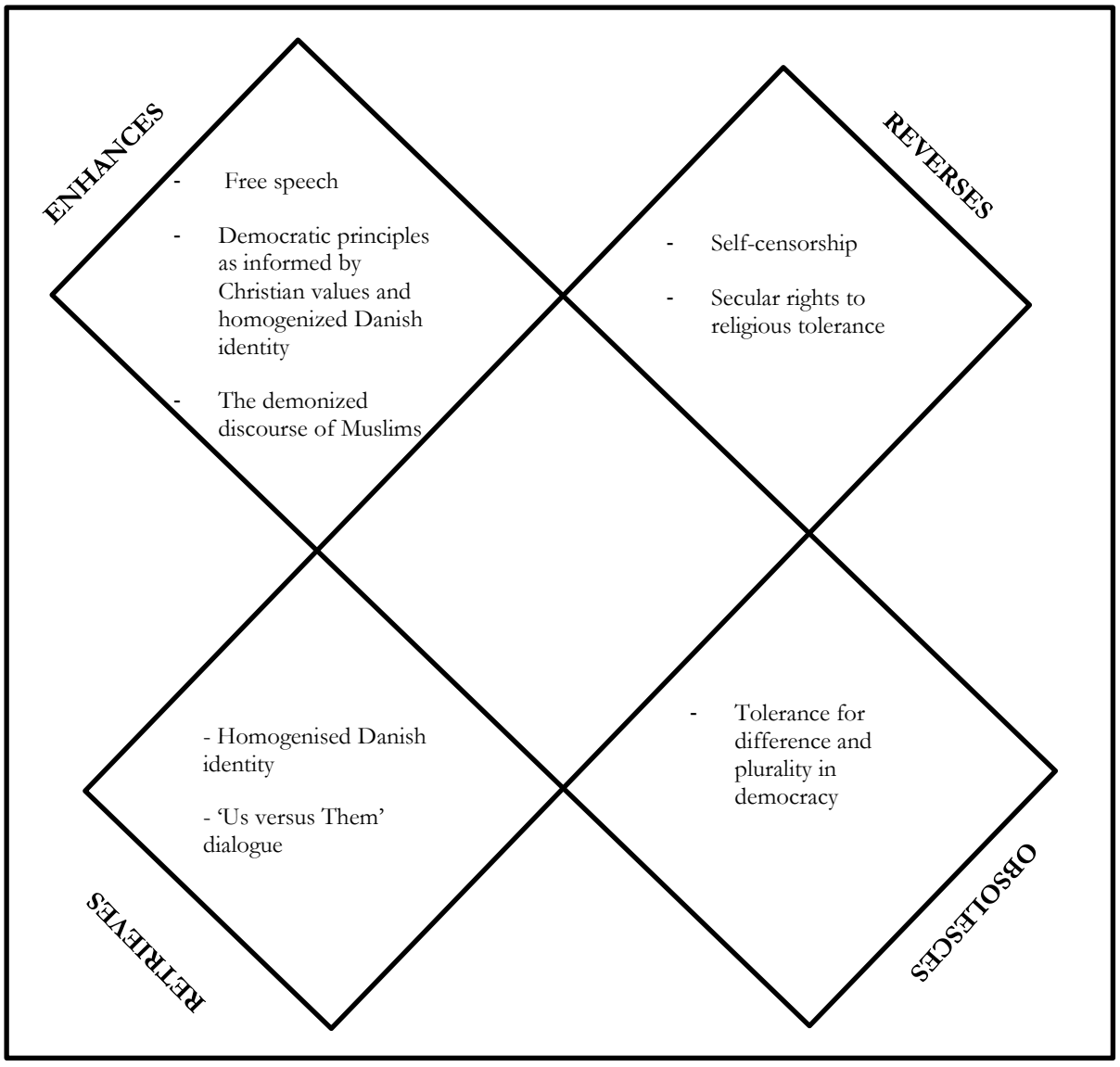

Figure 4.1 – The narratives that underpin the political cartoon

The political cartoon therefore places an already existing minority of Muslims into a visual securitisation process where they are feared as being extremists that will go commit extreme actions justified by interpretations of their faith. The call for immigrants to integrate into the Danish society by adopting a tolerance for religious satire in the editorial note reinforces the perception of Muslims fundamentalists as unable to critically engage with ideological differences within secular democracies. Combining the visual and textual representation, it is clear that a discourse of anti-Muslim integration is pushed forward by the publication. The rejection of Muslim immigrants from the democratic society engages with a historical narrative of homogenisation that had strengthened nationalism within the Danish polity starting in the 1980s (Lindholm & Olsson, 2011: 259). In doing so, the dominant discourse in the political cartoon reinforces an 'us' versus 'them' divide which developed into a main contestation within the realm of public opinion.

4.1.2. "The Face of Muhammad" and Public Opinion

The initial public opinion discourse pushed forward by the Muhammad cartoons is the call to abandon all forms of self-censorship in order to promote the Danish constitutional right to freedom of expression. The cultural editor and commissioner, Flemming Rose, published an editorial alongside the cartoons stating that Muslims living in a secular democracy must accept the "mockery, ridicule, and sarcasm" that accompanies satire because it is in the name of free speech. Rose's stance was further defended by him in an interview when he stated that "it is an act of love and inclusion to satirize people' (Malek,2007: para.3). This discourse was reinforced by a majority of Danes within the country. A poll on January 29, 2006 done for the national broadcasting company of Denmark, Danmarks Radio, revealed that 79% out of 579 Danes were in favour of the cartoons being published and did not find it necessary for the Prime Minister to apologise for any offense the cartoons may have caused (NYHEDER, 2006: p 3-6). 58% of the respondents felt that although the freedom to publish the cartoons should not be curtailed, they could understand the Muslim criticism (NYHEDER, 2006: P7).

In contrast to the freedom of expression discourse was the need to respect religious sensitivities within a secular society discourse. This discourse was pushed forward in public opinion by direct protests from the Muslim community within and without Denmark, as well as by commentary. As visual representations that target only a fundamental interpretation of Islam, yet are generalised as reflective of all Muslims, the cartoons were viewed as promoting Islamophobia and racism. The 'othering' of Muslims Danes from other Danes both visually and in text are seen to be done by positioning Muhammad as an inherently threatening persona. In a letter to the editor of *The Independent,* Hasan (2006) expanded on this view in positing that:

> "To imply that his teachings legitimate terrorist activities is in itself a deliberate act of incitement to hatred."

In another article it was argued that given that Muhammad's history does not suggest he was a terrorist, the visual representation becomes a proxy for all Muslims (Shamsad, 2006). Although the cartoons in themselves did not make direct claims of Islamophobia and cultural racism, the stereotyping that the visuals promote arguably pushes Muslims into a social position as being seen as a threat, and therefore subjected to cultural racism and Islamophobia. Beyond being seen as a form of hate speech, this discourse of the need to respect religious sensitivities became further supported by accusations across public opinion that the cartoons are blasphemous. In October 2005, several Muslim organisations in Denmark invoked a section of Danish criminal code against *Jyllands-Posten* claiming that the cartoons constituted blasphemy (Hansen, 2006: 9).

In defence of the publication, the editor in chief at the time, Catsten Juste, claimed that the publication was not intended to represent all Muslim's as fundamentalists who cannot be integrated into Denmark's democratic society, but rather represented 'some' Muslims who "feel entitled to interpret the prophet's word, [and] cannot abide the insult that comes from being the object of intelligent satire" (as cited in Hervik, 2012: 45).

While some public opinions against the publication were handled with demands to fair representation through legal and diplomatic channels, other responses took on more extreme dimensions such as violent protests and murder threats. A report by Robert Fisk (2006) reported:

> "The Islamic Army in Iraq, one of the main insurgent groups, made a blood-curling call yesterday for violence against citizens of countries where caricatures of the Prophet Muhammad had been published. 'We swear to God, if we catch one of their citizens in Iraq, we will cut him to pieces, to take revenge for Prophet,' it said in an unverified internet statement [*sic*].

The Islamic Army in Iraq is not known to be an extremely fundamentalist one, however, it is a violent one, and such a response speaks to the more violent public opinion discourse that arose. Over the course of the crisis, 200 people died across the Muslim world from public protests that were sparked. Figure 4.2 highlights the dominant public opinion discourses that emerged between September 2005 and February 2006.

There are therefore four dominant discourses that emerge from public opinion between 30 September, 2005 and February 2006. These discourses are (1) Islamic fundamentalism (2) free speech (3) blasphemous visual representations and (4) false stereotyping of all Muslims as terrorists. As these public opinion discourses gained support and grew in contestation domestically and internationally, the need to respond politically became unavoidable.

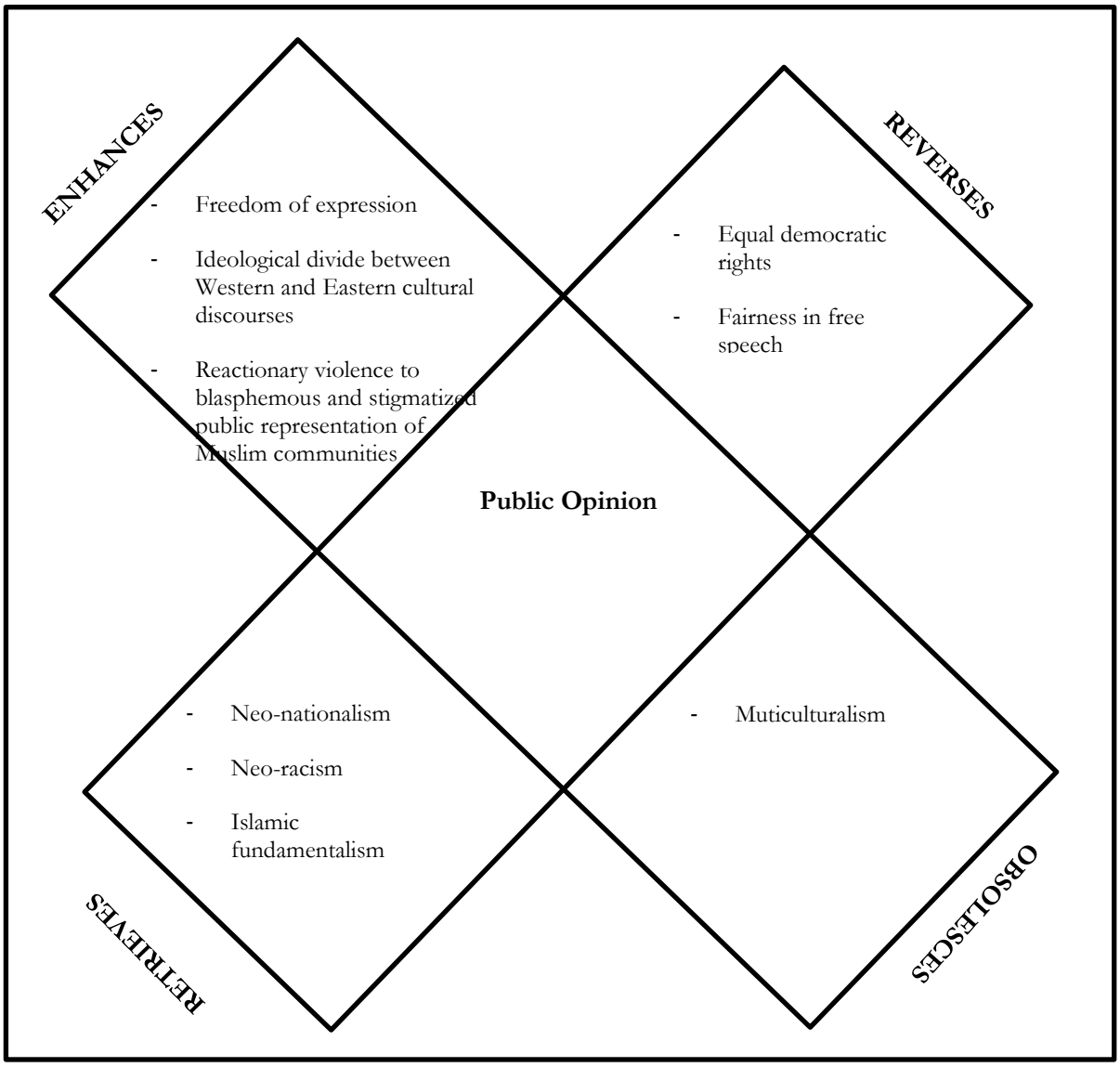

Figure 4.2 – The public opinion discourse on the political cartoon

4.1.3. "The Face of Muhammad" and Political Rhetoric

Domestically the political rhetoric within Denmark was dominated by the need to uphold the promotion of free speech. A diplomatic peak was reached between Denmark and the Muslim community by October 12, 2005 when a letter was sent to Prime Minister Fogh Rasmussen requesting a meeting with him to discuss the implications of the political cartoons. The letter had been drafted by ambassadors to Arab nations based in Denmark and criticised what they viewed as a rise in Islamophobia in Denmark (Weaver, 2010: 678). On October 21, 2005, Rasmussen rejected the request stating that to interfere with the publication would be to interfere with freedom of speech and free press, which he argued is against the Danish constitution. Defending his position, Rasmussen made a press statement stating "this is a matter of principle. I won't meet with them because it is so crystal clear what principles Danish democracy is built upon that there is no reason to do so" (cited in Rostbøll, 2009: 626). Rasmussen's political stance

reciprocated the one of the editorial published alongside the cartoons in that the western world is positioned to be more enlightened compared to the "dark middle ages" worldview that Muslims have.

This strong standing in enlightened liberalism in Denmark's initial diplomatic response resulted in Egypt taking the lead in mobilizing a coalition of Arab countries and Muslim community leaders to demand a clear response from Denmark's government on the matter. The ineffective diplomatic engagements between the coalition of Arab leaders and the Danish government led to an escalation in political tensions and by January 2006 these tensions begun exerting economic and security repercussions. Across the Arab world, nations demanding that action be taken against the political cartoons began boycotting Danish products (Lindholn & Olsson, 2010: 262). On February 4, the joint Danish, Swedish and Norwegian embassy in Syria was attacked. The Danish embassy in Lebanon was burned down the day after, and more than 20,000 people took to the streets to demonstrate against the cartoons. The burning down of the Danish embassy in Lebanon allowed for Denmark to call on European Union (EU) support under the Vienna Convention on Diplomatic Relations. EU representatives attempted to appease the tensions, however, diplomatic legitimacy had already been lost, and Arab nations demanded a formal apology. *Jyllands-Posten* apologised "for any offence caused" on a live interview on Al Jazeera on 31 January 2006 (Lindholn & Olsson, 2010: 262). The apology did little to appease what had by now turned from a domestic crisis to a global crisis, as Western perspectives of free speech were positioned against accusations of Islamophobia with Western nations republishing the original cartoons, and various Islamic countries retaliated.

Domestically the crisis allowed for the Danish People's Party (DPP) to gain political standing in opposition to the leading Venstre party under Rasmussen at the time. The right-wing DPP has historically held a strong anti-immigrant rhetoric and advocates homogenous Danish culture and traditions (Holtug, 2013: 193). As the domestic crisis escalated, rhetoric that echoes Muslims as a threat became increasingly used. The low number of Muslim representatives in the legislature does not allow for the dominant domestic discourse that defends the cartoons and stigmas on Muslims to be challenged. Out of 179 members that form the national parliament, only three between 2005 and 2006 were representatives of Muslim background (Euro-Islam.info, 2016).

Increased control and surveillance of Muslim immigrant families in Denmark thus became justified under the banner of pre-empting religiously motivated attacks against citizens (Rytter & Pederson, 2014: 2305). The discourse of securitisation that accompanied the War on Terror provided justification to an already anti-immigrant political climate to tighten the criteria for immigrants entering or seeking permanent residence in Denmark (Rytter & Pedersen, 2014: 2305). The stringent criteria that immigrants must meet to be considered for permanent residency speak to the intolerance and exclusion of minority ethnic groups from Denmark's democratic society (Holtug, 2013). These steps to citizenship became

increasingly stringent following 9/11 with measures being tightened in Denmark in 2002, 2004, 2005 and 2007 under integration contracts. Such contracts are structural procedures that immediately exclude immigrants from the Danish social fabric and immediately establish a two-tier society where some are institutionally made into the 'other.' The argument can therefore be posited that the cartoons promoted right wing populism in Denmark in a way that has significantly impacted the effective integration of Muslim immigrants into Danish society. Figure 4.3 highlights the dominant political rhetoric discourses between September 2005 and February 2006.

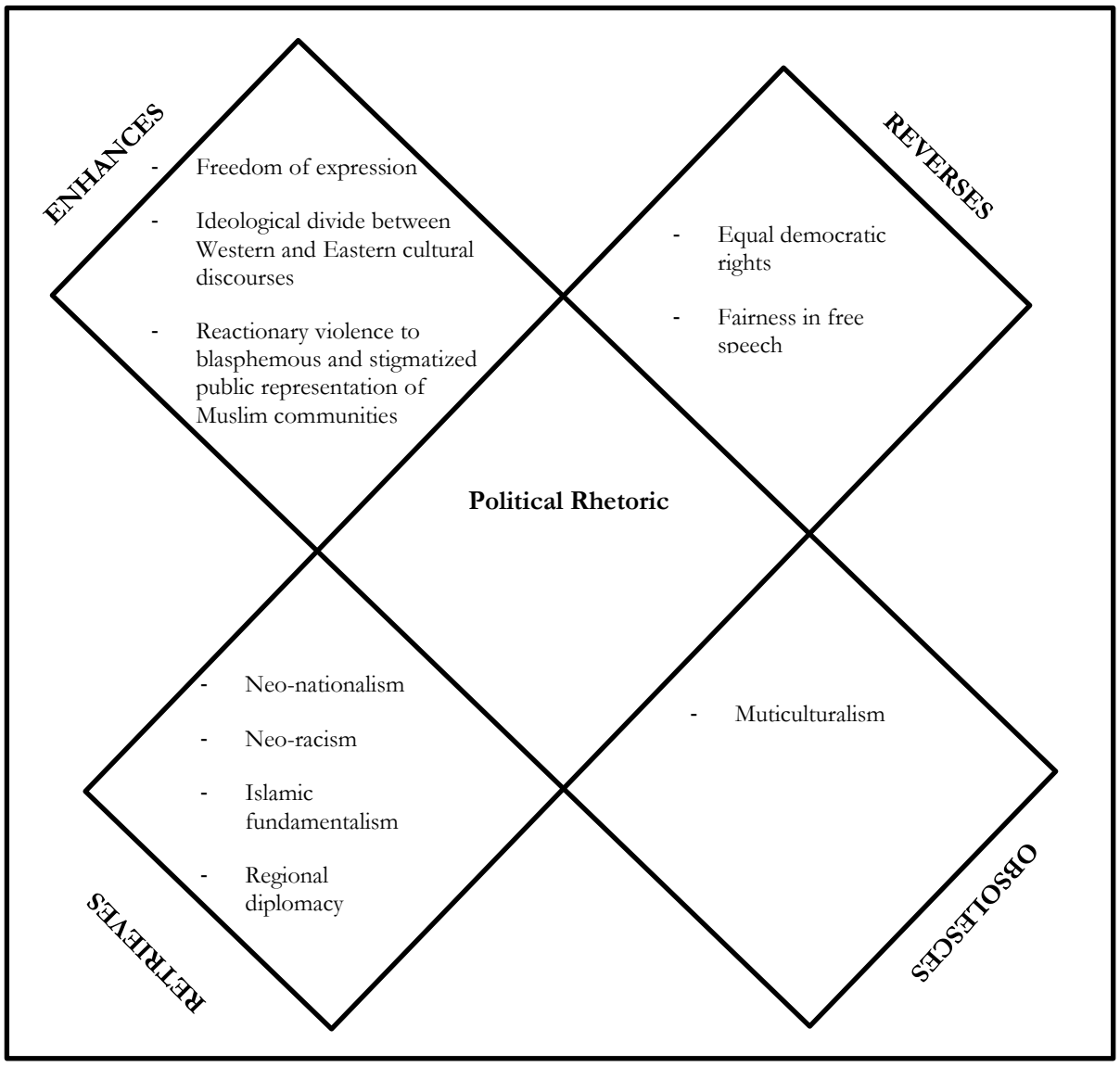

Figure 4.3 – The political rhetoric on the political cartoon

The political rhetoric that underpinned the political cartoons remained in favour of the publication in defence of the freedoms that are part of Denmark's liberal democracy. The strong anti-immigration rhetoric that had become a constant since the early 2000's provided an existing discursive field of framing that political parties had relied on to gain support through for a number of years preceding the 2005 cartoons. Failure to respond in a way that acknowledged the democratic rights of Danish Muslims to not be stigmatized into national security threats, enabled the dominant discourses that underpin the political cartoons to push forward a more rigorous panoptic gaze on Muslim immigrants.

4.1.4. "The Face of Muhammad" and Elite Interest Groups

Although the independently owned *Jyllands-Posten* claims to be non-partisan, the late 1990's saw a gradual shift in the positioning of news stories between the main newspapers as the market became flooded by free distributors. By 2006, these free distributors were gaining up to 60% readership from the bite-size media they were distributing to the public (Hall, 2016: 237). The entrance of competition into the market saw the main newspaper distributors such as *Berlingske Tidende*, *Eksta Bladet* and *Jyllands-Posten* taking more clear stances on trending issues and thereby they began to echo particular political positions (Hervik, 2012: 21).

In reserving the opinion section of the paper for stronger expressions on politically controversial topic, the newspapers retained the ability to claim non-partisanship, despite actively allowing for particular positions to be pushed forward, and others to be made obsolete. For instance, in a study by Berg and Hervik (cited in Hall, 2016: 238), a frames analysis of articles between January 15, 2006 and March 15, 2006, showed that 232 articles contained the terms "Muhammad" and "freedom of speech." Analysing only opinion pieces, columns and editorials, the study revealed that the most dominant frames were 'freedom of speech as a Western universal human right threatened by Islam. The prevalence of such a frame within the short time period highlights how the media houses, despite their claims to being non-partisan, promoted more right-wing conservative political actions. Figure 4.4 highlights the dominant elite interest discourse that underpinned the political cartoons during the period under analysis.

Although the media houses in Denmark claim to have detached themselves from the political parties, it is clear that with market competition, and the need to gain readership, their ties to political parties and promotion of valued ideologies is dependent on the readership they are able to maintain.

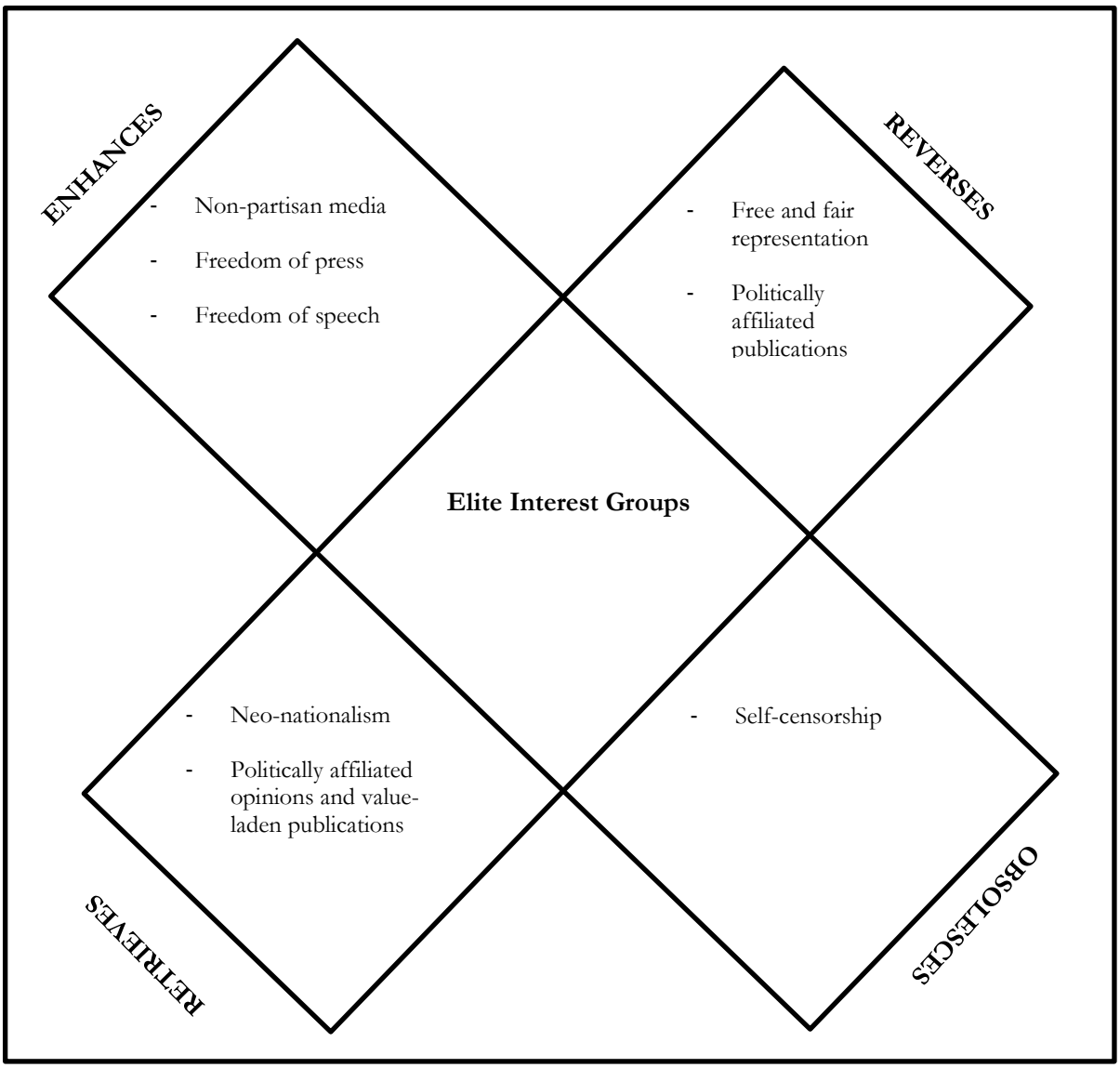

Figure 4.4 – The elite interest groups on the political cartoon

4.1.5. The Impact of the Visual Securitisation Process on Democratic Rights

As a liberal democracy Denmark has positioned religion as a pillar of society that is a fair target for criticism and satire. The analysis of the dominant discourses that underpinned the political cartoons demonstrates that the freedoms that come with liberal democracy were used by defenders of the cartoons. What emerges as problematic in supporting these visual representations with democratic rights, however, is that the political cartoons that were published did not simply criticise or satirise Islam as a religion, but positioned all Muslims as terrorists and unenlightened. Given the global War on Terror rhetoric, and the pre-established anti-immigrant policies in Denmark, these political cartoons assisted in pushing forward a process of securitisation where the entire Muslim population was framed as radical terrorists and a threat to the Danish way of life.

Furthermore, the refusal by *Jyllands-Posten* to publish cartoons of Jesus sent to them by Danish illustrator Christoffer Zieler in April 2003 in fear that the cartoons would cause a public outcry further illustrates a selective representation of particular population groups over others (Fouché, 2006: P3,4). Such selective representation raises the question of what democratic representations through expressions such as cartoons are enhanced and made obsolete. In helping position the Danish Muslim population in a position where the dominant discourses that emerge from the cartoons prioritise them as threatening to the rest of Danish society, the political cartoons arguably help in supporting narratives of securitisation that undermine Muslim representation in the Danish society.

Such inconsistency in representation is further enhanced by the refusal by the Danish judiciary to consider the relevance of the visual representations of the Muhammad cartoons as blasphemous under the anti-discrimination law, Criminal Code Article 266b (Bleich, 2012: 123). After being approached by a coalition of Muslim organisations that filed complaints against the cartoons, the public authorities claimed that no offence or blasphemous readings could be found in 'The Face of Muhammad' cartoons (Hall, 2016: 240).

The juxtaposition between the Danish pro-cartoon discourse, and the "Other" anti-cartoon discourses pushed forward by the relevant dominant discourses highlights the under-representation that is structurally endorsed against particular population groups.

5. Conclusions and Recommendations

Under the Universal Declaration of Human Rights, democratic rights were positioned as human rights in article 21(3). Through deconstructing the intervisual and intertextual narratives of the 2005 political cartoons in Denmark, it is highlighted that the dominant discourses that form the democratic governance of Denmark, do not allow for democratic rights to be equally accessed and used by all of its population. Instead, the quintessential elements on which democratic governance rests are being suppressed by the narratives of a physical fear, a cultural fear and an 'Otherness' that places them into a space where shared freedoms for all, are becoming securitised freedoms for only some.

Being socially constructed and re-constructed within a discursive field, identity provides structure, yet remains transient in what informs the discursive field from which it emerges (Laclau and Mouffe, 1985: 105-114). The dominant anti-Muslim political rhetoric that preceded the cartoons, yet became reinforced by their visual representations, the high level of support this rhetoric received from public opinion, and elite interest groups illustrates how the cartoons empowered the securitisation of Muslim populations groups.

The aim of this has been to identify what role political cartoons can have on the securitisation process. The respective tetrads that identify ***how*** political cartoons affect the securitisation of particular minority groups showcases how democratic governance becomes undermined by democratic rights that are

selectively enforced. In having elaborated on how particular population groups can be further securitised by the discourses pushed forward by visual representations, this analysis advocates Isin's (2013) 'regime of rights' as a conceptual step to minimising democratic challenges that comes with securitising population groups as threats without direct impetus. Isin (2013: 67) advocates for a merging of citizen rights with human rights by approaching rights as an emerging regime, rather than as two incompatible regimes between human rights and citizen rights. In order to accomplish this, Isin (2013: 67-69) calls for nation-states and the international arena to engage in the:

i) recoding of sovereignty

ii) depoliticizing of rights

iii) repoliticizing of rights

In undergoing these three processes, Isin (2013) advocates that emerging political subjects of rights are established within nation-state boundaries, but the practices that govern their human rights are given complete precedence over the citizenship rights they are or are not granted. Such a convergence between citizen rights and human rights will, according to Isin (2013) allow for less shortcomings in democratic governance within nation-states.

The initial aim of this analysis was to regard the role of political cartoons in the securitisation of particular population groups and the effect of such securitisation on their democratic rights across Denmark, France and the US. Unfortunately, due to the space constraints attached to this analysis, Denmark was chosen as the focus due to the widely accessible resources available on the subject, the praise that Denmark often receives on its democratic governance, and the wide-ranging implications that the cartoon crises had domestically and internationally. This analysis and its main contention on how political cartoons influence securitisation of population groups in democracies, and thereby undermine their democratic rights, is deeply limited by the singular focus on Denmark. The same conceptual approach used in this analysis should be applied to other contexts in future studies in order to gage the legitimacy of this analytical approach.

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Literature review

What has been written on the topic previously, what conclusions did others reach.

(Model construction) and theoretical framework

What theoretical framework and approach is used and why. If applicable, causal model may be shown at this point, or later, after data investigation.

Conceptualization and operationalization

Definition of basic terms and their indicators, choice of variables and their validity testing. Formulation of hypotheses (explicit or implicit) based on the theory/theories. Elaboration of specific claim(s) in the investigated theory/theories. If applicable, description of the causal mechanism, i.e. the chain of events purported to link your explanatory variables to the specific outcome.

Methodology

Description of the specific research method used (i.e., process-tracing, discursive analysis, MLA, etc.), its advantages and weaknesses and why it is chosen.

Data

Description of the data used, number of cases, method of case-selection, source of data, method of data collection, sampling method.

Analysis and findings

What the data show in detail, general tendencies and interesting particularities.

(Model construction) and Conclusions

Causal models may be formulated and general conclusions reached. Conclusions may or may not specifically challenge or support findings in existing literature.

Future research

Possibilities of future research for the researcher or other scholars, promising directions, requirements for future research.

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Appendices

Every piece of data used shown so as to facilitate potential replications. If possible, data shared publicly and/or presented together with the manuscript.

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Paragraphs: first line indentation 1.25 cm, no spaces between paragraphs

Borders: top and bottom 2,5 cm, left and right 3,00cm (default)

Quotes: sectioned off in more than two sentences; Garamond 11, indented 1.25 cm

References and Appendices on separate pages

Tables and Charts are continuously numbered, each fits on one page at maximum, and all are sourced (if original, use "Source: Author.")

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A good academic paper features:

- Academic style of writing and structure (see section "Recommended Academic Paper Structure");
- Grammatically correct language;
- Between 4,000 and 6,000 words, without bibliography and appendices.

Presentation of the author:

Please, include a short presentation of yourself (approx. 100 – 150 words) in the following style (3rd person singular): Name, age, hometown (country), university, degree(s), focus of your studies/specialisation(s), Master or Bachelor Thesis, current employment or study interests, e.g.:

"Françoise Deutsch, 27, from Hammerfest (Norway), is a graduate who received her Bachelor's degree in "European Studies" at the University of Shire in 2008. In 2009, she obtained an LL.M/M.Sc./MA in International Relations at the University of Stadt. She wrote her Master's Thesis on xxx, and currently interns/works/studies at the yyy. Her interests include security studies, human rights, democratic transition, development studies, political philosophy, conflict resolution, etc."

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