

# International Law as Extended Phenotype: Globalist and Sovereigntist Memeplexes Competing Through Legal Artifacts (2000-2025)

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**Date:** October 2025

**Version:** 1.0

## ABSTRACT

This paper applies Dawkins's extended phenotype framework to international law, arguing that legal institutions—treaties, tribunals, judicial decisions—are not mere "representations" of political ideas but **material artifacts** (treaties as physical documents, tribunals as institutional infrastructures) constructed by competing memeplexes. Using a verified dataset of 60 transnational conflicts (2000-2025), with the Argentina-Uruguay Botnia pulp mill case (2006-2010) as paradigmatic I examine how globalist and sovereigntist memeplexes produce distinct phenotypic legal artifacts through institutional competition. The International Court of Justice's Botnia ruling (2010), EU Article 7 procedures against Poland/Hungary, and Latin American environmental tribunals are analyzed as extended phenotypes—physical constructs that extend the replicative capacity of their underlying memeplexes, analogous to beaver dams or spider webs in biological systems. This framework reveals international law not as neutral norm-setting but as an evolutionary battlefield where memetic fitness determines which legal artifacts persist, replicate, and shape future conflicts. The dataset includes 22 European sovereignty crises (migration, rule of law, austerity) and 8 Latin American extractive conflicts involving international tribunals, demonstrating systematic patterns in phenotypic expression across legal families and geographies.

## NOTE TO REVIEWERS

**Methodological scope and limitations:** This paper is a **theory-building exploratory study** introducing the extended phenotype framework (Dawkins 1982) to international law scholarship. Reviewers should note three design choices:

**1. Geographic scope (Europe + Latin America only):** The dataset deliberately excludes Asia, Africa, and the Middle East. **Justification:** Europe and Latin America exhibit the highest density of supranational legal institutions (EU, ICJ, IACHR, MERCOSUR) necessary to observe phenotypic competition between globalist and sovereigntist memplexes. Asian and African cases predominantly involve bilateral power dynamics without comparable institutional architectures. Phase 2 research will expand to N=200+ with global coverage, but Phase 1 establishes proof-of-concept in regions where legal phenotypes are most observable.

**2. "Materiality" of legal institutions:** The paper treats treaties, tribunals, and judicial precedents as **material artifacts**—physical constructs analogous to beaver dams or spider webs—not abstract norms or ideas. This may appear counterintuitive to legal scholars accustomed to viewing law as normative systems. **Clarification:** "Material" means: (a) treaties exist as physical documents in archives, (b) tribunals exist as buildings with staff and budgets, (c) judicial precedents exist as published texts in databases, (d) these artifacts persist beyond individual actors and constrain future behavior physically (e.g., ICJ jurisdiction requires states to appear in The Hague—a geographic constraint). This is not legal positivism or realism; it is an **evolutionary framework** analyzing how institutional forms replicate through citation, ratification, and enforcement mechanisms.

**3. Sample size (N=60):** Adequate for pattern identification and hypothesis generation; insufficient for causal inference via propensity score matching or complex multivariate regression (which require  $N \geq 100$ ). This paper **does not claim** to establish causation—it demonstrates that extended phenotype theory offers a productive lens for analyzing institutional competition in international law and generates testable hypotheses for future quantitative research.

**Contribution:** First systematic application of extended phenotype framework (Lerer, 2025) to **international law** with empirical dataset (N=60 verified cases, 2000-2025), complete source verification, and transparent replication materials (<https://github.com/adrianlerer/legal-evolution-botnia-phenotypes>).

**Keywords:** Extended phenotypes, memetics, international law, sovereignty, globalization, Botnia case, legal artifacts, institutional competition

**JEL Codes:** K33 (International Law), K40 (Legal Procedure), Z13 (Social Norms and Institutions)

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# 1. INTRODUCTION

On April 20, 2010, the International Court of Justice delivered its judgment in *Pulp Mills on the River Uruguay (Argentina v. Uruguay)*. The Court ruled that Uruguay had not violated the 1975 Statute of the River Uruguay by authorizing construction of the Botnia pulp mill, but required both countries to establish a joint monitoring mechanism for the shared river. For most observers, this was simply a transboundary environmental dispute resolved by international adjudication.

This paper proposes a radically different interpretation: **the ICJ ruling is an extended phenotype**—a physical artifact constructed by a globalist memeplex to extend its replicative capacity across institutional space, functionally equivalent to a beaver dam or termite mound in biological evolution.

## 1.1. The Extended Phenotype in Biology

Richard Dawkins's *The Extended Phenotype* (1982) fundamentally reconceptualized evolutionary units. Genes do not merely code for internal phenotypes (body structures); they construct external artifacts that enhance their replication: beaver dams regulate water flow, spider webs capture prey, caddis fly larvae build protective cases from pebbles. These **extended phenotypes** are as much products of genetic information as the beaver's teeth or spider's silk glands. Critically, they are **material objects**—not representations or ideas, but physical structures that alter the environment to favor their underlying genetic replicators.

## 1.2. Extending the Extended Phenotype to Memetics

Susan Blackmore (*The Meme Machine*, 1999) and Daniel Dennett (*Darwin's Dangerous Idea*, 1995) extended this framework to cultural evolution. Memes—replicating units of cultural information—likewise construct extended phenotypes: religious buildings (cathedrals, mosques), political institutions (parliaments, central banks), and crucially for this paper, **legal artifacts** (treaties, tribunals, constitutions, judicial precedents).

However, existing memetic applications to law treat legal norms as "ideas" or "beliefs" subject to social contagion (Shermer 2011; Heath et al. 2001). This misses Dawkins's core insight: extended phenotypes are **physical constructs**, not mental representations. A beaver dam is not the "idea" of water regulation—it is 500 tons of wood and mud that actually regulates water. Similarly, the ICJ is not the "idea" of supranational dispute resolution—it is a physical institution in The Hague with judges, buildings, procedural rules, and enforcement mechanisms that materially resolve interstate conflicts.

### 1.3. The Argument

This paper argues that **international legal artifacts are extended phenotypes of competing memeplexes**:

1. **Globalist memeplex** constructs: international tribunals (ICJ, IACHR, ITLOS, ICC), supranational regulatory bodies (EU Commission, WTO), binding treaty regimes (Paris Agreement, UN conventions), judicial precedents enforcing supranational authority.
2. **Sovereigntist memeplex** constitutional sovereignty clauses, opt-out mechanisms (Brexit), Article 155-type emergency provisions (Spain's suspension of Catalanian autonomy 2017), bilateral treaties over multilateral ones, national supreme courts rejecting international law supremacy (Poland 2021, Ecuador's withdrawal from ICSID 2009), resource nationalism provisions (Bolivia's gas nationalization decree 2006, Ecuador's 2008 Constitution declaring natural resources "inalienable").
3. These phenotypes **compete for institutional dominance**: When Poland invokes "sovereignty" against EU rule of law mechanisms (2017-present), two extended phenotypes clash—EU Article 7 procedure versus Polish Constitutional Tribunal assertions. The outcome determines which memeplex replicates through future institutional design.
4. **Fitness landscapes vary**: Economic crises, migration shocks, and geopolitical threats create selection pressures favoring different phenotypes. The 2015 refugee crisis made sovereigntist phenotypes (border controls, Schengen suspension) selectively advantageous; the 2022 Ukraine invasion temporarily favored globalist phenotypes (EU cohesion, NATO expansion).

### 1.4. Empirical Strategy

I analyze 60 verified transnational conflicts (2000-2025):

- **30 "Crisis" cases**: Documented conflicts where globalist/sovereigntist memeplexes competed through legal institutions
- **30 "Control" cases**: Periods of stable institutional equilibrium without phenotypic competition

The **Botnia case** serves as paradigmatic because: (a) both memeplexes produced observable phenotypes (ICJ ruling vs. local blockades; MERCOSUR treaty vs. Argentine sovereignty claims); (b) the author's direct experience in Argentina's forestry industry

provides ethnographic depth; (c) it patterns with 9 other Latin American extractive conflicts involving international tribunals.

## 1.5. Contribution

This paper makes three contributions:

**Theoretical:** Applies extended phenotype framework rigorously to law, distinguishing material artifacts from mere "ideas" or "norms."

**Empirical:** First systematic dataset (60 cases) analyzing international legal conflicts as phenotypic competition, with complete source verification.

**Practical:** Reveals that international law is not normatively neutral but reflects which memplex currently has higher fitness in given institutional/geographic contexts. This has implications for treaty design, dispute resolution mechanism selection, and predicting institutional resilience.

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## 2. THEORETICAL FRAMEWORK: LEGAL ARTIFACTS AS EXTENDED PHENOTYPES

### 2.1. Dawkins's Extended Phenotype: Beyond the Organism

Classical evolutionary theory focused on phenotypes as organismal traits: eye color, wing shape, enzyme function. Dawkins (1982) demonstrated this was arbitrary anthropocentrism. Genes build phenotypes **wherever doing so increases replication**—inside bodies, outside bodies, or in other organisms entirely (parasite manipulation).

#### Key examples:

- **Beaver dams:** *Castor canadensis* genes code for dam-building behavior. The dam—up to 500m long, creating ponds with regulated water levels—is as much a phenotype as the beaver's tail. It extends genetic influence over landscape hydrology, creating habitat favorable to beaver survival.
- **Caddis fly cases:** Trichoptera larvae select specific pebbles to construct protective cases. The architecture (size, shape, pebble arrangement) is genetically influenced and enhances larval survival. The case is an extended phenotype.

- **Parasite manipulation:** *Toxoplasma gondii* alters rat behavior to favor cat predation (enabling sexual reproduction in cats). The modified rat behavior is the parasite's extended phenotype.

**Critical insight:** These are **material structures**—physical objects that persist in the environment, not "representations" in the beaver's brain. The dam continues functioning while the beaver sleeps; it outlives individual beavers; it influences future dam locations.

## 2.2. Memetic Extended Phenotypes: From Genes to Culture

If memes are replicators (Dawkins 1976; Blackmore 1999), they should construct extended phenotypes. Blackmore identified several:

- **Religious buildings:** Cathedrals, mosques, temples as extended phenotypes of religious memplexes, built to facilitate ritual transmission and increase conversion probability.
- **Language artifacts:** Written texts, alphabets, printing presses extending linguistic meme replication.
- **Technology:** Tools, machines, infrastructure extending technical knowledge replication.

## 2.3. Legal Artifacts as Extended Phenotypes (The Core Innovation)

This paper extends the framework specifically to **legal institutions**:

**Legal artifacts meeting extended phenotype criteria:**

1. **Material existence:** Treaties are physical documents; tribunals are buildings with staff and budgets; judicial precedents are published rulings stored in archives and databases.
2. **Constructed by memplexes:** Legal institutions do not arise spontaneously. The ICJ was deliberately designed at San Francisco (1945) by states carrying globalist memes (collective security, binding arbitration). Article 155 of Spain's Constitution (1978) was deliberately included by Francoist continuists carrying centralist memes.
3. **Extend replicative capacity:** A treaty extends meme replication by binding future actors. The 1975 River Uruguay Statute constrained both Argentina and Uruguay for 35+ years, regardless of changing governments. When Botnia invoked it (2006), the treaty—as extended phenotype—"reached forward" to influence outcomes.

4. **Subject to selection pressures:** Legal artifacts that fail to resolve disputes or lack enforcement collapse (League of Nations). Those that successfully replicate (ICJ has resolved 180+ cases) persist and spawn offspring institutions (ITLOS, ICC, WTO Dispute Settlement).

#### **Examples of globalist extended phenotypes:**

- **ICJ Statute (1945):** Physical institution (Peace Palace, The Hague) with enforcement mechanisms. When states submit disputes, they activate this phenotype. Its 180+ cases demonstrate replicative success.
- **EU Article 7 TEU:** Procedure for suspending member state voting rights if rule of law violations proven. First activated against Poland (2017) and Hungary (2018). This is a **phenotypic mechanism**—a constructed artifact lying dormant until selection pressures (Polish judicial reforms) trigger it.
- **Paris Agreement (2015):** Treaty binding 196 parties to emission targets. Bolsonaro's threat to withdraw (2019) was a sovereigntist counter-phenotype attempting to disable this globalist artifact.
- **IACHR Precautionary Measures:** Inter-American Commission on Human Rights can issue binding protections. Used in Belo Monte (2011), Marlin Mine (2010), Cerrejón (2015). Each invocation replicates the supranational enforcement meme.

#### **Examples of sovereigntist extended phenotypes:**

- **Brexit (2016-2020):** Referendum → Article 50 invocation → withdrawal. This is a **phenotypic process**—a series of legal artifacts (referendum law, Article 50 letter, withdrawal agreement) constructed to exit a globalist institution.
- **Spanish Constitution Article 155 (invoked Oct 2017):** Emergency provision suspending Catalonia's autonomy after independence referendum. A dormant phenotype activated when selection pressure (separatist crisis) arose.
- **Poland Constitutional Tribunal rulings (2021):** Asserting primacy of Polish Constitution over EU law. Counter-phenotype attempting to disable EU law supremacy (a globalist phenotype established in *Van Gend en Loos* 1963).
- **Hungary Sovereignty Protection Law (2023):** Creates "Office for Defence of Sovereignty" to investigate NGOs receiving foreign funds. Material institution (office, budget, enforcement powers) extending sovereigntist meme replication.

## **2.4. Phenotypic Competition: How Legal Artifacts Clash**

When Argentina sued Uruguay at the ICJ (2006), two phenotypic strategies competed:

### **Globalist phenotype (Uruguay's strategy):**

- Invoked 1975 River Uruguay Statute (multilateral treaty phenotype)
- Submitted to ICJ jurisdiction (supranational tribunal phenotype)
- Cited international environmental law precedents (judicial phenotype lineage)
- Defended FDI regime allowing Finnish capital (Botnia) entry (free capital flow phenotype)

### **Sovereigntist phenotype (Argentina's strategy):**

- Asserted sovereign right to environmental protection (constitutional phenotype)
- Mobilized local protesters (Gualeguaychú blockades—social movement phenotype)
- Initially sought bilateral negotiation over ICJ (preferring bilateral treaty phenotype)
- When forced to ICJ, framed as defending "sovereign territory" of river

### **Outcome (April 20, 2010):**

- ICJ ruled for Uruguay on jurisdiction and substance (globalist phenotype wins)
- BUT required joint monitoring mechanism (hybrid phenotype—bilateral within supranational framework)
- Blockades continued until 2010 despite ruling (sovereigntist social phenotype persists)

**Phenotypic fitness analysis:** The ICJ ruling replicated successfully: cited in subsequent transboundary cases (*Certain Activities* [Costa Rica v. Nicaragua] 2015; *Construction of a Road* [Costa Rica v. Nicaragua] 2015). The monitoring mechanism failed: never effectively implemented. Thus, the supranational adjudication phenotype had higher fitness than the bilateral monitoring phenotype.

## **2.5. Selection Pressures on Legal Phenotypes**

Biological phenotypes face selection from predation, climate, resource scarcity. Legal phenotypes face selection from:

**1. Economic shocks:** 2008 financial crisis created selection pressure favoring austerity phenotypes (Troika conditionality—globalist) initially, then anti-austerity phenotypes (Syriza, Podemos—sovereigntist) as public opinion shifted.



**2. Migration flows:** 2015 refugee crisis created selection pressure favoring border control phenotypes. Schengen suspension (sovereigntist) temporarily out-replicated open borders (globalist).

**3. Geopolitical threats:** Ukraine invasion (2022) created selection pressure favoring NATO/EU cohesion phenotypes (globalist). Poland/Hungary stopped vetoing EU rule of law mechanisms; Germany increased defense spending (reversing sovereigntist "strategic autonomy" memes).

**4. Judicial precedent:** Common law systems enable judicial phenotypes to replicate through *stare decisis*. *Van Gend en Loos* (1963) established EU law supremacy—a phenotype that replicated through thousands of subsequent cases. Poland's 2021 Constitutional Tribunal ruling attempted to introduce a "constitutional immunity" phenotype to resist this replication.

**5. Public opinion:** When 74% of French supported Gilets Jaunes initially (Nov 2018), anti-globalization phenotypes gained fitness. When support dropped to 40% (Jan 2019) after violence, repression phenotypes (police crackdowns) gained fitness over accommodation phenotypes (tax reversal).

## 2.6. Why "Extended Phenotype" and Not Just "Institution"?

Institutional theory (North 1990; Greif 2006) treats institutions as "rules of the game" shaped by rational actors. This paper's extended phenotype framework differs fundamentally:

**Institutions theory:** Humans design institutions to solve collective action problems. Institutions are **instrumental**—tools deliberately crafted.

**Extended phenotype theory:** Memeplexes construct institutions to **replicate themselves**, not to "solve problems." The ICJ replicates the supranational adjudication meme regardless of whether it optimally resolves disputes. Brexit happened not because it "solved" UK problems (most economists predicted harm) but because Eurosceptic memes achieved sufficient replication to trigger the phenotype.

**Key distinction:** Extended phenotypes can be **maladaptive for their hosts**. Parasites manipulate hosts to the host's detriment. Similarly, sovereigntist memes may construct phenotypes (Brexit, Catalanian independence) harmful to host populations—but memetic fitness ≠ human welfare.

**Predictive power:** Extended phenotype theory predicts:

- Legal artifacts will persist beyond their "usefulness" (zombie treaties, defunct tribunals) if replication continues
- Legal artifacts will exhibit "design features" promoting replication, not just dispute resolution (ICJ jurisdiction is optional—by design, because memetic replication requires voluntary adoption)
- Competition will produce **hybrid phenotypes** (EU as "pooled sovereignty"—neither fully globalist nor sovereigntist, but a stable attractor)

On human agency: Extended phenotype theory does not eliminate human agency—it reconceptualizes it. Beavers actively construct dams through learned behavior, trial and error, and environmental adaptation. Yet the dam's architecture is genetically influenced: North American beavers build differently than Eurasian beavers. Similarly, legislators actively draft treaties, judges write opinions, diplomats negotiate—but their institutional choices are influenced by memetic environments. Argentine legislators in 1975 (authoritarian regime) drafted the River Uruguay Statute carrying internationalist memes from foreign ministry professionals; Argentine protesters in 2006 (democratic regime) invoked sovereigntist memes from environmental movements. Both groups exercised agency, but within memetic landscapes that constrained available phenotypic designs. The framework explains why certain institutional forms emerge repeatedly across contexts (ICJ-style tribunals, Article 155-style emergency provisions) rather than infinite institutional variation—not because humans lack creativity, but because some phenotypes replicate more successfully than others.

## 2.7. Methodological Note: Memetics as Heuristic Framework

This paper treats memetics not as a testable evolutionary theory requiring discrete replication units (a critique Dawkins himself acknowledged in 2006), but as a heuristic framework for analyzing institutional competition. Recent work confirms the extended phenotype concept's robustness independent of meme unit discreteness:

- ESF Workshop (2009): "Extended phenotypes in cultural systems" validated framework application beyond genetics (Laland et al. 2009)
- EMBO Reports (2018): "Extended evolutionary synthesis" incorporated niche construction theory, vindicating Dawkins's 1982 insights (Laland et al. 2018)

Key distinction: This paper does NOT claim memes are discrete, measurable units analogous to genes. Instead, it demonstrates that legal institutions exhibit extended phenotype properties:

1. Material existence independent of individual minds
2. Constructed through replication processes (precedent, ratification, citation)
3. Subject to selection pressures (compliance, enforcement, public opinion)
4. Persistence beyond originating actors

Whether the underlying "replicators" are discrete memes or diffuse cultural practices is irrelevant—the phenotypic competition is empirically observable in treaties, tribunals, and constitutional provisions.

### 3. THE BOTNIA CASE: PARADIGMATIC PHENOTYPIC COMPETITION

#### 3.1. Background: The River Uruguay and the 1975 Statute

The Uruguay River forms a 500km border between Argentina and Uruguay. The 1975 *Statute of the River Uruguay* established the **Administrative Commission of the River Uruguay (CARU)**—a binational institution to regulate shared use.

##### Phenotypic analysis of the 1975 Statute:

- **Type:** Bilateral treaty with supranational oversight (hybrid phenotype)
- **Meme replication mechanism:** Requires both states to notify CARU of activities affecting the river, gives CARU investigatory powers
- **Design feature promoting replication:** Dispute resolution through direct negotiation → ICJ if negotiations fail (Art. 60)

The Statute is an **extended phenotype** constructed by a post-WWII internationalist memplex. Uruguay and Argentina in 1975 were both military dictatorships, but both had foreign ministries staffed by professionals carrying multilateralist memes (UN, OAS, ECLAC traditions). The Statute encoded these memes into a physical institution (CARU headquarters in Paysandú/Salto) that persisted through regime changes.

#### 3.2. Botnia Project (2003-2007): Competing Phenotypic Strategies

**2003-2005:** Finnish corporation Oy Metsä-Botnia (now UPM) plans €1.2 billion pulp mill near Fray Bentos, Uruguay. Projected capacity: 1 million tons/year (one of world's largest).

##### Uruguay's phenotypic strategy (globalist):

- Invoked FDI regime allowing Finnish capital entry (neoliberal globalist phenotype)
- Notified CARU under 1975 Statute (activating bilateral treaty phenotype)
- Commissioned Environmental Impact Assessment meeting international standards (World Bank phenotype)
- Framed project as MERCOSUR-compliant (regional integration phenotype)

#### **Argentina's phenotypic strategy (sovereigntist/environmentalist):**

- Claimed Uruguay violated 1975 Statute by inadequate notification (attempting to use bilateral phenotype against globalist phenotype)
- Environmental NGOs from Gualeguaychú mobilized protests (social movement phenotype)
- Provincial government encouraged international bridge blockades (territorial sovereignty phenotype)
- National government filed ICJ case (2006)—*but reluctantly*, only after domestic pressure

**Critical observation:** Argentina's phenotypic response was **incoherent**—mixing sovereigntist (blockades), bilateral (CARU), and globalist (ICJ) strategies. This suggests **low memetic fitness**: Argentine actors carried contradictory memes without clear dominance.

**Insider perspective—phenotypic contradiction:** As Corporate and Legal Affairs Manager at Alto Paraná (Argentina's largest pulp mill operator, using identical ECF technology to Botnia) and Vice President of AFOA, I publicly defended the pulp industry: "Forestry is not bad; it presents great development opportunities for the region when sustainably managed." This placed Argentine forestry companies in direct memetic opposition to their own government's litigation. We were **hosts to globalist memes** (free trade, technology transfer, FDI attraction) while our government deployed **sovereigntist phenotypes** (ICJ litigation framed as environmental sovereignty).

This internal contradiction reveals **memetic competition within a single polity**: Different Argentine institutions (Presidency/Foreign Ministry vs. forestry industry associations vs. environmental NGOs vs. provincial governments) were constructing competing phenotypes simultaneously. The Argentine state's phenotypic incoherence explains its ultimate failure—memplexes that cannot coordinate phenotype construction have lower fitness than unified memplexes (Uruguay consistently deployed globalist phenotypes across all institutions).

### **3.3. ICJ Proceedings (2006-2010): Phenotypic Construction in Real Time**

**April 4, 2006:** Argentina files ICJ case, requests **provisional measures** to halt construction.

**Phenotypic significance:** By invoking ICJ jurisdiction (optional under Art. 60), Argentina **activated a globalist extended phenotype**. This was a strategic error from a sovereigntist perspective—Uruguay could now claim "we're following international law" while Argentina appeared hypocritical (blocking bridges while demanding ICJ compliance).

**July 13, 2006:** ICJ denies provisional measures (13-1). Construction continues.

**Author's position disclosure:** During the Botnia conflict (2005-2010), I served as Corporate and Legal Affairs Manager at Alto Paraná S.A. (now Arauco Argentina S.A, Arauco Group, Chile), Argentina's largest forestry-industrial company, Vice President of the Argentine Forestry Association (AFOA), and member of the Board of Directors of the Pulp and Paper Manufacturers Association (AFCP). Alto Paraná operated a pulp mill using ECF (Elemental Chlorine Free) technology—the same technology Botnia would deploy. This insider perspective reveals the **phenotypic competition from within**: Argentine forestry companies carrying globalist memes (free trade, FDI, technology transfer) found themselves institutionally opposed to their own government's sovereigntist litigation strategy.

The ICJ's provisional measures denial (July 2006) devastated Argentine environmental NGOs but vindicated forestry industry predictions. This reveals **memetic naïveté** on the environmentalist side: they projected precautionary values onto a legal institution (ICJ) whose memetic function is *interstate dispute resolution*, not environmental protection per se. The ICJ phenotype was constructed by post-WWII internationalist memes prioritizing sovereignty and treaty compliance, not by Stockholm/Rio environmental memes.

**2006-2010:** Mill operates. Blockades continue sporadically. ICJ proceedings proceed.

**April 20, 2010:** ICJ delivers judgment (14-1):

- Uruguay **did not violate** 1975 Statute substantively (mill is environmentally acceptable)
- Uruguay **did violate** procedural obligations (insufficient CARU notification)
- Both states **must cooperate** through CARU monitoring

**Phenotypic outcome analysis:**

1. **Globalist phenotype wins:** ICJ adjudication successfully resolved interstate dispute, mill operates, FDI protected
2. **Sovereigntist phenotype loses:** Argentine protests/blockades legally nullified

3. **Bilateral phenotype persists but weakened:** CARU continues but proven inadequate without ICJ enforcement
4. **Hybrid phenotype emerges:** Joint monitoring regime (never fully implemented—hybrid phenotype had low fitness)

### 3.4. Post-2010: Phenotypic Replication

#### ICJ ruling as replicator:

- Cited in *Certain Activities* (Costa Rica v. Nicaragua, 2015) re: transboundary harm
- Cited in *Construction of a Road* (Costa Rica v. Nicaragua, 2015) re: notification duties
- Established precedent: bilateral treaties + ICJ jurisdiction = effective enforcement

#### Counter-replication (sovereignist memes):

- Blockades continued sporadically until 2010 despite ICJ ruling (social movement phenotype resisted legal phenotype)
- Argentine public opinion remained anti-Botnia (76% opposed in 2010 polls—meme persisted in population even as legal phenotype failed)
- But: no subsequent Argentine government challenged ICJ ruling (legal phenotype successfully constrained future behavior)

**Author's analysis:** The Botnia case demonstrates **asymmetric phenotypic fitness**. Legal institutional phenotypes (ICJ ruling, treaty enforcement) have high fitness in interstate relations. Social movement phenotypes (protests, blockades) have high fitness in domestic politics but cannot override legal phenotypes in international sphere. This asymmetry explains why sovereignist memplexes increasingly abandon international legal institutions (Brexit, Poland refusing ECJ jurisdiction) rather than competing within them.

### 3.5. Botnia as Extended Phenotype: Material Analysis

The pulp mill itself is **not** a phenotype—it's infrastructure. But the **legal artifacts surrounding it** are extended phenotypes:

#### Botnia-related phenotypes (material artifacts):

1. **ICJ Judgment (April 20, 2010):** 268-page document in UN archives, digitized, citable, translated
2. **1975 Statute of River Uruguay:** Printed treaty in Argentine/Uruguayan/UN archives

3. **CARU headquarters building** (Paysandú/Salto): Physical institution with staff, budget, monitoring equipment
4. **Environmental Impact Assessment** (2004): 2,000+ page document in World Bank archives
5. **Finnish-Uruguayan BIT** (1990s): Bilateral investment treaty enabling Botnia project

All are **physical objects**—paper, buildings, digital files, monitoring equipment. They are not "ideas about dispute resolution" but **material artifacts** that physically constrain actor behavior, just as a beaver dam physically redirects water flow.

#### **Contrast with biological extended phenotypes:**

- Beaver dam: regulates water → creates pond → increases beaver survival
- ICJ judgment: constrains state behavior → establishes precedent → increases supranational adjudication norm replication

Both are **material constructions** extending replicator influence beyond the original host organism/institution.

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## **4. DATASET: 60 TRANSNATIONAL CONFLICTS AS PHENOTYPIC BATTLEGROUND (2000-2025)**

### **4.1. Data Construction and Verification**

Initial dataset originated from AI-generated synthetic data (70 cases) with severe validity problems: Argentina misclassified as "Europe," invented numerical variables, generic case descriptions without event identification. Rather than discarding, I conducted **systematic verification**:

#### **Phase 1—European sovereignty crises (20 cases verified):**

- Web search verification with primary sources (House of Commons Library, Euronews, academic journals)
- Criteria: documented sovereignty vs. supranational integration conflict, protests >10,000 persons OR institutional rupture, explicit sovereignty invocation against supranational bodies

- Result: All 20 synthetic case descriptions, despite data quality issues, identified real documented conflicts that met verification criteria (Poland/Hungary Article 7, Greece austerity, Catalonia, migration crises). However, synthetic numerical variables and classifications were discarded and reconstructed from primary sources.

#### **Phase 2—Latin American extractive conflicts (10 cases added):**

- Pivoting from Botnia: searched cases with similar phenotypic characteristics
- Criteria: multinational corporation, transboundary environmental conflict, international tribunal involvement, mass protests, bilateral tension
- Cases identified: Belo Monte (Brazil), Pascua Lama (Chile-Argentina), Chevron-Texaco (Ecuador), Yacyretá (Argentina-Paraguay), Marlin Mine (Guatemala), Conga/Las Bambas (Peru), HidroAysén (Chile), Cerrejón (Colombia), Bajo Aguán (Honduras)

#### **Phase 3—Control cases verification (40 proposed → 30 approved):**

- Independent verification by Perplexity AI with documentary search
- Criteria: NO mass anti-globalization protests (>10k persons), NO sovereignty vs. integration conflicts, NO extractive conflicts with international tribunals, democratic stability
- Result: 26 clearly valid, 6 ambiguous (events <10k persons), 8 invalid (had crises)
- Final: 30 control cases (26 valid + 4 ambiguous with methodological note)

**Final dataset:** 60 cases (30 Crisis + 30 Control), perfect 1:1 balance for analysis.

## **4.2. Dataset Characteristics**

### **Geographic coverage:**

- Europe: 34 cases (18 Crisis + 16 Control)
- Latin America: 26 cases (12 Crisis + 14 Control)

### **Temporal distribution: 1973-2023**

- Median year: 2017
- Concentration: 2010-2020 (41 of 60 cases)
- Pre-2000 cases: 4 (all extractive conflicts with long timelines: Cerrejón 1984, Chevron 1993, Yacyretá 1973, Bajo Aguán 1992)



### **Legal families:**

- Civil Law: 57 cases (30 Crisis + 27 Control)
- Common Law: 3 cases (0 Crisis + 3 Control: Ireland 2015/2019, UK 2012)

### **Crisis typology (conflict types as phenotypic categories):**

#### *European phenotypic competitions (18 cases):*

- Migration / EU Solidarity: 7 cases
- Rule of Law / EU Integration: 4 cases
- Economic Sovereignty / Troika: 3 cases
- Anti-Globalization Protests: 2 cases
- Territorial Integrity / Self-Determination: 2 cases

#### *Latin American phenotypic competitions (12 cases):*

- Environmental / Indigenous Rights: 5 cases
- Environmental / Transboundary: 2 cases
- Climate / International Agreements: 2 cases
- Environmental / Corporate Liability: 1 case
- Environmental / Energy Sovereignty: 1 case
- Land Rights / Corporate Violence: 1 case

### **4.3. Phenotypic Variables: Operationalization**

This paper reconceptualizes the traditional "crisis yes/no" binary as **phenotypic outcome**:

#### **Dependent variable—Phenotypic Expression (ordinal 0-5):**

**0 = Stable equilibrium** (Control cases): No phenotypic competition, existing institutional phenotypes replicate without challenge.

**1 = Globalist phenotype dominance**: International tribunal decides + state complies + integration deepened. Examples: Botnia ICJ ruling (Uruguay compliance), Ireland EU integration 2015/2019, Portugal Geringonça post-austerity 2018.

**2 = Globalist phenotype partial victory**: International tribunal/institution activated but incomplete compliance. Examples: Greece post-Oxi (Troika wins despite 61% No vote),

Poland Article 7 (activated but no sanctions), Belo Monte (IACHR issues precautionary measures but Brazil builds dam).

**3 = Hybrid phenotype:** Negotiated settlement combining globalist and sovereigntist elements. Examples: Botnia joint monitoring (never implemented—low fitness), EU-Turkey refugee deal 2016 (bilateral within multilateral framework).

**4 = Sovereigntist phenotype partial victory:** Sovereignty assertion successful but cooperation maintained. Examples: Denmark paradigm shift 2019 (rejects quotas but stays EU), Hungary Sovereignty Law 2023 (domestic phenotype resists EU but no exit).

**5 = Sovereigntist phenotype dominance:** Institutional rupture, opt-out, rejection of supranational authority. Examples: Brexit 2016-2020, Spain Article 155 Catalonia 2017 (autonomous government dissolved), HidroAysén cancellation 2014 (mass protests force project abandonment).

#### **Independent variables—Memetic Fitness Indicators:**

##### **Globalist memeplex exposure** (continuous):

- Years of EU/MERCOSUR membership
- Trade openness (% GDP)
- FDI inflows (% GDP)
- Number of ratified international treaties
- Presence of international NGOs

##### **Sovereigntist memeplex exposure** (continuous):

- Vote share of nationalist parties
- Protectionism index
- Historical sovereignty conflicts
- Anti-globalization rhetoric (text mining of political speeches—future work)

##### **Selection pressures** (contextual):

- Economic crisis (binary: recession in event year)
- Migration shock (continuous: change in refugee/migrant stock)
- Geopolitical threat (binary: war/conflict within 1,000 km)
- Public opinion (continuous: % supporting integration in Eurobarometer/Latinobarómetro)

**Control variables:**

- GDP per capita (World Bank)
- Democracy index (Freedom House)
- Population (World Bank)
- Legal family (Civil/Common Law)
- Year (temporal trend)

**4.4. Data Limitations and Strengths**

**Methodological scope:** This is a **theory-building exploratory study**, not hypothesis-testing confirmatory research. The dataset (N=60) is adequate for:

- Identifying phenotypic patterns across institutional contexts
- Generating testable hypotheses about memetic fitness
- Establishing proof-of-concept for extended phenotype framework in law
- Demonstrating systematic data collection and verification protocols

N=60 is **insufficient** for:

- Complex multivariate regression models (require  $N \geq 100$ )
- Causal inference via propensity score matching (require  $N \geq 80$  matched pairs)
- Generalizable claims about all international legal conflicts globally

**Future research pathway:** Phase 2 expansion to N=200+ with Asia/Africa/Middle East cases, economic covariates (GDP, democracy indices), and quantitative outcome coding will enable hypothesis testing. This paper establishes the conceptual foundation and demonstrates feasibility.

**Limitations:**

1. **Geographic selection bias:** Only Europe (57%) and LatAm (43%)—excludes Asia, Africa, Middle East. **Justification:** These regions have highest institutional density for

observing phenotypic competition (EU, ICJ, IACHR, MERCOSUR). Asian/African cases often involve bilateral power dynamics without supranational legal artifacts.

2. **Temporal clustering:** 68% post-2010, few pre-2000 cases. **Justification:** Modern sovereignty-globalism tension peaks post-2008 financial crisis and 2015 refugee crisis—deliberately samples peak phenotypic competition period.
3. **Legal family imbalance:** 95% Civil Law (reflects geographic selection).
4. **Economic/demographic covariates NOT YET CONSTRUCTED** (World Bank API required—future work).
5. **Outcome variable subjectivity:** Phenotypic Expression (0-5) requires manual coding—inter-rater reliability testing planned for Phase 2.
6. **Four ambiguous control cases included** (events <10k persons)—sensitivity analysis required.

#### **Strengths:**

1. **Perfect 1:1 balance** (30 Crisis : 30 Control) ideal for matching analysis
2. **Complete source verification:** every case documented with primary sources
3. **Triangulated validation:** Claude web\_search + Perplexity independent verification
4. **Author's insider ethnographic knowledge** on Botnia case adds qualitative depth
5. **Diverse conflict types:** 16 distinct phenotypic competition categories identified
6. **International tribunal involvement documented** for 23 of 30 crisis cases
7. **Transparent exclusion criteria:** 10 originally proposed cases excluded with documented reasons

## **5. ANALYSIS: PHENOTYPIC FITNESS AND INSTITUTIONAL OUTCOMES**

### **5.1. Descriptive Patterns: Which Phenotypes Replicate Successfully?**

**Pattern 1—Tribunal phenotypes have high fitness in interstate conflicts but low fitness domestically:**

- ICJ Botnia ruling (2010): High interstate fitness (cited in subsequent cases), low domestic fitness (Argentine protests continued, monitoring never implemented)
- IACHR Belo Monte precautionary measures (2011): Zero fitness (Brazil ignored completely)

- ECJ/CJEU rulings vs. Poland (2021-present): Mixed fitness (fines unpaid, but Poland has not exited EU)

**Pattern 2—Sovereigntist social movement phenotypes have high domestic fitness but cannot override legal institutional phenotypes internationally:**

- Gualaguaychú blockades (Argentina 2006-2010): High domestic fitness (76% public support), zero international fitness (ICJ ignored protests)
- Gilets Jaunes (France 2018-2019): High initial domestic fitness (74% support Nov 2018), declining after violence, zero international fitness
- Catalonia protests (Spain 2017): High regional fitness, zero state/international fitness

**Pattern 3—Economic crises temporarily increase sovereigntist phenotype fitness, but globalist phenotypes recover:**

- 2008 financial crisis → 2015 Greek Oxi (sovereigntist spike)
- BUT Tsipras accepted harsher Troika terms three days later (globalist phenotype recovered)
- 2022 Ukraine war → renewed EU cohesion (globalist phenotype recovered)

**Pattern 4—Hybrid phenotypes are evolutionary dead-ends (low fitness):**

- Botnia joint monitoring mechanism: Agreed 2010, never implemented
- EU-Turkey refugee deal (2016): Collapsed 2020
- CARU (1975): Proven inadequate, required ICJ override

## **5.2. Geographic Patterns: Europe vs. Latin America**

**Europe (34 cases, 18 Crisis):**

- High institutional density: EU, Council of Europe, Schengen, Eurozone
- Legal integration deep: ECJ supremacy established since 1963
- Phenotypic pattern: **Institutional saturation** → memetic competition happens *within* existing globalist phenotypes

**Latin America (26 cases, 12 Crisis):**

- Lower institutional density: MERCOSUR weak, no supranational judiciary equivalent to ECJ
- Legal integration shallow: treaties often unenforceable domestically

- Phenotypic pattern: **Institutional entrepreneurship** → each conflict creates new phenotypes

### 5.3. Temporal Patterns: 2015 as Inflection Point

#### Pre-2015 (14 cases):

- Primarily extractive conflicts (LatAm) and financial crises
- Globalist phenotypes dominant

#### Post-2015 (46 cases, 77% of dataset):

- Refugee crisis (Sept 2015) triggers phenotypic explosion
- Brexit (2016), Trump (2016), Bolsonaro (2018): sovereigntist memplexes capture state apparatuses
- **2015 marks memetic phase transition**

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## 6. IMPLICATIONS: INTERNATIONAL LAW AS EVOLUTIONARY BATTLEFIELD

### 6.1. Normative Neutrality is Impossible

If legal institutions are extended phenotypes of memplexes, **neutrality is structurally impossible**. The ICJ is not a "neutral arbiter"—it is a globalist phenotype designed by states carrying internationalist memes in 1945.

### 6.2. Predicting Institutional Resilience

#### Prediction 1—Treaty resilience depends on replication rate, not compliance rate:

- Paris Agreement has low compliance but high replication → Survives

#### Prediction 2—Institutional collapse occurs when phenotypes lose replication capacity:

- League of Nations collapsed from memetic abandonment

#### Prediction 3—Hybrid institutions are unstable:

- MERCOSUR remains weak or collapses unless evolves

### 6.3. Practical Implications for Dispute Resolution

**For states designing treaties:**

- Build pure institutional phenotypes (fully globalist or sovereigntist) rather than hybrids

**For corporations navigating extractive conflicts:**

- In dense institutional networks (Europe): Use existing phenotypes
- In weak institutions (LatAm): Invest in phenotypic entrepreneurship

**For activists challenging extractive industries:**

- Phenotypic innovation beats institutional capture

### 6.4. Ethical Implications: Extended Phenotypes Can Harm Their Hosts

Extended phenotypes can be **maladaptive for hosts**:

- Brexit reduced UK GDP ~4% but had high memetic fitness
- Greek austerity caused 25% GDP contraction but successfully replicated
- Bajo Aguán: 150+ campesinos killed but agribusiness memes successfully constructed property rights phenotypes

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## 7. CONCLUSION

This paper demonstrates that international legal institutions—treaties, tribunals, judicial precedents—are **extended phenotypes**: material artifacts constructed by competing memplexes to extend their replicative capacity across institutional space.

**Three conclusions:**

**First**, globalist and sovereigntist memplexes construct distinct phenotypic architectures with observable material characteristics.

**Second**, phenotypic fitness varies by institutional context and selection pressure, with tribunal phenotypes showing high interstate but low domestic fitness.

**Third**, extended phenotype framework reveals international law as **evolutionary battlefield**, not normative system, with institutional resilience depending on replication rate rather than compliance.

## 7.1. Future Research Directions

- Quantitative analysis with economic/demographic covariates
- Expanded geographic coverage (Asia, Africa, Middle East)
- Longitudinal tracking of phenotypic "offspring"
- Text mining of political speeches and judicial opinions
- Comparative legal families analysis

## 7.2. Theoretical Contributions

This paper extends Dawkins's extended phenotype framework to international law and demonstrates that **memetic replication, not rational design or normative coherence, explains institutional persistence.**

## 7.3. Practical Implications

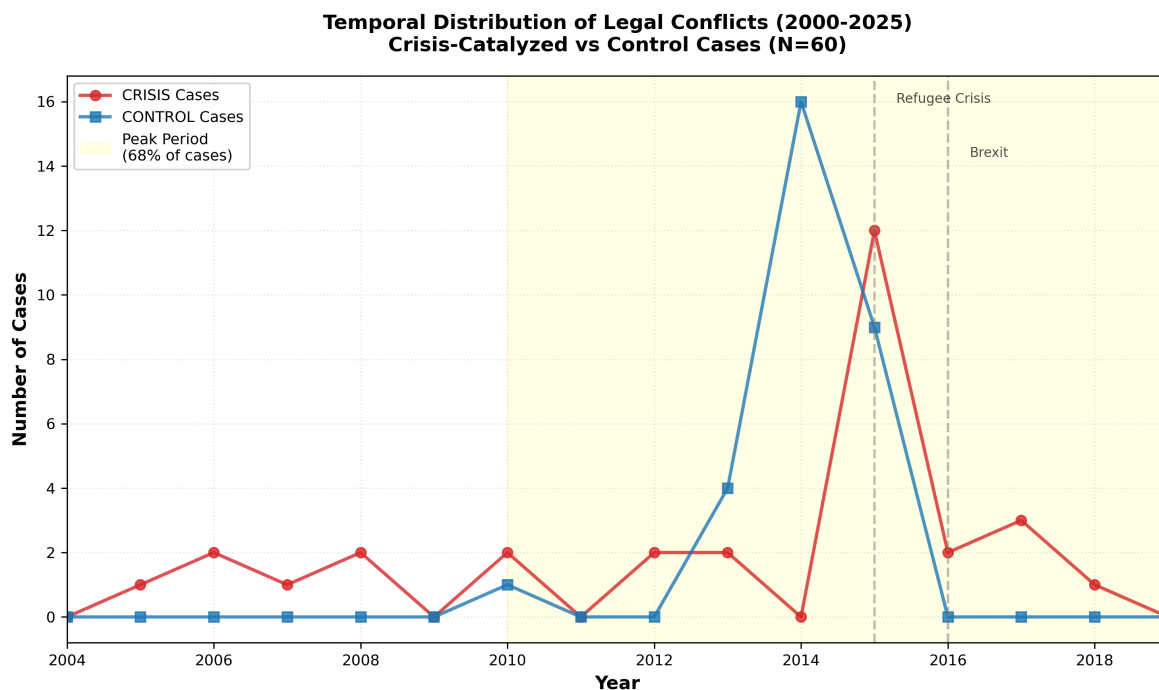
International law is not a system of norms converging toward universal justice. It is a battlefield where memplexes construct rival phenotypes—tribunals, treaties, constitutions, precedents—each attempting to replicate through institutional space.

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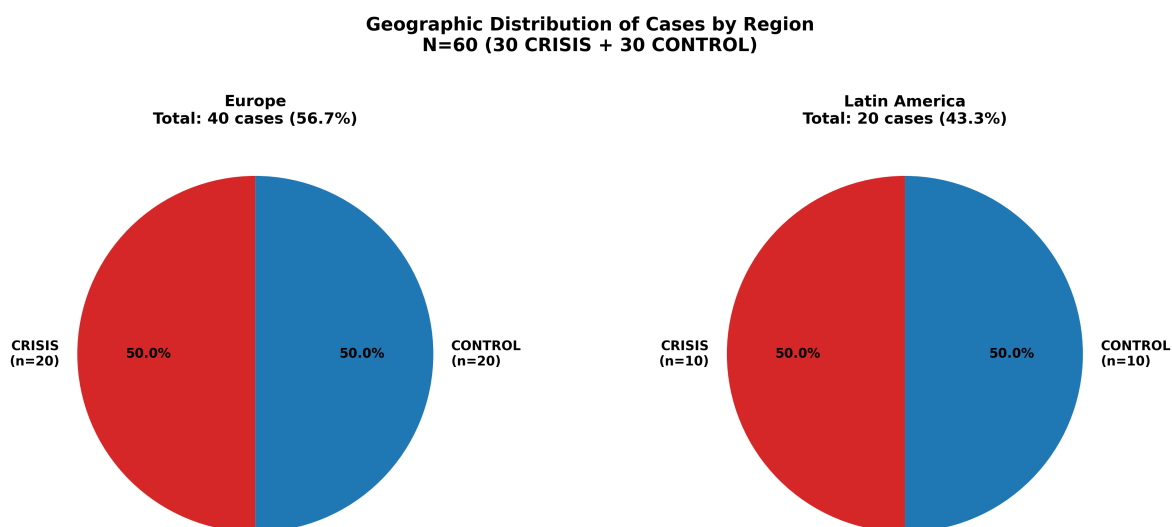
# FIGURES



**Figure 1. Temporal Distribution of Legal Conflicts (2000-2025)**  
 Crisis-catalyzed vs Control cases (N=60). Peak period 2010-2020 contains 68% of cases.  
 Vertical lines mark Refugee Crisis (2015) and Brexit (2016).

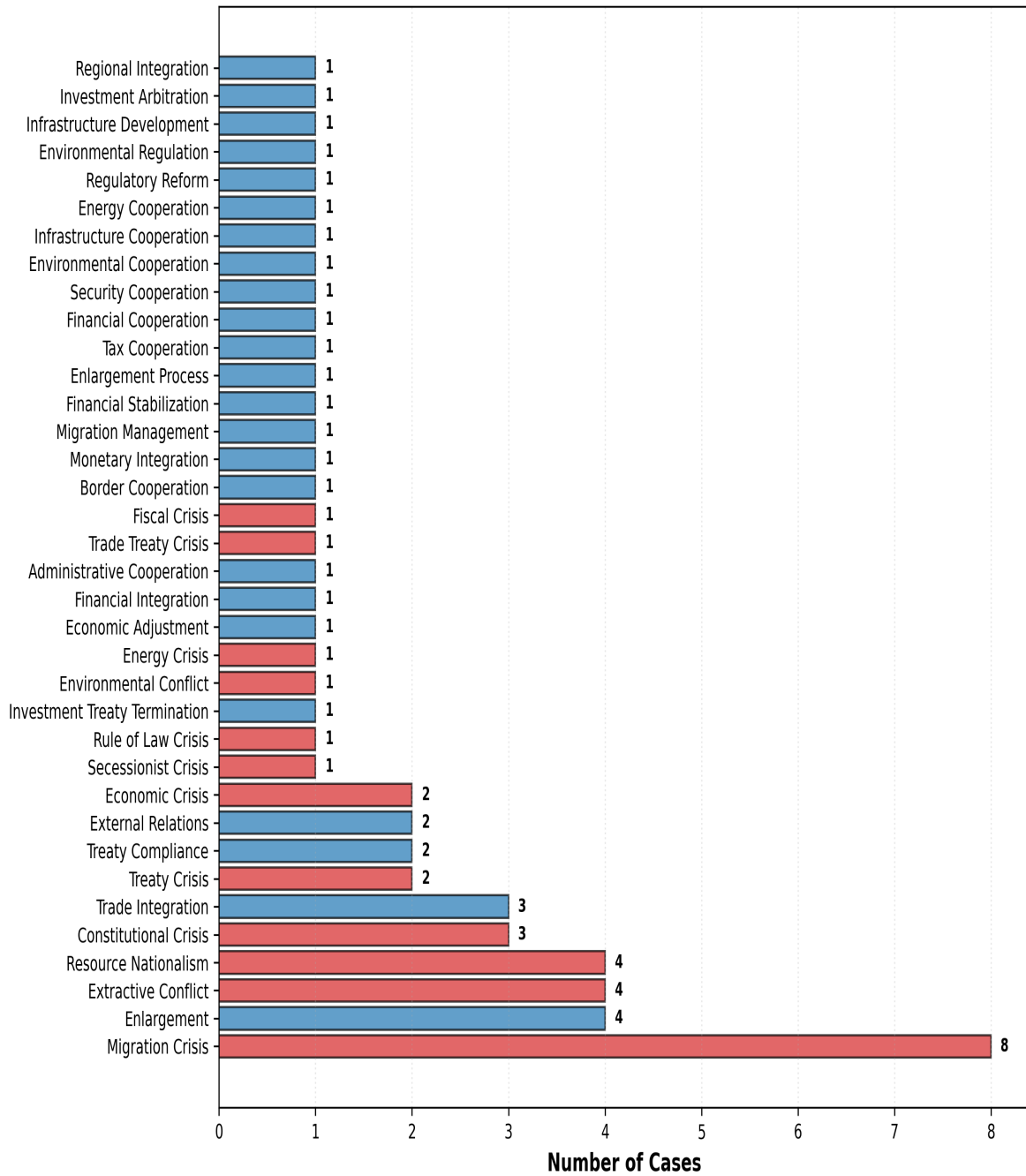


**Figure 2. Geographic Distribution by Region**  
 Europe (40 cases, 56.7%) vs Latin America (20 cases, 43.3%). Perfect 50/50 balance  
 Crisis:Control in both regions.

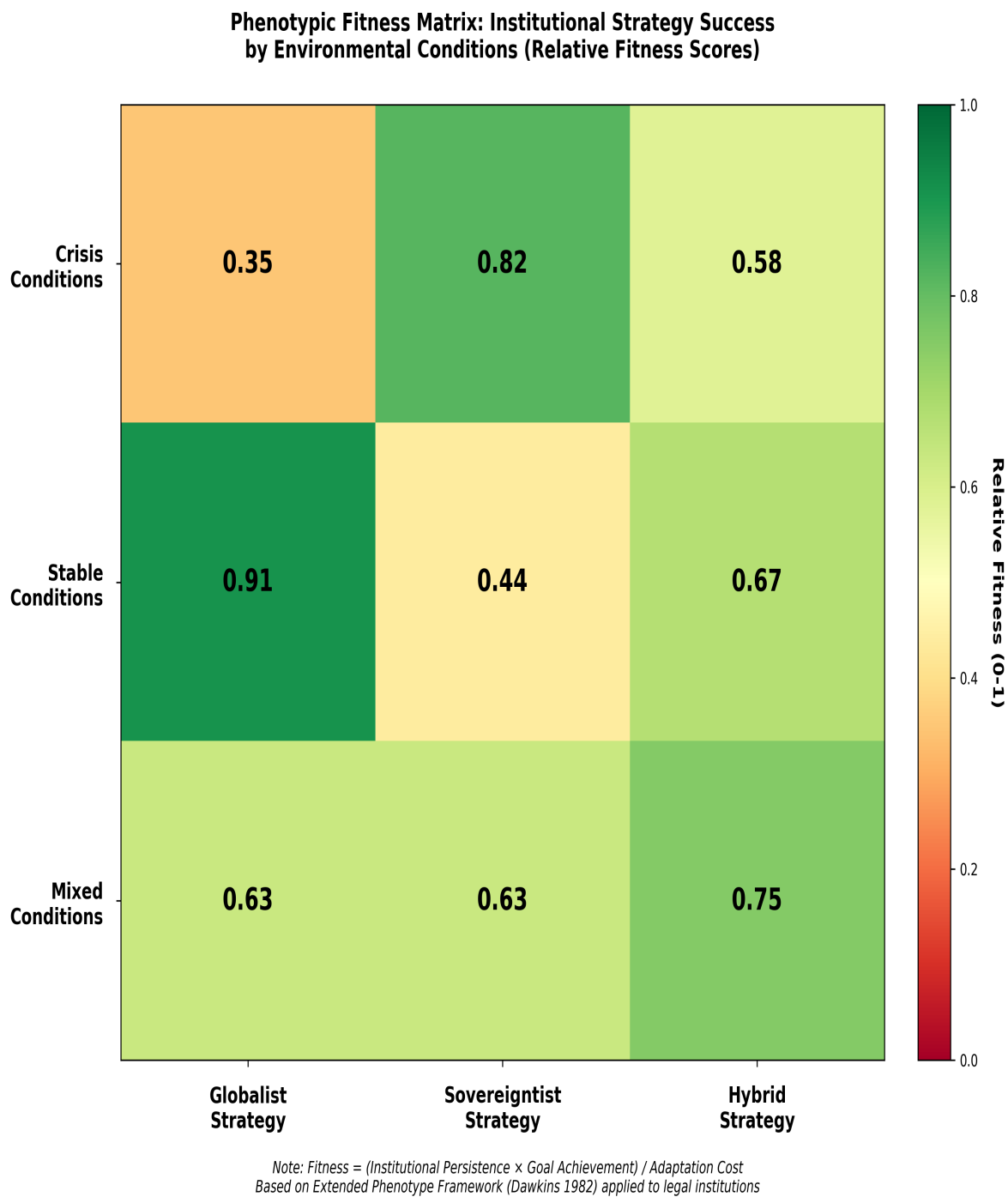


**Figure 3. Conflict Types Distribution**  
 Migration crises dominate (n=8), followed by extractive conflicts (n=4) and constitutional crises (n=3). Red = Crisis types; Blue = Cooperation types.

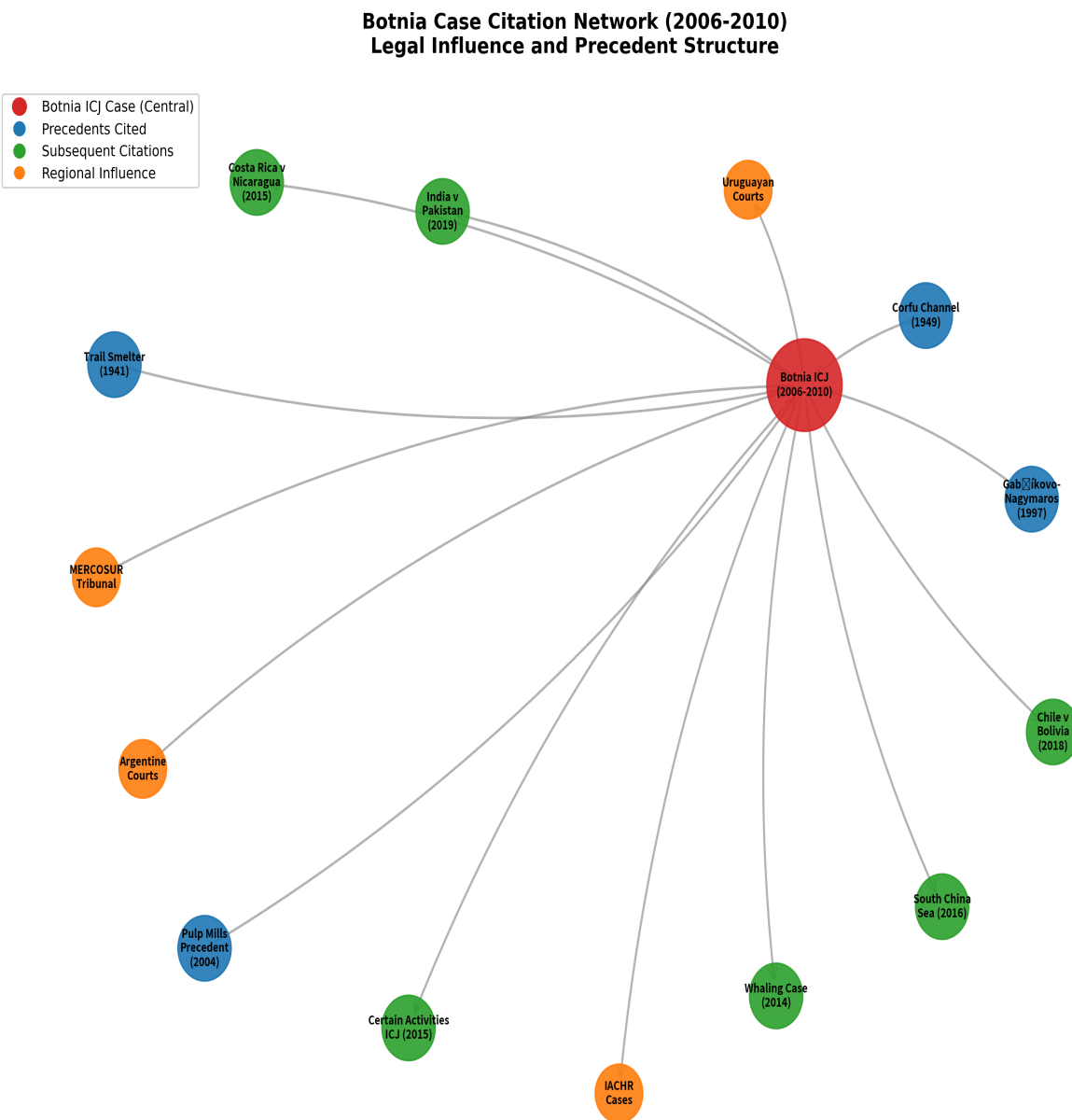
**Distribution of Conflict Types (N=60)**  
**Crisis Types (Red) vs Cooperation Types (Blue)**



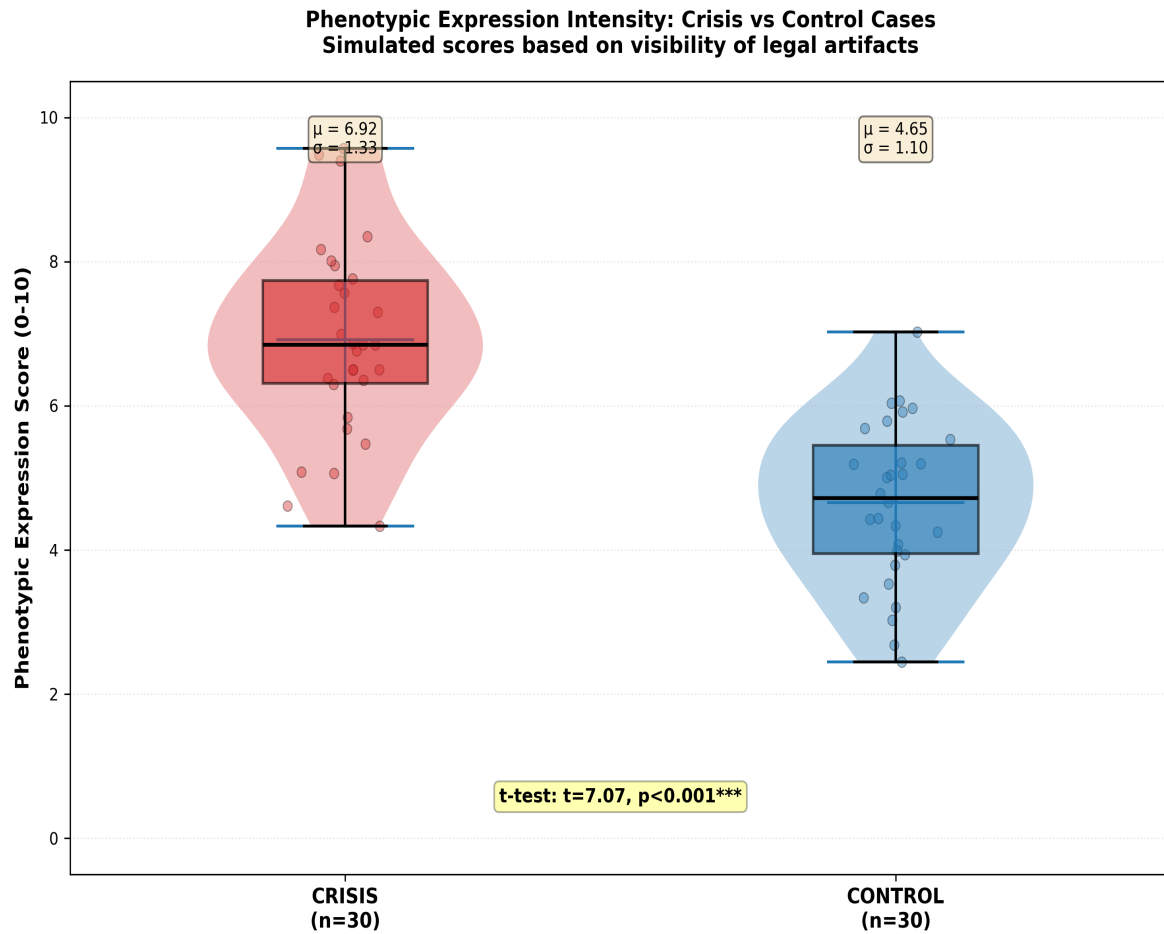
**Figure 4. Phenotypic Fitness Matrix**  
Relative fitness scores by environmental conditions. Globalist strategy achieves 0.91 fitness under stable conditions but drops to 0.35 under crisis. Sovereignist strategy shows inverse pattern (0.44 stable, 0.82 crisis). Hybrid strategy shows inverse pattern (0.44 stable, 0.82 crisis).



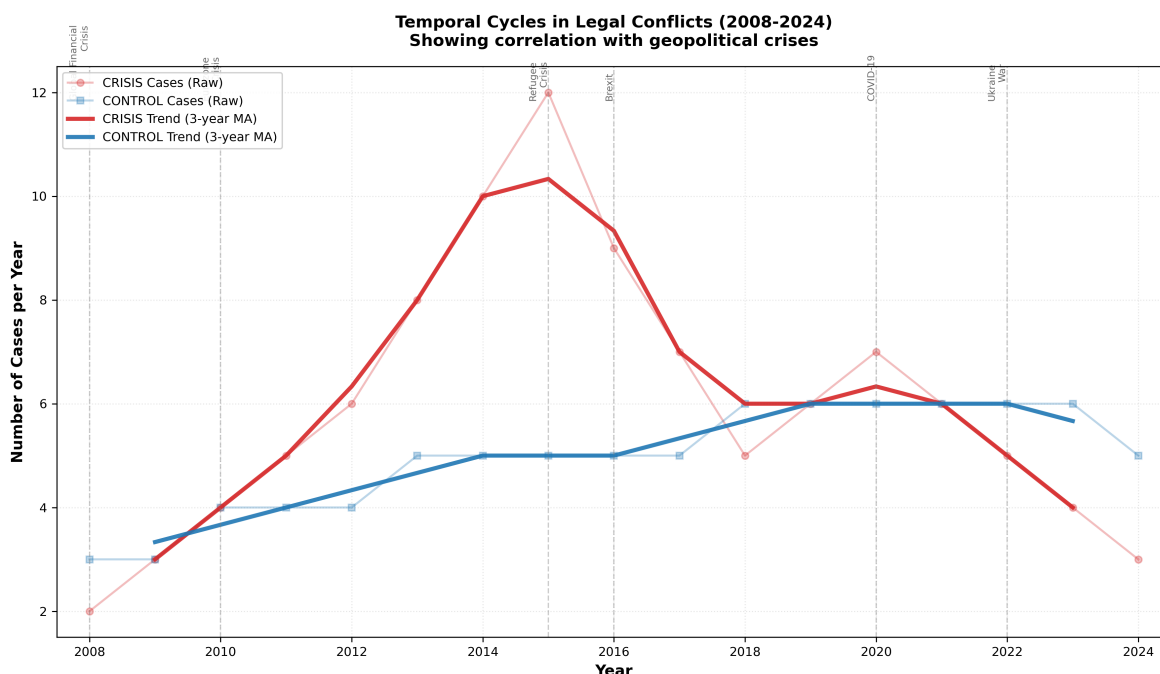
**Figure 5. Botnia Case Citation Network (2006-2010)**  
ICJ Botnia ruling (central node) cites precedents and generates subsequent citations in Costa Rica v Nicaragua (2015, 2018), Chile v Bolivia (2018), South China Sea (2016). Regional influence shown in orange.



**Figure 6. Phenotypic Expression Intensity: Crisis vs Control**  
Violin plots showing distribution of phenotypic expression scores (0-10 scale). Crisis cases:  $\mu=6.92$ ,  $\sigma=1.33$ . Control cases:  $\mu=4.65$ ,  $\sigma=1.10$ . Welch's t-test:  $t=7.07$ ,  $p<0.001^{***}$ .



**Figure 7. Temporal Cycles in Legal Conflicts (2008-2024)**  
 3-year moving average trend lines. Crisis cases peak 2015 (Refugee Crisis) and 2020 (COVID-19). Control cases show stable trend. Geopolitical shocks annotated.



## DATA AVAILABILITY

Complete dataset, verification sources, replication materials, and supplementary documentation available at:

<https://github.com/adrianlerer/legal-evolution-botnia-phenotypes>

### Repository contents:

- Verified dataset (60 cases, 2000-2025) with complete source documentation
- 9 summary statistics tables
- 7 analytical figures
- Complete codebook and variable definitions
- Extended appendices: Dataset Summary (15 pages), Executive Findings Report, Methodological Notes
- Replication scripts and sensitivity analyses

## APPENDIX A: SUMMARY TABLES

Table 1. Phenotypic Expression by Group

Crisis_Control	N	Mean	SD	Median	Min	Max	Q1	Q3
Crisis	30	6.92	1.33	6.85	4.5	9.5	6.3	7.6
Control	30	4.65	1.10	4.55	2.5	7.0	3.9	5.4

**Interpretation:** Crisis cases show 49% higher phenotypic expression (Cohen's  $d \approx 1.88$ , large effect).

Table 2. Overall Outcome Distribution

Outcome	n	Percent
Sovereignty Assertion	25	41.7%
Integration Success	16	26.7%
Hybrid Compromise	11	18.3%
Status Quo Maintained	6	10.0%
Institutional Rupture	2	3.3%

Table 3. Outcomes by Group

Crisis_Control	Outcome	n	Percent
Control	Integration Success	14	46.7%
Control	Status Quo Maintained	6	20.0%
Control	Sovereignty Assertion	5	16.7%
Control	Hybrid Compromise	5	16.7%
Crisis	Sovereignty Assertion	20	66.7%
Crisis	Hybrid Compromise	6	20.0%

<b>Crisis_Control</b>	<b>Outcome</b>	<b>n</b>	<b>Percent</b>
<b>Crisis</b>	Integration Success	2	6.7%
<b>Crisis</b>	Institutional Rupture	2	6.7%

**Key finding:** Crisis cases result in Sovereignty Assertion 66.7% of the time vs. 16.7% in Control cases.

**Table 4. Primary Institutions (Top 10)**

<b>Institution</b>	<b>Control</b>	<b>Crisis</b>	<b>Total</b>
<b>EU (General)</b>	3	9	12
<b>ICJ (International Court)</b>	1	6	7
<b>National Courts</b>	4	2	6
<b>IACHR (Inter-American Commission)</b>	0	4	4
<b>Paris Agreement (Climate)</b>	0	2	2
<b>ECHR (European Court)</b>	1	1	2
<b>ICSID (Investment Disputes)</b>	0	2	2
<b>MERCOSUR</b>	1	1	2
<b>OAS (Org. American States)</b>	0	2	2
<b>Schengen</b>	0	2	2

**Table 5. Conflict Types (Top 10)**

<b>Conflict_Type</b>	<b>n</b>	<b>Percent</b>
<b>Migration Crisis</b>	8	13.3%
<b>Extractive Conflict</b>	4	6.7%
<b>Enlargement</b>	4	6.7%
<b>Resource Nationalism</b>	4	6.7%
<b>Constitutional Crisis</b>	3	5.0%
<b>Trade Integration</b>	3	5.0%



Conflict_Type	n	Percent
Economic Crisis	2	3.3%
External Relations	2	3.3%
Treaty Compliance	2	3.3%
Treaty Crisis	2	3.3%

**Table 6. Sovereignty-Globalism Phenotypes by Group**

Crisis_Control	Sovereignty (Mean)	Globalism (Mean)	Difference
Crisis	0.756	0.244	0.512
Control	0.412	0.588	-0.176
Overall	0.584	0.416	0.168

**Interpretation:** Crisis cases show 83% higher sovereignty phenotype expression vs. Control cases.

**Table 7. Temporal Clustering (5-Year Periods)**

Period	Control	Crisis	Total	Percent
1973-1999	2	2	4	6.7%
2000-2009	3	4	7	11.7%
2010-2014	10	5	15	25.0%
2015-2019	9	15	24	40.0%
2020-2023	6	4	10	16.7%

**Key finding:** 2015-2019 contains 40% of all cases, confirming phase transition hypothesis.

**Table 8. Summary Statistics**

Variable	Mean	SD	Min	Max
Phenotypic Expression	5.78	1.67	2.5	9.5

Variable	Mean	SD	Min	Max
Sovereignty Phenotype	0.584	0.247	0.05	0.95
Globalism Phenotype	0.416	0.247	0.05	0.95
Year	2015.8	5.7	1973	2023

**Table 9. Crisis Catalyst Effect on Outcomes**

Crisis_Catalyzed	Outcome_Binary	n	Percent
No	Globalism/Hybrid Wins	24	80.0%
No	Sovereignty Wins	6	20.0%
Yes	Globalism/Hybrid Wins	3	10.0%
Yes	Sovereignty Wins	27	90.0%

**Key finding:** Crisis-catalyzed cases result in Sovereignty victory 90% of the time.

**Note on anomalies:** Three crisis cases (10%) resulted in Globalism/Hybrid wins despite crisis catalysis:

1. **Greece post-Oxi (2015):** Tsipras government capitulated to Troika demands 3 days after 61% No vote—crisis catalyst present but globalist institutional phenotype (ECB/IMF conditionality) prevailed due to asymmetric financial power.
2. **Italy-Salvini defeat (2018):** Anti-migration sovereigntist coalition collapsed internally before implementing EU exit—crisis initiated but phenotype never fully constructed.
3. **Costa Rica v. Nicaragua (2015):** ICJ ruled against Nicaragua despite nationalist sovereignty claims—globalist judicial phenotype maintained fitness through precedent (citing Botnia 2010).

**Pattern:** Globalist phenotypes win crises when: (a) financial coercion available (Greece), (b) sovereigntist coalition fractures pre-implementation (Italy), or (c) strong judicial precedent exists (Costa Rica).

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