



AREA

Amsterdam Review of European Affairs

EUROPEAN
UNIVERSITY OF AMSTERDAM
HORIZONS

Issue 1
Volume II
Summer 2023

LETTER FROM THE EDITOR

Dear Readers,

I am excited to present to you the second annual issue of the Amsterdam Review of European Affairs (AREA) Journal. AREA is a peer-reviewed publication that showcases outstanding student papers on European and transatlantic affairs. As the Director of Research & Publications of the European Horizons (EuH) Amsterdam Chapter, it is my privilege to introduce this collection of pieces which celebrates the intellectual achievements of students that are passionate about European and transatlantic relations.

Within the pages of the AREA Journal, you will find a fascinating collection of papers that explore various aspects of European and transatlantic affairs. Our journal aims to provide a platform for students to share their insights and engage in meaningful discourse surrounding critical international issues. This in essence serves the larger goal of our EuH, which is to foster European and transatlantic relations and cultivate the skills of students interested in entering international affairs.

The papers featured in this issue encompass a wide range of topics, demonstrating the multifaceted nature of European affairs. From thought-provoking analyses of LGBTQ+ and women's rights in Europe to explorations of EU space law and the internal affairs of particular European states, the content is highly engaging and enlightening. The journal features research papers, policy papers, and the three best short paper essays written by members of our organization over the course of this academic year. This variety ensures a stimulating academic experience for our readers.

I am also delighted to highlight that the majority of the papers included in this journal are authored by talented members of European Horizons Amsterdam Chapter. Their dedication to research and scholarship is evident in the quality of their work. Additionally, we have included three exceptional papers from the Chapter's Long Paper committee, whose members have dedicated countless hours throughout the year to produce original and insightful contributions. These papers are marked within the journal and are certainly worth your attention.

Finally, there are many journal contributors who deserve congratulations and my sincere gratitude. First, I extend my deepest thanks to the editors of the EuH Short and Long Paper committees who have played an integral role in shaping this journal. Their commitment to the journal project and their careful editing have ensured that the papers featured in the AREA Journal meet the highest standards.

I would also like to express a very special thank you to the Editor-in-Chiefs of the Long and Short Paper committees. Thank you to Long Paper Editor-in-Chief Yeva Seplyarska, for her work in coordinating and delegating tasks to the editors throughout the journal process. Her meticulous oversight was invaluable to the formation of the journal. Thank you as well as to the Short Paper Editor-in-Chief, David Daniil Spitzkovskiy, for his key assistance with additional tasks for the journal.

I would also like to extend my appreciation to Sean Cotter-Lem for his work in designing and formatting the journal. Sean's efforts have played a role in shaping the professional appearance of the AREA Journal.

Lastly, I would like to extend my warmest congratulations to all the authors whose work is featured in this journal issue. Your talents, intelligence, and dedication are evident in each of your contributions. The AREA Journal serves as a testament to your commitment to academic excellence. Your work inspires and enriches our student community and for that I commend you deeply.

It is my hope that this journal will serve as a platform for the exchange of ideas and foster intellectual growth among our members. We are proud to present the Amsterdam Review of European Affairs (AREA) Journal of the 2022-2023 academic year, and we look forward to witnessing its continued success in the future.

Ava Grace Fritz
Director of Research & Publications
European Horizons Amsterdam Chapter 2022-2023

ACKNOWLEDGEMENTS

JOURNAL CONTRIBUTORS

DIRECTOR RESEARCH & PUBLICATIONS
AVA GRACE FRITZ

LONG PAPER EDITOR-IN-CHIEF
YEVA SEPLYARSKA

SHORT PAPER EDITOR-IN-CHIEF
DAVID DANIEL SPITKOVSKY

DESIGN LEAD
SEAN COTTER-LEM

EDITORS
NUUR MAJZOUN
PHILIPP PEKSAGLAM
HARSHITA PUGALIA
MEIE VAN DER STEEG
GEORGIANA STEWART-MILLER
BLAISE TOULOUSE
NOAH VAN DER WAL EDGCOMB

EUROPEAN HORIZONS AMSTERDAM BOARD

PRESIDENT
MARLENA DZIEKANOWSKA

VICE PRESIDENT
SEAN COTTER-LEM

TREASURER
MINORI KAWAGUCHI

DIRECTOR EVENTS
ONA JURKEVIČIŪTĖ

DIRECTOR COMPETITION
THEODOR AZBEJ

DIRECTOR COMMUNICATION
FIORELLA BRIOLO PEREZ

TABLE OF CONTENTS

EUROPE IN A GLOBAL CONTEXT

- 5 *Revealing the "Soft Imperialistic" Power Imbalances in the European Neighbourhood Policy*
CORALIE CRABEL
- 14 *Defending Taiwan Requires Taking Control over Europe*
ABE DE RUIJTER
- 30 *The Great Replacement: Understanding the ideological discourse of
Europe's Identitarians on Globalized Society*
PHILIPP PEKSAGLAM
- 35 *EU Approach to Russian Resources from the Perspective of Realism and Constructivism*
ANNA ŽIŽKOVÁ
- 43 *The Deterioration of Russian-EU Relations: Sanctions and the Nord Stream II*
NATALIA CRISTINA MARTÍNEZ ROUMIANTSEVA
- 49 *"Decolonize" or "Defend" ?*
SOFIYA TRYZUB-COOK
- 55 *Preventing Kessler: EU Policy Recommendations for the Mitigation of Space Debris*
TOYAH HOEHER

MIGRATION & FREE MOVEMENT

- 62 *Migration and Decolonizing the EU*
AVA GRACE FRITZ
- 68 *Refugees, the EU Migration Pact and State of Exception - How do the policies impact migrants?*
ALICE TOLMATCHOVA
- 75 *EUNAVFOR MED - Operation Sophia - A Success Story or Rather the Opposite?*
LAURE DURANG
- 80 *The Legality of 'Safe Country Initiative' Within International Refugee Law*
POLINA GANKINA
- 89 *Brain Drain in CEE countries*
ANOUSHKA SAHA

EUROPEAN INTEGRATION & DEMOCRACY

- 95 *Evolving Asymmetry in the Polish-EU relations:
From Accession Negotiations to Judicial Reforms*
MARLENA DZIEKANOWSKA
- 103 *The Discrepancy in Merkel's Monetary Policy with Regards to European Integration*
SHANNON FOLEY
- 110 *The Changing Roles of Women in the European Integration Process*
UMA CLAESSENS
- 117 *Political elites, citizens, and a fight over public opinion.
The dynamics of democratic backsliding in Poland*
ZUZANNA BOROWSKA
- 126 *Access to Culture in the EU*
SAM MERLOS
- 133 *EU Cannabis Policy*
MARIA MAZUREK

AMSTERDAM POLICY PRIZE 2023 WINNERS

Safeguarding Democracy in the Digital Disinformation Age

- 137 ERIKA VODVÁRKOVÁ & ELTON HÖGKLINT
- 143 VIJA TURULYTĒ, GABRIELLA CANTONE, LEANDRA SOPHIE VOSS, &
EVA-MARIA VOGEL
- 149 YEVA ANDRIIVNA SEPLYARSKA, EGE KAYNARCA, & LUISA REINHARDT

SELECTED SHORT PAPERS

- 154 *The Future of Neo-Colonialism: Mali and the Wagner Group Forces*
MATTHEW PAUL GONZALEZ
- 157 *Cryptocurrencies: A Fuel for Terrorism*
THEODOR AZBEJ
- 160 *Melting justice: the Willow Project and indigenous rights in Alaska*
MILICA MIJAILOVIĆ

I. Introduction: Taming the Jungle

When asked about the European Union (EU)'s structure in an interview, former European Commission chief José Manuel Barroso asserted that 'What we have is the first non-imperial empire' (Mahony, 2007). Unlike old empires, based on military conquest, the EU is built on the conscious choice of twenty-seven countries who 'fully decided to work together and to pool their sovereignty' (Mahony, 2007). This metaphor of the EU as a 'non-imperial empire' could be initially considered as harmless. However, power operates through language and produces powerful representations of the 'self' and the 'other' (Foucault, 1972; Said, 1978). This relates to other, more recent powerful discourses about the EU's identity, like High Representative of the European Union for Foreign and Security Policy Josep Borrell's 'jungle' comment. During the opening speech at the inauguration of the European Diplomatic Academy in Brussels on October 13, 2022, Josep Borrell called Europe a 'garden', threatened by the rest of the world--the 'jungle'. Borrell further asserted 'The gardeners have to go to the jungle. Europeans have to be much more engaged with the rest of the world. Otherwise, the rest of the world will invade us, by different ways and means.' (Borrell, 2022). Borrell later commented that his 'reference to 'jungle' has no racist, cultural or geographical connotation' (Borrell, 2022). Nonetheless, as Borrell holds the position of High Representative of the EU for Foreign and Security Policy, it seems critical to comprehend how such metaphors unveil the way the Union envisions the world and conducts policy. Studying such remarks from Orientalist and neo-orientalist perspectives encourages us to uncover the EU's wider ambitions. Moreover, taking from Barroso's vision of the EU as an empire, I analyse the EU as an instance of 'soft imperialism'. Soft imperialism here is understood as 'soft power in the hard way, that is an asymmetric form of dialogue or even the imposition or strategic use of norms and conditionalities in the self-interest rather than for the creation of a genuine dialogue' (Hettne and Soderbaum, 2005). To challenge this assumption, I analyse the discourses and policies aimed at the Southern Neighbourhood. European powers have a colonial history within the region and since the region has been subjected to the European Neighbourhood Policy (ENP) to create 'an area of peace, stability, economic prosperity, upholding democratic values and human rights' following the 2004 enlargement of the Union. This essay will thus explore ways in which the European Neighbourhood Policy towards the Southern Neighbourhood exhibits tropes of 'soft imperialism'. I begin with theoretical and methodological considerations that underpin the argument. Results of the research follow. The EU envisions its neighbourhood as an ambiguous 'other' and is trying to establish a 'ring of friends' to create a buffer zone, an important insight of this paper. I show that the ENP's agency is asymmetrical with an imposition of norms from the EU to its neighbours. Additionally, the EU also represents itself as having a duty to stabilise its periphery, to legitimise its self-interested policy goals.

2. Building a framework to analyse the EU's use of language

2.1 Using the theoretical lens of (neo-)orientalism

According to Foucault, it is essential to consider discourse 'as practices that systematically form the objects of which they speak' (Foucault, 1972, 49). Foucault asserts that discourse produces its own social reality which does not always reflect the objective truth. As a result, our understanding of the world is not an authentic reflection of reality, but rather a product of discourse. This concept of knowledge-making through discourse is reflected in Edward Said's work on Orientalism. Indeed, Said uses Foucault's interpretation of discourse as an entity that generates knowledge and legitimises the particular vision the West imposed on the 'non-West' after colonisation (Said, 1978). Said goes further than Foucault, by asserting that the complex relation between Occident and Orient is a relation of power and domination (Said, 2003, 5). Said argued European imperialism was powerful in that it created new realities and ways of understanding the Other that were biased, yet accepted as true. According to Said, discourses and powerful representations of the 'Other', serve as the basis for unequal relations of power and produce false identities that create common knowledge about the other. This knowledge-making is used to create a dual world system of a centre and periphery polarity, produced, and reproduced through exploitation (Sa'di, 2021). However, since Said's analysis of Orientalist patterns in 1978, how the West represents the 'self' and the 'other' has evolved. Although Orientalism in its original form has not disappeared, Sa'di explores a new form of knowledge-making about the 'other', which he terms neo-orientalism. Sa'di argues that 'alongside the old-style orientalism, a more sophisticated, subtle, and up-to-date perspective has appeared. Although its emphases, concerns and methodologies might represent a certain departure from old orientalist dogmas, its objective seems to remain largely intact.' (Sa'di, 2021, 2505). Neo-orientalist discourse has shifted its tone, which would make it appear more benign and 'respectable' (Sa'di, 2021, 2511). While the binary distinction and opposition persists, there is no mentioning of race and offensive terms. More inoffensive and supposedly neutral terms are employed to mark the difference with the outer group, such as culture, ethnicity and religion (Sa'di, 2021, 2511). This can be exemplified in this sentence: 'In many neighbourhood countries ethnic, religious and cultural identities and traditions play a crucial role as regards the way society functions' (European Commission, 2015b)--unlike European societies. Moreover, the 'other' is not disciplined using coercive means but by the forced acceptance of neo-liberal institutions and standards through a variety of international bodies (Sa'di, 2021, 2513).

2.2 Using CDA methodology to analyse policy language

Performing a Critical Discourse Analysis (CDA) of the policy documents on the European Southern Neighbourhood policy seems necessary since we need to look at language to account for hidden meanings. According to Wodak and Mayer (2009, 7), critical discourse analysis 'emphasises the need for interdisciplinary work in order to gain a proper understanding of how language functions in constituting and transmitting knowledge, in organising social institutions'. CDA is an established practice to use for analysing discourses and languages. It can be usefully applied to postcolonial and poststructuralist approaches as a methodology 'for analysing power relations and their underlying structures' (Horky-Hluchan and Kratochvil, 2014, 256). This can reveal unspoken and unacknowledged aspects of the subject in question, which can allow alternative positions and opinions to arise (Morgan, 2010).

The analysis consists of fifteen official documents published by the European Commission on its website from the Commission's 2003 'Wider Europe' Communication to the 2021-2027 Multi-Annual Indicative Programmes for the Southern Neighbourhood, including: six Commission Communications, four Joint Communications, two Joint Staff Working Documents, two Multi-Annual Indicative Programmes for 2021-2027, one Fact Sheet and one Press Release. The corpus comprises policy documents ranging from the inception of the ENP to the latest ones since it is necessary to explore the variations of tone, motivations and explanations. The examined documents were drafted and published by the European Commission, the European institution supervising the EU's overall strategy. It is assumed that the sentences, formulations and ambiguities used within these documents were deemed the best suited to represent its Southern neighbourhood and exercise power over its recipients (Horky-Hluchan and Kratochvil, 2014). My analysis of these texts is informed by my socialisation within a predominantly white European sphere. While I have tried to be as bias-free as possible, my positionality may have influenced the way I interpreted the discourses present in these documents.

3 Analysing the ENP discourse, informed by (neo-)orientalist critiques

3.1 The Neighbourhood as an ambiguous, distant yet close 'other'

The Commission's first Communication about a project headed towards a partnership with the EU's new neighbours was named 'Wider Europe – Neighbourhood: A new framework for relations with our Eastern and Southern Neighbours'. Although this terminology was still used for the July 2003's Communication on 'Paving the way for a New Neighbourhood Instrument', this term was then abandoned as its use was questioned. The EU started as a political entity in North-Western Europe, continually expanding across Europe via successive enlargement rounds. Yet interestingly, in most documents Europe or 'European' is used as a synonym for the EU even though 'the EU covers less than half of the European continent' (Horky-Hluchan and Kratochvil (2014, 258).

As reflected by the terminology of 'Wider Europe', the EU conceptualises itself as a synonym for Europe since it envisions Europe as a political construct rather than a strictly geographical region. The EU therefore conceptualises itself as the beacon of a much larger geographical continent, projecting its authority outward. The EU also suggests that ENP countries are neighbours whose proximity could allow them to be integrated into this wide 'Europe' in the future. However, the 'boundary is ultimately politically determined' (Hettne and Soderbaum, 2005, 8) and since the EU did not want to imply that ENP countries could join the Union, the usage of this terminology has thus been discontinued. All later policy documents did not mention 'Wider Europe' anymore and switched to the notion of the European Neighbourhood. Countries part of the scheme were therefore solely identified as 'partners' or 'neighbours'.

However, ever since the 'Wider Europe - Neighbourhood' narrative, there has been an ambiguous relationship as to how to manage such partners. Neighbours were first conceived as similar, if not the same as European states: 'The accession of the new member states will strengthen the Union's interest in enhancing relations with the new neighbours. Over the coming decade and beyond, the Union's capacity to provide security, stability and sustainable development to its citizens will no longer be distinguishable from its interest in close cooperation with the neighbours' (European Commission, 2003a). Therefore, it would be possible for neighbourhood states to assume that the ENP would lead to close relations and potential Union membership. However the same Communication made clear that the ENP would not lead to an accession to the EU: 'The aim of the new Neighbourhood Policy is therefore to provide a framework for the development of a new relationship which would not, in the medium-term, include a perspective of membership or a role in the Union's institutions. A response to the practical issues posed by proximity and neighbourhood should be seen as separate from the question of EU accession.' (European Commission, 2003). Here again the EU manipulates its ambiguous relationship with ENP countries in order to build trust and achieve agreements although EU membership is off the table.

To compensate for not giving the opportunity to join the Union, the 'Wider Europe - Neighbourhood' Communication proposed that the ENP should aim 'to develop a zone of prosperity and a friendly neighbourhood - a 'ring of friends' - with whom the EU enjoys close, peaceful and co-operative relations' (European Commission, 2003a). However, 'in the same way that a ring presumes the existence of a center, a ring of friends posits the idea of the hegemony of the EU over the neighborhood.' (Horky-Hluchan and Kratochvil, 2014, 263). The EU conceptualises itself as the 'core' actor of this partnership, using its normative power to influence the periphery. According to Hettne and Soderbaum (2005), the Mediterranean neighbours did not constitute a single entity before the creation of the Euro-Mediterranean Partnership (EMP) in 1995. All states have different colonial histories and trajectories, yet the EU found a way of constituting them into an entity to control the EU's security concerns. This can be qualified as a 'buffering logic', since the EU aims to blur its external borders while keeping its neighbours close to itself and by 'interconnecting the neighbourhood in terms of trade and political relations, energy, infrastructure, and telecommunication networks' (Del Sarto, Schumacher, 2005, 26)--all in the EU's interest. Consequently, the Communication from the Commission entitled 'On Strengthening the European Neighbourhood Policy' mentioned how the Union should work even 'beyond its neighbourhood', with 'the neighbours of our neighbours' in Central Asia on energy since these countries are world oil producers (Zielonka, 2006).

Therefore, the EU constructs its neighbourhood as an ambiguous 'other', which is simultaneously similar to and different from the EU. The collective othering of countries into a singular 'Neighbourhood' reveals the EU's implicit view of them as inferior. Moreover, attempts to unite neighbouring countries in a 'ring of friends', as a cover for security concerns, reveals soft imperialistic ambitions. The ambiguous relationship between the EU and its neighbours further hints that the agency of both actors is asymmetrical, with the EU being dominant.

3.2 The ENP as an imposition of European 'shared values' and of asymmetrical power relations

In all studied documents, the partnership with neighbours is said to be fundamentally based on and enabled by 'shared values' (European Commission, 2003a). The shared values notably represent 'democracy, respect for human rights and the rule of law, as set out within the EU in the Charter of Fundamental Rights' (European Commission, 2003a). Although these values are said to be 'common' (European Commission, 2003b), or 'universal' (European Commission, 2011), these are later qualified as the 'EU's values and principles' (European Commission, 2015a). Crucially, these values are the tenets of the EU's normative power. Ian Manners (2002) understood the EU's power as its capability to shape 'what is normal' in international politics based on its 'substantive normative principles' that partners have to adopt. These norms are encoded in the EU's founding treaties and laws and therefore constitute the EU's identity vis-à-vis the rest of the world (Manners, 2002). Therefore, the 'shared', 'common' and 'universal' values underlying the ENP principles are in fact the values monopolised by the EU. Although Manners does not consider this export of values and norms problematic, various authors associate it with regional hegemony and broader imperialist trends (Haukkala, 2011, Zielonka, 2006). The universality of European values is criticised by some as a unilateral imperialistic transplant of the Western way of doing and as a 'disguised expression of economic, colonial and cultural hegemony' (Chopin, 2022). In this way, Hettne and Soderbaum (2005, 7) mention how values are used 'to achieve influence and stabilize the neighbourhood'.

3.3 The agency of the EU and ENP countries

Furthermore, at first sight the ENP supposes an equality-centred partnership. In this light, the ENP is said to be based on 'Joint Ownership' (European Commission, 2006). This Joint Ownership implies that 'the operational tool of the policy – the ENP Action Plan – is fully negotiated and mutually agreed at the political level. It is not an imposition by either side, but an agreed agenda for common work'. The programmes and agreements would therefore be jointly discussed and prepared by relevant stakeholders from both the EU and European Neighbourhood countries (European Commission, 2003a). However, while the contents of the policy-documents on the ENP seem equality-centred, the underlying structure of these statements is that of asymmetry and dominance (Horky-Hluchan and Kratochvil, 2014). First, most policy documents are drafted and conceived by the European Commission, with the Southern neighbours only modestly consulted (Horky-Hluchan and Kratochvil, 2014). Most policy documents studied reflect the EU's position with frequent allusions to the EU as the active promoter of reforms. The European Neighbourhood countries are portrayed as the ones having to adapt to the European norms. This can be demonstrated using this sentence from the 'Wider Europe – Neighbourhood' Communication:

'The EU *acquis* offers a well established model on which to establish functioning markets and common standards for industrial products, services, transport, energy and telecommunications networks, environmental and consumer protection, health, labour and minimum quality requirements' (European Commission, 2003a).

Adopting the EU's core values is not understood as something the ENP countries are required to do, but rather is presented as a benefit those countries should take advantage of (Horky-Hluchan and Kratochvil, 2014). Although the Communication from the Commission entitled 'A strong European Neighbourhood Policy' mentions that 'Efforts are required on both sides', the EU's proactive efforts are linked to its 'responsibilities', whereas the Southern neighbours' efforts relate to their acceptance and respect for the 'shared values' and *acquis communautaires* (European Commission, 2007). Therefore, the EU does not need to change, it is only the ENP partners that need to accomplish their transition, and to integrate the EU's norms 'to move closer to the EU' (Horky-Hluchan and Kratochvil, 2014). For instance, the Commission Communication 'Taking Stock of the ENP' openly asserts that the aim of the policy is making partner countries accept the EU's regulatory model since it is an advantage they should take advantage of: 'The ENP does not seek to export the EU *acquis* wholesale. However, with only a few regulatory models in a globalized world, the EU model tends to be attractive to partners, reducing the 'invention costs' of political and economic costs of reform.' (European Commission, 2010).

For the ENP countries to be viewed as equal with the EU and gain leverage, the policy documents highlight how states need to adhere to these shared values and some of the *acquis communautaires*. Their agency is therefore 'conditional' (Horky-Hluchan and Kratochvil, 2014). The EU uses the technique of 'carrot and stickism' to transfer and diffuse its norms in exchange for rewards and to a lesser extent sanctions (Manners, 2002, 245). The Communication from the Commission on 'Taking Stock of the European Neighbourhood Policy' states how the EU is taking a 'more for more' approach, where 'the more deeply a partner engages with the Union, the more fully the Union can respond' (European Commission, 2010). Furthermore, neighbours adopting the EU's values and norms are solely offered 'the prospect of a stake in the EU's Internal Market' (European Commission, 2003a). It comes without surprise that some of the partner countries felt that the 'more for more' principle had not fuelled an atmosphere of equal partnership between the EU and ENP countries and that greater ownership should be given to partner countries (European Commission, 2015a).

Whereas policy-documents highlight a commitment to 'shared values' from both sides and uses egalitarian adjectives, a deeper analysis reveals how the EU's *modus operandi* dominates the policy-making and how this asymmetry of agency within the ENP is reinforced through the imposition of 'shared values' and norms to gain leverage.

3.4 The securitisation of the ENP priorities

Following neo-orientalist accounts, 'what happens to 'others' nowadays matters to us to an unprecedented extent' (Samiei, 2010, 1148). These accounts can help us grasp why the EU revised the ENP on three occasions, in 2011 following the Arab Spring, in 2015 amid the Migration crisis and in 2021 during the COVID-19 crisis. To recap, unlike the triumphalism of orientalism, 'neo-orientalism is characterised by a fear of decline and the uncontrollable flux of dark-skinned immigrants who will change Western societies beyond recognition' (Sa'di, 2021, 2513). This view is present in various accounts within the 2015 Joint Communication on a reviewed European Neighbourhood Policy, such as 'conflict, rising extremism and terrorism, human rights violations and other challenges to international law, and economic upheaval have resulted in major refugee flows' (European Commission, 2015b). Although issues such as human rights violations, terrorism economic and upheaval led to the 2015 migration crisis and genuine concerns about the situation, the terminology used to refer to such events refer to the neighbourhood as a dangerous and unstable 'Other' threatening EU's security: 'In 2015 the EU finds itself confronted with a neighbourhood characterised by many challenges (conflicts, resurgent extremism, migration, poverty, corruption, fragile states, serious deterioration of democracy and human rights situation etc.) with only a few countries committed to courageous political and economic reforms.' (European Commission, 2015a)

Particularly in the 2015 Joint Communication, securitisation is openly made the priority: 'there will be a new focus on stepping up work with our partners on security sector reform, conflict prevention, counter-terrorism and anti-radicalisation policies, in full compliance with international human rights law. More than ever after the November 13th terrorist attacks in Paris, intensified cooperation with our neighbours is needed in these areas' (European Commission, 2015b). This tentative to securitise the agenda is reinforced when observing how within the Multi-Annual Indicative Programmes for the years 2021-2027, a specific Programme was allocated to Migration within the Southern Neighbourhood (European Commission, 2021d).

Unlike old empires, the EU does not aim to use coercive means to control and discipline its periphery. Throughout the ENP, the EU aims to control its vicinity from afar, through neo-liberal institutions and treaties (Sa'di, 2021). Hence, to control the plausible dangers emanating from the neighbourhood, and following neo-orientalist accounts, 'the population of the developing nations is not controlled directly by Western powers but rather through a variety of international bodies (Sa'di, 2021, 2513). In almost all analysed documents, the EU presented itself as having a 'duty' (European Commission, 2003a), a 'task' (European Commission, 2004) to ensure stability in its neighbourhood thanks to its 'history of peace and stability' (European Commission, 2007) and its 'experiences as the main provider of humanitarian and development assistance' and interests in doing so (European Commission, 2021a). The EU argued that its presence across the region via diplomatic missions in ENP countries would be beneficial for conflict resolution efforts on several occasions (European Commission, 2006). The 2015 Joint Communication on a reviewed ENP went as far as stating that 'all means available will be used including – where necessary, Common Security and Defence Policy (CSDP) [...] operations or the EU Special Representatives – to support the management of crises and the settlement of protracted conflicts in the neighbourhood' (European Commission, 2015b). By trying to stabilise its periphery for its own stability and by using all means available, the EU acts as a soft empire.

4. The ENP is used to dominate neighbourhood countries – but resistance exists

I argue that the EU's attitude towards the European Southern Neighbourhood reflects soft imperialism to a great extent. The ambiguous position towards its neighbourhoods unveils the strategy of a 'ring of friends' buffer zone, bringing the neighbours as close to the EU as possible without giving them any actual prospects of becoming members of the Union. Moreover, the EU uses its normative power to impose its own values as 'shared', 'common' and 'universal'. The extent to which neighbours comply with these values and norms determines their relationship with the EU. The ENP's discourse consists of using cooperative and egalitarian language in a context of hidden domination and asymmetry based on conditionality. The EU strategically exports its norms and values, to which the neighbours have to adapt if they want 'a stake' in EU affairs. Furthermore, facing its fear of decline and due to the crises emanating from its neighbourhood, the EU sees itself as having the duty to stabilise its periphery by 'all means necessary'. This reflects its imperial ambitions to stabilise its periphery for safety concerns. Nonetheless, whether Southern neighbours voluntarily adopt European norms and standards without any prospect in return is questionable. Several authors believe that the lack of clear possibility for EU membership has limited impact on countries' implementation of reforms to assimilate EU's values and standards (Haukkala, 2011, Horky-Hluchan and Kratochvil, 2014, Zielonka, 2006). Moreover, due to their colonial past, North African governments seem to be aware of the asymmetrical dominance of the EU within the ENP (Horky-Hluchan and Kratochvil, 2014). Noutcheva (2009) examined whether Western Balkans states complied with the EU's normative power in the region by questioning its legitimacy. Actors were 'reluctant to comply with the EU's conditions' due to the lack of normative justifications and legitimacy and thus contested 'the EU's policy positions on normative grounds' (Noutcheva, 2009, 1080). States thus responded through 'imposed', 'partial' or 'fake' compliance to the EU's conditions. It would seem relevant to further assess which type of compliance Southern Neighbours applied when confronted with the EU's soft imperialistic ambitions.

References

- Chopin, T. (2022). "To what extent are European values universal?", Policy paper, Paris: Jacques Delors Institute.
- Del Sarto, R.A. and Schumacher, T. (2005) 'From EMP to ENP: What's at Stake with the European Neighborhood Policy Towards the Southern Mediterranean?' *European Foreign Affairs Review*, Vol. 10, No. 1, pp. 17–38.
- European Commission. (2003a). *Wider Europe—Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours*. 11 March 2003. COM(2003) 104 final.
- European Commission. (2003b). *Paving the way for a New Neighbourhood Instrument*. 1 July 2003. COM(2003) 393 final.
- European Commission. (2004). *European Neighbourhood Policy: Strategy Paper*. 12 May 2004. COM(2004) 373 final.
- European Commission. (2006). *On Strengthening the European Neighbourhood Policy*. 4 December 2006. COM(2006) 726 final.
- European Commission. (2007). *A Strong European Neighbourhood Policy*. 5 December 2007. COM(2007) 774 final.
- European Commission. (2010). *Taking stock of the European Neighbourhood Policy*. 12 May 2010. COM(2010) 207 final.
- European Commission. (2011). *A new response to a changing Neighbourhood*. 25 May 2011. COM(2011) 303 final.
- European Commission. (2015a). *Towards a new European Neighbourhood Policy*. 18 November 2015. SWD(2015) 500 final.
- European Commission. (2015b). *Review of the European Neighbourhood Policy*. 18 November 2015. JOIN(2015) 50 final.
- European Commission. (2015c). *Review of the European Neighbourhood Policy (ENP): stronger partnerships for a stronger neighbourhood*.
- European Commission. (2015d). *European Neighbourhood Policy reviewed and explained*.
- European Commission. (2021a). *Renewed partnership with the Southern Neighbourhood*. 9 February 2021. JOIN(2021) 2 final.
- European Commission. (2021b). *Renewed Partnership with the Southern Neighbourhood Economic and Investment Plan for the Southern Neighbours*. 9 February 2021. SWD(2021) 23 final.
- European Commission. (2021c). *Multi-Annual Indicative Programme for the Southern Neighbourhood (2021-2027)*.
- European Commission. (2021d). *Multi-Annual Indicative Programme for a Multi-Country Migration Programme for the Southern Neighbourhood (2021-2027)*.
- Foucault, M. (1972). *The Archaeology of Knowledge*. Trans. A.M. Sheridan Smith. New York: Pantheon Books.
- Haukkala, H. (2011). 'The European Union as a Regional Normative Hegemon: The Case of European Neighbourhood Policy', in R. G. Whitman (ed.), *Normative power Europe: Empirical and Theoretical Perspectives*, Basingstoke: Palgrave Macmillan, 45-64.
- Hettne, B. & Soderbaum, F. (2005). 'Civilian Power of Soft Imperialism? The EU as a Global Actor and the Role of Interregionalism', *European Foreign Affairs Review*, 10, 4.
- Horký-Hlucháň, O., & Kratochvíl, P. (2014). "Nothing Is Imposed in This Policy!": The Construction and Constriction of the European Neighbourhood. *Alternatives*, 39(4), 252–270.
- Manners, I. (2002). 'Normative Power Europe: A Contradiction in Terms', *Journal of Common Market Studies*, 40(2): 235-258.
- Noutcheva, G. (2009). 'Fake, Partial and Imposed Compliance: the Limits of the EU's Normative Power in the Western Balkans', *Journal of European Public Policy* 16(7): 1065-1084.
- Sa'di, H., A. (2021). *Orientalism in a globalised world: Said in the twenty first century*, *Third World Quarterly*, 42:11, 2505-2520
- Said, E. W. (1978). *Orientalism*. New York: Pantheon Books.
- Samiei, M. (2010). *Neo-Orientalism? The relationship between the West and Islam in our globalised world*, *Third World Quarterly*, 31:7, 1145-1160.

I. Introduction

Since February 24th, 2022, the world has seen the return of large-scale armed conflict. Many countries, European nations chiefly among them, proved to be unprepared for Russia's invasion of Ukraine and its global implications (Sasse, 2022). However, the European Union (EU) should be prepared for another cataclysmic conflict with potentially even more significant global ramifications, namely a war over Taiwan. In the summer of 2022, the Taiwan Strait saw tensions not seen for thirty years (Haenle & Sher, 2022). Following the visit of U.S. Speaker of the House Nancy Pelosi to Taipei, the Chinese People's Liberation Army (PLA) conducted an unprecedented number of military exercises – including live-fire drills, ballistic missile launches and warship operations – on the edges of Taiwanese territorial waters (Haenle & Sher, 2022; The Diplomat, 2022). According to Joseph Wu, Taiwan's foreign minister, these exercises served as a manifestation of China's future aspirations, namely the forcible annexation of Taiwan (Davidson, 2022). Although the likelihood of China resorting to such drastic measures remains uncertain, the consequential risk and implications in economic, diplomatic, legal, and political domains are undeniably substantial. Consequently, it is imperative for the EU to have a comprehensive framework to anticipate and prepare for a potential Chinese invasion of Taiwan.

Despite this, the EU currently does not have such a policy framework in place. There is no consensus in Brussels on how the EU, and its individual Member States, should position themselves regarding potential Chinese aggression vis-à-vis Taiwan (Ferency, 2022). This policy paper will therefore provide a recommendation for this increasingly pressing issue. Firstly, a problem definition will be provided, outlining the likelihood and implications of Chinese aggression vis-à-vis Taiwan. Thereafter, a set of policy options – military hardline, complete refrainment, and a third-way response – will be delineated. Finally, this policy paper concludes that the EU should adopt a third-way response. This policy option is most appropriate as it serves three main purposes. Firstly, it allows the EU to deter, and stand up against, potential Chinese aggression; second, it facilitates the further advance of European strategic autonomy in defence, thereby facilitating the United States in its defence of Taiwan; thirdly, this policy option aligns with the EU's interest in upholding the international liberal order. At the same time, the third-way response mitigates the likelihood of escalatory military responses from China and is consistent with the EU's capabilities as a geopolitical actor, which are mainly focused on the diplomatic and economic domains.

2. Problem Definition

2.1 Historical Context

Following the triumph over Imperial Japan in 1945, the Chinese civil war reignited, and after a four-year-long violent conflict, the Chinese Communist Party (CCP) emerged victorious over the nationalist of the Kuomintang Party (KMT) (Westad, 2003). Subsequently, the CCP established the People's Republic of China (PRC) in mainland China, and the KMT fled to the Island of Taiwan, where they continued the Republic of China (ROC). Regardless, Beijing, to this day, claims that Taiwan is an integral part of the PRC. On February 18, 2023, Chinese diplomat Wang Yi – Director of the CCP Office of the Central Commission for Foreign Affairs – stated that “Taiwan has been a part of China since ancient times. It is never a country and never will be a country” (Yu-Fu, 2023).

2.2 National Rejuvenation

Accordingly, CCP documents proclaim that, according to the “one-China” policy, Taiwan will be reunified with mainland China (Maizland, 2022). By fostering political, economic, and cultural ties, Beijing has tried realising rejuvenation through primarily peaceful means over the past decades (Blanchette & DiPippo, 2022). Nevertheless, recent surveys indicate that the majority of Taiwanese people reject the “one-China” principle, with over 90% of them disagreeing that Taiwan is a part of China (Zhaokun, 2022). Additionally, 60% of Taiwanese now exclusively identify as Taiwanese, as opposed to both Taiwanese and Chinese, a significant increase from the 18% figure of the early 90s (National Chenggi University, 2023). Lastly, survey data shows that Taiwanese citizens view the US twice as favourably as China (Pew Research Center, 2020). Consequently, peaceful rejuvenation seems a highly unlikely outcome in the foreseeable future.

Regardless, there are no signs that Beijing is backing down. In multiple speeches, Xi Jinping has made clear that reunification is a prerequisite for achieving the “great rejuvenation of the Chinese nation” (Mastro, 2022). Building on this, high-ranking Chinese officials have stated that China will resort to the use of force if needed. Deputy Foreign Vice Minister Le Yucheng has stated that “no option is excluded” with regard to reunification (Global Times, 2021).

2.3 China's Military Build-up

China's military build-up over the past decades – as a result of which the PLA has modernised and expanded with unprecedented speed (Teer et al., 2021) – puts military heft to this increasingly jingoistic rhetoric. Richard Marles, Australia's defence minister, notes that “China's military buildup is now the largest and most ambitious we have seen by any country since the end of the Second World War” (Roche, 2022). Admiral Philip S. Davidson, former Commander of the U.S Indo-Pacific Command, instructed the U.S. Congress that China will have the military means to invade Taiwan by 2027 (Gallagher, 2022).

2.4 Preparing for the Worst

Putting these facts together – China’s historical mission to reunify Taiwan and the PLA’s increasing military capabilities to do so – paints a worrying picture. On top of this, some observers have noted that time is working against China. Hal Brands and Micheal Beckley (2022) argue that numerous structural factors, most notably demographic decline and geopolitical encirclement, mean that China’s power has peaked or is soon to peak. Inferring from historical case studies, mainly pre-WWI Imperial Germany and pre-WWII Imperial Japan, they argue that great powers in such a state of decline are most likely to lash out violently. Consequently, the authors conclude that a Chinese invasion of Taiwan could occur much sooner than many observers currently expect (Beckley & Brands, 2022).

2.5 Understanding the Threat and Delimiting the Scope

Regardless, it remains unclear whether Chinese military aggression vis-à-vis Taiwan will take place. On top of this, “aggression” is a very broad term, and effective responses may vary depending on the specific type of aggression being exhibited by China. In 2021, the U.S. Department of Defense (DoD) mapped out four different types of potential Chinese aggression vis-à-vis Taiwan. The first two, coercive cyber operations and a maritime/air blockade of Taiwan, will not be considered in this paper. The latter two, as identified by the DoD, a stand-off campaign of air and missile strikes and an amphibious invasion of Taiwan, will be the focus of this paper (Office of the Secretary of Defense, 2021). While the first two are highly consequential, the latter two – which vastly increase the extent of the conflict – would have the greatest impact on the EU’s security and prosperity (Gady & Glaese, 2022), and hence will be the focus of this policy paper.

2.6 Outlining Implications

The political, economic, and diplomatic ramifications of such an invasion cannot be understated. Firstly, a Chinese invasion would violate the normative and legal principle that borders cannot be moved by force (U.N. Charter art. 2, para. 1). This principle of sovereignty – which is one of the cornerstones of the EU’s prosperity and security – is already under severe strain due to Russia’s war of aggression against Ukraine, and would thus deteriorate even further (Harari, 2022). If the West fails to defend Taiwan, this will result in a significant reshuffling of the global balance of power, with power slipping away from the West, and towards China, Russia and their allies. In turn, this could put an end to the current liberal international order, which has been underpinned by the post-Cold War U.S. global hegemony.

On the economic front, a Chinese invasion of Taiwan could cause the biggest global recession since the Great Depression of 1929 (Zinkula, 2022). Glenn O’Donnell, Vice President of Forrester, stated that it could be “the biggest impact we’ve seen to the global economy – possibly ever” (Zinkula, 2022). The US State Department estimates that a Chinese naval blockade of Taiwan could spark 2.5 trillion dollars in annual economic losses (Hille & Sevastopulo, 2022). For an important part, this is due to the fact that the Taiwan Semiconductor Manufacturing Company (TSMC) has a near-monopoly on manufacturing the world’s most advanced semiconductors, producing over 90% of them (The Economist, 2023b). These chips have become quintessential for the functioning of the modern economy; an invasion of Taiwan would, thus, catastrophically impede the supply chain of the single most important commodity of the modern world (Miller, 2022).

2.7 Current Policy Frameworks

The EU recognises the PRC as the sole legitimate government of China, thereby, *prima facie*, upholding the “one-China” policy (Esteban & Malinconi, 2022). However, as Josep Borell, High Representative of the European Union for Foreign Affairs and Security, recently stated, “the One China Policy does not prevent us – the EU – from persisting and intensifying our cooperation with Taiwan” (Esteban & Malinconi, 2022). So, *de jure*, Brussels recognizes Beijing as the sole legitimate government of China. But, *de facto*, the EU has diplomatic ties with Taiwan and increasingly sees it as a vital partner in the region. Enhancing this notion is the fact that the EU is Taiwan’s largest foreign investor and Taiwan is the EU’s fourteenth-largest trading partner (EEAS, 2021).

In February 2022, The European External Action Service (EEAS) released the EU Strategy for Cooperation in the Indo-Pacific. This document acknowledges the growing importance of the Indo-Pacific and recognizes that a conflict in the Taiwan Strait would harm European security and prosperity (Ferenczy, 2022; EEAS, 2022). This argumentation is in line with the EU’s Taiwan policy of the past decades, one which advocates for a peaceful resolution to the China-Taiwan issue while aiming to preserve the status quo in the Taiwan Strait (Esteban & Malinconi, 2022). Nevertheless, a comprehensive framework on how the EU positions itself regarding potential Chinese aggression *vis-à-vis* Taiwan is not present. Therefore, the following section will outline three potential policy options for the EU: a military hardline, complete restraint, and a third-way response.

3. Policy Options

3.1 Military Hardline

The first policy option that will be explored is a military hardline. In essence, this implies the (public proclamation of) using European armies to defend Taiwan from a Chinese military invasion. While this policy could serve as deterrence against a Chinese invasion, it also comes with many downsides, the risk of (nuclear) escalation and the lack of European military capabilities chiefly among them.

3.1.1 Deterrence

Pursuing an active policy of a military hardline, by stationing European navies near Taiwan, and proclaiming that the EU would respond militarily in case of aggression, could serve as a deterrence for China. Deterrence is a concept from International Relations theory which refers to a state putting in place certain policies, or pursuing certain actions, that aim to dissuade adversaries from taking a certain course of action (Mearsheimer, 1983). In this case, European naval forces stationed around Taiwan could deter China from invading Taiwan. By stationing a trip wire force – a force that is significantly smaller than the adversary’s military forces – states can signal their commitment to engage in a military response in case of an attack (Slack, 2018). In this case, it shows that European navies would send additional troops when this smaller EU force gets attacked. Moreover, a Chinese attack on European forces could lead European countries to demand assistance from allies. This, in turn, could dissuade China from pursuing a military attack and hence serves as deterrence from invading (Mearsheimer, 1983).

If deterrence does not work, European armies would, in the case of an invasion, come to Taiwan's defence. In an ideal scenario, the use of European military force, together with Indo-Pacific allies, would then result in successfully fending off the PLA from conquering Taiwan (Cancian et al., 2023). However, war gaming by the Center for Strategic and International Studies (CSIS) has shown that the outcome of a Chinese-Taiwanese war, even with Western military intervention, remains highly uncertain (Cancian et al., 2023).

3.1.2 Risk of Military Escalation

Moreover, such a direct military confrontation with China would come with huge political, economic, and military risks. A hot war between Chinese and European armies would be detrimental to Sino-European relations. This would very likely result in a complete breakdown of diplomatic and economic relations. Ross Babbage (2023), a former strategist at the Australian Ministry of Defence, states that this would make the consequences of the diplomatic breakdown with Russia look "relatively small-scale".

Most important, however, is the threat of Chinese military – and especially nuclear – retaliation. In line with the previous delineation of deterrence, possessing a nuclear weapon has been a highly effective tool in deterring states from taking military action against nuclear-capable states (Osinga & Sweijts, 2021). Russia's war against Ukraine – in which NATO countries have been willing to send highly advanced weapon systems to Ukraine, but are avoiding direct military confrontation with Russia at all costs – is a case in point. The risks of nuclear war and its obvious catastrophic outcomes are significant enough to dissuade states from engaging in military conflicts with nuclear-capable states (Wachs, 2022). China, like Russia, possesses a significant – and quickly growing – nuclear arsenal (Sevastopulo, 2022). In case of a direct military confrontation with Europe, the threat of a Chinese nuclear strike is significant and could, in a worst-case scenario, result in millions of European deaths (Tellis, 2022).

3.1.3 Practical Limitations

Even if one disregards the risk of nuclear escalation, there are practical constraints to an EU policy of a *military hardline*, namely Europe's lacklustre naval capabilities. Due to shrinking fleets, decades of insufficient defence spending, and difficulties in personnel recruitment, European militaries are currently facing great problems in terms of combat readiness in the Indo-Pacific region (Van Hooft et al., 2022). Even the most advanced EU navies – those of France, the Netherlands, Spain, Italy, and Germany – possess very small, and almost inconsiderable, naval capacities (Van Hooft et al., 2022; McKinsey & Company, 2022). This reality, in turn, also makes the EU's military deterrence posture extremely weak. Concludingly, the EU's military unpreparedness, the likely breakdown of Sino-European relations, and the risks of (nuclear) military escalation make this policy option both unfeasible and undesirable.

3.2 Complete Restraint

The second policy option will be labelled complete restraint. This policy translates into the EU staying completely sidelined from a military confrontation between China and Taiwan. Meaning no military response, no economic response, and no diplomatic response.

3.2.1 Upholding Diplomatic Relations

Given that official EU policy adheres to the “one-China” principle – i.e., considering the PRC as the sole legitimate government of China – it could be claimed that this policy option would be in line with the EU’s de jure stance on the Taiwan issue (Esteban & Malinconi, 2022). The reasoning would be that Taiwan belongs to China and hence the PRC would be justified in asserting control over this territory. However, as argued above, the EU’s public affirmation of adherence to the “one-China” policy is not reflected in its de facto approach to Taiwan: trade is rampant and informal diplomatic ties have been strengthening over the years (Esteban & Malinconi, 2022).

The biggest advantage of this approach lies in relations with China. Complete EU refrainment would be very well received in Beijing; meaning that Sino-European diplomatic and economic ties would stay strong, and could even intensify (Fudan Europe Watch, 2022). This could secure large parts of pivotal supply chains, mainly in lower-end semiconductors and CRMs, which are the backbone of the EU’s economic prosperity (Teer et al., 2022). Even more critically, as opposed to a military hardline, this policy mitigates the risk of a Chinese military escalation vis-à-vis European countries.

3.2.2 Manifold Downsides

However, the downsides to such an approach seem to outweigh the advantages it could bring. European refrainment would set a precedent for countries that borders can be moved by force, thereby dismantling the liberal international order on which European prosperity and security are built (Smith, 2022). Moreover, European disregard for Taiwan in face of Chinese aggression would go against the EU’s objective of defending democratic values across the globe (European Parliamentary Research Service, 2022; Rasler & Thompson, 2005).

3.2.3 Trans-Atlantic Solidarity

Next to this, the United States, the EU’s most important ally, will most probably demand some form of European response (Gady & Glaese, 2022). Recent statements by President Joe Biden – who has repeatedly expressed that there will be military consequences in case of a Chinese invasion of Taiwan – are making it increasingly likely that the U.S. will respond with conventional military means (Malinconi, 2022). On top of this, the formation of Aukus – a security pact between Australia, the United Kingdom, and the US – and the expansion of American military cooperation with Japan and the Philippines shows the increasing military commitment of the US in the Indo-pacific (The Economist, 2023).

For decades, the US has been providing security guarantees to many EU countries through NATO, and it has been the main supplier of military aid to Ukraine (Trebesch et al., 2023), again reaffirming its commitment to European security interests. In the case of a Chinese invasion of Taiwan, in which American security interests in the Indo-Pacific are under severe threat (Bush et al., 2022), it would be highly likely that the US demands European nations to reciprocate these decades of solidarity. Staying completely sidelined, while the US has shown immense military solidarity with Europe in the past and present, seems untenable if the EU aims to keep America as a strategic ally (Brands, 2022).

3.2.4 Public Attitudes

Moreover, such an approach would most probably not be in line with the expectations of European citizens. In a poll from August 2022, a majority of Europeans expressed a favourable opinion towards some form of action against the PRC in the case of aggression vis-à-vis Taiwan (International Republican Institute, 2023). Moreover, views of China have been getting progressively more negative over the years, and – due to increased geopolitical competition – are likely to only get worse in the years to come. Lastly, as Russia’s full-scale invasion of Ukraine has shown, it is likely that pro-Taiwanese views will become stronger once EU citizens are confronted with photos and videos showing the horrors of Chinese military aggression (Tsakiris, 2022).

The primary benefit of this policy option clearly lies in upholding strong ties with China, thereby preventing Sino-European military escalation. At the same time, the downsides – allowing China to set a land-grabbing precedent and the destruction of democratic norms – exhibit considerable strength as well. Moreover, faced with the dual pressures from the U.S. Government and the European public, it seems untenable for the EU to stay completely sidelined.

3.3 Third-Way Response

The final policy option is a third-way response. According to this policy, the EU would refrain from a conventional military response, while still taking measures to oppose a Chinese invasion of Taiwan. Thereby, striking a balance between policy options one and two. These measures would come in multiple forms; most notably, diplomatic, financial, and humanitarian support can be provided to Taiwan, while facilitating the U.S. in its military defence of the island-nation (Walker, 2021). This policy option has the advantage of deterring and standing up to Chinese aggression, while limiting the most profound risks of Chinese retaliatory consequences. Moreover, given that the EU’s strength as an international actor lies mostly in the economic and diplomatic domains (Sanz, 2021), this approach is most in line with European geopolitical capabilities.

The measures the EU, and the US, are currently taking against Russia for its war against Ukraine can serve as guidance for this policy. Mainly, these comprise economic warfare against Russia and broad support for Ukraine through weapon deliveries, intelligence gathering and sharing, financial assistance, development of war crime accountability mechanisms, and the welcoming of Ukrainian refugees (Council of the European Union, 2023). Although the response of the EU to a Chinese invasion of Taiwan will not necessarily entail a direct replication of these measures, they can nonetheless serve as guidance.

3.3.1 Military Support

First, the EU can provide military equipment to Taiwan and its Indo-Pacific allies, most notably the U.S., Japan, and Australia. However, there are two factors posing practical constraints on such a policy. Firstly, the EU's severe underinvestment in defence capabilities over the past decades means that it is hardly able to defend itself, let alone arm other countries (Hornýák, 2023). Secondly, there are urgent security threats in Europe's vicinity, most notably Russia (Gady & Glaese, 2022). Moreover, the military-operational capabilities that will be most useful to Taiwan broadly resemble those that are needed for high-intensity warfare against Russia. This means that arming Taiwan, to an extent, jeopardises European security interests in Ukraine and Eastern Europe as a whole (Gady & Glaese, 2022). Regardless, the EU would likely be able to supply some defence capabilities such as air and missile defence systems and ground-based electronic warfare systems (Gady & Glaese, 2022). The EU can also share real-time intelligence with Taiwan and other allies in the Indo-pacific region. Most importantly, the EU can facilitate the US in its military defence of Taiwan. Currently, the US has deployed much of its military capabilities in and around Europe – most notably in Eastern Europe and the Middle East (Keating, 2023). However, the US cannot fight two wars at once. Defeating China in a war over Taiwan would require America's full military might, and even then the prospect of victory is uncertain (Cancian et al., 2023; Cropsey, 2023). Therefore, the biggest contribution the EU could provide to defend Taiwan is facilitating the US in completing the long-awaited "pivot to Asia" (Carafano, 2022; Schulenburg, 2023). Achieving this requires completing European *Strategic Autonomy* in the military realm – i.e., European countries possessing the capacity and willingness to defend European soil. This would serve a dual-imperative, namely greater European security vis-à-vis Russia (Zandee, 2022), as well as accommodating the US in deploying its full range of capabilities to defend Taiwan (Brands, 2022). This would require much greater military investments than have been announced currently and much deeper integration of EU armies (Majcin & Bento, 2022), all of this *before* China invades Taiwan.

3.3.2 Economic Sanctions

Secondly, the EU can impose economic sanctions on China. Annually, the PRC exports almost 500 billion euros worth of goods to the EU, accounting for 20 per cent of total Chinese exports; thereby making the EU China's biggest export-market (European Commission, 2023; Zenglein, 2020). In terms of Foreign Direct Investment (FDI), the EU is among the biggest investors in China, these investments are critical for Chinese economic development, Research & Development (R&D), and a key generator of local tax revenues (Zenglein, 2020). Moreover, China has a severe dependency on high-end European technologies for which few foreign or domestic alternatives can be found (Zenglein, 2020). The EU, therefore, has much economic leverage it can utilise to sanction China. It should however be noted that this dependency cuts both ways; next to the aforementioned dependencies on semiconductors and CRMs, the EU also depends heavily on China for pharmaceuticals, chemicals, and electronic goods (Zenglein, 2020). Therefore, China can impose countersanctions when the EU decides to wage economic warfare against China. In 2021, in retaliation to EU sanctions on Human Rights-violating entities in Xinjiang (Council of the European Union, 2021), China showed its readiness to engage in such retributive sanctioning when it counter-sanctioned 10 members of the European Parliament and 4 entities based in the EU (Parry, 2021). Hence, the EU would need to carefully calibrate sanctions against China to inflict maximum damage on Chinese military capabilities, while reducing the risk of provoking painful countersanctions.

3.3.3 Diplomatic Support

Thirdly, the EU can bolster Taiwan's international diplomatic position. Over the past decades, Chinese economic and political coercion techniques have been successful in preventing global recognition of Taiwan as a country; resulting in a widespread embrace of the "one-China principle" (The Economist, 2020). For Taiwan, operating in such international legal desolation leads to strategic vulnerabilities; as the non-recognition of Palestine shows, countries are less likely to support an entity that is not considered a sovereign nation by the global community (Toaldo, 2014). Due to the Chinese coercive techniques, recognition of Taiwan in the United Nations framework remains unlikely; it is nevertheless imperative for the EU to enhance Taiwan's global diplomatic position through other means, such as trade pacts. The international community would then be less likely to disregard Taiwanese concerns, and more likely to condemn a Chinese invasion (The Economist, 2023).

3.3.4 Humanitarian Support

Fourthly, on the humanitarian front, the EU could welcome Taiwanese refugees and provide financial assistance to Taiwan – both of which are imperative to keep the Taiwanese government and society resilient in the face of Chinese aggression. The European response to Russia's war against Ukraine has shown that, at least for the time being, such humanitarian-focused policies are best in line with the EU's geopolitical capabilities (Karasapan, 2022).

While this policy option offers less deterrence than the military hardline and carries a higher risk of Chinese retaliation than complete refrainment, the third-way response strikes a balance between these competing imperatives. Most importantly, this response allows the EU to do what it does best; namely, using diplomatic, economic, and humanitarian tools, while allowing the U.S. to utilise its military might.

4. Policy Recommendation

All three policy options outlined above have clear benefits and drawbacks. However, the first two policy options suffer from such considerable risks – the risk of significant Sino-European military escalation for option one, and the risk of alienating the EU's most important ally, the U.S., for option two – that only option three, which seeks to balance the competing imperatives of the first two policies, seems tenable. Policy option three, a third-way response, allows the EU to deter, and stand up against, Chinese aggression while limiting the risk of Chinese retaliatory consequences. Secondly, this approach – which utilises a range of economic, diplomatic and humanitarian measures – is most in line with the EU's capabilities as a geopolitical actor (Sanz, 2021). Lastly, this option is in consonance with contemporary political dialogues within the Union, which are moving towards greater military autonomy – which consequently facilitates the U.S. in focusing its military efforts on the Indo-Pacific – while simultaneously aiming to prevent a breakdown in Sino-European ties (Anderlini & Caulcutt, 2023; Wong, 2023).

Giving substance to this policy option requires a two-way framework, comprising measures which the EU must implement now, and measures that can be implemented if deterrence fails. Starting in the present, as a way of bolstering deterrence, the EU should enhance Taiwan's diplomatic ties, increase its military capabilities, and publicly communicate a potential sanction regime. If deterrence proves unsuccessful, the EU should move to implementing sanctions, facilitating the military efforts off Taiwan and its allies, and providing financial and humanitarian aid to the Island-nation.

4.1 Immediate Policy Recommendations

First, the EU should rapidly increase its military capabilities. Realising European Strategic Autonomy in defence would allow the U.S. to shift their military focus away from Europe, and towards the Indo-Pacific. Besides a vast increase in defence spending, to at least the 2% GDP norm as established by NATO, EU countries can strengthen their military capabilities by further integrating their armies in both procurement and operational capabilities through the European Defence Fund (EDF) and other EU initiatives (Zandee, 2022). Moreover, reflecting the European response to the Russian war in Ukraine, EU states should also start providing military training to Taiwanese troops, which the U.S. is already doing (The Economist, 2023).

Secondly, the EU ought to start communicating to China that it would impose economic sanctions if China invades Taiwan, or when an invasion becomes imminent (Boyd et al., 2022). Not only can the EU signal that China's need for FDI and its access to the European market would be at stake (Boyd et al., 2022), but it can also highlight the export restrictions that would be imposed in strategic sectors. Especially, the EU can utilise its leverage in high-end technology, for which few foreign or domestic alternatives can be found (Zenglein, 2020). It is also important to note here that the EU should simultaneously prepare for Chinese countersanctions. As indicated above, China has significant leverage over Europe in key industries such as semiconductors, CRMs, green energy, and pharmaceutical products (Teer et al., 2022; Zenglein, 2020). The EU should hedge against potential sanctions in these sectors by making it a top priority to diversify supply chains and stimulate production within the EU and European allies.

Thirdly, the EU should provide diplomatic support to Taiwan. Global recognition of the "one-China principle" has kept Taiwan out of regional trade pacts and international institutions (The Economist, 2023). The EU can increase the international recognition of Taiwan by fostering closer trade ties and doing more to incorporate it into international institutions. This could set a precedent for other countries to undertake similar measures, which will enhance the international community's embrace of Taiwan as a country and would boost morale within Taiwan itself (The Economist, 2023).

4.2 Post-invasion Policy Recommendations

If these measures prove unsuccessful in deterring China, and it decides to invade, the EU can implement another set of measures to support Taiwan. The EU should implement sanctions, facilitate Taiwan and its Indo-Pacific allies in the military realm, and provide financial and humanitarian aid to Taiwan.

First, the EU can provide support in a military sense. During an invasion, the armies of different EU Member States can help replenish munition stocks and offer long-range strike capabilities to American bases in the Indo-Pacific. Moreover, EU countries – most notably France, Germany and the Netherlands – could play a role in intelligence gathering and defensive cyber operations, albeit their limited capabilities will mean that their role will be fairly minor in both (Brands, 2022; Gady & Glaese, 2022). Next to this, the EU can implement the above-outlined sanctions. These sanctions, especially those aimed at strategic sectors, aim to hinder the Chinese military capabilities by depriving it of key inputs (Brands, 2022). Moreover, such sanction packages, especially when imposed by a broad international coalition, can put pressure on China to withdraw its forces from Taiwan (von Soest & Wahman, 2014). Which exact sectors should be targeted – and how severely each of these should be targeted – is dependent on the level of interdependency at the time of an invasion.

Lastly, the EU can provide financial and humanitarian assistance to Taiwan. Financial support, which should be coordinated with other international partners and institutions, should encompass macro-financial assistance – which Taiwan can use to finance government expenses like defence spending, pensions, salaries, education and restoring infrastructure (Carter & Vakulina, 2023). On the humanitarian front, the EU can provide food, water, essential household items, health care, psychosocial support, and other humanitarian needs to citizens that have become the victims of war. Moreover, the EU should develop mechanisms to provide streamlined access to those fleeing from Taiwan, resembling its response to Russia's war against Ukraine (European Commission, 2023).

5. Conclusion

In recent years, the world has seen a significant increase in tensions surrounding Taiwan. While Beijing is on a historical mission to reunify Taiwan with mainland China, there is a decreasing inclination within the Island-nation to bring about this reunification (Mastro, 2022; Zhaokun, 2022). Regardless, Beijing does not seem to be stepping down, not in rhetoric nor in actions. Given the profound impact a Chinese invasion would have on European prosperity and security, it is imperative for the EU to establish a comprehensive framework that determines its stance regarding potential Chinese aggression vis-à-vis Taiwan. This policy paper has argued that the EU should take a *third-way response* on this issue – striking a balance between a *military hardline* and *complete refrainment*. This policy option comprises measures to implement immediately, namely the enhancement of Taiwan's diplomatic position, the acceleration of European *strategic autonomy* to facilitate the U.S. in shifting its focus to East-Asia, and the communication of a potential sanctions regime against China. If these deterrence policies are unable to dissuade China from invading Taiwan, the EU should facilitate Taiwan and its Indo-Pacific allies in the military realm, impose sanctions on China, and provide financial and humanitarian support to Taiwan. Together, these measures allow the EU to stand up against Chinese aggression while mitigating the risk of the most profound Chinese retaliatory consequences.

Given that the military strength of the United States is likely to be the decisive factor in a war over Taiwan (Cancian et al., 2023), the most urgent course of action in defending Taiwan is facilitating America in moving its capabilities away from Europe, and towards the Indo-Pacific theatre. To expedite this shift, it is imperative that the EU achieves *strategic autonomy* in defence. Ultimately, the most critical policy priority for the European Union in defending Taiwan, is taking control over Europe.

References

- Anderlini, J., & Caulcutt, C. (2023, April 9). Europe must resist pressure to become 'America's followers,' says Macron. POLITICO. <https://www.politico.eu/article/emmanuel-macron-china-america-pressure-interview/>
- Beckley, M., & Brands, H. (2022). *Danger Zone: The Coming Conflict with China*. W. W. Norton & Company.
- Blanchette, J., & DiPippo, G. (2022). "Reunification" with Taiwan through Force Would Be a Pyrrhic Victory for China. Center for Strategic & International Studies. <https://www.csis.org/analysis/reunification-taiwan-through-force-would-be-pyrrhic-victory-china>
- Boyd, H., Gady, F.-S., Glaese, O., Nouwens, M., & Schreer, B. (2022). Taiwan, Cross-strait Stability and European Security: Implications and Response Options. The International Institute for Strategic Studies. <https://www.iiss.org/blogs/research-paper/2022/03/taiwan-cross-strait-stability-and-european-security>
- Brands, H. (2022, November 17). If China Invaded Taiwan, What Would Europe Do? Bloomberg. <https://www.bloomberg.com/opinion/features/2022-11-17/if-china-invaded-taiwan-what-would-europe-do>
- Bush, R. C., Madan, T., Solis, M., Stromseth, J., & Yeo, A. (2022). An American strategy for the Indo-Pacific in an age of US-China competition: Enhancing alliances, economic engagement, and regional stability. Brookings Institute. https://www.brookings.edu/wp-content/uploads/2022/11/FP_20221114_indo_pacific_strategy.pdf
- Cancian, M., Cancian, M., & Heginbotham, E. (2023). The First Battle of the Next war: Wargaming a Chinese invasion of Taiwan. Center for Strategic & International Studies. https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/230109_Cancian_FirstBattle_NextWar.pdf?VersionId=WdEUwJYWlySMPir3ivhFolxC_gZQuSOQ
- Carafano, J. J. (2022, November 21). The U.S.'s never-ending pivot to Asia. GIS Reports. <https://www.gisreportsonline.com/r/us-pivot-asia/>
- Carter, B., & Vakulina, S. (2023, March 8). EU economic support for Ukraine. Euronews. <https://www.euronews.com/next/2023/03/08/eu-financial-support-package-to-rebuild-greener-and-safer-ukraine>
- China will never allow island of Taiwan to go independent: Vice foreign minister—Global Times. (2021, April 18). Global Times. <https://www.globaltimes.cn/page/202104/1221328.shtml>
- Council of the European Union. (2021, March 22). EU imposes further sanctions over serious violations of human rights around the world. <https://www.consilium.europa.eu/en/press/press-releases/2021/03/22/eu-imposes-further-sanctions-over-serious-violations-of-human-rights-around-the-world/>
- Council of the European Union. (2023, February 28). EU response to Russia's invasion of Ukraine. <https://www.consilium.europa.eu/en/policies/eu-response-ukraine-invasion/>
- Cropsey, S. (2023, March 28). Opinion | What the U.S. Can Do to Prepare for a War With China. WSJ. <https://www.wsj.com/articles/what-the-u-s-can-do-to-prepare-for-a-war-with-china-great-power-conflict-cold-war-taiwan-invasion-missiles-destroyers-bombers-indo-pacific-b3af1fae>
- Davidson, H. (2022, August 9). China used drills to prepare for invasion, Taiwan foreign minister says. The Guardian. <https://www.theguardian.com/world/2022/aug/09/china-used-drills-to-prepare-for-invasion-taiwan-foreign-minister-says>
- DPP supporters more positive toward U.S. than mainland China. (2020). Pew Research Center. https://www.pewresearch.org/global/2020/05/12/in-taiwan-views-of-mainland-china-mostly-negative/pg_2020-05-12_taiwan_0-02/
- Election Study Center, NCCU-Taiwanese / Chinese Identity. (2023). National Chengchi University. <https://esc.nccu.edu.tw/PageDoc/Detail?fid=7800&id=6961>
- Esteban, M., & Malinconi, M. (2022, October 10). EU-Taiwan relations continue to expand in the framework of the One China Policy. Elcano Royal Institute. <https://www.realinstitutoelcano.org/en/commentaries/eu-taiwan-relations-continue-to-expand-in-the-framework-of-the-one-china-policy/>

European Commission. (2023a, January 19). EU trade relations with China. https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/china_en

European Commission. (2023b, January 26). Ukraine. https://civil-protection-humanitarian-aid.ec.europa.eu/where/europe/ukraine_en

European Parliamentary Research Service. (2022). EU Strategic Autonomy Monitor. European Parliament.

Fudan Europe Watch. (2022). Improving Sino-European Relations Is Just as Important as Preventing “Sino-U.S. Relations From Spiraling Out of Control”. Fudan Development Institute. <https://interpret.csis.org/translations/improving-sino-european-relations-is-just-as-important-as-preventing-sino-u-s-relations-from-spiraling-out-of-control/>

Gady, F.-S., & Glaese, O. (2022, April 1). What Could European Militaries Contribute to the Defense of Taiwan? *The Diplomat*. <https://thediplomat.com/2022/04/what-could-european-militaries-contribute-to-the-defense-of-taiwan/>

Gallagher, M. (2022, February 1). Taiwan Can't Wait. *Foreign Affairs*. <https://www.foreignaffairs.com/articles/china/2022-02-01/taiwan-cant-wait>

Harari, Y. N. (2022, December 12). The End of the New Peace. *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2022/12/putin-russian-ukraine-war-global-peace/672385/>

Hille, K., & Sevastopulo, D. (2022, November 10). US warns Europe a conflict over Taiwan could cause global economic shock. *Financial Times*. <https://www.ft.com/content/c0b815f3-fd3e-4807-8de7-6b5f72ea8ae5>

Hornýák, V. (2023, January 27). The European Union's Evolving Military Capability. CEPA. <https://cepa.org/article/the-european-unions-evolving-military-capability/>

Karasapan, O. (2022, October 14). Ukrainian refugees: Challenges in a welcoming Europe. *Brookings*. <https://www.brookings.edu/blog/future-development/2022/10/14/ukrainian-refugees-challenges-in-a-welcoming-europe/>

Keating, J. (2023, January 9). Where US troops are currently deployed in a new era of global conflict. *Grid News*. <https://www.grid.news/story/global/2023/01/09/in-a-new-era-of-global-conflict-us-troops-are-deployed-in-dozens-of-countries-where-are-they-and-why/>

Maizland, L. (2022, August 3). Why China-Taiwan Relations Are So Tense. *Council on Foreign Relations*. <https://www.cfr.org/backgrounders/china-taiwan-relations-tension-us-policy-biden>

Majcin, J., & Bento, X. (2022, September 30). The EU, NATO and beyond: Should Europe aim for strategic autonomy in defence? *Friends of Europe*. <https://www.friendsofeurope.org/insights/the-eu-nato-and-beyond-should-europe-aim-for-strategic-autonomy-in-defence/>

Malinconni, M. (2022, August 1). Is the US moving towards strategic clarity on Taiwan? The repercussions of the shift for Europe. *Elcano Royal Institute*. <https://www.realinstitutoelcano.org/en/analyses/is-the-us-moving-towards-strategic-clarity-on-taiwan-the-repercussions-of-the-shift-for-europe/>

Mastro, O. S. (2022, June 3). The Taiwan Temptation. *Foreign Affairs*, July/August 2021. <https://www.foreignaffairs.com/articles/china/2021-06-03/china-taiwan-war-temptation>

McKinsey & Company. (2022). *Invasion of Ukraine: Implications for European defense spending* | McKinsey. <https://www.mckinsey.com/industries/aerospace-and-defense/our-insights/invasion-of-ukraine-implications-for-european-defense-spending#/>

Mearsheimer, J. J. (1983). *Conventional Deterrence*. Cornell University Press.

Miller, C. (2022). *Chip War: The Fight for the World's Most Critical Technology*: Miller, Chris: 9781982172008: Amazon.com: Books. Scribner.

Office of the Secretary of Defense. (2021). Military and Security Developments Involving the People's Republic of China. <https://media.defense.gov/2021/Nov/03/2002885874/-1/-1/0/2021-CMPR-FINAL.PDF>

Osinga, F., & Sweijs, T. (Eds.). (2021). NL ARMS Netherlands Annual Review of Military Studies 2020: Deterrence in the 21st Century—Insights from Theory and Practice. T.M.C. Asser Press. <https://doi.org/10.1007/978-94-6265-419-8>

Parry, M. (2021). Chinese counter-sanctions on EU targets. European Parliament. [https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/690617/EPRS_ATA\(2021\)690617_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/690617/EPRS_ATA(2021)690617_EN.pdf)

Rasler, K., & Thompson, W. (2005). Puzzles of the Democratic Peace: Theory, Geopolitics and the Transformation of World Politics. Palgrave Macmillan.

Roche, D. (2022, June 11). China's Military Buildup Is 'Most Ambitious' Since WWII, Australia Warns. Newsweek. <https://www.newsweek.com/china-military-buildup-most-ambitious-since-wwii-australia-warns-marles-lloyd-austin-1714923>

Sanz, A. (2021, July 28). The EU's strengths: The keys to the future of European foreign policy. Atalayar. <https://atalayar.com/en/content/eus-strengths-keys-future-european-foreign-policy>

Schulenburg, R. (2023, February 2). The Problem With European Militaries' Indo-Pacific Push. <https://thediplomat.com/2023/02/the-problem-with-european-militaries-indo-pacific-push/>

Sevastopulo, D. (2022, November 29). China set to expand nuclear arsenal to 1,500 warheads by 2035, US says. Financial Times. <https://www.ft.com/content/5313cc68-5fc8-4c0b-bdcb-e5c39245ba3a>

Slack, M. (2018). Conventional Tripwire Deterrence. Proquest. <https://www.proquest.com/openview/78bade505a930070faceb089d298d438/1?pq-origsite=gscholar&cbl=18750&diss=y>

Smith, I. (2022, April 11). Ukraine Sets a Precedent, from Taiwan to South Ossetia. Glimpse from the Globe. <https://www.glimpsefromtheglobe.com/features/op-ed/ukraine-sets-a-precedent-from-taiwan-to-south-ossetia/>

Teer, J., Bertolini, M., Heyster, S., Ritoe, J. A., Sweijs, T., & Thompson, J. (2022). Threats to the supply of critical raw materials for semiconductors. The Hague Centre for Strategic Studies. <https://hcss.nl/wp-content/uploads/2022/10/Survey-outcome-Threats-to-the-supply-of-critical-raw-materials-for-semiconductors-HCSS-October-2022.pdf>

Teer, J., Bertolini, M., Ritoe, J. A., Heyster, S., Sweijs, T., de Wijk, R., Vlaskamp, M., Patrahau, I., Thompson, J., Kim, S., Minicozzi, R., Meszaros, A., Cisco, G., & Gorecki, M. (2022). Reaching Breaking Point: The semiconductor and critical raw material ecosystem at a time of great power rivalry Full version. The Hague Centre for Strategic Studies. <https://hcss.nl/wp-content/uploads/2022/10/Reaching-breaking-point-The-semiconductor-and-critical-raw-material-ecosystem-at-a-time-of-great-power-rivalry-October-2022-Full-Version.pdf.pdf>

Teer, J., Sweijs, T., van Hooft, P., Boswinkel, L., Eijkelkamp, J., & Thompson, J. (2021). China's Military Rise and the Implications for European Security. The Hague Centre for Strategic Studies. <https://hcss.nl/wp-content/uploads/2021/11/Chinas-Military-Rise-2021-Nov.pdf>

Tellis, A. (2022). Striking Asymmetries: Nuclear Transitions in Southern Asia. Carnegie Endowment for International Peace. https://carnegieendowment.org/files/202207-Tellis_Striking_Asymmetries-final.pdf

The Economist. (2020, May 17). Why Taiwan is not recognised on the international stage. The Economist. <https://www.economist.com/the-economist-explains/2020/05/17/why-taiwan-is-not-recognised-on-the-international-stage>

The Economist. (2023a, March 6). Taiwan desperately needs support from the world. <https://www.economist.com/special-report/2023/03/06/taiwan-desperately-needs-support-from-the-world>

The Economist. (2023b, March 6). Taiwan's dominance of the chip industry makes it more important. <https://www.economist.com/special-report/2023/03/06/taiwans-dominance-of-the-chip-industry-makes-it-more-important>

The European Union and Taiwan. (2021, July 26). EEAS. https://www.eeas.europa.eu/taiwan/european-union-and-taiwan_en?s=242

Toaldo, H. L., Mattia. (2014, December 8). Five Reasons to Recognise a Palestinian State [- European Council on Foreign Relations]. ECFR. https://ecfr.eu/article/commentary_five_reasons_to_recognise_a_palestinian_state360/

Trebesch, C., Antezza, A., Bushnell, K., Frank, A., Franz, L., Kharitonov, I., Kumar, B., Rebinskaya, E., & Schramm, S. (2023). The Ukraine Support Tracker: Which countries help Ukraine and how? Kiel Institute for the World Economy. https://www.ifw-kiel.de/fileadmin/Dateiverwaltung/IfW-Publications/-ifw/Kiel_Working_Paper/2022/KWP_2218_Which_countries_help_Ukraine_and_how_/KWP_2218_Trebesch_et_al_Ukraine_Support_Tracker.pdf

Tsakiris, M. (2022, March 15). Ukraine: How social media images from the ground could be affecting our response to the war. The Conversation. <http://theconversation.com/ukraine-how-social-media-images-from-the-ground-could-be-affecting-our-response-to-the-war-178722>

van Hooft, P., Girardi, B., & Sweijts, T. (2022). Guarding the Maritime Commons. <https://hcss.nl/wp-content/uploads/2022/02/Guarding-the-Maritime-Commons-HCSS-2022.pdf>

von Soest, C., & Wahman, M. (2014, April 26). The Underestimated Effect of Democratic Sanctions. E-International Relations. <https://www.e-ir.info/2014/04/26/the-underestimated-effect-of-democratic-sanctions/>

Wachs, L. (2022). The Role of Nuclear Weapons in Russia's Strategic Deterrence. Implications for European security and nuclear arms control. Stiftung Wissenschaft und Politik. https://www.swp-berlin.org/publications/products/comments/2022C68_NuclearWeaponsRussias_Deterrence.pdf

Walker, M. (2021, January 6). Kinetic vs. Non-kinetic War. Data Science Association. <https://www.datascienceassn.org/content/kinetic-vs-non-kinetic-war>

Westad, O. A. (2003). Decisive Encounters: The Chinese Civil War, 1946-1950. Stanford University Press.

Wong, E. (2023, April 8). In Dealing With China, U.S. and Europe Take Different Tacks. New York Times. <https://www.nytimes.com/2023/04/07/us/politics/china-us-europe.html?smid=nytcore-ios-share&referringSource=articleShare>

Yu-Fu, C. (2023, 2020). MAC slams Wang Yi's Taiwan claims. Taipei Times. <https://www.taipetimes.com/News/front/archives/2023/02/20/2003794678>

Zandee, D. (2022). Open strategic autonomy in European defence: What countries must do. Clingendael Institute. https://www.clingendael.org/sites/default/files/2022-12/PB_Strategic_Autonomy_in_Defence.pdf

Zenglein, M. J. (2020). Mapping and Recalibrating Europe's Economic Interdependence with China. Mercator Institute for China Studies. https://merics.org/sites/default/files/2020-11/Merics%20ChinaMonitor_Mapping%20and%20recalibrating%20%281%29.pdf

Zhaokun, W. (2022, March 25). 陸委會：中共擴大操作認知作戰 引起台灣民眾反感. Rti 中央廣播電臺. <https://www.rti.org.tw/news/view/id/2128285>

Zinkula, A. H., Jacob. (n.d.). The fate of the world economy may depend on what happens to a company most Americans have never heard of. Business Insider. Retrieved 26 February 2023, from <https://www.businessinsider.com/tsmc-us-china-tensions-may-dictate-fate-of-global-economy-2022-10>

The Great Replacement: Understanding the ideological discourse of Europe's Identitarians on Globalized Society
PHILIPP PEKSAGLAM

1. Introduction: The Identitarian challenge to society

When Viktor Orbán started his fourth term as Hungarian Prime Minister in 2022, he chose to make a point about Europe's impending doom: "I see the great European population exchange as a suicidal attempt to replace the lack of European, Christian children with adults from other civilizations--migrants" (Garamvolgyi & Borger, 2022). What Orbán is proclaiming is a staple of right-wing conspiratory thought: the *Great Replacement* (Ekman, 2022, p. 1130). It is the idea that liberal elites plot to exchange White Europeans for immigrants, in the process altering the fabric of European societies catastrophically (Ekman, 2022, p. 1130). The *Great Replacement* is central to the far-right-intellectual *Identitarian Movement (IM)*, a loosely organized, pan-European group (Zúquete, 2022, p. 208-216).

The IM is the focus of this paper, which will analyze its self-assigned role as far-right thought leaders. The IM aspires to shape the mainstream discourse not just on immigration, but on Europe's entire political system. It constantly proclaims an essentialist, 'bio-cultural' European identity, to which 'European civilization' needs to return to--yet ironically the IM itself is a product of globalized postmodernity (Azmanova & Dakwar, 2019, p. 497; Zúquete, 2022, p. 209-218). This analysis therefore centers on why and how Identitarians contest today's globalized society, primarily along ideological-cultural lines.

This paper begins with a discussion of ideas on globalization, conceptualized in cultural, political and economic dimensions. An explanation of Identitarian ideology follows. The *Great Replacement* lies at the heart of Identitarians' cultural rejection of globalized society. The IM's political and economic critiques of globalization derive from it. It is easy to deride the IM as a marginal far-right group. Yet its illiberal anti-globalization discourse is occasionally co-opted and normalized by mainstream right-wingers like Orbán, a victory for the Identitarian cause.

2. The IM needs to be understood from a globalization perspective

The Identitarian Movement is both a phenomenon of globalized society and a rejection of it. Understanding globalization is central to this in-depth analysis of Identitarian thought--yet often neglected in academic work on the IM. The IM aspires to shape the political discourse on what society should look like, rather than seeking a violent revolution or electoral overthrow (Zúquete, 2022, p. 208). Identitarian intellectuals have explicitly cited Marxist Antonio Gramsci, and his notion of a war of position as inspiration for their movement (Shurts, 2022, p. 28). In this view, ideas and political discourse are the foundation for a political movement aiming to change the hegemonic societal configuration (Kioupiolis, 2019, p. 133; Scholl & Freyberg-Inan, 2013, p. 624). Therefore, the IM's ideas, not its material capabilities or political prescriptions are the focus of this paper--for a Gramscian movement, they would follow in a second step.

Today's globalized society can be understood along three dimensions: cultural, political and economic.

Cultural globalization can be interpreted in multiple ways. If globalization is seen as a product of American hegemony, globalization is a process leading to the convergence of countries. Convergence eventually results in one homogenous, generic global society. This is a process of cultural imperialism, where human experience is flattened, commodified and molded into a caricature of American hypercapitalism (El-Ojeili & Hayden, 2006, p. 141-143). Proponents of the homogenization hypothesis are critical of both the loss of human diversity resulting from globalization, and the neoliberal system it seeks to impose (El-Ojeili & Hayden, 2006, p. 141-143). Alternatively, globalization can be interpreted as a hybridization of societies. Rather than being subjected to uncontrollable processes, societies have the agency to decide which global practices to adopt (El-Ojeili & Hayden, 2006, p. 146). A third perspective, polarization, emphasizes increased risk and uncertainty, as globalization increases complexity in social life (El-Ojeili & Hayden, 2006, p. 150). As society becomes more unstructured and fragmented, people construct their own social identities (El-Ojeili & Hayden, 2006, p. 150). Some people turn to essentialist, simplifying identity narratives to reduce social complexity (El-Ojeili & Hayden, 2006, p. 155). Ethnicity or religion become central to these narratives--but on globalized terms: civilizations clash, not individuals, classes, or nations (Azmanova & Dakwar, 2019, p. 494-497; Huntington, 1993, p. 22).

Politically, globalization means that the nation state declines, as power is delegated to other political levels and the state is undermined by global economic forces (El-Ojeili & Hayden, 2006, p. 96). Transnational institutions like the European Union forge lasting cross-border links between societies and people. Identity and who belongs is the central question for political globalization in this context.

Under the conditions of global links and declining state power the imagined community of society is questioned (Warf, 2012, p. 273-274; Worth, 2013, p. 72). Inclusion in this community is tied to citizenship, originally based on nationalist belonging (El-Ojeili & Hayden, 2006, p. 90-112). Today, liberal-universalist human rights complement the nationalist elements of citizenship, meaning the state's responsibilities extend beyond its citizens (Habermas, 2003, p. 87-89; Warf, 2012, p. 288). At the same time, the decline in state power and lack of cohesive national cultural identity triggers a reactionary response (Habermas, 2003, p. 92).

Globalization also has profound implications for the welfare system and the broader economy. While global economic relations enabled the success of European welfare states in the first place, neoliberalism has eroded the state's mandate and capabilities for social protection (Bhambra, 2021, p. 317; Habermas, 1999, p. 49-51). Critics of neoliberal globalization therefore often advocate a reconfiguration of the welfare state, on new terms (Azmanova & Dakwar, 2019, p. 498; El-Ojeili & Hayden, 2006, p. 201). Naturally, they also seek to overcome the neoliberal economic system itself.

3. *The Great Replacement is central to Identitarian grievances*

3.1 *From Nouvelle Droite to today's IM*

Identitarian thought originates with the French Nouvelle Droite in the 1970s (McAdams, 2022, p. 86). These thinkers explicitly cited Antonio Gramsci and counter-hegemonic cultural messaging as the strategic inspiration for their movement (McAdams, 2022, p. 88; Zúquete, 2022, p. 209). At its core, theirs is an illiberal critique of liberal-universal values and a globally homogenized culture (McAdams, 2022, p. 86; Shurts, 2022, p. 38). Nouvelle Droite thought-leaders attempted to establish a sanitized, respectable right-wing alternative to the hegemonic liberal-democratic discourse (McAdams, 2022, p. 87-88). The Identitarian agenda is ambitious: it criticizes liberal-cosmopolitan values but also neoliberal capitalism, seeking to change the hegemonic societal discourse entirely (McAdams, 2022, p. 94). Elements of their highly intellectualized, (pseudo-)scientific language can still be found today (McAdams, 2022, p. 96-99; Zúquete, 2022, p. 220). Identitarians speak of global 'ethnopluralism', where all ethnicities or civilizations have their place and of a 'biocultural' European identity not open to non-Europeans (McAdams, 2022, p. 96; Zúquete, 2022, p. 208-209). But as there is no stratified organization or clear leadership to the movement, some Identitarians break with this discursive strategy of respectable appearances (Zúquete, 2022, p. 208, 218). The current generation of Identitarians has shifted further right, partially because of the influence of American White Supremacists (Zúquete, 2022, p. 209-211). While not endorsing violence, the IM is decidedly xenophobic, anti-immigrant, anti-Muslim and usually anti-Semitic. Conspiracy theories like the Great Replacement are central to the way Identitarians frame their ideological positions (Shurts, 2022, p. 37, 41; Zúquete, 2022, p. 216-217).

3.2 *Connecting the IM to globalized society*

The Identitarian challenge needs to be understood as a holistic rejection of global society today. Here, the challenge will be interpreted as either a cultural, political or economic contestation of globalized European society. The three dimensions are not to be understood as impermeable--there are in fact clear links--but serve as analytical guidelines. In Identitarian narratives, the cultural rejection of globalization defines economic or political grievances. The IM rejects liberal-democratic values and multicultural societies. To establish this rejection in the mainstream discourse, Identitarians oppose more salient political and economic configurations of society, which are (relatively) inclusive concerning minorities and migrants.

In their critique of the dominant system, Identitarians lean on leftwing ideas more than other nativist right-wing movements. Nouvelle Droite thinker Alain de Benoist identifies a homogenized global culture as "the principal menace today" (De Benoist & McAdams, 2022, p. 87-88). While he does not necessarily point to 'globalization' as cause for this globally homogenized culture--he writes in 1977--his diagnosis matches that of the homogenization hypothesis closely (El-Ojeili & Hayden, 2006, p. 139-142; Shurts, 2022, p. 38-40). The Marxist theme of alienation is clearly visible in the Identitarian discourse, in that capitalist elites create conditions where people are commodified and disconnected from their social environment. The Identitarian counteraction is to emphasize unique differences and that people(s) are not interchangeable, a foundational part of their belief system (Shurts, 2022, p. 39-41). De Benoist claims to be a 'true' anti-racist because he embraces the differences between people(s), unlike the cultural imperialism of capitalist elites (El-Ojeili & Hayden, 2006, p. 139-142; McAdams, 2022, p. 88; Shurts, 2022, p. 40-42).

Today's Identitarians no longer claim to be anti-racist and have largely abandoned De Benoist's (nominal) commitment to accepting other cultures as equal (McAdams, 2022, p. 98). Yet his fundamental critique of dominant society as homogenizing, and the emphasis on a distinct, uniquely European civilization still defines the IM's positions. Identitarians want a Europe of ethno-national societies, united in their White European civilizational culture (Ganesh & Froio, 2020, p. 726).

The IM itself can also be understood as an outcome of globalization. This is the polarization perspective on globalization, where complexity and uncertainty lead actors to embrace simplifying narratives (El-Ojeili & Hayden, 2006, p. 155). Identitarians primarily use such ideas. Their racialized view of European identity--even though they prefer the sanitized term 'bio-cultural'--is one such simplifying narrative (Zúquete, 2022, p. 209-210). It is also evident in the Identitarian discourse on immigration, based on their racialized view of who belongs. (Moderate) Identitarians tend to frame their views on migration along the lines of the Clash of Civilizations. Because there are essential, intrinsic differences between people(s) from different civilizations, immigrants are foreign transplants incompatible with European society (Ekman, 2022, p. 1130; Huntington, 1993; Shurts, 2022, p. 33, 41). Generally, Identitarians take this mainstream argument much further. They argue that immigrants are not only foreign transplants, but replacements for White Europeans. These immigrants are agents of other civilizations, introducing their foreign civilizational cultures to Europe--their integration is virtually impossible. Liberal elites consciously drive this process (Ekman, 2022, p. 1130-1131). Eventually the immigrants replace White civilization entirely, because of their higher birth rates (Shurts, 2022, p. 40-41). The belief in the Great Replacement is central to the various Identitarian strands in Europe and equally important to American Identitarians (Zúquete, 2022, p. 210-217). Identitarians frequently use (pseudo-)scientific language and ideas, as they frame their narratives as 'Real', factual truth, which the hegemonic forces hide (Ekman, 2022, p. 1129; Shurts, 2022, p. 41).

The IM does not attempt to build a political platform from its ideological program. Instead, in the Nouvelle Droite tradition, it aims to provide an alternative to the metapolitical hegemonic discourse on society--spreading Identitarian ideas beyond the Identitarian ranks is the explicit goal.

It goes without saying that the Great Replacement conspiracy is not grounded in reality. Yet its discursive impact is very real, and dangerous, because it is a linear extension of the Clash of Civilizations and because of politicians like Viktor Orbán, who legitimize it.

In their rejection of multicultural society, Identitarians are critical of supranational political European institutions, and liberal democracy more generally. Worth highlighting here is the Identitarian contestation of citizenship based on a commitment to democracy and the constitution (Azmanova & Dakwar, 2019, p. 497-498). Aware that immigrants can become citizens--and threatened by the implications of the Great Replacement--, the IM seeks to redefine citizenship on exclusionary, ethnic terms (Azmanova & Dakwar, 2019, p. 497-498; McAdams, 2022, p. 96-97). This is a significant departure from today's regime, but must also be differentiated from a traditional nationalist view on citizenship. This held that a national identity could be forged from the multiple heterogeneous identities people held through a shared commitment to national society (Habermas, 2003, p. 89; Warf, 2012, p. 273-274). Identitarians' imagined community is instead built on a 'bio-cultural' essence--race (Zúquete, 2022, p. 219).

Considering Identitarians' insistence that all peoples have racial differences, their appeal to a shared European civilization might seem contradictory. Yet the IM also is a pan-European phenomenon and is in close intellectual contact with the American far-right--it is transnational (Zúquete, 2022, p. 208-218). Similarly, Azmanova and Dakwar highlight that Identitarian-esque far-right parties fuse a liberal view of individual rights, including sometimes pro-LGBTQI+ positions, with exclusionary political rights--a significant departure from traditional reactionary positions (Azmanova & Dakwar, 2019, p. 494-495). It is worth repeating here that the IM is a heterogeneous movement, meaning their analysis may reflect some Identitarians' position accurately. Equating the IM with far-right political parties like the Rassemblement National (formerly Front National) or indeed Viktor Orbán's Fidesz seems inaccurate, though.

I want to instead highlight the IM's self-perception as intellectual thought leaders of a counter-hegemonic program, here. This ambition, traceable to the original Identitarians of the Nouvelle Droite, defines the movement's strategic positioning. In other words, the IM allies itself with far-right populists and temporarily indulges liberal values for greater discursive impact. De Benoist claims to be anti-racist for defending the differences between peoples from global homogeneity. Identitarians more broadly claim to be liberal for defending queer and at times even Jewish people from Muslim hostilities (Shurts, 2022, p. 37-38). This means the Great Replacement of Whites with immigrants threatens citizens' rights--and Identitarians protect them.

The same logic applies to global economic dynamics and the effects of neoliberalism. The primary economic contestation of globalization in the Identitarian program happens on the welfare system, analogous to the citizenship debate. The globalized economy increases precarity for the European working class, but the welfare system cannot respond effectively because neoliberalism has reshaped states' mandates and capabilities for social protection (Habermas, 1999, p. 48-51). This offers a convenient angle for Identitarians, who instrumentalize the ensuing xenophobia to propose an alternative, exclusionary welfare configuration based on ethnicity (Azmanova & Dakwar, 2019, p. 495-496; Habermas, 1999, p. 52). A mismatch between global economy and national welfare is exploited to further the race-based society Identitarians want.

4. Concluding thoughts: On the IM's counter-hegemonic strategy

Which conditions facilitate the Identitarian challenge? The IM can be understood as a phenomenon of a polarized global culture. Complexity and uncertainty lead to an environment where individuals seek simplifying stories to structure their lives. Neoliberal capitalism creates conditions under which individuals feel neglected, replaceable and alienated from their social environments. This makes essentialist 'us versus them' narratives attractive. The IM's race-based European identity is deeply rooted in history. But it is also postmodern: pan-European and transnational, the IM exchanges ideas with American White Supremacists. Politically, the central state has lost authority, as supra- and subnational institutions gain prominence. Migration and liberal-cosmopolitan ideals define who belongs to a country, and what that allegiance looks like. The mismatch between the global economy and national welfare system becomes obvious, as neoliberalism changes what states can and should do.

What alternatives does the IM offer? The ideal Identitarian society is illiberal and exclusionary. Identitarians want a Europe of ethno-states, under one shared European civilization. The idea of a European civilization is popular, but Identitarians take it a step further. They think there is an intrinsic core to each individual member of a civilization, one which cannot be acquired by members of other civilizations. Beneath this discourse of 'civilization' and 'bio-cultural' identity lies race. The way to create the European community Identitarians imagine is by radically redefining citizenship on ethno-racial terms. This is almost diametrically opposed to the liberal-cosmopolitan view of citizenship as a community dedicated to shared democratic values--but also different from the nationalist citizenship regime. On economics and the welfare state, the IM envisions a similar exclusionary, ethnicity-based system. Identitarians believe in the Great Replacement of White Europeans with foreign migrants by liberal elites. They deny the idea of a global community, and that global interactions, including migration, have always been part of life in Europe.

Thankfully, the Identitarian alternative will not be appealing to most Europeans. But how Identitarians propagate their message is worth highlighting. Identitarians strategically position themselves as counter-hegemonic intellectuals. They see themselves as the intellectual vanguard, shaping ideas on what society should be. This is based on the Gramscian notion that a challenge to the societal status quo needs to first transform the dominant discourse. The IM instrumentalizes 'losers of globalization' and their economic grievances in their interest. Some Identitarians proclaim respect for sexual minorities and individual rights as part of a defense of liberal values against intolerant immigrants--demonstrating impressive ideological flexibility for the greater goal of a White Europe. The IM uses (pseudo-)scientific language and embraces conspiracies like the Great Replacement to further its exclusionary, illiberal project. That Viktor Orbán uses this strategy, too, is highly problematic.

Identitarians have always rejected the global society that produced their movement. Globalization explains the emergence of the IM, and Identitarians also instrumentalize salient ideas on global culture, politics, and economics to promote their ideological program. It would be too easy to dismiss the Great Replacement as an abstruse, but ultimately inconsequential conspiracy theory. Identitarians recognize that if they establish their ideas in mainstream right-wing discourses on citizenship, welfare or migration, they do not need to take power directly. Further research should nevertheless investigate how Identitarians would do so. For now, the greatest danger emanating from the Identitarian Movement is its discursive impact: co-optation normalizes Identitarian ideas, until eventually, the counter-hegemonic challenge becomes the dominant discourse. Identitarians should be taken seriously.

References

- Azmanova, A. and Dakwar, A. (2019). "The Inverted Postnational Constellation: Identitarian Populism in Context", *European Law Journal*, 25(5): 494-501.
- Bhambra, G.K. (2021). "Colonial Global Economy: Towards a Theoretical Reorientation of Political Economy", *Review of International Political Economy*, 28(2): 307-322.
- Ekman, M. (2022). "The Great Replacement: Strategic Mainstreaming of Far-Right Conspiracy Claims", *Convergence: The International Journal of Research into New Media Technologies*, 28(4): 1127-1143.
- El-Ojeili, C. and Hayden, P. (2006). *Critical Theories of Globalization*. New York: Palgrave Macmillan.
- Garamvolgyi, F. and Borger, J. (2022). "Orbán and US Right to Bond at Cpac in Hungary over 'Great Replacement' Ideology", *The Guardian*, May 18.
- Ganesh, B. and Froio, C. (2020). "A 'Europe des Nations': Far Right Imaginative Geographies and the Politicization of Cultural Crisis on Twitter in Western Europe", *Journal of European Integration*, 42(5): 715-732.
- Habermas, J. (1999). "The European Nation-State and the Pressures of Globalization", *New Left Review*, 235: 46-59.
- Habermas, J. (2003). "Making Sense of the EU: Towards a Cosmopolitan Europe", *Journal of Democracy*, 14(4): 86-100.
- Huntington, S. (1993). "The Clash of Civilizations?", *Foreign Affairs*, 72(3): 22-49.
- Kioupkiolis, A. (2019). *The Commons and Counter-Hegemonic Politics: Re-thinking Social Change*. Edinburgh: Edinburgh University Press.
- McAdams, A.J. (2022). "Making the Case for 'Difference': From the Nouvelle Droite to the Identitarians and the New Vanguardists". In: McAdams, A.J. and Castrillon, A. (eds) *Contemporary Far-Right Thinkers and the Future of Liberal Democracy*, 85-102. New York: Routledge.
- Scholl, C. and Freyberg-Inan, A. (2013). "Hegemony's Dirty Tricks: Explaining Counter-Globalization's Weakness in Times of Neoliberal Crisis", *Globalizations*, 10(4): 619-634.
- Shurts, S. (2022). "Far-Right Intellectuals and the Illiberal Discourse of Identity". In: McAdams, A.J. and Castrillon, A. (eds) *Contemporary Far-Right Thinkers and the Future of Liberal Democracy*, 27-44. New York: Routledge.
- Warf, B. (2012). "Nationalism, Cosmopolitanism, and Geographical Imaginations", *The Geographical Review*, 102(3): 271-292.
- Worth, O. (2013). *Resistance in the Age of Austerity. Nationalism, the Failure of the Left, and the Return of God*. London: Zed Books.
- Zúquete, J.P. (2022). "Beyond America: The Rise of the European Alt-Right". In: McAdams, A.J. and Castrillon, A. (eds) *Contemporary Far-Right Thinkers and the Future of Liberal Democracy*, 207-222. New York: Routledge.

1. Introduction

The current times in Europe are overshadowed by the war in Ukraine. The response of the European Union (EU) to the Russian invasion is generally described as unprecedented; the EU has issued the largest package of sanctions in its history and stands united towards Kremlin, condemning the invasion (Bosse, 2022). Consequently, it has been at the forefront of attempting to achieve independence of Russian resources (Chachko & Linos, 2022). The Union was able to reduce its reliance on Russian gas from 40% to 9% within only several months after the invasion. Simultaneously, it has been trying to diversify its suppliers of energy due to rising prices and lack of trust towards Russia (Consilium, 2022). For this reason, the leaders of the EU endorsed the creation of the EU Energy Platform, which is meant to arrange the collective purchasing of gas. Soon after that, the REPowerEU initiative put prompt boundaries on Russian imports, including a partial ban on Russian oil (Chachko & Linos, 2022).

Previous research focuses on the reasons behind the EU's seemingly strengthened united position. Bosse (2022), for instance, evaluates the crucial role of norms and values in helping Member States accept the costs of sanctions and allowing Ukrainian refugees to participate fully in the EU's societies. Gehring (2022) examines how the external threat of the Russian military impacts EU unification.. In contrast, others focus on the diversity between common European politics, histories, or power relations in the European Union (Malksoo, 2009; Akaliyski, 2018), pointing at the difference between Eastern and Western contexts of the union. In fact, these differences play out in some aspects of the EU reaction to the Russian invasions, despite its collective nature (Bosse, 2022).

Insight into the different International Relations theories, particularly realism and constructivism, can guide the EU's future actions. The aim is to facilitate further unification and cooperation between member states by identifying which theoretical approach best explains what is currently happening and why. Considering the necessity for collaboration between the EU member states, determining what premises explain the European approach to the Russian war is crucial. Comparing realism and constructivism through a set of criteria can help establish characteristics of the EU behaviour and determine where the focus should lie when solving war-related issues. Therefore, this paper asks: To what extent is the EU's approach towards importing Russian gas during the war in Ukraine driven by common values and identity, as opposed to self-protection goals?

As evidence, this research analyses the European Union's actions during the Ukrainian war, analysing from a realist and constructivist framework, divided into relevant criteria. I will argue that the EU's approach to importing Russian gas can be explained by both the common values and identity framework and self-protection goals, with the former having greater explanatory power.

2. Theoretical Framework

Framework of theory evaluation are mainly targeted towards theories in their respective fields (Fawcett, 2005; Witkin, Gottschalk, 1988). When it comes to International Relations, Neufeld (1993) stresses the value of meta-theory because of its explanatory powers. Meta-theory is, in his words, an analysis of empirical evidence coming from a theoretical background. Neufeld (1993) has also analysed the notion of reflexivity, justifying the post-positivist realisation of the subjective nature of any standard or criteria. He argues that positivist approaches can, in fact, be established, as long as one recognizes the language and underlying agendas inherently included in their theorising. This paper follows Neufeld in his idea of intertwining the empirical evidence with theories and considers his remarks on reflexivity.

2.1 Criteria for assessing theories

Due to its comparative and pragmatic nature, the comparison between realism and constructivism is based on Thagard's (1978) criteria for theory choice. Thagard establishes inductive inference as the ideal way to assess explanatory theories and identifies three criterias for evaluating theory based on explanatory power. The first criterion is consilience; a theory is consilient when it can explain information from different fields and at least two classes of facts. The second criterion Thagard lists is simplicity, which serves to counterbalance the consilience factor and signifies that the theory's explanations of facts should not be constructed upon assumptions with a slim range of possible applications. The number of auxiliary hypotheses, meaning observational statements made to help in the theory's explanations (Grunbam, 1976), should be limited (Thagard, 1978). Thagard's third criterion is analogy. Analogies support theories by improving their explanatory power by pointing at the similarities between established phenomena and the theory. These categories will be used in assessing realism and constructivism with its principles (Colin, 2007; Gold and McGlinchey, 2017; Reus-Smit et al., 2008; Wendt, 1992).

2.2 Theories of International Relations

Realism stands as the traditional approach towards the actual practice of International Relations (Drulák, 2010). The most prominent features of realism consist of the focus on power and power relations, as well as its materialistic base. Realism puts forward ever-warring states as key actors (Elman, 2007). Even though there are multiple branches under the realist school of thought (Elman, 2007), this essay will follow the basic principles underlying all realist theorising. Morgenthau introduces states as rational actors with the goal of gaining power and ensuring survival (Drulák, 2010). Additionally, there is anarchy between states compared to the hierarchical structure in the states themselves. Every state has its own intentions, rendering interstate trust non-existent. States only unite in response to the threat of a common enemy (Drulák, 2010).

The integration of European states into a united front presents a challenging problem for realism (Drulák, 2010). The European Union has long abided to democratic norms, which is deemed impossible by realist thinking. Without framing the EU's reaction as pure exemption to the rules, we might follow Morgenthau's hegemonic argument (Drulák, 2010). According to his logic, traditional European powers had become weaker in the international arena. Consequently, European states stopped threatening each other in favour of a strategic alliance towards non-EU states. However, Morgenthau articulated this view in the context of the Cold War, which the EU outlived. Current neorealism would explain the EU as a combination of interstate agreements between the stronger and weaker states, pointing at the advantages of more extensive territory and support for the former and a larger share of power for the latter (Drulák, 2010).

Constructivism questions positivism and the materialistic approach of realism (Drulák, 2010). States are just one type of the actors that contribute to the construction of our social reality. Constructivism centres around norms, identities, and ideas, which are socially constructed and underline international order (Hurd, 2008). Norms are especially crucial for the relationship between international relations and different identities in our societies. In fact, constructivism states that changes on the international scene of politics can come from changes in certain norms (Drulák, 2010). Drulák (2010) also mentions the vital influence ideas have had on the European integration, though they are still accompanied by material factors and institutions. In the case of Europe, the aforementioned critical theme of identity is especially relevant (Drulák, 2010). Identity influences the process of integration, which in itself reinforces the perpetual formation of new identities. The constant shifting between European and national identities changes the attitudes towards the integration and is, therefore, different for each member state (Drulák 2010). Actors behave towards others on the grounds of the social meaning behind events and the world in general (Hurd, 2008).

3. Analysis

3.1 Consilience in theory and in practice

Firstly, I am turning towards Thagard's (1978) notion of consilience, which requires theories to explain different facts of the case at hand. This research recognizes two major points of the case. One aspect will be the unity of the European approach towards reducing the input of the Russian gas (Bosse, 2022). The following aspect will be the change in the support for the European Union leadership with regards to the common purchase of gas or collective measures of reducing energy use (Consilium, 2022).

Before the invasion, Russian supplies of gas could account for 40% of the total gas consumption in the EU (Chachko & Linos, 2022). On the 24th of February, Russia invaded Ukraine, and the cycle of sanctions and soaring prices began (Consilium, 2022). Two weeks later, the European Commission proposed to reduce the organization's reliance on Russian gas by two thirds in 2022, with the aim of no reliance on Russian gas before 2030. Moreover, the REPowerEU initiative was introduced as the concrete plan to stop all Russian energy flowing into the EU by 2027 (Consilium, 2022). The European Union stands firm on diversification of its gas and oil supplies, on saving energy, and on prioritizing renewable sources. At the same time, it emphasizes the prospects of collaboration between the Member States in acquiring gas supplies and sharing them (Consilium, 2022).

Realism would view this united approach as a self-protection mechanism (Elman, 2007), in other words a response to the Russian aggressor, who is violently trying to overtake a sovereign nation. The European Union strives for reinstating a power balance with Russia, while it is uncertain about Russia's reliability as its supplier of gas. The realist explanation would be supported by the focus on gas as a material resource and the power relations surrounding the situation. Russia relies on its large energy resources to stay in power even after crossing acceptable lines of behaviour (American Journal of International Law, 2022). For the EU, it is necessary to change its sources of gas to regain its place alongside Russia and counteract Russian blackmail. Bosse (2022) states that the realist approach is relatively weak since the EU agreed on collective action even though it did not view the invasion as a threat to the member states' national security. It could also be argued that if the EU's approach is the most reasonable, which would be the assumption of realism (Elman, 2007), none of the member states would want to deviate from it. Meanwhile, Hungary negotiates with Russia on its own and intends to keep buying Russian gas (Jack, 2022).

Constructivism thinks differently. The EU's immediate wish to cut ties with Russia would be motivated by common ideas of sovereignty, democracy, and peace. The EU does not want to do business with a state that would violently undermine a nation and its people, as well as commit war crimes (American Journal of International Law, 2022; Consilium, 2022). Additionally, Russia's invasion goes completely against the norms established in the European Union of respecting sovereignty and protecting civilians (Consilium, 2022). The common approach would be supported by constructivism because of the willingness with which member states accept the inconveniences connected to the condemnation of Kremlin's actions. Particularly looking at the states with the highest dependence on Russian gas that support the EU approach: unlike what the realist approach would assume, they have not prioritised their own comfort and the certainty of survival over supporting Ukraine (Drulák, 2010). Constructivism has the answer of common values and meanings at hand (Hurd, 2008).

The second point focuses on the Member States' change of attitude towards supporting collective negotiations and gas purchases through the EU. Realism would have a clear stance on why the change happened; the EU started to fear the possible lack of energy resources, hand in hand with the realization that Russia will never be a reliable partner for business. Even if the EU did not have a strong reaction towards Russia, the actions of Kremlin would be unpredictable and, therefore, threatening the survival (Elman, 2007) of the Member States. This view could be contradicted by the underlining realist notion of a self-interested state (Drulák, 2010); Russia has not claimed any other territory than Ukraine, so especially the states that are geographically distant from the country could be assumed to not be threatened by Kremlin and would prefer maintaining stable supplies of the Russian gas. On the other hand, constructivism would see the change through the lens of norms and would instead focus on the developing relationship between the EU and Russia (Hurd, 2008). Constructivists would describe the Russian invasion as overstepping the line of what is acceptable according to the norms of the EU. Along with this misstep, their relationship's constructive elements went through a turmoil. Russia is now seen as the enemy to the democratic and sovereign nature of a European state, which is instrumental among the EU's core identity standards (Bosse, 2022). Straightforwardly, the EU feels the obligation to defend its most important values by not supporting its threat in any ways. Both realism and constructivism are able to explain the two different aspects of the EU's approach. However, constructivism has a slight upper hand in its explanation since the realist theory includes an inherent contradiction in its arguments.

3.2 Under the microscope of simplicity

The second aspect of Thagard (1978) presents a different challenge. With simplicity, it is necessary to see if the theories explain what is happening through observational statements that solely help the theory. Ideally, to fulfil the criterion of simplicity, the theory should be able to have explanatory abilities without additional assumptions or shortcuts that come up during the exploration of the case at hand. The previous section of consilience will be assessed through simplicity, since Thagard (1978) deems it necessary.

Arguably, the category of simplicity does not pose a major challenge towards the theories at hand. Since both of the theories, realism and constructivism, are directed toward the discipline of IR and are supposed to deal with issues similar to the case study at hand, their assumptions and explanations are grounded and without unnecessary additional assumptions. Nevertheless, it is possible to determine if constructivist thinking performs better at the simplicity criteria than realist assumptions.

Constructivism's explanation stands firm on its basis of meaning, relationships, values, and ideas; the theory would argue that the EU protects its version of this basis, even when it comes to other states. Despite realism's seeming clarity, its explanation assumes that all the countries of the EU perceive a direct threat from Kremlin. Moreover, for the EU approach to make sense in the realist thinking, the threat from Russian military and influence would be considered larger than the lack of energy supplies. This paper argues that these assumptions do not have firm grounds of support, and they do not fulfil Thagard's (1978) criteria of simplicity due to their inclusion of observational information in their explanation.

3.3 Analogy with explanatory power

The third aspect of Thagard's (1978) criteria for theory choice is the use of analogy. For the purpose of this essay, I will parallel the EU's reaction towards the Russian annexation of the Ukrainian territory, Crimea, in 2014. Bosse (2022) presents this situation as stimulating European unity, though the EU's response in 2014 was not nearly as strong as with the current situation in Ukraine. Then, the divide between the central and eastern parts of the EU and the western parts was greater (Bosse, 2022). Many states kept up their cooperation with Russia, especially their cooperation on energy resources (Bosse, 2022). While annexation could fairly be considered a threat to national sovereignty, the reaction of the EU was different in 2014. Bosse (2022) would attribute this to the change in the normative environment and, consequently, norms.

The constructivist perspective would support the normative change as the possible reason (Hurd, 2008). It would be hard to establish, though, where the actual change took place. Constructivism argues that the behaviour and intention of the actors in the political field come from changeable social and relational constructions (Hurd, 2008). Therefore, the difference in EU approaches between 2014 and 2022 could be explained by changes in social context, especially since there was a change in the ideas and values on which the EU is built. This change may be attributed to the passage of time, as prolonged coexistence within the European Union leads states through the process of socialisation and internalisation of democratic values and common identity. That would be along with the constructivist line of thinking (Hurd, 2008), but it is not a foolproof account of events.

On the other hand, realism is very straightforward in its explanation of the Russian annexation of Crimea. The EU did not perceive it as a threat to its survival, both from the sovereignty and existential point of view. Even though there was a collective condemnation of the annexation there was not much action supporting the condemnation (Bosse, 2022). The power relations were not threatened from the side of the EU, nor were any material conditions. In fact, a wider range of reactions would potentially be a threat towards the energy supply security or an incentive for Russia to realize further threats. Realism is clear and swift with its explanation through analogy, compared to constructivism.

4. Limitations

To address the potential limitations of this research, it is first important to revise Neufeld's (1993) reflexivity, which justifies this essay's approach. With the acknowledgement that no criteria will ever be completely objective, comes the possibility of incompleteness or bias of Thagard's (1978) criteria. Nevertheless, his criteria serve as a basis for the combination of empirical evidence and International Relations theories; the criteria's possible incompleteness and bias would not affect the connections between the empirics and theory. Though, it is important to bear in mind the incompleteness the criteria might bring for the assessment of the theories and the case study. Thagard's (1978) criteria were also not made directly for the field of International Relations, which could highlight their limitations further.

Moreover, Thagard (1978) underlines that there are processes at play when it comes to the preferred language and agendas of everyone's theorising. The situation in Ukraine is ongoing and rapidly changing, which means that any approach towards explaining and analysing it can be overturned with new developments. This limitation is clear; however, the discipline of International Relations needs to be current and relevant for today's world, so the analysis still stands, even if it would stand only as a building block for others. It was beyond the scope of this essay to explore more than two major points of the war in Ukraine, which is considered as the last limitation.

5. Conclusion

Using Paul Thagard's theoretical framework, I demonstrated how both realistic self-protection goals and constructivist values and ideas can explain crucial aspects of the Ukrainian conflict. When exploring the analogy between the War in Ukraine and the annexation of Crimea, realism performed better than constructivism. However, in the other two important criteria, constructivism was a better explanatory tool.

This paper is a step towards understanding the building blocks of the European Union as a unified group of states that are able to cooperate in face of an enemy that is threatening its values. The research at the same time attempts to find out where the International Relations theories, namely realism and constructivism, stand in the face of contemporary events. Further research is needed to establish the relevance of other IR theories for the EU and Russia's relationship, especially since the ongoing war in Ukraine. Future research could enhance the findings of this essay by analysing additional important aspects, such as, the threat of nuclear weapons.

References

- Akaliyski, P. (2019). United in diversity? The convergence of cultural values among EU member states and candidates. *European Journal of Political Research*, 58(2), 388-411. <https://doi.org/10.1111/1475-6765.12285>
- Bosse, G. (2022). Values, rights, and changing interests: The EU's response to the war against Ukraine and the responsibility to protect Europeans. *Contemporary Security Policy*, 43(3), 531-546. <https://doi.org/10.1080/13523260.2022.2099713>
- Chachko, E., & Linos, K. (2022). Ukraine and the Emergency Powers of International Institutions. *American Journal of International Law*, forthcoming. Available at SSRN: <https://ssrn.com/abstract=4172318> or <http://dx.doi.org/10.2139/ssrn.4172318>
- Consilium (2022). Timeline - EU restrictive measures against Russia over Ukraine. Retrieved October 27, 2022, from <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/history-restrictive-measures-against-russia-over-ukraine/>
- Consilium (2022). Statement of the heads of State or government, meeting in Versailles, on the Russian military aggression against Ukraine, 10 March 2022. Retrieved October 28, 2022, from <https://www.consilium.europa.eu/en/press/press-releases/2022/03/11/statement-of-the-heads-of-state-or-government-on-the-russian-aggression-against-ukraine-10-03-2022/>
- Drulák, P. (2010). Teorie Mezinárodních vztahů. Portál.
- Elman, C. (2007). 'Realism' in Griffiths M. *International Relations Theory for the Twenty-First Century: An Introduction*. New York, NY: Routledge; 2007
- Fawcett, J. (2005). Criteria for evaluation of theory. *Nursing science quarterly*, 18(2), 131-135. <https://doi.org/10.1177/0894318405274823>
- Gehring, K. (2022). Can external threats foster a European Union identity? Evidence from Russia's invasion of Ukraine. *The Economic Journal*, 132(644), 1489-1516., <https://doi.org/10.1093/ej/ueab088>
- Gold, D., & McGlinchey, S. (2017). International relations theory. *International relations*, 46-56.
- Grünbaum, A. (1976). Ad Hoc Auxiliary Hypotheses and Falsificationism. *The British Journal for the Philosophy of Science*, 27(4), 329-362. <http://www.jstor.org/stable/686862>
- Jack, V. (2022, July 29). Orbán: Hungary to strike new gas deal with Russia this summer. POLITICO. Retrieved October 28, 2022, from <https://www.politico.eu/article/orban-hungary-to-strike-new-gas-deal-with-russia-this-summer/>
- Mälksoo, M. (2009). The memory politics of becoming European: The East European subalterns and the collective memory of Europe. *European journal of international relations*, 15(4), 653-680. <https://doi.org/10.1177/1354066109345049>
- Neufeld, M. (1993). Reflexivity and international relations theory. *Millennium*, 22(1), 53-76. <https://doi.org/10.1177/03058298930220010501>
- Reus-Smit, C., Snidal, D., & Hurd, I. (2008). Constructivism. In *The Oxford Handbook of International Relations*; Oxford University Press
- Russian Invasion of Ukraine Draws Widespread -- but Not Universal -- Condemnation. (2022). *American Journal of International Law*, 116(3), 605+. <https://link.gale.com/apps/doc/A715087630/AONE?u=amst&sid=bookmark-AONE&xid=686d369c>
- Thagard, P. R. (1978). The Best Explanation: Criteria for Theory Choice. *The Journal of Philosophy*, 75(2), 76-92. <https://doi.org/10.2307/2025686>
- Wendt, A. "Anarchy Is What States Make of It: The Social Construction of Power Politics." *International Organization* 46, no. 2 (1992): 391-425. <http://www.jstor.org/stable/2706858>
- Witkin, S. L., & Gottschalk, S. (1988). Alternative Criteria for Theory Evaluation. *Social Service Review*, 62(2), 211-224. <http://www.jstor.org/stable/30011963>

The Deterioration of Russian-EU Relations: Sanctions and the Nord Stream II

NATALIA CRISTINA MARTÍNEZ ROUMIANTSEVA

1. Introduction

The relationship between Russia and the European Union has always been a careful balance on a tightrope, but in recent years it seems that finding this balance has become increasingly hard, especially with controversial issues such as the Nord Stream pipelines and the ongoing war between Russia and Ukraine. However, the negative widespread narrative on Russia is not something new in Western Europe, despite some arguing that it may be in Europe's interest to be on good terms with the main supplier of crude oil, natural gas and solid fossil fuels (Eurostat 2023).

While the EU has economic interests in maintaining good relations with Russia, the negative narrative surrounding the country has led to politically motivated policies such as sanctions, which have resulted in negative short-term consequences for the EU. Day-to-day spot prices are fifteen times higher than what they were two years ago due to the increase in gas prices, while Russia seems to be better-off due to its high abundance of gas and buyers from Asia (Foster 2022).

While the destruction of Nord stream pipelines will be the main focus of attention, it would be remiss not to acknowledge the presence and impact of the current war between Russia and Ukraine, which has led to worse reactions to the destruction of the pipelines and possibly made it harder to pinpoint the real culprits of said terrorism, due to its significance in relation to the topic. Therefore, the Russian-Ukrainian war is integral to the exacerbation of Russia-EU relations. The war in Ukraine is argued to be three-faceted in nature: military, informational and economic (Foster 2022). The economic aspect refers to the rising prices of oil and gas and the potentially unrelated increase in US gas imports to Europe. The military aspect of the war not only refers to the war in itself but also to the fact that the war has expanded beyond the borders of Ukraine, as can be seen with the sabotage of the Nord Stream pipelines which will be the main topic in this paper. These two aspects of the war should be analysed in order to understand the deteriorating relationship between Russia and the European Union. The final aspect of the war is informational and addresses the emotional narrative used by Western media to tell the story of Ukraine.

This paper aims to analyse the dynamic between Russia and the European Union, by analysing the Nord Stream situation and Western sanctions, whilst also looking at the portrayal of Russia in Western media, and its accuracy in providing a true or distorted view of the conflict. It is important to note the influence of the US in the EU's decisions and to reevaluate whether the EU is prioritising its own interests or rather suffering under the influence of the US. The EU should prioritise its own interests during decision-making, in order not to be negatively affected as it has in light of recent events.

2. Nord Stream: what is it, and what happened to it?

The Nord Stream 2 gas pipeline had been completed in September 2021, and it was an 8 billion euro project owned by Gazprom, a state-led Russian gas company, in partnership with Nord Stream AG, a company incorporated in Switzerland back in 2005. About half of the investments for this big infrastructural project were made by European companies; two companies from Germany, one from France and one from the Netherlands. Both of the Nord Stream pipelines ran next to each other for 1,224 kilometres under the Baltic Sea, originating from two different ports in Russia and ending in northern Germany (Nord Stream n.d.). As a result of these pipelines, Germany could make use of Russian natural gas bypassing Ukraine, and the excess gas could be redistributed throughout Western Europe. The Nord Stream 2 project doubled the capacity of the northern gas export route under the Baltic Sea and the idea was for it to be finished prior to the end of the Russian-Ukrainian transit agreement in December 2019, guaranteeing that Russia would not rely on the Ukrainian transit pathway to provide energy for the European demand. Several countries opposed the construction of the Nord Stream 2, such as Poland, the US and Slovakia (Gotev 2015). The US saw the construction of the Nord Stream as “a tool Russia is using to support its continued aggression against Ukraine.” (United States Department of State 2020). The US believed Russia’s goal was to further isolate Ukraine from the EU and the US, and to make it more susceptible to Russian influence by decreasing its transit revenue.

When first approaching the destruction of the pipelines, it is hard to establish immediate fault in relation to Nord Stream 2. On September 27th 2022, two explosions damaged Russia’s Nord Stream 1 and 2 pipelines near the Danish island of Bornholm (Bryen and Bryen 2022). The attack on the pipelines encompassed several explosive charges – a terrorist assault targeted towards the “energy infrastructure in international waters”, which indicates a failure of international law (Escobar 2022).

3. The Nord Stream: Analysed

With the destruction of the pipelines, it can be argued that the military war in Ukraine has expanded beyond the borders of Ukraine, creating a much larger global impact. The sabotage leaves us with a question: cui bono? The answer to the question of who benefits from the destruction of such a costly investment is something that warrants consideration.

Germany has assumed political leadership in the EU’s Russia policy, meaning that it has to align with the EU’s position on Nord Stream 2 and other matters, such as the sanctions, together with its own economic interests. However, since the heightening of the crisis in Ukraine, it seems that Germany’s economic interests regarding the Russo-German relationship have been overthrown by the interests of other powers such as the US. This could then entail that that certain power becomes entitled to destroy a project that is known to benefit Germany, and leads us back to our prior question of who is behind the Nord Stream sabotage.

News headlines initially blamed Russia, but it is dubious that Russia would want to destroy a project they had invested heavily in, and that was such a big source of revenue for their economy. However, it is important to note that chancellor Olaf Scholz suspended the certification of the pipeline in February due to pressure from the EU and the United States and the moral and political implications the pipeline would have (Marsh, S. and Chambers, M. 2022). In response to the incident and the accusations that followed it, Vladimir Putin blamed the West for causing the explosions and called for a comprehensive objective investigation with Russian and German participation, to which the US denied involvement in the incident (Foster 2022). There was reason to also suspect Poland because the explosions took place only 100km from the Polish naval port of Kolobrzeg, containing minelaying ships and naval combat engineers (ibid.). In addition, Poland had a new source of gas, particularly Norwegian gas, which came from a new underwater pipeline from Denmark called Baltic Pipe.

The inauguration of this pipe suspiciously coincided with the destruction of the Nord Stream pipelines, on September 27th. According to the same source, on that date, the results from the referendums in the Donbas, Kherson, and Zaporozhye regions of Ukraine also occurred. However, former Polish minister Radoslaw Sikorsky soon provided a new possible culprit for the Nord Stream destruction, after thanking Washington for destroying the pipelines on Twitter. This by itself cannot be taken as proof of the US being at fault, however, it does raise suspicions, especially together with words from Biden himself. On February 7th, President Joe Biden declared that in the case of Russia invading Ukraine, “there will no longer be a Nord Stream 2. We will bring an end to it...I promise you, we’ll be able to do it” (Shalal et al. 2022). It wouldn’t be the first time that the US benefited from a crisis, because even back in 2014 when Ukraine experienced a violent overthrow of its democratically-elected government and underwent a subsequent transformation in its political orientation, tilting towards the West and adopting a stance that was unfriendly towards Russia, the US became the largest producer of oil and gas with fracking and started exporting liquefied natural gas (Foster 2022). In response to the sabotage, American government official and diplomat, Antony Blinken, said that confirming the sabotage or finding who was behind it is of no one’s interest, as it is an opportunity to remove dependency on Russian energy. And increase dependency on whom? That is the question Europe must ask themselves, who have we increased dependency on now, and was it intentional?

Regardless of possible doubts about whether it was the US who was behind the sabotage, a recent paper by Pulitzer Prize-winning Seymour Hersh titled “How America Took Out The Nord Stream Pipeline” speaks for itself. Hersh goes into detail on the planning, operation and fallout of the sabotage, to an extent which is beyond the scope of this paper (Hersh 2023). He discusses how the plan to destroy the pipelines had been a back-and-forth debate in Washington for 9 months before the incident and by the time of the event, it was not even a question of whether to destroy the pipelines or not (ibid.). The plan relied on the divers of the Panama City centre, a diving school that provided the best-trained professionals that in addition, were not part of America’s Special Operations command meaning they didn’t need to report their operations to Congress and brief in advance the Senate and House Leadership. Thus, providing the operation with a bureaucratic advantage. Biden, together with an interagency group led by Jake Sullivan, came up with the plan to sabotage the Nord Stream (more details can be found in the source). American media immediately made Russia the first culprit, and as I mentioned before, Blinken saw this “unsolved mystery” as an opportunity to stop depending on Russia’s “weaponization of energy as a means of advancing his [Putin’s] imperial designs” (ibid.).

It is true that Europe should indeed decrease its energy dependency, but not only on Russia. In 2020, the EU's dependency rate was 58%, meaning more than half of the energy needs came from imports (Eurostat 2023). The dependency rate shows the extent to which an economy relies upon imports in order to meet its energy needs, and the EU's is far too big. The current situation shows how it is not only necessary to reduce dependency on Russia, but also to reduce dependency as a whole since now it is the US the EU is relying on for energy, and to a large cost. After the sanctions on Russia and the Nord Stream situation, there are worries of a possible recession and high inflation rates due to European gas prices being nearly 6 times higher than a year ago (Saffioti and Sequeria n.d.).

4. Sanctions Against Russia

Regarding the sanctions imposed by the EU on Russia, it is arguable that these have not harmed Russia in the intended way, but have rather negatively impacted the EU and backfired. The sanctions had a redistributive impact across the EU, and not every country has been affected in the same way. There has been a reduction in exports to Russia in all the EU countries, but it is important to note that certain countries have suffered more than others and that not all economic sectors have been affected negatively. A source that discusses the Russian sanctions from 2013 talks about how overall trade volume in the EU has declined from EUR 326 billion to EUR 209 billion in 2015 (Giumelli 2017). This may be due to a variety of reasons, like the depreciation of the ruble or the fall in oil price, but the sanctions have played some role in this. These sanctions already indicate the unfriendly political relations between the EU and Russia, and the latest implementation of sanctions further reinforces this. Additionally, it is critical to examine the latest sanctions and analyse their outcomes compared to their original desired effects. This will more accurately highlight and help us understand how the dynamic between the EU and Russia is evolving.

Germany has currently assumed a leadership role in the EU-wide sanctions against Russia, which is quite different from the traditional German Ostpolitik paradigm (Gens 2019), where foreign policy credos such as "change through rapprochement" seem no longer valid. Germany has taken into action a negative form of geo-economics, where threat perception or punitive economic measures are utilised by governments. This leads to different tendencies within democracies and have been used in the past to push adversaries. By contrast, positive forms of geo-economics are reward-oriented and are designed in an apolitical manner for mutual benefit. However, this form of geo-economics tends to be given less attention due to the high level of depoliticization.

It is argued that Germany's political leadership assumption in the EU's Russia policy has trumped its economic interests since the eruption of the Ukraine crisis. Instead, it is the economic interdependence of the Russo-German relationship that determines Germany's EU actions towards Russia, rather than its economic interests by themselves. (Gens 2019). In addition, the article argues that without a successful implementation of the Minsk agreements, "the EU risks losing authority and political support due to the economic effects of the sanctions policy" (ibid.). Not all European countries are the same, and so it is unjust to create sanctions that will inevitably affect some countries more negatively than others. Germany has had to take precautions during the winter to reduce energy use, and the overall rise in energy prices has affected many other EU countries.

There is also quite a divide in public opinion within Germany, which makes it easier for external forces to exploit domestic fault lines and weaken the unity of Germany's foreign policy towards Russia. Looking at the European Council Meeting Conclusions, it is interesting that the culprit for the current energy and economic crisis is said to be Russia and it "calls on all countries to align with EU sanctions" (European Council 2022).

The European Council also "strongly condemns the military support to Russia's war of aggression provided by the Iranian authorities, which must stop" and again highlights the importance of the sanctions towards Russia (ibid.). There must be a gap here; the EU imposes sanctions on Russia which inevitably make the energy prices go up due to the EU's prior energy dependency rate and the increase in imported energy from the US, however, the culprit for the destruction of the pipes and the energy prices rising is still accused to be Russia. After analysing the negative impact of the sanctions on Europe together with the repercussions of the destruction of the Nord Stream 2, it becomes rather hard to read the European Council's conclusions. It is clear that the EU is making decisions that are not benefitting, but rather damaging the union and creating a positive outcome for the US, however the European Council's conclusions fail to make note of this. Also, descriptions such as "Russia's war of aggression" really question the credibility of such conclusions, where such biased language is being used (European Council 2022).

5. Conclusion

In conclusion, the destruction of Nord Stream 2 has opened many debates not limited solely to the cause of its demise. The elimination of a multi-billion euro project and the consequences that this entailed, together with the involvement of the US and the imposition of sanctions that has negatively affected Europe and not quite had the desired effects on Russia, can be used as a lens to analyse whether the EU is taking the correct actions when faced with political international unrest like the war in Ukraine. Additionally, questions around the validity of whether the EU's foreign policy is effective or not. The war in Ukraine is tightly related to the topic of this paper, and it can be argued that the sanctions and the Nord Stream 2 destruction were necessary to keep Ukraine out of Russia's sphere of influence. However, to what extent has this been effective? And do the costs outweigh the benefits? Recent events have revealed a lot about geopolitical rivalry and have raised many questions on what the relationship between the US, the EU, and Russia actually is. As displayed through this paper, there is an extremely high level of misinformation in the media about the war, Nord Stream and the sanctions. It is also evident the European Council does not take responsibility for the consequences of the sanctions that were encouraged by them and it had to take emergency measures to reduce energy prices (European Council 2022). It is a simple case of looking at statistics of exports and imports, of energy prices and examining where this energy now comes from to understand who is benefitting from the EU's downfall - the US. The old narrative, however, continues. We are living in a time of serious conflicts between two powerful states: Russia and the US, which are being disguised through means of other smaller states. The EU's recent position should be reevaluated as it is affecting them negatively, and they should additionally consider whether the US is really in an anarchy of friends with the EU or not. The relationship between Russia and the EU has declined greatly in the last decades and to a large cost for the EU. Recent events should provide evidence that a change in policies and decision-making within the European Council have to be made, and the EU should prioritise its own interest over political or ideological factors since these seem to be unclear with the current situation.

References

- Bryen, S. and Bryen, S. (2022). "Were Nord Stream explosions really a military accident?", Asia Times, <https://asiatimes.com/2022/10/were-nord-stream-explosions-really-a-military-accident/>. Consulted on 01/02/2023.
- European Council. (2022). "Council agrees on emergency measures to reduce energy prices", <https://www.consilium.europa.eu/en/press/press-releases/2022/09/30/council-agrees-on-emergency-measures-to-reduce-energy-prices/>. Consulted on 22/06/2023
- European Council. (2022). "EUCO 31/22", Brussels: European Council, 21st October 2022. <https://www.consilium.europa.eu/media/59728/2022-10-2021-euco-conclusions-en.pdf>.
- Eurostat. (2023). "EU imports of energy products - recent developments", Eurostat, [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU imports of energy products - recent developments](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_imports_of_energy_products_-_recent_developments). Consulted on 03/02/2023.
- Escobar, P. (2022). "Germany and the EU have received a declaration of war / Pepe Escobar", Critical sociology, <https://sociologiacritica.es/2022/09/30/alemania-y-la-ue-han-recibido-una-declaracion-de-guerra-pepe-escobar/>. Consulted on 01/02/2023.
- Foster, J. (2022). "The Nord Stream pipeline explosions: a geopolitical whodunit", Canadian Dimension, <https://canadiandimension.com/articles/view/the-nord-stream-pipeline-explosions-a-geopolitical-whodunit>. Consulted on 01/02/2023.
- Gens, B. (2019). Germany's Russia policy and geo-economics: Nord Stream 2, sanctions and the question of EU leadership towards Russia. Global Affairs (Abingdon, Oxfordshire, UK), vol. 5, no. 4-5, 2019, pp. 315-334., <https://doi.org/10.1080/23340460.2019.1681013>.
- Giumelli, F. (2017). The Redistributive Impact of Restrictive Measures on EU Members: Winners and Losers from Imposing Sanctions on Russia. Journal of Common Market Studies, Vol 55. Number 5. pp. 1062-1080., <https://doi-org.proxy.uba.uva.nl/10.1111/jcms.12548>.
- Hersh, S. (2023). "How America Took Out The Nord Stream Pipeline", Seymour Hersh, <https://seymourhersh.substack.com/p/how-america-took-out-the-nord-stream>. Consulted on 01/03/2023.
- Marsh, S. and Chambers, M. (2022). "Germany freezes Nord Stream 2 gas project as Ukraine crisis deepens", Reuters. 22 Feb, <https://www.reuters.com/business/energy/germanys-scholz-halts-nord-stream-2-certification-2022-02-22/>. Consulted on 22/06/2023
- Saffioti, C. and Sequeria, T. (n.d.). "Dependency Challenges To New European Energy Ambitions", Marsh McLennan, <https://www.marshmcclennan.com/insights/publications/2022/march/dependency-challenges-to-new-european-energy-ambitions.html>. Consulted on 01/03/2023.
- Shalal, A., Rinke, A., and Mason, J. (2022). "Biden pledges end to Nord Stream 2 if Russia invades Ukraine", Reuters, <https://www.reuters.com/world/biden-germanys-scholz-stress-unified-front-against-any-russian-aggression-toward-2022-02-07/>. Consulted on 01/02/2023.

***“Decolonize” or “Defend” - the diverging discourse surrounding
(de)colonization of Russia between the West and Russia***

SOFIYA TRYZUB-COOK

1. *Introduction*

The ongoing war in Ukraine has been characterized by two contracting narratives - “Russia's War against Ukraine” and “Russia Liberating Donbas” (Myshlovska, 2022). While the Western discourse has emphasized Russia's imperialist agenda in Ukraine, the Russian narrative has only reinforced the government's claim of liberation (Yatskyk, 2015; Raspotnik, 2022). Russia's full-scale invasion of Ukraine has also triggered a long-standing debate about Russian colonialism and the need for decolonization (Bhambra, 2014), drawing parallels with previous decolonization struggles, such as in Chechnya and Tatarstan (Michel, 2022).

Instances of Russian troops being active in former Soviet republics or in Russian autonomous regions, promoting suppression and colonization, are not unprecedented (Dumoulin, 2023; Myre, 2022b). The Tatars, for instance, fought against Russian rule but experienced suppression and colonization, leading to the development of an ethnically diverse region (Khasanova, 1998). After extensive negotiations, a power-sharing treaty was eventually signed in 1994, effectively integrating Tatarstan into Russia (Khasanova, 1998). Since 1992, Russia has maintained an occupation of Transnistria in Moldova (Kuzio, 2019), despite its illegitimacy being recognized by the Moldovan Government and the Parliamentary Assembly of the Council of Europe (Potter, 2022). This occupation involves the presence of approximately 1,500 Russian troops. Subsequently, Russia's brutal wars in Chechnya from 1994 to 1996 and from 1999 to 2009 aimed to suppress the Chechen people's call for self-determination (Kipp, 2001). These conflicts resulted in the loss of lives for thousands of fighters and tens of thousands of Chechen civilians (Myre, 2022a). As a result, Chechnya has once again come under Russian rule and colonization (Michel, 2022). In 2008, Georgia experienced the annexation of its sovereign territories, Abkhazia and South Ossetia, which Russia continues to occupy unlawfully to this day (Vartanyan et al., 2022; Dickinson, 2021). Similarly, in 2014, Russia annexed Crimea, a Ukrainian peninsula, and initiated a war in the regions of Donbas and Luhansk, which has persisted unabated for the past eight years (Kuzio, 2019; DeBenedictis, 2021). In 2022, Russia took the next step in its colonization efforts by waging a full-scale war against Ukraine.

“In this war, many observers see echoes of previous atrocities under Putin,” according to Ivar Dale, a senior policy adviser with the Norwegian Helsinki Committee (as cited in Mirovalev, 2023). Remarkably, Russia has refrained from characterizing these actions as ‘annexations’ or ‘wars’ instead using terms such as ‘liberation’ and “defense of civilians against atrocities’ in its rhetoric (Rotaru, 2019; Yatskyk, 2015).

Against this backdrop, the question is how has the west and Russia framed the discourse surrounding the (de)colonization of Russia? To answer this question, this paper employs a constructivist lens to analyze Western and Russian discourse on the (de)colonization of Russia. It analyzes official statements and published articles to examine the diverging narrative between the West and Russia when discussing Russia's colonial legacy and its relevance in the ongoing war against Ukraine. This paper argues that the Western narrative has emphasized Russia's colonial projects and need for decolonization, whereas Russian discourse has focused on discrediting western claims, and portraying itself as a 'liberator' who does not require decolonization. These diverging narratives have contributed to polarization of politics surrounding Russian identity and the concept of Russian decolonization.

2. Theoretical Framework

This paper will apply the constructivist lens to analyze the discourse of Western and Russian politicians and scholars on Russian colonialism and decolonization. According to Constructivism, interests and identities are created and reinforced through language and discourse (Wednt, 1992). Constructivists would point out that Western discourse regularly defends liberal values and morals, whereas Russian discourse endorses national (Russian) policies and has become increasingly anti-west (Kolstø & Blakkisrud, 2016).

Decolonization refers to the economic, cultural, and psychological freedom for groups (ie. indigenous or minority) who seek to achieve their freedom and sovereignty, including the right to self-determination over their land, culture and societal systems (Belfi & Sandiford, 2021). Such decolonization efforts are a response to colonial projects across the world, where communities who have been violated are fighting to regain control of their land, culture and so on. Colonization refers to the process where settlers dispossess territories, communities and cultures, and establish arbitrary power over them through instituting legal reforms that disadvantages them (Ferro, 2005).

Historically speaking, colonial discourse has been closely associated with race and Western expansionism in Africa and Asia in the mid to late 19th Century (Foreign Service Institute, 2022). That said, colonization does not necessarily occur with regard to race or the West, colonization is still an ongoing phenomenon in different regions in the world where communities are still fighting for their rights against oppressors and imperialistic states (Ross, 2019).

3. Analysis

According to Western discourse, Russia is an imperialistic state both internally and externally and needs to be decolonized in order for oppressed groups to be liberated (Helsinki Commission, 2022; Snyder, 2022). Russia's war against Ukraine today is a colonial war that has showcased Russia's imperialist character (Snyder, 2022). As the Russian war in Ukraine steps into its second year, Western politicians and scholars emphasized Russia's imperialistic ambitions and interior empire with its barbaric wars in Ukraine, Georgia, Chechnya, Tatarstan and so on (Helsinki Commission, 2022; Michel, 2022). With Kremlin's domination over various indigenous and minority regions within Russia and its attempt to capture other regions (ie. neighboring countries), Western discourse has increasingly argued for the 'decolonization' of Russia (Michel, 2022), to uphold its liberal values of freedom and expression. As such, scholars have stated that "Russia is the last European empire that has resisted even basic decolonization efforts" (Michel, 2022), framing Russia as a colonial power who has not granted minority groups autonomy or a meaningful voice in choosing their representatives.

When it comes to describing the Russian regime, Western scholars and politicians have emphasized words including 'oppressive', 'restrictive', and 'colonial' (Yurchak, 2022; Pomerantsev, 2022), and claim that Russian discourse only serves to reinforce Russian culture and oppress identities that do not fall in line with the dominant belief, demanding that all peoples part of the Russian Federation adopt Russian cultures (Kolstø & Blakkisrud, 2016). The West consistently presents the case of how Russia violates peoples, their liberty and rights, thus needing to be decolonized in order for minorities to receive their self-determination and autonomy (Helsinki Commission, 2022). More specifically, Western Scholars refer to the cases of Chechnya and Tatarstan as prime examples where Russian authorities have violated 'autonomous' territories, ruthlessly instigated violence in regions within Russia (Pyvovarov, 2022). Now, there is an increasing list of cases to be made of Russia's colonization of other sovereign territories, including Moldova, Georgia, and Ukraine, all countries which have previously been under the Soviet Union (Michel, 2022; Smith-Boyle, 2022). Many scholars have highlighted how Russia continues to use its propaganda and narratives of falsehood' to portray itself as a defender, both within Russia and abroad (Paul & Matthews, 2016). In sum, Western framing and language has portrayed Russia as a colonial empire that needs to be decolonized to liberate the peoples currently being oppressed and violated.

Contrarily, Russia has focused on framing the West as a colonizer who still seeks colonial influence, whereas Russia itself is a 'liberator' fighting for decolonization. For instance, Russian Foreign Minister Sergei Lavrov has stated that "Our country, which has not stained itself with the bloody crimes of colonialism, has always sincerely supported the Africans in their struggle for liberation from colonial oppression" (quote translated from Григор Атанесян, 2022), which reinforces the image of the West as a colonizer, producing a negative image of the west (anti-western discourse). The Russian government further distances itself from colonial practices by stating it supports decolonial efforts and liberalization from oppression, painting Russia as a fighter against colonization. Similarly, Russian President Putin has stated that "the west continues its colonial policy and would do everything to preserve the neo-colonial system in the world" (quote translated from Вести.Ru, 2022), making it the West's fault for any neocolonial tendencies in society today.

In response to Western claims of Russia's 'colonial war' against Ukraine, Putin has only reinforced the statement that 'Russia is Liberating Donbas' to 'demilitarize' and 'denazify' Ukraine from Ukrainian 'nationalists' (Garzon, 2022; Чернышова, 2022), denying any form of annexation or wrongdoing (Yatskyk, 2015). In response to Western claims of Russia's internal colonization, Putin has framed Russia as the world advocate for anti-colonial movements to open opportunities for all people around the world and reduce inequalities (ТАСС, 2022). That said, Russian politicians believe Russia to be immune against "the germ of colonialism" as their motives are to defend humanity and liberate it, not colonize, therefore their acts are regarded as a "natural expansion" (Sartori, 2022). With regards to Chechnya and Tatarstan, the Russian government has maintained that it promotes all regional identities, placing emphasis on its 'secular policies' and inclusion (Yatskyk, 2015). In sum, the Russian narrative frames the west as a colonial power and itself as a 'liberator' of minorities, who does not need to be 'decolonized'. Nevertheless, it is important to acknowledge that despite the dominant Russian discourse that seeks to defend its national policies and statehood, there have also been Russian scholars who have condoned its imperialistic agenda and colonial strategies (Khrushcheva, 2022). However, scholarly works negatively portraying Russia are quickly dismantled through oppression and discrediting (Khrushcheva, 2022).

4. Conclusion

The West has repeatedly called for Russian 'decolonization' of oppressed regions, and this request has only magnified with the backdrop of Russia's war against Ukraine. Whereas Western discourse has framed Russia as a colonial power oppressing minorities internally and abroad, Russian discourse has consistently ignored its own colonial practices and in-turn framed the West as a colonial power seeking to reinforce its power over other states. Today, these conflicting narratives have been put on a pedestal as they have sought to polarize the two camps - the West and Russia. As such narratives dominate different broadcasts, media channels, and countries, there is a diverging understanding of Russia and perception of Russian power (Casier & DeBardeleben, 2019).

Russia will continue to employ its rhetoric of 'defending' to mask its true intentions of engaging in warfare (Paul & Matthews, 2016). As a result, conflicting narratives revolving around the notions of 'decolonization' and 'defense' in Russian policy and practices will continue to create divisions in Russia and abroad. Therefore, it is crucial, now more than ever, to understand these narratives and recognize the issue of ongoing Russian colonization in the 21st century under the current world order.

5. References

- Belfi, E., & Sandiford, N. (2021). Decolonization Series Part 1: Exploring Decolonization. Interdependence: Global Solidarity and Local Actions. <http://globalsolidaritylocalaction.sites.haverford.edu/what-is-decolonization-why-is-it-important/>
- Bhambra, G. K. (2014). Postcolonial and decolonial dialogues. *Postcolonial Studies*, 17(2), 115–121. <https://doi.org/10.1080/13688790.2014.966414>
- Casier, T., & DeBardeleben, J. (2019). *EU-Russia Relations in Crisis: Understanding Diverging Perceptions* (Routledge Studies in European Foreign Policy) (1st ed.). Routledge.
- DeBenedictis, K. (2021). Russian 'Hybrid Warfare' and the Annexation of Crimea: The Modern Application of Soviet Political Warfare. Bloomsbury Collection. <https://doi.org/10.5040/9780755640027>
- Dickinson, P. (2021). The 2008 Russo-Georgian War: Putin's green light. Atlantic Council. <https://www.atlanticcouncil.org/blogs/ukrainealert/the-2008-russo-georgian-war-putins-green-light/>
- Dumoulin, M. (2023, February 21). Echo of empire: Why Russia's war on Ukraine troubles all post-Soviet countries. ECFR. <https://ecfr.eu/article/echo-of-empire-why-russias-war-on-ukraine-troubles-all-post-soviet-countries/>
- Ferro, M. (2005). Colonization. Routledge, 1. <https://doi.org/10.4324/9780203992586>
- Foreign Service Institute. (2022). Decolonization of Asia and Africa, 1945–1960. Office of the Historian. <https://history.state.gov/milestones/1945-1952/asia-and-africa>
- Garzon, E. F. (2022, September 17). Liberating Donbass is Russia's goal, according to Putin - Prensa Latina. Prensa Latina - Latin American News Agency. <https://www.plenglish.com/news/2022/09/16/liberating-donbass-is-russias-goal-according-to-putin/>
- Gerdžiūnas, B., & Vegytė, S. (2022, June 25). Is Russia colonising Ukraine? – interview. LRT.lt. <https://www.lrt.lt/en/news-in-english/19/1726069/is-russia-colonising-ukraine-interview>
- Helsinki Commission. (2022, July 19). Decolonizing Russia. Commission on Security and Cooperation in Europe. <https://www.csce.gov/international-impact/events/decolonizing-russia>
- Khasanova, G. (1998). Russian identity: The view from Tatarstan. *Prism*, 4(5). <https://jamestown.org/program/russian-identity-the-view-from-tatarstan/>
- Khrushcheva, N. L. (2022, October 27). The Kremlin's suicidal imperialism. *Social Europe*. <https://socialeurope.eu/the-kremlins-suicidal-imperialism>
- Kipp, J. W. (2001). Russia's Wars in Chechnya. *The Brown Journal of World Affairs*, 8(1), 47–62. <https://www.jstor.org/stable/24590174>
- Kolstø, P., & Blakkisrud, H. (2016). Introduction: Russian nationalism is back – but precisely what does that mean? In *The New Russian Nationalism: Imperialism, Ethnicity and Authoritarianism 2000–2015* (1st ed.). Edinburgh University Press. https://www.jstor.org/stable/10.3366/j.ctt1bh2kk5.7#metadata_info_tab_contents
- Kuzio, T. (2019). Russian stereotypes and myths of Ukraine and Ukrainians and why Novorossiia failed. *Communist and Post-communist Studies*, 52(4), 297–309. <https://doi.org/10.1016/j.postcomstud.2019.10.007>
- Michel, C. (2022, July 7). Decolonize Russia. *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2022/05/russia-putin-colonization-ukraine-chechnya/639428/>
- Mirovalev, M. (2023, January 20). Russia's atrocities in Ukraine, rehearsed in Chechnya. *Conflict News | Al Jazeera*. <https://www.aljazeera.com/news/2023/1/20/russias-atrocities-in-ukraine-rehearsed-in-chechnya>
- Myre, G. (2022a, March 12). Russia's wars in Chechnya offer a grim warning of what could be in Ukraine. NPR. <https://www.npr.org/2022/03/12/1085861999/russias-wars-in-chechnya-offer-a-grim-warning-of-what-could-be-in-ukraine>
- Myre, G. (2022b, May 2). Many ex-Soviet republics do not want Russian troops operating in their country. NPR. <https://www.npr.org/2022/05/02/1095861568/many-ex-soviet-republics-do-not-want-russian-troops-operating-in-their-country>

Myshlovska, O. (2022). Conflict Dynamics as a Narrative Process: The Evolution of Competing Conflict Narratives between Russia and Ukraine and the Narratives of the International Human Rights Bodies between 2014 and 2022. *Central European Journal of International and Security Studies*, 16(3), 76–107. <https://doi.org/10.51870/gdim2629>

Paul, C., & Matthews, M. (2016). The Russian “Firehose of Falsehood” Propaganda Model: Why It Might Work and Options to Counter It. In RAND Corporation eBooks. <https://doi.org/10.7249/pe198>

Pomerantsev, P. (2022, January 22). What the West Will Never Understand About Putin’s Ukraine Obsession. *Time*. <https://time.com/6140996/putin-ukraine-threats/>

Potter, B. (2022). Unrecognized Republic, Recognizable Consequences: Russian Troops in “Frozen” Transnistria. *Journal of Advanced Military Studies Strategic Culture*, 2022, 168–188. <https://doi.org/10.21140/mcu.2022sistratcul010>

Pyvovarov, S. (2022, March 26). Who wanted to secede from Russia – Chechnya, Tatarstan, the Urals, Siberia, and others. <https://babel.ua/en/texts/77286-the-kremlin-likes-to-recognize-all-sorts-of-republics-anywhere-but-not-in-the-russian-federation-let-s-recall-how-moscow-returned-and-held-chechnya-tatarstan-the-urals-and-other-regions-by-war-and-pol>

Raspotnik, A. (2022, November 8). Language, Identity, and Statehood: A Brief Insight into the History of the Minoritization of the Komi People. *The Arctic Institute - Center for Circumpolar Security Studies*. <https://www.thearcticinstitute.org/language-identity-statehood-brief-insight-history-minoritization-komi-people/>

Ross, E. (2019, October 9). The past is still present: why colonialism deserves better coverage. *The Correspondent*. <https://thecorrespondent.com/32/the-past-is-still-present-why-colonialism-deserves-better-coverage>

Rotaru, V. (2019). ‘Mimicking’ the West? Russia’s legitimization discourse from Georgia war to the annexation of Crimea. *Communist and Post-communist Studies*, 52(4), 311–321. <https://doi.org/10.1016/j.postcomstud.2019.10.001>

Sartori, P. (2022). What do we talk about when we talk about ‘decolonizing Russian history’? *AUSTRIAN ACADEMY OF SCIENCES | STUDY OF ISLAM IN CENTRAL EURASIA*. <https://www.oeaw.ac.at/sice/sice-blog/what-do-we-talk-about-when-we-talk-about-decolonizing-russian-history>

Smith-Boyle, V. (2022, August 17). It’s Time We Recognize Russian Colonization. *American Security Project*. Retrieved May 29, 2023, from <https://www.americansecurityproject.org/its-time-we-recognize-russian-colonization/>

Snyder, T. (2022, April 28). The War in Ukraine Is a Colonial War. *The New Yorker*. <https://www.newyorker.com/news/essay/the-war-in-ukraine-is-a-colonial-war>

Vartanyan, O., Lucena, J. G., & Malaney, M. (2022, December 10). Fenced In: Stabilising the Georgia-South Ossetia Separation Line. *International Crisis Group*. Retrieved May 29, 2023, from <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/fenced-stabilising-georgia-south-ossetia-separation-line>

Wendt, A. (1992). Anarchy is what states make of it: the social construction of power politics. *International Organization*, 46(2), 391–425. <https://doi.org/10.1017/s0020818300027764>

Yatskyk, A. (2015). Promoting Islam within the “Russian World”: The Cases of Tatarstan and Chechnya. In *PONARS Eurasia*. <https://www.ponarseurasia.org/promoting-islam-within-the-russian-world-the-cases-of-tatarstan-and-chechnya/>

Yurchak, A. (2022, May 10). ‘It’s impossible for the system not to change’ Anthropologist Alexei Yurchak on why Putin hates Lenin and how today’s Russia resembles the late Soviet Union. *Meduza*. <https://meduza.io/en/feature/2022/05/10/it-s-impossible-for-the-system-not-to-change>

Вести.Ru. (2022, September 30). Страны Запада так и остались колониальными, уверен Путин. *vesti.ru*. <https://www.vesti.ru/article/2967639>

Григор Атанесян. (2022, August 4). Лавров говорит, что Россия не запятнала себя колониализмом. Так ли это? *BBC News Русская Служба*. <https://www.bbc.com/russian/features-62414925>

ТАСС. (2022, September 30). Путин: Россия не дала себя обобрать в период колониализма, это стало причиной русофобии. *ТАСС*. <https://tass.ru/politika/15921093>

Чернышова, Е. (2022, June 3). Медведев объяснил, почему на Украине идет спецоперация, а не война. *РБК*. <https://www.rbc.ru/politics/03/06/2022/629936b49a7947e357c8d6ad>

1. Executive Summary

Outer space technology is embedded in most aspects of our daily lives, from satellite phones to GPS. However, our current behavior in outer space is unsustainable: the accumulation of space debris risks space technology ceasing to be usable. Major stakeholders like the EU need to revisit their outer space policy and implement changes such as those outlined in this policy brief (ESA, 2022). Failure to mitigate space debris could have disastrous socio-economic consequences, on everything from climate monitoring to national security services (OECD, 2020). This proposal begins with an overview of the dangers posed by the uncontrolled accumulation of space debris. It continues by summarizing the issues surrounding different policy strategies, such as regulation, international negotiation, and technological innovation. Informed by these challenges, this brief includes a package of concrete recommendations. The political component involves the provision of a new set of space debris mitigation guidelines and active EU agenda-building on the world stage. The economic component seeks to incentivize cooperation with private sector innovation and disincentivize orbital littering, by facilitating more straightforward liability practices.

2. Introduction

Humanity is dependent on outer space technology in the areas of communication, monitoring agriculture and climate, public health, research, security, education, and development, among others (Migaud, 2020; Mrusek, 2019). As innovations are made in the development of space technology, the costs of outer space enterprise are decreasing, allowing more and more companies to begin their own projects, transforming low-Earth orbit (LEO) into an orbital tragedy of the commons (David, 2021). As a result of this increasing commercial activity in outer space, satellites and other technology are being launched into LEO at an exponential rate: in the two years leading up to April 2021, the number of satellites in LEO increased by over 50% (ESA, 2022; Runnels, 2022; Boley & Byers, 2021).

When these objects break or no longer serve their intended function, fragments can remain in LEO indefinitely, posing risks of colliding with other objects and endangering functional spacecraft (ESA, 2022). According to NASA, there are already hundreds of millions of pieces of debris in LEO large enough to cause serious damage to spacecraft (Runnels, 2022).

Once enough debris is created, a phenomenon known as the Kessler effect takes place: collisions between debris cascade and self-perpetuate, cluttering LEO and rendering use of outer space impossible while endangering Earth's upper atmosphere (including the ozone layer and its radiation environment) (Boley & Byers, 2021; Seymour, 1997). In fact, multiple studies conducted by NASA have determined that the amount of orbital debris has already surpassed this critical mass: even if no further orbital debris is created, collisions will continue to occur in perpetuity (Boley & Byers, 2021; Martin, 2014).

The socio-economic impacts of the Kessler effect could change the lives of people all across the globe: without satellite technology, internet, weather, and communication services could be lost, Earth science and climate research stalled. Debris fragments not designed to safely burn up in the atmosphere could similarly threaten the lives and property of humans on Earth (OECD, 2020; Pusey, 2010).

Particularly in the wake of extreme political tension due to Russian aggression, the risks of future global health crises such as COVID-19, and the existential threat of climate change, the European Union (EU) has substantial stakes in maintaining and developing its assets in outer space (Burger & Bordacchini, 2019). To ensure the sustainable use of satellite technologies, the EU's space policy warrants rethinking. Currently, not enough is being done to prevent the consequences of the Kessler effect (Mrusek, 2019). The following sections outline the shortcomings of current policy and introduce a policy proposal for the EU to set an example on the international stage in adequately addressing the issue of space debris. Despite the EU not being among the main contributors of space waste, its positioning as a major global player and key innovator in outer space technology suffices in requiring it to take responsibility for the mitigation of space debris, not least due to the consequences for all of humanity (Bonnal et al., 2013; Clormann & Klimburg-Witjes, 2020).

3. Current Policy & Alternatives

The current accumulation of debris has already reached the point of inevitable self-perpetuation; swift and decisive policy action is required to prevent the worst consequences from materializing (Bonnal et al., 2013). The range of strategies being proposed to remove and prevent space waste is widening as the urgency of the issue escalates, but political will has failed to keep up with the pace of technological developments (Clery, 2020). Critics of the current policy of space agencies lament that they “study, wait, and hope” rather than taking decisive action (Clery, 2020). This section introduces several different strategies and challenges to implementation before coming to concrete recommendations in the following section.

3.1 Regulation

In cooperation with ESA, the EU is progressing a docket of novel satellite projects that have the potential to contribute to LEO pollution (Boley & Byers, 2021). Its sSpace program focuses heavily on its flagship programs of observation (Copernicus) and satellite navigation (Galileo) (European Commission, 2022). While these projects, and the program's goal of promoting the EU's role as a leading actor in space, are valuable ambitions, current EU space policy lacks focus on regulation and enforcement on sustainable space activity. New launches are not regulated sufficiently, and most often fail to follow debris mitigation guidelines (ESA, 2022; OECD, 2020).

3.2 Security

One major challenge to space debris mitigation policy are political concerns regarding different actors' activities in this shared expanse: most capture and removal technologies can also be used as anti-satellite weapons (PricewaterhouseCoopers, 2019). Their development can thus raise suspicions among nations with already tense diplomatic relations. Additionally, countries are reluctant to share their satellite's positioning data in the interest of national security (PricewaterhouseCoopers, 2019). Space debris policy thus requires meticulous diplomacy and negotiation (David, 2021). Following Russia's firing of anti-satellite missiles and its invasion of Ukraine, the EU has particular interest in safeguarding its own security in outer space (PricewaterhouseCoopers, 2019).

3.3 Technology

Outer space technology is constantly being reinvented and developed. While stricter regulation and enforcement is necessary to address space sustainability, the EU should ensure that only technologically feasible and worthwhile projects, as introduced below, are promoted.

3.4 Active Removal

Active removal of space debris is necessary to prevent the Kessler syndrome. However, removing existing debris presents a host of complications; the first attempt will only be made by the ESA's CleanSpace-1 mission in 2025. Issues include the extreme costs of removal and the difficulty of tracking very small pieces of debris, which make up the bulk of debris mass (OECD, 2020; Bonnal et al., 2013).

Although technological advances are already improving trackability, current strategies still do not provide sufficient active removal (European Space Agency, 2022). Furthermore, the technological demands of removing existing debris are highly complex: fragment sizes range widely, from microscopic particles to pieces the size of school buses (Mrusek, 2019). As a result, there can be no single approach to removing them; a multitude of different technologies will be required (Mrusek, 2019).

3.5 Removal by Design

Many satellites and other spacecraft are designed to self-destruct after their mission is complete. When spacecraft are designed to safely return to or burn up in the atmosphere, or perform controlled self-explosions, collisions and the potential for further debris creation are prevented (Mrusek, 2019).

3.6 In-orbit servicing

To extend the lifespan and sustainability of spacecraft and thus reduce the potential for new debris, new technologies will be required to perform in-orbit servicing and maintenance, such as repair and refueling (Mrusek, 2019)

4. Policy recommendations

This brief recommends a two-pronged approach to be adopted by the EU. The political dimension of the proposal concerns setting stricter standards and requirements for launches, and a diplomatic negotiation strategy to encourage international cooperation. The economic dimension concerns incentivizing technology development and disincentivizing careless debris creation, while cooperating more closely with private enterprises.

4.1 Political Component

First and foremost, the type and amount of new spacecraft launched into orbit must be regulated. Although the EU's projects don't pose as great a risk as, for example, several projects from the US or China, the EU must set an example for larger space players. It should ensure that launches are limited to necessary projects held to strict standards of sustainability and removal opportunities (Bonnal et al., 2013).

However, under the Treaty of Lisbon, the EU does not have the competence to adopt common space legislation for its member states (EU, 2007). Article 189, paragraph 2 of the Treaty legitimizes the creation of a European space programme, which the EU has done to present goals and make recommendations (Marchisio, 2010). Given the high stakes and global nature of the problem, the EU should strive, within its capacities, to achieve greater harmonization among its member states' space policy and allow itself more ambitious objectives. Setting the following framework is a starting point to prioritize space debris solutions on the international agenda beyond the EU, inviting its Member States to adopt them and thereby demonstrating what a feasible and effective plan could look like to foster international cooperation.

4.2 Regulation

The first step of this proposal thus suggests the establishment of comprehensive EU guidelines on the mitigation of space debris (GMSD). The main components of these guidelines, applicable to all spacecraft launched from the date of adoption, would comprise the following:

(1) Every spacecraft shall be designed and constructed so as to allow for scheduled and controlled reentry into Earth's atmosphere, meaning its components have less than a 1 in 10,000 chance of surviving reentry into Earth's atmosphere, as well as feasible orbital servicing.

This point addresses the lack of adequate post-mission planning for spacecraft, and is inspired by the ESA CleanSpace initiative's goal of "design for demise" (Parsonson, 2020). To avoid the ramifications of the Kessler effect and further accumulation of space debris, at least 90% of space objects must have a successful removal rate before existing debris can be removed (ESA, 2022).

(2) All launches must comply with the IADC space debris mitigation guidelines.

The ESA has asserted that better compliance with the Inter-Agency Space Debris Coordination Committee's (IADC) Space Debris Mitigation Guidelines will reduce debris accumulation and prevent orbital explosions and collisions (European Space Agency, 2022). Although these guidelines

alone are not enough to fully address space debris, this point reiterates the need for full compliance.

(3) All spacecraft must be constructed and designed so as to allow, as much as possible, for seamless orbital tracking and identification.

This point aims to facilitate clearer liability practices surrounding debris fragments. It is often nearly impossible to trace from which spacecraft a given fragment originates, and it is thus extremely difficult to hold launching parties responsible for polluting LEO (Boley & Byers, 2021).

(4) Active debris removal efforts shall be conducted according to the following:

- Objects targeted for active removal shall be selected according to the probability and severity of potential collisions. Accordingly, selected debris should have a high mass, high collision probability, and should be positioned in high altitudes.
- Where ownership is able to be determined, fragment removal missions shall take place with the consent of the owner. If consent is not given or ownership cannot be determined, removal initiatives shall be authorized to perform non-consensual debris removal.
- The military or espionage use of removal technologies shall be strictly forbidden.

Even if all launches comply perfectly with the previous guidelines, a stable LEO environment can only be achieved by actively de-orbiting at least five large objects from densely polluted regions per year (Bonnal et al., 2013). This point follows the ESA's object selection recommendations to ensure that each removal mission is as productive as possible and aims to address some political and diplomatic tensions surrounding debris cleanup. Nonconsensual removal represents a departure from current policy: its strategic success will depend on commitment to the following section.

4.3 Pursuing an International Agenda

This proposal relies on significant political goodwill throughout the international order. The EU must increase its vocal pursuit of sustainable space practices in international fora, particularly the United Nations. Recommended action points to establish a new diplomatic and negotiation agenda comprise the following:

(1) Encouraging a re-imagining of LEO as a shared ecosystem like the air and the ocean, as set out by the Outer Space Treaty: reinforce the global perception that every spacefaring nation has a responsibility to the entire planet when it comes to their national and private space activity (UN, 1967; David, 2021).

(2) Push for reform and expansion of current space legislation such as the OST with greater attention to sustainability and debris mitigation.

(3) Revisit, strengthen and pursue adherence to the EU's Code of Conduct for Outer Space Activities (Johnson, 2014), emphasizing security and sustainability-related benefits for all nations. Initiate cooperation and demonstrate goodwill by openly sharing knowledge, technology and other resources to actors in support of points 1-3.

4.4. *Economic Component*

To encourage the development of technologies needed to achieve sustainable space activity, the EU must depart from its current institution-centered approach to space policy, and invite the participation of private actors in addressing space debris (David, 2021). The following comprise the economic component of this proposal, aiming to stimulate private sector innovation.

(1) Share knowledge and resources

Greater cooperation between institutional space agencies and private initiatives should involve the incentivization of technological solutions for active removal and controlled re-entry. There is no time to waste by withholding valuable experience and resources.

(2) Assign bounty for the removal of high-priority debris objects

By imposing premiums on strategic fragments, the EU can further stimulate market competition and innovation while raising awareness of the issue's severity (David, 2021).

(3) Impose space traffic footprint & penalize orbit pollution

Akin to a carbon tax relative to carbon footprint, space traffic footprints would allow the international community to quantify different actors' impact on the orbital environment and hold them accountable for that measure without needing to track and identify every debris fragment.

5. *Conclusion*

This policy proposal hopes to inspire swift and concrete action towards the mitigation of space debris. It has demonstrated the severity of the challenge and urgency of improving current policies. It proposes a two-pronged political and economic agenda to pursue and convince EU Member States as well as the rest of the global community to enforce. The GMSD takes a more ambitious stance on the regulation of space activity, while the economic scheme departs from the stalling of the traditional, institution-centered approach. As an emerging leader in the space industry, and one of the most successful multinational projects in history, the EU has a responsibility to demonstrate space sustainability to the rest of the international community. In the context of climate change, a successful international project to solve a global tragedy of the commons could be exactly what is needed to unite public and private leaders behind further climate action. Respectful and appreciative of the longstanding cooperation between the EU and the ESA, this brief calls upon mutual trust between the two entities to persuade the Commission to listen, and act accordingly.

References

- Boley, A. C., & Byers, M. (2021). Satellite mega-constellations create risks in Low Earth Orbit, the atmosphere and on Earth. *Scientific Reports*, 11(1), 1-8. <https://doi.org/10.1038/s41598-021-89909-7>
- Bonnal, C., Ruault, J. M., & Desjean, M. C. (2013). Active debris removal: Recent progress and current trends. *Acta Astronautica*, 85, 51-60. <https://doi.org/10.1016/j.actaastro.2012.11.009>
- Burger, E., & Bordacchini, G. (2019). Security in outer space: Rising stakes for Europe. *Springer Yearbook on Space Policy*, 255-283. https://doi.org/10.1007/978-3-030-05417-5_5
- Clery, D. (2020). Europe plans space claw to capture orbiting junk. *Science.org*.
- Clormann, M., & Klimburg-Witjes, N. (2020). Space debris sustainability: Understanding and engaging outer space environments. In M. Madi and O. Sokolova: *Space Debris Peril: Pathways to Opportunities* (pp. 69-82). CRC Press. <https://doi.org/10.1201/9781003033899-6>
- David, L. (2021). Space junk removal is not going smoothly. *Scientific American*, 14.
- European Commission. (2022). EU Space Programme.
- European Space Agency (ESA). (2022). 2022 Space debris environment report.
- European Union (EU). (2007). Treaty of Lisbon amending the treaty on European Union and the treaty establishing the European Community. European Union, 2007/C 306/01.
- Gutierrez, P. (2022, May 16). Brussels view: EU space community talks security, defense and galileo. Inside GNSS. <https://insidegnss.com/brussels-view-eu-space-community-talks-security-defense-and-galileo/>
- Johnson, C. (2014). Draft international code of conduct for outer space activities fact sheet. Secure World Foundation.
- Marchisio, S. (2010). Activities of states in outer space in light of new developments: Meeting international responsibilities and establishing national legal and policy frameworks. United Nations Office for Outer Space Affairs, A/AC.105/989.
- Martin, P. K. (2014). Extending the operational life of the International Space Station until 2024. NASA.
- Migaud, M. R. (2020). Protecting Earth's orbital environment: Policy tools for combating space debris. *Space Policy*, 52, 101361. <https://doi.org/10.1016/j.spacepol.2020.101361>
- Mrusek, B. M. (2019). Satellite maintenance: an opportunity to minimize the Kessler effect. *International Journal of Aviation, Aeronautics, and Aerospace*, 6(2), 2. <https://doi.org/10.15394/ijaaa.2019.1323>
- Organization for Economic Co-operation and Development (OECD). (2020). Space sustainability: the economics of space debris in perspective. OECD Science, Technology and Industry Policy Papers, no. 87.
- Parsonson, A. (2020). ESA Clean Space tackles junk one component at a time. *Spacenews*.
- PricewaterhouseCoopers (2019). Main trends and challenges in the space sector. PwC. <https://www.pwc.fr/en/industrie/secteur-spatial/pwc-space-team-public-reports-and-articles/main-trends-and-challenges-in-the-space-sector.html>
- Pusey, N. (2010). The case for preserving nothing: The need for a global response to the space debris problem. *Colorado Journal of International Environmental Law and Policy*, 21, 425.
- Runnels, M. B. (2022). On clearing Earth's orbital debris & enforcing the Outer Space Treaty in the U.S. American Bar Association.
- Seymour, J. M. (1997). Containing the cosmic crisis: A proposal for curbing the perils of space debris. *Georgetown International Environmental Law Review*, 10, 891.
- United Nations (UN). (1967). Treaty on principles governing the activities of states in the exploration and use of outer space, including the moon and other celestial bodies. United Nations, resolution 2222 (XXI).

1. Introduction

According to Frontex, in the months preceding this paper, the majority of irregular migrants arriving at the EU border have hailed from the following states: Morocco, Algeria, Egypt, Syria, Turkey, Afghanistan, and Bangladesh (Frontex, 2022). Many migrants from these countries travel incredible distances to reach the European Union (EU) in an attempt to establish a better life for themselves and their families (Kuschminder et. al, 2015). However, even if they manage to make it to EU soil unharmed, more often than not they are rejected at the border, sometimes not even being allowed to dock if they are traveling by sea. This was the case in 2018 with the Aquarius sea rescue mission, wherein the joint efforts of two non-profit organizations saved over 600 migrants from a near-certain death at sea only to be forbidden from docking at the nearest countries, Italy and Malta (Baker, 2018).

It should be noted that the migrants in question are primarily from nations formerly colonized by the very same European region that is now rejecting them at the border. Achiume placed this reality under a spotlight in her paper “Migration as Decolonization” (2019), in which she radically argues that due to the neocolonial ties between First and Third world countries, Western states have an obligation to extend some form of citizenship to their former colonies in the name of distributive justice. This paper seeks to explore to what extent this argument (which shall be elaborated upon further in the Literature section) may implicate the EU’s migration policy. The colonial identity of the EU is a severely under-interrogated topic, especially when compared to the copious research dedicated to other aspects of the European integration project, such as its peace-producing nature or democratic quality. There is even less research dedicated to exploring the normative obligations that the EU’s colonial character may impose on the bloc. This paper thus seeks to fill this gap and problematize the EU’s colonial past by exploring the following research question: *To what extent do citizens of former EU Member State colonies have a normative claim to certain exemptions from EU economic migration policies?*

This paper shall argue that former colonies of EU Member States do indeed hold a claim to certain exemptions from EU migration policies for two main reasons: (1) The historical development and goals of the EU were inextricably tied to colonization, which makes the initial exclusion of these colonies from the benefits of the EU’s formation unjustifiable and (2) Current neocolonial ties between the EU and its Member States’ former colonies are asymmetrically benefitting the EU, and thus that the current exclusion of citizens of former colonies from these benefits is also unjustified. It is this point that will lend support to the overarching argument that the EU should alter its migratory policies as a matter of distributive justice and decolonization – that is, the EU should allow citizens of former colonies to partake in the political and economic prosperity that their nations helped to produce by allowing their economic migration.

This paper shall be organized into five sections: One reviewing previous literature, one on the analysis which shall be further broken down in two subsections; (1) on the colonial nature of the historical development of the EU (2) on the persisting neocolonial ties between EU Member States’ and their former colonies; and a concluding section which reiterates this paper’s main argument.

2. Literature Review & Theory

This paper draws much inspiration from Achiume's argument in "Migration as Decolonization" (2019). She argues that the fact that Western states exclude economic migrants from former colonies on the grounds that they are "political strangers" is unjustified, for citizens of former colonies are not political strangers at all. By virtue of their shared history and persisting neo colonial ties, they are part of a joint political community with the West from which they have been wrongly disenfranchised (2019, p.1539). She is able to make this argument because she maintains that the state has the sovereign "right to exclude " political strangers, but she does not define "political strangerism" according to citizenship, as most do (2019, p.1540). Formal citizenship, in her view, can be seen as an often-arbitrary construction which viciously reproduces unequal power relations by its primarily inherited, lineage-based character (Shacher & Hirschl, 2007). A less arbitrary way to define political strangerism is by determining whether persons are part of a shared political community; and she does so by examining the nature of the political and economic ties between governing bodies. If it is clearly a dominating and beneficiary relation, as is the historical and contemporary case with Western states and their former colonies, then those subjects being dominated and benefitted from have a right to claim some of the fruits of those benefits, as one would in a shared political community (Achiume, 2019). Put another way, allowing people to participate in political communities they are de facto part of but de jure excluded from is a matter of distributive justice, with distributive justice being defined here as the distribution of political privileges such that no one is systematically and arbitrarily excluded from them (Achiume, 2019).

This paper thus seeks to establish whether the EU and its Member States' former colonies can be defined as being part of a shared political community – that is, whether the EU has economically and politically benefited from the former colonies and yet has wrongly excluded them from partaking these benefits. If this is true, then there is grounds to claim that allowing migrants from these territories access to the EU is a matter of distributive justice to grant them access to the economic opportunities which their nation and labor has been used to produce.

To make this argument, however, an in-depth analysis of the goals and historical development of the EU, and thus its historical and contemporary ties with colonization, is necessary. There is a burgeoning sector of literature dedicated to exploring the colonial nature of the European integration project, a novel line of research initially taken up by Hansen in his article on the colonial EU identity (2002). Hansen argues that the formation of the EU was deeply rooted in colonial ambitions, and thus, the popular conceptualization of the EU's birth as primarily an effort to establish peace on European soil is misled and in fact obscures the role that colonization has played in the formation and maintenance of the EU (2002, p.349). This article shall be crucial in the following analysis section, wherein the formation and goals of the EU are explored to establish to what extent the bloc has historically benefitted from Member States' former colonies.

3. Analysis

First, this analysis shall investigate the historical and teleological development of the EU, and to what extent this is related to Member States' colonies. Second, it shall investigate the current neocolonial connection between Member States and their former colonies.

3.1 *The EU's Historical Colonial Character*

The EU's formation has reached almost mythical status in literature on regional integration. The dogmatic narrative goes as such: an original group of six European nations, each possessing only the most enlightened of intentions, came together following the world wars to establish an economic agreement that might maintain peace in the European region (Cini & Solorzano, 2018). The phrases "peace" and "EU formation" have become almost inseparable pairs as a result of this common narrative, but a more critical look at the nature of the European Economic Community (EEC) reveals a far less pacifist reality (Bhamba, 2022).

The EEC was established in 1957 as a precursor to the EU as it laid the groundwork for further European cooperation and economic integration (Cini & Solozano, 2018). However, its creation was not merely to achieve peace in the European region; rather, the prospect of pooling the benefits borne off the exploitation of colonies also posed a great economic incentive for European nations that were individually experiencing a steady decline in their colonial power during the 50s and 60s (Hansen, 2002). For instance, France signed the Treaty of Rome but only after the assurance that it was in their colonial interest; they specifically saw to it that there would be favorable tariffs on the imports from their Overseas Countries and Territories (OSCTs) in the agreement (Danin, 1999, p.31). In addition to this, evidence suggests that the French and British Empire were particularly motivated to participate in European economic integration once the states were confronted by their declining colonial influence. The Suez crisis was a defining moment in this respect; the French and British Empire's joint efforts to re-appropriate the canal from Egypt's control can be seen as an attempt to re-establish control in the Middle Eastern-North African region which was slowly slipping from them with the growing Pan-Arab movement (Hansen, 2002). Multiple scholars thus claim that it was this failure to control the canal that alerted the states' need for a new source of strength to continue to maintain their global power – that being the European integration project (Hansen, 2002; Anderson, 1997; Dinan, 1999). For Britain, the EEC was seen as a "substitute for empire, a new source of international prestige and influence" (Kahler, 1984). The importance of the Pan-Arab movement and European insecurity over their colonies in the formation of the EU is illustrated quite succinctly by this point: Monnet, a former president of the European Atomic Energy Community said, "To [Nasser,] the federator of Europe!" (cited in Hansen, 2002); Nasser being the head and face of the Pan-Arab movement.

These points indicate the importance of (neo)colonial interests in motivating European integration. And yet, despite this importance, citizens and representatives of these colonies that existed under the states championing European integration have very little to no say in the formation of European economic treaties. For instance, The Treaty of Rome did not feature any signature or collaborative input from representatives of territories such as Algeria or Chad. The benefits of the EEC, despite drawing resources from these colonies and having been formed in the first place as a means to maintain global power in relation to these colonies, was reserved to continental Europe (Hansen, 2002). This logically follows as the EEC was formed during a time when European civilizational superiority over colonized persons was considered to be fact; and so these persons were (unjustifiably and systematically) excluded from the EEC's negotiations process and its material fruits (Bhambra, 2022). Indeed, it seems that at least historically, the EU's formation and goals were explicitly colonial in nature, and that arguably the colonies that existed under Member States at the start of integration were wrongfully excluded from its benefits.

3.2 The EU's Contemporary Colonial Character

While the previous section attempted to demonstrate the historical and teleologically colonial nature of the EU, this section seeks to explore to what extent these colonial ties extend into the present in the form of a "neocolonial empire" (Achieme, 2019, p.1520). If it can be shown that there are current, strong ties of domination between the EU and former colonies from which the EU asymmetrically benefits, then there is grounds to argue that citizens of these former states are being wrongfully excluded from these benefits, and thus, economic migration from these former colonies should be permitted by the EU as one method of decolonization and delivering distributive justice.

One point that demonstrates the existence of and the EU's participation in the maintenance of a neocolonial empire, is that the two major net contributors to the EU, Germany and France, are still deeply entrenched in colonial ties of domination with their former colonies and overseas countries and territories (OSCTs). For instance, France is the main creditor and investor in Morocco and Algeria, which are, as aforementioned in the introduction, the two of the main countries from which "irregular migrants" attempt to enter the EU (Frontex, 2022). Patterns of inequality established during colonialism are also illustrated in Germany's case, wherein most of the arable land in Namibia is still owned by wealthy Germans as opposed to Namibians (Bhambra, 2022). France and Germany undoubtedly benefit politically and economically from the ties they maintain with their former colonies, but it is not an equal relationship; much evidence suggests that the loans and aid provided by these Western states undermine former colonies' sovereign right to political self-determination (Sylla & Pigeaud, 2021). For instance, Western states often leverage aid to demand certain changes to the political organization or policies of dependent states, and this practice is not limited to France and Germany – for example, this occurred recently in the case of the Netherlands and its former colony Curacao; in exchange for COVID-19 aid, which the territory desperately needed, the Dutch government ordered they slash wages as much as 12.4% (Samson, 2020). Poorer nations have little choice but to adhere to such demands when they are dependent on financial aid from their former colonizers, particularly in times of crisis. However, returning to the examples of France and Germany, considering the fact that these Member States in particular are large contributors to the economic and political maintenance of the EU, it is reasonable to suggest that their neocolonial benefits do translate into benefits for the EU as a whole.

However, if the EU's neocolonial character is not demonstrated convincingly enough by the fact that its most influential Member States maintain individual neocolonial ties with their former colonies, it can also be shown that the EU, as a collective, perpetuates neocolonial structures through, for instance, the pursuit of paternalistic aid agreements with African states. The EU has been pushing to establish Deep and Comprehensive Free Trade Agreements (DCFTA) with African nations, but these agreements come with required changes to the states' economic and political structure (Langan & Price, 2020). Agreements like these again undermine African states' ability to sovereign self-determination and will likely inordinately benefit the EU over them. One scholarly article describes the whole initiative quite pointedly: "the EU is cementing colonial-style patterns of production via iniquitous trade and aid arrangements" (Langan & Price, 2020, p.703). This also addresses the point of EU Member States that were never formal colonizers; through the EU's (neo)colonizing efforts, from which they also gain (particularly as typical net beneficiaries of the EU), they have become implicated in this structure of neocolonial domination which they now must also answer to (Bhambra, 2022).

Thus, given the fact that the EU benefits both directly as a collective and indirectly through its Member States from neocolonial structures, the fate of the EU and former European colonies are entangled in a shared, political community. Thus, this paper maintains that there is a great injustice at work whenever the EU rejects over 90% of economic migrants from the very same colonies it gains from (Frontex, 2022). In rejecting their applications, citizens of former colonies are being excluded from the benefits that the EU is reaping (and, as previously demonstrated, has historically reaped) from their nations' exploitation. Decolonization and distributive justice as a project may be conceptualized as "the pursuit of political equality for colonized people" (Achieme, 2019, p.1539), and thus so long as colonized people are being excluded from the EU's political and economic prosperity that they helped to build, decolonization is not finished because true political equality between Western nations and their former colonies has not been achieved. Thus, as a matter of distributive justice and as a measure to decolonize the EU, the EU's migration policy should provide exemptions for economic migrants coming from Member States' former colonies from which they still materially and politically benefit.

4. *Conclusion*

This paper attempted to demonstrate the historical and contemporary colonial nature of the EU in order to argue that citizens of Member States' former colonies have a normative claim to certain EU migration exemptions. First, it was shown that the birth of the EU was entrenched in colonial ambitions, which thus supported this paper's first point that the initial exclusion of these colonies' interests from the European integration project was unjustified. It was subsequently demonstrated how the EU and its Member States partake in benefiting from existing neocolonial relations with these former colonies, which supported the paper's second and main point that the EU is politically and economically entangled with former colonies to such an extent that their continued exclusion of these former colonies' citizens from the prosperity of the EU is deeply unjustified. Thus, to decolonize the EU's foreign relations and do justice to colonized persons, this paper ultimately argues that the EU should allow individuals from these states to partake in the economic benefits reaped from their nations by permitting their economic migration.

5. References

- Achieme. (2019). Migration as decolonization. *Stanford Law Review*, 71(6), 1509–1574.
- Anderson, Perry (1997) 'Under the Sign of the Interim', in Peter Gowan and Perry Anderson (eds.) *The Question of Europe*. London: Verso.
- Baker, A. (2018, June 12). How One Migrant Ship Became a Symptom of a Sick Europe. *Time*. <https://time.com/5309812/mv-aquarius-migrant-ship-european-union/>
- Bhambra. (2022). A Decolonial Project for Europe. *Journal of Common Market Studies*, 60(2), 229–244. <https://doi.org/10.1111/jcms.13310>
- Cini, M. & Pérez-Solórzano Borragán, N. (2022): *European Union Politics*. Seventh Edition. Oxford: Oxford University Press. ISBN: 9780198862239
- Dinan, Desmond (1999) *Ever Closer Union: An Introduction to European Integration*. Second edition. Basingstoke: Macmillan.
- Frontex. (2022, April). *Migratory Map*. Retrieved May 21, 2022, from <https://frontex.europa.eu/we-know/migratory-map/>
- Hansen. (2002). European Integration, European Identity and the Colonial Connection. *European Journal of Social Theory*, 5(4), 483–498. <https://doi.org/10.1177/136843102760513875>
- Kahler, Miles (1984) *Decolonization in Britain and France: The Domestic Consequences of International Relations*. Princeton, NJ: Princeton University Press.
- Langan, & Price, S. (2020). Imperialisms Past and Present in EU Economic Relations with North Africa: Assessing the Deep and Comprehensive Free Trade Agreements. *Interventions* (London, England), 22(6), 703–721. <https://doi.org/10.1080/1369801X.2020.1718540>
- Pigeaud, F., & Sylla, N. S. (2021). *Africa's Last Colonial Currency: The CFA Franc Story*. Pluto Press.
- Shachar, & Hirschl, R. (2007). Citizenship as Inherited Property. *Political Theory*, 35(3), 253–287. <https://doi.org/10.1177/0090591707299808>

Refugees, the EU Migration Pact and State of Exception - How do the policies impact migrants?
ALICE TOLMATCHOVA

1. *Introduction*

In 2015/2016, the EU faced a high influx of incoming migrants. This often-called refugee 'crisis' illustrated that the member states lacked joint agreements and successful instruments to ensure effective and humane migration management (Maldini & Takahashi, 2017). The refugee 'crisis' has been most prominent among the most controlled and deadly maritime route to the European Union (Lendaro, 2016), mainly affecting the Mediterranean countries Italy and Greece (Panebianco, 2022). The lack of cooperation and management led to humanitarian emergencies. Refugees were partially unable to access medical aid, the lack of safety encouraged gender-based violence and more than a thousand unaccompanied minors disappeared on European ground until 2017 (Roberts et al., 2016). As a direct reaction to the "major shortcomings" during the refugee 'crisis' (European Commission, 2020), the European Commission presented the European Pact on Migration and Asylum ("the Pact") in 2020, consisting of five legislative proposals and four recommendations (Picum, 2021). The primary purposes were to improve asylum and migration procedures and implement measures for distributing responsibility and solidarity among member states (Picum, 2021). The Pact encompassed proposals for regulating screening, asylum procedures, crisis and migration management as well as recommendations for mechanisms concerning the regulation of resettlement, humanitarian admission, as irregular entries (Picum, 2021).

This paper will focus on the main aspects of the Pact, namely external partnerships, the solidarity mechanisms, and the pre-screening agreement. By employing the theory of Agamben (2005) of the State of Exception, the question of whether the policies of the Pact improve migration management for irregular migrants is going to be addressed. The discussed measures of the Pact cover the complete journey of a migrant, the departure from the country of origin and transit, the arrival at the European border and the relocation or return procedure. This paper will argue that instead of improving the humanitarian situation of refugees, the Migration Act reinforces the state of exception of refugees in the Mediterranean area. The State of Exception is formed through stricter pre-screening methods, un-balanced 'cooperation' with third countries, the lack of accountability for an inter-European alliance and the focus on detention and returning migrants. The paper will proceed by first introducing the theory of exception, which describes the relationship between sovereign power and its ability to include and exclude individuals from the realm of participation in legal and political normality. Through this lens, an analysis of the external dimension of the Pact, the solidarity agreement, and the pre-screening measure will follow, showing that the proposed policies of the Pact will pose a continuation of the state of exception for incoming migrants.

2. Sovereignty and the State of Exception

The concept of the State of Exception is rooted in political theory starting to develop in the 1930s, coined by the German political theorist Carl Schmitt, who introduced the idea that the “sovereign is he who decides on the exception” (Schmitt, 1985, as cited in Norris, 2007, p. 32). Schmitt associates sovereign power with the capability to decide that legal norms are being upheld, hence that a “normal situation actually exists” (Schmitt, 1985, as cited in Norris, 2007, p. 36). The other side of this ‘normal situation’ qualifies as the state of exception. Giorgio Agamben (2005) builds on the dichotomy of normality and exception by distinguishing between a “good life” and a “bare life”. Only the “good life” can partake and profit from being included in a political system, the rule of law and a democratic way of life (Agamben, 2005, p. 11). In other words, a good life describes individuals situated within the normal state (within the legal system) of the sovereign power. In contrast, the bare life lies outside norms and regulations that are supposed to be universally applicable (*ibid.*). Most importantly, Agamben’s theory does not consider the ‘bare life’ outside the sovereign power and the whole system (Agamben, 2005). On the contrary, the exclusion is fundamentally part of the sovereign power. The bare life cannot exist without the decision of exclusion, while exclusion can only exist in a dichotomy with inclusion, hence with normality.

The State of Exception is often associated with the state of emergency. During emergencies, states create exceptions to the legal norms “to derogate constitutional values for the sake of order” (Mészáros, 2020, p. 91). Emergencies usually indicate an extreme but temporary situation. However, Agamben theorizes that emergencies are growingly normalized, becoming “a form of prolonged state of exception” (Bigo 2006 as cited in Vaughan-Williams, 2009, p. 743). The theory of the state of exception is often applied to refugees and migrants debates in academia (such as Levy, 2010; Hönig, 2014; Garrido et al., 2021). Migration has a unique relationship with sovereign power and territoriality (Garrido et al., 2021) which is also included in Agamben’s account of the State of Exception. Practices of exclusion by sovereign powers should not be thought about in a fixed spatial way that state borders tend to be seen in. Instead, Agamben reconceptualized fixed borders in bordering through inclusion and exclusion (Vaughan-Williams, 2009). Therefore, the emergence and normalization of the State of Exception are regarded as a “normal technique of government” (Agamben, 2000, as cited in Vaughan-Williams, 2009, p. 746). This paper utilizes the concept of Agamben to analyze the European Union’s sovereign power in the context of the Pact. It aims to assess three major decisions of the new Pact on their impact on the state of emergency surrounding migration in the EU.

3. Externalization and the Pact

The external element in the Pact of 2020 is strongly emphasized throughout. The Pact promises “comprehensive, balanced and tailor-made migration partnerships” directed toward countries of origin or transit (European Commission, 2020, pp. 2, 14). The overall priorities of these partnerships are “effective returns, combat migrants smuggling and develop legal migration channels” (Pichon, 2021, p. 1). Such partnerships are also reflected in past cooperations, such as the Turkey-EU deal, which aimed to prevent migrants and refugees from crossing into Greece in exchange for financial aid and visa liberalization for Turkish citizens (Terry, 2021), or the EU’s assistance for Libya’s coastguard to extent maritime control (Amnesty International, 2022). Ongoing deals and new bonds are part of a continuation of the trend of externalizing migration governance to neighboring or third countries (Müftüler-Baç, 2021).

In general, externalization is regarded as collaborating with non-EU countries on migration management and border control (Casas-Cortes et al., 2015). This external dimension of migration management creates and contributes to "several migration industries" with sometimes "overlapping (...) interests and roles" in third countries (Pacciardi and Berndtsson, 2022, p. 4022 - 4023).

Hence, the EU extends its governance and influence beyond its physical territory and expands the state of exception for migrants into third countries, imposing its migration management strategies abroad (Bisong, 2021). As Agamben theorized in the State of Exception, bordering happens here beyond physical limitations or territorial boundaries (Agamben, 2005) but through the influence of cooperation and partnerships. It is essential to mention that while the agreements are supposed to benefit both parties (Pichon, 2021), the Pact leaves room for an imbalance of power. For example, the EU's external funding should be reviewed annually in light of the cooperation of the third country (ECRE, 2021). Another instrument employed by the EU is assessing the need for alteration in the visa regime between the EU and the respective country based on its degree of cooperation (ECRE, 2021). Lastly, the power imbalance is also illustrated by providing precise and clear rules regarding border management of third countries while proposing only vague regulations regarding legal pathways into the EU (Moreno-Lax, 2020). This way, the Pact enhances the trend of externalization of migrant management. Although framed as an instrument to deter migrant smuggling and create safer (and legal) pathways into the EU (Pichon, 2021), the proposed instruments merely increase the state of exception for refugees beyond the EU's borders. This tendency of externalization is not new. Since the 1990s, the EU has strongly invested in externalization (Zoomers et al., 2018). Thus, the Pact does not challenge the status quo of solving the internal overload of the system abroad and enhances the creation of further exclusion and decoupling of individuals from European legal protection.

4. Solidarity and the Pact

The external element also plays an essential part in a further proposal of the Pact, namely the 'permanent solidarity mechanism' aimed to replace the Dublin System (Carrera & Cortinovis, 2022). This mechanism stems from a proposal of French President Macron as an attempt to consolidate the various member states and their approaches to migration (Carrera & Cortinovis, 2022). It derives its flexibility through two instruments that member states can choose from to contribute to the relocation and return of migrants that have reached the physical territory of the European Union.

Firstly, a member state can decide to support the relocation of migrants by taking certain refugees into their territory (Cassarino & Marin, 2022). The mechanism itself already emphasizes stricter (and more fast-tracked) relocation procedures for significantly vulnerable migrants (ECRE, 2020). In addition, the solidarity mechanism also leaves some room for member states to choose migrants to a certain extent based on wanted profiles (Carrera & Cortinovis, 2022). Hence, member states can 'cherry-pick' some migrants that can relocate to their territory (Oxfam, 2020). The relocation mechanism entails the bordering, as described by Agamben (2005), which extends beyond the physicality of incoming migrants in two ways. Firstly, while the focus on 'vulnerable groups' might have been a vital factor in entitling endangered people to go through a fast-track process, the category is vague and unspecified, allowing for an unclear definition and classification of migrants (Bendel, 2021).

Secondly, enabling member states to state preferences even to a certain level extends borders on incoming individuals based on categories that are considered relevant for member states.

The second instrument contains that member states can participate through financial aid and capacity building (Karageorgiou & Noll, 2022). Countries can also provide 'return sponsorships' for migrants who are denied asylum or denied the process for asylum (Hadj-Abdou, 2021). Nevertheless, for the second half of the solidarity agreement, Karageorgiou and Noll (2022) state clearly that the mechanisms underlying the instrument of return sponsorships and practical support are not clearly defined. The solidarity mechanism does not challenge the status quo of the Dublin agreement. On the contrary, it leaves much room for vague assumptions, strengthening an understanding that migration support can be conditional for European member states (Carrera & Cortinovis, 2022). Consequently, bordering countries in the Mediterranean do not experience many results from selective solidarity, which creates a further dimension of the state of exception. Migrants face unclear decision-making and relocation practices and are not included in the decision process of possible relocation (Karageorgiou & Noll, 2022).

5. Screening, country of origin and the Pact

Much of the criticism and attention during the so-called refugee crisis in 2015/2016 was directed at the implementation of 'hotspots' that were supposed to support the asylum process that faced pressure from the number of arriving applicants (Ferreira et al., 2022). Such hotspots shifted in their purpose from places to relocate to places of detention before their return (Ferreira et al., 2022). The new Pact addressed this issue by introducing a pre-entry screening, the 'pre-screening' process, to simplify the application process and avoid its overload through large numbers of applicants (European Commission, 2020). The pre-screening entails a "preliminary health and vulnerability check", registrations of fingerprint data and facial image data, and security checks with relevant European databases, ending with a "de-briefing form and referral to the appropriate procedure" (Dumbrava, 2022, p. 5). Although the screening itself does not decide about the refusal of entry or acceptance to the asylum process, the pre-screening is very likely to influence the outcome, as it directs migrants to the 'fitting authorities' (ECRE, 2020; Picum, 2021). Furthermore, this new instrument will emphasize fast-track procedures "focusing on low recognition rate countries" (Jakulevičienė, 2020). The procedure can take up to five days to assess the individual situation. However, if the third country of the individual shows an acceptance chance below 20 percent, the Pact specifies to reject of the application entirely (Cornelisse & Reneman, 2022). According to Human Rights Watch (2020), this process breaches the individual right to asylum and endangers a fair and equal procedure for all arriving people at the European border.

The State of Exception is prolonged by the bordering individuals arriving from these so-called safe countries. Refugees originating from countries with low acceptance rates are stripped of an equal chance of individual assessment of their situation. The new screening regulation puts an even more considerable emphasis on the notion of the safe country of origin, using it as an exclusion criterion for any consideration. Overall, the pre-screening process leaves individuals in the State of Exception because entering the EU's territory during the screening does not qualify as actually entering the EU's (legal) territory (ECRE, 2020). Therefore, it is almost impossible for migrants to get access to legal counsel from a third party and to enforce a reconsideration of any decision (Jakulevičienė, 2020). While reaching the EU and its territory, migrants find themselves in a void of exclusion created by the sovereignty of the EU.

6. Detention and the Pact

The above mentioned elements proposed by the Pact also enhance an additional element of the State of Exception for migrants discussed in this paper's last element. The refugee crisis of 2015/2016 was marked by dramatic pictures and reports of so-called hotspots which served as facilities for screening and registration for the preparation for relocation and return (Mentzelopoulou & Luyten, 2018). Human rights organizations have often criticized these facilities and, specifically, the approach of detention in camp-like structures for its lack of providing security and for not meeting humanitarian standards (Mentzelopoulou & Luyten, 2018). While the new Pact was proposed as a reaction to such shortcomings, the new instruments do not address the issue of detention. Furthermore, detention has become a standard practice in migration management to govern migrants for their return or during their screening. The pre-screening procedure requires up to ten days (Picum, 2021) and extends its detention to people who are eligible for relocation for up to four months (Picum, 2021).

The return sponsorship allows member states eight months in order to execute the relocation, during which migrants need to stay in detention (Picum, 2021). Instead of using detention as a last resort, the Pact's propositions led to "prolonged immigration detention" (ICJ, 2021, p. 14). Furthermore, the screening regulation and the solidarity Pact do not consider detention conditions and set standards for detention practices (ICJ, 2021). Detention is closely related to the concept of a State of Exception, as it presents a territorial distinction of people who are excluded from certain rights. During detention, migrants often face overcrowded camps, a lack of hygienic conditions, and a lack of security. Migrants are hence excluded in a territorial sense of being confined to a limited space. Most importantly, the State of Exception is manifested through detention conditions applied to the detainees. Due to the lack of self-determination, migrants are not able to access alternative measures and are restricted to waiting on decisions and actions of the European authorities and member states.

8. Conclusion

This paper approached the newly proposed Pact on Migration and Asylum 2020 from a lens of Agamben's theory of State of Exception. This analysis helps to understand whether the Pact managed to provide a real alternative to earlier practices. As presented in the analysis, the policies and instruments proposed by the Pact do not challenge the EU's status quo of migration management. Moreover, problematic practices such as the reinforcement of the concept of a 'safe third country' or migrant detention are reinforced through instruments that are framed as more effective and faster measures. Irregular migration and its policies are still situated in the State of Exception, not included in the legal system, and bordered by the sovereign power itself – the European Union. The migration Pact, therefore, is a 'quick fix' and a compromise, especially shown based on the solidarity agreement, instead of a straightforward approach to rethinking migration management for the future. Agamben (2005) saw the State of Exception become a normality for sovereign regimes. The Pact represents that the exclusion of individuals growingly becomes unquestioned, and inclusion is not part of the solution.

An essential point of departure for future research is that the consequences of migration management policies are not only the practical and political impacts. Through a conceptual approach to the general nature of EU migration politics, research can showcase not only whether policies are effective and practical but also how these policies interact with each other and whether the status quo, the general discourse, is actually being challenged.

References

- Agamben, G. (2005). *State of Exception*. University of Chicago Press.
- Amnesty International. (2022). *Libya/EU: Conditions remain 'Hellish' as EU marks 5 years of cooperation agreements*. Amnesty International. <https://www.amnesty.org/en/latest/news/2022/01/libya-eu-conditions-remain-hellish-as-eu-marks-5-years-of-cooperation-agreements>
- Bendel, P. (2021). *Fresh start or false start? The new pact on migration and asylum*. In S. Carrera & A. Geddes, *The EU Pact on Migration and Asylum in Light of the United Nations Global Compact on Refugees* (pp. 251–261). European University Institute.
- Bisong, A. (2021). *EU external migration management policies in west africa: How migration policies and practices in nigeria are changing*. In S. Carrera & A. Geddes, *The EU Pact on Migration and Asylum in light of the United Nations Global Compact on Refugees* (pp. 262–273). European University Institute.
- Carrera, S., & Cortinovis, R. (2022). *The declaration on a voluntary solidarity mechanism and EU asylum policy: One step forward, three steps back on equal solidarity*. In ceps.eu. CEPS. https://www.ceps.eu/wp-content/uploads/2022/10/CEPS-In-depth-analysis-2022-04_Voluntary-Solidarity.pdf
- Casas-Cortes, M., Cobarrubias, S., & Pickles, J. (2015). *Riding Routes and Itinerant Borders: Autonomy of Migration and Border Externalization*. *Antipode*, 47(4), 894–914. <https://doi.org/10.1111/anti.12148>
- Cassarino, J., & Marin, L. (2022). *The Pact on Migration and Asylum: Turning the European Territory into a Non-territory?* *European Journal of Migration and Law*, 24(1), 1–26. <https://doi.org/10.1163/15718166-12340117>
- Cornelisse, G., & Reneman, M. (2022). *Border Procedures in the European Union: How the Pact Ignored the Compacts*. *Laws*, 11(3), 38. <https://doi.org/10.3390/laws11030038>
- Dumbrava, C. (2022). *Screening of third-country nationals at the EU's external borders*. In *Europarl.europa* (PE 659.346). European Parliament.
- European Commission. (2020). *Communication from the Commission on a new pact on migration and asylum*. In *eur-lex.europa.eu* (Com(2020) 609 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609>
- European Council on Refugees and Exiles [ECRE]. (2020). *Screening out rights? Delays, detention, data concerns and the EU's proposal for a pre-entry screening process*. In *ecre.org* (Policy Note #30). <https://ecre.org/wp-content/uploads/2020/12/Policy-Note-30.pdf>
- European Council on Refugees and Exiles [ECRE]. (2021). *Tightening the screw: Use of EU external policies and funding for asylum and migration*. In *ecre.org* (Policy note #34). <https://ecre.org/wp-content/uploads/2021/03/Policy-Note-34.pdf>
- Ferreira, N., Kea, P., Kraler, A., & Wagner, M. (2022). *The EU and protracted displacement: Providing solutions or creating obstacles?* *SSRN Electronic Journal*, 48(18), 4436–4455. <https://doi.org/10.2139/ssrn.4217802>
- Garrido, L. E., Mieszkowski, S., Spengler, B., & Wewior, J. (2021). *Migrant Lives in a State of Exception (II): Sovereignty, Mobility and Agency in a Globalised World*. *Parallax*, 27(3), 241–249. <https://doi.org/10.1080/13534645.2022.2071202>
- Hadj-Abdou, L. (2021). *From the migration crisis to the new pact on migration and asylum: The status quo problem*. *Social Science Research Network*. <https://doi.org/10.2139/ssrn.3786906>
- Human Rights Watch [HRW]. (2020). *The pact on migration and asylum*. *Human Rights Watch*. <https://www.hrw.org/news/2020/10/08/pact-migration-and-asylum>
- International Commission of Jurists [ICJ]. (2021). *Detention in the EU pact proposals*. <https://icj2.wpenginepowered.com/wp-content/uploads/2021/06/Detention-in-the-EU-Pact-proposals-briefing-2021-ENG.pdf>
- Jakulevičienė, L. (2020). *Re-decoration of existing practices? Proposed screening procedures at the EU external borders – EU immigration and asylum law and policy*. *eumigrationlawblog.eu*. <https://eumigrationlawblog.eu/re-decoration-of-existing-practices-proposed-screening-procedures-at-the-eu-external-borders/>

Karageorgiou, E., & Noll, G. (2022). What is wrong with solidarity in EU asylum and migration law? SSRN Electronic Journal, 4, 131–154. <https://doi.org/10.2139/ssrn.3974596>

Lendaro, A. (2016). A 'European Migrant Crisis'? Some Thoughts on Mediterranean Borders. *Studies in Ethnicity and Nationalism*, 16(1), 148–157. <https://doi.org/10.1111/sena.12169>

Levy, C. (2010). Refugees, Europe, Camps/State of Exception: "Into The Zone", the European Union and Extraterritorial Processing of Migrants, Refugees, and Asylum-seekers (Theories and Practice). *Refugee Survey Quarterly*, 29(1), 92–119. <https://doi.org/10.1093/rsq/hdq013>

Mentzelopoulou, M., & Luyten, K. (2018). Hotspots at EU external borders: State of play. In *europarl.europa. European Commission*. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI\(2018\)623563_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/623563/EPRS_BRI(2018)623563_EN.pdf)

Maldini, P., & Takahashi, M. (2017). Refugee crisis and the european union: Do the failed migration and asylum policies indicate a political and structural crisis of european integration? *Communication Management Review*, 02(02), 54–72. <https://doi.org/10.22522/cmr20170223>

Mészáros, G. (2020). Rethinking the theory of state of exception after the coronavirus pandemic? – The case of hungary. In *Institute of Comparative Law ; University of Pécs Faculty of Law ; Josip Juraj Strossmayer University of Osijek, Faculty of Law eBooks* (pp. 91–100). https://doi.org/10.18485/iup_rlr.2020.ch7

Moreno-Lax, V. (2020). EU external migration policy and the protection of human rights. In *Think Tank. European Parliament*. [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603512/EXPO_IDA\(2020\)603512_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/603512/EXPO_IDA(2020)603512_EN.pdf)

Müftüler-Baç, M. (2021). Externalization of migration governance, Turkey's migration regime, and the protection of the European Union's external borders. *Turkish Studies*, 23(2), 290–316. <https://doi.org/10.1080/14683849.2021.1943661>

Norris, A. N. (2007). Sovereignty, Exception, and Norm. *Journal of Law and Society*, 34(1), 31–45. <https://doi.org/10.1111/j.1467-6478.2007.00380.x>

Oxfam. (2020). EU plans for solidarity mechanism legitimize the status quo, says Oxfam [Press release]. <https://www.oxfam.org/en/press-releases/eu-plans-solidarity-mechanism-legitimize-status-quo-says-oxfam>

Pacciardi, A., & Berndtsson, J. (2022). EU border externalisation and security outsourcing: exploring the migration industry in Libya. *Journal of Ethnic and Migration Studies*, 48(17), 4010–4028. <https://doi.org/10.1080/1369183x.2022.2061930>

Panebianco, S. (2022). The EU and migration in the mediterranean: EU borders' control by proxy. *Journal of Ethnic and Migration Studies*, 48(6), 1398–1416. <https://doi.org/10.1080/1369183x.2020.1851468>

Pichon, E. (2021). The external dimension of the new pact on migration and asylum. In *European Parliamentary Research Service (PE 690.535). European Parliamentary*. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690535/EPRS_BRI\(2021\)690535_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690535/EPRS_BRI(2021)690535_EN.pdf)

Picum. (2021). The EU migration pact: Questions and answers. *picum.org*. <https://picum.org/eu-migration-pact-questions-answers>

Roberts, B., Murphy, A., & McKee, M. (2016). Europe's collective failure to address the refugee crisis. *Public Health Reviews*, 37(1). <https://doi.org/10.1186/s40985-016-0015-6>

Hönig, P. (2014). States, borders and the state of exception: Framing the unauthorised migrant in europe. (2014). *Etnofoor*, 26(1), 125–145. <https://www.jstor.org/stable/43264036>

Terry, K. (2021). The EU-Turkey deal, five years on: A frayed and controversial but enduring blueprint. *Migration Information Source*. <https://www.migrationpolicy.org/article/eu-turkey-deal-five-years-on>

Vaughan-Williams, N. (2009). The generalised bio-political border? Re-conceptualising the limits of sovereign power. *Review of International Studies*, 35(4), 729–749. <https://doi.org/10.1017/s0260210509990155>

Zoomers, A., Van Noorloos, F., & Van Liempt, I. (2018). Between sticks and carrots: The future of EU migration deals. *Clingendael Spectator*, 72(3). <https://spectator.clingendael.org/pub/2018/4/the-future-of-eu-migration-deals/>

1. Introduction

Slowly drifting across the Mediterranean Sea, a little wooden boat carries too many of us. And so, I can feel us slowly begin to sink. I worry, because I cannot swim, nor can many of us. Yet, this is a risk we have taken. This is the risk we needed to take, in order to flee the violence of the Civil War back home in Libya. This experience is the harsh reality of many Libyans, who have fled in small boats in the hope to reach Italy and seek refuge. Particularly, after the fall of Gadhafi and the eruption of the Civil War in Libya, a migratory passage between Libya and Italy was formed (Yuksel, 2019). This passage was created by illegal human smugglers, who made use of the inherent distress of these migrants and put them in extremely dangerous conditions to cross the Mediterranean. In 2015, at the height of the migration crisis, the EU was pressured by the international community, to take responsibility and action in preventing similar humanitarian atrocities to materialize (Yuksel, 2019). As a result, EUNAVFOR MED, the European Union Naval Force – Mediterranean, also known as Operation Sophia was created. This raises the question: what is Operation Sophia, what are its main objectives? And has it been successful?

Operation Sophia is a military operation, established to manage the refugee smuggling routes from Libya to Italy. The core mandate of the operation is to “undertake systematic efforts to disrupt the business model of human smuggling and trafficking networks in the Southern Central Mediterranean and prevent the further loss of life at sea” (EUNAVFOR MED, 2017, P1). Additionally, Operation Sophia is part of a larger “EU comprehensive response to the migration issue, which seeks to address not only its physical component, but also its root causes, as well as including conflict, poverty, climate change and persecution” (EUNAVFOR MED, 2017, P1).

Despite Operation Sophia’s significant efforts, the Operation faced serious criticism and contestation, particularly in an extensive report by the House of Lords. Therefore, this paper will explore to what extent Operation Sophia is effective in achieving its central missions as an EU comprehensive response to the current migration issue in the Southern Central Mediterranean. In exploring this, it will analyze the operation’s limitations and successes, in accordance with the underlying EU law of the Common Security and Defense Policy (CSDP). The research will be based on a legal analysis and literature review, as well as my personal analysis on the matter. Based on these findings, the paper will argue that although Operation Sophia could potentially be effective in the physical disruption of human trafficking business models in the Southern Central Mediterranean, it is unsuccessful in addressing the root causes of the ongoing migration issue and thereby upholding the human dignity of migrants. Consequently, in its entirety, Operation Sophia cannot be considered successful and effective, which is extremely vital to establish, considering the countless human lives at stake.

2. EU Legal Framework - CSDP & its Limitations

EUNAVFOR MED Operation Sophia was established under the EU's CSDP, by the EU Foreign and Defense Ministers following the extraordinary European Council of 23 April 2015 (Boşilcă et al., 2020). The CSDP is the European Union's "course of action in the fields of defense and crisis management, and a main component of the EU's Common Foreign and Security Policy "(CSDP, 2022). It was also decided that the operation would be located in Rome, under the Italian Command Force in co-operation with Libyan forces (Legislative Train 12.2022, 2019). Under the CSDP, Operation Sophia specifically relies on Articles 42(1) and 43 of the Treaty of the European Union (TEU), stipulating the operations guidelines and capacities.

Nevertheless, Operation Sophia's reliance on the CSDP has arguably limited the successes of the operation in addressing the root causes of the migration issue, for the following reasons. First, the EU has launched a military response to a civilian crisis, which is questionable considering its limited experience in naval deployments (Smith 2017 in Boşilcă et al., 2020, p. 218). The EU Military Committee even questioned this decision (Boşilcă et al., 2020, p. 219). Furthermore, I argue that framing the migration crisis under a security and defense policy can also be perceived as problematic. Namely, this framing suggests it is trying to keep migrants out of the EU rather than acting as a successful response to the ongoing migration crisis and facilitating the care of incoming migrants. Lastly, the CSDP's success is based on Member States capabilities as stated in Article 42(1) of the TEU. In the past, Member States have struggled on reaching common ground with regard to the CSDP. Regarding Operation Sophia, if Member States cannot agree on important matters, the effectiveness of the operation is also inevitably impacted. Therefore, while Operation Sophia possesses the necessary naval resources to effectively engage with human smugglers as a military response within the Common Security and Defense Policy (CSDP), it fails to address the underlying causes of the ongoing migration issue and consequently falls short in upholding the human dignity of migrants.

3. Deflection of Responsibility

Secondly, Operation Sophia is unsuccessful in addressing the root causes of the ongoing migration issues and thereby upholding the human dignity of migrants as, according to Amnesty International, there is an existent deflection in responsibility to protect migrants by the EU (2017). Within the EU more conservative anti-immigration voices have been gaining prominence, fostering a hostile attitude towards incoming refugees (Amnesty, 2017). This has forced EU member states to comply in limiting access to European territory (Amnesty, 2017). Consequently, to reduce sea crossing from Libya to Italy, EU leaders have engaged in "multilateral and bilateral efforts to foster cooperation with Libyan authorities" (Amnesty, 2017). Under these efforts, the EU has been training Libyan coastguards in handling the interception of migrants (Amnesty, 2017). By doing this, Italian authorities are essentially deflecting their responsibility by allowing Libyan authorities to intercept and facilitate the migrant's boats (Amnesty, 2017). Following interception, Libyan authorities return migrants to detention centers in Libya, where they are tortured, raped, and forced to face inhuman and degrading conditions, according to survivors (Amnesty, 2017).

The EU is thereby sanctioning the migrants' return to Libya where they are subjected to serious human rights violations. This year over 82,000 men, women and children have been returned to Libyan detention centers (Amnesty, 2022). Magdalena Mughrabi, interim Deputy of the Middle East and North Africa at Amnesty International stated that "Europe shouldn't even think about migration cooperation arrangements with Libya if it results, directly or indirectly, in such shocking human rights violations. The EU has repeatedly shown it is willing to stop refugees and migrants from coming to the continent at almost any cost now, with human rights taking a back seat" (2016). Thus, in attempting to address the underlying root causes of the migration crisis and upholding human dignity - a central mission of Operation Sophia - the mission has proved unsuccessful. It has instead diverted the responsibility and well-being of the migrants to Libyan authorities, where the EU is aware of the inhumane and degrading treatment they will face. It can be argued that the EU has been effective in disrupting smugglers collaboratively with Libyan authorities through training programs, but it has been extremely unsuccessful in protecting the migrants and their dignities, which is also a central mission of the operation.

4. A Magnet to Migrants

Lastly, Operation Sophia is unsuccessful in addressing the root causes of the ongoing migration issue because the operation has rather become a 'magnet to migrants' (Pricopi, 2016, p.125). Migrants misleadingly believe that all they need to do is reach the high seas through illegal smuggling and once there they will be picked up by European naval capabilities and brought to safety in Europe (Pricopi, 2016, p. 125). This causes migrants to increasingly risk their lives unnecessarily as oftentimes the migration journey does not go smoothly; migrants' lives are lost at sea, or they are brought to Libyan detention centers. Yet, the operation has motivated migrants to take the dangerous routes across the ocean because they believe they will be rescued, only to find the reality is very different. Hereby, Operation Sophia is not successful because it addresses the symptoms of the migration crisis - human smugglers at sea - rather than the real root causes of the issue (Pricopi, 2016, p. 125). Namely, the migrant routes from Libya to Italy can be cleared, but traffickers will continue to find other ways to human traffic, whether this is over land or through even more dangerous routes/conditions that are not as easily detectable by authorities (Pricopi, 2016, p. 125). Even more, Operation Sophia's efforts could have the reverse effect of "preventing further loss of life at sea" as the core mission stipulates, as it is attracting migrants to risk their lives crossing the Mediterranean. Addressing the root causes of the migration issue is a central mission of Operation Sophia and simply intercepting human smugglers at sea does not facilitate this goal. Operation Sophia "fails to reach the core of the problem": the improvement of the security situation in North of Africa, which forces migrants to seek refuge (Pricopi, 2016, p. 125). As it stands, Operation Sophia's inability to address these root causes renders it ineffective in its mission. Therefore, Operation Sophia should shift its focus towards improving its approach to effectively address the root causes of the ongoing migration crisis. By doing so, it can truly tackle the underlying factors contributing to the migration issue.

5. *Were there Successes?*

Nevertheless, Operation Sophia has also had significant successes. Namely, it has managed to save 49,000 migrant lives, has allowed for the the arrest of 140 suspected human traffickers and destroyed more than 500 smuggler boats (Yuksel, 2019). Moreover, contrastingly to what was expected, according to Yuksel, Operation Sophia is also a classifiable success because almost all Member States were able to work together under the CSDP umbrella. Accordingly, Operation Sophia can also be an allocated success in disrupting the human trafficking business models. Yet, although significant, as seen below in an infographic composed by the European Council, comparatively Operation Sophia has still saved less lives than other operations, hinting towards the idea that it could potentially be made more effective and that there remains substantial room for improvement.

Particularly, as discussed, Operation Sophia has not been a success with regards to addressing the root causes of the migration issue. Namely, the above statistics only demonstrate success of the physical human smuggler interceptions and thus Operation Sophia can still not be considered an overarching success.

6. *Conclusion*

In conclusion, although Operation Sophia could potentially be effective in the disruption of human trafficking business models in the Southern Central Mediterranean, it is unsuccessful in addressing the root causes of the ongoing migration issue and thereby upholding the human dignity of migrants. This is because of the limited legal framework of the CSDP, the deflection of responsibility inherent and because the program begins to act as a magnet to migrants. In order to comprehensively address the root causes of the migration issue, significant reform is needed. Every year, thousands of migrants still drown in the Mediterranean. This is something that as the EU, we can no longer accept and must initiate effective and successful action against. The rights and integrity of migrants must be upheld, especially considering the atrocities that are often being fled from. Fortunately, this reform has been recognized as Operation Sophia reformed into Operation Irini in March of 2020 until at least 2023 (Yuksel, 2019). Nevertheless, Operation Irini still maintains similar limitations as Operation Sophia in relying on Libyan coastguards and a military response and rather just has a wider focus on the UN's embargo of Libya. And so, the question now arises, will Operation Irini be able to effectively address the root causes of the migration issue at hand or is this transformation just simply a change of name?

References

- Amnesty International. (2016). EU risks fuelling horrific abuse of refugees and migrants in Libya. Amnesty International. <https://www.amnesty.nl/actueel/eu-risks-fuelling-horrific-abuse-of-refugees-and-migrants-in-libya>
- Amnesty International. (2017). Italy: Refugees and migrants in the central Mediterranean, cutting the lifelines. Amnesty International. <https://www.amnesty.nl/actueel/italy-refugees-and-migrants-in-the-central-mediterranean-cutting-the-lifelines>
- Boşilcă, R.-L., Stenberg, M., & Riddervold, M. (2020). Copying in EU security and defence policies: the case of EUNAVFOR MED Operation Sophia. *European Security*, 30(2), 1–19. <https://doi.org/10.1080/09662839.2020.1845657>
- Butler, G., & Ratcovich, M. (2016). Operation Sophia in Uncharted Waters: European and International Law Challenges for the eu Naval Mission in the Mediterranean Sea. *Nordic Journal of International Law*, 85(3), 235–259. <https://doi.org/10.1163/15718107-08503003>
- CSDP. (2022). The Common Security and Defence Policy | EEAS Website. [Www.eeas.europa.eu](http://www.eeas.europa.eu). https://www.eeas.europa.eu/eeas/common-security-and-defence-policy_en
- EUNAVFOR MED. (2017). Mission. EUNAVFOR MED Operation Sophia. <https://www.operationsophia.eu/about-us/>
- Legislative Train 12.2022, (2019).
- Pricopi, M. (2016). EU Military Operation Sophia – Analysing the Shortfalls. *Scientific Bulletin*, 21(2), 122–127. <https://doi.org/10.1515/bsaft-2016-0046>
- Yuksel, S. (2019). Operation Sophia – Past, Present and Future | Beyond the Horizon ISSG. Beyond the Horizon. <https://behorizon.org/operation-sophia-past-present-and-future/#:~:text=Despite%20all%20the%20flaws%2C%20especially>

The Legality of 'Safe Country Initiative' Within International Refugee Law

POLINA GANKINA

1. Introduction & Problem Statement

There are still 78 countries that penalise individuals based on their sexual orientation, some even imposing the capital sentence (ILGA, n.d.). The European Union (EU) adopted the Recast of the Qualification Directive in 2011, which created an official ground for asylum on the basis of sexual orientation and gender (ILGA, n.d.). Those seeking asylum on the basis of their sexual orientation and gender face many acute human rights abuses throughout the application process, such as infringements upon the right to privacy and the right to human dignity (Jansen and Spijkerboer, 2011). Therefore, this paper will analyse whether the EU safe-country list for LGBTQIA+ asylum seekers, with a focus on the Republic of Turkey, is in accordance with the International Human Rights legal framework.

According to the United Nations High Commissioner for Refugees (UNHCR), the UN Refugee Agency, a 'safe third country' encompasses a concept that has been applied to third countries that aid states that receive refugees with the responsibilities and burdens of granting temporary asylum (UNHCR, 1991). One of these safe third countries, as recently proposed by the European Commission (Commission) and recognised by the Dutch government, is Turkey (European Commission, 2016). This means that if an asylum seeker has entered the EU through Turkey, they may be coerced into returning there for the asylum procedure. While this mechanism of 'safe third countries' has been further encouraged by the Communication on the State of Play of the European Agenda on Migration, it appears to be controversial and may offset the progress that has been made for the LGBTQIA+ asylum claims (European Commission, 2016). The concept of 'safe third countries', as incentivized by the Commission, has an overall negative effect on the vulnerable groups of refugees, specifically those belonging to LGBTQIA+ denomination.

The paper will analyse the process using the 1951 Convention, specifically focussing on the non-discrimination and non-refoulement principles, as laid down in Article 3 and 33 of the 1951 Convention respectively. This research will conduct a doctrinal analysis of the human rights abuses within the 'safe third countries' and explain why this concept endangers vulnerable groups, specifically the LGBTQIA+. It will then analyse the credibility of Turkey as a 'safe third country' for LGBTQIA+ migrants. It will study the current policies implemented, case reasoning and outcomes, and their lack in the dimension of human dignity. This paper concludes that due to the inability to satisfy the principles of non-discrimination and non-refoulement as laid down in the 1951 Convention, Turkey cannot qualify as a 'safe third country', as it discriminates against the migrants who are members of a particular social group: LGBTQIA+.

2. Theoretical and Legal Framework of the Rights of Refugees

1951 Convention, XYZ CJEU Case, Asylum Procedures Directive, Principle of Non-Discrimination, and Principle of Non-Refoulement.

The two guiding international instruments that preside over refugee protection are the 1951 Convention and its 1967 Protocol relating to the Status of Refugees (1967 Protocol). These two documents serve as the foundation of international refugee law, as they define a refugee, set out their rights, and establish State's legal obligation towards their protection. Furthermore, they specify the non-refoulement and non-discrimination principles and provide a universal code for the management of conduct towards individuals who were forcibly displaced as a result of persecution, conflict, or human rights violations (UNHCR, 2019).

The two treaties do not specifically define discrimination on the basis of sexual orientation and gender identity. However, this falls into the criterion of persecution against a particular social group (see 1951 Convention, Article 1A(2)). Furthermore, the 1951 Convention establishes the principle of non-discrimination in Article 3, which applies the rights of the Convention to all refugees regardless of their race, religion, or country of origin (1951 Convention, Article 1A(2)).

A core principle outlined in the 1951 Convention is the right not to be subject to refoulement. Article 33 of the Convention "guarantees that no one should be expelled or returned to a country where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

From the non-refoulement principle the question arises what is the definitive threshold of when the refugees can be considered to be safe from the inhumane treatment. This question was answered in the precedential case of the XYZ judgement (judgement of 7 November 2013 in case C-199/12 to C201/12). The ruling established that asylum claims are valid solely for those fleeing countries that apply explicit legal sanctions for deviating from the hetero-normative sexual orientation. This creates a controversy, as it disregards refugees fleeing countries where the hostility is exerted by the non-state actors and social stigmatisation.

According to the Asylum Procedures Directive (Directive 2023/32/EU) member states have the possibility to, instead of following the standard asylum granting procedure, pass the asylum claim to a third country instead. This concept of third country is defined by the European Commission in the Asylum Procedures Directive (see Directive 2023/32/EU, Article 38(1)(e)) as a country that has provided the possibility to receive protection in compliance with the Geneva Convention, that the applicant has passed through, that is geographically close to the applicant's country of origin, and that is reasonable for the claimant to seek asylum in (see also Aliens Act The Netherlands 200, Article 3.106a(1)(a)). The choice and evaluation of the safety of the third country that an asylum seeker may be sent to is decided on a case-by-case basis (Dutch Council for Refugees, 2022).

Article 38 of the European Asylum Procedure Directive also formulates four criteria that give a country the status of a 'safe third country' (Directive 2013/32/EU, Article 38). First and foremost, the country must hold up the 'non-discrimination principle' and the asylum seekers have to maintain all the rights granted through the 1951 Convention, regardless of their "race, religion, nationality, membership of a particular social group or political opinion" (Directive 2013/32/EU, Article 38(1)(a)). Secondly, there has to be no risk or harm for the asylum seekers. Thirdly, the claimants must have the opportunity to move forward with their asylum claims and be granted protection in the meantime. Finally, the country has to respect the aforementioned principle of non-refoulement.

This procedure has many incentives and is rather appealing to Member States, specifically due to the all-time high number of refugees (UNHCR, 2021). In 2020, more than 82.4 million people globally were forced to leave their home countries as a result of persecution or conflict (UNHCR, 2021). As states are often unable to process all the asylum claims, let alone grant asylum to all, the procedure of passing the baton to the 'safe third countries' benefits both sides; member states have the right to deny and disregard asylum claims of those who could have sought asylum in the 'safe third countries' in accordance with the Article 33(2)(c) of the European Asylum Procedure Directive (Directive 2013/32/EU), and those seeking refuge will enjoy faster claim processing as the number of refugee claims will potentially be redistributed among the different safe countries.

3. Social Context Within a 'Safe Third Country': Human Rights Violations of LGBTQIA+ Individuals in Turkey.

Turkey currently hosts over 3.7 million refugees and is the biggest refugee host country according to UNHCR Global Trends 2020 (UNHCR, 2021). Its geographical placement allows it to act as a passage for refugees seeking asylum in Europe. Through the EU's 2016 Migration Deal with Turkey, Turkey qualified as a safe country (Terry, 2021). It is one of the few countries that fit the criteria, due to the leeway of the ratification of the Geneva Convention without which geographical reservation is not a requirement (Directive 2013/32/EU, Article 38(1)(e)).

However, while Turkey is one of the major host countries in the world, it still poses risks to the safety of several marginalised groups, including those belonging to the LGBTQIA+ community (Kaos GL Association, 2015). Individuals diverging from the standard of heterosexuality often face violence and persecution that can stem from the general stigmatisation and homophobia as well as from discriminatory domestic laws and arbitrary administrative measures (Kaos GL Association, 2015).

Turkey does not have specific legislation directly criminalising homosexuality or belonging to the LGBTQIA+, which implies lack of legal sanctions against the LGBTQIA+ community. Nevertheless, there is a lack of domestic legal protection for LGBTQIA+ individuals in Turkey (Kaos GL Association, 2015) and hate crimes against those self-identifying as LGBTQIA+ are often relatively lightly punished. This is due to the Article 29 of the Turkish Criminal Code, which reduces the sentence of an offence committed with "effect of anger or asperity caused by the unjust act" (Turkish Criminal Code, Article 29). Judges have the freedom to interpret the term 'unjust act', and they frequently elucidate to non-heteronormativeness of the victim as an 'unjust provocation' (Turkish Criminal Code, Article 61(5)). For instance, on February 26 2014, an offender's sentence was reduced from a life sentence to 18 years on the grounds of the victim "being a transvestite", which qualified as an 'unjust act', consequently justifying the aggression (LGBTI News Turkey, 2014).

Moreover, freedom of speech, specifically with regards to non-heteronormative 'agenda', has been heavily censored (Kaos GL Association, 2015). Homosexual dating applications facilitated by computer networking, such as Grindr, have been blocked in accordance with Law No. 5651 on Regulating Broadcasting in the Internet and Fighting Against Crimes Committed Through Internet Broadcasting (Kaos GL Association, 2003). Article 226 of Turkey's Criminal Code on 'indecenty', is used to target media that actively "promote homosexuality", such as songs or books that imply romantic relations between people of the same sex (see LGBTI News Turkey, 2014; LGBTI News Turkey, 2013).

Turkey's Law on Civil Servants may be used to dismiss members of LGBTQIA+ from an employment position on the grounds of acting "in a shameful and embarrassing way unfit for the position of a civil servant" (Turkish law on Civil Servants Article 125E(g). According to an Amnesty International survey, roughly a third of LGBTQIA+ participants faced discrimination in the hiring process due to their non-heteronormativity (Amnesty International, 2011).

To qualify for the asylum procedure claimants are often asked to demonstrate the proof of concrete legal sanctions being inflicted upon them (Council Directive 2004/83/EC Article 9(1), Article 9(2), Article 10(1)(d), Article 10(2)(c)). This requirement turns a blind eye towards the social stigma and implications of the laws directed towards non-heteronormative sexual orientation that may exist within the country of origin or destination (FRA, 2015). The fact that only concrete legal sanctions are taken into consideration calls into question the credibility of the safeness behind the concept of 'safe third countries' for vulnerable groups. Furthermore, it challenges Turkey as a safe third country for LGBTQIA+ asylum seekers.

4. Legal Analysis and Application of the 1951 Convention to the Concept of 'Safe Third Countries'

Regardless of the benefits of the 'safe third country' concept, such as a faster and accelerated asylum procedure, it creates further dangers within the dimension of human rights, specifically for the vulnerable groups such as the LGBTQIA+ (Jansen and Spijkerboer, 2011). The hazards and violations of human rights will be explained in the next section in the following order: lack of credibility in the identification of the safety of the third country, shift in the burden of proof, and failure to respect the principle of non-refoulement (European Court of Human Rights, 2022).

4.1 Credibility of safety.

First, the credibility of safety of the country and the logic behind this notion plays an important role in determining if a country is safe for those that identify as a part of the LGBTQIA+ community (ILGA 2021). In accordance with the XYZ Case, safety of the country is determined based on the legal sanctions imposed against those seeking refuge on the basis of their sexual orientation. In other words, the determining factor is whether non-heteronormative behaviour is criminalised (judgement of 7 november 2013 in case C-199/12 to C201/12). However, as in Turkey's case, homophobia does not manifest itself solely through the explicit legal statutes (Kaos GL Association, 2015). The social stigmatisation of groups belonging to the LGBTQIA+ creates an equally dangerous environment (Kaos GL Association, 2015). However, asylum claims and international protection are often rejected if the country is considered legally safe (Council Directive 2004/83/EC). Furthermore, if the applicant has not publicly disclosed their non-heteronormative sexual orientation, and if they abstain from any further 'external manifestation', they are considered to be safe in countries where homophobia is heavily widespread .

This is because they face no immediate danger there, and allegedly have the same potential consequences of living in their country of origin as heteronormative individuals (Judgement of 7 november 2013 in case C-199/12 to C201/12, see para 15). This take is heavily controversial, as the credibility of countries' level of safety for asylum seekers should not be judged merely on the laws, but also on the social context. This ultimately means that the list and general definition of countries that are considered safe for LGBTQIA+ asylum seekers are flawed. This contestation of credibility has further been reinforced by the statement of the European Parliament that certain 'safe third countries' are not in reality safe for the asylum determination of LGBTQIA+ refugees (European Parliament 2016).

4.2 Shift in the Burden of Proof.

Second, the shift in the burden of proof from the state authorities that grant asylum to the asylum applicants put applicants in a vulnerable position. The acceleration of the asylum procedure through the 'safe third country' concept leads to a shift in the burden of proof from state authorities to the asylum applicant. Due to the internalised stigma, feeling of shame and homophobia that the refugees experience, they may need time to come out and reveal the intent behind their seek of asylum (European Court of Human Rights, 2022). The acceleration of the asylum procedure, and forceful dispatch of the LGBTQIA+ refugees to the 'safe countries' without proper identifications may pose great risk to their wellbeing. This is due to the social stigmatisation of non-heteronormativity, and sometimes even legal sanctions imposed against members of LGBTQIA+ community. This process creates a shift in the burden of proof from the authorities to the asylum seekers (Jansen and Spijkerboer, 2011). Acceleration in processes like these, while it may prove to be effective on the grand scale of managing the refugee crisis, fails to account for the abuse of the individual human rights element of the protection of refugees. The UNHCR recognizes this issue and creates an agenda of alleviating the burden of proof gap "between asylum seeker and Member State through EU legislation on the matter" (UNCHR, 2019 p9-10).

4.3 Principle of Non-Refoulement.

Thirdly, spanning from the two previous points, the concept of 'safe third country' proposed by the European Commission violates the principle of refoulement outlined in the 1951 Convention. The process of passing down the refugee claims to the 'safe third countries' entails exactly what the refoulement principle aims to protect against (European Court of Human Rights, 2022). As outlined earlier, the most basic right that refugees have is the right to remain safe and not be deported to the country where their freedom or their life would be threatened (see 1951 Convention). Returning to a 'safe third country' does not allow LGBTQIA+ refugees this right. Although the choice and determination of the country that the asylum seeker's claims are being transferred to is decided on a case-by-case basis (ILGA, 2021), the procedure still fails to account for the vulnerable groups. Vulnerable groups may have different conditions during the asylum procedure; if the application is fast-tracked and the claimant's non-conforming sexual orientation, gender identity or complexity of the claim is disregarded, it suggests that the principle of non-refoulement is not accounted for due to the lack of an in-depth assessment of the claimant's personal situation and circumstances.

Moreover, as outlined before, the credibility of the countries that are considered as safe is judged solely on the legal sanctions that are imposed on vulnerable groups, without consideration of the societal actors in this process (European Court of Human Rights, 2022). This inaccurate qualification may create a false sense of safety for non-heteronormative refugees who may be transferred there through the 'safe third country' procedure. Thus, the initiative to use 'safe third countries' risks sending refugees to countries that pose a danger to their lives and their freedom (Kaos GL Association, 2015).

5. Analysis of Turkey as an invalid safe country, in accordance with the Asylum Procedures Directive and the principles of non-discrimination and non-refoulement.

Article 38 of the Asylum Procedures Directive establishes that a safe country must satisfy four criteria: it must hold up the non-discrimination and non-refoulement principle, it must pose no risk or serious harm towards the asylum seekers, it must grant the refugees temporary protection and it must provide refugees the ability to move forward with their asylum claims (Directive 2013/32/EU). The following section will analyse whether Turkey meets these criteria in relation to LGBTQIA+ migrants, and can thus be considered a 'safe third country'.

When it comes to the application of the criteria of an appropriate process of an asylum claim and granting protection in the meantime, Turkey falls short. While the LGBTQIA+ claimants are hypothetically able to follow the full asylum procedure, they face many challenges overcoming homophobic social stigma built into the administrative and legal processes (Kaos GL Association, 2015). For instance, the Ankara First Administrative Court in its 2015/418 E. and 2015/2863 K. judgement states that in order to determine and fully assess the validity of an asylum claim, not only the presence of legal persecution in the country of origin should be established, but the intensity of the "fear of persecution on justified reasons" must be evaluated too (Ankara First Administrative Court 2015/418 E and 2015/2863 K). This subjective terminology gives rise to possibly prejudiced interpretations against the non-heteronormative minority. Court officials have the power to judge cases through their own discernment, which can be greatly influenced by the homophobic agenda in the country, as seen in the case of the transgender identity justifying a reduced murder sentence, as is shown in the 2015/418 E and 2015/2863 K judgements.

The principle of non-discrimination requires the third country to not discriminate against the asylum seekers on the basis of their "race, religion, nationality, membership of a particular social group or political opinion" (1951 Convention, para 12). In the case of LGBTQIA+ asylum seekers, they should not be discriminated against on the basis of their 'membership of a social group' (see 1951 Convention, para 11). Turkey, however, fails to meet this principle, given the countless human rights violations against LGBTQIA+ individuals (Kaos GL Association, 2015). While, as stated earlier, these violations do not transpire as legal sanctions against non-heteronormativity, the general social stigma does show a different treatment, and therefore discrimination (1951 Convention, para 12). This can be seen through the limited freedom of speech on the topic of homosexuality, as well as employment discrimination, and general homophobia, as outlined earlier in this paper (Kaos GL Association, 2015). The next criteria of a 'safe third country' is the absence of any potential risk or harm towards the refugees.

To analyse the risk of serious harm that can be faced by LGBTQIA+ asylum seekers, this paper will draw upon the so-called hate practices that manifest themselves across the country. Hate crimes committed against LGBTQIA+ individuals are another indication of the unsafe nature of the environment. Turkey has had at least 41 murders of self-identifying individuals between the years of 2010 and 2014. This number does not account for other harassments, such as rape, ill-treatment, or torture (Kaos GL Association, 2015).

The final consideration that defines a 'safe third country' is it not endangering the migrants through a forceful return to the places where they are likely to face torture, misconduct, persecution, or violence (1951 Convention, para 13). The general violation of the principle of non-refoulement can once again stem from the previous points, and is heavily affected by the country's homophobic attitudes and inability to be considerate over one's sexual orientation, as seen through cases of discrimination in court and in employment contracts (Kaos GL Association, 2015). The principle of non-refoulement is ratified and signed by the countries through the Geneva Convention (Aliens Act The Netherlands 2000). However, Turkey, having signed but not ratified the Convention, faces challenges in following the principle guidelines (Directive 2013/32/EU).

In conclusion, Turkey does not satisfy any of the four criteria points that give a country the hypothetical status of being safe for LGBTQIA+ migrants. The effects of the social stigma and hate towards non-heteronormativity spreads into every field of the refugees' lives. This paper concludes that Turkey does not satisfy the principles of non-discrimination and non-refoulement as outlined in the 1951 Convention, and is not a safe country for all refugees and discriminates against the members of a social group: the LGBTQIA+ community.

6. Conclusion

This paper assessed the ethical nature and credibility of safety of asylum for the LGBTQIA+ community. It concludes that the list of the 'safe third countries' fails to meet the requirements of international refugee law, as outlined in the 1951 Convention. This is due to its measure of 'safety' disregarding the persecution of refugees from countries where hostility is exerted by non-state actors and social stigmatisation. Furthermore, it outlines the negative implication of the policy towards the refugees' increased responsibility of rapidly providing proof of their sexuality in the process, risking being sent to the country that may persecute them on the basis of it. It then argues that the policy of 'safe third countries' lacks in the dimension of human dignity and does not fulfil the non-refoulement principle, as it dispatches the particularly vulnerable group of refugees to a country that they are not entirely safe in.

This paper further analysed the implications of using the mechanism and concept of 'safe third countries' with regards to LGBTQIA+ refugees by inspecting an EU-approved "safe" country - the Republic of Turkey. Preceding the analysis of Turkey within the Asylum Procedures Directive and the 1951 Convention, this paper outlined the human rights abuses, the social stigma, and homophobia embedded into the lifestyle and institutional structure of the country. These examples were then used to provide concrete proof of the inexact qualification of Turkey as a 'safe third country', and the analysis comes to this conclusion in accordance with the principles of non-discrimination and non-refoulement.

References

- Directive 2013/32/EU, *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection*, OJ L 180 60-95
- Judgement of 7 november 2013, XYZ, C-199/12 to C 201/12, EU:C:2013:720
- Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137
- Council Directive 2004/83/EC, *Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted*, OJ L 304 12-23
- Aliens Act The Netherlands 2000, *Vreemdelingenwet 2000*
- Protocol relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series vol. 606 p. 267.
- Ankara 1st Administrative Court case 2015/418 E
- Ankara 1st Administrative Court case 2015/2863 K.
- Turkish Criminal Code, Law No. 5237
- Turkish Law on Civil Servants, Law No 657
- Secondary Sources
- Amnesty International, (2011). *Not an Illness nor Crime': Lesbian, Gay, Bisexual and Transgender People in Turkey Demand Equality*, available at:
<<http://www.amnesty.org/en/library/asset/EUR44/001/2011/en/aff47406-89e4-43b4-93ed-ebb6fa107637/eur440012011en.pdf>>.
- Dutch Council for Refugees, (2022). *Safe Third Country - Asylum Information Database: European Council on Refugees and Exiles*.
- European Commission, (2016). *Communication from the commission to the European Parliament and the council: on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration*. Retrieved from <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex:52016DC0085>
- European Court of Human Rights (2022). *Guide on the Case-Law of the European Convention on Human Rights - LGBTI Rights*. Retrieved from <https://echr.coe.int/Documents/Guide_LGBTI_rights_ENG.pdf>.
- European Parliament (2016). *Report on the situation of women refugees and asylum seekers in the EU. (2015/2325(INI)) (2016)*. Retrieved from https://www.europarl.europa.eu/doceo/document/A-8-2016-0024_EN.html
- FRA (2015). *Protection against Discrimination on Grounds of Sexual Orientation, Gender Identity and Sex Characteristics in the EU: Comparative Legal Analysis*. Retrieved from https://fra.europa.eu/sites/default/files/fra_uploads/protection_against_discrimination_legal_update_2015.pdf
- ILGA (n.d.). *Asylum in Europe*. Retrieved from <https://www.ilga-europe.org/what-we-do/our-advocacy-work/asylum-europe>
- ILGA (2021) *Policy Briefing on LGBTI Refugees and EU Asylum Legislation*. Retrieved from <https://www.ilga-europe.org/resources/policy-papers/policy-briefing-lgbti-refugees-and-eu-asylum-legislation>>.
- Jansen, S. and Spijkerboer, T. (2011). *Fleeing homophobia: Asylum claims related to sexual orientation and gender identity in Europe*
- Kaos GL Association (2003). "Grindr Censored in Turkey! Retrieved from <http://www.kaosgl.com/page.php?id=14799>
- Kaos GL Association (2015),. *Human Rights Violations of LGBT Individuals in Turkey*. Retrieved from <https://kaosgldernegi.org/images/library/2014human-rights-violations-of-lgbt-individuals-in-turkey.pdf>
- LGBTI News Turkey (2013). *Court Finds French Book 'Obscene*. Available at:
<http://lgbtinewsturkey.com/2013/08/12/sel-apollinaire-case/>.
- LGBTI News Turkey (2014). *Killing a Trans is Reason for Reduced Sentences*. Available at:
<<http://lgbtinewsturkey.com/2014/06/05/killing-a-trans-is-reason-for-reduced-sentences/>>.

LGBTI News Turkey (2014). RTUK Fines Show TV for 'Promoting Homosexuality' with the Music Video of Shakira and Rihanna. Available at: <<http://lgbtinewsturkey.com/2014/03/05/rtuk-fines-show-tv-for-promoting-homosexuality-with-the-music-video-of-shakira-and-rihanna>>.

Terry K. (2021). The EU-Turkey Deal, Five Years on: A Frayed and Controversial but Enduring Blueprint.

The United Nations High Commissioner for Refugees (1991). Background Note on the Safe Country Concept and Refugee Status.

The United Nations High Commissioner for Refugees (2016). Comments on the European Commission Proposal for a Qualification Regulation – COM" (2016) 466.

The United Nations High Commissioner for Refugees (2021). Figures at a Glance.

The United Nations High Commissioner for Refugees (2019) Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection.

1. Introduction

In 2018, the European Committee of the Regions released a report titled “Brain Drain in the EU: Addressing the challenge at all levels” as a response to the issues faced by the EU in achieving a balance in legal and policy terms between the free movement of labour and the social convergence between nations. This report showed that the highest number of highly skilled migrant workers (i.e., those who had completed tertiary education) originated from Poland as of 2017. On a more general level, it was also found that one in four workers changing their country of residence were highly skilled and this population has been growing for decades (S.A, 2022).

This loss of highly skilled labour from certain countries has been a point of concern for both national and European politicians, who are faced with challenges to combat the issues arising from concentrated labour migration, especially brain drain. The case of Poland and its struggles with outward migration is not an isolated one. In fact, countries in CEE have been dealing with substantial emigration after their accession to the EU because of the policy of free movement of workers among 28 EU countries (Reeger, 2018).

In light of this, the essay focuses on brain drain in CEE countries as it is one of the contributing factors in regional disparities among European countries. The term brain drain is defined by the European Commission as “the loss suffered by a country as a result of the emigration of a (highly) qualified person” (“brain drain”, 2022). Brain drain is a result of the movement of workers from CEE to Western European countries for better career opportunities and/or to increase their standard of living – hence, for economic reasons.

2. Societal Relevance

Economic migrants face push and pull factors from their home and host countries, respectively. Push factors refer to the reasons which motivate a migrant to move away from the country they reside in. On the other hand, pull factors are prospects which attract migrants to move to the host country. In the case of economic migration, the basic push factor in countries of origin are limited prospects for higher living conditions and the most powerful pull factor is the level of demand for labour (Rangelova, 2009, pg 34).

Most migrant workers from CEE countries choose to move to Western Europe, mainly to Germany, UK, Italy, Spain, Ireland and Belgium. In these countries it is relatively easier to gain access to the labour market, the labour policy is favourable to foreigners and the price of labour is higher than in their country of origin (Rangelova, pg 38).

While the push and pull factors play a large role, the migration policy in Europe is also a crucial aspect of their decision-making. This freedom to be able to move and work in any EU country is one of the four freedoms established in the European Single Market and fully laid out in the Treaty of the Functioning of the European Union (Munchau, 2017; "Article 45 - Freedom of movement and of residence", 2022). The migration policy is a cornerstone of the EU as it lays down the basis for integration among states and aims to provide people the opportunity to gain a more European identity, as they can live and work in countries other than their own. The internal migration within the EU has become more prevalent since the 1990s, and in 2019, the total number of working age EU-28 movers was 10.4 million (excluding those residing in the UK) making up 4.2% of the total labour force (European Commission, 2020).

By consolidating the two, it can be seen that the joining of the EU presented a new avenue to highly skilled workers in CEE countries to pursue their goals by making use of the ease to migrate intra-Europe.

3. Focus and Roadmap

This essay seeks to highlight the prevalence of the issues caused by excessive migration in both the home and host countries and proposes that more should be done at the EU level to combat such effects. The main thesis is that the EU needs to do more to mitigate brain drain in CEE countries. This is because the EU has placed too much importance on integration and has overlooked side effects of such policies which could harm certain member states. Arguing for EU-wide policies on this issue places importance on the need for regional changes alongside national initiatives. This argument is based on the statistics which show that the number of migrants from CEE countries peaked following their integration from 2004 onwards.

To support this line of argument, the essay will first take a deeper look at the impact of economic migration from CEE countries. Secondly, counter-arguments will be introduced to analyse whether the problems are significant enough to be dealt with by the EU. This will help introduce a more objective perspective in this debate on the significance of the issues outlined. Lastly, the essay will provide prospective recommendations which the EU could consider in order to mitigate the impact of brain drain in CEE countries.

4. The Effects of Brain Drain

The impact on brain drain is negative to a large extent when seen from the perspective of CEE countries. The following section outlines some of the economic losses associated with brain drain. As mentioned earlier, the emigrants include a sizable number of young, educated individuals. The most obvious disadvantage is that the size of the labour force in the home country will shrink due to the significant outflow of individuals. This also negatively impacts general population growth, which was already following a downward trend due to the ageing and shrinking population in CEE countries (Lawler, 2018). Additionally, a decrease in the workforce leads to skill shortages and places upward pressures on domestic wages which also has an adverse effect on productivity (Atoyán et al., 2016). In home countries, due to the substantial loss of highly skilled migrants, the structure of employment is skewed towards middle/lower skilled jobs (Cedefop, 2014 as cited in Polakowski & Szelewa, 2016).

One positive impact is that emigrants are likely to send money back to the host country, remittances. This helps alleviate poverty and the increase in investment has a positive impact on the home country (World Bank, 2006).

Overall, the economic condition of the labour market at large worsens in several ways, which exacerbates the potential for growth of CEE countries. A report published by the IMF in 2016 further states that a considerable number of CEE countries witnessed lower GDP growth as a direct result of migration-induced loss of labour or worsening skill composition (Atoyán et al., p 17-18). The above-mentioned problems are the side effects of EU's freedom of movement of workers, which were not foreseen by the CEE countries on joining the union. Due to this, little has been done till date to alleviate the problems, and given the upward trend in migrations continue, it falls back on the EU to help in pursuing solutions to this.

On the other hand, brain drain in one region leads to brain 'gain' in another, which means that the impact on Western Europe is positive to a large extent. Immigrant workers have an overall positive effect by filling the gaps in domestic labour markets. This means that jobs which were facing shortages, mostly those which require lower skilled workers, are taken up by migrant labourers, which helps national workers find new full-time employment (Hammer and Hertweck, 2022, pg 30). The paper used to support this reasoning focuses on Germany, but there was a shift to open up the labour market and adopt neo-liberal labour policies in most Western European countries, hence the same reasoning follows (Crouch, 2016). However, immigrants may first work in jobs that do not fully match their skillset, leading to an initial downgrading in their wages, which may mean that more immigrant workers may lead to a downward effect on wage growth as opposed to native workers (Dustmann et al., 2013). In the long run however, migrant workers who remain in the country counteract the temporary negative impacts seen in the short run and their impact is significantly positive (Hammer and Hertweck).

Overall, the impact of CEE migrants on Western European countries is more positive than on the CEE countries themselves. The excessive outflow of migrants impairs the economy and lowers the potential for growth, whereas in Western Europe, it corrects imbalances by filling gaps in the labour market and in the long run leads to higher wage growth. This shows that the impacts of brain drain worsen the regional disparities since the negative effects are concentrated on CEE countries, and Western countries enjoy most of the benefits. This supports the argument that the EU needs to do more to alleviate such differences between countries since the positive effects should be better distributed while the negative impacts should be decreased.

5. The importance of tackling brain drain

One may argue that policies which are targeted at preventing brain drain in CEE countries may be inadequate. This could be because migrants from CEE countries are not all permanent migrants, meaning that they may leave the country for a few months/years and then return – known as circular migration. This type of migration is more common among economic migrants in contemporary society since "migrants respond and adapt quickly to changing conditions in the different labour markets in which they operate" (Drinkwater, Eade & Garapich, 2010 as cited in Engbersen and Snel, 2013, pg 31).

Hence, this theory of migrants being more open to movement, which is predominantly driven by the labour market conditions and the ease of doing so due to the freedom of movement in Europe, is known as liquid migration. Such a phenomenon takes place in regions where national borders have lost significance, and this is what the EU has aimed to establish through its integration and cohesion policies.

However, this just goes to show that regardless of the type of migration, brain drain still takes place as highly skilled workers may move abroad to pursue jobs temporarily, meaning that the home country loses out on their potential during this time. Additionally, it highlights that EU integration policy has in fact encouraged circular migration, but this may just deepen differences that exist among countries as migrant workers flock to Western Europe.

Alternatively, there is also an argument to be made regarding brain waste. As mentioned earlier, highly skilled migrants may not find jobs which make full use of their skillset which can lead to a downgrade in their wages. As a result of this, there may be a greater issue of brain waste rather than brain drain, as migrants may be forced to take up jobs which do not match their skillset. This was found to be the case among Polish migrants in the UK as the jobs undertaken had little to do with their true skills (Fihel et al., 2008). Even though migrants find themselves working in downgraded jobs, they may still opt to do so since it provides better wages or opportunities than those available at home.

While this argument proposes that brain drain is not the more pressing issue at hand, it can be argued that without the outward migration which causes brain drain, there may not be brain waste in host countries. Without the proper opportunities being available in their home countries, there would still be brain waste if high skilled individuals remained in their country of origin. Hence, by fixing the integration policies to better take into account the regional disparities to alleviate brain drain, brain waste would also be decreased.

6. Policy Recommendations

Overall, this essay looked at the problem of brain drain and touched upon other similar issues which may arise as a result. By highlighting that brain drain has taken place as a result of EU's commitment to integration and cohesion, it argues that more needs to be done to counter the effects already underlying differences among EU countries which have led to the issue of brain drain. This does not mean that the integration project of the EU should be slowed down, but rather disparities should be addressed.

To do so, the best step forward would be to increase EU investments in CEE countries to make them an attractive place for students and workers. While there are existing programs such as Erasmus which encourage students to move to different parts of Europe, this is predominantly towards Western European countries. At a regional and EU level, there should be greater investment in making an environment in CEE countries to encourage students in choosing to study there. This would also lead to greater demand for jobs and potentially correct some of the skill shortages, while attracting highly skilled labour.

In addition, since there is high inflow of remittances from CEE countries, initiatives can be put in place at the EU level to encourage entrepreneurship in the region to leverage the investment potential or remittances (Atoyán et al., 2016). This again would lead to an increase in opportunities for workers and provide a starting point for the growth of new industries in the CEE region.

Both of these policies revolve around the EU working closely with the national governments in CEE countries to put in place initiatives that would attract more migrants to move there as well as promoting their own industries such that highly skilled individuals of the country choose to work there. There may in fact be other factors that impact these decisions, but such policies can provide a starting point in addressing regional disparities.

7. Conclusion

To conclude, this essay shows that more needs to be done by the EU and national governments to curb the negative consequences of excessive migration from CEE countries. The biggest issue is that of brain drain, and this needs to be paid more attention to by the EU since the integration policies and the freedom of movement have contributed to it greatly. This was seen in Poland, and while the Polish government has tried to deal with it, the policies have simply not been enough. To try to solve this at a national level, the Polish government tried to introduce policies to encourage highly skilled Polish citizens to work in the country, by introducing tax cuts for young professionals and by running campaigns to encourage those settled outside to return home ("Poland Waives Tax for Young Employees to Counter Brain Drain", 2019; Davies, 2011). This goes to show that one-sided efforts by national governments need wider support. As the EU integration project continues, it is important to make sure that countries are able to integrate and grow sustainably and to do so, side effects arising from policies should be addressed.

References

- Article 45 - Freedom of movement and of residence. (2022). Retrieved 19 May 2022, from <https://fra.europa.eu/en/eu-charter/article/45-freedom-movement-and-residence>
- Atoyan, R., Christiansen, L., Dizioli, A., Ebeke, C., Ilahi, N., Ilyina, A., Mehrez, G., Qu, H., Raei, F., Rhee, A. and Zakharova, D., 2016. Emigration and its economic impact on Eastern Europe. brain drain. (2022). Retrieved 19 May 2022, from https://ec.europa.eu/home-affairs/pages/glossary/brain-drain_en#
- Crouch, C. (2016). European Employment and Labour Market Policy | OpenMind. Retrieved 20 May 2022, from <https://www.bbvaopenmind.com/en/articles/european-employment-and-labour-market-policy/>
- Davies, C. (2011). Poland struggles to reverse its brain drain. Retrieved 19 May 2022, from <http://edition.cnn.com/2011/WORLD/europe/09/07/poland.return.migration/index.html>
- Dustmann, C., T. Frattini, and I. P. Preston (2013). The effect of immigration along the distribution of wages. *Review of Economic Studies* 80 (1), 145–173.
- European Commission. (2020). Annual report on intra-EU labour mobility 2020. European Commission. Retrieved from <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8369&furtherPubs=yes>
- European Committee of the Regions, Utma, M., Di Matteo, L., Soldi, R. (2018). Addressing brain drain: the local and regional dimension, European Committee of the Regions. <https://data.europa.eu/doi/10.2863/280544>
- Engbersen, G., & Snel, E. (2013). Liquid migration. Dynamic and fluid patterns of post-accession migration flows. Retrieved 20 May 2022, from https://www.researchgate.net/publication/297715336_Liquid_migration_Dynamic_and_fluid_patterns_of_post-accession_migration_flows
- Fihel, A., Kaczmarczyk, P., Wolfeil, N., & Zylicz, A. (2007). Labour mobility within the EU in the context of enlargement and the functioning of the transitional arrangements. CMR, Centre Of Migration Research, University Of Warsaw. Retrieved from <https://wiiw.ac.at/labour-mobility-background-analyses-brain-drain-brain-gain-and-brain-waste-dlp-667.pdf>
- Free movement - EU nationals - Employment, Social Affairs & Inclusion - European Commission. (2022). Retrieved 19 May 2022, from <https://ec.europa.eu/social/main.jsp?catId=457>
- Lawler, D., 2018. Eastern Europe is shrinking before our eyes. Retrieved 19 May 2022, <https://www.axios.com/2018/01/22/eastern-europe-is-shrinking-before-our-eyes-1516559604>
- Munchau, W. (2017). Europe's four freedoms are its very essence. Retrieved 19 May 2022, from <https://www.ft.com/content/49dc02dc-c637-11e7-a1d2-6786f39ef675>
- Poland - Migrants & Refugees Section. (2022). Retrieved 19 May 2022, from <https://migrants-refugees.va/country-profile/poland/>
- Polakowski, M., & Szelewa, D. (2016). Poland in the migration chain: causes and consequences. *Transfer: European Review Of Labour And Research*, 22(2), 207-218. doi: 10.1177/1024258916636581
- Rangelova, R. (2009). Labour migration from east to west in the context of European Union integration. *SEER: Journal for Labour and Social Affairs in Eastern Europe*, 12(1), 33–56. <http://www.jstor.org/stable/43293299>
- Reeger, U. (2018). *Between Mobility and Migration* (p. 45).
- S.A, T. (2022). Poland largest victim of brain drain in EU: report. Retrieved 19 May 2022, from <https://tvpworld.com/40185789/poland-largest-victim-of-brain-drain-in-eu-report>
- World Bank. 2006. *International Migration, Remittances and the Brain Drain*, World Bank.

***Evolving Asymmetry in the Polish-EU relations:
From Accession Negotiations to Judicial Reforms***
MARLENA DZIEKANOWSKA

1. Introduction

The end of the Second World War marked a new beginning for an economically and politically united Europe. The European Coal and Steel Community thrived and became one of today's most relevant actors in the global arena. The increasing economic and political interdependence of the European Union's (EU) member states, as well as the institutionalization and normalization of the core democratic values, have shaped a strong identity. Consequently, this required "external representation and the development of [diplomatic] practices" (Smith, 2016, p. 308). Throughout its expansion, the European Union has developed numerous forms of diplomacy, dealing with negotiation processes of different natures. This essay will show the different types of diplomacy strategies used by the EU and international organizations. It will investigate "structural", "internal", "neighbourhood" and "accession" (Smith, 2016, p. 312) diplomacy strategies and emphasize the core value of equality. The "European treaty law is based on the principle of state equality" (Schimmelfennig, 2014, p. 686) and thus no country should have more power in the EU than the other. However, this is not mirrored in practice. Therefore, it is interesting to analyze how the position of a country changes throughout its time inside such an international organization. This is due to the changes in support and allies and the country's acquaintance with the EU negotiation process. Poland is an especially interesting example of this process, as it has experienced a drastic change in its political behaviour towards the EU. This paper also aims to analyze the change of influence and power that Poland can exercise throughout its membership in the EU. Since the country manages to build stronger alliances with other member states and furthers its knowledge of the EU's negotiation procedures, it decreases its asymmetry and manages to emphasize its power in the EU arena.

2. Historical Background

After the fall of the Soviet Union in 1989, many countries from the post-communist bloc decided to unite and become part of a more economically and politically prosperous part of Europe - today's EU. One of those countries was Poland, which created an alliance with Slovakia, the Czech Republic and Hungary to form the Visegrad Group, to integrate into the European Community (Kft, 2006). The alliance between Poland and Hungary is still very strong now, especially due to the similar political framework of the current ruling parties in these countries. This will be further elaborated on later in the essay. In 1994, Poland requested to enter the EU and the accession negotiations started four years later. The accession negotiations concern "the conditions under which the country will be admitted to the EU and focus on the adoption and implementation of the EU's body of law - the *acquis communautaire*" (Accession negotiations, n.d.) They take place at intergovernmental conferences between the member state representatives of the European Commission and the representatives of the candidate country (Accession negotiations, n.d.). As elaborated later in the paragraph, the candidate country can negotiate transition periods and derogations (M. Popowski, personal communication, January 21, 2022), not the content of the *acquis*.

After the Accession Treaty was ratified by all the EU member states, Poland finally officially joined the organization in 2004. Being part of the EU, Poland has undergone many beneficial economic, social and political internal transformations. Unfortunately, some reforms, especially the judiciary ones, as elaborated on later, were negatively perceived by the EU due to their controversial nature. As explained later in the paragraph, the current Polish conservative political party, Prawo i Sprawiedliwość (PiS - Law and Justice), decided to reform the judicial system contrary to EU values, such as the division between the political and the judiciary sphere. In fact, as a result of this reform, the “separation of powers [...] between the legislative, executive and judiciary branches have been distorted” (Ziółkowski, 2020, p. 349). The reform mainly consisted of changing the appointment process of the National Council of Judiciary and introducing the Disciplinary Chamber for prosecuting judges (Ziółkowski, 2020, p. 349). In the former case, the judges started being chosen by Sejm, the lower chamber of the Polish parliament. In the latter, the members of the Disciplinary Chamber had political connections with the current ruling party (Ziółkowski, 2020, p. 349). Creating such a strong connection between the judiciary and legislative power breaches the rule of law, the fundamental value of the European Union and any democratic country.

As a member state of the EU, the Polish republic had the chance to participate in international discussions in the EU arena regarding neighbourhood diplomacy and politics. Being the closest to Eastern Europe, Poland has been active in promoting Ukraine’s membership in the EU. Unfortunately, due to the Polish veto against the new Partnership and Co-operation Agreement (PCA) with Russia in 2006, most of the member state countries developed a negative attitude towards Poland (Copsey & Pomorska, 2010, p. 313). The PCA regarded important matters, such as “EU-Russia free trade area and visa-free travel” (Russell, n.d.). However, Poland’s objection stemmed from the EU’s lack of response to Russia’s meat import ban from the republic. Russia explained that Polish meat did not meet Russian healthcare standards (International, 2007). This situation caused small conflicts inside the EU, which were shown by small political actions during conferences between EU member countries. This will be elaborated on later in the essay.

3. Before the membership - Asymmetry

During the accession negotiations, the European Union had extensive power over Poland, mostly due to the peculiarity and, most importantly, the asymmetrical nature of the enlargement process. It is crucial to understand that accession diplomacy entails a “particular type of negotiation” (M. Popowski, personal communication, January 21, 2022). The candidate country is not able to negotiate the rules of the *acquis* that will have to be incorporated into its legislative body, but instead the “terms of admission and the necessary adjustment to the Treaties” (Nicolaidis, n.d., p. 8). Thus, the negotiations concern mostly derogations and transition periods (M. Popowski, personal communication, January 21, 2022). The peculiarity also stems from the asymmetry between the European Union and the country candidate, mostly explained by four reasons. The first one is the lack of a Best Alternative to a Negotiated Agreement (BATNA) for the candidate country. Poland’s main goal was to access the European Union’s market (Trzeciak, 2010, p. 17) On the one hand, Poland expanding its economic ties with the East was not considered at that time, due to the fall of the Soviet Union. On the other hand, the European Union was willing to expand its influence to the East. However, it was a priority for the Central Eastern European countries to expand their markets to the Economic Community rather than the other way around. This led to the second type of accession negotiations’ asymmetry.

Being the “outsider” candidate country seeking membership (Trzeciak, 2010, p. 48), Poland was motivated to satisfy the organization’s conditions as much as possible. This can be demonstrated with the application of the screening process of the legislation of Poland. Because the candidate country is the one which gains the most by joining the European Union, it is forced to internalize the institutional, economic, societal and political norms presented by the EU in the form of the *acquis communautaire*. Moreover, the third type of asymmetry relates to information asymmetry, where the European institutions and negotiators were more cognizant of the procedure and form of the negotiations (Trzeciak, 2010, p. 49). Mr Maciej Popowski, Acting Director General for Neighbourhood Policy and Enlargement Negotiations, himself claimed that there was always “a source of misunderstanding [between] many officials [as they thought that if they negotiated] hard enough they would obtain some concessions” (M. Popowski, personal communication, January 21, 2022). In reality, this could never be achieved. Lastly, the fourth type of asymmetry was caused by the two-level game nature of the negotiations. Before any condition, a derogation or transition period can be permitted. These have to be unanimously approved by all member states of the EU. Especially during the last stage of the negotiation, it became clear that every contract proposed by the member countries and discarded by the candidate country had to be once again reconsidered by the European Commission (Trzeciak, 2010, p. 148). This process is time-consuming and the pressure of being outraced by the other candidate countries discourages greater negotiations. This is only a short, but strong list of the advantages that the European organization had over Poland during the accession negotiations. Considering these, it can be stated that Poland had less influence during the accession process than the EU did.

4. Before the membership - Unstable Alliances

During the accession negotiations, Poland did not have the chance to build a strong alliance enabling it to have equal power to the other member states of the EU. This meant that Poland was not in a position to have an advantage in negotiations. This is mainly because member-state countries had both advantages and disadvantages in welcoming new countries. Furthermore, candidate countries act according to their interest to avoid being left behind in complying their legislation to the *acquis* (Trzeciak, 2010, p. 49). There has been one case when all candidate countries from the fifth enlargement decided to create a front against the suggested terms by the EU (Trzeciak, 2010, p. 220). This case was about the restrictions on the free movement of workers from the future new member states (Trzeciak, 2010, p. 220). Many member state countries were afraid that “hundreds and thousands of cheap workers would come and it never happened” (M. Popowski, personal communication, January 21, 2022). Therefore, during the meeting in Prague, the candidate states representatives met with the EU delegation to discuss loosening such restrictive measures. Being manipulated by the so-called “coordination” strategy, the EU agreed on a seven-year-long transition period for introducing the free movement of workers. However, this was not favourable to Poland. As stated earlier, each country followed its interests. Therefore, since other countries, of which Hungary was the first one, agreed to this deal, Poland was left behind without the support of other countries. The EU took advantage of this and used the battering ram strategy - implemented only when there is no coordination between countries on agreement on chapters of the *acquis* (Trzeciak, 2010, p. 220). On one hand, Germany has always considered economic gains that come with the eastern enlargement and therefore have been favourable to Polish accession. On the other hand, it has not always demonstrated approval in cases where Poland needed support to meet the *acquis* requirements, like the aforementioned case of workers’ free movement.

Furthermore, the German ambassador Schroder played a crucial role during the Copenhagen Summit of 2002 when negotiating terms on which Poland would accept the conditions of the last chapters (Guldbrandsen, 2003). These examples show that during the accession negotiations, Poland couldn't have stable alliances; always supporting the Republic's interests. This has contributed to the asymmetry between Poland and the European Union during the accession period.

5. First years of membership - Beginner's complications

An asymmetry favouring the EU to the new member state, Poland, enabling the first one to impose influence on the other also exists. This is prominent in external policy matters and is the shortcoming of the administration capacity (Copsey & Pomorska, 2013, p. 421). Due to the asymmetry in the efficiency of this institution between Poland and other member states, it was impossible to provide a high enough "quality of the diplomatic service that is tasked with negotiations in Brussels" (Bulmer & Lequesne, 2020, p. 202). The Polish Ministry of Foreign Affairs was not equipped with technocratic systems that developed in other member state countries and the EU itself that would provide favourable dialogue. The reasons behind this were mostly related to the slow reforms in the republic. The workers in the Ministry were those before the accession. Therefore, they were adapting to the new administrative system with difficulty. In addition, Polish diplomats involved in the EU-Polish dialogue were either hired by other European institutions or had rotating functions in the Polish administrative system (Copsey & Pomorska, 2013, p. 438). Moreover, during the first period of membership, Poland did not have a "Permanent Representative to the European Union [...] for [...] several months" (Copsey & Pomorska, 2013, p. 438). Therefore, during that period, negotiations could not proceed favourably for the Republic. Another important factor which enables a major power influence of the new member state on the EU decision-making is that, even with some implemented reforms in the Polish administrative system, the republic's government would still have to adapt to improve efficiency in the international arena (Copsey & Pomorska, 2013, p. 438). Polish diplomacy stemming from the coordination of the interior administrative system as well as the Ministry of Foreign Affairs proves that there was an asymmetry between Poland and other members of the EU in the negotiation process as well as the possible influence inside the organization.

6. First years of membership - Changing alliances

Just as in the case of accession negotiations, Poland as a new member state has a lower influence and power in the decision-making process of the EU. This is demonstrated by the EU member states' dismissive reactions to the republic's suggestions to undertake steps towards external Eastern politics. This is due to several factors, among which is Poland's low ability to maintain strong alliances within the organization, caused by unpredictable and controversial political moves undertaken by the current Polish political party. Additionally, the alliances created were not enough to engage all the member states in a dialogue towards a common end. In fact, in 2008, Poland decided to submit a proposal on creating an "Eastern Partnership", which was presented to the General Affairs and External Relations Council (Copsey & Pomorska, 2013, p. 428). This proposal was later on presented to the European Commission. During the evaluation of the proposal, Poland managed to gain support from Sweden, which also backed further dialogue with the East (Copsey & Pomorska, 2013, p. 428).

As stated previously, Poland had created a good relationship with Germany, however, their alliance deteriorated but managed to reignite in the form of informal support during the time of the Eastern neighbourhood programme (Copsey & Pomorska, 2013, p. 440). Germany did support the improvement of the EU with the Eastern countries, especially Ukraine. However, it did not agree with the terms presented in the proposal. Despite the alliance with Sweden and Germany, Poland had already lost the trust of other member states by vetoing the “new Partnership and Co-operation Agreement (PCA) with Russia” two years before submitting the Eastern Partnership proposal. The Polish move was justified by the fact that Russia had enforced a ban on the importation of Polish meat to the Federation. To attract the member states’ attention, Poland decided to implement the veto strategy. The PCA with Russia could not pass unless the meat ban was cancelled. This behaviour demonstrates that Poland was not treated as equal to the other member states and that the government “wanted to demonstrate its willingness to be treated as an equal partner” (Podolski, 2006, p. 5 in Copsey & Pomorska, 2010, p. 313). Unfortunately, this strategy was highly unsuccessful, as it “left Poland as an isolated player” (Copsey & Pomorska, 2010, p. 313). Therefore, not only did countries develop negative connotations with the republic, but Poland’s influence in the EU arena also decreased. As a new member state, Poland was unable to gain an equal position inside the EU, contrary to other older member states, and therefore, failed to influence the implementation of new proposals and projects of foreign policy on its old members.

7. Mature member state - Change in power balance

After several years of membership, Poland has managed to gain more powerful influence inside the European Union and thus mitigate to a larger extent the asymmetries in the decision-making process. This is especially visible in the dominant way in which the newly elected government imposed its own beliefs on policies concerning all member states of the EU as well as its domestic policy. This was mainly achieved through a greater acquaintance with the EU procedures and thus a decrease in information asymmetry between the two parties. In fact, contrary to the asymmetry during the accession negotiations, the EU has limited power in coercing a member state to comply with the *acquis* (Meerts, 2015, p. 261). After the conservative Law and Justice (PiS) party won the parliamentary elections in 2015, Poland has been undergoing various judiciary reforms challenging the EU core values of the rule of law. Some of the main changes consisted of altering the election process of the National Judiciary Council - they weren’t elected anymore by “judges from the judicial community” (Ziółkowski, 2020, p. 349) but by “the lower chamber of the Polish government” (Ziółkowski, 2020, p. 349). In addition to that, PiS decided to lower the retirement age for female judges relative to male judges and introduce the Disciplinary Chamber and the Extraordinary Control and Public Affairs Chamber in the Court’s structure (Niklewicz, 2017, p. 286). The Venice Chamber itself confirmed that the rule of law in Poland has been breached (Venice Commission: New reform in Poland further undermines judicial independence, n.d.). This raised the EU’s concerns and triggered Article 7 (Meijers & Veer, 2019, p. 839) and the Rule of Law Framework (Meijers & Veer, 2019, p. 840), however, Poland believed that the organization’s steps would “be limited to naming and shaming” (Niklewicz, 2017, p. 285). Poland had become more and more acquainted with the EU laws and procedures which allowed it to take advantage of the ambiguity of the rule of law definition in the *acquis communautaire* (Niklewicz, 2017, p. 286). Additionally, it took advantage of long-lasting procedures to implement the Rule of Law Framework and continued implementing changes in the judiciary system.

As we can see from the examples above, Poland became more aware of the processes inside the EU and could use them for making reforms inside its borders. This demonstrates the decreasing power of the EU over a member state over time.

8. Mature member state - Mature alliances

Polish alliances with other members of the European Union have made a great impact on the power distribution inside the institution. As stated in the previous paragraph, after several years of membership Poland has become acquainted with the mechanisms behind the decision-making process in the EU. The most important one is unanimity (Niklewicz, 2017, p.285). Due to the acquired knowledge, countries counteract the “normative” power that the European institution possesses (Smith, 2016, p. 312). To be penalized for specific chances contradicting the EU values, a country has to be criticized by all member states. This implies that one ally is enough to be discharged from any culpability. Throughout decades, Poland has taken care of a very crucial alliance in today’s political arena with Hungary. Being historically dependent, a phrase has been invented on the relationship between the two nations: “A Pole and a Hungarian, two good friends, they fight and drink together” (Holesch & Kyriazi, 2021, p. 5). Strongly connected within the Visegrad Group alliance, these two countries have managed to create a very strong and controversial position within the EU. Holesch and Kyriazi (2020) state that the Polish-Hungarian coalition “worked together to provide mutual protection within [...] the EU” (Everett, 2021, p. 401). Such a strategy enables the countries to avoid sanctions (Everett, 2021, p. 401) imposed by the EU. J. Everett calls it a “defensive” strategy (Everett, 2021, p. 401). This has restrained the European Union from controlling the maintenance of values, norms and rules in its inside. As also mentioned in the paragraph above, although Poland and Hungary have been breaking the fundamental Copenhagen criterion related to the rule of law, the EU has not been able to enforce Article 7 of the EU Treaty. The strong coalition built by populist governments has managed to out rule the EU’s fundamental values after long years of membership.

9. Possible regulations

The three cases presented above involve the balancing of power between a candidate/member country of the EU and the EU itself. These not only entail different types of EU-member state diplomacy but also various types of issues. Therefore, regulation implementation of different natures to erase the asymmetry between the institution and the country itself is needed. In this section , I will present one type of regulation that could be implemented for each case. In the first case, when the country and the EU are undergoing accession negotiations, an improvement could be eliminating information asymmetry by clearly presenting the negotiation team of the candidate country, the procedure and possible stances that can be negotiated. In this way, the negotiators will be aware of the fact that they can negotiate the transition periods and derogations and not the content of the chapters in the acquis. In the second case when Poland tried to encourage further dialogue with Ukraine, the improvement could consist of assuring a quick transition and adaptation of the new member country’s institutions and departments to the EU’s standards. This could be implemented by incentivizing the countries financially to reform them. As in the case of Poland, meeting the administration standards could have been achieved, if it had been successfully encouraged. Better internal standards imply greater tangibility and control over internationally discussed issues.

Additionally, each member state should be reminded to discard negative prejudices against the new member state created based on precedents, as every country in the EU should be treated equally. This could be very difficult to implement, as each country has more or fewer advantages in supporting another member state. In the last case, to avoid a situation where a member state has more power over the EU and starts breaching fundamental values, the EU should assure that the content of the *acquis* chapters should be always respected. Very often the country takes advantage of the necessary unanimity voting as well as the long time it takes the EU to raise punishment against the country. Therefore, the EU should improve internal communication. Currently, the EU is planning on increasing sanctions and taking a strong stand on healthcare as well as military security provision for Poland. It is very hard to suggest detailed improvements to eliminate asymmetry between the two parties, which are tied by complex economic and political relations. Nevertheless, these are possible and may act to balance the power between a member state country and the EU.

10. Conclusion

Poland's influence relative to the EU has changed throughout its membership in the supranational organization. This was mainly caused by the knowledge that the Polish officials acquired and the strength of alliances gained during the years of membership. As it has been observed, before accessing the EU, the organization had major power over the decisions related to the conditions of the membership. The alliances that Poland built were also unstable due to the overall fear of candidate countries not being able to join the EU. In the second case, Poland did not manage to exercise major influence over the international arena because of its new membership and thus lack of trust as well as the lack of preparation of Polish institutions to enable dialogue on the EU level. After around fifteen years of membership, the republic managed to discover flaws and malfunctioning mechanisms of the supranational organization. Therefore, the strong alliance with Hungary made it possible to implement policies and reforms contrary to the EU's pillar values. Possible changes that could assure a balance of powers between the two parties are mostly related to providing both parties with enough information about the possible negotiation stances as well as promoting collaboration and respect among countries. However, due to different internal political conditions, it is difficult to ensure that each country member of the EU will treat the others equally, as alliances are a normal component of international relations. In conclusion, the unresolved debate on the supranational and internationality of the EU plays a crucial role in deciding how the power balance should be inside such an organization. Therefore, as long as the essential and rudimental debates on the EU and its relation to its member states are not resolved, it will be impossible to define the power balance that should be in place between this organization and its members.

References

- Accession negotiations. (n.d.). Ec.europa.eu. https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/glossary/accession-negotiations_en
- Bulmer, S., & Lequesne, C. (2020). *The member states of the European Union*. Oxford University Press.
- Copsey, N., & Pomorska, K. (2010). Poland's power and influence in the European Union: The case of its eastern policy. *Comparative European Politics*, 8(3), 304–326. <https://doi.org/10.1057/cep.2009.3>
- Copsey, N., & Pomorska, K. (2013). The Influence of Newer Member States in the European Union: The Case of Poland and the Eastern Partnership. *Europe-Asia Studies*, 66(3), 421–443. <https://doi.org/10.1080/09668136.2013.855391>
- Everett, J. (2021). Poland and Hungary: Democratic Backsliding and the Shifting European Political Landscape. *RUDN Journal of Political Science*, 23(3), 394–406. <https://doi.org/10.22363/2313-1438-2021-23-3-394-406>
- Guldbrandsen, C. (Director). (2003). *Fogh bag facaden*.
- Holesch, A., & Kyriazi, A. (2021). Democratic backsliding in the European Union: the role of the Hungarian-Polish coalition. *East European Politics*, 1–20. <https://doi.org/10.1080/21599165.2020.1865319>
- International, S. (2007). EU fails to agree with Russia to end ban on Polish meat imports. *Sputnik International*. <https://sputniknews.com/20070422/64132606.html>
- Kft, W. I. (2006, August 15). The Visegrad Group: the Czech Republic, Hungary, Poland and Slovakia | About the Visegrad Group. www.visegradgroup.eu. <https://www.visegradgroup.eu/about>
- Meerts, P. (2015). *Diplomatic negotiation : essence and evolution*. Clingendael Institute.
- Meijers, M. J., & Veer, H. (2019). MEP Responses to Democratic Backsliding in Hungary and Poland. An Analysis of Agenda-Setting and Voting Behaviour. *JCMS: Journal of Common Market Studies*, 57(4), 838–856. <https://doi.org/10.1111/jcms.12850>
- Nicolaides, P. (n.d.). *Negotiating Effectively for Accession to the European Union: Realistic Expectations, Feasible Targets, Credible Arguments**. http://aei.pitt.edu/778/1/scop98_1_2.pdf
- Niklewicz, K. (2017). Safeguarding the Rule of Law within the EU: Lessons from the Polish Experience. *European View*, 16(2), 281–291. <https://doi.org/10.1007/s12290-017-0452-8>
- Russell, M. (n.d.). BRIEFING EPRS | European Parliamentary Research Service. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652030/EPRS_BRI\(2020\)652030_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652030/EPRS_BRI(2020)652030_EN.pdf)
- Schimmelfennig, F. (2014). EU enlargement and differentiated integration: discrimination or equal treatment? *Journal of European Public Policy*, 21(5), 681–698. <https://doi.org/10.1080/13501763.2014.897744>
- Smith, M. (2016). European Union diplomacy. *The SAGE Handbook of Diplomacy*, 308–317. <https://doi.org/10.4135/9781473957930.n26>
- Trzeciak, S. (2010). *Gra o Europę : negocjacje akcesyjne Polski z Unią Europejską*. Polski Instytut Spraw Międzynarodowych.
- Venice Commission: New reform in Poland further undermines judicial independence. (n.d.). Human Rights and Rule of Law. Retrieved February 13, 2022, from <https://www.coe.int/en/web/human-rights-rule-of-law/-/venice-commission-new-reform-in-poland-further-undermines-judicial-independen-1>
- Ziółkowski, M. (2020a, January 1). Two Faces of the Polish Supreme Court After “Reforms” of the Judiciary System in Poland: The Question of Judicial Independence and Appointments. *European Papers*. <https://www.europeanpapers.eu/en/europeanforum/two-faces-of-polish-supreme-court-after-reforms-of-judiciary-system-in-poland>
- Ziółkowski, M. (2020b). Two Faces of the Polish Supreme Court After “Reforms” of the Judiciary System in Poland: The Question of Judicial Independence and Appointments. *European Papers - a Journal on Law and Integration*, 2020 5(1), 347–362. <https://doi.org/10.15166/2499-8249/362>

The Discrepancy in Merkel's Monetary Policy with Regards to European Integration

SHANNON FOLEY

*"A good compromise is one where everybody makes a contribution" – Angela Merkel
(Benoit & Gowers, 2005)*

1. Introduction

In September 2021, Germany elected a new chancellor for the first time since 2005. Shortly following Olaf Scholz's inauguration in December 2021 two narratives reflecting on his predecessor Angela Merkel's time in office have emerged among scholars of European Policy: one portraying the sympathetic image of a duty-bound pragmatist, stoically leading Europe through a tumultuous decade, and the more critical narrative of a hesitant, passive leader, heavily focused on today's compromises rather than a vision for the future of European policy (Pornschnegler, 2021). When the economic crisis rocked the eurozone in 2008, the survival of the single market, a signal of the extent to which Europe had successfully integrated, was threatened (Dullien, 2012).

Alternativlos, the political catchphrase meaning 'without an alternative' is how Merkel presented her position to help heavily affected Greece in a speech to parliament in May 2010, arguing that the financial stability of the entire eurozone rested on whether the German parliament would vote in favor of a costly economic restructuring program for Greece (Welt, 2010; Deutscher Bundestag, 2010). Whether or not the eurozone would have collapsed in absence of Greece is unclear; some argue that a Greek exit from the Euro could have sparked a domino effect, with others such as Spain and Italy following suit, resulting in high unemployment and macroeconomic implications more devastating than those resulting from the Lehman Brothers bankruptcy in 2008 (Dullien, 2012). Others however, such as Germany's finance minister by 2015, encouraged Greece to have a referendum concerning whether or not they wanted to remain in the eurozone, an indication that he believed that a euro without Greece was a viable option (Pratley, 2015). What is however clear, is that in the absence of an EU financial institution with a budget large enough to protect eurozone states in financial trouble, brokering a deal between the EU, ECB, and IMF in 2010 seemed *Alternativlos* (Strupczewski, 2013).

This paper will cover a brief history of the European single market and discuss its weaknesses regarding the 2008 crisis. It will explore the EU's and more specifically Germany's response to this crisis, investigate Merkel's role in the process of European Integration from a monetary standpoint, and question to what extent Merkel supported further monetary integration. It will argue that Merkel, on some level, believes in a strong, unified Europe, and her actions exhibit a commitment to European Integration. However, her reluctance to commit Germany and the EU to a closer monetary union signals a degree of economic mistrust within the European Union and suggests Merkel believed there was a limit to the extent to which Europe could integrate.

2. A Brief History of the European Single Market

Though its implementation caused a noticeable shift in the lives of European citizens, the concept of a single European currency was not new in the field of European Integration. In September 1929, shortly before the Wall-Street Crash, German chancellor Gustav Stresemann proposed the idea of a common European currency to the newly established League of Nations (Publications Office of the European Union, 2022). Though poorly timed, his idea was formalized through talks in The Hague which set the implementation of a monetary union as a primary objective to achieve further European integration. Among other objectives, these 1969 talks set out to deepen the cooperation among European partners, most notably through the construction of a monetary union (Werner, 1970). The high value of the Deutsch Mark as compared to the French Franc threatened the CAP, and thus required further economic integration to succeed (Delivorias, 2015). Pierre Werner, then prime minister of Luxembourg, presented a detailed plan thereafter, outlining steps to take towards implementing a single currency and further integrating (Werner, 1970). Similarly, to Stresemann, Werner was met with poor timing, as the Oil Embargo, resulting stagflation, economic hardships, and the end of the Bretton Woods system posed serious obstacles to the creation of the intended common currency. Nevertheless, in 1992, when European economies had regained their strength, the Maastricht treaty was signed and the 'Euro' was born (Treaty of the European Union, 1992).

3. Causes of the Eurozone Crisis

The 2008 financial crisis and subsequent Euro crisis reignited the debate between economic fundamentalists and monetarists as to why the euro was on the brink of failure (Collignon, 2012). Fundamentalists believe that to create a successful monetary union, the local economies must be 'similar', while monetarists believe that the implementation of a monetary union will stabilize the economies involved through new economic institutions. The EU struck a compromise between the opposing theories in the Maastricht treaty, by proposing new financial institutions, yet outlining strict economic conditions for a member state joining the Eurozone. The European Central Bank (ECB) and European System of Central Banks were institutions established in the Maastricht treaty and were intended to maintain price stability through a common regulation of the interest rate (European Central Bank, 2021) (Treaty of the European Union, 1992). The Maastricht treaty also outlined economic criteria for admission to the eurozone. These are: that the inflation rate is not above 1.5% points of the highest average of the 3 highest performing member states, that the price stability rate is not above 2% points of the three highest performing member states, that the state participates in the European Exchange Rate Mechanism for at least 2 years without 'severe tensions', and that the state is not in 'excessive debt' or operating at an 'excessive deficit' (European Commission, 2019) (Treaty of the European Union, 1992). Fundamentalists therefore argue that in the case of the European Union in 2010, these economic institutions failed to enforce sufficient regulatory measures on the economic activity of member states and prevent economic crisis in one region from impacting the entire eurozone (Collignon, 2012). Monetarists further cite the liquidity crisis which spawned because of the bankruptcy of the Lehmann brothers and subsequent global banking crisis in 2008 (Collignon, 2012). Combined with a Greek economy which was overvalued due to its inclusion in the Eurozone, and a government which routinely borrowed with a credit score which did not accurately represent its economy, there emerged a perfect storm (Johnston, 2021).

2010 saw Greece's credit rating fall to 'junk' status in the eyes of US credit rating agencies, meaning that the cost of borrowing money was enormously high (Hauser, 2010). With the country in massive debt and with no way to pay it off, the ECB and IMF designed an economic restructuring program, granting 110 billion to Greece in May 2010, provided strict economic austerity was adhered to (Directorate-General for Economic and Financial Affairs, 2010). From a fundamentalist standpoint, this was an attempt to make the eurozone economies more 'similar' and to prevent economic issues in Greece from deepening the 2008 financial crisis (The New York Times, 2016).

3. Germany, The EU, and The Economic Restructuring Program

The economic restructuring program of 2010 stipulated that Greece would receive economic loans until 2013, at which point it would begin paying back the loans until 2016 (Directorate-General for Economic and Financial Affairs, 2010). However, in 2015 when Greece defaulted on a 1.6-billion-dollar payment to the IMF, the EU's largest economy, Germany, largely opposed another round of loans and economic restructuring, favoring instead a 'Grexit', a process by which Greece would leave the Eurozone (Online, 2015). Greece too seemed to be, though not directly in favor of a Euro exit, desperate to end the harsh austerity measures on which EU money was contingent; a referendum on July 5th, 2015, concerning whether Greece should accept the renewed economic restructuring program proposed by the EU, ECB and IMF resulted in a resounding "No" (Arnett et al., 2015).

This disagreement between Germany and Greece exemplifies the monetary debate concerning austerity vs. growth which has sparked a north-south divide in EU politics in recent years (Ruppold, 2014). Generally speaking, throughout the crisis 'northern' eurozone states including Germany, Austria, The Netherlands, Belgium, Latvia, Lithuania, Estonia, Slovenia and Slovakia believed that fiscal austerity from economically worse performing European states would resolve the economic crisis over time; it was widely believed that the problem stemmed from a lack of competitiveness of southern EU economies (Sinn, 2013). German monetary policy in particular is traditionally conservative; the German government does not like to take large loans, go into debt, or risk high inflation. It is described as 'Ordoliberal', promoting state interference in maintaining a free market by ensuring its competitiveness (Nantha, 2014). While southern European states including Italy, Spain, Greece, and Portugal criticized the tight grip that northern European states had on their economies; these states were forced to follow stringent measures set by the ECB and EU (Boitani & Tamborini, 2020). The EU was divided between north and south: the north demanding more fiscal austerity from the south yet growing tired of mixed results and the south demanding freedom from punitive economic measures imposed upon them by the ECB (Boitani & Tamborini, 2020). In-between stood Germany, which had become the largest economic contributor to the EU, and thus in a position of great power in the decision between austerity and growth for the EU. This leverage means Germany had great influence over whether Greece would again be granted (or subjected to) loans, moreover the structure of the European Monetary System as a whole (Art, 2015).

The EU deal in 2010 would not have been possible without the participation of Germany, and Merkel's strong insistence on the conditionality of the loans meant that the EU was forced to some extent by Germany to implement these measures which were a reflection of Germany's own monetary policy (Art, 2015). In 2015, though Merkel did not seem to make major concessions on her policy in the follow up EU deal with Greece, choosing to grant the country further expensive loans even on EU and German terms, became unpopular (Online, 2015).

Despite backlash from the public and her own economic minister who supported at least a temporary 'Grexit' (Wagstyl, 2015b), Merkel and her EU partners, along with the Greek prime minister, despite the referendum, chose the Euro, coming to an agreement on August 11th 2015 (IMF and ESM, 2015). Merkel's decision indicates a commitment to a unified Europe and demonstrates a firm belief in the euro (Nast, 2015). Considering the political opposition, from the German public, from within her own party and from her finance minister, all of whom were fully prepared for a 'Grexit', Merkel's decision to make a deal keeping Greece in the Eurozone can only be described as a commitment to further integration. This paints Merkel as a pro-Europe leader, foregoing the safe option supported by her party-and to a large extent by the German people- the option which would be the least financially costly to her state in favor of European solidarity and European Integration. The decision to strike a deal with Greece can be seen as a pivotal moment in European Integration, as the alternative would have been seen as 'an ignominious reversal in the long history of European Integration' indicating this deal's significance (Wagstyl, 2015a).

4. Response to the Crisis

In response to the crisis of 2010, the EU developed strategies and institutions to ensure more financial stability among member states including the implementation of the European Stability Mechanism (ESM) in 2012 which offers conditional loans to struggling member states and is funded by borrowing money collectively on the financial markets (Zoppè & Dias, 2019), however in the case of Greece in 2015 it was essentially too powerful. The limitless funds that a country such as Greece can seemingly receive creates an issue both for the EU and the borrowing country, the former because the mechanism may be exploited as a limitless fund, and the latter because the borrowing country could essentially be 'owned' by the other EU member states (Gros & Mayer, 2017). Macron criticized the ESM in 2017 arguing "The fundamental issue at stake is not a mechanism which will magically solve all our problems" and proposed instead wide ranging eurozone reforms which would require close economic integration and similar economic policies of all member states (Sandford, 2017). Macron's vision for an EMF (European Monetary Fund) involved a more financially interconnected Europe, a European finance minister, and a European investment budget to prevent a future financial crisis, while Merkel preferred financial independence on a national level (Nielsen, 2018). France saw this fund as an opportunity to reform Euro legislation, pushing for the budget to be large enough to have the capacity to reduce economic disparities among member states; this idea would call for closer cooperation among European states financially (Chazan & Brunsden, 2018). Merkel argued instead that the EMF should act as a fund of last resort, it should be relatively small (in the low billions), gradually implemented and stringently monitored (Chazan & Brunsden, 2018). Merkel eventually conceded on smaller issues during negotiations and warmed to the idea of a Eurozo

The finance minister yet maintained her position that the fund itself should be limited (Karnitschnig, 2017). The result: though negotiations are ongoing, and the pandemic has made a huge impact in terms of European finances, institutionally the EU is lacking. The EMF does not yet exist, and while reforms are consistently being negotiated and developments to the banking union are ongoing, the 2018 blueprint remains a 25-billion-euro investment fund designed to help an EU member state experiencing a 'large asymmetric shock' (European Commission, 2018).

This is indicative of the impact that Germany has in terms of European policy making and with the benefit of hindsight, it may be the reason why the EU struggles to pass wide ranging reformative legislation. The vision set out by France was slowly negotiated until satisfactory to all parties, yet less impactful (Baker, 2018). German opposition to this proposal called for financial decisions to be determined by its member states, and weak compromises are often the direct consequence of negotiation and democracy. However, the case of Greece demonstrates that despite Merkel advocating for financial independence, in times of crisis, Greece incurred EU economic measures which it did not have a voice in crafting, hardly a sign of independent financial regulation or democratic negotiation.

5. Conclusion

Karl Vick argues in his article accompanying the chancellor's 2015 'Time person of the year' nomination that Merkel's greatest strength as chancellor was her ability to 'work a system' to create compromise (Vick & Shuster, 2015). This statement, though intended to be positive, carries both a positive and negative component and appears to be fitting in the case of the Greece debt crisis and the resulting shift in European Monetary policy. Merkel's response to the crisis highlights a discrepancy in her position on the role of monetary policy in European Integration, more specifically, how integrated the monetary policies of EU member states should be. A commitment to keeping the eurozone united when faced by an unprecedented obstacle (the potential bankruptcy of a member state) and the voices of those around her advising a departure of a state from the eurozone demonstrates a pro-European vision, while her reluctance to implement massive eurozone financial reforms suggests she sees a limit to the extent to which these European partners can cooperate.

Merkel's ability to reach consensus is often heralded as one of her greatest strengths (Pazzanese, 2019), and this crisis both exemplified and challenged this. Merkel found European compromise by keeping Greece in the Euro and made concessions in negotiating the subsequent eurozone reform policy but insisted upon Ordo liberalist austerity measures in the case of Greece and was a key opponent to wide ranging Eurozone reform. Brokering deals with the ECB, EU, IMF and Greek government, Merkel was able to come to an agreement within the framework (European Troika) that existed at the time and successfully keep Greece in the Eurozone. However, in light of the blatant flaws of that system, the weaknesses in the existing banking institutions of the European Union which caused the crisis according to economic fundamentalists (Collignon, 2012), Merkel worked within its framework and was hesitant to change it, rendering her negotiations *Alternativlos*. This signifies the extent to which the EU can integrate in the eyes of Merkel; she works the existing system to promote European unity and European Integration but is hesitant to reform these systems to further integrate the EU on an institutional level.

References

- Arnett, G., Sedghi, A., Galatsidas, A., Clarke, S., Arnett, G., Sedghi, A., Galatsidas, A., & Clarke, S. (2015, July 6). Greek referendum: full results. *The Guardian*. <https://www.theguardian.com/world/ng-interactive/2015/jul/05/live-results-greek-referendum>
- Art, D. (2015). The German Rescue of the Eurozone: How Germany Is Getting the Europe It Always Wanted. *Political Science Quarterly*, 130(2), 181–212. https://www.jstor.org/stable/pdf/43828571.pdf?refreqid=excelsior%3A4b029163716651e6d99095ae522bdf93&ab_segments=&origin=&acceptTC=1
- Baker, L. (2018, June 18). Macron's euro zone reforms: Grand vision reduced to pale imitation. *Reuters*. <https://www.reuters.com/article/us-eurozone-france-germany-idUSKBN1JE2KT>
- Boitani, A., & Tamborini, R. (2020). Crisis and Reform of the Eurozone. Why do we Disagree? <https://library.fes.de/pdf-files/bueros/rom/16042.pdf>
- Chazan, G., & Brunson, J. (2018, June 3). Merkel sets out views on eurozone reform. *Financial Times*. <https://www.ft.com/content/0b0bd67a-6706-11e8-8cf3-0c230fa67aec>
- Collignon, S. (2012). Europe's Debt Crisis, Coordination Failure, and International Effects. *SSRN Electronic Journal*, 370.
- Connor, P., Associate, R., & Lopez, M. (2016). Number of Refugees to Europe Surges to Record 1.3 Million in 2015.
- Delivorias, A. (2015). A history of European monetary integration. https://www.europarl.europa.eu/RegData/etudes/BRIE/2015/551325/EPRS_BRI%282015%29551325_EN.pdf
- Deutscher Bundestag. (2010, May 19). Deutscher Bundestag - „Scheitert der Euro, dann scheitert Europa“. www.bundestag.de. https://www.bundestag.de/webarchiv/textarchiv/2010/29826227_kw20_de_stabilisierungsmechanismus-201760
- Directorate-General for Economic and Financial Affairs (European Commission). (2010). The economic adjustment programme for Greece. In Publications Office of the European Union. Publications Office of the European Union. <https://op.europa.eu/en/publication-detail/-/publication/64c89a77-ddc4-46f4-9bb0-18d7e80f6f0c/language-en/format-PDF/source-258366698>
- Dullien, S. (2012). Why the Euro Crisis Threatens the European Single Market. https://ecfr.eu/wp-content/uploads/ECFR64_EU_CRISIS_MEMO_AW.pdf
- European Central Bank. (2021, November 18). Five things you need to know about the Maastricht Treaty. European Central Bank. https://www.ecb.europa.eu/ecb/educational/explainers/tell-me-more/html/25_years_maastricht.en.html#:~:text=The%20Maastricht%20Treaty%20paved%20the
- European Commission. (2018, May 31). The Reform Support Programme and the European Investment Stabilisation Function explained. European Commission - European Commission. https://ec.europa.eu/commission/presscorner/detail/en/MEMO_18_3971
- European Commission. (2019). Convergence criteria for joining. European Commission. https://ec.europa.eu/info/business-economy-euro/euro-area/enlargement-euro-area/convergence-criteria-joining_en
- Gros, D., & Mayer, T. (2017). A European Monetary Fund Why and how? http://aei.pitt.edu/92756/1/WD2017_11_DGandTM_EuropeanMonetaryFund.pdf
- Hauser, C. (2010, June 14). Downgrade of Greece Debt Slows U.S. Indexes. *The New York Times*. <https://www.nytimes.com/2010/06/15/business/15markets.html>
- IMF, & ESM. (2015, August 13). Statement on Greece by the European Commission in liaison with the European Central Bank*. European Commission - European Commission. https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_15_5493
- Johnston, M. (2021, June 23). Understanding the Downfall of Greece's Economy. Investopedia. <https://www.investopedia.com/articles/investing/070115/understanding-downfall-greeces-economy.asp>
- Karnitschnig, M. (2017, August 29). Merkel quashes hopes of ambitious eurozone reform. *POLITICO*. <https://www.politico.eu/article/merkel-quashes-hopes-of-ambitious-eurozone-reform/>

Nantha, H. S. (2014). Book Review: The Road From Mont Pèlerin: The Making of the Neoliberal Thought Collective. *Review of Radical Political Economics*, 46(3), 417–420.

Nast, Condé. “Will Angela Merkel Save the European Ideal?” *The New Yorker*, 7 July 2015, www.newyorker.com/news/john-cassidy/will-angela-merkel-save-the-european-ideal. Accessed 29 May 2022.

Nielsen, N. (2018, March 16). *Merkel in Paris for eurozone reform talks*. EUobserver. <https://euobserver.com/green-economy/141349>

Online, Z. (2015, June 17). *Die Mehrheit der Deutschen will den Grexit*. *Www.zeit.de*. https://www.zeit.de/wirtschaft/2015-06/deutsche-wollen-grexit?utm_referrer=https%3A%2F%2Fwww.google.com%2F

Pazzanese, C. (2019, May 28). *Those who have known Angela Merkel describe her rise to prominence*. *Harvard Gazette*; *Harvard Gazette*. <https://news.harvard.edu/gazette/story/2019/05/those-who-have-known-angela-merkel-describe-her-rise-to-prominence/>

Pornschlegel, S. (2021, September 29). *AICGS Asks: What is Angela Merkel's Legacy for European Integration?* AICGS. <https://www.aicgs.org/2021/09/aicgs-asks-what-is-angela-merkels-legacy-for-european-integration/>

Pratley, N. (2015, May 11). *Schäuble's subplot – a Grexit, it seems, no longer worries Germany*. *The Guardian*. <https://www.theguardian.com/business/nils-pratley-on-finance/2015/may/11/greece-make-or-break-talks-interesting-sub-plot-emerges->

Publications Office of the European Union. (2022). *Towards a single currency: a brief history of EMU*. Europa.eu. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3AI25007>

Ruppold, J. (2014). *Are Austerity Measures Leading to a North-South Divide?* https://eu.boell.org/sites/default/files/uploads/2014/02/presentation_julian_ruppold.pdf

Sandford, A. (2017, September 26). *Macron outlines sweeping EU reform plans*. *Euronews*. <https://www.euronews.com/2017/09/26/watch-live-french-president-emmanuel-macron-set-to-outline-his-eu-reform-plans>

Scheinert, C. (2019). *Establishment of a European monetary fund (EMF)*. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635556/EPRS_BRI\(2019\)635556_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635556/EPRS_BRI(2019)635556_EN.pdf)

Sinn, H.-W. (2013). *Austerity, Growth and Inflation: Remarks on the Eurozone's Unresolved Competitiveness Problem*. *The World Economy*, 37(1), 1–13.

Strupczewski, J. (2013, June 6). *EU, IMF clash over “mistakes” in handling Greek bailout*. *Reuters*. <https://www.reuters.com/article/uk-eu-imf-greece-idUKBRE9550ME20130606>

The New York Times. (2016, June 17). *Explaining Greece's Debt Crisis*. *The New York Times*. <https://www.nytimes.com/interactive/2016/business/international/greece-debt-crisis-euro.html>

Treaty of the European Union (1992, May 01) Official Journal of the European Communities.

Vick, K., & Shuster, S. (2015). *TIME Person of the Year 2015: Angela Merkel*. *TIME.com*. <https://time.com/time-person-of-the-year-2015-angela-merkel/>

Wagstyl, S. (2015a, July 10). *Angela Merkel faces a “lose-lose” choice on Greece*. *Financial Times*. <https://www.ft.com/content/f0040a3a-26f5-11e5-9c4e-a775d2b173ca>

Wagstyl, S. (2015, July 16). *Germany's Wolfgang Schäuble puts Grexit back on the agenda*. *Financial Times*. <https://www.ft.com/content/4bb34e4e-2bcf-11e5-8613-e7aedbb7bdb7>

Welt. (2010, May 5). *Wortlaut: Merkels Rede zur Griechenland-Krise*. *DIE WELT*. <https://www.welt.de/aktuell/article7484886/Merkels-Rede-zur-Griechenland-Krise.html>

Werner, P. (1970). *Report to the Council and the Commission on the realisation by stages of Economic and Monetary Union in the Community*.

Zoppè, A., & Dias, C. (2019). *The European Stability Mechanism: Main Features, Instruments and Accountability*. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2014/497755/IPOL-ECON_NT\(2014\)497755_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2014/497755/IPOL-ECON_NT(2014)497755_EN.pdf)

1. Introduction

Although an increasing number of European countries have been electing female national leaders ever since the election of the United Kingdom's first female Prime Minister, Margaret Thatcher, the European Union has seemed to lag behind on this trend. This was until the recent elections of Ursula von der Leyen and Christine Lagarde; Presidents of the European Commission and the European Central Bank in 2019 (Johnston, 2021). Still, it is quite remarkable that the Union, which has gender equality listed as one of its core values in article 8 of the Treaty on the Functioning of the European Union (TFEU, 2007), is among the latest governments in Europe to finally elect a woman in a leading executive position. Moreover, there exists a substantial base of literature on European Union's gender equality policies for society at large (Tomlinson, 2011), however, little attention has been directed towards the EU's internal policies aimed at achieving gender parity and including more women in decision-making processes within its institutions. This paper will address that research gap by investigating how women throughout history have contributed to the process of European integration and how their contributions differ between the 20th and the 21st century.

The paper will answer this research question by looking at the history of women's positions within the institutions of the European Union and its predecessors and by utilizing individual case studies of women who played a remarkable role in the integration process. Through this data, it will conduct comparative research on the contributions of women in the 20th and 21st century. As a result, the paper will provide relevant insights relating to the history and evolution of the interplay between gender and power in a European context. This paper adopts both academic papers and primary resources, such as treaties, to provide a valid answer to the research question. These sources appear to demonstrate that although women are often omitted from the history and narrative of early European Integration, they did in fact leave a legacy on the process of European integration. However, whereas women in the 20th century took on less high-profile roles and focused their efforts on the daily operations of the European institutions, women now assume more significant roles, breaking the "glass ceiling" and making way for future generations of women.

2. Women's contributions to European integration in the 20th century

The European Coal and Steel Community, established through the 1951 Treaty of Paris and now often referred to as the mother of all European communities, marked the start of the European integration process (Carbonell, 2020). Robert Schuman, the French foreign minister and at the time one of the driving forces behind the creation of the ECSC, quickly became the face, or father, of this newfound community. The term 'founding fathers' was subsequently coined to refer to the male politicians who cleared the path towards European peace and reconciliation in the 1950s. These included Robert Schuman, Konrad Adenauer, Alcide De Gasperi, Jean Monnet, Paul-Henri Spaak, Joseph Bech, and Jan Willem Beyen (Carbonell, 2020). However, as this term demonstrates, women were still unnoticed in the early years of the European integration process, working in the shadow of the founding fathers and European leaders (Denéchère, 2020). This was because, at the time, women were given little space in the national political life of the six founding states.

Furthermore, nobody could imagine a female member of the ECSC, managing the European coal and steel sectors, as the sectors' workforce was 95% male (Carbonell, 2020).

Nonetheless, a couple of women can be identified in the shadows of the founders of the European project, even if they did not have any deciding roles in the 1950s or 1960s (Denéchère, 2020). Most women worked 'office' jobs, taking part in the ECSC's daily operations as secretaries, stenographers, or interpreters. Ursula Wenmakers (1928-1963), an interpreter tasked with translating the exchanges between the French-speaking president of the High Authority and its German vice-president, formed an indispensable link between the two most prominent figures in the High Authority. However, her and other women's contributions to the construction of the Community were forgotten afterwards (Carbonell, 2020).

Although there were never any 'founding mothers' of Europe, some politicians, historians, and journalists nonetheless refer to historical women like Eleanor of Aquitaine (1122-1204) or Queen Victoria (1819-1901) as the 'grandmothers of Europe'. They earned this title not because of their contributions to the construction of a more unified and peaceful Europe, but instead because their descendants married royal families around the continent (Denéchère, 2020). This indicates that, whereas men earned the title of father of Europe because of their contributions to the political construction of Europe, women got the title of (grand)mother of Europe only because of their children, referencing the stereotypical image of women in the private and men in the public sphere (Kronsell, 2005).

Louise Weiss (1893-1983), on the other hand, was given this title because of her 60-year-long commitment to a more unified and peaceful Europe. Her contributions varied from the founding of the newspaper *L'Europe nouvelle* and the publication of her 1968 book *Mémoires d'une Européenne*, to the peace prize she founded in 1971 and her inaugural speech as the eldest member of the European Parliament in 1979 (Denéchère, 2020). However, none of these achievements contributed to the political construction of the European Community, and women only started to acquire deciding roles in this process from the beginning of 1980s.

On July 17, 1979, the European Parliament elected Simone Veil (1927-2017) as the first president elect of the assembly (Denéchère, 2020). Although this position had limited power at the time, Veil managed to develop the parliament's external relations by taking positions on major international issues and engaging in diplomatic conversations with third countries (Denéchère, 2020). She directed her efforts towards legitimizing the Parliament as an important actor in the European integration process and presenting the institution as the embodiment of a democratic Europe. In 1981, Veil's contributions to the European integration process were recognized as she became the first woman to receive the Louise Weiss prize (Denéchère, 2020). She was, however, not the only woman during that period who left a legacy. Other women did so through their position in the Parliament and their work on specific issues. Nicole Fontaine was one of these women, as she became the second woman to be president of the European Parliament in 1999, twenty years after her predecessor Veil (Denéchère, 2020). As president, she represented the Parliament both within the Union and on the international stage. Besides that, she had a great amount of legislative power, as the President's signature is required to enact most new legislation and the sign off on the EU's budget (TEU, 1992, art. 191).

Contrary to the European Parliament, the European Commission – known as the High Authority in the ECSC – did not have any women included in their decision-making processes until 1989, when it finally appointed two women, Christiane Scrivener (1925) and Vasso Papandreou (1944), among its commissioners (Denéchère, 2020). Between 1993 and 1995, there was only one woman out of seventeen commissioners, and although the position of High Representative of the European Union for Foreign Affairs and Security Policy was held by a woman in 2009 and 2014, it took until the election of Ursula von der Leyen in 2019 for a woman to finally lead the commission (Denéchère, 2020). Since the European Commission is the executive branch of the European Communities, and later the EU, one must conclude that women were not involved in any executive decision-making in the Community up until 1989 and were still underrepresented in these processes for several decades after.

The European Council, composed of the heads of state of the Community's member states and tasked with setting its political agenda, saw its first female member join in May 1979, when Margaret Thatcher (1925-2013) became Prime Minister of the United Kingdom. Throughout the 1980s, she remained the only woman in the Council (Denéchère, 2020), but she nevertheless kick-started an era of greater female presence at the top of European politics (Whitman, 2013).

Although Thatcher did not create the Single Market Programme, which aimed to eliminate all non-tariff barriers for trade within the EEC, she was a great supporter of it and convinced her government to sign the Single European Act in 1989. The SEA rebooted the EEC's economic integration and went on to inspire the project of further political integration as well (Whitman, 2013). However, while Thatcher supported a high degree of economic integration, she expressed growing doubts about the EEC's direction towards a federal Europe. Eventually, she expressed these concerns in her 1988 Bruges Speech, which influenced the United Kingdom's position towards the political integration of the EEC for decades to come (Whitman, 2013). Ultimately, Thatcher undoubtedly left a legacy on the European integration process, both through her support for further economic integration, as well as her reluctance towards more political integration.

3. Women's contributions to European integration in the 21st century

Since the beginning of the European integration process, and especially over the last two decades, an increasing amount of attention has been directed towards achieving gender parity in all policy areas of the European Union. Whereas the focus used to lay more on legal protection against discrimination based on gender, it has shifted towards including proactive measures to overcome historical barriers and achieve equality in practice (Prpic et al., 2019). The adoption of 'gender mainstreaming', the inclusion of a gender perspective in all policy areas and at all levels and stages of decision-making, has come to play a major role in trying to realize this outcome. By including gender mainstreaming in policy making, new policies are more relevant to society and respond more effectively to the needs of all citizens (GES 2020-2025, 2020).

In 2005, the European Commission announced its first Gender Action Plan (GAP) to bridge the gap between high-level policy and development practice (Brechenmacher et al., 2021). The GAP included three main points of action: gender mainstreaming, the integration of gender in political dialogues with non-EU partners, and implementing specific actions countering gender parity. However, the plan was never fully implemented due to a lack of political prioritization and internal expertise (Brechenmacher et al., 2021). A second, adapted version of the GAP (GAP II) was adopted in 2016. It still included the three main points of GAP I, but specifically emphasized the need to increase women's participation in policy making and governance. Even though implementation weaknesses continued, the plan did increase the Union's prioritization and funding for gender parity (Brechenmacher et al., 2021).

When Ursula von der Leyen (1958) was elected President of the European Commission in 2019, she ensured that gender equality would be one of her top priorities, leading by example. Under her presidency, the College of Commissioners achieved gender parity, with thirteen female commissioners out of twenty-seven along with a female president. In the new EU Gender Equality Strategy 2020-2025, the commission declares its aim to include more women in decision-making and achieve a gender balance of 50% at all levels of EU management by 2024 (Johnston, 2021) by implementing measures such as establishing quotas for female appointments and leadership development programs (GES 2020-2025, 2020). The new GAP III, released in 2020, along with the creation of a Commissioner for Equality and a Task Force for Equality to ensure the implementation of gender mainstreaming at all levels of major Commission initiatives, show a strong institutional commitment to achieving gender equality within the Union (Johnston, 2021). The greatest obstacle, however, remains implementing these frameworks into practice, as there remains a persistent gap between institutional statements and their actual implementation (Johnston, 2021).

However, the EU's efforts have not been fruitless, as the European Union and its institutions have seen a steady increase in their proportion of female members over the past decades. The European Parliament (EP), for example, saw its proportion of female members of parliament (MEPs) increase from only 15.2% in 1979, the first year the European Parliament was elected, to 39.3% in 2021 (Hörst et al., 2022). However, even if this proportion is above average for EU national parliaments, as 51% of the European population are women, the Parliament is still not representative of European society. Furthermore, the proportion of female MEPs varies greatly between member states, with only 7 out of 27 member-states achieving at least gender parity (Hörst et al., 2022). Countries such as Slovakia, Romania, and Cyprus have the lowest proportions of female MEPs, coming in at less than 21%. This disparity between member states might explain in parts why equality in gender representation in the EP has not yet been achieved; gender mainstreaming is not yet fully internalized at the member-state level, making it difficult for the least gender-equal countries to follow the EU's standard towards gender equality in the EP (Hörst et al., 2022). Moreover, female representation also differs between different European political groups, where left-wing parties are generally more gender-equal than right-wing groups (Hörst et al., 2022).

Lastly, women are still grossly underrepresented in higher-profile or leading positions, although there has been a positive evolution throughout the last decade. Currently, eight out of fourteen vice-presidents and twelve out of twenty-two (sub)committee chairs in the EP are female (European Parliament, 2019). Moreover, since January 2022, the position of president of the European Parliament is held by the Maltese Roberta Metsola, who is only the third woman out of thirty presidents to be elected to this position (Hörst et al., 2022). Besides the European Parliament, the two other main EU institutions, the European Council and Commission, are also headed by presidents. The position of President of the European Council was only recently created in the Treaty of Lisbon, however, it has exclusively been held by men, while the Commission only saw its first female president elected in 2019 (Hörst et al., 2022). This data shows that, although significant efforts have already been made towards a gender equal European Union, there is still a long road ahead until gender parity is achieved.

Women still face various obstacles withholding them from participating in the political sphere and contributing to a continuous gender imbalance in the EU institutions. Initially, research attributed women's underrepresentation in decision-making to a lack of political ambition, although it is now recognized that other more structural and societal barriers hinder women from participating in politics or achieving leading positions (Shreeves et al., 2019). In fact, there are several interrelated factors that contribute towards women's under-representation, many of which are associated with gender roles and stereotypes in society (Shreeves et al., 2019). For instance, gender stereotypes help shape different career aspirations for boys and girls from an early age on, often including the message that women are 'not made for politics' or displaying the field as a masculine discipline. Other obstacles that might limit women from entering politics include women's individual perceptions of their abilities; an absence of female role models in the political sphere; unequal access to resources such as time, money, and political networks; and unequal family responsibilities (Shreeves et al., 2019).

Despite these barriers, women like Christine Lagarde (1956) and Ursula von der Leyen have recently achieved high-profile decision-making positions that, until 2019, had only been held by men. In 2019, Lagarde was elected President of the European Central Bank (ECB), after being the Managing Director of the International Monetary Fund (IMF) between 2011 and 2019 (Kapusuzoğlu & Eriçok, 2018). The ECB is the institution conducting the European Union's economic and monetary policies and regulating the euro. Besides that, its decision-making bodies also govern the European System of Central Banks (ESCB), consisting of the national banks of EU member states and the ECB itself and tasked with maintaining price stability in the entire European Union (TFEU, 2007, Protocol No 4). As President of the ECB, Lagarde is charged with representing the Bank at high-level EU and other international meetings and chairing the ECB's Governing Council, the decision-making body, and Executive Board, which oversees the Bank's daily operations (TFEU, 2007, Protocol No 4). As the first female President of the ECB, the election of Lagarde into this influential position with a great deal of executive and decision-making power marks a milestone for women's representation in high-profile positions.

In the same year as Christine Lagarde, Ursula von der Leyen managed to break another “glass ceiling” within one of the EU’s institutions when she was elected the first female President of the European Commission. The European Commission is the executive power of the European Union and is charged with putting forward proposals for new laws and implementing EU policies (TFEU, 2007, art. 244-250). As the President of this institution, von der Leyen’s main tasks include setting the Commission’s policy agenda and deciding on its internal organization. Furthermore, she represents the Commission in meetings with the European Council, at the G7 and G20 summits and in debates with non-EU countries (TFEU, 2007, art. 244-250). Since the President of the Commission has a substantial amount of influence on the decision-making processes, policies, and agenda of the European Union, von der Leyen is now holding one of the most powerful and influential positions within the Union.

With both Lagarde and von der Leyen being the first women to hold these positions, one can conclude that the roles and contributions of women to the European integration process have majorly changed compared to the twentieth century. Women in the twenty-first century are finally able to break the glass ceilings and take on positions with vast amounts of executive power within the EU.

4. Conclusion

Although women are often disregarded as actors in the early European integration processes, they nonetheless left a legacy on the construction of the Community. In the 20th century, most women did not hold any high-profile positions, but contributed to the daily operations of the ECSC or the EC working ‘office’ jobs. Especially during the 1950s and 1960s, women were very underrepresented at all levels of decision-making processes (Denéchère, 2020). Since the 1970s, women have gradually gained representation in the European Parliament, although it took until 1989 before women were included in the Commission. This means that until then, women were excluded from decision-making on the executive level of the Communities, and therefore had no influence on the implementation of new policies. Few women, like Simone Veil, did achieve high-profile positions, however, they either had little executive and decision-making power, or focused their effort mostly on economic integration, like Margaret Thatcher did.

In the twenty-first century, however, women are more represented in the European Parliament, the Commission, and other EU institutions. Although gender parity has not yet been achieved, the policies implemented by the EU, and the Commission in particular, have nonetheless impacted the gender imbalance within the EU. Furthermore, women are now able to achieve high-profile decision-making and executive positions, where they can influence the EU’s policies and legislation, with women like Christine Lagarde and Ursula von der Leyen breaking the glass ceiling and making way for future generations of women. Despite these achievements, women still face numerous barriers. These are often associated with gender roles and stereotypes and withhold women from participating in European politics. Shedding light on the contributions and roles of women in the early years of European integration might encourage more women to engage in the political sphere, as having role models to look up to can influence women’s participation (Shreeves et al., 2019).

It is crucial to understand and acknowledge the barriers women face and implement policies eliminating them to reach full gender equality within the European Union. Only when the European Union is fully representative of the European society, the right policies responding to the specific needs of all citizens can be implemented, bringing the EU a step closer to being as relevant and as efficient as possible.

References

Primary sources:

European Union, Treaty on European Union, 7 February 1992, Maastricht, 92/C 191/01. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT&from=EN>

European Commission, A Union of Equality: Gender Equality Strategy 2020-2025, 5 March 2020, Brussels, COM(2020) 152. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152&from=EN>

European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, Lisbon, 2012/C 326/01. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>

Secondary sources:

Brechenmacher, S., Henckes, R.-M., & Lledo, E. (2021). Bolstering Women's Political Power Lessons from the EU's Gender Action Plan II (pp. 1–4). Carnegie Europe. https://carnegieendowment.org/files/Brechenmaher_Gap_II_Study_final_updated.pdf

Carbonell, M. (2020, June 22). The Founding fathers of Europe and the ECSC mother. Encyclopédie d'Histoire Numérique de L'Europe. <https://ehne.fr/en/encyclopedia/themes/gender-and-europe/gender-citizenship-in-europe/founding-fathers-europe-and-ecsc-mother>

Denéchère, Y. (2020, June 22). The Female Actors of European Construction. Encyclopédie d'Histoire Numérique de L'Europe. <https://ehne.fr/en/encyclopedia/themes/gender-and-europe/gender-citizenship-in-europe/female-actors-european-construction>

Hörst, C., Geertsen, P., Dao, S., Rahman, S., & Tucker, M. (2022). More Representation But Not Influence: Women in the European Parliament (pp. 1–14). GMF. <https://www.gmfus.org/sites/default/files/2022-01/Horst%20et%20al%20-%20Women%20European%20Parliament%20-%20paper.pdf>

Johnston, Dr. K. L. (2021). Advancing Gender Equality in the European Union (pp. 1–3). Women in International Security. <https://wiisglobal.org/wp-content/uploads/2021/11/Advancing-Gender-Equality-in-the-European-Union.pdf>

Kapusuzoğlu, Ş., & Eriçok, B. (2018). A Source of Inspiration for Women: Christine Lagarde. In Springer Proceedings in Complexity (pp. 375–380). Springer. https://doi.org/10.1007/978-3-319-64554-4_27

Kronsell, A. (2005). Gender, power and European integration theory. *Journal of European Public Policy*, 12(6), 1022–1040. <https://doi.org/10.1080/13501760500270703>

Prpic, M., Shreeves, R., & Dobreva, A. (2019). Promoting equality between women and men (pp. 1–12). European Parliament Research Service. https://what-europe-does-for-me.eu/data/pdf/focus/focus10_en.pdf

Shreeves, R., Prpic, M., & Claros, E. (2019). Women in politics in the EU - State of Play (pp. 1–12). European Parliamentary Research Service. [https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635548/EPRS_BRI\(2019\)635548_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/635548/EPRS_BRI(2019)635548_EN.pdf)

Tomlinson, J. (2011). Gender equality and the state: a review of objectives, policies and progress in the European Union. *The International Journal of Human Resource Management*, 22(18), 3755–3774. <https://doi.org/10.1080/09585192.2011.622923>

Whitman, R. G. (2013, April 9). On Europe: Margaret Thatcher's Lasting Legacy. Chatham House – International Affairs Think Tank. <https://www.chathamhouse.org/2013/04/europe-margaret-thatchers-lasting-legacy>

Political elites, citizens, and a fight over public opinion.
The dynamics of democratic backsliding in Poland
ZUZANNA BOROWSKA

1. Introduction

Since the right-wing populist PiS party gained power in 2015, Poland has reportedly experienced abuses of the rule of law and has been regarded as an autocratizing state (Sadurski, 2018; Surowiec et al., 2019; Vachudova, 2020). While the violations of democratic principles have intensified, the public support for the ruling government has remained surprisingly stable (Stanley, 2022).

As these developments affect millions of Polish citizens, substantial research has been conducted to understand them. Nevertheless, it has focused mainly on purely descriptive analyses of the ruling government's violations of specific democratic principles (Nalepa, 2020; O'Dwyer and Stenberg, 2021; Surowiec et al., 2019) or comparative studies of Poland and Hungary (Everett, 2021; Holesch and Kyriazi, 2021). Concurrently, it has lacked understanding of the dynamics within Polish society itself: the underlying relationships between political elites and citizens and the roles they play in the process of democratic backsliding.

In response to the urgent need of understanding the situation in Poland, this paper aims to answer the following research question: How does the shaping of public opinion by political elites affect the process of democratic backsliding in Poland? It argues that the Polish political elites have been involved in various forms of manipulating public opinion in favor of themselves, which leads to stable popular support for the ruling PiS party despite its increasing rule of law violations. Consequently, the party is encouraged to pursue more non-democratic policies without fearing accountability, which accelerates democratic backsliding.

To reach these conclusions, key theories explaining autocratization and the ways of affecting the society's opinions by political elites are first introduced and then applied to an analysis of democratic backsliding in Poland. The paper attempts to consider the problem from the perspectives of different actors by first studying how the elites manipulate public opinion in Poland, then examining the society's responses to such manipulation, and finally analyzing how these responses further affect the support for the ruling party and the democratic backsliding process.

Such design constitutes the paper's relevance to the existing academic debate regarding democratic backsliding in Poland. Moreover, studying the relationships between political elites and citizens establishes its societal relevance by bringing a more socially embedded, real life context to the discussion - and therefore an opportunity to look at Polish democratic backsliding from a different perspective, deepen the understanding of this issue, and develop more effective solutions to the crisis of democracy.

2. Theoretical framework

To conduct an informed analysis of the situation in Poland, it is first necessary to clarify the concepts used and study relevant existing theories. This paper aims to take a balanced approach towards the theories and build upon them to develop a scientifically relevant perspective. Its methodology is based on an extensive case study of a specific country (Poland) and a specific phenomenon (democratic backsliding), using already written academic literature to reach conclusions by summarising, synthesising, and critically evaluating the available information, but also offering its own analytical approach.

2. 1 Definitions and conceptual clarifications

The central concept requiring definition is certainly democratic backsliding. This paper accepts the conceptualization by Nancy Bermeo (2016, p. 5) - "the state-led debilitation or elimination of the political institutions sustaining an existing democracy" - because of its academic renown and clarity. Following this definition, democratic backsliding occurs in consolidated democracies with functioning democratic institutions (such as Poland) and is initiated by political elites. It is also noted that the understanding of the concept has changed dramatically since the Cold War, that presently backsliding takes more subtle, incremental forms, and that democratic institutions frequently legitimize it (Bermeo, 2016).

Political elites may be defined as the small minority playing a crucial part in a country's political and social affairs (Parry, 2005). This minority is usually empirically represented by the state's government. For the purpose of this research, political elites are understood as the Polish ruling government and leading politicians. This group is contrasted with the broadly defined society - the ordinary citizens, the non-elites, or those not holding any power positions within the government.

Finally, public opinion might be described using the simple definition by Harwood L. Childs (1939, p. 331): "any collection of individual opinions designated". In the paper's context, it means the collection of opinions of all Polish citizens. Although public opinion is difficult to measure, a sense of it may be obtained by studying opinion polls, statistical data, or publicly available social media.

2. 2 Theories of democratic backsliding and public opinion shaping

As stated by Steven Levitsky and Daniel Ziblatt (2018), democratic backsliding often begins unnoticed, without open violation of democratic rules - instead, a regime takes small steps to gradually become hybrid or fully authoritarian. Levitsky and Ziblatt (2018) explain these steps comprehensively in their framework on how democracies die. Using a soccer game analogy, they describe how the autocratizing regimes first capture the "referees" of democracy (that is the judiciary and law-enforcing institutions), then sideline the opponents (the political opposition, but also media and businesses), and finally change the rules of the game by rewriting constitutions and redesigning electoral systems. While this process happens in front of the citizens' eyes, they only realise it when the government has already gained so much advantage that restoring democracy becomes fundamentally impossible.

3. *Missing perspectives in literature*

A review of existing literature on the Polish case performed to inform this paper has noted that most scholars study Poland together with Hungary, sometimes also the Czech Republic, and that the academic debate on democratic backsliding in these countries focuses on the European Union context (Everett 2021; Holesch and Kyriazi 2021; Vachudova 2020). The literature concerning Poland itself is mostly descriptive, characterising instances of rule of law violations but not exploring the underlying reasons behind the situation or the role of different actors in it (Nalepa 2020; Sadurski 2018; Surowiec et al. 2019). The explanatory sources also lack coherence, failing to reach common ground in the proposed explanations (Bucholc 2019; O'Dwyer and Stenberg 2021; Tworzecki 2018). Finally, most of these articles are written by Polish authors, implying biased standpoints and a risk of the discussion becoming more political than academic. The mentioned theories are therefore used along the empirical analysis to address the identified gaps in the existing case-specific literature.

4. *Analysis*

4.1 *The seven years of democratic backsliding in Poland*

The PiS party (“Prawo i Sprawiedliwość”, “Law and Justice”) - a right-wing populist, national-conservative party led by Jarosław Kaczyński - seized power in Poland in 2015, after eight years of rule by the centre-right Platforma Obywatelska (PO, “Civic Platform”) (BBC, 2015; Cienski, 2015). Their win was spectacular. PiS received 37.6% of the votes which allowed them to establish a single-party majority in the parliament, controlling both its houses (Państwowa Komisja Wyborcza, 2015). Until 2022, the support for PiS has remained stable, with recent opinion polls showing that more than 30% of those eligible would vote for it should the elections happen in January 2022 (Gazeta Prawna, 2022; Polsat News, 2022; Stanley, 2022). The support levels have not changed despite the reportedly undemocratic politics performed by the government. What are the reasons for such a dynamic? Is it the ruling party's manipulation of public opinion, a lack of substantial opposition, or the attitudes of the electorate itself? As argued by this paper, all these factors play a role and are broadly interconnected.

Based on available evidence, it is reasonable to claim that the PiS party has followed the consecutive stages of democratic backsliding, as described by Levitsky and Ziblatt (2018). The first stage - capturing the referees of democracy - may be illustrated by the judiciary reform, especially the controversies around the Constitutional Tribunal. In 2015 two new justices of the Tribunal were supposed to be elected and three more had already been elected but not yet sworn in. Based on controversial law interpretations, the new PiS government refused to approve the three judges, instead proposing its own candidates and consequently appointing five new supportive justices (Nalepa, 2020; Szuleka et al., 2016). The party's effective majority in the court enabled it to easily pass even those laws that explicitly breached the Constitution. Such actions undermined the judicial independence principle and made the Tribunal incapable of providing a constitutional check on the government's power.

The second stage of democratic backsliding - sidelining the opponents - can be depicted by PiS's moves against the freedom of the press. Since 2015, the party has taken various steps to "repolonize" the media and liberate them from supposedly dangerous foreign influence, for instance by appointing pro-government journalists or encouraging the scandalous acquisition of Polska Press - a private company publishing 20 local media portals across Poland - by a state-controlled oil firm PKN Orlen (International Press Institute, 2021). Their most recent attempt to seize power over the media was the so-called "Lex TVN" - an amendment of the Polish Media Act which sought to prohibit companies from outside the European Economic Area from holding more than 49% stake in the Polish radio and television stations (Krzyżaniak, 2021; Przekociński, 2021). This directly targeted TVN - the largest opposition media platform, owned by an American company Discovery (ibid.). After complicated political proceedings and a wave of protests, the amendment was ultimately vetoed by President Andrzej Duda, however, the government is already considering options to pursue it further (Business Insider Polska, 2022).

The final stage is rewriting the rules of the game. While PiS has passed numerous dubious legal acts and plans to change the Polish Constitution, this has not happened yet (Czuchnowski and Szpala, 2020; Sobczak, 2019). Whether it becomes possible will be determined by the future sentiments of the electorate and the results of the 2023 parliamentary election.

While PiS has passed numerous dubious legal acts and plans to change the Polish Constitution, this has not happened yet (Czuchnowski and Szpala, 2020; Sobczak, 2019). Whether it becomes possible will be determined by the future sentiments of the electorate and the results of the 2023 parliamentary election.

4.2 How do political elites shape the opinions of Polish society?

To answer this paper's central research question, it is relevant to focus on the public opinion manipulation aspect of the autocratization processes described above, constituted mostly by one of the arenas of democratic contestation proposed by Levitsky and Way, the media. The aforementioned controversial media policies show clearly that the political elites in Poland do shape public opinion in a highly manipulative way. As described in a report by the International Press Institute (2021, p. 7), the main public television, TVP, is used as "a personal communication tool of the ruling party", the purpose of which is to "spread propaganda and at times relentlessly attack PiS's critics in the media". Open, free, and public access to information is limited. Citizens' ability to form opinions independently is constrained.

After the government has captured the publicly available media, how exactly are they manipulating society's opinions? This is achieved primarily through framing the PiS as the saviors of the Polish Nation who protect their people against threats coming from the outside (Bucholc, 2019; Sadurski, 2018; Tworzecki, 2018). This rhetoric is based on creating common enemies (depending on the political landscape, the European Union, the opposition, the immigrants, the LGBTQ+ community, the judges, and other groups) and establishing social solidarity against these enemies, with the heroic PiS party taking the lead in combating them. They appeal to highly nationalistic, populist ideas, as well as traditional values, such as religion, family, and patriotism, with which many Poles still identify strongly.

Another key factor is Poles' common memory, related to the country's complex history, including the communist times. According to the PiS rhetoric, "only those who have the right memories belong to the Polish Nation, and the one, united and true Polish Nation can only be authentic (and authenticated) if its memory is fully restored" - as described by Marta Bucholc (2019). The political opposition is typically framed as supporters of the communist regime who must be prosecuted for their betrayal of the Polish Nation (Vachudova, 2020). The liberation, again, comes from the PiS party and its conservative political agenda.

Nevertheless, media manipulation and framing descriptions of political events in a supportive manner are not the only tools PiS has used to shape public opinion. Arguably, their most powerful incentives were their social policies, such as the "Family 500+" program. It is a benefit which applies to all Polish citizens, regardless of income, and allows families with children to receive 500 Polish złoty for each child every month (Ministerstwo Rodziny i Polityki Społecznej, 2022). The program is seen by some as a tool to increase electoral support and make citizens calm, while taking public attention off the fact that financial resources for other purposes are missing or that the government is pursuing alarming anti-democratic political procedures (Cragg, 2019; Gromadzki et al., 2022). This kind of manipulation has been extremely successful and might be named among the most crucial factors that effectively gave PiS its stable support.

4.3 Citizens' responses to manipulation and their impact on democratic backsliding

In the absence of objective information and in the presence of a one-sided positive image of the government coming from sources possessing public authority (such as public television), it becomes challenging for society to remain unbiased. As people generally tend to believe what they hear in the media or from political leaders, so do Polish people. They do not notice that the supposedly objective media are factually spreading propaganda and remain indifferent to the warnings of autocratization. Meanwhile, their comfort is restored and alertness reduced by direct social support through government policies including the "500+" program. As a consequence, they frequently simply stop paying attention to politics unless something spectacular happens - and if such events do happen, the government-controlled media can easily hide them or present them as successes.

Notably, there is a substantial group of Polish people who have been opposing the undemocratic policies by undertaking various forms of collective action, particularly mass protests. A notable example is the "Ogólnopolski Strajk Kobiet" (All-Poland Women's Strike) movement and the large-scale demonstrations in 2020 and 2021 related to abortion rights which soon turned into a general rebellion against PiS (Wądołowska, 2020). However, the protests failed to achieve significant results, the anti-abortion law was accepted nonetheless, the decrease in popularity of the ruling party was only temporary, and many protesters soon faced repressions (Amnesty International, 2021; Nowosielska, 2021).

Considering these dynamics, it is not surprising that Polish society is so frequently described as extremely polarized. Hubert Tworzecki (2018) argues that it is a case of top-down polarization initiated by the political elites using populist slogans to delegitimize the existing establishment and create a favorable environment for the government to “rewrite the constitutional rules of the game to its own benefit”. By shaping public opinion in a way that promotes polarization and deepens the divisions between PiS supporters and opponents, the ruling government contributes to further accelerating democratic backsliding, as the society loses trust in public institutions and its collective ability to hold the elites accountable.

As demonstrated by the evidence above, the previously introduced theories on the impact of elites on public opinion find confirmation in Poland. The elites' statements directly affect the viewpoints of ordinary citizens. Limiting public access to information by harassing independent media further strengthens this effect. After a dominant public opinion in favor of the government is constituted, the political elites react by taking even more confident actions against democracy, thus contributing to democratic backsliding. There is nothing to be feared as long as the loyalty of the Polish electorate is ensured by social support policies and manipulating public information using (more or less subtle) propaganda techniques. There is nothing to be feared as long as the politicians' main needs of enacting their preferred policies and securing reelection are satisfied. When Polish political elites become fearless they act even more confidently against the Constitution and the rule of law. Democratic backsliding deepens as a result, the society gets used to it, and it becomes increasingly difficult to revert to democracy.

5. Conclusion

The demonstrated evidence, arguments, and theories applied to case examples have led to a final answer to this paper's central question: the shaping of public opinion by political elites causes the process of democratic backsliding to deepen and accelerate. It was proved that democratic backsliding is indeed happening in Poland. This phenomenon was then linked to public opinion manipulation and it was shown how the Polish government wins popular support through diversified propaganda techniques, appealing social policies, and direct repression. Finally, the paper considered the civil society responses, noting high polarization, the pro-government standpoint of the majority, the difficulties of the minority to collectively organize, and the effect that this social landscape has on democratic backsliding - namely the increasing scale and social acceptance of the process.

While this paper succeeded in answering the proposed research question, it is only a preliminary answer. As the Polish democracy crisis is currently ongoing, it is necessary to monitor the situation as it evolves and verify any judgements on this basis. This paper can serve as a starting point to understanding some social and political dynamics behind democratic backsliding in Poland. It cannot, however, become the only source of knowledge. Neither can its conclusions be generalized to all states experiencing autocratization. Further research on different (especially social) aspects of democratic backsliding is needed, both regarding Poland and in general. Finally, this paper does not provide any recommendations concerning how the present crisis should be tackled and claims no authority to do so. Nonetheless, it is the hope of this paper's author that it might become a useful source of information for the public and therefore contribute - even if to a very limited extent - to a positive change that the Polish society demands so urgently.

References

- Amnesty International (2021). "Poland: A Year On, Abortion Ruling Harms Women", <https://www.amnesty.org/en/latest/news/2021/10/poland-a-year-on-abortion-ruling-harms-women/>. Consulted on 22 January, 2022.
- British Broadcasting Corporation (BBC) (2015). "Poland elections: Conservatives secure decisive win", <https://www.bbc.com/news/world-europe-34631826>. Consulted on 20 January, 2022.
- Bermeo, N. (2016). "On Democratic Backsliding", *Journal of Democracy* 27(1), pp. 5-19
- Bucholc, M. (2019). "Commemorative Lawmaking: Memory Frames of the Democratic Backsliding in Poland After 2015", *Hague Journal on the Rule of Law*, <https://link.springer.com/article/10.1007/s40803-018-0080-7>. Consulted on 20 January, 2022.
- Bullock, J. (2011). "Elite Influence on Public Opinion in an Informed Electorate", *The American Political Science Review* 105(3), pp. 496-515.
- Business Insider Polska (2022). "Lex TVN. Wiceminister kultury mówi, że nowelizację mógłby przygotować prezydent Duda" <https://businessinsider.com.pl/gospodarka/lex-tvn-nowelizacje-moglby-przygotowac-prezydent/y81xdsf>. Consulted on 20 January, 2022.
- Chen, L., Chen, J., Xia, C. (2022). "Social network behavior and public opinion manipulation", *Journal of Information Security and Applications*, https://www.sciencedirect.com/science/article/pii/S2214212621002441?casa_token=hqjobTyjxE0AAAAA:vXxo2C1M2zA-FH_i-yBYYWn1YLc8cavn9ViYXCISEG8adle1dsM5uCVDOicDKb8YQRakxcpuNqM. Consulted on 20 January, 2022.
- Childs, H. L. (1939). "By Public Opinion I Mean", *The Public Opinion Quarterly* 3(2), pp. 327-336.
- Ciensi, J. (2015). "5 takeaways from Poland's election", *Politico*, <https://www.politico.eu/article/5-takeaways-polish-election-2015-law-justice-civic-voters-kaczynski-tusk-eu-pis-szydlo/>. Consulted on 22 January, 2022.
- Cragg, G. (2019). "Poland woos voters with controversial child benefit scheme", *France24*, <https://www.france24.com/en/20190507-poland-woos-voters-controversial-child-benefits-scheme-european-union>. Consulted on 22 January, 2022.
- Czuchnowski, W. and Szpala, I. (2020). "PiS złożył projekt zmian w konstytucji. Chce siedmioletniej kadencji prezydenta", *Wyborcza*, <https://wyborcza.pl/7,75398,25873209,pis-zlozyl-projekt-zmian-w-konstytucji-chce-siedmioletniej.html?disableRedirects=true>. Consulted on 21 January, 2022.
- Everett, J. (2021). "Poland and Hungary: Democratic Backsliding and the Shifting European Political Landscape", *RUDN Journal of Political Science* 23(3), pp. 394-406.
- Freedom House (2021). "Nations in Transit 2021. Poland", <https://freedomhouse.org/country/poland/nations-transit/2021>. Consulted on 20 January, 2022.
- Gazeta Prawna (2022). "Najnowszy sondaż: PiS nadal liderem, ale samodzielnie nie utrzyma się przy władzy", <https://www.gazetaprawna.pl/wiadomosci/kraj/artykuly/8325232,najnowszy-sondaz-pis-ko-polska-2050.html>. Consulted on 21 January, 2022.
- Gromadzki, J., Sałach, K., Brzeziński, M. (2022). "When Populists Deliver on their Promises: The Electoral Effects of a Large Cash Transfer Program in Poland. IBS Working Paper 02/2022", *Instytut Badań Strukturalnych*, <https://ibs.org.pl/publications/wplyw-programu-rodzina-500-na-wyniki-wyborow-w-polsce/>. Consulted on 22 January, 2022.
- Holesch, A. and Kyriazi, A. (2021). "Democratic backsliding in the European Union: the role of the Hungarian-Polish coalition". *East European Politics*, 38(1), pp. 1-20, https://www.tandfonline.com/doi/abs/10.1080/21599165.2020.1865319?casa_token=y4Rdhnouf48AAAAA%3AxFuK7NU8pTe7vhpDw_v7F4zVOEF3ERmEcFWKp-8zGc1zBy85usPfh6Nbh_LQmzQV0OVUIQtHTdst&journalCode=fjcs21. Consulted on 20 January, 2022.
- International Press Institute (2021). "Democracy Declining: Erosion of Media Freedom in Poland", https://ipi.media/wp-content/uploads/2021/02/20210211_Poland_PF_Mission_Report_ENG_final.pdf. Consulted on 20 January, 2022.
- Jacobs, L. and Shapiro, R. (2000). *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness*. Chicago: The University of Chicago Press.

- Krzyżaniak, B. (2021). "Lex TVN, czyli powrót do PRL. Gorące komentarze", *Forbes*, <https://www.forbes.pl/biznes/lex-tvn-komentarze-po-przyjeciu-nowelizacji-ustawy-o-radiofonii-i-telewizji/y8rp56h>. Consulted on 20 January, 2022.
- Levitskaya, A. and Fedorov, A. (2020). "Mechanisms of media manipulation", *International Journal of Media and Information Literacy* 5(1), pp. 69-78.
- Levitsky, S. and Way, L. (2002). "The Rise of Competitive Authoritarianism", *Journal of Democracy* 13(2).
- Levitsky, S. and Ziblatt, D. (2018). *How Democracies Die*. New York: Penguin Random House.
- McGraw, K., Best, S., Timpone, R. (1995). "'What They Say or What They Do?' The Impact of Elite Explanation and Policy Outcomes on Public Opinion". *American Journal of Political Science* 39(1), pp. 53-74.
- Ministerstwo Rodziny i Polityki Społecznej (Ministry of Family and Social Policy) (2022). "Rodzina 500 plus", <https://www.gov.pl/web/rodzina/rodzina-500-plus>. Consulted on 22 January, 2022.
- Morisi, D. and Wagner, M. (2020). "Bringing people closer to the elites: the effect of information on populist attitudes", *International Journal of Public Opinion Research* 33(3), pp. 664-477.
- Nalepa, M. (2020). "Transitional justice and authoritarian backsliding", *Constitutional Political Economy* 32(3), pp. 278-300.
- Nowosielska, K. (2021). "Aborcja stała się praktycznie niedopuszczalna w Polsce", *Polityka Zdrowotna*, <https://www.politykazdrowotna.com/71080,aborcja-stala-sie-praktycznie-niedopuszczalna-w-polsce>. Consulted on 22 January, 2022.
- O'Dwyer, C. and Stenberg, M. (2021). "Local-Level Democratic Backsliding? The Consolidation of Aspiring Dominant-Party Regimes in Hungary and Poland", Cambridge University Press, <https://www.cambridge.org/core/journals/government-and-opposition/article/locallevel-democratic-backsliding-the-consolidation-of-aspiring-dominantparty-regimes-in-hungary-and-poland/7ECFDED9602D143D7433646802A38329>. Consulted on 20 January, 2022.
- Państwowa Komisja Wyborcza (PKW, State Electoral Commission) (2015). "Wybory do Sejmu i Senatu Rzeczypospolitej Polskiej 2015", https://parlament2015.pkw.gov.pl/349_Wyniki_Sejm.html. Consulted on 20 January, 2022.
- Parry, G. (2005). *Political Elites*. Colchester: ECPR Press.
- Polsat News (2022). "Sondaż wyborczy. Zjednoczona Prawica na prowadzeniu, za nią Koalicja Obywatelska", <https://www.polsatnews.pl/wiadomosc/2022-01-15/sondaz-wyborczy-zjednoczona-pawica-na-prowadzeniu-za-nia-koalicja-obywatelska/https://www.polsatnews.pl/wiadomosc/2022-01-15/sondaz-wyborczy-zjednoczona-pawica-na-prowadzeniu-za-nia-koalicja-obywatelska/>. Consulted on 21, January 2022.
- Przekociński, D. (2021). "Czym tak naprawdę jest Lex TVN?", *Brief.pl*, <https://brief.pl/czym-tak-naprawde-jest-lex-tvn/>. Consulted on 20 January, 2022.
- Ratliff Santoro, L., Assaf, E., Bond, R., Cranmer, S, Kaizar, E., Sivakoff, D. (2021). "Exploring the direct and indirect effects of elite influence on public opinion", *PLOS ONE*, <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0257335#sec003>. Consulted on 22 January, 2022.
- Sadurski, W. (2018). "How Democracy Dies (in Poland): A Case Study of Anti-Constitutional Populist Backsliding", <https://ruleoflaw.pl/how-democracy-dies-in-poland-a-case-study-of-anti-constitutional-populist-backsliding/>. Consulted on 20 January, 2022.
- Sobczak, K. (2019). "Prezes PiS zapowiada zmiany w konstytucji", <https://www.prawo.pl/prawnicy-sady/zmiany-w-konstytucji-prezes-pis-zapowiada-projekt,454615.html>. Consulted on 21 January, 2022.
- Stanley, B. (2022). "Sondaże z początku roku. Polska 2050 i PSL nieco w górę. Co z PiS?", *Polityka*, <https://www.polityka.pl/tygodnikpolityka/kraj/2151110,1,sondaze-z-poczatku-roku-polska-2050-i-psl-nieco-w-gore-co-z-pis.read>. Consulted on 22 January, 2022.
- Stanley, B. (2022). "Rok w sondażach. Wróciliśmy do punktu wyjścia, ale patrzmy na trendy", *Polityka*, <https://www.polityka.pl/tygodnikpolityka/kraj/2149542,1,rok-w-sondazach-wrocilismy-do-punktu-wyjscia-ale-patrzmy-na-trendy.read>. Consulted on 20 January, 2022.

- Surowiec, P., Kania-Lundholm, M., Winiarska-Brodowska, M. (2019). "Towards illiberal conditioning? New politics of media regulations in Poland (2015–2018)", https://www.tandfonline.com/doi/abs/10.1080/21599165.2019.1608826?casa_token=K6MvRtgakmlIAAAAA%3APzIEzD_Z3JQIEwlq--nnrXE4-lcN6YrqW4bWMPeOQKUahSbp7iafrNlDsOR77cH2tJABLo5RiL&journalCode=fjcs21. Consulted on 20 January, 2022.
- Szuleka, M., Wolny, M., Szwed, M. (2016). "Kryzys Konstytucyjny w Polsce 2015-2016", *Helsińska Fundacja Praw Człowieka*, <https://www.hfhr.pl/wp-content/uploads/2016/09/HFPC-Kryzys-konstytucyjny-w-Polsce-2015-2016.pdf>. Consulted on 20 January, 2022.
- Tworzecki, H. (2018). "Poland: A Case of Top-Down Polarization", *The ANNALS of the American Academy of Political and Social Science*, <https://journals.sagepub.com/doi/full/10.1177/0002716218809322>. Consulted on 20 January, 2022.
- Vachudova, M. A. (2020). "Ethnopolitism and democratic backsliding in Central Europe". *East European Politics*, 36(3), pp. 318–340, https://www.tandfonline.com/doi/full/10.1080/21599165.2020.1787163?casa_token=zRxcO4lz1b4AAAAA%3AJFb1CXI6ToB4CjydB8OT1ptty9zVWqjFEOFYwYzcpOeSMu7dF2nNcXxlyOY1ZZ521ZSmA0M9h595. Consulted on 20 January, 2022.
- Wądołowska, A. (2020). "The symbols of Poland's abortion protests explained", *Notes from Poland*, <https://notesfrompoland.com/2020/10/30/the-symbols-of-polands-abortion-protests-explained/>. Consulted on 22 January, 2022.

1. Executive Summary

The cultural sector holds substantial importance within the European workforce, serving as a valuable tool for fostering democratic development, social integration, and exchange. Recognizing this significance, the European Union (EU) has identified it as a top priority. However, the EU's limited involvement and the lack of consistency among member states have impeded cultural access. Furthermore, financial barriers and their societal repercussions have resulted in the exclusion of the most economically vulnerable European citizens from participating in cultural activities, with children and students being particularly affected. While the cultural sector encompasses a broad range of expressions, this policy proposal specifically targets "high-culture," which is often inaccessible to lower socioeconomic classes. Consequently, it is recommended that the European Commission initiates a unified European cultural policy. This proposal includes several key measures. Firstly, the establishment of a Common European Cultural Fund, modeled after the Dutch cultural model. Secondly, the creation of a European cultural site label to enhance subsidy allocation and foster a robust European cultural network for collaboration and exchange. Thirdly, the provision of free entry to all labeled cultural sites for children and students residing in the EU. Lastly, the reduction of cultural costs for the remaining European population.

2. The Importance of the Cultural Sector in the EU

2.1 The Cultural Sector and the Economy

The cultural sector employs more than 3.9 million people in Europe, of which 56% work in the artistic and cultural industry (van der Ploeg, 2006). By introducing a Common Cultural Policy that aims to support this industry, the Commission is making a considerable impact on the lives of millions of people. Furthermore, increasing the cultural budget has been shown to be linked to economic growth in a country (van der Ploeg, 2006). For instance, it allows for considerable financial spillovers to the national and European economies. As a report from the OECD (2021) shows, the different creations of jobs and the diversification of income streams are incredible opportunities to strengthen member states' economies. Further, the cultural sector is a driver of innovation and an incubator for developing creative skills (OECD, 2021). Lastly, the cultural sector is a key driver for expanding tourism, a sector most – if not all – member states heavily rely on (OECD, 2021).

It is essential to avoid viewing the cultural sector solely as an economic market that allocates goods based on market forces. Such an approach opens the door to the commercialization of culture, benefiting only the most popular cultural sites and artworks. This commercialization leads to a decrease in diversity and the necessary range for cultural and artistic creation and participation (van der Ploeg, 2006). Furthermore, culture can be seen as a non-excludable public good, implying that the market alone will fail to efficiently deliver culture to society (van der Ploeg, 2006). Therefore, government intervention becomes crucial in ensuring that culture is distributed and accessible to all members of society. Moreover, strengthening the cultural sector has demonstrated positive impacts on the overall health and well-being of society, contributing to the overall satisfaction of a country (OECD, 2021). Additionally, the cultural sector has proven to enhance social inclusion and promote social capital across society (OECD, 2021).

These factors highlight the significance of government support and action to safeguard and foster a vibrant and inclusive cultural sector.

2.2 The Cultural Sector and Democracy

According to the European Parliamentary Research Service (EPRS) (2018), 77% of European citizens state that culture, both in personal and socio-economic dimensions, occupies a very important role in their lives. Hence, it is imperative to accord culture the appropriate level of priority within the European Union's agenda, taking into account the interests and well-being of its people.

In addition, culture can be seen as a tool to enhance social inclusion and political participation. The protection and the promotion of cultural diversity is a way to safeguard the rights and freedoms of minorities and can help with community building (EPRS, 2018). It has also been found that cultural goods enhance intergenerational value, meaning that it considerably helps promote and develop a shared identity (van der Ploeg, 2006). Moreover, the Indicator Framework on Culture and Democracy (IFCD) has shown the existence of a strong relationship between cultural and political engagement, trust in society, and democratic openness (EPRS, 2018). Promoting culture is not just about spreading alternative leisure activities, but also strengthening a shared identity, and enhancing trust and partaking in society. In that sense, it is a tool to counter the polarisation of current European societies and tackle the rise of populist narratives in the countries' political arena. On a European level, this could be used as a means to decrease Euroscepticism and increase the Union's legitimacy.

3. The Current State of Affairs

Currently, the EU has limited competencies in relation to the cultural sector. According to the subsidiarity principle, the EU's role primarily involves supporting actions undertaken at a local level (EPRS, 2018). This principle was initially articulated in Articles 2, 3, and 128 of the Maastricht Treaty in 1992 (EPRS, 2018). Subsequently, the Treaty of the Functioning of the EU (TFEU) expanded on this by stating in Articles 6, 22, and 167 that the EU should assist in "coordinating or supplementing the actions of the Member States" (EUR Lex, n.d.). The European Commission has already issued various communications and regulations aimed at improving access to culture (EPRS, 2018). For example, in 2007, the Commission released a communication titled 'A European Agenda for Culture in a Globalising World,' which emphasized the need to promote access to culture, cultural works, and diversity (EPRS, 2018). Furthermore, the Council, through its approved Work Plan for Culture in 2014, prioritized the promotion of a more inclusive culture (EPRS, 2018). Similarly, the European Parliament has adopted multiple resolutions and recommendations advocating for equal access to culture "regardless of disability, language, or ethnicity" (EPRS, 2018, p. 3). In addition, the EU has also started some initiatives to promote culture. For instance, the European Heritage Days allow European citizens to visit cultural sites in all of the EU free of charge (EPRS, 2018). The European Capitals of Culture also celebrate specific cultural practices in different European cities and regions (EPRS, 2018).

As a reflection of their very diverse cultural structures, the national research and data collection on museums significantly differ among EU Member States (van der Ploeg, 2006). It can thus limit the comparisons between them. Hence, the European Group on Museum Statistics is in place to collect and adjust data across the countries. For instance, it has designed a common core to include in national surveys, which increases the uniformisation of the information available (van der Ploeg, 2006).

4. The Implications of the Status Quo: Problem Statement

Enhancing accessibility to culture, especially of “high-culture” seen as part of the upper-class habitus, has been an issue in all European Member States (Pippin, 1991; van der Ploeg, 2006). This calls for a common and more integrated solution on a supranational level, which will act in favour of the common interest of all nations within the EU. However, it is to be noted that, despite the efforts of the European institutions, there is a lack of coordination and consistency between the Member States’ regulations and policies regarding culture. Every country has its own system, leading to different prices and discounts for cultural sites within the EU (European Parliament, 2002). When examining the issue of access to culture in the European Union (EU), it becomes evident that financial barriers and their societal implications hinder the participation of European citizens in cultural activities.

Financial barriers have emerged as the third most significant factor preventing people from engaging in cultural pursuits (EPRS, 2018). Furthermore, while economic growth has led to an increase in the cultural budget across the EU, this relationship works in reverse as well. During periods of economic austerity, particularly between 2013 and 2015, the cultural sector experienced substantial funding cuts. For instance, the Netherlands witnessed a 25% reduction in its budget, while Ireland endured a staggering 65% decrease (EPRS, 2018). The cultural sector is often one of the first areas affected by economic downturns, with its budget frequently reallocated to other sectors deemed more essential (EPRS, 2018). Consequently, the prices of cultural activities have risen even further, exacerbating the financial barriers that impede access to culture.

These budget cuts also affect the quality and the diversity of cultural goods, sites and activities available to EU citizens. With less funding, stakeholders of the cultural processes want to take fewer risks and propose more popular and mainstream culture, which will decrease the offer of more specific and niche opportunities for cultural participation (van der Ploeg, 2006). This presents a serious threat to the cultural sector in the EU as it will in turn decrease cultural participation, which will then reduce the financial means of the sector. This can turn into a vicious circle that could easily be broken with the intervention of the EU.

Another explanation as to why people do not participate more in the cultural sphere is their lack of time (EPRS, 2018). However, it is no surprise that citizens do not have enough time to enjoy cultural goods if prices have risen more than their wages, as they would need to work more to afford it, leaving them with less recreation time at their disposal (EPRS, 2018). These financial barriers have led to the exclusion of lower economic classes, stigmatising them even more. As a result, marginalised citizens develop the feeling that they do not belong in these cultural places, since they are mostly occupied by wealthier people.

This leads to an even bigger barrier refraining people from cultural participation (EPRS, 2018). It is also known that through attending cultural activities, such as going to the museum or a classical music recital, people develop shared norms and codes of conduct, which get embedded in their habitus (EPRS, 2018). Marginalised people, who cannot attend these activities, are not familiar with these norms. Hence, this feeling of not belonging can easily be magnified, resulting in even more exclusion than merely their financial means (EPRS, 2018). Among these marginalised people, the most vulnerable are certainly children and students. They usually depend on their parents' incomes, which means that they cannot necessarily choose how much and on what to spend their pocket money. Although some students have a part-time job during their studies, it is often not well-paid. The EU needs to take a single and uniform action to address this issue.

5. Policy Recommendations

There is a clear need to tackle these issues and guarantee broader and more inclusive access to culture, to ensure the same rights and opportunities everywhere in the EU. Action has to be taken on a supranational level, for a simultaneous and consistent policy to be effectively applied throughout the whole European Union. The Commission is strongly advised to adopt the following policies. A timeline with several steps is necessary to successfully implement all the different aspects of a common and integrated European cultural policy.

Step 1: Creating a Common European Cultural Fund

As a first step, the European Commission is advised to create a Common European Cultural Fund, which will be directly attached to the Commissioner for Innovation, Research, Culture, Education and Youth. This will allow to gather resources from all the EU Member States and redistribute them according to local needs. That way, the EU still promotes and coordinates cultural projects on a more local level, which implies that the policy is still in line with the treaties in place. This fund will allow an easier implementation of the following recommendations.

Regarding the internal structure of the Fund, the Commission is strongly recommended to follow the lines of the Dutch cultural system. The Dutch Model can be seen as a hybrid form between the British and French Models (van der Ploeg, 2006). On the one hand, the French Model has a very straightforward and top-down approach. It is very time effective, as only bureaucrats or politicians decide where and how the cultural budget is spent. However, it leaves considerable room for lobbying and is lacking transparency (van der Ploeg, 2006). On the other hand, the British Model opts for a much more decentralised approach. It uses Art Councils that act as independent funds and have the power to allocate subsidies. This is effective because there are very limited opportunities for lobbying, but it is very hard for the government to impose clear objectives regarding a national cultural policy (van der Ploeg, 2006). The Dutch Model also has Art Councils, but they only have an advising right on how the cultural budget should be allocated. It combines thus the advantages of both the British and the French Models. If applied on a European level, each country would have a European Art Council attached to their respective ministries in charge of culture, that will advise the Fund on how to allocate best its budget. Eventually, this fund will also be responsible for creating a common European data collection on cultural sites, to make information more transparent and homogeneous, which will contribute to the effectiveness of its structure.

Step 2: Creating a European Cultural Site Label

The creation of a European cultural site label is another key recommendation for the functioning of this common cultural policy as it is detrimental to the allocation of the funding. This label will be used primarily for museums and national historical monuments. In the future, this label could also be extended to other forms of cultural participation, such as performing arts, and could also be open for application for any other cultural project to get funding. This label should be inspired by ones such as the established “Musée de France” Appellation given by the French ministry of Culture (Ministère de la Culture, n.d.).

The “Musée de France” Appellation gives museums part of the programme priority on funding and subsidies (Ministère de la Culture, n.d.). A similar mechanic should be used for the European Cultural Label to allocate best the money from the Cultural Fund. Moreover, the French appellation provides a network between the museums to collaborate or exchange cultural goods, such as art pieces or collections (Ministère de la Culture, n.d.). Such a network in a European context will allow for greater connection across cultural sector and practices, which will enhance the exposure of EU inhabitants to cultures from other countries, furthering a social bond as well as a sense of common identity. In addition, the creation of a European Label on the basis of the french appellation will create more awareness of these cultural sites to the broad European population. They will enjoy the opportunity to be mentioned in all related documents of the European Commission regarding culture, as well as the authorisation to use the logo of the label on all documents and websites related to the cultural sites. Special signs can also be used on road signs to attract more visitors and create awareness (Ministère de la Culture, n.d.). Experts from the European Cultural Fund can provide guidance on art restoration, museum architecture, and advertising for cultural sites affiliated with the label.

Step 3: Providing Free Entry for All Children and Students

Providing free entry for all children and students living in the EU to all the cultural sites included in the aforementioned label is the goal of this common European cultural policy. The free entrance will be covered by the subsidies allocated by the Fund. Focusing on children and students is believed to be the best strategy, as it is less costly and more effective than opening every cultural site for free for every European citizen. It will be very hard to try to include people that are already socialised to not visit cultural sites. Children and students on the other hand are only starting their integration of norms and values. Hence, promoting cultural awareness at a young age is crucial to developing a taste of culture that they can sustain in the course of their lives (van der Ploeg, 2006). Moreover, it is very important to not just focus on children and students of European nationality but to include all children and students that live and study in the EU. This would enhance the attractiveness of European schools and universities across the globe, while reducing the differences between European and non-European students, allowing for more opportunities for them to mix and socialise with each other.

Step 4: Widening the Access to Culture for All European Citizens

Lastly, the EU can still enhance access to culture for the rest of its citizens. It has been proven that stimulating the demand rather than the supply in the cultural sector is more effective to boost cultural participation (van der Ploeg, 2006). Hence, promoting more inclusive access to culture through considerably lowering the costs for children and students, and reducing the costs for the rest of the adult population, creates more opportunities for European citizens to partake in cultural participation.

Therefore, it is highly recommended that the Commission indexes the entry prices of cultural sites based on the Consumer Price Index of each European country. That way, every country can limit the high prices of the cultural sites by taking into account the national economic wealth. This will ensure that culture is distributed and enjoyed equally among society. Moreover, subsidies can be given depending on the economic situation of households. Since this recommendation is mainly targetted towards high-culture products, promoting and ensuring accessibility of all social and economic classes to these areas is necessary to fulfill its goals. Hence, a progressive aid should be given to households and individuals situated bellow a certain level of income to allow an equal opportunity to participate and enjoy cultural goods. Eventually, this will tackle the vicious circle in which upper social classes benefit most from cultural policies by providing more support for lower classes to enjoy similar cultural goods.

6. Concluding Statement

By addressing these recommendations the EU will tackle effectively the issues hindering broad and equal access to high culture. It will create a more diverse and inclusive environment for both the artists and the public, as it will broaden both the variety of activities and the audience reached. By addressing these issues on a European level, it is hoped to produce positive attitudes towards the EU and develop a stronger sense of European identity. Allowing for a more diverse and accessible cultural environment is expected to have numerous implications as it has the potential to strengthen political and democratic participation, facilitate mutual cooperation and exchange accross cultural sites in Europe, and increase the visibility of the European Union as an agent close to its citizens, which will increase citizens' positive attitudes towards the EU as well as the sense of belonging to a greater collective. The Economic implications of such a programme will also strenghen the European Economy, with a projected contribution to overall well-being, as well as an increase in creative skills and broader job creations. Eventually, benefits will be enjoyed by both European citizens in terms of quality of life, and the EU, with more positive attitudes, increased European Identity, and a more robust economy.

References

- EUR Lex. (n.d.). Culture. Retrieved May 10, 2022, from https://eur-lex.europa.eu/summary/chapter/culture.html?root_default=SUM_1_CODED%3D10&locale=en
- European Parliament. (2002). Cultural Policies in the EU Member States | Think Tank | European Parliament. [https://www.europarl.europa.eu/thinktank/en/document/DG-4CULT_ET\(2002\)299536](https://www.europarl.europa.eu/thinktank/en/document/DG-4CULT_ET(2002)299536)
- European Parliamentary Research Service. (2018). Access to culture in the European Union: in-depth analysis. Publications Office of the European Union. <https://op.europa.eu/en/publication-detail/-/publication/66f298ec-6840-11e7-b2f2-01aa75ed71a1>
- Ministère de la Culture. (n.d.). Appellation « Musée de France ». retrieved on May 26, 2023, from: <https://www.culture.gouv.fr/Aides-demarches/Protections-labels-et-appellations/Appellation-Musee-de-France>
- OHCHR. (1966). International Covenant on Economic, Social and Cultural Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>
- OECD. (2021). Economic and Social Impact of Cultural and Creative Sectors: Note for Italy G20 Presidency Culture Working Group. <https://www.oecd.org/cfe/leed/OECD-G20-Culture-July-2021.pdf>
- van der Ploeg, F. (2006). Chapter 34 The Making of Cultural Policy: A European Perspective. Handbook of the Economics of Art and Culture, 1183–1221. [https://doi.org/10.1016/s1574-0676\(06\)01034-9](https://doi.org/10.1016/s1574-0676(06)01034-9)
- PIPPIN, R., B. (1991). MODERNISM AS A PHILOSOPHICAL PROBLEM: ON THE DISSATISFACTIONS OF EUROPEAN HIGH CULTURE. MALDEN, MASS.: WILEY-BLACKWELL. ISBN: 9780631214137

1. Introduction

A recent study has found cannabis to be the most frequently used illicit drug in Europe – according to estimates, more than one in eight young adults up to the age of 34 have used cannabis in the past year in the European Union. Simultaneously, cannabis regulation has been entering a period of transformation and a global movement towards decriminalization of the drug for recreational purposes has been gaining momentum. Notwithstanding, the European Union is said to have ‘looked the other way or pretended not to hear’ as regards cannabis regulation for years. Among increasing national initiatives to do away with cannabis prohibition, most recently in Germany, this paper deconstructs the legal reasoning behind cannabis legislation in the European Union in an effort to understand what lies ahead.

This analysis is prompted by the German government’s referral to the European Commission of a legislation proposal legalizing the cultivation, supply, and distribution of cannabis for individuals over 18 in November 2022. The ‘Eckpunktepapier’, allowing adults to own up to 30g of cannabis and grow up to 3 cannabis plants, plans to set up a German recreational cannabis market - and, in case the proposal is found incompatible with EU law, Germany has announced it will advocate for updating EU’s policy on the drug. The question is posed: where does the EU stand concerning cannabis regulation?

2. The EU’s Voice

It is first crucial to note that, under Article 168 TFEU, the criminal and administrative regulation of drug use, including cannabis, remains a competence of the Member States – following the subsidiarity principle, the Union’s actions should be merely complementary and amount to general frameworks relatively open to interpretation in this domain. That said, the EU is competent to legislate in ‘areas of particularly serious crime with a cross-border dimension’ notably containing illicit drug trafficking, and the 1985 Schengen Agreement called for a harmonization of laws on narcotic drugs in the EU. Importantly, all EU legislation regarding cannabis use is grounded on three UN drug control conventions all EU States are parties to, namely the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. All three provide for a limitation ‘exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of, trade in, use and possession of drugs, including cannabis. One would thus expect the EU’s position on cannabis to be phrased along these lines.

Indeed, the first EU document explicitly addressing the subject – the 1990 Schengen Convention – is adamant that Member States must undertake all measures to prevent and punish the sale, possession for the purpose of sale, supply, and trafficking of cannabis, specifically mentioning those should be ‘in accordance with’ the aforementioned UN treaties (thus allowing for the medical and scientific purpose exception). Nevertheless, the Convention also includes a Joint Declaration providing for a derogation from the cannabis prohibition aimed at national ‘prevention and treatment of addiction to narcotic drugs’. Potentially, this could imply creating a controlled cannabis market inasmuch as it advantages the national drug control strategy, yet no precedents of such a measure are available. There is, however, ECJ case law solidifying the cannabis doctrine set by the Schengen Convention. In the 2010 *Josemans* case, though it essentially considered whether a Dutch residence requirement for buying cannabis in Dutch coffeeshops amounted to discrimination, the Court held that introducing narcotic drugs, including cannabis, into ‘the economic and commercial’ traffic is prohibited in the EU (with the exceptions of medical and scientific purposes). Notably, the EU’s position on strictly personal cannabis use is not explicitly pronounced here.

Yet, the most relevant EU contribution to cannabis regulation is to be found in the 2004 Framework Decision focusing on tackling criminal acts of drug trafficking. The Decision refers to the aforementioned UN Conventions in defining ‘drugs’ (thus includes cannabis) and highlights the significance of a harmonized European approach to drug policies. Its first pivotal input consists, however, in clarifying that the cultivation, sale, and possession of cannabis – insofar as carried out for ‘personal consumption’ – fall outside the scope of the Decision. The regulation of private acquisition, possession, and consumption of cannabis is consequently in the hands of national governments. This personal use element of the German cannabis legalization proposal would then likely be justified under EU law. Notwithstanding, the proposed German decriminalization of a whole cannabis market requires a consideration of the Decision’s Article 2.1, which obliges States to adopt measures ensuring that ‘the following intentional conduct when committed without right is punishable: offering, offering for sale, distribution, sale, delivery [...] and brokerage of drugs’. The ‘without right’ part is undoubtedly intriguing. One could say a State must first derogate from the UN Conventions’ cannabis prohibition to say these activities are no longer ‘committed without right’. Conversely, the Decision only refers to the Conventions in defining ‘drugs’ so it could be seen as advocating for a more autonomous EU cannabis policy. Furthermore, one could interpret Article 2.1 as permitting bypassing the cannabis prohibition merely through legislating a national right to use cannabis, since no further clarifications of this ‘right’ are provided. This is, indeed, how the German legislator justifies legalizing the cannabis trade in the appendix of the proposed bill – a trade license would create the ‘right’ under Article 2.1. However, it seems rather unconvincing the EU had such a simple workaround in mind, particularly given the call for a harmonized European drug policy. The issue thus remains unsolved.

3. How Do the Dutch Do It?

It is then beneficial to examine how cannabis policy within the Union works in practice. The world-famous Dutch model of coffeeshops should not go unmentioned. Contrary to popular belief, the production, sale, and possession of cannabis are criminal offenses under the Dutch Opium Act. Yet, the doctrine of non-prosecution of the sale in licensed coffeeshops and possession of small amounts of cannabis has developed since the 1970s, owing to the Dutch tolerance principle – the ‘gedoogbeleid’ – which gives the prosecution authorities considerable autonomy in selecting the prosecutable offenses.

Notably, the Dutch tenacity to maintain this principle was a significant discussion point while devising the EU Framework Decision and the Netherlands could only derogate from its obligations under the UN drug-control conventions referring to its culturally high level of individual autonomy and legal pragmatism. Such argumentation would be less convincing in the German case since the German legal culture follows the legality principle, under which the law enforcement agencies must technically prosecute every reported offense. Nevertheless, the Netherlands cannot be said to have found a perfect workaround for the European cannabis prohibition. There is an inherent 'back-door problem' in the coffeeshop model – while they are allowed to sell cannabis to customers, they first illegally acquire it in big quantities. Although this system has been in place for several decades, its compliance with EU law is thus fundamentally controversial.

4. Other Jurisdictions

There is currently little harmonization across the EU regarding cannabis regulation – penalties, the classification of cannabis, or the definition of a 'small amount' vary. Whereas Sweden follows a zero-tolerance approach, Portugal and the Czech Republic have decriminalized cannabis, although it has been noted that such decriminalization initiatives usually happen at subnational, as opposed to top-down, levels. Moreover, several States – most recently Malta and Luxembourg – have legalized cannabis consumption and production for personal (not commercial) use provided for in the aforementioned Article 2.2 of the EU Framework Decision. This 'personal use' doctrine has also contributed to the Spanish development of the intriguing concept of Cannabis Social Clubs which are closed-to-public associations collectively cultivating cannabis for the members' own use. While this model has been adopted to a limited extent in Belgium or France, it is said to function in the legal grey area and the EU is yet to explicitly voice its position on their conformity with EU law.

5. The Future of Cannabis Policies in the EU

On balance, in the last 20 years, cannabis policies across the EU have seen a trend of liberalization and reduced penalties for cannabis use with more than 15 European states changing their legislation. The increasing number of legislation proposals decriminalizing licensed cannabis sale, private cultivation, or cannabis social clubs submitted to national parliaments by NGOs, ecologist groups, and political parties illustrate this trend. The benefits they refer to include the separation of hard and soft drug markets, a relieved criminal justice system, and the fighting of illegal markets. That said, cannabis regulation is not high on the EU's agenda. On one hand, this seems undesirable – the international character and growing scope of the cannabis market and illicit trafficking might call for a harmonized, coordinated EU drug policy – and yet, due to the vast diversity of cultural and political attitudes towards cannabis across the EU, a common voice would require major compromises. Fostering this diversity can, however, prove beneficial in itself, as it could enable policy experimentation and contribute to respect for local needs.

It is safe to conclude that, among a European movement to question national cannabis policies, the European Union has been 'turning a blind eye' to cannabis decriminalization. The extent to which this is a strategic move recognizing the Member States' autonomy in this domain as opposed to the lack of political will for change, or even simply little interest in the issue, is hard to specify. That said, it might be that a model of 'multi-level governance' regarding cannabis use is developing within the EU, engaging numerous actors on numerous levels and allowing for decentralization.

References

- Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders [1985] OJ L239 (Schengen Agreement)
- Blickman T, 'Cannabis Policy Reform in Europe: Bottom up rather than Top Down' (Transnational Institute 2014)
- Chatwin C, 'Multi-Level Governance: The Way Forward for European Illicit Drug Policy?' (2007) 18 *International Journal of Drug Policy*
- Consolidated version of the Treaty on the Functioning of the European Union [2012] OJ C326/47 (TFEU)
- Convention implementing the Schengen Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders [1990] OJ L239 (Schengen Convention)
- Council Framework Decision 2004/757/JHA [2004] OJ L335
- European Monitoring Centre for Drugs and Drug Addiction, 'Cannabis Legislation in Europe: An Overview' (Publications Office of the EU 2018)
- Fair Trials, 'Germany Refers Cannabis Legalisation Proposals to the European Commission' Fair Trials (November 2022) <https://www.fairtrials.org/articles/news/germany-refers-cannabis-legalisation-proposals-to-the-european-commission/>
- Government of the Netherlands, 'Difference between Hard and Soft Drugs' (December 2022) <<https://www.government.nl/topics/drugs/difference-between-hard-and-soft-drugs>>
- Hofmann R, 'Cannabis Legalization in Germany - the Final Blow to European Drug Prohibition?' (European Law Blog 2022) <https://europeanlawblog.eu/2022/01/11/cannabis-legalization-in-germany-the-final-blow-to-european-drug-prohibition/>
- Hofmann R, 'Formalism versus Pragmatism - a Comparative Legal and Empirical Analysis of the German and Dutch Criminal Justice Systems with Regard to Effectiveness and Efficiency' (2021) 28 *Maastricht Journal of European and Comparative Law*
- Jelsma M, 'Cannabis Regulation vs International and EU Law: Legal Tensions and Compliance Options' [2022] *Transnational Institute*
- Josemans v Burgemeester van Maastricht (C-137/09) [2010] ECLI:EU:C:2010:774
- Sánchez-Avilés C, 'Cannabis Policy Innovations and the Challenges for EU Coordination in Drug Policy' (2020) 114 *AJIL Unbound*
- Single Convention on Narcotic Drugs (as amended by the 1972) [1961] 7517
- VoxEurop, 'German Cannabis Legalisation Puts Pressure on the EU' *News Beem* (December 2022) <<https://newsbeem.com/german-cannabis-legalisation-puts-pressure-on-the-eu-voxeurop/>>

Amsterdam Policy Prize 2023 Winners (First Place)

Deep Fakes, Distrust: Discourse: Democratising the Digital Space
ERIKA VODVÁRKOVÁ & ELTON HÖGKLINT

1. Executive Summary

The threat of false information increasingly affects the democratic integrity of governing bodies worldwide - and digital spaces. The European Union currently leads digital space regulation with its Code of Practice on Disinformation and corresponding action plan. However, there are three significant areas where the EU's current approach to dealing with false information is inadequate.

First, the Code of Practice lacks commitments to minimize the risk of platform fragmentation, i.e., users migrating to fringe social media platforms that specifically cater to their worldview. Platform fragmentation contributes to political polarisation and makes echo chambers of false information more pervasive than on platforms with a politically diverse user base.

Second, while the current approach addresses and sets out measures to tackle disinformation, minimal attention is given to the issue of misinformation, which also exerts a significant threat to democratic integrity.

Third, while the current approach does appreciate the importance of rapid responses to disinformation attacks, the response measures in place will be inadequate in reacting to advanced disinformation such as deep fakes.

This paper addresses these limitations and strengthens the EU's approach by recommending concrete measures to:

- (1) Limit platform fragmentation and keep people together on shared platforms
- (2) Implement advanced safeguards against the spreading of misinformation
- (3) Reify the importance of developing and making accessible deep fake recognition software

2. Introduction

The growing issue of online misinformation and disinformation is not only a threat to individuals and communities but furthermore has the potential to undermine the democratic institutions and their basic principles (Lewandowsky et al., 2020). Since democracy entrusts decision-making power to the general populace, its preservation necessitates respect for its values from the people who participate in it. The insidious nature of disinformation stems from three factors:

- (1) its impairment of the basic understanding of reality amongst people,
- (2) its coercive tendencies undermining people's agency, and
- (3) its perpetuation of distrust towards existing institutions.

Therefore, governing bodies have a crucial responsibility to not only enable access to platforms for shared understanding and meaningful exchange of ideas but also to prioritize democratic principles such as freedom, agency, and inclusion. Consequently, the European Commission must address this issue in order to safeguard liberal democracy and its institutions.

3. Problem Description

While mis/disinformation is not a new phenomenon, the internet and social media have dramatically magnified their scope, and as such, their severity. More and more people acquire daily news from social media while trust in traditional mainstream news media steadily declines. About 40% of people globally avoid mainstream news, as opposed to just 29% in 2017 (Romeo, 2022).

The proclivity towards acquiring news on social media is highest (50-75%) amongst European young people aged 18-29 and between 34-56% for Europeans between the ages of 30-49 (Mitchell et al., 2018). Hence, young internet users emerge as a particularly significant stakeholder when it comes to addressing misinformation and disinformation, given their high exposure to potentially misleading or intentionally deceptive content and their heightened psychological vulnerability. In addition, young people also tend to consume more short-format video content, making them more prone to distraction from accuracy cues when evaluating the veracity of information (van der Linden, 2022). As time passes, the voting base of avid internet users will expand, and so will their influence on the state of democratic institutions.

Simultaneously, individuals who are already dissatisfied with and distrustful of existing political and media institutions are the most consistent subscribers to and propagators of disinformation (United Nations, 2022). The Covid pandemic has shed light on the inadequacy of solely banning disinformation from mainstream platforms, as it tends to migrate to alternative media sources where it can thrive without facing significant opposition (Papadopoulou et al., 2022). Therefore, it is imperative to implement policies that not only counter or limit the impact of misinformation and disinformation but also address the underlying distrust and foster inclusive discourse for two key reasons. Firstly, to expand the realm of shared understanding, bolster trust in mainstream (social) media, and facilitate healthy exchanges of ideas. Secondly, to prevent the emergence of new fringe social media platforms and mitigate the risk of user migration to such platforms. These fringe platforms are challenging to regulate and contribute to the formation of echo chambers, exacerbating political polarization and amplifying the associated societal consequences (Levy & Razin, 2019; Del Vicario et al., 2016; Jilani & Smith, 2019; McCoy, 2018).

While neither malicious in intent nor as coordinated as disinformation, misinformation also poses a significant threat to the shared understanding of truth necessary for the meaningful democratic exchange of ideas. The survey presented by the European Commission shows that 26% of respondents were not confident in their ability to identify fake news (European Commission, 2018). However, it should be noted that this number may be higher, as people tend to overestimate their ability to identify fake news, with individuals generally evaluating themselves to be 22% better than warranted on average (Lyons et al., 2021), emphasising the need to meaningfully address it.

Finally, the threat to democracy is further exacerbated by the increasing prevalence and quality of deep fake content (Galston, 2020; Hiebert, 2022). Deep fake media disrupts our collective notion of reality by allowing more actors to produce increasingly convincing fake photo, video, and audio material, thus manipulating people's perceptions of truth using traditional high-standard evidence (Sample, 2020). Furthermore, it is important to note that deep fakes, similar to other types of disinformation, often have political motivations.

The content of certain deep fakes may necessitate immediate attention from both governmental entities and the general public, potentially posing a security risk. Consequently, effectively addressing deep fake disinformation requires not only the development of robust methods for identification and neutralisation but also the capability to respond promptly to such threats.

4. Policy Options

The European Union Code of Practice on Disinformation and the associated Action Plan Against Disinformation constitute the EU's approach to addressing the issue of antidemocratic tendencies on social media (European Commission, 2018b). The Code of Practice on Disinformation is a non-binding voluntary agreement that seeks to tackle the issue of social media disinformation through:

- (1) Ensuring transparency behind political advertisements.
- (2) Demonetising purveyors of disinformation.
- (3) Targeting actors engaging in manipulative behavior.
- (4) Empowering a wide range of actors such as users, researchers, and fact-checkers to combat disinformation.
- (5) Promotion of credible information.
- (6) Developing Rapid Alert systems to look into and address active potential disinformation campaigns.

Although the agreement is a clear step in the right direction and does mark a significant development in regulating social media disinformation, three key issues limit its potential. Firstly, the agreement and its associated commitments do not include clauses or policies addressing the risk of platform fragmentation. This refers to the risk of users migrating to fringe alternative social media platforms that cater specifically to their political beliefs and worldview. The absence of measures to address this issue is troubling because platform fragmentation can lead to a breakdown in political inter-group communication, further exacerbate the formation of echo chambers, and intensify the dissemination of false information while widening discrepancies in perceptions of reality. Therefore, it is crucial for EU strategies focused on combating disinformation to prioritize the risk of platform fragmentation and develop policies and practices to reduce its occurrence.

Secondly, while the agreement and associated commitments grapple with the issue of disinformation, very little attention is dedicated to misinformation, i.e., the spread of incorrect information perpetrated by actors who are oblivious to the falsity of the spread material. Although misinformation is not as coordinated in nature as disinformation is, it still poses a significant risk to the shared perception of reality. As such, the agreement and associated commitments would be improved if it had strategic plans to reduce the spread and impact of all forms of false information, not just that which is intentionally disseminated.

Thirdly, there are issues related to the Rapid Alert Systems. Given how convincing disinformation material such as deep fakes are and how rapidly they can be spread, it may be the case that once such material is in circulation it may already be too late to limit its damage. For instance, deep fakes warning of an impending terror attack demand immediate responses from both government agencies and the public in such a way that anything but an instant debunking of the material would lead to chaotic consequences.

5. Recommendations

5.1 Code of Practice Commitment to User Diversity

In order to address the issue effectively, this paper proposes an amendment to the European Code of Practice on Disinformation. The recommended amendment suggests the inclusion of a clause that requires platforms to commit to the goal of fostering a diverse user base with varying political viewpoints, including those who are responsible for spreading false information on their platform. Instead of resorting to banning such users, platforms should strive to openly engage with the content and claims by employing strategies such as community notes and fact-checking. By implementing this approach, platforms can promote transparency and constructive dialogue while actively addressing the spread of false information. In doing so, we reduce the risk of platform fragmentation and its associated consequences, as well as foster discursive togetherness, which traditional social media platforms have been shown to promote by increasing users' diversity of news consumption (Arguedas et al., 2022). Such spaces would be undermined in the case of platform fragmentation, leading to the creation of tighter echo chambers and amplified polarisation.

The effectiveness of this policy relies heavily on our capacity to meaningfully address the circulation of false claims. Therefore, we strongly emphasize the crucial role of empowering fact-checkers, as outlined in the Code of Practice on Disinformation. By providing the necessary resources and support to fact-checkers, we can enhance their ability to combat misinformation effectively. It is important to acknowledge that the commitment to preserving user diversity does not extend to bots and fake accounts, as they should be removed due to their manipulative nature, as stated in the Code of Practice on Disinformation. Additionally, it should be clarified that this amendment does not prevent the banning of users who spread false information for other valid reasons, such as for calls to violence.

5.2 Mandatory Sourcing Feature on Social Media

This paper recommends the implementation of a mandatory sourcing feature for any empirical claims made by social media users. Upon drafting a social media post, an Artificial Intelligence Natural Language Processing Model scans the post in order to detect the presence of empirical claims (Gruetzemacher, 2022). If the model detects an empirical claim, the social media platform will require that the user include a source in the form of a link or attachment to their draft in order to post it. Users can also indicate that they do not believe that the post/claim requires a source, or that they are the primary source of the claim, and this will be shown in an annotation attached to the post.

This policy would be particularly effective in combating the spread of misinformation, as it would force users to identify the origin of their claim before spreading it. While mandatory sourcing may not disincentivize malicious actors seeking to spread disinformation, it has a high potential to limit the accidental sharing of false information by providing an accuracy cue to the viewer and a cautionary barrier for the author of a post.

Since the Rapid Alert Systems are not instant and cannot feasibly address a perpetual high quantity of simultaneous deep fakes, they highlight significant limitations in our current disinformation management strategies.

5.3 Prioritisation of Deep Fake Detection Development and Accessibility

This paper recommends that the development and accessibility of deep fake detection software become a priority in the EU's approach to combatting disinformation. Deep Fake Detection software that can analyze a photo, video, or voice recording when uploaded in a draft post and then add appropriate disclaimers instantly upon publication on social media will be a vital tool to have in the age of AI-generated material, as it eliminates the need for time-consuming independent verification. This software must be made publicly accessible to put down conspiracies that deep fake disclaimers are being applied selectively by allowing users to utilize the program to verify media independently. Therefore, Deep Fake detection development and accessibility must be considered a top priority in the Code of Practice on Disinformation.

6. Closing Statement

In a world where the velocity of information is ever-increasing, it is important that the approaches of international governing bodies remain up to date with the current and future threats to democracy posed by false information. Limiting the risk of political polarisation and fragmentation, encouraging source-based discourse, and giving society the tools it needs to recognize doctored media instantly, are vital components of effective European Union governance in the information age.

References

- Arguedas, A. R., Robertson, C., Fletcher, R., & Nielsen, R. (2022). Echo chambers, filter bubbles, and polarisation: a literature review. Reuters Institute for the Study of Journalism. <https://reutersinstitute.politics.ox.ac.uk/echo-chambers-filter-bubbles-and-polarisation-literature-review#header--5>
- Del Vicario, M., Bessi, A., Zollo, F., Petroni, F., Scala, A., Caldarelli, G., Stanley, H. E., & Quattrociocchi, W. (2016). The spreading of misinformation online. *Proceedings of the National Academy of Sciences*, 113(3), 554–559. <https://doi.org/10.1073/pnas.1517441113>
- European Commission. (2018a). A strengthened EU Code of Practice on Disinformation. European Commission. https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan/strengthened-eu-code-practice-disinformation_en
- European Commission. (2018b, December 5). Action Plan on disinformation: Commission contribution to the European Council (13-14 December 2018). European Commission. https://commission.europa.eu/publications/action-plan-disinformation-commission-contribution-european-council-13-14-december-2018_en
- Galston, W. A. (2020, January 8). Is seeing still believing? The deepfake challenge to truth in politics. Brookings; Brookings. <https://www.brookings.edu/research/is-seeing-still-believing-the-deepfake-challenge-to-truth-in-politics/>
- Gruetzemacher, R. (2022, April 19). The Power of Natural Language Processing. *Harvard Business Review*. <https://hbr.org/2022/04/the-power-of-natural-language-processing>
- Hiebert, K. (2022, April 27). Democracies Are Dangerously Unprepared for Deepfakes. Centre for International Governance Innovation. <https://www.cigionline.org/articles/democracies-are-dangerously-unprepared-for-deepfakes/>

Jilani, Z., & Smith, J. A. (2019). What Is the True Cost of Polarization in America? *Greater Good*.
https://greatergood.berkeley.edu/article/item/what_is_the_true_cost_of_polarization_in_america

Levy, G., & Razin, R. (2019). Echo Chambers and Their Effects on Economic and Political Outcomes. *Annu. Rev. Econ.*, 11(1), 303–328.
<https://doi.org/10.1146/annureveconomics080218030343>

Lewandowsky, S., Smillie, L., Garcia, D., Hertwig, R., Weatherall, J., Egidy, S., Robertson, R., Cailin O'Connor, Kozyreva, A., Philipp Lorenz-Spreen, Blaschke, Y., & Leiser, M. (2020). Technology and democracy: Understanding the influence of online technologies on political behaviour and decision-making. *Graz University of Technology*.
<https://doi.org/10.2760/709177>

Lyons, B. A., Montgomery, J. M., Guess, A. M., Nyhan, B., & Reifler, J. (2021). Overconfidence in news judgments is associated with false news susceptibility. *Proceedings of the National Academy of Sciences*, 118(23).
<https://doi.org/10.1073/pnas.2019527118>

McCoy, J. (2018). Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities - Jennifer McCoy, Tahmina Rahman, Murat Somer, 2018. *American Behavioral Scientist*.
<https://journals.sagepub.com/doi/abs/10.1177/0002764218759576?journalCode=absb>

Mitchell, A., Simmons, K., Katerina Eva Matsa, Silver, L., Shearer, E., Johnson, C., & Walker, M. (2018, May 14). 5. Many Western Europeans get news via social media, but in some countries, substantial minorities do not pay attention to the source. *Pew Research Center's Journalism Project; Pew Research Center's Journalism Project*.
<https://www.pewresearch.org/journalism/2018/05/14/many-western-europeans-get-news-via-social-media-but-in-some-countries-substantial-minorities-do-not-pay-attention-to-the-source/>

Papadopoulou, O., Kartsounidou, E., & Papadopoulos, S. (2022). COVID-Related Misinformation Migration to BitChute and Odysee. *Future Internet*, 14(12), 350. <https://doi.org/10.3390/fi14120350>

Romeo, J. (2022, October 11). Disinformation is a rising tide. Here's how to address it. *World Economic Forum*.
<https://www.weforum.org/agenda/2022/10/how-to-address-disinformation/>

Sample, I. (2020, January 13). What are deepfakes - and how can you spot them? *The Guardian; The Guardian*.
<https://www.theguardian.com/technology/2020/jan/13/what-are-deepfakes-and-how-can-you-spot-them>

United Nations. (2022, June 28). Rise of disinformation a symptom of "global diseases" undermining public trust: Bachelet. *UN News*.
<https://news.un.org/en/story/2022/06/1121572>

van der Linden, S. (2022). Misinformation: susceptibility, spread, and interventions to immunize the public. *Nature Medicine*, 28(3), 460–467.
<https://doi.org/10.1038/s41591-022-01713-6>

Amsterdam Policy Prize 2023 Winners (Second Place)

Labelling Scoring, Prompting: A Psychologically Informed Approach to Tackle Disinformation

GABRIELLA CANTONE, VIJA TURULYTĖ, LEANDRA SOPHIE VOSS, &
EVA-MARIA VOGEL

1. Executive Summary

The informed participation of all citizens in the democratic process is crucial for democracies. However, democracies are threatened by disinformation campaigns from malicious actors, resulting in the manipulation of citizens. The proposal suggests three approaches that aim to combat the spread of disinformation by better labeling disinformation content, scoring disinformative posts lower in the engagement ratings of social media networks, and prompting users before sharing disinformative content. It evaluates both company and government policy, finding that government policy has been too general and lacks assessment potential to evaluate specific measures' effectiveness. Companies themselves have also implemented measures to tackle disinformation on their own social media platforms, but they are not effective, and companies do not have a strong incentive to regulate the spread of disinformation. Our recommendations are grounded in scientific insights while being unintrusive for social networking sites (SNSs) and individual users.

2. Introduction

Democracies necessitate the informed participation of all citizens in the democratic process, meaning that the quality of the shared truths citizens believe in are crucial in the health of a democracy (Arendt, 1951). However, democracies have been threatened through systematic disinformation campaigns from malicious actors, be that Russia intentionally spreading disinformation in the 2020 US elections or populist parties such as the Forum voor Democratie spreading disinformation about COVID19. Disinformation is deliberate and empirically false information which attempts to steer public discourse in favor of a certain opinion, leading to the misinformation and manipulation of citizens (Zimmermann & Kohring, 2020). Populist disinformation is especially potent amongst vulnerable groups as it relies on strong emotions such as anger, fear and powerlessness. Arendt (1951) particularly, claims that totalitarian leaders use innate psychological assumptions and fallacies of citizens to spread mass disinformation, leading to democratic backsliding (Salmella & von Scheve, 2017).

Although disinformation existed before social media, the uncontrolled and fast-paced nature caused its role in originating and proliferating disinformation, as people share manipulative headlines and rumors they hear due to innate psychological predispositions (Van der Linden et al., 2021). We believe that particularly the familiarity heuristic and the salient feature heuristic are used to manipulate public opinion. The familiarity heuristic occurs when someone sees something more than once, even if they do not believe it initially, they will believe it more (Van der Linden et al., 2021). The salient feature heuristic states that people are more likely to believe posts that cause moral outrage.

This proposal acknowledges the implementation of the Digital Services Act (DSA) and aims to suggest concrete ways in which the EU commission can work with social media to combat the spread of disinformation through its algorithms and through users.

It does so by offering a three-level-approach, namely better labelling of disinformative content, scoring disinformative posts lower in the engagement ratings of SNSs and prompting users before sharing disinformative content.

3. Problem Description

We believe there are two levels to the proliferation of disinformation on social media : The technological and the psychological. The technological level causes primary exposure, because social media algorithms favor disinformative posts as they achieve higher user engagement (Barfar, 2019). As engagement-driven algorithms govern the public sphere, people are continuously exposed to disinformative posts. In turn, such continuous exposure makes them more prone to share and believe disinformation, due to their highly emotionally engaging content (Van Bavel et al., 2021). This is the psychological level which leads to secondary exposure, meaning that content is shared and thus seen by secondarily exposed users.

To address both levels and the resulting harm caused to democracy by technological shortcomings of social media algorithms, we propose three technological changes that integrate technicalities of social media algorithms with psychological insights. Whilst doing this, we address the three main stakeholders in this issue: the EU, SNSs and consumers. To support all stakeholders as best as possible, the proposed policy recommendations are grounded in scientific insights while being rather unintrusive for SNSs and individual users. Rather, the recommended changes can help companies improve their content labeling practices and algorithms. At the same time, the government needs the support of SNSs to solve this issue, as they are the experts. We direct this proposal to the European Commission due to their and expert teams working on these issues. That way, all recommendations, which will ultimately lead to a decrease in disinformation belief and sharing, can be implemented by SNSs without requiring additional content-moderation teams or intruding on users freedom of speech.

4. Policy Options

4.1 EU policy

Previously, the EU has created guidelines and policies to combat disinformation online. This includes the Action Plan on Disinformation by the European Commission, focusing on improving detection and analysis of disinformation and limiting their exposure through the creation of the Strategic Communication (StratCom) Task Force (European External Action Service, 2021). Focusing on increased EU investment in digital tools, data analysis skills and human capital, it has increased citizen awareness on disinformation through educational campaigns, and has implemented a code of practice that companies can follow to ensure more scrutiny and transparency in political advertising and the efficient detection and blocking of fake accounts. At the same time, under the European Democracy Action Plan, which promotes the values of free media and elections, and counters media disinformation, the EU has set out new laws on political advertising, electoral rights and party funding (European Democracy Action Plan, n.d.). This will be built on by the new DSA, which will establish a code of practice on disinformation that makes online platforms more accountable for profiting off the spread of disinformation. While we acknowledge with all three aspects the European Commission focusses on – namely improving detection, ensuring SNSs' accountability, and educating civil society – we argue that the current approach is too general, not based on empirical findings and lacks assessment potential to properly evaluate what specific measures were most efficient.

4.2 Company policy

Companies themselves have also worked on tackling disinformation on their own social media platforms. Nowadays, most big SNSs have regulations against the posting of disinformation, such as Meta, who has implemented measures to contextualize and label misinformation as well as warn people that they just shared false information (Rosen, 2021).

However, recent reports show that such attempts to label disinformation are not effective, either because they do not sufficiently label disinformative posts or because users are subconsciously influenced by the information nonetheless through heuristics, mentioned previously, meaning that current practices ignore empirical findings on psychological heuristics (Culliford 2022; Van der Linden, et al., 2021).

Moreover, SNS profits from disinformation as it evokes stronger emotional reactions and, as a result, increases engagement (Barfar, 2019). Naturally, companies do not have a strong incentive to regulate the spread of disinformation. Thus, more concrete government support for social media platforms is needed to incentivise the private company management of disinformation. This should be done in an unobtrusive way, to allow SNSs enough independence whilst not censoring what users can express and share.

Consequently, we are proposing changes that tackle the undemocratic nature of engagement-driven social media algorithms through algorithmic and AI based technological tools. To ensure the functioning of the proposed changes, we based it on psychological research that targets the cognitive drivers of disinformation belief and sharing. Additionally, as the main limitation of previous EU policies was the lack of assessment opportunities, we suggest an additional layer to each recommended change: a concrete key performance indicator (KPI) to properly assess how successful the policy recommendations were.

5. Policy recommendations

Research has shown that simply showing users the source and declaring their intentions is not sufficient in decreasing the effect disinformation has on them (Fisher, 2020). This is why current labeling attempts by SNSs to inform users are not enough. Contrarily, mere exposure to disinformative posts, even if users assess them as implausible and untrustworthy, increases subsequent belief and willingness to share (Pennycook et al., 2018). This means that successful action will focus on limiting exposure first, before it goes on to mitigate the psychological effects of disinformative posts. The recommended changes do so, first, by neutralizing the engagement-driven algorithm's vulnerability to disinformation and, secondly, by using psychological research to decrease users' willingness to share.

We recommend the EU commission to institute and emphasise these strategies when implementing the DSA. We suggest working with some of the largest SNS as a trial, then expanding it to all SNS in the EU market. The SNS are incentivized to work with the EU due to the DSA's heavy financial sanctions of up to 6% on inadequate disinformation checking (Gerken & McMahon, 2022).

5.1 Labeling

To effectively analyze and mitigate the impact of disinformative posts, SNSs need to be able to detect them. To do so, SNSs can make use of the same technology that drives the distribution of disinformation in the first place: their algorithm. Disinformative posts are often preferred and distributed by social media algorithms because they drive engagement, keep the users on the platform and encourage them to discuss or share (Barfar, 2019). In turn, this means that such posts have particular patterns of engagement and sharing that can be picked up on by machine learning systems.

If posts with these patterns, in addition to posts shared by questionable users (e.g. bots) and on certain subjects, are then forwarded to a content moderation team, the labeling of disinformative posts can be semi-automated, increasing its efficiency. Such a machine-learning approach to content-labeling can be supported by yet another powerful technology: AI-based fact-checking tools that have been developed in the past years by startups, academia and research supported by governments (Cordis europa, n.d.). While companies themselves might have the most powerful machine-learning teams, the task force can help by coordinating and anonymously sharing the most recent trends in disinformation across companies so that they can learn from each other's insights by following the example of the Code of Practice on Disinformation that illustrated how to coordinate the sharing of insights on misinformation (European Commission, 2022).

5.2 Scoring

Furthermore, once posts are labeled, the database of clearly disinformative posts can be used to change the way the social media algorithm evaluates these posts. Previously, disinformative posts have been favorably distributed by algorithms because they increase engagement, making them score high in popularity which leads to more people seeing them. Properly labeled posts, however, can be taken into account when evaluating the engagement score of a post. This means that a post that is assessed as very popular and would traditionally be shown to a lot of people, will this time be downrated in its scoring by the algorithm based on its label as disinformation. That way, the disinformation label is just yet another parameter that a social media algorithm takes into account when sharing posts. Enforcing that SNSs need to implement such a parameter into their engagement-driven algorithms would ensure that less people are primarily exposed to disinformation.

5.3 Prompting

Even after using artificial intelligence to label disinformative content and score such content lower in social media algorithms, people will still occasionally be exposed to disinformative posts. Research has shown that simply being exposed to disinformation can increase belief, meaning that it is urgent to limit secondary exposure, such as people sharing disinformative posts themselves (Pennycook et al., 2018). Psychological studies have shown that simply prompting users before they share a post can decrease the sharing of disinformation without impacting how much accurate news is shared (Fazio, 2020; Jahanbakhsh et al., 2021; Pennycook et al., 2021). This means that people have the capability to discern real news from fake news but often do not use it when sharing a post (Pennycook & Rand, 2018).

Using this insight, we urge the StratCom task force to create a prompt that all SNSs implement into their platform. This prompt will simply ask a user whether they have read the information that they are about to share and whether they think it is accurate. Such a prompt could be implemented before users share posts that have been previously labeled as disinformation, to limit the annoyance an additional prompt could cause to social media users.

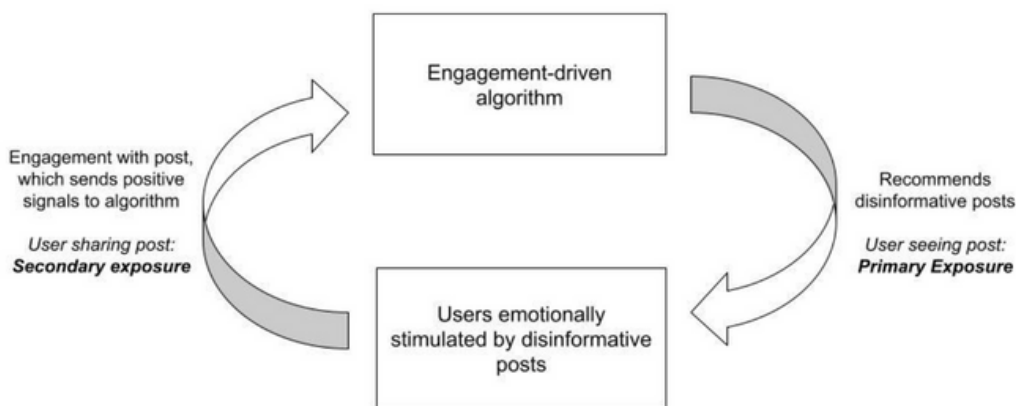


fig. 1

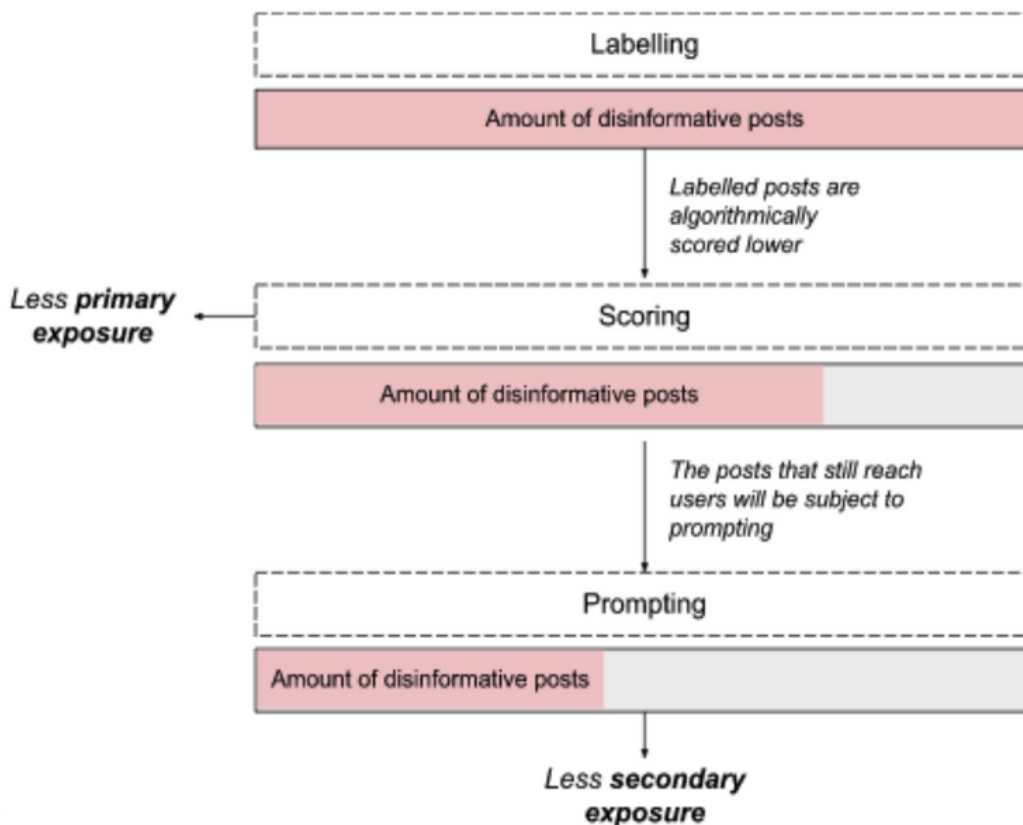


fig.2

References

- Arendt, H. (1951) 1962. *The Origins of Totalitarianism*. Ohio: Meridian. <https://archive.org/details/TheOriginsOfTotalitarianism>
- Barfar, A. (2019). "Cognitive and Affective Responses to Political Disinformation in Facebook." *Computers in Human Behavior* 101 (December): 173–79. <https://doi.org/10.1016/j.chb.2019.07.026>.
- European External Action Service. (2022). "2021 StratCom Activity Report - Strategic Communication Task Forces and Information Analysis Division | EEAS Website." *Www.eeas.europa.eu*. March 24, 2022. https://www.eeas.europa.eu/eeas/2021-stratcom-activity-report-strategic-communication-task-forces-and-information-analysis_en.
- Euronews. (2022). "Facebook Did Not Label Posts from Top Climate Change Deniers, Report Says." February 23, 2022. <https://www.euronews.com/next/2022/02/23/meta-platforms-climate-labels>.
- European Commission. (2018). "Action Plan on Disinformation: Commission Contribution to the European Council (13-14 December 2018)." *Commission.europa.eu*. December 5, 2018. https://commission.europa.eu/publications/action-plan-disinformation-commission-contribution-european-council-13-14-december-2018_en.
- European Commission. (2020). "European Democracy Action Plan." *Commission.europa.eu*. December 1, 2020. https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en.
- Fisher, A. (2020). "Demonizing the Enemy: The Influence of Russian State-Sponsored Media on American Audiences." *Post-Soviet Affairs* 36 (4): 281–96. <https://doi.org/10.1080/1060586x.2020.1730121>.
- van der Linden, S., Roozenbeek J, Maertens, R., Basol, M., Kácha, O., Rathje, S., & Traberg C.S. (2021). How can psychological science help counter the spread of fake news?. *The Spanish Journal of Psychology* 24. <https://doi.org/10.1017/sjp.2021.23>.
- Pennycook, G., Cannon T.D., & Rand D.R. (2018). Prior exposure increases perceived accuracy of fake news. *Journal of Experimental Psychology General*, 147(12), 1865–80. <https://doi.org/10.1037/xge0000465>.
- Rosen, G. (2021). "How We're Tackling Misinformation across Our Apps." *About Facebook*. March 22, 2021. <https://about.fb.com/news/2021/03/how-were-tackling-misinformation-across-our-apps/>
- Salmela, M., & von Scheve, C. (2017). "Emotional Roots of Right-Wing Political Populism." *Social Science Information* 56 (4): 567–95. <https://doi.org/10.1177/0539018417734419>
- Van Bavel, J. J., Harris, E.A., Pärnamets, P., Rathje, S., Doell, K.C., & Tucker J.A. (2021). Political psychology in the digital (mis)information age: A model of news belief and sharing." *Social Issues and Policy Review*, 15(1), 84–113. <https://doi.org/10.1111/sjpr.12077>
- Zimmermann, F., & Kohring, M. (2020). Mistrust, disinforming news, and vote choice: A panel survey on the origins and consequences of believing disinformation in the 2017 German parliamentary election. *Political Communication*, 37(2), 215–37. <https://doi.org/10.1080/10584609.2019.1686095>

Amsterdam Policy Prize 2023 Winners (Third Place)

Returning Citizens' Online Autonomy A Policy Proposal to Combat Echo-Chambers' Anti-Democratic Effects

YEVA ANDRIIVNA SEPLYARSKA, EGE KAYNARCA, & LUISA REINHARDT

1. Executive Summary

Social media platforms use users' online activity and their demographics to personalise suggested content. As people only engage with content fitting their preferences and demographics, this division of social media into demographically and politically divided echo chambers constitutes a fertile environment for polarization and disinformation. Although there have been some EU policies to combat this issue, such as the European Media Freedom Act and General Data Protection Regulation, they either lacked specificity and enforcement mechanisms or failed to directly address the causes of the issue. This policy proposal therefore aims to combat disinformation in echo chambers by increasing user autonomy and social media transparency. It suggests a set of regulations on social media companies. Firstly, the users will be informed of which personal data is collected by algorithms to create attention-grabbing content. Secondly, the users will make autonomous choices on which types of personal data will be used to suggest posts to them. Thirdly, when they suggest a post, platforms will have to disclose the data the suggested content is based on. Lastly, the users will be continuously reminded of disinformative tendencies and dangers of echo chambers.

2. Introduction

The European Union (EU) has been a beacon of peace, democracy, and transnational cooperation ever since its establishment and continues to provide its citizens with autonomy and participatory power. The European Commission, as the main executive body, must ensure these democratic pillars are guaranteed to all EU citizens. Yet, disinformation and online echo-chambers threaten these pillars. Algorithms aimed at maximising user attention generate preference matching content, reinforcing users' existing convictions and biases and isolating them from contrasting opinions. This segregation threatens societal cohesion by reinforcing pre-existing cleavages between socio-economic groups. The use of demographics in algorithms homogenises the characteristics within echo-chambers, inhibiting political discourse and exchange and strengthening in-group/out-group biases. This cleavage-intensification hinders democratic exchange and debate, elements essential to a functioning democracy. Simultaneously, previous EU actions tackling this threat have proven almost fruitless, as they lacked enforcement, clarity, and concrete procedures. Additionally, limiting social media companies' operations is a balancing act of political and social commitments against economic considerations, as social media companies contribute substantially to the EU's GDP. A policy tackling the democratic threat posed by echo-chambers must account for the various stakeholders' interests and have democratic pillars of autonomy and participation at its centre.

3. Problem Definition

The development of echo-chambers based on internet activity and demographics marginalises users into a passive position that undermines their participatory opportunities. Social media companies access users' interaction on social media and their demographic data to adjust media content. This creates echo-chambers in which users are divided into groups that differ firstly in demographic characteristics and secondly in ideological values. As companies use demographics and user data without users' informed consent, a privacy issue appears from a legal perspective. Even if users accord to terms and conditions when creating an account on social media, they are unable to refuse or limit the use of their data if they want to use a particular social media platform. Some companies inform users about the techniques they use for recommendations, for example, Instagram labels suggested posts as such and informs which previous activity the suggestion is based on. However, the employed methods remain complex and non-transparent to users. This calls into question how informed users' consent is, and consequently to what extent they retain participatory autonomy. This radicalisation and demographic segregation caused by such algorithms has the socioeconomic implications that democratic exchange becomes less probable and more polarising, intensifying in-group/out-group dynamics and eroding the basis of democratic discussion (Monit, 2023). This threatens the EU's idea of democracy.

A political perspective sheds light on how echo-chambers additionally segregate conflicting ideas. Social media users are confined within the boundaries of their echo-chamber, which limits their participatory opportunities to those only. Zooming out on the level of civil society, 'affective polarisation' follows, a segregation of views based on the claim that opponents' opinions lack rational foundation but instead are emotionally motivated. This undermines the establishment of common ground on information beyond the respective units of echo-chambers, which inhibits individuals' participation in a grander democratic discourse and thus undermines decision-making.

Apart from users, social media companies are the main stakeholders. The algorithms, which cause echo-chamber formation, enable companies to sell data and advertising space, which constitutes the companies' main source of profit. Accordingly, it is in social media companies' interest to continue using algorithms under minimal regulation.

All in all, companies' influence on public discourse takes away the democratic power from the individual. They shape the structure of society in the virtual domain according to status groups and beliefs. This interference is highly problematic, as companies are not democratically legitimised to interfere with political discourse. However, the interests of the two main stakeholders, namely autonomy of the user and profit of the social media companies, must be reconciled if a policy is to be successful in addressing this issue.

1. Policy Options

The EU has adopted many policies to combat media disinformation; however, these have not been sufficient to fully solve the problem. One of the EU's primary responses has been to promote media literacy. A Media Literacy Expert Group was created to develop media literacy programs across Europe (European commission, n.d. c).

Additionally, the Digital Competence Framework for Citizens was introduced to outline the competencies EU citizens should have in various areas and many media literacy initiatives were financially supported through the Horizon 2020 program (European Commission, n.d. b). Although they helped increase media literacy across Europe, these measures were ineffective at solving the media disinformation problem. Media literacy programs have a minimal reach, mainly consisting of people who are already interested in critical media consumption, failing to reach most people consuming news on social media platforms. Additionally, although they might help equip citizens with some degree of critical engagement with the information they see, media literacy does not address the roots of the problem. It cannot guarantee that citizens detect all disinformation on social media and therefore it does not solve the described socioeconomic issues created by echo-chambers.

The EU has also tried to solve the problem of social media disinformation by supporting independent journalism and promoting neutrality on traditional media platforms. One significant step in this direction was The European Media Freedom Act, which aims to establish a legal framework to protect media freedom and pluralism in the EU (European Commission, 2022a). It includes regulations that work towards this goal by protecting journalists from harassment and supporting new media outlets to promote media pluralism. However, it includes neither disinformation-detecting mechanisms nor legal consequences for spreading disinformation. Therefore, it fails to address the legal issues created through content-suggesting algorithms. Furthermore, it focuses primarily on traditional media platforms and does not address social media.

The EU also adopted policies encouraging more direct action against disinformation based on the European Democracy Action Plan (European Commission, n.d. a). This policy framework recognises that the EU should combat disinformation to strengthen European democracies. It led to the 2022 Strengthened Code of Practice on Disinformation, signed by many stakeholders, including some social media companies (European Commission, 2022b). It calls on collective action against disinformation, increasing transparency of political advertising and cooperation between social media companies and fact-checkers. Although the code encourages collaboration between the EU and social media companies, it is not a practical solution to the problem because it is voluntary. Hence, its effectiveness depends on the willingness of social media companies to implement the commitments from the code. Even if the social media companies are willing to do so, the commitments are broad and vague, making it hard for companies to know the actual mechanisms they need to develop and for governments to verify the loyalty to the code.

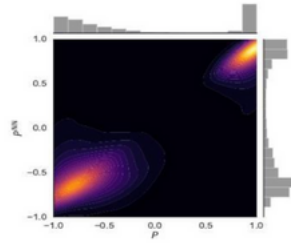
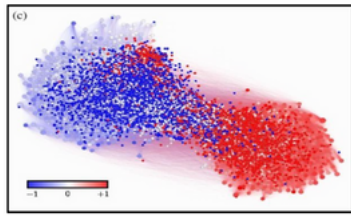
One of the most vigorous steps the EU took to increase transparency and accountability in social media platforms was the General Data Protection Regulation (GDPR), which enforced companies to provide greater transparency about their data collection and use (GDPR, para 13 preamble). Similarly, the ePrivacy Directive, more commonly known as the Cookie Law, ensures that users are not only made aware of their data being used by websites but have to actively consent to any data collection that is not necessary for the website's technical functioning (Electronic Privacy Information Center, n.d.). However, the GDPR and ePrivacy Directive also faced similar criticisms of not directly tackling the disinformation problem. Nevertheless, they were important, legally binding steps in tackling the problem, taking a path we aim to continue.

4. Recommendation

User autonomy and social media transparency brought in by the GDPR and the ePrivacy Directive are pivotal values of the EU and the most effective ways to combat disinformation and echo-chambers. Therefore, this policy proposal will build on their strengths and apply those to social media. Previous Acts and Directives have hardly contributed to meaningful change, as they remained voluntary and lacked enforcement mechanisms. Nevertheless, we advise against harsh, authoritative regulations that will be perceived as paternalistic insults to citizens' capabilities of dealing with algorithms and will significantly decrease social media companies' revenues. Therefore, we propose an approach that democratises social media and gives users back their sovereignty. Upon adoption of our policy recommendation, users will, firstly, be clearly informed of what data of theirs is collected and specifically how their internet activity and their demographics are monitored and used by algorithms to generate attention-grabbing content. Additionally, they will be informed of echo-chambers and their contribution to polarisation and the spread of disinformation. Users who already have accounts will be presented with this information the next time they log in. All users will have to confirm having read this information before proceeding to the site. To ensure users inattentive to the Terms and Conditions still engage with the provided information on echo-chambers and their dangers, this proposal includes back-up mechanisms to be elaborated on later. After having read the information, users will be presented with an additional step of autonomy: they will specify which of their data may be used to suggest posts. Users must consent to their demographics, political orientation, and internet activity being collected and used by algorithms to suggest content to them. Users will thus gain back ownership of their data and have autonomy over content they are exposed to. As algorithms persist, we suggest two further mechanisms to curb the anti-democratic effects of echo-chambers.

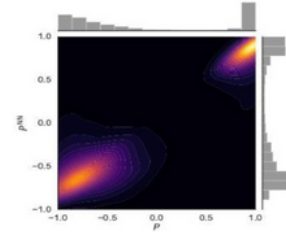
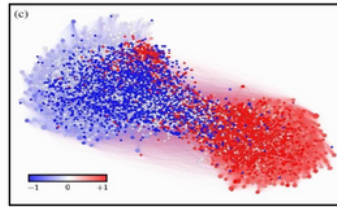
Firstly, we want to utilise a feature many social media sites already possess: disclosing what suggested posts are based on. Instagram already informs users which of their likes inspired which suggested post and with our proposal, the suggested posts will additionally disclose what personal characteristics, ideological followings, or political convictions of the user the suggested posts are based on. This aims at users' self-determination; they are free to engage with that content but would do so knowing of the echo-chamber they are being sorted into.

Secondly, every cumulative hour spent on a social media website would trigger a pop-up notification reminding users to be mindful of disinformation and the potential dangers of echo-chambers. This will ensure users do not get trapped in a social media loop wherein they forget the information and terms they agreed to when creating an account. With these reminders the dangers of echo-chambers stay salient and users can be more mindful of the content they are presented with. Coming back to the issue of disengagement with Terms and Conditions, we propose that users are re-prompted with this summarised information monthly, whereafter they are asked to confirm or update their settings. While our policy would not eliminate echo-chambers completely, it ensures users regain sovereignty and decision-making power in how the content they engage with is being generated by algorithms, without infringing on social media companies in the free market. Our policy builds on the liberal approach of previous acts, such as the European Democracy Action Plan, while mandating all social media platforms to accord to the above-mentioned mechanisms if they wish to operate within the EU. We expand on strong previous data privacy regulations such as the ePrivacy Directive and redirect it to social media and the threat of disinformation. With this policy we will enable passive consumers of social media to become active users.



Content and User Ideology - Graph 2 indicates the political ideology of the user on the x-axis and the political ideology of the content they are presented on the y-axis. It clearly shows that users are presented with content that reinforces their pre-existing views. See Cota et al. (2019)

fig.3



Political communication on Twitter - Graph 1 represents the political interaction of users, with the example of Twitter discussions about the impeachment of Brazilian president Dilma Rousseff. Blue dots represent pro-impeachment positions, red dots represent anti-impeachment positions and white represent neutral positions. The two clusters of political interactions illustrate that interaction is mostly happening among those users who share similar political stances. The transition between both clusters, in which blue and red dots mix more, is rather slim. This comparatively small interaction between strongly opposing viewpoints underlines the problem of political polarisation on social media. See Cota et al. (2019)

fig. 4

References

- Cota, W., Ferreira, S. C., Pastor-Satorras, R., & Starnini, M. (2019). Quantifying echo chamber effects in information spreading over political communication networks. *EPJ Data Science*, 8(1). <https://doi.org/10.1140/epjds/s13688-019-0213-9>
- Electronic Privacy Information Center. (n.d.). EU Privacy and Electronic Communications (e-Privacy Directive). Retrieved April 17, 2023, https://archive.epic.org/international/eu_privacy_and_electronic_comm.html
- European Commission (n.d. b). DigComp framework. Retrieved April 17, 2023, from https://joint-research-centre.ec.europa.eu/digcomp/digcomp-framework_en
- European Commission. (2022a). European Media Freedom Act: Commission proposes rules to protect media pluralism and independence in the EU. Retrieved April 17, 2023, from https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5504.
- European Commission. (n.d. c). European Democracy Action Plan. Retrieved April 17, 2023, from https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en.
- European Commission. (n.d. b). Media literacy expert group. Commission expert groups and other similar entities. Retrieved April 17, 2023, from <https://ec.europa.eu/transparency/expertgroupsregister/screen/expertgroups/consult?lang=en&do=groupDetail.groupDetail&groupID=2541> similar entities. Retrieved April 17, 2023, from <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?lang=en&do=groupDetail.groupDetail&groupID=2541>
- European Commission. (2022b.). The 2022 Code of Practice on Disinformation. <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>.
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance)
- Tucker, J. A., Guess, A. M., Barberá, P., Vaccari, C., Siegel, A. A., Sanovich, S., Stukal, D., & Nyhan, B. (2018). Social Media, Political Polarization, and Political Disinformation: A Review of the Scientific Literature. <https://doi.org/10.2139/ssrn.3144139>
- Monti, C.o, D'Ignazi J., Starnini M., De Francisci Morales, G. (2023) Evidence of Demographic rather than Ideological Segregation in News Discussion on Reddit. *arXiv preprint arXiv:2302.07598*

The Future of Neo-Colonialism: Mali and the Wagner Group Forces

MATTHEW PAUL GONZALEZ

1. The Future of Neo-Colonialism: Mali and the Wagner Group Forces

At the epicentre of the crisis in the Sahel, Mali continues to suffer through, what is now, over a decade of civil war. In this paper, the theme of 'Western Neocolonialism' will be explored through an analysis of France's zone of influence on its former colonies in sub-Saharan Africa. In particular, I will examine the implications of French military withdrawal from Mali and the subsequent involvement of the Wagner group (a Russian paramilitary organisation) in the region through a neocolonial lens. I will argue that Mali's rupture with France represents a moment of agency and an expression of popular frustration with French involvement. In this sense, changing from French to Russian forces represents more than simply giving a new face to Mali's neocolonial dynamic. However, there remain significant questions over the long-term success of Mali's invitation of Russian involvement. First, I will give some background on the conflict and French involvement. Then, I will examine the structures of neocolonialism in Mali, before analysing the implications of the presence of Wagner forces in the region, affected by increasingly strained dynamics.

2. Contextualisation - The War in Mali

The conflict in Mali was sparked in 2012 by separatist forces which were quickly supplanted by a range of radical groups, including Al Qaeda and IS (Wing, 2016; CFR, 2023). In the context of state weakness, the movement rapidly gained large portions of territory in Northern Mali, and amid the deepening crisis and fear of state failure in the international community, the French government initiated a military intervention at the request of the Malian government (Guichaoua, 2020). While initially successful in pushing back the armed groups encroaching on the capital, after nine years of involvement, French security forces failed to bring long lasting stability to Mali. Despite its initial popularity, French involvement quickly fell out of favour. This reversal stemmed in large part from the perception that French forces were not doing enough to support Malian forces and combat insurgent groups, and more generally for what the current government has described as Macron's "neocolonial and patronising" attitude (Barthet, 2023; France24, 2022, p. 1). By 2022, protestors were marching through the streets holding placards with "Mort à la France et alliés" (transl. "Death to France and allies") printed in bold letters and burning French flags (Durmaz, 2022). Amid this public pressure, multiple coups, and a diplomatic spat in during which Emmanuel Macron said the new regime in Mali was "not even a government," France announced it would withdraw its forces from Mali in 2022 (Africa Research Bulletin, 2021, p. 23356).

3. French Neo-Colonialism in Mali

It is difficult to understate the importance of France's relationship to its former African colonies. Jacques Chirac said that "without Africa, France will slide down into the rank of a third world power," and this sentiment was echoed by both Mitterand and De Gaulle (Ali, 2018, p. 116). France still maintains significant power over its former colonies in Africa through military, economic and institutional structures.

In particular, the Central African Franc, the common currency used across the Sahel, is controlled by Paris which allows it to dictate the fiscal policies of these countries and dominate its international trade (Taylor, 2019). This is, of course, highly profitable for the French government and the myriad of French companies operating in the Sahel (Taylor, 2019). This arrangement has been upheld by a network of military bases and a history of highly active military involvement across the region (Vallin, 2015). In addition, France has maintained huge amounts of soft power in the region, and its influence across Africa bolsters its image as a global power (Etogho, Eben & Dalton, 2022). Mali is no exception in this regard, as it is a central piece in France's wider colonial network. Under a neocolonial lens, French intervention can be understood as a means to maintain these structures of control, and to ensure the conflict does not spill-over into neighbouring states also important to French interests (Ali, 2018).

4. Wagner group forces in Mali

It is within this context that the arrival of Wagner (a Russian paramilitary group) in Mali, at the end of 2021, represents such a marked transition: it represents a threat to French hegemony in the region. At the cost of US\$10mil a month, Wagner is occupying the former role of the French in counter-insurgency operations (Ochieng, 2023). Due to involvement in Syria and the Central African Republic, Russia has bolstered its reputation in being effective at supporting embattled regimes (Issaev, Shishkina & Liokumovich, 2022). Perhaps more importantly, Russia seems to be popular with the public in the region, as one study found that 80% of respondents in Mali had a positive view of Russia's role in the country, and Russian flags were waved at protests in support of their greater involvement in the region (Issaev, Shishkina & Liokumovich, 2022). Recently, Mali has doubled down in its commitment to Moscow, despite concerns raised by UN experts regarding human rights abuses allegedly committed by Wagner Group forces (Kuczyński, 2023; Al-Jazeera, 2023).

Ultimately, it is unlikely that Wagner and Russia can resolve the crisis in Mali. The French have proven that a military solution to the conflict is not likely, while Moscow lacks the economic muscle and political will to invest as much in the region as other powers such as France or the EU (Eguegu, 2022). However, by choosing to partner with Wagner group, Mali has managed to partially decouple itself from one arm of French neocolonial rule to some extent. While it continues to rely on external partners with independent interests to manage its security, Mali is demonstrating it can choose to chart its course despite the confines of French influence in the region. Whether or not Russia is a better partner, by rejecting French involvement, the actions of the Malian government represent a symbolic shift and greater agency in its international affairs.

5. Conclusion

At a regional summit, a Russian delegate emphasised the importance of supporting "African solutions to African problems," (Eguegu, 2022, p. 450). While perhaps representing only a rhetorical position, this argument has gained significant traction in Mali. Referring to the words of Mali's Prime Minister, Choguel Maïga: "France's leaders are the ones who wanted to impose on our country what should be done, what we should think about, and what to say. But we told them this era and this time has been long gone. We choose and the people choose," (Assi, 2023, p. 4). This, if nothing else, embodies the decolonial spirit. It is now left only to hope Mali can navigate its future wisely.

References

- Africa Research Bulletin. (2021). MALI: Toxic Relationship. Africa Research Bulletin. Political, Social and Cultural Series, 58(10), 23356A-23357C. <https://doi.org/10.1111/j.1467-825X.2021.10249.x>
- Ali, P. (2018). FRENCH COLONIALISM TO NEO-COLONIALISM IN MALI: : AN ANALYTICAL STUDY. Journal of European Studies (JES), 34(2), Article 2.
- Al-Jazeera. (2023, January 31). UN experts urge probe into possible war crimes in Mali by Wagner. <https://www.aljazeera.com/news/2023/1/31/un-experts-call-for-probe-into-possible-war-crimes-in-mali>
- Assi, E. A. (2023, March 8). Mali's PM Maiga: 'We did not abandon cooperation with France'. <https://www.aljazeera.com/news/2023/3/8/qa-malis-prime-minister-kokalla-maiga-on>
- Council on Foreign Relations. (2023, March 27). Violent Extremism in the Sahel. Global Conflict Tracker. <https://cfr.org/global-conflict-tracker/conflict/violent-extremism-sahel>
- Durmaz, M. (2022, February 18). Analysis: Did the French mission in Mali fail? <https://www.aljazeera.com/features/2022/2/18/despite-macrons-denials-did-the-french-mission-in-mali-fail>
- Egueu, O. (2022). Russia's private military diplomacy in Africa: High risk, low reward, limited impact. The South African Journal of International Affairs, 29(4), 445-462. <https://doi.org/10.1080/10220461.2022.2142276>
- Etogho, E. B. A., Eben, S. E.-M., & Dalton, A. L. (2022). French Neocolonialism in Africa: Historical Overview and Summary of Current Events. The American Journal of Economics and Sociology, 81(5), 829-849. <https://doi.org/10.1111/ajes.12493>
- France24. (2022, August 1). Mali junta criticises Macron's 'neocolonial and patronising' attitude. France 24. <https://www.france24.com/en/africa/20220801-mali-criticises-macron-over-patronising-neocolonial-attitude>
- Guichaoua, Y. (2020). The bitter harvest of French interventionism in the Sahel. International Affairs (London), 96(4), 895-911. <https://doi.org/10.1093/ia/iiaa094>
- Issaev, L., Shishkina, A., & Liokumovich, Y. (2022). Perceptions of Russia's 'return' to Africa: Views from West Africa. The South African Journal of International Affairs, 29(4), 425-444. <https://doi.org/10.1080/10220461.2022.2139289>
- Kuczyński, G. (2023, February 15). Russia Boosts Presence in Mali. Warsaw Institute. <https://warsawinstitute.org/russia-boosts-presence-in-mali/>
- Ochieng, B. (2023, February 7). Lavrov in Africa: Have Wagner mercenaries helped Mali's fight against jihadists? BBC News. <https://www.bbc.com/news/world-africa-64555169>
- Taylor, I. (2019). France à fric: The CFA zone in Africa and neocolonialism. Third World Quarterly, 40(6), 1064-1088. <https://doi.org/10.1080/01436597.2019.1585183>
- Vallin, V.-M. (2015). France as the Gendarme of Africa, 1960-2014. Political Science Quarterly, 130(1), 79-101. <https://doi.org/10.1002/polq.12289>
- Wing, S. D. (2016). French intervention in Mali: Strategic alliances, long-term regional presence? Small Wars & Insurgencies, 27(1), 59-80. <https://doi.org/10.1080/09592318.2016.1123433>

1. Introduction

Technological innovation has reshaped finance. New technologies such as online banking shortening the process of financial transactions have made financial services more accessible and practical. These innovations have also led to the emergence of cryptocurrencies – virtual assets that provide a faster, more accessible, and secure alternative to traditional banking. In addition to creating new opportunities, these assets are also a tool for criminal and terrorist organizations to conceal their financing. They are anonymous and unregulated – posing an urgent threat to the European and the global community (Kfir, 2020). This paper analyzes the potential financing of terrorism through cryptocurrency and evaluates the European Union's (EU) actions to combat these dangers.

2. Cryptocurrencies and terrorism

Cryptocurrencies have long been favored by criminals to facilitate money laundering, theft, or drug trafficking (Kfir, 2020). European authorities increasingly report cases linking crypto assets to terrorism financing (European Commission, 2020). First, cryptocurrencies such as Bitcoin can be easily transferred back to standard currencies with complete anonymity. Therefore, terrorists use these assets as an anonymous alternative to traditional bank transfers and transactions (Teichmann, 2018). For instance, terrorists can transfer Bitcoin from a location outside Europe and then transfer the crypto fund into Euros in the country where they need to access the funds – all without being scrutinized by a bank. It is suggested that the perpetrators of the 2015 Paris and 2016 Brussels attack purchased their equipment on the darknet – an encrypted part of the internet, inaccessible through traditional browsers – using cryptocurrencies for the transaction (Townsend, 2018). In 2017, a terrorist group related to al-Qaeda started a bitcoin-fundraising campaign on Telegram, an encrypted communication platform (Teichmann, 2018). These instances highlight the potential dangers cryptocurrencies can pose to the security of Europe as a tool for terrorism financing.

Additionally, cryptocurrencies lack regulation. Since central banks do not issue these virtual currencies, they are not regulated like traditional currencies. This unregulated sphere and the anonymity of crypto transactions make it extremely hard for authorities to flag and investigate illegal financing activities. While larger transfers may be tracked more efficiently by law enforcement, cryptocurrencies remain the most convenient method to finance terrorism (Teichmann, 2018). Based on a recent working document from the European Commission, the threat posed by terrorism financing through virtual currencies is highly significant. This threat is only predicted to grow over the next few years, necessitating urgent intervention (European Commission, 2019).

3. Regulating new EU regulations for cryptocurrencies

Clearly, cryptocurrencies are hard to regulate and monitor. Central banks do not issue cryptocurrencies so they are not subject to direct governmental control. Fast-paced innovation

in financial technologies makes regulatory challenges for lawmakers unpredictable (Kfir, 2020). Despite this, the EU is attempting to make progress in addressing the problem of terrorism by limiting the access of terrorist groups to virtual assets.

Following the 2015-2016 Paris and Brussels attacks, the European Commission proposed an action plan to the Council and the Parliament (Keatinge, 2022). The plan stressed the importance of preventing terrorist organizations from making financial transactions and of obstructing their revenue stream by limiting how they can gather funds. This plan, however, quickly failed due to the need for more engagement from both Member States and the EU. Furthermore, the plan set insufficient recommendations for Member States regarding transaction monitoring and compliance measures. Currently, Member States are left with many unanswered questions about how these methods work, and understanding the intelligence behind crypto-financed terrorism remains poor (Keatinge, 2022).

The EU has recently proposed numerous ambitious plans to address the issue. For instance, new legislation under the Markets in Crypto-assets rules (MiCA) framework – the EU's primary set of regulations and recommendations regarding cryptocurrencies – aims to ensure that crypto transactions are traceable (Scanlon, 2022b). In practice, this means providers of crypto-assets (such as Bitcoin) will have to provide information on the sources and beneficiaries of crypto-transactions. Additionally, under this prospective new regime, crypto-providers must verify the risks of money laundering or terrorism-related transactions (European Commission, 2020). The EU will also establish the Anti-Money Laundering Authority (AMLA) tasked with supervising, coordinating and supporting the combat against terrorism financing specifically (European Commission, 2021). While these proposals are ambitious and promising, they still lack elements on how Member States can implement these mechanisms. Subsequently, Member States must receive enough intelligence and practical, security-based advice on enforcement.

4. Conclusion

The anonymity in the unregulated crypto environment presents a significant opportunity for terrorism financing, in Europe and worldwide. Over the past two years, the EU has devised numerous plans to tackle the issue by introducing guidelines and standards that member states can implement to limit these risks. While standards are vital, the need for action and a security-based approach is pressing, too. Hence, there is an urgent need to provide tools and intelligence to the member states, as local authorities might lack the necessary resources to combat terrorist financing via crypto assets. While the proposed amendments to the MiCA and establishing the AMLA can perhaps fill this gap between standards and actual enforcement, the EU still needs to specify the details of the operation and the scope of the agency, as well as the how new regulations are to be implemented.

References

- Arguedas, A. R., Robertson, C., Fletcher, R., & Nielsen, R. (2022). Echo chambers, filter bubbles, and polarisation: a literature review. Reuters Institute for the Study of Journalism. <https://reutersinstitute.politics.ox.ac.uk/echo-chambers-filter-bubbles-and-polarisation-literature-review#header--5>
- Del Vicario, M., Bessi, A., Zollo, F., Petroni, F., Scala, A., Caldarelli, G., Stanley, H. E., & Quattrociocchi, W. (2016). The spreading of misinformation online. *Proceedings of the National Academy of Sciences*, 113(3), 554–559. <https://doi.org/10.1073/pnas.1517441113>

European Commission. (2018a). A strengthened EU Code of Practice on Disinformation. European Commission.
https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan/strengthened-eu-code-practice-disinformation_en

European Commission. (2018b, December 5). Action Plan on disinformation: Commission contribution to the European Council (13-14 December 2018). European Commission.
https://commission.europa.eu/publications/action-plan-disinformation-commission-contribution-european-council-13-14-december-2018_en

Galston, W. A. (2020, January 8). *Is seeing still believing? The deepfake challenge to truth in politics*. Brookings; Brookings.
<https://www.brookings.edu/research/is-seeing-still-believing-the-deepfake-challenge-to-truth-in-politics/>

Gruetzmacher, R. (2022, April 19). *The Power of Natural Language Processing*. Harvard Business Review.
<https://hbr.org/2022/04/the-power-of-natural-language-processing>

Hiebert, K. (2022, April 27). *Democracies Are Dangerously Unprepared for Deepfakes*. Centre for International Governance Innovation.
<https://www.cigionline.org/articles/democracies-are-dangerously-unprepared-for-deepfakes/>

Jilani, Z., & Smith, J. A. (2019). *What Is the True Cost of Polarization in America?* Greater Good.
https://greatergood.berkeley.edu/article/item/what_is_the_true_cost_of_polarization_in_america

Levy, G., & Razin, R. (2019). Echo Chambers and Their Effects on Economic and Political Outcomes. *Annu. Rev. Econ.*, 11(1), 303–328.
<https://doi.org/10.1146/annureveconomics080218030343>

Lewandowsky, S., Smillie, L., Garcia, D., Hertwig, R., Weatherall, J., Egidy, S., Robertson, R., Cailin O'Connor, Kozyreva, A., Philipp Lorenz-Spreen, Blaschke, Y., & Leiser, M. (2020). Technology and democracy: Understanding the influence of online technologies on political behaviour and decision-making. *Graz University of Technology*. <https://doi.org/10.2760/709177>

Lyons, B. A., Montgomery, J. M., Guess, A. M., Nyhan, B., & Reifler, J. (2021). Overconfidence in news judgments is associated with false news susceptibility. *Proceedings of the National Academy of Sciences*, 118(23).
<https://doi.org/10.1073/pnas.2019527118>

McCoy, J. (2018). *Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities - Jennifer McCoy, Tahmina Rahman, Murat Somer, 2018*. American Behavioral Scientist.
<https://journals.sagepub.com/doi/abs/10.1177/0002764218759576?journalCode=absb>

Mitchell, A., Simmons, K., Katerina Eva Matsa, Silver, L., Shearer, E., Johnson, C., & Walker, M. (2018, May 14). 5. *Many Western Europeans get news via social media, but in some countries, substantial minorities do not pay attention to the source*. Pew Research Center's Journalism Project; Pew Research Center's Journalism Project.
<https://www.pewresearch.org/journalism/2018/05/14/many-western-europeans-get-news-via-social-media-but-in-some-countries-substantial-minorities-do-not-pay-attention-to-the-source/>

Papadopoulou, O., Kartsounidou, E., & Papadopoulos, S. (2022). COVID-Related Misinformation Migration to BitChute and Odysee. *Future Internet*, 14(12), 350. <https://doi.org/10.3390/fi14120350>

Romeo, J. (2022, October 11). *Disinformation is a rising tide. Here's how to address it*. World Economic Forum.
<https://www.weforum.org/agenda/2022/10/how-to-address-disinformation/>

Sample, I. (2020, January 13). *What are deepfakes - and how can you spot them?* The Guardian; The Guardian.
<https://www.theguardian.com/technology/2020/jan/13/what-are-deepfakes-and-how-can-you-spot-them>

United Nations. (2022, June 28). *Rise of disinformation a symptom of "global diseases" undermining public trust: Bachelet*. UN News.
<https://news.un.org/en/story/2022/06/1121572>

van der Linden, S. (2022). Misinformation: susceptibility, spread, and interventions to immunize the public. *Nature Medicine*, 28(3), 460–467.
<https://doi.org/10.1038/s41591-022-01713-6>

Melting justice: the Willow Project and indigenous rights in Alaska

MILICA MIJAILOVIĆ

1. Introduction

During his presidential campaign in 2020, Joe Biden made a pledge to end new oil and gas drillings on public lands (Nilsen, 2023b). Shortly after his win, the US president issued a memorandum on resource extraction from federal lands, stating that oil exploitation in the Arctic would be a catastrophic decision (Kolbert, 2023). The administration's efforts to drift away from fossil fuel dependency and align closer to global climate action, however, have been dismissed in favour of re-election ambitions.

Amid voters' concerns over rising oil prices, Biden seems to have forgotten his own promises. His administration has already approved almost a hundred more drilling leases compared to the previous term (Milman, 2023). The Willow Project, an oil extraction development in the National Petroleum Reserve of northern Alaska [NPR-A], is the most recent approved lease. It received a green light on March 13 – exactly a week before the publishing of the 2023 IPCC climate report (Frost, 2023). The estimated yearly carbon impact would be the size of introducing two million gas-fueled vehicles to roads (Nilsen, 2023b). At the intersection between environmental protection and indigenous rights, the Willow Project exposes the challenges of fighting against climate change and neocolonialism. In this paper, I investigate the following question: *how does the Willow Project exacerbate climate injustice experienced by Alaska's indigenous communities?* To answer it, I will reflect on the historical context of colonialism in Alaska and assess the project's controversies in light of indigenous rights. To illustrate the scale of the issue, I will expand beyond the project's immediate setting, aiming to encourage readers to critically assess its implications on global environmental efforts.

2. Defining climate justice and neocolonialism

Vulnerable communities have often contributed the least to environmental degradation and yet are the most impacted by it. Climate justice is both a theory and movement that assesses and challenges the disproportionate effects of climate change on certain groups, focusing on “*who benefits, who loses out, in what ways, where and why* (Sultana, 2022, p. 119).” Climate justice recognises the interconnectedness of climate and social justice issues by promoting just climate solutions and empowering marginalised voices (Schlosberg & Collins, 2014). Relevant for this case is also the concept of procedural justice which assesses the justice of decision-making procedures, to ensure that those who are affected the most are treated fairly and given equal opportunities to participate in the process (Moseley et al., 2014).

Meanwhile, neocolonialism involves the ongoing exploitation of ex-colonies by global superpowers, enabled by the forces of cultural imperialism, capitalism, and globalisation (Wijesinghe et al., 2019). It often includes subtle and indirect forms of control, such as encouraging export-oriented development strategies through natural resource extraction. This reinforcement of colonial power dynamics comes at the expense of marginalised groups, as powerful groups reap the benefits of economic development while local communities bear the environmental burden. All of these aforementioned concepts shall be relevant for understanding the following case.

3. Brief history of Alaska's indigenous communities

The native people of Alaska constitute almost one fifth of the state's entire population, including a diverse range of communities, unique histories, and cultures (Native Federation, n.d.). When the USA bought off the area from Russia in the 19th century, little was known about the vastness of its natural resources reserves (Göcke, 2012). The discovery of oil, gas and mineral deposits in the mid-20th century irreversibly transformed power dynamics in the region. In pursuit of its economic interests, the USA has not only disregarded the natives' culture and way of living, but also their right to govern their own land (Göcke, 2012).

In 1906, the Congress adopted the Alaska Native Allotment Act, allowing the government to disrupt the ownership of indigenous land and displace native communities. 65 years later, it was repealed through the enactment of Alaska Native Claims Settlement Act (ANCSA), which effectively transferred over 44 million acres of land to Alaska Native corporations (Bureau of Land Management, n.d.). While it addressed some of the past injustices, ANCSA continued to perpetuate the region's economic dependence on the U.S. Government and resource extraction – with oil revenues making up over 80% of the state's budget (Taylor, 2023). This dependence still persists to this day, underpinning the green light given to the Willow Project and justifying the desire for Alaska's economic development.

4. The Willow Project controversies

The Willow Project has received support not only from Alaska's lawmakers, but also from parts of the local population, who see it as a crucial regional investment (Nilsen, 2023b). However, in Nuiqsut (the closest settlement to the project's site) citizens have openly expressed their concerns on Willow's health and environmental impacts (Nilsen, 2023b). One of the only direct benefits for Alaska's residents are 300 permanent jobs upon construction completion (Marris, 2023). However, with the expected profit being distributed mainly between ConocoPhillips and the federal government (Marris, 2023), is the project really a gift of economic development, or a Trojan horse for the exploitation of indigenous resources and lands? By prioritising resource extraction over the wellbeing of the local population, Willow perpetuates neocolonialist patterns of oppression and marginalisation. The NPR-A is inhabited by communities whose identity have been shaped by centuries of interconnectedness with the region's ecosystem. Willow could potentially disturb the migration patterns of Caribou - species considered a crucial subsistence resource for the native population (Chasinghorse, 2023). Distortion of traditional hunting practices and displacement of people from their ancestral lands would further erode indigenous identities in Alaska. Through gradual alienation from nature, the Western world would once again oppress the ones whose relationship with nature is deeply linked with and simultaneously goes beyond mere survival.

5. What is next?

The Arctic is a unique, fragile ecosystem extending across three continents (Flannery, 2005). If the Willow Project goes forward, it could set a precedent for future resource extraction in previously considered 'off-limits' areas. While Willow undoubtedly undermines global efforts to mitigate climate change, it also highlights the procedural injustice experienced by many native communities around the world. The needs of corporations and the federal government have been prioritised over the needs of those who have lived in the region for centuries, revealing that neocolonialist power imbalances still persist in Alaska.

Detrimental implications of the proposed development, however, have not gone unnoticed. In less than one month, TikToks using the hashtag #StopWillow reached a total of 50 million views, resulting in a petition of several million signatures (Nilsen, 2023a). The law firms Earthjustice and Trustees for Alaska have filed lawsuits against federal agencies, basing their claims on inadequate evaluation of Willow's environmental impacts (Taylor, 2023). However, will the public discontent stand firmly enough against those in power, bringing back justice to Alaska's Natives? This remains to be seen. In a world where colonial structures have never truly ceased to exist, indigenous voices need to be recognised, heard and empowered. After all, only through addressing the historical and ongoing injustices can we work towards a better and just future for all.

References

- Bureau of Land Management. (n.d.). Alaska Native Allotment Act Entitlements. https://www.blm.gov/programs/lands-and-realty/regional-information/alaska/land_transfer/ak-native-allotment-act
- Chasinghorse, Q. (2023, March 10). Opinion: #StopWillow has become too big to ignore -- are you listening, President Biden? CNN. <https://edition.cnn.com/2023/03/10/opinions/willow-project-alaska-climate-change-chasinghorse/index.html>
- Flannery, T. (2005). A warning from the golden toad. Penguin Books.
- Frost, R. (2023, March 17). What is the IPCC report? Here's what to expect from the latest UN climate change assessment. Euronews. <https://www.euronews.com/green/2023/03/17/what-is-the-ipcc-report-heres-what-to-expect-from-the-latest-un-climate-change-assessment>
- Göcke, K. (2012). Recognition and enforcement of indigenous peoples' land rights in Alaska, the northern regions of Canada, Greenland, and Siberia and the Russian Far East. *The Yearbook of Polar Law*, 4(1), 279–304. <https://doi.org/10.1163/22116427-91000094>
- Kolbert, E. (2023, March 13). Why did the Biden administration approve the Willow Project? *The New Yorker*. <https://www.newyorker.com/news/daily-comment/why-did-the-biden-administration-approve-the-willow-project>
- Marris, E. (2023, March 13). The Willow oil project in Alaska won't bridge the energy gap. *The Atlantic*. <https://www.theatlantic.com/science/archive/2023/03/biden-willow-alaska-arctic-oil-drilling/673382/>
- Milman, O. (2023, March 14). Biden's approval of Willow project shows inconsistency of US's first 'climate president.' *The Guardian*. <https://www.theguardian.com/environment/2023/mar/14/biden-president-approved-alaska-willow-project>
- Moseley, W. G., Perramond, E., Hapke H. M. & Laris, P. (2014). An introduction to human-environment geography: Local dynamics and global processes. Wiley Blackwell.

Native Federation. (n.d.). *Alaska Native Peoples*. <https://www.nativefederation.org/alaska-native-peoples/>

Nilsen, E. (2023a, March 5). #StopWillow is taking TikTok by storm. Can it actually work? CNN. <https://edition.cnn.com/2023/03/05/us/willow-project-tiktok-petition-movement-climate/index.html>

Nilsen, E. (2023b, March 14). The Willow Project has been approved. Here's what to know about the controversial oil-drilling venture. CNN. <https://edition.cnn.com/2023/03/14/politics/willow-project-oil-alaska-explained-climate/index.html>

Schlosberg, D., & Collins, L. B. (2014). From environmental to climate justice: climate change and the discourse of environmental justice. *Wiley Interdisciplinary Reviews. Climate Change*, 5(3), 359–374. <https://doi.org/10.1002/wcc.275>

Sultana, F. (2022). Critical climate justice. *The Geographical Journal*, 188(1), 118–124. <https://doi.org/10.1111/geoj.12417>

Taylor, G. (2023, March 20). Willow oil project in Alaska faces legal challenges, economic doubts. *The Energy Mix*. <https://www.theenergymix.com/2023/03/19/willow-oil-project-in-alaska-faces-legal-challenges-economic-doubts/>

Wijesinghe, S. N. R., Mura, P., & Bouchon, F. (2019). Tourism knowledge and neocolonialism – a systematic critical review of the literature. *Current Issues in Tourism*, 22(11), 1263–1279. <https://doi.org/10.1080/13683500.2017.1402871>

**THIS PAGE HAS BEEN LEFT INTENTIONALLY
BLANK**

**EMPOWERING THE
YOUTH TO FOSTER A
STRONGER
TRANSATLANTIC
BOND AND A MORE
UNITED EUROPE
– CORNERSTONES
OF A FUTURE
UNDERPINNED BY
DEMOCRACY,
EQUALITY, AND
FREEDOM.**